

Board Adopts Amendments for Clean Construction or Demolition Debris Fill Operations Rules and Opens Subdocket to Examine the Issue of Groundwater Monitoring

The Illinois Pollution Control Board, on August 23, 2012, adopted amendments the Board's rules for Clean Construction or Demolition Debris and Uncontaminated Soil Fill Operations allowing the use of uncontaminated clean construction or demolition debris (CCDD) and uncontaminated soil to be used as fill at quarries, mines and other excavations. Additionally, the Board opened a Subdocket B, at the recommendation of the Joint Committee on Administrative Rules (JCAR), to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operations.

On July 29, 2011, the Illinois Environmental Protection Agency (IEPA) filed the proposal with the Board, which was docketed as Proposed Amendments To Clean Construction Or Demolition Debris Fill Operations (CCDD): Proposed Amendments To 35 Ill. Adm. Code 1100, R12-9.

After reviewing the record in this proceeding and in consideration of the comments and testimony, the Board, at second notice, made several changes to the first-notice proposal. The Board was unconvinced that groundwater monitoring should be required.

The adopted rule requires pH testing of soils from all source sites and establishes soil Maximum Allowable Concentrations (MAC) based on a soil pH range of 6.25 to 9.0 for pH dependent chemical constituents. The rule prohibits fill operations from accepting soils with a pH below 6.25 or above 9.0 regardless of applicable MACs.

At its meeting on August 14, 2012, JCAR recommended that the Board give further consideration to whether groundwater monitoring should be required for these facilities. This would give the Board the opportunity to receive further comment from parties who may not have submitted their supportive views when groundwater monitoring was an element of this proposal and who may have opinions and information to offer in light of the Board's decision to remove the requirement before going to first notice on this rulemaking.

The Board directed the Clerk of open a Subdocket B in this proceeding, which will include all the comments, testimony, and filings in this docket. At a later date, the Board will issue an order in Subdocket B detailing the Board's procedures in that subdocket.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].