

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 property zoned for primarily residential use.

18 (b) An owner or operator of a facility accepting
19 exclusively general construction or demolition debris for
20 transfer, storage, or treatment shall:

21 (1) within 48 hours of receipt of the general
22 construction or demolition debris at the facility, sort the
23 general construction or demolition debris to separate the

1 recyclable general construction or demolition debris from
2 non-recyclable general construction or demolition debris
3 to be disposed of or discarded;

4 (2) transport off site for disposal all non-recyclable
5 general construction or demolition debris in accordance
6 with all applicable federal, State, and local requirements
7 within 72 hours of its receipt at the facility;

8 (3) limit the percentage of incoming non-recyclable
9 general construction or demolition debris to 25% or less of
10 the total incoming general construction or demolition
11 debris, as calculated on a daily basis;

12 (4) transport all non-putrescible recyclable general
13 construction or demolition debris for recycling or
14 disposal within 6 months of its receipt at the facility;

15 (5) transport all putrescible or combustible
16 recyclable general construction or demolition debris for
17 recycling or disposal within 45 days of its receipt at the
18 facility;

19 (6) employ tagging and recordkeeping procedures to (i)
20 demonstrate compliance with this Section and (ii) identify
21 the source and transporter of material accepted by the
22 facility;

23 (7) control odor, noise, combustion of materials,
24 disease vectors, dust, and litter;

25 (8) control, manage, and dispose of any storm water
26 runoff and leachate generated at the facility in accordance

1 with applicable federal, State, and local requirements;

2 (9) control access to the facility;

3 (10) comply with all applicable federal, State, or
4 local requirements for the handling, storage,
5 transportation, or disposal of asbestos-containing
6 material or other material accepted at the facility that is
7 not general construction or demolition debris; and

8 (11) submit to the Agency at least 30 days prior to the
9 initial acceptance of general construction or demolition
10 debris at the facility, on forms provided by the Agency,
11 the following information:

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

14 (B) the street address and location of the
15 facility;

16 (C) a description of facility operations;

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

22 (E) the name and location of the disposal site to
23 be used for the transportation and disposal of
24 non-recyclable materials accepted at the facility;

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

1 will be transported; and

2 (G) other information as specified on the form
3 provided by the Agency.

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

8 (c) For purposes of this Section, the term "recyclable
9 general construction or demolition debris" means general
10 construction or demolition debris that has been rendered
11 reusable and is reused or that would otherwise be disposed of
12 or discarded but is collected, separated, or processed and
13 returned to the economic mainstream in the form of raw
14 materials or products. "Recyclable general construction or
15 demolition debris" does not include general construction or
16 demolition debris processed for use as fuel, incinerated,
17 burned, buried, or otherwise used as fill material. "Recyclable
18 general construction or demolition debris" does, however,
19 include wood that is salvaged from general construction or
20 demolition debris and that is processed for use as fuel if the
21 requirements for the acceptance and combustion of the wood fuel
22 are included in a fuel specification that is approved for the
23 combustor in a permit issued by the Agency and if:

24 (1) the processing of salvaged wood into wood fuel in
25 accordance with applicable permit requirements removes all
26 foreign materials (including, without limitation,

1 electrical wiring, metal and plastic objects, brick,
2 stone, insulation, cardboard, and paper) and contaminated
3 wood (including, without limitation, preserved wood,
4 painted wood, laminated wood, particle board, and
5 chemical-stained or oil-stained wood); or

6 (2) the wood salvaged for processing into wood fuel in
7 accordance with applicable permit requirements and that
8 has not had all foreign materials and contaminated wood
9 removed is supplied only to intermediaries or end-users
10 that have obtained all necessary waste management and air
11 permits for handling and combustion of the wood fuel.

12 Notwithstanding any other rulemaking authority that may
13 exist, neither the Governor nor any agency or agency head under
14 the jurisdiction of the Governor has any authority to make or
15 promulgate rules to implement or enforce the provisions of this
16 amendatory Act of the 95th General Assembly. If, however, the
17 Governor believes that rules are necessary to implement or
18 enforce the provisions of this amendatory Act of the 95th
19 General Assembly, the Governor may suggest rules to the General
20 Assembly by filing them with the Clerk of the House and the
21 Secretary of the Senate and by requesting that the General
22 Assembly authorize such rulemaking by law, enact those
23 suggested rules into law, or take any other appropriate action
24 in the General Assembly's discretion. Nothing contained in this
25 amendatory Act of the 95th General Assembly shall be
26 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise
2 explicitly given. For the purposes of this subsection, "rules"
3 is given the meaning contained in Section 1-70 of the Illinois
4 Administrative Procedure Act, and "agency" and "agency head"
5 are given the meanings contained in Sections 1-20 and 1-25 of
6 the Illinois Administrative Procedure Act to the extent that
7 such definitions apply to agencies or agency heads under the
8 jurisdiction of the Governor.

9 (d) For purposes of this Section, "treatment" means
10 processing designed to alter the physical nature of the general
11 construction or demolition debris, including but not limited to
12 size reduction, crushing, grinding, or homogenization, but
13 does not include processing designed to change the chemical
14 nature of the general construction or demolition debris.

15 (Source: P.A. 90-475, eff. 8-17-97.)

16 Section 10. The Illinois Solid Waste Management Act is
17 amended by changing Section 2.1 as follows:

18 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

19 Sec. 2.1. Definitions. When used in this Act, unless the
20 context otherwise requires, the following terms have the
21 meanings ascribed to them in this Section:

22 "Department", when a particular entity is not specified,
23 means (i) in the case of a function to be performed on or after
24 July 1, 1995 (the effective date of the Department of Natural

1 Resources Act), the Department of Commerce and Community
2 Affairs (now Department of Commerce and Economic Opportunity),
3 as successor to the former Department of Energy and Natural
4 Resources under the Department of Natural Resources Act; or
5 (ii) in the case of a function required to be performed before
6 July 1, 1995, the former Illinois Department of Energy and
7 Natural Resources.

8 "Deinked stock" means paper that has been processed to
9 remove inks, clays, coatings, binders and other contaminants.

10 "End product" means only those items that are designed to
11 be used until disposal; items designed to be used in production
12 of a subsequent item are excluded.

13 "High grade printing and writing papers" includes offset
14 printing paper, duplicator paper, writing paper (stationery),
15 office paper, note pads, xerographic paper, envelopes, form
16 bond including computer paper and carbonless forms, book
17 papers, bond papers, ledger paper, book stock and cotton fiber
18 papers.

19 "Paper and paper products" means high grade printing and
20 writing papers, tissue products, newsprint, unbleached
21 packaging and recycled paperboard.

22 "Postconsumer material" means only those products
23 generated by a business or consumer which have served their
24 intended end uses, and which have been separated or diverted
25 from solid waste; wastes generated during production of an end
26 product are excluded.

1 "Recovered paper material" means paper waste generated
2 after the completion of the papermaking process, such as
3 postconsumer materials, envelope cuttings, bindery trimmings,
4 printing waste, cutting and other converting waste, butt rolls,
5 and mill wrappers, obsolete inventories, and rejected unused
6 stock. "Recovered paper material", however, does not include
7 fibrous waste generated during the manufacturing process such
8 as fibers recovered from waste water or trimmings of paper
9 machine rolls (mill broke), or fibrous byproducts of
10 harvesting, extraction or woodcutting processes, or forest
11 residues such as bark.

12 "Recycled paperboard" includes recycled paperboard
13 products, folding cartons and pad backing.

14 "Recycling" means the process by which solid waste is
15 collected, separated and processed for reuse as either a raw
16 material or a product which itself is subject to recycling, but
17 does not include the combustion of waste for energy recovery or
18 volume reduction. "Recycling", however, does include the
19 combustion of wood or other biomass fuel for energy recovery if
20 the requirements for acceptance and combustion of the wood or
21 other biomass fuel are included in a fuel specification
22 approved for the combustor in a permit issued by the Agency and
23 if:

24 (1) the wood or other biomass is salvaged from
25 non-hazardous, solid waste and converted into fuel in
26 accordance with applicable permit requirements using a

1 process that removes all foreign materials (including,
2 without limitation, electrical wiring, metal and plastic
3 objects, brick, stone, insulation, cardboard, and paper)
4 and contaminated wood (including, without limitation,
5 preserved wood, painted wood, laminated wood, particle
6 board, and chemical-stained or oil-stained wood); or

7 (2) the wood or other biomass is salvaged from
8 non-hazardous, solid waste and converted into fuel in
9 accordance with applicable permit requirements using a
10 process that does not remove all foreign materials and
11 contaminated wood and is supplied only to intermediaries or
12 end-users that have obtained all necessary waste
13 management and air permits for handling and combustion of
14 the wood fuel.

15 For purposes of this definition, "biomass" includes, but is not
16 limited to, wood and agricultural residues (e.g. corn stover
17 and wheat straw). Biomass that is used as fuel for energy
18 recovery excludes, without limitation, energy crops (i.e.
19 those produced solely or primarily for use as feedstocks in
20 energy generation processes), sludge (as defined in Section
21 3.456 of the Environmental Protection Act), manure, and garbage
22 (as defined in Section 3.200 of the Environmental Protection
23 Act).

24 Notwithstanding any other rulemaking authority that may
25 exist, neither the Governor nor any agency or agency head under
26 the jurisdiction of the Governor has any authority to make or

1 promulgate rules to implement or enforce the provisions of this
2 amendatory Act of the 95th General Assembly. If, however, the
3 Governor believes that rules are necessary to implement or
4 enforce the provisions of this amendatory Act of the 95th
5 General Assembly, the Governor may suggest rules to the General
6 Assembly by filing them with the Clerk of the House and the
7 Secretary of the Senate and by requesting that the General
8 Assembly authorize such rulemaking by law, enact those
9 suggested rules into law, or take any other appropriate action
10 in the General Assembly's discretion. Nothing contained in this
11 amendatory Act of the 95th General Assembly shall be
12 interpreted to grant rulemaking authority under any other
13 Illinois statute where such authority is not otherwise
14 explicitly given. For the purposes of this subsection, "rules"
15 is given the meaning contained in Section 1-70 of the Illinois
16 Administrative Procedure Act, and "agency" and "agency head"
17 are given the meanings contained in Sections 1-20 and 1-25 of
18 the Illinois Administrative Procedure Act to the extent that
19 such definitions apply to agencies or agency heads under the
20 jurisdiction of the Governor.

21 "Tissue products" includes toilet tissue, paper towels,
22 paper napkins, facial tissue, paper doilies, industrial
23 wipers, paper bags and brown papers.

24 "Unbleached packaging" includes corrugated and fiber
25 boxes.

26 "USEPA Guidelines for federal procurement" means all

1 minimum recycled content standards recommended by the U.S.
2 Environmental Protection Agency.
3 (Source: P.A. 94-793, eff. 5-19-06.)