



Rep. Jay Hoffman

Filed: 3/18/2019

10100HB0456ham001

LRB101 03252 CPF 57358 a

1 AMENDMENT TO HOUSE BILL 456

2 AMENDMENT NO. _____. Amend House Bill 456 by replacing
3 everything after the enacting clause with the following:

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

1 and acid gases which may be a threat to public health,
2 welfare and the environment.

3 (2) That a combustion and flue-gas control system,
4 which is properly designed, operated and maintained, can
5 substantially reduce the emissions of organic materials,
6 metallic compounds and acid gases from municipal waste
7 incineration.

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

12 Such facilities shall be subject to emissions limits and
13 operating standards based upon the application of Best
14 Available Control Technology, as determined by the Agency, for
15 emissions of the following categories of pollutants:

16 (1) particulate matter, sulfur dioxide and nitrogen
17 oxides;

18 (2) acid gases;

19 (3) heavy metals; and

20 (4) organic materials.

21 (c) The Agency shall issue permits, pursuant to Section 39,
22 to new municipal waste incineration facilities only if the
23 Agency finds that such facilities are designed, constructed and
24 operated so as to comply with the requirements prescribed by
25 this Section.

26 Prior to adoption of Board regulations under subsection (d)

1 of this Section the Agency may issue permits for the
2 construction of new municipal waste incineration facilities.
3 The Agency determination of Best Available Control Technology
4 shall be based upon consideration of the specific pollutants
5 named in subsection (d), and emissions of particulate matter,
6 sulfur dioxide and nitrogen oxides.

7 Nothing in this Section shall limit the applicability of
8 any other Sections of this Act, or of other standards or
9 regulations adopted by the Board, to municipal waste
10 incineration facilities. In issuing such permits, the Agency
11 may prescribe those conditions necessary to assure continuing
12 compliance with the emission limits and operating standards
13 determined pursuant to subsection (b); such conditions may
14 include the monitoring and reporting of emissions.

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

21 Such regulations shall be written so that the categories of
22 pollutants include, but need not be limited to, the following
23 specific pollutants:

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

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

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

4 (e) For the purposes of this Section, the term "Best
5 Available Control Technology" means an emission limitation
6 (including a visible emission standard) based on the maximum
7 degree of pollutant reduction which the Agency, on a
8 case-by-case basis, taking into account energy, environmental
9 and economic impacts, determines is achievable through the
10 application of production processes or available methods,
11 systems and techniques, including fuel cleaning or treatment or
12 innovative fuel combustion techniques. If the Agency
13 determines that technological or economic limitations on the
14 application of measurement methodology to a particular class of
15 sources would make the imposition of an emission standard not
16 feasible, it may instead prescribe a design, equipment, work
17 practice or operational standard, or combination thereof, to
18 require the application of best available control technology.
19 Such standard shall, to the degree possible, set forth the
20 emission reduction achievable by implementation of such
21 design, equipment, work practice or operation and shall provide
22 for compliance by means which achieve equivalent results.

23 (f) "Municipal waste incineration" means the burning of
24 municipal waste or fuel derived therefrom in a combustion
25 apparatus designed to burn municipal waste that may produce
26 electricity or steam as a by-product. A "new municipal waste

1 incinerator" is an incinerator initially permitted for
2 development or construction after January 1, 1986.

3 (g) The provisions of this Section shall not apply to the
4 following:

5 (1) industrial incineration facilities that burn waste
6 generated at the same site; ~~or-~~

7 (2) industrial incineration facilities that burn
8 material or fuel derived therefrom for which the United
9 States Environmental Protection Agency has issued a
10 non-waste determination finding the material is not a solid
11 waste under the Resource Conservation and Recovery Act (42
12 U.S.C. 6901 et. seq.) Non-Hazardous Secondary Materials
13 Rule at 40 CFR 241.3(c).

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."