



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1398

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

SYNOPSIS AS INTRODUCED:

See Index

Amends the Environmental Protection Act. Defines the terms "anaerobic digester", "anaerobic digestion", and "food". Deletes provisions that exempted certain composting facilities from regulation as a pollution control facility. Creates exemptions from the definition of "pollution control facility" for (i) the portion of a site or facility that is used for anaerobic digestion and (ii) the portion of a site or facility that is used to process food scrap at a food scrap processing facility. Provides for moneys that are appropriated from the Solid Waste Management Fund to the Agency in certain years for solid waste management activities to be segregated into a separate account for use by the Prairie Research Institute of the University of Illinois for the costs of implementing the Illinois Solid Waste Management Act. Amends the Solid Waste Planning and Recycling Act. Updates requirements for each county waste management plan's recycling program with respect to food scrap collection programs. Amends the Illinois Solid Waste Management Act. Provides that a person that generates more than the applicable regulatory threshold of food and food scrap and that is located within 20 miles, prior to July 1, 2035, or 25 miles, on and after July 1, 2035, of an Agency-permitted composting facility or anaerobic digester that accepts food scrap and that has the permitted capacity to accept food scrap shall, among other things, source separate food and food scrap from other solid waste and either arrange for the transfer of the food or food scrap to a location that manages food and food scrap in a manner consistent with the food and food scrap management hierarchy set forth in the Act or manage the food and food scrap on site in accordance with other applicable State and local laws and rules. Grants the Agency rulemaking powers. Contains other provisions. Effective immediately.

LRB104 09366 BDA 19425 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 Sections 3.197, 3.330, 22.15, and 22.22 and by adding
6 Sections 3.121, 3.122, 3.196, and 3.198 as follows:

7 (415 ILCS 5/3.121 new)

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

11 (415 ILCS 5/3.122 new)

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

17 (415 ILCS 5/3.196 new)

18 Sec. 3.196. Food. "Food" means any raw, cooked, processed,
19 or prepared substance, beverage, or ingredient used or
20 intended for human consumption.

1 (415 ILCS 5/3.197)

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

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

15 (415 ILCS 5/3.198 new)

16 Sec. 3.198. Food scrap processing facility. "Food scrap
17 processing facility" means an intermediate processing facility
18 permitted by the Agency to accept food scrap only for removal
19 of food scrap from its original packaging or for processing
20 the food scrap to make it suitable for either transporting to
21 an Agency-permitted composting facility or anaerobic digester.

22 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

23 Sec. 3.330. Pollution control facility.

24 (a) "Pollution control facility" is any waste storage

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

6 The following are not pollution control facilities:

7 (1) (blank);

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

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

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

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

1 company which are conducted by a public utility;

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

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

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

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

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

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

25 (11.5) processing sites or facilities that receive
26 only on-specification used oil, as defined in 35 Ill. Adm.

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

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

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

25 (14) the portion of a site or facility, located within
26 a unit of local government that has enacted local zoning

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

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

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

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

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

14 (19) the portion of a site or facility that ~~(i)~~ is used
15 for the anaerobic digestion ~~composting~~ of food scrap using
16 an anaerobic digester and that results in the digestate
17 by-product being used as a soil amendment, animal bedding
18 or other agricultural product either on site or off site ~~7~~
19 ~~livestock waste, crop residue, uncontaminated wood waste,~~
20 ~~or paper waste, including, but not limited to, corrugated~~
21 ~~paper or cardboard, and (ii) meets all of the following~~
22 ~~requirements:~~

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

1 ~~(B) All food scrap, livestock waste, crop residue,~~
2 ~~uncontaminated wood waste, and paper waste must, by~~
3 ~~the end of each operating day, be processed and placed~~
4 ~~into an enclosed vessel in which air flow and~~
5 ~~temperature are controlled, or all of the following~~
6 ~~additional requirements must be met:~~

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

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

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

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

25 ~~(I) Facilities that primarily serve to~~
26 ~~house or treat people that are~~

1 ~~immunocompromised or immunosuppressed, such as~~
2 ~~cancer or AIDS patients; people with asthma,~~
3 ~~cystic fibrosis, or bioaerosol allergies; or~~
4 ~~children under the age of one year.~~

5 ~~(II) Primary and secondary schools and~~
6 ~~adjacent areas that the schools use for~~
7 ~~recreation.~~

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

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

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

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

25 ~~(E) The site or facility must not (i) restrict the~~
26 ~~flow of a 100 year flood, (ii) result in washout of~~

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

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

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

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

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

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

(21) the portion of a site or facility used to perform
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 scrap held at the
12 site or facility for no longer than 24 hours after
13 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 scrap or for which a permit
9 application is submitted to the Agency within 6 months
10 of August 11, 2017 (the effective date of Public Act
11 100-94);

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; and ~~—~~

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

11 (b) A new pollution control facility is:

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

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

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

19 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
20 102-813, eff. 5-13-22; 103-333, eff. 1-1-24.)

21 (415 ILCS 5/22.15)

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

23 (a) There is hereby created within the State Treasury a
24 special fund to be known as the Solid Waste Management Fund, to
25 be constituted from the fees collected by the State pursuant

1 to this Section, from repayments of loans made from the Fund
2 for solid waste projects, from registration fees collected
3 pursuant to the Consumer Electronics Recycling Act, from fees
4 collected under the Paint Stewardship Act, and from amounts
5 transferred into the Fund pursuant to Public Act 100-433.
6 Moneys received by either the Agency or the Department of
7 Commerce and Economic Opportunity in repayment of loans made
8 pursuant to the Illinois Solid Waste Management Act shall be
9 deposited into the General Revenue Fund.

10 (b) The Agency shall assess and collect a fee in the amount
11 set forth herein from the owner or operator of each sanitary
12 landfill permitted or required to be permitted by the Agency
13 to dispose of solid waste if the sanitary landfill is located
14 off the site where such waste was produced and if such sanitary
15 landfill is owned, controlled, and operated by a person other
16 than the generator of such waste. The Agency shall deposit all
17 fees collected into the Solid Waste Management Fund. If a site
18 is contiguous to one or more landfills owned or operated by the
19 same person, the volumes permanently disposed of by each
20 landfill shall be combined for purposes of determining the fee
21 under this subsection. Beginning on July 1, 2018, and on the
22 first day of each month thereafter during fiscal years 2019
23 through 2025, the State Comptroller shall direct and State
24 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
25 per fiscal year from the Solid Waste Management Fund to the
26 General Revenue Fund.

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

12 (2) If more than 100,000 cubic yards but not more than
13 150,000 cubic yards of non-hazardous waste is permanently
14 disposed of at a site in a calendar year, the owner or
15 operator shall pay a fee of \$52,630.

16 (3) If more than 50,000 cubic yards but not more than
17 100,000 cubic yards of non-hazardous solid waste is
18 permanently disposed of at a site in a calendar year, the
19 owner or operator shall pay a fee of \$23,790.

20 (4) If more than 10,000 cubic yards but not more than
21 50,000 cubic yards of non-hazardous solid waste is
22 permanently disposed of at a site in a calendar year, the
23 owner or operator shall pay a fee of \$7,260.

24 (5) If not more than 10,000 cubic yards of
25 non-hazardous solid waste is permanently disposed of at a
26 site in a calendar year, the owner or operator shall pay a

1 fee of \$1050.

2 (c) (Blank).

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

6 (1) necessary records identifying the quantities of
7 solid waste received or disposed;

8 (2) the form and submission of reports to accompany
9 the payment of fees to the Agency;

10 (3) the time and manner of payment of fees to the
11 Agency, which payments shall not be more often than
12 quarterly; and

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

16 (e) Pursuant to appropriation, all monies in the Solid
17 Waste Management Fund shall be used by the Agency for the
18 purposes set forth in this Section and in the Illinois Solid
19 Waste Management Act, including for the costs of fee
20 collection and administration, for administration of the Paint
21 Stewardship Act, and for the administration of the Consumer
22 Electronics Recycling Act, the Drug Take-Back Act, and the
23 Statewide Recycling Needs Assessment Act.

24 (f) The Agency is authorized to enter into such agreements
25 and to promulgate such rules as are necessary to carry out its
26 duties under this Section and the Illinois Solid Waste

1 Management Act.

2 (g) On the first day of January, April, July, and October
3 of each year, beginning on July 1, 1996, the State Comptroller
4 and Treasurer shall transfer \$500,000 from the Solid Waste
5 Management Fund to the Hazardous Waste Fund. Moneys
6 transferred under this subsection (g) shall be used only for
7 the purposes set forth in item (1) of subsection (d) of Section
8 22.2.

9 (h) The Agency is authorized to provide financial
10 assistance to units of local government for the performance of
11 inspecting, investigating, and enforcement activities pursuant
12 to subsection (r) of Section 4 at nonhazardous solid waste
13 disposal sites.

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

16 (j) A unit of local government, as defined in the Local
17 Solid Waste Disposal Act, in which a solid waste disposal
18 facility is located may establish a fee, tax, or surcharge
19 with regard to the permanent disposal of solid waste. All
20 fees, taxes, and surcharges collected under this subsection
21 shall be utilized for solid waste management purposes,
22 including long-term monitoring and maintenance of landfills,
23 planning, implementation, inspection, enforcement and other
24 activities consistent with the Illinois Solid Waste Management
25 Act and the Local Solid Waste Disposal Act, or for any other
26 environment-related purpose, including, but not limited to, an

1 environment-related public works project, but not for the
2 construction of a new pollution control facility other than a
3 household hazardous waste facility. However, the total fee,
4 tax or surcharge imposed by all units of local government
5 under this subsection (j) upon the solid waste disposal
6 facility shall not exceed:

7 (1) 60¢ per cubic yard if more than 150,000 cubic
8 yards of non-hazardous solid waste is permanently disposed
9 of at the site in a calendar year, unless the owner or
10 operator weighs the quantity of the solid waste received
11 with a device for which certification has been obtained
12 under the Weights and Measures Act, in which case the fee
13 shall not exceed \$1.27 per ton of solid waste permanently
14 disposed of.

15 (2) \$33,350 if more than 100,000 cubic yards, but not
16 more than 150,000 cubic yards, of non-hazardous waste is
17 permanently disposed of at the site in a calendar year.

18 (3) \$15,500 if more than 50,000 cubic yards, but not
19 more than 100,000 cubic yards, of non-hazardous solid
20 waste is permanently disposed of at the site in a calendar
21 year.

22 (4) \$4,650 if more than 10,000 cubic yards, but not
23 more than 50,000 cubic yards, of non-hazardous solid waste
24 is permanently disposed of at the site in a calendar year.

25 (5) \$650 if not more than 10,000 cubic yards of
26 non-hazardous solid waste is permanently disposed of at

1 the site in a calendar year.

2 The corporate authorities of the unit of local government
3 may use proceeds from the fee, tax, or surcharge to reimburse a
4 highway commissioner whose road district lies wholly or
5 partially within the corporate limits of the unit of local
6 government for expenses incurred in the removal of
7 nonhazardous, nonfluid municipal waste that has been dumped on
8 public property in violation of a State law or local
9 ordinance.

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

1 waste disposal facilities, and the unit of local government
2 and fee shall be subject to all other requirements of this
3 subsection (j).

4 A county or Municipal Joint Action Agency that imposes a
5 fee, tax, or surcharge under this subsection may use the
6 proceeds thereof to reimburse a municipality that lies wholly
7 or partially within its boundaries for expenses incurred in
8 the removal of nonhazardous, nonfluid municipal waste that has
9 been dumped on public property in violation of a State law or
10 local ordinance.

11 If the fees are to be used to conduct a local sanitary
12 landfill inspection or enforcement program, the unit of local
13 government must enter into a written delegation agreement with
14 the Agency pursuant to subsection (r) of Section 4. The unit of
15 local government and the Agency shall enter into such a
16 written delegation agreement within 60 days after the
17 establishment of such fees. At least annually, the Agency
18 shall conduct an audit of the expenditures made by units of
19 local government from the funds granted by the Agency to the
20 units of local government for purposes of local sanitary
21 landfill inspection and enforcement programs, to ensure that
22 the funds have been expended for the prescribed purposes under
23 the grant.

24 The fees, taxes or surcharges collected under this
25 subsection (j) shall be placed by the unit of local government
26 in a separate fund, and the interest received on the moneys in

1 the fund shall be credited to the fund. The monies in the fund
2 may be accumulated over a period of years to be expended in
3 accordance with this subsection.

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

9 (1) The total monies collected pursuant to this
10 subsection.

11 (2) The most current balance of monies collected
12 pursuant to this subsection.

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

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

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

19 The exemptions granted under Sections 22.16 and 22.16a,
20 and under subsection (k) of this Section, shall be applicable
21 to any fee, tax or surcharge imposed under this subsection
22 (j); except that the fee, tax or surcharge authorized to be
23 imposed under this subsection (j) may be made applicable by a
24 unit of local government to the permanent disposal of solid
25 waste after December 31, 1986, under any contract lawfully
26 executed before June 1, 1986 under which more than 150,000

1 cubic yards (or 50,000 tons) of solid waste is to be
2 permanently disposed of, even though the waste is exempt from
3 the fee imposed by the State under subsection (b) of this
4 Section pursuant to an exemption granted under Section 22.16.

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

9 (1) waste which is hazardous waste;

10 (2) waste which is pollution control waste;

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

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

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

26 (1) On October 1 in calendar years 2026 through 2038, the

1 Comptroller shall order transferred, and the Treasurer shall
2 transfer, from the amounts appropriated to the Agency for
3 solid waste management activities in the then-current fiscal
4 year, and into a separate account within the Solid Waste
5 Management Fund, the amounts described in this subsection for
6 use by the Prairie Research Institute of the University of
7 Illinois to cover the costs of implementing Section 11 of the
8 Illinois Solid Waste Management Act. The amount to be
9 transferred under this subsection (1) on October 1, 2026 is
10 \$125,000. On October 1, 2027, and each October 1 thereafter,
11 through October 1, 2038, the amount to be transferred under
12 this subsection (1) shall be increased from the base amount
13 transferred on October 1, 2026, by an additional 4% per year,
14 including all increases in prior years. As used in this
15 subsection (1), "costs of implementing Section 11 of the
16 Illinois Solid Waste Management Act" include, but are not
17 limited to, the costs of providing information to the Agency
18 to assist the Agency in identifying persons who must comply
19 with Section 11 of the Illinois Solid Waste Management Act and
20 the dates by which they must comply; the costs of maintaining a
21 database of the physical location and capacity of permitted
22 compost facilities and anaerobic digesters in the State; the
23 costs of developing and distributing guidance materials for
24 the generators of food scrap, the haulers of food scrap, and
25 the compost facilities and anaerobic digesters that accept
26 food scraps for the purpose of complying with that Section;

1 and the costs of developing and maintaining a website to host
2 the information required by this subsection.

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

8 (415 ILCS 5/22.22) (from Ch. 111 1/2, par. 1022.22)

9 Sec. 22.22. Landscape waste.

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

13 (b) Beginning July 1, 1990, no person may knowingly put
14 landscape waste into a container intended for collection or
15 disposal at a landfill, unless such container is
16 biodegradable.

17 (c) Beginning July 1, 1990, no owner or operator of a
18 sanitary landfill shall accept landscape waste for final
19 disposal, except that landscape waste separated from municipal
20 waste may be accepted by a sanitary landfill if (1) the
21 landfill provides and maintains for that purpose separate
22 landscape waste composting facilities and composts all
23 landscape waste, and (2) the composted waste is utilized, by
24 the operators of the landfill or by any other person, as part
25 of the final vegetative cover for the landfill or for such

1 other uses as soil conditioning material, or the landfill has
2 received an Agency permit to use source separated and
3 processed landscape waste as an alternative daily cover and
4 the landscape waste is processed at a site, other than the
5 sanitary landfill, that has received an Agency permit before
6 July 30, 1997 to process landscape waste. For purposes of this
7 Section, (i) "source separated" means divided into its
8 component parts at the point of generation and collected
9 separately from other solid waste and (ii) "processed" means
10 shredded by mechanical means to reduce the landscape waste to
11 a uniform consistency.

12 (d) The requirements of this Section shall not apply (i)
13 to landscape waste collected as part of a municipal street
14 sweeping operation where the intent is to provide street
15 sweeping service rather than leaf collection, nor (ii) to
16 landscape waste collected by bar screens or grates in a sewage
17 treatment system.

18 (e) The requirements of this Section shall not apply to
19 the mixing or commingling of food scrap and landscape waste if
20 the commingled waste will be directed to a location where it is
21 managed in a manner that is consistent with the food and food
22 scrap management hierarchy described in subsection (a) of
23 Section 11 of the Illinois Solid Waste Management Act.

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

25 Section 10. The Solid Waste Planning and Recycling Act is

1 amended by changing Section 6 as follows:

2 (415 ILCS 15/6) (from Ch. 85, par. 5956)

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

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

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

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

19 (4) may provide for the construction and operation of one
20 or more recycling centers by a unit of local government, or for
21 contracting with other public or private entities for the
22 operation of recycling centers; ~~;~~

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

25 ~~;~~

1 (6) may make special provision for commercial and
2 institutional establishments that implement their own
3 specialized recycling programs, provided that such
4 establishments annually provide written documentation to the
5 county of the total number of tons of material recycled; -

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

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

11 (9) shall include provisions for compliance, including
12 incentives and penalties; -

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

18 (11) may provide for the payment of recycling diversion
19 credits to public and private parties engaged in recycling
20 activities; -

21 (12) shall provide a listing of all food scrap collection
22 programs operating in the county on the date of the plan's
23 5-year update, including residential and non-residential
24 programs and the amount of food scrap diverted from
25 landfilling and where that food scrap is taken to be managed;

26 (13) may require that residential or non-residential

1 sources separate food scraps from municipal waste at the time
2 of disposal or trash pick-up; and

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

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

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

10 (415 ILCS 20/11 new)

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

13 (a) Notwithstanding subsection (b) of Section 2, it is the
14 policy of the State for food and food scrap collected under
15 this Section to be managed according to the following food and
16 food scrap management hierarchy, which identifies the State's
17 priorities for the management of food and food scrap in the
18 State:

19 (1) The first priority is preventing or reducing the
20 amount of food and food scrap waste that is discarded or
21 disposed of in the State.

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

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

5 (4) The fourth priority is collecting and managing
6 discarded food and food scrap through composting and
7 anaerobic digestion.

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

15 (1) separate food and food scrap from other solid
16 waste;

17 (2) ensure the food or food scrap is not contaminated
18 so it is acceptable for use in accordance with subsection
19 (a);

20 (3) either (i) arrange for the transfer of food or
21 food scrap to a location that manages food and food scrap
22 in a manner consistent with the priority uses established
23 in subsection (a) or (ii) manage the food and food scrap on
24 site in accordance with other applicable State and local
25 laws and rules;

26 (4) not directly dispose of any more than an

1 incidental amount of food scrap through the sewer system;

2 (5) for non-residential establishments, post in an
3 area where they are visible to the employees and
4 subcontractors managing food and food scrap instructions
5 on the separation requirements for food and food scraps
6 and the requirement for food and food scrap to be source
7 separated according to its end use as described in
8 subsection (a); and

9 (6) for non-residential establishments, provide, on at
10 least an annual basis, training opportunities for all
11 employees and subcontractors managing food and food scrap
12 and maintain, for a period of 3 years, proof of that
13 training being conducted.

14 (c) The following persons are exempt from the requirements
15 of subsection (b):

16 (1) Beginning July 1, 2036, a municipality that has a
17 population of 1,500 or fewer residents as of the most
18 recent federal decennial census and that generates 5 or
19 fewer tons per year of food and food scrap is exempt from
20 subsection (b) if any requirements in subsection (d) or
21 (e) that apply to the municipality have been met.

22 (2) Beginning July 1, 2036, a county that has a
23 population of 20,000 or fewer residents as of the most
24 recent federal decennial census and that generates 5 or
25 fewer tons per year of food and food scrap is exempt from
26 subsection (b) if any requirements in subsection (d) or

1 (e) that apply to the county have been met. The exemption
2 in this paragraph (2) does not apply to a municipality
3 that has a population of more than 1,500 residents and
4 that is located within a county that is exempt from
5 subsection (b) under this paragraph (2).

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

9 (d) Beginning July 1, 2036, any municipality with a
10 population that is greater than or equal to 500 but less than
11 1,500 and any county with a population that is greater or equal
12 to than 10,000 but less than 20,000 shall provide at least one
13 drop-off location for food scrap collection if the
14 municipality or county is located within 25 miles of an
15 Agency-permitted compost facility or anaerobic digester that
16 accepts foods scrap and that has the permitted capacity to
17 accept food scraps.

18 (e) Beginning July 1, 2036, any municipality with a
19 population that is less than 500 residents and any county with
20 a population that is less than 10,000 residents shall educate
21 its residents on an annual basis on proper composting of food
22 scrap on site using information provided by the Agency.

23 (f) No later than one year after the effective date of this
24 amendatory Act of the 104th General Assembly, the Agency shall
25 propose rules to the Board, and no later than one year after
26 receipt of the Agency's proposal, the Board shall adopt rules

1 necessary to implement this Section, including rules to
2 provide (1) a methodology and procedure for determining which
3 persons are required to comply with subsection (b) of this
4 Section, (2) reporting requirements necessary to enforce the
5 provisions of this Section, and (3) clarifications needed to
6 assist the Agency in implementing the requirements of this
7 Section.

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

19 The penalties provided in this Section may be recovered in
20 a civil action brought in the name of the People of the State
21 of Illinois by the State's Attorney of the county in which the
22 violation occurred or by the Attorney General. Any penalties
23 collected under this Section in an action in which the
24 Attorney General has prevailed shall be deposited into the
25 Environmental Protection Trust Fund, to be used in accordance
26 with the provisions of the Environmental Protection Trust Fund

1 Act.

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

13 (i) Any person who knowingly makes a false, fictitious, or
14 fraudulent material statement, orally or in writing, to the
15 Agency, related to or required by this Section or any rule
16 adopted pursuant to this Section commits a Class 4 felony, and
17 each such statement or writing shall be considered a separate
18 Class 4 felony. A person who, after being convicted under this
19 subsection, violates this subsection a second time or
20 subsequent time commits a Class 3 felony.

21 (j) Any county with a delegation agreement with the Agency
22 pursuant to subsection (r) of Section 4 of the Illinois
23 Environmental Protection Act may enforce the provisions of
24 this Section.

25 (k) As used in this Section:

26 "Applicable regulatory threshold" means (i) beginning July

1 1, 2028, more than 104 tons per year, (ii) beginning July 1,
2 2029, more than 52 tons per year, (iii) beginning July 1, 2030,
3 more than 26 tons per year, (iv) beginning July 1, 2031, more
4 than 18 tons per year, (v) beginning July 1, 2032, more than 10
5 tons per year, (vi) beginning July 1, 2033, more than 5 tons
6 per year, and (vii) beginning July 1, 2034, any amount per
7 year.

8 "Board" means the Pollution Control Board established
9 under the Environmental Protection Act.

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

1 INDEX

2 Statutes amended in order of appearance

3 415 ILCS 5/3.121 new

4 415 ILCS 5/3.122 new

5 415 ILCS 5/3.196 new

6 415 ILCS 5/3.197

7 415 ILCS 5/3.198 new

8 415 ILCS 5/3.330 was 415 ILCS 5/3.32

9 415 ILCS 5/22.15

10 415 ILCS 5/22.22 from Ch. 111 1/2, par. 1022.22

11 415 ILCS 15/6 from Ch. 85, par. 5956

12 415 ILCS 20/11 new