



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0067**

Introduced 1/26/2005, by Sen. Terry Link

**SYNOPSIS AS INTRODUCED:**

415 ILCS 5/3.330  
415 ILCS 5/21

was 415 ILCS 5/3.32  
from Ch. 111 1/2, par. 1021

Amends the Environmental Protection Act. In the definitions, provides that a facility accepting exclusively general construction or demolition debris and that as of January 1, 2000 is located in a county with a population of 700,000 or more persons is not a pollution control facility under the Act (now, the definition does not have the January 1, 2000 restriction). Makes a similar change regarding waste-storage, waste-treatment, or waste-disposal permits to provide that no permit shall be required for a facility in a county with a population over 700,000 as of January 1, 2000 (now, the January 1, 2000 date is not specified). Effective immediately.

LRB094 06428 RSP 36516 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning pollution control.

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 by  
5 changing Sections 3.330 and 21 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 site,  
9 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, Part  
17 761.42;

18 (3) sites or facilities used by any person conducting a  
19 waste storage, waste treatment, waste disposal, waste  
20 transfer or waste incineration operation, or a combination  
21 thereof, for wastes generated by such person's own  
22 activities, when such wastes are stored, treated, disposed  
23 of, transferred or incinerated within the site or facility  
24 owned, controlled or operated by such person, or when such  
25 wastes are transported within or between sites or  
26 facilities owned, controlled or operated by such person;

27 (4) sites or facilities at which the State is  
28 performing removal or remedial action pursuant to Section  
29 22.2 or 55.3;

30 (5) abandoned quarries used solely for the disposal of  
31 concrete, earth materials, gravel, or aggregate debris  
32 resulting from road construction activities conducted by a

1 unit of government or construction activities due to the  
2 construction and installation of underground pipes, lines,  
3 conduit or wires off of the premises of a public utility  
4 company which are conducted by a public utility;

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

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

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

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

15 (10) the portion of a site or facility used for  
16 treatment of petroleum contaminated materials by  
17 application onto or incorporation into the soil surface and  
18 any portion of that site or facility used for storage of  
19 petroleum contaminated materials before treatment. Only  
20 those categories of petroleum listed in Section 57.9(a) (3)  
21 are exempt under this subdivision (10);

22 (11) the portion of a site or facility where used oil  
23 is collected or stored prior to shipment to a recycling or  
24 energy recovery facility, provided that the used oil is  
25 generated by households or commercial establishments, and  
26 the site or facility is a recycling center or a business  
27 where oil or gasoline is sold at retail;

28 (12) the portion of a site or facility utilizing coal  
29 combustion waste for stabilization and treatment of only  
30 waste generated on that site or facility when used in  
31 connection with response actions pursuant to the federal  
32 Comprehensive Environmental Response, Compensation, and  
33 Liability Act of 1980, the federal Resource Conservation  
34 and Recovery Act of 1976, or the Illinois Environmental  
35 Protection Act or as authorized by the Agency;

36 (13) the portion of a site or facility accepting

1 exclusively general construction or demolition debris,  
2 located in a county with a population over 700,000 as of  
3 January 1, 2000, and operated and located in accordance  
4 with Section 22.38 of this Act; and

5 (14) the portion of a site or facility, located within  
6 a unit of local government that has enacted local zoning  
7 requirements, used to accept, separate, and process  
8 uncontaminated broken concrete, with or without protruding  
9 metal bars, provided that the uncontaminated broken  
10 concrete and metal bars are not speculatively accumulated,  
11 are at the site or facility no longer than one year after  
12 their acceptance, and are returned to the economic  
13 mainstream in the form of raw materials or products.

14 (b) A new pollution control facility is:

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

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

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

22 (Source: P.A. 92-574, eff. 6-26-02; 93-998, eff. 8-23-04.)

23 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

24 Sec. 21. Prohibited acts. No person shall:

25 (a) Cause or allow the open dumping of any waste.

26 (b) Abandon, dump, or deposit any waste upon the public  
27 highways or other public property, except in a sanitary  
28 landfill approved by the Agency pursuant to regulations adopted  
29 by the Board.

30 (c) Abandon any vehicle in violation of the "Abandoned  
31 Vehicles Amendment to the Illinois Vehicle Code", as enacted by  
32 the 76th General Assembly.

33 (d) Conduct any waste-storage, waste-treatment, or  
34 waste-disposal operation:

35 (1) without a permit granted by the Agency or in

1 violation of any conditions imposed by such permit,  
2 including periodic reports and full access to adequate  
3 records and the inspection of facilities, as may be  
4 necessary to assure compliance with this Act and with  
5 regulations and standards adopted thereunder; provided,  
6 however, that, except for municipal solid waste landfill  
7 units that receive waste on or after October 9, 1993, no  
8 permit shall be required for (i) any person conducting a  
9 waste-storage, waste-treatment, or waste-disposal  
10 operation for wastes generated by such person's own  
11 activities which are stored, treated, or disposed within  
12 the site where such wastes are generated, or (ii) a  
13 facility located in a county with a population over 700,000  
14 as of January 1, 2000, operated and located in accordance  
15 with Section 22.38 of this Act, and used exclusively for  
16 the transfer, storage, or treatment of general  
17 construction or demolition debris;

18 (2) in violation of any regulations or standards  
19 adopted by the Board under this Act; or

20 (3) which receives waste after August 31, 1988, does  
21 not have a permit issued by the Agency, and is (i) a  
22 landfill used exclusively for the disposal of waste  
23 generated at the site, (ii) a surface impoundment receiving  
24 special waste not listed in an NPDES permit, (iii) a waste  
25 pile in which the total volume of waste is greater than 100  
26 cubic yards or the waste is stored for over one year, or  
27 (iv) a land treatment facility receiving special waste  
28 generated at the site; without giving notice of the  
29 operation to the Agency by January 1, 1989, or 30 days  
30 after the date on which the operation commences, whichever  
31 is later, and every 3 years thereafter. The form for such  
32 notification shall be specified by the Agency, and shall be  
33 limited to information regarding: the name and address of  
34 the location of the operation; the type of operation; the  
35 types and amounts of waste stored, treated or disposed of  
36 on an annual basis; the remaining capacity of the

1 operation; and the remaining expected life of the  
2 operation.

3 Item (3) of this subsection (d) shall not apply to any  
4 person engaged in agricultural activity who is disposing of a  
5 substance that constitutes solid waste, if the substance was  
6 acquired for use by that person on his own property, and the  
7 substance is disposed of on his own property in accordance with  
8 regulations or standards adopted by the Board.

9 This subsection (d) shall not apply to hazardous waste.

10 (e) Dispose, treat, store or abandon any waste, or  
11 transport any waste into this State for disposal, treatment,  
12 storage or abandonment, except at a site or facility which  
13 meets the requirements of this Act and of regulations and  
14 standards thereunder.

15 (f) Conduct any hazardous waste-storage, hazardous  
16 waste-treatment or hazardous waste-disposal operation:

17 (1) without a RCRA permit for the site issued by the  
18 Agency under subsection (d) of Section 39 of this Act, or  
19 in violation of any condition imposed by such permit,  
20 including periodic reports and full access to adequate  
21 records and the inspection of facilities, as may be  
22 necessary to assure compliance with this Act and with  
23 regulations and standards adopted thereunder; or

24 (2) in violation of any regulations or standards  
25 adopted by the Board under this Act; or

26 (3) in violation of any RCRA permit filing requirement  
27 established under standards adopted by the Board under this  
28 Act; or

29 (4) in violation of any order adopted by the Board  
30 under this Act.

31 Notwithstanding the above, no RCRA permit shall be required  
32 under this subsection or subsection (d) of Section 39 of this  
33 Act for any person engaged in agricultural activity who is  
34 disposing of a substance which has been identified as a  
35 hazardous waste, and which has been designated by Board  
36 regulations as being subject to this exception, if the

1 substance was acquired for use by that person on his own  
2 property and the substance is disposed of on his own property  
3 in accordance with regulations or standards adopted by the  
4 Board.

5 (g) Conduct any hazardous waste-transportation operation:

6 (1) without registering with and obtaining a permit  
7 from the Agency in accordance with the Uniform Program  
8 implemented under subsection (1-5) of Section 22.2; or

9 (2) in violation of any regulations or standards  
10 adopted by the Board under this Act.

11 (h) Conduct any hazardous waste-recycling or hazardous  
12 waste-reclamation or hazardous waste-reuse operation in  
13 violation of any regulations, standards or permit requirements  
14 adopted by the Board under this Act.

15 (i) Conduct any process or engage in any act which produces  
16 hazardous waste in violation of any regulations or standards  
17 adopted by the Board under subsections (a) and (c) of Section  
18 22.4 of this Act.

19 (j) Conduct any special waste transportation operation in  
20 violation of any regulations, standards or permit requirements  
21 adopted by the Board under this Act. However, sludge from a  
22 water or sewage treatment plant owned and operated by a unit of  
23 local government which (1) is subject to a sludge management  
24 plan approved by the Agency or a permit granted by the Agency,  
25 and (2) has been tested and determined not to be a hazardous  
26 waste as required by applicable State and federal laws and  
27 regulations, may be transported in this State without a special  
28 waste hauling permit, and the preparation and carrying of a  
29 manifest shall not be required for such sludge under the rules  
30 of the Pollution Control Board. The unit of local government  
31 which operates the treatment plant producing such sludge shall  
32 file a semiannual report with the Agency identifying the volume  
33 of such sludge transported during the reporting period, the  
34 hauler of the sludge, and the disposal sites to which it was  
35 transported. This subsection (j) shall not apply to hazardous  
36 waste.

1 (k) Fail or refuse to pay any fee imposed under this Act.

2 (l) Locate a hazardous waste disposal site above an active  
3 or inactive shaft or tunneled mine or within 2 miles of an  
4 active fault in the earth's crust. In counties of population  
5 less than 225,000 no hazardous waste disposal site shall be  
6 located (1) within 1 1/2 miles of the corporate limits as  
7 defined on June 30, 1978, of any municipality without the  
8 approval of the governing body of the municipality in an  
9 official action; or (2) within 1000 feet of an existing private  
10 well or the existing source of a public water supply measured  
11 from the boundary of the actual active permitted site and  
12 excluding existing private wells on the property of the permit  
13 applicant. The provisions of this subsection do not apply to  
14 publicly-owned sewage works or the disposal or utilization of  
15 sludge from publicly-owned sewage works.

16 (m) Transfer interest in any land which has been used as a  
17 hazardous waste disposal site without written notification to  
18 the Agency of the transfer and to the transferee of the  
19 conditions imposed by the Agency upon its use under subsection  
20 (g) of Section 39.

21 (n) Use any land which has been used as a hazardous waste  
22 disposal site except in compliance with conditions imposed by  
23 the Agency under subsection (g) of Section 39.

24 (o) Conduct a sanitary landfill operation which is required  
25 to have a permit under subsection (d) of this Section, in a  
26 manner which results in any of the following conditions:

27 (1) refuse in standing or flowing waters;

28 (2) leachate flows entering waters of the State;

29 (3) leachate flows exiting the landfill confines (as  
30 determined by the boundaries established for the landfill  
31 by a permit issued by the Agency);

32 (4) open burning of refuse in violation of Section 9 of  
33 this Act;

34 (5) uncovered refuse remaining from any previous  
35 operating day or at the conclusion of any operating day,  
36 unless authorized by permit;



1 (6) failure to provide final cover within time limits  
2 established by Board regulations;

3 (7) acceptance of wastes without necessary permits;

4 (8) scavenging as defined by Board regulations;

5 (9) deposition of refuse in any unpermitted portion of  
6 the landfill;

7 (10) acceptance of a special waste without a required  
8 manifest;

9 (11) failure to submit reports required by permits or  
10 Board regulations;

11 (12) failure to collect and contain litter from the  
12 site by the end of each operating day;

13 (13) failure to submit any cost estimate for the site  
14 or any performance bond or other security for the site as  
15 required by this Act or Board rules.

16 The prohibitions specified in this subsection (o) shall be  
17 enforceable by the Agency either by administrative citation  
18 under Section 31.1 of this Act or as otherwise provided by this  
19 Act. The specific prohibitions in this subsection do not limit  
20 the power of the Board to establish regulations or standards  
21 applicable to sanitary landfills.

22 (p) In violation of subdivision (a) of this Section, cause  
23 or allow the open dumping of any waste in a manner which  
24 results in any of the following occurrences at the dump site:

25 (1) litter;

26 (2) scavenging;

27 (3) open burning;

28 (4) deposition of waste in standing or flowing waters;

29 (5) proliferation of disease vectors;

30 (6) standing or flowing liquid discharge from the dump  
31 site;

32 (7) deposition of:

33 (i) general construction or demolition debris as  
34 defined in Section 3.160(a) of this Act; or

35 (ii) clean construction or demolition debris as  
36 defined in Section 3.160(b) of this Act.

1           The prohibitions specified in this subsection (p) shall be  
2 enforceable by the Agency either by administrative citation  
3 under Section 31.1 of this Act or as otherwise provided by this  
4 Act. The specific prohibitions in this subsection do not limit  
5 the power of the Board to establish regulations or standards  
6 applicable to open dumping.

7           (q) Conduct a landscape waste composting operation without  
8 an Agency permit, provided, however, that no permit shall be  
9 required for any person:

10           (1) conducting a landscape waste composting operation  
11 for landscape wastes generated by such person's own  
12 activities which are stored, treated or disposed of within  
13 the site where such wastes are generated; or

14           (2) applying landscape waste or composted landscape  
15 waste at agronomic rates; or

16           (3) operating a landscape waste composting facility on  
17 a farm, if the facility meets all of the following  
18 criteria:

19           (A) the composting facility is operated by the  
20 farmer on property on which the composting material is  
21 utilized, and the composting facility constitutes no  
22 more than 2% of the property's total acreage, except  
23 that the Agency may allow a higher percentage for  
24 individual sites where the owner or operator has  
25 demonstrated to the Agency that the site's soil  
26 characteristics or crop needs require a higher rate;

27           (B) the property on which the composting facility  
28 is located, and any associated property on which the  
29 compost is used, is principally and diligently devoted  
30 to the production of agricultural crops and is not  
31 owned, leased or otherwise controlled by any waste  
32 hauler or generator of nonagricultural compost  
33 materials, and the operator of the composting facility  
34 is not an employee, partner, shareholder, or in any way  
35 connected with or controlled by any such waste hauler  
36 or generator;

1 (C) all compost generated by the composting  
2 facility is applied at agronomic rates and used as  
3 mulch, fertilizer or soil conditioner on land actually  
4 farmed by the person operating the composting  
5 facility, and the finished compost is not stored at the  
6 composting site for a period longer than 18 months  
7 prior to its application as mulch, fertilizer, or soil  
8 conditioner;

9 (D) the owner or operator, by January 1, 1990 (or  
10 the January 1 following commencement of operation,  
11 whichever is later) and January 1 of each year  
12 thereafter, (i) registers the site with the Agency,  
13 (ii) reports to the Agency on the volume of composting  
14 material received and used at the site, (iii) certifies  
15 to the Agency that the site complies with the  
16 requirements set forth in subparagraphs (A), (B) and  
17 (C) of this paragraph (q) (3), and (iv) certifies to the  
18 Agency that all composting material was placed more  
19 than 200 feet from the nearest potable water supply  
20 well, was placed outside the boundary of the 10-year  
21 floodplain or on a part of the site that is  
22 floodproofed, was placed at least 1/4 mile from the  
23 nearest residence (other than a residence located on  
24 the same property as the facility) and there are not  
25 more than 10 occupied non-farm residences within 1/2  
26 mile of the boundaries of the site on the date of  
27 application, and was placed more than 5 feet above the  
28 water table.

29 For the purposes of this subsection (q), "agronomic rates"  
30 means the application of not more than 20 tons per acre per  
31 year, except that the Agency may allow a higher rate for  
32 individual sites where the owner or operator has demonstrated  
33 to the Agency that the site's soil characteristics or crop  
34 needs require a higher rate.

35 (r) Cause or allow the storage or disposal of coal  
36 combustion waste unless:

1 (1) such waste is stored or disposed of at a site or  
2 facility for which a permit has been obtained or is not  
3 otherwise required under subsection (d) of this Section; or

4 (2) such waste is stored or disposed of as a part of  
5 the design and reclamation of a site or facility which is  
6 an abandoned mine site in accordance with the Abandoned  
7 Mined Lands and Water Reclamation Act; or

8 (3) such waste is stored or disposed of at a site or  
9 facility which is operating under NPDES and Subtitle D  
10 permits issued by the Agency pursuant to regulations  
11 adopted by the Board for mine-related water pollution and  
12 permits issued pursuant to the Federal Surface Mining  
13 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
14 rules and regulations thereunder or any law or rule or  
15 regulation adopted by the State of Illinois pursuant  
16 thereto, and the owner or operator of the facility agrees  
17 to accept the waste; and either

18 (i) such waste is stored or disposed of in  
19 accordance with requirements applicable to refuse  
20 disposal under regulations adopted by the Board for  
21 mine-related water pollution and pursuant to NPDES and  
22 Subtitle D permits issued by the Agency under such  
23 regulations; or

24 (ii) the owner or operator of the facility  
25 demonstrates all of the following to the Agency, and  
26 the facility is operated in accordance with the  
27 demonstration as approved by the Agency: (1) the  
28 disposal area will be covered in a manner that will  
29 support continuous vegetation, (2) the facility will  
30 be adequately protected from wind and water erosion,  
31 (3) the pH will be maintained so as to prevent  
32 excessive leaching of metal ions, and (4) adequate  
33 containment or other measures will be provided to  
34 protect surface water and groundwater from  
35 contamination at levels prohibited by this Act, the  
36 Illinois Groundwater Protection Act, or regulations

1           adopted pursuant thereto.

2           Notwithstanding any other provision of this Title, the  
3 disposal of coal combustion waste pursuant to item (2) or (3)  
4 of this subdivision (r) shall be exempt from the other  
5 provisions of this Title V, and notwithstanding the provisions  
6 of Title X of this Act, the Agency is authorized to grant  
7 experimental permits which include provision for the disposal  
8 of wastes from the combustion of coal and other materials  
9 pursuant to items (2) and (3) of this subdivision (r).

10          (s) After April 1, 1989, offer for transportation,  
11 transport, deliver, receive or accept special waste for which a  
12 manifest is required, unless the manifest indicates that the  
13 fee required under Section 22.8 of this Act has been paid.

14          (t) Cause or allow a lateral expansion of a municipal solid  
15 waste landfill unit on or after October 9, 1993, without a  
16 permit modification, granted by the Agency, that authorizes the  
17 lateral expansion.

18          (u) Conduct any vegetable by-product treatment, storage,  
19 disposal or transportation operation in violation of any  
20 regulation, standards or permit requirements adopted by the  
21 Board under this Act. However, no permit shall be required  
22 under this Title V for the land application of vegetable  
23 by-products conducted pursuant to Agency permit issued under  
24 Title III of this Act to the generator of the vegetable  
25 by-products. In addition, vegetable by-products may be  
26 transported in this State without a special waste hauling  
27 permit, and without the preparation and carrying of a manifest.

28          (v) (Blank).

29          (w) Conduct any generation, transportation, or recycling  
30 of construction or demolition debris, clean or general, or  
31 uncontaminated soil generated during construction, remodeling,  
32 repair, and demolition of utilities, structures, and roads that  
33 is not commingled with any waste, without the maintenance of  
34 documentation identifying the hauler, generator, place of  
35 origin of the debris or soil, the weight or volume of the  
36 debris or soil, and the location, owner, and operator of the

1 facility where the debris or soil was transferred, disposed,  
2 recycled, or treated. This documentation must be maintained by  
3 the generator, transporter, or recycler for 3 years. This  
4 subsection (w) shall not apply to (1) a permitted pollution  
5 control facility that transfers or accepts construction or  
6 demolition debris, clean or general, or uncontaminated soil for  
7 final disposal, recycling, or treatment, (2) a public utility  
8 (as that term is defined in the Public Utilities Act) or a  
9 municipal utility, (3) the Illinois Department of  
10 Transportation, or (4) a municipality or a county highway  
11 department, with the exception of any municipality or county  
12 highway department located within a county having a population  
13 of over 3,000,000 inhabitants or located in a county that is  
14 contiguous to a county having a population of over 3,000,000  
15 inhabitants; but it shall apply to an entity that contracts  
16 with a public utility, a municipal utility, the Illinois  
17 Department of Transportation, or a municipality or a county  
18 highway department. The terms "generation" and "recycling" as  
19 used in this subsection do not apply to clean construction or  
20 demolition debris when (i) used as fill material below grade  
21 outside of a setback zone if covered by sufficient  
22 uncontaminated soil to support vegetation within 30 days of the  
23 completion of filling or if covered by a road or structure,  
24 (ii) solely broken concrete without protruding metal bars is  
25 used for erosion control, or (iii) milled asphalt or crushed  
26 concrete is used as aggregate in construction of the shoulder  
27 of a roadway. The terms "generation" and "recycling", as used  
28 in this subsection, do not apply to uncontaminated soil that is  
29 not commingled with any waste when (i) used as fill material  
30 below grade or contoured to grade, or (ii) used at the site of  
31 generation.

32 (Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.)

33 Section 99. Effective date. This Act takes effect upon  
34 becoming law.