



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0266

Introduced 1/23/2009, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.38

415 ILCS 20/2.1

from Ch. 111 1/2, par. 7052.1

Amends the Environmental Protection Act. Specifies that the term "recyclable general construction debris" includes clean wood that is segregated from general construction or demolition debris and that is processed for use as fuel. Amends the Illinois Solid Waste Management Act. Provides that "recycling" includes "the combustion of wood or biomass fuel for energy recovery". Specifies that "the combustion of wood or other biomass fuel for energy recovery shall not be considered 'recycling' for grant or incentive programs administered by the Department." Imposes conditions on rulemaking authority. Effective immediately.

LRB096 04409 JDS 14460 b

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 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 from  
2 non-recyclable general construction or demolition debris  
3 to be disposed of or discarded;

4 (2) transport off site for disposal all non-recyclable  
5 general construction or demolition debris in accordance  
6 with all applicable federal, State, and local requirements  
7 within 72 hours of its receipt at the facility;

8 (3) limit the percentage of incoming non-recyclable  
9 general construction or demolition debris to 25% or less of  
10 the total incoming general construction or demolition  
11 debris, as calculated on a daily basis;

12 (4) transport all non-putrescible recyclable general  
13 construction or demolition debris for recycling or  
14 disposal within 6 months of its receipt at the facility;

15 (5) transport all putrescible or combustible  
16 recyclable general construction or demolition debris for  
17 recycling or disposal within 45 days of its receipt at the  
18 facility;

19 (6) employ tagging and recordkeeping procedures to (i)  
20 demonstrate compliance with this Section and (ii) identify  
21 the source and transporter of material accepted by the  
22 facility;

23 (7) control odor, noise, combustion of materials,  
24 disease vectors, dust, and litter;

25 (8) control, manage, and dispose of any storm water  
26 runoff and leachate generated at the facility in accordance

1 with applicable federal, State, and local requirements;

2 (9) control access to the facility;

3 (10) comply with all applicable federal, State, or  
4 local requirements for the handling, storage,  
5 transportation, or disposal of asbestos-containing  
6 material or other material accepted at the facility that is  
7 not general construction or demolition debris; and

8 (11) submit to the Agency at least 30 days prior to the  
9 initial acceptance of general construction or demolition  
10 debris at the facility, on forms provided by the Agency,  
11 the following information:

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

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

16 (C) a description of facility operations;

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

22 (E) the name and location of the disposal site to  
23 be used for the transportation and disposal of  
24 non-recyclable materials accepted at the facility;

25 (F) the name and location of an individual,  
26 facility, or business to which recyclable materials

1 will be transported; and

2 (G) other information as specified on the form  
3 provided by the Agency.

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

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

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

26 Rulemaking authority to implement this Section, if any, is

1 conditioned on the rules being adopted in accordance with all  
2 provisions of the Illinois Administrative Procedure Act and all  
3 rules and procedures of the Joint Committee on Administrative  
4 Rules; any purported rule not so adopted, for whatever reason,  
5 is unauthorized.

6 (Source: P.A. 90-475, eff. 8-17-97.)

7 Section 10. The Illinois Solid Waste Management Act is  
8 amended by changing Section 2.1 as follows:

9 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

10 Sec. 2.1. Definitions. When used in this Act, unless the  
11 context otherwise requires, the following terms have the  
12 meanings ascribed to them in this Section:

13 "Department", when a particular entity is not specified,  
14 means (i) in the case of a function to be performed on or after  
15 July 1, 1995 (the effective date of the Department of Natural  
16 Resources Act), the Department of Commerce and Community  
17 Affairs (now Department of Commerce and Economic Opportunity),  
18 as successor to the former Department of Energy and Natural  
19 Resources under the Department of Natural Resources Act; or  
20 (ii) in the case of a function required to be performed before  
21 July 1, 1995, the former Illinois Department of Energy and  
22 Natural Resources.

23 "Deinked stock" means paper that has been processed to  
24 remove inks, clays, coatings, binders and other contaminants.

1 "End product" means only those items that are designed to  
2 be used until disposal; items designed to be used in production  
3 of a subsequent item are excluded.

4 "High grade printing and writing papers" includes offset  
5 printing paper, duplicator paper, writing paper (stationery),  
6 office paper, note pads, xerographic paper, envelopes, form  
7 bond including computer paper and carbonless forms, book  
8 papers, bond papers, ledger paper, book stock and cotton fiber  
9 papers.

10 "Paper and paper products" means high grade printing and  
11 writing papers, tissue products, newsprint, unbleached  
12 packaging and recycled paperboard.

13 "Postconsumer material" means only those products  
14 generated by a business or consumer which have served their  
15 intended end uses, and which have been separated or diverted  
16 from solid waste; wastes generated during production of an end  
17 product are excluded.

18 "Recovered paper material" means paper waste generated  
19 after the completion of the papermaking process, such as  
20 postconsumer materials, envelope cuttings, bindery trimmings,  
21 printing waste, cutting and other converting waste, butt rolls,  
22 and mill wrappers, obsolete inventories, and rejected unused  
23 stock. "Recovered paper material", however, does not include  
24 fibrous waste generated during the manufacturing process such  
25 as fibers recovered from waste water or trimmings of paper  
26 machine rolls (mill broke), or fibrous byproducts of

1 harvesting, extraction or woodcutting processes, or forest  
2 residues such as bark.

3 "Recycled paperboard" includes recycled paperboard  
4 products, folding cartons and pad backing.

5 "Recycling" means the process by which solid waste is  
6 collected, separated and processed for reuse as either a raw  
7 material or a product which itself is subject to recycling, but  
8 does not include the combustion of waste for energy recovery or  
9 volume reduction. "Recycling", however, does include the  
10 combustion of wood or biomass fuel for energy recovery. The  
11 combustion of wood or other biomass fuel for energy recovery  
12 shall not be considered "recycling" for grant or incentive  
13 programs administered by the Department.

14 "Tissue products" includes toilet tissue, paper towels,  
15 paper napkins, facial tissue, paper doilies, industrial  
16 wipers, paper bags and brown papers.

17 "Unbleached packaging" includes corrugated and fiber  
18 boxes.

19 "USEPA Guidelines for federal procurement" means all  
20 minimum recycled content standards recommended by the U.S.  
21 Environmental Protection Agency.

22 Rulemaking authority to implement this Section, if any, is  
23 conditioned on the rules being adopted in accordance with all  
24 provisions of the Illinois Administrative Procedure Act and all  
25 rules and procedures of the Joint Committee on Administrative  
26 Rules; any purported rule not so adopted, for whatever reason,



1 is unauthorized.

2 (Source: P.A. 94-793, eff. 5-19-06.)

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