



Rep. Robyn Gabel

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1 AMENDMENT TO HOUSE BILL 2335

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2335 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, 21, 22.33, and 22.34 as follows:

6 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

7 Sec. 3.330. Pollution control facility.

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

14 The following are not pollution control facilities:

15 (1) (blank);

16 (2) waste storage sites regulated under 40 CFR, Part

1 761.42;

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

11 (4) sites or facilities at which the State is  
12 performing removal or remedial action pursuant to Section  
13 22.2 or 55.3;

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

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

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

25 (8) the portion of a site or facility where coal  
26 combustion wastes are stored or disposed of in accordance

1 with subdivision (r) (2) or (r) (3) of Section 21;

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

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

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

18 (11.5) processing sites or facilities that receive  
19 only on-specification used oil, as defined in 35 Ill.  
20 Admin. Code 739, originating from used oil collectors for  
21 processing that is managed under 35 Ill. Admin. Code 739 to  
22 produce products for sale to off-site petroleum  
23 facilities, if these processing sites or facilities are:  
24 (i) located within a home rule unit of local government  
25 with a population of at least 30,000 according to the 2000  
26 federal census, that home rule unit of local government has

1           been designated as an Urban Round II Empowerment Zone by  
2           the United States Department of Housing and Urban  
3           Development, and that home rule unit of local government  
4           has enacted an ordinance approving the location of the site  
5           or facility and provided funding for the site or facility;  
6           and (ii) in compliance with all applicable zoning  
7           requirements;

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

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

22          (14) the portion of a site or facility, located within  
23          a unit of local government that has enacted local zoning  
24          requirements, used to accept, separate, and process  
25          uncontaminated broken concrete, with or without protruding  
26          metal bars, provided that the uncontaminated broken

1 concrete and metal bars are not speculatively accumulated,  
2 are at the site or facility no longer than one year after  
3 their acceptance, and are returned to the economic  
4 mainstream in the form of raw materials or products;

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

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

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

1 Act, for a municipal waste incinerator on or before July 1,  
2 2005 and that is used for wood combustion facilities for  
3 energy recovery that accept and burn only wood material, as  
4 included in a fuel specification approved by the Agency;

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

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

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

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

26 (i) The portion of the site or facility used

1 for the composting operation must include a  
2 setback of at least 200 feet from the nearest  
3 potable water supply well.

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

8 (iii) 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 nearest  
11 residence, other than a residence located on the  
12 same property as the site or facility.

13 (iv) In counties with less than 3,000,000  
14 inhabitants, the ~~The~~ portion of the site or  
15 facility used for the composting operation must be  
16 located at least one-eighth of a mile from the  
17 property line of all of the following areas:

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

24 (II) Primary and secondary schools and  
25 adjacent areas that the schools use for  
26 recreation.

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

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

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

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

18 (E) The site or facility must not (i) restrict the  
19 flow of a 100-year flood, (ii) result in washout of  
20 food scrap, livestock waste, crop residue,  
21 uncontaminated wood waste, or paper waste from a  
22 100-year flood, or (iii) reduce the temporary water  
23 storage capacity of the 100-year floodplain, unless  
24 measures are undertaken to provide alternative storage  
25 capacity, such as by providing lagoons, holding tanks,  
26 or drainage around structures at the facility.



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

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

9 (ii) a natural landmark has been designated by  
10 the National Park Service or the Illinois State  
11 Historic Preservation Office; or

12 (iii) a natural area has been designated as a  
13 Dedicated Illinois Nature Preserve under the  
14 Illinois Natural Areas Preservation Act.

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

24 (20) the portion of a site or facility that is located  
25 entirely within a home rule unit having a population of no  
26 less than 120,000 and no more than 135,000, according to

1 the 2000 federal census, and that meets all of the  
2 following requirements:

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

10 (ii) the portion of the site or facility is in  
11 compliance with all applicable zoning  
12 requirements; and

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

19 (21) the portion of a site or facility used to perform  
20 limited testing of a gasification conversion technology in  
21 accordance with Section 39.8 of this Act and for which a  
22 complete permit application has been submitted to the  
23 Agency prior to one year from April 9, 2010 (the effective  
24 date of Public Act 96-887); and

25 (22) the portion of a site or facility that is used to  
26 incinerate only pharmaceuticals from residential sources

1 that are collected and transported by law enforcement  
2 agencies under Section 17.9A of this Act.

3 (b) A new pollution control facility is:

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

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

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

11 (Source: P.A. 96-418, eff. 1-1-10; 96-611, eff. 8-24-09;  
12 96-887, eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff.  
13 7-16-10; 96-1314, eff. 7-27-10; 97-333, eff. 8-12-11; 97-545,  
14 eff. 1-1-12.)

15 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

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

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

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

22 (c) Abandon any vehicle in violation of the "Abandoned  
23 Vehicles Amendment to the Illinois Vehicle Code", as enacted by  
24 the 76th General Assembly.

25 (d) Conduct any waste-storage, waste-treatment, or

1 waste-disposal operation:

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

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

25 (3) which receives waste after August 31, 1988, does  
26 not have a permit issued by the Agency, and is (i) a

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

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

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

25 (e) Dispose, treat, store or abandon any waste, or  
26 transport any waste into this State for disposal, treatment,

1 storage or abandonment, except at a site or facility which  
2 meets the requirements of this Act and of regulations and  
3 standards thereunder.

4 (f) Conduct any hazardous waste-storage, hazardous  
5 waste-treatment or hazardous waste-disposal operation:

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

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

15 (3) in violation of any RCRA permit filing requirement  
16 established under standards adopted by the Board under this  
17 Act; or

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

20 Notwithstanding the above, no RCRA permit shall be required  
21 under this subsection or subsection (d) of Section 39 of this  
22 Act for any person engaged in agricultural activity who is  
23 disposing of a substance which has been identified as a  
24 hazardous waste, and which has been designated by Board  
25 regulations as being subject to this exception, if the  
26 substance was acquired for use by that person on his own

1 property and the substance is disposed of on his own property  
2 in accordance with regulations or standards adopted by the  
3 Board.

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

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

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

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

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

18 (j) Conduct any special waste transportation operation in  
19 violation of any regulations, standards or permit requirements  
20 adopted by the Board under this Act. However, sludge from a  
21 water or sewage treatment plant owned and operated by a unit of  
22 local government which (1) is subject to a sludge management  
23 plan approved by the Agency or a permit granted by the Agency,  
24 and (2) has been tested and determined not to be a hazardous  
25 waste as required by applicable State and federal laws and  
26 regulations, may be transported in this State without a special

1 waste hauling permit, and the preparation and carrying of a  
2 manifest shall not be required for such sludge under the rules  
3 of the Pollution Control Board. The unit of local government  
4 which operates the treatment plant producing such sludge shall  
5 file a semiannual report with the Agency identifying the volume  
6 of such sludge transported during the reporting period, the  
7 hauler of the sludge, and the disposal sites to which it was  
8 transported. This subsection (j) shall not apply to hazardous  
9 waste.

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

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

25 (m) Transfer interest in any land which has been used as a  
26 hazardous waste disposal site without written notification to



1 the Agency of the transfer and to the transferee of the  
2 conditions imposed by the Agency upon its use under subsection  
3 (g) of Section 39.

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

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

10 (1) refuse in standing or flowing waters;

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

12 (3) leachate flows exiting the landfill confines (as  
13 determined by the boundaries established for the landfill  
14 by a permit issued by the Agency);

15 (4) open burning of refuse in violation of Section 9 of  
16 this Act;

17 (5) uncovered refuse remaining from any previous  
18 operating day or at the conclusion of any operating day,  
19 unless authorized by permit;

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

22 (7) acceptance of wastes without necessary permits;

23 (8) scavenging as defined by Board regulations;

24 (9) deposition of refuse in any unpermitted portion of  
25 the landfill;

26 (10) acceptance of a special waste without a required

1 manifest;

2 (11) failure to submit reports required by permits or  
3 Board regulations;

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

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

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

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

18 (1) litter;

19 (2) scavenging;

20 (3) open burning;

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

22 (5) proliferation of disease vectors;

23 (6) standing or flowing liquid discharge from the dump  
24 site;

25 (7) deposition of:

26 (i) general construction or demolition debris as

1 defined in Section 3.160(a) of this Act; or

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

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

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

13 (1) conducting a landscape waste composting operation  
14 for (i) landscape wastes generated by such person's own  
15 activities which are stored, treated, or disposed of within  
16 the site where such wastes are generated and (ii)  
17 composting additives generated on-site or off-site to the  
18 extent the additives are needed for the proper composting  
19 of the landscape waste; or

20 (1.5) conducting a landscape waste composting  
21 operation that (i) has no more than 25 cubic yards of  
22 landscape waste, composting additives, composting  
23 material, or end-product compost on-site at any one time  
24 and (ii) is not engaging in commercial activity; or

25 (2) applying landscape waste or composted landscape  
26 waste at agronomic rates; or

1           (2.5) operating a landscape waste composting facility  
2           at a site having 10 or more occupied non-farm residences  
3           within 1/2 mile of its boundaries, if the facility meets  
4           all of the following criteria:

5           (A) the composting facility is operated by the  
6           farmer on property on which the composting material is  
7           utilized, and the composting facility constitutes no  
8           more than 2% of the site's total acreage;

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

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

1           (D) no fee is charged for the acceptance of  
2 materials to be composted at the facility; and

3           (E) the owner or operator, by January 1, 2014 (or  
4 the January 1 following commencement of operation,  
5 whichever is later) and January 1 of each year  
6 thereafter, registers the site with the Agency, (ii)  
7 reports to the Agency on the volume of composting  
8 material received and used at the site; (iii) certifies  
9 to the Agency that the site complies with the  
10 requirements set forth in subparagraphs (A), (B), (C),  
11 and (D) of this paragraph (2.5); and (iv) certifies to  
12 the Agency that all composting material was placed more  
13 than 200 feet from the nearest potable water supply  
14 well, was placed outside the boundary of the 10-year  
15 floodplain or on a part of the site that is  
16 floodproofed, was placed at least 1/4 mile from the  
17 nearest residence (other than a residence located on  
18 the same property as the facility) or a lesser distance  
19 from the nearest residence (other than a residence  
20 located on the same property as the facility) if the  
21 municipality in which the facility is located has by  
22 ordinance approved a lesser distance than 1/4 mile, and  
23 was placed more than 5 feet above the water table; any  
24 ordinance approving a residential setback of less than  
25 1/4 mile that is used to meet the requirements of this  
26 subparagraph (E) of paragraph (2.5) of this subsection

1           must specifically reference this paragraph; or

2           (3) operating a landscape waste composting facility on  
3 a farm, if the facility meets all of the following  
4 criteria:

5           (A) the composting facility is operated by the  
6 farmer on property on which the composting material is  
7 utilized, and the composting facility constitutes no  
8 more than 2% of the property's total acreage, except  
9 that the Board may allow a higher percentage for  
10 individual sites where the owner or operator has  
11 demonstrated to the Board that the site's soil  
12 characteristics or crop needs require a higher rate;

13           (B) the property on which the composting facility  
14 is located, and any associated property on which the  
15 compost is used, is principally and diligently devoted  
16 to the production of agricultural crops and is not  
17 owned, leased or otherwise controlled by any waste  
18 hauler or generator of nonagricultural compost  
19 materials, and the operator of the composting facility  
20 is not an employee, partner, shareholder, or in any way  
21 connected with or controlled by any such waste hauler  
22 or generator;

23           (C) all compost generated by the composting  
24 facility is applied at agronomic rates and used as  
25 mulch, fertilizer or soil conditioner on land actually  
26 farmed by the person operating the composting

1 facility, and the finished compost is not stored at the  
2 composting site for a period longer than 18 months  
3 prior to its application as mulch, fertilizer, or soil  
4 conditioner;

5 (D) the owner or operator, by January 1, 1990 (or  
6 the January 1 following commencement of operation,  
7 whichever is later) and January 1 of each year  
8 thereafter, (i) registers the site with the Agency,  
9 (ii) reports to the Agency on the volume of composting  
10 material received and used at the site, (iii) certifies  
11 to the Agency that the site complies with the  
12 requirements set forth in subparagraphs (A), (B) and  
13 (C) of this paragraph (q)(3), and (iv) certifies to the  
14 Agency that all composting material was placed more  
15 than 200 feet from the nearest potable water supply  
16 well, was placed outside the boundary of the 10-year  
17 floodplain or on a part of the site that is  
18 floodproofed, was placed at least 1/4 mile from the  
19 nearest residence (other than a residence located on  
20 the same property as the facility) and there are not  
21 more than 10 occupied non-farm residences within 1/2  
22 mile of the boundaries of the site on the date of  
23 application, and was placed more than 5 feet above the  
24 water table.

25 For the purposes of this subsection (q), "agronomic rates"  
26 means the application of not more than 20 tons per acre per

1 year, except that the Board may allow a higher rate for  
2 individual sites where the owner or operator has demonstrated  
3 to the Board that the site's soil characteristics or crop needs  
4 require a higher rate.

5 (r) Cause or allow the storage or disposal of coal  
6 combustion waste unless:

7 (1) such waste is stored or disposed of at a site or  
8 facility for which a permit has been obtained or is not  
9 otherwise required under subsection (d) of this Section; or

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

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

24 (i) such waste is stored or disposed of in  
25 accordance with requirements applicable to refuse  
26 disposal under regulations adopted by the Board for



1 mine-related water pollution and pursuant to NPDES and  
2 Subtitle D permits issued by the Agency under such  
3 regulations; or

4 (ii) the owner or operator of the facility  
5 demonstrates all of the following to the Agency, and  
6 the facility is operated in accordance with the  
7 demonstration as approved by the Agency: (1) the  
8 disposal area will be covered in a manner that will  
9 support continuous vegetation, (2) the facility will  
10 be adequately protected from wind and water erosion,  
11 (3) the pH will be maintained so as to prevent  
12 excessive leaching of metal ions, and (4) adequate  
13 containment or other measures will be provided to  
14 protect surface water and groundwater from  
15 contamination at levels prohibited by this Act, the  
16 Illinois Groundwater Protection Act, or regulations  
17 adopted pursuant thereto.

18 Notwithstanding any other provision of this Title, the  
19 disposal of coal combustion waste pursuant to item (2) or (3)  
20 of this subdivision (r) shall be exempt from the other  
21 provisions of this Title V, and notwithstanding the provisions  
22 of Title X of this Act, the Agency is authorized to grant  
23 experimental permits which include provision for the disposal  
24 of wastes from the combustion of coal and other materials  
25 pursuant to items (2) and (3) of this subdivision (r).

26 (s) After April 1, 1989, offer for transportation,

1 transport, deliver, receive or accept special waste for which a  
2 manifest is required, unless the manifest indicates that the  
3 fee required under Section 22.8 of this Act has been paid.

4 (t) Cause or allow a lateral expansion of a municipal solid  
5 waste landfill unit on or after October 9, 1993, without a  
6 permit modification, granted by the Agency, that authorizes the  
7 lateral expansion.

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

18 (v) (Blank).

19 (w) Conduct any generation, transportation, or recycling  
20 of construction or demolition debris, clean or general, or  
21 uncontaminated soil generated during construction, remodeling,  
22 repair, and demolition of utilities, structures, and roads that  
23 is not commingled with any waste, without the maintenance of  
24 documentation identifying the hauler, generator, place of  
25 origin of the debris or soil, the weight or volume of the  
26 debris or soil, and the location, owner, and operator of the

1 facility where the debris or soil was transferred, disposed,  
2 recycled, or treated. This documentation must be maintained by  
3 the generator, transporter, or recycler for 3 years. This  
4 subsection (w) shall not apply to (1) a permitted pollution  
5 control facility that transfers or accepts construction or  
6 demolition debris, clean or general, or uncontaminated soil for  
7 final disposal, recycling, or treatment, (2) a public utility  
8 (as that term is defined in the Public Utilities Act) or a  
9 municipal utility, (3) the Illinois Department of  
10 Transportation, or (4) a municipality or a county highway  
11 department, with the exception of any municipality or county  
12 highway department located within a county having a population  
13 of over 3,000,000 inhabitants or located in a county that is  
14 contiguous to a county having a population of over 3,000,000  
15 inhabitants; but it shall apply to an entity that contracts  
16 with a public utility, a municipal utility, the Illinois  
17 Department of Transportation, or a municipality or a county  
18 highway department. The terms "generation" and "recycling" as  
19 used in this subsection do not apply to clean construction or  
20 demolition debris when (i) used as fill material below grade  
21 outside of a setback zone if covered by sufficient  
22 uncontaminated soil to support vegetation within 30 days of the  
23 completion of filling or if covered by a road or structure,  
24 (ii) solely broken concrete without protruding metal bars is  
25 used for erosion control, or (iii) milled asphalt or crushed  
26 concrete is used as aggregate in construction of the shoulder

1 of a roadway. The terms "generation" and "recycling", as used  
2 in this subsection, do not apply to uncontaminated soil that is  
3 not commingled with any waste when (i) used as fill material  
4 below grade or contoured to grade, or (ii) used at the site of  
5 generation.

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

7 (415 ILCS 5/22.33)

8 Sec. 22.33. Compost quality standards.

9 (a) By January 1, 1994, the Agency shall develop and make  
10 recommendations to the Board concerning (i) performance  
11 standards for landscape waste compost facilities and (ii)  
12 testing procedures and standards for the end-product compost  
13 produced by landscape waste compost facilities.

14 Performance standards for landscape waste compost  
15 facilities shall at a minimum include:

16 (1) the management of odor;

17 (2) the management of surface water;

18 (3) contingency planning for handling end-product  
19 compost material that does not meet requirements of  
20 subsection (b);

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

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

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

25 (1) performance standards for landscape waste compost

1 facilities; and

2 (2) testing procedures and standards for the  
3 end-product compost produced by landscape waste compost  
4 facilities.

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

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

15 (d) Standards adopted under this Section do not apply to  
16 compost operations exempt from permitting under paragraph  
17 (1.5) of subsection (q) of Section 21 of this Act.

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

19 (415 ILCS 5/22.34)

20 Sec. 22.34. Organic waste compost quality standards.

21 (a) The Agency may develop and make recommendations to the  
22 Board concerning (i) performance standards for organic waste  
23 compost facilities and (ii) testing procedures and standards  
24 for the end-product compost produced by organic waste compost  
25 facilities.

1           The Agency, in cooperation with the Department, shall  
2           appoint a Technical Advisory Committee for the purpose of  
3           developing these recommendations. Among other things, the  
4           Committee shall evaluate environmental and safety  
5           considerations, compliance costs, and regulations adopted in  
6           other states and countries. The Committee shall have balanced  
7           representation and shall include members representing  
8           academia, the composting industry, the Department of  
9           Agriculture, the landscaping industry, environmental  
10          organizations, municipalities, and counties.

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

13               (1) the management of potential exposures for human  
14               disease vectors and odor;

15               (2) the management of surface water;

16               (3) contingency planning for handling end-product  
17               compost material that does not meet end-product compost  
18               standards adopted by the Board;

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

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

25          (b) No later than one year after the Agency makes  
26          recommendations to the Board under subsection (a) of this

1 Section, the Board shall adopt, as applicable:

2 (1) performance standards for organic waste compost  
3 facilities; and

4 (2) testing procedures and standards for the  
5 end-product compost produced by organic waste compost  
6 facilities.

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

9 (c) On-site residential composting that is used solely for  
10 the purpose of composting organic waste generated on-site and  
11 that will not be offered for off-site sale or use is exempt  
12 from any standards promulgated under subsections (a) and (b).  
13 Subsection (b)(2) shall not apply to end-product compost used  
14 as daily cover or vegetative amendment in the final layer.  
15 Subsection (b) applies to any end-product compost offered for  
16 sale or use in Illinois.

17 (d) For the purposes of this Section, "organic waste" means  
18 food scrap, landscape waste, wood waste, livestock waste, crop  
19 residue, paper waste, or other non-hazardous carbonaceous  
20 waste that is collected and processed separately from the rest  
21 of the municipal waste stream.

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

1       (f) Standards adopted under this Section do not apply to  
2 compost operations exempt from permitting under paragraph  
3 (1.5) of subsection (q) of Section 21 of this Act.

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

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