1 AN ACT concerning safety.

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

- Section 5. The Environmental Protection Act is amended by changing Sections 3.330, 21, 22.33, and 22.34 as follows:
- 6 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
- 7 Sec. 3.330. Pollution control facility.
- 8 (a) "Pollution control facility" is any waste storage site,
 9 sanitary landfill, waste disposal site, waste transfer
 10 station, waste treatment facility, or waste incinerator. This
 11 includes sewers, sewage treatment plants, and any other
 12 facilities owned or operated by sanitary districts organized
- under the Metropolitan Water Reclamation District Act.
- 14 The following are not pollution control facilities:
- 15 (1) (blank);
- 16 (2) waste storage sites regulated under 40 CFR, Part 761.42;
- (3) sites or facilities used by any person conducting a
 waste storage, waste treatment, waste disposal, waste
 transfer or waste incineration operation, or a combination
 thereof, for wastes generated by such person's own
 activities, when such wastes are stored, treated, disposed
 of, transferred or incinerated within the site or facility

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- owned, controlled or operated by such person, or when such wastes are transported within or between sites facilities owned, controlled or operated by such person;
- sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
- (5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
- sites or facilities used by any person to specifically conduct a landscape composting operation;
- regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
- (8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;
- (9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV:
- (10) the portion of a site or facility used for of petroleum contaminated materials application onto or incorporation into the soil surface and

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any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

- (11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;
- (11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to products for sale to off-site facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; (ii) in compliance with all applicable requirements;

combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation

and Recovery Act of 1976, or the Illinois Environmental

Protection Act or as authorized by the Agency;

(12) the portion of a site or facility utilizing coal

- (13) the portion of a site or facility that (i) accepts exclusively general construction or demolition debris, (ii) is located in a county with a population over 3,000,000 as of January 1, 2000 or in a county that is contiguous to such a county, and (iii) is operated and located in accordance with Section 22.38 of this Act;
- (14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products;
- (15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a

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municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station;

- (16) a site or facility that temporarily holds in transit for 10 days or less, non-putrescible solid waste in original containers, no larger in capacity than 500 gallons, provided that such waste is further transferred to a recycling, disposal, treatment, or storage facility on a non-contiquous site and provided such site or facility complies with the applicable 10-day transfer requirements of the federal Resource Conservation and Recovery Act of 1976 and United States Department of Transportation hazardous material requirements. For purposes of this Section only, "non-putrescible solid waste" means waste other than municipal garbage that does not rot or become putrid, including, but not limited to, paints, solvent, filters, and absorbents;
- (17) the portion of a site or facility located in a county with a population greater than 3,000,000 that has obtained local siting approval, under Section 39.2 of this Act, for a municipal waste incinerator on or before July 1, 2005 and that is used for wood combustion facilities for energy recovery that accept and burn only wood material, as included in a fuel specification approved by the Agency;
- (18) a transfer station used exclusively for landscape waste, including a transfer station where landscape waste is ground to reduce its volume, where the landscape waste

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is held no longer than 24 hours from the time it was received;

- (19) the portion of a site or facility that (i) is used for the composting of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste, not limited to, corrugated paper including, but meets all of cardboard, and (ii) the following requirements:
 - (A) There must not be more than a total of 30,000 cubic yards of livestock waste in raw form or in the process of being composted at the site or facility at any one time.
 - (B) All food scrap, livestock waste, crop residue, uncontaminated wood waste, and paper waste must, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled, or all of the following additional requirements must be met:
 - (i) The portion of the site or facility used for the composting operation must include setback of at least 200 feet from the nearest potable water supply well.
 - (ii) The portion of the site or facility used for the composting operation must be located outside the boundary of the 10-year floodplain or floodproofed.

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- (iii) Except in municipalities with more than 1,000,000 inhabitants, the The portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the nearest residence, other than a residence located on the same property as the site or facility.
- (iv) The portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the property line of all of the following areas:
 - (I) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year.
 - (II) Primary and secondary schools adjacent areas that the schools use for recreation.
 - (III) Any facility for child care licensed under Section 3 of the Child Care Act of 1969; preschools; and adjacent areas that the facilities or preschools use for recreation.
- (v) By the end of each operating day, all food livestock waste, crop uncontaminated wood waste, and paper waste must be

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1	(i) processed into windrows or other piles and (ii)
2	covered in a manner that prevents scavenging by
3	birds and animals and that prevents other
4	nuisances.
5	(C) Food scrap, livestock waste, crop residue,
6	uncontaminated wood waste, paper waste, and compost
7	must not be placed within 5 feet of the water table.
8	(D) The site or facility must meet all of the
9	requirements of the Wild and Scenic Rivers Act (16
10	U.S.C. 1271 et seq.).
11	(E) The site or facility must not (i) restrict the
12	flow of a 100-year flood, (ii) result in washout of
13	food scrap, livestock waste, crop residue,
14	uncontaminated wood waste, or paper waste from a
15	100-year flood, or (iii) reduce the temporary water
16	storage capacity of the 100-year floodplain, unless
17	measures are undertaken to provide alternative storage
18	capacity, such as by providing lagoons, holding tanks,
19	or drainage around structures at the facility.
20	(F) The site or facility must not be located in any
21	area where it may pose a threat of harm or destruction
22	to the features for which:
23	(i) an irreplaceable historic or
24	archaeological site has been listed under the

National Historic Preservation Act (16 U.S.C. 470

et seq.) or the Illinois Historic Preservation

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1	Act;
2	(ii) a natural landmark has been designated by
3	the National Park Service or the Illinois State
4	Historic Preservation Office; or
5	(iii) a natural area has been designated as a
6	Dedicated Illinois Nature Preserve under the
7	Illinois Natural Areas Preservation Act.
8	(G) The site or facility must not be located in an
9	area where it may jeopardize the continued existence of
10	any designated endangered species, result in the
11	destruction or adverse modification of the critical
12	habitat for such species, or cause or contribute to the
13	taking of any endangered or threatened species of
14	plant, fish, or wildlife listed under the Endangered
15	Species Act (16 U.S.C. 1531 et seq.) or the Illinois
16	Endangered Species Protection Act;
17	(20) the portion of a site or facility that is located
18	entirely within a home rule unit having a population of no
19	less than 120,000 and no more than 135,000, according to
20	the 2000 federal census, and that meets all of the
21	following requirements:
22	(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

1	for the production of synthetic gas in accordance
2	with Section 39.9 of this Act;
3	(ii) the portion of the site or facility is in
4	compliance with all applicable zoning
5	requirements; and
6	(iii) a complete application for a
7	demonstration permit at the portion of the site or
8	facility has been submitted to the Agency in
9	accordance with Section 39.9 of this Act within one
10	year after July 27, 2010 (the effective date of
11	Public Act 96-1314);
12	(21) the portion of a site or facility used to perform
13	limited testing of a gasification conversion technology in
14	accordance with Section 39.8 of this Act and for which a
15	complete permit application has been submitted to the
16	Agency prior to one year from April 9, 2010 (the effective
17	date of Public Act 96-887); and
18	(22) the portion of a site or facility that is used to
19	incinerate only pharmaceuticals from residential sources
20	that are collected and transported by law enforcement
21	agencies under Section 17.9A of this Act.
22	(b) A new pollution control facility is:
23	(1) a pollution control facility initially permitted
24	for development or construction after July 1, 1981; or
25	(2) the area of expansion beyond the boundary of a
26	currently permitted pollution control facility; or

- 1 (3) a permitted pollution control facility requesting
- 2 approval to store, dispose of, transfer or incinerate, for
- 3 the first time, any special or hazardous waste.
- 4 (Source: P.A. 96-418, eff. 1-1-10; 96-611, eff. 8-24-09;
- 5 96-887, eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff.
- 6 7-16-10; 96-1314, eff. 7-27-10; 97-333, eff. 8-12-11; 97-545,
- 7 eff. 1-1-12.)
- 8 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)
- 9 Sec. 21. Prohibited acts. No person shall:
- 10 (a) Cause or allow the open dumping of any waste.
- 11 (b) Abandon, dump, or deposit any waste upon the public
- 12 highways or other public property, except in a sanitary
- landfill approved by the Agency pursuant to regulations adopted
- 14 by the Board.
- 15 (c) Abandon any vehicle in violation of the "Abandoned
- 16 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
- the 76th General Assembly.
- 18 (d) Conduct any waste-storage, waste-treatment, or
- 19 waste-disposal operation:
- 20 (1) without a permit granted by the Agency or in
- violation of any conditions imposed by such permit,
- including periodic reports and full access to adequate
- 23 records and the inspection of facilities, as may be
- 24 necessary to assure compliance with this Act and with
- 25 regulations and standards adopted thereunder; provided,

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- (2) in violation of any regulations or standards adopted by the Board under this Act; or
- (3) which receives waste after August 31, 1988, does not have a permit issued by the Agency, and is (i) a landfill used exclusively for the disposal of waste generated at the site, (ii) a surface impoundment receiving special waste not listed in an NPDES permit, (iii) a waste pile in which the total volume of waste is greater than 100 cubic yards or the waste is stored for over one year, or (iv) a land treatment facility receiving special waste generated at the site; without giving notice of the

operation to the Agency by January 1, 1989, or 30 days after the date on which the operation commences, whichever is later, and every 3 years thereafter. The form for such notification shall be specified by the Agency, and shall be limited to information regarding: the name and address of the location of the operation; the type of operation; the types and amounts of waste stored, treated or disposed of on an annual basis; the remaining capacity of the operation; and the remaining expected life of the operation.

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

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

- (e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.
- (f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
- (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or

in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

- (2) in violation of any regulations or standards adopted by the Board under this Act; or
- (3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or
- (4) in violation of any order adopted by the Board under this Act.

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

- (g) Conduct any hazardous waste-transportation operation:
- (1) without registering with and obtaining a special waste hauling permit from the Agency in accordance with the regulations adopted by the Board under this Act; or

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- 1 (2) in violation of any regulations or standards 2 adopted by the Board under this Act.
 - (h) Conduct any hazardous waste-recycling or hazardous waste-reclamation or hazardous waste-reuse operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act.
 - (i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.
 - (j) Conduct any special waste transportation operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act. However, sludge from a water or sewage treatment plant owned and operated by a unit of local government which (1) is subject to a sludge management plan approved by the Agency or a permit granted by the Agency, and (2) has been tested and determined not to be a hazardous waste as required by applicable State and federal laws and regulations, may be transported in this State without a special waste hauling permit, and the preparation and carrying of a manifest shall not be required for such sludge under the rules of the Pollution Control Board. The unit of local government which operates the treatment plant producing such sludge shall file a semiannual report with the Agency identifying the volume of such sludge transported during the reporting period, the hauler of the sludge, and the disposal sites to which it was

- transported. This subsection (j) shall not apply to hazardous
 waste.
- 3 (k) Fail or refuse to pay any fee imposed under this Act.
 - (1) Locate a hazardous waste disposal site above an active or inactive shaft or tunneled mine or within 2 miles of an active fault in the earth's crust. In counties of population less than 225,000 no hazardous waste disposal site shall be located (1) within 1 1/2 miles of the corporate limits as defined on June 30, 1978, of any municipality without the approval of the governing body of the municipality in an official action; or (2) within 1000 feet of an existing private well or the existing source of a public water supply measured from the boundary of the actual active permitted site and excluding existing private wells on the property of the permit applicant. The provisions of this subsection do not apply to publicly-owned sewage works or the disposal or utilization of sludge from publicly-owned sewage works.
 - (m) Transfer interest in any land which has been used as a hazardous waste disposal site without written notification to the Agency of the transfer and to the transferee of the conditions imposed by the Agency upon its use under subsection (g) of Section 39.
 - (n) Use any land which has been used as a hazardous waste disposal site except in compliance with conditions imposed by the Agency under subsection (g) of Section 39.
 - (o) Conduct a sanitary landfill operation which is required

1	to have a permit under subsection (d) of this Section, in a
2	manner which results in any of the following conditions:
3	(1) refuse in standing or flowing waters;
4	(2) leachate flows entering waters of the State;
5	(3) leachate flows exiting the landfill confines (as
6	determined by the boundaries established for the landfill
7	by a permit issued by the Agency);
8	(4) open burning of refuse in violation of Section 9 of
9	this Act;
10	(5) uncovered refuse remaining from any previous
11	operating day or at the conclusion of any operating day,
12	unless authorized by permit;
13	(6) failure to provide final cover within time limits
14	established by Board regulations;
15	(7) acceptance of wastes without necessary permits;
16	(8) scavenging as defined by Board regulations;
17	(9) deposition of refuse in any unpermitted portion of
18	the landfill;
19	(10) acceptance of a special waste without a required
20	manifest;
21	(11) failure to submit reports required by permits or
22	Board regulations;
23	(12) failure to collect and contain litter from the
24	site by the end of each operating day;
25	(13) failure to submit any cost estimate for the site

or any performance bond or other security for the site as

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1 required by this Act or Board rules.

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

- (p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:
- 11 (1) litter;
- 12 (2) scavenging;
- 13 (3) open burning;
- 14 (4) deposition of waste in standing or flowing waters;
- 15 (5) proliferation of disease vectors;
- 16 (6) standing or flowing liquid discharge from the dump 17 site;
- 18 (7) deposition of:
- 19 (i) general construction or demolition debris as 20 defined in Section 3.160(a) of this Act; or
- 21 (ii) clean construction or demolition debris as 22 defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit

1	the never of the Deard to establish regulations or standards
1	the power of the Board to establish regulations or standards
2	applicable to open dumping.
3	(q) Conduct a landscape waste composting operation without
4	an Agency permit, provided, however, that no permit shall be
5	required for any person:
6	(1) conducting a landscape waste composting operation
7	for landscape wastes generated by such person's own
8	activities which are stored, treated, or disposed of within
9	the site where such wastes are generated; or
10	(1.5) conducting a landscape waste composting
11	operation that (i) has no more than 25 cubic yards of
12	landscape waste, composting additives, composting
13	material, or end-product compost on-site at any one time
14	and (ii) is not engaging in commercial activity; or
15	(2) applying landscape waste or composted landscape
16	waste at agronomic rates; or
17	(2.5) operating a landscape waste composting facility
18	at a site having 10 or more occupied non-farm residences
19	within 1/2 mile of its boundaries, if the facility meets
20	all of the following criteria:
21	(A) the composting facility is operated by the
22	farmer on property on which the composting material is
23	utilized, and the composting facility constitutes no
24	more than 2% of the site's total acreage;
25	(A-5) any composting additives that the composting

facility accepts and uses at the facility are necessary

1	to provide proper conditions for composting and do not
2	exceed 10% of the total composting material at the
3	<pre>facility at any one time;</pre>
4	(B) the property on which the composting facility
5	is located, and any associated property on which the
6	compost is used, is principally and diligently devoted
7	to the production of agricultural crops and is not
8	owned, leased, or otherwise controlled by any waste
9	hauler or generator of nonagricultural compost
10	materials, and the operator of the composting facility
11	is not an employee, partner, shareholder, or in any way
12	connected with or controlled by any such waste hauler
13	or generator;
14	(C) all compost generated by the composting
15	facility is applied at agronomic rates and used as
16	mulch, fertilizer, or soil conditioner on land
17	actually farmed by the person operating the composting
18	facility, and the finished compost is not stored at the
19	composting site for a period longer than 18 months
20	prior to its application as mulch, fertilizer, or soil
21	<pre>conditioner;</pre>
22	(D) no fee is charged for the acceptance of
23	materials to be composted at the facility; and
24	(E) the owner or operator, by January 1, 2014 (or
25	the January 1 following commencement of operation,
26	whichever is later) and January 1 of each year

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thereafter, registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site; (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (A-5), (B), (C), and (D) of this paragraph (2.5); and (iv)certifies to the Agency that all composting material was placed more than 200 feet from the nearest potable water supply well, was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed, was placed at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) or a lesser distance from the nearest residence (other than a residence located on the same property as the facility) if the municipality in which the facility is located has by ordinance approved a lesser distance than 1/4 mile, and was placed more than 5 feet above the water table; any ordinance approving a residential setback of less than 1/4 mile that is used to meet the requirements of this subparagraph (E) of paragraph (2.5) of this subsection must specifically reference this paragraph; or

- (3) operating a landscape waste composting facility on a farm, if the facility meets all of the following criteria:
 - (A) the composting facility is operated by the

farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the property's total acreage, except that the Board may allow a higher percentage for individual sites where the owner or operator has demonstrated to the Board that the site's soil characteristics or crop needs require a higher rate;

- (B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;
- (C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;
 - (D) the owner or operator, by January 1, 1990 (or

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the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, (i) registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site, (iii) certifies Agency that the site complies with requirements set forth in subparagraphs (A), (B) and (C) of this paragraph (q)(3), and (iv) certifies to the Agency that all composting material was placed more than 200 feet from the nearest potable water supply well, was placed outside the boundary of the 10-year floodplain or on a part of the site that floodproofed, was placed at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) and there are not more than 10 occupied non-farm residences within 1/2 mile of the boundaries of the site on the date of application, and was placed more than 5 feet above the water table.

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

(r) Cause or allow the storage or disposal of coal

- (1) such waste is stored or disposed of at a site or facility for which a permit has been obtained or is not otherwise required under subsection (d) of this Section; or
- (2) such waste is stored or disposed of as a part of the design and reclamation of a site or facility which is an abandoned mine site in accordance with the Abandoned Mined Lands and Water Reclamation Act; or
- (3) such waste is stored or disposed of at a site or facility which is operating under NPDES and Subtitle D permits issued by the Agency pursuant to regulations adopted by the Board for mine-related water pollution and permits issued pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto, and the owner or operator of the facility agrees to accept the waste; and either
 - (i) such waste is stored or disposed of in accordance with requirements applicable to refuse disposal under regulations adopted by the Board for mine-related water pollution and pursuant to NPDES and Subtitle D permits issued by the Agency under such regulations; or
 - (ii) the owner or operator of the facility demonstrates all of the following to the Agency, and

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facility is operated in accordance with demonstration as approved by the Agency: (1) the disposal area will be covered in a manner that will support continuous vegetation, (2) the facility will be adequately protected from wind and water erosion, the pH will be maintained so as to prevent excessive leaching of metal ions, and (4) adequate containment or other measures will be provided to protect surface water groundwater and contamination at levels prohibited by this Act, the Illinois Groundwater Protection Act, or regulations adopted pursuant thereto.

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

- (s) After April 1, 1989, offer for transportation, transport, deliver, receive or accept special waste for which a manifest is required, unless the manifest indicates that the fee required under Section 22.8 of this Act has been paid.
- (t) Cause or allow a lateral expansion of a municipal solid waste landfill unit on or after October 9, 1993, without a

- permit modification, granted by the Agency, that authorizes the lateral expansion.
 - (u) Conduct any vegetable by-product treatment, storage, disposal or transportation operation in violation of any regulation, standards or permit requirements adopted by the Board under this Act. However, no permit shall be required under this Title V for the land application of vegetable by-products conducted pursuant to Agency permit issued under Title III of this Act to the generator of the vegetable by-products. In addition, vegetable by-products may be transported in this State without a special waste hauling permit, and without the preparation and carrying of a manifest.
- 13 (v) (Blank).
 - (w) Conduct any generation, transportation, or recycling of construction or demolition debris, clean or general, or uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads that is not commingled with any waste, without the maintenance of documentation identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. This documentation must be maintained by the generator, transporter, or recycler for 3 years. This subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or

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

- 1 (Source: P.A. 96-611, eff. 8-24-09; 97-220, eff. 7-28-11.)
- 2 (415 ILCS 5/22.33)
- 3 Sec. 22.33. Compost quality standards.
- 4 (a) By January 1, 1994, the Agency shall develop and make
- 5 recommendations to the Board concerning (i) performance
- 6 standards for landscape waste compost facilities and (ii)
- 7 testing procedures and standards for the end-product compost
- 8 produced by landscape waste compost facilities.
- 9 Performance standards for landscape waste compost
- 10 facilities shall at a minimum include:
- 11 (1) the management of odor;
- 12 (2) the management of surface water;
- 13 (3) contingency planning for handling end-product
- 14 compost material that does not meet requirements of
- 15 subsection (b);
- 16 (4) plans for intended purposes of end-use product; and
- 17 (5) a financial assurance plan necessary to restore the
- site as specified in Agency permit.
- 19 (b) By December 1, 1997, the Board shall adopt:
- 20 (1) performance standards for landscape waste compost
- 21 facilities; and
- 22 (2) testing procedures and standards for the
- 23 end-product compost produced by landscape waste compost
- 24 facilities.
- The Board shall evaluate the merits of different standards

- for end-product compost applications.
- 2 (c) On-site composting that is used solely for the purpose
- 3 of composting landscape waste generated on-site and that will
- 4 not be offered for off-site sale or use is exempt from any
- 5 standards promulgated under subsections (a) and (b).
- 6 Subsection (b) (2) shall not apply to end-product compost used
- 7 as daily cover or vegetative amendment in the final layer.
- 8 Subsection (b) applies to any end-product compost offered for
- 9 sale or use in Illinois.
- 10 (d) Standards adopted under this Section do not apply to
- 11 compost operations exempt from permitting under paragraph
- 12 (1.5) of subsection (q) of Section 21 of this Act.
- 13 (Source: P.A. 92-574, eff. 6-26-02.)
- 14 (415 ILCS 5/22.34)
- 15 Sec. 22.34. Organic waste compost quality standards.
- 16 (a) The Agency may develop and make recommendations to the
- 17 Board concerning (i) performance standards for organic waste
- 18 compost facilities and (ii) testing procedures and standards
- 19 for the end-product compost produced by organic waste compost
- 20 facilities.
- 21 The Agency, in cooperation with the Department, shall
- 22 appoint a Technical Advisory Committee for the purpose of
- 23 developing these recommendations. Among other things, the
- 24 Committee shall evaluate environmental and safety
- 25 considerations, compliance costs, and regulations adopted in

- other states and countries. The Committee shall have balanced 1
- 2 representation and shall include members representing
- 3 the composting industry, the academia, Department
- the landscaping industry, Agriculture, environmental
- 5 organizations, municipalities, and counties.
- Performance standards for organic waste compost facilities 6
- 7 may include, but are not limited to:
- 8 (1) the management of potential exposures for human 9 disease vectors and odor:
 - (2) the management of surface water;
- 11 contingency planning for handling end-product 12 compost material that does not meet end-product compost 13 standards adopted by the Board;
 - (4) plans for intended purposes of end-use product; and
- 15 (5) a financial assurance plan necessary to restore the 16 site as specified in Agency permit. The financial assurance 17 plan may include, but is not limited to, posting with the Agency a performance bond or other security for the purpose 18
- of ensuring site restoration. 19
- 20 (b) later than one year after the Agency makes recommendations to the Board under subsection (a) of this 21 22 Section, the Board shall adopt, as applicable:
- 23 (1) performance standards for organic waste compost 24 facilities; and
- 25 (2) testing procedures and standards for the 26 end-product compost produced by organic waste compost

- 1 facilities.
- 2 The Board shall evaluate the merits of different standards
- 3 for end-product compost applications.
- 4 (c) On-site residential composting that is used solely for
- 5 the purpose of composting organic waste generated on-site and
- 6 that will not be offered for off-site sale or use is exempt
- 7 from any standards promulgated under subsections (a) and (b).
- 8 Subsection (b) (2) shall not apply to end-product compost used
- 9 as daily cover or vegetative amendment in the final layer.
- 10 Subsection (b) applies to any end-product compost offered for
- 11 sale or use in Illinois.
- 12 (d) For the purposes of this Section, "organic waste" means
- food scrap, landscape waste, wood waste, livestock waste, crop
- 14 residue, paper waste, or other non-hazardous carbonaceous
- waste that is collected and processed separately from the rest
- of the municipal waste stream.
- 17 (e) Except as otherwise provided in Board rules, solid
- 18 waste permits for organic waste composting facilities shall be
- issued under the Board's Solid Waste rules at 35 Ill. Adm. Code
- 20 807. The permits must include, but shall not be limited to,
- 21 measures designed to reduce pathogens in the compost.
- 22 (f) Standards adopted under this Section do not apply to
- 23 <u>compost operations exempt from permitting under paragraph</u>
- 24 (1.5) of subsection (q) of Section 21 of this Act.
- 25 (Source: P.A. 96-418, eff. 1-1-10.)
- Section 99. Effective date. This Act takes effect upon

becoming law. 1