

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Clean Construction or Demolition Debris Fill Operations

2) Code Citation: 35 Ill. Admin. Code 1100

3) Section Numbers: Proposed Action:

1100.101	Amended
1100.103	Amended
1100.104	Amended
1100.201	Amended
1100.203	Amended
1100.204	Amended
1100.205	Amended
1100.206	Amended
1100.207	Amended
1100.208	Amended
1100.209	Amended
1100.211	Amended
1100.212	New
1100.304	Amended
1100.306	Amended
1100.307	Amended
1100.309	Amended
1100.412	Amended
1100.500	New
1100.505	New
1100.510	New
1100.515	New
1100.520	New
1100.525	New
1100.530	New
1100.600	New
1100.605	New
1100.610	New
1100.615	New

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FEB 28 2012

STATE OF ILLINOIS  
Pollution Control Board

4) Statutory Authority: 415 ILCS 5/10, 22.51, 22.51a, 27, and 28

5) A Complete Description of the Subjects and Issues Involved: On July 29, 2011, the Illinois Environmental Protection Agency (IEPA) filed a proposal pursuant to Sections 22.51 and 22.51a of the Environmental Protection Act (Act) (415 ILCS 5/22.51 and

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22.51a (2010)) with the Board. The proposal will amend the Board's rules for Clean Construction or Demolition Debris Fill Operations to allow for use of uncontaminated clean construction or demolition debris (CCDD) and uncontaminated soil to be used as fill at quarries, mines and other excavations. The Board held two hearings and proceeds to first notice with a rule that sets standards for levels of constituents in uncontaminated soil, requires certifications for soil and detailed registration for soil fill sites.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Soil Survey Staff Natural Resources Conservation Service, United States Department of Agriculture. U.S. General Soil Map (STATSGO2). Available online at <http://soildatamart.nrcs.usda.gov>.

United States Environmental Protection Agency: Hazardous Waste Test Methods: TCLP Questions, "Total Constituent Analysis Instead of TCLP Analysis". Available online at [http://www.epa.gov/osw/hazard/testmethods/fag/fag\\_tclp.htm](http://www.epa.gov/osw/hazard/testmethods/fag/fag_tclp.htm).

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should refer to Docket R12-09 and be addressed to:

John Therriault  
Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses which either accept CCDD or uncontaminated soil or businesses which seek to remove CCDD or uncontaminated soil from a site and place CCDD or uncontaminated soil in a CCDD or uncontaminated soil fill operation.
- B) Reporting, bookkeeping or other procedures required for compliance: Owners of uncontaminated soil fill operations will be required to provide information to the Illinois Environmental Protection Agency such as site maps, description of the facility, and a closure plan.
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda in which these amendments were summarized: January 2012
- 15) Do these amendments require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

The full text of the Proposed Amendments begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4

5 PART 1100  
6 CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS  
7 AND UNCONTAMINATED SOIL FILL OPERATIONS  
8

9 SUBPART A: GENERAL  
10

11	Section	
12	1100.101	Scope and Applicability
13	1100.102	Severability
14	1100.103	Definitions
15	1100.104	Incorporations by Reference

16  
17 SUBPART B: OPERATING STANDARDS FOR CCDD FILL OPERATIONS  
18

19	Section	
20	1100.201	Prohibitions
21	1100.202	Surface Water Drainage
22	1100.203	Annual Facility Map
23	1100.204	Operating Standards
24	1100.205	<u>Certifications and Load Checking</u>
25	1100.206	Salvaging
26	1100.207	Boundary Control
27	1100.208	Closure
28	1100.209	Postclosure Maintenance
29	1100.210	Recordkeeping Requirements
30	1100.211	Annual Reports
31	<u>1100.212</u>	<u>Use of Painted CCDD as Fill Material</u>

32  
33 SUBPART C: PERMIT APPLICATION INFORMATION FOR CCDD FILL OPERATIONS  
34

35	Section	
36	1100.301	Scope and Applicability
37	1100.302	Notification
38	1100.303	Required Signatures
39	1100.304	Site Location Map
40	1100.305	Facility Plan Maps
41	1100.306	Narrative Description of the Facility
42	1100.307	Proof of Property Ownership and Certifications
43	1100.308	Surface Water Control

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- 44 1100.309 Closure Plan
- 45 1100.310 Postclosure Maintenance Plan

46  
47 SUBPART D: PROCEDURAL REQUIREMENTS  
48 FOR PERMITTING CCDD FILL OPERATIONS  
49

- 50 Section
- 51 1100.401 Purpose of Subpart
- 52 1100.402 Delivery of Permit Application
- 53 1100.403 Agency Decision Deadlines
- 54 1100.404 Standards for Issuance of a Permit
- 55 1100.405 Standards for Denial of a Permit
- 56 1100.406 Permit Appeals
- 57 1100.407 Permit No Defense
- 58 1100.408 Term of Permit
- 59 1100.409 Transfer of Permits
- 60 1100.410 Procedures for the Modification of Permits
- 61 1100.411 Procedures for the Renewal of Permits
- 62 1100.412 Procedures for Closure and Postclosure Maintenance

63  
64 SUBPART E: UNCONTAMINATED SOIL FILL OPERATIONS  
65

- 66 Section
- 67 1100.500 Prohibitions
- 68 1100.505 Operating Standards
- 69 1100.510 Recordkeeping Requirements
- 70 1100.515 Registration
- 71 1100.520 Required Signatures
- 72 1100.525 Procedures for Closure
- 73 1100.530 Termination of Postclosure Maintenance

74  
75 SUBPART F: STANDARDS FOR UNCONTAMINATED SOIL USED AS  
76 FILL MATERIAL AT FILL OPERATIONS REGULATED BY THIS PART  
77

- 78 Section
- 79 1100.600 Purpose and Applicability
- 80 1100.605 Maximum Allowable Concentrations for Chemical Constituents in  
81 Uncontaminated Soils
- 82 1100.610 Compliance Evaluation; Performance and Documentation of Soil Sampling and  
83 Chemical Analysis
- 84 1100.615 Waste and Materials Other Than Chemical Constituents in Soils  
85

86 AUTHORITY: Implementing Sections 5, 3.160, 22.51, and 22.51a and authorized by Sections  
87 3.160, 22.51, 22.51a, and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, 22.51a,  
88 and 27].

89  
90 SOURCE: Adopted in R06-19 at 30 Ill. Reg.14534, effective August 24, 2006; amended in R12-  
91 9 at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

92  
93 SUBPART A: GENERAL

94  
95 **Section 1100.101 Scope and Applicability**

96  
97 a) This Part applies to all clean construction or demolition debris (CCDD) fill  
98 operations that are required to be permitted pursuant to Section 22.51 of the Act,  
99 other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code 807 or  
100 811 through 814, and to all uncontaminated soil fill operations that are required to  
101 be registered pursuant to Section 22.51a of the Act.

102  
103 b) This Part does not apply to:

- 104  
105 1) CCDD or uncontaminated soil that is not other than CCDD used as fill  
106 material in a current or former quarry, mine, or other excavation;
- 107  
108 2) The use of CCDD or uncontaminated soil as fill material in a current or  
109 former quarry, mine, or other excavation located on the site where the  
110 CCDD or uncontaminated soil was generated~~*The use of CCDD as fill*~~  
111 ~~*material in a current or former quarry, mine, or other excavation located*~~  
112 ~~*on the site where the CCDD was generated*~~ [415 ILCS 5/22.51(b)(4)(A)];
- 113  
114 3) The use of CCDD or uncontaminated soil as fill material in an excavation  
115 other than a current or former quarry or mine if the use complies with  
116 Illinois Department of Transportation specifications~~*The use of CCDD as*~~  
117 ~~*fill material in an excavation other than a current or former quarry or*~~  
118 ~~*mine if the use complies with Illinois Department of Transportation*~~  
119 ~~*specifications*~~ [415 ILCS 5/22.51(b)(4)(B)];

120  
121 BOARD NOTE: The Illinois Department of Transportation (IDOT)  
122 specifications applicable to the use of CCDD or uncontaminated soil as fill  
123 can be found at Articles 107.22 and 202.03 of IDOT's "Standard  
124 Specifications for Road and Bridge Construction." According to IDOT  
125 specifications, this exemption applies to IDOT, a county, a municipality,  
126 or a township.  
127

- 128 4) Current or former quarries, mines, and other excavations that do not use  
 129 CCDD or uncontaminated soil as fill material~~Current or former quarries,~~  
 130 ~~mines, and other excavations that do not use clean construction or~~  
 131 ~~demolition debris as fill material~~ [415 ILCS 5/22.51(b)(4)(C)];  
 132
- 133 5) The use of the following types of material as fill material:  
 134  
 135 A) CCDD or soil that is considered "waste" under the Act or rules  
 136 adopted pursuant to the Act; or  
 137  
 138 B) Any material other than CCDD or uncontaminated soil, including,  
 139 but not limited to, material generated on site as part of a mining  
 140 process; and  
 141
- 142 6) The portions of a site not used for a CCDD fill operation or an  
 143 uncontaminated soil fill operation.  
 144

145 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
146

147 **Section 1100.103 Definitions**  
148

149 Except as stated in this Section, or unless a different meaning of a word or term is clear from the  
150 context, the definition of words or terms in this Part will be the same as that applied to the same  
151 words or terms in the Environmental Protection Act [415 ILCS 5]:  
152

153 "10-year, 24-hour precipitation event" means a precipitation event of 24-hour  
154 duration with a probable recurrence interval of once in 10 years.  
155

156 "100-year, 24-hour precipitation event" means a precipitation event of 24-hour  
157 duration with a probable recurrence interval of once in 100 years.  
158

159 "Acceptable Detection Limit" or "ADL" means the detectable concentration of a  
160 substance that is equal to the lowest appropriate Practical Quantitation Limit  
161 (PQL) as defined in this Section.  
162

163 "Act" means the Environmental Protection Act [415 ILCS 5].  
164

165 "*Agency*" is the *Illinois Environmental Protection Agency established by the Act.*  
166 [415 ILCS 5/3.105]  
167

168 "Applicant" means the person submitting an application to the Agency for a  
169 permit for a CCDD fill operation.  
170

171 "Aquifer" means saturated (with groundwater) soils and geologic materials which  
172 are sufficiently permeable to readily yield economically useful quantities of water  
173 to wells, springs, or streams under ordinary hydraulic gradients and whose  
174 boundaries can be identified and mapped from hydrogeologic data. (Section 3 of  
175 the Illinois Groundwater Protection Act [415 ILCS 55/3])

176  
177 *"Board" is the Pollution Control Board established by the Act. [415 ILCS*  
178 *5/3.105]*

179  
180 "CCDD" means clean construction or demolition debris.

181  
182 *"CCDD fill operation" means a current or former quarry, mine, or other*  
183 *excavation where clean construction or demolition debris is used as fill material.*  
184 *[415 ILCS 5/22.51(e)(3)]the use of CCDD as fill material in a current or former*  
185 *quarry, mine, or other excavation. For purposes of this Part, the term "other*  
186 *excavation" does not include holes, trenches, or similar earth removal created as*  
187 *part of normal construction, removal, or maintenance of a structure, utility, or*  
188 *transportation infrastructure.*

189  
190 *"Clean construction or demolition debris" means uncontaminated broken*  
191 *concrete without protruding metal bars, bricks, rock, stone, reclaimed or other*  
192 *asphalt pavement, or soil generated from construction or demolition activities.*  
193 *For purposes of this Part, CCDD may include uncontaminated broken concrete*  
194 *without protruding metal bars, bricks, rock, stone, or reclaimed or other asphalt*  
195 *pavement that has been painted (painted CCDD) if the painted CCDD is used as*  
196 *fill material at a CCDD fill operation in accordance with Section 1100. 212.*  
197 *Clean construction or demolition debris does not include uncontaminated soil*  
198 *generated during construction, remodeling, repair, and demolition of utilities,*  
199 *structures, and roads provided the uncontaminated soil is not commingled with*  
200 *any clean construction or demolition debris or other waste. For purposes of this*  
201 *Part, uncontaminated soil may include incidental amounts of stone, clay, rock,*  
202 *sand, gravel, roots, and other vegetation. [415 ILCS 5/3.160(b)]To the extent*  
203 *allowed by federal law, clean construction or demolition debris shall not be*  
204 *considered "waste" if it is used as fill material outside of a setback zone if the fill*  
205 *is placed no higher than the highest point of elevation existing prior to the filling*  
206 *immediately adjacent to the fill area, and if covered by sufficient uncontaminated*  
207 *soil to support vegetation within 30 days of the completion of filling or if covered*  
208 *by a road or structure; or separated or processed and returned to the economic*  
209 *mainstream in the form of raw materials or products, if it is not speculatively*  
210 *accumulated and, if used as a fill material, it is used in accordance with the first*  
211 *indented paragraph immediately above within 30 days of its generation; or solely*  
212 *broken concrete without protruding metal bars used for erosion control;*  
213 *or generated from the construction or demolition of a building, road, or other*



214 ~~structure and used to construct, on the site where the construction or demolition~~  
215 ~~has taken place, a manmade functional structure not to exceed 20 feet above the~~  
216 ~~highest point of elevation of the property immediately adjacent to the new~~  
217 ~~manmade functional structure as that elevation existed prior to the creation of~~  
218 ~~that new structure, provided that the structure shall be covered with sufficient soil~~  
219 ~~materials to sustain vegetation or by a road or structure, and further provided~~  
220 ~~that no such structure shall be constructed within a home rule municipality with a~~  
221 ~~population over 500,000 without the consent of the municipality. [415 ILCS~~  
222 ~~5/3.160(b)]~~

223  
224 "Documentation" means items, in any tangible form, whether directly legible or  
225 legible with the aid of any machine or device, including but not limited to  
226 affidavits, certificates, deeds, leases, contracts or other binding agreements,  
227 licenses, permits, photographs, audio or video recordings, maps, geographic  
228 surveys, chemical and mathematical formulas or equations, mathematical and  
229 statistical calculations and assumptions, research papers, technical reports,  
230 technical designs and design drawings, stocks, bonds, and financial records, that  
231 are used to support facts or hypotheses.

232  
233 "Facility" means the areas of a site and all equipment and fixtures on a site used  
234 for a CCDD fill operation or uncontaminated soil fill operation. A facility  
235 consists of an entire ~~CCDD~~-fill operation. All structures used in connection with  
236 or to facilitate the ~~CCDD~~-fill operation will be considered a part of the facility.

237  
238 "Filled area" means areas within a unit where CCDD or uncontaminated soil has  
239 been placed as fill material.

240  
241 "Fill operation" means a CCDD fill operation or an uncontaminated soil fill  
242 operation, as the context requires.

243  
244 ~~"Malodor" means an odor caused by one or more contaminant emissions into the~~  
245 ~~atmosphere from a facility that is in sufficient quantities and of such~~  
246 ~~characteristics and duration as to be described as malodorous and which may be~~  
247 ~~injurious to human, plant, or animal life, to health, or to property, or may~~  
248 ~~unreasonably interfere with the enjoyment of life or property. [415 ILCS 5/3.115]~~

249  
250 "Mine" means an excavation created for the purpose of extracting ore or minerals,  
251 including, but not limited to, coal.

252  
253 "National Pollutant Discharge Elimination System" or "NPDES" means the  
254 program for issuing, modifying, revoking and reissuing, terminating, monitoring,  
255 and enforcing permits and imposing and enforcing pretreatment requirements

256 under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act,  
257 Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

258  
259 "NPDES permit" means a permit issued under the NPDES program.

260  
261 "*Operator*" means a person responsible for the operation and maintenance of a  
262 *CCDD-fill operation*. [415 ILCS 5/22.51(e)(1)]

263  
264 "Other excavation" means a pit other than a quarry or mine created primarily for  
265 the purpose of extracting resources, including, but not limited to, clay or other soil  
266 and does not include holes, trenches, or similar earth removal created as part of  
267 normal construction, removal, or maintenance of a structure, utility, or  
268 transportation infrastructure.

269  
270 "*Owner*" means a person who has any direct or indirect interest in a *CCDD-fill*  
271 *operation* or in land on which a person operates and maintains a *CCDD-fill*  
272 *operation*. A "direct or indirect interest" does not include the ownership of  
273 publicly traded stock. The "owner" is the "operator" if there is no other person  
274 who is operating and maintaining a *CCDD-fill operation*. [415 ILCS  
275 5/22.51(e)(2)]

276  
277 "*Person*" is any individual, partnership, co-partnership, firm, company,  
278 corporation, association, joint stock company, trust, estate, political subdivision,  
279 State agency, or any other legal entity, or their legal representative, agent or  
280 assigns. [415 ILCS 5/3.115]

281  
282 "Potentially impacted property" means property on which a historical or current  
283 use, or contaminant migration from a proximate site, increases the presence or  
284 potential presence of contamination at the source site.

285  
286 "Potentially impacted property" is intended to identify soil that is more likely to  
287 be contaminated and in need of professional evaluation and certification before  
288 placement in a fill site. The following should be considered when determining  
289 whether property is "potentially impacted property": the current use of the  
290 property, prior uses of the property, and the uses of adjoining property. For  
291 example, for transportation rights of way or utility easements, the current use of  
292 the property as a right of way or easement, the uses of the property prior to its use  
293 as a right of way or easement, and the uses of adjoining property should be  
294 considered. Source site owners are encouraged to coordinate with the receiving  
295 facility on soil certifications.

296  
297 "Practical Quantitation Limit" or "PQL" means the lowest concentration that can  
298 be reliably measured within specified limits of precision and accuracy for a

299 specific laboratory analytical method during routine laboratory operating  
300 conditions in accordance with "Test Methods for Evaluating Solid Wastes,  
301 Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by  
302 reference in Section 1100.104 of this Part.  
303

304 "Professional engineer" or "PE" means a person who has registered and obtained  
305 a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS  
306 325].

307  
308 "Professional Geologist" or "PG" means a person licensed to practice as a  
309 professional geologist pursuant to the Professional Geologist Licensing Act [225  
310 ILCS 745].  
311

312 "Quarry" means an open surface excavation or pit created for the purpose of  
313 extracting stone, rock, sand and gravel.  
314

315 "Runoff" means water resulting from precipitation that flows overland before it  
316 enters a defined stream channel, any portion of such overland flow that infiltrates  
317 into the ground before it reaches the stream channel, and any precipitation that  
318 falls directly into a stream channel.  
319

320 "Salvaging" means the return of CCDD to use other than use as fill at a CCDD fill  
321 operation.  
322

323 *"Setback zone" means a geographic area, designated pursuant to the Act,*  
324 *containing a potable water supply well or a potential source or potential route,*  
325 *having a continuous boundary, and within which certain prohibitions or*  
326 *regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]*  
327

328 "Site of origin" means the site where the CCDD or uncontaminated soil was  
329 generated from construction or demolition activities.  
330

331 "Source site operator" means a person responsible for the operation of the site of  
332 origin of the CCDD or uncontaminated soil.  
333

334 "Source site owner" means a person having an ownership interest in the site of  
335 origin of the CCDD or uncontaminated soil.  
336

337 "Uncontaminated soil" means soil generated during construction, remodeling,  
338 repair or demolition of utilities, structures and roads that does not contain  
339 contaminants in concentrations that pose a threat to human health and safety and  
340 the environment. [415 ILCS 5/3.160(c)] Subpart F of this Part establishes  
341 standards for soil that is considered uncontaminated for purposes of this Part.

342  
343 "Uncontaminated soil fill operation" means a current or former quarry, mine, or  
344 other excavation where uncontaminated soil is used as fill material but does not  
345 include a clean construction or demolition debris fill operation. [415 ILCS  
346 5/22.51a(a)(2)].

347  
348 "Unit" means a contiguous area within a facility where CCDD or uncontaminated  
349 soil is placed that is permitted for the placement of CCDD as fill material.

350  
351 "Working face" means any part of a unit where CCDD or uncontaminated soil is  
352 being placed as fill.

353  
354 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

355  
356 **Section 1100.104 Incorporations by Reference**

357  
358 a) The Board incorporates the following material by reference:

359  
360 ASTM. American Society for Testing and Materials, 100 Barr Harbor  
361 Drive, West Conshohocken, PA 19428-2959. (610) 832-9585

362  
363 ASTM E 1527-05 Standard Practice for Environmental Site  
364 Assessments: Phase I Environmental Site Assessment Process,  
365 approved November 1, 2005.

366  
367 ASTM E 1528-06 Standard Practice for Limited Environmental  
368 Due Diligence: Transaction Screen Process, approved February 1,  
369 2006.

370  
371 "Human Health Toxicity Values in Superfund Risk Assessments (2003)".  
372 U.S. Environmental Protection Agency, Office of Solid Waste and  
373 Emergency Response, Washington, DC, OSWER Directive 9285.7-53,  
374 2003. (Available online at [http://www.epa.gov/oswer/riskassessment/pdf/](http://www.epa.gov/oswer/riskassessment/pdf/hhmemo.pdf)  
375 hhmemo.pdf.)

376  
377 IRIS. Integrated Risk Information System, National Center for  
378 Environmental Assessment, United States Environmental Protection  
379 Agency, 26 West Martin Luther King Drive, MS-190, Cincinnati, OH  
380 45268. (513) 569-7254.

381  
382 "Reference Dose (RfD): Description and Use in Health Risk  
383 Assessments", Background Document IA (March 15, 1993).  
384

385 "Guidelines for Carcinogen Risk Assessment (2005)". U.S.  
386 Environmental Protection Agency, Washington, DC, EPA  
387 Publication No. EPA/630/P-03/001F, 2005. (Available online at  
388 http://www.epa.gov/ttn/atw/cancer\_guidelines\_final\_3-25-05.pdf.)

389  
390 NTIS. National Technical Information Service, 5285 Port Royal Road,  
391 Springfield, VA 22161, (800) 553-6847U.S. Government Printing Office,  
392 Washington, D.C. 20402, Ph: 202-783-3238:

393  
394 Test Methods for Evaluating Solid Waste, Physical/Chemical  
395 methods, EPA Publication SW-846 (Third Edition, 1986 as  
396 amended by Updates I, II, IIA, IIB, III, IIIA, ~~and~~ IIIB, IVA and  
397 IVB).

398  
399 b) This incorporation includes no later amendments or editions.

400 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

401  
402  
403 **SUBPART B: OPERATING STANDARDS FOR CCDD FILL OPERATIONS**

404  
405 **Section 1100.201 Prohibitions**

406  
407 a) No person shall conduct any CCDD fill operation in violation of the Act or any  
408 regulations or standards adopted by the Board. [415 ILCS 5/22.51(a)].

409  
410 b) CCDD fill operations must not accept waste for use as fill.

411  
412 c) CCDD fill operations must not be located inside a setback zone of a potable water  
413 supply well. (See Section 3.160(b)(i) of the Act.)

414  
415 d) No person shall use soil other than uncontaminated soil as fill material at a  
416 CCDD fill operation. [415 ILCS 5/22.51(g)(1)]

417  
418 e) No person shall use construction or demolition debris other than CCDD as fill  
419 material at a CCDD fill operation. [415 ILCS 5/22.51(g)(2)]

420  
421 f) Except as provided in Section 1100.212 of this Part, no person shall use painted  
422 clean construction or demolition debris (painted CCDD) as fill material at a  
423 CCDD fill operation.

424  
425 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

426  
427 **Section 1100.203 Annual Facility Map**

428  
429 The owner or operator must submit an annual facility map with the annual report required under  
430 Section 1100.211 to the Agency each calendar year by the date specified in the Agency permit.  
431 The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent  
432 of filled areas as of the date of the map, and show the same information as required for facility  
433 plan maps under Sections 1100.305(a) through (d) ~~of this Part~~.

434  
435 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
436

437 **Section 1100.204 Operating Standards**  
438

- 439 a) Placement of Fill Material  
440 Fill material must be placed in a safe manner that protects human health and the  
441 environment in conformance with the provisions of the Act and the regulations  
442 adopted under the Act.  
443
- 444 b) Size and Slope of Working Face  
445 The working face of the fill operation must be no larger than is necessary, based  
446 on the terrain and equipment used in material placement, to conduct operations in  
447 a safe and efficient manner in conformance with the provisions of the Act and the  
448 regulations adopted under the Act.  
449
- 450 c) Equipment  
451 Equipment must be maintained and available for use at the facility during all  
452 hours of operation, so as to achieve and maintain compliance with the  
453 requirements of this Part.  
454
- 455 d) Utilities  
456 All utilities, including but not limited to heat, lights, power, and communications  
457 equipment, necessary for safe operation in compliance with the requirements of  
458 this Part must be available at the facility at all times.  
459
- 460 e) Maintenance  
461 The owner or operator must maintain and operate all systems and related  
462 appurtenances and structures in a manner that facilitates proper operations in  
463 compliance with this Part.  
464
- 465 f) Dust Control  
466 The owner or operator must implement methods for controlling dust so as to  
467 minimize off-site wind dispersal of particulate matter.  
468
- 469 g) Noise Control

470 The facility must be designed, constructed, and maintained to minimize the level  
471 of equipment noise audible outside the site. The facility must not cause or  
472 contribute to a violation of the Board's noise regulations or Section 24 of the Act.  
473

474 h) Fill Elevation  
475 The owner or operator must not place CCDD used as fill *higher than the highest*  
476 *point of elevation existing prior to the filling immediately adjacent to the fill area.*  
477 [415 ILCS 5/3.160(b)]  
478

479 BOARD NOTE: This does not prohibit non-CCDD materials, such as  
480 uncontaminated soil and other non-waste material, from being placed above grade  
481 in accordance with the Act and regulations adopted thereunder to increase  
482 elevations at the fill site.  
483

484 i) Mud Tracking  
485 The owner or operator must implement methods to minimize tracking of mud by  
486 hauling vehicles onto public roadways.  
487

488 j) Odor and Nuisance  
489 The fill operation must not cause foul odors or other nuisance.  
490

491 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
492

493 **Section 1100.205 Certifications and Load Checking**  
494

495 a) The owner or operator must do all of the following activities and document all the  
496 activities for all CCDD and uncontaminated soil accepted for use as fill material:  
497

498 1) For all soil, including soil mixed with CCDD, obtain:  
499

500 A) a certification from the source site owner or source site operator  
501 that the site is not a potentially impacted property, as determined in  
502 accordance with ASTM E 1528-06 Standard Practice for Limited  
503 Environmental Due Diligence: Transaction Screen Process,  
504 incorporated by reference at Section 1100.104 and is presumed to  
505 be uncontaminated soil. If soil is consolidated from more than one  
506 source site, a certification must be obtained from each source site  
507 owner or source site operator; or  
508

509 B) a certification from a PE or PG that the soil is uncontaminated soil  
510 based on a site evaluation conducted in accordance with ASTM E  
511 1527-05 Standard Practice for Environmental Site assessments;  
512 Phase I Environmental Site Assessment Process, incorporated by

513 reference at Section 1100.104. A certification under this  
514 subsection (a)(1)(B) must include analytical soil testing results to  
515 show that soil chemical constituents comply with the maximum  
516 allowable concentrations established pursuant to Subpart F of this  
517 Part.

518  
519 2) Certifications required under subsections (a)(1)(A) and (a)(1)(B) must be  
520 on forms and in a format prescribed by the Agency and must provide at a  
521 minimum:

522  
523 A) for source site owners or source site operators who certify  
524 under subsection (a)(1)(A), the following language: In  
525 accordance with the Environmental Protection Act [415  
526 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code  
527 1100.205(a), I \_\_\_\_\_ (owner or operator of  
528 source site) certify that this site is not a potentially  
529 impacted property, as determined in accordance with  
530 ASTM E 1528-06 Standard Practice for Limited  
531 Environmental Due Diligence: Transaction Screen Process,  
532 and the soil is presumed to be uncontaminated soil. I also  
533 certify that I am either the site owner or site operator or a  
534 duly authorized representative of the site owner or site  
535 operator and am authorized to sign this form. Furthermore,  
536 I certify that all information submitted, including but not  
537 limited to all attachments and other information, is, to the  
538 best of my knowledge and belief, true, accurate and  
539 complete.

540  
541 B) for PE or PG who certify under subsection (a)(1)(B), the  
542 following language: I \_\_\_\_\_  
543 \_\_\_\_\_ (name of licensed professional engineer or  
544 geologist) certify under penalty of law that the information  
545 submitted, including but not limited to all attachments and  
546 other information, is, to the best of my knowledge and  
547 belief, true, accurate, and complete. In accordance with the  
548 Environmental Protection Act [415 ILCS 5/22.51 or  
549 22.51a] and 35 Ill. Adm. Code 1100.205(a), I certify that  
550 the soil from this site is uncontaminated soil based on a site  
551 evaluation conducted in accordance with ASTM E 1527-05  
552 Standard Practice for Environmental Site Assessments:  
553 Phase I Environmental Site Assessment Process. All  
554 necessary documentation is attached.  
555



- 556 3) Confirm and document that the CCDD or uncontaminated soil was not  
557 removed from a site as part of a cleanup or removal of contaminants,  
558 including, but not limited to, activities conducted under the  
559 Comprehensive Environmental Response, Compensation, and Liability  
560 Act of 1980, as amended, as part of a Closure or Corrective Action under  
561 the Resource Conservation and Recovery Act, as amended, or under an  
562 Agency remediation program, such as the Leaking Underground Storage  
563 Tank Program or Site Remediation Program, but excluding sites subject to  
564 Section 58.16 of the Act when there is no presence or likely presence of a  
565 release or a substantial threat of a release of a regulated substance at, on,  
566 or from the real property.  
567
- 568 4) For all testing conducted to determine that the soil is uncontaminated,  
569 obtain documentation to show that the soil was tested in accordance with  
570 the requirements of Subpart F of this Part.  
571
- 572 5) Obtain documentation on rejected loads.  
573
- 574 A) For loads rejected from the same or another fill operation, the  
575 owner or operator may accept a rejected load if subsections (a)(1)  
576 through (a)(4) are satisfied and the owner or operator also obtains  
577 the following information:  
578
- 579 i) Information identifying the rejected load and the reasons it  
580 was rejected, including, but not limited to, a copy of the  
581 written notice the driver received pursuant to subsection  
582 (b)(4)(A) of this Section when the load was rejected;  
583
- 584 ii) Information demonstrating that the load proposed for  
585 acceptance is the rejected load identified in this subsection  
586 (a)(5);  
587
- 588 iii) Information demonstrating that the reasons for rejection of  
589 the load have been addressed by measures that would  
590 include, but not be limited to, testing and retesting of soils  
591 or removal of nonconforming materials; and  
592
- 593 iv) For all soil, including soil mixed with CCDD, a  
594 certification meeting the requirements of subsection (a)(1)  
595 of this Section that is executed after correction of the  
596 reasons for the load rejection. This subsection (a)(5)(A)(iv)  
597 does not apply if load rejection was due to the detection of  
598 non-CCDD or non-soil material, including, but not limited

599 to, wood, glass, piping, vegetation, plastic, metal, electrical  
600 wiring, or concrete with protruding rebar.

601  
602 B) Except as provided in subsection (a)(5)(A)(iv), the information  
603 required under this subsection (a)(5) must be on forms and in a  
604 format prescribed by the Agency, and must be certified by the  
605 source site owner, the source site operator, a PE or PG. Loads  
606 accepted pursuant to this subsection (a)(5) are subject to all other  
607 requirements of this Part, including, but not limited to, the load  
608 checking program in effect at the receiving fill operation (see  
609 subsection (b)).  
610

611 b) The owner or operator must institute and conduct a load checking program  
612 designed to detect attempts to dispose of waste at the facility. At a minimum, the  
613 load checking program must consist of the following components:  
614

615 1a) Routine Inspections  
616

617 A1) An inspector designated by the facility must inspect every load  
618 before its acceptance at the facility utilizing an elevated structure, a  
619 designated ground level inspection area, or another acceptable  
620 method as specified in the Agency permit. In addition to a visual  
621 inspection, the inspector must use an instrument with a photo  
622 ionization detector utilizing a lamp of 10.6 eV or greater or an  
623 instrument with a flame ionization detector, or other monitoring  
624 devices approved by the Agency, to inspect each load. All  
625 instruments shall be interpreted based on the manufacturer's  
626 margin of error. Any reading in excess of background levels using  
627 any of these instruments must result in the rejection of the  
628 inspected load. In addition, any reading in excess of background  
629 levels on any monitoring device used by the Agency during an  
630 Agency inspection must result in the rejection of the inspected  
631 load.  
632

633 B2) Cameras or other devices may be used to record the visible  
634 contents of shipments. Where such devices are employed, their  
635 use should be designated on a sign posted near the entrance to the  
636 facility.  
637

638 2b) Random Inspections  
639

640 A1) In addition to the inspections required under subsection (b)(1)(a) of  
641 this Section, an inspector designated by the facility must conduct a

642 discharge inspection of at least one randomly selected load  
643 delivered to the facility each day. The driver of the randomly  
644 selected load must be directed to discharge the load at a separate,  
645 designated location within the facility. The inspector must conduct  
646 an inspection of the discharged material that includes, but is not  
647 limited to, additional visual inspection and additional instrument  
648 testing using the instruments required under subsection  
649 ~~(b)(1)(A)(a)(1) of this Section~~. All instruments shall be interpreted  
650 based on the manufacturer's margin of error. Any reading in  
651 excess of background levels using any of these instruments must  
652 result in the rejection of the inspected load. In addition, any  
653 reading in excess of background levels on any monitoring device  
654 used by the Agency during an Agency inspection must result in the  
655 rejection of the inspected load.

656  
657 B2) Cameras or other devices may be used to record the visible  
658 contents of shipments. Where such devices are employed, their  
659 use should be designated on a sign posted near the entrance to the  
660 facility.

661  
662 3e) Documentation of Inspection Results

663 The documentation for each inspection must include, at a minimum, the  
664 following:

665  
666 A1) The date and time of the inspection, the date the CCDD or  
667 uncontaminated soil was received, the weight or volume of the  
668 CCDD or uncontaminated soil, the name of the hauler, the name of  
669 the hauling firm, the vehicle identification number or license plate  
670 number, the source site owner and source site operator, and the  
671 location of the site of origin of the CCDD or uncontaminated  
672 soil~~source of the CCDD~~;

673  
674 B2) The results of the routine inspection required under subsection  
675 (b)(1)(a) of this Section, including, but not limited to, the  
676 monitoring instruments used, whether the load was accepted or  
677 rejected, and for rejected loads the reason for the rejection;

678  
679 C3) The results of any random inspection required under subsection  
680 (b)(2) of this Section, including, but not limited to, the monitoring  
681 instruments used, whether the load was accepted or rejected, and  
682 for rejected loads the reason for the rejection; and

683  
684 D4) The name of the inspector.

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4d) Rejection of Loads

A1) If material other than CCDD or uncontaminated soil is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:

iA) That only CCDD or uncontaminated soil is accepted for use as fill at the facility;

iiB) The reasons for rejections of the load, thatThat the rejected load contains or is suspected to contain material other than CCDD, and that the material must not be taken to another CCDD-fill operation, except as provided in subsection (b)(4)(A)(iv), or the material and must be properly recycled or disposed of at a permitted landfill;

iiiC) That, for all inspected loads, the owner or operator is required to record and make available for Agency inspection, at a minimum, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the fill; and source of the fill and is required to make this information available to the Agency for inspection.

iv) That a load rejected from a fill operation may be accepted by the same fill operation or another fill operation if the requirements of subsection (a)(5) are satisfied.

B2) The owner or operator must ensure the cleanup, transportation, and proper disposal of any material other than CCDD or uncontaminated soil that remains at the facility after the rejection of a load.

5e) The owner or operator must take special precautionary measures as specified in the Agency permit prior to accepting loads from persons or sources found or suspected to be responsible for sending or transporting material other than CCDD or uncontaminated soil to the facility. The special precautionary measures may include, but are not limited to, communication with the source site owner or source site operator of the

- 728                    CCDD or uncontaminated soil, communication with the PE or PG  
 729                    certifying pursuant to subsection (a)(1)(B), questioning the driver about  
 730                    the load prior to its discharge, and increased visual inspection and  
 731                    instrument testing of the load.  
 732  
 733                    6f)    If material other than CCDD or uncontaminated soil is discovered to be  
 734                    improperly accepted or deposited at the facility, the owner or operator  
 735                    must remove and properly dispose of the material.  
 736  
 737                    7g)    The owner or operator must ensure that all appropriate facility personnel  
 738                    are properly trained in the identification of material that is not CCDD or  
 739                    uncontaminated soil.  
 740  
 741                    8h)    All field measurement activities relative to equipment and instrument  
 742                    operation, calibration and maintenance and data handling shall be  
 743                    conducted in accordance with the following:  
 744  
 745                    A1)    "Test Methods for Evaluating Solid Waste, Physical/Chemical  
 746                    Methods" (SW-846), Vol. One, Ch. One (Quality Control),  
 747                    incorporated by reference at Section 1100.104 of this Part;  
 748  
 749                    B2)    The equipment or instrument manufacturer's or vendor's published  
 750                    standard operating procedures; or  
 751  
 752                    C3)    Other operating procedures specified in the Agency permit or other  
 753                    written Agency approval.  
 754  
 755                    c1)    Documentation required under this Section must be kept for a minimum of 3  
 756                    years at the facility or in some alternative location specified in the Agency permit  
 757                    or other written Agency approval. Documentation relating to an appeal, litigation  
 758                    or other disputed claim must be maintained until at least 3 years after the date of  
 759                    the final disposition of the appeal, litigation, or other disputed claim. The  
 760                    documentation must be available for inspection and copying by the Agency and  
 761                    by units of local government upon request during normal business hours.  
 762  
 763                    d)    For painted CCDD to be accepted for use as fill material in accordance with  
 764                    Section 1100.212, the owner or operator of the CCDD fill operation must:  
 765  
 766                    1)    Obtain a certification from a PE or PG that the painted CCDD satisfies the  
 767                    requirements of Section 1100.212. The certification required under this  
 768                    subsection (d)(1) must be on forms and in a format prescribed by the  
 769                    Agency. Documentation required by Section 1100.212(c)(2) must be  
 770                    attached to the certification form.

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- 2) Comply with the load checking requirements of subsection (b).
- 3) Comply with the document retention requirements of subsection (c) for the PE or PG certification and the attached documentation required under Section 1100.212(c)(2).

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.206 Salvaging**

- a) All salvaging operations must in no way interfere with the ~~CCDD~~-fill operation, result in a violation of this Part, or delay the construction of final cover.
- b) All salvaging operations must be performed in a safe manner in compliance with the requirements of this Part.
- c) Salvageable materials:
  - 1) May be accumulated onsite by an owner or operator, provided they are managed so as not to create a nuisance, harbor vectors, cause foul odors~~malodors~~, or create an unsightly appearance; and
  - 2) May not be accumulated at the facility for longer than one year unless a longer period of time is allowed under the Act or is specified in the Agency permit.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.207 Boundary Control**

- a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.
- b) A permanent sign must be posted at the entrance to the facility or each unit stating that only CCDD or uncontaminated soil is accepted for use as fill.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.208 Closure**

- a) Completion of Filling

- 814 1) The owner or operator is deemed to have completed ~~CCDD~~-filling with  
815 CCDD or uncontaminated soil:  
816  
817 A) 30 days after the date on which the facility receives the final load  
818 of CCDD or uncontaminated soil for use as fill; or  
819  
820 B) If the facility has remaining capacity and there is a reasonable  
821 likelihood that the facility will receive additional CCDD or  
822 uncontaminated soil for use as fill, no later than one year after the  
823 most recent receipt of CCDD or uncontaminated soil for use as fill.  
824  
825 2) The Agency must grant extensions beyond the one year deadline in  
826 subsection (a)(1)(B) ~~of this Section~~ if the owner or operator demonstrates  
827 that:  
828  
829 A) The facility has the capacity to receive additional CCDD or  
830 uncontaminated soil for use as fill; and  
831  
832 B) The owner or operator has taken and will continue to take all steps  
833 necessary to prevent threats to human health and the environment  
834 from the facility.  
835  
836 b) Closure  
837  
838 1) Final Cover  
839 *All filled areas must be covered by sufficient uncontaminated soil to*  
840 *support vegetation within 30 days of the completion of filling or must be*  
841 *covered by a road or structure. [415 ILCS 5/3.160] The minimum*  
842 *amount of soil to support vegetation is one foot. The final surface must*  
843 *prevent or minimize erosion.*  
844  
845 2) Final Slope and Stabilization  
846  
847 A) The final slopes and contours must be constructed to complement  
848 and blend with the surrounding topography of the proposed final  
849 land use of the area.  
850  
851 B) All drainage ways and swales must be constructed to safely pass  
852 the runoff from the 100-year, 24-hour precipitation event without  
853 scouring or erosion.  
854  
855 C) The final configuration of the facility must be constructed in a  
856 manner that minimizes erosion.

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- D) Standards for Vegetation
  - i) Vegetation must minimize wind and water erosion;
  - ii) Vegetation must be compatible with (i.e., grow and survive under) the local climatic conditions;
  - iii) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemical soil stabilizers, must be undertaken while vegetation is being established.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.209 Postclosure Maintenance**

The owner or operator must conduct postclosure maintenance in accordance with this Section and the Agency permit for a minimum of one year after the Agency issues a certificate of closure in accordance with Section 1100.412 ~~of this Part~~ unless a shorter period of time for postclosure maintenance is specified in the Agency permit or other written Agency approval. Reasons for which the Agency may specify a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.

- a) The owner or operator must remove all equipment or structures not necessary for the postclosure land use, unless otherwise authorized by the Agency permit or other written Agency approval.
- b) Maintenance and Inspection of the Final Cover
  - 1) Frequency of Inspections. The owner or operator must conduct a quarterly inspection of all surfaces during closure and for a minimum of one year after closure.
  - 2) All rills, gullies, and crevices 6 inches or deeper identified in the inspection must be filled. Areas identified by the owner or operator or the Agency as particularly susceptible to erosion must be recontoured.
  - 3) All eroded and scoured drainage channels must be repaired and lining material must be replaced if necessary.



- 899 4) All holes and depressions created by settling must be filled and  
900 recontoured so as to prevent standing water.  
901  
902 5) All reworked surfaces, and areas with failed or eroded vegetation in excess  
903 of 100 square feet cumulatively, must be revegetated in accordance with  
904 the approved closure plan for the facility.  
905  
906 c) The Agency must approve postclosure use of the property if the owner or operator  
907 demonstrates that the disturbance of the final cover will not increase the potential  
908 threat to human health or the environment.  
909

910 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
911

912 **Section 1100.211 Annual Reports**  
913

914 The owner or operator must submit an annual report to the Agency each calendar year by the  
915 date specified in the Agency permit. For an uncontaminated soil fill operation, the first annual  
916 report shall be filed on the first of January that follows the year in which the facility is registered  
917 in accordance with this Part. The annual report must include, at a minimum, the following  
918 information:  
919

- 920 a) A summary of the number of loads accepted and the number of loads rejected  
921 during the calendar year.  
922  
923 b) Amount of CCDD and uncontaminated soil accepted in the calendar year.  
924  
925 c) Amount of CCDD and uncontaminated soil expected in the next year.  
926  
927 d) Any modification affecting the operation of the facility.  
928  
929 e) The signature of the owner or operator, or the owner or operator's duly authorized  
930 agent as specified in Section 1100.303-~~of this Part.~~  
931  
932 f) Annual facility map required pursuant to Section 1100.203.  
933

934 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
935

936 **Section 1100.212 Use of Painted CCDD as Fill Material**  
937

- 938 a) For purposes of this Part, uncontaminated broken concrete without protruding  
939 metal bars, bricks, rock, stone, or reclaimed or other asphalt pavement that has  
940 been painted (painted CCDD) may be used as fill material at a CCDD fill  
941 operation if it is evaluated analytically under the supervision of a PE or PG and if

942 all requirements of this Section are satisfied. Acceptance or management of  
 943 painted CCDD for any purpose other than use as fill material at a CCDD fill  
 944 operation must be in accordance with applicable law and may require permits or  
 945 beneficial use determinations from the Agency. Such other purposes include, but  
 946 are not limited to, processing of painted CCDD for reuse.

- 947
- 948 1) The PE or PG must determine, on a site-specific basis, the number and  
 949 location of paint samples that will provide a representative analysis of  
 950 paint from the painted CCDD to be used as fill material.
- 951
- 952 2) The PE or PG must obtain paint samples consisting of representative paint  
 953 chips or scrapings that include all layers of paint in the area sampled and  
 954 that minimize the amount of substrate in the sample.
- 955
- 956 3) Paint samples must be analyzed for arsenic, cadmium, chromium (total),  
 957 lead, mercury and zinc (contaminants of concern) using the TCLP or  
 958 SPLP extraction test analytical procedures in accordance with Methods  
 959 1311 and 1312, respectively, in "Test Methods for Evaluating Solid  
 960 Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846,  
 961 incorporated by reference in Section 1100.104.
- 962
- 963 A) Paint samples must not be composited for analysis, and analytical  
 964 results from paint samples must not be averaged.
- 965
- 966 B) All quantitative analyses of paint samples must be completed by an  
 967 accredited laboratory in accordance with the requirements of 35 Ill.  
 968 Adm. Code 186 and the scope of the accreditation.
- 969
- 970 C) Documentation of any chemical analysis must include, but is not  
 971 limited to:
- 972
- 973 i) Chain of custody control;
- 974
- 975 ii) A copy of the lab analysis;
- 976
- 977 iii) Accreditation status of the laboratory performing the  
 978 analysis; and
- 979
- 980 iv) Certification by an authorized agent of the laboratory that  
 981 the analysis has been performed in accordance with 35 Ill.  
 982 Adm. Code 186, the Agency's rules for the accreditation of  
 983 environmental laboratories and the scope of the  
 984 accreditation.

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4) For painted CCDD to be used as fill material, analytical results for each paint sample must not exceed the chemical-specific Class I groundwater quality standard at 35 Ill. Adm. Code 620.410 for any contaminant of concern identified in subsection (a)(3) of this Section.

b) Notwithstanding subsection (a) of this Section, broken concrete, asphalt pavement, and other roadway CCDD with pavement markings, including but not limited to striping, may be used as fill material at a CCDD fill operation provided that:

1) The pavement markings comply with IDOT specifications for pavement markings; and

2) The CCDD is accompanied by a PE or PG certification, on forms prescribed by the Agency, affirming that the pavement markings comply with IDOT specifications for pavement markings.

BOARD NOTE: The IDOT specifications for pavement markings can be found at Section 1095 of IDOT's "Standard Specifications for Road and Bridge Construction."

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: PERMIT APPLICATION INFORMATION FOR CCDD FILL OPERATIONS

**Section 1100.304 Site Location Map**

All permit applications must contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7½ minute series (topographic) that clearly shows the following information:

- a) The site boundaries, the facility boundaries, and all adjacent property extending at least 1000 meters (3300 feet) beyond the facility boundaries;
- b) All surface waters;
- c) All potable water supply wells within 1000 meters (3300 feet) of the facility boundaries;
- d) All potable water supply well setback zones established pursuant to Section 14.2 or 14.3 of the Act;

- 1028 e) Any wellhead protection areas pursuant to Section 1428 of the Safe Drinking  
1029 ~~Water Drinking~~-Act (SDWA) (42 USC 300f) and any sole source aquifer  
1030 designated by the United States Environmental Protection Agency pursuant to  
1031 Section 1424(e) of SDWA; and  
1032
- 1033 f) All main service corridors, transportation routes, and access roads to the site and  
1034 facility.  
1035

1036 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1037

1038 **Section 1100.306 Narrative Description of the Facility**  
1039

1040 The permit application must contain a written description of the facility with supporting  
1041 documentation describing the procedures and plans that will be used at the facility to comply  
1042 with the requirements of this Part. Such descriptions must include, but are not limited to, the  
1043 following information:  
1044

- 1045 a) A description of the CCDD and the uncontaminated soil being used as fill and a  
1046 load checking plan describing how the owner or operator will comply with  
1047 Section 1100.205 ~~of this Part~~;  
1048
- 1049 b) The types of CCDD and uncontaminated soil expected in each unit, an estimate of  
1050 the maximum capacity of each unit, and the rate at which ~~fill~~CCDD is to be  
1051 placed in each unit;  
1052
- 1053 c) The estimated density of the CCDD and the uncontaminated soil;  
1054
- 1055 d) The length of time each unit will receive CCDD and uncontaminated soil;  
1056
- 1057 e) A description of all equipment to be used at the facility for complying with the  
1058 facility permit, the Act, and Board regulations;  
1059
- 1060 f) A description of any salvaging to be conducted at the facility, including, but not  
1061 limited to, a description of all salvage facilities and a description of how the  
1062 owner or operator will comply with Section 1100.206 of this Part;  
1063
- 1064 g) A description of how the owner or operator will comply with the requirements of  
1065 Section 1100.207 ~~of this Part~~;  
1066
- 1067 h) A description of how the owner or operator will comply with Sections  
1068 1100.204(c) and (e) ~~of this Part~~;  
1069

- 1070 i) A description of the methods to be used for controlling dust in compliance with  
1071 Section 1100.204(f) ~~of this Part~~;
- 1072 j) A description of how the owner or operator will control noise in compliance with  
1073 Section 1100.204(g) ~~of this Part~~; and
- 1074 k) A description of all existing and planned roads in the facility that will be used  
1075 during the operation of the facility, the size and type of such roads, and the  
1076 frequency with which they will be used.  
1077  
1078

1079 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1080

### 1081 **Section 1100.307 Proof of Property Ownership and Certifications**

1082 The permit application must contain a certificate of ownership of the facility property and  
1083 certifications regarding the provisions of Sections 39(i) and 39(i-5) of the Act. The owner and  
1084 operator provide written notification to the Agency ~~must certify that the Agency will be notified~~  
1085 within 7 days after any changes in ownership.  
1086

1087 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1088  
1089

### 1090 **Section 1100.309 Closure Plan**

1091 The permit application must contain a written closure plan that contains, at a minimum, the  
1092 following:  
1093

- 1094 a) Maps showing the configuration of the facility after closure of all units, including,  
1095 but not limited to, appropriate contours as needed to show the proposed final  
1096 topography after placement of the final cover for all filled areas. All maps must  
1097 have a scale no smaller than one inch equals 200 feet;
- 1098 b) Steps necessary for the temporary suspension of the fill operation ~~CCDD filling~~ in  
1099 accordance with Section ~~Sections~~ 1100.208(a)(1)(B) or (a)(2) ~~of this Part~~;
- 1100 c) Steps necessary for closure of the facility at the end of its intended operating life;
- 1101 d) An estimate of the expected year of closure;
- 1102 e) Schedules for temporary suspension of the fill operation ~~CCDD filling~~ and  
1103 closure, which must include, at a minimum, the total time required to close the  
1104 facility and the time required for closure activities that will allow tracking of the  
1105 progress of closure;

1106  
1107  
1108  
1109  
1110  
1111  
1112

- 1113 f) A description of how the applicant will comply with Section 1100.208 ~~of this~~  
1114 ~~Part~~; and
- 1115
- 1116 g) A description of the final cover, including, but not limited to, the material to be  
1117 used as the final cover, application and spreading techniques, the types of  
1118 vegetation to be planted, and the types of roads or structures to be built pursuant  
1119 to Section 1100.208 ~~of this Part~~.
- 1120

1121 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1122  
1123 SUBPART D: PROCEDURAL REQUIREMENTS  
1124 FOR PERMITTING CCDD FILL OPERATIONS  
1125

1126 **Section 1100.412 Procedures for Closure and Postclosure Maintenance**  
1127

- 1128 a) Notification of ~~Closure~~ Receipt of Final Volume  
1129 The owner or operator must provide written notification of closure to the Agency  
1130 within 30 days after the date the owner or operator is deemed to have completed  
1131 filling under Section 1100.208(a). Within 30 days after the date the final volume  
1132 of CCDD is received, the owner or operator must notify the Agency in writing of  
1133 the receipt of the final volume of CCDD.
- 1134
- 1135 b) Certification of Closure  
1136
- 1137 1) When the closure of the facility is complete, the owner or operator must  
1138 submit to the Agency:  
1139
- 1140 A) Documentation concerning closure of the facility, including, but  
1141 not limited to, plans or diagrams of the facility as closed and the  
1142 date closure was completed.  
1143
- 1144 B) An affidavit by the owner or operator and the seal of a PE or  
1145 PG ~~professional engineer~~ that the facility has been closed in  
1146 accordance with the closure plan and the closure requirements of  
1147 this Part.  
1148
- 1149 2) When the Agency determines, pursuant to the information received  
1150 pursuant to subsection (b)(1) of this Section and any Agency site  
1151 inspection, that the facility has been closed in accordance with the  
1152 specifications of the closure plan and the closure requirements of this Part,  
1153 the Agency must:  
1154
- 1155 A) Issue a certificate of closure; and

1156  
1157 B) Specify the date the postclosure maintenance period begins, based  
1158 on the date closure was completed.  
1159

1160 c) Termination of the Permit  
1161

1162 1) At the end of the postclosure maintenance period, the owner or operator  
1163 may submit to the Agency an application for termination of the permit.  
1164 The application must be submitted in a format prescribed by the Agency  
1165 and must include, at a minimum, the certification of a PE or  
1166 PGprofessional engineer and the affidavit of the owner or operator  
1167 demonstrating that, due to compliance with the postclosure maintenance  
1168 plan and the postclosure maintenance requirements of this Part,  
1169 postclosure maintenance is no longer necessary because:  
1170

- 1171 A) Vegetation has been established on all nonpaved areas;
- 1172
- 1173 B) The surface has stabilized sufficiently with respect to settling and
- 1174 erosion so that further stabilization measures, pursuant to the
- 1175 postclosure maintenance plan, are no longer necessary; and
- 1176
- 1177 C) The owner or operator has completed all requirements of the
- 1178 postclosure maintenance plan.  
1179

1180 2) Within 90 days after receiving the certification required by subsection  
1181 (c)(1) ~~of this Section~~, the Agency must notify the owner or operator in  
1182 writing that the permit is terminated, unless the Agency determines,  
1183 pursuant to the information received pursuant to subsection (c)(1) ~~of this~~  
1184 ~~Section~~ and any Agency site inspection, that continued postclosure  
1185 maintenance is required pursuant to the postclosure maintenance plan and  
1186 this Part.  
1187

1188 3) For purposes of appeal pursuant to Section 40(d) of the Act and the appeal  
1189 provisions of this Part, Agency action pursuant to subsection (c)(2) of this  
1190 Section is deemed a denial or grant of permit with conditions.  
1191

1192 (Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1193

1194 SUBPART E: UNCONTAMINATED SOIL FILL OPERATIONS  
1195

1196 Section 1100.500 Prohibitions  
1197

- 1198 a) No person shall conduct any uncontaminated soil fill operation in violation of the  
1199 Act or any regulations or standards adopted by the Board.  
1200  
1201 b) No person shall use soil other than uncontaminated soil as fill material at an  
1202 uncontaminated soil fill operation. [415 ILCS 5/22.51a(b)]  
1203  
1204 c) Uncontaminated soil fill operations must not accept waste for use as fill.  
1205  
1206 d) Uncontaminated soil fill operations must not accept CCDD for use as fill.  
1207  
1208 e) Uncontaminated soil fill operations must not be located inside a setback zone of a  
1209 potable water supply well.  
1210

1211 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1212

1213 **Section 1100.505 Operating Standards**  
1214

1215 Uncontaminated soil fill operations are subject to all of the standards and requirements of  
1216 Sections 1100.202 through 1100.211 of Subpart B, excluding Sections 1100.203 and 1100.210.  
1217

1218 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1219

1220 **Section 1100.510 Recordkeeping Requirements**  
1221

1222 The owner or operator must maintain an operating record at the facility or in some alternative  
1223 location approved by the Agency. The owner or operator must make the operating record  
1224 available for inspection and copying by the Agency upon request during normal business hours.  
1225 Information maintained in the operating record must include, but is not limited to, the following:  
1226

- 1227 a) Any information submitted to the Agency pursuant to this Part.  
1228  
1229 b) Written procedures for load checking, load rejection notifications, and training  
1230 required under Section 1100.205.  
1231  
1232 c) A site location map as described under Section 1100.304.  
1233  
1234 d) A facility plan map as described under Section 1100.305.  
1235  
1236 e) A narrative description of the facility as described under Section 1100.306.  
1237  
1238 f) Proof of property ownership. The owner and operator must notify the Agency  
1239 within 7 days after any changes in ownership.  
1240



- 1241 g) A surface water control plan as described under Section 1100.308.
- 1242
- 1243 h) A closure plan and postclosure maintenance plan as described under Sections
- 1244 1100.309 and 1100.310.
- 1245

1246 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1247

1248 **Section 1100.515 Registration**

- 1249
- 1250 a) Owners and operators of uncontaminated soil fill operations must register the fill
- 1251 operation with the Agency.
- 1252
- 1253 1) Uncontaminated soil fill operations must be registered with the Agency
- 1254 within 60 days after the effective date of this Section. Uncontaminated
- 1255 soil fill operations already registered with the Agency pursuant to Section
- 1256 22.51a(c) of the Act must be re-registered in accordance with this
- 1257 subsection (a)(1).
- 1258
- 1259 2) Uncontaminated soil fill operations that first receive uncontaminated soil
- 1260 on or after the effective date of this Section must be registered with the
- 1261 Agency prior to the receipt of any uncontaminated soil.
- 1262
- 1263 b) Registrations must be submitted on forms and in a format prescribed by the
- 1264 Agency and must include information set forth at Sections 1100.304 through
- 1265 1100.310, excluding the certifications required under Section 1100.307.
- 1266

1267 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1268

1269 **Section 1100.520 Required Signatures**

- 1270
- 1271 a) All registrations must contain the name, address, and telephone number of the
- 1272 owner and operator and any duly authorized agents of the owner or operator to
- 1273 whom inquiries and correspondence should be addressed.
- 1274
- 1275 b) All registration applications must be signed by the owner and operator or by their
- 1276 duly authorized agents with an accompanying oath or affidavit attesting to the
- 1277 agent's authority to sign the application on behalf of the owner or operator. The
- 1278 following persons are considered duly authorized agents of the owner and
- 1279 operator:
- 1280
- 1281 1) For corporations, a principal executive officer of at least the level of vice
- 1282 president;
- 1283

- 1284 2) For a sole proprietorship, the sole proprietor;
- 1285
- 1286 3) For a partnership, a general partner;
- 1287
- 1288 4) For a municipality, State, federal or other public agency, by the head of
- 1289 the agency or a ranking elected official; and
- 1290
- 1291 5) For a member-managed limited liability company, by a member and for a
- 1292 manager-managed limited liability company, by a manager or member.
- 1293

1294 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1295

1296 **Section 1100.525 Procedures for Closure**

- 1297
- 1298 a) Notification of Closure
- 1299 The owner or operator must provide written notification to the Agency within 30
- 1300 days after the owner or operator begins closure in accordance with the closure
- 1301 plan required by Section 1100.510(h) and the closure requirements of Section
- 1302 1100.208.
- 1303
- 1304 b) Certification of Closure
- 1305 When the closure of the facility is complete, the owner or operator must submit to
- 1306 the Agency:
- 1307
- 1308 1) Documentation concerning closure of the facility, including, but not
- 1309 limited to, plans or diagrams of the facility as closed and the date closure
- 1310 was completed.
- 1311
- 1312 2) An affidavit by the owner or operator and the seal of a PE or PG that the
- 1313 facility has been closed in accordance with the closure plan required by
- 1314 Section 1100.510(h) and the closure requirements of Section 1100.208.
- 1315

1316 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1317

1318 **Section 1100.530 Termination of Postclosure Maintenance**

1319

1320 At the end of the postclosure maintenance period, the owner or operator must submit a

1321 certification by a PE or PG and an affidavit by the owner or operator demonstrating that, due to

1322 compliance with the postclosure maintenance plan and the postclosure maintenance requirements

1323 of this Part, postclosure maintenance is no longer necessary because:

- 1324
- 1325 a) Vegetation has been established on all nonpaved areas;
- 1326

- 1327           b)     The surface has stabilized sufficiently with respect to settling and erosion so that  
1328           further stabilization measures required by the postclosure maintenance plan are no  
1329           longer necessary; and  
1330  
1331           c)     The owner or operator has completed all requirements of the postclosure  
1332           maintenance plan.  
1333

1334           (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1336           SUBPART F: STANDARDS FOR UNCONTAMINATED SOIL USED AS  
1337           FILL MATERIAL AT FILL OPERATIONS REGULATED BY THIS PART  
1338

1339     **Section 1100.600 Purpose and Applicability**  
1340

- 1341           a)     The purpose of this Subpart F is to establish standards for soils that are considered  
1342           uncontaminated for purposes of this Part.  
1343  
1344           b)     This Subpart F applies only to soil that is:  
1345  
1346                   1)     Generated during construction, remodeling, repair or demolition of  
1347                   utilities, structures and roads as provided in Section 3.160 of the Act; and  
1348  
1349                   2)     Used as fill material at Clean Construction or Demolition Debris Fill  
1350                   Operations or Uncontaminated Soil Fill Operations as provided at Sections  
1351                   22.51 and 22.51a of the Act and in this Part.  
1352  
1353           c)     Soil that is generated during construction, remodeling, repair or demolition of  
1354           utilities, structures and roads and commingled with CCDD must satisfy the  
1355           standards for maximum allowable concentrations of chemical constituents in  
1356           uncontaminated soil as set forth in this Subpart F if used as fill material at CCDD  
1357           Fill Operations pursuant to Section 22.51 of the Act.  
1358  
1359           d)     Soil or materials to which this Subpart F does not apply include, but are not  
1360           limited to:  
1361  
1362                   1)     Soil that must be managed as hazardous waste;  
1363  
1364                   2)     Soil that has at any time been treated or diluted to reduce contaminant  
1365                   concentrations or contaminant mobility (e.g., treatment to reduce  
1366                   extraction test contaminant concentrations) except for soil that has been  
1367                   treated to reduce contaminants by physical separation from construction or  
1368                   demolition debris at the site where the soil was generated or at a site  
1369                   authorized by applicable law to perform such separation; and

1370  
1371 3) Soil that has been removed from a site as part of cleanup or removal of  
1372 contaminants, including, but not limited to, activities conducted under the  
1373 Comprehensive Environmental Response, Compensation, and Liability Act  
1374 of 1980, as amended; as part of a closure of corrective action under the  
1375 Resource Conservation and Recovery Act, as amended; or under an  
1376 Agency remediation program, such as the leaking Underground Storage  
1377 Tank Program or Site Remediation Program, but excluding sites subject to  
1378 Section 58.16 of the Act where there is no presence or likely presence of a  
1379 release or a substantial threat of a release of a regulated substance at, on  
1380 or from the real property and excluding soil that is uncontaminated and  
1381 has not been excavated or treated as part of the cleanup or removal of  
1382 contaminants. [415 ILCS 5/22.51(f)(2)(C) and 22.51a(d)(2)(C)]  
1383

1384 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1385

1386 **Section 1100.605 Maximum Allowable Concentrations for Chemical Constituents in**  
1387 **Uncontaminated Soils**  
1388

- 1389 a) Except as provided for background concentrations in subsection (b), the  
1390 maximum allowable concentrations for chemical constituents in uncontaminated  
1391 soil must be determined pursuant to this subsection (a).  
1392
- 1393 1) The maximum allowable concentration for a chemical constituent in  
1394 uncontaminated soil will be the lowest Tier 1 chemical-specific soil value  
1395 of the exposure routes for residential and construction worker receptors set  
1396 forth in 35 Ill. Adm. Code 742.Appendix B, Tables A and B (e.g., soil  
1397 ingestion exposure route, outdoor inhalation exposure route, soil  
1398 component of the groundwater ingestion exposure route, construction  
1399 worker exposure route). Class I values must be used when determining  
1400 the lowest Tier 1 chemical-specific value for the soil component of the  
1401 groundwater ingestion exposure route. Before making the comparison  
1402 among exposure routes to determine the lowest value for ionizing organic  
1403 chemical constituents and inorganic chemical constituents, the  
1404 requirements of subsections (a)(2) and (a)(3) must be satisfied, as  
1405 applicable.  
1406
- 1407 2) For ionizing organic constituents, the lowest pH-dependent value for the  
1408 soil component of the Class I groundwater ingestion exposure route in 35  
1409 Ill. Adm. Code 742.Appendix B, Table C must be substituted for the pH-  
1410 neutral value provided for the soil component of the Class I groundwater  
1411 ingestion exposure route in 35 Ill. Adm. Code Appendix B, Table A

1412 before determining the lowest Tier 1 chemical-specific soil value pursuant  
1413 to subsection (a)(1) of this Section.

1414  
1415 3) For inorganic constituents, the remediation objectives for the soil  
1416 component of the Class I groundwater ingestion exposure route in  
1417 Appendix B, Tables A and B are based on the contaminant concentration  
1418 resulting from an extraction test and are not directly comparable to the  
1419 remediation objectives provided for the ingestion and inhalation exposure  
1420 routes, which are based on total concentrations. The following values,  
1421 based on total concentrations, must be substituted for the extraction test  
1422 values in Table A before determining the lowest Tier 1 chemical-specific  
1423 soil value pursuant to subsection (a)(1) of this Section:

1424  
1425 A) The lowest chemical-specific, pH-dependent values in 35 Ill. Adm.  
1426 Code 742.Appendix B, Table C; or

1427  
1428 B) For inorganic constituents that are listed in 35 Ill. Adm. Code  
1429 742.Appendix B, Table A but not in Appendix B, Table C, the  
1430 extraction test values for the soil component of the groundwater  
1431 ingestion exposure route in Appendix B, Table A may be  
1432 multiplied by 20 (i.e., 20 liters/kilogram, the liquid to solid ratio in  
1433 the extraction test assuming complete constituent leaching) to  
1434 enable direct comparison with the ingestion and inhalation  
1435 exposure route values. The resulting value must be substituted for  
1436 the extraction test value before determining the lowest Tier 1  
1437 chemical-specific soil value pursuant to subsection (a)(1) of this  
1438 Section.

1439  
1440 4) If the lowest Tier 1 soil value for a chemical is less than the Acceptable  
1441 Detection Limit (ADL), the ADL will serve as the lowest soil value.

1442  
1443 5) The total concentration of organic contaminants may not exceed the  
1444 attenuation capacity of the soil as determined in accordance with 35 Ill.  
1445 Adm. Code 742.215(b)(1) and (b)(1)(A) using a default value of 2000  
1446 mg/kg for the natural organic carbon fraction ( $f_{oc}$ ).

1447  
1448 b) Background concentrations from 35 Ill. Adm. Code 742.Appendix A, Tables G  
1449 and H may be used as the maximum allowable concentrations at locations  
1450 specified by the tables if the most stringent exposure route value for the chemical  
1451 constituent, as determined pursuant to subsection (a) of this Section, is lower than  
1452 the chemical's applicable background value listed in Table G or H. The  
1453 chemical's applicable background value in Table G or H must be established  
1454 based on the location of the fill operation where the soil is placed.

- 1455  
1456 c) For chemicals not listed in 35 Ill. Adm. Code 742.Appendix B, Table A, B or C,  
1457 the values may be obtained from the Agency by making a request for chemical-  
1458 specific values.  
1459  
1460 1) The Agency will develop these objectives based upon USEPA's toxicity  
1461 value hierarchy as specified in OSWER Directive 9285.7-53, incorporated  
1462 by reference in Section 1100.104. USEPA's Integrated Risk Management  
1463 System (IRIS), incorporated by reference at Section 1100.104, is the first  
1464 tier of this hierarchy.  
1465  
1466 2) Calculation of the maximum allowable concentrations must use the  
1467 applicable risk-based soil screening level equations from 35 Ill. Adm.  
1468 Code 742.Appendix C, Table A. Default exposure durations and contact  
1469 rates from 35 Ill. Adm. Code 742.Appendix C, Table B must be used in  
1470 making these calculations.  
1471  
1472 3) If the person making the request of the Agency disagrees with the  
1473 Agency's decision, the person who made the request may file an  
1474 appeal of the Agency's decision with the Board pursuant to Section  
1475 40(a) of the Act and 35 Ill. Adm. Code 105.  
1476  
1477 d) Other provisions of 35 Ill. Adm. Code 742 (e.g., institutional controls, engineered  
1478 barriers, exposure route exclusions, site-specific evaluations, local area  
1479 background calculations) may not be used to exclude or otherwise alter exposure  
1480 routes or exposure route values for the purpose of determining the maximum  
1481 allowable concentrations under this Part.  
1482  
1483 e) For purposes of this Part, the Agency shall publish at its website a list of  
1484 chemical-specific values for maximum allowable concentrations of chemical  
1485 constituents in uncontaminated soils based on the methodology for determining  
1486 those values set forth in this Section. In addition, the Agency shall publish at its  
1487 website a list of chemical-specific values for chemicals not listed in 35 Ill. Adm.  
1488 Code 742.Appendix B, Tables A, B or C when values are calculated by the  
1489 Agency in accordance with subsection (c) of this Section or of 35 Ill. Adm. Code  
1490 742.510(c).

1491  
1492 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1493

1494 **Section 1100.610 Compliance Evaluation; Performance and Documentation of Soil**  
1495 **Sampling and Chemical Analysis**  
1496

- 1497 a) For purposes of this Subpart F, the chemical constituents to be evaluated, if any,  
1498 and the soil sample points must be determined on a site-specific basis by the PE  
1499 or PG.  
1500
- 1501 b) If soil sampling and analysis are used to evaluate compliance with the maximum  
1502 allowable concentrations for chemical constituents in uncontaminated soils,  
1503 compliance generally must be determined by comparing total soil concentrations  
1504 from the laboratory reports with the maximum allowable concentrations as  
1505 determined pursuant to Section 1100.605. The following procedures will be  
1506 required, as applicable, when making the comparisons:  
1507
- 1508 1) If the background value from 35 Ill. Adm. Code 742.Appendix A, Table G  
1509 or H was determined to be the maximum allowable concentration in  
1510 accordance with Section 1100.605 for an inorganic constituent or a  
1511 polynuclear aromatic hydrocarbon constituent, compliance must be  
1512 determined as follows:  
1513
- 1514 A) The applicable background value from Table G or H may be  
1515 compared directly with the total soil concentration from the  
1516 laboratory report; or  
1517
- 1518 B) If, as determined pursuant to Section 1100.605 (a) and (b), the  
1519 applicable background value for an inorganic chemical constituent  
1520 from Table G has been selected as the maximum allowable  
1521 concentration in place of a more stringent value for the Class I soil  
1522 component of the groundwater ingestion exposure route in 35 Ill.  
1523 Adm. Code 742.Appendix B, Table A, concentration in the extract  
1524 from the Toxicity Characteristic Leaching Procedure (TCLP) or  
1525 Synthetic Precipitation Leaching Procedure (SPLP) analytical  
1526 extraction test in accordance with Methods 1311 and 1312,  
1527 respectively, in SW-846, incorporated by reference at Section  
1528 1100.104, may be compared with the chemical's Class I soil  
1529 component of the groundwater ingestion exposure route value in  
1530 35 Ill. Adm. Code 742.Appendix B, Table A.  
1531
- 1532 2) For ionizing organic constituents, if, as determined pursuant to Section  
1533 1100.605, the lowest Tier 1 chemical-specific soil value is for the soil  
1534 component of the Class I groundwater ingestion exposure route, the total  
1535 soil concentration from the laboratory report must be compared with the  
1536 lowest corresponding pH-dependent value in 35 Ill. Adm. Code  
1537 742.Appendix B, Table C.  
1538

- 1539 3) For inorganic constituents and, except as provided in subsection (b)(1)(B)  
 1540 of this Section, if, as determined pursuant to Section 1100.605, the lowest  
 1541 Tier 1 chemical-specific soil value is for the soil component of the Class I  
 1542 groundwater ingestion exposure route, compliance must be evaluated by  
 1543 comparing the total soil concentration from the laboratory report using the  
 1544 following methods:
- 1545
- 1546 A) Total soil concentrations from the laboratory report must be  
 1547 compared with the lowest chemical-specific, pH-dependent value  
 1548 for the soil component of the Class I groundwater ingestion  
 1549 exposure route in 35 Ill. Adm. Code 742.Appendix B, Table C; or  
 1550
- 1551 B) For inorganic chemical constituents that are listed in Appendix B,  
 1552 Table A but not in Appendix B, Table C, the total soil  
 1553 concentrations from the laboratory report must be compared with  
 1554 the product of the extraction test values for the soil component of  
 1555 the Class I groundwater ingestion exposure route in Appendix B,  
 1556 Table A multiplied by 20 to convert to total soil concentration  
 1557 values; or  
 1558
- 1559 C) As an alternative to subsections (b)(3)(A) and (b)(3)(B) of this  
 1560 Section, concentrations in the extract from TCLP or SPLP  
 1561 analytical extraction test in accordance with Methods 1311 and  
 1562 1312, respectively, in SW-846 may be compared with the  
 1563 chemical's Class I soil component of the groundwater ingestion  
 1564 exposure route value in 35 Ill. Adm. Code 742.Appendix B, Table  
 1565 A.  
 1566
- 1567 c) Chemical analysis of soil samples conducted under this Subpart F must be  
 1568 conducted in accordance with the requirements of 35 Ill. Adm. Code 742 and  
 1569 "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA  
 1570 Publication No. SW-846, incorporated by reference in Section 1100.104 [415  
 1571 ILCS 5/22.51(f)(3) and 22.51a(d)(3)]. If SW-846 methods do not support  
 1572 detection at the concentration specified for a particular chemical constituent (e.g.,  
 1573 aldicarb, carbofuran, endothall), the laboratory may use modified or alternative  
 1574 methods available to the laboratory to achieve the lowest practical detection level  
 1575 possible. If concentrations of these constituents in soil are demonstrated to be  
 1576 equal to or lower than the applicable maximum allowable concentrations using  
 1577 modified or alternative methods pursuant to this subsection (c), the soil may be  
 1578 certified as complying with the maximum allowable concentrations.  
 1579
- 1580 d) Samples must not be composited for analysis, and analytical results from samples  
 1581 must not be averaged.



- 1582  
1583 e) All quantitative analyses of samples must be completed by an accredited  
1584 laboratory in accordance with the requirements of 35 Ill. Adm. Code 186 and the  
1585 scope of the accreditation. *Documentation of any chemical analysis must include,*  
1586 *but is not limited to:*  
1587  
1588 1) Chain of custody control;  
1589  
1590 2) A copy of the lab analysis;  
1591  
1592 3) Accreditation status of the laboratory performing the analysis; and  
1593  
1594 4) Certification by an authorized agent of the laboratory that the analysis  
1595 has been performed in accordance with the Agency's rules for the  
1596 accreditation of environmental laboratories and the scope of the  
1597 accreditation. [415 ILCS 5/22.51(f)(2)(D)]  
1598

1599 (Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1600

1601 **Section 1100.615 Waste and Materials Other Than Chemical Constituents in Soils**  
1602

1603 For purposes of this Part:  
1604

- 1605 a) Uncontaminated soil may include incidental amounts of stone, rock, gravel, roots,  
1606 and other vegetation.  
1607  
1608 b) Except as provided in subsection (a), soil containing waste or other materials or  
1609 exceeding the standards for chemical constituents in uncontaminated soil is not  
1610 uncontaminated soil and must be managed in accordance with applicable  
1611 provisions of the Act and implementing rules.  
1612  
1613 1) Soil satisfying the standards for chemical constituents in uncontaminated  
1614 soil but that is commingled with general construction or demolition debris  
1615 is general construction or demolition debris and must be managed as such  
1616 in accordance with applicable provisions of the Act and implementing  
1617 rules. (See 415 ILCS 5/3.160(a).)  
1618  
1619 2) Soil satisfying the standards for chemical constituents in uncontaminated  
1620 soil but that is commingled with clean construction or demolition debris is  
1621 clean construction or demolition debris and must be managed as such in  
1622 accordance with applicable provisions of the Act and implementing rules.  
1623 (See 415 ILCS 5/3.160(b).)  
1624

1625

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 1100  
CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS  
AND UNCONTAMINATED SOIL FILL OPERATIONS

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1100.408 Term of Permit  
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Sampling and Chemical Analysis  
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AUTHORITY: Implementing Sections 5, 3.160, 22.51, and 22.51a and authorized by  
Sections 3.160, 22.51, 22.51a, and 27 of the Environmental Protection Act [415  
ILCS 5/5, 22.51, 22.51a, and 27].

SOURCE: Adopted in R06-19 at 30 Ill. Reg.14534, effective August 24, 2006;  
amended in R12-9 at 36 Ill. Reg.       , effective       .

SUBPART A: GENERAL

Section 1100.101 Scope and Applicability

a) This Part applies to all clean construction or demolition debris (CCDD)  
fill operations that are required to be permitted pursuant to Section 22.51 of  
the Act, other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code  
807 or 811 through 814, and to all uncontaminated soil fill operations that are  
required to be registered pursuant to Section 22.51a of the Act.

b) This Part does not apply to:

1) CCDD or uncontaminated soil that is not ~~other than CCDD~~ used as fill  
material in a current or former quarry, mine, or other excavation;

2) The use of CCDD or uncontaminated soil as fill material in a current or  
former quarry, mine, or other excavation located on the site where the CCDD or  
uncontaminated soil was generated ~~The use of CCDD as fill material in a current  
or former quarry, mine, or other excavation located on the site where the CCDD  
was generated [415 ILCS 5/22.51(b)(4)(A)]~~;

3) The use of CCDD or uncontaminated soil as fill material in an excavation other than a current or former quarry or mine if the use complies with Illinois Department of Transportation specifications ~~The use of CCDD as fill material in an excavation other than a current or former quarry or mine if the use complies with Illinois Department of Transportation specifications [415 ILCS 5/22.51(b)(4)(B)]~~.

BOARD NOTE: The Illinois Department of Transportation (IDOT) specifications applicable to the use of CCDD or uncontaminated soil as fill can be found at Articles 107.22 and 202.03 of IDOT's "Standard Specifications for Road and Bridge Construction." According to IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

4) Current or former quarries, mines, and other excavations that do not use CCDD or uncontaminated soil as fill material ~~Current or former quarries, mines, and other excavations that do not use clean construction or demolition debris as fill material [415 ILCS 5/22.51(b)(4)(C)]~~.

5) The use of the following types of material as fill material:

A) CCDD or soil that is considered "waste" under the Act or rules adopted pursuant to the Act; or

B) Any material other than CCDD or uncontaminated soil, including, but not limited to, material generated on site as part of a mining process; and

6) The portions of a site not used for a CCDD fill operation or an uncontaminated soil fill operation.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

#### Section 1100.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5]:

"10-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 10 years.

"100-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

~~"Act" means the Environmental Protection Act [415 ILCS 5].~~

"Acceptable Detection Limit ~~(" or "ADL)~~" means the detectable concentration of a substance that is equal to the lowest appropriate Practical Quantitation Limit (PQL) as defined in this Section.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]

"Applicant" means the person submitting an application to the Agency for a permit for a CCDD fill operation.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])

"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.105]

"CCDD" means clean construction or demolition debris.

"CCDD fill operation" means a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material. [415 ILCS 5/22.51(e)(3)] ~~the use of CCDD as fill material in a current or former quarry, mine, or other excavation. For purposes of this Part, the term "other excavation" does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.~~

"Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities. For purposes of this Part, CCDD may include uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed or other asphalt pavement that has been painted ("painted CCDD") if the painted CCDD is used as fill material at a CCDD fill operation in accordance with Section 1100. ~~212 of this Part.~~ Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. For purposes of this Part, uncontaminated soil may include incidental amounts of stone, ~~clay,~~ rock, ~~sand,~~ gravel, roots, and other vegetation. [415 ILCS 5/3.160(b)]

~~To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is:~~

~~used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or~~

~~separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with the first identical paragraph immediately above within 30 days of its generation, or~~

~~solely broken concrete without protruding metal bars used for erosion control, or~~

~~generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation~~

~~of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality. [415 ILCS 5/3.160(b)]~~

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds, and financial records, that are used to support facts or hypotheses.

"Facility" means the areas of a site and all equipment and fixtures on a site used for a CCDD fill operation or uncontaminated soil fill operation. A facility consists of an entire ~~CCDD~~-fill operation. All structures used in connection with or to facilitate the ~~CCDD~~ fill operation will be considered a part of the facility.

"Filled area" means areas within a unit where CCDD or uncontaminated soil has been placed as fill material.

"Fill operation" means a CCDD fill operation or an uncontaminated soil fill operation, as the context requires.

~~"Malodor" means an odor caused by one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as malodorous and which may be injurious to human, plant, or animal life, to health, or to property, or may unreasonably interfere with the enjoyment of life or property. [415 ILCS 5/3.115]~~

"Mine" means an excavation created for the purpose of extracting ore or minerals, including, but not limited to, coal.

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

"NPDES permit" means a permit issued under the NPDES program.

"Operator" means a person responsible for the operation and maintenance of a ~~CCDD~~-fill operation. [415 ILCS 5/22.51(e)(1)]

"Other excavation" means a pit other than a quarry or mine created primarily for the purpose of extracting resources, including, but not limited to, clay or other soil ~~(e.g. soil, sand, gravel, clay)~~ and does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.

"Owner" means a person who has any direct or indirect interest in a ~~CCDD~~-fill operation or in land on which a person operates and maintains a ~~CCDD~~ fill operation. A "direct or indirect interest" does not include the ownership of publicly traded stock. The "owner" is the "operator" if there is no other person

who is operating and maintaining a ~~CCDD~~-fill operation. [415 ILCS 5/22.51(e)(2)]

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.115]

"Potentially impacted property" means property on which a historical or current use, or contaminant migration from a proximate site, increases the presence or potential presence of contamination at the source site.

"Potentially impacted property" is intended to identify soil that is more likely to be contaminated and in need of professional evaluation and certification before placement in a fill site. The following should be considered when determining whether property is "potentially impacted property": the current use of the property, prior uses of the property, and the uses of adjoining property. For example, for transportation rights of way or utility easements, the current use of the property as a right of way or easement, the uses of the property prior to its use as a right of way or easement, and the uses of adjoining property should be considered. Source site owners are encouraged to coordinate with the receiving facility on soil certifications.

~~"Quarry" means an open surface excavation or pit created for the purpose of extracting stone, rock, sand and gravel.~~

"Practical Quantitation Limit ~~(" or "PQL")~~" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," ~~EPA Publication No. SW-846, incorporated by reference in Section 1100.104 of this Part.~~ EPA Publication No. SW-846, incorporated by reference in Section 1100.104 of this Part.

"Professional engineer" or "Professional engineer (PE) PE" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional Geologist ~~(" or "PG")~~" means a person licensed to practice as a professional geologist pursuant to the Professional Geologist Licensing Act [225 ILCS 745].

~~"Quarry" means an open surface excavation or pit created for the purpose of extracting stone, rock, sand and gravel.~~

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of CCDD to use other than use as fill at a CCDD fill operation.

"Setback zone" means a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]



"Site of origin" means the site where the CCDD or uncontaminated soil was generated from construction or demolition activities.

"Source site operator" means a person responsible for the operation of the site of origin of the CCDD or uncontaminated soil.

"Source site owner" means a person having an ownership interest in the site of origin of the CCDD or uncontaminated soil.

"Uncontaminated soil" means soil generated during construction, remodeling, repair or demolition of utilities, structures and roads that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment. [415 ILCS 5/3.160(c)] Subpart F of this Part establishes standards for soil that is considered uncontaminated for purposes of this Part.

"Uncontaminated soil fill operation" means a current or former quarry, mine, or other excavation where uncontaminated soil is used as fill material but does not include a clean construction or demolition debris fill operation. [415 ILCS 5/22.51a(a)(2)].

"Unit" means a contiguous area within a facility where CCDD or uncontaminated soil is placed ~~that is permitted for the placement of CCDD~~ as fill material.

"Working face" means any part of a unit where CCDD or uncontaminated soil is being placed as fill.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

#### Section 1100.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (610) 832-9585

ASTM E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, approved November 1, 2005.

ASTM E 1528-06 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process, approved February 1, 2006.

"Human Health Toxicity Values in Superfund Risk Assessments (2003)". U. S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, Washington, DC, OSWER Directive 9285.7-53, 2003. (Available online at <http://www.epa.gov/oswer/riskassessment/pdf/hhmemo.pdf>).

IRIS. Integrated Risk Information System, National Center for Environmental Assessment, United States Environmental Protection Agency, 26 West Martin Luther King Drive, MS-190, Cincinnati, OH 45268, (513) 569-7254.

"Reference Dose (RfD): Description and Use in Health Risk Assessments". Background Document IA (March 15, 1993).

"Guidelines for Carcinogen Risk Assessment (2005)". U. S. Environmental Protection Agency, Washington, DC, EPA Publication No. EPA/630/P-03/001F, 2005.

(Available online at [http://www.epa.gov/ttn/atw/cancer\\_guidelines\\_final\\_3-25-05.pdf](http://www.epa.gov/ttn/atw/cancer_guidelines_final_3-25-05.pdf).)

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (800) 553-6847 ~~U.S. Government Printing Office, Washington, D.C. 20402, Ph: 202-783-3238.~~

Test Methods for Evaluating Solid Waste, Physical/Chemical methods, EPA Publication SW-846 (Third Edition, 1986 as amended by Updates I, II, IIA, IIB, III, IIIA, ~~and~~ IIIB, IVA and IVB ~~and IV~~).

b) This incorporation includes no later amendments or editions.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

#### SUBPART B: OPERATING STANDARDS FOR CCDD FILL OPERATIONS

##### Section 1100.201 Prohibitions

a) No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board. [415 ILCS 5/22.51(a)].

b) CCDD fill operations must not accept waste for use as fill.

c) CCDD fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act.)

d) No person shall use soil other than uncontaminated soil as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(1)]

e) No person shall use construction or demolition debris other than CCDD as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(2)]

f) Except as provided in Section 1100.212 of this Part, no person shall use painted clean construction or demolition debris (~~"~~painted CCDD~~"~~) as fill material at a CCDD fill operation.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

##### Section 1100.203 Annual Facility Map

The owner or operator must submit an annual facility map with the annual report required under Section 1100.211 to the Agency each calendar year by the date specified in the Agency permit. The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps under Sections 1100.305(a) through (d) ~~of this Part.~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

##### Section 1100.204 Operating Standards

###### a) Placement of Fill Material

Fill material must be placed in a safe manner that protects human health and the environment in conformance with the provisions of the Act and the regulations adopted under the Act.

b) Size and Slope of Working Face

The working face of the fill operation must be no larger than is necessary, based on the terrain and equipment used in material placement, to conduct operations in a safe and efficient manner in conformance with the provisions of the Act and the regulations adopted under the Act.

c) Equipment

Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.

d) Utilities

All utilities, including but not limited to heat, lights, power, and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.

e) Maintenance

The owner or operator must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.

f) Dust Control

The owner or operator must implement methods for controlling dust so as to minimize off-site wind dispersal of particulate matter.

g) Noise Control

The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act.

h) Fill Elevation

The owner or operator must not place CCDD used as fill higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area. [415 ILCS 5/3.160(b)]

BOARD NOTE: This does not prohibit non-CCDD materials, such as uncontaminated soil and other non-waste material, from being placed above grade in accordance with the Act and regulations adopted thereunder to increase elevations at the fill site.

i) Mud Tracking

The owner or operator must implement methods to minimize tracking of mud by hauling vehicles onto public roadways.

j) Odor and Nuisance

The fill operation must not cause foul odors or other nuisance.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1100.205 Certifications and Load Checking

a) The owner or operator must do all of the following activities and document all the activities for all CCDD and uncontaminated soil accepted for use as fill material:

1) For all soil, including soil mixed with CCDD, obtain:

A) a certification from the source site owner or source site operator that the site is not a potentially impacted property, as determined in accordance with ASTM E 1528-06 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process, incorporated by reference at Section 1100.104 and is presumed to be uncontaminated soil. If soil is consolidated from more than one source site, a certification must be obtained from each source site owner or source site operator; or

B) a certification from a PE or PG that the soil is uncontaminated soil based on a site evaluation conducted in accordance with ASTM E 1527-05 Standard Practice for Environmental Site assessments: Phase I Environmental Site Assessment Process, incorporated by reference at Section 1100.104. A certification under this subsection (a)(1)(B) must include analytical soil testing results to show that soil chemical constituents comply with the maximum allowable concentrations established pursuant to Subpart F of this Part.

2) Certifications required under subsections (a)(1)(A) and (a)(1)(B) must be on forms and in a format prescribed by the Agency and must provide at a minimum:

iA) for source site owners or source site operators who certify under subsection (a)(1)(A) the following language: In accordance with the Environmental Protection Act ~~415 ILCS 5/22.51 or 5/22.51a~~ and 35 Ill. Adm. Code 1100.205(a), I \_\_\_\_\_ ~~(owner or operator of source site)~~ certify that this site is not a potentially impacted property, as determined in accordance with ASTM E 1528-06 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process, and the soil is presumed to be uncontaminated soil. I also certify that I am either the site owner or site operator or a duly authorized representative of the site owner or site operator and am authorized to sign this form. Furthermore, I certify that all information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete.

iB) for PE or PG who certify under subsection (a)(1)(B) the following language: I \_\_\_\_\_ ~~(name of licensed professional engineer or geologist)~~ certify under penalty of law that the information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate, and complete. In accordance with the Environmental Protection Act ~~415 ILCS 5/22.51 or 5/22.51a~~ and 35 Ill. Adm. Code 1100.205(a), I certify that the soil from this site is uncontaminated soil based on a site evaluation conducted in accordance with ASTM E 1527-05 Standard Practice for Environmental Site ~~assessments~~ Assessments: Phase I Environmental Site Assessment Process. All necessary documentation is attached.

23) Confirm and document that the CCDD or uncontaminated soil was not removed from a site as part of a cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, as part of a Closure or Corrective Action under the Resource Conservation and Recovery Act, as amended, or under an Agency remediation program, such as the Leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of ~~this the~~ Act ~~where when~~ there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, or from the real property.

~~34)~~ For all testing conducted to determine that the soil is uncontaminated, obtain documentation to show that the soil was tested in accordance with the requirements of Subpart F of this Part.

~~4~~ 5) Obtain documentation on rejected loads.

A) For loads rejected from the same or another fill operation, the owner or operator may accept a rejected load if subsections (a)(1) through (a) ~~(3) of this Section~~ 4 are satisfied and the owner or operator also obtains the following information:

i) Information identifying the rejected load and the reasons it was rejected, including, but not limited to, a copy of the written notice the driver received pursuant to subsection (b)(4)(A) of this Section when the load was rejected;

ii) Information demonstrating that the load proposed for acceptance is the rejected load identified in this subsection (a) ~~(4)(A) of the Section~~ 5;

iii) Information demonstrating that the reasons for rejection of the load have been addressed by measures ~~which~~ that would include, but not be limited to, testing and retesting of soils or removal of nonconforming materials; and

iv) For all soil, including soil mixed with CCDD, a certification meeting the requirements of subsection (a)(1) of this Section that is executed after correction of the reasons for the load rejection. This subsection (a) ~~(4)~~ 5 (A)(iv) does not apply if load rejection was due to the detection of non-CCDD or non-soil material, including, but not limited to, wood, glass, piping, vegetation, plastic, metal, electrical wiring, or concrete with protruding rebar.

B) Except as provided in subsection (a) ~~(4)~~ 5 (A)(iv) ~~above~~, the information required under this subsection (a) ~~(4)(A)~~ 5 must be on forms and in a format prescribed by the Agency, and must be certified by the source site owner, the source site operator, a PE or PG. Loads accepted pursuant to this subsection (a) ~~(4)~~ 5 are subject to all other requirements of this Part, including, but not limited to, the load checking program in effect at the receiving fill operation ~~pursuant to (see subsection (b) of this Section)~~.

~~abb)~~ The owner or operator must institute and conduct a load checking program designed to detect attempts to dispose of waste at the facility. At a minimum, the load checking program must consist of the following components:

1) Routine Inspections

~~A1)~~ An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. In addition to a visual inspection, the inspector must use an instrument with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector, or other monitoring devices approved by the Agency, to inspect each load. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

B2) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

2b) Random Inspections

A1) In addition to the inspections required under subsection (b) (1) ~~(a) of this Section~~, an inspector designated by the facility must conduct a discharge inspection of at least one randomly selected load delivered to the facility each day. The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection (b) ~~(a)(1)(A) of this Section~~. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

B2) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

3e) Documentation of Inspection Results ~~---~~

The documentation for each inspection must include, at a minimum, the following:

A1) The date and time of the inspection, the date the CCDD or uncontaminated soil was received, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the CCDD or uncontaminated soil ~~source of the CCDD~~;

B2) The results of the routine inspection required under subsection (b) (1) ~~(a)~~ of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;

C3) The results of any random inspection required under subsection (b) (2) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and

D4) The name of the inspector.

4d) Rejection of Loads

A1) If material other than CCDD or uncontaminated soil is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:

~~A1~~) That only CCDD or uncontaminated soil is accepted for use as fill at the facility;

~~iiBii)~~ The reasons for rejections of the load, that ~~That the rejected load contains or is suspected to contain material other than CCDD, and that,~~ the material must not be taken to another ~~CCDD~~-fill operation, except as provided in subsection (b) (4) (A) (iv) ~~of this Section and,~~ or the material must be ~~properly recycled or~~ disposed of at a permitted landfill;

~~iiiCiii)~~ That, for all inspected loads, the owner or operator is required to record and make available for Agency inspection, at a minimum, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the fill; ~~and source of the fill and is required to make this information available to the Agency for inspection.~~

iv) That a load rejected from a fill operation may be accepted by the same fill operation or another fill operation if the requirements of subsection (a) ~~(4) of this Section~~5) are satisfied.

B2) The owner or operator must ensure the cleanup, transportation, and proper disposal of any material other than CCDD or uncontaminated soil that remains at the facility after the rejection of a load.

5e) The owner or operator must take special precautionary measures ~~as specified in the Agency permit~~ prior to accepting loads from persons or sources found or suspected to be responsible for sending or transporting material other than CCDD or uncontaminated soil to the facility. The special precautionary measures may include, but are not limited to, communication with the source site owner or source site operator of the CCDD or uncontaminated soil, communication with the PE or PG certifying pursuant to subsection (a) (1) (B) ~~of this Section~~, questioning the driver about the load prior to its discharge, and increased visual inspection and instrument testing of the load.

6f) If material other than CCDD or uncontaminated soil is discovered to be improperly accepted or deposited at the facility, the owner or operator must remove and properly dispose of the material.

7g) The owner or operator must ensure that all appropriate facility personnel are properly trained in the identification of material that is not CCDD or uncontaminated soil.

8h) All field measurement activities relative to equipment and instrument operation, calibration and maintenance and data handling shall be conducted in accordance with the following:

A1) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 1100.104 ~~of this Part~~;

B2) The equipment or instrument manufacturer's or vendor's published standard operating procedures; or

C3) Other operating procedures specified in the Agency permit or other written Agency approval.

~~etc)~~ Documentation required under this Section must be kept for a minimum of 3 years at the facility or in some alternative location specified in the Agency permit or other written Agency approval. Documentation relating to an appeal,

litigation or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. The documentation must be available for inspection and copying by the Agency and by units of local government upon request during normal business hours.

d) For painted CCDD to be accepted for use as fill material in accordance with Section ~~1100.212 of this Part~~, 1100.212, the owner or operator of the CCDD fill operation must:

1) Obtain a certification from a PE or PG that the painted CCDD satisfies the requirements of Section 1100.212. The certification required under this subsection (d)(1) must be on forms and in a format prescribed by the Agency. Documentation required by ~~subsection (e)(2) of Section 1100.212 of this Part (c)(2)~~ must be attached to the certification form.

2) Comply with the load checking requirements of subsection (b) ~~of this Section.~~

3) Comply with the document retention requirements of subsection (c) ~~of this Section~~ for the PE or PG certification and the attached documentation required under ~~subsection (e)(2) of Section 1100.212 of this Part (c)(2)~~.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.206 Salvaging

a) All salvaging operations must in no way interfere with the ~~CCDD~~ fill operation, result in a violation of this Part, or delay the construction of final cover.

b) All salvaging operations must be performed in a safe manner in compliance with the requirements of this Part.

c) Salvageable materials:

1) May be accumulated onsite by an owner or operator, provided they are managed so as not to create a nuisance, harbor vectors, cause foul odors ~~malodors~~, or create an unsightly appearance; and

2) May not be accumulated at the facility for longer than one year unless a longer period of time is allowed under the Act or is specified in the Agency permit.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.207 Boundary Control

a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.

b) A permanent sign must be posted at the entrance to the facility or each unit stating that only CCDD or uncontaminated soil is accepted for use as fill.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.208 Closure



a) Completion of Filling

1) The owner or operator is deemed to have completed ~~CCDD~~ filling with CCDD or uncontaminated soil:

A) 30 days after the date on which the facility receives the final load of CCDD or uncontaminated soil for use as fill; or

B) If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional CCDD or uncontaminated soil for use as fill, no later than one year after the most recent receipt of CCDD or uncontaminated soil for use as fill.

2) The Agency must grant extensions beyond the one year deadline in subsection (a)(1)(B) ~~of this Section~~ if the owner or operator demonstrates that:

A) The facility has the capacity to receive additional CCDD or uncontaminated soil for use as fill; and

B) The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the facility.

b) Closure

1) Final Cover

All filled areas must be covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or must be covered by a road or structure. [415 ILCS 5/3.160] The minimum amount of soil to support vegetation is one foot. The final surface must prevent or minimize erosion.

2) Final Slope and Stabilization

A) The final slopes and contours must be constructed to complement and blend with the surrounding topography of the proposed final land use of the area.

B) All drainage ways and swales must be constructed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.

C) The final configuration of the facility must be constructed in a manner that minimizes erosion.

D) Standards for Vegetation

i) Vegetation must minimize wind and water erosion;

ii) Vegetation must be compatible with (i.e., grow and survive under) the local climatic conditions;

iii) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemical soil stabilizers, must be undertaken while vegetation is being established.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1100.209 Postclosure Maintenance

The owner or operator must conduct postclosure maintenance in accordance with this Section and the Agency permit for a minimum of one year after the Agency issues a certificate of closure in accordance with Section 1100.412 ~~of this Part~~ unless a shorter period of time for postclosure maintenance is specified in the Agency permit or other written Agency approval. Reasons for which the Agency may specify a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.

a) The owner or operator must remove all equipment or structures not necessary for the postclosure land use, unless otherwise authorized by the Agency permit or other written Agency approval.

b) Maintenance and Inspection of the Final Cover

1) Frequency of Inspections. The owner or operator must conduct a quarterly inspection of all surfaces during closure and for a minimum of one year after closure.

2) All rills, gullies, and crevices 6 inches or deeper identified in the inspection must be filled. Areas identified by the owner or operator or the Agency as particularly susceptible to erosion must be recontoured.

3) All eroded and scoured drainage channels must be repaired and lining material must be replaced if necessary.

4) All holes and depressions created by settling must be filled and recontoured so as to prevent standing water.

5) All reworked surfaces, and areas with failed or eroded vegetation in excess of 100 square feet cumulatively, must be revegetated in accordance with the approved closure plan for the facility.

c) The Agency must approve postclosure use of the property if the owner or operator demonstrates that the disturbance of the final cover will not increase the potential threat to human health or the environment.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1100.211 Annual Reports

The owner or operator must submit an annual report to the Agency each calendar year by the date specified in the Agency permit. For an uncontaminated soil fill operation, the first annual report shall be filed on the first of January that follows the year in which the facility is registered in accordance with this Part. The annual report must include, at a minimum, the following information:

a) A summary of the number of loads accepted and the number of loads rejected during the calendar year.

b) Amount of CCDD and uncontaminated soil accepted in the calendar year.

c) Amount of CCDD and uncontaminated soil expected in the next year.

~~ded~~) Any modification affecting the operation of the facility.

~~ede~~) The signature of the owner or operator, or the owner or operator's duly authorized agent as specified in Section ~~1100.303 of this Part~~ 1100.303.

f) Annual facility map required pursuant to Section ~~1100.203 of this Part~~ 1100.203.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.212 Use of Painted CCDD as Fill Material

a) For purposes of this Part, uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed or other asphalt pavement that has been painted ("painted CCDD") may be used as fill material at a CCDD fill operation if it is evaluated analytically under the supervision of a PE or PG and if all requirements of this Section are satisfied. Acceptance or management of painted CCDD for any purpose other than use as fill material at a CCDD fill operation must be in accordance with applicable law and may require a ~~permit(s)~~ permits or beneficial use determinations ~~(s)~~ from the Agency. Such other purposes include, but are not limited to, processing of painted CCDD for reuse.

1) The PE or PG must determine, on a site-specific basis, the number and location of paint samples that will provide a representative analysis of paint from the painted CCDD to be used as fill material.

2) The PE or PG must obtain paint samples consisting of representative paint chips or scrapings that include all layers of paint in the area sampled and that minimize the amount of substrate in the sample.

3) Paint samples must be analyzed for arsenic, cadmium, chromium (total), lead, mercury and zinc ("contaminants of concern") using the TCLP or SPLP extraction test analytical procedures in accordance with Methods 1311 and ~~1312~~ 1312, respectively, in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-~~846~~ 846, incorporated by reference ~~at in~~ Section ~~1100.104 of this Part~~ 1100.104.

A) Paint samples must not be composited for analysis, and analytical results from paint samples must not be averaged.

B) All quantitative analyses of paint samples must be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of the accreditation.

C) Documentation of any chemical analysis must include, but is not limited to:

i) Chain of custody control;

ii) A copy of the lab analysis;

iii) Accreditation status of the laboratory performing the analysis; and

iv) Certification by an authorized agent of the laboratory that the analysis has been performed in accordance with 35 Ill. Adm. Code 186, the Agency's rules

for the accreditation of environmental laboratories and the scope of the accreditation.

4) For painted CCDD to be used as fill material, analytical results for each paint sample must not exceed the chemical-specific Class I groundwater quality standard at 35 Ill. Adm. Code 620.410 for any contaminant of concern identified in subsection ~~(ea)~~(3) of this Section.

b) Notwithstanding subsection (a) of this Section, broken concrete, asphalt pavement, and other roadway CCDD with pavement markings, including but not limited to striping, may be used as fill material at a CCDD fill operation provided that:

1) The pavement markings comply with IDOT ~~specification~~specifications for pavement markings; and

2) The CCDD is accompanied by a PE or PG certification, on forms prescribed by the Agency, affirming that the pavement markings comply with IDOT ~~specification~~specifications for pavement markings.

BOARD NOTE: The IDOT specifications for pavement markings can be found at Section 1095 of IDOT's "Standard Specifications for Road and Bridge Construction."

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: PERMIT APPLICATION-~~PERMIT~~ INFORMATION FOR CCDD FILL OPERATIONS

Section 1100.304 Site Location Map

All permit applications must contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 71/2 minute series (topographic) that clearly shows the following information:

a) The site boundaries, the facility boundaries, and all adjacent property extending at least 1000 meters (3300 feet) beyond the facility boundaries;

b) All surface waters;

c) All potable water supply wells within 1000 meters (3300 feet) of the facility boundaries;

d) All potable water supply well setback zones established pursuant to Section 14.2 or 14.3 of the Act;

e) Any wellhead protection areas pursuant to Section 1428 of the Safe Drinking Water-~~Drinking~~ Act (SDWA) (42 USC 300f) and any sole source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of SDWA; and

f) All main service corridors, transportation routes, and access roads to the site and facility.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1100.306 Narrative Description of the Facility

The permit application must contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of this Part. Such descriptions must include, but are not limited to, the following information:

- a) A description of the CCDD and the uncontaminated soil being used as fill and a load checking plan describing how the owner or operator will comply with Section 1100.205 ~~of this Part~~;
- b) The types of CCDD and uncontaminated soil expected in each unit, an estimate of the maximum capacity of each unit, and the rate at which ~~fill~~ CCDD ~~fill~~ is to be placed in each unit;
- c) The estimated density of the CCDD and the uncontaminated soil;
- d) The length of time each unit will receive CCDD and uncontaminated soil;
- e) A description of all equipment to be used at the facility for complying with the facility permit, the Act, and Board regulations;
- f) A description of any salvaging to be conducted at the facility, including, but not limited to, a description of all salvage facilities and a description of how the owner or operator will comply with Section 1100.206 of this Part;
- g) A description of how the owner or operator will comply with the requirements of Section 1100.207 ~~of this Part~~;
- h) A description of how the owner or operator will comply with Sections 1100.204(c) and (e) ~~of this Part~~;
- i) A description of the methods to be used for controlling dust in compliance with Section 1100.204(f) ~~of this Part~~;
- j) A description of how the owner or operator will control noise in compliance with Section 1100.204(g) ~~of this Part~~; and
- k) A description of all existing and planned roads in the facility that will be used during the operation of the facility, the size and type of such roads, and the frequency with which they will be used.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.307 Proof of Property Ownership and Certifications

The permit application must contain a certificate of ownership of the facility property and certifications regarding the provisions of Sections 39(i) and 39(i-5) of the Act. The owner and operator provide written notification to the Agency ~~must certify that the Agency will be notified~~ within 7 days after any changes in ownership.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.309 Closure Plan

The permit application must contain a written closure plan that contains, at a minimum, the following:

a) Maps showing the configuration of the facility after closure of all units, including, but not limited to, appropriate contours as needed to show the proposed final topography after placement of the final cover for all filled areas. All maps must have a scale no smaller than one inch equals 200 feet;

b) Steps necessary for the temporary suspension of the fill operation ~~CCDD-filling~~ in accordance with ~~Sections~~Section 1100.208(a)(1)(B) or (a)(2) ~~of this Part~~;

c) Steps necessary for closure of the facility at the end of its intended operating life;

d) An estimate of the expected year of closure;

e) Schedules for temporary suspension of the fill operation ~~CCDD-filling~~ and closure, which must include, at a minimum, the total time required to close the facility and the time required for closure activities that will allow tracking of the progress of closure;

f) A description of how the applicant will comply with Section 1100.208 ~~of this Part~~; and

g) A description of the final cover, including, but not limited to, the material to be used as the final cover, application and spreading techniques, the types of vegetation to be planted, and the types of roads or structures to be built pursuant to Section ~~1100.208 of this Part.~~ 1100.208.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: PROCEDURAL REQUIREMENTS  
FOR PERMITTING CCDD FILL OPERATIONS

Section 1100.412 Procedures for Closure and Postclosure Maintenance

a) Notification of Closure ~~Receipt of Final Volume~~

The owner or operator must provide written notification of closure to the Agency within 30 days after the date the owner or operator is deemed to have completed filling under ~~subsection (a) of Section 1100.208 of this Part. Within 30 days after the date the final volume of CCDD is received, the owner or operator must notify the Agency in writing of the receipt of the final volume of CCDD.~~ Section 1100.208(a).

b) Certification of Closure

1) When the closure of the facility is complete, the owner or operator must submit to the Agency:

A) Documentation concerning closure of the facility, including, but not limited to, plans or diagrams of the facility as closed and the date closure was completed.

B) An affidavit by the owner or operator and the seal of a PE ~~professional engineer~~ or PG that the facility has been closed in accordance with the closure plan and the closure requirements of this Part.

2) When the Agency determines, pursuant to the information received pursuant to subsection (b)(1) of this Section and any Agency site inspection, that the

facility has been closed in accordance with the specifications of the closure plan and the closure requirements of this Part, the Agency must:

- A) Issue a certificate of closure; and
- B) Specify the date the postclosure maintenance period begins, based on the date closure was completed.

c) Termination of the Permit

1) At the end of the postclosure maintenance period, the owner or operator may submit to the Agency an application for termination of the permit. The application must be submitted in a format prescribed by the Agency and must include, at a minimum, the certification of a ~~PE~~professional engineer~~PE~~ or PG and the affidavit of the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:

- A) Vegetation has been established on all nonpaved areas;
- B) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure maintenance plan, are no longer necessary; and

C) The owner or operator has completed all requirements of the postclosure maintenance plan. ~~and~~

2) Within 90 days after receiving the certification required by subsection (c)(1) ~~of this Section~~, the Agency must notify the owner or operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (c)(1) ~~of this Section~~ and any Agency site inspection, that continued postclosure maintenance is required pursuant to the postclosure maintenance plan and this Part.

3) For purposes of appeal pursuant to Section 40(d) of the Act and the appeal provisions of this Part, Agency action pursuant to subsection (c)(2) of this Section is deemed a denial or grant of permit with conditions.

(Source: Amended at 36 Ill. Reg. , effective )

SUBPART E: UNCONTAMINATED SOIL FILL OPERATIONS

Section 1100.500 Prohibitions

- a) No person shall conduct any uncontaminated soil fill operation in violation of the Act or any regulations or standards adopted by the Board.
- b) No person shall use soil other than uncontaminated soil as fill material at an uncontaminated soil fill operation. [415 ILCS 5/22.51a(b)]~~+~~
- c) Uncontaminated soil fill operations must not accept waste for use as fill.
- d) Uncontaminated soil fill operations must not accept CCDD for use as fill.

e) Uncontaminated soil fill operations must not be located inside a setback zone of a potable water supply well.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.505 Operating Standards

Uncontaminated soil fill operations are subject to all of the standards and requirements of Sections 1100.202 through ~~1100.211~~1100.211 of Subpart B ~~of this Part~~, excluding Sections 1100.203 and 1100.210.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.510 Recordkeeping Requirements

The owner or operator must maintain an operating record at the facility or in some alternative location approved by the Agency. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. Information maintained in the operating record must include, but is not limited to, the following:

- a) Any information submitted to the Agency pursuant to this Part~~, 1100.205~~.
- b) Written procedures for load checking, load rejection notifications, and training required under Section ~~1100.205 of this Part~~,1100.205.
- c) A site location map as described under Section ~~1100.304 of Subpart C of this Part~~.1100.304.
- d) A facility plan map as described under Section ~~1100.305 of Subpart C of this Part~~.1100.305.
- e) A narrative description of the facility as described under Section ~~1100.306 of Subpart C of this Part~~.1100.306.
- f) Proof of property ownership. The owner and operator must notify the Agency within 7 days after any changes in ownership.
- g) A surface water control plan as described under Section ~~1100.308 of Subpart C of this Part~~.1100.308.
- h) A closure plan and postclosure maintenance plan as described under Sections 1100.309 and ~~1100.310 of Subpart C of this Part~~.1100.310.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.515 Registration

a) Owners and operators of uncontaminated soil fill operations must register the fill operation with the Agency.

1) Uncontaminated soil fill operations must be registered with the Agency within 60 days after the effective date of this Section. Uncontaminated soil fill operations already registered with the Agency pursuant to ~~subsection (c) of Section 22.51a~~(c) of the Act must be re-registered in accordance with this subsection (a) (1).



2) Uncontaminated soil fill operations that first receive uncontaminated soil on or after the effective date of this Section must be registered with the Agency prior to the receipt of any uncontaminated soil.

b) Registrations must be submitted on forms and in a format prescribed by the Agency and must include information set forth at Sections 1100.304 through 1100.310, excluding the certifications required under Section 1100.307.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.520 Required Signatures

a) All registrations 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 registration 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. 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;

4) For a municipality, ~~state~~State, federal or other public agency, by the head of the agency or a ranking elected official; and

5) For a member-managed limited liability company, by a member and for a manager-managed limited liability company, by a manager or member.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.525 Procedures for Closure

##### a) Notification of Closure

The owner or operator must provide written notification to the Agency within 30 days after the owner or operator begins closure in accordance with the closure plan required ~~pursuant to~~by Section 1100.510(h) and the closure requirements of Section ~~1100.208 required pursuant to Section 1100.505 of this Part.~~1100.208.

##### b) Certification of Closure

When the closure of the facility is complete, the owner or operator must submit to the Agency:

1) Documentation concerning closure of the facility, including, but not limited to, plans or diagrams of the facility as closed and the date closure was completed.

2) An affidavit by the owner or operator and the seal of a PE or PG that the facility has been closed in accordance with the closure plan required ~~pursuant to~~by Section 1100.510(h) and the closure requirements of Section ~~1100.208 required pursuant to Section 1100.505 of this Part.~~1100.208.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1100.530 Termination of Postclosure Maintenance

At the end of the postclosure maintenance period, the owner or operator must submit a certification by a PE or PG and an affidavit by the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:

- a) Vegetation has been established on all nonpaved areas;
- b) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, ~~pursuant to~~ required by the postclosure maintenance plan, are no longer necessary; and
- c) The owner or operator has completed all requirements of the postclosure maintenance plan.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART F: STANDARDS FOR UNCONTAMINATED SOIL USED AS FILL MATERIAL AT FILL OPERATIONS REGULATED BY THIS PART

##### Section 1100.600 Purpose and Applicability

a) The purpose of this Subpart F is to establish standards for soils that are considered uncontaminated for purposes of this Part.

b) This Subpart F applies only to soil that is:

- 1) Generated during construction, remodeling, repair, or demolition of utilities, structures and roads as provided in Section 3.160 of the Act ~~(415-ILCS 5/3.160)~~; and
- 2) Used as fill material at Clean Construction or Demolition Debris Fill Operations or Uncontaminated Soil Fill Operations as provided at Sections 22.51 and 22.51a of the Act ~~(415-ILCS 5/22.51, 5/22.51a)~~ and in this Part ~~1100.~~
- c) Soil that is generated during construction, remodeling, repair, or demolition of utilities, structures and roads and commingled with CCDD must satisfy the standards for maximum allowable concentrations of chemical constituents in uncontaminated soil as set forth in this Subpart F if used as fill material at CCDD Fill Operations pursuant to Section 22.51 of the Act.
- d) Soil or materials to which this Subpart F does not apply include, but are not limited to:
  - 1) Soil that must be managed as hazardous waste;
  - 2) Soil that has at any time been treated or diluted to reduce contaminant concentrations or contaminant mobility (e.g., treatment to reduce extraction test contaminant concentrations) except for soil that has been treated to reduce contaminants by physical separation from construction or demolition debris at the site where the soil was generated or at a site authorized by applicable law to perform such separation; and

3) Soil that has been removed from a site as part of cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; as part of a closure of corrective action under the Resource Conservation and Recovery Act, as amended; or under an Agency remediation program, such as the leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of ~~the~~ Act ~~(415 ILCS 5/58.16)~~ where there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on or from the real property and excluding soil that is uncontaminated and has not been excavated or treated as part of the cleanup or removal of contaminants. [415 ILCS 5/22.51(f) (2) (C) ~~, 5/~~ and 22.51a (d) (2) (C) ~~-1~~]

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1100.605 Maximum Allowable Concentrations for Chemical Constituents in Uncontaminated Soils

a) Except as provided for background concentrations in subsection (b) ~~of this Section~~, the maximum allowable concentrations for chemical constituents in uncontaminated soil must be determined pursuant to ~~subsections (a) (1) through (a) (5) of this Section~~ this subsection (a).

1) The maximum allowable concentration for a chemical constituent in uncontaminated soil will be the lowest Tier 1 chemical-specific soil value of the exposure routes for residential and construction worker receptors set forth in 35 Ill. Adm. Code 742.Appendix B, Tables A and B (e.g., soil ingestion exposure route, outdoor inhalation exposure route, soil component of the groundwater ingestion exposure route, construction worker exposure route). Class I values must be used when determining the lowest Tier 1 chemical-specific value for the soil component of the groundwater ingestion exposure route. Before making the comparison among exposure routes to determine the lowest value for ionizing organic chemical constituents and inorganic chemical constituents, the requirements of subsections (a)(2) and (a)(3) ~~of this Section~~ must be satisfied, as applicable.

2) For ionizing organic constituents, the lowest pH-dependent value for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742.Appendix B, Table C must be substituted for the pH-neutral value provided for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code Appendix B, Table A before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section.

3) For inorganic constituents, the remediation objectives for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Tables A and B are based on the contaminant concentration resulting from an extraction test and are not directly comparable to the remediation objectives provided for the ingestion and inhalation exposure routes, which are based on total concentrations. The following values, based on total concentrations, must be substituted for the extraction test values in Table A before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section:

A) The lowest chemical-specific, pH-dependent values in 35 Ill. Adm. Code 742.Appendix B, Table C; or

B) For inorganic constituents that are listed in 35 Ill. Adm. Code 742. Appendix B, Table A but not in Appendix B, Table C, the extraction test values for the soil component of the groundwater ingestion exposure route in Appendix B, Table A may be multiplied by ~~twenty~~20 (i.e., 20 liters/kilogram, the liquid to solid ratio in the extraction test assuming complete constituent leaching) to enable direct comparison with the ingestion and inhalation exposure route values. The resulting value must be substituted for the extraction test value before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section.

4) If the lowest Tier 1 soil value for a chemical is less than the Acceptable Detection Limit (ADL), the ADL will serve as the lowest soil value.

5) The total concentration of organic contaminants may not exceed the attenuation capacity of the soil as determined in accordance with ~~subsections (b)(1) and (b)(1)(A) of~~ 35 Ill. Adm. Code 742.215(b)(1) and (b)(1)(A) using a default value of 2000 mg/kg for the natural organic carbon fraction (foc).

b) Background concentrations from 35 Ill. Adm. Code 742. Appendix A, Tables G and H may be used as the maximum allowable concentrations at locations specified by the tables if the most stringent exposure route value for the chemical constituent, as determined pursuant to subsection (a) of this Section, is lower than the chemical's applicable background value listed in ~~Tables~~Table G or H. The chemical's applicable background value in Table G or H must be established based on the location of the fill operation where the soil is placed.

c) For chemicals not listed in 35 Ill. Adm. Code 742. Appendix B, ~~Tables~~Table A, B, or C, the values may be obtained from the Agency by making a request for chemical-specific values.

1) The Agency will develop these objectives based upon ~~the United States Environmental Protection Agency's (USEPA)~~USEPA's toxicity value hierarchy as specified in OSWER Directive 9285.7-53, incorporated by reference ~~at in~~ Section ~~1105.115 of this Part~~1100.104. USEPA's Integrated Risk Management System (IRIS), incorporated by reference at Section ~~1100.104 of this Part~~1100.104, is the first tier of this hierarchy.

2) Calculation of the maximum allowable concentrations must use the applicable risk-based soil screening level equations from 35 Ill. Adm. Code 742. Appendix C, Table A. Default exposure durations and contact rates from 35 Ill. Adm. Code 742. Appendix C, Table B must be used in making these calculations.

3) If the person making the request of the Agency disagrees with the Agency's decision, the person who made the request may file an appeal of the Agency's decision with the Board pursuant to Section 40(a) of the Act ~~(415 ILCS 5/40(a))~~ and 35 Ill. Adm. Code 105.

d) Other provisions of 35 Ill. Adm. Code 742 (e.g., institutional controls, engineered barriers, exposure route exclusions, site-specific evaluations, local area background calculations) may not be used to exclude or otherwise alter exposure routes or exposure route values for the purpose of determining the maximum allowable concentrations under this Part.

e) For purposes of this Part, the Agency shall publish at its website a list of chemical-specific values for maximum allowable concentrations of chemical

constituents in uncontaminated soils based on the methodology for determining those values set forth in this Section. In addition, the Agency shall publish at its website a list of chemical-specific values for chemicals not listed in 35 Ill. Adm. Code 742. Appendix B, Tables A, B or C when values are calculated by the Agency in accordance with subsection (c) of this Section or ~~subsection (c)~~ of 35 Ill. Adm. Code ~~742.510-742.510(c)~~.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

Section 1100.610 Compliance Evaluation; Performance and Documentation of Soil Sampling and Chemical Analysis

a) For purposes of this Subpart F, the chemical constituents to be evaluated, if any, and the soil sample points must be determined on a site-specific basis by the PE or PG.

b) If soil sampling and analysis are used to evaluate compliance with the maximum allowable concentrations for chemical constituents in uncontaminated soils, compliance generally must be determined by comparing total soil concentrations from the laboratory reports with the maximum allowable concentrations as determined pursuant to Section ~~1100.605 of this Part~~, 1100.605. The following procedures will be required, as applicable, when making the comparisons:

1) If the background value from 35 Ill. Adm. Code 742. Appendix A, ~~Tables~~ Table G or H was determined to be the maximum allowable concentration in accordance with Section 1100.605 ~~of this Part~~ for an inorganic constituent or a polynuclear aromatic hydrocarbon constituent, compliance must be determined as follows:

A) The applicable background value from Table G or H may be compared directly with the total soil concentration from the laboratory report; or

B) If, as determined pursuant to ~~subsections~~ Section 1100.605 (a) and (b) ~~of Section 1100.605,~~ the applicable background value for an inorganic chemical constituent from Table G has been selected as the maximum allowable concentration in place of a more stringent value for the Class I soil component of the groundwater ingestion exposure route in 35 Ill. Adm. Code 742. Appendix B, Table A, concentration in the extract from the Toxicity Characteristic Leaching Procedure (TCLP) or Synthetic Precipitation Leaching Procedure (SPLP) analytical extraction test in accordance with Methods 1311 and 1312, respectively, in SW-~~846846~~, incorporated by reference at Section ~~1100.104 of this Part~~ 1100.104, may be compared with the chemical's Class I soil component of the ~~Groundwater~~ groundwater ingestion exposure route value in 35 Ill. Adm. Code 742. Appendix B, Table A.

2) For ionizing organic constituents, if, as determined pursuant to Section ~~1100.605 of this Part~~, 1100.605, the lowest Tier 1 chemical-specific soil value is for the soil component of the Class I groundwater ingestion exposure route, the total soil concentration from the laboratory report must be compared with the lowest corresponding pH-dependent value in 35 Ill. Adm. Code 742. Appendix B, Table C.

3) For inorganic constituents and, except as provided in subsection (b)(1)(B) of this Section, if, as determined pursuant to Section ~~1100.605 of this Part~~, 1100.605, the lowest Tier 1 chemical-specific soil value is for the soil component of the Class I groundwater ingestion exposure route, compliance must

be evaluated by comparing the total soil concentration from the laboratory report using the following methods:

A) Total soil concentrations from the laboratory report must be compared with the lowest chemical-specific, pH-dependent value for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742, Appendix B, Table C; or

B) For inorganic chemical constituents that are listed in Appendix B, Table A but not in Appendix B, Table C, the total soil concentrations from the laboratory report must be compared with the product of the extraction test values for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Table A multiplied by ~~twenty (20)~~ to convert to total soil concentration values; or

C) As an alternative to subsections (b)(3)(A) and (b)(3)(B) of this Section, concentrations in the extract from ~~the Toxicity Characteristic Leaching Procedure (TCLP) or Synthetic Precipitation Leaching Procedure (SPLP)~~ TCLP or SPLP analytical extraction test in accordance with Methods 1311 and 1312, respectively, in SW-846 may be compared with the chemical's Class I soil component of the groundwater ingestion exposure route value in 35 Ill. Adm. Code 742, Appendix B, Table A.

c) Chemical analysis of soil samples conducted under this Subpart F must be conducted in accordance with the requirements of 35 Ill. Adm. Code ~~742, as amended~~ 742 and "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference ~~at in~~ in Section 1100.104 ~~of the Part--~~ [415 ILCS 5/22.51(f)(3), and 22.51a(d)(3)]. If SW-846 methods do not support detection at the concentration specified for a particular chemical constituent (e.g., aldicarb, carbofuran, endothall), the laboratory may use modified or alternative methods available to the laboratory to achieve the lowest practical detection level possible. If concentrations of these constituents in soil are demonstrated to be equal to or lower than the applicable maximum allowable concentrations using modified or alternative methods pursuant to this subsection (c), the soil may be certified as complying with the maximum allowable concentrations.

d) Samples must not be composited for analysis, and analytical results from samples must not be averaged.

e) All quantitative analyses of samples must be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of the accreditation. Documentation of any chemical analysis must include, but is not limited to:

- 1) Chain of custody control;
- 2) A copy of the lab analysis;
- 3) Accreditation status of the laboratory performing the analysis; and

4) Certification by an authorized agent of the laboratory that the analysis has been performed in accordance with the Agency's rules for the accreditation of environmental laboratories and the scope of the accreditation. [415 ILCS 5/22.51(f)(2)(D)]

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1100.615 Waste and Materials Other Than Chemical Constituents in Soils

For purposes of this Part:

a) Uncontaminated soil may include incidental amounts of stone, rock, gravel, roots, and other vegetation.

b) Except as provided in subsection (a) ~~of this Section~~, soil containing waste or other materials or exceeding the standards for chemical constituents in uncontaminated soil is not uncontaminated soil and must be managed in accordance with applicable provisions of the Act and implementing rules.

1) Soil satisfying the standards for chemical constituents in uncontaminated soil but that is commingled with general construction or demolition debris is general construction or demolition debris and must be managed as such in accordance with applicable provisions of the Act and implementing rules. ~~+(See~~ 415 ILCS 5/3.160(a) ~~+.)~~

2) Soil satisfying the standards for chemical constituents in uncontaminated soil but that is commingled with clean construction or demolition debris is clean construction or demolition debris and must be managed as such in accordance with applicable provisions of the Act and implementing rules. ~~+(See~~ 415 ILCS 5/3.160(b) ~~+.)~~

(Source: Added at 36 Ill. Reg. ~~\_\_\_\_\_~~ effective ~~\_\_\_\_\_~~)

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~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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