



Sen. Emil Jones, III

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09900SB0546sam001

LRB099 03298 MGM 33850 a

1 AMENDMENT TO SENATE BILL 546

2 AMENDMENT NO. _____. Amend Senate Bill 546 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 22.44 as follows:

6 (415 ILCS 5/22.44)

7 Sec. 22.44. Subtitle D management fees.

8 (a) There is created within the State treasury a special
9 fund to be known as the "Subtitle D Management Fund"
10 constituted from the fees collected by the State under this
11 Section.

12 (b) The Agency shall assess and collect a fee in the amount
13 set forth in this subsection from the owner or operator of each
14 sanitary landfill permitted or required to be permitted by the
15 Agency to dispose of solid waste if the sanitary landfill is
16 located off the site where the waste was produced and if the

1 sanitary landfill is owned, controlled, and operated by a
2 person other than the generator of the waste. The Agency shall
3 deposit all fees collected under this subsection into the
4 Subtitle D Management Fund. If a site is contiguous to one or
5 more landfills owned or operated by the same person, the
6 volumes permanently disposed of by each landfill shall be
7 combined for purposes of determining the fee under this
8 subsection.

9 (1) If more than 150,000 cubic yards of non-hazardous
10 solid waste is permanently disposed of at a site in a
11 calendar year, the owner or operator shall either pay a fee
12 of 10.1 cents per cubic yard or, alternatively, the owner
13 or operator may weigh the quantity of the solid waste
14 permanently disposed of with a device for which
15 certification has been obtained under the Weights and
16 Measures Act and pay a fee of 22 cents per ton of waste
17 permanently disposed of.

18 (2) If more than 100,000 cubic yards, but not more than
19 150,000 cubic yards, of non-hazardous waste is permanently
20 disposed of at a site in a calendar year, the owner or
21 operator shall pay a fee of \$7,020.

22 (3) If more than 50,000 cubic yards, but not more than
23 100,000 cubic yards, of non-hazardous solid waste is
24 permanently disposed of at a site in a calendar year, the
25 owner or operator shall pay a fee of \$3,120.

26 (4) If more than 10,000 cubic yards, but not more than

1 50,000 cubic yards, of non-hazardous solid waste is
2 permanently disposed of at a site in a calendar year, the
3 owner or operator shall pay a fee of \$975.

4 (5) If not more than 10,000 cubic yards of
5 non-hazardous solid waste is permanently disposed of at a
6 site in a calendar year, the owner or operator shall pay a
7 fee of \$210.

8 (c) The fee under subsection (b) shall not apply to any of
9 the following:

10 (1) Hazardous waste.

11 (2) Pollution control waste.

12 (3) Waste from recycling, reclamation, or reuse
13 processes that have been approved by the Agency as being
14 designed to remove any contaminant from wastes so as to
15 render the wastes reusable, provided that the process
16 renders at least 50% of the waste reusable.

17 (4) Non-hazardous solid waste that is received at a
18 sanitary landfill and composted or recycled through a
19 process permitted by the Agency.

20 (5) Any landfill that is permitted by the Agency to
21 receive only demolition or construction debris or
22 landscape waste.

23 (d) The Agency shall establish rules relating to the
24 collection of the fees authorized by this Section. These rules
25 shall include, but not be limited to the following:

26 (1) Necessary records identifying the quantities of

1 solid waste received or disposed.

2 (2) The form and submission of reports to accompany the
3 payment of fees to the Agency.

4 (3) The time and manner of payment of fees to the
5 Agency, which payments shall not be more often than
6 quarterly.

7 (4) Procedures setting forth criteria establishing
8 when an owner or operator may measure by weight or volume
9 during any given quarter or other fee payment period.

10 (e) Fees collected under this Section shall be in addition
11 to any other fees collected under any other Section.

12 (f) The Agency shall not refund any fee paid to it under
13 this Section.

14 (g) Pursuant to appropriation, all moneys in the Subtitle D
15 Management Fund shall be used by the Agency to administer the
16 United States Environmental Protection Agency's Subtitle D
17 Program provided in Sections 4004 and 4010 of the Resource
18 Conservation and Recovery Act of 1976 (P.L. 94-580) as it
19 relates to a municipal solid waste landfill program in Illinois
20 and to fund a delegation of inspecting, investigating, and
21 enforcement functions, within the funded county or
22 municipality only, pursuant to subsection (r) of Section 4 of
23 this Act to a municipality having a population of more than
24 1,000,000 inhabitants or a county having a population of more
25 than 2,000,000 inhabitants. The Agency shall execute a
26 delegation agreement pursuant to subsection (r) of Section 4 of

1 this Act with a municipality having a population of more than
2 1,000,000 inhabitants within 90 days of September 13, 1993 and
3 shall on an annual basis distribute from the Subtitle D
4 Management Fund to that municipality no less than \$150,000. The
5 Agency shall on an annual basis distribute no less than
6 \$150,000 from the Subtitle D Management Fund to any county with
7 a delegation agreement and with a population of over 2,000,000
8 inhabitants. Pursuant to appropriation, moneys in the Subtitle
9 D Management Fund may also be used by the Agency for activities
10 conducted under Section 22.15a of this Act.

11 (Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)".