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

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- 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 a 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 an 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

JAMES JENNINGS
JAMES.M.JENNINGS@ILLINOIS.GOV
(217)524-1852
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
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.
### SW/SD

#### For Agency Use Only

<table>
<thead>
<tr>
<th>Month</th>
<th>Cubic Yards Subject to Fee</th>
<th>Cubic Yards Exempt</th>
<th>Total Cubic Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>October</td>
<td>18,300,000</td>
<td>17,970,000</td>
<td>17,970,000</td>
</tr>
<tr>
<td>November</td>
<td>17,925,000</td>
<td>17,925,000</td>
<td>17,925,000</td>
</tr>
<tr>
<td>December</td>
<td>17,925,000</td>
<td>17,925,000</td>
<td>17,925,000</td>
</tr>
</tbody>
</table>

**Quarter Total:**
- Total Cubic Yards: 54,720,000
- Total Tons: 17,970,000

**Year Total:**
- Total Cubic Yards: 169,860,000
- Total Tons: 54,720,000

### Table 5: All Materials Input (Tipping Records)

#### Countryside LF

<table>
<thead>
<tr>
<th>Raw Labels</th>
<th>Sum of Tons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000</td>
<td>12.02</td>
</tr>
<tr>
<td>1000T</td>
<td>168,136.76</td>
</tr>
<tr>
<td>1000Y</td>
<td>0.02</td>
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<tr>
<td>1001</td>
<td>1.22</td>
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<tr>
<td>1009T</td>
<td>14.08</td>
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<tr>
<td>200T</td>
<td>17,181.12</td>
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<tr>
<td>2001</td>
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<tr>
<td>7001T</td>
<td>29,548.44</td>
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<tr>
<td>7001Y</td>
<td>886.09</td>
</tr>
<tr>
<td>7003T</td>
<td>19.02</td>
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<tr>
<td>7003Y</td>
<td>7,810.57</td>
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<td>7012T</td>
<td>145.76</td>
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<tr>
<td>7015T</td>
<td>40,794.37</td>
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<tr>
<td>Ash Fracile-Cubic Yards</td>
<td>166.59</td>
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<tr>
<td>Ash Fracile-Each</td>
<td>0.39</td>
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<tr>
<td>Ash Fracile-Tons</td>
<td>7,113.55</td>
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<tr>
<td>Ash Non Fracile-Cubic Yards</td>
<td>72.25</td>
</tr>
<tr>
<td>Ash Non Fracile-Each</td>
<td>0.33</td>
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<tr>
<td>Ash Non Fracile-Tons</td>
<td>2,291.32</td>
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<tr>
<td>C&amp;D Material-Tons</td>
<td>245.84</td>
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<tr>
<td>Cont Soil Sp. W-Tons</td>
<td>900.29</td>
</tr>
<tr>
<td>Daramond-Tons</td>
<td>68.43</td>
</tr>
<tr>
<td>Declass Sod-Ea</td>
<td>12.90</td>
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<tr>
<td>Declass Sod-Tons</td>
<td>126,203.90</td>
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<tr>
<td>Declass Sod-Tons HN 2 FT in Diameter</td>
<td>865.42</td>
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<tr>
<td>Declassified SPW-Cubic Yards</td>
<td>64.00</td>
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<tr>
<td>Declassified SPW-Ea</td>
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<td>DeclassifiedSPW-Tons</td>
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<td>MSW-Load</td>
<td>210.35</td>
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<tr>
<td>MSW-Tons</td>
<td>235.61</td>
</tr>
<tr>
<td>Swastre Solid Oth-Tons</td>
<td>21.90</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>415,791.31</strong></td>
</tr>
</tbody>
</table>
Additional Questions and Answers: Contact your ILCSWMA Region Representative

• Southern Rep: Andrea Yancey - anyancey@co.madison.il.us

• Central Rep: Chad Braatz - chad.braatz@cityofmonmouth.com

• Northern Rep: Paul Cooney – pcooney@Oglecounty.org

• 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 you for joining us today.