



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5592

Introduced 2/9/2024, by Rep. Hoan Huynh

SYNOPSIS AS INTRODUCED:

415 ILCS 10/2
415 ILCS 10/3

from Ch. 85, par. 5902
from Ch. 85, par. 5903

Amends the Local Solid Waste Disposal Act. Provides that the definition of "municipal waste" does not include food residual or landscape waste resulting from commercial activities beginning in 2027. Provides for units of local government to prepare solid waste management plans to include provisions for diverting food waste and landscape waste from the landfill stream, prioritizing food consumption by humans, agricultural use, consumption by animals, and composting. Defines "food residual".

LRB103 39044 BDA 69181 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 Local Solid Waste Disposal Act is amended
5 by changing Sections 2 and 3 as follows:

6 (415 ILCS 10/2) (from Ch. 85, par. 5902)

7 Sec. 2. As used in this Act, unless the context clearly
8 indicates otherwise:

9 (1) "Solid waste" means "waste", as defined in the
10 Illinois Environmental Protection Act, but for the purposes of
11 this Act does not include "hazardous waste" as defined in that
12 Act.

13 (2) "Unit of local government" means a municipality,
14 county, or a Municipal Joint Action Agency created under
15 Section 3.2 of the Intergovernmental Cooperation Act or, if
16 the context requires, the member municipalities of such an
17 agency or their territory.

18 (3) "Pollution control facility" has the meaning ascribed
19 to the term in the Illinois Environmental Protection Act,
20 except that the term shall not include sewers and sewage
21 treatment facilities owned or operated by sanitary districts.

22 (4) "Jurisdiction" means: (1) in the case of a
23 municipality, the territory within the corporate limits of the

1 municipality; (2) in the case of a county, the territory
2 within the corporate limits of the county which does not lie
3 within the corporate limits of any municipality which has
4 adopted and is implementing a plan under this Act either
5 independently or through a Municipal Joint Action Agency; and
6 (3) in the case of a Municipal Joint Action Agency, the
7 territory within the corporate limits of each member
8 municipality.

9 (5) "Qualified solid waste energy facility" means either
10 (i) a solid waste pollution control facility or a portion
11 thereof owned or operated by or for the benefit of a unit of
12 local government and developed under this Act, which meets the
13 requirements set forth in Section 3.1 of this Act, or (ii) a
14 facility which uses methane gas generated from landfills.

15 (6) "Municipal waste" means garbage, general household,
16 institutional and commercial waste, industrial lunchroom or
17 office waste, landscape waste, and construction and demolition
18 debris. Beginning on January 1, 2027, municipal waste does not
19 include food residuals or landscape waste resulting from
20 commercial activities.

21 (7) "Food residual" means source separated and
22 uncontaminated organic solid waste material that is derived
23 from the processing or discarding of food and that is
24 recyclable. "Food residual" may include preconsumer, or
25 pre-cooked, and postconsumer, or post-cooked, food scraps.
26 "Food residual" does not mean meat or meat-related products

1 when the food residuals are composted by a resident on site.

2 (Source: P.A. 87-650; 88-681, eff. 12-22-94.)

3 (415 ILCS 10/3) (from Ch. 85, par. 5903)

4 Sec. 3. Units of local government may, on their own behalf
5 or pursuant to an intergovernmental agreement under Section 4,
6 prepare solid waste management plans for disposal of solid
7 waste generated within their jurisdictions. No such plans,
8 however, shall be implemented prior to July 1, 1986. Such
9 plans, if prepared, shall include provisions for, but need not
10 be limited to, the following:

11 (1) a description of the origin, content and weight or
12 volume of municipal waste currently generated within the
13 unit of local government's boundaries, and an estimate of
14 the origin, content, and weight or volume of municipal
15 waste that will be generated within the unit of local
16 government's boundaries during the next 20 years,
17 including an assessment of the primary variables affecting
18 this estimate and the extent to which they can reasonably
19 be expected to occur;

20 (2) a description of the facilities where municipal
21 waste is currently being processed or disposed of and the
22 remaining capacity of such facilities;

23 (3) a description of the facilities and programs that
24 are proposed for the management of municipal waste
25 generated within the unit of local government's boundaries

1 during the next 20 years including, but not limited to,
2 their size, expected cost and financing method;

3 (4) an evaluation of the environmental, energy, life
4 cycle cost and economic advantages and disadvantages of
5 the proposed waste management facilities and financing
6 method;

7 (5) a description of the time schedule for the
8 development and operation of each proposed facility or
9 program;

10 (6) the identity of potential sites within the unit of
11 local government where each proposed waste processing,
12 disposal and recycling program will be located, or an
13 explanation of how the sites will be chosen. For any
14 facility outside the unit of local government that the
15 unit of local government proposes to utilize, the plan
16 shall explain the reasons for selecting that facility;

17 (7) if the plan concludes that waste stream control
18 measures are necessary to implement the plan, the
19 identification of those measures;

20 (8) identification of any governmental entity that
21 will be responsible for implementing the plan on behalf of
22 the unit of local government, and an explanation of the
23 legal basis for the entity's authority to do so; and

24 (9) adequate provision for the present and reasonably
25 anticipated future needs of the recycling and resource
26 recovery interests within the area.

1 (10) designing and implementation of a plan to divert
2 food residual and landscape waste from the landfill stream
3 and provide for the collection, disposal, hauling, and
4 processing of food residual and landscape waste in an
5 accessible manner, which may include the transfer of food
6 residual and landscape waste to a location that manages
7 food residual and landscape waste or the management of
8 food residual and landscape waste on-site; and

9 (11) designing and implementation of a plan to manage
10 food residual and landscape waste streams to prioritize
11 food consumption by humans, agricultural use, including
12 consumption by animals, and composting.

13 (Source: P.A. 87-650.)