

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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;
17 plastics that are not sealed in a manner that conceals waste;
18 electrical wiring and components containing no hazardous
19 substances; and piping or metals incidental to any of those
20 materials.

21 General construction or demolition debris does not include
22 uncontaminated soil generated during construction, remodeling,
23 repair, and demolition of utilities, structures, and roads

1 provided the uncontaminated soil is not commingled with any
2 general construction or demolition debris or other waste.

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

12 (b) "Clean construction or demolition debris" means
13 uncontaminated broken concrete without protruding metal bars,
14 bricks, rock, stone, reclaimed or other asphalt pavement, or
15 soil generated from construction or demolition activities.

16 Clean construction or demolition debris does not include
17 uncontaminated soil generated during construction, remodeling,
18 repair, and demolition of utilities, structures, and roads
19 provided the uncontaminated soil is not commingled with any
20 clean construction or demolition debris or other waste.

21 To the extent allowed by federal law, clean construction or
22 demolition debris shall not be considered "waste" if it is (i)
23 used as fill material outside of a setback zone if the fill is
24 placed no higher than the highest point of elevation existing
25 prior to the filling immediately adjacent to the fill area, and
26 if covered by sufficient uncontaminated soil to support

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

20 For purposes of this subsection (b), reclaimed or other
21 asphalt pavement shall not be considered speculatively
22 accumulated if: (i) it is not commingled with any other clean
23 construction or demolition debris or any waste; (ii) it is
24 returned to the economic mainstream in the form of raw
25 materials or products within 4 years after its generation;
26 (iii) at least 25% of the total amount present at a site during

1 a calendar year is transported off of the site during the next
2 calendar year; and (iv) if used as a fill material, it is used
3 in accordance with item (i) of the second paragraph of this
4 subsection (b).

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

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