



Rep. Mike Smiddy

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LRB099 07737 MGM 32970 a

1 AMENDMENT TO HOUSE BILL 2774

2 AMENDMENT NO. _____. Amend House Bill 2774 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 accepts
17 exclusively general construction or demolition debris and
18 is operated and located in accordance with Section 22.38 of
19 this Act;

20 (14) the portion of a site or facility, located within
21 a unit of local government that has enacted local zoning
22 requirements, used to accept, separate, and process
23 uncontaminated broken concrete, with or without protruding
24 metal bars, provided that the uncontaminated broken
25 concrete and metal bars are not speculatively accumulated,
26 are at the site or facility no longer than one year after

1 their acceptance, and are returned to the economic
2 mainstream in the form of raw materials or products;

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

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

22 (17) the portion of a site or facility located in a
23 county with a population greater than 3,000,000 that has
24 obtained local siting approval, under Section 39.2 of this
25 Act, for a municipal waste incinerator on or before July 1,
26 2005 and that is used for wood combustion facilities for

1 energy recovery that accept and burn only wood material, as
2 included in a fuel specification approved by the Agency;

3 (18) a transfer station used exclusively for landscape
4 waste, including a transfer station where landscape waste
5 is ground to reduce its volume, where the landscape waste
6 is held no longer than 24 hours from the time it was
7 received;

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

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

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

24 (i) The portion of the site or facility used
25 for the composting operation must include a
26 setback of at least 200 feet from the nearest

1 potable water supply well.

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

6 (iii) Except in municipalities with more than
7 1,000,000 inhabitants, the portion of the site or
8 facility used for the composting operation must be
9 located at least one-eighth of a mile from the
10 nearest residence, other than a residence located
11 on the same property as the site or facility.

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

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

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

25 (III) Any facility for child care licensed
26 under Section 3 of the Child Care Act of 1969;

1 preschools; and adjacent areas that the
2 facilities or preschools use for recreation.

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

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

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

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

25 (F) The site or facility must not be located in any
26 area where it may pose a threat of harm or destruction

1 to the features for which:

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

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

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

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

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

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

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

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

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

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

26 (23) until July 1, 2017, the portion of a site or

1 facility:

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

6 (B) that is located entirely within a home rule
7 unit having a population of either (i) not less than
8 100,000 and not more than 115,000 according to the 2010
9 federal census or (ii) not less than 5,000 and not more
10 than 10,000 according to the 2010 federal census;

11 (C) that is permitted, by the Agency, prior to
12 January 1, 2002, for the transfer of landscape waste;
13 and

14 (D) for which a permit application is submitted to
15 the Agency within 6 months after January 1, 2014 (the
16 effective date of Public Act 98-146) to modify an
17 existing permit for the transfer of landscape waste to
18 also include, on a demonstration basis not to exceed 18
19 months, the transfer of commingled landscape waste and
20 food scrap; and -

21 (24) The portion of a municipal solid waste landfill
22 unit:

23 (A) that is located in a county having a population
24 of not less than 55,000 and not more than 60,000
25 according to the 2010 Federal census;

26 (B) that is owned by that county;

1 (C) that is permitted, by the agency, prior to the
2 effective date of this amendatory act of the 99th
3 general assembly; and

4 (D) for which a permit application is submitted to
5 the agency within 6 months after the effective date of
6 this amendatory act of the 99th General Assembly for
7 the disposal of non-hazardous special waste.

8 (b) A new pollution control facility is:

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

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

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

16 (Source: P.A. 97-333, eff. 8-12-11; 97-545, eff. 1-1-12;
17 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; 98-756, eff. 7-16-14;
18 98-1130, eff. 1-1-15.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."