

Board Sends to Second Notice Proposed Amendments to Procedural Rules

On October 20, 2005, the Illinois Pollution Control Board sent to second-notice proposed amendments to its procedural rules to address recent amendments to the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)). The proposed rules docketed as In the Matter of: Amendments to the Procedural Rules -- "Pollution Control Facility" Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202 (R06-09), reflect three recent amendments to the definition of "pollution control facility." The Board proposes amendments *only* in Section 101.202 of its procedural rules.

Specifically, Public Act 93-0998 (P.A. 93-0998, eff. Aug. 23, 2005) amends the definition of "pollution control facility" by adding a 14th exception to that definition:

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

Public Act 94-0094 (P.A. 94-0094, eff. July 1, 2005) amends the existing exemption from that definition for "the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population of 700,000, and operated and located in accordance with Section 22.38 of this Act." 415 ILCS 5/3.330(a)(13) (202). P.A. 94-0094 limits that exemption to counties that had reached the population threshold of 700,000 as of January 1, 2000.

Additionally, Public Act 94-0249 (P.A. 94-0249, eff. July 19, 2005) adds a 15th exemption to that definition:

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

The Board proposes amending the definition of "pollution control facility" in Section 101.202 to follow the statutory language in P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249.

The Board did not receive any public comments or request for hearing.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office:

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