

**AGENDA
PLANNING & ZONING
& HISTORIC COMMISSION
The Village of East Dundee
July 10, 2014
7:00 PM
Village Hall Annex
120 Barrington Ave.
East Dundee, IL 60118**

CALL TO ORDER

ROLL CALL / DECLARATION OF QUORUM

APPROVAL OF MINUTES

1. June 16, 2014 Meeting Minutes

PUBLIC COMMENT

NEW BUSINESS

1. **PUBLIC HEARING** on P/Z #14-07-01, a Village-initiated request for amendments to the text of the following sections of the East Dundee Zoning Chapter: Sections 157.271 through 157.285 be added to the East Dundee Zoning Chapter to add performance standards for general and clean construction or demolition debris fill operations and transfer, storage and treatment facilities, add Sections 157.250 through 157.270 to add performance standards for landscape waste compost facilities and amend Section 157.065(A)(2)(d)2 to include subsection (b) Landscape waste compost facilities shall comply with all provisions in Section 157.050 through 157.270

HISTORIC COMMISSION

ADJOURNMENT

Chairman John Brewer chaired the meeting and called the Planning and Zoning and Historic Commission meeting to order at 6:02 pm.

Roll: 6 Present (Brewer, Schock , Muscat, Steneck, Apke and Meyer). 3 Absent (Scarpelli, Holliman, and Berstein) Also present were Village Attorney Kathleen Field Orr, Village Planner Scott Harrington, Village Engineer Joe Heinz, Village Administrator Bob Skurla, Deputy Village Administrator/Village Clerk Heather Maieritsch and Deputy Village Clerk/Administrative Asst. Katherine Holt.

APPROVAL OF MINUTES:

1. January 16, 2014 Meeting Minutes

*Motion to approve the meeting minutes dated January 16, 2014 by Steneck/Apke.
6 Ayes (Brewer, Schock , Muscat, Steneck, Apke and Meyer). 3 Absent (Scarpelli, Holliman, and Berstein)*

2. April 14, 2014 Meeting Minutes

*Motion to approve the meeting minutes dated April 14, 2014 by Apke/Muscat.
6 Ayes (Brewer, Schock , Muscat, Steneck, Apke and Meyer). 3 Absent (Scarpelli, Holliman, and Berstein)*

PUBLIC COMMENT: None

*Motion to move the Historic Commission items up on the agenda by Meyer/Apke.
6 Ayes (Brewer, Schock , Muscat, Steneck, Apke and Meyer). 3 Absent (Scarpelli, Holliman, and Berstein)*

HISTORIC COMMISSION:

1. Certificate of Appropriateness for Blues BBQ: 100-102 N. River Street

Robert “Buzz” Doyle stated that the Pour House sign will be removed and replaced by one, long awning that would include the restaurant’s name. He said there would also be a handcrafted wooden sign that would be hung on the building above the awning. He added that the building’s frontage would have gooseneck down lighting. Heather Maieritsch confirmed that the building department has reviewed the application and the size of the signage meets the Village code.

*Motion to approve the Certificate of Appropriateness for Blues BBQ: 100-102 N. River Street by Muscat/Apke.
6 Ayes (Brewer, Meyer, Schock , Steneck, Apke and Muscat). 3 Absent (Holliman, Scarpelli and Berstein)*

2. Certificate of Appropriateness for Smoke Haus: 10 E. Main Street

Kevin Slovic said that the signage would include decals placed on the front windows. Heather Maieritsch confirmed that the building department has reviewed the application and that signage on the awning at that location is not allowed. Therefore, signage must appear on the interior of the window glass.

Motion to approve the Certificate of Appropriateness for Smoke Haus: 10 E. Main Street by Schock/Steneck.

6 Ayes (Brewer, Meyer, Schock, Steneck, Apke and Muscat). 3 Absent (Holliman, Scarpelli and Berstein)

NEW BUSINESS:

1. **Public Hearing:** on application, P/Z #14-06-01, by Chicago Title Land Trust Company, Trust No. HTB-11-3242 & HTB-11-5065, for a 176.72+/- acre Planned Unit Development (PUD) located south of Route 72 and west of ComEd right-of-way.

Motion to open the public hearing by Muscat/Schock.

6 Ayes (Brewer, Meyer, Schock, Steneck, Apke and Muscat). 3 Absent (Holliman, Scarpelli and Berstein)

Gerry Callaghan, legal counsel for the applicant, stated that the Plote property is approximately 176 acres for which the owners are proposing an environmental campus comprised of several environmentally friendly recycling uses. He said some of the uses are already being conducted on the property and others are being conducted just east of the property in Hoffman Estates. The proposal is to move all uses to this campus and request PUD approval. If approved, the Village residential landscape waste would be received at the site at no charge. The Village would also receive a \$15,000 annual licensing fee and a \$0.75 cent per ton tipping fee for construction and demolition debris processed. Richard Southorn, project manager at CB&I, said the property is currently used mainly for quarrying activities. With PUD zoning, two additional uses are being requested. The first is to develop a compost facility for landscape waste and the second is for a clean construction demolition debris recycling operation. The uses will rotate within the site as the quarry moves, allowing the site to be used to the best of its ability. He said he has analyzed the grading, drainage and stormwater controls of the site. Mr. Callaghan advised that no solid waste or garbage will be accepted into the facility. He said 75% of what is accepted must be recycled. Mr. Southorn stated that there should not be an increase in truck traffic and the existing main entrance on Rt. 72 would continue to be used. Scott Harrington, Village Planner, gave a report on the historic and existing uses of the site. He advised that the proposed use is consistent with the Comprehensive Plan. His report lists seven conditions upon the Board's approval of the PUD and also a request that the applicant address the comments provided by the Village Engineer.

Scarpelli arrived to the meeting at 6:19pm

*Motion to close the public hearing by Scarpelli/Muscat.
7 Ayes (Brewer, Meyer, Schock , Steneck, Apke, Scarpelli and Muscat). 2 Absent (Holliman and
Berstein)*

2. Application P/Z #14-06-01

- A Planned Unit Development preliminary and final plan approval for an environmental campus including several mineral extraction, batch, solid waste processing and recycling uses
- A Variance to Sec. 201(g) of the Village Storm Water Ordinance
- A Variance to Sec. 203(g) of the Village Storm Water Ordinance

*Motion to approve Application P/Z #14-06-01 subject to the Vandewalle & Associates, Inc. and Gerald L. Heinz & Associates, Inc. memorandums dated June 11, 2014 by Scarpelli/Steneck.
7 Ayes (Brewer, Meyer, Schock , Steneck, Apke, Scarpelli and Muscat). 2 Absent (Holliman and
Berstein)*

Kathy Orr, Village Attorney, stated that in conjunction with the PUD approval by the Village Board, standards will be adopted that will mirror the state so that the Village can take appropriate enforcement action for zoning code violations. She also said that the current PUD ordinance is unworkable. Much of it is non-applicable and should not include variances since a PUD is a new plan. She proposes to recraft the ordinance to make it user-friendly, more informative and more flexible. She will present this at the next Planning & Zoning meeting.

*Motion to approve the Findings of Fact by Muscat/Scarpelli.
7 Ayes (Brewer, Meyer, Schock , Steneck, Apke, Scarpelli and Muscat). 2 Absent (Holliman and
Berstein)*

*Motion to close the Planning and Zoning Meeting at 7:08pm by Stenick/Apke.
7 Ayes (Brewer, Meyer, Schock , Steneck, Apke, Scarpelli and Muscat). 2 Absent (Holliman and
Berstein)*

State of Illinois)
County of Kane) SS
Village of East Dundee)

NOTICE OF PUBLIC HEARING

TAKE NOTICE that on the 10th Day of July, 2014, at the hour of 7:00 P.M., or as soon hereafter as the matter may be heard, the Planning and Zoning Commission of the Village of East Dundee will conduct a public hearing at the East Dundee Village Hall Annex, 120 Barrington Avenue, East Dundee, Illinois, upon a Village-initiated request for amendments to the text of the following sections of the East Dundee Zoning Chapter: Sections 157.271 through 157.285 be added to the East Dundee Zoning Chapter to add performance standards for general and clean construction or demolition debris fill operations and transfer, storage and treatment facilities, add Sections 157.250 through 157.270 to add performance standards for landscape waste compost facilities and amend Section 157.065(A)(2)(d)2 to include subsection (b) Landscape waste compost facilities shall comply with all provisions in Section 157.050 through 157.270

Copies of the application and the proposed text for all the above-referenced amendments are on file with the Village Clerk of the Village of East Dundee and are available for public inspection at the Village of East Dundee Village Hall during normal business hours. Members of the public are invited to attend the public hearing, at which time an opportunity will be given to address the members of the Planning and Zoning Commission.

This Notice is given pursuant to Chapter 65 5/11-13-14 of the Illinois Compiled Statutes and the provisions of Sec. 157.223 of the Village of East Dundee Code of Ordinances.

By order of the Planning and Zoning Commission of the Village of East Dundee.



120 Barrington Ave - East Dundee, IL 60118

Phone: 847-426-2822 Fax 847-426-2956

MEMO

To: The Planning and Zoning Commission
From: Heather Maieritsch, Deputy Village Administrator/Village Clerk
Date: July 2, 2014
Re: Village Initiated Text Amendments

Attached are two ordinances that go hand-in-hand with the PUD approval last month. These recommended text amendments add standards for landscape waste compost facilities, general/clean construction and demolition debris fill operations, transfer, storage and treatment facilities to the Village code. The recommended text amendments mirror the state standards and will allow the Village to enforce the standards more effectively and efficiently.

Ordinance No. _____

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE EAST DUNDEE ZONING CHAPTER TO ADD PERFORMANCE STANDARDS FOR GENERAL AND CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS AND TRANSFER, STORAGE AND TREATMENT FACILITIES

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the “Village”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to Title XV, Chapter 157 of the East Dundee Zoning Chapter the regulations imposed and districts created under the authority of the home-rule East Dundee Zoning Ordinance may be amended; and,

WHEREAS, pursuant to Section 157.223 of the East Dundee Zoning Chapter the Village filed an application to add performance standards for general and clean construction and demolition debris fill operations which are special uses in the M-1 and M-2 Limited Manufacturing Districts; and,

WHEREAS, notice of a public hearing before the Planning and Zoning Commission on the amendment was duly published on _____, 2014, in a newspaper of general circulation in the Village; and,

WHEREAS, the Planning and Zoning Commission convened and held a public hearing on the __ day of _____ 2014, on the question of the application for a text amendment; and,

WHEREAS, the Planning and Zoning Commission adopted findings of fact and made a recommendation by a vote of _ to _ to approve the proposed text amendment; and,

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission’s findings of fact and recommendation and hereby adopt this ordinance pursuant to its home rule authority.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Ordinance.

Section 2: That Sections 157.271 through 157.285 be and are hereby added to the East Dundee Zoning Chapter to read as follows:

**“OPERATING STANDARDS FOR GENERAL AND CLEAN CONSTRUCTION OR
DEMOLITION DEBRIS FILL OPERATIONS**

Section 157.271 Scope and Applicability

- a) This Section through 157.285 applies to all clean construction or demolition debris (CCDD) fill operations that are required to be permitted pursuant to Section 22.51 of the Act, other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code 807 or 811 through 814, and to all uncontaminated soil fill operations that are required to be registered pursuant to Section 22.51a of the Act.

Section 157.272 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms shall be the same as that applied to the same words or terms in the Environmental Protection Act (415 ILCS 5 et seq.) or Section 1100.103 of Title 35, Subtitle J, Chapter I, Part 1100 of the Illinois Administrative Code hereby adopted by reference in these Performance Standards and the following terms shall have the meanings as ascribed below:

- a) The “Act” shall mean the Illinois Environmental Protection Act (415 ILCS 5/3) including any amendments thereto;
- b) The “Agency” shall mean the Illinois Environmental Protection Agency; and
- c) The “Board” shall mean the Illinois Pollution Control Board as defined in the Act;
- d) “Municipality” shall mean the Village of East Dundee.

Section 157.273 Prohibitions

- a) No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board. [415 ILCS 5/22.51(a)]
- b) CCDD fill operations must not accept waste for use as fill.
- c) CCDD fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act.)

- d) No person shall use soil other than uncontaminated soil as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(1)]
- e) No person shall use construction or demolition debris other than CCDD as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(2)]
- f) Except as provided in 35 Ill. Adm. Code 1100.212, no person shall use painted clean construction or demolition debris (painted CCDD) as fill material at a CCDD fill operation.
- g) CCDD fill operations must not accept uncontaminated soil with pH outside the range of 6.25 to 9.0.

Section 157.274 Surface Water Drainage

- a) **Runoff from Filled Areas**
 - 1) All discharges of runoff from filled areas to waters of the State must be permitted by the Agency to the extent required under 35 Ill. Adm. Code 309.
 - 2) All surface water control structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of Section 1100.208 of this Part provides erosional stability.
- b) **Diversion of Runoff from Unfilled Areas**
 - 1) Runoff from unfilled areas must be diverted around filled areas to the greatest extent practical.
 - 2) Diversion facilities must be constructed to prevent runoff from the 10-year, 24-hour precipitation event from entering filled areas.
 - 3) Runoff from unfilled areas which becomes commingled with runoff from filled areas must be handled as runoff from filled areas in accordance with subsection (a) of this Section.
 - 4) All diversion structures must be designed to have flow velocities that will not cause erosion and scouring of the natural or constructed lining (i.e., the bottom and sides) of the diversion channel and downstream channels.

- 5) All diversion structures must be operated until the final cover is placed and the vegetative or other cover meeting the requirements of 35 Ill. Adm. Code 1100.208 provides erosional stability.

Section 157.275 Annual Facility Map

The owner or operator must submit an annual facility map with the annual report to the Village and Agency each calendar year by the date specified in the Agency permit. The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps.

Section 157.276 Operating Standards

- a) **Placement of Fill Material.** Fill material must be placed in a safe manner that protects human health and the environment in conformance with the provisions of the Act and the regulations adopted under the Act.
- b) **Size and Slope of Working Face.** The working face of the fill operation must be no larger than is necessary, based on the terrain and equipment used in material placement, to conduct operations in a safe and efficient manner in conformance with the provisions of the Act and the regulations adopted under the Act.
- c) **Equipment.** Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of the Act.
- d) **Utilities.** All utilities, including but not limited to heat, lights, power, and communications equipment, necessary for safe operation in compliance with the requirements of the Act must be available at the facility at all times.
- e) **Maintenance.** The owner or operator must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with the Act.
- f) **Dust Control.** The owner or operator must implement methods for controlling dust so as to minimize off-site wind dispersal of particulate matter.
- g) **Noise Control.** The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act.

- h) Fill Elevation. The owner or operator must not place CCDD used as fill higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area. [415 ILCS 5/3.160(b)]
- i) Mud Tracking. The owner or operator must implement methods to minimize tracking of mud by hauling vehicles onto public roadways.
- j) Odor and Nuisance. The fill operation must not cause foul odors or other nuisance.

Section 157.277 Certifications and Load Checking

- a) The owner or operator must do all of the following activities and document all the activities for all CCDD and uncontaminated soil accepted for use as fill material:
 - 1) For all soil, including soil mixed with CCDD, obtain:
 - A) a certification from the source site owner or source site operator that the site is not a potentially impacted property and is presumed to be uncontaminated soil, and soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(A) must include soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0. If soil is consolidated from more than one source site, a certification must be obtained from each source site owner or source site operator; or
 - B) a certification from a PE or PG that the soil is uncontaminated soil, and the soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(B) must include analytical soil testing results to show that soil chemical constituents comply with the maximum allowable concentrations established pursuant to Subpart F of Part 100, Subtitle J of Title 35 of the Illinois Administrative Code, and the soil pH is within the range of 6.25 to 9.0.
 - 2) Certifications required under subsections (a)(1)(A) and (a)(1)(B) must be on forms and in a format prescribed by the Agency and a copy filed with the Village.
 - 3) Routine Inspections
 - A) An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an

elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

- B) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

4) Random Inspections

- A) In addition to the inspections required under subsection 3), an inspector designated by the facility must conduct a discharge inspection of at least one randomly selected load delivered to the facility each day. The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection 3). All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.
- B) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

- 5) Documentation of Inspection Results: The documentation for each inspection must comply with the requirements of the Agency.
 - A) The date and time of the inspection, the date the CCDD or uncontaminated soil was received, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the CCDD or uncontaminated soil;
 - B) The results of the routine inspection required under subsection 3) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;
 - C) The results of any random inspection required under subsection 4) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and
 - D) The name of the inspector.
- 6) Rejection of Loads
 - A) If material other than CCDD or uncontaminated soil is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:
 - i) That only CCDD or uncontaminated soil is accepted for use as fill at the facility;
 - ii) The reasons for rejections of the load, that the material must not be taken to another fill operation, except as provided in the Act or the material must be disposed of at a permitted landfill;
 - iii) That, for all inspected loads, the owner or operator is required to record and make available for Agency and Village inspection, at a minimum, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle

identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the fill; and;

- iv) That a load rejected from a fill operation may be accepted by the same fill operation or another fill operation if the requirements of the Act are satisfied.
- B) The owner or operator must ensure the cleanup, transportation, and proper disposal of any material other than CCDD or uncontaminated soil that remains at the facility after the rejection of a load.
- 7) The owner or operator must take special precautionary measures prior to accepting loads from persons or sources found or suspected to be responsible for sending or transporting material other than CCDD or uncontaminated soil to the facility. The special precautionary measures may include, but are not limited to, communication with the source site owner or source site operator of the CCDD or uncontaminated soil, communication with the PE or PG certifying pursuant to the Act, questioning the driver about the load prior to its discharge, and increased visual inspection and instrument testing of the load.
- 8) If material other than CCDD or uncontaminated soil is discovered to be improperly accepted or deposited at the facility, the owner or operator must remove and properly dispose of the material.
- 9) The owner or operator must ensure that all appropriate facility personnel are properly trained in the identification of material that is not CCDD or uncontaminated soil.
- 10) All field measurement activities relative to equipment and instrument operation, calibration and maintenance and data handling shall be conducted in accordance with the following:
 - A) “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at 35 Ill. Adm. Code 1100.104;
 - B) The equipment or instrument manufacturer's or vendor's published standard operating procedures; or

- C) Other operating procedures specified in the Agency permit for CCDD facility or approved by the Agency in writing for an uncontaminated soil fill operation.
- c) Documentation required under this Section must be kept for a minimum of 3 years at the facility or in some alternative location specified in the Agency permit for CCDD facility, or approved by the Agency in writing for an uncontaminated soil fill operation. Documentation relating to an appeal, litigation or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. The documentation must be available for inspection and copying by the Agency and by units of local government upon request during normal business hours.
- d) For painted CCDD to be accepted for use as fill material in accordance with Section 157.280, the owner or operator of the CCDD fill operation must:
 - 1) Obtain a certification from a PE or PG that the painted CCDD satisfies the requirements of Section 157.280. The certification required under this subsection (d)(1) must be on forms and in a format prescribed by the Agency. Documentation required by Section 157.280 must be attached to the certification form.
 - 2) Comply with the load checking requirements.
 - 3) Comply with the document retention requirements for the PE or PG certification and the attached documentation required under Section 157.280.

Section 157.278 Salvaging

- a) All salvaging operations must in no way interfere with the fill operation, result in a violation, or delay the construction of final cover.
- b) All salvaging operations must be performed in a safe manner in compliance with the requirements of the Act.
- c) Salvageable materials:
 - 1) May be accumulated onsite by an owner or operator, provided they are managed so as not to create a nuisance, harbor vectors, cause foul odors, or create an unsightly appearance; and

- 2) May not be accumulated at the facility for longer than one year unless a longer period of time is allowed under the Act or is specified in the Agency permit.

Section 157.279 Boundary Control

- a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.
- b) A permanent sign must be posted at the entrance to the facility or each unit stating that only CCDD or uncontaminated soil is accepted for use as fill.

Section 157.280 Use of Painted CCDD as Fill Material

- a) For purposes of this Section, uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed or other asphalt pavement that has been painted (painted CCDD) may be used as fill material at a CCDD fill operation if it is evaluated analytically under the supervision of a PE or PG and if all requirements of this Section are satisfied. Acceptance or management of painted CCDD for any purpose other than use as fill material at a CCDD fill operation must be in accordance with applicable law and may require permits or beneficial use determinations from the Agency. Such other purposes include, but are not limited to, processing of painted CCDD for reuse.
 - 1) The PE or PG must determine, on a site-specific basis, the number and location of paint samples that will provide a representative analysis of paint from the painted CCDD to be used as fill material.
 - 2) The PE or PG must obtain paint samples consisting of representative paint chips or scrapings that include all layers of paint in the area sampled and that minimize the amount of substrate in the sample.
 - 3) Paint samples must be analyzed for arsenic, cadmium, chromium (total), lead, mercury and zinc (contaminants of concern) using the TCLP or SPLP extraction test analytical procedures in accordance with Methods 1311 and 1312, respectively, in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846.
 - A) Paint samples must not be composited for analysis, and analytical results from paint samples must not be averaged.

- B) All quantitative analyses of paint samples must be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of the accreditation.
 - C) Documentation of any chemical analysis must include, but is not limited to:
 - i) Chain of custody control;
 - ii) A copy of the lab analysis;
 - iii) Accreditation status of the laboratory performing the analysis; and
 - iv) Certification by an authorized agent of the laboratory that the analysis has been performed in accordance with 35 Ill. Adm. Code 186, the Agency's rules for the accreditation of environmental laboratories and the scope of the accreditation.
- 4) For painted CCDD to be used as fill material, analytical results for each paint sample must not exceed the chemical-specific Class I groundwater quality standard at 35 Ill. Adm. Code 620.410 for any contaminant of concern identified in subsection (a)(3) of this Section.
- b) Notwithstanding subsection (a) of this Section, broken concrete, asphalt pavement, and other roadway CCDD with pavement markings, including but not limited to striping, may be used as fill material at a CCDD fill operation provided that:
- 1) The pavement markings comply with IDOT specifications for pavement markings; and
 - 2) The CCDD is accompanied by a PE or PG certification, on forms prescribed by the Agency, affirming that the pavement markings comply with IDOT specifications for pavement markings found at Section 1095 of IDOT's "Standard Specifications for Road and Bridge Construction".

Section 157.281 UNCONTAMINATED SOIL FILL OPERATIONS - Prohibitions

- a) No person shall conduct any uncontaminated soil fill operation in violation of the Act or any regulations or standards adopted by the Board.

- b) No person shall use soil other than uncontaminated soil as fill material at an uncontaminated soil fill operation. [415 ILCS 5/22.51a(b)]
- c) Uncontaminated soil fill operations must not accept waste for use as fill.
- d) Uncontaminated soil fill operations must not accept CCDD for use as fill.
- e) Uncontaminated soil fill operations must not be located inside a setback zone of a potable water supply well.
- f) Uncontaminated soil fill operations must not accept uncontaminated soil with pH outside the range of 6.25 to 9.0.

Section 157.282 Operating Standards

Uncontaminated soil fill operations are subject to all of the standards and requirements of Sections 157.274 through 157.279 with the exception of Section 157.275.

Section 157.283 Compliance with Rules

A general or clean construction or demolition debris facility shall comply with all the applicable regulations of Title 35, Subtitle J, Chapter I, Part 1100 and Title 35, Subtitle G, Chapter I, Subchapter I, Part 807 of the Illinois Administrative Code adopted herein by reference.

Section 157.284 Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment.

- a) Facilities accepting exclusively general construction or demolition debris for transfer, storage, shall be located in accordance with the Village's zoning requirements and shall be located so that no part of the facility boundary is closer than 1,320 feet from the nearest property zoned for primarily residential use.
- b) An owner or operator of a facility accepting exclusively general construction or demolition debris for transfer, storage, or treatment shall:
 - 1) Within 48 hours after receipt of the general construction or demolition debris at the facility, sort the general construction or demolition debris to separate the recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, and general construction or demolition debris that is processed for use at a landfill from the non-recyclable general construction or demolition debris that is to be disposed of or discarded.

- 2) Transport off site for disposal, in accordance with all applicable federal, State, and Village requirements within 72 hours after its receipt at the facility, all non-usable or non-recyclable general construction or demolition debris that is not recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, or general construction or demolition debris that is processed for use at a landfill.
- 3) Limit the percentage of incoming non-recyclable general construction or demolition debris to 25% or less of the total incoming general construction or demolition debris, so that 75% or more of the general construction or demolition debris accepted, as calculated monthly on a rolling 12-month average, consists of recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, or general construction or demolition debris that is processed for use at a landfill except that general construction or demolition debris processed for use at a landfill shall not exceed 35% of the general construction or demolition debris accepted on a rolling 12-month average basis. The percentages in this paragraph (3) of subsection (b) shall be calculated by weight, using scales located at the facility that are certified under the Weights and Measures Act.
- 4) Within 6 months after its receipt at the facility, transport:
 - A. all non-putrescible recyclable general construction or demolition debris for recycling or disposal; and
 - B. all non-putrescible general construction or demolition debris that is processed for use at a landfill to a Municipal Solid Waste Landfill unit for use or disposal.
- 5) Within 45 days after its receipt at the facility, transport:
 - A. all putrescible or combustible recyclable general construction or demolition debris (excluding recovered wood that is processed for use as fuel) for recycling or disposal;
 - B. all recovered wood that is processed for use as fuel to an intermediate processing facility for sizing, to a combustion facility for use as fuel, or to a disposal facility; and
 - C. all putrescible general construction or demolition debris that is processed for use at a landfill to a Municipal Solid Waste Landfill unit for use or disposal.

- 6) Employ tagging and recordkeeping procedures to (i) demonstrate compliance with this Section and (ii) identify the source and transporter of material accepted by the facility.
- 7) Control odor, noise, combustion of materials, disease vectors, dust, and litter.
- 8) Control, manage, and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, State, and local requirements.
- 9) Control access to the facility.
- 10) Comply with all applicable federal, State, or Village requirements for the handling, storage, transportation, or disposal of asbestos-containing material or other material accepted at the facility that is not general construction or demolition debris.
- 11) Submit to the Agency and Village at least 30 days prior to the initial acceptance of general construction or demolition debris at the facility, on forms provided by the Agency, the following information:
 - A. the name, address, and telephone number of both the facility owner and operator;
 - B. the street address and location of the facility;
 - C. a description of facility operations;
 - D. a description of the tagging and recordkeeping procedures the facility will employ to (i) demonstrate compliance with this Section and (ii) identify the source and transporter of any material accepted by the facility;
 - E. the name and location of the disposal sites to be used for the disposal of any general construction or demolition debris received at the facility that must be disposed of;
 - F. the name and location of an individual, facility, or business to which recyclable materials will be transported;
 - G. the name and location of intermediate processing facilities or combustion facilities to which recovered wood that is processed for use as fuel will be transported; and

- H. other information as specified on the form provided by the Agency.
-
- 12) On or after August 24, 2009 (the effective date of Public Act 96-611), obtain a permit issued by the Agency prior to the initial acceptance of general construction or demolition debris at the facility.
 - 13) When any of the information contained or processes described in the initial notification form submitted to the Agency under paragraph (11) of subsection (b) of this Section changes, the owner and operator shall submit an updated form within 14 days of the change.
-
- c) For purposes of this Section, the term "recyclable general construction or demolition debris" means general construction or demolition debris that has been rendered reusable and is reused or that would otherwise be disposed of or discarded but is collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products. "Recyclable general construction or demolition debris" does not include (i) general construction or demolition debris processed for use as fuel, incinerated, burned, buried, or otherwise used as fill material or (ii) general construction or demolition debris that is processed for use at a landfill.
 - d) For purposes of this Section, "treatment" means processing designed to alter the physical nature of the general construction or demolition debris, including but not limited to size reduction, crushing, grinding, or homogenization, but does not include processing designed to change the chemical nature of the general construction or demolition debris.
 - e) For purposes of this Section, "recovered wood that is processed for use as fuel" means wood that has been salvaged from general construction or demolition debris and processed for use as fuel, as authorized by the applicable state or federal environmental regulatory authority, and supplied only to intermediate processing facilities for sizing, or to combustion facilities for use as fuel, that have obtained all necessary waste management and air permits for handling and combustion of the fuel.
 - f) For purposes of this Section, "non-recyclable general construction or demolition debris" does not include "recovered wood that is processed for use as fuel" or general construction or demolition debris that is processed for use at a landfill.

- g) Recyclable general construction or demolition debris, recovered wood that is processed for use as fuel, and general construction or demolition debris that is processed for use at a landfill shall not be considered as meeting the 75% diversion requirement for purposes of subdivision (b)(3) of this Section if sent for disposal at the end of the applicable retention period.
- h) For the purposes of this Section, "general construction or demolition debris that is processed for use at a landfill" means general construction or demolition debris that is processed for use at a Municipal Solid Waste Landfill unit as alternative daily cover, road building material, or drainage structure building material in accordance with the Municipal Solid Waste Landfill unit's waste disposal permit issued by the Agency under the Act.
- i) For purposes of the 75% diversion requirement under subdivision (b)(3) of this Section, owners and operators of facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment may multiply by 2 the amount of accepted asphalt roofing shingles that are transferred to a facility for recycling in accordance with a beneficial use determination issued under Section 22.54 of the Act. The owner or operator of the facility accepting exclusively general construction or demolition debris for transfer, storage, or treatment must maintain receipts from the shingle recycling facility that document the amounts of asphalt roofing shingles transferred for recycling in accordance with the beneficial use determination. All receipts must be maintained for a minimum of 3 years and must be made available to the Agency for inspection and copying during normal business hours.

Section 157.285 Notices and Violations

- a) Notice to person responsible. Whenever the code official determines that there has been a violation of Sections 157.271 through 157.284 or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in subsection b and to the person responsible for the violation.
- b) Form of notice. Such notice shall be in writing, include a description of the real estate sufficient for identification, include a statement of the violation or violations, include a correction order allowing a reasonable time to make the repairs and improvements required to bring the property, structure or use into compliance with the provisions of this Chapter. The reasonable time to correct the alleged violation(s) shall be for not less than 60 days unless in the opinion of the code official or the Village President and Board of Trustees there is imminent danger of failure or collapse of a building or structure, or when any structure or part of a structure has fallen and life is endangered by the occupancy of the structure or when there is actual or potential danger due to explosive fumes or vapors or the presence

of toxic fumes, gases or materials, or operation of defective or dangerous equipment,

- c) Method of service. Such notice shall be deemed to be properly served to the responsible party if a copy thereof is:
 - 1) Delivered personally;
 - 2) Sent by certified mail addressed to the last known address; or
 - 3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or property affected by such notice.
- d) Prosecution of violation. Any person failing to comply with a notice of violation or order shall be deemed guilty of a quasi-criminal offense and the violation shall be deemed a strict liability offense including but not limited to the filing of a complaint in the Village's administrative adjudication system.
- e) Abatement of violation. The imposition of penalties in a quasi-criminal proceeding shall not preclude the Village Attorney, with direction from the Village President and Board of Trustees, from instituting appropriate action to restrain, correct or abate a violation or stop an illegal act, conduct, business or utilization of the premises.
- f) Violation penalties. Any person who shall violate a provision of Sections 157.271 through 157.284, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by State law or Village ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 3: That Section 157.065(A)(2)(d)2. of the East Dundee Zoning Chapter is amended to include a subsection a to read as follows:

a. Facilities accepting exclusively general construction or demolition debris for transfer, storage, treatment or as fill shall comply with all provisions in Section 157.271 through 157.285

Section 4: If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or enforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 5: All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed

Section 6: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

ADOPTED this ____ day of _____, 2014 pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2014.

Village President

Attest:

Village Clerk

Published in pamphlet form:

_____, 2014

Ordinance No. _____

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE EAST DUNDEE ZONING CHAPTER TO ADD PERFORMANCE STANDARDS FOR LANDSCAPE WASTE COMPOST FACILITIES

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the “Village”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to Title XV, Chapter 157 of the East Dundee Zoning Chapter the regulations imposed and districts created under the authority of the home-rule East Dundee Zoning Ordinance may be amended; and,

WHEREAS, pursuant to Section 157.223 of the East Dundee Zoning Chapter the Village filed an application to add performance standards for landscape waste compost facilities which are special uses in the M-1 and M-2 Limited Manufacturing Districts; and,

WHEREAS, notice of a public hearing before the Planning and Zoning Commission on the amendment was duly published on _____, 2014, in a newspaper of general circulation in the Village; and,

WHEREAS, the Planning and Zoning Commission convened and held a public hearing on the __ day of _____ 2014, on the question of the application for a text amendment; and,

WHEREAS, the Planning and Zoning Commission adopted findings of fact and made a recommendation by a vote of _ to _ to approve the proposed text amendment; and,

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission’s findings of fact and recommendation and hereby adopt this ordinance pursuant to its home rule authority.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Ordinance.

Section 2: That Sections 157.250 through 157.269 be and are hereby added to the East Dundee Zoning Chapter to read as follows:

“Landscape Waste Compost Facilities; Performance Standards

Section 157.250 Scope and Applicability

- a) All landscape waste compost facilities shall be permitted by the Illinois Environmental Agency and a copy of that permit shall be filed with the Village.
- b) Permitted landscape waste compost facilities are subject to the minimum performance standards in Sections 157.252, the location standards in Section 157.253, the additional operating standards and requirements in Sections 157.254 through 157.263, and the end-product quality standards of Sections 157.264 through 157.269.
- c) Landscape waste compost facilities shall comply with all regulations of Title 35, Subtitle G, Chapter I, Subchapter i, Part 830 of the Illinois Administrative Code adopted by reference.

Section 157.251 Definitions

Unless otherwise provided the definitions in Section 3 of the Environmental Protection Act (415 ILCS 5/3) and Section 830.102 of Title 35 of the Illinois Administrative Code are hereby adopted by reference in these Performance Standards and the following terms shall have the meanings as ascribed below:

- a) The “Act” shall mean the Illinois Environmental Protection Act (415 ILCS 5/3) including any amendments thereto;
- b) The “Agency” shall mean the Illinois Environmental Protection Agency; and
- c) The “Board” shall mean the Illinois Pollution Control Board as defined in the Act;
- d) “Municipality” shall mean the Village of East Dundee.

Section 157.252 Minimum Performance Standards and Reporting Requirements for Landscape Waste Compost Facilities

All landscape waste compost facilities subject to these Performance Standards and shall comply with the following requirements:

- a) The composting material shall not contain any domestic sewage, sewage sludge or septage.
- b) Any bulking agent used which is otherwise a waste as defined at Section 3.53 of the Act, other than landscape waste, may only be used as authorized by the Agency in writing or by permit.
- c) The operator shall take specific measures to control odors and other sources of nuisance so as not to cause or contribute to a violation of the Act or these Performance Standards. Specific measures an operator should take to control odor include but are not limited to: adherence to the contents of the odor minimization plan required at subsection (e). Specific measures an operator

should take to control other sources of nuisance include preventative measures to control litter, vectors, and dust and noise generated from truck or equipment operation.

- d) The operator shall have available for inspection a plan for the intended purposes of end-product compost and a contingency plan for handling end-product compost and composting material that does not meet the general use compost standards set forth in Section 157.266. Such a plan may include, but is not limited to, consideration of the following: on-site usage; identification of potential buyers including but not limited to gardeners, landscapers, vegetable farmers, turf growers, operators of golf courses, and ornamental crop growers; maintaining consistent product quality for such factors as stability, color, texture, odor, pH, and man-made inerts; and removal of end-product compost that cannot be used in the expected manner because it does not meet the general use compost standards. (Section 22.33(a)(4) of the Act)
- e) The operator shall have a plan for minimizing odors. The plan must include:
 - 1) Specifications of a readily-available supply of bulking agents, additives or odor control agents;
 - 2) Procedures for avoiding delay in processing and managing landscape waste during all weather conditions;
 - 3) Methods for taking into consideration the following factors prior to turning or moving composting material:
 - A) Time of day;
 - B) Wind direction;
 - C) Percent moisture;
 - D) Estimated odor potential; and
 - E) Degree of maturity.
- f) Landscape waste must be processed within five days after receipt into windrows or other piles which promote proper conditions for composting. Incoming leaves, brush or woody landscape waste may be stored in designated areas for use as a carbon source and bulking agent, rather than being processed into windrows or other piles.
- g) The facility must be designed and constructed so that runoff is diverted around the composting area. The runoff from the facility resulting from precipitation less

than or equal to the 10 year, 24 hour precipitation event must be controlled so as not to cause or contribute to a violation of the Act.

- h) The facility must be constructed and maintained to have an accessible clear space between windrows or other piles, suitable for housekeeping operations, visual inspection of piling areas and fire fighting operations.
- i) The operator shall post permanent signs at each entrance, the text of which specifies in letters not less than three inches high:
 - 1) The name and mailing address of the operation;
 - 2) The operating hours;
 - 3) Materials which can be accepted; and
 - 4) The statement, "COMPLAINTS CONCERNING THIS FACILITY CAN BE MADE TO THE FOLLOWING PERSONS, followed by the name and telephone number of the operator, and the name and telephone number of the Bureau of Land, Illinois Environmental Protection Agency, Springfield, Illinois.
- j) General use compost, if offered for sale or use, must meet the performance standards set forth in Section 157.266.
- k) Reporting Requirements.
 - 1) The operator of any facility required, pursuant to 35 Ill. Adm. Code 831, to have a permit shall submit a written annual statement to the Village, on a form provided by the Agency, on or before April 1 of each year that includes:
 - A) An estimate of the amount of material, in tons, received for composting in the previous calendar year (Section 39(m) of the Act);
 - B) An estimate of the amount and disposition of compost material (i.e., end-product compost, chipped/shredded brush) in the previous calendar year; and
 - C) A Composting Facility Financial Assurance Plan Compliance Certification from the Agency.
- l) Closure.

- 1) Unless otherwise authorized in a facility permit, all landscape waste, composting material, end-product compost, and additives must be removed from the facility within 180 days following the beginning of closure.
 - 2) An operator of a facility regulated under this Subpart shall close the facility in a manner which:
 - A) Minimizes the need for further maintenance; and
 - B) Controls, minimizes or eliminates the release of landscape waste, landscape waste constituents, landscape waste leachate, and composting constituents to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment.
 - 3) By April 1 of the year following completion of closure, the operator of a facility required to report shall file a report with the Village verifying that closure was completed in accordance with this Section in the previous calendar year.
- m) Odor complaints.
- 1) For every odor complaint received, the operator shall:
 - A) Record and report to the Village within 24 hours after receiving the complaint, the date and time received, the name of complainant, the address and phone number of complainant, if volunteered upon request, and the name of the personnel receiving the complaint.
 - B) Record the date, time, and nature of any action taken in response to an odor complaint, and report such information to the Village within 7 days after the complaint.

Section 157.253 Location Standards for Landscape Waste Compost Facilities

- a) All landscape waste compost facilities shall comply with the following:
 - 1) The composting area of the facility must include a setback of at least 200 feet from the nearest potable water supply well. (Section 39(m) of the Act)
 - 2) The composting area of the facility must be located outside the boundary of the 10-year floodplain or the site shall be floodproofed. (Section 39(m) of the Act)

- 3) The composting area of the facility must be located so as to minimize incompatibility with the character of the surrounding area, including that the composting area shall be located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility). (Section 39(m) of the Act) In addition, the composting area shall be located at least 1/8 mile from the property line of each of the following:
 - A) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year;
 - B) Primary and secondary schools and adjacent areas that the school uses for recreation; and
 - C) Any facility for child care licensed under Section 3 of the Child Care Act of 1969 [225 ILCS 10/3]; preschools; and adjacent areas that the facility or preschool uses for recreation.
- 4) If, at the time the facility permit application is deemed complete by the Agency pursuant to 35 Ill. Adm. Code 832, the composting area of the facility is located within 1/4 mile of the nearest off-site residence or within 1/2 mile of the nearest platted subdivision containing a residence, or if more than 10 residences are located within 1/2 mile of the boundaries of the facility, in order to minimize incompatibility with the character of the surrounding area, landscape waste must be processed by the end of the operating day on which the landscape waste is received into windrows, other piles or a contained composting system providing proper conditions for composting.
- 5) The composting area of the facility must be designed to prevent any compost material from being placed within 5 feet of the water table, to adequately control runoff from the site, and to collect and manage any landscape waste leachate that is generated on the site. (Section 39(m) of the Act) Compliance with the water table distance requirement may be demonstrated by either of the following means:
 - A) Using published water table maps or other published documentation to establish the location of the water table in relation to site elevation; or
 - B) Actual measuring of the water table elevation at least once per month for three consecutive months.

- 6) The facility must meet all requirements under the Wild and Scenic Rivers Act (16 USC 1271 et seq.).
 - 7) The facility must not restrict the flow of a 100-year flood, result in washout of landscape waste from a 100-year flood, or reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as lagoons, holding tanks, or provision of drainage around structures at the facility.
 - 8) The facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:
 - A) An irreplaceable historic or archaeological site has been listed pursuant to the National Historic Preservation Act (16 USC 470 et seq.) or the Illinois Historic Preservation Act [20 ILCS 3410];
 - B) A natural landmark has been designated by the National Park Service or the Illinois State Historic Preservation Office; or
 - C) A natural area has been designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act [525 ILCS 30].
 - 9) The facility must not be located in any area where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish or wildlife listed pursuant to the Endangered Species Act (16 USC 1531 et seq.) or the Illinois Endangered Species Protection Act [520 ILCS 10].
- b) A facility's compliance with the location standards set forth in subsection (a) of this Section shall be determined at the time described below:
- 1) At the time that a complete permit application for a new or expanded facility is filed with the Agency under 35 Ill. Adm. Code 832; or
 - 2) For a facility that is not required to obtain a permit under Section 21(d) of the Act, at the time that construction of the new or expanded facility begins.

Section 157.254 Additional Stormwater and Landscape Waste Leachate Controls at Permitted Landscape Waste Compost Facilities

All permitted landscape waste compost facilities must comply with the following:

- a) Stormwater or other water which comes into contact with landscape waste received, stored, processed or composted, or which mixes with landscape waste leachate, must be considered landscape waste leachate and must be collected and reused in the process, properly disposed of off-site, or treated as necessary prior to discharge off-site to meet applicable standards of 35 Ill. Adm. Code Subtitle C.
- b) Ponding of landscape waste leachate within the facility must be prevented, except to the extent done by design and approved in the facility permit.
- c) Soil surfaces used for composting must be allowed to dry periodically in order to promote aerobic conditions in the soil subsurface.

Section 157.255 Additional Operating Standards for Permitted Landscape Waste Compost Facilities

All permitted landscape waste compost facilities must comply with the following operating standards:

- a) Composting Process
 - 1) All permitted landscape waste compost facilities must meet the following composting process standards:
 - A) Landscape waste must be processed within 24 hours after receipt at the facility into windrows, other piles or a contained composting system providing proper conditions for composting. Incoming leaves, and brush or woody landscape waste, may be stored in designated areas for use as a carbon source and bulking agent, if so provided as a permit condition, rather than being processed in windrows or other piles.
 - B) Unless the facility is designed for anaerobic composting, the operator shall take measures to adjust the oxygen level, as necessary, to promote aerobic composting. Aeration intensity must be altered to suit the varying oxygen requirements that different landscape wastes may have.
 - C) The operator shall take measures to maintain the moisture level of the composting material within a range of 40% to 60% on a dry weight basis.
 - D) The staging area must be adequate in size and design to facilitate the unloading of landscape waste from delivery vehicles and the unobstructed maneuvering of vehicles and other equipment.

- E) Neither landscape waste nor composting material may be mixed with end-product compost ready to be sold or offered for use. This prohibition shall not apply to the use of end-product compost as an amendment to composting material.
 - F) The facility must have sufficient equipment and personnel to process incoming volumes of landscape waste accepted within the time frames required in this Section, and sufficient capacity to handle projected incoming volumes of landscape waste.
 - G) The operator shall obtain written authorization from the Agency to use any additive, other than water, prior to its use. Unless otherwise authorized any additive, or combination of additives, other than water, must not exceed 10%, by volume, of the composting material.
- 2) An operator of a permitted landscape waste compost facility using an open composting process shall turn each windrow or other pile at least four times per year and not less than once every six months. This provision does not apply to composting systems designed for anaerobic conditions.
 - 3) An operator of a permitted landscape waste compost facility using a contained composting process shall have mechanisms to control moisture, air flow and air emissions. These mechanisms must be operated and maintained throughout the landscape waste composting process as specified in any permit required pursuant to 35 Ill. Adm. Code 831.
 - 4) Operators of permitted facilities required to process composting material to further reduce pathogens shall comply with the applicable thermal processing requirement among the following:
 - A) If the facility uses a windrow composting process, during a 15 consecutive day period the temperature throughout each windrow must be maintained at 55°C or greater and, during the same period, each windrow must be turned a minimum of 5 times;
 - B) If the facility uses an aerated static pile composting process, the composting material must be covered with 6 to 12 inches of insulating material, and the temperature throughout each pile material must be maintained at 55°C or greater for 3 consecutive days; and

- C) If the facility uses an in-vessel composting process, the temperature of the composting material throughout the mixture must be maintained at 55°C or greater for 3 consecutive days.
- b) Composting Surface
- 1) Open Composting Processes
 - A) Composting areas must be:
 - i) located on relatively impermeable soils, as demonstrated by actual measurement;
 - ii) located on a base with resistance to saturated flow equivalent to the resistance of relatively impermeable soil; or
 - iii) subject to an early detection and monitoring program, pursuant to subsection (m)(3) of this Section.
 - B) The composting surface must be constructed and maintained to allow:
 - i) Diversion of runoff waters away from the landscape waste and compost;
 - ii) Management of runoff waters and landscape waste leachate; and
 - iii) Facility operation during all weather conditions.
 - B) The surface of the landscape waste composting area of the facility must be sloped at two percent or greater unless an alternative water management system to promote drainage and to prevent surface water ponding is approved in the facility permit.
 - 2) Contained Composting Processes
 - A) Composting areas at facilities at which composting material or leachate comes into contact with an open surface must be:
 - i) Located on relatively impermeable soils, as demonstrated by actual measurement;
 - ii) located on a base with resistance to saturated flow equivalent to the resistance of relatively impermeable soil; or

- iii) Subject to an early detection and groundwater monitoring program.
- B) The composting surface must support all structures and equipment.
- c) Utilities. All utilities necessary for safe operation in compliance with the requirements of this Part, including, but not limited to, lights, power, water supply and communications equipment, must be available at the facility at all times.
 - d) Maintenance. The operator shall maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with the requirements of this Part. If a breakdown of equipment occurs, standby equipment must be used or additional equipment brought on site as necessary to comply with the requirements of this Part and any pertinent permit conditions.
 - e) Open Burning. Open burning is prohibited except in accordance with 35 Ill. Adm. Code 200 through 245.
 - f) Dust Control. The operator shall implement methods for controlling dust in accordance with Subparts B and K of 35 Ill. Adm. Code 212.
 - g) Noise Control. The facility must be designed, constructed, operated and maintained so as not to cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act.
 - h) Vector Control. Insects, rodents, and other vectors must be controlled so as not to cause or contribute to a violation of the Act.
 - i) Fire Protection. The operator shall institute fire protection measures including, but not limited to, maintaining a supply of water and radio or telephone access to the nearest fire department. Fire extinguishers must be provided at two separate locations within the facility.
 - j) Litter Control. The operator shall control litter at the facility. At a minimum:
 - 1) The operator shall patrol the facility daily to check for litter accumulation. All litter must be collected in a secure container for later disposal; and
 - 2) Litter must be confined to the property on which the facility is located. At the conclusion of each day of operation, any litter strewn beyond the confines of the facility must be collected and disposed of at a facility approved to receive such waste in accordance with the applicable Board regulations.

- k) Management of Non-compostable Wastes. The operator shall develop management procedures for collection, containment and disposal of non-compostable wastes received at the facility. Disposal must be at a facility approved to receive such waste in accordance with applicable Board regulations at 35 Ill. Adm. Code 810 through 815.
- l) Mud Tracking. The operator shall implement measures, such as the use of wheel washing units or rumble strips, to prevent tracking of mud by delivery vehicles onto public roadways.
- m) Monitoring
 - 1) At a minimum, for batch, windrow and pile systems:
 - A) The temperature of each batch, windrow or pile of composting material must be monitored on a weekly basis;
 - B) The moisture level in each batch, windrow or pile of composting material must be monitored once every two weeks; and
 - C) For aerobic composting, the oxygen level of each batch, windrow or pile of composting material must be monitored weekly.
 - 2) At a minimum, for in-vessel continuous feed systems:
 - A) The temperature of the composting material must be monitored daily;
 - B) The moisture of the composting material must be monitored daily, unless otherwise authorized by the Agency in a facility permit; and
 - C) For aerobic composting by means of an in-vessel continuous feed system, the oxygen level of the composting material must be monitored daily.
 - 3) Early detection and groundwater monitoring, if required pursuant to Section 157.255, shall be done in accordance with 35 Ill. Adm. Code 830.Appendix A.

Section 157.256 Operating Plan for Permitted Landscape Waste Compost Facilities

All activities at a permitted facility associated with composting must be conducted in accordance with an operating plan containing, at a minimum, the following information:

- a) Designation of personnel, by title, responsible for operation, control and maintenance of the facility;
- b) A description of the anticipated quantity and variation throughout the year of waste to be received;
- c) Methods for measuring incoming waste;
- d) Methods to control the types of waste received, and methods for removing, recovering and disposing of non-compostables;
- e) Methods to control traffic and to expedite unloading;
- f) Management procedures that will be used in composting, which must include:
 - 1) A description of any treatment the wastes will receive prior to windrowing (e.g., chipping, shredding) and the maximum length of time required to process each day's receipt of waste into windrows;
 - 2) The specifications to which the windrows will be constructed (width, height, and length) and calculation of the capacity of the facility;
 - 3) A list of additives, including the type, amount and origin, that will be used to adjust moisture, temperature, oxygen transfer, pH, carbon to nitrogen ratio, or biological characteristics of the composting material, and rates and methods of application of such additives; and
 - 4) An estimate of the length of time necessary to complete the composting process.
- g) Methods to minimize odors. The operating plan must include:
 - 1) A management plan for bad loads;
 - 2) A demonstration that the processing and management of anticipated quantities of landscape waste can be accomplished during all weather conditions;
 - 3) Procedures for receiving and recording odor complaints, investigating immediately in response to any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility;
 - 4) Additional odor-minimizing measures, which may include the following:
 - A) Avoidance of anaerobic conditions in the composting material;

- B) Use of mixing for favorable composting conditions;
 - C) Formation of windrows or other piles into a size and shape favorable to minimizing odors; and
 - D) Use of end-product compost as cover to act as a filter during early stages of composting.
- h) Methods to control stormwater and landscape waste leachate;
 - i) Methods to control noise, vectors and litter;
 - j) Methods to control dust emissions, which must include:
 - 1) Consideration of the following factors prior to turning or moving the composting material:
 - A) Time of day;
 - B) Wind direction;
 - C) Percent moisture;
 - D) Estimated emission potential; and
 - E) Degree of maturity; and
 - 2) Maintenance of roads, wetting of roads, use of dust control agents, or any combination of these methods;
 - k) Methods for monitoring temperature, oxygen level and moisture level of the composting material;
 - l) Methods for adjusting temperature, oxygen level and moisture level of the composting material;
 - m) Recordkeeping and reporting procedures; and
 - n) Methods to obtain composite samples and test end-product compost to demonstrate compliance.

Section 157.257 Salvaging at Permitted Landscape Waste Compost Facilities

- a) Salvaging operations at permitted landscape waste compost facilities must not interfere with the operation of the landscape waste facility or result in a violation.

- b) All salvaging operations must be performed in a safe and sanitary manner in compliance with the requirements of these Performance Standards.
- c) Salvageable materials:
 - 1) May be accumulated on-site by the operator, provided they are managed so as not to create a nuisance, harbor vectors, cause malodors, or create an unsightly appearance; and
 - 2) Must not be accumulated in a manner meeting the definition of a waste pile.

Section 157.258 Access Control at Permitted Landscape Waste Compost Facilities

The operator of a permitted landscape waste compost facility shall implement controls to limit unauthorized access, in order to prevent random dumping and to ensure safety at the facility.

Section 157.259 Load Checking at Permitted Landscape Waste Compost Facilities

- a) Each load received must be inspected, upon receipt, for its acceptability at the facility and must be visually checked, prior to processing, for noncompostable waste.
- b) The facility must reject unacceptable loads.

Section 157.260 Personnel Training for Permitted Landscape Waste Compost Facilities

- a) The operator of a permitted landscape waste compost facility shall provide training to all personnel prior to initial operation of a composting facility. In addition, annual personnel training shall be provided, which must include, at a minimum, a thorough explanation of the operating procedures for both normal and emergency situations.
- b) New employees shall be trained, prior to participating in operations at the facility, in facility operations, maintenance procedures, and safety and emergency procedures relevant to their employment.
- c) The operator shall have personnel sign an acknowledgement stating that they have received the training required pursuant to this Section.
- d) The facility operating plan must be made available and explained to all employees.

Section 157.261 Recordkeeping for Permitted Landscape Waste Compost Facilities

- a) Copies of the facility permit, design plans, operating plan, and any required reports must be kept at the facility, or at a definite location specified in the operating plan or permit, so as to be available during inspection of the facility by the Village.
- b) The operator shall record the following information:
 - 1) The quantity of each load of landscape waste received;
 - 2) The origin, type and quantity of any additive accepted, when received at the facility;
 - 3) The type and quantity of any additive used in the composting process (water added during composting need not be quantified), as quantified based on a monthly review of additives remaining;
 - 4) The dates of turning of each windrow or other pile;
 - 5) All monitoring data required pursuant to a facility permit;
 - 6) Conditions evaluated pursuant to Section 157.256;
 - 7) For any odor complaint received, the information collected pursuant to Section 157.252(m);
 - 8) Details of all incidents that require implementation of the facility's contingency plan, in accordance with Section 157.262, and methods used to resolve them;
 - 9) Records pertaining to sampling and testing, as follows:
 - A) Locations in the composting area from which samples are obtained;
 - B) Number of samples taken;
 - C) Volume of each sample taken;
 - D) Date and time of collection of samples;
 - E) Name and signature of person responsible for sampling;
 - F) Name and address of the laboratory receiving samples, if applicable; and
 - G) Signature of the person responsible for sample analysis.

- 10) The daily quantity of each type of end-product compost removed from the facility, according to the end-product compost classifications provided in Sections 157.264 through 157.269; and
 - 11) Verification that requisite personnel training has been done, in accordance with Section 157.260.
- c) The operator shall keep dated copies of the end-product compost analyses required pursuant to Section 157.267.
 - d) The records required pursuant to this Section shall be made available during normal business hours for inspection and photocopying by the Village and Agency. Such records must be kept for a period of three years, subject to extension upon written request by the Village or Agency and automatic extension during the course of any enforcement action relating to the facility. Records must be sent to the Village and Agency upon request.

Section 157.262 Contingency Plan for Permitted Landscape Waste Compost Facilities

- a) A contingency plan must be established, addressing the contingencies set forth in Section 157.252(c) and the following additional contingencies:
 - 1) Equipment breakdown;
 - 2) Odors;
 - 3) Unacceptable waste delivered to the facility;
 - 4) Groundwater contamination;
 - 5) Any accidental release of special waste; and
 - 6) Conditions such as fires, dust, noise, vectors, power outages and unusual traffic conditions.
- b) The facility contingency plan must be available on-site and implemented as necessary.

Section 157.263 Closure Plan for Permitted Landscape Waste Compost Facilities

- a) A written closure plan must be developed which contains, at a minimum, the following:

- 1) Steps necessary for the premature final closure of the facility under circumstances during its intended operating permit term when the cost of closure would be the greatest;
 - 2) Steps necessary for, and a schedule for the completion of, the routine final closure of the facility at the end of its intended operating life; and
 - 3) Steps necessary to prevent damage to the environment during temporary suspension of landscape waste acceptance if the facility permit allows temporary suspension of landscape waste acceptance at the facility without initiating final closure.
- b) Until completion of closure has been certified, the operator shall maintain a copy of the closure plan at the facility or at a definite location, specified in the facility permit, so as to be available during inspection of the facility.
 - c) An operator of a facility shall develop and file a revised closure plan upon modification of the operations of the facility which affect the cost of closure of the facility or any portion thereof, which include, but are not limited to:
 - 1) A temporary suspension of landscape waste acceptance at the facility; or
 - 2) An increase in the design capacity at the facility to process landscape waste.
 - d) The operator shall initiate implementation of the closure plan within 30 days following the beginning of closure.
 - e) Not later than 30 days following the beginning of closure, the operator shall post signs, easily visible at all access gates leading into the facility. The text of such signs must read, in letters not less than three inches high: "This facility is closed for all composting activities and all receipt of landscape waste materials. No dumping allowed. Violators will be prosecuted." Such signs must be maintained in legible condition until certification of completion of closure is issued for the facility by the Agency.
 - f) Notice of Closure. The operator shall send notice of closure to the Village within 30 days following the beginning of closure. A compost closure report must be submitted to the Village, on a form provided by the Agency, which must cover the time elapsed since the end of the last annual report period.
 - g) Certificate of Completion of Closure.
 - 1) Upon completion of closure, the operator shall prepare and submit to the Village an affidavit, on a form provided by the Agency, stating that the facility has been closed in accordance with the closure plan.

- 2) Upon finding that the facility has been closed in accordance with the closure plan, the Agency shall issue a certificate of completion of closure and shall terminate the facility permit.

Section 157.264 QUALITY OF END-PRODUCT COMPOST - Scope and Applicability

- a) End-product compost used as daily cover or vegetative amendment in the final layer of a landfill is exempt from the requirements set forth in this Subpart. (Section 22.33(c) of the Act.)
- b) The provisions set forth in Sections 157.265, 157.266, and 157.268 apply to all end-product compost subject to this Part.
- c) In addition, the provisions set forth in Sections 157.267 and 157.269 apply to all end-product compost derived from landscape waste and subject to this Part.

Section 157.265 Compost Classes

For the purpose of this Part, end-product compost must be classified in the following manner:

- a) General Use Compost: End-product compost which meets the standards set forth in Section 157.266.
- b) Designated Use Compost: End-product compost which does not qualify as general use end-product compost. Designated use compost must be used only as daily cover or vegetative amendment in the final layer at a landfill. (Section 22.33(c) of the Act.)

Section 157.266 Performance Standards for General Use Compost

General-use compost:

- a) Must be free of any materials which pose a definite hazard to human health due to physical characteristics, such as glass or metal shards;
- b) Must not contain man-made materials larger than four millimeters in size exceeding 1% of the end-product compost, on a dry weight basis;
- c) Must have a pH between 6.5 and 8.5;
- d) Must have reached stability;

- e) Must not exceed, on a dry weight basis, the inorganic concentrations set forth in Table A of Subpart F of Part 830, Title 35 of the Illinois Administrative Code; and
- f) Must not contain fecal coliform populations that exceed 1000 MPN per gram of total solids (dry weight basis), or Salmonella species populations that exceed 3 MPN per 4 grams of total solids (dry weight basis).

Section 157.267 Testing Requirements for End-Product Compost Derived from Landscape Waste

- a) Operators shall perform testing to demonstrate compliance with the standards set forth in subsections (b) - (e) of Section 157.266. Such testing must be done in accordance with the methods set forth in Appendix B of Subpart F of Part 830, Title 35 of the Illinois Administrative Code, except that an alternative method or methods may be used to demonstrate compliance with any of these standards, if approved in writing by the Agency.
- b) Operators of facilities which are authorized to use an additive pursuant to Section 157.255(a)(1)(G) which may cause an exceedence of Section 157.266(f) shall test for pathogens using the method set forth in Appendix B of Subpart F of Part 830, Title 35 of the Illinois Administrative Code, except that an alternative method or methods may be used to demonstrate compliance with any of these standards, if approved in writing by the Agency.
- c) End-product compost derived from landscape waste must be tested for the parameters set forth in Section 157.266 at a frequency of:
 - 1) Once every 5,000 cubic yards of end-product compost transported off-site; or
 - 2) Once per year, if less than 5,000 cubic yards of end-product compost are transported off-site per year.

Section 157.268 Sampling Methods

Sample collection, preservation, and analysis must be done in a manner which assures valid and representative results. A composite sample must be prepared by one of the following methods:

- a) Twelve grab samples, each 550 milliliters in size, must be taken from the end-product compost at the facility, in the following manner:
 - 1) Four grab samples from points both equidistant throughout the length and at the center of the windrow or other pile, at a depth not less than one meter from the surface of the windrow or other pile;

- 2) Four grab samples from points both equidistant throughout the length and one quarter the width of the windrow or other pile, at a depth not less than half the distance between the surface and the bottom of the windrow or other pile; and
 - 3) Four grab samples from points both equidistant throughout the length and one eighth the width of the windrow or other pile, at a depth not less than half the distance between the surface and the bottom of the windrow or other pile.
 - 4) The twelve grab samples must be thoroughly mixed to form a homogenous composite sample. Analyses must be of a representative subsample. The sample holding times, sample container types and minimum collection volumes listed in Table B of Subpart F of Part 830, Title 35 of the Illinois Administrative Code shall apply; or
- b) Sampling methods set forth in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846), incorporated by reference at 35 Ill. Adm. Code 157.103.

Section 157.269 Off-Specification Compost

End-product compost derived from landscape waste which does not meet the standards for general use compost set forth in this Subpart must be further managed as landscape waste or as designated use compost.

Section 157.270 Notices and Violations

- a) Notice to person responsible. Whenever the code official determines that there has been a violation of Sections 157.250 through 157.269 or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in subsection b, below, and to the person responsible for the violation.
- b) Form of notice. Such notice shall be in writing, include a description of the real estate sufficient for identification, include a statement of the violation or violations, include a correction order allowing a reasonable time to make the repairs and improvements required to bring the property, structure or use into compliance with the provisions of this Code. The reasonable time to correct the alleged violation(s) shall be for not less than 60 days unless in the opinion of the code official or the Village President and Board of Trustees there is imminent danger of failure or collapse of a building or structure, or when any structure or part of a structure has fallen and life is endangered by the occupancy of the structure or when there is actual or potential danger due to explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment,

- c) Method of service. Such notice shall be deemed to be properly served to the responsible party if a copy thereof is:
 - 1) Delivered personally;
 - 2) Sent by certified mail addressed to the last known address; or
 - 3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or property affected by such notice.
- d) Prosecution of violation. Any person failing to comply with a notice of violation or order shall be deemed guilty of a quasi-criminal offense and the violation shall be deemed a strict liability offense including but not limited to the filing of a complaint in the Village's administrative adjudication system.
- e) Abatement of violation. The imposition of penalties in a quasi-criminal proceeding shall not preclude the Village Attorney, with direction from the Village President and Board of Trustees, from instituting appropriate action to restrain, correct or abate a violation or stop an illegal act, conduct, business or utilization of the premises.
- f) Violation penalties. Any person who shall violate a provision of Sections 157.250 through 157.269, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by State law or Village ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense. ”

Section 3: That Section 157.065(A)(2)(d)2. of the East Dundee Zoning Chapter is amended to include a subsection b to read as follows:

b. Landscape waste compost facilities shall comply with all provisions in Section 157.050 through 157.270

Section 4: If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or enforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 5: All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed

Section 6: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

ADOPTED this ____ day of _____, 2014 pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2014.

Village President

Attest:

Village Clerk

Published in pamphlet form:

_____, 2014