

CHAPTER 50: SOLID WASTE

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SOLID WASTE HAULING AND RECYCLING; LICENSING AND ADMINISTRATIVE REQUIREMENTS

§ 50.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply.

APPLICANT. In reference to a solid waste hauling license, any person applying for a solid waste hauling license. In reference to construction and demolition recycling, any person who applies to the county for the applicable registrations or permits to undertake any covered project within unincorporated Lake County.

CONSTRUCTION AND DEMOLITION DEBRIS (C&D DEBRIS). Non-hazardous, uncontaminated materials resulting from the construction, remodeling, or demolition of utilities, structures, or roads.

C&D DEBRIS THAT IS PROCESSED FOR USE AT A LANDFILL. C&D debris that is processed for use at a municipal solid waste landfill unit as alternative daily cover, road building material, or drainage structure building material in accordance with the landfill's waste disposal permit issued by the Illinois Environmental Protection Agency.

COUNTY. Lake County, Illinois, a body politic and corporate.

COVERED PROJECT. All new construction, renovation, demolition, entire re-roofing, or entire re-siding projects, of 1,500 square feet or greater gross floor area, within unincorporated Lake County.

DIVERSION/DIVERTED. To manage, sort and process C&D debris into recyclable C&D debris, recovered wood that is processed for use as fuel, and/or C&D debris that is processed for use at a landfill.

DIVERSION REQUIREMENT. The diversion of at least 75% of the total C&D debris generated by a covered project unless the applicant has been granted a variance pursuant to § 50.04(G); in which

case, the **DIVERSION REQUIREMENT** shall be the maximum feasible diversion rate as established in the variance granted.

HAULER. Any person who engages in the business of collecting or hauling garbage, municipal waste, recyclable material, landscape waste, brush or other refuse on a continuous and regular basis, and makes multiple scheduled collections per month within the county.

LANDSCAPE WASTE. All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

MUNICIPAL WASTE. Garbage, general household institutional and commercial waste, industrial lunchroom or office waste, landscape waste and construction and demolition debris.

MUNICIPALITY. Each incorporated town, village, or city located either partially or wholly within the boundaries of the county.

PERSON. Any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other legal entity whatsoever.

RECOVERED WOOD THAT IS PROCESSED FOR USE AS FUEL. Wood that has been salvaged from C&D debris and processed for use as fuel, as authorized by 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.

RECYCLABLE C&D DEBRIS. C&D 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 C&D DEBRIS** does not include C&D debris processed for use as a fuel or for use at a landfill.

RECYCLING. A method, technique or process designed to remove any contaminant from waste so as to render such waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLABLE MATERIAL. Material that is separated from municipal waste for the purpose of recycling, including but not limited to, ferrous metal cans, aluminum containers, glass, plastic, which shall include HDPE, PET containers and plastics #3 through #7, newsprint, corrugated paper, junk mail, magazines, office paper, and boxboard.

RENOVATION. Any construction or improvement to an existing structure.

SALVAGE. The controlled removal of C&D debris from a covered project for the purpose of recycling.

SOLID WASTE MANAGEMENT PLAN. The official county plan adopted pursuant to the Illinois Solid Waste Planning and Recycling Act for the management of municipal waste generated within the county's boundaries, as amended.

SWALCO. The Solid Waste Agency of Lake County, Illinois.

VOLUME-BASED PRICING. A system under which residents pay for municipal waste management and disposal services by weight or volume collected, not a fixed fee.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

§ 50.02 COLLECTION OF RECYCLABLE MATERIALS AND VOLUME-BASED PRICING.

(A) *Recyclable material collection offered or required.* Each hauler operating within the county shall be required to offer, either as part of basic service or alternately as an additional service, the collection of recyclable materials from any multifamily home, commercial business or institutional facility within the county and shall be required to provide the collection of recyclable materials, as part of basic service, from any single-family home, at least once every two weeks. Haulers are encouraged to provide residents of single-family homes with larger containers (35, 65 or 95 gallon carts) for collecting recyclable materials. Haulers shall provide information on how and what materials to recycle as least once every other year to customers with recycling service. Haulers shall provide a written offer to provide recycling services to commercial businesses that are not recycling at least once during the term of the contract or in the absence of a contract at least once every two years, whichever is shorter. The hauler's written offer must include a request that the commercial business respond to the hauler's request to provide recycling services in writing.

(B) *Recyclable material collection enforcement.* Each municipality located within the county may license, franchise or otherwise regulate the collection of recyclable materials within their individual jurisdictions so as to require the opportunity of any individual resident, single-family home, multifamily home, commercial business, or institutional facility to recycle recyclable materials at the curbside or other more accessible location.

(C) *Collection of recyclable materials.* All materials collected as recyclable materials shall not be deposited in a landfill or incinerator unless all reasonable efforts have been made to sell the recyclable material to a processor or end user.

(D) *Ownership of recyclable materials.* Ownership of recyclable materials set out for collection shall remain with the individual resident, single-family home, multifamily home, commercial business, or institutional facility that set out the material for collection until removal by the hauler. Upon removal of the recyclable material by the hauler, ownership shall vest in the hauler.

(E) *Volume-based pricing.* Each hauler operating within the unincorporated area of the county shall be required to offer volume-based pricing, utilizing either a graduated can option with the price increasing as the size of the waste can increases or a limited waste disposal program, as part of residential municipal waste collection service. Residential customers covered by collection contracts pursuant to township or county aggregated franchise agreements shall not be subject to volume-based pricing requirements.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

§ 50.03 LICENSES.

(A) *License required.* No hauler shall engage in the collection of municipal waste, recyclable materials or landscape waste from any individual resident, single-family home, multifamily home, commercial business, or institutional facility within the county without first having applied for and obtained a license to do so from the county.

(B) *Municipal license.* Each municipality may license, franchise, contract with or otherwise control the haulers operating within the respective boundaries of the municipality and shall require as part of said license, franchise, contract or other control that the hauler offer the service of recyclable materials collection to each individual resident, single-family home, multifamily home, commercial business, or institutional facility within the municipality.

(C) *License procedure.*

(1) *Application.* Application for a license shall be made in writing to the county on the form provided by the county, shall be verified by the applicant and shall contain the following information:

(a) The name, address and telephone number of the applicant; if the applicant is a partnership, the application shall show for each partner his or her name and address and interest and also all

information contained by subsections (C)(1)(b) and (C)(1)(c) below. If the applicant is a corporation, the application shall show the name and address of the registered agent, and with respect to each director, and each shareholder owning 5% or more of the corporation's shares (i) his or her name and address, (ii) the information required by subsection (C)(1)(c) below, and in addition, with respect to each director and shareholder owning more than 25% of the shares, the information required by subsection (C)(1)(b) below;

(b) The experience of the Applicant in the collection, transport and disposal of refuse and applicant's (or principal owner) business experience (or a related field) during the five-year period immediately preceding the date of the application;

(c) The criminal record, if any, of the applicant;

(d) The rates or a schedule of rates proposed to be charged;

(e) The number and kind of vehicles owned and controlled by the applicant, and the number and kind of vehicles proposed to be licensed hereunder for use in the collection of municipal waste, recyclable materials or landscape waste from within the county's boundaries. An application may be amended from time to time during the license period to provide for increases or reductions in the number of vehicles;

(f) The location of the applicant's office and garage;

(g) The color scheme, insignia and trade name to be used to designate the vehicles of the applicant;

(h) A description of each vehicle including the vehicle identification number and license plate number of the vehicle;

(i) A certificate from the Secretary of State of the State of Illinois for each vehicle proposed to be licensed hereunder showing compliance by the applicant with the statutes of the State of Illinois, or as the same may be in force and effect, relating to the bonding, licensing and/or insuring of each such vehicle;

(j) A policy or certificate of insurance, issued by a company acceptable to the county, showing proof of insurance as required below. All such policies or certificates of insurance shall be in an acceptable form. The licensee shall maintain the full insurance coverage required herein at all times and a duplicate certificate of insurance shall be deposited with the Lake County Clerk and shall provide that such insurance may not be canceled except upon 30 days prior written notice to the Lake County Clerk. The insurance coverage specified herein constitutes the minimum requirements and said requirements shall in no way lessen or limit the liability of the licensee under the terms of this subchapter. The licensee shall procure and maintain at its own cost and expense any additional kinds and amounts of insurance, which, in the licensee's own judgment, may be necessary for its proper protection.

1. *Workers' compensation insurance.* The licensee shall carry this with a company authorized under the laws of the State of Illinois with a policy to protect itself against liability under the Workers' Compensation Act and the Workers' Occupational Diseases Act of the State of Illinois.

2. *Vehicle liability insurance.* The licensee shall carry under its own name a comprehensive policy to insure the entire vehicle liability for its operations with limits of not less than \$1,000,000 each person and \$3,000,000 each accident bodily injury liability, \$1,000,000 each accident for property damage liability.

3. *General liability.* The licensee shall carry in its own name a comprehensive liability policy for its operations other than vehicular operations with limits of at least \$1,000,000 each person and \$3,000,000 each accident bodily injury liability, \$1,000,000 each accident for property damage liability.

(k) Such other information as the county may require from time to time.

(2) *License issuance.* The county shall approve the application and issue the license upon the payment of the fee required herein if it finds:

(a) That the applicant is not in default to the county;

(b) That the applicant has conducted its business in accordance with this code of ordinances and regulations of the county;

(c) That the equipment used in the applicant's business meets the requirements of this code of ordinances and regulations of the county;

(d) The issuance of the license is in the best interest of the county and that the quality of service to be rendered will serve the public health, safety and welfare; and

(e) That all information, insurance, certificates and agreements required by this section have been provided and approved.

(3) *License renewal.* The county shall provide a license renewal form to each hauler within 60 days prior to the expiration of the hauler's current license. License renewal forms shall be completed and returned to the county at least 30 days prior to the expiration of the hauler's current license.

(4) *Accuracy and updating of information.* All information required to be submitted for this license shall be complete, accurate and submitted in a timely manner. The applicant shall notify the county of any change of address or telephone number.

(5) *Transfer of ownership.* Licenses are not transferable. Any attempted transfer of a license shall render said license immediately void. An ownership change in a corporation that involves the sale or transfer of 35% or more of the stock shall void the existing license.

(D) *License issuance or denial.*

(1) *License action.* The county shall have 30 days from the receipt of a complete license or renewal application to issue or deny the license or the license renewal.

(2) *Notification.* The county shall notify the applicant in writing of the issuance or denial of said application. Denial of said license shall be by certified mail, return receipt requested.

(3) *License denial.* A license denial shall provide written notice stating the basis for the denial and shall provide notice to the applicant that if an appeal is desired, a written request for a hearing must be filed within 15 calendar days following service, exclusive of the date of service. Upon receipt of a request for hearing, the county shall set a time and place for the hearing. The hearing shall be conducted pursuant to the procedures in § 50.06.

(E) *License and vehicle registration fee.*

(1) *Schedule of fees.* The fee for each license shall be \$50. Checks must be made payable to the Lake County Treasurer. Payment of all fees must accompany the license application or renewal.

(2) *Vehicle registration.* The county reserves the right to issue a decal and require the placement of said decal conspicuously on the outside of each vehicle so utilized by the hauler. Such decals may be issued annually. The number of said vehicles utilized by the hauler shall be reported in the application. If the county exercises the right to require decals on each vehicle, no vehicle may be used without displaying said decal.

(F) *Reporting.* The Hauler shall submit a written report to SWALCO, on a form provided by SWALCO, on its solid waste, recycling and landscape waste operations, on or before January 31 of each year, for the previous six calendar months of July through December, and also on or before July

31 of each year for the previous six calendar months of January through June. The report shall contain:

(1) The total tonnage of municipal waste collected from within municipal jurisdictions or geographically defined unincorporated areas of the county and the location or locations the municipal waste was transported to; and

(2) The total tonnage of recyclable material collected from residential programs within municipal jurisdictions or geographically defined unincorporated areas of the county and the location or locations the recyclable material was transported to; and

(3) The total tonnage of recyclable material collected from commercial accounts within municipal jurisdictions or geographically defined unincorporated areas of the county and the location or locations the recyclable material was transported to; and

(4) The total tonnage of landscape waste material collected from within municipal jurisdictions or geographically defined areas of the county and the location or locations the landscape waste material was transported to.

(G) *Delegation of licensing.* The county may delegate licensing, as provided for in § 50.03, to a qualified agency. Such an agency may also be responsible for revocation of licenses, as provided for in § 50.05.

(H) *Compliance with other laws.* The obtaining of a license herein shall not be deemed to exclude the necessity of obtaining other licenses or permits as required by all applicable city, county, state and federal laws or regulations. The hauler shall at all times operate in compliance with all applicable city, county, state, and federal rules or regulations.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013; Ord. 17-1208, passed 11-14-2017)

§ 50.04 CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION.

(A) *Applicability of covered projects.* Seventy-five percent of construction and demolition (C&D) debris generated by a covered project shall be diverted in accordance with this section. Failure to comply with any of the terms of this subchapter shall subject the person to the full range of enforcement mechanisms set forth in § 50.99(B).

(B) *C&D debris compliance planning.*

(1) *Re-roofing and re-siding projects.* By submitting a registration application for a re-roofing or re-siding project, the applicant agrees to comply with the requirements of this subchapter.

(2) *Other permitted projects.*

(a) Prior to the issuance, by the County Planning, Building and Development Department ("PB&D"), of a permit for a covered project, the applicant must complete and submit the C&D Debris Compliance Plan, on a form provided by the PB&D. By submitting an application for a covered project and a C&D Debris Compliance Plan, the applicant agrees to comply with the requirements of this subchapter. The Plan must include:

1. A description of the covered project including the number of structures and the gross floor area;

2. Identification of all materials to be diverted from disposal to recyclable C&D debris, recovered wood, and/or alternate daily cover;

3. A description of whether and to what extent materials will be separated on-site or co-mingled;

4. Identification of the vendors or facilities that will collect or receive the construction or demolition debris, and such additional information as the PB&D Director may require demonstrating that the vendor or facility will recycle or divert C&D debris received from the covered project;
5. The estimated date on which the covered project is to commence; and
6. Such additional information as the PB&D Director may require.

(b) Where all of the facts cannot be ascertained, the applicant shall provide the best estimate based on all information reasonably available about the covered project.

(C) *Application fee.* The application fee for any re-roofing and re-siding project, as described in subsection (B)(1) above, shall be \$5, in addition to all other permit or registration related fees. The application fee for any covered project, as described in subsection (B)(2) above, shall be \$20, in addition to all other permit related fees. The application fee must be payable to the Lake County Treasurer and must be submitted with the application.

(D) *Review of C&D debris compliance plan.*

(1) *Approval.* Notwithstanding any other provision of this subchapter, the Lake County PB&D Department shall not issue a permit for a covered project without an acceptable C&D Debris Compliance Plan and application fee.

(2) *Denial.* If it is determined that the C&D Debris Compliance Plan is incomplete or fails to demonstrate that at least 75% of all C&D debris generated by the covered project will be diverted, the C&D Debris Compliance Plan shall be returned to the applicant marked "failed". Upon the return of the C&D Debris Compliance Plan, the applicant may make necessary changes and resubmit the C&D Debris Compliance Plan or request a variance, in writing, from the requirements of this section, to be approved by the PB&D Director, in consultation with SWALCO.

(E) *C&D debris compliance report.* Not less than ten business days prior to the scheduled date for the final inspection of a covered project subject to this section, the applicant shall complete and submit the C&D Debris Compliance Report provided by PB&D. The C&D Debris Compliance Report must include the following information:

- (1) The date(s) demolition and/or construction commenced;
- (2) The weight of C&D debris that was generated at the project site;
- (3) The weight of C&D debris that was diverted to achieve the 75% diversion requirement;
- (4) The final calculation demonstrating compliance with the 75% diversion requirement; and
- (5) Original receipts from all vendors and facilities which collected or received C&D debris, indicating weights received by each.

(F) *Determination of compliance.*

(1) *Compliance.* The information submitted under subsection (E) above shall be reviewed in order to determine whether the applicant has complied with the Diversion Requirement.

(2) *Non-compliance.* If it is determined that the applicant has not complied with subsection (A) above, enforcement shall occur under the terms of § 50.99(B).

(3) *Extraordinary circumstances.* If the diversion requirement has not been achieved due to extraordinary circumstances, the applicant may request a variance, in writing, from the requirements of § 50.04, to be approved by the PB&D Director, in consultation with SWALCO.

(G) *Variance criteria.* The PB&D Director may grant a variance from the requirements of § 50.04 only if the PB&D Director finds that all of the following have been met.

(1) There are exceptional or extraordinary circumstances applicable to the project that do not apply to similar projects and that make compliance with the section impracticable.

(2) Granting the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similar covered projects.

(3) Cost to the applicant of strict compliance with this section is not the primary reason for granting the exception.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013; Ord. 17-1208, passed 11-14-2017)

§ 50.05 ADMINISTRATIVE PROCEEDINGS.

(A) Suspension or revocation of license.

(1) The county may suspend or revoke any license issued under § 50.03 for a violation of any provision of this subchapter. Suspension shall be for a period as prescribed within § 50.99(B).

(2) Notice of a suspension or revocation shall be in writing and shall be served personally or by registered or certified mail upon the licensee at least 15 calendar days prior to the effective date of the suspension or revocation. The written notice shall contain the effective date of the suspension or revocation; the facts which support the conclusion that a violation or violations have occurred; a statement that if the licensee desires to appeal, a written request for a hearing must be received by the county, as specified in the notice, within 15 calendar days following service of the notice, exclusive of the day of service; and that the request for hearing must state the grounds for appeal. If a hearing is requested, the suspension or revocation shall be stayed pending outcome of the hearing.

(3) Upon receipt of a request for hearing, the county shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures in § 50.06.

(B) Summary suspension of license.

(1) If the county finds that the public health, safety or welfare requires immediate action, it may order summary suspension of a license.

(2) Written notice of a summary suspension shall be by personal service upon the licensee or sent by certified return receipt mail to the licensee's business address. The county shall also take reasonable steps to notify licensee by telephone, at the phone number provided by the licensee, prior to the summary suspension.

(3) The written notice shall state the effective date of the summary suspension, the violation requiring emergency action, the facts which support the conclusion that a violation has occurred, a statement that if the licensee desires to appeal, a written request for a hearing must be received by the county, as specified by the notice, within ten calendar days following service of the notice, exclusive of the day of service, and that the request for hearing must state the grounds for appeal.

(4) Upon receipt of a request for hearing the county shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures in § 50.06.

(5) The summary suspension shall not be stayed during the appeal.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

§ 50.06 HEARINGS.

Hearings required pursuant to this subchapter shall be conducted as follows.

(A) *Hearing Commission and Officer.* The hearing shall be before an impartial Hearing Commission consisting of three members appointed by the County Board. One member of the Commission will be appointed and will act as the Hearing Officer.

(B) *Prehearing and hearing notice.* The county shall schedule and provide notice of the date, time and place of the prehearing conference and hearing. The prehearing conference shall be held at least three weeks prior to the hearing. The hearing shall be held no later than 45 calendar days after receipt of the request for hearing or by mutual agreement of the parties.

(C) *Procedures.* The prehearing conference and hearing shall be conducted in the following manner:

(1) The prehearing conference shall be held before the Hearing Officer and shall define the issues, schedule the exchange of witness lists and documentary evidence, seek agreement on the authenticity of documents and relevant testimonial evidence, determine whether intended evidence is cumulative and repetitive and consider all other matters that will assist in a fair and expeditious hearing.

(2) Each party shall exchange all relevant information and documentary evidence at least one week prior to the hearing date. Such information shall include all evidence intended for introduction at the hearing and includes, but is not limited to, the following: exhibits, statements, reports, witness lists including a description of the facts and opinions to which each is expected to testify, photographs, slides, and demonstrative evidence. Evidence not exchanged in accordance with these provisions will not be considered in the hearing unless good cause is shown to the Hearing Officer.

(3) The hearing shall be public and shall be recorded by a certified court reporter. The licensee or applicant shall be responsible for all costs of the certified court reporter, including appearance and the provision of a transcript.

(4) All witnesses shall testify under oath or affirmation.

(5) The hearing is subject to the general rules of evidence with latitude necessary to gain facts or information. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The Hearing Officer shall make all rulings for the Hearing Commission.

(6) The county, licensee or applicant, and additional parties as determined by the Hearing Officer, shall present evidence in that order. Each party shall have the opportunity to cross examine the witnesses of the other party. The Hearing Commission may examine witnesses.

(7) The Hearing Commission shall make written findings of fact and conclusions based upon the evidence provided at the hearing.

(8) The cost of preparing a record shall be borne by the applicant or licensee.

(9) Appeal of a decision by the Hearing Commission shall be subject to the provisions of the Illinois Administrative Review Law and shall be made to the Circuit Court of the Nineteenth Judicial Court.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

§ 50.07 IMPLEMENTATION IN TOWNSHIPS.

If a township within the county has an ordinance in place on the effective date of this subchapter which substantially conforms with or exceeds the requirements of this subchapter including but not limited to the required collection of recyclable material, reporting requirements, and the offering of volume-based pricing to residential customers, the township may continue to enforce its own ordinance and such enforcement shall constitute, within that township, implementation of this

subchapter. A township may at any time adopt and enforce an ordinance that is more stringent than that required by this subchapter.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

§ 50.08 PROVISIONS CUMULATIVE.

The provisions in this subchapter are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this subchapter.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

§ 50.09 EFFECTIVE DATE.

This subchapter, as amended on June 11, 2013, shall be in full force and effect beginning on January 1, 2014.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

§ 50.10 AMENDMENTS.

This subchapter may be amended from time to time by amendatory ordinances.

(Ord. passed 6-11-2013)

REGULATION OF DISPOSAL SITES

§ 50.20 PURPOSE.

(A) This subchapter codifies an ordinance defining sanitary landfills, dumps, requiring permits for the operation of the solid waste disposal sites; regulating the disposal and dumping of garbage, refuse, and other trash; and the fixing of penalties for violation of this subchapter.

(B) For the purpose of promoting and protecting the general health and the control of disease throughout Lake County, this subchapter is hereby ordained by the County Board.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

§ 50.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply.

COMBUSTIBLE WASTE. All waste substances capable of incineration or burning, but excluding explosive or highly inflammable material.

DUMP. All land or parcels of land on which non-putrescible refuse is accepted for deposit or permitted to be deposited regardless of whether a charge is made therefor.

GARBAGE. All animal and vegetable waste and all putrescible matter.

HEALTH OFFICER. The Director of the Lake County Health Department or his or her authorized representative.

NON-COMBUSTIBLE WASTE. All other waste substance not capable of incineration or burning, such as earth fill, glass, metal, earthenware, and the like.

PERSON. Any person, firm, club, corporation, association, partnership, company, organization, political subdivision, or another legal entity.

REFUSE. All waste substances, including garbage, as well as combustible and non-combustible wastes.

SANITARY LANDFILL. A method of disposing of refuse on land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment, and covering with a layer of compacted earth or suitable cover material at the conclusion of each day's operation, or at other intervals as may be necessary.

SOLID WASTE DISPOSAL SITE. Any site including a sanitary landfill or dump used for the disposal of solid or semi-solid wastes from more than one premises, or from a commercial or industrial operation, not suitable for discharge into water carriage waste disposal systems.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

§ 50.22 REQUIREMENTS FOR OPERATION.

The Health Officer of the county, in order to protect the health and safety of the people of the county and of the general public, is authorized and directed to promulgate regulations establishing minimum standards governing the operation of solid waste disposal sites. The regulations shall become effective upon approval by the County Board, and shall be filed with the Lake County Clerk as a public record.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

Cross-reference:

Regulations, see Appendices A and B

§ 50.23 PERMITS.

(A) It shall be unlawful for any person to use any land, premises, or property within the county for the dumping or disposal of any garbage, refuse, or other waste materials of any kind without first filing an application with the Health Officer, and securing a valid permit from the Health Officer for the operation of a solid waste disposal site. The permit issued by the Health Officer is in addition to any building and zoning permits required, and the permit issued by the Health Officer does not signify compliance with requirements established by other regulatory agencies. Application for permits shall be on forms furnished by the Lake County Health Department.

(B) If the Health Officer, as a result of his or her review of the completed application, finds that the proposed solid waste disposal site can be operated in accordance with the provisions of this subchapter and that no health hazards or nuisances will be created as a result of the operation, he or she shall issue a permit to the applicant upon delivery of a performance bond issued by a surety company in the amount of \$10,000, payable to the county where the solid waste disposal site is located in the unincorporated area of the county; and when the solid waste disposal site is located within the corporate limits of a municipality, the bond shall be payable to the municipality, except that where a solid waste disposal site is operated by a municipality within the corporate limits of the municipality, a bond shall not be required.

(C) The performance bond shall be conditioned, as follows:

(1) The permittee, his or her agents and servants, will comply with all of the terms, conditions, provisions, requirements, and specifications contained in this subchapter and the regulations adopted pursuant hereto;

(2) The permittee, his or her agents and servants, will save harmless the county or specific municipality in which the solid waste disposal site is located, from any expense incurred through the failure of the permittee, his or her agents and servants, to operate and maintain the dump or landfill as

required by this subchapter, including any expense that the county or municipality may incur to correct any condition or violation of this subchapter, including the county's or municipality's own labor and equipment whenever the Health Officer determines it is necessary for the county or municipality to correct any conditions violating the provisions of this subchapter or regulations adopted pursuant hereto, or from any damages growing out of the negligence of the permittee or his or her agents or servants; and

(3) Before acceptance, all bonds shall be approved by the County Board or governing body of the municipality in which the solid waste disposal site is located. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in this state.

(D) The Health Officer may suspend any permit authorized by this subchapter upon the violation by the holder of any of the terms of this subchapter. The Health Officer may revoke any such permit, after an opportunity for a hearing before him or her, upon finding that the solid waste disposal site for which the permit was issued is in violation of any of the provisions of this subchapter.

(E) If the permit shall be suspended by the Health Officer, it shall be unlawful during the period of the suspension for the permit holder to operate the solid waste disposal site for which the permit was issued.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961) Penalty, see § 50.99

§ 50.24 DUMPS.

Dumps may accept for deposit only non-combustible waste having no putrescible material therein. The dumping of garbage and combustible refuse at solid waste disposal sites not operating as sanitary landfills is prohibited.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

§ 50.25 GARBAGE AND COMBUSTIBLE MATERIAL.

The dumping of garbage and combustible material shall be restricted to solid waste disposal sites operated as sanitary landfills in accordance with the provisions of this subchapter and regulations adopted pursuant hereto.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

§ 50.26 INSPECTIONS.

The Health Officer is hereby authorized and directed to make inspections as are necessary to determine satisfactory compliance with this subchapter and the regulations promulgated hereunder. It shall be the duty of the operator of a solid waste disposal site to give the Health Officer free access to the property at reasonable times for the purpose of making inspections as are necessary to determine compliance with the requirements of this subchapter and the regulations promulgated hereunder.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

§ 50.27 INTERPRETATION, PURPOSES AND CONFLICT.

(A) The provisions of this subchapter shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

(B) In any case where a provision of this subchapter is found to be in conflict with a provision of any zoning, building, safety, or health ordinance or code in force in the incorporated or unincorporated areas of the county existing on the effective date of this subchapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of Lake County shall prevail.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

PROCEDURE FOR NEW POLLUTION CONTROL FACILITIES; SITE APPROVAL REQUESTS

§ 50.40 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply.

ACT. The Illinois Environmental Protection Act, as amended (415 ILCS 5/1 et seq.).

AGENCY. The Illinois Environmental Protection Agency.

APPLICANT. Any person, firm, or partnership, association, corporation, company, local government, joint action agency, or organization of any kind who files a request for site approval pursuant to this subchapter.

BOARD. The Illinois Pollution Control Board.

COUNTY. Lake County, Illinois.

COUNTY BOARD. The Lake County Board.

HAZARDOUS WASTE. Waste as defined in the Illinois Environmental Protection Act (hereinafter referred to as the Act), as amended (415 ILCS 5/1 et seq.).

HAZARDOUS WASTE DISPOSAL SITE. A site at which hazardous waste is disposed.

REGIONAL POLLUTION CONTROL FACILITY. Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government. For purposes of this subchapter, a "local general purpose unit of government" is Lake County. A **REGIONAL POLLUTION CONTROL FACILITY** is also any facility defined as such in the Act.

REGIONAL POLLUTION CONTROL HEARING COMMITTEE. The committee appointed by the County Board Chairman whose function is to attend the public hearings on requests for site approval, make factual findings, and make recommendations regarding the requests for site approval to the County Board.

(B) In addition, all other words used in this subchapter and defined in the Act shall have the same definitions and meanings as found in 415 ILCS 5/1 et seq.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.41 APPLICATION.

(A) A minimum of 20 complete copies of requests for site approval, including 20 copies of all site plans, exhibits, and maps, shall be filed in the Office of the Lake County Clerk. Upon receipt of any such request for site approval, the County Clerk shall date stamp same and immediately deliver eight copies of the request for site approval to the Chairman of the County Board, one copy to the Office of the Lake County Administrator, one copy to the Hearing Officer, and one copy to the Lake County State's Attorney Office. The applicant shall also file one additional copy of the request for site approval to each municipality within one and one-half miles of the proposed facility.

(B) A copy of the request for site approval shall be made available for public inspection in the Office of the Lake County Clerk and members of the public shall be allowed to obtain a copy of the request for site approval or any part thereof upon payment of the actual cost of reproduction. All copying

requests shall be fulfilled by the Lake County Clerk within a reasonable time from the time of the request.

(C) Copies of the requests for site approval shall also be made available for public inspection in each public library within one and one-half miles of the proposed facility. It shall be the responsibility of the applicant to make the copies available.

(D) Requests for site approval shall contain and be of the form as follows:

(1) A written petition on eight and one-half inch by 11-inch paper which sets forth:

(a) The identification of the applicant and owner, and if the proposed site is owned in a land trust, each beneficiary of the land trust by name and address and his or her defined interest therein;

(b) The legal description of the proposed site and a street address or some other reasonable description of where the proposed site is located;

(c) A description of the proposed facility, its operation and the expected longevity thereof;

(d) The area to be served by the proposed facility and a statement of the need for such a facility in the area;

(e) A list of the existing regional pollution control facilities located within or serving or reasonably capable of serving the area proposed to be served and, with respect to each facility, the following information shall be provided: location, size, owner and/or operator, type of pollution control facility, remaining capacity, probable life of the proposed facility, and types of wastes received;

(f) The expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the origins of these wastes;

(g) A description of the geologic and hydrogeologic character of the site including core samples and monitoring plans, which shall include background analyses for groundwater, surface water, and air;

(h) Reasons supporting approval of the application; and

(i) A prayer for site approval.

(2) All documents, if any, submitted as of the date of the request for site approval to the Agency pertaining to the proposed facility, except trade secrets determined to be such pursuant to 415 ILCS 5/7.1. NOTE: The applicant need only provide five copies of the documents;

(3) A site plan showing details of the proposed facility, including but not limited to:

(a) Cross-sections;

(b) All existing wells within 500 feet of the site;

(c) All monitoring wells;

(d) Fences, buildings, and other structures;

(e) Roads, entrances, and driveways; and

(f) Core sample locations on and within 200 feet of the site.

(4) A detailed topographic survey of the subject site and the surrounding area within 500 feet which indicates land use and, if applicable, the boundary of the 100-year floodplain;

(5) A statement of the plan of operation for the proposed facility, including but not limited to the following:

- (a) Method of landfilling, incineration, resource recovery, or other process;
 - (b) Hours of operation;
 - (c) Personnel;
 - (d) Litter, vector, dust, and odor control;
 - (e) Surface drainage and erosion control;
 - (f) Fire control;
 - (g) Corrective actions for spills and other operational accidents;
 - (h) If applicable, the stages of development or use;
 - (i) An end use plan;
 - (j) On-site methane control and monitoring protocol;
 - (k) Leachate control and treatment;
 - (l) Post-closure care and financial plan; and
 - (m) Overlay of on-site wetlands and mitigation plan.
- (6) A statement or report of traffic information regarding the proposed site, including the anticipated number of vehicles and their size, weight, and direction of movement;
- (7) All physical evidence (except oral testimony), including but not limited to studies; maps; reports; permits; or exhibits which the applicant desires the County Board to consider at the public hearing. It is intended that the applicant provide a full and complete disclosure of his or her case to facilitate early review and analysis by all parties;
- (8) Certificates of insurance verifying the insurance policies carried by the applicant to cover single accidents, such as fires, explosions, non-sudden accidental occurrences and pollution impairment arising out of the operation of the Regional Pollution Control Facility and resulting in bodily injury, property damage, or environmental impairment;
- (9) If the site is a proposed hazardous waste facility, a copy of the Resource Conservation Recovery Act Contingency Plan and a copy of the Waste Analysis Plan and Contingency Plan required by the Board regulations under the Act;
- (10) A statement describing the past operating experience of the applicant (and any subsidiary, parent corporation, or subsidiary of the parent corporation), in the field of solid waste management;
- (11) A statement citing the past record of all convictions or admissions of violations of the applicant (and any subsidiary, parent corporation, or subsidiary of the parent corporation) in the field of solid waste management. The statement shall include but not be limited to a citation of the applicable statute or ordinance violated; location of the conviction/ admission (i.e., city and state); a brief written summary of the violation or conviction; and the penalty imposed;
- (12) (a) A \$250,000 application fee in the form of a certified or cashier's check to cover notice costs, court reporter costs, transcription costs, county consultant costs, Hearing Officer costs, and other invoiced expenses incurred by the county in conducting the review of the request for site approval, the subsequent public hearing, and the site approval decision; provided, however, that any portion of the application fee that remains unexpended at the conclusion of the site approval decision shall be returned to the applicant. Should there be any additional costs incurred by the county over the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs;

(b) That in the event the petitioner presents a written petition for site approval of a “waste transfer station” only, that a reduced application fee in the amount of \$75,000 will be accepted to cover notice costs, court reporter costs, Hearing Officer costs and other expenses incurred by the county in conducting the review of the request for site approval, the subsequent public hearing, and the site approval decision; and

(c) That in the event that, at any time prior to the conclusion of the site approval decision, the county has expended such sums as to reduce the balance of the application fee to a figure less than \$10,000, the petitioner upon notice shall contribute an additional \$10,000 to the application fee to cover costs as described above. Any portion of the fees, including any additional fees that remain unexpended at the conclusion of the site approval decision, shall be returned to the applicant.

(13) The pages of the application and all exhibits submitted to the county shall be consecutively numbered.

(E) An application for site approval may not be filed which is substantially the same as a request which was disapproved pursuant to a finding against an applicant under any of criteria 1 through 9 of § 50.47(B), as amended, within the preceding two years.

(F) No application for site approval shall be deemed to have been filed or accepted for filing unless all of the requirements of this subchapter, as amended, applicable thereto shall have been met and the Lake County Clerk shall not give a receipt or other indication of filing until such time as it is determined by the County Administrator that the application complies with the requirements of this subchapter, as amended.

(1) Within a reasonable period of time after delivery of an application, the Lake County Clerk shall advise the applicant either:

(a) The application is complete and that it has been accepted for filing, designating the date of filing; or

(b) The application is not complete, specifying wherein it is deficient.

(2) The acceptance of the application by the Lake County Clerk is a pro forma acceptance. The applicant is solely responsible for providing sufficient technical information to meet his or her burden of proving the criteria cited in 415 ILCS 5/39.2 as may be amended from time to time.

(G) In order to give members of the public an opportunity to make informed written comment pursuant to 415 ILCS 5/39.2(c) and to give members of the public and departments of the county an opportunity to prepare adequately and fairly for the public hearing hereinafter described, the applicant must fully comply with all application requirements as set forth in subsection (D) hereof. Failure to comply with the application requirements shall render the required information inadmissible at the public hearing.

(H) At any time prior to the completion by the applicant of the presentation of the applicant’s factual evidence and an opportunity for cross-questioning by the County Board and any participants, the applicant may file not more than one amended application upon payment of additional fees in the sum of \$50,000 (\$10,000 for transfer stations); provided, however, that the time limitations for final action by the County Board shall be extended for an additional period of 90 days.

(I) Other amendments may be made if, in the opinion of the Hearing Committee, the proposed amendment is non-substantive and a majority of the Hearing Committee (four) votes to allow the amendment.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.42 COUNTY REVIEW.

(A) Upon receipt of a copy of a request for site approval, the County Administrator shall notify the following county departments and/or relevant agencies of that receipt:

- (1) Department of Planning, Building and Development;
- (2) Health Department;
- (3) Public Works Department;
- (4) Division of Transportation;
- (5) State's Attorney's Office;
- (6) Solid Waste Agency of Lake County (SWALCO); and
- (7) Lake County Stormwater Management Commission (SMC).

(B) The County Administrator shall be the department responsible for coordinating review of the request for site approval by the aforementioned departments and is authorized to call interdepartmental meetings and set deadlines for the submittal of reports and recommendations.

(C) The aforementioned departments may attend the public hearings and may ask questions as needed to assist in reaching their recommendations.

(D) The aforementioned departments are authorized to prepare and submit reports and recommendations in response to the request for site approval. Preliminary reports prepared by county departments and retained consultants summarizing and analyzing the request for site approval, reports, studies, exhibits, and any written comments filed with the Lake County Clerk, concerning the appropriateness of the proposed site, shall be filed with the Lake County Clerk no later than seven days in advance of the date set for hearing. In the event that the seventh day prior to the date set for public hearing falls on a Saturday, Sunday, or holiday, the next working day shall be considered the day that reports shall be filed. Copies of departmental reports shall be available for public inspection in the office of the Lake County Clerk. Members of the public shall be allowed to obtain copies of the reports upon payment of the actual cost of reproduction.

(E) The county departments and consultants retained by the county are authorized to present testimony at the public hearing as hereinafter described.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.43 OTHER PARTIES.

All reports, studies, exhibits, or other evidence or copies thereof, other than testimony, which any other person desires to submit for the record at the public hearing must be filed with the Lake County Clerk at least ten days before the public hearing and shall be available for public inspection in the office of the Lake County Clerk. In the event that the tenth day prior to the date set for public hearing falls on a Saturday, Sunday, or holiday, the next working day shall be considered the day that reports, studies, and exhibits must be filed. The Lake County Clerk shall date stamp any reports, studies, exhibits, or other evidence upon receipt and shall cause to have published no later than 30 days after the date of filing of the application a black border notice stating that the evidence and the application are available in the Lake County Clerk's office for public inspection. In the case of documentary evidence, members of the public shall be allowed to obtain copies of the documents upon payment of the actual cost of reproduction.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.44 PUBLIC HEARING.

(A) No sooner than 90 days but no longer than 120 days from the date of filing of the request for site approval with the Lake County Clerk, a public hearing shall be held by the Regional Pollution Control Hearing Committee.

(B) The Regional Pollution Control Hearing Committee Pool shall consist of all County Board members except the Chairman.

(C) Within ten working days of the date upon which a request for site approval is accepted, the Chairman of the County Board shall designate seven members of the Regional Pollution Control Hearing Committee pool to act as the Hearing Committee for the public hearing. Two members shall constitute a quorum for the purpose of holding such a public hearing.

(D) Within ten working days of the date a request for site approval is accepted, the Chairman of the County Board shall determine the date, time, and location upon which the public hearing shall be held, but in any event the initial public hearing must be scheduled no sooner than 90 days but no later than 120 days from the date the request for site approval was filed with the Lake County Clerk.

(E) The Chairman of the County Board shall notify the Lake County Clerk of the date upon which the hearing shall be held and shall request the Lake County Clerk to cause notice of the hearing to be made as follows:

(1) Two legal notices published in a newspaper of general circulation published in the county. One notice shall be published no later than 60 days from the date of filing of an application and one notice shall be published no later than 75 days from the date of filing of an application. The notices shall consist of the following:

(a) The name and address of the person, partnership, or corporation requesting site location approval;

(b) The owner of the site, and in case ownership is in a land trust, the names of the beneficiaries of the trust;

(c) The legal description of the site;

(d) The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership, or occupancy or in some other manner that will reasonably identify the property to residents of the neighborhood;

(e) The nature and size of the proposed development;

(f) The nature of the activity proposed;

(g) The probable life of the proposed activity;

(h) The time and date of the public hearing;

(i) The location of the public hearing; and

(j) A statement that all copies of evidence other than testimony to be submitted at the public hearing must be filed with the Lake County Clerk at least ten days before the public hearing.

(2) Certified mail to all members of the General Assembly from the district in which the proposed site is located;

(3) Certified mail to the Illinois Environmental Protection Agency;

(4) Certified mail to the governing authority of all municipalities and townships within one and one-half miles of the proposed facility; and

(5) Public hearing notice in a newspaper of general circulation published as a display ad at least once during the week preceding the public hearing. The notice shall consist of all items described in subsection (E)(1) above, except for subsections (E)(1)(c) and (E)(1)(j).

(F) The Lake County State's Attorney shall appoint the Hearing Officer for the public hearing on the request for site approval. The Hearing Officer shall preside over the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this subchapter. The Hearing Officer shall make all decisions and rulings in accordance with fundamental fairness. The Hearing Officer may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or other evidence. No ruling of the Hearing Officer shall be appealable to the County Board.

(G) The applicant for site location approval shall have the burden of going forward with evidence of the suitability of the site location for the proposed use.

(H) Any person appearing at the public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use. Any person shall have the right to be represented by an attorney at the public hearing. The attorneys shall have the right of reasonable cross-examination. Opportunity for any persons appearing at the public hearing to cross-question any witness may be limited by the Hearing Officer.

(I) Conduct of the public hearing shall be substantially as follows:

(1) Call to order;

(2) Introduction of the Hearing Committee and Hearing Officer;

(3) Recognition of the applicant and identification of the request for site approval;

(4) Recognition of fees, notices, and date of filing of the request for site approval;

(5) Recognition of the county and other parties wishing to testify and any other reports, exhibits, maps, or documents of record as filed pursuant to this subchapter, as amended. All parties, including members of the public, intending to testify or cross-examine must sign in or submit written notification of that intent to the Regional Pollution Control Hearing Committee (c/o the County Board) on or before the first day of the public hearing. Should the public hearing extend beyond one day, additional parties or members of the public, not of record as of the first day of the public hearing will not be allowed to present testimony or cross-examine;

(6) The applicant, the county, and other parties may make an opening statement;

(7) The Committee shall then hear testimony from the applicant and/or any witnesses the applicant may wish to call. Upon the close of the applicant's testimony, other parties may offer expert witnesses and evidence they may wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, the county may present any witnesses and evidence it wishes to present. Members of the public, of record, as set forth in subsection (I)(5) above, may then present oral comment to the Hearing Committee. The Hearing Officer shall decide the order of presentation of testimony subject to this subchapter, as amended;

(8) All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable questioning as follows: direct, cross-questioning, redirect, recross, and the like. After all parties have presented testimony, reasonable rebuttal, surrebuttal, and the like may be allowed at the discretion of the Hearing Officer;

(9) Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable by a party from the request for site

approval as filed with the Lake County Clerk, the situation may constitute grounds for a recess in the public hearing for a period not to exceed five working days;

(10) Summary statements by applicant, other parties, and the county, subject to limitations as imposed by the Hearing Officer;

(11) Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the Hearing Officer; and

(12) Hearing closed.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.45 PUBLIC COMMENT.

(A) The Lake County Clerk (on behalf of the County Board) shall receive written comment from any person concerning the appropriateness of the proposed site. Upon receipt of the written comment, the Lake County Clerk shall date stamp same and shall file written comment and the postmarked envelope in which the comment was received.

(B) Copies of written comments shall be made available for public inspection in the offices of the Lake County Clerk, and members of the public shall be allowed to obtain a copy of any written comment upon payment of actual cost of reproduction.

(C) Any written comment received by the Lake County Clerk or postmarked not later than 30 days after the date of the last public hearing shall be made part of the record at the public hearing as hereinafter described, and the County Board shall consider any timely written comments in making its final determination concerning the request. In the event that the thirtieth day falls on a Sunday or a federal holiday, the next day on which mail is delivered shall be considered the thirtieth day for purposes of this subsection (C).

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.46 RECORD.

(A) The Lake County Clerk shall be responsible for keeping the record of the hearing.

(B) The record shall consist of the following:

(1) The request for site location approval as described in § 50.41(D);

(2) Proof of notice as described in § 50.44(E);

(3) Proof of notice given by applicant pursuant to 415 ILCS 5/39.2(b);

(4) Written comments filed by the public and received by the Lake County Clerk or postmarked within 30 days of the close of the hearing;

(5) All reports, studies, exhibits, or documents received into evidence at the public hearing;

(6) The transcript of the public hearing;

(7) Findings of fact and recommendations of the Hearing Committee; and

(8) The resolution containing the final decision of the County Board.

(C) The Lake County Clerk shall be responsible for certifying all copies of the record of the public hearing.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.47 SITE APPROVAL DECISION.

(A) After the public hearing and any continuation thereof, the Hearing Committee shall hold a public review meeting for purposes of establishing findings of fact and a recommendation concerning the site approval request. Any findings of fact and recommendation shall be supported by the record and shall be presented to the County Board Chairman who shall in turn submit same to the full County Board at least within 170 days from the Lake County Clerk's receipt of the site approval request.

(B) In making its recommendation on the request for site approval, the Hearing Committee shall base its decision on the following criteria:

- (1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (2) The facility is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
- (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
- (4) The facility is located outside the boundary of the 100-year floodplain, or the site is flood-proofed;
- (5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- (6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
- (7) If the facility will be treating, storing, or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment, and evacuation procedures to be used in case of an accidental release;
- (8) If the facility is to be located in this county, the facility is consistent with the Solid Waste Management Plan, as amended, adopted by the County Board on September 12, 1989; and
- (9) If the facility will be located within a regulated recharge area, any and all applicable requirements specified by the Illinois Pollution Control Board for the area have been met.

(C) The County Board shall consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary, parent corporation, or subsidiary of the parent corporation) in the field of solid waste management when considering criteria of subsections (B)(2) and (B)(5) under this section.

(D) (1) The County Board shall consider the record from the public hearing and the findings of fact and recommendations of the Hearing Committee and shall make a determination concerning a site approval request at least within 180 days from the Lake County Clerk's receipt of the site approval request.

(2) The County Board may conditionally approve any request for site approval, provided the conditions are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. Any determination by the County Board shall be supported by the record.

(E) No determination by the County Board of a site approval request may be reconsidered.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.48 ADMINISTRATION OF FEES AND COSTS.

(A) All expenses incurred by the county in conducting the review of the request for site approval, the subsequent hearing, and the site approval decision shall be paid from the fees as provided in this subchapter, as amended.

(B) Upon termination of any proceedings under the hearing process, a final accounting and summary of all authorized expenditures and reimbursements shall be presented to the appropriate County Board committees.

(C) Any portion of an application fee not required for reimbursement to the county for costs or expenses incurred by the county under the hearing process shall be returned to the applicant. Should there be costs and/or expenses in excess of the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs.

(D) In order to properly administer the application fee received with respect to the hearing process and procedure set forth herein, the Lake County Treasurer is hereby authorized and directed to receive and hold application fees for administration subject to the review and approval of the Public Works and Transportation and the Financial and Administrative Committees.

(E) In order to expedite payment of all bills incurred as a result of administering the hearing process, all bills and questions concerning billing should be directed to the County Administrator.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

§ 50.49 WAIVER OF RULES.

(A) In order to ensure fundamental fairness, compliance with the Act, and to protect the public interest, the Hearing Committee, by majority vote of its members (four), may waive any of the rules in this subchapter, except that the vote shall not conflict with nor override the provisions of § 50.44(F) of this subchapter, as amended.

(B) A simple majority of the County Board may, prior to receipt of a particular request for site location approval hereunder, reduce the number of copies of the request, or particular portions thereof, which must be submitted under § 50.41(A), as amended. The reductions may be granted upon the written request of a person who has, pursuant to 415 ILCS 5/39.2(b), filed a notice of intent to submit an application for location approval, which notice has also advised the recipients of the applicant's intention to seek a copies reduction under this section. The reductions request must be filed with the Lake County Clerk at least five calendar days prior to a regularly scheduled County Board meeting. The requester must submit a certified copy of the notice of intent, and demonstrate that: compliance with the copies requirement of § 50.41(A) will be inordinately expensive, without commensurate benefit to the county and the public; and that the proposed copies reduction will not work any fundamental unfairness on the county or the public, in its ability to review, and prepare for the hearing on, the requester's application. The County Board may act upon the request for copies reduction at its first regular meeting after the filing of the request.

(1977 Code, § 6:2-4) (Ord. passed 3-8-1994)

SOLID WASTE MANAGEMENT TAX

§ 50.60 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply.

CLEAN CONSTRUCTION AND DEMOLITION DEBRIS FILL OPERATION. A current or former quarry, mine, or other excavation where clean construction or demolition debris or uncontaminated soil (as defined by the Illinois Environmental Protection Act, 415 ILCS 5/3.160) is used as fill material.

COUNTY. Lake County, Illinois.

SOLID WASTE. Any waste resulting from the handling, processing, preparation, cooking and consumption of food, and waste from the handling, processing, storage and sale of produce; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; or other discarded material.

SOLID WASTE DISPOSAL FACILITY. Any facility in which solid waste is disposed.

(1977 Code, § 1:4-8B) (Res./Ord. 10-0596, passed 7-13-2010)

Statutory reference:

Solid waste definitions, see 415 ILCS 5/3.535 and 415 ILCS 10/2

§ 50.61 AMOUNT OF TAX.

(A) There is hereby assessed and imposed upon the operators of all solid waste disposal facilities permitted or required to be permitted by the Illinois Environmental Protection Agency within the county, a tax in the amount of:

(1) \$0.3175 per ton/\$0.15 per cubic yard, if more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at the site in a calendar year of solid waste permanently disposed of;

(2) \$8,337.50 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year;

(3) \$3,875.00 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year;

(4) \$1,162.50 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year;

(5) \$162.50 if not more than 10,000 cubic yards of non-hazardous waste is permanently disposed of at the site in a calendar year; and

(6) Upon inclusion of clean construction and demolition debris fill operations in the inspection and enforcement program, \$0.07 per ton/\$0.10 per cubic yard of clean construction or demolition debris or uncontaminated soil accepted at a clean construction or demolition debris fill operation in a calendar year.

(B) The tax set forth herein shall not apply to:

(1) Waste which is hazardous waste;

(2) Waste which is pollution control waste;

(3) Waste from recycling, reclamation, or reuse processes which have been approved by the Illinois Environmental Protection Agency as being designed to remove any contaminant from wastes so as to render the wastes reusable, provided that the process renders at least 50% of the waste reusable;

(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Illinois Environmental Protection Agency; or

(5) Any landfill which is permitted by the Illinois Environmental Protection Agency to receive only demolition or construction debris or landscape waste.

(1977 Code, § 1:4-8B) (Res./Ord. 10-0596, passed 7-13-2010)

§ 50.62 EXEMPTIONS.

(A) Exemptions from this tax shall be granted in accordance with 415 ILCS 5/22.16 and 22.16a, except that this tax shall apply to any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of.

(B) The operator shall provide to the county proof of the Illinois Environmental Protection Agency's approval of any claimed exemption by including the proof with the applicable quarterly summary report and payment. No exemption shall be granted by the county under this section absent proof of approval of the exemption by the Illinois Environmental Protection Agency.

(1977 Code, § 1:4-8B) (Res./Ord. 10-0596, passed 7-13-2010)

§ 50.63 PAYMENT.

Payment of the tax shall be made on a quarterly basis in conjunction with the report required by § 50.64. The payment shall be in the form of a check or order payable to the Treasurer, County of Lake.

(1977 Code, § 1:4-8B) (Res./Ord. 10-0596, passed 7-13-2010)

§ 50.64 REPORTS.

All operators of solid waste disposal facilities shall make quarterly reports and fee payments based upon the quantity of solid waste reported in the quarterly solid waste summary. This quarterly report is due on April 15, July 15, October 15, and January 15 of each calendar year and shall contain a summary of all wastes received during the applicable quarter for which the report is submitted, as well as computations reflecting the total fees to be paid, and any approved exemptions.

(1977 Code, § 1:4-8B) (Res./Ord. 10-0596, passed 7-13-2010)

§ 50.65 SOLID WASTE MANAGEMENT FUND.

(A) Fees collected pursuant to this subchapter shall be deposited in the Lake County Solid Waste Management Fund and shall be expended only for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act.

(B) It is the intent of this Board that there be a priority protocol followed in expending these funds. This priority protocol shall be, in ranked order, as follows.

(1) For funding the inspection and enforcement program for solid waste disposal facilities within this county (and all litigation related thereto that may arise from time to time). The inspection and enforcement program to be established only pursuant to the joint execution of an Illinois Environmental Protection Agency delegation agreement by the state and this County Board and the joint execution of an agreement or agreements between the Lake County Board of Health and/or other qualified parties and this County Board relative to the conduct of the inspection program.

(2) For funding other solid waste management purposes as cited in subsection (A) above (as funds are available).

(C) The Lake County Comptroller and the Lake County Treasurer shall manage the Fund in accordance with existing County Board financial management policies and procedures.

(1977 Code, § 1:4-8B) (Res./Ord. 10-0596, passed 7-13-2010)

§ 50.66 SAVING CLAUSE.

Nothing in this subchapter hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action

acquired or existing, under any act or ordinance hereby repealed by this subchapter; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this subchapter.

(1977 Code, § 1:4-8B) (Res./Ord. 10-0596, passed 7-13-2010)

§ 50.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Solid waste hauling and recycling.*

(1) *Enforcement of §§ 50.02 and 50.03.*

(a) Any person who violates §§ 50.02 or 50.03 shall be subject to a fine of up to \$500 for each day a violation has been found to have been committed.

(b) In the case of a licensed hauler's second violation, a 14-day suspension of a license to collect or haul municipal waste, recyclable materials or landscape waste within the county shall be imposed. A licensed hauler who incurs a third violation within 12 months of the first violation shall result in revocation of the license for one year.

(c) The county may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate action to prevent, restrain, correct or abate any violation of §§ 50.02 or 50.03.

(2) *Enforcement of § 50.04.*

(a) *Enforcement officer(s).* Section 50.04 shall be enforced by the Director of the Lake County Planning, Building and Development Department, or his or her designees.

(b) *Notice of Ordinance Violation.* The Enforcement Officer, as defined in subsection (B)(2)(a) above, shall have the authority to issue a Notice of Ordinance Violation when an individual has been found to be in violation of any subsection of § 50.04. If Administrative Adjudication is found to be the appropriate remedy to resolve the violation, the notice must be served in accordance with and shall contain all information specified and required in §§ 94.50 through 94.66 (Lake County Administrative Adjudication Ordinance).

(c) *Penalties.* The Administrative Adjudication Hearing Officer may assess fines for failure to abate violations of § 50.04 in accordance with the Lake County Administrative Adjudication Ordinance or State of Illinois statute.

(d) *Injunctive relief.* The county may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate action to prevent, restrain, correct or abate any violation or threatened violation of § 50.04.

(1977 Code, § 1:4-9)

(C) *Disposal sites.* Any person who fails to comply with the provisions of §§ 50.20 through 50.27 or the regulations adopted pursuant thereto shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed \$200. Each day that a violation continues to exist shall constitute a separate offense.

(1977 Code, § 2:1-8)

(Ord. [Board of Health, Art. VIII] passed 6-12-1961; Ord. passed - -2005; Ord. passed 6-11-2013)

APPENDIX A: SOLID WASTE DISPOSAL SITE REGULATIONS; SANITARY LANDFILL SANITARY LANDFILL

The following regulations shall be observed by any person, firm, or corporation to whom a permit is issued for the operation of a sanitary landfill in the county. These regulations shall govern the operation of all approved sanitary landfills, and any failure to observe these regulations shall be sufficient grounds for the suspension or revocation of the permit by the licensing agency.

Regulation A. All garbage and other refuse accepted by the permit holder shall be thoroughly compacted by equipment of sufficient weight and capacity to carry out all necessary operations to the satisfaction of the Health Officer. Sufficient auxiliary equipment shall be maintained on the site or otherwise available to permit operation in case of a breakdown.

Regulation B. Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two feet prior to its compaction.

Regulation C. The areas shall be continually policed to prevent fire and the blowing of papers, shall be neat and sanitary at all times, and shall be covered at the end of each day's operation as hereinafter set out to prevent blowing papers and unsightly condition. The size of the active face on which refuse is being currently deposited shall be kept to a minimum.

Regulation D. Cover material will consist of loam, clay, sand, or a mixture of at least 50% earth and other inert materials, such as ashes, cinders, or gravel. A minimum depth of 12 inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill should be covered at the end of each day's operation, or as otherwise directed by the Health Officer, with at least six inches (before compaction) of cover material.

Regulation E. When the fill has been brought up to two feet below the desired finished grade, it shall be covered with at least 24 inches of compacted cover material graded and seeded in such a manner as to prevent erosion.

Regulation F. Where the "trench system" of sanitary landfill is used, successive parallel trenches must be at least two feet apart.

Regulation G. All garbage and refuse material existing on the site at the time the permit is issued, either in the form of an open dump or any other form, shall be collected, compacted, and covered with cover material at least one foot in depth if below the desired finished grade, or with inert material at least two feet in depth at the finished grade. This cover operation shall be completed within 15 working days after the issuance of a special permit for the sanitary landfill site.

Regulation H. The permittee or operator shall erect temporary or permanent fences or take other measures as may be necessary for reasonable control of blowing paper and other materials from the landfill.

Regulation I. Any materials salvaged from the fill must be handled and stored in such a manner as to prevent rat harborage and permit proper operation of the landfill. The salvaged material must be removed from the working surface to a distant location so as not to interfere with the compacting and covering. All salvaged material must be completely removed from the landfill site every 24 hours, unless provision is made for temporary storage within an enclosed, roofed and rat-proof structure approved by the Health Officer.

Regulation J. Burning of any materials deposited in a dump or landfill is expressly prohibited, except where a special permit has been issued by the Health Officer to permit burning.

Regulation K. Adequate fire-fighting equipment shall be available at all times on the site, or the operator of the landfill shall furnish the Health Officer with proof of a fire-fighting agreement between the operator and the local fire district.

Regulation L. No fill shall be placed in streambeds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage

or drainage of any material from the fill of such a nature as would constitute an odor nuisance, or health hazard, or pollute any water course.

Regulation M. The permit holder shall provide an access road, approved by the Health Officer, that is passable in all types of weather conditions to the dumping site.

Regulation N. The permit holder shall institute adequate dust control measures at all times deemed necessary by the Health Officer. Adequate dust control measures shall include the addition of a dust palliative.

Regulation O. The permit holder shall also provide an auxiliary fill site available and ready for use during periods of heavy rain or snowfall, and when the area being filled and covered may not be reached because of the weather conditions.

Regulation P. Insects and rodents on the landfill site shall be controlled and exterminated as directed by the Health Officer.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)

APPENDIX B: SOLID WASTE DISPOSAL SITE REGULATIONS; DUMP

DUMP

The following regulations shall be observed by any person, firm, or corporation to whom a permit is issued for the operation of a dump in the county. These regulations shall govern the operation of all approved dumps, and any failure to observe these regulations shall be sufficient grounds for the suspension or revocation of the permit by the licensing agency.

Regulation A. Dumps may accept for deposit only non-combustible waste containing no putrescible material.

Regulation B. The dump site shall be continually policed to prevent fire and shall be kept neat and sanitary at all times.

Regulation C. When the dump site has been brought up to two feet below the desired finished grade, it shall be covered with at least 24 inches of compacted cover material such as defined in Regulation D. of the Regulations for Sanitary Landfills, graded and seeded in such a manner as to prevent erosion.

Regulation D. All garbage and refuse material, other than that permitted by §§ 50.20 through 50.27 to be disposed of at a dump site, existing on the site at the time the permit is issued, shall be collected, compacted, and covered with cover material at least one foot in depth if below the desired finished grade or with inert material at least two feet in depth at the finished grade. This cover operation shall be completed within 15 working days after the issuance of a special permit for the dump.

Regulation E. Any material salvaged from the dump must be handled and stored in such a manner as to prevent rat harborage, and permit proper operation of the dump. All salvage material must be completely removed from the dump site every 24 hours unless provision is made for temporary storage in an entirely rat-proof structure approved by the Health Officer.

Regulation F. Burning of any materials deposited in a dump or landfill is expressly prohibited.

Regulation G. No fill shall be placed in stream beds or other areas where stream channels or floodplains would be obstructed.

Regulation H. The permit holder shall provide an access road, approved by the Health Officer, that is passable in all types of weather conditions.

Regulation I. The permit holder shall institute adequate dust control measures at all times deemed necessary by the Health Officer. Adequate dust control measures shall include the addition of a dust palliative.

(1977 Code, § 2:1-8) (Ord. [Bd of Health Ord., Art. VIII] passed 6-12-1961)