

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, in a county with at least  
23 700,000 but not more than 900,000 inhabitants.

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

1 construction, development, or operation of a new municipal  
2 waste incinerator, or any other municipal waste incinerator, if  
3 the incinerator is located less than one and one-half miles  
4 from a public school, as defined in Section 21A-5 of the School  
5 Code, in a county with at least 700,000 but not more than  
6 900,000 inhabitants.

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

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

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.