



Filed: 3/11/2009

09600HB2264ham001

LRB096 09571 JDS 23359 a

1 AMENDMENT TO HOUSE BILL 2264

2 AMENDMENT NO. _____. Amend House Bill 2264 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 22.51 as follows:

6 (415 ILCS 5/22.51)

7 Sec. 22.51. Clean Construction or Demolition Debris Fill
8 Operations.

9 (a) No person shall conduct any clean construction or
10 demolition debris fill operation in violation of this Act or
11 any regulations or standards adopted by the Board.

12 (b) (1) (A) Beginning 30 days after the effective date of
13 this amendatory Act of the 94th General Assembly but prior to
14 July 1, 2008, no person shall use clean construction or
15 demolition debris as fill material in a current or former
16 quarry, mine, or other excavation, unless they have applied for

1 an interim authorization from the Agency for the clean
2 construction or demolition debris fill operation.

3 (B) The Agency shall approve an interim authorization upon
4 its receipt of a written application for the interim
5 authorization that is signed by the site owner and the site
6 operator, or their duly authorized agent, and that contains the
7 following information: (i) the location of the site where the
8 clean construction or demolition debris fill operation is
9 taking place, (ii) the name and address of the site owner,
10 (iii) the name and address of the site operator, ~~and~~ (iv) the
11 types and amounts of clean construction or demolition debris
12 being used as fill material at the site, and (v) a site
13 reclamation plan that addresses potential hazards to public
14 health and safety.

15 (C) The Agency may deny an interim authorization if the
16 site owner or the site operator, or their duly authorized
17 agent, fails to provide to the Agency the information listed in
18 subsection (b) (1) (B) of this Section. Any denial of an interim
19 authorization shall be subject to appeal to the Board in
20 accordance with the procedures of Section 40 of this Act.

21 (D) No person shall use clean construction or demolition
22 debris as fill material in a current or former quarry, mine, or
23 other excavation for which the Agency has denied interim
24 authorization under subsection (b) (1) (C) of this Section. The
25 Board may stay the prohibition of this subsection (D) during
26 the pendency of an appeal of the Agency's denial of the interim

1 authorization brought under subsection (b)(1)(C) of this
2 Section.

3 (2) Beginning September 1, 2006, owners and operators of
4 clean construction or demolition debris fill operations shall,
5 in accordance with a schedule prescribed by the Agency, submit
6 to the Agency applications for the permits required under this
7 Section. The Agency shall notify owners and operators in
8 writing of the due date for their permit application. The due
9 date shall be no less than 90 days after the date of the
10 Agency's written notification. Owners and operators who do not
11 receive a written notification from the Agency by October 1,
12 2007, shall submit a permit application to the Agency by
13 January 1, 2008. The interim authorization of owners and
14 operators who fail to submit a permit application to the Agency
15 by the permit application's due date shall terminate on (i) the
16 due date established by the Agency if the owner or operator
17 received a written notification from the Agency prior to
18 October 1, 2007, or (ii) or January 1, 2008, if the owner or
19 operator did not receive a written notification from the Agency
20 by October 1, 2007.

21 (3) On and after July 1, 2008, no person shall use clean
22 construction or demolition debris as fill material in a current
23 or former quarry, mine, or other excavation without a permit
24 granted by the Agency for the clean construction or demolition
25 debris fill operation or in violation of any conditions imposed
26 by such permit, including periodic reports and full access to

1 adequate records and the inspection of facilities, as may be
2 necessary to assure compliance with this Act and with Board
3 regulations and standards adopted under this Act. The Board
4 shall amend these rules as expeditiously as possible to bring
5 them into compliance with the requirements of this amendatory
6 Act of the 96th General Assembly.

7 (4) This subsection (b) does not apply to:

8 (A) the use of clean construction or demolition debris
9 as fill material in a current or former quarry, mine, or
10 other excavation located on the site where the clean
11 construction or demolition debris was generated;

12 (B) the use of clean construction or demolition debris
13 as fill material in an excavation other than a current or
14 former quarry or mine if this use complies with Illinois
15 Department of Transportation specifications; or

16 (C) current or former quarries, mines, and other
17 excavations that do not use clean construction or
18 demolition debris as fill material.

19 (c) In accordance with Title VII of this Act, the Board may
20 adopt regulations to promote the purposes of this Section. The
21 Agency shall consult with the mining and construction
22 industries during the development of any regulations to promote
23 the purposes of this Section.

24 (1) No later than December 15, 2005, the Agency shall
25 propose to the Board, and no later than September 1, 2006,
26 the Board shall adopt, regulations for the use of clean

1 construction or demolition debris as fill material in
2 current and former quarries, mines, and other excavations.
3 Such regulations shall include, but shall not be limited
4 to, standards for clean construction or demolition debris
5 fill operations and the submission and review of permits
6 required under this Section.

7 (2) Until the Board adopts rules under subsection
8 (c)(1) of this Section, all persons using clean
9 construction or demolition debris as fill material in a
10 current or former quarry, mine, or other excavation shall:

11 (A) Assure that only clean construction or
12 demolition debris is being used as fill material by
13 screening each truckload of material received using a
14 device approved by the Agency that detects volatile
15 organic compounds. Such devices may include, but are
16 not limited to, photo ionization detectors. All
17 screening devices shall be operated and maintained in
18 accordance with manufacturer's specifications.
19 Unacceptable fill material shall be rejected from the
20 site; and

21 (B) Retain for a minimum of 3 years the following
22 information:

23 (i) The name of the hauler, the name of the
24 generator, and place of origin of the debris or
25 soil;

26 (ii) The approximate weight or volume of the

1 debris or soil; and

2 (iii) The date the debris or soil was received.

3 (d) This Section applies only to clean construction or
4 demolition debris that is not considered "waste" as provided in
5 Section 3.160 of this Act.

6 (e) For purposes of a clean construction or demolition
7 debris fill operation:

8 (1) The term "operator" means a person responsible for
9 the operation and maintenance of a clean construction or
10 demolition debris fill operation.

11 (2) The term "owner" means a person who has any direct
12 or indirect interest in a clean construction or demolition
13 debris fill operation or in land on which a person operates
14 and maintains a clean construction or demolition debris
15 fill operation. A "direct or indirect interest" does not
16 include the ownership of publicly traded stock. The "owner"
17 is the "operator" if there is no other person who is
18 operating and maintaining a clean construction or
19 demolition debris fill operation.

20 (Source: P.A. 94-272, eff. 7-19-05; 94-725, eff. 6-1-06.)

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