

Board to Hold Hearing on Proposed Amendments for Clean Construction or Demolition Debris Fill Operations Rules

The Illinois Pollution Control Board, on August 4, 2011, accepted for hearing a proposal that would 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 soil to be used as fill. On July 29, 2011, the Illinois Environmental Protection Agency (IEPA) filed the proposal with the Board. The proposal was docketed as Proposed Amendments To Clean Construction Or Demolition Debris Fill Operations (CCDD): Proposed Amendments To 35 Ill. Adm. Code 1100, R12-9. Under Section 22.51 of the Illinois Environmental Protection Act (Act), the IEPA is required to present a proposal to the Board by July 30, 2011, and the Board must adopt the rule no later than one year after receipt of the IEPA's proposal.

The proposal specifies: 1) the use of CCDD and uncontaminated soil as fill material at CCDD fill operations; 2) the use of uncontaminated soil as fill material at uncontaminated soil fill operations; and 3) the maximum concentrations of contaminants that may be present in the uncontaminated soil component of construction or demolition debris. The proposed rules also include standards and procedures necessary to protect groundwater.

The IEPA's proposal also reflects changes necessitated by P.A. 97-0137(eff. July 14, 2011). The first change removes benzo(a)pyrene restriction at Section 3.160(c)(1) of the Act (415 ILCS 5/3/160(c)(1)(2010)). This change allows the Board to consider TACO background levels for all carcinogens and not just for the one carcinogen, benzo(a)pyrene. The second amendment allows Professional Geologists, as well as Professional Engineers to provide certifications under the interim soil certification requirements.

The hearing officer is to proceed expeditiously with the setting of hearings.

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

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

For more information contact Marie Tipsord at 312-814-4925 or email at tipsorm@ipcb.state.il.us.