

1 AN ACT concerning waste gasification.

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

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

1 (415 ILCS 5/3.327 new)

2 Sec. 3.327. Plasma arc incinerator. "Plasma arc  
3 incinerator" means any enclosed device that uses a high  
4 intensity electrical discharge or arc as a source of heat  
5 followed by an afterburner using controlled flame combustion  
6 and which is not listed as an industrial furnace.  
7 Notwithstanding any other rulemaking authority that may exist,  
8 neither the Governor nor any agency or agency head under the  
9 jurisdiction of the Governor has any authority to make or  
10 promulgate rules to implement or enforce the provisions of this  
11 amendatory Act of the 95th General Assembly. If, however, the  
12 Governor believes that rules are necessary to implement or  
13 enforce the provisions of this amendatory Act of the 95th  
14 General Assembly, the Governor may suggest rules to the General  
15 Assembly by filing them with the Clerk of the House and the  
16 Secretary of the Senate and by requesting that the General  
17 Assembly authorize such rulemaking by law, enact those  
18 suggested rules into law, or take any other appropriate action  
19 in the General Assembly's discretion. Nothing contained in this  
20 amendatory Act of the 95th General Assembly shall be  
21 interpreted to grant rulemaking authority under any other  
22 Illinois statute where such authority is not otherwise  
23 explicitly given. For the purposes of this paragraph, "rules"  
24 is given the meaning contained in Section 1-70 of the Illinois  
25 Administrative Procedure Act, and "agency" and "agency head"

1 are given the meanings contained in Sections 1-20 and 1-25 of  
2 the Illinois Administrative Procedure Act to the extent that  
3 such definitions apply to agencies or agency heads under the  
4 jurisdiction of the Governor.

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

6 Sec. 3.330. Pollution control facility.

7 (a) "Pollution control facility" is any waste storage site,  
8 sanitary landfill, waste disposal site, waste transfer  
9 station, waste treatment facility, or waste incinerator. This  
10 includes sewers, sewage treatment plants, and any other  
11 facilities owned or operated by sanitary districts organized  
12 under the Metropolitan Water Reclamation District Act and also  
13 includes plasma arc incinerators.

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

1 facilities owned, controlled or operated by such person;

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

5 (5) abandoned quarries used solely for the disposal of  
6 concrete, earth materials, gravel, or aggregate debris  
7 resulting from road construction activities conducted by a  
8 unit of government or construction activities due to the  
9 construction and installation of underground pipes, lines,  
10 conduit or wires off of the premises of a public utility  
11 company which are conducted by a public utility;

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

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

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

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

22 (10) the portion of a site or facility used for  
23 treatment of petroleum contaminated materials by  
24 application onto or incorporation into the soil surface and  
25 any portion of that site or facility used for storage of  
26 petroleum contaminated materials before treatment. Only

1 those categories of petroleum listed in Section 57.9(a) (3)  
2 are exempt under this subdivision (10);

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

9 (11.5) processing sites or facilities that receive  
10 only on-specification used oil, as defined in 35 Ill.  
11 Admin. Code 739, originating from used oil collectors for  
12 processing that is managed under 35 Ill. Admin. Code 739 to  
13 produce products for sale to off-site petroleum  
14 facilities, if these processing sites or facilities are:  
15 (i) located within a home rule unit of local government  
16 with a population of at least 30,000 according to the 2000  
17 federal census, that home rule unit of local government has  
18 been designated as an Urban Round II Empowerment Zone by  
19 the United States Department of Housing and Urban  
20 Development, and that home rule unit of local government  
21 has enacted an ordinance approving the location of the site  
22 or facility and provided funding for the site or facility;  
23 and (ii) in compliance with all applicable zoning  
24 requirements;

25 (12) the portion of a site or facility utilizing coal  
26 combustion waste for stabilization and treatment of only

1 waste generated on that site or facility when used in  
2 connection with response actions pursuant to the federal  
3 Comprehensive Environmental Response, Compensation, and  
4 Liability Act of 1980, the federal Resource Conservation  
5 and Recovery Act of 1976, or the Illinois Environmental  
6 Protection Act or as authorized by the Agency;

7 (13) the portion of a site or facility accepting  
8 exclusively general construction or demolition debris,  
9 located in a county with a population over 700,000 as of  
10 January 1, 2000, and operated and located in accordance  
11 with Section 22.38 of this Act;

12 (14) the portion of a site or facility, located within  
13 a unit of local government that has enacted local zoning  
14 requirements, used to accept, separate, and process  
15 uncontaminated broken concrete, with or without protruding  
16 metal bars, provided that the uncontaminated broken  
17 concrete and metal bars are not speculatively accumulated,  
18 are at the site or facility no longer than one year after  
19 their acceptance, and are returned to the economic  
20 mainstream in the form of raw materials or products;

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

26 ~~and~~

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

15           (17) ~~(16)~~ the portion of a site or facility located in  
16 a county with a population greater than 3,000,000 that has  
17 obtained local siting approval, under Section 39.2 of this  
18 Act, for a municipal waste incinerator on or before July 1,  
19 2005 and that is used for wood combustion facilities for  
20 energy recovery that accept and burn only wood material, as  
21 included in a fuel specification approved by the Agency;i-  
22 and-

23           (18) ~~(16)~~ a transfer station used exclusively for  
24 landscape waste, including a transfer station where  
25 landscape waste is ground to reduce its volume, where the  
26 landscape waste is held no longer than 24 hours from the

1 time it was received.

2 (b) A new pollution control facility is:

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

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

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

10 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,  
11 eff. 6-2-06; 95-131, eff. 8-13-07; 95-331, eff. 8-21-07;  
12 95-408, eff. 8-24-07; 95-177, eff. 1-1-08; revised 11-15-07.)