



WILL COUNTY LAND USE DEPARTMENT
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December 2, 2011
Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 W. Randolph
Chicago, IL 60601

Rulemaking Case R12-9 (Land)

Dear Hearing Officer Marie Tipsord:

This letter will serve as additional comments from the Will County Land Use Department, Resource Recovery Division in the matter of Rulemaking #R12-9 that concerns "Proposed Amendments to Clean Construction or Demolition Debris and Uncontaminated Soil Fill Operations" that were filed by the Illinois Environmental Protection Agency (IEPA) in late July 2011. Will County submitted written comments at the October 25th 2011 Hearing in Chicago.

One comment that was omitted from the first submittal pertains to sites that are filling in a hillside with Clean Construction or Demolition Debris (CCDD). These sites currently have no regulatory oversight. Although it is recognized that some sites are simply filling in a small area in order to develop the property further, other sites are accepting large amounts of CCDD without any type of assurance that the material is "uncontaminated". These sites can have an impact on the environment just like CCDD and Uncontaminated Soil Fill Operations. If additional regulations are adopted for CCDD and Uncontaminated Soil Fill Operations, these sites will receive even more material, circumventing the purpose of the proposed regulations.

For the reasons listed above, these larger "hillside fill sites" should be regulated similarly to CCDD & Uncontaminated Soil Fill Operations. Will County has and continues to have many of these types of sites that use the exemption in the Illinois Environmental Protection Act, Section 3.160. One such site has already accepted over 10,000 cubic yards of CCDD material, avoiding CCDD & Uncontaminated Soil Fill Operations and regulations.

Perhaps a threshold should be created from these sites so as to not be too onerous on the entities filling a small area, but with regulatory oversight for those that are in "the business" of accepting CCDD and are filling in a hillside. I will propose that if one location accepts more than 500 cubic yards of CCDD, you

will be subject to the same requirements as CCDD and Uncontaminated Soil Fill Operations currently in the regulations. For these sites, perhaps registration would be more appropriate than a permit.

If we consider regulating these sites, the definition of CCDD may need to be revised. We propose the following: a "CCDD fill operation" means the use of CCDD as fill material in a current or former quarry, mine, ~~or~~ other excavation, or along a hillside. For purposes of this Part, the term "other excavation" does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure. We may also need a new definition for a hillside. "Hillside" means an existing natural landform, not manmade, higher in elevation than the property immediately adjacent to the landform.

Another type of site that is similar to an Uncontaminated Soil Fill Operation are those that accept soil, store it for period of time, and then sell the soil for reuse at another property. These sites should have a regulatory threshold as those listed above (500 cubic yards) and should be regulated similarly to an Uncontaminated Soil Operation.

Thank you for the opportunity to provide comments.

Sincerely,



Dean Olson
Resource Recovery & Energy Director

CC: Will County Executive
Will County Board Legislative Committee