



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 852

2 AMENDMENT NO. _____. Amend Senate Bill 852 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 after ~~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, and
9 recovered wood that is processed for use as fuel, and
10 general construction or demolition debris that is
11 processed for use at a landfill from the non-recyclable
12 general construction or demolition debris that is to be
13 disposed of or discarded.

14 (2) Transport off site for disposal, in accordance with
15 all applicable federal, State, and local requirements
16 within 72 hours after its receipt at the facility, all
17 non-recyclable general construction or demolition debris
18 that is not ~~neither~~ recyclable general construction or
19 demolition debris, nor recovered wood that is processed for
20 use as fuel, or general construction or demolition debris
21 that is processed for use at a landfill ~~in accordance with~~
22 ~~all applicable federal, State, and local requirements~~
23 ~~within 72 hours of its receipt at the facility.~~

24 (3) Limit the percentage of incoming non-recyclable
25 general construction or demolition debris to 25% or less of
26 the total incoming general construction or demolition

1 debris, as calculated on a quarterly ~~daily~~ basis, so that
2 75% or more of the general construction or demolition
3 debris accepted on a quarterly ~~daily~~ basis consists of
4 recyclable general construction or demolition debris,
5 recovered wood that is processed for use as fuel, or
6 general construction or demolition debris that is
7 processed for use at a landfill ~~both~~.

8 (4) Within 6 months after its receipt at the facility,
9 transport:

10 (A) ~~Transport~~ all non-putrescible recyclable
11 general construction or demolition debris for
12 recycling or disposal; and

13 (B) all non-putrescible general construction or
14 demolition debris that is processed for use at a
15 landfill to a MSWLF unit for use or disposal ~~within 6~~
16 ~~months of its receipt at the facility.~~

17 (5) Within 45 days after ~~of~~ its receipt at the
18 facility, transport:

19 (A) ~~(i)~~ all putrescible or combustible recyclable
20 general construction or demolition debris (excluding
21 recovered wood that is processed for use as fuel) for
22 recycling or disposal; and

23 (B) ~~(ii)~~ all recovered wood that is processed for
24 use as fuel to an intermediate processing facility for
25 sizing, to a combustion facility for use as fuel, or to
26 a disposal facility; and

1 (C) all putrescible general construction or
2 demolition debris that is processed for use at a
3 landfill to a MSWLF unit for use or disposal.

4 (6) Employ tagging and recordkeeping procedures to (i)
5 demonstrate compliance with this Section and (ii) identify
6 the source and transporter of material accepted by the
7 facility.

8 (7) Control odor, noise, combustion of materials,
9 disease vectors, dust, and litter.

10 (8) Control, manage, and dispose of any storm water
11 runoff and leachate generated at the facility in accordance
12 with applicable federal, State, and local requirements.

13 (9) Control access to the facility.

14 (10) Comply with all applicable federal, State, or
15 local requirements for the handling, storage,
16 transportation, or disposal of asbestos-containing
17 material or other material accepted at the facility that is
18 not general construction or demolition debris.

19 (11) Prior to August 24, 2009 (the effective date of
20 Public Act 96-611), submit to the Agency at least 30 days
21 prior to the initial acceptance of general construction or
22 demolition debris at the facility, on forms provided by the
23 Agency, the following information:

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

26 (B) the street address and location of the

1 facility;

2 (C) a description of facility operations;

3 (D) a description of the tagging and recordkeeping
4 procedures the facility will employ to (i) demonstrate
5 compliance with this Section and (ii) identify the
6 source and transporter of any material accepted by the
7 facility;

8 (E) the name and location of the disposal sites to
9 be used for the disposal of any general construction or
10 demolition debris received at the facility that must be
11 disposed of;

12 (F) the name and location of an individual,
13 facility, or business to which recyclable materials
14 will be transported;

15 (G) the name and location of intermediate
16 processing facilities or combustion facilities to
17 which recovered wood that is processed for use as fuel
18 will be transported; and

19 (H) other information as specified on the form
20 provided by the Agency.

21 (12) On or after August 24, 2009 (the effective date of
22 Public Act 96-611), obtain a permit issued by the Agency
23 prior to the initial acceptance of general construction or
24 demolition debris at the facility.

25 When any of the information contained or processes
26 described in the initial notification form submitted to the

1 Agency under paragraph (11) of subsection (b) of this
2 Section changes, the owner and operator shall submit an
3 updated form within 14 days of the change.

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

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

20 (e) For purposes of this Section, "recovered wood that is
21 processed for use as fuel" means wood that has been salvaged
22 from general construction or demolition debris and processed
23 for use as fuel, as authorized by the applicable state or
24 federal environmental regulatory authority, and supplied only
25 to intermediate processing facilities for sizing, or to
26 combustion facilities for use as fuel, that have obtained all

1 necessary waste management and air permits for handling and
2 combustion of the fuel.

3 (f) For purposes of this Section, "non-recyclable general
4 construction or demolition debris" does not include "recovered
5 wood that is processed for use as fuel" or general construction
6 or demolition debris that is processed for use at a landfill.

7 (g) Recyclable general construction or demolition debris,
8 ~~or~~ recovered wood that is processed for use as fuel, and
9 general construction and demolition debris that is processed
10 for use at a landfill ~~that is sent for disposal at the end of~~
11 ~~the applicable retention period~~ shall not be considered as
12 meeting the 75% diversion requirement for purposes of
13 subdivision (b) (3) of this Section if sent for disposal at the
14 end of the applicable retention period.

15 (h) For the purposes of this Section, "general construction
16 or demolition debris that is processed for use at a landfill"
17 means general construction or demolition debris that is
18 processed for use at a MSWLF unit as alternative daily cover,
19 road building material, or drainage structure building
20 material in accordance with the MSWLF unit's waste disposal
21 permit issued by the Agency under this Act.

22 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;
23 96-1000, eff. 7-2-10.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."