

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 22.54a as follows:

6 (415 ILCS 5/22.54a)

7 (Section scheduled to be repealed on February 1, 2018)

8 Sec. 22.54a. Disposal of asphalt roofing shingles.

9 (a) As used in this Section:

10 "BUD" means a beneficial use determination issued under
11 Section 22.54 of this Act.

12 "Eligible shingle recycling facility" means a shingle
13 recycling facility that:

14 (1) is approved for asphalt roofing shingle recycling
15 under a beneficial use determination issued pursuant to
16 Section 22.54 of this Act and is in compliance with the
17 terms of that BUD;

18 (2) is listed on the Department of Transportation's
19 "Qualified Producer List of Certified Sources for
20 Reclaimed Asphalt Shingles" or identified as an approved
21 producer of reclaimed asphalt shingles by the Illinois
22 State Toll Highway Authority; and

23 (3) accepts all delivered loads of asphalt roofing

1 shingles that can be processed into reclaimed asphalt
2 shingles meeting Department of Transportation or Illinois
3 State Toll Highway Authority specifications.

4 (b) No owner or operator of a sanitary landfill that is
5 located within a 25-mile radius of an eligible shingle
6 recycling facility ~~a site where asphalt roofing shingles are~~
7 ~~recycled under a Beneficial Use Determination (BUD) issued by~~
8 ~~the Agency pursuant to Section 22.54 of this Act shall accept~~
9 for disposal loads of ~~whole or processed~~ asphalt roofing
10 shingles that can be processed into reclaimed asphalt shingles
11 meeting Department of Transportation or Illinois State Toll
12 Highway Authority specifications.

13 (c) Nothing in this Section shall prohibit or restrict a
14 sanitary landfill from accepting for disposal asphalt roofing
15 shingles that can be processed into reclaimed asphalt shingles
16 meeting Department of Transportation or Illinois State Toll
17 Highway Authority specifications but that are either
18 commingled with municipal waste, including, but not limited to,
19 general construction or demolition debris, or rejected by an
20 eligible shingle recycling facility.

21 (d) The owner or operator of an eligible shingle recycling
22 facility shall notify the Agency in writing of the name and
23 street address of the eligible shingle recycling facility, and
24 he or she shall also notify the Agency when the facility's
25 status as an eligible shingle recycling facility is rescinded
26 or reinstated in accordance with subsection (e) or subsection

1 (f) of this Section. The Agency shall post on its website the
2 information provided to the Agency under this subsection (d)
3 name and address of each site at which the recycling of asphalt
4 roofing shingles under a BUD is approved.

5 (e) The Agency may issue a notice of intent to rescind
6 recognition as an eligible shingle recycling facility to any
7 owner or operator of a shingle recycling facility that, in the
8 Agency's judgment, is not in compliance with the terms of the
9 facility's BUD. The Agency shall file a copy of the notice with
10 the Board no later than 10 days after the date of service of
11 the notice on the owner or operator. Each notice issued under
12 this subsection (e) shall be served upon the owner or operator,
13 or that person's authorized agent for service of process, and
14 shall include the following information:

15 (1) a statement specifying the provisions of the BUD
16 which were not complied with;

17 (2) if non-compliance was observed during an
18 inspection by the Agency, a copy of the inspection report
19 in which the Agency recorded the non-compliance, which
20 report shall include the date and time of inspection, and
21 weather conditions prevailing during the inspection;

22 (3) instructions for contesting the notice issued
23 under this subsection (e), including notification that the
24 owner or operator has 35 days within which to file a
25 petition for review before the Board to contest the notice;
26 and

1 (4) an affidavit by the personnel observing the
2 non-compliance, attesting to their material actions and
3 observations.

4 If the owner or operator fails to petition the Board for
5 review of the notice within 35 days after the date of service,
6 then the Board shall adopt a final order holding that the
7 shingle recycling facility is not an eligible shingle recycling
8 facility for purposes of this Section. If, within 35 days after
9 the date of service, a petition for review is filed before the
10 Board to contest a notice issued under this subsection (e),
11 then the Agency shall appear as a complainant at a hearing
12 before the Board to be conducted in accordance with Section 32
13 of this Act. The hearing shall be held not less than 21 days
14 after the Board sends a notice of the hearing to the Agency and
15 the owner or operator who petitioned for review of the notice.
16 In these hearings, the burden of proof shall be on the Agency.
17 If, based on the record, the Board finds that the alleged
18 non-compliance occurred, then the Board shall adopt a final
19 order holding that the shingle recycling facility is not an
20 eligible shingle recycling facility for purposes of this
21 Section.

22 (f) If the Board has determined under subsection (e) of
23 this Section that a shingle recycling facility is not an
24 eligible shingle recycling facility, then the owner or operator
25 of the facility may file with the Board a motion to have the
26 facility reinstated as an eligible shingle recycling facility.

1 If, at the time the motion is filed, the owner or operator of
2 the facility is able to affirmatively demonstrate, to the
3 satisfaction of the Board, that all non-compliance at the
4 facility has been corrected, that the facility is in compliance
5 with its BUD, and that the facility is not subject to any
6 pending enforcement action under this Act, then the Board may
7 enter an order reinstating the facility as an eligible shingle
8 recycling facility for the purposes of this Section.

9 Before issuing any order under this subsection (f), the
10 Board shall conduct an evaluation of the owner or operator's
11 prior experience in asphalt shingle recycling operations. The
12 Board may deny a petition for reinstatement under this
13 subsection (f) if the owner or operator, or any employee or
14 officer of the owner or operator, has a history of repeated
15 violations of federal, State, or local laws, regulations,
16 rules, standards, or ordinances related to the operation of an
17 asphalt shingle recycling facility or site, or a history of
18 gross carelessness or incompetence in the handling, storing,
19 processing, transporting, disposing, or recycling of asphalt
20 shingles.

21 (g) Nothing in this Section shall be construed to prevent
22 the Agency from issuing an informal warning to an owner or
23 operator before issuing a notice of intent to rescind
24 recognition as an eligible shingle recycling facility under
25 subsection (e) of this Section.

26 (h) Sections 10-25 through 10-60 of the Illinois

1 Administrative Procedure Act do not apply to proceedings under
2 this Section, and the orders issued by the Board under this
3 subsection apply in addition to any other remedy or penalty
4 that may be provided under this Act or any other law.

5 ~~No later than January 31 of each year, each recipient of a~~
6 ~~BUD for asphalt roofing shingles shall submit a report to the~~
7 ~~Agency that contains the following information: (i) the total~~
8 ~~quantity of asphalt roofing shingles received under the BUD~~
9 ~~during the previous calendar year; (ii) the beneficial uses~~
10 ~~during the previous calendar year of shingles received under~~
11 ~~the BUD; (iii) the total quantity of shingles used in each~~
12 ~~beneficial use during the previous calendar year; and (iv) the~~
13 ~~total quantity and disposition of any shingles received but not~~
14 ~~beneficially used under the BUD during the previous calendar~~
15 ~~year. The report must be submitted on a form and in a format~~
16 ~~prescribed by the Agency.~~

17 (i) This Section is repealed on February 1, 2023 ~~2018~~.

18 (Source: P.A. 98-542, eff. 1-1-14.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.