

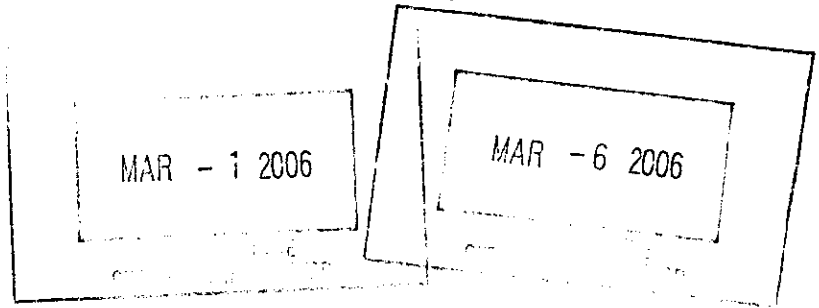
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STATE OF ILLINOIS
Pollution Control Board

February 27, 2006

Mr. Doug Scott
Director
Illinois Environment Protection Agency
4302 N. Main, Floor 1
Rockford, Illinois 61103




PC3


Dear Director Scott:

In October 2005, the Illinois Society of Professional Engineers and the American Council of Engineering Companies-Illinois sent a letter outlining our concerns with Proposed Clean Construction or Demolition Debris (CCDD) Regulations (IPC Case Number R2006-019). A copy of the October 15, 2005 letter is attached.

It has come to our attention that this letter was not forwarded on to the Illinois Pollution Control Board, and has not become part of the record for this case. We respectfully resubmit this statement of ISPE and ACEC's position on the rulemaking. We have also attached the pertinent section of the draft rules dated 8/29/05 that supports our position that professional engineers should be included in the physical or operational design of CCDD filling facilities, as well as having a role in certifying the closure of a permitted CCDD facility.

Respectfully,


Kim Robinson
Executive Director
Illinois Society of Professional Engineers


David Kennedy
Executive Director
American Council of Engineering
Companies of Illinois

cc: G. Tanner Girard, Acting Chair, Illinois Pollution Control Board

October 15, 2005

Mr. Doug Scott, Director
Environmental Protection Agency
1021 N. Grand Avenue, East
Springfield, IL 62794

Re: Proposed Clean Construction or Demolition Debris (CCDD) Regulations
Illinois Administrative Code, Title 35, Subtitle J, Part 1100

Dear Director Scott:


The Illinois Environmental Protection Agency (IEPA) is currently planning to submit the above referenced proposed regulations to the Illinois Pollution Control Board (Board) for consideration and adoption. As representatives of Illinois Society of Professional Engineers and the American Council of Engineering Companies of Illinois, we wish to express our concern that, as currently written, these regulations violate the Illinois Professional Engineering Practice Act of 1989 (225 ILCS 325/).

Specifically, these regulations do not require the involvement of an Illinois licensed professional engineer (PE) in the physical or operational design of CCDD filling facilities as would be evidenced by a requirement for their signature and seal on permit applications. This is inconsistent with the requirements of other IEPA, Bureau of Land, Division of Land Pollution Control, permit programs/applications and we believe with the Illinois Professional Engineering Practice Act of 1989 (Act).

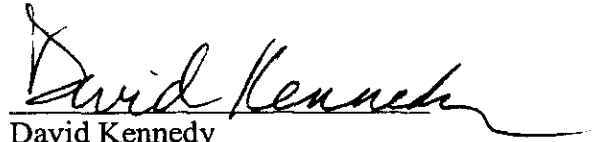
Section 4(o) of the Act defines "Professional engineering practice" and cites numerous examples of same so the intended scope of the Act can be fully recognized. Just two of these cited examples are "**environmental design**" and "**recognition, measurement, evaluation and control of environmental systems and emissions**". It is inconceivable how an environmental regulatory permit system can exist without requiring one or both of these activities.

The regulations as currently drafted do require PE certification of a permitted CCDD facility's closure. However, it is our position that its design and permit application preparation should also be performed by or under the supervision of an Illinois PE for full compliance with the Illinois Professional Engineering Practice Act. Accordingly, we request the inclusion of such a provision in the CCDD regulations that are ultimately promulgated by the Board.

Respectfully submitted,



Kim Robinson
Executive Director
Illinois Society of Professional Engineers



David Kennedy
Executive Director
American Council of Engineering
Companies of Illinois

Cc: Kyle Rominger
Scott Phillips

Section 1100.301 Scope and Applicability

All persons seeking a permit for a CCDD fill operation must submit to the Agency an application for the permit in accordance with the Act and this Part.

Section 1100.302 Notification

The applicant must provide notification of the request for a permit to the State's Attorney and the Chairman of the County Board of the county in which the facility is located, each member of the General Assembly from legislative districts in which that facility is located, and the clerk of each municipality located within three miles of the facility. Proof of providing the notifications required under this Section must be included in the permit application.

Section 1100.304 Required Signatures

- a) All permit applications must contain the name, address, and telephone number of the owner and operator, and any duly authorized agents of the owner or operator to whom inquiries and correspondence should be addressed.
- b) All permit applications must be signed by the owner and operator, or by their duly authorized agents with an accompanying oath or affidavit attesting to the agent's authority to sign the application on behalf of the owner or operator. All signatures must be notarized. The following persons are considered duly authorized agents of the owner and operator:
 - 1) For corporations, a principal executive officer of at least the level of vice president;
 - 2) For a sole proprietorship, the sole proprietor;
 - 3) For a partnership, a general partner; and
 - 4) For a municipality, state, federal or other public agency, by the head of the agency or a ranking elected official.

Section 1100.305 Certification by Professional Engineer

All technical submissions must be prepared by, or under the supervision of, a professional engineer. The professional engineer must affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the information and technical submissions, and a professional seal to all technical submissions.