

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

April 25, 2006

RECEIVED
CLERK'S OFFICE

APR 25 2006

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
CLEAN CONSTRUCTION OR DEMOLITION)	R06-19
DEBRIS FILL OPERATIONS UNDER P.A.)	Rulemaking - Land
94-272 (35 ILL. ADM. CODE PART 1100))	

HEARING OFFICER ORDER

On April 6, 2006, the Board adopted the Illinois Environmental Protection Agency's (Agency) proposal for first notice. The Board held two hearings and accepted five errata sheets filed by the Agency prior to first notice adoption. In addition to the original proposal, the first-notice rule language reflected amendments negotiated by the parties and proposed by the Agency by way of the five errata sheets. The proposal adopted for first notice was published in the *Illinois Register* on April 21, 2006. *Illinois Register*, Vol. 30, Issue 16, 7711-740 (Apr. 21, 2006).

The rule language published in the *Illinois Register* differed from the Board opinion and order with respect to the proposed Section 1100.201(b). The Board's April 6, 2006 opinion and order properly read: "CCDD fill operations must not accept waste for use as fill." The proposed Section 1100.201(b) was incorrectly published in the *Illinois Register* as follows:

CCDD fill operations must not accept waste for use as fill. This does not prohibit non-CCDD material, such as uncontaminated soil and other non-waste material from being placed as fill material in a unit. Pursuant to Section 3.160 of the Act, when uncontaminated soil is commingled with CCDD, the uncontaminated soil is considered CCDD. Accordingly, the other non-waste material commingled with CCDD is considered CCDD. *Illinois Register*, Vol. 30, Issue 16, 7721 (Apr. 21, 2006).

The Board's April 6, 2006 opinion and order contained the correct language of Section 1100.201(b), and the extraneous language contained in the *Illinois Register* publication will be deleted at second notice.

The Board will accept public comments on the first-notice proposal through June 5, 2006, 45 days from the date of publication of first notice in the *Illinois Register*. The comment period must close promptly, as the Board must adopt a second-notice order at its June 15 meeting in order to complete rulemaking by the September 1, 2006 statutory deadline.

Before filing any document with the Clerk, including public comments, please check with Ms. Sandy Wiley at (312) 814-3623 or wileys@ipcb.state.il.us, the hearing officer, or the Clerk's Office for the most recent version of the Service List.

IT IS SO ORDERED.



Amy C. Antonioli

Hearing Officer

Illinois Pollution Control Board

100 West Randolph, Suite 11-500

Chicago, Illinois 60601

(312) 814-3665