



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4098**

Introduced 1/16/2020, by Rep. Joyce Mason

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.14a new

Amends the Environmental Protection Act. Requires a landfill located within 1000 feet of the right of way of a township or county road or State or interstate highway to have its operations screened from view by a barrier no less than 8 feet in height. Provides that no part of a landfill may be located closer than 1000 feet from specified buildings unless the owner of the building provides written permission. Preempts home rule. Effective immediately.

LRB101 14900 CPF 63886 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 adding Section 22.14a as follows:

6 (415 ILCS 5/22.14a new)

7 Sec. 22.14a. Landfill setback.

8 (a) A landfill located within 1000 feet of the right of way  
9 of a township or county road or State or interstate highway  
10 must have its operations screened from view by a barrier of  
11 natural objects, fences, barricades, or plants no less than 8  
12 feet in height.

13 (b) No part of a landfill may be located closer than 1000  
14 feet from an occupied dwelling, school, or hospital that was  
15 occupied on the date when the operator first applied for a  
16 permit to develop the landfill, unless the owner of the  
17 dwelling, school, or hospital provides permission to the  
18 operator, in writing, for a closer distance.

19 (c) For purposes of this Section, "landfill" has the same  
20 meaning as defined in Section 22.6 of this Act.

21 (d) The regulation of landfill setbacks is an exclusive  
22 power and function of the State. A home rule unit may not  
23 regulate landfill setbacks. This Section is a denial and

1 limitation of home rule powers and functions under subsection  
2 (h) of Section 6 of Article VII of the Illinois Constitution.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.