



Rep. Brad E. Halbrook

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LRB098 11035 JDS 43205 a

1 AMENDMENT TO HOUSE BILL 3319

2 AMENDMENT NO. _____. Amend House Bill 3319 by replacing
3 everything after the enacting clause with the following:

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 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

1 waste-disposal operation:

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

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

25 (3) which receives waste after August 31, 1988, does
26 not have a permit issued by the Agency, and is (i) a

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

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

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

25 (e) Dispose, treat, store or abandon any waste, or
26 transport any waste into this State for disposal, treatment,

1 storage or abandonment, except at a site or facility which
2 meets the requirements of this Act and of regulations and
3 standards thereunder.

4 (f) Conduct any hazardous waste-storage, hazardous
5 waste-treatment or hazardous waste-disposal operation:

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

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

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

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

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

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

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

5 (1) without registering with and obtaining a special
6 waste hauling permit from the Agency in accordance with the
7 regulations adopted by the Board under this Act; or

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

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

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

18 (j) Conduct any special waste transportation operation in
19 violation of any regulations, standards or permit requirements
20 adopted by the Board under this Act. However, sludge from a
21 water or sewage treatment plant owned and operated by a unit of
22 local government which (1) is subject to a sludge management
23 plan approved by the Agency or a permit granted by the Agency,
24 and (2) has been tested and determined not to be a hazardous
25 waste as required by applicable State and federal laws and
26 regulations, may be transported in this State without a special

1 waste hauling permit, and the preparation and carrying of a
2 manifest shall not be required for such sludge under the rules
3 of the Pollution Control Board. The unit of local government
4 which operates the treatment plant producing such sludge shall
5 file a semiannual report with the Agency identifying the volume
6 of such sludge transported during the reporting period, the
7 hauler of the sludge, and the disposal sites to which it was
8 transported. This subsection (j) shall not apply to hazardous
9 waste.

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

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

25 (m) Transfer interest in any land which has been used as a
26 hazardous waste disposal site without written notification to

1 the Agency of the transfer and to the transferee of the
2 conditions imposed by the Agency upon its use under subsection
3 (g) of Section 39.

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

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

10 (1) refuse in standing or flowing waters;

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

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

15 (4) open burning of refuse in violation of Section 9 of
16 this Act;

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

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

22 (7) acceptance of wastes without necessary permits;

23 (8) scavenging as defined by Board regulations;

24 (9) deposition of refuse in any unpermitted portion of
25 the landfill;

26 (10) acceptance of a special waste without a required

1 manifest;

2 (11) failure to submit reports required by permits or
3 Board regulations;

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

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

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

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

18 (1) litter;

19 (2) scavenging;

20 (3) open burning;

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

22 (5) proliferation of disease vectors;

23 (6) standing or flowing liquid discharge from the dump
24 site;

25 (7) deposition of:

26 (i) general construction or demolition debris as

1 defined in Section 3.160(a) of this Act; or

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

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

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

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

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

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

22 (A) the composting facility is operated by the
23 farmer on property on which the composting material is
24 utilized, and the composting facility constitutes no
25 more than 2% of the property's total acreage, except
26 that the Board may allow a higher percentage for

1 individual sites where the owner or operator has
2 demonstrated to the Board that the site's soil
3 characteristics or crop needs require a higher rate;

4 (A-1) the composting facility accepts from other
5 agricultural operations for composting with landscape
6 waste no materials other than dry, uncontaminated, and
7 source-separated crop residue and other agricultural
8 plant residue generated from the production and
9 harvesting of crops and other customary farm
10 practices, including, but not limited to, stalks,
11 leaves, seed pods, husks, bagasse, and roots;

12 (A-2) any composting additives that the composting
13 facility accepts and uses at the facility are necessary
14 to provide proper conditions for composting and do not
15 exceed 10% of the total composting material at the
16 facility at any one time;

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

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

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

1 application, and was placed more than 5 feet above the
2 water table.

3 For the purposes of this subsection (q), "agronomic rates"
4 means the application of not more than 20 tons per acre per
5 year, except that the Board may allow a higher rate for
6 individual sites where the owner or operator has demonstrated
7 to the Board that the site's soil characteristics or crop needs
8 require a higher rate.

9 (r) Cause or allow the storage or disposal of coal
10 combustion waste unless:

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

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

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

1 to accept the waste; and either

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

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

22 Notwithstanding any other provision of this Title, the
23 disposal of coal combustion waste pursuant to item (2) or (3)
24 of this subdivision (r) shall be exempt from the other
25 provisions of this Title V, and notwithstanding the provisions
26 of Title X of this Act, the Agency is authorized to grant

1 experimental permits which include provision for the disposal
2 of wastes from the combustion of coal and other materials
3 pursuant to items (2) and (3) of this subdivision (r).

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

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

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

22 (v) (Blank).

23 (w) Conduct any generation, transportation, or recycling
24 of construction or demolition debris, clean or general, or
25 uncontaminated soil generated during construction, remodeling,
26 repair, and demolition of utilities, structures, and roads that

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

1 completion of filling or if covered by a road or structure,
2 (ii) solely broken concrete without protruding metal bars is
3 used for erosion control, or (iii) milled asphalt or crushed
4 concrete is used as aggregate in construction of the shoulder
5 of a roadway. The terms "generation" and "recycling", as used
6 in this subsection, do not apply to uncontaminated soil that is
7 not commingled with any waste when (i) used as fill material
8 below grade or contoured to grade, or (ii) used at the site of
9 generation.

10 (Source: P.A. 96-611, eff. 8-24-09; 97-220, eff. 7-28-11.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."