

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE
FEB 23 2016

STATE OF ILLINOIS
Pollution Control Board

In the Matter of the Petition of Saline County)
Landfill, Inc., for an Adjusted Standard) AS 2016-001
(Adjusted Standard)
)
)
)

NOTICE

 ORIGINAL

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

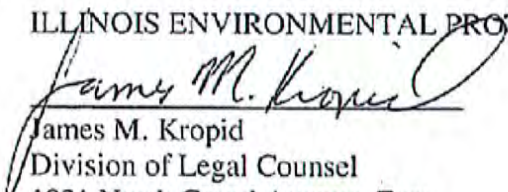
Brian Konzen, Esq.
Lueders, Robertson
& Konzen LLC
1939 Delmar Ave.
Granite City, IL 62040

Carol Webb
Hearing Officer
IPCB
1021 North Grand Ave East
P.O. Box 19274
Springfield, IL 62794

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY COMMENTS ON PETITIONER'S RESPONSES TO THE BOARD**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,


James M. Kropid
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: February 18, 2016

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY COMMENTS ON
PETITIONER'S RESPONSES TO THE BOARD**

On December 8, 2015, Petitioner filed responses to thirty-three group questions posed by the Illinois Pollution Control Board ("Board") pertaining to the Petition of Saline County Landfill for Adjusted Standards (AS 16-1). The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Petitioner's responses and, pursuant to Board Orders dated October 8, 2015 and January 11, 2016, submits the following comments:

COMMENT NO. 1

The Petitioner's proposed language for 35 Ill. Admin. Code 811.319(a)(2)(A)(ii-vi) has been reviewed. It appears that the Petitioner has taken into account Illinois EPA recommendations with the exception of the request for a Board adjusted groundwater quality standard for dissolved chromium concentrations. The Petitioner provides details for the request of a Board adjusted groundwater quality standard for dissolved chromium in Comment No. 14. As discussed further in Comment No. 14 below, the Petitioner's request for a Board adjusted groundwater quality standard for chromium that is equal to the Class I Groundwater Quality Standard (100 ug/L) is recommended by Illinois EPA.

COMMENT NO. 2

The Petitioner has complied with the Illinois EPA recommendation that a Board adjusted standard for specific conductance be withdrawn. The Petitioner states that the issue could be resolved with Illinois EPA concurrence through the permit process since the constituent is not listed in 35 Ill. Admin. Code 811.319(a)(2)(A), and thus Board relief is not required to exempt this constituent from the statistical analysis requirements of 35 Ill. Admin. Code 811.319(a)(4)(A)(ii and iv). Since the Petitioner has confirmed that Board relief is not being requested for specific conductance, Illinois EPA concerns with regard to this constituent have been addressed and there are no further comments with respect to specific conductance.

As indicated in the Petitioner's response to Comment No. 1, pH shall be monitored but exempt from the requirements of 35 Ill. Admin. Code 811.319(a)(4)(A)(ii and iv). The Petitioner's response with regard to the data analysis requirements for pH addresses Illinois EPA concerns with regard to this constituent and as such, there are no further comments with regard to pH.

COMMENT NO. 3

The Petitioner's proposed language for 35 Ill. Admin. Code 811.319(a)(2)(A) appears to resolve the potential conflict between the proposed rewording of 35 Ill. Admin. Code 811.319(a)(2)(A)(i) and the parameters provided in 35 Ill. Admin. Code 811.319(a)(2)(A)(ii). Illinois EPA has no further comments with regard to Comment No. 3.

COMMENT NO. 4

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 4(a) and Comment No. 4(b).

COMMENT NO. 5

Illinois EPA is in agreement with the Petitioner's statement that the proposed wording provided in response to Comment No. 1 appears the most definitive way to designate which constituents are subject to the full detection monitoring requirements of 35 Ill. Admin. Code 811.319(a)(4)(A) and which constituents are exempted from the statistical analyses (subparagraphs ii and iv).

The proposed modifications to 35 Ill. Admin. Code 811.319(a)(4)(A)(ii and iv) provided by the Petitioner in response to this comment appear to maintain consistency with the proposed changes to 35 Ill. Admin. Code 811.319(a)(2)(A) that are provided by the Petitioner in response to Comment No. 1. Illinois EPA is in agreement with the proposal and has no further comments with respect to the Petitioner's response to Comment No. 5.

COMMENT NO. 6

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 6(a) and Comment No. 6(b).

With regard to Comment No. 6(c), Illinois EPA understands that if granted, the use of Board adjusted groundwater standards as applicable groundwater quality standards would require submittal of significant modifications to permit in order to revise the applicable background values for the constituents. Illinois EPA has no further comments with respect to the Petitioner's response to Comment No. 6(c).

COMMENT NO. 7

The Petitioner is correct that Illinois EPA has recommended the constituents iron and manganese be exempt from the detection monitoring program, but retained for assessment monitoring. It is noted that the constituents iron and manganese are included in the table of proposed assessment monitoring parameters provided in Attachment A of the Petitioner's response document.

Illinois EPA agrees that the confirmation procedures of 35 Ill. Admin. Code 811.319(a)(4)(B) shall be instituted when monitored constituents show a progressive increase over eight consecutive quarters in accordance with 35 Ill. Admin. Code 811.319(a)(4)(A)(i).

Illinois EPA understands that the applicable groundwater quality standards for constituents proposed to be subject only to the trend analysis would not be applicable at or beyond the zone of attenuation. Instead, the proposed Board adjusted groundwater standards (for dissolved ammonia, total and dissolved chloride, and total and dissolved chromium) would be effective at and beyond the zone of attenuation, while the remaining detection and assessment monitoring constituents would continue to have applicable groundwater quality standards, effective at and beyond the zone of attenuation, that are based on background concentrations or practical quantitation limits. Illinois EPA has no further comments with respect to Comment No. 7.

COMMENT NO. 8

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 8.

COMMENT NO. 9

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 9.

COMMENT NO. 10

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 10.

COMMENT NO. 11

The Petitioner has clarified whether the constituents proposed to be removed from the assessment monitoring list are currently required to be monitored on either a semi-annual or annual basis pursuant to 35 Ill. Admin. Code 811.319(b)(5)(D). However, it appears that the Petitioner intends that several constituents currently required to be monitored either on a semi-annual or annual basis in accordance with 35 Ill. Admin. Code 811.319(b)(5)(D) not be monitored either semi-annually or annually under the adjusted standard. This is addressed in the Petitioner's response to Comment No. 8. Several total metals (total antimony, total cadmium, total cobalt, total copper, total nickel, total silver, total selenium, and total thallium) which are contained in 35 Ill. Admin. Code 620.410, and therefore required to be monitored either on a semi-annual or annual basis during assessment monitoring in accordance with 35 Ill. Admin. Code 811.319(b)(5)(D), are proposed to be deleted from the assessment monitoring list. As such, it does not appear that the Petitioner has provided the requested clarification. Regardless, Illinois EPA agrees with the deletion of the total metals referenced in Comment No. 8 from the assessment monitoring list, and has no further comments with respect to the Petitioner's response to Comment No. 11.

COMMENT NO. 12

It appears from the discussion that the Petitioner has provided adequate clarification that only total arsenic would be monitored as an assessment monitoring parameter while dissolved arsenic would continue to be monitored on a quarterly basis as a detection monitoring constituent. Illinois EPA agrees and since dissolved arsenic is currently and will be in the future monitored on a quarterly basis, regardless of the need for assessment monitoring, it makes little difference whether dissolved arsenic is monitored as part of the detection or the assessment monitoring lists. Illinois EPA has no further comments with respect to the Petitioner's response to Comment No. 12.

COMMENT NO. 13

Illinois EPA is in agreement with the Petitioner that total chloride should be monitored as part of the assessment monitoring program, and has no further comments with respect to the Petitioner's response to Comment No. 13.

COMMENT NO. 14

As stated by the Petitioner, total and dissolved chromium should continue to be monitored as part of the detection and assessment monitoring programs, respectively.

Prior to the Petitioner's response to Board comments, it was recommended by Illinois EPA that the Petitioner propose to develop chromium intrawell applicable groundwater quality standards via submittal of a significant modification to permit for the lacustrine unit wells and the shale wells beneath the lacustrine unit, and utilize the existing permit interwell applicable groundwater quality standard/maximum allowable predicted concentration for the minespoil and shale wells not underlying the lacustrine unit. In this response to Board comments, the Petitioner is requesting a Board adjusted groundwater quality standard for total and dissolved chromium that is equal to the Class I Groundwater Quality Standard (100 ug/L). Under the initial scenario, the chromium analytical data from wells within the zone of attenuation would be compared to the Class I Groundwater Quality Standard (i.e., the proposed groundwater protection standard), and wells located at or beyond the zone of attenuation would be evaluated relative to the permitted applicable groundwater quality standards. Under the scenario proposed by the Petitioner in response to Board comments, the Class I Groundwater Quality Standard would be effective not only within the zone of attenuation, but also at and beyond the zone of attenuation extending to the facility's property boundary. The Petitioner's proposal for a Board adjusted groundwater quality standard for chromium appears appropriate for recommendation by Illinois EPA and Illinois EPA has no further comments with respect to the Petitioner's response to Comment No. 14.

COMMENT NO. 15

As stated by the Petitioner, total potassium is a good leachate indicator and should be included on the assessment monitoring list. Illinois EPA agrees with the Petitioner's statement that total potassium be included on the assessment monitoring list and has no further comments with respect to the Petitioner's response to Comment No. 15.

COMMENT NO. 16

As stated by the Petitioner, total sodium is a good leachate indicator and should be included on the assessment monitoring list. Illinois EPA agrees with the Petitioner's statement that total sodium be included on the assessment monitoring list and has no further comments with respect to the Petitioner's response to Comment No. 16.

COMMENT NO. 17

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 17.

COMMENT NO. 18

The Petitioner's proposed wording for 35 Ill. Admin. Code 811.319(b)(6)(iv) dictates that if an alternate source demonstration cannot be made and the exceedance is attributable to the solid waste disposal facility, the operator shall implement remedial action in accordance with subsection (d). It is noted that 35 Ill. Admin. Code 811.319(d) dictates that the owner of operator of a municipal solid waste landfill unit (e.g. Saline County Landfill) shall conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. Since 35 Ill. Admin. Code 811.319(d) provides instruction for implementation of corrective actions at a municipal solid waste landfill unit (such as Saline County Landfill), the Petitioner's proposed

wording appears appropriate. Illinois EPA has no further comments with respect to the Petitioner's response to Comment No. 18.

COMMENT NO. 19

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 19.

COMMENT NO. 20

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 20. The addition of a Board adjusted groundwater quality standard for dissolved and total chromium that is equal to the Class I Groundwater Quality Standard (100 ug/L) is recommended by Illinois EPA as discussed in Comment No. 14. Illinois EPA has no further comments with respect to the Petitioner's response to Comment No. 20.

COMMENT NO. 21

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 21.

COMMENT NO. 22

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 22(a), Comment No. 22(b), and Comment No. 22(c).

COMMENT NO. 23

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 23.

COMMENT NO. 24

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 24.

COMMENT NO. 25

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 25.

COMMENT NO. 26

The Petitioner states that the request for a total and dissolved chloride groundwater protection standard of 200 mg/L will be withdrawn if total and dissolved chloride are exempted from statistical analysis and subject only to trend analysis requirements of 35 Ill. Admin. Code 811.319(a)(4)(A)(i), as recommended by Illinois EPA. The 200 mg/L standard for total and dissolved chloride would be a Board adjusted applicable groundwater quality standard (effective at and beyond the zone of attenuation) rather than within the zone of attenuation (see Comment 20). Similarly, the request for a total and dissolved ammonia groundwater protection standard of 15 mg/L will be withdrawn if dissolved ammonia is exempted from statistical analysis and subject only to trend analysis requirements of 35 Ill. Admin. Code

811.319(a)(4)(A)(i) as recommended by Illinois EPA. It is noted that the 15 mg/L standard for dissolved ammonia would be a Board adjusted applicable groundwater quality standard rather than within the zone of attenuation (see Comment 20). This is appropriate for Illinois EPA recommendation, and Illinois EPA has no further comments with respect to the Petitioner's response to Comment No. 26.

COMMENT NO. 27

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 27(a), Comment No. 27(b), Comment No. 27(c), and Comment No. 27(d).

COMMENT NO. 28

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 28.

COMMENT NO. 29

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 29.

COMMENT NO. 30

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 30.

COMMENT NO. 31

Illinois EPA has no comments with respect to the Petitioner's response to Comment No. 31.

COMMENT NO. 32

Illinois EPA has no comment with respect to the Petitioner's response to Comment no. 32(a), Comment No. 32(b), Comment No. 32(c), Comment No. 32(d), Comment No. 32(e), and Comment No. 32(f).

COMMENT NO. 33

Illinois EPA has no comment with respect to the Petitioner's response to Comment No. 33.

FEB 23 2016

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

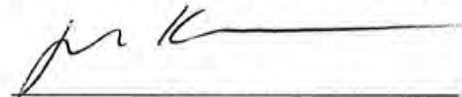
I, the undersigned, hereby state that on February 18, 2016, I served the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY COMMENTS ON PETITIONER'S RESPONSES TO THE BOARD**, by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with first class postage affixed, upon the following named persons:

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

Brian Konzen, Esq.
Lueders, Robertson
& Konzen LLC
1939 Delmar Ave.
Granite City, IL 62040

Carol Webb
Hearing Officer
IPCB
1021 North Grand Ave East
P.O. Box 19274
Springfield, IL 62794

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,



Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: February 18, 2016