



**OFFICE OF PUBLIC UTILITIES
CITY OF SPRINGFIELD, ILLINOIS**

J. MICHAEL HOUSTON, MAYOR

December 1, 2011

Via email and US Mail

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

RE: Comment on Proposed Amendments To Clean Construction or
Demolition Debris Fill Operations, R-12-9 (Rulemaking-Land)

Dear Clerk and Members of the Illinois Pollution Control Board:

The City of Springfield, Office of Public Utilities d/b/a/ City, Water Light and Power (CWLP) is a not-for-profit, municipally owned utility that provides both electricity and drinking water to more than 100,000 residents and businesses. Springfield's citizens are CWLP's customers and ratepayers. This letter is written on behalf of CWLP to endorse the comments on this rulemaking of Pat Metz, Professional Engineer, filed October 17, 2011. Pat Metz is the P.E. for CWLP responsible for compliance with this rulemaking and others involving material handling practices.

In the initial installation and routine maintenance of the electrical and water distribution systems, CWLP generates several thousand tons of excavated material annually. CWLP attempts to utilize the material in the most economical method, to utilize the rate payers' money as efficiently as possible, while also protecting the environment. For this reason, CWLP and Mr. Metz are very interested in this rulemaking related to the Clean Construction and Demolition Debris Fill Operations. We appreciate the opportunity to express our position on this rulemaking.

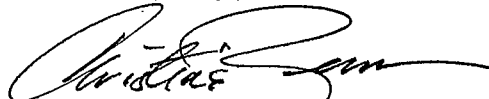
CWLP subscribes to the Reduce, Reuse and Recycle waste hierarchy for all the waste CWLP generates. For excavated material, the majority of the concrete and asphalt is sent to a recycler. Mr. Metz attempts to find a location for clean dirt that complies with state and local regulations. However, the fact is, CWLP still generates over 8,000 tons of Clean Construction Demolition Debris (CCDD) requiring disposal annually. Prior to the enactment of PA 96-1416, CWLP disposed of this material at a local quarry that is permitted by the Illinois Environmental Protection Agency (IEPA) as a CCDD soil operation. Because Mr. Metz is conscientious with the material CWLP took to the quarry, each load was further checked with the use of a photo ionization detector; therefore, CWLP believes that adequate procedures were in place to assure that contaminated material was not placed in the quarry by CWLP. As noted, Mr. Metz considered this to be a beneficial use of the material and appreciated that IEPA established regulations to allow this environmentally friendly alternative until passage of PA 96-1416.

However, when PA 96-1416 became effective immediately on July 30, 2010, CWLP had to discontinue taking the material to the quarry, at far greater cost to its citizens, due in part to the uncertainty of the definitions in the law, as well as due to the alternatives that provided little option, realistically. Most of CWLP's excavations occur in streets, which IEPA interpreted to be "commercial/industrial" property, requiring a professional engineer to certify that the material is not "contaminated". Neither Mr. Metz nor CWLP are aware of an engineer that can certify that a pile of CCDD material does not exceed the allowable limits of over 100 chemicals, nor would CWLP place Mr. Metz in the position of making that call, at the risk of his professional license. The cost (more than \$100 per sample) and time (more than a week) to have the material analyzed are prohibitive, not to mention the issue of finding a place to put the material while the sample is analyzed. It is not uncommon to have more than three (3) water line breaks on some days and a typical excavation may generate three (3) or more truckloads of material. Because of these issues, CWLP reasonably decided that it had no choice but to take the material to the local landfill, where, as Mr. Metz notes, it needlessly reduces limited landfill space. CWLP is only one small utility in Illinois. The question needs to be asked how the other 1,000 plus municipalities in the state are handling their excavated material, especially given the dearth of permitted CCDD operations in Central and Southern Illinois. CWLP is aware of only one (1) permitted CCDD operation within reasonable travel-distance of Springfield that is economically viable as an option for its excavated material, depending upon the ruling of the Board in this proceeding.

While CWLP does not agree with the need for PA 96-1416 to protect the environment, at least with respect to excavated material from street-repair operations such as those of a municipal utility, CWLP supports the proposed "potentially impacted property" terms in this rulemaking, which CWLP understands would allow a generator of CCDD material to use common sense in determining if the material may be contaminated. Similarly, CWLP does not believe that groundwater monitoring should be required for permitted CCDD soil operations. While the record suggests that groundwater monitoring is supported in case non-conforming CCDD material is accepted and disposed, numerous safeguards are in place to prevent this from occurring and to minimize the impact if it does. CWLP also contends that the standard should be whether, instead, groundwater monitoring is required for conforming CCDD material. CWLP, like other witnesses and comments in this rulemaking, is also concerned that adding the expense of groundwater monitoring for CCDD-permitted operations will result in reducing the number of CCDD-permitted operations, at little gain to environmental protection, when there already is a dearth of CCDD-permitted sites downstate.

Like Mr. Metz, CWLP looks forward to the Board's ruling in the proceeding that adopts the proposed "potentially impacted property" concept, so as to reduce the amount of CCDD material that will needlessly be taken to the local landfill, reducing landfill space, while also saving CWLP-ratepayers, Springfield's citizens, from the additional costs of the original legislation, with little or no benefit to the environment. We appreciate the opportunity to provide these comments.

Very truly yours,



Christine Zeman
Regulatory Affairs Manager
City Water, Light and Power