

SB3003



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3003

Introduced 2/4/2010, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.38

Amends the Environmental Protection Act. Makes technical changes to a provision concerning facilities that accept exclusively general construction or demolition debris for transfer, storage, or treatment.

LRB096 19994 JDS 35479 b

A BILL FOR

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 ~~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 and
2 recovered wood that is processed for use as fuel from
3 non-recyclable general construction or demolition debris
4 to be disposed of or discarded.

5 (2) Transport off site for disposal all non-recyclable
6 general construction or demolition debris that is neither
7 recyclable general construction or demolition debris nor
8 recovered wood that is processed for use as fuel in
9 accordance with all applicable federal, State, and local
10 requirements within 72 hours of its receipt at the
11 facility.

12 (3) Limit the percentage of incoming non-recyclable
13 general construction or demolition debris to 25% or less of
14 the total incoming general construction or demolition
15 debris, as calculated on a daily basis, so that 75% or more
16 of the general construction or demolition debris accepted
17 on a daily basis consists of recyclable general
18 construction or demolition debris, recovered wood that is
19 processed for use as fuel, or both.

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

23 (5) Within ~~within~~ 45 days of its receipt at the
24 facility, transport ~~Transport~~ (i) all putrescible or
25 combustible recyclable general construction or demolition
26 debris (excluding recovered wood that is processed for use

1 as fuel) for recycling or disposal~~+~~ and (ii) all recovered
2 wood that is processed for use as fuel to an intermediate
3 processing facility for sizing, to a combustion facility
4 for use as fuel, or to a disposal facility~~+~~.

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

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

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

14 (9) Control access to the facility.

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

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

26 (A) the name, address, and telephone number of both

1 the facility owner and operator;

2 (B) the street address and location of the
3 facility;

4 (C) a description of facility operations;

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

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

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

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

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

23 (12) On or after August 24, 2009 (the effective date of
24 Public Act 96-611) ~~this amendatory Act of the 96th General~~
25 ~~Assembly~~, obtain a permit issued by the Agency prior to the
26 initial acceptance of general construction or demolition

1 debris at the facility.

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

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

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 (e) For purposes of this Section, "recovered wood that is
23 processed for use as fuel" means wood that has been salvaged
24 from general construction or demolition debris and processed
25 for use as fuel, as authorized by the applicable state or
26 federal environmental regulatory authority, and supplied only

1 to intermediate processing facilities for sizing, or to
2 combustion facilities for use as fuel, that have obtained all
3 necessary waste management and air permits for handling and
4 combustion of the fuel.

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

8 (g) Recyclable general construction or demolition debris
9 or recovered wood that is processed for use as fuel that is
10 sent for disposal at the end of the applicable retention period
11 shall not be considered as meeting the 75% diversion
12 requirement for purposes of subdivision (b) (3) of this Section.
13 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;
14 revised 9-15-09.)