



Sen. Adriane Johnson

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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, and 3.330 and by adding
6 Sections 3.122, 3.126, 3.183, 3.198, 3.308, 3.309, 22.34, and
7 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 or anaerobic digestion of organic waste
18 ~~of food scrap, livestock waste, crop residue,~~
19 ~~uncontaminated wood waste, or paper waste, including, but~~
20 ~~not limited to, corrugated paper or cardboard,~~ and (ii)
21 meets all of the following 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 or anaerobically digested
25 at the site or facility at any one time.

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

1 ~~residue, uncontaminated wood waste, and paper~~ waste
2 must, by the end of each operating day, be processed
3 and placed into an anaerobic digester or an enclosed
4 composting vessel in which air flow and temperature
5 are controlled, or, for organic waste being composted
6 outside of an enclosed vessel, all of the following
7 additional requirements must be met:

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

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

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

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

26 (I) Facilities that primarily serve to

1 house or treat people that are
2 immunocompromised or immunosuppressed, such as
3 cancer or AIDS patients; people with asthma,
4 cystic fibrosis, or bioaerosol allergies; or
5 children under the age of one year.

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

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

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

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

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

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

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

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

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

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

24 (G) The site or facility must not be located in an
25 area where it may jeopardize the continued existence
26 of any designated endangered species, result in the

1 destruction or adverse modification of the critical
2 habitat for such species, or cause or contribute to
3 the taking of any endangered or threatened species of
4 plant, fish, or wildlife listed under the Endangered
5 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
6 Endangered Species Protection Act;

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

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

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

22 (iii) a complete application for a demonstration
23 permit at the portion of the site or facility has been
24 submitted to the Agency in accordance with Section
25 39.9 of this Act within one year after July 27, 2010
26 (the effective date of Public Act 96-1314);

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

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

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

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

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

26 (C) that is permitted, by the Agency, prior to

1 January 1, 2002, for the transfer of landscape waste
2 if located in a home rule unit or that is permitted
3 prior to January 1, 2008 if located in an
4 unincorporated area of a county; and

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

14 (24) the portion of a municipal solid waste landfill
15 unit:

16 (A) that is located in a county having a
17 population of not less than 55,000 and not more than
18 60,000 according to the 2010 federal census;

19 (B) that is owned by that county;

20 (C) that is permitted, by the Agency, prior to
21 July 10, 2015 (the effective date of Public Act
22 99-12); and

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

1 (25) the portion of a site or facility used during a
2 mass animal mortality event, as defined in the Animal
3 Mortality Act, where such waste is collected, stored,
4 processed, disposed, or incinerated under a mass animal
5 mortality event plan issued by the Department of
6 Agriculture; ~~and~~

7 (26) the portion of a mine used for the placement of
8 limestone residual materials generated from the treatment
9 of drinking water by a municipal utility in accordance
10 with rules adopted under Section 22.63; and ~~—~~

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

19 (b) A new pollution control facility is:

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

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

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

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

3 (415 ILCS 5/22.34)

4 Sec. 22.34. Organic waste compost quality standards.

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

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

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

22 (1) the management of potential exposures for human
23 disease vectors and odor;

24 (2) the management of surface water;

25 (3) contingency planning for handling end-product

1 compost material that does not meet end-product compost
2 standards adopted by the Board;

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

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

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

13 (1) performance standards for organic waste compost
14 facilities; and

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

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

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

1 sale or use in Illinois.

2 (d) (Blank). ~~For the purposes of this Section, "organic~~
3 ~~waste" means food scrap, landscape waste, wood waste,~~
4 ~~livestock waste, crop residue, paper waste, or other~~
5 ~~non hazardous carbonaceous waste that is collected and~~
6 ~~processed separately from the rest of the municipal waste~~
7 ~~stream.~~

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

13 (f) Standards adopted under this Section do not apply to
14 compost operations exempt from permitting under paragraph
15 (1.5) of subsection (q) of Section 21 of this Act.

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

17 (415 ILCS 5/22.55)

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

19 (a) Findings; purpose and intent.

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

24 (2) The purpose of this Section is to provide, to the
25 extent allowed under federal law, a method for managing

1 certain types of household waste separately from the
2 general household waste stream.

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

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

8 "Controlled substance" means a controlled substance as
9 defined in the Illinois Controlled Substances Act.

10 "Household waste" means waste generated from a single
11 residence or multiple residences.

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

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

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

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

24 "Personal care product" means an item other than a
25 pharmaceutical product that is consumed or applied by an
26 individual for personal health, hygiene, or cosmetic

1 reasons. Personal care products include, but are not
2 limited to, items used in bathing, dressing, or grooming.

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

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

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

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

26 (2) Except as provided in subdivision (c) (2) of this

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

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

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

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

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

26 (4) Household waste must be accepted only from private

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

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

10 (6) Household waste must not be stored for longer than
11 90 days after its receipt, except as otherwise approved by
12 the Agency in writing.

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

26 (8) Management of the household waste must be limited

1 to the following: (i) acceptance of the waste, (ii)
2 temporary storage of the waste prior to transfer, and
3 (iii) off-site transfer of the waste and packaging for
4 off-site transfer.

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

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

23 (1) Waste accepted at the event must be limited to
24 household waste and must not include garbage, landscape
25 waste, or other waste excluded by the Agency in the
26 Agency's approval or any conditions contained in the

1 approval. A one-day household waste collection event may
2 accept controlled substances in accordance with federal
3 law.

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

11 (3) 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 public access to the waste, including, but not
16 limited to, preventing access to the waste during the
17 event's non-business hours.

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

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

1 (6) The transfer and ultimate disposition of household
2 waste received at the collection event must comply with
3 the Agency's approval, including all conditions contained
4 in the approval.

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

1 subsection (d-5) must be operated in accordance with the
2 approval, including all conditions contained in the approval.
3 The following requirements shall apply to the one-day
4 compostable waste collection event, in addition to the
5 conditions contained in the approval:

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

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

14 (A) examples of compostable waste being collected;

15 and

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

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

24 (4) Compostable waste must be managed in a manner that
25 protects against releases of the waste, prevents
26 nuisances, and otherwise protects human health and the

1 environment. Compostable waste must be properly secured to
2 prevent it from being accessed by the public at any time,
3 including, but not limited to, during the collection
4 event's non-operating hours. One-day compostable waste
5 collection events must be adequately supervised during
6 their operating hours.

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

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

13 (B) prevent precipitation from draining through
14 the compostable waste;

15 (C) prevent dispersion of the compostable waste by
16 wind;

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

20 (E) limit access to the compostable waste by
21 vectors;

22 (F) control odors and other nuisances; and

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

26 (6) No more than a total of 40 cubic yards of

1 compostable waste shall be located at the collection site
2 at any one time.

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

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

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

15 (d-6) Permanent compostable waste collection points. To
16 further aid in the collection and composting of compostable
17 waste, as defined in subsection (b), a municipality may
18 approve the operation of permanent compostable waste
19 collection points at any site or facility within its
20 territorial jurisdiction, and a county may approve the
21 operation of permanent compostable waste collection points at
22 any site or facility in any unincorporated area within its
23 territorial jurisdiction. The approval granted pursuant to
24 this subsection (d-6) must be in writing; must specify the
25 location, operating days, and operating hours of the
26 collection point; must list the types of compostable waste

1 that will be collected at the collection point; and must
2 specify a term of not more than 365 calendar days during which
3 the approval will be effective. In addition, if the permanent
4 compostable waste collection point is to be operated at a
5 location within a county with a population of more than
6 400,000 but less than 2,000,000 inhabitants, according to the
7 2010 federal decennial census, then the operator of the
8 collection point shall, at least 30 days before the collection
9 point begins operation, provide a copy of the approval to the
10 recycling coordinator designated by that county. The approval
11 may include conditions imposed by the county or municipality
12 as necessary to protect public health and prevent odors,
13 vectors, and other nuisances. A permanent compostable waste
14 collection point approved pursuant to this subsection (d-6)
15 must be operated in accordance with the approval, including
16 all conditions contained in the approval. The following
17 requirements apply to the permanent compostable waste
18 collection point, in addition to the conditions contained in
19 the approval:

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

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

1 promoting the collection point and signs at the collection
2 point must also include (A) examples of compostable waste
3 being collected and (B) examples of waste that is not
4 being collected.

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

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

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

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

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

1 waste;

2 (C) prevent precipitation from draining through
3 the compostable waste;

4 (D) prevent dispersion of the compostable waste by
5 wind;

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

9 (F) limit access to the compostable waste by
10 vectors;

11 (G) control odors and other nuisances; and

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

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

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

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

25 (9) If a permanent compostable waste collection point
26 receives waste other than compostable waste, then that

1 waste must be disposed of not less frequently than once
2 every 7 days.

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

24 (f) Prohibitions.

25 (1) Except as authorized in a permit issued by the
26 Agency, no person shall cause or allow the operation of a

1 household waste drop-off point, other than a one-day
2 household waste collection event, one-day compostable
3 waste collection event, or permanent compostable waste
4 collection point, in violation of this Section or any
5 regulations adopted under this Section.

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

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

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

23 (g) Permit exemptions.

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

1 collection event, one-day compostable waste collection
2 event, or permanent compostable waste collection point, if
3 the household waste drop-off point is operated in
4 accordance with this Section and all regulations adopted
5 under this Section.

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

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

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

1 including all conditions contained in the approval.

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

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

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

8 (i) (Blank).

9 (j) (Blank).

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

14 (l) (Blank).

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

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

18 (415 ILCS 15/6) (from Ch. 85, par. 5956)

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

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

24 (2) shall provide for the designation of a recycling

1 coordinator to administer the program;i -

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

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

15 (5) may require residents of the county to separate
16 recyclable materials at the time of disposal or trash pick-up;i
17 -

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

23 (7) shall provide for separate collection and composting
24 of leaves;i -

25 (8) shall include public education and notification
26 programs to foster understanding of and encourage compliance

1 with the recycling program; ~~–~~

2 (9) shall include provisions for compliance, including
3 incentives and penalties; ~~–~~

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

9 (11) may provide for the payment of recycling diversion
10 credits to public and private parties engaged in recycling
11 activities; ~~–~~

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

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

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

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

24 Section 15. The Illinois Solid Waste Management Act is
25 amended by changing Section 2.1 and by adding Sections 11, 12,

1 and 13 as follows:

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

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

6 "Agency" means the Environmental Protection Agency.

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

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

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

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

25 "Food waste processing facility" has the meaning ascribed

1 to that term in Section 3.198 of the Environmental Protection
2 Act.

3 "High grade printing and writing papers" includes offset
4 printing paper, duplicator paper, writing paper (stationery),
5 office paper, note pads, xerographic paper, envelopes, form
6 bond including computer paper and carbonless forms, book
7 papers, bond papers, ledger paper, book stock and cotton fiber
8 papers.

9 "Paper and paper products" means high grade printing and
10 writing papers, tissue products, newsprint, unbleached
11 packaging and recycled paperboard.

12 "Postconsumer material" means only those products
13 generated by a business or consumer which have served their
14 intended end uses, and which have been separated or diverted
15 from solid waste; wastes generated during production of an end
16 product are excluded.

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

1 residues such as bark.

2 "Recycled paperboard" includes recycled paperboard
3 products, folding cartons and pad backing.

4 "Recycling" means the process by which solid waste is
5 collected, separated and processed for reuse as either a raw
6 material or a product which itself is subject to recycling,
7 but does not include the combustion of waste for energy
8 recovery or volume reduction.

9 "Tissue products" includes toilet tissue, paper towels,
10 paper napkins, facial tissue, paper doilies, industrial
11 wipers, paper bags and brown papers.

12 "Unbleached packaging" includes corrugated and fiber
13 boxes.

14 "USEPA Guidelines for federal procurement" means all
15 minimum recycled content standards recommended by the U.S.
16 Environmental Protection Agency.

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

18 (415 ILCS 20/11 new)

19 Sec. 11. Food and food waste management hierarchy;
20 diversion from landfill.

21 (a) Notwithstanding subsection (b) of Section 2, it is the
22 policy of the State for food and food waste collected under
23 this Section to be managed according to the following food and
24 food waste management hierarchy, which identifies the State's
25 priorities for the management of food and food waste in the

1 State:

2 (1) The first priority is preventing or reducing the
3 amount of food and food waste that is discarded or
4 disposed of in the State.

5 (2) The second priority is collecting and diverting
6 food that is safe for human consumption for reuse and
7 redistribution.

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

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

15 (b) A covered establishment, as defined in subsection (f),
16 that meets the applicable regulatory threshold as determined
17 in accordance with subsection (f) shall:

18 (1) separate the food and food waste from other solid
19 waste;

20 (2) manage the food and food waste in compliance with
21 State and local laws and rules applicable to its use in
22 accordance with subsection (a);

23 (3) either (i) arrange for transfer of the food and
24 food waste to a location that manages food and food waste
25 in compliance with State and local laws and rules
26 applicable to its use in accordance with subsection (a) or

1 (ii) manage the food and food waste on-site in compliance
2 with State and local laws and rules applicable to its use
3 in accordance with subsection (a);

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

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

13 (6) provide, on at least an annual basis, training
14 opportunities for all employees and subcontractors
15 managing food and food waste generated on the property and
16 maintain proof of the training being conducted for as long
17 as the employee remains employed and the subcontractor
18 remains under contract; and

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

1 name and physical location of where the food or food waste
2 was taken for each applicable part of the food waste
3 management hierarchy.

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

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

1 penalty, injunction, or other relief provided by any other
2 law.

3 (e) Any covered establishment that knowingly makes a
4 false, fictitious, or fraudulent material statement, orally or
5 in writing, related to or required by this Section or any rule
6 adopted pursuant to this Section commits a Class 4 felony, and
7 each such statement or writing shall be considered a separate
8 Class 4 felony. A covered establishment who, after being
9 convicted under this subsection, violates this subsection a
10 second time or subsequent time commits a Class 3 felony.

11 (f) As used in this Section:

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

1 census, located at an establishment with floor area of more
2 than 9,000 square feet and within 20 miles of an
3 Agency-permitted composting facility or anaerobic digester
4 that accepts food waste.

5 "Board" means the Pollution Control Board established
6 under the Environmental Protection Act.

7 "Covered establishment" means a commercial or
8 institutional generator of food or food waste in the following
9 business classifications: restaurants, grocery stores, and
10 food wholesalers, distributors, and manufacturers.

11 (415 ILCS 20/12 new)

12 Sec. 12. Diverting food that is safe for human
13 consumption.

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

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

1 that is suitable for human consumption.

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

5 (415 ILCS 20/13 new)

6 Sec. 13. Markets for compost and digestate. In order to
7 expand the end use of compost and digestate in the State, the
8 following requirements shall be met by State agencies and
9 units of local government:

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

20 (2) the Department of Natural Resources shall purchase
21 and use 50,000 cubic yards in State fiscal year 2029,
22 100,000 cubic yards in State fiscal year 2030, 150,000
23 cubic yards in State fiscal year 2031, 200,000 cubic yards
24 in State fiscal year 2032, and 250,000 cubic yards in
25 State fiscal year 2033 and thereafter of compost and

1 digestate on State-owned and leased farmland, if within 50
2 miles of a composting or anaerobic digestion facility that
3 has a supply adequate to meet the requirements of this
4 paragraph;

5 (3) the Department of Transportation shall purchase
6 and use 50,000 cubic yards in State fiscal year 2029,
7 100,000 cubic yards in State fiscal year 2030, 150,000
8 cubic yards in State fiscal year 2031, 200,000 cubic yards
9 in State fiscal year 2032, and 250,000 cubic yards in
10 State fiscal year 2033 and thereafter of compost and
11 digestate on State road building projects, if within 50
12 miles of a composting or anaerobic digestion facility that
13 has a supply adequate to meet the requirements of this
14 paragraph; and

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."