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1 AMENDMENT TO HOUSE BILL 4622

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4622 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 of receipt of the general  
6 construction or demolition debris at the facility, sort the  
7 general construction or demolition debris to separate the  
8 recyclable general construction or demolition debris from  
9 non-recyclable general construction or demolition debris  
10 to be disposed of or discarded;

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

15 (3) limit the percentage of incoming non-recyclable  
16 general construction or demolition debris to 25% or less of  
17 the total incoming general construction or demolition  
18 debris, as calculated on a daily basis;

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

22 (5) transport all putrescible or combustible  
23 recyclable general construction or demolition debris for  
24 recycling or disposal within 45 days of its receipt at the  
25 facility;

26 (6) employ tagging and recordkeeping procedures to (i)

1 demonstrate compliance with this Section and (ii) identify  
2 the source and transporter of material accepted by the  
3 facility;

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

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

9 (9) control access to the facility;

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

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

19 (A) the name, address, and telephone number of both  
20 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 site to  
4 be used for the transportation and disposal of  
5 non-recyclable materials accepted at the facility;

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

9 (G) other information as specified on the form  
10 provided by the Agency.

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

15 (c) For purposes of this Section, the term "recyclable  
16 general construction or demolition debris" means general  
17 construction or demolition debris that has been rendered  
18 reusable and is reused or that would otherwise be disposed of  
19 or discarded but is collected, separated, or processed and  
20 returned to the economic mainstream in the form of raw  
21 materials or products. "Recyclable general construction or  
22 demolition debris" does not include general construction or  
23 demolition debris processed for use as fuel, incinerated,  
24 burned, buried, or otherwise used as fill material. "Recyclable  
25 general construction or demolition debris" does, however,  
26 include wood that is salvaged from general construction or

1 demotion debris and that is processed for use as fuel if the  
2 requirements for the acceptance and combustion of the wood fuel  
3 are included in a fuel specification that is approved for the  
4 combustor in a permit issued by the Agency and if:

5 (1) the processing of salvaged wood into wood fuel in  
6 accordance with applicable permit requirements removes all  
7 foreign materials (including, without limitation,  
8 electrical wiring, metal and plastic objects, brick,  
9 stone, insulation, cardboard, and paper) and contaminated  
10 wood (including, without limitation, preserved wood,  
11 painted wood, laminated wood, particle board, and  
12 chemical-stained or oil-stained wood); or

13 (2) the wood salvaged for processing into wood fuel in  
14 accordance with applicable permit requirements and that  
15 has not had all foreign materials and contaminated wood  
16 removed is supplied only to intermediaries or end-users  
17 that have obtained all necessary waste management and air  
18 permits for handling and combustion of the wood fuel.

19 Notwithstanding any other rulemaking authority that may  
20 exist, neither the Governor nor any agency or agency head under  
21 the jurisdiction of the Governor has any authority to make or  
22 promulgate rules to implement or enforce the provisions of this  
23 amendatory Act of the 95th General Assembly. If, however, the  
24 Governor believes that rules are necessary to implement or  
25 enforce the provisions of this amendatory Act of the 95th  
26 General Assembly, the Governor may suggest rules to the General

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

16 (d) For purposes of this Section, "treatment" means  
17 processing designed to alter the physical nature of the general  
18 construction or demolition debris, including but not limited to  
19 size reduction, crushing, grinding, or homogenization, but  
20 does not include processing designed to change the chemical  
21 nature of the general construction or demolition debris.

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

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

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

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

5 "Department", when a particular entity is not specified,  
6 means (i) in the case of a function to be performed on or after  
7 July 1, 1995 (the effective date of the Department of Natural  
8 Resources Act), the Department of Commerce and Community  
9 Affairs (now Department of Commerce and Economic Opportunity),  
10 as successor to the former Department of Energy and Natural  
11 Resources under the Department of Natural Resources Act; or  
12 (ii) in the case of a function required to be performed before  
13 July 1, 1995, the former Illinois Department of Energy and  
14 Natural Resources.

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

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

20 "High grade printing and writing papers" includes offset  
21 printing paper, duplicator paper, writing paper (stationery),  
22 office paper, note pads, xerographic paper, envelopes, form  
23 bond including computer paper and carbonless forms, book  
24 papers, bond papers, ledger paper, book stock and cotton fiber  
25 papers.

26 "Paper and paper products" means high grade printing and

1 writing papers, tissue products, newsprint, unbleached  
2 packaging and recycled paperboard.

3 "Postconsumer material" means only those products  
4 generated by a business or consumer which have served their  
5 intended end uses, and which have been separated or diverted  
6 from solid waste; wastes generated during production of an end  
7 product are excluded.

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

19 "Recycled paperboard" includes recycled paperboard  
20 products, folding cartons and pad backing.

21 "Recycling" means the process by which solid waste is  
22 collected, separated and processed for reuse as either a raw  
23 material or a product which itself is subject to recycling, but  
24 does not include the combustion of waste for energy recovery or  
25 volume reduction. "Recycling," however, does include the  
26 combustion of wood or other biomass fuel for energy recovery if



1 the requirements for acceptance and combustion of the wood or  
2 other biomass fuel are included in a fuel specification  
3 approved for the combustor in a permit issued by the Agency and  
4 if:

5 (1) the wood or other biomass is salvaged from  
6 non-hazardous, solid waste and converted into fuel in  
7 accordance with applicable permit requirements using a  
8 process that removes all foreign materials (including,  
9 without limitation, electrical wiring, metal and plastic  
10 objects, brick, stone, insulation, cardboard, and paper)  
11 and contaminated wood (including, without limitation,  
12 preserved wood, painted wood, laminated wood, particle  
13 board, and chemical-stained or oil-stained wood); or

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

22 For purposes of this definition, "biomass" includes, but is not  
23 limited to, wood and agricultural residues (e.g. corn stover  
24 and wheat straw). Biomass that is used as fuel for energy  
25 recovery excludes, without limitation, energy crops (i.e.  
26 those produced solely or primarily for use as feedstocks in

1 energy generation processes), sludge (as defined in Section  
2 3.456 of the Environmental Protection Act), manure, and garbage  
3 (as defined in Section 3.200 of the Environmental Protection  
4 Act).

5 Notwithstanding any other rulemaking authority that may  
6 exist, neither the Governor nor any agency or agency head under  
7 the jurisdiction of the Governor has any authority to make or  
8 promulgate rules to implement or enforce the provisions of this  
9 amendatory Act of the 95th General Assembly. If, however, the  
10 Governor believes that rules are necessary to implement or  
11 enforce the provisions of this amendatory Act of the 95th  
12 General Assembly, the Governor may suggest rules to the General  
13 Assembly by filing them with the Clerk of the House and the  
14 Secretary of the Senate and by requesting that the General  
15 Assembly authorize such rulemaking by law, enact those  
16 suggested rules into law, or take any other appropriate action  
17 in the General Assembly's discretion. Nothing contained in this  
18 amendatory Act of the 95th General Assembly shall be  
19 interpreted to grant rulemaking authority under any other  
20 Illinois statute where such authority is not otherwise  
21 explicitly given. For the purposes of this subsection, "rules"  
22 is given the meaning contained in Section 1-70 of the Illinois  
23 Administrative Procedure Act, and "agency" and "agency head"  
24 are given the meanings contained in Sections 1-20 and 1-25 of  
25 the Illinois Administrative Procedure Act to the extent that  
26 such definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.

2 "Tissue products" includes toilet tissue, paper towels,  
3 paper napkins, facial tissue, paper doilies, industrial  
4 wipers, paper bags and brown papers.

5 "Unbleached packaging" includes corrugated and fiber  
6 boxes.

7 "USEPA Guidelines for federal procurement" means all  
8 minimum recycled content standards recommended by the U.S.  
9 Environmental Protection Agency.

10 (Source: P.A. 94-793, eff. 5-19-06.)".