



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2860

by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

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 5/3.535	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
415 ILCS 5/47.5 new	

Amends the Environmental Protection Act. Provides that the portion of a site or facility that collects, separates, stores, or converts post-use polymers into crude oil, fuels, or other valuable final or intermediate products using a pyrolysis process is not a pollution control facility under the Act. Defines "post-use polymers" and "pyrolysis". Makes changes to the definition for "municipal waste incineration" in provisions concerning municipal waste incineration emission standards. Limits the concurrent exercise of power by home rule units. Makes other changes. Effective immediately.

LRB100 09896 MJP 20067 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 3.336, 3.366, and 47.5 as follows:

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

1 of, transferred or incinerated within the site or facility
2 owned, controlled or operated by such person, or when such
3 wastes are transported within or between sites or
4 facilities owned, controlled or operated by such person;

5 (4) sites or facilities at which the State is
6 performing removal or remedial action pursuant to Section
7 22.2 or 55.3;

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

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

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

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

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

25 (10) the portion of a site or facility used for
26 treatment of petroleum contaminated materials by

1 application onto or incorporation into the soil surface and
2 any portion of that site or facility used for storage of
3 petroleum contaminated materials before treatment. Only
4 those categories of petroleum listed in Section 57.9(a) (3)
5 are exempt under this subdivision (10);

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

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

1 requirements;

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

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

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

23 (15) the portion of a site or facility located in a
24 county with a population over 3,000,000 that has obtained
25 local siting approval under Section 39.2 of this Act for a
26 municipal waste incinerator on or before July 1, 2005 and

1 that is used for a non-hazardous waste transfer station;

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

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

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

1 received;

2 (19) the portion of a site or facility that (i) is used
3 for the composting of food scrap, livestock waste, crop
4 residue, uncontaminated wood waste, or paper waste,
5 including, but not limited to, corrugated paper or
6 cardboard, and (ii) meets all of the following
7 requirements:

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

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

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

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

26 (iii) Except in municipalities with more than

1 1,000,000 inhabitants, the portion of the site or
2 facility used for the composting operation must be
3 located at least one-eighth of a mile from the
4 nearest residence, other than a residence located
5 on the same property as the site or facility.

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

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

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

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

23 (v) By the end of each operating day, all food
24 scrap, livestock waste, crop residue,
25 uncontaminated wood waste, and paper waste must be
26 (i) processed into windrows or other piles and (ii)

1 covered in a manner that prevents scavenging by
2 birds and animals and that prevents other
3 nuisances.

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

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

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

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

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

1 (ii) a natural landmark has been designated by
2 the National Park Service or the Illinois State
3 Historic Preservation Office; or

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

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

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

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

1 Section 39.9 of this Act;

2 (ii) the portion of the site or facility is in
3 compliance with all applicable zoning requirements;
4 and

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

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

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

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

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

25 (B) that is located entirely within a home rule
26 unit having a population of either (i) not less than

1 100,000 and not more than 115,000 according to the 2010
2 federal census or (ii) not less than 5,000 and not more
3 than 10,000 according to the 2010 federal census or
4 that is located in the unincorporated area of a county
5 having a population of not less than 700,000 and not
6 more than 705,000 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 after
19 January 1, 2016; and

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

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

25 (B) that is owned by that county;

26 (C) that is permitted, by the Agency, prior to July

1 10, 2015 (the effective date of Public Act 99-12); ~~and~~

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

6 (25) the portion of a site or facility that collects,
7 separates, stores, or converts post-use polymers into
8 crude oil, fuels, or other valuable final or intermediate
9 products using a pyrolysis process.

10 (b) A new pollution control facility is:

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

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

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

18 (Source: P.A. 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; 98-756,
19 eff. 7-16-14; 98-1130, eff. 1-1-15; 99-12, eff. 7-10-15;
20 99-440, eff. 8-21-15; 99-642, eff. 7-28-16.)

21 (415 ILCS 5/3.336 new)

22 Sec. 3.336. Post-use polymers. "Post-use polymers" means
23 polymers that derive from household, community or commercial
24 activities, polymers that are recycled in commercial markets,
25 or other polymers that might otherwise become a waste, where

1 such polymers are processed through pyrolysis to manufacture
2 crude oil, fuels, or other valuable final or intermediate
3 products.

4 (415 ILCS 5/3.366 new)

5 Sec. 3.366. Pyrolysis. "Pyrolysis" means a process through
6 which post-use polymers are heated in the absence of oxygen
7 until melted and they become vapors, and are then cooled,
8 condensed, and converted into crude oil or refined into fuels;
9 feedstocks, such as diesel and naphtha; blendstocks;
10 chemicals; waxes; lubricants; or other raw materials.

11 (415 ILCS 5/3.535) (was 415 ILCS 5/3.53)

12 Sec. 3.535. Waste. "Waste" means any garbage, sludge from
13 a waste treatment plant, water supply treatment plant, or air
14 pollution control facility or other discarded material,
15 including solid, liquid, semi-solid, or contained gaseous
16 material resulting from industrial, commercial, mining and
17 agricultural operations, and from community activities, but
18 does not include solid or dissolved material in domestic
19 sewage, or solid or dissolved materials in irrigation return
20 flows, or coal combustion by-products as defined in Section
21 3.135, or post-use polymers processed through pyrolysis, or
22 industrial discharges which are point sources subject to
23 permits under Section 402 of the Federal Water Pollution
24 Control Act, as now or hereafter amended, or source, special

1 nuclear, or by-product materials as defined by the Atomic
2 Energy Act of 1954, as amended (68 Stat. 921) or any solid or
3 dissolved material from any facility subject to the Federal
4 Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)
5 or the rules and regulations thereunder or any law or rule or
6 regulation adopted by the State of Illinois pursuant thereto.

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

8 (415 ILCS 5/9.4) (from Ch. 111 1/2, par. 1009.4)

9 Sec. 9.4. Municipal waste incineration emission standards.

10 (a) The General Assembly finds:

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

21 (2) That a combustion and flue-gas control system,
22 which is properly designed, operated and maintained, can
23 substantially reduce the emissions of organic materials,
24 metallic compounds and acid gases from municipal waste
25 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. For purposes
22 of this Section, municipal waste and fuel derived from
23 municipal waste does not include: (1) post-use polymers that
24 are converted into crude oil or refined into fuels or
25 feedstocks using the pyrolysis process; and (2) non-hazardous
26 secondary material that is excluded from solid waste when used

1 legitimately as a fuel or ingredient in a combustion unit in
2 accordance with the standards and criteria set forth in 40 CFR
3 Part 241. The determination of whether a material is a solid
4 waste pursuant to the standards and criteria in 40 CFR Part 241
5 shall be obtained from the United States Environmental
6 Protection Agency (USEPA) in accordance with the procedures for
7 USEPA determinations at 40 CFR Part 241 or from the Pollution
8 Control Board. For purposes of this Section, the determinations
9 shall apply only to non-hazardous secondary materials pursuant
10 to 40 CFR Part 241 that are also municipal waste under this
11 Act. The following shall apply to waste determinations made by
12 the Board under this subsection (f):

13 (1) The Board shall make the waste determinations in
14 accordance with the standards and criteria for discarded
15 non-hazardous secondary materials as provided at 40 CFR
16 Part 241.

17 (2) To make its determinations, the Board shall use the
18 adjusted standard procedures used for hazardous and
19 non-hazardous solid waste determinations but may adopt
20 substantially similar procedures tailored for waste
21 determinations as an alternative to using the adjusted
22 standard procedures.

23 (3) The Board's waste determinations shall apply to a
24 specific fuel or ingredient from a specific processor.
25 Waste determinations may be tailored to the use of the fuel
26 or ingredient at a single unit or facility or may apply to

1 the use of the fuel or ingredient at multiple units or
2 facilities. The waste determinations may be subject to
3 conditions.

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

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

8 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

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

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

24 (1) The owner or operator shall provide information
25 programs to those communities serviced by the owner or

1 operator concerning recycling and separation of waste not
2 suitable for incineration.

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

7 For the purposes of this Section, "new municipal waste
8 incinerator" means a municipal waste incinerator initially
9 permitted for development or construction on or after January
10 1, 1990. A municipal waste incinerator is the same as a
11 municipal waste incineration facility under Section 9.4 of this
12 Act.

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

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

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

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

1 the following conditions:

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

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

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

1 the Agency when the facility operator rejects and sends
2 loads away. The notification shall contain at least the
3 name of the hauler and the site from where the load was
4 hauled.

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

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

22 (c) The Agency shall adopt specific limitations on the
23 emission of mercury, chromium, cadmium and lead, and good
24 combustion practices, including temperature controls from
25 municipal waste incinerators pursuant to Section 9.4 of the
26 Act.

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

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

13 (415 ILCS 5/47.5 new)

14 Sec. 47.5. Home rule units. A home rule unit may not
15 regulate a portion of a site or facility under paragraph (25)
16 of subsection (a) of Section 3.330 as a pollution control
17 facility in a manner that is inconsistent with Section 3.330.
18 This Section is a limitation under subsection (i) of Section 6
19 of Article VII of the Illinois Constitution on the concurrent
20 exercise by home rule units of powers and functions exercised
21 by the State.

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