



Rep. Jay Hoffman

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LRB098 15597 MGM 57190 a

1 AMENDMENT TO HOUSE BILL 4040

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4040 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 changing Section 3.330 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

1 761.42;

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

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

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

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

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

25 (8) the portion of a site or facility where coal  
26 combustion wastes are stored or disposed of in accordance

1 with subdivision (r) (2) or (r) (3) of Section 21;

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

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

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

18 (11.5) processing sites or facilities that receive  
19 only on-specification used oil, as defined in 35 Ill.  
20 Admin. Code 739, originating from used oil collectors for  
21 processing that is managed under 35 Ill. Admin. Code 739 to  
22 produce products for sale to off-site petroleum  
23 facilities, if these processing sites or facilities are:  
24 (i) located within a home rule unit of local government  
25 with a population of at least 30,000 according to the 2000  
26 federal census, that home rule unit of local government has

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

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

16          (13) the portion of a site or facility that (i) accepts  
17          exclusively general construction or demolition debris,  
18          (ii) is located in a county with a population over  
19          3,000,000 as of January 1, 2000 or in a county that is  
20          contiguous to such a county, and (iii) is operated and  
21          located in accordance 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-putrescible 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-putrescible 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;

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) Except in municipalities with more than  
9           1,000,000 inhabitants, the portion of the site or  
10          facility used for the composting operation must be  
11          located at least one-eighth of a mile from the  
12          nearest residence, other than a residence located  
13          on the 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;

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);

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

25 (22) the portion of a site or facility that is used to  
26 incinerate only pharmaceuticals from residential sources

1 that are collected and transported by law enforcement  
2 agencies under Section 17.9A of this Act; ~~and~~

3 (23) until July 1, 2017, the portion of a site or  
4 facility:

5 (A) that is used exclusively for the transfer of  
6 commingled landscape waste and food scrap held at the  
7 site or facility for no longer than 24 hours after  
8 their receipt;

9 (B) that is located entirely within a home rule  
10 unit having a population of either (i) not less than  
11 100,000 and not more than 115,000 according to the 2010  
12 federal census or (ii) not less than 5,000 and not more  
13 than 10,000 according to the 2010 federal census;

14 (C) that is permitted, by the Agency, prior to  
15 January 1, 2002, for the transfer of landscape waste;  
16 and

17 (D) for which a permit application is submitted to  
18 the Agency within 6 months after January 1, 2014 (the  
19 effective date of Public Act 98-146) ~~this amendatory~~  
20 ~~Act of the 98th General Assembly~~ to modify an existing  
21 permit for the transfer of landscape waste to also  
22 include, on a demonstration basis not to exceed 18  
23 months, the transfer of commingled landscape waste and  
24 food scrap; and -

25 (24) the portion of a site or facility where food  
26 processing wastewater is used as a raw material or

1           feedstock in the production of ethanol.

2           (b) A new pollution control facility is:

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

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

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

10           (Source: P.A. 97-333, eff. 8-12-11; 97-545, eff. 1-1-12;  
11           98-146, eff. 1-1-14; 98-239, eff. 8-9-13; revised 9-19-13.)

12           Section 99. Effective date. This Act takes effect upon  
13           becoming law."