

1 AMENDMENT TO SENATE BILL 268

2 AMENDMENT NO. _____. Amend Senate Bill 268 on page 1, by
3 replacing line 5 with the following:

4 "by changing Sections 3.160 and 22.1 as follows:

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

6 Sec. 3.160. Construction or demolition debris.

7 (a) "General construction or demolition debris" means
8 non-hazardous, uncontaminated materials resulting from the
9 construction, remodeling, repair, and demolition of
10 utilities, structures, and roads, limited to the following:
11 bricks, concrete, and other masonry materials; soil; rock;
12 wood, including non-hazardous painted, treated, and coated
13 wood and wood products; wall coverings; plaster; drywall;
14 plumbing fixtures; non-asbestos insulation; roofing shingles
15 and other roof coverings; reclaimed asphalt pavement; glass;
16 plastics that are not sealed in a manner that conceals waste;
17 electrical wiring and components containing no hazardous
18 substances; and piping or metals incidental to any of those
19 materials.

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

1 with any general construction or demolition debris or other
2 waste.

3 (b) "Clean construction or demolition debris" means
4 uncontaminated broken concrete without protruding metal bars,
5 bricks, rock, stone, reclaimed asphalt pavement, or soil
6 generated from construction or demolition activities.

7 Clean construction or demolition debris does not include
8 uncontaminated soil generated during construction,
9 remodeling, repair, and demolition of utilities, structures,
10 and roads provided the uncontaminated soil is not commingled
11 with any clean construction or demolition debris or other
12 waste.

13 To the extent allowed by federal law, clean construction
14 or demolition debris shall not be considered "waste" if it is
15 (i) used as fill material below-grade outside of a setback
16 zone if the fill is placed no higher than the highest point
17 of elevation existing prior to the filling immediately
18 adjacent to the fill area, and if covered by sufficient
19 uncontaminated soil to support vegetation within 30 days of
20 the completion of filling or if covered by a road or
21 structure, or (ii) separated or processed and returned to the
22 economic mainstream in the form of raw materials or products,
23 if it is not speculatively accumulated and, if used as a fill
24 material, it is used in accordance with item (i) within 30
25 days of its generation, or (iii) solely broken concrete
26 without protruding metal bars used for erosion control, or
27 (iv) generated from the construction or demolition of a
28 building, road, or other structure and used to construct, on
29 the site where the construction or demolition has taken
30 place, a an-above-grade-area-shaped-so-as-to--blend--into--an
31 extension--of--the--surrounding--topography-or-an-above-grade
32 manmade functional structure not to exceed 20 feet above the
33 highest point of elevation of the property immediately
34 adjacent to the new manmade functional structure as that

1 elevation existed prior to the creation of that new structure
2 in-height, provided that the area--er structure shall be
3 covered with sufficient soil materials to sustain vegetation
4 or by a road or structure, and further provided that no such
5 area--er structure shall be constructed within a home rule
6 municipality with a population over 500,000 without the
7 consent of the municipality.

8 (Source: P.A. 91-909, eff. 7-7-00; 92-574, eff. 6-26-02.)".