

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ROCK ISLAND COUNTY, ILLINOIS

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CLERK'S OFFICE

JUN 16 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 ESG WATTS, INC., an Iowa)
 corporation,)
)
 Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB NO. 01-167

NOTICE OF FILING

To: Lisa Madigan, Attorney General
Attn: Tom Davis
Assistant Attorney General
Environmental Bureau
500 S. Second Street
Springfield, IL 62706

Carol Sudman
Board Hearing Officer
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, RESPONDENT'S SUPPLEMENTAL PRODUCTION OF EVIDENCE FOR HEARING, a copy of which is attached hereto and herewith served upon you.

Larry A. Woodward

Larry A. Woodward, Attorney for Respondent

9-0-3

CERTIFICATE OF SERVICE

I hereby certify that I did on the 13th day of June, 2003, on or before 6:00 p.m. send by First Class Mail, with postage thereon fully prepaid, by depositing in the U.S. mails a true and correct copy of the following instruments entitled NOTICE OF FILING and RESPONDENT'S SUPPLEMENTAL PRODUCTION OF EVIDENCE FOR HEARING to the following persons addressed as follows:

Lisa Madigan, Attorney General
Attn: Tom Davis
Assistant Attorney General
Environmental Bureau
500 S. Second Street
Springfield, IL 62706

Carol Sudman
Board Hearing Officer
Illinois Pollution Control Board
600 S. Second St., Suite 402
Springfield, IL 62704

and the original of said foregoing instruments and ten copies thereof by First Class Mail with postage thereon fully prepaid to the following person addressed as follows:

Dorothy Gunn, Clerk
Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, IL 60601

Larry A. Woodward

Larry A. Woodward, Attorney for Respondent

Larry A. Woodward, Corporate Counsel
ESG Watts, Inc.
525 17th Street
Rock Island, IL 61201
309-788-7700
Dated: June 13, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUN 16 2003

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
ESG WATTS, INC., an Iowa corporation,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

No. 01-167
(Land - Enforcement)

Respondent's Supplemental Production of Evidence for Hearing

Respondent, ESG WATTS, INC., by and through its Corporate Counsel Larry A. Woodward, pursuant to 35 IllAdmCode §101.626 and pursuant to agreement of the parties and Hearing Officer ruling hereby produces the following written testimony for admission into the record. The written testimony consists of the written testimony under oath of Kenneth Liss and it is tendered pursuant to 35 IllAdmCode §101.626(d), which provides that such is subject to objection and cross-examination; Complainant has waived its right of cross-examination. Complainant has reserved the right to make certain objections to said testimony in its written briefs.

32. The written testimony of Kenneth Liss and exhibits attached thereto. (Exhibits Group 17, 18, Group 19, and Group 20 are attached hereto but were admitted at the hearing held on June 3, 2003.)

WHEREFORE, Respondent moves instanter the admission of the above referenced exhibits.

Respectfully submitted,

ESG WATTS, INC.

By Larry A. Woodward
Larry A. Woodward, Corporate Counsel
Attorney for Respondent

525 17th Street
Rock Island, IL 61201
309-788-7700
Dated June 13, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)
 Complainant,)
) PCB No. 01-167
V.) (Enforcement)
)
ESG WATTS, INC., an Iowa corporation,)
 Respondent.)

WRITTEN TESTIMONY OF KENNETH W. LISS

Respondent, ESG WATTS, INC., an Iowa corporation, provides pursuant to Section 101.626(d) of the Board's Procedural Rules, 35 Ill. Administrative Code 101.626(d), the written testimony of Kenneth W. Liss for introduction and admission to the record of the hearing in the matter referenced above.

Name and Address

Kenneth W. Liss, L.P.G., Director, Springfield Office, Andrews Environmental Engineering, Inc., (Andrews Engineering) 3535 Mayflower Blvd., Springfield, Illinois 62707.

Qualifications

My qualifications include a Bachelor of Science (BS) degree in geology, approximately fourteen years and 6 months with the Illinois Environmental Protection Agency (IEPA) in hydrogeology, groundwater quality, compliance and permitting for hazardous and non-hazardous solid waste facilities. I have been working as a consultant at Andrews Engineering doing similar work for approximately the past four years and 5 months. *Curriculum vitae* is attached.

Subject Matter of Testimony

The efforts of Andrews Engineering to comply with the permit requirements of 35 Ill. Adm. Code Part 807 and Parts 810-814 as applied to the Taylor Ridge Landfill on behalf of ESG WATTS, INC..

Factual Testimony

Andrews Engineering was hired in February, 2000 by representatives of ESG Watts, Inc. (Watts) to prepare technical responses to the IEPA deficiencies related to closure of the Taylor Ridge Landfill (landfill) and the preparation of a significant permit application pursuant to the requirements of 35 Ill. Adm. Code Parts 807 and 810-814. Concurrently Andrews Engineering staff drilled borings

and installed additional monitoring wells at the landfill at the request of the IEPA and approval of Watts. Drilling and well installation was completed in May of 2000. An assessment monitoring program including revised background standards and groundwater classification was prepared in the fall of 2000. The permit 2000-077SP was issued in December 2000.

Under my direction and based upon my personal knowledge Andrews Engineering has prepared numerous documents, attended meetings or conducted conference calls with the Illinois Environmental Protection Agency and representatives of the Office of the Attorney General for purposes of resolving the outstanding permit issues at the Taylor Ridge Landfill.

I am including two memorandums prepared by my staff documenting written and oral communications as indicated above.

- 1) Memorandum dated May 30, 2003 from Bryan Johnsrud to Kenn Liss titled Watts Landfill, Project summary, 3 pages; and
- 2) Memorandum dated May 30, 2003 from Bryan Johnsrud to Tom Jones, ESG Watts, Inc., titled Watts Landfill, Significant Modification Summary, 1 page.

The list of communications includes extension requests to the IEPA for purposes of responding to verbal or written draft deficiency comments.

Andrews Engineering prepared information documenting that the landfill does not exceed the volume constraints of the permit. The information identifies areas where waste and cover material (soil) exceed the maximum permitted waste elevation (vertical limits). A proposal to leave the waste in place or relocate the waste to other areas of the landfill as an alternative was discussed with representatives of the IEPA and AGO. Both options were discussed in favorable terms. Representatives of ESG Watts, Inc. indicated that they wanted to present the proposal to leave the waste in place to the Rock Island County Board (RICB) if the IEPA and AGO were not opposed. If the IEPA or AGO were opposed it would not make sense to expend the resources presenting the proposal to the RIBC. At that time no opposition was voiced.

Andrews Engineering prepared plans and information for the waste relocation proposal and participated in meetings with the IEPA, AGO and the Rock Island County Board (RICB) for this same purpose. The RIBC was agreeable to leaving the overfill in place with final cover and adequate environmental controls (leachate and gas management).

The alternative would be relocating approximately 34,100 cubic yards of waste over 5.9 acres, 28,500 cubic yards of cover, 12,600 feet of gas system piping and 1,240 feet of leachate system piping. It was the general opinion that moving the waste to areas below the maximum permitted waste elevation would disrupt

the current environmental controls and may disturb approximately 16 total acres of covered waste in the process. However at our final meeting with RICB we were informed that AGO contacted the RICB and recommended that the Board not approve the plan.

Andrews Engineering has continued to work with the IEPA on the alternative plan, relocation of the projected overfill, in order to resolve the issues in a practical and cost effective manner. Our submittals also include information and technical proposals to address run-off, groundwater monitoring, groundwater assessment and other issues related to closure and compliance.

Count I

Andrews Engineering prepared and submitted a permit application, IEPA Log No. 2001-459 to revise the current closure plan in accordance with discussions and negotiations concerning the technical requirements.

Count II

Andrews Engineering has prepared and submitted information to the IEPA concerning the alleged odor problems at the landfill including technical proposals for the purposes of a significant modification permit IEPA Log No. 2001-168. However the current contract with Resource Technology Corporation (RTC) has prevented implementation of any immediate remedies to control odor or adjust the gas recovery system.

Count III

Andrews Engineering has prepared and submitted information to the IEPA concerning redirecting the stormwater runoff at the landfill including technical proposals for the purposes of a significant modification permit IEPA Log No. 2001-168 and IEPA Log No. 2001-459 for the same.

Count IV

Andrews Engineering has prepared and submitted information in the form of permit applications and discussion documents to the IEPA concerning the overfill issue at the landfill. Included in the documents is a Health and Safety Plan (HASP) for the relocation of the waste. The HASP includes measures to adequately protect worker and property owner exposure to the resulting emissions of asbestos, methane and hydrogen sulfide while the waste is exposed and moved to other areas of the landfill. IEPA Log No. 2001-459 specifically includes this information.

Opinion and Conclusion of Testimony

Andrews Engineering has prepared numerous documents in the form of memorandums, permit applications and addendums on behalf of Watts to address the environmental and regulatory issues at the Taylor Ridge Landfill. Since our initial engagement to provide services to Watts we have been directed to provide technical solutions to satisfy the issues surrounding the landfill that are feasible and protective of the environment.

It is my opinion and conclusion that the potential adverse environmental impact associated with the relocation of waste does more harm than good. Disruption of the environmental controls and exposing the waste, which includes asbestos material, will not mitigate the IEPA concerns of final cover and runoff.

Field work conducted to date and provided to the IEPA indicates there is no immediate environmental threats due to the waste identified as overfill. The plans and proposals submitted to date were modified to incorporate the concerns of the IEPA, AGO and adjacent property owners of the landfill.

Based on my experience the technical remedies prepared by Andrews Engineering on behalf of Watts appear to be evaluated under a more conservative interpretation of the applicable regulations.

Verification

Upon penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, I KENNETH W. LISS, certify that the opinion and conclusions testimony set forth above and the recitation OF facts in the record are true and correct, to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED,


KENNETH W. LISS



ANDREWS ENVIRONMENTAL
ENGINEERING INC.

**YEARS WITH ANDREWS
ENGINEERING: 4**

YEARS WITH OTHER FIRMS: 15

EDUCATION

Bachelor of Science/Geology/Illinois State
University/1983

PROFESSIONAL REGISTRATION

Professional Geologist/IL/1997

OSHA Hazardous Waste Site Worker Certification (40 hr)

OSHA Hazardous Waste Site Worker Certification (8 hr)

SPECIALTIES

State and Federal groundwater regulations and policies

Groundwater contaminations and geologic investigations

Negotiating solutions to regulatory issues

Site wide environmental remediation planning

Program management for RCRA and state solid waste
permitting programs

Kenneth W. Liss, P.G.

Principal-in-Charge

Mr. Liss, a Licensed Professional Geologist, joined Andrews Environmental Engineering's Springfield office as Director of Environmental Services, providing a broad range of environmental experience to industry, government and individuals. He was the manager of the Groundwater Unit in the Permit Section of Bureau of Land at the Illinois Environmental Protection Agency (IEPA) prior to joining Andrews. His experience includes permitting for hazardous and non-hazardous facilities; determining appropriate responses to environmental impacts, and responsibility for broad regulatory and legislative issues concerning groundwater at the state and national levels. He was appointed to the first Board of Licensing for Professional Geologists in Illinois and is currently under appointment from the Governor's office to the Illinois Site Remedial Advisory Committee.

He has held both a technical and an administrative role in the development of new legislation and rule making at the state level. Some of these roles have included preparation of dockets for risk-based decision making (TACO) and for utility coal combustion wastes, modification to existing non-hazardous landfill rules and the Part 620 groundwater rules. He currently serves on a 10-member rules committee under appointment from the Illinois Governor's office, which is modifying the TACO Underground Storage Tank (LUST) and Site Remediation Program (SRP) regulations.

Mr. Liss has performed or managed regulatory and technical oversight for approximately 200 active RCRA projects with corrective action, closure, CERCLA, post-closure and permitting issues. He has also managed or prepared non-hazardous waste permits for more than 160 state facilities with a majority being solid waste landfills.

Mr. Liss was an expert witness for the Illinois Environmental Protection Agency as part of enforcement, rule making and public hearing proceedings. He continues to provide expert witness testimony for clients concerning site characterization and remediation decisions.

He has also worked with the United States Environmental Protection Agency as a panelist for the Managing Corrective Actions RCRA Petroleum Refineries forum. He was also a member of the RCRA Permit Quality Review Team and the NEIC Hazardous Waste Groundwater Task Force. He also assisted in the development of the "RCRA Inspector's Guidance Manual."



ANDREWS ENVIRONMENTAL ENGINEERING INC.

2000-101/0008

3535 Mayflower Blvd.
Springfield, IL 62707-9401

Tel: (217) 862-2513
Fax: (217) 787-9495
Email: bjohnsrud@andrews-eng.com

FAX TRANSMITTAL

Date: May 30, 2003
To: Tom Jones
ESG Watts, Inc.
8400 - 77th Street West
Taylor Ridge, IL 61284
Tel: (309) 798-2266
Fax: (309) 798-2268
Email: tjmacaw@aol.com
From: Bryan Johnsrud, P.E.
Senior Project Engineer - AEEI
Subject: Watts Landfill
Significant Modification Summary

Here is a summary of the activities with respect to the (only) significant modification application that Andrews Environmental Engineering Inc. (AEEI) has been involved with for Watts Landfill:

1. May 07, 2001 – Significant Modification Application submitted by AEEI to the Illinois EPA
2. May 08, 2001 – Application was assigned Log No. 2001-168 by the Illinois EPA
3. June 06, 2001 – Determination of incompleteness issued by the Illinois EPA
4. July 11, 2001 – Addendum 1 to Log No. 2001-168 submitted by AEEI to the Illinois EPA
5. July 26, 2001 – Addendum 2 to Log No. 2001-168 submitted by AEEI to the Illinois EPA
6. August 08, 2001 – Determination of administrative completeness and notification of intent issued by the Illinois EPA
7. August 29, 2001 – Response to notification of intent submitted by Gardner, Carton & Douglas to the Illinois EPA
8. October 09, 2001 – Application denial issued by the Illinois EPA

It is our understanding that three other significant modification applications were submitted previously and subsequently denied by the Illinois EPA. They included Log No. 1994-436 denied February 16, 1995, Log No. 1996-385 denied August 05, 1997, and Log No. 1997-323 denied on July 24, 1998.

Please contact us if you have any questions. Thank you.

Cc: Kenn Liss – AEEI Springfield



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Springfield, IL 62707-9401

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Email: bjohnsrud@andrews-eng.com

MEMORANDUM

Date: May 30, 2003
To: Kenn Liss
From: Bryan Johnsrud
Subject: Watts Landfill
Project Summary

Here is a list of submittals to, meetings with, and calls to, the Illinois EPA or Attorney General's office (AGO) on behalf of ESG Watts, Inc. for the Watts Landfill:

February 11, 2000 - FOIA request was submitted to the Illinois EPA
February 29, 2000 - Application (Log No. 2000-077) was submitted to the Illinois EPA
April 03, 2000 to September 06, 2001 - Monthly progress reports were prepared and forwarded to ESG Watts, Inc. for inclusion in documents being submitted to the Illinois AGO.
May 12, 2000 - Technical concerns response was submitted to the Illinois AGO
May 25, 2000 - Teleconference with the Illinois EPA
May 26, 2000 - Extension to Log No. 2000-077 was submitted to the Illinois EPA
June 20, 2000 - Notification of borrow area expansion was submitted to the Illinois EPA
June 22, 2000 - Status letter was submitted to the Illinois EPA
June 30, 2000 - Addendum 1 to Log No. 2000-077 was submitted to the Illinois EPA
July 14, 2000 - Teleconference with the Illinois EPA, Extension to Log No. 2000-077 was submitted to the Illinois EPA
August 08, 2000 - Extension of Log No. 2000-077 was submitted to the Illinois EPA
August 09, 2000 - Teleconference with the Illinois EPA
August 28, 2000 - Extension to Log No. 2000-077 was submitted to the Illinois EPA
October 03, 2000 - Application for NPDES permit replacement was submitted to the Illinois EPA
October 04, 2000 - Teleconference with the Illinois EPA, A Judgment and Injunction Order response was prepared and forwarded to ESG Watts, Inc. for inclusion in a document being submitted to the Illinois AGO.
October 06, 2000 - Extension to Log No. 2000-077 was submitted to the Illinois EPA
October 11, 2000 - FOIA request was submitted to the Illinois EPA
November 03, 2000 - Regulated recharge areas inquiry was submitted to the Illinois EPA
November 08, 2000 - Addendum 2 to Log No. 2000-077 was submitted to the Illinois EPA
December 08, 2000 - Teleconference with the Illinois EPA, Extension to Log No. 2000-077 was submitted to the Illinois EPA
December 12, 2000 - FOIA request was submitted to the Illinois EPA
January 05, 2001 - Teleconference with the Illinois EPA
January 08, 2001 - Letter of Understanding was submitted to the Illinois EPA
April 06, 2001 - Application (Log No. 2001-132) was submitted to the Illinois EPA
April 13, 2001 - Quarterly groundwater monitoring review was submitted to the Illinois EPA
May 07, 2001 - Significant Modification Application (Log No. 2001-068) was submitted to the Illinois EPA
May 10, 2001 - FOIA requests was submitted to the Illinois EPA
June 04, 2001 - Addendum to Log No. 2001-132 was submitted to the Illinois EPA

MEMORANDUM (CONTINUED)

June 12, 2001 - NPDES clarification was submitted to the Illinois EPA
June 18, 2001 - Stormwater impacts evaluation was prepared and forwarded to ESG Watts, Inc. for inclusion in a document being submitted to the Illinois AGO.
July 05, 2001 - Teleconference with the Illinois EPA, Extension to Log No. 2001-132 was submitted to the Illinois EPA
July 11, 2001 - Addendum 1 to Log No. 2001-168 was submitted to the Illinois EPA
July 13, 2001 - Quarterly groundwater monitoring review was submitted to the Illinois EPA
July 26, 2001 - Addendum 2 to Log No. 2001-168 was submitted to the Illinois EPA
August 21, 2001 - Teleconference and meeting with the Illinois EPA
September 04, 2001 - Letter of Understanding was submitted to the Illinois EPA
October 29, 2001 - Meeting with the Illinois EPA and AGO
October 31, 2001 - FOIA request was submitted to the Illinois EPA
December 07, 2001 - Application (Log No. 2001-459) was submitted to the Illinois EPA
January 07, 2002 - FOIA request was submitted to the Illinois EPA
January 22, 2002 - Revised closure plan was prepared and forwarded to ESG Watts, Inc. for inclusion in documents being submitted to the Illinois AGO.
March 01, 2002 - Teleconference with the Illinois EPA
March 05, 2002 - Teleconference with the Illinois EPA
March 11, 2002 - Extension to Log No. 2001-459 was submitted to the Illinois EPA
March 25, 2002 - FOIA request was submitted to the Illinois EPA
April 04, 2002 - FOIA request was submitted to the Illinois EPA
April 09, 2002 - FOIA request was submitted to the Illinois EPA
April 26, 2002 - FOIA request was submitted to the Illinois EPA
August 26, 2002 - Addendum 1 to Log No. 2001-459 was submitted to the Illinois EPA
August 28, 2002 - Teleconference with the Illinois EPA, Extension to Log No. 2001-459 was submitted to the Illinois EPA
October 31, 2002 - Teleconference with the Illinois EPA
November 01, 2002 - Teleconference with the Illinois EPA, Extension to Log No. 2001-459 was submitted to the Illinois EPA
November 08, 2002 - FOIA request was submitted to the Illinois EPA
November 15, 2002 - Teleconference with the Illinois EPA
November 22, 2002 - Teleconference with the Illinois EPA, Extension to Log No. 2001-459 was submitted to the Illinois EPA
January 10, 2003 - FOIA request was submitted to the Illinois EPA
January 15, 2003 - Teleconference with the Illinois EPA, Extension to Log No. 2001-459 was submitted to the Illinois EPA
January 24, 2003 - Addendum 2 to Log No. 2001-459 was submitted to the Illinois EPA
March 13, 2003 - Teleconference with the Illinois EPA
March 14, 2003 - Teleconference with the Illinois EPA, Extension to Log No. 2001-459 was submitted to the Illinois EPA
March 19, 2003 - Teleconference with the Illinois EPA
March 24, 2003 - Meeting Agenda was submitted to the Illinois EPA
March 25, 2003 - Meeting with Illinois EPA
March 28, 2003 - Teleconference with the Illinois EPA, Extension to Log No. 2001-459 was submitted to the Illinois EPA
April 15, 2003 - FOIA request was submitted to Illinois EPA, Teleconference with the Illinois EPA
April 24, 2003 - Teleconference with the Illinois EPA
April 28, 2003 - Teleconference with the Illinois EPA
April 29, 2003 - Extension to Log No. 2001-459 was submitted to the Illinois EPA

MEMORANDUM (CONTINUED)

May 21, 2003 - Information request submitted to the Illinois EPA, Teleconferences with the Illinois EPA

May 22, 2003 - Information request submitted to the Illinois EPA

May 27, 2003 - Information request submitted to the Illinois EPA

There are undoubtedly many other calls to the Illinois EPA that did not warrant documentation in the project file. There were also correspondence and teleconferences with representatives of ESG Watts, Inc. and other agencies.

Please contact me if you have any questions. Thank you.