



Sen. Michael W. Frerichs

Filed: 3/9/2009

09600SB1291sam001

LRB096 09503 JDS 23021 a

1 AMENDMENT TO SENATE BILL 1291

2 AMENDMENT NO. _____. Amend Senate Bill 1291 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 adding Section 22.55 as follows:

6 (415 ILCS 5/22.55 new)

7 Sec. 22.55. Coal Waste Study.

8 (a) The General Assembly finds that:

9 (1) poorly managed coal waste poses a threat to the
10 Illinois environment and the health of the people of
11 Illinois;

12 (2) the National Research Council of the National
13 Academies of Science, responding to a request by Congress
14 and given responsibility by the U.S. Environmental
15 Protection Agency, found, after substantial research, that
16 coal wastes can adversely impact water supplies and

1 ecosystems if those wastes are not managed adequately;

2 (3) reports published by the U.S. Environmental
3 Protection Agency's Office of Research and Development
4 indicate that coal waste leaches hazardous constituents,
5 such as arsenic cadmium, antimony, selenium, and other
6 pollutants in much greater quantities than had been
7 recognized previously; and

8 (4) U.S. Environmental Protection Agency reports
9 published in 2005 and 2006 document that the majority of
10 states still lack regulations mandating basic safeguards
11 at coal waste disposal sites.

12 (b) To take an initial step toward rectifying this
13 situation in Illinois, the Agency, in consultation with the
14 Illinois Department of Natural Resources and the Illinois
15 Department of Transportation, shall submit all of the following
16 to the General Assembly and the Governor by December 31, 2009:

17 (1) A report that reviews the latest available
18 scientific research and institutional regarding the
19 current status of coal waste disposal in Illinois,
20 including:

21 (A) the current annual amount of coal waste
22 disposed or used in Illinois, by waste type;

23 (B) the location and characterization of all coal
24 waste disposal sites in the State, including, but not
25 limited to, surface impoundments, landfills, and
26 active and abandoned mine sites;

1 (C) the location and characterization of all
2 active and inactive coal slurry waste impoundments in
3 the State;

4 (D) the location and characterization of all
5 applications of coal combustion by-products in the
6 State;

7 (E) the proximity of each of the sites identified
8 under subdivisions (b) (1) (A) through (b) (1) (C) of this
9 Section to vulnerable resources, including
10 floodplains; wetlands, as defined by the presence of
11 hydric soils and hydrophilic vegetation; sandy or
12 gravel soils; shallow groundwater tables; public water
13 supplies; groundwater; surface waters; active seismic
14 fault lines; karst-containing areas; and sensitive
15 wildlife habitat, including biologically significant
16 streams, Illinois Natural Area Inventory sites,
17 Illinois Resource Rich Areas, Important Bird Areas,
18 and essential habitat for threatened and endangered
19 species;

20 (F) an overall assessment of the structural
21 stability of all impoundments and landfills with and
22 without liners containing coal waste in the State;

23 (G) the current coal waste-related regulatory
24 requirements of sites identified in subdivisions
25 (b) (1) (A) through (b) (1) (C) of this Section;

26 (H) the holding capacity of all impoundments in the

1 State containing coal waste in response to a 10-year,
2 24-hour precipitation event.

3 (2) A summary and assessment of the effectiveness of
4 current regulations governing coal waste disposal and
5 reuse in Illinois, including:

6 (A) the potential risks posed to communities,
7 farmland, and drinking water supplies by current coal
8 waste sites;

9 (B) the adequacy of current closure requirements
10 for surface wet coal waste storage and disposal sites
11 and of current requirements for conversion of those
12 sites to dry storage and disposal sites;

13 (C) the adequacy of current protections against
14 groundwater contamination due to coal waste storage,
15 coal waste disposal, or both;

16 (D) a description of the siting requirements for
17 the dry disposal of coal waste;

18 (E) the groundwater and surface water monitoring
19 requirements necessary to fully characterize water
20 quality before or during the storage and disposal of
21 coal waste;

22 (F) the financial assurance requirements for site
23 owners and operators; and

24 (G) current standards for reuse of coal waste,
25 including the disposal of coal waste in active,
26 inactive, or abandoned mines.

1 (3) Recommendations, if any, for administrative and
2 legislative actions to improve the regulation of coal
3 wastes, including:

4 (A) proposed changes in regulatory requirements,
5 if any, pertaining to coal waste in Illinois;

6 (B) proposed changes, if any, in the delineation of
7 agency responsibilities for the regulation of coal
8 waste in Illinois;

9 (C) proposed changes, if any, in the funding and
10 staffing levels of agencies with a role in the
11 regulation of coal wastes;

12 (D) the steps needed to close and empty active
13 surface wet coal waste storage and disposal sites and
14 convert those sites to dry storage and disposal.

15 (c) For the purposes of this Section and notwithstanding
16 any other definitions in this Act:

17 "Coal combustion by-products" means coal combustion
18 waste used beneficially.

19 "Coal combustion waste" means the noncombustible
20 portion of the coal itself and residues from various air
21 pollution control technologies, including fly ash, bottom
22 ash, boiler slag, flue gas desulfurization sludge, or any
23 combination of those substances.

24 "Coal waste" means coal combustion waste, mine refuse,
25 coal combustion by-products, or any combination of those
26 substances.

1 "Mine refuse" means gob, coal, rock, slate, shale, mill
2 tailings, boney, clay, pyrites, and other unmerchantable
3 solid or slurry materials intended to be discarded and
4 connected with the cleaning and preparation of mined
5 materials at a preparation plant or washery; sludge or
6 other precipitated matter produced by the treatment of acid
7 mine drainage; and acid-producing spoil.

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