

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED 35 ILL. ADM. CODE 820) R23-17
GENERAL CONSTRUCTION OR) (Rulemaking – Land)
DEMOLITION DEBRIS RECOVERY)
FACILITIES)

PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE NATIONAL WASTE & RECYCLING ASSOCIATION

The National Waste & Recycling Association (“NWRA”) hereby files its questions for the Illinois Environmental Protection Agency (“Agency”) in the above-referenced matter, as provided in the Hearing Officer’s Order entered on August 15, 2022.

I. Section 22.38 of the Environmental Protection Act requires an owner or operator of a general construction or demolition debris (“GCDD”) recovery facility to “[e]nsure that no less than 40% of the total general construction or demolition debris received at the facility on a rolling 12-month average basis is recyclable general construction or demolition debris...” 415 ILCS 5/22.38(b)(0.5). This 40% requirement is calculated by weight. Id.

QUESTION 1: Will the proposed rules require the owner or operator of a GCDD recovery facility to track incoming materials in order to demonstrate compliance with the 40% minimum recycling requirement?

QUESTION 2: Regarding materials transported from the GCDD recovery facility, will the record keeping requirements in Section 820.304 require the owner or operator of the GCDD recovery facility to report the type, weight, destination, transporter of material, and the owner and operator of the destination facility for each of the following categories of materials: 1) recyclable GCDD; 2) GCDD that is not recyclable; 3) wood that is used for fuel; 4) clean

construction or demolition debris; and 5) GCDD that is required for disposal at a permitted landfill?

II. As noted above, the owner or operator of a GCDD recovery facility must ensure that at least 40% of the total GCDD received at the facility on a rolling 12-month average basis is recyclable GCDD. The quarterly report form that was submitted by the Agency as “Attachment A” to its October 26, 2022 submission in this matter does not provide a means to track compliance with this rolling 12-month average requirement.

QUESTION 3: Can the form submitted by the Agency as Attachment A be supplemented with a form that provides daily and monthly information on 1) the amount of C&D accepted; 2) amount of C&D remaining on-site; 3) wood on-site recovered for use as fuel; 4) recyclable C&D transported offsite; and 5) non-recyclable C&D transported offsite?

Similar forms are utilized by the Agency in relation to solid waste received at a landfill. (See, e.g., Group Exhibit A) This additional information would provide the data necessary to support the percentage of recyclable C&D debris on a rolling 12-month average that is reported on the quarterly report.

III. Section 22.38(b) imposes the following deadlines: a) GCDD that is not recyclable GCDD or wood recovered for use as fuel must be transported offsite for disposal within 72 hours of receipt at the facility; b) putrescible recyclable GCDD and wood recovered for use as fuel must be transported offsite within 45 calendar days after receipt; and c) non-putrescible recyclable GCDD must be transported offsite within 6 months after receipt.

QUESTION 4: The quarterly report form submitted by the Agency as “Attachment A” to its October 26, 2022 filing does not provide a means to track compliance with these deadlines to transport materials offsite. Can the quarterly report be supplemented with a form that provides

daily and monthly information to demonstrate compliance or non-compliance with these deadlines?

IV. The proposed rules define “malodor” as:

“Malodor” means an odor caused by one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as an offensive odor to a reasonable person.

This definition differs from the definition of “malodor” in 35 Ill. Admin. Code 810.103.

QUESTION 5: For purposes of regulatory consistency, should not the definition of “malodor” be identical throughout the Board’s regulations?

V. Putrescible GCCD.

QUESTION 6: Please provide a definition and examples of putrescible GCCD.

QUESTION 7: Will a weight or volume limit be imposed on the amount of putrescible recyclable GCCD that may be stored at the site during the 45 calendar day period that this material may remain on site?

Respectfully submitted,
NATIONAL WASTE & RECYCLING
ASSOCIATION

By: /s/ JAMES M. MORPHEW

DATED: November 9, 2022

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Illinois Environmental Protection Agency

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Tons Monthly Record - Solid Waste Management Fee

Page 1

SW

Site Number: _____ County: _____

Name: _____

Month of: _____

Date	Tons Subject to Fee	Tons Exempt	Total Tons Received
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
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26.	_____	_____	_____
27.	_____	_____	_____
28.	_____	_____	_____
29.	_____	_____	_____
30.	_____	_____	_____
31.	_____	_____	_____
Total for Month	_____	_____	_____
Conversion Rate	_____	_____	_____
Converted Total	_____	_____	_____

Site Operator/Owner Name: _____ Date: _____

Signature: _____

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))



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Tons Monthly Record - Solid Waste Management Fee

Page 2

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Site Number: _____ County: _____

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Date	Tons Subject to Fee	Tons Exempt	Total Tons Received
1.	_____	_____	_____
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4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
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28.	_____	_____	_____
29.	_____	_____	_____
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NOTICE OF FILING

TO: Persons on the attached Service List

PLEASE TAKE NOTICE that on the 9th day of November, 2022, I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the “COOL” System, PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE NATIONAL WASTE & RECYCLING ASSOCIATION, a copy of which is attached hereto and hereby served upon you.

Respectfully submitted,
NATIONAL WASTE & RECYCLING
ASSOCIATION

By: /s/ JAMES M. MORPHEW

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<p>Tim Fox, Hearing Officer Illinois Pollution Control Board 60 East Van Buren, Suite 630 Chicago, IL 60605 Tim.fox@illinois.gov (via email)</p>	
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CERTIFICATE OF SERVICE

I, James M. Morphew, an attorney, caused to be served on the 9th day of November, 2022, a true and correct copy of the Notice of Filing and Pre-Filed Questions for the Illinois Environmental Protection Agency Submitted by the National Waste & Recycling Association upon the persons listed on the Service List via electronic mail, U.S. Mail, or electronic filings, as indicated.

/s/ James M. Morphew
JAMES M. MORPHEW

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