



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1397

Introduced 1/29/2025, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.15
415 ILCS 20/11 new

Amends the Environmental Protection Act. Provides that the Comptroller and Treasurer shall transfer from the Solid Waste Management Fund into a separate account within the Solid Waste Management Fund, \$225,000 on October 1, 2026, \$234,000 on October 1, 2027, and \$243,360 on October 1, 2028, for use in making grants to the Prairie Research Institute of the University of Illinois to cover the costs of implementing a specified provision of the Illinois Solid Waste Management Act. Amends the Illinois Solid Waste Management Act. Provides that the Environmental Protection Agency shall provide grants to incentivize the use of finished compost, liquid digestate, and solid digestate on private and public lands used for commercial farm and specialty farm operations. Provides that the Agency shall partner with the Prairie Research Institute of the University of Illinois to conduct a study of finished compost, liquid digestate, and solid digestate use over fiscal years 2026, 2027, and 2028, with a final report submitted to the General Assembly and Governor by December 1, 2028. Effective immediately.

LRB104 06538 BDA 16574 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 22.15 as follows:

6 (415 ILCS 5/22.15)

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

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

20 (b) The Agency shall assess and collect a fee in the amount
21 set forth herein from the owner or operator of each sanitary
22 landfill permitted or required to be permitted by the Agency
23 to dispose of solid waste if the sanitary landfill is located

1 off the site where such waste was produced and if such sanitary
2 landfill is owned, controlled, and operated by a person other
3 than the generator of such waste. The Agency shall deposit all
4 fees collected into the Solid Waste Management Fund. If a site
5 is contiguous to one or more landfills owned or operated by the
6 same person, the volumes permanently disposed of by each
7 landfill shall be combined for purposes of determining the fee
8 under this subsection. Beginning on July 1, 2018, and on the
9 first day of each month thereafter during fiscal years 2019
10 through 2025, the State Comptroller shall direct and State
11 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
12 per fiscal year from the Solid Waste Management Fund to the
13 General Revenue Fund.

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

25 (2) If more than 100,000 cubic yards but not more than
26 150,000 cubic yards of non-hazardous waste is permanently

1 disposed of at a site in a calendar year, the owner or
2 operator shall pay a fee of \$52,630.

3 (3) If more than 50,000 cubic yards but not more than
4 100,000 cubic yards of non-hazardous solid waste is
5 permanently disposed of at a site in a calendar year, the
6 owner or operator shall pay a fee of \$23,790.

7 (4) If more than 10,000 cubic yards but not more than
8 50,000 cubic yards of non-hazardous solid waste is
9 permanently disposed of at a site in a calendar year, the
10 owner or operator shall pay a fee of \$7,260.

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

15 (c) (Blank).

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

19 (1) necessary records identifying the quantities of
20 solid waste received or disposed;

21 (2) the form and submission of reports to accompany
22 the payment of fees to the Agency;

23 (3) the time and manner of payment of fees to the
24 Agency, which payments shall not be more often than
25 quarterly; and

26 (4) procedures setting forth criteria establishing

1 when an owner or operator may measure by weight or volume
2 during any given quarter or other fee payment period.

3 (e) Pursuant to appropriation, all monies in the Solid
4 Waste Management Fund shall be used by the Agency for the
5 purposes set forth in this Section and in the Illinois Solid
6 Waste Management Act, including for the costs of fee
7 collection and administration, for administration of the Paint
8 Stewardship Act, and for the administration of the Consumer
9 Electronics Recycling Act, the Drug Take-Back Act, and the
10 Statewide Recycling Needs Assessment Act.

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

15 (g) On the first day of January, April, July, and October
16 of each year, beginning on July 1, 1996, the State Comptroller
17 and Treasurer shall transfer \$500,000 from the Solid Waste
18 Management Fund to the Hazardous Waste Fund. Moneys
19 transferred under this subsection (g) shall be used only for
20 the purposes set forth in item (1) of subsection (d) of Section
21 22.2.

22 (h) The Agency is authorized to provide financial
23 assistance to units of local government for the performance of
24 inspecting, investigating, and enforcement activities pursuant
25 to subsection (r) of Section 4 at nonhazardous solid waste
26 disposal sites.

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

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

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

1 disposed of.

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

5 (3) \$15,500 if more than 50,000 cubic yards, but not
6 more than 100,000 cubic yards, of non-hazardous solid
7 waste is permanently disposed of at the site in a calendar
8 year.

9 (4) \$4,650 if more than 10,000 cubic yards, but not
10 more than 50,000 cubic yards, of non-hazardous solid waste
11 is permanently disposed of at the site in a calendar year.

12 (5) \$650 if not more than 10,000 cubic yards of
13 non-hazardous solid waste is permanently disposed of at
14 the site in a calendar year.

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

23 For the disposal of solid waste from general construction
24 or demolition debris recovery facilities as defined in
25 subsection (a-1) of Section 3.160, the total fee, tax, or
26 surcharge imposed by all units of local government under this

1 subsection (j) upon the solid waste disposal facility shall
2 not exceed 50% of the applicable amount set forth above. A unit
3 of local government, as defined in the Local Solid Waste
4 Disposal Act, in which a general construction or demolition
5 debris recovery facility is located may establish a fee, tax,
6 or surcharge on the general construction or demolition debris
7 recovery facility with regard to the permanent disposal of
8 solid waste by the general construction or demolition debris
9 recovery facility at a solid waste disposal facility, provided
10 that such fee, tax, or surcharge shall not exceed 50% of the
11 applicable amount set forth above, based on the total amount
12 of solid waste transported from the general construction or
13 demolition debris recovery facility for disposal at solid
14 waste disposal facilities, and the unit of local government
15 and fee shall be subject to all other requirements of this
16 subsection (j).

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

24 If the fees are to be used to conduct a local sanitary
25 landfill inspection or enforcement program, the unit of local
26 government must enter into a written delegation agreement with

1 the Agency pursuant to subsection (r) of Section 4. The unit of
2 local government and the Agency shall enter into such a
3 written delegation agreement within 60 days after the
4 establishment of such fees. At least annually, the Agency
5 shall conduct an audit of the expenditures made by units of
6 local government from the funds granted by the Agency to the
7 units of local government for purposes of local sanitary
8 landfill inspection and enforcement programs, to ensure that
9 the funds have been expended for the prescribed purposes under
10 the grant.

11 The fees, taxes or surcharges collected under this
12 subsection (j) shall be placed by the unit of local government
13 in a separate fund, and the interest received on the moneys in
14 the fund shall be credited to the fund. The monies in the fund
15 may be accumulated over a period of years to be expended in
16 accordance with this subsection.

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

22 (1) The total monies collected pursuant to this
23 subsection.

24 (2) The most current balance of monies collected
25 pursuant to this subsection.

26 (3) An itemized accounting of all monies expended for

1 the previous year pursuant to this subsection.

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

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

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

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

22 (1) waste which is hazardous waste;

23 (2) waste which is pollution control waste;

24 (3) waste from recycling, reclamation or reuse
25 processes which have been approved by the Agency as being
26 designed to remove any contaminant from wastes so as to

1 render such wastes reusable, provided that the process
2 renders at least 50% of the waste reusable; the exemption
3 set forth in this paragraph (3) of this subsection (k)
4 shall not apply to general construction or demolition
5 debris recovery facilities as defined in subsection (a-1)
6 of Section 3.160;

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

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

13 (1) The Comptroller shall order transferred, and the
14 Treasurer shall transfer, from the amounts appropriated to the
15 Agency for solid waste management activities in the
16 then-current fiscal year, and into a separate account within
17 the Solid Waste Management Fund, \$225,000 on October 1, 2026,
18 \$234,000 on October 1, 2027, and \$243,360 on October 1, 2028,
19 for use in making grants to the Prairie Research Institute of
20 the University of Illinois to cover the costs of implementing
21 subsection (b) of Section 11 of the Solid Waste Management
22 Act.

23 (Source: P.A. 102-16, eff. 6-17-21; 102-310, eff. 8-6-21;
24 102-444, eff. 8-20-21; 102-699, eff. 4-19-22; 102-813, eff.
25 5-13-22; 102-1055, eff. 6-10-22; 103-8, eff. 6-7-23; 103-154,
26 eff. 6-30-23; 103-372, eff. 1-1-24; 103-383, eff. 7-28-23;

1 103-588, eff. 6-5-24; 103-605, eff. 7-1-24.)

2 Section 10. The Illinois Solid Waste Management Act is
3 amended by adding Section 11 as follows:

4 (415 ILCS 20/11 new)

5 Sec. 11. Compost and digestate market development and
6 study.

7 (a) It is the responsibility of the State to assist with
8 the development of markets for finished compost produced in
9 the State by permitted compost facilities, and for liquid
10 digestate and solid digestate produced by anaerobic digesters.
11 The Agency shall provide grants to incentivize the use of
12 finished compost, liquid digestate, and solid digestate on
13 private and public lands used for commercial farm and
14 specialty farm operations. Grants provided under this Section
15 shall provide funding based on the following requirements:

16 (1) for land owned by the State or units of local
17 government used for commercial or specialty farm
18 operations, the grant shall cover 100% of the cost
19 associated with purchasing, transporting, and applying
20 finished compost, which must meet the U.S. Composting
21 Council's Seal of Testing Assurance (STA) certification
22 requirements or a similar nationally recognized compost
23 standard for liquid digestate or solid digestate;

24 (2) for land owned by private entities for commercial

1 or specialty farm operations, the grant shall cover 90% of
2 the cost associated with purchasing, transporting, and
3 applying finished compost, which must meet the U.S.
4 Composting Council's Seal of Testing Assurance (STA)
5 certification requirements or a similar nationally
6 recognized compost standard for liquid digestate or solid
7 digestate;

8 (3) no single grant award shall exceed \$50,000 per
9 recipient per State fiscal year;

10 (4) grant recipients must allow for the study of the
11 use of finished compost, liquid digestate, and solid
12 digestate under subsection (b) of this Section;

13 (5) grants shall be made available on an annual basis
14 for State fiscal years 2026, 2027, and 2028 from the Solid
15 Waste Management Fund in an annual amount not to exceed
16 \$2,000,000; and

17 (6) the Agency shall administer the grants in
18 consultation with the Department of Agriculture.

19 (b) It is the responsibility of the State to study the use
20 of finished compost, liquid digestate, and solid digestate to
21 determine their impact on soil, farming operations and soil
22 sequestration of carbon. The Agency shall partner with the
23 Prairie Research Institute of the University of Illinois to
24 conduct the study of finished compost, liquid digestate, and
25 solid digestate use. The study shall be conducted over State
26 fiscal years 2026, 2027, and 2028, and the final report shall

1 be submitted to the General Assembly and the Governor by
2 December 1, 2028. The study shall include an evaluation of the
3 following topics regarding the use of finished compost, liquid
4 digestate, and solid digestate:

5 (1) its impact on the use of inorganic fertilizers to
6 grow the crops specified in the grant agreements;

7 (2) its impact on soil composition and nutrient
8 concentrations;

9 (3) its impact on soil health;

10 (4) its impact on improving the drought resistance of
11 the crops specified in the grant agreements;

12 (5) its impact on crop rotation; and

13 (6) its ability to increase the soil's ability to
14 retain carbon and the degree to which it is able to do so.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.