

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 and by adding Section 22.63 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
9 site, 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 761.42;

17 (3) sites or facilities used by any person conducting
18 a waste storage, waste treatment, waste disposal, waste
19 transfer or waste incineration operation, or a combination
20 thereof, for wastes generated by such person's own
21 activities, when such wastes are stored, treated, disposed
22 of, transferred or incinerated within the site or facility
23 owned, controlled or operated by such person, or when such

1 wastes are transported within or between sites or
2 facilities owned, controlled or operated by such person;

3 (4) sites or facilities at which the State is
4 performing removal or remedial action pursuant to Section
5 22.2 or 55.3;

6 (5) abandoned quarries used solely for the disposal of
7 concrete, earth materials, gravel, or aggregate debris
8 resulting from road construction activities conducted by a
9 unit of government or construction activities due to the
10 construction and installation of underground pipes, lines,
11 conduit or wires off of the premises of a public utility
12 company which are conducted by a public utility;

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

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

17 (8) the portion of a site or facility where coal
18 combustion wastes are stored or disposed of in accordance
19 with subdivision (r) (2) or (r) (3) of Section 21;

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

23 (10) the portion of a site or facility used for
24 treatment of petroleum contaminated materials by
25 application onto or incorporation into the soil surface
26 and any portion of that site or facility used for storage

1 of petroleum contaminated materials before treatment. Only
2 those categories of petroleum listed in Section 57.9(a)(3)
3 are exempt under this subdivision (10);

4 (11) the portion of a site or facility where used oil
5 is collected or stored prior to shipment to a recycling or
6 energy recovery facility, provided that the used oil is
7 generated by households or commercial establishments, and
8 the site or facility is a recycling center or a business
9 where oil or gasoline is sold at retail;

10 (11.5) processing sites or facilities that receive
11 only on-specification used oil, as defined in 35 Ill. Adm.
12 Code 739, originating from used oil collectors for
13 processing that is managed under 35 Ill. Adm. Code 739 to
14 produce products for sale to off-site petroleum
15 facilities, if these processing sites or facilities are:
16 (i) located within a home rule unit of local government
17 with a population of at least 30,000 according to the 2000
18 federal census, that home rule unit of local government
19 has been designated as an Urban Round II Empowerment Zone
20 by the United States Department of Housing and Urban
21 Development, and that home rule unit of local government
22 has enacted an ordinance approving the location of the
23 site or facility and provided funding for the site or
24 facility; and (ii) in compliance with all applicable
25 zoning requirements;

26 (12) the portion of a site or facility utilizing coal

1 combustion waste for stabilization and treatment of only
2 waste generated on that site or facility when used in
3 connection with response actions pursuant to the federal
4 Comprehensive Environmental Response, Compensation, and
5 Liability Act of 1980, the federal Resource Conservation
6 and Recovery Act of 1976, or the Illinois Environmental
7 Protection Act or as authorized by the Agency;

8 (13) the portion of a site or facility regulated under
9 Section 22.38 of this Act;

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

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

24 (16) a site or facility that temporarily holds in
25 transit for 10 days or less, non-putrescible solid waste
26 in original containers, no larger in capacity than 500

1 gallons, provided that such waste is further transferred
2 to a recycling, disposal, treatment, or storage facility
3 on a non-contiguous site and provided such site or
4 facility complies with the applicable 10-day transfer
5 requirements of the federal Resource Conservation and
6 Recovery Act of 1976 and United States Department of
7 Transportation hazardous material requirements. For
8 purposes of this Section only, "non-putrescible solid
9 waste" means waste other than municipal garbage that does
10 not rot or become putrid, including, but not limited to,
11 paints, solvent, filters, and absorbents;

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

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

25 (19) the portion of a site or facility that (i) is used
26 for the composting of food scrap, livestock waste, crop

1 residue, uncontaminated wood waste, or paper waste,
2 including, but not limited to, corrugated paper or
3 cardboard, and (ii) meets all of the following
4 requirements:

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

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

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

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

23 (iii) Except in municipalities with more than
24 1,000,000 inhabitants, the portion of the site or
25 facility used for the composting operation must be
26 located at least one-eighth of a mile from the

1 nearest residence, other than a residence located
2 on the same property as the site or facility.

3 (iv) The portion of the site or facility used
4 for the composting operation must be located at
5 least one-eighth of a mile from the property line
6 of all of the following areas:

7 (I) Facilities that primarily serve to
8 house or treat people that are
9 immunocompromised or immunosuppressed, such as
10 cancer or AIDS patients; people with asthma,
11 cystic fibrosis, or bioaerosol allergies; or
12 children under the age of one year.

13 (II) Primary and secondary schools and
14 adjacent areas that the schools use for
15 recreation.

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

20 (v) By the end of each operating day, all food
21 scrap, livestock waste, crop residue,
22 uncontaminated wood waste, and paper waste must be
23 (i) processed into windrows or other piles and
24 (ii) covered in a manner that prevents scavenging
25 by birds and animals and that prevents other
26 nuisances.

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

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

7 (E) The site or facility must not (i) restrict the
8 flow of a 100-year flood, (ii) result in washout of
9 food scrap, livestock waste, crop residue,
10 uncontaminated wood waste, or paper waste from a
11 100-year flood, or (iii) reduce the temporary water
12 storage capacity of the 100-year floodplain, unless
13 measures are undertaken to provide alternative storage
14 capacity, such as by providing lagoons, holding tanks,
15 or drainage around structures at the facility.

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

19 (i) an irreplaceable historic or
20 archaeological site has been listed under the
21 National Historic Preservation Act (16 U.S.C. 470
22 et seq.) or the Illinois Historic Preservation
23 Act;

24 (ii) a natural landmark has been designated by
25 the National Park Service or the Illinois State
26 Historic Preservation Office; or

1 (iii) a natural area has been designated as a
2 Dedicated Illinois Nature Preserve under the
3 Illinois Natural Areas Preservation Act.

4 (G) The site or facility must not be located in an
5 area where it may jeopardize the continued existence
6 of any designated endangered species, result in the
7 destruction or adverse modification of the critical
8 habitat for such species, or cause or contribute to
9 the taking of any endangered or threatened species of
10 plant, fish, or wildlife listed under the Endangered
11 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
12 Endangered Species Protection Act;

13 (20) the portion of a site or facility that is located
14 entirely within a home rule unit having a population of no
15 less than 120,000 and no more than 135,000, according to
16 the 2000 federal census, and that meets all of the
17 following requirements:

18 (i) the portion of the site or facility is used
19 exclusively to perform testing of a thermochemical
20 conversion technology using only woody biomass,
21 collected as landscape waste within the boundaries of
22 the home rule unit, as the hydrocarbon feedstock for
23 the production of synthetic gas in accordance with
24 Section 39.9 of this Act;

25 (ii) the portion of the site or facility is in
26 compliance with all applicable zoning requirements;

1 and

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

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

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

17 (23) the portion of a site or facility:

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

22 (B) that is located entirely within a home rule
23 unit having a population of (i) not less than 100,000
24 and not more than 115,000 according to the 2010
25 federal census, (ii) not less than 5,000 and not more
26 than 10,000 according to the 2010 federal census, or

1 (iii) not less than 25,000 and not more than 30,000
2 according to the 2010 federal census or that is
3 located in the unincorporated area of a county having
4 a population of not less than 700,000 and not more than
5 705,000 according to the 2010 federal census;

6 (C) that is permitted, by the Agency, prior to
7 January 1, 2002, for the transfer of landscape waste
8 if located in a home rule unit or that is permitted
9 prior to January 1, 2008 if located in an
10 unincorporated area of a county; and

11 (D) for which a permit application is submitted to
12 the Agency to modify an existing permit for the
13 transfer of landscape waste to also include, on a
14 demonstration basis not to exceed 24 months each time
15 a permit is issued, the transfer of commingled
16 landscape waste and food scrap or for which a permit
17 application is submitted to the Agency within 6 months
18 of August 11, 2017 (the effective date of Public Act
19 100-94);

20 (24) the portion of a municipal solid waste landfill
21 unit:

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

25 (B) that is owned by that county;

26 (C) that is permitted, by the Agency, prior to

1 July 10, 2015 (the effective date of Public Act
2 99-12); and

3 (D) for which a permit application is submitted to
4 the Agency within 6 months after July 10, 2015 (the
5 effective date of Public Act 99-12) for the disposal
6 of non-hazardous special waste; ~~and~~

7 (25) the portion of a site or facility used during a
8 mass animal mortality event, as defined in the Animal
9 Mortality Act, where such waste is collected, stored,
10 processed, disposed, or incinerated under a mass animal
11 mortality event plan issued by the Department of
12 Agriculture; and -

13 (26) the portion of a mine used for the placement of
14 limestone residual materials generated from the treatment
15 of drinking water by a municipal utility in accordance
16 with rules adopted under Section 22.63.

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. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
26 102-813, eff. 5-13-22.)

1 (415 ILCS 5/22.63 new)

2 Sec. 22.63. Rules for placement of limestone residual
3 materials. The Board shall adopt rules for the placement of
4 limestone residual materials generated from the treatment of
5 drinking water by a municipal utility in an underground
6 limestone mine located in whole or in part within the
7 municipality that operates the municipal utility. The rules
8 shall be consistent with the Board's Underground Injection
9 Control regulations for Class V wells, provided that the rules
10 shall allow for the limestone residual materials to be
11 delivered to and placed in the mine by means other than an
12 injection well. Rules adopted pursuant to this Section shall
13 be adopted in accordance with the provisions and requirements
14 of Title VII of this Act and the procedures for rulemaking in
15 Section 5-35 of the Illinois Administrative Procedure Act,
16 provided that a municipality proposing rules pursuant to this
17 Section is not required to include in its proposal a petition
18 signed by at least 200 persons as required under subsection
19 (a) of Section 28. Rules adopted pursuant to this Section
20 shall not be considered a part of the State Underground
21 Injection Control program established under this Act.

22 As used in this Section, "limestone residual material"
23 means limestone residual generated from the treatment of
24 drinking water at a publicly-owned drinking water treatment
25 plant.