



Rep. Barbara Wheeler

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1 AMENDMENT TO HOUSE BILL 437

2 AMENDMENT NO. _____. Amend House Bill 437 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 22.55 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.

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

2 "Compostable waste" means household waste that is
3 source-separated food scrap, household waste that is
4 source-separated landscape waste, or a mixture of both.

5 "Controlled substance" means a controlled substance as
6 defined in the Illinois Controlled Substances Act.

7 "Household waste" means waste generated from a single
8 residence or multiple residences.

9 "Household waste drop-off point" means the portion of a
10 site or facility used solely for the receipt and temporary
11 storage of household waste.

12 "One-day compostable waste collection event" means a
13 household waste drop-off point approved by a county or
14 municipality under subsection (d-5) of this Section.

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

18 "Permanent compostable waste collection point" means a
19 household waste drop-off point approved by a county or
20 municipality under subsection (d-6) of this Section.

21 "Personal care product" means an item other than a
22 pharmaceutical product that is consumed or applied by an
23 individual for personal health, hygiene, or cosmetic
24 reasons. Personal care products include, but are not
25 limited to, items used in bathing, dressing, or grooming.

26 "Pharmaceutical product" means medicine or a product

1 containing medicine. A pharmaceutical product may be sold
2 by prescription or over the counter. "Pharmaceutical
3 product" does not include (i) medicine that contains a
4 radioactive component or a product that contains a
5 radioactive component or (ii) a controlled substance.

6 "Recycling coordinator" means the person designated by
7 each county waste management plan to administer the county
8 recycling program, as set forth in the Solid Waste
9 Management Act.

10 (c) Except as otherwise provided in Agency rules, the
11 following requirements apply to each household waste drop-off
12 point, other than a one-day household waste collection event,
13 one-day compostable waste collection event, or permanent
14 compostable waste collection point:

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

21 (2) Except as provided in subdivision (c)(2) of this
22 Section, household waste drop-off points must be located at
23 a site or facility where the types of products accepted at
24 the household waste drop-off point are lawfully sold,
25 distributed, or dispensed. For example, household waste
26 drop-off points that accept prescription pharmaceutical

1 products must be located at a site or facility where
2 prescription pharmaceutical products are sold,
3 distributed, or dispensed.

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

8 (B) Household waste drop-off points that accept
9 mercury thermometers can be located at any site or
10 facility where non-mercury thermometers are sold,
11 distributed, or dispensed.

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

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

21 (4) Household waste must be accepted only from private
22 individuals. Waste must not be accepted from other persons,
23 including, but not limited to, owners and operators of
24 rented or leased residences where the household waste was
25 generated, commercial haulers, and other commercial,
26 industrial, agricultural, and government operations or

1 entities.

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

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

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

18 (8) Management of the household waste must be limited
19 to the following: (i) acceptance of the waste, (ii)
20 temporary storage of the waste prior to transfer, and (iii)
21 off-site transfer of the waste and packaging for off-site
22 transfer.

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

25 (d) One-day household waste collection events. To further
26 aid in the collection of certain household wastes, the Agency

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

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

20 (2) Household waste must be accepted only from private
21 individuals. Waste must not be accepted from other persons,
22 including, but not limited to, owners and operators of
23 rented or leased residences where the household waste was
24 generated, commercial haulers, and other commercial,
25 industrial, agricultural, and government operations or
26 entities.

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

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

13 (5) Except as otherwise approved by the Agency, all
14 household waste received at the collection event must be
15 transferred off-site by the end of the day following the
16 collection event.

17 (6) The transfer and ultimate disposition of household
18 waste received at the collection event must comply with the
19 Agency's approval, including all conditions contained in
20 the approval.

21 (d-5) One-day compostable waste collection event. To
22 further aid in the collection and composting of compostable
23 waste, as defined in subsection (b), a municipality may approve
24 the operation of one-day compostable waste collection events at
25 any site or facility within its territorial jurisdiction, and a
26 county may approve the operation of one-day compostable waste

1 collection events at any site or facility in any unincorporated
2 area within its territorial jurisdiction. The approval granted
3 under this subsection (d-5) must be in writing; must specify
4 the date, location, and time of the event; and must list the
5 types of compostable waste that will be collected at the event.
6 If the one-day compostable waste collection event is to be
7 operated at a location within a county with a population of
8 more than 400,000 but less than 2,000,000 inhabitants,
9 according to the 2010 decennial census, then the operator of
10 the event shall, at least 30 days before the event, provide a
11 copy of the approval to the recycling coordinator designated by
12 that county. The approval granted under this subsection (d-5)
13 may include conditions imposed by the county or municipality as
14 necessary to protect public health and prevent odors, vectors,
15 and other nuisances. A one-day compostable waste collection
16 event approved under this subsection (d-5) must be operated in
17 accordance with the approval, including all conditions
18 contained in the approval. The following requirements shall
19 apply to the one-day compostable waste collection event, in
20 addition to the conditions contained in the approval:

21 (1) Waste accepted at the event must be limited to the
22 types of compostable waste authorized to be accepted under
23 the approval.

24 (2) Information promoting the event and signs at the
25 event must clearly indicate the types of compostable waste
26 approved for collection. To discourage the receipt of other

1 waste, information promoting the event and signs at the
2 event must also include:

3 (A) examples of compostable waste being collected;

4 and

5 (B) examples of waste that is not being collected.

6 (3) Compostable waste must be accepted only from
7 private individuals. It may not be accepted from other
8 persons, including, but not limited to, owners and
9 operators of rented or leased residences where it was
10 generated, commercial haulers, and other commercial,
11 industrial, agricultural, and government operations or
12 entities.

13 (4) Compostable waste must be managed in a manner that
14 protects against releases of the waste, prevents
15 nuisances, and otherwise protects human health and the
16 environment. Compostable waste must be properly secured to
17 prevent it from being accessed by the public at any time,
18 including, but not limited to, during the collection
19 event's non-operating hours. One-day compostable waste
20 collection events must be adequately supervised during
21 their operating hours.

22 (5) Compostable waste must be secured in non-porous,
23 rigid, leak-proof containers that:

24 (A) are covered, except when the compostable waste
25 is being added to or removed from the containers or it
26 is otherwise necessary to access the compostable

1 waste;

2 (B) prevent precipitation from draining through
3 the compostable waste;

4 (C) prevent dispersion of the compostable waste by
5 wind;

6 (D) contain spills or releases that could create
7 nuisances or otherwise harm human health or the
8 environment;

9 (E) limit access to the compostable waste by
10 vectors;

11 (F) control odors and other nuisances; and

12 (G) provide for storage, removal, and off-site
13 transfer of the compostable waste in a manner that
14 protects its ability to be composted.

15 (6) No more than a total of 40 cubic yards of
16 compostable waste shall be located at the collection site
17 at any one time.

18 (7) Management of the compostable waste must be limited
19 to the following: (A) acceptance, (B) temporary storage
20 before transfer, and (C) off-site transfer.

21 (8) All compostable waste received at the event must be
22 transferred off-site to a permitted compost facility by no
23 later than 48 hours after the event ends or by the end of
24 the first business day after the event ends, whichever is
25 sooner.

26 (9) If waste other than compostable waste is received

1 at the event, then that waste must be disposed of within 48
2 hours after the event ends or by the end of the first
3 business day after the event ends, whichever is sooner.

4 (d-6) Permanent compostable waste collection points. To
5 further aid in the collection and composting of compostable
6 waste, as defined in subsection (b), a municipality may approve
7 the operation of permanent compostable waste collection points
8 at any site or facility within its territorial jurisdiction,
9 and a county may approve the operation of permanent compostable
10 waste collection points at any site or facility in any
11 unincorporated area within its territorial jurisdiction. The
12 approval granted pursuant to this subsection (d-6) must be in
13 writing; must specify the location, operating days, and
14 operating hours of the collection point; must list the types of
15 compostable waste that will be collected at the collection
16 point; and must specify a term of not more than 365 calendar
17 days during which the approval will be effective. In addition,
18 if the permanent compostable waste collection point is to be
19 operated at a location within a county with a population of
20 more than 400,000 but less than 2,000,000 inhabitants,
21 according to the 2010 federal decennial census, then the
22 operator of the collection point shall, at least 30 days before
23 the collection point begins operation, provide a copy of the
24 approval to the recycling coordinator designated by that
25 county. The approval may include conditions imposed by the
26 county or municipality as necessary to protect public health

1 and prevent odors, vectors, and other nuisances. A permanent
2 compostable waste collection point approved pursuant to this
3 subsection (d-6) must be operated in accordance with the
4 approval, including all conditions contained in the approval.
5 The following requirements apply to the permanent compostable
6 waste collection point, in addition to the conditions contained
7 in the approval:

8 (1) Waste accepted at the collection point must be
9 limited to the types of compostable waste authorized to be
10 accepted under the approval.

11 (2) Information promoting the collection point and
12 signs at the collection point must clearly indicate the
13 types of compostable waste approved for collection. To
14 discourage the receipt of other waste, information
15 promoting the collection point and signs at the collection
16 point must also include (A) examples of compostable waste
17 being collected and (B) examples of waste that is not being
18 collected.

19 (3) Compostable waste must be accepted only from
20 private individuals. It may not be accepted from other
21 persons, including, but not limited to, owners and
22 operators of rented or leased residences where it was
23 generated, commercial haulers, and other commercial,
24 industrial, agricultural, and government operations or
25 entities.

26 (4) Compostable waste must be managed in a manner that

1 protects against releases of the waste, prevents
2 nuisances, and otherwise protects human health and the
3 environment. Compostable waste must be properly secured to
4 prevent it from being accessed by the public at any time,
5 including, but not limited to, during the collection
6 point's non-operating hours. Permanent compostable waste
7 collection points must be adequately supervised during
8 their operating hours.

9 (5) Compostable waste must be secured in non-porous,
10 rigid, leak-proof containers that:

11 (A) are no larger than 10 cubic yards in size;

12 (B) are covered, except when the compostable waste
13 is being added to or removed from the container or it
14 is otherwise necessary to access the compostable
15 waste;

16 (C) prevent precipitation from draining through
17 the compostable waste;

18 (D) prevent dispersion of the compostable waste by
19 wind;

20 (E) contain spills or releases that could create
21 nuisances or otherwise harm human health or the
22 environment;

23 (F) limit access to the compostable waste by
24 vectors;

25 (G) control odors and other nuisances; and

26 (H) provide for storage, removal, and off-site

1 transfer of the compostable waste in a manner that
2 protects its ability to be composted.

3 (6) No more than a total of 10 cubic yards of
4 compostable waste shall be located at the permanent
5 compostable waste collection site at any one time.

6 (7) Management of the compostable waste must be limited
7 to the following: (A) acceptance, (B) temporary storage
8 before transfer, and (C) off-site transfer.

9 (8) All compostable waste received at the permanent
10 compostable waste collection point must be transferred
11 off-site to a permitted compost facility not less
12 frequently than once every 7 days.

13 (9) If a permanent compostable waste collection point
14 receives waste other than compostable waste, then that
15 waste must be disposed of not less frequently than once
16 every 7 days.

17 (e) The Agency may adopt rules governing the operation of
18 household waste drop-off points, other than one-day household
19 waste collection events, one-day compostable waste collection
20 events, and permanent compostable waste collection points.
21 Those rules must be designed to protect against releases of
22 waste to the environment, prevent nuisances, and otherwise
23 protect human health and the environment. As necessary to
24 address different circumstances, the regulations may contain
25 different requirements for different types of household waste
26 and different types of household waste drop-off points, and the

1 regulations may modify the requirements set forth in subsection
2 (c) of this Section. The regulations may include, but are not
3 limited to, the following: (i) identification of additional
4 types of household waste that can be collected at household
5 waste drop-off points, (ii) identification of the different
6 types of household wastes that can be received at different
7 household waste drop-off points, (iii) the maximum amounts of
8 each type of household waste that can be stored at household
9 waste drop-off points at any one time, and (iv) the maximum
10 time periods each type of household waste can be stored at
11 household waste drop-off points.

12 (f) Prohibitions.

13 (1) Except as authorized in a permit issued by the
14 Agency, no person shall cause or allow the operation of a
15 household waste drop-off point, other than a one-day
16 household waste collection event, one-day compostable
17 waste collection event, or permanent compostable waste
18 collection point, in violation of this Section or any
19 regulations adopted under this Section.

20 (2) No person shall cause or allow the operation of a
21 one-day household waste collection event in violation of
22 this Section or the Agency's approval issued under
23 subsection (d) of this Section, including all conditions
24 contained in the approval.

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

1 this Section or the approval issued for the one-day
2 compostable waste collection event under subsection (d-5)
3 of this Section, including all conditions contained in the
4 approval.

5 (4) No person shall cause or allow the operation of a
6 permanent compostable waste collection point in violation
7 of this Section or the approval issued for the permanent
8 compostable waste collection point under subsection (d-6)
9 of this Section, including all conditions contained in the
10 approval.

11 (g) Permit exemptions.

12 (1) No permit is required under subdivision (d)(1) of
13 Section 21 of this Act for the operation of a household
14 waste drop-off point, other than a one-day household waste
15 collection event, one-day compostable waste collection
16 event, or permanent compostable waste collection point, if
17 the household waste drop-off point is operated in
18 accordance with this Section and all regulations adopted
19 under this Section.

20 (2) No permit is required under subdivision (d)(1) of
21 Section 21 of this Act for the operation of a one-day
22 household waste collection event if the event is operated
23 in accordance with this Section and the Agency's approval
24 issued under subsection (d) of this Section, including all
25 conditions contained in the approval, or for the operation
26 of a household waste collection event by the Agency.

1 (3) No permit is required under paragraph (1) of
2 subsection (d) of Section 21 of this Act for the operation
3 of a one-day compostable waste collection event if the
4 compostable waste collection event is operated in
5 accordance with this Section and the approval issued for
6 the compostable waste collection point under subsection
7 (d-5) of this Section, including all conditions contained
8 in the approval.

9 (4) No permit is required under paragraph (1) of
10 subsection (d) of Section 21 of this Act for the operation
11 of a permanent compostable waste collection point if the
12 collection point is operated in accordance with this
13 Section and the approval issued for the compostable waste
14 collection point under subsection (d-6) of this Section,
15 including all conditions contained in the approval.

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

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

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

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

26 (j) The Agency must develop a sign that provides

1 information on the proper disposal of unused pharmaceutical
2 products. The Agency shall make a copy of the sign available
3 for downloading from its website.

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."