

**LEGISLATIVE**

**& POLICY**

**COMMITTEE**

**RESOLUTIONS**





RESOLUTION OF THE BOARD  
WILL COUNTY, ILLINOIS

OPPOSING THE CONCEPTS OF SB1607 & HB2264

**Re: Amendments to Environmental Protection Act – Construction & Demo Debris**

WHEREAS, there is pending in the General Assembly Senate Bill 1607 and HB2264, which amends the Environmental Protection Act. Provides that clean construction or demolition debris (CCDD), including general fill soil commingled with CCDD, is not waste if certain requirements are met. Provides that "general fill soil" is soil generated from construction or demolition activities and containing concentrations of chemicals at or below either certain Tiered Approach to Corrective Action Objective (TACO) Tier I exposure route values or, under certain circumstances, higher limits, such as acceptable detection limits or background concentrations. Provides that "restricted fill soil", including general fill soil commingled with restricted fill soil, is soil generated from construction or demolition activities that meets certain requirements. Makes changes to certain Sections of the Act concerning the use of CCDD. Requires the Illinois Environmental Protection Agency to issue permits for the use of CCDD and restricted fill soil as fill material. Provides that after January 1, 2010, a person may use CCDD and restricted fill soil as fill material, if certain requirements are met. Provides that the Agency may, without a permit, enter into intergovernmental agreements with units of State or local government to authorize the use of soil and CCDD. Provides for enforcement of certain CCDD-related violations by administrative citation. Provides civil penalties for certain violations. Makes other changes. Effective immediately; and

WHEREAS, in consultation with Leadership and the Executive Committee the Legislative Committee Chairperson has recommended the full County Board bring forth a resolution advising its legislators that Will County **OPPOSES the concepts of SB1607 & HB2264**, as written today. These Bills define general fill soil, which will allow a certain level of contaminated soil to be brought to another site, or a quarry or clean construction or demolition debris (CCDD) site. There are **NO** requirements for these facilities (CCDD) or sites that accept this material to go through the local siting process. Due to the impacts on Will County, with its numerous quarries and dependence on groundwater, Will County must be involved in any discussions or meetings regarding these Bills or any legislation concerning general fill or soil material and its disposal or use.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby **OPPOSES the concepts of SB1607 & HB2264**, which amends the Environmental Protection Act. Provides that clean construction or demolition debris (CCDD), including general fill soil commingled with CCDD, is not waste if certain requirements are met. Provides that "general fill soil" is soil generated from construction or demolition activities and containing concentrations of chemicals at or below either certain Tiered Approach to Corrective Action Objective (TACO) Tier I exposure route values or, under certain circumstances, higher limits, such as acceptable detection limits or background concentrations. Provides that "restricted fill soil", including general fill soil commingled with restricted fill soil, is soil generated from construction or demolition activities that meets certain requirements. Makes changes to certain Sections of the Act concerning the use of CCDD. Requires the Illinois Environmental Protection Agency to issue permits for the use of CCDD and restricted fill soil as fill material. Provides that after January 1, 2010, a person may use CCDD and restricted fill soil as fill material, if certain requirements are met. Provides that the Agency may, without a permit, enter into intergovernmental agreements with units of State or local government to authorize the use of soil and CCDD. Provides for enforcement of certain CCDD-related violations by administrative citation. Provides civil penalties for certain violations. Makes other changes.

BE IT FURTHER RESOLVED, that the Preamble of this Resolution is hereby adopted as if fully set herein. This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 19<sup>th</sup> day of March, 2009.

Vote: Yes \_\_\_\_\_ No \_\_\_\_\_ Pass \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Nancy Schultz Voots  
Will County Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Lawrence M. Walsh  
Will County Executive



**Bill Status of SB1607 96th General Assembly**

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**Short Description:** EPA-CONSTRUCTION & DEMO DEBRIS

**Senate Sponsors**

Sen. Don Harmon - John J. Millner - Michael Noland, William Delgado and Dale E. Risinger

**Last Action**

Date	Chamber	Action
3/12/2009	Senate	Placed on Calendar Order of 2nd Reading March 17, 2009

**Statutes Amended In Order of Appearance**

415 ILCS 5/3.160 was 415 ILCS 5/3.78 and 3.78a  
415 ILCS 5/3.202 new  
415 ILCS 5/3.442 new  
415 ILCS 5/21 from Ch. 111 1/2, par. 1021  
415 ILCS 5/22.51  
415 ILCS 5/22.51a new  
415 ILCS 5/22.54 new  
415 ILCS 5/31.1 from Ch. 111 1/2, par. 1031.1  
415 ILCS 5/42 from Ch. 111 1/2, par. 1042

**Synopsis As Introduced**

Amends the Environmental Protection Act. Provides that clean construction or demolition debris (CCDD), including general fill soil commingled with CCDD, is not waste if certain requirements are met. Provides that "general fill soil" is soil generated from construction or demolition activities and containing concentrations of chemicals at or below either certain Tiered Approach to Corrective Action Objective (TACO) Tier I exposure route values or, under certain circumstances, higher limits, such as acceptable detection limits or background concentrations. Provides that "restricted fill soil", including general fill soil commingled with restricted fill soil, is soil generated from construction or demolition activities that meets certain requirements. Makes changes to certain Sections of the Act concerning the use of CCDD. Requires the Illinois Environmental Protection Agency to issue permits for the use of CCDD and restricted fill soil as fill material. Provides that after January 1, 2010, a person may use CCDD and restricted fill soil as fill material, if certain requirements are met. Provides that the Agency may, without a permit, enter into intergovernmental agreements with units of State or local government to authorize the use of soil and CCDD. Provides for enforcement of certain CCDD-related violations by administrative citation. Provides civil penalties for certain violations. Makes other changes. Effective immediately.

**Senate Committee Amendment No. 1**

Further amends the Environmental Protection Act. Changes the definition of "clean construction or demolition debris"(CCDD) to provide that certain materials generated from the construction or demolition of a road may be considered CCDD. Defines "painted construction or demolition debris" (PCDD) as certain materials that contain paint and that are generated from construction or demolition activities. Provides that PCDD may be treated as CCDD if certain requirements are met. Authorizes general fill soil to contain broken concrete, bricks, or asphalt. Removes the provision of the introduced bill that prohibits any person from conducting any generation, transportation, or recycling of general fill soil without maintaining certain documentation. Prohibits any person from conducting any generation, transportation, or recycling of general fill soil without certain documentation. Provides that certain documentation requirements do not apply to a permitted pollution control facility that accepts PCDD for final disposal. Removes a provision which specifies that the Section regarding CCDD fill operations applies to (i) persons using CCDD as fill material in a current or former quarry, mine, or other excavation and (ii) to persons authorized to use restricted fill soil or general fill soil as fill material in a current or former quarry, mine, or other excavation. Requires existing owners and operators of CCDD fill operations to seek a permit modification under certain circumstances. Provides that no person shall use restricted fill soil or PCDD as fill material at a CCDD fill operation unless authorized by a modified permit. Prohibits, beginning on July 1, 2012, certain person from using CCDD as fill material without a modified permit. Provides that the Section regarding CCDD fill

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operations does not apply to the use of CCDD, restricted fill soil, or PCDD as fill material under certain circumstance. Authorizes the use of restricted fill soil and PCDD as fill material under certain circumstances. Reinserts with modifications portions of the introduced bill that relate to the Receipt Control and Screening Plan that must be developed and implemented by the owner or operator of a CCDD fill operation. Reinserts with modifications portions of the introduced bill that relate to the Testing and Sampling Plan that must be developed and implemented by the owner or operator of a CCDD fill operation. Makes other changes regarding the use of soil other than restricted fill soil or general fill soil as fill material. Makes other changes regarding the use of PCDD as fill material. Authorizes the owner or operator of a soil fill operation to use soil as fill material at a soil fill operation on and after January 1, 2010, if certain requirements are met. Increases certain civil penalties. Makes other changes.

**Actions**

Date	Chamber	Action
2/19/2009	Senate	Filed with Secretary by Sen. Don Harmon
<b>2/19/2009</b>	<b>Senate</b>	<b>First Reading</b>
2/19/2009	Senate	Referred to Assignments
2/24/2009	Senate	Added as Chief Co-Sponsor Sen. John J. Millner
2/25/2009	Senate	Assigned to Environment
3/5/2009	Senate	Added as Co-Sponsor Sen. William Delgado
3/6/2009	Senate	Added as Co-Sponsor Sen. Dale E. Risinger
3/10/2009	Senate	Senate Committee Amendment No. 1 Filed with Secretary by Sen. Don Harmon
3/10/2009	Senate	Senate Committee Amendment No. 1 Referred to Assignments
3/10/2009	Senate	Added as Chief Co-Sponsor Sen. Michael Noland
3/10/2009	Senate	Senate Committee Amendment No. 1 Assignments Refers to Environment
3/11/2009	Senate	Senate Committee Amendment No. 1 Adopted
3/12/2009	Senate	Do Pass as Amended Environment; 008-000-000
<b>3/12/2009</b>	<b>Senate</b>	<b>Placed on Calendar Order of 2nd Reading March 17, 2009</b>

**Bill Status of HB2264** 96th General Assembly

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**Short Description:** EPA-CONSTRUCTION & DEMO DEBRIS

**House Sponsors**

Rep. [Thomas Holbrook](#) - [Mike Fortner](#) - [Marlow H. Colvin](#)

**Last Action**

Date	Chamber	Action
3/12/2009	House	Placed on Calendar 2nd Reading - Short Debate

**Statutes Amended In Order of Appearance**

[415 ILCS 5/3.160](#) was [415 ILCS 5/3.78](#) and [3.78a](#)  
[415 ILCS 5/3.202](#) new  
[415 ILCS 5/3.442](#) new  
[415 ILCS 5/21](#) from Ch. 111 1/2, par. 1021  
[415 ILCS 5/22.51](#)  
[415 ILCS 5/22.51a](#) new  
[415 ILCS 5/22.54](#) new  
[415 ILCS 5/31.1](#) from Ch. 111 1/2, par. 1031.1  
[415 ILCS 5/42](#) from Ch. 111 1/2, par. 1042

**Synopsis As Introduced**

Amends the Environmental Protection Act. Provides that clean construction or demolition debris (CCDD), including general fill soil commingled with CCDD, is not waste if certain requirements are met. Provides that "general fill soil" is soil generated from construction or demolition activities and containing concentrations of chemicals at or below either certain Tiered Approach to Corrective Action Objective (TACO) Tier I exposure route values or, under certain circumstances, higher limits, such as acceptable detection limits or background concentrations. Provides that "restricted fill soil", including general fill soil commingled with restricted fill soil, is soil generated from construction or demolition activities that meets certain requirements. Makes changes to certain Sections of the Act concerning the use of CCDD. Requires the Illinois Environmental Protection Agency to issue permits for the use of CCDD and restricted fill soil as fill material. Provides that after January 1, 2010, a person may use CCDD and restricted fill soil as fill material, if certain requirements are met. Provides that the Agency may, without a permit, enter into intergovernmental agreements with units of State or local government to authorize the use of soil and CCDD. Provides for enforcement of certain CCDD-related violations by administrative citation. Provides civil penalties for certain violations. Makes other changes. Effective immediately.

**House Committee Amendment No. 1**

*Deletes reference to:*

[415 ILCS 5/3.160](#)  
[415 ILCS 5/3.202](#) new  
[415 ILCS 5/3.442](#) new  
[415 ILCS 5/21](#)  
[415 ILCS 5/22.51a](#) new  
[415 ILCS 5/22.54](#) new  
[415 ILCS 5/31.1](#)  
[415 ILCS 5/42](#)

Deletes everything after the enacting clause. Amends the Environmental Protection Act. In a Section concerning Clean Construction or Demolition Debris (CCDD) fill operations, inserts (i) a provision requiring applications for

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certain CCDD authorizations to contain a site reclamation plan that addresses potential hazards to public health and safety (now, a site reclamation plan is not required) and (ii) a provision authorizing the Board to adopt regulations for the use of CCDD at current or former quarries, mines, or other excavations that have a site reclamation plan that addresses potential hazards to public health and safety (now, a site reclamation plan is not required). Effective immediately.

**Actions**

Date	Chamber	Action
2/18/2009	House	Filed with the Clerk by Rep. Thomas Holbrook
2/18/2009	House	Added Chief Co-Sponsor Rep. Mike Fortner
2/18/2009	House	Added Chief Co-Sponsor Rep. Marlow H. Colvin
<b>2/18/2009</b>	<b>House</b>	<b>First Reading</b>
2/18/2009	House	Referred to Rules Committee
3/4/2009	House	Assigned to Environment & Energy Committee
3/11/2009	House	House Committee Amendment No. 1 Filed with Clerk by Environment & Energy Committee
3/11/2009	House	House Committee Amendment No. 1 Adopted in Environment & Energy Committee; by Voice Vote
3/11/2009	House	Do Pass as Amended / Short Debate Environment & Energy Committee; 019-000-000
<b>3/12/2009</b>	<b>House</b>	<b>Placed on Calendar 2nd Reading - Short Debate</b>



RESOLUTION OF THE BOARD  
WILL COUNTY, ILLINOIS

SUPPORTING THE CONCEPTS OF HB346

**Re: Amendments to Environmental Protection Act regarding CONSTRUCTION DEBRIS**

WHEREAS, there is pending in the General Assembly House Bill 346, which amends the Environmental Protection Act. Defines "Tier 1 construction or demolition debris soil". Provides that a "pollution control facility" includes any site or facility at which Tier 1 construction or demolition debris soil is accepted or deposited as fill material. Provides that the Illinois Environmental Protection Agency may, by intergovernmental agreement, develop a special authorization for the removal and reuse of soil from and to sites within the corporate boundaries of a municipality with a population in excess of one million. Specifies the terms and requirements of the intergovernmental agreement. Specifies certification requirements for the use of contaminated soil as fill material in a quarry, mine, or other excavation. Provides that owners and operators of Tier 1 construction or demolition debris soil fill operations must develop and implement a receipt control plan and engineered control plan for construction or demolition debris soil used as fill material. Specifies the requirements of the receipt control plan and engineered control plan. Specifies the notice requirements for an intergovernmental agreement. Effective immediately; and

WHEREAS, in consultation with Leadership and the Executive Committee the Legislative Committee Chairperson has recommended the full County Board bring forth a resolution advising its legislators that Will County SUPPORTS the concepts of HB346, as written today. HB346 requires the quarry operators to go through the local siting process, thoroughly test and meet a certification process, and track and verify that soil meets certain standards prior to it being accepted and deposited in the quarry. In employing these safeguards, the concepts of HB346 would protect our precious groundwater.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby SUPPORTS the concepts of HB346, which amends the Environmental Protection Act. Defines "Tier 1 construction or demolition debris soil". Provides that a "pollution control facility" includes any site or facility at which Tier 1 construction or demolition debris soil is accepted or deposited as fill material. Provides that the Illinois Environmental Protection Agency may, by intergovernmental agreement, develop a special authorization for the removal and reuse of soil from and to sites within the corporate boundaries of a municipality with a population in excess of one million. Specifies the terms and requirements of the intergovernmental agreement. Specifies certification requirements for the use of contaminated soil as fill material in a quarry, mine, or other excavation. Provides that owners and operators of Tier 1 construction or demolition debris soil fill operations must develop and implement a receipt control plan and engineered control plan for construction or demolition debris soil used as fill material. Specifies the requirements of the receipt control plan and engineered control plan. Specifies the notice requirements for an intergovernmental agreement.

BE IT FURTHER RESOLVED, that the Preamble of this Resolution is hereby adopted as if fully set herein. This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 19<sup>th</sup> day of March, 2009.

Vote: Yes \_\_\_\_\_ No \_\_\_\_\_ Pass \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Nancy Schultz Voots  
Will County Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Lawrence M. Walsh  
Will County Executive



**Bill Status of HB0346** 96th General Assembly**Short Description:** EPA-CONSTRUCTION DEBRIS**House Sponsors**Rep. [Thomas Holbrook](#)**Last Action**

Date	Chamber	Action
3/13/2009	House	Rule 19(a) / Re-referred to <a href="#">Rules Committee</a>

**Statutes Amended In Order of Appearance**

[415 ILCS 5/3.160](#) was [415 ILCS 5/3.78](#) and [3.78a](#)  
[415 ILCS 5/3.330](#) was [415 ILCS 5/3.32](#)  
[415 ILCS 5/22.48a](#) new  
[415 ILCS 5/22.51a](#) new  
[415 ILCS 5/58.19](#) new

**Synopsis As Introduced**

Amends the Environmental Protection Act. Defines "Tier 1 construction or demolition debris soil". Provides that a "pollution control facility" includes any site or facility at which Tier 1 construction or demolition debris soil is accepted or deposited as fill material. Provides that the Illinois Environmental Protection Agency may, by intergovernmental agreement, develop a special authorization for the removal and reuse of soil from and to sites within the corporate boundaries of a municipality with a population in excess of one million. Specifies the terms and requirements of the intergovernmental agreement. Specifies certification requirements for the use of contaminated soil as fill material in a quarry, mine, or other excavation. Provides that owners and operators of Tier 1 construction or demolition debris soil fill operations must develop and implement a receipt control plan and engineered control plan for construction or demolition debris soil used as fill material. Specifies the requirements of the receipt control plan and engineered control plan. Specifies the notice requirements for an intergovernmental agreement. Effective immediately.

**Actions**

Date	Chamber	Action
1/26/2009	House	Filed with the Clerk by Rep. <a href="#">Thomas Holbrook</a>
<b>1/27/2009</b>	<b>House</b>	<b>First Reading</b>
1/27/2009	House	Referred to <a href="#">Rules Committee</a>
2/4/2009	House	Assigned to <a href="#">Environment &amp; Energy Committee</a>
<b>3/13/2009</b>	<b>House</b>	<b>Rule 19(a) / Re-referred to Rules Committee</b>

