

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 22.38 as follows:

(415 ILCS 5/22.38)

Sec. 22.38. Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment.

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

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

(1) Within 48 hours after ~~of~~ receipt of the general construction or demolition debris at the facility, sort the general construction or demolition debris to separate the

recyclable general construction or demolition debris, ~~and~~ recovered wood that is processed for use as fuel, ~~and~~ general construction or demolition debris that is processed for use at a landfill from the non-recyclable general construction or demolition debris that is to be disposed of or discarded.

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

(3) Limit the percentage of incoming non-recyclable general construction or demolition debris to 25% or less of the total incoming general construction or demolition debris, ~~as calculated on a daily basis,~~ so that 75% or more of the general construction or demolition debris accepted, as calculated monthly on a rolling 12-month average, ~~on a daily basis~~ consists of recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, or general construction or demolition debris that

is processed for use at a landfill except that general construction or demolition debris processed for use at a landfill shall not exceed 35% of the general construction or demolition debris accepted on a rolling 12-month average basis both. The percentages in this paragraph (3) of subsection (b) shall be calculated by weight, using scales located at the facility that are certified under the Weights and Measures Act.

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

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

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

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

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

(B) ~~(ii)~~ all recovered wood that is processed for use as fuel to an intermediate processing facility for sizing, to a combustion facility for use as fuel, or to

a disposal facility; and

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

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

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

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

(9) Control access to the facility.

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

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

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

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

(C) a description of facility operations;

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

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

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

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

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

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

When any of the information contained or processes

described in the initial notification form submitted to the Agency under paragraph (11) of subsection (b) of this Section changes, the owner and operator shall submit an updated form within 14 days of the change.

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

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

(e) For purposes of this Section, "recovered wood that is processed for use as fuel" means wood that has been salvaged from general construction or demolition debris and processed for use as fuel, as authorized by the applicable state or

federal environmental regulatory authority, and supplied only to intermediate processing facilities for sizing, or to combustion facilities for use as fuel, that have obtained all necessary waste management and air permits for handling and combustion of the fuel.

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

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

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

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

Public Act 097-0230

SB1929 Enrolled

LRB097 09577 JDS 49714 b

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