



Rep. Anthony DeLuca

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1 AMENDMENT TO SENATE BILL 2288

2 AMENDMENT NO. _____. Amend Senate Bill 2288 by replacing
3 everything after the enacting clause with the following:

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

1 and acid gases which may be a threat to public health,
2 welfare and the environment.

3 (2) That a combustion and flue-gas control system,
4 which is properly designed, operated and maintained, can
5 substantially reduce the emissions of organic materials,
6 metallic compounds and acid gases from municipal waste
7 incineration.

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

12 Such facilities shall be subject to emissions limits and
13 operating standards based upon the application of Best
14 Available Control Technology, as determined by the Agency, for
15 emissions of the following categories of pollutants:

16 (1) particulate matter, sulfur dioxide and nitrogen
17 oxides;

18 (2) acid gases;

19 (3) heavy metals; and

20 (4) organic materials.

21 (c) The Agency shall issue permits, pursuant to Section 39,
22 to new municipal waste incineration facilities only if the
23 Agency finds that such facilities are designed, constructed and
24 operated so as to comply with the requirements prescribed by
25 this Section.

26 Prior to adoption of Board regulations under subsection (d)

1 of this Section the Agency may issue permits for the
2 construction of new municipal waste incineration facilities.
3 The Agency determination of Best Available Control Technology
4 shall be based upon consideration of the specific pollutants
5 named in subsection (d), and emissions of particulate matter,
6 sulfur dioxide and nitrogen oxides.

7 Nothing in this Section shall limit the applicability of
8 any other Sections of this Act, or of other standards or
9 regulations adopted by the Board, to municipal waste
10 incineration facilities. In issuing such permits, the Agency
11 may prescribe those conditions necessary to assure continuing
12 compliance with the emission limits and operating standards
13 determined pursuant to subsection (b); such conditions may
14 include the monitoring and reporting of emissions.

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

21 Such regulations shall be written so that the categories of
22 pollutants include, but need not be limited to, the following
23 specific pollutants:

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

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

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

4 (e) For the purposes of this Section, the term "Best
5 Available Control Technology" means an emission limitation
6 (including a visible emission standard) based on the maximum
7 degree of pollutant reduction which the Agency, on a
8 case-by-case basis, taking into account energy, environmental
9 and economic impacts, determines is achievable through the
10 application of production processes or available methods,
11 systems and techniques, including fuel cleaning or treatment or
12 innovative fuel combustion techniques. If the Agency
13 determines that technological or economic limitations on the
14 application of measurement methodology to a particular class of
15 sources would make the imposition of an emission standard not
16 feasible, it may instead prescribe a design, equipment, work
17 practice or operational standard, or combination thereof, to
18 require the application of best available control technology.
19 Such standard shall, to the degree possible, set forth the
20 emission reduction achievable by implementation of such
21 design, equipment, work practice or operation and shall provide
22 for compliance by means which achieve equivalent results.

23 (f) "Municipal waste incineration" means the burning of
24 municipal waste or fuel derived therefrom in a combustion
25 apparatus designed to burn municipal waste that may produce
26 electricity or steam as a by-product. A "new municipal waste

1 incinerator" is an incinerator initially permitted for
2 development or construction after January 1, 1986. For purposes
3 of this Section, municipal waste and fuel derived from
4 municipal waste do not include non-hazardous secondary
5 material that is excluded from solid waste when used
6 legitimately as a fuel or ingredient in a combustion unit in
7 accordance with the standards and criteria set forth in 40 CFR
8 Part 241, as amended. The determination of whether a material
9 is a solid waste pursuant to the standards and criteria in Part
10 241 shall be obtained from the United States Environmental
11 Protection Agency (USEPA) in accordance with the procedures for
12 USEPA determinations at 40 CFR Part 241 or from the Pollution
13 Control Board. For purposes of this Section, the determinations
14 shall apply only to non-hazardous secondary materials pursuant
15 to Part 241 that are also "municipal waste" pursuant to Section
16 3.290 of the Act. The following shall apply to waste
17 determinations made by the Board under this subsection (f):

18 (1) The Board shall make the waste determinations in
19 accordance with the standards and criteria for discarded
20 non-hazardous secondary materials as provided at 40 CFR
21 Part 241.

22 (2) To make its determinations, the Board shall use the
23 adjusted standard procedures used for hazardous and
24 non-hazardous solid waste determinations but may adopt
25 substantially similar procedures tailored for waste
26 determinations as an alternative to using the adjusted

1 standard procedures.

2 (3) The Board's waste determinations shall apply to a
3 specific fuel or ingredient from a specific processor.
4 Waste determinations may be tailored to the use of the fuel
5 or ingredient at a single unit or facility or may apply to
6 the use of the fuel or ingredient at multiple units or
7 facilities. The waste determinations may be subject to
8 conditions.

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

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

13 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

14 Sec. 22.16b. (a) Beginning January 1, 1991, the Agency
15 shall assess and collect a fee from the owner or operator of
16 each new municipal waste incinerator. The fee shall be
17 calculated by applying the rates established from time to time
18 for the disposal of solid waste at sanitary landfills under
19 subdivision (b)(1) of Section 22.15 to the total amount of
20 municipal waste accepted for incineration at the new municipal
21 waste incinerator. The exemptions provided by this Act to the
22 fees imposed under subsection (b) of Section 22.15 shall not
23 apply to the fee imposed by this Section.

24 The owner or operator of any new municipal waste
25 incinerator permitted after January 1, 1990, but before July 1,

1 1990 by the Agency for the development or operation of a new
2 municipal waste incinerator shall be exempt from this fee, but
3 shall include the following conditions:

4 (1) The owner or operator shall provide information
5 programs to those communities serviced by the owner or
6 operator concerning recycling and separation of waste not
7 suitable for incineration.

8 (2) The owner or operator shall provide information
9 programs to those communities serviced by the owner or
10 operator concerning the Agency's household hazardous waste
11 collection program and participation in that program.

12 For the purposes of this Section, "new municipal waste
13 incinerator" means a municipal waste incinerator initially
14 permitted for development or construction on or after January
15 1, 1990. A municipal waste incinerator is the same as a
16 municipal waste incineration facility under Section 9.4 of this
17 Act.

18 Amounts collected under this subsection shall be deposited
19 into the Municipal Waste Incinerator Tax Fund, which is hereby
20 established as an interest-bearing special fund in the State
21 Treasury. Monies in the Fund may be used, subject to
22 appropriation:

23 (1) by the Department of Commerce and Economic
24 Opportunity to fund its public information programs on
25 recycling in those communities served by new municipal
26 waste incinerators; and

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

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

7 (1) The incinerator must be designed to provide
8 continuous monitoring while in operation, with direct
9 transmission of the resultant data to the Agency, until the
10 Agency determines the best available control technology
11 for monitoring the data. The Agency shall establish the
12 test methods, procedures and averaging periods, as
13 certified by the USEPA for solid waste incinerator units,
14 and the form and frequency of reports containing results of
15 the monitoring. Compliance and enforcement shall be based
16 on such reports. Copies of the results of such monitoring
17 shall be maintained on file at the facility concerned for
18 one year, and copies shall be made available for inspection
19 and copying by interested members of the public during
20 business hours.

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

23 (3) The operator of the facility shall take reasonable
24 measures to ensure that waste accepted for incineration
25 complies with all legal requirements for incineration. The
26 incinerator operator shall establish contractual

1 requirements or other notification and inspection
2 procedures sufficient to assure compliance with this
3 subsection (b) (3) which may include, but not be limited to,
4 routine inspections of waste, lists of acceptable and
5 unacceptable waste provided to haulers and notification to
6 the Agency when the facility operator rejects and sends
7 loads away. The notification shall contain at least the
8 name of the hauler and the site from where the load was
9 hauled.

10 (4) The operator may not accept for incineration any
11 waste generated or collected in a municipality that has not
12 implemented a recycling plan or is party to an implemented
13 county plan, consistent with State goals and objectives.
14 Such plans shall include provisions for collecting,
15 recycling or diverting from landfills and municipal
16 incinerators landscape waste, household hazardous waste
17 and batteries. Such provisions may be performed at the site
18 of the new municipal incinerator.

19 The Agency, after careful scrutiny of a permit application
20 for the construction, development or operation of a new
21 municipal waste incinerator, shall deny the permit if (i) the
22 Agency finds in the permit application noncompliance with the
23 laws and rules of the State or (ii) the application indicates
24 that the mandated air emissions standards will not be reached
25 within six months of the proposed municipal waste incinerator
26 beginning operation.

1 (c) The Agency shall adopt specific limitations on the
2 emission of mercury, chromium, cadmium and lead, and good
3 combustion practices, including temperature controls from
4 municipal waste incinerators pursuant to Section 9.4 of the
5 Act.

6 (d) The Agency shall establish household hazardous waste
7 collection centers in appropriate places in this State. The
8 Agency may operate and maintain the centers itself or may
9 contract with other parties for that purpose. The Agency shall
10 ensure that the wastes collected are properly disposed of. The
11 collection centers may charge fees for their services, not to
12 exceed the costs incurred. Such collection centers shall not
13 (i) be regulated as hazardous waste facilities under RCRA nor
14 (ii) be subject to local siting approval under Section 39.2 if
15 the local governing authority agrees to waive local siting
16 approval procedures.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."