



Rep. Rita Mayfield

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10200HB5410ham001

LRB102 25374 CPF 36139 a

1 AMENDMENT TO HOUSE BILL 5410

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5410 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 adding Section 3.141-5 as follows:

6 (415 ILCS 5/3.141-5 new)

7 Sec. 3.141-5. Power plant demolition transparency and air  
8 protection.

9 (a) As used in this Section:

10 "Air quality plan" means the air quality plan established  
11 under subsection (j).

12 "Demolition" means any of the following activities  
13 conducted in relation to a thermal power plant:

14 (1) The demolition of a smokestack.

15 (2) The demolition of an entire building or structure.

16 (3) The demolition of substantially all of the

1 above-grade portion of a building or structure.

2 (4) The alteration of an existing building to  
3 permanently reduce its building area via demolition.

4 "Dust mitigation plan" means the dust mitigation plan  
5 required to be included in the air quality plan.

6 "Fugitive dust" means fugitive particulate matter or any  
7 particulate matter emitted into the atmosphere other than  
8 through a stack, provided that nothing in this definition  
9 shall exempt any emission unit from compliance with any  
10 provision of 35 Ill. Adm. Code 212 otherwise applicable merely  
11 because of the absence of a stack.

12 "Implosion" means the use of explosives for the demolition  
13 of buildings or other structures.

14 "Owner or operator" means the owner or operator of a  
15 thermal power plant and includes agents, representatives, and  
16 any persons acting on behalf of an owner or operator of the  
17 thermal power plant.

18 "Particulate emission potential" means the potential for  
19 particulates from existing soils at the site to be dispersed  
20 by wind or by physical disturbance as determined using the  
21 procedures described in subparagraph (C) of paragraph (3) of  
22 subsection (j).

23 "Recognized environmental condition" means the presence or  
24 likely presence of any hazardous substance or petroleum  
25 product on a property under conditions that indicate an  
26 existing release, a past release, or a material threat of a

1 release of any hazardous substance or petroleum product into a  
2 structure on the property or into the ground, ground water, or  
3 surface water of the property.

4 "Sensitive area" means any residentially-zoned or  
5 mixed-used property with residential use, a park, a hospital,  
6 a clinic, a church, a day-care, or a school.

7 "Site" means real property containing a building or  
8 structure to be demolished, and all structures, equipment, and  
9 ancillary fixtures thereon, used in or to support the  
10 demolition. "Site" includes, but is not limited to,  
11 structures, buildings, scales, roadways, parking areas,  
12 queuing areas, fences, processing equipment, processing areas,  
13 staging or stockpiling areas, and monitoring stations.

14 "Site cleanup plan" means the site cleanup plan required  
15 in paragraph (5) of subsection (j).

16 "Thermal power plant" or "plant" means a facility that  
17 currently produces or has ever produced electricity using a  
18 thermal generation technology. "Thermal power plant" or  
19 "plant" includes, at a minimum, generation facilities creating  
20 power using coal, gas, or nuclear fuel as inputs. "Thermal  
21 power plant" or "plant" does not include buildings that are  
22 exclusively administrative or exclusively office buildings.

23 (b) Before an owner or operator may initiate demolition of  
24 a thermal power plant via implosion, the owner or operator  
25 must satisfy the notification requirements under subsection  
26 (c) and obtain an Agency-approved air quality plan as

1 specified under subsection (j).

2 (c) Before an owner or operator may initiate demolition of  
3 a thermal power plant via implosion, the owner or operator  
4 must notify the public at least 60 days before the anticipated  
5 date of the implosion. Notification must be conducted through  
6 all of the following activities:

7 (1) Posting notices in both physical and online form  
8 in a newspaper of general circulation within 25 miles of  
9 where the thermal power plant is located. Where a  
10 newspaper is unavailable, the owner or operator may use  
11 appropriate broadcast media such as radio or television.

12 (2) Mailing or hand-delivering notices to the Agency  
13 and all residents within at least a one-mile radius from  
14 the property line of the thermal power plant site; the  
15 radius requirement is subject to the discretion of the  
16 Agency and may be extended dependent on site-specific  
17 characteristics including, but not limited to, surrounding  
18 area population density, method of demolition, and  
19 pollution constituents associated with the demolition  
20 site.

21 (3) Posting the notices on-site and in conspicuous  
22 public locations, such as grocery stores, public  
23 libraries, schools, municipal buildings, and pharmacies.

24 (4) Establishing and posting on a publicly accessible  
25 website that can be visited without providing login  
26 credentials and that functions as a repository, all

1 demolition-related communications, notices, and documents  
2 as specified in subsection (e).

3 (5) Creating and sending alerts to phone, email, and  
4 text lists to announce the public meeting and specific  
5 demolition dates.

6 (6) Requesting that the Agency email the notices to  
7 the Agency's listserv, created under paragraph (7), for  
8 the plant.

9 (7) For each plant subject to this Act, the Agency  
10 must create and maintain a listserv. Each listserv must  
11 include the email addresses of all interested persons who  
12 notify the Agency in writing, either directly through the  
13 Agency or indirectly through the owner or operator, of the  
14 person's respective email addresses and that the person  
15 would like to receive emails of notices concerning the  
16 plant.

17 (d) The notice required under subsection (c) must include  
18 the following information:

19 (1) The owner or operator's contact information, as  
20 well as the business name of each company that will be  
21 performing the demolition in whole or in part.

22 (2) The date and time of the scheduled demolition.

23 (3) The portion of the plant that is set for  
24 demolition.

25 (4) The amount of demolition debris anticipated,  
26 expressed in terms of both weight and volume and

1 categorized according to waste stream if multiple waste  
2 streams will result from the demolition, how and where it  
3 will be transported, and how and where it will ultimately  
4 be disposed of or otherwise repurposed.

5 (5) The date, time, and location of the public meeting  
6 required under subsection (g), along with a reference to  
7 the statute requiring the public meeting.

8 (6) The address of the publicly accessible website.

9 (7) Instructions for how to join phone, email, or text  
10 lists required under paragraph (5) of subsection (c) for  
11 future notices, public meetings, and specific demolition  
12 dates.

13 (e) The information posted to the website must be made  
14 available to the public on the website until 3 years after the  
15 demolition ends. The content of the notice shall be available  
16 on the home page of the website and the following information  
17 must be available through the publicly accessible website:

18 (1) A copy of the notice with identical content.

19 (2) The draft air quality plan and all documentation  
20 relied upon in making the air quality plan as described in  
21 subsection (j).

22 (3) The date, time, and location of the public meeting  
23 required under subsection (g), along with a reference to  
24 the statute requiring the public meeting.

25 (4) A description of potential demolition impacts,  
26 including, but not limited to, a list of potential

1 contaminants in the demolition debris, broken down by  
2 major waste stream if applicable, dates, hours, and  
3 decibels of noise anticipated, and dates and hours of road  
4 closures anticipated.

5 (5) Information on any applicable permits issued to  
6 the plant in relation to the demolition, including  
7 county-issued or municipality-issued permits, with express  
8 instructions explaining how to access a copy of each  
9 permit, or a copy of each of the permits, if available.

10 (6) Whether there are any unlined CCR surface  
11 impoundments, as defined in Section 3.143, at or nearby  
12 the plant or public water sources or private wells within  
13 2,500 feet of the plant.

14 (7) A detailed description of the preventative  
15 measures that will be implemented by the owner or operator  
16 to control, mitigate, or prevent from occurring any air,  
17 soil, or water pollution during the demolition.

18 (8) When a proposed demolition is located in a  
19 community with 10% or more non-English speaking residents,  
20 non-English versions of all of the above reflecting local  
21 language prevalence.

22 (f) The owner or operator shall submit proof of  
23 notification to the Agency. No earlier than one week and no  
24 less than 72 hours before the originally scheduled demolition,  
25 the owner or operator must advise the phone, email, and text  
26 lists required under paragraph (5) of subsection (c) of the

1 upcoming demolition.

2 If there is a change to the date and time of a scheduled  
3 demolition, the owner or operator must update the  
4 publicly-accessible website required under paragraph (4) of  
5 subsection (c) and advise the phone, email, and text lists  
6 required under paragraph (5) of subsection (c) that the date  
7 is changing within 24 hours of the schedule change and also  
8 notice of a new planned date at least 16 hours prior to the new  
9 demolition date.

10 (g) At least 30 days after providing notice pursuant to  
11 this Section, an owner or operator must hold at least one  
12 public meeting within the municipality in which the site is  
13 located to discuss the proposed demolition, subject to the  
14 following rules:

15 (1) The public meeting must be not more than 5 miles  
16 from the site unless a suitable venue is not available  
17 within that distance.

18 (2) The public meeting must begin after 5:00 p.m. and  
19 be located at a venue that is accessible to persons with  
20 disabilities.

21 (3) The owner or operator must provide reasonable  
22 accommodations, as defined in paragraph (9) of Section  
23 12111 of the federal Americans with Disabilities Act of  
24 1990, 42 U.S.C. 12111(9), upon request.

25 (h) When a proposed demolition is located in a community  
26 with 10% or more non-English speaking residents, the owner or



1 operator must provide translation services during the public  
2 meeting required by this Section, if requested at least 72  
3 hours in advance of the public meeting.

4 (i) At the public meeting, the owner or operator must  
5 comply with the following:

6 (1) Present the schedule and process for the  
7 demolition, which must cover the noise, air quality,  
8 environmental, public health, and any other community  
9 impacts, such as road closures, expected from the  
10 demolition, as well as a summary of the air quality plan,  
11 including control equipment and best management practices  
12 that will be used to reduce fugitive dust.

13 (2) Include a question and answer portion of the  
14 meeting to allow the public to ask questions.

15 (3) Include a public comment portion of the meeting to  
16 allow the public to offer comments.

17 (4) Ensure the presence of representatives from the  
18 owner or operator or the company that will be performing  
19 the demolition in whole or in part. The representative  
20 must be qualified and knowledgeable enough to answer the  
21 questions posed by the public.

22 (5) The owner and operator shall engage a certified  
23 court reporter to be present at the public meeting and  
24 transcribe the entirety of the public meeting, including,  
25 but not limited to, all statements made by the owner or  
26 operator and all public comments offered at the public

1 meeting.

2 (6) The owner or operator shall make the transcript of  
3 the public meeting available on the owner or operator's  
4 publicly accessible website no later than 14 days after  
5 the public meeting.

6 (7) The owner or operator shall create a summary of  
7 the public meeting, including issues raised by the public,  
8 and respond to all questions in writing no later than 14  
9 days after the meeting. The owner or operator shall post  
10 the summary and responses to the owner's or operator's  
11 publicly accessible website and advise the phone, email,  
12 and text lists when the documentation is available.

13 (8) The public meeting shall be live-streamed in order  
14 to allow the public to watch and meaningfully participate  
15 in the meeting. The meeting shall also be recorded. The  
16 recording shall be made available on the owner's or  
17 operator's publicly accessible website.

18 (j) Before an owner or operator may initiate demolition of  
19 a thermal power plant via implosion, the owner or operator  
20 must establish an air quality plan that is approved by the  
21 Agency. The owner or operator shall comply with the provisions  
22 of the approved air quality plan.

23 The air quality plan, the transcript of the public meeting  
24 required under subsection (g), and the public meeting summary  
25 described in paragraph (7) of subsection (i) shall be  
26 submitted to the Agency no more than 45 days after the public

1 meeting required under subsection (g).

2 The air quality plan shall include, but is not limited to,  
3 the following:

4 (1) An air dispersion modeling study using AERMOD. The  
5 study shall simulate dust propagation generated from the  
6 implosion under varying wind speeds, wind directions, and  
7 weather stability classes, such as unstable, neutral, and  
8 stable. The model shall calculate the concentrations of  
9 PM10 in the dust plume generated from the impact of the  
10 collapsed building or structure with the ground. Its  
11 results shall inform the placement of air monitors, as  
12 well as the dust mitigation plan and the site cleanup  
13 plan, and traffic management plans and the siting of  
14 protection and exclusion zones on-site and off-site. The  
15 AERMOD model shall produce the following outputs  
16 superimposed over aerial or satellite imagery:

17 (A) PM10 concentration contours.

18 (B) PM10 concentration versus time at the source,  
19 in the surrounding public way, and at sensitive areas  
20 offsite within 1,000 feet of the site.

21 (C) Maximum PM10 concentrations at the areas  
22 specified above.

23 (D) Computer generated videos for the estimated  
24 dust cloud propagation and dissipation.

25 (2) Air monitoring of the air upwind and downwind at  
26 the site, as well the air at sensitive areas within 1,000

1 feet of the site or within the plume modeled under  
2 paragraph (1), whichever distance is greater, for PM10.  
3 The monitoring shall be conducted for at least a 24-hour  
4 duration one week prior to the implosion, during the  
5 implosion, and one week following the implosion, or weekly  
6 until air monitoring confirms that the 24-hour PM10 levels  
7 are back to normal, pre-implosion levels. PM10 levels  
8 shall be considered normal when the measured PM10 levels  
9 are within the historic mean, plus or minus the standard  
10 deviation, within the last 3 years, unless the Agency has  
11 reason to believe that the site is still causing PM10  
12 levels to be elevated. Historic PM10 data shall be based  
13 on data collected by the owner or operator from the  
14 nearest ambient air quality station operated by the Agency  
15 or other data sources approved by the Agency. The air  
16 monitoring shall comply with the following:

17 (A) All air monitoring data shall be published on  
18 the publicly accessible website within 4 hours after  
19 collecting the data.

20 (B) In conjunction with the above PM10 monitoring,  
21 air samples shall be collected at all monitored  
22 locations for analysis of: lead using NIOSH Method  
23 7300, 7302, or 7303; asbestos fibers using NIOSH  
24 Method 7400 or 7402; silica using NIOSH Method 7500 or  
25 7602; respirable particulates using NIOSH Method 0600;  
26 and total dust using NIOSH Method 0500. The Agency may

1 approve alternate test methods or require the use of  
2 United States Environmental Protection Agency methods,  
3 depending on site-specific factors. The Agency may  
4 also require the air sampling of any or all hazardous  
5 substances or petroleum products for which there is a  
6 recognized environmental condition that may be emitted  
7 into the air by the implosion. The PM10 monitoring  
8 shall be conducted using instruments designated as  
9 Federal Equivalent Method (FEM) by the United States  
10 Environmental Protection Agency.

11 (C) The air quality plan shall also include  
12 operation, according to manufacturer's specifications,  
13 of a weather station or other permanent device to  
14 monitor and record wind speed and wind direction,  
15 along with the corresponding temperature, barometric  
16 pressure, and relative humidity at or near the site.  
17 Such readings shall be taken at an unobstructed,  
18 unsheltered area, unimpacted by the implosion, and at  
19 a minimum height of 10 meters above ground level,  
20 unless another height is appropriate pursuant to  
21 applicable United States Environmental Protection  
22 Agency protocols and guidance.

23 (3) A dust mitigation plan that ensures adequate  
24 precautions and use of best practices to minimize fugitive  
25 dust. The dust mitigation plan shall include, but is not  
26 limited to, the following:

1           (A) The following best practices:

2                   (i) The thorough sweeping of paved surfaces  
3                   using a sweeper effective at removing fine  
4                   particulates.

5                   (ii) Adequate wetting of all unpaved areas.  
6                   The operator shall ensure that surficial soils  
7                   within the ground impact area and 50% beyond are  
8                   thoroughly saturated up to a depth of 4 inches, or  
9                   otherwise treated using methods approved by the  
10                   Agency, on the day of and within one hour prior to  
11                   the implosion, or within the closest timeframe  
12                   allowed by safety protocol.

13                   (iii) Employing misting cannons around the  
14                   building or structure or at strategic locations  
15                   and elevations determined based on the results of  
16                   the air dispersion modeling under paragraph (1).

17                   (iv) Applying water to debris immediately  
18                   following blast and safety clearance.

19           (B) Restricting traffic and operations to paved  
20           areas or stabilized surfaces. Soils exhibiting a high  
21           particulate emission potential shall be fenced off or  
22           otherwise demarcated to prevent disturbance, or shall  
23           be effectively stabilized, removed, or covered if  
24           vehicle traffic or operations will occur over these  
25           areas.

26           (C) Evaluation of on-site surficial soil for

1           particulate emission potential, which shall be  
2           determined to be high based on its fines content as  
3           percent passing No. 200 sieve and optimum moisture  
4           content as percent by dry weight as follows:

5                   (i) if the fines content is greater than or  
6                   equal to 15% and the optimum moisture content is  
7                   greater than or equal to 11%, the particulate  
8                   emission potential is high; or

9                   (ii) if the fines content is greater than 50%,  
10                  the particulate emission potential is high.

11                  The fines content shall be determined using ASTM  
12                  D1140-17, or updates thereto, while the optimum  
13                  moisture content shall be measured using ASTM D1557 or  
14                  AASHTO T180-D, or updates thereto. Alternate methods  
15                  may be used with prior written approval from the  
16                  Agency. The results of the investigation shall be  
17                  depicted on a site map showing the areas of high  
18                  particulate emission potential of unpaved surfaces at  
19                  the site.

20                  (4) A contingency plan describing the contingency  
21                  measures to be implemented if the above control measures  
22                  fail to adequately control dust emissions. In addition,  
23                  the plan must describe the steps that will be taken to  
24                  verify that a dust control measure is working and, upon  
25                  discovery of an inadequacy, the steps that will be taken  
26                  to initiate a contingency measure.

1           (5) A site cleanup plan to remove dust, debris, and  
2           litter from the surrounding impacted area as expeditiously  
3           and as safely as possible to minimize disruption to the  
4           community. The site cleanup plan shall include, but is not  
5           limited to, the following:

6           (A) The use of a street sweeper to clean impacted  
7           paved areas. The street sweeper shall be equipped with  
8           a waterless dust suppression system comprised of  
9           vacuum assist and filtration for pickup and mitigation  
10           of potential fugitive fine particulates, and shall be  
11           PM10-certified.

12           (B) The cleaning of impacted parkways and private  
13           properties, with owner permission.

14           (C) Inspection protocols that ensure that impacted  
15           areas, including, but not limited to, public roadways  
16           adjacent to residential and public structures and  
17           utility lines, are returned to preimplosion  
18           conditions.

19           (D) A staffing plan and equipment list necessary  
20           to execute the cleanup.

21           (415 ILCS 5/3.141 rep.)

22           Section 10. The Environmental Protection Act is amended by  
23           repealing Section 3.141.

24           Section 99. Effective date. This Act takes effect upon



1 becoming law.".