

1 AN ACT concerning regulation.

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

4 Section 5. The Private Sewage Disposal Licensing Act is  
5 amended by changing Section 4 as follows:

6 (225 ILCS 225/4) (from Ch. 111 1/2, par. 116.304)

7 Sec. 4. (a) After January 1, 1974, no person or private  
8 sewage disposal system contractor may construct, install,  
9 modify, repair, maintain, or service a private sewage disposal  
10 system or transport and dispose of waste removed therefrom, in  
11 such a manner that does not comply with the requirements of  
12 this Act and the private sewage disposal code promulgated  
13 hereunder by the Department. A person who owns and occupies a  
14 single family dwelling and who constructs, installs,  
15 maintains, services or cleans the private sewage disposal  
16 system which serves his single family residence shall not be  
17 required to be licensed under this Act, however, such person  
18 shall comply with all other provisions of this Act and the  
19 private sewage disposal code promulgated hereunder by the  
20 Department.

21 Any person who constructs, installs, repairs, modifies, or  
22 maintains a private sewage disposal system, other than a system  
23 which serves his own single family residence, shall be licensed

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

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

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

23 (d) Every owner of a discharging private sewage disposal  
24 system must provide satisfactory proof to the Department of the  
25 filing of a "Notice of Intent" with the Environmental  
26 Protection Agency, unless the private sewage disposal system

1 does not enter the navigable waters of the State or surface  
2 waters that are tributary to navigable waters of the State.

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

4 Section 10. The Environmental Protection Act is amended by  
5 changing Section 39 as follows:

6 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

7 Sec. 39. Issuance of permits; procedures.

8 (a) When the Board has by regulation required a permit for  
9 the construction, installation, or operation of any type of  
10 facility, equipment, vehicle, vessel, or aircraft, the  
11 applicant shall apply to the Agency for such permit and it  
12 shall be the duty of the Agency to issue such a permit upon  
13 proof by the applicant that the facility, equipment, vehicle,  
14 vessel, or aircraft will not cause a violation of this Act or  
15 of regulations hereunder. The Agency shall adopt such  
16 procedures as are necessary to carry out its duties under this  
17 Section. In making its determinations on permit applications  
18 under this Section the Agency may consider prior adjudications  
19 of noncompliance with this Act by the applicant that involved a  
20 release of a contaminant into the environment. In granting  
21 permits, the Agency may impose reasonable conditions  
22 specifically related to the applicant's past compliance  
23 history with this Act as necessary to correct, detect, or  
24 prevent noncompliance. The Agency may impose such other

1 conditions as may be necessary to accomplish the purposes of  
2 this Act, and as are not inconsistent with the regulations  
3 promulgated by the Board hereunder. Except as otherwise  
4 provided in this Act, a bond or other security shall not be  
5 required as a condition for the issuance of a permit. If the  
6 Agency denies any permit under this Section, the Agency shall  
7 transmit to the applicant within the time limitations of this  
8 Section specific, detailed statements as to the reasons the  
9 permit application was denied. Such statements shall include,  
10 but not be limited to the following:

11 (i) the Sections of this Act which may be violated if  
12 the permit were granted;

13 (ii) the provision of the regulations, promulgated  
14 under this Act, which may be violated if the permit were  
15 granted;

16 (iii) the specific type of information, if any, which  
17 the Agency deems the applicant did not provide the Agency;  
18 and

19 (iv) a statement of specific reasons why the Act and  
20 the regulations might not be met if the permit were  
21 granted.

22 If there is no final action by the Agency within 90 days  
23 after the filing of the application for permit, the applicant  
24 may deem the permit issued; except that this time period shall  
25 be extended to 180 days when (1) notice and opportunity for  
26 public hearing are required by State or federal law or

1 regulation, (2) the application which was filed is for any  
2 permit to develop a landfill subject to issuance pursuant to  
3 this subsection, or (3) the application that was filed is for a  
4 MSWLF unit required to issue public notice under subsection (p)  
5 of Section 39. The 90-day and 180-day time periods for the  
6 Agency to take final action do not apply to NPDES permit  
7 applications under subsection (b) of this Section, to RCRA  
8 permit applications under subsection (d) of this Section, or to  
9 UIC permit applications under subsection (e) of this Section.

10 The Agency shall publish notice of all final permit  
11 determinations for development permits for MSWLF units and for  
12 significant permit modifications for lateral expansions for  
13 existing MSWLF units one time in a newspaper of general  
14 circulation in the county in which the unit is or is proposed  
15 to be located.

16 After January 1, 1994 and until July 1, 1998, operating  
17 permits issued under this Section by the Agency for sources of  
18 air pollution permitted to emit less than 25 tons per year of  
19 any combination of regulated air pollutants, as defined in  
20 Section 39.5 of this Act, shall be required to be renewed only  
21 upon written request by the Agency consistent with applicable  
22 provisions of this Act and regulations promulgated hereunder.  
23 Such operating permits shall expire 180 days after the date of  
24 such a request. The Board shall revise its regulations for the  
25 existing State air pollution operating permit program  
26 consistent with this provision by January 1, 1994.

1           After June 30, 1998, operating permits issued under this  
2 Section by the Agency for sources of air pollution that are not  
3 subject to Section 39.5 of this Act and are not required to  
4 have a federally enforceable State operating permit shall be  
5 required to be renewed only upon written request by the Agency  
6 consistent with applicable provisions of this Act and its  
7 rules. Such operating permits shall expire 180 days after the  
8 date of such a request. Before July 1, 1998, the Board shall  
9 revise its rules for the existing State air pollution operating  
10 permit program consistent with this paragraph and shall adopt  
11 rules that require a source to demonstrate that it qualifies  
12 for a permit under this paragraph.

13           (b) The Agency may issue NPDES permits exclusively under  
14 this subsection for the discharge of contaminants from point  
15 sources into navigable waters, all as defined in the Federal  
16 Water Pollution Control Act, as now or hereafter amended,  
17 within the jurisdiction of the State, or into any well.

18           All NPDES permits shall contain those terms and conditions,  
19 including but not limited to schedules of compliance, which may  
20 be required to accomplish the purposes and provisions of this  
21 Act.

22           The Agency may issue general NPDES permits for discharges  
23 from categories of point sources which are subject to the same  
24 permit limitations and conditions. Such general permits may be  
25 issued without individual applications and shall conform to  
26 regulations promulgated under Section 402 of the Federal Water

1 Pollution Control Act, as now or hereafter amended.

2 The Agency may include, among such conditions, effluent  
3 limitations and other requirements established under this Act,  
4 Board regulations, the Federal Water Pollution Control Act, as  
5 now or hereafter amended, and regulations pursuant thereto, and  
6 schedules for achieving compliance therewith at the earliest  
7 reasonable date.

8 The Agency shall adopt filing requirements and procedures  
9 which are necessary and appropriate for the issuance of NPDES  
10 permits, and which are consistent with the Act or regulations  
11 adopted by the Board, and with the Federal Water Pollution  
12 Control Act, as now or hereafter amended, and regulations  
13 pursuant thereto.

14 The Agency, subject to any conditions which may be  
15 prescribed by Board regulations, may issue NPDES permits to  
16 allow discharges beyond deadlines established by this Act or by  
17 regulations of the Board without the requirement of a variance,  
18 subject to the Federal Water Pollution Control Act, as now or  
19 hereafter amended, and regulations pursuant thereto.

20 (b-5) Notwithstanding any provision of this Act or any rule  
21 adopted by the Agency in accordance with this Act, every owner  
22 of a discharging private sewage disposal system that enters the  
23 navigable waters of the State or surface waters that are  
24 tributary to navigable waters of the State must file a "Notice  
25 of Intent" with the Agency to allow coverage of the system  
26 under the blanket NPDES permit of the State.

1           (c) Except for those facilities owned or operated by  
2 sanitary districts organized under the Metropolitan Water  
3 Reclamation District Act, no permit for the development or  
4 construction of a new pollution control facility may be granted  
5 by the Agency unless the applicant submits proof to the Agency  
6 that the location of the facility has been approved by the  
7 County Board of the county if in an unincorporated area, or the  
8 governing body of the municipality when in an incorporated  
9 area, in which the facility is to be located in accordance with  
10 Section 39.2 of this Act.

11           In the event that siting approval granted pursuant to  
12 Section 39.2 has been transferred to a subsequent owner or  
13 operator, that subsequent owner or operator may apply to the  
14 Agency for, and the Agency may grant, a development or  
15 construction permit for the facility for which local siting  
16 approval was granted. Upon application to the Agency for a  
17 development or construction permit by that subsequent owner or  
18 operator, the permit applicant shall cause written notice of  
19 the permit application to be served upon the appropriate county  
20 board or governing body of the municipality that granted siting  
21 approval for that facility and upon any party to the siting  
22 proceeding pursuant to which siting approval was granted. In  
23 that event, the Agency shall conduct an evaluation of the  
24 subsequent owner or operator's prior experience in waste  
25 management operations in the manner conducted under subsection  
26 (i) of Section 39 of this Act.



1           Beginning August 20, 1993, if the pollution control  
2 facility consists of a hazardous or solid waste disposal  
3 facility for which the proposed site is located in an  
4 unincorporated area of a county with a population of less than  
5 100,000 and includes all or a portion of a parcel of land that  
6 was, on April 1, 1993, adjacent to a municipality having a  
7 population of less than 5,000, then the local siting review  
8 required under this subsection (c) in conjunction with any  
9 permit applied for after that date shall be performed by the  
10 governing body of that adjacent municipality rather than the  
11 county board of the county in which the proposed site is  
12 located; and for the purposes of that local siting review, any  
13 references in this Act to the county board shall be deemed to  
14 mean the governing body of that adjacent municipality;  
15 provided, however, that the provisions of this paragraph shall  
16 not apply to any proposed site which was, on April 1, 1993,  
17 owned in whole or in part by another municipality.

18           In the case of a pollution control facility for which a  
19 development permit was issued before November 12, 1981, if an  
20 operating permit has not been issued by the Agency prior to  
21 August 31, 1989 for any portion of the facility, then the  
22 Agency may not issue or renew any development permit nor issue  
23 an original operating permit for any portion of such facility  
24 unless the applicant has submitted proof to the Agency that the  
25 location of the facility has been approved by the appropriate  
26 county board or municipal governing body pursuant to Section

1 39.2 of this Act.

2 After January 1, 1994, if a solid waste disposal facility,  
3 any portion for which an operating permit has been issued by  
4 the Agency, has not accepted waste disposal for 5 or more  
5 consecutive calendars years, before that facility may accept  
6 any new or additional waste for disposal, the owner and  
7 operator must obtain a new operating permit under this Act for  
8 that facility unless the owner and operator have applied to the  
9 Agency for a permit authorizing the temporary suspension of  
10 waste acceptance. The Agency may not issue a new operation  
11 permit under this Act for the facility unless the applicant has  
12 submitted proof to the Agency that the location of the facility  
13 has been approved or re-approved by the appropriate county  
14 board or municipal governing body under Section 39.2 of this  
15 Act after the facility ceased accepting waste.

16 Except for those facilities owned or operated by sanitary  
17 districts organized under the Metropolitan Water Reclamation  
18 District Act, and except for new pollution control facilities  
19 governed by Section 39.2, and except for fossil fuel mining  
20 facilities, the granting of a permit under this Act shall not  
21 relieve the applicant from meeting and securing all necessary  
22 zoning approvals from the unit of government having zoning  
23 jurisdiction over the proposed facility.

24 Before beginning construction on any new sewage treatment  
25 plant or sludge drying site to be owned or operated by a  
26 sanitary district organized under the Metropolitan Water

1 Reclamation District Act for which a new permit (rather than  
2 the renewal or amendment of an existing permit) is required,  
3 such sanitary district shall hold a public hearing within the  
4 municipality within which the proposed facility is to be  
5 located, or within the nearest community if the proposed  
6 facility is to be located within an unincorporated area, at  
7 which information concerning the proposed facility shall be  
8 made available to the public, and members of the public shall  
9 be given the opportunity to express their views concerning the  
10 proposed facility.

11 The Agency may issue a permit for a municipal waste  
12 transfer station without requiring approval pursuant to  
13 Section 39.2 provided that the following demonstration is made:

14 (1) the municipal waste transfer station was in  
15 existence on or before January 1, 1979 and was in  
16 continuous operation from January 1, 1979 to January 1,  
17 1993;

18 (2) the operator submitted a permit application to the  
19 Agency to develop and operate the municipal waste transfer  
20 station during April of 1994;

21 (3) the operator can demonstrate that the county board  
22 of the county, if the municipal waste transfer station is  
23 in an unincorporated area, or the governing body of the  
24 municipality, if the station is in an incorporated area,  
25 does not object to resumption of the operation of the  
26 station; and

1           (4) the site has local zoning approval.

2           (d) The Agency may issue RCRA permits exclusively under  
3 this subsection to persons owning or operating a facility for  
4 the treatment, storage, or disposal of hazardous waste as  
5 defined under this Act.

6           All RCRA permits shall contain those terms and conditions,  
7 including but not limited to schedules of compliance, which may  
8 be required to accomplish the purposes and provisions of this  
9 Act. The Agency may include among such conditions standards and  
10 other requirements established under this Act, Board  
11 regulations, the Resource Conservation and Recovery Act of 1976  
12 (P.L. 94-580), as amended, and regulations pursuant thereto,  
13 and may include schedules for achieving compliance therewith as  
14 soon as possible. The Agency shall require that a performance  
15 bond or other security be provided as a condition for the  
16 issuance of a RCRA permit.

17           In the case of a permit to operate a hazardous waste or PCB  
18 incinerator as defined in subsection (k) of Section 44, the  
19 Agency shall require, as a condition of the permit, that the  
20 operator of the facility perform such analyses of the waste to  
21 be incinerated as may be necessary and appropriate to ensure  
22 the safe operation of the incinerator.

23           The Agency shall adopt filing requirements and procedures  
24 which are necessary and appropriate for the issuance of RCRA  
25 permits, and which are consistent with the Act or regulations  
26 adopted by the Board, and with the Resource Conservation and

1 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations  
2 pursuant thereto.

3 The applicant shall make available to the public for  
4 inspection all documents submitted by the applicant to the  
5 Agency in furtherance of an application, with the exception of  
6 trade secrets, at the office of the county board or governing  
7 body of the municipality. Such documents may be copied upon  
8 payment of the actual cost of reproduction during regular  
9 business hours of the local office. The Agency shall issue a  
10 written statement concurrent with its grant or denial of the  
11 permit explaining the basis for its decision.

12 (e) The Agency may issue UIC permits exclusively under this  
13 subsection to persons owning or operating a facility for the  
14 underground injection of contaminants as defined under this  
15 Act.

16 All UIC permits shall contain those terms and conditions,  
17 including but not limited to schedules of compliance, which may  
18 be required to accomplish the purposes and provisions of this  
19 Act. The Agency may include among such conditions standards and  
20 other requirements established under this Act, Board  
21 regulations, the Safe Drinking Water Act (P.L. 93-523), as  
22 amended, and regulations pursuant thereto, and may include  
23 schedules for achieving compliance therewith. The Agency shall  
24 require that a performance bond or other security be provided  
25 as a condition for the issuance of a UIC permit.

26 The Agency shall adopt filing requirements and procedures

1 which are necessary and appropriate for the issuance of UIC  
2 permits, and which are consistent with the Act or regulations  
3 adopted by the Board, and with the Safe Drinking Water Act  
4 (P.L. 93-523), as amended, and regulations pursuant thereto.

5 The applicant shall make available to the public for  
6 inspection, all documents submitted by the applicant to the  
7 Agency in furtherance of an application, with the exception of  
8 trade secrets, at the office of the county board or governing  
9 body of the municipality. Such documents may be copied upon  
10 payment of the actual cost of reproduction during regular  
11 business hours of the local office. The Agency shall issue a  
12 written statement concurrent with its grant or denial of the  
13 permit explaining the basis for its decision.

14 (f) In making any determination pursuant to Section 9.1 of  
15 this Act:

16 (1) The Agency shall have authority to make the  
17 determination of any question required to be determined by  
18 the Clean Air Act, as now or hereafter amended, this Act,  
19 or the regulations of the Board, including the  
20 determination of the Lowest Achievable Emission Rate,  
21 Maximum Achievable Control Technology, or Best Available  
22 Control Technology, consistent with the Board's  
23 regulations, if any.

24 (2) The Agency shall, after conferring with the  
25 applicant, give written notice to the applicant of its  
26 proposed decision on the application including the terms

1 and conditions of the permit to be issued and the facts,  
2 conduct or other basis upon which the Agency will rely to  
3 support its proposed action.

4 (3) Following such notice, the Agency shall give the  
5 applicant an opportunity for a hearing in accordance with  
6 the provisions of Sections 10-25 through 10-60 of the  
7 Illinois Administrative Procedure Act.

8 (g) The Agency shall include as conditions upon all permits  
9 issued for hazardous waste disposal sites such restrictions  
10 upon the future use of such sites as are reasonably necessary  
11 to protect public health and the environment, including  
12 permanent prohibition of the use of such sites for purposes  
13 which may create an unreasonable risk of injury to human health  
14 or to the environment. After administrative and judicial  
15 challenges to such restrictions have been exhausted, the Agency  
16 shall file such restrictions of record in the Office of the  
17 Recorder of the county in which the hazardous waste disposal  
18 site is located.

19 (h) A hazardous waste stream may not be deposited in a  
20 permitted hazardous waste site unless specific authorization  
21 is obtained from the Agency by the generator and disposal site  
22 owner and operator for the deposit of that specific hazardous  
23 waste stream. The Agency may grant specific authorization for  
24 disposal of hazardous waste streams only after the generator  
25 has reasonably demonstrated that, considering technological  
26 feasibility and economic reasonableness, the hazardous waste

1 cannot be reasonably recycled for reuse, nor incinerated or  
2 chemically, physically or biologically treated so as to  
3 neutralize the hazardous waste and render it nonhazardous. In  
4 granting authorization under this Section, the Agency may  
5 impose such conditions as may be necessary to accomplish the  
6 purposes of the Act and are consistent with this Act and  
7 regulations promulgated by the Board hereunder. If the Agency  
8 refuses to grant authorization under this Section, the  
9 applicant may appeal as if the Agency refused to grant a  
10 permit, pursuant to the provisions of subsection (a) of Section  
11 40 of this Act. For purposes of this subsection (h), the term  
12 "generator" has the meaning given in Section 3.205 of this Act,  
13 unless: (1) the hazardous waste is treated, incinerated, or  
14 partially recycled for reuse prior to disposal, in which case  
15 the last person who treats, incinerates, or partially recycles  
16 the hazardous waste prior to disposal is the generator; or (2)  
17 the hazardous waste is from a response action, in which case  
18 the person performing the response action is the generator.  
19 This subsection (h) does not apply to any hazardous waste that  
20 is restricted from land disposal under 35 Ill. Adm. Code 728.

21 (i) Before issuing any RCRA permit, any permit for a waste  
22 storage site, sanitary landfill, waste disposal site, waste  
23 transfer station, waste treatment facility, waste incinerator,  
24 or any waste-transportation operation, or any permit or interim  
25 authorization for a clean construction or demolition debris  
26 fill operation, the Agency shall conduct an evaluation of the



1 prospective owner's or operator's prior experience in waste  
2 management operations and clean construction or demolition  
3 debris fill operations. The Agency may deny such a permit, or  
4 deny or revoke interim authorization, if the prospective owner  
5 or operator or any employee or officer of the prospective owner  
6 or operator has a history of:

7 (1) repeated violations of federal, State, or local  
8 laws, regulations, standards, or ordinances in the  
9 operation of waste management facilities or sites or clean  
10 construction or demolition debris fill operation  
11 facilities or sites; or

12 (2) conviction in this or another State of any crime  
13 which is a felony under the laws of this State, or  
14 conviction of a felony in a federal court; or conviction in  
15 this or another state or federal court of any of the  
16 following crimes: forgery, official misconduct, bribery,  
17 perjury, or knowingly submitting false information under  
18 any environmental law, regulation, or permit term or  
19 condition; or

20 (3) proof of gross carelessness or incompetence in  
21 handling, storing, processing, transporting or disposing  
22 of waste or clean construction or demolition debris, or  
23 proof of gross carelessness or incompetence in using clean  
24 construction or demolition debris as fill.

25 (i-5) Before issuing any permit or approving any interim  
26 authorization for a clean construction or demolition debris

1 fill operation in which any ownership interest is transferred  
2 between January 1, 2005, and the effective date of the  
3 prohibition set forth in Section 22.52 of this Act, the Agency  
4 shall conduct an evaluation of the operation if any previous  
5 activities at the site or facility may have caused or allowed  
6 contamination of the site. It shall be the responsibility of  
7 the owner or operator seeking the permit or interim  
8 authorization to provide to the Agency all of the information  
9 necessary for the Agency to conduct its evaluation. The Agency  
10 may deny a permit or interim authorization if previous  
11 activities at the site may have caused or allowed contamination  
12 at the site, unless such contamination is authorized under any  
13 permit issued by the Agency.

14 (j) The issuance under this Act of a permit to engage in  
15 the surface mining of any resources other than fossil fuels  
16 shall not relieve the permittee from its duty to comply with  
17 any applicable local law regulating the commencement, location  
18 or operation of surface mining facilities.

19 (k) A development permit issued under subsection (a) of  
20 Section 39 for any facility or site which is required to have a  
21 permit under subsection (d) of Section 21 shall expire at the  
22 end of 2 calendar years from the date upon which it was issued,  
23 unless within that period the applicant has taken action to  
24 develop the facility or the site. In the event that review of  
25 the conditions of the development permit is sought pursuant to  
26 Section 40 or 41, or permittee is prevented from commencing

1 development of the facility or site by any other litigation  
2 beyond the permittee's control, such two-year period shall be  
3 deemed to begin on the date upon which such review process or  
4 litigation is concluded.

5 (l) No permit shall be issued by the Agency under this Act  
6 for construction or operation of any facility or site located  
7 within the boundaries of any setback zone established pursuant  
8 to this Act, where such construction or operation is  
9 prohibited.

10 (m) The Agency may issue permits to persons owning or  
11 operating a facility for composting landscape waste. In  
12 granting such permits, the Agency may impose such conditions as  
13 may be necessary to accomplish the purposes of this Act, and as  
14 are not inconsistent with applicable regulations promulgated  
15 by the Board. Except as otherwise provided in this Act, a bond  
16 or other security shall not be required as a condition for the  
17 issuance of a permit. If the Agency denies any permit pursuant  
18 to this subsection, the Agency shall transmit to the applicant  
19 within the time limitations of this subsection specific,  
20 detailed statements as to the reasons the permit application  
21 was denied. Such statements shall include but not be limited to  
22 the following:

23 (1) the Sections of this Act that may be violated if  
24 the permit were granted;

25 (2) the specific regulations promulgated pursuant to  
26 this Act that may be violated if the permit were granted;

1           (3) the specific information, if any, the Agency deems  
2           the applicant did not provide in its application to the  
3           Agency; and

4           (4) a statement of specific reasons why the Act and the  
5           regulations might be violated if the permit were granted.

6           If no final action is taken by the Agency within 90 days  
7           after the filing of the application for permit, the applicant  
8           may deem the permit issued. Any applicant for a permit may  
9           waive the 90 day limitation by filing a written statement with  
10          the Agency.

11          The Agency shall issue permits for such facilities upon  
12          receipt of an application that includes a legal description of  
13          the site, a topographic map of the site drawn to the scale of  
14          200 feet to the inch or larger, a description of the operation,  
15          including the area served, an estimate of the volume of  
16          materials to be processed, and documentation that:

17                 (1) the facility includes a setback of at least 200  
18                 feet from the nearest potable water supply well;

19                 (2) the facility is located outside the boundary of the  
20                 10-year floodplain or the site will be floodproofed;

21                 (3) the facility is located so as to minimize  
22                 incompatibility with the character of the surrounding  
23                 area, including at least a 200 foot setback from any  
24                 residence, and in the case of a facility that is developed  
25                 or the permitted composting area of which is expanded after  
26                 November 17, 1991, the composting area is located at least

1           1/8 mile from the nearest residence (other than a residence  
2           located on the same property as the facility);

3           (4) the design of the facility will prevent any compost  
4           material from being placed within 5 feet of the water  
5           table, will adequately control runoff from the site, and  
6           will collect and manage any leachate that is generated on  
7           the site;

8           (5) the operation of the facility will include  
9           appropriate dust and odor control measures, limitations on  
10          operating hours, appropriate noise control measures for  
11          shredding, chipping and similar equipment, management  
12          procedures for composting, containment and disposal of  
13          non-compostable wastes, procedures to be used for  
14          terminating operations at the site, and recordkeeping  
15          sufficient to document the amount of materials received,  
16          composted and otherwise disposed of; and

17          (6) the operation will be conducted in accordance with  
18          any applicable rules adopted by the Board.

19          The Agency shall issue renewable permits of not longer than  
20          10 years in duration for the composting of landscape wastes, as  
21          defined in Section 3.155 of this Act, based on the above  
22          requirements.

23          The operator of any facility permitted under this  
24          subsection (m) must submit a written annual statement to the  
25          Agency on or before April 1 of each year that includes an  
26          estimate of the amount of material, in tons, received for

1 composting.

2 (n) The Agency shall issue permits jointly with the  
3 Department of Transportation for the dredging or deposit of  
4 material in Lake Michigan in accordance with Section 18 of the  
5 Rivers, Lakes, and Streams Act.

6 (o) (Blank.)

7 (p) (1) Any person submitting an application for a permit  
8 for a new MSWLF unit or for a lateral expansion under  
9 subsection (t) of Section 21 of this Act for an existing MSWLF  
10 unit that has not received and is not subject to local siting  
11 approval under Section 39.2 of this Act shall publish notice of  
12 the application in a newspaper of general circulation in the  
13 county in which the MSWLF unit is or is proposed to be located.  
14 The notice must be published at least 15 days before submission  
15 of the permit application to the Agency. The notice shall state  
16 the name and address of the applicant, the location of the  
17 MSWLF unit or proposed MSWLF unit, the nature and size of the  
18 MSWLF unit or proposed MSWLF unit, the nature of the activity  
19 proposed, the probable life of the proposed activity, the date  
20 the permit application will be submitted, and a statement that  
21 persons may file written comments with the Agency concerning  
22 the permit application within 30 days after the filing of the  
23 permit application unless the time period to submit comments is  
24 extended by the Agency.

25 When a permit applicant submits information to the Agency  
26 to supplement a permit application being reviewed by the

1 Agency, the applicant shall not be required to reissue the  
2 notice under this subsection.

3 (2) The Agency shall accept written comments concerning the  
4 permit application that are postmarked no later than 30 days  
5 after the filing of the permit application, unless the time  
6 period to accept comments is extended by the Agency.

7 (3) Each applicant for a permit described in part (1) of  
8 this subsection shall file a copy of the permit application  
9 with the county board or governing body of the municipality in  
10 which the MSWLF unit is or is proposed to be located at the  
11 same time the application is submitted to the Agency. The  
12 permit application filed with the county board or governing  
13 body of the municipality shall include all documents submitted  
14 to or to be submitted to the Agency, except trade secrets as  
15 determined under Section 7.1 of this Act. The permit  
16 application and other documents on file with the county board  
17 or governing body of the municipality shall be made available  
18 for public inspection during regular business hours at the  
19 office of the county board or the governing body of the  
20 municipality and may be copied upon payment of the actual cost  
21 of reproduction.

22 (Source: P.A. 93-575, eff. 1-1-04; 94-272, eff. 7-19-05;  
23 94-725, eff. 6-1-06.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.