



Rep. Michael G. Connelly

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09600HB5147ham003

LRB096 18562 JDS 39464 a

1 AMENDMENT TO HOUSE BILL 5147

2 AMENDMENT NO. _____. Amend House Bill 5147, 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 39.9 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 500,000 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 (18) a transfer station used exclusively for landscape
6 waste, including a transfer station where landscape waste
7 is ground to reduce its volume, where the landscape waste
8 is held no longer than 24 hours from the time it was
9 received; ~~and~~

10 (19) the portion of a site or facility that (i) is used
11 for the composting of food scrap, livestock waste, crop
12 residue, uncontaminated wood waste, or paper waste,
13 including, but not limited to, corrugated paper or
14 cardboard, and (ii) meets all of the following
15 requirements:

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

20 (B) All food scrap, livestock waste, crop residue,
21 uncontaminated wood waste, and paper waste must, by the
22 end of each operating day, be processed and placed into
23 an enclosed vessel in which air flow and temperature
24 are controlled, or all of the following additional
25 requirements must be met:

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

1 for the composting operation must include a
2 setback of at least 200 feet from the nearest
3 potable water supply well.

4 (ii) The portion of the site or facility used
5 for the composting operation must be located
6 outside the boundary of the 10-year floodplain or
7 floodproofed.

8 (iii) The portion of the site or facility used
9 for the composting operation must be located at
10 least one-eighth of a mile from the nearest
11 residence, other than a residence located on the
12 same property as the site or facility.

13 (iv) The portion of the site or facility used
14 for the composting operation must be located at
15 least one-eighth of a mile from the property line
16 of all of the following areas:

17 (I) Facilities that primarily serve to
18 house or treat people that are
19 immunocompromised or immunosuppressed, such as
20 cancer or AIDS patients; people with asthma,
21 cystic fibrosis, or bioaerosol allergies; or
22 children under the age of one year.

23 (II) Primary and secondary schools and
24 adjacent areas that the schools use for
25 recreation.

26 (III) Any facility for child care licensed

1 under Section 3 of the Child Care Act of 1969;
2 preschools; and adjacent areas that the
3 facilities or preschools use for recreation.

4 (v) By the end of each operating day, all food
5 scrap, livestock waste, crop residue,
6 uncontaminated wood waste, and paper waste must be
7 (i) processed into windrows or other piles and (ii)
8 covered in a manner that prevents scavenging by
9 birds and animals and that prevents other
10 nuisances.

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

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

17 (E) The site or facility must not (i) restrict the
18 flow of a 100-year flood, (ii) result in washout of
19 food scrap, livestock waste, crop residue,
20 uncontaminated wood waste, or paper waste from a
21 100-year flood, or (iii) reduce the temporary water
22 storage capacity of the 100-year floodplain, unless
23 measures are undertaken to provide alternative storage
24 capacity, such as by providing lagoons, holding tanks,
25 or drainage around structures at the facility.

26 (F) The site or facility must not be located in any

1 area where it may pose a threat of harm or destruction
2 to the features for which:

3 (i) an irreplaceable historic or
4 archaeological site has been listed under the
5 National Historic Preservation Act (16 U.S.C. 470
6 et seq.) or the Illinois Historic Preservation
7 Act;

8 (ii) a natural landmark has been designated by
9 the National Park Service or the Illinois State
10 Historic Preservation Office; or

11 (iii) a natural area has been designated as a
12 Dedicated Illinois Nature Preserve under the
13 Illinois Natural Areas Preservation Act.

14 (G) The site or facility must not be located in an
15 area where it may jeopardize the continued existence of
16 any designated endangered species, result in the
17 destruction or adverse modification of the critical
18 habitat for such species, or cause or contribute to the
19 taking of any endangered or threatened species of
20 plant, fish, or wildlife listed under the Endangered
21 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
22 Endangered Species Protection Act; ~~and~~

23 (20) the portion of a site or facility that is located
24 entirely within a home rule unit having a population of no
25 less than 120,000 and no more than 135,000, according to
26 the 2000 federal census, and that meets all of the

1 following requirements:

2 (i) the portion of the site or facility is used
3 exclusively to perform testing of a thermochemical
4 conversion technology using only woody biomass,
5 collected as landscape waste within the boundaries
6 of the home rule unit, as the hydrocarbon feedstock
7 for the production of synthetic gas in accordance
8 with Section 39.9 of this Act;

9 (ii) the portion of the site or facility is in
10 compliance with all applicable zoning
11 requirements; and

12 (iii) a complete application for a
13 demonstration permit at the portion of the site or
14 facility has been submitted to the Agency in
15 accordance with Section 39.9 of this Act within one
16 year after the effective date of this amendatory
17 Act of the 96th General Assembly.

18 (b) A new pollution control facility is:

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

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

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

26 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;

1 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.
2 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; revised
3 10-1-09.)

4 (415 ILCS 5/39.9 new)

5 Sec. 39.9. Thermochemical conversion technology
6 demonstration permit.

7 (a) The purpose of this Section is to provide for the
8 permitting and testing of thermochemical conversion technology
9 ("TCT") on a pilot-scale basis.

10 (b) For purposes of this Section:

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

25 "Thermochemical conversion technology demonstration

1 permit" or "TCTDP" means a demonstration permit issued by the
2 Agency's Bureau of Air Permit Section under this Section. The
3 TCT will be considered a process emission unit.

4 "Thermochemical conversion technology processing facility"
5 means a facility constructed and operated for the purpose of
6 conducting thermochemical conversion under this Section.

7 "Woody biomass" means the fibrous cellular substance
8 consisting largely of cellulose, hemicellulose, and lignin
9 from trees and shrubs collected as landscape waste. "Woody
10 biomass" also includes bark and leaves from trees and shrubs,
11 but does not include other wastes or foreign materials.

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

22 (1) The application for a TCTDP must demonstrate that
23 the thermochemical conversion technology processing
24 facility is not a major source of air pollutants but is
25 eligible for an air permit issued pursuant to 35 Ill. Adm.
26 Code 201.169. The application must demonstrate that the

1 potential to emit carbon monoxide (CO), sulfur dioxide
2 (SO₂), nitrogen oxides (NO_x), and particulate matter (PM,
3 PM10) individually for each pollutant does not exceed 79.9
4 tons per year; that the potential to emit volatile organic
5 material (VOM) does not exceed 24.9 tons per year; that the
6 potential to emit individual hazardous air pollutants
7 (HAPs) does not exceed 7.9 tons per year; and that the
8 potential to emit combined total HAPs does not exceed 19.9
9 tons per year.

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

15 (3) During the permit period the applicant for a TCTDP
16 may not convert more than 4 tons per day of woody biomass
17 in the thermochemical conversion technology processing
18 facility.

19 (4) The applicant for a TCTDP must demonstrate that the
20 proposed project meets the criteria defining
21 thermochemical conversion in subsection (b) of this
22 Section.

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

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

5 (7) In addition to the TCTDP, the applicant for a TCTDP
6 must obtain applicable water pollution control permits
7 before constructing or operating the thermochemical
8 conversion technology processing facility and applicable
9 waste management permits before the facility receives
10 woody biomass collected as landscape waste. In addition to
11 authorizing receipt and treatment by thermochemical
12 conversion of woody biomass, waste management permits may
13 authorize, and establish limits for, storage and
14 pre-processing of woody biomass for the exclusive use of
15 the thermochemical conversion technology processing
16 facility. Woody biomass received at the facility and all
17 mineral ash and other residuals from the thermochemical
18 conversion process must be managed in accordance with
19 applicable provisions of this Act and rules and permit
20 conditions adopted under the authority of this Act. The
21 facility must be closed in accordance with applicable
22 permit conditions.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."