

Ordinance No. 14-20

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 June 28, 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 10 day of July 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 6 to 0 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) **Diversions 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 21 day of July, 2014 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Skillicorn, Selep and Wood

NAYS: Ø

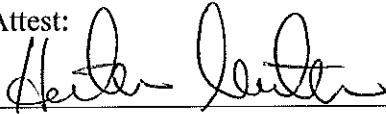
ABSENT: Trustees Gorman and Ruffulo

APPROVED by me this 21 day of July, 2014.



Village President

Attest:



Village Clerk

Published in pamphlet form:

July 22, 2014