



Sen. Ira I. Silverstein

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09700SB2947sam001

LRB097 14305 JDS 66240 a

1 AMENDMENT TO SENATE BILL 2947

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2947 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 changing Section 21.1 as follows:

6 (415 ILCS 5/21.1) (from Ch. 111 1/2, par. 1021.1)

7 Sec. 21.1. (a) Except as provided in subsection (a.5), no  
8 person other than the State of Illinois, its agencies and  
9 institutions, or a unit of local government shall own or  
10 operate a MSWLF unit or other ~~conduct any~~ waste disposal  
11 operation on or after March 1, 1985, which requires a permit  
12 under subsection (d) of Section 21 of this Act, unless such  
13 person has posted with the Agency a performance bond or other  
14 security for the purpose of insuring closure of the site and  
15 post-closure care in accordance with this Act and regulations  
16 adopted thereunder.

1 (a.5) On and after the effective date established by the  
2 United States Environmental Protection Agency for MSWLF units  
3 to provide financial assurance under Subtitle D of the Resource  
4 Conservation and Recovery Act, no person, other than the State  
5 of Illinois, its agencies and institutions, shall own or  
6 operate ~~conduct any disposal operation at~~ a MSWLF unit that  
7 requires a permit under subsection (d) of Section 21 of this  
8 Act, unless that person has posted with the Agency a  
9 performance bond or other security for the purposes of:

10 (1) insuring closure of the site and post-closure care  
11 in accordance with this Act and its rules; and

12 (2) insuring completion of a corrective action remedy  
13 when required by Board rules adopted under Section 22.40 of  
14 this Act or when required by Section 22.41 of this Act.

15 The performance bond or other security requirement set  
16 forth in this Section may be fulfilled by closure or  
17 post-closure insurance, or both, issued by an insurer licensed  
18 to transact the business of insurance by the Department of  
19 Insurance or at a minimum the insurer must be licensed to  
20 transact the business of insurance or approved to provide  
21 insurance as an excess or surplus lines insurer by the  
22 insurance department in one or more states.

23 (b) On or before January 1, 1985, the Board shall adopt  
24 regulations to promote the purposes of this Section. Without  
25 limiting the generality of this authority, such regulations  
26 may, among other things, prescribe the type and amount of the

1 performance bonds or other securities required under  
2 subsections (a) and (a.5) of this Section, and the conditions  
3 under which the State is entitled to collect monies from such  
4 performance bonds or other securities. The bond amount shall be  
5 directly related to the design and volume of the site. The cost  
6 estimate for the post-closure care of a MSWLF unit shall be  
7 calculated using a 30 year post-closure care period or such  
8 other period as may be approved by the Agency under Board or  
9 federal rules. On and after the effective date established by  
10 the United States Environmental Protection Agency for MSWLF  
11 units to provide financial assurance under Subtitle D of the  
12 Resource Conservation and Recovery Act, closure, post-closure  
13 care, and corrective action cost estimates for MSWLF units  
14 shall be in current dollars.

15 (c) There is hereby created within the State Treasury a  
16 special fund to be known as the "Landfill Closure and  
17 Post-Closure Fund". Any monies forfeited to the State of  
18 Illinois from any performance bond or other security required  
19 under this Section shall be placed in the "Landfill Closure and  
20 Post-Closure Fund" and shall, upon approval by the Governor and  
21 the Director, be used by and under the direction of the Agency  
22 for the purposes for which such performance bond or other  
23 security was issued. The Landfill Closure and Post-Closure Fund  
24 is not subject to the provisions of subsection (c) of Section 5  
25 of the State Finance Act.

26 (d) The Agency is authorized to enter into such contracts

1 and agreements as it may deem necessary to carry out the  
2 purposes of this Section. Neither the State, nor the Director,  
3 nor any State employee shall be liable for any damages or  
4 injuries arising out of or resulting from any action taken  
5 under this Section.

6 (e) The Agency shall have the authority to approve or  
7 disapprove any performance bond or other security posted  
8 pursuant to subsection (a) or (a.5) of this Section. Any person  
9 whose performance bond or other security is disapproved by the  
10 Agency may contest the disapproval as a permit denial appeal  
11 pursuant to Section 40 of this Act.

12 (f) The Agency may establish such procedures as it may deem  
13 necessary for the purpose of implementing and executing its  
14 responsibilities under this Section.

15 (g) Nothing in this Section shall bar a cause of action by  
16 the State for any other penalty or relief provided by this Act  
17 or any other law.

18 (Source: P.A. 88-496; 88-512; 89-200, eff. 1-1-96.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."