



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4714

Introduced 1/12/2006, by Rep. Wyvetter H. Younge - Dan Reitz - Thomas Holbrook

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.330

was 415 ILCS 5/3.32

Amends the Environmental Protection Act. Provides that processing sites or facilities that receive only on-specification used oil originating from used oil collectors for processing to produce products for sale to off-site petroleum facilities are not pollution control facilities under the Environmental Protection Act if these sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements. Effective immediately.

LRB094 18734 RSP 54112 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 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
24 owned, controlled or operated by such person, or when such
25 wastes are transported within or between sites or
26 facilities owned, controlled or operated by such person;

27 (4) sites or facilities at which the State is
28 performing removal or remedial action pursuant to Section
29 22.2 or 55.3;

30 (5) abandoned quarries used solely for the disposal of
31 concrete, earth materials, gravel, or aggregate debris
32 resulting from road construction activities conducted by a

1 unit of government or construction activities due to the
2 construction and installation of underground pipes, lines,
3 conduit or wires off of the premises of a public utility
4 company which are conducted by a public utility;

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

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

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

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

15 (10) the portion of a site or facility used for
16 treatment of petroleum contaminated materials by
17 application onto or incorporation into the soil surface and
18 any portion of that site or facility used for storage of
19 petroleum contaminated materials before treatment. Only
20 those categories of petroleum listed in Section 57.9(a) (3)
21 are exempt under this subdivision (10);

22 (11) the portion of a site or facility where used oil
23 is collected or stored prior to shipment to a recycling or
24 energy recovery facility, provided that the used oil is
25 generated by households or commercial establishments, and
26 the site or facility is a recycling center or a business
27 where oil or gasoline is sold at retail;

28 (11.5) processing sites or facilities that receive
29 only on-specification used oil, as defined in 35 Ill.
30 Admin. Code 739, originating from used oil collectors for
31 processing that is managed under 35 Ill. Admin. Code 739 to
32 produce products for sale to off-site petroleum
33 facilities, if these processing sites or facilities are:
34 (i) located within a home rule unit of local government
35 with a population of at least 30,000 according to the 2000
36 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,
27 are at the site or facility no longer than one year after
28 their acceptance, and are returned to the economic
29 mainstream in the form of raw materials or products; and

30 (15) the portion of a site or facility located in a
31 county with a population over 3,000,000 that has obtained
32 local siting approval under Section 39.2 of this Act for a
33 municipal waste incinerator on or before July 1, 2005 and
34 that is used for a non-hazardous waste transfer station.

35 (b) A new pollution control facility is:

36 (1) a pollution control facility initially permitted

- 1 for development or construction after July 1, 1981; or
2 (2) the area of expansion beyond the boundary of a
3 currently permitted pollution control facility; or
4 (3) a permitted pollution control facility requesting
5 approval to store, dispose of, transfer or incinerate, for
6 the first time, any special or hazardous waste.

7 (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,
8 eff. 7-19-05; revised 8-18-05.)

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