

A Review Of Municipal Solid Waste Landfill Fees In Accordance With The Illinois Environmental Protection Act



- Welcome to the Webinar – The Webinar will begin shortly.
- Your computer or phone will be in listen only mode for the entire program.
- Please feel free to send questions during the program.
- We will do our best to answer questions at the end of the program and will publish a list of questions and answers from the program on the www.ilcswma.org web site.
- A link to a recording of this program will be sent to you following its conclusion and will also be available on the ILCSWMA web site.

What is ILCSWMA?

The Illinois Counties Solid Waste Management Association is professional association of local level solid waste professionals throughout the state of Illinois.

ILCSWMA represents areas of solid waste, including waste collection, process & disposing, recycling & waste prevention, regulation & enforcement, information & education.

ILCSWMA provides our members with legislative updates, regional meetings, quarterly newsletters and an annual conference (October 29 – 30, 2020 at beautiful Starved Rock State Park).

To learn more visit our website www.ilcswma.org

Are you a ILCSWMA member? Now is the best time to join!



We are offering a new members a rate of \$50. If your organization (full or affiliate) has not been a member for at least the past three years, you are also eligible to join for this reduced rate.



Full Membership is regularly \$100
Annually

(County, municipal, or township units of government and regional planning commissions)



Affiliate Membership is regularly \$75
Annually

(State agencies and organizations, consulting firms, colleges & universities, Keep Illinois Beautiful affiliates, service providers, community groups)



Membership is valid from January 1 to December 31 each year.



Membership belongs to organizations, not individuals. All employees of member organizations are eligible for discounted conference rates and more.



You won't find a better value out there than ILCSWMA membership!



To join, please visit our website at www.ilcswma.org

A Review Of Municipal Solid Waste Landfill Fees In Accordance With The Illinois Environmental Protection Act



James Jennings, Manager, Illinois EPA Waste Reduction and Compliance Section



Walter Willis, Executive Director Solid Waste Agency of Lake County



Steve Schilling, Environmental Engineer, Deigan and Associates



Kerri Gale, Jackson County Health Department, ILCSWMA President



Pete Adrian, Solid Waste Agency of Lake County, ILCSWMA Vice President



Illinois EPA Landfill Fee Reviews

JAMES JENNINGS

MANAGER, WASTE REDUCTION AND COMPLIANCE SECTION

Statutory and Regulatory Overview

- ▶ Landfills permitted to accept solid waste must remit to IEPA fees based on the volume of waste accepted during the calendar year
- ▶ Fees are tiered based on volume of waste accepted
- ▶ Most landfills pay the highest fee of \$2.22 per ton of waste accepted
- ▶ Fees are paid quarterly and accompanied by reports reflecting the volume of waste accepted

Material not subject to fees

- ▶ Non-waste
- ▶ Hazardous waste
- ▶ Pollution control waste
- ▶ Waste from an Agency-approved recycling or reuse process
- ▶ Specific waste streams for which the Agency has issued an exemption to the generator and receiving facility

IEPA Fee Reviews

- ▶ Intended to ensure compliance with the fee and recordkeeping provisions of the Illinois Environmental Protection Act and IEPA regulations
- ▶ IEPA staff visit regulated facilities and review a capture of illustrative gate tickets
- ▶ If irregularities are identified, IEPA seeks additional information from the facility
- ▶ Records are reviewed to determine whether fees appropriately remitted on wastes accepted at the facility
- ▶ If necessary, enforcement action undertaken in accordance with Section 31 of the Illinois Environmental Protection Act

Questions

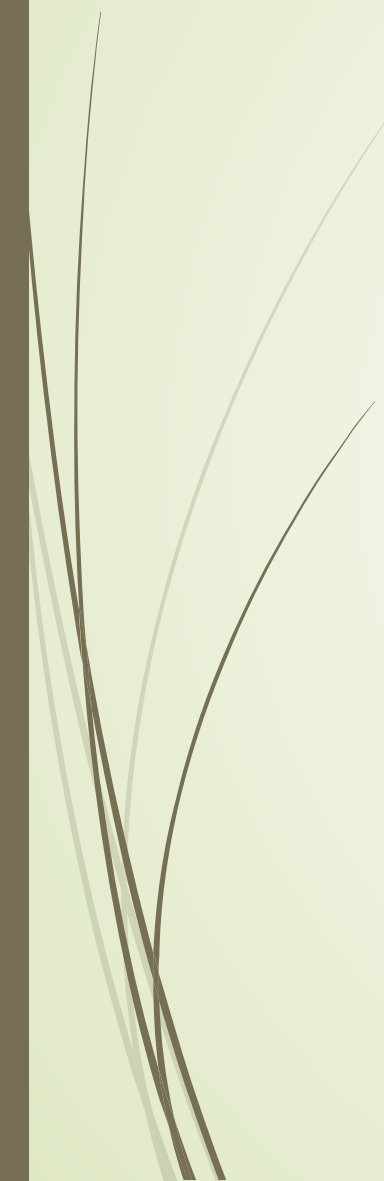
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IL Counties Solid Waste Management Association Webinar

- Topic: Review of Municipal Solid Waste Landfill Fees
 - Presenter: Walter Willis, Executive Director, SWALCO
 - February 24, 2020
- 



Pertinent Background Related to Payments per Section 22.15 of the Act

- ▶ 2009 Letter Sent to IEPA and IEPA's Response Letter
 - ▶ Concerned with fee payments under the Act, Ogle County, Will County and SWALCO send joint letter to IEPA asking questions to clarify what wastes are exempt under Section 22.15(k)
 - ▶ IEPA's response supports government belief that landfills appear to be improperly exempting waste from payment
 - ▶ Follow up by IEPA did not appear to alter the landfills' payment practices



Pertinent Background Related to Payments per Section 22.15 of the Act

- Public Act 97-853, Task Force on Advancement of Materials Recycling
 - Rep. May introduced HB 4986 in 2012 to eliminate the exemptions in 22.15(k)
 - Bill was amended to create Task Force, could not overcome waste industry opposition to removing exemptions



SWALCO's Audit on 2017 Calendar Year Payments

- Audit addressed all payments, both under the Act and Host Agreements
 - Significant underpayments based on Deigan's analysis, which looked at existing statutes and IEPA's 2009 letter which clarified IEPA's interpretation of 22.15(k) exemptions
 - IEPA's violation notices target unpaid fees (on general construction & demolition waste) and inadequate fee exemption records for the period 2016-2018
 - Countryside LF – unpaid fees of \$503,180.512
 - Zion LF – unpaid fees of \$254,185.56
 - SWALCO also believes that landfills are not properly exempting contaminated soils classified as “Non-Special Waste”, and will be raising this issue with the 2 landfills
 - Next step for SWALCO is to wait for both landfills to collect more data and information regarding the VNs, and to then offer to enter into discussions prior to taking legal action



Questions

Contact Information:

■ Walter Willis, wwillis@Swalco.org

SWALCO Landfill Audits

Initial Request for Data

Initially requested three (3) weeks of records from the landfills. Offered to examine these records at their facilities.

“ These records should include, at a minimum, the following:

1. Individual scale records for each delivery that requires a weight or volume measurements. This information should be in electronic format with a Microsoft Excel format preferred.
2. Truck manifests for any material entering the facility where a manifest is required and retained by the landfill.
3. Waste authorization documentation related to any material delivered to the facility where the facility requires analysis and/or pre-authorization for disposal/beneficial use at the facility.
4. Documentation that a given waste delivered during these weeks is exempt from Solid Waste Management Fees and/or Host Fees. This may include, but not be limited to, copies of an IEPA issued Beneficial Use Determination (BUD) or copies of a facility IEPA permit in the case of pollution control waste. ”

Methodology

- Joint on-site audit with IEPA.
- IEPA requested all tipping records from scale system.
- D&A examined records for 2017 (50,901 records for Countryside)
- Categorized material by type.
- Determined how the landfill accounted for the different types on SWM Fee reports and Host Fee reports.
- Result was clearer definition of the materials.



COMBINED - Solid Waste Management Fee and Subtitle D Management Fee - Quarterly Summary and Payment

SW/SD

Site Number: 970250003
County: Lake
Site Name: Countryside Landfill
File Heading: SWM Fees

For Agency Use Only

Section I - Cubic Yards (CY) Waste Received

Month	Cubic Yards Subject to Fee	Cubic Yards Exempt	Total Cubic Yards
1 October	0	0	0
2 November	0	0	0
3 December	0	0	0
Quarter Total	0	0	0
Year Total	0	0	0

SOLID WASTE FEE PAID
Am't \$ 103,611.68
Date Rec'd 1/24/18
EPA Log# 813185
Rec'd By [Signature]

Section II - Tons of Waste Received

Month	Tons Subject to Fee	Tons Exempt	Total Tons
1 October	19,136.170	18,139.350	37,275.520
2 November	17,363.810	13,983.190	31,347.000
3 December	15,305.860	9,483.150	24,789.010
Quarter Total	51,805.840	41,605.690	93,411.530
Year Total	51,805.840	41,605.690	93,411.530

SUBTITLE D FEE PAID
Am't \$ 11,397.28
Date Rec'd 1/24/18
EPA Log# 813185
Rec'd By [Signature]

Solid Waste Fee
Cubic Yards* 0 x 0.95 \$0.00
Tons* 51,805.840 x 2.00 \$103,611.68
Solid Waste Fee Due this Quarter \$103,611.68
Adjustments (+) or (-) Total (a) \$103,611.68

Subtitle D Management Fee
Cubic Yards* 0 x 0.101 \$0.00
Tons* 51,805.840 x 0.22 \$11,397.28
Subtitle D Management Fee Due This Quarter \$11,397.28
Adjustments (+) or (-) Total (b) \$11,397.28

AMOUNT DUE WITH THIS REPORT Over Payment Applied From 2016 Q2 & Q3 Reports. \$0.00
TOTAL AMOUNT PAID WITH THIS REPORT \$115,008.96
Amount Carried Over to Next Quarter: \$0.00

Total (a) + Total (b) \$115,008.96

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possibility of fine and imprisonment for knowing violations.

Name Site Operator/Owner Mobin Ali
Signature [Signature] Date 8-Jan-18

This agency is authorized to require this information under 415 ILCS 5/22.15, 22.44 (1993). Disclosure of this information is required under those Sections. Failure to do so may prevent this Form from being processed. This form has been approved by the Forms Management Center.
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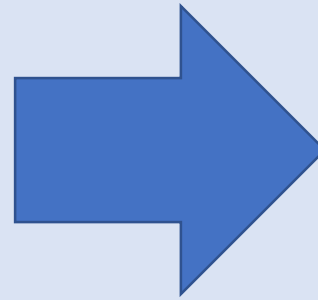


Table 5 - All Materials Input (Tipping Records)
Countryside LF

Row Labels	Sum of Tons
1000E	12.02
1000T	168,136.26
1000Y	0.02
1003L	1.22
1099T	14.68
2000T	17,181.11
2008T	159.80
7001T	29,548.44
7001Y	886.69
7003T	19.02
7006T	7,819.37
7012T	145.76
7015T	40,794.37
Asb Friable-Cubic Yards	166.59
Asb Friable-Each	0.39
Asb Friable-Tons	4,671.55
Asb Non Fri-Cubic Yards	72.25
Asb Non Fri-Each	0.33
Asb Non Fri-Tons	2,291.12
C&D Material-Tons	243.84
Cont Soil Sp. W.-Tons	300.29
Daramend-Tons	68.43
Declass Soil-Each	12.90
Declass Soil-Tons	126,203.46
Declass Soil-Tons H2H 2 FT in Diameter	865.62
Declass Soil-Tons H2H for >3" x3"	240.05
Declassified SPW-Cubic Yards	74.97
Declassified SPW-Each	19.99
Declassified SPW-Tons	15,227.84
DeclassifiedSPW-Tons	8.41
MSW-Load	210.35
MSW-Tons	235.61
Spwaste Solid Oth-Tons	118.56
Grand Total	415,781.31

Additional Questions and Answers: Contact your ILCSWMA Region Representative

- Southern Rep: Andrea Yancey - anyancey@co.madison.il.us
(Counties covered: Alexander, Bond, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson)
- Central Rep: Chad Braatz - chad.braatz@cityofmonmouth.com
(Counties covered: Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, Knox, Livingston, Logan, Macon, Mason, McDonough, McLean, Menard, Mercer, Morgan, Moultrie, Peoria, Piatt, Pike, Rock Island, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermilion, Warren and Woodford)
- Northern Rep: Paul Cooney – pcooney@Oglecounty.org
(Counties covered: Bureau, Boone, Carroll, Cook, DeKalb, DuPage, Grundy, JoDaviess, Kankakee, Kane, Kendall, Lake, LaSalle, Lee, Marshall, McHenry, Ogle, Putnam, Stark, Stephenson, Whiteside, Will, and Winnebago)
- Kerri Gale – kerrig@jchdonline.org
- Or, send your questions to info@ilcswma.org



Questions and Answers: Continued

- Please fill out the brief survey that will pop up after we sign off today.
- Dialogue on this topic will continue at our regional meetings in the coming months, so please join us.
- In the meantime please free to send questions to ILCSWMA via our regional representatives or at info@ilcswma.org
- We will do our best to answer your questions and publish them on the ilcswma.org web site as quickly as possible.
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- If you are not an ILCSWMA member yet, please consider joining.
- Thank your for joining us today.