

1 AN ACT concerning environmental protection.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended
5 by adding Section 9.11 as follows:

6 (415 ILCS 5/9.11 new)

7 Sec. 9.11. Great Lakes Areas of Concern; mercury.

8 (a) The General Assembly finds that:

9 (1) The government of the United States of America
10 and the government of Canada have entered into agreements
11 on Great Lakes water quality by signature of the Great
12 Lakes Water Quality Agreement of 1978, which was amended
13 by Protocol signed on November 18, 1987.

14 (2) The government of the United States of America
15 and the government of Canada, in cooperation with the
16 state and provincial governments, were required to
17 designate geographic areas, called Areas of Concern, that
18 fail to meet the general or specific objectives of the
19 Great Lakes Water Quality Agreement, and where such
20 failure has caused or is likely to cause impairment of
21 beneficial use or failure of the ability of the area to
22 support aquatic life.

23 (3) The government of the United States of America
24 and the government of Canada have identified 43 Areas of
25 Concern, 26 of which are in waters of the United States
26 of America and 17 of which are in the waters of Canada.

27 (4) Waukegan Harbor in Illinois was designated an
28 Area of Concern in 1981 by the International Joint
29 Commission, the United States Environmental Protection
30 Agency, and the Illinois Environmental Protection Agency
31 as a result of the discovery of 5 beneficial use

1 impairments, as defined in Annex 2 of the Great Lakes
2 Water Quality Agreement. Beneficial use impairments at
3 the Waukegan Harbor Area of Concern were identified as
4 the restrictions on fish consumption, degradation of
5 benthos, restrictions on dredging activities, degradation
6 of phytoplankton and zooplankton populations, and loss of
7 fish and wildlife habitat.

8 (5) The government of the United States of America
9 and the government of Canada cooperate with the state and
10 provincial governments to ensure that remedial action
11 plans are developed to restore all impaired uses to the
12 Areas of Concern.

13 (6) Mercury has been identified as a persistent
14 bioaccumulative contaminant of concern throughout the
15 Great Lakes, including Lake Michigan, resulting in health
16 advisories and restrictions on fish consumption.

17 (7) The thermal treatment of sludge creates mercury
18 emissions.

19 (b) The Agency shall not issue any permit to develop,
20 construct, or operate, within one mile of any portion of Lake
21 Michigan that has been designated an Area of Concern under
22 the Great Lakes Water Quality Agreement as of the effective
23 date of this Section, any site or facility for the thermal
24 treatment of sludge, unless the applicant submits to the
25 Agency proof that the site or facility has received local
26 siting approval from the governing body of the municipality
27 in which the site or facility is proposed to be located (or
28 from the county board if located in an unincorporated area),
29 in accordance with Section 39.2 of this Act. For the
30 purposes of this Section, "thermal treatment" includes,
31 without limitation, drying, incinerating, and any other
32 processing that subjects the sludge to an elevated
33 temperature.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.