



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0437

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.55
415 ILCS 5/22.55a new

Amends the Environmental Protection Act. Provides that the Environmental Protection Agency may approve the operation of one-day household composting collection events. Establishes requirements for the compost collection events. Requests for approval shall be submitted on forms prescribed by the Agency. Provides that the Agency shall establish a pilot program to permit the operation of no more than 3 permanent drop-off sites for household organic waste collection. Establishes requirements for the permanent drop-off sites. Effective immediately.

LRB099 06387 MGM 26457 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 22.55 and by adding Section 22.55a as follows:

6 (415 ILCS 5/22.55)

7 Sec. 22.55. Household Waste Drop-off Points.

8 (a) Findings; Purpose and Intent.

9 (1) The General Assembly finds that protection of human
10 health and the environment can be enhanced if certain
11 commonly generated household wastes are managed separately
12 from the general household waste stream.

13 (2) The purpose of this Section is to provide, to the
14 extent allowed under federal law, a method for managing
15 certain types of household waste separately from the
16 general household waste stream.

17 (b) Definitions. For the purposes of this Section:

18 "Controlled substance" means a controlled substance as
19 defined in the Illinois Controlled Substances Act.

20 "Household waste" means waste generated from a single
21 residence or multiple residences.

22 "Household waste drop-off point" means the portion of a
23 site or facility used solely for the receipt and temporary

1 storage of household waste.

2 "One-day household waste collection event" means a
3 household waste drop-off point approved by the Agency under
4 subsection (d) of this Section.

5 "Personal care product" means an item other than a
6 pharmaceutical product that is consumed or applied by an
7 individual for personal health, hygiene, or cosmetic
8 reasons. Personal care products include, but are not
9 limited to, items used in bathing, dressing, or grooming.

10 "Pharmaceutical product" means medicine or a product
11 containing medicine. A pharmaceutical product may be sold
12 by prescription or over the counter. "Pharmaceutical
13 product" does not include (i) medicine that contains a
14 radioactive component or a product that contains a
15 radioactive component or (ii) a controlled substance.

16 (c) Except as otherwise provided in Agency rules, the
17 following requirements apply to each household waste drop-off
18 point other than a one-day household waste collection event:

19 (1) A household waste drop-off point must not accept
20 waste other than the following types of household waste:
21 pharmaceutical products, personal care products, batteries
22 other than lead-acid batteries, paints, automotive fluids,
23 compact fluorescent lightbulbs, mercury thermometers, and
24 mercury thermostats.

25 (2) Except as provided in subdivision (c)(2) of this
26 Section, household waste drop-off points must be located at

1 a site or facility where the types of products accepted at
2 the household waste drop-off point are lawfully sold,
3 distributed, or dispensed. For example, household waste
4 drop-off points that accept prescription pharmaceutical
5 products must be located at a site or facility where
6 prescription pharmaceutical products are sold,
7 distributed, or dispensed.

8 (A) Subdivision (c)(2) of this Section does not
9 apply to household waste drop-off points operated by a
10 government or school entity, or by an association or
11 other organization of government or school entities.

12 (B) Household waste drop-off points that accept
13 mercury thermometers can be located at any site or
14 facility where non-mercury thermometers are sold,
15 distributed, or dispensed.

16 (C) Household waste drop-off points that accept
17 mercury thermostats can be located at any site or
18 facility where non-mercury thermostats are sold,
19 distributed, or dispensed.

20 (3) The location of acceptance for each type of waste
21 accepted at the household waste drop-off point must be
22 clearly identified. Locations where pharmaceutical
23 products are accepted must also include a copy of the sign
24 required under subsection (j) of this Section.

25 (4) Household waste must be accepted only from private
26 individuals. Waste must not be accepted from other persons,

1 including, but not limited to, owners and operators of
2 rented or leased residences where the household waste was
3 generated, commercial haulers, and other commercial,
4 industrial, agricultural, and government operations or
5 entities.

6 (5) If more than one type of household waste is
7 accepted, each type of household waste must be managed
8 separately prior to its packaging for off-site transfer.

9 (6) Household waste must not be stored for longer than
10 90 days after its receipt, except as otherwise approved by
11 the Agency in writing.

12 (7) Household waste must be managed in a manner that
13 protects against releases of the waste, prevents
14 nuisances, and otherwise protects human health and the
15 environment. Household waste must also be properly secured
16 to prevent unauthorized public access to the waste,
17 including, but not limited to, preventing access to the
18 waste during the non-business hours of the site or facility
19 on which the household waste drop-off point is located.
20 Containers in which pharmaceutical products are collected
21 must be clearly marked "No Controlled Substances".

22 (8) Management of the household waste must be limited
23 to the following: (i) acceptance of the waste, (ii)
24 temporary storage of the waste prior to transfer, and (iii)
25 off-site transfer of the waste and packaging for off-site
26 transfer.

1 (9) Off-site transfer of the household waste must
2 comply with federal and State laws and regulations.

3 (d) One-day household waste collection events. To further
4 aid in the collection of certain household wastes, the Agency
5 may approve the operation of one-day household waste collection
6 events. The Agency shall not approve a one-day household waste
7 collection event at the same site or facility for more than one
8 day each calendar quarter. Requests for approval must be
9 submitted on forms prescribed by the Agency. The Agency must
10 issue its approval in writing, and it may impose conditions as
11 necessary to protect human health and the environment and to
12 otherwise accomplish the purposes of this Act. One-day
13 household waste collection events must be operated in
14 accordance with the Agency's approval, including all
15 conditions contained in the approval. The following
16 requirements apply to all one-day household waste collection
17 events, in addition to the conditions contained in the Agency's
18 approval:

19 (1) Waste accepted at the event must be limited to
20 household waste and must not include garbage, landscape
21 waste, controlled substances, or other waste excluded by
22 the Agency in the Agency's approval or any conditions
23 contained in the approval.

24 (2) Household waste must be accepted only from private
25 individuals. Waste must not be accepted from other persons,
26 including, but not limited to, owners and operators of

1 rented or leased residences where the household waste was
2 generated, commercial haulers, and other commercial,
3 industrial, agricultural, and government operations or
4 entities.

5 (3) Household waste must be managed in a manner that
6 protects against releases of the waste, prevents
7 nuisances, and otherwise protects human health and the
8 environment. Household waste must also be properly secured
9 to prevent public access to the waste, including, but not
10 limited to, preventing access to the waste during the
11 event's non-business hours.

12 (4) Management of the household waste must be limited
13 to the following: (i) acceptance of the waste, (ii)
14 temporary storage of the waste before transfer, and (iii)
15 off-site transfer of the waste or packaging for off-site
16 transfer.

17 (5) Except as otherwise approved by the Agency, all
18 household waste received at the collection event must be
19 transferred off-site by the end of the day following the
20 collection event.

21 (6) The transfer and ultimate disposition of household
22 waste received at the collection event must comply with the
23 Agency's approval, including all conditions contained in
24 the approval.

25 (e) The Agency may adopt rules governing the operation of
26 household waste drop-off points other than one-day household

1 waste collection events. Those rules must be designed to
2 protect against releases of waste to the environment, prevent
3 nuisances, and otherwise protect human health and the
4 environment. As necessary to address different circumstances,
5 the regulations may contain different requirements for
6 different types of household waste and different types of
7 household waste drop-off points, and the regulations may modify
8 the requirements set forth in subsection (c) of this Section.
9 The regulations may include, but are not limited to, the
10 following: (i) identification of additional types of household
11 waste that can be collected at household waste drop-off points,
12 (ii) identification of the different types of household wastes
13 that can be received at different household waste drop-off
14 points, (iii) the maximum amounts of each type of household
15 waste that can be stored at household waste drop-off points at
16 any one time, and (iv) the maximum time periods each type of
17 household waste can be stored at household waste drop-off
18 points.

19 (f) Prohibitions.

20 (1) Except as authorized in a permit issued by the
21 Agency, no person shall cause or allow the operation of a
22 household waste drop-off point other than a one-day
23 household waste collection event in violation of this
24 Section or any regulations adopted under this Section.

25 (2) No person shall cause or allow the operation of a
26 one-day household waste collection event in violation of

1 this Section or the Agency's approval issued under
2 subsection (d) of this Section, including all conditions
3 contained in the approval.

4 (g) Permit exemptions.

5 (1) No permit is required under subdivision (d)(1) of
6 Section 21 of this Act for the operation of a household
7 waste drop-off point other than a one-day household waste
8 collection event if the household waste drop-off point is
9 operated in accordance with this Section and all
10 regulations adopted under this Section.

11 (2) No permit is required under subdivision (d)(1) of
12 Section 21 of this Act for the operation of a one-day
13 household waste collection event if the event is operated
14 in accordance with this Section and the Agency's approval
15 issued under subsection (d) of this Section, including all
16 conditions contained in the approval, or for the operation
17 of a household waste collection event by the Agency.

18 (h) This Section does not apply to the following:

19 (1) Persons accepting household waste that they are
20 authorized to accept under a permit issued by the Agency.

21 (2) Sites or facilities operated pursuant to an
22 intergovernmental agreement entered into with the Agency
23 under Section 22.16b(d) of this Act.

24 (i) The Agency, in consultation with the Department of
25 Public Health, must develop and implement a public information
26 program regarding household waste drop-off points that accept

1 pharmaceutical products.

2 (j) The Agency must develop a sign that provides
3 information on the proper disposal of unused pharmaceutical
4 products. The Agency shall make a copy of the sign available
5 for downloading from its website.

6 (k) If an entity chooses to participate as a household
7 waste drop-off point, then it must follow the provisions of
8 this Section and any rules the Agency may adopt governing
9 household waste drop-off points.

10 (l) To further aid in the collection of certain household
11 wastes, the Agency may approve the operation of one-day
12 household composting collection events. Requests for approval
13 shall be submitted on forms prescribed by the Agency. The
14 Agency shall issue its approval in writing, and it may impose
15 conditions as necessary to protect human health and the
16 environment and to otherwise accomplish the purposes of this
17 Act. One-day household waste collection events shall be
18 operated in accordance with the Agency's approval, including
19 all conditions contained in the approval. The following
20 requirements apply to all one-day household waste collection
21 events, in addition to the conditions contained in the Agency's
22 approval:

23 (1) Waste accepted at the event shall be limited to
24 source-separated food scrap and landscape waste.

25 (2) Household waste shall be accepted only from private
26 individuals. Waste may not be accepted from other persons,

1 including, but not limited to, owners and operators of
2 rented or leased residences where the household waste was
3 generated, commercial haulers, and other commercial,
4 industrial, agricultural, and government operations or
5 entities.

6 (3) Household organic waste shall be managed in a
7 manner that protects against releases of the waste,
8 prevents nuisances, and otherwise protects human health
9 and the environment. All waste on site shall be secured in
10 collection bins. The collection bins shall:

11 (A) prevent surface water drainage through the
12 organic waste;

13 (B) control dispersion of the waste by wind;

14 (C) contain spills or releases that could harm
15 human health and the environment;

16 (D) provide for storage of waste that protects the
17 ability of the material to be composted;

18 (E) provide for storage and removal of materials;

19 (F) control odors;

20 (G) be no larger than 40 cubic yards in size; and

21 (H) store no more than 40 cubic yards of material
22 on the site at any one time.

23 (4) Household waste shall also be properly secured to
24 prevent public access to the waste, including, but not
25 limited to, preventing access to the waste during the
26 event's non-operating hours. Events shall be staffed

1 during the event's operating hours.

2 (5) Management of the household waste shall be limited
3 to the following: (A) acceptance of the waste, (B)
4 temporary storage of the waste before transfer, and (C)
5 off-site transfer of the waste or packaging for off-site
6 transfer.

7 (6) Except as otherwise approved by the Agency, all
8 household waste received at the collection event shall be
9 transferred off-site within 24 hours after the end of the
10 day following the collection event.

11 (7) The transfer and ultimate disposition of household
12 waste received at the collection event shall comply with
13 the Agency's approval, including all conditions contained
14 in the approval. All household organic waste received at a
15 collection event shall be taken to a permitted compost
16 facility.

17 (8) The permits provided by the Agency shall provide
18 the ability to approve multiple collection dates at the
19 same location. In no case shall the collection events be
20 approved in the same location for collections more often
21 than one day per week.

22 The Agency may enter into an agreement with any unit of
23 local government to permit household composting collection
24 events in that jurisdiction, provided that all of the
25 provisions of this subsection (1) are met.

26 (Source: P.A. 96-121, eff. 8-4-09.)

1 (415 ILCS 5/22.55a new)

2 Sec. 22.55a. Permanent household organic waste collection
3 sites.

4 (a) The Agency shall establish a pilot program to permit
5 the operation of no more than 3 permanent drop-off sites for
6 household organic waste collection.

7 (b) Waste accepted at the drop-off site shall be limited to
8 source-separated organic materials, including food scrap, yard
9 waste, uncontaminated wood waste, and paper waste.

10 (c) Household waste shall be accepted only from private
11 individuals. Waste shall not be accepted from other persons,
12 including, but not limited to, owners and operators of rented
13 or leased residences where the household waste was generated,
14 commercial haulers, and other commercial, industrial,
15 agricultural, and government operations or entities.

16 (d) The permanent drop-off sites shall not store more than
17 10 cubic yards of organic waste on site at any given time,
18 unless approved by the Agency.

19 (e) Household organic waste shall be managed in a manner
20 that protects against releases of the waste, prevents
21 nuisances, and otherwise protects human health and the
22 environment. Site operators shall manage and store all waste in
23 covered containers or in roll-off boxes constructed of
24 impervious material or in a fully enclosed building. Collection
25 bins shall:

1 (1) prevent surface water drainage through the organic
2 waste;

3 (2) control dispersion of the waste by wind;

4 (3) contain spills or releases that could harm human
5 health and the environment;

6 (4) provide for storage of waste that protects the
7 ability of the material to be composted;

8 (5) provide for storage and removal of materials; and

9 (6) control odors.

10 (f) The permanent drop-off sites shall be staffed during
11 business hours. Household waste shall also be properly secured
12 to prevent public access to the waste, including, but not
13 limited to, preventing access to the waste during the site's
14 non-business hours.

15 (g) The transfer and ultimate disposition of household
16 waste received at the drop-off site shall comply with the
17 Agency's approval, including all conditions contained in the
18 approval. Transfer of waste shall occur at least weekly.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.