

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 and by adding Section 39.8 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;

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 (16) a site or facility that temporarily holds in
3 transit for 10 days or less, non-petruscible solid waste in
4 original containers, no larger in capacity than 500
5 gallons, provided that such waste is further transferred to
6 a recycling, disposal, treatment, or storage facility on a
7 non-contiguous site and provided such site or facility
8 complies with the applicable 10-day transfer requirements
9 of the federal Resource Conservation and Recovery Act of
10 1976 and United States Department of Transportation
11 hazardous material requirements. For purposes of this
12 Section only, "non-petruscible solid waste" means waste
13 other than municipal garbage that does not rot or become
14 putrid, including, but not limited to, paints, solvent,
15 filters, and absorbents;

16 (17) the portion of a site or facility located in a
17 county with a population greater than 3,000,000 that has
18 obtained local siting approval, under Section 39.2 of this
19 Act, for a municipal waste incinerator on or before July 1,
20 2005 and that is used for wood combustion facilities for
21 energy recovery that accept and burn only wood material, as
22 included in a fuel specification approved by the Agency;

23 ~~and~~

24 (18) a transfer station used exclusively for landscape
25 waste, including a transfer station where landscape waste
26 is ground to reduce its volume, where the landscape waste

1 is held no longer than 24 hours from the time it was
2 received; and

3 (19) the portion of a site or facility used to perform
4 limited testing of a gasification conversion technology in
5 accordance with Section 39.8 of this Act and for which a
6 complete permit application has been submitted to the
7 Agency prior to one year from the effective date of this
8 amendatory Act of the 96th General Assembly.

9 (b) A new pollution control facility is:

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

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

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

17 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,
18 eff. 6-2-06; 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331,
19 eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08.)

20 (415 ILCS 5/39.8 new)

21 Sec. 39.8. Gasification conversion technology
22 demonstration permit.

23 (a) The purpose of this Section is to provide for the
24 permitting and limited testing of gasification conversion
25 technologies on a pilot scale basis.

1 (b) For purposes of this Section:

2 "Gasification conversion technology" or "GCT" means
3 the process of applying heat to municipal waste, chicken
4 litter, distillers grain, or switchgrass in order to
5 convert these materials into a synthetic gas ("syngas")
6 that meets specifications for use as a fuel for the
7 generation of electricity. To qualify as a GCT, the process
8 must not continuously operate at temperatures exceeding an
9 hourly average of 1,400 degrees Fahrenheit in the gasifier
10 unit, must not use fossil fuels in the gasifier unit, and
11 must be designed to produce more energy than it consumes.

12 "GCTDP" means a gasification conversion technology
13 demonstration permit issued by the Agency under this
14 Section.

15 (c) The Agency may, under the authority of subsection (b)
16 of Section 9 and subsection (a) of Section 39 of the Act, issue
17 a GCTDP to an applicant for limited field testing of a GCT in
18 order to demonstrate that the GCT can reliably produce syngas
19 meeting specifications for its use as fuel for the generation
20 of electricity. The GCTDP shall be subject to all of the
21 following conditions:

22 (1) The GCTDP shall be for a period not to exceed 180
23 consecutive calendar days from the date of issuance of the
24 permit.

25 (2) The applicant for a GCTDP must demonstrate that,
26 during the permit period, the GCT will not emit more than

1 500 pounds, in the aggregate, of particulate matter, sulfur
2 dioxide, organic materials, hydrogen chloride, and heavy
3 metals.

4 (3) The applicant for a GCTDP must perform emissions
5 testing during the permit period, as required by the
6 Agency, and submit the results of that testing to the
7 Agency as specified in the GCTDP within 60 days after the
8 completion of testing.

9 (4) During the permit period the applicant may not
10 process more than 10 tons per day, in the aggregate, of
11 materials in the gasification process. The applicant may
12 not store on site more than 10 tons, in the aggregate, of
13 waste and other materials of the types set forth in
14 subsection (b) of this Section.

15 (5) In addition to the GCTDP, the applicant must obtain
16 applicable waste management permits in accordance with
17 subsection (d) of Section 21 and subsection (a) of Section
18 39 before receiving waste at the facility. All waste
19 received at the facility must be managed in accordance with
20 the Act, the waste management permits, and applicable
21 regulations adopted pursuant to Section 22 of the Act.

22 (6) The applicant must demonstrate that the proposed
23 project meets the criteria defining a GCT in subsection (b)
24 of this Section.

25 (7) The applicant for a GCTDP shall submit application
26 fees in accordance with subsection (c) of Section 9.12 of

1 the Act, excluding the fees under subparagraph (B) of
2 paragraph (2) of subsection (c) of that Section.

3 (8) A complete application for a GCTDP must be filed in
4 accordance with this Section and submitted to the Agency
5 prior to one year from the effective date of this
6 amendatory Act of the 96th General Assembly.

7 (9) The GCTDP shall not be granted for use in a
8 nonattainment area.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.