

1 AN ACT concerning safety.

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 Section 22.62 as follows:

6 (415 ILCS 5/22.62 new)

7 Sec. 22.62. PFAS; incineration.

8 (a) As used in this Section:

9 "Incineration" includes, but is not limited to,
10 burning, combustion, pyrolysis, gasification, or the use
11 of an acid recovery furnace or oxidizer, ore roaster,
12 cement kiln, lightweight aggregate kiln, industrial
13 furnace, boiler, or process heater. "Incineration" does
14 not include thermal oxidizers when they are operated as a
15 pollution control or resource recovery device at a
16 facility that is using PFAS-containing chemicals.

17 "Perfluoroalkyl and polyfluoroalkyl substances" or
18 "PFAS" means the categories of fluorinated organic
19 chemicals that contain at least one fully fluorinated
20 carbon atom and that are listed as "per- and
21 polyfluoroalkyl substances" in the USEPA's Toxic Release
22 Inventory (TRI) rules, developed under Section 313 of the
23 Emergency Planning and Community Right-To-Know Act (EPCRA)

1 and codified in 40 CFR 372.65. "Perfluoroalkyl and
2 polyfluoroalkyl substances" or "PFAS" does not include
3 liquid or gaseous fluorocarbon or chlorofluorocarbon
4 products used chiefly as refrigerants.

5 (b) No person shall dispose of any PFAS, including, but
6 not limited to, aqueous film-forming foam that contains PFAS,
7 by incineration. The Agency may propose, and the Board may
8 adopt, any rules it deems necessary to carry out the
9 provisions of this Section.

10 (c) Nothing in this Section applies to (i) the combustion
11 of landfill gas from the decomposition of waste that may
12 contain PFAS at a permitted sanitary landfill or (ii) the
13 combustion of landfill gas in a landfill gas recovery facility
14 that is located at a sanitary landfill.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.