



Sen. Pat McGuire

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1 AMENDMENT TO SENATE BILL 3129

2 AMENDMENT NO. _____. Amend Senate Bill 3129 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Sections 3.330, 3.535, 9.4, and 22.16b and by adding
6 Sections 3.201, 3.202, 3.299, 3.336, 3.366, and 3.367 as
7 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 receives, separates,
3 stores and converts post-use polymers and nonrecycled
4 feedstocks using gasification. A "gasification facility" is
5 not a pollution control facility, a solid waste treatment
6 facility, or a solid waste incineration facility.

7 (415 ILCS 5/3.299 new)

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

12 (1) post-use polymers; and

13 (2) non-waste materials as determined by the United
14 States Environmental Protection Agency under 40 CFR
15 241.3(c) or otherwise.

16 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

17 Sec. 3.330. Pollution control facility.

18 (a) "Pollution control facility" is any waste storage site,
19 sanitary landfill, waste disposal site, waste transfer
20 station, waste treatment facility, or waste incinerator. This
21 includes sewers, sewage treatment plants, and any other
22 facilities owned or operated by sanitary districts organized
23 under the Metropolitan Water Reclamation District Act.

24 The following are not pollution control facilities:

1 (1) (blank);

2 (2) waste storage sites regulated under 40 CFR, Part
3 761.42;

4 (3) sites or facilities used by any person conducting a
5 waste storage, waste treatment, waste disposal, waste
6 transfer or waste incineration operation, or a combination
7 thereof, for wastes generated by such person's own
8 activities, when such wastes are stored, treated, disposed
9 of, transferred or incinerated within the site or facility
10 owned, controlled or operated by such person, or when such
11 wastes are transported within or between sites or
12 facilities owned, controlled or operated by such person;

13 (4) sites or facilities at which the State is
14 performing removal or remedial action pursuant to Section
15 22.2 or 55.3;

16 (5) abandoned quarries used solely for the disposal of
17 concrete, earth materials, gravel, or aggregate debris
18 resulting from road construction activities conducted by a
19 unit of government or construction activities due to the
20 construction and installation of underground pipes, lines,
21 conduit or wires off of the premises of a public utility
22 company which are conducted by a public utility;

23 (6) sites or facilities used by any person to
24 specifically conduct a landscape composting operation;

25 (7) regional facilities as defined in the Central
26 Midwest Interstate Low-Level Radioactive Waste Compact;

1 (8) the portion of a site or facility where coal
2 combustion wastes are stored or disposed of in accordance
3 with subdivision (r) (2) or (r) (3) of Section 21;

4 (9) the portion of a site or facility used for the
5 collection, storage or processing of waste tires as defined
6 in Title XIV;

7 (10) the portion of a site or facility used for
8 treatment of petroleum contaminated materials by
9 application onto or incorporation into the soil surface and
10 any portion of that site or facility used for storage of
11 petroleum contaminated materials before treatment. Only
12 those categories of petroleum listed in Section 57.9(a) (3)
13 are exempt under this subdivision (10);

14 (11) the portion of a site or facility where used oil
15 is collected or stored prior to shipment to a recycling or
16 energy recovery facility, provided that the used oil is
17 generated by households or commercial establishments, and
18 the site or facility is a recycling center or a business
19 where oil or gasoline is sold at retail;

20 (11.5) processing sites or facilities that receive
21 only on-specification used oil, as defined in 35 Ill.
22 Admin. Code 739, originating from used oil collectors for
23 processing that is managed under 35 Ill. Admin. Code 739 to
24 produce products for sale to off-site petroleum
25 facilities, if these processing sites or facilities are:
26 (i) located within a home rule unit of local government

1 with a population of at least 30,000 according to the 2000
2 federal census, that home rule unit of local government has
3 been designated as an Urban Round II Empowerment Zone by
4 the United States Department of Housing and Urban
5 Development, and that home rule unit of local government
6 has enacted an ordinance approving the location of the site
7 or facility and provided funding for the site or facility;
8 and (ii) in compliance with all applicable zoning
9 requirements;

10 (12) the portion of a site or facility utilizing coal
11 combustion waste for stabilization and treatment of only
12 waste generated on that site or facility when used in
13 connection with response actions pursuant to the federal
14 Comprehensive Environmental Response, Compensation, and
15 Liability Act of 1980, the federal Resource Conservation
16 and Recovery Act of 1976, or the Illinois Environmental
17 Protection Act or as authorized by the Agency;

18 (13) the portion of a site or facility that accepts
19 exclusively general construction or demolition debris and
20 is operated and located in accordance with Section 22.38 of
21 this Act;

22 (14) the portion of a site or facility, located within
23 a unit of local government that has enacted local zoning
24 requirements, used to accept, separate, and process
25 uncontaminated broken concrete, with or without protruding
26 metal bars, provided that the uncontaminated broken

1 concrete and metal bars are not speculatively accumulated,
2 are at the site or facility no longer than one year after
3 their acceptance, and are returned to the economic
4 mainstream in the form of raw materials or products;

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

10 (16) a site or facility that temporarily holds in
11 transit for 10 days or less, non-putrescible solid waste in
12 original containers, no larger in capacity than 500
13 gallons, provided that such waste is further transferred to
14 a recycling, disposal, treatment, or storage facility on a
15 non-contiguous site and provided such site or facility
16 complies with the applicable 10-day transfer requirements
17 of the federal Resource Conservation and Recovery Act of
18 1976 and United States Department of Transportation
19 hazardous material requirements. For purposes of this
20 Section only, "non-putrescible solid waste" means waste
21 other than municipal garbage that does not rot or become
22 putrid, including, but not limited to, paints, solvent,
23 filters, and absorbents;

24 (17) the portion of a site or facility located in a
25 county with a population greater than 3,000,000 that has
26 obtained local siting approval, under Section 39.2 of this

1 Act, for a municipal waste incinerator on or before July 1,
2 2005 and that is used for wood combustion facilities for
3 energy recovery that accept and burn only wood material, as
4 included in a fuel specification approved by the Agency;

5 (18) a transfer station used exclusively for landscape
6 waste, including a transfer station where landscape waste
7 is ground to reduce its volume, where the landscape waste
8 is held no longer than 24 hours from the time it was
9 received;

10 (19) the portion of a site or facility that (i) is used
11 for the composting of food scrap, livestock waste, crop
12 residue, uncontaminated wood waste, or paper waste,
13 including, but not limited to, corrugated paper or
14 cardboard, and (ii) meets all of the following
15 requirements:

16 (A) There must not be more than a total of 30,000
17 cubic yards of livestock waste in raw form or in the
18 process of being composted at the site or facility at
19 any one time.

20 (B) All food scrap, livestock waste, crop residue,
21 uncontaminated wood waste, and paper waste must, by the
22 end of each operating day, be processed and placed into
23 an enclosed vessel in which air flow and temperature
24 are controlled, or all of the following additional
25 requirements must be met:

26 (i) The portion of the site or facility used

1 for the composting operation must include a
2 setback of at least 200 feet from the nearest
3 potable water supply well.

4 (ii) The portion of the site or facility used
5 for the composting operation must be located
6 outside the boundary of the 10-year floodplain or
7 floodproofed.

8 (iii) Except in municipalities with more than
9 1,000,000 inhabitants, the portion of the site or
10 facility used for the composting operation must be
11 located at least one-eighth of a mile from the
12 nearest residence, other than a residence located
13 on the same property as the site or facility.

14 (iv) The portion of the site or facility used
15 for the composting operation must be located at
16 least one-eighth of a mile from the property line
17 of all of the following areas:

18 (I) Facilities that primarily serve to
19 house or treat people that are
20 immunocompromised or immunosuppressed, such as
21 cancer or AIDS patients; people with asthma,
22 cystic fibrosis, or bioaerosol allergies; or
23 children under the age of one year.

24 (II) Primary and secondary schools and
25 adjacent areas that the schools use for
26 recreation.

1 (III) Any facility for child care licensed
2 under Section 3 of the Child Care Act of 1969;
3 preschools; and adjacent areas that the
4 facilities or preschools use for recreation.

5 (v) By the end of each operating day, all food
6 scrap, livestock waste, crop residue,
7 uncontaminated wood waste, and paper waste must be
8 (i) processed into windrows or other piles and (ii)
9 covered in a manner that prevents scavenging by
10 birds and animals and that prevents other
11 nuisances.

12 (C) Food scrap, livestock waste, crop residue,
13 uncontaminated wood waste, paper waste, and compost
14 must not be placed within 5 feet of the water table.

15 (D) The site or facility must meet all of the
16 requirements of the Wild and Scenic Rivers Act (16
17 U.S.C. 1271 et seq.).

18 (E) The site or facility must not (i) restrict the
19 flow of a 100-year flood, (ii) result in washout of
20 food scrap, livestock waste, crop residue,
21 uncontaminated wood waste, or paper waste from a
22 100-year flood, or (iii) reduce the temporary water
23 storage capacity of the 100-year floodplain, unless
24 measures are undertaken to provide alternative storage
25 capacity, such as by providing lagoons, holding tanks,
26 or drainage around structures at the facility.

1 (F) The site or facility must not be located in any
2 area where it may pose a threat of harm or destruction
3 to the features for which:

4 (i) an irreplaceable historic or
5 archaeological site has been listed under the
6 National Historic Preservation Act (16 U.S.C. 470
7 et seq.) or the Illinois Historic Preservation
8 Act;

9 (ii) a natural landmark has been designated by
10 the National Park Service or the Illinois State
11 Historic Preservation Office; or

12 (iii) a natural area has been designated as a
13 Dedicated Illinois Nature Preserve under the
14 Illinois Natural Areas Preservation Act.

15 (G) The site or facility must not be located in an
16 area where it may jeopardize the continued existence of
17 any designated endangered species, result in the
18 destruction or adverse modification of the critical
19 habitat for such species, or cause or contribute to the
20 taking of any endangered or threatened species of
21 plant, fish, or wildlife listed under the Endangered
22 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
23 Endangered Species Protection Act;

24 (20) the portion of a site or facility that is located
25 entirely within a home rule unit having a population of no
26 less than 120,000 and no more than 135,000, according to

1 the 2000 federal census, and that meets all of the
2 following requirements:

3 (i) the portion of the site or facility is used
4 exclusively to perform testing of a thermochemical
5 conversion technology using only woody biomass,
6 collected as landscape waste within the boundaries of
7 the home rule unit, as the hydrocarbon feedstock for
8 the production of synthetic gas in accordance with
9 Section 39.9 of this Act;

10 (ii) the portion of the site or facility is in
11 compliance with all applicable zoning requirements;
12 and

13 (iii) a complete application for a demonstration
14 permit at the portion of the site or facility has been
15 submitted to the Agency in accordance with Section 39.9
16 of this Act within one year after July 27, 2010 (the
17 effective date of Public Act 96-1314);

18 (21) the portion of a site or facility used to perform
19 limited testing of a gasification conversion technology in
20 accordance with Section 39.8 of this Act and for which a
21 complete permit application has been submitted to the
22 Agency prior to one year from April 9, 2010 (the effective
23 date of Public Act 96-887);

24 (22) the portion of a site or facility that is used to
25 incinerate only pharmaceuticals from residential sources
26 that are collected and transported by law enforcement

1 agencies under Section 17.9A of this Act;

2 (23) the portion of a site or facility:

3 (A) that is used exclusively for the transfer of
4 commingled landscape waste and food scrap held at the
5 site or facility for no longer than 24 hours after
6 their receipt;

7 (B) that is located entirely within a home rule
8 unit having a population of (i) not less than 100,000
9 and not more than 115,000 according to the 2010 federal
10 census, (ii) not less than 5,000 and not more than
11 10,000 according to the 2010 federal census, or (iii)
12 not less than 25,000 and not more than 30,000 according
13 to the 2010 federal census or that is located in the
14 unincorporated area of a county having a population of
15 not less than 700,000 and not more than 705,000
16 according to the 2010 federal census;

17 (C) that is permitted, by the Agency, prior to
18 January 1, 2002, for the transfer of landscape waste if
19 located in a home rule unit or that is permitted prior
20 to January 1, 2008 if located in an unincorporated area
21 of a county; and

22 (D) for which a permit application is submitted to
23 the Agency to modify an existing permit for the
24 transfer of landscape waste to also include, on a
25 demonstration basis not to exceed 24 months each time a
26 permit is issued, the transfer of commingled landscape

1 waste and food scrap or for which a permit application
2 is submitted to the Agency within 6 months of the
3 effective date of this amendatory Act of the 100th
4 General Assembly; ~~and~~

5 (24) the portion of a municipal solid waste landfill
6 unit:

7 (A) that is located in a county having a population
8 of not less than 55,000 and not more than 60,000
9 according to the 2010 federal census;

10 (B) that is owned by that county;

11 (C) that is permitted, by the Agency, prior to July
12 10, 2015 (the effective date of Public Act 99-12); and

13 (D) for which a permit application is submitted to
14 the Agency within 6 months after July 10, 2015 (the
15 effective date of Public Act 99-12) for the disposal of
16 non-hazardous special waste; ~~and~~

17 (25) the portion of a site or facility that receives,
18 separates, stores, and converts post-use polymers and
19 nonrecycled feedstocks into crude oil, fuels, or other raw
20 materials or intermediate or final products or feedstocks
21 using a pyrolysis or gasification process and is regulated
22 under the State's air, water, and waste regulations
23 applicable to manufacturing facilities.

24 (b) A new pollution control facility is:

25 (1) a pollution control facility initially permitted
26 for development or construction after July 1, 1981; or

1 (2) the area of expansion beyond the boundary of a
2 currently permitted pollution control facility; or

3 (3) a permitted pollution control facility requesting
4 approval to store, dispose of, transfer or incinerate, for
5 the first time, any special or hazardous waste.

6 (Source: P.A. 99-12, eff. 7-10-15; 99-440, eff. 8-21-15;
7 99-642, eff. 7-28-16; 100-94, eff. 8-11-17.)

8 (415 ILCS 5/3.336 new)

9 Sec. 3.336. Post-use polymers. "Post-use polymers" means
10 plastic polymers that derive from any household, industrial,
11 community, commercial, or other sources of operations or
12 activities that might otherwise become a waste if not recycled
13 or converted to manufacture crude oil, fuels, or other raw
14 materials or intermediate or final products using pyrolysis or
15 gasification. "Post-use polymers" may contain incidental
16 contaminants or impurities such as paper labels or metal rings.
17 "Post-use polymers" are not waste.

18 (415 ILCS 5/3.366 new)

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

23 (1) crude oil, diesel, gasoline, home heating oil, or
24 another fuel;

- 1 (2) feedstocks;
2 (3) diesel and gasoline blendstocks;
3 (4) chemicals, waxes, or lubricants; or
4 (5) other raw materials or intermediate or final
5 products.
6 "Pyrolysis" is not waste incineration or waste treatment.

7 (415 ILCS 5/3.367 new)

8 Sec. 3.367. Pyrolysis facility. "Pyrolysis facility" means
9 a manufacturing facility that receives, separates, stores, and
10 converts post-use polymers using pyrolysis. A "pyrolysis
11 facility" is not a pollution control facility, a solid waste
12 treatment facility, or a solid waste incineration facility.

13 (415 ILCS 5/3.535) (was 415 ILCS 5/3.53)

14 Sec. 3.535. Waste. "Waste" means any garbage, sludge from
15 a waste treatment plant, water supply treatment plant, or air
16 pollution control facility or other discarded material,
17 including solid, liquid, semi-solid, or contained gaseous
18 material resulting from industrial, commercial, mining and
19 agricultural operations, and from community activities, but
20 does not include solid or dissolved material in domestic
21 sewage, or solid or dissolved materials in irrigation return
22 flows, or coal combustion by-products as defined in Section
23 3.135, or post-use polymers or nonrecycled feedstocks
24 processed through pyrolysis or gasification, or industrial

1 discharges which are point sources subject to permits under
2 Section 402 of the Federal Water Pollution Control Act, as now
3 or hereafter amended, or source, special nuclear, or by-product
4 materials as defined by the Atomic Energy Act of 1954, as
5 amended (68 Stat. 921) or any solid or dissolved material from
6 any facility subject to the Federal Surface Mining Control and
7 Reclamation Act of 1977 (P.L. 95-87) or the rules and
8 regulations thereunder or any law or rule or regulation adopted
9 by the State of Illinois pursuant thereto.

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

11 (415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)

12 Sec. 9.4. Municipal waste incineration emission standards.

13 (a) The General Assembly finds:

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

24 (2) That a combustion and flue-gas control system,
25 which is properly designed, operated and maintained, can

1 substantially reduce the emissions of organic materials,
2 metallic compounds and acid gases from municipal waste
3 incineration.

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

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

- 12 (1) particulate matter, sulfur dioxide and nitrogen
13 oxides;
14 (2) acid gases;
15 (3) heavy metals; and
16 (4) organic materials.

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

22 Prior to adoption of Board regulations under subsection (d)
23 of this Section the Agency may issue permits for the
24 construction of new municipal waste incineration facilities.
25 The Agency determination of Best Available Control Technology
26 shall be based upon consideration of the specific pollutants

1 named in subsection (d), and emissions of particulate matter,
2 sulfur dioxide and nitrogen oxides.

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

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

17 Such regulations shall be written so that the categories of
18 pollutants include, but need not be limited to, the following
19 specific pollutants:

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

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

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

26 (e) For the purposes of this Section, the term "Best

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

19 (f) "Municipal waste incineration" means the burning of
20 municipal waste or fuel derived therefrom in a combustion
21 apparatus designed to burn municipal waste that may produce
22 electricity or steam as a by-product. A "new municipal waste
23 incinerator" is an incinerator initially permitted for
24 development or construction after January 1, 1986. As used in
25 this Section, "municipal waste" or "municipal waste or fuel
26 derived therefrom" do not include: (i) post-use polymers or

1 nonrecycled feedstocks that are converted into crude oil or
2 refined into fuels or feedstocks using a pyrolysis or
3 gasification process; and (ii) non-hazardous secondary
4 material that is excluded from solid waste when used
5 legitimately as a fuel or ingredient in a combustion unit in
6 accordance with the standards and criteria set forth in 40 CFR
7 241.

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

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

12 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

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

23 The owner or operator of any new municipal waste
24 incinerator permitted after January 1, 1990, but before July 1,
25 1990 by the Agency for the development or operation of a new

1 municipal waste incinerator shall be exempt from this fee, but
2 shall include the following conditions:

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

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

11 For the purposes of this Section, "new municipal waste
12 incinerator" means a municipal waste incinerator initially
13 permitted for development or construction on or after January
14 1, 1990. As used in this Section, a "municipal waste
15 incinerator" means a municipal waste incineration facility
16 under Section 9.4.

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

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

26 (2) by the Agency to fund its household hazardous waste

1 collection activities in those communities served by new
2 municipal waste incinerators.

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

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

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

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

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

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

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

26 (c) The Agency shall adopt specific limitations on the

1 emission of mercury, chromium, cadmium and lead, and good
2 combustion practices, including temperature controls from
3 municipal waste incinerators pursuant to Section 9.4 of the
4 Act.

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

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

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