



Rep. Naomi D. Jakobsson

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09700HB6153ham003

LRB097 18917 JDS 69685 a

1 AMENDMENT TO HOUSE BILL 6153

2 AMENDMENT NO. _____. Amend House Bill 6153, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 2, as follows:

5 on page 1, in line 11, by replacing "Agency approvals granted"
6 with "permits granted by the Agency"; and

7 on page 2, in line 4, by replacing "material containing PCBs at
8 a site or facility that is" with "PCB Items regulated under
9 Subpart D of 40 C.F.R. 761 at a site or facility"; and

10 on page 2, in line 5, by deleting "and"; and

11 on page 2, in line 9, by replacing "last decennial" with
12 "last"; and

13 by replacing line 10 on page 2 through line 7 on page 17 with

1 the following:

2 "(415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

3 Sec. 44. Criminal acts; penalties.

4 (a) Except as otherwise provided in this Section, it shall
5 be a Class A misdemeanor to violate this Act or regulations
6 thereunder, or any permit or term or condition thereof, or
7 knowingly to submit any false information under this Act or
8 regulations adopted thereunder, or under any permit or term or
9 condition thereof. A court may, in addition to any other
10 penalty herein imposed, order a person convicted of any
11 violation of this Act to perform community service for not less
12 than 100 hours and not more than 300 hours if community service
13 is available in the jurisdiction. It shall be the duty of all
14 State and local law-enforcement officers to enforce such Act
15 and regulations, and all such officers shall have authority to
16 issue citations for such violations.

17 (b) Calculated Criminal Disposal of Hazardous Waste.

18 (1) A person commits the offense of Calculated Criminal
19 Disposal of Hazardous Waste when, without lawful
20 justification, he knowingly disposes of hazardous waste
21 while knowing that he thereby places another person in
22 danger of great bodily harm or creates an immediate or
23 long-term danger to the public health or the environment.

24 (2) Calculated Criminal Disposal of Hazardous Waste is

1 a Class 2 felony. In addition to any other penalties
2 prescribed by law, a person convicted of the offense of
3 Calculated Criminal Disposal of Hazardous Waste is subject
4 to a fine not to exceed \$500,000 for each day of such
5 offense.

6 (c) Criminal Disposal of Hazardous Waste.

7 (1) A person commits the offense of Criminal Disposal
8 of Hazardous Waste when, without lawful justification, he
9 knowingly disposes of hazardous waste.

10 (2) Criminal Disposal of Hazardous Waste is a Class 3
11 felony. In addition to any other penalties prescribed by
12 law, a person convicted of the offense of Criminal Disposal
13 of Hazardous Waste is subject to a fine not to exceed
14 \$250,000 for each day of such offense.

15 (d) Unauthorized Use of Hazardous Waste.

16 (1) A person commits the offense of Unauthorized Use of
17 Hazardous Waste when he, being required to have a permit,
18 registration, or license under this Act or any other law
19 regulating the treatment, transportation, or storage of
20 hazardous waste, knowingly:

21 (A) treats, transports, or stores any hazardous
22 waste without such permit, registration, or license;

23 (B) treats, transports, or stores any hazardous
24 waste in violation of the terms and conditions of such

1 permit or license;

2 (C) transports any hazardous waste to a facility
3 which does not have a permit or license required under
4 this Act; or

5 (D) transports by vehicle any hazardous waste
6 without having in each vehicle credentials issued to
7 the transporter by the transporter's base state
8 pursuant to procedures established under the Uniform
9 Program.

10 (2) A person who is convicted of a violation of
11 subparagraph (A), (B), or (C) of paragraph (1) of this
12 subsection is guilty of a Class 4 felony. A person who is
13 convicted of a violation of subparagraph (D) of paragraph
14 (1) of this subsection is guilty of a Class A misdemeanor.
15 In addition to any other penalties prescribed by law, a
16 person convicted of violating subparagraph (A), (B), or (C)
17 of paragraph (1) of this subsection is subject to a fine
18 not to exceed \$100,000 for each day of such violation, and
19 a person who is convicted of violating subparagraph (D) of
20 paragraph (1) of this subsection is subject to a fine not
21 to exceed \$1,000.

22 (e) Unlawful Delivery of Hazardous Waste.

23 (1) Except as authorized by this Act or the federal
24 Resource Conservation and Recovery Act, and the
25 regulations promulgated thereunder, it is unlawful for any

1 person to knowingly deliver hazardous waste.

2 (2) Unlawful Delivery of Hazardous Waste is a Class 3
3 felony. In addition to any other penalties prescribed by
4 law, a person convicted of the offense of Unlawful Delivery
5 of Hazardous Waste is subject to a fine not to exceed
6 \$250,000 for each such violation.

7 (3) For purposes of this Section, "deliver" or
8 "delivery" means the actual, constructive, or attempted
9 transfer of possession of hazardous waste, with or without
10 consideration, whether or not there is an agency
11 relationship.

12 (f) Reckless Disposal of Hazardous Waste.

13 (1) A person commits Reckless Disposal of Hazardous
14 Waste if he disposes of hazardous waste, and his acts which
15 cause the hazardous waste to be disposed of, whether or not
16 those acts are undertaken pursuant to or under color of any
17 permit or license, are performed with a conscious disregard
18 of a substantial and unjustifiable risk that such disposing
19 of hazardous waste is a gross deviation from the standard
20 of care which a reasonable person would exercise in the
21 situation.

22 (2) Reckless Disposal of Hazardous Waste is a Class 4
23 felony. In addition to any other penalties prescribed by
24 law, a person convicted of the offense of Reckless Disposal
25 of Hazardous Waste is subject to a fine not to exceed

1 \$50,000 for each day of such offense.

2 (g) Concealment of Criminal Disposal of Hazardous Waste.

3 (1) A person commits the offense of Concealment of
4 Criminal Disposal of Hazardous Waste when he conceals,
5 without lawful justification, the disposal of hazardous
6 waste with the knowledge that such hazardous waste has been
7 disposed of in violation of this Act.

8 (2) Concealment of Criminal Disposal of a Hazardous
9 Waste is a Class 4 felony. In addition to any other
10 penalties prescribed by law, a person convicted of the
11 offense of Concealment of Criminal Disposal of Hazardous
12 Waste is subject to a fine not to exceed \$50,000 for each
13 day of such offense.

14 (h) Violations; False Statements.

15 (1) Any person who knowingly makes a false material
16 statement in an application for a permit or license
17 required by this Act to treat, transport, store, or dispose
18 of hazardous waste commits the offense of perjury and shall
19 be subject to the penalties set forth in Section 32-2 of
20 the Criminal Code of 1961.

21 (2) Any person who knowingly makes a false material
22 statement or representation in any label, manifest,
23 record, report, permit or license, or other document filed,
24 maintained, or used for the purpose of compliance with this

1 Act in connection with the generation, disposal,
2 treatment, storage, or transportation of hazardous waste
3 commits a Class 4 felony. A second or any subsequent
4 offense after conviction hereunder is a Class 3 felony.

5 (3) Any person who knowingly destroys, alters, or
6 conceals any record required to be made by this Act in
7 connection with the disposal, treatment, storage, or
8 transportation of hazardous waste commits a Class 4 felony.
9 A second or any subsequent offense after a conviction
10 hereunder is a Class 3 felony.

11 (4) Any person who knowingly makes a false material
12 statement or representation in any application, bill,
13 invoice, or other document filed, maintained, or used for
14 the purpose of receiving money from the Underground Storage
15 Tank Fund commits a Class 4 felony. A second or any
16 subsequent offense after conviction hereunder is a Class 3
17 felony.

18 (5) Any person who knowingly destroys, alters, or
19 conceals any record required to be made or maintained by
20 this Act or required to be made or maintained by Board or
21 Agency rules for the purpose of receiving money from the
22 Underground Storage Tank Fund commits a Class 4 felony. A
23 second or any subsequent offense after a conviction
24 hereunder is a Class 3 felony.

25 (6) A person who knowingly and falsely certifies under
26 Section 22.48 that an industrial process waste or pollution

1 control waste is not special waste commits a Class 4 felony
2 for a first offense and commits a Class 3 felony for a
3 second or subsequent offense.

4 (7) In addition to any other penalties prescribed by
5 law, a person convicted of violating this subsection (h) is
6 subject to a fine not to exceed \$50,000 for each day of
7 such violation.

8 (8) Any person who knowingly makes a false, fictitious,
9 or fraudulent material statement, orally or in writing, to
10 the Agency, or to a unit of local government to which the
11 Agency has delegated authority under subsection (r) of
12 Section 4 of this Act, related to or required by this Act,
13 a regulation adopted under this Act, any federal law or
14 regulation for which the Agency has responsibility, or any
15 permit, term, or condition thereof, commits a Class 4
16 felony, and each such statement or writing shall be
17 considered a separate Class 4 felony. A person who, after
18 being convicted under this paragraph (8), violates this
19 paragraph (8) a second or subsequent time, commits a Class
20 3 felony.

21 (i) Verification.

22 (1) Each application for a permit or license to dispose
23 of, transport, treat, store, or generate hazardous waste
24 under this Act shall contain an affirmation that the facts
25 are true and are made under penalty of perjury as defined

1 in Section 32-2 of the Criminal Code of 1961. It is perjury
2 for a person to sign any such application for a permit or
3 license which contains a false material statement, which he
4 does not believe to be true.

5 (2) Each request for money from the Underground Storage
6 Tank Fund shall contain an affirmation that the facts are
7 true and are made under penalty of perjury as defined in
8 Section 32-2 of the Criminal Code of 1961. It is perjury
9 for a person to sign any request that contains a false
10 material statement that he does not believe to be true.

11 (j) Violations of Other Provisions.

12 (1) It is unlawful for a person knowingly to violate:

13 (A) subsection (f) of Section 12 of this Act;

14 (B) subsection (g) of Section 12 of this Act;

15 (C) any term or condition of any Underground
16 Injection Control (UIC) permit;

17 (D) any filing requirement, regulation, or order
18 relating to the State Underground Injection Control
19 (UIC) program;

20 (E) any provision of any regulation, standard, or
21 filing requirement under subsection (b) of Section 13
22 of this Act;

23 (F) any provision of any regulation, standard, or
24 filing requirement under subsection (b) of Section 39
25 of this Act;

1 (G) any National Pollutant Discharge Elimination
2 System (NPDES) permit issued under this Act or any term
3 or condition of such permit;

4 (H) subsection (h) of Section 12 of this Act;

5 (I) subsection 6 of Section 39.5 of this Act;

6 (J) any provision of any regulation, standard or
7 filing requirement under Section 39.5 of this Act;

8 (K) a provision of the Procedures for Asbestos
9 Emission Control in subsection (c) of Section 61.145 of
10 Title 40 of the Code of Federal Regulations; or

11 (L) the standard for waste disposal for
12 manufacturing, fabricating, demolition, renovation,
13 and spraying operations in Section 61.150 of Title 40
14 of the Code of Federal Regulations.

15 (2) A person convicted of a violation of subdivision
16 (1) of this subsection commits a Class 4 felony, and in
17 addition to any other penalty prescribed by law is subject
18 to a fine not to exceed \$25,000 for each day of such
19 violation.

20 (3) A person who negligently violates the following
21 shall be subject to a fine not to exceed \$10,000 for each
22 day of such violation:

23 (A) subsection (f) of Section 12 of this Act;

24 (B) subsection (g) of Section 12 of this Act;

25 (C) any provision of any regulation, standard, or
26 filing requirement under subsection (b) of Section 13

1 of this Act;

2 (D) any provision of any regulation, standard, or
3 filing requirement under subsection (b) of Section 39
4 of this Act;

5 (E) any National Pollutant Discharge Elimination
6 System (NPDES) permit issued under this Act;

7 (F) subsection 6 of Section 39.5 of this Act; or

8 (G) any provision of any regulation, standard, or
9 filing requirement under Section 39.5 of this Act.

10 (4) It is unlawful for a person knowingly to:

11 (A) make any false statement, representation, or
12 certification in an application form, or form
13 pertaining to, a National Pollutant Discharge
14 Elimination System (NPDES) permit;

15 (B) render inaccurate any monitoring device or
16 record required by the Agency or Board in connection
17 with any such permit or with any discharge which is
18 subject to the provisions of subsection (f) of Section
19 12 of this Act;

20 (C) make any false statement, representation, or
21 certification in any form, notice, or report
22 pertaining to a CAAPP permit under Section 39.5 of this
23 Act;

24 (D) render inaccurate any monitoring device or
25 record required by the Agency or Board in connection
26 with any CAAPP permit or with any emission which is

1 subject to the provisions of Section 39.5 of this Act;
2 or

3 (E) violate subsection 6 of Section 39.5 of this
4 Act or any CAAPP permit, or term or condition thereof,
5 or any fee or filing requirement.

6 (5) A person convicted of a violation of paragraph (4)
7 of this subsection commits a Class A misdemeanor, and in
8 addition to any other penalties provided by law is subject
9 to a fine not to exceed \$10,000 for each day of violation.

10 (k) Criminal operation of a hazardous waste or PCB
11 incinerator.

12 (1) A person commits the offense of criminal operation
13 of a hazardous waste or PCB incinerator when, in the course
14 of operating a hazardous waste or PCB incinerator, he
15 knowingly and without justification operates the
16 incinerator (i) without an Agency permit, or in knowing
17 violation of the terms of an Agency permit, and (ii) as a
18 result of such violation, knowingly places any person in
19 danger of great bodily harm or knowingly creates an
20 immediate or long term material danger to the public health
21 or the environment.

22 (2) Any person who commits the offense of criminal
23 operation of a hazardous waste or PCB incinerator for the
24 first time commits a Class 4 felony and, in addition to any
25 other penalties prescribed by law, shall be subject to a

1 fine not to exceed \$100,000 for each day of the offense.

2 Any person who commits the offense of criminal
3 operation of a hazardous waste or PCB incinerator for a
4 second or subsequent time commits a Class 3 felony and, in
5 addition to any other penalties prescribed by law, shall be
6 subject to a fine not to exceed \$250,000 for each day of
7 the offense.

8 (3) For the purpose of this subsection (k), the term
9 "hazardous waste or PCB incinerator" means a pollution
10 control facility at which either hazardous waste or PCBs,
11 or both, are incinerated. "PCBs" means any substance or
12 mixture of substances that contains one or more
13 polychlorinated biphenyls in detectable amounts.

14 (l) It shall be the duty of all State and local law
15 enforcement officers to enforce this Act and the regulations
16 adopted hereunder, and all such officers shall have authority
17 to issue citations for such violations.

18 (m) Any action brought under this Section shall be brought
19 by the State's Attorney of the county in which the violation
20 occurred, or by the Attorney General, and shall be conducted in
21 accordance with the applicable provisions of the Code of
22 Criminal Procedure of 1963.

23 (n) For an offense described in this Section, the period

1 for commencing prosecution prescribed by the statute of
2 limitations shall not begin to run until the offense is
3 discovered by or reported to a State or local agency having the
4 authority to investigate violations of this Act.

5 (o) In addition to any other penalties provided under this
6 Act, if a person is convicted of (or agrees to a settlement in
7 an enforcement action over) illegal dumping of waste on the
8 person's own property, the Attorney General, the Agency, or
9 local prosecuting authority shall file notice of the
10 conviction, finding, or agreement in the office of the Recorder
11 in the county in which the landowner lives.

12 (p) Criminal Disposal of Waste.

13 (1) A person commits the offense of Criminal Disposal
14 of Waste when he or she:

15 (A) if required to have a permit under subsection
16 (d) of Section 21 of this Act, knowingly conducts a
17 waste-storage, waste-treatment, or waste-disposal
18 operation in a quantity that exceeds 250 cubic feet of
19 waste without a permit; or

20 (B) knowingly conducts open dumping of waste in
21 violation of subsection (a) of Section 21 of this Act.

22 (2) (A) A person who is convicted of a violation of
23 subparagraph (A) of paragraph (1) of this subsection is
24 guilty of a Class 4 felony for a first offense and, in

1 addition to any other penalties provided by law, is subject
2 to a fine not to exceed \$25,000 for each day of violation.
3 A person who is convicted of a violation of subparagraph
4 (A) of paragraph (1) of this subsection is guilty of a
5 Class 3 felony for a second or subsequent offense and, in
6 addition to any other penalties provided by law, is subject
7 to a fine not to exceed \$50,000 for each day of violation.

8 (B) A person who is convicted of a violation of
9 subparagraph (B) of paragraph (1) of this subsection is
10 guilty of a Class A misdemeanor. However, a person who
11 is convicted of a violation of subparagraph (B) of
12 paragraph (1) of this subsection for the open dumping
13 of waste in a quantity that exceeds 250 cubic feet or
14 that exceeds 50 waste tires is guilty of a Class 4
15 felony and, in addition to any other penalties provided
16 by law, is subject to a fine not to exceed \$25,000 for
17 each day of violation.

18 (q) Criminal Damage to a Public Water Supply.

19 (1) A person commits the offense of Criminal Damage to
20 a Public Water Supply when, without lawful justification,
21 he knowingly alters, damages, or otherwise tampers with the
22 equipment or property of a public water supply, or
23 knowingly introduces a contaminant into the distribution
24 system of a public water supply so as to cause, threaten,
25 or allow the distribution of water from any public water

1 supply of such quality or quantity as to be injurious to
2 human health or the environment.

3 (2) Criminal Damage to a Public Water Supply is a Class
4 4 felony. In addition to any other penalties prescribed by
5 law, a person convicted of the offense of Criminal Damage
6 to a Public Water Supply is subject to a fine not to exceed
7 \$250,000 for each day of such offense.

8 (r) Aggravated Criminal Damage to a Public Water Supply.

9 (1) A person commits the offense of Aggravated Criminal
10 Damage to a Public Water Supply when, without lawful
11 justification, he commits Criminal Damage to a Public Water
12 Supply while knowing that he thereby places another person
13 in danger of serious illness or great bodily harm, or
14 creates an immediate or long-term danger to public health
15 or the environment.

16 (2) Aggravated Criminal Damage to a Public Water Supply
17 is a Class 2 felony. In addition to any other penalties
18 prescribed by law, a person convicted of the offense of
19 Aggravated Criminal Damage to a Public Water Supply is
20 subject to a fine not to exceed \$500,000 for each day of
21 such offense.

22 (s) Criminal Disposal of PCBs.

23 (1) A person commits the offense of criminal disposal
24 of PCBs when, without lawful justification, he knowingly

1 violates Section 21.7 of this Act.

2 (2) Criminal Disposal of PCBs is a Class 3 felony. In
3 addition to any other penalties prescribed by law, a person
4 convicted of the offense of Criminal Disposal of PCBs is
5 subject to a fine not to exceed \$250,000 for each day of
6 such offense.

7 (Source: P.A. 96-603, eff. 8-24-09; 97-220, eff. 7-28-11;
8 97-286, eff. 8-10-11; revised 9-2-11.)".