

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 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 after ~~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, and
3 general construction or demolition debris that is
4 processed for use at a landfill from the non-recyclable
5 general construction or demolition debris that is to be
6 disposed of or discarded.

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

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

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

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

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

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

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

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

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

1 a disposal facility; and

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

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), submit to the Agency at least 30 days
22 prior to the initial acceptance of general construction or
23 demolition debris at the facility, on forms provided by the
24 Agency, the following information:

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

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

3 (C) a description of facility operations;

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

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

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

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

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

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

26 When any of the information contained or processes

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

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

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

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

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

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

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

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

25 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;
26 96-1000, eff. 7-2-10.)

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