



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1596

Introduced 2/4/2025, by Sen. Sally J. Turner

SYNOPSIS AS INTRODUCED:

| | |
|---------------------|-----------------------------|
| 415 ILCS 5/21 | from Ch. 111 1/2, par. 1021 |
| 415 ILCS 5/42 | from Ch. 111 1/2, par. 1042 |
| 415 ILCS 5/52.6 new | |

Amends the Environmental Protection Act. In a provision regarding prohibited acts, provides that no person shall operate a commercial wind energy facility in a manner that causes, threatens, or allows the release of oil, lubricant, hydraulic fluid, transformer solvent, insulation fluid, cleaning fluid, or any other similar fluid from the commercial wind energy facility. Requires any fluid released in violation of this prohibition to be remediated. Provides that any person who violates this prohibition shall, for each day of violation, be liable for a civil penalty of \$1,000 for a first offense and \$10,000 for a second or subsequent offense. Provides for a 100% reduction in penalty for a person who self-discloses noncompliance with this provision. Directs the owner or operator of a commercial wind energy facility to annually register with the Agency in the form and manner prescribed by the Agency. Specifies that the owners and operators of a commercial wind energy facility have an affirmative duty to cover all remediation and response expenses that are incurred as a result of the operation of a commercial wind energy facility in a manner that causes, threatens, or allows the release of oil, lubricant, hydraulic fluid, transformer solvent, insulation fluid, cleaning fluid, or any other similar fluid. Grants the Agency rulemaking powers.

LRB104 10926 BDA 21008 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 Sections 21 and 42 and adding Section 52.6 as
6 follows:

7 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

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

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

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

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

1 regulations and standards adopted thereunder; provided,
2 however, that, except for municipal solid waste landfill
3 units that receive waste on or after October 9, 1993, and
4 CCR surface impoundments, no permit shall be required for
5 (i) any person conducting a waste-storage,
6 waste-treatment, or waste-disposal operation for wastes
7 generated by such person's own activities which are
8 stored, treated, or disposed within the site where such
9 wastes are generated, (ii) until one year after the
10 effective date of rules adopted by the Board under
11 subsection (n) of Section 22.38, a facility located in a
12 county with a population over 700,000 as of January 1,
13 2000, operated and located in accordance with Section
14 22.38 of this Act, and used exclusively for the transfer,
15 storage, or treatment of general construction or
16 demolition debris, provided that the facility was
17 receiving construction or demolition debris on August 24,
18 2009 (the effective date of Public Act 96-611), or (iii)
19 any person conducting a waste transfer, storage,
20 treatment, or disposal operation, including, but not
21 limited to, a waste transfer or waste composting
22 operation, under a mass animal mortality event plan
23 created by the Department of Agriculture;

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

26 (3) which receives waste after August 31, 1988, does

1 not have a permit issued by the Agency, and is (i) a
2 landfill used exclusively for the disposal of waste
3 generated at the site, (ii) a surface impoundment
4 receiving special waste not listed in an NPDES permit,
5 (iii) a waste pile in which the total volume of waste is
6 greater than 100 cubic yards or the waste is stored for
7 over one year, or (iv) a land treatment facility receiving
8 special waste generated at the site; without giving notice
9 of the operation to the Agency by January 1, 1989, or 30
10 days after the date on which the operation commences,
11 whichever is later, and every 3 years thereafter. The form
12 for such notification shall be specified by the Agency,
13 and shall be limited to information regarding: the name
14 and address of the location of the operation; the type of
15 operation; the types and amounts of waste stored, treated
16 or disposed of on an annual basis; the remaining capacity
17 of the operation; and the remaining expected life of the
18 operation.

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

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

26 (e) Dispose, treat, store or abandon any waste, or

1 transport any waste into this State for disposal, treatment,
2 storage or abandonment, except at a site or facility which
3 meets the requirements of this Act and of regulations and
4 standards thereunder.

5 (f) Conduct any hazardous waste-storage, hazardous
6 waste-treatment or hazardous waste-disposal operation:

7 (1) without a RCRA permit for the site issued by the
8 Agency under subsection (d) of Section 39 of this Act, or
9 in violation of any condition imposed by such permit,
10 including periodic reports and full access to adequate
11 records and the inspection of facilities, as may be
12 necessary to assure compliance with this Act and with
13 regulations and standards adopted thereunder; or

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

16 (3) in violation of any RCRA permit filing requirement
17 established under standards adopted by the Board under
18 this Act; or

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

21 Notwithstanding the above, no RCRA permit shall be
22 required under this subsection or subsection (d) of Section 39
23 of this Act for any person engaged in agricultural activity
24 who is disposing of a substance which has been identified as a
25 hazardous waste, and which has been designated by Board
26 regulations as being subject to this exception, if the

1 substance was acquired for use by that person on his own
2 property and the substance is disposed of on his own property
3 in accordance with regulations or standards adopted by the
4 Board.

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

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

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

11 (h) Conduct any hazardous waste-recycling or hazardous
12 waste-reclamation or hazardous waste-reuse operation in
13 violation of any regulations, standards or permit requirements
14 adopted by the Board under this Act.

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

19 (j) Conduct any special waste-transportation operation in
20 violation of any regulations, standards or permit requirements
21 adopted by the Board under this Act. However, sludge from a
22 water or sewage treatment plant owned and operated by a unit of
23 local government which (1) is subject to a sludge management
24 plan approved by the Agency or a permit granted by the Agency,
25 and (2) has been tested and determined not to be a hazardous
26 waste as required by applicable State and federal laws and

1 regulations, may be transported in this State without a
2 special waste hauling permit, and the preparation and carrying
3 of a manifest shall not be required for such sludge under the
4 rules of the Pollution Control Board. The unit of local
5 government which operates the treatment plant producing such
6 sludge shall file an annual report with the Agency identifying
7 the volume of such sludge transported during the reporting
8 period, the hauler of the sludge, and the disposal sites to
9 which it was transported. This subsection (j) shall not apply
10 to hazardous waste.

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

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

26 (m) Transfer interest in any land which has been used as a

1 hazardous waste disposal site without written notification to
2 the Agency of the transfer and to the transferee of the
3 conditions imposed by the Agency upon its use under subsection
4 (g) of Section 39.

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

8 (o) Conduct a sanitary landfill operation which is
9 required to have a permit under subsection (d) of this
10 Section, in a manner which results in any of the following
11 conditions:

12 (1) refuse in standing or flowing waters;

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

14 (3) leachate flows exiting the landfill confines (as
15 determined by the boundaries established for the landfill
16 by a permit issued by the Agency);

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

19 (5) uncovered refuse remaining from any previous
20 operating day or at the conclusion of any operating day,
21 unless authorized by permit;

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

24 (7) acceptance of wastes without necessary permits;

25 (8) scavenging as defined by Board regulations;

26 (9) deposition of refuse in any unpermitted portion of

1 the landfill;

2 (10) acceptance of a special waste without a required
3 manifest;

4 (11) failure to submit reports required by permits or
5 Board regulations;

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

8 (13) failure to submit any cost estimate for the site
9 or any performance bond or other security for the site as
10 required by this Act or Board rules.

11 The prohibitions specified in this subsection (o) shall be
12 enforceable by the Agency either by administrative citation
13 under Section 31.1 of this Act or as otherwise provided by this
14 Act. The specific prohibitions in this subsection do not limit
15 the power of the Board to establish regulations or standards
16 applicable to sanitary landfills.

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

20 (1) litter;

21 (2) scavenging;

22 (3) open burning;

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

24 (5) proliferation of disease vectors;

25 (6) standing or flowing liquid discharge from the dump
26 site;

1 (7) deposition of:

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

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

6 The prohibitions specified in this subsection (p) shall be
7 enforceable by the Agency either by administrative citation
8 under Section 31.1 of this Act or as otherwise provided by this
9 Act. The specific prohibitions in this subsection do not limit
10 the power of the Board to establish regulations or standards
11 applicable to open dumping.

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

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

19 (1.5) conducting a landscape waste composting
20 operation that (i) has no more than 25 cubic yards of
21 landscape waste, composting additives, composting
22 material, or end-product compost on-site at any one time
23 and (ii) is not engaging in commercial activity; or

24 (2) applying landscape waste or composted landscape
25 waste at agronomic rates; or

26 (2.5) operating a landscape waste composting facility

1 at a site having 10 or more occupied non-farm residences
2 within 1/2 mile of its boundaries, if the facility meets
3 all of the following criteria:

4 (A) the composting facility is operated by the
5 farmer on property on which the composting material is
6 utilized, and the composting facility constitutes no
7 more than 2% of the site's total acreage;

8 (A-5) any composting additives that the composting
9 facility accepts and uses at the facility are
10 necessary to provide proper conditions for composting
11 and do not exceed 10% of the total composting material
12 at the facility at any one time;

13 (B) the property on which the composting facility
14 is located, and any associated property on which the
15 compost is used, is principally and diligently devoted
16 to the production of agricultural crops and is not
17 owned, leased, or otherwise controlled by any waste
18 hauler or generator of nonagricultural compost
19 materials, and the operator of the composting facility
20 is not an employee, partner, shareholder, or in any
21 way connected with or controlled by any such waste
22 hauler or generator;

23 (C) all compost generated by the composting
24 facility, except incidental sales of finished compost,
25 is applied at agronomic rates and used as mulch,
26 fertilizer, or soil conditioner on land actually

1 farmed by the person operating the composting
2 facility, and the finished compost is not stored at
3 the composting site for a period longer than 18 months
4 prior to its application as mulch, fertilizer, or soil
5 conditioner;

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

8 (E) the owner or operator, by January 1, 2014 (or
9 the January 1 following commencement of operation,
10 whichever is later) and January 1 of each year
11 thereafter, registers the site with the Agency, (ii)
12 reports to the Agency on the volume of composting
13 material received and used at the site; (iii)
14 certifies to the Agency that the site complies with
15 the requirements set forth in subparagraphs (A),
16 (A-5), (B), (C), and (D) of this paragraph (2.5); and
17 (iv) certifies to the Agency that all composting
18 material was placed more than 200 feet from the
19 nearest potable water supply well, was placed outside
20 the boundary of the 10-year floodplain or on a part of
21 the site that is floodproofed, was placed at least 1/4
22 mile from the nearest residence (other than a
23 residence located on the same property as the
24 facility) or a lesser distance from the nearest
25 residence (other than a residence located on the same
26 property as the facility) if the municipality in which

1 the facility is located has by ordinance approved a
2 lesser distance than 1/4 mile, and was placed more
3 than 5 feet above the water table; any ordinance
4 approving a residential setback of less than 1/4 mile
5 that is used to meet the requirements of this
6 subparagraph (E) of paragraph (2.5) of this subsection
7 must specifically reference this paragraph; or

8 (3) operating a landscape waste composting facility on
9 a farm, if the facility meets all of the following
10 criteria:

11 (A) the composting facility is operated by the
12 farmer on property on which the composting material is
13 utilized, and the composting facility constitutes no
14 more than 2% of the property's total acreage, except
15 that the Board may allow a higher percentage for
16 individual sites where the owner or operator has
17 demonstrated to the Board that the site's soil
18 characteristics or crop needs require a higher rate;

19 (A-1) the composting facility accepts from other
20 agricultural operations for composting with landscape
21 waste no materials other than uncontaminated and
22 source-separated (i) crop residue and other
23 agricultural plant residue generated from the
24 production and harvesting of crops and other customary
25 farm practices, including, but not limited to, stalks,
26 leaves, seed pods, husks, bagasse, and roots and (ii)

1 plant-derived animal bedding, such as straw or
2 sawdust, that is free of manure and was not made from
3 painted or treated wood;

4 (A-2) any composting additives that the composting
5 facility accepts and uses at the facility are
6 necessary to provide proper conditions for composting
7 and do not exceed 10% of the total composting material
8 at the facility at any one time;

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

19 (C) all compost generated by the composting
20 facility, except incidental sales of finished compost,
21 is applied at agronomic rates and used as mulch,
22 fertilizer or soil conditioner on land actually farmed
23 by the person operating the composting facility, and
24 the finished compost is not stored at the composting
25 site for a period longer than 18 months prior to its
26 application as mulch, fertilizer, or soil conditioner;

1 (D) the owner or operator, by January 1 of each
2 year, (i) registers the site with the Agency, (ii)
3 reports to the Agency on the volume of composting
4 material received and used at the site and the volume
5 of material comprising the incidental sale of finished
6 compost under this subsection (q), (iii) certifies to
7 the Agency that the site complies with the
8 requirements set forth in subparagraphs (A), (A-1),
9 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)
10 certifies to the Agency that all composting material:

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

13 (II) was placed outside the boundary of the
14 10-year floodplain or on a part of the site that is
15 floodproofed;

16 (III) was placed either (aa) at least 1/4 mile
17 from the nearest residence (other than a residence
18 located on the same property as the facility) and
19 there are not more than 10 occupied non-farm
20 residences within 1/2 mile of the boundaries of
21 the site on the date of application or (bb) a
22 lesser distance from the nearest residence (other
23 than a residence located on the same property as
24 the facility) provided that the municipality or
25 county in which the facility is located has by
26 ordinance approved a lesser distance than 1/4 mile

1 and there are not more than 10 occupied non-farm
2 residences within 1/2 mile of the boundaries of
3 the site on the date of application; and

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

6 Any ordinance approving a residential setback of
7 less than 1/4 mile that is used to meet the
8 requirements of this subparagraph (D) must
9 specifically reference this subparagraph.

10 For the purposes of this subsection (q), "agronomic rates"
11 means the application of not more than 20 tons per acre per
12 year, except that the Board may allow a higher rate for
13 individual sites where the owner or operator has demonstrated
14 to the Board that the site's soil characteristics or crop
15 needs require a higher rate.

16 For the purposes of this subsection (q), "incidental sale
17 of finished compost" means the sale of finished compost that
18 meets general use compost standards and is no more than 20% or
19 300 cubic yards, whichever is less, of the total compost
20 created annually by a private landowner for the landowner's
21 own use.

22 (r) Cause or allow the storage or disposal of coal
23 combustion waste unless:

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

1 or

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

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

16 (i) such waste is stored or disposed of in
17 accordance with requirements applicable to refuse
18 disposal under regulations adopted by the Board for
19 mine-related water pollution and pursuant to NPDES and
20 Subtitle D permits issued by the Agency under such
21 regulations; or

22 (ii) the owner or operator of the facility
23 demonstrates all of the following to the Agency, and
24 the facility is operated in accordance with the
25 demonstration as approved by the Agency: (1) the
26 disposal area will be covered in a manner that will

1 support continuous vegetation, (2) the facility will
2 be adequately protected from wind and water erosion,
3 (3) the pH will be maintained so as to prevent
4 excessive leaching of metal ions, and (4) adequate
5 containment or other measures will be provided to
6 protect surface water and groundwater from
7 contamination at levels prohibited by this Act, the
8 Illinois Groundwater Protection Act, or regulations
9 adopted pursuant thereto.

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

18 (s) After April 1, 1989, offer for transportation,
19 transport, deliver, receive or accept special waste for which
20 a manifest is required, unless the manifest indicates that the
21 fee required under Section 22.8 of this Act has been paid.

22 (t) Cause or allow a lateral expansion of a municipal
23 solid waste landfill unit on or after October 9, 1993, without
24 a permit modification, granted by the Agency, that authorizes
25 the lateral expansion.

26 (u) Conduct any vegetable by-product treatment, storage,

1 disposal or transportation operation in violation of any
2 regulation, standards or permit requirements adopted by the
3 Board under this Act. However, no permit shall be required
4 under this Title V for the land application of vegetable
5 by-products conducted pursuant to Agency permit issued under
6 Title III of this Act to the generator of the vegetable
7 by-products. In addition, vegetable by-products may be
8 transported in this State without a special waste hauling
9 permit, and without the preparation and carrying of a
10 manifest.

11 (v) (Blank).

12 (w) Conduct any generation, transportation, or recycling
13 of construction or demolition debris, clean or general, or
14 uncontaminated soil generated during construction, remodeling,
15 repair, and demolition of utilities, structures, and roads
16 that is not commingled with any waste, without the maintenance
17 of documentation identifying the hauler, generator, place of
18 origin of the debris or soil, the weight or volume of the
19 debris or soil, and the location, owner, and operator of the
20 facility where the debris or soil was transferred, disposed,
21 recycled, or treated. This documentation must be maintained by
22 the generator, transporter, or recycler for 3 years. This
23 subsection (w) shall not apply to (1) a permitted pollution
24 control facility that transfers or accepts construction or
25 demolition debris, clean or general, or uncontaminated soil
26 for final disposal, recycling, or treatment, (2) a public

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

25 (y) Inject any carbon dioxide stream produced by a carbon
26 dioxide capture project into a Class II well, as defined by the

1 Board under this Act, or a Class VI well converted from a Class
2 II well, for purposes of enhanced oil or gas recovery,
3 including, but not limited to, the facilitation of enhanced
4 oil or gas recovery from another well.

5 (z) Sell or transport concentrated carbon dioxide stream
6 produced by a carbon dioxide capture project for use in
7 enhanced oil or gas recovery.

8 (aa) Operate a carbon sequestration activity in a manner
9 that causes, threatens, or allows the release of carbon
10 dioxide so as to tend to cause water pollution in this State.

11 (bb) Operate a commercial wind energy facility in a manner
12 that causes, threatens, or allows the release of oil,
13 lubricant, hydraulic fluid, transformer solvent, insulation
14 fluid, cleaning fluid, or any other similar fluid from the
15 commercial wind energy facility. Any fluid released in
16 violation of this subsection (bb) is required to be
17 remediated, including any fluid remaining on the commercial
18 wind turbine before operation of the commercial wind turbine
19 commences.

20 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
21 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-342, eff.
22 1-1-24; 103-651, eff. 7-18-24.)

23 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)
24 Sec. 42. Civil penalties.

25 (a) Except as provided in this Section, any person that

1 violates any provision of this Act or any regulation adopted
2 by the Board, or any permit or term or condition thereof, or
3 that violates any order of the Board pursuant to this Act,
4 shall be liable for a civil penalty of not to exceed \$50,000
5 for the violation and an additional civil penalty of not to
6 exceed \$10,000 for each day during which the violation
7 continues; such penalties may, upon order of the Board or a
8 court of competent jurisdiction, be made payable to the
9 Environmental Protection Trust Fund, to be used in accordance
10 with the provisions of the Environmental Protection Trust Fund
11 Act.

12 (b) Notwithstanding the provisions of subsection (a) of
13 this Section:

14 (1) Any person that violates Section 12(f) of this Act
15 or any NPDES permit or term or condition thereof, or any
16 filing requirement, regulation or order relating to the
17 NPDES permit program, shall be liable to a civil penalty
18 of not to exceed \$10,000 per day of violation.

19 (2) Any person that violates Section 12(g) of this Act
20 or any UIC permit or term or condition thereof, or any
21 filing requirement, regulation or order relating to the
22 State UIC program for all wells, except Class II wells as
23 defined by the Board under this Act, shall be liable to a
24 civil penalty not to exceed \$2,500 per day of violation;
25 provided, however, that any person who commits such
26 violations relating to the State UIC program for Class II

1 wells, as defined by the Board under this Act, shall be
2 liable to a civil penalty of not to exceed \$10,000 for the
3 violation and an additional civil penalty of not to exceed
4 \$1,000 for each day during which the violation continues.

5 (3) Any person that violates Sections 21(f), 21(g),
6 21(h) or 21(i) of this Act, or any RCRA permit or term or
7 condition thereof, or any filing requirement, regulation
8 or order relating to the State RCRA program, shall be
9 liable to a civil penalty of not to exceed \$25,000 per day
10 of violation.

11 (4) In an administrative citation action under Section
12 31.1 of this Act, any person found to have violated any
13 provision of subsection (o) of Section 21 of this Act
14 shall pay a civil penalty of \$500 for each violation of
15 each such provision, plus any hearing costs incurred by
16 the Board and the Agency. Such penalties shall be made
17 payable to the Environmental Protection Trust Fund, to be
18 used in accordance with the provisions of the
19 Environmental Protection Trust Fund Act; except that if a
20 unit of local government issued the administrative
21 citation, 50% of the civil penalty shall be payable to the
22 unit of local government.

23 (4-5) In an administrative citation action under
24 Section 31.1 of this Act, any person found to have
25 violated any provision of subsection (p) of Section 21,
26 Section 22.38, Section 22.51, Section 22.51a, or

1 subsection (k) of Section 55 of this Act shall pay a civil
2 penalty of \$1,500 for each violation of each such
3 provision, plus any hearing costs incurred by the Board
4 and the Agency, except that the civil penalty amount shall
5 be \$3,000 for each violation of any provision of
6 subsection (p) of Section 21, Section 22.38, Section
7 22.51, Section 22.51a, or subsection (k) of Section 55
8 that is the person's second or subsequent adjudication
9 violation of that provision. The penalties shall be
10 deposited into the Environmental Protection Trust Fund, to
11 be used in accordance with the provisions of the
12 Environmental Protection Trust Fund Act; except that if a
13 unit of local government issued the administrative
14 citation, 50% of the civil penalty shall be payable to the
15 unit of local government.

16 (5) Any person who violates subsection 6 of Section
17 39.5 of this Act or any CAAPP permit, or term or condition
18 thereof, or any fee or filing requirement, or any duty to
19 allow or carry out inspection, entry or monitoring
20 activities, or any regulation or order relating to the
21 CAAPP shall be liable for a civil penalty not to exceed
22 \$10,000 per day of violation.

23 (6) Any owner or operator of a community water system
24 that violates subsection (b) of Section 18.1 or subsection
25 (a) of Section 25d-3 of this Act shall, for each day of
26 violation, be liable for a civil penalty not to exceed \$5

1 for each of the premises connected to the affected
2 community water system.

3 (7) Any person who violates Section 52.5 of this Act
4 shall be liable for a civil penalty of up to \$1,000 for the
5 first violation of that Section and a civil penalty of up
6 to \$2,500 for a second or subsequent violation of that
7 Section.

8 (8) Any person who violates subsection (bb) of Section
9 21 of this Act shall, for each day of violation, be liable
10 for a civil penalty of \$1,000 for every wind turbine
11 operating in violation of subsection (bb) of Section 21
12 for a first offense and \$10,000 for every wind turbine
13 operating in violation of subsection (bb) of Section 21
14 for a second or subsequent offense.

15 (b.5) In lieu of the penalties set forth in subsections
16 (a) and (b) of this Section, any person who fails to file, in a
17 timely manner, toxic chemical release forms with the Agency
18 pursuant to Section 25b-2 of this Act shall be liable for a
19 civil penalty of \$100 per day for each day the forms are late,
20 not to exceed a maximum total penalty of \$6,000. This daily
21 penalty shall begin accruing on the thirty-first day after the
22 date that the person receives the warning notice issued by the
23 Agency pursuant to Section 25b-6 of this Act; and the penalty
24 shall be paid to the Agency. The daily accrual of penalties
25 shall cease as of January 1 of the following year. All
26 penalties collected by the Agency pursuant to this subsection

1 shall be deposited into the Environmental Protection Permit
2 and Inspection Fund.

3 (c) Any person that violates this Act, any rule or
4 regulation adopted under this Act, any permit or term or
5 condition of a permit, or any Board order and causes the death
6 of fish or aquatic life shall, in addition to the other
7 penalties provided by this Act, be liable to pay to the State
8 an additional sum for the reasonable value of the fish or
9 aquatic life destroyed. Any money so recovered shall be placed
10 in the Wildlife and Fish Fund in the State Treasury.

11 (d) The penalties provided for in this Section may be
12 recovered in a civil action.

13 (e) The State's Attorney of the county in which the
14 violation occurred, or the Attorney General, may, at the
15 request of the Agency or on his own motion, institute a civil
16 action for an injunction, prohibitory or mandatory, to
17 restrain violations of this Act, any rule or regulation
18 adopted under this Act, any permit or term or condition of a
19 permit, or any Board order, or to require such other actions as
20 may be necessary to address violations of this Act, any rule or
21 regulation adopted under this Act, any permit or term or
22 condition of a permit, or any Board order.

23 (f) The State's Attorney of the county in which the
24 violation occurred, or the Attorney General, shall bring such
25 actions in the name of the people of the State of Illinois.
26 Without limiting any other authority which may exist for the

1 awarding of attorney's fees and costs, the Board or a court of
2 competent jurisdiction may award costs and reasonable
3 attorney's fees, including the reasonable costs of expert
4 witnesses and consultants, to the State's Attorney or the
5 Attorney General in a case where he has prevailed against a
6 person who has committed a willful, knowing, or repeated
7 violation of this Act, any rule or regulation adopted under
8 this Act, any permit or term or condition of a permit, or any
9 Board order.

10 Any funds collected under this subsection (f) in which the
11 Attorney General has prevailed shall be deposited in the
12 Hazardous Waste Fund created in Section 22.2 of this Act. Any
13 funds collected under this subsection (f) in which a State's
14 Attorney has prevailed shall be retained by the county in
15 which he serves.

16 (g) All final orders imposing civil penalties pursuant to
17 this Section shall prescribe the time for payment of such
18 penalties. If any such penalty is not paid within the time
19 prescribed, interest on such penalty at the rate set forth in
20 subsection (a) of Section 1003 of the Illinois Income Tax Act,
21 shall be paid for the period from the date payment is due until
22 the date payment is received. However, if the time for payment
23 is stayed during the pendency of an appeal, interest shall not
24 accrue during such stay.

25 (h) In determining the appropriate civil penalty to be
26 imposed under subdivisions (a), (b)(1), (b)(2), (b)(3),

1 (b) (5), (b) (6), ~~or~~ (b) (7), or (b) (8) of this Section, the
2 Board is authorized to consider any matters of record in
3 mitigation or aggravation of penalty, including, but not
4 limited to, the following factors:

5 (1) the duration and gravity of the violation;

6 (2) the presence or absence of due diligence on the
7 part of the respondent in attempting to comply with
8 requirements of this Act and regulations thereunder or to
9 secure relief therefrom as provided by this Act;

10 (3) any economic benefits accrued by the respondent
11 because of delay in compliance with requirements, in which
12 case the economic benefits shall be determined by the
13 lowest cost alternative for achieving compliance;

14 (4) the amount of monetary penalty which will serve to
15 deter further violations by the respondent and to
16 otherwise aid in enhancing voluntary compliance with this
17 Act by the respondent and other persons similarly subject
18 to the Act;

19 (5) the number, proximity in time, and gravity of
20 previously adjudicated violations of this Act by the
21 respondent;

22 (6) whether the respondent voluntarily self-disclosed,
23 in accordance with subsection (i) of this Section, the
24 non-compliance to the Agency;

25 (7) whether the respondent has agreed to undertake a
26 "supplemental environmental project", which means an

1 environmentally beneficial project that a respondent
2 agrees to undertake in settlement of an enforcement action
3 brought under this Act, but which the respondent is not
4 otherwise legally required to perform; and

5 (8) whether the respondent has successfully completed
6 a Compliance Commitment Agreement under subsection (a) of
7 Section 31 of this Act to remedy the violations that are
8 the subject of the complaint.

9 In determining the appropriate civil penalty to be imposed
10 under subsection (a) or paragraph (1), (2), (3), (5), (6), ~~or~~
11 (7), or (8) of subsection (b) of this Section, the Board shall
12 ensure, in all cases, that the penalty is at least as great as
13 the economic benefits, if any, accrued by the respondent as a
14 result of the violation, unless the Board finds that
15 imposition of such penalty would result in an arbitrary or
16 unreasonable financial hardship. However, such civil penalty
17 may be off-set in whole or in part pursuant to a supplemental
18 environmental project agreed to by the complainant and the
19 respondent.

20 (i) A person who voluntarily self-discloses non-compliance
21 to the Agency, of which the Agency had been unaware, is
22 entitled to a 100% reduction in the portion of the penalty that
23 is not based on the economic benefit of non-compliance if the
24 person can establish the following:

25 (1) that either the regulated entity is a small entity
26 or the non-compliance was discovered through an

1 environmental audit or a compliance management system
2 documented by the regulated entity as reflecting the
3 regulated entity's due diligence in preventing, detecting,
4 and correcting violations;

5 (2) that the non-compliance was disclosed in writing
6 within 30 days of the date on which the person discovered
7 it;

8 (3) that the non-compliance was discovered and
9 disclosed prior to:

10 (i) the commencement of an Agency inspection,
11 investigation, or request for information;

12 (ii) notice of a citizen suit;

13 (iii) the filing of a complaint by a citizen, the
14 Illinois Attorney General, or the State's Attorney of
15 the county in which the violation occurred;

16 (iv) the reporting of the non-compliance by an
17 employee of the person without that person's
18 knowledge; or

19 (v) imminent discovery of the non-compliance by
20 the Agency;

21 (4) that the non-compliance is being corrected and any
22 environmental harm is being remediated in a timely
23 fashion;

24 (5) that the person agrees to prevent a recurrence of
25 the non-compliance;

26 (6) that no related non-compliance events have

1 occurred in the past 3 years at the same facility or in the
2 past 5 years as part of a pattern at multiple facilities
3 owned or operated by the person;

4 (7) that the non-compliance did not result in serious
5 actual harm or present an imminent and substantial
6 endangerment to human health or the environment or violate
7 the specific terms of any judicial or administrative order
8 or consent agreement;

9 (8) that the person cooperates as reasonably requested
10 by the Agency after the disclosure; and

11 (9) that the non-compliance was identified voluntarily
12 and not through a monitoring, sampling, or auditing
13 procedure that is required by statute, rule, permit,
14 judicial or administrative order, or consent agreement.

15 If a person can establish all of the elements under this
16 subsection except the element set forth in paragraph (1) of
17 this subsection, the person is entitled to a 75% reduction in
18 the portion of the penalty that is not based upon the economic
19 benefit of non-compliance.

20 For the purposes of this subsection (i), "small entity"
21 has the same meaning as in Section 221 of the federal Small
22 Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C.
23 601).

24 (j) In addition to any other remedy or penalty that may
25 apply, whether civil or criminal, any person who violates
26 Section 22.52 of this Act shall be liable for an additional

1 civil penalty of up to 3 times the gross amount of any
2 pecuniary gain resulting from the violation.

3 (k) In addition to any other remedy or penalty that may
4 apply, whether civil or criminal, any person who violates
5 subdivision (a) (7.6) of Section 31 of this Act shall be liable
6 for an additional civil penalty of \$2,000.

7 (l) A person who voluntarily self-discloses non-compliance
8 with subsection (bb) of Section 21 of this Act to the Agency,
9 of which the Agency had been unaware, is entitled to a 100%
10 reduction in the portion of the penalty under this Section if
11 the person can establish the following:

12 (1) that the non-compliance was disclosed in writing
13 within 7 days of the date on which the person discovered
14 it;

15 (2) that the non-compliance was discovered and
16 disclosed prior to:

17 (i) the commencement of an Agency inspection,
18 investigation, or request for information;

19 (ii) notice of a citizen suit;

20 (iii) the filing of a complaint by a citizen, the
21 Illinois Attorney General, or the State's Attorney of
22 the county in which the violation occurred;

23 (iv) the reporting of the non-compliance by an
24 employee of the person without that person's
25 knowledge; or

26 (v) imminent discovery of the non-compliance by

1 the Agency;

2 (3) that the non-compliance is being corrected and any
3 environmental harm is being remediated in a timely
4 fashion, including the removal of any fluid described in
5 subsection (bb) of Section 21 that remains on the outer
6 surface of the commercial wind turbine;

7 (4) that the person agrees to prevent a recurrence of
8 the non-compliance;

9 (5) that no related non-compliance events have
10 occurred in the past 3 years at the same facility or in the
11 past 5 years as part of a pattern at multiple facilities
12 owned or operated by the person;

13 (6) that the non-compliance did not result in serious
14 actual harm or present an imminent and substantial
15 endangerment to human health or the environment or violate
16 the specific terms of any judicial or administrative order
17 or consent agreement;

18 (7) that the person cooperates as reasonably requested
19 by the Agency after the disclosure; and

20 (8) that the non-compliance was identified voluntarily
21 and not through a monitoring, sampling, or auditing
22 procedure that is required by statute, rule, permit,
23 judicial or administrative order, or consent agreement.

24 (Source: P.A. 102-310, eff. 8-6-21.)

25 (415 ILCS 5/52.6 new)

1 Sec. 52.6. Commercial wind energy facilities;
2 registration; duty to remediate.

3 (a) The owner or operator of a commercial wind energy
4 facility, as defined in the Counties Code, shall annually
5 register with the Agency in the form and manner prescribed by
6 the Agency. The registration form used by the Agency shall, at
7 a minimum, require the owners and operators of commercial wind
8 energy facilities to report to the Agency the locations of
9 each of their commercial wind energy facilities in the State
10 and to provide the contact information of the persons who will
11 respond to a complaint regarding an alleged violation of
12 subsection (bb) of Section 21 of this Act at those locations.

13 (b) Notwithstanding any other provision of this Act, the
14 owners and operators of a commercial wind energy facility have
15 an affirmative duty to cover all remediation and response
16 expenses that are incurred as a result of a violation of
17 subsection (bb) of Section 21 of this Act at any commercial
18 wind energy facility that is under their ownership or control.
19 If a person other than the owner or operator of a commercial
20 wind energy facility incurs remediation and response expenses
21 as a result of a violation of subsection (bb) of Section 21 of
22 this Act, then the owner or operator of the commercial wind
23 energy facility shall reimburse that person for the
24 remediation and response expenses that the person incurs as a
25 result of that violation.

26 (c) The Agency may adopt rules to implement and administer

1 this Section.