



Rep. JoAnn D. Osmond

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LRB097 07029 JDS 53025 a

1 AMENDMENT TO HOUSE BILL 2056

2 AMENDMENT NO. _____. Amend House Bill 2056 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.786 as follows:

6 (30 ILCS 105/5.786 new)

7 Sec. 5.786. The Prescription Pill and Drug Disposal Fund.

8 Section 10. The Environmental Protection Act is amended by
9 changing Section 3.330 and by adding Section 17.9A as follows:

10 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

11 Sec. 3.330. Pollution control facility.

12 (a) "Pollution control facility" is any waste storage site,
13 sanitary landfill, waste disposal site, waste transfer
14 station, waste treatment facility, or waste incinerator. This

1 includes sewers, sewage treatment plants, and any other
2 facilities owned or operated by sanitary districts organized
3 under the Metropolitan Water Reclamation District Act.

4 The following are not pollution control facilities:

5 (1) (blank);

6 (2) waste storage sites regulated under 40 CFR, Part
7 761.42;

8 (3) sites or facilities used by any person conducting a
9 waste storage, waste treatment, waste disposal, waste
10 transfer or waste incineration operation, or a combination
11 thereof, for wastes generated by such person's own
12 activities, when such wastes are stored, treated, disposed
13 of, transferred or incinerated within the site or facility
14 owned, controlled or operated by such person, or when such
15 wastes are transported within or between sites or
16 facilities owned, controlled or operated by such person;

17 (4) sites or facilities at which the State is
18 performing removal or remedial action pursuant to Section
19 22.2 or 55.3;

20 (5) abandoned quarries used solely for the disposal of
21 concrete, earth materials, gravel, or aggregate debris
22 resulting from road construction activities conducted by a
23 unit of government or construction activities due to the
24 construction and installation of underground pipes, lines,
25 conduit or wires off of the premises of a public utility
26 company which are conducted by a public utility;

1 (6) sites or facilities used by any person to
2 specifically conduct a landscape composting operation;

3 (7) regional facilities as defined in the Central
4 Midwest Interstate Low-Level Radioactive Waste Compact;

5 (8) the portion of a site or facility where coal
6 combustion wastes are stored or disposed of in accordance
7 with subdivision (r) (2) or (r) (3) of Section 21;

8 (9) the portion of a site or facility used for the
9 collection, storage or processing of waste tires as defined
10 in Title XIV;

11 (10) the portion of a site or facility used for
12 treatment of petroleum contaminated materials by
13 application onto or incorporation into the soil surface and
14 any portion of that site or facility used for storage of
15 petroleum contaminated materials before treatment. Only
16 those categories of petroleum listed in Section 57.9(a) (3)
17 are exempt under this subdivision (10);

18 (11) the portion of a site or facility where used oil
19 is collected or stored prior to shipment to a recycling or
20 energy recovery facility, provided that the used oil is
21 generated by households or commercial establishments, and
22 the site or facility is a recycling center or a business
23 where oil or gasoline is sold at retail;

24 (11.5) processing sites or facilities that receive
25 only on-specification used oil, as defined in 35 Ill.
26 Admin. Code 739, originating from used oil collectors for

1 processing that is managed under 35 Ill. Admin. Code 739 to
2 produce products for sale to off-site petroleum
3 facilities, if these processing sites or facilities are:
4 (i) located within a home rule unit of local government
5 with a population of at least 30,000 according to the 2000
6 federal census, that home rule unit of local government has
7 been designated as an Urban Round II Empowerment Zone by
8 the United States Department of Housing and Urban
9 Development, and that home rule unit of local government
10 has enacted an ordinance approving the location of the site
11 or facility and provided funding for the site or facility;
12 and (ii) in compliance with all applicable zoning
13 requirements;

14 (12) the portion of a site or facility utilizing coal
15 combustion waste for stabilization and treatment of only
16 waste generated on that site or facility when used in
17 connection with response actions pursuant to the federal
18 Comprehensive Environmental Response, Compensation, and
19 Liability Act of 1980, the federal Resource Conservation
20 and Recovery Act of 1976, or the Illinois Environmental
21 Protection Act or as authorized by the Agency;

22 (13) the portion of a site or facility that (i) accepts
23 exclusively general construction or demolition debris,
24 (ii) is located in a county with a population over
25 3,000,000 as of January 1, 2000 or in a county that is
26 contiguous to such a county, and (iii) is operated and

1 located in accordance with Section 22.38 of this Act;

2 (14) the portion of a site or facility, located within
3 a unit of local government that has enacted local zoning
4 requirements, used to accept, separate, and process
5 uncontaminated broken concrete, with or without protruding
6 metal bars, provided that the uncontaminated broken
7 concrete and metal bars are not speculatively accumulated,
8 are at the site or facility no longer than one year after
9 their acceptance, and are returned to the economic
10 mainstream in the form of raw materials or products;

11 (15) the portion of a site or facility located in a
12 county with a population over 3,000,000 that has obtained
13 local siting approval under Section 39.2 of this Act for a
14 municipal waste incinerator on or before July 1, 2005 and
15 that is used for a non-hazardous waste transfer station;

16 (16) a site or facility that temporarily holds in
17 transit for 10 days or less, non-putrescible
18 ~~non-petruscible~~ solid waste in original containers, no
19 larger in capacity than 500 gallons, provided that such
20 waste is further transferred to a recycling, disposal,
21 treatment, or storage facility on a non-contiguous site and
22 provided such site or facility complies with the applicable
23 10-day transfer requirements of the federal Resource
24 Conservation and Recovery Act of 1976 and United States
25 Department of Transportation hazardous material
26 requirements. For purposes of this Section only,

1 "non-putrescible ~~non-petruscible~~ solid waste" means waste
2 other than municipal garbage that does not rot or become
3 putrid, including, but not limited to, paints, solvent,
4 filters, and absorbents;

5 (17) the portion of a site or facility located in a
6 county with a population greater than 3,000,000 that has
7 obtained local siting approval, under Section 39.2 of this
8 Act, for a municipal waste incinerator on or before July 1,
9 2005 and that is used for wood combustion facilities for
10 energy recovery that accept and burn only wood material, as
11 included in a fuel specification approved by the Agency;

12 (18) a transfer station used exclusively for landscape
13 waste, including a transfer station where landscape waste
14 is ground to reduce its volume, where the landscape waste
15 is held no longer than 24 hours from the time it was
16 received;

17 (19) the portion of a site or facility that (i) is used
18 for the composting of food scrap, livestock waste, crop
19 residue, uncontaminated wood waste, or paper waste,
20 including, but not limited to, corrugated paper or
21 cardboard, and (ii) meets all of the following
22 requirements:

23 (A) There must not be more than a total of 30,000
24 cubic yards of livestock waste in raw form or in the
25 process of being composted at the site or facility at
26 any one time.

1 (B) All food scrap, livestock waste, crop residue,
2 uncontaminated wood waste, and paper waste must, by the
3 end of each operating day, be processed and placed into
4 an enclosed vessel in which air flow and temperature
5 are controlled, or all of the following additional
6 requirements must be met:

7 (i) The portion of the site or facility used
8 for the composting operation must include a
9 setback of at least 200 feet from the nearest
10 potable water supply well.

11 (ii) The portion of the site or facility used
12 for the composting operation must be located
13 outside the boundary of the 10-year floodplain or
14 floodproofed.

15 (iii) The portion of the site or facility used
16 for the composting operation must be located at
17 least one-eighth of a mile from the nearest
18 residence, other than a residence located on the
19 same property as the site or facility.

20 (iv) The portion of the site or facility used
21 for the composting operation must be located at
22 least one-eighth of a mile from the property line
23 of all of the following areas:

24 (I) Facilities that primarily serve to
25 house or treat people that are
26 immunocompromised or immunosuppressed, such as

1 cancer or AIDS patients; people with asthma,
2 cystic fibrosis, or bioaerosol allergies; or
3 children under the age of one year.

4 (II) Primary and secondary schools and
5 adjacent areas that the schools use for
6 recreation.

7 (III) Any facility for child care licensed
8 under Section 3 of the Child Care Act of 1969;
9 preschools; and adjacent areas that the
10 facilities or preschools use for recreation.

11 (v) By the end of each operating day, all food
12 scrap, livestock waste, crop residue,
13 uncontaminated wood waste, and paper waste must be
14 (i) processed into windrows or other piles and (ii)
15 covered in a manner that prevents scavenging by
16 birds and animals and that prevents other
17 nuisances.

18 (C) Food scrap, livestock waste, crop residue,
19 uncontaminated wood waste, paper waste, and compost
20 must not be placed within 5 feet of the water table.

21 (D) The site or facility must meet all of the
22 requirements of the Wild and Scenic Rivers Act (16
23 U.S.C. 1271 et seq.).

24 (E) The site or facility must not (i) restrict the
25 flow of a 100-year flood, (ii) result in washout of
26 food scrap, livestock waste, crop residue,

1 uncontaminated wood waste, or paper waste from a
2 100-year flood, or (iii) reduce the temporary water
3 storage capacity of the 100-year floodplain, unless
4 measures are undertaken to provide alternative storage
5 capacity, such as by providing lagoons, holding tanks,
6 or drainage around structures at the facility.

7 (F) The site or facility must not be located in any
8 area where it may pose a threat of harm or destruction
9 to the features for which:

10 (i) an irreplaceable historic or
11 archaeological site has been listed under the
12 National Historic Preservation Act (16 U.S.C. 470
13 et seq.) or the Illinois Historic Preservation
14 Act;

15 (ii) a natural landmark has been designated by
16 the National Park Service or the Illinois State
17 Historic Preservation Office; or

18 (iii) a natural area has been designated as a
19 Dedicated Illinois Nature Preserve under the
20 Illinois Natural Areas Preservation Act.

21 (G) The site or facility must not be located in an
22 area where it may jeopardize the continued existence of
23 any designated endangered species, result in the
24 destruction or adverse modification of the critical
25 habitat for such species, or cause or contribute to the
26 taking of any endangered or threatened species of

1 plant, fish, or wildlife listed under the Endangered
2 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
3 Endangered Species Protection Act; ~~and~~

4 (20) the portion of a site or facility that is located
5 entirely within a home rule unit having a population of no
6 less than 120,000 and no more than 135,000, according to
7 the 2000 federal census, and that meets all of the
8 following requirements:

9 (i) the portion of the site or facility is used
10 exclusively to perform testing of a thermochemical
11 conversion technology using only woody biomass,
12 collected as landscape waste within the boundaries
13 of the home rule unit, as the hydrocarbon feedstock
14 for the production of synthetic gas in accordance
15 with Section 39.9 of this Act;

16 (ii) the portion of the site or facility is in
17 compliance with all applicable zoning
18 requirements; and

19 (iii) a complete application for a
20 demonstration permit at the portion of the site or
21 facility has been submitted to the Agency in
22 accordance with Section 39.9 of this Act within one
23 year after July 27, 2010 (the effective date of
24 Public Act 96-1314); ~~this amendatory Act of the~~
25 ~~96th General Assembly~~

26 (21) ~~(19)~~ the portion of a site or facility used to

1 perform limited testing of a gasification conversion
2 technology in accordance with Section 39.8 of this Act and
3 for which a complete permit application has been submitted
4 to the Agency prior to one year from April 9, 2010 (the
5 effective date of Public Act 96-887); and ~~this amendatory~~
6 ~~Act of the 96th General Assembly.~~

7 (22) the portion of a site or facility that is used, in
8 accordance with Section 17.9A and the rules adopted by the
9 Agency under that Section, to incinerate only
10 pharmaceuticals from residential sources that are in the
11 possession or control of a law enforcement agency.

12 (b) A new pollution control facility is:

13 (1) a pollution control facility initially permitted
14 for development or construction after July 1, 1981; or

15 (2) the area of expansion beyond the boundary of a
16 currently permitted pollution control facility; or

17 (3) a permitted pollution control facility requesting
18 approval to store, dispose of, transfer or incinerate, for
19 the first time, any special or hazardous waste.

20 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;
21 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.
22 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; 96-887,
23 eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff. 7-16-10;
24 96-1314, eff. 7-27-10; revised 9-2-10.)

25 (415 ILCS 5/17.9A new)

1 Sec. 17.9A. Incineration of pharmaceuticals by law
2 enforcement agency.

3 (a) Notwithstanding any other provision of this Act, a law
4 enforcement agency may collect pharmaceuticals from
5 residential sources and incinerate the collected
6 pharmaceuticals in a manner consistent with rules adopted by
7 the Agency. The Agency shall adopt rules to implement this
8 Section as soon as practical after the effective date of this
9 Section. For the purposes of this Section, "law enforcement
10 agency" means an agency of the State or unit of local
11 government which is vested by law or ordinance with the duty to
12 maintain public order and to enforce criminal laws.

13 (b) The Prescription Pill and Drug Disposal Fund is created
14 as a special fund in the State treasury. Moneys in the Fund
15 shall be used for grants by the Illinois Criminal Justice
16 Information Authority to local law enforcement agencies for the
17 purpose of facilitating the collection and incineration of
18 pharmaceuticals from residential sources as provided under
19 this Section. Interest attributable to moneys in the Fund shall
20 be returned to the Fund.

21 Section 15. The Unified Code of Corrections is amended by
22 changing Sections 5-9-1.1 and 5-9-1.1-5 as follows:

23 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

24 (Text of Section from P.A. 94-550, 96-132, and 96-402)

1 Sec. 5-9-1.1. Drug related offenses.

2 (a) When a person has been adjudged guilty of a drug
3 related offense involving possession or delivery of cannabis or
4 possession or delivery of a controlled substance, other than
5 methamphetamine, as defined in the Cannabis Control Act, as
6 amended, or the Illinois Controlled Substances Act, as amended,
7 in addition to any other penalty imposed, a fine shall be
8 levied by the court at not less than the full street value of
9 the cannabis or controlled substances seized.

10 "Street value" shall be determined by the court on the
11 basis of testimony of law enforcement personnel and the
12 defendant as to the amount seized and such testimony as may be
13 required by the court as to the current street value of the
14 cannabis or controlled substance seized.

15 (b) In addition to any penalty imposed under subsection (a)
16 of this Section, a fine of \$100 shall be levied by the court,
17 the proceeds of which shall be collected by the Circuit Clerk
18 and remitted to the State Treasurer under Section 27.6 of the
19 Clerks of Courts Act for deposit into the Trauma Center Fund
20 for distribution as provided under Section 3.225 of the
21 Emergency Medical Services (EMS) Systems Act.

22 (c) In addition to any penalty imposed under subsection (a)
23 of this Section, a fee of \$5 shall be assessed by the court,
24 the proceeds of which shall be collected by the Circuit Clerk
25 and remitted to the State Treasurer under Section 27.6 of the
26 Clerks of Courts Act for deposit into the Spinal Cord Injury

1 Paralysis Cure Research Trust Fund. This additional fee of \$5
2 shall not be considered a part of the fine for purposes of any
3 reduction in the fine for time served either before or after
4 sentencing.

5 (d) In addition to any penalty imposed under subsection (a)
6 of this Section for a drug related offense involving possession
7 or delivery of cannabis or possession or delivery of a
8 controlled substance as defined in the Cannabis Control Act,
9 the Illinois Controlled Substances Act, or the Methamphetamine
10 Control and Community Protection Act, a fee of \$50 shall be
11 assessed by the court, the proceeds of which shall be collected
12 by the Circuit Clerk and remitted to the State Treasurer under
13 Section 27.6 of the Clerks of Courts Act for deposit into the
14 Performance-enhancing Substance Testing Fund. This additional
15 fee of \$50 shall not be considered a part of the fine for
16 purposes of any reduction in the fine for time served either
17 before or after sentencing. The provisions of this subsection
18 (d), other than this sentence, are inoperative after June 30,
19 2011.

20 (e) ~~(d)~~ In addition to any penalty imposed under subsection
21 (a) of this Section, a \$25 assessment shall be assessed by the
22 court, the proceeds of which shall be collected by the Circuit
23 Clerk and remitted to the State Treasurer for deposit into the
24 State Police Services Fund and shall be used for grants by the
25 Department of State Police to drug task forces and Metropolitan
26 Enforcement Groups in accordance with the Intergovernmental

1 Drug Laws Enforcement Act.

2 (f) In addition to any penalty imposed under subsection (a)
3 of this Section, a \$20 assessment shall be assessed by the
4 court, the proceeds of which shall be collected by the Circuit
5 Clerk. Of the collected proceeds, 95% shall be remitted to the
6 State Treasurer for deposit into the Prescription Pill and Drug
7 Disposal Fund, and the Circuit Clerk shall retain 5% for
8 deposit into the Circuit Court Clerk Operation and
9 Administrative Fund for the costs associated with
10 administering this subsection.

11 (Source: P.A. 94-550, eff. 1-1-06; 96-132, eff. 8-7-09; 96-402,
12 eff. 1-1-10, revised 10-6-09.)

13 (Text of Section from P.A. 94-556, 96-132, and 96-402)

14 Sec. 5-9-1.1. Drug related offenses.

15 (a) When a person has been adjudged guilty of a drug
16 related offense involving possession or delivery of cannabis or
17 possession or delivery of a controlled substance as defined in
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act, in addition to any other penalty imposed, a fine shall be
21 levied by the court at not less than the full street value of
22 the cannabis or controlled substances seized.

23 "Street value" shall be determined by the court on the
24 basis of testimony of law enforcement personnel and the
25 defendant as to the amount seized and such testimony as may be

1 required by the court as to the current street value of the
2 cannabis or controlled substance seized.

3 (b) In addition to any penalty imposed under subsection (a)
4 of this Section, a fine of \$100 shall be levied by the court,
5 the proceeds of which shall be collected by the Circuit Clerk
6 and remitted to the State Treasurer under Section 27.6 of the
7 Clerks of Courts Act for deposit into the Trauma Center Fund
8 for distribution as provided under Section 3.225 of the
9 Emergency Medical Services (EMS) Systems Act.

10 (c) In addition to any penalty imposed under subsection (a)
11 of this Section, a fee of \$5 shall be assessed by the court,
12 the proceeds of which shall be collected by the Circuit Clerk
13 and remitted to the State Treasurer under Section 27.6 of the
14 Clerks of Courts Act for deposit into the Spinal Cord Injury
15 Paralysis Cure Research Trust Fund. This additional fee of \$5
16 shall not be considered a part of the fine for purposes of any
17 reduction in the fine for time served either before or after
18 sentencing.

19 (d) In addition to any penalty imposed under subsection (a)
20 of this Section for a drug related offense involving possession
21 or delivery of cannabis or possession or delivery of a
22 controlled substance as defined in the Cannabis Control Act,
23 the Illinois Controlled Substances Act, or the Methamphetamine
24 Control and Community Protection Act, a fee of \$50 shall be
25 assessed by the court, the proceeds of which shall be collected
26 by the Circuit Clerk and remitted to the State Treasurer under

1 Section 27.6 of the Clerks of Courts Act for deposit into the
2 Performance-enhancing Substance Testing Fund. This additional
3 fee of \$50 shall not be considered a part of the fine for
4 purposes of any reduction in the fine for time served either
5 before or after sentencing. The provisions of this subsection
6 (d), other than this sentence, are inoperative after June 30,
7 2011.

8 (e) ~~(d)~~ In addition to any penalty imposed under subsection
9 (a) of this Section, a \$25 assessment shall be assessed by the
10 court, the proceeds of which shall be collected by the Circuit
11 Clerk and remitted to the State Treasurer for deposit into the
12 State Police Services Fund and shall be used for grants by the
13 Department of State Police to drug task forces and Metropolitan
14 Enforcement Groups in accordance with the Intergovernmental
15 Drug Laws Enforcement Act.

16 (f) In addition to any penalty imposed under subsection (a)
17 of this Section, a \$20 assessment shall be assessed by the
18 court, the proceeds of which shall be collected by the Circuit
19 Clerk. Of the collected proceeds, 95% shall be remitted to the
20 State Treasurer for deposit into the Prescription Pill and Drug
21 Disposal Fund, and the Circuit Clerk shall retain 5% for
22 deposit into the Circuit Court Clerk Operation and
23 Administrative Fund for the costs associated with
24 administering this subsection.

25 (Source: P.A. 94-556, eff. 9-11-05; 96-132, eff. 8-7-09;
26 96-402, eff. 1-1-10, revised 10-6-09.)

1 (730 ILCS 5/5-9-1.1-5)

2 Sec. 5-9-1.1-5. Methamphetamine related offenses.

3 (a) When a person has been adjudged guilty of a
4 methamphetamine related offense involving possession or
5 delivery of methamphetamine or any salt of an optical isomer of
6 methamphetamine or possession of a methamphetamine
7 manufacturing material as set forth in Section 10 of the
8 Methamphetamine Control and Community Protection Act with the
9 intent to manufacture a substance containing methamphetamine
10 or salt of an optical isomer of methamphetamine, in addition to
11 any other penalty imposed, a fine shall be levied by the court
12 at not less than the full street value of the methamphetamine
13 or salt of an optical isomer of methamphetamine or
14 methamphetamine manufacturing materials seized.

15 "Street value" shall be determined by the court on the
16 basis of testimony of law enforcement personnel and the
17 defendant as to the amount seized and such testimony as may be
18 required by the court as to the current street value of the
19 methamphetamine or salt of an optical isomer of methamphetamine
20 or methamphetamine manufacturing materials seized.

21 (b) In addition to any penalty imposed under subsection (a)
22 of this Section, a fine of \$100 shall be levied by the court,
23 the proceeds of which shall be collected by the Circuit Clerk
24 and remitted to the State Treasurer under Section 27.6 of the
25 Clerks of Courts Act for deposit into the Methamphetamine Law

1 Enforcement Fund and allocated as provided in subsection (d) of
2 Section 5-9-1.2.

3 (c) In addition to any penalty imposed under subsection (a)
4 of this Section, a \$25 assessment shall be assessed by the
5 court, the proceeds of which shall be collected by the Circuit
6 Clerk and remitted to the State Treasurer for deposit into the
7 Drug Traffic Prevention Fund. The moneys deposited into the
8 Drug Traffic Prevention Fund pursuant to this Section shall be
9 appropriated to and administered by the Department of State
10 Police for funding of drug task forces and Metropolitan
11 Enforcement Groups in accordance with the Intergovernmental
12 Drug Laws Enforcement Act.

13 (d) In addition to any penalty imposed under subsection (a)
14 of this Section, a \$20 assessment shall be assessed by the
15 court, the proceeds of which shall be collected by the Circuit
16 Clerk. Of the collected proceeds, 95% shall be remitted to the
17 State Treasurer for deposit into the Prescription Pill and Drug
18 Disposal Fund, and the Circuit Clerk shall retain 5% for
19 deposit into the Circuit Court Clerk Operation and
20 Administrative Fund for the costs associated with
21 administering this subsection.

22 (Source: P.A. 96-200, eff. 8-10-09; 96-402, eff. 1-1-10;
23 96-1000, eff. 7-2-10; 96-1234, eff. 7-23-10.)".