



Rep. Michael J. Zalewski

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LRB102 16347 CPF 23034 a

1 AMENDMENT TO HOUSE BILL 1866

2 AMENDMENT NO. _____. Amend House Bill 1866 by replacing
3 everything after the enacting clause with the following:

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

1 property zoned for primarily residential use.

2 (b) An owner or operator of a facility accepting
3 exclusively general construction or demolition debris for
4 transfer, storage, or treatment shall:

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

14 (2) Transport off site for disposal, in accordance
15 with all applicable federal, State, and local requirements
16 within 72 hours after its receipt at the facility, all
17 non-usable or non-recyclable general construction or
18 demolition debris that is not recyclable general
19 construction or demolition debris, recovered wood that is
20 processed for use as fuel, or general construction or
21 demolition debris that is processed for use at a landfill.

22 (3) Limit the percentage of incoming non-recyclable
23 general construction or demolition debris to the
24 following:

25 (A) 25% or less of the total incoming general
26 construction or demolition debris, so that 75% or more

1 of the general construction or demolition debris
2 accepted, as calculated monthly on a rolling 12-month
3 average, consists of recyclable general construction
4 or demolition debris, recovered wood that is processed
5 for use as fuel, or general construction or demolition
6 debris that is processed for use at a landfill except
7 that general construction or demolition debris
8 processed for use at a landfill shall not exceed 35% of
9 the general construction or demolition debris accepted
10 on a rolling 12-month average basis.

11 (B) If the facility is certified by the Recycling
12 Certification Institute as an RCI Certified Facility,
13 50% or less of the total incoming general construction
14 or demolition debris, so that 50% or more of the
15 general construction or demolition debris accepted, as
16 calculated monthly on a rolling 12-month average,
17 consists of recyclable general construction or
18 demolition debris, recovered wood that is processed
19 for use as fuel, or general construction or demolition
20 debris that is processed for use at a landfill, except
21 that general construction or demolition debris
22 processed for use at a landfill shall not exceed 20% of
23 the general construction or demolition debris accepted
24 on a rolling 12-month average basis.

25 The percentages in this paragraph (3) of subsection (b)
26 shall be calculated by weight, using scales located at the

1 facility that are certified under the Weights and Measures
2 Act.

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

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

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

11 (5) Within 45 days after its receipt at the facility,
12 transport:

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

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

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

24 (6) Employ tagging and recordkeeping procedures to (i)
25 demonstrate compliance with this Section and (ii) identify
26 the source and transporter of material accepted by the

1 facility.

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

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

8 (9) Control access to the facility.

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

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

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

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

23 (C) a description of facility operations;

24 (D) a description of the tagging and recordkeeping
25 procedures the facility will employ to (i) demonstrate
26 compliance with this Section and (ii) identify the

1 source and transporter of any material accepted by the
2 facility;

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

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

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

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

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

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

25 (c) For purposes of this Section, the term "recyclable
26 general construction or demolition debris" means general

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

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

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

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

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

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

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