



Rep. Lawrence Walsh, Jr.

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LRB100 19878 MJP 39132 a

1 AMENDMENT TO HOUSE BILL 5198

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5198, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Environmental Protection Act is amended by  
6 changing Sections 3.535 and 9.4 and by adding Sections 3.201,  
7 3.202, 3.299, 3.336, 3.366, and 3.367 as follows:

8 (415 ILCS 5/3.201 new)

9 Sec. 3.201. Gasification. "Gasification" means a process  
10 through which nonrecycled feedstocks are heated and converted  
11 into a fuel-gas mixture in an oxygen-deficient atmosphere and  
12 the mixture is converted into fuels, including ethanol and  
13 transportation fuels, chemicals, or other chemical feedstocks.  
14 "Gasification" is not waste incineration or waste treatment.

15 (415 ILCS 5/3.202 new)

1       Sec. 3.202. Gasification facility. "Gasification facility"  
2 means a manufacturing facility that: (1) receives, separates,  
3 stores and converts post-use polymers and nonrecycled  
4 feedstocks using gasification; and (2) only receives materials  
5 that have been source separated off-site at least once before  
6 being received at the gasification facility. A "gasification  
7 facility" is not a pollution control facility, a solid waste  
8 treatment facility, or a solid waste incineration facility.

9           (415 ILCS 5/3.299 new)

10       Sec. 3.299. Nonrecycled feedstocks. "Nonrecycled  
11 feedstocks" means one or more of the following materials,  
12 derived from nonrecycled waste, that has been processed so that  
13 it may be used as feedstock in a gasification facility:

14           (1) post-use polymers; and

15           (2) materials, including, but not limited to,  
16 municipal solid waste that contains post-use polymers and  
17 other post-industrial waste containing post-use polymers  
18 that has been processed into a fuel or feedstock for which  
19 the United States Environmental Protection Agency has made  
20 a non-waste determination under 40 CFR 241.3(c) or  
21 otherwise determined are not wastes or for which the Board  
22 has made a non-waste determination.

23           (415 ILCS 5/3.336 new)

24       Sec. 3.336. Post-use polymers. "Post-use polymers" means

1 plastic polymers that: (1) derive from any household,  
2 industrial, community, commercial, or other sources of  
3 operations or activities that might otherwise become a waste if  
4 not recycled or converted to manufacture crude oil, fuels, or  
5 other raw materials or intermediate or final products using  
6 pyrolysis or gasification; and (2) are not mixed with solid  
7 waste, infectious waste, hazardous waste, e-waste, tires, or  
8 construction demolition debris. "Post-use polymers" may  
9 contain incidental contaminants or impurities such as paper  
10 labels or metal rings. "Post-use polymers" are not waste.

11 (415 ILCS 5/3.366 new)

12 Sec. 3.366. Pyrolysis. "Pyrolysis" means a manufacturing  
13 process through which post-use polymers are heated in the  
14 absence of oxygen until melted, and thermally decomposed, and  
15 are then cooled, condensed, and converted to:

16 (1) crude oil, diesel, gasoline, home heating oil, or  
17 another fuel;

18 (2) feedstocks;

19 (3) diesel and gasoline blendstocks;

20 (4) chemicals, waxes, or lubricants; or

21 (5) other raw materials or intermediate or final  
22 products.

23 "Pyrolysis" is not waste incineration or waste treatment.

24 (415 ILCS 5/3.367 new)

1       Sec. 3.367. Pyrolysis facility. "Pyrolysis facility" means  
2 a manufacturing facility that: (1) receives, separates,  
3 stores, and converts post-use polymers using pyrolysis; and (2)  
4 only receives materials that have been source separated  
5 off-site at least once before being received at the pyrolysis  
6 facility. A "pyrolysis facility" is not a pollution control  
7 facility, a solid waste treatment facility, or a solid waste  
8 incineration facility.

9           (415 ILCS 5/3.535) (was 415 ILCS 5/3.53)

10       Sec. 3.535. Waste. "Waste" means any garbage, sludge from  
11 a waste treatment plant, water supply treatment plant, or air  
12 pollution control facility or other discarded material,  
13 including solid, liquid, semi-solid, or contained gaseous  
14 material resulting from industrial, commercial, mining and  
15 agricultural operations, and from community activities, but  
16 does not include solid or dissolved material in domestic  
17 sewage, or solid or dissolved materials in irrigation return  
18 flows, or coal combustion by-products as defined in Section  
19 3.135, or post-use polymers or nonrecycled feedstocks  
20 processed through pyrolysis or gasification, provided that the  
21 materials have been source separated at least once before being  
22 received at the pyrolysis or gasification facility, or  
23 industrial discharges which are point sources subject to  
24 permits under Section 402 of the Federal Water Pollution  
25 Control Act, as now or hereafter amended, or source, special

1 nuclear, or by-product materials as defined by the Atomic  
2 Energy Act of 1954, as amended (68 Stat. 921) or any solid or  
3 dissolved material from any facility subject to the Federal  
4 Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)  
5 or the rules and regulations thereunder or any law or rule or  
6 regulation adopted by the State of Illinois pursuant thereto.

7 (Source: P.A. 92-574, eff. 6-26-02.)

8 (415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)

9 Sec. 9.4. Municipal waste incineration emission standards.

10 (a) The General Assembly finds:

11 (1) That air pollution from municipal waste  
12 incineration may constitute a threat to public health,  
13 welfare and the environment. The amounts and kinds of  
14 pollutants depend on the nature of the waste stream,  
15 operating conditions of the incinerator, and the  
16 effectiveness of emission controls. Under normal operating  
17 conditions, municipal waste incinerators produce  
18 pollutants such as organic compounds, metallic compounds  
19 and acid gases which may be a threat to public health,  
20 welfare and the environment.

21 (2) That a combustion and flue-gas control system,  
22 which is properly designed, operated and maintained, can  
23 substantially reduce the emissions of organic materials,  
24 metallic compounds and acid gases from municipal waste  
25 incineration.

1 (b) It is the purpose of this Section to insure that  
2 emissions from new municipal waste incineration facilities  
3 which burn a total of 25 tons or more of municipal waste per  
4 day are adequately controlled.

5 Such facilities shall be subject to emissions limits and  
6 operating standards based upon the application of Best  
7 Available Control Technology, as determined by the Agency, for  
8 emissions of the following categories of pollutants:

9 (1) particulate matter, sulfur dioxide and nitrogen  
10 oxides;

11 (2) acid gases;

12 (3) heavy metals; and

13 (4) organic materials.

14 (c) The Agency shall issue permits, pursuant to Section 39,  
15 to new municipal waste incineration facilities only if the  
16 Agency finds that such facilities are designed, constructed and  
17 operated so as to comply with the requirements prescribed by  
18 this Section.

19 Prior to adoption of Board regulations under subsection (d)  
20 of this Section the Agency may issue permits for the  
21 construction of new municipal waste incineration facilities.  
22 The Agency determination of Best Available Control Technology  
23 shall be based upon consideration of the specific pollutants  
24 named in subsection (d), and emissions of particulate matter,  
25 sulfur dioxide and nitrogen oxides.

26 Nothing in this Section shall limit the applicability of

1 any other Sections of this Act, or of other standards or  
2 regulations adopted by the Board, to municipal waste  
3 incineration facilities. In issuing such permits, the Agency  
4 may prescribe those conditions necessary to assure continuing  
5 compliance with the emission limits and operating standards  
6 determined pursuant to subsection (b); such conditions may  
7 include the monitoring and reporting of emissions.

8 (d) Within one year after July 1, 1986, the Board shall  
9 adopt regulations pursuant to Title VII of this Act, which  
10 define the terms in items (2), (3) and (4) of subsection (b) of  
11 this Section which are to be used by the Agency in making its  
12 determination pursuant to this Section. The provisions of  
13 Section 27(b) of this Act shall not apply to this rulemaking.

14 Such regulations shall be written so that the categories of  
15 pollutants include, but need not be limited to, the following  
16 specific pollutants:

17 (1) hydrogen chloride in the definition of acid gases;

18 (2) arsenic, cadmium, mercury, chromium, nickel and  
19 lead in the definition of heavy metals; and

20 (3) polychlorinated dibenzo-p-dioxins, polychlorinated  
21 dibenzofurans and polynuclear aromatic hydrocarbons in the  
22 definition of organic materials.

23 (e) For the purposes of this Section, the term "Best  
24 Available Control Technology" means an emission limitation  
25 (including a visible emission standard) based on the maximum  
26 degree of pollutant reduction which the Agency, on a

1 case-by-case basis, taking into account energy, environmental  
2 and economic impacts, determines is achievable through the  
3 application of production processes or available methods,  
4 systems and techniques, including fuel cleaning or treatment or  
5 innovative fuel combustion techniques. If the Agency  
6 determines that technological or economic limitations on the  
7 application of measurement methodology to a particular class of  
8 sources would make the imposition of an emission standard not  
9 feasible, it may instead prescribe a design, equipment, work  
10 practice or operational standard, or combination thereof, to  
11 require the application of best available control technology.  
12 Such standard shall, to the degree possible, set forth the  
13 emission reduction achievable by implementation of such  
14 design, equipment, work practice or operation and shall provide  
15 for compliance by means which achieve equivalent results.

16 (f) "Municipal waste incineration" means the burning of  
17 municipal waste or fuel derived therefrom in a combustion  
18 apparatus designed to burn municipal waste that may produce  
19 electricity or steam as a by-product. A "new municipal waste  
20 incinerator" is an incinerator initially permitted for  
21 development or construction after January 1, 1986. As used in  
22 this Section, "municipal waste" or "municipal waste or fuel  
23 derived therefrom" do not include: (i) post-use polymers or  
24 nonrecycled feedstocks that are converted into crude oil or  
25 refined into fuels or feedstocks using a pyrolysis or  
26 gasification process; and (ii) non-hazardous secondary



1 material that is excluded from solid waste when used  
2 legitimately as a fuel or ingredient in a combustion unit in  
3 accordance with the standards and criteria set forth in 40 CFR  
4 241.

5 (g) The provisions of this Section shall not apply to  
6 industrial incineration facilities that burn waste generated  
7 at the same site.

8 (Source: P.A. 91-357, eff. 7-29-99; 92-574, eff. 6-26-02.)

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