

ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

TO: SEE ATTACHED PROOF OF SERVICE

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the Pre-Filed Questions of the Illinois Environmental Protection Agency submitted by the Illinois Association of Aggregate Producers, copies of which are served upon you.



---

John Henriksen, Executive Director  
Illinois Association of Aggregate Producers  
1115 South Second Street  
Springfield, IL 62704  
217.241.1639

Date: April 18, 2013

ILLINOIS POLLUTION CONTROL BOARD

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

PRE-FILED QUESTIONS FOR THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
SUBMITTED BY THE ILLINOIS ASSOCIATION OF AGGREGATE PRODUCERS

The Illinois Association of Aggregate Producers hereby files, in accordance with the Hearing Officer Tipsord's April 8, 2013 Order, the following questions for the Illinois Environmental Protection Agency:

- 1) Are the proposed groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G applicable to all excavations that accept "clean construction or demolition debris" (CCDD), as defined in 415 ILCS 5/3.160(b)?
- 2) Are excavations that accept CCDD from Illinois Department of Transportation (IDOT), county or municipal projects, such as the Maclair Asphalt pit referenced in Attachment #1, exempt from the proposed Illinois Environmental Protection Agency (IEPA) groundwater monitoring rules in 35 Ill. Adm. Code 1100 Subpart G?
- 3) Referring to exempt excavations that accept CCDD from IDOT projects:
  - a) Why are these excavations exempt from the proposed groundwater monitoring rules in 35 Ill. Adm. Code 1100 Subpart G?
  - b) What actions are undertaken to ensure that materials from IDOT projects that are dumped into exempt excavations meet the definition of CCDD?
  - c) Is either an LPC-662 or LPC-663 form required for CCDD or other materials from IDOT projects that are dumped into exempt excavations?
  - d) What prevents CCDD or other materials from IDOT projects that are dumped into exempt excavations from causing an exceedance of the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410?
- 4) Referring to exempt excavations that accept CCDD from county projects:
  - a) Why are these excavations exempt from the proposed groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G?

- b) What actions are undertaken to ensure that materials from county projects that are dumped into exempt excavations meet the definition of CCDD?
  - c) Is either an LPC-662 or LPC-663 form required for CCDD or other materials from county projects that are dumped into exempt excavations?
  - d) What prevents CCDD or other materials from county projects that are dumped into exempt excavations from causing an exceedance of the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410?
- 5) Referring to exempt excavations that accept CCDD from municipal projects:
- a) Why are these excavations exempt from the proposed groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G?
  - b) What actions are undertaken to ensure that materials from municipal projects that are dumped into exempt excavations meet the definition of CCDD?
  - c) Is either an LPC-662 or LPC-663 form required for CCDD or other materials from municipal projects that are dumped into exempt excavations?
  - d) What prevents CCDD or other materials from municipal projects that are dumped into exempt excavations from causing an exceedance of the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410?
- 6) Are the proposed groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G applicable to all excavations that accept “uncontaminated soil”, as defined in 415 ILCS 5/3.160(c)?
- 7) Are excavations that accept uncontaminated soil from IDOT, county or municipal projects, such as the Maclair Asphalt pit referenced in Attachment #1, exempt from the proposed Illinois Environmental Protection Agency (IEPA) groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G?
- 8) Referring to exempt excavations that accept uncontaminated soil from IDOT projects:
- a) Why are these excavations exempt from the proposed groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G?
  - b) What actions are undertaken to ensure that materials from IDOT projects that are dumped into exempt excavations meet the definition of uncontaminated soil?
  - c) Is either an LPC-662 or LPC-663 form required for uncontaminated soil or other materials from IDOT projects that are dumped into exempt excavations?
  - d) What prevents uncontaminated soil or other materials from IDOT projects that are dumped into exempt excavations from causing an exceedance of the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410?

- 9) Referring to exempt excavations that accept uncontaminated soil from county projects:
- a) Why are these excavations exempt from the proposed groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G?
  - b) What actions are undertaken to ensure that materials from county projects that are dumped into exempt excavations meet the definition of uncontaminated soil?
  - c) Is either an LPC-662 or LPC-663 form required for uncontaminated soil or other materials from county projects that are dumped into exempt excavations?
  - d) What prevents uncontaminated soil or other materials from county projects that are dumped into exempt excavations from causing an exceedance of the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410?
- 10) Referring to exempt excavations that accept uncontaminated soil from municipal projects:
- a) Why are these excavations exempt from the proposed groundwater monitoring rules contained within 35 Ill. Adm. Code 1100 Subpart G?
  - b) What actions are undertaken to ensure that materials from municipal projects that are dumped into exempt excavations meet the definition of uncontaminated soil?
  - c) Is either an LPC-662 or LPC-663 form required for uncontaminated soil or other materials from municipal projects that are dumped into exempt excavations?
  - d) What prevents uncontaminated soil or other materials from municipal projects that are dumped into exempt excavations from causing an exceedance of the Class I groundwater quality standards at 35 Ill. Adm. Code 620.410?

Respectfully submitted,

ILLINOIS ASSOCIATION OF  
AGGREGATE PRODUCERS



---

John Henriksen, Executive Director  
Illinois Association of Aggregate Producers  
1115 South Second Street  
Springfield, IL 62704  
217.241.1639

PROOF OF SERVICE

I, John Henriksen, certify that the attached Pre-Filed Questions for the Illinois Environmental Protection Agency submitted by the Illinois Association of Aggregate Producers and Notice of Filing were filed electronically, on April 18, 2013, with:

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

and sent by first class mail, postage prepaid, on April 18, 2013, to the following:

Marie Tipsord, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago, IL 60601	Matthew J. Dunn, Chief Environmental Enforcement Office of the Attorney General 69 West Washington Street, Suite 1800 Chicago, IL 60602
Stephen Sylvester, Asst. Attorney General Environmental Enforcement Office of the Attorney General 69 West Washington Street, Suite 1800 Chicago, IL 60602	Claire A. Manning Brown, Hay & Stephens LLP 700 First Mercantile Bank Building 205 South Fifth St., P.O. Box 2459 Springfield, IL 62705-2459
Kimberly A. Geving, Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	Mark Wight, Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276
Stephanie Flowers, Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	Dennis Wilt Waste Management 720 East Butterfield Road Lombard, IL 60148
Michele Gale Waste Management 720 East Butterfield Road Lombard, IL 60148	Mitchell Cohen, General Counsel Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702-1271
Steven Gobelman, Geologic/Waste Assessment Specialist Illinois Department of Transportation 2300 S Dirksen Parkway Springfield, IL 62764	Doris McDonald, Assistant Corp Counsel Chicago Department of Law 30 North LaSalle St., Suite 1400 Chicago, IL 60602
Dennis G. Walsh Klein, Thorpe and Jenkins, Ltd. 20 North Wacker Drive Suite 1660 Chicago, IL 60606-2903	Gregory T. Smith Klein, Thorpe and Jenkins, Ltd. 20 North Wacker Drive Suite 1660 Chicago, IL 60606-2903

<p>James Huff - Vice President                  Huff &amp; Huff, Inc.                  915 Harger Road, Suite 330                  Oak Brook, IL 60523</p>	<p>Greg Wilcox, Executive Director                  Land Reclamation &amp; Recycling Association                  2250 Southwind Blvd.                  Bartlett, IL 60103</p>
<p>Greg Lansu, Attorney                  Land Reclamation &amp; Recycling                  Association                  2250 Southwind Blvd.                  Bartlett, IL 60103</p>	<p>Dean Olson, Director                  Will County Land Use Department                  58 E. Clinton Street, Suite 500                  Joliet, IL 60432</p>
<p>Keith Harley                  Chicago Legal Clinic                  211 West Wacker Drive, Suite 750                  Chicago, IL 60606</p>	<p>James M. Morpew                  Sorling, Northrup, Hanna, Cullen &amp; Cochran                  1 North Old State Capitol Plaza, Suite 200                  P.O. Box 5131                  Springfield, IL 62705</p>
<p>Tiffany Chappell                  City of Chicago, Mayor's Office of                  Intergovernmental Affairs                  121 N. LaSalle Street, Room 406                  Chicago, IL 60602</p>	<p>Craig B. Simonsen, Paralegal                  Seyfarth Shaw LLP                  131 South Dearborn Street, Suite 2400                  Chicago, IL 60603-5803</p>
<p>Philip L. Comella                  Seyfarth Shaw LLP                  131 South Dearborn Street, Suite 2400                  Chicago, IL 60603-5803</p>	<p>Jeryl L. Olson                  Seyfarth Shaw LLP                  131 South Dearborn Street, Suite 2400                  Chicago, IL 60603-5803</p>




---

John Henriksen