

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**  
ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. MAGGIE CROTTY

CO-CHAIR:  
REP. BRENT HASSERT

EXECUTIVE DIRECTOR:  
VICKI THOMAS



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SEN. J. BRADLEY BURZYNSKI  
SEN. JAMES CLAYBORNE  
SEN. STEVE RAUSCHENBERGER  
SEN. DAN RUTHERFORD  
SEN. IRA SILVERSTEIN  
REP. TOM HOLBROOK  
REP. DAVID R. LEITCH  
REP. LARRY McKEON  
REP. DAVID MILLER  
REP. ROSEMARY MULLIGAN

August 8, 2006

Tanner Girard, Chairman  
Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

Dear Chairman Girard:

This is to notify you that JCAR considered the following proposed rulemakings at its 8/8/06 meeting:

Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)  
30 Ill. Reg. 7711 - 4/21/06

Standards and Requirements for Potable Water Supply Well Surveys and For Community Relations Activities Performed in Conjunction with Agency Notices of Threats From Contamination (35 Ill. Adm. Code 1600)  
30 Ill. Reg. 8061 - 5/5/06

If your agency has agreed to any substantive modifications during its discussions with JCAR, they are described in the "Agreements" attached to the certification. Based on these agreements, as well as the other responses you have provided the Committee during the review of these rulemakings, JCAR has determined that No Objection will be issued. Enclosed you will find formal certification of this action.

These rulemakings may now be adopted upon filing with the Office of the Secretary of State.

Please note that the fact that the Committee has not objected to these rulemakings does not necessarily constitute approval, expressed or implied, of the substance of the rulemakings.

**RECEIVED**  
CLERK'S OFFICE  
AUG 11 2006  
STATE OF ILLINOIS  
Pollution Control Board

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION  
TO PROPOSED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its 8/8/06 meeting, considered Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100), proposed by the Pollution Control Board and published in the 4/21/06 issue of the Illinois Register. After consideration, and based upon the agreements, if any, for modification of the rulemaking made by the agency and attached to this document, the Committee determined that no Objection will be issued to the above-mentioned rulemaking.

  
\_\_\_\_\_  
Vicki Thomas  
Executive Director

August 8, 2006

Attachments: Agreements

## SECOND NOTICE CHANGES

**Agency:** Pollution Control Board

**Rulemaking:** Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100; 30 Ill. Reg. 7711)

### Changes:

1. In line 78, change the period to a semicolon.

2. After line 87, add:

"4) *Current or former quarries, mines, and other excavations that do not use clean construction or demolition debris as fill material [415 ILCS 5/22.51(b)(4)(C)];*".

3. In line 94, change "4)" to "5)".

4. In line 102, change "5)" to "6)".

5. Change lines 152-171 to:

*"To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is:*

*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 after the completion of filling or if covered by a road or structure; or*

*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 the first indented paragraph of this definition within 30 days after its generation; or*

*solely broken concrete without protruding metal bars used for erosion control; or*

*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. [415 ILCS 5/3.160(b)]".*

6. Italicize lines 204-205 and after the period add "[415 ILCS 5/22.51(e)(1)]".
7. In line 211, after the period add "[415 ILCS 5/22.51(e)(2)]".
8. In line 876, change "*this*" to "*the*".
9. In line 880, before the period add "at 35 Ill. Adm. Code 101 and 105".

8/4/06