

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )
PROPOSED AMENDMENTS TO ) R01-26
REGULATION OF PETROLEUM ) (Rulemaking - Land)
LEAKING UNDERGROUND STORAGE )
TANKS (35 ILL. ADM. CODE 732) )

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FEDEX - OVERNIGHT)

Mr. Joel J. Sternstein
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FEDEX - OVERNIGHT)

All Other Persons on the Attached Service List (VIA FEDEX-OVERNIGHT)

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board the attached Pre-Filed Testimony of Ronald R. Dye in the above-titled matter, copies of which are hereby served upon you.

Respectfully submitted,

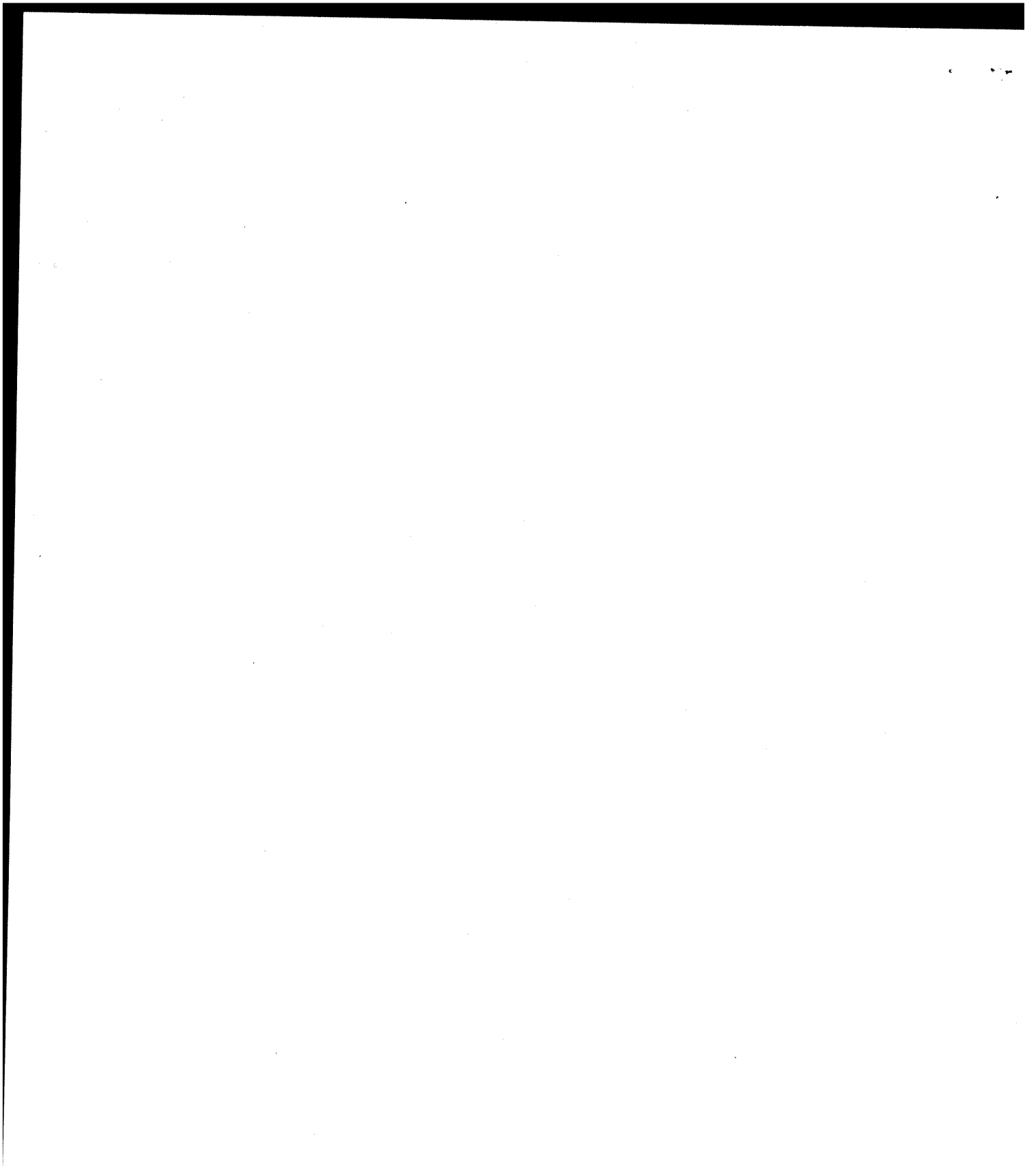
ILLINOIS CHAPTER
AMERICAN INSTITUTE OF
PROFESSIONAL GEOLOGISTS

By: [Signature]
Ronald B. St. John, President

Dated: February 19, 2001

Illinois Chapter, AIPG
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FEB 20 2001

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Pollution Control Board

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PRE-FILED TESTIMONY OF RON DYE

Good Morning, my name is Ron Dye. I currently serve as a Member of the Advisory Board of the Illinois Chapter of the American Institute of Professional Geologists. The Illinois Chapter of the AIPG is an advocacy group for Professional Geologists in the State of Illinois. This group represents approximately 900 Licensed Professional Geologists.

The Illinois Environmental Protection Agency (Agency) provided us with an opportunity to review the draft amendments to 35 Ill. Adm. Code, Part 732 prior to their being filed with the Board. We appreciate the Agency providing this opportunity. At that time we suggested several changes to the draft amendments. The Agency agreed with a number of the suggestions and incorporated them into the proposed amendments that are the subject of this hearing. However, the Agency did not feel they could make all of the changes that we suggested. Of the changes that the Agency did not feel they could make, we are respectfully requesting that the Board consider our suggested change to Section 732.409(a)(2). Specifically, we believe that the phrase "or Licensed Professional Geologist" should be inserted into this paragraph after the phrase "Licensed Professional Engineer". The Agency indicated that there may be portions of a Corrective Action Completion Report that are outside what a Professional Geologist can certify. We agree that this may be true during some instances, however, this has always been true for Professional Engineers as well. Most environmental work is multi-disciplinary. It has been the Professional Engineer's responsibility to obtain additional support for those aspects of the work that is not their specialty or area of expertise. Likewise, Professional

Geologists will need to obtain support from other disciplines and/or a Professional Engineer to conduct or supervise work.

There are a large number of sites where the corrective action activities are not limited to professional engineering expertise. For example, at sites where the approved corrective action is monitored natural attenuation and/or where remediation objectives [established in accordance with 35 Illinois Administrative Code 742 (TACO)] do not require active remediation.

Therefore, we respectfully request that the Board consider inserting language similar to that inserted by the Agency at 732.312(d). Specifically:

Section 732.409(a)(2) The High Priority corrective action completion report shall include, but not be limited to, a narrative and timetable describing the implementation and completion of all elements of the corrective action plan and the procedures used for the collection and analysis of samples, soil boring logs, actual analytical results, laboratory certification, site maps, well logs and any other information or documentation relied upon by the Licensed Professional Engineer or, to the extent authorized by the Professional Geologist Licensing Act [225 ILCS 725], a Licensed Professional Geologist in reaching the conclusion that the requirements of the Act... ..

In addition to the above, we note that one of our suggested changes that the Agency indicated they agreed to does not appear to have made it into the proposed amendments before the Board. Specifically, we suggested (and we believe that the Agency agreed) that at Section 732.307(g)(5) the phrase "or Licensed Professional Geologist" should be inserted after the phrase "Licensed Professional Engineer". We believe that this was just an oversight on the part of the Agency and request that the Board insert this language.

There are a number of other changes that we feel merit consideration by the Board in this proceeding. We feel that these changes help clarify a number of points in the regulations

without changing the intent of the regulation. We, therefore, believe that these are non-controversial changes. The specific, suggested, changes are provided in our written testimony as follows:

### **Section 732.307(c)(2) – Soil Properties**

As written, the discussion on determining soil properties infers that it is the soil boring rather than a stratigraphic unit that would be conducive to transporting contaminants. The complexity of ideas contained in the single sentence is more clearly expressed by dividing it into shorter, more easily comprehensible sentences. The following changes are suggested:

#### Section 732.307 Site Evaluation

##### 2) Soil Properties

~~The following~~ A series of tests shall be performed on a representative sample of each of the stratigraphic units encountered in the site classification soil boring, native soil boring which has been ~~The purpose of these tests is to determined which stratigraphic unit is~~ most conducive to transporting contaminants from the source based on site factors, including but not limited to: visual and tactile observations, the classification of the soil, any prior evaluation of the site stratigraphy, the volume of the release, the ~~size or extent of the unit thickness or extent of the stratigraphic unit~~, and the requirements of ASTM D 2488-93, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved September 15, 1993. The tests shall consist of:

#### **Grammatical correction in Section 732.307(c)(2)(D):**

D) Unconfined ~~compression~~ compressive strength shall be determined in tons per square foot by using a hand penetrometer; and

#### **Miss-statement in Section 732.307(c)(3)(B)(ii)**

As written, Section 732.307(c)(3)(B)(ii) states that the Berg Circular contains requirements pertaining to “No Further Action”. The Berg Circular rates geologic conditions for the possibilities for the contamination of shallow aquifers and says nothing about “No Further Action”. Our suggested modification to the language follows:

- ii) Granular soils ~~having that are~~ estimated to have hydraulic conductivity of greater than  $1 \times 10^{-3}$  cm/s will fail the hydraulic conductivity requirements within the Berg Circular for No Further Action geology minimum geologic conditions for “No

Further Action”: i.e., rating of D, E, F, or G as described in the Berg Circular, and therefore, no physical tests need to be run on the soils.

**Section 732.307(c)(3)(B)(iii)**

This paragraph states that a hydraulic conductivity analysis of bedrock must be conducted using ASTM Standard D 4525-90. It should be noted that this method is only applicable for sandstone and limestone bedrock. It is not applicable for shale, siltstone, or mudstone bedrock because they crack during the drying process specified in this standard method. This method was established to analyze petroleum reservoir rocks, mainly sandstone and limestone. We would suggest that the IPCB add the following Board Note:

(Board Note: This test method is only meant for determining the permeability of sandstone or limestone bedrock. Should it be necessary to determine the permeability of shale, siltstone, or mudstone; an appropriate test method shall be proposed for Agency approval.)

**Berg Circular**

There are a number of locations in the 732 regulation that refer to the “Berg Circular” [732.302(a)(1)(A)(i) and (ii); 732.304(a)(2)(A) and (B); and 732.307(c)(1)(A)]. At these locations, designations from the Circular are referenced. It would be more correct to indicate that these designations are found on Plate 1 of the Circular. For example:

Section 732.302(a)(1)(A)(i) – The site is located in an area designated D, E, F or G on Plate 1 of the Illinois State Geological Survey Circular (1984) entitled, ... ..

**THIS PORTION INTENTIONALLY LEFT BLANK**

On behalf of the Illinois Chapter of the American Institute of Professional Geologists and Licensed Professional Geologist of Illinois, I would like to thank the Board and the Agency for your consideration of the issues I have presented today. I would be happy to answer any questions you may have.

Respectfully submitted,

ILLINOIS CHAPTER  
AMERICAN INSTITUTE OF  
PROFESSIONAL GEOLOGISTS

By:   
One of its Advisory Board Members

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