



Sen. Terry Link

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LRB096 04543 JDS 21281 a

1 AMENDMENT TO SENATE BILL 125

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 125 as follows:

3 on page 1, line 5, by replacing "Section 3.330" with "Sections  
4 3.330, 21, and 22.38"; and

5 on page 6, below line 13, by inserting the following:

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 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

1 the 76th General Assembly.

2 (d) Conduct any waste-storage, waste-treatment, or  
3 waste-disposal operation:

4 (1) without a permit granted by the Agency or in  
5 violation of any conditions 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; provided,  
10 however, that, except for municipal solid waste landfill  
11 units that receive waste on or after October 9, 1993, no  
12 permit shall be required for (i) any person conducting a  
13 waste-storage, waste-treatment, or waste-disposal  
14 operation for wastes generated by such person's own  
15 activities which are stored, treated, or disposed within  
16 the site where such wastes are generated, or (ii) a  
17 facility located in a county with a population over 700,000  
18 as of January 1, 2000, operated and located in accordance  
19 with Section 22.38 of this Act, and used exclusively for  
20 the transfer, storage, or treatment of general  
21 construction or demolition debris, provided that the  
22 facility was receiving construction or demolition debris  
23 on the effective date of this amendatory Act of the 96th  
24 General Assembly;

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

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

20           Item (3) of this subsection (d) shall not apply to any  
21 person engaged in agricultural activity who is disposing of a  
22 substance that constitutes solid waste, if the substance was  
23 acquired for use by that person on his own property, and the  
24 substance is disposed of on his own property in accordance with  
25 regulations or standards adopted by the Board.

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

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

6           (f) Conduct any hazardous waste-storage, hazardous  
7 waste-treatment or hazardous waste-disposal operation:

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

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

17                 (3) in violation of any RCRA permit filing requirement  
18 established under standards adopted by the Board under this  
19 Act; or

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

22           Notwithstanding the above, no RCRA permit shall be required  
23 under this subsection or subsection (d) of Section 39 of this  
24 Act for any person engaged in agricultural activity who is  
25 disposing of a substance which has been identified as a  
26 hazardous waste, and which has been designated by Board

1 regulations as being subject to this exception, if the  
2 substance was acquired for use by that person on his own  
3 property and the substance is disposed of on his own property  
4 in accordance with regulations or standards adopted by the  
5 Board.

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

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

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

12 (h) Conduct any hazardous waste-recycling or hazardous  
13 waste-reclamation or hazardous waste-reuse operation in  
14 violation of any regulations, standards or permit requirements  
15 adopted by the Board under this Act.

16 (i) Conduct any process or engage in any act which produces  
17 hazardous waste in violation of any regulations or standards  
18 adopted by the Board under subsections (a) and (c) of Section  
19 22.4 of this Act.

20 (j) Conduct any special waste transportation operation in  
21 violation of any regulations, standards or permit requirements  
22 adopted by the Board under this Act. However, sludge from a  
23 water or sewage treatment plant owned and operated by a unit of  
24 local government which (1) is subject to a sludge management  
25 plan approved by the Agency or a permit granted by the Agency,  
26 and (2) has been tested and determined not to be a hazardous

1 waste as required by applicable State and federal laws and  
2 regulations, may be transported in this State without a special  
3 waste hauling permit, and the preparation and carrying of a  
4 manifest shall not be required for such sludge under the rules  
5 of the Pollution Control Board. The unit of local government  
6 which operates the treatment plant producing such sludge shall  
7 file a semiannual report with the Agency identifying the volume  
8 of such sludge transported during the reporting period, the  
9 hauler of the sludge, and the disposal sites to which it was  
10 transported. This subsection (j) shall not apply to hazardous  
11 waste.

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

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

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

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

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

12                 (1) refuse in standing or flowing waters;

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

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

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

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

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

24                 (7) acceptance of wastes without necessary permits;

25                 (8) scavenging as defined by Board regulations;

26                 (9) deposition of refuse in any unpermitted portion of

1 the landfill;

2 (10) acceptance of a special waste without a required  
3 manifest;

4 (11) failure to submit reports required by permits or  
5 Board regulations;

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

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

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

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

20 (1) litter;

21 (2) scavenging;

22 (3) open burning;

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

24 (5) proliferation of disease vectors;

25 (6) standing or flowing liquid discharge from the dump  
26 site;



1 (7) deposition of:

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

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

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

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

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

19 (2) applying landscape waste or composted landscape  
20 waste at agronomic rates; or

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

24 (A) the composting facility is operated by the  
25 farmer on property on which the composting material is  
26 utilized, and the composting facility constitutes no

1 more than 2% of the property's total acreage, except  
2 that the Agency may allow a higher percentage for  
3 individual sites where the owner or operator has  
4 demonstrated to the Agency that the site's soil  
5 characteristics or crop needs require a higher rate;

6 (B) the property on which the composting facility  
7 is located, and any associated property on which the  
8 compost is used, is principally and diligently devoted  
9 to the production of agricultural crops and is not  
10 owned, leased or otherwise controlled by any waste  
11 hauler or generator of nonagricultural compost  
12 materials, and the operator of the composting facility  
13 is not an employee, partner, shareholder, or in any way  
14 connected with or controlled by any such waste hauler  
15 or generator;

16 (C) all compost generated by the composting  
17 facility is applied at agronomic rates and used as  
18 mulch, fertilizer or soil conditioner on land actually  
19 farmed by the person operating the composting  
20 facility, and the finished compost is not stored at the  
21 composting site for a period longer than 18 months  
22 prior to its application as mulch, fertilizer, or soil  
23 conditioner;

24 (D) the owner or operator, by January 1, 1990 (or  
25 the January 1 following commencement of operation,  
26 whichever is later) and January 1 of each year

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

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

24           (r) Cause or allow the storage or disposal of coal  
25          combustion waste unless:

26           (1) such waste is stored or disposed of at a site or

1 facility for which a permit has been obtained or is not  
2 otherwise required under subsection (d) of this Section; or

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

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

17 (i) such waste is stored or disposed of in  
18 accordance with requirements applicable to refuse  
19 disposal under regulations adopted by the Board for  
20 mine-related water pollution and pursuant to NPDES and  
21 Subtitle D permits issued by the Agency under such  
22 regulations; or

23 (ii) the owner or operator of the facility  
24 demonstrates all of the following to the Agency, and  
25 the facility is operated in accordance with the  
26 demonstration as approved by the Agency: (1) the

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

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

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

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

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

11           (v) (Blank).

12           (w) Conduct any generation, transportation, or recycling  
13 of construction or demolition debris, clean or general, or  
14 uncontaminated soil generated during construction, remodeling,  
15 repair, and demolition of utilities, structures, and roads that  
16 is not commingled with any waste, without the maintenance of  
17 documentation identifying the hauler, generator, place of  
18 origin of the debris or soil, the weight or volume of the  
19 debris or soil, and the location, owner, and operator of the  
20 facility where the debris or soil was transferred, disposed,  
21 recycled, or treated. This documentation must be maintained by  
22 the generator, transporter, or recycler for 3 years. This  
23 subsection (w) shall not apply to (1) a permitted pollution  
24 control facility that transfers or accepts construction or  
25 demolition debris, clean or general, or uncontaminated soil for  
26 final disposal, recycling, or treatment, (2) a public utility

1 (as that term is defined in the Public Utilities Act) or a  
2 municipal utility, (3) the Illinois Department of  
3 Transportation, or (4) a municipality or a county highway  
4 department, with the exception of any municipality or county  
5 highway department located within a county having a population  
6 of over 3,000,000 inhabitants or located in a county that is  
7 contiguous to a county having a population of over 3,000,000  
8 inhabitants; but it shall apply to an entity that contracts  
9 with a public utility, a municipal utility, the Illinois  
10 Department of Transportation, or a municipality or a county  
11 highway department. The terms "generation" and "recycling" as  
12 used in this subsection do not apply to clean construction or  
13 demolition debris when (i) used as fill material below grade  
14 outside of a setback zone if covered by sufficient  
15 uncontaminated soil to support vegetation within 30 days of the  
16 completion of filling or if covered by a road or structure,  
17 (ii) solely broken concrete without protruding metal bars is  
18 used for erosion control, or (iii) milled asphalt or crushed  
19 concrete is used as aggregate in construction of the shoulder  
20 of a roadway. The terms "generation" and "recycling", as used  
21 in this subsection, do not apply to uncontaminated soil that is  
22 not commingled with any waste when (i) used as fill material  
23 below grade or contoured to grade, or (ii) used at the site of  
24 generation.

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

1 (415 ILCS 5/22.38)

2 Sec. 22.38. Facilities accepting exclusively general  
3 construction or demolition debris for transfer, storage, or  
4 treatment.

5 (a) Facilities accepting exclusively general construction  
6 or demolition debris for transfer, storage, or treatment shall  
7 be subject to local zoning, ordinance, and land use  
8 requirements. Those facilities shall be located in accordance  
9 with local zoning requirements or, in the absence of local  
10 zoning requirements, shall be located so that no part of the  
11 facility boundary is closer than 1,320 feet from the nearest  
12 property zoned for primarily residential use.

13 (b) An owner or operator of a facility accepting  
14 exclusively general construction or demolition debris for  
15 transfer, storage, or treatment shall:

16 (1) Within ~~within~~ 48 hours of receipt of the general  
17 construction or demolition debris at the facility, sort the  
18 general construction or demolition debris to separate the  
19 recyclable general construction or demolition debris from  
20 non-recyclable general construction or demolition debris  
21 to be disposed of or discarded. ~~+~~

22 (2) Transport ~~transport~~ off site for disposal all  
23 non-recyclable general construction or demolition debris  
24 in accordance with all applicable federal, State, and local  
25 requirements within 72 hours of its receipt at the  
26 facility. ~~+~~



1           (3) Limit ~~limit~~ the percentage of incoming  
2 non-recyclable general construction or demolition debris  
3 to 25% or less of the total incoming general construction  
4 or demolition debris, as calculated on a daily basis.†

5           (4) Transport ~~transport~~ all non-putrescible recyclable  
6 general construction or demolition debris for recycling or  
7 disposal within 6 months of its receipt at the facility.†

8           (5) Transport ~~transport~~ all putrescible or combustible  
9 recyclable general construction or demolition debris for  
10 recycling or disposal within 45 days of its receipt at the  
11 facility.†

12           (6) Employ ~~employ~~ tagging and recordkeeping procedures  
13 to (i) demonstrate compliance with this Section and (ii)  
14 identify the source and transporter of material accepted by  
15 the facility.†

16           (7) Control ~~control~~ odor, noise, combustion of  
17 materials, disease vectors, dust, and litter.†

18           (8) Control ~~control~~, manage, and dispose of any storm  
19 water runoff and leachate generated at the facility in  
20 accordance with applicable federal, State, and local  
21 requirements.†

22           (9) control access to the facility;

23           (10) Comply ~~comply~~ with all applicable federal, State,  
24 or local requirements for the handling, storage,  
25 transportation, or disposal of asbestos-containing  
26 material or other material accepted at the facility that is

1 not general construction or demolition debris, ~~and~~

2 (11) Prior to the effective date of this amendatory Act  
3 of the 96th General Assembly, submit to the Agency at least  
4 30 days prior to the initial acceptance of general  
5 construction or demolition debris at the facility, on forms  
6 provided by the Agency, the following information:

7 (A) the name, address, and telephone number of both  
8 the facility owner and operator;

9 (B) the street address and location of the  
10 facility;

11 (C) a description of facility operations;

12 (D) a description of the tagging and recordkeeping  
13 procedures the facility will employ to (i) demonstrate  
14 compliance with this Section and (ii) identify the  
15 source and transporter of any material accepted by the  
16 facility;

17 (E) the name and location of the disposal site to  
18 be used for the transportation and disposal of  
19 non-recyclable materials accepted at the facility;

20 (F) the name and location of an individual,  
21 facility, or business to which recyclable materials  
22 will be transported; and

23 (G) other information as specified on the form  
24 provided by the Agency.

25 (12) On or after the effective date of this amendatory  
26 Act of the 96th General Assembly, obtain a permit issued by

1       the Agency prior to the initial acceptance of general  
2       construction or demolition debris at the facility.

3           When any of the information contained or processes  
4       described in the initial notification form submitted to the  
5       Agency changes, the owner and operator shall submit an  
6       updated form within 14 days of the change.

7       (c) For purposes of this Section, the term "recyclable  
8       general construction or demolition debris" means general  
9       construction or demolition debris that has been rendered  
10      reusable and is reused or that would otherwise be disposed of  
11      or discarded but is collected, separated, or processed and  
12      returned to the economic mainstream in the form of raw  
13      materials or products. "Recyclable general construction or  
14      demolition debris" does not include general construction or  
15      demolition debris processed for use as fuel, incinerated,  
16      burned, buried, or otherwise used as fill material.

17      (d) For purposes of this Section, "treatment" means  
18      processing designed to alter the physical nature of the general  
19      construction or demolition debris, including but not limited to  
20      size reduction, crushing, grinding, or homogenization, but  
21      does not include processing designed to change the chemical  
22      nature of the general construction or demolition debris.

23      (Source: P.A. 90-475, eff. 8-17-97.)".