

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 3.150, 3.155, 3.330, 21, and 22.34 and by
6 adding Sections 3.123, 3.126, 3.182, 3.198, 3.308, and 3.309
7 as follows:

8 (415 ILCS 5/3.123 new)

9 Sec. 3.123. Anaerobic digestion. "Anaerobic digestion"
10 means the process by which microorganisms break down organic
11 material in the absence of oxygen to produce biogas and
12 digestate.

13 (415 ILCS 5/3.126 new)

14 Sec. 3.126. Biogas. "Biogas" means the gas produced by the
15 anaerobic decomposition of organic material.

16 (415 ILCS 5/3.150) (was 415 ILCS 5/3.69)

17 Sec. 3.150. Compost. "Compost" means ~~is defined as~~ the
18 humus-like product of the process of composting ~~waste~~, which
19 may be used as a soil conditioner.

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

(415 ILCS 5/3.155) (was 415 ILCS 5/3.70)

Sec. 3.155. Composting. "Composting" means the biological treatment process by which microorganisms aerobically decompose organic material under controlled conditions to produce compost. ~~the organic fraction of waste, producing compost.~~

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

(415 ILCS 5/3.182 new)

Sec. 3.182. Digestate. "Digestate" means the solid and liquid end products of anaerobic digestion.

(415 ILCS 5/3.198 new)

Sec. 3.198. Food waste. "Food waste" means the organic waste fraction of garbage.

(415 ILCS 5/3.308 new)

Sec. 3.308. Organic material. "Organic material" means carbon-based material originating from living organisms.

(415 ILCS 5/3.309 new)

Sec. 3.309. Organic waste. "Organic waste" means organic material that meets the definition of "waste" under this Act.

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

Sec. 3.330. Pollution control facility.

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

7 The following are not pollution control facilities:

8 (1) (blank);

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

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

19 (4) sites or facilities at which the State is
20 performing removal or remedial action pursuant to Section
21 22.2 or 55.3;

22 (5) abandoned quarries used solely for the disposal of
23 concrete, earth materials, gravel, or aggregate debris
24 resulting from road construction activities conducted by a
25 unit of government or construction activities due to the
26 construction and installation of underground pipes, lines,

1 conduit or wires off of the premises of a public utility
2 company which are conducted by a public utility;

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

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

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

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

13 (10) the portion of a site or facility used for
14 treatment of petroleum contaminated materials by
15 application onto or incorporation into the soil surface
16 and any portion of that site or facility used for storage
17 of petroleum contaminated materials before treatment. Only
18 those categories of petroleum listed in Section 57.9(a) (3)
19 are exempt under this subdivision (10);

20 (11) the portion of a site or facility where used oil
21 is collected or stored prior to shipment to a recycling or
22 energy recovery facility, provided that the used oil is
23 generated by households or commercial establishments, and
24 the site or facility is a recycling center or a business
25 where oil or gasoline is sold at retail;

26 (11.5) processing sites or facilities that receive

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

16 (12) the portion of a site or facility utilizing coal
17 combustion waste for stabilization and treatment of only
18 waste generated on that site or facility when used in
19 connection with response actions pursuant to the federal
20 Comprehensive Environmental Response, Compensation, and
21 Liability Act of 1980, the federal Resource Conservation
22 and Recovery Act of 1976, or the Illinois Environmental
23 Protection Act or as authorized by the Agency;

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

26 (14) the portion of a site or facility, located within

1 a unit of local government that has enacted local zoning
2 requirements, used to accept, separate, and process
3 uncontaminated broken concrete, with or without protruding
4 metal bars, provided that the uncontaminated broken
5 concrete and metal bars are not speculatively accumulated,
6 are at the site or facility no longer than one year after
7 their acceptance, and are returned to the economic
8 mainstream in the form of raw materials or products;

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

14 (16) a site or facility that temporarily holds in
15 transit for 10 days or less, non-putrescible solid waste
16 in original containers, no larger in capacity than 500
17 gallons, provided that such waste is further transferred
18 to a recycling, disposal, treatment, or storage facility
19 on a non-contiguous site and provided such site or
20 facility complies with the applicable 10-day transfer
21 requirements of the federal Resource Conservation and
22 Recovery Act of 1976 and United States Department of
23 Transportation hazardous material requirements. For
24 purposes of this Section only, "non-putrescible solid
25 waste" means waste other than municipal garbage that does
26 not rot or become putrid, including, but not limited to,

1 paints, solvent, filters, and absorbents;

2 (17) the portion of a site or facility located in a
3 county with a population greater than 3,000,000 that has
4 obtained local siting approval, under Section 39.2 of this
5 Act, for a municipal waste incinerator on or before July
6 1, 2005 and that is used for wood combustion facilities
7 for energy recovery that accept and burn only wood
8 material, as included in a fuel specification approved by
9 the Agency;

10 (18) a transfer station used exclusively for landscape
11 waste, including a transfer station where landscape waste
12 is ground to reduce its volume, where the landscape waste
13 is held no longer than 24 hours from the time it was
14 received;

15 (19) the portion of a site or facility that (i) is used
16 for the composting of organic waste ~~of food scrap,~~
17 ~~livestock waste, crop residue, uncontaminated wood waste,~~
18 ~~or paper waste, including, but not limited to, corrugated~~
19 ~~paper or cardboard,~~ and (ii) meets all of the following
20 requirements:

21 (A) There must not be more than a total of 30,000
22 cubic yards of livestock waste in raw form or in the
23 process of being composted at the site or facility at
24 any one time.

25 (B) All organic waste ~~food scrap, livestock waste,~~
26 ~~crop residue, uncontaminated wood waste, and paper~~

1 ~~waste~~ must, by the end of each operating day, be
2 processed and placed into an enclosed vessel in which
3 air flow and temperature are controlled, or all of the
4 following additional requirements must be met:

5 (i) The portion of the site or facility used
6 for the composting operation must include a
7 setback of at least 200 feet from the nearest
8 potable water supply well.

9 (ii) The portion of the site or facility used
10 for the composting operation must be located
11 outside the boundary of the 10-year floodplain or
12 floodproofed.

13 (iii) Except in municipalities with more than
14 1,000,000 inhabitants, the portion of the site or
15 facility used for the composting operation must be
16 located at least one-eighth of a mile from the
17 nearest residence, other than a residence located
18 on the same property as the site or facility.

19 (iv) The portion of the site or facility used
20 for the composting operation must be located at
21 least one-eighth of a mile from the property line
22 of all of the following areas:

23 (I) Facilities that primarily serve to
24 house or treat people that are
25 immunocompromised or immunosuppressed, such as
26 cancer or AIDS patients; people with asthma,

1 cystic fibrosis, or bioaerosol allergies; or
2 children under the age of one year.

3 (II) Primary and secondary schools and
4 adjacent areas that the schools use for
5 recreation.

6 (III) Any facility for child care licensed
7 under Section 3 of the Child Care Act of 1969;
8 preschools; and adjacent areas that the
9 facilities or preschools use for recreation.

10 (v) By the end of each operating day, all
11 organic waste ~~food scrap, livestock waste, crop~~
12 ~~residue, uncontaminated wood waste, and paper~~
13 ~~waste~~ must be (i) processed into windrows or other
14 piles and (ii) covered in a manner that prevents
15 scavenging by birds and animals and that prevents
16 other nuisances.

17 (C) Organic waste ~~Food scrap, livestock waste,~~
18 ~~crop residue, uncontaminated wood waste, paper waste,~~
19 ~~and compost~~ must not be placed within 5 feet of the
20 water table.

21 (D) The site or facility must meet all of the
22 requirements of the Wild and Scenic Rivers Act (16
23 U.S.C. 1271 et seq.).

24 (E) The site or facility must not (i) restrict the
25 flow of a 100-year flood, (ii) result in washout of
26 organic waste ~~food scrap, livestock waste, crop~~

1 ~~residue, uncontaminated wood waste, or paper waste~~
2 from a 100-year flood, or (iii) reduce the temporary
3 water storage capacity of the 100-year floodplain,
4 unless measures are undertaken to provide alternative
5 storage capacity, such as by providing lagoons,
6 holding tanks, or drainage around structures at the
7 facility.

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

11 (i) an irreplaceable historic or
12 archaeological site has been listed under the
13 National Historic Preservation Act (16 U.S.C. 470
14 et seq.) or the Illinois Historic Preservation
15 Act;

16 (ii) a natural landmark has been designated by
17 the National Park Service or the Illinois State
18 Historic Preservation Office; or

19 (iii) a natural area has been designated as a
20 Dedicated Illinois Nature Preserve under the
21 Illinois Natural Areas Preservation Act.

22 (G) The site or facility must not be located in an
23 area where it may jeopardize the continued existence
24 of any designated endangered species, result in the
25 destruction or adverse modification of the critical
26 habitat for such species, or cause or contribute to

1 the taking of any endangered or threatened species of
2 plant, fish, or wildlife listed under the Endangered
3 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
4 Endangered Species Protection Act;

5 (20) the portion of a site or facility that is located
6 entirely within a home rule unit having a population of no
7 less than 120,000 and no more than 135,000, according to
8 the 2000 federal census, and that meets all of the
9 following requirements:

10 (i) the portion of the site or facility is used
11 exclusively to perform testing of a thermochemical
12 conversion technology using only woody biomass,
13 collected as landscape waste within the boundaries of
14 the home rule unit, as the hydrocarbon feedstock for
15 the production of synthetic gas in accordance with
16 Section 39.9 of this Act;

17 (ii) the portion of the site or facility is in
18 compliance with all applicable zoning requirements;
19 and

20 (iii) a complete application for a demonstration
21 permit at the portion of the site or facility has been
22 submitted to the Agency in accordance with Section
23 39.9 of this Act within one year after July 27, 2010
24 (the effective date of Public Act 96-1314);

25 (21) the portion of a site or facility used to perform
26 limited testing of a gasification conversion technology in

1 accordance with Section 39.8 of this Act and for which a
2 complete permit application has been submitted to the
3 Agency prior to one year from April 9, 2010 (the effective
4 date of Public Act 96-887);

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

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

10 (A) that is used exclusively for the transfer of
11 commingled landscape waste and food waste ~~food scrap~~
12 held at the site or facility for no longer than 24
13 hours after their receipt;

14 (B) that is located entirely within a home rule
15 unit having a population of (i) not less than 100,000
16 and not more than 115,000 according to the 2010
17 federal census, (ii) not less than 5,000 and not more
18 than 10,000 according to the 2010 federal census, or
19 (iii) not less than 25,000 and not more than 30,000
20 according to the 2010 federal census or that is
21 located in the unincorporated area of a county having
22 a population of not less than 700,000 and not more than
23 705,000 according to the 2010 federal census;

24 (C) that is permitted, by the Agency, prior to
25 January 1, 2002, for the transfer of landscape waste
26 if located in a home rule unit or that is permitted

1 prior to January 1, 2008 if located in an
2 unincorporated area of a county; and

3 (D) for which a permit application is submitted to
4 the Agency to modify an existing permit for the
5 transfer of landscape waste to also include, on a
6 demonstration basis not to exceed 24 months each time
7 a permit is issued, the transfer of commingled
8 landscape waste and food waste ~~food scrap~~ or for which
9 a permit application is submitted to the Agency within
10 6 months of August 11, 2017 (the effective date of
11 Public Act 100-94);

12 (24) the portion of a municipal solid waste landfill
13 unit:

14 (A) that is located in a county having a
15 population of not less than 55,000 and not more than
16 60,000 according to the 2010 federal census;

17 (B) that is owned by that county;

18 (C) that is permitted, by the Agency, prior to
19 July 10, 2015 (the effective date of Public Act
20 99-12); and

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

25 (25) the portion of a site or facility used during a
26 mass animal mortality event, as defined in the Animal

1 Mortality Act, where such waste is collected, stored,
2 processed, disposed, or incinerated under a mass animal
3 mortality event plan issued by the Department of
4 Agriculture; and

5 (26) the portion of a mine used for the placement of
6 limestone residual materials generated from the treatment
7 of drinking water by a municipal utility in accordance
8 with rules adopted under Section 22.63.

9 (b) A new pollution control facility is:

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

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

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

17 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
18 102-813, eff. 5-13-22; 103-333, eff. 1-1-24.)

19 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

22 (b) Abandon, dump, or deposit any waste upon the public
23 highways or other public property, except in a sanitary
24 landfill approved by the Agency pursuant to regulations
25 adopted by the Board.

1 (c) Abandon any vehicle in violation of the "Abandoned
2 Vehicles Amendment to the Illinois Vehicle Code", as enacted
3 by the 76th General Assembly.

4 (d) Conduct any waste-storage, waste-treatment, or
5 waste-disposal operation:

6 (1) without a permit granted by the Agency or in
7 violation of any conditions imposed by such permit,
8 including periodic reports and full access to adequate
9 records and the inspection of facilities, as may be
10 necessary to assure compliance with this Act and with
11 regulations and standards adopted thereunder; provided,
12 however, that, except for municipal solid waste landfill
13 units that receive waste on or after October 9, 1993, and
14 CCR surface impoundments, no permit shall be required for

15 (i) any person conducting a waste-storage,
16 waste-treatment, or waste-disposal operation for wastes
17 generated by such person's own activities which are
18 stored, treated, or disposed within the site where such
19 wastes are generated, (ii) until one year after the
20 effective date of rules adopted by the Board under
21 subsection (n) of Section 22.38, a facility located in a
22 county with a population over 700,000 as of January 1,
23 2000, operated and located in accordance with Section
24 22.38 of this Act, and used exclusively for the transfer,
25 storage, or treatment of general construction or
26 demolition debris, provided that the facility was

1 receiving construction or demolition debris on August 24,
2 2009 (the effective date of Public Act 96-611), or (iii)
3 any person conducting a waste transfer, storage,
4 treatment, or disposal operation, including, but not
5 limited to, a waste transfer or waste composting
6 operation, under a mass animal mortality event plan
7 created by the Department of Agriculture;

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

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

1 of the operation; and the remaining expected life of the
2 operation.

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

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

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

15 (f) Conduct any hazardous waste-storage, hazardous
16 waste-treatment or hazardous waste-disposal operation:

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

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

26 (3) in violation of any RCRA permit filing requirement

1 established under standards adopted by the Board under
2 this Act; or

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

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

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

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

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

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

25 (i) Conduct any process or engage in any act which
26 produces hazardous waste in violation of any regulations or

1 standards adopted by the Board under subsections (a) and (c)
2 of Section 22.4 of this Act.

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

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

22 (l) Locate a hazardous waste disposal site above an active
23 or inactive shaft or tunneled mine or within 2 miles of an
24 active fault in the earth's crust. In counties of population
25 less than 225,000 no hazardous waste disposal site shall be
26 located (1) within 1 1/2 miles of the corporate limits as

1 defined on June 30, 1978, of any municipality without the
2 approval of the governing body of the municipality in an
3 official action; or (2) within 1000 feet of an existing
4 private well or the existing source of a public water supply
5 measured from the boundary of the actual active permitted site
6 and excluding existing private wells on the property of the
7 permit applicant. The provisions of this subsection do not
8 apply to publicly owned sewage works or the disposal or
9 utilization of sludge from publicly owned sewage works.

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

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

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

22 (1) refuse in standing or flowing waters;

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

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

1 (4) open burning of refuse in violation of Section 9
2 of this Act;

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

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

8 (7) acceptance of wastes without necessary permits;

9 (8) scavenging as defined by Board regulations;

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

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

14 (11) failure to submit reports required by permits or
15 Board regulations;

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

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

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

1 (p) In violation of subdivision (a) of this Section, cause
2 or allow the open dumping of any waste in a manner which
3 results in any of the following occurrences at the dump site:

4 (1) litter;

5 (2) scavenging;

6 (3) open burning;

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

8 (5) proliferation of disease vectors;

9 (6) standing or flowing liquid discharge from the dump
10 site;

11 (7) deposition of:

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

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

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

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

25 (1) conducting a landscape waste composting operation
26 for landscape wastes generated by such person's own

1 activities which are stored, treated, or disposed of
2 within the site where such wastes are generated; or

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

8 (2) applying landscape waste or composted landscape
9 waste at agronomic rates; or

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

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

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

23 (B) the property on which the composting facility
24 is located, and any associated property on which the
25 compost is used, is principally and diligently devoted
26 to the production of agricultural crops and is not

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

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

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

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

1 (iv) certifies to the Agency that all composting
2 material was placed more than 200 feet from the
3 nearest potable water supply well, was placed outside
4 the boundary of the 10-year floodplain or on a part of
5 the site that is floodproofed, was placed at least
6 one-fourth of a ~~1/4~~ mile from the nearest residence
7 (other than a residence located on the same property
8 as the facility) or a lesser distance from the nearest
9 residence (other than a residence located on the same
10 property as the facility) if the municipality in which
11 the facility is located has by ordinance approved a
12 lesser distance than one-fourth of a ~~1/4~~ mile, and was
13 placed more than 5 feet above the water table; any
14 ordinance approving a residential setback of less than
15 one-fourth of a ~~1/4~~ mile that is used to meet the
16 requirements of this subparagraph (E) of paragraph
17 (2.5) of this subsection must specifically reference
18 this paragraph; or

19 (3) operating a landscape waste composting facility on
20 a farm, if the facility meets all of the following
21 criteria:

22 (A) the composting facility is operated by the
23 farmer on property on which the composting material is
24 utilized, and the composting facility constitutes no
25 more than 2% of the property's total acreage, except
26 that the Board may allow a higher percentage for

1 individual sites where the owner or operator has
2 demonstrated to the Board that the site's soil
3 characteristics or crop needs require a higher rate;

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

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

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

1 is not an employee, partner, shareholder, or in any
2 way connected with or controlled by any such waste
3 hauler or generator;

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

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

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

24 (II) was placed outside the boundary of the
25 10-year floodplain or on a part of the site that is
26 floodproofed;

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

16 (IV) was placed more than 5 feet above the
17 water table.

18 Any ordinance approving a residential setback of
19 less than one-fourth of a 1/4 mile that is used to meet
20 the requirements of this subparagraph (D) must
21 specifically reference this subparagraph.

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

1 needs require a higher rate.

2 For the purposes of this subsection (q), "incidental sale
3 of finished compost" means the sale of finished compost that
4 meets general use compost standards and is no more than 20% or
5 300 cubic yards, whichever is less, of the total compost
6 created annually by a private landowner for the landowner's
7 own use.

8 (r) Cause or allow the storage or disposal of coal
9 combustion waste unless:

10 (1) such waste is stored or disposed of at a site or
11 facility for which a permit has been obtained or is not
12 otherwise required under subsection (d) of this Section;
13 or

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

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

1 to accept the waste; and either:

2 (i) such waste is stored or disposed of in
3 accordance with requirements applicable to refuse
4 disposal under regulations adopted by the Board for
5 mine-related water pollution and pursuant to NPDES and
6 Subtitle D permits issued by the Agency under such
7 regulations; or

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

22 Notwithstanding any other provision of this Title, the
23 disposal of coal combustion waste pursuant to item (2) or (3)
24 of this subdivision (r) shall be exempt from the other
25 provisions of this Title V, and notwithstanding the provisions
26 of Title X of this Act, the Agency is authorized to grant

1 experimental permits which include provision for the disposal
2 of wastes from the combustion of coal and other materials
3 pursuant to items (2) and (3) of this subdivision (r).

4 (s) After April 1, 1989, offer for transportation,
5 transport, deliver, receive or accept special waste for which
6 a manifest is required, unless the manifest indicates that the
7 fee required under Section 22.8 of this Act has been paid.

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

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

23 (v) (Blank).

24 (w) Conduct any generation, transportation, or recycling
25 of construction or demolition debris, clean or general, or
26 uncontaminated soil generated during construction, remodeling,

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

1 uncontaminated soil to support vegetation within 30 days of
2 the completion of filling or if covered by a road or structure,
3 (ii) solely broken concrete without protruding metal bars is
4 used for erosion control, or (iii) milled asphalt or crushed
5 concrete is used as aggregate in construction of the shoulder
6 of a roadway. The terms "generation" and "recycling", as used
7 in this subsection, do not apply to uncontaminated soil that
8 is not commingled with any waste when (i) used as fill material
9 below grade or contoured to grade, or (ii) used at the site of
10 generation.

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

17 (z) Sell or transport concentrated carbon dioxide stream
18 produced by a carbon dioxide capture project for use in
19 enhanced oil or gas recovery.

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

23 (bb) Conduct an organic waste composting operation without
24 an Agency permit, provided, however, that no permit shall be
25 required for any person:

26 (1) conducting an organic waste composting operation

for organic wastes generated by such person's own activities which are stored, treated, or disposed of within the site where such wastes are generated; or

(2) conducting an organic waste composting operation that (i) has not more than 50 cubic yards of organic waste, composting additives, composting material, or end-product compost on-site at any one time and (ii) is not engaging in commercial activity.

Landscape waste composting operations, including landscape waste composting operations that accept organic waste as an additive, are subject to subsection (q) rather than this subsection (bb).

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

(415 ILCS 5/22.34)

Sec. 22.34. Organic waste compost quality standards.

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

The Agency, in cooperation with the Department, shall appoint a Technical Advisory Committee for the purpose of developing these recommendations. Among other things, the

1 Committee shall evaluate environmental and safety
2 considerations, compliance costs, and regulations adopted in
3 other states and countries. The Committee shall have balanced
4 representation and shall include members representing
5 academia, the composting industry, the Department of
6 Agriculture, the landscaping industry, environmental
7 organizations, municipalities, and counties.

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

10 (1) the management of potential exposures for human
11 disease vectors and odor;

12 (2) the management of surface water;

13 (3) contingency planning for handling end-product
14 compost material that does not meet end-product compost
15 standards adopted by the Board;

16 (4) plans for intended purposes of end-use product;
17 and

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

23 (b) No later than one year after the Agency makes
24 recommendations to the Board under subsection (a) of this
25 Section, the Board shall adopt, as applicable:

26 (1) performance standards for organic waste compost

1 facilities; and

2 (2) testing procedures and standards for the
3 end-product compost produced by organic waste compost
4 facilities.

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

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

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

21 (e) Except as otherwise provided in Board rules, solid
22 waste permits for organic waste composting facilities shall be
23 issued under the Board's Solid Waste rules at 35 Ill. Adm. Code
24 807. The permits must include, but shall not be limited to,
25 measures designed to reduce pathogens in the compost.

26 (f) Standards adopted under this Section do not apply to

1 compost operations exempt from permitting under paragraph
2 (1.5) of subsection (q) or under paragraph (2) of subsection
3 (bb) of Section 21 of this Act.

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

5 (415 ILCS 5/3.197 rep.)

6 Section 10. The Environmental Protection Act is amended by
7 repealing Section 3.197.