



Sen. Adriane Johnson

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LRB104 17205 BDA 35285 a

1 AMENDMENT TO SENATE BILL 2852

2 AMENDMENT NO. _____. Amend Senate Bill 2852 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, 3.197, 3.330, and 22.22 and by
6 adding Sections 3.122, 3.126, 3.183, 3.198, 3.308, 3.309,
7 22.22a, 22.34, and 22.55 as follows:

8 (415 ILCS 5/3.122 new)

9 Sec. 3.122. 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 energy-rich gas
15 produced by the anaerobic decomposition of organic material.

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

2 Sec. 3.150. Compost. "Compost" 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 5/3.183 new)

14 Sec. 3.183. Digestate. "Digestate" means the solid and
15 liquid material end products of anaerobic digestion.

16 (415 ILCS 5/3.197)

17 Sec. 3.197. Food waste ~~scrap~~. "Food waste ~~scrap~~" means
18 organic waste that meets the definition of garbage. ~~garbage~~
19 ~~that is (i) capable of being decomposed into compost by~~
20 ~~composting, (ii) separated by the generator from other waste,~~
21 ~~including, but not limited to, garbage that is not capable of~~
22 ~~being decomposed into compost by composting, and (iii) managed~~

1 ~~separately from other waste, including, but not limited to,~~
2 ~~garbage that is not capable of being decomposed into compost~~
3 ~~by composting. "Food scrap" includes, but is not limited to,~~
4 ~~packaging, utensils, and food containers composed of readily~~
5 ~~biodegradable material. For the purposes of this Section,~~
6 ~~packaging, utensils, and food containers are readily~~
7 ~~biodegradable if they meet the ASTM D6400 standard.~~

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

9 (415 ILCS 5/3.198 new)

10 Sec. 3.198. Food waste processing facility. "Food waste
11 processing facility" means a facility that accepts food waste
12 in its original packaging, removes the food waste from its
13 original packaging, and processes the food waste to make it
14 suitable for transport to a composting facility or an
15 anaerobic digester.

16 (415 ILCS 5/3.308 new)

17 Sec. 3.308. Organic material. "Organic material" means
18 carbon-based material originating from living organisms.

19 (415 ILCS 5/3.309 new)

20 Sec. 3.309. Organic waste. "Organic waste" means organic
21 material that meets the definition of waste.

22 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

1 Sec. 3.330. Pollution control facility.

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

8 The following are not pollution control facilities:

9 (1) (blank);

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

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

20 (4) sites or facilities at which the State is
21 performing removal or remedial action pursuant to Section
22 22.2 or 55.3;

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

1 construction and installation of underground pipes, lines,
2 conduit or wires off of the premises of a public utility
3 company which are conducted by a public utility;

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

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

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

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

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

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

1 (11.5) processing sites or facilities that receive
2 only on-specification used oil, as defined in 35 Ill. Adm.
3 Code 739, originating from used oil collectors for
4 processing that is managed under 35 Ill. Adm. Code 739 to
5 produce products for sale to off-site petroleum
6 facilities, if these processing sites or facilities are:
7 (i) located within a home rule unit of local government
8 with a population of at least 30,000 according to the 2000
9 federal census, that home rule unit of local government
10 has been designated as an Urban Round II Empowerment Zone
11 by the United States Department of Housing and Urban
12 Development, and that home rule unit of local government
13 has enacted an ordinance approving the location of the
14 site or facility and provided funding for the site or
15 facility; and (ii) in compliance with all applicable
16 zoning requirements;

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

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

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

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

15 (16) a site or facility that temporarily holds in
16 transit for 10 days or less, non-putrescible solid waste
17 in original containers, no larger in capacity than 500
18 gallons, provided that such waste is further transferred
19 to a recycling, disposal, treatment, or storage facility
20 on a non-contiguous site and provided such site or
21 facility complies with the applicable 10-day transfer
22 requirements of the federal Resource Conservation and
23 Recovery Act of 1976 and United States Department of
24 Transportation hazardous material requirements. For
25 purposes of this Section only, "non-putrescible solid
26 waste" means waste other than municipal garbage that does

1 not rot or become putrid, including, but not limited to,
2 paints, solvent, filters, and absorbents;

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

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

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

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

26 (B) All food waste ~~food scrap~~, livestock waste,

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

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

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

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

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

24 (I) Facilities that primarily serve to
25 house or treat people that are
26 immunocompromised or immunosuppressed, such as

1 cancer or AIDS patients; people with asthma,
2 cystic fibrosis, or bioaerosol allergies; or
3 children under the age of one year.

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

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

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

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

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

25 (E) The site or facility must not (i) restrict the
26 flow of a 100-year flood, (ii) result in washout of

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

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

20 (b) A new pollution control facility is:

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

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

25 (3) a permitted pollution control facility requesting
26 approval to store, dispose of, transfer or incinerate, for

1 the first time, any special or hazardous waste.

2 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
3 102-813, eff. 5-13-22; 103-333, eff. 1-1-24.)

4 (415 ILCS 5/22.22) (from Ch. 111 1/2, par. 1022.22)
5 Sec. 22.22. Landscape waste.

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

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

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

1 sanitary landfill, that has received an Agency permit before
2 July 30, 1997 to process landscape waste. For purposes of this
3 Section, (i) "source separated" means divided into its
4 component parts at the point of generation and collected
5 separately from other solid waste and (ii) "processed" means
6 shredded by mechanical means to reduce the landscape waste to
7 a uniform consistency.

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

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

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

21 (415 ILCS 5/22.22a new)

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

1 (415 ILCS 5/22.34)

2 Sec. 22.34. Organic waste compost quality standards.

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

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

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

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

22 (2) the management of surface water;

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

1 (4) plans for intended purposes of end-use product;
2 and

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

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

11 (1) performance standards for organic waste compost
12 facilities; and

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

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

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

26 (d) For the purposes of this Section, "organic waste"

1 means food waste ~~food scrap~~, landscape waste, wood waste,
2 livestock waste, crop residue, paper waste, or other
3 non-hazardous carbonaceous waste that is collected and
4 processed separately from the rest of the municipal waste
5 stream.

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

11 (f) Standards adopted under this Section do not apply to
12 compost operations exempt from permitting under paragraph
13 (1.5) of subsection (q) of Section 21 of this Act.

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

15 (415 ILCS 5/22.55)

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

17 (a) Findings; purpose and intent.

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

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

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

2 "Compostable waste" means household waste that is
3 source-separated food waste ~~food scrap~~, household waste
4 that is source-separated landscape waste, or a mixture of
5 both.

6 "Controlled substance" means a controlled substance as
7 defined in the Illinois Controlled Substances Act.

8 "Household waste" means waste generated from a single
9 residence or multiple residences.

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

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

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

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

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

1 "Pharmaceutical product" means medicine or a product
2 containing medicine. A pharmaceutical product may be sold
3 by prescription or over the counter. "Pharmaceutical
4 product" does not include medicine that contains a
5 radioactive component or a product that contains a
6 radioactive component.

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

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

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

24 (2) Except as provided in subdivision (c)(2) of this
25 Section, household waste drop-off points must be located
26 at a site or facility where the types of products accepted

1 at the household waste drop-off point are lawfully sold,
2 distributed, or dispensed. For example, household waste
3 drop-off points that accept prescription pharmaceutical
4 products must be located at a site or facility where
5 prescription pharmaceutical products are sold,
6 distributed, or dispensed.

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

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

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

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

24 (4) Household waste must be accepted only from private
25 individuals. Waste must not be accepted from other
26 persons, including, but not limited to, owners and

1 operators of rented or leased residences where the
2 household waste was generated, commercial haulers, and
3 other commercial, industrial, agricultural, and government
4 operations or entities.

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

8 (6) Household waste must not be stored for longer than
9 90 days after its receipt, except as otherwise approved by
10 the Agency in writing.

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

24 (8) Management of the household waste must be limited
25 to the following: (i) acceptance of the waste, (ii)
26 temporary storage of the waste prior to transfer, and

1 (iii) off-site transfer of the waste and packaging for
2 off-site transfer.

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

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

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

1 law.

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

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

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

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

25 (6) The transfer and ultimate disposition of household
26 waste received at the collection event must comply with

1 the Agency's approval, including all conditions contained
2 in the approval.

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

1 The following requirements shall apply to the one-day
2 compostable waste collection event, in addition to the
3 conditions contained in the approval:

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

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

12 (A) examples of compostable waste being collected;

13 and

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

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

22 (4) Compostable waste must be managed in a manner that
23 protects against releases of the waste, prevents
24 nuisances, and otherwise protects human health and the
25 environment. Compostable waste must be properly secured to
26 prevent it from being accessed by the public at any time,

1 including, but not limited to, during the collection
2 event's non-operating hours. One-day compostable waste
3 collection events must be adequately supervised during
4 their operating hours.

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

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

11 (B) prevent precipitation from draining through
12 the compostable waste;

13 (C) prevent dispersion of the compostable waste by
14 wind;

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

18 (E) limit access to the compostable waste by
19 vectors;

20 (F) control odors and other nuisances; and

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

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

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

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

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

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

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

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

21 (2) Information promoting the collection point and
22 signs at the collection point must clearly indicate the
23 types of compostable waste approved for collection. To
24 discourage the receipt of other waste, information
25 promoting the collection point and signs at the collection
26 point must also include (A) examples of compostable waste

1 being collected and (B) examples of waste that is not
2 being collected.

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

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

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

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

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

26 (C) prevent precipitation from draining through

1 the compostable waste;

2 (D) prevent dispersion of the compostable waste by
3 wind;

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

7 (F) limit access to the compostable waste by
8 vectors;

9 (G) control odors and other nuisances; and

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

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

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

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

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

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

22 (f) Prohibitions.

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

1 waste collection event, or permanent compostable waste
2 collection point, in violation of this Section or any
3 regulations adopted under this Section.

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

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

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

21 (g) Permit exemptions.

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

1 the household waste drop-off point is operated in
2 accordance with this Section and all regulations adopted
3 under this Section.

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

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

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

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

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

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

6 (i) (Blank).

7 (j) (Blank).

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

12 (l) (Blank).

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

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

16 (415 ILCS 15/6) (from Ch. 85, par. 5956)

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

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

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

24 (3) shall be designed to recycle, by the end of the third

1 and fifth years of the program, respectively 15% and 25% of the
2 municipal waste generated in the county, subject to the
3 existence of a viable market for the recycled material, based
4 on measurements of recycling and waste generated in terms of
5 weight; the ~~The~~ determination of recycling rate shall not
6 include: discarded motor vehicles, wastes used for clean fill
7 or erosion control, or commercial, institutional or industrial
8 machinery or equipment; ; ~~;~~

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

13 (5) may require residents of the county to separate
14 recyclable materials at the time of disposal or trash pick-up;
15 ; ~~;~~

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

21 (7) shall provide for separate collection and composting
22 of leaves; ; ~~;~~

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

26 (9) shall include provisions for compliance, including

1 incentives and penalties;i -

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

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

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

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

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

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

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

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

2 Sec. 2.1. Definitions. When used in this Act, unless the
3 context otherwise requires, the following terms have the
4 meanings ascribed to them in this Section:

5 "Agency" means the Environmental Protection Agency.

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

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

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

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

24 "High grade printing and writing papers" includes offset
25 printing paper, duplicator paper, writing paper (stationery),
26 office paper, note pads, xerographic paper, envelopes, form

1 bond including computer paper and carbonless forms, book
2 papers, bond papers, ledger paper, book stock and cotton fiber
3 papers.

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

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

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

23 "Recycled paperboard" includes recycled paperboard
24 products, folding cartons and pad backing.

25 "Recycling" means the process by which solid waste is
26 collected, separated and processed for reuse as either a raw

1 material or a product which itself is subject to recycling,
2 but does not include the combustion of waste for energy
3 recovery or volume reduction.

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

7 "Unbleached packaging" includes corrugated and fiber
8 boxes.

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

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

13 (415 ILCS 20/11 new)

14 Sec. 11. Food and food waste management hierarchy;
15 diversion from landfill.

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

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

25 (2) The second priority is collecting and diverting

1 food that is safe for human consumption for reuse and
2 redistribution.

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

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

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

13 (1) separate the food and food waste from other solid
14 waste;

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

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

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

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

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

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

25 (c) A covered establishment that violates any provision of
26 this Section shall be liable for a civil penalty of \$10,000 per

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

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

24 (e) Any covered establishment that knowingly makes a
25 false, fictitious, or fraudulent material statement, orally or
26 in writing, related to or required by this Section or any rule

1 adopted pursuant to this Section commits a Class 4 felony, and
2 each such statement or writing shall be considered a separate
3 Class 4 felony. A covered establishment who, after being
4 convicted under this subsection, violates this subsection a
5 second time or subsequent time commits a Class 3 felony.

6 (f) As used in this Section:

7 "Applicable regulatory threshold" means (i) beginning July
8 1, 2028, a covered establishment in a county with more than
9 240,000 residents, according to the most recent federal
10 decennial census, located at an establishment with floor area
11 of more than 40,000 square feet and within 20 miles of an
12 Agency-permitted composting facility or anaerobic digester
13 that accepts food waste, (ii) beginning July 1, 2029, a
14 covered establishment in a county with more than 240,000
15 residents, according to the most recent federal decennial
16 census, located at an establishment with floor area of more
17 than 20,000 square feet and within 20 miles of an
18 Agency-permitted composting facility or anaerobic digester
19 that accepts food waste, and (iii) beginning July 1, 2030, a
20 covered establishment in a county with more than 240,000
21 residents, according to the most recent federal decennial
22 census, located at an establishment with floor area of more
23 than 9,000 square feet and within 20 miles of an
24 Agency-permitted composting facility or anaerobic digester
25 that accepts food waste.

26 "Board" means the Pollution Control Board established

1 under the Environmental Protection Act.

2 "Covered establishment" means a commercial or
3 institutional generator of food or food waste in the following
4 business classifications: restaurants, grocery stores, and
5 food wholesalers, distributors, and manufacturers.

6 (415 ILCS 20/12 new)

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

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

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

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

1 (415 ILCS 20/13 new)

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

6 (1) a county with more than 150,000 residents, as of
7 the most recent federal decennial census, and the
8 municipalities within that county, shall jointly, on a
9 population pro rata basis, purchase and use 0.025 cubic
10 yards per resident per year, beginning July 1, 2029, of
11 compost and digestate on county and municipal related
12 projects, on privately funded projects in the county, or
13 given away, if within 50 miles of a composting or
14 anaerobic digestion facility that has a supply adequate to
15 meet the requirements of this paragraph;

16 (2) the Department of Natural Resources shall purchase
17 and use 50,000 cubic yards in State fiscal year 2029,
18 100,000 cubic yards in State fiscal year 2030, 150,000
19 cubic yards in State fiscal year 2031, 200,000 cubic yards
20 in State fiscal year 2032, and 250,000 cubic yards in
21 State fiscal year 2033 and thereafter of compost and
22 digestate on State-owned and leased farmland, if within 50
23 miles of a composting or anaerobic digestion facility that
24 has a supply adequate to meet the requirements of this
25 paragraph;

26 (3) the Department of Transportation shall purchase

1 and use 50,000 cubic yards in State fiscal year 2029,
2 100,000 cubic yards in State fiscal year 2030, 150,000
3 cubic yards in State fiscal year 2031, 200,000 cubic yards
4 in State fiscal year 2032, and 250,000 cubic yards in
5 State fiscal year 2033 and thereafter of compost and
6 digestate on State road building projects, if within 50
7 miles of a composting or anaerobic digestion facility that
8 has a supply adequate to meet the requirements of this
9 paragraph; and

10 (4) the Capital Development Board shall purchase and
11 use 10,000 cubic yards in State fiscal year 2029, 20,000
12 cubic yards in State fiscal year 2030, 30,000 cubic yards
13 in State fiscal year 2031, 40,000 cubic yards in State
14 fiscal year 2032, and 50,000 cubic yards in State fiscal
15 year 2033 and thereafter of compost and digestate on State
16 building projects, if within 50 miles of a composting or
17 anaerobic digestion facility that has a supply adequate to
18 meet the requirements of this paragraph.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."