



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1262

Introduced 2/9/2007, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.15

from Ch. 111 1/2, par. 1022.15

Amends the Environmental Protection Act. Provides that moneys from the local fund, containing revenues from fees, surcharges, or taxes collected for permanent disposal of solid waste, may be transferred to the county general fund, of the county in which the fees, taxes, or surcharges were collected, for public safety expenditures including, but not limited to, county jail operations, county jail construction and renovations, and county sheriff patrol functions if: (i) the local fund exceeds \$4,000,000 for 4 consecutive years and (ii) the county board approves the transfer.

LRB095 09906 CMK 30117 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 22.15 as follows:

6 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

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

8 (a) There is hereby created within the State Treasury a
9 special fund to be known as the "Solid Waste Management Fund",
10 to be constituted from the fees collected by the State pursuant
11 to this Section and from repayments of loans made from the Fund
12 for solid waste projects. Moneys received by the Department of
13 Commerce and Economic Opportunity in repayment of loans made
14 pursuant to the Illinois Solid Waste Management Act shall be
15 deposited into the General Revenue Fund.

16 (b) The Agency shall assess and collect a fee in the amount
17 set forth herein from the owner or operator of each sanitary
18 landfill permitted or required to be permitted by the Agency to
19 dispose of solid waste if the sanitary landfill is located off
20 the site where such waste was produced and if such sanitary
21 landfill is owned, controlled, and operated by a person other
22 than the generator of such waste. The Agency shall deposit all
23 fees collected into the Solid Waste Management Fund. If a site

1 is contiguous to one or more landfills owned or operated by the
2 same person, the volumes permanently disposed of by each
3 landfill shall be combined for purposes of determining the fee
4 under this subsection.

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

16 (2) If more than 100,000 cubic yards but not more than
17 150,000 cubic yards of non-hazardous waste is permanently
18 disposed of at a site in a calendar year, the owner or
19 operator shall pay a fee of \$52,630.

20 (3) If more than 50,000 cubic yards but not more than
21 100,000 cubic yards of non-hazardous solid waste is
22 permanently disposed of at a site in a calendar year, the
23 owner or operator shall pay a fee of \$23,790.

24 (4) If more than 10,000 cubic yards but not more than
25 50,000 cubic yards of non-hazardous solid waste is
26 permanently disposed of at a site in a calendar year, the

1 owner or operator shall pay a fee of \$7,260.

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

6 (c) (Blank.)

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

10 (1) necessary records identifying the quantities of
11 solid waste received or disposed;

12 (2) the form and submission of reports to accompany the
13 payment of fees to the Agency;

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

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

20 (e) Pursuant to appropriation, all monies in the Solid
21 Waste Management Fund shall be used by the Agency and the
22 Department of Commerce and Economic Opportunity for the
23 purposes set forth in this Section and in the Illinois Solid
24 Waste Management Act, including for the costs of fee collection
25 and administration.

26 (f) The Agency is authorized to enter into such agreements

1 and to promulgate such rules as are necessary to carry out its
2 duties under this Section and the Illinois Solid Waste
3 Management Act.

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

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

14 (i) The Agency is authorized to support the operations of
15 an industrial materials exchange service, and to conduct
16 household waste collection and disposal programs.

17 (j) A unit of local government, as defined in the Local
18 Solid Waste Disposal Act, in which a solid waste disposal
19 facility is located may establish a fee, tax, or surcharge with
20 regard to the permanent disposal of solid waste. All fees,
21 taxes, and surcharges collected under this subsection shall be
22 utilized for solid waste management purposes, including
23 long-term monitoring and maintenance of landfills, planning,
24 implementation, inspection, enforcement and other activities
25 consistent with the Solid Waste Management Act and the Local
26 Solid Waste Disposal Act, or for any other environment-related

1 purpose, including but not limited to an environment-related
2 public works project, but not for the construction of a new
3 pollution control facility other than a household hazardous
4 waste facility. However, the total fee, tax or surcharge
5 imposed by all units of local government under this subsection
6 (j) upon the solid waste disposal facility shall not exceed:

7 (1) 60¢ per cubic yard if more than 150,000 cubic yards
8 of non-hazardous solid waste is permanently disposed of at
9 the site in a calendar year, unless the owner or operator
10 weighs the quantity of the solid waste received with a
11 device for which certification has been obtained under the
12 Weights and Measures Act, in which case the fee shall not
13 exceed \$1.27 per ton of solid waste permanently disposed
14 of.

15 (2) \$33,350 if more than 100,000 cubic yards, but not
16 more than 150,000 cubic yards, of non-hazardous waste is
17 permanently disposed of at the site in a calendar year.

18 (3) \$15,500 if more than 50,000 cubic yards, but not
19 more than 100,000 cubic yards, of non-hazardous solid waste
20 is permanently disposed of at the site in a calendar year.

21 (4) \$4,650 if more than 10,000 cubic yards, but not
22 more than 50,000 cubic yards, of non-hazardous solid waste
23 is permanently disposed of at the site in a calendar year.

24 (5) \$650 if not more than 10,000 cubic yards of
25 non-hazardous solid waste is permanently disposed of at the
26 site in a calendar year.

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

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

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

1 The fees, taxes or surcharges collected under this
2 subsection (j) shall be placed by the unit of local government
3 in a separate fund, and the interest received on the moneys in
4 the fund shall be credited to the fund. The monies in the fund
5 may be accumulated over a period of years to be expended in
6 accordance with this subsection. Moneys from the local fund may
7 be transferred to the county general fund, of the county in
8 which the fees, taxes, or surcharges were collected, for public
9 safety expenditures including, but not limited to, county jail
10 operations, county jail construction and renovations, and
11 county sheriff patrol functions if: (i) the local fund exceeds
12 \$4,000,000 for 4 consecutive years and (ii) the county board
13 approves the transfer.

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

19 (1) The total monies collected pursuant to this
20 subsection.

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

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

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

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

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

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

19 (1) Waste which is hazardous waste; or

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

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

26 (4) Non-hazardous solid waste that is received at a

1 sanitary landfill and composted or recycled through a
2 process permitted by the Agency; or

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

6 (Source: P.A. 93-32, eff. 7-1-03; 94-91, eff. 7-1-05.)