

AN ORDINANCE AUTHORIZING THE COUNTY OF WILL  
ILLINOIS, TO ASSESS AND COLLECT FEES FROM THE OWNERS  
OR OPERATORS OF LANDFILLS OPERATING IN WILL COUNTY, ILLINOIS

WHEREAS, the General Assembly of the State of Illinois has adopted the "Illinois Solid Waste Management Act" and the "Environmental Protection Act", and

WHEREAS, it is the purpose of these Acts to reduce reliance on land disposal of solid waste, to encourage and promote alternative means of managing solid waste, and to assist local governments with solid waste planning and management, and

WHEREAS, Chapter 111 1/2, Paragraph 1022.15 of the Illinois Revised Statutes establishes fees to be collected by the State of Illinois from the owner or operator of each sanitary landfill, and

WHEREAS, there are wastes for which combustion would not provide practical energy recovery or practical volume reduction, which cannot be reasonably recycled or reused and which have a reduced environmental threat because they are non-putrescible, homogeneous and do not contain free liquids and such wastes bear a real and substantial difference under the "Acts" from solid wastes for which combustion would provide practical energy recovery or practical volume reduction, which can be reasonably recycled or reused or which are putrescible, non-homogeneous or contain free liquids, and

WHEREAS, it is the policy of the State of Illinois and County of Will to assure that contaminants discharged into the atmosphere or waters of the State are given the degree of treatment and control necessary to prevent pollution; wastes generated as a result of removing contaminants from the air, water and land bear a real and substantial difference from other wastes in that the generation of wastes containing pollution treatment residuals can improve the environment in Illinois and Will County and should be encouraged, and

WHEREAS, it is the policy of the State of Illinois and County of Will to promote conservation of natural resources and minimize

environmental damage by encouraging and effecting recycling and reuse of waste materials, that wastes from recycling, reclamation or reuse processes designed to remove contaminants so as to render such wastes reusable or wastes received at a landfill and recycled through an Agency permitted process bear a real and substantial difference from wastes not resulting from or subject to such recycling, reclamation or reuse and that encouraging such recycling, reclamation or reuse furthers the purposes of the Acts, and

WHEREAS, there are landfills in Illinois which are permitted to accept only demolition or construction debris or landscape waste, the vast majority of which accept less than 10,000 cubic yards per year; by themselves these wastes pose only a minimal hazard to the environment when landfilled in compliance with regulatory requirements in an Agency-permitted site without commingling with other wastes and, as such, landfills receiving only such wastes bear a real and substantial difference from landfills receiving wastes which are commingled. Disposal of these wastes in landfills permitted for municipal wastes uses up increasingly scarce capacity for garbage, general household and commercial waste; it is the policy of the State of Illinois to encourage disposal of these wastes in separate landfills, and

WHEREAS, "The Environmental Protection Act" empowers the County of Will, Illinois, (a unit of local government) to establish a fee with regard to the receipt or disposal of solid waste, to be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, inspection, enforcement and other activities consistent with the Solid Waste Management Act, and specifically Illinois Revised Statutes, Chapter 111 1/2, Paragraph 1022.15 (Sec. 22.14(j)).

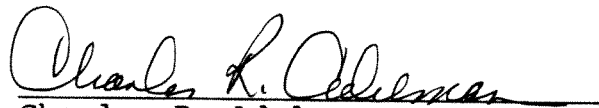
NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF WILL COUNTY, ILLINOIS, that the attached Ordinance to Assess and Collect Fees from Owners and Operators of Landfills Operating in Will County, Illinois (Chapter 158 of the Will County Ordinances) is hereby adopted;

BE IT FURTHER ORDAINED that the County Clerk is hereby

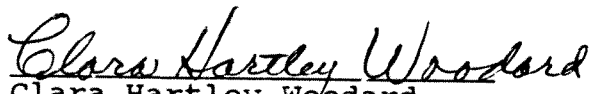
directed to publish this Ordinance in accordance with the law;

BE IT FURTHER ORDAINED that the County Clerk is hereby directed to transmit a certified copy of the Ordinance to the County Board, the County Executive, the Auditor; the Treasurer; the State's Attorney's Office;, Attention Barbara J. Smiles; Will County Health Department; and Environmental Protection Agency, Attention Linda Hinsman, Division of Land Pollution Control, 2200 Churchill Road, Springfield, Illinois, 62706.

PASSED, APPROVED, AND ADOPTED THIS 21<sup>st</sup> DAY OF NOVEMBER, 1991.

  
Charles R. Adelman  
Will County Executive

Attest:

  
Clara Hartley Woodard  
Clerk of Will County

Ayes \_\_\_\_\_  
Nayes \_\_\_\_\_  
Pass \_\_\_\_\_

AN ORDINANCE TO ASSESS AND COLLECT FEES FROM THE  
OWNERS AND OPERATORS OF LANDFILLS IN  
WILL COUNTY, ILLINOIS

ARTICLE I

DEFINITIONS

Agency is the Environmental Protection Agency as established by the Environmental Protection Act (Illinois Revised Statutes Chap. 111 1/2, Para. 1001 et seq.).

Board is the Pollution Control Board as established by the Environmental Protection Act (Illinois Revised Statutes, Chap. 111 1/2 Paragraph 1001 et seq.).

County is the County of Will, Illinois.

Hazardous Waste means a waste, or combination of wastes, which, because of its quantity, concentration of 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, and which has been identified, by characteristics or lightings, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580 (42 U.S.C.A. Sec. 6921), or pursuant to Board regulations.

Solid Waste includes demolition materials, food and industrial processing waste, garden trash, land cleaning wastes, mixed refuse, non-combustible refuse, rubbish and trash, as those terms are defined in Section 3.01 through 3.06 of the Solid Waste Disposal District Act (Illinois Revised Statutes, Chap. 85, Para. 1651 et seq. as it may be amended).

Sanitary Landfill means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580 (41 U.S.C.A. Section 6901 et seq.) and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuses 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.

ARTICLE II  
FEES

Section 1

There is hereby created within this County a "Solid Waste Management Fund" constituted from fees collected pursuant to this Article.

Section 2

A. The County shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill in the County permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is owned, controlled and operated by a person other than the generator of such waste. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes received by each landfill shall be combined for purpose of determining the fee. The County shall deposit all fees collected into the Solid Waste Management Fund.

- 1) If more than 150,000 cubic yards of non-hazardous solid waste is received at a site in a calendar year, the owner or operator shall pay a fee of 34 cents per cubic yard on waste received on or before December 31, 1991, and 60 cents per cubic yard on waste received on or after January 1, 1992, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act in which case the owner or operator shall pay a fee of 71 cents per ton of solid waste received on or before December 31, 1991, and \$1.27 per ton on solid waste received on or after January 1, 1992,
- 2) If more than 100,000 cubic yards, but not more than 150,000 cubic yards of non-hazardous waste is received at a site in a calendar year, the owner or operator shall pay a fee of \$18,750.00 on waste received on or before December 31, 1991, and \$33,350.00 on waste received on or after January 1, 1992,

- 3) If more than 50,000 cubic yards, but not more than 100,000 cubic yards of non-hazardous solid waste is received at a site in a calendar year, the owner or operator shall pay a fee of \$8,500.00 on waste received on or before December 31, 1991, and \$15,500.00 on waste received on or after January 1, 1992,
- 4) If more than 10,000 cubic yards, but not more than 50,000 cubic yards of non-hazardous solid waste is received at a site in a calendar year, the owner or operator shall pay a fee of \$2,600.00 on waste received on or before December 31, 1991, and \$4,650.00 on waste received on or after January 1, 1992,
- 5) If not more than 10,000 cubic yards of non-hazardous solid waste is received at a site in a calendar year, the owner or operator shall pay a fee of \$375.00 on waste received on or before December 31, 1991, and \$650.00 on waste received on or after January 1, 1992.

B. In accordance with the findings and purposes of the Illinois Solid Waste Management Act, the fee shall not apply to:

- 1) Waste which is hazardous; or
- 2) Waste which is a pollution Control Waste; or
- 3) Waste from recycling, reclamation, or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or
- 4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or
- 5) Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

### Section 3

A. The County shall grant exemptions from the fee requirements of this Ordinance for receipt or transport of solid waste meeting all of the following criteria:

- 1) Receipt of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and some other person, or transport of the solid waste is pursuant to a

written contract between the transporter and some other person, and

- 2) The contract for receipt or transport of solid waste was lawfully executed on or before May 1, 1988, and by its express terms continues beyond May 1, 1988: and
- 3) The contract for receipt or transport of solid waste establishes a fixed fee or compensation, does not allow the operator or transporter to pass the fee through to another party and does not allow voluntary cancellation or re-negotiation of the compensation or fee during the term of the contract; and
- 4) The contract was lawfully executed before May 1, 1988, and has been amended.

B. Exemptions granted under Subsection A of this Section shall cause the solid waste received by an owner or operator of a sanitary landfill pursuant to a contract exempted under this Section to be disregarded in calculating the volume or weight of solid waste received during a calendar year under this Ordinance.

C. Applications for exemptions under Subsection A of this Section may be granted retroactively. Applications for retroactive or prospective exemptions must be submitted with proof of satisfaction of all criteria for granting the exemption, and must be received by the Administrator before June 30, 1988.

D. Exemptions under subsection A of this Section shall expire upon the expiration, renewal or amendment of the exempted contract, whichever comes first.

E. It shall be the duty of an owner or operator of a sanitary landfill and transporter of the solid waste to keep accurate records and to prove to the satisfaction of the County Administrator the volume or weight of solid waste received under an exemption during a calendar year.

#### Section 4

A. The County shall grant an exemption from the increase in the fee requirements of this Ordinance (the difference between the fee that begins on January 1, 1992, and the fee that was paid on or before December 31, 1991) for receipt or transport of solid

waste meeting all of the following criteria;

- 1) Receipt of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and some other person, or transport of the solid waste is pursuant to a written contract between the transporter and some other person; and
- 2) The contract for receipt or transport of solid waste was lawfully executed on or before December 1, 1991, and by its express terms continues beyond December 31, 1991; and
- 3) The contract for receipt or transport of solid waste establishes a fixed fee or compensation, does not allow the operator or transporter to pass the fee through to another party and does not allow voluntary cancellation or renegotiation of the compensation or fee during the term of the contract; and
- 4) The contract was lawfully executed before December 1, 1991, and has not been amended.

B. Exemptions granted under Subsection A of this Section shall cause the solid waste received by an owner or operator of a sanitary landfill pursuant to a contract exempted under this Section to have the fees calculated as though the solid waste were received on or before December 31, 1991.

C. Applications for exemptions under Subsection A of this Section may be granted retroactively. Applications for retroactive or prospective exemptions must be submitted with proof of satisfaction of all criteria for granting the exemption and must be received by the Solid Waste Director, Will County Land Use Department, before February 28, 1992.

D. Exemption under subsection A of this Section shall expire upon the expiration, renewal or amendment of the exempted contract, whichever comes first.

E. It shall be the duty of an owner or operator of a sanitary landfill and transporter of the solid waste to keep accurate records and to prove to the satisfaction of the County the volume or weight of solid waste received under any exemptions during a calendar year.



ARTICLE III  
REPORTS AND PAYMENTS

Section 1

A. Every owner or operator of a sanitary landfill permitted, or required to be permitted by the Agency and located within Will County, Illinois shall file a quarterly report specifying the quantities of waste received and the fee payments due to the County of Will. The quarterly Solid Waste Disposal report shall be due within 30 days following the end of each calendar quarter and shall be in the form provided by the County. Said reports shall be tendered to the Will County Treasurer.

B. The Will County Treasurer shall forward a copy of the report to the Will County Executive and to the Chairperson of the Will County Board Executive Committee or its successor.

Section 2

A. Every owner or operator of a sanitary landfill shall make payment of the fees as set forth in this Ordinance to the Will County Treasurer at the time the report required in Section 1 is filed.

B. Payments made in accordance with this section shall be deposited by the Treasurer in a special fund designated by the Treasurer as the Solid Waste Management Fund. This fund shall be audited by the Will County Auditor. The County shall make expenditures from this fund for payment of any costs related to solid waste management.

ARTICLE IV  
CESSATION OF OPERATION

The owner or operator of each sanitary landfill subject to the Ordinance shall notify the County if he is intending to terminate the receipt of solid waste during the calendar year. Unless the termination of operation is by emergency order of an authorized regulatory agency or court of competent jurisdiction, notice must be given to the County ninety (90) days in advance of termination. Said notice shall include estimated date of termination.

ARTICLE V

SAVINGS CLAUSE, SEVERABILITY, REPEALER

Section 1

Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes or action acquired or existing, under any act or ordinance hereby repealed by the ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 2

If any provision of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid application or provision and, to this end the provisions of this code are declared to be severable.

Section 3

All ordinances or parts of other ordinances in conflict with the provisions of this ordinance shall to the extent of the conflict be, and are hereby repealed.

ARTICLE VI

EFFECTIVE DATE

This ordinance shall be in full force and effect on May 1, 1988. This ordinance with amendments passed November 21, 1991, shall be in full force and effect on December 1, 1991.