

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO CLEAN)	R12-009
CONSTRUCTION OR DEMOLITION)	(Rule Making- Land)
DEBRIS (CCDD) FILL OPERATIONS)	
PROPOSED AMENDMENTS TO 35 ILL)	
Adm. Code 1100)	

**PRE-FILED QUESTIONS OF THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
SUBMITTED BY LAND AND LAKES COMPANY**

Land and Lakes Company, an Illinois corporation (“LALC”) by and through its counsel, Mary Margaret Cowhey, hereby files its questions of the Illinois Environmental Protection Agency (“IEPA”) in this matter, as required by Hearing Officer Order issued on August 15, 2011.

1. As an owner and operator of both municipal solid waste landfills and clean fills, LALC believes it has unique insights concerning the additional regulations being considered for CCDD sites. In the current operation of our Joliet Road Clean Fill site, we have implemented internal standards to address informational discrepancies that are common under the current regulations. For example, during the interim period in which Form LPC-662 and LPC-663 are in use, professional engineers (PEs) and professional geologists (PGs), have provided certifications of clean fill material using, among other things, the following methods:
 - a) Statements with no supporting analytical or historical evidence for properties regardless of whether the source property is residential, commercial or industrial in use;
 - b) Statements for large source properties based on minimal soil borings scanned by PID;
 - c) Statements based on minimal analysis of very few parameters of the Maximum Allowable Concentrations (MAC) list with no justification for the choice of those contaminants or why other parameters are dismissed; and
 - d) Statements that the material is clean when analysis clearly shows an exceedance of a MAC.

In LALC's experience, requests for additional information to support the certification of clean fill generally result in that potential customer taking the material to a site with less stringent documentation standards than our site.

Will the IEPA define and implement a standard protocol for certification of clean fill which all PEs and PGs must follow? Will the IEPA develop a certification program to educate PEs and PGs that is similar to the Certification of SWPPP preparers?

2. There are justifiable concerns, both pro and con, concerning the development of a self-implemented groundwater monitoring program. The proposed groundwater monitoring program requires a clean fill to sample and analyze once per year for all Class I Groundwater Standards as defined by 35 IAC 620. There are numerous chemicals included on the MAC not represented by the Class I list. How will a release of one of these chemicals be determined? If a release of one of these chemicals cannot be determined by the groundwater monitoring program, what is the motivating factor to performing an analysis for them on fill material?
3. Many construction companies are removing soil from a site due to inadequate structural properties. What measures are being taken to ensure that the structural fill material (clay) being brought to replace the removed material is clean?