#### **BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

# CLERK'S OFFICE FEB 2 4 2006

STATE OF ILLINOIS Pollution Control Board

RECEIVED

#### IN THE MATTER OF:

CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS (35 ILL. ADM. CODE PART 1100) R06-19 (Rulemaking –Land)

## NOTICE OF FILING

Dorothy Gunn, Clerk, Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph, Suite 11-500 Chicago, Illinois 60601

Matt Dunn

Environmental Bureau Chief Office of the Attorney General James R. Thompson Center 100 W. Randolph, 12<sup>th</sup> Floor Chicago, Illinois 60601

ATTACHED SERVICE LIST

General Counsel Office of Legal Counsel Illinois Dept. of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271

Amy Antoniolli Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St. Suite 11-500 Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an <u>ERRATA SHEET #2</u>, <u>RESPONSE TO COMMENTS</u>, and <u>ADDITIONAL TESTIMONTY OF CHRISTIAN J. LIEBMAN</u> a copy of each of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:

Stephanie Flowers Assistant Counsel Division of Legal Counsel

DATE: 2-23-06 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 (217) 782-5544

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Party Name	Role	City & State Phone/Fax			
<u>IEPA</u> Petitioner	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794- 9276	217/782- 5544 217/782- 9807		
Kyle Rominger					
Stephanie Flowers, Attorney					
Brown, Hay & Stephens LLP Interested Party	700 First Mercantile Bank Building 205 South Fifth St., P.O. Box 2459	Springfield IL 62705- 2459	217/544- 8491 217/241- 3111		
Claire A. Manning					
<u>Illinois Association of Aggregate Producers</u> Interested Party	1115 S. Second Street	Springfield IL 62704	217/241- 1639		
John Henrickson, Executive Director					
<u>Illinois Department of Natural Resources</u> Interested Party	One Natural Resources Way	Springfield IL 62702- 1271	217/782- 1809 217/524- 9640		
Virginia Young					
IDOT Interested Party	2300 S Dirksen Parkway	Springfield IL 62764	217/785- 4246		
Steven Gobelman, Geologic/Waste Assessment Specialist					
<u>City of Chicago - Mayor's Office of</u> <u>Intergovernmental Affairs</u> Interested Party Tiffany Chappell	121 N. LaSalle Street City Hall - Room 406	Chicago IL 60602	312/744- 2597		
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Total number of participants: 7

# BEFORE THE ILLINOIS POLLUTION CONTROL BOARDCLERK'S OFFICE

FEB 2 4 2006

STATE OF ILLINOIS Pollution Control Board

#### IN THE MATTER OF:

### CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS (35 ILL. ADM. CODE PART 1100)

R06-19 (Rulemaking –Land)

#### ERRATA SHEET NUMBER 2

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by and

through one of its attorneys, Stephanie Flowers, and submits this ERRATA SHEET NUMBER 2

to the Illinois Pollution Control Board ("Board") and the participants on the Service List.

In response to comments filed by the IAAP and Rockford Sand and Gravel and in response to

requests for clarification from the Board and from the public at the January 26, 2006 hearing, the

Agency would like to propose the following changes to its proposal.

#### 1. Section 1100.101(b)(3)

The IEPA proposes to make the following underlined change to Sections 1100.101(b)(3). The change is to clarify the applicable Illinois Department of Transportation specifications.

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- b) This Part does not apply to:
  - 3) The use of CCDD as fill material in an excavation other than a current or former quarry or mine if [the] use complies with Illinois Department of Transportation specifications (Section 22.51(b)(4)(B) of the Act);

Board Note: The Illinois Department of Transportation ("IDOT") specifications applicable to the use of CCDD as fill can be found at Articles 107.22 and 202.03 of IDOT's "Standard Specifications for Road and Bridge Construction", January 1, 2002 edition. According to the definition of Engineer in Article 101.16 of the IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

#### 2. Section 1100.103 Definitions

The IEPA proposes to make the following underlined changes to Section 1100.103, adding language to the definition of "CCDD fill operation" and "clean construction or demolition debris". The changes are to address concerns regarding what is an excavation and what is uncontaminated soil.

"CCDD fill operation" means the use of CCDD as fill material in a current or former quarry, mine, or other excavation. For purposes of this Part, excavation does not include holes, trenches, or other similar earthmoving operations performed as part of normal construction, removal or maintenance of a building, utility, or road.

"Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. For purposes of this Part, uncontaminated soil may include incidental amounts of stone, clay, rock, sand, gravel, roots and other vegetation.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) within 30 days of its generation, or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality. (Section 3.160(b) of the Act)

#### 3. Section 1100.201(b)

The IEPA proposes to make the following underlined change to Section 1100.201(b) to clarify materials allowed for use as fill.

(b) CCDD fill operations must not accept material other than CCDD for use as fill.

BOARD NOTE: Pursuant to Section 3.160 of the Act, CCDD includes uncontaminated soil that is being placed as fill material in a unit. This does not prohibit non-CCDD material, such as uncontaminated soil and other non-waste material from being placed as fill material in a unit. Pursuant to Section 3.160 of the Act, when uncontaminated soil is commingled with CCDD, the uncontaminated soil is considered CCDD. Accordingly other non-waste material commingled with CCDD is considered CCDD.

### 4. Sections 1100.204(a) and (b)

The IEPA proposes to make the following underlined change to Sections 1100.204(a) and (b). The change is to provide clarity that "safe manner" and "safe and efficient manner" mean in conformance with the provisions of the Act and regulations adopted thereunder. This language is consistent with language used throughout the statutes and the administrative code.

Placement of fill material

Fill material must be placed in a safe manner that protects human health and the environment <u>in conformance with the provisions of the Act and regulations</u> adopted thereunder.

#### 5. Section 1100.204(h)

The IEPA proposes to make the following underlined change to Section 1100.204(h). The change is to clarify that placement of non-CCDD materials such as uncontaminated soil or other non-waste above grade is not regulated by the IEPA and therefore may be used to comply with engineered plans and local guidelines for storm water management and erosion control.

h) Fill Elevation

The owner or operator must <u>not</u> place CCDD used as fill *no-higher that the highest point of elevation existing prior to the filling immediately adjacent to the fill area*. (Section 3.160(b) of the Act)

Board Note: This does not prohibit non-CCDD material, such as uncontaminated soil and other non-waste material from being placed above grade in accordance with the Act and regulations adopted thereunder to increase elevations at the fill site.

#### 6. Section 1100.205(a)(1).

The IEPA proposes to make the following underlined change to Section 1100.205(a)(1). The change is to address concerns regarding the manner in which incoming loads are checked. The language also provides for alternate methods to be approved in the Agency permit.

- a) Routine Inspections
  - 1) An inspector designated by the facility must inspect every load before its acceptance at the facility <u>utilizing: (i) an elevated structure, (ii) a</u> <u>designated ground level inspection area, or (iii) an other acceptable</u> <u>method as specified in the Agency permit.</u> In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. Any reading above zero using any of these instruments must result in the rejection of the inspected load. In addition, any reading above zero on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

#### 7. Sections 1100.205(a)(1) and (b)(1)

The IEPA proposes to make the following underlined change to Sections 1100.205(a)(1) and (b)(1). The change is to address concerns that the manufacturer's margin of error as well as background levels at the site may affect instrument readings. Also, the procedures the owner or operator intends to use to determine background levels for the load inspection area will need to be set forth in the permit application.

- b) Random Inspections
  - 1) In addition to the inspections required under subsection (a) of this Section, an inspector designated by the facility must conduct a discharge inspection of at least one randomly selected load delivered to the facility each day. The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection (a)(1) of this Section. <u>All instruments shall be interpreted based on the manufacturer's margin of error</u>. Any reading above zero Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading above zero on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

Respectfully submitted,

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: lowers 1 111

Stephanie Flowers Assistant Counsel Division of Legal Counsel

# DATED: 2-23-06

1021 North Grand Ave. East P.O. Box 19276 Springfield, Illinois 62794-9276 (217) 782-5544

#### **BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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IN THE MATTER OF:

CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS UNDER P.A. 94-272 (35 ILL. ADM. CODE PART 1100) R06-19 Rulemaking –Land

# RESPONSE TO COMMENTS RECEIVES OFFICE

FEB 2 4 2006 NOW COMES the Illinois Environmental Protection Agency ("Illinois ERAINOIS STATE Control Board submits the following response to the comments filed by the Illinois Passociation of Aggregate Producers ("IAAP") on December 7, 2005 and the comments filed by Rockford Sand and Gravel on December 19, 2005.

As noted in the Illinois EPA's Statement of Reasons, the IAAP is one of the parties the Illinois EPA worked with in developing the proposed rules. The IAAP and its members, including Rockford Sand and Gravel, provided a great deal of feedback to the Illinois EPA, and many of their comments and suggestions were incorporated into the initial proposal. Likewise, many of the language changes and additions suggested by the IAAP and Rockford Sand and Gravel in their comments filed with the Board have been incorporated into the Illinois EPA's ERRATA SHEET #2. ERRATA SHEET #2 has been filed with the Board and proposes several changes to the initial language of the Illinois EPA's proposed rules. The Illinois EPA appreciates the time and effort the IAAP and its members have put into the development of the proposed rules.

#### Rockford Sand and Gravel Comment #1

Rockford Sand and Gravel requests that the IDOT exemption at 1100.101(b)(3) be clarified as to who may use this exemption and which specifications should be followed to ensure activities are exempt. In response, the Illinois EPA has proposed language in number 1. of its ERRATA SHEET #2 to clarify both of these issues.

#### Rockford Sand and Gravel Comment #2

Rockford Sand and Gravel requests a definition of the term uncontaminated soil. In response, the Illinois EPA has proposed language at number 2 of its ERRATA SHEET #2 to define the term uncontaminated soil.

Rockford Sand and Gravel also requests clarification on the concept of commingled. In response, the Illinois EPA has proposed language at number 3 of its ERRATA SHEET #2 to clarify that uncontaminated soil and other non-waste material that is commingled with CCDD is considered CCDD. However, Rockford Sand and Gravel provides an example of a site that accepted CCDD prior to regulation and now accepts only uncontaminated soil and asks whether the uncontaminated soil is considered to be commingled with the CCDD previously accepted and therefore, whether a permit is needed for this site. In response the Illinois EPA states that this facility would not require a permit under these regulations. In this situation, the fill area would be defined in an application. The application should contain drawings and a description that would specify the top of the fill area and that everything above that elevation would be uncontaminated soil or other non-waste material.

Additionally, Rockford Sand and Gravel requests the definition of CCDD be amended to read. "Clean construction or demolition debris does not include uncontaminated soil generated

during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris other than uncontaminated soil or with any other waste." In response, the Illinois EPA does not agree that this change is needed. The Illinois EPA believes the statutory definition of CCDD is clear that uncontaminated soil, which is not commingled with CCDD, is not considered CCDD and would not be regulated under Part 1100. As further clarification, the Illinois EPA at number 5 of its ERRATA SHEET #2 explains in a Board Note that uncontaminated soil and other non-waste material placed as cover material for the CCDD fill site is not considered CCDD and therefore may be placed above grade without conflicting with the statute.

#### Rockford Sand and Gravel Comment #3

Rockford Sand and Gravel requests that the first sentence of 1100.204(g) be deleted because the requirement imposes a responsibility on the operator that is more severe than the IPCB noise regulations. The Illinois EPA does not agree with this comment. The second sentence of 1100.204(g) specifically uses the Act and the Board regulations as the noise level standards the site must maintain. The Illinois EPA does not intend to require more stringent noise level standards than those set by the Act or Board regulations. The first sentence of 1100.204(g) relates to the design of the site and allows the Illinois EPA to request in the permit application a description and plan of how the site intends to comply. As an alternative, the Illinois EPA does not object to the combination of the two sentences to read, "The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must so that the facility does not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act."

#### Rockford Sand and Gravel Comment #4

Rockford Sand and Gravel requests that the definition of filled area be expanded to exclude the use of recycled pavement materials for such uses as road base material, a base material in parking lots, or a subgrade material in highway embankments. In response, the Illinois EPA does not consider these uses to be "the use of CCDD as fill in a current or former quarry, mine, or other excavation" for which permits are required. For further clarification, the Illinois EPA has at number 2 of its ERRATA SHEET #2 specified that the term excavation "does not include holes, trenches, or other similar earthmoving operations performed as part of normal construction, removal or maintenance of a building, utility, or road."

#### IAAP Comment #1

The IAAP suggests amending Section 1100.204(a) to state that fill material must be placed "in conformance with existing reclamation plan requirements, zoning requirements, local, state and federal regulations, or development plans." The IAAP suggests this change in order to create standards for the Illinois EPA to use when determining whether fill material is placed "in a safe manner that protects human health and the environment." The language suggested by the IAAP is not appropriate because there is no indication that compliance with the referenced requirements will guarantee that fill is being placed in a safe manner and that human health and the environment is being adequately protected and because it would require the Illinois EPA to determine what state and local requirements apply to a CCDD fill operation and whether the operation is in compliance with all of the requirements. However, in response, the Illinois EPA has proposed alternate language at number 4 of its ERRATA SHEET #2 to provide a standard

for the Illinois EPA to use when determining whether fill material is placed "in a safe manner that protects human health and the environment."

#### IAAP Comment #2

The IAAP suggests adding language to Section 1100.204(h) that would allow the Illinois EPA to approve the placement of CCDD as fill above grade (i.e., "higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area"). This change is suggested because "reclamation plans or development plans approved by other agencies may call for fill to be placed at higher elevations." The language suggested by the IAAP is not appropriate because it would make the proposed rules inconsistent with the definition of CCDD in the Act. However, in response, the Illinois EPA has proposed language at number 5 of its ERRATA SHEET #2 to clarify that non-CCDD material such as uncontaminated soil or other non-waste material may be place above grade to increase elevations at the site.

#### IAAP Comment #3

The IAAP suggests amending Section 1100.205(a)(1) to specify that load inspections must be performed "utilizing: (i) an elevated structure, (ii) a designated ground level inspection area, or (iii) an other acceptable method." In response, the Illinois EPA has proposed language at number 6 of its ERRATA SHEET #2 to incorporate this suggestion and to add that other acceptable methods should be specified in the Agency permit. This added language would provide consistency with other provisions in the rules, and with other Illinois EPA permit programs, which allow the use of alternatives as long the alternatives are approved in a permit.

#### IAAP Comment #4

The IAAP suggests amending Sections 1100.205(a)(1) and (b)(1) by adding the following sentence: "All instruments shall be calibrated utilizing established background levels and interpreted based on the manufacturer's margin of error." This language is suggested because the IAAP states that background readings at a site may cause a monitoring device to register above zero at all times. In response, the Illinois EPA has proposed language at number 7 of its ERRATA SHEET #2 to incorporate the language suggested by the IAAP.

#### IAAP Comment #5

The IAAP suggests adding language to Section 1100.205(g) that would require CCDD fill operation personnel to be trained "in accordance with an Agency training program developed in consultation with the aggregate mining industry." The IAAP suggests this addition to ensure that all personnel working at permitted CCDD sites receive consistent training. The language suggested by the IAAP is not appropriate because the Illinois EPA currently does not have the resources to either independently develop or administer such a program. Further discussion with the IAAP on this topic has lead to the agreement between the IAAP and the Illinois EPA to forgo making this change to Part 1100. The Illinois EPA will instead work with the aggregate mining industry in the development of an industry program and training manual and will provide information regarding training resources to permit applicants.

#### IAAP comment #6

The IAAP suggests changing Section 1100.302 to allow permit applicants to notify local public officials of a permit request via the Illinois EPA's website if the facility was previously

approved through state or local permitting. The rationale for this change is that the notice could potentially jeopardize zoning already obtained by active mines because the local officials may be opposed to the mines accepting CCDD for use as fill.

The Illinois EPA objects to the suggested change. The notification requirement was proposed to ensure that local officials are aware of permitted activities taking place in their jurisdiction. Previous local or state approval of other activities such as mining does not ensure that local officials have received adequate notice that the facility will be used as a CCDD fill operation.<sup>1</sup> The Illinois EPA requires similar notifications for all of its other land-related permits (i.e., permits issued by the Illinois EPA's Bureau of Land). Therefore, the notification requirement as proposed by the Illinois EPA will make the process for issuing CCDD fill operation permits consistent with the process for issuing other land-related permits.

Furthermore, local officials often contact the Illinois EPA about permitted facilities and other regulated activities in their area. The notification requirement will ensure that the local officials are made aware of permitted facilities in their jurisdiction in a timely manner. It is unlikely that officials will be checking the Illinois EPA's website on a routine basis to determine whether a permit application has been submitted for a CCDD fill operation in their jurisdiction.

The Illinois EPA understands the IAAP's concerns about the possibility of local officials raising issues about a mine accepting CCDD for use as fill if they are not aware that such activity is taking place and object to it. However, ensuring that public officials are aware of Illinois EPA permitted activities within their jurisdiction is precisely why the Illinois EPA requires that local officials be notified. If there are misconceptions about Illinois EPA permitted activities at a site,

<sup>&</sup>lt;sup>1</sup> Please note that the Illinois EPA's issuance of CCDD fill operation permits is not subject to the local siting approval requirements in Section 39(c) of the Act.

the Illinois EPA will be happy to discuss the matter with the local officials to clear up any misunderstandings.

#### IAAP comment #7

Finally, the IAAP has requested that the Board direct the Illinois EPA "to consult with the aggregates industry and construction industry in order to begin formulating a definition of 'uncontaminated soil'." In response, the Illinois EPA has proposed language, developed in consultation with the IAAP, at number 2 of its ERRATA SHEET #2 to define the term uncontaminated soil.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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Stephanie Flowers Assistant Counsel Division of Legal Counsel

DATED: 2-23-06

1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 (217) 782-5544

Page 8

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

# CLERK'S OFFICE

IN THE MATTER OF:

FEB 2 4 2006CLEAN CONSTRUCTION OR DEMOLITIONR06-19DEBRIS FILL OPERATIONSSTATE OF ILLINOIS<br/>Pollution Control Board(35 ILL. ADM. CODE PART 1100)Pollution Control Board

#### ADDITIONAL TESTIMONY OF CHRISTIAN J. LIEBMAN

My name is Christian J. Liebman. I am the Manager of the Solid Waste Unit in the Permit Section within the Bureau of Land of the Illinois Environmental Protection Agency ("Agency"). I was present and testified at the first hearing in this matter on January 26, 2006. At that hearing, the Board requested that the Agency provide additional information regarding the facilities that the Agency anticipates will be regulated by this Part 1100, such as number of facilities, the size, and where the facilities are located. The Board also requested information on the costs associated with the permitting process to both a typical facility and to the Agency. I submit the following testimony in response to those inquiries.

The Agency's estimates of the costs associated with the permitting process to both a typical facility and to the Agency are presented on the attached Exhibit A. The Agency consulted an industry corporation to provide the industry cost estimate and a professional engineering firm to provide the consulting engineer estimate. The Agency's estimated costs for permitting these facilities under Part 1100 are based on the salaries, including benefits and overhead, of new personnel hired to perform permit reviews and site inspections.

There are currently 83 sites that have submitted an interim authorization application for the use of CCDD as fill in a current or former mine, quarry, or other excavation. The Agency anticipates that these facilities will also seek to be permitted under Part 1100. The attached Exhibit B shows the location of these facilities on an Illinois counties map and the attached

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Exhibit C is a bar graph showing the breakdown of sites by estimated annual volume.

Liebon By: Christian

Christian J. Liebman, P.E.

Date: 2-23-2006

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Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

## INDUSTRY'S ESTIMATE OF COST OF COMPLIANCE

Requirement	Estimated Cost	Explanations				
· · · · · · · · · · · · · ·						
Interim Authorization Notification	\$ 3,000.00					
Permit Application for CCDD Fill	\$ 10,000.00					
Permit Compliance (per year)		for Backup PID				
Recordkeeping (per year)		Assuming 1/2 Person				
Annual Report Closure Activity	\$ 1,000.00 \$ 10,000.00	Assuming 10 apro Site				
Post-Closure Care Certification	\$ 10,000.00	Assuming 10-acre Site				
	\$ 5,000.00					
CONSULTING ENGINEER'S ESTIMATE						
	Estimated	Explanations				
Requirement	Cost					
Preparing Closure Certification	\$3,000.00	1 office day for engineer				
		& 1 day in field for 2 techs				
AGENCY'S ESTIMATE OF COST TO STATE OF ILLINOIS						
Item	Estimated	Explanations				
	Cost					
Yearly Salary Salary plus Benefits	\$ 55,000.00	Repetite accurate to be 40% of Selence				
Salary plus Benefits plus Overhead		Benefits assumed to be 40% of Salary Overhead includes cost of				
Salary plus Denents plus Overhead	\$ 100,044.00	building maitenance, utilities				
• •		and administration				
Total Annual Cost to State	\$ 792,330,00	For 4 engineers to review permits				
		and 3 1/2 inspectors				

Exhibit A

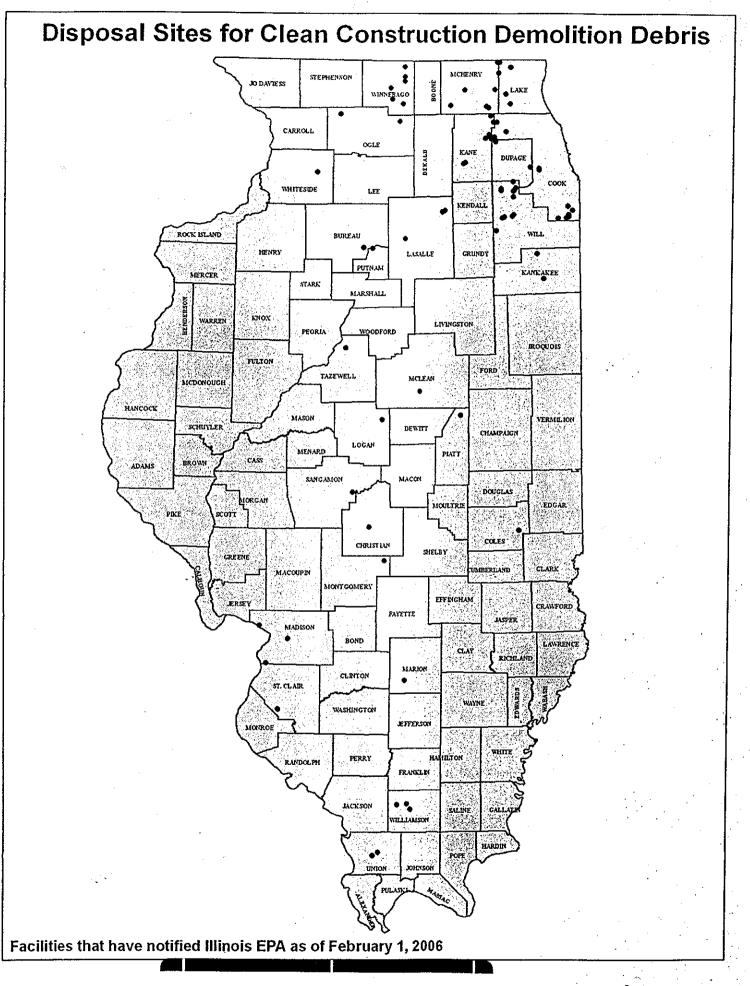
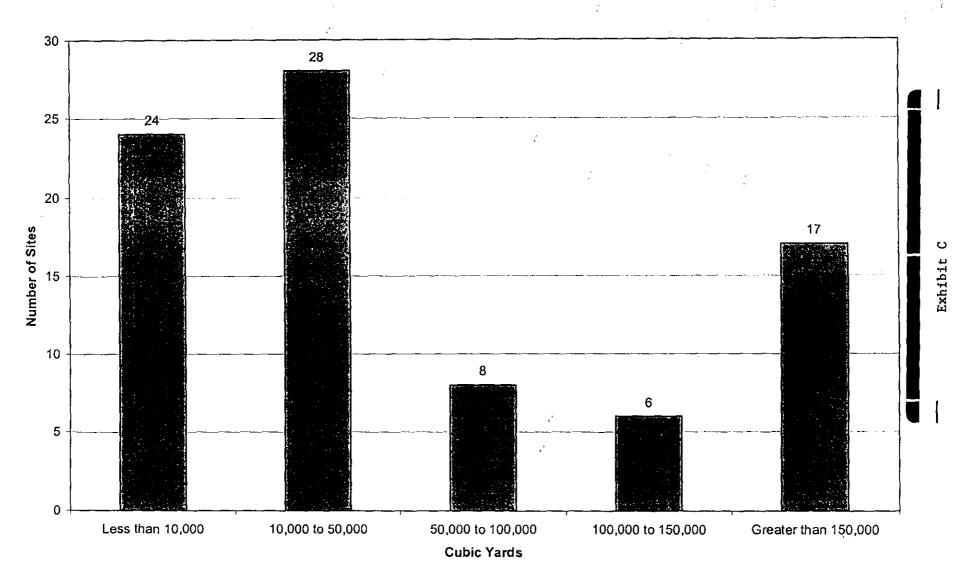


Exhibit B

# Breakdown of Sites by Estimated Annual Volume



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## STATE OF ILLINOIS

### COUNTY OF SANGAMON

#### **PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached ERRATA SHEET #2,

# RESPONSE TO COMMENTS, and ADDITIONAL TESTIMONTY OF CHRISTIAN J.

LIEBMAN upon the persons to whom they are directed, by placing a copy of each in an

envelope addressed to:

Dorothy Gunn, Clerk, Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph, Suite 11-500 Chicago, Illinois 60601 (Express Mail)

Matt Dunn Environmental Bureau Chief Office of the Attorney General James R. Thompson Center 100 W. Randolph, 12<sup>th</sup> Floor Chicago, Illinois 60601 General Counsel Office of Legal Counsel Illinois Dept. of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271

Amy Antoniolli Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St. Suite 11-500 Chicago, Illinois 60601 (Express Mail)

ATTACHED SERVICE LIST

and mailing it by First Class Mail from Springfield, Illinois on February 3, 2006, with

sufficient postage affixed.

interly

SUBSCRIBED AND SWORN TO BEFORE ME This <u>23M</u> day of February, 2006.

Notary Public

OFFICIAL SEAL BRENDA BOEHNER NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 11.3-2009

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Party Name	Role	City & State	Phone/Fax		
IEPA Petitioner	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794- 9276	217/782- 5544 217/782- 9807		
Kyle Rominger Stephania Flowers Attorney					
Stephanie Flowers, Attorney					
Brown, Hay & Stephens LLP Interested Party	700 First Mercantile Bank Building 205 South Fifth St., P.O. Box 2459	Springfield IL 62705- 2459	217/544- 8491 217/241- 3111		
Claire A. Manning					
Illinois Association of Aggregate Producers Interested Party	1115 S. Second Street	Springfield IL 62704	217/241- 1639		
John Henrickson, Executive Director					
<u>Illinois Department of Natural Resources</u> Interested Party	One Natural Resources Way	Springfield IL 62702- 1271	217/782- 1809 217/524- 9640		
Virginia Young					
IDOT Interested Party	2300 S Dirksen Parkway	Springfield IL 62764	217/785- 4246		
Steven Gobelman, Geologic/Waste Assessment Specialist					
<u>City of Chicago - Mayor's Office of</u> <u>Intergovernmental Affairs</u> Interested Party Tiffany Chappell	121 N. LaSalle Street City Hall - Room 406	Chicago IL 60602	312/744- 2597		

Total number of participants: 7

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http://www.ipcb.state.il.us/cool/external/casenotifyNew.asp?caseid=12805&notifytype=Se... 2/22/2006

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