



MEMBERS

Antioch
Arlington Heights
Barrington
Bartlett
Buffalo Grove
Carpentersville
Cary
Crystal Lake
Deerfield
Des Plaines
Elk Grove Village
Evanston
Fox River Grove
Glencoe
Glenview
Golf*
Grayslake
Hanover Park
Highland Park
Hoffman Estates
Kenilworth
Lake Forest
Lake Zurich
Libertyville
Lincolnshire
Lincolnwood
Morton Grove
Mount Prospect
Niles
Northbrook
Northfield
Northfield Twp.
Palatine
Park Ridge
Prospect Heights
Rolling Meadows
Schaumburg
Skokie
Streamwood
Vernon Hills
Wheeling
Wilmette
Winnetka

President
Kerry D. Cummings
Glenview

Vice-President
Chris Canning
Wilmette

Secretary
Jill Brickman
Northfield Township

Treasurer
Robert Kiely
Lake Forest

Executive Director
Mark L. Fowler

*Affiliate Member

**NORTH SHORE COUNCIL OF MAYORS
TECHNICAL COMMITTEE MEETING**

Wednesday, March 16, 2011

8:30 a.m.

**Skokie Village Hall
5127 Oakton Street, Skokie, IL**

AGENDA

- I. Call to Order**
- II. Approval of Meeting Minutes – December 15, 2010 (Attachment A)**
Action Requested: Approval of the Minutes
- III. MetroPulse Demonstration and Feedback (Attachment B)**
The Chicago Metropolitan Agency for Planning's (CMAP) Regional Indicators Project website, MetroPulse, was launched in November of 2010 at www.metropulsechicago.org. A ["For Government Officials" video](#) describes the website from a public sector perspective and will be shown at the meeting. CMAP is soliciting input from municipal staff and elected officials on data needs and the operations of the website. A feedback form is attached.
Action Requested: Informational
- IV. Agency Reports**
 - A. IDOT Highway Report**
 - B. Cook County Highway Department**
 - C. Pace**
 - D. Illinois Tollway**
 - E. Chicago Metropolitan Agency for Planning (CMAP)**
 - F. IDOT Local Roads**
- V. North Shore Council of Mayors FFY 2011-2015 Surface Transportation Program**
 - A. North Shore STP FFY 2011-2015 (Attachment C)**
Staff will provide an overview of the North Shore STP for FFY 2011-2015 and the status of advanced funding requests.
Action Requested: Informational
 - B. Chestnut/Waukegan (02-06-0019) Funding Shift Request (Attachment D)**
Due to new cost estimates, the Village of Glenview is requesting the flexibility to shift STP funding between ROW and Phase II

Engineering. This request does not represent a cost increase. Staff recommends approval of the request.

Action Requested: Approve recommendation

VI. Congestion Mitigation and Air Quality (CMAQ) Program Update (Attachment E)

Staff will provide an update on current North Shore Council area CMAQ projects. CMAQ applications for the FFY 2012-2016 cycle are due to the North Shore Planning Liaison on Friday, March 18. Committee members will be encouraged to discuss applications for the call for projects.

Action Requested: Discussion

VII. Other Business

A. Clean Construction Demolition Debris (Attachment F.1 & F.2)

On February 17, the Illinois Environmental Protection Agency (IEPA) released the draft rule in regards to the Public Act 96-1416. The overview of the draft regulations and the proposed amendment to 35 Ill. Adm. Code Part 1100 are attached.

Action Requested: Informational

B. MWRD Infiltration/Inflow

On February 28, the MWRD hosted a meeting with municipal representatives to discuss the Infiltration and Inflow (I/I) issue. Ultimately, MWRD President O'Brien recommended that a new Sewer Summit should be convened to address changes to the I/I program. President O'Brien noted that he wants to have all the players (local governments, MWRD, IEPA and EPA) at the table to discuss the best way to address the issue. MWRD will be working with the councils of governments for local government representation.

Action Requested: Informational

VIII. Next Meeting

The next meeting of the North Shore Technical Committee is scheduled for June 15, 2011 at the Skokie Village Hall.

Action Requested: Informational

IX. Adjournment

**North Shore Council of Mayors Technical Committee
Wednesday, December 15, 2010
8:30 a.m.
Skokie Village Hall**

MINUTES

Committee Members Present:

Fred Schattner, Chair, Village of Skokie
Erik Cook, Village of Skokie
Paul Schneider, City of Evanston
Christine Van Dornick, Village of Glencoe
Susan Chen, Village of Winnetka
Jorge Cruz, Village of Wilmette
Paul Kendzior, Village of Northbrook
Chris Tomich, Village of Morton Grove
Russ Jensen, Village of Glenview

Others Present:

Bunny Anderson, Illinois Tollway
Rodney Bettenhausen, Cook County Highway Department (CCHD)
Christopher Staron, Northwest Municipal Conference (NWMC)
Greg Benske, Thomas Engineering Group
Mary L. Donner, Pace
Joy Schaad, Chicago Metropolitan Agency for Planning (CMAP)
Brian Fairwood, TranSystems
Bob Israel, MACTEC
John Mick, Baxter and Woodman
B. Plum, TCL
Kevin Stallworth, Illinois Department of Transportation (IDOT) Local Roads
Marnie Hooghkirk, IDOT

I. Call to Order

Chair Schattner called the meeting to order at 8:36 a.m. and asked those present for introductions.

II. Approval of Meeting Minutes – September 15, 2010

Chair Schattner asked for a motion to approve the meeting minutes from September 15, 2010. *On a motion from Mr. Kendzior, seconded by Mr. Schneider, the minutes passed unanimously.*

III. Agency Reports

A. IDOT Highway Report

Ms. Hooghkirk distributed the Management Monitoring Schedule for the North Shore Council area. She reported that the changes from the last meeting and noted in bold type. She said that the Golf Road at Shermer Road intersection project was let in September and awarded in October.

B. Cook County Highway Department

Mr. Bettenhausen distributed the Cook County status sheet and reported that changes from the previous meeting are also noted in bold. He provided updates on the Harms Road project and the Winnetka Road project.

C. Pace

Ms. Donner distributed the budget talking points for the Pace 2011 budget. She reported that Pace is proposing no fare increases or service reductions in the 2011 budget. She said that Pace is reviewing Route 626 in Glenview to improve and enhance the route. She noted that there are some routes where service is being tweaked, such as Route 206. She explained the Committee that this bus route will no longer do a loop at the courthouse and is now stopping at the Holocaust museum. She said that Pace is tracking route performance and evaluating what to do about routes that are not meeting minimum criteria.

Mr. Schneider asked about the status of the Dempster St. bus rapid transit project. Mr. Donner reported that the project is in procurement and waiting for funding to move forward. She said that Pace is also working on transit signal priority on Milwaukee Ave. Mr. Schneider said that he was curious when there would be stakeholder meetings on the Dempster St. project.

D. Illinois Tollway

Ms. Anderson reported that the Edens Spur project was finished on schedule and under budget. She said that the Illinois Tollway has instituted its winter service, such as 24/7 road patrols when the wind chill falls below zero degrees. She noted that she can send electronic copies of any Tollway information to post on websites or in newsletters.

E. Chicago Metropolitan Agency for Planning (CMAP)

Ms. Schaad reported that the Council of Mayors Executive Committee met and approved a number of advanced funding requests at its last meeting. She distributed the STP expenditure report of the region and noted that the councils did not spend the full mark for FFY 2010. She reported that 100 percent of local ARRA funds have been obligated. She further reported that CMAQ project updates were due in October and the CMAQ Project Selection Committee is considering a handful of projects for withdrawal from the program. She noted that CMAP has delayed the CMAQ call for projects due to programming changes being considered and discussed. She said a call for projects is anticipated in the first part of 2011. Mr. Staron added that the

programming process is being aligned with the goals of Go To 2040 and that it will be a large call for projects.

F. IDOT Local Roads

Mr. Stallworth distributed the status sheets and reported that Phase I design approval for the Chestnut/Waukegan intersection improvement project is tentatively scheduled for January 15, 2011. He said that Old Orchard/Skokie intersection project is waiting on special waste and ROW. Mr. Stallworth reported that Phase I design approval for the Gross Point Road project is anticipated in June 2011. He also reported that the Phase I design approval for the Willow Road project in Winnetka is scheduled for April 15, 2011.

IV. North Shore Council of Mayors FFY 2011-2015 Surface Transportation Program

A. Current North Shore STP FFY 2011-2015

Mr. Staron reported that Attachment B reflects the current program following the changes from the September meeting. He noted that the Council has over \$5 million programmed in STP funds in FFY 2011. He explained that this would grow the Council's negative balance.

B. North Shore STP FFY 2011-2015 Modifications

1. West Lake Avenue (02-06-0026) Move Request

Mr. Staron reported that the Village of Glenview is requesting that Phase II funding for the West Lake Ave. project be moved from FFY 2011 to 2012. He explained that construction for this project is not scheduled un FFY 2014 and the move should not affect the project's construction schedule.

On a motion from Mr. Kendzior, seconded by Mr. Tomich a motion to approve the program modifications was unanimously approved.

2. Multi-Year B List

Mr. Staron explained that the attachments reflect the current project realities for B list projects. He reported that a number of the projects on the STP MYB list were funded with ARRA funding. He informed the committee that since the B list not officially part of the program, he has made the changes reflected in the attachments and no action is needed from the committee.

V. Congestion Mitigation and Air Quality (CMAQ) Program Update

Mr. Staron reported that the North Shore Council members did an excellent job obligating CMAQ funds in FFY 2010. He said that the Sheridan Road signal interconnect project is the only CMAQ funded project in the North Shore Council area expected to go to construction FFY 2011. He said that NWMC staff is

beginning to think about projects for the next call to projects, which CMAP expects in the next few months. He said that the recent completion of the NWMC Bicycle Plan provides good support for future bicycle CMAQ applications. He said that staff will try to coordinate applications related to the Tier One corridors.

VI. North Shore Council of Mayors Annual Report

Mr. Staron apologized for the late distribution of the report. He said that the report follows the same basic format of previous years. He said that with the committee's consent he will receive comments via email and make any changes before presented the report to the full North Shore Council of Mayors. The committee consented to provide comments via email.

VII. Other Business

Mr. Staron reported that NWMC is actively working on the Infiltration/Inflow (I/I) issue with MWRD. He said that a meeting was held on December 6. He said there were no commitments on amending permit language, but it did open the dialogue and present municipal concerns. He said that the Cook County councils of government plan to follow-up with MWRD and IEPA to discuss the best way to amend the current language.

Mr. Staron reported that the Cook County Highway Department sent the Council a letter (through Mr. Schattner) requesting any congestion information for Cook County roadways. Mr. Bettenhausen reported that the letter is to help build the multi-year program and in consideration of the upcoming CMAQ applications. Mr. Staron said he would send a follow-up email about the data request, collect the information and forward it to CCHD.

VIII. 2011 Schedule

Chair Schattner said that the next North Shore Technical Committee meeting is scheduled for March 16, 2011 at the Skokie Village Hall. He noted that the full 2011 schedule is attached to the agenda packet.

IX. Adjournment

On a motion from Ms. Van Dornick, seconded by Mr. Kendzior, the committee unanimously voted to adjourn.

Name: _____ Government _____

Functional Improvements: *please rank in priority from 3 (most useful) to 1 (least useful)*

Improvement	Priority
As a local government official, I need to see data mapped at parcel/address/point level so that I can improve service delivery to my residents.	
As a local government official, I need to bookmark my data visualizations so that I can send links to people that point directly to a specific visualization.	
As a local government administrator, I need to save my charts as graphic files, so that I can drop them into proposals, reports or other communications.	
As a local government official, I need to customize a few data visualizations that I can see in one place so that I can monitor specific issues of importance (dashboard).	
As a local government official, I need to be able to upload my own data for visualization, because it is more accurate than other sources.	
As a local government official, I need _____ so that I can _____.	
As a local government official, I need _____ so that I can _____.	

Data Improvements

What kinds of data should CMAP update on MetroPulse most frequently? _____

What kinds of data, if visualized and distributed on MetroPulse, would help inform your decisions? _____

Would any member of your staff be interested in helping to inform CMAP’s next upgrade to MetroPulse, which will include enabling local governments to create their own “dashboards”?
If yes, please provide his/her name _____
and preferred contact information _____

**North Shore Council of Mayors
Surface Transportation Program (STP)
FFY 2011-2015**

Attachment C

FFY 11 BEGINNING BALANCE	\$ (4,914,104)
Estimated FFY 11 Allotment	\$ 4,127,293
Total FFY 11 Program	\$ 4,886,948
FFY 11 Difference	\$ (759,655)
ENDING BALANCE	\$ (5,673,759)

FFY 11 PROJECTS	Sponsor	TIP Number	Phase	OP	Total Cost	STP Funding	Est. Let. Date	Project Notes
Sheridan Rd. Sig.Conn.	Evanston	02-08-0005	ENG II		\$ 208,997	\$ 145,343		Need Status Update on Phase II Engineering
Church/Crawford Intersection	Skokie	02-99-0103	ROW		\$ 41,820	\$ 29,274		Secured Advanced Funding - In Phase II Engineering
Old Orchard/Skokie	Skokie	02-00-0103	ROW		\$ 99,555	\$ 69,256		Status of PESA? ROW Agreement?
Old Orchard/Skokie	Skokie	02-00-0103	Construction	2004	\$ 6,661,763	\$ 3,753,741	Targeting June 2011	Pre-final Plans (12-10-10) - Secured Advanced Funding
Willow Road	Winnetka	02-06-0021	ENG II		\$ 278,104	\$ 194,781		4f and drainage issues, DA - 4/15/2011
Chestnut/Waukegan	Glenview	02-06-0019	ENG II		\$ 160,153	\$ 112,540		Secured Advanced Funding - Preparing Phase II Agreements
Chestnut/Waukegan	Glenview	02-06-0019	ROW		\$ 530,000	\$ 371,000		Secured Advanced Funding - Preparing Phase II Agreements
Gross Point Road	Skokie	02-06-0035	ROW		\$ 115,787	\$ 81,159		IDS 1/11, PDR 3/11, DA - 6/11
Gross Point Road	Skokie	02-06-0035	ENG II		\$ 185,042	\$ 129,854		IDS 1/11, PDR 13/11, DA - 6/11
TOTAL					\$ 8,281,222	\$ 4,886,948		

FFY 12 BEGINNING BALANCE	\$ (5,673,759)
Estimated FFY 12 Allotment	\$ 4,127,293
Total FFY 12 Program	\$ 2,700,966
FFY 12 Difference	\$ 1,426,327
ENDING BALANCE	\$ (4,247,432)

FFY 12 PROJECTS	Sponsor	TIP Number	Phase	OP	Total Cost	STP Funding	Est. Let. Date	Project Notes
West Lake Avenue	Glenview	02-06-0026	ENG II		\$ 334,374	\$ 233,737		Phase I Design Approval
Church/Crawford Intersection	Skokie	02-99-0103	Construction	2004	\$ 624,382	\$ 375,495	Targeting Jan. 2012	
Willow Road	Winnetka	02-06-0021	Construction	2011	\$ 2,953,100	\$ 2,067,927	Targeting Jan. 2012	
Emerson Street	Evanston	02-06-0034	ENG II		\$ 33,546	\$ 23,807		Need to hold kick-off meeting
TOTAL					\$ 3,945,402	\$ 2,700,966		

**North Shore Council of Mayors
Surface Transportation Program (STP)
FFY 2011-2015**

Attachment C

FFY 13 BEGINNING BALANCE	\$ (4,247,432)
Estimated FFY 13 Allotment	\$ 4,127,293
Total FFY 13 Program	\$ 4,458,767
FFY 13 Difference	\$ (331,474)
ENDING BALANCE	\$ (4,578,906)

FFY 13 PROJECTS	Sponsor	TIP Number	Phase	OP	Total Cost	STP Funding	Est. Let. Date	Project Notes
Chestnut/Waukegan	Glenview	02-06-0019	Construction	2008	\$ 4,198,177	\$ 2,067,286	Targeting Jan. 2013	Will seek CMAQ funds for intersection improvement
Gross Point Road	Skokie	02-06-0035	Construction	2012	\$ 3,417,329	\$ 2,391,481	Targeting Jan. 2013	
TOTAL					\$ 7,615,506	\$ 4,458,767		

FFY 14 BEGINNING BALANCE	\$ (4,578,906)
Estimated FFY 14 Allotment	\$ 4,127,293
Total FFY 14 Program	\$ 2,016,000
FFY 14 Difference	\$ 2,111,293
ENDING BALANCE	\$ (2,467,613)

FFY 14 PROJECTS	Sponsor	TIP Number	Phase	OP	Total Cost	STP Funding	Est. Let. Date	Project Notes
West Lake Avenue	Glenview	02-06-0026	Construction	2010	\$ 2,880,000	\$ 2,016,000	Targeting Nov. 2013	
TOTAL					\$ 2,880,000	\$ 2,016,000		

FFY 15 BEGINNING BALANCE	\$ (2,467,613)
Estimated FFY 15 Allotment	\$ 4,127,293
Total FFY 15 Program	\$ -
FFY 15 Difference	\$ 4,127,293
ENDING BALANCE	\$ 1,659,680

FFY 15 PROJECTS	Sponsor	TIP Number	Phase	OP	Total Cost	STP Funding	Est. Let. Date	Project Notes
TOTAL					\$ -	\$ -		

**North Shore Council of Mayors
Surface Transportation Program (STP)
FFY 2011-2015**

Attachment C

MULTI-YEAR B LIST

Project Title	Sponsor	TIP Number	Phase	Total Cost	Requested STP Funding
Sheridan Rd. Sig.Conn.	Evanston	02-08-0005	Construction	\$ 880,000	\$ 616,000
Techny Trail (Bike Facility)	Glenview		ENG II	\$ 272,000	\$ 190,400
Techny Trail (Bike Facility)	Glenview		Construction	\$ 3,325,000	\$ 2,327,500
Emerson Street	Evanston	02-06-0034	Construction	\$ 438,258	\$ 306,239
Glenview Road	Glenview		Construction	\$ 1,506,470	\$ 1,054,529
Happ Road	Northbrook		Construction	\$ 324,635	\$ 216,424
Skokie Blvd. Intersection	Wilmette		ENG II	\$ 159,071	\$ 111,458
Skokie Blvd. Intersection	Wilmette		ROW	\$ 58,434	\$ 41,120
Skokie Blvd. Intersection	Wilmette		Construction	\$ 2,946,607	\$ 2,062,517
LAPP Projects					
Green Bay Road LAPP #2	Glencoe		LAPP	\$ 1,103,760	\$ 772,632
Dundee Road LAPP	Glencoe		LAPP	\$ 359,263	\$ 252,133
Main Street LAPP Improvements	Skokie		LAPP	\$1,390,000	\$ 973,000
TOTAL				\$ 12,763,500	\$ 8,923,953



The Village of •
Glenview

Capital Projects Department

Attachment D

March 8, 2011

Mr. Chris Staron
Program Associate for Transportation
North Shore Council of Mayors / Northwest Municipal Conference
1616 East Golf Road
Des Plaines, IL 60016

Re: Chestnut Avenue/Waukegan Road Intersection Improvement Project E03-036
TIP #: 02-06-0019
Request for ROW Fund Transfer to Phase II Engineering for ROW Acquisition
Professional Services

Dear Mr. Staron,

The Village of Glenview is requesting consideration of a recommendation by the North Shore Technical Committee to transfer a portion of the STP funding from ROW to Phase II Engineering for use in ROW Acquisition Professional Services.

BACKGROUND

The Phase I engineering of the Chestnut/Waukegan intersection improvements was given design approval on February 1, 2011 and the North Shore Council of Mayors approved the advance funding of the Phase II Engineering and ROW for this project in January. The Village is finalizing the work scope and costs with our Phase II Engineer, Baxter & Woodman and ROW Acquisition Consultant, Santacruz Associates for submittal of the Phase II agreement with IDOT. Our team has anticipated that the transfer of a portion of funding from ROW to Phase II Engineering will be needed due to ROW impact alternative analysis. While the final costs are still in negotiation, and thus not provided, the request is only for a transfer of approved STP funding and does not include any STP cost increase to the project.

Thank you for your assistance with this request.

Sincerely,

Russell N. Jensen, P.E.
Village Engineer

**North Shore Council of Mayors
CMAQ Projects**

Attachment E

FFY 11 PROJECTS	Sponsor	TIP Number	Phase	Total Cost	CMAQ Funding	Est. Let. Date	MR	Project Status
Yellow Line Infill Stations Engineering Feasibility Study	Evanston	02-09-0002	ENGI	\$ 275,000	\$ 220,000		0 x	Obligated - October 26, 2010
ComEd ROW / Skokie Valley Bike/Multiuse Trail	Lincolnwood	02-10-0002	ENGI	\$ 35,000	\$ 28,000		0 x	Phase I Agreement Executed
UP Line / Weber Spur Bike Trail	Lincolnwood	02-10-0001	ENGI	\$ 45,000	\$ 36,000		0 x	Phase I Agreement Executed
ComEd ROW / Skokie Valley Bike/Multiuse Trail	Lincolnwood	02-10-0002	ENGI	\$ 105,000	\$ 84,000		1	
UP Line / Weber Spur Bike Trail	Lincolnwood	02-10-0001	ENGI	\$ 90,000	\$ 72,000		1	
UP Line / Weber Spur Bike Trail	Lincolnwood	02-10-0001	ROW	\$ 6,000,000	\$ 4,800,000		1	
Sheridan Rd. from Central to Chicago Signal Interconnect	Evanston	02-08-0005	Const.	\$ 842,500	\$ 674,000		1	

FFY 12 PROJECTS	Sponsor	TIP Number	Phase	Total Cost	CMAQ Funding	Est. Let. Date	MR	Project Status
ComEd ROW / Skokie Valley Bike/Multiuse Trail	Lincolnwood	02-10-0002	Const.	\$ 880,000	\$ 704,000		1	

Overview of Draft Regulations Prepared by Illinois EPA for Clean Construction and Demolition Debris (CCDD)

The Rulemaking Process

Why are regulations needed?

On July 30, 2010, Public Act 96-1416 became law. This CCDD law requires Illinois EPA to propose rules to establish additional technical requirements for CCDD facilities; set operating standards for uncontaminated soil fill operations; and develop standards for the maximum allowable concentrations of chemical constituents in uncontaminated soil generated during construction or demolition activities and used as fill material at either type of fill site. Illinois EPA must file the proposed rules with the Illinois Pollution Control Board no later than July 30, 2011. For more information about the CCDD law, including FAQs, please go to: <http://www.epa.state.il.us/land/ccdd/index.html>

Who will be affected?

Owners and operators of CCDD facilities and uncontaminated soil fill operations as well as governmental entities, road builders, landscapers, and other contractors and excavators that deliver CCDD or uncontaminated soil generated from construction or demolition activities to CCDD facilities and uncontaminated soil fill operations.

May I comment on the draft rules or propose alternative language?

Yes. You will have many opportunities to comment, ask questions, and propose alternative language.

Between now and July 30, 2011, Illinois EPA will seek and consider input from a diverse set of stakeholder groups. You are advised to work through your respective professional organization for greater efficiency and impact. Please be assured we will listen to all concerns. Illinois EPA's goal is to craft a rule that is fair and workable while also sufficiently protective of the environment.

Here's the timeline of **informal** outreach activity by Illinois EPA:

February 17	Release the draft rule to stakeholder groups and invite comments; post the draft rule on Illinois EPA's CCDD webpage
March 11	Stakeholder comments due on the draft rule
Mid-to-late April	Release revised draft rule to stakeholder groups and invite comments; post revised draft rule on webpage
May 12	Stakeholder comments due on the revised draft rule
June 30	Finalize proposed rule for sign-off by Illinois EPA Director and the Governor's Office
July 30	File proposal with the Illinois Pollution Control Board

To meet the March 11 and May 12 stakeholder due dates, send your comments on the draft rule to epa.ccddcomments@illinois.gov.

The proposal to be filed by Illinois EPA in July 2011 is NOT the final regulation. July 30, 2011 marks the start of the **formal** rulemaking process, which is administered by a separate entity, the Illinois Pollution Control Board. From that point forward, all comments must be directed to the Board.

Who decides what the final regulations will look like?

The Illinois Pollution Control Board. The Board will schedule at least two hearings, one in Springfield and the other in Chicago. There will be opportunities to testify at these hearings, ask questions, and submit comments. As before, you are advised to work through your respective professional organization for greater efficiency and impact. The CCDD law requires that the Board adopt the rules no later than July 30, 2012.

How can I stay informed of the rule's progress?

Between now and July 30, 2011, Illinois EPA will coordinate its outreach through stakeholder groups. We will also post the draft rule on our website, though we are not inviting comments from individuals online.

After July 30, 2011, the proposed rule will be managed by the Illinois Pollution Control Board, and all updates and opportunities to comment will come from the Board. Shortly after the Board assigns a Docket number to the rulemaking, you will be able to visit the Board's website (www.ipcb.state.il.us) and view a separate webpage specific to this rulemaking. Once there, you will be able to click on View File to bring up the proposed rule and all relevant documents. You may also request to be placed on the Board's Notice List or Service List by clicking on Notify Me next to the Case Activity Heading.

How the Draft Rule is Organized

The proposed rule will amend 35 Ill. Adm. Code Part 1100 to include uncontaminated soil fill operations and set new requirements for the management of CCDD and uncontaminated soil at fill sites. Right now, the existing 35 Ill. Adm. Code Part 1100 applies to CCDD facilities only.

As drafted, the amendments to 35 Ill. Adm. Code Part 1100 are organized into seven Subparts. A brief description of each Subpart follows.

Subpart A: General

This Subpart adds "uncontaminated soil" and "uncontaminated soil fill operations" to the applicability and contains new definitions for "commercial or industrial," "compliance point," "source site operator," "source site owner," and "zone of attenuation." The term "other excavation" has been copied out of the larger definition for "CCDD fill operation" and placed on its own for ease of use and understanding.

Subpart B: Operating Standards for CCDD Fill Operations

This Subpart describes how CCDD facilities are to be operated and includes the new requirements for soil certifications by source site owners and operators and professional engineers.

Subpart C: Permit Application Information for CCDD Fill Operations

This Subpart has no significant changes.

Subpart D: Procedural Requirements for Permitting CCDD Fill Operations

This Subpart now requires three years of groundwater monitoring that meets the Class I groundwater quality standards as a condition for terminating the CCDD facility permit.

Subpart E: Uncontaminated Soil Fill Operations

This new Subpart provides operating standards and requirements for uncontaminated soil fill operations, which are not issued permits by Illinois EPA. Instead, as required by the CCDD law, uncontaminated soil fill operations are required to register their fill sites with Illinois EPA. For this reason, the closure and post-closure periods for uncontaminated soil fill operations are self-implementing with no Illinois EPA oversight. The owner or operator must submit an affidavit to Illinois EPA along with a professional engineer certification that the closure and post-closure periods have complied with the regulations. All of the other operating standards – such as the load checking, soil certification, and recordkeeping requirements – mirror the requirements for CCDD facilities.

Subpart F: Standards for Uncontaminated Soil Used as Fill Material at Regulated Fill Operations

This new Subpart lays out the methodology for the numerical standards used to determine whether or not soil generated from construction or demolition activities is uncontaminated and may be used as fill material at CCDD facilities and uncontaminated soil fill operations.

Subpart G: Groundwater Monitoring

This new Subpart applies to both CCDD facilities and uncontaminated soil fill operations. The Subpart requires groundwater monitoring and establishes the procedures to be followed in the event that Class I groundwater standards are exceeded. These groundwater requirements are self-implementing.

Key Provisions of the 35 Ill. Adm. Code Part 1100 Amendments

1. Requires source site owners and operators and professional engineers to certify that soil generated from construction or demolition activities and taken to fill operations is uncontaminated.

This requirement comes from the Interim Standards established by the CCDD law, which have been in place since July 30, 2010. The Part 1100 amendments continue the certification requirement by placing it into the operating standards for CCDD facilities and uncontaminated soil fill operations.

2. Establishes a method for determining numerical standards for uncontaminated soil.

The numerical standards for uncontaminated soil are based on the most stringent cleanup objectives established in 35 Ill. Adm. Code Part 742: The Tiered Approach to Corrective Action Objectives, called TACO.

As stipulated by the CCDD law, benzo(a)pyrene is the only carcinogenic chemical for which TACO background values may be applied in the new regulations; other carcinogenic polynuclear aromatic hydrocarbons and the chemical arsenic may not use background concentrations. Illinois EPA is proposing

that background concentrations be allowed for non-carcinogenic chemicals. Background values are based on the location of the fill site where the soil is deposited.

Illinois EPA will post a table of the numerical standards for uncontaminated soil on its website for easy reference. We are not proposing to list the numerical standards in the rule because the values will change over time as new science, such as toxicity data, becomes available. Rather, the rule describes how to determine the appropriate numerical standards from TACO. If we listed the numerical standards in the regulations, a regulatory amendment would be needed whenever the TACO cleanup objectives change.

3. Sets operating requirements for uncontaminated soil fill operations.

While a permit is not required for uncontaminated soil fill operations, these sites must now meet other requirements similar to those of CCDD facilities. Such requirements include maintaining operating records; performing load-checking activities; and completing procedures for closure and termination of postclosure maintenance. These requirements will help protect uncontaminated soil fill operations from receiving soil that is contaminated and help protect groundwater.

4. Requires groundwater monitoring at CCDD facilities and uncontaminated soil fill operations.

The CCDD law specifically called for the regulations to address groundwater protection. Although load checking and certification requirements are designed to help keep contaminants out of the fill material, Illinois EPA is proposing a groundwater monitoring system requirement as an additional protection against groundwater contamination. This is important because CCDD facilities and uncontaminated soil fill operations are unlined.

The groundwater monitoring requirements are self-implementing. This means that for CCDD facilities groundwater monitoring is not part of the facility permit, and that for both types of fill operations no documentation is required to be submitted to Illinois EPA unless groundwater contamination is detected. However, the draft rule requires that fill operations employ a professional engineer to supervise both the design of the groundwater monitoring system and the preparation of related programs, plans and reports. Self-implementing requirements such as these are already in use for on-site non-hazardous waste landfills under 35 Ill. Adm. Code Part 815.

The Part 1100 amendments require groundwater monitoring for the life of the fill operation, including closure, postclosure and any corrective action periods. The fill operation must test annually for all constituents that have a Class I groundwater quality standard listed in 35 Ill. Adm. Code 620.410.

If fill operations detect groundwater contamination above the Class I groundwater quality standards, corrective action must be performed. Illinois EPA is proposing that on-site corrective action achieve the numerical Class I groundwater quality standards referenced above. Off-site corrective action must achieve compliance with the applicable groundwater quality standards as well as the rest of 35 Ill. Adm. Code 620, which includes the non-degradation provisions.