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04/14/2006

STATE OF ILLINOIS
Pollution Control Board

POLLUTION CONTROL BOARD

James R. Thompson Center 100 W. Randolph St., Ste 11-500
Dorothy Gunn
CHICAGO, IL 60601

R06-16
R 06-17
R 06-18
R06-19

Dear Dorothy Gunn

Your rules Listed below met our codification standards and have been published in Volume 30, Issue 16 of the Illinois Register, dated 04/21/2006.

PROPOSED RULES

Standards for Universal Waste Management 35 Ill. Adm. Code 733 Point Of Contact:Erin Conley	Page 7586
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities 35 Ill. Adm. Code 724 Point Of Contact:Erin Conley	Page 7125
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities 35 Ill. Adm. Code 725 Point Of Contact:Erin Conley	Page 7263
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities 35 Ill. Adm. Code 726 Point Of Contact:Erin Conley	Page 7329
Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit 35 Ill. Adm. Code 727 Point Of Contact:Erin Conley	Page 7380
Land Disposal Restrictions 35 Ill. Adm. Code 728 Point Of Contact:Erin Conley	Page 7488
RCRA and UIC Permit Programs 35 Ill. Adm. Code 702 Point Of Contact:Erin Conley	Page 6675



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Standards Applicable to Transporters of Hazardous Waste 35 Ill. Adm. Code 723 Point Of Contact:Erin Conley	Page 7113
Standards Applicable to Generators of Hazardous Waste 35 Ill. Adm. Code 722 Point Of Contact:Erin Conley	Page 7103
Identification and Listing of Hazardous Waste 35 Ill. Adm. Code 721 Point Of Contact:Erin Conley	Page 7022
Hazardous Waste Management System: General 35 Ill. Adm. Code 720 Point Of Contact:Erin Conley	Page 6961
Procedures for Permit Issuance 35 Ill. Adm. Code 705 Point Of Contact:Erin Conley	Page 6938
Underground Injection Control Operating Requirements 35 Ill. Adm. Code 730 Point Of Contact:Erin Conley	Page 7515
RCRA Permit Program 35 Ill. Adm. Code 703 Point Of Contact:Erin Conley	Page 6724
Clean Construction or Demolition Debris Fill Operations 35 Ill. Adm. Code 1100 Point Of Contact:Erin Conley	Page 7711
Standards for Existing Landfills and Units 35 Ill. Adm. Code 814 Point Of Contact:Erin Conley	Page 7705
Procedural Requirements for Permitted Landfills 35 Ill. Adm. Code 813 Point Of Contact:Erin Conley	Page 7699
Information to be Submitted in a Permit Application 35 Ill. Adm. Code 812 Point Of Contact:Erin Conley	Page 7694
Standards for New Solid Waste Landfills 35 Ill. Adm. Code 811 Point Of Contact:Erin Conley	Page 7668



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Solid Waste Disposal: General Provisions 35 Ill. Adm. Code 810 Point Of Contact: Erin Conley	Page 7658
Standards for the Management of Used Oil 35 Ill. Adm. Code 739 Point Of Contact: Erin Conley	Page 7646
Hazardous Waste Injection Restrictions 35 Ill. Adm. Code 738 Point Of Contact: Erin Conley	Page 7640
UIC Permit Program 35 Ill. Adm. Code 704 Point Of Contact: Erin Conley	Page 6839

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Clean Construction or Demolition Debris Fill Operations

2) Code Citation: 35 Ill. Adm. Code Part 1100

3) Section Numbers: Proposed Action

1100.101	New
1100.102	New
1100.103	New
1100.104	New
1100.201	New
1100.202	New
1100.203	New
1100.204	New
1100.205	New
1100.206	New
1100.207	New
1100.208	New
1100.209	New
1100.210	New
1100.211	New
1100.301	New
1100.302	New
1100.303	New
1100.304	New
1100.305	New
1100.306	New
1100.307	New
1100.308	New
1100.309	New
1100.310	New
1100.401	New
1100.402	New
1100.403	New
1100.404	New
1100.405	New
1100.406	New
1100.407	New
1100.408	New
1100.409	New
1100.410	New

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1100.411 New
1100.412 New

- 4) Statutory Authority: Implementing Sections 5 and 22.51 and authorized by Section 22.51 and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rulemaking may be found in the Board's April 6, 2006 opinion and order in docket R06-19. This rulemaking is based on statutory amendments to the Illinois Environmental Protection Act (Act) (415 ILCS 5) in Public Act 94-272.

Public Act 94-272 establishes that clean construction or demolition debris (CCDD) is not considered waste if it is separated and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, or if it is used as fill material within 30 days of its generation. P.A. 94-272 requires a permit to use CCDD as fill material in a current or former quarry, mine, or other excavation. Additionally, P.A. 94-272 directs the Board to adopt regulations for the use of CCDD as fill material in current and former quarries, mines, and other excavations by September 1, 2006. The Board meeting immediately preceding that date is August 17, 2006.

The proposed new Part 1100 establishes a permit program for the use of CCDD in former quarries, mines, or other excavations. Subpart A of the proposed Part 1100 establishes the scope of the regulation, provides definitions, and clarifies the applicability of the permit program. CCDD fill operations at facilities that are permitted as a landfill under Sections 35 Ill. Adm. Code 807, or 811 through 814 (municipal, chemical, or putrescible waste landfills) are exempt from the proposed Part 1100 CCDD permitting rules because the landfill permitting rules are more protective. Facilities permitted under Sections 807, or 811 through 814 can accept CCDD without obtaining a permit under the proposed Section 1100.

Subpart B sets forth the standards applicable to the operation of CCDD facilities, CCDD load inspections, closure and postclosure plans, including recordkeeping requirements and annual reports.

Subpart C identifies what information an applicant must include in the permit application, which includes notification to local and State government officials, location and facility maps, facility description, proof of ownership, surface water controls, and plans for closure and postclosure.

The procedural rules that both the Illinois Environmental Protection Agency (Agency)

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and applicant must follow for permitting are contained in Subpart D. Subpart D proposes standards for approval and denial and provides the Agency's deadlines for review of permit applications. The Agency must make a final decision on an application within 90 days of receiving the application or the permit is deemed issued.

According to proposed Section 1100.408, permits issued under Part 1100 will have a term of 10 years.

The majority of the fill sites for CCDD are in the Northeastern part of Illinois. There are also several sites in Southern Illinois. Of the 83 sites that have applied for interim authorization to use CCDD as fill in current or former mine, quarry, or other excavation, the Illinois Environmental Protection Agency stated at one of the hearings in this rulemaking that 24 accept less than 10,000 cubic yards per year, 28 accept an estimated 10,000 to 50,000 cubic yards of CCDD per year, and 31 accept more than 50,000 cubic yards.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rule replace any emergency rule currently in effect? No
- 8) Does this rule contain an automatic repeal date? No
- 9) Does this proposed rule contain incorporations by reference? Yes
- 10) Are there any other proposed rules pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2004)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R06-19 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

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312/814-3620

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact Amy Antonioli at 312/814-3665 or email at antonioa@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could impact any small business that generates and/or uses CCDD as fill material in any mine, quarry, or other excavation.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking contains recordkeeping and reporting requirements that are similar to other permit program requirements.
 - C) Types of professional skills necessary for compliance: Compliance with this proposed Rule may require the assistance of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Rules begins on the next page: