



Sen. David Koehler

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10300SB1555sam001

LRB103 24786 LNS 60895 a

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 and Postconsumer Recycled  
6 Content Act.

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

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

13 (2) In Illinois, more than 40% (over 7,000,000 tons per  
14 year) of municipal solid waste disposed of in landfills is  
15 comprised of packaging and paper products. Of this amount,  
16 nearly 80% consists of materials commonly collected in

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

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

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

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

26 (6) Consumer brands are solely responsible for choices

1 about the types and amounts of packaging used to package  
2 products. Units of local government and residents must,  
3 therefore, manage increasingly complex materials even though  
4 they have no input in designing or bringing these materials to  
5 market.

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

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

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

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

1 from disposal, will provide needed information on current  
2 conditions and support identification of future needs to  
3 manage packaging and paper products in a sustainable,  
4 environmentally protective, and cost-effective manner.

5 (11) The Statewide Recycling Needs Assessment will provide  
6 data to facilitate future consideration of producer  
7 responsibility or product stewardship legislation for  
8 packaging and paper products, including to establish  
9 performance targets, calculate cost impacts, and assign  
10 responsibilities.

11 Section 10. Definitions. In this Act:

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

14 "Agency" means the Environmental Protection Agency.

15 "Compost" has the meaning given to that term in Section  
16 3.150 of the Environmental Protection Act.

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

23 "Composting rate" means the percentage of discarded  
24 materials that are managed through composting. A composting  
25 rate is calculated by dividing the total weight of all

1 packaging and paper products that are collected for composting  
2 by the total weight of all packaging and paper products sold,  
3 distributed, or served to consumers in the State during the  
4 study period.

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

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

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

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

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

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

19 "Director" means the Director of the Agency.

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

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

1 Solar for All Program.

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

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

10 "Nonprofit organization" means a tax-exempt charitable or  
11 social welfare organization operating under 26 U.S.C.  
12 501(c) (3) or 501(c) (4) of the federal Internal Revenue Code of  
13 1986.

14 "Packaging" means a discrete material or category of  
15 material, regardless of recyclability. "Packaging" includes,  
16 but is not limited to, a material type, such as paper, plastic,  
17 glass, metal, or multi-material, that is:

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

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

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

26 (4) supplied at the point of sale to facilitate the

1 delivery of the product; or

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

6 "Packaging" does not include:

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

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

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

15 (C) under the federal Dietary Supplement Health  
16 and Education Act of 1994;

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

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

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

1 "Paper product" means:

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

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

7 "Paper product" does not include:

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

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

13 "Person" means any individual, partnership, copartnership,  
14 firm, company, limited liability company, corporation,  
15 association, joint-stock company, trust, estate, political  
16 subdivision, State agency, any other legal entity, or their  
17 legal representative, agent, or assign.

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

20 "Postconsumer material" does not include a by-product or waste  
21 material generated during or after the completion of a  
22 manufacturing or converting process.

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

26 "Producer" means the following:



1           (1) For products sold, offered for sale, distributed,  
2 or served in packaging to consumers at a physical retail  
3 location in this State:

4           (A) the product's manufacturer, if the product is  
5 sold, offered for sale, distributed, or served in  
6 packaging under the product manufacturer's own brand  
7 or in packaging that lacks identification of a brand;

8           (B) except as provided under subparagraph (C), the  
9 owner of the brand under which the product is sold,  
10 offered for sale, distributed, or served to consumers,  
11 if the product is sold, offered for sale, distributed,  
12 or served to consumers under a brand other than the  
13 product manufacturer's own brand;

14           (C) the manufacturer of the packaging and not its  
15 retailer, if the product is manufactured on behalf of  
16 a retailer and is sold, offered for sale, distributed,  
17 or served under the retailer's brand or is licensed or  
18 trademarked by the retailer; or

19           (D) if there is no person described in  
20 subparagraph (A), (B), or (C) within the United  
21 States, the person who imports the product into the  
22 United States.

23           (2) For products sold, distributed, or served in  
24 packaging to consumers in this State via remote sale,  
25 distribution, or service:

26           (A) the producer of the product's packaging is the

1 producer determined under paragraph (1); and

2 (B) the producer of packaging used to ship the  
3 product to a consumer, such as a box, envelope, or  
4 other packaging used for shipping, is the person that  
5 manufactured the packaging used for shipping.

6 (3) For all packaging other than packaging identified  
7 in paragraphs (1) and (2), the manufacturer of the  
8 packaged product is the producer of the packaging.

9 (4) For paper products that are publications, such as  
10 magazines, newspapers, catalogs, or telephone directories,  
11 the publisher is the producer of the paper product.

12 (5) For paper products not described in paragraph (4),  
13 the producer is the same as the producer as determined  
14 under paragraphs (1) and (2).

15 "Producer" does not include:

16 (1) government agencies or units of local government;

17 (2) nonprofit organizations;

18 (3) retailers; or

19 (4) persons that annually sell, offer for sale,  
20 distribute, or serve to consumers in this State, or import  
21 into the United States for sale in this State, either:

22 (A) less than one ton of packaging and paper  
23 products annually in this State; or

24 (B) packaged products that generate less than  
25 \$3,000,000 in gross revenue nationally annually.

26 "Producer responsibility organization" means a registered

1 nonprofit organization designated by one or more producers to  
2 act as an agent on behalf of each producer in the group for  
3 purposes of completing the needs assessment in accordance with  
4 this Act.

5 "Recovery rate" means the percentage of packaging and  
6 paper products recovered for recycling, reclamation, reuse, or  
7 composting. The recovery rate is calculated by dividing the  
8 total weight of all packaging and paper products collected for  
9 recycling, reclamation, reuse, or composting by the total  
10 weight of all packaging and paper products sold, distributed,  
11 or served to consumers in this State during the study period.

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

21 "Recycling rate" means the percentage of packaging and  
22 paper products returned to the economic mainstream in the form  
23 of raw materials or products rather than being disposed of or  
24 discarded. The recycling rate is calculated by dividing the  
25 total weight of all packaging and paper products that are  
26 collected for recycling by the total weight of all packaging

1 and paper products sold, distributed, or served to consumers  
2 in the State during the study period, not including the  
3 residue that is landfilled after processing by a MRF.

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

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

12 "Reusable" means:

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

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

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

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

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

1 products.

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

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

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

16 Section 15. Producer responsibility organization.

17 (a) A producer responsibility organization shall be  
18 established to carry out relevant provisions under this Act.

19 (b) On or before February 1, 2024, the Agency shall  
20 approve a single producer responsibility organization to  
21 represent the interests of producers under this Act. The  
22 Agency shall implement an application and review process to  
23 select a single producer responsibility organization, if more  
24 than one organization proposes to be designated. The  
25 application process shall include the following:

1           (1) A producer responsibility organization shall  
2 submit a notice of intent to apply as the single producer  
3 responsibility organization by November 1, 2023.

4           (2) If more than one producer responsibility  
5 organization submits a notice of intent, each producer  
6 responsibility organization shall be required to submit an  
7 application by December 1, 2023 on a form prescribed by  
8 the Agency to:

9           (A) identify each producer that intends to  
10 authorize a producer responsibility organization to  
11 operate on the producer's behalf;

12           (B) provide the name, address, and contact  
13 information of the producer responsibility  
14 organization;

15           (C) identify the members of the governing board of  
16 a producer responsibility organization, which shall  
17 represent a diverse range of producers by size and  
18 type of packaging material; and

19           (D) describe the data types and sources to be  
20 provided by producers, a producer responsibility  
21 organization, and other persons as necessary to  
22 facilitate the comprehensive statewide needs  
23 assessment study's completion.

24           Section 20. Statewide Recycling Needs Assessment Advisory  
25 Council.

1           (a) The Statewide Recycling Needs Assessment Advisory  
2 Council shall be appointed by the Agency. On or before January  
3 1, 2024, the Director shall appoint members to the Advisory  
4 Council to provide advice and recommendations to the Agency  
5 and the producer responsibility organization in the drafting,  
6 amendment, and finalization of the Statewide Recycling Needs  
7 Assessment.

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

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

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

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

26           (3) one individual representing compost collection and

1 processing facilities;

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

13 (5) one individual representing retailers or a  
14 statewide association of retailers;

15 (6) two individuals representing environmental  
16 organizations; and

17 (7) one individual representing an environmental  
18 justice advocacy organization.

19 (d) The Advisory Council shall include the following  
20 nonvoting members, appointed by the Director, to facilitate  
21 the work of the Advisory Council:

22 (1) one individual representing a producer  
23 responsibility organization, which shall be appointed  
24 after selection by the Agency of a producer responsibility  
25 organization;

26 (2) one individual representing manufacturers of



1 products containing postconsumer material, or one or more  
2 associations of such manufacturers;

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

7 (4) four individuals representing trade associations,  
8 one of whom shall represent a fiber trade association, one  
9 of whom shall represent a plastic trade association, one  
10 of whom shall represent a metal trade association, and one  
11 of whom shall represent a glass trade association; and

12 (5) one individual representing the Agency.

13 (e) An individual may be appointed to only one position on  
14 the Council. Appointments shall be for the period required to  
15 complete the needs assessment components of this Act.

16 (f) The duties of the voting members of the Advisory  
17 Council are as follows:

18 (1) to provide guidance on the scope of work and  
19 Request for Proposal for the Statewide Recycling Needs  
20 Assessment required under Section 25;

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

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

25 (4) to evaluate and make recommendations, including  
26 legislative recommendations, on how to effectively

1 establish and implement a producer responsibility program  
2 in the State for packaging materials and paper products,  
3 including recommendations regarding the responsibilities  
4 of producers under a producer responsibility program; and

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

9 (g) The Advisory Council:

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

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

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

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

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

20 (h) The Agency may select and hire a third-party  
21 facilitator for the Advisory Council.

22 Section 25. Statewide needs assessment.

23 (a) On or before April 1, 2024, the Agency shall issue a  
24 Request for Proposal to select a qualified consultant to  
25 conduct a statewide needs assessment to assess recycling needs

1 in the State for packaging and paper products, including  
2 identifying current conditions and an evaluation of the  
3 capacity, costs, gaps, and needs associated with recycling and  
4 the diversion of packaging and paper products. The Agency  
5 shall select the consultant on or before July 1, 2024. The  
6 needs assessment shall be funded by an appropriation from the  
7 Agency's Solid Waste Management Fund.

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

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

21 (1) the quantity, by weight and type, of packaging  
22 materials and paper products sold at retail, distributed,  
23 or served to consumers in the State by producers by  
24 material type and format, with data provided by producers  
25 through a producer responsibility organization;

26 (2) current collection systems for packaging and paper

1 products in the State, including for reuse, recycling,  
2 composting, and disposal;

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

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

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

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

17 (7) current operational and capital funding  
18 limitations impacting reuse, recycling, and composting  
19 access and availability for packaging and paper products  
20 throughout the State;

21 (8) collection and processing system needs to provide  
22 access to curbside recycling services for all covered  
23 entities within municipalities with a population of 1,500  
24 or more based on the most recent United States Census,  
25 with collection provided no less frequently than every 2  
26 weeks, and at least one drop-off location for recyclable

1 materials within 15 miles of the municipal boundary for  
2 municipalities with a population less than 1,500, with  
3 needs identified on a county-by-county basis for all  
4 counties in the State, and the estimated costs to meet the  
5 access requirements;

6 (9) program costs and capital investments required to  
7 achieve a collective 50% recycling rate by December 31,  
8 2035 across all packaging and paper products, including  
9 investment into existing and future reuse, recycling, and  
10 composting infrastructure for packaging and paper  
11 products;

12 (10) existing federal and State statutory provisions  
13 and public and private funding sources for the reduction,  
14 reuse, recycling, and composting of packaging and paper  
15 products;

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

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

26 (13) an assessment of environmental justice and

1 recycling equity in the State, including, but not limited  
2 to:

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

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

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

1 assessment shall be finalized by the Agency on or before May 1,  
2 2026.

3 Section 30. Postconsumer recycled content.

4 (a) With respect to rigid plastics, each producer shall  
5 achieve a postconsumer recycled content requirement of 15% by  
6 2028, 25% by 2031, and 50% by 2034 in the rigid plastics it  
7 produces, subject to any waiver issued under this Section.

8 (b) Postconsumer recycled content requirements in specific  
9 products may be waived by the Agency if demonstration is made  
10 and the Agency approves, in writing, that:

11 (1) the manufacturer cannot achieve the postconsumer  
12 recycled content requirements and remain in compliance  
13 with applicable rules and regulations adopted by the  
14 United States Food and Drug Administration, or any other  
15 State or federal law, rule, or regulation;

16 (2) it is not technologically feasible for the  
17 manufacturer to achieve the postconsumer recycled content  
18 requirements;

19 (3) the manufacturer cannot comply with the  
20 postconsumer recycled content requirements due to  
21 inadequate availability of recycled material or a  
22 substantial disruption in the supply of recycled material;  
23 or

24 (4) the manufacturer cannot comply for another reason  
25 as determined by the Agency by rule, regulation, or

1 guidance.

2 Section 35. Penalties.

3 (a) Except as otherwise provided in this Act, any person  
4 who violates any provision of this Act is liable for a civil  
5 penalty of \$7,000 per violation per day.

6 (b) The penalties provided for in this Section may be  
7 recovered in a civil action brought in the name of the People  
8 of the State of Illinois by the State's Attorney of the county  
9 in which the violation occurred or by the Attorney General.  
10 Any penalties collected under this Section in an action in  
11 which the Attorney General has prevailed shall be deposited in  
12 the Environmental Protection Trust Fund.

13 (c) The Attorney General or the State's Attorney of a  
14 county in which a violation occurs may institute a civil  
15 action for an injunction, prohibitory or mandatory, to  
16 restrain violations of this Act or to require such actions as  
17 may be necessary to address violations of this Act.

18 (d) The penalties and injunctions provided in this Act are  
19 in addition to any penalties, injunctions, or other relief  
20 provided under any other law. Nothing in this Act bars a cause  
21 of action by the State for any other penalty, injunction, or  
22 other relief provided by any other law.

23 (e) Any person who knowingly makes a false, fictitious, or  
24 fraudulent material statement, orally or in writing, to the  
25 Agency, related to or required by this Act or any rule adopted



1 under this Act commits a Class 4 felony, and each such  
2 statement or writing shall be considered a separate Class 4  
3 felony. A person who violates this subsection a second or  
4 subsequent time after being convicted under this subsection  
5 commits a Class 3 felony.

6 Section 40. Severability. The provisions of this Act shall  
7 be severable and if any phrase, clause, sentence, or provision  
8 of this Act or the applicability thereof to any person or  
9 circumstance shall be held invalid, the remainder of this Act  
10 and the application thereof shall not be affected thereby.

11 Section 45. The Environmental Protection Act is amended by  
12 changing Section 22.15 as follows:

13 (415 ILCS 5/22.15)

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

15 (a) There is hereby created within the State Treasury a  
16 special fund to be known as the Solid Waste Management Fund, to  
17 be constituted from the fees collected by the State pursuant  
18 to this Section, from repayments of loans made from the Fund  
19 for solid waste projects, from registration fees collected  
20 pursuant to the Consumer Electronics Recycling Act, and from  
21 amounts transferred into the Fund pursuant to Public Act  
22 100-433. Moneys received by either the Agency or the  
23 Department of Commerce and Economic Opportunity in repayment

1 of loans made pursuant to the Illinois Solid Waste Management  
2 Act shall be deposited into the General Revenue Fund.

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

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

1 Measures Act and pay a fee of \$2.00 per ton of solid waste  
2 permanently disposed of. In no case shall the fee  
3 collected or paid by the owner or operator under this  
4 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

5 (2) If more than 100,000 cubic yards but not more than  
6 150,000 cubic yards of non-hazardous waste is permanently  
7 disposed of at a site in a calendar year, the owner or  
8 operator shall pay a fee of \$52,630.

9 (3) If more than 50,000 cubic yards but not more than  
10 100,000 cubic yards of non-hazardous solid waste is  
11 permanently disposed of at a site in a calendar year, the  
12 owner or operator shall pay a fee of \$23,790.

13 (4) If more than 10,000 cubic yards but not more than  
14 50,000 cubic yards of non-hazardous solid waste is  
15 permanently disposed of at a site in a calendar year, the  
16 owner or operator shall pay a fee of \$7,260.

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

21 (c) (Blank).

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

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

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

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

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

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

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

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

1 22.2.

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

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

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

26 (1) 60¢ per cubic yard if more than 150,000 cubic

1 yards of non-hazardous solid waste is permanently disposed  
2 of at the site in a calendar year, unless the owner or  
3 operator weighs the quantity of the solid waste received  
4 with a device for which certification has been obtained  
5 under the Weights and Measures Act, in which case the fee  
6 shall not exceed \$1.27 per ton of solid waste permanently  
7 disposed of.

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

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

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

18 (5) \$650 if not more than 10,000 cubic yards of  
19 non-hazardous solid waste is permanently disposed of at  
20 the site in a calendar year.

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

1 public property in violation of a State law or local  
2 ordinance.

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

23 A county or Municipal Joint Action Agency that imposes a  
24 fee, tax, or surcharge under this subsection may use the  
25 proceeds thereof to reimburse a municipality that lies wholly  
26 or partially within its boundaries for expenses incurred in

1 the removal of nonhazardous, nonfluid municipal waste that has  
2 been dumped on public property in violation of a State law or  
3 local ordinance.

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

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

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



1 report will at a minimum include the following:

2 (1) The total monies collected pursuant to this  
3 subsection.

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

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

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

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

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

24 (k) In accordance with the findings and purposes of the  
25 Illinois Solid Waste Management Act, beginning January 1, 1989  
26 the fee under subsection (b) and the fee, tax or surcharge

1 under subsection (j) shall not apply to:

2 (1) waste which is hazardous waste;

3 (2) waste which is pollution control waste;

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

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

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

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

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