

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 3.150, 3.155, 3.330, 21, and 22.34 and by  
6 adding Sections 3.123, 3.126, 3.182, 3.198, 3.308, and 3.309  
7 as follows:

8 (415 ILCS 5/3.123 new)

9 Sec. 3.123. Anaerobic digestion. "Anaerobic digestion"  
10 means the process by which microorganisms break down organic  
11 material in the absence of oxygen to produce biogas and  
12 digestate.

13 (415 ILCS 5/3.126 new)

14 Sec. 3.126. Biogas. "Biogas" means the gas produced by the  
15 anaerobic decomposition of organic material.

16 (415 ILCS 5/3.150) (was 415 ILCS 5/3.69)

17 Sec. 3.150. Compost. "Compost" means ~~is defined as~~ the  
18 humus-like product of the process of composting ~~waste~~, which  
19 may be used as a soil conditioner.

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

1 (415 ILCS 5/3.155) (was 415 ILCS 5/3.70)

2 Sec. 3.155. Composting. "Composting" means the biological  
3 treatment process by which microorganisms aerobically  
4 decompose organic material under controlled conditions to  
5 produce compost. ~~the organic fraction of waste, producing~~  
6 ~~compost.~~

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

8 (415 ILCS 5/3.182 new)

9 Sec. 3.182. Digestate. "Digestate" means the solid and  
10 liquid end products of anaerobic digestion.

11 (415 ILCS 5/3.198 new)

12 Sec. 3.198. Food waste. "Food waste" means the organic  
13 waste fraction of garbage.

14 (415 ILCS 5/3.308 new)

15 Sec. 3.308. Organic material. "Organic material" means  
16 carbon-based material originating from living organisms.

17 (415 ILCS 5/3.309 new)

18 Sec. 3.309. Organic waste. "Organic waste" means organic  
19 material that meets the definition of "waste" under this Act.

20 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

21 Sec. 3.330. Pollution control facility.

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

7 The following are not pollution control facilities:

8 (1) (blank);

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

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

19 (4) sites or facilities at which the State is  
20 performing removal or remedial action pursuant to Section  
21 22.2 or 55.3;

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

1 conduit or wires off of the premises of a public utility  
2 company which are conducted by a public utility;

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

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

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

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

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

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

26 (11.5) processing sites or facilities that receive

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

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

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

26                 (14) the portion of a site or facility, located within

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

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

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

1 paints, solvent, filters, and absorbents;

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

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

15 (19) the portion of a site or facility that (i) is used  
16 for the composting of organic waste ~~of food scrap,~~  
17 ~~livestock waste, crop residue, uncontaminated wood waste,~~  
18 ~~or paper waste, including, but not limited to, corrugated~~  
19 ~~paper or cardboard,~~ and (ii) meets all of the following  
20 requirements:

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

25 (B) All organic waste ~~food scrap, livestock waste,~~  
26 ~~crop residue, uncontaminated wood waste, and paper~~

1        ~~waste~~ must, by the end of each operating day, be  
2        processed and placed into an enclosed vessel in which  
3        air flow and temperature are controlled, or all of the  
4        following additional requirements must be met:

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

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

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

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

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

1 cystic fibrosis, or bioaerosol allergies; or  
2 children under the age of one year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (iii) a complete application for a demonstration  
21 permit at the portion of the site or facility has been  
22 submitted to the Agency in accordance with Section  
23 39.9 of this Act within one year after July 27, 2010  
24 (the effective date of Public Act 96-1314);

25 (21) the portion of a site or facility used to perform  
26 limited testing of a gasification conversion technology in

1           accordance with Section 39.8 of this Act and for which a  
2           complete permit application has been submitted to the  
3           Agency prior to one year from April 9, 2010 (the effective  
4           date of Public Act 96-887);

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

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

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

14           (B) that is located entirely within a home rule  
15           unit having a population of (i) not less than 100,000  
16           and not more than 115,000 according to the 2010  
17           federal census, (ii) not less than 5,000 and not more  
18           than 10,000 according to the 2010 federal census, or  
19           (iii) not less than 25,000 and not more than 30,000  
20           according to the 2010 federal census or that is  
21           located in the unincorporated area of a county having  
22           a population of not less than 700,000 and not more than  
23           705,000 according to the 2010 federal census;

24           (C) that is permitted, by the Agency, prior to  
25           January 1, 2002, for the transfer of landscape waste  
26           if located in a home rule unit or that is permitted

1 prior to January 1, 2008 if located in an  
2 unincorporated area of a county; and

3 (D) for which a permit application is submitted to  
4 the Agency to modify an existing permit for the  
5 transfer of landscape waste to also include, on a  
6 demonstration basis not to exceed 24 months each time  
7 a permit is issued, the transfer of commingled  
8 landscape waste and food waste ~~food scrap~~ or for which  
9 a permit application is submitted to the Agency within  
10 6 months of August 11, 2017 (the effective date of  
11 Public Act 100-94);

12 (24) the portion of a municipal solid waste landfill  
13 unit:

14 (A) that is located in a county having a  
15 population of not less than 55,000 and not more than  
16 60,000 according to the 2010 federal census;

17 (B) that is owned by that county;

18 (C) that is permitted, by the Agency, prior to  
19 July 10, 2015 (the effective date of Public Act  
20 99-12); and

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

25 (25) the portion of a site or facility used during a  
26 mass animal mortality event, as defined in the Animal

1 Mortality Act, where such waste is collected, stored,  
2 processed, disposed, or incinerated under a mass animal  
3 mortality event plan issued by the Department of  
4 Agriculture; and

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

9 (b) A new pollution control facility is:

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

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

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

17 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;  
18 102-813, eff. 5-13-22; 103-333, eff. 1-1-24.)

19 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

20 Sec. 21. Prohibited acts. No person shall:

21 (a) Cause or allow the open dumping of any waste.

22 (b) Abandon, dump, or deposit any waste upon the public  
23 highways or other public property, except in a sanitary  
24 landfill approved by the Agency pursuant to regulations  
25 adopted by the Board.

1 (c) Abandon any vehicle in violation of the "Abandoned  
2 Vehicles Amendment to the Illinois Vehicle Code", as enacted  
3 by the 76th General Assembly.

4 (d) Conduct any waste-storage, waste-treatment, or  
5 waste-disposal operation:

6 (1) without a permit granted by the Agency or in  
7 violation of any conditions imposed by such permit,  
8 including periodic reports and full access to adequate  
9 records and the inspection of facilities, as may be  
10 necessary to assure compliance with this Act and with  
11 regulations and standards adopted thereunder; provided,

12 however, that, except for municipal solid waste landfill  
13 units that receive waste on or after October 9, 1993, and  
14 CCR surface impoundments, no permit shall be required for

15 (i) any person conducting a waste-storage,  
16 waste-treatment, or waste-disposal operation for wastes  
17 generated by such person's own activities which are  
18 stored, treated, or disposed within the site where such  
19 wastes are generated, (ii) until one year after the

20 effective date of rules adopted by the Board under  
21 subsection (n) of Section 22.38, a facility located in a  
22 county with a population over 700,000 as of January 1,  
23 2000, operated and located in accordance with Section  
24 22.38 of this Act, and used exclusively for the transfer,  
25 storage, or treatment of general construction or  
26 demolition debris, provided that the facility was

1 receiving construction or demolition debris on August 24,  
2 2009 (the effective date of Public Act 96-611), or (iii)  
3 any person conducting a waste transfer, storage,  
4 treatment, or disposal operation, including, but not  
5 limited to, a waste transfer or waste composting  
6 operation, under a mass animal mortality event plan  
7 created by the Department of Agriculture;

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

10 (3) which receives waste after August 31, 1988, does  
11 not have a permit issued by the Agency, and is (i) a  
12 landfill used exclusively for the disposal of waste  
13 generated at the site, (ii) a surface impoundment  
14 receiving special waste not listed in an NPDES permit,  
15 (iii) a waste pile in which the total volume of waste is  
16 greater than 100 cubic yards or the waste is stored for  
17 over one year, or (iv) a land treatment facility receiving  
18 special waste generated at the site; without giving notice  
19 of the operation to the Agency by January 1, 1989, or 30  
20 days after the date on which the operation commences,  
21 whichever is later, and every 3 years thereafter. The form  
22 for such notification shall be specified by the Agency,  
23 and shall be limited to information regarding: the name  
24 and address of the location of the operation; the type of  
25 operation; the types and amounts of waste stored, treated  
26 or disposed of on an annual basis; the remaining capacity

1 of the operation; and the remaining expected life of the  
2 operation.

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

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

10 (e) Dispose, treat, store or abandon any waste, or  
11 transport any waste into this State for disposal, treatment,  
12 storage or abandonment, except at a site or facility which  
13 meets the requirements of this Act and of regulations and  
14 standards thereunder.

15 (f) Conduct any hazardous waste-storage, hazardous  
16 waste-treatment or hazardous waste-disposal operation:

17 (1) without a RCRA permit for the site issued by the  
18 Agency under subsection (d) of Section 39 of this Act, or  
19 in violation of any condition imposed by such permit,  
20 including periodic reports and full access to adequate  
21 records and the inspection of facilities, as may be  
22 necessary to assure compliance with this Act and with  
23 regulations and standards adopted thereunder; or

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

26 (3) in violation of any RCRA permit filing requirement

1 established under standards adopted by the Board under  
2 this Act; or

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

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

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

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

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

21 (h) Conduct any hazardous waste-recycling or hazardous  
22 waste-reclamation or hazardous waste-reuse operation in  
23 violation of any regulations, standards or permit requirements  
24 adopted by the Board under this Act.

25 (i) Conduct any process or engage in any act which  
26 produces hazardous waste in violation of any regulations or

1 standards adopted by the Board under subsections (a) and (c)  
2 of Section 22.4 of this Act.

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

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

22 (l) Locate a hazardous waste disposal site above an active  
23 or inactive shaft or tunneled mine or within 2 miles of an  
24 active fault in the earth's crust. In counties of population  
25 less than 225,000 no hazardous waste disposal site shall be  
26 located (1) within 1 1/2 miles of the corporate limits as

1 defined on June 30, 1978, of any municipality without the  
2 approval of the governing body of the municipality in an  
3 official action; or (2) within 1000 feet of an existing  
4 private well or the existing source of a public water supply  
5 measured from the boundary of the actual active permitted site  
6 and excluding existing private wells on the property of the  
7 permit applicant. The provisions of this subsection do not  
8 apply to publicly owned sewage works or the disposal or  
9 utilization of sludge from publicly owned sewage works.

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

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

18 (o) Conduct a sanitary landfill operation which is  
19 required to have a permit under subsection (d) of this  
20 Section, in a manner which results in any of the following  
21 conditions:

22 (1) refuse in standing or flowing waters;

23 (2) leachate flows entering waters of the State;

24 (3) leachate flows exiting the landfill confines (as  
25 determined by the boundaries established for the landfill  
26 by a permit issued by the Agency);

1           (4) open burning of refuse in violation of Section 9  
2 of this Act;

3           (5) uncovered refuse remaining from any previous  
4 operating day or at the conclusion of any operating day,  
5 unless authorized by permit;

6           (6) failure to provide final cover within time limits  
7 established by Board regulations;

8           (7) acceptance of wastes without necessary permits;

9           (8) scavenging as defined by Board regulations;

10          (9) deposition of refuse in any unpermitted portion of  
11 the landfill;

12          (10) acceptance of a special waste without a required  
13 manifest;

14          (11) failure to submit reports required by permits or  
15 Board regulations;

16          (12) failure to collect and contain litter from the  
17 site by the end of each operating day;

18          (13) failure to submit any cost estimate for the site  
19 or any performance bond or other security for the site as  
20 required by this Act or Board rules.

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

1 (p) In violation of subdivision (a) of this Section, cause  
2 or allow the open dumping of any waste in a manner which  
3 results in any of the following occurrences at the dump site:

4 (1) litter;

5 (2) scavenging;

6 (3) open burning;

7 (4) deposition of waste in standing or flowing waters;

8 (5) proliferation of disease vectors;

9 (6) standing or flowing liquid discharge from the dump  
10 site;

11 (7) deposition of:

12 (i) general construction or demolition debris as  
13 defined in Section 3.160(a) of this Act; or

14 (ii) clean construction or demolition debris as  
15 defined in Section 3.160(b) of this Act.

16 The prohibitions specified in this subsection (p) shall be  
17 enforceable by the Agency either by administrative citation  
18 under Section 31.1 of this Act or as otherwise provided by this  
19 Act. The specific prohibitions in this subsection do not limit  
20 the power of the Board to establish regulations or standards  
21 applicable to open dumping.

22 (q) Conduct a landscape waste composting operation without  
23 an Agency permit, provided, however, that no permit shall be  
24 required for any person:

25 (1) conducting a landscape waste composting operation  
26 for landscape wastes generated by such person's own

1 activities which are stored, treated, or disposed of  
2 within the site where such wastes are generated; or

3 (1.5) conducting a landscape waste composting  
4 operation that (i) has no more than 25 cubic yards of  
5 landscape waste, composting additives, composting  
6 material, or end-product compost on-site at any one time  
7 and (ii) is not engaging in commercial activity; or

8 (2) applying landscape waste or composted landscape  
9 waste at agronomic rates; or

10 (2.5) operating a landscape waste composting facility  
11 at a site having 10 or more occupied non-farm residences  
12 within 1/2 mile of its boundaries, if the facility meets  
13 all of the following criteria:

14 (A) the composting facility is operated by the  
15 farmer on property on which the composting material is  
16 utilized, and the composting facility constitutes no  
17 more than 2% of the site's total acreage;

18 (A-5) any composting additives that the composting  
19 facility accepts and uses at the facility are  
20 necessary to provide proper conditions for composting  
21 and do not exceed 10% of the total composting material  
22 at the facility at any one time;

23 (B) the property on which the composting facility  
24 is located, and any associated property on which the  
25 compost is used, is principally and diligently devoted  
26 to the production of agricultural crops and is not

1 owned, leased, or otherwise controlled by any waste  
2 hauler or generator of nonagricultural compost  
3 materials, and the operator of the composting facility  
4 is not an employee, partner, shareholder, or in any  
5 way connected with or controlled by any such waste  
6 hauler or generator;

7 (C) all compost generated by the composting  
8 facility, except incidental sales of finished compost,  
9 is applied at agronomic rates and used as mulch,  
10 fertilizer, or soil conditioner on land actually  
11 farmed by the person operating the composting  
12 facility, and the finished compost is not stored at  
13 the composting site for a period longer than 18 months  
14 prior to its application as mulch, fertilizer, or soil  
15 conditioner;

16 (D) no fee is charged for the acceptance of  
17 materials to be composted at the facility; and

18 (E) the owner or operator, by January 1, 2014 (or  
19 the January 1 following commencement of operation,  
20 whichever is later) and January 1 of each year  
21 thereafter, registers the site with the Agency, (ii)  
22 reports to the Agency on the volume of composting  
23 material received and used at the site; (iii)  
24 certifies to the Agency that the site complies with  
25 the requirements set forth in subparagraphs (A),  
26 (A-5), (B), (C), and (D) of this paragraph (2.5); and

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

19 (3) operating a landscape waste composting facility on  
20 a farm, if the facility meets all of the following  
21 criteria:

22 (A) the composting facility is operated by the  
23 farmer on property on which the composting material is  
24 utilized, and the composting facility constitutes no  
25 more than 2% of the property's total acreage, except  
26 that the Board may allow a higher percentage for

1 individual sites where the owner or operator has  
2 demonstrated to the Board that the site's soil  
3 characteristics or crop needs require a higher rate;

4 (A-1) the composting facility accepts from other  
5 agricultural operations for composting with landscape  
6 waste no materials other than uncontaminated and  
7 source-separated (i) crop residue and other  
8 agricultural plant residue generated from the  
9 production and harvesting of crops and other customary  
10 farm practices, including, but not limited to, stalks,  
11 leaves, seed pods, husks, bagasse, and roots and (ii)  
12 plant-derived animal bedding, such as straw or  
13 sawdust, that is free of manure and was not made from  
14 painted or treated wood;

15 (A-2) any composting additives that the composting  
16 facility accepts and uses at the facility are  
17 necessary to provide proper conditions for composting  
18 and do not exceed 10% of the total composting material  
19 at the facility at any one time;

20 (B) the property on which the composting facility  
21 is located, and any associated property on which the  
22 compost is used, is principally and diligently devoted  
23 to the production of agricultural crops and is not  
24 owned, leased or otherwise controlled by any waste  
25 hauler or generator of nonagricultural compost  
26 materials, and the operator of the composting facility

1 is not an employee, partner, shareholder, or in any  
2 way connected with or controlled by any such waste  
3 hauler or generator;

4 (C) all compost generated by the composting  
5 facility, except incidental sales of finished compost,  
6 is applied at agronomic rates and used as mulch,  
7 fertilizer or soil conditioner on land actually farmed  
8 by the person operating the composting facility, and  
9 the finished compost is not stored at the composting  
10 site for a period longer than 18 months prior to its  
11 application as mulch, fertilizer, or soil conditioner;

12 (D) the owner or operator, by January 1 of each  
13 year, (i) registers the site with the Agency, (ii)  
14 reports to the Agency on the volume of composting  
15 material received and used at the site and the volume  
16 of material comprising the incidental sale of finished  
17 compost under this subsection (q), (iii) certifies to  
18 the Agency that the site complies with the  
19 requirements set forth in subparagraphs (A), (A-1),  
20 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)  
21 certifies to the Agency that all composting material:

22 (I) was placed more than 200 feet from the  
23 nearest potable water supply well;

24 (II) was placed outside the boundary of the  
25 10-year floodplain or on a part of the site that is  
26 floodproofed;

1 (III) was placed either (aa) at least  
2 one-fourth of a 1/4 mile from the nearest  
3 residence (other than a residence located on the  
4 same property as the facility) and there are not  
5 more than 10 occupied non-farm residences within  
6 1/2 mile of the boundaries of the site on the date  
7 of application or (bb) a lesser distance from the  
8 nearest residence (other than a residence located  
9 on the same property as the facility) provided  
10 that the municipality or county in which the  
11 facility is located has by ordinance approved a  
12 lesser distance than one-fourth of a 1/4 mile and  
13 there are not more than 10 occupied non-farm  
14 residences within 1/2 mile of the boundaries of  
15 the site on the date of application; and

16 (IV) was placed more than 5 feet above the  
17 water table.

18 Any ordinance approving a residential setback of  
19 less than one-fourth of a 1/4 mile that is used to meet  
20 the requirements of this subparagraph (D) must  
21 specifically reference this subparagraph.

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

1 needs require a higher rate.

2 For the purposes of this subsection (q), "incidental sale  
3 of finished compost" means the sale of finished compost that  
4 meets general use compost standards and is no more than 20% or  
5 300 cubic yards, whichever is less, of the total compost  
6 created annually by a private landowner for the landowner's  
7 own use.

8 (r) Cause or allow the storage or disposal of coal  
9 combustion waste unless:

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

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

18 (3) such waste is stored or disposed of at a site or  
19 facility which is operating under NPDES and Subtitle D  
20 permits issued by the Agency pursuant to regulations  
21 adopted by the Board for mine-related water pollution and  
22 permits issued pursuant to the federal Surface Mining  
23 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
24 rules and regulations thereunder or any law or rule or  
25 regulation adopted by the State of Illinois pursuant  
26 thereto, and the owner or operator of the facility agrees

1 to accept the waste; and either:

2 (i) such waste is stored or disposed of in  
3 accordance with requirements applicable to refuse  
4 disposal under regulations adopted by the Board for  
5 mine-related water pollution and pursuant to NPDES and  
6 Subtitle D permits issued by the Agency under such  
7 regulations; or

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

22 Notwithstanding any other provision of this Title, the  
23 disposal of coal combustion waste pursuant to item (2) or (3)  
24 of this subdivision (r) shall be exempt from the other  
25 provisions of this Title V, and notwithstanding the provisions  
26 of Title X of this Act, the Agency is authorized to grant

1 experimental permits which include provision for the disposal  
2 of wastes from the combustion of coal and other materials  
3 pursuant to items (2) and (3) of this subdivision (r).

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

8 (t) Cause or allow a lateral expansion of a municipal  
9 solid waste landfill unit on or after October 9, 1993, without  
10 a permit modification, granted by the Agency, that authorizes  
11 the lateral expansion.

12 (u) Conduct any vegetable by-product treatment, storage,  
13 disposal or transportation operation in violation of any  
14 regulation, standards or permit requirements adopted by the  
15 Board under this Act. However, no permit shall be required  
16 under this Title V for the land application of vegetable  
17 by-products conducted pursuant to Agency permit issued under  
18 Title III of this Act to the generator of the vegetable  
19 by-products. In addition, vegetable by-products may be  
20 transported in this State without a special waste hauling  
21 permit, and without the preparation and carrying of a  
22 manifest.

23 (v) (Blank).

24 (w) Conduct any generation, transportation, or recycling  
25 of construction or demolition debris, clean or general, or  
26 uncontaminated soil generated during construction, remodeling,

1 repair, and demolition of utilities, structures, and roads  
2 that is not commingled with any waste, without the maintenance  
3 of documentation identifying the hauler, generator, place of  
4 origin of the debris or soil, the weight or volume of the  
5 debris or soil, and the location, owner, and operator of the  
6 facility where the debris or soil was transferred, disposed,  
7 recycled, or treated. This documentation must be maintained by  
8 the generator, transporter, or recycler for 3 years. This  
9 subsection (w) shall not apply to (1) a permitted pollution  
10 control facility that transfers or accepts construction or  
11 demolition debris, clean or general, or uncontaminated soil  
12 for final disposal, recycling, or treatment, (2) a public  
13 utility (as that term is defined in the Public Utilities Act)  
14 or a municipal utility, (3) the Illinois Department of  
15 Transportation, or (4) a municipality or a county highway  
16 department, with the exception of any municipality or county  
17 highway department located within a county having a population  
18 of over 3,000,000 inhabitants or located in a county that is  
19 contiguous to a county having a population of over 3,000,000  
20 inhabitants; but it shall apply to an entity that contracts  
21 with a public utility, a municipal utility, the Illinois  
22 Department of Transportation, or a municipality or a county  
23 highway department. The terms "generation" and "recycling", as  
24 used in this subsection, do not apply to clean construction or  
25 demolition debris when (i) used as fill material below grade  
26 outside of a setback zone if covered by sufficient

1 uncontaminated soil to support vegetation within 30 days of  
2 the completion of filling or if covered by a road or structure,  
3 (ii) solely broken concrete without protruding metal bars is  
4 used for erosion control, or (iii) milled asphalt or crushed  
5 concrete is used as aggregate in construction of the shoulder  
6 of a roadway. The terms "generation" and "recycling", as used  
7 in this subsection, do not apply to uncontaminated soil that  
8 is not commingled with any waste when (i) used as fill material  
9 below grade or contoured to grade, or (ii) used at the site of  
10 generation.

11 (y) Inject any carbon dioxide stream produced by a carbon  
12 dioxide capture project into a Class II well, as defined by the  
13 Board under this Act, or a Class VI well converted from a Class  
14 II well, for purposes of enhanced oil or gas recovery,  
15 including, but not limited to, the facilitation of enhanced  
16 oil or gas recovery from another well.

17 (z) Sell or transport concentrated carbon dioxide stream  
18 produced by a carbon dioxide capture project for use in  
19 enhanced oil or gas recovery.

20 (aa) Operate a carbon sequestration activity in a manner  
21 that causes, threatens, or allows the release of carbon  
22 dioxide so as to tend to cause water pollution in this State.

23 (bb) Conduct an organic waste composting operation without  
24 an Agency permit, provided, however, that no permit shall be  
25 required for any person:

26 (1) conducting an organic waste composting operation

1 for organic wastes generated by such person's own  
2 activities which are stored, treated, or disposed of  
3 within the site where such wastes are generated; or

4 (2) conducting an organic waste composting operation  
5 that (i) has not more than 50 cubic yards of organic waste,  
6 composting additives, composting material, or end-product  
7 compost on-site at any one time and (ii) is not engaging in  
8 commercial activity.

9 Landscape waste composting operations, including landscape  
10 waste composting operations that accept organic waste as an  
11 additive, are subject to subsection (q) rather than this  
12 subsection (bb).

13 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;  
14 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-342, eff.  
15 1-1-24; 103-651, eff. 7-18-24.)

16 (415 ILCS 5/22.34)

17 Sec. 22.34. Organic waste compost quality standards.

18 (a) The Agency may develop and make recommendations to the  
19 Board concerning (i) performance standards for organic waste  
20 compost facilities and (ii) testing procedures and standards  
21 for the end-product compost produced by organic waste compost  
22 facilities.

23 The Agency, in cooperation with the Department, shall  
24 appoint a Technical Advisory Committee for the purpose of  
25 developing these recommendations. Among other things, the

1 Committee shall evaluate environmental and safety  
2 considerations, compliance costs, and regulations adopted in  
3 other states and countries. The Committee shall have balanced  
4 representation and shall include members representing  
5 academia, the composting industry, the Department of  
6 Agriculture, the landscaping industry, environmental  
7 organizations, municipalities, and counties.

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

10 (1) the management of potential exposures for human  
11 disease vectors and odor;

12 (2) the management of surface water;

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

16 (4) plans for intended purposes of end-use product;  
17 and

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

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

26 (1) performance standards for organic waste compost

1 facilities; and

2 (2) testing procedures and standards for the  
3 end-product compost produced by organic waste compost  
4 facilities.

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

7 (c) On-site residential composting that is used solely for  
8 the purpose of composting organic waste generated on-site and  
9 that will not be offered for off-site sale or use is exempt  
10 from any standards promulgated under subsections (a) and (b).  
11 Subsection (b)(2) shall not apply to end-product compost used  
12 as daily cover or vegetative amendment in the final layer.  
13 Subsection (b) applies to any end-product compost offered for  
14 sale or use in Illinois.

15 (d) (Blank). ~~For the purposes of this Section, "organic~~  
16 ~~waste" means food scrap, landscape waste, wood waste,~~  
17 ~~livestock waste, crop residue, paper waste, or other~~  
18 ~~non hazardous carbonaceous waste that is collected and~~  
19 ~~processed separately from the rest of the municipal waste~~  
20 ~~stream.~~

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

26 (f) Standards adopted under this Section do not apply to

1 compost operations exempt from permitting under paragraph  
2 (1.5) of subsection (q) or under paragraph (2) of subsection  
3 (bb) of Section 21 of this Act.

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

5 (415 ILCS 5/3.197 rep.)

6 Section 10. The Environmental Protection Act is amended by  
7 repealing Section 3.197.