



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0178

Introduced 1/31/2007, 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 3 additional exceptions to the definition of "pollution control facility" under the Act, as follows: (i) the portion of a site or facility, that has no more than 10,000 cubic yards of specified materials or that has no more than 30,000 cubic yards of material 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; (ii) the portion of a site or facility that has no more than 5,000 cubic yards of specified materials, that uses certain wastes including food waste and landscape waste and meets certain location criteria; and (iii) the portion of a site or facility used for a recycling, reclamation, or reuse operation subject to certain permitting requirements of the Act. Defines "food waste". Effective immediately.

LRB095 08323 CMK 28495 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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; ~~7~~

2 (16) the portion of a site or facility, that has no
3 more than 10,000 cubic yards of raw materials, composting
4 material, or end-product compost on-site at any one time
5 that uses only livestock waste, crop residue,
6 uncontaminated wood waste, and landscape waste as raw
7 materials for composting, or that has no more than 30,000
8 cubic yards if the compost facility is part of a required
9 Waste Management Plan that has been developed in accordance
10 with the standards of the Livestock Management Facilities
11 Act that meets the following:

12 (i) the location criteria of Section 39(m)(1)
13 through (m)(4);

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

16 (iii) that is permitted under 35 Ill. Admin. Code
17 Part 807;

18 (17) the portion of a site or facility, that has no
19 more than 5,000 cubic yards of raw materials, composting
20 material, or end-product compost on-site at any one time,
21 that uses source separated food waste, paper waste,
22 including, but not limited to, corrugated and cardboard,
23 livestock waste, uncontaminated wood waste, and landscape
24 waste as raw materials for composting and meets the
25 location criteria of 39(m)(1) through (4) and 35 Ill.
26 Admin. Code Part 830.203(a)(3). For purposes of this

1 Section, "food waste" means the source separated organic
2 portion of the waste resulting from the handling,
3 processing, preparation, cooking, and consumption of food,
4 and the wastes from the handling, processing, storage, and
5 sale of produce. "Food waste" does not include packaging,
6 utensils, or containers from the handling, processing,
7 preparation, cooking, and consumption of food; and

8 (18) the portion of a site or facility used for a
9 recycling, reclamation, or reuse operation subject to the
10 permitting requirements of Section 22.53(b) of this Act.

11 (b) A new pollution control facility is:

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

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

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

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

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