



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB0066

Introduced 1/20/2023, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

New Act  
415 ILCS 5/22.15  
415 ILCS 15/10 rep.

Creates the Truth in Recycling Act. Provides that a person who represents in advertising or on the label or container of a consumer good manufactured or distributed by the person that the consumer good is not harmful to or is beneficial to the natural environment through the use of specified environmental terms, through the use of a chasing arrows symbol, or by otherwise directing a consumer to recycle the consumer good shall maintain in written form in the person's records specified information and documentation supporting the validity of the representation. Requires the information and documentation to be furnished to any member of the public upon request. Provides that a rigid plastic bottle or rigid plastic container sold in the State shall be labeled with a code meeting specified requirements and that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. Contains provisions regarding deceptive or misleading claims about the recyclability of a product or packaging. Contains other provisions. Amends the Environmental Protection Act. Authorizes moneys in the Solid Waste Management Fund to be used by the Environmental Protection Agency to administer the Truth in Recycling Act. Amends the Solid Waste Planning and Recycling Act. Repeals a provision regarding coding for single use plastic bottles and other single use rigid plastic containers with specified capacities.

LRB103 04644 CPF 49652 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 1. Short title. This Act may be cited as the Truth  
5 in Recycling Act.

6 Section 5. Definitions. In this Act:

7 "Agency" means the Illinois Environmental Protection  
8 Agency.

9 "Board" means the Illinois Pollution Control Board  
10 established under the Environmental Protection Act.

11 "Chasing arrows symbol" means an equilateral triangle  
12 formed by 3 arrows curved at their midpoints and depicting a  
13 clockwise path, with a short gap separating the apex of each  
14 arrow from the base of the adjacent arrow. "Chasing arrows  
15 symbol" includes variants of that symbol that are likely to be  
16 interpreted by a consumer as an implication of recyclability,  
17 including, but not limited to, one or more arrows arranged in a  
18 circular pattern or around a globe.

19 "Consumable product" means a commodity that is intended to  
20 be used and not disposed of.

21 "Consumer good" means any article that is used or bought  
22 for use primarily for personal, family, or household purposes.

23 "Consumer good" does not include any food item.

1 "Environmental marketing claim" includes any one or more  
2 of the types of claims described in the "Guides for the Use of  
3 Environmental Marketing Claims" promulgated by the Federal  
4 Trade Commission under the Federal Trade Commission Act and  
5 codified under 16 CFR 260, including, but not limited to,  
6 marketing assertions concerning seals of approval and carbon  
7 offsets and certifications.

8 "Environmental marketing terms" include "environmental  
9 choice", "ecologically friendly", "Earth friendly",  
10 "environmentally friendly", "ecologically sound",  
11 "environmentally sound", "environmentally safe",  
12 "ecologically safe", "environmentally light", "green product",  
13 and any other like term used to imply that a consumer good is  
14 beneficial or not harmful to the natural environment.

15 "Person" means any individual, firm, partnership,  
16 corporation, joint stock company, association, organization,  
17 or other legal equity.

18 "PFAS" means any of the perfluoroalkyl or polyfluoroalkyl  
19 substances included in the United States Environmental  
20 Protection Agency's expanded ToxCast chemical inventory.

21 "Retailer" means any person who engages in the business of  
22 selling consumer goods to retail buyers.

23 "Wholesaler" means any person, other than a retailer, who  
24 sells, resells, or otherwise places a product into the stream  
25 of commerce.

1 Section 10. Representation of consumer goods.

2 (a) A person who represents in advertising for, or on the  
3 label or container of, a consumer good manufactured or  
4 distributed by the person that the consumer good is not  
5 harmful to or is beneficial to the natural environment through  
6 the use of environmental marketing terms or a chasing arrows  
7 symbol or by otherwise directing a consumer to recycle the  
8 consumer good shall maintain in written form in the person's  
9 records and make available to any member of the public upon  
10 request all of the following information and documentation  
11 supporting the validity of the representation:

12 (1) the reasons the person believes the representation  
13 to be true;

14 (2) any significant adverse environmental impact  
15 directly associated with the production, distribution,  
16 use, or disposal of the consumer good;

17 (3) any measure taken by the person to reduce the  
18 environmental impacts directly associated with the  
19 production, distribution, or disposal of the consumer  
20 good;

21 (4) any violation of a federal, State, or local  
22 permit, law, or regulation directly associated with the  
23 production or distribution of the consumer good;

24 (5) a statement regarding whether the assertions made  
25 by the person concerning the consumer good conform to the  
26 standards contained in the Federal Trade Commission's

1 "Guides for the Use of Environmental Marketing Claims" if  
2 such a standard exists for the assertion; and

3 (6) a description of whether the consumer good is  
4 recyclable in the State under this Act if the person  
5 represents in advertising that the consumer good is  
6 recyclable, uses a chasing arrows symbol on the product,  
7 or directs a consumer to recycle the consumer good.

8 (b) A person who is a wholesaler or retailer and does not  
9 initiate a representation by advertising or by placing the  
10 representation on a product or packaging has not made the  
11 representation for purposes of this Section.

12 (c) No person shall make an untruthful, deceptive, or  
13 misleading environmental marketing claim concerning a consumer  
14 good. A person who displays a chasing arrows symbol or  
15 otherwise directs a consumer to recycle a consumer good is not  
16 making an untruthful, deceptive, or misleading environmental  
17 marketing claim concerning the consumer good if the consumer  
18 good is required by any federal or Illinois law, rule, or  
19 regulation to display the chasing arrows symbol or the person  
20 is required by law to make such a direction. In this  
21 subsection, to "otherwise direct a consumer to recycle a  
22 consumer good" does not include directing a consumer to  
23 compost or properly dispose of a consumer good through a  
24 State-sponsored or Agency-administered recycling or materials  
25 management program.

1 Section 15. Rigid plastic bottles and rigid plastic  
2 containers.

3 (a) Each rigid plastic bottle and rigid plastic container  
4 sold in the State shall be labeled with a code indicating the  
5 predominant resin used to produce the rigid plastic bottle or  
6 rigid plastic container. A rigid plastic bottle or rigid  
7 plastic container with a label and basecup of different  
8 materials shall be coded according to its basic material. The  
9 code shall consist of a number placed inside a triangle and  
10 letters placed below the triangle. The numbers and letters  
11 used shall be as follows:

12 (1) If the resin is polyethylene terephthalate, the  
13 number "1" and the letters "PETE" shall be used.

14 (2) If the resin is high density polyethylene, the  
15 number "2" and the letters "HDPE" shall be used.

16 (3) If the resin is vinyl, the number "3" and the  
17 letter "V" shall be used.

18 (4) If the resin is low density polyethylene, the  
19 number "4" and the letters "LDPE" shall be used.

20 (5) If the resin is polypropylene, the number "5" and  
21 the letters "PP" shall be used.

22 (6) If the resin is polystyrene, the number "6" and  
23 the letters "PS" shall be used.

24 (7) If the resin is composed of more than one layer of  
25 a resin, the number "7" and the letters "OTHER" shall be  
26 used.

1           (b) The Agency shall maintain a list of abbreviations used  
2 on labels under subsection (a) and shall provide a copy of that  
3 list to any person upon request.

4           Section 20. Deceptive or misleading claims about  
5 recyclability.

6           (a) No person shall offer for sale, sell, distribute, or  
7 import in or into the State any product or packaging for which  
8 a deceptive or misleading claim regarding the recyclability of  
9 the product or packaging is made.

10          (b) Except as provided in subsection (c), a product or  
11 packaging that displays a chasing arrows symbol, a chasing  
12 arrows symbol surrounding a resin identification code under  
13 subsection (a) of Section 15, or any other symbol or statement  
14 indicating that the product or packaging is recyclable or that  
15 otherwise directs the consumer to recycle the product or  
16 packaging is deemed to be a deceptive or misleading claim  
17 under this Section unless the product or packaging is  
18 considered recyclable in the State under this Act and is of a  
19 material type and form that routinely becomes feedstock used  
20 in the production of new products or packaging.

21          (c) Subsection (b) does not apply to either of the  
22 following:

23           (1) Any product or packaging that is manufactured on  
24 or before the later of (i) 18 months after the date the  
25 Agency publishes the first material characterization study

1 required under subsection (f) or (ii) January 1, 2025.

2 (2) Any product or packaging manufactured on or before  
3 18 months after the date the Agency updates its material  
4 characterization study under subsection (f), provided  
5 that, before publication of the updated study, the product  
6 or packaging satisfied or would satisfy the requirements  
7 to be considered recyclable in the State under this Act.

8 The display of a chasing arrows symbol, or any other  
9 statement indicating that a product or packaging is  
10 recyclable, directly on a product that is not considered  
11 recyclable in this State under this Act or packaging that is  
12 not considered recyclable in this State under this Act is a  
13 deceptive or misleading claim under this Section, except that  
14 a chasing arrows symbol or a statement indicating a product's  
15 or packaging's recyclability in the State may be displayed on  
16 its external packaging if (i) the product or packaging has  
17 multiple material types and (ii) the chasing arrows symbol or  
18 statement makes clear, in the same or larger font, font size,  
19 or symbol size, all other components of the product or  
20 packaging are not recyclable.

21 For purposes of this Section, displaying a chasing arrows  
22 symbol or any other statement indicating recyclability on  
23 packaging containing a consumable product may refer only to  
24 the recyclability of the consumable product's packaging and  
25 not of the consumable product.

26 (d) The following are not deceptive or misleading claims



1 about the recyclability of a product or packaging under this  
2 Section:

3 (1) using a chasing arrows symbol, in combination with  
4 a clearly visible line, placed at a 45 degree angle over  
5 the chasing arrows symbol, to convey that an item is not  
6 recyclable;

7 (2) displaying a chasing arrows symbol on a consumer  
8 good that is required by any federal or State law, rule, or  
9 regulation to display the chasing arrows symbol,  
10 including, but not limited to, paragraph (1) of subsection  
11 (b) of Section 103 of the federal Mercury-Containing and  
12 Rechargeable Battery Management Act (42 U.S.C.  
13 14322(b)(1));

14 (3) directing a consumer to compost or properly  
15 dispose of a consumer good through an organic recycling  
16 program; or

17 (4) placing a resin identification code that is  
18 required under subsection (a) of Section 15 inside of a  
19 solid equilateral triangle.

20 (e) On or before January 1, 2025, the Agency shall  
21 propose, and on or before January 1, 2026, the Board shall  
22 adopt rules to provide information to the public sufficient  
23 for evaluating whether a product or packaging is recyclable in  
24 the State and is of a material type that routinely becomes  
25 feedstock used in the production of new products or packaging.  
26 The proposed and adopted rules shall identify:

1           (1) how material is collected or processed by  
2           recycling programs throughout the State; and

3           (2) the material types and forms that are actively  
4           recovered and are not considered to be waste.

5           (f) In order to obtain a representative survey of  
6           recycling programs in the State, the Agency shall conduct a  
7           characterization survey of material types and forms that are  
8           collected, sorted, sold, or transferred by recycling centers  
9           in the State and that the Agency deems to be appropriate for  
10          inclusion in the survey. The Agency shall publish the results  
11          of the material characterization survey on its website on or  
12          before December 31, 2029 and shall conduct and publish an  
13          updated material characterization survey every 5 years  
14          thereafter.

15          The Agency may publish additional information regarding  
16          the appropriate characterization of material types and forms  
17          if the information was not available at the time that the most  
18          recent survey was conducted or published.

19          Within 90 days after receiving a request from the Agency  
20          for the purpose of conducting a survey under this subsection,  
21          a recycling center shall allow periodic sampling of the wastes  
22          and materials being handled at the facility by a designated  
23          representative of the Agency on a date and at a time that is  
24          mutually agreed upon by the Agency and the recycling center.  
25          The Agency shall not request a periodic sampling of a  
26          recycling center under this subsection if that recycling

1 center was sampled during the previous 24 months.

2 For each material characterization study conducted under  
3 this subsection, the Agency shall publish on its website the  
4 preliminary findings of the study and conduct a public meeting  
5 to present the preliminary findings and receive public  
6 comments. The public meeting shall occur at least 30 days  
7 after the Agency publishes the preliminary findings. After  
8 receiving and considering public comments, and within 60 days  
9 after the public meeting, the Agency shall finalize and  
10 publish the study's findings on the Agency's website.

11 (g) Subject to subsection (i), a product or packaging is  
12 recyclable in the State if, based on information published by  
13 the Agency under subsection (f), the product or packaging is  
14 of a material type and form that meets both of the following  
15 requirements:

16 (1) The material type and form is collected for  
17 recycling by recycling centers for jurisdictions that  
18 collectively serve at least 60% of the State's population.

19 (2) The material type and form is sorted into defined  
20 streams for recycling processes by large-volume transfer  
21 or processing facilities that process materials and  
22 collectively serve at least 60% of recycling programs  
23 statewide, with the defined streams sent to and reclaimed  
24 at a reclaiming facility consistent with the requirements  
25 of the "Basel Convention on the Control of Transboundary  
26 Movements of Hazardous Wastes and their Disposal". The

1 Agency, as it deems appropriate for achieving the purposes  
2 of this Section, may adopt rules modifying the requirement  
3 of this paragraph to encompass transfer or processing  
4 facilities other than large-volume transfer or processing  
5 facilities.

6 (h) A product or packaging is not recyclable in the State  
7 unless the product or packaging meets all of the following  
8 criteria, as applicable:

9 (1) all plastic packaging is designed not to include  
10 any component, ink, adhesive, or label that, according to  
11 the "APR Design Guide" published by the Association of  
12 Plastic Recyclers, prevents the recyclability of the  
13 packaging;

14 (2) plastic products, nonplastic products, and  
15 nonplastic packaging are designed to ensure recyclability  
16 and do not include any component, ink, adhesive, or label  
17 that prevents the recyclability of the product or  
18 packaging;

19 (3) the product or packaging is not made from a  
20 plastic or fiber containing PFAS that are either:

21 (A) intentionally added to a product or packaging  
22 by a manufacturer and have a functional or technical  
23 effect in or on the product or packaging; or

24 (B) present in the product, packaging, or any  
25 component of the product or packaging in an amount at  
26 or above 100 parts per million, as measured in total

1           organic fluorine.

2           (i) Notwithstanding subsections (g) and (h), a product or  
3 packaging is recyclable in the State if it meets any of the  
4 following requirements:

5           (1) The product or packaging has a demonstrated  
6 recycling rate of at least 75%, meaning that not less than  
7 75% of the product or packaging that is sorted and  
8 aggregated in the State is reprocessed into new products  
9 or packaging.

10          (2) On and before December 31, 2030, the product or  
11 packaging is collected under a non-curbside collection  
12 program that recovers at least 60% of the product or  
13 packaging, and the material has sufficient commercial  
14 value to be marketed for recycling and transported at the  
15 end of its useful life to a transfer station, processing  
16 facility, or recycling center to be sorted and aggregated  
17 into defined streams by material type and form.

18          (3) On and after January 1, 2031, the product or  
19 packaging is collected under a non-curbside collection  
20 program that recovers at least 75% of the product or  
21 packaging, and the material has sufficient commercial  
22 value to be marketed for recycling and transported at the  
23 end of its useful life to a transfer station, processing  
24 facility, or recycling center to be sorted and aggregated  
25 into defined streams by material type and form.

26          (4) The Agency determines that the product or

1 packaging will not increase the contamination of curbside  
2 recycling or deceive consumers as to its recyclability,  
3 and the product or packaging is part of and in compliance  
4 with a program established under State or federal law on  
5 or after January 1, 2024 that governs the recyclability or  
6 disposal of that product or packaging.

7 (j) The information published by the Agency under this  
8 Section shall not prevent a unit of local government from  
9 determining whether or to what extent a material type or form  
10 shall be accepted by its local recycling program.

11 Section 25. Enforcement.

12 (a) Any person who violates any provision of this Act  
13 shall be liable for a civil penalty not to exceed \$5,000 for  
14 such violation. The civil penalty may, upon order of a court of  
15 competent jurisdiction, be made payable to the Solid Waste  
16 Management Fund, to be used in accordance with the provisions  
17 of the Illinois Solid Waste Management Act.

18 (b) The State's Attorney or any person who resides in the  
19 county in which the violation occurred, or the Attorney  
20 General, at the request of the Agency or on his own motion, may  
21 institute a civil action against any violator of this Act. The  
22 court may award costs and reasonable attorney fees to the  
23 State's Attorney, Attorney General, or any person who has  
24 prevailed against a person who has committed a willful,  
25 knowing, or repeated violation of this Act.

1 (c) Any funds collected under subsection (b) in which the  
2 Attorney General has prevailed shall be deposited in the Solid  
3 Waste Management Fund.

4 (d) Notwithstanding any other provision of this Section, it  
5 is a defense to any suit or complaint brought under this  
6 Section for a violation of Section 10 that a person's  
7 environmental marketing claim conforms with the standards of,  
8 or is consistent with examples contained in, "Guides for the  
9 Use of Environmental Marketing Claims" published by the  
10 Federal Trade Commission.

11 Section 90. The Environmental Protection Act is amended by  
12 changing Section 22.15 as follows:

13 (415 ILCS 5/22.15)

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

15 (a) There is hereby created within the State Treasury a  
16 special fund to be known as the Solid Waste Management Fund, to  
17 be constituted from the fees collected by the State pursuant  
18 to this Section, from repayments of loans made from the Fund  
19 for solid waste projects, from registration fees collected  
20 pursuant to the Consumer Electronics Recycling Act and civil  
21 penalties collected under the Truth in Recycling Act, and from  
22 amounts transferred into the Fund pursuant to Public Act  
23 100-433. Moneys received by either the Agency or the  
24 Department of Commerce and Economic Opportunity in repayment

1 of loans made pursuant to the Illinois Solid Waste Management  
2 Act shall be deposited into the General Revenue Fund.

3 (b) The Agency shall assess and collect a fee in the amount  
4 set forth herein from the owner or operator of each sanitary  
5 landfill permitted or required to be permitted by the Agency  
6 to dispose of solid waste if the sanitary landfill is located  
7 off the site where such waste was produced and if such sanitary  
8 landfill is owned, controlled, and operated by a person other  
9 than the generator of such waste. The Agency shall deposit all  
10 fees collected into the Solid Waste Management Fund. If a site  
11 is contiguous to one or more landfills owned or operated by the  
12 same person, the volumes permanently disposed of by each  
13 landfill shall be combined for purposes of determining the fee  
14 under this subsection. Beginning on July 1, 2018, and on the  
15 first day of each month thereafter during fiscal years 2019  
16 through 2023, the State Comptroller shall direct and State  
17 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000  
18 per fiscal year from the Solid Waste Management Fund to the  
19 General Revenue Fund.

20 (1) If more than 150,000 cubic yards of non-hazardous  
21 solid waste is permanently disposed of at a site in a  
22 calendar year, the owner or operator shall either pay a  
23 fee of 95 cents per cubic yard or, alternatively, the  
24 owner or operator may weigh the quantity of the solid  
25 waste permanently disposed of with a device for which  
26 certification has been obtained under the Weights and



1 Measures Act and pay a fee of \$2.00 per ton of solid waste  
2 permanently disposed of. In no case shall the fee  
3 collected or paid by the owner or operator under this  
4 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

5 (2) If more than 100,000 cubic yards but not more than  
6 150,000 cubic yards of non-hazardous waste is permanently  
7 disposed of at a site in a calendar year, the owner or  
8 operator shall pay a fee of \$52,630.

9 (3) If more than 50,000 cubic yards but not more than  
10 100,000 cubic yards of non-hazardous solid waste is  
11 permanently disposed of at a site in a calendar year, the  
12 owner or operator shall pay a fee of \$23,790.

13 (4) If more than 10,000 cubic yards but not more than  
14 50,000 cubic yards of non-hazardous solid waste is  
15 permanently disposed of at a site in a calendar year, the  
16 owner or operator shall pay a fee of \$7,260.

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

21 (c) (Blank).

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

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

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

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

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

9 (e) Pursuant to appropriation, all monies in the Solid  
10 Waste Management Fund shall be used by the Agency for the  
11 purposes set forth in this Section, ~~and~~ in the Illinois Solid  
12 Waste Management Act, and in the Truth in Recycling Act,  
13 including for the costs of fee collection and administration,  
14 and for the administration of the Consumer Electronics  
15 Recycling Act, ~~and~~ the Drug Take-Back Act, and the Truth in  
16 Recycling Act.

17 (f) The Agency is authorized to enter into such agreements  
18 and to promulgate such rules as are necessary to carry out its  
19 duties under this Section and the Illinois Solid Waste  
20 Management Act and the Truth in Recycling Act.

21 (g) On the first day of January, April, July, and October  
22 of each year, beginning on July 1, 1996, the State Comptroller  
23 and Treasurer shall transfer \$500,000 from the Solid Waste  
24 Management Fund to the Hazardous Waste Fund. Moneys  
25 transferred under this subsection (g) shall be used only for  
26 the purposes set forth in item (1) of subsection (d) of Section

1 22.2.

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

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

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

26 (1) 60¢ per cubic yard if more than 150,000 cubic

1 yards of non-hazardous solid waste is permanently disposed  
2 of at the site in a calendar year, unless the owner or  
3 operator weighs the quantity of the solid waste received  
4 with a device for which certification has been obtained  
5 under the Weights and Measures Act, in which case the fee  
6 shall not exceed \$1.27 per ton of solid waste permanently  
7 disposed of.

8 (2) \$33,350 if more than 100,000 cubic yards, but not  
9 more than 150,000 cubic yards, of non-hazardous waste is  
10 permanently disposed of at the site in a calendar year.

11 (3) \$15,500 if more than 50,000 cubic yards, but not  
12 more than 100,000 cubic yards, of non-hazardous solid  
13 waste is permanently disposed of at the site in a calendar  
14 year.

15 (4) \$4,650 if more than 10,000 cubic yards, but not  
16 more than 50,000 cubic yards, of non-hazardous solid waste  
17 is permanently disposed of at the site in a calendar year.

18 (5) \$650 if not more than 10,000 cubic yards of  
19 non-hazardous solid waste is permanently disposed of at  
20 the site in a calendar year.

21 The corporate authorities of the unit of local government  
22 may use proceeds from the fee, tax, or surcharge to reimburse a  
23 highway commissioner whose road district lies wholly or  
24 partially within the corporate limits of the unit of local  
25 government for expenses incurred in the removal of  
26 nonhazardous, nonfluid municipal waste that has been dumped on

1 public property in violation of a State law or local  
2 ordinance.

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

23 A county or Municipal Joint Action Agency that imposes a  
24 fee, tax, or surcharge under this subsection may use the  
25 proceeds thereof to reimburse a municipality that lies wholly  
26 or partially within its boundaries for expenses incurred in

1 the removal of nonhazardous, nonfluid municipal waste that has  
2 been dumped on public property in violation of a State law or  
3 local ordinance.

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

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

23 A unit of local government, as defined in the Local Solid  
24 Waste Disposal Act, shall prepare and post on its website, in  
25 April of each year, a report that details spending plans for  
26 monies collected in accordance with this subsection. The

1 report will at a minimum include the following:

2 (1) The total monies collected pursuant to this  
3 subsection.

4 (2) The most current balance of monies collected  
5 pursuant to this subsection.

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

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

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

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

24 (k) In accordance with the findings and purposes of the  
25 Illinois Solid Waste Management Act, beginning January 1, 1989  
26 the fee under subsection (b) and the fee, tax or surcharge

1 under subsection (j) shall not apply to:

2 (1) waste which is hazardous waste;

3 (2) waste which is pollution control waste;

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

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

16 (5) any landfill which is permitted by the Agency to  
17 receive only demolition or construction debris or  
18 landscape waste.

19 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;  
20 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.  
21 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;  
22 102-1055, eff. 6-10-22; revised 8-25-22.)

23 (415 ILCS 15/10 rep.)

24 Section 95. The Solid Waste Planning and Recycling Act is  
25 amended by repealing Section 10.