

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 1150
PROCEDURES FOR OPERATION OF THE CLEAN CONSTRUCTION OR
DEMOLITION DEBRIS FILL OPERATION FEE SYSTEM

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AUTHORITY: Implementing and authorized by Section 22.51b of the Environmental Protection Act [415 ILCS 5/22.51b]

SOURCE: Emergency rules adopted at 34 Ill. Reg. 11854, effective August 2, 2010, for a maximum of 150 days; adopted at 35 Ill. Reg. 369, effective December 22, 2010.

SUBPART A: GENERAL PROVISIONS

Section 1150.100 Applicability

The regulations of this Part apply to *owners and operators of clean construction or demolition debris (CCDD) fill operations permitted or required to be permitted by the Agency to use CCDD or uncontaminated soil for use as fill in a CCDD fill operation if the CCDD fill operation is located off the site where the CCDD or uncontaminated soil was generated and if the CCDD fill operation is owned, controlled and operated by a person other than the generator of the CCDD or uncontaminated soil.* [415 ILCS 5/22.51b(a)]

Section 1150.105 Definitions

- a) Unless specified otherwise, all terms have the meanings set forth in the Act.
- b) For the purposes of these rules the following definitions apply:

“Act” means the Environmental Protection Act. [415 ILCS 5]

“Agency” is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]

“CCDD” means clean construction or demolition debris.

“Clean construction or demolition debris” means clean construction or demolition debris as defined in Section 3.160(b) of the Act.

“CCDD fill operation” means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material. [415 ILCS 5/22.51(e)(3)]

“Operator” means a person responsible for the operation and maintenance of a CCDD fill operation. [415 ILCS 5/22.51(e)(1)]

“Owner” means a person who has any direct or indirect interest in a CCDD fill operation or in land on which a person operates and maintains a CCDD fill operation. A “direct or indirect interest” does not include the ownership of publicly traded stock. The “owner” is the “operator” if there is no other person who is operating and maintaining a CCDD fill operation. [415 ILCS 5/22.51(e)(2)]

“Uncontaminated soil” means uncontaminated soil as defined in Section 3.160(c) of the Act and rules adopted under the Act.

Section 1150.110 Retention of Records

Copies of all records required to be kept under this Part shall be retained by the site operator for three years and must be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.

Section 1150.115 Certification

- a) All records, summaries or reports submitted to the Agency as required by this Part must be signed by a person responsible for preparing and reviewing those documents as part of his or her duties in the regular course of business.
- b) Any person signing a document submitted under this Part shall make the following certification:

I certify that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who manage the fill operation, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Section 1150.120 Severability

If any Section, subsection, sentence or clause of this Part is adjudged unconstitutional, void, invalid or otherwise unlawful, that adjudication does not affect the validity of this Part as a whole or any Section, subsection, sentence or clause of this Part not adjudged unconstitutional, void, invalid or otherwise unlawful.

SUBPART B: PROCEDURES FOR MAINTAINING RECORDS

Section 1150.200 Records

- a) The operator of a CCDD fill operation shall keep a Daily Record of the CCDD and the uncontaminated soil accepted for use as fill material at the CCDD fill operation.
- b) For purposes of reporting and submitting fees, the operator shall prepare the following records from the Daily Record:
 - 1) Monthly Fill Record; and
 - 2) Quarterly Fill Summary.

- c) Operators of CCDD fill operations shall submit each Monthly Fill Record, each Quarterly Fill Summary, and each fee payment:
 - 1) on the basis of weight, in tons, when the operator has weighed the CCDD and the uncontaminated soil received with a device for which certification has been obtained under the Weights and Measures Act [225 ILCS 470];
or
 - 2) on the basis of volume, as measured in cubic yards, when the measurement of the CCDD and the uncontaminated soil received is based on volume.
- d) Each Monthly Fill Record and Quarterly Fill Summary submitted to the Agency must be on forms and in a format prescribed and provided by the Agency.
- e) The Monthly Fill Record and Quarterly Fill Summary must be kept in accordance with Section 1150.110 of this Part.

Section 1150.205 Daily Fill Record

- a) The Daily Fill Records must be maintained at the site of the CCDD fill operation and must include the Agency designated site number and the site name.
- b) For each load of CCDD or uncontaminated soil accepted for use as fill material at the CCDD fill operation, the following information must be recorded in the Daily Fill Record, in addition to any other information required by the Act and rules adopted under the Act:
 - 1) The date and day of the week the load was accepted.
 - 2) The quantity, in tons weighed or cubic yards measured, of CCDD or uncontaminated soil accepted for use as fill material at the CCDD fill operation.

Section 1150.210 Monthly Fill Record

- a) Monthly Fill Records must be maintained at the site of the CCDD fill operation and must include the following information:
 - 1) The Agency designated site number, the site name, and the calendar month for which the record applies.

- 2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, for each day of the calendar month.
- b) On or before April 15, July 15, October 15 and January 15, the owner or operator of the CCDD fill operation shall submit to the Agency the Monthly Fill Records for the preceding three calendar months. The Monthly Fill Records must be submitted to the address in Section 1150.305.
- c) Upon issuance of a valid CCDD fill operation permit pursuant to 35 Ill. Adm. Code 1100, and until termination of the permit, the owner or operator of the CCDD fill operation shall submit Monthly Fill Records to the Agency in accordance with this Section, regardless of the amount of CCDD and uncontaminated soil accepted for use as fill material by the CCDD fill operation.

Section 1150.215 Quarterly Fill Summary

- a) The Quarterly Fill Summary must be maintained at the site of the CCDD fill operation and must include the following information:
 - 1) The Agency designated site number, the site name, and the calendar quarter for which the summary applies.
 - 2) The total quantity of CCDD and uncontaminated soil accepted for use as fill material in tons weighed or cubic yards measured:
 - A) for each month of the calendar quarter;
 - B) for the entire calendar quarter; and
 - C) for the calendar year-to-date.
 - 3) The fee rate applicable under Section 22.51b of the Act.
- b) The Quarterly Fill Summary must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months. The Quarterly Fill Summary must be submitted to the address in Section 1150.305.
- c) Upon issuance of a valid CCDD fill operation permit pursuant to 35 Ill. Adm. Code 1100, and until termination of the permit, the owner or operator of the CCDD fill operation shall submit a Quarterly Fill Summary to the Agency in accordance with this Section, regardless of the amount of CCDD and uncontaminated soil accepted for use as fill material by the CCDD fill operation.

Section 1150.220 Revisions to Monthly Fill Record and Quarterly Fill Summary

When errors in the amount of the fee due under Section 22.51b or errors in the amount of CCDD and uncontaminated soil accepted for use as fill material are discovered in any of the records required to be kept under this Part, a revised Monthly Fill Record and Quarterly Fill Summary reflecting the corrections must be completed by the site operator and submitted to the Agency. The revised Monthly Fill Record and Quarterly Fill Summary, and any payment due the Agency, must be received by the Agency no later than the seventh day following the discovery of the error. If the revision results in an overpayment, the site operator shall show the adjustment on the next Quarterly Fill Summary.

SUBPART C: PROCEDURES FOR PAYMENT OF FEES

Section 1150.300 Quarterly Submission of Payment

- a) Payment of the fee due under Section 22.51b of the Act must be made on a quarterly basis with the submission of the Quarterly Fill Summary. The payment must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months.
- b) The fee payment due must be calculated by multiplying the quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, as reported on the Quarterly Fill Summary, times the applicable rate in Section 22.51b of the Act.

Section 1150.305 Manner of Payment

Payment must be made by check or money order payable to Illinois Environmental Protection Agency. To pay by Electronic Fund Transfer (EFT), please submit a request for EFT to the address below. Payment and forms must be mailed to the Agency at the following address:

Illinois Environmental Protection Agency
Division of Administration, Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276