

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 changing Sections 9.4 and 22.16b as follows:

6 (415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)

7 Sec. 9.4. Municipal waste incineration emission standards.

8 (a) The General Assembly finds:

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

19 (2) That a combustion and flue-gas control system,
20 which is properly designed, operated and maintained, can
21 substantially reduce the emissions of organic materials,
22 metallic compounds and acid gases from municipal waste
23 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. "Municipal
22 waste incineration" does not include the burning of any fuel
23 excluded from the definition of "solid waste" pursuant to 40
24 CFR 241.3.

25 (g) The provisions of this Section shall not apply to
26 industrial incineration facilities that burn waste generated

1 at the same site.

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

3 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

4 Sec. 22.16b. (a) Beginning January 1, 1991, the Agency
5 shall assess and collect a fee from the owner or operator of
6 each new municipal waste incinerator. The fee shall be
7 calculated by applying the rates established from time to time
8 for the disposal of solid waste at sanitary landfills under
9 subdivision (b)(1) of Section 22.15 to the total amount of
10 municipal waste accepted for incineration at the new municipal
11 waste incinerator. The exemptions provided by this Act to the
12 fees imposed under subsection (b) of Section 22.15 shall not
13 apply to the fee imposed by this Section.

14 The owner or operator of any new municipal waste
15 incinerator permitted after January 1, 1990, but before July 1,
16 1990 by the Agency for the development or operation of a new
17 municipal waste incinerator shall be exempt from this fee, but
18 shall include the following conditions:

19 (1) The owner or operator shall provide information
20 programs to those communities serviced by the owner or
21 operator concerning recycling and separation of waste not
22 suitable for incineration.

23 (2) The owner or operator shall provide information
24 programs to those communities serviced by the owner or
25 operator concerning the Agency's household hazardous waste

1 collection program and participation in that program.

2 For the purposes of this Section, "new municipal waste
3 incinerator" means a municipal waste incinerator initially
4 permitted for development or construction on or after January
5 1, 1990, but shall exclude any facility that uses a fuel
6 excluded from the definition of "solid waste" pursuant to 40
7 CFR 241.3.

8 Amounts collected under this subsection shall be deposited
9 into the Municipal Waste Incinerator Tax Fund, which is hereby
10 established as an interest-bearing special fund in the State
11 Treasury. Monies in the Fund may be used, subject to
12 appropriation:

13 (1) by the Department of Commerce and Economic
14 Opportunity to fund its public information programs on
15 recycling in those communities served by new municipal
16 waste incinerators; and

17 (2) by the Agency to fund its household hazardous waste
18 collection activities in those communities served by new
19 municipal waste incinerators.

20 (b) Any permit issued by the Agency for the development or
21 operation of a new municipal waste incinerator shall include
22 the following conditions:

23 (1) The incinerator must be designed to provide
24 continuous monitoring while in operation, with direct
25 transmission of the resultant data to the Agency, until the
26 Agency determines the best available control technology

1 for monitoring the data. The Agency shall establish the
2 test methods, procedures and averaging periods, as
3 certified by the USEPA for solid waste incinerator units,
4 and the form and frequency of reports containing results of
5 the monitoring. Compliance and enforcement shall be based
6 on such reports. Copies of the results of such monitoring
7 shall be maintained on file at the facility concerned for
8 one year, and copies shall be made available for inspection
9 and copying by interested members of the public during
10 business hours.

11 (2) The facility shall comply with the emission limits
12 adopted by the Agency under subsection (c).

13 (3) The operator of the facility shall take reasonable
14 measures to ensure that waste accepted for incineration
15 complies with all legal requirements for incineration. The
16 incinerator operator shall establish contractual
17 requirements or other notification and inspection
18 procedures sufficient to assure compliance with this
19 subsection (b) (3) which may include, but not be limited to,
20 routine inspections of waste, lists of acceptable and
21 unacceptable waste provided to haulers and notification to
22 the Agency when the facility operator rejects and sends
23 loads away. The notification shall contain at least the
24 name of the hauler and the site from where the load was
25 hauled.

26 (4) The operator may not accept for incineration any

1 waste generated or collected in a municipality that has not
2 implemented a recycling plan or is party to an implemented
3 county plan, consistent with State goals and objectives.
4 Such plans shall include provisions for collecting,
5 recycling or diverting from landfills and municipal
6 incinerators landscape waste, household hazardous waste
7 and batteries. Such provisions may be performed at the site
8 of the new municipal incinerator.

9 The Agency, after careful scrutiny of a permit application
10 for the construction, development or operation of a new
11 municipal waste incinerator, shall deny the permit if (i) the
12 Agency finds in the permit application noncompliance with the
13 laws and rules of the State or (ii) the application indicates
14 that the mandated air emissions standards will not be reached
15 within six months of the proposed municipal waste incinerator
16 beginning operation.

17 (c) The Agency shall adopt specific limitations on the
18 emission of mercury, chromium, cadmium and lead, and good
19 combustion practices, including temperature controls from
20 municipal waste incinerators pursuant to Section 9.4 of the
21 Act.

22 (d) The Agency shall establish household hazardous waste
23 collection centers in appropriate places in this State. The
24 Agency may operate and maintain the centers itself or may
25 contract with other parties for that purpose. The Agency shall
26 ensure that the wastes collected are properly disposed of. The

1 collection centers may charge fees for their services, not to
2 exceed the costs incurred. Such collection centers shall not
3 (i) be regulated as hazardous waste facilities under RCRA nor
4 (ii) be subject to local siting approval under Section 39.2 if
5 the local governing authority agrees to waive local siting
6 approval procedures.

7 (Source: P.A. 94-793, eff. 5-19-06.)

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