



Sen. Patrick J. Joyce

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10200SB1656sam001

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1 AMENDMENT TO SENATE BILL 1656

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1656 by replacing  
3 everything after the enacting clause with the following:

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

1 grease and oils, for the purpose of salvaging hides, wool,  
2 skins or feathers, and for the production of animal, poultry,  
3 or fish protein, blood meal, bone meal, grease or tallow.

4 (d) "Blender" means any person who acquires inedible  
5 by-products of bodies or parts of bodies of dead animals,  
6 poultry or fish, or used cooking grease and oils, for the  
7 purpose of blending them to obtain a desired percentage of  
8 protein, degree of quality or color for use in animal feed,  
9 poultry feed or fertilizers.

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

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

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

18 (h) "Rendering materials" means bodies or parts of bodies  
19 of dead animals, poultry or fish, or used cooking grease and  
20 oils.

21 (i) "Animal collection service" means a company that  
22 conveys dead animals to a landfill facility licensed under the  
23 Environmental Protection Act when no rendering service is  
24 available. Waste haulers collecting waste in which a dead  
25 animal is included incidental to such waste shall not be  
26 considered an "animal collection service" activity.

1 (j) "Grease and oil collector" means any person who  
2 collects for reuse or recycling used cooking grease and  
3 cooking oils in a permitted vehicle for delivery to a grease  
4 and cooking oil processor for purposes other than rendering or  
5 blending.

6 (k) "Grease and oil processor" means any person who  
7 stores, filters, processes, or distributes for reuse or  
8 recycling used cooking grease and cooking oils for uses other  
9 than rendering or blending.

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

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

17 (n) "Dead animal" means the carcass or tissue from a  
18 deceased domesticated animal, poultry, fish, captive wild  
19 animal, or captive wildlife.

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

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

24 (225 ILCS 610/17.1 new)

25 Sec. 17.1. Mass animal mortality event.

1       (a) The Director, at his or her discretion, may declare a  
2 mass animal mortality event. The Director shall notify the  
3 Illinois Emergency Management Agency of the declaration. The  
4 notification shall be made without delay, but no later than 24  
5 hours following the declaration.

6       (b) The Department shall create and file with the Illinois  
7 Emergency Management Agency a mass animal mortality event  
8 plan. The plan must include and describe, at a minimum, the  
9 following options of disposal:

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

12           (2) rendering;

13           (3) transfer to a landfill;

14           (4) composting, which may be conducted on the site  
15 where the death of the animals occurred or by transporting  
16 the bodies to a licensed landfill or to a centralized  
17 off-site location determined at the time of the mass  
18 animal mortality event;

19           (5) incineration; and

20           (6) any other acceptable method as determined by the  
21 Director.

22       (b) Notwithstanding any other provision of this Act,  
23 following the Director's declaration of a mass animal  
24 mortality event, the Department shall implement the most  
25 recent mass animal mortality event plan on file with the  
26 Illinois Emergency Management Agency.

1 (225 ILCS 610/19a) (from Ch. 8, par. 167a)  
2 Sec. 19a. This Act shall be known and may be cited as the  
3 Animal Mortality Act ~~"Illinois Dead Animal Disposal Act"~~.  
4 (Source: P.A. 83-760.)

5 Section 10. The Environmental Protection Act is amended by  
6 changing Sections 3.330, 21, and 39 as follows:

7 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)  
8 Sec. 3.330. Pollution control facility.

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

15 The following are not pollution control facilities:

16 (1) (blank);

17 (2) waste storage sites regulated under 40 CFR, Part  
18 761.42;

19 (3) sites or facilities used by any person conducting  
20 a waste storage, waste treatment, waste disposal, waste  
21 transfer or waste incineration operation, or a combination  
22 thereof, for wastes generated by such person's own  
23 activities, when such wastes are stored, treated, disposed

1 of, transferred or incinerated within the site or facility  
2 owned, controlled or operated by such person, or when such  
3 wastes are transported within or between sites or  
4 facilities owned, controlled or operated by such person;

5 (4) sites or facilities at which the State is  
6 performing removal or remedial action pursuant to Section  
7 22.2 or 55.3;

8 (5) abandoned quarries used solely for the disposal of  
9 concrete, earth materials, gravel, or aggregate debris  
10 resulting from road construction activities conducted by a  
11 unit of government or construction activities due to the  
12 construction and installation of underground pipes, lines,  
13 conduit or wires off of the premises of a public utility  
14 company which are conducted by a public utility;

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

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

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

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

25 (10) the portion of a site or facility used for  
26 treatment of petroleum contaminated materials by

1 application onto or incorporation into the soil surface  
2 and any portion of that site or facility used for storage  
3 of petroleum contaminated materials before treatment. Only  
4 those categories of petroleum listed in Section 57.9(a)(3)  
5 are exempt under this subdivision (10);

6 (11) the portion of a site or facility where used oil  
7 is collected or stored prior to shipment to a recycling or  
8 energy recovery facility, provided that the used oil is  
9 generated by households or commercial establishments, and  
10 the site or facility is a recycling center or a business  
11 where oil or gasoline is sold at retail;

12 (11.5) processing sites or facilities that receive  
13 only on-specification used oil, as defined in 35 Ill.  
14 Admin. Code 739, originating from used oil collectors for  
15 processing that is managed under 35 Ill. Admin. Code 739  
16 to produce products for sale to off-site petroleum  
17 facilities, if these processing sites or facilities are:  
18 (i) located within a home rule unit of local government  
19 with a population of at least 30,000 according to the 2000  
20 federal census, that home rule unit of local government  
21 has been designated as an Urban Round II Empowerment Zone  
22 by the United States Department of Housing and Urban  
23 Development, and that home rule unit of local government  
24 has enacted an ordinance approving the location of the  
25 site or facility and provided funding for the site or  
26 facility; and (ii) in compliance with all applicable

1 zoning requirements;

2 (12) the portion of a site or facility utilizing coal  
3 combustion waste for stabilization and treatment of only  
4 waste generated on that site or facility when used in  
5 connection with response actions pursuant to the federal  
6 Comprehensive Environmental Response, Compensation, and  
7 Liability Act of 1980, the federal Resource Conservation  
8 and Recovery Act of 1976, or the Illinois Environmental  
9 Protection Act or as authorized by the Agency;

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

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

23 (15) the portion of a site or facility located in a  
24 county with a population over 3,000,000 that has obtained  
25 local siting approval under Section 39.2 of this Act for a  
26 municipal waste incinerator on or before July 1, 2005 and



1 that is used for a non-hazardous waste transfer station;

2 (16) a site or facility that temporarily holds in  
3 transit for 10 days or less, non-putrescible solid waste  
4 in original containers, no larger in capacity than 500  
5 gallons, provided that such waste is further transferred  
6 to a recycling, disposal, treatment, or storage facility  
7 on a non-contiguous site and provided such site or  
8 facility complies with the applicable 10-day transfer  
9 requirements of the federal Resource Conservation and  
10 Recovery Act of 1976 and United States Department of  
11 Transportation hazardous material requirements. For  
12 purposes of this Section only, "non-putrescible solid  
13 waste" means waste other than municipal garbage that does  
14 not rot or become putrid, including, but not limited to,  
15 paints, solvent, filters, and absorbents;

16 (17) the portion of a site or facility located in a  
17 county with a population greater than 3,000,000 that has  
18 obtained local siting approval, under Section 39.2 of this  
19 Act, for a municipal waste incinerator on or before July  
20 1, 2005 and that is used for wood combustion facilities  
21 for energy recovery that accept and burn only wood  
22 material, as included in a fuel specification approved by  
23 the Agency;

24 (18) a transfer station used exclusively for landscape  
25 waste, including a transfer station where landscape waste  
26 is ground to reduce its volume, where the landscape waste

1 is held no longer than 24 hours from the time it was  
2 received;

3 (19) the portion of a site or facility that (i) is used  
4 for the composting of food scrap, livestock waste, crop  
5 residue, uncontaminated wood waste, or paper waste,  
6 including, but not limited to, corrugated paper or  
7 cardboard, and (ii) meets all of the following  
8 requirements:

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

13 (B) All food scrap, livestock waste, crop residue,  
14 uncontaminated wood waste, and paper waste must, by  
15 the end of each operating day, be processed and placed  
16 into an enclosed vessel in which air flow and  
17 temperature are controlled, or all of the following  
18 additional requirements must be met:

19 (i) The portion of the site or facility used  
20 for the composting operation must include a  
21 setback of at least 200 feet from the nearest  
22 potable water supply well.

23 (ii) The portion of the site or facility used  
24 for the composting operation must be located  
25 outside the boundary of the 10-year floodplain or  
26 floodproofed.

1           (iii) Except in municipalities with more than  
2           1,000,000 inhabitants, the portion of the site or  
3           facility used for the composting operation must be  
4           located at least one-eighth of a mile from the  
5           nearest residence, other than a residence located  
6           on the same property as the site or facility.

7           (iv) The portion of the site or facility used  
8           for the composting operation must be located at  
9           least one-eighth of a mile from the property line  
10          of all of the following areas:

11           (I) Facilities that primarily serve to  
12           house or treat people that are  
13           immunocompromised or immunosuppressed, such as  
14           cancer or AIDS patients; people with asthma,  
15           cystic fibrosis, or bioaerosol allergies; or  
16           children under the age of one year.

17           (II) Primary and secondary schools and  
18           adjacent areas that the schools use for  
19           recreation.

20           (III) Any facility for child care licensed  
21           under Section 3 of the Child Care Act of 1969;  
22           preschools; and adjacent areas that the  
23           facilities or preschools use for recreation.

24           (v) By the end of each operating day, all food  
25           scrap, livestock waste, crop residue,  
26           uncontaminated wood waste, and paper waste must be

1 (i) processed into windrows or other piles and  
2 (ii) covered in a manner that prevents scavenging  
3 by birds and animals and that prevents other  
4 nuisances.

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

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

11 (E) The site or facility must not (i) restrict the  
12 flow of a 100-year flood, (ii) result in washout of  
13 food scrap, livestock waste, crop residue,  
14 uncontaminated wood waste, or paper waste from a  
15 100-year flood, or (iii) reduce the temporary water  
16 storage capacity of the 100-year floodplain, unless  
17 measures are undertaken to provide alternative storage  
18 capacity, such as by providing lagoons, holding tanks,  
19 or drainage around structures at the facility.

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

23 (i) an irreplaceable historic or  
24 archaeological site has been listed under the  
25 National Historic Preservation Act (16 U.S.C. 470  
26 et seq.) or the Illinois Historic Preservation

1 Act;

2 (ii) a natural landmark has been designated by  
3 the National Park Service or the Illinois State  
4 Historic Preservation Office; or

5 (iii) a natural area has been designated as a  
6 Dedicated Illinois Nature Preserve under the  
7 Illinois Natural Areas Preservation Act.

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

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

22 (i) the portion of the site or facility is used  
23 exclusively to perform testing of a thermochemical  
24 conversion technology using only woody biomass,  
25 collected as landscape waste within the boundaries of  
26 the home rule unit, as the hydrocarbon feedstock for

1 the production of synthetic gas in accordance with  
2 Section 39.9 of this Act;

3 (ii) the portion of the site or facility is in  
4 compliance with all applicable zoning requirements;  
5 and

6 (iii) a complete application for a demonstration  
7 permit at the portion of the site or facility has been  
8 submitted to the Agency in accordance with Section  
9 39.9 of this Act within one year after July 27, 2010  
10 (the effective date of Public Act 96-1314);

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

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

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

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

26 (B) that is located entirely within a home rule

1 unit having a population of (i) not less than 100,000  
2 and not more than 115,000 according to the 2010  
3 federal census, (ii) not less than 5,000 and not more  
4 than 10,000 according to the 2010 federal census, or  
5 (iii) not less than 25,000 and not more than 30,000  
6 according to the 2010 federal census or that is  
7 located in the unincorporated area of a county having  
8 a population of not less than 700,000 and not more than  
9 705,000 according to the 2010 federal census;

10 (C) that is permitted, by the Agency, prior to  
11 January 1, 2002, for the transfer of landscape waste  
12 if located in a home rule unit or that is permitted  
13 prior to January 1, 2008 if located in an  
14 unincorporated area of a county; and

15 (D) for which a permit application is submitted to  
16 the Agency to modify an existing permit for the  
17 transfer of landscape waste to also include, on a  
18 demonstration basis not to exceed 24 months each time  
19 a permit is issued, the transfer of commingled  
20 landscape waste and food scrap or for which a permit  
21 application is submitted to the Agency within 6 months  
22 of the effective date of this amendatory Act of the  
23 100th General Assembly; ~~and~~

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

26 (A) that is located in a county having a

1 population of not less than 55,000 and not more than  
2 60,000 according to the 2010 federal census;

3 (B) that is owned by that county;

4 (C) that is permitted, by the Agency, prior to  
5 July 10, 2015 (the effective date of Public Act  
6 99-12); and

7 (D) for which a permit application is submitted to  
8 the Agency within 6 months after July 10, 2015 (the  
9 effective date of Public Act 99-12) for the disposal  
10 of non-hazardous special waste; ~~and~~

11 (25) the portion of a site or facility used during a  
12 mass animal mortality event, as defined in the Animal  
13 Mortality Act, where such waste is collected, stored,  
14 processed, disposed, or incinerated under a mass animal  
15 mortality event plan issued by the Department of  
16 Agriculture.

17 (b) A new pollution control facility is:

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

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

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

25 (Source: P.A. 99-12, eff. 7-10-15; 99-440, eff. 8-21-15;  
26 99-642, eff. 7-28-16; 100-94, eff. 8-11-17.)



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

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

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

4 (b) Abandon, dump, or deposit any waste upon the public  
5 highways or other public property, except in a sanitary  
6 landfill approved by the Agency pursuant to regulations  
7 adopted by the Board.

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

11 (d) Conduct any waste-storage, waste-treatment, or  
12 waste-disposal operation:

13 (1) without a permit granted by the Agency or in  
14 violation of any conditions imposed by such permit,  
15 including periodic reports and full access to adequate  
16 records and the inspection of facilities, as may be  
17 necessary to assure compliance with this Act and with  
18 regulations and standards adopted thereunder; provided,  
19 however, that, except for municipal solid waste landfill  
20 units that receive waste on or after October 9, 1993, and  
21 CCR surface impoundments, no permit shall be required for

22 (i) any person conducting a waste-storage,  
23 waste-treatment, or waste-disposal operation for wastes  
24 generated by such person's own activities which are  
25 stored, treated, or disposed within the site where such

1 wastes are generated, ~~or~~ (ii) a facility located in a  
2 county with a population over 700,000 as of January 1,  
3 2000, operated and located in accordance with Section  
4 22.38 of this Act, and used exclusively for the transfer,  
5 storage, or treatment of general construction or  
6 demolition debris, provided that the facility was  
7 receiving construction or demolition debris on August 24,  
8 2009 (the effective date of Public Act 96-611), or (iii)  
9 any person conducting a waste transfer, storage,  
10 treatment, or disposal operation, including, but not  
11 limited to, a waste transfer or waste composting  
12 operation, under a mass animal mortality event plan  
13 created by the Department of Agriculture ~~this amendatory~~  
14 ~~Act of the 96th General Assembly;~~

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

17 (3) which receives waste after August 31, 1988, does  
18 not have a permit issued by the Agency, and is (i) a  
19 landfill used exclusively for the disposal of waste  
20 generated at the site, (ii) a surface impoundment  
21 receiving special waste not listed in an NPDES permit,  
22 (iii) a waste pile in which the total volume of waste is  
23 greater than 100 cubic yards or the waste is stored for  
24 over one year, or (iv) a land treatment facility receiving  
25 special waste generated at the site; without giving notice  
26 of the operation to the Agency by January 1, 1989, or 30

1 days after the date on which the operation commences,  
2 whichever is later, and every 3 years thereafter. The form  
3 for such notification shall be specified by the Agency,  
4 and shall be limited to information regarding: the name  
5 and address of the location of the operation; the type of  
6 operation; the types and amounts of waste stored, treated  
7 or disposed of on an annual basis; the remaining capacity  
8 of the operation; and the remaining expected life of the  
9 operation.

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

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

17 (e) Dispose, treat, store or abandon any waste, or  
18 transport any waste into this State for disposal, treatment,  
19 storage or abandonment, except at a site or facility which  
20 meets the requirements of this Act and of regulations and  
21 standards thereunder.

22 (f) Conduct any hazardous waste-storage, hazardous  
23 waste-treatment or hazardous waste-disposal operation:

24 (1) without a RCRA permit for the site issued by the  
25 Agency under subsection (d) of Section 39 of this Act, or  
26 in violation of any condition imposed by such permit,

1 including periodic reports and full access to adequate  
2 records and the inspection of facilities, as may be  
3 necessary to assure compliance with this Act and with  
4 regulations and standards adopted thereunder; or

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

7 (3) in violation of any RCRA permit filing requirement  
8 established under standards adopted by the Board under  
9 this Act; or

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

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

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

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

26 (2) in violation of any regulations or standards

1           adopted by the Board under this Act.

2           (h) Conduct any hazardous waste-recycling or hazardous  
3 waste-reclamation or hazardous waste-reuse operation in  
4 violation of any regulations, standards or permit requirements  
5 adopted by the Board under this Act.

6           (i) Conduct any process or engage in any act which  
7 produces hazardous waste in violation of any regulations or  
8 standards adopted by the Board under subsections (a) and (c)  
9 of Section 22.4 of this Act.

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

1 transported. This subsection (j) shall not apply to hazardous  
2 waste.

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

4 (l) Locate a hazardous waste disposal site above an active  
5 or inactive shaft or tunneled mine or within 2 miles of an  
6 active fault in the earth's crust. In counties of population  
7 less than 225,000 no hazardous waste disposal site shall be  
8 located (1) within 1 1/2 miles of the corporate limits as  
9 defined on June 30, 1978, of any municipality without the  
10 approval of the governing body of the municipality in an  
11 official action; or (2) within 1000 feet of an existing  
12 private well or the existing source of a public water supply  
13 measured from the boundary of the actual active permitted site  
14 and excluding existing private wells on the property of the  
15 permit applicant. The provisions of this subsection do not  
16 apply to publicly owned ~~publicly owned~~ sewage works or the  
17 disposal or utilization of sludge from publicly owned  
18 ~~publicly owned~~ sewage works.

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

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

1 (o) Conduct a sanitary landfill operation which is  
2 required to have a permit under subsection (d) of this  
3 Section, in a manner which results in any of the following  
4 conditions:

5 (1) refuse in standing or flowing waters;

6 (2) leachate flows entering waters of the State;

7 (3) leachate flows exiting the landfill confines (as  
8 determined by the boundaries established for the landfill  
9 by a permit issued by the Agency);

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

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

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

17 (7) acceptance of wastes without necessary permits;

18 (8) scavenging as defined by Board regulations;

19 (9) deposition of refuse in any unpermitted portion of  
20 the landfill;

21 (10) acceptance of a special waste without a required  
22 manifest;

23 (11) failure to submit reports required by permits or  
24 Board regulations;

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

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

4           The prohibitions specified in this subsection (o) shall be  
5           enforceable by the Agency either by administrative citation  
6           under Section 31.1 of this Act or as otherwise provided by this  
7           Act. The specific prohibitions in this subsection do not limit  
8           the power of the Board to establish regulations or standards  
9           applicable to sanitary landfills.

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

13                 (1) litter;

14                 (2) scavenging;

15                 (3) open burning;

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

17                 (5) proliferation of disease vectors;

18                 (6) standing or flowing liquid discharge from the dump  
19          site;

20                 (7) deposition of:

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

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

25          The prohibitions specified in this subsection (p) shall be  
26          enforceable by the Agency either by administrative citation



1 under Section 31.1 of this Act or as otherwise provided by this  
2 Act. The specific prohibitions in this subsection do not limit  
3 the power of the Board to establish regulations or standards  
4 applicable to open dumping.

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

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

12 (1.5) conducting a landscape waste composting  
13 operation that (i) has no more than 25 cubic yards of  
14 landscape waste, composting additives, composting  
15 material, or end-product compost on-site at any one time  
16 and (ii) is not engaging in commercial activity; or

17 (2) applying landscape waste or composted landscape  
18 waste at agronomic rates; or

19 (2.5) operating a landscape waste composting facility  
20 at a site having 10 or more occupied non-farm residences  
21 within 1/2 mile of its boundaries, if the facility meets  
22 all of the following criteria:

23 (A) the composting facility is operated by the  
24 farmer on property on which the composting material is  
25 utilized, and the composting facility constitutes no  
26 more than 2% of the site's total acreage;

1           (A-5) any composting additives that the composting  
2 facility accepts and uses at the facility are  
3 necessary to provide proper conditions for composting  
4 and do not exceed 10% of the total composting material  
5 at the facility at any one time;

6           (B) the property on which the composting facility  
7 is located, and any associated property on which the  
8 compost is used, is principally and diligently devoted  
9 to the production of agricultural crops and is not  
10 owned, leased, or otherwise controlled by any waste  
11 hauler or generator of nonagricultural compost  
12 materials, and the operator of the composting facility  
13 is not an employee, partner, shareholder, or in any  
14 way connected with or controlled by any such waste  
15 hauler or generator;

16           (C) all compost generated by the composting  
17 facility is applied at agronomic rates and used as  
18 mulch, fertilizer, or soil conditioner on land  
19 actually farmed by the person operating the composting  
20 facility, and the finished compost is not stored at  
21 the composting site for a period longer than 18 months  
22 prior to its application as mulch, fertilizer, or soil  
23 conditioner;

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

26           (E) the owner or operator, by January 1, 2014 (or

1 the January 1 following commencement of operation,  
2 whichever is later) and January 1 of each year  
3 thereafter, registers the site with the Agency, (ii)  
4 reports to the Agency on the volume of composting  
5 material received and used at the site; (iii)  
6 certifies to the Agency that the site complies with  
7 the requirements set forth in subparagraphs (A),  
8 (A-5), (B), (C), and (D) of this paragraph (2.5); and  
9 (iv) certifies to the Agency that all composting  
10 material was placed more than 200 feet from the  
11 nearest potable water supply well, was placed outside  
12 the boundary of the 10-year floodplain or on a part of  
13 the site that is floodproofed, was placed at least 1/4  
14 mile from the nearest residence (other than a  
15 residence located on the same property as the  
16 facility) or a lesser distance from the nearest  
17 residence (other than a residence located on the same  
18 property as the facility) if the municipality in which  
19 the facility is located has by ordinance approved a  
20 lesser distance than 1/4 mile, and was placed more  
21 than 5 feet above the water table; any ordinance  
22 approving a residential setback of less than 1/4 mile  
23 that is used to meet the requirements of this  
24 subparagraph (E) of paragraph (2.5) of this subsection  
25 must specifically reference this paragraph; or  
26 (3) operating a landscape waste composting facility on

1 a farm, if the facility meets all of the following  
2 criteria:

3 (A) the composting facility is operated by the  
4 farmer on property on which the composting material is  
5 utilized, and the composting facility constitutes no  
6 more than 2% of the property's total acreage, except  
7 that the Board may allow a higher percentage for  
8 individual sites where the owner or operator has  
9 demonstrated to the Board that the site's soil  
10 characteristics or crop needs require a higher rate;

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

22 (A-2) any composting additives that the composting  
23 facility accepts and uses at the facility are  
24 necessary to provide proper conditions for composting  
25 and do not exceed 10% of the total composting material  
26 at the facility at any one time;

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

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

19           (D) the owner or operator, by January 1 of each  
20 year, (i) registers the site with the Agency, (ii)  
21 reports to the Agency on the volume of composting  
22 material received and used at the site, (iii)  
23 certifies to the Agency that the site complies with  
24 the requirements set forth in subparagraphs (A),  
25 (A-1), (A-2), (B), and (C) of this paragraph (q) (3),  
26 and (iv) certifies to the Agency that all composting

1 material:

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

4 (II) was placed outside the boundary of the  
5 10-year floodplain or on a part of the site that is  
6 floodproofed;

7 (III) was placed either (aa) at least 1/4 mile  
8 from the nearest residence (other than a residence  
9 located on the same property as the facility) and  
10 there are not more than 10 occupied non-farm  
11 residences within 1/2 mile of the boundaries of  
12 the site on the date of application or (bb) a  
13 lesser distance from the nearest residence (other  
14 than a residence located on the same property as  
15 the facility) provided that the municipality or  
16 county in which the facility is located has by  
17 ordinance approved a lesser distance than 1/4 mile  
18 and there are not more than 10 occupied non-farm  
19 residences within 1/2 mile of the boundaries of  
20 the site on the date of application; and

21 (IV) was placed more than 5 feet above the  
22 water table.

23 Any ordinance approving a residential setback of  
24 less than 1/4 mile that is used to meet the  
25 requirements of this subparagraph (D) must  
26 specifically reference this subparagraph.

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

7           (r) Cause or allow the storage or disposal of coal  
8 combustion waste unless:

9           (1) such waste is stored or disposed of at a site or  
10 facility for which a permit has been obtained or is not  
11 otherwise required under subsection (d) of this Section;  
12 or

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

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

1           (i) such waste is stored or disposed of in  
2 accordance with requirements applicable to refuse  
3 disposal under regulations adopted by the Board for  
4 mine-related water pollution and pursuant to NPDES and  
5 Subtitle D permits issued by the Agency under such  
6 regulations; or

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

21           Notwithstanding any other provision of this Title, the  
22 disposal of coal combustion waste pursuant to item (2) or (3)  
23 of this subdivision (r) shall be exempt from the other  
24 provisions of this Title V, and notwithstanding the provisions  
25 of Title X of this Act, the Agency is authorized to grant  
26 experimental permits which include provision for the disposal



1 of wastes from the combustion of coal and other materials  
2 pursuant to items (2) and (3) of this subdivision (r).

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

7 (t) Cause or allow a lateral expansion of a municipal  
8 solid waste landfill unit on or after October 9, 1993, without  
9 a permit modification, granted by the Agency, that authorizes  
10 the lateral expansion.

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

22 (v) (Blank).

23 (w) Conduct any generation, transportation, or recycling  
24 of construction or demolition debris, clean or general, or  
25 uncontaminated soil generated during construction, remodeling,  
26 repair, and demolition of utilities, structures, and roads

1 that is not commingled with any waste, without the maintenance  
2 of documentation identifying the hauler, generator, place of  
3 origin of the debris or soil, the weight or volume of the  
4 debris or soil, and the location, owner, and operator of the  
5 facility where the debris or soil was transferred, disposed,  
6 recycled, or treated. This documentation must be maintained by  
7 the generator, transporter, or recycler for 3 years. This  
8 subsection (w) shall not apply to (1) a permitted pollution  
9 control facility that transfers or accepts construction or  
10 demolition debris, clean or general, or uncontaminated soil  
11 for final disposal, recycling, or treatment, (2) a public  
12 utility (as that term is defined in the Public Utilities Act)  
13 or a municipal utility, (3) the Illinois Department of  
14 Transportation, or (4) a municipality or a county highway  
15 department, with the exception of any municipality or county  
16 highway department located within a county having a population  
17 of over 3,000,000 inhabitants or located in a county that is  
18 contiguous to a county having a population of over 3,000,000  
19 inhabitants; but it shall apply to an entity that contracts  
20 with a public utility, a municipal utility, the Illinois  
21 Department of Transportation, or a municipality or a county  
22 highway department. The terms "generation" and "recycling", as  
23 used in this subsection, do not apply to clean construction or  
24 demolition debris when (i) used as fill material below grade  
25 outside of a setback zone if covered by sufficient  
26 uncontaminated soil to support vegetation within 30 days of

1 the completion of filling or if covered by a road or structure,  
2 (ii) solely broken concrete without protruding metal bars is  
3 used for erosion control, or (iii) milled asphalt or crushed  
4 concrete is used as aggregate in construction of the shoulder  
5 of a roadway. The terms "generation" and "recycling", as used  
6 in this subsection, do not apply to uncontaminated soil that  
7 is not commingled with any waste when (i) used as fill material  
8 below grade or contoured to grade, or (ii) used at the site of  
9 generation.

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

12 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

13 Sec. 39. Issuance of permits; procedures.

14 (a) When the Board has by regulation required a permit for  
15 the construction, installation, or operation of any type of  
16 facility, equipment, vehicle, vessel, or aircraft, the  
17 applicant shall apply to the Agency for such permit and it  
18 shall be the duty of the Agency to issue such a permit upon  
19 proof by the applicant that the facility, equipment, vehicle,  
20 vessel, or aircraft will not cause a violation of this Act or  
21 of regulations hereunder. The Agency shall adopt such  
22 procedures as are necessary to carry out its duties under this  
23 Section. In making its determinations on permit applications  
24 under this Section the Agency may consider prior adjudications  
25 of noncompliance with this Act by the applicant that involved

1 a release of a contaminant into the environment. In granting  
2 permits, the Agency may impose reasonable conditions  
3 specifically related to the applicant's past compliance  
4 history with this Act as necessary to correct, detect, or  
5 prevent noncompliance. The Agency may impose such other  
6 conditions as may be necessary to accomplish the purposes of  
7 this Act, and as are not inconsistent with the regulations  
8 promulgated by the Board hereunder. Except as otherwise  
9 provided in this Act, a bond or other security shall not be  
10 required as a condition for the issuance of a permit. If the  
11 Agency denies any permit under this Section, the Agency shall  
12 transmit to the applicant within the time limitations of this  
13 Section specific, detailed statements as to the reasons the  
14 permit application was denied. Such statements shall include,  
15 but not be limited to the following:

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

18 (ii) the provision of the regulations, promulgated  
19 under this Act, which may be violated if the permit were  
20 granted;

21 (iii) the specific type of information, if any, which  
22 the Agency deems the applicant did not provide the Agency;  
23 and

24 (iv) a statement of specific reasons why the Act and  
25 the regulations might not be met if the permit were  
26 granted.

1           If there is no final action by the Agency within 90 days  
2 after the filing of the application for permit, the applicant  
3 may deem the permit issued; except that this time period shall  
4 be extended to 180 days when (1) notice and opportunity for  
5 public hearing are required by State or federal law or  
6 regulation, (2) the application which was filed is for any  
7 permit to develop a landfill subject to issuance pursuant to  
8 this subsection, or (3) the application that was filed is for a  
9 MSWLF unit required to issue public notice under subsection  
10 (p) of Section 39. The 90-day and 180-day time periods for the  
11 Agency to take final action do not apply to NPDES permit  
12 applications under subsection (b) of this Section, to RCRA  
13 permit applications under subsection (d) of this Section, to  
14 UIC permit applications under subsection (e) of this Section,  
15 or to CCR surface impoundment applications under subsection  
16 (y) of this Section.

17           The Agency shall publish notice of all final permit  
18 determinations for development permits for MSWLF units and for  
19 significant permit modifications for lateral expansions for  
20 existing MSWLF units one time in a newspaper of general  
21 circulation in the county in which the unit is or is proposed  
22 to be located.

23           After January 1, 1994 and until July 1, 1998, operating  
24 permits issued under this Section by the Agency for sources of  
25 air pollution permitted to emit less than 25 tons per year of  
26 any combination of regulated air pollutants, as defined in

1 Section 39.5 of this Act, shall be required to be renewed only  
2 upon written request by the Agency consistent with applicable  
3 provisions of this Act and regulations promulgated hereunder.  
4 Such operating permits shall expire 180 days after the date of  
5 such a request. The Board shall revise its regulations for the  
6 existing State air pollution operating permit program  
7 consistent with this provision by January 1, 1994.

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

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

25 All NPDES permits shall contain those terms and  
26 conditions, including, but not limited to, schedules of

1 compliance, which may be required to accomplish the purposes  
2 and provisions of this Act.

3 The Agency may issue general NPDES permits for discharges  
4 from categories of point sources which are subject to the same  
5 permit limitations and conditions. Such general permits may be  
6 issued without individual applications and shall conform to  
7 regulations promulgated under Section 402 of the Federal Water  
8 Pollution Control Act, as now or hereafter amended.

9 The Agency may include, among such conditions, effluent  
10 limitations and other requirements established under this Act,  
11 Board regulations, the Federal Water Pollution Control Act, as  
12 now or hereafter amended, and regulations pursuant thereto,  
13 and schedules for achieving compliance therewith at the  
14 earliest reasonable date.

15 The Agency shall adopt filing requirements and procedures  
16 which are necessary and appropriate for the issuance of NPDES  
17 permits, and which are consistent with the Act or regulations  
18 adopted by the Board, and with the Federal Water Pollution  
19 Control Act, as now or hereafter amended, and regulations  
20 pursuant thereto.

21 The Agency, subject to any conditions which may be  
22 prescribed by Board regulations, may issue NPDES permits to  
23 allow discharges beyond deadlines established by this Act or  
24 by regulations of the Board without the requirement of a  
25 variance, subject to the Federal Water Pollution Control Act,  
26 as now or hereafter amended, and regulations pursuant thereto.

1           (c) Except for those facilities owned or operated by  
2 sanitary districts organized under the Metropolitan Water  
3 Reclamation District Act, no permit for the development or  
4 construction of a new pollution control facility may be  
5 granted by the Agency unless the applicant submits proof to  
6 the Agency that the location of the facility has been approved  
7 by the county board ~~County Board~~ of the county if in an  
8 unincorporated area, or the governing body of the municipality  
9 when in an incorporated area, in which the facility is to be  
10 located in accordance with Section 39.2 of this Act. For  
11 purposes of this subsection (c), and for purposes of Section  
12 39.2 of this Act, the appropriate county board or governing  
13 body of the municipality shall be the county board of the  
14 county or the governing body of the municipality in which the  
15 facility is to be located as of the date when the application  
16 for siting approval is filed.

17           In the event that siting approval granted pursuant to  
18 Section 39.2 has been transferred to a subsequent owner or  
19 operator, that subsequent owner or operator may apply to the  
20 Agency for, and the Agency may grant, a development or  
21 construction permit for the facility for which local siting  
22 approval was granted. Upon application to the Agency for a  
23 development or construction permit by that subsequent owner or  
24 operator, the permit applicant shall cause written notice of  
25 the permit application to be served upon the appropriate  
26 county board or governing body of the municipality that



1 granted siting approval for that facility and upon any party  
2 to the siting proceeding pursuant to which siting approval was  
3 granted. In that event, the Agency shall conduct an evaluation  
4 of the subsequent owner or operator's prior experience in  
5 waste management operations in the manner conducted under  
6 subsection (i) of Section 39 of this Act.

7 Beginning August 20, 1993, if the pollution control  
8 facility consists of a hazardous or solid waste disposal  
9 facility for which the proposed site is located in an  
10 unincorporated area of a county with a population of less than  
11 100,000 and includes all or a portion of a parcel of land that  
12 was, on April 1, 1993, adjacent to a municipality having a  
13 population of less than 5,000, then the local siting review  
14 required under this subsection (c) in conjunction with any  
15 permit applied for after that date shall be performed by the  
16 governing body of that adjacent municipality rather than the  
17 county board of the county in which the proposed site is  
18 located; and for the purposes of that local siting review, any  
19 references in this Act to the county board shall be deemed to  
20 mean the governing body of that adjacent municipality;  
21 provided, however, that the provisions of this paragraph shall  
22 not apply to any proposed site which was, on April 1, 1993,  
23 owned in whole or in part by another municipality.

24 In the case of a pollution control facility for which a  
25 development permit was issued before November 12, 1981, if an  
26 operating permit has not been issued by the Agency prior to

1 August 31, 1989 for any portion of the facility, then the  
2 Agency may not issue or renew any development permit nor issue  
3 an original operating permit for any portion of such facility  
4 unless the applicant has submitted proof to the Agency that  
5 the location of the facility has been approved by the  
6 appropriate county board or municipal governing body pursuant  
7 to Section 39.2 of this Act.

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

22 Except for those facilities owned or operated by sanitary  
23 districts organized under the Metropolitan Water Reclamation  
24 District Act, and except for new pollution control facilities  
25 governed by Section 39.2, and except for fossil fuel mining  
26 facilities, the granting of a permit under this Act shall not

1 relieve the applicant from meeting and securing all necessary  
2 zoning approvals from the unit of government having zoning  
3 jurisdiction over the proposed facility.

4 Before beginning construction on any new sewage treatment  
5 plant or sludge drying site to be owned or operated by a  
6 sanitary district organized under the Metropolitan Water  
7 Reclamation District Act for which a new permit (rather than  
8 the renewal or amendment of an existing permit) is required,  
9 such sanitary district shall hold a public hearing within the  
10 municipality within which the proposed facility is to be  
11 located, or within the nearest community if the proposed  
12 facility is to be located within an unincorporated area, at  
13 which information concerning the proposed facility shall be  
14 made available to the public, and members of the public shall  
15 be given the opportunity to express their views concerning the  
16 proposed facility.

17 The Agency may issue a permit for a municipal waste  
18 transfer station without requiring approval pursuant to  
19 Section 39.2 provided that the following demonstration is  
20 made:

21 (1) the municipal waste transfer station was in  
22 existence on or before January 1, 1979 and was in  
23 continuous operation from January 1, 1979 to January 1,  
24 1993;

25 (2) the operator submitted a permit application to the  
26 Agency to develop and operate the municipal waste transfer

1 station during April of 1994;

2 (3) the operator can demonstrate that the county board  
3 of the county, if the municipal waste transfer station is  
4 in an unincorporated area, or the governing body of the  
5 municipality, if the station is in an incorporated area,  
6 does not object to resumption of the operation of the  
7 station; and

8 (4) the site has local zoning approval.

9 (d) The Agency may issue RCRA permits exclusively under  
10 this subsection to persons owning or operating a facility for  
11 the treatment, storage, or disposal of hazardous waste as  
12 defined under this Act. Subsection (y) of this Section, rather  
13 than this subsection (d), shall apply to permits issued for  
14 CCR surface impoundments.

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

26 In the case of a permit to operate a hazardous waste or PCB

1 incinerator as defined in subsection (k) of Section 44, the  
2 Agency shall require, as a condition of the permit, that the  
3 operator of the facility perform such analyses of the waste to  
4 be incinerated as may be necessary and appropriate to ensure  
5 the safe operation of the incinerator.

6 The Agency shall adopt filing requirements and procedures  
7 which are necessary and appropriate for the issuance of RCRA  
8 permits, and which are consistent with the Act or regulations  
9 adopted by the Board, and with the Resource Conservation and  
10 Recovery Act of 1976 (P.L. 94-580), as amended, and  
11 regulations pursuant thereto.

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

21 (e) The Agency may issue UIC permits exclusively under  
22 this subsection to persons owning or operating a facility for  
23 the underground injection of contaminants as defined under  
24 this Act.

25 All UIC permits shall contain those terms and conditions,  
26 including, but not limited to, schedules of compliance, which

1 may be required to accomplish the purposes and provisions of  
2 this Act. The Agency may include among such conditions  
3 standards and other requirements established under this Act,  
4 Board regulations, the Safe Drinking Water Act (P.L. 93-523),  
5 as amended, and regulations pursuant thereto, and may include  
6 schedules for achieving compliance therewith. The Agency shall  
7 require that a performance bond or other security be provided  
8 as a condition for the issuance of a UIC permit.

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

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

23 (f) In making any determination pursuant to Section 9.1 of  
24 this Act:

25 (1) The Agency shall have authority to make the  
26 determination of any question required to be determined by

1 the Clean Air Act, as now or hereafter amended, this Act,  
2 or the regulations of the Board, including the  
3 determination of the Lowest Achievable Emission Rate,  
4 Maximum Achievable Control Technology, or Best Available  
5 Control Technology, consistent with the Board's  
6 regulations, if any.

7 (2) The Agency shall adopt requirements as necessary  
8 to implement public participation procedures, including,  
9 but not limited to, public notice, comment, and an  
10 opportunity for hearing, which must accompany the  
11 processing of applications for PSD permits. The Agency  
12 shall briefly describe and respond to all significant  
13 comments on the draft permit raised during the public  
14 comment period or during any hearing. The Agency may group  
15 related comments together and provide one unified response  
16 for each issue raised.

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

21 (4) The Agency shall, after conferring with the  
22 applicant, give written notice to the applicant of its  
23 proposed decision on the application, including the terms  
24 and conditions of the permit to be issued and the facts,  
25 conduct, or other basis upon which the Agency will rely to  
26 support its proposed action.

1           (g) The Agency shall include as conditions upon all  
2 permits issued for hazardous waste disposal sites such  
3 restrictions upon the future use of such sites as are  
4 reasonably necessary to protect public health and the  
5 environment, including permanent prohibition of the use of  
6 such sites for purposes which may create an unreasonable risk  
7 of injury to human health or to the environment. After  
8 administrative and judicial challenges to such restrictions  
9 have been exhausted, the Agency shall file such restrictions  
10 of record in the Office of the Recorder of the county in which  
11 the hazardous waste disposal site is located.

12           (h) A hazardous waste stream may not be deposited in a  
13 permitted hazardous waste site unless specific authorization  
14 is obtained from the Agency by the generator and disposal site  
15 owner and operator for the deposit of that specific hazardous  
16 waste stream. The Agency may grant specific authorization for  
17 disposal of hazardous waste streams only after the generator  
18 has reasonably demonstrated that, considering technological  
19 feasibility and economic reasonableness, the hazardous waste  
20 cannot be reasonably recycled for reuse, nor incinerated or  
21 chemically, physically or biologically treated so as to  
22 neutralize the hazardous waste and render it nonhazardous. In  
23 granting authorization under this Section, the Agency may  
24 impose such conditions as may be necessary to accomplish the  
25 purposes of the Act and are consistent with this Act and  
26 regulations promulgated by the Board hereunder. If the Agency



1 refuses to grant authorization under this Section, the  
2 applicant may appeal as if the Agency refused to grant a  
3 permit, pursuant to the provisions of subsection (a) of  
4 Section 40 of this Act. For purposes of this subsection (h),  
5 the term "generator" has the meaning given in Section 3.205 of  
6 this Act, unless: (1) the hazardous waste is treated,  
7 incinerated, or partially recycled for reuse prior to  
8 disposal, in which case the last person who treats,  
9 incinerates, or partially recycles the hazardous waste prior  
10 to disposal is the generator; or (2) the hazardous waste is  
11 from a response action, in which case the person performing  
12 the response action is the generator. This subsection (h) does  
13 not apply to any hazardous waste that is restricted from land  
14 disposal under 35 Ill. Adm. Code 728.

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

1 employee or officer of the prospective owner or operator has a  
2 history of:

3 (1) repeated violations of federal, State, or local  
4 laws, regulations, standards, or ordinances in the  
5 operation of waste management facilities or sites, clean  
6 construction or demolition debris fill operation  
7 facilities or sites, or tire storage sites; or

8 (2) conviction in this or another State of any crime  
9 which is a felony under the laws of this State, or  
10 conviction of a felony in a federal court; or conviction  
11 in this or another state or federal court of any of the  
12 following crimes: forgery, official misconduct, bribery,  
13 perjury, or knowingly submitting false information under  
14 any environmental law, regulation, or permit term or  
15 condition; or

16 (3) proof of gross carelessness or incompetence in  
17 handling, storing, processing, transporting or disposing  
18 of waste, clean construction or demolition debris, or used  
19 or waste tires, or proof of gross carelessness or  
20 incompetence in using clean construction or demolition  
21 debris as fill.

22 (i-5) Before issuing any permit or approving any interim  
23 authorization for a clean construction or demolition debris  
24 fill operation in which any ownership interest is transferred  
25 between January 1, 2005, and the effective date of the  
26 prohibition set forth in Section 22.52 of this Act, the Agency

1 shall conduct an evaluation of the operation if any previous  
2 activities at the site or facility may have caused or allowed  
3 contamination of the site. It shall be the responsibility of  
4 the owner or operator seeking the permit or interim  
5 authorization to provide to the Agency all of the information  
6 necessary for the Agency to conduct its evaluation. The Agency  
7 may deny a permit or interim authorization if previous  
8 activities at the site may have caused or allowed  
9 contamination at the site, unless such contamination is  
10 authorized under any permit issued by the Agency.

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

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

1 litigation is concluded.

2 (1) No permit shall be issued by the Agency under this Act  
3 for construction or operation of any facility or site located  
4 within the boundaries of any setback zone established pursuant  
5 to this Act, where such construction or operation is  
6 prohibited.

7 (m) The Agency may issue permits to persons owning or  
8 operating a facility for composting landscape waste. In  
9 granting such permits, the Agency may impose such conditions  
10 as may be necessary to accomplish the purposes of this Act, and  
11 as are not inconsistent with applicable regulations  
12 promulgated by the Board. Except as otherwise provided in this  
13 Act, a bond or other security shall not be required as a  
14 condition for the issuance of a permit. If the Agency denies  
15 any permit pursuant to this subsection, the Agency shall  
16 transmit to the applicant within the time limitations of this  
17 subsection specific, detailed statements as to the reasons the  
18 permit application was denied. Such statements shall include  
19 but not be limited to the following:

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

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

24 (3) the specific information, if any, the Agency deems  
25 the applicant did not provide in its application to the  
26 Agency; and

1           (4) a statement of specific reasons why the Act and  
2           the regulations might be violated if the permit were  
3           granted.

4           If no final action is taken by the Agency within 90 days  
5           after the filing of the application for permit, the applicant  
6           may deem the permit issued. Any applicant for a permit may  
7           waive the 90-day limitation by filing a written statement with  
8           the Agency.

9           The Agency shall issue permits for such facilities upon  
10          receipt of an application that includes a legal description of  
11          the site, a topographic map of the site drawn to the scale of  
12          200 feet to the inch or larger, a description of the operation,  
13          including the area served, an estimate of the volume of  
14          materials to be processed, and documentation that:

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

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

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

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

6           (5) the operation of the facility will include  
7 appropriate dust and odor control measures, limitations on  
8 operating hours, appropriate noise control measures for  
9 shredding, chipping and similar equipment, management  
10 procedures for composting, containment and disposal of  
11 non-compostable wastes, procedures to be used for  
12 terminating operations at the site, and recordkeeping  
13 sufficient to document the amount of materials received,  
14 composted and otherwise disposed of; and

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

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

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

26           (n) The Agency shall issue permits jointly with the

1 Department of Transportation for the dredging or deposit of  
2 material in Lake Michigan in accordance with Section 18 of the  
3 Rivers, Lakes, and Streams Act.

4 (o) (Blank.)

5 (p) (1) Any person submitting an application for a permit  
6 for a new MSWLF unit or for a lateral expansion under  
7 subsection (t) of Section 21 of this Act for an existing MSWLF  
8 unit that has not received and is not subject to local siting  
9 approval under Section 39.2 of this Act shall publish notice  
10 of the application in a newspaper of general circulation in  
11 the county in which the MSWLF unit is or is proposed to be  
12 located. The notice must be published at least 15 days before  
13 submission of the permit application to the Agency. The notice  
14 shall state the name and address of the applicant, the  
15 location of the MSWLF unit or proposed MSWLF unit, the nature  
16 and size of the MSWLF unit or proposed MSWLF unit, the nature  
17 of the activity proposed, the probable life of the proposed  
18 activity, the date the permit application will be submitted,  
19 and a statement that persons may file written comments with  
20 the Agency concerning the permit application within 30 days  
21 after the filing of the permit application unless the time  
22 period to submit comments is extended by the Agency.

23 When a permit applicant submits information to the Agency  
24 to supplement a permit application being reviewed by the  
25 Agency, the applicant shall not be required to reissue the  
26 notice under this subsection.

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

5           (3) Each applicant for a permit described in part (1) of  
6 this subsection shall file a copy of the permit application  
7 with the county board or governing body of the municipality in  
8 which the MSWLF unit is or is proposed to be located at the  
9 same time the application is submitted to the Agency. The  
10 permit application filed with the county board or governing  
11 body of the municipality shall include all documents submitted  
12 to or to be submitted to the Agency, except trade secrets as  
13 determined under Section 7.1 of this Act. The permit  
14 application and other documents on file with the county board  
15 or governing body of the municipality shall be made available  
16 for public inspection during regular business hours at the  
17 office of the county board or the governing body of the  
18 municipality and may be copied upon payment of the actual cost  
19 of reproduction.

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



1           (1) Checklists and guidance relating to the completion  
2 of permit applications, developed pursuant to subsection  
3 (s) of this Section, which may include, but are not  
4 limited to, existing instructions for completing the  
5 applications and examples of complete applications. As the  
6 Agency develops new checklists and develops guidance, it  
7 shall supplement the web portal with those materials.

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

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

1 February 1 and August 1 each year and shall include:

2 (A) the number of applications received for each  
3 type of permit, the number of applications on which  
4 the Agency has taken action, and the number of  
5 applications still pending; and

6 (B) for those applications where the Agency has  
7 not taken action in accordance with the timeframes set  
8 forth in this Act, the date the application was  
9 received and the reasons for any delays, which may  
10 include, but shall not be limited to, (i) the  
11 application being inadequate or incomplete, (ii)  
12 scientific or technical disagreements with the  
13 applicant, USEPA, or other local, state, or federal  
14 agencies involved in the permitting approval process,  
15 (iii) public opposition to the permit, or (iv) Agency  
16 staffing shortages. To the extent practicable, the  
17 tracking report shall provide approximate dates when  
18 cause for delay was identified by the Agency, when the  
19 Agency informed the applicant of the problem leading  
20 to the delay, and when the applicant remedied the  
21 reason for the delay.

22 (r) Upon the request of the applicant, the Agency shall  
23 notify the applicant of the permit analyst assigned to the  
24 application upon its receipt.

25 (s) The Agency is authorized to prepare and distribute  
26 guidance documents relating to its administration of this

1 Section and procedural rules implementing this Section.  
2 Guidance documents prepared under this subsection shall not be  
3 considered rules and shall not be subject to the Illinois  
4 Administrative Procedure Act. Such guidance shall not be  
5 binding on any party.

6 (t) Except as otherwise prohibited by federal law or  
7 regulation, any person submitting an application for a permit  
8 may include with the application suggested permit language for  
9 Agency consideration. The Agency is not obligated to use the  
10 suggested language or any portion thereof in its permitting  
11 decision. If requested by the permit applicant, the Agency  
12 shall meet with the applicant to discuss the suggested  
13 language.

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

17 (v) If requested by the permit applicant, the Agency shall  
18 provide the permit applicant with a copy of the final permit  
19 prior to its issuance.

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

23 (x) If, before the expiration of a State operating permit  
24 that is issued pursuant to subsection (a) of this Section and  
25 contains federally enforceable conditions limiting the  
26 potential to emit of the source to a level below the major

1 source threshold for that source so as to exclude the source  
2 from the Clean Air Act Permit Program, the Agency receives a  
3 complete application for the renewal of that permit, then all  
4 of the terms and conditions of the permit shall remain in  
5 effect until final administrative action has been taken on the  
6 application for the renewal of the permit.

7 (y) The Agency may issue permits exclusively under this  
8 subsection to persons owning or operating a CCR surface  
9 impoundment subject to Section 22.59.

10 (z) If a mass animal mortality event is declared by the  
11 Department of Agriculture in accordance with the Animal  
12 Mortality Act:

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

15 (i) obtaining a permit for the construction,  
16 installation, or operation of any type of facility or  
17 equipment issued in accordance with subsection (a) of  
18 this Section;

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

21 (iii) registering the disposal of dead animals as  
22 an eligible small source with the Agency in accordance  
23 with Section 9.14 of this Act;

24 (2) as applicable, the owner or operator responsible  
25 for the disposal of dead animals is required to obtain the  
26 following permits:

1           (i) an NPDES permit in accordance with subsection  
2           (b) of this Section;

3           (ii) a PSD permit, in accordance with Section 9.1  
4           of this Act;

5           (iii) an NANSR permit, in accordance with the  
6           rules adopted by the Board;

7           (iv) a federally enforceable state operating  
8           permit, in accordance with this Section; or

9           (v) a CAAPP permit, in accordance with Section  
10           39.5 of this Act.

11           All CCR surface impoundment permits shall contain those  
12 terms and conditions, including, but not limited to, schedules  
13 of compliance, which may be required to accomplish the  
14 purposes and provisions of this Act, Board regulations, the  
15 Illinois Groundwater Protection Act and regulations pursuant  
16 thereto, and the Resource Conservation and Recovery Act and  
17 regulations pursuant thereto, and may include schedules for  
18 achieving compliance therewith as soon as possible.

19           The Board shall adopt filing requirements and procedures  
20 that are necessary and appropriate for the issuance of CCR  
21 surface impoundment permits and that are consistent with this  
22 Act or regulations adopted by the Board, and with the RCRA, as  
23 amended, and regulations pursuant thereto.

24           The applicant shall make available to the public for  
25 inspection all documents submitted by the applicant to the  
26 Agency in furtherance of an application, with the exception of

1 trade secrets, on its public internet website as well as at the  
2 office of the county board or governing body of the  
3 municipality where CCR from the CCR surface impoundment will  
4 be permanently disposed. Such documents may be copied upon  
5 payment of the actual cost of reproduction during regular  
6 business hours of the local office.

7 The Agency shall issue a written statement concurrent with  
8 its grant or denial of the permit explaining the basis for its  
9 decision.

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

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

13 (720 ILCS 5/48-7)

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

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

16 "Department" means the Department of Agriculture of  
17 the State of Illinois.

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

22 "Person" means any person, firm, partnership,  
23 association, corporation, or other legal entity, any  
24 public or private institution, the State, or any municipal

1 corporation or political subdivision of the State.

2 (b) A person commits feeding garbage to animals when he or  
3 she feeds or permits the feeding of garbage to swine or any  
4 animals or poultry on any farm or any other premises where  
5 swine are kept.

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

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

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

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

22 (g) The Department may make reasonable inspections  
23 necessary for the enforcement of this Section, and is  
24 authorized to enforce, and administer the provisions of this  
25 Section.

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