

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 3.330, 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
13 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
17 761.42;

18 (3) sites or facilities used by any person conducting a
19 waste storage, waste treatment, waste disposal, waste
20 transfer or waste incineration operation, or a combination
21 thereof, for wastes generated by such person's own
22 activities, when such wastes are stored, treated, disposed
23 of, transferred or incinerated within the site or facility

1 owned, controlled or operated by such person, or when such
2 wastes are transported within or between sites or
3 facilities owned, controlled or operated by such person;

4 (4) sites or facilities at which the State is
5 performing removal or remedial action pursuant to Section
6 22.2 or 55.3;

7 (5) abandoned quarries used solely for the disposal of
8 concrete, earth materials, gravel, or aggregate debris
9 resulting from road construction activities conducted by a
10 unit of government or construction activities due to the
11 construction and installation of underground pipes, lines,
12 conduit or wires off of the premises of a public utility
13 company which are conducted by a public utility;

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

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

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

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

24 (10) the portion of a site or facility used for
25 treatment of petroleum contaminated materials by
26 application onto or incorporation into the soil surface and

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

5 (11) the portion of a site or facility where used oil
6 is collected or stored prior to shipment to a recycling or
7 energy recovery facility, provided that the used oil is
8 generated by households or commercial establishments, and
9 the site or facility is a recycling center or a business
10 where oil or gasoline is sold at retail;

11 (11.5) processing sites or facilities that receive
12 only on-specification used oil, as defined in 35 Ill.
13 Admin. Code 739, originating from used oil collectors for
14 processing that is managed under 35 Ill. Admin. Code 739 to
15 produce products for sale to off-site petroleum
16 facilities, if these processing sites or facilities are:
17 (i) located within a home rule unit of local government
18 with a population of at least 30,000 according to the 2000
19 federal census, that home rule unit of local government has
20 been designated as an Urban Round II Empowerment Zone by
21 the United States Department of Housing and Urban
22 Development, and that home rule unit of local government
23 has enacted an ordinance approving the location of the site
24 or facility and provided funding for the site or facility;
25 and (ii) in compliance with all applicable zoning
26 requirements;

1 (12) the portion of a site or facility utilizing coal
2 combustion waste for stabilization and treatment of only
3 waste generated on that site or facility when used in
4 connection with response actions pursuant to the federal
5 Comprehensive Environmental Response, Compensation, and
6 Liability Act of 1980, the federal Resource Conservation
7 and Recovery Act of 1976, or the Illinois Environmental
8 Protection Act or as authorized by the Agency;

9 (13) the portion of a site or facility that (i) accepts
10 exclusively general construction or demolition debris,
11 (ii) is located in a county with a population over
12 3,000,000 as of January 1, 2000 or in a county that is
13 contiguous to such a county, and (iii) is operated and
14 located in accordance with Section 22.38 of this Act;

15 (14) the portion of a site or facility, located within
16 a unit of local government that has enacted local zoning
17 requirements, used to accept, separate, and process
18 uncontaminated broken concrete, with or without protruding
19 metal bars, provided that the uncontaminated broken
20 concrete and metal bars are not speculatively accumulated,
21 are at the site or facility no longer than one year after
22 their acceptance, and are returned to the economic
23 mainstream in the form of raw materials or products;

24 (15) the portion of a site or facility located in a
25 county with a population over 3,000,000 that has obtained
26 local siting approval under Section 39.2 of this Act for a

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

3 (16) a site or facility that temporarily holds in
4 transit for 10 days or less, non-putrescible solid waste in
5 original containers, no larger in capacity than 500
6 gallons, provided that such waste is further transferred to
7 a recycling, disposal, treatment, or storage facility on a
8 non-contiguous site and provided such site or facility
9 complies with the applicable 10-day transfer requirements
10 of the federal Resource Conservation and Recovery Act of
11 1976 and United States Department of Transportation
12 hazardous material requirements. For purposes of this
13 Section only, "non-putrescible solid waste" means waste
14 other than municipal garbage that does not rot or become
15 putrid, including, but not limited to, paints, solvent,
16 filters, and absorbents;

17 (17) the portion of a site or facility located in a
18 county with a population greater than 3,000,000 that has
19 obtained local siting approval, under Section 39.2 of this
20 Act, for a municipal waste incinerator on or before July 1,
21 2005 and that is used for wood combustion facilities for
22 energy recovery that accept and burn only wood material, as
23 included in a fuel specification approved by the Agency;

24 (18) a transfer station used exclusively for landscape
25 waste, including a transfer station where landscape waste
26 is ground to reduce its volume, where the landscape waste

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

3 (19) the portion of a site or facility that (i) is used
4 for the composting of food scrap, livestock waste, crop
5 residue, uncontaminated wood waste, or paper waste,
6 including, but not limited to, corrugated paper or
7 cardboard, and (ii) meets all of the following
8 requirements:

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

13 (B) All food scrap, livestock waste, crop residue,
14 uncontaminated wood waste, and paper waste must, by the
15 end of each operating day, be processed and placed into
16 an enclosed vessel in which air flow and temperature
17 are controlled, or all of the following additional
18 requirements must be met:

19 (i) The portion of the site or facility used
20 for the composting operation must include a
21 setback of at least 200 feet from the nearest
22 potable water supply well.

23 (ii) The portion of the site or facility used
24 for the composting operation must be located
25 outside the boundary of the 10-year floodplain or
26 floodproofed.

1 (iii) Except in municipalities with more than
2 1,000,000 inhabitants, the ~~The~~ portion of the site
3 or facility used for the composting operation must
4 be located at least one-eighth of a mile from the
5 nearest residence, other than a residence located
6 on the same property as the site or facility.

7 (iv) The portion of the site or facility used
8 for the composting operation must be located at
9 least one-eighth of a mile from the property line
10 of all of the following areas:

11 (I) Facilities that primarily serve to
12 house or treat people that are
13 immunocompromised or immunosuppressed, such as
14 cancer or AIDS patients; people with asthma,
15 cystic fibrosis, or bioaerosol allergies; or
16 children under the age of one year.

17 (II) Primary and secondary schools and
18 adjacent areas that the schools use for
19 recreation.

20 (III) Any facility for child care licensed
21 under Section 3 of the Child Care Act of 1969;
22 preschools; and adjacent areas that the
23 facilities or preschools use for recreation.

24 (v) By the end of each operating day, all food
25 scrap, livestock waste, crop residue,
26 uncontaminated wood waste, and paper waste must be

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
25 National Historic Preservation Act (16 U.S.C. 470
26 et seq.) or the Illinois Historic Preservation

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
23 exclusively to perform testing of a thermochemical
24 conversion technology using only woody biomass,
25 collected as landscape waste within the boundaries
26 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
13 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
17 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
21 violation of any conditions imposed by such permit,
22 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,

1 however, that, except for municipal solid waste landfill
2 units that receive waste on or after October 9, 1993, no
3 permit shall be required for (i) any person conducting a
4 waste-storage, waste-treatment, or waste-disposal
5 operation for wastes generated by such person's own
6 activities which are stored, treated, or disposed within
7 the site where such wastes are generated, or (ii) a
8 facility located in a county with a population over 700,000
9 as of January 1, 2000, operated and located in accordance
10 with Section 22.38 of this Act, and used exclusively for
11 the transfer, storage, or treatment of general
12 construction or demolition debris, provided that the
13 facility was receiving construction or demolition debris
14 on the effective date of this amendatory Act of the 96th
15 General Assembly;

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

18 (3) which receives waste after August 31, 1988, does
19 not have a permit issued by the Agency, and is (i) a
20 landfill used exclusively for the disposal of waste
21 generated at the site, (ii) a surface impoundment receiving
22 special waste not listed in an NPDES permit, (iii) a waste
23 pile in which the total volume of waste is greater than 100
24 cubic yards or the waste is stored for over one year, or
25 (iv) a land treatment facility receiving special waste
26 generated at the site; without giving notice of the

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

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

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

18 (e) Dispose, treat, store or abandon any waste, or
19 transport any waste into this State for disposal, treatment,
20 storage or abandonment, except at a site or facility which
21 meets the requirements of this Act and of regulations and
22 standards thereunder.

23 (f) Conduct any hazardous waste-storage, hazardous
24 waste-treatment or hazardous waste-disposal operation:

25 (1) without a RCRA permit for the site issued by the
26 Agency under subsection (d) of Section 39 of this Act, or

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

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

8 (3) in violation of any RCRA permit filing requirement
9 established under standards adopted by the Board under this
10 Act; or

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

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

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

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

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

3 (h) Conduct any hazardous waste-recycling or hazardous
4 waste-reclamation or hazardous waste-reuse operation in
5 violation of any regulations, standards or permit requirements
6 adopted by the Board under this Act.

7 (i) Conduct any process or engage in any act which produces
8 hazardous waste in violation of any regulations or standards
9 adopted by the Board under subsections (a) and (c) of Section
10 22.4 of this Act.

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

1 transported. This subsection (j) shall not apply to hazardous
2 waste.

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

4 (l) Locate a hazardous waste disposal site above an active
5 or inactive shaft or tunneled mine or within 2 miles of an
6 active fault in the earth's crust. In counties of population
7 less than 225,000 no hazardous waste disposal site shall be
8 located (1) within 1 1/2 miles of the corporate limits as
9 defined on June 30, 1978, of any municipality without the
10 approval of the governing body of the municipality in an
11 official action; or (2) within 1000 feet of an existing private
12 well or the existing source of a public water supply measured
13 from the boundary of the actual active permitted site and
14 excluding existing private wells on the property of the permit
15 applicant. The provisions of this subsection do not apply to
16 publicly-owned sewage works or the disposal or utilization of
17 sludge from publicly-owned sewage works.

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

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

26 (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
26 or any performance bond or other security for the site as

1 required by this Act or Board rules.

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

8 (p) In violation of subdivision (a) of this Section, cause
9 or allow the open dumping of any waste in a manner which
10 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.

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

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
26 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 facility at any one time;

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 conditioner;

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

1 thereafter, registers the site with the Agency, (ii)
2 reports to the Agency on the volume of composting
3 material received and used at the site; (iii) certifies
4 to the Agency that the site complies with the
5 requirements set forth in subparagraphs (A), (A-5),
6 (B), (C), and (D) of this paragraph (2.5); and (iv)
7 certifies to the Agency that all composting material
8 was placed more than 200 feet from the nearest potable
9 water supply well, was placed outside the boundary of
10 the 10-year floodplain or on a part of the site that is
11 floodproofed, was placed at least 1/4 mile from the
12 nearest residence (other than a residence located on
13 the same property as the facility) or a lesser distance
14 from the nearest residence (other than a residence
15 located on the same property as the facility) if the
16 municipality in which the facility is located has by
17 ordinance approved a lesser distance than 1/4 mile, and
18 was placed more than 5 feet above the water table; any
19 ordinance approving a residential setback of less than
20 1/4 mile that is used to meet the requirements of this
21 subparagraph (E) of paragraph (2.5) of this subsection
22 must specifically reference this paragraph; or

23 (3) operating a landscape waste composting facility on
24 a farm, if the facility meets all of the following
25 criteria:

26 (A) the composting facility is operated by the

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

8 (B) the property on which the composting facility
9 is located, and any associated property on which the
10 compost is used, is principally and diligently devoted
11 to the production of agricultural crops and is not
12 owned, leased or otherwise controlled by any waste
13 hauler or generator of nonagricultural compost
14 materials, and the operator of the composting facility
15 is not an employee, partner, shareholder, or in any way
16 connected with or controlled by any such waste hauler
17 or generator;

18 (C) all compost generated by the composting
19 facility is applied at agronomic rates and used as
20 mulch, fertilizer or soil conditioner on land actually
21 farmed by the person operating the composting
22 facility, and the finished compost is not stored at the
23 composting site for a period longer than 18 months
24 prior to its application as mulch, fertilizer, or soil
25 conditioner;

26 (D) the owner or operator, by January 1, 1990 (or

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

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

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

1 combustion waste unless:

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

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

9 (3) such waste is stored or disposed of at a site or
10 facility which is operating under NPDES and Subtitle D
11 permits issued by the Agency pursuant to regulations
12 adopted by the Board for mine-related water pollution and
13 permits issued pursuant to the Federal Surface Mining
14 Control and Reclamation Act of 1977 (P.L. 95-87) or the
15 rules and regulations thereunder or any law or rule or
16 regulation adopted by the State of Illinois pursuant
17 thereto, and the owner or operator of the facility agrees
18 to accept the waste; and either

19 (i) such waste is stored or disposed of in
20 accordance with requirements applicable to refuse
21 disposal under regulations adopted by the Board for
22 mine-related water pollution and pursuant to NPDES and
23 Subtitle D permits issued by the Agency under such
24 regulations; or

25 (ii) the owner or operator of the facility
26 demonstrates all of the following to the Agency, and

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

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

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

25 (t) Cause or allow a lateral expansion of a municipal solid
26 waste landfill unit on or after October 9, 1993, without a

1 permit modification, granted by the Agency, that authorizes the
2 lateral expansion.

3 (u) Conduct any vegetable by-product treatment, storage,
4 disposal or transportation operation in violation of any
5 regulation, standards or permit requirements adopted by the
6 Board under this Act. However, no permit shall be required
7 under this Title V for the land application of vegetable
8 by-products conducted pursuant to Agency permit issued under
9 Title III of this Act to the generator of the vegetable
10 by-products. In addition, vegetable by-products may be
11 transported in this State without a special waste hauling
12 permit, and without the preparation and carrying of a manifest.

13 (v) (Blank).

14 (w) Conduct any generation, transportation, or recycling
15 of construction or demolition debris, clean or general, or
16 uncontaminated soil generated during construction, remodeling,
17 repair, and demolition of utilities, structures, and roads that
18 is not commingled with any waste, without the maintenance of
19 documentation identifying the hauler, generator, place of
20 origin of the debris or soil, the weight or volume of the
21 debris or soil, and the location, owner, and operator of the
22 facility where the debris or soil was transferred, disposed,
23 recycled, or treated. This documentation must be maintained by
24 the generator, transporter, or recycler for 3 years. This
25 subsection (w) shall not apply to (1) a permitted pollution
26 control facility that transfers or accepts construction or

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

25 The Board shall evaluate the merits of different standards

1 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

1 other states and countries. The Committee shall have balanced
2 representation and shall include members representing
3 academia, the composting industry, the Department of
4 Agriculture, the landscaping industry, environmental
5 organizations, municipalities, and counties.

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

8 (1) the management of potential exposures for human
9 disease vectors and odor;

10 (2) the management of surface water;

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

14 (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
18 Agency a performance bond or other security for the purpose
19 of ensuring site restoration.

20 (b) No later than one year after the Agency makes
21 recommendations to the Board under subsection (a) of this
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
13 food scrap, landscape waste, wood waste, livestock waste, crop
14 residue, paper waste, or other non-hazardous carbonaceous
15 waste that is collected and processed separately from the rest
16 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
19 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 compost operations exempt from permitting under paragraph
24 (1.5) of subsection (q) of Section 21 of this Act.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.