

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 Illinois Dead Animal Disposal Act is
5 amended by changing Sections 1.1 and 19a and by adding Section
6 17.1 as follows:

7 (225 ILCS 610/1.1) (from Ch. 8, par. 149.1)

8 Sec. 1.1. As used in this Act, unless the context
9 otherwise requires:

10 (a) "Department" means the Department of Agriculture of
11 the State of Illinois.

12 (b) "Person" means any individual, firm, partnership,
13 association, corporation or other business entity.

14 (c) "Renderer" means any person who, for other than human
15 consumption, collects, cooks and processes bodies or parts of
16 bodies of dead animals, poultry or fish, or used cooking
17 grease and oils, for the purpose of salvaging hides, wool,
18 skins or feathers, and for the production of animal, poultry,
19 or fish protein, blood meal, bone meal, grease or tallow.

20 (d) "Blender" means any person who acquires inedible
21 by-products of bodies or parts of bodies of dead animals,
22 poultry or fish, or used cooking grease and oils, for the
23 purpose of blending them to obtain a desired percentage of

1 protein, degree of quality or color for use in animal feed,
2 poultry feed or fertilizers.

3 (e) "Collection center" means any place where bodies or
4 parts of bodies of dead animals, poultry or fish, or used
5 cooking grease and cooking oils, are collected for loading
6 into a permitted vehicle for delivery to the renderer.

7 (f) "Permittee" means any person issued a vehicle permit
8 under the provisions of this Act.

9 (g) "Licensee" means any person licensed under the
10 provisions of this Act.

11 (h) "Rendering materials" means bodies or parts of bodies
12 of dead animals, poultry or fish, or used cooking grease and
13 oils.

14 (i) "Animal collection service" means a company that
15 conveys dead animals to a landfill facility licensed under the
16 Environmental Protection Act when no rendering service is
17 available. Waste haulers collecting waste in which a dead
18 animal is included incidental to such waste shall not be
19 considered an "animal collection service" activity.

20 (j) "Grease and oil collector" means any person who
21 collects for reuse or recycling used cooking grease and
22 cooking oils in a permitted vehicle for delivery to a grease
23 and cooking oil processor for purposes other than rendering or
24 blending.

25 (k) "Grease and oil processor" means any person who
26 stores, filters, processes, or distributes for reuse or

1 recycling used cooking grease and cooking oils for uses other
2 than rendering or blending.

3 (l) "Mass animal mortality event" means an event, as
4 declared by the Director, in which large numbers of animals of
5 a single or multiple species die or are at an increased risk of
6 mortality due to disease, natural disaster, or any other
7 non-disease related event, including, but not limited to,
8 market disruption or ventilation failure.

9 (m) "Director" means the Director of Agriculture.

10 (n) "Dead animal" means the carcass or tissue from a
11 deceased domesticated animal, poultry, fish, captive wild
12 animal, or captive wildlife.

13 (o) "Operator" means the person or entity that has been
14 designated by the owner, through contract or otherwise, as
15 responsible for conveying dead animals.

16 (Source: P.A. 98-785, eff. 1-1-15.)

17 (225 ILCS 610/17.1 new)

18 Sec. 17.1. Mass animal mortality event.

19 (a) The Director, at his or her discretion, may declare a
20 mass animal mortality event. The Director shall notify the
21 Illinois Emergency Management Agency of the declaration. The
22 notification shall be made without delay, but no later than 24
23 hours following the declaration.

24 (b) The Department shall create and file with the Illinois
25 Emergency Management Agency a mass animal mortality event

1 plan. The plan must include and describe, at a minimum, the
2 following options of disposal:

3 (1) burial, which may include methods and procedures
4 for above-ground burial;

5 (2) rendering;

6 (3) transfer to a landfill;

7 (4) composting, which may be conducted on the site
8 where the death of the animals occurred or by transporting
9 the bodies to a licensed landfill or to a centralized
10 off-site location determined at the time of the mass
11 animal mortality event;

12 (5) incineration; and

13 (6) any other acceptable method as determined by the
14 Director.

15 (b) Notwithstanding any other provision of this Act,
16 following the Director's declaration of a mass animal
17 mortality event, the Department shall implement the most
18 recent mass animal mortality event plan on file with the
19 Illinois Emergency Management Agency.

20 (225 ILCS 610/19a) (from Ch. 8, par. 167a)

21 Sec. 19a. This Act shall be known and may be cited as the
22 Animal Mortality Act ~~"Illinois Dead Animal Disposal Act"~~.

23 (Source: P.A. 83-760.)

24 Section 10. The Environmental Protection Act is amended by

1 changing Sections 3.330, 21, and 39 as follows:

2 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

3 Sec. 3.330. Pollution control facility.

4 (a) "Pollution control facility" is any waste storage
5 site, sanitary landfill, waste disposal site, waste transfer
6 station, waste treatment facility, or waste incinerator. This
7 includes sewers, sewage treatment plants, and any other
8 facilities owned or operated by sanitary districts organized
9 under the Metropolitan Water Reclamation District Act.

10 The following are not pollution control facilities:

11 (1) (blank);

12 (2) waste storage sites regulated under 40 CFR, Part
13 761.42;

14 (3) sites or facilities used by any person conducting
15 a waste storage, waste treatment, waste disposal, waste
16 transfer or waste incineration operation, or a combination
17 thereof, for wastes generated by such person's own
18 activities, when such wastes are stored, treated, disposed
19 of, transferred or incinerated within the site or facility
20 owned, controlled or operated by such person, or when such
21 wastes are transported within or between sites or
22 facilities owned, controlled or operated by such person;

23 (4) sites or facilities at which the State is
24 performing removal or remedial action pursuant to Section
25 22.2 or 55.3;

1 (5) abandoned quarries used solely for the disposal of
2 concrete, earth materials, gravel, or aggregate debris
3 resulting from road construction activities conducted by a
4 unit of government or construction activities due to the
5 construction and installation of underground pipes, lines,
6 conduit or wires off of the premises of a public utility
7 company which are conducted by a public utility;

8 (6) sites or facilities used by any person to
9 specifically conduct a landscape composting operation;

10 (7) regional facilities as defined in the Central
11 Midwest Interstate Low-Level Radioactive Waste Compact;

12 (8) the portion of a site or facility where coal
13 combustion wastes are stored or disposed of in accordance
14 with subdivision (r) (2) or (r) (3) of Section 21;

15 (9) the portion of a site or facility used for the
16 collection, storage or processing of waste tires as
17 defined in Title XIV;

18 (10) the portion of a site or facility used for
19 treatment of petroleum contaminated materials by
20 application onto or incorporation into the soil surface
21 and any portion of that site or facility used for storage
22 of petroleum contaminated materials before treatment. Only
23 those categories of petroleum listed in Section 57.9(a) (3)
24 are exempt under this subdivision (10);

25 (11) the portion of a site or facility where used oil
26 is collected or stored prior to shipment to a recycling or

1 energy recovery facility, provided that the used oil is
2 generated by households or commercial establishments, and
3 the site or facility is a recycling center or a business
4 where oil or gasoline is sold at retail;

5 (11.5) processing sites or facilities that receive
6 only on-specification used oil, as defined in 35 Ill.
7 Admin. Code 739, originating from used oil collectors for
8 processing that is managed under 35 Ill. Admin. Code 739
9 to produce products for sale to off-site petroleum
10 facilities, if these processing sites or facilities are:

11 (i) located within a home rule unit of local government
12 with a population of at least 30,000 according to the 2000
13 federal census, that home rule unit of local government
14 has been designated as an Urban Round II Empowerment Zone
15 by the United States Department of Housing and Urban
16 Development, and that home rule unit of local government
17 has enacted an ordinance approving the location of the
18 site or facility and provided funding for the site or
19 facility; and (ii) in compliance with all applicable
20 zoning requirements;

21 (12) the portion of a site or facility utilizing coal
22 combustion waste for stabilization and treatment of only
23 waste generated on that site or facility when used in
24 connection with response actions pursuant to the federal
25 Comprehensive Environmental Response, Compensation, and
26 Liability Act of 1980, the federal Resource Conservation

1 and Recovery Act of 1976, or the Illinois Environmental
2 Protection Act or as authorized by the Agency;

3 (13) the portion of a site or facility that accepts
4 exclusively general construction or demolition debris and
5 is operated and located in accordance with Section 22.38
6 of this Act;

7 (14) the portion of a site or facility, located within
8 a unit of local government that has enacted local zoning
9 requirements, used to accept, separate, and process
10 uncontaminated broken concrete, with or without protruding
11 metal bars, provided that the uncontaminated broken
12 concrete and metal bars are not speculatively accumulated,
13 are at the site or facility no longer than one year after
14 their acceptance, and are returned to the economic
15 mainstream in the form of raw materials or products;

16 (15) the portion of a site or facility located in a
17 county with a population over 3,000,000 that has obtained
18 local siting approval under Section 39.2 of this Act for a
19 municipal waste incinerator on or before July 1, 2005 and
20 that is used for a non-hazardous waste transfer station;

21 (16) a site or facility that temporarily holds in
22 transit for 10 days or less, non-putrescible solid waste
23 in original containers, no larger in capacity than 500
24 gallons, provided that such waste is further transferred
25 to a recycling, disposal, treatment, or storage facility
26 on a non-contiguous site and provided such site or

1 facility complies with the applicable 10-day transfer
2 requirements of the federal Resource Conservation and
3 Recovery Act of 1976 and United States Department of
4 Transportation hazardous material requirements. For
5 purposes of this Section only, "non-putrescible solid
6 waste" means waste other than municipal garbage that does
7 not rot or become putrid, including, but not limited to,
8 paints, solvent, filters, and absorbents;

9 (17) the portion of a site or facility located in a
10 county with a population greater than 3,000,000 that has
11 obtained local siting approval, under Section 39.2 of this
12 Act, for a municipal waste incinerator on or before July
13 1, 2005 and that is used for wood combustion facilities
14 for energy recovery that accept and burn only wood
15 material, as included in a fuel specification approved by
16 the Agency;

17 (18) a transfer station used exclusively for landscape
18 waste, including a transfer station where landscape waste
19 is ground to reduce its volume, where the landscape waste
20 is held no longer than 24 hours from the time it was
21 received;

22 (19) the portion of a site or facility that (i) is used
23 for the composting of food scrap, livestock waste, crop
24 residue, uncontaminated wood waste, or paper waste,
25 including, but not limited to, corrugated paper or
26 cardboard, and (ii) meets all of the following

1 requirements:

2 (A) There must not be more than a total of 30,000
3 cubic yards of livestock waste in raw form or in the
4 process of being composted at the site or facility at
5 any one time.

6 (B) All food scrap, livestock waste, crop residue,
7 uncontaminated wood waste, and paper waste must, by
8 the end of each operating day, be processed and placed
9 into an enclosed vessel in which air flow and
10 temperature are controlled, or all of the following
11 additional requirements must be met:

12 (i) The portion of the site or facility used
13 for the composting operation must include a
14 setback of at least 200 feet from the nearest
15 potable water supply well.

16 (ii) The portion of the site or facility used
17 for the composting operation must be located
18 outside the boundary of the 10-year floodplain or
19 floodproofed.

20 (iii) Except in municipalities with more than
21 1,000,000 inhabitants, the portion of the site or
22 facility used for the composting operation must be
23 located at least one-eighth of a mile from the
24 nearest residence, other than a residence located
25 on the same property as the site or facility.

26 (iv) The portion of the site or facility used

1 for the composting operation must be located at
2 least one-eighth of a mile from the property line
3 of all of the following areas:

4 (I) Facilities that primarily serve to
5 house or treat people that are
6 immunocompromised or immunosuppressed, such as
7 cancer or AIDS patients; people with asthma,
8 cystic fibrosis, or bioaerosol allergies; or
9 children under the age of one year.

10 (II) Primary and secondary schools and
11 adjacent areas that the schools use for
12 recreation.

13 (III) Any facility for child care licensed
14 under Section 3 of the Child Care Act of 1969;
15 preschools; and adjacent areas that the
16 facilities or preschools use for recreation.

17 (v) By the end of each operating day, all food
18 scrap, livestock waste, crop residue,
19 uncontaminated wood waste, and paper waste must be
20 (i) processed into windrows or other piles and
21 (ii) covered in a manner that prevents scavenging
22 by birds and animals and that prevents other
23 nuisances.

24 (C) Food scrap, livestock waste, crop residue,
25 uncontaminated wood waste, paper waste, and compost
26 must not be placed within 5 feet of the water table.

1 (D) The site or facility must meet all of the
2 requirements of the Wild and Scenic Rivers Act (16
3 U.S.C. 1271 et seq.).

4 (E) The site or facility must not (i) restrict the
5 flow of a 100-year flood, (ii) result in washout of
6 food scrap, livestock waste, crop residue,
7 uncontaminated wood waste, or paper waste from a
8 100-year flood, or (iii) reduce the temporary water
9 storage capacity of the 100-year floodplain, unless
10 measures are undertaken to provide alternative storage
11 capacity, such as by providing lagoons, holding tanks,
12 or drainage around structures at the facility.

13 (F) The site or facility must not be located in any
14 area where it may pose a threat of harm or destruction
15 to the features for which:

16 (i) an irreplaceable historic or
17 archaeological site has been listed under the
18 National Historic Preservation Act (16 U.S.C. 470
19 et seq.) or the Illinois Historic Preservation
20 Act;

21 (ii) a natural landmark has been designated by
22 the National Park Service or the Illinois State
23 Historic Preservation Office; or

24 (iii) a natural area has been designated as a
25 Dedicated Illinois Nature Preserve under the
26 Illinois Natural Areas Preservation Act.

1 (G) The site or facility must not be located in an
2 area where it may jeopardize the continued existence
3 of any designated endangered species, result in the
4 destruction or adverse modification of the critical
5 habitat for such species, or cause or contribute to
6 the taking of any endangered or threatened species of
7 plant, fish, or wildlife listed under the Endangered
8 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
9 Endangered Species Protection Act;

10 (20) the portion of a site or facility that is located
11 entirely within a home rule unit having a population of no
12 less than 120,000 and no more than 135,000, according to
13 the 2000 federal census, and that meets all of the
14 following requirements:

15 (i) the portion of the site or facility is used
16 exclusively to perform testing of a thermochemical
17 conversion technology using only woody biomass,
18 collected as landscape waste within the boundaries of
19 the home rule unit, as the hydrocarbon feedstock for
20 the production of synthetic gas in accordance with
21 Section 39.9 of this Act;

22 (ii) the portion of the site or facility is in
23 compliance with all applicable zoning requirements;
24 and

25 (iii) a complete application for a demonstration
26 permit at the portion of the site or facility has been

1 submitted to the Agency in accordance with Section
2 39.9 of this Act within one year after July 27, 2010
3 (the effective date of Public Act 96-1314);

4 (21) the portion of a site or facility used to perform
5 limited testing of a gasification conversion technology in
6 accordance with Section 39.8 of this Act and for which a
7 complete permit application has been submitted to the
8 Agency prior to one year from April 9, 2010 (the effective
9 date of Public Act 96-887);

10 (22) the portion of a site or facility that is used to
11 incinerate only pharmaceuticals from residential sources
12 that are collected and transported by law enforcement
13 agencies under Section 17.9A of this Act;

14 (23) the portion of a site or facility:

15 (A) that is used exclusively for the transfer of
16 commingled landscape waste and food scrap held at the
17 site or facility for no longer than 24 hours after
18 their receipt;

19 (B) that is located entirely within a home rule
20 unit having a population of (i) not less than 100,000
21 and not more than 115,000 according to the 2010
22 federal census, (ii) not less than 5,000 and not more
23 than 10,000 according to the 2010 federal census, or
24 (iii) not less than 25,000 and not more than 30,000
25 according to the 2010 federal census or that is
26 located in the unincorporated area of a county having

1 a population of not less than 700,000 and not more than
2 705,000 according to the 2010 federal census;

3 (C) that is permitted, by the Agency, prior to
4 January 1, 2002, for the transfer of landscape waste
5 if located in a home rule unit or that is permitted
6 prior to January 1, 2008 if located in an
7 unincorporated area of a county; and

8 (D) for which a permit application is submitted to
9 the Agency to modify an existing permit for the
10 transfer of landscape waste to also include, on a
11 demonstration basis not to exceed 24 months each time
12 a permit is issued, the transfer of commingled
13 landscape waste and food scrap or for which a permit
14 application is submitted to the Agency within 6 months
15 of the effective date of this amendatory Act of the
16 100th General Assembly; ~~and~~

17 (24) the portion of a municipal solid waste landfill
18 unit:

19 (A) that is located in a county having a
20 population of not less than 55,000 and not more than
21 60,000 according to the 2010 federal census;

22 (B) that is owned by that county;

23 (C) that is permitted, by the Agency, prior to
24 July 10, 2015 (the effective date of Public Act
25 99-12); and

26 (D) for which a permit application is submitted to

1 the Agency within 6 months after July 10, 2015 (the
2 effective date of Public Act 99-12) for the disposal
3 of non-hazardous special waste; ~~and~~

4 (25) the portion of a site or facility used during a
5 mass animal mortality event, as defined in the Animal
6 Mortality Act, where such waste is collected, stored,
7 processed, disposed, or incinerated under a mass animal
8 mortality event plan issued by the Department of
9 Agriculture.

10 (b) A new pollution control facility is:

11 (1) a pollution control facility initially permitted
12 for development or construction after July 1, 1981; or

13 (2) the area of expansion beyond the boundary of a
14 currently permitted pollution control facility; or

15 (3) a permitted pollution control facility requesting
16 approval to store, dispose of, transfer or incinerate, for
17 the first time, any special or hazardous waste.

18 (Source: P.A. 99-12, eff. 7-10-15; 99-440, eff. 8-21-15;
19 99-642, eff. 7-28-16; 100-94, eff. 8-11-17.)

20 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

21 Sec. 21. Prohibited acts. No person shall:

22 (a) Cause or allow the open dumping of any waste.

23 (b) Abandon, dump, or deposit any waste upon the public
24 highways or other public property, except in a sanitary
25 landfill approved by the Agency pursuant to regulations

1 adopted by the Board.

2 (c) Abandon any vehicle in violation of the "Abandoned
3 Vehicles Amendment to the Illinois Vehicle Code", as enacted
4 by the 76th General Assembly.

5 (d) Conduct any waste-storage, waste-treatment, or
6 waste-disposal operation:

7 (1) without a permit granted by the Agency or in
8 violation of any conditions imposed by such permit,
9 including periodic reports and full access to adequate
10 records and the inspection of facilities, as may be
11 necessary to assure compliance with this Act and with
12 regulations and standards adopted thereunder; provided,
13 however, that, except for municipal solid waste landfill
14 units that receive waste on or after October 9, 1993, and
15 CCR surface impoundments, no permit shall be required for
16 (i) any person conducting a waste-storage,
17 waste-treatment, or waste-disposal operation for wastes
18 generated by such person's own activities which are
19 stored, treated, or disposed within the site where such
20 wastes are generated, ~~or~~ (ii) a facility located in a
21 county with a population over 700,000 as of January 1,
22 2000, operated and located in accordance with Section
23 22.38 of this Act, and used exclusively for the transfer,
24 storage, or treatment of general construction or
25 demolition debris, provided that the facility was
26 receiving construction or demolition debris on August 24,

1 2009 (the effective date of Public Act 96-611), or (iii)
2 any person conducting a waste transfer, storage,
3 treatment, or disposal operation, including, but not
4 limited to, a waste transfer or waste composting
5 operation, under a mass animal mortality event plan
6 created by the Department of Agriculture ~~this amendatory~~
7 ~~Act of the 96th General Assembly;~~

8 (2) in violation of any regulations or standards
9 adopted by the Board under this Act; ~~or~~

10 (3) which receives waste after August 31, 1988, does
11 not have a permit issued by the Agency, and is (i) a
12 landfill used exclusively for the disposal of waste
13 generated at the site, (ii) a surface impoundment
14 receiving special waste not listed in an NPDES permit,
15 (iii) a waste pile in which the total volume of waste is
16 greater than 100 cubic yards or the waste is stored for
17 over one year, or (iv) a land treatment facility receiving
18 special waste generated at the site; without giving notice
19 of the operation to the Agency by January 1, 1989, or 30
20 days after the date on which the operation commences,
21 whichever is later, and every 3 years thereafter. The form
22 for such notification shall be specified by the Agency,
23 and shall be limited to information regarding: the name
24 and address of the location of the operation; the type of
25 operation; the types and amounts of waste stored, treated
26 or disposed of on an annual basis; the remaining capacity

1 of the operation; and the remaining expected life of the
2 operation.

3 Item (3) of this subsection (d) shall not apply to any
4 person engaged in agricultural activity who is disposing of a
5 substance that constitutes solid waste, if the substance was
6 acquired for use by that person on his own property, and the
7 substance is disposed of on his own property in accordance
8 with regulations or standards adopted by the Board.

9 This subsection (d) shall not apply to hazardous waste.

10 (e) Dispose, treat, store or abandon any waste, or
11 transport any waste into this State for disposal, treatment,
12 storage or abandonment, except at a site or facility which
13 meets the requirements of this Act and of regulations and
14 standards thereunder.

15 (f) Conduct any hazardous waste-storage, hazardous
16 waste-treatment or hazardous waste-disposal operation:

17 (1) without a RCRA permit for the site issued by the
18 Agency under subsection (d) of Section 39 of this Act, or
19 in violation of any condition imposed by such permit,
20 including periodic reports and full access to adequate
21 records and the inspection of facilities, as may be
22 necessary to assure compliance with this Act and with
23 regulations and standards adopted thereunder; or

24 (2) in violation of any regulations or standards
25 adopted by the Board under this Act; or

26 (3) in violation of any RCRA permit filing requirement

1 established under standards adopted by the Board under
2 this Act; or

3 (4) in violation of any order adopted by the Board
4 under this Act.

5 Notwithstanding the above, no RCRA permit shall be
6 required under this subsection or subsection (d) of Section 39
7 of this Act for any person engaged in agricultural activity
8 who is disposing of a substance which has been identified as a
9 hazardous waste, and which has been designated by Board
10 regulations as being subject to this exception, if the
11 substance was acquired for use by that person on his own
12 property and the substance is disposed of on his own property
13 in accordance with regulations or standards adopted by the
14 Board.

15 (g) Conduct any hazardous waste-transportation operation:

16 (1) without registering with and obtaining a special
17 waste hauling permit from the Agency in accordance with
18 the regulations adopted by the Board under this Act; or

19 (2) in violation of any regulations or standards
20 adopted by the Board under this Act.

21 (h) Conduct any hazardous waste-recycling or hazardous
22 waste-reclamation or hazardous waste-reuse operation in
23 violation of any regulations, standards or permit requirements
24 adopted by the Board under this Act.

25 (i) Conduct any process or engage in any act which
26 produces hazardous waste in violation of any regulations or

1 standards adopted by the Board under subsections (a) and (c)
2 of Section 22.4 of this Act.

3 (j) Conduct any special waste-transportation ~~waste~~
4 ~~transportation~~ operation in violation of any regulations,
5 standards or permit requirements adopted by the Board under
6 this Act. However, sludge from a water or sewage treatment
7 plant owned and operated by a unit of local government which
8 (1) is subject to a sludge management plan approved by the
9 Agency or a permit granted by the Agency, and (2) has been
10 tested and determined not to be a hazardous waste as required
11 by applicable State and federal laws and regulations, may be
12 transported in this State without a special waste hauling
13 permit, and the preparation and carrying of a manifest shall
14 not be required for such sludge under the rules of the
15 Pollution Control Board. The unit of local government which
16 operates the treatment plant producing such sludge shall file
17 an annual report with the Agency identifying the volume of
18 such sludge transported during the reporting period, the
19 hauler of the sludge, and the disposal sites to which it was
20 transported. This subsection (j) shall not apply to hazardous
21 waste.

22 (k) Fail or refuse to pay any fee imposed under this Act.

23 (l) Locate a hazardous waste disposal site above an active
24 or inactive shaft or tunneled mine or within 2 miles of an
25 active fault in the earth's crust. In counties of population
26 less than 225,000 no hazardous waste disposal site shall be

1 located (1) within 1 1/2 miles of the corporate limits as
2 defined on June 30, 1978, of any municipality without the
3 approval of the governing body of the municipality in an
4 official action; or (2) within 1000 feet of an existing
5 private well or the existing source of a public water supply
6 measured from the boundary of the actual active permitted site
7 and excluding existing private wells on the property of the
8 permit applicant. The provisions of this subsection do not
9 apply to publicly owned ~~publicly owned~~ sewage works or the
10 disposal or utilization of sludge from publicly owned
11 ~~publicly owned~~ sewage works.

12 (m) Transfer interest in any land which has been used as a
13 hazardous waste disposal site without written notification to
14 the Agency of the transfer and to the transferee of the
15 conditions imposed by the Agency upon its use under subsection
16 (g) of Section 39.

17 (n) Use any land which has been used as a hazardous waste
18 disposal site except in compliance with conditions imposed by
19 the Agency under subsection (g) of Section 39.

20 (o) Conduct a sanitary landfill operation which is
21 required to have a permit under subsection (d) of this
22 Section, in a manner which results in any of the following
23 conditions:

- 24 (1) refuse in standing or flowing waters;
- 25 (2) leachate flows entering waters of the State;
- 26 (3) leachate flows exiting the landfill confines (as

1 determined by the boundaries established for the landfill
2 by a permit issued by the Agency);

3 (4) open burning of refuse in violation of Section 9
4 of this Act;

5 (5) uncovered refuse remaining from any previous
6 operating day or at the conclusion of any operating day,
7 unless authorized by permit;

8 (6) failure to provide final cover within time limits
9 established by Board regulations;

10 (7) acceptance of wastes without necessary permits;

11 (8) scavenging as defined by Board regulations;

12 (9) deposition of refuse in any unpermitted portion of
13 the landfill;

14 (10) acceptance of a special waste without a required
15 manifest;

16 (11) failure to submit reports required by permits or
17 Board regulations;

18 (12) failure to collect and contain litter from the
19 site by the end of each operating day;

20 (13) failure to submit any cost estimate for the site
21 or any performance bond or other security for the site as
22 required by this Act or Board rules.

23 The prohibitions specified in this subsection (o) shall be
24 enforceable by the Agency either by administrative citation
25 under Section 31.1 of this Act or as otherwise provided by this
26 Act. The specific prohibitions in this subsection do not limit

1 the power of the Board to establish regulations or standards
2 applicable to sanitary landfills.

3 (p) In violation of subdivision (a) of this Section, cause
4 or allow the open dumping of any waste in a manner which
5 results in any of the following occurrences at the dump site:

6 (1) litter;

7 (2) scavenging;

8 (3) open burning;

9 (4) deposition of waste in standing or flowing waters;

10 (5) proliferation of disease vectors;

11 (6) standing or flowing liquid discharge from the dump
12 site;

13 (7) deposition of:

14 (i) general construction or demolition debris as
15 defined in Section 3.160(a) of this Act; or

16 (ii) clean construction or demolition debris as
17 defined in Section 3.160(b) of this Act.

18 The prohibitions specified in this subsection (p) shall be
19 enforceable by the Agency either by administrative citation
20 under Section 31.1 of this Act or as otherwise provided by this
21 Act. The specific prohibitions in this subsection do not limit
22 the power of the Board to establish regulations or standards
23 applicable to open dumping.

24 (q) Conduct a landscape waste composting operation without
25 an Agency permit, provided, however, that no permit shall be
26 required for any person:

1 (1) conducting a landscape waste composting operation
2 for landscape wastes generated by such person's own
3 activities which are stored, treated, or disposed of
4 within the site where such wastes are generated; or

5 (1.5) conducting a landscape waste composting
6 operation that (i) has no more than 25 cubic yards of
7 landscape waste, composting additives, composting
8 material, or end-product compost on-site at any one time
9 and (ii) is not engaging in commercial activity; or

10 (2) applying landscape waste or composted landscape
11 waste at agronomic rates; or

12 (2.5) operating a landscape waste composting facility
13 at a site having 10 or more occupied non-farm residences
14 within 1/2 mile of its boundaries, if the facility meets
15 all of the following criteria:

16 (A) the composting facility is operated by the
17 farmer on property on which the composting material is
18 utilized, and the composting facility constitutes no
19 more than 2% of the site's total acreage;

20 (A-5) any composting additives that the composting
21 facility accepts and uses at the facility are
22 necessary to provide proper conditions for composting
23 and do not exceed 10% of the total composting material
24 at the facility at any one time;

25 (B) the property on which the composting facility
26 is located, and any associated property on which the

1 compost is used, is principally and diligently devoted
2 to the production of agricultural crops and is not
3 owned, leased, or otherwise controlled by any waste
4 hauler or generator of nonagricultural compost
5 materials, and the operator of the composting facility
6 is not an employee, partner, shareholder, or in any
7 way connected with or controlled by any such waste
8 hauler or generator;

9 (C) all compost generated by the composting
10 facility is applied at agronomic rates and used as
11 mulch, fertilizer, or soil conditioner on land
12 actually farmed by the person operating the composting
13 facility, and the finished compost is not stored at
14 the composting site for a period longer than 18 months
15 prior to its application as mulch, fertilizer, or soil
16 conditioner;

17 (D) no fee is charged for the acceptance of
18 materials to be composted at the facility; and

19 (E) the owner or operator, by January 1, 2014 (or
20 the January 1 following commencement of operation,
21 whichever is later) and January 1 of each year
22 thereafter, registers the site with the Agency, (ii)
23 reports to the Agency on the volume of composting
24 material received and used at the site; (iii)
25 certifies to the Agency that the site complies with
26 the requirements set forth in subparagraphs (A),

1 (A-5), (B), (C), and (D) of this paragraph (2.5); and
2 (iv) certifies to the Agency that all composting
3 material was placed more than 200 feet from the
4 nearest potable water supply well, was placed outside
5 the boundary of the 10-year floodplain or on a part of
6 the site that is floodproofed, was placed at least 1/4
7 mile from the nearest residence (other than a
8 residence located on the same property as the
9 facility) or a lesser distance from the nearest
10 residence (other than a residence located on the same
11 property as the facility) if the municipality in which
12 the facility is located has by ordinance approved a
13 lesser distance than 1/4 mile, and was placed more
14 than 5 feet above the water table; any ordinance
15 approving a residential setback of less than 1/4 mile
16 that is used to meet the requirements of this
17 subparagraph (E) of paragraph (2.5) of this subsection
18 must specifically reference this paragraph; or

19 (3) operating a landscape waste composting facility on
20 a farm, if the facility meets all of the following
21 criteria:

22 (A) the composting facility is operated by the
23 farmer on property on which the composting material is
24 utilized, and the composting facility constitutes no
25 more than 2% of the property's total acreage, except
26 that the Board may allow a higher percentage for

1 individual sites where the owner or operator has
2 demonstrated to the Board that the site's soil
3 characteristics or crop needs require a higher rate;

4 (A-1) the composting facility accepts from other
5 agricultural operations for composting with landscape
6 waste no materials other than uncontaminated and
7 source-separated (i) crop residue and other
8 agricultural plant residue generated from the
9 production and harvesting of crops and other customary
10 farm practices, including, but not limited to, stalks,
11 leaves, seed pods, husks, bagasse, and roots and (ii)
12 plant-derived animal bedding, such as straw or
13 sawdust, that is free of manure and was not made from
14 painted or treated wood;

15 (A-2) any composting additives that the composting
16 facility accepts and uses at the facility are
17 necessary to provide proper conditions for composting
18 and do not exceed 10% of the total composting material
19 at the facility at any one time;

20 (B) the property on which the composting facility
21 is located, and any associated property on which the
22 compost is used, is principally and diligently devoted
23 to the production of agricultural crops and is not
24 owned, leased or otherwise controlled by any waste
25 hauler or generator of nonagricultural compost
26 materials, and the operator of the composting facility

1 is not an employee, partner, shareholder, or in any
2 way connected with or controlled by any such waste
3 hauler or generator;

4 (C) all compost generated by the composting
5 facility is applied at agronomic rates and used as
6 mulch, fertilizer or soil conditioner on land actually
7 farmed by the person operating the composting
8 facility, and the finished compost is not stored at
9 the composting site for a period longer than 18 months
10 prior to its application as mulch, fertilizer, or soil
11 conditioner;

12 (D) the owner or operator, by January 1 of each
13 year, (i) registers the site with the Agency, (ii)
14 reports to the Agency on the volume of composting
15 material received and used at the site, (iii)
16 certifies to the Agency that the site complies with
17 the requirements set forth in subparagraphs (A),
18 (A-1), (A-2), (B), and (C) of this paragraph (q)(3),
19 and (iv) certifies to the Agency that all composting
20 material:

21 (I) was placed more than 200 feet from the
22 nearest potable water supply well;

23 (II) was placed outside the boundary of the
24 10-year floodplain or on a part of the site that is
25 floodproofed;

26 (III) was placed either (aa) at least 1/4 mile

1 from the nearest residence (other than a residence
2 located on the same property as the facility) and
3 there are not more than 10 occupied non-farm
4 residences within 1/2 mile of the boundaries of
5 the site on the date of application or (bb) a
6 lesser distance from the nearest residence (other
7 than a residence located on the same property as
8 the facility) provided that the municipality or
9 county in which the facility is located has by
10 ordinance approved a lesser distance than 1/4 mile
11 and there are not more than 10 occupied non-farm
12 residences within 1/2 mile of the boundaries of
13 the site on the date of application; and

14 (IV) was placed more than 5 feet above the
15 water table.

16 Any ordinance approving a residential setback of
17 less than 1/4 mile that is used to meet the
18 requirements of this subparagraph (D) must
19 specifically reference this subparagraph.

20 For the purposes of this subsection (q), "agronomic rates"
21 means the application of not more than 20 tons per acre per
22 year, except that the Board may allow a higher rate for
23 individual sites where the owner or operator has demonstrated
24 to the Board that the site's soil characteristics or crop
25 needs require a higher rate.

26 (r) Cause or allow the storage or disposal of coal

1 combustion waste unless:

2 (1) such waste is stored or disposed of at a site or
3 facility for which a permit has been obtained or is not
4 otherwise required under subsection (d) of this Section;
5 or

6 (2) such waste is stored or disposed of as a part of
7 the design and reclamation of a site or facility which is
8 an abandoned mine site in accordance with the Abandoned
9 Mined Lands and Water Reclamation Act; or

10 (3) such waste is stored or disposed of at a site or
11 facility which is operating under NPDES and Subtitle D
12 permits issued by the Agency pursuant to regulations
13 adopted by the Board for mine-related water pollution and
14 permits issued pursuant to the federal ~~Federal~~ Surface
15 Mining Control and Reclamation Act of 1977 (P.L. 95-87) or
16 the rules and regulations thereunder or any law or rule or
17 regulation adopted by the State of Illinois pursuant
18 thereto, and the owner or operator of the facility agrees
19 to accept the waste; and either:

20 (i) such waste is stored or disposed of in
21 accordance with requirements applicable to refuse
22 disposal under regulations adopted by the Board for
23 mine-related water pollution and pursuant to NPDES and
24 Subtitle D permits issued by the Agency under such
25 regulations; or

26 (ii) the owner or operator of the facility

1 demonstrates all of the following to the Agency, and
2 the facility is operated in accordance with the
3 demonstration as approved by the Agency: (1) the
4 disposal area will be covered in a manner that will
5 support continuous vegetation, (2) the facility will
6 be adequately protected from wind and water erosion,
7 (3) the pH will be maintained so as to prevent
8 excessive leaching of metal ions, and (4) adequate
9 containment or other measures will be provided to
10 protect surface water and groundwater from
11 contamination at levels prohibited by this Act, the
12 Illinois Groundwater Protection Act, or regulations
13 adopted pursuant thereto.

14 Notwithstanding any other provision of this Title, the
15 disposal of coal combustion waste pursuant to item (2) or (3)
16 of this subdivision (r) shall be exempt from the other
17 provisions of this Title V, and notwithstanding the provisions
18 of Title X of this Act, the Agency is authorized to grant
19 experimental permits which include provision for the disposal
20 of wastes from the combustion of coal and other materials
21 pursuant to items (2) and (3) of this subdivision (r).

22 (s) After April 1, 1989, offer for transportation,
23 transport, deliver, receive or accept special waste for which
24 a manifest is required, unless the manifest indicates that the
25 fee required under Section 22.8 of this Act has been paid.

26 (t) Cause or allow a lateral expansion of a municipal

1 solid waste landfill unit on or after October 9, 1993, without
2 a permit modification, granted by the Agency, that authorizes
3 the lateral expansion.

4 (u) Conduct any vegetable by-product treatment, storage,
5 disposal or transportation operation in violation of any
6 regulation, standards or permit requirements adopted by the
7 Board under this Act. However, no permit shall be required
8 under this Title V for the land application of vegetable
9 by-products conducted pursuant to Agency permit issued under
10 Title III of this Act to the generator of the vegetable
11 by-products. In addition, vegetable by-products may be
12 transported in this State without a special waste hauling
13 permit, and without the preparation and carrying of a
14 manifest.

15 (v) (Blank).

16 (w) Conduct any generation, transportation, or recycling
17 of construction or demolition debris, clean or general, or
18 uncontaminated soil generated during construction, remodeling,
19 repair, and demolition of utilities, structures, and roads
20 that is not commingled with any waste, without the maintenance
21 of documentation identifying the hauler, generator, place of
22 origin of the debris or soil, the weight or volume of the
23 debris or soil, and the location, owner, and operator of the
24 facility where the debris or soil was transferred, disposed,
25 recycled, or treated. This documentation must be maintained by
26 the generator, transporter, or recycler for 3 years. This

1 subsection (w) shall not apply to (1) a permitted pollution
2 control facility that transfers or accepts construction or
3 demolition debris, clean or general, or uncontaminated soil
4 for final disposal, recycling, or treatment, (2) a public
5 utility (as that term is defined in the Public Utilities Act)
6 or a municipal utility, (3) the Illinois Department of
7 Transportation, or (4) a municipality or a county highway
8 department, with the exception of any municipality or county
9 highway department located within a county having a population
10 of over 3,000,000 inhabitants or located in a county that is
11 contiguous to a county having a population of over 3,000,000
12 inhabitants; but it shall apply to an entity that contracts
13 with a public utility, a municipal utility, the Illinois
14 Department of Transportation, or a municipality or a county
15 highway department. The terms "generation" and "recycling", as
16 used in this subsection, do not apply to clean construction or
17 demolition debris when (i) used as fill material below grade
18 outside of a setback zone if covered by sufficient
19 uncontaminated soil to support vegetation within 30 days of
20 the completion of filling or if covered by a road or structure,
21 (ii) solely broken concrete without protruding metal bars is
22 used for erosion control, or (iii) milled asphalt or crushed
23 concrete is used as aggregate in construction of the shoulder
24 of a roadway. The terms "generation" and "recycling", as used
25 in this subsection, do not apply to uncontaminated soil that
26 is not commingled with any waste when (i) used as fill material

1 below grade or contoured to grade, or (ii) used at the site of
2 generation.

3 (Source: P.A. 100-103, eff. 8-11-17; 101-171, eff. 7-30-19;
4 revised 9-12-19.)

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

6 Sec. 39. Issuance of permits; procedures.

7 (a) When the Board has by regulation required a permit for
8 the construction, installation, or operation of any type of
9 facility, equipment, vehicle, vessel, or aircraft, the
10 applicant shall apply to the Agency for such permit and it
11 shall be the duty of the Agency to issue such a permit upon
12 proof by the applicant that the facility, equipment, vehicle,
13 vessel, or aircraft will not cause a violation of this Act or
14 of regulations hereunder. The Agency shall adopt such
15 procedures as are necessary to carry out its duties under this
16 Section. In making its determinations on permit applications
17 under this Section the Agency may consider prior adjudications
18 of noncompliance with this Act by the applicant that involved
19 a release of a contaminant into the environment. In granting
20 permits, the Agency may impose reasonable conditions
21 specifically related to the applicant's past compliance
22 history with this Act as necessary to correct, detect, or
23 prevent noncompliance. The Agency may impose such other
24 conditions as may be necessary to accomplish the purposes of
25 this Act, and as are not inconsistent with the regulations

1 promulgated by the Board hereunder. Except as otherwise
2 provided in this Act, a bond or other security shall not be
3 required as a condition for the issuance of a permit. If the
4 Agency denies any permit under this Section, the Agency shall
5 transmit to the applicant within the time limitations of this
6 Section specific, detailed statements as to the reasons the
7 permit application was denied. Such statements shall include,
8 but not be limited to the following:

9 (i) the Sections of this Act which may be violated if
10 the permit were granted;

11 (ii) the provision of the regulations, promulgated
12 under this Act, which may be violated if the permit were
13 granted;

14 (iii) the specific type of information, if any, which
15 the Agency deems the applicant did not provide the Agency;
16 and

17 (iv) a statement of specific reasons why the Act and
18 the regulations might not be met if the permit were
19 granted.

20 If there is no final action by the Agency within 90 days
21 after the filing of the application for permit, the applicant
22 may deem the permit issued; except that this time period shall
23 be extended to 180 days when (1) notice and opportunity for
24 public hearing are required by State or federal law or
25 regulation, (2) the application which was filed is for any
26 permit to develop a landfill subject to issuance pursuant to

1 this subsection, or (3) the application that was filed is for a
2 MSWLF unit required to issue public notice under subsection
3 (p) of Section 39. The 90-day and 180-day time periods for the
4 Agency to take final action do not apply to NPDES permit
5 applications under subsection (b) of this Section, to RCRA
6 permit applications under subsection (d) of this Section, to
7 UIC permit applications under subsection (e) of this Section,
8 or to CCR surface impoundment applications under subsection
9 (y) of this Section.

10 The Agency shall publish notice of all final permit
11 determinations for development permits for MSWLF units and for
12 significant permit modifications for lateral expansions for
13 existing MSWLF units one time in a newspaper of general
14 circulation in the county in which the unit is or is proposed
15 to be located.

16 After January 1, 1994 and until July 1, 1998, operating
17 permits issued under this Section by the Agency for sources of
18 air pollution permitted to emit less than 25 tons per year of
19 any combination of regulated air pollutants, as defined in
20 Section 39.5 of this Act, shall be required to be renewed only
21 upon written request by the Agency consistent with applicable
22 provisions of this Act and regulations promulgated hereunder.
23 Such operating permits shall expire 180 days after the date of
24 such a request. The Board shall revise its regulations for the
25 existing State air pollution operating permit program
26 consistent with this provision by January 1, 1994.

1 After June 30, 1998, operating permits issued under this
2 Section by the Agency for sources of air pollution that are not
3 subject to Section 39.5 of this Act and are not required to
4 have a federally enforceable State operating permit shall be
5 required to be renewed only upon written request by the Agency
6 consistent with applicable provisions of this Act and its
7 rules. Such operating permits shall expire 180 days after the
8 date of such a request. Before July 1, 1998, the Board shall
9 revise its rules for the existing State air pollution
10 operating permit program consistent with this paragraph and
11 shall adopt rules that require a source to demonstrate that it
12 qualifies for a permit under this paragraph.

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

18 All NPDES permits shall contain those terms and
19 conditions, including, but not limited to, schedules of
20 compliance, which may be required to accomplish the purposes
21 and provisions of this Act.

22 The Agency may issue general NPDES permits for discharges
23 from categories of point sources which are subject to the same
24 permit limitations and conditions. Such general permits may be
25 issued without individual applications and shall conform to
26 regulations promulgated under Section 402 of the Federal Water

1 Pollution Control Act, as now or hereafter amended.

2 The Agency may include, among such conditions, effluent
3 limitations and other requirements established under this Act,
4 Board regulations, the Federal Water Pollution Control Act, as
5 now or hereafter amended, and regulations pursuant thereto,
6 and schedules for achieving compliance therewith at the
7 earliest reasonable date.

8 The Agency shall adopt filing requirements and procedures
9 which are necessary and appropriate for the issuance of NPDES
10 permits, and which are consistent with the Act or regulations
11 adopted by the Board, and with the Federal Water Pollution
12 Control Act, as now or hereafter amended, and regulations
13 pursuant thereto.

14 The Agency, subject to any conditions which may be
15 prescribed by Board regulations, may issue NPDES permits to
16 allow discharges beyond deadlines established by this Act or
17 by regulations of the Board without the requirement of a
18 variance, subject to the Federal Water Pollution Control Act,
19 as now or hereafter amended, and regulations pursuant thereto.

20 (c) Except for those facilities owned or operated by
21 sanitary districts organized under the Metropolitan Water
22 Reclamation District Act, no permit for the development or
23 construction of a new pollution control facility may be
24 granted by the Agency unless the applicant submits proof to
25 the Agency that the location of the facility has been approved
26 by the county board ~~County Board~~ of the county if in an

1 unincorporated area, or the governing body of the municipality
2 when in an incorporated area, in which the facility is to be
3 located in accordance with Section 39.2 of this Act. For
4 purposes of this subsection (c), and for purposes of Section
5 39.2 of this Act, the appropriate county board or governing
6 body of the municipality shall be the county board of the
7 county or the governing body of the municipality in which the
8 facility is to be located as of the date when the application
9 for siting approval is filed.

10 In the event that siting approval granted pursuant to
11 Section 39.2 has been transferred to a subsequent owner or
12 operator, that subsequent owner or operator may apply to the
13 Agency for, and the Agency may grant, a development or
14 construction permit for the facility for which local siting
15 approval was granted. Upon application to the Agency for a
16 development or construction permit by that subsequent owner or
17 operator, the permit applicant shall cause written notice of
18 the permit application to be served upon the appropriate
19 county board or governing body of the municipality that
20 granted siting approval for that facility and upon any party
21 to the siting proceeding pursuant to which siting approval was
22 granted. In that event, the Agency shall conduct an evaluation
23 of the subsequent owner or operator's prior experience in
24 waste management operations in the manner conducted under
25 subsection (i) of Section 39 of this Act.

26 Beginning August 20, 1993, if the pollution control

1 facility consists of a hazardous or solid waste disposal
2 facility for which the proposed site is located in an
3 unincorporated area of a county with a population of less than
4 100,000 and includes all or a portion of a parcel of land that
5 was, on April 1, 1993, adjacent to a municipality having a
6 population of less than 5,000, then the local siting review
7 required under this subsection (c) in conjunction with any
8 permit applied for after that date shall be performed by the
9 governing body of that adjacent municipality rather than the
10 county board of the county in which the proposed site is
11 located; and for the purposes of that local siting review, any
12 references in this Act to the county board shall be deemed to
13 mean the governing body of that adjacent municipality;
14 provided, however, that the provisions of this paragraph shall
15 not apply to any proposed site which was, on April 1, 1993,
16 owned in whole or in part by another municipality.

17 In the case of a pollution control facility for which a
18 development permit was issued before November 12, 1981, if an
19 operating permit has not been issued by the Agency prior to
20 August 31, 1989 for any portion of the facility, then the
21 Agency may not issue or renew any development permit nor issue
22 an original operating permit for any portion of such facility
23 unless the applicant has submitted proof to the Agency that
24 the location of the facility has been approved by the
25 appropriate county board or municipal governing body pursuant
26 to Section 39.2 of this Act.

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

15 Except for those facilities owned or operated by sanitary
16 districts organized under the Metropolitan Water Reclamation
17 District Act, and except for new pollution control facilities
18 governed by Section 39.2, and except for fossil fuel mining
19 facilities, the granting of a permit under this Act shall not
20 relieve the applicant from meeting and securing all necessary
21 zoning approvals from the unit of government having zoning
22 jurisdiction over the proposed facility.

23 Before beginning construction on any new sewage treatment
24 plant or sludge drying site to be owned or operated by a
25 sanitary district organized under the Metropolitan Water
26 Reclamation District Act for which a new permit (rather than

1 the renewal or amendment of an existing permit) is required,
2 such sanitary district shall hold a public hearing within the
3 municipality within which the proposed facility is to be
4 located, or within the nearest community if the proposed
5 facility is to be located within an unincorporated area, at
6 which information concerning the proposed facility shall be
7 made available to the public, and members of the public shall
8 be given the opportunity to express their views concerning the
9 proposed facility.

10 The Agency may issue a permit for a municipal waste
11 transfer station without requiring approval pursuant to
12 Section 39.2 provided that the following demonstration is
13 made:

14 (1) the municipal waste transfer station was in
15 existence on or before January 1, 1979 and was in
16 continuous operation from January 1, 1979 to January 1,
17 1993;

18 (2) the operator submitted a permit application to the
19 Agency to develop and operate the municipal waste transfer
20 station during April of 1994;

21 (3) the operator can demonstrate that the county board
22 of the county, if the municipal waste transfer station is
23 in an unincorporated area, or the governing body of the
24 municipality, if the station is in an incorporated area,
25 does not object to resumption of the operation of the
26 station; and

1 (4) the site has local zoning approval.

2 (d) The Agency may issue RCRA permits exclusively under
3 this subsection to persons owning or operating a facility for
4 the treatment, storage, or disposal of hazardous waste as
5 defined under this Act. Subsection (y) of this Section, rather
6 than this subsection (d), shall apply to permits issued for
7 CCR surface impoundments.

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

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

25 The Agency shall adopt filing requirements and procedures
26 which are necessary and appropriate for the issuance of RCRA

1 permits, and which are consistent with the Act or regulations
2 adopted by the Board, and with the Resource Conservation and
3 Recovery Act of 1976 (P.L. 94-580), as amended, and
4 regulations pursuant thereto.

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

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

18 All UIC permits shall contain those terms and conditions,
19 including, but not limited to, schedules of compliance, which
20 may be required to accomplish the purposes and provisions of
21 this Act. The Agency may include among such conditions
22 standards and other requirements established under this Act,
23 Board regulations, the Safe Drinking Water Act (P.L. 93-523),
24 as amended, and regulations pursuant thereto, and may include
25 schedules for achieving compliance therewith. The Agency shall
26 require that a performance bond or other security be provided

1 as a condition for the issuance of a UIC permit.

2 The Agency shall adopt filing requirements and procedures
3 which are necessary and appropriate for the issuance of UIC
4 permits, and which are consistent with the Act or regulations
5 adopted by the Board, and with the Safe Drinking Water Act
6 (P.L. 93-523), as amended, and regulations pursuant thereto.

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

16 (f) In making any determination pursuant to Section 9.1 of
17 this Act:

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

26 (2) The Agency shall adopt requirements as necessary

1 to implement public participation procedures, including,
2 but not limited to, public notice, comment, and an
3 opportunity for hearing, which must accompany the
4 processing of applications for PSD permits. The Agency
5 shall briefly describe and respond to all significant
6 comments on the draft permit raised during the public
7 comment period or during any hearing. The Agency may group
8 related comments together and provide one unified response
9 for each issue raised.

10 (3) Any complete permit application submitted to the
11 Agency under this subsection for a PSD permit shall be
12 granted or denied by the Agency not later than one year
13 after the filing of such completed application.

14 (4) The Agency shall, after conferring with the
15 applicant, give written notice to the applicant of its
16 proposed decision on the application, including the terms
17 and conditions of the permit to be issued and the facts,
18 conduct, or other basis upon which the Agency will rely to
19 support its proposed action.

20 (g) The Agency shall include as conditions upon all
21 permits issued for hazardous waste disposal sites such
22 restrictions upon the future use of such sites as are
23 reasonably necessary to protect public health and the
24 environment, including permanent prohibition of the use of
25 such sites for purposes which may create an unreasonable risk
26 of injury to human health or to the environment. After

1 administrative and judicial challenges to such restrictions
2 have been exhausted, the Agency shall file such restrictions
3 of record in the Office of the Recorder of the county in which
4 the hazardous waste disposal site is located.

5 (h) A hazardous waste stream may not be deposited in a
6 permitted hazardous waste site unless specific authorization
7 is obtained from the Agency by the generator and disposal site
8 owner and operator for the deposit of that specific hazardous
9 waste stream. The Agency may grant specific authorization for
10 disposal of hazardous waste streams only after the generator
11 has reasonably demonstrated that, considering technological
12 feasibility and economic reasonableness, the hazardous waste
13 cannot be reasonably recycled for reuse, nor incinerated or
14 chemically, physically or biologically treated so as to
15 neutralize the hazardous waste and render it nonhazardous. In
16 granting authorization under this Section, the Agency may
17 impose such conditions as may be necessary to accomplish the
18 purposes of the Act and are consistent with this Act and
19 regulations promulgated by the Board hereunder. If the Agency
20 refuses to grant authorization under this Section, the
21 applicant may appeal as if the Agency refused to grant a
22 permit, pursuant to the provisions of subsection (a) of
23 Section 40 of this Act. For purposes of this subsection (h),
24 the term "generator" has the meaning given in Section 3.205 of
25 this Act, unless: (1) the hazardous waste is treated,
26 incinerated, or partially recycled for reuse prior to

1 disposal, in which case the last person who treats,
2 incinerates, or partially recycles the hazardous waste prior
3 to disposal is the generator; or (2) the hazardous waste is
4 from a response action, in which case the person performing
5 the response action is the generator. This subsection (h) does
6 not apply to any hazardous waste that is restricted from land
7 disposal under 35 Ill. Adm. Code 728.

8 (i) Before issuing any RCRA permit, any permit for a waste
9 storage site, sanitary landfill, waste disposal site, waste
10 transfer station, waste treatment facility, waste incinerator,
11 or any waste-transportation operation, any permit or interim
12 authorization for a clean construction or demolition debris
13 fill operation, or any permit required under subsection (d-5)
14 of Section 55, the Agency shall conduct an evaluation of the
15 prospective owner's or operator's prior experience in waste
16 management operations, clean construction or demolition debris
17 fill operations, and tire storage site management. The Agency
18 may deny such a permit, or deny or revoke interim
19 authorization, if the prospective owner or operator or any
20 employee or officer of the prospective owner or operator has a
21 history of:

22 (1) repeated violations of federal, State, or local
23 laws, regulations, standards, or ordinances in the
24 operation of waste management facilities or sites, clean
25 construction or demolition debris fill operation
26 facilities or sites, or tire storage sites; or

1 (2) conviction in this or another State of any crime
2 which is a felony under the laws of this State, or
3 conviction of a felony in a federal court; or conviction
4 in this or another state or federal court of any of the
5 following crimes: forgery, official misconduct, bribery,
6 perjury, or knowingly submitting false information under
7 any environmental law, regulation, or permit term or
8 condition; or

9 (3) proof of gross carelessness or incompetence in
10 handling, storing, processing, transporting or disposing
11 of waste, clean construction or demolition debris, or used
12 or waste tires, or proof of gross carelessness or
13 incompetence in using clean construction or demolition
14 debris as fill.

15 (i-5) Before issuing any permit or approving any interim
16 authorization for a clean construction or demolition debris
17 fill operation in which any ownership interest is transferred
18 between January 1, 2005, and the effective date of the
19 prohibition set forth in Section 22.52 of this Act, the Agency
20 shall conduct an evaluation of the operation if any previous
21 activities at the site or facility may have caused or allowed
22 contamination of the site. It shall be the responsibility of
23 the owner or operator seeking the permit or interim
24 authorization to provide to the Agency all of the information
25 necessary for the Agency to conduct its evaluation. The Agency
26 may deny a permit or interim authorization if previous

1 activities at the site may have caused or allowed
2 contamination at the site, unless such contamination is
3 authorized under any permit issued by the Agency.

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

9 (k) A development permit issued under subsection (a) of
10 Section 39 for any facility or site which is required to have a
11 permit under subsection (d) of Section 21 shall expire at the
12 end of 2 calendar years from the date upon which it was issued,
13 unless within that period the applicant has taken action to
14 develop the facility or the site. In the event that review of
15 the conditions of the development permit is sought pursuant to
16 Section 40 or 41, or permittee is prevented from commencing
17 development of the facility or site by any other litigation
18 beyond the permittee's control, such two-year period shall be
19 deemed to begin on the date upon which such review process or
20 litigation is concluded.

21 (l) No permit shall be issued by the Agency under this Act
22 for construction or operation of any facility or site located
23 within the boundaries of any setback zone established pursuant
24 to this Act, where such construction or operation is
25 prohibited.

26 (m) The Agency may issue permits to persons owning or

1 operating a facility for composting landscape waste. In
2 granting such permits, the Agency may impose such conditions
3 as may be necessary to accomplish the purposes of this Act, and
4 as are not inconsistent with applicable regulations
5 promulgated by the Board. Except as otherwise provided in this
6 Act, a bond or other security shall not be required as a
7 condition for the issuance of a permit. If the Agency denies
8 any permit pursuant to this subsection, the Agency shall
9 transmit to the applicant within the time limitations of this
10 subsection specific, detailed statements as to the reasons the
11 permit application was denied. Such statements shall include
12 but not be limited to the following:

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

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

17 (3) the specific information, if any, the Agency deems
18 the applicant did not provide in its application to the
19 Agency; and

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

23 If no final action is taken by the Agency within 90 days
24 after the filing of the application for permit, the applicant
25 may deem the permit issued. Any applicant for a permit may
26 waive the 90-day limitation by filing a written statement with

1 the Agency.

2 The Agency shall issue permits for such facilities upon
3 receipt of an application that includes a legal description of
4 the site, a topographic map of the site drawn to the scale of
5 200 feet to the inch or larger, a description of the operation,
6 including the area served, an estimate of the volume of
7 materials to be processed, and documentation that:

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

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

12 (3) the facility is located so as to minimize
13 incompatibility with the character of the surrounding
14 area, including at least a 200 foot setback from any
15 residence, and in the case of a facility that is developed
16 or the permitted composting area of which is expanded
17 after November 17, 1991, the composting area is located at
18 least 1/8 mile from the nearest residence (other than a
19 residence located on the same property as the facility);

20 (4) the design of the facility will prevent any
21 compost material from being placed within 5 feet of the
22 water table, will adequately control runoff from the site,
23 and will collect and manage any leachate that is generated
24 on the site;

25 (5) the operation of the facility will include
26 appropriate dust and odor control measures, limitations on

1 operating hours, appropriate noise control measures for
2 shredding, chipping and similar equipment, management
3 procedures for composting, containment and disposal of
4 non-compostable wastes, procedures to be used for
5 terminating operations at the site, and recordkeeping
6 sufficient to document the amount of materials received,
7 composted and otherwise disposed of; and

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

10 The Agency shall issue renewable permits of not longer
11 than 10 years in duration for the composting of landscape
12 wastes, as defined in Section 3.155 of this Act, based on the
13 above requirements.

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

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

23 (o) (Blank.)

24 (p) (1) Any person submitting an application for a permit
25 for a new MSWLF unit or for a lateral expansion under
26 subsection (t) of Section 21 of this Act for an existing MSWLF

1 unit that has not received and is not subject to local siting
2 approval under Section 39.2 of this Act shall publish notice
3 of the application in a newspaper of general circulation in
4 the county in which the MSWLF unit is or is proposed to be
5 located. The notice must be published at least 15 days before
6 submission of the permit application to the Agency. The notice
7 shall state the name and address of the applicant, the
8 location of the MSWLF unit or proposed MSWLF unit, the nature
9 and size of the MSWLF unit or proposed MSWLF unit, the nature
10 of the activity proposed, the probable life of the proposed
11 activity, the date the permit application will be submitted,
12 and a statement that persons may file written comments with
13 the Agency concerning the permit application within 30 days
14 after the filing of the permit application unless the time
15 period to submit comments is extended by the Agency.

16 When a permit applicant submits information to the Agency
17 to supplement a permit application being reviewed by the
18 Agency, the applicant shall not be required to reissue the
19 notice under this subsection.

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

24 (3) Each applicant for a permit described in part (1) of
25 this subsection shall file a copy of the permit application
26 with the county board or governing body of the municipality in

1 which the MSWLF unit is or is proposed to be located at the
2 same time the application is submitted to the Agency. The
3 permit application filed with the county board or governing
4 body of the municipality shall include all documents submitted
5 to or to be submitted to the Agency, except trade secrets as
6 determined under Section 7.1 of this Act. The permit
7 application and other documents on file with the county board
8 or governing body of the municipality shall be made available
9 for public inspection during regular business hours at the
10 office of the county board or the governing body of the
11 municipality and may be copied upon payment of the actual cost
12 of reproduction.

13 (q) Within 6 months after July 12, 2011 (the effective
14 date of Public Act 97-95), the Agency, in consultation with
15 the regulated community, shall develop a web portal to be
16 posted on its website for the purpose of enhancing review and
17 promoting timely issuance of permits required by this Act. At
18 a minimum, the Agency shall make the following information
19 available on the web portal:

20 (1) Checklists and guidance relating to the completion
21 of permit applications, developed pursuant to subsection
22 (s) of this Section, which may include, but are not
23 limited to, existing instructions for completing the
24 applications and examples of complete applications. As the
25 Agency develops new checklists and develops guidance, it
26 shall supplement the web portal with those materials.

1 (2) Within 2 years after July 12, 2011 (the effective
2 date of Public Act 97-95), permit application forms or
3 portions of permit applications that can be completed and
4 saved electronically, and submitted to the Agency
5 electronically with digital signatures.

6 (3) Within 2 years after July 12, 2011 (the effective
7 date of Public Act 97-95), an online tracking system where
8 an applicant may review the status of its pending
9 application, including the name and contact information of
10 the permit analyst assigned to the application. Until the
11 online tracking system has been developed, the Agency
12 shall post on its website semi-annual permitting
13 efficiency tracking reports that include statistics on the
14 timeframes for Agency action on the following types of
15 permits received after July 12, 2011 (the effective date
16 of Public Act 97-95): air construction permits, new NPDES
17 permits and associated water construction permits, and
18 modifications of major NPDES permits and associated water
19 construction permits. The reports must be posted by
20 February 1 and August 1 each year and shall include:

21 (A) the number of applications received for each
22 type of permit, the number of applications on which
23 the Agency has taken action, and the number of
24 applications still pending; and

25 (B) for those applications where the Agency has
26 not taken action in accordance with the timeframes set

1 forth in this Act, the date the application was
2 received and the reasons for any delays, which may
3 include, but shall not be limited to, (i) the
4 application being inadequate or incomplete, (ii)
5 scientific or technical disagreements with the
6 applicant, USEPA, or other local, state, or federal
7 agencies involved in the permitting approval process,
8 (iii) public opposition to the permit, or (iv) Agency
9 staffing shortages. To the extent practicable, the
10 tracking report shall provide approximate dates when
11 cause for delay was identified by the Agency, when the
12 Agency informed the applicant of the problem leading
13 to the delay, and when the applicant remedied the
14 reason for the delay.

15 (r) Upon the request of the applicant, the Agency shall
16 notify the applicant of the permit analyst assigned to the
17 application upon its receipt.

18 (s) The Agency is authorized to prepare and distribute
19 guidance documents relating to its administration of this
20 Section and procedural rules implementing this Section.
21 Guidance documents prepared under this subsection shall not be
22 considered rules and shall not be subject to the Illinois
23 Administrative Procedure Act. Such guidance shall not be
24 binding on any party.

25 (t) Except as otherwise prohibited by federal law or
26 regulation, any person submitting an application for a permit

1 may include with the application suggested permit language for
2 Agency consideration. The Agency is not obligated to use the
3 suggested language or any portion thereof in its permitting
4 decision. If requested by the permit applicant, the Agency
5 shall meet with the applicant to discuss the suggested
6 language.

7 (u) If requested by the permit applicant, the Agency shall
8 provide the permit applicant with a copy of the draft permit
9 prior to any public review period.

10 (v) If requested by the permit applicant, the Agency shall
11 provide the permit applicant with a copy of the final permit
12 prior to its issuance.

13 (w) An air pollution permit shall not be required due to
14 emissions of greenhouse gases, as specified by Section 9.15 of
15 this Act.

16 (x) If, before the expiration of a State operating permit
17 that is issued pursuant to subsection (a) of this Section and
18 contains federally enforceable conditions limiting the
19 potential to emit of the source to a level below the major
20 source threshold for that source so as to exclude the source
21 from the Clean Air Act Permit Program, the Agency receives a
22 complete application for the renewal of that permit, then all
23 of the terms and conditions of the permit shall remain in
24 effect until final administrative action has been taken on the
25 application for the renewal of the permit.

26 (y) The Agency may issue permits exclusively under this

1 subsection to persons owning or operating a CCR surface
2 impoundment subject to Section 22.59.

3 (z) If a mass animal mortality event is declared by the
4 Department of Agriculture in accordance with the Animal
5 Mortality Act:

6 (1) the owner or operator responsible for the disposal
7 of dead animals is exempted from the following:

8 (i) obtaining a permit for the construction,
9 installation, or operation of any type of facility or
10 equipment issued in accordance with subsection (a) of
11 this Section;

12 (ii) obtaining a permit for open burning in
13 accordance with the rules adopted by the Board; and

14 (iii) registering the disposal of dead animals as
15 an eligible small source with the Agency in accordance
16 with Section 9.14 of this Act;

17 (2) as applicable, the owner or operator responsible
18 for the disposal of dead animals is required to obtain the
19 following permits:

20 (i) an NPDES permit in accordance with subsection
21 (b) of this Section;

22 (ii) a PSD permit or an NA NSR permit in accordance
23 with Section 9.1 of this Act;

24 (iii) a lifetime State operating permit or a
25 federally enforceable State operating permit, in
26 accordance with subsection (a) of this Section; or

1 (iv) a CAAPP permit, in accordance with Section
2 39.5 of this Act.

3 All CCR surface impoundment permits shall contain those
4 terms and conditions, including, but not limited to, schedules
5 of compliance, which may be required to accomplish the
6 purposes and provisions of this Act, Board regulations, the
7 Illinois Groundwater Protection Act and regulations pursuant
8 thereto, and the Resource Conservation and Recovery Act and
9 regulations pursuant thereto, and may include schedules for
10 achieving compliance therewith as soon as possible.

11 The Board shall adopt filing requirements and procedures
12 that are necessary and appropriate for the issuance of CCR
13 surface impoundment permits and that are consistent with this
14 Act or regulations adopted by the Board, and with the RCRA, as
15 amended, and regulations pursuant thereto.

16 The applicant shall make available to the public for
17 inspection all documents submitted by the applicant to the
18 Agency in furtherance of an application, with the exception of
19 trade secrets, on its public internet website as well as at the
20 office of the county board or governing body of the
21 municipality where CCR from the CCR surface impoundment will
22 be permanently disposed. Such documents may be copied upon
23 payment of the actual cost of reproduction during regular
24 business hours of the local office.

25 The Agency shall issue a written statement concurrent with
26 its grant or denial of the permit explaining the basis for its

1 decision.

2 (Source: P.A. 101-171, eff. 7-30-19; revised 9-12-19.)

3 Section 15. The Criminal Code of 2012 is amended by
4 changing Section 48-7 as follows:

5 (720 ILCS 5/48-7)

6 Sec. 48-7. Feeding garbage to animals.

7 (a) Definitions. As used in this Section:

8 "Department" means the Department of Agriculture of
9 the State of Illinois.

10 "Garbage" has the same meaning as in the federal Swine
11 Health Protection Act (7 U.S.C. 3802) and also includes
12 putrescible vegetable waste. "Garbage" does not include
13 the contents of the bovine digestive tract.

14 "Person" means any person, firm, partnership,
15 association, corporation, or other legal entity, any
16 public or private institution, the State, or any municipal
17 corporation or political subdivision of the State.

18 (b) A person commits feeding garbage to animals when he or
19 she feeds or permits the feeding of garbage to swine or any
20 animals or poultry on any farm or any other premises where
21 swine are kept.

22 (c) Establishments licensed under the Animal Mortality Act
23 ~~Illinois Dead Animal Disposal Act~~ or under similar laws in
24 other states are exempt from the provisions of this Section.

1 (d) Nothing in this Section shall be construed to apply to
2 any person who feeds garbage produced in his or her own
3 household to animals or poultry kept on the premises where he
4 or she resides except this garbage if fed to swine shall not
5 contain particles of meat.

6 (e) Sentence. Feeding garbage to animals is a Class B
7 misdemeanor, and for the first offense shall be fined not less
8 than \$100 nor more than \$500 and for a second or subsequent
9 offense shall be fined not less than \$200 nor more than \$500 or
10 imprisoned in a penal institution other than the penitentiary
11 for not more than 6 months, or both.

12 (f) A person violating this Section may be enjoined by the
13 Department from continuing the violation.

14 (g) The Department may make reasonable inspections
15 necessary for the enforcement of this Section, and is
16 authorized to enforce, and administer the provisions of this
17 Section.

18 (Source: P.A. 97-1108, eff. 1-1-13; 98-785, eff. 1-1-15.)