



**WILL COUNTY LAND USE DEPARTMENT**  
58 E. Clinton Street, Suite 500 • Joliet, Illinois 60432  
815/774-3321 • Fax 815/727-8638

April 18, 2012  
Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 W. Randolph  
Chicago, IL 60601

Rulemaking Case R12-9 (Land)

Dear Hearing Officer Marie Tipsord:

This letter will serve as additional comments from the Will County Land Use Department, Resource Recovery and Energy Division in the matter of Rulemaking #R12-9 that concerns "Proposed Amendments to Clean Construction or Demolition Debris and Uncontaminated Soil Fill Operations" that were filed by the Illinois Environmental Protection Agency (IEPA) in late July 2011. Will County submitted written comments at the October 25<sup>th</sup> 2011 Hearing in Chicago and additional follow-up comments electronically on December 2, 2011.

Comments that were submitted previously to the Illinois Pollution Control Board (IPCB) for this Rulemaking by the Will County Land Use Department pertained to: Groundwater Monitoring, Monitoring Water Discharge (NPDES), Notification of Zoning Approval, Financial Assurance, Temporary Uncontaminated Soil Sites that do not register, Hillsides filled with Clean Construction or Demolition Debris (CCDD), and Definitions. The Will County Land Use Department is still requesting consideration of these comments by IPCB. It is important to note that many of the comments we forwarded to the IPCB have been reiterated by other entities that have the same overall interest in protecting our environment, particularly our land, surface & drinking water.

In its First Notice Opinion and Order of the subject Rulemaking, the IPCB determined that requiring groundwater monitoring for CCDD and Uncontaminated Soil Fill Operations was not justified due to the lack of evidence of these sites being a source of groundwater contamination, and the sizeable costs associated with such monitoring. The IEPA and other Rulemaking participants have since argued that the IPCB should reconsider their decision on the matter. The Will County Land Use Department is also requesting that the IPCB reconsider their decision on this matter. Requiring groundwater monitoring would help determine if the site is in fact impacting the aquifer, and thus, the drinking water supply. There isn't any groundwater monitoring data (and thus evidence of contamination from these sites) because the CCDD and Uncontaminated Soil Fill Operations have not been required to collect it.

Alternatively to groundwater monitoring, the IPCB is proposing requiring enhanced soil certification procedures for source site owner/operators based on screening and assessment procedures conducted in accordance with ASTM standards. This enhanced requirement may help curtail contaminated loads from being brought and deposited at a CCDD or Uncontaminated Soil Fill site. Unfortunately, many contaminated loads may still inadvertently get through and be deposited at these sites, which have no liners to insulate the contaminated material from the

groundwater. Additionally, it is important to note that many contaminated loads have most likely already been deposited, since loads were not required to be tested and certified by a LPE or LPG to be "uncontaminated" or not impacted until recently. The CCDD and/or Uncontaminated Soil Operation should be held accountable if they are the source of the groundwater contamination. The final method of verifying this would be to require the CCDD and/or Uncontaminated Soil Operator to perform quarterly or at the very least, biannual or annual groundwater monitoring.

Please consider the information that was provided by the IEPA's Richard Cobb at the IPCB Hearing held in Chicago, IL on March 13, 2011 showing the location of many private, community & non-community wells within 2500 feet of the ten (there are now eleven) sites in Will County, I believe there is a compelling case to ensure our groundwater is adequately protected from the impact of CCDD and Uncontaminated Soil Fill Operations, and to not wait until it is contaminated to find the source.

Since the IPCB has begun the Rulemaking process, Will County approved a Special Use Permit (SUP) to allow a CCDD/Quarry site to operate in unincorporated Will County. As part of the approval process, fourteen conditions were attached to the SUP, which was agreed to by the CCDD applicant. Two of the conditions pertained to the closest residential private water well. The CCDD/Quarry applicant agreed to the following condition(s):

1. In the event a complaint related to adversely impacted wells within ¼ mile of the quarry property line, such dispute shall be submitted for resolution to a professional hydrogeologist mutually agreed upon by the quarry operator and the Will County Land Use Department Resource Recovery and Energy Division. The associated cost of such dispute shall be paid by the quarry operator. The mutually agreed upon professional hydrogeologist shall then conduct a timely initial assessment of the situation to determine the cause of the alleged adverse impacts to the impaired well. If warranted by the initial assessment, a detailed study shall be initiated at the quarry owner's own expense to determine if quarry activities are responsible. If quarry activities are responsible, then the quarry operator shall, at its own expense, take reasonable and necessary steps to reestablish a reliable water supply (such as a deeper well or municipal water supply). During the period of assessment, a representative of the quarry operator shall provide bottled water for drinking and cooking if needed.
2. The water supply for the residence located at subject property must be tested within 90 days of approval by the County if the property owner agrees to testing.

The above conditions can help establish a baseline of groundwater/drinking water data for the resident and operator to work from. Should the CCDD/quarry site impact the nearby private residential well, the operator will pay for testing and provide a temporary clean water source. Additionally, if the subject resident's drinking water is deemed contaminated due to the CCDD/Uncontaminated Soil Fill Operations site activities, require the operator to provide a permanent clean water source to the private residential well owner. Perhaps in lieu of (or in addition to) requiring groundwater monitoring, the IPCB would consider making the above conditions requirements to protect the resident and in some cases, the CCDD or Uncontaminated Soil Fill Operator.

Thank you for the opportunity to provide comments.

Sincerely,



Dean Olson  
Resource Recovery & Energy Director

CC: Will County Executive  
Will County Board Legislative Committee