

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Paint
5 Stewardship Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) Leftover architectural paints present significant
8 waste management issues for counties and municipalities and
9 create costly environmental, health, and safety risks if not
10 properly managed.

11 (2) Nationally, an estimated 10% of architectural paint
12 purchased by consumers is leftover. Current governmental
13 programs collect only a fraction of the potential leftover
14 paint for proper reuse, recycling, or disposal. In northern
15 Illinois, there are only 4 permanent household hazardous waste
16 facilities, and these facilities do not typically accept latex
17 paint, which is the most common paint purchased by consumers.

18 (3) It is in the best interest of this State for paint
19 manufacturers to assume responsibility for the development and
20 implementation of a cost-effective paint stewardship program
21 that will educate consumers on strategies to reduce the
22 generation of leftover paint; provide opportunities to reuse
23 leftover paint; and collect, transport, and process leftover

1 paint for end-of-life management, including reuse, recycling,
2 and disposal. Requiring paint manufacturers to assume
3 responsibility for the collection, recycling, reuse,
4 transportation, and disposal of leftover paint will provide
5 more opportunities for consumers to properly manage their
6 leftover paint, provide fiscal relief for this State and local
7 governments in managing leftover paint, keep paint out of the
8 waste stream, and conserve natural resources.

9 (4) Similar architectural paint stewardship programs
10 currently operate in 11 jurisdictions and successfully divert
11 a significant portion of the collected paint waste from
12 landfills. These paint stewardship programs are saving
13 counties and municipalities the cost of managing paint waste
14 and have been successful at recycling leftover paint into
15 recycled paint products as well as other products. For
16 instance, in the State of Oregon, 64% of the latex paint
17 collected in the 2019-2020 fiscal year was recycled into paint
18 products, and in Minnesota, 48% of the latex paint collected
19 during the same period was reused or recycled into paint
20 products. Given the lack of access to architectural paint
21 collection programs in Illinois, especially for leftover latex
22 architectural paint, and the demonstrated ability of the paint
23 industry to collect and recycle a substantial portion of
24 leftover architectural paint, this legislation is necessary.
25 It will create a statewide program that diverts a significant
26 portion of paint waste from landfills and facilitates the

1 recycling of leftover paint into paint and other products.

2 (5) Establishing a paint stewardship program in Illinois
3 will create jobs as the marketplace adjusts to the needs of a
4 robust program that requires transporters and processors.
5 Certain infrastructure already exists in the State, and the
6 program may attract additional resources.

7 (6) Legislation is needed to establish this program in
8 part because of the risk of antitrust lawsuits. The program
9 involves activities by competitors in the paint industry and
10 may affect the costs or prices of those competitors. As
11 construed by the courts, the antitrust laws impose severe
12 constraints on concerted action by competitors that affect
13 costs or prices. Absent State legislation, participation in
14 this program would entail an unacceptable risk of class action
15 lawsuits. These risks can be mitigated by legislation that
16 would bar application of federal antitrust law under the
17 "state action" doctrine. Under that doctrine, federal
18 antitrust law does not apply to conduct that is (1) undertaken
19 pursuant to a clearly expressed and affirmatively articulated
20 state policy to displace or limit competition and (2) actively
21 supervised by the state.

22 (7) To ensure that this defense will be available to
23 protect participants in the program, it is important for this
24 State's legislation to be specific about the conduct it is
25 authorizing and to express clearly that the State is
26 authorizing that conduct pursuant to a conscious policy

1 decision to limit the unfettered operation of market forces.
2 It is also critical for the legislation to provide for active
3 supervision of the conduct that might otherwise be subject to
4 antitrust attack. In particular, the legislation must provide
5 for active supervision of the decisions concerning the
6 assessments that will fund the program. A clear articulation
7 of the State's purposes and policies and provisions for active
8 State supervision of the program will ensure that industry
9 participation in the program will not trigger litigation.

10 (8) To ensure that the costs of the program are
11 distributed in an equitable and competitively neutral manner,
12 the program will be funded through an assessment on each
13 container of paint sold in this State. That assessment will be
14 sufficient to recover, but not exceed, the costs of sustaining
15 the program and will be reviewed and approved by the
16 Environmental Protection Agency. Funds collected through the
17 assessment will be used by the representative organization to
18 operate and sustain the program.

19 Section 10. Definitions. In this Act:

20 "Agency" means the Environmental Protection Agency.

21 "Architectural paint" means interior and exterior
22 architectural coatings sold in containers of 5 gallons or
23 less. "Architectural paint" does not include industrial
24 original equipment or specialty coatings.

25 "Collection site" means any location, place, tract of

1 land, or facility or improvement at which architectural paint
2 is accepted into a postconsumer paint collection program
3 pursuant to a postconsumer paint collection program plan.

4 "Environmentally sound management practices" means
5 procedures for the collection, storage, transportation, reuse,
6 recycling, and disposal of architectural paint in a manner
7 that complies with all applicable federal, State, and local
8 laws and any rules, regulations, and ordinances for the
9 protection of human health and the environment. These
10 procedures shall address adequate recordkeeping, tracking and
11 documenting of the final disposition of materials, and
12 environmental liability coverage for the representative
13 organization.

14 "Household waste" has the meaning given to that term in
15 Section 3.230 of the Environmental Protection Act.

16 "Manufacturer" means a manufacturer of architectural paint
17 who sells, offers for sale, or distributes the architectural
18 paint in the State under the manufacturer's own name or brand
19 or another brand. "Manufacturer" does not include a retailer
20 that trademarks or owns a brand of architectural paint that is
21 sold, offered for sale, or distributed within or into this
22 State and that is manufactured by a person other than a
23 retailer.

24 "Person" has the meaning given to that term in Section
25 3.315 of the Environmental Protection Act.

26 "Postconsumer paint" means architectural paint not used

1 and no longer wanted by a purchaser.

2 "Program" means the postconsumer paint stewardship program
3 established pursuant to Section 15.

4 "Recycling" has the meaning given to that term in Section
5 3.380 of the Environmental Protection Act.

6 "Representative organization" means a nonprofit
7 organization established by one or more manufacturers to
8 implement a postconsumer paint stewardship program under this
9 Act.

10 "Retailer" means a person that sells or offers to sell at
11 retail in this State architectural paint.

12 "Very small quantity generator" has the meaning given to
13 that term in 40 CFR 260.10.

14 Section 15. Paint stewardship program plan.

15 (a) Each manufacturer of architectural paint sold or
16 offered for sale at retail in the State shall submit to the
17 Agency a plan for the establishment of a postconsumer paint
18 stewardship program. The program shall seek to reduce the
19 generation of postconsumer paint, promote its reuse and
20 recycling, and manage the postconsumer paint waste stream
21 using environmentally sound management practices.

22 (b) A plan submitted under this Section shall:

23 (1) Provide a list of participating manufacturers and
24 brands covered by the program.

25 (2) Provide information on the architectural paint

1 products covered under the program, such as interior or
2 exterior water-based and oil-based coatings, primers,
3 sealers, or wood coatings.

4 (3) Describe how it will provide for the statewide
5 collection of postconsumer architectural paint in the
6 State. The manufacturer or representative organization may
7 coordinate the program with existing household hazardous
8 waste collection infrastructure as is mutually agreeable
9 with the person operating the household waste collection
10 infrastructure.

11 (4) Provide a goal of sufficient number and geographic
12 distribution of collection sites, collection services, or
13 collection events for postconsumer architectural paint to
14 meet the following criteria:

15 (A) at least 90% of State residents shall have a
16 collection site, collection service, or collection
17 event within a 15-mile radius; and

18 (B) at least one collection site, collection
19 service, or collection event for every 50,000
20 residents of the State.

21 (5) Describe how postconsumer paint will be managed
22 using the following strategies: reuse, recycling, and
23 disposal.

24 (6) Describe education and outreach efforts to inform
25 consumers about the program. These efforts should include:

26 (A) information about collection opportunities for

1 postconsumer paint;

2 (B) information about the fee for the operation of
3 the program that shall be included in the purchase
4 price of all architectural paint sold in the State;
5 and

6 (C) efforts to promote the source reduction,
7 reuse, and recycling of architectural paint.

8 (7) Include a certification from an independent
9 auditor that any added fee to paint sold in the State as a
10 result of the postconsumer paint stewardship program does
11 not exceed the costs to operate and sustain the program in
12 accordance with sound management practices. The
13 independent auditor shall verify that the amount added to
14 each unit of paint will cover the costs and sustain the
15 postconsumer paint stewardship program.

16 (8) Describe how the paint stewardship program will
17 incorporate and compensate service providers for
18 activities conducted under the program that may include:

19 (A) the collection of postconsumer architectural
20 paint and architectural paint containers through
21 permanent collection sites, collection events, or
22 curbside services;

23 (B) the reuse or processing of postconsumer
24 architectural paint at a permanent collection site;
25 and

26 (C) the transportation, recycling, and proper

1 disposal of postconsumer architectural paint.

2 (c) Independent audits conducted for the purposes of this
3 Act must be conducted in accordance with generally accepted
4 auditing standards. The work product of the independent
5 auditor shall be submitted to the Agency as part of the annual
6 report required by Section 40. The cost of any work performed
7 by the independent auditor shall be funded by the program.

8 (d) Not later than 60 days after submission of the plan
9 under this Section, the Agency shall determine in writing
10 whether to approve the plan as submitted or disapprove the
11 plan. The Agency shall approve a plan if it contains all of the
12 information required under subsection (b). If the plan is
13 disapproved, the manufacturer or representative organization
14 shall resubmit a plan within 45 calendar days of receipt of the
15 notice of disapproval.

16 (e) If a manufacturer or representative organization
17 determines that the paint stewardship fee should be adjusted
18 because the independent audit reveals that the cost of
19 administering the program exceeds the revenues generated by
20 the paint stewardship fee, the manufacturer or representative
21 organization shall submit to the Agency a justification for
22 the adjustment as well as financial reports to support the
23 adjustment, including a 5-year projection of the financial
24 status of the organization. The submission shall include a
25 certification from an independent auditor that the proposed
26 fee adjustment will generate revenues necessary and sufficient

1 to pay the program expenses, including any accumulated debt,
2 and develop a reasonable reserve level sufficient to sustain
3 the program. The Agency shall approve the fee adjustment if
4 the submission contains all of the information required under
5 this subsection.

6 (f) Within 45 calendar days after Agency approval of a
7 plan, the Agency shall post on its website, and the
8 manufacturer or representative organization shall post on its
9 website, the names of the manufacturers participating in the
10 plan, the brands of architectural paint covered by the
11 program, and a copy of the plan.

12 (g) Each manufacturer under the plan shall include in the
13 price of any architectural paint sold to retailers or
14 distributors in the State the per container amount of the fee
15 set forth in the plan or fee adjustment. If a representative
16 organization is implementing the plan for a manufacturer, the
17 manufacturer is responsible for filing, reporting, and
18 remitting the paint stewardship fee assessment for each
19 container of architectural paint to the representative
20 organization. A retailer or distributor shall not deduct the
21 amount of the fee from the purchase price of any paint it
22 sells.

23 Section 20. Incineration prohibited. No person shall
24 incinerate architectural paint collected pursuant to a paint
25 stewardship plan approved in accordance with Section 15.

1 Section 25. Plan submission. The plan required by Section
2 15 shall be submitted not later than 12 months after the
3 effective date of this Act.

4 Section 30. Sale of paint.

5 (a) A manufacturer or retailer shall not sell or offer for
6 sale architectural paint to any person in the State unless the
7 manufacturer of the paint brand or the manufacturer's
8 representative organization is implementing a paint
9 stewardship plan approved in accordance with Section 15.

10 (b) A retailer shall not be in violation of subsection (a)
11 if, on the date the architectural paint was sold or offered for
12 sale, the paint or the paint's manufacturer are listed on the
13 Agency's website pursuant to subsection (f) of Section 15.

14 (c) A paint collection site accepting paint for a program
15 approved under this Act shall not charge for the collection of
16 the paint when it is offered for collection.

17 (d) No retailer is required to participate in a paint
18 stewardship program as a collection site. A retailer may
19 participate as a paint collection site on a voluntary basis,
20 subject to the same terms, conditions, and requirements that
21 apply to any other collection site.

22 (e) Nothing in this Act shall require a retailer to track,
23 file, report, submit, or remit a paint stewardship assessment,
24 sales data, or any other information on behalf of a

1 manufacturer, distributor, or representative organization.
2 Nothing in this Act prohibits a manufacturer and a retailer
3 from entering into remitter agreements.

4 Section 35. Liability. A manufacturer or representative
5 organization participating in a postconsumer paint stewardship
6 program shall not be liable for any claim of a violation of
7 antitrust, restraint of trade, unfair trade practice, or other
8 anticompetitive conduct arising from conduct undertaken in
9 accordance with the program.

10 Section 40. Annual report. By July 1, 2026, and each July 1
11 thereafter, a manufacturer or representative organization
12 shall submit a report to the Agency that details the
13 implementation of the manufacturer's or representative
14 organization's program during the prior calendar year. The
15 report shall include:

16 (1) a description of the methods used to collect and
17 transport the postconsumer paint collected by the program;

18 (2) the volume and type of postconsumer paint
19 collected and a description of the methods used to process
20 the paint, including reuse, recycling, and other methods;

21 (3) samples of the educational materials provided to
22 consumers of architectural paint; and

23 (4) the total cost of the program and an independent
24 financial audit of the program. An independent financial

1 auditor shall be chosen by the manufacturer or
2 representative organization.

3 The Agency and the manufacturer or manufacturer's
4 representative organization shall post a copy of each annual
5 report on their websites.

6 Section 45. Disclosure. Financial, production, or sales
7 data reported to the Agency by a manufacturer, retailer, or
8 representative organization is confidential business
9 information that is exempt from disclosure under the Freedom
10 of Information Act.

11 Section 50. Program plan submission fee. A manufacturer or
12 representative organization submitting a program plan shall
13 pay an administrative fee of \$10,000 to the Agency at the time
14 of submission.

15 Section 55. Administration fee. By July 1, 2026, and each
16 July 1 thereafter, a manufacturer or representative
17 organization operating a stewardship program shall remit to
18 the Agency a \$40,000 administration fee.

19 Section 57. Agency fees. All fees submitted to the Agency
20 under this Act shall be deposited into the Solid Waste
21 Management Fund to be used for costs associated with the
22 administration of this Act.

1 Section 60. Implementation. Six months following the date
2 of the program approval, a manufacturer or representative
3 organization shall implement a postconsumer paint collection
4 plan approved in accordance with Section 15.

5 Section 65. Postconsumer paint from households and small
6 businesses.

7 (a) Delivery of leftover architectural paint by households
8 and very small quantity generators to a collection site is
9 authorized to the extent provided in the postconsumer paint
10 program approved in accordance with Section 15 and in
11 accordance with federal and State law, rules, and regulations.

12 (b) Collection sites shall accept and temporarily store
13 architectural paint from households and very small quantity
14 generators to the extent provided in the postconsumer paint
15 stewardship program approved in accordance with Section 15 and
16 in accordance with federal and State law, rules, and
17 regulations.

18 (c) Nothing in this Act shall be construed as restricting
19 the collection of architectural paint by a postconsumer paint
20 stewardship program where the collection is authorized under
21 any otherwise applicable hazardous waste or solid waste laws,
22 rules, or regulations.

23 (d) Nothing in this Act shall be construed to affect any
24 requirements applicable to any person under any otherwise

1 applicable hazardous waste or solid waste laws, rules, or
2 regulations.

3 Section 70. Penalties.

4 (a) Any person who violates any provision of this Act is
5 liable for a civil penalty of \$7,000 per violation, except
6 that the failure to register or pay a fee under this Act shall
7 cause the person who fails to register or pay the fee to be
8 liable for a civil penalty that is double the applicable
9 registration fee.

10 (b) The penalties provided for in this Section may be
11 recovered in a civil action brought in the name of the people
12 of the State of Illinois by the State's Attorney of the county
13 in which the violation occurred or by the Attorney General.
14 Any penalties collected under this Section in an action in
15 which the Attorney General has prevailed shall be deposited
16 into the Environmental Protection Trust Fund, to be used in
17 accordance with the provision of the Environmental Protection
18 Trust Fund Act.

19 (c) The Attorney General or the State's Attorney of a
20 county in which a violation occurs may institute a civil
21 action for an injunction, prohibitory or mandatory, to
22 restrain violations of this Act or to require such actions as
23 may be necessary to address violations of this Act.

24 (d) The penalties and injunctions provided in this Act are
25 in addition to any penalties, injunctions, or other relief

1 provided under any other State law. Nothing in this Act bars a
2 cause of action by the State for any other penalty,
3 injunction, or other relief provided by any other law.

4 (e) Any person who knowingly makes a false, fictitious, or
5 fraudulent material statement, orally or in writing, to the
6 Agency, related to or required by this Act or any rule adopted
7 under this Act commits a Class 4 felony, and each such
8 statement or writing shall be considered a separate Class 4
9 felony. A person who, after being convicted under this
10 subsection, violates this subsection a second or subsequent
11 time commits a Class 3 felony.

12 Section 905. The Freedom of Information Act is amended by
13 changing Section 7.5 as follows:

14 (5 ILCS 140/7.5)

15 Sec. 7.5. Statutory exemptions. To the extent provided for
16 by the statutes referenced below, the following shall be
17 exempt from inspection and copying:

18 (a) All information determined to be confidential
19 under Section 4002 of the Technology Advancement and
20 Development Act.

21 (b) Library circulation and order records identifying
22 library users with specific materials under the Library
23 Records Confidentiality Act.

24 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other
3 records prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

12 (e) Information the disclosure of which is exempted
13 under Section 30 of the Radon Industry Licensing Act.

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a
2 local emergency energy plan ordinance that is adopted
3 under Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the
22 Capital Crimes Litigation Act. This subsection (n) shall
23 apply until the conclusion of the trial of the case, even
24 if the prosecution chooses not to pursue the death penalty
25 prior to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Department of Transportation under Sections 2705-300 and
7 2705-616 of the Department of Transportation Law of the
8 Civil Administrative Code of Illinois, the Regional
9 Transportation Authority under Section 2.11 of the
10 Regional Transportation Authority Act, or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (q) Information prohibited from being disclosed by the
14 Personnel Record Review Act.

15 (r) Information prohibited from being disclosed by the
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted
18 under Section 5-108 of the Public Utilities Act.

19 (t) All identified or deidentified health information
20 in the form of health data or medical records contained
21 in, stored in, submitted to, transferred by, or released
22 from the Illinois Health Information Exchange, and
23 identified or deidentified health information in the form
24 of health data and medical records of the Illinois Health
25 Information Exchange in the possession of the Illinois
26 Health Information Exchange Office due to its

1 administration of the Illinois Health Information
2 Exchange. The terms "identified" and "deidentified" shall
3 be given the same meaning as in the Health Insurance
4 Portability and Accountability Act of 1996, Public Law
5 104-191, or any subsequent amendments thereto, and any
6 regulations promulgated thereunder.

7 (u) Records and information provided to an independent
8 team of experts under the Developmental Disability and
9 Mental Health Safety Act (also known as Brian's Law).

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed
17 Carry Licensing Review Board under the Firearm Concealed
18 Carry Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (v-5) Records of the Firearm Owner's Identification
21 Card Review Board that are exempted from disclosure under
22 Section 10 of the Firearm Owners Identification Card Act.

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

3 (y) Confidential information under the Adult
4 Protective Services Act and its predecessor enabling
5 statute, the Elder Abuse and Neglect Act, including
6 information about the identity and administrative finding
7 against any caregiver of a verified and substantiated
8 decision of abuse, neglect, or financial exploitation of
9 an eligible adult maintained in the Registry established
10 under Section 7.5 of the Adult Protective Services Act.

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

15 (aa) Information which is exempted from disclosure
16 under Section 2.37 of the Wildlife Code.

17 (bb) Information which is or was prohibited from
18 disclosure by the Juvenile Court Act of 1987.

19 (cc) Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (dd) Information that is prohibited from being
23 disclosed under Section 45 of the Condominium and Common
24 Interest Community Ombudsperson Act.

25 (ee) Information that is exempted from disclosure
26 under Section 30.1 of the Pharmacy Practice Act.

1 (ff) Information that is exempted from disclosure
2 under the Revised Uniform Unclaimed Property Act.

3 (gg) Information that is prohibited from being
4 disclosed under Section 7-603.5 of the Illinois Vehicle
5 Code.

6 (hh) Records that are exempt from disclosure under
7 Section 1A-16.7 of the Election Code.

8 (ii) Information which is exempted from disclosure
9 under Section 2505-800 of the Department of Revenue Law of
10 the Civil Administrative Code of Illinois.

11 (jj) Information and reports that are required to be
12 submitted to the Department of Labor by registering day
13 and temporary labor service agencies but are exempt from
14 disclosure under subsection (a-1) of Section 45 of the Day
15 and Temporary Labor Services Act.

16 (kk) Information prohibited from disclosure under the
17 Seizure and Forfeiture Reporting Act.

18 (ll) Information the disclosure of which is restricted
19 and exempted under Section 5-30.8 of the Illinois Public
20 Aid Code.

21 (mm) Records that are exempt from disclosure under
22 Section 4.2 of the Crime Victims Compensation Act.

23 (nn) Information that is exempt from disclosure under
24 Section 70 of the Higher Education Student Assistance Act.

25 (oo) Communications, notes, records, and reports
26 arising out of a peer support counseling session

1 prohibited from disclosure under the First Responders
2 Suicide Prevention Act.

3 (pp) Names and all identifying information relating to
4 an employee of an emergency services provider or law
5 enforcement agency under the First Responders Suicide
6 Prevention Act.

7 (qq) Information and records held by the Department of
8 Public Health and its authorized representatives collected
9 under the Reproductive Health Act.

10 (rr) Information that is exempt from disclosure under
11 the Cannabis Regulation and Tax Act.

12 (ss) Data reported by an employer to the Department of
13 Human Rights pursuant to Section 2-108 of the Illinois
14 Human Rights Act.

15 (tt) Recordings made under the Children's Advocacy
16 Center Act, except to the extent authorized under that
17 Act.

18 (uu) Information that is exempt from disclosure under
19 Section 50 of the Sexual Assault Evidence Submission Act.

20 (vv) Information that is exempt from disclosure under
21 subsections (f) and (j) of Section 5-36 of the Illinois
22 Public Aid Code.

23 (ww) Information that is exempt from disclosure under
24 Section 16.8 of the State Treasurer Act.

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

1 Illinois Insurance Code.

2 (yy) Information prohibited from being disclosed under
3 the Illinois Educational Labor Relations Act.

4 (zz) Information prohibited from being disclosed under
5 the Illinois Public Labor Relations Act.

6 (aaa) Information prohibited from being disclosed
7 under Section 1-167 of the Illinois Pension Code.

8 (bbb) Information that is prohibited from disclosure
9 by the Illinois Police Training Act and the Illinois State
10 Police Act.

11 (ccc) Records exempt from disclosure under Section
12 2605-304 of the Illinois State Police Law of the Civil
13 Administrative Code of Illinois.

14 (ddd) Information prohibited from being disclosed
15 under Section 35 of the Address Confidentiality for
16 Victims of Domestic Violence, Sexual Assault, Human
17 Trafficking, or Stalking Act.

18 (eee) Information prohibited from being disclosed
19 under subsection (b) of Section 75 of the Domestic
20 Violence Fatality Review Act.

21 (fff) Images from cameras under the Expressway Camera
22 Act. This subsection (fff) is inoperative on and after
23 July 1, 2023.

24 (ggg) Information prohibited from disclosure under
25 paragraph (3) of subsection (a) of Section 14 of the Nurse
26 Agency Licensing Act.

1 (hhh) Information submitted to the Illinois Department
2 ~~of~~ State Police in an affidavit or application for an
3 assault weapon endorsement, assault weapon attachment
4 endorsement, .50 caliber rifle endorsement, or .50 caliber
5 cartridge endorsement under the Firearm Owners
6 Identification Card Act.

7 (iii) Confidential business information prohibited
8 from disclosure under Section 45 of the Paint Stewardship
9 Act.

10 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
11 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
12 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
13 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
14 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
15 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
16 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
17 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
18 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised
19 2-13-23.)

20 Section 910. The Environmental Protection Act is amended
21 by changing Section 22.25 as follows:

22 (415 ILCS 5/22.15)

23 Sec. 22.15. Solid Waste Management Fund; fees.

24 (a) There is hereby created within the State Treasury a

1 special fund to be known as the Solid Waste Management Fund, to
2 be constituted from the fees collected by the State pursuant
3 to this Section, from repayments of loans made from the Fund
4 for solid waste projects, from registration fees collected
5 pursuant to the Consumer Electronics Recycling Act, from fees
6 collected under the Paint Stewardship Act, and from amounts
7 transferred into the Fund pursuant to Public Act 100-433.
8 Moneys received by either the Agency or the Department of
9 Commerce and Economic Opportunity in repayment of loans made
10 pursuant to the Illinois Solid Waste Management Act shall be
11 deposited into the General Revenue Fund.

12 (b) The Agency shall assess and collect a fee in the amount
13 set forth herein from the owner or operator of each sanitary
14 landfill permitted or required to be permitted by the Agency
15 to dispose of solid waste if the sanitary landfill is located
16 off the site where such waste was produced and if such sanitary
17 landfill is owned, controlled, and operated by a person other
18 than the generator of such waste. The Agency shall deposit all
19 fees collected into the Solid Waste Management Fund. If a site
20 is contiguous to one or more landfills owned or operated by the
21 same person, the volumes permanently disposed of by each
22 landfill shall be combined for purposes of determining the fee
23 under this subsection. Beginning on July 1, 2018, and on the
24 first day of each month thereafter during fiscal years 2019
25 through 2023, the State Comptroller shall direct and State
26 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000

1 per fiscal year from the Solid Waste Management Fund to the
2 General Revenue Fund.

3 (1) If more than 150,000 cubic yards of non-hazardous
4 solid waste is permanently disposed of at a site in a
5 calendar year, the owner or operator shall either pay a
6 fee of 95 cents per cubic yard or, alternatively, the
7 owner or operator may weigh the quantity of the solid
8 waste permanently disposed of with a device for which
9 certification has been obtained under the Weights and
10 Measures Act and pay a fee of \$2.00 per ton of solid waste
11 permanently disposed of. In no case shall the fee
12 collected or paid by the owner or operator under this
13 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

14 (2) If more than 100,000 cubic yards but not more than
15 150,000 cubic yards of non-hazardous waste is permanently
16 disposed of at a site in a calendar year, the owner or
17 operator shall pay a fee of \$52,630.

18 (3) If more than 50,000 cubic yards but not more than
19 100,000 cubic yards of non-hazardous solid waste is
20 permanently disposed of at a site in a calendar year, the
21 owner or operator shall pay a fee of \$23,790.

22 (4) If more than 10,000 cubic yards but not more than
23 50,000 cubic yards of non-hazardous solid waste is
24 permanently disposed of at a site in a calendar year, the
25 owner or operator shall pay a fee of \$7,260.

26 (5) If not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at a
2 site in a calendar year, the owner or operator shall pay a
3 fee of \$1050.

4 (c) (Blank).

5 (d) The Agency shall establish rules relating to the
6 collection of the fees authorized by this Section. Such rules
7 shall include, but not be limited to:

8 (1) necessary records identifying the quantities of
9 solid waste received or disposed;

10 (2) the form and submission of reports to accompany
11 the payment of fees to the Agency;

12 (3) the time and manner of payment of fees to the
13 Agency, which payments shall not be more often than
14 quarterly; and

15 (4) procedures setting forth criteria establishing
16 when an owner or operator may measure by weight or volume
17 during any given quarter or other fee payment period.

18 (e) Pursuant to appropriation, all monies in the Solid
19 Waste Management Fund shall be used by the Agency for the
20 purposes set forth in this Section and in the Illinois Solid
21 Waste Management Act, including for the costs of fee
22 collection and administration, for administration of the Paint
23 Stewardship Act, and for the administration of the Consumer
24 Electronics Recycling Act and the Drug Take-Back Act.

25 (f) The Agency is authorized to enter into such agreements
26 and to promulgate such rules as are necessary to carry out its

1 duties under this Section and the Illinois Solid Waste
2 Management Act.

3 (g) On the first day of January, April, July, and October
4 of each year, beginning on July 1, 1996, the State Comptroller
5 and Treasurer shall transfer \$500,000 from the Solid Waste
6 Management Fund to the Hazardous Waste Fund. Moneys
7 transferred under this subsection (g) shall be used only for
8 the purposes set forth in item (1) of subsection (d) of Section
9 22.2.

10 (h) The Agency is authorized to provide financial
11 assistance to units of local government for the performance of
12 inspecting, investigating, and enforcement activities pursuant
13 to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous
14 solid waste disposal sites.

15 (i) The Agency is authorized to conduct household waste
16 collection and disposal programs.

17 (j) A unit of local government, as defined in the Local
18 Solid Waste Disposal Act, in which a solid waste disposal
19 facility is located may establish a fee, tax, or surcharge
20 with regard to the permanent disposal of solid waste. All
21 fees, taxes, and surcharges collected under this subsection
22 shall be utilized for solid waste management purposes,
23 including long-term monitoring and maintenance of landfills,
24 planning, implementation, inspection, enforcement and other
25 activities consistent with the Solid Waste Management Act and
26 the Local Solid Waste Disposal Act, or for any other

1 environment-related purpose, including, but not limited to, an
2 environment-related public works project, but not for the
3 construction of a new pollution control facility other than a
4 household hazardous waste facility. However, the total fee,
5 tax or surcharge imposed by all units of local government
6 under this subsection (j) upon the solid waste disposal
7 facility shall not exceed:

8 (1) 60¢ per cubic yard if more than 150,000 cubic
9 yards of non-hazardous solid waste is permanently disposed
10 of at the site in a calendar year, unless the owner or
11 operator weighs the quantity of the solid waste received
12 with a device for which certification has been obtained
13 under the Weights and Measures Act, in which case the fee
14 shall not exceed \$1.27 per ton of solid waste permanently
15 disposed of.

16 (2) \$33,350 if more than 100,000 cubic yards, but not
17 more than 150,000 cubic yards, of non-hazardous waste is
18 permanently disposed of at the site in a calendar year.

19 (3) \$15,500 if more than 50,000 cubic yards, but not
20 more than 100,000 cubic yards, of non-hazardous solid
21 waste is permanently disposed of at the site in a calendar
22 year.

23 (4) \$4,650 if more than 10,000 cubic yards, but not
24 more than 50,000 cubic yards, of non-hazardous solid waste
25 is permanently disposed of at the site in a calendar year.

26 (5) \$650 if not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at
2 the site in a calendar year.

3 The corporate authorities of the unit of local government
4 may use proceeds from the fee, tax, or surcharge to reimburse a
5 highway commissioner whose road district lies wholly or
6 partially within the corporate limits of the unit of local
7 government for expenses incurred in the removal of
8 nonhazardous, nonfluid municipal waste that has been dumped on
9 public property in violation of a State law or local
10 ordinance.

11 For the disposal of solid waste from general construction
12 or demolition debris recovery facilities as defined in
13 subsection (a-1) of Section 3.160, the total fee, tax, or
14 surcharge imposed by all units of local government under this
15 subsection (j) upon the solid waste disposal facility shall
16 not exceed 50% of the applicable amount set forth above. A unit
17 of local government, as defined in the Local Solid Waste
18 Disposal Act, in which a general construction or demolition
19 debris recovery facility is located may establish a fee, tax,
20 or surcharge on the general construction or demolition debris
21 recovery facility with regard to the permanent disposal of
22 solid waste by the general construction or demolition debris
23 recovery facility at a solid waste disposal facility, provided
24 that such fee, tax, or surcharge shall not exceed 50% of the
25 applicable amount set forth above, based on the total amount
26 of solid waste transported from the general construction or

1 demolition debris recovery facility for disposal at solid
2 waste disposal facilities, and the unit of local government
3 and fee shall be subject to all other requirements of this
4 subsection (j).

5 A county or Municipal Joint Action Agency that imposes a
6 fee, tax, or surcharge under this subsection may use the
7 proceeds thereof to reimburse a municipality that lies wholly
8 or partially within its boundaries for expenses incurred in
9 the removal of nonhazardous, nonfluid municipal waste that has
10 been dumped on public property in violation of a State law or
11 local ordinance.

12 If the fees are to be used to conduct a local sanitary
13 landfill inspection or enforcement program, the unit of local
14 government must enter into a written delegation agreement with
15 the Agency pursuant to subsection (r) of Section 4. The unit of
16 local government and the Agency shall enter into such a
17 written delegation agreement within 60 days after the
18 establishment of such fees. At least annually, the Agency
19 shall conduct an audit of the expenditures made by units of
20 local government from the funds granted by the Agency to the
21 units of local government for purposes of local sanitary
22 landfill inspection and enforcement programs, to ensure that
23 the funds have been expended for the prescribed purposes under
24 the grant.

25 The fees, taxes or surcharges collected under this
26 subsection (j) shall be placed by the unit of local government

1 in a separate fund, and the interest received on the moneys in
2 the fund shall be credited to the fund. The monies in the fund
3 may be accumulated over a period of years to be expended in
4 accordance with this subsection.

5 A unit of local government, as defined in the Local Solid
6 Waste Disposal Act, shall prepare and post on its website, in
7 April of each year, a report that details spending plans for
8 monies collected in accordance with this subsection. The
9 report will at a minimum include the following:

10 (1) The total monies collected pursuant to this
11 subsection.

12 (2) The most current balance of monies collected
13 pursuant to this subsection.

14 (3) An itemized accounting of all monies expended for
15 the previous year pursuant to this subsection.

16 (4) An estimation of monies to be collected for the
17 following 3 years pursuant to this subsection.

18 (5) A narrative detailing the general direction and
19 scope of future expenditures for one, 2 and 3 years.

20 The exemptions granted under Sections 22.16 and 22.16a,
21 and under subsection (k) of this Section, shall be applicable
22 to any fee, tax or surcharge imposed under this subsection
23 (j); except that the fee, tax or surcharge authorized to be
24 imposed under this subsection (j) may be made applicable by a
25 unit of local government to the permanent disposal of solid
26 waste after December 31, 1986, under any contract lawfully

1 executed before June 1, 1986 under which more than 150,000
2 cubic yards (or 50,000 tons) of solid waste is to be
3 permanently disposed of, even though the waste is exempt from
4 the fee imposed by the State under subsection (b) of this
5 Section pursuant to an exemption granted under Section 22.16.

6 (k) In accordance with the findings and purposes of the
7 Illinois Solid Waste Management Act, beginning January 1, 1989
8 the fee under subsection (b) and the fee, tax or surcharge
9 under subsection (j) shall not apply to:

10 (1) waste which is hazardous waste;

11 (2) waste which is pollution control waste;

12 (3) waste from recycling, reclamation or reuse
13 processes which have been approved by the Agency as being
14 designed to remove any contaminant from wastes so as to
15 render such wastes reusable, provided that the process
16 renders at least 50% of the waste reusable; the exemption
17 set forth in this paragraph (3) of this subsection (k)
18 shall not apply to general construction or demolition
19 debris recovery facilities as defined in subsection (a-1)
20 of Section 3.160;

21 (4) non-hazardous solid waste that is received at a
22 sanitary landfill and composted or recycled through a
23 process permitted by the Agency; or

24 (5) any landfill which is permitted by the Agency to
25 receive only demolition or construction debris or
26 landscape waste.

1 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
2 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
3 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;
4 102-1055, eff. 6-10-22; revised 8-25-22.)