



# *Bill Analysis*

**Bill Number:** SB 2816

**Sponsor:** Senator Adriane Johnson (D-Waukegan)

**ISACo Position:** Under Review

**Status:** Senate Assignments Committee

**Reason for Introduction:** The bill is intended to promote composting and divert compostable waste from landfills to extend the life expectancy of landfills. The legislation also intends to make information available to the public concerning waste treatment and recycling levels.

## **Summary of Legislation**

### **Waste Treatment Public Reporting Requirement**

SB 2816 amends the Environmental Protection Act to require the Illinois Environmental Protection Agency (IEPA) to, by July 1, 2026, and by July 1 of each year thereafter, compile and make available to the public a report identifying the following: (1) the types and volumes of waste treated at authorized recycling facilities; (2) the types and volume of waste treated at authorized organic waste composting facilities; (3) the total volumes of food scraps processed at municipal solid waste landfills; (4) the total permitted capacity for compost volume on municipal solid waste (MSW) sites and; (5) the total emissions of methane from MSW landfills.

### **State Organic Waste Composting Goals**

The bill establishes the organic waste composting goal of reducing, by January 1, 2030, the level of organic waste sent to sanitary landfills by no less than 50% relative to the level of organic waste sent to sanitary landfills in 2015. Furthermore, the State establishes a statewide goal of reducing, by January 1, 2035, MSW landfill methane emissions to 50% relative to 2023 levels.

### **Organic Waste Requirements for the Food Industry**

The bill establishes the following commercial organic waste requirements for specified commercial food wholesalers, commercial food distributors, industrial food manufacturers or processors, supermarkets, restaurants, resorts and conference centers that produce more than 4 cubic yards of organic waste per week. Beginning July 1, 2027, these entities must begin arranging for: (1) source separation of organic wastes from other solid wastes; and (2) recycling of the source-separated organic waste at an authorized source-separated organic material

composting facility. Beginning July 1, 2030, if a commercial food wholesaler, a commercial food distributor, an industrial food manufacturer or processor, a supermarket, a restaurant, a resort or a conference center produces more than one cubic yard of organic waste per week, it must arrange for the following: (1) source separation of organic wastes from other solid wastes; and; (2) recycling of the source-separated organic waste at an authorized source-separated organic material composting facility that has available capacity and on-site composting or other forms of organic waste management and that will accept such source-separated organic material.

The above requirements do not apply if the person or entity resides within an area of the state that has been designated by IEPA as an area in which it is not possible for organic waste to be collected and delivered to an authorized source-separated organic material composting facility. IEPA would be required to provide a map on its website of these areas.

### **Organic Materials/Waste and Composting Definitions**

Organic materials are defined as “any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.”

Organic materials include, but are not limited to, yard debris, food waste, food processing waste, wood waste and garden waste. Not included within the definition of “organic materials” is manure, any materials contaminated by herbicides, pesticides or pests or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

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

Composting is defined as “the biological treatment process by which microorganisms decompose the organic fraction of waste to produce compost.”

### **County Waste Management Plans**

The Solid Waste Planning and Recycling Act is amended to mandate that by January 1, 2026, each county waste management plan include a composting program for organic waste as a part of the basic waste disposal plan. The services shall be offered year-round at least every other week for at least 26 weeks annually to all residents and nonresidential customers that generate for management more than 0.25 cubic yards of organic materials per week.

Some local governments are exempt from this provision based on size (less than 20,000 residents and no permitted organic waste composting facility within 20 miles or a population less than 10,000 residents) or disposal volume (less than 5,000 tons of solid waste in the most recent year data is available).

IEPA may issue a waiver to a local government to delay the implementation of the composting program for up to five years after the effective date of the Act. The Department would evaluate several factors in making these decisions. The factors are included within the bill and the Department may enact rules to specify what information must be provided by a waiver applicant.

The bill allows local governments to collect fees or rates for the organic waste composting services. The fees must be consistent with the local government's authority to impose fees and rates under Section 22.15 of the Environmental Protection Act, as long as the fees and rates do not exceed the fees and rates for municipal solid waste collection. A corresponding change is also made to the Solid Waste Hauling and Recycling Program Act.

### **Obligations On Waste Hauling Businesses**

Each waste hauler operating in a county or municipality that collects organic waste must provide, by written offer, information to all residents, commercial businesses, owners or operators of commercial property and institutional facilities in the county on what materials to dispose for organic waste management and how to dispose of those materials. Customers would have the ability to opt out of receiving future offers to provide composting services in writing.

Composting materials collected by a hauler within a county or municipality shall not be deposited into a landfill or incinerator.

### **County Impact**

The bill would require each county waste management plan to include a composting program for organic waste as part of the basic waste disposal plan. This may compel some counties to modify their basic waste disposal plans. SB 2816 includes language authorizing local governments to impose fees or rates for organic composting services to offset some of the costs of the mandate.