



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 adding Section 52.3-10 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 that (i) accepts  
10 ~~accepting~~ exclusively general construction or demolition  
11 debris, (ii) is located in a county with a population over  
12 3,000,000 ~~500,000~~ as of January 1, 2000 or in a county that  
13 is contiguous to such a county, and (iii) is operated and  
14 located in accordance with Section 22.38 of this Act;

15 (14) the portion of a site or facility, located within  
16 a unit of local government that has enacted local zoning  
17 requirements, used to accept, separate, and process  
18 uncontaminated broken concrete, with or without protruding  
19 metal bars, provided that the uncontaminated broken  
20 concrete and metal bars are not speculatively accumulated,  
21 are at the site or facility no longer than one year after  
22 their acceptance, and are returned to the economic  
23 mainstream in the form of raw materials or products;

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

1 municipal waste incinerator on or before July 1, 2005 and  
2 that is used for a non-hazardous waste transfer station;

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

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

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

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

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

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

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

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

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

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

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

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

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



1 covered in a manner that prevents scavenging by  
2 birds and animals and that prevents other  
3 nuisances.

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

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

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

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

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

1 (ii) a natural landmark has been designated by  
2 the National Park Service or the Illinois State  
3 Historic Preservation Office; or

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

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

16 (b) A new pollution control facility is:

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

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

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

24 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;  
25 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.  
26 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; revised

1 10-1-09.)

2 (415 ILCS 5/52.3-10 new)

3 Sec. 52.3-10. Effect of amendatory Act of the 96th General  
4 Assembly. Nothing contained in this amendatory Act of the 96th  
5 General Assembly shall remove any liability for any operation,  
6 site, or facility operating without any required legal permit  
7 or authorization for activities taking place prior to the  
8 effective date of this Act.

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