



SOLID WASTE AGENCY OF LAKE COUNTY, IL

2026 LEGISLATIVE POLICY – STANDING POLICIES

The Solid Waste Agency of Lake County (SWALCO) is a Municipal Joint Action Agency established to implement the Lake County Solid Waste Management Plan. SWALCO is comprised of 43 Lake County municipalities, the County of Lake and the Great Lakes Naval Base. SWALCO's Board of Directors established the Legislative Committee to develop a legislative policy for ultimate approval by the Board of Directors. The Legislative Committee implements the approved policy.

The following are SWALCO's standing or existing policies in key subject areas, which have been divided into state and federal levels.

STANDING LEGISLATIVE POLICY

SWALCO's legislative policy will be communicated to our elected representatives and will be used to provide input to organizations which SWALCO, or its members, are affiliated (for example: National Association of Counties, US Conference of Mayors, the Solid Waste Association of North America, Illinois Counties Solid Waste Management Association, Illinois Product Stewardship Council, Illinois Food Scrap and Composting Coalition, Lake County Municipal League, Northwest Municipal Conference and the Illinois Municipal League).

The following is a more detailed discussion of SWALCO's policy stance on key state and federal solid waste policy issues.

State Level

1. ISSUE: INFORMATIONAL SUPPORT FOR OUR STATE DELEGATION

The SWALCO Legislative Committee and staff will coordinate with the Lake County legislative delegation in reviewing legislative initiatives.

Discussion

SWALCO stays in close contact with its legislative delegation through ongoing discussions with our lobbyist, Mike Grady. SWALCO staff and members of the Legislative Committee will strive to meet in person with all members of the legislative delegation in the coming year either through our partnership with the Lake County Municipal League, attending special meetings convened by legislators, or visiting with them while in Springfield.

It is also important for SWALCO to support its delegation on an on-going basis regarding issues as they arise in Springfield. The state representatives often do not have the staff required to complete detailed assessments of issues. However, this is an area where the Agency can assist its legislators.

2. ISSUE: PRODUCT STEWARDSHIP LEGISLATION

SWALCO will support legislation that fosters responsible product stewardship and responsibility. SWALCO will engage with manufacturers and other stakeholders to enact legislation that reduces the health, environmental and social impacts of consumer products throughout their life cycle, with the ultimate goal of responsibly managing products after their useful life to conserve resources and protect the environment and human health. This activity commonly known as “Product Stewardship” is very common throughout Europe and Canada and to a lesser degree in the United States where over 34 States have passed laws covering 12 different product categories (e.g., electronics, paint, mercury thermostats, and mattresses). One definition of Product Stewardship developed by the Product Stewardship Institute is, “the act of minimizing the health, safety, environmental and social impacts of a product and its packaging throughout the product life cycle, while maximizing the product’s economic benefits. The producer of the product has the greatest ability to minimize the adverse impacts; however, other stakeholders, such as suppliers, retailers and consumers, also play an important role. Stewardship can be either voluntary or required by law.”

Discussion

In the past several years SWALCO has been active on Extended Producer Responsibility (EPR) laws for batteries, electronics, paint, pharmaceuticals, packaging and carpet. EPR laws have been enacted for batteries, electronics, paint and pharmaceuticals.

3. ISSUE: LOCAL SURCHARGE

Support amending the Illinois Environmental Protection Act to either eliminate exempting wastes from state and local fees imposed by units of local government (\$1.27 per ton) or increasing the fee. The authority to impose a local fee on the two in-county landfills has been a key funding source for SWALCO since its inception. Currently, the local surcharge fee represents approximately 65% of the funding for the Agency’s annual budget. Approximately 25% of the waste accepted at the landfills is exempt from the local surcharge, and the local surcharge fee of \$1.27 per ton has not been increased since the enactment of the Solid Waste Management Act in 1986. Further, SWALCO splits the local surcharge fee with the Lake County Health Department, with SWALCO receiving 75% of the fee and the Health Department the remaining 25%.

Discussion

The Task Force on the Advancement of Materials Recycling that SWALCO was appointed to in 2013 did not take a position or offer recommendations regarding the local or state surcharge fees in its 2015 final report to the General Assembly. In addition, the Solid Waste Management Fund, where the State fees are deposited, has been swept and continues to be swept due to the current fiscal situation in IL.

4. ISSUE: FOOD SCRAP COMPOSTING

The Agency will actively support legislation that promotes and supports the marketing of compost or enhances the market demand for compost derived from landscape waste alone or commingled with food scraps.

Discussion

With the passage of SB 99 in 2009 (which SWALCO supported and worked hard to see enacted) significant barriers to the development of food scrap composting sites were removed. SB 99 and the legislation passed in 2015, 2016 and 2017 have provided the necessary regulatory changes to further encourage the diversion of food scraps and other organics from the landfill. Thirty SWALCO members now have provisions in their hauling contracts to allow the commingling of food scraps with landscape waste during the 8-month landscape waste season.

5. ISSUE: RENEWABLE ENERGY FROM MSW SOURCES

Support the designation of municipal solid waste (MSW) derived energy as a renewable energy source, not including incineration of waste. SWALCO may, on a case-by-case basis, support the establishment of renewable energy goals/requirements as a percentage of total energy output. This may also include support for tax credits and other incentives, including greenhouse gas offset credits that provide financial and/or environmental incentives for the development of renewable energy from MSW sources.

Discussion

Under current Illinois law, energy derived from municipal waste from non-landfill related uses does not count as a renewable energy source and therefore cannot be counted toward the 25% renewable portfolio standard per Illinois law (25% by 2025).

6. ISSUE: POLLUTION CONTROL FACILITIES

Oppose changes that affect the local authority's control over the siting of pollution control facilities.

Discussion

SWALCO firmly supports the current practice of having local units of government approve or deny the siting of pollution control facilities within their jurisdictions. This law has proven to be successful in Illinois. Any attempt to tamper with local control will be opposed by SWALCO. However, minor changes to the law that help streamline or clarify the process (often due to case law) will be evaluated on a case-by-case basis.

7. ISSUE: LANDFILL MATERIAL BANS

Oppose the banning of individual materials from landfills unless a viable alternative disposal technology and funding is available.

Discussion

Waste bans have been used previously to eliminate landscape waste, white goods, electronics and oil from municipal solid waste landfills. These bans have reduced the amount of material going to landfills. However, the infrastructure needed to support the alternative disposal plan is rarely in place. SWALCO believes that a two-year period is required to ban material from a landfill and to set up the alternative disposal technology. In this interim period, the state agencies can address the alternative disposal methodologies needed to handle the banned material.

8. ISSUE: ENVIRONMENTAL FEE TRANSFER

Oppose the transfer of any state fees imposed on municipal solid waste to offset any shortfall in general fund revenues.

Discussion

The State applies two fees on waste accepted at landfills: a Subtitle D fee (this refers to the portion of the federal law known as the Resource Conservation and Recovery Act, which regulates municipal waste landfills) and a solid waste fee. The Illinois Environmental Protection Agency, Bureau of Land (BOL) uses these fees for its programs. These fees are used for enforcement grants, which enable Lake County and others to inspect solid waste facilities. It is imperative that these fees stay in the BOL and not be used for other State purposes SWALCO does not support the transfer of fees to the general fund and supports the expansion of the enforcement program to other Illinois communities.

SWALCO is reliant on our agreement with the Illinois Environmental Protection Agency for funding the disposal of the household chemical wastes we collect in our program. Securing and maintaining funding for this agreement is of the greatest importance to SWALCO.

9. ISSUE: DEPOSIT LEGISLATION

Oppose the imposition of a deposit on beverage containers. A \$0.05 or \$0.10 fee on beverage containers will negatively impact our recycling programs by reducing the revenue anticipated by the recycling centers and creating a fee on residents. One exception would be deposit legislation that focused on glass containers only, such a deposit would help reduce glass at the recycling plants, which makes the plants more profitable by removing a material that is hard on processing equipment and has a negative value after accounting for processing costs.

Discussion

Eleven states have enacted this deposit legislation. Hawaii adopted a deposit system in 2002. The remaining states adopted a deposit system prior to 1987. Generally it is aimed at reducing roadside litter by creating a financial incentive as well as recycling discarded materials. New York experienced a 30% reduction in roadside litter with their bottle bill. Despite the positive impacts of increasing the return rate for beverage containers in the 11 states, transitioning to a deposit system after implementing curbside recycling programs has proven difficult for the remaining 39 states.

Deposit legislation can expand access to the recycling system to all residents, but handling of deposit containers, either through retail stores or redemption, is an increased burden from a transportation and space standpoint - such as additional trips by residents to redeem containers and space required by retailers to store deposit containers. This financial burden on retail stores may be partially offset by the fees imposed by the deposit. The deposit is an additional fee on residents when they fail to redeem their containers. Curbside recycling represents a convenient way for residents to recycle their beverage containers.

If high value containers such as aluminum cans and PET bottles are removed from the recycling stream the recycling plants' revenue from commodity sales will be decreased substantially. Most SWALCO members have a change in law provision in their contracts that would in theory allow the haulers to come back and ask the members to make up the difference by raising rates. Preliminary estimates are it could raise rates by \$1 per household per month or more.

10. ISSUE: LEAF BURNING BAN

The Agency will support a Statewide leaf burning ban bill, which provides for local control of burning ordinances.

Discussion

Landscape waste is prohibited from being disposed of in landfills. Therefore, property owners must compost/mulch leaves at home, subscribe to a service for collection (which costs money) or burn them. Many member communities have banned or restricted the burning of leaves within their communities, while other communities have decided to not restrict the burning of leaves. In 2022 the Lake County Board enacted an ordinance restricting the burning of leaves and other yardwaste.

Burning leaves creates particulate emissions and causes the release of chemicals in the burning process. Many residents suffer respiratory distress as a result of this process. Leaf burning is a significant air pollution hazard and may be an increased health risk to humans. The Agency will consider supporting a leaf burning ban bill which provides for local control of burning ordinances.

Federal Level

1. ISSUE: INTERSTATE WASTE

Support federal legislation which recognizes and "grandfathers" current interstate waste transport and disposal. Any bill that limits the future importation or exportation of waste should be evaluated to assess its impact on SWALCO's members before a final policy position is taken.

Discussion

Midwest states do not want to be considered dumping grounds for east coast or Canadian generated waste. Many communities, however, signed agreements to accept waste from outside of their state when their local landfill was developed. They benefited in this arrangement by receiving host fees for this waste. Several states, primarily Michigan with its concerns over waste imports from Canada, have attempted to enact federal legislation to limit or restrict the flow of waste from other states and/or countries. In Illinois we recognize that a significant quantity of Chicago metro waste is transported to landfills in Wisconsin, Michigan and Indiana. Any federal attempt to legislate the flow of waste must be closely scrutinized and evaluated before a position can be taken.

2. ISSUE: FLOW CONTROL

Take no action on flow control, other than to work with other solid waste and municipal organizations to monitor the progress of any flow control legislation and ensure that local governments can institute franchise refuse collection and continue to act as a market participant to direct their waste and/or recyclables to facilities pursuant to competitively bid contracts.

Discussion

The US Supreme Court has upheld the right of communities to enact flow control by acting as a market participant. The Court went further with its April 30, 2007 decision in the *United Haulers v. Oneida-Herkimer Solid Waste Management Authority* case where the Court sustained the flow control ordinances of the Waste Authority. The Court held that directing waste or recyclables to publicly owned facilities was constitutional. The Court has now created a public-private distinction with respect to the Commerce Clause of the U.S. Constitution.

This means that SWALCO has the legal authority to direct its waste and recyclables to publicly owned disposal sites and recycling centers. What isn't clear in the decision is what ability public entities have to direct materials to privately owned or operated facilities. Regardless, SWALCO does have the authority to act as a market participant and direct materials to facilities as part of competitively bid contracts.

3. ISSUE: RENEWABLE ENERGY FROM MSW SOURCES

Support the designation of municipal solid waste (MSW) derived energy as a renewable energy source. SWALCO may, on a case-by-case basis, support the establishment of renewable energy goals/requirements as a percentage of total energy output. This may also include support for tax credits and other incentives, including greenhouse gas offset

credits that provide financial and/or environmental incentives for the development of renewable energy from MSW sources.

Discussion

Methane gas energy production is an example of energy production from waste sources. The primary method of waste management in Lake County is landfilling. Both in-county landfills collect and generate energy from methane gas. This capability is facilitated through tax incentives. It is also a source of renewable energy production.

Also of interest is energy derived from alternative waste management technologies including anaerobic digestion and MSW gasification. Both technologies are well proven with other feed stocks, but have yet to be utilized for MSW in the U.S. due to unfavorable economics and the U.S.'s continued reliance on landfilling. Several alternative technology projects are proceeding in both California and Florida. Essential to the economics of these projects is the designation of the energy as a renewable energy source. Large utilities are now searching for renewable energy projects and are often willing to pay a premium for the energy. These projects also have the potential to reduce the amount of greenhouse gases (GHG) emitted in the production of energy, especially as related to coal power plants.

4. ISSUE: PRODUCT STEWARDSHIP AND PRODUCER RESPONSIBILITY

Support legislation that fosters responsible product stewardship and producer responsibility. Most attention is currently focused on the electronics industry. SWALCO supports a national policy, but in the absence of a national policy will support a state-based program (please refer to the state level discussion).

Discussion

Product stewardship is a product-centered approach to environmental protection. Product stewardship calls on all those in the product life cycle--manufacturers, retailers, users, and waste managers --to share responsibility for reducing the environmental impacts of products.

Product stewardship recognizes that product manufacturers should take on new responsibilities to reduce the adverse environmental impact of their products. However, all participants in a product life cycle, including retailers, consumers, and waste managers have important roles to play in working in cooperation with product manufacturers to develop the most workable and cost-effective solutions.

From a solid waste manager's perspective, product stewardship refers to the actions that should be taken with respect to product design, reuse, collection, recycling and disposal in order to avoid adverse environmental impacts from the disposal of the product. Manufacturers must design their products to facilitate disassembly and recycling. Consumers must be educated on how to properly dispose of products. Education can be approached through information developed by manufacturers and provided to consumers through product stickers, operation manuals and advertising. Most importantly, an infrastructure must be developed to properly and responsibly handle the product if it's diverted from the municipal solid waste stream



SOLID WASTE AGENCY OF LAKE COUNTY, IL

2026 LEGISLATIVE POLICY – TOP PRIORITIES

The Solid Waste Agency of Lake County (SWALCO) is a Municipal Joint Action Agency established to implement the Lake County Solid Waste Management Plan. SWALCO is comprised of 43 Lake County municipalities, the County of Lake and the Great Lakes Naval Base. SWALCO's Board of Directors established the Legislative Committee to develop a legislative policy for ultimate approval by the Board of Directors. The Legislative Committee implements the approved policy.

SWALCO has developed two documents related to its legislative policy: 1) 2026 Legislative Policy – Standing Policies, and 2) 2026 Legislative Policy – Top Priorities. The Standing Policies represent SWALCO's current viewpoint on key solid waste related issues on both the state and federal levels. This document, Top Priorities, outlines the legislation the Agency intends to pursue or track in 2026.

Top Priorities for 2026

1. Household Chemical Waste, Extended Producer Responsibility

In 2025, with assistance from the Product Stewardship Institute (PSI) SWALCO staff (Walter and Joe) prepared a draft bill entitled "Household Hazardous Waste Stewardship Act" which was sponsored and filed by Senator Koehler (SB1394) and Representative Chung (HB1893). The bill would shift the costs for SWALCO's collection program (approximately \$450,000 per year) to the producers of the hazardous products we collect from residents.

The bill was not allowed to move in the Senate as it was not assigned to a committee. The House version did get assigned to the House Energy & Environment Committee and was moved out of committee on second reading with the understanding it would not be moved without further discussions. The bill did not move further in session, one stakeholder meeting was convened and held by Representative Chung. The IMA, IRMA and CICI were all opposed to the bill, as was the IEPA.

SWALCO staff has had discussion with the National Lubricant Container Recycling Coalition which is considering developing its own EPR bill that would separate their products from the HHW bill and would include the packaging that the auto fluid products come in and include acceptance from both residential and commercial generators. The most recent discussion was on October 8th and the NLCRC has indicated it plans to introduce a bill in 2026 and will work with SWALCO to get it filed.

Staff have also been in discussions with the Household and Commercial Products Association (HCPA), which represents over 250 producers of products that we typically collect in our HCW

program. The HCPA has suggested that we consider a Needs Assessment bill that would provide more research and data on which products are brought to HHW events, who the producers are, and the estimated cost to collect and dispose of the products. They have agreed that the bill should include a scope of work and that industry would pay for the study. SWALCO has shared this idea with the other permanent sites and Cook County (it will be opening a new HHW site later this year).

It is recommended that SWALCO continue to have discussions with the HCPA and consider adding the needs assessment component to HB1893/SB1394 and depending on how the bill proceeds in the 2026 session, decide whether to continue to push for the enactment of the bill or pivot to a needs assessment only bill.

2. Food Scrap Diversion

In July 2024, SWALCO organized a tour of Midwest Organics Recycling's compost facility for Senator Johnson. At the end of the tour the Senator gave her approval for SWALCO to develop a bill to divert food scraps from landfilling. SWALCO staff (Emily) developed a tagline, logo and website to help promote the bill (FeedandConserveIL.org). Approximately 200 people have signed up on the website and over 50 businesses have provided their logos as supporters of the bill.

SB1398 was introduced in 2025 and was assigned to Senate Appropriations. The bill has 14 co-sponsors and a subject matter hearing was heard on the bill in early May 2025.

To get the bill moving, we amended HB1707 (Representative Mason) to include the text of SB1398. HB1707 was then assigned to the House Energy & Environment Committee and was moved out of committee on second reading. Over 500 witness slips were filed in support of the bill, showing the reach of the FeedandConserveIL grassroots movement.

SWALCO has helped convene a stakeholder group meeting to work on developing an amendment to the bill prior to the 2026 session. The group includes the IEPA, waste industry, compost industry, food recovery groups, environmental groups and local governments. The first meeting was held on July 31, 2025, with more to follow in the fall. The recommendation is to work with Senator Johnson and Representative Mason to file an amendment to the bill and to work for its passage in 2026.

3. Compost Market Development

Senator Johnson also authorized SWALCO staff to draft a bill to develop new markets for compost, realizing that most compost sites in IL have more finished compost product than the market demands. For example, Midwest Organics Recycling land applies thousands of cubic yards of compost on farmland that its parent company owns adjacent to the compost facility. They would rather sell the product. Illinois banned yard waste from the landfill in 1990, resulting in approximately 500,000 tons of yard waste being diverted to compost sites. If food scraps were banned, that amount would increase by over 2.2 million tons, the need for market development is clear.

SB1397 was filed by Senator Johnson and assigned to the Appropriations Committee, where it was never called for action. The IEPA let the Senator know that they were opposed to the bill because it requested money from the Solid Waste Management Fund to fund the grant program.

Senator Johnson informed us on the July 31st stakeholder call that she still wanted to work SB1397 in the 2026 session. The recommendation is to continue to support the enactment of SB1397 in the 2026 session.

4. EPR for Mattresses

Currently four states (CT, CA, RI, and OR) have EPR laws for mattresses. The laws all have an up-front fee that the consumer pays (like the paint law we enacted in IL) that funds the mattress recovery program. The fee per mattress and box spring is between \$16.00 and \$22.50 in the four states. The mattress industry is supportive of the EPR bills as long as they follow the model of including an upfront consumer fee and do not vary too much from the four existing laws.

This product is being focused on by the IL Product Stewardship Council due to the recent increase in costs to dispose of mattresses, between \$75 to \$100 at the landfill or transfer station. An independent hauler reached out to SWALCO in the spring letting us know about the increased cost to dispose of mattresses. This is a cost that may impact whether haulers will continue to collect mattresses and box springs as a bulk item under residential collection contracts without an additional charge.

The recommendation is to work with the IL PSC to develop and introduce a mattress/box spring EPR bill in 2026.

5. Carryout Bags

SWALCO has a long history, going back to 2009, working on legislation for plastic bags/carryout bags. In 2009 legislation was enacted for Lake County to conduct a pilot program to collect more plastic bags and film and to prepare a report to the General Assembly. In 2012, we attempted to enact a plastic film EPR law to require that bag and film producers develop a statewide collection program; that bill was vetoed by Governor Quinn due to pressure from the environmental community. Finally, in 2017 and 2018 we worked with Senator Link and aligned with IMA and IRMA to pass a bill that would put a 5-cent fee on bags and then split that money among the State, retailers, counties and Municipal Joint Action Agencies like SWALCO. That bill did not get enacted, again due to opposition from the environmental community over the pre-emption language in the bill.

In 2025, a carryout bag bill, SB1872, was introduced with the support of the IL Environmental Council (IEC) and the IL Retail Merchants Association (IRMA). Efforts had been made in previous sessions to introduce a bill, but it wasn't until this year that IEC and IRMA reached a compromise. While SWALCO initially was neutral to supportive of the bill, it became apparent that there was a better approach and one that more resembled what we attempted to enact in 2017 and 2018. The biggest issues with SB1872 are that: 1) retailers keep all the revenue from the 10 cent fee on paper bags (plastic bags are banned under the bill starting in 2029) resulting in hundreds of millions of dollars going to retailers only over the next decade, and 2) the 10 cent fee on paper bags will perpetuate the use of paper bags which from a greenhouse gas perspective are more impactful than plastic bags, and not significantly change consumer behavior to use reusable bags. SWALCO has drafted a new bill that does not include a ban on plastic bags but imposes a

10-cent fee on all types of carryout bags and raises the fee 5 cents per year until bag use is reduced by 90% from the first year's use. The bill splits the money between the State (60%), retailers (20%) and local government (20%). The bill also requires local government to use the funds on waste recycling, composting, HHW, special collections and other sustainability related uses.

The recommendation is to find a sponsor and file an alternative carryout bag bill in 2026.