

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 22.38 as follows:

6 (415 ILCS 5/22.38)

7 Sec. 22.38. Facilities accepting exclusively general  
8 construction or demolition debris for transfer, storage, or  
9 treatment.

10 (a) Facilities accepting exclusively general construction  
11 or demolition debris for transfer, storage, or treatment shall  
12 be subject to local zoning, ordinance, and land use  
13 requirements. Those facilities shall be located in accordance  
14 with local zoning requirements or, in the absence of local  
15 zoning requirements, shall be located so that no part of the  
16 facility boundary is closer than 1,320 feet from the nearest  
17 property zoned for primarily residential use.

18 (b) An owner or operator of a facility accepting  
19 exclusively general construction or demolition debris for  
20 transfer, storage, or treatment shall:

21 (1) Within 48 hours of receipt of the general  
22 construction or demolition debris at the facility, sort the  
23 general construction or demolition debris to separate the

1 recyclable general construction or demolition debris and  
2 recovered wood that is processed for use as fuel from  
3 non-recyclable general construction or demolition debris  
4 to be disposed of or discarded.

5 (2) Transport off site for disposal all non-recyclable  
6 general construction or demolition debris that is neither  
7 recyclable general construction or demolition debris nor  
8 recovered wood that is processed for use as fuel in  
9 accordance with all applicable federal, State, and local  
10 requirements within 72 hours of its receipt at the  
11 facility.

12 (3) Limit the percentage of incoming non-recyclable  
13 general construction or demolition debris to 25% or less of  
14 the total incoming general construction or demolition  
15 debris, as calculated on a daily basis, so that 75% or more  
16 of the general construction or demolition debris accepted  
17 on a daily basis consists of recyclable general  
18 construction or demolition debris, recovered wood that is  
19 processed for use as fuel, or both.

20 (4) Transport all non-putrescible recyclable general  
21 construction or demolition debris for recycling or  
22 disposal within 6 months of its receipt at the facility.

23 (5) Within 45 days of its receipt at the facility,  
24 transport (i) all putrescible or combustible recyclable  
25 general construction or demolition debris (excluding  
26 recovered wood that is processed for use as fuel) for

1 recycling or disposal and (ii) all recovered wood that is  
2 processed for use as fuel to an intermediate processing  
3 facility for sizing, to a combustion facility for use as  
4 fuel, or to a disposal facility.

5 (6) Employ tagging and recordkeeping procedures to (i)  
6 demonstrate compliance with this Section and (ii) identify  
7 the source and transporter of material accepted by the  
8 facility.

9 (7) Control odor, noise, combustion of materials,  
10 disease vectors, dust, and litter.

11 (8) Control, manage, and dispose of any storm water  
12 runoff and leachate generated at the facility in accordance  
13 with applicable federal, State, and local requirements.

14 (9) Control access to the facility.

15 (10) Comply with all applicable federal, State, or  
16 local requirements for the handling, storage,  
17 transportation, or disposal of asbestos-containing  
18 material or other material accepted at the facility that is  
19 not general construction or demolition debris.

20 (11) Prior to August 24, 2009 (the effective date of  
21 Public Act 96-611), submit to the Agency at least 30 days  
22 prior to the initial acceptance of general construction or  
23 demolition debris at the facility, on forms provided by the  
24 Agency, the following information:

25 (A) the name, address, and telephone number of both  
26 the facility owner and operator;

1 (B) the street address and location of the  
2 facility;

3 (C) a description of facility operations;

4 (D) a description of the tagging and recordkeeping  
5 procedures the facility will employ to (i) demonstrate  
6 compliance with this Section and (ii) identify the  
7 source and transporter of any material accepted by the  
8 facility;

9 (E) the name and location of the disposal sites to  
10 be used for the disposal of any general construction or  
11 demolition debris received at the facility that must be  
12 disposed of;

13 (F) the name and location of an individual,  
14 facility, or business to which recyclable materials  
15 will be transported;

16 (G) the name and location of intermediate  
17 processing facilities or combustion facilities to  
18 which recovered wood that is processed for use as fuel  
19 will be transported; and

20 (H) other information as specified on the form  
21 provided by the Agency.

22 (12) On or after August 24, 2009 (the effective date of  
23 Public Act 96-611), obtain a permit issued by the Agency  
24 prior to the initial acceptance of general construction or  
25 demolition debris at the facility.

26 When any of the information contained or processes

1 described in the initial notification form submitted to the  
2 Agency changes, the owner and operator shall submit an  
3 updated form within 14 days of the change.

4 (c) For purposes of this Section, the term "recyclable  
5 general construction or demolition debris" means general  
6 construction or demolition debris that has been rendered  
7 reusable and is reused or that would otherwise be disposed of  
8 or discarded but is collected, separated, or processed and  
9 returned to the economic mainstream in the form of raw  
10 materials or products. "Recyclable general construction or  
11 demolition debris" does not include general construction or  
12 demolition debris processed for use as fuel, incinerated,  
13 burned, buried, or otherwise used as fill material.

14 (d) For purposes of this Section, "treatment" means  
15 processing designed to alter the physical nature of the general  
16 construction or demolition debris, including but not limited to  
17 size reduction, crushing, grinding, or homogenization, but  
18 does not include processing designed to change the chemical  
19 nature of the general construction or demolition debris.

20 (e) For purposes of this Section, "recovered wood that is  
21 processed for use as fuel" means wood that has been salvaged  
22 from general construction or demolition debris and processed  
23 for use as fuel, as authorized by the applicable state or  
24 federal environmental regulatory authority, and supplied only  
25 to intermediate processing facilities for sizing, or to  
26 combustion facilities for use as fuel, that have obtained all

1 necessary waste management and air permits for handling and  
2 combustion of the fuel.

3 (f) For purposes of this Section, "non-recyclable general  
4 construction or demolition debris" does not include "recovered  
5 wood that is processed for use as fuel".

6 (g) Recyclable general construction or demolition debris  
7 or recovered wood that is processed for use as fuel that is  
8 sent for disposal at the end of the applicable retention period  
9 shall not be considered as meeting the 75% diversion  
10 requirement for purposes of subdivision (b) (3) of this Section.

11 (h) For purposes of the 75% diversion requirement under  
12 subdivision (b) (3) of this Section, owners and operators of  
13 facilities accepting exclusively general construction or  
14 demolition debris for transfer, storage, or treatment may  
15 multiply by 2 the amount of accepted asphalt roofing shingles  
16 that are transferred to a facility for recycling in accordance  
17 with a beneficial use determination issued under Section 22.54  
18 of this Act. The owner or operator of the facility accepting  
19 exclusively general construction or demolition debris for  
20 transfer, storage, or treatment must maintain receipts from the  
21 shingle recycling facility that document the amounts of asphalt  
22 roofing shingles transferred for recycling in accordance with  
23 the beneficial use determination. All receipts must be  
24 maintained for a minimum of 3 years and must be made available  
25 to the Agency for inspection and copying during normal business  
26 hours.

1 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;  
2 96-1000, eff. 7-2-10.)

3 Section 10. The Illinois Highway Code is amended by adding  
4 Sections 4-221 and 4-222 as follows:

5 (605 ILCS 5/4-221 new)

6 Sec. 4-221. Mix designs. To the extent allowed by federal  
7 law, the Department specifications shall allow the use of  
8 recycled asphalt roofing shingles received from facilities  
9 authorized to process asphalt roofing shingles for recycling  
10 into asphalt pavement in accordance with (i) permits issued  
11 pursuant to Section 39 of the Environmental Protection Act or  
12 (ii) beneficial use determinations issued pursuant to Section  
13 22.54 of the Environmental Protection Act. In creating the mix  
14 designs used for construction and maintenance of State  
15 highways, it shall be the goal of the Department, through its  
16 specifications, to maximize the percentage of recycled asphalt  
17 roofing shingles and binder replacement and to maximize the use  
18 of recycled aggregates and other lowest-cost constituents in  
19 the mix so long as there is no detrimental impact on life-cycle  
20 costs.

21 (605 ILCS 5/4-222 new)

22 Sec. 4-222. Recycled asphalt roofing shingles; cost  
23 savings; prohibitions on use in asphalt paving.

1       (a) It shall be the goal of the Department, with regard to  
2 its asphalt paving projects and to the extent possible, to  
3 reduce the carbon footprint and reduce average costs by  
4 maximizing the percentage use of recycled materials or lowest  
5 cost alternative materials and extending the paving season so  
6 long as there is no detrimental impact on life-cycle costs. In  
7 furtherance of these goals, the Department shall provide to the  
8 Chairpersons of the Transportation Committee in each  
9 legislative chamber, within 60 days after the completion of  
10 each fiscal year, a written report of the activities initiated  
11 or abandoned in each district or region within the Department  
12 to meet those goals during the previous year. The report shall  
13 also include an analysis of the cost savings directly or  
14 indirectly attributed to those activities within each district  
15 or region. Upon review of the annual report, the Transportation  
16 Committees in each chamber may conduct hearings and provide  
17 recommendations to the Department regarding the performance of  
18 each district or region.

19       (b) No producer of asphalt pavement, operating pursuant to  
20 an air permit issued by the Illinois Environmental Protection  
21 Agency, shall use recycled asphalt roofing shingles in its  
22 pavement product unless the shingles have been processed for  
23 recycling into asphalt pavement in accordance with (i) permits  
24 issued pursuant to Section 39 of the Environmental Protection  
25 Act or (ii) beneficial use determinations issued pursuant to  
26 Section 22.54 of the Environmental Protection Act. The



1 prohibition in this subsection (b) shall apply in addition to  
2 any other rules, specifications, or other requirements adopted  
3 by the Department regarding the use of asphalt roofing shingles  
4 in pavement product.