



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3770

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.330
415 ILCS 5/21

was 415 ILCS 5/3.32
from Ch. 111 1/2, par. 1021

Amends the Environmental Protection Act. Provides that no person shall cause or allow the storage or disposal of coal combustion waste over any United States Environmental Protection Agency Designated Sole Source Aquifer or within the limits of that aquifer's recharge area, nor cause or allow the use of coal combustion waste as cover for any waste disposal site located over any Designated Sole Source Aquifer or within the limits of that aquifer's recharge area, except when coal combustion waste is deposited on power plant property in a legally-permitted cell or impoundment associated with a power plant operating with valid permits Provides, however, that once the power plant is closed, all coal combustion waste shall be removed and relocated to a location outside the Designated Sole Source Aquifer and placed in a lined facility or landfill designed according to scientifically-proven best practices and an Agency-approved closure plan. Provides that no person shall cause or allow the storage or disposal of coal combustion waste outside a Designated Sole Source Aquifer or a United States Designated Sole Source Aquifer's recharge area, unless specified conditions apply (currently, the specified conditions apply to all persons that cause or allow the storage or disposal of coal combustion waste). Makes a conforming change and other changes. Effective immediately.

LRB100 11112 MJP 21376 b

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 Sections 3.330 and 21 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 subparagraphs (B) and (C) of paragraph (2) of
21 subsection (r) ~~subdivision (r) (2) or (r) (3)~~ of Section 21;

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

25 (10) the portion of a site or facility used for
26 treatment of petroleum contaminated materials by

1 application onto or incorporation into the soil surface and
2 any portion of that site or facility used for storage of
3 petroleum contaminated materials before treatment. Only
4 those categories of petroleum listed in Section 57.9(a) (3)
5 are exempt under this subdivision (10);

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

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

1 requirements;

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

10 (13) the portion of a site or facility that accepts
11 exclusively general construction or demolition debris and
12 is operated and located in accordance with Section 22.38 of
13 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-putrescible 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-putrescible 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 (18) a transfer station used exclusively for landscape
24 waste, including a transfer station where landscape waste
25 is ground to reduce its volume, where the landscape waste
26 is held no longer than 24 hours from the time it was

1 received;

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

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

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

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

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

26 (iii) Except in municipalities with more than

1 1,000,000 inhabitants, the portion of the site or
2 facility used for the composting operation must be
3 located at least one-eighth of a mile from the
4 nearest residence, other than a residence located
5 on the same property as the site or facility.

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

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

16 (II) Primary and secondary schools and
17 adjacent areas that the schools use for
18 recreation.

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

23 (v) By the end of each operating day, all food
24 scrap, livestock waste, crop residue,
25 uncontaminated wood waste, and paper waste must be
26 (i) processed into windrows or other piles and (ii)

1 covered in a manner that prevents scavenging by
2 birds and animals and that prevents other
3 nuisances.

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

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

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

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

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

1 (ii) a natural landmark has been designated by
2 the National Park Service or the Illinois State
3 Historic Preservation Office; or

4 (iii) a natural area has been designated as a
5 Dedicated Illinois Nature Preserve under the
6 Illinois Natural Areas Preservation Act.

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

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

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

1 Section 39.9 of this Act;

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

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

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

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

20 (23) the portion of a site or 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
4 that is located in the unincorporated area of a county
5 having a population of not less than 700,000 and not
6 more than 705,000 according to the 2010 federal census;

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

12 (D) for which a permit application is submitted to
13 the Agency to modify an existing permit for the
14 transfer of landscape waste to also include, on a
15 demonstration basis not to exceed 24 months each time a
16 permit is issued, the transfer of commingled landscape
17 waste and food scrap or for which a permit application
18 is submitted to the Agency within 6 months after
19 January 1, 2016; and

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

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

25 (B) that is owned by that county;

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

1 10, 2015 (the effective date of Public Act 99-12); and
2 (D) for which a permit application is submitted to
3 the Agency within 6 months after July 10, 2015 (the
4 effective date of Public Act 99-12) for the disposal of
5 non-hazardous special waste.

6 (b) A new pollution control facility is:

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

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

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

14 (Source: P.A. 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; 98-756,
15 eff. 7-16-14; 98-1130, eff. 1-1-15; 99-12, eff. 7-10-15;
16 99-440, eff. 8-21-15; 99-642, eff. 7-28-16.)

17 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

18 Sec. 21. Prohibited acts. No person shall:

19 (a) Cause or allow the open dumping of any waste.

20 (b) Abandon, dump, or deposit any waste upon the public
21 highways or other public property, except in a sanitary
22 landfill approved by the Agency pursuant to regulations adopted
23 by the Board.

24 (c) Abandon any vehicle in violation of the "Abandoned
25 Vehicles Amendment to the Illinois Vehicle Code", as enacted by

1 the 76th General Assembly.

2 (d) Conduct any waste-storage, waste-treatment, or
3 waste-disposal operation:

4 (1) without a permit granted by the Agency or in
5 violation of any conditions imposed by such permit,
6 including periodic reports and full access to adequate
7 records and the inspection of facilities, as may be
8 necessary to assure compliance with this Act and with
9 regulations and standards adopted thereunder; provided,
10 however, that, except for municipal solid waste landfill
11 units that receive waste on or after October 9, 1993, no
12 permit shall be required for (i) any person conducting a
13 waste-storage, waste-treatment, or waste-disposal
14 operation for wastes generated by such person's own
15 activities which are stored, treated, or disposed within
16 the site where such wastes are generated, or (ii) a
17 facility located in a county with a population over 700,000
18 as of January 1, 2000, operated and located in accordance
19 with Section 22.38 of this Act, and used exclusively for
20 the transfer, storage, or treatment of general
21 construction or demolition debris, provided that the
22 facility was receiving construction or demolition debris
23 on the effective date of this amendatory Act of the 96th
24 General Assembly;

25 (2) in violation of any regulations or standards
26 adopted by the Board under this Act; or

1 (3) which receives waste after August 31, 1988, does
2 not have a permit issued by the Agency, and is (i) a
3 landfill used exclusively for the disposal of waste
4 generated at the site, (ii) a surface impoundment receiving
5 special waste not listed in an NPDES permit, (iii) a waste
6 pile in which the total volume of waste is greater than 100
7 cubic yards or the waste is stored for over one year, or
8 (iv) a land treatment facility receiving special waste
9 generated at the site; without giving notice of the
10 operation to the Agency by January 1, 1989, or 30 days
11 after the date on which the operation commences, whichever
12 is later, and every 3 years thereafter. The form for such
13 notification shall be specified by the Agency, and shall be
14 limited to information regarding: the name and address of
15 the location of the operation; the type of operation; the
16 types and amounts of waste stored, treated or disposed of
17 on an annual basis; the remaining capacity of the
18 operation; and the remaining expected life of the
19 operation.

20 Item (3) of this subsection (d) shall not apply to any
21 person engaged in agricultural activity who is disposing of a
22 substance that constitutes solid waste, if the substance was
23 acquired for use by that person on his own property, and the
24 substance is disposed of on his own property in accordance with
25 regulations or standards adopted by the Board.

26 This subsection (d) shall not apply to hazardous waste.

1 (e) Dispose, treat, store or abandon any waste, or
2 transport any waste into this State for disposal, treatment,
3 storage or abandonment, except at a site or facility which
4 meets the requirements of this Act and of regulations and
5 standards thereunder.

6 (f) Conduct any hazardous waste-storage, hazardous
7 waste-treatment or hazardous waste-disposal operation:

8 (1) without a RCRA permit for the site issued by the
9 Agency under subsection (d) of Section 39 of this Act, or
10 in violation of any condition imposed by such permit,
11 including periodic reports and full access to adequate
12 records and the inspection of facilities, as may be
13 necessary to assure compliance with this Act and with
14 regulations and standards adopted thereunder; or

15 (2) in violation of any regulations or standards
16 adopted by the Board under this Act; or

17 (3) in violation of any RCRA permit filing requirement
18 established under standards adopted by the Board under this
19 Act; or

20 (4) in violation of any order adopted by the Board
21 under this Act.

22 Notwithstanding the above, no RCRA permit shall be required
23 under this subsection or subsection (d) of Section 39 of this
24 Act for any person engaged in agricultural activity who is
25 disposing of a substance which has been identified as a
26 hazardous waste, and which has been designated by Board

1 regulations as being subject to this exception, if the
2 substance was acquired for use by that person on his own
3 property and the substance is disposed of on his own property
4 in accordance with regulations or standards adopted by the
5 Board.

6 (g) Conduct any hazardous waste-transportation operation:

7 (1) without registering with and obtaining a special
8 waste hauling permit from the Agency in accordance with the
9 regulations adopted by the Board under this Act; or

10 (2) in violation of any regulations or standards
11 adopted by the Board under this Act.

12 (h) Conduct any hazardous waste-recycling or hazardous
13 waste-reclamation or hazardous waste-reuse operation in
14 violation of any regulations, standards or permit requirements
15 adopted by the Board under this Act.

16 (i) Conduct any process or engage in any act which produces
17 hazardous waste in violation of any regulations or standards
18 adopted by the Board under subsections (a) and (c) of Section
19 22.4 of this Act.

20 (j) Conduct any special waste transportation operation in
21 violation of any regulations, standards or permit requirements
22 adopted by the Board under this Act. However, sludge from a
23 water or sewage treatment plant owned and operated by a unit of
24 local government which (1) is subject to a sludge management
25 plan approved by the Agency or a permit granted by the Agency,
26 and (2) has been tested and determined not to be a hazardous

1 waste as required by applicable State and federal laws and
2 regulations, may be transported in this State without a special
3 waste hauling permit, and the preparation and carrying of a
4 manifest shall not be required for such sludge under the rules
5 of the Pollution Control Board. The unit of local government
6 which operates the treatment plant producing such sludge shall
7 file a semiannual report with the Agency identifying the volume
8 of such sludge transported during the reporting period, the
9 hauler of the sludge, and the disposal sites to which it was
10 transported. This subsection (j) shall not apply to hazardous
11 waste.

12 (k) Fail or refuse to pay any fee imposed under this Act.

13 (l) Locate a hazardous waste disposal site above an active
14 or inactive shaft or tunneled mine or within 2 miles of an
15 active fault in the earth's crust. In counties of population
16 less than 225,000 no hazardous waste disposal site shall be
17 located (1) within 1 1/2 miles of the corporate limits as
18 defined on June 30, 1978, of any municipality without the
19 approval of the governing body of the municipality in an
20 official action; or (2) within 1000 feet of an existing private
21 well or the existing source of a public water supply measured
22 from the boundary of the actual active permitted site and
23 excluding existing private wells on the property of the permit
24 applicant. The provisions of this subsection do not apply to
25 publicly-owned sewage works or the disposal or utilization of
26 sludge from publicly-owned sewage works.

1 (m) Transfer interest in any land which has been used as a
2 hazardous waste disposal site without written notification to
3 the Agency of the transfer and to the transferee of the
4 conditions imposed by the Agency upon its use under subsection
5 (g) of Section 39.

6 (n) Use any land which has been used as a hazardous waste
7 disposal site except in compliance with conditions imposed by
8 the Agency under subsection (g) of Section 39.

9 (o) Conduct a sanitary landfill operation which is required
10 to have a permit under subsection (d) of this Section, in a
11 manner which results in any of the following conditions:

12 (1) refuse in standing or flowing waters;

13 (2) leachate flows entering waters of the State;

14 (3) leachate flows exiting the landfill confines (as
15 determined by the boundaries established for the landfill
16 by a permit issued by the Agency);

17 (4) open burning of refuse in violation of Section 9 of
18 this Act;

19 (5) uncovered refuse remaining from any previous
20 operating day or at the conclusion of any operating day,
21 unless authorized by permit;

22 (6) failure to provide final cover within time limits
23 established by Board regulations;

24 (7) acceptance of wastes without necessary permits;

25 (8) scavenging as defined by Board regulations;

26 (9) deposition of refuse in any unpermitted portion of

1 the landfill;

2 (10) acceptance of a special waste without a required
3 manifest;

4 (11) failure to submit reports required by permits or
5 Board regulations;

6 (12) failure to collect and contain litter from the
7 site by the end of each operating day;

8 (13) failure to submit any cost estimate for the site
9 or any performance bond or other security for the site as
10 required by this Act or Board rules.

11 The prohibitions specified in this subsection (o) shall be
12 enforceable by the Agency either by administrative citation
13 under Section 31.1 of this Act or as otherwise provided by this
14 Act. The specific prohibitions in this subsection do not limit
15 the power of the Board to establish regulations or standards
16 applicable to sanitary landfills.

17 (p) In violation of subdivision (a) of this Section, cause
18 or allow the open dumping of any waste in a manner which
19 results in any of the following occurrences at the dump site:

20 (1) litter;

21 (2) scavenging;

22 (3) open burning;

23 (4) deposition of waste in standing or flowing waters;

24 (5) proliferation of disease vectors;

25 (6) standing or flowing liquid discharge from the dump
26 site;

1 (7) deposition of:

2 (i) general construction or demolition debris as
3 defined in Section 3.160(a) of this Act; or

4 (ii) clean construction or demolition debris as
5 defined in Section 3.160(b) of this Act.

6 The prohibitions specified in this subsection (p) shall be
7 enforceable by the Agency either by administrative citation
8 under Section 31.1 of this Act or as otherwise provided by this
9 Act. The specific prohibitions in this subsection do not limit
10 the power of the Board to establish regulations or standards
11 applicable to open dumping.

12 (q) Conduct a landscape waste composting operation without
13 an Agency permit, provided, however, that no permit shall be
14 required for any person:

15 (1) conducting a landscape waste composting operation
16 for landscape wastes generated by such person's own
17 activities which are stored, treated, or disposed of within
18 the site where such wastes are generated; or

19 (1.5) conducting a landscape waste composting
20 operation that (i) has no more than 25 cubic yards of
21 landscape waste, composting additives, composting
22 material, or end-product compost on-site at any one time
23 and (ii) is not engaging in commercial activity; or

24 (2) applying landscape waste or composted landscape
25 waste at agronomic rates; or

26 (2.5) operating a landscape waste composting facility

1 at a site having 10 or more occupied non-farm residences
2 within 1/2 mile of its boundaries, if the facility meets
3 all of the following criteria:

4 (A) the composting facility is operated by the
5 farmer on property on which the composting material is
6 utilized, and the composting facility constitutes no
7 more than 2% of the site's total acreage;

8 (A-5) any composting additives that the composting
9 facility accepts and uses at the facility are necessary
10 to provide proper conditions for composting and do not
11 exceed 10% of the total composting material at the
12 facility at any one time;

13 (B) the property on which the composting facility
14 is located, and any associated property on which the
15 compost is used, is principally and diligently devoted
16 to the production of agricultural crops and is not
17 owned, leased, or otherwise controlled by any waste
18 hauler or generator of nonagricultural compost
19 materials, and the operator of the composting facility
20 is not an employee, partner, shareholder, or in any way
21 connected with or controlled by any such waste hauler
22 or generator;

23 (C) all compost generated by the composting
24 facility is applied at agronomic rates and used as
25 mulch, fertilizer, or soil conditioner on land
26 actually farmed by the person operating the composting

1 facility, and the finished compost is not stored at the
2 composting site for a period longer than 18 months
3 prior to its application as mulch, fertilizer, or soil
4 conditioner;

5 (D) no fee is charged for the acceptance of
6 materials to be composted at the facility; and

7 (E) the owner or operator, by January 1, 2014 (or
8 the January 1 following commencement of operation,
9 whichever is later) and January 1 of each year
10 thereafter, registers the site with the Agency, (ii)
11 reports to the Agency on the volume of composting
12 material received and used at the site; (iii) certifies
13 to the Agency that the site complies with the
14 requirements set forth in subparagraphs (A), (A-5),
15 (B), (C), and (D) of this paragraph (2.5); and (iv)
16 certifies to the Agency that all composting material
17 was placed more than 200 feet from the nearest potable
18 water supply well, was placed outside the boundary of
19 the 10-year floodplain or on a part of the site that is
20 floodproofed, was placed at least 1/4 mile from the
21 nearest residence (other than a residence located on
22 the same property as the facility) or a lesser distance
23 from the nearest residence (other than a residence
24 located on the same property as the facility) if the
25 municipality in which the facility is located has by
26 ordinance approved a lesser distance than 1/4 mile, and

1 was placed more than 5 feet above the water table; any
2 ordinance approving a residential setback of less than
3 1/4 mile that is used to meet the requirements of this
4 subparagraph (E) of paragraph (2.5) of this subsection
5 must specifically reference this paragraph; or

6 (3) operating a landscape waste composting facility on
7 a farm, if the facility meets all of the following
8 criteria:

9 (A) the composting facility is operated by the
10 farmer on property on which the composting material is
11 utilized, and the composting facility constitutes no
12 more than 2% of the property's total acreage, except
13 that the Board may allow a higher percentage for
14 individual sites where the owner or operator has
15 demonstrated to the Board that the site's soil
16 characteristics or crop needs require a higher rate;

17 (A-1) the composting facility accepts from other
18 agricultural operations for composting with landscape
19 waste no materials other than uncontaminated and
20 source-separated (i) crop residue and other
21 agricultural plant residue generated from the
22 production and harvesting of crops and other customary
23 farm practices, including, but not limited to, stalks,
24 leaves, seed pods, husks, bagasse, and roots and (ii)
25 plant-derived animal bedding, such as straw or
26 sawdust, that is free of manure and was not made from

1 painted or treated wood;

2 (A-2) any composting additives that the composting
3 facility accepts and uses at the facility are necessary
4 to provide proper conditions for composting and do not
5 exceed 10% of the total composting material at the
6 facility at any one time;

7 (B) the property on which the composting facility
8 is located, and any associated property on which the
9 compost is used, is principally and diligently devoted
10 to the production of agricultural crops and is not
11 owned, leased or otherwise controlled by any waste
12 hauler or generator of nonagricultural compost
13 materials, and the operator of the composting facility
14 is not an employee, partner, shareholder, or in any way
15 connected with or controlled by any such waste hauler
16 or generator;

17 (C) all compost generated by the composting
18 facility is applied at agronomic rates and used as
19 mulch, fertilizer or soil conditioner on land actually
20 farmed by the person operating the composting
21 facility, and the finished compost is not stored at the
22 composting site for a period longer than 18 months
23 prior to its application as mulch, fertilizer, or soil
24 conditioner;

25 (D) the owner or operator, by January 1 of each
26 year, (i) registers the site with the Agency, (ii)

1 reports to the Agency on the volume of composting
2 material received and used at the site, (iii) certifies
3 to the Agency that the site complies with the
4 requirements set forth in subparagraphs (A), (A-1),
5 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)
6 certifies to the Agency that all composting material:

7 (I) was placed more than 200 feet from the
8 nearest potable water supply well;

9 (II) was placed outside the boundary of the
10 10-year floodplain or on a part of the site that is
11 floodproofed;

12 (III) was placed either (aa) at least 1/4 mile
13 from the nearest residence (other than a residence
14 located on the same property as the facility) and
15 there are not more than 10 occupied non-farm
16 residences within 1/2 mile of the boundaries of the
17 site on the date of application or (bb) a lesser
18 distance from the nearest residence (other than a
19 residence located on the same property as the
20 facility) provided that the municipality or county
21 in which the facility is located has by ordinance
22 approved a lesser distance than 1/4 mile and there
23 are not more than 10 occupied non-farm residences
24 within 1/2 mile of the boundaries of the site on
25 the date of application; and

26 (IV) was placed more than 5 feet above the

1 water table.

2 Any ordinance approving a residential setback of
3 less than 1/4 mile that is used to meet the
4 requirements of this subparagraph (D) must
5 specifically reference this subparagraph.

6 For the purposes of this subsection (q), "agronomic rates"
7 means the application of not more than 20 tons per acre per
8 year, except that the Board may allow a higher rate for
9 individual sites where the owner or operator has demonstrated
10 to the Board that the site's soil characteristics or crop needs
11 require a higher rate.

12 (r) Cause or allow ~~the storage or disposal of coal~~
13 ~~combustion waste unless:~~

14 (1) The storage or disposal of coal combustion waste
15 over any United States Environmental Protection Agency
16 Designated Sole Source Aquifer or within the limits of that
17 aquifer's recharge area, nor cause or allow the use of coal
18 combustion waste as cover for any waste disposal site
19 located over any United States Environmental Protection
20 Agency Designated Sole Source Aquifer or within the limits
21 of that aquifer's recharge area, except when coal
22 combustion waste is deposited on power plant property in a
23 legally-permitted cell or impoundment associated with a
24 power plant operating with valid permits. However, once the
25 power plant is closed, all coal combustion waste shall be
26 removed and relocated to a location outside the United

1 States Environmental Protection Agency Designated Sole
2 Source Aquifer and placed in a lined facility or landfill
3 designed according to scientifically-proven best practices
4 and an Agency-approved closure plan.

5 (2) The storage or disposal of coal combustion waste
6 outside a United States Environmental Protection Agency
7 Designated Sole Source Aquifer or a United States
8 Environmental Protection Agency Designated Sole Source
9 Aquifer's recharge area, unless:

10 (A) ~~(1)~~ such waste is stored or disposed of at a
11 site or facility for which a permit has been obtained
12 or is not otherwise required under subsection (d) of
13 this Section; or

14 (B) ~~(2)~~ such waste is stored or disposed of as a
15 part of the design and reclamation of a site or
16 facility which is an abandoned mine site in accordance
17 with the Abandoned Mined Lands and Water Reclamation
18 Act; or

19 (C) ~~(3)~~ such waste is stored or disposed of at a
20 site or facility which is operating under NPDES and
21 Subtitle D permits issued by the Agency pursuant to
22 regulations adopted by the Board for mine-related
23 water pollution and permits issued pursuant to the
24 Federal Surface Mining Control and Reclamation Act of
25 1977 (P.L. 95-87) or the rules and regulations
26 thereunder or any law or rule or regulation adopted by

1 the State of Illinois pursuant thereto, and the owner
2 or operator of the facility agrees to accept the waste;
3 and either

4 (i) such waste is stored or disposed of in
5 accordance with requirements applicable to refuse
6 disposal under regulations adopted by the Board
7 for mine-related water pollution and pursuant to
8 NPDES and Subtitle D permits issued by the Agency
9 under such regulations; or

10 (ii) the owner or operator of the facility
11 demonstrates all of the following to the Agency,
12 and the facility is operated in accordance with the
13 demonstration as approved by the Agency:

14 (I) ~~(1)~~ the disposal area will be covered
15 in a manner that will support continuous
16 vegetation;7

17 (II) ~~(2)~~ the facility will be adequately
18 protected from wind and water erosion;7

19 (III) ~~(3)~~ the pH will be maintained so as
20 to prevent excessive leaching of metal ions;7
21 and

22 (IV) ~~(4)~~ adequate containment or other
23 measures will be provided to protect surface
24 water and groundwater from contamination at
25 levels prohibited by this Act, the Illinois
26 Groundwater Protection Act, or regulations

1 adopted pursuant thereto.

2 Notwithstanding any other provision of this Title, the
3 disposal of coal combustion waste pursuant to subparagraphs (B)
4 and (C) of paragraph (2) of this subsection ~~item (2) or (3) of~~
5 ~~this subdivision (r)~~ shall be exempt from the other provisions
6 of this Title V, and notwithstanding the provisions of Title X
7 of this Act, the Agency is authorized to grant experimental
8 permits which include provision for the disposal of wastes from
9 the combustion of coal and other materials pursuant to
10 subparagraphs (B) and (C) of paragraph (2) of this subsection
11 ~~items (2) and (3) of this subdivision (r)~~.

12 (s) After April 1, 1989, offer for transportation,
13 transport, deliver, receive or accept special waste for which a
14 manifest is required, unless the manifest indicates that the
15 fee required under Section 22.8 of this Act has been paid.

16 (t) Cause or allow a lateral expansion of a municipal solid
17 waste landfill unit on or after October 9, 1993, without a
18 permit modification, granted by the Agency, that authorizes the
19 lateral expansion.

20 (u) Conduct any vegetable by-product treatment, storage,
21 disposal or transportation operation in violation of any
22 regulation, standards or permit requirements adopted by the
23 Board under this Act. However, no permit shall be required
24 under this Title V for the land application of vegetable
25 by-products conducted pursuant to Agency permit issued under
26 Title III of this Act to the generator of the vegetable

1 by-products. In addition, vegetable by-products may be
2 transported in this State without a special waste hauling
3 permit, and without the preparation and carrying of a manifest.

4 (v) (Blank).

5 (w) Conduct any generation, transportation, or recycling
6 of construction or demolition debris, clean or general, or
7 uncontaminated soil generated during construction, remodeling,
8 repair, and demolition of utilities, structures, and roads that
9 is not commingled with any waste, without the maintenance of
10 documentation identifying the hauler, generator, place of
11 origin of the debris or soil, the weight or volume of the
12 debris or soil, and the location, owner, and operator of the
13 facility where the debris or soil was transferred, disposed,
14 recycled, or treated. This documentation must be maintained by
15 the generator, transporter, or recycler for 3 years. This
16 subsection (w) shall not apply to (1) a permitted pollution
17 control facility that transfers or accepts construction or
18 demolition debris, clean or general, or uncontaminated soil for
19 final disposal, recycling, or treatment, (2) a public utility
20 (as that term is defined in the Public Utilities Act) or a
21 municipal utility, (3) the Illinois Department of
22 Transportation, or (4) a municipality or a county highway
23 department, with the exception of any municipality or county
24 highway department located within a county having a population
25 of over 3,000,000 inhabitants or located in a county that is
26 contiguous to a county having a population of over 3,000,000

1 inhabitants; but it shall apply to an entity that contracts
2 with a public utility, a municipal utility, the Illinois
3 Department of Transportation, or a municipality or a county
4 highway department. The terms "generation" and "recycling" as
5 used in this subsection do not apply to clean construction or
6 demolition debris when (i) used as fill material below grade
7 outside of a setback zone if covered by sufficient
8 uncontaminated soil to support vegetation within 30 days of the
9 completion of filling or if covered by a road or structure,
10 (ii) solely broken concrete without protruding metal bars is
11 used for erosion control, or (iii) milled asphalt or crushed
12 concrete is used as aggregate in construction of the shoulder
13 of a roadway. The terms "generation" and "recycling", as used
14 in this subsection, do not apply to uncontaminated soil that is
15 not commingled with any waste when (i) used as fill material
16 below grade or contoured to grade, or (ii) used at the site of
17 generation.

18 (Source: P.A. 97-220, eff. 7-28-11; 98-239, eff. 8-9-13;
19 98-484, eff. 8-16-13; 98-756, eff. 7-16-14.)

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