



Rep. Michael J. Zalewski

Filed: 5/20/2021

10200SB1089ham001

LRB102 04912 CPF 26637 a

1 AMENDMENT TO SENATE BILL 1089

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1089 on page 1,  
3 line 5, after "22.38," by inserting "22.44,"; and

4 on page 41, by replacing lines 10 through 24 with the  
5 following:

6 "For the disposal of solid waste from general construction  
7 or demolition debris recovery facilities as defined in  
8 subsection (a-1) of Section 3.160, the total fee, tax, or  
9 surcharge imposed by all units of local government under this  
10 subsection (j) upon the solid waste disposal facility shall  
11 not exceed 50% of the applicable amount set forth above. A unit  
12 of local government, as defined in the Local Solid Waste  
13 Disposal Act, in which a general construction or demolition  
14 debris recovery facility is located may establish a fee, tax,  
15 or surcharge on the general construction or demolition debris  
16 recovery facility with regard to the permanent disposal of  
17 solid waste by the general construction or demolition debris

1 recovery facility at a solid waste disposal facility, provided  
2 that such fee, tax, or surcharge shall not exceed 50% of the  
3 applicable amount set forth above, based on the total amount  
4 of solid waste transported from the general construction or  
5 demolition debris recovery facility for disposal at solid  
6 waste disposal facilities, and the unit of local government  
7 and fee shall be subject to all other requirements of this  
8 subsection (j)."; and

9 on page 44, by replacing lines 11 through 13 with the  
10 following:

11 "renders at least 50% of the waste reusable; the exemption  
12 set forth in this paragraph (3) of this subsection (k)  
13 shall not apply to general construction or demolition  
14 debris recovery facilities as defined in subsection (a-1)  
15 of Section 3.160;"; and

16 on page 45, by replacing lines 17 through 21 with the  
17 following:

18 "(0.5) Ensure that no less than 40% of the total  
19 general construction or demolition debris received at the  
20 facility on a rolling 12-month average basis is recyclable  
21 general construction or demolition debris as defined in  
22 subsection (c). The percentage in this paragraph (0.5) of  
23 subsection (b) shall be calculated by weight."; and

1 on page 51, by replacing lines 14 through 16 with the  
2 following:

3 "otherwise~~7~~ incinerated or ~~7~~ burned, (ii) buried~~7~~ or ~~otherwise~~  
4 used as fill material, including, but not limited to, the use  
5 of any clean construction or demolition debris fraction of  
6 general construction or demolition debris as fill material  
7 under subsection (b) of Section 3.160 or at a clean  
8 construction or demolition debris fill operation under Section  
9 22.51, or (iii) disposed of at a landfill ~~(ii) general~~  
10 ~~construction or~~"; and

11 on page 52, line 2, by replacing "and" with "~~and~~"; and

12 by replacing line 22 on page 53 through line 5 on page 54 with  
13 the following:

14 "(k) No person shall cause or allow the deposit or other  
15 placement of any general construction or demolition debris  
16 that is received at a general construction or demolition  
17 debris recovery facility, including any clean construction or  
18 demolition debris fraction, into or on any land or water.  
19 However, any clean construction or demolition debris fraction  
20 may be used as fill or road construction material at a clean  
21 construction or demolition debris fill operation under Section  
22 22.51 and any rules or regulations adopted thereunder if the  
23 clean construction or demolition debris is separated and  
24 managed separately from other general construction or

1 demolition debris and otherwise meets the requirements  
2 applicable to clean construction or demolition debris at a  
3 clean construction or demolition debris fill operation."; and

4 by replacing line 16 on page 54 through line 3 on page 55 with  
5 the following:

6 "(n) No later than one year after the effective date of  
7 this amendatory Act of the 102nd General Assembly, the Agency  
8 shall propose to the Board, and no later than one year after  
9 receipt of the Agency's proposal, the Board shall adopt, rules  
10 for the permitting of general construction or demolition  
11 debris recovery facilities. Such rules shall include, but not  
12 be limited to: requirements for material receipt, handling,  
13 storage, and transfer; improvements to best management  
14 practices for identifying, testing for, and removing drywall  
15 containing gypsum; recordkeeping; reporting; limiting or  
16 prohibiting sulfur in wallboard used or disposed of at  
17 landfills; and requirements for the separation and separate  
18 management of any clean construction or demolition debris that  
19 will be transported to a clean construction or demolition  
20 debris fill operation."; and

21 on page 55, immediately below line 6, by inserting the  
22 following:

23 "(415 ILCS 5/22.44)

1           Sec. 22.44. Subtitle D management fees.

2           (a) There is created within the State treasury a special  
3 fund to be known as the "Subtitle D Management Fund"  
4 constituted from the fees collected by the State under this  
5 Section.

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

19           (1) If more than 150,000 cubic yards of non-hazardous  
20 solid waste is permanently disposed of at a site in a  
21 calendar year, the owner or operator shall either pay a  
22 fee of 10.1 cents per cubic yard or, alternatively, the  
23 owner or operator may weigh the quantity of the solid  
24 waste permanently disposed of with a device for which  
25 certification has been obtained under the Weights and  
26 Measures Act and pay a fee of 22 cents per ton of waste

1 permanently disposed of.

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

6 (3) If more than 50,000 cubic yards, but not more than  
7 100,000 cubic yards, of non-hazardous solid waste is  
8 permanently disposed of at a site in a calendar year, the  
9 owner or operator shall pay a fee of \$3,120.

10 (4) If more than 10,000 cubic yards, but not more than  
11 50,000 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 \$975.

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

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

20 (1) Hazardous waste.

21 (2) Pollution control waste.

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

1       exemption set forth in this paragraph (3) of this  
2       subsection (c) shall not apply to general construction or  
3       demolition debris recovery facilities as defined in  
4       subsection (a-1) of Section 3.160.

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

8           (5) Any landfill that is permitted by the Agency to  
9       receive only demolition or construction debris or  
10      landscape waste.

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

14           (1) Necessary records identifying the quantities of  
15      solid waste received or disposed.

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

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

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

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

26          (f) The Agency shall not refund any fee paid to it under

1 this Section.

2 (g) Pursuant to appropriation, all moneys in the Subtitle  
3 D Management Fund shall be used by the Agency to administer the  
4 United States Environmental Protection Agency's Subtitle D  
5 Program provided in Sections 4004 and 4010 of the Resource  
6 Conservation and Recovery Act of 1976 (P.L. 94-580) as it  
7 relates to a municipal solid waste landfill program in  
8 Illinois and to fund a delegation of inspecting,  
9 investigating, and enforcement functions, within the  
10 municipality only, pursuant to subsection (r) of Section 4 of  
11 this Act to a municipality having a population of more than  
12 1,000,000 inhabitants. The Agency shall execute a delegation  
13 agreement pursuant to subsection (r) of Section 4 of this Act  
14 with a municipality having a population of more than 1,000,000  
15 inhabitants within 90 days of September 13, 1993 and shall on  
16 an annual basis distribute from the Subtitle D Management Fund  
17 to that municipality no less than \$150,000. Pursuant to  
18 appropriation, moneys in the Subtitle D Management Fund may  
19 also be used by the Agency for activities conducted under  
20 Section 22.15a of this Act.

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