

1 AN ACT in relation to environmental protection.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Household Hazardous Waste Fund.

8 Section 10. The Environmental Protection Act is amended  
9 by changing Section 22.15 as follows:

10 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

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

12 (a) There is hereby created within the State Treasury a  
13 special fund to be known as the "Solid Waste Management Fund"  
14 constituted from the fees collected by the State pursuant to  
15 this Section and from repayments of loans made from the Fund  
16 for solid waste projects. Moneys received by the Department  
17 of Commerce and Community Affairs in repayment of loans made  
18 pursuant to the Illinois Solid Waste Management Act shall be  
19 deposited into the Solid Waste Management Revolving Loan  
20 Fund.

21 (b) On and after January 1, 1987, the Agency shall  
22 assess and collect a fee in the amount set forth herein from  
23 the owner or operator of each sanitary landfill permitted or  
24 required to be permitted by the Agency to dispose of solid  
25 waste if the sanitary landfill is located off the site where  
26 such waste was produced and if such sanitary landfill is  
27 owned, controlled, and operated by a person other than the  
28 generator of such waste. The Agency shall deposit all fees  
29 collected into the Solid Waste Management Fund, except that

1 of the additional moneys collected from the 5.5 cent per  
 2 cubic yard (12 cent per ton) increase in the fee imposed  
 3 under subdivision (b)(1) made by this amendatory Act of the  
 4 92nd General Assembly, the first \$1,900,000 collected in each  
 5 State fiscal year shall be deposited into the Household  
 6 Hazardous Waste Fund, and the remainder shall be deposited  
 7 into the Hazardous Waste Fund. If a site is contiguous to  
 8 one or more landfills owned or operated by the same person,  
 9 the volumes permanently disposed of by each landfill shall be  
 10 combined for purposes of determining the fee under this  
 11 subsection.

12 (1) If more than 150,000 cubic yards of  
 13 non-hazardous solid waste is permanently disposed of at a  
 14 site in a calendar year, the owner or operator shall  
 15 either pay a fee of 45 cents per cubic yard (50.5 cents  
 16 60¢ per cubic yard beginning July 1, 2002 ~~from January~~  
 17 ~~17, 1989 through December 31, 1993~~), or alternatively the  
 18 owner or operator may weigh the quantity of the solid  
 19 waste permanently disposed of with a device for which  
 20 certification has been obtained under the Weights and  
 21 Measures Act and pay a fee of 95 cents per ton (\$1.07  
 22 \$1.27 per ton beginning on July 1, 2002 ~~from January 17,~~  
 23 ~~1989 through December 31, 1993~~) of solid waste  
 24 permanently disposed of. An owner or operator that is  
 25 subject to any fee, tax, or surcharge imposed under the  
 26 authority of subsection (j) of this Section on September  
 27 26, 1991, with respect to fees due to the Agency under  
 28 this paragraph after December 31, 1991 and before January  
 29 1, 1994, shall deduct from the amount paid to the Agency  
 30 the amount by which the fee paid under subsection (j)  
 31 exceeds 45 cents per cubic yard or 95 cents per ton. In  
 32 no case shall the fee collected or paid by the owner or  
 33 operator under this Section paragraph exceed \$1.05 per  
 34 cubic yard or \$2.22 per ton.

1           (2) If more than 100,000 cubic yards, but not more  
2 than 150,000 cubic yards of non-hazardous waste is  
3 permanently disposed of at a site in a calendar year, the  
4 owner or operator shall pay a fee of \$25,000 (\$33,350 in  
5 1989, 1990 and 1991).

6           (3) If more than 50,000 cubic yards, but not more  
7 than 100,000 cubic yards of non-hazardous solid waste is  
8 permanently disposed of at a site in a calendar year, the  
9 owner or operator shall pay a fee of \$11,300 (\$15,500 in  
10 1989, 1990 and 1991).

11           (4) If more than 10,000 cubic yards, but not more  
12 than 50,000 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 \$3,450 (\$4,650 in  
15 1989, 1990 and 1991).

16           (5) If not more than 10,000 cubic yards of  
17 non-hazardous solid waste is permanently disposed of at a  
18 site in a calendar year, the owner or operator shall pay  
19 a fee of \$500 (\$650 in 1989, 1990 and 1991).

20           (c) From January 1, 1987 through December 31, 1988, the  
21 fee set forth in this Section shall not apply to:

22           (1) Solid waste which is hazardous waste;

23           (2) Any landfill which is permitted by the Agency  
24 to receive only demolition or construction debris or  
25 landscape waste; or

26           (3) The following wastes:

27           (A) Foundry sand;

28           (B) Coal combustion by-product, including  
29 scrubber waste and fluidized bed boiler waste which  
30 does not contain metal cleaning waste;

31           (C) Slag from the manufacture of iron and  
32 steel;

33           (D) Pollution Control Waste;

34           (E) Wastes from recycling, reclamation or

1 reuse processes designed to remove any contaminant  
2 from wastes so as to render such wastes reusable,  
3 provided that the process renders at least 50% of  
4 the waste reusable;

5 (F) Non-hazardous solid waste that is received  
6 at a sanitary landfill after January 1, 1987 and  
7 recycled through a process permitted by the Agency.

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

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

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

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

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

21 (e) Pursuant to appropriation, all monies in the Solid  
22 Waste Management Fund shall be used by the Agency and the  
23 Department of Commerce and Community Affairs for the purposes  
24 set forth in this Section and in the Illinois Solid Waste  
25 Management Act, including for the costs of fee collection and  
26 administration, and through June 30, 1989, by the University  
27 of Illinois for research consistent with the Illinois Solid  
28 Waste Management Act.

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

33 (g) On the first day of January, April, July, and  
34 October of each year, beginning on July 1, 1996, the State

1 Comptroller and Treasurer shall transfer \$500,000 from the  
2 Solid Waste Management Fund to the Hazardous Waste Fund.  
3 Moneys transferred under this subsection (g) shall be used  
4 only for the purposes set forth in item (1) of subsection (d)  
5 of Section 22.2.

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

11 (i) The Agency is authorized to support the operations  
12 of an industrial materials exchange service, and to conduct  
13 household waste collection and disposal programs.

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

31 (1) 45¢ per cubic yard (60¢ per cubic yard  
32 beginning January 1, 1992) if more than 150,000 cubic  
33 yards of non-hazardous solid waste is permanently  
34 disposed of at the site in a calendar year, unless the

1 owner or operator weighs the quantity of the solid waste  
2 received with a device for which certification has been  
3 obtained under the Weights and Measures Act, in which  
4 case the fee shall not exceed 95¢ per ton (\$1.27 per ton  
5 beginning January 1, 1992) of solid waste permanently  
6 disposed of.

7 (2) \$25,000 (\$33,350 beginning in 1992) if more  
8 than 100,000 cubic yards, but not more than 150,000 cubic  
9 yards, of non-hazardous waste is permanently disposed of  
10 at the site in a calendar year.

11 (3) \$11,300 (\$15,500 beginning in 1992) if more  
12 than 50,000 cubic yards, but not more than 100,000 cubic  
13 yards, of non-hazardous solid waste is permanently  
14 disposed of at the site in a calendar year.

15 (4) \$3,450 (\$4,650 beginning in 1992) if more than  
16 10,000 cubic yards, but not more than 50,000 cubic yards,  
17 of non-hazardous solid waste is permanently disposed of  
18 at the site in a calendar year.

19 (5) \$500 (\$650 beginning in 1992) if not more than  
20 10,000 cubic yards of non-hazardous solid waste is  
21 permanently disposed of at the site in a calendar year.

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

30 A county or Municipal Joint Action Agency that imposes a  
31 fee, tax, or surcharge under this subsection may use the  
32 proceeds thereof to reimburse a municipality that lies wholly  
33 or partially within its boundaries for expenses incurred in  
34 the removal of nonhazardous, nonfluid municipal waste that

1 has been dumped on public property in violation of a State  
2 law or local ordinance.

3 If the fees are to be used to conduct a local sanitary  
4 landfill inspection or enforcement program, the unit of local  
5 government must enter into a written delegation agreement  
6 with the Agency pursuant to subsection (r) of Section 4. The  
7 unit of local government and the Agency shall enter into such  
8 a written delegation agreement within 60 days after the  
9 establishment of such fees or August 23, 1988, whichever is  
10 later. For the year commencing January 1, 1989, and at least  
11 annually thereafter, the Agency shall conduct an audit of the  
12 expenditures made by units of local government from the funds  
13 granted by the Agency to the units of local government for  
14 purposes of local sanitary landfill inspection and  
15 enforcement programs, to ensure that the funds have been  
16 expended for the prescribed purposes under the grant.

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

23 A unit of local government, as defined in the Local Solid  
24 Waste Disposal Act, shall prepare and distribute to the  
25 Agency, in April of each year, a report that details spending  
26 plans for monies collected in accordance with this  
27 subsection. The report will at a minimum include the  
28 following:

29 (1) The total monies collected pursuant to this  
30 subsection.

31 (2) The most current balance of monies collected  
32 pursuant to this subsection.

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

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

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

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

18           (k) In accordance with the findings and purposes of the  
19 Illinois Solid Waste Management Act, beginning January 1,  
20 1989 the fee under subsection (b) and the fee, tax or  
21 surcharge under subsection (j) shall not apply to:

- 22           (1) Waste which is hazardous waste; or
- 23           (2) Waste which is pollution control waste; or
- 24           (3) Waste from recycling, reclamation or reuse  
25 processes which have been approved by the Agency as being  
26 designed to remove any contaminant from wastes so as to  
27 render such wastes reusable, provided that the process  
28 renders at least 50% of the waste reusable; or

29           (4) Non-hazardous solid waste that is received at a  
30 sanitary landfill and composted or recycled through a  
31 process permitted by the Agency; or

32           (5) Any landfill which is permitted by the Agency  
33 to receive only demolition or construction debris or  
34 landscape waste.



1 (Source: P.A. 89-93, eff. 7-6-95; 89-443, eff. 7-1-96;  
2 89-445, eff. 2-7-96; 90-14, eff. 7-1-97; 90-475, eff.  
3 8-17-97.)

4 Section 20. The Household Hazardous Waste Collection  
5 Program Act is amended by adding Section 6.5 as follows:

6 (415 ILCS 90/6.5 new)

7 Sec. 6.5. Household Hazardous Waste Fund.

8 (a) There is hereby established as a special fund in the  
9 State treasury the Household Hazardous Waste Fund.

10 (b) Moneys in the Fund shall be used by the Agency,  
11 subject to appropriation, for the purposes of this Act.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.