

1 AN ACT concerning environmental protection.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended
5 by changing Section 22.44 as follows:

6 (415 ILCS 5/22.44)

7 Sec. 22.44. Subtitle D management fees.

8 (a) There is created within the State treasury a special
9 fund to be known as the "Subtitle D Management Fund"
10 constituted from the fees collected by the State under this
11 Section.

12 (b) On and after January 1, 1994, the Agency shall
13 assess and collect a fee in the amount set forth in this
14 subsection from the owner or operator of each sanitary
15 landfill permitted or required to be permitted by the Agency
16 to dispose of solid waste if the sanitary landfill is located
17 off the site where the waste was produced and if the sanitary
18 landfill is owned, controlled, and operated by a person other
19 than the generator of the waste. The Agency shall deposit
20 all fees collected under this subsection into the Subtitle D
21 Management Fund. If a site is contiguous to one or more
22 landfills owned or operated by the same person, the volumes
23 permanently disposed of by each landfill shall be combined
24 for purposes of determining the fee under this subsection.

25 (1) If more than 150,000 cubic yards of
26 non-hazardous solid waste is permanently disposed of at a
27 site in a calendar year, the owner or operator shall
28 either pay a fee of 8 5.5 cents per cubic yard or,
29 alternatively, the owner or operator may weigh the
30 quantity of the solid waste permanently disposed of with
31 a device for which certification has been obtained under

1 the Weights and Measures Act and pay a fee of 17 ±2 cents
2 per ton of waste permanently disposed of.

3 (2) If more than 100,000 cubic yards, but not more
4 than 150,000 cubic yards, of non-hazardous waste is
5 permanently disposed of at a site in a calendar year, the
6 owner or operator shall pay a fee of \$3,825.

7 (3) If more than 50,000 cubic yards, but not more
8 than 100,000 cubic yards, of non-hazardous solid waste is
9 permanently disposed of at a site in a calendar year, the
10 owner or operator shall pay a fee of \$1,700.

11 (4) If more than 10,000 cubic yards, but not more
12 than 50,000 cubic yards, of non-hazardous solid waste is
13 permanently disposed of at a site in a calendar year, the
14 owner or operator shall pay a fee of \$530.

15 (5) If not more than 10,000 cubic yards of
16 non-hazardous solid waste is permanently disposed of at a
17 site in a calendar year, the owner or operator shall pay
18 a fee of \$110.

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

21 (1) Hazardous waste.

22 (2) Pollution control waste.

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

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

31 (5) Any landfill that is permitted by the Agency to
32 receive only demolition or construction debris or
33 landscape waste.

34 (d) The Agency shall establish rules relating to the

1 collection of the fees authorized by this Section. These
2 rules shall include, but not be limited to the following:

3 (1) Necessary records identifying the quantities of
4 solid waste received or disposed.

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

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

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

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

15 (f) The Agency shall not refund any fee paid to it under
16 this Section.

17 (g) Pursuant to appropriation, all moneys in the
18 Subtitle D Management Fund shall be used by the Agency to
19 administer the United States Environmental Protection
20 Agency's Subtitle D Program provided in Sections 4004 and
21 4010 of the Resource Conservation and Recovery Act of 1976
22 (P.L. 94-580) as it relates to a municipal solid waste
23 landfill program in Illinois and to fund a delegation of
24 inspecting, investigating, and enforcement functions, within
25 the municipality only, pursuant to subsection (r) of Section
26 4 of this Act to a municipality having a population of more
27 than 1,000,000 inhabitants. The Agency shall execute a
28 delegation agreement pursuant to subsection (r) of Section 4
29 of this Act with a municipality having a population of more
30 than 1,000,000 inhabitants within 90 days of September 13,
31 1993 and shall on an annual basis distribute from the
32 Subtitle D Management Fund to that municipality no less than
33 \$150,000. Funds derived from the fee increase authorized by
34 this amendatory Act of the 93rd General Assembly shall be

1 used to enhance the Agency's permit review functions
2 including the approval of significant modifications and
3 expedited review of operating authorizations for newly
4 constructed landfill liners.

5 (Source: P.A. 92-574, eff. 6-26-02.)

6 Section 99. Effective date. This Act takes effect July
7 1, 2003.