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09500HB4426ham001

LRB095 15276 HLH 48212 a

1 AMENDMENT TO HOUSE BILL 4426

2 AMENDMENT NO. _____. Amend House Bill 4426 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 adding Sections 2.5 and 3.327 and by changing Section 3.330 as
6 follows:

7 (415 ILCS 5/2.5 new)

8 Sec. 2.5. Additional legislative findings. The General
9 Assembly further finds that:

10 (1) The disposal of solid waste in the State is a
11 continuing land use problem.

12 (2) Plasma arc incineration or other like technologies may
13 provide an alternative to the use of landfills for the disposal
14 of solid waste.

15 (3) Plasma arc incineration or other like technologies may
16 produce a number of beneficial by-products including hard,

1 obsidian-like stone that can be used in paving projects, metals
2 that can be recovered for resale, and fuel-rich gases that can
3 be used to generate large quantities of heat and electricity.

4 (4) Plasma arc incineration or other like technologies, if
5 authorized in the State, could reduce the State's dependence on
6 fossil fuels and reduce the amount of solid waste disposed of
7 in landfills around the State.

8 (415 ILCS 5/3.327 new)

9 Sec. 3.327. Plasma arc incinerator. "Plasma arc
10 incinerator" means any enclosed device that uses a high
11 intensity electrical discharge or arc as a source of heat
12 followed by an afterburner using controlled flame combustion
13 and which is not listed as an industrial furnace.
14 Notwithstanding any other rulemaking authority that may exist,
15 neither the Governor nor any agency or agency head under the
16 jurisdiction of the Governor has any authority to make or
17 promulgate rules to implement or enforce the provisions of this
18 amendatory Act of the 95th General Assembly. If, however, the
19 Governor believes that rules are necessary to implement or
20 enforce the provisions of this amendatory Act of the 95th
21 General Assembly, the Governor may suggest rules to the General
22 Assembly by filing them with the Clerk of the House and the
23 Secretary of the Senate and by requesting that the General
24 Assembly authorize such rulemaking by law, enact those
25 suggested rules into law, or take any other appropriate action

1 in the General Assembly's discretion. Nothing contained in this
2 amendatory Act of the 95th General Assembly shall be
3 interpreted to grant rulemaking authority under any other
4 Illinois statute where such authority is not otherwise
5 explicitly given. For the purposes of this paragraph, "rules"
6 is given the meaning contained in Section 1-70 of the Illinois
7 Administrative Procedure Act, and "agency" and "agency head"
8 are given the meanings contained in Sections 1-20 and 1-25 of
9 the Illinois Administrative Procedure Act to the extent that
10 such definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor.

12 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

13 Sec. 3.330. Pollution control facility.

14 (a) "Pollution control facility" is any waste storage site,
15 sanitary landfill, waste disposal site, waste transfer
16 station, waste treatment facility, or waste incinerator. This
17 includes sewers, sewage treatment plants, and any other
18 facilities owned or operated by sanitary districts organized
19 under the Metropolitan Water Reclamation District Act and also
20 includes plasma arc incinerators.

21 The following are not pollution control facilities:

22 (1) (blank);

23 (2) waste storage sites regulated under 40 CFR, Part
24 761.42;

25 (3) sites or facilities used by any person conducting a

1 waste storage, waste treatment, waste disposal, waste
2 transfer or waste incineration operation, or a combination
3 thereof, for wastes generated by such person's own
4 activities, when such wastes are stored, treated, disposed
5 of, transferred or incinerated within the site or facility
6 owned, controlled or operated by such person, or when such
7 wastes are transported within or between sites or
8 facilities owned, controlled or operated by such person;

9 (4) sites or facilities at which the State is
10 performing removal or remedial action pursuant to Section
11 22.2 or 55.3;

12 (5) abandoned quarries used solely for the disposal of
13 concrete, earth materials, gravel, or aggregate debris
14 resulting from road construction activities conducted by a
15 unit of government or construction activities due to the
16 construction and installation of underground pipes, lines,
17 conduit or wires off of the premises of a public utility
18 company which are conducted by a public utility;

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

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

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

26 (9) the portion of a site or facility used for the

1 collection, storage or processing of waste tires as defined
2 in Title XIV;

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

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

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

1 Development, and that home rule unit of local government
2 has enacted an ordinance approving the location of the site
3 or facility and provided funding for the site or facility;
4 and (ii) in compliance with all applicable zoning
5 requirements;

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

14 (13) the portion of a site or facility accepting
15 exclusively general construction or demolition debris,
16 located in a county with a population over 700,000 as of
17 January 1, 2000, and operated and located in accordance
18 with Section 22.38 of this Act;

19 (14) the portion of a site or facility, located within
20 a unit of local government that has enacted local zoning
21 requirements, used to accept, separate, and process
22 uncontaminated broken concrete, with or without protruding
23 metal bars, provided that the uncontaminated broken
24 concrete and metal bars are not speculatively accumulated,
25 are at the site or facility no longer than one year after
26 their acceptance, and are returned to the economic

1 mainstream in the form of raw materials or products;

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

8 (16) a site or facility that temporarily holds in
9 transit for 10 days or less, non-petruscible solid waste in
10 original containers, no larger in capacity than 500
11 gallons, provided that such waste is further transferred to
12 a recycling, disposal, treatment, or storage facility on a
13 non-contiguous site and provided such site or facility
14 complies with the applicable 10-day transfer requirements
15 of the federal Resource Conservation and Recovery Act of
16 1976 and United States Department of Transportation
17 hazardous material requirements. For purposes of this
18 Section only, "non-petruscible solid waste" means waste
19 other than municipal garbage that does not rot or become
20 putrid, including, but not limited to, paints, solvent,
21 filters, and absorbents;~~:-~~

22 (17) ~~(16)~~ the portion of a site or facility located in
23 a county with a population greater than 3,000,000 that has
24 obtained local siting approval, under Section 39.2 of this
25 Act, for a municipal waste incinerator on or before July 1,
26 2005 and that is used for wood combustion facilities for

1 energy recovery that accept and burn only wood material, as
2 included in a fuel specification approved by the Agency;
3 and-

4 (18) ~~(16)~~ a transfer station used exclusively for
5 landscape waste, including a transfer station where
6 landscape waste is ground to reduce its volume, where the
7 landscape waste is held no longer than 24 hours from the
8 time it was received.

9 (b) A new pollution control facility is:

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

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

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

17 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,
18 eff. 6-2-06; 95-131, eff. 8-13-07; 95-331, eff. 8-21-07;
19 95-408, eff. 8-24-07; 95-177, eff. 1-1-08; revised
20 11-15-07.)".