

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 Sections 3.160 and 22.38 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 corrugated cardboard, piping or metals  
20 incidental to any of those 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 (b) "Clean construction or demolition debris" means  
12 uncontaminated broken concrete without protruding metal bars,  
13 bricks, rock, stone, reclaimed or other asphalt pavement, or  
14 soil generated from construction or demolition activities.

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

20 To the extent allowed by federal law, clean construction or  
21 demolition debris shall not be considered "waste" if it is (i)  
22 used as fill material outside of a setback zone if the fill is  
23 placed no higher than the highest point of elevation existing  
24 prior to the filling immediately adjacent to the fill area, and  
25 if covered by sufficient uncontaminated soil to support  
26 vegetation within 30 days of the completion of filling or if

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

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

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

4 (Source: P.A. 94-272, eff. 7-19-05; 95-121, eff. 8-13-07.)

5 (415 ILCS 5/22.38)

6 Sec. 22.38. Facilities accepting exclusively general  
7 construction or demolition debris for transfer, storage, or  
8 treatment.

9 (a) Facilities accepting exclusively general construction  
10 or demolition debris for transfer, storage, or treatment shall  
11 be subject to local zoning, ordinance, and land use  
12 requirements. Those facilities shall be located in accordance  
13 with local zoning requirements or, in the absence of local  
14 zoning requirements, shall be located so that no part of the  
15 facility boundary is closer than 1,320 feet from the nearest  
16 property zoned for primarily residential use.

17 (b) An owner or operator of a facility accepting  
18 exclusively general construction or demolition debris for  
19 transfer, storage, or treatment shall:

20 (1) within 48 hours of receipt of the general  
21 construction or demolition debris at the facility, sort the  
22 general construction or demolition debris to separate the  
23 recyclable general construction or demolition debris and  
24 recovered wood that is processed for use as fuel from  
25 non-recyclable general construction or demolition debris

1 to be disposed of or discarded;

2 (2) transport off site for disposal all non-recyclable  
3 general construction or demolition debris that is neither  
4 recyclable general construction or demolition debris nor  
5 recovered wood that is processed for use as fuel in  
6 accordance with all applicable federal, State, and local  
7 requirements within 72 hours of its receipt at the  
8 facility;

9 (3) limit the percentage of incoming non-recyclable  
10 general construction or demolition debris to 25% or less of  
11 the total incoming general construction or demolition  
12 debris, as calculated on a daily basis, so that 75% or more  
13 of the general construction or demolition debris accepted  
14 on a daily basis consists of recyclable general  
15 construction or demolition debris, recovered wood that is  
16 processed for use as fuel, or both;

17 (4) transport all non-putrescible recyclable general  
18 construction or demolition debris for recycling or  
19 disposal within 6 months of its receipt at the facility;

20 (5) within 45 days of its receipt at the facility,  
21 transport

22 (i) all putrescible or combustible recyclable  
23 general construction or demolition debris (excluding  
24 recovered wood that is processed for use as fuel) for  
25 recycling or disposal; and

26 (ii) all recovered wood that is processed for use

1           as fuel to an intermediate processing facility for  
2           sizing, to a combustion facility for use as fuel, or to  
3           a disposal facility; within 45 days of its receipt at  
4           ~~the facility;~~

5           (6) employ tagging and recordkeeping procedures to (i)  
6           demonstrate compliance with this Section and (ii) identify  
7           the source and transporter of material accepted by the  
8           facility;

9           (7) control odor, noise, combustion of materials,  
10          disease vectors, dust, and litter;

11          (8) control, manage, and dispose of any storm water  
12          runoff and leachate generated at the facility in accordance  
13          with applicable federal, State, and local requirements;

14          (9) control access to the facility;

15          (10) comply with all applicable federal, State, or  
16          local requirements for the handling, storage,  
17          transportation, or disposal of asbestos-containing  
18          material or other material accepted at the facility that is  
19          not general construction or demolition debris; and

20          (11) submit to the Agency at least 30 days prior to the  
21          initial acceptance of general construction or demolition  
22          debris at the facility, on forms provided by the Agency,  
23          the following information:

24                 (A) the name, address, and telephone number of both  
25                 the facility owner and operator;

26                 (B) the street address and location of the

1 facility;

2 (C) a description of facility operations;

3 (D) a description of the tagging and recordkeeping  
4 procedures the facility will employ to (i) demonstrate  
5 compliance with this Section and (ii) identify the  
6 source and transporter of any material accepted by the  
7 facility;

8 (E) the name and location of the disposal sites  
9 ~~site~~ to be used for the ~~transportation and~~ disposal of  
10 any general construction or demolition debris received  
11 at the facility that must be disposed of;  
12 ~~non-recyclable materials accepted at the facility;~~

13 (F) the name and location of an individual,  
14 facility, or business to which recyclable materials  
15 will be transported; ~~and~~

16 (G) the name and location of intermediate  
17 processing facilities or combustion facilities to  
18 which recovered wood that is processed for use as fuel  
19 will be transported; and

20 (H) ~~(G)~~ other information as specified on the form  
21 provided by the Agency.

22 When any of the information contained or processes  
23 described in the initial notification form submitted to the  
24 Agency changes, the owner and operator shall submit an  
25 updated form within 14 days of the change.

26 (c) For purposes of this Section, the term "recyclable

1 general construction or demolition debris" means general  
2 construction or demolition debris that has been rendered  
3 reusable and is reused or that would otherwise be disposed of  
4 or discarded but is collected, separated, or processed and  
5 returned to the economic mainstream in the form of raw  
6 materials or products. "Recyclable general construction or  
7 demolition debris" does not include general construction or  
8 demolition debris processed for use as fuel, incinerated,  
9 burned, buried, or otherwise used as fill material.

10 (d) For purposes of this Section, "treatment" means  
11 processing designed to alter the physical nature of the general  
12 construction or demolition debris, including but not limited to  
13 size reduction, crushing, grinding, or homogenization, but  
14 does not include processing designed to change the chemical  
15 nature of the general construction or demolition debris.

16 (e) For purposes of this Section, "recovered wood that is  
17 processed for use as fuel" means wood that has been salvaged  
18 from general construction or demolition debris and processed  
19 for use as fuel, as authorized by the applicable state or  
20 federal environmental regulatory authority, and supplied only  
21 to intermediate processing facilities for sizing, or to  
22 combustion facilities for use as fuel, that have obtained all  
23 necessary waste management and air permits for handling and  
24 combustion of the fuel.

25 (f) For purposes of this Section, "non-recyclable general  
26 construction or demolition debris" does not include "recovered



1 wood that is processed for use as fuel".

2 (g) Recyclable general construction or demolition debris  
3 or recovered wood that is processed for use as fuel that is  
4 sent for disposal at the end of the applicable retention period  
5 shall not be considered as meeting the 75% diversion  
6 requirement for purposes of subdivision (b) (3) of this Section.

7 (Source: P.A. 90-475, eff. 8-17-97.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.