



Rep. Anna Moeller

**Filed: 3/23/2026**

10400HB5541ham001

LRB104 19752 BDA 35409 a

1 AMENDMENT TO HOUSE BILL 5541

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5541 by replacing  
3 everything after the enacting clause with the following:

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.

1 (415 ILCS 5/3.150) (was 415 ILCS 5/3.69)

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

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

6 (415 ILCS 5/3.155) (was 415 ILCS 5/3.70)

7 Sec. 3.155. Composting. "Composting" means the biological  
8 treatment process by which microorganisms aerobically  
9 decompose organic material under controlled conditions to  
10 produce compost. ~~the organic fraction of waste, producing~~  
11 ~~compost.~~

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

13 (415 ILCS 5/3.182 new)

14 Sec. 3.182. Digestate. "Digestate" means the solid and  
15 liquid end products of anaerobic digestion.

16 (415 ILCS 5/3.198 new)

17 Sec. 3.198. Food waste. "Food waste" means the organic  
18 waste fraction of garbage.

19 (415 ILCS 5/3.308 new)

20 Sec. 3.308. Organic material. "Organic material" means  
21 carbon-based material originating from living organisms.

1 (415 ILCS 5/3.309 new)

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

4 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

5 Sec. 3.330. Pollution control facility.

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

12 The following are not pollution control facilities:

13 (1) (blank);

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

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

24 (4) sites or facilities at which the State is

1 performing removal or remedial action pursuant to Section  
2 22.2 or 55.3;

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

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

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

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

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

20 (10) the portion of a site or facility used for  
21 treatment of petroleum contaminated materials by  
22 application onto or incorporation into the soil surface  
23 and any portion of that site or facility used for storage  
24 of petroleum contaminated materials before treatment. Only  
25 those categories of petroleum listed in Section 57.9(a) (3)  
26 are exempt under this subdivision (10);

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

7 (11.5) processing sites or facilities that receive  
8 only on-specification used oil, as defined in 35 Ill. Adm.  
9 Code 739, originating from used oil collectors for  
10 processing that is managed under 35 Ill. Adm. Code 739 to  
11 produce products for sale to off-site petroleum  
12 facilities, if these processing sites or facilities are:  
13 (i) located within a home rule unit of local government  
14 with a population of at least 30,000 according to the 2000  
15 federal census, that home rule unit of local government  
16 has been designated as an Urban Round II Empowerment Zone  
17 by the United States Department of Housing and Urban  
18 Development, and that home rule unit of local government  
19 has enacted an ordinance approving the location of the  
20 site or facility and provided funding for the site or  
21 facility; and (ii) in compliance with all applicable  
22 zoning requirements;

23 (12) the portion of a site or facility utilizing coal  
24 combustion waste for stabilization and treatment of only  
25 waste generated on that site or facility when used in  
26 connection with response actions pursuant to the federal

1 Comprehensive Environmental Response, Compensation, and  
2 Liability Act of 1980, the federal Resource Conservation  
3 and Recovery Act of 1976, or the Illinois Environmental  
4 Protection Act or as authorized by the Agency;

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

7 (14) the portion of a site or facility, located within  
8 a unit of local government that has enacted local zoning  
9 requirements, used to accept, separate, and process  
10 uncontaminated broken concrete, with or without protruding  
11 metal bars, provided that the uncontaminated broken  
12 concrete and metal bars are not speculatively accumulated,  
13 are at the site or facility no longer than one year after  
14 their acceptance, and are returned to the economic  
15 mainstream in the form of raw materials or products;

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

21 (16) a site or facility that temporarily holds in  
22 transit for 10 days or less, non-putrescible solid waste  
23 in original containers, no larger in capacity than 500  
24 gallons, provided that such waste is further transferred  
25 to a recycling, disposal, treatment, or storage facility  
26 on a non-contiguous site and provided such site or

1 facility complies with the applicable 10-day transfer  
2 requirements of the federal Resource Conservation and  
3 Recovery Act of 1976 and United States Department of  
4 Transportation hazardous material requirements. For  
5 purposes of this Section only, "non-putrescible solid  
6 waste" means waste other than municipal garbage that does  
7 not rot or become putrid, including, but not limited to,  
8 paints, solvent, filters, and absorbents;

9 (17) the portion of a site or facility located in a  
10 county with a population greater than 3,000,000 that has  
11 obtained local siting approval, under Section 39.2 of this  
12 Act, for a municipal waste incinerator on or before July  
13 1, 2005 and that is used for wood combustion facilities  
14 for energy recovery that accept and burn only wood  
15 material, as included in a fuel specification approved by  
16 the Agency;

17 (18) a transfer station used exclusively for landscape  
18 waste, including a transfer station where landscape waste  
19 is ground to reduce its volume, where the landscape waste  
20 is held no longer than 24 hours from the time it was  
21 received;

22 (19) the portion of a site or facility that (i) is used  
23 for the composting of organic waste ~~of food scrap,~~  
24 ~~livestock waste, crop residue, uncontaminated wood waste,~~  
25 ~~or paper waste, including, but not limited to, corrugated~~  
26 ~~paper or cardboard,~~ and (ii) meets all of the following

1 requirements:

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

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

12 (i) The portion of the site or facility used  
13 for the composting operation must include a  
14 setback of at least 200 feet from the nearest  
15 potable water supply well.

16 (ii) The portion of the site or facility used  
17 for the composting operation must be located  
18 outside the boundary of the 10-year floodplain or  
19 floodproofed.

20 (iii) Except in municipalities with more than  
21 1,000,000 inhabitants, the portion of the site or  
22 facility used for the composting operation must be  
23 located at least one-eighth of a mile from the  
24 nearest residence, other than a residence located  
25 on the same property as the site or facility.

26 (iv) The portion of the site or facility used

1 for the composting operation must be located at  
2 least one-eighth of a mile from the property line  
3 of all of the following areas:

4 (I) Facilities that primarily serve to  
5 house or treat people that are  
6 immunocompromised or immunosuppressed, such as  
7 cancer or AIDS patients; people with asthma,  
8 cystic fibrosis, or bioaerosol allergies; or  
9 children under the age of one year.

10 (II) Primary and secondary schools and  
11 adjacent areas that the schools use for  
12 recreation.

13 (III) Any facility for child care licensed  
14 under Section 3 of the Child Care Act of 1969;  
15 preschools; and adjacent areas that the  
16 facilities or preschools use for recreation.

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

24 (C) Organic waste ~~Food scrap, livestock waste,~~  
25 ~~crop residue, uncontaminated wood waste, paper waste,~~  
26 ~~and compost~~ must not be placed within 5 feet of the

1 water table.

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

5 (E) The site or facility must not (i) restrict the  
6 flow of a 100-year flood, (ii) result in washout of  
7 organic waste ~~food scrap, livestock waste, crop~~  
8 ~~residue, uncontaminated wood waste, or paper waste~~  
9 from a 100-year flood, or (iii) reduce the temporary  
10 water storage capacity of the 100-year floodplain,  
11 unless measures are undertaken to provide alternative  
12 storage capacity, such as by providing lagoons,  
13 holding tanks, or drainage around structures at the  
14 facility.

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

18 (i) an irreplaceable historic or  
19 archaeological site has been listed under the  
20 National Historic Preservation Act (16 U.S.C. 470  
21 et seq.) or the Illinois Historic Preservation  
22 Act;

23 (ii) a natural landmark has been designated by  
24 the National Park Service or the Illinois State  
25 Historic Preservation Office; or

26 (iii) a natural area has been designated as a

1 Dedicated Illinois Nature Preserve under the  
2 Illinois Natural Areas Preservation Act.

3 (G) The site or facility must not be located in an  
4 area where it may jeopardize the continued existence  
5 of any designated endangered species, result in the  
6 destruction or adverse modification of the critical  
7 habitat for such species, or cause or contribute to  
8 the taking of any endangered or threatened species of  
9 plant, fish, or wildlife listed under the Endangered  
10 Species Act (16 U.S.C. 1531 et seq.) or the Illinois  
11 Endangered Species Protection Act;

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

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

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

1 (iii) a complete application for a demonstration  
2 permit at the portion of the site or facility has been  
3 submitted to the Agency in accordance with Section  
4 39.9 of this Act within one year after July 27, 2010  
5 (the effective date of Public Act 96-1314);

6 (21) the portion of a site or facility used to perform  
7 limited testing of a gasification conversion technology in  
8 accordance with Section 39.8 of this Act and for which a  
9 complete permit application has been submitted to the  
10 Agency prior to one year from April 9, 2010 (the effective  
11 date of Public Act 96-887);

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

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

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

21 (B) that is located entirely within a home rule  
22 unit having a population of (i) not less than 100,000  
23 and not more than 115,000 according to the 2010  
24 federal census, (ii) not less than 5,000 and not more  
25 than 10,000 according to the 2010 federal census, or  
26 (iii) not less than 25,000 and not more than 30,000

1 according to the 2010 federal census or that is  
2 located in the unincorporated area of a county having  
3 a population of not less than 700,000 and not more than  
4 705,000 according to the 2010 federal census;

5 (C) that is permitted, by the Agency, prior to  
6 January 1, 2002, for the transfer of landscape waste  
7 if located in a home rule unit or that is permitted  
8 prior to January 1, 2008 if located in an  
9 unincorporated area of a county; and

10 (D) for which a permit application is submitted to  
11 the Agency to modify an existing permit for the  
12 transfer of landscape waste to also include, on a  
13 demonstration basis not to exceed 24 months each time  
14 a permit is issued, the transfer of commingled  
15 landscape waste and food waste ~~food scrap~~ or for which  
16 a permit application is submitted to the Agency within  
17 6 months of August 11, 2017 (the effective date of  
18 Public Act 100-94);

19 (24) the portion of a municipal solid waste landfill  
20 unit:

21 (A) that is located in a county having a  
22 population of not less than 55,000 and not more than  
23 60,000 according to the 2010 federal census;

24 (B) that is owned by that county;

25 (C) that is permitted, by the Agency, prior to  
26 July 10, 2015 (the effective date of Public Act

1 99-12); and

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

6 (25) the portion of a site or facility used during a  
7 mass animal mortality event, as defined in the Animal  
8 Mortality Act, where such waste is collected, stored,  
9 processed, disposed, or incinerated under a mass animal  
10 mortality event plan issued by the Department of  
11 Agriculture; and

12 (26) the portion of a mine used for the placement of  
13 limestone residual materials generated from the treatment  
14 of drinking water by a municipal utility in accordance  
15 with rules adopted under Section 22.63.

16 (b) A new pollution control facility is:

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

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

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

24 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;  
25 102-813, eff. 5-13-22; 103-333, eff. 1-1-24.)

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

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

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

4 (b) Abandon, dump, or deposit any waste upon the public  
5 highways or other public property, except in a sanitary  
6 landfill approved by the Agency pursuant to regulations  
7 adopted by the Board.

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

11 (d) Conduct any waste-storage, waste-treatment, or  
12 waste-disposal operation:

13 (1) without a permit granted by the Agency or in  
14 violation of any conditions imposed by such permit,  
15 including periodic reports and full access to adequate  
16 records and the inspection of facilities, as may be  
17 necessary to assure compliance with this Act and with  
18 regulations and standards adopted thereunder; provided,  
19 however, that, except for municipal solid waste landfill  
20 units that receive waste on or after October 9, 1993, and  
21 CCR surface impoundments, no permit shall be required for

22 (i) any person conducting a waste-storage,  
23 waste-treatment, or waste-disposal operation for wastes  
24 generated by such person's own activities which are  
25 stored, treated, or disposed within the site where such  
26 wastes are generated, (ii) until one year after the

1 effective date of rules adopted by the Board under  
2 subsection (n) of Section 22.38, a facility located in a  
3 county with a population over 700,000 as of January 1,  
4 2000, operated and located in accordance with Section  
5 22.38 of this Act, and used exclusively for the transfer,  
6 storage, or treatment of general construction or  
7 demolition debris, provided that the facility was  
8 receiving construction or demolition debris on August 24,  
9 2009 (the effective date of Public Act 96-611), or (iii)  
10 any person conducting a waste transfer, storage,  
11 treatment, or disposal operation, including, but not  
12 limited to, a waste transfer or waste composting  
13 operation, under a mass animal mortality event plan  
14 created by the Department of Agriculture;

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

17 (3) which receives waste after August 31, 1988, does  
18 not have a permit issued by the Agency, and is (i) a  
19 landfill used exclusively for the disposal of waste  
20 generated at the site, (ii) a surface impoundment  
21 receiving special waste not listed in an NPDES permit,  
22 (iii) a waste pile in which the total volume of waste is  
23 greater than 100 cubic yards or the waste is stored for  
24 over one year, or (iv) a land treatment facility receiving  
25 special waste generated at the site; without giving notice  
26 of the operation to the Agency by January 1, 1989, or 30

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

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

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

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

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

24 (1) without a RCRA permit for the site issued by the  
25 Agency under subsection (d) of Section 39 of this Act, or  
26 in violation of any condition imposed by such permit,

1 including periodic reports and full access to adequate  
2 records and the inspection of facilities, as may be  
3 necessary to assure compliance with this Act and with  
4 regulations and standards adopted thereunder; or

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

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

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

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

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

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

26 (2) in violation of any regulations or standards

1           adopted by the Board under this Act.

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

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

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

1 to hazardous waste.

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

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

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

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

25 (o) Conduct a sanitary landfill operation which is  
26 required to have a permit under subsection (d) of this

1 Section, in a manner which results in any of the following  
2 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  
9 of 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  
9 within 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

1 necessary to provide proper conditions for composting  
2 and do not exceed 10% of the total composting material  
3 at the 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  
12 way connected with or controlled by any such waste  
13 hauler or generator;

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

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

25 (E) the owner or operator, by January 1, 2014 (or  
26 the January 1 following commencement of operation,

1           whichever is later) and January 1 of each year  
2           thereafter, registers the site with the Agency, (ii)  
3           reports to the Agency on the volume of composting  
4           material received and used at the site; (iii)  
5           certifies to the Agency that the site complies with  
6           the requirements set forth in subparagraphs (A),  
7           (A-5), (B), (C), and (D) of this paragraph (2.5); and  
8           (iv) certifies to the Agency that all composting  
9           material was placed more than 200 feet from the  
10          nearest potable water supply well, was placed outside  
11          the boundary of the 10-year floodplain or on a part of  
12          the site that is floodproofed, was placed at least  
13          one-fourth of a ~~1/4~~ mile from the nearest residence  
14          (other than a residence located on the same property  
15          as the facility) or a lesser distance from the nearest  
16          residence (other than a residence located on the same  
17          property as the facility) if the municipality in which  
18          the facility is located has by ordinance approved a  
19          lesser distance than one-fourth of a ~~1/4~~ mile, and was  
20          placed more than 5 feet above the water table; any  
21          ordinance approving a residential setback of less than  
22          one-fourth of a ~~1/4~~ mile that is used to meet the  
23          requirements of this subparagraph (E) of paragraph  
24          (2.5) of this subsection must specifically reference  
25          this paragraph; or

26          (3) operating a landscape waste composting facility on

1 a farm, if the facility meets all of the following  
2 criteria:

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

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

22 (A-2) any composting additives that the composting  
23 facility accepts and uses at the facility are  
24 necessary to provide proper conditions for composting  
25 and do not exceed 10% of the total composting material  
26 at the facility at any one time;

1 (B) the property on which the composting facility  
2 is located, and any associated property on which the  
3 compost is used, is principally and diligently devoted  
4 to the production of agricultural crops and is not  
5 owned, leased or otherwise controlled by any waste  
6 hauler or generator of nonagricultural compost  
7 materials, and the operator of the composting facility  
8 is not an employee, partner, shareholder, or in any  
9 way connected with or controlled by any such waste  
10 hauler or generator;

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

19 (D) the owner or operator, by January 1 of each  
20 year, (i) registers the site with the Agency, (ii)  
21 reports to the Agency on the volume of composting  
22 material received and used at the site and the volume  
23 of material comprising the incidental sale of finished  
24 compost under this subsection (q), (iii) certifies to  
25 the Agency that the site complies with the  
26 requirements set forth in subparagraphs (A), (A-1),

1 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)  
2 certifies to the Agency that all composting material:

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

5 (II) was placed outside the boundary of the  
6 10-year floodplain or on a part of the site that is  
7 floodproofed;

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

23 (IV) was placed more than 5 feet above the  
24 water table.

25 Any ordinance approving a residential setback of  
26 less than one-fourth of a ~~1/4~~ mile that is used to meet

1           the requirements of this subparagraph (D) must  
2           specifically reference this subparagraph.

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

9           For the purposes of this subsection (q), "incidental sale  
10 of finished compost" means the sale of finished compost that  
11 meets general use compost standards and is no more than 20% or  
12 300 cubic yards, whichever is less, of the total compost  
13 created annually by a private landowner for the landowner's  
14 own use.

15           (r) Cause or allow the storage or disposal of coal  
16 combustion waste unless:

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

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

25           (3) such waste is stored or disposed of at a site or  
26 facility which is operating under NPDES and Subtitle D

1 permits issued by the Agency pursuant to regulations  
2 adopted by the Board for mine-related water pollution and  
3 permits issued pursuant to the federal Surface Mining  
4 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
5 rules and regulations thereunder or any law or rule or  
6 regulation adopted by the State of Illinois pursuant  
7 thereto, and the owner or operator of the facility agrees  
8 to accept the waste; and either:

9 (i) such waste is stored or disposed of in  
10 accordance with requirements applicable to refuse  
11 disposal under regulations adopted by the Board for  
12 mine-related water pollution and pursuant to NPDES and  
13 Subtitle D permits issued by the Agency under such  
14 regulations; or

15 (ii) the owner or operator of the facility  
16 demonstrates all of the following to the Agency, and  
17 the facility is operated in accordance with the  
18 demonstration as approved by the Agency: (1) the  
19 disposal area will be covered in a manner that will  
20 support continuous vegetation, (2) the facility will  
21 be adequately protected from wind and water erosion,  
22 (3) the pH will be maintained so as to prevent  
23 excessive leaching of metal ions, and (4) adequate  
24 containment or other measures will be provided to  
25 protect surface water and groundwater from  
26 contamination at levels prohibited by this Act, the

1 Illinois Groundwater Protection Act, or regulations  
2 adopted pursuant thereto.

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

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

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

19 (u) Conduct any vegetable by-product treatment, storage,  
20 disposal or transportation operation in violation of any  
21 regulation, standards or permit requirements adopted by the  
22 Board under this Act. However, no permit shall be required  
23 under this Title V for the land application of vegetable  
24 by-products conducted pursuant to Agency permit issued under  
25 Title III of this Act to the generator of the vegetable  
26 by-products. In addition, vegetable by-products may be

1 transported in this State without a special waste hauling  
2 permit, and without the preparation and carrying of a  
3 manifest.

4 (v) (Blank).

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

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

18 (y) Inject any carbon dioxide stream produced by a carbon  
19 dioxide capture project into a Class II well, as defined by the  
20 Board under this Act, or a Class VI well converted from a Class  
21 II well, for purposes of enhanced oil or gas recovery,  
22 including, but not limited to, the facilitation of enhanced  
23 oil or gas recovery from another well.

24 (z) Sell or transport concentrated carbon dioxide stream  
25 produced by a carbon dioxide capture project for use in  
26 enhanced oil or gas recovery.

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

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

7 (1) conducting an organic waste composting operation  
8 for organic wastes generated by such person's own  
9 activities which are stored, treated, or disposed of  
10 within the site where such wastes are generated; or

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

16 Landscape waste composting operations, including landscape  
17 waste composting operations that accept organic waste as an  
18 additive, are subject to subsection (g) rather than this  
19 subsection (bb).

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

23 (415 ILCS 5/22.34)

24 Sec. 22.34. Organic waste compost quality standards.

25 (a) The Agency may develop and make recommendations to the

1 Board concerning (i) performance standards for organic waste  
2 compost facilities and (ii) testing procedures and standards  
3 for the end-product compost produced by organic waste compost  
4 facilities.

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

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

17 (1) the management of potential exposures for human  
18 disease vectors and odor;

19 (2) the management of surface water;

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

23 (4) plans for intended purposes of end-use product;  
24 and

25 (5) a financial assurance plan necessary to restore  
26 the site as specified in Agency permit. The financial

1 assurance plan may include, but is not limited to, posting  
2 with the Agency a performance bond or other security for  
3 the purpose of ensuring site restoration.

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

7 (1) performance standards for organic waste compost  
8 facilities; and

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

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

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

22 (d) (Blank). ~~For the purposes of this Section, "organic~~  
23 ~~waste" means food scrap, landscape waste, wood waste,~~  
24 ~~livestock waste, crop residue, paper waste, or other~~  
25 ~~non hazardous carbonaceous waste that is collected and~~  
26 ~~processed separately from the rest of the municipal waste~~

1 ~~stream.~~

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

7 (f) Standards adopted under this Section do not apply to  
8 compost operations exempt from permitting under paragraph  
9 (1.5) of subsection (q) or under paragraph (2) of subsection  
10 (bb) of Section 21 of this Act.

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

12 (415 ILCS 5/3.197 rep.)

13 Section 10. The Environmental Protection Act is amended by  
14 repealing Section 3.197."