

1 uncontaminated soil generated during construction, remodeling,
2 repair, and demolition of utilities, structures, and roads
3 provided the uncontaminated soil is not commingled with any
4 general construction or demolition debris or other waste.

5 To the extent allowed by federal law and except for in Cook
6 County, broken concrete with protruding metal bars that do not
7 protrude more than 2 feet is not considered "waste" if it is
8 covered with sufficient soil materials to sustain vegetation or
9 if it is covered by a road or structure.

10 (b) "Clean construction or demolition debris" means
11 uncontaminated broken concrete without protruding metal bars,
12 bricks, rock, stone, reclaimed asphalt pavement, or soil
13 generated from construction or demolition activities.

14 Clean construction or demolition debris does not include
15 uncontaminated soil generated during construction, remodeling,
16 repair, and demolition of utilities, structures, and roads
17 provided the uncontaminated soil is not commingled with any
18 clean construction or demolition debris or other waste.

19 To the extent allowed by federal law, clean construction or
20 demolition debris shall not be considered "waste" if it is (i)
21 used as fill material outside of a setback zone if the fill is
22 placed no higher than the highest point of elevation existing
23 prior to the filling immediately adjacent to the fill area, and
24 if covered by sufficient uncontaminated soil to support
25 vegetation within 30 days of the completion of filling or if
26 covered by a road or structure, or (ii) separated or processed
27 and returned to the economic mainstream in the form of raw
28 materials or products, if it is not speculatively accumulated
29 and, if used as a fill material, it is used in accordance with
30 item (i) within 30 days of its generation, or (iii) solely
31 broken concrete without protruding metal bars used for erosion
32 control, or (iv) generated from the construction or demolition
33 of a building, road, or other structure and used to construct,
34 on the site where the construction or demolition has taken

1 place, a manmade functional structure not to exceed 20 feet
2 above the highest point of elevation of the property
3 immediately adjacent to the new manmade functional structure as
4 that elevation existed prior to the creation of that new
5 structure, provided that the structure shall be covered with
6 sufficient soil materials to sustain vegetation or by a road or
7 structure, and further provided that no such structure shall be
8 constructed within a home rule municipality with a population
9 over 500,000 without the consent of the municipality.

10 (Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.);

11 and

12 on page 8, immediately below line 29, by inserting the
13 following:

14 "(415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

15 Sec. 21. Prohibited acts. No person shall:

16 (a) Cause or allow the open dumping of any waste.

17 (b) Abandon, dump, or deposit any waste upon the public
18 highways or other public property, except in a sanitary
19 landfill approved by the Agency pursuant to regulations adopted
20 by the Board.

21 (c) Abandon any vehicle in violation of the "Abandoned
22 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
23 the 76th General Assembly.

24 (d) Conduct any waste-storage, waste-treatment, or
25 waste-disposal operation:

26 (1) without a permit granted by the Agency or in
27 violation of any conditions imposed by such permit,
28 including periodic reports and full access to adequate
29 records and the inspection of facilities, as may be
30 necessary to assure compliance with this Act and with
31 regulations and standards adopted thereunder; provided,
32 however, that, except for municipal solid waste landfill

1 units that receive waste on or after October 9, 1993, no
2 permit shall be required for (i) any person conducting a
3 waste-storage, waste-treatment, or waste-disposal
4 operation for wastes generated by such person's own
5 activities which are stored, treated, or disposed within
6 the site where such wastes are generated, or (ii) a
7 facility located in a county with a population over
8 700,000, operated and located in accordance with Section
9 22.38 of this Act, and used exclusively for the transfer,
10 storage, or treatment of general construction or
11 demolition debris;

12 (2) in violation of any regulations or standards
13 adopted by the Board under this Act; or

14 (3) which receives waste after August 31, 1988, does
15 not have a permit issued by the Agency, and is (i) a
16 landfill used exclusively for the disposal of waste
17 generated at the site, (ii) a surface impoundment receiving
18 special waste not listed in an NPDES permit, (iii) a waste
19 pile in which the total volume of waste is greater than 100
20 cubic yards or the waste is stored for over one year, or
21 (iv) a land treatment facility receiving special waste
22 generated at the site; without giving notice of the
23 operation to the Agency by January 1, 1989, or 30 days
24 after the date on which the operation commences, whichever
25 is later, and every 3 years thereafter. The form for such
26 notification shall be specified by the Agency, and shall be
27 limited to information regarding: the name and address of
28 the location of the operation; the type of operation; the
29 types and amounts of waste stored, treated or disposed of
30 on an annual basis; the remaining capacity of the
31 operation; and the remaining expected life of the
32 operation.

33 Item (3) of this subsection (d) shall not apply to any
34 person engaged in agricultural activity who is disposing of a

1 substance that constitutes solid waste, if the substance was
2 acquired for use by that person on his own property, and the
3 substance is disposed of on his own property in accordance with
4 regulations or standards adopted by the Board.

5 This subsection (d) shall not apply to hazardous waste.

6 (e) Dispose, treat, store or abandon any waste, or
7 transport any waste into this State for disposal, treatment,
8 storage or abandonment, except at a site or facility which
9 meets the requirements of this Act and of regulations and
10 standards thereunder.

11 (f) Conduct any hazardous waste-storage, hazardous
12 waste-treatment or hazardous waste-disposal operation:

13 (1) without a RCRA permit for the site issued by the
14 Agency under subsection (d) of Section 39 of this Act, or
15 in violation of any condition imposed by such permit,
16 including periodic reports and full access to adequate
17 records and the inspection of facilities, as may be
18 necessary to assure compliance with this Act and with
19 regulations and standards adopted thereunder; or

20 (2) in violation of any regulations or standards
21 adopted by the Board under this Act; or

22 (3) in violation of any RCRA permit filing requirement
23 established under standards adopted by the Board under this
24 Act; or

25 (4) in violation of any order adopted by the Board
26 under this Act.

27 Notwithstanding the above, no RCRA permit shall be required
28 under this subsection or subsection (d) of Section 39 of this
29 Act for any person engaged in agricultural activity who is
30 disposing of a substance which has been identified as a
31 hazardous waste, and which has been designated by Board
32 regulations as being subject to this exception, if the
33 substance was acquired for use by that person on his own
34 property and the substance is disposed of on his own property

1 in accordance with regulations or standards adopted by the
2 Board.

3 (g) Conduct any hazardous waste-transportation operation:

4 (1) without registering with and obtaining a permit
5 from the Agency in accordance with the Uniform Program
6 implemented under subsection (1-5) of Section 22.2; or

7 (2) in violation of any regulations or standards
8 adopted by the Board under this Act.

9 (h) Conduct any hazardous waste-recycling or hazardous
10 waste-reclamation or hazardous waste-reuse operation in
11 violation of any regulations, standards or permit requirements
12 adopted by the Board under this Act.

13 (i) Conduct any process or engage in any act which produces
14 hazardous waste in violation of any regulations or standards
15 adopted by the Board under subsections (a) and (c) of Section
16 22.4 of this Act.

17 (j) Conduct any special waste transportation operation in
18 violation of any regulations, standards or permit requirements
19 adopted by the Board under this Act. However, sludge from a
20 water or sewage treatment plant owned and operated by a unit of
21 local government which (1) is subject to a sludge management
22 plan approved by the Agency or a permit granted by the Agency,
23 and (2) has been tested and determined not to be a hazardous
24 waste as required by applicable State and federal laws and
25 regulations, may be transported in this State without a special
26 waste hauling permit, and the preparation and carrying of a
27 manifest shall not be required for such sludge under the rules
28 of the Pollution Control Board. The unit of local government
29 which operates the treatment plant producing such sludge shall
30 file a semiannual report with the Agency identifying the volume
31 of such sludge transported during the reporting period, the
32 hauler of the sludge, and the disposal sites to which it was
33 transported. This subsection (j) shall not apply to hazardous
34 waste.

1 (k) Fail or refuse to pay any fee imposed under this Act.

2 (l) Locate a hazardous waste disposal site above an active
3 or inactive shaft or tunneled mine or within 2 miles of an
4 active fault in the earth's crust. In counties of population
5 less than 225,000 no hazardous waste disposal site shall be
6 located (1) within 1 1/2 miles of the corporate limits as
7 defined on June 30, 1978, of any municipality without the
8 approval of the governing body of the municipality in an
9 official action; or (2) within 1000 feet of an existing private
10 well or the existing source of a public water supply measured
11 from the boundary of the actual active permitted site and
12 excluding existing private wells on the property of the permit
13 applicant. The provisions of this subsection do not apply to
14 publicly-owned sewage works or the disposal or utilization of
15 sludge from publicly-owned sewage works.

16 (m) Transfer interest in any land which has been used as a
17 hazardous waste disposal site without written notification to
18 the Agency of the transfer and to the transferee of the
19 conditions imposed by the Agency upon its use under subsection
20 (g) of Section 39.

21 (n) Use any land which has been used as a hazardous waste
22 disposal site except in compliance with conditions imposed by
23 the Agency under subsection (g) of Section 39.

24 (o) Conduct a sanitary landfill operation which is required
25 to have a permit under subsection (d) of this Section, in a
26 manner which results in any of the following conditions:

27 (1) refuse in standing or flowing waters;

28 (2) leachate flows entering waters of the State;

29 (3) leachate flows exiting the landfill confines (as
30 determined by the boundaries established for the landfill
31 by a permit issued by the Agency);

32 (4) open burning of refuse in violation of Section 9 of
33 this Act;

34 (5) uncovered refuse remaining from any previous

1 operating day or at the conclusion of any operating day,
2 unless authorized by permit;

3 (6) failure to provide final cover within time limits
4 established by Board regulations;

5 (7) acceptance of wastes without necessary permits;

6 (8) scavenging as defined by Board regulations;

7 (9) deposition of refuse in any unpermitted portion of
8 the landfill;

9 (10) acceptance of a special waste without a required
10 manifest;

11 (11) failure to submit reports required by permits or
12 Board regulations;

13 (12) failure to collect and contain litter from the
14 site by the end of each operating day;

15 (13) failure to submit any cost estimate for the site
16 or any performance bond or other security for the site as
17 required by this Act or Board rules.

18 The prohibitions specified in this subsection (o) shall be
19 enforceable by the Agency either by administrative citation
20 under Section 31.1 of this Act or as otherwise provided by this
21 Act. The specific prohibitions in this subsection do not limit
22 the power of the Board to establish regulations or standards
23 applicable to sanitary landfills.

24 (p) In violation of subdivision (a) of this Section, cause
25 or allow the open dumping of any waste in a manner which
26 results in any of the following occurrences at the dump site:

27 (1) litter;

28 (2) scavenging;

29 (3) open burning;

30 (4) deposition of waste in standing or flowing waters;

31 (5) proliferation of disease vectors;

32 (6) standing or flowing liquid discharge from the dump
33 site;

34 (7) deposition of:

1 (i) general construction or demolition debris as
2 defined in Section 3.160(a) of this Act; or

3 (ii) clean construction or demolition debris as
4 defined in Section 3.160(b) of this Act.

5 The prohibitions specified in this subsection (p) shall be
6 enforceable by the Agency either by administrative citation
7 under Section 31.1 of this Act or as otherwise provided by this
8 Act. The specific prohibitions in this subsection do not limit
9 the power of the Board to establish regulations or standards
10 applicable to open dumping.

11 (q) Conduct a landscape waste composting operation without
12 an Agency permit, provided, however, that no permit shall be
13 required for any person:

14 (1) conducting a landscape waste composting operation
15 for landscape wastes generated by such person's own
16 activities which are stored, treated or disposed of within
17 the site where such wastes are generated; or

18 (2) applying landscape waste or composted landscape
19 waste at agronomic rates; or

20 (3) operating a landscape waste composting facility on
21 a farm, if the facility meets all of the following
22 criteria:

23 (A) the composting facility is operated by the
24 farmer on property on which the composting material is
25 utilized, and the composting facility constitutes no
26 more than 2% of the property's total acreage, except
27 that the Agency may allow a higher percentage for
28 individual sites where the owner or operator has
29 demonstrated to the Agency that the site's soil
30 characteristics or crop needs require a higher rate;

31 (B) the property on which the composting facility
32 is located, and any associated property on which the
33 compost is used, is principally and diligently devoted
34 to the production of agricultural crops and is not

1 owned, leased or otherwise controlled by any waste
2 hauler or generator of nonagricultural compost
3 materials, and the operator of the composting facility
4 is not an employee, partner, shareholder, or in any way
5 connected with or controlled by any such waste hauler
6 or generator;

7 (C) all compost generated by the composting
8 facility is applied at agronomic rates and used as
9 mulch, fertilizer or soil conditioner on land actually
10 farmed by the person operating the composting
11 facility, and the finished compost is not stored at the
12 composting site for a period longer than 18 months
13 prior to its application as mulch, fertilizer, or soil
14 conditioner;

15 (D) the owner or operator, by January 1, 1990 (or
16 the January 1 following commencement of operation,
17 whichever is later) and January 1 of each year
18 thereafter, (i) registers the site with the Agency,
19 (ii) reports to the Agency on the volume of composting
20 material received and used at the site, (iii) certifies
21 to the Agency that the site complies with the
22 requirements set forth in subparagraphs (A), (B) and
23 (C) of this paragraph (q) (3), and (iv) certifies to the
24 Agency that all composting material was placed more
25 than 200 feet from the nearest potable water supply
26 well, was placed outside the boundary of the 10-year
27 floodplain or on a part of the site that is
28 floodproofed, was placed at least 1/4 mile from the
29 nearest residence (other than a residence located on
30 the same property as the facility) and there are not
31 more than 10 occupied non-farm residences within 1/2
32 mile of the boundaries of the site on the date of
33 application, and was placed more than 5 feet above the
34 water table.

1 For the purposes of this subsection (q), "agronomic rates"
2 means the application of not more than 20 tons per acre per
3 year, except that the Agency may allow a higher rate for
4 individual sites where the owner or operator has demonstrated
5 to the Agency that the site's soil characteristics or crop
6 needs require a higher rate.

7 (r) Cause or allow the storage or disposal of coal
8 combustion waste unless:

9 (1) such waste is stored or disposed of at a site or
10 facility for which a permit has been obtained or is not
11 otherwise required under subsection (d) of this Section; or

12 (2) such waste is stored or disposed of as a part of
13 the design and reclamation of a site or facility which is
14 an abandoned mine site in accordance with the Abandoned
15 Mined Lands and Water Reclamation Act; or

16 (3) such waste is stored or disposed of at a site or
17 facility which is operating under NPDES and Subtitle D
18 permits issued by the Agency pursuant to regulations
19 adopted by the Board for mine-related water pollution and
20 permits issued pursuant to the Federal Surface Mining
21 Control and Reclamation Act of 1977 (P.L. 95-87) or the
22 rules and regulations thereunder or any law or rule or
23 regulation adopted by the State of Illinois pursuant
24 thereto, and the owner or operator of the facility agrees
25 to accept the waste; and either

26 (i) such waste is stored or disposed of in
27 accordance with requirements applicable to refuse
28 disposal under regulations adopted by the Board for
29 mine-related water pollution and pursuant to NPDES and
30 Subtitle D permits issued by the Agency under such
31 regulations; or

32 (ii) the owner or operator of the facility
33 demonstrates all of the following to the Agency, and
34 the facility is operated in accordance with the

1 demonstration as approved by the Agency: (1) the
2 disposal area will be covered in a manner that will
3 support continuous vegetation, (2) the facility will
4 be adequately protected from wind and water erosion,
5 (3) the pH will be maintained so as to prevent
6 excessive leaching of metal ions, and (4) adequate
7 containment or other measures will be provided to
8 protect surface water and groundwater from
9 contamination at levels prohibited by this Act, the
10 Illinois Groundwater Protection Act, or regulations
11 adopted pursuant thereto.

12 Notwithstanding any other provision of this Title, the
13 disposal of coal combustion waste pursuant to item (2) or (3)
14 of this subdivision (r) shall be exempt from the other
15 provisions of this Title V, and notwithstanding the provisions
16 of Title X of this Act, the Agency is authorized to grant
17 experimental permits which include provision for the disposal
18 of wastes from the combustion of coal and other materials
19 pursuant to items (2) and (3) of this subdivision (r).

20 (s) After April 1, 1989, offer for transportation,
21 transport, deliver, receive or accept special waste for which a
22 manifest is required, unless the manifest indicates that the
23 fee required under Section 22.8 of this Act has been paid.

24 (t) Cause or allow a lateral expansion of a municipal solid
25 waste landfill unit on or after October 9, 1993, without a
26 permit modification, granted by the Agency, that authorizes the
27 lateral expansion.

28 (u) Conduct any vegetable by-product treatment, storage,
29 disposal or transportation operation in violation of any
30 regulation, standards or permit requirements adopted by the
31 Board under this Act. However, no permit shall be required
32 under this Title V for the land application of vegetable
33 by-products conducted pursuant to Agency permit issued under
34 Title III of this Act to the generator of the vegetable

1 by-products. In addition, vegetable by-products may be
2 transported in this State without a special waste hauling
3 permit, and without the preparation and carrying of a manifest.

4 (v) (Blank).

5 (w) Conduct any generation, transportation, or recycling
6 of construction or demolition debris, clean or general, or
7 uncontaminated soil generated during construction, remodeling,
8 repair, and demolition of utilities, structures, and roads that
9 is not commingled with any waste, without the maintenance of
10 documentation identifying the hauler, generator, place of
11 origin of the debris or soil, the weight or volume of the
12 debris or soil, and the location, owner, and operator of the
13 facility where the debris or soil was transferred, disposed,
14 recycled, or treated. This documentation must be maintained by
15 the generator, transporter, or recycler for 3 years. This
16 subsection (w) shall not apply to (1) a permitted pollution
17 control facility that transfers or accepts construction or
18 demolition debris, clean or general, or uncontaminated soil for
19 final disposal, recycling, or treatment, (2) a public utility
20 (as that term is defined in the Public Utilities Act) or a
21 municipal utility, (3) the Illinois Department of
22 Transportation, or (4) a municipality or a county highway
23 department, with the exception of any municipality or county
24 highway department located within a county having a population
25 of over 3,000,000 inhabitants or located in a county that is
26 contiguous to a county having a population of over 3,000,000
27 inhabitants; but it shall apply to an entity that contracts
28 with a public utility, a municipal utility, the Illinois
29 Department of Transportation, or a municipality or a county
30 highway department. The terms "generation" and "recycling" as
31 used in this subsection do not apply to clean construction or
32 demolition debris when (i) used as fill material below grade
33 outside of a setback zone if covered by sufficient
34 uncontaminated soil to support vegetation within 30 days of the

1 completion of filling or if covered by a road or structure,
2 (ii) solely broken concrete without protruding metal bars is
3 used for erosion control, or (iii) milled asphalt or crushed
4 concrete is used as aggregate in construction of the shoulder
5 of a roadway. The terms "generation" and "recycling", as used
6 in this subsection, do not apply to uncontaminated soil that is
7 not commingled with any waste when (i) used as fill material
8 below grade or contoured to grade, or (ii) used at the site of
9 generation. The terms "generation" and "recycling", as used in
10 this subsection, do not apply to broken concrete with
11 protruding metal bars that do not protrude more than 2 feet if
12 covered with sufficient soil materials to sustain vegetation or
13 if covered by a road or structure.

14 (Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.)".