

# HB4611



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4611

by Rep. William B. Black

### 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 used to incinerate only evidence, contraband, or other confiscated or seized material that is in the possession or control of a law enforcement agency is not a pollution control facility. Effective immediately.

LRB096 14216 JDS 29012 b

A BILL FOR

1 AN ACT concerning environmental 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 accepting  
10           exclusively general construction or demolition debris,  
11           located in a county with a population over 700,000 as of  
12           January 1, 2000, and operated and located in accordance  
13           with Section 22.38 of this Act;

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

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

1 that is used for a non-hazardous waste transfer station;

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

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

23 ~~and~~

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 is used to  
4 incinerate only evidence, contraband, or other confiscated  
5 or seized material that is in the possession or control of  
6 a law enforcement agency.

7

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. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,  
17 eff. 6-2-06; 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331,  
18 eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08.)

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