



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 414

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 414 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding  
5 Section 5.640 and by changing Section 8h as follows:

6 (30 ILCS 105/5.640 new)

7 Sec. 5.640. The Private Sewage Disposal Program Fund.

8 (30 ILCS 105/8h)

9 Sec. 8h. Transfers to General Revenue Fund.

10 (a) Except as provided in subsection (b), notwithstanding  
11 any other State law to the contrary, the Governor may, through  
12 June 30, 2007, from time to time direct the State Treasurer and  
13 Comptroller to transfer a specified sum from any fund held by  
14 the State Treasurer to the General Revenue Fund in order to  
15 help defray the State's operating costs for the fiscal year.  
16 The total transfer under this Section from any fund in any  
17 fiscal year shall not exceed the lesser of (i) 8% of the  
18 revenues to be deposited into the fund during that fiscal year  
19 or (ii) an amount that leaves a remaining fund balance of 25%  
20 of the July 1 fund balance of that fiscal year. In fiscal year  
21 2005 only, prior to calculating the July 1, 2004 final  
22 balances, the Governor may calculate and direct the State  
23 Treasurer with the Comptroller to transfer additional amounts

1 determined by applying the formula authorized in Public Act  
2 93-839 to the funds balances on July 1, 2003. No transfer may  
3 be made from a fund under this Section that would have the  
4 effect of reducing the available balance in the fund to an  
5 amount less than the amount remaining unexpended and unreserved  
6 from the total appropriation from that fund estimated to be  
7 expended for that fiscal year. This Section does not apply to  
8 any funds that are restricted by federal law to a specific use,  
9 to any funds in the Motor Fuel Tax Fund, the Hospital Provider  
10 Fund, the Medicaid Provider Relief Fund, the Private Sewage  
11 Disposal Program Fund, or the Reviewing Court Alternative  
12 Dispute Resolution Fund, or to any funds to which subsection  
13 (f) of Section 20-40 of the Nursing and Advanced Practice  
14 Nursing Act applies. Notwithstanding any other provision of  
15 this Section, for fiscal year 2004, the total transfer under  
16 this Section from the Road Fund or the State Construction  
17 Account Fund shall not exceed the lesser of (i) 5% of the  
18 revenues to be deposited into the fund during that fiscal year  
19 or (ii) 25% of the beginning balance in the fund. For fiscal  
20 year 2005 through fiscal year 2007, no amounts may be  
21 transferred under this Section from the Road Fund, the State  
22 Construction Account Fund, the Criminal Justice Information  
23 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
24 Mandatory Arbitration Fund.

25 In determining the available balance in a fund, the  
26 Governor may include receipts, transfers into the fund, and  
27 other resources anticipated to be available in the fund in that  
28 fiscal year.

29 The State Treasurer and Comptroller shall transfer the  
30 amounts designated under this Section as soon as may be  
31 practicable after receiving the direction to transfer from the  
32 Governor.

33 (b) This Section does not apply to any fund established  
34 under the Community Senior Services and Resources Act.

1 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
2 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
3 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
4 1-15-05.)

5 Section 10. The Private Sewage Disposal Licensing Act is  
6 amended by changing Sections 3, 4, 5, 5a, and 8 as follows:

7 (225 ILCS 225/3) (from Ch. 111 1/2, par. 116.303)

8 Sec. 3. As used in this Act, unless the context otherwise  
9 requires:

10 (1) "Domestic Sewage" means waste water derived  
11 principally from dwellings, business or office buildings,  
12 institutions, food service establishments, and similar  
13 facilities.

14 (2) "Director" means Director of the Illinois Department of  
15 Public Health.

16 (3) "Department" means the Illinois Department of Public  
17 Health.

18 (4) "Human Wastes" means undigested food and by-products of  
19 metabolism which are passed out of the human body.

20 (5) "Person" means any individual, group of individuals,  
21 association, trust, partnership, corporation, person doing  
22 business under an assumed name, the State of Illinois or any  
23 Department thereof, or any other entity.

24 (6) "Population Equivalent" means an average waste loading  
25 equivalent to that produced by one person which is defined as  
26 100 gallons per day.

27 (7) "Private Sewage Disposal System" means any sewage  
28 handling or treatment facility receiving domestic sewage from  
29 less than 15 people or population equivalent and having a  
30 ground surface discharge or any sewage handling or treatment  
31 facility receiving domestic sewage and having no ground surface  
32 discharge.

1           (8) "Private Sewage Disposal System Installation  
2 Contractor" means any person constructing, installing,  
3 repairing, modifying, or maintaining private sewage disposal  
4 systems.

5           (9) "Property Owner" means the person in whose name legal  
6 title to the real estate is recorded.

7           (10) "Waste" means either human waste or domestic sewage or  
8 both.

9           (11) "Private Sewage Disposal System Pumping Contractor"  
10 means any person who cleans or pumps waste from a private  
11 sewage disposal system or hauls or disposes of wastes removed  
12 therefrom.

13           (12) "NPDES" means the National Pollutant Discharge  
14 Elimination System.

15           (13) "Off-lot discharging private sewage disposal system"  
16 means any private sewage disposal system that has a surface  
17 discharge point from which effluent leaves the property and  
18 enters waters of the State.

19 (Source: P.A. 84-670.)

20 (225 ILCS 225/4) (from Ch. 111 1/2, par. 116.304)

21 Sec. 4. (a) After January 1, 1974, no person or private  
22 sewage disposal system contractor may construct, install,  
23 modify, repair, maintain, or service a private sewage disposal  
24 system or transport and dispose of waste removed therefrom, in  
25 such a manner that does not comply with the requirements of  
26 this Act and the private sewage disposal code promulgated  
27 hereunder by the Department. A person who owns and occupies a  
28 single family dwelling and who constructs, installs,  
29 maintains, services or cleans the private sewage disposal  
30 system which serves his single family residence shall not be  
31 required to be licensed under this Act, however, such person  
32 shall comply with all other provisions of this Act and the  
33 private sewage disposal code promulgated hereunder by the

1 Department.

2 Any person who constructs, installs, repairs, modifies, or  
3 maintains a private sewage disposal system, other than a system  
4 which serves his own single family residence, shall be licensed  
5 by the Department as a Private Sewage System Installation  
6 Contractor and any person who cleans or pumps waste from a  
7 private sewage disposal system, other than a system which  
8 serves his own single family residence, or hauls or disposes of  
9 wastes removed therefrom shall be licensed by the Department as  
10 a Private Sewage Disposal System Pumping Contractor in  
11 accordance with this Act.

12 (b) No new private sewage disposal system shall be  
13 installed by any person until drawings, specifications and  
14 other information requested by the Department are submitted to  
15 and reviewed by the Department and found to comply with the  
16 private sewage disposal code, and until approval for the  
17 installation of such system is issued by the Department.

18 (c) The licensing requirements of this Act shall not apply  
19 to any person who cleans or pumps, hauls or disposes of waste  
20 from chemical toilets located in an underground coal mine. This  
21 waste shall be (i) transported to and disposed of at a sewage  
22 treatment facility permitted by the Illinois Environmental  
23 Protection Agency and located on the mine property, or (ii)  
24 stored on-site in a sanitary manner pending removal and  
25 subsequent disposal by a licensed private sewage disposal  
26 pumping contractor.

27 (d) No person may operate an off-lot discharging private  
28 sewage disposal system installed on or after January 1, 2006,  
29 unless all of the following conditions are met:

30 (1) The owner provides for the operation and  
31 maintenance of the system by a licensed Private Sewage  
32 Disposal System Installation Contractor, pursuant to this  
33 Act and the rules adopted by the Department.

34 (2) Monitoring of the discharge is conducted.

1           (3) The owner or operator has filed a Notice of Intent  
2           with the State to allow coverage under the State's blanket  
3           NPDES permit for the system.

4           (4) The effluent quality meets applicable limitations  
5           of State and federal laws and rules.

6           (5) To the maximum extent practicable, the owner  
7           minimizes off-lot discharges from the system.

8           (e) There is hereby created in the State treasury a special  
9           fund to be known as the Private Sewage Disposal Program Fund.  
10           All fees collected by the Department for exams, licenses,  
11           permits, and fines in accordance with this Act shall be  
12           deposited into the Fund and shall be appropriated by the  
13           General Assembly to the Department. Gifts, grants, and other  
14           moneys from any source may be deposited into the Fund. Subject  
15           to appropriation, money from the Fund shall be used by the  
16           Department to administer this Act, including establishing and  
17           maintaining an NPDES permit program for private sewage disposal  
18           systems in conjunction with the Illinois Environmental  
19           Protection Agency and supporting private sewage disposal  
20           education and training. Interest generated by this Fund shall  
21           be returned to the Fund. Moneys in the Fund shall be  
22           appropriated and used only for the purposes stated in this Act.

23           (f) No later than January 1, 2006, the Department shall  
24           amend the Private Sewage Disposal Code to make the Code  
25           consistent with this Act. The amendments shall include all of  
26           the following:

27           (1) Continuing education requirements for persons  
28           seeking to renew a license under this Act.

29           (2) For off-lot discharging private sewage disposal  
30           systems proposed for installation on or after January 1,  
31           2008, soil evaluations or percolation tests shall be  
32           conducted to support the use of a subsurface system.

33           (3) Site evaluations shall be conducted by a Private  
34           Sewage Disposal System Installation Contractor prior to

1 the issuance of a construction permit. Consideration shall  
2 be given without limitation to the impact of the following:  
3 topography, drainage-ways, terraces, flood plains, the  
4 percentage of land slope, the location of property lines,  
5 the location of easements, buried utilities, existing and  
6 proposed tile lines, proposed and abandoned water wells,  
7 the amount of available area for the installation of the  
8 system, evidence of unstable ground, alteration, including  
9 the cutting, filling, and compacting of existing soil  
10 profile, and soil factors determined from a soil analysis  
11 percolation test and soil survey maps, if available.

12 (4) Requirements for effluent reduction methods to be  
13 used when an off-lot discharging system is installed.

14 (5) Criteria for the maintenance, operation, and  
15 monitoring of off-lot discharging private sewage disposal  
16 systems.

17 (g) In order to ensure that the analysis of wastewater  
18 samples submitted for NPDES compliance is conducted properly,  
19 laboratories that conduct wastewater testing must be certified  
20 by the Illinois Environmental Protection Agency to conduct this  
21 wastewater analysis.

22 (h) No later than January 1, 2006, the Department shall  
23 adopt rules concerning the routine maintenance of all private  
24 sewage disposal systems.

25 (i) All off-lot discharging sewage disposal systems  
26 existing on January 1, 2006 must be brought into compliance  
27 with subsection (d) of this Section upon change of property  
28 ownership or complaint.

29 (Source: P.A. 86-1195.)

30 (225 ILCS 225/5) (from Ch. 111 1/2, par. 116.305)

31 Sec. 5. (a) The Director shall issue a private sewage  
32 system installation contractor license or a private sewage  
33 disposal system pumping contractor license to persons applying

1 for such license who successfully pass a written examination or  
2 training course or both prepared or approved by the Department  
3 and who pay the required annual license fee in an amount  
4 determined by the Department. Each person who holds a currently  
5 valid plumbing license issued under the "Illinois Plumbing  
6 License Law", as now or hereafter amended, shall ~~not~~ be  
7 required to pay the annual license fee required by this  
8 Section, and ~~but~~ such licensed person shall comply with all  
9 other provisions of this Act, including the requirements  
10 ~~requirement~~ for examination or training or both for licensure.

11 (b) A license issued under this Act shall expire on  
12 December 31 of the year issued, except that an original license  
13 issued after October 1 and before December 31 shall expire on  
14 December 31 of the following year.

15 The Department shall reinstate a license which expires  
16 while a licensee is in the active military service of the  
17 United States upon application to the Department by the former  
18 licensee within 2 years after termination of such military  
19 service, payment of the annual license fee and submission of  
20 evidence of such military service. Such license shall be  
21 reinstated without examination and without payment of the  
22 reinstatement fee.

23 (c) A private sewage disposal system pumping contractor or  
24 a private sewage system installation contractor whose license  
25 has expired for a period of less than 3 years may apply to the  
26 Department for reinstatement of his license. The Department  
27 shall issue such renewed license provided the applicant pays to  
28 the Department all lapsed license fees, plus a reinstatement  
29 fee determined by the Department. A license which has expired  
30 for more than 3 years may be restored only by reapplying to  
31 take the examination and by successfully passing the written  
32 examination or training course or both.

33 (Source: P.A. 85-1261.)



1 (225 ILCS 225/5a) (from Ch. 111 1/2, par. 116.305a)

2 Sec. 5a. All applicants shall be tested and required to  
3 attain a passing grade prescribed by the Department on an  
4 examination which evaluates the applicants' general knowledge  
5 of the design, installation, operation, maintenance and  
6 servicing of on-site waste water disposal systems or to  
7 successfully complete a training course developed or approved  
8 by the Department or to do both.

9 Applications for examination shall be in the form  
10 prescribed by the Department and shall be accompanied by the  
11 required fee determined by the Department. The Department shall  
12 conduct written examinations at least 2 times a year and may  
13 require a practical demonstration by each applicant. The  
14 written examination shall be prepared by the Department.

15 ~~Persons holding a valid license on the effective date of~~  
16 ~~this amendatory Act of 1985 shall be required to pass the~~  
17 ~~written examination by December 31, 1989. A license will not be~~  
18 ~~renewed after December 31, 1989, unless the person holding the~~  
19 ~~license has successfully passed the written examination.~~

20 (Source: P.A. 84-670.)

21 (225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

22 Sec. 8. In addition to promulgating and publishing the  
23 private sewage disposal code, the Department has the following  
24 powers and duties:

25 (1) Make such inspections as are necessary to determine  
26 satisfactory compliance with this Act and the private sewage  
27 disposal code.

28 (2) Cause investigations to be made when a violation of any  
29 provisions of this Act or the private sewage disposal code is  
30 reported to the Department.

31 (3) Subject to constitutional limitations, by its  
32 representatives after identification, enter at reasonable  
33 times upon private or public property for the purpose of

1 inspecting and investigating conditions relating to the  
2 administration and enforcement of this Act and the private  
3 sewage disposal code.

4 (4) Institute or cause to be instituted legal proceedings  
5 in the circuit court by the State's Attorney of the county  
6 where such non-compliance occurred or by the Attorney General  
7 of the State of Illinois in cases of non-compliance with the  
8 provisions of this Act and the private sewage disposal code.

9 (5) Authorize the trial or experimental use of new  
10 innovative systems for private sewage disposal, upon such  
11 conditions as the Department may set.

12 (6) Adopt minimum performance standards for private sewage  
13 disposal system contractors.

14 (7) Issue an annual license to every applicant who complies  
15 with the requirements of this Act and the private sewage  
16 disposal code and who pays the required annual license fee.

17 (8) Collect an annual license fee in an amount determined  
18 by the Department from each contractor and any examination and  
19 reinstatement fees.

20 (9) Prescribe rules of procedure for hearings following  
21 denial, suspension or revocation of licenses as provided in  
22 this Act.

23 (10) Issue operating permits for off-lot discharging  
24 disposal systems to ensure NPDES compliance.

25 (Source: P.A. 85-1261.)

26 Section 15. The Environmental Protection Act is amended by  
27 changing Sections 3.330 and 21 as follows:

28 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

29 Sec. 3.330. Pollution control facility.

30 (a) "Pollution control facility" is any waste storage site,  
31 sanitary landfill, waste disposal site, waste transfer  
32 station, waste treatment facility, or waste incinerator. This

1 includes sewers, sewage treatment plants, and any other  
2 facilities owned or operated by sanitary districts organized  
3 under the Metropolitan Water Reclamation District Act.

4 The following are not pollution control facilities:

5 (1) (Blank);

6 (2) waste storage sites regulated under 40 CFR, Part  
7 761.42;

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

17 (4) sites or facilities at which the State is  
18 performing removal or remedial action pursuant to Section  
19 22.2 or 55.3;

20 (5) abandoned quarries used solely for the disposal of  
21 concrete, earth materials, gravel, or aggregate debris  
22 resulting from road construction activities conducted by a  
23 unit of government or construction activities due to the  
24 construction and installation of underground pipes, lines,  
25 conduit or wires off of the premises of a public utility  
26 company which are conducted by a public utility;

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

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

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

34 (9) the portion of a site or facility used for the

1 collection, storage or processing of waste tires as defined  
2 in Title XIV;

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

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

16 (12) the portion of a site or facility utilizing coal  
17 combustion waste for stabilization and treatment of only  
18 waste generated on that site or facility when used in  
19 connection with response actions pursuant to the federal  
20 Comprehensive Environmental Response, Compensation, and  
21 Liability Act of 1980, the federal Resource Conservation  
22 and Recovery Act of 1976, or the Illinois Environmental  
23 Protection Act or as authorized by the Agency;

24 (13) the portion of a site or facility accepting  
25 exclusively general construction or demolition debris,  
26 located in a county with a population over 700,000 as of  
27 January 1, 2000, and operated and located in accordance  
28 with Section 22.38 of this Act; and

29 (14) the portion of a site or facility, located within  
30 a unit of local government that has enacted local zoning  
31 requirements, used to accept, separate, and process  
32 uncontaminated broken concrete, with or without protruding  
33 metal bars, provided that the uncontaminated broken  
34 concrete and metal bars are not speculatively accumulated,

1 are at the site or facility no longer than one year after  
2 their acceptance, and are returned to the economic  
3 mainstream in the form of raw materials or products.

4 (b) A new pollution control facility is:

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

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

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

12 (Source: P.A. 92-574, eff. 6-26-02; 93-998, eff. 8-23-04.)

13 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

16 (b) Abandon, dump, or deposit any waste upon the public  
17 highways or other public property, except in a sanitary  
18 landfill approved by the Agency pursuant to regulations adopted  
19 by the Board.

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

23 (d) Conduct any waste-storage, waste-treatment, or  
24 waste-disposal operation:

25 (1) without a permit granted by the Agency or in  
26 violation of any conditions imposed by such permit,  
27 including periodic reports and full access to adequate  
28 records and the inspection of facilities, as may be  
29 necessary to assure compliance with this Act and with  
30 regulations and standards adopted thereunder; provided,  
31 however, that, except for municipal solid waste landfill  
32 units that receive waste on or after October 9, 1993, no  
33 permit shall be required for (i) any person conducting a

1 waste-storage, waste-treatment, or waste-disposal  
2 operation for wastes generated by such person's own  
3 activities which are stored, treated, or disposed within  
4 the site where such wastes are generated, or (ii) a  
5 facility located in a county with a population over 700,000  
6 as of January 1, 2000, operated and located in accordance  
7 with Section 22.38 of this Act, and used exclusively for  
8 the transfer, storage, or treatment of general  
9 construction or demolition debris;

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

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

31 Item (3) of this subsection (d) shall not apply to any  
32 person engaged in agricultural activity who is disposing of a  
33 substance that constitutes solid waste, if the substance was  
34 acquired for use by that person on his own property, and the

1 substance is disposed of on his own property in accordance with  
2 regulations or standards adopted by the Board.

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

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

9 (f) Conduct any hazardous waste-storage, hazardous  
10 waste-treatment or hazardous waste-disposal operation:

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

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

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

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

25 Notwithstanding the above, no RCRA permit shall be required  
26 under this subsection or subsection (d) of Section 39 of this  
27 Act for any person engaged in agricultural activity who is  
28 disposing of a substance which has been identified as a  
29 hazardous waste, and which has been designated by Board  
30 regulations as being subject to this exception, if the  
31 substance was acquired for use by that person on his own  
32 property and the substance is disposed of on his own property  
33 in accordance with regulations or standards adopted by the  
34 Board.

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

2 (1) without registering with and obtaining a permit  
3 from the Agency in accordance with the Uniform Program  
4 implemented under subsection (1-5) of Section 22.2; or

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

7 (h) Conduct any hazardous waste-recycling or hazardous  
8 waste-reclamation or hazardous waste-reuse operation in  
9 violation of any regulations, standards or permit requirements  
10 adopted by the Board under this Act.

11 (i) Conduct any process or engage in any act which produces  
12 hazardous waste in violation of any regulations or standards  
13 adopted by the Board under subsections (a) and (c) of Section  
14 22.4 of this Act.

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

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

34 (l) Locate a hazardous waste disposal site above an active



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

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

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

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

25 (1) refuse in standing or flowing waters;

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

27 (3) leachate flows exiting the landfill confines (as  
28 determined by the boundaries established for the landfill  
29 by a permit issued by the Agency);

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

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

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

3           (7) acceptance of wastes without necessary permits;

4           (8) scavenging as defined by Board regulations;

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

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

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

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

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

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

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

25           (1) litter;

26           (2) scavenging;

27           (3) open burning;

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

29           (5) proliferation of disease vectors;

30           (6) standing or flowing liquid discharge from the dump  
31 site;

32           (7) deposition of:

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

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

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

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

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

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

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

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

29 (B) the property on which the composting facility  
30 is located, and any associated property on which the  
31 compost is used, is principally and diligently devoted  
32 to the production of agricultural crops and is not  
33 owned, leased or otherwise controlled by any waste  
34 hauler or generator of nonagricultural compost

1 materials, and the operator of the composting facility  
2 is not an employee, partner, shareholder, or in any way  
3 connected with or controlled by any such waste hauler  
4 or generator;

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

13 (D) the owner or operator, by January 1, 1990 (or  
14 the January 1 following commencement of operation,  
15 whichever is later) and January 1 of each year  
16 thereafter, (i) registers the site with the Agency,  
17 (ii) reports to the Agency on the volume of composting  
18 material received and used at the site, (iii) certifies  
19 to the Agency that the site complies with the  
20 requirements set forth in subparagraphs (A), (B) and  
21 (C) of this paragraph (q)(3), and (iv) certifies to the  
22 Agency that all composting material was placed more  
23 than 200 feet from the nearest potable water supply  
24 well, was placed outside the boundary of the 10-year  
25 floodplain or on a part of the site that is  
26 floodproofed, was placed at least 1/4 mile from the  
27 nearest residence (other than a residence located on  
28 the same property as the facility) and there are not  
29 more than 10 occupied non-farm residences within 1/2  
30 mile of the boundaries of the site on the date of  
31 application, and was placed more than 5 feet above the  
32 water table.

33 For the purposes of this subsection (q), "agronomic rates"  
34 means the application of not more than 20 tons per acre per

1 year, except that the Agency may allow a higher rate for  
2 individual sites where the owner or operator has demonstrated  
3 to the Agency that the site's soil characteristics or crop  
4 needs require a higher rate.

5 (r) Cause or allow the storage or disposal of coal  
6 combustion waste unless:

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

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

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

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

30 (ii) the owner or operator of the facility  
31 demonstrates all of the following to the Agency, and  
32 the facility is operated in accordance with the  
33 demonstration as approved by the Agency: (1) the  
34 disposal area will be covered in a manner that will

1 support continuous vegetation, (2) the facility will  
2 be adequately protected from wind and water erosion,  
3 (3) the pH will be maintained so as to prevent  
4 excessive leaching of metal ions, and (4) adequate  
5 containment or other measures will be provided to  
6 protect surface water and groundwater from  
7 contamination at levels prohibited by this Act, the  
8 Illinois Groundwater Protection Act, or regulations  
9 adopted pursuant thereto.

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

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

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

26 (u) Conduct any vegetable by-product treatment, storage,  
27 disposal or transportation operation in violation of any  
28 regulation, standards or permit requirements adopted by the  
29 Board under this Act. However, no permit shall be required  
30 under this Title V for the land application of vegetable  
31 by-products conducted pursuant to Agency permit issued under  
32 Title III of this Act to the generator of the vegetable  
33 by-products. In addition, vegetable by-products may be  
34 transported in this State without a special waste hauling

1 permit, and without the preparation and carrying of a manifest.

2 (v) (Blank).

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

1 used for erosion control, or (iii) milled asphalt or crushed  
2 concrete is used as aggregate in construction of the shoulder  
3 of a roadway. The terms "generation" and "recycling", as used  
4 in this subsection, do not apply to uncontaminated soil that is  
5 not commingled with any waste when (i) used as fill material  
6 below grade or contoured to grade, or (ii) used at the site of  
7 generation.

8 (Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."