

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
) R 2022-018
PROPOSED AMENDMENTS TO)
GROUNDWATER QUALITY) (Rulemaking – Public Water Supply)
(35 ILL. ADM. CODE 620))

NOTICE OF FILING

To: ALL PARTIES ON THE SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, the **TESTIMONY OF ERIC BALLENGER ON BEHALF OF NATIONAL WASTE & RECYCLING ASSOCIATION**, copies of which are hereby served upon you.

Dated: September 15, 2022

By /s/ Claire A. Manning

BROWN, HAY & STEPHENS, LLP

Claire A. Manning
Anthony D. Schuering
205 S. Fifth Street, Suite 1000
P.O. Box 2459
Springfield, IL 62705-2459
(217) 544-8491
cmanning@bhslaw.com
aschuering@bhslaw.com

SORLING NORTHRUP

James M. Morphew
1 North Old State Capitol Plaza
Suite 200
P.O. Box 5131
Springfield, IL 62705
jmmorphew@sorlinglaw.com

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**TESTIMONY OF ERIC BALLENGER ON BEHALF OF
NATIONAL WASTE & RECYCLING ASSOCIATION**

My name is Eric Ballenger. I am employed by Republic Services. I have been employed with Republic Services (previously Allied Waste) since January of 1996. Republic Services is an American waste disposal company whose services include non-hazardous solid waste collection, waste transfer, waste disposal, recycling, and energy services. We are the second largest provider of waste disposal in the United States.

Prior to joining Republic Services, I was employed by EMCON, an environmental consulting firm. I am a Senior Manager of Hydrogeology for Republic Services. I assist in the management of environmental compliance at operating and closed landfills as well as manage multiple Superfund sites. Other duties include management of third-party environmental consultants and analytical laboratories, landfill greenfield and expansion hydrogeologic review, remedial design and implementation, and superfund management. My management area consists of the States of MN, WI, IL, IN, MO, OK, AR, NE and TX.

On behalf of Republic, I participate in a committee of the Illinois Chapter of the National Waste and Recycling Association (“NWRA”) that has been evaluating the IEPA’s proposed rule and this rulemaking. I am providing this testimony on NWRA’s behalf and appreciate the Board allowing me the opportunity to do so. Collectively, the NWRA committee prepared a slide presentation that is attached to Tom Hilbert’s testimony as Attachment A. My testimony today

focuses on the industry's concerns with the proposed PFAS new standards and how the IEPA's proposed changes to Part 620 will affect our 807 and 811 sites and their monitoring programs both operationally and financially.

It should be noted that we understand the concern over PFAS and that landfills are a potential source of PFAS impacts to groundwater if releases occur. But it should also be understood by the regulating agencies and the Board that landfills are receivers of PFAS, not users or producers. Landfills provide a vital function of managing society's PFAS-containing waste and treatment/remedial waste. The reliance on landfills is expected to increase in the short term as other protective destruction and disposal management options are being developed.

Data reported by others in various studies and sample results for our landfills in other states indicate PFAS will be detected in landfill leachate especially at such proposed conservative low detection limits. The presence of PFAS in leachate is due to disposal of many different PFAS-containing products. Once the testing of PFAS is added to our leachate monitoring program this will immediately add substantially more monitoring and associated costs that we believe have not been thoroughly researched by the IEPA – either as to the reasonableness of such costs in relation to environmental benefit or as to the feasibility of monitoring or remediating to such conservative values. This will affect 807 sites as well as “greenfield” sites all the way through post closure of currently active facilities. This is also expected to potentially affect the continual disposal and treatment of leachate by wastewater treatment plants (WWTP), especially if WWTPs have their own concerns about PFAS (discussed below).

Here are some of our concerns once PFAS is detected in leachate with a focus on current active 811 facilities:

New statistical background concentrations (AGQs/MAPCs) will need to be calculated. PFAS are ubiquitous in the environment included in rainfall and there are many sources. This makes some detection of PFAS likely due to background conditions. This will require multiple sampling events of upgradient wells and potentially all wells if intrawell statistical values are permitted. Most site wells have expensive dedicated sampling systems which may include materials with PFAS that have nothing to do with impacts from the facility. How will that data be incorporated? Will all sampling systems have to be replaced? Will current analytical laboratories be able to meet the detection limits being suggested?

Validation of detections in background wells. Given the nature of PFAS, issues will arise related to leachate analysis. Leachate analysis may also have many cross-contamination issues that will not be associated with landfills but may be associated with lab or sampling equipment. This has the potential to produce a lot of flagged data that is not accurate. Therefore, using detection of PFAS in leachate to decide if groundwater monitoring is required is technically suspect.

Groundwater Impact Assessment. The current Groundwater Impact Assessment (“GIA”) modeling requirements have the potential to be substantially affected and become unreasonably complicated. All 811 sites are required to run a GIA and if they do not pass the GIA additional remedial measures need to be either implemented or financially assured for. It is expected that because PFAS will most likely be detected in leachate and generally does not readily attenuate through distance in groundwater, many models will now fail. This will add substantial costs to site’s financial assurance requirements and may even restrict sites from future expansions. These extremely conservative models are built into the 811 regulations even though they are not reliable indicators of environmental risk. It should be noted that other states do not require such

modeling and the federal Subtitle D rules, upon which the 811 rules are based, presume that the sufficiency of the engineer's landfill does not need additional modeling.

Disposal Issues: Leachate and Wastewater Treatment Plant (WWTP) biosolids. One of NWRA's primary concerns with the IEPA's proposed rule is that it fails to consider and address the cost and feasibility of treating leachate or biosolids to achieve the PFAS levels proposed, presuming such may be required to achieve those levels. Specifically, as to both 807 and 811 sites, we are concerned with how the proposed standards will affect our need to remove and dispose of leachate at local WWTPs. It must be understood that many landfills and WWTPs have a symbiotic relationship. POTWs receive our leachate and many landfills receive their biosolids. There is a significant risk that POTWs will begin to refuse leachate due to concerns about PFAS. Studies to date have shown that some PFAS passes through current WWTP treatment methods and accumulates in sludge. When WWTP biosolids are disposed of in landfills it is being "looped" back to the sites. If WWTPs start reducing the acceptance of landfill leachate due to concerns related to PFAS, many landfills may also stop accepting biosolids to reduce PFAS from entering sites and leachate.

To further complicate the potential issues, some states are beginning to restrict or eliminate the land application of biosolids as fertilizer on crop lands due to PFAS. If this also occurs in Illinois, more pressure will be placed on landfills to accept WWTP biosolids. Landfill capacity is already limited, and landfills may not be able to facilitate disposal of all the additional biosolids. Also, due to its wet nature, sludge has the potential to significantly add to the landfill's leachate volume and cause an increase in the landfill's carbon footprint. WWTPs may be required to add treatment systems to address PFAS. If this occurs, they will add surcharge costs to landfills which will most likely be passed on to the general consumer. This will also occur if landfills have to

pretreat leachate prior to WWTP disposal. Pretreatment of leachate for PFAS removal is largely unproven, technically challenging, and quite costly.

As you can see there are many concerns for our industry related to adding PFAS to the Board's groundwater rules, especially at such conservative values. We believe that this rulemaking is premature, given that federal limits are not yet established. It should also be noted that landfills monitor water bearing units that are not potable water sources and we believe that setting potential "drinking water limits", i.e., Class I limits, in these zones is not warranted. We urge the IEPA to reconsider the need to set these limits prior to fully understanding the implications to the industry and society.

This concludes my testimony.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 15th day of September 2022, I electronically served the **TESTIMONY OF ERIC BALLENGER ON BEHALF OF NATIONAL WASTE & RECYCLING ASSOCIATION** upon the individuals on the attached service list. I further certify that my email address is cmanning@bhslaw.com.

Dated: September 15, 2022

By /s/ Claire A. Manning

BROWN, HAY & STEPHENS, LLP

Claire A. Manning

205 S. Fifth Street, Suite 1000

P.O. Box 2459

Springfield, IL 62705-2459

(217) 544-8491

cmanning@bhslaw.com

<u>SERVICE LIST</u>	
<p>Don Brown, Clerk of the Board Don.brown@illinois.gov Vanessa Horton, Hearing Officer Vanessa.Horton@Illinois.gov Illinois Pollution Control Board James R. Thompson Center Suite 11-500 100 West Randolph Chicago, Illinois 60601</p>	<p>Sara Terranova, Assistant Counsel sara.terranova@illinois.gov Nicholas E. Kondelis, Assistant Counsel Nicholas.E.Kondelis@Illinois.gov Illinois Environmental Protection Agency 1021 North Grand Avenue East PO Box 19276 Springfield, Illinois 62794</p>
<p>Jorge T. Mihalopoulos, Head Assistant Attorney jorge.mihalopoulos@mwrld.org Susan T. Morakalis, General Counsel morakaliss@mwrld.org J. Mark Powell, Senior Attorney PowellJ@mwrld.org Metropolitan Water Reclamation District of Greater Chicago 100 E. Erie Street Chicago, Illinois 60611</p>	<p>Renee Snow, General Counsel renee.snow@illinois.gov Illinois Department of Natural Resources One Natural Resources Way Springfield, Illinois 62702</p>
<p>Ellen F. O’Laughlin, Assistant Attorney General Ellen.Olaughlin@ilag.gov Jason James, Assistant Attorney General Jason.James@ilag.gov Office of the Illinois Attorney General 69 West Washington Street Suite 1800 Chicago, IL 60602</p>	<p>Melissa S. Brown Melissa.Brown@heplerbroom.com Illinois Environmental Regulatory Group 4340 Acer Grove Drive Springfield, IL 62711</p>
<p>Joshua R. More josh.more@afslaw.com Bina Joshi Bina.Joshi@afslaw.com Sarah L. Lode sarah.lode@afslaw.com ArentFox Schiff LLP 233 South Wacker Drive, Suite 7100 Chicago, IL 60606</p>	<p>Fredric P. Andes fandes@btlaw.com Barnes & Thornburg LLP 1 North Wacker Drive Suite 4400 Chicago, IL 60606</p>

<p>Nessa Coppinger ncoppinger@bdlaw.com Daniel Schulson dschulson@bdlaw.com Matthew Schneider mschneider@bdlaw.com Beveridge & Diamond, PC 1900 N. St. NW Washington, DC 20036</p>	<p>Stephen P. Risotto - Senior Director, CPT srisotto@americanchemistry.com Aleacia Chinkhota aleacia_chinkhota@americanchemistry.com American Chemistry Council 700 2nd Street, NE Washington, DC 20002</p>
<p>Sandra Carey - HSE Executive sandracarey@imoa.info International Molybdenum Association 454-458 Chiswick High Road London, W4 5TT, United Kingdom</p>	