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LRB095 04713 CMK 32382 a

1 AMENDMENT TO HOUSE BILL 496

2 AMENDMENT NO. _____. Amend House Bill 496 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 3.160 as follows:

6 (415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)

7 Sec. 3.160. Construction or demolition debris.

8 (a) "General construction or demolition debris" means
9 non-hazardous, uncontaminated materials resulting from the
10 construction, remodeling, repair, and demolition of utilities,
11 structures, and roads, limited to the following: bricks,
12 concrete, and other masonry materials; soil; rock; wood,
13 including non-hazardous painted, treated, and coated wood and
14 wood products; wall coverings; plaster; drywall; plumbing
15 fixtures; non-asbestos insulation; roofing shingles and other
16 roof coverings; reclaimed or other asphalt pavement; glass;

1 plastics that are not sealed in a manner that conceals waste;
2 electrical wiring and components containing no hazardous
3 substances; and piping or metals incidental to any of those
4 materials.

5 General construction or demolition debris does not include
6 uncontaminated soil generated during construction, remodeling,
7 repair, and demolition of utilities, structures, and roads
8 provided the uncontaminated soil is not commingled with any
9 general construction or demolition debris or other waste.

10 To the extent allowed by federal law, uncontaminated
11 concrete with protruding rebar shall be considered clean
12 construction or demolition debris and shall not be considered
13 "waste" if it is separated or processed and returned to the
14 economic mainstream in the form of raw materials or products
15 within 4 years of its generation, if it is not speculatively
16 accumulated and, if used as a fill material, it is used in
17 accordance with item (i) in subsection (b) of this Section
18 ~~within 30 days of its generation.~~

19 (b) "Clean construction or demolition debris" means
20 uncontaminated broken concrete without protruding metal bars,
21 bricks, rock, stone, reclaimed or other asphalt pavement, or
22 soil generated from construction or demolition activities.

23 Clean construction or demolition debris does not include
24 uncontaminated soil generated during construction, remodeling,
25 repair, and demolition of utilities, structures, and roads
26 provided the uncontaminated soil is not commingled with any

1 clean construction or demolition debris or other waste.

2 To the extent allowed by federal law, clean construction or
3 demolition debris shall not be considered "waste" if it is (i)
4 used as fill material outside of a setback zone if the fill is
5 placed no higher than the highest point of elevation existing
6 prior to the filling immediately adjacent to the fill area, and
7 if covered by sufficient uncontaminated soil to support
8 vegetation within 30 days of the completion of filling or if
9 covered by a road or structure, or (ii) separated or processed
10 and returned to the economic mainstream in the form of raw
11 materials or products, if it is not speculatively accumulated
12 and, if used as a fill material, it is used in accordance with
13 item (i) ~~within 30 days of its generation~~, or (iii) solely
14 broken concrete without protruding metal bars used for erosion
15 control, or (iv) generated from the construction or demolition
16 of a building, road, or other structure and used to construct,
17 on the site where the construction or demolition has taken
18 place, a manmade functional structure not to exceed 20 feet
19 above the highest point of elevation of the property
20 immediately adjacent to the new manmade functional structure as
21 that elevation existed prior to the creation of that new
22 structure, provided that the structure shall be covered with
23 sufficient soil materials to sustain vegetation or by a road or
24 structure, and further provided that no such structure shall be
25 constructed within a home rule municipality with a population
26 over 500,000 without the consent of the municipality.

1 For purposes of this subsection (b), reclaimed or other
2 asphalt pavement shall not be considered speculatively
3 accumulated if: (i) it is not commingled with any other clean
4 construction or demolition debris or any waste; (ii) it is
5 returned to the economic mainstream in the form of raw
6 materials or products within 4 years after its generation;
7 (iii) at least 25% of the total amount present at a site during
8 a calendar year is transported off of the site during the next
9 calendar year; and (iv) if used as a fill material, it is used
10 in accordance with item (i) of the second paragraph of this
11 subsection (b).

12 (Source: P.A. 93-179, eff. 7-11-03; 94-272, eff. 7-19-05.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."