



Rep. Sandra M. Pihos

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1 AMENDMENT TO HOUSE BILL 3873

2 AMENDMENT NO. _____. Amend House Bill 3873, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Environmental Protection Act is amended by
6 changing Sections 3.330, 22.26, and 22.34 and by adding
7 Sections 3.197 and 3.282 as follows:

8 (415 ILCS 5/3.197 new)

9 Sec. 3.197. Food scrap. "Food scrap" means garbage that is
10 (i) capable of being decomposed into compost by composting,
11 (ii) separated by the generator from other waste, including,
12 but not limited to, garbage that is not capable of being
13 decomposed into compost by composting, and (iii) managed
14 separately from other waste, including, but not limited to,
15 garbage that is not capable of being decomposed into compost by
16 composting. "Food scrap" includes, but is not limited to,

1 packaging, utensils, and food containers composed of readily
2 biodegradable material. For the purposes of this Section,
3 packaging, utensils, and food containers are readily
4 biodegradable if they meet the ASTM D6400 standard.

5 (415 ILCS 5/3.282 new)

6 Sec. 3.282. Livestock waste. "Livestock waste" means
7 "livestock waste" as defined in the Livestock Management
8 Facilities Act.

9 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

10 Sec. 3.330. Pollution control facility.

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

17 The following are not pollution control facilities:

18 (1) (blank);

19 (2) waste storage sites regulated under 40 CFR, Part
20 761.42;

21 (3) sites or facilities used by any person conducting a
22 waste storage, waste treatment, waste disposal, waste
23 transfer or waste incineration operation, or a combination
24 thereof, for wastes generated by such person's own

1 activities, when such wastes are stored, treated, disposed
2 of, transferred or incinerated within the site or facility
3 owned, controlled or operated by such person, or when such
4 wastes are transported within or between sites or
5 facilities owned, controlled or operated by such person;

6 (4) sites or facilities at which the State is
7 performing removal or remedial action pursuant to Section
8 22.2 or 55.3;

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

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

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

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

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

26 (10) the portion of a site or facility used for

1 treatment of petroleum contaminated materials by
2 application onto or incorporation into the soil surface and
3 any portion of that site or facility used for storage of
4 petroleum contaminated materials before treatment. Only
5 those categories of petroleum listed in Section 57.9(a)(3)
6 are exempt under this subdivision (10);

7 (11) the portion of a site or facility where used oil
8 is collected or stored prior to shipment to a recycling or
9 energy recovery facility, provided that the used oil is
10 generated by households or commercial establishments, and
11 the site or facility is a recycling center or a business
12 where oil or gasoline is sold at retail;

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

1 and (ii) in compliance with all applicable zoning
2 requirements;

3 (12) the portion of a site or facility utilizing coal
4 combustion waste for stabilization and treatment of only
5 waste generated on that site or facility when used in
6 connection with response actions pursuant to the federal
7 Comprehensive Environmental Response, Compensation, and
8 Liability Act of 1980, the federal Resource Conservation
9 and Recovery Act of 1976, or the Illinois Environmental
10 Protection Act or as authorized by the Agency;

11 (13) the portion of a site or facility accepting
12 exclusively general construction or demolition debris,
13 located in a county with a population over 700,000 as of
14 January 1, 2000, and operated and located in accordance
15 with Section 22.38 of this Act;

16 (14) the portion of a site or facility, located within
17 a unit of local government that has enacted local zoning
18 requirements, used to accept, separate, and process
19 uncontaminated broken concrete, with or without protruding
20 metal bars, provided that the uncontaminated broken
21 concrete and metal bars are not speculatively accumulated,
22 are at the site or facility no longer than one year after
23 their acceptance, and are returned to the economic
24 mainstream in the form of raw materials or products;

25 (15) the portion of a site or facility located in a
26 county with a population over 3,000,000 that has obtained

1 local siting approval under Section 39.2 of this Act for a
2 municipal waste incinerator on or before July 1, 2005 and
3 that is used for a non-hazardous waste transfer station;

4 (16) a site or facility that temporarily holds in
5 transit for 10 days or less, non-petruscible solid waste in
6 original containers, no larger in capacity than 500
7 gallons, provided that such waste is further transferred to
8 a recycling, disposal, treatment, or storage facility on a
9 non-contiguous site and provided such site or facility
10 complies with the applicable 10-day transfer requirements
11 of the federal Resource Conservation and Recovery Act of
12 1976 and United States Department of Transportation
13 hazardous material requirements. For purposes of this
14 Section only, "non-petruscible solid waste" means waste
15 other than municipal garbage that does not rot or become
16 putrid, including, but not limited to, paints, solvent,
17 filters, and absorbents;

18 (17) the portion of a site or facility located in a
19 county with a population greater than 3,000,000 that has
20 obtained local siting approval, under Section 39.2 of this
21 Act, for a municipal waste incinerator on or before July 1,
22 2005 and that is used for wood combustion facilities for
23 energy recovery that accept and burn only wood material, as
24 included in a fuel specification approved by the Agency;
25 ~~and~~

26 (18) a transfer station used exclusively for landscape

1 waste, including a transfer station where landscape waste
2 is ground to reduce its volume, where the landscape waste
3 is held no longer than 24 hours from the time it was
4 received; and-

5 (19) the portion of a site or facility that (i) is used
6 for the composting of food scrap, livestock waste, crop
7 residue, uncontaminated wood waste, or paper waste,
8 including, but not limited to, corrugated paper or
9 cardboard, and (ii) meets all of the following
10 requirements:

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

15 (B) All food scrap, livestock waste, crop residue,
16 uncontaminated wood waste, and paper waste must, by the
17 end of each operating day, be processed and placed into
18 an enclosed vessel in which air flow and temperature
19 are controlled, or all of the following additional
20 requirements must be met:

21 (i) The portion of the site or facility used
22 for the composting operation must include a
23 setback of at least 200 feet from the nearest
24 potable water supply well.

25 (ii) The portion of the site or facility used
26 for the composting operation must be located

1 outside the boundary of the 10-year floodplain or
2 floodproofed.

3 (iii) The portion of the site or facility used
4 for the composting operation must be located at
5 least one-eighth of a mile from the nearest
6 residence, other than a residence located on the
7 same property as the site or facility.

8 (iv) The portion of the site or facility used
9 for the composting operation must be located at
10 least one-eighth of a mile from the property line
11 of all of the following areas:

12 (I) Facilities that primarily serve to
13 house or treat people that are
14 immunocompromised or immunosuppressed, such as
15 cancer or AIDS patients; people with asthma,
16 cystic fibrosis, or bioaerosol allergies; or
17 children under the age of one year.

18 (II) Primary and secondary schools and
19 adjacent areas that the schools use for
20 recreation.

21 (III) Any facility for child care licensed
22 under Section 3 of the Child Care Act of 1969;
23 preschools; and adjacent areas that the
24 facilities or preschools use for recreation.

25 (v) By the end of each operating day, all food
26 scrap, livestock waste, crop residue,

1 uncontaminated wood waste, and paper waste must be
2 (i) processed into windrows or other piles and (ii)
3 covered in a manner that prevents scavenging by
4 birds and animals and that prevents other
5 nuisances.

6 (C) Food scrap, livestock waste, crop residue,
7 uncontaminated wood waste, paper waste, and compost
8 must not be placed within 5 feet of the water table.

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

12 (E) The site or facility must not (i) restrict the
13 flow of a 100-year flood, (ii) result in washout of
14 food scrap, livestock waste, crop residue,
15 uncontaminated wood waste, or paper waste from a
16 100-year flood, or (iii) reduce the temporary water
17 storage capacity of the 100-year floodplain, unless
18 measures are undertaken to provide alternative storage
19 capacity, such as by providing lagoons, holding tanks,
20 or drainage around structures at the facility.

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

24 (i) an irreplaceable historic or
25 archaeological site has been listed under the
26 National Historic Preservation Act (16 U.S.C. 470

1 et seq.) or the Illinois Historic Preservation
2 Act;

3 (ii) a natural landmark has been designated by
4 the National Park Service or the Illinois State
5 Historic Preservation Office; or

6 (iii) a natural area has been designated as a
7 Dedicated Illinois Nature Preserve under the
8 Illinois Natural Areas Preservation Act.

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

18 (b) A new pollution control facility is:

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

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

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

26 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,

1 eff. 6-2-06; 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331,
2 eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08.)

3 (415 ILCS 5/22.26) (from Ch. 111 1/2, par. 1022.26)

4 Sec. 22.26. The Agency shall not issue a development or
5 construction permit after December 31, 1990 for any composting
6 facility, unless the applicant has given notice thereof (1) in
7 person or by mail to the members of the General Assembly from
8 the legislative district in which the proposed facility is to
9 be located, (2) by registered or certified mail to the owners
10 of all real property located within 250 feet of the site of the
11 proposed facility (determined as provided in subsection (b) of
12 Section 39.2), and (3) to the general public by publication in
13 a newspaper of general circulation in the county in which the
14 proposed facility is to be located. The notice required under
15 this Section must include: (i) a description of the type of
16 facility being proposed, (ii) the location of the proposed
17 facility, (iii) the name of the person proposing the
18 construction or development of the facility and the contact
19 information (including a phone number) for that person, (iv)
20 instructions directing the recipient of the notice to send
21 written comments relating to the construction or development of
22 the facility to the Agency within 21 days after the notice is
23 either received by mail or last published in a newspaper of
24 general circulation, and (v) the Agency's address, as well as
25 the phone numbers for the Bureaus and Sections responsible for

1 issuing the permit.

2 (Source: P.A. 86-1195.)

3 (415 ILCS 5/22.34)

4 Sec. 22.34. Organic waste compost quality standards.

5 (a) The Agency may ~~By January 1, 1994, the Agency shall~~
6 develop and make recommendations to the Board concerning (i)
7 performance standards for organic waste compost facilities and
8 (ii) testing procedures and standards for the end-product
9 compost produced by organic waste compost 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 ~~shall at a minimum include:~~

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 ~~requirements of subsection~~
3 ~~(b)~~;

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

5 (5) a financial assurance plan necessary to restore the
6 site as specified in Agency permit. The financial assurance
7 plan may include, but is not limited to, posting with the
8 Agency a performance bond or other security for the purpose
9 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 ~~By December 1, 1997,~~ the Board shall adopt, as
13 applicable:

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

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

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

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

1 Subsection (b) applies to any end-product compost offered for
2 sale or use in Illinois.

3 (d) For the purposes of this Section, "organic waste" means
4 food scrap waste, landscape waste, wood waste, livestock waste,
5 crop residue, paper waste, or other non-hazardous carbonaceous
6 waste that is collected and processed separately from the rest
7 of the municipal waste 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 (Source: P.A. 87-1227; 88-690, eff. 1-24-95.)".