



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0496

Introduced 2/1/2007, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.160

was 415 ILCS 5/3.78 and 3.78a

Amends the Environmental Protection Act. Provides that with regard to the definition of "waste", reclaimed asphalt pavement is not speculatively accumulated if it is returned to the economic mainstream within 4 years after the date of its generation or if a properly executed bond, that has been approved by the Director of the Environmental Protection Agency, exists between the owner of the reclaimed asphalt pavement and the Agency for the removal of the reclaimed asphalt pavement. Effective immediately.

LRB095 04713 CMK 24772 b

FISCAL NOTE ACT
MAY APPLY

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
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

1 general construction or demolition debris or other waste.

2 To the extent allowed by federal law, uncontaminated
3 concrete with protruding rebar shall be considered clean
4 construction or demolition debris and shall not be considered
5 "waste" if it is separated or processed and returned to the
6 economic mainstream in the form of raw materials or products
7 within 4 years of its generation, if it is not speculatively
8 accumulated and, if used as a fill material, it is used in
9 accordance with item (i) in subsection (b) of this Section
10 within 30 days of its generation.

11 (b) "Clean construction or demolition debris" means
12 uncontaminated broken concrete without protruding metal bars,
13 bricks, rock, stone, reclaimed asphalt pavement, or soil
14 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) within 30 days of its generation, or (iii) solely
6 broken concrete without protruding metal bars used for erosion
7 control, or (iv) generated from the construction or demolition
8 of a building, road, or other structure and used to construct,
9 on the site where the construction or demolition has taken
10 place, a manmade functional structure not to exceed 20 feet
11 above the highest point of elevation of the property
12 immediately adjacent to the new manmade functional structure as
13 that elevation existed prior to the creation of that new
14 structure, provided that the structure shall be covered with
15 sufficient soil materials to sustain vegetation or by a road or
16 structure, and further provided that no such structure shall be
17 constructed within a home rule municipality with a population
18 over 500,000 without the consent of the municipality. For
19 purposes of this subsection (b) of this Section, reclaimed
20 asphalt pavement shall be deemed not speculatively accumulated
21 if it is returned to the economic mainstream within 4 years
22 after the date of its generation or if a properly executed
23 bond, that has been approved by the Director of the Agency,
24 exists between the owner of the reclaimed asphalt pavement and
25 the Agency for the removal of the reclaimed asphalt pavement.

26 (Source: P.A. 93-179, eff. 7-11-03; 94-272, eff. 7-19-05.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.