



Rep. Joyce Mason

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1 AMENDMENT TO HOUSE BILL 1707

2 AMENDMENT NO. _____. Amend House Bill 1707 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Sections 3.197, 3.330, 22.15, and 22.22 and by adding
6 Sections 3.121, 3.122, 3.196, and 3.198 as follows:

7 (415 ILCS 5/3.121 new)

8 Sec. 3.121. Anaerobic digester. "Anaerobic digester" means
9 a facility that manages organic matter using anaerobic
10 digestion.

11 (415 ILCS 5/3.122 new)

12 Sec. 3.122. Anaerobic digestion. "Anaerobic digestion"
13 means the biological process by which microorganisms break
14 down organic material in the absence of oxygen in an enclosed
15 vessel to produce energy, digestate, and agricultural

1 supplements.

2 (415 ILCS 5/3.196 new)

3 Sec. 3.196. Food. "Food" means any raw, cooked, processed,
4 or prepared substance, beverage, or ingredient used or
5 intended for human consumption.

6 (415 ILCS 5/3.197)

7 Sec. 3.197. Food scrap. "Food scrap" means garbage that is
8 (i) capable of being decomposed into compost by composting,
9 (ii) separated by the generator from other waste, including,
10 but not limited to, garbage that is not capable of being
11 decomposed into compost by composting, and (iii) managed
12 separately from other waste, including, but not limited to,
13 garbage that is not capable of being decomposed into compost
14 by composting. "Food scrap" includes, but is not limited to,
15 packaging, utensils, and food containers that ~~composed of~~
16 ~~readily biodegradable material. For the purposes of this~~
17 ~~Section, packaging, utensils, and food containers are readily~~
18 ~~biodegradable if they~~ meet the ASTM D6400 standard.

19 (Source: P.A. 96-418, eff. 1-1-10.)

20 (415 ILCS 5/3.198 new)

21 Sec. 3.198. Food scrap processing facility. "Food scrap
22 processing facility" means an intermediate processing facility
23 permitted by the Agency to accept food scrap only for removal

1 of food scrap from its original packaging or for processing
2 the food scrap to make it suitable for either transporting to
3 an Agency-permitted composting facility or anaerobic digester.

4 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

5 Sec. 3.330. Pollution control facility.

6 (a) "Pollution control facility" is any waste storage
7 site, sanitary landfill, waste disposal site, waste transfer
8 station, waste treatment facility, or waste incinerator. This
9 includes sewers, sewage treatment plants, and any other
10 facilities owned or operated by sanitary districts organized
11 under the Metropolitan Water Reclamation District Act.

12 The following are not pollution control facilities:

13 (1) (blank);

14 (2) waste storage sites regulated under 40 CFR 761.42;

15 (3) sites or facilities used by any person conducting
16 a waste storage, waste treatment, waste disposal, waste
17 transfer or waste incineration operation, or a combination
18 thereof, for wastes generated by such person's own
19 activities, when such wastes are stored, treated, disposed
20 of, transferred or incinerated within the site or facility
21 owned, controlled or operated by such person, or when such
22 wastes are transported within or between sites or
23 facilities owned, controlled or operated by such person;

24 (4) sites or facilities at which the State is
25 performing removal or remedial action pursuant to Section

1 22.2 or 55.3;

2 (5) abandoned quarries used solely for the disposal of
3 concrete, earth materials, gravel, or aggregate debris
4 resulting from road construction activities conducted by a
5 unit of government or construction activities due to the
6 construction and installation of underground pipes, lines,
7 conduit or wires off of the premises of a public utility
8 company which are conducted by a public utility;

9 (6) sites or facilities used by any person to
10 specifically conduct a landscape composting operation;

11 (7) regional facilities as defined in the Central
12 Midwest Interstate Low-Level Radioactive Waste Compact;

13 (8) the portion of a site or facility where coal
14 combustion wastes are stored or disposed of in accordance
15 with subdivision (r) (2) or (r) (3) of Section 21;

16 (9) the portion of a site or facility used for the
17 collection, storage or processing of waste tires as
18 defined in Title XIV;

19 (10) the portion of a site or facility used for
20 treatment of petroleum contaminated materials by
21 application onto or incorporation into the soil surface
22 and any portion of that site or facility used for storage
23 of petroleum contaminated materials before treatment. Only
24 those categories of petroleum listed in Section 57.9(a) (3)
25 are exempt under this subdivision (10);

26 (11) the portion of a site or facility where used oil

1 is collected or stored prior to shipment to a recycling or
2 energy recovery facility, provided that the used oil is
3 generated by households or commercial establishments, and
4 the site or facility is a recycling center or a business
5 where oil or gasoline is sold at retail;

6 (11.5) processing sites or facilities that receive
7 only on-specification used oil, as defined in 35 Ill. Adm.
8 Code 739, originating from used oil collectors for
9 processing that is managed under 35 Ill. Adm. Code 739 to
10 produce products for sale to off-site petroleum
11 facilities, if these processing sites or facilities are:
12 (i) located within a home rule unit of local government
13 with a population of at least 30,000 according to the 2000
14 federal census, that home rule unit of local government
15 has been designated as an Urban Round II Empowerment Zone
16 by the United States Department of Housing and Urban
17 Development, and that home rule unit of local government
18 has enacted an ordinance approving the location of the
19 site or facility and provided funding for the site or
20 facility; and (ii) in compliance with all applicable
21 zoning requirements;

22 (12) the portion of a site or facility utilizing coal
23 combustion waste for stabilization and treatment of only
24 waste generated on that site or facility when used in
25 connection with response actions pursuant to the federal
26 Comprehensive Environmental Response, Compensation, and

1 Liability Act of 1980, the federal Resource Conservation
2 and Recovery Act of 1976, or the Illinois Environmental
3 Protection Act or as authorized by the Agency;

4 (13) the portion of a site or facility regulated under
5 Section 22.38 of this Act;

6 (14) the portion of a site or facility, located within
7 a unit of local government that has enacted local zoning
8 requirements, used to accept, separate, and process
9 uncontaminated broken concrete, with or without protruding
10 metal bars, provided that the uncontaminated broken
11 concrete and metal bars are not speculatively accumulated,
12 are at the site or facility no longer than one year after
13 their acceptance, and are returned to the economic
14 mainstream in the form of raw materials or products;

15 (15) the portion of a site or facility located in a
16 county with a population over 3,000,000 that has obtained
17 local siting approval under Section 39.2 of this Act for a
18 municipal waste incinerator on or before July 1, 2005 and
19 that is used for a non-hazardous waste transfer station;

20 (16) a site or facility that temporarily holds in
21 transit for 10 days or less, non-putrescible solid waste
22 in original containers, no larger in capacity than 500
23 gallons, provided that such waste is further transferred
24 to a recycling, disposal, treatment, or storage facility
25 on a non-contiguous site and provided such site or
26 facility complies with the applicable 10-day transfer

1 requirements of the federal Resource Conservation and
2 Recovery Act of 1976 and United States Department of
3 Transportation hazardous material requirements. For
4 purposes of this Section only, "non-putrescible solid
5 waste" means waste other than municipal garbage that does
6 not rot or become putrid, including, but not limited to,
7 paints, solvent, filters, and absorbents;

8 (17) the portion of a site or facility located in a
9 county with a population greater than 3,000,000 that has
10 obtained local siting approval, under Section 39.2 of this
11 Act, for a municipal waste incinerator on or before July
12 1, 2005 and that is used for wood combustion facilities
13 for energy recovery that accept and burn only wood
14 material, as included in a fuel specification approved by
15 the Agency;

16 (18) a transfer station used exclusively for landscape
17 waste, including a transfer station where landscape waste
18 is ground to reduce its volume, where the landscape waste
19 is held no longer than 24 hours from the time it was
20 received;

21 (19) the portion of a site or facility that ~~(i)~~ is used
22 for the anaerobic digestion ~~composting~~ of food scrap using
23 an anaerobic digester and that results in the digestate
24 by-product being used as a soil amendment, animal bedding
25 or other agricultural product either on site or off site ~~7~~
26 ~~livestock waste, crop residue, uncontaminated wood waste,~~

1 ~~or paper waste, including, but not limited to, corrugated~~
2 ~~paper or cardboard, and (ii) meets all of the following~~
3 ~~requirements:~~

4 ~~(A) There must not be more than a total of 30,000~~
5 ~~cubic yards of livestock waste in raw form or in the~~
6 ~~process of being composted at the site or facility at~~
7 ~~any one time.~~

8 ~~(B) All food scrap, livestock waste, crop residue,~~
9 ~~uncontaminated wood waste, and paper waste must, by~~
10 ~~the end of each operating day, be processed and placed~~
11 ~~into an enclosed vessel in which air flow and~~
12 ~~temperature are controlled, or all of the following~~
13 ~~additional requirements must be met:~~

14 ~~(i) The portion of the site or facility used~~
15 ~~for the composting operation must include a~~
16 ~~setback of at least 200 feet from the nearest~~
17 ~~potable water supply well.~~

18 ~~(ii) The portion of the site or facility used~~
19 ~~for the composting operation must be located~~
20 ~~outside the boundary of the 10-year floodplain or~~
21 ~~floodproofed.~~

22 ~~(iii) Except in municipalities with more than~~
23 ~~1,000,000 inhabitants, the portion of the site or~~
24 ~~facility used for the composting operation must be~~
25 ~~located at least one eighth of a mile from the~~
26 ~~nearest residence, other than a residence located~~

1 ~~on the same property as the site or facility.~~

2 ~~(iv) The portion of the site or facility used~~
3 ~~for the composting operation must be located at~~
4 ~~least one eighth of a mile from the property line~~
5 ~~of all of the following areas:~~

6 ~~(I) Facilities that primarily serve to~~
7 ~~house or treat people that are~~
8 ~~immunocompromised or immunosuppressed, such as~~
9 ~~cancer or AIDS patients; people with asthma,~~
10 ~~cystic fibrosis, or bioaerosol allergies; or~~
11 ~~children under the age of one year.~~

12 ~~(II) Primary and secondary schools and~~
13 ~~adjacent areas that the schools use for~~
14 ~~recreation.~~

15 ~~(III) Any facility for child care licensed~~
16 ~~under Section 3 of the Child Care Act of 1969,~~
17 ~~preschools; and adjacent areas that the~~
18 ~~facilities or preschools use for recreation.~~

19 ~~(v) By the end of each operating day, all food~~
20 ~~scrap, livestock waste, crop residue,~~
21 ~~uncontaminated wood waste, and paper waste must be~~
22 ~~(i) processed into windrows or other piles and~~
23 ~~(ii) covered in a manner that prevents scavenging~~
24 ~~by birds and animals and that prevents other~~
25 ~~nuisances.~~

26 ~~(C) Food scrap, livestock waste, crop residue,~~

1 ~~uncontaminated wood waste, paper waste, and compost~~
2 ~~must not be placed within 5 feet of the water table.~~

3 ~~(D) The site or facility must meet all of the~~
4 ~~requirements of the Wild and Scenic Rivers Act (16~~
5 ~~U.S.C. 1271 et seq.).~~

6 ~~(E) The site or facility must not (i) restrict the~~
7 ~~flow of a 100 year flood, (ii) result in washout of~~
8 ~~food scrap, livestock waste, crop residue,~~
9 ~~uncontaminated wood waste, or paper waste from a~~
10 ~~100 year flood, or (iii) reduce the temporary water~~
11 ~~storage capacity of the 100 year floodplain, unless~~
12 ~~measures are undertaken to provide alternative storage~~
13 ~~capacity, such as by providing lagoons, holding tanks,~~
14 ~~or drainage around structures at the facility.~~

15 ~~(F) The site or facility must not be located in any~~
16 ~~area where it may pose a threat of harm or destruction~~
17 ~~to the features for which:~~

18 ~~(i) an irreplaceable historic or~~
19 ~~archaeological site has been listed under the~~
20 ~~National Historic Preservation Act (16 U.S.C. 470~~
21 ~~et seq.) or the Illinois Historic Preservation~~
22 ~~Act;~~

23 ~~(ii) a natural landmark has been designated by~~
24 ~~the National Park Service or the Illinois State~~
25 ~~Historic Preservation Office; or~~

26 ~~(iii) a natural area has been designated as a~~

1 ~~Dedicated Illinois Nature Preserve under the~~
2 ~~Illinois Natural Areas Preservation Act.~~

3 ~~(G) The site or facility must not be located in an~~
4 ~~area where it may jeopardize the continued existence~~
5 ~~of any designated endangered species, result in the~~
6 ~~destruction or adverse modification of the critical~~
7 ~~habitat for such species, or cause or contribute to~~
8 ~~the taking of any endangered or threatened species of~~
9 ~~plant, fish, or wildlife listed under the Endangered~~
10 ~~Species Act (16 U.S.C. 1531 et seq.) or the Illinois~~
11 ~~Endangered Species Protection Act;~~

12 (20) the portion of a site or facility that is located
13 entirely within a home rule unit having a population of no
14 less than 120,000 and no more than 135,000, according to
15 the 2000 federal census, and that meets all of the
16 following requirements:

17 (i) the portion of the site or facility is used
18 exclusively to perform testing of a thermochemical
19 conversion technology using only woody biomass,
20 collected as landscape waste within the boundaries of
21 the home rule unit, as the hydrocarbon feedstock for
22 the production of synthetic gas in accordance with
23 Section 39.9 of this Act;

24 (ii) the portion of the site or facility is in
25 compliance with all applicable zoning requirements;
26 and

1 (iii) a complete application for a demonstration
2 permit at the portion of the site or facility has been
3 submitted to the Agency in accordance with Section
4 39.9 of this Act within one year after July 27, 2010
5 (the effective date of Public Act 96-1314);

6 (21) the portion of a site or facility used to perform
7 limited testing of a gasification conversion technology in
8 accordance with Section 39.8 of this Act and for which a
9 complete permit application has been submitted to the
10 Agency prior to one year from April 9, 2010 (the effective
11 date of Public Act 96-887);

12 (22) the portion of a site or facility that is used to
13 incinerate only pharmaceuticals from residential sources
14 that are collected and transported by law enforcement
15 agencies under Section 17.9A of this Act;

16 (23) the portion of a site or facility:

17 (A) that is used exclusively for the transfer of
18 commingled landscape waste and food scrap held at the
19 site or facility for no longer than 24 hours after
20 their receipt;

21 (B) that is located entirely within a home rule
22 unit having a population of (i) not less than 100,000
23 and not more than 115,000 according to the 2010
24 federal census, (ii) not less than 5,000 and not more
25 than 10,000 according to the 2010 federal census, or
26 (iii) not less than 25,000 and not more than 30,000

1 according to the 2010 federal census or that is
2 located in the unincorporated area of a county having
3 a population of not less than 700,000 and not more than
4 705,000 according to the 2010 federal census;

5 (C) that is permitted, by the Agency, prior to
6 January 1, 2002, for the transfer of landscape waste
7 if located in a home rule unit or that is permitted
8 prior to January 1, 2008 if located in an
9 unincorporated area of a county; and

10 (D) for which a permit application is submitted to
11 the Agency to modify an existing permit for the
12 transfer of landscape waste to also include, on a
13 demonstration basis not to exceed 24 months each time
14 a permit is issued, the transfer of commingled
15 landscape waste and food scrap or for which a permit
16 application is submitted to the Agency within 6 months
17 of August 11, 2017 (the effective date of Public Act
18 100-94);

19 (24) the portion of a municipal solid waste landfill
20 unit:

21 (A) that is located in a county having a
22 population of not less than 55,000 and not more than
23 60,000 according to the 2010 federal census;

24 (B) that is owned by that county;

25 (C) that is permitted, by the Agency, prior to
26 July 10, 2015 (the effective date of Public Act

1 99-12); and

2 (D) for which a permit application is submitted to
3 the Agency within 6 months after July 10, 2015 (the
4 effective date of Public Act 99-12) for the disposal
5 of non-hazardous special waste;

6 (25) the portion of a site or facility used during a
7 mass animal mortality event, as defined in the Animal
8 Mortality Act, where such waste is collected, stored,
9 processed, disposed, or incinerated under a mass animal
10 mortality event plan issued by the Department of
11 Agriculture; ~~and~~

12 (26) the portion of a mine used for the placement of
13 limestone residual materials generated from the treatment
14 of drinking water by a municipal utility in accordance
15 with rules adopted under Section 22.63; and -

16 (27) the portion of a site or facility that is used to
17 process food scrap in a food scrap processing facility.

18 (b) A new pollution control facility is:

19 (1) a pollution control facility initially permitted
20 for development or construction after July 1, 1981; or

21 (2) the area of expansion beyond the boundary of a
22 currently permitted pollution control facility; or

23 (3) a permitted pollution control facility requesting
24 approval to store, dispose of, transfer or incinerate, for
25 the first time, any special or hazardous waste.

26 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;

1 102-813, eff. 5-13-22; 103-333, eff. 1-1-24.)

2 (415 ILCS 5/22.15)

3 Sec. 22.15. Solid Waste Management Fund; fees.

4 (a) There is hereby created within the State Treasury a
5 special fund to be known as the Solid Waste Management Fund, to
6 be constituted from the fees collected by the State pursuant
7 to this Section, from repayments of loans made from the Fund
8 for solid waste projects, from registration fees collected
9 pursuant to the Consumer Electronics Recycling Act, from fees
10 collected under the Paint Stewardship Act, and from amounts
11 transferred into the Fund pursuant to Public Act 100-433.
12 Moneys received by either the Agency or the Department of
13 Commerce and Economic Opportunity in repayment of loans made
14 pursuant to the Illinois Solid Waste Management Act shall be
15 deposited into the General Revenue Fund.

16 (b) The Agency shall assess and collect a fee in the amount
17 set forth herein from the owner or operator of each sanitary
18 landfill permitted or required to be permitted by the Agency
19 to dispose of solid waste if the sanitary landfill is located
20 off the site where such waste was produced and if such sanitary
21 landfill is owned, controlled, and operated by a person other
22 than the generator of such waste. The Agency shall deposit all
23 fees collected into the Solid Waste Management Fund. If a site
24 is contiguous to one or more landfills owned or operated by the
25 same person, the volumes permanently disposed of by each

1 landfill shall be combined for purposes of determining the fee
2 under this subsection. Beginning on July 1, 2018, and on the
3 first day of each month thereafter during fiscal years 2019
4 through 2025, the State Comptroller shall direct and State
5 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
6 per fiscal year from the Solid Waste Management Fund to the
7 General Revenue Fund.

8 (1) If more than 150,000 cubic yards of non-hazardous
9 solid waste is permanently disposed of at a site in a
10 calendar year, the owner or operator shall either pay a
11 fee of 95 cents per cubic yard or, alternatively, the
12 owner or operator may weigh the quantity of the solid
13 waste permanently disposed of with a device for which
14 certification has been obtained under the Weights and
15 Measures Act and pay a fee of \$2.00 per ton of solid waste
16 permanently disposed of. In no case shall the fee
17 collected or paid by the owner or operator under this
18 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

19 (2) If more than 100,000 cubic yards but not more than
20 150,000 cubic yards of non-hazardous waste is permanently
21 disposed of at a site in a calendar year, the owner or
22 operator shall pay a fee of \$52,630.

23 (3) If more than 50,000 cubic yards but not more than
24 100,000 cubic yards of non-hazardous solid waste is
25 permanently disposed of at a site in a calendar year, the
26 owner or operator shall pay a fee of \$23,790.

1 (4) If more than 10,000 cubic yards but not more than
2 50,000 cubic yards of non-hazardous solid waste is
3 permanently disposed of at a site in a calendar year, the
4 owner or operator shall pay a fee of \$7,260.

5 (5) If not more than 10,000 cubic yards of
6 non-hazardous solid waste is permanently disposed of at a
7 site in a calendar year, the owner or operator shall pay a
8 fee of \$1050.

9 (c) (Blank).

10 (d) The Agency shall establish rules relating to the
11 collection of the fees authorized by this Section. Such rules
12 shall include, but not be limited to:

13 (1) necessary records identifying the quantities of
14 solid waste received or disposed;

15 (2) the form and submission of reports to accompany
16 the payment of fees to the Agency;

17 (3) the time and manner of payment of fees to the
18 Agency, which payments shall not be more often than
19 quarterly; and

20 (4) procedures setting forth criteria establishing
21 when an owner or operator may measure by weight or volume
22 during any given quarter or other fee payment period.

23 (e) Pursuant to appropriation, all monies in the Solid
24 Waste Management Fund shall be used by the Agency for the
25 purposes set forth in this Section and in the Illinois Solid
26 Waste Management Act, including for the costs of fee

1 collection and administration, for administration of the Paint
2 Stewardship Act, and for the administration of the Consumer
3 Electronics Recycling Act, the Drug Take-Back Act, and the
4 Statewide Recycling Needs Assessment Act.

5 (f) The Agency is authorized to enter into such agreements
6 and to promulgate such rules as are necessary to carry out its
7 duties under this Section and the Illinois Solid Waste
8 Management Act.

9 (g) On the first day of January, April, July, and October
10 of each year, beginning on July 1, 1996, the State Comptroller
11 and Treasurer shall transfer \$500,000 from the Solid Waste
12 Management Fund to the Hazardous Waste Fund. Moneys
13 transferred under this subsection (g) shall be used only for
14 the purposes set forth in item (1) of subsection (d) of Section
15 22.2.

16 (h) The Agency is authorized to provide financial
17 assistance to units of local government for the performance of
18 inspecting, investigating, and enforcement activities pursuant
19 to subsection (r) of Section 4 at nonhazardous solid waste
20 disposal sites.

21 (i) The Agency is authorized to conduct household waste
22 collection and disposal programs.

23 (j) A unit of local government, as defined in the Local
24 Solid Waste Disposal Act, in which a solid waste disposal
25 facility is located may establish a fee, tax, or surcharge
26 with regard to the permanent disposal of solid waste. All

1 fees, taxes, and surcharges collected under this subsection
2 shall be utilized for solid waste management purposes,
3 including long-term monitoring and maintenance of landfills,
4 planning, implementation, inspection, enforcement and other
5 activities consistent with the Illinois Solid Waste Management
6 Act and the Local Solid Waste Disposal Act, or for any other
7 environment-related purpose, including, but not limited to, an
8 environment-related public works project, but not for the
9 construction of a new pollution control facility other than a
10 household hazardous waste facility. However, the total fee,
11 tax or surcharge imposed by all units of local government
12 under this subsection (j) upon the solid waste disposal
13 facility shall not exceed:

14 (1) 60¢ per cubic yard if more than 150,000 cubic
15 yards of non-hazardous solid waste is permanently disposed
16 of at the site in a calendar year, unless the owner or
17 operator weighs the quantity of the solid waste received
18 with a device for which certification has been obtained
19 under the Weights and Measures Act, in which case the fee
20 shall not exceed \$1.27 per ton of solid waste permanently
21 disposed of.

22 (2) \$33,350 if more than 100,000 cubic yards, but not
23 more than 150,000 cubic yards, of non-hazardous waste is
24 permanently disposed of at the site in a calendar year.

25 (3) \$15,500 if more than 50,000 cubic yards, but not
26 more than 100,000 cubic yards, of non-hazardous solid

1 waste is permanently disposed of at the site in a calendar
2 year.

3 (4) \$4,650 if more than 10,000 cubic yards, but not
4 more than 50,000 cubic yards, of non-hazardous solid waste
5 is permanently disposed of at the site in a calendar year.

6 (5) \$650 if not more than 10,000 cubic yards of
7 non-hazardous solid waste is permanently disposed of at
8 the site in a calendar year.

9 The corporate authorities of the unit of local government
10 may use proceeds from the fee, tax, or surcharge to reimburse a
11 highway commissioner whose road district lies wholly or
12 partially within the corporate limits of the unit of local
13 government for expenses incurred in the removal of
14 nonhazardous, nonfluid municipal waste that has been dumped on
15 public property in violation of a State law or local
16 ordinance.

17 For the disposal of solid waste from general construction
18 or demolition debris recovery facilities as defined in
19 subsection (a-1) of Section 3.160, the total fee, tax, or
20 surcharge imposed by all units of local government under this
21 subsection (j) upon the solid waste disposal facility shall
22 not exceed 50% of the applicable amount set forth above. A unit
23 of local government, as defined in the Local Solid Waste
24 Disposal Act, in which a general construction or demolition
25 debris recovery facility is located may establish a fee, tax,
26 or surcharge on the general construction or demolition debris

1 recovery facility with regard to the permanent disposal of
2 solid waste by the general construction or demolition debris
3 recovery facility at a solid waste disposal facility, provided
4 that such fee, tax, or surcharge shall not exceed 50% of the
5 applicable amount set forth above, based on the total amount
6 of solid waste transported from the general construction or
7 demolition debris recovery facility for disposal at solid
8 waste disposal facilities, and the unit of local government
9 and fee shall be subject to all other requirements of this
10 subsection (j).

11 A county or Municipal Joint Action Agency that imposes a
12 fee, tax, or surcharge under this subsection may use the
13 proceeds thereof to reimburse a municipality that lies wholly
14 or partially within its boundaries for expenses incurred in
15 the removal of nonhazardous, nonfluid municipal waste that has
16 been dumped on public property in violation of a State law or
17 local ordinance.

18 If the fees are to be used to conduct a local sanitary
19 landfill inspection or enforcement program, the unit of local
20 government must enter into a written delegation agreement with
21 the Agency pursuant to subsection (r) of Section 4. The unit of
22 local government and the Agency shall enter into such a
23 written delegation agreement within 60 days after the
24 establishment of such fees. At least annually, the Agency
25 shall conduct an audit of the expenditures made by units of
26 local government from the funds granted by the Agency to the

1 units of local government for purposes of local sanitary
2 landfill inspection and enforcement programs, to ensure that
3 the funds have been expended for the prescribed purposes under
4 the grant.

5 The fees, taxes or surcharges collected under this
6 subsection (j) shall be placed by the unit of local government
7 in a separate fund, and the interest received on the moneys in
8 the fund shall be credited to the fund. The monies in the fund
9 may be accumulated over a period of years to be expended in
10 accordance with this subsection.

11 A unit of local government, as defined in the Local Solid
12 Waste Disposal Act, shall prepare and post on its website, in
13 April of each year, a report that details spending plans for
14 monies collected in accordance with this subsection. The
15 report will at a minimum include the following:

16 (1) The total monies collected pursuant to this
17 subsection.

18 (2) The most current balance of monies collected
19 pursuant to this subsection.

20 (3) An itemized accounting of all monies expended for
21 the previous year pursuant to this subsection.

22 (4) An estimation of monies to be collected for the
23 following 3 years pursuant to this subsection.

24 (5) A narrative detailing the general direction and
25 scope of future expenditures for one, 2 and 3 years.

26 The exemptions granted under Sections 22.16 and 22.16a,

1 and under subsection (k) of this Section, shall be applicable
2 to any fee, tax or surcharge imposed under this subsection
3 (j); except that the fee, tax or surcharge authorized to be
4 imposed under this subsection (j) may be made applicable by a
5 unit of local government to the permanent disposal of solid
6 waste after December 31, 1986, under any contract lawfully
7 executed before June 1, 1986 under which more than 150,000
8 cubic yards (or 50,000 tons) of solid waste is to be
9 permanently disposed of, even though the waste is exempt from
10 the fee imposed by the State under subsection (b) of this
11 Section pursuant to an exemption granted under Section 22.16.

12 (k) In accordance with the findings and purposes of the
13 Illinois Solid Waste Management Act, beginning January 1, 1989
14 the fee under subsection (b) and the fee, tax or surcharge
15 under subsection (j) shall not apply to:

16 (1) waste which is hazardous waste;

17 (2) waste which is pollution control waste;

18 (3) waste from recycling, reclamation or reuse
19 processes which have been approved by the Agency as being
20 designed to remove any contaminant from wastes so as to
21 render such wastes reusable, provided that the process
22 renders at least 50% of the waste reusable; the exemption
23 set forth in this paragraph (3) of this subsection (k)
24 shall not apply to general construction or demolition
25 debris recovery facilities as defined in subsection (a-1)
26 of Section 3.160;

1 (4) non-hazardous solid waste that is received at a
2 sanitary landfill and composted or recycled through a
3 process permitted by the Agency; or

4 (5) any landfill which is permitted by the Agency to
5 receive only demolition or construction debris or
6 landscape waste.

7 (1) On October 1 in calendar years 2026 through 2038, the
8 Comptroller shall order transferred, and the Treasurer shall
9 transfer, from the amounts appropriated to the Agency for
10 solid waste management activities in the then-current fiscal
11 year, and into a separate account within the Solid Waste
12 Management Fund, the amounts described in this subsection for
13 use by the Prairie Research Institute of the University of
14 Illinois to cover the costs of implementing Section 11 of the
15 Illinois Solid Waste Management Act. The amount to be
16 transferred under this subsection (1) on October 1, 2026 is
17 \$125,000. On October 1, 2027, and each October 1 thereafter,
18 through October 1, 2038, the amount to be transferred under
19 this subsection (1) shall be increased from the base amount
20 transferred on October 1, 2026, by an additional 4% per year,
21 including all increases in prior years. As used in this
22 subsection (1), "costs of implementing Section 11 of the
23 Illinois Solid Waste Management Act" include, but are not
24 limited to, the costs of providing information to the Agency
25 to assist the Agency in identifying persons who must comply
26 with Section 11 of the Illinois Solid Waste Management Act and

1 the dates by which they must comply; the costs of maintaining a
2 database of the physical location and capacity of permitted
3 compost facilities and anaerobic digesters in the State; the
4 costs of developing and distributing guidance materials for
5 the generators of food scrap, the haulers of food scrap, and
6 the compost facilities and anaerobic digesters that accept
7 food scraps for the purpose of complying with that Section;
8 and the costs of developing and maintaining a website to host
9 the information required by this subsection.

10 (Source: P.A. 102-16, eff. 6-17-21; 102-310, eff. 8-6-21;
11 102-444, eff. 8-20-21; 102-699, eff. 4-19-22; 102-813, eff.
12 5-13-22; 102-1055, eff. 6-10-22; 103-8, eff. 6-7-23; 103-154,
13 eff. 6-30-23; 103-372, eff. 1-1-24; 103-383, eff. 7-28-23;
14 103-588, eff. 6-5-24; 103-605, eff. 7-1-24.)

15 (415 ILCS 5/22.22) (from Ch. 111 1/2, par. 1022.22)

16 Sec. 22.22. Landscape waste.

17 (a) Beginning July 1, 1990, no person may knowingly mix
18 landscape waste that is intended for collection or for
19 disposal at a landfill with any other municipal waste.

20 (b) Beginning July 1, 1990, no person may knowingly put
21 landscape waste into a container intended for collection or
22 disposal at a landfill, unless such container is
23 biodegradable.

24 (c) Beginning July 1, 1990, no owner or operator of a
25 sanitary landfill shall accept landscape waste for final

1 disposal, except that landscape waste separated from municipal
2 waste may be accepted by a sanitary landfill if (1) the
3 landfill provides and maintains for that purpose separate
4 landscape waste composting facilities and composts all
5 landscape waste, and (2) the composted waste is utilized, by
6 the operators of the landfill or by any other person, as part
7 of the final vegetative cover for the landfill or for such
8 other uses as soil conditioning material, or the landfill has
9 received an Agency permit to use source separated and
10 processed landscape waste as an alternative daily cover and
11 the landscape waste is processed at a site, other than the
12 sanitary landfill, that has received an Agency permit before
13 July 30, 1997 to process landscape waste. For purposes of this
14 Section, (i) "source separated" means divided into its
15 component parts at the point of generation and collected
16 separately from other solid waste and (ii) "processed" means
17 shredded by mechanical means to reduce the landscape waste to
18 a uniform consistency.

19 (d) The requirements of this Section shall not apply (i)
20 to landscape waste collected as part of a municipal street
21 sweeping operation where the intent is to provide street
22 sweeping service rather than leaf collection, nor (ii) to
23 landscape waste collected by bar screens or grates in a sewage
24 treatment system.

25 (e) The requirements of this Section shall not apply to
26 the mixing or commingling of food scrap and landscape waste if

1 the commingled waste will be directed to a location where it is
2 managed in a manner that is consistent with the food and food
3 scrap management hierarchy described in subsection (a) of
4 Section 11 of the Illinois Solid Waste Management Act.

5 (Source: P.A. 92-574, eff. 6-26-02.)

6 Section 10. The Solid Waste Planning and Recycling Act is
7 amended by changing Section 6 as follows:

8 (415 ILCS 15/6) (from Ch. 85, par. 5956)

9 Sec. 6. Each county waste management plan adopted under
10 Section 4 shall include a recycling program, and that ~~Such~~
11 recycling program:

12 (1) shall be implemented throughout the county and include
13 a time schedule for implementation of the program; ~~;~~

14 (2) shall provide for the designation of a recycling
15 coordinator to administer the program; ~~;~~

16 (3) shall be designed to recycle, by the end of the third
17 and fifth years of the program, respectively 15% and 25% of the
18 municipal waste generated in the county, subject to the
19 existence of a viable market for the recycled material, based
20 on measurements of recycling and waste generated in terms of
21 weight; the ~~The~~ determination of recycling rate shall not
22 include: discarded motor vehicles, wastes used for clean fill
23 or erosion control, or commercial, institutional or industrial
24 machinery or equipment; ~~;~~

1 (4) may provide for the construction and operation of one
2 or more recycling centers by a unit of local government, or for
3 contracting with other public or private entities for the
4 operation of recycling centers;; -

5 (5) may require residents of the county to separate
6 recyclable materials at the time of disposal or trash pick-up;;

7 -
8 (6) may make special provision for commercial and
9 institutional establishments that implement their own
10 specialized recycling programs, provided that such
11 establishments annually provide written documentation to the
12 county of the total number of tons of material recycled;; -

13 (7) shall provide for separate collection and composting
14 of leaves;; -

15 (8) shall include public education and notification
16 programs to foster understanding of and encourage compliance
17 with the recycling program;; -

18 (9) shall include provisions for compliance, including
19 incentives and penalties;; -

20 (10) shall include provisions for (i) recycling the
21 collected materials, (ii) identifying potential markets for at
22 least 3 recyclable materials, and (iii) promoting the use of
23 products made from recovered or recycled materials among
24 businesses, newspapers and local governments in the county;; -

25 (11) may provide for the payment of recycling diversion
26 credits to public and private parties engaged in recycling

1 activities; and

2 (12) shall provide a listing of all food scrap collection
3 programs operating in the county on the date of the plan's
4 5-year update, including residential and non-residential
5 programs and the amount of food scrap diverted from
6 landfilling and where that food scrap is taken to be managed;

7 (13) may require that residential or non-residential
8 sources separate food scraps from municipal waste at the time
9 of disposal or trash pick-up; and

10 (14) shall evaluate markets for finished compost,
11 encourage its use by units of local government in the county,
12 and track and report its use, by weight or volume, in the
13 plan's 5-year update.

14 (Source: P.A. 86-777; 87-650.)

15 Section 15. The Illinois Solid Waste Management Act is
16 amended by adding Section 11 as follows:

17 (415 ILCS 20/11 new)

18 Sec. 11. Food and food scrap management hierarchy;
19 diversion from landfill.

20 (a) Notwithstanding subsection (b) of Section 2, it is the
21 policy of the State for food and food scrap collected under
22 this Section to be managed according to the following food and
23 food scrap management hierarchy, which identifies the State's
24 priorities for the management of food and food scrap in the

1 State:

2 (1) The first priority is preventing or reducing the
3 amount of food and food scrap waste that is discarded or
4 disposed of in the State.

5 (2) The second priority is collecting and diverting
6 from the waste stream before it is discarded or disposed
7 of food that is safe for consumption by humans.

8 (3) The third priority is collecting and diverting
9 from the waste stream before they are discarded or
10 disposed of food and food scrap that is safe for
11 consumption by animals.

12 (4) The fourth priority is collecting and managing
13 discarded food and food scrap through composting and
14 anaerobic digestion.

15 (b) Except as otherwise provided in this Section, a person
16 that generates more than the applicable regulatory threshold
17 of food and food scrap and that is located within 20 miles,
18 prior to July 1, 2035, or 25 miles, on and after July 1, 2035,
19 of an Agency-permitted composting facility or anaerobic
20 digester that accepts food scrap and that has the permitted
21 capacity to accept food scrap shall:

22 (1) separate food and food scrap from other solid
23 waste;

24 (2) ensure the food or food scrap is not contaminated
25 so it is acceptable for use in accordance with subsection
26 (a);

1 (3) either (i) arrange for the transfer of food or
2 food scrap to a location that manages food and food scrap
3 in a manner consistent with the priority uses established
4 in subsection (a) or (ii) manage the food and food scrap on
5 site in accordance with other applicable State and local
6 laws and rules;

7 (4) not directly dispose of any more than an
8 incidental amount of food scrap through the sewer system;

9 (5) for non-residential establishments, post in an
10 area where they are visible to the employees and
11 subcontractors managing food and food scrap instructions
12 on the separation requirements for food and food scraps
13 and the requirement for food and food scrap to be source
14 separated according to its end use as described in
15 subsection (a); and

16 (6) for non-residential establishments, provide, on at
17 least an annual basis, training opportunities for all
18 employees and subcontractors managing food and food scrap
19 and maintain, for a period of 3 years, proof of that
20 training being conducted.

21 (c) The following persons are exempt from the requirements
22 of subsection (b):

23 (1) Beginning July 1, 2036, a municipality that has a
24 population of 1,500 or fewer residents as of the most
25 recent federal decennial census and that generates 5 or
26 fewer tons per year of food and food scrap is exempt from

1 subsection (b) if any requirements in subsection (d) or
2 (e) that apply to the municipality have been met.

3 (2) Beginning July 1, 2036, a county that has a
4 population of 20,000 or fewer residents as of the most
5 recent federal decennial census and that generates 5 or
6 fewer tons per year of food and food scrap is exempt from
7 subsection (b) if any requirements in subsection (d) or
8 (e) that apply to the county have been met. The exemption
9 in this paragraph (2) does not apply to a municipality
10 that has a population of more than 1,500 residents and
11 that is located within a county that is exempt from
12 subsection (b) under this paragraph (2).

13 (3) Beginning July 1, 2034, an individual who resides
14 in a location described in paragraph (1) or (2) of this
15 subsection is exempt from subsection (b).

16 (d) Beginning July 1, 2036, any municipality with a
17 population that is greater than or equal to 500 but less than
18 1,500 and any county with a population that is greater or equal
19 to than 10,000 but less than 20,000 shall provide at least one
20 drop-off location for food scrap collection if the
21 municipality or county is located within 25 miles of an
22 Agency-permitted compost facility or anaerobic digester that
23 accepts foods scrap and that has the permitted capacity to
24 accept food scraps.

25 (e) Beginning July 1, 2036, any municipality with a
26 population that is less than 500 residents and any county with

1 a population that is less than 10,000 residents shall educate
2 its residents on an annual basis on proper composting of food
3 scrap on site using information provided by the Agency.

4 (f) No later than one year after the effective date of this
5 amendatory Act of the 104th General Assembly, the Agency shall
6 propose rules to the Board, and no later than one year after
7 receipt of the Agency's proposal, the Board shall adopt rules
8 necessary to implement this Section, including rules to
9 provide (1) a methodology and procedure for determining which
10 persons are required to comply with subsection (b) of this
11 Section, (2) reporting requirements necessary to enforce the
12 provisions of this Section, and (3) clarifications needed to
13 assist the Agency in implementing the requirements of this
14 Section.

15 (g) A person who violates any provision of this Section
16 shall receive a warning for the first violation and shall be
17 provided an opportunity to comply with this Section. A person
18 who violates any provision of this Section a second or
19 subsequent time shall be liable for a civil penalty of \$10,000
20 per violation for any subsequent violations of this Section,
21 except that the failure to pay a civil penalty under this
22 Section shall cause the person who fails to pay the civil
23 penalty to be liable instead for a civil penalty of \$20,000 per
24 violation for subsequent violations after failure to pay the
25 civil penalty.

26 The penalties provided in this Section may be recovered in

1 a civil action brought in the name of the People of the State
2 of Illinois by the State's Attorney of the county in which the
3 violation occurred or by the Attorney General. Any penalties
4 collected under this Section in an action in which the
5 Attorney General has prevailed shall be deposited into the
6 Environmental Protection Trust Fund, to be used in accordance
7 with the provisions of the Environmental Protection Trust Fund
8 Act.

9 (h) The Attorney General or the State's Attorney of a
10 county in which a violation occurs may institute a civil
11 action for an injunction, prohibitory or mandatory, to
12 restrain violations under this Section or to require such
13 actions as may be necessary to address violations of this
14 Section. The penalties and injunctions provided in this
15 Section are in addition to any penalties, injunctions, or
16 other relief provided under any other State law. Nothing in
17 this Section bars a cause of action by the State for any other
18 penalty, injunction, or other relief provided by any other
19 law.

20 (i) Any person who knowingly makes a false, fictitious, or
21 fraudulent material statement, orally or in writing, to the
22 Agency, related to or required by this Section or any rule
23 adopted pursuant to this Section commits a Class 4 felony, and
24 each such statement or writing shall be considered a separate
25 Class 4 felony. A person who, after being convicted under this
26 subsection, violates this subsection a second time or

1 subsequent time commits a Class 3 felony.

2 (j) Any county with a delegation agreement with the Agency
3 pursuant to subsection (r) of Section 4 of the Illinois
4 Environmental Protection Act may enforce the provisions of
5 this Section.

6 (k) As used in this Section:

7 "Applicable regulatory threshold" means (i) beginning July
8 1, 2028, more than 104 tons per year, (ii) beginning July 1,
9 2029, more than 52 tons per year, (iii) beginning July 1, 2030,
10 more than 26 tons per year, (iv) beginning July 1, 2031, more
11 than 18 tons per year, (v) beginning July 1, 2032, more than 10
12 tons per year, (vi) beginning July 1, 2033, more than 5 tons
13 per year, and (vii) beginning July 1, 2034, any amount per
14 year.

15 "Board" means the Pollution Control Board established
16 under the Environmental Protection Act.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."