

ORDINANCE NO. 00-37

**ORDINANCE IMPOSING A FEE, TAX OR SURCHARGE  
ON THE PERMANENT DISPOSAL, OF SOLID WASTE  
IN KENDALL COUNTY, ILLINOIS**

**WHEREAS**, Section 22.15 (j) of the Environmental Protection Act (415 ILCS 5/22.15 (j)) authorizes units of local government in which a solid waste disposal facility is located to establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste; and

**WHEREAS**, the proceeds from said fee, tax, or surcharge may be utilized for solid waste management purposes, including long term monitoring and maintenance of landfill, inspection, enforcement, planning, implementation, and other activities consistent with the Solid Waste Management Act, or for any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility; and

**WHEREAS**, Kendall County is a unit of local government as defined in the Environmental Protection Act; and

**WHEREAS**, Kendall County has not previously imposed such a fee, tax, or surcharge; and

**WHEREAS**, the total amount of any such fee, tax, or surcharge cannot exceed the sum of \$1.27 per ton in facilities in which more than 150,000 tons are disposed of annually; and

**WHEREAS**, no solid waste facilities are currently requesting site approval from the County or applicable municipality.

**NOW, THEREFORE, BE IT ORDAINED** by the County Board of Kendall County, as follows:

Section 1: That Kendall County hereby imposes upon the operators of all solid waste disposal facilities permitted or required to be permitted by the Illinois Environmental Protection Agency ("the Agency") within the County, the maximum fee, tax, or surcharge permitted by statute at which time the current amounts are as follows:

(1) \$0.60 per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act [225 ILCS 470/1 et seq.], in which case the fee shall not exceed \$1.27 per ton of solid waste permanently disposed of.

(2) \$33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(3) \$15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) \$4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

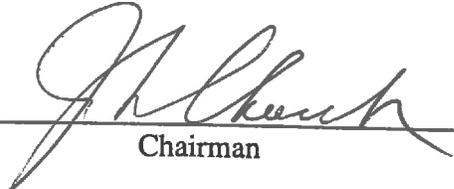
(5) \$650 if more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

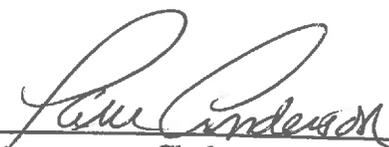
Section 2: That the fee, tax, or surcharge imposed shall not apply to:

- A. Waste which is hazardous waste; or
- B. Waste which is pollution control waste; or
- C. Waste from recycling, reclamation or reuse processes which has been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or
- D. Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or
- E. Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste; or
- F. Any waste with an exemption granted in accordance with 415 Illinois Compiled Statutes 5/22.16 and 5/22.16a. Any request for exemption under this provision shall contain the Agency's approval.

- Section 3. That payment of said fees, taxes, or surcharges shall be made to the County on a quarterly basis as described below. Said payment shall be in the form of a check or order payable to the Treasurer, County of Kendall.
- Section 4. All operators of solid waste disposal facilities shall make quarterly reports and fee payments based upon the quantity of solid waste reported in the quarterly solid waste summary. This quarterly report is due on January 15<sup>th</sup>, April 15<sup>th</sup>, July 15<sup>th</sup>, and October 15<sup>th</sup> of each calendar year and shall contain a summary of all wastes received during the applicable quarter for which the report is submitted, as well as computations reflecting the total fees to be paid, and any approved exemptions.
- Section 5. Fees, taxes, or surcharges collected pursuant to this ordinance shall be deposited in the Kendall County Solid Waste Management Fund and shall be expended only for approved purposes.
- Section 6. Should any section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared to be invalid.
- Section 7. This Ordinance shall be in full force and effect on November 17, 2000. The County Clerk is hereby authorized and directed to publish the text of this ordinance in a newspaper of general circulation upon passage by this County Board.

Dated: OCTOBER 17, 2000

  
Chairman

ATTEST:   
Clerk