LRB093 05087 EFG 14024 a

- 1 AMENDMENT TO HOUSE BILL 1729
- 2 AMENDMENT NO. ____. Amend House Bill 1729 by replacing
- 3 the title with the following:
- 4 "AN ACT in relation to environmental protection."; and
- 5 by replacing everything after the enacting clause with the
- 6 following:
- 7 "Section 5. The Environmental Protection Act is amended
- 8 by changing Section 22.14 as follows:
- 9 (415 ILCS 5/22.14) (from Ch. 111 1/2, par. 1022.14)
- 10 Sec. 22.14. <u>Garbage transfer stations.</u>
- 11 (a) No person may establish any pollution control
- 12 facility for use as a garbage transfer station, which is
- 13 located less than 1000 feet from the nearest property zoned
- 14 for primarily residential uses or within 1000 feet of any
- 15 dwelling, except in counties of at least 3,000,000
- inhabitants. In counties of at least 3,000,000 inhabitants,
- 17 no person may establish any pollution control facility for
- 18 use as a garbage transfer station which is located less than
- 19 1000 feet from the nearest property zoned for primarily
- 20 residential uses, provided, however, a station which is
- 21 located in an industrial area of 10 or more contiguous acres

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

350,000 inhabitants, a station used for the transfer or

separation of waste for recycling or disposal in a sanitary

landfill that is located in an industrial area of 10 or more

acres may be located within 1000 feet but no closer than 800

8 feet from the nearest property zoned for primarily

9 residential uses.

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

 "established" shall be defined as the date on which the

 applicant files its request for local siting approval. The

 changes to this Section made by this amendatory Act of the

 33 93rd General Assembly are declaratory of existing law, shall

 not be construed as a new enactment, and shall apply to all

- 1 pending applications where appeals to the Board and the
- 2 <u>Courts have not been exhausted.</u>
- 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.".