

August 18, 2014

To the Honorable Members of the
Illinois House of Representatives, 98th General Assembly:

I hereby return House Bill 4606 with specific recommendations for change.

General construction and demolition debris sites take uncontaminated material from construction, remodeling, demolition and repair projects that would otherwise be placed in a landfill and sort, process, and transfer these materials for recycling and reuse. These facilities serve a valuable purpose by diverting the flow of large reusable or recyclable construction materials from filling up our landfills.

House Bill 4606 exempts any facility that accepts exclusively general construction or demolition debris from the local siting process, streamlining the permitting process for entry into the market for these recycling centers. Presently, such an exemption only applies in Cook, DuPage, Kane, Lake, McHenry, and Will Counties. These counties are heavily zoned which ensures local control over where general construction and demolition debris sites locate. Notwithstanding House Bill 4606, Section 22.38 of the Environmental Protection Act provides that general construction and demolition debris sites are still subject to local zoning, ordinance, and land use requirements.

However, in areas of the State that are not heavily zoned or do not have zoning requirements for general construction and demolition debris facilities, local residents may not know about the potential for a general construction and demolition debris facility to move in next door. Streamlining permitting is important, but it is equally important that there is opportunity for public participation so that local residents can weigh in on the location of these sites, while still encouraging the development of new outlets for the recycling of construction and demolition debris.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I return House Bill 4606, entitled "AN ACT concerning safety." with the following specific recommendations for change:

on page 1, line 5, by inserting "and Section 22.38" after "Section 3.330"; and

on page 12, after line 1, by inserting:

“(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 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, 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 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.

(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, so that 75% or more of the general construction or demolition debris accepted, as calculated monthly on a rolling 12-month average, 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. 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) 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.

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

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

(B) 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.

(A) Any person submitting an application for a permit prior to the initial acceptance of general construction or demolition debris shall publish notice of the application in a newspaper of general circulation in the county in which the facility is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the information described in paragraph (11) of subsection (b) of this Section, along with a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency. The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(B) 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. When a permit applicant submits

information to the Agency to update a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this paragraph (12).

(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, recovered wood that is processed for use as fuel, and general construction or demolition debris that is processed for use at a landfill 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.

(i) For purposes of the 75% diversion requirement under subdivision (b)(3) of this Section, owners and operators of facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment may multiply by 2 the amount of accepted asphalt roofing shingles that are transferred to a facility for recycling in accordance with a beneficial use determination issued under Section 22.54 of this Act. The owner or operator of the facility accepting exclusively general construction or demolition debris for transfer, storage, or treatment must maintain receipts from the shingle recycling facility that document the amounts of asphalt roofing shingles transferred for recycling in accordance with the beneficial use determination. All receipts must be maintained for a minimum of 3 years and must be made available to the Agency for inspection and copying during normal business hours."

With these changes, House Bill 4606 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor