



Rep. Anthony DeLuca

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LRB098 20243 MGM 57164 a

1 AMENDMENT TO HOUSE BILL 5666

2 AMENDMENT NO. _____. Amend House Bill 5666 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Solid Waste Hauling and Recycling Program Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context clearly indicates otherwise:

8 "Agency" means the Illinois Environmental Protection
9 Agency.

10 "Applicant" means any Person applying for a solid waste
11 hauling license under this Act.

12 "County" means a county in Illinois having a population of
13 3,000,000 or more, and any county that is contiguous to that
14 county.

15 "General construction or demolition debris" has the
16 meaning ascribed to that term in Section 3.160 of the

1 Environmental Protection Act.

2 "Hauler" means any person who engages in the business of
3 collecting or hauling garbage, municipal waste, recyclable
4 material, landscape waste, brush, or other refuse on a
5 continuous and regular basis, and makes multiple scheduled
6 collections per month within a county.

7 "Landscape waste" means all accumulations of grass or
8 shrubbery cuttings, leaves, tree limbs, and other materials
9 accumulated as the result of the care of lawns, shrubbery,
10 vines, and trees.

11 "Municipal waste" means garbage, general household
12 institutional and commercial waste, industrial lunchroom or
13 office waste, and landscape waste. "Municipal waste" also
14 includes "garbage", "refuse", and "ashes", as those terms are
15 defined in Section 11-19-2 of the Municipal Code.

16 "Municipality" means a municipality, as defined in Section
17 1 of Article VII of the Illinois Constitution, that is located
18 either partially or wholly within the boundaries of a county as
19 defined in this Section. "Municipality" does not include a
20 municipality with a population of 2,000,000 or more.

21 "Person" means any business, public or private
22 corporation, partnership, association, government agency,
23 municipality, unit of local government, or other legal entity.

24 "Recycling" means a method, technique, or process designed
25 to remove any contaminant from waste so as to render that waste
26 reusable, or any process by which materials that would

1 otherwise be disposed of or discarded are collected, separated,
2 or processed and returned to the economic mainstream in the
3 form of raw materials or products.

4 "Recycling center" means a site or a facility that accepts
5 only segregated, nonhazardous, nonspecial, homogenous,
6 nonputrescible materials, such as dry paper, glass, cans or
7 plastics for subsequent use in the secondary materials market.

8 "Recyclable material" means material that is separated
9 from municipal waste for the purpose of recycling, including,
10 but not limited to, ferrous metal cans, aluminum containers,
11 glass, plastics including HDPE or PET containers and plastics
12 #3 through #7, newsprint, corrugated paper, junk mail,
13 magazines, office paper, and boxboard.

14 Section 10. Collection of recyclable materials.

15 (a) Each hauler operating in a county or municipality shall
16 offer, either as part of basic service, or alternatively as an
17 additional service, the collection of recyclable materials
18 from any commercial business, commercial property, or
19 institutional facility within that county or municipality.
20 Haulers shall provide information on how and what materials to
21 recycle at least once every other year to customers with
22 recycling service. Haulers shall provide a written offer to
23 provide recycling services to commercial businesses, owners or
24 operators of commercial property, and institutional facilities
25 that are not recycling. Those offers shall be made at least

1 once during the term of the contract or at least once every 2
2 years, whichever is shorter. The hauler's written offer shall
3 include a request that the commercial business, owner or
4 operator of the commercial business, or institutional facility
5 respond to the hauler's request to provide recycling services
6 in writing.

7 (b) Recyclable materials collected by a hauler within a
8 county or municipality shall not be deposited into a landfill
9 or incinerator unless all reasonable efforts have been made by
10 the hauler to sell those recyclable materials to a processor or
11 end user.

12 (c) Ownership of recyclable materials set out for
13 collection shall remain with the commercial business,
14 commercial property owner, or institutional facility that set
15 out the material for collection until the material is removed
16 by the hauler.

17 Section 15. Compliance. Nothing in this Act shall exempt a
18 hauler from obtaining a license or permit required by other
19 applicable laws or regulations. The hauler shall at all times
20 operate in compliance with all applicable laws and regulations.

21 In the event of a conflict between this Act and any other
22 law, including, but not limited to, the Solid Waste Planning
23 and Recycling Act, the Counties Code, and the Illinois
24 Municipal Code, this Act shall control.

1 Section 20. Recyclable materials reporting. Beginning
2 January 15, 2015, and each January 15 and July 15 thereafter, a
3 recycling center, a recycling center operator, or a facility
4 that accepts exclusively general construction or demolition
5 debris pursuant to Section 22.38 of the Act must provide a
6 report to the Agency, on forms provided by the Agency, that
7 includes: (i) the site name, the owner of the recycling center
8 or general construction or demolition debris facility, and the
9 semi-annual period for which the summary applies; and (ii) the
10 total quantity of recyclable materials or general construction
11 or demolition debris received during the preceding semi-annual
12 period, in tons or cubic yards.

13 Section 25. Applicability. Nothing in this Act shall apply
14 to a contract or franchise awarded pursuant to Section 11-19-1
15 of the Municipal Code, entered into before the effective date
16 of this Act.

17 Section 30. Home Rule. No home rule municipality or home
18 rule county may regulate haulers in a manner less restrictive
19 than the regulation of haulers by the State under this Act.
20 This Act is a limitation under subsection (i) of Section 6 of
21 Article VII of the Illinois Constitution on the concurrent
22 exercise by home rule municipalities or home rule counties of
23 powers and functions exercised by the State.

1 Section 90. The Illinois Municipal Code is amended by
2 changing Section 11-19-1 as follows:

3 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

4 Sec. 11-19-1. Contracts.

5 (a) Any city, village or incorporated town may make
6 contracts with any other city, village, or incorporated town or
7 with any person, corporation, or county, or any agency created
8 by intergovernmental agreement, for more than one year and not
9 exceeding 30 years relating to the collection and final
10 disposition, or relating solely to either the collection or
11 final disposition of garbage, refuse and ashes. A municipality
12 may contract with private industry to operate a designated
13 facility for the disposal, treatment or recycling of solid
14 waste, and may enter into contracts with private firms or local
15 governments for the delivery of waste to such facility. In
16 regard to a contract involving a garbage, refuse, or garbage
17 and refuse incineration facility, the 30 year contract
18 limitation imposed by this Section shall be computed so that
19 the 30 years shall not begin to run until the date on which the
20 facility actually begins accepting garbage or refuse. The
21 payments required in regard to any contract entered into under
22 this Division 19 shall not be regarded as indebtedness of the
23 city, village, or incorporated town, as the case may be, for
24 the purpose of any debt limitation imposed by any law.

25 (a-5) If a municipality with a population of less than

1 1,000,000 located in a county as defined in the Illinois Solid
2 Waste and Recycling Program Act has never awarded a franchise
3 to a private entity for the collection of waste for
4 non-residential locations, then the municipality may not award
5 a franchise unless (1) the municipality provides prior written
6 notice to all haulers licensed to provide waste hauling
7 services in that municipality of the municipality's intent to
8 issue a request for proposal under this Section, (2) the
9 municipality adopts an ordinance requiring each licensed
10 hauler, for a period of no less than 36 continuous months, to
11 report to the municipality the number of non-residential
12 locations served by the hauler in the municipality and the
13 number of non-residential locations contracting with the
14 hauler for the recyclable materials collection service
15 pursuant to Section 10 of the Solid Waste Hauling and Recycling
16 Program Act, and (3) that upon conclusion of that 36 month
17 reporting period, less than 30% of the non-residential
18 locations within the municipality contract for recyclable
19 material collection services pursuant to Section 10 of the
20 Solid Waste Hauling and Recycling Act.

21 (b) If a municipality with a population of less than
22 1,000,000 has never awarded a franchise to a private entity for
23 the collection of waste from non-residential locations, then
24 that municipality may not award such a franchise without
25 issuing a request for proposal. The municipality may not issue
26 a request for proposal without first: (i) holding at least one

1 public hearing seeking comment on the advisability of issuing a
2 request for proposal and awarding a franchise; (ii) providing
3 at least 30 days' written notice of the hearing, delivered by
4 first class mail to all private entities that provide
5 non-residential waste collection services within the
6 municipality that the municipality is able to identify through
7 its records; and (iii) providing at least 30 days' public
8 notice of the hearing.

9 After issuing a request for proposal, the municipality may
10 not award a franchise without first: (i) allowing at least 30
11 days for proposals to be submitted to the municipality; (ii)
12 holding at least one public hearing after the receipt of
13 proposals on whether to award a franchise to a proposed
14 franchisee; and (iii) providing at least 30 days' public notice
15 of the hearing. At the public hearing, the municipality must
16 disclose and discuss the proposed franchise fee or calculation
17 formula of such franchise fee that it will receive under the
18 proposed franchise.

19 (b-5) If no request for proposal is issued within 120 days
20 after the initial public hearing required in subsection (b),
21 then the municipality must hold another hearing as outlined in
22 subsection (b).

23 (b-10) If a municipality has not awarded a franchise within
24 210 days after the date that a request for proposal is issued
25 pursuant to subsection (b), then the municipality must adhere
26 to all of the requirements set forth in subsections (b) and

1 (b-5) .

2 (b-15) The franchise fee and any other fees, taxes, or
3 charges imposed by the municipality in connection with a
4 franchise for the collection of waste from non-residential
5 locations must be used exclusively for costs associated with
6 administering the franchise program.

7 (c) If a municipality with a population of less than
8 1,000,000 has never awarded a franchise to a private entity for
9 the collection of waste from non-residential locations, then a
10 private entity may not begin providing waste collection
11 services to non-residential locations under a franchise
12 agreement with that municipality at any time before the date
13 that is 15 months after the date the ordinance or resolution
14 approving the award of the franchise is adopted.

15 (d) For purposes of this Section, "waste" means garbage,
16 refuse, or ashes as defined in Section 11-19-2.

17 (e) A home rule unit may not award a franchise to a private
18 entity for the collection of waste in a manner contrary to the
19 provisions of this Section. This Section is a limitation under
20 subsection (i) of Section 6 of Article VII of the Illinois
21 Constitution on the concurrent exercise by home rule units of
22 powers and functions exercised by the State.

23 (Source: P.A. 95-856, eff. 10-1-08; 96-1215, eff. 7-22-10.)

24 Section 95. The Solid Waste Planning and Recycling Act is
25 amended by adding Section 13 as follows:

1 (415 ILCS 15/13 new)

2 Sec. 13. Illinois Solid Waste Hauling and Recycling Program
3 Act. This Act is subject to the provisions of the Illinois
4 Solid Waste Hauling and Recycling Program Act.

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.".