

HB5814



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5814

Introduced 2/10/2010, by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.160

was 415 ILCS 5/3.78 and 3.78a

Amends the Environmental Protection Act. Makes a technical change to a provision concerning the definition of construction and demolition debris.

LRB096 19148 JDS 34539 b

A BILL FOR

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 ~~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. 95-121, eff. 8-13-07; 96-235, eff. 8-11-09.)