



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2335

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.202 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 5/22.33	
415 ILCS 5/22.34	

Amends the Environmental Protection Act. Specifies that the one-eighth mile setback that certain composting facilities must comply with to be excluded from the definition of the term "pollution control facility" applies only in counties with less than 3,000,000 inhabitants. Provides that a solid waste permit is not required for a garden compost operation. Provides that a solid-waste permit is not required for a landscape waste composting facility at a site having 10 or more occupied non-farm residences within 1/2 mile of its boundaries if (i) the facility constitutes no more than 2% of the site's total acreage, (ii) no tipping fee is imposed at the facility, (iii) the finished compost is applied at agronomic rates on-site and is not offered for sale or sold, (iv) the owner or operator of the facility completes any training that the Agency may require, and (v) the owner or operator registers the site with the Agency. Specifies that certain performance standards for composting facilities do not apply to garden compost operations. Defines "garden compost operation". Effective immediately.

LRB098 08691 JDS 38813 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 Section 3.202 and changing Sections 3.330, 21, 22.33,
6 and 22.34 as follows:

7 (415 ILCS 5/3.202 new)

8 Sec. 3.202. Garden compost operation. "Garden compost
9 operation" means a composting operation that either (1) has no
10 more than 35 cubic yards of landscape waste, composting
11 material, or end-product compost on-site at any one time and is
12 not engaging in commercial activity or (2) is located on real
13 property owned, leased, or occupied by a school district, a
14 special district, or the State or federal government.

15 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

16 Sec. 3.330. Pollution control facility.

17 (a) "Pollution control facility" is any waste storage site,
18 sanitary landfill, waste disposal site, waste transfer
19 station, waste treatment facility, or waste incinerator. This
20 includes sewers, sewage treatment plants, and any other
21 facilities owned or operated by sanitary districts organized
22 under the Metropolitan Water Reclamation District Act.

1 The following are not pollution control facilities:

2 (1) (blank);

3 (2) waste storage sites regulated under 40 CFR, Part
4 761.42;

5 (3) sites or facilities used by any person conducting a
6 waste storage, waste treatment, waste disposal, waste
7 transfer or waste incineration operation, or a combination
8 thereof, for wastes generated by such person's own
9 activities, when such wastes are stored, treated, disposed
10 of, transferred or incinerated within the site or facility
11 owned, controlled or operated by such person, or when such
12 wastes are transported within or between sites or
13 facilities owned, controlled or operated by such person;

14 (4) sites or facilities at which the State is
15 performing removal or remedial action pursuant to Section
16 22.2 or 55.3;

17 (5) abandoned quarries used solely for the disposal of
18 concrete, earth materials, gravel, or aggregate debris
19 resulting from road construction activities conducted by a
20 unit of government or construction activities due to the
21 construction and installation of underground pipes, lines,
22 conduit or wires off of the premises of a public utility
23 company which are conducted by a public utility;

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

26 (7) regional facilities as defined in the Central

1 Midwest Interstate Low-Level Radioactive Waste Compact;

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

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

8 (10) the portion of a site or facility used for
9 treatment of petroleum contaminated materials by
10 application onto or incorporation into the soil surface and
11 any portion of that site or facility used for storage of
12 petroleum contaminated materials before treatment. Only
13 those categories of petroleum listed in Section 57.9(a) (3)
14 are exempt under this subdivision (10);

15 (11) the portion of a site or facility where used oil
16 is collected or stored prior to shipment to a recycling or
17 energy recovery facility, provided that the used oil is
18 generated by households or commercial establishments, and
19 the site or facility is a recycling center or a business
20 where oil or gasoline is sold at retail;

21 (11.5) processing sites or facilities that receive
22 only on-specification used oil, as defined in 35 Ill.
23 Admin. Code 739, originating from used oil collectors for
24 processing that is managed under 35 Ill. Admin. Code 739 to
25 produce products for sale to off-site petroleum
26 facilities, if these processing sites or facilities are:

1 (i) located within a home rule unit of local government
2 with a population of at least 30,000 according to the 2000
3 federal census, that home rule unit of local government has
4 been designated as an Urban Round II Empowerment Zone by
5 the United States Department of Housing and Urban
6 Development, and that home rule unit of local government
7 has enacted an ordinance approving the location of the site
8 or facility and provided funding for the site or facility;
9 and (ii) in compliance with all applicable zoning
10 requirements;

11 (12) the portion of a site or facility utilizing coal
12 combustion waste for stabilization and treatment of only
13 waste generated on that site or facility when used in
14 connection with response actions pursuant to the federal
15 Comprehensive Environmental Response, Compensation, and
16 Liability Act of 1980, the federal Resource Conservation
17 and Recovery Act of 1976, or the Illinois Environmental
18 Protection Act or as authorized by the Agency;

19 (13) the portion of a site or facility that (i) accepts
20 exclusively general construction or demolition debris,
21 (ii) is located in a county with a population over
22 3,000,000 as of January 1, 2000 or in a county that is
23 contiguous to such a county, and (iii) is operated and
24 located in accordance with Section 22.38 of this Act;

25 (14) the portion of a site or facility, located within
26 a unit of local government that has enacted local zoning

1 requirements, used to accept, separate, and process
2 uncontaminated broken concrete, with or without protruding
3 metal bars, provided that the uncontaminated broken
4 concrete and metal bars are not speculatively accumulated,
5 are at the site or facility no longer than one year after
6 their acceptance, and are returned to the economic
7 mainstream in the form of raw materials or products;

8 (15) the portion of a site or facility located in a
9 county with a population over 3,000,000 that has obtained
10 local siting approval under Section 39.2 of this Act for a
11 municipal waste incinerator on or before July 1, 2005 and
12 that is used for a non-hazardous waste transfer station;

13 (16) a site or facility that temporarily holds in
14 transit for 10 days or less, non-putrescible solid waste in
15 original containers, no larger in capacity than 500
16 gallons, provided that such waste is further transferred to
17 a recycling, disposal, treatment, or storage facility on a
18 non-contiguous site and provided such site or facility
19 complies with the applicable 10-day transfer requirements
20 of the federal Resource Conservation and Recovery Act of
21 1976 and United States Department of Transportation
22 hazardous material requirements. For purposes of this
23 Section only, "non-putrescible solid waste" means waste
24 other than municipal garbage that does not rot or become
25 putrid, including, but not limited to, paints, solvent,
26 filters, and absorbents;

1 (17) the portion of a site or facility located in a
2 county with a population greater than 3,000,000 that has
3 obtained local siting approval, under Section 39.2 of this
4 Act, for a municipal waste incinerator on or before July 1,
5 2005 and that is used for wood combustion facilities for
6 energy recovery that accept and burn only wood material, as
7 included in a fuel specification approved by the Agency;

8 (18) a transfer station used exclusively for landscape
9 waste, including a transfer station where landscape waste
10 is ground to reduce its volume, where the landscape waste
11 is held no longer than 24 hours from the time it was
12 received;

13 (19) the portion of a site or facility that (i) is used
14 for the composting of food scrap, livestock waste, crop
15 residue, uncontaminated wood waste, or paper waste,
16 including, but not limited to, corrugated paper or
17 cardboard, and (ii) meets all of the following
18 requirements:

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

23 (B) All food scrap, livestock waste, crop residue,
24 uncontaminated wood waste, and paper waste must, by the
25 end of each operating day, be processed and placed into
26 an enclosed vessel in which air flow and temperature

1 are controlled, or all of the following additional
2 requirements must be met:

3 (i) The portion of the site or facility used
4 for the composting operation must include a
5 setback of at least 200 feet from the nearest
6 potable water supply well.

7 (ii) The portion of the site or facility used
8 for the composting operation must be located
9 outside the boundary of the 10-year floodplain or
10 floodproofed.

11 (iii) The portion of the site or facility used
12 for the composting operation must be located at
13 least one-eighth of a mile from the nearest
14 residence, other than a residence located on the
15 same property as the site or facility.

16 (iv) In counties with less than 3,000,000
17 inhabitants, the ~~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 property line of all of the following areas:

21 (I) Facilities that primarily serve to
22 house or treat people that are
23 immunocompromised or immunosuppressed, such as
24 cancer or AIDS patients; people with asthma,
25 cystic fibrosis, or bioaerosol allergies; or
26 children under the age of one year.

1 (II) Primary and secondary schools and
2 adjacent areas that the schools use for
3 recreation.

4 (III) Any facility for child care licensed
5 under Section 3 of the Child Care Act of 1969;
6 preschools; and adjacent areas that the
7 facilities or preschools use for recreation.

8 (v) By the end of each operating day, all food
9 scrap, livestock waste, crop residue,
10 uncontaminated wood waste, and paper waste must be
11 (i) processed into windrows or other piles and (ii)
12 covered in a manner that prevents scavenging by
13 birds and animals and that prevents other
14 nuisances.

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

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

21 (E) The site or facility must not (i) restrict the
22 flow of a 100-year flood, (ii) result in washout of
23 food scrap, livestock waste, crop residue,
24 uncontaminated wood waste, or paper waste from a
25 100-year flood, or (iii) reduce the temporary water
26 storage capacity of the 100-year floodplain, unless

1 measures are undertaken to provide alternative storage
2 capacity, such as by providing lagoons, holding tanks,
3 or drainage around structures at the facility.

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

7 (i) an irreplaceable historic or
8 archaeological site has been listed under the
9 National Historic Preservation Act (16 U.S.C. 470
10 et seq.) or the Illinois Historic Preservation
11 Act;

12 (ii) a natural landmark has been designated by
13 the National Park Service or the Illinois State
14 Historic Preservation Office; or

15 (iii) a natural area has been designated as a
16 Dedicated Illinois Nature Preserve under the
17 Illinois Natural Areas Preservation Act.

18 (G) The site or facility must not be located in an
19 area where it may jeopardize the continued existence of
20 any designated endangered species, result in the
21 destruction or adverse modification of the critical
22 habitat for such species, or cause or contribute to the
23 taking of any endangered or threatened species of
24 plant, fish, or wildlife listed under the Endangered
25 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
26 Endangered Species Protection Act;

1 (20) the portion of a site or facility that is located
2 entirely within a home rule unit having a population of no
3 less than 120,000 and no more than 135,000, according to
4 the 2000 federal census, and that meets all of the
5 following requirements:

6 (i) the portion of the site or facility is used
7 exclusively to perform testing of a thermochemical
8 conversion technology using only woody biomass,
9 collected as landscape waste within the boundaries
10 of the home rule unit, as the hydrocarbon feedstock
11 for the production of synthetic gas in accordance
12 with Section 39.9 of this Act;

13 (ii) the portion of the site or facility is in
14 compliance with all applicable zoning
15 requirements; and

16 (iii) a complete application for a
17 demonstration permit at the portion of the site or
18 facility has been submitted to the Agency in
19 accordance with Section 39.9 of this Act within one
20 year after July 27, 2010 (the effective date of
21 Public Act 96-1314);

22 (21) the portion of a site or facility used to perform
23 limited testing of a gasification conversion technology in
24 accordance with Section 39.8 of this Act and for which a
25 complete permit application has been submitted to the
26 Agency prior to one year from April 9, 2010 (the effective

1 date of Public Act 96-887); and

2 (22) the portion of a site or facility that is used to
3 incinerate only pharmaceuticals from residential sources
4 that are collected and transported by law enforcement
5 agencies under Section 17.9A of this Act.

6 (b) A new pollution control facility is:

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

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

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

14 (Source: P.A. 96-418, eff. 1-1-10; 96-611, eff. 8-24-09;
15 96-887, eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff.
16 7-16-10; 96-1314, eff. 7-27-10; 97-333, eff. 8-12-11; 97-545,
17 eff. 1-1-12.)

18 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

21 (b) Abandon, dump, or deposit any waste upon the public
22 highways or other public property, except in a sanitary
23 landfill approved by the Agency pursuant to regulations adopted
24 by the Board.

25 (c) Abandon any vehicle in violation of the "Abandoned

1 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
2 the 76th General Assembly.

3 (d) Conduct any waste-storage, waste-treatment, or
4 waste-disposal operation:

5 (1) without a permit granted by the Agency or in
6 violation of any conditions imposed by such permit,
7 including periodic reports and full access to adequate
8 records and the inspection of facilities, as may be
9 necessary to assure compliance with this Act and with
10 regulations and standards adopted thereunder; provided,
11 however, that, except for municipal solid waste landfill
12 units that receive waste on or after October 9, 1993, no
13 permit shall be required for (i) any person conducting a
14 waste-storage, waste-treatment, or waste-disposal
15 operation for wastes generated by such person's own
16 activities which are stored, treated, or disposed within
17 the site where such wastes are generated, or (ii) a
18 facility located in a county with a population over 700,000
19 as of January 1, 2000, operated and located in accordance
20 with Section 22.38 of this Act, and used exclusively for
21 the transfer, storage, or treatment of general
22 construction or demolition debris, provided that the
23 facility was receiving construction or demolition debris
24 on the effective date of this amendatory Act of the 96th
25 General Assembly;

26 (2) in violation of any regulations or standards

1 adopted by the Board under this Act; or

2 (3) which receives waste after August 31, 1988, does
3 not have a permit issued by the Agency, and is (i) a
4 landfill used exclusively for the disposal of waste
5 generated at the site, (ii) a surface impoundment receiving
6 special waste not listed in an NPDES permit, (iii) a waste
7 pile in which the total volume of waste is greater than 100
8 cubic yards or the waste is stored for over one year, or
9 (iv) a land treatment facility receiving special waste
10 generated at the site; without giving notice of the
11 operation to the Agency by January 1, 1989, or 30 days
12 after the date on which the operation commences, whichever
13 is later, and every 3 years thereafter. The form for such
14 notification shall be specified by the Agency, and shall be
15 limited to information regarding: the name and address of
16 the location of the operation; the type of operation; the
17 types and amounts of waste stored, treated or disposed of
18 on an annual basis; the remaining capacity of the
19 operation; and the remaining expected life of the
20 operation.

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

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

2 (e) Dispose, treat, store or abandon any waste, or
3 transport any waste into this State for disposal, treatment,
4 storage or abandonment, except at a site or facility which
5 meets the requirements of this Act and of regulations and
6 standards thereunder.

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

9 (1) without a RCRA permit for the site issued by the
10 Agency under subsection (d) of Section 39 of this Act, or
11 in violation of any condition imposed by such permit,
12 including periodic reports and full access to adequate
13 records and the inspection of facilities, as may be
14 necessary to assure compliance with this Act and with
15 regulations and standards adopted thereunder; or

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

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

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

23 Notwithstanding the above, no RCRA permit shall be required
24 under this subsection or subsection (d) of Section 39 of this
25 Act for any person engaged in agricultural activity who is
26 disposing of a substance which has been identified as a

1 hazardous waste, and which has been designated by Board
2 regulations as being subject to this exception, if the
3 substance was acquired for use by that person on his own
4 property and the substance is disposed of on his own property
5 in accordance with regulations or standards adopted by the
6 Board.

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

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

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

13 (h) Conduct any hazardous waste-recycling or hazardous
14 waste-reclamation or hazardous waste-reuse operation in
15 violation of any regulations, standards or permit requirements
16 adopted by the Board under this Act.

17 (i) Conduct any process or engage in any act which produces
18 hazardous waste in violation of any regulations or standards
19 adopted by the Board under subsections (a) and (c) of Section
20 22.4 of this Act.

21 (j) Conduct any special waste transportation operation in
22 violation of any regulations, standards or permit requirements
23 adopted by the Board under this Act. However, sludge from a
24 water or sewage treatment plant owned and operated by a unit of
25 local government which (1) is subject to a sludge management
26 plan approved by the Agency or a permit granted by the Agency,

1 and (2) has been tested and determined not to be a hazardous
2 waste as required by applicable State and federal laws and
3 regulations, may be transported in this State without a special
4 waste hauling permit, and the preparation and carrying of a
5 manifest shall not be required for such sludge under the rules
6 of the Pollution Control Board. The unit of local government
7 which operates the treatment plant producing such sludge shall
8 file a semiannual report with the Agency identifying the volume
9 of such sludge transported during the reporting period, the
10 hauler of the sludge, and the disposal sites to which it was
11 transported. This subsection (j) shall not apply to hazardous
12 waste.

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

14 (l) Locate a hazardous waste disposal site above an active
15 or inactive shaft or tunneled mine or within 2 miles of an
16 active fault in the earth's crust. In counties of population
17 less than 225,000 no hazardous waste disposal site shall be
18 located (1) within 1 1/2 miles of the corporate limits as
19 defined on June 30, 1978, of any municipality without the
20 approval of the governing body of the municipality in an
21 official action; or (2) within 1000 feet of an existing private
22 well or the existing source of a public water supply measured
23 from the boundary of the actual active permitted site and
24 excluding existing private wells on the property of the permit
25 applicant. The provisions of this subsection do not apply to
26 publicly-owned sewage works or the disposal or utilization of

1 sludge from publicly-owned sewage works.

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

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

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

13 (1) refuse in standing or flowing waters;

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

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

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

20 (5) uncovered refuse remaining from any previous
21 operating day or at the conclusion of any operating day,
22 unless authorized by permit;

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

25 (7) acceptance of wastes without necessary permits;

26 (8) scavenging as defined by Board regulations;

1 (9) deposition of refuse in any unpermitted portion of
2 the landfill;

3 (10) acceptance of a special waste without a required
4 manifest;

5 (11) failure to submit reports required by permits or
6 Board regulations;

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

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

12 The prohibitions specified in this subsection (o) shall be
13 enforceable by the Agency either by administrative citation
14 under Section 31.1 of this Act or as otherwise provided by this
15 Act. The specific prohibitions in this subsection do not limit
16 the power of the Board to establish regulations or standards
17 applicable to sanitary landfills.

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

21 (1) litter;

22 (2) scavenging;

23 (3) open burning;

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

25 (5) proliferation of disease vectors;

26 (6) standing or flowing liquid discharge from the dump

1 site;

2 (7) deposition of:

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

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

7 The prohibitions specified in this subsection (p) shall be
8 enforceable by the Agency either by administrative citation
9 under Section 31.1 of this Act or as otherwise provided by this
10 Act. The specific prohibitions in this subsection do not limit
11 the power of the Board to establish regulations or standards
12 applicable to open dumping.

13 (q) Conduct a landscape waste composting operation without
14 an Agency permit, provided, however, that no permit shall be
15 required for any person:

16 (1) conducting a landscape waste composting operation
17 for (i) landscape wastes generated by such person's own
18 activities which are stored, treated, or disposed of within
19 the site where such wastes are generated and (ii) up to 25
20 tons per year of a bulking agent generated either on-site
21 or off-site; or

22 (1.5) operating a garden compost operation; or

23 (2) applying landscape waste or composted landscape
24 waste at agronomic rates; or

25 (2.5) operating a landscape waste composting facility
26 at a site having 10 or more occupied non-farm residences

1 within 1/2 mile of its boundaries, if the facility meets
2 all of the following criteria:

3 (A) the composting facility constitutes no more
4 than 2% of the site's total acreage;

5 (B) no fee is charged for the acceptance of
6 materials to be composted at the facility;

7 (C) the finished compost is applied at agronomic
8 rates on-site and is not offered for sale or sold;

9 (D) the owner or operator of the facility completes
10 any training that the Agency may, by administrative
11 rule, require to be completed; and

12 (E) the owner or operator, by January 1, 2014 (or
13 the January 1 following commencement of operation,
14 whichever is later) and January 1 of each year
15 thereafter, registers the site with the Agency,
16 provides copies of any records that the Agency may, by
17 administrative rule, require to be submitted, and
18 certifies to the Agency that the site complies with the
19 requirements set forth in subparagraphs (A), (B), (C),
20 and (D) of this paragraph (2.5).

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 (B) the property on which the composting facility
7 is located, and any associated property on which the
8 compost is used, is principally and diligently devoted
9 to the production of agricultural crops and is not
10 owned, leased or otherwise controlled by any waste
11 hauler or generator of nonagricultural compost
12 materials, and the operator of the composting facility
13 is not an employee, partner, shareholder, or in any way
14 connected with or controlled by any such waste hauler
15 or generator;

16 (C) all compost generated by the composting
17 facility is applied at agronomic rates and used as
18 mulch, fertilizer or soil conditioner on land actually
19 farmed by the person operating the composting
20 facility, and the finished compost is not stored at the
21 composting site for a period longer than 18 months
22 prior to its application as mulch, fertilizer, or soil
23 conditioner;

24 (D) the owner or operator, by January 1, 1990 (or
25 the January 1 following commencement of operation,
26 whichever is later) and January 1 of each year

1 thereafter, (i) registers the site with the Agency,
2 (ii) reports to the Agency on the volume of composting
3 material received and used at the site, (iii) certifies
4 to the Agency that the site complies with the
5 requirements set forth in subparagraphs (A), (B) and
6 (C) of this paragraph (q) (3), and (iv) certifies to the
7 Agency that all composting material was placed more
8 than 200 feet from the nearest potable water supply
9 well, was placed outside the boundary of the 10-year
10 floodplain or on a part of the site that is
11 floodproofed, was placed at least 1/4 mile from the
12 nearest residence (other than a residence located on
13 the same property as the facility) and there are not
14 more than 10 occupied non-farm residences within 1/2
15 mile of the boundaries of the site on the date of
16 application, and was placed more than 5 feet above the
17 water table.

18 For the purposes of this subsection (q), "agronomic rates"
19 means the application of not more than 20 tons per acre per
20 year, except that the Board may allow a higher rate for
21 individual sites where the owner or operator has demonstrated
22 to the Board that the site's soil characteristics or crop needs
23 require a higher rate.

24 (r) Cause or allow the storage or disposal of coal
25 combustion waste unless:

26 (1) such waste is stored or disposed of at a site or

1 facility for which a permit has been obtained or is not
2 otherwise required under subsection (d) of this Section; or

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

7 (3) such waste is stored or disposed of at a site or
8 facility which is operating under NPDES and Subtitle D
9 permits issued by the Agency pursuant to regulations
10 adopted by the Board for mine-related water pollution and
11 permits issued pursuant to the Federal Surface Mining
12 Control and Reclamation Act of 1977 (P.L. 95-87) or the
13 rules and regulations thereunder or any law or rule or
14 regulation adopted by the State of Illinois pursuant
15 thereto, and the owner or operator of the facility agrees
16 to accept the waste; and either

17 (i) such waste is stored or disposed of in
18 accordance with requirements applicable to refuse
19 disposal under regulations adopted by the Board for
20 mine-related water pollution and pursuant to NPDES and
21 Subtitle D permits issued by the Agency under such
22 regulations; or

23 (ii) the owner or operator of the facility
24 demonstrates all of the following to the Agency, and
25 the facility is operated in accordance with the
26 demonstration as approved by the Agency: (1) the

1 disposal area will be covered in a manner that will
2 support continuous vegetation, (2) the facility will
3 be adequately protected from wind and water erosion,
4 (3) the pH will be maintained so as to prevent
5 excessive leaching of metal ions, and (4) adequate
6 containment or other measures will be provided to
7 protect surface water and groundwater from
8 contamination at levels prohibited by this Act, the
9 Illinois Groundwater Protection Act, or regulations
10 adopted pursuant thereto.

11 Notwithstanding any other provision of this Title, the
12 disposal of coal combustion waste pursuant to item (2) or (3)
13 of this subdivision (r) shall be exempt from the other
14 provisions of this Title V, and notwithstanding the provisions
15 of Title X of this Act, the Agency is authorized to grant
16 experimental permits which include provision for the disposal
17 of wastes from the combustion of coal and other materials
18 pursuant to items (2) and (3) of this subdivision (r).

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

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

1 (u) Conduct any vegetable by-product treatment, storage,
2 disposal or transportation operation in violation of any
3 regulation, standards or permit requirements adopted by the
4 Board under this Act. However, no permit shall be required
5 under this Title V for the land application of vegetable
6 by-products conducted pursuant to Agency permit issued under
7 Title III of this Act to the generator of the vegetable
8 by-products. In addition, vegetable by-products may be
9 transported in this State without a special waste hauling
10 permit, and without the preparation and carrying of a manifest.

11 (v) (Blank).

12 (w) Conduct any generation, transportation, or recycling
13 of construction or demolition debris, clean or general, or
14 uncontaminated soil generated during construction, remodeling,
15 repair, and demolition of utilities, structures, and roads that
16 is not commingled with any waste, without the maintenance of
17 documentation identifying the hauler, generator, place of
18 origin of the debris or soil, the weight or volume of the
19 debris or soil, and the location, owner, and operator of the
20 facility where the debris or soil was transferred, disposed,
21 recycled, or treated. This documentation must be maintained by
22 the generator, transporter, or recycler for 3 years. This
23 subsection (w) shall not apply to (1) a permitted pollution
24 control facility that transfers or accepts construction or
25 demolition debris, clean or general, or uncontaminated soil for
26 final disposal, recycling, or treatment, (2) a public utility

1 (as that term is defined in the Public Utilities Act) or a
2 municipal utility, (3) the Illinois Department of
3 Transportation, or (4) a municipality or a county highway
4 department, with the exception of any municipality or county
5 highway department located within a county having a population
6 of over 3,000,000 inhabitants or located in a county that is
7 contiguous to a county having a population of over 3,000,000
8 inhabitants; but it shall apply to an entity that contracts
9 with a public utility, a municipal utility, the Illinois
10 Department of Transportation, or a municipality or a county
11 highway department. The terms "generation" and "recycling" as
12 used in this subsection do not apply to clean construction or
13 demolition debris when (i) used as fill material below grade
14 outside of a setback zone if covered by sufficient
15 uncontaminated soil to support vegetation within 30 days of the
16 completion of filling or if covered by a road or structure,
17 (ii) solely broken concrete without protruding metal bars is
18 used for erosion control, or (iii) milled asphalt or crushed
19 concrete is used as aggregate in construction of the shoulder
20 of a roadway. The terms "generation" and "recycling", as used
21 in this subsection, do not apply to uncontaminated soil that is
22 not commingled with any waste when (i) used as fill material
23 below grade or contoured to grade, or (ii) used at the site of
24 generation.

25 (Source: P.A. 96-611, eff. 8-24-09; 97-220, eff. 7-28-11.)

1 (415 ILCS 5/22.33)

2 Sec. 22.33. Compost quality standards.

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

8 Performance standards for landscape waste compost
9 facilities shall at a minimum include:

10 (1) the management of odor;

11 (2) the management of surface water;

12 (3) contingency planning for handling end-product
13 compost material that does not meet requirements of
14 subsection (b);

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

16 (5) a financial assurance plan necessary to restore the
17 site as specified in Agency permit.

18 (b) By December 1, 1997, the Board shall adopt:

19 (1) performance standards for landscape waste compost
20 facilities; and

21 (2) testing procedures and standards for the
22 end-product compost produced by landscape waste compost
23 facilities.

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

26 (c) On-site composting that is used solely for the purpose

1 of composting landscape waste generated on-site and that will
2 not be offered for off-site sale or use is exempt from any
3 standards promulgated under subsections (a) and (b).
4 Subsection (b)(2) shall not apply to end-product compost used
5 as daily cover or vegetative amendment in the final layer.
6 Subsection (b) applies to any end-product compost offered for
7 sale or use in Illinois.

8 (d) Standards adopted under this Section do not apply to a
9 garden compost operation.

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

11 (415 ILCS 5/22.34)

12 Sec. 22.34. Organic waste compost quality standards.

13 (a) The Agency may develop and make recommendations to the
14 Board concerning (i) performance standards for organic waste
15 compost facilities and (ii) testing procedures and standards
16 for the end-product compost produced by organic waste compost
17 facilities.

18 The Agency, in cooperation with the Department, shall
19 appoint a Technical Advisory Committee for the purpose of
20 developing these recommendations. Among other things, the
21 Committee shall evaluate environmental and safety
22 considerations, compliance costs, and regulations adopted in
23 other states and countries. The Committee shall have balanced
24 representation and shall include members representing
25 academia, the composting industry, the Department of

1 Agriculture, the landscaping industry, environmental
2 organizations, municipalities, and counties.

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

5 (1) the management of potential exposures for human
6 disease vectors and odor;

7 (2) the management of surface water;

8 (3) contingency planning for handling end-product
9 compost material that does not meet end-product compost
10 standards adopted by the Board;

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

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

17 (b) No later than one year after the Agency makes
18 recommendations to the Board under subsection (a) of this
19 Section, the Board shall adopt, as applicable:

20 (1) performance standards for organic waste compost
21 facilities; and

22 (2) testing procedures and standards for the
23 end-product compost produced by organic waste compost
24 facilities.

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

1 (c) On-site residential composting that is used solely for
2 the purpose of composting organic waste generated on-site and
3 that will not be offered for off-site sale or use is exempt
4 from any standards promulgated under subsections (a) and (b).
5 Subsection (b)(2) shall not apply to end-product compost used
6 as daily cover or vegetative amendment in the final layer.
7 Subsection (b) applies to any end-product compost offered for
8 sale or use in Illinois.

9 (d) For the purposes of this Section, "organic waste" means
10 food scrap, landscape waste, wood waste, livestock waste, crop
11 residue, paper waste, or other non-hazardous carbonaceous
12 waste that is collected and processed separately from the rest
13 of the municipal waste stream.

14 (e) Except as otherwise provided in Board rules, solid
15 waste permits for organic waste composting facilities shall be
16 issued under the Board's Solid Waste rules at 35 Ill. Adm. Code
17 807. However, a solid waste permit is not required, under the
18 rules of the Board, for a garden compost operation. The permits
19 must include, but shall not be limited to, measures designed to
20 reduce pathogens in the compost.

21 (f) Standards adopted under this Section do not apply to a
22 garden compost operation.

23 (Source: P.A. 96-418, eff. 1-1-10.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.