



Sen. David Koehler

Filed: 5/2/2023

10300SB1555sam002

LRB103 24786 LNS 61265 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 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 must,
2 therefore, manage increasingly complex materials even though
3 they have no input in designing or bringing these materials to
4 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, including to
7 establish performance targets, calculate cost impacts, and
8 assign responsibilities.

9 Section 10. Definitions. In this Act:

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

12 "Agency" means the Environmental Protection Agency.

13 "Compost" has the meaning given to that term in Section
14 3.150 of the Environmental Protection Act.

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

21 "Composting rate" means the percentage of discarded
22 materials that are managed through composting. A composting
23 rate is calculated by dividing the total weight of all
24 packaging and paper products that are collected for composting
25 by the total weight of all packaging and paper products sold,

1 distributed, or served to consumers in the State during the
2 study period.

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

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

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

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

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

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

17 "Director" means the Director of the Agency.

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

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

26 "Hauler" means a person who collects recyclable or

1 compostable materials and transports them to an MRF or compost
2 facility, or to an intermediate facility from which materials
3 are then transported to an MRF or compost facility.

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

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

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

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

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

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

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

26 "Packaging" does not include:

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

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

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

9 (C) under the federal Dietary Supplement Health
10 and Education Act of 1994;

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

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

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

21 "Paper product" means:

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

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

1 "Paper product" does not include:

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

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

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

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

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

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

20 "Recovery rate" means the percentage of packaging and
21 paper products recovered for recycling, reclamation, reuse, or
22 composting. The recovery rate is calculated by dividing the
23 total weight of all packaging and paper products collected for
24 recycling, reclamation, reuse, or composting by the total
25 weight of all packaging and paper products sold, distributed,
26 or served to consumers in this State during the study period.

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

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

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

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

1 "Reusable" means:

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

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

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

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

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

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

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

24 "Single-use packaging or product" means a packaging or
25 product that is supplied to or purchased by consumers
26 expressly for the purpose of facilitating food or beverage

1 consumption and that is ordinarily disposed of after a single
2 use or short-term use, whether or not it could be reused.

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

10 Section 15. Statewide Recycling Needs Assessment Advisory
11 Council.

12 (a) The Statewide Recycling Needs Assessment Advisory
13 Council shall be appointed by the Agency. On or before January
14 1, 2024, the Director shall appoint members to the Advisory
15 Council to provide advice and recommendations to the Agency in
16 the drafting, amendment, and finalization of the Statewide
17 Recycling Needs Assessment.

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

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

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

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

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

13 (4) seven individuals representing rural and urban
14 units of local government, one of whom shall represent a
15 county with a population of less than 50,000, one of whom
16 shall represent a county with a population of more than
17 50,000 and less than 1,000,000, one of whom shall
18 represent a county with a population of more than
19 1,000,000, one of whom shall represent a municipality, one
20 of whom shall represent a municipal joint action agency,
21 one of whom shall represent a township, and one of whom
22 shall represent a municipality with a population of
23 1,000,000 or more;

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

26 (6) two individuals representing environmental

1 organizations;

2 (7) one individual representing an environmental
3 justice advocacy organization;

4 (8) one individual representing a statewide
5 manufacturing association;

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

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

13 (11) four individuals representing producers of
14 consumer products.

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

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

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

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

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

26 (4) to evaluate and make recommendations, including

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

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

10 (f) The Advisory Council:

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

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

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

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

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

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

23 Section 20. Statewide needs assessment.

24 (a) The Agency shall issue a competitive solicitation in
25 accordance with the Illinois Procurement Code to select a

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

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

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

23 (1) the quantity, by weight and type, of packaging
24 materials and paper products sold at retail, distributed,
25 or served to consumers in the State by material type and
26 format;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (415 ILCS 5/22.15)

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

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

1 Act shall be deposited into the General Revenue Fund.

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

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

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

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

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

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

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

20 (c) (Blank).

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

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

26 (2) the form and submission of reports to accompany

1 the payment of fees to the Agency;

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

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

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

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

19 (g) On the first day of January, April, July, and October
20 of each year, beginning on July 1, 1996, the State Comptroller
21 and Treasurer shall transfer \$500,000 from the Solid Waste
22 Management Fund to the Hazardous Waste Fund. Moneys
23 transferred under this subsection (g) shall be used only for
24 the purposes set forth in item (1) of subsection (d) of Section
25 22.2.

26 (h) The Agency is authorized to provide financial

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

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

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

24 (1) 60¢ per cubic yard if more than 150,000 cubic
25 yards of non-hazardous solid waste is permanently disposed
26 of at the site in a calendar year, unless the owner or

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

6 (2) \$33,350 if more than 100,000 cubic yards, but not
7 more than 150,000 cubic yards, of non-hazardous waste is
8 permanently disposed of at the site in a calendar year.

9 (3) \$15,500 if more than 50,000 cubic yards, but not
10 more than 100,000 cubic yards, of non-hazardous solid
11 waste is permanently disposed of at the site in a calendar
12 year.

13 (4) \$4,650 if more than 10,000 cubic yards, but not
14 more than 50,000 cubic yards, of non-hazardous solid waste
15 is permanently disposed of at the site in a calendar year.

16 (5) \$650 if not more than 10,000 cubic yards of
17 non-hazardous solid waste is permanently disposed of at
18 the site in a calendar year.

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

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

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

1 local ordinance.

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

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

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

26 (1) The total monies collected pursuant to this

1 subsection.

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

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

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

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

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

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

26 (1) waste which is hazardous waste;

1 (2) waste which is pollution control waste;

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

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

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

17 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
18 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
19 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;
20 102-1055, eff. 6-10-22; revised 8-25-22.)

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