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1 AMENDMENT TO HOUSE BILL 266

2 AMENDMENT NO. _____. Amend House Bill 266 by replacing
3 everything after the enacting clause with the following:

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;

1 plastics that are not sealed in a manner that conceals waste;
2 electrical wiring and components containing no hazardous
3 substances; and corrugated cardboard, piping or metals
4 incidental to any of those 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 (b) "Clean construction or demolition debris" means
19 uncontaminated broken concrete without protruding metal bars,
20 bricks, rock, stone, reclaimed or other asphalt pavement, or
21 soil generated from construction or demolition activities.

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

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

26 For purposes of this subsection (b), reclaimed or other

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

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

12 (415 ILCS 5/22.38)

13 Sec. 22.38. Facilities accepting exclusively general
14 construction or demolition debris for transfer, storage, or
15 treatment.

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

24 (b) An owner or operator of a facility accepting
25 exclusively general construction or demolition debris for

1 transfer, storage, or treatment shall:

2 (1) within 48 hours of receipt of the general
3 construction or demolition debris at the facility, sort the
4 general construction or demolition debris to separate the
5 recyclable general construction or demolition debris and
6 recovered wood that is processed for use as fuel from
7 non-recyclable general construction or demolition debris
8 to be disposed of or discarded;

9 (2) transport off site for disposal all non-recyclable
10 general construction or demolition debris that is neither
11 recyclable general construction or demolition debris nor
12 recovered wood that is processed for use as fuel in
13 accordance with all applicable federal, State, and local
14 requirements within 72 hours of its receipt at the
15 facility;

16 (3) limit the percentage of incoming non-recyclable
17 general construction or demolition debris to 25% or less of
18 the total incoming general construction or demolition
19 debris, as calculated on a daily basis, so that 75% or more
20 of the general construction or demolition debris accepted
21 on a daily basis consists of recyclable general
22 construction or demolition debris, recovered wood that is
23 processed for use as fuel, or both;

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

1 (5) within 45 days of its receipt at the facility,
2 transport

3 (i) all putrescible or combustible recyclable
4 general construction or demolition debris (excluding
5 recovered wood that is processed for use as fuel) for
6 recycling or disposal; and

7 (ii) all recovered wood that is processed for use
8 as fuel to an intermediate processing facility for
9 sizing, to a combustion facility for use as fuel, or to
10 a disposal facility; ~~within 45 days of its receipt at~~
11 ~~the facility;~~

12 (6) employ tagging and recordkeeping procedures to (i)
13 demonstrate compliance with this Section and (ii) identify
14 the source and transporter of material accepted by the
15 facility;

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

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

21 (9) control access to the facility;

22 (10) comply with all applicable federal, State, or
23 local requirements for the handling, storage,
24 transportation, or disposal of asbestos-containing
25 material or other material accepted at the facility that is
26 not general construction or demolition debris; and

1 (11) submit to the Agency at least 30 days prior to the
2 initial acceptance of general construction or demolition
3 debris at the facility, on forms provided by the Agency,
4 the following information:

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

7 (B) the street address and location of the
8 facility;

9 (C) a description of facility operations;

10 (D) a description of the tagging and recordkeeping
11 procedures the facility will employ to (i) demonstrate
12 compliance with this Section and (ii) identify the
13 source and transporter of any material accepted by the
14 facility;

15 (E) the name and location of the disposal sites
16 ~~site~~ to be used for the ~~transportation and~~ disposal of
17 any general construction or demolition debris received
18 at the facility that must be disposed of;
19 ~~non-recyclable materials accepted at the facility;~~

20 (F) the name and location of an individual,
21 facility, or business to which recyclable materials
22 will be transported; ~~and~~

23 (G) the name and location of intermediate
24 processing facilities or combustion facilities to
25 which recovered wood that is processed for use as fuel
26 will be transported; and

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

3 When any of the information contained or processes
4 described in the initial notification form submitted to the
5 Agency changes, the owner and operator shall submit an
6 updated form within 14 days of the change.

7 (c) For purposes of this Section, the term "recyclable
8 general construction or demolition debris" means general
9 construction or demolition debris that has been rendered
10 reusable and is reused or that would otherwise be disposed of
11 or discarded but is collected, separated, or processed and
12 returned to the economic mainstream in the form of raw
13 materials or products. "Recyclable general construction or
14 demolition debris" does not include general construction or
15 demolition debris processed for use as fuel, incinerated,
16 burned, buried, or otherwise used as fill material.

17 (d) For purposes of this Section, "treatment" means
18 processing designed to alter the physical nature of the general
19 construction or demolition debris, including but not limited to
20 size reduction, crushing, grinding, or homogenization, but
21 does not include processing designed to change the chemical
22 nature of the general construction or demolition debris.

23 (e) For purposes of this Section, "recovered wood that is
24 processed for use as fuel" means wood that has been salvaged
25 from general construction or demolition debris and processed
26 for use as fuel, as authorized by the applicable state or

1 federal environmental regulatory authority, and supplied only
2 to intermediate processing facilities for sizing, or to
3 combustion facilities for use as fuel, that have obtained all
4 necessary waste management and air permits for handling and
5 combustion of the fuel.

6 (f) For purposes of this Section, "non-recyclable general
7 construction or demolition debris" does not include "recovered
8 wood that is processed for use as fuel".

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

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."