



Sen. Michael E. Hastings

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10200SB1089sam002

LRB102 04912 CPF 25793 a

1 AMENDMENT TO SENATE BILL 1089

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1089 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 35% ~~25%~~ or  
24 less of the total incoming general construction or  
25 demolition debris, so that 65% ~~75%~~ or more of the general  
26 construction or demolition debris accepted, as calculated

1 monthly on a rolling 12-month average, consists of  
2 recyclable general construction or demolition debris,  
3 recovered wood that is processed for use as fuel, or  
4 general construction or demolition debris that is  
5 processed for use at a landfill except that general  
6 construction or demolition debris processed for use at a  
7 landfill shall not exceed 23% ~~35%~~ of the general  
8 construction or demolition debris accepted on a rolling  
9 12-month average basis. The percentages in this paragraph  
10 (3) of subsection (b) shall be calculated by weight, using  
11 scales located at the facility that are certified under  
12 the Weights and Measures Act.

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

15 (A) all non-putrescible recyclable general  
16 construction or demolition debris for recycling or  
17 disposal; and

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

21 (5) Within 45 days after its receipt at the facility,  
22 transport:

23 (A) all putrescible or combustible recyclable  
24 general construction or demolition debris (excluding  
25 recovered wood that is processed for use as fuel) for  
26 recycling or disposal;

1           (B) all recovered wood that is processed for use  
2           as fuel to an intermediate processing facility for  
3           sizing, to a combustion facility for use as fuel, or to  
4           a disposal facility; and

5           (C) all putrescible general construction or  
6           demolition debris that is processed for use at a  
7           landfill to a MSWLF unit for use or disposal.

8           (6) Employ tagging and recordkeeping procedures to (i)  
9           demonstrate compliance with this Section and (ii) identify  
10          the source and transporter of material accepted by the  
11          facility.

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

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

18          (9) Control access to the facility.

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

24          (11) Prior to August 24, 2009 (the effective date of  
25          Public Act 96-611), submit to the Agency at least 30 days  
26          prior to the initial acceptance of general construction or

1 demolition debris at the facility, on forms provided by  
2 the Agency, the following information:

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

5 (B) the street address and location of the  
6 facility;

7 (C) a description of facility operations;

8 (D) a description of the tagging and recordkeeping  
9 procedures the facility will employ to (i) demonstrate  
10 compliance with this Section and (ii) identify the  
11 source and transporter of any material accepted by the  
12 facility;

13 (E) the name and location of the disposal sites to  
14 be used for the disposal of any general construction  
15 or demolition debris received at the facility that  
16 must be disposed of;

17 (F) the name and location of an individual,  
18 facility, or business to which recyclable materials  
19 will be transported;

20 (G) the name and location of intermediate  
21 processing facilities or combustion facilities to  
22 which recovered wood that is processed for use as fuel  
23 will be transported; and

24 (H) other information as specified on the form  
25 provided by the Agency.

26 (12) On or after August 24, 2009 (the effective date

1 of Public Act 96-611), obtain a permit issued by the  
2 Agency prior to the initial acceptance of general  
3 construction or demolition debris at the facility.

4 When any of the information contained or processes  
5 described in the initial notification form submitted to  
6 the Agency under paragraph (11) of subsection (b) of this  
7 Section changes, the owner and operator shall submit an  
8 updated form within 14 days of the change.

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

21 (d) For purposes of this Section, "treatment" means  
22 processing designed to alter the physical nature of the  
23 general construction or demolition debris, including but not  
24 limited to size reduction, crushing, grinding, or  
25 homogenization, but does not include processing designed to  
26 change the chemical nature of the general construction or

1 demolition debris.

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

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

16 (g) Recyclable general construction or demolition debris,  
17 recovered wood that is processed for use as fuel, and general  
18 construction or demolition debris that is processed for use at  
19 a landfill shall not be considered as meeting the 65% ~~75%~~  
20 diversion requirement for purposes of subdivision (b)(3) of  
21 this Section if sent for disposal at the end of the applicable  
22 retention period.

23 (h) For the purposes of this Section, "general  
24 construction or demolition debris that is processed for use at  
25 a landfill" means general construction or demolition debris  
26 that is processed for use at a MSWLF unit as alternative daily

1 cover, road building material, or drainage structure building  
2 material in accordance with the MSWLF unit's waste disposal  
3 permit issued by the Agency under this Act.

4 (i) For purposes of the 65% ~~75%~~ diversion requirement  
5 under subdivision (b) (3) of this Section, owners and operators  
6 of facilities accepting exclusively general construction or  
7 demolition debris for transfer, storage, or treatment may  
8 multiply by 2 the amount of accepted asphalt roofing shingles  
9 that are transferred to a facility for recycling in accordance  
10 with a beneficial use determination issued under Section 22.54  
11 of this Act. The owner or operator of the facility accepting  
12 exclusively general construction or demolition debris for  
13 transfer, storage, or treatment must maintain receipts from  
14 the shingle recycling facility that document the amounts of  
15 asphalt roofing shingles transferred for recycling in  
16 accordance with the beneficial use determination. All receipts  
17 must be maintained for a minimum of 3 years and must be made  
18 available to the Agency for inspection and copying during  
19 normal business hours.

20 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;  
21 96-1000, eff. 7-2-10; 97-230, eff. 7-28-11; 97-314, eff.  
22 1-1-12; 97-813, eff. 7-13-12.)".