

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 Section 9.4 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.

22 (g) The provisions of this Section shall not apply to the
23 following:

24 (1) industrial incineration facilities that burn waste
25 generated at the same site; ~~or~~

26 (2) industrial incineration facilities that burn

1 material or fuel derived therefrom for which the United
2 States Environmental Protection Agency has issued a
3 non-waste determination finding the material is not a solid
4 waste under the Resource Conservation and Recovery Act (42
5 U.S.C. 6901 et. seq.) Non-Hazardous Secondary Materials
6 Rule at 40 CFR 241.3(c).

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

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