



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1391

by Rep. Sam Yingling

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.16b

from Ch. 111 1/2, par. 1022.16b

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to deny an application for the construction, development, or operation of a new municipal waste incinerator if the incinerator is located within one and one-half miles of a public school. Requires the Agency to deny any application for the renewal or amendment of a permit for the construction, development, or operation of a new municipal waste incinerator, or any other municipal waste incinerator, if the incinerator is located less than one and one-half miles from a public school. Effective immediately.

LRB098 06709 JDS 36755 b

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 22.16b as follows:

6 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

7 Sec. 22.16b. Municipal waste incinerators.

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

18 The owner or operator of any new municipal waste
19 incinerator permitted after January 1, 1990, but before July 1,
20 1990 by the Agency for the development or operation of a new
21 municipal waste incinerator shall be exempt from this fee, but
22 shall include the following conditions:

23 (1) The owner or operator shall provide information

1 programs to those communities serviced by the owner or
2 operator concerning recycling and separation of waste not
3 suitable for incineration.

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

8 For the purposes of this Section, "new municipal waste
9 incinerator" means a municipal waste incinerator initially
10 permitted for development or construction on or after January
11 1, 1990.

12 Amounts collected under this subsection shall be deposited
13 into the Municipal Waste Incinerator Tax Fund, which is hereby
14 established as an interest-bearing special fund in the State
15 Treasury. Monies in the Fund may be used, subject to
16 appropriation:

17 (1) by the Department of Commerce and Economic
18 Opportunity to fund its public information programs on
19 recycling in those communities served by new municipal
20 waste incinerators; and

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

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

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

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

17 (3) The operator of the facility shall take reasonable
18 measures to ensure that waste accepted for incineration
19 complies with all legal requirements for incineration. The
20 incinerator operator shall establish contractual
21 requirements or other notification and inspection
22 procedures sufficient to assure compliance with this
23 subsection (b) (3) which may include, but not be limited to,
24 routine inspections of waste, lists of acceptable and
25 unacceptable waste provided to haulers and notification to
26 the Agency when the facility operator rejects and sends

1 loads away. The notification shall contain at least the
2 name of the hauler and the site from where the load was
3 hauled.

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

13 The Agency, after careful scrutiny of a permit application
14 for the construction, development or operation of a new
15 municipal waste incinerator, shall deny the permit if (i) the
16 Agency finds in the permit application noncompliance with the
17 laws and rules of the State, ~~or~~ (ii) the application indicates
18 that the mandated air emissions standards will not be reached
19 within six months of the proposed municipal waste incinerator
20 beginning operation, (iii) the incinerator is located less than
21 one and one-half miles from a public school, as defined in
22 Section 21A-5 of the School Code.

23 Beginning on the effective date of this amendatory Act of
24 the 98th General Assembly, the Agency shall deny any
25 application for the renewal or amendment of a permit for the
26 construction, development, or operation of a new municipal

1 waste incinerator, or any other municipal waste incinerator, if
2 the incinerator is located less than one and one-half miles
3 from a public school, as defined in Section 21A-5 of the School
4 Code.

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

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

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.