



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1943

Introduced 2/10/2017, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

See Index

Amends the Environmental Protection Act. Deletes provisions concerning the Illinois Industrial Materials Exchange throughout the Act. Provides that specified generators of vegetable by-products shall prepare an annual report that must be retained on the premises of the generator for a specified period and be made available to the Agency (currently, specified generators of vegetable by-products are required to file an annual report with the Agency). Removes a provision providing that specified monies in the Used Tire Management Fund may be used to assist with the marketing of used tires. Repeals provisions concerning maximum contaminant levels for barium, fluoride, and radionuclides. Makes other changes. Amends the Environmental Toxicology Act. Deletes provisions concerning the State Remedial Action Priority List throughout the Act. Amends the Illinois Plumbing License Law. Provides that each school district or chief school administrator, or the designee of each school district or chief school administrator, shall arrange to have the samples it collects to test each source of potable water in a school building for lead contamination submitted to a specified laboratory. Provides that, within 7 days after receiving a final analytical result concerning such a sample, the school district or chief school administrator, or a designee of the school district or chief school administrator, that collected the sample shall provide the final analytical result to the Department of Public Health. Effective immediately.

LRB100 11390 MJP 21799 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Plumbing License Law is amended by
5 changing Section 35.5 as follows:

6 (225 ILCS 320/35.5)

7 Sec. 35.5. Lead in drinking water prevention.

8 (a) The General Assembly finds that lead has been detected
9 in the drinking water of schools in this State. The General
10 Assembly also finds that infants and young children may suffer
11 adverse health effects and developmental delays as a result of
12 exposure to even low levels of lead. The General Assembly
13 further finds that it is in the best interests of the people of
14 the State to require school districts or chief school
15 administrators, or the designee of the school district or chief
16 school administrator, to test for lead in drinking water in
17 school buildings and provide written notification of the test
18 results.

19 The purpose of this Section is to require (i) school
20 districts or chief school administrators, or the designees of
21 the school districts or chief school administrators, to test
22 for lead with the goal of providing school building occupants
23 with an adequate supply of safe, potable water; and (ii) school

1 districts or chief school administrators, or the designees of
2 the school districts or chief school administrators, to notify
3 the parents and legal guardians of enrolled students of the
4 sampling results from their respective school buildings.

5 (b) For the purposes of this Section:

6 "Community water system" has the meaning provided in 35
7 Ill. Adm. Code 611.101.

8 "School building" means any facility or portion thereof
9 that was constructed on or before January 1, 2000 and may be
10 occupied by more than 10 children or students, pre-kindergarten
11 through grade 5, under the control of (a) a school district or
12 (b) a public, private, charter, or nonpublic day or residential
13 educational institution.

14 "Source of potable water" means the point at which
15 non-bottled water that may be ingested by children or used for
16 food preparation exits any tap, faucet, drinking fountain, wash
17 basin in a classroom occupied by children or students under
18 grade 1, or similar point of use; provided, however, that all
19 (a) bathroom sinks and (b) wash basins used by janitorial staff
20 are excluded from this definition.

21 (c) Each school district or chief school administrator, or
22 the designee of each school district or chief school
23 administrator, shall test each source of potable water in a
24 school building for lead contamination as required in this
25 subsection.

26 (1) Each school district or chief school

1 administrator, or the designee of each school district or
2 chief school administrator, shall, at a minimum, (a)
3 collect a first-draw 250 milliliter sample of water, (b)
4 flush for 30 seconds, and (c) collect a second-draw 250
5 milliliter sample from each source of potable water located
6 at each corresponding school building; provided, however,
7 that to the extent that multiple sources of potable water
8 utilize the same drain, (i) the foregoing collection
9 protocol is required for one such source of potable water,
10 and (ii) only a first-draw 250 milliliter sample of water
11 is required from the remaining such sources of potable
12 water. The water corresponding to the first-draw 250
13 milliliter sample from each source of potable water shall
14 have been standing in the plumbing pipes for at least 8
15 hours, but not more than 18 hours, without any flushing of
16 the source of potable water before sample collection.

17 (2) Each school district or chief school
18 administrator, or the designee of each school district or
19 chief school administrator, shall arrange to have the
20 samples it collects pursuant to subdivision (1) of this
21 subsection submitted to a laboratory that is certified for
22 the analysis of lead in drinking water in accordance with
23 accreditation requirements developed by a national
24 laboratory accreditation body, such as the National
25 Environmental Laboratory Accreditation Conference (NELAC)
26 Institute (TNI). Samples submitted to laboratories

1 pursuant to this subdivision (2) shall be analyzed for lead
2 using one of the test methods for lead that is described in
3 40 CFR 141.23(k) (1). Within 7 days after receiving a final
4 analytical result concerning a sample collected pursuant
5 to subdivision (1) of this subsection, the school district
6 or chief school administrator, or a designee of the school
7 district or chief school administrator, that collected the
8 sample shall provide the final analytical result to the
9 Department. ~~submit or cause to be submitted (A) the samples~~
10 ~~to an Illinois Environmental Protection Agency accredited~~
11 ~~laboratory for analysis for lead in accordance with the~~
12 ~~instructions supplied by an Illinois Environmental~~
13 ~~Protection Agency accredited laboratory and (B) the~~
14 ~~written sampling results to the Department within 7~~
15 ~~business days of receipt of the results.~~

16 (3) If any of the samples taken in the school exceed 5
17 parts per billion, the school district or chief school
18 administrator, or the designee of the school district or
19 chief school administrator, shall promptly provide an
20 individual notification of the sampling results, via
21 written or electronic communication, to the parents or
22 legal guardians of all enrolled students and include the
23 following information: the corresponding sampling location
24 within the school building and the United States
25 Environmental Protection Agency's website for information
26 about lead in drinking water. If any of the samples taken

1 at the school are at or below 5 parts per billion,
2 notification may be made as provided in this paragraph or
3 by posting on the school's website.

4 (4) Sampling and analysis required under this Section
5 shall be completed by the following applicable deadlines:
6 for school buildings constructed prior to January 1, 1987,
7 by December 31, 2017; and for school buildings constructed
8 between January 2, 1987 and January 1, 2000, by December
9 31, 2018.

10 (5) A school district or chief school administrator, or
11 the designee of the school district or chief school
12 administrator, may seek a waiver of the requirements of
13 this subsection from the Department, if (A) the school
14 district or chief school administrator, or the designee of
15 the school district or chief school administrator,
16 collected at least one 250 milliliter or greater sample of
17 water from each source of potable water that had been
18 standing in the plumbing pipes for at least 6 hours and
19 that was collected without flushing the source of potable
20 water before collection, (B) an Illinois Environmental
21 Protection Agency-accredited laboratory analyzed the
22 samples, (C) test results were obtained prior to the
23 effective date of this amendatory Act of the 99th General
24 Assembly, but after January 1, 2013, and (D) test results
25 were submitted to the Department within 120 days of the
26 effective date of this amendatory Act of the 99th General

1 Assembly.

2 (6) The owner or operator of a community water system
3 may agree to pay for the cost of the laboratory analysis of
4 the samples required under this Section and may utilize the
5 lead hazard cost recovery fee under Section 11-150.1-1 of
6 the Illinois Municipal Code or other available funds to
7 defray said costs.

8 (7) Lead sampling results obtained shall not be used
9 for purposes of determining compliance with the Board's
10 rules that implement the national primary drinking water
11 regulations for lead and copper.

12 (d) By no later than June 30, 2019, the Department shall
13 determine whether it is necessary and appropriate to protect
14 public health to require schools constructed in whole or in
15 part after January 1, 2000 to conduct testing for lead from
16 sources of potable water, taking into account, among other
17 relevant information, the results of testing conducted
18 pursuant to this Section.

19 (e) Within 90 days of the effective date of this amendatory
20 Act of the 99th General Assembly, the Department shall post on
21 its website guidance on mitigation actions for lead in drinking
22 water, and ongoing water management practices, in schools. In
23 preparing such guidance, the Department may, in part, reference
24 the United States Environmental Protection Agency's 3Ts for
25 Reducing Lead in Drinking Water in Schools.

26 (Source: P.A. 99-922, eff. 1-17-17.)

1 Section 10. The Environmental Protection Act is amended by
2 changing Sections 12.4, 21, 22.15, 22.28, 22.29, 55, and 55.6
3 as follows:

4 (415 ILCS 5/12.4)

5 Sec. 12.4. Vegetable by-product; land application; report.
6 In addition to any other requirements of this Act, a generator
7 of vegetable by-products utilizing land application shall
8 prepare ~~file~~ an annual report ~~with the Agency~~ identifying the
9 quantity of vegetable by-products transported for land
10 application during the reporting period, the hauler or haulers
11 utilized for the transportation, and the sites to which the
12 vegetable by-products were transported. The report must be
13 retained on the premises of the generator for a minimum of 5
14 calendar years after the end of the applicable reporting period
15 and must, during that time, be made available to the Agency for
16 inspection and copying during normal business hours.

17 (Source: P.A. 88-454.)

18 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

19 Sec. 21. Prohibited acts. No person shall:

20 (a) Cause or allow the open dumping of any waste.

21 (b) Abandon, dump, or deposit any waste upon the public
22 highways or other public property, except in a sanitary
23 landfill approved by the Agency pursuant to regulations adopted

1 by the Board.

2 (c) Abandon any vehicle in violation of the "Abandoned
3 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
4 the 76th General Assembly.

5 (d) Conduct any waste-storage, waste-treatment, or
6 waste-disposal operation:

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

1 General Assembly;

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

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

23 Item (3) of this subsection (d) shall not apply to any
24 person engaged in agricultural activity who is disposing of a
25 substance that constitutes solid waste, if the substance was
26 acquired for use by that person on his own property, and the

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

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

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

9 (f) Conduct any hazardous waste-storage, hazardous
10 waste-treatment or hazardous waste-disposal operation:

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

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

20 (3) in violation of any RCRA permit filing requirement
21 established under standards adopted by the Board under this
22 Act; or

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

25 Notwithstanding the above, no RCRA permit shall be required
26 under this subsection or subsection (d) of Section 39 of this

1 Act for any person engaged in agricultural activity who is
2 disposing of a substance which has been identified as a
3 hazardous waste, and which has been designated by Board
4 regulations as being subject to this exception, if the
5 substance was acquired for use by that person on his own
6 property and the substance is disposed of on his own property
7 in accordance with regulations or standards adopted by the
8 Board.

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

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

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

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

19 (i) Conduct any process or engage in any act which produces
20 hazardous waste in violation of any regulations or standards
21 adopted by the Board under subsections (a) and (c) of Section
22 22.4 of this Act.

23 (j) Conduct any special waste transportation operation in
24 violation of any regulations, standards or permit requirements
25 adopted by the Board under this Act. However, sludge from a
26 water or sewage treatment plant owned and operated by a unit of

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

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

16 (l) Locate a hazardous waste disposal site above an active
17 or inactive shaft or tunneled mine or within 2 miles of an
18 active fault in the earth's crust. In counties of population
19 less than 225,000 no hazardous waste disposal site shall be
20 located (1) within 1 1/2 miles of the corporate limits as
21 defined on June 30, 1978, of any municipality without the
22 approval of the governing body of the municipality in an
23 official action; or (2) within 1000 feet of an existing private
24 well or the existing source of a public water supply measured
25 from the boundary of the actual active permitted site and
26 excluding existing private wells on the property of the permit

1 applicant. The provisions of this subsection do not apply to
2 publicly-owned sewage works or the disposal or utilization of
3 sludge from publicly-owned sewage works.

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

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

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

15 (1) refuse in standing or flowing waters;

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

17 (3) leachate flows exiting the landfill confines (as
18 determined by the boundaries established for the landfill
19 by a permit issued by the Agency);

20 (4) open burning of refuse in violation of Section 9 of
21 this Act;

22 (5) uncovered refuse remaining from any previous
23 operating day or at the conclusion of any operating day,
24 unless authorized by permit;

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

- 1 (7) acceptance of wastes without necessary permits;
- 2 (8) scavenging as defined by Board regulations;
- 3 (9) deposition of refuse in any unpermitted portion of
- 4 the landfill;
- 5 (10) acceptance of a special waste without a required
- 6 manifest;
- 7 (11) failure to submit reports required by permits or
- 8 Board regulations;
- 9 (12) failure to collect and contain litter from the
- 10 site by the end of each operating day;
- 11 (13) failure to submit any cost estimate for the site
- 12 or any performance bond or other security for the site as
- 13 required by this Act or Board rules.

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

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

- 23 (1) litter;
- 24 (2) scavenging;
- 25 (3) open burning;
- 26 (4) deposition of waste in standing or flowing waters;

- 1 (5) proliferation of disease vectors;
- 2 (6) standing or flowing liquid discharge from the dump
3 site;
- 4 (7) deposition of:
- 5 (i) general construction or demolition debris as
6 defined in Section 3.160(a) of this Act; or
- 7 (ii) clean construction or demolition debris as
8 defined in Section 3.160(b) of this Act.

9 The prohibitions specified in this subsection (p) 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 open dumping.

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

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

22 (1.5) conducting a landscape waste composting
23 operation that (i) has no more than 25 cubic yards of
24 landscape waste, composting additives, composting
25 material, or end-product compost on-site at any one time
26 and (ii) is not engaging in commercial activity; or

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

3 (2.5) operating a landscape waste composting facility
4 at a site having 10 or more occupied non-farm residences
5 within 1/2 mile of its boundaries, if the facility meets
6 all of the following criteria:

7 (A) the composting facility is operated by the
8 farmer on property on which the composting material is
9 utilized, and the composting facility constitutes no
10 more than 2% of the site's total acreage;

11 (A-5) any composting additives that the composting
12 facility accepts and uses at the facility are necessary
13 to provide proper conditions for composting and do not
14 exceed 10% of the total composting material at the
15 facility at any one time;

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

26 (C) all compost generated by the composting

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

8 (D) no fee is charged for the acceptance of
9 materials to be composted at the facility; and

10 (E) the owner or operator, by January 1, 2014 (or
11 the January 1 following commencement of operation,
12 whichever is later) and January 1 of each year
13 thereafter, registers the site with the Agency, (ii)
14 reports to the Agency on the volume of composting
15 material received and used at the site; (iii) certifies
16 to the Agency that the site complies with the
17 requirements set forth in subparagraphs (A), (A-5),
18 (B), (C), and (D) of this paragraph (2.5); and (iv)
19 certifies to the Agency that all composting material
20 was placed more than 200 feet from the nearest potable
21 water supply well, was placed outside the boundary of
22 the 10-year floodplain or on a part of the site that is
23 floodproofed, was placed at least 1/4 mile from the
24 nearest residence (other than a residence located on
25 the same property as the facility) or a lesser distance
26 from the nearest residence (other than a residence

1 located on the same property as the facility) if the
2 municipality in which the facility is located has by
3 ordinance approved a lesser distance than 1/4 mile, and
4 was placed more than 5 feet above the water table; any
5 ordinance approving a residential setback of less than
6 1/4 mile that is used to meet the requirements of this
7 subparagraph (E) of paragraph (2.5) of this subsection
8 must specifically reference this paragraph; or

9 (3) operating a landscape waste composting facility on
10 a farm, if the facility meets all of the following
11 criteria:

12 (A) the composting facility is operated by the
13 farmer on property on which the composting material is
14 utilized, and the composting facility constitutes no
15 more than 2% of the property's total acreage, except
16 that the Board may allow a higher percentage for
17 individual sites where the owner or operator has
18 demonstrated to the Board that the site's soil
19 characteristics or crop needs require a higher rate;

20 (A-1) the composting facility accepts from other
21 agricultural operations for composting with landscape
22 waste no materials other than uncontaminated and
23 source-separated (i) crop residue and other
24 agricultural plant residue generated from the
25 production and harvesting of crops and other customary
26 farm practices, including, but not limited to, stalks,

1 leaves, seed pods, husks, bagasse, and roots and (ii)
2 plant-derived animal bedding, such as straw or
3 sawdust, that is free of manure and was not made from
4 painted or treated wood;

5 (A-2) any composting additives that the composting
6 facility accepts and uses at the facility are necessary
7 to provide proper conditions for composting and do not
8 exceed 10% of the total composting material at the
9 facility at any one time;

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

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

1 conditioner;

2 (D) the owner or operator, by January 1 of each
3 year, (i) registers the site with the Agency, (ii)
4 reports to the Agency on the volume of composting
5 material received and used at the site, (iii) certifies
6 to the Agency that the site complies with the
7 requirements set forth in subparagraphs (A), (A-1),
8 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)
9 certifies to the Agency that all composting material:

10 (I) was placed more than 200 feet from the
11 nearest potable water supply well;

12 (II) was placed outside the boundary of the
13 10-year floodplain or on a part of the site that is
14 floodproofed;

15 (III) was placed either (aa) at least 1/4 mile
16 from the nearest residence (other than a residence
17 located on the same property as the facility) and
18 there are not more than 10 occupied non-farm
19 residences within 1/2 mile of the boundaries of the
20 site on the date of application or (bb) a lesser
21 distance from the nearest residence (other than a
22 residence located on the same property as the
23 facility) provided that the municipality or county
24 in which the facility is located has by ordinance
25 approved a lesser distance than 1/4 mile and there
26 are not more than 10 occupied non-farm residences

1 within 1/2 mile of the boundaries of the site on
2 the date of application; and

3 (IV) was placed more than 5 feet above the
4 water table.

5 Any ordinance approving a residential setback of
6 less than 1/4 mile that is used to meet the
7 requirements of this subparagraph (D) must
8 specifically reference this subparagraph.

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

15 (r) Cause or allow the storage or disposal of coal
16 combustion waste unless:

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

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

24 (3) such waste is stored or disposed of at a site or
25 facility which is operating under NPDES and Subtitle D
26 permits issued by the Agency pursuant to regulations

1 adopted by the Board for mine-related water pollution and
2 permits issued pursuant to the Federal Surface Mining
3 Control and Reclamation Act of 1977 (P.L. 95-87) or the
4 rules and regulations thereunder or any law or rule or
5 regulation adopted by the State of Illinois pursuant
6 thereto, and the owner or operator of the facility agrees
7 to accept the waste; and either

8 (i) such waste is stored or disposed of in
9 accordance with requirements applicable to refuse
10 disposal under regulations adopted by the Board for
11 mine-related water pollution and pursuant to NPDES and
12 Subtitle D permits issued by the Agency under such
13 regulations; or

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

1 adopted pursuant thereto.

2 Notwithstanding any other provision of this Title, the
3 disposal of coal combustion waste pursuant to item (2) or (3)
4 of this subdivision (r) shall be exempt from the other
5 provisions of this Title V, and notwithstanding the provisions
6 of Title X of this Act, the Agency is authorized to grant
7 experimental permits which include provision for the disposal
8 of wastes from the combustion of coal and other materials
9 pursuant to items (2) and (3) of this subdivision (r).

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

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

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

1 permit, and without the preparation and carrying of a manifest.

2 (v) (Blank).

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

1 Department of Transportation, or a municipality or a county
2 highway department. The terms "generation" and "recycling" as
3 used in this subsection do not apply to clean construction or
4 demolition debris when (i) used as fill material below grade
5 outside of a setback zone if covered by sufficient
6 uncontaminated soil to support vegetation within 30 days of the
7 completion of filling or if covered by a road or structure,
8 (ii) solely broken concrete without protruding metal bars is
9 used for erosion control, or (iii) milled asphalt or crushed
10 concrete is used as aggregate in construction of the shoulder
11 of a roadway. The terms "generation" and "recycling", as used
12 in this subsection, do not apply to uncontaminated soil that is
13 not commingled with any waste when (i) used as fill material
14 below grade or contoured to grade, or (ii) used at the site of
15 generation.

16 (Source: P.A. 97-220, eff. 7-28-11; 98-239, eff. 8-9-13;
17 98-484, eff. 8-16-13; 98-756, eff. 7-16-14.)

18 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

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

20 (a) There is hereby created within the State Treasury a
21 special fund to be known as the "Solid Waste Management Fund",
22 to be constituted from the fees collected by the State pursuant
23 to this Section and from repayments of loans made from the Fund
24 for solid waste projects. Moneys received by the Department of
25 Commerce and Economic Opportunity in repayment of loans made

1 pursuant to the Illinois Solid Waste Management Act shall be
2 deposited into the General Revenue Fund.

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

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

26 (2) If more than 100,000 cubic yards but not more than

1 150,000 cubic yards of non-hazardous waste is permanently
2 disposed of at a site in a calendar year, the owner or
3 operator shall pay a fee of \$52,630.

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

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

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

16 (c) (Blank).

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

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

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

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

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

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

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

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

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

24 (i) The Agency is authorized ~~to support the operations of~~
25 ~~an industrial materials exchange service,~~ and to conduct
26 household waste collection and disposal programs.

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

17 (1) 60¢ per cubic yard if more than 150,000 cubic yards
18 of non-hazardous solid waste is permanently disposed of at
19 the site in a calendar year, unless the owner or operator
20 weighs the quantity of the solid waste received with a
21 device for which certification has been obtained under the
22 Weights and Measures Act, in which case the fee shall not
23 exceed \$1.27 per ton of solid waste permanently disposed
24 of.

25 (2) \$33,350 if more than 100,000 cubic yards, but not
26 more than 150,000 cubic yards, of non-hazardous waste is

1 permanently disposed of at the site in a calendar year.

2 (3) \$15,500 if more than 50,000 cubic yards, but not
3 more than 100,000 cubic yards, of non-hazardous solid waste
4 is permanently disposed of at the site in a calendar year.

5 (4) \$4,650 if more than 10,000 cubic yards, but not
6 more than 50,000 cubic yards, of non-hazardous solid waste
7 is permanently disposed of at the site in a calendar year.

8 (5) \$650 if not more than 10,000 cubic yards of
9 non-hazardous solid waste is permanently disposed of at the
10 site in a calendar year.

11 The corporate authorities of the unit of local government
12 may use proceeds from the fee, tax, or surcharge to reimburse a
13 highway commissioner whose road district lies wholly or
14 partially within the corporate limits of the unit of local
15 government for expenses incurred in the removal of
16 nonhazardous, nonfluid municipal waste that has been dumped on
17 public property in violation of a State law or local ordinance.

18 A county or Municipal Joint Action Agency that imposes a
19 fee, tax, or surcharge under this subsection may use the
20 proceeds thereof to reimburse a municipality that lies wholly
21 or partially within its boundaries for expenses incurred in the
22 removal of nonhazardous, nonfluid municipal waste that has been
23 dumped on public property in violation of a State law or local
24 ordinance.

25 If the fees are to be used to conduct a local sanitary
26 landfill inspection or enforcement program, the unit of local

1 government must enter into a written delegation agreement with
2 the Agency pursuant to subsection (r) of Section 4. The unit of
3 local government and the Agency shall enter into such a written
4 delegation agreement within 60 days after the establishment of
5 such fees. At least annually, the Agency shall conduct an audit
6 of the expenditures made by units of local government from the
7 funds granted by the Agency to the units of local government
8 for purposes of local sanitary landfill inspection and
9 enforcement programs, to ensure that the funds have been
10 expended for the prescribed purposes under the grant.

11 The fees, taxes or surcharges collected under this
12 subsection (j) shall be placed by the unit of local government
13 in a separate fund, and the interest received on the moneys in
14 the fund shall be credited to the fund. The monies in the fund
15 may be accumulated over a period of years to be expended in
16 accordance with this subsection.

17 A unit of local government, as defined in the Local Solid
18 Waste Disposal Act, shall prepare and distribute to the Agency,
19 in April of each year, a report that details spending plans for
20 monies collected in accordance with this subsection. The report
21 will at a minimum include the following:

22 (1) The total monies collected pursuant to this
23 subsection.

24 (2) The most current balance of monies collected
25 pursuant to this subsection.

26 (3) An itemized accounting of all monies expended for

1 the previous year pursuant to this subsection.

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

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

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

18 (k) In accordance with the findings and purposes of the
19 Illinois Solid Waste Management Act, beginning January 1, 1989
20 the fee under subsection (b) and the fee, tax or surcharge
21 under subsection (j) shall not apply to:

22 (1) Waste which is hazardous waste; or

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

24 (3) Waste from recycling, reclamation or reuse
25 processes which have been approved by the Agency as being
26 designed to remove any contaminant from wastes so as to

1 render such wastes reusable, provided that the process
2 renders at least 50% of the waste reusable; or

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

6 (5) Any landfill which is permitted by the Agency to
7 receive only demolition or construction debris or
8 landscape waste.

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

10 (415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

11 Sec. 22.28. White goods.

12 (a) ~~No Beginning July 1, 1994, no~~ person shall knowingly
13 offer for collection or collect white goods for the purpose of
14 disposal by landfilling unless the white good components have
15 been removed.

16 (b) ~~No Beginning July 1, 1994, no~~ owner or operator of a
17 landfill shall accept any white goods for final disposal,
18 except that white goods may be accepted if:

19 (1) (blank); ~~the landfill participates in the~~
20 ~~Industrial Materials Exchange Service by communicating the~~
21 ~~availability of white goods;~~

22 (2) prior to final disposal, any white good components
23 have been removed from the white goods; and

24 (3) ~~if white good components are removed from the white~~
25 ~~goods at the landfill, a site operating plan satisfying~~

1 this Act has been approved under the landfill's site
2 operating permit and the conditions of the ~~such~~ operating
3 plan are met.

4 (c) For the purposes of this Section:

5 (1) "White goods" shall include all discarded
6 refrigerators, ranges, water heaters, freezers, air
7 conditioners, humidifiers and other similar domestic and
8 commercial large appliances.

9 (2) "White good components" shall include:

10 (i) any chlorofluorocarbon refrigerant gas;

11 (ii) any electrical switch containing mercury;

12 (iii) any device that contains or may contain PCBs
13 in a closed system, such as a dielectric fluid for a
14 capacitor, ballast or other component; and

15 (iv) any fluorescent lamp that contains mercury.

16 (d) The Agency is authorized to provide financial
17 assistance to units of local government from the Solid Waste
18 Management Fund to plan for and implement programs to collect,
19 transport and manage white goods. Units of local government may
20 apply jointly for financial assistance under this Section.

21 Applications for such financial assistance shall be
22 submitted to the Agency and must provide a description of:

23 (A) the area to be served by the program;

24 (B) the white goods intended to be included in the
25 program;

26 (C) the methods intended to be used for collecting

1 and receiving materials;

2 (D) the property, buildings, equipment and
3 personnel included in the program;

4 (E) the public education systems to be used as part
5 of the program;

6 (F) the safety and security systems that will be
7 used;

8 (G) the intended processing methods for each white
9 goods type;

10 (H) the intended destination for final material
11 handling location; and

12 (I) any staging sites used to handle collected
13 materials, the activities to be performed at such sites
14 and the procedures for assuring removal of collected
15 materials from such sites.

16 The application may be amended to reflect changes in
17 operating procedures, destinations for collected materials, or
18 other factors.

19 Financial assistance shall be awarded for a State fiscal
20 year, and may be renewed, upon application, if the Agency
21 approves the operation of the program.

22 (e) All materials collected or received under a program
23 operated with financial assistance under this Section shall be
24 recycled whenever possible. Treatment or disposal of collected
25 materials are not eligible for financial assistance unless the
26 applicant shows and the Agency approves which materials may be

1 treated or disposed of under various conditions.

2 Any revenue from the sale of materials collected under such
3 a program shall be retained by the unit of local government and
4 may be used only for the same purposes as the financial
5 assistance under this Section.

6 (f) The Agency is authorized to adopt rules necessary or
7 appropriate to the administration of this Section.

8 (g) (Blank).

9 (Source: P.A. 91-798, eff. 7-9-00; revised 10-6-16.)

10 (415 ILCS 5/22.29) (from Ch. 111 1/2, par. 1022.29)

11 Sec. 22.29. (a) Except as provided in subsection (c), any
12 waste material generated by processing recyclable metals by
13 shredding shall be managed as a special waste unless ~~(1) a site~~
14 ~~operating plan has been approved by the Agency and the~~
15 ~~conditions of such operating plan are met; and (2) the facility~~
16 ~~participates in the Industrial Materials Exchange Service by~~
17 ~~communicating availability to process recyclable metals.~~

18 (b) An operating plan submitted to the Agency under this
19 Section shall include the following concerning recyclable
20 metals processing and components which may contaminate waste
21 from shredding recyclable metals (such as lead acid batteries,
22 fuel tanks, or components that contain or may contain PCB's in
23 a closed system such as a capacitor or ballast):

24 (1) procedures for inspecting recyclable metals when
25 received to assure that such components are identified;

1 (2) a list of equipment and removal procedures to be
2 used to assure proper removal of such components;

3 (3) procedures for safe storage of such components
4 after removal and any waste materials;

5 (4) procedures to assure that such components and waste
6 materials will only be stored for a period long enough to
7 accumulate the proper quantities for off-site
8 transportation;

9 (5) identification of how such components and waste
10 materials will be managed after removal from the site to
11 assure proper handling and disposal;

12 (6) procedures for sampling and analyzing waste
13 intended for disposal or off-site handling as a waste;

14 (7) a demonstration, including analytical reports,
15 that any waste generated is not a hazardous waste and will
16 not pose a present or potential threat to human health or
17 the environment.

18 (c) Any waste generated as a result of processing
19 recyclable metals by shredding which is determined to be
20 hazardous waste shall be managed as a hazardous waste.

21 (d) The Agency is authorized to adopt rules necessary or
22 appropriate to the administration of this Section.

23 (Source: P.A. 87-806; 87-895.)

24 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

25 Sec. 55. Prohibited activities.

1 (a) No person shall:

2 (1) Cause or allow the open dumping of any used or
3 waste tire.

4 (2) Cause or allow the open burning of any used or
5 waste tire.

6 (3) Except at a tire storage site which contains more
7 than 50 used tires, cause or allow the storage of any used
8 tire unless the tire is altered, reprocessed, converted,
9 covered, or otherwise prevented from accumulating water.

10 (4) Cause or allow the operation of a tire storage site
11 except in compliance with Board regulations.

12 (5) Abandon, dump or dispose of any used or waste tire
13 on private or public property, except in a sanitary
14 landfill approved by the Agency pursuant to regulations
15 adopted by the Board.

16 (6) Fail to submit required reports, tire removal
17 agreements, or Board regulations.

18 (b) (Blank.)

19 (b-1) No ~~Beginning January 1, 1995,~~ no person shall
20 knowingly mix any used or waste tire, either whole or cut, with
21 municipal waste, and no owner or operator of a sanitary
22 landfill shall accept any used or waste tire for final
23 disposal; except that used or waste tires, when separated from
24 other waste, may be accepted if: ~~(1)~~ the sanitary landfill
25 provides and maintains a means for shredding, slitting, or
26 chopping whole tires and so treats whole tires and, if approved

1 by the Agency in a permit issued under this Act, uses the used
2 or waste tires for alternative uses, which may include on-site
3 practices such as lining of roadways with tire scraps,
4 alternative daily cover, or use in a leachate collection system
5 ~~or (2) the sanitary landfill, by its notification to the~~
6 ~~Illinois Industrial Materials Exchange Service, makes~~
7 ~~available the used or waste tire to an appropriate facility for~~
8 ~~reuse, reprocessing, or converting, including use as an~~
9 ~~alternate energy fuel. If, within 30 days after notification to~~
10 ~~the Illinois Industrial Materials Exchange Service of the~~
11 ~~availability of waste tires, no specific request for the used~~
12 ~~or waste tires is received by the sanitary landfill, and the~~
13 ~~sanitary landfill determines it has no alternative use for~~
14 ~~those used or waste tires, the sanitary landfill may dispose of~~
15 ~~slit, chopped, or shredded used or waste tires in the sanitary~~
16 ~~landfill.~~ In the event the physical condition of a used or
17 waste tire makes shredding, slitting, chopping, reuse,
18 reprocessing, or other alternative use of the used or waste
19 tire impractical or infeasible, then the sanitary landfill,
20 after authorization by the Agency, may accept the used or waste
21 tire for disposal.

22 ~~Sanitary landfills and facilities for reuse, reprocessing,~~
23 ~~or converting, including use as alternative fuel, shall (i)~~
24 ~~notify the Illinois Industrial Materials Exchange Service of~~
25 ~~the availability of and demand for used or waste tires and (ii)~~
26 ~~consult with the Department of Commerce and Economic~~

1 ~~Opportunity regarding the status of marketing of waste tires to~~
2 ~~facilities for reuse.~~

3 (c) Any person who sells new or used tires at retail or
4 operates a tire storage site or a tire disposal site which
5 contains more than 50 used or waste tires shall give notice of
6 such activity to the Agency. Any person engaging in such
7 activity for the first time after January 1, 1990, shall give
8 notice to the Agency within 30 days after the date of
9 commencement of the activity. The form of such notice shall be
10 specified by the Agency and shall be limited to information
11 regarding the following:

12 (1) the name and address of the owner and operator;

13 (2) the name, address and location of the operation;

14 (3) the type of operations involving used and waste
15 tires (storage, disposal, conversion or processing); and

16 (4) the number of used and waste tires present at the
17 location.

18 (d) Beginning January 1, 1992, no person shall cause or
19 allow the operation of:

20 (1) a tire storage site which contains more than 50
21 used tires, unless the owner or operator, by January 1,
22 1992 (or the January 1 following commencement of operation,
23 whichever is later) and January 1 of each year thereafter,

24 (i) registers the site with the Agency, except that the
25 registration requirement in this item (i) does not apply in
26 the case of a tire storage site required to be permitted

1 under subsection (d-5), (ii) certifies to the Agency that
2 the site complies with any applicable standards adopted by
3 the Board pursuant to Section 55.2, (iii) reports to the
4 Agency the number of tires accumulated, the status of
5 vector controls, and the actions taken to handle and
6 process the tires, and (iv) pays the fee required under
7 subsection (b) of Section 55.6; or

8 (2) a tire disposal site, unless the owner or operator
9 (i) has received approval from the Agency after filing a
10 tire removal agreement pursuant to Section 55.4, or (ii)
11 has entered into a written agreement to participate in a
12 consensual removal action under Section 55.3.

13 The Agency shall provide written forms for the annual
14 registration and certification required under this subsection
15 (d).

16 (d-4) On or before January 1, 2015, the owner or operator
17 of each tire storage site that contains used tires totaling
18 more than 10,000 passenger tire equivalents, or at which more
19 than 500 tons of used tires are processed in a calendar year,
20 shall submit documentation demonstrating its compliance with
21 Board rules adopted under this Title. This documentation must
22 be submitted on forms and in a format prescribed by the Agency.

23 (d-5) Beginning July 1, 2016, no person shall cause or
24 allow the operation of a tire storage site that contains used
25 tires totaling more than 10,000 passenger tire equivalents, or
26 at which more than 500 tons of used tires are processed in a

1 calendar year, without a permit granted by the Agency or in
2 violation of any conditions imposed by that permit, including
3 periodic reports and full access to adequate records and the
4 inspection of facilities, as may be necessary to ensure
5 compliance with this Act and with regulations and standards
6 adopted under this Act.

7 (d-6) No person shall cause or allow the operation of a
8 tire storage site in violation of the financial assurance rules
9 established by the Board under subsection (b) of Section 55.2
10 of this Act. In addition to the remedies otherwise provided
11 under this Act, the State's Attorney of the county in which the
12 violation occurred, or the Attorney General, may, at the
13 request of the Agency or on his or her own motion, institute a
14 civil action for an immediate injunction, prohibitory or
15 mandatory, to restrain any violation of this subsection (d-6)
16 or to require any other action as may be necessary to abate or
17 mitigate any immediate danger or threat to public health or the
18 environment at the site. Injunctions to restrain a violation of
19 this subsection (d-6) may include, but are not limited to, the
20 required removal of all tires for which financial assurance is
21 not maintained and a prohibition against the acceptance of
22 tires in excess of the amount for which financial assurance is
23 maintained.

24 (e) No person shall cause or allow the storage, disposal,
25 treatment or processing of any used or waste tire in violation
26 of any regulation or standard adopted by the Board.

1 (f) No person shall arrange for the transportation of used
2 or waste tires away from the site of generation with a person
3 known to openly dump such tires.

4 (g) No person shall engage in any operation as a used or
5 waste tire transporter except in compliance with Board
6 regulations.

7 (h) No person shall cause or allow the combustion of any
8 used or waste tire in an enclosed device unless a permit has
9 been issued by the Agency authorizing such combustion pursuant
10 to regulations adopted by the Board for the control of air
11 pollution and consistent with the provisions of Section 9.4 of
12 this Act.

13 (i) No person shall cause or allow the use of pesticides to
14 treat tires except as prescribed by Board regulations.

15 (j) No person shall fail to comply with the terms of a tire
16 removal agreement approved by the Agency pursuant to Section
17 55.4.

18 (k) No person shall:

19 (1) Cause or allow water to accumulate in used or waste
20 tires. The prohibition set forth in this paragraph (1) of
21 subsection (k) shall not apply to used or waste tires
22 located at a residential household, as long as not more
23 than 12 used or waste tires are located at the site.

24 (2) Fail to collect a fee required under Section 55.8
25 of this Title.

26 (3) Fail to file a return required under Section 55.10

1 of this Title.

2 (4) Transport used or waste tires in violation of the
3 registration and vehicle placarding requirements adopted
4 by the Board.

5 (Source: P.A. 98-656, eff. 6-19-14.)

6 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)
7 Sec. 55.6. Used Tire Management Fund.

8 (a) There is hereby created in the State Treasury a special
9 fund to be known as the Used Tire Management Fund. There shall
10 be deposited into the Fund all monies received as (1) recovered
11 costs or proceeds from the sale of used tires under Section
12 55.3 of this Act, (2) repayment of loans from the Used Tire
13 Management Fund, or (3) penalties or punitive damages for
14 violations of this Title, except as provided by subdivision
15 (b) (4) or (b) (4-5) of Section 42.

16 (b) Beginning January 1, 1992, in addition to any other
17 fees required by law, the owner or operator of each site
18 required to be registered or permitted under subsection (d) or
19 (d-5) of Section 55 shall pay to the Agency an annual fee of
20 \$100. Fees collected under this subsection shall be deposited
21 into the Environmental Protection Permit and Inspection Fund.

22 (c) Pursuant to appropriation, monies up to an amount of \$2
23 million per fiscal year from the Used Tire Management Fund
24 shall be allocated as follows:

25 (1) 38% shall be available to the Agency for the

1 following purposes, provided that priority shall be given
2 to item (i):

3 (i) To undertake preventive, corrective or removal
4 action as authorized by and in accordance with Section
5 55.3, and to recover costs in accordance with Section
6 55.3.

7 (ii) For the performance of inspection and
8 enforcement activities for used and waste tire sites.

9 (iii) (Blank). ~~To assist with marketing of used
10 tires by augmenting the operations of an industrial
11 materials exchange service.~~

12 (iv) To provide financial assistance to units of
13 local government for the performance of inspecting,
14 investigating and enforcement activities pursuant to
15 subsection (r) of Section 4 at used and waste tire
16 sites.

17 (v) To provide financial assistance for used and
18 waste tire collection projects sponsored by local
19 government or not-for-profit corporations.

20 (vi) For the costs of fee collection and
21 administration relating to used and waste tires, and to
22 accomplish such other purposes as are authorized by
23 this Act and regulations thereunder.

24 (vii) To provide financial assistance to units of
25 local government and private industry for the purposes
26 of:

1 (A) assisting in the establishment of
2 facilities and programs to collect, process, and
3 utilize used and waste tires and tire-derived
4 materials;

5 (B) demonstrating the feasibility of
6 innovative technologies as a means of collecting,
7 storing, processing, and utilizing used and waste
8 tires and tire-derived materials; and

9 (C) applying demonstrated technologies as a
10 means of collecting, storing, processing, and
11 utilizing used and waste tires and tire-derived
12 materials.

13 (2) For fiscal years beginning prior to July 1, 2004,
14 23% shall be available to the Department of Commerce and
15 Economic Opportunity for the following purposes, provided
16 that priority shall be given to item (A):

17 (A) To provide grants or loans for the purposes of:

18 (i) assisting units of local government and
19 private industry in the establishment of
20 facilities and programs to collect, process and
21 utilize used and waste tires and tire derived
22 materials;

23 (ii) demonstrating the feasibility of
24 innovative technologies as a means of collecting,
25 storing, processing and utilizing used and waste
26 tires and tire derived materials; and

1 (iii) applying demonstrated technologies as a
2 means of collecting, storing, processing, and
3 utilizing used and waste tires and tire derived
4 materials.

5 (B) To develop educational material for use by
6 officials and the public to better understand and
7 respond to the problems posed by used tires and
8 associated insects.

9 (C) (Blank).

10 (D) To perform such research as the Director deems
11 appropriate to help meet the purposes of this Act.

12 (E) To pay the costs of administration of its
13 activities authorized under this Act.

14 (2.1) For the fiscal year beginning July 1, 2004 and
15 for all fiscal years thereafter, 23% shall be deposited
16 into the General Revenue Fund.

17 (3) 25% shall be available to the Illinois Department
18 of Public Health for the following purposes:

19 (A) To investigate threats or potential threats to
20 the public health related to mosquitoes and other
21 vectors of disease associated with the improper
22 storage, handling and disposal of tires, improper
23 waste disposal, or natural conditions.

24 (B) To conduct surveillance and monitoring
25 activities for mosquitoes and other arthropod vectors
26 of disease, and surveillance of animals which provide a

1 reservoir for disease-producing organisms.

2 (C) To conduct training activities to promote
3 vector control programs and integrated pest management
4 as defined in the Vector Control Act.

5 (D) To respond to inquiries, investigate
6 complaints, conduct evaluations and provide technical
7 consultation to help reduce or eliminate public health
8 hazards and nuisance conditions associated with
9 mosquitoes and other vectors.

10 (E) To provide financial assistance to units of
11 local government for training, investigation and
12 response to public nuisances associated with
13 mosquitoes and other vectors of disease.

14 (4) 2% shall be available to the Department of
15 Agriculture for its activities under the Illinois
16 Pesticide Act relating to used and waste tires.

17 (5) 2% shall be available to the Pollution Control
18 Board for administration of its activities relating to used
19 and waste tires.

20 (6) 10% shall be available to the Department of Natural
21 Resources for the Illinois Natural History Survey to
22 perform research to study the biology, distribution,
23 population ecology, and biosystematics of tire-breeding
24 arthropods, especially mosquitoes, and the diseases they
25 spread.

26 (d) By January 1, 1998, and biennially thereafter, each

1 State agency receiving an appropriation from the Used Tire
2 Management Fund shall report to the Governor and the General
3 Assembly on its activities relating to the Fund.

4 (e) Any monies appropriated from the Used Tire Management
5 Fund, but not obligated, shall revert to the Fund.

6 (f) In administering the provisions of subdivisions (1),
7 (2) and (3) of subsection (c) of this Section, the Agency, the
8 Department of Commerce and Economic Opportunity, and the
9 Illinois Department of Public Health shall ensure that
10 appropriate funding assistance is provided to any municipality
11 with a population over 1,000,000 or to any sanitary district
12 which serves a population over 1,000,000.

13 (g) Pursuant to appropriation, monies in excess of \$2
14 million per fiscal year from the Used Tire Management Fund
15 shall be used as follows:

16 (1) 55% shall be available to the Agency for the
17 following purposes, provided that priority shall be given
18 to subparagraph (A):

19 (A) To undertake preventive, corrective or renewed
20 action as authorized by and in accordance with Section
21 55.3 and to recover costs in accordance with Section
22 55.3.

23 (B) To provide financial assistance to units of
24 local government and private industry for the purposes
25 of:

26 (i) assisting in the establishment of

1 facilities and programs to collect, process, and
2 utilize used and waste tires and tire-derived
3 materials;

4 (ii) demonstrating the feasibility of
5 innovative technologies as a means of collecting,
6 storing, processing, and utilizing used and waste
7 tires and tire-derived materials; and

8 (iii) applying demonstrated technologies as a
9 means of collecting, storing, processing, and
10 utilizing used and waste tires and tire-derived
11 materials.

12 (2) For fiscal years beginning prior to July 1, 2004,
13 45% shall be available to the Department of Commerce and
14 Economic Opportunity to provide grants or loans for the
15 purposes of:

16 (i) assisting units of local government and
17 private industry in the establishment of facilities
18 and programs to collect, process and utilize waste
19 tires and tire derived material;

20 (ii) demonstrating the feasibility of innovative
21 technologies as a means of collecting, storing,
22 processing, and utilizing used and waste tires and tire
23 derived materials; and

24 (iii) applying demonstrated technologies as a
25 means of collecting, storing, processing, and
26 utilizing used and waste tires and tire derived

1 materials.

2 (3) For the fiscal year beginning July 1, 2004 and for
3 all fiscal years thereafter, 45% shall be deposited into
4 the General Revenue Fund.

5 (Source: P.A. 98-656, eff. 6-19-14.)

6 (415 ILCS 5/17.6 rep.)

7 Section 15. The Environmental Protection Act is amended by
8 repealing Section 17.6.

9 Section 20. The Environmental Toxicology Act is amended by
10 changing Sections 3 and 5 as follows:

11 (415 ILCS 75/3) (from Ch. 111 1/2, par. 983)

12 Sec. 3. Definitions. As used in this Act, unless the
13 context otherwise requires;

14 (a) "Department" means the Illinois Department of Public
15 Health;

16 (b) "Director" means the Director of the Illinois
17 Department of Public Health;

18 (c) "Program" means the Environmental Toxicology program
19 as established by this Act;

20 (d) "Exposure" means contact with a hazardous substance;

21 (e) "Hazardous Substance" means chemical compounds,
22 elements, or combinations of chemicals which, because of
23 quantity concentration, physical characteristics or

1 toxicological characteristics may pose a substantial present
2 or potential hazard to human health and includes, but is not
3 limited to, any substance defined as a hazardous substance in
4 Section 3.215 of the "Environmental Protection Act", approved
5 June 29, 1970, as amended;

6 (f) "Initial Assessment" means a review and evaluation of
7 site history and hazardous substances involved, potential for
8 population exposure, the nature of any health related
9 complaints and any known patterns in disease occurrence;

10 (g) "Comprehensive Health Study" means a detailed analysis
11 which may include: a review of available environmental,
12 morbidity and mortality data; environmental and biological
13 sampling; detailed review of scientific literature; exposure
14 analysis; population surveys; or any other scientific or
15 epidemiologic methods deemed necessary to adequately evaluate
16 the health status of the population at risk and any potential
17 relationship to environmental factors;

18 (h) "Superfund Site" means any hazardous waste site
19 designated for cleanup on the National Priorities List as
20 mandated by the Comprehensive Environmental Response,
21 Compensation, and Liability Act of 1980 (P.L. 96-510), as
22 amended;

23 (i) (Blank). ~~"State Remedial Action Priority List" means a~~
24 ~~list compiled by the Illinois Environmental Protection Agency~~
25 ~~which identifies sites that appear to present significant risk~~
26 ~~to the public health, welfare or environment.~~

1 (Source: P.A. 92-574, eff. 6-26-02.)

2 (415 ILCS 75/5) (from Ch. 111 1/2, par. 985)

3 Sec. 5. (a) Upon request by the Illinois Environmental
4 Protection Agency, the Department shall conduct an initial
5 assessment for any location designated as a Superfund Site ~~or~~
6 ~~on the State Remedial Action Priority List~~. Such assessment
7 shall be initiated within 60 days of the request.

8 (b) (Blank). ~~For sites designated as Superfund Sites or~~
9 ~~sites on the State Remedial Action Priority List on the~~
10 ~~effective date of this Act, the Department and the Illinois~~
11 ~~Environmental Protection Agency shall jointly determine which~~
12 ~~sites warrant initial assessment. If warranted, initial~~
13 ~~assessment shall be initiated by January 1, 1986.~~

14 (c) If, as a result of the initial assessment, the
15 Department determines that a public health problem related to
16 exposure to hazardous substances may exist in a community
17 located near a designated site, the Department shall conduct a
18 comprehensive health study to assess the full relationship, if
19 any, between such threat or potential threat and possible
20 exposure to hazardous substances at the designated site.

21 (Source: P.A. 84-987.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 320/35.5

4 415 ILCS 5/12.4

5 415 ILCS 5/21 from Ch. 111 1/2, par. 1021

6 415 ILCS 5/22.15 from Ch. 111 1/2, par. 1022.15

7 415 ILCS 5/22.28 from Ch. 111 1/2, par. 1022.28

8 415 ILCS 5/22.29 from Ch. 111 1/2, par. 1022.29

9 415 ILCS 5/55 from Ch. 111 1/2, par. 1055

10 415 ILCS 5/55.6 from Ch. 111 1/2, par. 1055.6

11 415 ILCS 5/17.6 rep.

12 415 ILCS 75/3 from Ch. 111 1/2, par. 983

13 415 ILCS 75/5 from Ch. 111 1/2, par. 985