



Rep. Randy E. Frese

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1 AMENDMENT TO HOUSE BILL 3277

2 AMENDMENT NO. _____. Amend House Bill 3277 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 21 as follows:

6 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

9 (b) Abandon, dump, or deposit any waste upon the public
10 highways or other public property, except in a sanitary
11 landfill approved by the Agency pursuant to regulations
12 adopted by the Board.

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

16 (d) Conduct any waste-storage, waste-treatment, or

1 waste-disposal operation:

2 (1) without a permit granted by the Agency or in
3 violation of any conditions imposed by such permit,
4 including periodic reports and full access to adequate
5 records and the inspection of facilities, as may be
6 necessary to assure compliance with this Act and with
7 regulations and standards adopted thereunder; provided,
8 however, that, except for municipal solid waste landfill
9 units that receive waste on or after October 9, 1993, and
10 CCR surface impoundments, no permit shall be required for
11 (i) any person conducting a waste-storage,
12 waste-treatment, or waste-disposal operation for wastes
13 generated by such person's own activities which are
14 stored, treated, or disposed within the site where such
15 wastes are generated, (ii) until one year after the
16 effective date of rules adopted by the Board under
17 subsection (n) of Section 22.38, a facility located in a
18 county with a population over 700,000 as of January 1,
19 2000, operated and located in accordance with Section
20 22.38 of this Act, and used exclusively for the transfer,
21 storage, or treatment of general construction or
22 demolition debris, provided that the facility was
23 receiving construction or demolition debris on August 24,
24 2009 (the effective date of Public Act 96-611), or (iii)
25 any person conducting a waste transfer, storage,
26 treatment, or disposal operation, including, but not

1 limited to, a waste transfer or waste composting
2 operation, under a mass animal mortality event plan
3 created by the Department of Agriculture;

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

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

25 Item (3) of this subsection (d) shall not apply to any
26 person engaged in agricultural activity who is disposing of a

1 substance that constitutes solid waste, if the substance was
2 acquired for use by that person on his own property, and the
3 substance is disposed of on his own property in accordance
4 with regulations or standards adopted by the Board.

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

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

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

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

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

22 (3) in violation of any RCRA permit filing requirement
23 established under standards adopted by the Board under
24 this Act; or

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

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

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

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

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

17 (h) Conduct any hazardous waste-recycling or hazardous
18 waste-reclamation or hazardous waste-reuse operation in
19 violation of any regulations, standards or permit requirements
20 adopted by the Board under this Act.

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

25 (j) Conduct any special waste-transportation operation in
26 violation of any regulations, standards or permit requirements

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

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

18 (l) Locate a hazardous waste disposal site above an active
19 or inactive shaft or tunneled mine or within 2 miles of an
20 active fault in the earth's crust. In counties of population
21 less than 225,000 no hazardous waste disposal site shall be
22 located (1) within 1 1/2 miles of the corporate limits as
23 defined on June 30, 1978, of any municipality without the
24 approval of the governing body of the municipality in an
25 official action; or (2) within 1000 feet of an existing
26 private well or the existing source of a public water supply

1 measured from the boundary of the actual active permitted site
2 and excluding existing private wells on the property of the
3 permit applicant. The provisions of this subsection do not
4 apply to publicly owned sewage works or the disposal or
5 utilization of sludge from publicly owned sewage works.

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

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

14 (o) Conduct a sanitary landfill operation which is
15 required to have a permit under subsection (d) of this
16 Section, in a manner which results in any of the following
17 conditions:

18 (1) refuse in standing or flowing waters;

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

20 (3) leachate flows exiting the landfill confines (as
21 determined by the boundaries established for the landfill
22 by a permit issued by the Agency);

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

25 (5) uncovered refuse remaining from any previous
26 operating day or at the conclusion of any operating day,

1 unless authorized by permit;

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

4 (7) acceptance of wastes without necessary permits;

5 (8) scavenging as defined by Board regulations;

6 (9) deposition of refuse in any unpermitted portion of
7 the landfill;

8 (10) acceptance of a special waste without a required
9 manifest;

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

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

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

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

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

26 (1) litter;

- 1 (2) scavenging;
- 2 (3) open burning;
- 3 (4) deposition of waste in standing or flowing waters;
- 4 (5) proliferation of disease vectors;
- 5 (6) standing or flowing liquid discharge from the dump
- 6 site;
- 7 (7) deposition of:
 - 8 (i) general construction or demolition debris as
 - 9 defined in Section 3.160(a) of this Act; or
 - 10 (ii) clean construction or demolition debris as
 - 11 defined in Section 3.160(b) of this Act.

12 The prohibitions specified in this subsection (p) shall be
13 enforceable by the Agency either by administrative citation
14 under Section 31.1 of this Act or as otherwise provided by this
15 Act. The specific prohibitions in this subsection do not limit
16 the power of the Board to establish regulations or standards
17 applicable to open dumping.

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

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

25 (1.5) conducting a landscape waste composting
26 operation that (i) has no more than 25 cubic yards of

1 landscape waste, composting additives, composting
2 material, or end-product compost on-site at any one time
3 and (ii) is not engaging in commercial activity; or

4 (2) applying landscape waste or composted landscape
5 waste at agronomic rates; or

6 (2.5) operating a landscape waste composting facility
7 at a site having 10 or more occupied non-farm residences
8 within 1/2 mile of its boundaries, if the facility meets
9 all of the following criteria:

10 (A) the composting facility is operated by the
11 farmer on property on which the composting material is
12 utilized, and the composting facility constitutes no
13 more than 2% of the site's total acreage;

14 (A-5) any composting additives that the composting
15 facility accepts and uses at the facility are
16 necessary to provide proper conditions for composting
17 and do not exceed 10% of the total composting material
18 at the facility at any one time;

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

1 way connected with or controlled by any such waste
2 hauler or generator;

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

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

14 (E) the owner or operator, by January 1, 2014 (or
15 the January 1 following commencement of operation,
16 whichever is later) and January 1 of each year
17 thereafter, registers the site with the Agency, (ii)
18 reports to the Agency on the volume of composting
19 material received and used at the site; (iii)
20 certifies to the Agency that the site complies with
21 the requirements set forth in subparagraphs (A),
22 (A-5), (B), (C), and (D) of this paragraph (2.5); and
23 (iv) certifies to the Agency that all composting
24 material was placed more than 200 feet from the
25 nearest potable water supply well, was placed outside
26 the boundary of the 10-year floodplain or on a part of

1 the site that is floodproofed, was placed at least 1/4
2 mile from the nearest residence (other than a
3 residence located on the same property as the
4 facility) or a lesser distance from the nearest
5 residence (other than a residence located on the same
6 property as the facility) if the municipality in which
7 the facility is located has by ordinance approved a
8 lesser distance than 1/4 mile, and was placed more
9 than 5 feet above the water table; any ordinance
10 approving a residential setback of less than 1/4 mile
11 that is used to meet the requirements of this
12 subparagraph (E) of paragraph (2.5) of this subsection
13 must specifically reference this paragraph; or

14 (3) operating a landscape waste composting facility on
15 a farm, if the facility meets all of the following
16 criteria:

17 (A) the composting facility is operated by the
18 farmer on property on which the composting material is
19 utilized, and the composting facility constitutes no
20 more than 2% of the property's total acreage, except
21 that the Board may allow a higher percentage for
22 individual sites where the owner or operator has
23 demonstrated to the Board that the site's soil
24 characteristics or crop needs require a higher rate;

25 (A-1) the composting facility accepts from other
26 agricultural operations for composting with landscape

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

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

15 (B) the property on which the composting facility
16 is located, and any associated property on which the
17 compost is used, is principally and diligently devoted
18 to the production of agricultural crops and is not
19 owned, leased or otherwise controlled by any waste
20 hauler or generator of nonagricultural compost
21 materials, and the operator of the composting facility
22 is not an employee, partner, shareholder, or in any
23 way connected with or controlled by any such waste
24 hauler or generator;

25 (C) all compost generated by the composting
26 facility, except incidental sales of finished compost,

1 is applied at agronomic rates and used as mulch,
2 fertilizer or soil conditioner on land actually farmed
3 by the person operating the composting facility, and
4 the finished compost is not stored at the composting
5 site for a period longer than 18 months prior to its
6 application as mulch, fertilizer, or soil conditioner;

7 (D) the owner or operator, by January 1 of each
8 year, (i) registers the site with the Agency, (ii)
9 reports to the Agency on the volume of composting
10 material received and used at the site and the volume
11 of material comprising the incidental sale of finished
12 compost under this subsection (q), (iii) certifies to
13 the Agency that the site complies with the
14 requirements set forth in subparagraphs (A), (A-1),
15 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)
16 certifies to the Agency that all composting material:

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

19 (II) was placed outside the boundary of the
20 10-year floodplain or on a part of the site that is
21 floodproofed;

22 (III) was placed either (aa) at least 1/4 mile
23 from the nearest residence (other than a residence
24 located on the same property as the facility) and
25 there are not more than 10 occupied non-farm
26 residences within 1/2 mile of the boundaries of

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

10 (IV) was placed more than 5 feet above the
11 water table.

12 Any ordinance approving a residential setback of
13 less than 1/4 mile that is used to meet the
14 requirements of this subparagraph (D) must
15 specifically reference this subparagraph.

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

22 For the purposes of this subsection (q), "incidental sale
23 of finished compost" means the sale of finished compost that
24 meets general use compost standards and is no more than 20% or
25 300 cubic yards, whichever is less, of the total compost
26 created annually by a private landowner for the landowner's

1 own use.

2 (r) Cause or allow the storage or disposal of coal
3 combustion waste unless:

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

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

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

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

1 regulations; or

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

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

24 (s) After April 1, 1989, offer for transportation,
25 transport, deliver, receive or accept special waste for which
26 a manifest is required, unless the manifest indicates that the

1 fee required under Section 22.8 of this Act has been paid.

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

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

17 (v) (Blank).

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

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

1 in this subsection, do not apply to uncontaminated soil that
2 is not commingled with any waste when (i) used as fill material
3 below grade or contoured to grade, or (ii) used at the site of
4 generation.

5 (Source: P.A. 101-171, eff. 7-30-19; 102-216, eff. 1-1-22;
6 102-310, eff. 8-6-21; 102-558, eff. 8-20-21; 102-813, eff.
7 5-13-22.)".