

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 Environmental Protection Act is amended by  
5 changing Section 44 as follows:

6 (415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

7 Sec. 44. Criminal acts; penalties.

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

21 (b) Calculated Criminal Disposal of Hazardous Waste.

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

28 (2) Calculated Criminal Disposal of Hazardous Waste is  
29 a Class 2 felony. In addition to any other penalties  
30 prescribed by law, a person convicted of the offense of  
31 Calculated Criminal Disposal of Hazardous Waste is subject

1 to a fine not to exceed \$500,000 for each day of such  
2 offense.

3 (c) Criminal Disposal of Hazardous Waste.

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

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

12 (d) Unauthorized Use of Hazardous Waste.

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

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

20 (B) treats, transports, or stores any hazardous  
21 waste in violation of the terms and conditions of such  
22 permit or license;

23 (C) transports any hazardous waste to a facility  
24 which does not have a permit or license required under  
25 this Act; or

26 (D) transports by vehicle any hazardous waste  
27 without having in each vehicle credentials issued to  
28 the transporter by the transporter's base state  
29 pursuant to procedures established under the Uniform  
30 Program.

31 (2) A person who is convicted of a violation of  
32 subdivision (1)(A), (1)(B) or (1)(C) of this subsection is  
33 guilty of a Class 4 felony. A person who is convicted of a  
34 violation of subdivision (1)(D) is guilty of a Class A

1 misdemeanor. In addition to any other penalties prescribed  
2 by law, a person convicted of violating subdivision (1) (A),  
3 (1) (B) or (1) (C) is subject to a fine not to exceed  
4 \$100,000 for each day of such violation, and a person who  
5 is convicted of violating subdivision (1) (D) is subject to  
6 a fine not to exceed \$1,000.

7 (e) Unlawful Delivery of Hazardous Waste.

8 (1) Except as authorized by this Act or the federal  
9 Resource Conservation and Recovery Act, and the  
10 regulations promulgated thereunder, it is unlawful for any  
11 person to knowingly deliver hazardous waste.

12 (2) Unlawful Delivery of Hazardous Waste is a Class 3  
13 felony. In addition to any other penalties prescribed by  
14 law, a person convicted of the offense of Unlawful Delivery  
15 of Hazardous Waste is subject to a fine not to exceed  
16 \$250,000 for each such violation.

17 (3) For purposes of this Section, "deliver" or  
18 "delivery" means the actual, constructive, or attempted  
19 transfer of possession of hazardous waste, with or without  
20 consideration, whether or not there is an agency  
21 relationship.

22 (f) Reckless Disposal of Hazardous Waste.

23 (1) A person commits Reckless Disposal of Hazardous  
24 Waste if he disposes of hazardous waste, and his acts which  
25 cause the hazardous waste to be disposed of, whether or not  
26 those acts are undertaken pursuant to or under color of any  
27 permit or license, are performed with a conscious disregard  
28 of a substantial and unjustifiable risk that such disposing  
29 of hazardous waste is a gross deviation from the standard  
30 of care which a reasonable person would exercise in the  
31 situation.

32 (2) Reckless Disposal of Hazardous Waste is a Class 4  
33 felony. In addition to any other penalties prescribed by  
34 law, a person convicted of the offense of Reckless Disposal

1 of Hazardous Waste is subject to a fine not to exceed  
2 \$50,000 for each day of such offense.

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

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

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

15 (h) Violations; False Statements.

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

22 (2) Any person who knowingly makes a false material  
23 statement or representation in any label, manifest,  
24 record, report, permit or license, or other document filed,  
25 maintained or used for the purpose of compliance with this  
26 Act in connection with the generation, disposal,  
27 treatment, storage, or transportation of hazardous waste  
28 commits a Class 4 felony. A second or any subsequent  
29 offense after conviction hereunder is a Class 3 felony.

30 (3) Any person who knowingly destroys, alters or  
31 conceals any record required to be made by this Act in  
32 connection with the disposal, treatment, storage, or  
33 transportation of hazardous waste, commits a Class 4  
34 felony. A second or any subsequent offense after a

1 conviction hereunder is a Class 3 felony.

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

9 (5) Any person who knowingly destroys, alters, or  
10 conceals any record required to be made or maintained by  
11 this Act or required to be made or maintained by Board or  
12 Agency rules for the purpose of receiving money from the  
13 Underground Storage Tank Fund commits a Class 4 felony. A  
14 second or any subsequent offense after a conviction  
15 hereunder is a Class 3 felony.

16 (6) A person who knowingly and falsely certifies under  
17 Section 22.48 that an industrial process waste or pollution  
18 control waste is not special waste commits a Class 4 felony  
19 for a first offense and commits a Class 3 felony for a  
20 second or subsequent offense.

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

25 (i) Verification.

26 (1) Each application for a permit or license to dispose  
27 of, transport, treat, store or generate hazardous waste  
28 under this Act shall contain an affirmation that the facts  
29 are true and are made under penalty of perjury as defined  
30 in Section 32-2 of the Criminal Code of 1961. It is perjury  
31 for a person to sign any such application for a permit or  
32 license which contains a false material statement, which he  
33 does not believe to be true.

34 (2) Each request for money from the Underground Storage  
35 Tank Fund shall contain an affirmation that the facts are

1 true and are made under penalty of perjury as defined in  
2 Section 32-2 of the Criminal Code of 1961. It is perjury  
3 for a person to sign any request that contains a false  
4 material statement that he does not believe to be true.

5 (j) Violations of Other Provisions.

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

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

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

9 (C) any term or condition of any Underground  
10 Injection Control (UIC) permit;

11 (D) any filing requirement, regulation, or order  
12 relating to the State Underground Injection Control  
13 (UIC) program;

14 (E) any provision of any regulation, standard, or  
15 filing requirement under subsection (b) of Section 13  
16 of this Act;

17 (F) any provision of any regulation, standard, or  
18 filing requirement under subsection (b) of Section 39  
19 of this Act;

20 (G) any National Pollutant Discharge Elimination  
21 System (NPDES) permit issued under this Act or any term  
22 or condition of such permit;

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

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

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

27 (K) Federal asbestos regulations, including: (i) a  
28 provision of the Procedures for Asbestos Emission  
29 Control in subsection (c) of Section 61.145 of Title 40  
30 of the Code of Federal Regulations, or (ii) a standard  
31 for waste disposal for manufacturing, fabricating,  
32 demolition, renovation, and spraying operations in  
33 Section 61.150 of Title 40 of the Code of Federal  
34 Regulations.

35 (2) A person convicted of a violation of subdivision

1 (1) of this subsection commits a Class 4 felony, and in  
2 addition to any other penalty prescribed by law is subject  
3 to a fine not to exceed \$25,000 for each day of such  
4 violation.

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

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

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

10 (C) any provision of any regulation, standard, or  
11 filing requirement under subsection (b) of Section 13  
12 of this Act;

13 (D) any provision of any regulation, standard, or  
14 filing requirement under subsection (b) of Section 39  
15 of this Act;

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

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

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

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

22 (A) make any false statement, representation, or  
23 certification in an application form, or form  
24 pertaining to, a National Pollutant Discharge  
25 Elimination System (NPDES) permit;

26 (B) render inaccurate any monitoring device or  
27 record required by the Agency or Board in connection  
28 with any such permit or with any discharge which is  
29 subject to the provisions of subsection (f) of Section  
30 12 of this Act;

31 (C) make any false statement, representation, or  
32 certification in any form, notice or report pertaining  
33 to a CAAPP permit under Section 39.5 of this Act;

34 (D) render inaccurate any monitoring device or  
35 record required by the Agency or Board in connection  
36 with any CAAPP permit or with any emission which is

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

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

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

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

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

23 (2) Any person who commits the offense of criminal  
24 operation of a hazardous waste or PCB incinerator for the  
25 first time commits a Class 4 felony and, in addition to any  
26 other penalties prescribed by law, shall be subject to a  
27 fine not to exceed \$100,000 for each day of the offense.

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

34 (3) For the purpose of this subsection (k), the term  
35 "hazardous waste or PCB incinerator" means a pollution



1 control facility at which either hazardous waste or PCBs,  
2 or both, are incinerated. "PCBs" means any substance or  
3 mixture of substances that contains one or more  
4 polychlorinated biphenyls in detectable amounts.

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

9 (m) Any action brought under this Section shall be brought  
10 by the State's Attorney of the county in which the violation  
11 occurred, or by the Attorney General, and shall be conducted in  
12 accordance with the applicable provisions of the Code of  
13 Criminal Procedure of 1963.

14 (n) For an offense described in this Section, the period  
15 for commencing prosecution prescribed by the statute of  
16 limitations shall not begin to run until the offense is  
17 discovered by or reported to a State or local agency having the  
18 authority to investigate violations of this Act.

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

26 (p) Criminal Disposal of Waste.

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

29 (A) if required to have a permit under subsection  
30 (d) of Section 21 of this Act, knowingly conducts a  
31 waste-storage, waste-treatment, or waste-disposal  
32 operation in a quantity that exceeds 250 cubic feet of  
33 waste without a permit; or

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

36 (2) (A) A person who is convicted of a violation of

1 item (A) of subdivision (1) of this subsection is  
2 guilty of a Class 4 felony for a first offense and, in  
3 addition to any other penalties provided by law, is  
4 subject to a fine not to exceed \$25,000 for each day of  
5 violation. A person who is convicted of a violation of  
6 item (A) of subdivision (1) of this subsection is  
7 guilty of a Class 3 felony for a second or subsequent  
8 offense and, in addition to any other penalties  
9 provided by law, is subject to a fine not to exceed  
10 \$50,000 for each day of violation.

11 (B) A person who is convicted of a violation of  
12 item (B) of subdivision (1) of this subsection is  
13 guilty of a Class A misdemeanor. However, a person who  
14 is convicted of a second or subsequent violation of  
15 item (B) of subdivision (1) of this subsection for the  
16 open dumping of waste in a quantity that exceeds 250  
17 cubic feet is guilty of a Class 4 felony and, in  
18 addition to any other penalties provided by law, is  
19 subject to a fine not to exceed \$5,000 for each day of  
20 violation.

21 (Source: P.A. 89-235, eff. 8-4-95; 90-219, eff. 7-25-97;  
22 90-344, eff. 1-1-98; 90-502, eff. 8-19-97; 90-655, eff.  
23 7-30-98.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.