

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1993

IN THE MATTER OF:)
)
PETITION OF THE U.S. ARMY ENGINEER) R92-17
DISTRICT, ROCK ISLAND, FOR A DREDGED) (Rulemaking)
MATERIAL PLACEMENT REGULATION)
APPLICABLE TO THE ILLINOIS RIVER/)
WATERWAY BETWEEN LA GRANGE LOCK AND)
DAM (MILE 80.2) AND LOCKPORT LOCK)
(MILE 291): 35 ILL. ADM. CODE 303.400)

SUPPLEMENTAL OPINION OF THE BOARD (by R.C. Flemal):

On December 2, 1993 the Board issued a second notice opinion and order in this matter. That opinion addressed all public comments filed through November 22, 1993, the last day of the public comment period. However, the opinion did not address an eighth public comment received on November 30, 1993, but mailed on November 22, 1993, from the City of Chicago Department of Water. Today's supplemental opinion is intended to address that omission.

The City of Chicago Department of Water suggests that the Board add the following provision to the proposed rule:

The United States Department of Army-Corps of engineers shall give written assurance to the Illinois Pollution Control Board that disposing of the sediment generated during maintenance dredging operations on the Illinois Waterway/River will not create an increase in toxicity because of uncovered chemical compounds or in taste and odor problems for the inhabitants of the immediate area. (PC #8 at 1.)

The Board is unclear as to the intent or consequences of the suggested addition of language relating to "uncovered chemical compounds". The record does not address this subject nor indicate what association uncovered chemical compounds have with the bankline disposal process at issue.

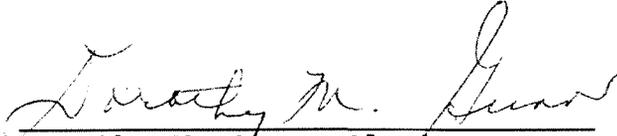
Prohibitions against causing toxic conditions and unnatural odors are already present in several provisions of the Board's pollution control regulations. The proposed site-specific rule would apply only to the limited situations outlined in the proposed rule, and would not operate as a shield against enforcement for violations pertaining to toxic conditions, odors, and other circumstances already prohibited by statute or by the Board's rules. It is accordingly not apparent that addition of

the suggested language would provide for anything not already required by existing law.

Based on these considerations, the Board must decline to accept addition of the suggested language.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above supplemental opinion was adopted on the 16th day of December, 1993 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board