



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2172

Introduced 1/4/2006, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.330

was 415 ILCS 5/3.32

Amends the Environmental Protection Act. Provides that certain waste composting facilities are not pollution control facilities under the Act if the materials used for composting at the facility are limited to certain materials (livestock waste, crop residue, uncontaminated wood waste, landscape waste, source separated food waste, and paper waste) in specified amounts (no more than 10,000 cubic yards of raw materials, composting material, or end-product compost on-site at any one time that uses only livestock waste, crop residue, uncontaminated wood waste, and landscape waste as raw materials for composting, or that has no more than 30,000 cubic yards if the compost facility is part of a required Waste Management Plan that has been developed in accordance with the standards of the Livestock Management Facilities Act and meets certain other conditions, or no more than 5,000 cubic yards of raw materials, composting material, or end-product compost on-site at any one time, that uses source separated food waste, paper waste, livestock waste, uncontaminated wood waste, and landscape waste). Effective immediately.

LRB094 15881 RSP 51103 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

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 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
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;

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; ~~and~~

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

19 (16) the portion of a site or facility, that has no
20 more than 10,000 cubic yards of raw materials, composting
21 material, or end-product compost on-site at any one time
22 that uses only livestock waste, crop residue,
23 uncontaminated wood waste, and landscape waste as raw
24 materials for composting, or that has no more than 30,000
25 cubic yards if the compost facility is part of a required
26 Waste Management Plan that has been developed in accordance
27 with the standards of the Livestock Management Facilities
28 Act that meets the following:

29 (i) the location criteria of Section 39(m)(1)
30 through (m)(4);

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

33 (iii) that is permitted under 35 Ill. Admin. Code
34 Part 807;

35 (17) the portion of a site or facility, that has no
36 more than 5,000 cubic yards of raw materials, composting

1 material, or end-product compost on-site at any one time,
2 that uses source separated food waste, paper waste,
3 including, but not limited to, corrugated and cardboard,
4 livestock waste, uncontaminated wood waste, and landscape
5 waste as raw materials for composting and meets the
6 location criteria of 39(m)(1) through (4) and 35 Ill.
7 Admin. Code Part 830.203(a)(3). For purposes of this
8 Section, "food waste" means the source separated organic
9 portion of the waste resulting from the handling,
10 processing, preparation, cooking, and consumption of food,
11 and the wastes from the handling, processing, storage, and
12 sale of produce. "Food waste" does not include packaging,
13 utensils, or containers from the handling, processing,
14 preparation, cooking, and consumption of food; and
15 (18) the portion of a site or facility used for a
16 recycling, reclamation, or reuse operation subject to the
17 permitting requirements of Section 22.53(b) of this Act.

18 (b) A new pollution control facility is:

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

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

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

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.