



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5198

by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.201 new	
415 ILCS 5/3.202 new	
415 ILCS 5/3.299 new	
415 ILCS 5/3.330	was 415 ILCS 5/3.32
415 ILCS 5/3.336 new	
415 ILCS 5/3.366 new	
415 ILCS 5/3.367 new	
415 ILCS 5/3.535	was 415 ILCS 5/3.53
415 ILCS 5/9.4	from Ch. 111 1/2, par. 1009.4
415 ILCS 5/22.16b	from Ch. 111 1/2, par. 1022.16b

Amends the Environmental Protection Act. Provides that the portion of a site or facility that receives, separates, stores, and converts post-use polymers into crude oil, fuels, or other raw materials or intermediate or final products or feedstocks using a pyrolysis or gasification process and is regulated under the State's air, water, and waste regulations applicable to manufacturing facilities is not a pollution control facility under the Act. Provides that the definition of "waste" does not include post-use polymers or nonrecycled feedstocks processed through pyrolysis or gasification. Makes changes to the definition for "municipal waste incineration" in provisions concerning municipal waste incineration emission standards. Defines terms. Makes other changes. Effective immediately.

LRB100 19878 MJP 35158 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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 fuel, including ethanol and
13 transportation fuel, chemicals, or other chemical feedstocks.

14 (415 ILCS 5/3.202 new)

15 Sec. 3.202. Gasification facility. "Gasification facility"
16 means a facility that receives, separates, stores and converts
17 post-use polymers using gasification. A gasification facility
18 shall not be considered a solid waste facility.

19 (415 ILCS 5/3.299 new)

20 Sec. 3.299. Nonrecycled feedstocks. "Nonrecycled
21 feedstocks" means one or more of the following materials,

1 derived from nonrecycled waste, that has been processed so that
2 it may be used as feedstock in a gasification facility:

3 (1) post-use polymers; and

4 (2) materials that the United States Environmental
5 Protection Agency has made a non-waste determination under
6 40 CFR 241.3(c) or otherwise has determined are not waste.

7 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

8 Sec. 3.330. Pollution control facility.

9 (a) "Pollution control facility" is any waste storage site,
10 sanitary landfill, waste disposal site, waste transfer
11 station, waste treatment facility, or waste incinerator. This
12 includes sewers, sewage treatment plants, and any other
13 facilities owned or operated by sanitary districts organized
14 under the Metropolitan Water Reclamation District Act.

15 The following are not pollution control facilities:

16 (1) (blank);

17 (2) waste storage sites regulated under 40 CFR, Part
18 761.42;

19 (3) sites or facilities used by any person conducting a
20 waste storage, waste treatment, waste disposal, waste
21 transfer or waste incineration operation, or a combination
22 thereof, for wastes generated by such person's own
23 activities, when such wastes are stored, treated, disposed
24 of, transferred or incinerated within the site or facility
25 owned, controlled or operated by such person, or when such

1 wastes are transported within or between sites or
2 facilities owned, controlled or operated by such person;

3 (4) sites or facilities at which the State is
4 performing removal or remedial action pursuant to Section
5 22.2 or 55.3;

6 (5) abandoned quarries used solely for the disposal of
7 concrete, earth materials, gravel, or aggregate debris
8 resulting from road construction activities conducted by a
9 unit of government or construction activities due to the
10 construction and installation of underground pipes, lines,
11 conduit or wires off of the premises of a public utility
12 company which are conducted by a public utility;

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

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

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

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

23 (10) the portion of a site or facility used for
24 treatment of petroleum contaminated materials by
25 application onto or incorporation into the soil surface and
26 any portion of that site or facility used for storage of

1 petroleum contaminated materials before treatment. Only
2 those categories of petroleum listed in Section 57.9(a) (3)
3 are exempt under this subdivision (10);

4 (11) the portion of a site or facility where used oil
5 is collected or stored prior to shipment to a recycling or
6 energy recovery facility, provided that the used oil is
7 generated by households or commercial establishments, and
8 the site or facility is a recycling center or a business
9 where oil or gasoline is sold at retail;

10 (11.5) processing sites or facilities that receive
11 only on-specification used oil, as defined in 35 Ill.
12 Admin. Code 739, originating from used oil collectors for
13 processing that is managed under 35 Ill. Admin. Code 739 to
14 produce products for sale to off-site petroleum
15 facilities, if these processing sites or facilities are:
16 (i) located within a home rule unit of local government
17 with a population of at least 30,000 according to the 2000
18 federal census, that home rule unit of local government has
19 been designated as an Urban Round II Empowerment Zone by
20 the United States Department of Housing and Urban
21 Development, and that home rule unit of local government
22 has enacted an ordinance approving the location of the site
23 or facility and provided funding for the site or facility;
24 and (ii) in compliance with all applicable zoning
25 requirements;

26 (12) the portion of a site or facility utilizing coal

1 combustion waste for stabilization and treatment of only
2 waste generated on that site or facility when used in
3 connection with response actions pursuant to the federal
4 Comprehensive Environmental Response, Compensation, and
5 Liability Act of 1980, the federal Resource Conservation
6 and Recovery Act of 1976, or the Illinois Environmental
7 Protection Act or as authorized by the Agency;

8 (13) the portion of a site or facility that accepts
9 exclusively general construction or demolition debris and
10 is operated and located in accordance with Section 22.38 of
11 this Act;

12 (14) the portion of a site or facility, located within
13 a unit of local government that has enacted local zoning
14 requirements, used to accept, separate, and process
15 uncontaminated broken concrete, with or without protruding
16 metal bars, provided that the uncontaminated broken
17 concrete and metal bars are not speculatively accumulated,
18 are at the site or facility no longer than one year after
19 their acceptance, and are returned to the economic
20 mainstream in the form of raw materials or products;

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

26 (16) a site or facility that temporarily holds in

1 transit for 10 days or less, non-putrescible solid waste in
2 original containers, no larger in capacity than 500
3 gallons, provided that such waste is further transferred to
4 a recycling, disposal, treatment, or storage facility on a
5 non-contiguous site and provided such site or facility
6 complies with the applicable 10-day transfer requirements
7 of the federal Resource Conservation and Recovery Act of
8 1976 and United States Department of Transportation
9 hazardous material requirements. For purposes of this
10 Section only, "non-putrescible solid waste" means waste
11 other than municipal garbage that does not rot or become
12 putrid, including, but not limited to, paints, solvent,
13 filters, and absorbents;

14 (17) the portion of a site or facility located in a
15 county with a population greater than 3,000,000 that has
16 obtained local siting approval, under Section 39.2 of this
17 Act, for a municipal waste incinerator on or before July 1,
18 2005 and that is used for wood combustion facilities for
19 energy recovery that accept and burn only wood material, as
20 included in a fuel specification approved by the Agency;

21 (18) a transfer station used exclusively for landscape
22 waste, including a transfer station where landscape waste
23 is ground to reduce its volume, where the landscape waste
24 is held no longer than 24 hours from the time it was
25 received;

26 (19) the portion of a site or facility that (i) is used

1 for the composting of food scrap, livestock waste, crop
2 residue, uncontaminated wood waste, or paper waste,
3 including, but not limited to, corrugated paper or
4 cardboard, and (ii) meets all of the following
5 requirements:

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

10 (B) All food scrap, livestock waste, crop residue,
11 uncontaminated wood waste, and paper waste must, by the
12 end of each operating day, be processed and placed into
13 an enclosed vessel in which air flow and temperature
14 are controlled, or all of the following additional
15 requirements must be met:

16 (i) The portion of the site or facility used
17 for the composting operation must include a
18 setback of at least 200 feet from the nearest
19 potable water supply well.

20 (ii) The portion of the site or facility used
21 for the composting operation must be located
22 outside the boundary of the 10-year floodplain or
23 floodproofed.

24 (iii) Except in municipalities with more than
25 1,000,000 inhabitants, the portion of the site or
26 facility used for the composting operation must be

1 located at least one-eighth of a mile from the
2 nearest residence, other than a residence located
3 on the same property as the site or facility.

4 (iv) The portion of the site or facility used
5 for the composting operation must be located at
6 least one-eighth of a mile from the property line
7 of all of the following areas:

8 (I) Facilities that primarily serve to
9 house or treat people that are
10 immunocompromised or immunosuppressed, such as
11 cancer or AIDS patients; people with asthma,
12 cystic fibrosis, or bioaerosol allergies; or
13 children under the age of one year.

14 (II) Primary and secondary schools and
15 adjacent areas that the schools use for
16 recreation.

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

21 (v) By the end of each operating day, all food
22 scrap, livestock waste, crop residue,
23 uncontaminated wood waste, and paper waste must be
24 (i) processed into windrows or other piles and (ii)
25 covered in a manner that prevents scavenging by
26 birds and animals and that prevents other

1 nuisances.

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

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

8 (E) The site or facility must not (i) restrict the
9 flow of a 100-year flood, (ii) result in washout of
10 food scrap, livestock waste, crop residue,
11 uncontaminated wood waste, or paper waste from a
12 100-year flood, or (iii) reduce the temporary water
13 storage capacity of the 100-year floodplain, unless
14 measures are undertaken to provide alternative storage
15 capacity, such as by providing lagoons, holding tanks,
16 or drainage around structures at the facility.

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

20 (i) an irreplaceable historic or
21 archaeological site has been listed under the
22 National Historic Preservation Act (16 U.S.C. 470
23 et seq.) or the Illinois Historic Preservation
24 Act;

25 (ii) a natural landmark has been designated by
26 the National Park Service or the Illinois State

1 Historic Preservation Office; or

2 (iii) a natural area has been designated as a
3 Dedicated Illinois Nature Preserve under the
4 Illinois Natural Areas Preservation Act.

5 (G) The site or facility must not be located in an
6 area where it may jeopardize the continued existence of
7 any designated endangered species, result in the
8 destruction or adverse modification of the critical
9 habitat for such species, or cause or contribute to the
10 taking of any endangered or threatened species of
11 plant, fish, or wildlife listed under the Endangered
12 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
13 Endangered Species Protection Act;

14 (20) the portion of a site or facility that is located
15 entirely within a home rule unit having a population of no
16 less than 120,000 and no more than 135,000, according to
17 the 2000 federal census, and that meets all of the
18 following requirements:

19 (i) the portion of the site or facility is used
20 exclusively to perform testing of a thermochemical
21 conversion technology using only woody biomass,
22 collected as landscape waste within the boundaries of
23 the home rule unit, as the hydrocarbon feedstock for
24 the production of synthetic gas in accordance with
25 Section 39.9 of this Act;

26 (ii) the portion of the site or facility is in

1 compliance with all applicable zoning requirements;
2 and

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

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

14 (22) the portion of a site or facility that is used to
15 incinerate only pharmaceuticals from residential sources
16 that are collected and transported by law enforcement
17 agencies under Section 17.9A of this Act;

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

19 (A) that is used exclusively for the transfer of
20 commingled landscape waste and food scrap held at the
21 site or facility for no longer than 24 hours after
22 their receipt;

23 (B) that is located entirely within a home rule
24 unit having a population of (i) not less than 100,000
25 and not more than 115,000 according to the 2010 federal
26 census, (ii) not less than 5,000 and not more than

1 10,000 according to the 2010 federal census, or (iii)
2 not less than 25,000 and not more than 30,000 according
3 to the 2010 federal census or that is located in the
4 unincorporated area of a county having a population of
5 not less than 700,000 and not more than 705,000
6 according to the 2010 federal census;

7 (C) that is permitted, by the Agency, prior to
8 January 1, 2002, for the transfer of landscape waste if
9 located in a home rule unit or that is permitted prior
10 to January 1, 2008 if located in an unincorporated area
11 of a county; and

12 (D) for which a permit application is submitted to
13 the Agency to modify an existing permit for the
14 transfer of landscape waste to also include, on a
15 demonstration basis not to exceed 24 months each time a
16 permit is issued, the transfer of commingled landscape
17 waste and food scrap or for which a permit application
18 is submitted to the Agency within 6 months of the
19 effective date of this amendatory Act of the 100th
20 General Assembly; ~~and~~

21 (24) the portion of a municipal solid waste landfill
22 unit:

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

26 (B) that is owned by that county;

1 (C) that is permitted, by the Agency, prior to July
2 10, 2015 (the effective date of Public Act 99-12); and

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

7 (25) the portion of a site or facility that receives,
8 separates, stores, and converts post-use polymers into
9 crude oil, fuels, or other raw materials or intermediate or
10 final products or feedstocks using a pyrolysis or
11 gasification process and is regulated under the State's
12 air, water, and waste regulations applicable to
13 manufacturing facilities.

14 (b) A new pollution control facility is:

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

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

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

22 (Source: P.A. 99-12, eff. 7-10-15; 99-440, eff. 8-21-15;
23 99-642, eff. 7-28-16; 100-94, eff. 8-11-17.)

24 (415 ILCS 5/3.336 new)

25 Sec. 3.336. Post-use polymers. "Post-use polymers" means

1 plastic polymers that derive from any household, industrial,
2 community, commercial, or other sources of operations or
3 activities that might otherwise become a waste if not recycled
4 or converted to manufacture crude oil, fuels, or other raw
5 materials or intermediate or final products using pyrolysis or
6 gasification. "Post-use polymers" may contain incidental
7 contaminants or impurities such as paper labels or metal rings.
8 "Post-use polymers" are not waste.

9 (415 ILCS 5/3.366 new)

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

14 (1) crude oil, diesel, gasoline, home heating oil, or
15 another fuel;

16 (2) feedstocks;

17 (3) diesel and gasoline blendstocks;

18 (4) chemicals, waxes, or lubricants; or

19 (5) other raw materials or intermediate or final
20 products.

21 "Pyrolysis" is not waste incineration or waste treatment.

22 (415 ILCS 5/3.367 new)

23 Sec. 3.367. Pyrolysis facility. "Pyrolysis facility" means
24 a manufacturing facility that receives, separates, stores, and

1 converts post-use polymers using pyrolysis. A "pyrolysis
2 facility" is not a pollution control facility, a solid waste
3 treatment facility, or a solid waste incineration facility.

4 (415 ILCS 5/3.535) (was 415 ILCS 5/3.53)

5 Sec. 3.535. Waste. "Waste" means any garbage, sludge from
6 a waste treatment plant, water supply treatment plant, or air
7 pollution control facility or other discarded material,
8 including solid, liquid, semi-solid, or contained gaseous
9 material resulting from industrial, commercial, mining and
10 agricultural operations, and from community activities, but
11 does not include solid or dissolved material in domestic
12 sewage, or solid or dissolved materials in irrigation return
13 flows, or coal combustion by-products as defined in Section
14 3.135, or post-use polymers or nonrecycled feedstocks
15 processed through pyrolysis or gasification, or industrial
16 discharges which are point sources subject to permits under
17 Section 402 of the Federal Water Pollution Control Act, as now
18 or hereafter amended, or source, special nuclear, or by-product
19 materials as defined by the Atomic Energy Act of 1954, as
20 amended (68 Stat. 921) or any solid or dissolved material from
21 any facility subject to the Federal Surface Mining Control and
22 Reclamation Act of 1977 (P.L. 95-87) or the rules and
23 regulations thereunder or any law or rule or regulation adopted
24 by the State of Illinois pursuant thereto.

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

1 (415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)
2 Sec. 9.4. Municipal waste incineration emission standards.
3 (a) The General Assembly finds:

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

14 (2) That a combustion and flue-gas control system,
15 which is properly designed, operated and maintained, can
16 substantially reduce the emissions of organic materials,
17 metallic compounds and acid gases from municipal waste
18 incineration.

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

23 Such facilities shall be subject to emissions limits and
24 operating standards based upon the application of Best
25 Available Control Technology, as determined by the Agency, for

1 emissions of the following categories of pollutants:

- 2 (1) particulate matter, sulfur dioxide and nitrogen
3 oxides;
4 (2) acid gases;
5 (3) heavy metals; and
6 (4) organic materials.

7 (c) The Agency shall issue permits, pursuant to Section 39,
8 to new municipal waste incineration facilities only if the
9 Agency finds that such facilities are designed, constructed and
10 operated so as to comply with the requirements prescribed by
11 this Section.

12 Prior to adoption of Board regulations under subsection (d)
13 of this Section the Agency may issue permits for the
14 construction of new municipal waste incineration facilities.
15 The Agency determination of Best Available Control Technology
16 shall be based upon consideration of the specific pollutants
17 named in subsection (d), and emissions of particulate matter,
18 sulfur dioxide and nitrogen oxides.

19 Nothing in this Section shall limit the applicability of
20 any other Sections of this Act, or of other standards or
21 regulations adopted by the Board, to municipal waste
22 incineration facilities. In issuing such permits, the Agency
23 may prescribe those conditions necessary to assure continuing
24 compliance with the emission limits and operating standards
25 determined pursuant to subsection (b); such conditions may
26 include the monitoring and reporting of emissions.

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

7 Such regulations shall be written so that the categories of
8 pollutants include, but need not be limited to, the following
9 specific pollutants:

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

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

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

16 (e) For the purposes of this Section, the term "Best
17 Available Control Technology" means an emission limitation
18 (including a visible emission standard) based on the maximum
19 degree of pollutant reduction which the Agency, on a
20 case-by-case basis, taking into account energy, environmental
21 and economic impacts, determines is achievable through the
22 application of production processes or available methods,
23 systems and techniques, including fuel cleaning or treatment or
24 innovative fuel combustion techniques. If the Agency
25 determines that technological or economic limitations on the
26 application of measurement methodology to a particular class of

1 sources would make the imposition of an emission standard not
2 feasible, it may instead prescribe a design, equipment, work
3 practice or operational standard, or combination thereof, to
4 require the application of best available control technology.
5 Such standard shall, to the degree possible, set forth the
6 emission reduction achievable by implementation of such
7 design, equipment, work practice or operation and shall provide
8 for compliance by means which achieve equivalent results.

9 (f) "Municipal waste incineration" means the burning of
10 municipal waste or fuel derived therefrom in a combustion
11 apparatus designed to burn municipal waste that may produce
12 electricity or steam as a by-product. A "new municipal waste
13 incinerator" is an incinerator initially permitted for
14 development or construction after January 1, 1986. As used in
15 this Section, "municipal waste" or "municipal waste or fuel
16 derived therefrom" do not include: (i) post-use polymers or
17 nonrecycled feedstocks that are converted into crude oil or
18 refined into fuels or feedstocks using a pyrolysis or
19 gasification process; and (ii) non-hazardous secondary
20 material that is excluded from solid waste when used
21 legitimately as a fuel or ingredient in a combustion unit.

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

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

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

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

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

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

21 (2) The owner or operator shall provide information
22 programs to those communities serviced by the owner or
23 operator concerning the Agency's household hazardous waste
24 collection program and participation in that program.

25 For the purposes of this Section, "new municipal waste
26 incinerator" means a municipal waste incinerator initially

1 permitted for development or construction on or after January
2 1, 1990. As used in this Section, a "municipal waste
3 incinerator" means a municipal waste incineration facility
4 under Section 9.4.

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

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

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

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

20 (1) The incinerator must be designed to provide
21 continuous monitoring while in operation, with direct
22 transmission of the resultant data to the Agency, until the
23 Agency determines the best available control technology
24 for monitoring the data. The Agency shall establish the
25 test methods, procedures and averaging periods, as
26 certified by the USEPA for solid waste incinerator units,

1 and the form and frequency of reports containing results of
2 the monitoring. Compliance and enforcement shall be based
3 on such reports. Copies of the results of such monitoring
4 shall be maintained on file at the facility concerned for
5 one year, and copies shall be made available for inspection
6 and copying by interested members of the public during
7 business hours.

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

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

23 (4) The operator may not accept for incineration any
24 waste generated or collected in a municipality that has not
25 implemented a recycling plan or is party to an implemented
26 county plan, consistent with State goals and objectives.

1 Such plans shall include provisions for collecting,
2 recycling or diverting from landfills and municipal
3 incinerators landscape waste, household hazardous waste
4 and batteries. Such provisions may be performed at the site
5 of the new municipal incinerator.

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

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

19 (d) The Agency shall establish household hazardous waste
20 collection centers in appropriate places in this State. The
21 Agency may operate and maintain the centers itself or may
22 contract with other parties for that purpose. The Agency shall
23 ensure that the wastes collected are properly disposed of. The
24 collection centers may charge fees for their services, not to
25 exceed the costs incurred. Such collection centers shall not
26 (i) be regulated as hazardous waste facilities under RCRA nor

1 (ii) be subject to local siting approval under Section 39.2 if
2 the local governing authority agrees to waive local siting
3 approval procedures.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.