

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

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

4 (4) sites or facilities at which the State is  
5 performing removal or remedial action pursuant to Section  
6 22.2 or 55.3;

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

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

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

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

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

24 (10) the portion of a site or facility used for  
25 treatment of petroleum contaminated materials by  
26 application onto or incorporation into the soil surface and

1 any portion of that site or facility used for storage of  
2 petroleum contaminated materials before treatment. Only  
3 those categories of petroleum listed in Section 57.9(a)(3)  
4 are exempt under this subdivision (10);

5 (11) the portion of a site or facility where used oil  
6 is collected or stored prior to shipment to a recycling or  
7 energy recovery facility, provided that the used oil is  
8 generated by households or commercial establishments, and  
9 the site or facility is a recycling center or a business  
10 where oil or gasoline is sold at retail;

11 (11.5) processing sites or facilities that receive  
12 only on-specification used oil, as defined in 35 Ill.  
13 Admin. Code 739, originating from used oil collectors for  
14 processing that is managed under 35 Ill. Admin. Code 739 to  
15 produce products for sale to off-site petroleum  
16 facilities, if these processing sites or facilities are:  
17 (i) located within a home rule unit of local government  
18 with a population of at least 30,000 according to the 2000  
19 federal census, that home rule unit of local government has  
20 been designated as an Urban Round II Empowerment Zone by  
21 the United States Department of Housing and Urban  
22 Development, and that home rule unit of local government  
23 has enacted an ordinance approving the location of the site  
24 or facility and provided funding for the site or facility;  
25 and (ii) in compliance with all applicable zoning  
26 requirements;=

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

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

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

23          (15) the portion of a site or facility located in a  
24          county with a population over 3,000,000 that has obtained  
25          local siting approval under Section 39.2 of this Act for a  
26          municipal waste incinerator on or before July 1, 2005 and

1 that is used for a non-hazardous waste transfer station;  
2 ~~and~~

3 (16) the portion of a site or facility located in a  
4 county with a population greater than 3,000,000 that has  
5 obtained local siting approval, under Section 39.2 of this  
6 Act, for a municipal waste incinerator on or before July 1,  
7 2005 and that is used for wood combustion facilities for  
8 energy recovery that accept and burn only wood material, as  
9 included in a fuel specification approved by the Agency.

10 (b) A new pollution control facility is:

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

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

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

18 (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,  
19 eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.