



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2852

Introduced 1/13/2026, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

See Index

Amends the Environmental Protection Act. Defines the terms "anaerobic digester", "anaerobic digestion", "digestate", and "food waste processing facility". Replaces the definition of "food scrap" with the definition of "food waste". Replaces references to food scrap with references to food waste. Makes changes to provisions concerning pollution control facilities to exclude the portion of a site or facility that is used exclusively for the processing of food waste, with certain other requirements. Provides an exception for the commingling of certain food waste and landscape waste from certain provisions regarding landscape waste. Amends the Solid Waste Planning and Recycling Act. Adds to requirements for county waste management plan recycling programs. Amends the Illinois Solid Waste Management Act. Establishes a food and food waste management hierarchy. Requires a covered establishment to carry out certain duties with respect to food waste. Provides for rulemaking, enforcement, and penalties with respect to provisions concerning food waste. Establishes requirements and procedures for diverting food that is safe for human consumption. Requires certain State agencies and units of local government to purchase and use compost and digestate, with certain requirements. Establishes a food diversion grant program. Defines terms. Effective immediately.

LRB104 17205 BDA 30625 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, and 22.22 and by adding
6 Sections 3.121, 3.122, 3.183, 3.198, 22.22a, 22.34, and 22.55
7 as follows:

8 (415 ILCS 5/3.121 new)

9 Sec. 3.121. Anaerobic digester. "Anaerobic digester" means
10 a site or facility that treats the organic fraction of waste
11 using anaerobic digestion.

12 (415 ILCS 5/3.122 new)

13 Sec. 3.122. Anaerobic digestion. "Anaerobic digestion"
14 means the biological treatment process by which microorganisms
15 break down the organic fraction of waste in the absence of
16 oxygen in an enclosed vessel to produce biogas and digestate.

17 (415 ILCS 5/3.183 new)

18 Sec. 3.183. Digestate. "Digestate" means a solid,
19 semi-solid, or liquid material remaining after anaerobic
20 digestion of organic waste.

1 (415 ILCS 5/3.197)

2 Sec. 3.197. Food waste ~~scrap~~. "Food waste ~~scrap~~" means
3 garbage that is (i) capable of being decomposed into compost
4 by composting, (ii) separated by the generator from other
5 waste, including, but not limited to, garbage that is not
6 capable of being decomposed into compost by composting, and
7 (iii) managed separately from other waste, including, but not
8 limited to, garbage that is not capable of being decomposed
9 into compost by composting. ~~"Food scrap" includes, but is not
10 limited to, packaging, utensils, and food containers composed
11 of 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 waste processing facility. "Food waste
17 processing facility" means an intermediate processing facility
18 permitted by the Agency to accept food waste only for removal
19 of food waste from its original packaging or for processing
20 the food waste 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 composting of food waste ~~scrap~~, livestock waste,
16 crop residue, uncontaminated wood waste, or paper waste,
17 including, but not limited to, corrugated paper or
18 cardboard, and (ii) meets all of the following
19 requirements:

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

24 (B) All food waste ~~food scrap~~, livestock waste,
25 crop residue, uncontaminated wood waste, and paper
26 waste must, by the end of each operating day, be

1 processed and placed into an enclosed vessel in which
2 air flow and temperature are controlled, or all of the
3 following additional requirements must be met:

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

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

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

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

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

1 children under the age of one year.

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

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

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

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

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

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

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

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

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

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

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

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

1 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
2 Endangered Species Protection Act;

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

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

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

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

23 (21) the portion of a site or facility used to perform
24 limited testing of a gasification conversion technology in
25 accordance with Section 39.8 of this Act and for which a
26 complete permit application has been submitted to the

1 Agency prior to one year from April 9, 2010 (the effective
2 date of Public Act 96-887);

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

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

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

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

22 (C) that is permitted, by the Agency, prior to
23 January 1, 2002, for the transfer of landscape waste
24 if located in a home rule unit or that is permitted
25 prior to January 1, 2008 if located in an
26 unincorporated area of a county; and

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

10 (24) the portion of a municipal solid waste landfill
11 unit:

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

15 (B) that is owned by that county;

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

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

23 (25) the portion of a site or facility used during a
24 mass animal mortality event, as defined in the Animal
25 Mortality Act, where such waste is collected, stored,
26 processed, disposed, or incinerated under a mass animal

1 mortality event plan issued by the Department of
2 Agriculture; ~~and~~

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

7 (27) the portion of a site or facility that (i) is used
8 exclusively for the removal of food waste from its
9 original packaging or the processing of food waste to make
10 it suitable for transport to either a composting facility
11 or anaerobic digester and (ii) is located within the
12 permitted boundary of a waste-storage, waste-treatment, or
13 waste-disposal operation for which local siting approval
14 was granted pursuant to Section 39.2 of the Act or is
15 located within the permitted boundary of an
16 Agency-permitted composting facility or anaerobic
17 digester.

18 (b) A new pollution control facility is:

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

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

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

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

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

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

3 Sec. 22.22. Landscape waste.

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

7 (b) Beginning July 1, 1990, no person may knowingly put
8 landscape waste into a container intended for collection or
9 disposal at a landfill, unless such container is
10 biodegradable.

11 (c) Beginning July 1, 1990, no owner or operator of a
12 sanitary landfill shall accept landscape waste for final
13 disposal, except that landscape waste separated from municipal
14 waste may be accepted by a sanitary landfill if (1) the
15 landfill provides and maintains for that purpose separate
16 landscape waste composting facilities and composts all
17 landscape waste, and (2) the composted waste is utilized, by
18 the operators of the landfill or by any other person, as part
19 of the final vegetative cover for the landfill or for such
20 other uses as soil conditioning material, or the landfill has
21 received an Agency permit to use source separated and
22 processed landscape waste as an alternative daily cover and
23 the landscape waste is processed at a site, other than the
24 sanitary landfill, that has received an Agency permit before
25 July 30, 1997 to process landscape waste. For purposes of this

1 Section, (i) "source separated" means divided into its
2 component parts at the point of generation and collected
3 separately from other solid waste and (ii) "processed" means
4 shredded by mechanical means to reduce the landscape waste to
5 a uniform consistency.

6 (d) The requirements of this Section shall not apply (i)
7 to landscape waste collected as part of a municipal street
8 sweeping operation where the intent is to provide street
9 sweeping service rather than leaf collection, nor (ii) to
10 landscape waste collected by bar screens or grates in a sewage
11 treatment system.

12 (e) The requirements of this Section shall not apply to
13 the mixing or commingling of food waste and landscape waste if
14 the commingled waste is directed to a location where it is
15 managed in a manner consistent with the food waste management
16 hierarchy described in subsection (a) of Section 11 of the
17 Illinois Solid Waste Management Act.

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

19 (415 ILCS 5/22.22a new)

20 Sec. 22.22a. Anaerobic digester feedstock and digestate.
21 An anaerobic digester shall only accept source-separated
22 organic materials as feedstock and shall treat digestate, as
23 needed, to be suitable as and used for soil amendment.

24 (415 ILCS 5/22.34)

1 Sec. 22.34. Organic waste compost quality standards.

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

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

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

19 (1) the management of potential exposures for human
20 disease vectors and odor;

21 (2) the management of surface water;

22 (3) contingency planning for handling end-product
23 compost material that does not meet end-product compost
24 standards adopted by the Board;

25 (4) plans for intended purposes of end-use product;
26 and

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

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

9 (1) performance standards for organic waste compost
10 facilities; and

11 (2) testing procedures and standards for the
12 end-product compost produced by organic waste compost
13 facilities.

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

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

24 (d) For the purposes of this Section, "organic waste"
25 means food waste ~~food scrap~~, landscape waste, wood waste,
26 livestock waste, crop residue, paper waste, or other

1 non-hazardous carbonaceous waste that is collected and
2 processed separately from the rest of the municipal waste
3 stream.

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

9 (f) Standards adopted under this Section do not apply to
10 compost operations exempt from permitting under paragraph
11 (1.5) of subsection (q) of Section 21 of this Act.

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

13 (415 ILCS 5/22.55)

14 Sec. 22.55. Household waste drop-off points.

15 (a) Findings; purpose and intent.

16 (1) The General Assembly finds that protection of
17 human health and the environment can be enhanced if
18 certain commonly generated household wastes are managed
19 separately from the general household waste stream.

20 (2) The purpose of this Section is to provide, to the
21 extent allowed under federal law, a method for managing
22 certain types of household waste separately from the
23 general household waste stream.

24 (b) Definitions. For the purposes of this Section:

25 "Compostable waste" means household waste that is

1 source-separated food waste ~~food scrap~~, household waste
2 that is source-separated landscape waste, or a mixture of
3 both.

4 "Controlled substance" means a controlled substance as
5 defined in the Illinois Controlled Substances Act.

6 "Household waste" means waste generated from a single
7 residence or multiple residences.

8 "Household waste drop-off point" means the portion of
9 a site or facility used solely for the receipt and
10 temporary storage of household waste.

11 "One-day compostable waste collection event" means a
12 household waste drop-off point approved by a county or
13 municipality under subsection (d-5) of this Section.

14 "One-day household waste collection event" means a
15 household waste drop-off point approved by the Agency
16 under subsection (d) of this Section.

17 "Permanent compostable waste collection point" means a
18 household waste drop-off point approved by a county or
19 municipality under subsection (d-6) of this Section.

20 "Personal care product" means an item other than a
21 pharmaceutical product that is consumed or applied by an
22 individual for personal health, hygiene, or cosmetic
23 reasons. Personal care products include, but are not
24 limited to, items used in bathing, dressing, or grooming.

25 "Pharmaceutical product" means medicine or a product
26 containing medicine. A pharmaceutical product may be sold

1 by prescription or over the counter. "Pharmaceutical
2 product" does not include medicine that contains a
3 radioactive component or a product that contains a
4 radioactive component.

5 "Recycling coordinator" means the person designated by
6 each county waste management plan to administer the county
7 recycling program, as set forth in the Solid Waste
8 Management Act.

9 (c) Except as otherwise provided in Agency rules, the
10 following requirements apply to each household waste drop-off
11 point, other than a one-day household waste collection event,
12 one-day compostable waste collection event, or permanent
13 compostable waste collection point:

14 (1) A household waste drop-off point must not accept
15 waste other than the following types of household waste:
16 pharmaceutical products, personal care products, batteries
17 other than lead-acid batteries, paints, automotive fluids,
18 compact fluorescent lightbulbs, mercury thermometers, and
19 mercury thermostats. A household waste drop-off point may
20 accept controlled substances in accordance with federal
21 law.

22 (2) Except as provided in subdivision (c)(2) of this
23 Section, household waste drop-off points must be located
24 at a site or facility where the types of products accepted
25 at the household waste drop-off point are lawfully sold,
26 distributed, or dispensed. For example, household waste

1 drop-off points that accept prescription pharmaceutical
2 products must be located at a site or facility where
3 prescription pharmaceutical products are sold,
4 distributed, or dispensed.

5 (A) Subdivision (c)(2) of this Section does not
6 apply to household waste drop-off points operated by a
7 government or school entity, or by an association or
8 other organization of government or school entities.

9 (B) Household waste drop-off points that accept
10 mercury thermometers can be located at any site or
11 facility where non-mercury thermometers are sold,
12 distributed, or dispensed.

13 (C) Household waste drop-off points that accept
14 mercury thermostats can be located at any site or
15 facility where non-mercury thermostats are sold,
16 distributed, or dispensed.

17 (3) The location of acceptance for each type of waste
18 accepted at the household waste drop-off point must be
19 clearly identified. Locations where pharmaceutical
20 products are accepted must also include a copy of the sign
21 required under subsection (j) of this Section.

22 (4) Household waste must be accepted only from private
23 individuals. Waste must not be accepted from other
24 persons, including, but not limited to, owners and
25 operators of rented or leased residences where the
26 household waste was generated, commercial haulers, and

1 other commercial, industrial, agricultural, and government
2 operations or entities.

3 (5) If more than one type of household waste is
4 accepted, each type of household waste must be managed
5 separately prior to its packaging for off-site transfer.

6 (6) Household waste must not be stored for longer than
7 90 days after its receipt, except as otherwise approved by
8 the Agency in writing.

9 (7) Household waste must be managed in a manner that
10 protects against releases of the waste, prevents
11 nuisances, and otherwise protects human health and the
12 environment. Household waste must also be properly secured
13 to prevent unauthorized public access to the waste,
14 including, but not limited to, preventing access to the
15 waste during the non-business hours of the site or
16 facility on which the household waste drop-off point is
17 located. Containers in which pharmaceutical products are
18 collected must be clearly marked "No Controlled
19 Substances", unless the household waste drop-off point
20 accepts controlled substances in accordance with federal
21 law.

22 (8) Management of the household waste must be limited
23 to the following: (i) acceptance of the waste, (ii)
24 temporary storage of the waste prior to transfer, and
25 (iii) off-site transfer of the waste and packaging for
26 off-site transfer.

1 (9) Off-site transfer of the household waste must
2 comply with federal and State laws and regulations.

3 (d) One-day household waste collection events. To further
4 aid in the collection of certain household wastes, the Agency
5 may approve the operation of one-day household waste
6 collection events. The Agency shall not approve a one-day
7 household waste collection event at the same site or facility
8 for more than one day each calendar quarter. Requests for
9 approval must be submitted on forms prescribed by the Agency.
10 The Agency must issue its approval in writing, and it may
11 impose conditions as necessary to protect human health and the
12 environment and to otherwise accomplish the purposes of this
13 Act. One-day household waste collection events must be
14 operated in accordance with the Agency's approval, including
15 all conditions contained in the approval. The following
16 requirements apply to all one-day household waste collection
17 events, in addition to the conditions contained in the
18 Agency's approval:

19 (1) Waste accepted at the event must be limited to
20 household waste and must not include garbage, landscape
21 waste, or other waste excluded by the Agency in the
22 Agency's approval or any conditions contained in the
23 approval. A one-day household waste collection event may
24 accept controlled substances in accordance with federal
25 law.

26 (2) Household waste must be accepted only from private

1 individuals. Waste must not be accepted from other
2 persons, including, but not limited to, owners and
3 operators of rented or leased residences where the
4 household waste was generated, commercial haulers, and
5 other commercial, industrial, agricultural, and government
6 operations or entities.

7 (3) Household waste must be managed in a manner that
8 protects against releases of the waste, prevents
9 nuisances, and otherwise protects human health and the
10 environment. Household waste must also be properly secured
11 to prevent public access to the waste, including, but not
12 limited to, preventing access to the waste during the
13 event's non-business hours.

14 (4) Management of the household waste must be limited
15 to the following: (i) acceptance of the waste, (ii)
16 temporary storage of the waste before transfer, and (iii)
17 off-site transfer of the waste or packaging for off-site
18 transfer.

19 (5) Except as otherwise approved by the Agency, all
20 household waste received at the collection event must be
21 transferred off-site by the end of the day following the
22 collection event.

23 (6) The transfer and ultimate disposition of household
24 waste received at the collection event must comply with
25 the Agency's approval, including all conditions contained
26 in the approval.

1 (d-5) One-day compostable waste collection event. To
2 further aid in the collection and composting of compostable
3 waste, as defined in subsection (b), a municipality may
4 approve the operation of one-day compostable waste collection
5 events at any site or facility within its territorial
6 jurisdiction, and a county may approve the operation of
7 one-day compostable waste collection events at any site or
8 facility in any unincorporated area within its territorial
9 jurisdiction. The approval granted under this subsection (d-5)
10 must be in writing; must specify the date, location, and time
11 of the event; and must list the types of compostable waste that
12 will be collected at the event. If the one-day compostable
13 waste collection event is to be operated at a location within a
14 county with a population of more than 400,000 but less than
15 2,000,000 inhabitants, according to the 2010 decennial census,
16 then the operator of the event shall, at least 30 days before
17 the event, provide a copy of the approval to the recycling
18 coordinator designated by that county. The approval granted
19 under this subsection (d-5) may include conditions imposed by
20 the county or municipality as necessary to protect public
21 health and prevent odors, vectors, and other nuisances. A
22 one-day compostable waste collection event approved under this
23 subsection (d-5) must be operated in accordance with the
24 approval, including all conditions contained in the approval.
25 The following requirements shall apply to the one-day
26 compostable waste collection event, in addition to the

1 conditions contained in the approval:

2 (1) Waste accepted at the event must be limited to the
3 types of compostable waste authorized to be accepted under
4 the approval.

5 (2) Information promoting the event and signs at the
6 event must clearly indicate the types of compostable waste
7 approved for collection. To discourage the receipt of
8 other waste, information promoting the event and signs at
9 the event must also include:

10 (A) examples of compostable waste being collected;

11 and

12 (B) examples of waste that is not being collected.

13 (3) Compostable waste must be accepted only from
14 private individuals. It may not be accepted from other
15 persons, including, but not limited to, owners and
16 operators of rented or leased residences where it was
17 generated, commercial haulers, and other commercial,
18 industrial, agricultural, and government operations or
19 entities.

20 (4) Compostable waste must be managed in a manner that
21 protects against releases of the waste, prevents
22 nuisances, and otherwise protects human health and the
23 environment. Compostable waste must be properly secured to
24 prevent it from being accessed by the public at any time,
25 including, but not limited to, during the collection
26 event's non-operating hours. One-day compostable waste

1 collection events must be adequately supervised during
2 their operating hours.

3 (5) Compostable waste must be secured in non-porous,
4 rigid, leak-proof containers that:

5 (A) are covered, except when the compostable waste
6 is being added to or removed from the containers or it
7 is otherwise necessary to access the compostable
8 waste;

9 (B) prevent precipitation from draining through
10 the compostable waste;

11 (C) prevent dispersion of the compostable waste by
12 wind;

13 (D) contain spills or releases that could create
14 nuisances or otherwise harm human health or the
15 environment;

16 (E) limit access to the compostable waste by
17 vectors;

18 (F) control odors and other nuisances; and

19 (G) provide for storage, removal, and off-site
20 transfer of the compostable waste in a manner that
21 protects its ability to be composted.

22 (6) No more than a total of 40 cubic yards of
23 compostable waste shall be located at the collection site
24 at any one time.

25 (7) Management of the compostable waste must be
26 limited to the following: (A) acceptance, (B) temporary

1 storage before transfer, and (C) off-site transfer.

2 (8) All compostable waste received at the event must
3 be transferred off-site to a permitted compost facility by
4 no later than 48 hours after the event ends or by the end
5 of the first business day after the event ends, whichever
6 is sooner.

7 (9) If waste other than compostable waste is received
8 at the event, then that waste must be disposed of within 48
9 hours after the event ends or by the end of the first
10 business day after the event ends, whichever is sooner.

11 (d-6) Permanent compostable waste collection points. To
12 further aid in the collection and composting of compostable
13 waste, as defined in subsection (b), a municipality may
14 approve the operation of permanent compostable waste
15 collection points at any site or facility within its
16 territorial jurisdiction, and a county may approve the
17 operation of permanent compostable waste collection points at
18 any site or facility in any unincorporated area within its
19 territorial jurisdiction. The approval granted pursuant to
20 this subsection (d-6) must be in writing; must specify the
21 location, operating days, and operating hours of the
22 collection point; must list the types of compostable waste
23 that will be collected at the collection point; and must
24 specify a term of not more than 365 calendar days during which
25 the approval will be effective. In addition, if the permanent
26 compostable waste collection point is to be operated at a

1 location within a county with a population of more than
2 400,000 but less than 2,000,000 inhabitants, according to the
3 2010 federal decennial census, then the operator of the
4 collection point shall, at least 30 days before the collection
5 point begins operation, provide a copy of the approval to the
6 recycling coordinator designated by that county. The approval
7 may include conditions imposed by the county or municipality
8 as necessary to protect public health and prevent odors,
9 vectors, and other nuisances. A permanent compostable waste
10 collection point approved pursuant to this subsection (d-6)
11 must be operated in accordance with the approval, including
12 all conditions contained in the approval. The following
13 requirements apply to the permanent compostable waste
14 collection point, in addition to the conditions contained in
15 the approval:

16 (1) Waste accepted at the collection point must be
17 limited to the types of compostable waste authorized to be
18 accepted under the approval.

19 (2) Information promoting the collection point and
20 signs at the collection point must clearly indicate the
21 types of compostable waste approved for collection. To
22 discourage the receipt of other waste, information
23 promoting the collection point and signs at the collection
24 point must also include (A) examples of compostable waste
25 being collected and (B) examples of waste that is not
26 being collected.

1 (3) Compostable waste must be accepted only from
2 private individuals. It may not be accepted from other
3 persons, including, but not limited to, owners and
4 operators of rented or leased residences where it was
5 generated, commercial haulers, and other commercial,
6 industrial, agricultural, and government operations or
7 entities.

8 (4) Compostable waste must be managed in a manner that
9 protects against releases of the waste, prevents
10 nuisances, and otherwise protects human health and the
11 environment. Compostable waste must be properly secured to
12 prevent it from being accessed by the public at any time,
13 including, but not limited to, during the collection
14 point's non-operating hours. Permanent compostable waste
15 collection points must be adequately supervised during
16 their operating hours.

17 (5) Compostable waste must be secured in non-porous,
18 rigid, leak-proof containers that:

19 (A) are no larger than 10 cubic yards in size;

20 (B) are covered, except when the compostable waste
21 is being added to or removed from the container or it
22 is otherwise necessary to access the compostable
23 waste;

24 (C) prevent precipitation from draining through
25 the compostable waste;

26 (D) prevent dispersion of the compostable waste by

1 wind;

2 (E) contain spills or releases that could create
3 nuisances or otherwise harm human health or the
4 environment;

5 (F) limit access to the compostable waste by
6 vectors;

7 (G) control odors and other nuisances; and

8 (H) provide for storage, removal, and off-site
9 transfer of the compostable waste in a manner that
10 protects its ability to be composted.

11 (6) No more than a total of 10 cubic yards of
12 compostable waste shall be located at the permanent
13 compostable waste collection site at any one time.

14 (7) Management of the compostable waste must be
15 limited to the following: (A) acceptance, (B) temporary
16 storage before transfer, and (C) off-site transfer.

17 (8) All compostable waste received at the permanent
18 compostable waste collection point must be transferred
19 off-site to a permitted compost facility not less
20 frequently than once every 7 days.

21 (9) If a permanent compostable waste collection point
22 receives waste other than compostable waste, then that
23 waste must be disposed of not less frequently than once
24 every 7 days.

25 (e) The Agency may adopt rules governing the operation of
26 household waste drop-off points, other than one-day household

1 waste collection events, one-day compostable waste collection
2 events, and permanent compostable waste collection points.
3 Those rules must be designed to protect against releases of
4 waste to the environment, prevent nuisances, and otherwise
5 protect human health and the environment. As necessary to
6 address different circumstances, the regulations may contain
7 different requirements for different types of household waste
8 and different types of household waste drop-off points, and
9 the regulations may modify the requirements set forth in
10 subsection (c) of this Section. The regulations may include,
11 but are not limited to, the following: (i) identification of
12 additional types of household waste that can be collected at
13 household waste drop-off points, (ii) identification of the
14 different types of household wastes that can be received at
15 different household waste drop-off points, (iii) the maximum
16 amounts of each type of household waste that can be stored at
17 household waste drop-off points at any one time, and (iv) the
18 maximum time periods each type of household waste can be
19 stored at household waste drop-off points.

20 (f) Prohibitions.

21 (1) Except as authorized in a permit issued by the
22 Agency, no person shall cause or allow the operation of a
23 household waste drop-off point, other than a one-day
24 household waste collection event, one-day compostable
25 waste collection event, or permanent compostable waste
26 collection point, in violation of this Section or any

1 regulations adopted under this Section.

2 (2) No person shall cause or allow the operation of a
3 one-day household waste collection event in violation of
4 this Section or the Agency's approval issued under
5 subsection (d) of this Section, including all conditions
6 contained in the approval.

7 (3) No person shall cause or allow the operation of a
8 one-day compostable waste collection event in violation of
9 this Section or the approval issued for the one-day
10 compostable waste collection event under subsection (d-5)
11 of this Section, including all conditions contained in the
12 approval.

13 (4) No person shall cause or allow the operation of a
14 permanent compostable waste collection event in violation
15 of this Section or the approval issued for the permanent
16 compostable waste collection point under subsection (d-6)
17 of this Section, including all conditions contained in the
18 approval.

19 (g) Permit exemptions.

20 (1) No permit is required under subdivision (d)(1) of
21 Section 21 of this Act for the operation of a household
22 waste drop-off point, other than a one-day household waste
23 collection event, one-day compostable waste collection
24 event, or permanent compostable waste collection point, if
25 the household waste drop-off point is operated in
26 accordance with this Section and all regulations adopted

1 under this Section.

2 (2) No permit is required under subdivision (d)(1) of
3 Section 21 of this Act for the operation of a one-day
4 household waste collection event if the event is operated
5 in accordance with this Section and the Agency's approval
6 issued under subsection (d) of this Section, including all
7 conditions contained in the approval, or for the operation
8 of a household waste collection event by the Agency.

9 (3) No permit is required under paragraph (1) of
10 subsection (d) of Section 21 of this Act for the operation
11 of a one-day compostable waste collection event if the
12 compostable waste collection event is operated in
13 accordance with this Section and the approval issued for
14 the compostable waste collection point under subsection
15 (d-5) of this Section, including all conditions contained
16 in the approval.

17 (4) No permit is required under paragraph (1) of
18 subsection (d) of Section 21 of this Act for the operation
19 of a permanent compostable waste collection point if the
20 collection point is operated in accordance with this
21 Section and the approval issued for the compostable waste
22 collection event under subsection (d-6) of this Section,
23 including all conditions contained in the approval.

24 (h) This Section does not apply to the following:

25 (1) Persons accepting household waste that they are
26 authorized to accept under a permit issued by the Agency.

1 (2) Sites or facilities operated pursuant to an
2 intergovernmental agreement entered into with the Agency
3 under Section 22.16b(d) of this Act.

4 (i) (Blank).

5 (j) (Blank).

6 (k) If an entity chooses to participate as a household
7 waste drop-off point, then it must follow the provisions of
8 this Section and any rules the Agency may adopt governing
9 household waste drop-off points.

10 (1) (Blank).

11 (Source: P.A. 102-1055, eff. 6-10-22.)

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

14 (415 ILCS 15/6) (from Ch. 85, par. 5956)

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

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

20 (2) shall provide for the designation of a recycling
21 coordinator to administer the program; ~~—~~

22 (3) shall be designed to recycle, by the end of the third
23 and fifth years of the program, respectively 15% and 25% of the
24 municipal waste generated in the county, subject to the

1 existence of a viable market for the recycled material, based
2 on measurements of recycling and waste generated in terms of
3 weight; the ~~The~~ determination of recycling rate shall not
4 include: discarded motor vehicles, wastes used for clean fill
5 or erosion control, or commercial, institutional or industrial
6 machinery or equipment; ; ~~;~~

7 (4) may provide for the construction and operation of one
8 or more recycling centers by a unit of local government, or for
9 contracting with other public or private entities for the
10 operation of recycling centers; ; ~~;~~

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

13 ~~;~~

14 (6) may make special provision for commercial and
15 institutional establishments that implement their own
16 specialized recycling programs, provided that such
17 establishments annually provide written documentation to the
18 county of the total number of tons of material recycled; ; ~~;~~

19 (7) shall provide for separate collection and composting
20 of leaves; ; ~~;~~

21 (8) shall include public education and notification
22 programs to foster understanding of and encourage compliance
23 with the recycling program; ; ~~;~~

24 (9) shall include provisions for compliance, including
25 incentives and penalties; ; ~~;~~

26 (10) shall include provisions for (i) recycling the

1 collected materials, (ii) identifying potential markets for at
2 least 3 recyclable materials, and (iii) promoting the use of
3 products made from recovered or recycled materials among
4 businesses, newspapers and local governments in the county; -

5 (11) may provide for the payment of recycling diversion
6 credits to public and private parties engaged in recycling
7 activities; -

8 (12) may describe, and quantify to the extent possible,
9 residential and non-residential food waste collection
10 programs, including residential programs that allow food waste
11 collection service combined with landscape waste or
12 segregated;

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

16 (14) may evaluate markets for finished compost, encourage
17 its use by units of local government, and quantify the volume
18 or weight used to the extent possible.

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

20 Section 15. The Illinois Solid Waste Management Act is
21 amended by changing Section 2.1 and by adding Sections 11, 12,
22 13, and 14 as follows:

23 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

24 Sec. 2.1. Definitions. When used in this Act, unless the

1 context otherwise requires, the following terms have the
2 meanings ascribed to them in this Section:

3 "Agency" means the Environmental Protection Agency.

4 "Department", when a particular entity is not specified,
5 means (i) in the case of a function to be performed on or after
6 July 1, 1995 (the effective date of the Department of Natural
7 Resources Act) and until the effective date of this amendatory
8 Act of the 102nd General Assembly, the Department of Commerce
9 and Community Affairs (now Department of Commerce and Economic
10 Opportunity), as successor to the former Department of Energy
11 and Natural Resources under the Department of Natural
12 Resources Act; or (ii) in the case of a function required to be
13 performed before July 1, 1995, the former Illinois Department
14 of Energy and Natural Resources.

15 "Deinked stock" means paper that has been processed to
16 remove inks, clays, coatings, binders and other contaminants.

17 "End product" means only those items that are designed to
18 be used until disposal; items designed to be used in
19 production of a subsequent item are excluded.

20 "Food waste" has the meaning ascribed to that term in
21 Section 3.197 of the Environmental Protection Act.

22 "High grade printing and writing papers" includes offset
23 printing paper, duplicator paper, writing paper (stationery),
24 office paper, note pads, xerographic paper, envelopes, form
25 bond including computer paper and carbonless forms, book
26 papers, bond papers, ledger paper, book stock and cotton fiber

1 papers.

2 "Paper and paper products" means high grade printing and
3 writing papers, tissue products, newsprint, unbleached
4 packaging and recycled paperboard.

5 "Postconsumer material" means only those products
6 generated by a business or consumer which have served their
7 intended end uses, and which have been separated or diverted
8 from solid waste; wastes generated during production of an end
9 product are excluded.

10 "Recovered paper material" means paper waste generated
11 after the completion of the papermaking process, such as
12 postconsumer materials, envelope cuttings, bindery trimmings,
13 printing waste, cutting and other converting waste, butt
14 rolls, and mill wrappers, obsolete inventories, and rejected
15 unused stock. "Recovered paper material", however, does not
16 include fibrous waste generated during the manufacturing
17 process such as fibers recovered from waste water or trimmings
18 of paper machine rolls (mill broke), or fibrous byproducts of
19 harvesting, extraction or woodcutting processes, or forest
20 residues such as bark.

21 "Recycled paperboard" includes recycled paperboard
22 products, folding cartons and pad backing.

23 "Recycling" means the process by which solid waste is
24 collected, separated and processed for reuse as either a raw
25 material or a product which itself is subject to recycling,
26 but does not include the combustion of waste for energy

1 recovery or volume reduction.

2 "Tissue products" includes toilet tissue, paper towels,
3 paper napkins, facial tissue, paper doilies, industrial
4 wipers, paper bags and brown papers.

5 "Unbleached packaging" includes corrugated and fiber
6 boxes.

7 "USEPA Guidelines for federal procurement" means all
8 minimum recycled content standards recommended by the U.S.
9 Environmental Protection Agency.

10 (Source: P.A. 102-444, eff. 8-20-21.)

11 (415 ILCS 20/11 new)

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

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

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

23 (2) The second priority is collecting and diverting
24 food that is safe for human consumption for reuse and
25 redistribution.

1 (3) The third priority is collecting and diverting
2 food waste that is safe for consumption by animals, for
3 use in animal feed processes.

4 (4) The fourth priority is collecting and managing
5 food waste that is unable to be used in the first, second,
6 or third priority, through a food waste processing
7 facility, composting, or anaerobic digestion.

8 (b) A covered establishment, as defined in subsection (f),
9 that meets the applicable regulatory threshold as determined
10 in accordance with subsection (f) shall:

11 (1) separate the food and food waste from other solid
12 waste;

13 (2) manage the food and food waste in compliance with
14 State and local laws and rules applicable to its use in
15 accordance with subsection (a);

16 (3) either (i) arrange for transfer of the food and
17 food waste to a location that manages food and food waste
18 in compliance with State and local laws and rules
19 applicable to its use in accordance with subsection (a) or
20 (ii) manage the food and food waste on-site in compliance
21 with State and local laws and rules applicable to its use
22 in accordance with subsection (a);

23 (4) not directly dispose of more than an incidental
24 amount of food waste through the sewer system;

25 (5) for non-residential properties, post instructions
26 for the separation of food and food waste from other

1 waste, and instructions for the further separation of the
2 food and food waste according to its end use pursuant to
3 subsection (a). The instructions must be posted in an area
4 where they are clearly visible to employees and
5 subcontractors managing food and food waste generated on
6 the property;

7 (6) for non-residential properties provide, on at
8 least an annual basis, training opportunities for all
9 employees and subcontractors managing food and food waste
10 generated on the property and maintain proof of the
11 training being conducted for as long as the employee
12 remains employed and the subcontractor remains under
13 contract; and

14 (7) submit a compliance report on an annual basis to
15 the Agency by April 1 for the previous calendar year that
16 includes but is not limited to: (i) the name of the
17 business, its physical location, and the phone number and
18 email address of an appropriate contact person; (ii) the
19 amount in tons or cubic yards of food or food waste that
20 was managed by each applicable part of the food waste
21 management hierarchy; and (iii) the name and physical
22 location of where the food or food waste was taken for each
23 applicable part of the food waste management hierarchy.

24 (c) The Agency shall be responsible for enforcing the
25 provisions of this Section and is authorized to adopt rules to
26 implement this Section if it deems it necessary. A covered

1 establishment that violates any provision of this Section
2 shall be liable for a civil penalty of \$10,000 per violation.
3 Any covered establishment that fails to pay a civil penalty
4 under this Section shall be liable for a civil penalty of an
5 additional \$10,000 for failure to pay the civil penalty. The
6 penalties provided in this Section may be recovered in a civil
7 action brought in the name of the People of the State of
8 Illinois by the State's Attorney of the county in which the
9 violation occurred or by the Attorney General. Any penalties
10 collected under this Section in an action in which the
11 Attorney General has prevailed shall be deposited into the
12 Environmental Protection Trust Fund, to be used in accordance
13 with the provisions of the Environmental Protection Trust Fund
14 Act.

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

26 (e) Any covered establishment that knowingly makes a

1 false, fictitious, or fraudulent material statement, orally or
2 in writing, to the Agency, related to or required by this
3 Section or any rule adopted pursuant to this Section commits a
4 Class 4 felony, and each such statement or writing shall be
5 considered a separate Class 4 felony. A covered establishment
6 who, after being convicted under this subsection, violates
7 this subsection a second time or subsequent time commits a
8 Class 3 felony.

9 (f) As used in this Section:

10 "Applicable regulatory threshold" means (i) beginning July
11 1, 2028, a covered establishment in a county with more than
12 240,000 residents, according to the most recent federal
13 decennial census, located at an establishment with floor area
14 of more than 40,000 square feet, (ii) beginning July 1, 2029, a
15 covered establishment in a county with more than 240,000
16 residents, according to the most recent federal decennial
17 census, located at an establishment with floor area of more
18 than 20,000 square feet, (iii) beginning July 1, 2030, a
19 covered establishment in a county with more than 240,000
20 residents, according to the most recent federal decennial
21 census, located at an establishment with floor area greater
22 than 5,000 square feet, (iv) beginning July 1, 2031, a covered
23 establishment in a county with more than 240,000 residents,
24 according to the most recent federal decennial census, located
25 at an establishment with floor area of more than 1,000 square
26 feet, (v) beginning July 1, 2032, a covered establishment in a

1 county with more than 150,000 residents, according to the most
2 recent federal decennial census, located at an establishment
3 with floor area greater than 40,000 square feet, (vi)
4 beginning July 1, 2033, a covered establishment in a county
5 with more than 150,000 residents, according to the most recent
6 federal decennial census, located at an establishment with
7 floor area greater than 20,000 square feet, (vii) beginning
8 July 1, 2034, a covered establishment in a county with more
9 than 150,000 residents, according to the most recent federal
10 decennial census, located at an establishment with floor area
11 greater than 5,000 square feet, (viii) beginning July 1, 2035,
12 a covered establishment in a county with more than 150,000
13 residents, according to the most recent federal decennial
14 census, located at an establishment with floor area greater
15 than 1,000 square feet, and (ix) beginning July 1, 2036, a
16 covered establishment with floor area greater than 20,000
17 square feet in a county with 150,000 or fewer residents,
18 according to the most recent federal decennial census, located
19 within 20 miles of an Agency-permitted composting facility or
20 anaerobic digester that accepts food waste.

21 "Board" means the Pollution Control Board established
22 under the Environmental Protection Act.

23 "Covered establishment" means a commercial or
24 institutional generator of food or food waste in the following
25 business classifications: restaurants, grocery stores, food
26 wholesalers, distributors and manufacturers, hotels,

1 hospitals, sports venues, event centers, caterers, nursing and
2 residential care facilities, office buildings with dining
3 services, food banks, colleges and universities with dining
4 services, shopping centers with dining services, airports,
5 golf and country clubs, and rental and shared use commercial
6 kitchens.

7 (415 ILCS 20/12 new)

8 Sec. 12. Diverting food that is safe for human
9 consumption.

10 (a) Any food that does not meet requirements for food
11 safety, proper storage, food type, or any other specification
12 established by a person that collects and redistributes food
13 for human consumption may be refused by that person.

14 (b) Any person that collects and redistributes food for
15 human consumption may require that any entity donating food
16 enter into a written contract that includes, but is not
17 limited to, terms (i) addressing roles and responsibilities of
18 the parties, (ii) assigning responsibility for costs related
19 to food being donated that is not suitable for human
20 consumption, (iii) a right to refuse food that is offered for
21 human consumption, and (iv) compensation for accepting food
22 that is suitable for human consumption.

23 (c) Any person that donates food to a person that collects
24 and redistributes food for human consumption shall not be
25 compensated financially for donating the food.

1 (415 ILCS 20/13 new)

2 Sec. 13. Markets for compost and digestate. In order to
3 expand the end use of compost and digestate in the State, the
4 following requirements shall be met by State agencies and
5 units of local government:

6 (1) a county with more than 150,000 residents, as of
7 the most recent federal decennial census, and the
8 municipalities within that county, shall jointly, on a
9 population pro rata basis, purchase and use 0.025 cubic
10 yards per resident per year, beginning July 1, 2033, of
11 compost and digestate on county and municipal related
12 projects, on privately funded projects in the county, or
13 given away, if within 50 miles of a composting or
14 anaerobic digestion facility that has a supply adequate to
15 meet the requirements of this paragraph.

16 (2) the Department of Natural Resources shall purchase
17 and use 50,000 cubic yards in State fiscal year 2030,
18 100,000 cubic yards in State fiscal year 2031, 150,000
19 cubic yards in State fiscal year 2032, 200,000 cubic yards
20 in State fiscal year 2033, and 250,000 cubic yards in
21 State fiscal year 2034 and thereafter of compost and
22 digestate on State-owned and leased farmland, if within 50
23 miles of a composting or anaerobic digestion facility that
24 has a supply adequate to meet the requirements of this
25 paragraph;

1 (3) the Department of Transportation shall purchase
2 and use 50,000 cubic yards in State fiscal year 2030,
3 100,000 cubic yards in State fiscal year 2031, 150,000
4 cubic yards in State fiscal year 2032, 200,000 cubic yards
5 in State fiscal year 2033, and 250,000 cubic yards in
6 State fiscal year 2034 and thereafter of compost and
7 digestate on State road building projects, if within 50
8 miles of a composting or anaerobic digestion facility that
9 has a supply adequate to meet the requirements of this
10 paragraph;

11 (4) the Capital Development Board shall purchase and
12 use 10,000 cubic yards in State fiscal year 2030, 20,000
13 cubic yards in State fiscal year 2031, 30,000 cubic yards
14 in State fiscal year 2032, 40,000 cubic yards in State
15 fiscal year 2033 and 50,000 cubic yards in State fiscal
16 year 2034 and thereafter of compost and digestate on State
17 building projects, if within 50 miles of a composting or
18 anaerobic digestion facility that has a supply adequate to
19 meet the requirements of this paragraph; and

20 (415 ILCS 20/14 new)

21 Sec. 14. Food diversion grant program. It is the
22 responsibility of the State to assist in implementing this Act
23 by supporting the development of the infrastructure needed to
24 divert food and food waste from final disposal to the priority
25 uses listed in the food waste management hierarchy. Grants

1 provided under this Section shall provide funding based on the
2 following requirements:

3 (1) grants shall be made available on an annual basis
4 for State fiscal years 2028, 2029, 2030, 2031 and 2032
5 from the Solid Waste Management Fund in an amount not less
6 than \$2,000,000 per fiscal year;

7 (2) no single grant shall be less than \$10,000 or
8 exceed \$200,000;

9 (3) grant recipients shall be limited to persons who
10 collect and redistribute food for human consumption, or
11 who own and operate an Agency-permitted composting or
12 anaerobic digestion facility.

13 The Agency shall adopt rules implementing the grant
14 program described in this Section.

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

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2

Statutes amended in order of appearance

3

415 ILCS 5/3.121 new

4

415 ILCS 5/3.122 new

5

415 ILCS 5/3.183 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 5/22.22

from Ch. 111 1/2, par. 1022.22

10

415 ILCS 5/22.22a new

11

415 ILCS 5/22.34

12

415 ILCS 5/22.55

13

415 ILCS 15/6

from Ch. 85, par. 5956

14

415 ILCS 20/2.1

from Ch. 111 1/2, par. 7052.1

15

415 ILCS 20/11 new

16

415 ILCS 20/12 new

17

415 ILCS 20/13 new

18

415 ILCS 20/14 new