

1 AN ACT in relation to environmental 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 asphalt pavement; glass; plastics
17 that are not sealed in a manner that conceals waste; electrical
18 wiring and components containing no hazardous substances; and
19 piping or metals incidental to any of those materials.

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

25 (b) "Clean construction or demolition debris" means
26 uncontaminated broken concrete without protruding metal bars,
27 bricks, rock, stone, reclaimed asphalt pavement, or soil
28 generated from construction or demolition activities.

29 Clean construction or demolition debris does not include
30 uncontaminated soil generated during construction, remodeling,
31 repair, and demolition of utilities, structures, and roads
32 provided the uncontaminated soil is not commingled with any

1 clean construction or demolition debris or other waste.

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

32 (Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.)

33 Section 99. Effective date. This Act takes effect upon
34 becoming law.