



Rep. Kurt M. Granberg

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LRB095 11181 CMK 34677 a

1 AMENDMENT TO HOUSE BILL 3638

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3638 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 accepting  
17          exclusively general construction or demolition debris,  
18          located in a county with a population over 700,000 as of  
19          January 1, 2000, and operated and located in accordance  
20          with Section 22.38 of this Act;

21          (14) the portion of a site or facility, located within  
22          a unit of local government that has enacted local zoning  
23          requirements, used to accept, separate, and process  
24          uncontaminated broken concrete, with or without protruding  
25          metal bars, provided that the uncontaminated broken  
26          concrete and metal bars are not speculatively accumulated,

1 are at the site or facility no longer than one year after  
2 their acceptance, and are returned to the economic  
3 mainstream in the form of raw materials or products; ~~and~~

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

10 (16) a site or facility that temporarily holds in  
11 transit for 10 days or less, non-petruscible 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-petruscible 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 (b) A new pollution control facility is:

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

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

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

6           (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,  
7           eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)".