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MAR 14 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
CLEAN CONSTRUCTION OR DEMOLITION)	R 06-19
DEBRIS FILL OPERATIONS)	(Rulemaking Land)
(35 ILL. ADM. CODE PART 1100))	

NOTICE

TO: Dorothy Gunn, Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph Street, Suite 11-500
 Chicago, Illinois 60601
 (OVERNIGHT VIA MAIL)

Matthew Dunn
 Illinois Attorney General's Office
 James R. Thompson Center
 100 West Randolph Street, 12th Floor
 Chicago, Illinois 60601

Amy Antonioli, Hearing Officer
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph Street, Suite 11-500
 Chicago, Illinois 60601
 (OVERNIGHT VIA MAIL)

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

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have filed with the Office of the Pollution Control Board an ERRATA SHEET NUMBER 5 on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Date: March 10, 2006

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Stephanie Flowers
 Stephanie Flowers
 Assistant Counsel
 Division of Legal Counsel

1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276
 217/782-5544

THIS FILING IS SUBMITTED ON
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STATE OF ILLINOIS
Pollution Control Board

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DEBRIS FILL OPERATIONS)	(Rulemaking –Land)
(35 ILL. ADM. CODE PART 1100))	
)	

ERRATA SHEET NUMBER 5

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through one of its attorneys, Stephanie Flowers, and submits this ERRATA SHEET NUMBER 5 to the Illinois Pollution Control Board (“Board”) and the participants on the Service List. In response to comments from the Board and the public at the March 1, 2006 hearing, the Agency would like to propose the following changes to its proposal.

Section 1100.101(b)(3)

Based upon the comments of the Board, the specific reference to “the definition of Engineer at Article 101.16” is deleted from the last sentence of the Board Note of (b)(3).

- 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”. According to IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

Section 1100.201(b)

Based upon the comments of the Board, the underlined language below is added to 201(b) to clarify materials accepted for use in fill operations. As a result of the added language, the Board Note becomes unnecessary and is deleted.

- (b) CCDD fill operations must not accept ~~material other than CCDD~~ waste 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.~~

Section 1100.205

Based upon the comments of the Board, the following change is made to 1100.205 to describe material that is not accepted for use in fill operations.

The owner or operator must institute and conduct a load checking program designed to detect attempts to dispose of waste material other than CCDD at the facility. At a minimum, the load checking program must consist of the following components:

Sections 1100.205(a)(1) and (b)(1)

Based upon the comments of the Board, the language in the last sentence of 205(a)(1) and (b)(1) is changed from “reading of zero” to “reading of background levels” to be consistent with the change in the prior sentence.

- 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. All instruments shall be interpreted based on the manufacturer’s margin of error. 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 in excess of above zero background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Stephanie Flowers*
Stephanie Flowers
Assistant Counsel
Division of Legal Counsel

DATED: *3-10-06*
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Errata Sheet Number 5 upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(OVERNIGHT VIA MAIL)

Matthew Dunn
Office of the Attorney General
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Chicago, Illinois 60601

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Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(OVERNIGHT VIA MAIL)

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

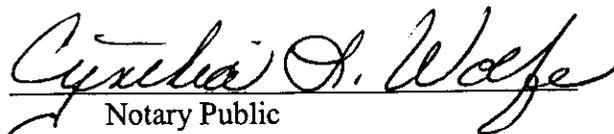
SEE ATTACHED SERVICE LIST

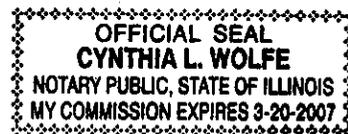
and mailing it by First Class Mail from Springfield, Illinois on March 10, 2006, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 10th day of March, 2006


Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

SERVICE LIST R 06-19

Claire Manning
Brown Hay & Stephens LLP
700 First Mercantile Bank Building
205 South Fifth Street
P.O. Box 2459
Springfield, Illinois 62705-2459

Steven Gobelman
Geologic/Waste Assessment
IDOT
2300 S Dirksen Parkway
Springfield, Illinois 62764

John Henrickson
Illinois Association of Aggregate Producers
1115 S Second Street
Springfield, Illinois 62704

Tiffany Chappell
121 N. LaSalle Street
City Hall - Room 406
Chicago, Illinois 60602

Virginia Young
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702