

PROPOSED AMENDMENTS TO CLEAN) R 12-9
CONSTRUCTION OR DEMOLITION) (Rulemaking – Land)
DEBRIS FILL OPERATIONS (CCDD):)
PROPOSED AMENDMENTS TO 35 Ill.)
Adm. Code 1100)

NOTICE OF FILING


To: John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street – Suite 11-500
Chicago, IL 60601

Mitchell Cohen
Chief Legal Counsel
Illinois Depart. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Matthew J. Dunn, Chief
Environmental Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
69 West Washington Street, 18th Floor
Chicago, IL 60602

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601-3218

PLEASE TAKE NOTICE that I have today filed with the aforementioned parties prefiled testimony of Michael J. Sturino on behalf of The Illinois Road and Transportation Builders Association, copies of which are served upon you.

By: 
Michael J. Sturino
President & CEO
Illinois Road & Transportation Builders Association

PROPOSED AMENDMENTS TO CLEAN) R 12-9
CONSTRUCTION OR DEMOLITION) (Rulemaking – Land)
DEBRIS FILL OPERATIONS (CCDD):)
PROPOSED AMENDMENTS TO 35 Ill.)
Adm. Code 1100)

**PREFILED TESTIMONY OF MICHAEL J. STURINO ON BEHALF OF
THE ILLINOIS ROAD AND TRANSPORTATION BUILDERS ASSOCIATION**

The Illinois Road and Transportation Builders Association (IRTBA), was formed in 1938 to promote the transportation needs of the state, and is now the largest statewide organization of companies that design, build and maintain the state highways, transit systems, railways and aviation systems. The core purpose of IRTBA's existence is to protect, improve and promote the transportation design and construction industry in Illinois. The IRTBA composed a task force consisting of professional engineers, contractors, materials suppliers, landfill operators, environmental engineers, land use experts, materials testing professionals, and local and state engineers to review proposed amendments to 35 Ill. Adm. Code 1100. The following prefiled testimony represents the findings of that task force.

The IRTBA commends the IEPA for its attention to industry concerns during the rulemaking process. The IRTBA specifically supports the following rule amendments:

1. The use of background levels as the basis for the maximum allowable concentration (MAC's).
2. The addition of Professional Geologists as qualified and competent persons to evaluate whether a site contains contaminated material. This does not go as far as IRTBA's previous recommendation to allow Environmental Professionals (as formally defined by USEPA) to certify, but does open up the field somewhat. It seems clear that IEPA prefers licensure be a requirement for certification on Form LPC 663.
3. The elimination of the residential/industrial/commercial designation for property, and its replacement with "potentially impacted property".
4. The ability of a site contractor to be allowed to mitigate and re-test rejected loads, and if suitable, either use the material on site or return it to the CCDD facility.

5. The exemptions granted to IDOT as part of the Act. The IRTBA further recommends that these exemptions be extended to municipalities, counties, the Illinois Tollway, and other governmental bodies performing transportation improvements.

Certain important issues have not been addressed in the IEPA's proposed rule amendments. The IRTBA recommends that the following amendments be adopted in addition to those already proposed by the IEPA:

1. The amended rules still do not require the characterization/classification of soil to be identified prior to the bid. IRTBA recommends that rules be adopted to provide that prior to any bid, the contracting entity (agency, utility, etc.) must characterize/classify the soil as either contaminated or uncontaminated, and should provide the executed LPC 662 or 663 Form with the bid documents along with test data identifying and quantifying the amounts of the soils characteristics and contaminants.

Thank you for the opportunity to provide comments on the proposed amendments. We are available to testify to this matter at the upcoming hearing in Chicago.

Respectfully Submitted,



Michael J. Sturino
President & CEO
Illinois Road & Transportation Builders Association

Dated: October 7, 2011