



Executive Committee
Ordinance #11-45

**ORDINANCE OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS**

AN ORDINANCE AUTHORIZING THE COUNTY OF WILL, ILLINOIS TO ASSESS AND COLLECT FEES FROM THE OWNERS OR OPERATORS OF CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS

WHEREAS, the General Assembly of the State of Illinois has enacted Public Act 96-1416, allowing the establishment of a fee at Clean Construction and Demolition Debris (CCDD) Fill Operations for a unit of local government, as defined in the Solid Waste Disposal Act, under certain conditions, and

WHEREAS, the Illinois Environmental Protection Agency "Agency" and Will County have entered into a delegation agreement pursuant to the Section 4 of the Illinois Environmental Protection Act "Act" for inspection, investigation, or enforcement functions, and the Agency has authorized Will County to perform inspections of CCDD Fill Operations, and

WHEREAS, Section 22.51b (f) of the Act allows a unit of local government that has entered into a delegation agreement with the Agency for inspection, investigation, or enforcement functions related to CCDD Fill Operations to establish a fee, tax, or surcharge with regard to CCDD or uncontaminated soil accepted by CCDD Fill Operations, and

WHEREAS, Section 22.51b (f) of the Act specifies that all fees collected shall be used for inspection, investigation, and enforcement functions performed by the unit of local government pursuant to the delegation agreement with the Agency, and

WHEREAS, Section 22.51b (f) of the Act specifies that the fees, taxes and surcharges established under this section shall not exceed a total of 10 cents per cubic yard of CCDD or uncontaminated soil accepted by the CCDD Fill Operations, unless the owner or operator weighs the quantity of the CCDD (as defined in Section 22.51 of the Act) or uncontaminated soil (as defined in Section 3.160 of the Act) with a device obtained under the Weights and Measures Act, in which case the fee shall not exceed 7 cents per ton of CCDD or uncontaminated soil, and

WHEREAS, the attached "Ordinance Authorizing the County of Will, Illinois to Assess and Collect Fees from the Owners and Operators of Clean Construction and Demolition Debris Fill Operations" (Ordinance) provides sections pertaining to definitions, retention of records, procedures for maintaining records, procedures for payment of fees (fee amount to be 10 cents a cubic yard, or 7 cents a ton) and an effective date (March 1st, 2011), and will be the Ordinance used to collect fees from CCDD Fill Operations, and

WHEREAS, it is the intent of Will County to establish this Ordinance so that it has the ability to inspect, monitor and investigate CCDD Fill Operations for the purposes of protecting the environment and ensure compliance with any applicable rules and regulations, without having to use existing funding sources.

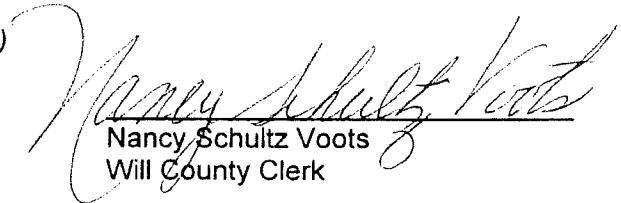
NOW, THEREFORE, BE IT ORDAINED BY THE WILL COUNTY BOARD, that the attached "Ordinance Authorizing the County of Will, Illinois to Assess and Collect Fees from the Owners and Operators of Clean Construction and Demolition Debris Fill Operations" is hereby adopted.

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, County Executive, the Auditor, the Treasurer, State's Attorney's Office, Will County Land Use Department, and the Illinois Environmental Protection Agency.

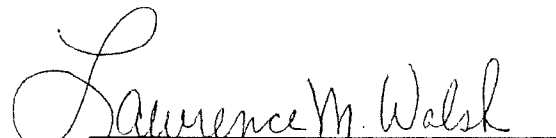
Adopted by the Will County Board this 20th day of January, 2011.

Vote: Yes 24 No 0 Pass _____ (SEAL)



Nancy Schultz Voots
Will County Clerk

Approved this 28 day of January, 2011.



Lawrence M. Walsh
Will County Executive

AN ORDINANCE AUTHORIZING THE COUNTY OF WILL, ILLINOIS TO ASSESS AND COLLECT FEES FROM THE OWNERS OR OPERATORS OF CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS

This Ordinance applies to owners and operators of clean construction or demolition debris ("CCDD") fill operations permitted or required to be permitted by the Agency to use CCDD or uncontaminated soil for use as fill in a CCDD fill operation if the CCDD fill operation is located off the site where the CCDD or uncontaminated soil was generated and if the CCDD fill operation is owned, controlled and operated by a person other than the generator of the CCDD or uncontaminated soil. [415 ILCS 5/22.51b]

ARTICLE I DEFINITIONS

- a) Unless specified otherwise, all terms have the meanings set forth in the Act.
- b) For the purposes of these rules the following definitions apply:

"Act" means the Environmental Protection Act. [415 ILCS 5]

"Agency" is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]

"CCDD" means clean construction or demolition debris.

"Clean construction or demolition debris" means clean construction or demolition debris as defined in Section 3.160(b) of the Act.

"CCDD fill operation" means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material [415 ILCS 5/22.51(e)(3)]

"County" means the County of Will, Illinois.

"Operator" means a person responsible for the operation and maintenance of a CCDD fill operation. [415 ILCS 5/22.51(e)(1)]

"Owner" means a person who has any direct or indirect interest in a CCDD fill operation or in land on which a person operates and maintains a CCDD fill operation. A "direct or indirect interest" does not include the ownership of publicly traded stock. The "owner" is the "operator" if there is no other person who is operating and maintaining a CCDD fill operation. [415 ILCS 5/22.51(e)(2)]

“Uncontaminated soil” means uncontaminated soil as defined in Section 3.160© of the Act and rules adopted under the Act.

ARTICLE II RETENTION OF RECORDS

Copies of all records required to be kept under this Ordinance shall be retained by the site operator for three years and must be made available at the site during the normal business hours of the operator for inspection and photocopying by the County.

Section 1 Certification

- a.) All records, summaries or reports submitted to the County as required by this Ordinance must be signed by a person responsible for preparing and reviewing those documents as part of his or her duties in the regular course of business.
- b.) Any person signing a document submitted under this Ordinance shall make the following certification:

I certify that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who manage the fill operation, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act for submitting false information, including the possibility of fine and imprisonment for knowing violations.

ARTICLE III PROCEDURES FOR MAINTAINING RECORDS

Section 1 Records

- a. The operator of a CCDD fill operation shall keep a Daily Record of the CCDD and the uncontaminated soil accepted for use as fill material at the CCDD fill operation.
- b. For purposes of reporting and submitting fees, the operator shall prepare the following records from the Daily Record:
 - 1) Monthly Fill Record; and
 - 2) Quarterly Fill Summary.
- c. Operators of CCDD fill operations shall submit each Monthly Fill Record, each Quarterly Fill Summary, and each fee payment:

- 1) On the basis of weight, in tons, when the operator has weighed the CCDD and the uncontaminated soil received with a device for which certification has been obtained under the Weights and Measures Act [225 ILCS 470]; or
 - 2) On the basis of volume, as measured in cubic yards, when the measurement of the CCDD and the uncontaminated soil received is based on volume.
- d. Each Monthly Fill Record and Quarterly Fill Summary submitted to the County must be on forms and in a format prescribed and provided by the County.
 - e. The Monthly Fill Record and Quarterly Fill Summary must be kept in accordance with Article III of this Ordinance.

Section 2 Daily Fill Record

- a) The Daily Fill Records must be maintained at the site of the CCDD fill operation and must include the Agency designated site number and the site name.
- b) For each load of CCDD or uncontaminated soil accepted for use as fill material at the CCDD fill operation, the following information must be recorded in the Daily Fill Record, in addition to any other information required by the Act and rules adopted under the Act.
 - 1) The date and day of the week the load was accepted.
 - 2) The quantity, in tons weighed or cubic yards measured, of CCDD or uncontaminated soil accepted for use as fill material at the CCDD fill operation.

Section 3 Monthly Fill Record

- a) Monthly Fill Records must be maintained at the site of the CCDD fill operation and must include the following information:
 - 1) The Agency designated site number, the site name, and the calendar month for which the record applies.
 - 2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, for each day of the calendar month.
- b) On or before April 15, July 15, October 15 and January 15, the owner or operator of the CCDD fill operation shall submit to the County the Monthly Fill Records for the

preceding three calendar months. The Monthly Records must be submitted to the address in Article IV Section 4.

- c) Upon issuance of a valid CCDD fill operation permit pursuant to 35 Ill. Adm. Code 1100, and until termination of the permit, the owner or operator of the CCDD fill operation shall submit Monthly Fill Records to the County in accordance with this Section, regardless of the amount of CCDD and uncontaminated soil accepted for use as fill material by the CCDD fill operation.

Section 4 Quarterly Fill Summary

- a) The Quarterly Fill Summary must be maintained at the site of the CCDD fill operation and must include the following information:
 - 1) The Agency designated site number, the site name, and the calendar quarter for which the summary applies.
 - 2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material in tons weighed or cubic yards measured:
 - A) For each month of the calendar quarter;
 - B) For the entire calendar quarter; and
 - C) For the calendar year-to date.
 - 3) The fee rate applicable under Section 22.51b(f) of the Act
- b) The Quarterly Fill Summary must be received by the County on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months. The Quarterly Fill Summary must be submitted to the address in Article IV Section 4.
- c) Upon issuance of a valid CCDD fill operation permit pursuant to 35 Ill. Adm. Code 1100, and until termination of the permit, the owner or operator of the CCDD fill operation shall submit a Quarterly Fill Summary to the County in accordance with this Section, regardless of the amount of CCDD and uncontaminated soil accepted for use as fill material by the CCDD fill operation.

Section 5 Revisions to Monthly Fill Record and Quarterly Fill Summary

When errors in the amount of the fee due under Section 22.51b (f) or errors in the amount of CCDD and uncontaminated soil accepted for use as fill material are discovered in any of

the records required to be kept under this Ordinance, a revised Monthly Fill Record and Quarterly Fill Summary reflecting the corrections must be completed by the site operator and submitted to the County. The revised Monthly Fill Record and Quarterly Fill Summary, and any payment due the County, must be received by the County no later than the seventh day following the discovery of the error. If the revision results in an overpayment, the site operator shall show the adjustment on the next Quarterly Fill Summary.

ARTICLE IV PROCEDURES FOR PAYMENT OF FEES

Section 1 Quarterly Submission of Payment

- a) Payment of the fee due under Section 22.51b (f) of the Act must be made on quarterly basis with the submission of the Quarterly Fill Summary. The payment must be received by the County on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months.
- b) The fee payment due must be calculated by multiplying the quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, as reported on the Quarterly Fill Summary, times the applicable rate in Section 22.51b (f) of the Act.

Section 2 Fee Usage

Fees from this ordinance will be deposited into the Will County Solid Waste Management Fund to be used for inspection, investigation, or enforcement functions performed under the County's Delegation Agreement with the Agency.

Section 3 Amount of Fee to Be Paid

Fees established under this Ordinance shall be 10 cents per cubic yard of clean construction or demolition debris or uncontaminated soil accepted by the clean construction or demolition debris fill operation, unless the owner or operator weighs the quantity of the clean construction or demolition debris or uncontaminated soil with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall be 7 cents per ton of clean construction or demolition debris or uncontaminated soil. For the purposes of this section:

- 1) The term "uncontaminated soil" shall have the same meaning as uncontaminated soil under Section 3.160 of the Act.

- 2) The term "clean construction or demolition debris fill operation" shall have the same meaning as clean construction or demolition debris fill operation under section 22.51 of the Act.

Section 4 Manner of Payment

Payment must be made by check or money order payable to the Will County Land Use Department. Payment and forms must be mailed to the County at the following address:

Resource Recovery & Energy Division
Will County Land Use Department
58 E. Clinton Street, Suite 500
Joliet, IL 60432

ARTICLE V SEVERABILITY

Section 1 Severability

If any section, subsection, sentence or clause of this Ordinance adjudged unconstitutional, void, invalid or otherwise unlawful, that adjudication does not affect the validity of this Ordinance as a whole or any section, subsection, sentence or clause of this Ordinance thereof not adjudged unconstitutional, void, invalid or otherwise unlawful.

ARTICLE VI EFFECTIVE DATE

This Ordinance shall be in full force and effect on March 1st, 2011.

IEPA SITE NUMBER _____

COUNTY WILL

SITE NAME _____

FILE HEADING CCDD/FEES

MONTH OF: _____

| DATE | TONS SUBJECT TO FEE | TONS EXEMPT | TOTAL TONS RECEIVED |
|-----------------|---------------------|-------------|---------------------|
| 1 | _____ | _____ | _____ |
| 2 | _____ | _____ | _____ |
| 3 | _____ | _____ | _____ |
| 4 | _____ | _____ | _____ |
| 5 | _____ | _____ | _____ |
| 6 | _____ | _____ | _____ |
| 7 | _____ | _____ | _____ |
| 8 | _____ | _____ | _____ |
| 9 | _____ | _____ | _____ |
| 10 | _____ | _____ | _____ |
| 11 | _____ | _____ | _____ |
| 12 | _____ | _____ | _____ |
| 13 | _____ | _____ | _____ |
| 14 | _____ | _____ | _____ |
| 15 | _____ | _____ | _____ |
| 16 | _____ | _____ | _____ |
| 17 | _____ | _____ | _____ |
| 18 | _____ | _____ | _____ |
| 19 | _____ | _____ | _____ |
| 20 | _____ | _____ | _____ |
| 21 | _____ | _____ | _____ |
| 22 | _____ | _____ | _____ |
| 23 | _____ | _____ | _____ |
| 24 | _____ | _____ | _____ |
| 25 | _____ | _____ | _____ |
| 26 | _____ | _____ | _____ |
| 27 | _____ | _____ | _____ |
| 28 | _____ | _____ | _____ |
| 29 | _____ | _____ | _____ |
| 30 | _____ | _____ | _____ |
| 31 | _____ | _____ | _____ |
| TOTAL FOR MONTH | ===== | ===== | ===== |

SITE OPERATOR/OWNER

NAME:

SIGNATURE: _____ DATE _____

I certify that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who manage the fill operation, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act for submitting false information, including the possibility of fine and imprisonment for knowing violations.

CCDD FEE - QUARTERLY SUMMARY AND PAYMENT

CCDD SITE NAME _____
 IEPA PERMITTED SITE # _____

TOTAL FILL RECEIVED

| MONTH | CUBIC YARDS SUBJECT TO FEE | TONS SUBJECT TO FEE |
|-------|----------------------------|---------------------|
| 1 | _____ | _____ |
| 2 | _____ | _____ |
| 3 | _____ | _____ |

TOTAL FOR QUARTER - _____

FEE RATE .10 / CY .07 / TON

ADJUSTMENT (=/-)

FEE DUE \$ _____

AMOUNT PAID \$ _____

AMOUNT PAID THIS YEAR \$ _____

TOTAL QUANTITY FOR YEAR _____

SITE OPERATOR/OWNER NAME _____

SIGNATURE: _____ DATE _____

I certify that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who manage the fill operation, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act for submitting false information, including the possibility of fine and imprisonment for knowing violations.