



Sen. Pamela J. Althoff

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09400SB2129sam001

LRB094 13234 RSP 54797 a

1 AMENDMENT TO SENATE BILL 2129

2 AMENDMENT NO. _____. Amend Senate Bill 2129 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 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

1 wastes are transported within or between sites or
2 facilities owned, controlled or operated by such person;

3 (4) sites or facilities at which the State is
4 performing removal or remedial action pursuant to Section
5 22.2 or 55.3;

6 (5) abandoned quarries used solely for the disposal of
7 concrete, earth materials, gravel, or aggregate debris
8 resulting from road construction activities conducted by a
9 unit of government or construction activities due to the
10 construction and installation of underground pipes, lines,
11 conduit or wires off of the premises of a public utility
12 company which are conducted by a public utility;

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

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

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

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

23 (10) the portion of a site or facility used for
24 treatment of petroleum contaminated materials by
25 application onto or incorporation into the soil surface and
26 any portion of that site or facility used for storage of
27 petroleum contaminated materials before treatment. Only
28 those categories of petroleum listed in Section 57.9(a) (3)
29 are exempt under this subdivision (10);

30 (11) the portion of a site or facility where used oil
31 is collected or stored prior to shipment to a recycling or
32 energy recovery facility, provided that the used oil is
33 generated by households or commercial establishments, and
34 the site or facility is a recycling center or a business

1 where oil or gasoline is sold at retail;

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

10 (13) the portion of a site or facility accepting
11 exclusively general construction or demolition debris,
12 located in a county with a population over 700,000 as of
13 January 1, 2000, and operated and located in accordance
14 with Section 22.38 of this Act;

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

24 (15) the portion of a site or facility located in a
25 county with a population over 3,000,000 that has obtained
26 local siting approval under Section 39.2 of this Act for a
27 municipal waste incinerator on or before July 1, 2005 and
28 that is used for a non-hazardous waste transfer station; ~~and~~

29 (16) the portion of a site or facility, that has no
30 more than 10,000 cubic yards of raw materials, composting
31 material, or end-product compost on-site at any one time
32 that uses only livestock waste, crop residue,
33 uncontaminated wood waste, and landscape waste as raw
34 materials for composting, or that has no more than 30,000

1 cubic yards if the compost facility is part of a required
2 Waste Management Plan that has been developed in accordance
3 with the standards of the Livestock Management Facilities
4 Act that meets the following:

5 (i) the location criteria of Section 39(m)(1)
6 through (m)(4);

7 (ii) the location criteria of 35 Ill. Admin. Code
8 Part 830.203(a)(3); and

9 (iii) that is permitted under 35 Ill. Admin. Code
10 Part 807; and

11 (17) the portion of a site or facility, that has no
12 more than 5,000 cubic yards of raw materials, composting
13 material, or end-product compost on-site at any one time,
14 that uses source separated food waste, paper waste,
15 including, but not limited to, corrugated and cardboard,
16 livestock waste, uncontaminated wood waste, and landscape
17 waste as raw materials for composting and meets the
18 location criteria of 39(m)(1) through (4) and 35 Ill.
19 Admin. Code Part 830.203(a)(3). For purposes of this
20 Section, "food waste" means the source separated organic
21 portion of the waste resulting from the handling,
22 processing, preparation, cooking, and consumption of food,
23 and the wastes from the handling, processing, storage, and
24 sale of produce. "Food waste" does not include packaging,
25 utensils, or containers from the handling, processing,
26 preparation, cooking, and consumption of food.

27 (b) A new pollution control facility is:

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

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

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

1 (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,
2 eff. 7-19-05; revised 8-18-05.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".