


**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO CLEAN ) R 2012-009  
CONSTRUCTION OR DEMOLITION ) (Rulemaking – Land)  
DEBRIS (CCDD) FILL OPERATIONS: )  
PROPOSED AMENDMENTS TO 35 Ill. )  
Adm. Code 1100 )

**NOTICE OF FILING**

To: SEE ATTACHED SERVICE LIST

Please take notice that on the 15<sup>th</sup> day of September 2011, you were served with copies of Pre-Filed Questions of the Illinois Environmental Protection Agency and the Appearance of Brian Lansu on behalf of the Land Reclamation & Recycling Association.

By:   
Brian Lansu  
Land Reclamation & Recycling Association  
2250 Southwind Blvd.  
Bartlett, IL 60103

Date: September 15, 2011

**PROOF OF SERVICE**

I do hereby certify that a copy of the Pre-Filed Questions of the Illinois Environmental Protection Agency and Appearance were submitted via facsimile, email and FedEx overnight delivery on September 15, 2011, to the following:

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500 Chicago, IL 60601

and by first class mail, postage prepaid, on September 15, 2011, to the following:

Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Matthew J. Dunn, Chief  
Environmental Enforcement  
Office of the Attorney General  
69 West Washington Street, Suite 1800  
Chicago, IL 60602

Stephen Sylvester, Asst. Attorney General  
Environmental Enforcement  
Office of the Attorney General  
69 West Washington Street, Suite 1800  
Chicago, IL 60602

Claire A. Manning  
Brown, Hay & Stephens LLP  
700 First Mercantile Bank Building  
205 South Fifth St, PO Box 2459  
Springfield, IL 62794-9276

Kimberly A. Geving, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276

Mark Wright, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276

Stephanie Flowers, Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276

Dennis Wilt  
Waste Management  
720 East Butterfield Road  
Lombard, IL 60148

Michele Gale  
Waste Management  
720 East Butterfield Road  
Lombard, IL 60148

Mitchell Cohen, General Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702-1271

Steven Gobelman, Geologic/Waste  
Assessment Specialist  
Illinois Department of Transportation  
2300 S Dirksen Parkway  
Springfield, IL 62764

Tiffany Chappell  
City of Chicago, Mayor's Office of  
Intergovernmental Affairs  
121 N. LaSalle Street City Hall  
Room 406 Chicago, IL 60602

**James Huff – Vice President  
Huff & Huff, Inc  
915 Harger Road, Suite 330  
Oak Brook, IL 60523**

**Greg Wilcox  
Executive Director  
Land Reclamation & Recycling Association  
2250 Southwind Blvd.  
Bartlett, IL 60103**

**John Henriksen, Executive Director  
Illinois Association of Aggregate Producers  
1115 S. 2nd. Street  
Springfield, IL 62704**

A handwritten signature in black ink, appearing to read "Brian Lansu", written over a horizontal line.

**Brian Lansu**

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**PRE-FILED QUESTIONS OF THE ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY**

**Questions for Stephen Nightingale:**

- The IEPA proposes replacing the term “Industrial/Commercial”, with the term “Potentially Impacted Property” (PIP). Can a property owner continue to use the definition of “Industrial/Commercial”, as prescribed in the law, to determine if P.E. certification is required?

**Questions for the Panel:**

- In the July 6, 2006 opinion and order of the Board to add Part 1100, the following statement was made. “Because the People based their recommendations on other states’ regulations governing C&D rather than CCDD...the Board finds no basis for adding leachate testing, groundwater monitoring, or financial assurance requirements to the proposed rules.” There are hundreds of quarries and mines in the State of Illinois that have been taking CCDD material for decades in the absence of the screening and testing requirements that are in currently in place for CCDD disposal.

Is there any evidence or data to suggest that there was degradation of groundwater quality in the areas surrounding these quarries or mines prior to the implementation of the current standards?

If not, or if the evidence or data is not suggestive of a significant issue, what justification is there for imposing additional parameters such as groundwater monitoring?

- In developing the MAC tables for CCDD, did the IEPA establish standards for compounds that are more conservative than the 1 in 1,000,000 risk for contamination of groundwater?

- In the IEPA testimony, it states that, for carcinogens, “the maximum concentrations shall not allow exposure to exceed an excess upper-bound lifetime risk of 1 in 1,000,000”.

In developing the MAC standards, did the IEPA consider what pathways are involved in calculating the 1 in 1,000,000 risk?

Was the length of time of exposure to carcinogens in a quarry or mine used in the MAC determination?

By:   
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Brian Lansu  
Land Reclamation & Recycling Association  
2250 Southwind Blvd.  
Bartlett, IL 60103

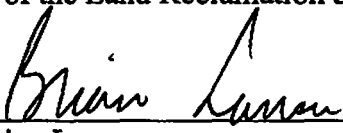
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**APPEARANCE**

The undersigned hereby enters his appearance as attorney in the above-titled proceeding on behalf of the Land Reclamation & Recycling Association.

By:   
Brian Lansu  
Land Reclamation & Recycling Association  
2250 Southwind Blvd.  
Bartlett, IL 60103  
847-738-7700

Date: September 15, 2011