

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 Sections 21 and 22.34 and by adding Section 3.309 as  
6 follows:

7 (415 ILCS 5/3.309 new)

8 Sec. 3.309. Organic waste. "Organic waste" means food  
9 scrap, uncontaminated wood waste, livestock waste, crop  
10 residue, paper waste, or other non-hazardous carbonaceous  
11 waste, other than landscape waste, that is collected and  
12 processed separately from the rest of the municipal waste  
13 stream.

14 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

15 Sec. 21. Prohibited acts. No person shall:

16 (a) Cause or allow the open dumping of any waste.

17 (b) Abandon, dump, or deposit any waste upon the public  
18 highways or other public property, except in a sanitary  
19 landfill approved by the Agency pursuant to regulations  
20 adopted by the Board.

21 (c) Abandon any vehicle in violation of the "Abandoned  
22 Vehicles Amendment to the Illinois Vehicle Code", as enacted

1 by the 76th General Assembly.

2 (d) Conduct any waste-storage, waste-treatment, or  
3 waste-disposal operation:

4 (1) without a permit granted by the Agency or in  
5 violation of any conditions imposed by such permit,  
6 including periodic reports and full access to adequate  
7 records and the inspection of facilities, as may be  
8 necessary to assure compliance with this Act and with  
9 regulations and standards adopted thereunder; provided,  
10 however, that, except for municipal solid waste landfill  
11 units that receive waste on or after October 9, 1993, and  
12 CCR surface impoundments, no permit shall be required for  
13 (i) any person conducting a waste-storage,  
14 waste-treatment, or waste-disposal operation for wastes  
15 generated by such person's own activities which are  
16 stored, treated, or disposed within the site where such  
17 wastes are generated, (ii) until one year after the  
18 effective date of rules adopted by the Board under  
19 subsection (n) of Section 22.38, a facility located in a  
20 county with a population over 700,000 as of January 1,  
21 2000, operated and located in accordance with Section  
22 22.38 of this Act, and used exclusively for the transfer,  
23 storage, or treatment of general construction or  
24 demolition debris, provided that the facility was  
25 receiving construction or demolition debris on August 24,  
26 2009 (the effective date of Public Act 96-611), or (iii)

1 any person conducting a waste transfer, storage,  
2 treatment, or disposal operation, including, but not  
3 limited to, a waste transfer or waste composting  
4 operation, under a mass animal mortality event plan  
5 created by the Department of Agriculture;

6 (2) in violation of any regulations or standards  
7 adopted by the Board under this Act;

8 (3) which receives waste after August 31, 1988, does  
9 not have a permit issued by the Agency, and is (i) a  
10 landfill used exclusively for the disposal of waste  
11 generated at the site, (ii) a surface impoundment  
12 receiving special waste not listed in an NPDES permit,  
13 (iii) a waste pile in which the total volume of waste is  
14 greater than 100 cubic yards or the waste is stored for  
15 over one year, or (iv) a land treatment facility receiving  
16 special waste generated at the site; without giving notice  
17 of the operation to the Agency by January 1, 1989, or 30  
18 days after the date on which the operation commences,  
19 whichever is later, and every 3 years thereafter. The form  
20 for such notification shall be specified by the Agency,  
21 and shall be limited to information regarding: the name  
22 and address of the location of the operation; the type of  
23 operation; the types and amounts of waste stored, treated  
24 or disposed of on an annual basis; the remaining capacity  
25 of the operation; and the remaining expected life of the  
26 operation.

1           Item (3) of this subsection (d) shall not apply to any  
2 person engaged in agricultural activity who is disposing of a  
3 substance that constitutes solid waste, if the substance was  
4 acquired for use by that person on his own property, and the  
5 substance is disposed of on his own property in accordance  
6 with regulations or standards adopted by the Board.

7           This subsection (d) shall not apply to hazardous waste.

8           (e) Dispose, treat, store or abandon any waste, or  
9 transport any waste into this State for disposal, treatment,  
10 storage or abandonment, except at a site or facility which  
11 meets the requirements of this Act and of regulations and  
12 standards thereunder.

13           (f) Conduct any hazardous waste-storage, hazardous  
14 waste-treatment or hazardous waste-disposal operation:

15                 (1) without a RCRA permit for the site issued by the  
16 Agency under subsection (d) of Section 39 of this Act, or  
17 in violation of any condition imposed by such permit,  
18 including periodic reports and full access to adequate  
19 records and the inspection of facilities, as may be  
20 necessary to assure compliance with this Act and with  
21 regulations and standards adopted thereunder; or

22                 (2) in violation of any regulations or standards  
23 adopted by the Board under this Act; or

24                 (3) in violation of any RCRA permit filing requirement  
25 established under standards adopted by the Board under  
26 this Act; or

1           (4) in violation of any order adopted by the Board  
2           under this Act.

3           Notwithstanding the above, no RCRA permit shall be  
4           required under this subsection or subsection (d) of Section 39  
5           of this Act for any person engaged in agricultural activity  
6           who is disposing of a substance which has been identified as a  
7           hazardous waste, and which has been designated by Board  
8           regulations as being subject to this exception, if the  
9           substance was acquired for use by that person on his own  
10          property and the substance is disposed of on his own property  
11          in accordance with regulations or standards adopted by the  
12          Board.

13          (g) Conduct any hazardous waste-transportation operation:

14                (1) without registering with and obtaining a special  
15                waste hauling permit from the Agency in accordance with  
16                the regulations adopted by the Board under this Act; or

17                (2) in violation of any regulations or standards  
18                adopted by the Board under this Act.

19          (h) Conduct any hazardous waste-recycling or hazardous  
20          waste-reclamation or hazardous waste-reuse operation in  
21          violation of any regulations, standards or permit requirements  
22          adopted by the Board under this Act.

23          (i) Conduct any process or engage in any act which  
24          produces hazardous waste in violation of any regulations or  
25          standards adopted by the Board under subsections (a) and (c)  
26          of Section 22.4 of this Act.

1           (j) Conduct any special waste-transportation operation in  
2 violation of any regulations, standards or permit requirements  
3 adopted by the Board under this Act. However, sludge from a  
4 water or sewage treatment plant owned and operated by a unit of  
5 local government which (1) is subject to a sludge management  
6 plan approved by the Agency or a permit granted by the Agency,  
7 and (2) has been tested and determined not to be a hazardous  
8 waste as required by applicable State and federal laws and  
9 regulations, may be transported in this State without a  
10 special waste hauling permit, and the preparation and carrying  
11 of a manifest shall not be required for such sludge under the  
12 rules of the Pollution Control Board. The unit of local  
13 government which operates the treatment plant producing such  
14 sludge shall file an annual report with the Agency identifying  
15 the volume of such sludge transported during the reporting  
16 period, the hauler of the sludge, and the disposal sites to  
17 which it was transported. This subsection (j) shall not apply  
18 to hazardous waste.

19           (k) Fail or refuse to pay any fee imposed under this Act.

20           (l) Locate a hazardous waste disposal site above an active  
21 or inactive shaft or tunneled mine or within 2 miles of an  
22 active fault in the earth's crust. In counties of population  
23 less than 225,000 no hazardous waste disposal site shall be  
24 located (1) within 1 1/2 miles of the corporate limits as  
25 defined on June 30, 1978, of any municipality without the  
26 approval of the governing body of the municipality in an

1 official action; or (2) within 1000 feet of an existing  
2 private well or the existing source of a public water supply  
3 measured from the boundary of the actual active permitted site  
4 and excluding existing private wells on the property of the  
5 permit applicant. The provisions of this subsection do not  
6 apply to publicly owned sewage works or the disposal or  
7 utilization of sludge from publicly owned sewage works.

8 (m) Transfer interest in any land which has been used as a  
9 hazardous waste disposal site without written notification to  
10 the Agency of the transfer and to the transferee of the  
11 conditions imposed by the Agency upon its use under subsection  
12 (g) of Section 39.

13 (n) Use any land which has been used as a hazardous waste  
14 disposal site except in compliance with conditions imposed by  
15 the Agency under subsection (g) of Section 39.

16 (o) Conduct a sanitary landfill operation which is  
17 required to have a permit under subsection (d) of this  
18 Section, in a manner which results in any of the following  
19 conditions:

20 (1) refuse in standing or flowing waters;

21 (2) leachate flows entering waters of the State;

22 (3) leachate flows exiting the landfill confines (as  
23 determined by the boundaries established for the landfill  
24 by a permit issued by the Agency);

25 (4) open burning of refuse in violation of Section 9  
26 of this Act;

1           (5) uncovered refuse remaining from any previous  
2           operating day or at the conclusion of any operating day,  
3           unless authorized by permit;

4           (6) failure to provide final cover within time limits  
5           established by Board regulations;

6           (7) acceptance of wastes without necessary permits;

7           (8) scavenging as defined by Board regulations;

8           (9) deposition of refuse in any unpermitted portion of  
9           the landfill;

10          (10) acceptance of a special waste without a required  
11          manifest;

12          (11) failure to submit reports required by permits or  
13          Board regulations;

14          (12) failure to collect and contain litter from the  
15          site by the end of each operating day;

16          (13) failure to submit any cost estimate for the site  
17          or any performance bond or other security for the site as  
18          required by this Act or Board rules.

19          The prohibitions specified in this subsection (o) shall be  
20          enforceable by the Agency either by administrative citation  
21          under Section 31.1 of this Act or as otherwise provided by this  
22          Act. The specific prohibitions in this subsection do not limit  
23          the power of the Board to establish regulations or standards  
24          applicable to sanitary landfills.

25          (p) In violation of subdivision (a) of this Section, cause  
26          or allow the open dumping of any waste in a manner which

1 results in any of the following occurrences at the dump site:

2 (1) litter;

3 (2) scavenging;

4 (3) open burning;

5 (4) deposition of waste in standing or flowing waters;

6 (5) proliferation of disease vectors;

7 (6) standing or flowing liquid discharge from the dump  
8 site;

9 (7) deposition of:

10 (i) general construction or demolition debris as  
11 defined in Section 3.160(a) of this Act; or

12 (ii) clean construction or demolition debris as  
13 defined in Section 3.160(b) of this Act.

14 The prohibitions specified in this subsection (p) shall be  
15 enforceable by the Agency either by administrative citation  
16 under Section 31.1 of this Act or as otherwise provided by this  
17 Act. The specific prohibitions in this subsection do not limit  
18 the power of the Board to establish regulations or standards  
19 applicable to open dumping.

20 (q) Conduct a landscape waste composting operation without  
21 an Agency permit, provided, however, that no permit shall be  
22 required for any person:

23 (1) conducting a landscape waste composting operation  
24 for landscape wastes generated by such person's own  
25 activities which are stored, treated, or disposed of  
26 within the site where such wastes are generated; or

1           (1.5) conducting a landscape waste composting  
2 operation that (i) has no more than 25 cubic yards of  
3 landscape waste, composting additives, composting  
4 material, or end-product compost on-site at any one time  
5 and (ii) is not engaging in commercial activity; or

6           (2) applying landscape waste or composted landscape  
7 waste at agronomic rates; or

8           (2.5) operating a landscape waste composting facility  
9 at a site having 10 or more occupied non-farm residences  
10 within 1/2 mile of its boundaries, if the facility meets  
11 all of the following criteria:

12           (A) the composting facility is operated by the  
13 farmer on property on which the composting material is  
14 utilized, and the composting facility constitutes no  
15 more than 2% of the site's total acreage;

16           (A-5) any composting additives that the composting  
17 facility accepts and uses at the facility are  
18 necessary to provide proper conditions for composting  
19 and do not exceed 10% of the total composting material  
20 at the facility at any one time;

21           (B) the property on which the composting facility  
22 is located, and any associated property on which the  
23 compost is used, is principally and diligently devoted  
24 to the production of agricultural crops and is not  
25 owned, leased, or otherwise controlled by any waste  
26 hauler or generator of nonagricultural compost

1 materials, and the operator of the composting facility  
2 is not an employee, partner, shareholder, or in any  
3 way connected with or controlled by any such waste  
4 hauler or generator;

5 (C) all compost generated by the composting  
6 facility, except incidental sales of finished compost,  
7 is applied at agronomic rates and used as mulch,  
8 fertilizer, or soil conditioner on land actually  
9 farmed by the person operating the composting  
10 facility, and the finished compost is not stored at  
11 the composting site for a period longer than 18 months  
12 prior to its application as mulch, fertilizer, or soil  
13 conditioner;

14 (D) no fee is charged for the acceptance of  
15 materials to be composted at the facility; and

16 (E) the owner or operator, by January 1, 2014 (or  
17 the January 1 following commencement of operation,  
18 whichever is later) and January 1 of each year  
19 thereafter, registers the site with the Agency, (ii)  
20 reports to the Agency on the volume of composting  
21 material received and used at the site; (iii)  
22 certifies to the Agency that the site complies with  
23 the requirements set forth in subparagraphs (A),  
24 (A-5), (B), (C), and (D) of this paragraph (2.5); and  
25 (iv) certifies to the Agency that all composting  
26 material was placed more than 200 feet from the

1 nearest potable water supply well, was placed outside  
2 the boundary of the 10-year floodplain or on a part of  
3 the site that is floodproofed, was placed at least 1/4  
4 mile from the nearest residence (other than a  
5 residence located on the same property as the  
6 facility) or a lesser distance from the nearest  
7 residence (other than a residence located on the same  
8 property as the facility) if the municipality in which  
9 the facility is located has by ordinance approved a  
10 lesser distance than 1/4 mile, and was placed more  
11 than 5 feet above the water table; any ordinance  
12 approving a residential setback of less than 1/4 mile  
13 that is used to meet the requirements of this  
14 subparagraph (E) of paragraph (2.5) of this subsection  
15 must specifically reference this paragraph; or

16 (3) operating a landscape waste composting facility on  
17 a farm, if the facility meets all of the following  
18 criteria:

19 (A) the composting facility is operated by the  
20 farmer on property on which the composting material is  
21 utilized, and the composting facility constitutes no  
22 more than 2% of the property's total acreage, except  
23 that the Board may allow a higher percentage for  
24 individual sites where the owner or operator has  
25 demonstrated to the Board that the site's soil  
26 characteristics or crop needs require a higher rate;

1 (A-1) the composting facility accepts from other  
2 agricultural operations for composting with landscape  
3 waste no materials other than uncontaminated and  
4 source-separated (i) crop residue and other  
5 agricultural plant residue generated from the  
6 production and harvesting of crops and other customary  
7 farm practices, including, but not limited to, stalks,  
8 leaves, seed pods, husks, bagasse, and roots and (ii)  
9 plant-derived animal bedding, such as straw or  
10 sawdust, that is free of manure and was not made from  
11 painted or treated wood;

12 (A-2) any composting additives that the composting  
13 facility accepts and uses at the facility are  
14 necessary to provide proper conditions for composting  
15 and do not exceed 10% of the total composting material  
16 at the facility at any one time;

17 (B) the property on which the composting facility  
18 is located, and any associated property on which the  
19 compost is used, is principally and diligently devoted  
20 to the production of agricultural crops and is not  
21 owned, leased or otherwise controlled by any waste  
22 hauler or generator of nonagricultural compost  
23 materials, and the operator of the composting facility  
24 is not an employee, partner, shareholder, or in any  
25 way connected with or controlled by any such waste  
26 hauler or generator;

1           (C) all compost generated by the composting  
2 facility, except incidental sales of finished compost,  
3 is applied at agronomic rates and used as mulch,  
4 fertilizer or soil conditioner on land actually farmed  
5 by the person operating the composting facility, and  
6 the finished compost is not stored at the composting  
7 site for a period longer than 18 months prior to its  
8 application as mulch, fertilizer, or soil conditioner;

9           (D) the owner or operator, by January 1 of each  
10 year, (i) registers the site with the Agency, (ii)  
11 reports to the Agency on the volume of composting  
12 material received and used at the site and the volume  
13 of material comprising the incidental sale of finished  
14 compost under this subsection (q), (iii) certifies to  
15 the Agency that the site complies with the  
16 requirements set forth in subparagraphs (A), (A-1),  
17 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)  
18 certifies to the Agency that all composting material:

19           (I) was placed more than 200 feet from the  
20 nearest potable water supply well;

21           (II) was placed outside the boundary of the  
22 10-year floodplain or on a part of the site that is  
23 floodproofed;

24           (III) was placed either (aa) at least 1/4 mile  
25 from the nearest residence (other than a residence  
26 located on the same property as the facility) and

1           there are not more than 10 occupied non-farm  
2           residences within 1/2 mile of the boundaries of  
3           the site on the date of application or (bb) a  
4           lesser distance from the nearest residence (other  
5           than a residence located on the same property as  
6           the facility) provided that the municipality or  
7           county in which the facility is located has by  
8           ordinance approved a lesser distance than 1/4 mile  
9           and there are not more than 10 occupied non-farm  
10          residences within 1/2 mile of the boundaries of  
11          the site on the date of application; and

12                   (IV) was placed more than 5 feet above the  
13                   water table.

14           Any ordinance approving a residential setback of  
15           less than 1/4 mile that is used to meet the  
16           requirements of this subparagraph (D) must  
17           specifically reference this subparagraph.

18           For the purposes of this subsection (q), "agronomic rates"  
19           means the application of not more than 20 tons per acre per  
20           year, except that the Board may allow a higher rate for  
21           individual sites where the owner or operator has demonstrated  
22           to the Board that the site's soil characteristics or crop  
23           needs require a higher rate.

24           For the purposes of this subsection (q), "incidental sale  
25           of finished compost" means the sale of finished compost that  
26           meets general use compost standards and is no more than 20% or

1 300 cubic yards, whichever is less, of the total compost  
2 created annually by a private landowner for the landowner's  
3 own use.

4 (r) Cause or allow the storage or disposal of coal  
5 combustion waste unless:

6 (1) such waste is stored or disposed of at a site or  
7 facility for which a permit has been obtained or is not  
8 otherwise required under subsection (d) of this Section;  
9 or

10 (2) such waste is stored or disposed of as a part of  
11 the design and reclamation of a site or facility which is  
12 an abandoned mine site in accordance with the Abandoned  
13 Mined Lands and Water Reclamation Act; or

14 (3) such waste is stored or disposed of at a site or  
15 facility which is operating under NPDES and Subtitle D  
16 permits issued by the Agency pursuant to regulations  
17 adopted by the Board for mine-related water pollution and  
18 permits issued pursuant to the federal Surface Mining  
19 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
20 rules and regulations thereunder or any law or rule or  
21 regulation adopted by the State of Illinois pursuant  
22 thereto, and the owner or operator of the facility agrees  
23 to accept the waste; and either:

24 (i) such waste is stored or disposed of in  
25 accordance with requirements applicable to refuse  
26 disposal under regulations adopted by the Board for

1 mine-related water pollution and pursuant to NPDES and  
2 Subtitle D permits issued by the Agency under such  
3 regulations; or

4 (ii) the owner or operator of the facility  
5 demonstrates all of the following to the Agency, and  
6 the facility is operated in accordance with the  
7 demonstration as approved by the Agency: (1) the  
8 disposal area will be covered in a manner that will  
9 support continuous vegetation, (2) the facility will  
10 be adequately protected from wind and water erosion,  
11 (3) the pH will be maintained so as to prevent  
12 excessive leaching of metal ions, and (4) adequate  
13 containment or other measures will be provided to  
14 protect surface water and groundwater from  
15 contamination at levels prohibited by this Act, the  
16 Illinois Groundwater Protection Act, or regulations  
17 adopted pursuant thereto.

18 Notwithstanding any other provision of this Title, the  
19 disposal of coal combustion waste pursuant to item (2) or (3)  
20 of this subdivision (r) shall be exempt from the other  
21 provisions of this Title V, and notwithstanding the provisions  
22 of Title X of this Act, the Agency is authorized to grant  
23 experimental permits which include provision for the disposal  
24 of wastes from the combustion of coal and other materials  
25 pursuant to items (2) and (3) of this subdivision (r).

26 (s) After April 1, 1989, offer for transportation,

1 transport, deliver, receive or accept special waste for which  
2 a manifest is required, unless the manifest indicates that the  
3 fee required under Section 22.8 of this Act has been paid.

4 (t) Cause or allow a lateral expansion of a municipal  
5 solid waste landfill unit on or after October 9, 1993, without  
6 a permit modification, granted by the Agency, that authorizes  
7 the lateral expansion.

8 (u) Conduct any vegetable by-product treatment, storage,  
9 disposal or transportation operation in violation of any  
10 regulation, standards or permit requirements adopted by the  
11 Board under this Act. However, no permit shall be required  
12 under this Title V for the land application of vegetable  
13 by-products conducted pursuant to Agency permit issued under  
14 Title III of this Act to the generator of the vegetable  
15 by-products. In addition, vegetable by-products may be  
16 transported in this State without a special waste hauling  
17 permit, and without the preparation and carrying of a  
18 manifest.

19 (v) (Blank).

20 (w) Conduct any generation, transportation, or recycling  
21 of construction or demolition debris, clean or general, or  
22 uncontaminated soil generated during construction, remodeling,  
23 repair, and demolition of utilities, structures, and roads  
24 that is not commingled with any waste, without the maintenance  
25 of documentation identifying the hauler, generator, place of  
26 origin of the debris or soil, the weight or volume of the

1 debris or soil, and the location, owner, and operator of the  
2 facility where the debris or soil was transferred, disposed,  
3 recycled, or treated. This documentation must be maintained by  
4 the generator, transporter, or recycler for 3 years. This  
5 subsection (w) shall not apply to (1) a permitted pollution  
6 control facility that transfers or accepts construction or  
7 demolition debris, clean or general, or uncontaminated soil  
8 for final disposal, recycling, or treatment, (2) a public  
9 utility (as that term is defined in the Public Utilities Act)  
10 or a municipal utility, (3) the Illinois Department of  
11 Transportation, or (4) a municipality or a county highway  
12 department, with the exception of any municipality or county  
13 highway department located within a county having a population  
14 of over 3,000,000 inhabitants or located in a county that is  
15 contiguous to a county having a population of over 3,000,000  
16 inhabitants; but it shall apply to an entity that contracts  
17 with a public utility, a municipal utility, the Illinois  
18 Department of Transportation, or a municipality or a county  
19 highway department. The terms "generation" and "recycling", as  
20 used in this subsection, do not apply to clean construction or  
21 demolition debris when (i) used as fill material below grade  
22 outside of a setback zone if covered by sufficient  
23 uncontaminated soil to support vegetation within 30 days of  
24 the completion of filling or if covered by a road or structure,  
25 (ii) solely broken concrete without protruding metal bars is  
26 used for erosion control, or (iii) milled asphalt or crushed

1 concrete is used as aggregate in construction of the shoulder  
2 of a roadway. The terms "generation" and "recycling", as used  
3 in this subsection, do not apply to uncontaminated soil that  
4 is not commingled with any waste when (i) used as fill material  
5 below grade or contoured to grade, or (ii) used at the site of  
6 generation.

7 (y) Inject any carbon dioxide stream produced by a carbon  
8 dioxide capture project into a Class II well, as defined by the  
9 Board under this Act, or a Class VI well converted from a Class  
10 II well, for purposes of enhanced oil or gas recovery,  
11 including, but not limited to, the facilitation of enhanced  
12 oil or gas recovery from another well.

13 (z) Sell or transport concentrated carbon dioxide stream  
14 produced by a carbon dioxide capture project for use in  
15 enhanced oil or gas recovery.

16 (aa) Operate a carbon sequestration activity in a manner  
17 that causes, threatens, or allows the release of carbon  
18 dioxide so as to tend to cause water pollution in this State.

19 (bb) Conduct an organic waste composting operation, other  
20 than a landscape waste composting operation, without an Agency  
21 permit; provided, however, that no permit shall be required  
22 for any person:

23 (1) conducting an organic waste composting operation  
24 that (i) has no more than 25 cubic yards of  
25 source-separated organic waste, composting additives,  
26 composting material, or end-product compost on-site at any

1 one time and (ii) is not engaging in commercial activity;

2 or

3 (2) conducting an organic waste composting operation  
4 that meets all of the following requirements:

5 (A) There is no more than 1,000 cubic yards of  
6 organic waste, composting additives, composting  
7 material, or end-product compost on-site at any one  
8 time.

9 (B) The portion of the site or facility used for  
10 the composting operation is set back at least 200 feet  
11 from the nearest potable water supply well.

12 (C) The portion of the site or facility used for  
13 the composting operation is located outside the  
14 boundary of the 10-year floodplain or must be  
15 floodproofed.

16 (D) By the end of each operating day, all organic  
17 waste is processed and (i) placed into an enclosed  
18 vessel in which air flow and temperature are  
19 controlled or (ii) placed into windrows or other piles  
20 and covered in a manner that prevents scavenging by  
21 birds and animals and prevents other nuisances.

22 (E) Organic waste is not placed within 5 feet of  
23 the water table.

24 (F) Runoff from the portion of the site or  
25 facility used for the composting operation is  
26 controlled to prevent offsite runoff.

1           (G) Dust, odors, and noise from the composting  
2           operation are prevented from migrating off-site.

3           (H) No later than March 1 of each year the  
4           composting operation is registered with the Agency on  
5           Agency prescribed forms which shall include, but not  
6           be limited to, information regarding the owner and  
7           operator of the composting operation, the owner of  
8           property on which the composting operation is located,  
9           a contact person for the composting operation, a  
10           description of the composting operation, the volume of  
11           organic waste received during the previous calendar  
12           year, the volume of compost produced during the  
13           previous calendar year, and a certification that the  
14           composting operation meets the requirements of this  
15           paragraph (2).

16           (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;  
17           102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-342, eff.  
18           1-1-24; 103-651, eff. 7-18-24.)

19           (415 ILCS 5/22.34)

20           Sec. 22.34. Organic waste compost quality standards.

21           (a) The Agency may develop and make recommendations to the  
22           Board concerning (i) performance standards for organic waste  
23           compost facilities and (ii) testing procedures and standards  
24           for the end-product compost produced by organic waste compost  
25           facilities.

1           The Agency, in cooperation with the Department, shall  
2           appoint a Technical Advisory Committee for the purpose of  
3           developing these recommendations. Among other things, the  
4           Committee shall evaluate environmental and safety  
5           considerations, compliance costs, and regulations adopted in  
6           other states and countries. The Committee shall have balanced  
7           representation and shall include members representing  
8           academia, the composting industry, the Department of  
9           Agriculture, the landscaping industry, environmental  
10          organizations, municipalities, and counties.

11          Performance standards for organic waste compost facilities  
12          may include, but are not limited to:

13                 (1) the management of potential exposures for human  
14                 disease vectors and odor;

15                 (2) the management of surface water;

16                 (3) contingency planning for handling end-product  
17                 compost material that does not meet end-product compost  
18                 standards adopted by the Board;

19                 (4) plans for intended purposes of end-use product;  
20                 and

21                 (5) a financial assurance plan necessary to restore  
22                 the site as specified in Agency permit. The financial  
23                 assurance plan may include, but is not limited to, posting  
24                 with the Agency a performance bond or other security for  
25                 the purpose of ensuring site restoration.

26                 (b) No later than one year after the Agency makes

1 recommendations to the Board under subsection (a) of this  
2 Section, the Board shall adopt, as applicable:

3 (1) performance standards for organic waste compost  
4 facilities; and

5 (2) testing procedures and standards for the  
6 end-product compost produced by organic waste compost  
7 facilities.

8 The Board shall evaluate the merits of different standards  
9 for end-product compost applications.

10 (c) On-site residential composting that is used solely for  
11 the purpose of composting organic waste generated on-site and  
12 that will not be offered for off-site sale or use is exempt  
13 from any standards promulgated under subsections (a) and (b).  
14 Subsection (b) (2) shall not apply to end-product compost used  
15 as daily cover or vegetative amendment in the final layer.  
16 Subsection (b) applies to any end-product compost offered for  
17 sale or use in Illinois.

18 (d) (Blank). ~~For the purposes of this Section, "organic~~  
19 ~~waste" means food scrap, landscape waste, wood waste,~~  
20 ~~livestock waste, crop residue, paper waste, or other~~  
21 ~~non-hazardous carbonaceous waste that is collected and~~  
22 ~~processed separately from the rest of the municipal waste~~  
23 ~~stream.~~

24 (e) Except as otherwise provided in Board rules, solid  
25 waste permits for organic waste composting facilities shall be  
26 issued under the Board's Solid Waste rules at 35 Ill. Adm. Code

1 807. The permits must include, but shall not be limited to,  
2 measures designed to reduce pathogens in the compost.

3 (f) Standards adopted under this Section do not apply to  
4 compost operations exempt from permitting under paragraph  
5 (1.5) of subsection (q) or under paragraph (1.5) of subsection  
6 (bb) of Section 21 of this Act.

7 (Source: P.A. 98-239, eff. 8-9-13.)