



Rep. Elaine Nekritz

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09500SB2313ham002

LRB095 19031 RCE 51370 a

1 AMENDMENT TO SENATE BILL 2313

2 AMENDMENT NO. _____. Amend Senate Bill 2313 on page 7,
3 immediately below line 15, by inserting the following:

4 ""Municipal joint action agency" means a municipal joint
5 action agency created under Section 3.2 of the
6 Intergovernmental Cooperation Act."; and

7 on page 19, line 19, by replacing "a list of" with "(1) a list
8 of manufacturers that have paid the current year's registration
9 fee as set forth in Section 30(b) and (2) a list of"; and

10 on page 20, immediately below line 20, by inserting the
11 following:

12 "(i) By March 1, 2011, and by March 1 of each subsequent
13 year, the Agency shall post on its website a list of registered
14 manufacturers that have not met their annual recycling and
15 reuse goal for the previous program year."; and

1 on page 20, line 21, by replacing "(i) By April" with "(j) By
2 July"; and

3 on page 20, by replacing line 24 with "modifications."; and

4 on page 21, line 18, by replacing "June" with "July"; and

5 on page 21, by replacing lines 20 through 22 with the
6 following:

7 "reports on program years 2010 and 2011. By August 1, 2012, the
8 Agency shall hold a public hearing to present its findings and
9 solicit additional comments. All additional comments shall be
10 submitted to the Agency in writing no later than October 1,
11 2012."; and

12 on page 21, line 24, by replacing "September 1, 2012" with
13 "February 1, 2013"; and

14 on page 45, lines 10 and 11, by replacing "on behalf of the
15 Agency and" with "in the name of"; and

16 on page 45, line 13, by replacing "shall" with "may"; and

17 on page 45, line 16, after "motion,", by inserting "may"; and

1 on page 46, line 15, by replacing "Beginning" with "Except as
2 may be provided pursuant to subsection (e) of this Section, and
3 beginning"; and

4 on page 46, line 19, by replacing "Beginning" with "Except as
5 may be provided pursuant to subsection (e) of this Section, and
6 beginning"; and

7 by replacing line 6 on page 47 through line 6 on page 48 with
8 the following:

9 "(e) Beginning April 1, 2012 but no later than December 31,
10 2013, the Illinois Pollution Control Board (Board) is
11 authorized to review temporary CED landfill ban waiver
12 petitions by county governments or municipal joint action
13 agencies (action agencies) and determine whether the
14 respective county's or action agency's jurisdiction may be
15 granted a temporary CED landfill ban waiver due to a lack of
16 funds and a lack of collection opportunities to collect CEDs
17 and EEDs within the county's or action agency's jurisdiction.
18 If the Board grants a waiver under this subsection (e),
19 subsections (a) and (b) of this Section shall not apply to CEDs
20 and EEDs that are taken out of service from residences within
21 the jurisdiction of the county or action agency receiving the
22 waiver and disposed of during the remainder of the program year
23 in which the petition is filed.

24 (1) The petition from the county or action agency shall

1 include the following:

2 (A) documentation of the county's or action
3 agency's attempts to gain funding, as well as the total
4 funding obtained, for the collection of CEDs and EEDs
5 in its jurisdiction from manufacturers or other units
6 of government in the State; and

7 (B) an assessment of other collection
8 opportunities in the county's or action agency's
9 jurisdiction demonstrating insufficient capacity for
10 the anticipated volume of CEDs and EEDs for the
11 remainder of the program year in which the petition is
12 being filed.

13 (2) In addition to the criteria listed in item (1), the
14 Board shall consider the following additional criteria
15 when reviewing a petition:

16 (A) total weight of CEDs and EEDs collected in the
17 county's or action agency's jurisdiction during all
18 preceding program years;

19 (B) total weight of CEDs and EEDs collected in the
20 county's or action agency's jurisdiction during the
21 year in which the petition is filed; and

22 (C) the projected difference in weight between
23 prior program years and the year in which the petition
24 is filed.

25 (3) Within 60 days after the filing of the petition
26 with the Board, the Board shall determine, based on the

1 criteria in items (1) and (2), whether a temporary CED
2 landfill ban waiver shall be granted to the respective
3 county or action agency for the remainder of the program
4 year in which the petition is filed. The Board's decision
5 to grant such a waiver shall be based upon a showing by
6 clear and convincing evidence that a county or action
7 agency has a lack of funds and its respective jurisdiction
8 lacks sufficient collection opportunities to collect CEDs
9 and EEDs. If the Board denies the petition for a landfill
10 ban waiver, the Board's order shall be final and
11 immediately appealable to the circuit court having
12 jurisdiction over the petitioner.

13 (4) Within 5 days after granting a temporary CED
14 landfill ban waiver, the Board shall provide written notice
15 to the Agency of the Board's decision. The notice shall be
16 provided at least 15 days prior to the waiver taking
17 effect.

18 (5) Any county or action agency granted a temporary CED
19 landfill ban waiver shall, within 7 days after receiving
20 the waiver, inform all solid waste haulers and landfill
21 operators used by the county or action agency for solid
22 waste disposal that a waiver has been granted for the
23 remainder of the program year. The notification shall be
24 provided to the solid waste haulers and landfill operators
25 at least 15 days prior to the waiver taking effect.

26 (6) Between April 1, 2012 and December 31, 2013, if a

1 temporary CED landfill ban waiver has been granted to a
2 petitioner, no person disposing of a CED shall be subject
3 to any enforcement proceeding unless he or she disposes of
4 the CED with knowledge that the CED is from a county or
5 action agency that has not received a temporary CED
6 landfill ban waiver.".