

1 AMENDMENT TO HOUSE BILL 914

2 AMENDMENT NO. _____. Amend House Bill 914 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.595 as follows:

6 (30 ILCS 105/5.595 new)

7 Sec. 5.595. The Household Hazardous Waste Fund.

8 Section 10. The Environmental Protection Act is amended
9 by changing Section 22.15 as follows:

10 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

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

12 (a) There is hereby created within the State Treasury a
13 special fund to be known as the "Solid Waste Management Fund"
14 constituted from the fees collected by the State pursuant to
15 this Section and from repayments of loans made from the Fund
16 for solid waste projects. Moneys received by the Department
17 of Commerce and Community Affairs in repayment of loans made
18 pursuant to the Illinois Solid Waste Management Act shall be
19 deposited into the Solid Waste Management Revolving Loan
20 Fund.

1 (b) On and after January 1, 1987, the Agency shall
2 assess and collect a fee in the amount set forth herein from
3 the owner or operator of each sanitary landfill permitted or
4 required to be permitted by the Agency to dispose of solid
5 waste if the sanitary landfill is located off the site where
6 such waste was produced and if such sanitary landfill is
7 owned, controlled, and operated by a person other than the
8 generator of such waste. The Agency shall deposit all fees
9 collected into the Solid Waste Management Fund, except that
10 the additional moneys collected from the 24 cent per cubic
11 yard (50 cent per ton) increase in the fee imposed under
12 subdivision (b)(1) made by this amendatory Act of the 93rd
13 General Assembly shall be deposited into the Household
14 Hazardous Waste Fund. If a site is contiguous to one or more
15 landfills owned or operated by the same person, the volumes
16 permanently disposed of by each landfill shall be combined
17 for purposes of determining the fee under this subsection.

18 (1) If more than 150,000 cubic yards of
19 non-hazardous solid waste is permanently disposed of at a
20 site in a calendar year, the owner or operator shall
21 either pay a fee of \$0.69 45-cents per cubic yard or,
22 alternatively, the owner or operator may weigh the
23 quantity of the solid waste permanently disposed of with
24 a device for which certification has been obtained under
25 the Weights and Measures Act and pay a fee of \$1.45 95
26 cents per ton of solid waste permanently disposed of.
27 In no case shall the fee collected or paid by the owner
28 or operator under this Section paragraph exceed \$1.29
29 \$1-05 per cubic yard or \$2.72 \$2-22 per ton.

30 (2) If more than 100,000 cubic yards but not more
31 than 150,000 cubic yards of non-hazardous waste is
32 permanently disposed of at a site in a calendar year, the
33 owner or operator shall pay a fee of \$25,000.

34 (3) If more than 50,000 cubic yards but not more

1 than 100,000 cubic yards of non-hazardous solid waste is
2 permanently disposed of at a site in a calendar year, the
3 owner or operator shall pay a fee of \$11,300.

4 (4) If more than 10,000 cubic yards but not more
5 than 50,000 cubic yards of non-hazardous solid waste is
6 permanently disposed of at a site in a calendar year, the
7 owner or operator shall pay a fee of \$3,450.

8 (5) If not more than 10,000 cubic yards of
9 non-hazardous solid waste is permanently disposed of at a
10 site in a calendar year, the owner or operator shall pay
11 a fee of \$500.

12 (c) (Blank.)

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

16 (1) necessary records identifying the quantities of
17 solid waste received or disposed;

18 (2) the form and submission of reports to accompany
19 the payment of fees to the Agency;

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

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

26 (e) Pursuant to appropriation, all monies in the Solid
27 Waste Management Fund shall be used by the Agency and the
28 Department of Commerce and Community Affairs for the purposes
29 set forth in this Section and in the Illinois Solid Waste
30 Management Act, including for the costs of fee collection and
31 administration.

32 (f) The Agency is authorized to enter into such
33 agreements and to promulgate such rules as are necessary to
34 carry out its duties under this Section and the Illinois

1 Solid Waste Management Act.

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

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

14 (i) The Agency is authorized to support the operations
15 of an industrial materials exchange service, and to conduct
16 household waste 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
27 environment-related purpose, including but not limited to an
28 environment-related public works project, but not for the
29 construction of a new pollution control facility other than a
30 household hazardous waste facility. However, the total fee,
31 tax or surcharge imposed by all units of local government
32 under this subsection (j) upon the solid waste disposal
33 facility shall not exceed:

34 (1) 60¢ per cubic yard if more than 150,000 cubic

1 yards of non-hazardous solid waste is permanently
2 disposed of at the site in a calendar year, unless the
3 owner or operator weighs the quantity of the solid waste
4 received with a device for which certification has been
5 obtained under the Weights and Measures Act, in which
6 case the fee shall not exceed \$1.27 per ton of solid waste
7 permanently disposed of.

8 (2) \$33,350 if more than 100,000 cubic yards, but
9 not more than 150,000 cubic yards, of non-hazardous waste
10 is permanently disposed of at the site in a calendar
11 year.

12 (3) \$15,500 if more than 50,000 cubic yards, but
13 not more than 100,000 cubic yards, of non-hazardous solid
14 waste is permanently disposed of at the site in a
15 calendar year.

16 (4) \$4,650 if more than 10,000 cubic yards, but not
17 more than 50,000 cubic yards, of non-hazardous solid
18 waste is permanently disposed of at the site in a
19 calendar year.

20 (5) \$650 if not more than 10,000 cubic yards of
21 non-hazardous solid waste is permanently disposed of at
22 the site in a calendar year.

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

31 A county or Municipal Joint Action Agency that imposes a
32 fee, tax, or surcharge under this subsection may use the
33 proceeds thereof to reimburse a municipality that lies wholly
34 or partially within its boundaries for expenses incurred in

1 the removal of nonhazardous, nonfluid municipal waste that
2 has been dumped on public property in violation of a State
3 law or local ordinance.

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

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

23 A unit of local government, as defined in the Local Solid
24 Waste Disposal Act, shall prepare and distribute to the
25 Agency, in April of each year, a report that details spending
26 plans for monies collected in accordance with this
27 subsection. The report will at a minimum include the
28 following:

29 (1) The total monies collected pursuant to this
30 subsection.

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

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

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

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

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

18 (k) In accordance with the findings and purposes of the
19 Illinois Solid Waste Management Act, beginning January 1,
20 1989 the fee under subsection (b) and the fee, tax or
21 surcharge under subsection (j) shall not apply to:

22 (1) Waste which is hazardous waste; or

23 (2) Waste which is pollution control waste; or

24 (3) Waste from recycling, reclamation or reuse
25 processes which have been approved by the Agency as being
26 designed to remove any contaminant from wastes so as to
27 render such wastes reusable, provided that the process
28 renders at least 50% of the waste reusable; or

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

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

1 (Source: P.A. 92-574, eff. 6-26-02.)

2 Section 15. The Household Hazardous Waste Collection
3 Program Act is amended by adding Section 6.5 as follows:

4 (415 ILCS 90/6.5 new)

5 Sec. 6.5. Household Hazardous Waste Fund.

6 (a) There is hereby established a special fund in the
7 State treasury the Household Hazardous Waste Fund.

8 (b) Moneys in the Fund shall be allocated by the Agency
9 for use by the various counties throughout the State as
10 follows:

11 (i) For counties over 3,000,000 population, the
12 Legislature shall allocate to the Agency the sum of \$0.50
13 per capita for each such county, based upon the last U.S.
14 Federal Decennial Census. The said sum shall be
15 distributed by the Agency to each such county for use
16 under this Act or as otherwise approved by the Agency for
17 the collection and disposal of household hazardous waste.
18 Within each county, the Agency shall distribute the funds
19 on a \$0.50 per capita basis to municipalities over
20 1,000,000 in population and to municipal joint action
21 agencies created under Section 3.2 of the
22 Intergovernmental Cooperation Act, with the balance of
23 the funds allocated to the county. All funds shall be
24 utilized solely for the residents of the unit of local
25 government, as defined in the Local Solid Waste Disposal
26 Act, that received the funds.

27 (ii) For counties over 149,000 and under 3,000,000
28 population, the Legislature shall allocate to the Agency
29 the sum of \$0.50 per capita for each such county, based
30 upon the last U.S. Federal Decennial Census. Said sum
31 shall be distributed annually by the Agency to each such
32 county for use under this Act or as otherwise approved by

1 the Agency for the collection and disposal of Household
2 Hazardous Waste.

3 (iii) For counties under 149,000 population, the
4 Legislature shall allocate the remaining sum of money
5 collected in the Household Hazardous Waste Fund to the
6 Agency as and for the collection, management and disposal
7 of Household Hazardous Waste in the counties of the State
8 with a population of less than 149,000.

9 (iv) Each county, or division thereof as may be
10 applicable, shall report in a form and manner as
11 determined by the Agency, to the Agency, no later than
12 April 1st of each year, the amount of money received from
13 the Agency pursuant to the Household Hazardous Waste Fund
14 for the prior year and the purposes for which the funds
15 were used.

16 (c) All moneys distributed by the Agency under this
17 Section shall be used only for direct program management,
18 education and promotion related to household hazardous waste,
19 and collection and disposal of household hazardous waste.

20 (d) All materials collected in whole or in part with
21 moneys distributed by the Agency under this Section shall be
22 treated or disposed of in facilities that meet all applicable
23 State and federal requirements for the treatment or disposal
24 of household hazardous waste.

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