

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Environmental Protection Act is amended by changing Section 22.54a as follows:

(415 ILCS 5/22.54a)

(Section scheduled to be repealed on February 1, 2018)

Sec. 22.54a. Disposal of asphalt roofing shingles.

(a) As used in this Section:

"BUD" means a beneficial use determination issued under Section 22.54 of this Act.

"Eligible shingle recycling facility" means a shingle recycling facility that:

(1) is approved for asphalt roofing shingle recycling under a beneficial use determination issued pursuant to Section 22.54 of this Act and is in compliance with the terms of that BUD;

(2) is listed on the Department of Transportation's "Qualified Producer List of Certified Sources for Reclaimed Asphalt Shingles" or identified as an approved producer of reclaimed asphalt shingles by the Illinois State Toll Highway Authority; and

(3) accepts all delivered loads of asphalt roofing

shingles that can be processed into reclaimed asphalt shingles meeting Department of Transportation or Illinois State Toll Highway Authority specifications.

(b) No owner or operator of a sanitary landfill that is located within a 25-mile radius of an eligible shingle recycling facility ~~a site where asphalt roofing shingles are recycled under a Beneficial Use Determination (BUD) issued by the Agency pursuant to Section 22.54 of this Act~~ shall accept for disposal loads of ~~whole or processed~~ asphalt roofing shingles that can be processed into reclaimed asphalt shingles meeting Department of Transportation or Illinois State Toll Highway Authority specifications.

(c) Nothing in this Section shall prohibit or restrict a sanitary landfill from accepting for disposal asphalt roofing shingles that can be processed into reclaimed asphalt shingles meeting Department of Transportation or Illinois State Toll Highway Authority specifications but that are either commingled with municipal waste, including, but not limited to, general construction or demolition debris, or rejected by an eligible shingle recycling facility.

(d) The owner or operator of an eligible shingle recycling facility shall notify the Agency in writing of the name and street address of the eligible shingle recycling facility, and he or she shall also notify the Agency when the facility's status as an eligible shingle recycling facility is rescinded or reinstated in accordance with subsection (e) or subsection

(f) of this Section. The Agency shall post on its website the information provided to the Agency under this subsection (d) name and address of each site at which the recycling of asphalt roofing shingles under a BUD is approved.

(e) The Agency may issue a notice of intent to rescind recognition as an eligible shingle recycling facility to any owner or operator of a shingle recycling facility that, in the Agency's judgment, is not in compliance with the terms of the facility's BUD. The Agency shall file a copy of the notice with the Board no later than 10 days after the date of service of the notice on the owner or operator. Each notice issued under this subsection (e) shall be served upon the owner or operator, or that person's authorized agent for service of process, and shall include the following information:

(1) a statement specifying the provisions of the BUD which were not complied with;

(2) if non-compliance was observed during an inspection by the Agency, a copy of the inspection report in which the Agency recorded the non-compliance, which report shall include the date and time of inspection, and weather conditions prevailing during the inspection;

(3) instructions for contesting the notice issued under this subsection (e), including notification that the owner or operator has 35 days within which to file a petition for review before the Board to contest the notice;
and

(4) an affidavit by the personnel observing the non-compliance, attesting to their material actions and observations.

If the owner or operator fails to petition the Board for review of the notice within 35 days after the date of service, then the Board shall adopt a final order holding that the shingle recycling facility is not an eligible shingle recycling facility for purposes of this Section. If, within 35 days after the date of service, a petition for review is filed before the Board to contest a notice issued under this subsection (e), then the Agency shall appear as a complainant at a hearing before the Board to be conducted in accordance with Section 32 of this Act. The hearing shall be held not less than 21 days after the Board sends a notice of the hearing to the Agency and the owner or operator who petitioned for review of the notice. In these hearings, the burden of proof shall be on the Agency. If, based on the record, the Board finds that the alleged non-compliance occurred, then the Board shall adopt a final order holding that the shingle recycling facility is not an eligible shingle recycling facility for purposes of this Section.

(f) If the Board has determined under subsection (e) of this Section that a shingle recycling facility is not an eligible shingle recycling facility, then the owner or operator of the facility may file with the Board a motion to have the facility reinstated as an eligible shingle recycling facility.

If, at the time the motion is filed, the owner or operator of the facility is able to affirmatively demonstrate, to the satisfaction of the Board, that all non-compliance at the facility has been corrected, that the facility is in compliance with its BUD, and that the facility is not subject to any pending enforcement action under this Act, then the Board may enter an order reinstating the facility as an eligible shingle recycling facility for the purposes of this Section.

Before issuing any order under this subsection (f), the Board shall conduct an evaluation of the owner or operator's prior experience in asphalt shingle recycling operations. The Board may deny a petition for reinstatement under this subsection (f) if the owner or operator, or any employee or officer of the owner or operator, has a history of repeated violations of federal, State, or local laws, regulations, rules, standards, or ordinances related to the operation of an asphalt shingle recycling facility or site, or a history of gross carelessness or incompetence in the handling, storing, processing, transporting, disposing, or recycling of asphalt shingles.

(g) Nothing in this Section shall be construed to prevent the Agency from issuing an informal warning to an owner or operator before issuing a notice of intent to rescind recognition as an eligible shingle recycling facility under subsection (e) of this Section.

(h) Sections 10-25 through 10-60 of the Illinois

Administrative Procedure Act do not apply to proceedings under this Section, and the orders issued by the Board under this subsection apply in addition to any other remedy or penalty that may be provided under this Act or any other law.

~~No later than January 31 of each year, each recipient of a BUD for asphalt roofing shingles shall submit a report to the Agency that contains the following information: (i) the total quantity of asphalt roofing shingles received under the BUD during the previous calendar year; (ii) the beneficial uses during the previous calendar year of shingles received under the BUD; (iii) the total quantity of shingles used in each beneficial use during the previous calendar year; and (iv) the total quantity and disposition of any shingles received but not beneficially used under the BUD during the previous calendar year. The report must be submitted on a form and in a format prescribed by the Agency.~~

(i) This Section is repealed on February 1, 2023 ~~2018~~.

(Source: P.A. 98-542, eff. 1-1-14.)

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