



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3963

Introduced 2/6/2026, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.123 new
415 ILCS 5/3.126 new
415 ILCS 5/3.150 was 415 ILCS 5/3.69
415 ILCS 5/3.155 was 415 ILCS 5/3.70
415 ILCS 5/3.182 new
415 ILCS 5/3.198 new
415 ILCS 5/3.308 new
415 ILCS 5/3.309 new
415 ILCS 5/3.330 was 415 ILCS 5/3.32
415 ILCS 5/21 from Ch. 111 1/2, par. 1021
415 ILCS 5/22.34
415 ILCS 5/3.197 rep.

Amends the Environmental Protection Act. Repeals the definition of "food scrap"; adds definitions for "anaerobic digestion", "biogas", "digestate", "food waste", "organic material", and "organic waste"; and updates the definitions of "compost" and "composting". In provisions regarding pollution control facilities, includes a new exemption for portions of sites or facilities used for composting or anaerobic digestion of organic waste that meet specified siting, setback, floodplain, and operational requirements. In provisions regarding prohibited acts, establishes permitting requirements for organic waste composting operations and organic waste anaerobic digesters, and creates exemptions for small-scale and certain farm-based composting operations that meet volume limits, setback distances, and other environmental safeguards. Provides that anaerobic digesters using only non-waste feedstock are exempt from solid waste permitting and clarifies that digested material returned to the economic mainstream is not regulated as waste. Authorizes the Environmental Protection Agency to recommend, and the Pollution Control Board to adopt, performance standards for organic waste compost facilities and testing procedures for end-product compost, and requires a Technical Advisory Committee with balanced stakeholder representation. Specifies that standards apply to compost offered for sale or use and exempts on-site residential composting. Makes conforming changes throughout to integrate new definitions and regulatory requirements.

LRB104 19753 BDA 33203 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Sections 3.150, 3.155, 3.330, 21, and 22.34 and by
6 adding Sections 3.123, 3.126, 3.182, 3.198, 3.308, and 3.309
7 as follows:

8 (415 ILCS 5/3.123 new)

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

13 (415 ILCS 5/3.126 new)

14 Sec. 3.126. Biogas. "Biogas" means the energy-rich gas
15 produced by the anaerobic decomposition or thermal conversion
16 of organic material.

17 (415 ILCS 5/3.150) (was 415 ILCS 5/3.69)

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

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

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

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

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

8 (415 ILCS 5/3.182 new)

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

11 (415 ILCS 5/3.198 new)

12 Sec. 3.198. Food waste. "Food waste" means organic waste
13 that meets the definition of "garbage" under this Act.

14 (415 ILCS 5/3.308 new)

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

17 (415 ILCS 5/3.309 new)

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

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

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 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 anaerobic digester or an
4 enclosed composting vessel in which air flow and
5 temperature are controlled, or, for organic waste
6 being composted outside of an enclosed vessel, all of
7 the following ~~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 waste ~~food scrap, livestock waste, crop~~
15 ~~residue, uncontaminated wood waste, and paper~~
16 ~~waste~~ must be (i) processed into windrows or other
17 piles and (ii) covered in a manner that prevents
18 scavenging by birds and animals and that prevents
19 other 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 waste ~~food scrap, livestock waste, crop~~
4 ~~residue, uncontaminated wood waste, or paper waste~~
5 from a 100-year flood, or (iii) reduce the temporary
6 water storage capacity of the 100-year floodplain,
7 unless measures are undertaken to provide alternative
8 storage capacity, such as by providing lagoons,
9 holding tanks, or drainage around structures at the
10 facility.

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

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

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

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

25 (G) The site or facility must not be located in an
26 area where it may jeopardize the continued existence

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

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

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

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

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

1 (the effective date of Public Act 96-1314);

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

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

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

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

17 (B) that is located entirely within a home rule
18 unit having a population of (i) not less than 100,000
19 and not more than 115,000 according to the 2010
20 federal census, (ii) not less than 5,000 and not more
21 than 10,000 according to the 2010 federal census, or
22 (iii) not less than 25,000 and not more than 30,000
23 according to the 2010 federal census or that is
24 located in the unincorporated area of a county having
25 a population of not less than 700,000 and not more than
26 705,000 according to the 2010 federal census;

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

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

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

17 (A) that is located in a county having a
18 population of not less than 55,000 and not more than
19 60,000 according to the 2010 federal census;

20 (B) that is owned by that county;

21 (C) that is permitted, by the Agency, prior to
22 July 10, 2015 (the effective date of Public Act
23 99-12); and

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

1 of non-hazardous special waste;

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

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

12 (b) A new pollution control facility is:

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

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

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

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

22 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

25 (b) Abandon, dump, or deposit any waste upon the public

1 highways or other public property, except in a sanitary
2 landfill approved by the Agency pursuant to regulations
3 adopted by the Board.

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

7 (d) Conduct any waste-storage, waste-treatment, or
8 waste-disposal operation:

9 (1) without a permit granted by the Agency or in
10 violation of any conditions imposed by such permit,
11 including periodic reports and full access to adequate
12 records and the inspection of facilities, as may be
13 necessary to assure compliance with this Act and with
14 regulations and standards adopted thereunder; provided,
15 however, that, except for municipal solid waste landfill
16 units that receive waste on or after October 9, 1993, and
17 CCR surface impoundments, no permit shall be required for
18 (i) any person conducting a waste-storage,
19 waste-treatment, or waste-disposal operation for wastes
20 generated by such person's own activities which are
21 stored, treated, or disposed within the site where such
22 wastes are generated, (ii) until one year after the
23 effective date of rules adopted by the Board under
24 subsection (n) of Section 22.38, a facility located in a
25 county with a population over 700,000 as of January 1,
26 2000, operated and located in accordance with Section

1 22.38 of this Act, and used exclusively for the transfer,
2 storage, or treatment of general construction or
3 demolition debris, provided that the facility was
4 receiving construction or demolition debris on August 24,
5 2009 (the effective date of Public Act 96-611), or (iii)
6 any person conducting a waste transfer, storage,
7 treatment, or disposal operation, including, but not
8 limited to, a waste transfer or waste composting
9 operation, under a mass animal mortality event plan
10 created by the Department of Agriculture;

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

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

1 and address of the location of the operation; the type of
2 operation; the types and amounts of waste stored, treated
3 or disposed of on an annual basis; the remaining capacity
4 of the operation; and the remaining expected life of the
5 operation.

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

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

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

18 (f) Conduct any hazardous waste-storage, hazardous
19 waste-treatment or hazardous waste-disposal operation:

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

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

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

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

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

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

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

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

24 (h) Conduct any hazardous waste-recycling or hazardous
25 waste-reclamation or hazardous waste-reuse operation in
26 violation of any regulations, standards or permit requirements

1 adopted by the Board under this Act.

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

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

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

25 (l) Locate a hazardous waste disposal site above an active
26 or inactive shaft or tunneled mine or within 2 miles of an

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

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

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

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

25 (1) refuse in standing or flowing waters;

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

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

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

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

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

11 (7) acceptance of wastes without necessary permits;

12 (8) scavenging as defined by Board regulations;

13 (9) deposition of refuse in any unpermitted portion of
14 the landfill;

15 (10) acceptance of a special waste without a required
16 manifest;

17 (11) failure to submit reports required by permits or
18 Board regulations;

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

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

24 The prohibitions specified in this subsection (o) shall be
25 enforceable by the Agency either by administrative citation
26 under Section 31.1 of this Act or as otherwise provided by this

1 Act. The specific prohibitions in this subsection do not limit
2 the power of the Board to establish regulations or standards
3 applicable to sanitary landfills.

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

7 (1) litter;

8 (2) scavenging;

9 (3) open burning;

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

11 (5) proliferation of disease vectors;

12 (6) standing or flowing liquid discharge from the dump
13 site;

14 (7) deposition of:

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

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

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

25 (q) Conduct a landscape waste composting operation without
26 an Agency permit, provided, however, that no permit shall be

1 required for any person:

2 (1) conducting a landscape waste composting operation
3 for landscape wastes generated by such person's own
4 activities which are stored, treated, or disposed of
5 within the site where such wastes are generated; or

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

11 (2) applying landscape waste or composted landscape
12 waste at agronomic rates; or

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

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

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

26 (B) the property on which the composting facility

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

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

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

21 (E) the owner or operator, by January 1, 2014 (or
22 the January 1 following commencement of operation,
23 whichever is later) and January 1 of each year
24 thereafter, registers the site with the Agency, (ii)
25 reports to the Agency on the volume of composting
26 material received and used at the site; (iii)

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

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

24 (A) the composting facility is operated by the
25 farmer on property on which the composting material is
26 utilized, and the composting facility constitutes no

1 more than 2% of the property's total acreage, except
2 that the Board may allow a higher percentage for
3 individual sites where the owner or operator has
4 demonstrated to the Board that the site's soil
5 characteristics or crop needs require a higher rate;

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

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

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

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

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

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

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

26 (II) was placed outside the boundary of the

1 10-year floodplain or on a part of the site that is
2 floodproofed;

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

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

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

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

1 to the Board that the site's soil characteristics or crop
2 needs require a higher rate.

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

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

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

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

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

1 thereto, and the owner or operator of the facility agrees
2 to accept the waste; and either:

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

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

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

1 of Title X of this Act, the Agency is authorized to grant
2 experimental permits which include provision for the disposal
3 of wastes from the combustion of coal and other materials
4 pursuant to items (2) and (3) of this subdivision (r).

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

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

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

24 (v) (Blank).

25 (w) Conduct any generation, transportation, or recycling
26 of construction or demolition debris, clean or general, or

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

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

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

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

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

24 (bb) Conduct an organic waste composting operation without
25 an Agency solid waste permit; provided, however, that no solid
26 waste permit shall be required under this subsection (bb) for

1 any person:

2 (1) conducting an organic waste composting operation
3 that has no more than a total of 25 cubic yards of (i)
4 source-separated organic waste, (ii) composting additives,
5 (iii) organic waste and additives in the process of being
6 composted, and (iv) end-product compost on-site at any one
7 time;

8 (2) conducting an organic waste composting operation
9 that meets all of the following requirements:

10 (A) total on-site volume does not exceed 1,000
11 cubic yards of (i) source-separated organic waste,
12 (ii) composting additives, (iii) organic waste and
13 additives in the process of being composted, and (iv)
14 end-product compost on-site at any one time;

15 (B) 200-foot setback from the nearest potable
16 water supply well for the composting area;

17 (C) the composting area is outside the 10-year
18 floodplain or is floodproofed;

19 (D) end-of-day processing/covering requirements
20 for nuisance and scavenging control;

21 (E) 5-foot separation from the water table;

22 (F) runoff control to prevent off-site runoff;

23 (G) dust, odor, and noise controls to prevent
24 off-site migration;

25 (H) annual registration with the Agency by March 1
26 including owner and operator, site description,

1 prior-year volumes produced and received, and
2 certification of compliance with this paragraph; or
3 (3) conducting a landscape waste composting operation,
4 including landscape waste composting that accepts organic
5 waste as an additive, which is subject to subsection (q)
6 rather than this subsection (bb).

7 (cc) Operate an organic waste anaerobic digester without
8 an Agency solid waste permit. A solid waste permit is not
9 required for an anaerobic digester that utilizes only
10 non-waste feedstock. To the extent allowed by federal law,
11 organic material that (i) meets digester feedstock
12 specifications, (ii) is digested into biogas and digestate,
13 and (iii) is returned to the economic mainstream in the form of
14 raw materials or products is not subject to regulation as
15 waste.

16 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
17 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-342, eff.
18 1-1-24; 103-651, eff. 7-18-24.)

19 (415 ILCS 5/22.34)

20 Sec. 22.34. Organic waste compost quality standards.

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

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

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

13 (1) the management of potential exposures for human
14 disease vectors and odor;

15 (2) the management of surface water;

16 (3) contingency planning for handling end-product
17 compost material that does not meet end-product compost
18 standards adopted by the Board;

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

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

26 (b) No later than one year after the Agency makes

1 recommendations to the Board under subsection (a) of this
2 Section, the Board shall adopt, as applicable:

3 (1) performance standards for organic waste compost
4 facilities; and

5 (2) testing procedures and standards for the
6 end-product compost produced by organic waste compost
7 facilities.

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

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

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

24 (e) Except as otherwise provided in Board rules, solid
25 waste permits for organic waste composting facilities shall be
26 issued under the Board's Solid Waste rules at 35 Ill. Adm. Code

1 807. The permits must include, but shall not be limited to,
2 measures designed to reduce pathogens in the compost.

3 (f) Standards adopted under this Section do not apply to
4 compost operations exempt from permitting under paragraph
5 (1.5) of subsection (q) or under subsection (bb) of Section 21
6 of this Act.

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

8 (415 ILCS 5/3.197 rep.)

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