



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5475

Introduced 2/13/2026, by Rep. Laura Faver Dias

SYNOPSIS AS INTRODUCED:

415 ILCS 5/39

from Ch. 111 1/2, par. 1039

415 ILCS 5/39.16 new

Amends the Environmental Protection Act. Provides that all National Pollutant Discharge Elimination System permits authorizing a discharge from a facility designated by the Environmental Protection Agency and the United States Environmental Protection Agency as a major facility, shall, at a minimum, require for publicly owned treatment works, periodic sampling of influent, effluent, and biosolids for all perfluoroalkyl and polyfluoroalkyl substances for which there are accredited wastewater analytical methods and, for all other facilities, periodic effluent sampling for all perfluoroalkyl and polyfluoroalkyl substances for which there are accredited wastewater analytical methods. Provides that the Agency shall require any NPDES permit application for a discharge of wastewater that has potential to contain perfluoroalkyl and polyfluoroalkyl substances to fully characterize the discharge through sample results for all perfluoroalkyl and polyfluoroalkyl substances for which there are accredited wastewater analytical methods. Provides that the Agency shall not issue any permit under specified provisions for the land application of a sludge or biosolids unless the application includes sample results for the sludge or biosolids for all perfluoroalkyl and polyfluoroalkyl substances for which there are accredited wastewater analytical methods. Provides that any permit issued under specified provisions for the land application of a sludge or biosolids shall require, at minimum, periodic sampling of the sludge or biosolids for all perfluoroalkyl and polyfluoroalkyl substances for which there are accredited wastewater analytical methods.

LRB104 19362 BDA 32810 b

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 39 and by adding Section 39.16 as follows:

6 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

7 (Text of Section before amendment by P.A. 104-458)

8 Sec. 39. Issuance of permits; procedures.

9 (a) When the Board has by regulation required a permit for
10 the construction, installation, or operation of any type of
11 facility, equipment, vehicle, vessel, or aircraft, the
12 applicant shall apply to the Agency for such permit and it
13 shall be the duty of the Agency to issue such a permit upon
14 proof by the applicant that the facility, equipment, vehicle,
15 vessel, or aircraft will not cause a violation of this Act or
16 of regulations hereunder. The Agency shall adopt such
17 procedures as are necessary to carry out its duties under this
18 Section. In making its determinations on permit applications
19 under this Section the Agency may consider prior adjudications
20 of noncompliance with this Act by the applicant that involved
21 a release of a contaminant into the environment. In granting
22 permits, the Agency may impose reasonable conditions
23 specifically related to the applicant's past compliance

1 history with this Act as necessary to correct, detect, or
2 prevent noncompliance. The Agency may impose such other
3 conditions as may be necessary to accomplish the purposes of
4 this Act, and as are not inconsistent with the regulations
5 promulgated by the Board hereunder. Except as otherwise
6 provided in this Act, a bond or other security shall not be
7 required as a condition for the issuance of a permit. If the
8 Agency denies any permit under this Section, the Agency shall
9 transmit to the applicant within the time limitations of this
10 Section specific, detailed statements as to the reasons the
11 permit application was denied. Such statements shall include,
12 but not be limited to, the following:

13 (i) the Sections of this Act which may be violated if
14 the permit were granted;

15 (ii) the provision of the regulations, promulgated
16 under this Act, which may be violated if the permit were
17 granted;

18 (iii) the specific type of information, if any, which
19 the Agency deems the applicant did not provide the Agency;
20 and

21 (iv) a statement of specific reasons why the Act and
22 the regulations might not be met if the permit were
23 granted.

24 If there is no final action by the Agency within 90 days
25 after the filing of the application for permit, the applicant
26 may deem the permit issued; except that this time period shall

1 be extended to 180 days when (1) notice and opportunity for
2 public hearing are required by State or federal law or
3 regulation, (2) the application which was filed is for any
4 permit to develop a landfill subject to issuance pursuant to
5 this subsection, or (3) the application that was filed is for a
6 MSWLF unit required to issue public notice under subsection
7 (p) of Section 39. The 90-day and 180-day time periods for the
8 Agency to take final action do not apply to NPDES permit
9 applications under subsection (b) of this Section, to RCRA
10 permit applications under subsection (d) of this Section, to
11 UIC permit applications under subsection (e) of this Section,
12 or to CCR surface impoundment applications under subsection
13 (y) of this Section.

14 The Agency shall publish notice of all final permit
15 determinations for development permits for MSWLF units and for
16 significant permit modifications for lateral expansions for
17 existing MSWLF units one time in a newspaper of general
18 circulation in the county in which the unit is or is proposed
19 to be located.

20 After January 1, 1994 and until July 1, 1998, operating
21 permits issued under this Section by the Agency for sources of
22 air pollution permitted to emit less than 25 tons per year of
23 any combination of regulated air pollutants, as defined in
24 Section 39.5 of this Act, shall be required to be renewed only
25 upon written request by the Agency consistent with applicable
26 provisions of this Act and regulations promulgated hereunder.

1 Such operating permits shall expire 180 days after the date of
2 such a request. The Board shall revise its regulations for the
3 existing State air pollution operating permit program
4 consistent with this provision by January 1, 1994.

5 After June 30, 1998, operating permits issued under this
6 Section by the Agency for sources of air pollution that are not
7 subject to Section 39.5 of this Act and are not required to
8 have a federally enforceable State operating permit shall be
9 required to be renewed only upon written request by the Agency
10 consistent with applicable provisions of this Act and its
11 rules. Such operating permits shall expire 180 days after the
12 date of such a request. Before July 1, 1998, the Board shall
13 revise its rules for the existing State air pollution
14 operating permit program consistent with this paragraph and
15 shall adopt rules that require a source to demonstrate that it
16 qualifies for a permit under this paragraph.

17 (b) The Agency may issue NPDES permits exclusively under
18 this subsection for the discharge of contaminants from point
19 sources into navigable waters, all as defined in the Federal
20 Water Pollution Control Act, as now or hereafter amended,
21 within the jurisdiction of the State, or into any well.

22 All NPDES permits shall contain those terms and
23 conditions, including, but not limited to, schedules of
24 compliance, which may be required to accomplish the purposes
25 and provisions of this Act. All NPDES Permits authorizing a
26 discharge from a facility designated by the Agency and the

1 USEPA as a "major" facility, shall require, at a minimum, for
2 publicly owned treatment works, periodic sampling of influent,
3 effluent, and biosolids for all perfluoroalkyl and
4 polyfluoroalkyl substances for which there are accredited
5 wastewater analytical methods, and, for all other facilities,
6 periodic effluent sampling for all perfluoroalkyl and
7 polyfluoroalkyl substances for which there are accredited
8 wastewater analytical methods.

9 The Agency may issue general NPDES permits for discharges
10 from categories of point sources which are subject to the same
11 permit limitations and conditions. Such general permits may be
12 issued without individual applications and shall conform to
13 regulations promulgated under Section 402 of the Federal Water
14 Pollution Control Act, as now or hereafter amended.

15 The Agency may include, among such conditions, effluent
16 limitations and other requirements established under this Act,
17 Board regulations, the Federal Water Pollution Control Act, as
18 now or hereafter amended, and regulations pursuant thereto,
19 and schedules for achieving compliance therewith at the
20 earliest reasonable date.

21 The Agency shall adopt filing requirements and procedures
22 which are necessary and appropriate for the issuance of NPDES
23 permits, and which are consistent with the Act or regulations
24 adopted by the Board, and with the Federal Water Pollution
25 Control Act, as now or hereafter amended, and regulations
26 pursuant thereto. The Agency shall require any NPDES permit

1 application for a discharge of wastewater that has potential
2 to contain perfluoroalkyl and polyfluoroalkyl substances to
3 fully characterize the discharge through sample results for
4 all perfluoroalkyl and polyfluoroalkyl substances for which
5 there are accredited wastewater analytical methods.

6 The Agency, subject to any conditions which may be
7 prescribed by Board regulations, may issue NPDES permits to
8 allow discharges beyond deadlines established by this Act or
9 by regulations of the Board without the requirement of a
10 variance, subject to the Federal Water Pollution Control Act,
11 as now or hereafter amended, and regulations pursuant thereto.

12 (c) Except for those facilities owned or operated by
13 sanitary districts organized under the Metropolitan Water
14 Reclamation District Act, no permit for the development or
15 construction of a new pollution control facility may be
16 granted by the Agency unless the applicant submits proof to
17 the Agency that the location of the facility has been approved
18 by the county board of the county if in an unincorporated area,
19 or the governing body of the municipality when in an
20 incorporated area, in which the facility is to be located in
21 accordance with Section 39.2 of this Act. For purposes of this
22 subsection (c), and for purposes of Section 39.2 of this Act,
23 the appropriate county board or governing body of the
24 municipality shall be the county board of the county or the
25 governing body of the municipality in which the facility is to
26 be located as of the date when the application for siting

1 approval is filed.

2 In the event that siting approval granted pursuant to
3 Section 39.2 has been transferred to a subsequent owner or
4 operator, that subsequent owner or operator may apply to the
5 Agency for, and the Agency may grant, a development or
6 construction permit for the facility for which local siting
7 approval was granted. Upon application to the Agency for a
8 development or construction permit by that subsequent owner or
9 operator, the permit applicant shall cause written notice of
10 the permit application to be served upon the appropriate
11 county board or governing body of the municipality that
12 granted siting approval for that facility and upon any party
13 to the siting proceeding pursuant to which siting approval was
14 granted. In that event, the Agency shall conduct an evaluation
15 of the subsequent owner or operator's prior experience in
16 waste management operations in the manner conducted under
17 subsection (i) of Section 39 of this Act.

18 Beginning August 20, 1993, if the pollution control
19 facility consists of a hazardous or solid waste disposal
20 facility for which the proposed site is located in an
21 unincorporated area of a county with a population of less than
22 100,000 and includes all or a portion of a parcel of land that
23 was, on April 1, 1993, adjacent to a municipality having a
24 population of less than 5,000, then the local siting review
25 required under this subsection (c) in conjunction with any
26 permit applied for after that date shall be performed by the

1 governing body of that adjacent municipality rather than the
2 county board of the county in which the proposed site is
3 located; and for the purposes of that local siting review, any
4 references in this Act to the county board shall be deemed to
5 mean the governing body of that adjacent municipality;
6 provided, however, that the provisions of this paragraph shall
7 not apply to any proposed site which was, on April 1, 1993,
8 owned in whole or in part by another municipality.

9 In the case of a pollution control facility for which a
10 development permit was issued before November 12, 1981, if an
11 operating permit has not been issued by the Agency prior to
12 August 31, 1989 for any portion of the facility, then the
13 Agency may not issue or renew any development permit nor issue
14 an original operating permit for any portion of such facility
15 unless the applicant has submitted proof to the Agency that
16 the location of the facility has been approved by the
17 appropriate county board or municipal governing body pursuant
18 to Section 39.2 of this Act.

19 After January 1, 1994, if a solid waste disposal facility,
20 any portion for which an operating permit has been issued by
21 the Agency, has not accepted waste disposal for 5 or more
22 consecutive calendar years, before that facility may accept
23 any new or additional waste for disposal, the owner and
24 operator must obtain a new operating permit under this Act for
25 that facility unless the owner and operator have applied to
26 the Agency for a permit authorizing the temporary suspension

1 of waste acceptance. The Agency may not issue a new operation
2 permit under this Act for the facility unless the applicant
3 has submitted proof to the Agency that the location of the
4 facility has been approved or re-approved by the appropriate
5 county board or municipal governing body under Section 39.2 of
6 this Act after the facility ceased accepting waste.

7 Except for those facilities owned or operated by sanitary
8 districts organized under the Metropolitan Water Reclamation
9 District Act, and except for new pollution control facilities
10 governed by Section 39.2, and except for fossil fuel mining
11 facilities, the granting of a permit under this Act shall not
12 relieve the applicant from meeting and securing all necessary
13 zoning approvals from the unit of government having zoning
14 jurisdiction over the proposed facility.

15 Before beginning construction on any new sewage treatment
16 plant or sludge drying site to be owned or operated by a
17 sanitary district organized under the Metropolitan Water
18 Reclamation District Act for which a new permit (rather than
19 the renewal or amendment of an existing permit) is required,
20 such sanitary district shall hold a public hearing within the
21 municipality within which the proposed facility is to be
22 located, or within the nearest community if the proposed
23 facility is to be located within an unincorporated area, at
24 which information concerning the proposed facility shall be
25 made available to the public, and members of the public shall
26 be given the opportunity to express their views concerning the

1 proposed facility.

2 The Agency may issue a permit for a municipal waste
3 transfer station without requiring approval pursuant to
4 Section 39.2 provided that the following demonstration is
5 made:

6 (1) the municipal waste transfer station was in
7 existence on or before January 1, 1979 and was in
8 continuous operation from January 1, 1979 to January 1,
9 1993;

10 (2) the operator submitted a permit application to the
11 Agency to develop and operate the municipal waste transfer
12 station during April of 1994;

13 (3) the operator can demonstrate that the county board
14 of the county, if the municipal waste transfer station is
15 in an unincorporated area, or the governing body of the
16 municipality, if the station is in an incorporated area,
17 does not object to resumption of the operation of the
18 station; and

19 (4) the site has local zoning approval.

20 (d) The Agency may issue RCRA permits exclusively under
21 this subsection to persons owning or operating a facility for
22 the treatment, storage, or disposal of hazardous waste as
23 defined under this Act. Subsection (y) of this Section, rather
24 than this subsection (d), shall apply to permits issued for
25 CCR surface impoundments.

26 All RCRA permits shall contain those terms and conditions,

1 including, but not limited to, schedules of compliance, which
2 may be required to accomplish the purposes and provisions of
3 this Act. The Agency may include among such conditions
4 standards and other requirements established under this Act,
5 Board regulations, the Resource Conservation and Recovery Act
6 of 1976 (P.L. 94-580), as amended, and regulations pursuant
7 thereto, and may include schedules for achieving compliance
8 therewith as soon as possible. The Agency shall require that a
9 performance bond or other security be provided as a condition
10 for the issuance of a RCRA permit.

11 In the case of a permit to operate a hazardous waste or PCB
12 incinerator as defined in subsection (k) of Section 44, the
13 Agency shall require, as a condition of the permit, that the
14 operator of the facility perform such analyses of the waste to
15 be incinerated as may be necessary and appropriate to ensure
16 the safe operation of the incinerator.

17 The Agency shall adopt filing requirements and procedures
18 which are necessary and appropriate for the issuance of RCRA
19 permits, and which are consistent with the Act or regulations
20 adopted by the Board, and with the Resource Conservation and
21 Recovery Act of 1976 (P.L. 94-580), as amended, and
22 regulations pursuant thereto.

23 The applicant shall make available to the public for
24 inspection all documents submitted by the applicant to the
25 Agency in furtherance of an application, with the exception of
26 trade secrets, at the office of the county board or governing

1 body of the municipality. Such documents may be copied upon
2 payment of the actual cost of reproduction during regular
3 business hours of the local office. The Agency shall issue a
4 written statement concurrent with its grant or denial of the
5 permit explaining the basis for its decision.

6 (e) The Agency may issue UIC permits exclusively under
7 this subsection to persons owning or operating a facility for
8 the underground injection of contaminants as defined under
9 this Act.

10 All UIC permits shall contain those terms and conditions,
11 including, but not limited to, schedules of compliance, which
12 may be required to accomplish the purposes and provisions of
13 this Act. The Agency may include among such conditions
14 standards and other requirements established under this Act,
15 Board regulations, the Safe Drinking Water Act (P.L. 93-523),
16 as amended, and regulations pursuant thereto, and may include
17 schedules for achieving compliance therewith. The Agency shall
18 require that a performance bond or other security be provided
19 as a condition for the issuance of a UIC permit.

20 The Agency shall adopt filing requirements and procedures
21 which are necessary and appropriate for the issuance of UIC
22 permits, and which are consistent with the Act or regulations
23 adopted by the Board, and with the Safe Drinking Water Act
24 (P.L. 93-523), as amended, and regulations pursuant thereto.

25 The applicant shall make available to the public for
26 inspection all documents submitted by the applicant to the

1 Agency in furtherance of an application, with the exception of
2 trade secrets, at the office of the county board or governing
3 body of the municipality. Such documents may be copied upon
4 payment of the actual cost of reproduction during regular
5 business hours of the local office. The Agency shall issue a
6 written statement concurrent with its grant or denial of the
7 permit explaining the basis for its decision.

8 (f) In making any determination pursuant to Section 9.1 of
9 this Act:

10 (1) The Agency shall have authority to make the
11 determination of any question required to be determined by
12 the Clean Air Act, as now or hereafter amended, this Act,
13 or the regulations of the Board, including the
14 determination of the Lowest Achievable Emission Rate,
15 Maximum Achievable Control Technology, or Best Available
16 Control Technology, consistent with the Board's
17 regulations, if any.

18 (2) The Agency shall adopt requirements as necessary
19 to implement public participation procedures, including,
20 but not limited to, public notice, comment, and an
21 opportunity for hearing, which must accompany the
22 processing of applications for PSD permits. The Agency
23 shall briefly describe and respond to all significant
24 comments on the draft permit raised during the public
25 comment period or during any hearing. The Agency may group
26 related comments together and provide one unified response

1 for each issue raised.

2 (3) Any complete permit application submitted to the
3 Agency under this subsection for a PSD permit shall be
4 granted or denied by the Agency not later than one year
5 after the filing of such completed application.

6 (4) The Agency shall, after conferring with the
7 applicant, give written notice to the applicant of its
8 proposed decision on the application, including the terms
9 and conditions of the permit to be issued and the facts,
10 conduct, or other basis upon which the Agency will rely to
11 support its proposed action.

12 (g) The Agency shall include as conditions upon all
13 permits issued for hazardous waste disposal sites such
14 restrictions upon the future use of such sites as are
15 reasonably necessary to protect public health and the
16 environment, including permanent prohibition of the use of
17 such sites for purposes which may create an unreasonable risk
18 of injury to human health or to the environment. After
19 administrative and judicial challenges to such restrictions
20 have been exhausted, the Agency shall file such restrictions
21 of record in the Office of the Recorder of the county in which
22 the hazardous waste disposal site is located.

23 (h) A hazardous waste stream may not be deposited in a
24 permitted hazardous waste site unless specific authorization
25 is obtained from the Agency by the generator and disposal site
26 owner and operator for the deposit of that specific hazardous

1 waste stream. The Agency may grant specific authorization for
2 disposal of hazardous waste streams only after the generator
3 has reasonably demonstrated that, considering technological
4 feasibility and economic reasonableness, the hazardous waste
5 cannot be reasonably recycled for reuse, nor incinerated or
6 chemically, physically, or biologically treated so as to
7 neutralize the hazardous waste and render it nonhazardous. In
8 granting authorization under this Section, the Agency may
9 impose such conditions as may be necessary to accomplish the
10 purposes of the Act and are consistent with this Act and
11 regulations promulgated by the Board hereunder. If the Agency
12 refuses to grant authorization under this Section, the
13 applicant may appeal as if the Agency refused to grant a
14 permit, pursuant to the provisions of subsection (a) of
15 Section 40 of this Act. For purposes of this subsection (h),
16 the term "generator" has the meaning given in Section 3.205 of
17 this Act, unless: (1) the hazardous waste is treated,
18 incinerated, or partially recycled for reuse prior to
19 disposal, in which case the last person who treats,
20 incinerates, or partially recycles the hazardous waste prior
21 to disposal is the generator; or (2) the hazardous waste is
22 from a response action, in which case the person performing
23 the response action is the generator. This subsection (h) does
24 not apply to any hazardous waste that is restricted from land
25 disposal under 35 Ill. Adm. Code 728.

26 (i) Before issuing any RCRA permit, any permit for a waste

1 storage site, sanitary landfill, waste disposal site, waste
2 transfer station, waste treatment facility, waste incinerator,
3 or any waste-transportation operation, any permit or interim
4 authorization for a clean construction or demolition debris
5 fill operation, or any permit required under subsection (d-5)
6 of Section 55, the Agency shall conduct an evaluation of the
7 prospective owner's or operator's prior experience in waste
8 management operations, clean construction or demolition debris
9 fill operations, and tire storage site management. The Agency
10 may deny such a permit, or deny or revoke interim
11 authorization, if the prospective owner or operator or any
12 employee or officer of the prospective owner or operator has a
13 history of:

14 (1) repeated violations of federal, State, or local
15 laws, regulations, standards, or ordinances in the
16 operation of waste management facilities or sites, clean
17 construction or demolition debris fill operation
18 facilities or sites, or tire storage sites; or

19 (2) conviction in this or another State of any crime
20 which is a felony under the laws of this State, or
21 conviction of a felony in a federal court; or conviction
22 in this or another state or federal court of any of the
23 following crimes: forgery, official misconduct, bribery,
24 perjury, or knowingly submitting false information under
25 any environmental law, regulation, or permit term or
26 condition; or

1 (3) proof of gross carelessness or incompetence in
2 handling, storing, processing, transporting, or disposing
3 of waste, clean construction or demolition debris, or used
4 or waste tires, or proof of gross carelessness or
5 incompetence in using clean construction or demolition
6 debris as fill.

7 (i-5) Before issuing any permit or approving any interim
8 authorization for a clean construction or demolition debris
9 fill operation in which any ownership interest is transferred
10 between January 1, 2005, and the effective date of the
11 prohibition set forth in Section 22.52 of this Act, the Agency
12 shall conduct an evaluation of the operation if any previous
13 activities at the site or facility may have caused or allowed
14 contamination of the site. It shall be the responsibility of
15 the owner or operator seeking the permit or interim
16 authorization to provide to the Agency all of the information
17 necessary for the Agency to conduct its evaluation. The Agency
18 may deny a permit or interim authorization if previous
19 activities at the site may have caused or allowed
20 contamination at the site, unless such contamination is
21 authorized under any permit issued by the Agency.

22 (j) The issuance under this Act of a permit to engage in
23 the surface mining of any resources other than fossil fuels
24 shall not relieve the permittee from its duty to comply with
25 any applicable local law regulating the commencement,
26 location, or operation of surface mining facilities.

1 (k) A development permit issued under subsection (a) of
2 Section 39 for any facility or site which is required to have a
3 permit under subsection (d) of Section 21 shall expire at the
4 end of 2 calendar years from the date upon which it was issued,
5 unless within that period the applicant has taken action to
6 develop the facility or the site. In the event that review of
7 the conditions of the development permit is sought pursuant to
8 Section 40 or 41, or permittee is prevented from commencing
9 development of the facility or site by any other litigation
10 beyond the permittee's control, such two-year period shall be
11 deemed to begin on the date upon which such review process or
12 litigation is concluded.

13 (l) No permit shall be issued by the Agency under this Act
14 for construction or operation of any facility or site located
15 within the boundaries of any setback zone established pursuant
16 to this Act, where such construction or operation is
17 prohibited.

18 (m) The Agency may issue permits to persons owning or
19 operating a facility for composting landscape waste. In
20 granting such permits, the Agency may impose such conditions
21 as may be necessary to accomplish the purposes of this Act, and
22 as are not inconsistent with applicable regulations
23 promulgated by the Board. Except as otherwise provided in this
24 Act, a bond or other security shall not be required as a
25 condition for the issuance of a permit. If the Agency denies
26 any permit pursuant to this subsection, the Agency shall

1 transmit to the applicant within the time limitations of this
2 subsection specific, detailed statements as to the reasons the
3 permit application was denied. Such statements shall include
4 but not be limited to the following:

5 (1) the Sections of this Act that may be violated if
6 the permit were granted;

7 (2) the specific regulations promulgated pursuant to
8 this Act that may be violated if the permit were granted;

9 (3) the specific information, if any, the Agency deems
10 the applicant did not provide in its application to the
11 Agency; and

12 (4) a statement of specific reasons why the Act and
13 the regulations might be violated if the permit were
14 granted.

15 If no final action is taken by the Agency within 90 days
16 after the filing of the application for permit, the applicant
17 may deem the permit issued. Any applicant for a permit may
18 waive the 90-day limitation by filing a written statement with
19 the Agency.

20 The Agency shall issue permits for such facilities upon
21 receipt of an application that includes a legal description of
22 the site, a topographic map of the site drawn to the scale of
23 200 feet to the inch or larger, a description of the operation,
24 including the area served, an estimate of the volume of
25 materials to be processed, and documentation that:

26 (1) the facility includes a setback of at least 200

1 feet from the nearest potable water supply well;

2 (2) the facility is located outside the boundary of
3 the 10-year floodplain or the site will be floodproofed;

4 (3) the facility is located so as to minimize
5 incompatibility with the character of the surrounding
6 area, including at least a 200 foot setback from any
7 residence, and in the case of a facility that is developed
8 or the permitted composting area of which is expanded
9 after November 17, 1991, the composting area is located at
10 least 1/8 mile from the nearest residence (other than a
11 residence located on the same property as the facility);

12 (4) the design of the facility will prevent any
13 compost material from being placed within 5 feet of the
14 water table, will adequately control runoff from the site,
15 and will collect and manage any leachate that is generated
16 on the site;

17 (5) the operation of the facility will include
18 appropriate dust and odor control measures, limitations on
19 operating hours, appropriate noise control measures for
20 shredding, chipping and similar equipment, management
21 procedures for composting, containment and disposal of
22 non-compostable wastes, procedures to be used for
23 terminating operations at the site, and recordkeeping
24 sufficient to document the amount of materials received,
25 composted, and otherwise disposed of; and

26 (6) the operation will be conducted in accordance with

1 any applicable rules adopted by the Board.

2 The Agency shall issue renewable permits of not longer
3 than 10 years in duration for the composting of landscape
4 wastes, as defined in Section 3.155 of this Act, based on the
5 above requirements.

6 The operator of any facility permitted under this
7 subsection (m) must submit a written annual statement to the
8 Agency on or before April 1 of each year that includes an
9 estimate of the amount of material, in tons, received for
10 composting.

11 (n) The Agency shall issue permits jointly with the
12 Department of Transportation for the dredging or deposit of
13 material in Lake Michigan in accordance with Section 18 of the
14 Rivers, Lakes, and Streams Act.

15 (o) (Blank).

16 (p) (1) Any person submitting an application for a permit
17 for a new MSWLF unit or for a lateral expansion under
18 subsection (t) of Section 21 of this Act for an existing MSWLF
19 unit that has not received and is not subject to local siting
20 approval under Section 39.2 of this Act shall publish notice
21 of the application in a newspaper of general circulation in
22 the county in which the MSWLF unit is or is proposed to be
23 located. The notice must be published at least 15 days before
24 submission of the permit application to the Agency. The notice
25 shall state the name and address of the applicant, the
26 location of the MSWLF unit or proposed MSWLF unit, the nature

1 and size of the MSWLF unit or proposed MSWLF unit, the nature
2 of the activity proposed, the probable life of the proposed
3 activity, the date the permit application will be submitted,
4 and a statement that persons may file written comments with
5 the Agency concerning the permit application within 30 days
6 after the filing of the permit application unless the time
7 period to submit comments is extended by the Agency.

8 When a permit applicant submits information to the Agency
9 to supplement a permit application being reviewed by the
10 Agency, the applicant shall not be required to reissue the
11 notice under this subsection.

12 (2) The Agency shall accept written comments concerning
13 the permit application that are postmarked no later than 30
14 days after the filing of the permit application, unless the
15 time period to accept comments is extended by the Agency.

16 (3) Each applicant for a permit described in part (1) of
17 this subsection shall file a copy of the permit application
18 with the county board or governing body of the municipality in
19 which the MSWLF unit is or is proposed to be located at the
20 same time the application is submitted to the Agency. The
21 permit application filed with the county board or governing
22 body of the municipality shall include all documents submitted
23 to or to be submitted to the Agency, except trade secrets as
24 determined under Section 7.1 of this Act. The permit
25 application and other documents on file with the county board
26 or governing body of the municipality shall be made available

1 for public inspection during regular business hours at the
2 office of the county board or the governing body of the
3 municipality and may be copied upon payment of the actual cost
4 of reproduction.

5 (q) Within 6 months after July 12, 2011 (the effective
6 date of Public Act 97-95), the Agency, in consultation with
7 the regulated community, shall develop a web portal to be
8 posted on its website for the purpose of enhancing review and
9 promoting timely issuance of permits required by this Act. At
10 a minimum, the Agency shall make the following information
11 available on the web portal:

12 (1) Checklists and guidance relating to the completion
13 of permit applications, developed pursuant to subsection
14 (s) of this Section, which may include, but are not
15 limited to, existing instructions for completing the
16 applications and examples of complete applications. As the
17 Agency develops new checklists and develops guidance, it
18 shall supplement the web portal with those materials.

19 (2) Within 2 years after July 12, 2011 (the effective
20 date of Public Act 97-95), permit application forms or
21 portions of permit applications that can be completed and
22 saved electronically, and submitted to the Agency
23 electronically with digital signatures.

24 (3) Within 2 years after July 12, 2011 (the effective
25 date of Public Act 97-95), an online tracking system where
26 an applicant may review the status of its pending

1 application, including the name and contact information of
2 the permit analyst assigned to the application. Until the
3 online tracking system has been developed, the Agency
4 shall post on its website semi-annual permitting
5 efficiency tracking reports that include statistics on the
6 timeframes for Agency action on the following types of
7 permits received after July 12, 2011 (the effective date
8 of Public Act 97-95): air construction permits, new NPDES
9 permits and associated water construction permits, and
10 modifications of major NPDES permits and associated water
11 construction permits. The reports must be posted by
12 February 1 and August 1 each year and shall include:

13 (A) the number of applications received for each
14 type of permit, the number of applications on which
15 the Agency has taken action, and the number of
16 applications still pending; and

17 (B) for those applications where the Agency has
18 not taken action in accordance with the timeframes set
19 forth in this Act, the date the application was
20 received and the reasons for any delays, which may
21 include, but shall not be limited to, (i) the
22 application being inadequate or incomplete, (ii)
23 scientific or technical disagreements with the
24 applicant, USEPA, or other local, state, or federal
25 agencies involved in the permitting approval process,
26 (iii) public opposition to the permit, or (iv) Agency

1 staffing shortages. To the extent practicable, the
2 tracking report shall provide approximate dates when
3 cause for delay was identified by the Agency, when the
4 Agency informed the applicant of the problem leading
5 to the delay, and when the applicant remedied the
6 reason for the delay.

7 (r) Upon the request of the applicant, the Agency shall
8 notify the applicant of the permit analyst assigned to the
9 application upon its receipt.

10 (s) The Agency is authorized to prepare and distribute
11 guidance documents relating to its administration of this
12 Section and procedural rules implementing this Section.
13 Guidance documents prepared under this subsection shall not be
14 considered rules and shall not be subject to the Illinois
15 Administrative Procedure Act. Such guidance shall not be
16 binding on any party.

17 (t) Except as otherwise prohibited by federal law or
18 regulation, any person submitting an application for a permit
19 may include with the application suggested permit language for
20 Agency consideration. The Agency is not obligated to use the
21 suggested language or any portion thereof in its permitting
22 decision. If requested by the permit applicant, the Agency
23 shall meet with the applicant to discuss the suggested
24 language.

25 (u) If requested by the permit applicant, the Agency shall
26 provide the permit applicant with a copy of the draft permit

1 prior to any public review period.

2 (v) If requested by the permit applicant, the Agency shall
3 provide the permit applicant with a copy of the final permit
4 prior to its issuance.

5 (w) An air pollution permit shall not be required due to
6 emissions of greenhouse gases, as specified by Section 9.15 of
7 this Act.

8 (x) If, before the expiration of a State operating permit
9 that is issued pursuant to subsection (a) of this Section and
10 contains federally enforceable conditions limiting the
11 potential to emit of the source to a level below the major
12 source threshold for that source so as to exclude the source
13 from the Clean Air Act Permit Program, the Agency receives a
14 complete application for the renewal of that permit, then all
15 of the terms and conditions of the permit shall remain in
16 effect until final administrative action has been taken on the
17 application for the renewal of the permit.

18 (y) The Agency may issue permits exclusively under this
19 subsection to persons owning or operating a CCR surface
20 impoundment subject to Section 22.59.

21 (z) If a mass animal mortality event is declared by the
22 Department of Agriculture in accordance with the Animal
23 Mortality Act:

24 (1) the owner or operator responsible for the disposal
25 of dead animals is exempted from the following:

26 (i) obtaining a permit for the construction,

1 installation, or operation of any type of facility or
2 equipment issued in accordance with subsection (a) of
3 this Section;

4 (ii) obtaining a permit for open burning in
5 accordance with the rules adopted by the Board; and

6 (iii) registering the disposal of dead animals as
7 an eligible small source with the Agency in accordance
8 with Section 9.14 of this Act;

9 (2) as applicable, the owner or operator responsible
10 for the disposal of dead animals is required to obtain the
11 following permits:

12 (i) an NPDES permit in accordance with subsection
13 (b) of this Section;

14 (ii) a PSD permit or an NA NSR permit in accordance
15 with Section 9.1 of this Act;

16 (iii) a lifetime State operating permit or a
17 federally enforceable State operating permit, in
18 accordance with subsection (a) of this Section; or

19 (iv) a CAAPP permit, in accordance with Section
20 39.5 of this Act.

21 All CCR surface impoundment permits shall contain those
22 terms and conditions, including, but not limited to, schedules
23 of compliance, which may be required to accomplish the
24 purposes and provisions of this Act, Board regulations, the
25 Illinois Groundwater Protection Act and regulations pursuant
26 thereto, and the Resource Conservation and Recovery Act and

1 regulations pursuant thereto, and may include schedules for
2 achieving compliance therewith as soon as possible.

3 The Board shall adopt filing requirements and procedures
4 that are necessary and appropriate for the issuance of CCR
5 surface impoundment permits and that are consistent with this
6 Act or regulations adopted by the Board, and with the RCRA, as
7 amended, and regulations pursuant thereto.

8 The applicant shall make available to the public for
9 inspection all documents submitted by the applicant to the
10 Agency in furtherance of an application, with the exception of
11 trade secrets, on its public internet website as well as at the
12 office of the county board or governing body of the
13 municipality where CCR from the CCR surface impoundment will
14 be permanently disposed. Such documents may be copied upon
15 payment of the actual cost of reproduction during regular
16 business hours of the local office.

17 The Agency shall issue a written statement concurrent with
18 its grant or denial of the permit explaining the basis for its
19 decision.

20 (Source: P.A. 101-171, eff. 7-30-19; 102-216, eff. 1-1-22;
21 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

22 (Text of Section after amendment by P.A. 104-458)

23 Sec. 39. Issuance of permits; procedures.

24 (a) When the Board has by regulation required a permit for
25 the construction, installation, or operation of any type of

1 facility, equipment, vehicle, vessel, or aircraft, the
2 applicant shall apply to the Agency for such permit and it
3 shall be the duty of the Agency to issue such a permit upon
4 proof by the applicant that the facility, equipment, vehicle,
5 vessel, or aircraft will not cause a violation of this Act or
6 of regulations hereunder. The Agency shall adopt such
7 procedures as are necessary to carry out its duties under this
8 Section. In making its determinations on permit applications
9 under this Section the Agency may consider prior adjudications
10 of noncompliance with this Act by the applicant that involved
11 a release of a contaminant into the environment. In granting
12 permits, the Agency may impose reasonable conditions
13 specifically related to the applicant's past compliance
14 history with this Act as necessary to correct, detect, or
15 prevent noncompliance. The Agency may impose such other
16 conditions as may be necessary to accomplish the purposes of
17 this Act, and as are not inconsistent with the regulations
18 promulgated by the Board hereunder. Except as otherwise
19 provided in this Act, a bond or other security shall not be
20 required as a condition for the issuance of a permit. If the
21 Agency denies any permit under this Section, the Agency shall
22 transmit to the applicant within the time limitations of this
23 Section specific, detailed statements as to the reasons the
24 permit application was denied. Such statements shall include,
25 but not be limited to, the following:

26 (i) the Sections of this Act which may be violated if

1 the permit were granted;

2 (ii) the provision of the regulations, promulgated
3 under this Act, which may be violated if the permit were
4 granted;

5 (iii) the specific type of information, if any, which
6 the Agency deems the applicant did not provide the Agency;
7 and

8 (iv) a statement of specific reasons why the Act and
9 the regulations might not be met if the permit were
10 granted.

11 If there is no final action by the Agency within 90 days
12 after the filing of the application for permit, the applicant
13 may deem the permit issued; except that this time period shall
14 be extended to 180 days when (1) notice and opportunity for
15 public hearing are required by State or federal law or
16 regulation, (2) the application which was filed is for any
17 permit to develop a landfill subject to issuance pursuant to
18 this subsection, or (3) the application that was filed is for a
19 MSWLF unit required to issue public notice under subsection
20 (p) of Section 39. The 90-day and 180-day time periods for the
21 Agency to take final action do not apply to NPDES permit
22 applications under subsection (b) of this Section, to RCRA
23 permit applications under subsection (d) of this Section, to
24 UIC permit applications under subsection (e) of this Section,
25 or to CCR surface impoundment applications under subsection
26 (y) of this Section.

1 The Agency shall publish notice of all final permit
2 determinations for development permits for MSWLF units and for
3 significant permit modifications for lateral expansions for
4 existing MSWLF units one time in a newspaper of general
5 circulation in the county in which the unit is or is proposed
6 to be located.

7 After January 1, 1994 and until July 1, 1998, operating
8 permits issued under this Section by the Agency for sources of
9 air pollution permitted to emit less than 25 tons per year of
10 any combination of regulated air pollutants, as defined in
11 Section 39.5 of this Act, shall be required to be renewed only
12 upon written request by the Agency consistent with applicable
13 provisions of this Act and regulations promulgated hereunder.
14 Such operating permits shall expire 180 days after the date of
15 such a request. The Board shall revise its regulations for the
16 existing State air pollution operating permit program
17 consistent with this provision by January 1, 1994.

18 After June 30, 1998, operating permits issued under this
19 Section by the Agency for sources of air pollution that are not
20 subject to Section 39.5 of this Act and are not required to
21 have a federally enforceable State operating permit shall be
22 required to be renewed only upon written request by the Agency
23 consistent with applicable provisions of this Act and its
24 rules. Such operating permits shall expire 180 days after the
25 date of such a request. Before July 1, 1998, the Board shall
26 revise its rules for the existing State air pollution

1 operating permit program consistent with this paragraph and
2 shall adopt rules that require a source to demonstrate that it
3 qualifies for a permit under this paragraph.

4 Each air pollution construction permit for diesel powered
5 backup generators to a source that is a data center, as defined
6 in subsection (c) of Section 605-1025 of the Department of
7 Commerce and Economic Opportunity Law of the Civil
8 Administrative Code of Illinois, that is applied for 6 months
9 after the effective date of this amendatory Act of the 104th
10 General Assembly and that is required to have a federally
11 enforceable State operating permit or a Clean Air Act Permit
12 Program permit shall, in addition to any other applicable
13 requirements, require each backup generator to: (i) meet
14 standards at least as protective as Tier 4 standards for
15 non-road diesel engines set out by the United States
16 Environmental Protection Agency in 40 CFR 1039, as it exists
17 on the effective date of this amendatory Act of the 104th
18 General Assembly, and (ii) operate solely as an emergency or
19 standby unit in accordance with 35 Ill. Adm. Code 211.1920, as
20 it exists on the effective date of this amendatory Act of the
21 104th General Assembly. If a diesel powered backup generator
22 becomes out of compliance with the Tier 4 standards for
23 non-road compression-ignition engines during a power outage,
24 the backup generator may (1) continue to operate for up to 24
25 sequential hours after becoming noncompliant with the Tier 4
26 standards or (2) operate when compliance is achieved.

1 Notwithstanding any provision of law to the contrary,
2 operation of the backup generator for up to 24 sequential
3 hours after becoming noncompliant with the Tier 4 standards
4 shall not be considered a violation of the permit.

5 Each air pollution construction permit for natural gas
6 powered backup generators for a source that is a data center,
7 as defined in subsection (c) of Section 605-1025 of the
8 Department of Commerce and Economic Opportunity Law of the
9 Civil Administrative Code of Illinois, that is applied for 6
10 months after the effective date of this amendatory Act of the
11 104th General Assembly and that is required to have a
12 federally enforceable State operating permit or a Clean Air
13 Act Permit Program permit shall, in addition to any other
14 applicable requirements, require each backup generator to: (i)
15 meet standards at least as protective as Tier 2 standards for
16 non-road large spark-ignition engines set out by the United
17 States Environmental Protection Agency in 40 CFR 1048, as it
18 exists on the effective date of this amendatory Act of the
19 104th General Assembly, and (ii) operate solely as an
20 emergency or standby unit in accordance with 35 Ill. Adm. Code
21 211.1920, as it exists on the effective date of this
22 amendatory Act of the 104th General Assembly. If a natural gas
23 powered backup generator becomes out of compliance with the
24 Tier 2 standards for non-road large spark-ignition engines
25 during a power outage, the backup generator may (1) continue
26 to operate for up to 24 sequential hours after becoming

1 noncompliant with the Tier 2 standards or (2) operate when
2 compliance is achieved. Notwithstanding any provision of law
3 to the contrary, operation of the backup generator for up to 24
4 sequential hours after becoming noncompliant with the Tier 2
5 standards shall not be considered a violation of the permit.

6 (b) The Agency may issue NPDES permits exclusively under
7 this subsection for the discharge of contaminants from point
8 sources into navigable waters, all as defined in the Federal
9 Water Pollution Control Act, as now or hereafter amended,
10 within the jurisdiction of the State, or into any well.

11 All NPDES permits shall contain those terms and
12 conditions, including, but not limited to, schedules of
13 compliance, which may be required to accomplish the purposes
14 and provisions of this Act. All NPDES permits authorizing a
15 discharge from a facility designated by the Agency and the
16 USEPA as a major facility, shall require, at a minimum, for
17 publicly owned treatment works require periodic sampling of
18 influent, effluent, and biosolids for all perfluoroalkyl and
19 polyfluoroalkyl substances for which there are accredited
20 wastewater analytical methods and for all of the facilities,
21 periodic effluent sampling for all perfluoroalkyl and
22 polyfluoroalkyl substances for which there are accredited
23 wastewater analytical methods.

24 The Agency may issue general NPDES permits for discharges
25 from categories of point sources which are subject to the same
26 permit limitations and conditions. Such general permits may be

1 issued without individual applications and shall conform to
2 regulations promulgated under Section 402 of the Federal Water
3 Pollution Control Act, as now or hereafter amended.

4 The Agency may include, among such conditions, effluent
5 limitations and other requirements established under this Act,
6 Board regulations, the Federal Water Pollution Control Act, as
7 now or hereafter amended, and regulations pursuant thereto,
8 and schedules for achieving compliance therewith at the
9 earliest reasonable date.

10 The Agency shall adopt filing requirements and procedures
11 which are necessary and appropriate for the issuance of NPDES
12 permits, and which are consistent with the Act or regulations
13 adopted by the Board, and with the Federal Water Pollution
14 Control Act, as now or hereafter amended, and regulations
15 pursuant thereto. The Agency shall require any NPDES permit
16 application for a discharge of wastewater that has potential
17 to contain perfluoroalkyl and polyfluoroalkyl substances to
18 fully characterize the discharge through sample results for
19 all perfluoroalkyl and polyfluoroalkyl substances for which
20 there are accredited wastewater analytical methods.

21 The Agency, subject to any conditions which may be
22 prescribed by Board regulations, may issue NPDES permits to
23 allow discharges beyond deadlines established by this Act or
24 by regulations of the Board without the requirement of a
25 variance, subject to the Federal Water Pollution Control Act,
26 as now or hereafter amended, and regulations pursuant thereto.

1 (c) Except for those facilities owned or operated by
2 sanitary districts organized under the Metropolitan Water
3 Reclamation District Act, no permit for the development or
4 construction of a new pollution control facility may be
5 granted by the Agency unless the applicant submits proof to
6 the Agency that the location of the facility has been approved
7 by the county board of the county if in an unincorporated area,
8 or the governing body of the municipality when in an
9 incorporated area, in which the facility is to be located in
10 accordance with Section 39.2 of this Act. For purposes of this
11 subsection (c), and for purposes of Section 39.2 of this Act,
12 the appropriate county board or governing body of the
13 municipality shall be the county board of the county or the
14 governing body of the municipality in which the facility is to
15 be located as of the date when the application for siting
16 approval is filed.

17 In the event that siting approval granted pursuant to
18 Section 39.2 has been transferred to a subsequent owner or
19 operator, that subsequent owner or operator may apply to the
20 Agency for, and the Agency may grant, a development or
21 construction permit for the facility for which local siting
22 approval was granted. Upon application to the Agency for a
23 development or construction permit by that subsequent owner or
24 operator, the permit applicant shall cause written notice of
25 the permit application to be served upon the appropriate
26 county board or governing body of the municipality that

1 granted siting approval for that facility and upon any party
2 to the siting proceeding pursuant to which siting approval was
3 granted. In that event, the Agency shall conduct an evaluation
4 of the subsequent owner or operator's prior experience in
5 waste management operations in the manner conducted under
6 subsection (i) of Section 39 of this Act.

7 Beginning August 20, 1993, if the pollution control
8 facility consists of a hazardous or solid waste disposal
9 facility for which the proposed site is located in an
10 unincorporated area of a county with a population of less than
11 100,000 and includes all or a portion of a parcel of land that
12 was, on April 1, 1993, adjacent to a municipality having a
13 population of less than 5,000, then the local siting review
14 required under this subsection (c) in conjunction with any
15 permit applied for after that date shall be performed by the
16 governing body of that adjacent municipality rather than the
17 county board of the county in which the proposed site is
18 located; and for the purposes of that local siting review, any
19 references in this Act to the county board shall be deemed to
20 mean the governing body of that adjacent municipality;
21 provided, however, that the provisions of this paragraph shall
22 not apply to any proposed site which was, on April 1, 1993,
23 owned in whole or in part by another municipality.

24 In the case of a pollution control facility for which a
25 development permit was issued before November 12, 1981, if an
26 operating permit has not been issued by the Agency prior to

1 August 31, 1989 for any portion of the facility, then the
2 Agency may not issue or renew any development permit nor issue
3 an original operating permit for any portion of such facility
4 unless the applicant has submitted proof to the Agency that
5 the location of the facility has been approved by the
6 appropriate county board or municipal governing body pursuant
7 to Section 39.2 of this Act.

8 After January 1, 1994, if a solid waste disposal facility,
9 any portion for which an operating permit has been issued by
10 the Agency, has not accepted waste disposal for 5 or more
11 consecutive calendar years, before that facility may accept
12 any new or additional waste for disposal, the owner and
13 operator must obtain a new operating permit under this Act for
14 that facility unless the owner and operator have applied to
15 the Agency for a permit authorizing the temporary suspension
16 of waste acceptance. The Agency may not issue a new operation
17 permit under this Act for the facility unless the applicant
18 has submitted proof to the Agency that the location of the
19 facility has been approved or re-approved by the appropriate
20 county board or municipal governing body under Section 39.2 of
21 this Act after the facility ceased accepting waste.

22 Except for those facilities owned or operated by sanitary
23 districts organized under the Metropolitan Water Reclamation
24 District Act, and except for new pollution control facilities
25 governed by Section 39.2, and except for fossil fuel mining
26 facilities, the granting of a permit under this Act shall not

1 relieve the applicant from meeting and securing all necessary
2 zoning approvals from the unit of government having zoning
3 jurisdiction over the proposed facility.

4 Before beginning construction on any new sewage treatment
5 plant or sludge drying site to be owned or operated by a
6 sanitary district organized under the Metropolitan Water
7 Reclamation District Act for which a new permit (rather than
8 the renewal or amendment of an existing permit) is required,
9 such sanitary district shall hold a public hearing within the
10 municipality within which the proposed facility is to be
11 located, or within the nearest community if the proposed
12 facility is to be located within an unincorporated area, at
13 which information concerning the proposed facility shall be
14 made available to the public, and members of the public shall
15 be given the opportunity to express their views concerning the
16 proposed facility.

17 The Agency may issue a permit for a municipal waste
18 transfer station without requiring approval pursuant to
19 Section 39.2 provided that the following demonstration is
20 made:

21 (1) the municipal waste transfer station was in
22 existence on or before January 1, 1979 and was in
23 continuous operation from January 1, 1979 to January 1,
24 1993;

25 (2) the operator submitted a permit application to the
26 Agency to develop and operate the municipal waste transfer

1 station during April of 1994;

2 (3) the operator can demonstrate that the county board
3 of the county, if the municipal waste transfer station is
4 in an unincorporated area, or the governing body of the
5 municipality, if the station is in an incorporated area,
6 does not object to resumption of the operation of the
7 station; and

8 (4) the site has local zoning approval.

9 (d) The Agency may issue RCRA permits exclusively under
10 this subsection to persons owning or operating a facility for
11 the treatment, storage, or disposal of hazardous waste as
12 defined under this Act. Subsection (y) of this Section, rather
13 than this subsection (d), shall apply to permits issued for
14 CCR surface impoundments.

15 All RCRA permits shall contain those terms and conditions,
16 including, but not limited to, schedules of compliance, which
17 may be required to accomplish the purposes and provisions of
18 this Act. The Agency may include among such conditions
19 standards and other requirements established under this Act,
20 Board regulations, the Resource Conservation and Recovery Act
21 of 1976 (P.L. 94-580), as amended, and regulations pursuant
22 thereto, and may include schedules for achieving compliance
23 therewith as soon as possible. The Agency shall require that a
24 performance bond or other security be provided as a condition
25 for the issuance of a RCRA permit.

26 In the case of a permit to operate a hazardous waste or PCB

1 incinerator as defined in subsection (k) of Section 44, the
2 Agency shall require, as a condition of the permit, that the
3 operator of the facility perform such analyses of the waste to
4 be incinerated as may be necessary and appropriate to ensure
5 the safe operation of the incinerator.

6 The Agency shall adopt filing requirements and procedures
7 which are necessary and appropriate for the issuance of RCRA
8 permits, and which are consistent with the Act or regulations
9 adopted by the Board, and with the Resource Conservation and
10 Recovery Act of 1976 (P.L. 94-580), as amended, and
11 regulations pursuant thereto.

12 The applicant shall make available to the public for
13 inspection all documents submitted by the applicant to the
14 Agency in furtherance of an application, with the exception of
15 trade secrets, at the office of the county board or governing
16 body of the municipality. Such documents may be copied upon
17 payment of the actual cost of reproduction during regular
18 business hours of the local office. The Agency shall issue a
19 written statement concurrent with its grant or denial of the
20 permit explaining the basis for its decision.

21 (e) The Agency may issue UIC permits exclusively under
22 this subsection to persons owning or operating a facility for
23 the underground injection of contaminants as defined under
24 this Act.

25 All UIC permits shall contain those terms and conditions,
26 including, but not limited to, schedules of compliance, which

1 may be required to accomplish the purposes and provisions of
2 this Act. The Agency may include among such conditions
3 standards and other requirements established under this Act,
4 Board regulations, the Safe Drinking Water Act (P.L. 93-523),
5 as amended, and regulations pursuant thereto, and may include
6 schedules for achieving compliance therewith. The Agency shall
7 require that a performance bond or other security be provided
8 as a condition for the issuance of a UIC permit.

9 The Agency shall adopt filing requirements and procedures
10 which are necessary and appropriate for the issuance of UIC
11 permits, and which are consistent with the Act or regulations
12 adopted by the Board, and with the Safe Drinking Water Act
13 (P.L. 93-523), as amended, and regulations pursuant thereto.

14 The applicant shall make available to the public for
15 inspection all documents submitted by the applicant to the
16 Agency in furtherance of an application, with the exception of
17 trade secrets, at the office of the county board or governing
18 body of the municipality. Such documents may be copied upon
19 payment of the actual cost of reproduction during regular
20 business hours of the local office. The Agency shall issue a
21 written statement concurrent with its grant or denial of the
22 permit explaining the basis for its decision.

23 (f) In making any determination pursuant to Section 9.1 of
24 this Act:

25 (1) The Agency shall have authority to make the
26 determination of any question required to be determined by

1 the Clean Air Act, as now or hereafter amended, this Act,
2 or the regulations of the Board, including the
3 determination of the Lowest Achievable Emission Rate,
4 Maximum Achievable Control Technology, or Best Available
5 Control Technology, consistent with the Board's
6 regulations, if any.

7 (2) The Agency shall adopt requirements as necessary
8 to implement public participation procedures, including,
9 but not limited to, public notice, comment, and an
10 opportunity for hearing, which must accompany the
11 processing of applications for PSD permits. The Agency
12 shall briefly describe and respond to all significant
13 comments on the draft permit raised during the public
14 comment period or during any hearing. The Agency may group
15 related comments together and provide one unified response
16 for each issue raised.

17 (3) Any complete permit application submitted to the
18 Agency under this subsection for a PSD permit shall be
19 granted or denied by the Agency not later than one year
20 after the filing of such completed application.

21 (4) The Agency shall, after conferring with the
22 applicant, give written notice to the applicant of its
23 proposed decision on the application, including the terms
24 and conditions of the permit to be issued and the facts,
25 conduct, or other basis upon which the Agency will rely to
26 support its proposed action.

1 (g) The Agency shall include as conditions upon all
2 permits issued for hazardous waste disposal sites such
3 restrictions upon the future use of such sites as are
4 reasonably necessary to protect public health and the
5 environment, including permanent prohibition of the use of
6 such sites for purposes which may create an unreasonable risk
7 of injury to human health or to the environment. After
8 administrative and judicial challenges to such restrictions
9 have been exhausted, the Agency shall file such restrictions
10 of record in the Office of the Recorder of the county in which
11 the hazardous waste disposal site is located.

12 (h) A hazardous waste stream may not be deposited in a
13 permitted hazardous waste site unless specific authorization
14 is obtained from the Agency by the generator and disposal site
15 owner and operator for the deposit of that specific hazardous
16 waste stream. The Agency may grant specific authorization for
17 disposal of hazardous waste streams only after the generator
18 has reasonably demonstrated that, considering technological
19 feasibility and economic reasonableness, the hazardous waste
20 cannot be reasonably recycled for reuse, nor incinerated or
21 chemically, physically, or biologically treated so as to
22 neutralize the hazardous waste and render it nonhazardous. In
23 granting authorization under this Section, the Agency may
24 impose such conditions as may be necessary to accomplish the
25 purposes of the Act and are consistent with this Act and
26 regulations promulgated by the Board hereunder. If the Agency

1 refuses to grant authorization under this Section, the
2 applicant may appeal as if the Agency refused to grant a
3 permit, pursuant to the provisions of subsection (a) of
4 Section 40 of this Act. For purposes of this subsection (h),
5 the term "generator" has the meaning given in Section 3.205 of
6 this Act, unless: (1) the hazardous waste is treated,
7 incinerated, or partially recycled for reuse prior to
8 disposal, in which case the last person who treats,
9 incinerates, or partially recycles the hazardous waste prior
10 to disposal is the generator; or (2) the hazardous waste is
11 from a response action, in which case the person performing
12 the response action is the generator. This subsection (h) does
13 not apply to any hazardous waste that is restricted from land
14 disposal under 35 Ill. Adm. Code 728.

15 (i) Before issuing any RCRA permit, any permit for a waste
16 storage site, sanitary landfill, waste disposal site, waste
17 transfer station, waste treatment facility, waste incinerator,
18 or any waste-transportation operation, any permit or interim
19 authorization for a clean construction or demolition debris
20 fill operation, or any permit required under subsection (d-5)
21 of Section 55, the Agency shall conduct an evaluation of the
22 prospective owner's or operator's prior experience in waste
23 management operations, clean construction or demolition debris
24 fill operations, and tire storage site management. The Agency
25 may deny such a permit, or deny or revoke interim
26 authorization, if the prospective owner or operator or any

1 employee or officer of the prospective owner or operator has a
2 history of:

3 (1) repeated violations of federal, State, or local
4 laws, regulations, standards, or ordinances in the
5 operation of waste management facilities or sites, clean
6 construction or demolition debris fill operation
7 facilities or sites, or tire storage sites; or

8 (2) conviction in this or another State of any crime
9 which is a felony under the laws of this State, or
10 conviction of a felony in a federal court; or conviction
11 in this or another state or federal court of any of the
12 following crimes: forgery, official misconduct, bribery,
13 perjury, or knowingly submitting false information under
14 any environmental law, regulation, or permit term or
15 condition; or

16 (3) proof of gross carelessness or incompetence in
17 handling, storing, processing, transporting, or disposing
18 of waste, clean construction or demolition debris, or used
19 or waste tires, or proof of gross carelessness or
20 incompetence in using clean construction or demolition
21 debris as fill.

22 (i-5) Before issuing any permit or approving any interim
23 authorization for a clean construction or demolition debris
24 fill operation in which any ownership interest is transferred
25 between January 1, 2005, and the effective date of the
26 prohibition set forth in Section 22.52 of this Act, the Agency

1 shall conduct an evaluation of the operation if any previous
2 activities at the site or facility may have caused or allowed
3 contamination of the site. It shall be the responsibility of
4 the owner or operator seeking the permit or interim
5 authorization to provide to the Agency all of the information
6 necessary for the Agency to conduct its evaluation. The Agency
7 may deny a permit or interim authorization if previous
8 activities at the site may have caused or allowed
9 contamination at the site, unless such contamination is
10 authorized under any permit issued by the Agency.

11 (j) The issuance under this Act of a permit to engage in
12 the surface mining of any resources other than fossil fuels
13 shall not relieve the permittee from its duty to comply with
14 any applicable local law regulating the commencement,
15 location, or operation of surface mining facilities.

16 (k) A development permit issued under subsection (a) of
17 Section 39 for any facility or site which is required to have a
18 permit under subsection (d) of Section 21 shall expire at the
19 end of 2 calendar years from the date upon which it was issued,
20 unless within that period the applicant has taken action to
21 develop the facility or the site. In the event that review of
22 the conditions of the development permit is sought pursuant to
23 Section 40 or 41, or permittee is prevented from commencing
24 development of the facility or site by any other litigation
25 beyond the permittee's control, such two-year period shall be
26 deemed to begin on the date upon which such review process or

1 litigation is concluded.

2 (1) No permit shall be issued by the Agency under this Act
3 for construction or operation of any facility or site located
4 within the boundaries of any setback zone established pursuant
5 to this Act, where such construction or operation is
6 prohibited.

7 (m) The Agency may issue permits to persons owning or
8 operating a facility for composting landscape waste. In
9 granting such permits, the Agency may impose such conditions
10 as may be necessary to accomplish the purposes of this Act, and
11 as are not inconsistent with applicable regulations
12 promulgated by the Board. Except as otherwise provided in this
13 Act, a bond or other security shall not be required as a
14 condition for the issuance of a permit. If the Agency denies
15 any permit pursuant to this subsection, the Agency shall
16 transmit to the applicant within the time limitations of this
17 subsection specific, detailed statements as to the reasons the
18 permit application was denied. Such statements shall include
19 but not be limited to the following:

20 (1) the Sections of this Act that may be violated if
21 the permit were granted;

22 (2) the specific regulations promulgated pursuant to
23 this Act that may be violated if the permit were granted;

24 (3) the specific information, if any, the Agency deems
25 the applicant did not provide in its application to the
26 Agency; and

1 (4) a statement of specific reasons why the Act and
2 the regulations might be violated if the permit were
3 granted.

4 If no final action is taken by the Agency within 90 days
5 after the filing of the application for permit, the applicant
6 may deem the permit issued. Any applicant for a permit may
7 waive the 90-day limitation by filing a written statement with
8 the Agency.

9 The Agency shall issue permits for such facilities upon
10 receipt of an application that includes a legal description of
11 the site, a topographic map of the site drawn to the scale of
12 200 feet to the inch or larger, a description of the operation,
13 including the area served, an estimate of the volume of
14 materials to be processed, and documentation that:

15 (1) the facility includes a setback of at least 200
16 feet from the nearest potable water supply well;

17 (2) the facility is located outside the boundary of
18 the 10-year floodplain or the site will be floodproofed;

19 (3) the facility is located so as to minimize
20 incompatibility with the character of the surrounding
21 area, including at least a 200 foot setback from any
22 residence, and in the case of a facility that is developed
23 or the permitted composting area of which is expanded
24 after November 17, 1991, the composting area is located at
25 least 1/8 mile from the nearest residence (other than a
26 residence located on the same property as the facility);

1 (4) the design of the facility will prevent any
2 compost material from being placed within 5 feet of the
3 water table, will adequately control runoff from the site,
4 and will collect and manage any leachate that is generated
5 on the site;

6 (5) the operation of the facility will include
7 appropriate dust and odor control measures, limitations on
8 operating hours, appropriate noise control measures for
9 shredding, chipping and similar equipment, management
10 procedures for composting, containment and disposal of
11 non-compostable wastes, procedures to be used for
12 terminating operations at the site, and recordkeeping
13 sufficient to document the amount of materials received,
14 composted, and otherwise disposed of; and

15 (6) the operation will be conducted in accordance with
16 any applicable rules adopted by the Board.

17 The Agency shall issue renewable permits of not longer
18 than 10 years in duration for the composting of landscape
19 wastes, as defined in Section 3.155 of this Act, based on the
20 above requirements.

21 The operator of any facility permitted under this
22 subsection (m) must submit a written annual statement to the
23 Agency on or before April 1 of each year that includes an
24 estimate of the amount of material, in tons, received for
25 composting.

26 (n) The Agency shall issue permits jointly with the

1 Department of Transportation for the dredging or deposit of
2 material in Lake Michigan in accordance with Section 18 of the
3 Rivers, Lakes, and Streams Act.

4 (o) (Blank).

5 (p) (1) Any person submitting an application for a permit
6 for a new MSWLF unit or for a lateral expansion under
7 subsection (t) of Section 21 of this Act for an existing MSWLF
8 unit that has not received and is not subject to local siting
9 approval under Section 39.2 of this Act shall publish notice
10 of the application in a newspaper of general circulation in
11 the county in which the MSWLF unit is or is proposed to be
12 located. The notice must be published at least 15 days before
13 submission of the permit application to the Agency. The notice
14 shall state the name and address of the applicant, the
15 location of the MSWLF unit or proposed MSWLF unit, the nature
16 and size of the MSWLF unit or proposed MSWLF unit, the nature
17 of the activity proposed, the probable life of the proposed
18 activity, the date the permit application will be submitted,
19 and a statement that persons may file written comments with
20 the Agency concerning the permit application within 30 days
21 after the filing of the permit application unless the time
22 period to submit comments is extended by the Agency.

23 When a permit applicant submits information to the Agency
24 to supplement a permit application being reviewed by the
25 Agency, the applicant shall not be required to reissue the
26 notice under this subsection.

1 (2) The Agency shall accept written comments concerning
2 the permit application that are postmarked no later than 30
3 days after the filing of the permit application, unless the
4 time period to accept comments is extended by the Agency.

5 (3) Each applicant for a permit described in part (1) of
6 this subsection shall file a copy of the permit application
7 with the county board or governing body of the municipality in
8 which the MSWLF unit is or is proposed to be located at the
9 same time the application is submitted to the Agency. The
10 permit application filed with the county board or governing
11 body of the municipality shall include all documents submitted
12 to or to be submitted to the Agency, except trade secrets as
13 determined under Section 7.1 of this Act. The permit
14 application and other documents on file with the county board
15 or governing body of the municipality shall be made available
16 for public inspection during regular business hours at the
17 office of the county board or the governing body of the
18 municipality and may be copied upon payment of the actual cost
19 of reproduction.

20 (q) Within 6 months after July 12, 2011 (the effective
21 date of Public Act 97-95), the Agency, in consultation with
22 the regulated community, shall develop a web portal to be
23 posted on its website for the purpose of enhancing review and
24 promoting timely issuance of permits required by this Act. At
25 a minimum, the Agency shall make the following information
26 available on the web portal:

1 (1) Checklists and guidance relating to the completion
2 of permit applications, developed pursuant to subsection
3 (s) of this Section, which may include, but are not
4 limited to, existing instructions for completing the
5 applications and examples of complete applications. As the
6 Agency develops new checklists and develops guidance, it
7 shall supplement the web portal with those materials.

8 (2) Within 2 years after July 12, 2011 (the effective
9 date of Public Act 97-95), permit application forms or
10 portions of permit applications that can be completed and
11 saved electronically, and submitted to the Agency
12 electronically with digital signatures.

13 (3) Within 2 years after July 12, 2011 (the effective
14 date of Public Act 97-95), an online tracking system where
15 an applicant may review the status of its pending
16 application, including the name and contact information of
17 the permit analyst assigned to the application. Until the
18 online tracking system has been developed, the Agency
19 shall post on its website semi-annual permitting
20 efficiency tracking reports that include statistics on the
21 timeframes for Agency action on the following types of
22 permits received after July 12, 2011 (the effective date
23 of Public Act 97-95): air construction permits, new NPDES
24 permits and associated water construction permits, and
25 modifications of major NPDES permits and associated water
26 construction permits. The reports must be posted by

1 February 1 and August 1 each year and shall include:

2 (A) the number of applications received for each
3 type of permit, the number of applications on which
4 the Agency has taken action, and the number of
5 applications still pending; and

6 (B) for those applications where the Agency has
7 not taken action in accordance with the timeframes set
8 forth in this Act, the date the application was
9 received and the reasons for any delays, which may
10 include, but shall not be limited to, (i) the
11 application being inadequate or incomplete, (ii)
12 scientific or technical disagreements with the
13 applicant, USEPA, or other local, state, or federal
14 agencies involved in the permitting approval process,
15 (iii) public opposition to the permit, or (iv) Agency
16 staffing shortages. To the extent practicable, the
17 tracking report shall provide approximate dates when
18 cause for delay was identified by the Agency, when the
19 Agency informed the applicant of the problem leading
20 to the delay, and when the applicant remedied the
21 reason for the delay.

22 (r) Upon the request of the applicant, the Agency shall
23 notify the applicant of the permit analyst assigned to the
24 application upon its receipt.

25 (s) The Agency is authorized to prepare and distribute
26 guidance documents relating to its administration of this

1 Section and procedural rules implementing this Section.
2 Guidance documents prepared under this subsection shall not be
3 considered rules and shall not be subject to the Illinois
4 Administrative Procedure Act. Such guidance shall not be
5 binding on any party.

6 (t) Except as otherwise prohibited by federal law or
7 regulation, any person submitting an application for a permit
8 may include with the application suggested permit language for
9 Agency consideration. The Agency is not obligated to use the
10 suggested language or any portion thereof in its permitting
11 decision. If requested by the permit applicant, the Agency
12 shall meet with the applicant to discuss the suggested
13 language.

14 (u) If requested by the permit applicant, the Agency shall
15 provide the permit applicant with a copy of the draft permit
16 prior to any public review period.

17 (v) If requested by the permit applicant, the Agency shall
18 provide the permit applicant with a copy of the final permit
19 prior to its issuance.

20 (w) An air pollution permit shall not be required due to
21 emissions of greenhouse gases, as specified by Section 9.15 of
22 this Act.

23 (x) If, before the expiration of a State operating permit
24 that is issued pursuant to subsection (a) of this Section and
25 contains federally enforceable conditions limiting the
26 potential to emit of the source to a level below the major

1 source threshold for that source so as to exclude the source
2 from the Clean Air Act Permit Program, the Agency receives a
3 complete application for the renewal of that permit, then all
4 of the terms and conditions of the permit shall remain in
5 effect until final administrative action has been taken on the
6 application for the renewal of the permit.

7 (y) The Agency may issue permits exclusively under this
8 subsection to persons owning or operating a CCR surface
9 impoundment subject to Section 22.59.

10 (z) If a mass animal mortality event is declared by the
11 Department of Agriculture in accordance with the Animal
12 Mortality Act:

13 (1) the owner or operator responsible for the disposal
14 of dead animals is exempted from the following:

15 (i) obtaining a permit for the construction,
16 installation, or operation of any type of facility or
17 equipment issued in accordance with subsection (a) of
18 this Section;

19 (ii) obtaining a permit for open burning in
20 accordance with the rules adopted by the Board; and

21 (iii) registering the disposal of dead animals as
22 an eligible small source with the Agency in accordance
23 with Section 9.14 of this Act;

24 (2) as applicable, the owner or operator responsible
25 for the disposal of dead animals is required to obtain the
26 following permits:

1 (i) an NPDES permit in accordance with subsection
2 (b) of this Section;

3 (ii) a PSD permit or an NA NSR permit in accordance
4 with Section 9.1 of this Act;

5 (iii) a lifetime State operating permit or a
6 federally enforceable State operating permit, in
7 accordance with subsection (a) of this Section; or

8 (iv) a CAAPP permit, in accordance with Section
9 39.5 of this Act.

10 All CCR surface impoundment permits shall contain those
11 terms and conditions, including, but not limited to, schedules
12 of compliance, which may be required to accomplish the
13 purposes and provisions of this Act, Board regulations, the
14 Illinois Groundwater Protection Act and regulations pursuant
15 thereto, and the Resource Conservation and Recovery Act and
16 regulations pursuant thereto, and may include schedules for
17 achieving compliance therewith as soon as possible.

18 The Board shall adopt filing requirements and procedures
19 that are necessary and appropriate for the issuance of CCR
20 surface impoundment permits and that are consistent with this
21 Act or regulations adopted by the Board, and with the RCRA, as
22 amended, and regulations pursuant thereto.

23 The applicant shall make available to the public for
24 inspection all documents submitted by the applicant to the
25 Agency in furtherance of an application, with the exception of
26 trade secrets, on its public internet website as well as at the

1 office of the county board or governing body of the
2 municipality where CCR from the CCR surface impoundment will
3 be permanently disposed. Such documents may be copied upon
4 payment of the actual cost of reproduction during regular
5 business hours of the local office.

6 The Agency shall issue a written statement concurrent with
7 its grant or denial of the permit explaining the basis for its
8 decision.

9 (Source: P.A. 104-458, eff. 6-1-26.)

10 (415 ILCS 5/39.16 new)

11 Sec. 39.16. Requirement to sample sludges and biosolids
12 for perfluoroalkyl and polyfluoroalkyl substances.

13 (a) The purpose of this Section is to provide for the
14 sampling for perfluoroalkyl and polyfluoroalkyl substances of
15 any sludge or biosolid that is land applied pursuant to a
16 permit issued by the Agency.

17 (b) The Agency shall not issue any permit required under
18 subsection (b) of Section 12 for the land application of a
19 sludge or biosolid unless the application includes sample
20 results for the sludge or biosolid for all perfluoroalkyl and
21 polyfluoroalkyl substances for which there are accredited
22 wastewater analytical methods.

23 (c) Any permit required under subsection (b) of Section 12
24 issued by the Agency for the land application of a sludge or
25 biosolid shall require, at a minimum, periodic sampling of the

1 sludge or biosolid for all perfluoroalkyl and polyfluoroalkyl
2 substances for which there are accredited wastewater
3 analytical methods.

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.