

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF :	)	
	)	
PROPOSED AMENDMENTS TO CLEAN	)	
CONSTRUCTION OR DEMOLITION	)	R12-09 (B)
DEBRIS FILL OPERATIONS (CCDD)	)	(Rulemaking – Land)
AND UNCONTAMINATED SOIL	)	
FILL OPERATIONS	)	
PROPOSED AMENDMENTS TO 35 Ill.	)	
Adm. Code 1100	)	

POST-HEARING COMMENTS  
OF ILLINOIS DEPARTMENT OF TRANSPORTATION

These comments are submitted on behalf of the Illinois Department of Transportation (“Department”) by the undersigned, Steven L. Gobelman, P.E., P.G., to clarify some of the statements made by other parties at the Illinois Pollution Control Board hearing on May 20, 2013.

Section 3.160 of the Environmental Protection Act (“Act”) defines three types of materials: (a) “general construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials; (b) “clean construction or demolition debris” (“CCDD”) means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities. CCDD 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; and (c) "uncontaminated soil" means soil that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment.

At the May 20, 2013 hearing for subdocket R12-09(B), Mr. Henriksen questioned the Illinois Environmental Protection Agency ("Agency") regarding the "IDOT" exemption. The "IDOT" exemption as stated in Section 22.51(b)(4)(B), states that subsection 22.51(b) does not apply to the use of CCDD as fill material in an excavation other than a current or former quarry or mine if this use complies with the Departments specifications. Section 22.51(b) applies to CCDD only; it does not apply to the management of soil.

It is the Department's opinion that there are three types of soils; (1) unregulated soil, (2) "uncontaminated soil", and (3) special waste soil. Unregulated soils are soils that are not regulated under Section 3.160 or 3.475. "Uncontaminated soils" are soils that are regulated under 35 Illinois Administrative Code (IAC) 1100 and can be disposed of at a current or former quarry or mine or other excavation. Special waste soils are soils that can contain potential infectious medical waste, hazardous waste, industrial process waste, or pollution control waste.

The Department evaluates all excess soil material that must be managed off-site. Initially, all projects that have soil excavations are evaluated through the Department's phase I process. The phase I process initially screens the surrounding properties within the construction project to determine if there are any potentially impacted properties (PIP) on or adjacent to our project. If the screening process determines that there is a possibility that a PIP exists within or adjacent to the construction project, then a Preliminary Environmental Site Assessment (PESA) is completed. The PESA is conducted similar to an ASTM E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process".

If the result of the Department's screening process concludes that there are no PIPs within the project or the Department's PESA report finds properties that are not a PIP, then the soil excavated as part of the construction project is determined to be not regulated. Unregulated soils can be managed without restrictions. If the result of the PESA report finds properties that are PIPs, then the Department will investigate along the area to be excavated to determine the nature and extent of the potential impacts along our rights-of way. Soil analytical results will be compared to Tier I Soil Remediation Objectives for Residential Properties in 35 IAC 742 Tiered Approach to Corrective Action Objectives (TACO) .Appendix B Table A. Excavated soils associated with the soil analytical results that do not exceed the most stringent exposure route values are determined to be unregulated soils. Excavated soils associated with the soil analytical results that exceed the most stringent exposure route values are determined to be regulated soils ("uncontaminated soil" or special waste soil).

Excavated soils associated with the soil analytical results that do not exceed the Summary of Maximum Allowable Concentrations of Chemical Constituents in Uncontaminated Soil Used as Fill Material at Regulated Fill Operations (MAC Table) in 35 IAC 1000.Subpart F are determined to be "uncontaminated soil". Based on the location of the CCDD or "Uncontaminated Soil" fill operation these soils can be managed to a fill operation without being classified as a waste.

Excavated soils associated with the soil analytical results that exceed the MAC Table in 35 IAC 1000.Subpart F are determined to be special waste. In most cases these soils are managed as non-special waste and are disposed of at a properly permitted solid waste landfill.

As documented above, the Department evaluates all excavated soils before a construction project begins. The limited exemption, afforded by the Act and 35 IAC 1100, that the Department has regarding placing CCDD and soil in a low lying area or in a former Department borrow pit is warranted because the Department makes certain in advance that the CCDD and soil that are placed in these areas are

protective of human health and the environment and will not cause or contribute to groundwater contamination.

This concludes the Department's pre-hearing comments.

Respectfully submitted.

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AND UNCONTAMINATED SOIL	)	
FILL OPERATIONS:	)	
PROPOSED AMENDMENTS TO 35	)	
35 Ill. Adm. Code 1100	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served the foregoing, POST-HEARING COMMENTS OF ILLINOIS DEPARTMENT OF TRANSPORTATION, upon the persons listed below by email addressed to the following:

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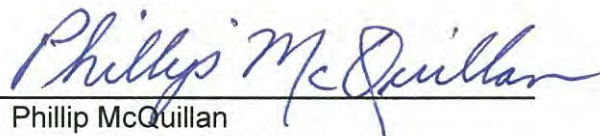
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