



**SOLID WASTE AGENCY OF LAKE COUNTY, IL**

**MEMORANDUM**

To: Kent Street, Chairman, Executive Committee  
From: Walter S. Willis, Executive Director *WSW*  
Subject: February Meeting Notice Information  
Date: February 11, 2011

Attached you will find the agenda for this month's meeting, the minutes from the December 9, 2010 meeting, and the referenced action and informational items. The consent item (Expenditure Report for January 2011) will be sent to you separately prior to the meeting next week.

I look forward to seeing you all at the meeting this month.

**SOLID WASTE AGENCY OF LAKE COUNTY, IL**  
**EXECUTIVE COMMITTEE**  
**Thursday February 17, 2011 12:00 Noon**  
**1311 N. Estes Street Gurnee, IL 60031**

1. CALL TO ORDER.....Chairman Street
2. ROLL CALL .....Secretary
3. APPROVAL OF MINUTES  
December 9, 2010
4. NEW AGENDA ITEMS
5. PUBLIC COMMENT ON AGENDA ITEMS
6. EXECUTIVE COMMITTEE ITEMS .....Chairman Street

**Consent**

1. Expenditure Report (Not in packet)

**Action Items**

1. Veolia ES Household Chemical Waste Contract Extension

**Information Items**

1. Legislative Update
2. Project and Program Update

7. COMMITTEE MATTERS
  1. The following Executive Committee members' terms will expire after the April 21, 2011 meeting: Joe Napolitano (North Chicago), Mike Ellis (Grayslake), Steve Mandel (Highland Park), and John Wagener (Green Oaks).
8. EXECUTIVE SESSION – if needed
9. ADJOURNMENT

SOLID WASTE AGENCY OF LAKE COUNTY, IL  
EXECUTIVE COMMITTEE  
THURSDAY, DECEMBER 9, 2010, 12:00 NOON  
1311 N. ESTES STREET, GURNEE, IL 60031

CALL TO ORDER: *Chairman Street* called the meeting to order at 12:05 with 5 members present, 2 members arriving later.

APPROVAL OF MINUTES

Motion by *Mike Ellis*, seconded by *Steve Mandel* to approve the minutes of October 14, 2010. Motion was Approved.

PUBLIC COMMENT

None

NEW AGENDA ITEMS

None

CONSENT ITEM

Expenditure Report. Motion by *Mike Ellis*, seconded by *Steve Mandel*. Motion was Approved.

EXECUTIVE COMMITTEE ITEMS

Action

1. Budget Transfer

Kent Street discussed Emergency Appropriation for Salary and Benefits Payout due to Barb Amadei's acceptance of the County's Accelerated Retirement Option this year that what we had budgeted for personnel costs for FY 2010 will be exceeded.

Motion by *Steve Mandel*, seconded by *John Wagener* to approve payout of accelerated retirement option for Barb Amadei for the FY 2010. Motion was unanimously approved.

2. Lake Zurich Oil Collection Program Extension

Steve Nelson discussed amendment No. 6 dated December 9, 2010 for SWALCO's continued technical assistance and a 50/50 cost reimbursement (up to a maximum of \$500.00) should oil disposal fees be assessed. The current agreement was set to expire on December 31, 2010.

Motion by *Mike Ellis*, seconded by *Steve Mandel* to approve the continuation of support to this program for a two-year extension to current Agreement. Motion was

## Information Items

### 1. Update on 60% Recycling Task Force

Walter Willis discussed the most recent version of the Residential Sector draft that contains the results of Recycling Task Force meetings on Oct. 20<sup>th</sup> and November 17<sup>th</sup>, and also the sub-committee meeting on November 10<sup>th</sup>.

Mr. Willis asked for discussion and feedback on the implementation of the Residential Sector recommendations approved by the Task Force to date. After much discussion the comments of the Executive Committee are summarized as follows:

- Some recommendations need to be more flexible, for example, Recommendation A.1 should allow flexibility for use of 35 gallon recycling carts for townhomes and condos where space and amount of material generated make smaller carts more suitable. In addition, the implementation date for this recommendation needs to be tied to the current contract expiring, not an arbitrary date.
- The Executive Committee had concerns with these recommendations being made into mandates made by the Lake County Board to the municipalities. Much discussion ensued regarding whether a performance standard should be set and each member then could use the recommendations that made most sense to them locally to achieve the 60% goal. If by a certain date this did not result in sufficient diversion, then the recommendations could become mandates, most likely self imposed by the SWALCO board and not the Lake County Board. The Lake County Board would focus its legislative action on recommendations directly related to County government not municipal government.
- There was also much discussion on the process that would be followed to implement these recommendations. How would each member's board be briefed on the recommendations? Would SWALCO approve them first and then Lake County? Would the Task Force's recommendations be incorporated into the Lake County Solid Waste Management Plan? Implementation also will require addressing whether the recommendations are considered mandates or best management practices that members may or may not choose to implement locally.

### 2. Project and Program Updates

1) Walter spoke at a meeting of the Lake County Highway Commissioners on Oct. 19<sup>th</sup> and discussed SWALCO's various programs.

2) Walter attended the County's November Planning, Building and Zoning Committee and County Board meeting where the County approved an amendment to its Unified Development Ordinance regarding C&D recycling facilities.

3) Staff is assisting Deerfield review its options for extending its residential hauling contract and is assisting Green Oaks review a request for an annual rate increase.

4) First two months of the 4<sup>th</sup> quarter, participating SWALCO members are on target to get paid \$15.00 per ton for their recyclables.

5) Summarized legislative matters:

a. The latest version of a memo being prepared by PSI has Illinois

- submitting legislation in 2012 to study the paint bill topic and then propose a bill to create a paint program in 2013.
- b. The C&D industry has been trying to run a bill this veto session which SWALCO cannot support at this time.
  - c. SWALCO has been working close with the ACC/Plastic Bag Affiliates to gain consensus on a plastic bag and film and recycling bill.
  - d. Walter attended a meeting with Env. Law and Policy Center on December 2<sup>nd</sup> to discuss possible amendments to the E-scrap recycling law.
- 6) The commercial recycling workshop, jointly sponsored by SWALCO, the college of Lake County and Illinois Recycling Association, was held on November 29<sup>th</sup> from 1:00 to 4:00 p.m.
  - 7) SWALCO held a highly successful Recycle-O-Rama event on Nov. 20<sup>th</sup> at the Warren Township High School's O'Plaine campus to celebrate America Recycles Day.

NEXT MEETING: Thursday, January 13, 2011 - 12:00 p.m.

#### ADJOURNMENT

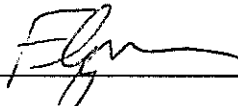
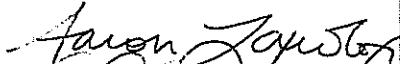
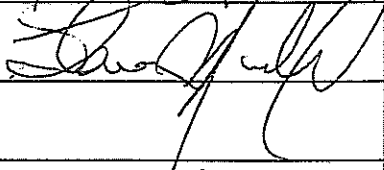
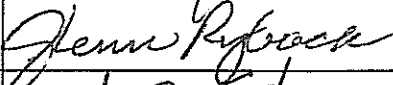
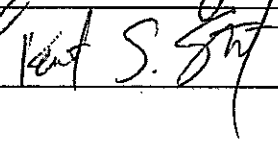
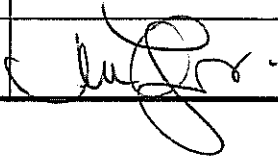
Motion by *Steve Mandel*, seconded by *Mike Flynn* to adjourn. Motion was Approved.

**SOLID WASTE AGENCY OF LAKE COUNTY (SWALCO)**  
**EXECUTIVE COMMITTEE**

DATE: 12-9-10

SIGN-IN SHEET

**COMMUNITY                      REPRESENTATIVE                      TITLE**

✓ FLYNN		ASSISTANT VILLAGE ADMINISTRATOR
✓ ELLIS	MIKE ELLIS	VILLAGE MANAGER
✓ LAWLOR		COUNTY BOARD MEMBER
✓ MANDEL		COUNCILMAN Mayor Pro Tem
* NAPOLITANO		DIRECTOR OF COMMUNITY DEVELOPMENT
✓ RYBACK		MAYOR
✓ STREET		VILLAGE ADMINISTRATOR
* TALBETT		VILLAGE ADMINISTRATOR
✓ WAGENER		TRUSTEE

**SOLID WASTE AGENCY OF LAKE COUNTY, (SWALCO)**  
**EXECUTIVE COMMITTEE**

DATE: 12-9-10

VOTING RECORD

NAMES	ATTENDANCE	EXPENDITURE REPORT		BUDGET TRANSFER					
		A	N	A	N	A	N	A	N
FLYNN	✓ (2)	✓		✓					
ELLIS	✓	✓		✓					
LAWLOR	✓	✓		✓					
MANDEL	✓	✓		✓					
NAPOLITANO									
RYBACK	✓ (2)								
STREET	✓	✓		✓					
TALBETT									
WAGENER	✓	✓		✓					
<b>TOTAL</b>	7	6	X	6	X				

**A – 1. Veolia HCW Contract Extension**

**ISSUE:** Authorize 1 yr. extension to Veolia Contract #10007

**RECOMMENDATION:** Approval recommended subject to General Counsel review

**TIMING:** Important

**BACKGROUND:** SWALCO uses Veolia Environmental Services (Veolia) to conduct the chemical handling and transportation services for our Household Chemical Waste collection program (mobile events and public drop-offs). Originally executed on March 1, 2010, this contract has a one-year term with four one-year extension options. The term of the initial contract expires February 28, 2011.

To date, staff is pleased with Veolia's services and recommends exercising the first one-year extension option available under the contract. This extension will secure Veolia's services through February 29, 2012. All other terms and conditions remain unchanged.

Upon approval from the Executive Committee, staff will inform the Lake County Purchasing Department to issue a formal contract extension to Veolia for the period March 1, 2011 through February 29, 2012.

**FISCAL IMPACT:** Organization 930-9200030, Object Code 71150, Consultant Fees  
– Not-to-exceed \$100,000.

**ENCLOSED DOCUMENT:** Lake County Purchasing Division Memorandum

**STAFF:** Steve Nelson, Household Chemical Waste Engineer

# MEMORANDUM

## Lake County Purchasing Division

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To: Steve Nelson, SWALCO

From: Cynthia Flemmonds, Purchasing Division

Date: November 3, 2010

Re: <sup>SEN</sup> CONTRACT #~~10004~~ <sup>#10007</sup> HOUSEHOLD CHEMICAL WASTE COLLECTION

The above referenced contract with Veolia, ES is due to EXPIRE on February 28, 2011.

Please review your departments usage of this contract during the past year, i.e. service requirements, etc. and your projected service requirements during the next year.

Please advise me by November 30, 2010 regarding the following options:

I would like to renew this contract at the same terms and conditions for an additional year.

I would like to revise the specifications and solicit new bids/proposals.

I no longer have need for this contract.

STEVEN E. NELSON  
Printed Department Contact Name

(847)  
336-9340x6  
Phone Number

[Signature]  
Department Contact Signature

cc: Larry Wollheim

**I – 1. Legislative Update**

**BACKGROUND:** The spring session of the 2011 General Assembly has begun and SWALCO is actively involved in two key legislative bills – SB 102 (The Plastic Bag and Film Recycling Act) and Senator Harmon’s C&D recycling facility bill amending Section 22.38 of the Illinois Environmental Protection Act (not yet filed in final form). Attached are a copy of SB 102 and the draft bill expected to be filed by Senator Harmon.

Mr. Willis will be attending a meeting next week (February 15<sup>th</sup>) in Springfield that has been called by Senator Link to discuss comments received on SB 102. The meeting will include representatives from the American Chemical Council/Progressive Bag Alliance, Illinois Retail Merchants Association, IEPA and the Environmental Law and Policy Center. This may or may not lead to an amendment being filed on the bill.

Kip Kolkmeier is tracking other bills as they are introduced and as his reports are submitted to Mr. Willis they will be forwarded to the Legislative Committee. SWALCO has been working with a group of stakeholders that hopes to make amendments to the e-scrap recycling bill as well this session.

**ENCLOSED DOCUMENTS:** SB 102 and Senator Harmon’s draft C&D recycling facility bill

**STAFF:** Walter Willis, Executive Director

**SB0102**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB0102**

Introduced 1/27/2011, by Sen. Terry Link

**SYNOPSIS AS INTRODUCED:**

New Act  
30 ILCS 105/5.786 new

Creates the Plastic Bag and Film Recycling Act. Requires manufacturers of plastic carryout bags to register with the Illinois Environmental Protection Agency and pay to the Agency an initial registration fee and annual registration renewal fee. Prohibits a manufacturer from selling or offering to sell a plastic bag in the State unless its name is printed on the bag. Requires the manufacturers to develop an Agency-approved plan for the recycling of plastic carryout bags and plastic film product wrap. Prohibits, under certain circumstances, a retailer from purchasing plastic carryout bags for use or distribution in the State. Requires the Agency to post certain information on its website. Requires specified percentages of post-consumer recycled content in plastic carryout bags manufactured for use in the State. Specifies civil penalties for violations of the Act. Amends the State Finance Act to create the Plastic Bag Recycling Fund as a special fund in the State treasury. Provides that moneys in the Fund are to be used by the Agency to implement the Act and to carryout certain educational missions. Effective immediately.

LRB097 05357 JDS 45412 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Plastic Bag and Film Recycling Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds all of the following:

8 (1) Senate Bill 303 of the 95th General Assembly, as  
9 amended, became law in August of 2007 (effective January 1,  
10 2008) and was referred to as the Plastic Bag Recycling Act  
11 (P.A. 095-0268).

12 (2) The Plastic Bag Recycling Act required a Task Force  
13 to be assembled to administer a pilot collection program  
14 for plastic bags and plastic film within the confines of  
15 Lake County, Illinois that would engage retail businesses  
16 that operated stores of 10,000 square feet or greater to  
17 voluntarily participate in the pilot program, and, in May  
18 of 2010, the Task Force submitted a report of the pilot  
19 program findings to the Governor and the leadership of the  
20 General Assembly.

21 (3) The Task Force findings referred to data contained  
22 in the Illinois Commodity Waste Generation and  
23 Characterization Study commissioned in 2008 by the

1 Illinois Department of Commerce and Economic Opportunity  
2 which indicate that nearly 500,000 tons of plastic film  
3 material is generated each year in Illinois that has a  
4 potential market value of \$100 million; however, 98.5% of  
5 this plastic film is landfilled. The Study also found that  
6 plastic grocery bags represent only about 15% of all  
7 plastic film disposed of in Illinois landfills, which led  
8 the Task Force to focus attention on not only the recovery  
9 of plastic grocery bags, but also the recovery of plastic  
10 film product wrap that is used to package numerous consumer  
11 products.

12 (4) The Task Force concluded that the disposal of  
13 plastic bags and film represents a tremendous waste of a  
14 non-renewable resources that can be recycled, but that lack  
15 an adequate collection infrastructure, and that  
16 participating retailers responded favorably overall to the  
17 pilot program and intended to continue collecting plastic  
18 bags from their customers with the majority of them  
19 indicating that their overall costs to operate the  
20 collection program were minimal and were built into daily  
21 operational procedures.

22 (5) Markets for plastic bags and film do exist, and, if  
23 this material can be successfully diverted from final  
24 disposal, it has the potential to conserve a non-renewable  
25 resource by reusing it as a feedstock for new plastic bags  
26 and plastic lumber, as well as for other beneficial uses.

1 In addition to conserving resources the recycling of  
2 plastic bags and film reduces air, land, and water  
3 pollution.

4 (6) The 2010 Recycling Economic Information Study  
5 Update for Illinois estimates that the plastics industry  
6 employs approximately 3,114 people in Illinois, generating  
7 an annual payroll of \$98,887,000, and, based on this data,  
8 it is estimated that a statewide plastic bag and film  
9 recycling program would generate over 300 jobs with an  
10 estimated payroll of \$9,500,000.

11 (7) The plastic bag industry has taken great strides in  
12 promoting increased recycling of plastic bags in the State,  
13 and this Act recognizes that continued and increased  
14 responsibility of industry to support increased plastic  
15 bag recycling is in the State's and the public's interests.

16 (b) The purpose of this Act is to set forth the procedures  
17 by which the collection and recycling of plastic bags and film  
18 will be accomplished in Illinois.

19 Section 10. Definitions. As used in this Act:

20 "Agency" means the Illinois Environmental Protection  
21 Agency.

22 "Consumer" means any person who makes a purchase at retail  
23 for any purpose other than resale.

24 "Manufacturer" means a manufacturer of plastic carryout  
25 bags.

1 "Percent post-consumer recycled content" means the  
2 percentage of recycled plastic carryout bags, plastic film  
3 product wrap, or both, that is present in a new plastic  
4 carryout bag following an original use of the bag or wrap by a  
5 consumer.

6 "Plastic carryout bag" means any polyethylene bag that is  
7 provided to a consumer by a retailer at checkout.

8 "Plastic film product wrap" means polyethylene wraps used  
9 to cover consumer goods, such as paper towels, bathroom tissue,  
10 cases of sodas, diapers, and other dry goods.

11 "Recycling" means any process by which plastic carryout  
12 bags, plastic film product wrap, or both, are collected and  
13 processed and returned to the economic mainstream in the form  
14 of raw materials or products. Recycling does not include energy  
15 recovery or energy generation by means of combusting plastic  
16 carryout bags and plastic film product wrap, and it does not  
17 include any use within the permitted boundaries of a municipal  
18 solid waste landfill unit.

19 "Retailer" means a person engaged in the business of making  
20 sales at retail that generates occupation or use tax revenue.

21 Section 15. Registration and fee required. Beginning  
22 January 1, 2012, each manufacturer of plastic carryout bags,  
23 before selling or offering for sale those bags in Illinois,  
24 shall register with the Agency and, at the time of  
25 registration, shall pay an initial registration fee of \$1,000

1 to the Agency. A manufacturer that has registered shall pay an  
2 annual renewal registration fee of \$500 to the Agency. The  
3 annual renewal registration shall be paid each year no later  
4 than the first day of the month in which the initial  
5 registration fee was paid. The proceeds of these fees shall be  
6 credited to the Plastic Bag Recycling Fund.

7 Section 20. Manufacturer label required. Beginning January  
8 1, 2012, a manufacturer shall not sell or offer to sell plastic  
9 carryout bags in Illinois unless the name of the manufacturer  
10 is printed on the bag so that the manufacturer's identity is  
11 readily identifiable.

12 Section 25. Plastic carryout bag and plastic film product  
13 wrap recycling plan.

14 (a) Each manufacturer of plastic carryout bags, either  
15 individually or jointly, shall develop and submit to the Agency  
16 a plan for supporting recycling of carryout plastic bags and  
17 plastic film product wrap in the State produced by the  
18 manufacturer or manufacturers. The manufacturer or  
19 manufacturers shall submit a proposed plan to the Agency by May  
20 1, 2012. The plan shall:

21 (1) describe the recycling program to be implemented  
22 throughout the State, including collection locations,  
23 events, or both;

24 (2) include a detailed description as to how the plan

1 will be implemented;

2 (3) describe the performance measures that will be used  
3 to document collection efforts for plastic carryout bags  
4 and plastic film wrap; and

5 (4) include a public education plan on the reuse and  
6 recycling of plastic carryout bags and plastic film wrap.

7 (b) The Agency shall approve a plan that satisfies the  
8 requirements of subsection (a). The Agency must approve or  
9 decline to approve a plan within 90 days after its submittal.  
10 If the Agency fails to act within 90 days, the plan shall be  
11 deemed approved, and the manufacturer may continue to sell or  
12 offer for sale its bags in Illinois. If the Agency declines to  
13 approve a plan, the manufacturer may resubmit a revised plan  
14 for consideration.

15 (c) A manufacturer may prepare a revised plan and submit it  
16 to the Agency at any time as the manufacturer considers  
17 appropriate in response to changed circumstances or needs. The  
18 Agency may require a manufacturer to revise or update a plan if  
19 the Agency finds that the plan is inadequate or out-of-date.

20 (d) Each manufacturer is responsible for all costs  
21 associated with the development and implementation of its plan.

22 (e) Each manufacturer shall submit a report to the Agency  
23 by April 1 of each year that includes, for the previous  
24 calendar year, a description of the collection and recycling  
25 program used to recover the manufacturer's carryout plastic  
26 bags, including the collection locations for plastic bags, the

1 amount of plastic carryout bags and plastic film product wrap  
2 collected for recycling, and samples of the education materials  
3 provided to consumers.

4 (f) A manufacturer shall conduct and document due diligence  
5 assessments of any third parties, agents, partners, or  
6 contractors with whom the manufacturer contracts or arranges  
7 for a recycling collection location, collection or  
8 transportation of plastic bags and plastic film product wraps,  
9 recycling of plastic bags and plastic film product wraps, or  
10 both.

11 (g) A manufacturer may fulfill the requirements of this  
12 Section either individually or in participation with other  
13 manufacturers.

14 Section 30. Requirements applicable to retailers.

15 (a) A retailer that purchases carryout plastic bags shall,  
16 before the initial offer for purchase is made, review the  
17 Agency's website to determine that the manufacturer is  
18 registered with the Agency in accordance with Section 15.

19 (b) Beginning October 1, 2012, a retailer shall not  
20 purchase plastic carryout bags for use or distribution in  
21 Illinois unless the bag manufacturer is listed as having an  
22 approved plan on the Agency's website under Section 35.

23 (c) Beginning January 1, 2012, a retailer shall not  
24 purchase plastic carryout bags for use or distribution in  
25 Illinois unless the name of the manufacturer is printed on the

1 bag so that the manufacturer's identity is readily  
2 identifiable.

3 (d) Beginning January 1, 2015, a retailer shall not  
4 purchase plastic carryout bags unless the bag is labeled in  
5 accordance with Section 45.

6 Section 35. Responsibilities of the Agency.

7 (a) Beginning October 1, 2012, for the benefit of assisting  
8 consumers who wish to find collection locations for recycling  
9 plastic bags, the Agency shall post on its website the location  
10 of all collection sites known to the Agency or otherwise  
11 identified to the Agency by manufacturers.

12 (b) Beginning January 1, 2012, the Agency shall post on its  
13 website the list of manufacturers that are registered under  
14 Section 15.

15 (c) Beginning October 1, 2012, the Agency shall post on its  
16 website the list of manufacturers for which the Agency has  
17 approved a plan pursuant to Section 25.

18 Section 40. Plastic Bag Recycling Fund. The Plastic Bag  
19 Recycling Fund is created as a special fund in the State  
20 treasury. Moneys in the fund shall be used by the Agency for  
21 implementation of this Act and for educational programs to  
22 promote the reuse and recycling of plastic bags.

23 Section 45. Percent recycled content requirements.

1           (a) Beginning January 1, 2014, manufacturers selling  
2 plastic carryout bags for use in the State by retailers shall  
3 be required to prominently label each bag to identify the  
4 percent post-consumer recycled content in the bag.

5           (b) Beginning January 1, 2015, manufacturers shall be  
6 required to manufacture the bag to include at least 30% total  
7 recycled content, of which at least 15% is pre-consumer  
8 recycled content and at least 15% is post-consumer recycled  
9 content.

10          (c) Beginning January 1, 2015, each manufacturer shall  
11 include a statement in the annual report submitted pursuant to  
12 subsection (e) of Section 25 that it has met the recycled  
13 content and labeling requirements of this Section. Each  
14 manufacturer shall meet the recycled content requirements of  
15 subsection (b) of Section 45 unless the manufacturer can  
16 demonstrate in its annual report that there was not a  
17 sufficient quantity of pre-consumer or post-consumer plastic  
18 bags and film available to meet the requirements. The Agency  
19 may require additional information or documentation, from a  
20 manufacturer that informs the Agency that it was unable to meet  
21 the recycled content requirement, to determine compliance with  
22 this Section.

23          Section 50. Penalties. Any manufacturer or retailer who  
24 violates any provision of this Act or fails to perform any duty  
25 under this Act shall be liable for a civil penalty not to

1 exceed \$1,000 and an additional civil penalty not to exceed  
2 \$100 per day for each day the violation continues. Any  
3 penalties collected by the Attorney General pursuant to this  
4 Act shall be deposited into the Plastic Bag Recycling Fund.

5 Section 55. Report to the General Assembly. No later than  
6 August 1, 2016, the Director of the Agency shall submit a  
7 report to the General Assembly describing the results of the  
8 plastic carryout bag and plastic film wrap collection and  
9 recycling program on a statewide basis. The report shall also  
10 contain recommendations regarding whether the program shall be  
11 made permanent and any modifications to improve its function  
12 and efficiency.

13 Section 60. The State Finance Act is amended by adding  
14 Section 5.786 as follows:

15 (30 ILCS 105/5.786 new)

16 Sec. 5.786. The Plastic Bag Recycling Fund.

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



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

INTRODUCED \_\_\_\_\_, BY

**SYNOPSIS AS INTRODUCED:**

415 ILCS 5/22.38

Amends the Environmental Protection Act. Defines general construction or demolition debris that is processed for use at a landfill as general construction or demolition debris that is processed for use as alternative daily cover, road building material, or drainage structure building material at a MSWLF unit. Requires this type of debris to be sorted from non-recyclable general construction or demolition debris within 48 hours after its arrival at a waste disposal facility. Exempts this type of debris, however, from the requirement to be transported off site within 72 hours after arrival. Provides that the 75% diversion requirement shall be calculated monthly on a 12-month rolling average (rather than on a daily basis). Requires non-putrescible debris of this type to be transported to a MSWLF unit, for use or disposal, within 6 months after its arrival at a facility. Requires putrescible debris of this type to be transported to a MSWLF unit, for use or disposal, within 45 days after its arrival at a facility. Provides that general construction or demolition debris that is processed for use at a landfill is not non-recyclable general construction or demolition debris and may not be counted toward the 75% diversion requirement if sent for disposal at the end of the applicable retention period. Effective immediately.

LRB097 09577 JDS 49714 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 22.38 as follows:

6 (415 ILCS 5/22.38)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 a disposal facility; and

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

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

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

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

14 (9) Control access to the facility.

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

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

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

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

3 (C) a description of facility operations;

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

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

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

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

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

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

26 When any of the information contained or processes

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

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

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

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

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

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

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

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

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

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

**I – 2. Project and Program Updates**

**BACKGROUND:** The following are updates on several projects and programs we are currently working on:

1. The Task Force meets on February 16, 2011 and should finalize the residential recycling recommendations and begin work on the commercial recycling recommendations. I will update you at the meeting regarding the final outcome of the Task Force meeting.
2. Staff is assisting Highland Park with the development of a C&D recycling ordinance applicable to new construction, demolition and remodeling projects. Staff is also assisting Grayslake investigate a local C&D ordinance. SWALCO intends to develop a model ordinance for its members to use in the coming months.
3. Staff is assisting Deerfield and Lincolnshire with their local hauling contracts. The Deerfield Village Board voted on February 7, 2011 to contract with WMI to collect its refuse, recyclables and landscape waste effective April 1, 2011 (pending final review and approval of the contract by the Village's attorney). WMI's bid was very competitive and will result in significant savings to the Village over the next five years. Lincolnshire is still talking with WMI about a possible extension of its current contract which expires December 31, 2011.
4. Walter Willis sent a letter to WMRA requesting a 2 year extension of the current Intermediate Processing Facility Capacity Agreement which is set to expire at the end of this year. We are still awaiting a response from WMRA.
5. The IEPA has set a public hearing date concerning an air permit revision being sought by the Countryside LF and the adjoining power plant (Countryside Genco, LLC). The hearing will be held on March 22, 2011 at the Grayslake Community High School Auditorium. See the attached notice regarding the public hearing.
6. Larry Clark, on behalf of SWALCO, submitted public comments concerning Veolia's appeal of one of the siting conditions imposed by the City as part of its approval of the expansion of the Zion LF. SWALCO comments support the City and the siting condition in question (that the City have the ability to review and approve all permit applications associated with the gas collection and management system). See the attached notice of filing and public comments submitted by SWALCO.
7. Lorin Jacobsen will be sending out the O&M invoices in late February or early March. She will also begin working on her first audit with SWALCO's auditors in the coming months.
8. Lorin Jacobsen is working closely with the County on the website and we are within weeks of launching the new site which will have a new look (without the County banner) and a new URL which will be [www.swalco.org](http://www.swalco.org). Lorin will also be taking a Sharepoint class to become better versed in website design, updating, etc.
9. Merleanne Rampale and Pete Adrian are preparing for the Reuse-a-Shoe program and will be holding orientations for groups collecting shoes.
10. Walter Willis gave a presentation on SWALCO and the work of the Task Force at the January 24<sup>th</sup> meeting of the Mundelein Rotary Club. He also met with Kathleen O'Connor of Libertyville Township on January 27th to discuss franchising options for the Township.

**ENCLOSED DOCUMENTS:** IEPA Public Hearing Notice, and Zion LF Public Comments submitted to the Illinois Pollution Control Board

**STAFF:** Walter Willis, Executive Director

Illinois Environmental Protection Agency

Notice of Comment Period and Public Hearing  
Concerning the Proposed Revision of Construction Permits for  
Countryside Landfill, Inc. and Countryside Genco, L.L.C. in Grayslake

Countryside Landfill, Inc. operates a municipal solid waste landfill at 31725 North Route 83 in Grayslake. Countryside Genco, L.L.C. operates a landfill gas-to-energy facility at the Countryside Landfill. Countryside Genco burns landfill gas to generate electricity. Countryside landfill operates a flare that burns landfill gas when the gas-to-energy facility is not in operation or when more gas is generated than the landfill gas-to-energy facility can handle. The companies have applied to the Illinois EPA to revise the construction permits for the landfill gas-to-energy facility and the flare to increase permitted emissions of sulfur dioxide (SO<sub>2</sub>) to address new data on the sulfur content of the landfill gas at this landfill. With the requested revisions, the source still would not be a major source for emissions of SO<sub>2</sub> for purposes of the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 or the state rules Major Stationary Sources Construction and Modification, 35 Ill. Adm. Code Part 203.

Based on its review of the applications, the Illinois EPA has made a preliminary determination that the revisions will comply with the applicable environmental regulations and has prepared draft permits for public review. The Illinois EPA is holding a public comment period and a hearing to accept comments from the public on the proposed issuance of the permits prior to making final decisions on the applications.

**The Illinois EPA Bureau of Air will hold a public hearing on March 22, 2011 at 7:00 pm at the Grayslake Community High School, Auditorium, 400 N. Lake Street in Grayslake.**

The hearing will be held to receive comments and answer questions from the public prior to making final decisions concerning the applications. The hearing will be held under the Illinois EPA's "Procedures for Permit and Closure Plans," 35 IAC 166, Subpart A. Lengthy comments and questions should be submitted in writing. Requests for interpreters (including sign language) must be made by March 7, 2011. Any questions about hearing procedures or requests to address special needs should be made to the Illinois EPA, Dean Studer, Hearing Officer, Re: Countryside Landfill, 1021 N. Grand Ave. E., P.O. Box 19276, Springfield, IL 62794-9276, 217/558-8280.

**Written comments must be sent to the Hearing Officer and postmarked by midnight, April 21, 2011,** unless otherwise specified by the Hearing Officer. Written comments need not be notarized.

Persons wanting more information may obtain copies of the draft permits and project summary at <http://www.epa.gov/reg5oair/permits/ilonline.html>. These documents and the applications can also be viewed at the Grayslake Area Public Library, 100 Library Lane in Grayslake and at the Illinois EPA's offices at 9511 West Harrison in Des Plaines, 847/294-

4000 and 1021 N. Grand Ave. E., Springfield, 217/782-7027 (for either Illinois EPA location please call ahead to assure that someone will be available to assist you).

For information or requests about the applications or draft permits, please contact:  
Brad Frost, Community Relations, Illinois EPA, 1021 N. Grand Ave. E., Box 19506,  
Springfield, IL 62794-9506, 217/782-7027 or 217/782-9143 TDD.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VEOLIA ES ES ZION )  
LANDVILL, INC. )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
CITY COUNSEL OF THE )  
CITY OF ZION, ILLINOIS, )  
 )  
Respondent. )

PCB 11-10  
(Pollution Control Facility Siting Appeal)

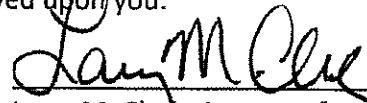
NOTICE OF FILING

To: Bradley P. Halloran  
Hearing Officer, IPCB  
James R. Thompson Center  
Suite 11-500  
Chicago, IL 60601

Adam Simon  
Ancel, Glink, Diamond, Bush, et al  
175 E. Hawthorn Pkwy, Suite 145  
Vernon Hills, IL 60061

Gerald P. Callaghan  
Freeborn & Peters LLP  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606

Please take notice that on the 7<sup>th</sup> day of February, 2011 I have filed with the Office of the Clerk of the Pollution Control Board Public Comment on behalf of the Solid Waste Agency of Lake County, Illinois, a copy of which is hereby served upon you.

  
\_\_\_\_\_  
Larry M. Clark, Attorney for the Solid Waste  
Agency of Lake County, Illinois

Dated this 7<sup>th</sup> day of February, 2011

Larry M. Clark  
Attorney At Law  
700 North Lake Street, Suite 200  
Mundelein, IL 60060  
847-949-9396

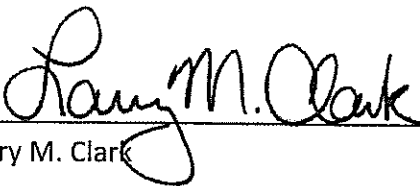
CERTIFICATE OF SERVICE

I, Larry M. Clark, an attorney for the Respondent, hereby certify that I have served the attached Notice of Filing and Appearance on the following persons at the following address by U.S. Mail, postage prepaid.

Bradley P. Halloran  
Hearing Officer, IPCB  
James R. Thompson Center  
Suite 11-500  
Chicago, IL 60601

Adam Simon  
Ancel, Glink, Diamond, Bush, et al  
175 E. Hawthorn Pkwy, Suite 145  
Vernon Hills, IL 60061

Gerald P. Callaghan  
Freeborn & Peters LLP  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606

  
\_\_\_\_\_  
Larry M. Clark

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VEOLIA ES ZION	)	
LANDFILL, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 11-10
	)	(Pollution Control Facility Siting Appeal)
CITY COUNSEL OF THE	)	
CITY OF ZION, ILLINOIS,	)	
	)	
Respondent.	)	

**PUBLIC COMMENT**

Now comes the Solid Waste Agency of Lake County, Illinois, a Third Party Participant herein and hereby makes the following public comment in regard to the Appeal of Veolia ES Zion Landfill, Inc. to the Illinois Pollution Control Board:

The Hearing Officer in this local siting hearing concurred with all of the conditions proposed by the City of Zion and agreed to by Veolia ES Zion Landfill, Inc. with the exception of Condition 2.2 which reads as follows:

2.2 Prior to the submitting of the development permit application to the IEPA for the landfill gas collection and control system for the proposed Facility, the Owner/Operator shall submit draft plans, designs, and an operations and maintenance plan relating thereto to the City of Zion for review and approval. Thereafter, prior to submitting any and all pertinent applications to the IEPA for modifications to the landfill gas collection and control system for the proposed Facility, the Owner shall submit notice thereof to the City of Zion, which may exercise the option to review and approve said plans by giving notice of such election within 10 business days of receipt. In both cases the City shall have up to 60 days from submittal of such plans to render its approval or conditional approval of the proposed design. The Owner/Operator shall be responsible for reimbursing the City for any costs related to the review of the proposed designs.

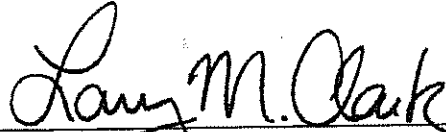
It appears that the primary concern of the Petitioner, Veolia, is that they will be bound by this condition to present all plans that relate to the gas collection system to the City for their prior approval, both now and in the future. It is clear that Veolia has had prior operational difficulties in preventing odor from leaving the site and permeating through the neighborhood. Table V-2 in Appendix V (C1-05350 through C1-05357). Even the testimony of Veolia's engineer Devin

Moose have acknowledged prior odor issues at this site. (C1-174). The public comment elicited at the siting hearing from two different sets of neighbors, Robert & Robin Brunner (C1-140 & C4-13 through C4-15) and Ms Barret (C1-139) during the local siting hearing and in Mr. Brunner's Notice of Participation indicate that the odor issues continue to exist at the site, despite the fact that the record of odor issues goes back to at least 2006 (C1-171 and 172). Given the acknowledged odor issues at the Zion Landfill it is prudent and necessary for the City to take a more proactive role in the current and future design, construction and operation of the landfill gas collection and control system. Veolia has already agreed to the City of Zion reviewing its development permit application for the landfill gas and control system and to not allow the City of Zion to continue to have input in the permitting of the landfill gas and control system would be contrary to the City's expectations when it granted siting approval subject to the condition in question.

Landfills are currently a necessity as a method to dispose of solid waste in Illinois. Veolia's ES Zion Landfill has had odor issues that go back to 2006 or before and continue. If Veolia cannot solve their odor issues independently, then they should not reject offers of participation from the City to cooperate in the solving of these problems. Certainly if Veolia were to run a landfill with no odor issues, then changes to their gas collection system or operations would not be necessary and they would not be required to submit plans to the City for review. Similarly, if Veolia has no further odor issues, then they will not have to submit proposed plans to the City and won't have to reimburse the City for their engineering costs in reviewing any new proposals.

The City can only review the current plans as identified in Veolia's Application for Local Siting. Both the City and Veolia have acknowledged that the Application did not contain sufficient detail in addressing the odor problems that have dogged this landfill for years. Therefore Veolia agreed to prepare updated plans and allow the City to review them. Because prior odor plans have not been entirely successful in the elimination of odors, it is questionable as to whether any new proposals will adequately address odor issues. Therefore it would make sense to have Veolia, as opposed to the public, repay the City for any expenses that they may incur in reviewing plans to address a continuing problem.

Respectively Submitted,

A handwritten signature in black ink that reads "Larry M. Clark". The signature is written in a cursive style with a large, looping initial "L".

---

Larry M. Clark, Attorney for Third Party  
Participant, The Solid Waste Agency of  
Lake County, Illinois

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Attorney for Third Party Participant  
The Solid Waste Agency of Lake County, Illinois  
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Mundelein, IL 60060  
847-949-9396