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1 AMENDMENT TO SENATE BILL 1555

2 AMENDMENT NO. _____. Amend Senate Bill 1555 by replacing
3 everything after the enacting clause with the following:

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

1 recycling programs. The remainder includes packaging products
2 such as polystyrene, #3-#7 plastics, plastic bags, flexible
3 pouches, and other plastic films which are not currently
4 acceptable in curbside recycling and for which limited
5 drop-off recycling options exist.

6 (3) Consumers have limited sustainable purchasing choices.
7 Illinois residents are generating packaging and paper waste
8 that is beyond their ability to reuse or recycle. Consumers
9 are also given confusing, inconsistent messages through
10 various means about which materials can be recycled, and thus
11 inadvertently create contamination in recycling streams. There
12 is widespread recycling fatigue and public skepticism about
13 the efficacy of recycling in Illinois.

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

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

25 (6) Consumer brands are solely responsible for choices
26 about the types and amounts of packaging used to package

1 products. Units of local government and residents have borne
2 the costs of managing increasingly complex materials even
3 though they have no input in designing or bringing these
4 materials to market.

5 (7) Units of local government are expected to fund
6 collection and processing costs for an increasing volume of
7 packaging and paper products, and the cost of recycling
8 programs continues to rise with the complexity of the material
9 stream that material recycling facilities are required to
10 manage. Furthermore, many multifamily residences and rural
11 areas of the State do not have access to adequate recycling
12 opportunities.

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

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

22 (10) An assessment of current recycling and materials
23 management practices in the State, including evaluation of
24 collections, access to service, capacity, costs, gaps, and
25 needs associated with diverting packaging and paper products
26 from disposal, will provide needed information on current

1 conditions and support identification of future needs to
2 manage packaging and paper products in a sustainable,
3 environmentally protective, and cost-effective manner.

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

7 Section 10. Definitions. In this Act:

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

10 "Agency" means the Environmental Protection Agency.

11 "Compost" has the meaning given to that term in Section
12 3.150 of the Environmental Protection Act.

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

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

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

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

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

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

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

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

15 "Director" means the Director of the Agency.

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

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

24 "Hauler" means a person who collects recyclable or
25 compostable materials and transports them to an MRF or compost
26 facility, or to an intermediate facility from which materials

1 are then transported to an MRF or compost facility.

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

6 "Packaging" means a discrete material or category of
7 material, regardless of recyclability. "Packaging" includes,
8 but is not limited to, a material type, such as paper, plastic,
9 glass, metal, or multi-material, that is:

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

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

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

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

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

24 "Packaging" does not include:

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

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

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

7 (C) under the federal Dietary Supplement Health
8 and Education Act of 1994;

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

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

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

19 "Paper product" means:

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

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

25 "Paper product" does not include:

26 (1) paper that, by virtue of its anticipated use,

1 could become unsafe or unsanitary to recycle; or

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

5 "Person" means any individual, partnership, copartnership,
6 firm, company, limited liability company, corporation,
7 association, joint-stock company, trust, estate, political
8 subdivision, State agency, any other legal entity, or their
9 legal representative, agent, or assign.

10 "Postconsumer material" means packaging or paper products
11 that have served their intended end use as consumer items.

12 "Postconsumer material" does not include a by-product or waste
13 material generated during or after the completion of a
14 manufacturing or converting process.

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

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

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

10 "Reusable" means:

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

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

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

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

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

26 "Service provider" means a hauler, an MRF, or a composting

1 facility.

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

7 "Study period" means the period represented by the data
8 compiled and analyzed in the completion of the Statewide
9 Recycling Needs Assessment. The study period shall be a
10 minimum of a one-year calendar period not earlier than 2022
11 and shall be clearly defined in the scope of work. If more than
12 one year of data is used, data shall be presented on an annual
13 basis.

14 Section 15. Statewide Recycling Needs Assessment Advisory
15 Council.

16 (a) The Statewide Recycling Needs Assessment Advisory
17 Council shall be appointed by the Agency. On or before January
18 1, 2024, the Director shall appoint members to the Advisory
19 Council to provide advice and recommendations to the Agency in
20 the drafting, amendment, and finalization of the Statewide
21 Recycling Needs Assessment.

22 (b) In appointing members to the Advisory Council under
23 subsection (a), the Director shall consider representatives
24 from all geographic regions of the State, all sizes of
25 communities in the State, all supply chain participants in the

1 recycling system, and the racial and gender diversity of this
2 State.

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

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

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

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

17 (4) eight individuals representing rural and urban
18 units of local government, one of whom shall represent a
19 county with a population of less than 50,000, one of whom
20 shall represent a county with a population of more than
21 50,000 and less than 1,000,000, one of whom shall
22 represent a county with a population of more than
23 1,000,000, two of whom shall represent municipalities with
24 a population of less than 1,000,000, one of whom shall
25 represent a statewide organization of municipalities as
26 authorized by Section 1-8-1 of the Illinois Municipal

1 Code, one of whom shall represent a municipal joint action
2 agency, and one of whom shall represent a municipality
3 with a population of 1,000,000 or more;

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

6 (6) two individuals representing environmental
7 organizations;

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

11 (8) one individual representing a statewide
12 manufacturing association;

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

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

20 (11) four individuals representing producers of
21 consumer products.

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

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

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

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

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

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

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

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

22 (f) The Advisory Council:

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

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

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

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

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

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

9 Section 20. Statewide needs assessment.

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

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

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

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

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

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

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

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

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

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

26 (8) current system-wide costs for the collection,

1 reuse, recycling, and composting of packaging and paper
2 products;

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

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

18 (11) program costs and capital investments required to
19 achieve a 35%, 50%, and 65% recycling rate by December 31,
20 2035 for each material type, including paper, plastic,
21 glass, and metal, and including investment into existing
22 and future reuse, recycling, and composting infrastructure
23 for packaging and paper products;

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

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

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

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

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

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

24 (e) On or before December 31, 2025, the Agency shall
25 provide the draft needs assessment to the Advisory Council.
26 The Advisory Council shall provide written comments to the

1 Agency within 60 days after receipt of the needs assessment.
2 The Agency's consultant shall include an assessment of
3 comments received in the revised draft needs assessment
4 submitted to the Agency and shall provide a summary and an
5 analysis of any issues raised by the Advisory Council and
6 significant changes suggested by any such comments, a
7 statement of the reasons why any significant changes were not
8 incorporated into the results of the study, and a description
9 of any changes made to the results of the needs assessment as a
10 result of such comments. The needs assessment shall be
11 finalized by the Agency on or before May 1, 2026.

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

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

19 (415 ILCS 5/22.15)

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

21 (a) There is hereby created within the State Treasury a
22 special fund to be known as the Solid Waste Management Fund, to
23 be constituted from the fees collected by the State pursuant

1 to this Section, from repayments of loans made from the Fund
2 for solid waste projects, from registration fees collected
3 pursuant to the Consumer Electronics Recycling Act, and from
4 amounts transferred into the Fund pursuant to Public Act
5 100-433. Moneys received by either the Agency or the
6 Department of Commerce and Economic Opportunity in repayment
7 of loans made pursuant to the Illinois Solid Waste Management
8 Act shall be deposited into the General Revenue Fund.

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

26 (1) If more than 150,000 cubic yards of non-hazardous

1 solid waste is permanently disposed of at a site in a
2 calendar year, the owner or operator shall either pay a
3 fee of 95 cents per cubic yard or, alternatively, the
4 owner or operator may weigh the quantity of the solid
5 waste permanently disposed of with a device for which
6 certification has been obtained under the Weights and
7 Measures Act and pay a fee of \$2.00 per ton of solid waste
8 permanently disposed of. In no case shall the fee
9 collected or paid by the owner or operator under this
10 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

11 (2) If more than 100,000 cubic yards but not more than
12 150,000 cubic yards of non-hazardous waste is permanently
13 disposed of at a site in a calendar year, the owner or
14 operator shall pay a fee of \$52,630.

15 (3) If more than 50,000 cubic yards but not more than
16 100,000 cubic yards of non-hazardous solid waste is
17 permanently disposed of at a site in a calendar year, the
18 owner or operator shall pay a fee of \$23,790.

19 (4) If more than 10,000 cubic yards but not more than
20 50,000 cubic yards of non-hazardous solid waste is
21 permanently disposed of at a site in a calendar year, the
22 owner or operator shall pay a fee of \$7,260.

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

1 (c) (Blank).

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

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

7 (2) the form and submission of reports to accompany
8 the payment of fees to the Agency;

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

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

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

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

26 (g) On the first day of January, April, July, and October

1 of each year, beginning on July 1, 1996, the State Comptroller
2 and Treasurer shall transfer \$500,000 from the Solid Waste
3 Management Fund to the Hazardous Waste Fund. Moneys
4 transferred under this subsection (g) shall be used only for
5 the purposes set forth in item (1) of subsection (d) of Section
6 22.2.

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

12 (i) The Agency is authorized to conduct household waste
13 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

1 household hazardous waste facility. However, the total fee,
2 tax or surcharge imposed by all units of local government
3 under this subsection (j) upon the solid waste disposal
4 facility shall not exceed:

5 (1) 60¢ per cubic yard if more than 150,000 cubic
6 yards of non-hazardous solid waste is permanently disposed
7 of at the site in a calendar year, unless the owner or
8 operator weighs the quantity of the solid waste received
9 with a device for which certification has been obtained
10 under the Weights and Measures Act, in which case the fee
11 shall not exceed \$1.27 per ton of solid waste permanently
12 disposed of.

13 (2) \$33,350 if more than 100,000 cubic yards, but not
14 more than 150,000 cubic yards, of non-hazardous waste is
15 permanently disposed of at the site in a calendar year.

16 (3) \$15,500 if more than 50,000 cubic yards, but not
17 more than 100,000 cubic yards, of non-hazardous solid
18 waste is permanently disposed of at the site in a calendar
19 year.

20 (4) \$4,650 if more than 10,000 cubic yards, but not
21 more than 50,000 cubic yards, of non-hazardous solid waste
22 is permanently disposed of at the site in a calendar year.

23 (5) \$650 if not more than 10,000 cubic yards of
24 non-hazardous solid waste is permanently disposed of at
25 the site in a calendar year.

26 The corporate authorities of the unit of local government

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

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

1 subsection (j).

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

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

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

1 accordance with this subsection.

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

7 (1) The total monies collected pursuant to this
8 subsection.

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

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

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

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

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

1 the fee imposed by the State under subsection (b) of this
2 Section pursuant to an exemption granted under Section 22.16.

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

7 (1) waste which is hazardous waste;

8 (2) waste which is pollution control waste;

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

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

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

24 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
25 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
26 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;

1 102-1055, eff. 6-10-22; revised 8-25-22.)

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