

AN ACT concerning safety.

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

Section 1. Short title. This Act may be cited as the Statewide Recycling Needs Assessment Act.

Section 5. Findings and purpose. The General Assembly finds that:

(1) Recycling rates have been stagnant in Illinois for over 15 years. Many Illinois counties continue to fall short of the long-standing recycling goal of 25% established in 1988 in the Solid Waste Planning and Recycling Act.

(2) In Illinois, more than 40% (over 7,000,000 tons per year) of municipal solid waste disposed of in landfills is comprised of packaging and paper products. Of this amount, nearly 80% consists of materials commonly collected in curbside recycling programs in areas of the State with mature recycling programs. The remainder includes packaging products such as polystyrene, #3-#7 plastics, plastic bags, flexible pouches, and other plastic films which are not currently acceptable in curbside recycling and for which limited drop-off recycling options exist.

(3) Consumers have limited sustainable purchasing choices. Illinois residents are generating packaging and paper waste

that is beyond their ability to reuse or recycle. Consumers are also given confusing, inconsistent messages through various means about which materials can be recycled, and thus inadvertently create contamination in recycling streams. There is widespread recycling fatigue and public skepticism about the efficacy of recycling in Illinois.

(4) Volatility in global recycling markets due to import restrictions such as the China National Sword policy, as well as impacts on supply chains and material demand due to the COVID-19 pandemic, have further challenged markets for recycled materials and destabilized the recycling system in the State.

(5) Significant and increasing quantities of plastics and packaging materials are seen in the environment, including in Illinois rivers, lakes, and streams. This pollution impacts the drinking water, wildlife, and recreational value of vital natural resources.

(6) Consumer brands are solely responsible for choices about the types and amounts of packaging used to package products. Units of local government and residents have borne the costs of managing increasingly complex materials even though they have no input in designing or bringing these materials to market.

(7) Units of local government are expected to fund collection and processing costs for an increasing volume of packaging and paper products, and the cost of recycling

programs continues to rise with the complexity of the material stream that material recycling facilities are required to manage. Furthermore, many multifamily residences and rural areas of the State do not have access to adequate recycling opportunities.

(8) As materials continue to be landfilled and littered, lower-income and rural communities across the State bear environmental, health, and economic consequences.

(9) By failing to reuse or recycle packaging and paper products, Illinois loses economic value and green sector jobs. Establishing postconsumer recycled content requirements for rigid plastics will increase markets for this increasingly common packaging material, reduce demand for natural resources, and reduce greenhouse gas emissions.

(10) An assessment of current recycling and materials management practices in the State, including evaluation of collections, access to service, capacity, costs, gaps, and needs associated with diverting packaging and paper products from disposal, will provide needed information on current conditions and support identification of future needs to manage packaging and paper products in a sustainable, environmentally protective, and cost-effective manner.

(11) The Statewide Recycling Needs Assessment will provide data to facilitate future consideration of product stewardship legislation for packaging and paper products.

Section 10. Definitions. In this Act:

"Advisory Council" means the Statewide Recycling Needs Assessment Advisory Council established under Section 20.

"Agency" means the Environmental Protection Agency.

"Compost" has the meaning given to that term in Section 3.150 of the Environmental Protection Act.

"Compostable material" means a material that is designed to contact, contain, or carry a product that can be collected for composting and that is capable of undergoing aerobic biological decomposition in a controlled composting system as demonstrated by meeting ASTM D6400, ASTM D6868, or any successor standards.

"Composting rate" means the percentage of discarded materials that are managed through composting. A composting rate is calculated by dividing the total weight of all packaging and paper products that are collected for composting by the total weight of all packaging and paper products sold, distributed, or served to consumers in the State during the study period.

"Covered entity" means a person or entity responsible for:

(1) a single or multifamily residence, either individually or jointly through a unit of local government;

(2) a public or private school for grades kindergarten through 12th grade;

(3) a State or local government facility; or

(4) a public space, including, but not limited to, public spaces, such as parks, trails, transit stations, and pedestrian areas for which the State or a unit of local government is responsible.

"Curbside recycling" means the collection of recyclable materials from covered entities at the site where the recyclable materials are generated.

"Director" means the Director of the Agency.

"Drop-off recycling" means the collection of recyclable material from covered entities at one or more centralized sites.

"Environmental justice community" means environmental justice community as defined by the Illinois Solar for All Program, as that definition is updated from time to time by the Illinois Power Agency and the Administrator of the Illinois Solar for All Program.

"Hauler" means a person who collects recyclable or compostable materials and transports them to an MRF or compost facility, or to an intermediate facility from which materials are then transported to an MRF or compost facility.

"Material recovery facility" or "MRF" means a facility where recyclable materials collected via curbside recycling or drop-off recycling are consolidated and sorted for return to the economic mainstream in the form of raw materials.

"Packaging" means a discrete material or category of material, regardless of recyclability. "Packaging" includes,

but is not limited to, a material type, such as paper, plastic, glass, metal, or multi-material, that is:

(1) used to protect, contain, transport, or serve a product;

(2) sold or supplied to consumers expressly for the purpose of protecting, containing, transporting, or serving products;

(3) attached to a product or its container for the purpose of marketing or communicating information about the product;

(4) supplied at the point of sale to facilitate the delivery of the product; or

(5) supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption and ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

"Packaging" does not include:

(1) a medical device or packaging that is included with products regulated:

(A) as a drug, medical device, or dietary supplement by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act;

(B) as a combination product as defined under 21 CFR 3.2(e); or

(C) under the federal Dietary Supplement Health

and Education Act of 1994;

(2) animal biologics, including, but not limited to, vaccines, bacterins, antisera, diagnostic kits, other products of biological origin, and other packaging and paper products regulated by the United States Department of Agriculture under the federal Virus, Serum, Toxin Act;

(3) packaging regulated under the Federal Insecticide, Fungicide, and Rodenticide Act or another applicable federal law, rule, or regulation; and

(4) beverage containers subject to a returnable container deposit, if applicable.

"Paper product" means:

(1) paper that can or has been printed on to create flyers, brochures, booklets, catalogs, greeting cards, telephone directories, newspapers, magazines; and

(2) paper used for copying, writing, or any other general use.

"Paper product" does not include:

(1) paper that, by virtue of its anticipated use, could become unsafe or unsanitary to recycle; or

(2) any form of bound book, including, but not limited to, bound books for literary, textual, or reference purposes.

"Person" means any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint-stock company, trust, estate, political

subdivision, State agency, any other legal entity, or their legal representative, agent, or assign.

"Postconsumer material" means packaging or paper products that have served their intended end use as consumer items. "Postconsumer material" does not include a by-product or waste material generated during or after the completion of a manufacturing or converting process.

"Postconsumer recycled content" means the portion of an item of packaging or paper product made from postconsumer material that has been recycled.

"Recycling" has the meaning given to "recycling, reclamation or reuse" in Section 3.380 of the Environmental Protection Act. "Recycling" does not include landfill disposal of packaging or paper products or the residue resulting from the processing of packaging or paper products at an MRF, use as alternative daily cover or any other beneficial use at a landfill, incineration, energy recovery, or energy generation by means of combustion, or final conversion of packaging and paper products or their components and by-products to a fuel.

"Recycling rate" means the percentage of packaging and paper products returned to the economic mainstream in the form of raw materials or products rather than being disposed of or discarded. The recycling rate is calculated by dividing the total weight of packaging and paper products that are collected for recycling by the total weight of packaging and paper products sold, distributed, or served to consumers in

the State during the study period, not including the residue that is landfilled after processing by an MRF.

"Reusable" means:

(1) designed to be refilled or used repeatedly for its original intended purpose and is returnable;

(2) safe for washing and sanitizing according to applicable State food safety laws; and

(3) with the exception of ceramic products, capable of being recycled at the end of use.

"Reuse" means the return of packaging to the economic stream for use in the same kind of application intended for the original packaging without effectuating a change in the original composition of the package, the identity of the product, or the components thereof.

"Rigid plastic" means packaging made of plastic that has a relatively inflexible finite shape or form and is capable of maintaining its shape while empty or while holding other products.

"Service provider" means a hauler, an MRF, or a composting facility.

"Single-use packaging or product" means a packaging or product that is supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption and that is ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

"Study period" means the period represented by the data

compiled and analyzed in the completion of the Statewide Recycling Needs Assessment. The study period shall be a minimum of a one-year calendar period not earlier than 2022 and shall be clearly defined in the scope of work. If more than one year of data is used, data shall be presented on an annual basis.

Section 15. Statewide Recycling Needs Assessment Advisory Council.

(a) The Statewide Recycling Needs Assessment Advisory Council shall be appointed by the Agency. On or before January 1, 2024, the Director shall appoint members to the Advisory Council to provide advice and recommendations to the Agency in the drafting, amendment, and finalization of the Statewide Recycling Needs Assessment.

(b) In appointing members to the Advisory Council under subsection (a), the Director shall consider representatives from all geographic regions of the State, all sizes of communities in the State, all supply chain participants in the recycling system, and the racial and gender diversity of this State.

(c) Members of the Advisory Council shall include, but shall not be limited to, the following voting members:

(1) four individuals representing material recovery facilities in the State, no more than 2 of whom shall represent an MRF that accepts recyclables from Cook County

or the collar counties;

(2) four individuals representing haulers, one of whom shall represent a statewide organization representing haulers, one of whom shall represent a publicly traded hauler, one of whom shall represent a privately owned hauler, and one of whom shall operate a recycling drop-off facility;

(3) one individual representing compost collection and processing facilities;

(4) eight individuals representing rural and urban units of local government, one of whom shall represent a county with a population of less than 50,000, one of whom shall represent a county with a population of more than 50,000 and less than 1,000,000, one of whom shall represent a county with a population of more than 1,000,000, two of whom shall represent municipalities with a population of less than 1,000,000, one of whom shall represent a statewide organization of municipalities as authorized by Section 1-8-1 of the Illinois Municipal Code, one of whom shall represent a municipal joint action agency, and one of whom shall represent a municipality with a population of 1,000,000 or more;

(5) two individuals representing retailers, one of whom shall represent a statewide association of retailers;

(6) two individuals representing environmental organizations;

(7) two individuals representing environmental justice advocacy organizations or environmental justice communities;

(8) one individual representing a statewide manufacturing association;

(9) one individual representing manufacturers of products containing postconsumer material, or one or more associations of such manufacturers;

(10) one individual representing manufacturers of packaging and paper products utilizing virgin materials, or one or more associations of suppliers of substrates of packaging and paper products; and

(11) four individuals representing producers of consumer products.

(d) An individual may be appointed to only one position on the Advisory Council. Upon completion of the duties of the Advisory Council, appointments to the Advisory Council shall be terminated and the Advisory Council shall be dissolved.

(e) The duties of the Advisory Council are as follows:

(1) to provide guidance on the scope of work for the Statewide Recycling Needs Assessment required under Section 25;

(2) to assist in the provision of data required to complete the needs assessment;

(3) to review and comment on the needs assessment prior to completion;

(4) to review packaging and paper products legislation enacted in other states, including identifying the main components of the legislation, its implementation steps, and its implementation status;

(5) to evaluate and make recommendations, including legislative recommendations, on how to effectively establish and implement a producer responsibility program in the State for packaging and paper products, including recommendations regarding the responsibilities of producers under a producer responsibility program; and

(6) on or before December 1, 2026, to prepare and submit a report of its findings and recommendations to the General Assembly and the Governor, which shall include an opportunity for a minority report.

(f) The Advisory Council:

(1) shall meet at the call of the Chair, except for the first meeting, which shall be called by the Director;

(2) shall meet at least quarterly or as determined by the Advisory Council Chair;

(3) shall elect a Chair from among Advisory Council members by a simple majority vote;

(4) may adopt bylaws and a charter for the operation of its business for the purposes of this Act; and

(5) shall be provided administrative support by the Agency and Agency staff.

(g) The Agency may select and hire a third-party

facilitator for the Advisory Council.

Section 20. Statewide needs assessment.

(a) The Agency shall issue a competitive solicitation in accordance with the Illinois Procurement Code to select a qualified consultant to conduct a statewide needs assessment to assess recycling, composting, and reuse conditions in the State for packaging and paper products, including identifying current conditions and an evaluation of the capacity, costs, gaps, and needs associated with recycling and the diversion of packaging and paper products. The Agency shall select the consultant on or before July 1, 2024. The needs assessment shall be funded by an appropriation from the Agency's Solid Waste Management Fund or other appropriated funding.

(b) All packaging and paper products sold, offered for sale, distributed, or imported into the State shall be included in the needs assessment.

(c) The needs assessment shall address, at a minimum, the following factors for covered entities:

(1) the quantity, by weight and type, of packaging and paper products sold, offered for sale, distributed, or served to consumers in the State by material type and format;

(2) current collection systems for packaging and paper products in the State, including for reuse, recycling, composting, and disposal;

(3) the quantity, by weight, of municipal waste disposed on a county-by-county basis for all counties in the State;

(4) the processing capacity and infrastructure for reusable, recyclable, and compostable packaging and paper products collected in the State, including capacity and infrastructure outside the State which serves or may serve the State;

(5) current reuse, recycling, and composting rates for packaging and paper products in the State by material type;

(6) current postconsumer recycled content use by material type for all packaging and paper products sold in the State;

(7) current reusability, recyclability, or compostability of packaging and paper products, by material type, for all packaging and paper products sold, offered for sale, distributed, or served in the State;

(8) current system-wide costs for the collection, reuse, recycling, and composting of packaging and paper products;

(9) current operational and capital funding limitations impacting reuse, recycling, and composting access and availability for packaging and paper products throughout the State;

(10) collection and processing system needs to provide

access to curbside recycling services for all covered entities within municipalities with a population of 1,500 or more based on the most recent United States Census, with collection provided no less frequently than every 2 weeks, and at least one drop-off location for recyclable materials within 15 miles of the municipal boundary for municipalities with a population less than 1,500, with needs identified on a county-by-county basis for all counties in the State, and the estimated costs to meet the access requirements;

(11) program costs and capital investments required to achieve a 35%, 50%, and 65% recycling rate by December 31, 2035 for each material type, including paper, plastic, glass, and metal, and including investment into existing and future reuse, recycling, and composting infrastructure for packaging and paper products;

(12) the market conditions and opportunities for reusable, recyclable, and compostable packaging and paper products in the State and regionally;

(13) multilingual public education needs for the reduction, reuse, recycling, and composting of packaging and paper products, including, but not limited to, a scientific survey of current awareness among residents of this State of proper end-of-life management for packaging and paper products and the needs associated with the reduction of contamination rates at MRFs in the State; and

(14) an assessment of environmental justice and recycling equity in the State, including, but not limited to:

(A) an evaluation of current access to and the performance of curbside and drop-off recycling programs in units of local government designated as environmental justice areas; and

(B) a comparison of the location of MRFs and compost facilities in units of local government that have been designated as environmental justice areas with units of local government that are not so designated.

(d) Persons with data or information required to complete the statewide needs assessment shall provide the Agency with such data or information in a timely fashion to assist in completing the statewide needs assessment.

(e) On or before December 31, 2025, the Agency shall provide the draft needs assessment to the Advisory Council. The Advisory Council shall provide written comments to the Agency within 60 days after receipt of the needs assessment. The Agency's consultant shall include an assessment of comments received in the revised draft needs assessment submitted to the Agency and shall provide a summary and an analysis of any issues raised by the Advisory Council and significant changes suggested by any such comments, a statement of the reasons why any significant changes were not

incorporated into the results of the study, and a description of any changes made to the results of the needs assessment as a result of such comments. The needs assessment shall be finalized by the Agency on or before May 1, 2026.

Section 25. Severability. The provisions of this Act shall be severable and if any phrase, clause, sentence, or provision of this Act or the applicability thereof to any person or circumstance shall be held invalid, the remainder of this Act and the application thereof shall not be affected thereby.

Section 30. The Environmental Protection Act is amended by changing Section 22.15 as follows:

(415 ILCS 5/22.15)

Sec. 22.15. Solid Waste Management Fund; fees.

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

Act shall be deposited into the General Revenue Fund.

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

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of \$2.00 per ton of solid waste

permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

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

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

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

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

(c) (Blank).

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

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

(2) the form and submission of reports to accompany

the payment of fees to the Agency;

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

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

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration, and for the administration of the Consumer Electronics Recycling Act, ~~and~~ the Drug Take-Back Act, and the Statewide Recycling Needs Assessment Act.

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

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer \$500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial

assistance to units of local government for the performance of inspecting, investigating, and enforcement activities pursuant to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous solid waste disposal sites.

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

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

(1) 60¢ per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or

operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed \$1.27 per ton of solid waste permanently disposed of.

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

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

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

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

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

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

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or

local ordinance.

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

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

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

- (1) The total monies collected pursuant to this

subsection.

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

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

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

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

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

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

(1) waste which is hazardous waste;

(2) waste which is pollution control waste;

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

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

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

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

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