

Board Adopts Second Notice Proposal for New Procedural Rules for Landscape Waste and Compost Authorizations Under 415 ILCS 21(q), R 12-11

On September 20, 2012, the Board proposed new rules for a second notice review by the Joint Committee on Administrative Rules (JCAR) new procedural rules for adjusted standards addressing Board authorizations for certain landscape waste and compost applications and on-farm composting. The rulemaking is docketed as In the Matter Of: Procedural Rules for Authorizations Under P.A. 97-220 For Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I, R12-11.

This rulemaking is in response to P.A. 97-220, signed and effective July 28, 2011. P.A. 97-220 amended the Environmental Protection Act to specify that the Board rather than the IEPA may authorize certain exceptions to the provisions of Section 21(q) of the Environmental Protection Act (Act), 415 ILCS 5/21. One type of Board authorization would allow any person to apply landscape waste and composted landscape waste at a rate greater than “agronomic rates” of not more than 20 tons per acre per year. Under Section 21(q)(3), farmers who operate a composting facility may be authorized to use landscape waste compost to operate the compost facility on more than two percent of the property’s total acreage. Without such Board authorizations, these activities are prohibited, and subject to enforcement.

There are no substantive changes in the rules from those proposed in the Board’s June 21, 2012 third first notice order, as no public comments were received.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk’s office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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