



Rep. Anna Moeller

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1 AMENDMENT TO HOUSE BILL 4627

2 AMENDMENT NO. _____. Amend House Bill 4627 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 22.15 as follows:

6 (415 ILCS 5/22.15)

7 Sec. 22.15. Solid Waste Management Fund; fees.

8 (a) There is hereby created within the State Treasury a
9 special fund to be known as the Solid Waste Management Fund, to
10 be constituted from the fees collected by the State pursuant
11 to this Section, from repayments of loans made from the Fund
12 for solid waste projects, from registration fees collected
13 pursuant to the Consumer Electronics Recycling Act, from fees
14 collected pursuant to the PFAS Reduction Act, from fees
15 collected under the Paint Stewardship Act, and from amounts
16 transferred into the Fund pursuant to Public Act 100-433.

1 Moneys received by either the Agency or the Department of
2 Commerce and Economic Opportunity in repayment of loans made
3 pursuant to the Illinois Solid Waste Management Act shall be
4 deposited into the General Revenue Fund.

5 (b) The Agency shall assess and collect a fee in the amount
6 set forth herein from the owner or operator of each sanitary
7 landfill permitted or required to be permitted by the Agency
8 to dispose of solid waste if the sanitary landfill is located
9 off the site where such waste was produced and if such sanitary
10 landfill is owned, controlled, and operated by a person other
11 than the generator of such waste. The Agency shall deposit all
12 fees collected into the Solid Waste Management Fund. If a site
13 is contiguous to one or more landfills owned or operated by the
14 same person, the volumes permanently disposed of by each
15 landfill shall be combined for purposes of determining the fee
16 under this subsection. Beginning on July 1, 2018, and on the
17 first day of each month thereafter during fiscal years 2019
18 through 2024, the State Comptroller shall direct and State
19 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
20 per fiscal year from the Solid Waste Management Fund to the
21 General Revenue Fund.

22 (1) If more than 150,000 cubic yards of non-hazardous
23 solid waste is permanently disposed of at a site in a
24 calendar year, the owner or operator shall either pay a
25 fee of 95 cents per cubic yard or, alternatively, the
26 owner or operator may weigh the quantity of the solid

1 waste permanently disposed of with a device for which
2 certification has been obtained under the Weights and
3 Measures Act and pay a fee of \$2.00 per ton of solid waste
4 permanently disposed of. In no case shall the fee
5 collected or paid by the owner or operator under this
6 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

7 (2) If more than 100,000 cubic yards but not more than
8 150,000 cubic yards of non-hazardous waste is permanently
9 disposed of at a site in a calendar year, the owner or
10 operator shall pay a fee of \$52,630.

11 (3) If more than 50,000 cubic yards but not more than
12 100,000 cubic yards of non-hazardous solid waste is
13 permanently disposed of at a site in a calendar year, the
14 owner or operator shall pay a fee of \$23,790.

15 (4) If more than 10,000 cubic yards but not more than
16 50,000 cubic yards of non-hazardous solid waste is
17 permanently disposed of at a site in a calendar year, the
18 owner or operator shall pay a fee of \$7,260.

19 (5) If not more than 10,000 cubic yards of
20 non-hazardous solid waste is permanently disposed of at a
21 site in a calendar year, the owner or operator shall pay a
22 fee of \$1050.

23 (c) (Blank).

24 (d) The Agency shall establish rules relating to the
25 collection of the fees authorized by this Section. Such rules
26 shall include, but not be limited to:

1 (1) necessary records identifying the quantities of
2 solid waste received or disposed;

3 (2) the form and submission of reports to accompany
4 the payment of fees to the Agency;

5 (3) the time and manner of payment of fees to the
6 Agency, which payments shall not be more often than
7 quarterly; and

8 (4) procedures setting forth criteria establishing
9 when an owner or operator may measure by weight or volume
10 during any given quarter or other fee payment period.

11 (e) Pursuant to appropriation, all monies in the Solid
12 Waste Management Fund shall be used by the Agency for the
13 purposes set forth in this Section and in the Illinois Solid
14 Waste Management Act, including for the costs of fee
15 collection and administration, for administration of the Paint
16 Stewardship Act, and for the administration of the Consumer
17 Electronics Recycling Act, the Drug Take-Back Act, ~~and~~ the
18 Statewide Recycling Needs Assessment Act, and the PFAS
19 Reduction Act.

20 (f) The Agency is authorized to enter into such agreements
21 and to promulgate such rules as are necessary to carry out its
22 duties under this Section and the Illinois Solid Waste
23 Management Act.

24 (g) On the first day of January, April, July, and October
25 of each year, beginning on July 1, 1996, the State Comptroller
26 and Treasurer shall transfer \$500,000 from the Solid Waste

1 Management Fund to the Hazardous Waste Fund. Moneys
2 transferred under this subsection (g) shall be used only for
3 the purposes set forth in item (1) of subsection (d) of Section
4 22.2.

5 (h) The Agency is authorized to provide financial
6 assistance to units of local government for the performance of
7 inspecting, investigating, and enforcement activities pursuant
8 to subsection (r) of Section 4 at nonhazardous solid waste
9 disposal sites.

10 (i) The Agency is authorized to conduct household waste
11 collection and disposal programs.

12 (j) A unit of local government, as defined in the Local
13 Solid Waste Disposal Act, in which a solid waste disposal
14 facility is located may establish a fee, tax, or surcharge
15 with regard to the permanent disposal of solid waste. All
16 fees, taxes, and surcharges collected under this subsection
17 shall be utilized for solid waste management purposes,
18 including long-term monitoring and maintenance of landfills,
19 planning, implementation, inspection, enforcement and other
20 activities consistent with the Solid Waste Management Act and
21 the Local Solid Waste Disposal Act, or for any other
22 environment-related purpose, including, but not limited to, an
23 environment-related public works project, but not for the
24 construction of a new pollution control facility other than a
25 household hazardous waste facility. However, the total fee,
26 tax or surcharge imposed by all units of local government

1 under this subsection (j) upon the solid waste disposal
2 facility shall not exceed:

3 (1) 60¢ per cubic yard if more than 150,000 cubic
4 yards of non-hazardous solid waste is permanently disposed
5 of at the site in a calendar year, unless the owner or
6 operator weighs the quantity of the solid waste received
7 with a device for which certification has been obtained
8 under the Weights and Measures Act, in which case the fee
9 shall not exceed \$1.27 per ton of solid waste permanently
10 disposed of.

11 (2) \$33,350 if more than 100,000 cubic yards, but not
12 more than 150,000 cubic yards, of non-hazardous waste is
13 permanently disposed of at the site in a calendar year.

14 (3) \$15,500 if more than 50,000 cubic yards, but not
15 more than 100,000 cubic yards, of non-hazardous solid
16 waste is permanently disposed of at the site in a calendar
17 year.

18 (4) \$4,650 if more than 10,000 cubic yards, but not
19 more than 50,000 cubic yards, of non-hazardous solid waste
20 is permanently disposed of at the site in a calendar year.

21 (5) \$650 if not more than 10,000 cubic yards of
22 non-hazardous solid waste is permanently disposed of at
23 the site in a calendar year.

24 The corporate authorities of the unit of local government
25 may use proceeds from the fee, tax, or surcharge to reimburse a
26 highway commissioner whose road district lies wholly or

1 partially within the corporate limits of the unit of local
2 government for expenses incurred in the removal of
3 nonhazardous, nonfluid municipal waste that has been dumped on
4 public property in violation of a State law or local
5 ordinance.

6 For the disposal of solid waste from general construction
7 or demolition debris recovery facilities as defined in
8 subsection (a-1) of Section 3.160, the total fee, tax, or
9 surcharge imposed by all units of local government under this
10 subsection (j) upon the solid waste disposal facility shall
11 not exceed 50% of the applicable amount set forth above. A unit
12 of local government, as defined in the Local Solid Waste
13 Disposal Act, in which a general construction or demolition
14 debris recovery facility is located may establish a fee, tax,
15 or surcharge on the general construction or demolition debris
16 recovery facility with regard to the permanent disposal of
17 solid waste by the general construction or demolition debris
18 recovery facility at a solid waste disposal facility, provided
19 that such fee, tax, or surcharge shall not exceed 50% of the
20 applicable amount set forth above, based on the total amount
21 of solid waste transported from the general construction or
22 demolition debris recovery facility for disposal at solid
23 waste disposal facilities, and the unit of local government
24 and fee shall be subject to all other requirements of this
25 subsection (j).

26 A county or Municipal Joint Action Agency that imposes a

1 fee, tax, or surcharge under this subsection may use the
2 proceeds thereof to reimburse a municipality that lies wholly
3 or partially within its boundaries for expenses incurred in
4 the removal of nonhazardous, nonfluid municipal waste that has
5 been dumped on public property in violation of a State law or
6 local ordinance.

7 If the fees are to be used to conduct a local sanitary
8 landfill inspection or enforcement program, the unit of local
9 government must enter into a written delegation agreement with
10 the Agency pursuant to subsection (r) of Section 4. The unit of
11 local government and the Agency shall enter into such a
12 written delegation agreement within 60 days after the
13 establishment of such fees. At least annually, the Agency
14 shall conduct an audit of the expenditures made by units of
15 local government from the funds granted by the Agency to the
16 units of local government for purposes of local sanitary
17 landfill inspection and enforcement programs, to ensure that
18 the funds have been expended for the prescribed purposes under
19 the grant.

20 The fees, taxes or surcharges collected under this
21 subsection (j) shall be placed by the unit of local government
22 in a separate fund, and the interest received on the moneys in
23 the fund shall be credited to the fund. The monies in the fund
24 may be accumulated over a period of years to be expended in
25 accordance with this subsection.

26 A unit of local government, as defined in the Local Solid

1 Waste Disposal Act, shall prepare and post on its website, in
2 April of each year, a report that details spending plans for
3 monies collected in accordance with this subsection. The
4 report will at a minimum include the following:

5 (1) The total monies collected pursuant to this
6 subsection.

7 (2) The most current balance of monies collected
8 pursuant to this subsection.

9 (3) An itemized accounting of all monies expended for
10 the previous year pursuant to this subsection.

11 (4) An estimation of monies to be collected for the
12 following 3 years pursuant to this subsection.

13 (5) A narrative detailing the general direction and
14 scope of future expenditures for one, 2 and 3 years.

15 The exemptions granted under Sections 22.16 and 22.16a,
16 and under subsection (k) of this Section, shall be applicable
17 to any fee, tax or surcharge imposed under this subsection
18 (j); except that the fee, tax or surcharge authorized to be
19 imposed under this subsection (j) may be made applicable by a
20 unit of local government to the permanent disposal of solid
21 waste after December 31, 1986, under any contract lawfully
22 executed before June 1, 1986 under which more than 150,000
23 cubic yards (or 50,000 tons) of solid waste is to be
24 permanently disposed of, even though the waste is exempt from
25 the fee imposed by the State under subsection (b) of this
26 Section pursuant to an exemption granted under Section 22.16.

1 (k) In accordance with the findings and purposes of the
2 Illinois Solid Waste Management Act, beginning January 1, 1989
3 the fee under subsection (b) and the fee, tax or surcharge
4 under subsection (j) shall not apply to:

5 (1) waste which is hazardous waste;

6 (2) waste which is pollution control waste;

7 (3) waste from recycling, reclamation or reuse
8 processes which have been approved by the Agency as being
9 designed to remove any contaminant from wastes so as to
10 render such wastes reusable, provided that the process
11 renders at least 50% of the waste reusable; the exemption
12 set forth in this paragraph (3) of this subsection (k)
13 shall not apply to general construction or demolition
14 debris recovery facilities as defined in subsection (a-1)
15 of Section 3.160;

16 (4) non-hazardous solid waste that is received at a
17 sanitary landfill and composted or recycled through a
18 process permitted by the Agency; or

19 (5) any landfill which is permitted by the Agency to
20 receive only demolition or construction debris or
21 landscape waste.

22 (Source: P.A. 102-16, eff. 6-17-21; 102-310, eff. 8-6-21;
23 102-444, eff. 8-20-21; 102-699, eff. 4-19-22; 102-813, eff.
24 5-13-22; 102-1055, eff. 6-10-22; 103-8, eff. 6-7-23; 103-154,
25 eff. 6-30-23; 103-372, eff. 1-1-24; 103-383, eff. 7-28-23;
26 revised 12-15-23.)

1 "Section 10. The PFAS Reduction Act is amended by changing
2 Section 5 and by adding Section 45 as follows:

3 (415 ILCS 170/5)

4 Sec. 5. Definitions. In this Act:

5 "Agency" means the Illinois Environmental Protection
6 Agency.

7 "Class B firefighting foam" means foam designed to
8 extinguish flammable liquid fires or prevent the ignition of
9 flammable liquids.

10 "Fire department" means the duly authorized fire
11 protection organization of a unit of local government, a
12 Regional Fire Protection Agency, a fire protection district,
13 or a volunteer fire department.

14 "Intentionally added PFAS" means PFAS deliberately added
15 during the manufacture of a product where the continued
16 presence of PFAS is desired in the final product, or in one of
17 the product's components, in order to perform a specific
18 function.

19 "Local government" means a unit of local government or
20 other special purpose district that provides firefighting
21 services.

22 "Manufacturer" means a person that manufactures Class B
23 firefighting foam and any agents of that person, including an
24 importer, distributor, authorized servicer, factory branch, or

1 distributor branch.

2 "Perfluoroalkyl substance or polyfluoroalkyl substance" or
3 "PFAS" means a class of fluorinated organic chemicals
4 containing at least one fully fluorinated carbon atom.

5 "Person" means any individual, partnership, association,
6 public or private corporation, limited liability company, or
7 any other type of legal or commercial entity, including, but
8 not limited to, members, managers, partners, directors, or
9 officers.

10 "Testing" means calibration testing, conformance testing,
11 and fixed system testing.

12 "TRI-PFAS" means the chemicals on the list of
13 perfluoroalkyl and polyfluoroalkyl substances set forth in the
14 United States Environmental Protection Agency's Toxic Release
15 Inventory rules, developed under Section 313 of the federal
16 Emergency Planning and Community Right-To-Know Act (EPCRA) and
17 codified in regulations in 40 CFR 372.65, excluding liquid or
18 gaseous fluorocarbon or chlorofluorocarbon products used
19 chiefly as refrigerants. Product or product components
20 containing intentionally added "TRI-PFAS" are limited to those
21 products or product components of clothing, cookware, personal
22 care products, and food packaging.

23 (Source: P.A. 102-290, eff. 8-6-21.)

24 (415 ILCS 170/45 new)

25 Sec. 45. Publicly accessible data collection program.

1 (a) The Agency shall participate, along with other states
2 and governmental entities, in an interstate clearinghouse to
3 promote safer chemicals in consumer products and shall
4 cooperate with the interstate clearinghouse to: (1) organize
5 and manage available data on chemicals, including information
6 on uses, hazards, environmental concerns, safer alternatives,
7 and model policies and programs concerning specific chemicals;
8 (2) provide technical assistance regarding chemical safety to
9 businesses, consumers, and policymakers; (3) establish a data
10 collection interface for use in the manner described in this
11 Section; and (4) undertake any other activities in support of
12 State programs to promote chemical safety.

13 (b) The Agency shall enter into any contracts necessary to
14 implement this Section. To the extent reasonable and feasible,
15 the data collection interface established under subsection (a)
16 shall streamline and facilitate data reporting required by
17 this Section with similar data reporting required by other
18 states and jurisdictions.

19 (c) The Agency may adopt rules necessary to implement this
20 Section.

21 (d) The Agency may provide technical assistance to
22 manufacturers in complying with this Section.

23 (e) The Agency may use rules adopted under subsection (c)
24 or technical assistance provided under subsection (d) to
25 clarify the reporting requirements established under this
26 Section and to ensure that the data collected are not

1 duplicative among the reporting entities.

2 (f) Beginning one year after the implementation of the
3 interstate clearinghouse by at least one other state or
4 government entity outside of this State, a manufacturer of
5 TRI-PFAS or a product or product component containing
6 intentionally added TRI-PFAS that, during the prior calendar
7 year, is sold, offered for sale, distributed, or offered for
8 promotional purposes in, or imported into, the State, if the
9 product is not already registered in the interstate
10 clearinghouse by another State or government entity, such as
11 under Section 1614 of Title 38 of the Maine Revised Statutes or
12 under Section 116.943 of the Minnesota Statutes, shall
13 register the TRI-PFAS or the product or product component
14 containing intentionally added TRI-PFAS on the publicly
15 accessible data collection interface established under
16 subsection (a), along with all of the following information,
17 as applicable:

18 (1) the name and type of product or product component
19 containing intentionally added PFAS;

20 (2) the universal product code of the product or
21 product component containing intentionally added TRI-PFAS;

22 (3) the purpose or function for which the
23 intentionally added TRI-PFAS are used in the product or
24 product component;

25 (4) the identity and a reasonable estimate of the
26 amount of all TRI-PFAS compounds in the product or product

1 component containing intentionally added TRI-PFAS;

2 (5) the amount of the product or product component or
3 the number of products or product components sold,
4 delivered, or imported into the State in the prior
5 calendar year; and

6 (6) the name and address of the manufacturer and the
7 name, address, and phone number of a contact person for
8 the manufacturer. When reporting the identity of a
9 TRI-PFAS compound under paragraph (4), the manufacturer
10 shall provide (i) the brand name of the formulation that
11 contains TRI-PFAS and the name of the manufacturer of the
12 formulation and (ii) the chemical formula or standardized
13 name of the TRI-PFAS compound. When reporting the amount
14 or weight of a TRI-PFAS compound under paragraph (4), the
15 manufacturer shall provide (i) the amount or weight of
16 each intentionally added TRI-PFAS compound or (ii) if the
17 amount or weight of each intentionally added TRI-PFAS
18 compound is not known, the total organic fluorine in the
19 product or product component containing intentionally
20 added TRI-PFAS.

21 (g) A violation of this Section is subject to a civil
22 penalty under Section 35.

23 (h) This Section does not apply to any of the following:

24 (1) a product regulated as a drug, medical device, or
25 dietary supplement by the United States Food and Drug
26 Administration;

1 (2) any medical equipment or product used in medical
2 settings that is regulated by the United States Food and
3 Drug Administration; or

4 (3) a product intended for animals that is regulated
5 as animal drugs, biologics, parasiticides, medical
6 devices, and diagnostics used to treat or are administered
7 to animals under the Federal Food, Drug, and Cosmetic Act,
8 the federal Virus-Serum-Toxin Act, or the Federal
9 Insecticide, Fungicide, and Rodenticide Act.

10 (i) Beginning one year after the implementation of the
11 interstate clearinghouse by at least one other state or
12 government entity outside of this State, each manufacturer
13 required to register under subsection (f) must register with
14 the Agency by: (i) submitting to the Agency a \$5,000
15 registration fee; and (ii) completing and submitting to the
16 Agency the registration form prescribed by the Agency.
17 Information on the registration form shall include the
18 information required in subsection (f). All registration fees
19 collected by the Agency pursuant to this Section shall be
20 deposited into the Solid Waste Management Fund.

21 (j) If, during a program year, any of the manufacturer's
22 covered products or product components containing
23 intentionally added TRI-PFAS are sold or offered for sale in
24 the State under a brand that is not listed in the
25 manufacturer's registration, then, within 30 days after the
26 first sale or offer for sale under that brand, the

1 manufacturer shall amend its registration to add the brand.".