



Rep. Roger L. Eddy

**Filed: 3/13/2007**

09500HB0613ham001

LRB095 07230 RAS 33405 a

1 AMENDMENT TO HOUSE BILL 613

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 613 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Private Sewage Disposal Licensing Act is  
5 amended by changing Section 4 as follows:

6 (225 ILCS 225/4) (from Ch. 111 1/2, par. 116.304)

7 Sec. 4. (a) After January 1, 1974, no person or private  
8 sewage disposal system contractor may construct, install,  
9 modify, repair, maintain, or service a private sewage disposal  
10 system or transport and dispose of waste removed therefrom, in  
11 such a manner that does not comply with the requirements of  
12 this Act and the private sewage disposal code promulgated  
13 hereunder by the Department. A person who owns and occupies a  
14 single family dwelling and who constructs, installs,  
15 maintains, services or cleans the private sewage disposal  
16 system which serves his single family residence shall not be

1 required to be licensed under this Act, however, such person  
2 shall comply with all other provisions of this Act and the  
3 private sewage disposal code promulgated hereunder by the  
4 Department.

5 Any person who constructs, installs, repairs, modifies, or  
6 maintains a private sewage disposal system, other than a system  
7 which serves his own single family residence, shall be licensed  
8 by the Department as a Private Sewage System Installation  
9 Contractor and any person who cleans or pumps waste from a  
10 private sewage disposal system, other than a system which  
11 serves his own single family residence, or hauls or disposes of  
12 wastes removed therefrom shall be licensed by the Department as  
13 a Private Sewage Disposal System Pumping Contractor in  
14 accordance with this Act.

15 (b) No new private sewage disposal system shall be  
16 installed by any person until drawings, specifications and  
17 other information requested by the Department are submitted to  
18 and reviewed by the Department and found to comply with the  
19 private sewage disposal code, and until approval for the  
20 installation of such system is issued by the Department.

21 (c) The licensing requirements of this Act shall not apply  
22 to any person who cleans or pumps, hauls or disposes of waste  
23 from chemical toilets located in an underground coal mine. This  
24 waste shall be (i) transported to and disposed of at a sewage  
25 treatment facility permitted by the Illinois Environmental  
26 Protection Agency and located on the mine property, or (ii)

1 stored on-site in a sanitary manner pending removal and  
2 subsequent disposal by a licensed private sewage disposal  
3 pumping contractor.

4 (d) Every owner of a discharging private sewage disposal  
5 system must provide satisfactory proof to the Department of the  
6 filing of a "Notice of Intent" with the Environmental  
7 Protection Agency, unless the private sewage disposal system  
8 does not enter the navigable waters of the State or surface  
9 waters that are tributary to navigable waters of the State.

10 (Source: P.A. 86-1195.)

11 Section 10. The Environmental Protection Act is amended by  
12 changing Section 39 as follows:

13 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

14 Sec. 39. Issuance of permits; procedures.

15 (a) When the Board has by regulation required a permit for  
16 the construction, installation, or operation of any type of  
17 facility, equipment, vehicle, vessel, or aircraft, the  
18 applicant shall apply to the Agency for such permit and it  
19 shall be the duty of the Agency to issue such a permit upon  
20 proof by the applicant that the facility, equipment, vehicle,  
21 vessel, or aircraft will not cause a violation of this Act or  
22 of regulations hereunder. The Agency shall adopt such  
23 procedures as are necessary to carry out its duties under this  
24 Section. In making its determinations on permit applications

1 under this Section the Agency may consider prior adjudications  
2 of noncompliance with this Act by the applicant that involved a  
3 release of a contaminant into the environment. In granting  
4 permits, the Agency may impose reasonable conditions  
5 specifically related to the applicant's past compliance  
6 history with this Act as necessary to correct, detect, or  
7 prevent noncompliance. The Agency may impose such other  
8 conditions as may be necessary to accomplish the purposes of  
9 this Act, and as are not inconsistent with the regulations  
10 promulgated by the Board hereunder. Except as otherwise  
11 provided in this Act, a bond or other security shall not be  
12 required as a condition for the issuance of a permit. If the  
13 Agency denies any permit under this Section, the Agency shall  
14 transmit to the applicant within the time limitations of this  
15 Section specific, detailed statements as to the reasons the  
16 permit application was denied. Such statements shall include,  
17 but not be limited to the following:

18 (i) the Sections of this Act which may be violated if  
19 the permit were granted;

20 (ii) the provision of the regulations, promulgated  
21 under this Act, which may be violated if the permit were  
22 granted;

23 (iii) the specific type of information, if any, which  
24 the Agency deems the applicant did not provide the Agency;  
25 and

26 (iv) a statement of specific reasons why the Act and

1 the regulations might not be met if the permit were  
2 granted.

3 If there is no final action by the Agency within 90 days  
4 after the filing of the application for permit, the applicant  
5 may deem the permit issued; except that this time period shall  
6 be extended to 180 days when (1) notice and opportunity for  
7 public hearing are required by State or federal law or  
8 regulation, (2) the application which was filed is for any  
9 permit to develop a landfill subject to issuance pursuant to  
10 this subsection, or (3) the application that was filed is for a  
11 MSWLF unit required to issue public notice under subsection (p)  
12 of Section 39. The 90-day and 180-day time periods for the  
13 Agency to take final action do not apply to NPDES permit  
14 applications under subsection (b) of this Section, to RCRA  
15 permit applications under subsection (d) of this Section, or to  
16 UIC permit applications under subsection (e) of this Section.

17 The Agency shall publish notice of all final permit  
18 determinations for development permits for MSWLF units and for  
19 significant permit modifications for lateral expansions for  
20 existing MSWLF units one time in a newspaper of general  
21 circulation in the county in which the unit is or is proposed  
22 to be located.

23 After January 1, 1994 and until July 1, 1998, operating  
24 permits issued under this Section by the Agency for sources of  
25 air pollution permitted to emit less than 25 tons per year of  
26 any combination of regulated air pollutants, as defined in

1 Section 39.5 of this Act, shall be required to be renewed only  
2 upon written request by the Agency consistent with applicable  
3 provisions of this Act and regulations promulgated hereunder.  
4 Such operating permits shall expire 180 days after the date of  
5 such a request. The Board shall revise its regulations for the  
6 existing State air pollution operating permit program  
7 consistent with this provision by January 1, 1994.

8 After June 30, 1998, operating permits issued under this  
9 Section by the Agency for sources of air pollution that are not  
10 subject to Section 39.5 of this Act and are not required to  
11 have a federally enforceable State operating permit shall be  
12 required to be renewed only upon written request by the Agency  
13 consistent with applicable provisions of this Act and its  
14 rules. Such operating permits shall expire 180 days after the  
15 date of such a request. Before July 1, 1998, the Board shall  
16 revise its rules for the existing State air pollution operating  
17 permit program consistent with this paragraph and shall adopt  
18 rules that require a source to demonstrate that it qualifies  
19 for a permit under this paragraph.

20 (b) The Agency may issue NPDES permits exclusively under  
21 this subsection for the discharge of contaminants from point  
22 sources into navigable waters, all as defined in the Federal  
23 Water Pollution Control Act, as now or hereafter amended,  
24 within the jurisdiction of the State, or into any well.

25 All NPDES permits shall contain those terms and conditions,  
26 including but not limited to schedules of compliance, which may

1 be required to accomplish the purposes and provisions of this  
2 Act.

3 The Agency may issue general NPDES permits for discharges  
4 from categories of point sources which are subject to the same  
5 permit limitations and conditions. Such general permits may be  
6 issued without individual applications and shall conform to  
7 regulations promulgated under Section 402 of the Federal Water  
8 Pollution Control Act, as now or hereafter amended.

9 The Agency may include, among such conditions, effluent  
10 limitations and other requirements established under this Act,  
11 Board regulations, the Federal Water Pollution Control Act, as  
12 now or hereafter amended, and regulations pursuant thereto, and  
13 schedules for achieving compliance therewith at the earliest  
14 reasonable date.

15 The Agency shall adopt filing requirements and procedures  
16 which are necessary and appropriate for the issuance of NPDES  
17 permits, and which are consistent with the Act or regulations  
18 adopted by the Board, and with the Federal Water Pollution  
19 Control Act, as now or hereafter amended, and regulations  
20 pursuant thereto.

21 The Agency, subject to any conditions which may be  
22 prescribed by Board regulations, may issue NPDES permits to  
23 allow discharges beyond deadlines established by this Act or by  
24 regulations of the Board without the requirement of a variance,  
25 subject to the Federal Water Pollution Control Act, as now or  
26 hereafter amended, and regulations pursuant thereto.

1       (b-5) Notwithstanding any provision of this Act or any rule  
2 adopted by the Agency in accordance with this Act, every owner  
3 of a discharging private sewage disposal system that enters the  
4 navigable waters of the State or surface waters that are  
5 tributary to navigable waters of the State must file a "Notice  
6 of Intent" with the Agency to allow coverage of the system  
7 under the blanket NPDES permit of the State.

8       (c) Except for those facilities owned or operated by  
9 sanitary districts organized under the Metropolitan Water  
10 Reclamation District Act, no permit for the development or  
11 construction of a new pollution control facility may be granted  
12 by the Agency unless the applicant submits proof to the Agency  
13 that the location of the facility has been approved by the  
14 County Board of the county if in an unincorporated area, or the  
15 governing body of the municipality when in an incorporated  
16 area, in which the facility is to be located in accordance with  
17 Section 39.2 of this Act.

18       In the event that siting approval granted pursuant to  
19 Section 39.2 has been transferred to a subsequent owner or  
20 operator, that subsequent owner or operator may apply to the  
21 Agency for, and the Agency may grant, a development or  
22 construction permit for the facility for which local siting  
23 approval was granted. Upon application to the Agency for a  
24 development or construction permit by that subsequent owner or  
25 operator, the permit applicant shall cause written notice of  
26 the permit application to be served upon the appropriate county



1 board or governing body of the municipality that granted siting  
2 approval for that facility and upon any party to the siting  
3 proceeding pursuant to which siting approval was granted. In  
4 that event, the Agency shall conduct an evaluation of the  
5 subsequent owner or operator's prior experience in waste  
6 management operations in the manner conducted under subsection  
7 (i) of Section 39 of this Act.

8 Beginning August 20, 1993, if the pollution control  
9 facility consists of a hazardous or solid waste disposal  
10 facility for which the proposed site is located in an  
11 unincorporated area of a county with a population of less than  
12 100,000 and includes all or a portion of a parcel of land that  
13 was, on April 1, 1993, adjacent to a municipality having a  
14 population of less than 5,000, then the local siting review  
15 required under this subsection (c) in conjunction with any  
16 permit applied for after that date shall be performed by the  
17 governing body of that adjacent municipality rather than the  
18 county board of the county in which the proposed site is  
19 located; and for the purposes of that local siting review, any  
20 references in this Act to the county board shall be deemed to  
21 mean the governing body of that adjacent municipality;  
22 provided, however, that the provisions of this paragraph shall  
23 not apply to any proposed site which was, on April 1, 1993,  
24 owned in whole or in part by another municipality.

25 In the case of a pollution control facility for which a  
26 development permit was issued before November 12, 1981, if an

1 operating permit has not been issued by the Agency prior to  
2 August 31, 1989 for any portion of the facility, then the  
3 Agency may not issue or renew any development permit nor issue  
4 an original operating permit for any portion of such facility  
5 unless the applicant has submitted proof to the Agency that the  
6 location of the facility has been approved by the appropriate  
7 county board or municipal governing body pursuant to Section  
8 39.2 of this Act.

9 After January 1, 1994, if a solid waste disposal facility,  
10 any portion for which an operating permit has been issued by  
11 the Agency, has not accepted waste disposal for 5 or more  
12 consecutive calendars years, before that facility may accept  
13 any new or additional waste for disposal, the owner and  
14 operator must obtain a new operating permit under this Act for  
15 that facility unless the owner and operator have applied to the  
16 Agency for a permit authorizing the temporary suspension of  
17 waste acceptance. The Agency may not issue a new operation  
18 permit under this Act for the facility unless the applicant has  
19 submitted proof to the Agency that the location of the facility  
20 has been approved or re-approved by the appropriate county  
21 board or municipal governing body under Section 39.2 of this  
22 Act after the facility ceased accepting waste.

23 Except for those facilities owned or operated by sanitary  
24 districts organized under the Metropolitan Water Reclamation  
25 District Act, and except for new pollution control facilities  
26 governed by Section 39.2, and except for fossil fuel mining

1 facilities, the granting of a permit under this Act shall not  
2 relieve the applicant from meeting and securing all necessary  
3 zoning approvals from the unit of government having zoning  
4 jurisdiction over the proposed facility.

5 Before beginning construction on any new sewage treatment  
6 plant or sludge drying site to be owned or operated by a  
7 sanitary district organized under the Metropolitan Water  
8 Reclamation District Act for which a new permit (rather than  
9 the renewal or amendment of an existing permit) is required,  
10 such sanitary district shall hold a public hearing within the  
11 municipality within which the proposed facility is to be  
12 located, or within the nearest community if the proposed  
13 facility is to be located within an unincorporated area, at  
14 which information concerning the proposed facility shall be  
15 made available to the public, and members of the public shall  
16 be given the opportunity to express their views concerning the  
17 proposed facility.

18 The Agency may issue a permit for a municipal waste  
19 transfer station without requiring approval pursuant to  
20 Section 39.2 provided that the following demonstration is made:

21 (1) the municipal waste transfer station was in  
22 existence on or before January 1, 1979 and was in  
23 continuous operation from January 1, 1979 to January 1,  
24 1993;

25 (2) the operator submitted a permit application to the  
26 Agency to develop and operate the municipal waste transfer

1 station during April of 1994;

2 (3) the operator can demonstrate that the county board  
3 of the county, if the municipal waste transfer station is  
4 in an unincorporated area, or the governing body of the  
5 municipality, if the station is in an incorporated area,  
6 does not object to resumption of the operation of the  
7 station; and

8 (4) the site has local zoning approval.

9 (d) The Agency may issue RCRA permits exclusively under  
10 this subsection to persons owning or operating a facility for  
11 the treatment, storage, or disposal of hazardous waste as  
12 defined under this Act.

13 All RCRA permits shall contain those terms and conditions,  
14 including but not limited to schedules of compliance, which may  
15 be required to accomplish the purposes and provisions of this  
16 Act. The Agency may include among such conditions standards and  
17 other requirements established under this Act, Board  
18 regulations, the Resource Conservation and Recovery Act of 1976  
19 (P.L. 94-580), as amended, and regulations pursuant thereto,  
20 and may include schedules for achieving compliance therewith as  
21 soon as possible. The Agency shall require that a performance  
22 bond or other security be provided as a condition for the  
23 issuance of a RCRA permit.

24 In the case of a permit to operate a hazardous waste or PCB  
25 incinerator as defined in subsection (k) of Section 44, the  
26 Agency shall require, as a condition of the permit, that the

1 operator of the facility perform such analyses of the waste to  
2 be incinerated as may be necessary and appropriate to ensure  
3 the safe operation of the incinerator.

4 The Agency shall adopt filing requirements and procedures  
5 which are necessary and appropriate for the issuance of RCRA  
6 permits, and which are consistent with the Act or regulations  
7 adopted by the Board, and with the Resource Conservation and  
8 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations  
9 pursuant thereto.

10 The applicant shall make available to the public for  
11 inspection all documents submitted by the applicant to the  
12 Agency in furtherance of an application, with the exception of  
13 trade secrets, at the office of the county board or governing  
14 body of the municipality. Such documents may be copied upon  
15 payment of the actual cost of reproduction during regular  
16 business hours of the local office. The Agency shall issue a  
17 written statement concurrent with its grant or denial of the  
18 permit explaining the basis for its decision.

19 (e) The Agency may issue UIC permits exclusively under this  
20 subsection to persons owning or operating a facility for the  
21 underground injection of contaminants as defined under this  
22 Act.

23 All UIC permits shall contain those terms and conditions,  
24 including but not limited to schedules of compliance, which may  
25 be required to accomplish the purposes and provisions of this  
26 Act. The Agency may include among such conditions standards and

1 other requirements established under this Act, Board  
2 regulations, the Safe Drinking Water Act (P.L. 93-523), as  
3 amended, and regulations pursuant thereto, and may include  
4 schedules for achieving compliance therewith. The Agency shall  
5 require that a performance bond or other security be provided  
6 as a condition for the issuance of a UIC permit.

7 The Agency shall adopt filing requirements and procedures  
8 which are necessary and appropriate for the issuance of UIC  
9 permits, and which are consistent with the Act or regulations  
10 adopted by the Board, and with the Safe Drinking Water Act  
11 (P.L. 93-523), as amended, and regulations pursuant thereto.

12 The applicant shall make available to the public for  
13 inspection, all documents submitted by the applicant to the  
14 Agency in furtherance of an application, with the exception of  
15 trade secrets, at the office of the county board or governing  
16 body of the municipality. Such documents may be copied upon  
17 payment of the actual cost of reproduction during regular  
18 business hours of the local office. The Agency shall issue a  
19 written statement concurrent with its grant or denial of the  
20 permit explaining the basis for its decision.

21 (f) In making any determination pursuant to Section 9.1 of  
22 this Act:

23 (1) The Agency shall have authority to make the  
24 determination of any question required to be determined by  
25 the Clean Air Act, as now or hereafter amended, this Act,  
26 or the regulations of the Board, including the

1 determination of the Lowest Achievable Emission Rate,  
2 Maximum Achievable Control Technology, or Best Available  
3 Control Technology, consistent with the Board's  
4 regulations, if any.

5 (2) The Agency shall, after conferring with the  
6 applicant, give written notice to the applicant of its  
7 proposed decision on the application including the terms  
8 and conditions of the permit to be issued and the facts,  
9 conduct or other basis upon which the Agency will rely to  
10 support its proposed action.

11 (3) Following such notice, the Agency shall give the  
12 applicant an opportunity for a hearing in accordance with  
13 the provisions of Sections 10-25 through 10-60 of the  
14 Illinois Administrative Procedure Act.

15 (g) The Agency shall include as conditions upon all permits  
16 issued for hazardous waste disposal sites such restrictions  
17 upon the future use of such sites as are reasonably necessary  
18 to protect public health and the environment, including  
19 permanent prohibition of the use of such sites for purposes  
20 which may create an unreasonable risk of injury to human health  
21 or to the environment. After administrative and judicial  
22 challenges to such restrictions have been exhausted, the Agency  
23 shall file such restrictions of record in the Office of the  
24 Recorder of the county in which the hazardous waste disposal  
25 site is located.

26 (h) A hazardous waste stream may not be deposited in a

1 permitted hazardous waste site unless specific authorization  
2 is obtained from the Agency by the generator and disposal site  
3 owner and operator for the deposit of that specific hazardous  
4 waste stream. The Agency may grant specific authorization for  
5 disposal of hazardous waste streams only after the generator  
6 has reasonably demonstrated that, considering technological  
7 feasibility and economic reasonableness, the hazardous waste  
8 cannot be reasonably recycled for reuse, nor incinerated or  
9 chemically, physically or biologically treated so as to  
10 neutralize the hazardous waste and render it nonhazardous. In  
11 granting authorization under this Section, the Agency may  
12 impose such conditions as may be necessary to accomplish the  
13 purposes of the Act and are consistent with this Act and  
14 regulations promulgated by the Board hereunder. If the Agency  
15 refuses to grant authorization under this Section, the  
16 applicant may appeal as if the Agency refused to grant a  
17 permit, pursuant to the provisions of subsection (a) of Section  
18 40 of this Act. For purposes of this subsection (h), the term  
19 "generator" has the meaning given in Section 3.205 of this Act,  
20 unless: (1) the hazardous waste is treated, incinerated, or  
21 partially recycled for reuse prior to disposal, in which case  
22 the last person who treats, incinerates, or partially recycles  
23 the hazardous waste prior to disposal is the generator; or (2)  
24 the hazardous waste is from a response action, in which case  
25 the person performing the response action is the generator.  
26 This subsection (h) does not apply to any hazardous waste that



1 is restricted from land disposal under 35 Ill. Adm. Code 728.

2 (i) Before issuing any RCRA permit, any permit for a waste  
3 storage site, sanitary landfill, waste disposal site, waste  
4 transfer station, waste treatment facility, waste incinerator,  
5 or any waste-transportation operation, or any permit or interim  
6 authorization for a clean construction or demolition debris  
7 fill operation, the Agency shall conduct an evaluation of the  
8 prospective owner's or operator's prior experience in waste  
9 management operations and clean construction or demolition  
10 debris fill operations. The Agency may deny such a permit, or  
11 deny or revoke interim authorization, if the prospective owner  
12 or operator or any employee or officer of the prospective owner  
13 or operator has a history of:

14 (1) repeated violations of federal, State, or local  
15 laws, regulations, standards, or ordinances in the  
16 operation of waste management facilities or sites or clean  
17 construction or demolition debris fill operation  
18 facilities or sites; or

19 (2) conviction in this or another State of any crime  
20 which is a felony under the laws of this State, or  
21 conviction of a felony in a federal court; or conviction in  
22 this or another state or federal court of any of the  
23 following crimes: forgery, official misconduct, bribery,  
24 perjury, or knowingly submitting false information under  
25 any environmental law, regulation, or permit term or  
26 condition; or

1           (3) proof of gross carelessness or incompetence in  
2           handling, storing, processing, transporting or disposing  
3           of waste or clean construction or demolition debris, or  
4           proof of gross carelessness or incompetence in using clean  
5           construction or demolition debris as fill.

6           (i-5) Before issuing any permit or approving any interim  
7           authorization for a clean construction or demolition debris  
8           fill operation in which any ownership interest is transferred  
9           between January 1, 2005, and the effective date of the  
10          prohibition set forth in Section 22.52 of this Act, the Agency  
11          shall conduct an evaluation of the operation if any previous  
12          activities at the site or facility may have caused or allowed  
13          contamination of the site. It shall be the responsibility of  
14          the owner or operator seeking the permit or interim  
15          authorization to provide to the Agency all of the information  
16          necessary for the Agency to conduct its evaluation. The Agency  
17          may deny a permit or interim authorization if previous  
18          activities at the site may have caused or allowed contamination  
19          at the site, unless such contamination is authorized under any  
20          permit issued by the Agency.

21          (j) The issuance under this Act of a permit to engage in  
22          the surface mining of any resources other than fossil fuels  
23          shall not relieve the permittee from its duty to comply with  
24          any applicable local law regulating the commencement, location  
25          or operation of surface mining facilities.

26          (k) A development permit issued under subsection (a) of

1 Section 39 for any facility or site which is required to have a  
2 permit under subsection (d) of Section 21 shall expire at the  
3 end of 2 calendar years from the date upon which it was issued,  
4 unless within that period the applicant has taken action to  
5 develop the facility or the site. In the event that review of  
6 the conditions of the development permit is sought pursuant to  
7 Section 40 or 41, or permittee is prevented from commencing  
8 development of the facility or site by any other litigation  
9 beyond the permittee's control, such two-year period shall be  
10 deemed to begin on the date upon which such review process or  
11 litigation is concluded.

12 (l) No permit shall be issued by the Agency under this Act  
13 for construction or operation of any facility or site located  
14 within the boundaries of any setback zone established pursuant  
15 to this Act, where such construction or operation is  
16 prohibited.

17 (m) The Agency may issue permits to persons owning or  
18 operating a facility for composting landscape waste. In  
19 granting such permits, the Agency may impose such conditions as  
20 may be necessary to accomplish the purposes of this Act, and as  
21 are not inconsistent with applicable regulations promulgated  
22 by the Board. Except as otherwise provided in this Act, a bond  
23 or other security shall not be required as a condition for the  
24 issuance of a permit. If the Agency denies any permit pursuant  
25 to this subsection, the Agency shall transmit to the applicant  
26 within the time limitations of this subsection specific,

1 detailed statements as to the reasons the permit application  
2 was denied. Such statements shall include but not be limited to  
3 the following:

4 (1) the Sections of this Act that may be violated if  
5 the permit were granted;

6 (2) the specific regulations promulgated pursuant to  
7 this Act that may be violated if the permit were granted;

8 (3) the specific information, if any, the Agency deems  
9 the applicant did not provide in its application to the  
10 Agency; and

11 (4) a statement of specific reasons why the Act and the  
12 regulations might be violated if the permit were granted.

13 If no final action is taken by the Agency within 90 days  
14 after the filing of the application for permit, the applicant  
15 may deem the permit issued. Any applicant for a permit may  
16 waive the 90 day limitation by filing a written statement with  
17 the Agency.

18 The Agency shall issue permits for such facilities upon  
19 receipt of an application that includes a legal description of  
20 the site, a topographic map of the site drawn to the scale of  
21 200 feet to the inch or larger, a description of the operation,  
22 including the area served, an estimate of the volume of  
23 materials to be processed, and documentation that:

24 (1) the facility includes a setback of at least 200  
25 feet from the nearest potable water supply well;

26 (2) the facility is located outside the boundary of the

1 10-year floodplain or the site will be floodproofed;

2 (3) the facility is located so as to minimize  
3 incompatibility with the character of the surrounding  
4 area, including at least a 200 foot setback from any  
5 residence, and in the case of a facility that is developed  
6 or the permitted composting area of which is expanded after  
7 November 17, 1991, the composting area is located at least  
8 1/8 mile from the nearest residence (other than a residence  
9 located on the same property as the facility);

10 (4) the design of the facility will prevent any compost  
11 material from being placed within 5 feet of the water  
12 table, will adequately control runoff from the site, and  
13 will collect and manage any leachate that is generated on  
14 the site;

15 (5) the operation of the facility will include  
16 appropriate dust and odor control measures, limitations on  
17 operating hours, appropriate noise control measures for  
18 shredding, chipping and similar equipment, management  
19 procedures for composting, containment and disposal of  
20 non-compostable wastes, procedures to be used for  
21 terminating operations at the site, and recordkeeping  
22 sufficient to document the amount of materials received,  
23 composted and otherwise disposed of; and

24 (6) the operation will be conducted in accordance with  
25 any applicable rules adopted by the Board.

26 The Agency shall issue renewable permits of not longer than

1 10 years in duration for the composting of landscape wastes, as  
2 defined in Section 3.155 of this Act, based on the above  
3 requirements.

4 The operator of any facility permitted under this  
5 subsection (m) must submit a written annual statement to the  
6 Agency on or before April 1 of each year that includes an  
7 estimate of the amount of material, in tons, received for  
8 composting.

9 (n) The Agency shall issue permits jointly with the  
10 Department of Transportation for the dredging or deposit of  
11 material in Lake Michigan in accordance with Section 18 of the  
12 Rivers, Lakes, and Streams Act.

13 (o) (Blank.)

14 (p) (1) Any person submitting an application for a permit  
15 for a new MSWLF unit or for a lateral expansion under  
16 subsection (t) of Section 21 of this Act for an existing MSWLF  
17 unit that has not received and is not subject to local siting  
18 approval under Section 39.2 of this Act shall publish notice of  
19 the application in a newspaper of general circulation in the  
20 county in which the MSWLF unit is or is proposed to be located.  
21 The notice must be published at least 15 days before submission  
22 of the permit application to the Agency. The notice shall state  
23 the name and address of the applicant, the location of the  
24 MSWLF unit or proposed MSWLF unit, the nature and size of the  
25 MSWLF unit or proposed MSWLF unit, the nature of the activity  
26 proposed, the probable life of the proposed activity, the date

1 the permit application will be submitted, and a statement that  
2 persons may file written comments with the Agency concerning  
3 the permit application within 30 days after the filing of the  
4 permit application unless the time period to submit comments is  
5 extended by the Agency.

6 When a permit applicant submits information to the Agency  
7 to supplement a permit application being reviewed by the  
8 Agency, the applicant shall not be required to reissue the  
9 notice under this subsection.

10 (2) The Agency shall accept written comments concerning the  
11 permit application that are postmarked no later than 30 days  
12 after the filing of the permit application, unless the time  
13 period to accept comments is extended by the Agency.

14 (3) Each applicant for a permit described in part (1) of  
15 this subsection shall file a copy of the permit application  
16 with the county board or governing body of the municipality in  
17 which the MSWLF unit is or is proposed to be located at the  
18 same time the application is submitted to the Agency. The  
19 permit application filed with the county board or governing  
20 body of the municipality shall include all documents submitted  
21 to or to be submitted to the Agency, except trade secrets as  
22 determined under Section 7.1 of this Act. The permit  
23 application and other documents on file with the county board  
24 or governing body of the municipality shall be made available  
25 for public inspection during regular business hours at the  
26 office of the county board or the governing body of the

1 municipality and may be copied upon payment of the actual cost  
2 of reproduction.

3 (Source: P.A. 93-575, eff. 1-1-04; 94-272, eff. 7-19-05;  
4 94-725, eff. 6-1-06.)".