



Sen. Dale A. Righter

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1 AMENDMENT TO HOUSE BILL 3728

2 AMENDMENT NO. _____. Amend House Bill 3728 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 Sections 3 and 7 as follows:

6 (225 ILCS 225/3) (from Ch. 111 1/2, par. 116.303)

7 Sec. 3. As used in this Act, unless the context otherwise
8 requires:

9 (1) "Domestic Sewage" means waste water derived
10 principally from dwellings, business or office buildings,
11 institutions, food service establishments, and similar
12 facilities.

13 (2) "Director" means Director of the Illinois Department of
14 Public Health.

15 (3) "Department" means the Illinois Department of Public
16 Health.

1 (4) "Human Wastes" means undigested food and by-products of
2 metabolism which are passed out of the human body.

3 (5) "Person" means any individual, group of individuals,
4 association, trust, partnership, corporation, person doing
5 business under an assumed name, the State of Illinois or any
6 Department thereof, or any other entity.

7 (6) "Population Equivalent" means an average waste loading
8 equivalent to that produced by one person which is defined as
9 100 gallons per day.

10 (7) "Private Sewage Disposal System" means any sewage
11 handling or treatment facility receiving domestic sewage from
12 less than 15 people or population equivalent and having a
13 ground surface discharge or any sewage handling or treatment
14 facility receiving domestic sewage and having no ground surface
15 discharge.

16 (8) "Private Sewage Disposal System Installation
17 Contractor" means any person constructing, installing,
18 repairing, modifying, or maintaining private sewage disposal
19 systems.

20 (9) "Property Owner" means the person in whose name legal
21 title to the real estate is recorded.

22 (10) "Waste" means either human waste or domestic sewage or
23 both.

24 (11) "Private Sewage Disposal System Pumping Contractor"
25 means any person who cleans or pumps waste from a private
26 sewage disposal system or hauls or disposes of wastes removed

1 therefrom.

2 (12) "NPDES" means the National Pollutant Discharge
3 Elimination System.

4 (13) "Surface discharging private sewage disposal system"
5 means a sewage disposal system that discharges into waters of
6 the United States, as that term is used in the Federal Clean
7 Water Act.

8 (Source: P.A. 84-670.)

9 (225 ILCS 225/7) (from Ch. 111 1/2, par. 116.307)

10 Sec. 7.

11 (a) The Department shall promulgate and publish and may
12 from time to time amend a private sewage disposal code which
13 shall include minimum standards for the design, construction,
14 materials, operation and maintenance of private sewage
15 disposal systems, for the transportation and disposal of wastes
16 removed therefrom and for private sewage disposal system
17 servicing equipment. In the preparation of the private sewage
18 disposal code, the Department may consult with and request
19 technical assistance from other state agencies, and shall
20 consult with other technically qualified persons and with
21 owners and operators of such services. Such technically
22 qualified persons shall include representatives of the real
23 estate, development, and building industries.

24 (b) The Department is expressly prohibited from amending
25 the private sewage disposal code by rule if there are increases

1 in the land density requirements. Amendments that increase the
2 land density requirements must be approved by the Illinois
3 General Assembly.

4 (c) Beginning January 1, 2008, an owner of a surface
5 discharging private sewage disposal system must file a Notice
6 of Intent with the Environmental Protection Agency to allow
7 coverage of the system under the State's General NPDES permit.

8 (1) No fee may be charged for the NPDES Permit required
9 in this subsection.

10 (2) An owner of a newly installed surface discharging
11 private sewage disposal system, installed on or after
12 January 1, 2008, shall demonstrate maintenance and
13 compliance on the Notice of Intent. Samples and
14 measurements shall be required no more frequently than one
15 time annually and shall be representative of the monitored
16 activity. Additional sampling may only be required by the
17 Illinois Environmental Protection Agency as a result of
18 non-compliance with the issued NPDES permit.

19 (3) An owner of a surface discharging private sewage
20 disposal system installed before January 1, 2008 shall file
21 a Notice of Intent with the Environmental Protection Agency
22 to allow coverage of the system under the General NPDES
23 permit of the State. Maintenance and compliance activities
24 may be required only as a result of ownership transfer or
25 water pollution as defined in the Environmental Protection
26 Act.

1 (d) Except as provided in subsection (c) of this Section,
2 before ~~Before~~ the adoption or amendment of the private sewage
3 disposal code, the Department shall hold a public hearing with
4 respect thereto. At least 20 days' notice for such public
5 hearing shall be given by the Department in such manner as the
6 Department considers adequate to bring such hearing to the
7 attention of persons interested in such code. Notice of such
8 public hearing shall be given by the Department to those who
9 file a request for a notice of any such hearings.

10 (Source: P.A. 88-690, eff. 1-24-95.)

11 Section 10. The Environmental Protection Act is amended by
12 changing Section 39 and by adding Section 3.487 as follows:

13 (415 ILCS 5/3.487 new)

14 Sec. 3.487. Surface discharging private sewage disposal
15 system. "Surface discharging private sewage disposal system"
16 means a sewage disposal system that discharges into waters of
17 the United States as that term is used in the Federal Clean
18 Water Act.

19 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

20 Sec. 39. Issuance of permits; procedures.

21 (a) When the Board has by regulation required a permit for
22 the construction, installation, or operation of any type of
23 facility, equipment, vehicle, vessel, or aircraft, the

1 applicant shall apply to the Agency for such permit and it
2 shall be the duty of the Agency to issue such a permit upon
3 proof by the applicant that the facility, equipment, vehicle,
4 vessel, or aircraft will not cause a violation of this Act or
5 of regulations hereunder. The Agency shall adopt such
6 procedures as are necessary to carry out its duties under this
7 Section. In making its determinations on permit applications
8 under this Section the Agency may consider prior adjudications
9 of noncompliance with this Act by the applicant that involved a
10 release of a contaminant into the environment. In granting
11 permits, the Agency may impose reasonable conditions
12 specifically related to the applicant's past compliance
13 history with this Act as necessary to correct, detect, or
14 prevent noncompliance. The Agency may impose such other
15 conditions as may be necessary to accomplish the purposes of
16 this Act, and as are not inconsistent with the regulations
17 promulgated by the Board hereunder. Except as otherwise
18 provided in this Act, a bond or other security shall not be
19 required as a condition for the issuance of a permit. If the
20 Agency denies any permit under this Section, the Agency shall
21 transmit to the applicant within the time limitations of this
22 Section specific, detailed statements as to the reasons the
23 permit application was denied. Such statements shall include,
24 but not be limited to the following:

- 25 (i) the Sections of this Act which may be violated if
26 the permit were granted;

1 (ii) the provision of the regulations, promulgated
2 under this Act, which may be violated if the permit were
3 granted;

4 (iii) the specific type of information, if any, which
5 the Agency deems the applicant did not provide the Agency;
6 and

7 (iv) a statement of specific reasons why the Act and
8 the regulations might not be met if the permit were
9 granted.

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

24 The Agency shall publish notice of all final permit
25 determinations for development permits for MSWLF units and for
26 significant permit modifications for lateral expansions for

1 existing MSWLF units one time in a newspaper of general
2 circulation in the county in which the unit is or is proposed
3 to be located.

4 After January 1, 1994 and until July 1, 1998, operating
5 permits issued under this Section by the Agency for sources of
6 air pollution permitted to emit less than 25 tons per year of
7 any combination of regulated air pollutants, as defined in
8 Section 39.5 of this Act, shall be required to be renewed only
9 upon written request by the Agency consistent with applicable
10 provisions of this Act and regulations promulgated hereunder.
11 Such operating permits shall expire 180 days after the date of
12 such a request. The Board shall revise its regulations for the
13 existing State air pollution operating permit program
14 consistent with this provision by January 1, 1994.

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

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

6 All NPDES permits shall contain those terms and conditions,
7 including but not limited to schedules of compliance, which may
8 be required to accomplish the purposes and provisions of this
9 Act.

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

16 The Agency may include, among such conditions, effluent
17 limitations and other requirements established under this Act,
18 Board regulations, the Federal Water Pollution Control Act, as
19 now or hereafter amended, and regulations pursuant thereto, and
20 schedules for achieving compliance therewith at the earliest
21 reasonable date.

22 The Agency shall adopt filing requirements and procedures
23 which are necessary and appropriate for the issuance of NPDES
24 permits, and which are consistent with the Act or regulations
25 adopted by the Board, and with the Federal Water Pollution
26 Control Act, as now or hereafter amended, and regulations

1 pursuant thereto.

2 The Agency, subject to any conditions which may be
3 prescribed by Board regulations, may issue NPDES permits to
4 allow discharges beyond deadlines established by this Act or by
5 regulations of the Board without the requirement of a variance,
6 subject to the Federal Water Pollution Control Act, as now or
7 hereafter amended, and regulations pursuant thereto.

8 Notwithstanding any provision of this Act or any rule
9 adopted by the Agency in accordance with this Act, beginning
10 January 1, 2008 an owner of a surface discharging private
11 sewage disposal system must file a Notice of Intent with the
12 Agency to allow coverage of the system under the State's
13 General NPDES permit.

14 (1) No fee may be charged for the NPDES permit required
15 in this subsection.

16 (2) An owner of a newly installed surface discharging
17 private sewage disposal system, installed on or after
18 January 1, 2008, shall demonstrate maintenance and
19 compliance on the Notice of Intent. Samples and
20 measurements shall be required no more frequently than one
21 time annually and shall be representative of the monitored
22 activity. Additional sampling may only be required by the
23 Agency as a result of non-compliance with the issued NPDES
24 permit.

25 (3) An owner of a surface discharging private sewage
26 disposal system installed before January 1, 2008 shall file

1 a Notice of Intent with the Agency to allow coverage of the
2 system under the General NPDES permit of the State.
3 Maintenance and compliance activities may be required only
4 as a result of ownership transfer or water pollution as
5 defined in Section 3.545 of this Act.

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

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

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

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

23 In the case of a pollution control facility for which a
24 development permit was issued before November 12, 1981, if an
25 operating permit has not been issued by the Agency prior to
26 August 31, 1989 for any portion of the facility, then the

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

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

21 Except for those facilities owned or operated by sanitary
22 districts organized under the Metropolitan Water Reclamation
23 District Act, and except for new pollution control facilities
24 governed by Section 39.2, and except for fossil fuel mining
25 facilities, the granting of a permit under this Act shall not
26 relieve the applicant from meeting and securing all necessary

1 zoning approvals from the unit of government having zoning
2 jurisdiction over the proposed facility.

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

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

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

23 (2) the operator submitted a permit application to the
24 Agency to develop and operate the municipal waste transfer
25 station during April of 1994;

26 (3) the operator can demonstrate that the county board

1 of the county, if the municipal waste transfer station is
2 in an unincorporated area, or the governing body of the
3 municipality, if the station is in an incorporated area,
4 does not object to resumption of the operation of the
5 station; and

6 (4) the site has local zoning approval.

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

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

22 In the case of a permit to operate a hazardous waste or PCB
23 incinerator as defined in subsection (k) of Section 44, the
24 Agency shall require, as a condition of the permit, that the
25 operator of the facility perform such analyses of the waste to
26 be incinerated as may be necessary and appropriate to ensure

1 the safe operation of the incinerator.

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

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

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

21 All UIC permits shall contain those terms and conditions,
22 including but not limited to schedules of compliance, which may
23 be required to accomplish the purposes and provisions of this
24 Act. The Agency may include among such conditions standards and
25 other requirements established under this Act, Board
26 regulations, the Safe Drinking Water Act (P.L. 93-523), as

1 amended, and regulations pursuant thereto, and may include
2 schedules for achieving compliance therewith. The Agency shall
3 require that a performance bond or other security be provided
4 as a condition for the issuance of a UIC permit.

5 The Agency shall adopt filing requirements and procedures
6 which are necessary and appropriate for the issuance of UIC
7 permits, and which are consistent with the Act or regulations
8 adopted by the Board, and with the Safe Drinking Water Act
9 (P.L. 93-523), as amended, and regulations 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 (f) In making any determination pursuant to Section 9.1 of
20 this Act:

21 (1) The Agency shall have authority to make the
22 determination of any question required to be determined by
23 the Clean Air Act, as now or hereafter amended, this Act,
24 or the regulations of the Board, including the
25 determination of the Lowest Achievable Emission Rate,
26 Maximum Achievable Control Technology, or Best Available

1 Control Technology, consistent with the Board's
2 regulations, if any.

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

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

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

24 (h) A hazardous waste stream may not be deposited in a
25 permitted hazardous waste site unless specific authorization
26 is obtained from the Agency by the generator and disposal site

1 owner and operator for the deposit of that specific hazardous
2 waste stream. The Agency may grant specific authorization for
3 disposal of hazardous waste streams only after the generator
4 has reasonably demonstrated that, considering technological
5 feasibility and economic reasonableness, the hazardous waste
6 cannot be reasonably recycled for reuse, nor incinerated or
7 chemically, physically or biologically treated so as to
8 neutralize the hazardous waste and render it nonhazardous. In
9 granting authorization under this Section, the Agency may
10 impose such conditions as may be necessary to accomplish the
11 purposes of the Act and are consistent with this Act and
12 regulations promulgated by the Board hereunder. If the Agency
13 refuses to grant authorization under this Section, the
14 applicant may appeal as if the Agency refused to grant a
15 permit, pursuant to the provisions of subsection (a) of Section
16 40 of this Act. For purposes of this subsection (h), the term
17 "generator" has the meaning given in Section 3.205 of this Act,
18 unless: (1) the hazardous waste is treated, incinerated, or
19 partially recycled for reuse prior to disposal, in which case
20 the last person who treats, incinerates, or partially recycles
21 the hazardous waste prior to disposal is the generator; or (2)
22 the hazardous waste is from a response action, in which case
23 the person performing the response action is the generator.
24 This subsection (h) does not apply to any hazardous waste that
25 is restricted from land disposal under 35 Ill. Adm. Code 728.

26 (i) Before issuing any RCRA permit, any permit for a waste

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

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

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

25 (3) proof of gross carelessness or incompetence in
26 handling, storing, processing, transporting or disposing

1 of waste or clean construction or demolition debris, or
2 proof of gross carelessness or incompetence in using clean
3 construction or demolition debris as fill.

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

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

24 (k) A development permit issued under subsection (a) of
25 Section 39 for any facility or site which is required to have a
26 permit under subsection (d) of Section 21 shall expire at the

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

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

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

1 the following:

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

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

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

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

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

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

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

24 (2) the facility is located outside the boundary of the
25 10-year floodplain or the site will be floodproofed;

26 (3) the facility is located so as to minimize

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

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

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

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

24 The Agency shall issue renewable permits of not longer than
25 10 years in duration for the composting of landscape wastes, as
26 defined in Section 3.155 of this Act, based on the above

1 requirements.

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

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

11 (o) (Blank.)

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

1 the permit application within 30 days after the filing of the
2 permit application unless the time period to submit comments is
3 extended by the Agency.

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

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

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

1 (Source: P.A. 93-575, eff. 1-1-04; 94-272, eff. 7-19-05;
2 94-725, eff. 6-1-06.)

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