



Rep. Daniel V. Beiser

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1 AMENDMENT TO HOUSE BILL 1326

2 AMENDMENT NO. _____. Amend House Bill 1326 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Sections 22.6 and 22.54 as follows:

6 (415 ILCS 5/22.6) (from Ch. 111 1/2, par. 1022.6)

7 Sec. 22.6. (a) Commencing July 1, 1984, no person shall
8 cause, threaten or allow the disposal in any landfill of any
9 liquid hazardous waste unless specific authorization is
10 obtained from the Agency by the generator and the landfill
11 owner and operator for the land disposal of that specific waste
12 stream.

13 (b) The Board shall have the authority to adopt regulations
14 which prohibit or set limitations on the type, amount and form
15 of liquid hazardous wastes that may be disposed of in landfills
16 based on the availability of technically feasible and

1 economically reasonable alternatives to land disposal.

2 (c) The Agency may grant specific authorization for the
3 land disposal of liquid hazardous wastes only after the
4 generator has reasonably demonstrated that, considering
5 current technological feasibility and economic reasonableness,
6 the hazardous waste cannot be reasonably solidified,
7 stabilized, or recycled for reuse, nor incinerated or
8 chemically, physically or biologically treated so as to
9 neutralize the hazardous waste and render it nonhazardous, and
10 that land disposal is not prohibited or limited by Board
11 regulations. In granting authorization under this Section, the
12 Agency may impose such conditions as may be necessary to
13 accomplish the purposes of this Act and which are consistent
14 with Board regulations. If the Agency refuses to grant
15 authorization under this Section, the applicant may appeal as
16 if the Agency refused to grant a permit pursuant to the
17 provisions of subsection (a) of Section 40 of this Act.

18 (c-5) Beginning on March 1, 2012, if 2 or more shingle
19 recycling facilities, as approved by the Agency pursuant to
20 Section 22.54, are located within a 30-mile radius of a
21 landfill, a person may not deposit commercially viable,
22 recyclable asphalt roofing shingles in that landfill.

23 A producer of asphalt pavement operating pursuant to an air
24 permit issued by the Agency may not use recycled asphalt
25 shingles in its pavement product unless, before being
26 introduced into the production process, the shingles have been

1 subjected to the asbestos testing standards and operational
2 guidelines and requirements set forth by the Agency in
3 accordance with Section 22.54.

4 (d) For purposes of this Section, the term "landfill" means
5 a disposal facility or part of a facility where hazardous waste
6 is placed in or on land and which is not a land treatment
7 facility, a surface impoundment or an underground injection
8 well.

9 (Source: P.A. 83-1078.)

10 (415 ILCS 5/22.54)

11 Sec. 22.54. Beneficial Use Determinations. The purpose of
12 this Section is to allow the Agency to determine that a
13 material otherwise required to be managed as waste may be
14 managed as non-waste if that material is used beneficially and
15 in a manner that is protective of human health and the
16 environment.

17 (a) To the extent allowed by federal law, the Agency may,
18 upon the request of an applicant, make a written determination
19 that a material is used beneficially (rather than discarded)
20 and, therefore, not a waste if the applicant demonstrates all
21 of the following:

22 (1) The chemical and physical properties of the
23 material are comparable to similar commercially available
24 materials.

25 (2) The market demand for the material is such that all

1 of the following requirements are met:

2 (A) The material will be used within a reasonable
3 time.

4 (B) The material's storage prior to use will be
5 minimized.

6 (C) The material will not be abandoned.

7 (3) The material is legitimately beneficially used.
8 For the purposes of this item (3) of subsection (a) of this
9 Section, a material is "legitimately beneficially used" if
10 the applicant demonstrates all of the following:

11 (A) The material is managed separately from waste,
12 as a valuable material, and in a manner that maintains
13 its beneficial usefulness, including, but not limited
14 to, storing in a manner that minimizes the material's
15 loss and maintains its beneficial usefulness.

16 (B) The material is used as an effective substitute
17 for a similar commercially available material. For the
18 purposes of this paragraph (B) of item (3) of
19 subsection (a) of this Section, a material is "used as
20 an effective substitute for a commercially available
21 material" if the applicant demonstrates one or more of
22 the following:

23 (i) The material is used as a valuable raw
24 material or ingredient to produce a legitimate end
25 product.

26 (ii) The material is used directly as a

1 legitimate end product in place of a similar
2 commercially available product.

3 (iii) The material replaces a catalyst or
4 carrier to produce a legitimate end product.

5 The applicant's demonstration under this paragraph
6 (B) of item (3) of subsection (a) of this Section must
7 include, but is not limited to, a description of the
8 use of the material, a description of the use of the
9 legitimate end product, and a demonstration that the
10 use of the material is comparable to the use of similar
11 commercially available products.

12 (C) The applicant demonstrates all of the
13 following:

14 (i) The material is used under paragraph (B) of
15 item (3) of subsection (a) of this Section within a
16 reasonable time.

17 (ii) The material's storage prior to use is
18 minimized.

19 (iii) The material is not abandoned.

20 (4) The management and use of the material will not
21 cause, threaten, or allow the release of any contaminant
22 into the environment, except as authorized by law.

23 (5) The management and use of the material otherwise
24 protects human health and safety and the environment.

25 (b) Applications for beneficial use determinations must be
26 submitted on forms and in a format prescribed by the Agency.

1 Agency approval, approval with conditions, or disapproval of an
2 application for a beneficial use determination must be in
3 writing. Approvals with conditions and disapprovals of
4 applications for a beneficial use determination must include
5 the Agency's reasons for the conditions or disapproval, and
6 they are subject to review under Section 40 of this Act.

7 (c) Beneficial use determinations shall be effective for a
8 period approved by the Agency, but that period may not exceed 5
9 years. Material that is beneficially used (i) in accordance
10 with a beneficial use determination, (ii) during the effective
11 period of the beneficial use determination, and (iii) by the
12 recipient of a beneficial use determination shall maintain its
13 non-waste status after the effective period of the beneficial
14 use determination unless its use no longer complies with the
15 terms of the beneficial use determination or the material
16 otherwise becomes waste.

17 (d) No recipient of a beneficial use determination shall
18 manage or use the material that is the subject of the
19 determination in violation of the determination or any
20 conditions in the determination, unless the material is managed
21 as waste.

22 (e) A beneficial use determination shall terminate by
23 operation of law if, due to a change in law, it conflicts with
24 the law; however, the recipient of the determination may apply
25 for a new beneficial use determination that is consistent with
26 the law as amended.

1 (f) This Section does not apply to hazardous waste, coal
2 combustion waste, coal combustion by-product, sludge applied
3 to the land, potentially infectious medical waste, or used oil.

4 (g) This Section does not apply to material that is burned
5 for energy recovery, that is used to produce a fuel, or that is
6 otherwise contained in a fuel.

7 (h) This Section does not apply to waste from the steel and
8 foundry industries that is (i) classified as beneficially
9 usable waste under Board rules and (ii) beneficially used in
10 accordance with Board rules governing the management of
11 beneficially usable waste from the steel and foundry
12 industries. This Section does apply to other beneficial uses of
13 waste from the steel and foundry industries, including, but not
14 limited to, waste that is classified as beneficially usable
15 waste but not used in accordance with the Board's rules
16 governing the management of beneficially usable waste from the
17 steel and foundry industries. No person shall use iron slags,
18 steelmaking slags, or foundry sands for land reclamation
19 purposes unless they have obtained a beneficial use
20 determination for such use under this Section.

21 (i) For purposes of this Section, the term "commercially
22 available material" means virgin material that (i) meets
23 industry standards for a specific use and (ii) is normally sold
24 for such use. For purposes of this Section, the term
25 "commercially available product" means a product made of virgin
26 material that (i) meets industry standards for a specific use

1 and (ii) is normally sold for such use.

2 (j) The owner or operator of a facility operating in
3 accordance with Section 22.38 shall receive, for each ton of
4 asphalt roofing shingles deposited on his or her behalf at a
5 recycling facility approved by the Agency under this Section,
6 credit for 2 tons of recyclable general construction debris,
7 which may be applied toward the 75% diversion requirement under
8 Section 22.38. The owners and operators of a facility operating
9 in accordance with Section 22.38 are responsible for
10 maintaining records that are generated by a recycling facility
11 and that identify the tonnage of asphalt roofing shingles
12 deposited at the facility. All records maintained pursuant to
13 this Section shall be kept for a minimum of 3 years and shall
14 be subject to inspection by the Agency upon reasonable request.

15 (Source: P.A. 96-489, eff. 8-14-09.)

16 Section 10. The Illinois Highway Code is amended by adding
17 Sections 4-221 and 4-222 as follows:

18 (605 ILCS 5/4-221 new)

19 Sec. 4-221. Mix designs; recycled asphalt shingles. To the
20 extent allowed by federal law, the Department's specifications
21 shall allow the use of recycled asphalt shingles from recycling
22 facilities that are approved by the Illinois Environmental
23 Protection Agency and that are in compliance with the
24 operational guidelines and asbestos-testing requirements set

1 forth by the Agency under Section 22.54 of the Environmental
2 Protection Act in mix designs used for the construction and
3 maintenance of State Highways. It shall be the goal of the
4 Department, through its specifications, to meet or exceed the
5 maximum percentage of recycled asphalt shingles and binder
6 replacement allowed under Illinois State Toll Highway
7 Authority specifications and to maximize the percentage use of
8 recycled materials or lowest cost alternatives in the mix so
9 long as there is no detrimental impact on life-cycle costs.

10 (605 ILCS 5/4-222 new)

11 Sec. 4-222. Cost savings. It shall be the goal of the
12 Department, with regard to its asphalt paving projects and to
13 the extent possible, to reduce the carbon footprint and average
14 costs by maximizing the percentage use of recycled materials or
15 lowest cost alternative materials and extending the paving
16 season so long as there is no detrimental impact on life-cycle
17 costs. In furtherance of these goals, the Regional Engineer
18 from each district or region within the Department shall
19 provide to the Chairperson of the Transportation Committee in
20 the House of Representatives and the Chairpersons of the
21 Transportation and Motor Vehicles Committee and the
22 Transportation, Regulation, Roads, and Bridges Committee in
23 the Senate, within 60 days after the completion of each fiscal
24 year, a written report of the activities initiated or abandoned
25 in that district or region to meet the aforementioned goals

1 during the previous year. The report shall also include an
2 analysis of the cost savings directly or indirectly attributed
3 to those activities within the district or region. Upon review
4 of the annual report, those committees may conduct hearings and
5 provide recommendations to any Regional Engineer regarding the
6 performance of each district or region."