

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 3.535 and 9.4 and by adding Sections 3.201,  
6 3.202, 3.299, 3.336, 3.366, and 3.367 as follows:

7 (415 ILCS 5/3.201 new)

8 Sec. 3.201. Gasification. "Gasification" means a process  
9 through which nonrecycled feedstocks are heated and converted  
10 into a fuel-gas mixture in an oxygen-deficient atmosphere and  
11 the mixture is converted into fuels, including ethanol and  
12 transportation fuels, chemicals, or other chemical feedstocks.  
13 "Gasification" is not waste incineration or waste treatment.

14 (415 ILCS 5/3.202 new)

15 Sec. 3.202. Gasification facility. "Gasification facility"  
16 means a manufacturing facility that: (1) receives, separates,  
17 stores and converts post-use polymers and nonrecycled  
18 feedstocks using gasification; and (2) only receives materials  
19 that have been source separated off-site at least once before  
20 being received at the gasification facility. A "gasification  
21 facility" is not a pollution control facility, a solid waste  
22 treatment facility, or a solid waste incineration facility.

1 (415 ILCS 5/3.299 new)

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

6 (1) post-use polymers; and

7 (2) materials, including, but not limited to,  
8 municipal solid waste that contains post-use polymers and  
9 other post-industrial waste containing post-use polymers  
10 that has been processed into a fuel or feedstock for which  
11 the United States Environmental Protection Agency has made  
12 a non-waste determination under 40 CFR 241.3(c) or  
13 otherwise determined are not wastes or for which the Board  
14 has made a non-waste determination.

15 (415 ILCS 5/3.336 new)

16 Sec. 3.336. Post-use polymers. "Post-use polymers" means  
17 plastic polymers that: (1) derive from any household,  
18 industrial, community, commercial, or other sources of  
19 operations or activities that might otherwise become a waste if  
20 not recycled or converted to manufacture crude oil, fuels, or  
21 other raw materials or intermediate or final products using  
22 pyrolysis or gasification; and (2) are not mixed with solid  
23 waste, infectious waste, hazardous waste, e-waste, tires, or  
24 construction demolition debris. "Post-use polymers" may

1 contain incidental contaminants or impurities such as paper  
2 labels or metal rings. "Post-use polymers" are not waste.

3 (415 ILCS 5/3.366 new)

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

8 (1) crude oil, diesel, gasoline, home heating oil, or  
9 another fuel;

10 (2) feedstocks;

11 (3) diesel and gasoline blendstocks;

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

13 (5) other raw materials or intermediate or final  
14 products.

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

16 (415 ILCS 5/3.367 new)

17 Sec. 3.367. Pyrolysis facility. "Pyrolysis facility" means  
18 a manufacturing facility that: (1) receives, separates,  
19 stores, and converts post-use polymers using pyrolysis; and (2)  
20 only receives materials that have been source separated  
21 off-site at least once before being received at the pyrolysis  
22 facility. A "pyrolysis facility" is not a pollution control  
23 facility, a solid waste treatment facility, or a solid waste  
24 incineration facility.

1 (415 ILCS 5/3.535) (was 415 ILCS 5/3.53)

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

24 (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  
26 emissions of the following categories of pollutants:

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

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

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

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

26          (d) Within one year after July 1, 1986, the Board shall

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

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

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

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

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

15 (e) For the purposes of this Section, the term "Best  
16 Available Control Technology" means an emission limitation  
17 (including a visible emission standard) based on the maximum  
18 degree of pollutant reduction which the Agency, on a  
19 case-by-case basis, taking into account energy, environmental  
20 and economic impacts, determines is achievable through the  
21 application of production processes or available methods,  
22 systems and techniques, including fuel cleaning or treatment or  
23 innovative fuel combustion techniques. If the Agency  
24 determines that technological or economic limitations on the  
25 application of measurement methodology to a particular class of  
26 sources would make the imposition of an emission standard not

1 feasible, it may instead prescribe a design, equipment, work  
2 practice or operational standard, or combination thereof, to  
3 require the application of best available control technology.  
4 Such standard shall, to the degree possible, set forth the  
5 emission reduction achievable by implementation of such  
6 design, equipment, work practice or operation and shall provide  
7 for compliance by means which achieve equivalent results.

8 (f) "Municipal waste incineration" means the burning of  
9 municipal waste or fuel derived therefrom in a combustion  
10 apparatus designed to burn municipal waste that may produce  
11 electricity or steam as a by-product. A "new municipal waste  
12 incinerator" is an incinerator initially permitted for  
13 development or construction after January 1, 1986. As used in  
14 this Section, "municipal waste" or "municipal waste or fuel  
15 derived therefrom" do not include: (i) post-use polymers or  
16 nonrecycled feedstocks that are converted into crude oil or  
17 refined into fuels or feedstocks using a pyrolysis or  
18 gasification process; and (ii) non-hazardous secondary  
19 material that is excluded from solid waste when used  
20 legitimately as a fuel or ingredient in a combustion unit in  
21 accordance with the standards and criteria set forth in 40 CFR  
22 241.

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

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



1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.