



Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

Joel Brunsvold, Director

RECEIVED
CLERK'S OFFICE

JAN 10 2005

STATE OF ILLINOIS
Pollution Control Board

DC#13

January 5, 2005

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601

Re: Proposed New and Updated Rules for Measurement and Numerical Sound Emission
Standards/Amendments to 35 Ill. Adm. Code 901 and 910/Docket R03-9
Final Comments

Dear Ms. Gunn:

The following comments are submitted by the Illinois Department of Natural Resources, Office of Mines and Minerals, Mine Safety and Training Division in reference to the above referenced amendments.

Blasting operations at all surface aggregate and coal mines are regulated by the Illinois Department of Natural Resources (IDNR). IDNR's comprehensive blasting regulations help prevent personal injury and property damage through the use of the conservative limits of one inch per second ground vibration and 133dB maximum air over pressure. These limits are commonly accepted industry and regulatory standards. The IDNR determines regulatory compliance by routinely inspecting and monitoring blasting at all of the state's 172 active aggregate and coal blasting sites. IDNR's blasting regulations are administered by a staff of 13 people with over 100 years of combined explosives related experience. Field inspectors trained in the technical elements of seismology regularly monitor blasting induced ground vibration and air over pressure with state of the art seismographs that measure air over pressure with a low frequency response of 2.0 Hertz. The Department currently maintains an inventory of 30 such seismographs.

The IDNR respectfully requests that Illinois Pollution Control Board's rules takes into consideration the Illinois aggregate and coal industry established regulatory programs and recognize the importance of avoiding duplicity between State agencies. In addition, the IDNR submits that air over pressure limits implemented be consistent with the commonly accepted industry standards, as well as the established and effective regulatory limits of 133dB with a 2.0 Hertz microphone.

The IDNR appreciates the opportunity to comment on these proposed rules and offers our expertise for future discussions on this and related issues.

Sincerely,

Michael L. Woods, Director
Mine Safety and Training Division

cc: N.Banach
R.Breckenridge
M.Falter
J.Hafliger

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
CLEAN-UP PART III)	R04-20
AMENDMENTS TO 35 ILL.)	(Rulemaking - Air)
ADM. CODE PARTS 211, 218 AND 219)	

MOTION FOR LEAVE TO FILE
POST-HEARING COMMENTS

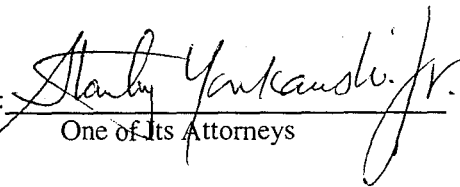
Now Comes the Illinois Department of Natural resources and moves for leave of the Illinois Pollution Control Board to file instanter the attached Post-Hearing Comments in R04-20, a rulemaking to amend portions for Parts 211, 218, and 219 of Title 35 of the Illinois Administrative Code.

In support of its motion the IDNR states as follows:

1. That IDNR has significant interest in the subject of the regulatory proposal under consecration in that it has responsibility under Illinois law to regulate certain blasting activities within the state.
2. That the proposed regulation has a direct impact on IDNR operations and that the comments submitted are germane to the Board proceedings as well as to IDNR operations. IDNR regulates blasting activities in some industries and has adopted regulations that conflict with those proposed for adoption by the Board.
3. That these comments are presented for consideration now, after the December 27, 2004 comment deadline because IDNR only lately determined the scope and breadth of the regulatory proposal.
4. That the delay in filing is the by product of staff illness resulting in the Department's failure to meet the deadline.
5. That IDNR managers contacted representatives of the IDNR regulated community regarding the submission of comments and the interests of these regulated industries will not be prejudiced by the Board's granting of this motion.

Therefore, the Illinois Department of Natural Resources respectfully requests the Illinois Pollution Control Board grant this motion to file and accept the enclosed comments.

Respectfully submitted,
ILLINOIS DEPARTMENT OF
NATURAL RESOURCES,

By: 
One of Its Attorneys

January 6, 2005

Stanley Yonkauski, Jr.
Legal Counsel
Illinois Department of Natural Resources
524 South Second Street, LTP
Springfield, Illinois 62701-1787
(217) 782-1809

CERTIFICATE OF SERVICE

I, Stanley Yonkauskki, Jr., the undersigned, certify that I have served a copy of the attached MOTION TO FILE INSTANTER AND COMMENTS OF THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES upon:

Ms. Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Ms. Marie E. Tipsord
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph
Suite 11-500
Chicago, IL 60601

Mr. Howard O. Chinn
Environmental Engineer
Office of the Attorney General
188 West Randolph, 20th Floor
Chicago, IL 60601

Mr. Robert C. Wells
Wells Environmental Systems
2061 Gladstone
Wheaton, IL 60187

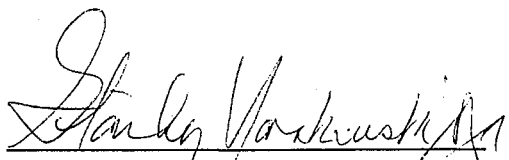
Kyle Rominger, Esq.
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

Thomas G. Safley
Hodge Dwyer Zeman
3150 Roland St.
Suite 11-500
Chicago, IL 60601

Robert A Messina, General Counsel
Illinois Pollution Control Board
100 W. Randolph St.
Suite 11-500
Chicago, IL 60601

by depositing copies of said documents in the United States Mail in Springfield, Illinois

on January 6, 2005.


Stanley Yonkauskki, Jr.