



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2027

Introduced 2/15/2019, by Sen. Scott M. Bennett

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/21.7 new  
415 ILCS 55/10 new

Amends the Environmental Protection Act. Codifies the findings and recommendations of the Mahomet Aquifer Task Force established under P.A. 100-0403. Provides that the Environmental Protection Agency shall identify unlined, thinly covered legacy landfills for inspection and study the landfills after prioritizing them based on potential hazards to surface water and groundwater resources. Prescribes required qualifications for Agency inspectors designated to identify and inspect legacy landfills. Provides that the Agency shall collect and archive information about landfills for present and long-term use, including manifests and engineering records. Provides that the Agency shall assemble location information about industries and companies that generate waste and that the resulting records should be available for use as confidential information by regulatory agencies but shall not be subject to the Freedom of Information Act. Amends the Illinois Groundwater Protection Act. Provides that, subject to appropriation, the Agency, in consultation and cooperation with the Illinois State Geological Survey and the Illinois State Water Survey, shall design and implement a Pilot Project at the Pekin Metro Landfill in Tazewell County, to be completed by December 31, 2020. Provides that the Pilot Program shall perform specified tasks.

LRB101 10220 CPF 55324 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 adding Section 21.7 as follows:

6 (415 ILCS 5/21.7 new)

7 Sec. 21.7. Legacy Landfills

8 (a) The purpose of this Section is to enact legislative  
9 recommendations provided by the Mahomet Aquifer Task Force,  
10 established under P.A. 100-0403. The Task Force identified  
11 capped but unregulated or underregulated landfills throughout  
12 the State as potentially hazardous to valuable groundwater  
13 resources.

14 (b) The Agency shall identify unlined, thinly covered  
15 legacy landfills for inspection using existing information  
16 within Agency records, municipalities, counties, solid waste  
17 management associations, companies, corporations, and  
18 individuals.

19 (c) The Agency shall study the legacy landfills identified  
20 in subsection (b) after prioritizing the study of those legacy  
21 landfills based on the potential hazards to surface water and  
22 groundwater resources the landfill poses. The following  
23 factors shall be considered in developing the prioritization:

1           (1) Illinois State Geological Survey data regarding  
2           landfills over unsuitable geology or over shallow  
3           aquifers;

4           (2) Illinois State Geological Survey and Illinois  
5           Environmental Protection Agency data regarding abandoned  
6           landfills; and

7           (3) Illinois State Water Survey, Federal Emergency  
8           Management Agency, and Illinois Emergency Management  
9           Agency data regarding landfills within or in proximity to  
10           100-year floodplains;

11           (4) National Resources Conservation Service, Illinois  
12           State Geological Survey, and Illinois State Water Survey  
13           data regarding landfills near dwellings and private wells.

14           (d) Agency inspectors designated to identify and inspect  
15           legacy landfills are required to have undergone additional  
16           training that incorporates remote sensing, geographic  
17           information systems, and database management to guide field  
18           inspections of all legacy landfills. This training shall  
19           include, but is not limited to:

20           (1) Training on the use of geographic information  
21           systems and remote sensing technology to track defects,  
22           structures, appliances, and wells for routine inspection  
23           and sustainable management for closed landfills.

24           (2) Preparation of georeferenced image maps showing  
25           defects such as depressions, erosion, landslides, barren  
26           areas, leachate seeps, trees, and vegetation anomalies

1       using light detection and ranging, aerial photography, and  
2       image processing and enhancement for use in field  
3       inspections.

4       (e) The Agency shall collect and archive information about  
5       landfills for present and long-term use, including manifests  
6       and engineering records. The Agency shall use its own data  
7       along with the data collected from municipalities, counties,  
8       solid waste management associations, companies, corporations,  
9       and individuals. The records shall be available for use as  
10       confidential information by regulatory agencies, but shall not  
11       be subject to the Freedom of Information Act.

12       (f) The Agency shall further assemble location information  
13       about industries and companies that generate waste, including  
14       from historical processes. The resulting records should be  
15       available for use as confidential information by regulatory  
16       agencies but shall not be subject to the Freedom of Information  
17       Act.

18       (g) For purposes of this Section:

19               (1) "Legacy landfills" means landfills that were  
20               unregulated or underregulated prior to the enactment of  
21               this Act, including landfills without source controls,  
22               groundwater monitoring programs, or effective engineering  
23               controls, also known as dumps.

24       Section 10. The Illinois Groundwater Protection Act is  
25       amended by adding Section 10 as follows:

1 (415 ILCS 55/10 new)

2 Sec. 10. Pekin Metro Landfill Pilot Project.

3 (a) The Mahomet Aquifer Protection Task Force established  
4 under P.A. 100-0403 found that the Pekin Metro Landfill in  
5 Tazewell County is located in a high groundwater recharge area  
6 located along the Mahomet Aquifer and that it may pose a threat  
7 of contaminating the water quality of the aquifer. This finding  
8 was based on evidence that there has been no groundwater  
9 monitoring since 2001 and the groundwater monitoring wells were  
10 likely buried during a 2014 expansion to the landfill's cap.

11 (b) Subject to appropriation, the Agency, in consultation  
12 and cooperation with the Illinois State Geological Survey and  
13 the Illinois State Water Survey, shall design and implement a  
14 Pilot Project at the Pekin Metro Landfill in Tazewell County to  
15 be completed by December 31, 2020. The Pilot Project shall:

16 (1) inspect and identify potential and current  
17 contamination threats to the water quality of the Mahomet  
18 Aquifer from the Pekin Metro Landfill;

19 (2) use geographic information systems and remote  
20 sensing technology to track defects, structures,  
21 appliances, and wells for routine inspection and  
22 sustainable management;

23 (3) remedy groundwater monitoring mechanisms necessary  
24 to initiate a post-closure care period; and

25 (4) utilize the information and data collected from the

1 project to create best management practices for addressing  
2 other legacy landfills throughout the State.

3 (c) As used in this Section, unless the context clearly  
4 requires otherwise:

5 (1) "Best management practices" means those physical,  
6 structural, and managerial practices and prohibitions of  
7 practices that, when used singly or in combination, can  
8 prevent pollution to groundwater and surface water.

9 (2) "High groundwater recharge areas" means areas that  
10 are determined to have a high recharging effect on  
11 groundwater used as a source for potable water and are  
12 vulnerable to contamination from recharge.

13 (3) "Legacy landfills" means landfills that were  
14 unregulated or underregulated prior to the enactment of the  
15 Environmental Protection Act, including landfills without  
16 source controls, groundwater monitoring programs, or  
17 effective engineering controls, also known as dumps.