



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

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PROPOSED SUBSTITUTE TO ITEM 13-1321

AMENDING THE SOLID WASTE ARTICLE OF THE ENVIRONMENT CHAPTER OF THE COUNTY'S CODE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30, Environment, Article VII., Solid Waste, Division 1, Sec. 30-776 - 30-781; Division 2, Sec. 30-801 through Sec. 30-804; Division 3, Sec. 30-822 through Sec. 30-831; and Division 4, Sec. 30-857 through Sec. 30-877 of the Cook County Code are hereby amended as follows:

ARTICLE VII. - SOLID WASTE AND RECYCLING

DIVISION 1. IN GENERAL

Sec. 30-776. Short Title

The Divisions noted in Article VII., shall be known, and may be cited as, and authorized under the Cook County Solid Waste and Recycling Ordinance.

Sec. 30-777. Findings, purpose, intent and scope.

The purpose of this article and the divisions herein is addressed in Sec. 30-2 of this Chapter.

Sec. 30-778. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means the Illinois Environmental Protection Agency.

Clean construction or demolition debris or "CCDD" means non-putrescible construction and demolition materials and as otherwise defined in § 3.160(b) of the Illinois Environmental Protection Act.

Clean construction or demolition debris fill operation or "CCDD fill operation" means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material.

Composting means a controlled process which transforms organic waste and/or livestock waste into products useful as soil amendments. Composting shall include windrow composting, in-vessel aerobic composting and anaerobic digestion composting technologies.

Composting facility means any building, portion of a building or area in which organic waste and/or livestock waste is collected, stored, or processed which is permitted or required to be permitted by the Illinois Environmental Protection Agency.

Drop-off center means any recycling facility that accepts without charge or payment recyclable materials, including unattended stand-alone drop boxes, or single day residential recycling events.

Food scrap means garbage that is (i) capable of being decomposed into compost by composting, (ii) separated by the generator from other waste, including, but not limited to, garbage that is not capable of being decomposed into compost by composting; and (iii) managed separately from other waste, including, but not limited to, garbage that is not capable of being decomposed into compost by composting. Food scrap includes, but is not limited to, packaging, utensils, and food containers composed of readily biodegradable material in accordance with the ASTM D6400 standard required for use under Section 3.197 of the Illinois Environmental Protection Act, as amended.

Governmental entity means any unit of federal, state or local government.

Hazardous waste means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed, or which has been identified by characteristics or listing as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P. L. 94-580 as amended, or pursuant to regulations promulgated by the Illinois Pollution Control Board.

Illinois Environmental Protection Act or "Act" means the Environmental Protection Act, as amended, codified at 415 ILCS 5/1, et seq.

In-vessel means composting which is conducted entirely within a fully enclosed container, with no opening having a dimension greater than 1/4 inch in any direction.

Landfill means sanitary landfill.

Landscape waste means grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, and includes any discarded fruits, vegetables and other vegetative material or crop residue generated in the care of a garden. The term "landscape waste" does not include soil other than incidental soil (e.g., soil attached to sod or attached to other materials accumulated as a result of the care of lawns, shrubbery, vines, trees or a garden).

Livestock waste means livestock excreta, associated feed losses, and bedding.

Local Government means any "Public Agency" as defined by the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., and all municipal joint action agencies formed pursuant to 5 ILCS 220/3.2.

Motor vehicle repair shop means any building, structure, premises, enclosure or other place including automobile service stations, garages and motor vehicle service shops where the business of doing repair work on or for motor vehicles, replacing motor vehicle parts, or diagnosing malfunctions of a motor vehicle is conducted in any shop, drive-in station or garage which inspects motor vehicles for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

Municipality means a city, village, or incorporated town.

Municipal solid waste or "MSW" means garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.

Municipal solid waste transfer station means a transfer station that accepts garbage, general

household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris. For purposes of this chapter a municipal solid waste transfer station shall not include transfer stations that accept, exclusively, either construction or demolition debris or source separated organic waste, so long as such facilities meet the requirements of Division IV of this Article.

Open Dumping means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of the Act.

Organic waste means food scrap, landscape waste, uncontaminated wood waste, livestock waste, crop residue, paper waste, or other non-hazardous carbonaceous waste, such as paper, corrugated paper or cardboard, that is collected and processed separately from the rest of the municipal waste stream.

Owner or operator means any person who has legal title to any premises, who has charge, care or control of any premises, who is in possession of the premises or any part thereof, or who is entitled to control or direct the management of the premises.

Processing means manual, mechanical or automated separation of recyclable material from other materials; separation of recyclable materials from each other; cleaning, bundling, compacting, cutting or packing of recyclable material. Processing shall not include melting, rendering, smelting, vulcanizing or purification by application of heat or chemical process.

Prohibited Materials means (1) any material of the type typically owned or maintained by a governmental entity or a utility company, including but not limited to: stop signs and other street signs, utility hold covers, fire hydrants and fire hydrant parts, water meters and water meter parts, gas meters and gas meter parts, electric meters and electric meter parts, exterior telephone wire, transformers, street lamp posts, sign posts, and flag poles, and street lights; (2) cemetery urns and plaques; (3) historical markers; (4) metal sculpture and statuary; (5) tree and flower grates; (6) retail store shopping carts; (7) catalytic converters and auto radiators; (8) aboveground and underground storage tanks and parts thereof; (9) any materials further designated as prohibited by the Director.

Recyclable material means material categorized as Type A, Type B, Type C or Type D recyclable material and shall have the meaning ascribed to each such type, as follows:

“Type A recyclable material(s)” means any aluminum or ferrous or non-ferrous scrap metal; bi-metal or tin cans; glass products; paper products; rubber; textiles; plastic products, such as polyethylene terephthalate, high density polyethylene, low density polyethylene, polystyrene or polypropylene; electronics and computer parts and components including, but not limited to, computer monitors, televisions, printers, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital disc recorders, small-scale servers and tablets. Additional materials approved by the Director.

“Type B recyclable material(s)” means organic waste.

“Type C recyclable material(s)” means used motor vehicles or motor vehicle parts.

“Type D recyclable material(s)” means construction and demolition debris that does not contain lead, asbestos or any other hazardous material in such a way as to render recycling of such material illegal or impossible and that has been rendered reusable and is reused, or that would otherwise be disposed of or discarded but is collected or separated and returned to the economic mainstream in the form of raw materials or product.

Recycling facility means any building, portion of a building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. A “recycling facility” shall not include any motor vehicle repair shop which stores all used motor vehicle parts, intended for use by the motor vehicle repair shop in vehicle repair, under roof nor shall it include drop-off centers or

compost operations accumulating less than 25 cubic yards of compostable material at any given time or a farm based compost operation where compostable material is used exclusively on the site where the material is composted.

Regulated materials means (1) metal fencing and gates; (2) metal downspouts and gutter; (3) metal siding and doors, including siding from homes and garages; (4) metal door hardware, including knobs, hinges and kick plates; (5) metal sinks; (6) aluminum wire; (7) copper wire; (8) copper pipes; (9) metal coils; (10) copper/aluminum radiators; (11) license plates; (12) barbeque grills; (13) metal patio furniture; (14) satellite dishes; (15) metal exterior light fixtures; (16) boilers, furnaces, water heaters, and any parts thereof; (17) mailboxes and mailbox covers; (18) central air conditioning units and air conditioners and any parts thereof; (19) metal bleachers; (20) bicycles; (21) any materials further designated as regulated by the Director.

Sanitary landfill or landfill means a facility permitted or required to be permitted by the Illinois Environmental Protection Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

Sheriff means the Sheriff of Cook County or the Sheriff's agents.

Solid waste means waste.

Solid waste facility or solid waste facilities means sanitary landfills, municipal solid waste transfer stations, and clean construction or demolition debris fill operations located within Cook County, except within the corporate limits of the City of Chicago. Solid waste facility shall not mean a temporary storage site for debris or waste generated from the operations of municipal public works departments.

Special Waste means waste as defined in 415 ILCS section 5/3.475 of the Act.

Transfer station means a site or facility that accepts waste for sorting and/or consolidation, and for further transfer to a waste disposal, treatment, or handling facility that is not owned or operated by a Local Government.

Treatment means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste, or to render such waste nonhazardous, safer for transport, amenable for recovery, or reduced in volume.

Uncontaminated wood waste means untreated, unpainted and unvarnished wood.

Vector means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

Waste means any discarded or abandoned material in solid, semisolid, liquid or contained gaseous form, including but not limited to, industrial process waste, hazardous waste, municipal waste, special waste, garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, but excludes: (1) sewage collected and treated in a municipal or regional sewage system; or (2) recyclable materials managed in compliance with the provisions of this chapter.

Waste Hauler means any person who engages in the business of collecting or hauling garbage, municipal waste, recyclables or other refuse, from the original generator, on a continuous and regular basis within Cook County.

Sec. 30-779. Rule Making.

The Department may prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance and the Divisions herein, including, but not limited to,

reasonable procedures relating to solid waste planning, operational requirements of facilities, reporting requirements, and the collection of waste fees imposed by this Ordinance. Any rules, definitions or regulations issued by the Department in accordance with this Ordinance shall be maintained by the Department and shall be readily made available to the public upon request and posted on the Department's web-site. The Department shall undertake good faith efforts to post rules and regulations at least 30 days prior to taking effect.

Sec. 30-780. Penalties.

(a) A person will be found to have engaged in a public nuisance that is injurious to public health and in violation of this Ordinance and the Divisions herein by:

- (1) Causing or allowing the open dumping of any waste;
- (2) Abandoning or disposing of any waste upon public property, except in a sanitary landfill approved by the Illinois Environmental Protection Agency; or
- (3) Disposing, treating, abandoning or transporting any waste, except at a site or facility which meets the requirements of the Illinois Environmental Protection Act.
- (4) Failure of any owner, occupant, agent, or person in possession or control of any residence or business or lot or unimproved parcel of real estate to remove or cause to be removed any waste located on any such residence or place of business or lot or real estate, or any portion thereof;
- (5) Failure to issue reports as prescribed by the Department.

(b) Any person that violates this Ordinance or the divisions herein is subject to the fines set out in Section 30-213.

(c) In addition to any other penalties imposed under this section, the registered owner of record of any vehicle who knew or should have known that his or her vehicle was used in violation of this article shall be jointly and severally liable with any person operating or in control of the vehicle at the time of the violation.

(d) The Director shall have the authority to provide for the cessation and abatement of any violation of this section in accordance with the provisions of Section 30-215 of this Code to stop any person from proceeding with any activity regulated under this section when the director has reason to believe that such activity either is proceeding in violation of any provision of this section or is otherwise in contravention of the public interest.

Sec. 30-781. Permit Denial, Refusal of Renewal or Permit Revocation

The following shall apply to facilities receiving permits under this Article.

(a) The Director may refuse to issue a solid waste facility permit or recycling facility permit to:

- (1) Any person whose permit issued under this article has been denied or revoked for cause within the past three years;
- (2) Any corporation, general partnership, limited partnership or limited liability company, if any partner, if a general partnership; any general partner, if a limited partnership; any principal officer, if a corporation; any managing member, if a limited liability company; any owner of 25% or more of the applicant; or any other individual required to be identified in the permit application that would not be eligible to receive a permit under subsection (a)(1); or
- (3) Any corporation, general partnership, limited partnership or limited liability company, if any partner, if a general partnership; any general partner, if a limited partnership; any principal officer, if a corporation; any managing member, if a limited liability company; any owner of 25% or more of the applicant; or any other individual required to be identified in the permit application was a principal officer, partner, general partner, managing member or owner of 25% or more of any entity that would

not be eligible to receive a permit under subsection (a)(1).

(b) Renewal of a permit may be withheld if the Director finds that evidence exists that renewal of the permit will present health or safety concerns for the public.

(c) The Director may refuse to renew a permit if the owner or operator of a permitted facility fails to carry out any duties, requirements or conditions listed in this article or any condition of a permit.

(d) If the Director denies or fails to renew a solid waste facility permit or recycling facility permit, the Director shall so notify the applicant or the owner or operator of the facility, as the case may be, in writing, including a statement of the basis for the denial.

(e) If the owner or operator of a permitted solid waste facility or recycling facility fails to carry out any duties, requirements or conditions required by this article or any permit condition prior to the expiration of the permit, the Director may revoke the permit after notifying the owner or operator of the recycling facility of the violation in writing within thirty (30) days of the decision.

(f) A party may contest the Director's determination by making a written request for an administrative hearing to contest the Director's refusal to renew a permit or decision to revoke a permit. Violations pursuant to this Article shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code. The Department of Administrative Hearings shall make a final decision on granting the permit. Nothing in this section shall prevent an owner or operator from providing information to the Department that reaffirms that they remain in compliance with the requirements of this division to resolve a dispute in lieu of an administrative hearing.

DIVISION 2. SOLID WASTE MANAGEMENT PLAN IMPLEMENTATION

Sec. 30-801. - Purpose for Solid Waste Management Plan

(a) The purpose of this division is to implement a solid waste plan for the management of municipal waste within the County, except for the corporate limits of the City of Chicago, in order to satisfy the requirements of the Solid Waste Planning and Recycling Act (415 ILCS 15/1 et seq.).

(b) Municipal governments have the primary role and responsibility in providing or arranging for waste management services within their jurisdictional areas, whereas the County will implement the coordination, planning, and monitoring of the solid waste management plan throughout incorporated and unincorporated Cook County and establish delegation agreements with sub-county waste management agencies and the Illinois Environmental Protection Agency.

(c) Solid waste management in the County shall encourage municipal recycling and source reduction, promote composting of yard waste, and place substantial emphasis on alternatives to landfills.

Sec. 30-802. County Solid Waste Management Coordinating Committee.

(a) Established. There is hereby established the Cook County Solid Waste Management Coordinating Committee (CCSWMCC). This Committee shall be comprised of seven members. Three shall represent the suburban solid waste agencies as follows: one representative from the Solid Waste Agency of Northern Cook County (SWANCC), one representative of the South Suburban Mayors and Managers Association (SSMMA), and one representative of the West Cook County Solid Waste Agency (WCCSWA). Each of the above Solid Waste Agencies shall be represented by its Chairperson or the Chairperson's designee. The remaining four members of this Committee shall be appointed by the President of the County Board as follows: one representative of the Northwest Suburbs and one representative from the Southwest Suburbs that do not belong to any of the above listed Agencies, and two County representatives at large. In addition, the President of the County Board may appoint the President of the Northeastern Illinois Planning Commission (NIPC), as an ex-officio member without voting rights.

- (b) Duties. It shall be the duty of the committee to oversee the implementation of the County's Solid Waste Management Plan and to aid and assist each of its members in dealing with solid waste issues.

Prior to adopting a waste management plan for submission to the Agency, the Cook County Board President or the President's designee shall form an advisory committee, which shall include representatives from municipalities within the county, citizen organizations, industry, the private solid waste management industry operating within the county, local recyclers and any other persons deemed appropriate by the President. The advisory committee shall review the plan during its preparation, make suggestions and propose any changes it believes appropriate.

Sec. 30-803. Solid Waste Coordinator.

The Director of the Department of Environmental Control shall designate a Solid Waste Coordinator (Coordinator), who shall be responsible for the implementation, coordination, and monitoring of the County Solid Waste and Recycling Plans. The Coordinator shall also be actively involved in the County's solid waste and recycling policy development, especially as it concerns public education and recycling activities. The Coordinator shall report directly to the Director.

Sec. 30-804. Municipal solid waste and recycling reporting requirements and exemptions.

The solid waste agencies and municipal governments that do not belong to any of the solid waste agencies shall report to the Solid Waste Coordinator of the County on a quarterly basis their solid waste activities in order to evaluate their compliance with the County's Solid Waste Plan.

- (a) Reporting. For the purpose of tracking the implementation progress of the Solid Waste Management Plan, any waste hauler operating within the boundaries of Cook County, except within the corporate limits of the City of Chicago, shall submit quarterly reports to the Solid Waste Coordinator of the Cook County Department of Environmental Control, on a form provided by the Department, documenting the volume and/or tonnage of municipal waste and the volume and/or tonnage of recyclables collected as described below. The first Quarterly Reporting period under subsection (1) of this section shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly Report due on October 31, 2014. The first Quarterly Reporting period under subsection (2) of this section shall cover the period of January 1, 2015 through March 31, 2015 with the first Quarterly Report due on April 30, 2015. Quarterly reports thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. All Quarterly Reports must be submitted on report forms provided by the Department, and include

(1) The total volume and/or tonnage of municipal solid waste and the volume and/or tonnage of recyclable materials collected from residential properties within the borders of Cook County, reported by municipality or unincorporated area. In the case a truck or container used for the collection of waste and/or recyclables comingles materials collected from both inside and outside suburban Cook County, for reporting purposes, the entire load shall be attributed to the portion of the municipality located within suburban Cook County; and

(2) The total volume and/or tonnage of municipal solid waste and total volume and/or recyclable materials collected from non-residential properties within the borders of Cook County, reported by geographic area as prescribed by the Department. In the case a truck or container used for the collection of waste and/or recyclables comingles materials collected from both inside and outside suburban Cook County, for reporting purposes, the entire load shall be attributed to suburban Cook County; and

(3) Any additional information prescribed in rules pertaining to this section.

(b) Exemptions. The following are exempt from the reporting provisions of this section:

- (1) Local Government entities collecting and hauling debris from storm cleanup operations;
- (2) Businesses to whom the hauling of waste is incident to their normal provision of service and does not result in revenues directly related to waste collection and hauling activities; and
- (3) Persons hauling municipal waste, municipal solid waste or other refuse from their own residence or property for disposal, recycling or processing.

DIVISION 3. SOLID WASTE FACILITIES

Sec. 30-822. Compliance with rules and regulations.

Every solid waste facility located within Cook County shall operate in compliance with the Federal Resource Conservation and Recovery Act of 1976, as amended; the Illinois Environmental Protection Act, as amended and all other applicable federal, state and local laws and regulations including the provisions of any permits issued by federal, state and local agencies.

Sec. 30-823. County inspections.

The inspection of operations at solid waste facilities in Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, shall be under the jurisdiction of the Director.

Sec. 30-824. Operational requirements.

(a) Solid Waste Facilities. Every solid waste facility, currently accepting waste and located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, must adhere to the following operational requirements. In the case that any of the following requirements are contradictory to the operating requirements stipulated in a permit issued by the Illinois Environmental Protection Agency, operating requirements stipulated in the Agency's permit shall supersede the requirements listed below:

- (1) Vehicles and Equipment. Each solid waste facility shall have sufficient vehicles and equipment available at all times to process all incoming waste materials so as not to violate conditions of the facility's Agency issued permit.
- (2) Litter. Each solid waste facility shall be operated to prevent wind-blown litter associated with the facility's operations. At a minimum, all wind-blown litter shall be picked up on a daily basis. All vehicles entering and exiting the site shall have devices capable of preventing windblown material. Any vehicle entering the site without sufficient devices to prevent windblown material shall be notified by the solid waste facility operator that such devices are required for any vehicle entering the facility and subsequent to an initial warning any vehicle re-entering the site without sufficient devices to prevent windblown material shall be rejected.
- (3) Utilities. All necessary utilities shall be available with sufficient capacity to serve the facility and its operations. A written contingency plan shall exist to provide back-up capacity or to provide procedures for safe operation in the event of a disruption of any utility service.
- (4) Equipment Maintenance. The owner and operator shall prevent the usage of any vehicle or equipment that is in need of repair or damaged in a manner as to cause an environmental impact, including but not limited to the leaking of vehicle fluids onto site surfaces.
- (5) Waste Screening. Each solid waste facility shall accept only those materials permitted by the Illinois Environmental Protection Agency, all other materials are considered to be unauthorized. All waste loads must be screened to prevent the acceptance of any materials other than those permitted by the Illinois Environmental Protection Agency and listed in the facility's current written permit issued by the Agency. The operator shall monitor for unauthorized waste. Any unauthorized wastes shall be

segregated, held and/or stored in a manner consistent with procedures stipulated in the facility's Agency issued permit. The operator shall maintain a log of any acceptance of unauthorized wastes, documenting the proper removal and disposal of the unauthorized waste.

(6) Fire Prevention and Accident Safety Plan. Each solid waste facility shall have a written fire prevention and accident safety plan, shall operate in compliance with generally accepted performance standards for fire and explosive hazards, and shall install and maintain fire suppression equipment as specified in the applicable zoning ordinance, building regulations, and applicable fire prevention regulations.

(7) Site Security. The site shall be designed and operated in a manner to prevent unauthorized access to the site.

(8) Facility Cleaning. Any building, floors, loadout pit, equipment, containers and all facility areas, including, but not limited to, the area on which waste is handled or processed, shall be cleaned as necessary to prevent environmental issues such as, but not limited to, dust, odors, and litter from migrating off site. No debris or washdown waters shall be discharged directly into the sewer system without the facility receiving the appropriate permit or authorization. Spot cleaning of the facility including pushwalls, processing and handling equipment, and anything else that may contact the waste shall be performed on an as-needed basis. The Department of Environmental Control reserves the right to require additional cleaning as deemed necessary.

(9) Rodents/Vectors. Each solid waste facility shall employ effective vector control and prevention measures to prevent infestations by rodents and vectors. A record of the most current inspection shall be maintained at the facility.

(10) Driveways, Access Road, and Parking Areas. All driveways, access roads, parking areas and other areas used for truck traffic shall be graded and surfaced to prevent or minimize any dust emissions and the tracking of mud off-site. Further, site grading and surfaces shall be properly maintained and repaired as often as necessary to maintain integrity and effectiveness for mud and dust control.

(11) Mud Tracking. Each solid waste facility shall be operated so as to prevent the tracking of mud onto public roadways.

(12) Odor Control. Solid waste facilities shall not cause the emission of noxious, odorous, or toxic matter in accordance with Section 30-421 of this Chapter.

(13) Dust Control. Each solid waste facility shall operate in a manner preventing or minimizing dust emissions associated with the operation of facility.

(14) Noise. Each solid waste facility shall be operated in accordance with Article V of this Chapter as it pertains to noise emissions from the solid waste facility.

(15) Recordkeeping. Each solid waste facility shall maintain operating records and plans as required by the Agency. Records and plans required by this section shall be made available by the facility for inspection by the Department of Environmental Control.

(16) Vehicle Recordkeeping. A record of all vehicles utilizing the facility shall be maintained as stipulated in the facility's Agency issued permit and made available for inspection by the Department of Environmental Control.

(17) Correspondence. Each solid waste facility owner or operator shall provide the Department with copies of correspondence to or from the IEPA, the USEPA and the Army Corp of Engineers or any other government entity regarding notice of violation. Copies of permit applications and modifications submitted to the Agency shall be provided to the department at the time of submission. Additional correspondence between these parties shall be provided at the request of the Department.

(18) Cessation of Waste Acceptance. The owner or operator of any solid waste facility receiving waste or clean construction or demolition debris after July 1, 2014, must notify the Department in writing no less than ninety (90) days prior to the cessation of waste or clean construction or demolition debris acceptance.

(b) Municipal Solid Waste Transfer Stations. In addition to the requirements set forth in the subsection (a) of this section, municipal solid waste transfer stations located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, must also adhere to the following operational requirements:

(1) Waste Removal. All waste must be removed from the tipping floor within 24 hours of receipt. No waste shall remain at the facility when the facility is not scheduled to be open the following day unless such waste is containerized.

(2) Waste Volumes. No owner or operator of a municipal waste transfer station shall accept volumes of waste that shall cause the facility to operate in contradiction with the requirements of this division or with the provisions stipulated in a permit issued by the Agency.

(3) Transfer Trailers and Containers. Transfer trailers or containers used to store waste outside, overnight shall be sealed, tarped, or covered to prevent blowing debris or contact with stormwater. All leaking containers and torn tarps shall be decommissioned and replaced or repaired.

Sec. 30-825. Sanitary landfill fees and exemptions.

(a) Fees. The County shall collect a fee in the amount set forth in Section 32-1 from the owner or operator of each sanitary landfill located within Cook County which is permitted or required to be permitted by the IEPA to dispose of solid waste, if the sanitary landfill is located off site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The amount of the fee shall be implemented and calculated in accordance with the provisions of section 5/22.15 of the Act.

(b) Payment of fees. Fees required by this section shall be due and payable on a quarterly basis and shall be submitted to the Department with each quarterly report required under section 30-827. The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly Report and payment of fees due on October 31, 2014. Quarterly reports and fee payments thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. Additional fees in the amounts set forth in Section 32-1 shall be applied to payments received after the due dates stipulated in this section.

(c) Fee exemptions. Exemptions to landfill disposal fees shall be in accordance with those exemptions set forth in the Act.

Sec. 30-826. Municipal solid waste transfer station fees and exemptions.

(a) Fees. The County shall collect a fee in the amount set forth in Section 32-1 from the owner or operator of each municipal solid waste transfer station located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, which is permitted or required to be permitted by the IEPA. The amount of the fee shall be based on the total waste quantity accepted at each transfer station. Documents verifying the assessment of fees under this section shall be made available, at the facility, for review and verification by Cook County.

(b) Payment of fees. Fees required by this section shall be due and payable on a quarterly basis and shall be submitted to the Department with each quarterly report required under section 30-827. The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly Report and payment of fees due on October 31, 2014. Quarterly reports and fee payments thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30,

and January 31 for the period of October 1 to December 31. Additional fees in the amounts set forth in Section 32-1 shall be applied to payments received after the due dates stipulated in this section.

(c) Fee exemption. Any recyclable materials accepted by a transfer station regulated under this section that is subsequently segregated from waste designated for permanent disposal and sent to a recycling facility with the intent that these materials are to be recycled shall not be subject to the fees stipulated in this section. Documents verifying fee exemptions under this section shall be made available, at the facility, for review and verification by Cook County.

Sec. 30-827. Reporting requirements for sanitary landfills and municipal solid waste transfer stations.

(a) Effective July 1, 2014, every owner or operator of a sanitary landfill or a municipal waste transfer station located within Cook County which is permitted, or required to be permitted, by the IEPA and has accepted waste within the calendar year shall file a quarterly report on a form provided by the Director specifying the quantities of waste and/or recyclable materials accepted by the sanitary landfill or municipal solid waste transfer station, either for transfer or permanent disposal.

(b) The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly Report due on October 31, 2014. Quarterly reports thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31

Sec. 30-828. Permits for clean construction or demolition debris fill operations.

(a) Permits Required. As of July 1, 2014, no person shall engage in the business of operating a clean construction and demolition debris fill operation within Cook County without having first obtained a written permit from the Director. Facilities requiring a permit under this section shall comply with sections 30-822, 30-823 and 30-824 of this division. If a complete permit application has been submitted to the Department, a facility may continue to operate until the Department makes a final determination as to the issuance of a permit.

(b) Permit Application.

(1) Application for a permit for a clean construction and demolition debris fill operation shall be made to the Director on forms provided by the Director for such purpose. Permit applications and applicable permit application fees for facilities operating prior to July 1, 2014, shall be submitted to the Department on or before May 15, 2014. Any clean construction and demolition debris fill operation starting operations on or after July 1, 2014, shall submit a permit application and applicable fee forty-five (45) days prior to the acceptance of construction and demolition debris.

(2) Applicants for a clean construction or demolition debris fill operation permit shall provide any and all information that may be required by the Department and on the application form prescribed by the Department. As a condition of the permit and the application, the Department may require the applicant to keep all information requested in the application current and to notify the Department, on forms provided by the Department, of any changes in the information within ten (10) business days of the change occurring.

(c) Initial Permit Application Fee. Cook County shall assess and collect permit application fees in the amount set forth in Section 32-1 from the owner or operator of each clean construction and demolition debris fill operation located within Cook County. Fees associated with an original permit application shall be due at the time of the original application. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees.

(d) Permit term and transferability. Permits required under Section 30-828 expire on July 1st of each year. No permit issued under Sections 30-828 shall be transferred or assigned to another person.

Sec. 30-829. Permit renewal for clean construction and demolition debris fill operation.

Each year the owner or operator of a clean construction and demolition debris fill operates a facility that is currently permitted by the Department shall submit a permit renewal application on a form made available by the Department along with the applicable annual permit renewal fee in the amount set forth in Section 32-1. The renewal application and the applicable permit renewal fee shall be due no later than forty-five (45) calendar days prior to the expiration of the current permit. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees. If a complete permit renewal application has been submitted to the Department, a facility may continue to operate under the facility's current permit until the Department makes a final determination as to the issuance of a permit.

Sec. 30-830. Reporting requirements for clean construction and demolition debris fill operation.

(a) Any owner or operator of a clean construction and demolition debris fill operation shall submit a report, in the format specified by the Department, to the Director indicating the weight or volume of all materials collected between January 1st and June 30th, on or before August 31st and the weight or volume of all materials collected between July 1st and December 31st, on or before February 28th of each year. Initial reports shall be submitted for the period between July 1 and December 31, 2014.

(b) The report shall minimally include:

(1) The total weight or volume of the materials collected.

(2) The total weight or volume, if any, of materials that was segregated and sent to another facility for the purpose of recycling.

Sec. 30-831. Solid Waste Management Fund created.

There is hereby created a Solid Waste Management Fund constituted from fees collected pursuant to sections 30-825 and 30-826 of this division. The fund will be established in a separate account and used only for the purposes stipulated in 5/22.15 of the Act.

DIVISION 4. RECYCLING FACILITIES

Sec. 30-857. Intent and purpose.

This division shall apply to any person who engages in the business of operating a recycling facility in Cook County, except within the corporate limits of the City of Chicago or facilities owned or operated by a Local Government. In the case that any of the following requirements are contradictory to the operating requirements stipulated in a permit issued by the Illinois Environmental Protection Agency, operating requirements stipulated in the Agency's permit shall supersede the requirements listed in this division.

Sec. 30-858. Recycling facility permit required.

(a) **Permits Required.** As of June 1, 2014, no person shall engage in the business of operating a recycling facility within Cook County without having first obtained a written recycling facility permit from the Director. Recycling facilities requiring a permit under this section shall comply with the provisions of this section. If a complete permit application has been submitted to the Department, a facility may continue to operate until the Department makes a final determination as to the issuance of a permit.

(b) **Permit Required - Exclusions.** A recycling facility permit shall not be required for facilities which also operate as a solid waste facility as defined in this article.

(c) **Permit Application**

(1) Application for a permit for a recycling facility shall be made to the Director on forms provided by the Director for such purpose. Permit applications and applicable permit application fees for recycling facilities operating prior to June 1, 2014, shall be submitted to the Department on or before April 15, 2014. Any recycling facilities starting operations on or after June 1, 2014, shall submit a permit application and applicable fee forty-five (45) days prior to the acceptance of recyclable materials. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees.

(2) Applicants for recycling facility permits shall provide any and all information that may be required by the Department on the application form prescribed by the Department. As a condition of the permit all information in the permit application must be kept current. Any change in required information shall be reported to the Director, on a form provided by the Department, no later than ten business days after such change has occurred.

Sec. 30-859. Recycling facility permit classifications.

Permits for recycling facilities shall be divided into five classes, as follows:

(a) Class I facilities are recycling facilities for the collection of Type A and Type B recyclable materials only. Only manual separation, meaning by hand or through the use of handheld tools, of Type A and Type B recyclable materials shall be permitted at a Class I facility.

(b) Class II facilities are recycling facilities for the collection of Type A and Type B recyclable materials only. Class II facilities may perform any activity permitted in a Class I facility and may also perform processing.

(c) Class III facilities are recycling facilities for the collection of Type A and Type B recyclable materials only. Class III facilities may perform any activity permitted in a Class II facility and may also engage in composting.

(d) Class IV facilities are divided into Class IVA facilities and Class IVB facilities. Class IVA facilities are recycling facilities for the collection of Type A and Type C recyclable materials only. Class IVA facilities may engage in processing, such as cleaning, bundling, compacting or packing of recyclable materials, and may also dismantle, either manually or with the use of small power tools, used vehicles and used vehicle parts for resale. Class IVB facilities are recycling facilities for the collection of Type A and Type C recyclable materials only. Class IVB facilities may perform any activity permitted in a Class IVA facility and may also engage in the shredding, crushing or other large-scale processing of vehicles.

(e) Class V facilities are recycling facilities for the collection of Type D recyclable materials only. Processing and temporary storage only of Type D recyclable material shall be permitted at a Class V facility.

Sec. 30-860. Recycling facility fees.

Cook County shall assess and collect permit application fees in the amount set forth in Section 32-1 from the owner or operator of each recycling facility located within Cook County, except within the corporate limits of the City of Chicago or for facilities owned or operated by a Local Government.. Fees shall be based on the recycler permit classification described in section 30-859 of this division. Fees shall be due forty-five (45) days prior to the expiration of the facility's current permit along with a permit renewal application as stipulated in section 30-862 of this division. Fees associated with an original permit application shall be due at the time of the original application.

Sec. 30-861. Recycling facility permit term; permit nontransferability

(a) Recycling facility permits expire on June 1st of each year.

(b) No permit issued under this division shall be transferred or assigned to any other person.

Sec. 30-862. Recycling facility permit renewal.

Renewal. Each year the owner or operator of a recycling facility currently permitted by the Department shall submit a permit renewal application on a form made available by the Department along with the applicable annual permit application fee in the amount set forth in Section 32-1. The renewal application and the applicable permit application fee shall be due no later than forty-five (45) calendar days prior to the expiration of the current permit. Any person submitting a renewal application and applicable fee that is not received by the Department forty-five (45) calendar days previous to the expiration of the current permit may be assessed an additional fee in the amount set forth in Section 32-1. If a complete permit renewal application has been submitted to the Department, a facility may continue to operate under the facility's current permit until the Department makes a final determination as to the issuance of a permit.

Sec. 30-863. Recycling facility report required.

Any owner or operator of a recycling facility shall submit a report, in the format provided by the Department, to the Director summarizing recycling activities between January 1st and June 30th, on or before August 31st and recycling activities between July 1st and December 31st, on or before February 28th of each year. The report shall minimally include: (1) the weight of all materials collected in total by the permittee; and (2) the weight of all materials recycled. Initial reports shall be submitted for the period between July 1 and December 31, 2014.

Sec. 30-864. Operating requirements - recycling facilities.

Recycling facilities located within Cook County, except within the corporate limits of the City of Chicago or facilities owned or operated by a Local Government, must adhere to the following operational requirements:

- (1) Rodents/Vectors. Recycling facilities shall employ effective vector control and prevention measures to prevent infestations by rodents and vectors. A record of the most current inspection shall be maintained at the facility.
- (2) Mud, Debris and Liquid Tracking. Recycling facilities shall be operated so as to prevent the tracking of mud, debris, or liquids onto public roadways.
- (3) Odor Control. Recycling facilities shall not cause the emission of noxious, odorous, or toxic matter and shall be operated in accordance with Article IV of this Chapter.
- (4) Dust Control. Each recycling facility shall operate in a manner preventing or minimizing dust emissions associated with the operation of the facility.
- (5) Noise. Recycling facilities shall be operated in accordance with Article V of this Chapter as it pertains to noise emissions from the facility.
- (6) Storage Receptacles. Receptacles for the storage of recyclable materials, any processing equipment and other facility operations shall be located on paved or concrete surfaces, which may include asphalt, stone or gravel when deemed appropriate by the Director, or completely enclosed within a building;
- (7) Signage. Each facility shall have a sign, clearly visible to the public, which states the name, address and telephone number of the permittee and the hours during which the facility shall be open to the public.
- (8) Refrigerant Recovery. Each facility that is permitted to accept any small appliance, room air conditioning appliance, motor vehicle air conditioner (M.V.A.C.), or M.V.A.C.-like appliance, as those terms are defined in 40 CFR Part 82, Subpart F, where applicable, shall comply with all requirements of 40 CFR § 82.156(f) in connection with any such appliance or item, and shall either (i) recover any remaining refrigerant from the appliance or item in accordance with 40 CFR § 82.156(f), or (ii) verify

that the refrigerant has been evacuated from the appliance or item in accordance with 40 CFR § 82.156(f).

(9) Waste and Used Liquid Transfer and Storage. Any processing of recyclable materials that involves the removal or transfer of used or waste liquids shall be done on an impermeable surface. Storage of waste or used liquids associated with recycling processes must be stored in containers identifying the content and beginning accumulation date of liquids stored in each container, with the exception of temporary storage containers used to store liquids for a period of less than 24 hours. Storage containers must be of adequate construction to prevent the leaking of liquids. Any liquids spilled onto the surface of the site during the operation of a recycling facility must be cleaned up immediately and any impacted soils removed.

(10) Runoff. Recycling facilities shall prevent runoff of any liquids, associated with the recycling facility's recycling operation, onto adjacent properties, the public way, waterways or storm sewers unless a permit for such activity has been acquired from the appropriate regulatory agency.

(11) Tire Storage. Used and waste tires must be stored in a manner as to prevent the accumulation of water within the tires.

Sec. 30-865. Additional facility requirements - Class III Recycling Facilities.

In addition to any other requirements set forth in this division or the permit, the following requirements shall apply to Class III facilities:

(a) In addition to any permit required by the Department, composting facilities shall obtain, prior to beginning composting operations, at such facility, all applicable permits required under federal, state or local law, including, but not limited to, any applicable Solid Waste Permit or Compost Facility Permit issued by the Agency pursuant to Title 35 of the Illinois Administrative, Parts 807 and Part 831, respectively.

(b) Composting facilities shall meet or otherwise comply with all applicable performance standards for organic waste compost facilities and with all applicable testing procedures and standards for the end-product compost produced by organic waste compost facilities, as set forth in rules issued by the Illinois Pollution Control Board.

(c) All organic waste and livestock waste shall, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled. For purposes of this section, an enclosed vessel may include an anaerobic digester and its ancillary equipment. Provided, however, that if all of the requirements set forth in paragraphs (19)(B)(i) through (19)(B)(iv), inclusive, of section 3.330(a) of the Act are met, organic waste and livestock waste may, by the end of each operating day, be processed into windrows or other piles if such windrows or other piles are stored in a manner that prevents scavenging by birds and animals and prevents other nuisances.

(d) Composting facilities shall contract with a structural pest control business duly licensed by the State of Illinois to inspect the facility for rodents and other vectors, and to take, as often as necessary, rodent and vector abatement measures, including, but not limited to, the use of bait stations or traps to eliminate, reduce and control rodents and other vectors at the facility. The permittee shall maintain on site a written record of all inspections and abatement measures conducted at the permitted facility within the previous 12 months, including the date and time of such inspections and abatement measures and a detailed description of any abatement measures taken on such date.

Sec. 30-866. Class V Facilities - additional duties; recordkeeping.

(a) Additional Duties. Any facility that is operated and located in accordance with Section 22.38 of the Act shall, in addition to the requirements set forth in section 30-864 of this division, adhere to the requirements of Section 22.38 of the Act. An owner or operator of a Class V facility, not operated and located in accordance with Section 22.38 of the Act shall, in addition to the requirements of

section 30-864, have the following additional duties:

- (1) To limit the percentage of incoming non-recyclable general construction and demolition debris to 25% or less of the total incoming general construction or demolition debris, as calculated on a daily basis;
 - (2) Within 48 hours of receipt of construction and demolition debris at the facility, to sort such debris in order to separate the recyclable construction and demolition debris from the non-recyclable waste to be disposed of or discarded;
 - (3) Within 24 hours of the separation of waste required under item (2) of this subsection, to transport off site for disposal, in accordance with all applicable federal, state and local requirements, all non-recyclable waste;
 - (4) Within 45 days of its receipt at the facility, to transport all putrescible recyclable construction and demolition debris or combustible recyclable construction and demolition debris to a properly permitted recycling or disposal facility;
 - (5) Within three months of its receipt at the facility, to transport all non-putrescible recyclable construction and demolition debris for recycling or disposal;
 - (6) To employ recordkeeping procedures to (i) demonstrate compliance with the requirements of this subsection; and (ii) identify the source and transporter of material accepted by the facility;
 - (7) To control, manage and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, state and local requirements; and
 - (8) To control access to the facility.
- (b) Recordkeeping. An owner or operator of a Class V facility shall keep and maintain on file for a period of three (3) years and make available to the Department upon request written records containing the following information:
- (1) The total tonnage or cubic yards of all non-recyclable construction and demolition debris accepted at the facility per day;
 - (2) The name and location of each disposal site used for the disposal of any non-recyclable construction and demolition debris accepted at the facility;
 - (3) The percentage of non-recyclable material transported to each disposal site required to be identified under paragraph (2) of this subsection ;
 - (4) The total tonnage or cubic yards of all recyclable material accepted at the facility per day;
 - (5) The name and location of the individual, facility or business to which such recyclable material is transported;
 - (6) The percentage of recyclable material transported to each individual, facility or business required to be identified under paragraph (5) of this subsection (b); and
 - (7) Any other information that the Director may require.

Sec. 30-867. Recyclable materials - designated.

Recycling facilities permitted under this division shall collect, process and store only recyclable materials as defined in this article. Unauthorized materials, including but not limited to municipal solid waste and stolen goods including recyclables intended for collection by local municipalities or their designated agents but not delivered by local municipalities or their designated agents, shall not be accepted at the facility.

Sec. 30-868. Recyclable materials - segregation and storage.

Recyclable materials shall be segregated and stored in a manner to prevent the blowing of such materials. Newsprint, paper, corrugated paper and cardboard shall be stored in such a manner as to comply with all applicable provisions of the County Ordinance, including all County and local ordinances relating to fire prevention. Materials shall be segregated within twenty-four (24) hours of being accepted on site.

Sec. 30-869. Recyclable materials - receptacles.

Unless alternate storage methods have been approved by the Director, receptacles in Class I, II, III, and IV recycling facilities shall be clearly marked with the type of recyclable material to be deposited. Letters shall not be less than three inches high. No material other than that specified on a receptacle shall be deposited therein.

Sec. 30-870. Recyclable materials - storage areas to be kept clean.

The area surrounding receptacles for the temporary storage of recyclable materials shall at all times be maintained in a clean and sanitary manner. No recyclable materials or waste materials of any kind shall be allowed to accumulate around any receptacle or to overflow from any receptacle.

Sec. 30-871. Building and fire regulations - applicable.

The storage of recyclable material within a completely enclosed building shall be subject to the building and fire regulations of the local governmental entity for which the recycling facility is located.

Sec. 30-872. Storage time limit - maintenance of records.

Unless otherwise stated in this division, no recyclable materials shall be stored at any recycling facility for longer than ninety (90) days except for processed, recyclable materials as approved in the permit. Each permittee under this division shall maintain records which indicate the date, quantity and type of recyclable materials received. Disposition records shall also be kept which indicate the type, quantity and date of disposition of recyclable materials. Such records shall be open to inspection by the Director or his or her authorized agent during normal business hours and at other times upon reasonable notice.

Sec. 30-873. Prohibited and regulated materials.

(a) For purposes of this section only, the term "retail transaction" means the purchase, acceptance or receipt by a recycling facility of any material designated as regulated or prohibited from a person who: (1) delivers the material to the facility in a push cart, shopping cart or other similar method; or (2) is not a regular customer with an established customer account.

(1) A retail transaction does not include donations from, or the purchase or receipt of regulated or prohibited material from: (1) another recycling or junk facility; or (2) a governmental entity.

(b) In retail transactions, a permittee shall only accept, receive or purchase regulated material if the permittee:

(1) Keeps a written record in English which is either typed or printed in ink at the time of acceptance of any regulated material and which legibly and accurately describes: (i) the regulated material accepted, received, or purchased; (ii) the date of the transaction; (iii) a description and license plate number of any vehicle used to deliver the material; and (iv) the name and a copy of the photo identification of the person required in subsection (2), below; and

(2) Requires at the time of the transaction a photo identification issued by a federal, state or local governmental entity or a consular identification card that lists the name and address of the person

from whom the permittee is accepting, receiving or purchasing the regulated material; provided that if the person does not have such identification the permittee shall photograph the person and on the reverse side of the photograph, record the person's name, address, date of birth, gender, height and weight.

(c) In retail transactions, a permittee shall only accept, receive or purchase prohibited material if the permittee:

(1) Complies with subsection (b) this section;

(2) Can demonstrate through receipts or other documentation from a credible source, such as the owner of the prohibited materials, that the prohibited materials are intended to be recycled.

(3) No record made pursuant to this section shall be erased, obliterated or defaced, except as provided in the recycling facility's permit or by permission of the Director.

(4) All records required by this section shall at all times during the permittee's business hours, and at all other times upon reasonable notice, be made available for inspection by the Director or his or her authorized agent, or any member of the Sheriff or local police department. Upon the request, the permittee shall provide photocopies of such records to the Department, the Sheriff or the local police department.

Sec. 30-874. Inspection by owner or operator.

During all operating hours, the owner, operator, or an employee responsible for site operations and adherence to the requirements set forth in this division shall be on site. If the facility remains closed for more than 48 hours, the owner, operator or employee shall inspect the facility at least once every 48 hours in order to ensure the requirements of this division are fulfilled.

Sec. 30-875. Recycling facility permit exemptions.

(a) Nothing contained in this division shall apply to the recycling or recovery of waste materials by a manufacturer for reuse in a manufacturing process, or to the purchase of recycled materials by a manufacturer for use as a raw material in a manufacturing process.

(b) A facility intending to compost landscape waste or organic waste generated on-site and for reuse on-site at the facility shall not be required to obtain a Class III recycling permit from the Department under the provisions of this division.

(c) Recycling facilities owned or operated by a Local Government.

Sec. 30-876. Prohibited activities.

No recycling facility permittee shall:

(a) Receive any article or thing by way of pledge or pawn, nor shall such permittee loan or advance any sum of money on the security of any article or thing;

(b) Receive or hold a license to conduct the business of pawnbroker, secondhand dealer or itinerant dealer in secondhand clothing;

(c) Purchase any article whatsoever from any minor.

(d) Keep, maintain or conduct a place for the purchase, reception or keeping of stolen goods;

(e) Accept, receive, purchase or acquire any charred metal unless the permittee can demonstrate through receipts or other documentation approved by the Director that the material has come from a properly licensed company which has and uses processing equipment with the appropriate functioning emission control devices to remove coatings on the wire; or

Sec. 30-877. Penalties.

(a) Unless otherwise provided in this article, penalties imposed for violations of any provisions of this division shall be as provided in Section 30-213 of the County's Code.

(b) The Director may inspect or cause the inspection of a recycling facility in order to determine compliance with this division, a recycling facility permit and its conditions and other applicable laws and ordinances. The Director may issue an emergency cessation order in accordance with the provisions of Section 30-215 of the Code, and may require any such facility to be immediately closed and secured against entry upon discovery of (i) an imminent and substantial risk to the public health or safety or to the environment caused by the presence, treatment or storage of any recycling material, or other activity on the premises, in violation of this article, a recycling material facility permit or its conditions or the rules and regulations promulgated hereunder, or (ii) the facility being operated without a required permit. The Director may also issue a non-emergency cessation order in accordance with the provisions of Section 30-215 of the Code, if he or she determines that any person is violating any of the provisions of this article, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment.

(c) If the Director determines that any activity regulated under this division is proceeding in violation of provisions of same and such activity has created, or is creating an imminent and substantial risk to the public health or safety or to the environment, then the Director may issue an emergency abatement order or may abate the nuisance in accordance with the provisions of Section 30-215 of the Code.

(d) If the Director determines that any activity regulated under this division is proceeding in violation of any of the provisions of same but that such activity has not created, or is not creating an imminent and substantial risk to the public health or safety or to the environment, the Director may provide the property owner, contractor or any other person involved in the performance of the subject activity with written notice to abate the nuisance within a time frame prescribed by the Director. In the event that any person fails to abate such nuisance in accordance with the Director's notice to abate, then the Director may proceed to control, remove, dispose or otherwise abate the nuisance in accordance with the provisions of Section 30-215 of the Code.

(e) In addition to any other penalties imposed by the Department, the Department shall be entitled to recover a penalty or cost as provided in Section 30-215 of this Code.

(f) Violations pursuant to this Article may be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32, Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

CHAPTER 30, ENVIRONMENT

Code Section Charges (in dollars)	Description	Fees, Rates,
30-825(a)	Sanitary landfill fees; per ton	1.27
30-825(b)	Sanitary landfill late fee; per day	50.00
30-826(a)	Municipal solid waste transfer station fees; per ton	0.22
30-826(b)	Municipal solid waste transfer station late fee; per day	50.00
30-828(c)	Initial permit application fee for clean construction or demolition debris fill	

operations	2000.00
30-829 Annual permit application renewal fee for clean construction or demolition debris fill operations	2000.00
30-860 Recycling facility, initial permit application fees:, Recycling facility permit classifications, Class I recycling facility	250.00
Class II recycling facility (<500 tons per day)	500.00
Class II recycling facility (500-1,000 tons per day)	750.00
Class II recycling facility (>1,000 tons per day)	1000.00
Class III recycling facility	1000.00
Class IV-A and IV-B recycling facility	1000.00
Class V recycling facility	1500.00
30-862 Recycling facility, annual permit renewal fees:, Recycling facility permit classifications, Class I recycling facility	250.00
Class II recycling facility (<500 tons per day)	500.00
Class II recycling facility (500-1,000 tons per day)	750.00
Class II recycling facility (>1,000 tons per day)	1000.00
Class III recycling facility,	1000.00
Class IV-A and IV-B recycling facility	1000.00
Class V recycling facility	1500.00

Effective date: This ordinance shall be in effect immediately upon adoption.

Sponsors: TONI PRECKWINKLE (President), STANLEY MOORE, JERRY BUTLER, JOHN P. DALEY, GREGG GOSLIN

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/15/2014	3	Board of Commissioners	approve	
1/15/2014	2	Finance Committee	recommend for approval	Pass
9/11/2013	2	Board of Commissioners	refer	Pass

PROPOSED ORDINANCE AMENDMENT

PROPOSED SUBSTITUTE TO ITEM 13-1321

AMENDING THE SOLID WASTE ARTICLE OF THE ENVIRONMENT CHAPTER OF THE COUNTY'S CODE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 30, Environment, Article VII., Solid Waste, Division 1, Sec. 30-776 - 30-781; Division 2, Sec. 30-801 through Sec. 30-804; Division 3, Sec. 30-822 through

Sec. 30-831; and Division 4, Sec. 30-857 through Sec. 30-877 of the Cook County Code are hereby amended as follows:

ARTICLE VII. - SOLID WASTE AND RECYCLING

DIVISION 1. IN GENERAL

Sec. 30-776. Short Title

The Divisions noted in Article VII., shall be known, and may be cited as, and authorized under the Cook County Solid Waste and Recycling Ordinance.

Sec. 30-777. Findings, purpose, intent and scope.

The purpose of this article and the divisions herein is addressed in Sec. 30-2 of this Chapter.

Sec. 30-778. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means the Illinois Environmental Protection Agency.

Clean construction or demolition debris or "CCDD" means non-putrescible construction and demolition materials and as otherwise defined in § 3.160(b) of the Illinois Environmental Protection Act.

Clean construction or demolition debris fill operation or "CCDD fill operation" means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material.

Composting means a controlled process which transforms organic waste and/or livestock waste into products useful as soil amendments. Composting shall include windrow composting, in-vessel aerobic composting and anaerobic digestion composting technologies.

Composting facility means any building, portion of a building or area in which organic waste and/or livestock waste is collected, stored, or processed which is permitted or required to be permitted by the Illinois Environmental Protection Agency.

Drop-off center means any recycling facility that accepts without charge or payment recyclable materials, including unattended stand-alone drop boxes, or single day residential recycling events.

Food scrap means garbage that is (i) capable of being decomposed into compost by composting, (ii) separated by the generator from other waste, including, but not limited to, garbage that is not capable of being decomposed into compost by composting; and (iii) managed separately from other waste, including, but not limited to, garbage that is not capable of being decomposed into compost by composting. Food scrap includes, but is not limited to, packaging, utensils, and food containers composed of readily biodegradable material in accordance with the ASTM D6400 standard required for use under Section 3.197 of the Illinois Environmental Protection Act, as amended.

Governmental entity means any unit of federal, state or local government.

Hazardous waste means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to

human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed, or which has been identified by characteristics or listing as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P. L. 94-580 as amended, or pursuant to regulations promulgated by the Illinois Pollution Control Board.

Illinois Environmental Protection Act or "Act" means the Environmental Protection Act, as amended, codified at 415 ILCS 5/1, et seq.

In-vessel means composting which is conducted entirely within a fully enclosed container, with no opening having a dimension greater than 1/4 inch in any direction.

Landfill means sanitary landfill.

Landscape waste means grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, and includes any discarded fruits, vegetables and other vegetative material or crop residue generated in the care of a garden. The term "landscape waste" does not include soil other than incidental soil (e.g., soil attached to sod or attached to other materials accumulated as a result of the care of lawns, shrubbery, vines, trees or a garden).

Livestock waste means livestock excreta, associated feed losses, and bedding.

Local Government means any "Public Agency" as defined by the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., and all municipal joint action agencies formed pursuant to 5 ILCS 220/3.2.

Motor vehicle repair shop means any building, structure, premises, enclosure or other place including automobile service stations, garages and motor vehicle service shops where the business of doing repair work on or for motor vehicles, replacing motor vehicle parts, or diagnosing malfunctions of a motor vehicle is conducted in any shop, drive-in station or garage which inspects motor vehicles for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

Municipality means a city, village, or incorporated town.

Municipal solid waste or "MSW" means garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.

Municipal solid waste transfer station means a transfer station that accepts garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris. For purposes of this chapter a municipal solid waste transfer station shall not include transfer stations that accept, exclusively, either construction or demolition debris or source separated organic waste, so long as such facilities meet the requirements of Division IV of this Article.

Open Dumping means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of the Act.

Organic waste means food scrap, landscape waste, uncontaminated wood waste, livestock waste, crop residue, paper waste, or other non-hazardous carbonaceous waste, such as paper, corrugated paper or cardboard, that is collected and processed separately from the rest of the municipal waste stream.

Owner or operator means any person who has legal title to any premises, who has charge, care or control of any premises, who is in possession of the premises or any part thereof, or who is entitled to control or direct the management of the premises.

Processing means manual, mechanical or automated separation of recyclable material from other materials;

separation of recyclable materials from each other; cleaning, bundling, compacting, cutting or packing of recyclable material. Processing shall not include melting, rending, smelting, vulcanizing or purification by application of heat or chemical process.

Prohibited Materials means (1) any material of the type typically owned or maintained by a governmental entity or a utility company, including but not limited to: stop signs and other street signs, utility hold covers, fire hydrants and fire hydrant parts, water meters and water meter parts, gas meters and gas meter parts, electric meters and electric meter parts, exterior telephone wire, transformers, street lamp posts, sign posts, and flag poles, and street lights; (2) cemetery urns and plaques; (3) historical markers; (4) metal sculpture and statuary; (5) tree and flower grates; (6) retail store shopping carts; (7) catalytic converters and auto radiators; (8) aboveground and underground storage tanks and parts thereof; (9) any materials further designated as prohibited by the Director.

Recyclable material means material categorized as Type A, Type B, Type C or Type D recyclable material and shall have the meaning ascribed to each such type, as follows:

“Type A recyclable material(s)” means any aluminum or ferrous or non-ferrous scrap metal; bi-metal or tin cans; glass products; paper products; rubber; textiles; plastic products, such as polyethylene terephthalate, high density polyethylene, low density polyethylene, polystyrene or polypropylene; electronics and computer parts and components including, but not limited to, computer monitors, televisions, printers, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital disc recorders, small-scale servers and tablets. Additional materials approved by the Director.

“Type B recyclable material(s)” means organic waste.

“Type C recyclable material(s)” means used motor vehicles or motor vehicle parts.

“Type D recyclable material(s)” means construction and demolition debris that does not contain lead, asbestos or any other hazardous material in such a way as to render recycling of such material illegal or impossible and that has been rendered reusable and is reused, or that would otherwise be disposed of or discarded but is collected or separated and returned to the economic mainstream in the form of raw materials or product.

Recycling facility means any building, portion of a building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. A “recycling facility” shall not include any motor vehicle repair shop which stores all used motor vehicle parts, intended for use by the motor vehicle repair shop in vehicle repair, under roof nor shall it include drop-off centers or compost operations accumulating less than 25 cubic yards of compostable material at any given time or a farm based compost operation where compostable material is used exclusively on the site where the material is composted.

Regulated materials means (1) metal fencing and gates; (2) metal downspouts and gutter; (3) metal siding and doors, including siding from homes and garages; (4) metal door hardware, including knobs, hinges and kick plates; (5) metal sinks; (6) aluminum wire; (7) copper wire; (8) copper pipes; (9) metal coils; (10) copper/aluminum radiators; (11) license plates; (12) barbeque grills; (13) metal patio furniture; (14) satellite dishes; (15) metal exterior light fixtures; (16) boilers, furnaces, water heaters, and any parts thereof; (17) mailboxes and mailbox covers; (18) central air conditioning units and air conditioners and any parts thereof; (19) metal bleachers; (20) bicycles; (21) any materials further designated as regulated by the Director.

Sanitary landfill or landfill means a facility permitted or required to be permitted by the Illinois Environmental Protection Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

Sheriff means the Sheriff of Cook County or the Sheriff's agents.

Solid waste means waste.

Solid waste facility or solid waste facilities means sanitary landfills, municipal solid waste transfer stations, and clean construction or demolition debris fill operations located within Cook County, except within the corporate limits of the City of Chicago. Solid waste facility shall not mean a temporary storage site for debris or waste generated from the operations of municipal public works departments.

Special Waste means waste as defined in 415 ILCS section 5/3.475 of the Act.

Transfer station means a site or facility that accepts waste for sorting and/or consolidation, and for further transfer to a waste disposal, treatment, or handling facility that is not owned or operated by a Local Government.

Treatment means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste, or to render such waste nonhazardous, safer for transport, amenable for recovery, or reduced in volume.

Uncontaminated wood waste means untreated, unpainted and unvarnished wood.

Vector means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

Waste means any discarded or abandoned material in solid, semisolid, liquid or contained gaseous form, including but not limited to, industrial process waste, hazardous waste, municipal waste, special waste, garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, but excludes: (1) sewage collected and treated in a municipal or regional sewage system; or (2) recyclable materials managed in compliance with the provisions of this chapter.

Waste Hauler means any person who engages in the business of collecting or hauling garbage, municipal waste, recyclables or other refuse, from the original generator, on a continuous and regular basis within Cook County.

Sec. 30-779. Rule Making.

The Department may prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance and the Divisions herein, including, but not limited to, reasonable procedures relating to solid waste planning, operational requirements of facilities, reporting requirements, and the collection of waste fees imposed by this Ordinance. Any rules, definitions or regulations issued by the Department in accordance with this Ordinance shall be maintained by the Department and shall be readily made available to the public upon request and posted on the Department's web-site. The Department shall undertake good faith efforts to post rules and regulations at least 30 days prior to taking effect.

Sec. 30-780. Penalties.

(a) A person will be found to have engaged in a public nuisance that is injurious to public health and in violation of this Ordinance and the Divisions herein by:

- (1) Causing or allowing the open dumping of any waste;
- (2) Abandoning or disposing of any waste upon public property, except in a sanitary landfill approved by the Illinois Environmental Protection Agency; or

- (3) Disposing, treating, abandoning or transporting any waste, except at a site or facility which meets the requirements of the Illinois Environmental Protection Act.
- (4) Failure of any owner, occupant, agent, or person in possession or control of any residence or business or lot or unimproved parcel of real estate to remove or cause to be removed any waste located on any such residence or place of business or lot or real estate, or any portion thereof;
- (5) Failure to issue reports as prescribed by the Department.

(b) Any person that violates this Ordinance or the divisions herein is subject to the fines set out in Section 30-213.

(c) In addition to any other penalties imposed under this section, the registered owner of record of any vehicle who knew or should have known that his or her vehicle was used in violation of this article shall be jointly and severally liable with any person operating or in control of the vehicle at the time of the violation.

(d) The Director shall have the authority to provide for the cessation and abatement of any violation of this section in accordance with the provisions of Section 30-215 of this Code to stop any person from proceeding with any activity regulated under this section when the director has reason to believe that such activity either is proceeding in violation of any provision of this section or is otherwise in contravention of the public interest.

Sec. 30-781. Permit Denial, Refusal of Renewal or Permit Revocation

The following shall apply to facilities receiving permits under this Article.

- (a) The Director may refuse to issue a solid waste facility permit or recycling facility permit to:
 - (1) Any person whose permit issued under this article has been denied or revoked for cause within the past three years;
 - (2) Any corporation, general partnership, limited partnership or limited liability company, if any partner, if a general partnership; any general partner, if a limited partnership; any principal officer, if a corporation; any managing member, if a limited liability company; any owner of 25% or more of the applicant; or any other individual required to be identified in the permit application that would not be eligible to receive a permit under subsection (a)(1); or
 - (3) Any corporation, general partnership, limited partnership or limited liability company, if any partner, if a general partnership; any general partner, if a limited partnership; any principal officer, if a corporation; any managing member, if a limited liability company; any owner of 25% or more of the applicant; or any other individual required to be identified in the permit application was a principal officer, partner, general partner, managing member or owner of 25% or more of any entity that would not be eligible to receive a permit under subsection (a)(1).

(b) Renewal of a permit may be withheld if the Director finds that evidence exists that renewal of the permit will present health or safety concerns for the public.

(c) The Director may refuse to renew a permit if the owner or operator of a permitted facility fails to carry out any duties, requirements or conditions listed in this article or any condition of a permit.

(d) If the Director denies or fails to renew a solid waste facility permit or recycling facility permit, the Director shall so notify the applicant or the owner or operator of the facility, as the case may be, in writing, including a

statement of the basis for the denial.

(e) If the owner or operator of a permitted solid waste facility or recycling facility fails to carry out any duties, requirements or conditions required by this article or any permit condition prior to the expiration of the permit, the Director may revoke the permit after notifying the owner or operator of the recycling facility of the violation in writing within thirty (30) days of the decision.

(f) A party may contest the Director's determination by making a written request for an administrative hearing to contest the Director's refusal to renew a permit or decision to revoke a permit. Violations pursuant to this Article shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code. The Department of Administrative Hearings shall make a final decision on granting the permit. Nothing in this section shall prevent an owner or operator from providing information to the Department that reaffirms that they remain in compliance with the requirements of this division to resolve a dispute in lieu of an administrative hearing.

DIVISION 2. SOLID WASTE MANAGEMENT PLAN IMPLEMENTATION

Sec. 30-801. - Purpose for Solid Waste Management Plan

(a) The purpose of this division is to implement a solid waste plan for the management of municipal waste within the County, except for the corporate limits of the City of Chicago, in order to satisfy the requirements of the Solid Waste Planning and Recycling Act (415 ILCS 15/1 et seq.).

(b) Municipal governments have the primary role and responsibility in providing or arranging for waste management services within their jurisdictional areas, whereas the County will implement the coordination, planning, and monitoring of the solid waste management plan throughout incorporated and unincorporated Cook County and establish delegation agreements with sub-county waste management agencies and the Illinois Environmental Protection Agency.

(c) Solid waste management in the County shall encourage municipal recycling and source reduction, promote composting of yard waste, and place substantial emphasis on alternatives to landfills.

Sec. 30-802. County Solid Waste Management Coordinating Committee.

(a) *Established.* There is hereby established the Cook County Solid Waste Management Coordinating Committee (CCSWMCC). This Committee shall be comprised of seven members. Three shall represent the suburban solid waste agencies as follows: one representative from the Solid Waste Agency of Northern Cook County (SWANCC), one representative of the South Suburban Mayors and Managers Association (SSMMA), and one representative of the West Cook County Solid Waste Agency (WCCSWA). Each of the above Solid Waste Agencies shall be represented by its Chairperson or the Chairperson's designee. The remaining four members of this Committee shall be appointed by the President of the County Board as follows: one representative of the Northwest Suburbs and one representative from the Southwest Suburbs that do not belong to any of the above listed Agencies, and two County representatives at large. In addition, the President of the County Board may appoint the President of the Northeastern Illinois Planning Commission (NIPC), as an ex-officio member without voting rights.

(b) *Duties.* It shall be the duty of the committee to oversee the implementation of the County's Solid Waste Management Plan and to aid and assist each of its members in dealing with solid waste issues.

Prior to adopting a waste management plan for submission to the Agency, the Cook County Board President or the President's designee shall form an advisory committee, which shall include representatives from municipalities within the county, citizen organizations, industry, the private solid waste management industry operating within the county, local recyclers and any other persons deemed appropriate by the President. The advisory committee shall review the plan

during its preparation, make suggestions and propose any changes it believes appropriate.

Sec. 30-803. Solid Waste Coordinator.

The Director of the Department of Environmental Control shall designate a Solid Waste Coordinator (Coordinator), who shall be responsible for the implementation, coordination, and monitoring of the County Solid Waste and Recycling Plans. The Coordinator shall also be actively involved in the County's solid waste and recycling policy development, especially as it concerns public education and recycling activities. The Coordinator shall report directly to the Director.

Sec. 30-804. Municipal solid waste and recycling reporting requirements and exemptions.

The solid waste agencies and municipal governments that do not belong to any of the solid waste agencies shall report to the Solid Waste Coordinator of the County on a quarterly basis their solid waste activities in order to evaluate their compliance with the County's Solid Waste Plan.

(a) Reporting. For the purpose of tracking the implementation progress of the Solid Waste Management Plan, any waste hauler operating within the boundaries of Cook County, except within the corporate limits of the City of Chicago, shall submit quarterly reports to the Solid Waste Coordinator of the Cook County Department of Environmental Control, on a form provided by the Department, documenting the volume and/or tonnage of municipal waste and the volume and/or tonnage of recyclables collected as described below. The first Quarterly Reporting period under subsection (1) of this section shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly Report due on October 31, 2014. The first Quarterly Reporting period under subsection (2) of this section shall cover the period of January 1, 2015 through March 31, 2015 with the first Quarterly Report due on April 30, 2015. Quarterly reports thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. All Quarterly Reports must be submitted on report forms provided by the Department, and include

- (1) The total volume and/or tonnage of municipal solid waste and the volume and/or tonnage of recyclable materials collected from residential properties within the borders of Cook County, reported by municipality or unincorporated area. In the case a truck or container used for the collection of waste and/or recyclables comingles materials collected from both inside and outside suburban Cook County, for reporting purposes, the entire load shall be attributed to the portion of the municipality located within suburban Cook County; and
- (2) The total volume and/or tonnage of municipal solid waste and total volume and/or recyclable materials collected from non-residential properties within the borders of Cook County, reported by geographic area as prescribed by the Department. In the case a truck or container used for the collection of waste and/or recyclables comingles materials collected from both inside and outside suburban Cook County, for reporting purposes, the entire load shall be attributed to suburban Cook County; and
- (3) Any additional information prescribed in rules pertaining to this section.
- (b) Exemptions. The following are exempt from the reporting provisions of this section:
 - (1) Local Government entities collecting and hauling debris from storm cleanup operations;
 - (2) Businesses to whom the hauling of waste is incident to their normal provision of service and does not

result in revenues directly related to waste collection and hauling activities; and

- (3) Persons hauling municipal waste, municipal solid waste or other refuse from their own residence or property for disposal, recycling or processing.

DIVISION 3. SOLID WASTE FACILITIES

Sec. 30-822. Compliance with rules and regulations.

Every solid waste facility located within Cook County shall operate in compliance with the Federal Resource Conservation and Recovery Act of 1976, as amended; the Illinois Environmental Protection Act, as amended and all other applicable federal, state and local laws and regulations including the provisions of any permits issued by federal, state and local agencies.

Sec. 30-823. County inspections.

The inspection of operations at solid waste facilities in Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, shall be under the jurisdiction of the Director.

Sec. 30-824. Operational requirements.

(a) Solid Waste Facilities. Every solid waste facility, currently accepting waste and located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, must adhere to the following operational requirements. In the case that any of the following requirements are contradictory to the operating requirements stipulated in a permit issued by the Illinois Environmental Protection Agency, operating requirements stipulated in the Agency's permit shall supersede the requirements listed below:

- (1) Vehicles and Equipment. Each solid waste facility shall have sufficient vehicles and equipment available at all times to process all incoming waste materials so as not to violate conditions of the facility's Agency issued permit.
- (2) Litter. Each solid waste facility shall be operated to prevent wind-blown litter associated with the facility's operations. At a minimum, all wind-blown litter shall be picked up on a daily basis. All vehicles entering and exiting the site shall have devices capable of preventing windblown material. Any vehicle entering the site without sufficient devices to prevent windblown material shall be notified by the solid waste facility operator that such devices are required for any vehicle entering the facility and subsequent to an initial warning any vehicle re-entering the site without sufficient devices to prevent windblown material shall be rejected.
- (3) Utilities. All necessary utilities shall be available with sufficient capacity to serve the facility and its operations. A written contingency plan shall exist to provide back-up capacity or to provide procedures for safe operation in the event of a disruption of any utility service.
- (4) Equipment Maintenance. The owner and operator shall prevent the usage of any vehicle or equipment that is in need of repair or damaged in a manner as to cause an environmental impact, including but not limited to the leaking of vehicle fluids onto site surfaces.

- (5) Waste Screening. Each solid waste facility shall accept only those materials permitted by the Illinois Environmental Protection Agency, all other materials are considered to be unauthorized. All waste loads must be screened to prevent the acceptance of any materials other than those permitted by the Illinois Environmental Protection Agency and listed in the facility's current written permit issued by the Agency. The operator shall monitor for unauthorized waste. Any unauthorized wastes shall be segregated, held and/or stored in a manner consistent with procedures stipulated in the facility's Agency issued permit. The operator shall maintain a log of any acceptance of unauthorized wastes, documenting the proper removal and disposal of the unauthorized waste.
- (6) Fire Prevention and Accident Safety Plan. Each solid waste facility shall have a written fire prevention and accident safety plan, shall operate in compliance with generally accepted performance standards for fire and explosive hazards, and shall install and maintain fire suppression equipment as specified in the applicable zoning ordinance, building regulations, and applicable fire prevention regulations.
- (7) Site Security. The site shall be designed and operated in a manner to prevent unauthorized access to the site.
- (8) Facility Cleaning. Any building, floors, loadout pit, equipment, containers and all facility areas, including, but not limited to, the area on which waste is handled or processed, shall be cleaned as necessary to prevent environmental issues such as, but not limited to, dust, odors, and litter from migrating off site. No debris or washdown waters shall be discharged directly into the sewer system without the facility receiving the appropriate permit or authorization. Spot cleaning of the facility including pushwalls, processing and handling equipment, and anything else that may contact the waste shall be performed on an as-needed basis. The Department of Environmental Control reserves the right to require additional cleaning as deemed necessary.
- (9) Rodents/Vectors. Each solid waste facility shall employ effective vector control and prevention measures to prevent infestations by rodents and vectors. A record of the most current inspection shall be maintained at the facility.
- (10) Driveways, Access Road, and Parking Areas. All driveways, access roads, parking areas and other areas used for truck traffic shall be graded and surfaced to prevent or minimize any dust emissions and the tracking of mud off-site. Further, site grading and surfaces shall be properly maintained and repaired as often as necessary to maintain integrity and effectiveness for mud and dust control.
- (11) Mud Tracking. Each solid waste facility shall be operated so as to prevent the tracking of mud onto public roadways.
- (12) Odor Control. Solid waste facilities shall not cause the emission of noxious, odorous, or toxic matter in accordance with Section 30-421 of this Chapter.
- (13) Dust Control. Each solid waste facility shall operate in a manner preventing or minimizing dust emissions associated with the operation of facility.
- (14) Noise. Each solid waste facility shall be operated in accordance with Article V of this Chapter as it

pertains to noise emissions from the solid waste facility.

(15) Recordkeeping. Each solid waste facility shall maintain operating records and plans as required by the Agency. Records and plans required by this section shall be made available by the facility for inspection by the Department of Environmental Control.

(16) Vehicle Recordkeeping. A record of all vehicles utilizing the facility shall be maintained as stipulated in the facility's Agency issued permit and made available for inspection by the Department of Environmental Control.

(17) Correspondence. Each solid waste facility owner or operator shall provide the Department with copies of correspondence to or from the IEPA, the USEPA and the Army Corp of Engineers or any other government entity regarding notice of violation. Copies of permit applications and modifications submitted to the Agency shall be provided to the department at the time of submission. Additional correspondence between these parties shall be provided at the request of the Department.

(18) Cessation of Waste Acceptance. The owner or operator of any solid waste facility receiving waste or clean construction or demolition debris after July 1, 2014, must notify the Department in writing no less than ninety (90) days prior to the cessation of waste or clean construction or demolition debris acceptance.

(b) Municipal Solid Waste Transfer Stations. In addition to the requirements set forth in the subsection (a) of this section, municipal solid waste transfer stations located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, must also adhere to the following operational requirements:

(1) Waste Removal. All waste must be removed from the tipping floor within 24 hours of receipt. No waste shall remain at the facility when the facility is not scheduled to be open the following day unless such waste is containerized.

(2) Waste Volumes. No owner or operator of a municipal waste transfer station shall accept volumes of waste that shall cause the facility to operate in contradiction with the requirements of this division or with the provisions stipulated in a permit issued by the Agency.

(3) Transfer Trailers and Containers. Transfer trailers or containers used to store waste outside, overnight shall be sealed, tarped, or covered to prevent blowing debris or contact with stormwater. All leaking containers and torn tarps shall be decommissioned and replaced or repaired.

Sec. 30-825. Sanitary landfill fees and exemptions.

(a) Fees. The County shall collect a fee in the amount set forth in Section 32-1 from the owner or operator of each sanitary landfill located within Cook County which is permitted or required to be permitted by the IEPA to dispose of solid waste, if the sanitary landfill is located off site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The amount of the fee shall be implemented and calculated in accordance with the provisions of section 5/22.15 of the Act.

(b) Payment of fees. Fees required by this section shall be due and payable on a quarterly basis and shall be submitted to the Department with each quarterly report required under section 30-827. The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly

Report and payment of fees due on October 31, 2014. Quarterly reports and fee payments thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. Additional fees in the amounts set forth in Section 32-1 shall be applied to payments received after the due dates stipulated in this section.

(c) *Fee exemptions.* Exemptions to landfill disposal fees shall be in accordance with those exemptions set forth in the Act.

Sec. 30-826. Municipal solid waste transfer station fees and exemptions.

(a) *Fees.* The County shall collect a fee in the amount set forth in Section 32-1 from the owner or operator of each municipal solid waste transfer station located within Cook County, except within the corporate limits of the City of Chicago or solid waste facilities owned or operated by a Local Government, which is permitted or required to be permitted by the IEPA. The amount of the fee shall be based on the total waste quantity accepted at each transfer station. Documents verifying the assessment of fees under this section shall be made available, at the facility, for review and verification by Cook County.

(b) *Payment of fees.* Fees required by this section shall be due and payable on a quarterly basis and shall be submitted to the Department with each quarterly report required under section 30-827. The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly Report and payment of fees due on October 31, 2014. Quarterly reports and fee payments thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31. Additional fees in the amounts set forth in Section 32-1 shall be applied to payments received after the due dates stipulated in this section.

(c) *Fee exemption.* Any recyclable materials accepted by a transfer station regulated under this section that is subsequently segregated from waste designated for permanent disposal and sent to a recycling facility with the intent that these materials are to be recycled shall not be subject to the fees stipulated in this section. Documents verifying fee exemptions under this section shall be made available, at the facility, for review and verification by Cook County.

Sec. 30-827. Reporting requirements for sanitary landfills and municipal solid waste transfer stations.

(a) Effective July 1, 2014, every owner or operator of a sanitary landfill or a municipal waste transfer station located within Cook County which is permitted, or required to be permitted, by the IEPA and has accepted waste within the calendar year shall file a quarterly report on a form provided by the Director specifying the quantities of waste and/or recyclable materials accepted by the sanitary landfill or municipal solid waste transfer station, either for transfer or permanent disposal.

(b) The first Quarterly Reporting period under this Division shall cover the period of July 1, 2014 through September 30, 2014 with the first Quarterly Report due on October 31, 2014. Quarterly reports thereafter are due April 30 for the period of January 1 to March 31, July 31 for the period of April 1 to June 30, October 31 for the period of July 1 to September 30, and January 31 for the period of October 1 to December 31

Sec. 30-828. Permits for clean construction or demolition debris fill operations.

(a) Permits Required. As of July 1, 2014, no person shall engage in the business of operating a clean construction and demolition debris fill operation within Cook County without having first obtained a written permit from the Director. Facilities requiring a permit under this section shall comply with sections 30-822, 30-823 and 30-824 of this division. If a complete permit application has been submitted to the Department, a facility may continue to operate until the Department makes a final determination as to the issuance of a permit.

(b) *Permit Application.*

(1) Application for a permit for a clean construction and demolition debris fill operation shall be made to the Director on forms provided by the Director for such purpose. Permit applications and applicable permit application fees for facilities operating prior to July 1, 2014, shall be submitted to the Department on or before May 15, 2014. Any clean construction and demolition debris fill operation starting operations on or after July 1, 2014, shall submit a permit application and applicable fee forty-five (45) days prior to the acceptance of construction and demolition debris.

(2) Applicants for a clean construction or demolition debris fill operation permit shall provide any and all information that may be required by the Department and on the application form prescribed by the Department. As a condition of the permit and the application, the Department may require the applicant to keep all information requested in the application current and to notify the Department, on forms provided by the Department, of any changes in the information within ten (10) business days of the change occurring.

(c) Initial Permit Application Fee. Cook County shall assess and collect permit application fees in the amount set forth in Section 32-1 from the owner or operator of each clean construction and demolition debris fill operation located within Cook County. Fees associated with an original permit application shall be due at the time of the original application. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees.

(d) Permit term and transferability. Permits required under Section 30-828 expire on July 1st of each year. No permit issued under Sections 30-828 shall be transferred or assigned to another person.

Sec. 30-829. Permit renewal for clean construction and demolition debris fill operation.

Each year the owner or operator of a clean construction and demolition debris fill operates a facility that is currently permitted by the Department shall submit a permit renewal application on a form made available by the Department along with the applicable annual permit renewal fee in the amount set forth in Section 32-1. The renewal application and the applicable permit renewal fee shall be due no later than forty-five (45) calendar days prior to the expiration of the current permit. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees. If a complete permit renewal application has been submitted to the Department, a facility may continue to operate under the facility's current permit until the Department makes a final determination as to the issuance of a permit.

Sec. 30-830. Reporting requirements for clean construction and demolition debris fill operation.

(a) Any owner or operator of a clean construction and demolition debris fill operation shall submit a report, in the format specified by the Department, to the Director indicating the weight or volume of all materials collected between January 1st and June 30th, on or before August 31st and the weight or volume of all materials collected between July 1st and December 31st, on or before February 28th of each year. Initial reports shall be submitted for the period between July 1 and December 31, 2014.

(b) The report shall minimally include:

(1) The total weight or volume of the materials collected.

(2) The total weight or volume, if any, of materials that was segregated and sent to another facility for the purpose of recycling.

Sec. 30-831. Solid Waste Management Fund created.

There is hereby created a Solid Waste Management Fund constituted from fees collected pursuant to sections 30-

825 and 30-826 of this division. The fund will be established in a separate account and used only for the purposes stipulated in 5/22.15 of the Act.

DIVISION 4. RECYCLING FACILITIES

Sec. 30-857. Intent and purpose.

This division shall apply to any person who engages in the business of operating a recycling facility in Cook County, except within the corporate limits of the City of Chicago or facilities owned or operated by a Local Government. In the case that any of the following requirements are contradictory to the operating requirements stipulated in a permit issued by the Illinois Environmental Protection Agency, operating requirements stipulated in the Agency's permit shall supersede the requirements listed in this division.

Sec. 30-858. Recycling facility permit required.

(a) *Permits Required.* As of June 1, 2014, no person shall engage in the business of operating a recycling facility within Cook County without having first obtained a written recycling facility permit from the Director. Recycling facilities requiring a permit under this section shall comply with the provisions of this section. If a complete permit application has been submitted to the Department, a facility may continue to operate until the Department makes a final determination as to the issuance of a permit.

(b) *Permit Required - Exclusions.* A recycling facility permit shall not be required for facilities which also operate as a solid waste facility as defined in this article.

(c) *Permit Application*

(1) Application for a permit for a recycling facility shall be made to the Director on forms provided by the Director for such purpose. Permit applications and applicable permit application fees for recycling facilities operating prior to June 1, 2014, shall be submitted to the Department on or before April 15, 2014. Any recycling facilities starting operations on or after June 1, 2014, shall submit a permit application and applicable fee forty-five (45) days prior to the acceptance of recyclable materials. Additional fees in the amounts set forth in Section 32-1 shall be applied to late renewal applications and renewal fees.

(2) Applicants for recycling facility permits shall provide any and all information that may be required by the Department on the application form prescribed by the Department. As a condition of the permit all information in the permit application must be kept current. Any change in required information shall be reported to the Director, on a form provided by the Department, no later than ten business days after such change has occurred.

Sec. 30-859. Recycling facility permit classifications.

Permits for recycling facilities shall be divided into five classes, as follows:

(a) Class I facilities are recycling facilities for the collection of Type A and Type B recyclable materials only. Only manual separation, meaning by hand or through the use of handheld tools, of Type A and Type B recyclable materials shall be permitted at a Class I facility.

(b) Class II facilities are recycling facilities for the collection of Type A and Type B recyclable materials only. Class II facilities may perform any activity permitted in a Class I facility and may also perform processing.

(c) Class III facilities are recycling facilities for the collection of Type A and Type B recyclable materials only. Class III facilities may perform any activity permitted in a Class II facility and may also engage in composting.

(d) Class IV facilities are divided into Class IVA facilities and Class IVB facilities. Class IVA facilities are recycling facilities for the collection of Type A and Type C recyclable materials only. Class IVA facilities may engage in processing, such as cleaning, bundling, compacting or packing of recyclable materials, and may also dismantle, either manually or with the use of small power tools, used vehicles and used vehicle parts for resale. Class IVB facilities are recycling facilities for the collection of Type A and Type C recyclable materials only. Class IVB facilities may perform any activity permitted in a Class IVA facility and may also engage in the shredding, crushing or other large-scale processing of vehicles.

(e) Class V facilities are recycling facilities for the collection of Type D recyclable materials only. Processing and temporary storage only of Type D recyclable material shall be permitted at a Class V facility.

Sec. 30-860. Recycling facility fees.

Cook County shall assess and collect permit application fees in the amount set forth in Section 32-1 from the owner or operator of each recycling facility located within Cook County, except within the corporate limits of the City of Chicago or for facilities owned or operated by a Local Government.. Fees shall be based on the recycler permit classification described in section 30-859 of this division. Fees shall be due forty-five (45) days prior to the expiration of the facility's current permit along with a permit renewal application as stipulated in section 30-862 of this division. Fees associated with an original permit application shall be due at the time of the original application.

Sec. 30-861. Recycling facility permit term; permit nontransferability

- (a) Recycling facility permits expire on June 1st of each year.
- (b) No permit issued under this division shall be transferred or assigned to any other person.

Sec. 30-862. Recycling facility permit renewal.

Renewal. Each year the owner or operator of a recycling facility currently permitted by the Department shall submit a permit renewal application on a form made available by the Department along with the applicable annual permit application fee in the amount set forth in Section 32-1. The renewal application and the applicable permit application fee shall be due no later than forty-five (45) calendar days prior to the expiration of the current permit. Any person submitting a renewal application and applicable fee that is not received by the Department forty-five (45) calendar days previous to the expiration of the current permit may be assessed an additional fee in the amount set forth in Section 32-1. If a complete permit renewal application has been submitted to the Department, a facility may continue to operate under the facility's current permit until the Department makes a final determination as to the issuance of a permit.

Sec. 30-863. Recycling facility report required.

Any owner or operator of a recycling facility shall submit a report, in the format provided by the Department, to the Director summarizing recycling activities between January 1st and June 30th, on or before August 31st and recycling activities between July 1st and December 31st, on or before February 28th of each year. The report shall minimally include: (1) the weight of all materials collected in total by the permittee; and (2) the weight of all materials recycled. Initial reports shall be submitted for the period between July 1 and December 31, 2014.

Sec. 30-864. Operating requirements - recycling facilities.

Recycling facilities located within Cook County, except within the corporate limits of the City of Chicago or facilities owned or operated by a Local Government, must adhere to the following operational requirements:

- (1) Rodents/Vectors. Recycling facilities shall employ effective vector control and prevention measures to prevent infestations by rodents and vectors. A record of the most current inspection shall be maintained at the facility.
- (2) Mud, Debris and Liquid Tracking. Recycling facilities shall be operated so as to prevent the tracking of mud, debris, or liquids onto public roadways.
- (3) Odor Control. Recycling facilities shall not cause the emission of noxious, odorous, or toxic matter and shall be operated in accordance with Article IV of this Chapter.
- (4) Dust Control. Each recycling facility shall operate in a manner preventing or minimizing dust emissions associated with the operation of the facility.
- (5) Noise. Recycling facilities shall be operated in accordance with Article V of this Chapter as it pertains to noise emissions from the facility.
- (6) Storage Receptacles. Receptacles for the storage of recyclable materials, any processing equipment and other facility operations shall be located on paved or concrete surfaces, which may include asphalt, stone or gravel when deemed appropriate by the Director, or completely enclosed within a building;
- (7) Signage. Each facility shall have a sign, clearly visible to the public, which states the name, address and telephone number of the permittee and the hours during which the facility shall be open to the public.
- (8) Refrigerant Recovery. Each facility that is permitted to accept any small appliance, room air conditioning appliance, motor vehicle air conditioner (M.V.A.C.), or M.V.A.C.-like appliance, as those terms are defined in 40 CFR Part 82, Subpart F, where applicable, shall comply with all requirements of 40 CFR § 82.156(f) in connection with any such appliance or item, and shall either (i) recover any remaining refrigerant from the appliance or item in accordance with 40 CFR § 82.156(f), or (ii) verify that the refrigerant has been evacuated from the appliance or item in accordance with 40 CFR § 82.156(f).
- (9) Waste and Used Liquid Transfer and Storage. Any processing of recyclable materials that involves the removal or transfer of used or waste liquids shall be done on an impermeable surface. Storage of waste or used liquids associated with recycling processes must be stored in containers identifying the content and beginning accumulation date of liquids stored in each container, with the exception of temporary storage containers used to store liquids for a period of less than 24 hours. Storage containers must be of adequate construction to prevent the leaking of liquids. Any liquids spilled onto the surface of the site during the operation of a recycling facility must be cleaned up immediately and any impacted soils removed.
- (10) Runoff. Recycling facilities shall prevent runoff of any liquids, associated with the recycling facility's recycling operation, onto adjacent properties, the public way, waterways or storm sewers unless a permit for such activity has been acquired from the appropriate regulatory agency.
- (11) Tire Storage. Used and waste tires must be stored in a manner as to prevent the accumulation of water within the tires.

Sec. 30-865. Additional facility requirements - Class III Recycling Facilities.

In addition to any other requirements set forth in this division or the permit, the following requirements shall

apply to Class III facilities:

(a) In addition to any permit required by the Department, composting facilities shall obtain, prior to beginning composting operations, at such facility, all applicable permits required under federal, state or local law, including, but not limited to, any applicable Solid Waste Permit or Compost Facility Permit issued by the Agency pursuant to Title 35 of the Illinois Administrative, Parts 807 and Part 831, respectively.

(b) Composting facilities shall meet or otherwise comply with all applicable performance standards for organic waste compost facilities and with all applicable testing procedures and standards for the end-product compost produced by organic waste compost facilities, as set forth in rules issued by the Illinois Pollution Control Board.

(c) All organic waste and livestock waste shall, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled. For purposes of this section, an enclosed vessel may include an anaerobic digester and its ancillary equipment. Provided, however, that if all of the requirements set forth in paragraphs (19)(B)(i) through (19)(B)(iv), inclusive, of section 3.330(a) of the Act are met, organic waste and livestock waste may, by the end of each operating day, be processed into windrows or other piles if such windrows or other piles are stored in a manner that prevents scavenging by birds and animals and prevents other nuisances.

(d) Composting facilities shall contract with a structural pest control business duly licensed by the State of Illinois to inspect the facility for rodents and other vectors, and to take, as often as necessary, rodent and vector abatement measures, including, but not limited to, the use of bait stations or traps to eliminate, reduce and control rodents and other vectors at the facility. The permittee shall maintain on site a written record of all inspections and abatement measures conducted at the permitted facility within the previous 12 months, including the date and time of such inspections and abatement measures and a detailed description of any abatement measures taken on such date.

Sec. 30-866. Class V Facilities - additional duties; recordkeeping.

(a) *Additional Duties.* Any facility that is operated and located in accordance with Section 22.38 of the Act shall, in addition to the requirements set forth in section 30-864 of this division, adhere to the requirements of Section 22.38 of the Act. An owner or operator of a Class V facility, not operated and located in accordance with Section 22.38 of the Act shall, in addition to the requirements of section 30-864, have the following additional duties:

- (1) To limit the percentage of incoming non-recyclable general construction and demolition debris to 25% or less of the total incoming general construction or demolition debris, as calculated on a daily basis;
- (2) Within 48 hours of receipt of construction and demolition debris at the facility, to sort such debris in order to separate the recyclable construction and demolition debris from the non-recyclable waste to be disposed of or discarded;
- (3) Within 24 hours of the separation of waste required under item (2) of this subsection, to transport off site for disposal, in accordance with all applicable federal, state and local requirements, all non- recyclable waste;
- (4) Within 45 days of its receipt at the facility, to transport all putrescible recyclable construction and demolition debris or combustible recyclable construction and demolition debris to a properly permitted recycling or disposal facility;
- (5) Within three months of its receipt at the facility, to transport all non-putrescible recyclable construction and demolition debris for recycling or disposal;
- (6) To employ recordkeeping procedures to (i) demonstrate compliance with the requirements of this subsection; and (ii) identify the source and transporter of material accepted by the facility;

(7) To control, manage and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, state and local requirements; and

(8) To control access to the facility.

(b) Recordkeeping. An owner or operator of a Class V facility shall keep and maintain on file for a period of three (3) years and make available to the Department upon request written records containing the following information:

(1) The total tonnage or cubic yards of all non-recyclable construction and demolition debris accepted at the facility per day;

(2) The name and location of each disposal site used for the disposal of any non-recyclable construction and demolition debris accepted at the facility;

(3) The percentage of non-recyclable material transported to each disposal site required to be identified under paragraph (2) of this subsection ;

(4) The total tonnage or cubic yards of all recyclable material accepted at the facility per day;

(5) The name and location of the individual, facility or business to which such recyclable material is transported;

(6) The percentage of recyclable material transported to each individual, facility or business required to be identified under paragraph (5) of this subsection (b); and

(7) Any other information that the Director may require.

Sec. 30-867. Recyclable materials - designated.

Recycling facilities permitted under this division shall collect, process and store only recyclable materials as defined in this article. Unauthorized materials, including but not limited to municipal solid waste and stolen goods including recyclables intended for collection by local municipalities or their designated agents but not delivered by local municipalities or their designated agents, shall not be accepted at the facility.

Sec. 30-868. Recyclable materials - segregation and storage.

Recyclable materials shall be segregated and stored in a manner to prevent the blowing of such materials. Newsprint, paper, corrugated paper and cardboard shall be stored in such a manner as to comply with all applicable provisions of the County Ordinance, including all County and local ordinances relating to fire prevention. Materials shall be segregated within twenty-four (24) hours of being accepted on site.

Sec. 30-869. Recyclable materials - receptacles.

Unless alternate storage methods have been approved by the Director, receptacles in Class I, II, III, and IV recycling facilities shall be clearly marked with the type of recyclable material to be deposited. Letters shall not be less than three inches high. No material other than that specified on a receptacle shall be deposited therein.

Sec. 30-870. Recyclable materials - storage areas to be kept clean.

The area surrounding receptacles for the temporary storage of recyclable materials shall at all times be maintained in a clean and sanitary manner. No recyclable materials or waste materials of any kind shall be allowed to

accumulate around any receptacle or to overflow from any receptacle.

Sec. 30-871. Building and fire regulations - applicable.

The storage of recyclable material within a completely enclosed building shall be subject to the building and fire regulations of the local governmental entity for which the recycling facility is located.

Sec. 30-872. Storage time limit - maintenance of records.

Unless otherwise stated in this division, no recyclable materials shall be stored at any recycling facility for longer than ninety (90) days except for processed, recyclable materials as approved in the permit. Each permittee under this division shall maintain records which indicate the date, quantity and type of recyclable materials received. Disposition records shall also be kept which indicate the type, quantity and date of disposition of recyclable materials. Such records shall be open to inspection by the Director or his or her authorized agent during normal business hours and at other times upon reasonable notice.

Sec. 30-873. Prohibited and regulated materials.

(a) For purposes of this section only, the term "retail transaction" means the purchase, acceptance or receipt by a recycling facility of any material designated as regulated or prohibited from a person who: (1) delivers the material to the facility in a push cart, shopping cart or other similar method; or (2) is not a regular customer with an established customer account.

(1) A retail transaction does not include donations from, or the purchase or receipt of regulated or prohibited material from: (1) another recycling or junk facility; or (2) a governmental entity.

(b) In retail transactions, a permittee shall only accept, receive or purchase regulated material if the permittee:

(1) Keeps a written record in English which is either typed or printed in ink at the time of acceptance of any regulated material and which legibly and accurately describes: (i) the regulated material accepted, received, or purchased; (ii) the date of the transaction; (iii) a description and license plate number of any vehicle used to deliver the material; and (iv) the name and a copy of the photo identification of the person required in subsection (2), below; and

(2) Requires at the time of the transaction a photo identification issued by a federal, state or local governmental entity or a consular identification card that lists the name and address of the person from whom the permittee is accepting, receiving or purchasing the regulated material; provided that if the person does not have such identification the permittee shall photograph the person and on the reverse side of the photograph, record the person's name, address, date of birth, gender, height and weight.

(c) In retail transactions, a permittee shall only accept, receive or purchase prohibited material if the permittee:

(1) Complies with subsection (b) this section;

(2) Can demonstrate through receipts or other documentation from a credible source, such as the owner of the prohibited materials, that the prohibited materials are intended to be recycled.

(3) No record made pursuant to this section shall be erased, obliterated or defaced, except as provided in the recycling facility's permit or by permission of the Director.

- (4) All records required by this section shall at all times during the permittee's business hours, and at all other times upon reasonable notice, be made available for inspection by the Director or his or her authorized agent, or any member of the Sheriff or local police department. Upon the request, the permittee shall provide photocopies of such records to the Department, the Sheriff or the local police department.

Sec. 30-874. Inspection by owner or operator.

During all operating hours, the owner, operator, or an employee responsible for site operations and adherence to the requirements set forth in this division shall be on site. If the facility remains closed for more than 48 hours, the owner, operator or employee shall inspect the facility at least once every 48 hours in order to ensure the requirements of this division are fulfilled.

Sec. 30-875. Recycling facility permit exemptions.

(a) Nothing contained in this division shall apply to the recycling or recovery of waste materials by a manufacturer for reuse in a manufacturing process, or to the purchase of recycled materials by a manufacturer for use as a raw material in a manufacturing process.

(b) A facility intending to compost landscape waste or organic waste generated on-site and for reuse on-site at the facility shall not be required to obtain a Class III recycling permit from the Department under the provisions of this division.

(c) Recycling facilities owned or operated by a Local Government.

Sec. 30-876. Prohibited activities.

No recycling facility permittee shall:

(a) Receive any article or thing by way of pledge or pawn, nor shall such permittee loan or advance any sum of money on the security of any article or thing;

(b) Receive or hold a license to conduct the business of pawnbroker, secondhand dealer or itinerant dealer in secondhand clothing;

(c) Purchase any article whatsoever from any minor.

(d) Keep, maintain or conduct a place for the purchase, reception or keeping of stolen goods;

(e) Accept, receive, purchase or acquire any charred metal unless the permittee can demonstrate through receipts or other documentation approved by the Director that the material has come from a properly licensed company which has and uses processing equipment with the appropriate functioning emission control devices to remove coatings on the wire; or

Sec. 30-877. Penalties.

(a) Unless otherwise provided in this article, penalties imposed for violations of any provisions of this division shall be as provided in Section 30-213 of the County's Code.

(b) The Director may inspect or cause the inspection of a recycling facility in order to determine compliance with this division, a recycling facility permit and its conditions and other applicable laws and ordinances. The Director

may issue an emergency cessation order in accordance with the provisions of Section 30-215 of the Code, and may require any such facility to be immediately closed and secured against entry upon discovery of (i) an imminent and substantial risk to the public health or safety or to the environment caused by the presence, treatment or storage of any recycling material, or other activity on the premises, in violation of this article, a recycling material facility permit or its conditions or the rules and regulations promulgated hereunder, or (ii) the facility being operated without a required permit. The Director may also issue a non-emergency cessation order in accordance with the provisions of Section 30-215 of the Code, if he or she determines that any person is violating any of the provisions of this article, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment.

(c) If the Director determines that any activity regulated under this division is proceeding in violation of provisions of same and such activity has created, or is creating an imminent and substantial risk to the public health or safety or to the environment, then the Director may issue an emergency abatement order or may abate the nuisance in accordance with the provisions of Section 30-215 of the Code.

(d) If the Director determines that any activity regulated under this division is proceeding in violation of any of the provisions of same but that such activity has not created, or is not creating an imminent and substantial risk to the public health or safety or to the environment, the Director may provide the property owner, contractor or any other person involved in the performance of the subject activity with written notice to abate the nuisance within a time frame prescribed by the Director. In the event that any person fails to abate such nuisance in accordance with the Director's notice to abate, then the Director may proceed to control, remove, dispose or otherwise abate the nuisance in accordance with the provisions of Section 30-215 of the Code.

(e) In addition to any other penalties imposed by the Department, the Department shall be entitled to recover a penalty or cost as provided in Section 30-215 of this Code.

(f) Violations pursuant to this Article may be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32, Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

CHAPTER 30, ENVIRONMENT

<u>Code Section</u>	<u>Description</u>	<u>Fees, Rates, Charges (in dollars)</u>
<u>30-825(a)</u>	<u>Sanitary landfill fees; per ton</u>	<u>1.27</u>
<u>30-825(b)</u>	<u>Sanitary landfill late fee; per day</u>	<u>50.00</u>
<u>30-826(a)</u>	<u>Municipal solid waste transfer station fees; per ton</u>	<u>0.22</u>
<u>30-826(b)</u>	<u>Municipal solid waste transfer station late fee; per day</u>	<u>50.00</u>
<u>30-828(c)</u>	<u>Initial permit application fee for clean construction or demolition debris fill operations</u>	<u>2000.00</u>
<u>30-829</u>	<u>Annual permit application renewal fee for clean construction or demolition</u>	

	<u>debris fill operations</u>	<u>2000.00</u>
<u>30-860</u>	<u>Recycling facility, initial permit application fees:, <i>Recycling facility permit classifications,</i></u>	
	<u>Class I recycling facility</u>	<u>250.00</u>
	<u>Class II recycling facility (<500 tons per day)</u>	<u>500.00</u>
	<u>Class II recycling facility (500-1,000 tons per day)</u>	<u>750.00</u>
	<u>Class II recycling facility (>1,000 tons per day)</u>	<u>1000.00</u>
	<u>Class III recycling facility</u>	<u>1000.00</u>
	<u>Class IV-A and IV-B recycling facility</u>	<u>1000.00</u>
	<u>Class V recycling facility</u>	<u>1500.00</u>
<u>30-862</u>	<u>Recycling facility, annual permit renewal fees:, <i>Recycling facility permit classifications,</i></u>	
	<u>Class I recycling facility</u>	<u>250.00</u>
	<u>Class II recycling facility (<500 tons per day)</u>	<u>500.00</u>
	<u>Class II recycling facility (500-1,000 tons per day)</u>	<u>750.00</u>
	<u>Class II recycling facility (>1,000 tons per day)</u>	<u>1000.00</u>
	<u>Class III recycling facility,</u>	<u>1000.00</u>
	<u>Class IV-A and IV-B recycling facility</u>	<u>1000.00</u>
	<u>Class V recycling facility</u>	<u>1500.00</u>

Effective date: This ordinance shall be in effect immediately upon adoption.