



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2816

Introduced 1/17/2024, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.22a new
415 ILCS 5/22.35a new
415 ILCS 12/12 new
415 ILCS 15/6.1 new
415 ILCS 15/6.2 new

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to compile and make available to the public a report identifying the types and volumes of waste treated at authorized recycling facilities, the types and volumes of waste treated at authorized organic waste composting facilities, the total volumes of food scraps processed at municipal solid waste landfills, the total permitted capacity for compost volume on municipal solid waste (MSW) sites, and the total emissions of methane from MSW landfills. Sets forth findings, purposes, and goals. Establishes organic waste composting goals. Requires specified commercial food wholesalers, commercial food distributors, industrial food manufacturers or processors, supermarkets, restaurants, resorts, and conference centers to begin arranging for: (1) source separation of organic wastes from other solid wastes and (2) recycling of the source-separated organic waste at an authorized source-separated organic material composting facility. Amends the Solid Waste Planning and Recycling Act. Requires each county waste management plan to include a composting program for organic waste as a part of the basic waste disposal plan. Allows a unit of local government to collect fees or rates for the organic waste composting services. Includes exemptions. Makes corresponding changes in the Solid Waste Hauling and Recycling Program Act.

LRB103 35961 LNS 66048 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 adding Sections 22.22a and 22.35a as follows:

6 (415 ILCS 5/22.22a new)

7 Sec. 22.22a. Commercial organic waste.

8 (a) Beginning July 1, 2027, if a commercial food
9 wholesaler, a commercial food distributor, an industrial food
10 manufacturer or processor, a supermarket, a restaurant, a
11 resort, or a conference center produces more than 4 cubic
12 yards of organic waste per week, it must arrange for:

13 (1) source separation of its organic wastes from other
14 solid wastes; and

15 (2) recycling of the source-separated organic waste at
16 an authorized source-separated organic material composting
17 facility that has available capacity and on-site
18 composting or other forms of organic waste management and
19 that will accept such source-separated organic material.

20 (b) Beginning July 1, 2030, if a commercial food
21 wholesaler, a commercial food distributor, an industrial food
22 manufacturer or processor, a supermarket, a restaurant, a
23 resort, or a conference center produces more than one cubic

1 yard of organic waste per week, it must arrange for:

2 (1) source separation of organic wastes from other
3 solid wastes; and

4 (2) recycling of the source-separated organic waste at
5 an authorized source-separated organic material composting
6 facility that has available capacity and on-site
7 composting or other forms of organic waste management and
8 that will accept such source-separated organic material.

9 (c) The Agency may adopt rules for the implementation of
10 this Section.

11 (d) The requirements of this Section do not apply to a
12 person or entity if the person or entity resides within an area
13 of the State that has been designated by the Agency as an area
14 in which it is not possible for organic waste to be collected
15 and delivered to an authorized source-separated organic
16 material composting facility.

17 (e) The Agency must make publicly available on its website
18 a map showing the area of the State that has been designated by
19 the Agency as an area in which it is not possible for organic
20 waste to be collected and delivered to an authorized
21 source-separated organic material composting facility.

22 (f) As used in this Section:

23 "Organic waste" does not include food scraps that can be
24 donated or repurposed as animal feed or food scraps that
25 cannot be disposed of at sanitary landfills or incinerated.

26 "Organic waste management" means management of organic

1 materials through composting, anaerobic digestion,
2 vermiculture, black soldier fly, or similar means.

3 (415 ILCS 5/22.35a new)

4 Sec. 22.35a. Organic waste diversion goals.

5 (a) The General Assembly finds that:

6 (1) municipal solid waste (MSW) landfills are
7 responsible for emitting a methane warming equivalent to
8 58% of large industrial methane emissions in this State;

9 (2) the 20-year global warming potential of methane is
10 80 times greater than the 20-year global warming potential
11 of carbon dioxide;

12 (3) composting reduces methane emissions by allowing
13 organic waste to decompose in aerobic conditions;

14 (4) food waste accounts for at least 20% of the
15 19,000,000 tons of waste in State landfills, which is more
16 than any other single stream of waste found in landfills;

17 (5) more than half of curbside waste is compostable;

18 (6) landfills in the Chicago metropolitan area have an
19 expected lifetime of 5 years according to the Illinois
20 Environmental Protection Agency's 2022 Illinois Landfill
21 Disposal Capacity Report;

22 (7) more than 65 municipalities across the State have
23 already implemented composting services in waste
24 management plan offerings;

25 (8) many states across the United States, such as

1 Washington and Massachusetts, have implemented curbside
2 composting with great economic and environmental success;
3 and

4 (9) composting has greater potential for job creation
5 as compared to landfilling.

6 (b) The purpose of this Section is to:

7 (1) divert compostable waste from landfills in order
8 to extend the life expectancy of State landfills;

9 (2) the types and volumes, in tons, of waste treated
10 at authorized organic waste composting facilities within
11 the State;

12 (3) reduce State greenhouse gas and methane emissions;
13 and

14 (4) provide for the expansion of organic waste
15 management infrastructure and industry within the State.

16 (c) As used in this Section:

17 "Agency" means the Environmental Protection Agency.

18 "Compostable" means being capable of decomposition through
19 organic waste management.

20 "Composting" means the biological treatment process by
21 which microorganisms decompose the organic fraction of waste
22 to produce compost.

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

25 "Municipal solid waste" or "MSW" has the meaning given to
26 the term "municipal waste" in Section 3.290 of the

1 Environmental Protection Act.

2 "Organic materials" means any solid waste that is a
3 biological substance of plant or animal origin capable of
4 microbial degradation. "Organic materials" include, but are
5 not limited to, yard debris, food waste, food processing
6 waste, wood waste, and garden waste. "Organic materials" does
7 not include manure, any materials contaminated by herbicides,
8 pesticides, or pests, or other sources of chemical or
9 biological contamination that would render a finished product
10 of an organic material management process unsuitable for
11 general public or agricultural use.

12 "Organic waste management" means management of organic
13 materials through composting, anaerobic digestion,
14 vermiculture, black soldier fly, or similar means.

15 (d) The State hereby establishes a statewide goal of
16 reducing, by January 1, 2030, the level of organic waste sent
17 to sanitary landfills by no less than 50% relative to the level
18 of organic waste sent to sanitary landfills in 2015. The State
19 establishes a statewide goal of reducing, by January 1, 2035,
20 MSW landfill methane emissions to 50% relative to 2023 levels.

21 (e) By July 1, 2026, and by July 1 of each year thereafter,
22 the Agency shall compile and make available to the public a
23 report identifying:

24 (1) the types and volumes, in tons, of waste treated
25 at authorized recycling facilities within the State;

26 (2) the types and volumes, in tons, of waste treated

1 at authorized organic waste composting facilities within
2 the State;

3 (3) the total volumes of food scraps processed at MSW
4 landfills within the State;

5 (4) the total permitted capacity for compost volume on
6 MSW sites within the State; and

7 (5) the total MSW landfill methane emissions within
8 the State.

9 (f) The Agency may adopt rules for the implementation of
10 this Section.

11 Section 905. The Solid Waste Hauling and Recycling Program
12 Act is amended by adding Section 12 as follows:

13 (415 ILCS 12/12 new)

14 Sec. 12. Collection of organic waste.

15 (a) Upon the implementation of a new county waste
16 management plan under Section 6.1 of the Solid Waste Planning
17 and Recycling Act, each hauler operating in a county or
18 municipality that offers the collection of organic waste from
19 any residence, commercial business, commercial property, or
20 institutional facility within that county or municipality
21 shall provide, by written offer, information to all residents,
22 commercial businesses, owners or operators of commercial
23 property, and institutional facilities in the county on what
24 materials to dispose for organic waste management and how to

1 dispose of those materials. The hauler's written offer shall
2 include an option for the resident, commercial business, owner
3 or operator of the commercial business, or institutional
4 facility to opt out of receiving future offers to provide
5 composting services in writing. Those offers shall be made, at
6 least once during the term of the contract or at least once
7 every 2 years, whichever occurs sooner, to all residents,
8 commercial businesses, owners or operators of commercial
9 property, and institutional facilities except those that have
10 composting services or have opted out of receiving offers for
11 composting services.

12 (b) Compostable materials collected by a hauler within a
13 county or municipality shall not be deposited into a landfill
14 or incinerator.

15 (c) Ownership of compostable materials set out for
16 collection shall remain with the commercial business,
17 commercial property owner, or institutional facility that set
18 out the material for collection until the material is removed
19 by the hauler.

20 Section 910. The Solid Waste Planning and Recycling Act is
21 amended by adding Sections 6.1 and 6.2 as follows:

22 (415 ILCS 15/6.1 new)

23 Sec. 6.1. Composting program for organic waste.

24 (a) By January 1, 2026, each county waste management plan

1 adopted under Section 4 shall include a composting program for
2 organic waste as a part of the basic waste disposal plan. The
3 composting program shall provide source-separated organic
4 solid waste collection services year round at least every
5 other week or at least 26 weeks annually to all residents and
6 nonresidential customers that generate for management more
7 than 0.25 cubic yards of organic materials per week and shall
8 manage all organic solid waste collected from residents and
9 businesses under Section 6.2.

10 (b) A unit of local government may charge and collect fees
11 or rates for the services provided under subsection (a),
12 consistent with the unit of local government's authority to
13 impose fees and rates under Section 22.15 of the Environmental
14 Protection Act, as long as those fees or rates do not exceed
15 the fees and rates for municipal solid waste collection.

16 (c) Except as provided in subsections (d) and (e), the
17 requirements of this Section do not apply in a unit of local
18 government if the Agency determines that:

19 (1) the unit of local government disposed of less than
20 5,000 tons of solid waste in the most recent year for which
21 data is available;

22 (2) the unit of local government has a total
23 population of less than 20,000 and no permitted organic
24 waste composting facility within 20 miles; or

25 (3) the unit of local government has a total
26 population of less than 10,000.

1 The requirements of this Section do not apply in census
2 tracts that have a population density of less than 75
3 inhabitants per square mile and are located in an
4 unincorporated area of a county.

5 (d) For up to 5 years after the effective date of this
6 amendatory Act, the Department may issue a waiver from the
7 requirements of this Section to a unit of local government or
8 portions of a unit of local government based on the
9 consideration of relevant factors, such as the distance to
10 organic materials composting facilities, the sufficiency of
11 the capacity to manage organic materials at facilities to
12 which organic materials could feasibly and economically be
13 delivered from the jurisdiction, and restrictions in the
14 transport of organic materials. The Department may adopt rules
15 to specify the type of information that a waiver applicant
16 must submit to the Department and to specify the Department's
17 process for reviewing and approving waiver applications.

18 (e) Beginning January 1, 2030, the Department may adopt a
19 rule to require this Section to apply to a unit of local
20 government or other jurisdiction that is granted a waiver
21 under subsection (d) or is exempt from the requirements of
22 this Section under subsection (b), but only if the Department
23 determines that the goals established in subsection (d) of
24 Section 22.35a of the Environmental Protection Act have not or
25 will not be achieved.

26 (f) As used in this Section:

1 "Organic materials" include, but are not limited to, yard
2 debris, food waste, food processing waste, wood waste, and
3 garden waste.

4 "Organic solid waste" means any solid waste that is a
5 biological substance of plant or animal origin capable of
6 microbial degradation. "Organic solid waste" does not include
7 manure or any materials contaminated by herbicides,
8 pesticides, or pests, or other sources of chemical or
9 biological contamination that would render a finished product
10 of an organic material management process unsuitable for
11 general public or agricultural use.

12 (415 ILCS 15/6.2 new)

13 Sec. 6.2. Organic waste collection criteria.

14 (a) Upon the development of a new county waste management
15 plan under Section 6.1, each local comprehensive solid waste
16 management plan must identify the following:

17 (1) The local comprehensive solid waste management
18 plan must identify priority areas within the county for
19 the establishment of organic materials management
20 facilities. Priority areas must be in industrial zones,
21 agricultural zones, or rural zones. Priority areas should
22 be designated with an attempt to minimize incompatible
23 uses and potential impacts on residential areas.

24 (2) The local comprehensive solid waste management
25 plan must identify the organic materials management

1 facility volumetric capacity required to manage the
2 county's organic materials in a manner consistent with the
3 goals of subsection (d) of Section 22.35a of the
4 Environmental Protection Act.

5 (b) In order to meet the requirements of Section 6.1 and
6 set the State on track to reach the goals outlined in
7 subsection (d) of Section 22.35a of the Environmental
8 Protection Act, a unit of local government may:

9 (1) implement, upon joint agreement with the hauler,
10 source-separated organic solid waste collection
11 simultaneously with existing landscape waste collection
12 services during the summer season, as long as (i) the
13 source-separated organic solid waste collection continues
14 year round and the organic and landscape wastes are sent
15 to an authorized organic waste management facility or (ii)
16 collected organic and landscape wastes remain separated
17 throughout the collection process and are sent to an
18 authorized organic waste management facility and
19 authorized landscape waste composting facility.

20 (2) provide written notice to existing landscape waste
21 composting facilities to propose repermitting for organic
22 waste management upon consideration of paragraph (1) of
23 subsection (a) and paragraph (1) of subsection (b) if it
24 is determined that existing organic waste management
25 facilities do not have the volumetric capacity to manage
26 the county's organic materials or existing organic waste

1 management infrastructure has not or will not achieve the
2 goals established in Section 15 of the Organic Waste
3 Diversion Act even at full capacity.

4 (c) As used in this Section:

5 "Organic solid waste" has the meaning given to that term
6 in Section 6.1.

7 "Organic waste management" means the management of organic
8 materials through composting, anaerobic digestion,
9 vermiculture, black soldier fly, or similar technologies.