

ILLINOIS POLLUTION CONTROL BOARD
August 15, 2011

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO CLEAN) R12-9
CONSTRUCTION OR DEMOLITION) (Rulemaking - Land)
DEBRIS FILL OPERATIONS (CCDD):)
PROPOSED AMENDMENTS TO 35 Ill.)
Adm. Code 1100)

ORIGINAL

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

September 26, 2011 to be continued if necessary to September 27, 2011

11:00 a.m.
Sangamo Room
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
Springfield, IL

October 25, 2011 to be continued if necessary to October 26, 2011

11:00 a.m.
Room 2-025
100 W. Randolph
James R. Thompson Center
Chicago, IL 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: G. Tanner Girard

HEARING OFFICER: Marie E. Tipsord

HEARING OFFICER ORDER

On July 29, 2011, the Illinois Environmental Protection Agency (IEPA) filed a proposal pursuant to Section 22.51 of the Environmental Protection Act (Act) (415 ILCS 5/22.51 (2010)). Generally, the proposal will amend 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 soil to be used as fill. Under Section 22.51 of the Act, the IEPA was required to present a proposal to the Board by July 30, 2011 and the Board must adopt the rule no later than one year after receipt of the IEPA's proposal.

The proposal specifies: 1) the use of CCDD and uncontaminated soil as fill material at CCDD fill operations (*see* 415 ILCS 5/22.51(f)(1) (2010)); 2) the use of uncontaminated soil as fill material at uncontaminated soil fill operations (*see* 415 ILCS 5/22.51a(d)(1) (2010)); and (3) the maximum concentrations of contaminants that may be present in the uncontaminated soil component of construction or demolition debris (*see* 415 ILCS 5/3.160(c) (2010)). The proposed rules also include standards and procedures necessary to protect groundwater.

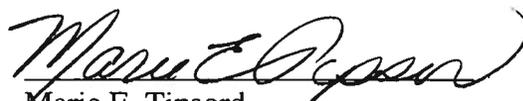
Today's order sets the dates for the hearings and the prefiling deadlines. The first hearing is scheduled to begin on September 26, 2011, and will be dedicated to testimony by the proponent, the IEPA and questions based on that testimony. The IEPA must prefile testimony for the September 26, 2011 hearing by September 2, 2011. Prefiled questions of the IEPA must be filed by September 16, 2011. The mailbox rule does not apply to either of these filings. *See* 35 Ill. Adm. Code 101.300.

The second hearing is scheduled to begin on October 25, 2011, and will be dedicated to testimony by any person, including the IEPA. Testimony must be prefiled by October 7, 2011. Prefiled questions must be filed by October 17, 2011. The mailbox rule does not apply to either of these filings. *See* 35 Ill. Adm. Code 101.300.

The October 26, 2011 hearing will also fulfill the statutory obligations under Section 27(b) of the Environmental Protection Act (Act) (415 ILCS 5/27(b) (2010)). Section 27(b) of the Act requires the Board to request the Department of Commerce and Economic Opportunity to conduct an economic impact study on certain proposed rules prior to adoption of those rules. If DCEO chooses to conduct the economic impact study, DCEO has 30 to 45 days after such request to produce a study of the economic impact of the proposed rules. The Board must then make the economic impact study, or DCEO's explanation for not conducting the study, available to the public at least 20 days before a public hearing on the economic impact of the proposed rules. The Board sent DCEO the request on August 4, 2011.

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us and participants may file electronically on the Board's web page. The prefiled testimony and prefiled questions must be served on the persons on the service list.

IT IS SO ORDERED.



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