



Rep. Daniel V. Beiser

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1 AMENDMENT TO HOUSE BILL 1326

2 AMENDMENT NO. _____. Amend House Bill 1326, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 4, as follows:

5 on page 1, line 5, by replacing "Sections 3.160 and 22.54" with
6 "Section 22.38"; and

7 by replacing page 1, line 6, through page 10, line 19, with the
8 following:

9 "(415 ILCS 5/22.38)

10 Sec. 22.38. Facilities accepting exclusively general
11 construction or demolition debris for transfer, storage, or
12 treatment.

13 (a) Facilities accepting exclusively general construction
14 or demolition debris for transfer, storage, or treatment shall
15 be subject to local zoning, ordinance, and land use

1 requirements. Those facilities shall be located in accordance
2 with local zoning requirements or, in the absence of local
3 zoning requirements, shall be located so that no part of the
4 facility boundary is closer than 1,320 feet from the nearest
5 property zoned for primarily residential use.

6 (b) An owner or operator of a facility accepting
7 exclusively general construction or demolition debris for
8 transfer, storage, or treatment shall:

9 (1) Within 48 hours of receipt of the general
10 construction or demolition debris at the facility, sort the
11 general construction or demolition debris to separate the
12 recyclable general construction or demolition debris and
13 recovered wood that is processed for use as fuel from
14 non-recyclable general construction or demolition debris
15 to be disposed of or discarded.

16 (2) Transport off site for disposal all non-recyclable
17 general construction or demolition debris that is neither
18 recyclable general construction or demolition debris nor
19 recovered wood that is processed for use as fuel in
20 accordance with all applicable federal, State, and local
21 requirements within 72 hours of its receipt at the
22 facility.

23 (3) Limit the percentage of incoming non-recyclable
24 general construction or demolition debris to 25% or less of
25 the total incoming general construction or demolition
26 debris, as calculated on a daily basis, so that 75% or more

1 of the general construction or demolition debris accepted
2 on a daily basis consists of recyclable general
3 construction or demolition debris, recovered wood that is
4 processed for use as fuel, or both.

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

8 (5) Within 45 days of its receipt at the facility,
9 transport (i) all putrescible or combustible recyclable
10 general construction or demolition debris (excluding
11 recovered wood that is processed for use as fuel) for
12 recycling or disposal and (ii) all recovered wood that is
13 processed for use as fuel to an intermediate processing
14 facility for sizing, to a combustion facility for use as
15 fuel, or to a disposal facility.

16 (6) Employ tagging and recordkeeping procedures to (i)
17 demonstrate compliance with this Section and (ii) identify
18 the source and transporter of material accepted by the
19 facility.

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

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

25 (9) Control access to the facility.

26 (10) Comply with all applicable federal, State, or

1 local requirements for the handling, storage,
2 transportation, or disposal of asbestos-containing
3 material or other material accepted at the facility that is
4 not general construction or demolition debris.

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

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

12 (B) the street address and location of the
13 facility;

14 (C) a description of facility operations;

15 (D) a description of the tagging and recordkeeping
16 procedures the facility will employ to (i) demonstrate
17 compliance with this Section and (ii) identify the
18 source and transporter of any material accepted by the
19 facility;

20 (E) the name and location of the disposal sites to
21 be used for the disposal of any general construction or
22 demolition debris received at the facility that must be
23 disposed of;

24 (F) the name and location of an individual,
25 facility, or business to which recyclable materials
26 will be transported;

1 (G) the name and location of intermediate
2 processing facilities or combustion facilities to
3 which recovered wood that is processed for use as fuel
4 will be transported; and

5 (H) other information as specified on the form
6 provided by the Agency.

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

11 When any of the information contained or processes
12 described in the initial notification form submitted to the
13 Agency changes, the owner and operator shall submit an
14 updated form within 14 days of the change.

15 (c) For purposes of this Section, the term "recyclable
16 general construction or demolition debris" means general
17 construction or demolition debris that has been rendered
18 reusable and is reused or that would otherwise be disposed of
19 or discarded but is collected, separated, or processed and
20 returned to the economic mainstream in the form of raw
21 materials or products. "Recyclable general construction or
22 demolition debris" does not include general construction or
23 demolition debris processed for use as fuel, incinerated,
24 burned, buried, or otherwise used as fill material.

25 (d) For purposes of this Section, "treatment" means
26 processing designed to alter the physical nature of the general

1 construction or demolition debris, including but not limited to
2 size reduction, crushing, grinding, or homogenization, but
3 does not include processing designed to change the chemical
4 nature of the general construction or demolition debris.

5 (e) For purposes of this Section, "recovered wood that is
6 processed for use as fuel" means wood that has been salvaged
7 from general construction or demolition debris and processed
8 for use as fuel, as authorized by the applicable state or
9 federal environmental regulatory authority, and supplied only
10 to intermediate processing facilities for sizing, or to
11 combustion facilities for use as fuel, that have obtained all
12 necessary waste management and air permits for handling and
13 combustion of the fuel.

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

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

22 (h) For purposes of the 75% diversion requirement under
23 subdivision (b) (3) of this Section, owners and operators of
24 facilities accepting exclusively general construction or
25 demolition debris for transfer, storage, or treatment may
26 multiply by 2 the amount of accepted asphalt roofing shingles

1 that are transferred to a facility for recycling in accordance
2 with a beneficial use determination issued under Section 22.54
3 of this Act. The owner or operator of the facility accepting
4 exclusively general construction or demolition debris for
5 transfer, storage, or treatment must maintain receipts from the
6 shingle recycling facility that document the amounts of asphalt
7 roofing shingles transferred for recycling in accordance with
8 the beneficial use determination. All receipts must be
9 maintained for a minimum of 3 years and must be made available
10 to the Agency for inspection and copying during normal business
11 hours.

12 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;
13 96-1000, eff. 7-2-10.)"; and

14 on page 11, line 11, immediately after "other", by inserting
15 "lowest-cost"; and

16 on page 11, line 11, immediately after "mix", by inserting "so
17 long as there is no detrimental impact on life-cycle costs";
18 and

19 on page 12, line 13, by replacing "subsection (d) of Section
20 21" with "Section 39".