

Michael F. McClain  
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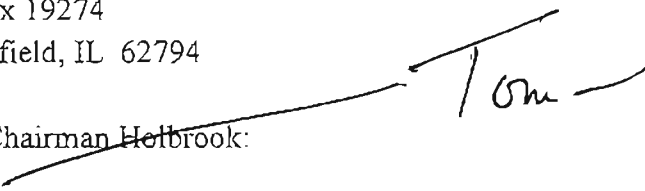
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**AWERKAMP & McCLAIN, P.C.**

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MAR 12 2012  
STATE OF ILLINOIS  
Pollution Control Board

March 9, 2012

The Honorable Tom Holbrook  
Chairman  
Illinois Pollution Control Board  
1021 N. Grand Ave., East  
PO Box 19274  
Springfield, IL 62794

R12-9  
PCH 26

Dear Chairman Holbrook: 

I am an attorney and a lobbyist in Springfield and was involved with the Village of Lyons in their efforts to dispose of excess dirt that was excavated which did not meet the "residential inhalation and ingestion standards" for soil and was, therefore, "too dirty" to remain on the future park site.

The village hired a professional soil consultant who proposed removing all unsuitable soil from the park site and depositing it in the Reliable Materials Lyons quarry/CCDD site adjacent to the Village's proposed park project. As the soil posed no threat to local groundwater, this proposal represented the lowest-cost, environmentally safe disposal option.

The proposed plan was rejected by the Illinois EPA because the soil did not meet the EPA's proposed rules for CCDD disposal and, therefore, could not be deposited in the quarry/CCDD site. In response, the consultant proposed a plan which included comprehensive testing of all excess soils to separate areas which passed CCDD standards from those areas that did not. The plan was to dispose of the soil that met CCDD standards in the quarry while hauling the ineligible material off site to a landfill.

Lyons was able to dispose of approximately half of the excess soil in the adjacent quarry. The remaining material was designated for landfill disposal at a projected cost of \$1,500,000.00 which the Village did not have.

The Illinois EPA finally agreed to a compromise whereby a berm was to be constructed with the remaining excess soil on a portion of the park property. The berm was to be covered with three feet of clean soil and this "barrier" would render the material harmless to humans. The berm was built on the park property at a cost of \$150,000 and it is now covered with three feet of clean soil. If the EPA had allowed the soil to be moved 100 feet into the adjacent quarry, it would have been covered by a lot more than three feet of soil. This does not seem like a logical solution.

In my opinion the PCB should give the EPA enough flexibility to establish rules to deal with situations similar to Lyons. A more relaxed inhalation standard would make more sense in that this material will be covered with clean soil and the quarry could be restricted to industrial or commercial use. The EPA should not be bound to one solution for an infinite number of problems. The PCB will hopefully give the EPA enough flexibility in rulemaking to allow unique solutions to unique problems.

Thank you for your consideration.

Sincerely,



Michael F. McClain

Cc: 100 W. Randolph, Suite 11-500 ✓  
Chicago, IL 60601

Tom, there is no inhalation except for maybe some construction workers normally. So, if they or a quarry wants to build a golf course on the property shouldn't EPA have the flexibility to have a stronger standard maybe? I guess one size does not fit all. Thanks. Mike

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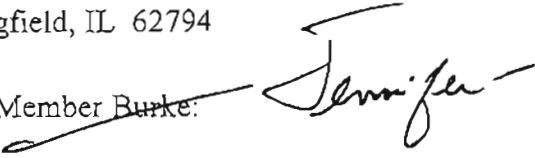
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March 9, 2012

Jennifer A. Burke  
Board Member  
Illinois Pollution Control Board  
1021 N. Grand Ave., East  
PO Box 19274  
Springfield, IL 62794

Dear Member Burke:

  
I am an attorney and a lobbyist in Springfield and was involved with the Village of Lyons in their efforts to dispose of excess dirt that was excavated which did not meet the "residential inhalation and ingestion standards" for soil and was, therefore, "too dirty" to remain on the future park site.

The village hired a professional soil consultant who proposed removing all unsuitable soil from the park site and depositing it in the Reliable Materials Lyons quarry/CCDD site adjacent to the Village's proposed park project. As the soil posed no threat to local groundwater, this proposal represented the lowest-cost, environmentally safe disposal option.

The proposed plan was rejected by the Illinois EPA because the soil did not meet the EPA's proposed rules for CCDD disposal and, therefore, could not be deposited in the quarry/CCDD site. In response, the consultant proposed a plan which included comprehensive testing of all excess soils to separate areas which passed CCDD standards from those areas that did not. The plan was to dispose of the soil that met CCDD standards in the quarry while hauling the ineligible material off site to a landfill.

Lyons was able to dispose of approximately half of the excess soil in the adjacent quarry. The remaining material was designated for landfill disposal at a projected cost of \$1,500,000.00 which the Village did not have.

The Illinois EPA finally agreed to a compromise whereby a berm was to be constructed with the remaining excess soil on a portion of the park property. The berm was to be covered with three feet of clean soil and this "barrier" would render the material harmless to humans. The berm was built on the park property at a cost of \$150,000 and it is now covered with three feet of clean soil. If the EPA had allowed the soil to be moved 100 feet into the adjacent quarry, it would have been covered by a lot more than three feet of soil. This does not seem like a logical solution.

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Thank you for your consideration.

Sincerely,



Michael F. McClain

Cc: 100 W. Randolph, Suite 11-500  
Chicago, IL 60601 ✓

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**MAR 12 2012**

**STATE OF ILLINOIS**  
**Pollution Control Board**

March 9, 2012

Deanna Glosser  
Board Member  
Illinois Pollution Control Board  
1021 N. Grand Ave., East  
PO Box 19274  
Springfield, IL 62794

R 12-9  
PCT# 26

Dear Member Glosser:

I am an attorney and a lobbyist in Springfield and was involved with the Village of Lyons in their efforts to dispose of excess dirt that was excavated which did not meet the "residential inhalation and ingestion standards" for soil and was, therefore, "too dirty" to remain on the future park site.

The village hired a professional soil consultant who proposed removing all unsuitable soil from the park site and depositing it in the Reliable Materials Lyons quarry/CCDD site adjacent to the Village's proposed park project. As the soil posed no threat to local groundwater, this proposal represented the lowest-cost, environmentally safe disposal option.

The proposed plan was rejected by the Illinois EPA because the soil did not meet the EPA's proposed rules for CCDD disposal and, therefore, could not be deposited in the quarry/CCDD site. In response, the consultant proposed a plan which included comprehensive testing of all excess soils to separate areas which passed CCDD standards from those areas that did not. The plan was to dispose of the soil that met CCDD standards in the quarry while hauling the ineligible material off site to a landfill.

Lyons was able to dispose of approximately half of the excess soil in the adjacent quarry. The remaining material was designated for landfill disposal at a projected cost of \$1,500,000.00 which the Village did not have.

The Illinois EPA finally agreed to a compromise whereby a berm was to be constructed with the remaining excess soil on a portion of the park property. The berm was to be covered with three feet of clean soil and this "barrier" would render the material harmless to humans. The berm was built on the park property at a cost of \$150,000 and it is now covered with three feet of clean soil. If the EPA had allowed the soil to be moved 100 feet into the adjacent quarry, it would have been covered by a lot more than three feet of soil. This does not seem like a logical solution.

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Thank you for your consideration.

Sincerely,



Michael F. McClain

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Chicago, IL 60601

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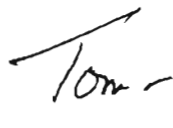
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Pollution Control Board

March 9, 2012

Mr. Thomas Johnson  
Board Member  
Illinois Pollution Control Board  
1021 N. Grand Ave., East  
PO Box 19274  
Springfield, IL 62794

Dear Member Johnson:

  
I am an attorney and a lobbyist in Springfield and was involved with the Village of Lyons in their efforts to dispose of excess dirt that was excavated which did not meet the "residential inhalation and ingestion standards" for soil and was, therefore, "too dirty" to remain on the future park site.

The village hired a professional soil consultant who proposed removing all unsuitable soil from the park site and depositing it in the Reliable Materials Lyons quarry/CCDD site adjacent to the Village's proposed park project. As the soil posed no threat to local groundwater, this proposal represented the lowest-cost, environmentally safe disposal option.

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Lyons was able to dispose of approximately half of the excess soil in the adjacent quarry. The remaining material was designated for landfill disposal at a projected cost of \$1,500,000.00 which the Village did not have.

The Illinois EPA finally agreed to a compromise whereby a berm was to be constructed with the remaining excess soil on a portion of the park property. The berm was to be covered with three feet of clean soil and this "barrier" would render the material harmless to humans. The berm was built on the park property at a cost of \$150,000 and it is now covered with three feet of clean soil. If the EPA had allowed the soil to be moved 100 feet into the adjacent quarry, it would have been covered by a lot more than three feet of soil. This does not seem like a logical solution.

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Sincerely,



Michael R. McClain

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Chicago, IL 60601



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March 9, 2012

Ms. Carrie Zalewski  
Board Member  
Illinois Pollution Control Board  
1021 N. Grand Ave., East  
PO Box 19274  
Springfield, IL 62794

Dear Member Zalewski:

*Carrie -*

I am an attorney and a lobbyist in Springfield and was involved with the Village of Lyons in their efforts to dispose of excess dirt that was excavated which did not meet the "residential inhalation and ingestion standards" for soil and was, therefore, "too dirty" to remain on the future park site.

The village hired a professional soil consultant who proposed removing all unsuitable soil from the park site and depositing it in the Reliable Materials Lyons quarry/CCDD site adjacent to the Village's proposed park project. As the soil posed no threat to local groundwater, this proposal represented the lowest-cost, environmentally safe disposal option.

The proposed plan was rejected by the Illinois EPA because the soil did not meet the EPA's proposed rules for CCDD disposal and, therefore, could not be deposited in the quarry/CCDD site. In response, the consultant proposed a plan which included comprehensive testing of all excess soils to separate areas which passed CCDD standards from those areas that did not. The plan was to dispose of the soil that met CCDD standards in the quarry while hauling the ineligible material off site to a landfill.

Lyons was able to dispose of approximately half of the excess soil in the adjacent quarry. The remaining material was designated for landfill disposal at a projected cost of \$1,500,000.00 which the Village did not have.

The Illinois EPA finally agreed to a compromise whereby a berm was to be constructed with the remaining excess soil on a portion of the park property. The berm was to be covered with three feet of clean soil and this "barrier" would render the material harmless to humans. The berm was built on the park property at a cost of \$150,000 and it is now covered with three feet of clean soil. If the EPA had allowed the soil to be moved 100 feet into the adjacent quarry, it would have been covered by a lot more than three feet of soil. This does not seem like a logical solution.

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Thank you for your consideration.

Sincerely,



Michael F. McClain

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Chicago, IL 60601