

HB4919



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4919

Introduced 1/19/2006, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

415 ILCS 5/21

from Ch. 111 1/2, par. 1021

Amends the Environmental Protection Act. Makes a technical change in a Section concerning acts prohibited under the Act.

LRB094 17896 RSP 53199 b

A BILL FOR

1 AN ACT concerning safety.

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 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 ~~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 adopted
12 by the Board.

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

16 (d) Conduct any waste-storage, waste-treatment, or
17 waste-disposal operation:

18 (1) without a permit granted by the Agency or in
19 violation of any conditions imposed by such permit,
20 including periodic reports and full access to adequate
21 records and the inspection of facilities, as may be
22 necessary to assure compliance with this Act and with
23 regulations and standards adopted thereunder; provided,
24 however, that, except for municipal solid waste landfill
25 units that receive waste on or after October 9, 1993, no
26 permit shall be required for (i) any person conducting a
27 waste-storage, waste-treatment, or waste-disposal
28 operation for wastes generated by such person's own
29 activities which are stored, treated, or disposed within
30 the site where such wastes are generated, or (ii) a
31 facility located in a county with a population over 700,000
32 as of January 1, 2000, operated and located in accordance

1 with Section 22.38 of this Act, and used exclusively for
2 the transfer, storage, or treatment of general
3 construction or demolition debris;

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

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 receiving
10 special waste not listed in an NPDES permit, (iii) a waste
11 pile in which the total volume of waste is greater than 100
12 cubic yards or the waste is stored for over one year, or
13 (iv) a land treatment facility receiving special waste
14 generated at the site; without giving notice of the
15 operation to the Agency by January 1, 1989, or 30 days
16 after the date on which the operation commences, whichever
17 is later, and every 3 years thereafter. The form for such
18 notification shall be specified by the Agency, and shall be
19 limited to information regarding: the name and address of
20 the location of the operation; the type of operation; the
21 types and amounts of waste stored, treated or disposed of
22 on an annual basis; the remaining capacity of the
23 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
27 substance that constitutes solid waste, if the substance was
28 acquired for use by that person on his own property, and the
29 substance is disposed of on his own property in accordance with
30 regulations or standards adopted by the Board.

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

32 (e) Dispose, treat, store or abandon any waste, or
33 transport any waste into this State for disposal, treatment,
34 storage or abandonment, except at a site or facility which
35 meets the requirements of this Act and of regulations and
36 standards thereunder.

1 (f) Conduct any hazardous waste-storage, hazardous
2 waste-treatment or hazardous waste-disposal operation:

3 (1) without a RCRA permit for the site issued by the
4 Agency under subsection (d) of Section 39 of this Act, or
5 in violation of any condition imposed by such permit,
6 including periodic reports and full access to adequate
7 records and the inspection of facilities, as may be
8 necessary to assure compliance with this Act and with
9 regulations and standards adopted thereunder; or

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

12 (3) in violation of any RCRA permit filing requirement
13 established under standards adopted by the Board under this
14 Act; or

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

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

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

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

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

33 (h) Conduct any hazardous waste-recycling or hazardous
34 waste-reclamation or hazardous waste-reuse operation in
35 violation of any regulations, standards or permit requirements
36 adopted by the Board under this Act.

1 (i) Conduct any process or engage in any act which produces
2 hazardous waste in violation of any regulations or standards
3 adopted by the Board under subsections (a) and (c) of Section
4 22.4 of this Act.

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

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

24 (l) Locate a hazardous waste disposal site above an active
25 or inactive shaft or tunneled mine or within 2 miles of an
26 active fault in the earth's crust. In counties of population
27 less than 225,000 no hazardous waste disposal site shall be
28 located (1) within 1 1/2 miles of the corporate limits as
29 defined on June 30, 1978, of any municipality without the
30 approval of the governing body of the municipality in an
31 official action; or (2) within 1000 feet of an existing private
32 well or the existing source of a public water supply measured
33 from the boundary of the actual active permitted site and
34 excluding existing private wells on the property of the permit
35 applicant. The provisions of this subsection do not apply to
36 publicly-owned sewage works or the disposal or utilization of

1 sludge from publicly-owned sewage works.

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

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

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

13 (1) refuse in standing or flowing waters;

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

15 (3) leachate flows exiting the landfill confines (as
16 determined by the boundaries established for the landfill
17 by a permit issued by the Agency);

18 (4) open burning of refuse in violation of Section 9 of
19 this Act;

20 (5) uncovered refuse remaining from any previous
21 operating day or at the conclusion of any operating day,
22 unless authorized by permit;

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

25 (7) acceptance of wastes without necessary permits;

26 (8) scavenging as defined by Board regulations;

27 (9) deposition of refuse in any unpermitted portion of
28 the landfill;

29 (10) acceptance of a special waste without a required
30 manifest;

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

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

35 (13) failure to submit any cost estimate for the site
36 or any performance bond or other security for the site as

1 required by this Act or Board rules.

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

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

11 (1) litter;

12 (2) scavenging;

13 (3) open burning;

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

15 (5) proliferation of disease vectors;

16 (6) standing or flowing liquid discharge from the dump
17 site;

18 (7) deposition of:

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

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

23 The prohibitions specified in this subsection (p) shall be
24 enforceable by the Agency either by administrative citation
25 under Section 31.1 of this Act or as otherwise provided by this
26 Act. The specific prohibitions in this subsection do not limit
27 the power of the Board to establish regulations or standards
28 applicable to open dumping.

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

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

36 (2) applying landscape waste or composted landscape

1 waste at agronomic rates; or

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

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

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

23 (C) all compost generated by the composting
24 facility is applied at agronomic rates and used as
25 mulch, fertilizer or soil conditioner on land actually
26 farmed by the person operating the composting
27 facility, and the finished compost is not stored at the
28 composting site for a period longer than 18 months
29 prior to its application as mulch, fertilizer, or soil
30 conditioner;

31 (D) the owner or operator, by January 1, 1990 (or
32 the January 1 following commencement of operation,
33 whichever is later) and January 1 of each year
34 thereafter, (i) registers the site with the Agency,
35 (ii) reports to the Agency on the volume of composting
36 material received and used at the site, (iii) certifies

1 to the Agency that the site complies with the
2 requirements set forth in subparagraphs (A), (B) and
3 (C) of this paragraph (q)(3), and (iv) certifies to the
4 Agency that all composting material was placed more
5 than 200 feet from the nearest potable water supply
6 well, was placed outside the boundary of the 10-year
7 floodplain or on a part of the site that is
8 floodproofed, was placed at least 1/4 mile from the
9 nearest residence (other than a residence located on
10 the same property as the facility) and there are not
11 more than 10 occupied non-farm residences within 1/2
12 mile of the boundaries of the site on the date of
13 application, and was placed more than 5 feet above the
14 water table.

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

21 (r) Cause or allow the storage or disposal of coal
22 combustion waste unless:

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

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

30 (3) such waste is stored or disposed of at a site or
31 facility which is operating under NPDES and Subtitle D
32 permits issued by the Agency pursuant to regulations
33 adopted by the Board for mine-related water pollution and
34 permits issued pursuant to the Federal Surface Mining
35 Control and Reclamation Act of 1977 (P.L. 95-87) or the
36 rules and regulations thereunder or any law or rule or

1 regulation adopted by the State of Illinois pursuant
2 thereto, and the owner or operator of the facility agrees
3 to accept the waste; and either

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

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

24 Notwithstanding any other provision of this Title, the
25 disposal of coal combustion waste pursuant to item (2) or (3)
26 of this subdivision (r) shall be exempt from the other
27 provisions of this Title V, and notwithstanding the provisions
28 of Title X of this Act, the Agency is authorized to grant
29 experimental permits which include provision for the disposal
30 of wastes from the combustion of coal and other materials
31 pursuant to items (2) and (3) of this subdivision (r).

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

36 (t) Cause or allow a lateral expansion of a municipal solid

1 waste landfill unit on or after October 9, 1993, without a
2 permit modification, granted by the Agency, that authorizes the
3 lateral expansion.

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

14 (v) (Blank).

15 (w) Conduct any generation, transportation, or recycling
16 of construction or demolition debris, clean or general, or
17 uncontaminated soil generated during construction, remodeling,
18 repair, and demolition of utilities, structures, and roads that
19 is not commingled with any waste, without the maintenance of
20 documentation identifying the hauler, generator, place of
21 origin of the debris or soil, the weight or volume of the
22 debris or soil, and the location, owner, and operator of the
23 facility where the debris or soil was transferred, disposed,
24 recycled, or treated. This documentation must be maintained by
25 the generator, transporter, or recycler for 3 years. This
26 subsection (w) shall not apply to (1) a permitted pollution
27 control facility that transfers or accepts construction or
28 demolition debris, clean or general, or uncontaminated soil for
29 final disposal, recycling, or treatment, (2) a public utility
30 (as that term is defined in the Public Utilities Act) or a
31 municipal utility, (3) the Illinois Department of
32 Transportation, or (4) a municipality or a county highway
33 department, with the exception of any municipality or county
34 highway department located within a county having a population
35 of over 3,000,000 inhabitants or located in a county that is
36 contiguous to a county having a population of over 3,000,000

1 inhabitants; but it shall apply to an entity that contracts
2 with a public utility, a municipal utility, the Illinois
3 Department of Transportation, or a municipality or a county
4 highway department. The terms "generation" and "recycling" as
5 used in this subsection do not apply to clean construction or
6 demolition debris when (i) used as fill material below grade
7 outside of a setback zone if covered by sufficient
8 uncontaminated soil to support vegetation within 30 days of the
9 completion of filling or if covered by a road or structure,
10 (ii) solely broken concrete without protruding metal bars is
11 used for erosion control, or (iii) milled asphalt or crushed
12 concrete is used as aggregate in construction of the shoulder
13 of a roadway. The terms "generation" and "recycling", as used
14 in this subsection, do not apply to uncontaminated soil that is
15 not commingled with any waste when (i) used as fill material
16 below grade or contoured to grade, or (ii) used at the site of
17 generation.

18 (Source: P.A. 93-179, eff. 7-11-03; 94-94, eff. 7-1-05.)