



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2285

Introduced 1/12/2006, by Sen. James F. Clayborne, Jr.

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.330

was 415 ILCS 5/3.32

Amends the Environmental Protection Act. Provides that processing sites or facilities that receive only on-specification used oil originating from used oil collectors for processing to produce products for sale to off-site petroleum facilities are not pollution control facilities under the Environmental Protection Act if these sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements. Effective immediately.

LRB094 15461 RSP 50656 b

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 (11.5) processing sites or facilities that receive  
29 only on-specification used oil, as defined in 35 Ill.  
30 Admin. Code 739, originating from used oil collectors for  
31 processing that is managed under 35 Ill. Admin. Code 739 to  
32 produce products for sale to off-site petroleum  
33 facilities, if these processing sites or facilities are:  
34 (i) located within a home rule unit of local government  
35 with a population of at least 30,000 according to the 2000  
36 federal census, that home rule unit of local government has

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

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

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

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

30 (15) the portion of a site or facility located in a  
31 county with a population over 3,000,000 that has obtained  
32 local siting approval under Section 39.2 of this Act for a  
33 municipal waste incinerator on or before July 1, 2005 and  
34 that is used for a non-hazardous waste transfer station.

35 (b) A new pollution control facility is:

36 (1) a pollution control facility initially permitted

- 1 for development or construction after July 1, 1981; or
- 2 (2) the area of expansion beyond the boundary of a
- 3 currently permitted pollution control facility; or
- 4 (3) a permitted pollution control facility requesting
- 5 approval to store, dispose of, transfer or incinerate, for
- 6 the first time, any special or hazardous waste.

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

8 eff. 7-19-05; revised 8-18-05.)

9 Section 99. Effective date. This Act takes effect upon

10 becoming law.