

New Requirements for Clean Construction or
Demolition Debris (CCDD) & Uncontaminated Soil

An Explanation of Public Act 96-1416

Presented by:

**Illinois Environmental
Protection Agency**



Introduction

- ❑ Welcome
- ❑ Introductions of IEPA Staff and those in attendance
- ❑ Housekeeping items
- ❑ Why are we here?



If only it were this easy:



Your soil is here, sir.

Overview

- ❑ Brief history of regulations
- ❑ Basics: Definition of terms
- ❑ What's new? Public Act 96-1416
- ❑ Intergovernmental Agreement with IDOT
- ❑ Compliance Assistance: load inspections, and rejected loads
- ❑ Questions and Concerns



Brief History of Regulations

- ❑ The Environmental Protection Act was amended by the General Assembly: Section 22.51 was added which required that on or after August 18, 2005 quarries etc., could not be filled with CCDD without Interim Authorization.
- ❑ As of July 1, 2008, all CCDD facilities must have obtained a permit from IEPA.
- ❑ Illinois Pollution Control Board adopted Part 1100 regulations to establish the permit program for CCDD sites. Soil-only sites not included.
- ❑ Senate Bill 3721 was signed into law by Governor Quinn on July 30, 2010, making it Public Act 96-1416.

Basics: Definition of terms

- ❑ **CCDD Facility:** A current or former quarry, mine, or other excavation accepting Clean Construction or Demolition debris for fill. An IEPA permit is required to operate a CCDD facility.
- ❑ **Soil-Only Site:** is a current or former quarry, mine, or other excavation where uncontaminated soil is used as fill material (does not include CCDD Facility). Soil-only sites must register with IEPA.

Basics: Definition of terms (cont.)

- ❑ **CCDD**: 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/demolition activities.
- ❑ **Uncontaminated soil**: Means soil that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment.

What is new? Public Act 96-1416

- ❑ Public Act 96-1416 changes Sections 3.160, 22.51, 31.1 and 42; and **adds Sections 22.51a and 22.51b** to the Environmental Protection Act;
- ❑ Section 22.51a requires uncontaminated soil used as fill in mines, quarries, or other excavations to be regulated.
 - ❑ **Pre-existing Soil-Only fill sites must register with IEPA by March 31, 2011.**
 - ❑ **New Soil-Only fill sites must register prior to accepting the first load.**

What is new? Public Act 96-1416

- ❑ Requires the Agency, *within one year* of the effective date (7/30/10), to propose to the Pollution Control Board, rules for the use of CCDD and uncontaminated soil as fill material. The standards will include standards necessary to protect groundwater. This will include testing, certifications, and recordkeeping. The Pollution Control Board then has *another year* to adopt the above rules (Section 3.160(f)(1) of the Act).

What is new? Public Act 96-1416

- Section 22.51b adds assessment and collection of fees by the Agency. Units of Local Government, which have entered into delegation agreements with the Agency, may also establish fees (Section 22.51b of the Act).
 - **\$0.20/yd³ (\$0.14/ton) of CCDD and/or soil** will go to the Environmental Protection Permit Inspection Fund to be used for permit and inspection activities.
 - Up to \$0.10/yd³ may be assigned by local government(as defined by Local Solid Waste Disposal Act).

What is new? Public Act 96-1416

- Amends Section 31.1 of the Act, allowing the Agency (and delegated Counties) to issue Administrative Citations for Violations at CCDD sites.
 - Administrative Citations:
 - Are for specific violations of Sections 22.51 and 22.51a of the Act (among other provisions in the Act having to do with illegal dumping, used tire disposal, and landfill violations)
 - Allow the imposition of a penalty by the Agency based on direct observation of a violation.

What do the changes mean?

Owners and operators of CCDD fill operations must do all of the following for all CCDD and uncontaminated soil accepted for use as fill material:

(A) Documentation required:

- i. Name of the hauler, address of the site of origin, address of the owner of the site of origin,
- ii. Weight or volume of the material received, **AND**,
- iii. Date the material was received.

What do the changes mean?

(B) For soil, obtain **EITHER**:

- i. A certification from the owner/operator of the site from which the soil was removed that the site has never been used for commercial or industrial purposes and is presumed to be uncontaminated soil; **OR**,
- ii. A certification from a licensed Professional Engineer that the soil is uncontaminated soil.

A licensed Professional Engineer **MUST** sign the certification if the site of origin is commercial and/or industrial.

Certifications required under 3.160(f)(2)(B) must be on **forms and in a format prescribed by the Agency** (forms are on the next slides).

LPC 662 (Source site Certification)

Illinois Environmental Protection Agency



Source Site Certification By Owner or Operator LPC - 662

SOURCE SITE CERTIFICATION

3. BASIS FOR CERTIFICATION & ATTACHMENTS

Explain the basis upon which you are certifying that this site has never been used for commercial or industrial purposes and the soil is presumed to be uncontaminated soil.

List attached documents supporting the certification:

Uncontaminated soil, including uncontaminated soil mixed with other clean construction or demolition debris (CCDD) materials, accepted at a CCDD fill operation must be certified to be uncontaminated soil in accordance with Section 22.51(f)(2)(B) of the Environmental Protection Act [415 ILCS 5/22.51(f)(2)(B)]. Uncontaminated soil accepted at an uncontaminated soil fill operation must be certified to be uncontaminated soil in accordance with Section 22.51a(d)(2)(i) of the Environmental Protection Act [415 ILCS 5/22.51a(d)(2)(B)]. Uncontaminated soil from a site that has never been used for industrial or commercial purposes may be certified by the site owner or operator of the site from which the soil was removed by completing this form. Uncontaminated soil from a site that has been used for commercial or industrial purposes must be certified by a licensed professional engineer using LPC - 663. If you have questions about this form, telephone the Bureau of Land, Permit Section at 217/524-3300.

1. SOURCE LOCATION INFORMATION

(Describe the location of the source of the uncontaminated soil)

Project name: _____ Office phone #, if available: _____

Physical Site Location (Street, Road): _____

City: _____ State: _____ Zip Code: _____

County: _____ Township: _____

Latitude and Longitude of approximate center of site to five decimal places (e.g., 90.12345N 40.67890W): _____

IEPA Site #s (if assigned): BOL: _____ BOW: _____ BOA: _____

2. OWNER/OPERATOR INFORMATION FOR SOURCE SITE

SITE OWNER

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Name: _____

Phone #: _____

Email, if available: _____

SITE OPERATOR

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Name: _____

Phone #: _____

Email, if available: _____

4. SOURCE SITE OWNER OR OPERATOR'S CERTIFICATION STATEMENT & SIGNATURE

In accordance with the Environmental Protection Act 415 ILCS 5/22.51(f)(2)(B) or 5/22.51a(d)(2)(B), I certify that this site has never been used for commercial or industrial purposes 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.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. {415 ILCS 5/44(b)}

Source Site Owner or Operator's Signature

Date

Printed Name

Title

LPC 663 (Uncontaminated Soil Certification for P.E.)



Illinois Environmental Protection Agency

Bureau of Land • 1021 N. Grand Avenue E. • PO Box 19276 • Springfield • Illinois • 62794-9276

Uncontaminated Soil Certification by Licensed Professional Engineer LPC-663

Uncontaminated soil, including uncontaminated soil mixed with other clean construction or demolition debris (CCDD) materials, accepted at a CCDD fill operation must be certified to be uncontaminated soil in accordance with Section 22.51(f)(2)(B) of the Environmental Protection Act [415 ILCS 5/22.51(f)(2)(B)]. Uncontaminated soil accepted at an uncontaminated soil fill operation must be certified to be uncontaminated soil in accordance with Section 22.15a(d)(2)(B) of the Environmental Protection Act [415 ILCS 5/22.15a(d)(2)(B)]. These certifications must be made by a licensed professional engineer using this form, LPC-663, when the soil is removed from a site that has been used for commercial or industrial purposes. Uncontaminated soil from a site that has not been used for commercial or industrial purposes may be certified by either the site owner or operator using LPC-662 or by a licensed professional engineer using this form. If you have any questions about this form, telephone the Bureau of Land, Permit Section at 217-524-3300.

1. Source Location Information

(Describe the location of the source of the uncontaminated soil)

Project Name: _____ Office Phone Number, if available: _____

Physical Site Location (Street, Road): _____

City: _____ State: _____ Zip: _____

County: _____ Township: _____

Latitude and Longitude of approximate center of site:

Latitude: _____ Longitude: _____
(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range

IEPA Site ID Number(s), if assigned: _____ BOL: _____ BOW: _____ BOA: _____

2. Owner/Operator Identification - For Source Site

<p style="text-align: center;">Site Owner</p> <p>Name: _____</p> <p>Street Address: _____</p> <p>PO Box: _____</p> <p>City: _____ State: _____</p> <p>Zip Code: _____ Phone: _____</p> <p>Contact: _____</p> <p>Email, if available: _____</p>	<p style="text-align: center;">Site Operator</p> <p>Name: _____</p> <p>Street Address: _____</p> <p>PO Box: _____</p> <p>City: _____ State: _____</p> <p>Zip Code: _____ Phone: _____</p> <p>Contact: _____</p> <p>Email, if available: _____</p>
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3. Basis for Certification and Attachments

Explain the basis upon which you are certifying that the soil from this site is uncontaminated soil.

Attachments: (check all that apply)

- Laboratory Analyses
- Laboratory Accreditation Status
- Authorized Agent Certification
- Other(s) Describe _____

4. Professional Engineer's Certification Statement, Signature and Seal

I 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 5/22.15(f)(2)(B) or 5/22.51a(d)(2)(B), I certify that the soil from this site is uncontaminated soil. All necessary documentation is attached.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Engineer Company Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____

Professional Engineer Signature: _____ Date: _____

Printed Name: _____ P.E. Seal: _____

(C) Confirm the uncontaminated soil and/or CCDD is not from a regulated environmental remediation program.

- ❑ Must confirm 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 (CERCLA), or under an Agency remediation program, such as the LUST program or Site Remediation Program, but excluding material subject to Section 58.16 of the Act* 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.

*Section 58.16 of the Act references property in Cook County intended for use as a public school.

(D) Document all of the above activities (from Sect. 3.160(f)(2)(A-C))

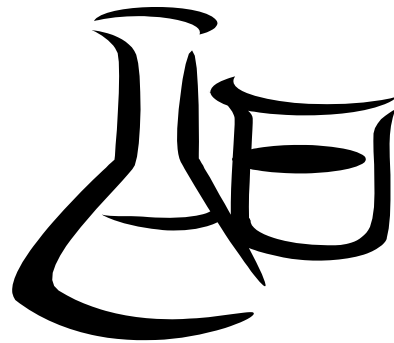
Documentation of any chemical analysis must include, but is not limited to;

- i. A copy of the lab analysis,
- ii. Accreditation status of the laboratory performing the analysis, and
- iii. 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 accreditation.

(note: any accredited laboratory will routinely give you this information, and should be familiar with these terms).

Chemical Analysis

Chemical analysis conducted under (f) (2) of this Section must be conducted in accordance with the requirements of 35 III. Adm. Code 742 as amended (also known as TACO) and “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA Publication No. SW-846, as amended.



Again, any accredited environmental laboratory is very familiar with these terms.

Load inspections

For **CCDD AND uncontaminated soil only sites**, load inspections must continue:

- Visually inspect each load; and,
- Screen each load using a device that is approved by the Agency and detects Volatile Organic Compounds.
 - Device may include, but is not limited to, a photo ionization detector (PID), or a flame ionization detector (FID).





Load rejection procedures - review

All permits issued for CCDD fill sites include a condition regarding “rejected loads.”

❑ Facilities must prepare a report to be submitted to IEPA by the end of the SAME business day the load was rejected. IEPA’s web site contains a load rejection form (a scanned copy is on the next slide).



CCDD Load Rejection Form

In accordance with a standard operating condition present in all permits issued by the Illinois EPA to CCDD facilities, all CCDD facilities are required to fill out a rejection form and send it to the Illinois EPA after each instance when an incoming load is rejected at the CCDD facility.

The completion of all fields in this form is mandatory:

CCDD Facility Information

CCDD Facility Number: _____ (10 digit number limit)

CCDD Facility Name: _____

Compliance File

Address: _____

City: _____ Zip: _____

Phone #: _____

Date of Inspection/Rejection: _____ Time: _____ Ticket #: _____

CCDD Inspector / Company Contact Name: _____

CCDD Inspector / Company Contact Phone: _____

Hauler Information

Hauler Company: _____

Address: _____

City: _____ Zip: _____

Driver Name: _____

License plate number of power unit: _____ Company Truck #: _____

Source / Generator Information

Source/Generator of fill material: _____

Address: _____

City: _____ Zip: _____

Source/Generator Phone: _____

The following items were detected in your truckload (check all that apply):

Photo Ionization Detector (P.I.D.) reading of: _____

- Wood or Wood Products
- Glass
- Piping
- Vegetation
- Plastic
- Metal
- Odors
- Electrical Wiring
- Concrete with Protruding Rebar
- Other (if other, please specify below)

Please submit this form via e-mail to: epa.cddreject@illinois.gov
or via Fax at 217-524-1991. Thank you for your cooperation.

CCDD Inspector: _____ Date: _____

Load rejection procedures (con't.)

❑ When a load must be rejected, the facility MUST notify the driver IN WRITING of 4 items:

1. That only CCDD is accepted for use as fill at the facility;
2. That the material contains or is suspected to contain material other than CCDD and that the material must NOT be taken to another CCDD fill operation, AND, must be properly recycled or disposed of at a permitted landfill;

Load rejection procedures (con't.)

3. That, for ALL inspected loads the owner or operator is required to record: the date and time of the inspection, the name of the hauling firm, the name of the driver, the vehicle ID# or license plate#, and the source of the fill; and is required to make this information available to the IEPA for inspection;
4. That the IEPA will be informed that the load has been rejected.

Load rejection procedures (con't.)

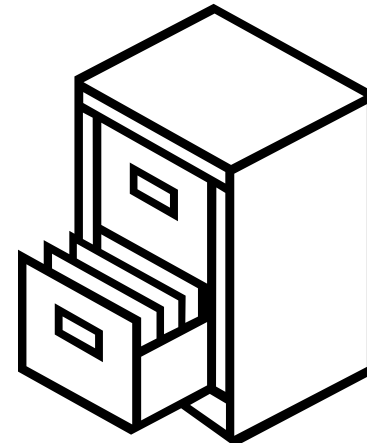
- IMPORTANT:

Rejected loads must **NOT** be returned to the site of origin for **final disposal.**



Section 3.160(f)(3) of the Act:

Owners and operators of clean construction or demolition debris fill operations must maintain all required documentation for **3 years** following the receipt of each Load of CCDD or uncontaminated soil. Copies of the documentation must be made available to the Agency and to units of local government (Delegated Counties) for inspection and copying during normal business hours.



Intergovernmental Agreement between the IEPA and the Illinois Department of Transportation (IDOT)

- Print-friendly copy is available on “FAQ’s” page

<http://www.epa.state.il.us/land/ccdd/index.html>

- Intended to memorialize the understanding between IEPA and IDOT regarding the application of Section 22.51a to IDOT Construction Projects/reuse of soil.
- Does NOT apply to any material other than uncontaminated soil, or, to any material NOT generated from IDOT construction projects.

(Intergovernmental Agreement with IDOT, continued)

- The maximum concentration of contaminants that may be present in uncontaminated soil is described in #3 of the Intergovernmental Agreement, using “TACO” (Tiered Approach to Corrective Action Objectives – 35 Ill. Adm. Code Section 742) as a reference.
- Compares constituents in soil to TACO, Tier 1.



(Intergovernmental Agreement with IDOT, continued)

The concentration of a chemical allowed in uncontaminated soil cannot exceed the chemical's lowest Tier 1 exposure route value, except in two instances, which are listed in the Agreement.

A brief explanation of the exceptions are on the next slide.

(Intergovernmental Agreement with IDOT, continued)

- The two exceptions compare:
 1. A chemical's most stringent Tier 1 exposure route value to the chemical's acceptable detection limit in Section 742, Appendix B, and;
 2. A chemical's most stringent Tier 1 exposure route value to Table H of Section 742, Appendix A.

(Intergovernmental Agreement with IDOT, continued)

The standards used to certify uncontaminated soil can only come from the TACO tables. Engineered barriers or institutional controls cannot be used to exclude or otherwise alter exposure routes or exposure route values for purposes of determining the most stringent number.

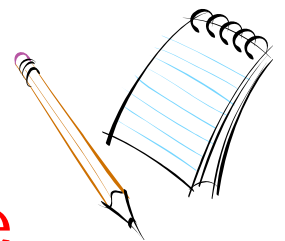
(Intergovernmental Agreement with IDOT, continued)

The IEPA WILL accept IDOT Phase 1 preliminary engineering certification of uncontaminated soil, pursuant to 22.51a(d)(2)* for current construction projects until December 31, 2010. The PE Certification form must still be signed and submitted, referencing the IDOT Phase 1 language in the blank lines provided in paragraph 3 of the LPC-663 form. **This Intergovernmental Agreement is currently in effect.**

*22.51a(d)(2) refers to the certifications, etc. required for soil.

Compliance Assistance: Checklist Review

- ❑ IEPA performs Compliance Evaluation Inspections to determine a facility's compliance with **The Environmental Protection Act, the facility permit, and 35 III. Adm. Code Section 1100.**
- ❑ Inspectors review all documentation, observe operations, and use screening devices during an inspection. **The documentation is assumed to be at the facility unless the permit states otherwise (35 III. Adm. Code Section 1100.210)**

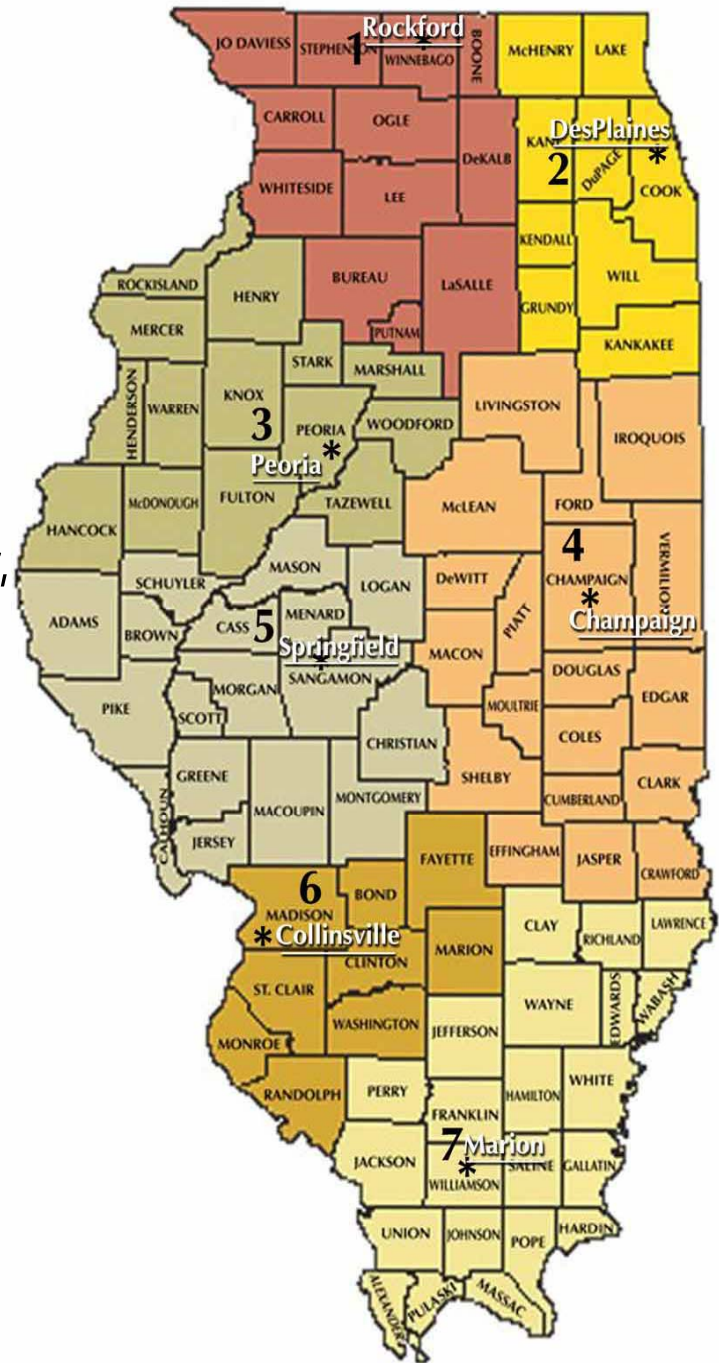


Inspection Checklists

- ❑ The inspector will bring a checklist to each inspection. CCDD facilities will be reviewed using the CCDD checklist. Soil-Only sites will be reviewed using the Soil-Only site checklist.
- ❑ Both checklists organize basic information about the facility (Locations, hours of operations, etc.).
- ❑ Both checklists list the pertinent regulations for the site, and the owner/operator will receive a copy of it with the inspection report.
- ❑ An inspector simply goes down the checklist to determine the facility's compliance with the regulations.

Region Contacts

1. **Rockford**
Kathy Geyer 815-987-7031
2. **Des Plaines**
Haley Stone 847-294-4260, or,
Wally Poleski 847-294-4247
3. **Peoria:**
Jason Thorp 309-693-4984
4. **Champaign**
Jennifer O'Hearn 217-278-5824
5. **Springfield**
Mark Weber 217-557-8761
6. **Collinsville**
Joe Zappa 618-346-5153
7. **Marion**
Tom Edmondson 618-993-7210



Questions and Concerns

Field Operations Manager

Paul Purseglove

217-524-5597

Program Manager

Alan Justice

217-558-6047

Go to

www.ipcb.state.il.us for

input on the
rulemaking process
with Illinois Pollution
Control Board.

Go to www.epa.state.il.us and search for "CCDD."

Other links are listed on the following slide.

Resources

CCDD Facility Forms:

<http://www.epa.state.il.us/land/regulatory-programs/permits-and-management/forms/clean-construction-demo-debris/>

IEPA Databases:

<http://www.epa.state.il.us/land/database.html>

Part 1100 CCDD Regulations:

<http://www.ilga.gov/commission/jcar/admincode/035/03501100sections.html>

SB 3721 is now Public Act 96-1416:

<http://www.ilga.gov/legislation/publicacts/>

FAQs:

<http://www.epa.state.il.us/land/ccdd/index.html>