



Sen. Toi W. Hutchinson

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1 AMENDMENT TO SENATE BILL 2288

2 AMENDMENT NO. _____. Amend Senate Bill 2288 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Sections 3.330 and 9.4 and by adding Section 3.386 as
6 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 that (i) accepts
18 exclusively general construction or demolition debris,
19 (ii) is located in a county with a population over
20 3,000,000 as of January 1, 2000 or in a county that is
21 contiguous to such a county, and (iii) is operated and
22 located in accordance with Section 22.38 of this Act;

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

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

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

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

25 (17) the portion of a site or facility located in a
26 county with a population greater than 3,000,000 that has

1 obtained local siting approval, under Section 39.2 of this
2 Act, for a municipal waste incinerator on or before July 1,
3 2005 and that is used for wood combustion facilities for
4 energy recovery that accept and burn only wood material, as
5 included in a fuel specification approved by the Agency;

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;

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

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

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

1 (i) The portion of the site or facility used
2 for the composting operation must include a
3 setback of at least 200 feet from the nearest
4 potable water supply well.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the 2000 federal census, and that meets all of the
2 following requirements:

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

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

13 (iii) a complete application for a
14 demonstration permit at the portion of the site or
15 facility has been submitted to the Agency in
16 accordance with Section 39.9 of this Act within one
17 year after July 27, 2010 (the effective date of
18 Public Act 96-1314); ~~this amendatory Act of the~~
19 ~~96th General Assembly~~

20 (21) ~~(19)~~ the portion of a site or facility used to
21 perform limited testing of a gasification conversion
22 technology in accordance with Section 39.8 of this Act and
23 for which a complete permit application has been submitted
24 to the Agency prior to one year from April 9, 2010 (the
25 effective date of Public Act 96-887); and ~~this amendatory~~
26 ~~Act of the 96th General Assembly.~~

1 (22) Any combustion unit that qualifies for one or more
2 of the exemptions set forth in 40 CFR Part 60.1020.

3 (b) A new pollution control facility is:

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

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

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

11 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;
12 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.
13 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; 96-887,
14 eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff. 7-16-10;
15 96-1314, eff. 7-27-10; revised 9-2-10.)

16 (415 ILCS 5/3.386 new)

17 Sec. 3.386. Refuse-derived fuel. "Refuse-derived fuel"
18 means a type of fuel produced by processing municipal solid
19 waste through shredding and size classification.
20 "Refuse-derived fuel" includes, but is not limited to: (1)
21 refuse-derived fuel ranging in density from low density fluff
22 refuse-derived fuel to densified refuse-derived fuel and (2)
23 pelletized refuse-derived fuel. "Refuse-derived fuel" does not
24 include any fuel produced using a carbonization and low
25 temperature pyrolysis process to alter the chemical

1 composition of the end product by: (1) reducing the moisture
2 content to less than 2% by volume; (2) increasing the heating
3 value to at least 9,500 Btus/lb; (3) increasing the energy
4 density to at least 250,000 Btus/cubic foot; and (4)
5 substantially reducing the levels of sulfur and chlorine to
6 less than 0.5% by weight.

7 (415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)

8 Sec. 9.4. Municipal waste incineration emission standards.

9 (a) The General Assembly finds:

10 (1) That air pollution from municipal waste
11 incineration may constitute a threat to public health,
12 welfare and the environment. The amounts and kinds of
13 pollutants depend on the nature of the waste stream,
14 operating conditions of the incinerator, and the
15 effectiveness of emission controls. Under normal operating
16 conditions, municipal waste incinerators produce
17 pollutants such as organic compounds, metallic compounds
18 and acid gases which may be a threat to public health,
19 welfare and the environment.

20 (2) That a combustion and flue-gas control system,
21 which is properly designed, operated and maintained, can
22 substantially reduce the emissions of organic materials,
23 metallic compounds and acid gases from municipal waste
24 incineration.

25 (b) It is the purpose of this Section to insure that

1 emissions from new municipal waste incineration facilities
2 which burn a total of 25 tons or more of municipal waste per
3 day are adequately controlled.

4 Such facilities shall be subject to emissions limits and
5 operating standards based upon the application of Best
6 Available Control Technology, as determined by the Agency, for
7 emissions of the following categories of pollutants:

8 (1) particulate matter, sulfur dioxide and nitrogen
9 oxides;

10 (2) acid gases;

11 (3) heavy metals; and

12 (4) organic materials.

13 (c) The Agency shall issue permits, pursuant to Section 39,
14 to new municipal waste incineration facilities only if the
15 Agency finds that such facilities are designed, constructed and
16 operated so as to comply with the requirements prescribed by
17 this Section.

18 Prior to adoption of Board regulations under subsection (d)
19 of this Section the Agency may issue permits for the
20 construction of new municipal waste incineration facilities.
21 The Agency determination of Best Available Control Technology
22 shall be based upon consideration of the specific pollutants
23 named in subsection (d), and emissions of particulate matter,
24 sulfur dioxide and nitrogen oxides.

25 Nothing in this Section shall limit the applicability of
26 any other Sections of this Act, or of other standards or

1 regulations adopted by the Board, to municipal waste
2 incineration facilities. In issuing such permits, the Agency
3 may prescribe those conditions necessary to assure continuing
4 compliance with the emission limits and operating standards
5 determined pursuant to subsection (b); such conditions may
6 include the monitoring and reporting of emissions.

7 (d) Within one year after July 1, 1986, the Board shall
8 adopt regulations pursuant to Title VII of this Act, which
9 define the terms in items (2), (3) and (4) of subsection (b) of
10 this Section which are to be used by the Agency in making its
11 determination pursuant to this Section. The provisions of
12 Section 27(b) of this Act shall not apply to this rulemaking.

13 Such regulations shall be written so that the categories of
14 pollutants include, but need not be limited to, the following
15 specific pollutants:

16 (1) hydrogen chloride in the definition of acid gases;

17 (2) arsenic, cadmium, mercury, chromium, nickel and
18 lead in the definition of heavy metals; and

19 (3) polychlorinated dibenzo-p-dioxins, polychlorinated
20 dibenzofurans and polynuclear aromatic hydrocarbons in the
21 definition of organic materials.

22 (e) For the purposes of this Section, the term "Best
23 Available Control Technology" means an emission limitation
24 (including a visible emission standard) based on the maximum
25 degree of pollutant reduction which the Agency, on a
26 case-by-case basis, taking into account energy, environmental

1 and economic impacts, determines is achievable through the
2 application of production processes or available methods,
3 systems and techniques, including fuel cleaning or treatment or
4 innovative fuel combustion techniques. If the Agency
5 determines that technological or economic limitations on the
6 application of measurement methodology to a particular class of
7 sources would make the imposition of an emission standard not
8 feasible, it may instead prescribe a design, equipment, work
9 practice or operational standard, or combination thereof, to
10 require the application of best available control technology.
11 Such standard shall, to the degree possible, set forth the
12 emission reduction achievable by implementation of such
13 design, equipment, work practice or operation and shall provide
14 for compliance by means which achieve equivalent results.

15 (f) "Municipal waste incineration" means the burning of
16 municipal waste or refuse-derived fuel, as defined in Section
17 3.386 of this Act, ~~fuel derived therefrom~~ in a combustion
18 apparatus designed to burn municipal waste that may produce
19 electricity or steam as a by-product. "Municipal waste
20 incineration" does not include the burning of any fuel that is
21 expressly exempted from the definition of "refuse-derived
22 fuel" under Section 3.386 of this Act. A "new municipal waste
23 incinerator" is an incinerator initially permitted for
24 development or construction after January 1, 1986.

25 (g) The provisions of this Section shall not apply to
26 industrial incineration facilities that burn waste generated

1 at the same site.

2 (Source: P.A. 91-357, eff. 7-29-99; 92-574, eff. 6-26-02.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".