

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
5 Statewide Recycling Needs Assessment Act.

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

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

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

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

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

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

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

18 (6) Consumer brands are solely responsible for choices
19 about the types and amounts of packaging used to package
20 products. Units of local government and residents must,
21 therefore, manage increasingly complex materials even though
22 they have no input in designing or bringing these materials to
23 market.

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

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

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

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

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

23 (11) The Statewide Recycling Needs Assessment will provide
24 data to facilitate future consideration of product stewardship
25 legislation for packaging and paper products, including to
26 establish performance targets, calculate cost impacts, and

1 assign responsibilities.

2 Section 10. Definitions. In this Act:

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

5 "Agency" means the Environmental Protection Agency.

6 "Compost" has the meaning given to that term in Section
7 3.150 of the Environmental Protection Act.

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

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

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

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

25 (2) a public or private school for grades kindergarten

1 through 12th grade;

2 (3) a State or local government facility; or

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

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

10 "Director" means the Director of the Agency.

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

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

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

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

1 "Packaging" means a discrete material or category of
2 material, regardless of recyclability. "Packaging" includes,
3 but is not limited to, a material type, such as paper, plastic,
4 glass, metal, or multi-material, that is:

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

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

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

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

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

19 "Packaging" does not include:

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

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

26 (B) as a combination product as defined under 21

1 CFR 3.2(e); or

2 (C) under the federal Dietary Supplement Health
3 and Education Act of 1994;

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

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

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

14 "Paper product" means:

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

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

20 "Paper product" does not include:

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

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

26 "Person" means any individual, partnership, copartnership,

1 firm, company, limited liability company, corporation,
2 association, joint-stock company, trust, estate, political
3 subdivision, State agency, any other legal entity, or their
4 legal representative, agent, or assign.

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

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

13 "Recovery rate" means the percentage of packaging and
14 paper products recovered for recycling, reclamation, reuse, or
15 composting. The recovery rate is calculated by dividing the
16 total weight of all packaging and paper products collected for
17 recycling, reclamation, reuse, or composting by the total
18 weight of all packaging and paper products sold, distributed,
19 or served to consumers in this State during the study period.

20 "Recycling" has the meaning given to "recycling,
21 reclamation or reuse" in Section 3.380 of the Environmental
22 Protection Act. "Recycling" does not include landfill disposal
23 of packaging or paper products or the residue resulting from
24 the processing of packaging or paper products at an MRF, use as
25 alternative daily cover or any other beneficial use at a
26 landfill, incineration, energy recovery, or energy generation

1 by means of combustion, or final conversion of packaging and
2 paper products or their components and by-products to a fuel.

3 "Recycling rate" means the percentage of packaging and
4 paper products returned to the economic mainstream in the form
5 of raw materials or products rather than being disposed of or
6 discarded. The recycling rate is calculated by dividing the
7 total weight of all packaging and paper products that are
8 collected for recycling by the total weight of all packaging
9 and paper products sold, distributed, or served to consumers
10 in the State during the study period, not including the
11 residue that is landfilled after processing by an MRF.

12 "Restaurant" means a business having sales of ready-to-eat
13 food for immediate consumption comprising at least 51% of the
14 total sales, excluding the sale of liquor.

15 "Retailer" means any person engaged in the business of
16 making sales at retail that generate occupation or use tax
17 revenue, including, but not limited to, sales made through an
18 Internet transaction to deliver an item to a consumer in the
19 State. "Retailer" includes a restaurant.

20 "Reusable" means:

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

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

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

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

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

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

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

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

22 "Study period" means the period represented by the data
23 compiled and analyzed in the completion of the Statewide
24 Recycling Needs Assessment. The study period shall be a
25 minimum of a one-year calendar period not earlier than 2022
26 and shall be clearly defined in the scope of work. If more than

1 one year of data is used, data shall be presented on an annual
2 basis.

3 Section 15. Statewide Recycling Needs Assessment Advisory
4 Council.

5 (a) The Statewide Recycling Needs Assessment Advisory
6 Council shall be appointed by the Agency. On or before January
7 1, 2024, the Director shall appoint members to the Advisory
8 Council to provide advice and recommendations to the Agency in
9 the drafting, amendment, and finalization of the Statewide
10 Recycling Needs Assessment.

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

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

19 (1) four individuals representing material recovery
20 facilities in the State, no more than 2 of whom shall
21 represent an MRF that accepts recyclables from Cook County
22 or the collar counties;

23 (2) four individuals representing haulers, one of whom
24 shall represent a statewide organization representing
25 haulers, one of whom shall represent a publicly traded

1 hauler, one of whom shall represent a privately owned
2 hauler, and one of whom shall operate a recycling drop-off
3 facility;

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

6 (4) seven individuals representing rural and urban
7 units of local government, one of whom shall represent a
8 county with a population of less than 50,000, one of whom
9 shall represent a county with a population of more than
10 50,000 and less than 1,000,000, one of whom shall
11 represent a county with a population of more than
12 1,000,000, one of whom shall represent a municipality, one
13 of whom shall represent a municipal joint action agency,
14 one of whom shall represent a township, and one of whom
15 shall represent a municipality with a population of
16 1,000,000 or more;

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

19 (6) two individuals representing environmental
20 organizations;

21 (7) one individual representing an environmental
22 justice advocacy organization;

23 (8) one individual representing a statewide
24 manufacturing association;

25 (9) one individual representing manufacturers of
26 products containing postconsumer material, or one or more

1 associations of such manufacturers;

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

6 (11) four individuals representing producers of
7 consumer products.

8 (d) An individual may be appointed to only one position on
9 the Council. Appointments shall be for the period required to
10 complete the needs assessment components of this Act.

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

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

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

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

19 (4) to evaluate and make recommendations, including
20 legislative recommendations, on how to effectively
21 establish and implement a producer responsibility program
22 in the State for packaging materials and paper products,
23 including recommendations regarding the responsibilities
24 of producers under a producer responsibility program; and

25 (5) on or before December 1, 2026, to prepare and
26 submit a report of its findings and recommendations to the

1 General Assembly and the Governor, which shall include an
2 opportunity for a minority report.

3 (f) The Advisory Council:

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

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

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

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

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

14 (g) The Agency may select and hire a third-party
15 facilitator for the Advisory Council.

16 Section 20. Statewide needs assessment.

17 (a) The Agency shall issue a competitive solicitation in
18 accordance with the Illinois Procurement Code to select a
19 qualified consultant to conduct a statewide needs assessment
20 to assess recycling needs in the State for packaging and paper
21 products, including identifying current conditions and an
22 evaluation of the capacity, costs, gaps, and needs associated
23 with recycling and the diversion of packaging and paper
24 products. The Agency shall select the consultant on or before
25 July 1, 2024. The needs assessment shall be funded by an

1 appropriation from the Agency's Solid Waste Management Fund or
2 other appropriated funding.

3 (b) Packaging and paper products to be included in the
4 needs assessment shall include, but may not be limited to, the
5 following materials: gable-top cartons, paper cups, paper food
6 packaging, mailers and envelopes, Kraft paper, corrugated
7 cardboard, chipboard, coated groundwood, groundwood paper,
8 coated paper board, paperboard boxes, pulpwood trays and
9 take-out containers, polyethylene flexible bags, polyethylene
10 wraps, polyethylene films, rigid plastics, glass bottles and
11 jars, aluminum or steel aerosol cans, aluminum or steel cans,
12 aluminum foil wrap, aluminum foil containers, other aluminum
13 containers, and steel spiral wound containers.

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

16 (1) the quantity, by weight and type, of packaging
17 materials and paper products sold at retail, distributed,
18 or served to consumers in the State by material type and
19 format;

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

23 (3) the processing capacity and infrastructure for
24 reusable, recyclable, and compostable packaging and paper
25 products collected in the State, including capacity and
26 infrastructure outside the State which serves or may serve

1 the State;

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

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

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

11 (7) current operational and capital funding
12 limitations impacting reuse, recycling, and composting
13 access and availability for packaging and paper products
14 throughout the State;

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

26 (9) program costs and capital investments required to

1 achieve a collective 50% recycling rate by December 31,
2 2035 across all packaging and paper products, including
3 investment into existing and future reuse, recycling, and
4 composting infrastructure for packaging and paper
5 products;

6 (10) existing federal and State statutory provisions
7 and public and private funding sources for the reduction,
8 reuse, recycling, and composting of packaging and paper
9 products;

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

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

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

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

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

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

10 (e) On or before December 31, 2025, the Agency shall
11 provide the draft needs assessment to the Advisory Council.
12 The Advisory Council shall provide written comments to the
13 Agency within 60 days after receipt of the needs assessment.
14 The Agency's consultant shall include an assessment of
15 comments received in the revised draft needs assessment
16 submitted to the Agency and shall provide a summary and an
17 analysis of any issues raised by the Advisory Council and
18 significant changes suggested by any such comments, a
19 statement of the reasons why any significant changes were not
20 incorporated into the results of the study, and a description
21 of any changes made to the results of the needs assessment as a
22 result of such comments. The needs assessment shall be
23 finalized by the Agency on or before May 1, 2026.

24 Section 25. Severability. The provisions of this Act shall
25 be severable and if any phrase, clause, sentence, or provision

1 of this Act or the applicability thereof to any person or
2 circumstance shall be held invalid, the remainder of this Act
3 and the application thereof shall not be affected thereby.

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

6 (415 ILCS 5/22.15)

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

8 (a) There is hereby created within the State Treasury a
9 special fund to be known as the Solid Waste Management Fund, to
10 be constituted from the fees collected by the State pursuant
11 to this Section, from repayments of loans made from the Fund
12 for solid waste projects, from registration fees collected
13 pursuant to the Consumer Electronics Recycling Act, and from
14 amounts transferred into the Fund pursuant to Public Act
15 100-433. Moneys received by either the Agency or the
16 Department of Commerce and Economic Opportunity in repayment
17 of loans made pursuant to the Illinois Solid Waste Management
18 Act shall be deposited into the General Revenue Fund.

19 (b) The Agency shall assess and collect a fee in the amount
20 set forth herein from the owner or operator of each sanitary
21 landfill permitted or required to be permitted by the Agency
22 to dispose of solid waste if the sanitary landfill is located
23 off the site where such waste was produced and if such sanitary
24 landfill is owned, controlled, and operated by a person other

1 than the generator of such waste. The Agency shall deposit all
2 fees collected into the Solid Waste Management Fund. If a site
3 is contiguous to one or more landfills owned or operated by the
4 same person, the volumes permanently disposed of by each
5 landfill shall be combined for purposes of determining the fee
6 under this subsection. Beginning on July 1, 2018, and on the
7 first day of each month thereafter during fiscal years 2019
8 through 2023, the State Comptroller shall direct and State
9 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
10 per fiscal year from the Solid Waste Management Fund to the
11 General Revenue Fund.

12 (1) If more than 150,000 cubic yards of non-hazardous
13 solid waste is permanently disposed of at a site in a
14 calendar year, the owner or operator shall either pay a
15 fee of 95 cents per cubic yard or, alternatively, the
16 owner or operator may weigh the quantity of the solid
17 waste permanently disposed of with a device for which
18 certification has been obtained under the Weights and
19 Measures Act and pay a fee of \$2.00 per ton of solid waste
20 permanently disposed of. In no case shall the fee
21 collected or paid by the owner or operator under this
22 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

23 (2) If more than 100,000 cubic yards but not more than
24 150,000 cubic yards of non-hazardous waste is permanently
25 disposed of at a site in a calendar year, the owner or
26 operator shall pay a fee of \$52,630.

1 (3) If more than 50,000 cubic yards but not more than
2 100,000 cubic yards of non-hazardous solid waste is
3 permanently disposed of at a site in a calendar year, the
4 owner or operator shall pay a fee of \$23,790.

5 (4) If more than 10,000 cubic yards but not more than
6 50,000 cubic yards of non-hazardous solid waste is
7 permanently disposed of at a site in a calendar year, the
8 owner or operator shall pay a fee of \$7,260.

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

13 (c) (Blank).

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

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

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

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

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

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

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

12 (g) On the first day of January, April, July, and October
13 of each year, beginning on July 1, 1996, the State Comptroller
14 and Treasurer shall transfer \$500,000 from the Solid Waste
15 Management Fund to the Hazardous Waste Fund. Moneys
16 transferred under this subsection (g) shall be used only for
17 the purposes set forth in item (1) of subsection (d) of Section
18 22.2.

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

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

26 (j) A unit of local government, as defined in the Local

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

17 (1) 60¢ per cubic yard if more than 150,000 cubic
18 yards of non-hazardous solid waste is permanently disposed
19 of at the site in a calendar year, unless the owner or
20 operator weighs the quantity of the solid waste received
21 with a device for which certification has been obtained
22 under the Weights and Measures Act, in which case the fee
23 shall not exceed \$1.27 per ton of solid waste permanently
24 disposed of.

25 (2) \$33,350 if more than 100,000 cubic yards, but not
26 more than 150,000 cubic yards, of non-hazardous waste is

1 permanently disposed of at the site in a calendar year.

2 (3) \$15,500 if more than 50,000 cubic yards, but not
3 more than 100,000 cubic yards, of non-hazardous solid
4 waste is permanently disposed of at the site in a calendar
5 year.

6 (4) \$4,650 if more than 10,000 cubic yards, but not
7 more than 50,000 cubic yards, of non-hazardous solid waste
8 is permanently disposed of at the site in a calendar year.

9 (5) \$650 if not more than 10,000 cubic yards of
10 non-hazardous solid waste is permanently disposed of at
11 the site in a calendar year.

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

20 For the disposal of solid waste from general construction
21 or demolition debris recovery facilities as defined in
22 subsection (a-1) of Section 3.160, the total fee, tax, or
23 surcharge imposed by all units of local government under this
24 subsection (j) upon the solid waste disposal facility shall
25 not exceed 50% of the applicable amount set forth above. A unit
26 of local government, as defined in the Local Solid Waste

1 Disposal Act, in which a general construction or demolition
2 debris recovery facility is located may establish a fee, tax,
3 or surcharge on the general construction or demolition debris
4 recovery facility with regard to the permanent disposal of
5 solid waste by the general construction or demolition debris
6 recovery facility at a solid waste disposal facility, provided
7 that such fee, tax, or surcharge shall not exceed 50% of the
8 applicable amount set forth above, based on the total amount
9 of solid waste transported from the general construction or
10 demolition debris recovery facility for disposal at solid
11 waste disposal facilities, and the unit of local government
12 and fee shall be subject to all other requirements of this
13 subsection (j).

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

21 If the fees are to be used to conduct a local sanitary
22 landfill inspection or enforcement program, the unit of local
23 government must enter into a written delegation agreement with
24 the Agency pursuant to subsection (r) of Section 4. The unit of
25 local government and the Agency shall enter into such a
26 written delegation agreement within 60 days after the

1 establishment of such fees. At least annually, the Agency
2 shall conduct an audit of the expenditures made by units of
3 local government from the funds granted by the Agency to the
4 units of local government for purposes of local sanitary
5 landfill inspection and enforcement programs, to ensure that
6 the funds have been expended for the prescribed purposes under
7 the grant.

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

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

19 (1) The total monies collected pursuant to this
20 subsection.

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

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

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

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

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

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

19 (1) waste which is hazardous waste;

20 (2) waste which is pollution control waste;

21 (3) waste from recycling, reclamation or reuse
22 processes which have been approved by the Agency as being
23 designed to remove any contaminant from wastes so as to
24 render such wastes reusable, provided that the process
25 renders at least 50% of the waste reusable; the exemption
26 set forth in this paragraph (3) of this subsection (k)

1 shall not apply to general construction or demolition
2 debris recovery facilities as defined in subsection (a-1)
3 of Section 3.160;

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

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

10 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
11 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
12 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;
13 102-1055, eff. 6-10-22; revised 8-25-22.)

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