

# HB2759



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2759

by Rep. Sam Yingling

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.330

was 415 ILCS 5/3.32

Amends the Environmental Protection Act. Provides that the portion of a site or facility that is not at more than 3 locations that currently is permitted to accept landscape waste selected by the Environmental Protection Agency is not a pollution control facility. Makes a change to a provision concerning modification of an existing permit for the transfer of landscape waste. Effective immediately.

LRB099 08989 MGM 29166 b

A BILL FOR

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 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 accepts  
10           exclusively general construction or demolition debris and  
11           is operated and located in accordance with Section 22.38 of  
12           this Act;

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

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

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

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

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

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

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

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

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

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

25                          (iii) Except in municipalities with more than  
26                          1,000,000 inhabitants, the portion of the site or

1 facility used for the composting operation must be  
2 located at least one-eighth of a mile from the  
3 nearest residence, other than a residence located  
4 on the 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;

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 of  
24 the home rule unit, as the hydrocarbon feedstock for  
25 the production of synthetic gas in accordance with  
26 Section 39.9 of this Act;

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

4 (iii) a complete application for a demonstration  
5 permit at the portion of the site or facility has been  
6 submitted to the Agency in accordance with Section 39.9  
7 of this Act within one year after July 27, 2010 (the  
8 effective date of Public Act 96-1314);

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

15 (22) the portion of a site or facility that is used to  
16 incinerate only pharmaceuticals from residential sources  
17 that are collected and transported by law enforcement  
18 agencies under Section 17.9A of this Act; and

19 (23) ~~until July 1, 2017,~~ the portion of a site or  
20 facility:

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

25 (B) that is located entirely within a home rule  
26 unit having a population of either (i) not less than

1 100,000 and not more than 115,000 according to the 2010  
2 federal census or (ii) not less than 5,000 and not more  
3 than 10,000 according to the 2010 federal census or is  
4 not at more than 3 locations that currently are  
5 permitted to accept landscape waste selected by the  
6 Agency;

7 (C) that is permitted, by the Agency, prior to  
8 January 1, 2002, for the transfer of landscape waste;  
9 and

10 (D) for which a permit application is submitted to  
11 the Agency within 6 months after January 1, 2014 (the  
12 effective date of Public Act 98-146) to modify an  
13 existing permit for the transfer of landscape waste to  
14 also include, on a demonstration basis not to exceed 24  
15 18 months each time a permit is issued, the transfer of  
16 commingled landscape waste and food scrap.

17 (b) A new pollution control facility is:

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

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

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

25 (Source: P.A. 97-333, eff. 8-12-11; 97-545, eff. 1-1-12;  
26 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; 98-756, eff. 7-16-14;

1 98-1130, eff. 1-1-15.)

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