



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

July 21, 2023

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 47, Issue 29 of the Illinois Register, dated 7/21/2023.

ADOPTED RULES

Standards for General Construction or Demolition Debris Recovery Facilities

35 Ill. Adm. Code 820

10959

Point of Contact: Shannon Bilbruck

If you have any questions, you may contact the Administrative Code Division at
(217) 782 - 7017.

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Standards for General Construction or Demolition Debris Recovery Facilities
- 2) Code Citation: 35 Ill. Adm. Code 820
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
820.101	New Section
820.102	New Section
820.103	New Section
820.104	New Section
820.105	New Section
820.201	New Section
820.202	New Section
820.203	New Section
820.204	New Section
820.205	New Section
820.301	New Section
820.302	New Section
820.303	New Section
820.304	New Section
820.305	New Section
820.306	New Section
820.401	New Section
820.402	New Section
820.403	New Section
820.404	New Section
820.405	New Section
- 4) Statutory Authority: Implementing Section 22.38(n) and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/22.38(n) and 27].
- 5) Effective Date of Rule: JUL 06 2023
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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JUL 06 2023

SOS-CODE DIV.

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- 8) Statement of Availability: The adopted rule is available on the Board's website (<https://pcb.illinois.gov/>) and are also on file and available for public inspection in the Board's Chicago office at the 60 E. Van Buren St., Suite 630, Chicago, Illinois 60605.
- 9) Notice of Proposal Published in Illinois Register: 47 Ill. Reg. 1812, February 10, 2023
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version:
 - 820.101, change "pursuant to" to "under".
 - 820.103 Adjudicated bankrupt definition, change ", 11 U.S.C. 101, et seq." to "(11 U.S.C. 101 et seq.)", change "(a)" to a carriage return, change "(b)" to a carriage return, change "(c)" to a carriage return, change "case under Chapter 11" to "Chapter 11 case", change "case under Chapter 7" to "Chapter 7 case", change the comma to "and".
 - 820.103 Clean construction or demolition debris definition, change "*provided*" to "if".
 - 820.103 General construction or demolition debris definition, change "*provided*" to "if", change "*shall be*" to "is", change "*shall*" to "is", delete "*be*", change "*accordance*" to "compliance".
 - 820.103 General construction or demolition debris recovery facility, delete "*, but not limited to,*", after "with" delete the comma, after "facilitate" delete the comma.
 - 820.103 Malodor definition, delete the first "as".
 - 820.103 Owner definition, change "an" to "a direct or indirect", delete ", directly or indirectly,", change "who has an interest, directly or indirectly, in" to "the", delete ", including a leasehold interest,", after the period add ""Interest" includes a leasehold interest in the land."
 - 820.103 Putrescible recyclable GCDD definition, delete "so as", delete the comma, after "and" add "disease".
 - 820.103 Recyclable GCDD definition, change "(i)" to a carriage return, change "(ii)" to a carriage return, after the period add a carriage return, change "(i)" to a carriage return,

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change "(ii)" to a carriage return, delete “, but not limited to,”, delete "*subsection (b) of*", change "3.160" to "3.160(b)", change "(iii)" to a carriage return.

820.103 Run-off, change “such” to “this”.

820.201 a) 1), after "*operator*" add "of a GCDD recovery facility", change “within” to “no later than”.

820.201 a) 2), change “on the effective date of this Part” to “on the date this Part takes effect”, delete the comma, change "submit an application" to "apply", change "their" to "that", change “within” to “than”.

820.202 a), after “Agency” add “in those forms”.

820.202 c), delete the comma.

820.202 c) 1) A) and B), change "1000" to "1,000".

820.202 c) 1) D), change "1000" to "1,000".

820.202 c) 1) E), change ", 42 U.S.C. 300f," to "(42 U.S.C. 300h-7)", delete "to", after "SDWA" add "(42 U.S.C. 300h-3(e))".

820.202 c) 1) F), after the subsection label add "the".

820.202 c) 4), delete “and”

820.202 c) 5), after "estimate" add a semicolon, after "and" add a carriage return, subsection label "6".

820.202 c) 6), delete “of this Part”.

820.202 d) 1), after "considered" add "to be".

820.202 d) 2), delete three commas, after "reasons" add "for that determination".

820.202 e), change "from" to "after".

820.202 h), change "in accordance with" to "under".

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820.203, delete the first two commas.

820.204 a), change "to identify" to "that identifies", change "incorporate" to "incorporates", after "other" add "applicable", change "necessary under" to "of".

820.205 a) 3), change "pursuant to" to "under", after "IX" add a comma.

820.205 b), delete "do not" and "until", change "Modifications" to "A modification", change "become" to "becomes", change "it," to "notice of the modification", delete "the pendency of", delete "may request that the Agency reconsider the modification or", delete "or may seek to extend the period for petitioning for a hearing under Section 40(a)(1) of the Act", add "during the Agency's reconsideration and during any appeal to the Board" after "apply".

820.301 c), delete "and", change "*any rules or regulations adopted thereunder*" to "and 35 Ill. Adm. Code 1100".

820.301 d), change "regulations" to "rules",

820.301 e), change "is maintained in accordance with" to "must be maintained under".

820.301 f) 1), after "*disposed*" add "of".

820.301 f) 2) A) and B), change the period to a semicolon.

820.301 f) 2) C), change the period to "; or".

820.302 a), change "*shall be*" to "are".

820.302 b), change "*shall*" to "must" twice, change "*accordance*" to "compliance".

820.302 d) 1), change "must" to "may".

820.302 d) 2) and 3), delete "situation".

820.302 n) 1) A), after "from" add "a".

820.302 n) 1) G), after "decontamination equipment," add "and".

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820.303 a) 1) A), after "acceptance," add "an", change "ground level" to "ground-level", change "in accordance with" to "under".

820.303 a) 2) D), change "accordance" to "compliance".

820.303 c) 1), delete "(i)", "(ii)" and citation.

820.303 c) 2), delete citation.

820.303 c) 3), delete "calendar" and citation.

820.303 d), delete the comma.

820.303 d) 5) and 6), change "accordance" to "compliance".

820.304 b), change "*shall*" to "must".

820.304 c), change "By" to "No later than", delete "of this Section".

820.304 c) 1), change "by" to "no later than" four times.

820.304 c) 2), delete "is issued".

820.304 d) 1) C), change ", in accordance with" to "under".

820.305 a), after the second "GCDD" add a comma.

820.305 b), after "closure" add a comma.

820.305 c), after "days" change "of" to "after the", after "beginning" add "of".

820.305 c) 1), after "from" add "the", change "from" to "after", change "practically" to "practicably".

820.306 b), change "In accordance with" to "Under", change "accordance" to "compliance".

820.401 a), change "in accordance with" to "under".

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820.401 c) 1), change "them" to "both".

820.401 c) 3), change "not be" to "be no", change "accordance" to "compliance".

820.401 e), change "their" to "the" twice.

820.402 a), change "in accordance with" to "under".

820.402 b), change "accordance" to "compliance".

820.403 b), change "(i)" to a colon, a carriage return, and subsection label "1)", change "accordance" to "compliance", after "820.305" add a semicolon, change "(ii)" to a carriage return and subsection label "2)", change "in accordance with" to "under".

820.404 c) 2) and 3), delete the comma.

820.404 c) 4), change "third party" to "third-party".

820.404 d) 1) second sentence, delete "expiration of", after "period" add "expires".

820.404 d) 2) A), change "in accordance with" to "under".

820.404 d) 2) B), change "prior to" to "before", change "funds" to "fund as", change "in accordance with" to "under", change "commences" to "starts", strike the comma, change "recover" to "recovery".

820.404 d) 2) C), change "commences" to "starts".

820.404 d) 4) A), change "prior to" to "before", change "in accordance with" to "under".

820.404 d) 4) B), change "in accordance with" to "under" twice, change "prior to" to "before", delete "of this Section".

820.404 d) 8), change "specified" to "provided".

820.404 e) 3), change "with respect to" to "regarding".

820.404 g), change "excess funds:" to "Excess Funds".

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820.404 g) 1) and 2), change "in excess of" to "exceeding".

820.404 g) 3), change "pursuant to" to "under", change "to be in excess of" to "as exceeding".

820.404 h), change "removal expenses:" to "Removal Expenses".

820.404 h) 2), change "in accordance with" to "for closure activities under" twice.

820.404 h) 3), delete "in order".

820.404 h) 3) C), change "which" to "that", delete "and".

820.405 a), change "which" to "that".

820.405 b), change "shall" to "must".

820.405 d), change "amount:" to "Amount".

820.405 e), change "accordance" to "compliance", change "the" to "such".

820.405 e) 5), after "with" add "the".

820.405 f), change "closure expenses:" to "Closure Expenses".

820.405 f) 2), change "accordance" to "compliance".

820.405 f) 3), change "If" to "In the event".

820.405 f) 3) C), change "which" to "that", delete "and".

820.405 g), delete the colon.

820.405 g) 2), change "specify" to "provide".

820.405 h) second sentence, after "upon" add "the", delete the comma.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: As required by P.A. 102-310, this Part establishes rules for permitting, operating, and closing general construction or demolition debris recovery facilities.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Clerk's Office
Illinois Pollution Control Board
60 E Van Buren St., Suite 630
Chicago, IL 60605

312-814-3620

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312-814-3620. Please refer to docket number R23-17 in your request.

The full text of the adopted rule begins on the next page: