

ILLINOIS POLLUTION CONTROL BOARD  
September 21, 2012

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO CLEAN ) R12-9(B)  
CONSTRUCTION OR DEMOLITION ) (Rulemaking - Land)  
DEBRIS FILL OPERATIONS (CCDD): )  
PROPOSED AMENDMENTS TO 35 ILL. )  
ADM. CODE 1100 )

**HEARING OFFICER ORDER**

On July 29, 2011, the Illinois Environmental Protection Agency (IEPA) filed a proposal pursuant to Sections 22.51 and 22.51a of the Environmental Protection Act (Act) (415 ILCS 5/22.51 and 22.51a (2010)). The proposal amended the Board's rules for Clean Construction or Demolition Debris Fill Operations to allow for use of uncontaminated clean construction or demolition debris (CCDD) and uncontaminated soil as fill at quarries, mines and other excavations. The Board held four days of hearings in this matter and on August 22, 2012, the Board adopted the proposal with amendments suggested by participants.

At second notice, the Joint Committee on Administrative Rules recommended that the Board:

give further consideration to whether groundwater monitoring should be required for these facilities. This would give the Board the opportunity to receive further comment from parties who may not have submitted their supportive views when groundwater monitoring was an element of this proposal and who may have opinions and information to offer in light of the Board's decision to remove the requirement before going to 1st Notice on this rulemaking.

In response to JCAR's recommendation the Board opened a subdocket. The Board indicated that a Board order detailing the procedures in the subdocket would be forthcoming. To facilitate the discussion regarding groundwater monitoring, a public comment period will be opened.

Any interested person is invited to provide comment on whether or not the Board should amend the rules to include groundwater monitoring, and, if so, what other changes should be made in consideration of adding groundwater monitoring. The Board indicated it had concerns regarding: 1) the costs of groundwater monitoring, 2) the parameters to be monitored, 3) the design of a groundwater monitoring system, particularly placement of wells, 3) whether or not the groundwater monitoring should be self-implementing, and 4) the lack of evidence that groundwater was being impacted by properly run facilities. Comments should particularly address these issues. Comments and any related exhibits will be accepted until December 1, 2012.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Marie E. Tipsord". The signature is written in a cursive, flowing style.

Marie E. Tipsord  
Hearing Officer  
Illinois Pollution Control Board  
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