



Sen. Linda Holmes

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10300HB3095sam001

LRB103 29060 LNS 61392 a

1 AMENDMENT TO HOUSE BILL 3095

2 AMENDMENT NO. _____. Amend House Bill 3095 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 3.330 and by adding Section 22.63 as follows:

6 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

7 Sec. 3.330. Pollution control facility.

8 (a) "Pollution control facility" is any waste storage
9 site, sanitary landfill, waste disposal site, waste transfer
10 station, waste treatment facility, or waste incinerator. This
11 includes sewers, sewage treatment plants, and any other
12 facilities owned or operated by sanitary districts organized
13 under the Metropolitan Water Reclamation District Act.

14 The following are not pollution control facilities:

15 (1) (blank);

16 (2) waste storage sites regulated under 40 CFR 761.42;

1 (3) sites or facilities used by any person conducting
2 a waste storage, waste treatment, waste disposal, waste
3 transfer or waste incineration operation, or a combination
4 thereof, for wastes generated by such person's own
5 activities, when such wastes are stored, treated, disposed
6 of, transferred or incinerated within the site or facility
7 owned, controlled or operated by such person, or when such
8 wastes are transported within or between sites or
9 facilities owned, controlled or operated by such person;

10 (4) sites or facilities at which the State is
11 performing removal or remedial action pursuant to Section
12 22.2 or 55.3;

13 (5) abandoned quarries used solely for the disposal of
14 concrete, earth materials, gravel, or aggregate debris
15 resulting from road construction activities conducted by a
16 unit of government or construction activities due to the
17 construction and installation of underground pipes, lines,
18 conduit or wires off of the premises of a public utility
19 company which are conducted by a public utility;

20 (6) sites or facilities used by any person to
21 specifically conduct a landscape composting operation;

22 (7) regional facilities as defined in the Central
23 Midwest Interstate Low-Level Radioactive Waste Compact;

24 (8) the portion of a site or facility where coal
25 combustion wastes are stored or disposed of in accordance
26 with subdivision (r) (2) or (r) (3) of Section 21;

1 (9) the portion of a site or facility used for the
2 collection, storage or processing of waste tires as
3 defined in Title XIV;

4 (10) the portion of a site or facility used for
5 treatment of petroleum contaminated materials by
6 application onto or incorporation into the soil surface
7 and any portion of that site or facility used for storage
8 of petroleum contaminated materials before treatment. Only
9 those categories of petroleum listed in Section 57.9(a)(3)
10 are exempt under this subdivision (10);

11 (11) the portion of a site or facility where used oil
12 is collected or stored prior to shipment to a recycling or
13 energy recovery facility, provided that the used oil is
14 generated by households or commercial establishments, and
15 the site or facility is a recycling center or a business
16 where oil or gasoline is sold at retail;

17 (11.5) processing sites or facilities that receive
18 only on-specification used oil, as defined in 35 Ill. Adm.
19 Code 739, originating from used oil collectors for
20 processing that is managed under 35 Ill. Adm. Code 739 to
21 produce products for sale to off-site petroleum
22 facilities, if these processing sites or facilities are:
23 (i) located within a home rule unit of local government
24 with a population of at least 30,000 according to the 2000
25 federal census, that home rule unit of local government
26 has been designated as an Urban Round II Empowerment Zone

1 by the United States Department of Housing and Urban
2 Development, and that home rule unit of local government
3 has enacted an ordinance approving the location of the
4 site or facility and provided funding for the site or
5 facility; and (ii) in compliance with all applicable
6 zoning requirements;

7 (12) the portion of a site or facility utilizing coal
8 combustion waste for stabilization and treatment of only
9 waste generated on that site or facility when used in
10 connection with response actions pursuant to the federal
11 Comprehensive Environmental Response, Compensation, and
12 Liability Act of 1980, the federal Resource Conservation
13 and Recovery Act of 1976, or the Illinois Environmental
14 Protection Act or as authorized by the Agency;

15 (13) the portion of a site or facility regulated under
16 Section 22.38 of this Act;

17 (14) the portion of a site or facility, located within
18 a unit of local government that has enacted local zoning
19 requirements, used to accept, separate, and process
20 uncontaminated broken concrete, with or without protruding
21 metal bars, provided that the uncontaminated broken
22 concrete and metal bars are not speculatively accumulated,
23 are at the site or facility no longer than one year after
24 their acceptance, and are returned to the economic
25 mainstream in the form of raw materials or products;

26 (15) the portion of a site or facility located in a

1 county with a population over 3,000,000 that has obtained
2 local siting approval under Section 39.2 of this Act for a
3 municipal waste incinerator on or before July 1, 2005 and
4 that is used for a non-hazardous waste transfer station;

5 (16) a site or facility that temporarily holds in
6 transit for 10 days or less, non-putrescible solid waste
7 in original containers, no larger in capacity than 500
8 gallons, provided that such waste is further transferred
9 to a recycling, disposal, treatment, or storage facility
10 on a non-contiguous site and provided such site or
11 facility complies with the applicable 10-day transfer
12 requirements of the federal Resource Conservation and
13 Recovery Act of 1976 and United States Department of
14 Transportation hazardous material requirements. For
15 purposes of this Section only, "non-putrescible solid
16 waste" means waste other than municipal garbage that does
17 not rot or become putrid, including, but not limited to,
18 paints, solvent, filters, and absorbents;

19 (17) the portion of a site or facility located in a
20 county with a population greater than 3,000,000 that has
21 obtained local siting approval, under Section 39.2 of this
22 Act, for a municipal waste incinerator on or before July
23 1, 2005 and that is used for wood combustion facilities
24 for energy recovery that accept and burn only wood
25 material, as included in a fuel specification approved by
26 the Agency;

1 (18) a transfer station used exclusively for landscape
2 waste, including a transfer station where landscape waste
3 is ground to reduce its volume, where the landscape waste
4 is held no longer than 24 hours from the time it was
5 received;

6 (19) the portion of a site or facility that (i) is used
7 for the composting of food scrap, livestock waste, crop
8 residue, uncontaminated wood waste, or paper waste,
9 including, but not limited to, corrugated paper or
10 cardboard, and (ii) meets all of the following
11 requirements:

12 (A) There must not be more than a total of 30,000
13 cubic yards of livestock waste in raw form or in the
14 process of being composted at the site or facility at
15 any one time.

16 (B) All food scrap, livestock waste, crop residue,
17 uncontaminated wood waste, and paper waste must, by
18 the end of each operating day, be processed and placed
19 into an enclosed vessel in which air flow and
20 temperature are controlled, or all of the following
21 additional requirements must be met:

22 (i) The portion of the site or facility used
23 for the composting operation must include a
24 setback of at least 200 feet from the nearest
25 potable water supply well.

26 (ii) The portion of the site or facility used

1 for the composting operation must be located
2 outside the boundary of the 10-year floodplain or
3 floodproofed.

4 (iii) Except in municipalities with more than
5 1,000,000 inhabitants, the portion of the site or
6 facility used for the composting operation must be
7 located at least one-eighth of a mile from the
8 nearest residence, other than a residence located
9 on the same property as the site or facility.

10 (iv) The portion of the site or facility used
11 for the composting operation must be located at
12 least one-eighth of a mile from the property line
13 of all of the following areas:

14 (I) Facilities that primarily serve to
15 house or treat people that are
16 immunocompromised or immunosuppressed, such as
17 cancer or AIDS patients; people with asthma,
18 cystic fibrosis, or bioaerosol allergies; or
19 children under the age of one year.

20 (II) Primary and secondary schools and
21 adjacent areas that the schools use for
22 recreation.

23 (III) Any facility for child care licensed
24 under Section 3 of the Child Care Act of 1969;
25 preschools; and adjacent areas that the
26 facilities or preschools use for recreation.

1 (v) By the end of each operating day, all food
2 scrap, livestock waste, crop residue,
3 uncontaminated wood waste, and paper waste must be
4 (i) processed into windrows or other piles and
5 (ii) covered in a manner that prevents scavenging
6 by birds and animals and that prevents other
7 nuisances.

8 (C) Food scrap, livestock waste, crop residue,
9 uncontaminated wood waste, paper waste, and compost
10 must not be placed within 5 feet of the water table.

11 (D) The site or facility must meet all of the
12 requirements of the Wild and Scenic Rivers Act (16
13 U.S.C. 1271 et seq.).

14 (E) The site or facility must not (i) restrict the
15 flow of a 100-year flood, (ii) result in washout of
16 food scrap, livestock waste, crop residue,
17 uncontaminated wood waste, or paper waste from a
18 100-year flood, or (iii) reduce the temporary water
19 storage capacity of the 100-year floodplain, unless
20 measures are undertaken to provide alternative storage
21 capacity, such as by providing lagoons, holding tanks,
22 or drainage around structures at the facility.

23 (F) The site or facility must not be located in any
24 area where it may pose a threat of harm or destruction
25 to the features for which:

26 (i) an irreplaceable historic or

1 archaeological site has been listed under the
2 National Historic Preservation Act (16 U.S.C. 470
3 et seq.) or the Illinois Historic Preservation
4 Act;

5 (ii) a natural landmark has been designated by
6 the National Park Service or the Illinois State
7 Historic Preservation Office; or

8 (iii) a natural area has been designated as a
9 Dedicated Illinois Nature Preserve under the
10 Illinois Natural Areas Preservation Act.

11 (G) The site or facility must not be located in an
12 area where it may jeopardize the continued existence
13 of any designated endangered species, result in the
14 destruction or adverse modification of the critical
15 habitat for such species, or cause or contribute to
16 the taking of any endangered or threatened species of
17 plant, fish, or wildlife listed under the Endangered
18 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
19 Endangered Species Protection Act;

20 (20) the portion of a site or facility that is located
21 entirely within a home rule unit having a population of no
22 less than 120,000 and no more than 135,000, according to
23 the 2000 federal census, and that meets all of the
24 following requirements:

25 (i) the portion of the site or facility is used
26 exclusively to perform testing of a thermochemical

1 conversion technology using only woody biomass,
2 collected as landscape waste within the boundaries of
3 the home rule unit, as the hydrocarbon feedstock for
4 the production of synthetic gas in accordance with
5 Section 39.9 of this Act;

6 (ii) the portion of the site or facility is in
7 compliance with all applicable zoning requirements;
8 and

9 (iii) a complete application for a demonstration
10 permit at the portion of the site or facility has been
11 submitted to the Agency in accordance with Section
12 39.9 of this Act within one year after July 27, 2010
13 (the effective date of Public Act 96-1314);

14 (21) the portion of a site or facility used to perform
15 limited testing of a gasification conversion technology in
16 accordance with Section 39.8 of this Act and for which a
17 complete permit application has been submitted to the
18 Agency prior to one year from April 9, 2010 (the effective
19 date of Public Act 96-887);

20 (22) the portion of a site or facility that is used to
21 incinerate only pharmaceuticals from residential sources
22 that are collected and transported by law enforcement
23 agencies under Section 17.9A of this Act;

24 (23) the portion of a site or facility:

25 (A) that is used exclusively for the transfer of
26 commingled landscape waste and food scrap held at the

1 site or facility for no longer than 24 hours after
2 their receipt;

3 (B) that is located entirely within a home rule
4 unit having a population of (i) not less than 100,000
5 and not more than 115,000 according to the 2010
6 federal census, (ii) not less than 5,000 and not more
7 than 10,000 according to the 2010 federal census, or
8 (iii) not less than 25,000 and not more than 30,000
9 according to the 2010 federal census or that is
10 located in the unincorporated area of a county having
11 a population of not less than 700,000 and not more than
12 705,000 according to the 2010 federal census;

13 (C) that is permitted, by the Agency, prior to
14 January 1, 2002, for the transfer of landscape waste
15 if located in a home rule unit or that is permitted
16 prior to January 1, 2008 if located in an
17 unincorporated area of a county; and

18 (D) for which a permit application is submitted to
19 the Agency to modify an existing permit for the
20 transfer of landscape waste to also include, on a
21 demonstration basis not to exceed 24 months each time
22 a permit is issued, the transfer of commingled
23 landscape waste and food scrap or for which a permit
24 application is submitted to the Agency within 6 months
25 of August 11, 2017 (the effective date of Public Act
26 100-94);

1 (24) the portion of a municipal solid waste landfill
2 unit:

3 (A) that is located in a county having a
4 population of not less than 55,000 and not more than
5 60,000 according to the 2010 federal census;

6 (B) that is owned by that county;

7 (C) that is permitted, by the Agency, prior to
8 July 10, 2015 (the effective date of Public Act
9 99-12); and

10 (D) for which a permit application is submitted to
11 the Agency within 6 months after July 10, 2015 (the
12 effective date of Public Act 99-12) for the disposal
13 of non-hazardous special waste; ~~and~~

14 (25) the portion of a site or facility used during a
15 mass animal mortality event, as defined in the Animal
16 Mortality Act, where such waste is collected, stored,
17 processed, disposed, or incinerated under a mass animal
18 mortality event plan issued by the Department of
19 Agriculture; and -

20 (26) the portion of a mine used for the placement of
21 limestone residual materials generated from the treatment
22 of drinking water by a municipal utility in accordance
23 with rules adopted under Section 22.63.

24 (b) A new pollution control facility is:

25 (1) a pollution control facility initially permitted
26 for development or construction after July 1, 1981; or

1 (2) the area of expansion beyond the boundary of a
2 currently permitted pollution control facility; or

3 (3) a permitted pollution control facility requesting
4 approval to store, dispose of, transfer or incinerate, for
5 the first time, any special or hazardous waste.

6 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
7 102-813, eff. 5-13-22.)

8 (415 ILCS 5/22.63 new)

9 Sec. 22.63. Rules for placement of limestone residual
10 materials. The Board shall adopt rules for the placement of
11 limestone residual materials generated from the treatment of
12 drinking water by a municipal utility in an underground
13 limestone mine located in whole or in part within the
14 municipality that operates the municipal utility. The rules
15 shall be consistent with the Board's Underground Injection
16 Control regulations for Class V wells, as long as the rules
17 allow for the limestone residual materials to be delivered to
18 and placed in the mine by means other than an injection well.
19 Rules adopted pursuant to this Section shall be adopted in
20 accordance with the provisions and requirements of Title VII
21 of this Act and the procedures for rulemaking in Section 5-35
22 of the Illinois Administrative Procedure Act, as long as a
23 municipality proposing rules pursuant to this Section is not
24 required to include in its proposal a petition signed by at
25 least 200 persons as required under subsection (a) of Section

1 28. Rules adopted pursuant to this Section shall not be
2 considered a part of the State Underground Injection Control
3 program established under this Act.

4 For purposes of this Section, "limestone residual
5 material" means limestone residual generated from the
6 treatment of drinking water at a publicly-owned drinking water
7 treatment plant."