

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 27th day of April 2012, you were served with copies of the Comments to First Notice on behalf of the Land Reclamation & Recycling Association.

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

Date: April 27, 2012

Response to Comments on First Notice on behalf of LRRRA

LRRRA adopts and restates, as if fully set forth herein, the comments of the Illinois Association of Aggregate Producers (IAAP), the Public Building Commission of Chicago (PBC), the City of Chicago and the Illinois Transportation Coalition (ITC) on the issue of assumptive pH for purposes of the MAC table and opposes the comments of the Illinois Environmental Protection Agency (IEPA) and Waste Management on this matter.

Further, LRRRA adopts and restates, as if fully set forth herein, the comments of the IAAP on the issue of ground water monitoring and opposes the comments of the IEPA, Waste Management, the Illinois Attorney General's Office and the Citizens Against Ruining the Environment on this matter.

Finally, in its Comments on First Notice filed on April 18, 2012, the IEPA addresssed the issue of the Village of Lyons municipal park decision. At the outset, a factual clarification must be made. The Village of Lyons purchased the property from Material Service Corporation and a gas station owner, not Reliable Materials Lyons, LLC. Sections of the site were mined and filled in decades ago and there previously existed on the property an asphalt plant and a gas service station with a LUST.

No stakeholder or witness has challenged the authority or the regulatory process by which the IEPA made its remediation determination in this instance. However, the concept of allowing material that does not meet residential inhalation and ingestion standards to be buried under 3 feet of clean soil in an open park area when it could have been buried literally fifteen feet further south under 100 feet of soil makes no practical sense; particularly in light of the fact that the latter option would have prevented any future risk of accidental excavation and/or exposure to humans. Test results on the soil that was placed within the Village of Lyons berm indicate that it posed no threat to groundwater as there were only low levels of PAH constituents above background standards. The combination of the extremely low exposure risk and the lack of any potential impact on groundwater support the conclusion that this material should have been remediated within the Lyons quarry, not on the Village of Lyons park site.

The IEPA also stated in its comments that it opposes the use of berms and/or other engineered barriers by CCDD operators as a means for eliminating the inhalation and ingestion pathway. The Village of Lyons factual scenario and the myriad of other circumstances where such engineered barriers are allowed as part of an on-site mitigation process cast serious doubt on the merits of this position. LRRRA submits that the IEPA should be granted the authority to allow for the use of engineered barriers by CCDD operators so long as the use of such mechanisms is included in the site's post-closure plan, deed restrictions, if required, are filed with the county recorder's office and a bond is posted by the operator to ensure implementation of the post-closure plan.

PROOF OF SERVICE

I do hereby certify that a copy of the Comments to First Notice on behalf of the Land Reclamation & Recycling Association were tendered via email on April 27, 2012, 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 April 27, 2012, 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

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
Matthew J. Dunn, Chief

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

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

Brian Lansu