



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### SB0099

Introduced 1/30/2009, by Sen. Heather Steans

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.150	was 415 ILCS 5/3.69
415 ILCS 5/3.153 new	
415 ILCS 5/3.155	was 415 ILCS 5/3.70
415 ILCS 5/3.200	was 415 ILCS 5/3.11
415 ILCS 5/3.308 new	
415 ILCS 5/3.330	was 415 ILCS 5/3.32

Amends the Environmental Protection Act. Redefines the term "compost" to mean compostable material that has, by composting, decomposed to the degree that it will not, when subjected to optimal thermal conditions and optimal levels of oxygen, moisture, and nutrients, reheat significantly due to the action of microorganisms, and that is also suitable (i) for use as a soil conditioner, (ii) for use as a cover material for a municipal solid waste landfill, or (iii) for another use approved by the Agency (now, the humus-like product of the process of composting waste, which may be used as a soil conditioner). Redefines the term "composting" to mean the decomposition of compostable material into compost by a biological process that produces carbon dioxide and water as primary by-products (now, the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost). Excepts food scrap from the definition of the term "garbage". Exempts certain types of facilities, sites, portions of facilities, and portions of sites from regulation as pollution control facilities. Defines "compostable material" and "food scrap". Effective immediately.

LRB096 04034 JDS 14072 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 changing Sections 3.150, 3.155, 3.200, and 3.330 and by adding  
6 Sections 3.153 and 3.308 as follows:

7 (415 ILCS 5/3.150) (was 415 ILCS 5/3.69)

8 Sec. 3.150. Compost. "Compost" means compostable material  
9 that has, by composting, decomposed to the degree that the  
10 material will not, when subjected to optimal thermal conditions  
11 and optimal levels of oxygen, moisture, and nutrients, reheat  
12 significantly due to the action of microorganisms, and that is  
13 also suitable (i) for use as a soil conditioner, (ii) for use  
14 as a cover material for a municipal solid waste landfill, or  
15 (iii) for another use approved by the Agency ~~is defined as the~~  
16 ~~humus like product of the process of composting waste, which~~  
17 ~~may be used as a soil conditioner.~~

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

19 (415 ILCS 5/3.153 new)

20 Sec. 3.153. Compostable material. "Compostable material"  
21 means material capable of being decomposed into compost by  
22 composting.

1 (415 ILCS 5/3.155) (was 415 ILCS 5/3.70)

2 Sec. 3.155. Composting. "Composting" means the  
3 decomposition of compostable material into compost by a  
4 biological process that produces carbon dioxide and water as  
5 primary by-products ~~biological treatment process by which~~  
6 ~~microorganisms decompose the organic fraction of waste,~~  
7 ~~producing compost.~~

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

9 (415 ILCS 5/3.200) (was 415 ILCS 5/3.11)

10 Sec. 3.200. Garbage. "Garbage" is waste resulting from the  
11 handling, processing, preparation, cooking, and consumption of  
12 food, and wastes from the handling, processing, storage, and  
13 sale of produce. However, waste that satisfies this Act's  
14 definition of "food scrap" is not garbage.

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

16 (415 ILCS 5/3.308 new)

17 Sec. 3.308. Food scrap. "Food scrap" means compostable  
18 material that (i) results from the handling, processing,  
19 preparation, cooking, consumption, or sale of food and (ii) is  
20 separate from either a household waste stream or a municipal  
21 waste stream. "Food scrap" includes packaging, utensils, and  
22 food containers composed of readily biodegradable material.  
23 For the purposes of this Section, packaging, utensils, and food

1 containers are readily biodegradable if they meet the ASTM  
2 D6400 standard.

3 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

4 Sec. 3.330. Pollution control facility.

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

11 The following are not pollution control facilities:

12 (1) (blank);

13 (2) waste storage sites regulated under 40 CFR, Part  
14 761.42;

15 (3) sites or facilities used by any person conducting a  
16 waste storage, waste treatment, waste disposal, waste  
17 transfer or waste incineration operation, or a combination  
18 thereof, for wastes generated by such person's own  
19 activities, when such wastes are stored, treated, disposed  
20 of, transferred or incinerated within the site or facility  
21 owned, controlled or operated by such person, or when such  
22 wastes are transported within or between sites or  
23 facilities owned, controlled or operated by such person;

24 (4) sites or facilities at which the State is  
25 performing removal or remedial action pursuant to Section

1 22.2 or 55.3;

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

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

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

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

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

19 (10) the portion of a site or facility used for  
20 treatment of petroleum contaminated materials by  
21 application onto or incorporation into the soil surface and  
22 any portion of that site or facility used for storage of  
23 petroleum contaminated materials before treatment. Only  
24 those categories of petroleum listed in Section 57.9(a) (3)  
25 are exempt under this subdivision (10);

26 (11) the portion of a site or facility where used oil

1 is collected or stored prior to shipment to a recycling or  
2 energy recovery facility, provided that the used oil is  
3 generated by households or commercial establishments, and  
4 the site or facility is a recycling center or a business  
5 where oil or gasoline is sold at retail;

6 (11.5) processing sites or facilities that receive  
7 only on-specification used oil, as defined in 35 Ill.  
8 Admin. Code 739, originating from used oil collectors for  
9 processing that is managed under 35 Ill. Admin. Code 739 to  
10 produce products for sale to off-site petroleum

11 facilities, if these processing sites or facilities are:

12 (i) located within a home rule unit of local government  
13 with a population of at least 30,000 according to the 2000  
14 federal census, that home rule unit of local government has  
15 been designated as an Urban Round II Empowerment Zone by  
16 the United States Department of Housing and Urban  
17 Development, and that home rule unit of local government  
18 has enacted an ordinance approving the location of the site  
19 or facility and provided funding for the site or facility;

20 and (ii) in compliance with all applicable zoning  
21 requirements;

22 (12) the portion of a site or facility utilizing coal  
23 combustion waste for stabilization and treatment of only  
24 waste generated on that site or facility when used in  
25 connection with response actions pursuant to the federal  
26 Comprehensive Environmental Response, Compensation, and

1 Liability Act of 1980, the federal Resource Conservation  
2 and Recovery Act of 1976, or the Illinois Environmental  
3 Protection Act or as authorized by the Agency;

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

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

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

23 (16) a site or facility that temporarily holds in  
24 transit for 10 days or less, non-petruscible solid waste in  
25 original containers, no larger in capacity than 500  
26 gallons, provided that such waste is further transferred to

1 a recycling, disposal, treatment, or storage facility on a  
2 non-contiguous site and provided such site or facility  
3 complies with the applicable 10-day transfer requirements  
4 of the federal Resource Conservation and Recovery Act of  
5 1976 and United States Department of Transportation  
6 hazardous material requirements. For purposes of this  
7 Section only, "non-petruscible solid waste" means waste  
8 other than municipal garbage that does not rot or become  
9 putrid, including, but not limited to, paints, solvent,  
10 filters, and absorbents;

11 (17) the portion of a site or facility located in a  
12 county with a population greater than 3,000,000 that has  
13 obtained local siting approval, under Section 39.2 of this  
14 Act, for a municipal waste incinerator on or before July 1,  
15 2005 and that is used for wood combustion facilities for  
16 energy recovery that accept and burn only wood material, as  
17 included in a fuel specification approved by the Agency;  
18 ~~and~~

19 (18) a transfer station used exclusively for landscape  
20 waste, including a transfer station where landscape waste  
21 is ground to reduce its volume, where the landscape waste  
22 is held no longer than 24 hours from the time it was  
23 received;~~;~~

24 (19) the portion of a site or facility that (i) has no  
25 more than 10,000 cubic yards of raw materials, composting  
26 material, or end-product compost on-site at any one time,



1 (ii) uses only livestock waste, crop residue,  
2 uncontaminated wood waste, and landscape waste as raw  
3 materials for composting, or (iii) has no more than 30,000  
4 cubic yards if the compost facility is part of a required  
5 Waste Management Plan that has been developed in accordance  
6 with the standards of the Livestock Management Facilities  
7 Act and meets the location criteria of Section 39(m)(1)  
8 through (m)(4) and 35 Ill. Admin Code Part 830.203(a)(3) as  
9 well as the requirements of 35 Ill. Admin. Code Part 807;  
10 and

11 (20) a site or facility that (i) meets the location  
12 criteria of Section 39(m)(1) through (m)(4) and 35 Ill.  
13 Admin Code Part 830.203(a)(3) and (ii) is used by any  
14 person to conduct a composting operation that uses any of  
15 the following as raw materials for composting: food scrap;  
16 paper waste, including, but not limited to, corrugated and  
17 cardboard; livestock waste; uncontaminated wood waste; or  
18 landscape waste.

19 (b) A new pollution control facility is:

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

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

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

1 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,  
2 eff. 6-2-06; 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331,  
3 eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.