AMENDMENT TO SENATE BILL 1555

AMENDMENT NO. _____. Amend Senate Bill 1555 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Statewide Recycling Needs Assessment and Postconsumer Recycled Content Act.

Section 5. Findings and purpose. The General Assembly finds that:

(1) Recycling rates have been stagnant in Illinois for over 15 years. Many Illinois counties continue to fall short of the long-standing recycling goal of 25% established in 1988 in the Solid Waste Planning and Recycling Act.

(2) In Illinois, more than 40% (over 7,000,000 tons per year) of municipal solid waste disposed of in landfills is comprised of packaging and paper products. Of this amount, nearly 80% consists of materials commonly collected in
curbside recycling programs in areas of the State with mature recycling programs. The remainder includes packaging products such as polystyrene, #3-#7 plastics, plastic bags, flexible pouches, and other plastic films which are not currently acceptable in curbside recycling and for which limited drop-off recycling options exist.

(3) Consumers have limited sustainable purchasing choices. Illinois residents are generating packaging and paper waste that is beyond their ability to reuse or recycle. Consumers are also given confusing, inconsistent messages through various means about which materials can be recycled, and thus inadvertently create contamination in recycling streams. There is widespread recycling fatigue and public skepticism about the efficacy of recycling in Illinois.

(4) Volatility in global recycling markets due to import restrictions such as the China National Sword policy, as well as impacts on supply chains and material demand due to the COVID-19 pandemic, have further challenged markets for recycled materials and destabilized the recycling system in the State.

(5) Significant and increasing quantities of plastics and packaging materials are seen in the environment, including in Illinois rivers, lakes, and streams. This pollution impacts the drinking water, wildlife, and recreational value of vital natural resources.

(6) Consumer brands are solely responsible for choices
about the types and amounts of packaging used to package products. Units of local government and residents must, therefore, manage increasingly complex materials even though they have no input in designing or bringing these materials to market.

(7) Units of local government are expected to fund collection and processing costs for an increasing volume of packaging and paper products, and the cost of recycling programs continues to rise with the complexity of the material stream that material recycling facilities are required to manage. Furthermore, many multifamily residences and rural areas of the State do not have access to adequate recycling opportunities.

(8) As materials continue to be landfilled and littered, lower-income and rural communities across the State bear environmental, health, and economic consequences.

(9) By failing to reuse or recycle packaging and paper products, Illinois loses economic value and green sector jobs. Establishing postconsumer recycled content requirements for rigid plastics will increase markets for this increasingly common packaging material, reduce demand for natural resources, and reduce greenhouse gas emissions.

(10) An assessment of current recycling and materials management practices in the State, including evaluation of collections, access to service, capacity, costs, gaps, and needs associated with diverting packaging and paper products...
from disposal, will provide needed information on current conditions and support identification of future needs to manage packaging and paper products in a sustainable, environmentally protective, and cost-effective manner.

(11) The Statewide Recycling Needs Assessment will provide data to facilitate future consideration of producer responsibility or product stewardship legislation for packaging and paper products, including to establish performance targets, calculate cost impacts, and assign responsibilities.

Section 10. Definitions. In this Act:

"Advisory Council" means the Statewide Recycling Needs Assessment Advisory Council established under Section 20.

"Agency" means the Environmental Protection Agency.

"Compost" has the meaning given to that term in Section 3.150 of the Environmental Protection Act.

"Compostable material" means a material that is designed to contact, contain, or carry a product that can be collected for composting and that is capable of undergoing aerobic biological decomposition in a controlled composting system as demonstrated by meeting ASTM D6400, ASTM D6868, or any successor standards.

"Composting rate" means the percentage of discarded materials that are managed through composting. A composting rate is calculated by dividing the total weight of all
packaging and paper products that are collected for composting
by the total weight of all packaging and paper products sold,
distributed, or served to consumers in the State during the
study period.

"Covered entity" means a person or entity responsible for:

(1) a single or multifamily residence, either
individually or jointly through a unit of local
government;

(2) a public or private school for grades kindergarten
through 12th grade;

(3) a State or local government facility; or

(4) a public space, including, but not limited to,
public spaces, such as parks, trails, transit stations,
and pedestrian areas for which the State or a unit of local
government is responsible.

"Curbside recycling" means the collection of recyclable
materials from covered entities at the site where the
recyclable materials are generated.

"Director" means the Director of the Agency.

"Drop-off recycling" means the collection of recyclable
material from covered entities at one or more centralized
sites.

"Environmental justice community" means environmental
justice community as defined by the Illinois Solar for All
Program, as that definition is updated from time to time by the
Illinois Power Agency and the Administrator of the Illinois
Solar for All Program.

"Hauler" means a person who collects recyclable or compostable materials and transports them to a MRF or compost facility, or to an intermediate facility from which materials are then transported to a MRF or compost facility.

"Material recovery facility" or "MRF" means a facility where recyclable materials collected via curbside recycling or drop-off recycling are consolidated and sorted for return to the economic mainstream in the form of raw materials.

"Nonprofit organization" means a tax-exempt charitable or social welfare organization operating under 26 U.S.C. 501(c)(3) or 501(c)(4) of the federal Internal Revenue Code of 1986.

"Packaging" means a discrete material or category of material, regardless of recyclability. "Packaging" includes, but is not limited to, a material type, such as paper, plastic, glass, metal, or multi-material, that is:

1. used to protect, contain, transport, or serve a product;
2. sold or supplied to consumers expressly for the purpose of protecting, containing, transporting, or serving products;
3. attached to a product or its container for the purpose of marketing or communicating information about the product;
4. supplied at the point of sale to facilitate the
delivery of the product; or

(5) supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption and ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

"Packaging" does not include:

(1) a medical device or packaging that is included with products regulated:

(A) as a drug, medical device, or dietary supplement by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act;

(B) as a combination product as defined under 21 CFR 3.2(e); or

(C) under the federal Dietary Supplement Health and Education Act of 1994;

(2) animal biologics, including, but not limited to, vaccines, bacterins, antisera, diagnostic kits, other products of biological origin, and other packaging and paper products regulated by the United States Department of Agriculture under the federal Virus, Serum, Toxin Act;

(3) packaging regulated under the Federal Insecticide, Fungicide, and Rodenticide Act or another applicable federal law, rule, or regulation; and

(4) beverage containers subject to a returnable container deposit, if applicable.
"Paper product" means:

   (1) paper that can or has been printed on to create flyers, brochures, booklets, catalogs, greeting cards, telephone directories, newspapers, magazines; and
   (2) paper used for copying, writing, or any other general use.

"Paper product" does not include:

   (1) paper that, by virtue of its anticipated use, could become unsafe or unsanitary to recycle; or
   (2) any form of bound book, including, but not limited to, bound books for literary, textual, or reference purposes.

"Person" means any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint-stock company, trust, estate, political subdivision, State agency, any other legal entity, or their legal representative, agent, or assign.

"Postconsumer material" means packaging or paper products that have served their intended end use as consumer items. "Postconsumer material" does not include a by-product or waste material generated during or after the completion of a manufacturing or converting process.

"Postconsumer recycled content" means the portion of an item of packaging or paper product made from postconsumer material that has been recycled.

"Producer" means the following:
(1) For products sold, offered for sale, distributed, or served in packaging to consumers at a physical retail location in this State:

(A) the product's manufacturer, if the product is sold, offered for sale, distributed, or served in packaging under the product manufacturer's own brand or in packaging that lacks identification of a brand;

(B) except as provided under subparagraph (C), the owner of the brand under which the product is sold, offered for sale, distributed, or served to consumers, if the product is sold, offered for sale, distributed, or served to consumers under a brand other than the product manufacturer's own brand;

(C) the manufacturer of the packaging and not its retailer, if the product is manufactured on behalf of a retailer and is sold, offered for sale, distributed, or served under the retailer's brand or is licensed or trademarked by the retailer; or

(D) if there is no person described in subparagraph (A), (B), or (C) within the United States, the person who imports the product into the United States.

(2) For products sold, distributed, or served in packaging to consumers in this State via remote sale, distribution, or service:

(A) the producer of the product's packaging is the
producer determined under paragraph (1); and
  (B) the producer of packaging used to ship the
  product to a consumer, such as a box, envelope, or
  other packaging used for shipping, is the person that
  manufactured the packaging used for shipping.
(3) For all packaging other than packaging identified
  in paragraphs (1) and (2), the manufacturer of the
  packaged product is the producer of the packaging.
(4) For paper products that are publications, such as
  magazines, newspapers, catalogs, or telephone directories,
  the publisher is the producer of the paper product.
(5) For paper products not described in paragraph (4),
  the producer is the same as the producer as determined
  under paragraphs (1) and (2).
"Producer" does not include:
  (1) government agencies or units of local government;
  (2) nonprofit organizations;
  (3) retailers; or
  (4) persons that annually sell, offer for sale, distribute, or serve to consumers in this State, or import
  into the United States for sale in this State, either:
    (A) less than one ton of packaging and paper
        products annually in this State; or
    (B) packaged products that generate less than
        $3,000,000 in gross revenue nationally annually.
"Producer responsibility organization" means a registered
nonprofit organization designated by one or more producers to act as an agent on behalf of each producer in the group for purposes of completing the needs assessment in accordance with this Act.

"Recovery rate" means the percentage of packaging and paper products recovered for recycling, reclamation, reuse, or composting. The recovery rate is calculated by dividing the total weight of all packaging and paper products collected for recycling, reclamation, reuse, or composting by the total weight of all packaging and paper products sold, distributed, or served to consumers in this State during the study period.

"Recycling" has the meaning given to "recycling, reclamation or reuse" in Section 3.380 of the Environmental Protection Act. "Recycling" does not include landfill disposal of packaging or paper products or the residue resulting from the processing of packaging or paper products at a MRF, use as alternative daily cover or any other beneficial use at a landfill, incineration, energy recovery, or energy generation by means of combustion, or final conversion of packaging and paper products or their components and by-products to a fuel.

"Recycling rate" means the percentage of packaging and paper products returned to the economic mainstream in the form of raw materials or products rather than being disposed of or discarded. The recycling rate is calculated by dividing the total weight of all packaging and paper products that are collected for recycling by the total weight of all packaging
and paper products sold, distributed, or served to consumers
in the State during the study period, not including the
residue that is landfilled after processing by a MRF.

"Restaurant" means a business having sales of ready-to-eat
food for immediate consumption comprising at least 51% of the
total sales, excluding the sale of liquor.

"Retailer" means any person engaged in the business of
making sales at retail that generate occupation or use tax
revenue, including, but not limited to, sales made through an
Internet transaction to deliver an item to a consumer in the
State. "Retailer" includes a restaurant.

"Reusable" means:

(1) designed to be refilled or used repeatedly for its
original intended purpose and is returnable;

(2) safe for washing and sanitizing according to
applicable State food safety laws; and

(3) with the exception of ceramic products, capable of
being recycled at the end of use.

"Reuse" means the return of packaging to the economic
stream for use in the same kind of application intended for the
original packaging without effectuating a change in the
original composition of the package, the identity of the
product, or the components thereof.

"Rigid plastic" means packaging made of plastic that has a
relatively inflexible finite shape or form and is capable of
maintaining its shape while empty or while holding other
products.

"Service provider" means a hauler, MRF, or composting facility.

"Single-use packaging or product" means a packaging or product that is supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption and that is ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

"Study period" means the period represented by the data compiled and analyzed in the completion of the Statewide Recycling Needs Assessment. The study period shall be a minimum of a one-year calendar period not earlier than 2022 and shall be clearly defined in the scope of work. If more than one year of data is used, data shall be presented on an annual basis.

Section 15. Producer responsibility organization.

(a) A producer responsibility organization shall be established to carry out relevant provisions under this Act.

(b) On or before February 1, 2024, the Agency shall approve a single producer responsibility organization to represent the interests of producers under this Act. The Agency shall implement an application and review process to select a single producer responsibility organization, if more than one organization proposes to be designated. The application process shall include the following:
A producer responsibility organization shall submit a notice of intent to apply as the single producer responsibility organization by November 1, 2023.

If more than one producer responsibility organization submits a notice of intent, each producer responsibility organization shall be required to submit an application by December 1, 2023 on a form prescribed by the Agency to:

(A) identify each producer that intends to authorize a producer responsibility organization to operate on the producer's behalf;

(B) provide the name, address, and contact information of the producer responsibility organization;

(C) identify the members of the governing board of a producer responsibility organization, which shall represent a diverse range of producers by size and type of packaging material; and

(D) describe the data types and sources to be provided by producers, a producer responsibility organization, and other persons as necessary to facilitate the comprehensive statewide needs assessment study's completion.

(a) The Statewide Recycling Needs Assessment Advisory Council shall be appointed by the Agency. On or before January 1, 2024, the Director shall appoint members to the Advisory Council to provide advice and recommendations to the Agency and the producer responsibility organization in the drafting, amendment, and finalization of the Statewide Recycling Needs Assessment.

(b) In appointing members to the Advisory Council under subsection (a), the Director shall consider representatives from all geographic regions of the State, all sizes of communities in the State, all supply chain participants in the recycling system, and the racial and gender diversity of this State.

(c) Members of the Advisory Council shall include, but shall not be limited to, the following voting members:

(1) four individuals representing material recovery facilities in the State, no more than 2 of whom shall represent a MRF that accepts recyclables from Cook County or the collar counties;

(2) four individuals representing haulers, one of whom shall represent a statewide organization representing haulers, one of whom shall represent a publicly traded hauler, one of whom shall represent a privately owned hauler, and one of whom shall operate a recycling drop-off facility;

(3) one individual representing compost collection and
processing facilities;

(4) seven individuals representing rural and urban units of local government, one of whom shall represent a county with a population of less than 50,000, one of whom shall represent a county with a population of more than 50,000 and less than 1,000,000, one of whom shall represent a county with a population of more than 1,000,000, one of whom shall represent a municipality, one of whom shall represent a municipal joint action agency, one of whom shall represent a township, and one of whom shall represent a municipality with a population of 1,000,000 or more;

(5) one individual representing retailers or a statewide association of retailers;

(6) two individuals representing environmental organizations; and

(7) one individual representing an environmental justice advocacy organization.

(d) The Advisory Council shall include the following nonvoting members, appointed by the Director, to facilitate the work of the Advisory Council:

(1) one individual representing a producer responsibility organization, which shall be appointed after selection by the Agency of a producer responsibility organization;

(2) one individual representing manufacturers of
products containing postconsumer material, or one or more associations of such manufacturers;

(3) one individual representing manufacturers of packaging and paper products utilizing virgin materials, or one or more associations of suppliers of substrates of packaging and paper products;

(4) four individuals representing trade associations, one of whom shall represent a fiber trade association, one of whom shall represent a plastic trade association, one of whom shall represent a metal trade association, and one of whom shall represent a glass trade association; and

(5) one individual representing the Agency.

(e) An individual may be appointed to only one position on the Council. Appointments shall be for the period required to complete the needs assessment components of this Act.

(f) The duties of the voting members of the Advisory Council are as follows:

(1) to provide guidance on the scope of work and Request for Proposal for the Statewide Recycling Needs Assessment required under Section 25;

(2) to assist in the provision of data required to complete the needs assessment;

(3) to review and comment on the needs assessment prior to completion;

(4) to evaluate and make recommendations, including legislative recommendations, on how to effectively
establish and implement a producer responsibility program
in the State for packaging materials and paper products,
including recommendations regarding the responsibilities
of producers under a producer responsibility program; and
(5) on or before December 1, 2026, to prepare and
submit a report of its findings and recommendations to the
General Assembly and the Governor, which shall include an
opportunity for a minority report.
(g) The Advisory Council:
(1) shall meet at the call of the Chair, except for the
first meeting, which shall be called by the Director;
(2) shall meet at least quarterly or as determined by
the Advisory Council Chair;
(3) shall elect a Chair from among Advisory Council
members by a simple majority vote;
(4) may adopt bylaws and a charter for the operation
of its business for the purposes of this Act; and
(5) shall be provided administrative support by the
Agency and Agency staff.
(h) The Agency may select and hire a third-party
facilitator for the Advisory Council.

Section 25. Statewide needs assessment.
(a) On or before April 1, 2024, the Agency shall issue a
Request for Proposal to select a qualified consultant to
conduct a statewide needs assessment to assess recycling needs
in the State for packaging and paper products, including identifying current conditions and an evaluation of the capacity, costs, gaps, and needs associated with recycling and the diversion of packaging and paper products. The Agency shall select the consultant on or before July 1, 2024. The needs assessment shall be funded by an appropriation from the Agency's Solid Waste Management Fund.

(b) Packaging and paper products to be included in the needs assessment shall include, but may not be limited to, the following materials: gable-top cartons, paper cups, paper food packaging, mailers and envelopes, Kraft paper, corrugated cardboard, chipboard, coated groundwood, groundwood paper, coated paper board, paperboard boxes, pulpwood trays and take-out containers, polyethylene flexible bags, polyethylene wraps, polyethylene films, rigid plastics, glass bottles and jars, aluminum or steel aerosol cans, aluminum or steel cans, aluminum foil wrap, aluminum foil containers, other aluminum containers, and steel spiral wound containers.

(c) The needs assessment shall address, at a minimum, the following factors for covered entities:

(1) the quantity, by weight and type, of packaging materials and paper products sold at retail, distributed, or served to consumers in the State by producers by material type and format, with data provided by producers through a producer responsibility organization;

(2) current collection systems for packaging and paper
products in the State, including for reuse, recycling, composting, and disposal;

(3) the processing capacity and infrastructure for reusable, recyclable, and compostable packaging and paper products collected in the State, including capacity and infrastructure outside the State which serves or may serve the State;

(4) current reuse, recycling, and composting rates for packaging and paper products in the State by material type;

(5) current postconsumer recycled content use by material type for all packaging and paper products sold in the State;

(6) current system-wide costs for the collection, reuse, recycling, and composting of packaging and paper products;

(7) current operational and capital funding limitations impacting reuse, recycling, and composting access and availability for packaging and paper products throughout the State;

(8) collection and processing system needs to provide access to curbside recycling services for all covered entities within municipalities with a population of 1,500 or more based on the most recent United States Census, with collection provided no less frequently than every 2 weeks, and at least one drop-off location for recyclable
materials within 15 miles of the municipal boundary for municipalities with a population less than 1,500, with needs identified on a county-by-county basis for all counties in the State, and the estimated costs to meet the access requirements;

(9) program costs and capital investments required to achieve a collective 50% recycling rate by December 31, 2035 across all packaging and paper products, including investment into existing and future reuse, recycling, and composting infrastructure for packaging and paper products;

(10) existing federal and State statutory provisions and public and private funding sources for the reduction, reuse, recycling, and composting of packaging and paper products;

(11) the market conditions and opportunities for reusable, recyclable, and compostable packaging and paper products in the State and regionally;

(12) multilingual public education needs for the reduction, reuse, recycling, and composting of packaging and paper products, including, but not limited to, a scientific survey of current awareness among residents of this State of proper end-of-life management for packaging and paper products and the needs associated with the reduction of contamination rates at MRFs in the State; and

(13) an assessment of environmental justice and
recycling equity in the State, including, but not limited to:

(A) an evaluation of current access to and the performance of curbside and drop-off recycling programs in units of local government designated as environmental justice areas; and

(B) a comparison of the location of MRFs and compost facilities in units of local government that have been designated as environmental justice areas with units of local government that are not so designated.

(d) On or before December 31, 2025, the Agency shall provide the draft needs assessment to the Advisory Council and the producer responsibility organization registered with the Agency. The Advisory Council and producer responsibility organization shall provide written comments to the Agency within 60 days after receipt of the needs assessment. The Agency's consultant shall include an assessment of comments received in the revised draft needs assessment submitted to the Agency and shall provide a summary and an analysis of any issues raised by the Advisory Council or producer responsibility organization and significant changes suggested by any such comments, a statement of the reasons why any significant changes were not incorporated into the results of the study, and a description of any changes made to the results of the needs assessment as a result of such comments. The needs
assessment shall be finalized by the Agency on or before May 1, 2026.

Section 30. Postconsumer recycled content.

(a) With respect to rigid plastics, each producer shall achieve a postconsumer recycled content requirement of 15\% by 2028, 25\% by 2031, and 50\% by 2034 in the rigid plastics it produces, subject to any waiver issued under this Section.

(b) Postconsumer recycled content requirements in specific products may be waived by the Agency if demonstration is made and the Agency approves, in writing, that:

(1) the manufacturer cannot achieve the postconsumer recycled content requirements and remain in compliance with applicable rules and regulations adopted by the United States Food and Drug Administration, or any other State or federal law, rule, or regulation;

(2) it is not technologically feasible for the manufacturer to achieve the postconsumer recycled content requirements;

(3) the manufacturer cannot comply with the postconsumer recycled content requirements due to inadequate availability of recycled material or a substantial disruption in the supply of recycled material; or

(4) the manufacturer cannot comply for another reason as determined by the Agency by rule, regulation, or
Section 35. Penalties.

(a) Except as otherwise provided in this Act, any person who violates any provision of this Act is liable for a civil penalty of $7,000 per violation per day.

(b) The penalties provided for in this Section may be recovered in a civil action brought in the name of the People of the State of Illinois by the State's Attorney of the county in which the violation occurred or by the Attorney General. Any penalties collected under this Section in an action in which the Attorney General has prevailed shall be deposited in the Environmental Protection Trust Fund.

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

(d) The penalties and injunctions provided in this Act are in addition to any penalties, injunctions, or other relief provided under any other law. Nothing in this Act bars a cause of action by the State for any other penalty, injunction, or other relief provided by any other law.

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

Section 40. Severability. The provisions of this Act shall
be severable and if any phrase, clause, sentence, or provision
of this Act or the applicability thereof to any person or
circumstance shall be held invalid, the remainder of this Act
and the application thereof shall not be affected thereby.

Section 45. The Environmental Protection Act is amended by
changing Section 22.15 as follows:

(415 ILCS 5/22.15)
Sec. 22.15. Solid Waste Management Fund; fees.
(a) There is hereby created within the State Treasury a
special fund to be known as the Solid Waste Management Fund, to
be constituted from the fees collected by the State pursuant
to this Section, from repayments of loans made from the Fund
for solid waste projects, from registration fees collected
pursuant to the Consumer Electronics Recycling Act, and from
amounts transferred into the Fund pursuant to Public Act
100-433. Moneys received by either the Agency or the
Department of Commerce and Economic Opportunity in repayment
of loans made pursuant to the Illinois Solid Waste Management Act shall be deposited into the General Revenue Fund.

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

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

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

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

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

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050.

(c) (Blank).

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

(1) necessary records identifying the quantities of solid waste received or disposed;
(2) the form and submission of reports to accompany
the payment of fees to the Agency;

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

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

(e) Pursuant to appropriation, all monies in the Solid
Waste Management Fund shall be used by the Agency for the
purposes set forth in this Section and in the Illinois Solid
Waste Management Act, including for the costs of fee
collection and administration, and for the administration of
the Consumer Electronics Recycling Act, the Drug Take-Back
Act, and the Statewide Recycling Needs Assessment and
Postconsumer Recycled Content Act.

(f) The Agency is authorized to enter into such agreements
and to promulgate such rules as are necessary to carry out its
duties under this Section and the Illinois Solid Waste
Management Act.

(g) On the first day of January, April, July, and October
of each year, beginning on July 1, 1996, the State Comptroller
and Treasurer shall transfer $500,000 from the Solid Waste
Management Fund to the Hazardous Waste Fund. Moneys
transferred under this subsection (g) shall be used only for
the purposes set forth in item (1) of subsection (d) of Section
(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating, and enforcement activities pursuant to subsection (r) of Section 4 at nonhazardous solid waste disposal sites.

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

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other environment-related purpose, including, but not limited to, an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

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

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

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

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

(5) $650 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

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

For the disposal of solid waste from general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160, the total fee, tax, or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed 50% of the applicable amount set forth above. A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a general construction or demolition debris recovery facility is located may establish a fee, tax, or surcharge on the general construction or demolition debris recovery facility with regard to the permanent disposal of solid waste by the general construction or demolition debris recovery facility at a solid waste disposal facility, provided that such fee, tax, or surcharge shall not exceed 50% of the applicable amount set forth above, based on the total amount of solid waste transported from the general construction or demolition debris recovery facility for disposal at solid waste disposal facilities, and the unit of local government and fee shall be subject to all other requirements of this subsection (j).

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

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

The fees, taxes or surcharges collected under this
subsection (j) shall be placed by the unit of local government
in a separate fund, and the interest received on the moneys in
the fund shall be credited to the fund. The monies in the fund
may be accumulated over a period of years to be expended in
accordance with this subsection.

A unit of local government, as defined in the Local Solid
Waste Disposal Act, shall prepare and post on its website, in
April of each year, a report that details spending plans for
monies collected in accordance with this subsection. The
(1) The total monies collected pursuant to this subsection.

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

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

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

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

The exemptions granted under Sections 22.16 and 22.16a, and under subsection (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

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

(1) waste which is hazardous waste;

(2) waste which is pollution control waste;

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

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

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

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

Section 99. Effective date. This Act takes effect upon becoming law.".