



Sen. James F. Clayborne Jr.

Filed: 5/17/2009

09600HB2688sam001

LRB096 08048 JDS 27019 a

1 AMENDMENT TO HOUSE BILL 2688

2 AMENDMENT NO. _____. Amend House Bill 2688, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Environmental Protection Act is amended by
6 changing Section 3.330 and by adding Section 39.8 as follows:

7 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

8 Sec. 3.330. Pollution control facility.

9 (a) "Pollution control facility" is any waste storage site,
10 sanitary landfill, waste disposal site, waste transfer
11 station, waste treatment facility, or waste incinerator. This
12 includes sewers, sewage treatment plants, and any other
13 facilities owned or operated by sanitary districts organized
14 under the Metropolitan Water Reclamation District Act.

15 The following are not pollution control facilities:

16 (1) (blank);

1 (2) waste storage sites regulated under 40 CFR, Part
2 761.42;

3 (3) sites or facilities used by any person conducting a
4 waste storage, waste treatment, waste disposal, waste
5 transfer or waste incineration operation, or a combination
6 thereof, for wastes generated by such person's own
7 activities, when such wastes are stored, treated, disposed
8 of, transferred or incinerated within the site or facility
9 owned, controlled or operated by such person, or when such
10 wastes are transported within or between sites or
11 facilities owned, controlled or operated by such person;

12 (4) sites or facilities at which the State is
13 performing removal or remedial action pursuant to Section
14 22.2 or 55.3;

15 (5) abandoned quarries used solely for the disposal of
16 concrete, earth materials, gravel, or aggregate debris
17 resulting from road construction activities conducted by a
18 unit of government or construction activities due to the
19 construction and installation of underground pipes, lines,
20 conduit or wires off of the premises of a public utility
21 company which are conducted by a public utility;

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

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

26 (8) the portion of a site or facility where coal

1 combustion wastes are stored or disposed of in accordance
2 with subdivision (r) (2) or (r) (3) of Section 21;

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

6 (10) the portion of a site or facility used for
7 treatment of petroleum contaminated materials by
8 application onto or incorporation into the soil surface and
9 any portion of that site or facility used for storage of
10 petroleum contaminated materials before treatment. Only
11 those categories of petroleum listed in Section 57.9(a) (3)
12 are exempt under this subdivision (10);

13 (11) the portion of a site or facility where used oil
14 is collected or stored prior to shipment to a recycling or
15 energy recovery facility, provided that the used oil is
16 generated by households or commercial establishments, and
17 the site or facility is a recycling center or a business
18 where oil or gasoline is sold at retail;

19 (11.5) processing sites or facilities that receive
20 only on-specification used oil, as defined in 35 Ill.
21 Admin. Code 739, originating from used oil collectors for
22 processing that is managed under 35 Ill. Admin. Code 739 to
23 produce products for sale to off-site petroleum
24 facilities, if these processing sites or facilities are:
25 (i) located within a home rule unit of local government
26 with a population of at least 30,000 according to the 2000

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

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

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

22 (14) the portion of a site or facility, located within
23 a unit of local government that has enacted local zoning
24 requirements, used to accept, separate, and process
25 uncontaminated broken concrete, with or without protruding
26 metal bars, provided that the uncontaminated broken

1 concrete and metal bars are not speculatively accumulated,
2 are at the site or facility no longer than one year after
3 their acceptance, and are returned to the economic
4 mainstream in the form of raw materials or products;

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

10 (16) a site or facility that temporarily holds in
11 transit for 10 days or less, non-petruscible solid waste in
12 original containers, no larger in capacity than 500
13 gallons, provided that such waste is further transferred to
14 a recycling, disposal, treatment, or storage facility on a
15 non-contiguous site and provided such site or facility
16 complies with the applicable 10-day transfer requirements
17 of the federal Resource Conservation and Recovery Act of
18 1976 and United States Department of Transportation
19 hazardous material requirements. For purposes of this
20 Section only, "non-petruscible solid waste" means waste
21 other than municipal garbage that does not rot or become
22 putrid, including, but not limited to, paints, solvent,
23 filters, and absorbents;

24 (17) the portion of a site or facility located in a
25 county with a population greater than 3,000,000 that has
26 obtained local siting approval, under Section 39.2 of this

1 Act, for a municipal waste incinerator on or before July 1,
2 2005 and that is used for wood combustion facilities for
3 energy recovery that accept and burn only wood material, as
4 included in a fuel specification approved by the Agency;
5 ~~and~~

6 (18) a transfer station used exclusively for landscape
7 waste, including a transfer station where landscape waste
8 is ground to reduce its volume, where the landscape waste
9 is held no longer than 24 hours from the time it was
10 received; and

11 (19) the portion of a site or facility used to perform
12 limited testing of a gasification conversion technology in
13 accordance with Section 39.8 of this Act and for which a
14 complete permit application has been submitted to the
15 Agency at least one year before the effective date of this
16 amendatory Act of the 96th General Assembly.

17 (b) A new pollution control facility is:

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

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

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

25 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,
26 eff. 6-2-06; 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331,

1 eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08.)

2 (415 ILCS 5/39.8 new)

3 Sec. 39.8. Gasification conversion technology
4 demonstration permit.

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

8 (b) For purposes of this Section:

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

19 "GCTDP" means a gasification conversion technology
20 demonstration permit issued by the Agency under this
21 Section.

22 (c) The Agency may, under the authority of subsection (b)
23 of Section 9 and subsection (a) of Section 39 of the Act, issue
24 a GCTDP to an applicant for limited field testing of a GCT in
25 order to demonstrate that the GCT can reliably produce syngas

1 meeting specifications for its use as fuel for the generation
2 of electricity. The GCTDP shall be subject to all of the
3 following conditions:

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

7 (2) The applicant for a GCTDP must demonstrate that,
8 during the permit period, the GCT will not emit more than
9 500 pounds, in the aggregate, of particulate matter, sulfur
10 dioxide, organic materials, hydrogen chloride, and heavy
11 metals.

12 (3) The applicant for a GCTDP must perform emissions
13 testing during the permit period, as required by the
14 Agency, and submit the results of that testing to the
15 Agency as specified in the GCTDP within 60 days after the
16 completion of testing.

17 (4) During the permit period the applicant may not
18 process more than 10 tons per day, in the aggregate, of
19 materials in the gasification process. The applicant may
20 not store on site more than 10 tons, in the aggregate, of
21 waste and other materials of the types set forth in
22 subsection (b) of this Section.

23 (5) In addition to the GCTDP, the applicant must obtain
24 applicable waste management permits in accordance with
25 subsection (d) of Section 21 and subsection (a) of Section
26 39 before receiving waste at the facility. All waste

1 received at the facility must be managed in accordance with
2 the Act, the waste management permits, and applicable
3 regulations adopted pursuant to Section 22 of the Act.

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

7 (7) The applicant for a GCTDP shall submit application
8 fees in accordance with subsection (c) of Section 9.12 of
9 the Act, excluding the fees under subparagraph (B) of
10 paragraph (2) of subsection (c) of that Section.

11 (8) A complete application for a GCTDP must be filed in
12 accordance with this Section and submitted to the Agency at
13 least one year before the effective date of this amendatory
14 Act of the 96th General Assembly.

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."