

1 AN ACT concerning energy facilities.

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 39.9 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 500,000 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 (18) a transfer station used exclusively for landscape
24 waste, including a transfer station where landscape waste
25 is ground to reduce its volume, where the landscape waste
26 is held no longer than 24 hours from the time it was

1 received; ~~and~~

2 (19) the portion of a site or facility that (i) is used
3 for the composting of food scrap, livestock waste, crop
4 residue, uncontaminated wood waste, or paper waste,
5 including, but not limited to, corrugated paper or
6 cardboard, and (ii) meets all of the following
7 requirements:

8 (A) There must not be more than a total of 30,000
9 cubic yards of livestock waste in raw form or in the
10 process of being composted at the site or facility at
11 any one time.

12 (B) All food scrap, livestock waste, crop residue,
13 uncontaminated wood waste, and paper waste must, by the
14 end of each operating day, be processed and placed into
15 an enclosed vessel in which air flow and temperature
16 are controlled, or all of the following additional
17 requirements must be met:

18 (i) The portion of the site or facility used
19 for the composting operation must include a
20 setback of at least 200 feet from the nearest
21 potable water supply well.

22 (ii) The portion of the site or facility used
23 for the composting operation must be located
24 outside the boundary of the 10-year floodplain or
25 floodproofed.

26 (iii) The portion of the site or facility used

1 for the composting operation must be located at
2 least one-eighth of a mile from the nearest
3 residence, other than a residence located on the
4 same property as the site or facility.

5 (iv) The portion of the site or facility used
6 for the composting operation must be located at
7 least one-eighth of a mile from the property line
8 of all of the following areas:

9 (I) Facilities that primarily serve to
10 house or treat people that are
11 immunocompromised or immunosuppressed, such as
12 cancer or AIDS patients; people with asthma,
13 cystic fibrosis, or bioaerosol allergies; or
14 children under the age of one year.

15 (II) Primary and secondary schools and
16 adjacent areas that the schools use for
17 recreation.

18 (III) Any facility for child care licensed
19 under Section 3 of the Child Care Act of 1969;
20 preschools; and adjacent areas that the
21 facilities or preschools use for recreation.

22 (v) By the end of each operating day, all food
23 scrap, livestock waste, crop residue,
24 uncontaminated wood waste, and paper waste must be
25 (i) processed into windrows or other piles and (ii)
26 covered in a manner that prevents scavenging by

1 birds and animals and that prevents other
2 nuisances.

3 (C) Food scrap, livestock waste, crop residue,
4 uncontaminated wood waste, paper waste, and compost
5 must not be placed within 5 feet of the water table.

6 (D) The site or facility must meet all of the
7 requirements of the Wild and Scenic Rivers Act (16
8 U.S.C. 1271 et seq.).

9 (E) The site or facility must not (i) restrict the
10 flow of a 100-year flood, (ii) result in washout of
11 food scrap, livestock waste, crop residue,
12 uncontaminated wood waste, or paper waste from a
13 100-year flood, or (iii) reduce the temporary water
14 storage capacity of the 100-year floodplain, unless
15 measures are undertaken to provide alternative storage
16 capacity, such as by providing lagoons, holding tanks,
17 or drainage around structures at the facility.

18 (F) The site or facility must not be located in any
19 area where it may pose a threat of harm or destruction
20 to the features for which:

21 (i) an irreplaceable historic or
22 archaeological site has been listed under the
23 National Historic Preservation Act (16 U.S.C. 470
24 et seq.) or the Illinois Historic Preservation
25 Act;

26 (ii) a natural landmark has been designated by

1 the National Park Service or the Illinois State
2 Historic Preservation Office; or

3 (iii) a natural area has been designated as a
4 Dedicated Illinois Nature Preserve under the
5 Illinois Natural Areas Preservation Act.

6 (G) The site or facility must not be located in an
7 area where it may jeopardize the continued existence of
8 any designated endangered species, result in the
9 destruction or adverse modification of the critical
10 habitat for such species, or cause or contribute to the
11 taking of any endangered or threatened species of
12 plant, fish, or wildlife listed under the Endangered
13 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
14 Endangered Species Protection Act; and.

15 (20) the portion of a site or facility that is located
16 entirely within a home rule unit having a population of no
17 less than 120,000 and no more than 135,000, according to
18 the 2000 federal census, and that meets all of the
19 following requirements:

20 (i) the portion of the site or facility is used
21 exclusively to perform testing of a thermochemical
22 conversion technology using only woody biomass,
23 collected as landscape waste within the boundaries
24 of the home rule unit, as the hydrocarbon feedstock
25 for the production of synthetic gas in accordance
26 with Section 39.9 of this Act;

1 (ii) the portion of the site or facility is in
2 compliance with all applicable zoning
3 requirements; and

4 (iii) a complete application for a
5 demonstration permit at the portion of the site or
6 facility has been submitted to the Agency in
7 accordance with Section 39.9 of this Act within one
8 year after the effective date of this amendatory
9 Act of the 96th General Assembly.

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. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;
19 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.
20 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; revised
21 10-1-09.)

22 (415 ILCS 5/39.9 new)

23 Sec. 39.9. Thermochemical conversion technology
24 demonstration permit.

25 (a) The purpose of this Section is to provide for the

1 permitting and testing of thermochemical conversion technology
2 ("TCT") on a pilot-scale basis.

3 (b) For purposes of this Section:

4 "Thermochemical conversion" means the application of heat
5 to woody biomass, collected as landscape waste within the
6 boundaries of the host unit of local government, in order to
7 convert that material to a synthetic gas ("syngas") that can be
8 processed for use as a fuel for the production of electricity
9 and process heat, for the production of ethanol or hydrogen to
10 be used as transportation fuel, or for both of those purposes.
11 To qualify as thermochemical conversion, the thermochemical
12 conversion technology must not continuously operate at
13 temperatures exceeding an hourly average of 2,000°F, must
14 operate at or near atmospheric pressure with no intentional or
15 forced addition of air or oxygen, must use electricity for the
16 source of heat, and must be designed to produce more energy
17 than it consumes.

18 "Thermochemical conversion technology demonstration
19 permit" or "TCTDP" means a demonstration permit issued by the
20 Agency's Bureau of Air Permit Section under this Section. The
21 TCT will be considered a process emission unit.

22 "Thermochemical conversion technology processing facility"
23 means a facility constructed and operated for the purpose of
24 conducting thermochemical conversion under this Section.

25 "Woody biomass" means the fibrous cellular substance
26 consisting largely of cellulose, hemicellulose, and lignin

1 from trees and shrubs collected as landscape waste. "Woody
2 biomass" also includes bark and leaves from trees and shrubs,
3 but does not include other wastes or foreign materials.

4 (c) The Agency may, under the authority of subsection (b)
5 of Section 9 and subsection (a) of Section 39 of the Act, issue
6 a TCTDP to an applicant for field testing of a thermochemical
7 conversion technology processing facility to demonstrate that
8 the thermochemical conversion technology can reliably produce
9 syngas that can be processed for use as a fuel for the
10 production of electricity and process heat, for the production
11 of ethanol or hydrogen to be used as transportation fuel, or
12 for both purposes. The TCTDP shall be subject to the following
13 conditions:

14 (1) The application for a TCTDP must demonstrate that
15 the thermochemical conversion technology processing
16 facility is not a major source of air pollutants but is
17 eligible for an air permit issued pursuant to 35 Ill. Adm.
18 Code 201.169. The application must demonstrate that the
19 potential to emit carbon monoxide (CO), sulfur dioxide
20 (SO₂), nitrogen oxides (NO_x), and particulate matter (PM,
21 PM₁₀) individually for each pollutant does not exceed 79.9
22 tons per year; that the potential to emit volatile organic
23 material (VOM) does not exceed 24.9 tons per year; that the
24 potential to emit individual hazardous air pollutants
25 (HAPs) does not exceed 7.9 tons per year; and that the
26 potential to emit combined total HAPs does not exceed 19.9

1 tons per year.

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

7 (3) During the permit period the applicant for a TCTDP
8 may not convert more than 4 tons per day of woody biomass
9 in the thermochemical conversion technology processing
10 facility.

11 (4) The applicant for a TCTDP must demonstrate that the
12 proposed project meets the criteria defining
13 thermochemical conversion in subsection (b) of this
14 Section.

15 (5) The applicant for a TCTDP must submit application
16 fees in accordance with subsection (c) of Section 9.12 of
17 this Act, excluding the fees under subparagraph (B) of
18 paragraph (2) of subsection (c) of that Section.

19 (6) A complete application for a TCTDP must be filed in
20 accordance with this Section and submitted to the Agency
21 within one year after the effective date of this amendatory
22 Act of the 96th General Assembly.

23 (7) In addition to the TCTDP, the applicant for a TCTDP
24 must obtain applicable water pollution control permits
25 before constructing or operating the thermochemical
26 conversion technology processing facility and applicable

1 waste management permits before the facility receives
2 woody biomass collected as landscape waste. In addition to
3 authorizing receipt and treatment by thermochemical
4 conversion of woody biomass, waste management permits may
5 authorize, and establish limits for, storage and
6 pre-processing of woody biomass for the exclusive use of
7 the thermochemical conversion technology processing
8 facility. Woody biomass received at the facility and all
9 mineral ash and other residuals from the thermochemical
10 conversion process must be managed in accordance with
11 applicable provisions of this Act and rules and permit
12 conditions adopted under the authority of this Act. The
13 facility must be closed in accordance with applicable
14 permit conditions.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.