



Sen. Chapin Rose

Filed: 3/15/2013

09800SB1868sam002

LRB098 10672 JDS 43066 a

1 AMENDMENT TO SENATE BILL 1868

2 AMENDMENT NO. _____. Amend Senate Bill 1868, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, as follows:

5 on page 1, line 5, by replacing "Section 39" with "Sections
6 22.15 and 39"; and

7 on page 1, immediately below line 5, by inserting the
8 following:

9 "(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

10 Sec. 22.15. Solid Waste Management Fund; fees.

11 (a) There is hereby created within the State Treasury a
12 special fund to be known as the "Solid Waste Management Fund",
13 to be constituted from the fees collected by the State pursuant
14 to this Section and from repayments of loans made from the Fund
15 for solid waste projects. Moneys received by the Department of

1 Commerce and Economic Opportunity in repayment of loans made
2 pursuant to the Illinois Solid Waste Management Act shall be
3 deposited into the General Revenue Fund.

4 (b) The Agency shall assess and collect a fee in the amount
5 set forth herein from the owner or operator of each sanitary
6 landfill permitted or required to be permitted by the Agency to
7 dispose of solid waste if the sanitary landfill is located off
8 the site where such waste was produced and if such sanitary
9 landfill is owned, controlled, and operated by a person other
10 than the generator of such waste. The Agency shall deposit all
11 fees collected into the Solid Waste Management Fund. If a site
12 is contiguous to one or more landfills owned or operated by the
13 same person, the volumes permanently disposed of by each
14 landfill shall be combined for purposes of determining the fee
15 under this subsection.

16 (1) If more than 150,000 cubic yards of non-hazardous
17 solid waste is permanently disposed of at a site in a
18 calendar year, the owner or operator shall either pay a fee
19 of 95 cents per cubic yard or, alternatively, the owner or
20 operator may weigh the quantity of the solid waste
21 permanently disposed of with a device for which
22 certification has been obtained under the Weights and
23 Measures Act and pay a fee of \$2.00 per ton of solid waste
24 permanently disposed of. In no case shall the fee collected
25 or paid by the owner or operator under this paragraph
26 exceed \$1.55 per cubic yard or \$3.27 per ton.

1 (2) If more than 100,000 cubic yards but not more than
2 150,000 cubic yards of non-hazardous waste is permanently
3 disposed of at a site in a calendar year, the owner or
4 operator shall pay a fee of \$52,630.

5 (3) If more than 50,000 cubic yards but not more than
6 100,000 cubic yards of non-hazardous solid waste is
7 permanently disposed of at a site in a calendar year, the
8 owner or operator shall pay a fee of \$23,790.

9 (4) If more than 10,000 cubic yards but not more than
10 50,000 cubic yards of non-hazardous solid waste is
11 permanently disposed of at a site in a calendar year, the
12 owner or operator shall pay a fee of \$7,260.

13 (5) If not more than 10,000 cubic yards of
14 non-hazardous solid waste is permanently disposed of at a
15 site in a calendar year, the owner or operator shall pay a
16 fee of \$1050.

17 (c) (Blank).

18 (d) The Agency shall establish rules relating to the
19 collection of the fees authorized by this Section. Such rules
20 shall include, but not be limited to:

21 (1) necessary records identifying the quantities of
22 solid waste received or disposed;

23 (2) the form and submission of reports to accompany the
24 payment of fees to the Agency;

25 (3) the time and manner of payment of fees to the
26 Agency, which payments shall not be more often than

1 quarterly; and

2 (4) procedures setting forth criteria establishing
3 when an owner or operator may measure by weight or volume
4 during any given quarter or other fee payment period.

5 (e) Pursuant to appropriation, all monies in the Solid
6 Waste Management Fund shall be used by the Agency and the
7 Department of Commerce and Economic Opportunity for the
8 purposes set forth in this Section and in the Illinois Solid
9 Waste Management Act, including for the costs of fee collection
10 and administration.

11 (f) The Agency is authorized to enter into such agreements
12 and to promulgate such rules as are necessary to carry out its
13 duties under this Section and the Illinois Solid Waste
14 Management Act.

15 (g) On the first day of January, April, July, and October
16 of each year, beginning on July 1, 1996, the State Comptroller
17 and Treasurer shall transfer \$500,000 from the Solid Waste
18 Management Fund to the Hazardous Waste Fund. Moneys transferred
19 under this subsection (g) shall be used only for the purposes
20 set forth in item (1) of subsection (d) of Section 22.2.

21 (h) The Agency is authorized to provide financial
22 assistance to units of local government for the performance of
23 inspecting, investigating and enforcement activities pursuant
24 to Section 4(r) at nonhazardous solid waste disposal sites.

25 (i) The Agency is authorized to support the operations of
26 an industrial materials exchange service, and to conduct

1 household waste collection and disposal programs.

2 (j) A unit of local government, as defined in the Local
3 Solid Waste Disposal Act, in which a solid waste disposal
4 facility is located may establish a fee, tax, or surcharge with
5 regard to the permanent disposal of solid waste. All fees,
6 taxes, and surcharges collected under this subsection shall be
7 utilized for solid waste management purposes, including
8 long-term monitoring and maintenance of landfills, planning,
9 implementation, inspection, enforcement and other activities
10 consistent with the Solid Waste Management Act and the Local
11 Solid Waste Disposal Act, or for any other environment-related
12 purpose, including but not limited to an environment-related
13 public works project, but not for the construction of a new
14 pollution control facility other than a household hazardous
15 waste facility. However, the total fee, tax or surcharge
16 imposed by all units of local government under this subsection
17 (j) upon the solid waste disposal facility shall not exceed:

18 (1) 60¢ per cubic yard if more than 150,000 cubic yards
19 of non-hazardous solid waste is permanently disposed of at
20 the site in a calendar year, unless the owner or operator
21 weighs the quantity of the solid waste received with a
22 device for which certification has been obtained under the
23 Weights and Measures Act, in which case the fee shall not
24 exceed \$1.27 per ton of solid waste permanently disposed
25 of.

26 (2) \$33,350 if more than 100,000 cubic yards, but not

1 more than 150,000 cubic yards, of non-hazardous waste is
2 permanently disposed of at the site in a calendar year.

3 (3) \$15,500 if more than 50,000 cubic yards, but not
4 more than 100,000 cubic yards, of non-hazardous solid waste
5 is permanently disposed of at the site in a calendar year.

6 (4) \$4,650 if more than 10,000 cubic yards, but not
7 more than 50,000 cubic yards, of non-hazardous solid waste
8 is permanently disposed of at the site in a calendar year.

9 (5) ~~\$~~650 if not more than 10,000 cubic yards of
10 non-hazardous solid waste is permanently disposed of at the
11 site in a calendar year.

12 The corporate authorities of the unit of local government
13 may use proceeds from the fee, tax, or surcharge to maintain
14 roads within the boundaries of the unit of local government, to
15 finance any third-party environmental testing that they deem
16 advisable, and to reimburse a highway commissioner whose road
17 district lies wholly or partially within the corporate limits
18 of the unit of local government for expenses incurred in the
19 removal of nonhazardous, nonfluid municipal waste that has been
20 dumped on public property in violation of a State law or local
21 ordinance. The corporate authorities of the unit of local
22 government may also use proceeds from the fee, tax, or
23 surcharge for any costs that it incurs as a result of the
24 operation of the sanitary landfill in the unit of local
25 government.

26 A county or Municipal Joint Action Agency that imposes a

1 fee, tax, or surcharge under this subsection may use the
2 proceeds thereof to reimburse a municipality that lies wholly
3 or partially within its boundaries for expenses incurred in the
4 removal of nonhazardous, nonfluid municipal waste that has been
5 dumped on public property in violation of a State law or local
6 ordinance.

7 If the fees are to be used to conduct a local sanitary
8 landfill inspection or enforcement program, the unit of local
9 government must enter into a written delegation agreement with
10 the Agency pursuant to subsection (r) of Section 4. The unit of
11 local government and the Agency shall enter into such a written
12 delegation agreement within 60 days after the establishment of
13 such fees. At least annually, the Agency shall conduct an audit
14 of the expenditures made by units of local government from the
15 funds granted by the Agency to the units of local government
16 for purposes of local sanitary landfill inspection and
17 enforcement programs, to ensure that the funds have been
18 expended for the prescribed purposes under the grant.

19 The fees, taxes or surcharges collected under this
20 subsection (j) shall be placed by the unit of local government
21 in a separate fund, and the interest received on the moneys in
22 the fund shall be credited to the fund. The monies in the fund
23 may be accumulated over a period of years to be expended in
24 accordance with this subsection.

25 A unit of local government, as defined in the Local Solid
26 Waste Disposal Act, shall prepare and distribute to the Agency,

1 in April of each year, a report that details spending plans for
2 monies collected in accordance with this subsection. The report
3 will at a minimum include the following:

4 (1) The total monies collected pursuant to this
5 subsection.

6 (2) The most current balance of monies collected
7 pursuant to this subsection.

8 (3) An itemized accounting of all monies expended for
9 the previous year pursuant to this subsection.

10 (4) An estimation of monies to be collected for the
11 following 3 years pursuant to this subsection.

12 (5) A narrative detailing the general direction and
13 scope of future expenditures for one, 2 and 3 years.

14 The exemptions granted under Sections 22.16 and 22.16a, and
15 under subsection (k) of this Section, shall be applicable to
16 any fee, tax or surcharge imposed under this subsection (j);
17 except that the fee, tax or surcharge authorized to be imposed
18 under this subsection (j) may be made applicable by a unit of
19 local government to the permanent disposal of solid waste after
20 December 31, 1986, under any contract lawfully executed before
21 June 1, 1986 under which more than 150,000 cubic yards (or
22 50,000 tons) of solid waste is to be permanently disposed of,
23 even though the waste is exempt from the fee imposed by the
24 State under subsection (b) of this Section pursuant to an
25 exemption granted under Section 22.16.

26 (k) In accordance with the findings and purposes of the

1 Illinois Solid Waste Management Act, beginning January 1, 1989
2 the fee under subsection (b) and the fee, tax or surcharge
3 under subsection (j) shall not apply to:

4 (1) Waste which is hazardous waste; or

5 (2) Waste which is pollution control waste; or

6 (3) Waste from recycling, reclamation or reuse
7 processes which have been approved by the Agency as being
8 designed to remove any contaminant from wastes so as to
9 render such wastes reusable, provided that the process
10 renders at least 50% of the waste reusable; or

11 (4) Non-hazardous solid waste that is received at a
12 sanitary landfill and composted or recycled through a
13 process permitted by the Agency; or

14 (5) Any landfill which is permitted by the Agency to
15 receive only demolition or construction debris or
16 landscape waste.

17 (Source: P.A. 97-333, eff. 8-12-11.)".