



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB4846

Introduced 1/27/2022, by Rep. Lawrence Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

|                   |                         |
|-------------------|-------------------------|
| 225 ILCS 230/1004 | from Ch. 111, par. 7854 |
| 225 ILCS 230/1005 | from Ch. 111, par. 7855 |
| 225 ILCS 230/1006 | from Ch. 111, par. 7856 |
| 225 ILCS 230/1007 | from Ch. 111, par. 7857 |
| 225 ILCS 230/1009 | from Ch. 111, par. 7859 |
| 225 ILCS 230/1010 | from Ch. 111, par. 7860 |
| 225 ILCS 230/1011 | from Ch. 111, par. 7861 |
| 225 ILCS 230/1012 | from Ch. 111, par. 7862 |

Amends the Solid Waste Site Operator Certification Law. Creates a Solid Waste Site Operator Certification. Removes provisions concerning Class "A" and Class "B" Solid Waste Site Operator Certification. Provides that the Environmental Protection Agency is authorized to approve the use of examinations conducted by third parties. Provides that the Agency shall maintain on its website information regarding the examinations. Provides that at the time of certificate renewal, the applicant shall certify the completion of 30 hours of continuing education covering the operation of landfills during the preceding 3 years. Provides that the fee for the issuance or renewal of a Solid Waste Site Operator Certificate shall be \$1,000. Provides that if the fee for renewal is not paid within the grace period, the fee for renewal shall be increased by \$100 (rather than \$50). Makes other changes.

LRB102 25362 SPS 34642 b

1 AN ACT concerning regulation.

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

4 Section 5. The Solid Waste Site Operator Certification Law  
5 is amended by changing Sections 1004, 1005, 1006, 1007, 1009,  
6 1010, 1011 and 1012 as follows:

7 (225 ILCS 230/1004) (from Ch. 111, par. 7854)

8 Sec. 1004. Prohibition. Beginning January 1, 1992, no  
9 person shall cause or allow the operation of a landfill  
10 permitted or required to be permitted by the Agency unless the  
11 landfill has on its operational staff at least one natural  
12 person certified as competent by the Agency under the  
13 provisions of this Act.

14 ~~(a) For landfill sites which accept non hazardous solid~~  
15 ~~waste other than clean construction or demolition debris, the~~  
16 ~~landfill shall have a Class A Solid Waste Site Operator~~  
17 ~~certified by the Agency who is responsible for directing~~  
18 ~~landfill operations or supervising other operational staff in~~  
19 ~~performing landfill operations.~~

20 ~~(b) For landfill sites which accept only clean~~  
21 ~~construction or demolition debris, the landfill shall have a~~  
22 ~~Class A or B Solid Waste Site Operator certified by the Agency~~  
23 ~~who is responsible for directing landfill operations or~~

1 ~~supervising other operational staff in performing landfill~~  
2 ~~operations.~~

3 ~~(c) For landfill sites which accept special waste, the~~  
4 ~~landfill shall have a Class A Solid Waste Site Operator~~  
5 ~~certified by the Agency who has received a certification~~  
6 ~~endorsement for the acceptance of special waste and who is~~  
7 ~~responsible for directing landfill operations or supervising~~  
8 ~~other operational staff in performing landfill operations.~~

9 (Source: P.A. 86-1363.)

10 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

11 Sec. 1005. Agency authority. The Agency is authorized to  
12 exercise the following functions, powers and duties with  
13 respect to solid waste site operator certification:

14 (a) To conduct examinations, and to approve the use of  
15 examinations conducted by third parties, to ascertain the  
16 qualifications of applicants for certificates of  
17 competency as solid waste site operators;

18 (b) To conduct courses of training on the practical  
19 aspects of the design, operation and maintenance of  
20 sanitary landfills;

21 (c) To issue a certificate to any applicant who has  
22 satisfactorily met all the requirements pertaining to a  
23 certificate of competency as a solid waste site operator;

24 (d) To suspend, revoke or refuse to issue any  
25 certificate for any one or any combination of the

1 following causes:

2 (1) The practice of any fraud or deceit in  
3 obtaining or attempting to obtain a certificate of  
4 competency;

5 (2) Negligence or misconduct in the operation of a  
6 sanitary landfill;

7 (3) Repeated failure to comply with any of the  
8 requirements applicable to the operation of a sanitary  
9 landfill, except for Board requirements applicable to  
10 the collection of litter;

11 (4) Repeated violations of federal, State or local  
12 laws, regulations, standards, or ordinances regarding  
13 the operation of refuse disposal facilities or sites;

14 (5) For a holder of a certificate, conviction in  
15 this or another State of any crime which is a felony  
16 under the laws of this State or conviction of a felony  
17 in a federal court; for an applicant, consideration of  
18 such conviction shall be in accordance with Section  
19 1005-1;

20 (6) Proof of gross carelessness or incompetence in  
21 handling, storing, processing, transporting, or  
22 disposing of any hazardous waste; or

23 (7) Being declared to be a person under a legal  
24 disability by a court of competent jurisdiction and  
25 not thereafter having been lawfully declared to be a  
26 person not under legal disability or to have

1 recovered.

2 (e) To adopt rules necessary to perform its functions,  
3 powers, and duties with respect to solid waste site  
4 operator certifications.

5 (Source: P.A. 100-286, eff. 1-1-18.)

6 (225 ILCS 230/1006) (from Ch. 111, par. 7856)

7 Sec. 1006. Certification ~~classifications~~. Solid Waste Site  
8 Operator certifications ~~Operators~~ shall be issued to those  
9 persons who in accordance with the provisions of this Section  
10 demonstrate a practical working knowledge of the design,  
11 operation, and maintenance of sanitary landfills in the  
12 following areas: ~~certified in accordance with the following~~  
13 ~~classifications:~~

14 ~~(a) Class "A" Solid Waste Site Operator certificates shall~~  
15 ~~be issued to those persons who in accordance with the~~  
16 ~~provisions of this Section demonstrate a practical working~~  
17 ~~knowledge of the design, operation, and maintenance of~~  
18 ~~sanitary landfills in the following areas:~~

19 (1) unloading, spreading, and compacting of waste,  
20 litter collection, and vector abatement;

21 (2) traffic control of vehicles delivering waste;

22 (3) application, maintenance, and inspection of cover  
23 and cover requirements under Board rules and Agency  
24 permits;

25 (4) fire control, on-site personnel safety

- 1 requirements, and contingency plan implementation;
- 2 (5) leachate control operation, leachate management,
- 3 and landfill gas management;
- 4 (6) identification of classes of waste;
- 5 (7) causes for revocation or suspension of
- 6 certificates;
- 7 (8) reporting and recordkeeping required by Board and
- 8 Agency regulations and Agency permits;
- 9 (9) financial assurance and groundwater monitoring
- 10 requirements;
- 11 (10) development and implementation of contingency
- 12 plans, closure plans, post closure plans, and corrective
- 13 action; ~~and~~
- 14 (11) requirements for payment of fees; and
- 15 (12) requirements applicable to the acceptance,
- 16 handling, and disposal of special waste.

17 ~~(b) Class "B" Solid Waste Operator Certificates shall be~~

18 ~~issued to those persons who demonstrate a practical working~~

19 ~~knowledge of the design, operation, and maintenance of~~

20 ~~landfill sites accepting only clean construction or demolition~~

21 ~~debris in the following areas:~~

- 22 ~~(1) unloading and spreading of waste;~~
- 23 ~~(2) traffic control of vehicles delivering waste;~~
- 24 ~~(3) application, maintenance, and inspection of cover~~
- 25 ~~and cover requirement under Board rules and Agency~~
- 26 ~~permits;~~

1           ~~(4) fire control, on-site personnel safety segments~~  
2           ~~and contingency plan implementation;~~

3           ~~(5) leachate control operation and leachate~~  
4           ~~management;~~

5           ~~(6) identification of classes of waste;~~

6           ~~(7) causes for revocation or suspension of~~  
7           ~~certificates;~~

8           ~~(8) reporting and recordkeeping required by Board and~~  
9           ~~Agency regulations and Agency permits;~~

10          ~~(9) financial assurance and groundwater requirements;~~  
11          ~~and~~

12          ~~(10) development and implementation of contingency~~  
13          ~~plans, closure plans, post closure plans, and corrective~~  
14          ~~action.~~

15          ~~(c) Special waste certificate endorsements shall be issued~~  
16          ~~to those persons who are certified as Class A Solid Waste Site~~  
17          ~~Operators in accordance with the provisions of this Section,~~  
18          ~~and who demonstrate a practical working knowledge of the~~  
19          ~~design, operation, and maintenance of sanitary landfills~~  
20          ~~relative to the acceptance and disposal of special wastes.~~

21          (Source: P.A. 86-1363.)

22                 (225 ILCS 230/1007) (from Ch. 111, par. 7857)

23                 Sec. 1007. Qualifications. Every solid waste site operator  
24                 certified by the Agency shall be capable of performing his  
25                 duties without endangering the public health or the

1 environment and without violating the requirements applicable  
2 to operation of sanitary landfills; shall be able to read and  
3 write English; shall produce evidence acceptable to the Agency  
4 as to his ability to maintain and operate properly the  
5 structures and equipment entrusted to his care; and shall  
6 satisfactorily demonstrate to the Agency a practical working  
7 knowledge of the design, operation, and maintenance of  
8 sanitary landfills, ~~appropriate to the classification for~~  
9 ~~which certification is sought. In addition, persons shall be~~  
10 ~~certified as Class "A" or Class "B" based on level of~~  
11 ~~competency determined by examination and in accordance with~~  
12 including demonstrating having achieved the educational and  
13 experience levels as follows:

14 ~~(a) Class "A" Certificates.~~

15 ~~(1) Graduation from high school or equivalent and not~~  
16 ~~less than 2 years of acceptable study, training, and~~  
17 ~~responsible experience in sanitary landfill operation or~~  
18 ~~management, or not less than 7 years of acceptable study~~  
19 ~~training and responsible experience in operation or~~  
20 ~~management of earth moving equipment; or~~

21 ~~(2) Grammar school completion or equivalent and not~~  
22 ~~less than 15 years of acceptable study, training, and~~  
23 ~~responsible experience in sanitary landfill operation or~~  
24 ~~management.~~

25 ~~(b) Class "B" Certificates.~~

26 (1) Graduation from high school or equivalent and not



1 less than 6 months of acceptable study, training, and  
2 responsible experience in sanitary landfill operation or  
3 management, or not less than 3 years of acceptable study  
4 training and responsible experience in operation or  
5 management of earth moving equipment; or

6 (2) Grammar school completion or equivalent and not  
7 less than 5 years of acceptable study, training, and  
8 responsible experience in sanitary landfill operation or  
9 management.

10 (Source: P.A. 86-1363.)

11 (225 ILCS 230/1009) (from Ch. 111, par. 7859)

12 Sec. 1009. Examinations.

13 (a) Applicants shall undergo examinations ~~Examinations~~  
14 provided or approved by the Agency ~~shall be given to~~  
15 ~~applicants~~ for the purpose of determining if the applicants  
16 can demonstrate a practical working knowledge of the design,  
17 operation, and maintenance of sanitary landfills ~~appropriate~~  
18 ~~to the classification for which certification is sought~~. No  
19 certificate shall be issued prior to successful completion of  
20 the applicable examination.

21 (b) Examinations ~~shall be~~ conducted or approved by the  
22 Agency, ~~and~~ shall be held not less frequently than annually.  
23 The Agency shall maintain on its website information regarding  
24 the examinations, ~~at times and places prescribed by the~~  
25 ~~Agency, of which applicants shall be notified in writing.~~

1 (Source: P.A. 86-1363.)

2 (225 ILCS 230/1010) (from Ch. 111, par. 7860)

3 Sec. 1010. Certificates.

4 (a) The Solid Waste Site Operator Certificate shall  
5 certify the competency of the applicant ~~within the class of~~  
6 ~~the certificate issued,~~ and shall show the full name of the  
7 applicant, have an identifying number, and be signed by the  
8 Director.

9 (b) Certificates shall be issued for a period of 3 years,  
10 with the expiration date being 3 years from the first day of  
11 October of the calendar year in which the certificate is  
12 issued.

13 (c) Every 3 years, on or before the October 1 expiration, a  
14 certified solid waste site operator shall renew his  
15 certificate of competency and pay the required renewal fee. A  
16 grace period for renewal will be granted until November 1 of  
17 that year before the reinstatement penalty is assessed.

18 (d) At the time of certificate renewal, the applicant  
19 shall certify the completion of 30 hours of continuing  
20 education covering the operation of landfills during the  
21 preceding 3 years ~~demonstrate competency in the same manner as~~  
22 ~~a new applicant.~~

23 (Source: P.A. 86-1363.)

24 (225 ILCS 230/1011) (from Ch. 111, par. 7861)

1           Sec. 1011. Fees.

2           (a) The fee Fees for the issuance or renewal of a Solid  
3 Waste Site Operator Certificate shall be \$1,000. If the fee  
4 for renewal is not paid within the grace period, the fee for  
5 renewal shall be increased by \$100. as follows:

6           ~~(1) (A) \$400 for issuance or renewal for Class A Solid~~  
7 ~~Waste Site Operators; (B) \$200 for issuance or renewal for~~  
8 ~~Class B Solid Waste Site Operators; and (C) \$100 for~~  
9 ~~issuance or renewal for special waste endorsements.~~

10          ~~(2) If the fee for renewal is not paid within the grace~~  
11 ~~period the above fees for renewal shall each be increased by \$~~  
12 ~~50.~~

13          ~~(b) Before the effective date of this amendatory Act of~~  
14 ~~the 98th General Assembly, all fees collected by the Agency~~  
15 ~~under this Section shall be deposited into the Hazardous Waste~~  
16 ~~Occupational Licensing Fund. The Agency is authorized to use~~  
17 ~~monies in the Hazardous Waste Occupational Licensing Fund to~~  
18 ~~perform its functions, powers, and duties under this Section.~~

19          (b) All ~~On and after the effective date of this amendatory~~  
20 ~~Act of the 98th General Assembly, all fees collected by the~~  
21 Agency under this Section shall be deposited into the  
22 Environmental Protection Permit and Inspection Fund to be used  
23 in accordance with the provisions of subsection (a) of Section  
24 22.8 of the Environmental Protection Act.

25          (Source: P.A. 98-692, eff. 7-1-14; 98-822, eff. 8-1-14.)

1 (225 ILCS 230/1012) (from Ch. 111, par. 7862)

2 Sec. 1012. Administrative review.

3 (a) Before suspending, revoking, or refusing to issue a  
4 certificate ~~or endorsement~~ issued under this Act, the Agency  
5 shall provide the certificate holder or applicant an  
6 opportunity for hearing.

7 (b) (1) All final administrative decisions of the Agency  
8 hereunder shall be subject to judicial review pursuant to  
9 the provisions of the Administrative Review Law and the  
10 rules adopted pursuant thereto. The term "administrative  
11 decision" is defined as in Section 3-101 of the Code of  
12 Civil Procedure.

13 (2) Such proceedings for judicial review shall be  
14 commenced in the circuit court for Sangamon County. The  
15 venue shall be in Sangamon County.

16 (3) The Agency shall not be required to certify any  
17 record to the court or file any answer in court or  
18 otherwise appear in any court in a judicial review  
19 proceeding, unless there is filed in the court with the  
20 complaint a receipt from the Agency acknowledging payment  
21 of the costs of furnishing and certifying the record which  
22 costs shall be computed at the rate of 20 cents per page of  
23 such record. Exhibits shall be certified without cost.  
24 Failure on the part of the Plaintiff to file such receipt  
25 in court shall be grounds for dismissal of actions.

26 (Source: P.A. 86-1363.)