

ILLINOIS POLLUTION CONTROL BOARD
August 11, 2022

IN THE MATTER OF:)
)
PROPOSED 35 ILL. ADM. CODE 820) R 23-17
GENERAL CONSTRUCTION OR) (Rulemaking - Land)
DEMOLITION DEBRIS RECOVERY)
FACILITIES)

ORDER OF THE BOARD (by C.M. Santos):

On August 1, 2022, the Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 820 of its waste disposal regulations to establish rules for permitting, operating, and closing general construction or demolition debris (GCDD) recovery facilities (Prop.). Accompanying the proposal were documents including IEPA’s Statement of Reason’s (SR) and its Technical Support Document (TSD)

On August 6, 2021, the Governor signed Senate Bill 1089 into law as Public Act 102-310, and it became effective that day. Among its provisions, Public Act 102-301 added Section 22.38(n) to the Environmental Protection Act (Act). Subsection (n) requires that, within one year of the effective date of P.A. 102-310, IEPA must propose to the Board rules for permitting GCDD recovery facilities that include specified provisions. Within one year after receiving the proposal from IEPA, the Board must adopt rules. 415 ILCS 5/22.38(n); P.A. 102-310. These rules must include, but are not limited to:

requirements for material receipt, handling, storage, and transfer; improvements to best management practices for identifying, testing for, and removing drywall containing gypsum; recordkeeping; reporting; limiting or prohibiting sulfur in wallboard used or disposed of at landfills; and requirements for the separation and separate management of any clean construction or demolition debris that will be transported to a clean construction or demolition debris fill operation. 415 ILCS 5/22.38(n); P.A. 102-310.

IEPA proposes that the new Part 820 include four subparts: Subpart A including general provisions such as applicability and definitions, Subpart B establishing permit application requirements, Subpart C establishing operating standards, and Subpart D establishing financial assurance requirements.

The Board finds that IEPA’s proposal meets the content requirements of the Board’s procedural rules (35 Ill. Adm. Code 102.202) and accepts the proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearings under the rulemaking provisions of the Act (415 ILCS 5/27, 28) (2022)) and the Board’s procedural rules (35 Ill. Adm. Code 102).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 11, 2022, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board