



# Lake County Illinois

## Legislation Text

File #: 10-0596, Version: 1

Joint resolution approving an Amendment to the Solid Waste Management Tax Ordinance.

- The Intergovernmental Agreement with SWALCO requires that Lake County amend its solid waste management tax ordinance to lower the amount of the fee collected to 25% of that currently permitted by state law (\$1.27 per ton). This ordinance addresses that requirement.
- The amendment of the Veolia ES Zion Landfill host agreement recognizes that both Lake County and SWALCO will collect a portion of the state authorized fee of \$1.27 per ton.
- The Ordinance also allows Lake County to begin collecting a state fee on clean construction and demolition debris facility operators located in Lake County. Currently HB 3721 is awaiting the Governor's signature. If signed as passed Lake County will be able to collect 10 cents per cubic yard or 7 cents per ton of clean construction and demolition debris landfilled, if the facility weighs its loads.
- Revenues received from the Ordinance will continue to be deposited into the County's Solid Waste Management Tax Fund and used by the Lake County Health Department for its solid waste inspection and enforcement programs.

### LAKE COUNTY SOLID WASTE MANAGEMENT TAX ORDINANCE

**WHEREAS**, the County of Lake, Illinois, pursuant to the authority of the Illinois Environmental Protection Act (415 ILCS 5/22.15(j)) is authorized to establish a fee, tax or surcharge with regard to the receipt or disposal of solid waste; and

**WHEREAS**, the proceeds from said fee, tax or surcharge may be utilized for local solid waste management purposes consistent with the Illinois Solid Waste Management Act; and

**WHEREAS**, the County of Lake is desirous of promoting the purposes of the Illinois Solid Waste Management Act through the enactment of an Ordinance establishing and enforcing said fees, taxes, or surcharges; and

**WHEREAS**, the County of Lake and the Solid Waste Agency of Lake County, Illinois have agreed to share the right to impose a fee, tax or surcharge under the authority granted by the Illinois Environmental Protection Act; and

**WHEREAS**, Lake County has previously entered into a Delegation Agreement with the Illinois Environmental Protection Agency for joint and cooperative solid waste management site inspection, investigation and enforcement (the AInspection and Enforcement Program@); and

**WHEREAS**, SB 3721, amending the Illinois Environmental Protection Act to create permitting and regulation of clean construction and demolition debris fill operations, has passed both houses and is expected to be signed by the Governor and it is further expected that such operations will

become part of the Inspection and Enforcement Program; and

**WHEREAS**, Lake County and the Health Department have entered into an intergovernmental agreement providing that the Health Department will implement the Inspection and Enforcement Program; and

**WHEREAS**, pursuant to the agreement with the Solid Waste Agency of Lake County, Illinois, Lake County is to amend its Solid Waste Management Tax Ordinance in accordance with the provisions therein.

**NOW, THEREFORE, BE IT ORDAINED BY THIS COUNTY BOARD, LAKE COUNTY, ILLINOIS, AS FOLLOWS:**

### **ARTICLE I DEFINITIONS**

- A. "Clean Construction and Demolition Debris Fill Operation" means a current or former quarry, mine, or other excavation where clean construction or demolition debris or uncontaminated soil (as defined by the Illinois Environmental Protection Act, 415 ILCS 5/3.160) is used as fill material.
- B. ACounty@ is Lake County, Illinois.
- C. ASolid Waste@ means any waste resulting from the handling, processing, preparation, cooking and consumption of food, and waste from the handling, processing, storage and sale of produce; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; or other discarded material. (415 ILCS 10/2; 415 ILCS 5/3.535)
- D. ASolid Waste Disposal Facility@ is any facility in which solid waste is disposed.

### **ARTICLE II AMOUNT OF TAX**

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

- A. \$0.3175 per ton/\$.15 per cubic yard, if more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at the site in a calendar year of solid waste permanently disposed of.
- B. \$8,337.50 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.
- C. \$3,875.00 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.
- D. \$1,162.50 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.
- E. \$162.50 if not more than 10,000 cubic yards of non-hazardous waste is permanently disposed of at the site in a calendar year.
- F. Upon inclusion of Clean Construction and Demolition Debris Fill Operations in the

Inspection and Enforcement Program, \$.07 per ton/\$.10 per cubic yard of clean construction or demolition debris or uncontaminated soil accepted at a Clean Construction or Demolition Debris Fill Operation in a calendar year.

The tax set forth herein shall not apply to:

- A. Waste which is hazardous waste; or
- B. Waste which is pollution control waste; or
- C. Waste from recycling, reclamation or reuse processes which have been approved by the Illinois Environmental Protection Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or
- D. Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Illinois Environmental Protection Agency; or
- E. Any landfill which is permitted by the Illinois Environmental Protection Agency to receive only demolition or construction debris or landscape waste.

### **ARTICLE III EXEMPTIONS**

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

The operator shall provide to the County proof of the Illinois Environmental Protection Agency's approval of any such claimed exemption by including such proof with the applicable quarterly summary report and payment. No exemption shall be granted by the County under this Article absent proof of approval of said exemption by the Illinois Environmental Protection Agency.

### **ARTICLE IV PAYMENT**

Payment of said tax shall be made on a quarterly basis in conjunction with the report required by Article V of this Ordinance. Said payment shall be in the form of a check or order payable to the Treasurer, County of Lake.

### **ARTICLE V REPORTS**

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

### **ARTICLE VI**

## LAKE COUNTY SOLID WASTE MANAGEMENT FUND

- A. Fees collected pursuant to this Ordinance shall be deposited in the Lake County Solid Waste Management Fund and shall be expended only for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act.
- B. It is the intent of this Board that there be a priority protocol followed in expending these funds. This priority protocol shall be, in ranked order, as follows:
  - 1. For funding the inspection and enforcement program for solid waste disposal facilities within Lake County (and all litigation related thereto that may arise from time to time). Said inspection and enforcement program to be established only pursuant to the joint execution of an Illinois Environmental Protection Agency Delegation Agreement by the State of Illinois and this County Board and the joint execution of an agreement or agreements between the Lake County Board of Health and/or other qualified parties and this County Board relative to the conduct of said inspection program.
  - 2. For funding other solid waste management purposes as cited in Article VI, Section A above (as funds are available).
- C. The Lake County Comptroller and the Lake County Treasurer shall manage said Fund in accordance with existing Lake County Board financial management policies and procedures.

### ARTICLE VII SAVING CLAUSE

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 of 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.

### ARTICLE VIII SEPARABILITY

Should any section, clause, or provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared to be invalid.

### ARTICLE IX EFFECTIVE DATE

This Ordinance shall be in full force and effect on July \_\_\_\_, 2010. The County Clerk is hereby authorized and directed to publish the text of this Ordinance in a newspaper or general circulation upon passage by this County Board.

DATED, at Waukegan, Lake County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_.

ADOPTED: February 11, 1986

AMENDED: May 13, 1986

September 9, 1986

August 11, 1987

December 8, 1987

April 11, 1989

July \_\_\_\_, 2010