

RECEIVED
CLERK'S OFFICE

FEB 15 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

February 15, 2012

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)	

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

March 13, 2012 to be continued to March 14, 2012.

11:00 a.m.
Room 9-040
100 W. Randolph
James R. Thompson Center
Chicago, IL 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Deanna Glosser

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.

On November 10, 2011, a hearing officer order noting that the presiding Board member at the second day of the second hearing had not been officially appointed to the Board on that day. The hearing officer order indicated: "[i]n order to ensure that statutory requirements have been met, and in an abundance of caution, the Board will hold an additional hearing after proceeding to first notice."

ORIGINAL
RETURN TO CLERK'S OFFICE

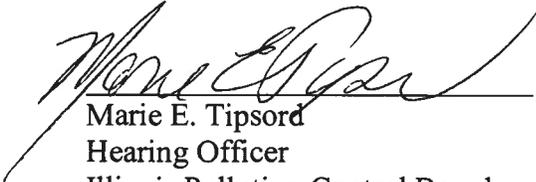
On February 2, 2012, the Board proposed for first notice a rule that differs from the IEPA's proposal. The Board's rule proposal did not include groundwater monitoring and the Board strengthened soil certification and soil testing requirements. For example, the Board required soil certification to be based upon source site evaluation conducted in accordance with the ASTM standards and amended IEPA's source site owner or operator certification at Section 1100.205(a)(1)(A) to be based on ASTM Standard E1528-06, and the Licensed Professional Engineer (LPE)/Licensed Professional Geologist (LPG) certification under Section 1100.205(a)(1)(B) to be based on ASTM Standard E1527-05. Further, the Board's proposal requires that the proposed soil certification requirements must include analytical soil testing data to show compliance with the maximum allowable concentrations (MACs) when the soil is from a PIP.

The Board will hold an additional hearing to hear testimony on the Board's proposal. The Board will begin the hearing at 11:00 a.m. on March 13, 2012 and continue until the end of the day, with occasional breaks and a 30 minute lunch break. The hearing will reconvene at 9:00 a.m. on March 14, 2012 and will continue until noon. Prefiled testimony must be received by March 5, 2012 and the mailbox rule does not apply. *See* 35 Ill. Adm. Code 101.300.

The hearing will also revisit the statutory obligation 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. On October 26, 2011, testimony regarding DCEO's non-response was heard, so this post-first-notice hearing will provide for another opportunity to comment on DCEO's non-response.

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 must be served on the persons on the service list except that if the filings are filed electronically, no hard copy service on the hearing officer is necessary.

IT IS SO ORDERED.


Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-4925
tipsorm@ipcb.state.il.us