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1 AMENDMENT TO SENATE BILL 836

2 AMENDMENT NO. _____. Amend Senate Bill 836 on page 13,
3 immediately below line 18, by inserting the following:

4 "Section 57. Agency fees. All fees submitted to the Agency
5 under this Act shall be deposited into the Solid Waste
6 Management Fund to be used for costs associated with the
7 administration of this Act."; and

8 on page 25, immediately below line 14, by inserting the
9 following:

10 "Section 910. The Environmental Protection Act is amended
11 by changing Section 22.25 as follows:

12 (415 ILCS 5/22.15)

13 Sec. 22.15. Solid Waste Management Fund; fees.

14 (a) There is hereby created within the State Treasury a

1 special fund to be known as the Solid Waste Management Fund, to
2 be constituted from the fees collected by the State pursuant
3 to this Section, from repayments of loans made from the Fund
4 for solid waste projects, from registration fees collected
5 pursuant to the Consumer Electronics Recycling Act, from fees
6 collected under the Paint Stewardship Act, and from amounts
7 transferred into the Fund pursuant to Public Act 100-433.
8 Moneys received by either the Agency or the Department of
9 Commerce and Economic Opportunity in repayment of loans made
10 pursuant to the Illinois Solid Waste Management Act shall be
11 deposited into the General Revenue Fund.

12 (b) The Agency shall assess and collect a fee in the amount
13 set forth herein from the owner or operator of each sanitary
14 landfill permitted or required to be permitted by the Agency
15 to dispose of solid waste if the sanitary landfill is located
16 off the site where such waste was produced and if such sanitary
17 landfill is owned, controlled, and operated by a person other
18 than the generator of such waste. The Agency shall deposit all
19 fees collected into the Solid Waste Management Fund. If a site
20 is contiguous to one or more landfills owned or operated by the
21 same person, the volumes permanently disposed of by each
22 landfill shall be combined for purposes of determining the fee
23 under this subsection. Beginning on July 1, 2018, and on the
24 first day of each month thereafter during fiscal years 2019
25 through 2023, the State Comptroller shall direct and State
26 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000

1 per fiscal year from the Solid Waste Management Fund to the
2 General Revenue Fund.

3 (1) If more than 150,000 cubic yards of non-hazardous
4 solid waste is permanently disposed of at a site in a
5 calendar year, the owner or operator shall either pay a
6 fee of 95 cents per cubic yard or, alternatively, the
7 owner or operator may weigh the quantity of the solid
8 waste permanently disposed of with a device for which
9 certification has been obtained under the Weights and
10 Measures Act and pay a fee of \$2.00 per ton of solid waste
11 permanently disposed of. In no case shall the fee
12 collected or paid by the owner or operator under this
13 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

14 (2) If more than 100,000 cubic yards but not more than
15 150,000 cubic yards of non-hazardous waste is permanently
16 disposed of at a site in a calendar year, the owner or
17 operator shall pay a fee of \$52,630.

18 (3) If more than 50,000 cubic yards but not more than
19 100,000 cubic yards of non-hazardous solid waste is
20 permanently disposed of at a site in a calendar year, the
21 owner or operator shall pay a fee of \$23,790.

22 (4) If more than 10,000 cubic yards but not more than
23 50,000 cubic yards of non-hazardous solid waste is
24 permanently disposed of at a site in a calendar year, the
25 owner or operator shall pay a fee of \$7,260.

26 (5) If not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at a
2 site in a calendar year, the owner or operator shall pay a
3 fee of \$1050.

4 (c) (Blank).

5 (d) The Agency shall establish rules relating to the
6 collection of the fees authorized by this Section. Such rules
7 shall include, but not be limited to:

8 (1) necessary records identifying the quantities of
9 solid waste received or disposed;

10 (2) the form and submission of reports to accompany
11 the payment of fees to the Agency;

12 (3) the time and manner of payment of fees to the
13 Agency, which payments shall not be more often than
14 quarterly; and

15 (4) procedures setting forth criteria establishing
16 when an owner or operator may measure by weight or volume
17 during any given quarter or other fee payment period.

18 (e) Pursuant to appropriation, all monies in the Solid
19 Waste Management Fund shall be used by the Agency for the
20 purposes set forth in this Section and in the Illinois Solid
21 Waste Management Act, including for the costs of fee
22 collection and administration, for administration of the Paint
23 Stewardship Act, and for the administration of the Consumer
24 Electronics Recycling Act and the Drug Take-Back Act.

25 (f) The Agency is authorized to enter into such agreements
26 and to promulgate such rules as are necessary to carry out its

1 duties under this Section and the Illinois Solid Waste
2 Management Act.

3 (g) On the first day of January, April, July, and October
4 of each year, beginning on July 1, 1996, the State Comptroller
5 and Treasurer shall transfer \$500,000 from the Solid Waste
6 Management Fund to the Hazardous Waste Fund. Moneys
7 transferred under this subsection (g) shall be used only for
8 the purposes set forth in item (1) of subsection (d) of Section
9 22.2.

10 (h) The Agency is authorized to provide financial
11 assistance to units of local government for the performance of
12 inspecting, investigating, and enforcement activities pursuant
13 to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous
14 solid waste disposal sites.

15 (i) The Agency is authorized to conduct household waste
16 collection and disposal programs.

17 (j) A unit of local government, as defined in the Local
18 Solid Waste Disposal Act, in which a solid waste disposal
19 facility is located may establish a fee, tax, or surcharge
20 with regard to the permanent disposal of solid waste. All
21 fees, taxes, and surcharges collected under this subsection
22 shall be utilized for solid waste management purposes,
23 including long-term monitoring and maintenance of landfills,
24 planning, implementation, inspection, enforcement and other
25 activities consistent with the Solid Waste Management Act and
26 the Local Solid Waste Disposal Act, or for any other

1 environment-related purpose, including, but not limited to, an
2 environment-related public works project, but not for the
3 construction of a new pollution control facility other than a
4 household hazardous waste facility. However, the total fee,
5 tax or surcharge imposed by all units of local government
6 under this subsection (j) upon the solid waste disposal
7 facility shall not exceed:

8 (1) 60¢ per cubic yard if more than 150,000 cubic
9 yards of non-hazardous solid waste is permanently disposed
10 of at the site in a calendar year, unless the owner or
11 operator weighs the quantity of the solid waste received
12 with a device for which certification has been obtained
13 under the Weights and Measures Act, in which case the fee
14 shall not exceed \$1.27 per ton of solid waste permanently
15 disposed of.

16 (2) \$33,350 if more than 100,000 cubic yards, but not
17 more than 150,000 cubic yards, of non-hazardous waste is
18 permanently disposed of at the site in a calendar year.

19 (3) \$15,500 if more than 50,000 cubic yards, but not
20 more than 100,000 cubic yards, of non-hazardous solid
21 waste is permanently disposed of at the site in a calendar
22 year.

23 (4) \$4,650 if more than 10,000 cubic yards, but not
24 more than 50,000 cubic yards, of non-hazardous solid waste
25 is permanently disposed of at the site in a calendar year.

26 (5) \$650 if not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at
2 the site in a calendar year.

3 The corporate authorities of the unit of local government
4 may use proceeds from the fee, tax, or surcharge to reimburse a
5 highway commissioner whose road district lies wholly or
6 partially within the corporate limits of the unit of local
7 government for expenses incurred in the removal of
8 nonhazardous, nonfluid municipal waste that has been dumped on
9 public property in violation of a State law or local
10 ordinance.

11 For the disposal of solid waste from general construction
12 or demolition debris recovery facilities as defined in
13 subsection (a-1) of Section 3.160, the total fee, tax, or
14 surcharge imposed by all units of local government under this
15 subsection (j) upon the solid waste disposal facility shall
16 not exceed 50% of the applicable amount set forth above. A unit
17 of local government, as defined in the Local Solid Waste
18 Disposal Act, in which a general construction or demolition
19 debris recovery facility is located may establish a fee, tax,
20 or surcharge on the general construction or demolition debris
21 recovery facility with regard to the permanent disposal of
22 solid waste by the general construction or demolition debris
23 recovery facility at a solid waste disposal facility, provided
24 that such fee, tax, or surcharge shall not exceed 50% of the
25 applicable amount set forth above, based on the total amount
26 of solid waste transported from the general construction or

1 demolition debris recovery facility for disposal at solid
2 waste disposal facilities, and the unit of local government
3 and fee shall be subject to all other requirements of this
4 subsection (j).

5 A county or Municipal Joint Action Agency that imposes a
6 fee, tax, or surcharge under this subsection may use the
7 proceeds thereof to reimburse a municipality that lies wholly
8 or partially within its boundaries for expenses incurred in
9 the removal of nonhazardous, nonfluid municipal waste that has
10 been dumped on public property in violation of a State law or
11 local ordinance.

12 If the fees are to be used to conduct a local sanitary
13 landfill inspection or enforcement program, the unit of local
14 government must enter into a written delegation agreement with
15 the Agency pursuant to subsection (r) of Section 4. The unit of
16 local government and the Agency shall enter into such a
17 written delegation agreement within 60 days after the
18 establishment of such fees. At least annually, the Agency
19 shall conduct an audit of the expenditures made by units of
20 local government from the funds granted by the Agency to the
21 units of local government for purposes of local sanitary
22 landfill inspection and enforcement programs, to ensure that
23 the funds have been expended for the prescribed purposes under
24 the grant.

25 The fees, taxes or surcharges collected under this
26 subsection (j) shall be placed by the unit of local government

1 in a separate fund, and the interest received on the moneys in
2 the fund shall be credited to the fund. The monies in the fund
3 may be accumulated over a period of years to be expended in
4 accordance with this subsection.

5 A unit of local government, as defined in the Local Solid
6 Waste Disposal Act, shall prepare and post on its website, in
7 April of each year, a report that details spending plans for
8 monies collected in accordance with this subsection. The
9 report will at a minimum include the following:

10 (1) The total monies collected pursuant to this
11 subsection.

12 (2) The most current balance of monies collected
13 pursuant to this subsection.

14 (3) An itemized accounting of all monies expended for
15 the previous year pursuant to this subsection.

16 (4) An estimation of monies to be collected for the
17 following 3 years pursuant to this subsection.

18 (5) A narrative detailing the general direction and
19 scope of future expenditures for one, 2 and 3 years.

20 The exemptions granted under Sections 22.16 and 22.16a,
21 and under subsection (k) of this Section, shall be applicable
22 to any fee, tax or surcharge imposed under this subsection
23 (j); except that the fee, tax or surcharge authorized to be
24 imposed under this subsection (j) may be made applicable by a
25 unit of local government to the permanent disposal of solid
26 waste after December 31, 1986, under any contract lawfully

1 executed before June 1, 1986 under which more than 150,000
2 cubic yards (or 50,000 tons) of solid waste is to be
3 permanently disposed of, even though the waste is exempt from
4 the fee imposed by the State under subsection (b) of this
5 Section pursuant to an exemption granted under Section 22.16.

6 (k) In accordance with the findings and purposes of the
7 Illinois Solid Waste Management Act, beginning January 1, 1989
8 the fee under subsection (b) and the fee, tax or surcharge
9 under subsection (j) shall not apply to:

10 (1) waste which is hazardous waste;

11 (2) waste which is pollution control waste;

12 (3) waste from recycling, reclamation or reuse
13 processes which have been approved by the Agency as being
14 designed to remove any contaminant from wastes so as to
15 render such wastes reusable, provided that the process
16 renders at least 50% of the waste reusable; the exemption
17 set forth in this paragraph (3) of this subsection (k)
18 shall not apply to general construction or demolition
19 debris recovery facilities as defined in subsection (a-1)
20 of Section 3.160;

21 (4) non-hazardous solid waste that is received at a
22 sanitary landfill and composted or recycled through a
23 process permitted by the Agency; or

24 (5) any landfill which is permitted by the Agency to
25 receive only demolition or construction debris or
26 landscape waste.

1 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
2 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
3 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;
4 102-1055, eff. 6-10-22; revised 8-25-22.)".