# HB5410

LRB10225374CPF34654b

## 102ND GENERAL ASSEMBLY

## State of Illinois

## 2021 and 2022

### HB5410

Introduced 1/31/2022, by Rep. Rita Mayfield

## SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.141

Amends the Environmental Protection Act. Renames section as power plant demolition transparency and air protection. Sets forth notice requirements before any person may obtain a permit for the demolition of a thermal power plant. Provides for civil penalties for notice violations not to exceed $1,000 for the first violation and not to exceed $5,000 for each subsequent violation. Provides that civil penalties collected must be deposited into the Environmental Protection Trust Fund to be used in accordance with the provisions of the Environmental Protection Trust Fund Act. Requires at least one public meeting with the impacted community to discuss proposed demolition and sets forth requirements for public meetings. Requires a person to prepare and submit to the Environmental Protection Agency for approval a comprehensive air quality plan that investigates air quality impacts from fugitive dust prior to implosion and establishes a plan for the monitoring of PM10 in the air before, during, and after implosion activities, before that person may obtain a permit for the demolition of a thermal power plant via implosion. Sets forth requirements for a comprehensive air quality plan. Defines terms. Effective immediately.

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A BILL FOR

AN ACT concerning environmental safety.

**Be it enacted by the People of the State of Illinois, represented in the General Assembly:**

Section 5. The Environmental Protection Act is amended by changing Section 3.141 as follows:

(415 ILCS 5/3.141)

Sec. 3.141. Power plant demolition transparency and air protection ~~Notice of power plant demolition~~.

(a) In this Section, the following definitions apply:

"Agency" means the Environmental Protection Agency.

"Air quality monitoring plan" means the air quality monitoring plan required to be included in the comprehensive plan.

"Demolition" means any of the following activities conducted in relation to a thermal power plant:

(A) the demolition of a smokestack;

(B) the demolition of an entire building or structure;

(C) the demolition of substantially all of the above-grade portion of a building or structure; or

(D) the alteration of an existing building to permanently reduce its building area via demolition.

"Dust mitigation plan" means the dust monitoring plan

required to be included in the air quality plan.

"Fugitive dust" means any solid particulate matter that becomes airborne by natural or human-made activities, excluding engine combustion exhaust and particulate matter emitted from a properly permitted exhaust stack equipped with a pollution control device.

"Implosion" means the use of explosives for the demolition of buildings or other structure.

"Notify" means to conduct all of the following activities in the context of a demolition process:

(A) post notices in both physical and online form in a newspaper of general circulation within 25 miles of where the thermal power plant is located (or, if a newspaper is unavailable, using appropriate broadcast media such as radio or television);

(B) mail or hand-deliver notices to the Agency and all residents within a one-mile radius from the property line of the thermal power plant site;

(C) post the notices in conspicuous public locations;

(D) request that the Agency email the notices to the Agency's listserv for the facility;

(E) establish a publicly accessible website that can be visited without providing login credentials and that functions as a repository for all demolition-related communications and documents and

all public notices;

(F) create phone, email, and text lists to notify of 60-day periods, public meetings, and specific demolition dates;

(G) use State or municipal phone and mobile alert systems to notify residents of public meetings and specific demolition days (including safety protocols for demolition days).

"Particulate Emission Potential" or "PEP" means the potential for in situ soils to be dispersed by wind or by physical disturbance as determined using the procedures described in paragraph (4) of subsection (c) of this Section.

"Public" means the residents of any town, village, or city in the State that is within 25 miles of a thermal power plant at which demolition is to be conducted;

"Thermal power plant" means a facility that currently produces or has ever produced electricity using a thermal generation technology; this definition includes, at a minimum, generation facilities creating power using coal, gas, or nuclear fuel as inputs.

"Recognized Environmental Conditions" or "REC" means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any

hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

"Site" means real property containing a building or structure to be demolished and all structures, equipment, and ancillary fixtures on a site used in or to support the demolition. A site may include, but is not limited to, structures, buildings, scales, roadways, parking areas, queuing areas, fences, processing equipment, processing areas, staging or stockpiling areas, and monitoring stations.

"Site cleanup plan" means the site cleanup plan required to be included in the comprehensive plan. ~~If a demolition is conducted at a coal-fueled power plant, the owner of the coal-fueled power plant shall, at least 60 days before commencing the demolition or as otherwise required under State or federal law, notify the Agency and the public about the demolition and provide the Agency and the public with copies of any plans for the demolition. The notice shall comply with the following:~~

~~(1) The notice must be provided, where applicable, in both physical and online form in a newspaper of general circulation within 25 miles of where the coal-fueled power plant is located. The notice must also be posted in physical form in 3 prominent public places and, where applicable, posted on a relevant municipal website.~~

~~(2) The notice must include reference to any relevant permits issued to the coal-fueled power plant in relation to the demolition, with express instructions stating how to access a copy of the permits.~~

~~(3) The notice must include the following information:~~

~~(A) The date and time of any scheduled demolition activity.~~

~~(B) The portion of the coal fueled power plant that is set for demolition.~~

~~(C) Any potential contaminants associated with the demolition.~~

~~(D) The business name of any company that will perform the demolition in whole or in part.~~

~~(E) Information on any applicable permits.~~

~~(F) Whether any unlined CCR surface impoundment or public water source is near the coal fueled power plant.~~

~~(G) Details of the preventative measures implemented by the coal fueled power plant to control, mitigate, or prevent any pollution from occurring.~~

(b) Notification requirements. Before any person may obtain a permit for the demolition of a thermal power plant, the person must notify and provide a copy of the plans for demolition to the public at least 60 days, or as otherwise required under State or federal law, before the anticipated date of initiation of demolition.

(1) Notices must include the following information:

(A) the date and time of the scheduled demolition activity;

(B) the portion of the facility that is set for demolition;

(C) the amount of demolition debris anticipated, expressed in terms of both weight and volume and broken down by major category if multiple waste streams will result from the demolition, how and where it will be transported, and how and where it will ultimately be disposed or otherwise repurposed;

(D) the Agency approved operating program as described in the Illinois Administrative Code;

(E) the date, time, and location of the public meeting required under paragraph 4 of this subsection (b), along with a reference to the statute requiring said public meeting;

(F) a description of potential demolition impacts including, but not limited to, a list of potential contaminants in the demolition debris broken down by major waste stream, if applicable, dates, hours, and decibels of noise anticipated, and dates and hours of road closures anticipated;

(G) the owner's or operator's contact information, as well as the business name of each demolition company that will be performing the demolition in

whole or in part;

(H) information on any applicable permits, including any permits issued to the facility in relation to the demolition, with express instructions explaining how to access a copy of each permit;

(I) whether there are any unlined CCR surface impoundments at or nearby the facility or public water sources or private wells within 2,500 feet of the facility;

(J) a detailed description of the preventative measures that will be implemented by the facility to control, mitigate, or prevent from occurring any air, soil, or water pollution during the demolition;

(K) the address of the Internet website to which the information required by subparagraphs (C) and (G) of paragraph (4) of this subsection (b) will be posted and the date on which the required information will be posted to the Internet website;

(L) instructions for how to join phone, mail, or text lists for notification periods, public meetings, and specific demolition dates; and

(M) when a proposed demolition activity is located in an area with 10% or more non-English speaking residents, non-English versions of all of the above reflecting local language prevalence.

(2) In the event of a change to the schedule, the owner

or operator must update the publicly accessible Internet website at least 7 days prior to the new demolition date.

(3) Civil penalties for notice violations. An owner or operator who violates the notice requirements is subject to a civil penalty not to exceed $1,000 for the first violation and a civil penalty not to exceed $5,000 for each subsequent violation. Civil penalties collected under this Section must be deposited into the Environmental Protection Trust Fund to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(4) Public Meeting. At least 30 days before the submission of a permit, if required, for demolition of a thermal power plant, and at least 30 days after providing notice pursuant to this Section, the owner or operator of the facility must hold at least one public meeting within the impacted community to discuss the proposed demolition, subject to the following rules:

(A) This public meeting must begin after 5:00 p.m. in the evening and be located at a venue that is accessible to persons with disabilities; and the owner or operator must provide reasonable accommodations, as defined in the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., upon request.

(B) When a proposed demolition project is located in an area with 10% or more non-English speaking residents, the owner or operator must provide

translation services during the public meeting required by this Section, if requested by a non-English speaking member of the public.

(C) At least 14 days before holding a public meeting, the owner or operator of the facility must post to the owner's or operator's publicly accessible Internet website:

(i) all documentation relied upon in making a permit application; and

(ii) the facility's Agency approved operating program.

(D) At the public meeting, the owner or operator of the facility or the demolition company performing the demolition must:

(i) present the schedule and process for the demolition, which must cover the noise, air quality, environmental, public health, and any other community (e.g., road closures) impacts expected from the demolition, as well as a summary of the operating program, including control equipment and best management practices that will be used to reduce fugitive particulate matter emissions.

(ii) include a question and answer portion of the meeting to allow the public to ask questions; and

(iii) ensure the presence of representatives from the owner or operator that are qualified and knowledgeable enough to answer the questions posed by the public.

(E) The Agency shall have a representative present at the public meeting, familiar with the thermal power plant's operating program and the Agency's review of the operating program, as well as the demolition requirements. The Agency representative shall be prepared to respond to and answer questions from the public regarding its review and the operating program itself.

(F) The owner or operator of the facility or the demolition company must respond to all questions in writing no later than 14 days after the meeting. The owner or operator must respond on the post owner's or operator's publicly accessible Internet website.

(G) The public meeting should be made available to watch and participate in a meaningful way online and recorded. The recording should be made available on the owner's or operator's publicly accessible Internet website.

(H) Within 15 days following the public meeting, the owner or operator must distribute a general summary of the issues raised by the public, as well as a response to those issues or comments raised by the

public. This summary must be distributed to any attendee who requests a copy at the public meeting.

(5) Consistency with air quality plan. The notification and public meetings required under this subsection shall be designed at a minimum to ensure the public is given meaningful opportunity to review the air quality plan set forth in this Section, and to provide public feedback that plan before the Agency determines whether to approve or deny the air quality plan. ~~In this Section, "public" means the population of a town, village, or city in the State of Illinois that is within 25 miles of a coal-fueled power plant at which demolition is to be conducted.~~

(c) Air Quality Plan. Before any person may obtain a permit for the demolition of a thermal power plant via implosion, the person must prepare and submit to the Agency for approval a comprehensive air quality plan that investigates air quality impacts from fugitive dust prior to implosion and a establishes plan for the monitoring of PM10 in the air before, during, and after implosion activities. The air quality plan shall include, but may not be limited to, the following:

(1) An air dispersion modeling study using computational fluid dynamic simulation such as finite element method, applied element method, or other methods approved by the Agency. The study shall simulate dust

propagation generated from the implosion under varying wind speeds, wind directions, and weather stability classes (unstable, neutral, and stable). The model shall calculate the concentrations of PM10 in the dust plume generated from the impact of the collapsed building or structure with the ground. Its results shall inform the placement of air monitors, as well as the dust mitigation plan and the site cleanup plan, and traffic management plans and the siting of protection and exclusion zones onsite and offsite. The model shall produce the following outputs superimposed over aerial or satellite imagery:

(A) PM10 concentration contours;

(B) PM10 concentration versus time at the source, in the surrounding public way, and at sensitive areas offsite; and

(C) maximum PM10 concentrations at the areas specified above; and computer-generated videos for the estimated dust cloud propagation and dissipation.

(2) Air monitoring of the air upwind and downwind at the site, as well the air at sensitive areas within 1,000 feet of the site or within the plume modeled in paragraph (1), whichever distance is greater, for PM10. Such modeling shall be conducted at least for a 24-hour duration one week prior, the day of, and one week following the implosion until air monitoring confirms that the hourly and 24-hour PM10 levels are back to normal,

pre-Implosion levels. PM10 levels shall be considered normal when the measured PM10 levels are within the historic mean, plus or minus the standard deviation, within the last three years, unless the Agency has reason to believe that the site is still causing PM10 levels to be elevated. Historic PM10 data shall be based on data collected from the nearest ambient air quality station operated by the Agency or other data sources approved by the Agency.

(A) In conjunction with the above PM10 monitoring, air samples shall be collected at all monitored locations for analysis of lead using NIOSH Method 7300, 7302 or 7303; asbestos fibers using NIOSH Method(s) 7400 and/or 7402; silica using NIOSH Method 7500 or 7602; respirable particulates using NIOSH Method 0600; and total dust using NIOSH Method 0500. The Agency may approve alternate test methods or require the use of United States Environmental Protection Agency methods, depending on site-specific factors. The Agency may also require the air sampling of any or all RECs that may be emitted into the air by the implosion. The PM10 monitoring shall be conducted using instruments designated as Federal Equivalent Method (FEM) by the United States Environmental Protection Agency.

(B) The air quality plan shall also include

operation, according to manufacturer's specifications, a weather station, or other permanent device to monitor and record wind speed and wind direction, along with the corresponding temperature, barometric pressure, and relative humidity at or near the site. The readings shall be taken at an unobstructed, unsheltered area, unimpacted by the implosion, and at a minimum height of 10 meters above ground level, unless another height is appropriate pursuant to applicable US Environmental Protection Agency protocols and guidance.

(3) A dust mitigation plan that demonstrates that adequate precautions and best practices are employed to minimize fugitive dust; as well as demonstrates that a robust contingency plan will be in place in case the above primary measures fail to control or minimize fugitive dust.

(4) Evaluation of onsite surficial soil for particulate emission potential (PEP), which shall be calculated by plotting the soil's fines content against its optimal moisture content. The fines content shall be determined using ASTM D1140-17, while the optimum moisture content shall be measured using ASTM D1557 or AASHTO T180-D. Alternate methods may be used with prior written approval from the Agency. The results of the investigation shall be depicted on a site map showing the PEP of unpaved

surfaces at the site.

(5) Dust mitigation measures that will be implemented to limit the generation and dispersion of fugitive dust. Such measures shall include, but are not limited to, the following best practices:

(A) The thorough sweeping of paved surfaces using a sweeper effective at removing fine particulates.

(B) Adequate wetting of all unpaved areas. The operator shall ensure that surficial soils within the ground impact area and 50% beyond are thoroughly saturated up to a depth of four inches, or otherwise treated using a method or methods approved by the Agency, on the day of and within one hour prior to the implosion, or within the closest timeframe allowed by safety protocol.

(C) Employing misting cannons around the building, structure, or both at strategic locations and elevations determined based on the results of the air dispersion modeling in paragraph (1) of this subsection.

(D) Applying water to debris immediately following blast and safety clearance.

(E) Restricting traffic and operations to paved areas or stabilized surfaces. Soils exhibiting a High PEP should be fenced off or otherwise demarcated to prevent disturbance, or shall be effectively

stabilized, removed or covered if vehicle traffic or operations will occur over these areas.

(6) A contingency plan describing the contingency measures to be implemented if the above control measures fail to adequately control dust emissions. In addition, the plan must describe the steps that will be taken to verify that a dust control measure is working and, upon discovery of an inadequacy, the steps that will be taken to initiate a contingency measure.

(7) A site cleanup plan, to remove dust, debris, and litter from the surrounding impacted area as expeditiously and as safely possible to minimize disruption to the community. The site cleanup plan shall include, but is not limited to, the following:

(A) the use of a street sweeper to clean impacted paved areas. The street sweeper shall be equipped with a waterless dust suppression system comprised of vacuum assist and filtration for pickup and mitigation of potential fugitive fine particulates, and PM10-certified by Canada's Environmental Technology Verification Program or as approved by the Agency;

(B) the cleaning of impacted parkways and private properties (with owner permission);

(C) inspection protocols that ensure impacted areas are returned to pre-implosion conditions; and

(D) a staffing plan and equipment list necessary

to execute the cleanup.

(Source: P.A. 102-631, eff. 8-27-21.)

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