

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 Sections 3.330, 21, and 22.38 and by adding Section
6 52.3-5 as follows:

7 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

8 Sec. 3.330. Pollution control facility.

9 (a) "Pollution control facility" is any waste storage site,
10 sanitary landfill, waste disposal site, waste transfer
11 station, waste treatment facility, or waste incinerator. This
12 includes sewers, sewage treatment plants, and any other
13 facilities owned or operated by sanitary districts organized
14 under the Metropolitan Water Reclamation District Act.

15 The following are not pollution control facilities:

16 (1) (blank);

17 (2) waste storage sites regulated under 40 CFR, Part
18 761.42;

19 (3) sites or facilities used by any person conducting a
20 waste storage, waste treatment, waste disposal, waste
21 transfer or waste incineration operation, or a combination
22 thereof, for wastes generated by such person's own
23 activities, when such wastes are stored, treated, disposed

1 of, transferred or incinerated within the site or facility
2 owned, controlled or operated by such person, or when such
3 wastes are transported within or between sites or
4 facilities owned, controlled or operated by such person;

5 (4) sites or facilities at which the State is
6 performing removal or remedial action pursuant to Section
7 22.2 or 55.3;

8 (5) abandoned quarries used solely for the disposal of
9 concrete, earth materials, gravel, or aggregate debris
10 resulting from road construction activities conducted by a
11 unit of government or construction activities due to the
12 construction and installation of underground pipes, lines,
13 conduit or wires off of the premises of a public utility
14 company which are conducted by a public utility;

15 (6) sites or facilities used by any person to
16 specifically conduct a landscape composting operation;

17 (7) regional facilities as defined in the Central
18 Midwest Interstate Low-Level Radioactive Waste Compact;

19 (8) the portion of a site or facility where coal
20 combustion wastes are stored or disposed of in accordance
21 with subdivision (r) (2) or (r) (3) of Section 21;

22 (9) the portion of a site or facility used for the
23 collection, storage or processing of waste tires as defined
24 in Title XIV;

25 (10) the portion of a site or facility used for
26 treatment of petroleum contaminated materials by

1 application onto or incorporation into the soil surface and
2 any portion of that site or facility used for storage of
3 petroleum contaminated materials before treatment. Only
4 those categories of petroleum listed in Section 57.9(a)(3)
5 are exempt under this subdivision (10);

6 (11) the portion of a site or facility where used oil
7 is collected or stored prior to shipment to a recycling or
8 energy recovery facility, provided that the used oil is
9 generated by households or commercial establishments, and
10 the site or facility is a recycling center or a business
11 where oil or gasoline is sold at retail;

12 (11.5) processing sites or facilities that receive
13 only on-specification used oil, as defined in 35 Ill.
14 Admin. Code 739, originating from used oil collectors for
15 processing that is managed under 35 Ill. Admin. Code 739 to
16 produce products for sale to off-site petroleum
17 facilities, if these processing sites or facilities are:
18 (i) located within a home rule unit of local government
19 with a population of at least 30,000 according to the 2000
20 federal census, that home rule unit of local government has
21 been designated as an Urban Round II Empowerment Zone by
22 the United States Department of Housing and Urban
23 Development, and that home rule unit of local government
24 has enacted an ordinance approving the location of the site
25 or facility and provided funding for the site or facility;
26 and (ii) in compliance with all applicable zoning

1 requirements;

2 (12) the portion of a site or facility utilizing coal
3 combustion waste for stabilization and treatment of only
4 waste generated on that site or facility when used in
5 connection with response actions pursuant to the federal
6 Comprehensive Environmental Response, Compensation, and
7 Liability Act of 1980, the federal Resource Conservation
8 and Recovery Act of 1976, or the Illinois Environmental
9 Protection Act or as authorized by the Agency;

10 (13) the portion of a site or facility accepting
11 exclusively general construction or demolition debris,
12 located in a county with a population over 500,000 ~~700,000~~
13 as of January 1, 2000, and operated and located in
14 accordance with Section 22.38 of this Act;

15 (14) the portion of a site or facility, located within
16 a unit of local government that has enacted local zoning
17 requirements, used to accept, separate, and process
18 uncontaminated broken concrete, with or without protruding
19 metal bars, provided that the uncontaminated broken
20 concrete and metal bars are not speculatively accumulated,
21 are at the site or facility no longer than one year after
22 their acceptance, and are returned to the economic
23 mainstream in the form of raw materials or products;

24 (15) the portion of a site or facility located in a
25 county with a population over 3,000,000 that has obtained
26 local siting approval under Section 39.2 of this Act for a

1 municipal waste incinerator on or before July 1, 2005 and
2 that is used for a non-hazardous waste transfer station;

3 (16) a site or facility that temporarily holds in
4 transit for 10 days or less, non-petruscible solid waste in
5 original containers, no larger in capacity than 500
6 gallons, provided that such waste is further transferred to
7 a recycling, disposal, treatment, or storage facility on a
8 non-contiguous site and provided such site or facility
9 complies with the applicable 10-day transfer requirements
10 of the federal Resource Conservation and Recovery Act of
11 1976 and United States Department of Transportation
12 hazardous material requirements. For purposes of this
13 Section only, "non-petruscible solid waste" means waste
14 other than municipal garbage that does not rot or become
15 putrid, including, but not limited to, paints, solvent,
16 filters, and absorbents;

17 (17) the portion of a site or facility located in a
18 county with a population greater than 3,000,000 that has
19 obtained local siting approval, under Section 39.2 of this
20 Act, for a municipal waste incinerator on or before July 1,
21 2005 and that is used for wood combustion facilities for
22 energy recovery that accept and burn only wood material, as
23 included in a fuel specification approved by the Agency;
24 and

25 (18) a transfer station used exclusively for landscape
26 waste, including a transfer station where landscape waste

1 is ground to reduce its volume, where the landscape waste
2 is held no longer than 24 hours from the time it was
3 received.

4 (b) A new pollution control facility is:

5 (1) a pollution control facility initially permitted
6 for development or construction after July 1, 1981; or

7 (2) the area of expansion beyond the boundary of a
8 currently permitted pollution control facility; or

9 (3) a permitted pollution control facility requesting
10 approval to store, dispose of, transfer or incinerate, for
11 the first time, any special or hazardous waste.

12 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,
13 eff. 6-2-06; 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331,
14 eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08.)

15 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

16 Sec. 21. Prohibited acts. No person shall:

17 (a) Cause or allow the open dumping of any waste.

18 (b) Abandon, dump, or deposit any waste upon the public
19 highways or other public property, except in a sanitary
20 landfill approved by the Agency pursuant to regulations adopted
21 by the Board.

22 (c) Abandon any vehicle in violation of the "Abandoned
23 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
24 the 76th General Assembly.

25 (d) Conduct any waste-storage, waste-treatment, or

1 waste-disposal operation:

2 (1) without a permit granted by the Agency or in
3 violation of any conditions imposed by such permit,
4 including periodic reports and full access to adequate
5 records and the inspection of facilities, as may be
6 necessary to assure compliance with this Act and with
7 regulations and standards adopted thereunder; provided,
8 however, that, except for municipal solid waste landfill
9 units that receive waste on or after October 9, 1993, no
10 permit shall be required for (i) any person conducting a
11 waste-storage, waste-treatment, or waste-disposal
12 operation for wastes generated by such person's own
13 activities which are stored, treated, or disposed within
14 the site where such wastes are generated, or (ii) a
15 facility located in a county with a population over 700,000
16 as of January 1, 2000, operated and located in accordance
17 with Section 22.38 of this Act, and used exclusively for
18 the transfer, storage, or treatment of general
19 construction or demolition debris, provided that the
20 facility was receiving construction or demolition debris
21 on the effective date of this amendatory Act of the 96th
22 General Assembly;

23 (2) in violation of any regulations or standards
24 adopted by the Board under this Act; or

25 (3) which receives waste after August 31, 1988, does
26 not have a permit issued by the Agency, and is (i) a

1 landfill used exclusively for the disposal of waste
2 generated at the site, (ii) a surface impoundment receiving
3 special waste not listed in an NPDES permit, (iii) a waste
4 pile in which the total volume of waste is greater than 100
5 cubic yards or the waste is stored for over one year, or
6 (iv) a land treatment facility receiving special waste
7 generated at the site; without giving notice of the
8 operation to the Agency by January 1, 1989, or 30 days
9 after the date on which the operation commences, whichever
10 is later, and every 3 years thereafter. The form for such
11 notification shall be specified by the Agency, and shall be
12 limited to information regarding: the name and address of
13 the location of the operation; the type of operation; the
14 types and amounts of waste stored, treated or disposed of
15 on an annual basis; the remaining capacity of the
16 operation; and the remaining expected life of the
17 operation.

18 Item (3) of this subsection (d) shall not apply to any
19 person engaged in agricultural activity who is disposing of a
20 substance that constitutes solid waste, if the substance was
21 acquired for use by that person on his own property, and the
22 substance is disposed of on his own property in accordance with
23 regulations or standards adopted by the Board.

24 This subsection (d) shall not apply to hazardous waste.

25 (e) Dispose, treat, store or abandon any waste, or
26 transport any waste into this State for disposal, treatment,

1 storage or abandonment, except at a site or facility which
2 meets the requirements of this Act and of regulations and
3 standards thereunder.

4 (f) Conduct any hazardous waste-storage, hazardous
5 waste-treatment or hazardous waste-disposal operation:

6 (1) without a RCRA permit for the site issued by the
7 Agency under subsection (d) of Section 39 of this Act, or
8 in violation of any condition imposed by such permit,
9 including periodic reports and full access to adequate
10 records and the inspection of facilities, as may be
11 necessary to assure compliance with this Act and with
12 regulations and standards adopted thereunder; or

13 (2) in violation of any regulations or standards
14 adopted by the Board under this Act; or

15 (3) in violation of any RCRA permit filing requirement
16 established under standards adopted by the Board under this
17 Act; or

18 (4) in violation of any order adopted by the Board
19 under this Act.

20 Notwithstanding the above, no RCRA permit shall be required
21 under this subsection or subsection (d) of Section 39 of this
22 Act for any person engaged in agricultural activity who is
23 disposing of a substance which has been identified as a
24 hazardous waste, and which has been designated by Board
25 regulations as being subject to this exception, if the
26 substance was acquired for use by that person on his own

1 property and the substance is disposed of on his own property
2 in accordance with regulations or standards adopted by the
3 Board.

4 (g) Conduct any hazardous waste-transportation operation:

5 (1) without registering with and obtaining a permit
6 from the Agency in accordance with the Uniform Program
7 implemented under subsection (1-5) of Section 22.2; or

8 (2) in violation of any regulations or standards
9 adopted by the Board under this Act.

10 (h) Conduct any hazardous waste-recycling or hazardous
11 waste-reclamation or hazardous waste-reuse operation in
12 violation of any regulations, standards or permit requirements
13 adopted by the Board under this Act.

14 (i) Conduct any process or engage in any act which produces
15 hazardous waste in violation of any regulations or standards
16 adopted by the Board under subsections (a) and (c) of Section
17 22.4 of this Act.

18 (j) Conduct any special waste transportation operation in
19 violation of any regulations, standards or permit requirements
20 adopted by the Board under this Act. However, sludge from a
21 water or sewage treatment plant owned and operated by a unit of
22 local government which (1) is subject to a sludge management
23 plan approved by the Agency or a permit granted by the Agency,
24 and (2) has been tested and determined not to be a hazardous
25 waste as required by applicable State and federal laws and
26 regulations, may be transported in this State without a special

1 waste hauling permit, and the preparation and carrying of a
2 manifest shall not be required for such sludge under the rules
3 of the Pollution Control Board. The unit of local government
4 which operates the treatment plant producing such sludge shall
5 file a semiannual report with the Agency identifying the volume
6 of such sludge transported during the reporting period, the
7 hauler of the sludge, and the disposal sites to which it was
8 transported. This subsection (j) shall not apply to hazardous
9 waste.

10 (k) Fail or refuse to pay any fee imposed under this Act.

11 (l) Locate a hazardous waste disposal site above an active
12 or inactive shaft or tunneled mine or within 2 miles of an
13 active fault in the earth's crust. In counties of population
14 less than 225,000 no hazardous waste disposal site shall be
15 located (1) within 1 1/2 miles of the corporate limits as
16 defined on June 30, 1978, of any municipality without the
17 approval of the governing body of the municipality in an
18 official action; or (2) within 1000 feet of an existing private
19 well or the existing source of a public water supply measured
20 from the boundary of the actual active permitted site and
21 excluding existing private wells on the property of the permit
22 applicant. The provisions of this subsection do not apply to
23 publicly-owned sewage works or the disposal or utilization of
24 sludge from publicly-owned sewage works.

25 (m) Transfer interest in any land which has been used as a
26 hazardous waste disposal site without written notification to

1 the Agency of the transfer and to the transferee of the
2 conditions imposed by the Agency upon its use under subsection
3 (g) of Section 39.

4 (n) Use any land which has been used as a hazardous waste
5 disposal site except in compliance with conditions imposed by
6 the Agency under subsection (g) of Section 39.

7 (o) Conduct a sanitary landfill operation which is required
8 to have a permit under subsection (d) of this Section, in a
9 manner which results in any of the following conditions:

10 (1) refuse in standing or flowing waters;

11 (2) leachate flows entering waters of the State;

12 (3) leachate flows exiting the landfill confines (as
13 determined by the boundaries established for the landfill
14 by a permit issued by the Agency);

15 (4) open burning of refuse in violation of Section 9 of
16 this Act;

17 (5) uncovered refuse remaining from any previous
18 operating day or at the conclusion of any operating day,
19 unless authorized by permit;

20 (6) failure to provide final cover within time limits
21 established by Board regulations;

22 (7) acceptance of wastes without necessary permits;

23 (8) scavenging as defined by Board regulations;

24 (9) deposition of refuse in any unpermitted portion of
25 the landfill;

26 (10) acceptance of a special waste without a required

1 manifest;

2 (11) failure to submit reports required by permits or
3 Board regulations;

4 (12) failure to collect and contain litter from the
5 site by the end of each operating day;

6 (13) failure to submit any cost estimate for the site
7 or any performance bond or other security for the site as
8 required by this Act or Board rules.

9 The prohibitions specified in this subsection (o) shall be
10 enforceable by the Agency either by administrative citation
11 under Section 31.1 of this Act or as otherwise provided by this
12 Act. The specific prohibitions in this subsection do not limit
13 the power of the Board to establish regulations or standards
14 applicable to sanitary landfills.

15 (p) In violation of subdivision (a) of this Section, cause
16 or allow the open dumping of any waste in a manner which
17 results in any of the following occurrences at the dump site:

18 (1) litter;

19 (2) scavenging;

20 (3) open burning;

21 (4) deposition of waste in standing or flowing waters;

22 (5) proliferation of disease vectors;

23 (6) standing or flowing liquid discharge from the dump
24 site;

25 (7) deposition of:

26 (i) general construction or demolition debris as

1 defined in Section 3.160(a) of this Act; or

2 (ii) clean construction or demolition debris as
3 defined in Section 3.160(b) of this Act.

4 The prohibitions specified in this subsection (p) shall be
5 enforceable by the Agency either by administrative citation
6 under Section 31.1 of this Act or as otherwise provided by this
7 Act. The specific prohibitions in this subsection do not limit
8 the power of the Board to establish regulations or standards
9 applicable to open dumping.

10 (q) Conduct a landscape waste composting operation without
11 an Agency permit, provided, however, that no permit shall be
12 required for any person:

13 (1) conducting a landscape waste composting operation
14 for landscape wastes generated by such person's own
15 activities which are stored, treated or disposed of within
16 the site where such wastes are generated; or

17 (2) applying landscape waste or composted landscape
18 waste at agronomic rates; or

19 (3) operating a landscape waste composting facility on
20 a farm, if the facility meets all of the following
21 criteria:

22 (A) the composting facility is operated by the
23 farmer on property on which the composting material is
24 utilized, and the composting facility constitutes no
25 more than 2% of the property's total acreage, except
26 that the Agency may allow a higher percentage for

1 individual sites where the owner or operator has
2 demonstrated to the Agency that the site's soil
3 characteristics or crop needs require a higher rate;

4 (B) the property on which the composting facility
5 is located, and any associated property on which the
6 compost is used, is principally and diligently devoted
7 to the production of agricultural crops and is not
8 owned, leased or otherwise controlled by any waste
9 hauler or generator of nonagricultural compost
10 materials, and the operator of the composting facility
11 is not an employee, partner, shareholder, or in any way
12 connected with or controlled by any such waste hauler
13 or generator;

14 (C) all compost generated by the composting
15 facility is applied at agronomic rates and used as
16 mulch, fertilizer or soil conditioner on land actually
17 farmed by the person operating the composting
18 facility, and the finished compost is not stored at the
19 composting site for a period longer than 18 months
20 prior to its application as mulch, fertilizer, or soil
21 conditioner;

22 (D) the owner or operator, by January 1, 1990 (or
23 the January 1 following commencement of operation,
24 whichever is later) and January 1 of each year
25 thereafter, (i) registers the site with the Agency,
26 (ii) reports to the Agency on the volume of composting

1 material received and used at the site, (iii) certifies
2 to the Agency that the site complies with the
3 requirements set forth in subparagraphs (A), (B) and
4 (C) of this paragraph (q) (3), and (iv) certifies to the
5 Agency that all composting material was placed more
6 than 200 feet from the nearest potable water supply
7 well, was placed outside the boundary of the 10-year
8 floodplain or on a part of the site that is
9 floodproofed, was placed at least 1/4 mile from the
10 nearest residence (other than a residence located on
11 the same property as the facility) and there are not
12 more than 10 occupied non-farm residences within 1/2
13 mile of the boundaries of the site on the date of
14 application, and was placed more than 5 feet above the
15 water table.

16 For the purposes of this subsection (q), "agronomic rates"
17 means the application of not more than 20 tons per acre per
18 year, except that the Agency may allow a higher rate for
19 individual sites where the owner or operator has demonstrated
20 to the Agency that the site's soil characteristics or crop
21 needs require a higher rate.

22 (r) Cause or allow the storage or disposal of coal
23 combustion waste unless:

24 (1) such waste is stored or disposed of at a site or
25 facility for which a permit has been obtained or is not
26 otherwise required under subsection (d) of this Section; or

1 (2) such waste is stored or disposed of as a part of
2 the design and reclamation of a site or facility which is
3 an abandoned mine site in accordance with the Abandoned
4 Mined Lands and Water Reclamation Act; or

5 (3) such waste is stored or disposed of at a site or
6 facility which is operating under NPDES and Subtitle D
7 permits issued by the Agency pursuant to regulations
8 adopted by the Board for mine-related water pollution and
9 permits issued pursuant to the Federal Surface Mining
10 Control and Reclamation Act of 1977 (P.L. 95-87) or the
11 rules and regulations thereunder or any law or rule or
12 regulation adopted by the State of Illinois pursuant
13 thereto, and the owner or operator of the facility agrees
14 to accept the waste; and either

15 (i) such waste is stored or disposed of in
16 accordance with requirements applicable to refuse
17 disposal under regulations adopted by the Board for
18 mine-related water pollution and pursuant to NPDES and
19 Subtitle D permits issued by the Agency under such
20 regulations; or

21 (ii) the owner or operator of the facility
22 demonstrates all of the following to the Agency, and
23 the facility is operated in accordance with the
24 demonstration as approved by the Agency: (1) the
25 disposal area will be covered in a manner that will
26 support continuous vegetation, (2) the facility will

1 be adequately protected from wind and water erosion,
2 (3) the pH will be maintained so as to prevent
3 excessive leaching of metal ions, and (4) adequate
4 containment or other measures will be provided to
5 protect surface water and groundwater from
6 contamination at levels prohibited by this Act, the
7 Illinois Groundwater Protection Act, or regulations
8 adopted pursuant thereto.

9 Notwithstanding any other provision of this Title, the
10 disposal of coal combustion waste pursuant to item (2) or (3)
11 of this subdivision (r) shall be exempt from the other
12 provisions of this Title V, and notwithstanding the provisions
13 of Title X of this Act, the Agency is authorized to grant
14 experimental permits which include provision for the disposal
15 of wastes from the combustion of coal and other materials
16 pursuant to items (2) and (3) of this subdivision (r).

17 (s) After April 1, 1989, offer for transportation,
18 transport, deliver, receive or accept special waste for which a
19 manifest is required, unless the manifest indicates that the
20 fee required under Section 22.8 of this Act has been paid.

21 (t) Cause or allow a lateral expansion of a municipal solid
22 waste landfill unit on or after October 9, 1993, without a
23 permit modification, granted by the Agency, that authorizes the
24 lateral expansion.

25 (u) Conduct any vegetable by-product treatment, storage,
26 disposal or transportation operation in violation of any

1 regulation, standards or permit requirements adopted by the
2 Board under this Act. However, no permit shall be required
3 under this Title V for the land application of vegetable
4 by-products conducted pursuant to Agency permit issued under
5 Title III of this Act to the generator of the vegetable
6 by-products. In addition, vegetable by-products may be
7 transported in this State without a special waste hauling
8 permit, and without the preparation and carrying of a manifest.

9 (v) (Blank).

10 (w) Conduct any generation, transportation, or recycling
11 of construction or demolition debris, clean or general, or
12 uncontaminated soil generated during construction, remodeling,
13 repair, and demolition of utilities, structures, and roads that
14 is not commingled with any waste, without the maintenance of
15 documentation identifying the hauler, generator, place of
16 origin of the debris or soil, the weight or volume of the
17 debris or soil, and the location, owner, and operator of the
18 facility where the debris or soil was transferred, disposed,
19 recycled, or treated. This documentation must be maintained by
20 the generator, transporter, or recycler for 3 years. This
21 subsection (w) shall not apply to (1) a permitted pollution
22 control facility that transfers or accepts construction or
23 demolition debris, clean or general, or uncontaminated soil for
24 final disposal, recycling, or treatment, (2) a public utility
25 (as that term is defined in the Public Utilities Act) or a
26 municipal utility, (3) the Illinois Department of

1 Transportation, or (4) a municipality or a county highway
2 department, with the exception of any municipality or county
3 highway department located within a county having a population
4 of over 3,000,000 inhabitants or located in a county that is
5 contiguous to a county having a population of over 3,000,000
6 inhabitants; but it shall apply to an entity that contracts
7 with a public utility, a municipal utility, the Illinois
8 Department of Transportation, or a municipality or a county
9 highway department. The terms "generation" and "recycling" as
10 used in this subsection do not apply to clean construction or
11 demolition debris when (i) used as fill material below grade
12 outside of a setback zone if covered by sufficient
13 uncontaminated soil to support vegetation within 30 days of the
14 completion of filling or if covered by a road or structure,
15 (ii) solely broken concrete without protruding metal bars is
16 used for erosion control, or (iii) milled asphalt or crushed
17 concrete is used as aggregate in construction of the shoulder
18 of a roadway. The terms "generation" and "recycling", as used
19 in this subsection, do not apply to uncontaminated soil that is
20 not commingled with any waste when (i) used as fill material
21 below grade or contoured to grade, or (ii) used at the site of
22 generation.

23 (Source: P.A. 93-179, eff. 7-11-03; 94-94, eff. 7-1-05.)

24 (415 ILCS 5/22.38)

25 Sec. 22.38. Facilities accepting exclusively general

1 construction or demolition debris for transfer, storage, or
2 treatment.

3 (a) Facilities accepting exclusively general construction
4 or demolition debris for transfer, storage, or treatment shall
5 be subject to local zoning, ordinance, and land use
6 requirements. Those facilities shall be located in accordance
7 with local zoning requirements or, in the absence of local
8 zoning requirements, shall be located so that no part of the
9 facility boundary is closer than 1,320 feet from the nearest
10 property zoned for primarily residential use.

11 (b) An owner or operator of a facility accepting
12 exclusively general construction or demolition debris for
13 transfer, storage, or treatment shall:

14 (1) Within ~~within~~ 48 hours of receipt of the general
15 construction or demolition debris at the facility, sort the
16 general construction or demolition debris to separate the
17 recyclable general construction or demolition debris from
18 non-recyclable general construction or demolition debris
19 to be disposed of or discarded. ~~+~~

20 (2) Transport ~~transport~~ off site for disposal all
21 non-recyclable general construction or demolition debris
22 in accordance with all applicable federal, State, and local
23 requirements within 72 hours of its receipt at the
24 facility. ~~+~~

25 (3) Limit ~~limit~~ the percentage of incoming
26 non-recyclable general construction or demolition debris

1 to 25% or less of the total incoming general construction
2 or demolition debris, as calculated on a daily basis.†

3 (4) Transport ~~transport~~ all non-putrescible recyclable
4 general construction or demolition debris for recycling or
5 disposal within 6 months of its receipt at the facility.†

6 (5) Transport ~~transport~~ all putrescible or combustible
7 recyclable general construction or demolition debris for
8 recycling or disposal within 45 days of its receipt at the
9 facility.†

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

14 (7) Control ~~control~~ odor, noise, combustion of
15 materials, disease vectors, dust, and litter.†

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

20 (9) Control ~~control~~ access to the facility.†

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

26 (11) Prior to the effective date of this amendatory Act

1 of the 96th General Assembly, submit to the Agency at least
2 30 days prior to the initial acceptance of general
3 construction or demolition debris at the facility, on forms
4 provided by the Agency, the following information:

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

7 (B) the street address and location of the
8 facility;

9 (C) a description of facility operations;

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

15 (E) the name and location of the disposal site to
16 be used for the transportation and disposal of
17 non-recyclable materials accepted at the facility;

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

21 (G) other information as specified on the form
22 provided by the Agency.

23 (12) On or after the effective date of this amendatory
24 Act of the 96th General Assembly, obtain a permit issued by
25 the Agency prior to the initial acceptance of general
26 construction or demolition debris at the facility.

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

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

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

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

22 (415 ILCS 5/52.3-5 new)

23 Sec. 52.3-5. Effect of amendatory Act of the 96th General
24 Assembly. Nothing contained in this amendatory Act of the 96th
25 General Assembly shall remove any liability for any operation,

1 site, or facility operating without any required legal permit
2 or authorization for activities taking place prior to the
3 effective date of this Act.

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