

1 may be located within 1000 feet but no closer than 800 feet
2 from the nearest property zoned for primarily residential
3 uses. However, in a county with over 300,000 and less than
4 350,000 inhabitants, a station used for the transfer or
5 separation of waste for recycling or disposal in a sanitary
6 landfill that is located in an industrial area of 10 or more
7 acres may be located within 1000 feet but no closer than 800
8 feet from the nearest property zoned for primarily
9 residential uses.

10 (b) This Section does not prohibit (i) any such facility
11 which is in existence on January 1, 1988, nor (ii) any
12 facility in existence on January 1, 1988, as expanded before
13 January 1, 1990, to include processing and transferring of
14 municipal wastes for both recycling and disposal purposes,
15 nor (iii) any such facility which becomes nonconforming due
16 to a change in zoning or the establishment of a dwelling
17 which occurs after the establishment of the facility, nor
18 (iv) any facility established by a municipality with a
19 population in excess of 1,000,000, nor (v) any transfer
20 facility operating on January 1, 1988. No facility described
21 in item (ii) shall, after July 14, 1995, accept landscape
22 waste and other municipal waste in the same vehicle load.
23 However, the use of an existing pollution control facility as
24 a garbage transfer station shall be deemed to be the
25 establishment of a new facility, and shall be subject to
26 subsection (a), if such facility had not been used as a
27 garbage transfer station within one year prior to January 1,
28 1988.

29 (c) For the purposes of this Section, the term
30 "established" shall be defined as the date on which the
31 applicant files its request for local siting approval. The
32 changes to this Section made by this amendatory Act of the
33 93rd General Assembly are declaratory of existing law, shall
34 not be construed as a new enactment, and shall apply to all

1 pending applications where appeals to the Board and the
2 Courts have not been exhausted.

3 (Source: P.A. 88-681, eff. 12-22-94; 89-143, eff. 7-14-95;
4 89-336, eff. 8-17-95; 89-626, eff. 8-9-96.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law."