

# SB1408



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1408

Introduced 2/20/2015, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.38

Amends the Environmental Protection Act. Provides that a facility permitted or approved and regulated by the Environmental Protection Agency under specified provisions of the Act shall not be subject to fees assessed by a unit of local government that are directly related to the facility's recycling activities, provided that the facility recycles 75% or more of the material brought to the facility in a calendar year.

LRB099 08876 MGM 29048 b

A BILL FOR

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 after 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,  
2 recovered wood that is processed for use as fuel, and  
3 general construction or demolition debris that is  
4 processed for use at a landfill from the non-recyclable  
5 general construction or demolition debris that is to be  
6 disposed of or discarded.

7 (2) Transport off site for disposal, in accordance with  
8 all applicable federal, State, and local requirements  
9 within 72 hours after its receipt at the facility, all  
10 non-usable or non-recyclable general construction or  
11 demolition debris that is not recyclable general  
12 construction or demolition debris, recovered wood that is  
13 processed for use as fuel, or general construction or  
14 demolition debris that is processed for use at a landfill.

15 (3) Limit the percentage of incoming non-recyclable  
16 general construction or demolition debris to 25% or less of  
17 the total incoming general construction or demolition  
18 debris, so that 75% or more of the general construction or  
19 demolition debris accepted, as calculated monthly on a  
20 rolling 12-month average, consists of recyclable general  
21 construction or demolition debris, recovered wood that is  
22 processed for use as fuel, or general construction or  
23 demolition debris that is processed for use at a landfill  
24 except that general construction or demolition debris  
25 processed for use at a landfill shall not exceed 35% of the  
26 general construction or demolition debris accepted on a

1 rolling 12-month average basis. The percentages in this  
2 paragraph (3) of subsection (b) shall be calculated by  
3 weight, using scales located at the facility that are  
4 certified under the Weights and Measures Act.

5 (4) Within 6 months after its receipt at the facility,  
6 transport:

7 (A) all non-putrescible recyclable general  
8 construction or demolition debris for recycling or  
9 disposal; and

10 (B) all non-putrescible general construction or  
11 demolition debris that is processed for use at a  
12 landfill to a MSWLF unit for use or disposal.

13 (5) Within 45 days after its receipt at the facility,  
14 transport:

15 (A) all putrescible or combustible recyclable  
16 general construction or demolition debris (excluding  
17 recovered wood that is processed for use as fuel) for  
18 recycling or disposal;

19 (B) all recovered wood that is processed for use as  
20 fuel to an intermediate processing facility for  
21 sizing, to a combustion facility for use as fuel, or to  
22 a disposal facility; and

23 (C) all putrescible general construction or  
24 demolition debris that is processed for use at a  
25 landfill to a MSWLF unit for use or disposal.

26 (6) Employ tagging and recordkeeping procedures to (i)

1 demonstrate compliance with this Section and (ii) identify  
2 the source and transporter of material accepted by the  
3 facility.

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

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

9 (9) Control access to the facility.

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

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

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

22 (B) the street address and location of the  
23 facility;

24 (C) a description of facility operations;

25 (D) a description of the tagging and recordkeeping  
26 procedures the facility will employ to (i) demonstrate

1 compliance with this Section and (ii) identify the  
2 source and transporter of any material accepted by the  
3 facility;

4 (E) the name and location of the disposal sites to  
5 be used for the disposal of any general construction or  
6 demolition debris received at the facility that must be  
7 disposed of;

8 (F) the name and location of an individual,  
9 facility, or business to which recyclable materials  
10 will be transported;

11 (G) the name and location of intermediate  
12 processing facilities or combustion facilities to  
13 which recovered wood that is processed for use as fuel  
14 will be transported; and

15 (H) other information as specified on the form  
16 provided by the Agency.

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

21 When any of the information contained or processes  
22 described in the initial notification form submitted to the  
23 Agency under paragraph (11) of subsection (b) of this  
24 Section changes, the owner and operator shall submit an  
25 updated form within 14 days of the change.

26 (c) For purposes of this Section, the term "recyclable

1 general construction or demolition debris" means general  
2 construction or demolition debris that has been rendered  
3 reusable and is reused or that would otherwise be disposed of  
4 or discarded but is collected, separated, or processed and  
5 returned to the economic mainstream in the form of raw  
6 materials or products. "Recyclable general construction or  
7 demolition debris" does not include (i) general construction or  
8 demolition debris processed for use as fuel, incinerated,  
9 burned, buried, or otherwise used as fill material or (ii)  
10 general construction or demolition debris that is processed for  
11 use at a landfill.

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

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

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

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

12 (h) For the purposes of this Section, "general construction  
13 or demolition debris that is processed for use at a landfill"  
14 means general construction or demolition debris that is  
15 processed for use at a MSWLF unit as alternative daily cover,  
16 road building material, or drainage structure building  
17 material in accordance with the MSWLF unit's waste disposal  
18 permit issued by the Agency under this Act.

19 (i) For purposes of the 75% diversion requirement under  
20 subdivision (b) (3) of this Section, owners and operators of  
21 facilities accepting exclusively general construction or  
22 demolition debris for transfer, storage, or treatment may  
23 multiply by 2 the amount of accepted asphalt roofing shingles  
24 that are transferred to a facility for recycling in accordance  
25 with a beneficial use determination issued under Section 22.54  
26 of this Act. The owner or operator of the facility accepting



1 exclusively general construction or demolition debris for  
2 transfer, storage, or treatment must maintain receipts from the  
3 shingle recycling facility that document the amounts of asphalt  
4 roofing shingles transferred for recycling in accordance with  
5 the beneficial use determination. All receipts must be  
6 maintained for a minimum of 3 years and must be made available  
7 to the Agency for inspection and copying during normal business  
8 hours.

9 (j) A facility permitted or approved and regulated by the  
10 Agency under either Section 22.38 or Section 22.54 of this Act  
11 shall not be subject to fees assessed by a unit of local  
12 government that are directly related to the facility's  
13 recycling activities, provided that the facility recycles 75%  
14 or more of the material brought to the facility in a calendar  
15 year.

16 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;  
17 96-1000, eff. 7-2-10; 97-230, eff. 7-28-11; 97-314, eff.  
18 1-1-12; 97-813, eff. 7-13-12.)