



Rep. Michael J. Zalewski

Filed: 4/20/2021

10200HB1866ham002

LRB102 16347 CPF 25343 a

1 AMENDMENT TO HOUSE BILL 1866

2 AMENDMENT NO. _____. Amend House Bill 1866, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Environmental Protection Act is amended by
6 changing Sections 22.15, 22.38, and 22.44 as follows:

7 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

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

9 (a) There is hereby created within the State Treasury a
10 special fund to be known as the Solid Waste Management Fund, to
11 be constituted from the fees collected by the State pursuant
12 to this Section, from repayments of loans made from the Fund
13 for solid waste projects, from registration fees collected
14 pursuant to the Consumer Electronics Recycling Act, and from
15 amounts transferred into the Fund pursuant to Public Act
16 100-433. Moneys received by the Department of Commerce and

1 Economic Opportunity in repayment of loans made pursuant to
2 the Illinois Solid Waste Management Act shall be deposited
3 into the General Revenue Fund.

4 (b) The Agency shall assess and collect a fee in the amount
5 set forth herein from the owner or operator of each sanitary
6 landfill permitted or required to be permitted by the Agency
7 to dispose of solid waste if the sanitary landfill is located
8 off the site where such waste was produced and if such sanitary
9 landfill is owned, controlled, and operated by a person other
10 than the generator of such waste. The Agency shall deposit all
11 fees collected into the Solid Waste Management Fund. If a site
12 is contiguous to one or more landfills owned or operated by the
13 same person, the volumes permanently disposed of by each
14 landfill shall be combined for purposes of determining the fee
15 under this subsection. Beginning on July 1, 2018, and on the
16 first day of each month thereafter during fiscal years 2019
17 through 2021, the State Comptroller shall direct and State
18 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
19 per fiscal year from the Solid Waste Management Fund to the
20 General Revenue Fund.

21 (1) If more than 150,000 cubic yards of non-hazardous
22 solid waste is permanently disposed of at a site in a
23 calendar year, the owner or operator shall either pay a
24 fee of 95 cents per cubic yard or, alternatively, the
25 owner or operator may weigh the quantity of the solid
26 waste permanently disposed of with a device for which

1 certification has been obtained under the Weights and
2 Measures Act and pay a fee of \$2.00 per ton of solid waste
3 permanently disposed of. In no case shall the fee
4 collected or paid by the owner or operator under this
5 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

6 (2) If more than 100,000 cubic yards but not more than
7 150,000 cubic yards of non-hazardous waste is permanently
8 disposed of at a site in a calendar year, the owner or
9 operator shall pay a fee of \$52,630.

10 (3) If more than 50,000 cubic yards but not more than
11 100,000 cubic yards of non-hazardous solid waste is
12 permanently disposed of at a site in a calendar year, the
13 owner or operator shall pay a fee of \$23,790.

14 (4) If more than 10,000 cubic yards but not more than
15 50,000 cubic yards of non-hazardous solid waste is
16 permanently disposed of at a site in a calendar year, the
17 owner or operator shall pay a fee of \$7,260.

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

22 (c) (Blank).

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

26 (1) necessary records identifying the quantities of

1 solid waste received or disposed;

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

4 (3) the time and manner of payment of fees to the
5 Agency, which payments shall not be more often than
6 quarterly; and

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

10 (e) Pursuant to appropriation, all monies in the Solid
11 Waste Management Fund shall be used by the Agency and the
12 Department of Commerce and Economic Opportunity for the
13 purposes set forth in this Section and in the Illinois Solid
14 Waste Management Act, including for the costs of fee
15 collection and administration, and for the administration of
16 (1) the Consumer Electronics Recycling Act and (2) until
17 January 1, 2020, the Electronic Products Recycling and Reuse
18 Act.

19 (f) The Agency is authorized to enter into such agreements
20 and to promulgate such rules as are necessary to carry out its
21 duties under this Section and the Illinois Solid Waste
22 Management Act.

23 (g) On the first day of January, April, July, and October
24 of each year, beginning on July 1, 1996, the State Comptroller
25 and Treasurer shall transfer \$500,000 from the Solid Waste
26 Management Fund to the Hazardous Waste Fund. Moneys

1 transferred under this subsection (g) shall be used only for
2 the purposes set forth in item (1) of subsection (d) of Section
3 22.2.

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

8 (i) The Agency is authorized to conduct household waste
9 collection and disposal programs.

10 (j) A unit of local government, as defined in the Local
11 Solid Waste Disposal Act, in which a solid waste disposal
12 facility is located may establish a fee, tax, or surcharge
13 with regard to the permanent disposal of solid waste. All
14 fees, taxes, and surcharges collected under this subsection
15 shall be utilized for solid waste management purposes,
16 including long-term monitoring and maintenance of landfills,
17 planning, implementation, inspection, enforcement and other
18 activities consistent with the Solid Waste Management Act and
19 the Local Solid Waste Disposal Act, or for any other
20 environment-related purpose, including but not limited to an
21 environment-related public works project, but not for the
22 construction of a new pollution control facility other than a
23 household hazardous waste facility. However, the total fee,
24 tax or surcharge imposed by all units of local government
25 under this subsection (j) upon the solid waste disposal
26 facility shall not exceed:

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

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

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

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

19 (5) \$650 if not more than 10,000 cubic yards of
20 non-hazardous solid waste is permanently disposed of at
21 the site in a calendar year.

22 The corporate authorities of the unit of local government
23 may use proceeds from the fee, tax, or surcharge to reimburse a
24 highway commissioner whose road district lies wholly or
25 partially within the corporate limits of the unit of local
26 government for expenses incurred in the removal of

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

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

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

24 The fees, taxes or surcharges collected under this
25 subsection (j) shall be placed by the unit of local government
26 in a separate fund, and the interest received on the moneys in

1 the fund shall be credited to the fund. The monies in the fund
2 may be accumulated over a period of years to be expended in
3 accordance with this subsection.

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

9 (1) The total monies collected pursuant to this
10 subsection.

11 (2) The most current balance of monies collected
12 pursuant to this subsection.

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

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

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

19 The exemptions granted under Sections 22.16 and 22.16a,
20 and under subsection (k) of this Section, shall be applicable
21 to any fee, tax or surcharge imposed under this subsection
22 (j); except that the fee, tax or surcharge authorized to be
23 imposed under this subsection (j) may be made applicable by a
24 unit of local government to the permanent disposal of solid
25 waste after December 31, 1986, under any contract lawfully
26 executed before June 1, 1986 under which more than 150,000

1 cubic yards (or 50,000 tons) of solid waste is to be
2 permanently disposed of, even though the waste is exempt from
3 the fee imposed by the State under subsection (b) of this
4 Section pursuant to an exemption granted under Section 22.16.

5 (k) ~~The~~ In accordance with the findings and purposes of
6 ~~the Illinois Solid Waste Management Act, beginning January 1,~~
7 ~~1989~~ the fee under subsection (b) ~~and the fee, tax or surcharge~~
8 ~~under subsection (j)~~ shall not apply to:

9 (1) waste which is hazardous waste;

10 (2) waste which is pollution control waste;

11 (3) waste from recycling, reclamation or reuse
12 processes which have been approved by the Agency as being
13 designed to remove any contaminant from wastes so as to
14 render such wastes reusable, provided that the process
15 renders at least 50% of the waste reusable;

16 (4) non-hazardous solid waste that is received at a
17 sanitary landfill and composted or recycled through a
18 process permitted by the Agency; ~~or~~

19 (5) any landfill which is permitted by the Agency to
20 receive only demolition or construction debris or
21 landscape waste; ~~or~~

22 (6) beginning January 1, 2022, waste from a facility
23 operating under Section 22.38 that is processed for use as
24 a product at a landfill; however, the exemption under this
25 paragraph (6) may not be claimed on more than 18% of the
26 total general construction and demolition debris accepted

1 by the facility during each calendar quarter. All
2 remaining waste from the facility shall be subject to 50%
3 of the fee under subsection (b).

4 (1) The fee, tax, or surcharge under subsection (j) shall
5 not apply to:

6 (1) waste that is hazardous waste;

7 (2) waste that is pollution control waste;

8 (3) waste from a recycling, reclamation, or reuse
9 process that has been approved by the Agency as being
10 designed to remove any contaminant from waste so as to
11 render such waste reusable, provided that the process
12 renders at least 50% of the waste reusable;

13 (4) non-hazardous solid waste that is received at a
14 sanitary landfill and composted or recycled through a
15 process permitted by the Agency;

16 (5) any landfill that is permitted by the Agency to
17 receive only demolition or construction debris or
18 landscape waste; or

19 (6) waste from a facility operating under Section
20 22.38.

21 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;
22 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
23 8-14-18; 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

24 (415 ILCS 5/22.38)

25 Sec. 22.38. Construction or demolition debris recovery

1 facilities. ~~Facilities accepting exclusively general~~
2 ~~construction or demolition debris for transfer, storage, or~~
3 ~~treatment.~~

4 (a) Construction or demolition debris recovery facilities
5 ~~Facilities accepting exclusively general construction or~~
6 ~~demolition debris for transfer, storage, or treatment~~ shall be
7 subject to local zoning, ordinance, and land use requirements.
8 Those facilities shall be located in accordance with local
9 zoning requirements or, in the absence of local zoning
10 requirements, shall be located so that no part of the facility
11 boundary is closer than 1,320 feet from the nearest property
12 zoned for primarily residential use.

13 (b) An owner or operator of a construction or demolition
14 debris recovery facility ~~accepting exclusively general~~
15 ~~construction or demolition debris for transfer, storage, or~~
16 ~~treatment~~ shall:

17 (1) Within 48 hours after receipt of the general
18 construction or demolition debris at the facility:~~7~~

19 (A) sort the general construction or demolition
20 debris to separate the recyclable general construction
21 or demolition debris, ~~recovered wood that is processed~~
22 ~~for use as fuel,~~ and general construction or
23 demolition debris that is processed for use as a
24 product at a landfill from the non-recyclable general
25 construction or demolition debris that is to be
26 disposed of or discarded; and~~.~~

1 (B) process the recyclable general construction or
2 demolition debris and general construction or
3 demolition debris that is processed for use as a
4 product at a landfill.

5 (2) Transport off site for disposal, in accordance
6 with all applicable federal, State, and local requirements
7 within 72 hours after its receipt at the facility, all
8 non-usable or non-recyclable general construction or
9 demolition debris that is not recyclable general
10 construction or demolition debris, ~~recovered wood that is~~
11 ~~processed for use as fuel,~~ or general construction or
12 demolition debris that is processed for use as a product
13 at a landfill.

14 (3) Ensure ~~Limit the percentage of incoming~~
15 ~~non-recyclable general construction or demolition debris~~
16 ~~to 25% or less of the total incoming general construction~~
17 ~~or demolition debris,~~ so that 35% ~~75%~~ or more of the
18 general construction or demolition debris accepted, as
19 calculated monthly on a rolling 12-month average, consists
20 of recyclable general construction or demolition debris,
21 ~~recovered wood that is processed for use as fuel, or~~
22 ~~general construction or demolition debris that is~~
23 ~~processed for use at a landfill except that general~~
24 ~~construction or demolition debris processed for use at a~~
25 ~~landfill shall not exceed 35% of the general construction~~
26 ~~or demolition debris accepted on a rolling 12 month~~

1 ~~average~~ basis. The percentage ~~percentages~~ in this
2 paragraph (3) ~~of subsection (b)~~ shall be calculated by
3 weight, using scales located at the facility that are
4 certified under the Weights and Measures Act.

5 (4) Up to ~~Within~~ 6 months after its receipt at the
6 facility, transport:

7 (A) all non-putrescible recyclable general
8 construction or demolition debris for recycling or
9 disposal; and

10 (B) all non-putrescible general construction or
11 demolition debris that is transported ~~processed for~~
12 ~~use at a landfill~~ to a MSWLF unit for use as a product
13 or disposal.

14 (5) Within 45 days after its receipt at the facility,
15 transport:

16 (A) all putrescible or combustible recyclable
17 general construction or demolition debris (excluding
18 recovered wood that is processed for use as fuel) for
19 recycling or disposal;

20 (B) all recovered wood that is processed for use
21 as fuel to an intermediate processing facility for
22 sizing, to a combustion facility for use as fuel, or to
23 a disposal facility; and

24 (C) all putrescible general construction or
25 demolition debris that is transported to ~~processed for~~
26 ~~use at a landfill~~ to a MSWLF unit for use as a product

1 or disposal.

2 (6) Employ tagging and recordkeeping procedures to (i)
3 demonstrate compliance with this Section and (ii) identify
4 the source and transporter of material accepted by the
5 facility. Records must be kept for a minimum of 3 years and
6 shall include, but shall not be limited to, information
7 regarding the total quantity of general construction or
8 demolition debris accepted, the total quantity of
9 recyclable general construction or demolition debris
10 transported from the facility, and the facility's
11 compliance with paragraphs (3) and (16) of this subsection
12 (b).

13 (7) Control odor, noise, combustion of materials,
14 disease vectors, dust, and litter.

15 (8) Control, manage, and dispose of any storm water
16 runoff and leachate generated at the facility in
17 accordance with applicable federal, State, and local
18 requirements.

19 (9) Control access to the facility.

20 (10) Comply with all applicable federal, State, or
21 local requirements for the handling, storage,
22 transportation, or disposal of asbestos-containing
23 material or other material brought to ~~accepted at~~ the
24 facility that is not general construction or demolition
25 debris.

26 (11) Prior to August 24, 2009 (the effective date of

1 Public Act 96-611), submit to the Agency at least 30 days
2 prior to the initial acceptance of general construction or
3 demolition debris at the facility, on forms provided by
4 the Agency, the following information:

5 (A) the name, address, and telephone number of
6 both the facility owner and operator;

7 (B) the street address and location of the
8 facility;

9 (C) a description of facility operations;

10 (D) a description of the tagging and recordkeeping
11 procedures the facility will employ to (i) demonstrate
12 compliance with this Section and (ii) identify the
13 source and transporter of any material accepted by the
14 facility;

15 (E) the name and location of the disposal sites to
16 be used for the disposal of any general construction
17 or demolition debris received at the facility that
18 must be disposed of;

19 (F) the name and location of an individual,
20 facility, or business to which recyclable materials
21 will be transported;

22 (G) the name and location of intermediate
23 processing facilities or combustion facilities to
24 which recovered wood that is processed for use as fuel
25 will be transported; and

26 (H) other information as specified on the form

1 provided by the Agency.

2 (12) On or after August 24, 2009 (the effective date
3 of Public Act 96-611), obtain a permit issued by the
4 Agency prior to the initial acceptance of general
5 construction or demolition debris at the facility.

6 When any of the information contained or processes
7 described in the initial notification form submitted to
8 the Agency under paragraph (11) of subsection (b) of this
9 Section changes, the owner and operator shall submit an
10 updated form within 14 days of the change.

11 (13) On or before April 15, 2022, and on or before each
12 April 15, July 15, October 15, and January 15 thereafter,
13 provide a report to the Agency, on forms provided by the
14 Agency, that includes the following:

15 (A) The total quantity of general construction or
16 demolition debris accepted at the facility during the
17 preceding calendar quarter, in tons or cubic yards.

18 (B) The total quantity of recyclable general
19 construction or demolition debris transported from the
20 facility during the preceding calendar quarter, in
21 tons or cubic yards.

22 (C) The total quantity of recyclable general
23 construction or demolition debris transported to a
24 facility operating under Section 22.51.

25 (D) The facility's compliance with paragraph (3)
26 of this subsection (b).

1 (14) Not accept waste other than general construction
2 or demolition debris.

3 (15) Use best practices to remove gypsum wallboard
4 from other general construction or demolition debris to
5 the greatest extent possible so that prior to any
6 mechanical processing of the general construction or
7 demolition debris load such material can be recycled and
8 removed from fine screen material to the greatest extent
9 possible.

10 (16) Test fine screened material for sulfur as
11 approved in a permit issued by the Agency.

12 (17) Limit the percentage of general construction or
13 demolition debris that is transported to a facility
14 operating under Section 22.51 to no more than 5% of the
15 general construction or demolition debris accepted on a
16 rolling 12-month average basis. The percentage in this
17 paragraph (17) shall be calculated by weight, using scales
18 located at the facility that are certified under the
19 Weights and Measures Act.

20 (18) Not transport fine screened material to a
21 facility operating under Section 22.51.

22 (c) For purposes of this Section, the term "recyclable
23 general construction or demolition debris" means (i) general
24 construction or demolition debris that has been rendered
25 reusable and is reused or that would otherwise be disposed of
26 or discarded but is collected, separated, or processed and

1 returned to the economic mainstream in the form of raw
2 materials or products or (ii) recovered wood that is processed
3 for use as fuel. "Recyclable general construction or
4 demolition debris" does not include (i) general construction
5 or demolition debris other than recovered wood that is
6 processed for use as fuel, incinerated, burned, buried, or
7 otherwise used as fill material or (ii) general construction
8 or demolition debris that is processed for use as a product at
9 a landfill.

10 (d) For purposes of this Section, "construction or
11 demolition debris recovery facility" means a facility that
12 accepts exclusively general construction or demolition debris
13 to sort, separate, and process it to recover material for
14 recycling, reclamation, or reuse ~~"treatment" means processing~~
15 ~~designed to alter the physical nature of the general~~
16 ~~construction or demolition debris, including but not limited~~
17 ~~to size reduction, crushing, grinding, or homogenization, but~~
18 ~~does not include processing designed to change the chemical~~
19 ~~nature of the general construction or demolition debris.~~

20 (e) For purposes of this Section, "recovered wood that is
21 processed for use as fuel" means wood that has been salvaged
22 from general construction or demolition debris and processed
23 for use as fuel, as authorized by the applicable state or
24 federal environmental regulatory authority, and supplied only
25 to intermediate processing facilities for sizing, or to
26 combustion facilities for use as fuel, that have obtained all

1 necessary waste management and air permits for handling and
2 combustion of the fuel.

3 (f) For purposes of this Section, "gypsum wallboard" means
4 a panel, also known as drywall, with a gypsum core and faced
5 with a heavy paper or other material on both sides
6 ~~"non recyclable general construction or demolition debris"~~
7 ~~does not include "recovered wood that is processed for use as~~
8 ~~fuel" or general construction or demolition debris that is~~
9 ~~processed for use at a landfill.~~

10 (g) Recyclable general construction or demolition debris,
11 ~~recovered wood that is processed for use as fuel, and general~~
12 ~~construction or demolition debris that is processed for use at~~
13 ~~a landfill~~ shall not be considered as meeting the 35% ~~75%~~
14 diversion requirement for purposes of subdivision (b)(3) of
15 this Section if sent for disposal at the end of the applicable
16 retention period.

17 (h) For the purposes of this Section, "general
18 construction or demolition debris that is processed for use as
19 a product at a landfill" means general construction or
20 demolition debris that is processed for use as a product at a
21 MSWLF unit as alternative daily cover, road building material,
22 or drainage structure building material in accordance with the
23 MSWLF unit's waste disposal permit issued by the Agency under
24 this Act. "General construction or demolition debris that is
25 processed for use as a product at a landfill" may include:

26 (1) bricks, concrete, or other masonry materials;

1 (2) rock;

2 (3) wood;

3 (4) asphalt pavement; and

4 (5) fine screened material.

5 (i) For purposes of the 35% ~~75%~~ diversion requirement
6 under subdivision (b) (3) of this Section, owners and operators
7 of construction or demolition debris recovery facilities
8 ~~accepting exclusively general construction or demolition~~
9 ~~debris for transfer, storage, or treatment~~ may multiply by 2
10 the amount of accepted asphalt roofing shingles that are
11 transferred to a facility for recycling in accordance with a
12 beneficial use determination issued under Section 22.54 of
13 this Act. The owner or operator of the construction or
14 demolition debris recovery facility ~~accepting exclusively~~
15 ~~general construction or demolition debris for transfer,~~
16 ~~storage, or treatment~~ must maintain receipts from the shingle
17 recycling facility that document the amounts of asphalt
18 roofing shingles transferred for recycling in accordance with
19 the beneficial use determination. All receipts must be
20 maintained for a minimum of 3 years and must be made available
21 to the Agency for inspection and copying during normal
22 business hours.

23 (j) For purposes of this Section, "fine screened material"
24 means fine screened material extracted from the processing of
25 general construction or demolition debris, consisting
26 primarily of soil, wood, concrete, drywall, rock, and other

1 miscellaneous material particles, as long as the fine screened
2 material does not contain more than 5% sulfur by weight.

3 (k) The prohibitions and requirements specified in
4 paragraphs (3), (6), (13), and (14) of subsection (b) shall be
5 enforceable by the Agency either by administrative citation
6 under Section 31.1 or as otherwise provided under this Act.

7 (l) A unit of local government, as defined in Section 2 of
8 the Local Solid Waste Disposal Act, in which a construction or
9 demolition debris recovery facility is located may establish a
10 fee, tax, or surcharge with regard to the transfer of solid
11 waste to a landfill from such a facility. All fees, taxes, and
12 surcharges collected under this subsection shall be utilized
13 for solid waste management, sustainability, inspection and
14 enforcement activities, and other activities consistent with
15 the Illinois Solid Waste Management Act, the Solid Waste
16 Planning and Recycling Act, and the Local Solid Waste Disposal
17 Act. However, the total fee, tax, or surcharge imposed by a
18 unit of local government shall not exceed \$1.27 per ton of
19 solid waste taken to a landfill. No single unit of local
20 government may impose a fee, tax, or surcharge authorized
21 under this subsection in a total excess of \$0.64 per ton.
22 General construction and demolition debris recovery facilities
23 shall be responsible for collecting any fee, tax, or surcharge
24 imposed by units of local government and remitting the fee,
25 tax, or surcharge to the applicable unit of local government
26 on a calendar quarterly basis. The Agency shall prepare forms

1 to be used to track and monitor the solid waste taken to
2 landfills for disposal and to calculate the payment of any
3 fee, tax, or surcharge paid to a unit of local government.

4 Any fee, tax, or surcharge collected under this subsection
5 shall be placed by the unit of local government in a separate
6 fund, and the interest received on moneys in the fund shall be
7 credited to the fund. The moneys in the fund may be accumulated
8 over a period of years to be expended in accordance with this
9 subsection.

10 A unit of local government shall prepare and distribute to
11 the Agency, in April each year, a report that details the
12 spending plan for moneys collected in accordance with this
13 subsection. The report shall, at a minimum, include the
14 following:

15 (1) The total moneys collection pursuant to this
16 subsection.

17 (2) The most current balance of moneys collected
18 pursuant to this subsection.

19 (3) An itemized accounting of all moneys expended for
20 the previous year pursuant to this subsection.

21 (4) An estimation of moneys to be collected for the
22 following 3 years pursuant to this subsection.

23 (5) A narrative detailing the general direction and
24 scope of future expenditures pursuant to this subsection.

25 The fee, tax, or surcharge under this subsection shall not
26 apply to the portion of waste from a construction or

1 demolition debris recovery facility that is processed for use
2 as a product at a landfill.

3 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;
4 96-1000, eff. 7-2-10; 97-230, eff. 7-28-11; 97-314, eff.
5 1-1-12; 97-813, eff. 7-13-12.)

6 (415 ILCS 5/22.44)

7 Sec. 22.44. Subtitle D management fees.

8 (a) There is created within the State treasury a special
9 fund to be known as the "Subtitle D Management Fund"
10 constituted from the fees collected by the State under this
11 Section.

12 (b) The Agency shall assess and collect a fee in the amount
13 set forth in this subsection from the owner or operator of each
14 sanitary landfill permitted or required to be permitted by the
15 Agency to dispose of solid waste if the sanitary landfill is
16 located off the site where the waste was produced and if the
17 sanitary landfill is owned, controlled, and operated by a
18 person other than the generator of the waste. The Agency shall
19 deposit all fees collected under this subsection into the
20 Subtitle D Management Fund. If a site is contiguous to one or
21 more landfills owned or operated by the same person, the
22 volumes permanently disposed of by each landfill shall be
23 combined for purposes of determining the fee under this
24 subsection.

25 (1) If more than 150,000 cubic yards of non-hazardous

1 solid waste is permanently disposed of at a site in a
2 calendar year, the owner or operator shall either pay a
3 fee of 10.1 cents per cubic yard or, alternatively, the
4 owner or operator may weigh the quantity of the solid
5 waste permanently disposed of with a device for which
6 certification has been obtained under the Weights and
7 Measures Act and pay a fee of 22 cents per ton of waste
8 permanently disposed of.

9 (2) If more than 100,000 cubic yards, but not more
10 than 150,000 cubic yards, of non-hazardous waste is
11 permanently disposed of at a site in a calendar year, the
12 owner or operator shall pay a fee of \$7,020.

13 (3) If more than 50,000 cubic yards, but not more than
14 100,000 cubic yards, of non-hazardous solid waste is
15 permanently disposed of at a site in a calendar year, the
16 owner or operator shall pay a fee of \$3,120.

17 (4) If more than 10,000 cubic yards, but not more than
18 50,000 cubic yards, of non-hazardous solid waste is
19 permanently disposed of at a site in a calendar year, the
20 owner or operator shall pay a fee of \$975.

21 (5) If not more than 10,000 cubic yards of
22 non-hazardous solid waste is permanently disposed of at a
23 site in a calendar year, the owner or operator shall pay a
24 fee of \$210.

25 (c) The fee under subsection (b) shall not apply to any of
26 the following:

1 (1) Hazardous waste.

2 (2) Pollution control waste.

3 (3) Waste from recycling, reclamation, or reuse
4 processes that have been approved by the Agency as being
5 designed to remove any contaminant from wastes so as to
6 render the wastes reusable, provided that the process
7 renders at least 50% of the waste reusable.

8 (4) Non-hazardous solid waste that is received at a
9 sanitary landfill and composted or recycled through a
10 process permitted by the Agency.

11 (5) Any landfill that is permitted by the Agency to
12 receive only demolition or construction debris or
13 landscape waste.

14 (6) On and after January 1, 2022, waste from a
15 facility operating under Section 22.38 that is processed
16 for use as a product at a landfill. However, the exemption
17 under this paragraph (6) may not be claimed on more than
18 18% of the total general construction and demolition
19 debris accepted by the facility during each calendar
20 quarter. All remaining waste from the facility shall be
21 subject to 50% of the fee under subsection (b).

22 (d) The Agency shall establish rules relating to the
23 collection of the fees authorized by this Section. These rules
24 shall include, but not be limited to the following:

25 (1) Necessary records identifying the quantities of
26 solid waste received or disposed.

1 (2) The form and submission of reports to accompany
2 the payment of fees to the Agency.

3 (3) The time and manner of payment of fees to the
4 Agency, which payments shall not be more often than
5 quarterly.

6 (4) Procedures setting forth criteria establishing
7 when an owner or operator may measure by weight or volume
8 during any given quarter or other fee payment period.

9 (e) Fees collected under this Section shall be in addition
10 to any other fees collected under any other Section.

11 (f) The Agency shall not refund any fee paid to it under
12 this Section.

13 (g) Pursuant to appropriation, all moneys in the Subtitle
14 D Management Fund shall be used by the Agency to administer the
15 United States Environmental Protection Agency's Subtitle D
16 Program provided in Sections 4004 and 4010 of the Resource
17 Conservation and Recovery Act of 1976 (P.L. 94-580) as it
18 relates to a municipal solid waste landfill program in
19 Illinois and to fund a delegation of inspecting,
20 investigating, and enforcement functions, within the
21 municipality only, pursuant to subsection (r) of Section 4 of
22 this Act to a municipality having a population of more than
23 1,000,000 inhabitants. The Agency shall execute a delegation
24 agreement pursuant to subsection (r) of Section 4 of this Act
25 with a municipality having a population of more than 1,000,000
26 inhabitants within 90 days of September 13, 1993 and shall on

1 an annual basis distribute from the Subtitle D Management Fund
2 to that municipality no less than \$150,000. Pursuant to
3 appropriation, moneys in the Subtitle D Management Fund may
4 also be used by the Agency for activities conducted under
5 Section 22.15a of this Act.

6 (Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)".