

# SB1698



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1698

Introduced 2/20/2015, by Sen. Scott M. Bennett

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/21

from Ch. 111 1/2, par. 1021

Amends the Environmental Protection Act. Prohibits the disposal of (1) Manufactured Gas Plant waste in specified levels and (2) Polychlorinated Biphenyl waste in any landfill whose run off goes into the Mahomet Aquifer.

LRB099 10889 MGM 31212 b

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 21 as follows:

6 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

9 (b) Abandon, dump, or deposit any waste upon the public  
10 highways or other public property, except in a sanitary  
11 landfill approved by the Agency pursuant to regulations adopted  
12 by the Board.

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

16 (d) Conduct any waste-storage, waste-treatment, or  
17 waste-disposal operation:

18 (1) without a permit granted by the Agency or in  
19 violation of any conditions imposed by such permit,  
20 including periodic reports and full access to adequate  
21 records and the inspection of facilities, as may be  
22 necessary to assure compliance with this Act and with  
23 regulations and standards adopted thereunder; provided,

1           however, that, except for municipal solid waste landfill  
2           units that receive waste on or after October 9, 1993, no  
3           permit shall be required for (i) any person conducting a  
4           waste-storage, waste-treatment, or waste-disposal  
5           operation for wastes generated by such person's own  
6           activities which are stored, treated, or disposed within  
7           the site where such wastes are generated, or (ii) a  
8           facility located in a county with a population over 700,000  
9           as of January 1, 2000, operated and located in accordance  
10          with Section 22.38 of this Act, and used exclusively for  
11          the transfer, storage, or treatment of general  
12          construction or demolition debris, provided that the  
13          facility was receiving construction or demolition debris  
14          on the effective date of this amendatory Act of the 96th  
15          General Assembly;

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

18                 (3) which receives waste after August 31, 1988, does  
19                 not have a permit issued by the Agency, and is (i) a  
20                 landfill used exclusively for the disposal of waste  
21                 generated at the site, (ii) a surface impoundment receiving  
22                 special waste not listed in an NPDES permit, (iii) a waste  
23                 pile in which the total volume of waste is greater than 100  
24                 cubic yards or the waste is stored for over one year, or  
25                 (iv) a land treatment facility receiving special waste  
26                 generated at the site; without giving notice of the

1 operation to the Agency by January 1, 1989, or 30 days  
2 after the date on which the operation commences, whichever  
3 is later, and every 3 years thereafter. The form for such  
4 notification shall be specified by the Agency, and shall be  
5 limited to information regarding: the name and address of  
6 the location of the operation; the type of operation; the  
7 types and amounts of waste stored, treated or disposed of  
8 on an annual basis; the remaining capacity of the  
9 operation; and the remaining expected life of the  
10 operation.

11 Item (3) of this subsection (d) shall not apply to any  
12 person engaged in agricultural activity who is disposing of a  
13 substance that constitutes solid waste, if the substance was  
14 acquired for use by that person on his own property, and the  
15 substance is disposed of on his own property in accordance with  
16 regulations or standards adopted by the Board.

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

18 (e) Dispose, treat, store or abandon any waste, or  
19 transport any waste into this State for disposal, treatment,  
20 storage or abandonment, except at a site or facility which  
21 meets the requirements of this Act and of regulations and  
22 standards thereunder.

23 (f) Conduct any hazardous waste-storage, hazardous  
24 waste-treatment or hazardous waste-disposal operation:

25 (1) without a RCRA permit for the site issued by the  
26 Agency under subsection (d) of Section 39 of this Act, or

1 in violation of any condition imposed by such permit,  
2 including periodic reports and full access to adequate  
3 records and the inspection of facilities, as may be  
4 necessary to assure compliance with this Act and with  
5 regulations and standards adopted thereunder; or

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

8 (3) in violation of any RCRA permit filing requirement  
9 established under standards adopted by the Board under this  
10 Act; or

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

13 Notwithstanding the above, no RCRA permit shall be required  
14 under this subsection or subsection (d) of Section 39 of this  
15 Act for any person engaged in agricultural activity who is  
16 disposing of a substance which has been identified as a  
17 hazardous waste, and which has been designated by Board  
18 regulations as being subject to this exception, if the  
19 substance was acquired for use by that person on his own  
20 property and the substance is disposed of on his own property  
21 in accordance with regulations or standards adopted by the  
22 Board.

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

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

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

3           (h) Conduct any hazardous waste-recycling or hazardous  
4           waste-reclamation or hazardous waste-reuse operation in  
5           violation of any regulations, standards or permit requirements  
6           adopted by the Board under this Act.

7           (i) Conduct any process or engage in any act which produces  
8           hazardous waste in violation of any regulations or standards  
9           adopted by the Board under subsections (a) and (c) of Section  
10          22.4 of this Act.

11          (j) Conduct any special waste transportation operation in  
12          violation of any regulations, standards or permit requirements  
13          adopted by the Board under this Act. However, sludge from a  
14          water or sewage treatment plant owned and operated by a unit of  
15          local government which (1) is subject to a sludge management  
16          plan approved by the Agency or a permit granted by the Agency,  
17          and (2) has been tested and determined not to be a hazardous  
18          waste as required by applicable State and federal laws and  
19          regulations, may be transported in this State without a special  
20          waste hauling permit, and the preparation and carrying of a  
21          manifest shall not be required for such sludge under the rules  
22          of the Pollution Control Board. The unit of local government  
23          which operates the treatment plant producing such sludge shall  
24          file a semiannual report with the Agency identifying the volume  
25          of such sludge transported during the reporting period, the  
26          hauler of the sludge, and the disposal sites to which it was

1 transported. This subsection (j) shall not apply to hazardous  
2 waste.

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

4 (l) Locate a hazardous waste disposal site above an active  
5 or inactive shaft or tunneled mine or within 2 miles of an  
6 active fault in the earth's crust. In counties of population  
7 less than 225,000 no hazardous waste disposal site shall be  
8 located (1) within 1 1/2 miles of the corporate limits as  
9 defined on June 30, 1978, of any municipality without the  
10 approval of the governing body of the municipality in an  
11 official action; or (2) within 1000 feet of an existing private  
12 well or the existing source of a public water supply measured  
13 from the boundary of the actual active permitted site and  
14 excluding existing private wells on the property of the permit  
15 applicant. The provisions of this subsection do not apply to  
16 publicly-owned sewage works or the disposal or utilization of  
17 sludge from publicly-owned sewage works.

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

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

26 (o) Conduct a sanitary landfill operation which is required

1 to have a permit under subsection (d) of this Section, in a  
2 manner which results in any of the following conditions:

3 (1) refuse in standing or flowing waters;

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

5 (3) leachate flows exiting the landfill confines (as  
6 determined by the boundaries established for the landfill  
7 by a permit issued by the Agency);

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

10 (5) uncovered refuse remaining from any previous  
11 operating day or at the conclusion of any operating day,  
12 unless authorized by permit;

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

15 (7) acceptance of wastes without necessary permits;

16 (8) scavenging as defined by Board regulations;

17 (9) deposition of refuse in any unpermitted portion of  
18 the landfill;

19 (10) acceptance of a special waste without a required  
20 manifest;

21 (11) failure to submit reports required by permits or  
22 Board regulations;

23 (12) failure to collect and contain litter from the  
24 site by the end of each operating day;

25 (13) failure to submit any cost estimate for the site  
26 or any performance bond or other security for the site as



1 required by this Act or Board rules.

2 The prohibitions specified in this subsection (o) shall be  
3 enforceable by the Agency either by administrative citation  
4 under Section 31.1 of this Act or as otherwise provided by this  
5 Act. The specific prohibitions in this subsection do not limit  
6 the power of the Board to establish regulations or standards  
7 applicable to sanitary landfills.

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

11 (1) litter;

12 (2) scavenging;

13 (3) open burning;

14 (4) deposition of waste in standing or flowing waters;

15 (5) proliferation of disease vectors;

16 (6) standing or flowing liquid discharge from the dump  
17 site;

18 (7) deposition of:

19 (i) general construction or demolition debris as  
20 defined in Section 3.160(a) of this Act; or

21 (ii) clean construction or demolition debris as  
22 defined in Section 3.160(b) of this Act.

23 The prohibitions specified in this subsection (p) shall be  
24 enforceable by the Agency either by administrative citation  
25 under Section 31.1 of this Act or as otherwise provided by this  
26 Act. The specific prohibitions in this subsection do not limit

1 the power of the Board to establish regulations or standards  
2 applicable to open dumping.

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

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

10 (1.5) conducting a landscape waste composting  
11 operation that (i) has no more than 25 cubic yards of  
12 landscape waste, composting additives, composting  
13 material, or end-product compost on-site at any one time  
14 and (ii) is not engaging in commercial activity; or

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

17 (2.5) operating a landscape waste composting facility  
18 at a site having 10 or more occupied non-farm residences  
19 within 1/2 mile of its boundaries, if the facility meets  
20 all of the following criteria:

21 (A) the composting facility is operated by the  
22 farmer on property on which the composting material is  
23 utilized, and the composting facility constitutes no  
24 more than 2% of the site's total acreage;

25 (A-5) any composting additives that the composting  
26 facility accepts and uses at the facility are necessary

1 to provide proper conditions for composting and do not  
2 exceed 10% of the total composting material at the  
3 facility at any one time;

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

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

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

24 (E) the owner or operator, by January 1, 2014 (or  
25 the January 1 following commencement of operation,  
26 whichever is later) and January 1 of each year

1 thereafter, registers the site with the Agency, (ii)  
2 reports to the Agency on the volume of composting  
3 material received and used at the site; (iii) certifies  
4 to the Agency that the site complies with the  
5 requirements set forth in subparagraphs (A), (A-5),  
6 (B), (C), and (D) of this paragraph (2.5); and (iv)  
7 certifies to the Agency that all composting material  
8 was placed more than 200 feet from the nearest potable  
9 water supply well, was placed outside the boundary of  
10 the 10-year floodplain or on a part of the site that is  
11 floodproofed, was placed at least 1/4 mile from the  
12 nearest residence (other than a residence located on  
13 the same property as the facility) or a lesser distance  
14 from the nearest residence (other than a residence  
15 located on the same property as the facility) if the  
16 municipality in which the facility is located has by  
17 ordinance approved a lesser distance than 1/4 mile, and  
18 was placed more than 5 feet above the water table; any  
19 ordinance approving a residential setback of less than  
20 1/4 mile that is used to meet the requirements of this  
21 subparagraph (E) of paragraph (2.5) of this subsection  
22 must specifically reference this paragraph; or

23 (3) operating a landscape waste composting facility on  
24 a farm, if the facility meets all of the following  
25 criteria:

26 (A) the composting facility is operated by the

1 farmer on property on which the composting material is  
2 utilized, and the composting facility constitutes no  
3 more than 2% of the property's total acreage, except  
4 that the Board may allow a higher percentage for  
5 individual sites where the owner or operator has  
6 demonstrated to the Board that the site's soil  
7 characteristics or crop needs require a higher rate;

8 (A-1) the composting facility accepts from other  
9 agricultural operations for composting with landscape  
10 waste no materials other than uncontaminated and  
11 source-separated (i) crop residue and other  
12 agricultural plant residue generated from the  
13 production and harvesting of crops and other customary  
14 farm practices, including, but not limited to, stalks,  
15 leaves, seed pods, husks, bagasse, and roots and (ii)  
16 plant-derived animal bedding, such as straw or  
17 sawdust, that is free of manure and was not made from  
18 painted or treated wood;

19 (A-2) any composting additives that the composting  
20 facility accepts and uses at the facility are necessary  
21 to provide proper conditions for composting and do not  
22 exceed 10% of the total composting material at the  
23 facility at any one time;

24 (B) the property on which the composting facility  
25 is located, and any associated property on which the  
26 compost is used, is principally and diligently devoted

1 to the production of agricultural crops and is not  
2 owned, leased or otherwise controlled by any waste  
3 hauler or generator of nonagricultural compost  
4 materials, and the operator of the composting facility  
5 is not an employee, partner, shareholder, or in any way  
6 connected with or controlled by any such waste hauler  
7 or generator;

8 (C) all compost generated by the composting  
9 facility is applied at agronomic rates and used as  
10 mulch, fertilizer or soil conditioner on land actually  
11 farmed by the person operating the composting  
12 facility, and the finished compost is not stored at the  
13 composting site for a period longer than 18 months  
14 prior to its application as mulch, fertilizer, or soil  
15 conditioner;

16 (D) the owner or operator, by January 1 of each  
17 year, (i) registers the site with the Agency, (ii)  
18 reports to the Agency on the volume of composting  
19 material received and used at the site, (iii) certifies  
20 to the Agency that the site complies with the  
21 requirements set forth in subparagraphs (A), (A-1),  
22 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)  
23 certifies to the Agency that all composting material:

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

26 (II) was placed outside the boundary of the

1 10-year floodplain or on a part of the site that is  
2 floodproofed;

3 (III) was placed either (aa) at least 1/4 mile  
4 from the nearest residence (other than a residence  
5 located on the same property as the facility) and  
6 there are not more than 10 occupied non-farm  
7 residences within 1/2 mile of the boundaries of the  
8 site on the date of application or (bb) a lesser  
9 distance from the nearest residence (other than a  
10 residence located on the same property as the  
11 facility) provided that the municipality or county  
12 in which the facility is located has by ordinance  
13 approved a lesser distance than 1/4 mile and there  
14 are not more than 10 occupied non-farm residences  
15 within 1/2 mile of the boundaries of the site on  
16 the date of application; and

17 (IV) was placed more than 5 feet above the  
18 water table.

19 Any ordinance approving a residential setback of  
20 less than 1/4 mile that is used to meet the  
21 requirements of this subparagraph (D) must  
22 specifically reference this subparagraph.

23 For the purposes of this subsection (q), "agronomic rates"  
24 means the application of not more than 20 tons per acre per  
25 year, except that the Board may allow a higher rate for  
26 individual sites where the owner or operator has demonstrated

1 to the Board that the site's soil characteristics or crop needs  
2 require a higher rate.

3 (r) Cause or allow the storage or disposal of coal  
4 combustion waste unless:

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

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

12 (3) such waste is stored or disposed of at a site or  
13 facility which is operating under NPDES and Subtitle D  
14 permits issued by the Agency pursuant to regulations  
15 adopted by the Board for mine-related water pollution and  
16 permits issued pursuant to the Federal Surface Mining  
17 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
18 rules and regulations thereunder or any law or rule or  
19 regulation adopted by the State of Illinois pursuant  
20 thereto, and the owner or operator of the facility agrees  
21 to accept the waste; and either

22 (i) such waste is stored or disposed of in  
23 accordance with requirements applicable to refuse  
24 disposal under regulations adopted by the Board for  
25 mine-related water pollution and pursuant to NPDES and  
26 Subtitle D permits issued by the Agency under such



1 regulations; or

2 (ii) the owner or operator of the facility  
3 demonstrates all of the following to the Agency, and  
4 the facility is operated in accordance with the  
5 demonstration as approved by the Agency: (1) the  
6 disposal area will be covered in a manner that will  
7 support continuous vegetation, (2) the facility will  
8 be adequately protected from wind and water erosion,  
9 (3) the pH will be maintained so as to prevent  
10 excessive leaching of metal ions, and (4) adequate  
11 containment or other measures will be provided to  
12 protect surface water and groundwater from  
13 contamination at levels prohibited by this Act, the  
14 Illinois Groundwater Protection Act, or regulations  
15 adopted pursuant thereto.

16 Notwithstanding any other provision of this Title, the  
17 disposal of coal combustion waste pursuant to item (2) or (3)  
18 of this subdivision (r) shall be exempt from the other  
19 provisions of this Title V, and notwithstanding the provisions  
20 of Title X of this Act, the Agency is authorized to grant  
21 experimental permits which include provision for the disposal  
22 of wastes from the combustion of coal and other materials  
23 pursuant to items (2) and (3) of this subdivision (r).

24 (s) After April 1, 1989, offer for transportation,  
25 transport, deliver, receive or accept special waste for which a  
26 manifest is required, unless the manifest indicates that the

1 fee required under Section 22.8 of this Act has been paid.

2 (t) Cause or allow a lateral expansion of a municipal solid  
3 waste landfill unit on or after October 9, 1993, without a  
4 permit modification, granted by the Agency, that authorizes the  
5 lateral expansion.

6 (u) Conduct any vegetable by-product treatment, storage,  
7 disposal or transportation operation in violation of any  
8 regulation, standards or permit requirements adopted by the  
9 Board under this Act. However, no permit shall be required  
10 under this Title V for the land application of vegetable  
11 by-products conducted pursuant to Agency permit issued under  
12 Title III of this Act to the generator of the vegetable  
13 by-products. In addition, vegetable by-products may be  
14 transported in this State without a special waste hauling  
15 permit, and without the preparation and carrying of a manifest.

16 (v) (Blank).

17 (w) Conduct any generation, transportation, or recycling  
18 of construction or demolition debris, clean or general, or  
19 uncontaminated soil generated during construction, remodeling,  
20 repair, and demolition of utilities, structures, and roads that  
21 is not commingled with any waste, without the maintenance of  
22 documentation identifying the hauler, generator, place of  
23 origin of the debris or soil, the weight or volume of the  
24 debris or soil, and the location, owner, and operator of the  
25 facility where the debris or soil was transferred, disposed,  
26 recycled, or treated. This documentation must be maintained by

1 the generator, transporter, or recycler for 3 years. This  
2 subsection (w) shall not apply to (1) a permitted pollution  
3 control facility that transfers or accepts construction or  
4 demolition debris, clean or general, or uncontaminated soil for  
5 final disposal, recycling, or treatment, (2) a public utility  
6 (as that term is defined in the Public Utilities Act) or a  
7 municipal utility, (3) the Illinois Department of  
8 Transportation, or (4) a municipality or a county highway  
9 department, with the exception of any municipality or county  
10 highway department located within a county having a population  
11 of over 3,000,000 inhabitants or located in a county that is  
12 contiguous to a county having a population of over 3,000,000  
13 inhabitants; but it shall apply to an entity that contracts  
14 with a public utility, a municipal utility, the Illinois  
15 Department of Transportation, or a municipality or a county  
16 highway department. The terms "generation" and "recycling" as  
17 used in this subsection do not apply to clean construction or  
18 demolition debris when (i) used as fill material below grade  
19 outside of a setback zone if covered by sufficient  
20 uncontaminated soil to support vegetation within 30 days of the  
21 completion of filling or if covered by a road or structure,  
22 (ii) solely broken concrete without protruding metal bars is  
23 used for erosion control, or (iii) milled asphalt or crushed  
24 concrete is used as aggregate in construction of the shoulder  
25 of a roadway. The terms "generation" and "recycling", as used  
26 in this subsection, do not apply to uncontaminated soil that is

1 not commingled with any waste when (i) used as fill material  
2 below grade or contoured to grade, or (ii) used at the site of  
3 generation.

4 (x) Conduct any disposal of Manufactured Gas Plant (MGP)  
5 waste exceeding the regulatory levels specified in 35 Ill. Adm.  
6 Code 721.124(b), or Polychlorinated Biphenyl (PCB) waste as  
7 defined in 40 C.F.R. 761.3 in any landfill whose runoff goes  
8 into the Mahomet Aquifer.

9 (Source: P.A. 97-220, eff. 7-28-11; 98-239, eff. 8-9-13;  
10 98-484, eff. 8-16-13; 98-756, eff. 7-16-14.)