



**Am. H.B. 100**

126th General Assembly  
(As Passed by the General Assembly)

**Reps. Taylor, Carano, Collier, C. Evans, McGregor, Otterman, Reidelbach, Seitz, White, Willamowski, J. Stewart, Cassell, Domenick, Aslanides, Daniels, Flowers, Hood, Hughes, Kearns**

**Sens. Spada, Mumper, Grendell, Niehaus, Cates, Coughlin, Schuring**

**Effective date: \***

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**ACT SUMMARY**

- Authorizes a solid waste management district to exempt automotive shredder residue from the district's generation fee, and establishes procedures and requirements governing the implementation of the exemption.
- Defines "automotive shredder residue" and "recycling."
- Extends the moratorium on the issuance of licenses for new construction and demolition debris facilities, and creates an exemption from the moratorium under certain circumstances.

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**CONTENT AND OPERATION**

**Exemption of automotive shredder residue from solid waste management district generation fee**

The act authorizes the solid waste management policy committee of a solid waste management district that is levying a solid waste generation fee under the Solid, Infectious, and Hazardous Waste Law to adopt a resolution exempting automotive shredder residue from that fee without the necessity for ratification of the resolution under that Law or to include the exemption in an amended solid

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

waste management plan of the district adopted under that Law at the time when adoption of an amended plan is required (sec. 3734.576(B)(1)). The act defines "automotive shredder residue" as the nonrecyclable residue that is generated as a direct result of processing automobiles, appliances, sheet steel, and other ferrous and nonferrous scrap metals through a hammermill shredder for purposes of recycling and that meets all of the following requirements: (1) the residue is solid waste, (2) the residue is not hazardous waste, (3) the residue created during the recycling process comprises not more than 35% of the total weight of material that is processed for recycling, and (4) the residue is generated by processing recycled materials that are to be sold, used, or reused within 90 days of the time when the material is processed (sec. 3734.576(A)(2)). In addition, "recycling" is defined to mean the process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials (sec. 3734.576(A)(1)).

The policy committee of a solid waste management district may establish procedures and requirements, including record-keeping procedures and requirements, that are necessary for the administration and enforcement of an exemption established under the act (sec. 3734.576(B)(1)).

If the policy committee of a solid waste management district has adopted a resolution under the act and seeks to continue exempting automotive shredder residue from the district's generation fee at the time when the district is required to adopt an amended solid waste management plan under the Solid, Infectious, and Hazardous Waste Law, the committee must include the exemption in the district's amended plan. If the exemption is not included in the amended plan, the exemption must expire and must cease to apply as discussed below. (Sec. 3734.576(B)(2).)

Under the act, if the policy committee of a solid waste management district seeks to eliminate an exemption of automotive shredder residue from the district's generation fee, the committee must adopt a resolution eliminating the exemption without the necessity for ratification of the resolution. After adoption of the resolution and if the district has included the exemption in its amended solid waste management plan in accordance with the act, the committee must subsequently amend the plan to reflect the elimination of the exemption at the time when the adoption of an amended plan is required under the Solid, Infectious, and Hazardous Waste Law. (Sec. 3734.576(C).)

Upon either expiration of the exemption or adoption of a resolution eliminating the exemption, the policy committee must notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the expiration or elimination of the exemption, as applicable. The exemption must cease to apply

on the first day of the first month following the month in which notification is sent to each disposal facility and transfer facility, as applicable. (Sec. 3734.576(C).)

### **Construction and demolition debris facilities moratorium**

Am. Sub. H.B. 66 of the 126th General Assembly established a moratorium on the licensing of new construction and demolition debris facilities by providing that notwithstanding any provision of law to the contrary and during the period beginning July 1, 2005, and ending December 31, 2005, the Director of Environmental Protection or a board of health is not permitted to issue a license to open a new construction and demolition debris facility under the Construction and Demolition Debris Law and rules adopted under it. The act extends that moratorium until May 1, 2006, or the effective date of H.B. 397 of the 126th General Assembly, whichever is earlier. Except as otherwise provided by Am. Sub. H.B. 66, continuing law applies the moratorium both to an application for a license to open a new construction and demolition debris facility that is submitted on or after the effective date of Am. Sub. H.B. 66 and to an application for such a license that has been submitted to the Director or a board of health prior to that effective date, but concerning which a license for a facility has not been issued as of that effective date. (Section 2.)

Under continuing law, the board of county commissioners of a county may request the Director or a board of health to continue to process an application for a license to open a new construction and demolition debris facility in that county that has been submitted to the Director or board of health prior to the effective date of Am. Sub. H.B. 66. After receiving such a request, the Director or board of health may then issue a license for the new construction and demolition debris facility notwithstanding the moratorium. Under continuing law, the moratorium does not apply to a license for a new construction and demolition debris facility if the new facility will be located adjacent or contiguous to a previously licensed construction and demolition debris facility. The moratorium also does not apply to an expansion of or other modification to an existing licensed construction and demolition debris facility. (Section 2.)

### **Exemption**

The act states that the moratorium extended under the act, as discussed above, does not apply to an application for a license to establish a construction and demolition debris facility pending before a board of health or the Director of Environmental Protection, as applicable, prior to July 1, 2005, and such an application must be reviewed and the license issued or denied in accordance with the Construction and Demolition Debris Law, if all of the following apply to the applicant for the license:



(1) The applicant has acquired an interest in the property on which the facility will be located on or before May 1, 2005;

(2) The applicant has begun a hydrogeologic investigation pursuant to a specified rule adopted by the Director prior to submitting the application;

(3) The applicant has begun the engineering plans for the facility prior to submitting the application; and

(4) The application submitted by the applicant would have been determined to be complete if the moratorium had not been in effect.

The act requires the Director to determine whether the exemption applies to an applicant within 45 days after receiving an applicant's request for a determination under the act. (Section 2.)

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## HISTORY

ACTION	DATE
Introduced	03-01-05
Reported, H. Economic Development & Environment	05-12-05
Passed House (82-6)	05-31-05
Reported, S. Environment & Natural Resources	10-27-05
Passed Senate (32-0)	11-15-05
House concurred in Senate amendments (85-8)	11-16-05

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