

ILLINOIS POLLUTION CONTROL BOARD

July 26, 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)

ORDER OF THE BOARD (by D. Glosser):

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)). The proposal was accompanied by a motion to waive filing requirements. 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 is 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 February 2, 2012, the Board adopted a first notice opinion and order and on June 7, 2012, the Board adopted a second notice opinion and order. On June 8, 2012, the Joint Committee on Administrative Rules (JCAR) accepted the second notice and scheduled the rulemaking for consideration at the July 10, 2012 JCAR meeting. At the July 10, 2012, JCAR requested, and the Board agreed, to extend the second notice period for an additional 45 days. The rule will again be considered by JCAR at its August 14, 2012 meeting.

Because the rule is at second notice, the Board cannot adopt the rule until the expiration of the second notice period (*see* 5 ILCS 100/5-40(c) and (d) (2010)). Therefore, the Board will not move forward to adoption of the rules until the expiration of the second notice in August.

IT IS SO ORDERED.

Board Member J. A. Burke abstains.

Board Member C.K. Zalewski abstains.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 26, 2012, by a vote of 3-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board