



Sen. Heather Steans

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1 AMENDMENT TO SENATE BILL 99

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 99 by replacing  
3 everything after the enacting clause with the following:

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

7 (415 ILCS 5/3.197 new)

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

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

4 (415 ILCS 5/3.282 new)

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

8 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

9 Sec. 3.330. Pollution control facility.

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

16 The following are not pollution control facilities:

17 (1) (blank);

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

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

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

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

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

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

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

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

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

25 (10) the portion of a site or facility used for  
26 treatment of petroleum contaminated materials by

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

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

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

1 requirements;

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

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

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

24 (15) the portion of a site or facility located in a  
25 county with a population over 3,000,000 that has obtained  
26 local siting approval under Section 39.2 of this Act for a

1 municipal waste incinerator on or before July 1, 2005 and  
2 that is used for a non-hazardous waste transfer station;

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

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

25 (18) a transfer station used exclusively for landscape  
26 waste, including a transfer station where landscape waste

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

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

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

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

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

24 (ii) The portion of the site or facility used  
25 for the composting operation must be located  
26 outside the boundary of the 10-year floodplain or

1           floodproofed.

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

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

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

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

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

24           (v) By the end of each operating day, all food  
25           scrap, livestock waste, crop residue,  
26           uncontaminated wood waste, and paper waste must be



1           (i) processed into windrows or other piles and (ii)  
2           covered in a manner that prevents scavenging by  
3           birds and animals and that prevents other  
4           nuisances.

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

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

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

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

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

1           Act;

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

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

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

17       (b) A new pollution control facility is:

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

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

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

25       (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,  
26       eff. 6-2-06; 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331,

1 eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08.)

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

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

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

2 (415 ILCS 5/22.34)

3 Sec. 22.34. Organic waste compost quality standards.

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

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

19 Performance standards for organic waste compost facilities  
20 may include, but are not limited to ~~shall at a minimum include:~~

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

23 (2) the management of surface water;

24 (3) contingency planning for handling end-product  
25 compost material that does not meet end-product compost

1 standards adopted by the Board ~~requirements of subsection~~  
2 ~~(b)~~;

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

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

9 (b) No later than one year after the Agency makes  
10 recommendations to the Board under subsection (a) of this  
11 Section ~~By December 1, 1997,~~ the Board shall adopt, as  
12 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) For the purposes of this Section, "organic waste" means  
3 food scrap waste, landscape waste, wood waste, livestock waste,  
4 crop residue, paper waste, or other non-hazardous carbonaceous  
5 waste that is collected and processed separately from the rest  
6 of the municipal waste stream.

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

12 (Source: P.A. 87-1227; 88-690, eff. 1-24-95.)".