



Sen. Melinda Bush

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1 AMENDMENT TO HOUSE BILL 1391

2 AMENDMENT NO. _____. Amend House Bill 1391 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Sections 9.4, 22.16b, and 39.8 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. "New
3 municipal waste incinerator" includes, without limitation, any
4 plasma arc incinerator, as that term is defined in 40 C.F.R.
5 260.10.

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

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

10 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

11 Sec. 22.16b. Municipal waste incinerators.

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

22 The owner or operator of any new municipal waste
23 incinerator permitted after January 1, 1990, but before July 1,
24 1990 by the Agency for the development or operation of a new
25 municipal waste incinerator shall be exempt from this fee, but

1 shall include the following conditions:

2 (1) The owner or operator shall provide information
3 programs to those communities serviced by the owner or
4 operator concerning recycling and separation of waste not
5 suitable for incineration.

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

10 For the purposes of this Section, "new municipal waste
11 incinerator" means a municipal waste incinerator initially
12 permitted for development or construction on or after January
13 1, 1990. "New municipal waste incinerator" includes, without
14 limitation, any plasma arc incinerator, as that term is defined
15 in 40 C.F.R. 260.10.

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

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

25 (2) by the Agency to fund its household hazardous waste
26 collection activities in those communities served by new

1 municipal waste incinerators.

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

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

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

21 (3) The operator of the facility shall take reasonable
22 measures to ensure that waste accepted for incineration
23 complies with all legal requirements for incineration. The
24 incinerator operator shall establish contractual
25 requirements or other notification and inspection
26 procedures sufficient to assure compliance with this

1 subsection (b) (3) which may include, but not be limited to,
2 routine inspections of waste, lists of acceptable and
3 unacceptable waste provided to haulers and notification to
4 the Agency when the facility operator rejects and sends
5 loads away. The notification shall contain at least the
6 name of the hauler and the site from where the load was
7 hauled.

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

17 The Agency, after careful scrutiny of a permit application
18 for the construction, development or operation of a new
19 municipal waste incinerator, shall deny the permit if (i) the
20 Agency finds in the permit application noncompliance with the
21 laws and rules of the State, ~~or~~ (ii) the application indicates
22 that the mandated air emissions standards will not be reached
23 within six months of the proposed municipal waste incinerator
24 beginning operation, or (iii) the incinerator is located, or is
25 to be located, less than one and three-quarter miles from a
26 school or day care center in a county with at least 700,000,

1 but not more than 900,000, inhabitants.

2 Beginning on the effective date of this amendatory Act of
3 the 98th General Assembly, the Agency shall deny any
4 application for the renewal or amendment of a permit for the
5 construction, development, or operation of a new municipal
6 waste incinerator, or any other municipal waste incinerator, if
7 the incinerator is located, or is to be located, less than one
8 and three-quarter miles from a school or day care center in a
9 county with at least 700,000, but not more than 900,000,
10 inhabitants.

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

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

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

2 (415 ILCS 5/39.8)

3 Sec. 39.8. Gasification conversion technology
4 demonstration permit.

5 (a) The purpose of this Section is to provide for the
6 permitting and limited testing of gasification conversion
7 technologies on a pilot scale basis.

8 (b) For purposes of this Section:

9 "Gasification conversion technology" or "GCT" means
10 the process of applying heat to municipal waste, chicken
11 litter, distillers grain, or switchgrass in order to
12 convert these materials into a synthetic gas ("syngas")
13 that meets specifications for use as a fuel for the
14 generation of electricity. To qualify as a GCT, the process
15 must not continuously operate at temperatures exceeding an
16 hourly average of 1,400 degrees Fahrenheit in the gasifier
17 unit, must not use fossil fuels in the gasifier unit, and
18 must be designed to produce more energy than it consumes.

19 "GCTDP" means a gasification conversion technology
20 demonstration permit issued by the Agency under this
21 Section.

22 (c) The Agency may, under the authority of subsection (b)
23 of Section 9 and subsection (a) of Section 39 of the Act, issue
24 a GCTDP to an applicant for limited field testing of a GCT in
25 order to demonstrate that the GCT can reliably produce syngas

1 meeting specifications for its use as fuel for the generation
2 of electricity. The GCTDP shall be subject to all of the
3 following conditions:

4 (1) The GCTDP shall be for a period not to exceed 180
5 consecutive calendar days from the date of issuance of the
6 permit.

7 (2) The applicant for a GCTDP must demonstrate that,
8 during the permit period, the GCT will not emit more than
9 500 pounds, in the aggregate, of particulate matter, sulfur
10 dioxide, organic materials, hydrogen chloride, and heavy
11 metals.

12 (3) The applicant for a GCTDP must perform emissions
13 testing during the permit period, as required by the
14 Agency, and submit the results of that testing to the
15 Agency as specified in the GCTDP within 60 days after the
16 completion of testing.

17 (4) During the permit period the applicant may not
18 process more than 10 tons per day, in the aggregate, of
19 materials in the gasification process. The applicant may
20 not store on site more than 10 tons, in the aggregate, of
21 waste and other materials of the types set forth in
22 subsection (b) of this Section.

23 (5) In addition to the GCTDP, the applicant must obtain
24 applicable waste management permits in accordance with
25 subsection (d) of Section 21 and subsection (a) of Section
26 39 before receiving waste at the facility. All waste

1 received at the facility must be managed in accordance with
2 the Act, the waste management permits, and applicable
3 regulations adopted pursuant to Section 22 of the Act.

4 (6) The applicant must demonstrate that the proposed
5 project meets the criteria defining a GCT in subsection (b)
6 of this Section.

7 (7) The applicant for a GCTDP shall submit application
8 fees in accordance with subsection (c) of Section 9.12 of
9 the Act, excluding the fees under subparagraph (B) of
10 paragraph (2) of subsection (c) of that Section.

11 (8) A complete application for a GCTDP must be filed in
12 accordance with this Section and submitted to the Agency
13 prior to one year from the effective date of this
14 amendatory Act of the 96th General Assembly.

15 (9) The GCTDP shall not be granted for use in a
16 nonattainment area.

17 (10) The GCTDP shall not be granted if any portion of
18 the site upon which the GCT is located is less than one and
19 three-quarter miles from a school or day care center in a
20 county with at least 700,000, but not more than 900,000,
21 inhabitants.

22 (Source: P.A. 96-887, eff. 4-9-10.)

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