



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6225

Introduced 2/11/2010, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.15
30 ILCS 805/8.33 new

from Ch. 111 1/2, par. 1022.15

Amends the Environmental Protection Act. Authorizes a unit of local government's tipping fee to be used for the maintenance of township highways located within one mile of a solid waste disposal facility. Provides that if a county imposes a tipping fee on a solid waste disposal facility and if a township highway is located within one mile of such a facility, then the corporate authorities of the county in which the facility is located must, on an annual basis and from revenues generated from the county tipping fee, reimburse each township that maintains a portion of highway within one mile of the facility for costs the township has incurred in maintaining that portion of highway. Prohibits a county's annual liability to townships under this new provision from exceeding 20% of the tipping fees collected by the county in that year. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 14557 JDS 29394 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 22.15 as follows:

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

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

8 (a) There is hereby created within the State Treasury a
9 special fund to be known as the "Solid Waste Management Fund",
10 to be constituted from the fees collected by the State pursuant
11 to this Section and from repayments of loans made from the Fund
12 for solid waste projects. Moneys received by the Department of
13 Commerce and Economic Opportunity in repayment of loans made
14 pursuant to the Illinois Solid Waste Management Act shall be
15 deposited into the General Revenue Fund.

16 (b) The Agency shall assess and collect a fee in the amount
17 set forth herein from the owner or operator of each sanitary
18 landfill permitted or required to be permitted by the Agency to
19 dispose of solid waste if the sanitary landfill is located off
20 the site where such waste was produced and if such sanitary
21 landfill is owned, controlled, and operated by a person other
22 than the generator of such waste. The Agency shall deposit all
23 fees collected into the Solid Waste Management Fund. If a site

1 is contiguous to one or more landfills owned or operated by the
2 same person, the volumes permanently disposed of by each
3 landfill shall be combined for purposes of determining the fee
4 under this subsection.

5 (1) If more than 150,000 cubic yards of non-hazardous
6 solid waste is permanently disposed of at a site in a
7 calendar year, the owner or operator shall either pay a fee
8 of 95 cents per cubic yard or, alternatively, the owner or
9 operator may weigh the quantity of the solid waste
10 permanently disposed of with a device for which
11 certification has been obtained under the Weights and
12 Measures Act and pay a fee of \$2.00 per ton of solid waste
13 permanently disposed of. In no case shall the fee collected
14 or paid by the owner or operator under this paragraph
15 exceed \$1.55 per cubic yard or \$3.27 per ton.

16 (2) If more than 100,000 cubic yards but not more than
17 150,000 cubic yards of non-hazardous waste is permanently
18 disposed of at a site in a calendar year, the owner or
19 operator shall pay a fee of \$52,630.

20 (3) If more than 50,000 cubic yards but not more than
21 100,000 cubic yards of non-hazardous solid waste is
22 permanently disposed of at a site in a calendar year, the
23 owner or operator shall pay a fee of \$23,790.

24 (4) If more than 10,000 cubic yards but not more than
25 50,000 cubic yards of non-hazardous solid waste is
26 permanently disposed of at a site in a calendar year, the

1 owner or operator shall pay a fee of \$7,260.

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

6 (c) (Blank.)

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

10 (1) necessary records identifying the quantities of
11 solid waste received or disposed;

12 (2) the form and submission of reports to accompany the
13 payment of fees to the Agency;

14 (3) the time and manner of payment of fees to the
15 Agency, which payments shall not be more often than
16 quarterly; and

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

20 (e) Pursuant to appropriation, all monies in the Solid
21 Waste Management Fund shall be used by the Agency and the
22 Department of Commerce and Economic Opportunity for the
23 purposes set forth in this Section and in the Illinois Solid
24 Waste Management Act, including for the costs of fee collection
25 and administration.

26 (f) The Agency is authorized to enter into such agreements

1 and to promulgate such rules as are necessary to carry out its
2 duties under this Section and the Illinois Solid Waste
3 Management Act.

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

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

14 (i) The Agency is authorized to support the operations of
15 an industrial materials exchange service, and to conduct
16 household waste collection and disposal programs.

17 (j) A unit of local government, as defined in the Local
18 Solid Waste Disposal Act, in which a solid waste disposal
19 facility is located may establish a fee, tax, or surcharge with
20 regard to the permanent disposal of solid waste. All fees,
21 taxes, and surcharges collected under this subsection shall be
22 utilized for solid waste management purposes, including
23 long-term monitoring and maintenance of landfills, planning,
24 implementation, inspection, enforcement and other activities
25 consistent with the Solid Waste Management Act and the Local
26 Solid Waste Disposal Act, for the maintenance of township

1 highways located one mile or less from a solid waste disposal
2 facility, or for any other environment-related purpose,
3 including but not limited to an environment-related public
4 works project, but not for the construction of a new pollution
5 control facility other than a household hazardous waste
6 facility. However, the total fee, tax or surcharge imposed by
7 all units of local government under this subsection (j) upon
8 the solid waste disposal facility shall not exceed:

9 (1) 60¢ per cubic yard if more than 150,000 cubic yards
10 of non-hazardous solid waste is permanently disposed of at
11 the site in a calendar year, unless the owner or operator
12 weighs the quantity of the solid waste received with a
13 device for which certification has been obtained under the
14 Weights and Measures Act, in which case the fee shall not
15 exceed \$1.27 per ton of solid waste permanently disposed
16 of.

17 (2) \$33,350 if more than 100,000 cubic yards, but not
18 more than 150,000 cubic yards, of non-hazardous waste is
19 permanently disposed of at the site in a calendar year.

20 (3) \$15,500 if more than 50,000 cubic yards, but not
21 more than 100,000 cubic yards, of non-hazardous solid waste
22 is permanently disposed of at the site in a calendar year.

23 (4) \$4,650 if more than 10,000 cubic yards, but not
24 more than 50,000 cubic yards, of non-hazardous solid waste
25 is permanently disposed of at the site in a calendar year.

26 (5) \$650 if not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at the
2 site in a calendar year.

3 The corporate authorities of the unit of local government
4 may use proceeds from the fee, tax, or surcharge to reimburse a
5 highway commissioner whose road district lies wholly or
6 partially within the corporate limits of the unit of local
7 government for expenses incurred in the removal of
8 nonhazardous, nonfluid municipal waste that has been dumped on
9 public property in violation of a State law or local ordinance.

10 A county or Municipal Joint Action Agency that imposes a
11 fee, tax, or surcharge under this subsection may use the
12 proceeds thereof to reimburse a municipality that lies wholly
13 or partially within its boundaries for expenses incurred in the
14 removal of nonhazardous, nonfluid municipal waste that has been
15 dumped on public property in violation of a State law or local
16 ordinance.

17 If the fees are to be used to conduct a local sanitary
18 landfill inspection or enforcement program, the unit of local
19 government must enter into a written delegation agreement with
20 the Agency pursuant to subsection (r) of Section 4. The unit of
21 local government and the Agency shall enter into such a written
22 delegation agreement within 60 days after the establishment of
23 such fees. At least annually, the Agency shall conduct an audit
24 of the expenditures made by units of local government from the
25 funds granted by the Agency to the units of local government
26 for purposes of local sanitary landfill inspection and

1 enforcement programs, to ensure that the funds have been
2 expended for the prescribed purposes under the grant.

3 The fees, taxes or surcharges collected under this
4 subsection (j) shall be placed by the unit of local government
5 in a separate fund, and the interest received on the moneys in
6 the fund shall be credited to the fund. The monies in the fund
7 may be accumulated over a period of years to be expended in
8 accordance with this subsection.

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

14 (1) The total monies collected pursuant to this
15 subsection.

16 (2) The most current balance of monies collected
17 pursuant to this subsection.

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

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

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

24 The exemptions granted under Sections 22.16 and 22.16a, and
25 under subsections (c) and (k) of this Section, shall be
26 applicable to any fee, tax or surcharge imposed under this

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

10 (j-5) If a county imposes a fee, tax, or surcharge on a
11 solid waste disposal facility under subsection (j) of this
12 Section and if a township highway is located within one mile of
13 that facility, then the corporate authorities of the county in
14 which the facility is located must, on an annual basis and from
15 revenues generated under subsection (j), reimburse each
16 township that maintains a portion of highway within one mile of
17 the facility for costs the township has incurred in maintaining
18 that portion of highway. A county's annual liability to
19 townships under this subsection (j-5) must not exceed 20% of
20 the amount that it has reported to the Agency as total monies
21 collected under subsection (j) for that year.

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

26 (1) Waste which is hazardous waste; or

- 1 (2) Waste which is pollution control waste; or
- 2 (3) Waste from recycling, reclamation or reuse
- 3 processes which have been approved by the Agency as being
- 4 designed to remove any contaminant from wastes so as to
- 5 render such wastes reusable, provided that the process
- 6 renders at least 50% of the waste reusable; or
- 7 (4) Non-hazardous solid waste that is received at a
- 8 sanitary landfill and composted or recycled through a
- 9 process permitted by the Agency; or
- 10 (5) Any landfill which is permitted by the Agency to
- 11 receive only demolition or construction debris or
- 12 landscape waste.

13 (Source: P.A. 93-32, eff. 7-1-03; 94-91, eff. 7-1-05.)

14 Section 90. The State Mandates Act is amended by adding

15 Section 8.33 as follows:

16 (30 ILCS 805/8.33 new)

17 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8

18 of this Act, no reimbursement by the State is required for the

19 implementation of any mandate created by this amendatory Act of

20 the 96th General Assembly.

21 Section 99. Effective date. This Act takes effect upon

22 becoming law.