

HB4231



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4231

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.40

Amends the Environmental Protection Act. Provides that any municipal solid waste landfill that, on or after October 1, 2007, has applied for a permit from the United States Environmental Protection Agency to accept wastes with a concentration of greater than 50 parts per million of polychlorinated biphenyls, as provided under the federal Toxic Substances Control Act, must also seek and obtain consent from the applicable county or municipality before accepting that waste. That consent may not be granted unless approved by referendum. Effective immediately.

LRB095 13991 BDD 42012 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 Environmental Protection Act is amended by
5 changing Section 22.40 as follows:

6 (415 ILCS 5/22.40)

7 Sec. 22.40. Municipal solid waste landfill rules.

8 (a) In accordance with Sec. 7.2, the Board shall adopt
9 rules that are identical in substance to federal regulations or
10 amendments thereto promulgated by the Administrator of the
11 United States Environmental Protection Agency to implement
12 Sections 4004 and 4010 of the Resource Conservation and
13 Recovery Act of 1976 (P.L. 94-580) insofar as those regulations
14 relate to a municipal solid waste landfill unit program. The
15 Board may consolidate into a single rulemaking under this
16 Section all such federal regulations adopted within a period of
17 time not to exceed 6 months. Where the federal regulations
18 authorize the State to adopt alternative standards, schedules,
19 or procedures to the standards, schedules, or procedures
20 contained in the federal regulations, the Board may adopt
21 alternative standards, schedules, or procedures under
22 subsection (b) or retain existing Board rules that establish
23 alternative standards, schedules, or procedures that are not

1 inconsistent with the federal regulations. The Board may
2 consolidate into a single rulemaking under this Section all
3 such federal regulations adopted within a period of time not to
4 exceed 6 months.

5 The provisions and requirements of Title VII of this Act
6 shall not apply to rules adopted under this subsection (a).
7 Section 5-35 of the Illinois Administrative Procedure Act
8 relating to the procedures for rulemaking shall not apply to
9 regulations adopted under this subsection (a).

10 (b) The Board may adopt regulations relating to a State
11 municipal solid waste landfill program that are not
12 inconsistent with the Resource Conservation and Recovery Act of
13 1976 (P.L. 94-580), or regulations adopted thereunder. Rules
14 adopted under this subsection shall be adopted in accordance
15 with the provisions and requirements of Title VII of this Act
16 and the procedures for rulemaking in Section 5-35 of the
17 Illinois Administrative Procedure Act.

18 (c) (Blank.)

19 (d) Any MSWLF that, on or after October 1, 2007, has
20 applied for a permit from the United States Environmental
21 Protection Agency to accept wastes with a concentration of
22 greater than 50 parts per million of polychlorinated biphenyls,
23 as provided under the federal Toxic Substances Control Act,
24 must also seek and obtain consent from the applicable county or
25 municipality, as determined under subsection (c) of Section 39
26 of this Act, before accepting that waste. That consent may not

1 be granted unless approved at referendum in the county or
2 municipality by a majority of the electors voting on the
3 question. A referendum held under this subsection shall be
4 conducted in accordance with the Election Code.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.