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ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO SOLID)
WASTE LANDFILL RULES, 35 ILL.) No. R07-8
ADM. CODE 810 AND 811) (Rulemaking-Land)
)

REPORT OF PROCEEDINGS before the Illinois
Pollution Control Board, taken before Tamara
Manganiello, Registered Professional Reporter and
Notary Public, at the Michael A. Bilandic Building,
160 North LaSalle Street, Room N-505, Chicago,
Illinois, commencing at the hour of 11:00 a.m. on
the 29th day of January, A.D., 2007.

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,
 3 100 West Randolph Street
 4 Suite 11-500
 5 Chicago, Illinois 60601
 6 (312) 814-6085
 7 BY: MR. TIMOTHY J. FOX, HEARING OFFICER
 8 DR. G. TANNER GIRARD, ACTING CHAIRMAN
 9 MS. ANDREA S. MOORE, BOARD MEMBER
 10 MR. THOMAS E. JOHNSON, BOARD MEMBER
 11 MR. NICHOLAS J. MELAS, BOARD MEMBER
 12 MS. ALISA LIU, ENVIRONMENTAL SCIENTIST
 13 MR. ANAND RAO, SR. ENVIRONMENTAL SCIENTIST;

9 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
 10 1021 North Grand Avenue East
 11 P.O. Box 19276
 12 Springfield, Illinois 62794-9276
 13 (217) 782-5544
 14 BY: MS. KIMBERLY A. GEVING;

13 SORLING, NORTHRUP, HANNA, CULLEN, COCHRAN, LTD.,
 14 607 East Adams Street
 15 P.O. Box 5131
 16 Springfield, Illinois 62705
 17 (217) 544-1144
 18 BY: MR. CHARLES J. NORTHRUP,
 19
 20 Appeared on behalf of the Proponent,
 21 National Solid Wastes Management
 22 Association;

18 ALSO PRESENT:

19 MS. GWENYTH THOMPSON, ILLINOIS EPA
 20 MR. CHRISTIAN J. LIEBMAN, ILLINOIS EPA
 21 MR. WILLIAM R. SCHUBERT, WASTE MANAGEMENT
 22 MR. TERRY R. JOHNSON, WASTE MANAGEMENT
 23 MR. ERIC BALLENGER, ALLIED WASTE
 24 MR. TOM HILBERT, WILLIAM CHARLES WASTE COMPANIES
 MS. KATHY ANDRIA, AMERICAN BOTTOM CONSERVANCY AND
 SIERRA CLUB, KASKASKIA GROUP
 MS. JOYCE BLUMENSHINE, SIERRA CLUB, HEART OF
 ILLINOIS GROUP

1 HEARING OFFICER FOX: Good morning to
2 all of you and welcome to this Illinois
3 Pollution Control Board hearing. My name is
4 Tim Fox and I am the hearing officer for the
5 this rulemaking proceeding which is entitled
6 Proposed Amendments to Solid Waste Landfill
7 Rules, 35 Illinois Administrative Code 810
8 and 811.

9 The Board docket number for this
10 rulemaking is R07-8. The Board received this
11 proposal on July 27th, 2006, from the
12 Illinois Chapter of the National Solid Waste
13 Management Association, which seeks to amend
14 the Board's regulations concerning solid
15 waste landfills. The Board accepted this
16 proposal for hearing with an order dated
17 August 17th of 2006.

18 I'd like to take a moment to make
19 introductions. First of all, present today
20 from the Illinois Pollution Control Board
21 are, to my immediate right, Board Member
22 Andrea Moore, who is the lead Board Member
23 for this proceeding.

24 Member Moore, did you wish to make

1 any opening remarks?

2 BOARD MEMBER MOORE: Just a brief
3 statement to say thank you very much and the
4 Board does really appreciate the efforts your
5 association has gone through to produce this
6 proposal. And the cooperation that the IEPA
7 has had, as well, we wanted to thank you for
8 that.

9 HEARING OFFICER FOX: Thanks very
10 much. Three persons to the left is the
11 Board's acting chairman, Dr. G. Tanner
12 Girard.

13 Dr. Girard, did you have any
14 remarks or comments you wanted to offer to
15 begin this morning?

16 DR. GIRARD: No. Just good morning
17 and it's good to see everyone here. We do
18 appreciate your efforts. Thank you.

19 HEARING OFFICER FOX: We, as it turns
20 out, have the full Board present. To Dr.
21 Girard's left is Board Member Nicholas Melas
22 and to Member Moore's right is Board Member
23 Thomas E. Johnson.

24 And, in addition, on my immediate

1 left is Alisa Liu of the Board's technical
2 staff, and to her left, Anand Rao, her
3 colleague in the technical unit.

4 Today we are holding the first of
5 two scheduled hearings in this rulemaking.
6 The second hearing is now scheduled to begin
7 Wednesday, February 28th of this year in
8 Springfield.

9 This proceeding is governed by the
10 Board's procedural rules. Under those, all
11 information that is relevant and that is not
12 repetitious or privileged will be admitted
13 into the record of this hearing.

14 Please note that any questions
15 that are posed today either by the Board
16 members or the Board's staff are intended
17 solely to develop a complete and clear record
18 in this proceeding for the Board's decision
19 and do not reflect any prejudgment or any
20 bias regarding the proposal as it was
21 offered.

22 The Board has received pre-filed
23 testimony from one participant, again, the
24 Illinois Chapter of the National Solid Wastes

1 Management Association. We will begin this
2 hearing with that pre-filed testimony.
3 First, hearing from witnesses from the
4 Association, and then this will be followed
5 by questions that either the Board and its
6 staff or other participants that are present
7 hearing today may have for them.

8 Once we have finished questions of
9 those witnesses the Association, which has
10 pre-filed its testimony, anyone else may
11 testify, as time permits. And if you would
12 like to testify today, but did not pre-file
13 testimony, there is a sign-up sheet located
14 just inside the door behind the Agency staff
15 on which you can indicate your interest in
16 testifying.

17 Like all witnesses, those who do
18 testify would be sworn by the court reporter
19 and would be open to cross examination and
20 also may be asked questions about their
21 testimony itself.

22 I realize that many of you are
23 veterans of these proceedings, but for the
24 benefit of our court reporter, please speak

1 as clearly and loudly as you can so that it's
2 as easy as possible for her to complete our
3 record. And please avoid speaking at the
4 same time as another person so that her task
5 is simplified, as well.

6 In speaking with representatives
7 of the Agency and the Association before
8 hearing, off the record, it was acknowledged
9 by the Agency -- I think it's fair to say,
10 Mr. Northrup, please disagree if I'm
11 incorrect -- that the pre-filed testimony
12 would be admitted into the record as if read
13 here today under the Board's rules at
14 35 Illinois Administrative Code
15 Section 102.42(f). And I believe the
16 Association would be willing or would prefer
17 it, in fact, to proceed directly to
18 questions?

19 MR. NORTHRUP: That's correct.

20 HEARING OFFICER FOX: Excellent. Were
21 there any questions about our procedure or
22 about the general basis over which we'd be
23 going forward?

24 (No verbal response.)

1 HEARING OFFICER FOX: Seeing none.
2 Mr. Northrup, if you had any brief summary or
3 brief introductions, certainly, we'd be to
4 happy hear that.

5 MR. NORTHRUP: Just real brief
6 introductions. To my left is Tom Hilbert,
7 who filed pre-filed testimony. In his
8 testimony, I identified him as the president
9 of the Midwest Chapter of the NSWMA. He's
10 actually the former president of the
11 Association. So I wanted to clarify that.

12 To my immediate right is Terry
13 Johnson. He also filed pre-filed testimony.
14 I know, Mr. Fox, you mentioned just there was
15 one filing, but there was actually two.

16 HEARING OFFICER FOX: Correct. Two
17 persons, yes.

18 MR. NORTHRUP: To Mr. Johnson's right
19 is Bill Schubert, a representative of the
20 Association. And to his right is Eric
21 Ballenger.

22 Now, all four of these gentlemen
23 have been involved in this regulatory
24 proposal going back to when it first began in

1 1998 or '99, so they are all very
2 knowledgeable about it and I think they will
3 all be able to answer any questions that you
4 might have.

5 The culmination of this goes back,
6 you know, to the beginning of the Board's
7 landfill regs back in R-88. We view this as
8 just a continuation of that. There were
9 amendments made in '97 or '98. This is just
10 a further addition onto that.

11 In the intervening -- you know,
12 whether it's ten years from the R-97 or 17
13 from the initial Board regs, you know, a lot
14 of practical information and data has been
15 built up and so we just view this as really
16 nothing more than an update of those
17 regulations. We don't believe there's any
18 controversy with these. We're glad to see
19 that the Illinois Environmental Protection
20 Agency supports us in this.

21 Sort of the bottom line and
22 globally, we think these regulations will
23 provide better data for the companies and the
24 Agency. It provides a more formal review of

1 the data once it's sent into the Agency. It
2 provides for more consistent application of
3 the Board's regs across the state. And we
4 certainly think that it increases the
5 protection of human health and the
6 environment.

7 So, with that, I do note I did
8 file an errata sheet number two,
9 electronically filed, with the Board on
10 Friday. I've got copies of that if anybody
11 wants it. In other words, there's just two
12 typographical issues that were addressed in
13 that. So with that, I will turn it back to
14 you, Mr. Fox.

15 HEARING OFFICER FOX: Very good.
16 Thank you very much. In the original
17 proposal filed by the Association in July of
18 2006, the proposed amendments to the
19 regulations were numbered consecutively in
20 the order of the administrative code
21 citations. And it appears, Mr. Johnson, that
22 your pre-filed testimony follows that exactly
23 so that we should be able to cross reference
24 those two documents very, very accurately

1 with one another.

2 Why don't we begin, appropriately
3 enough, with the Proposed Amendment No. 1
4 amending Section 810.104. Mr. Johnson, in
5 your pre-filed testimony, you had
6 characterized that as a non-substantive
7 proposal. If that is still your position
8 with regard to the language and if the Agency
9 or the other participants don't oppose that
10 characterization at all, perhaps we could
11 proceed to the second proposed amendment.

12 MR. JOHNSON: Yes.

13 HEARING OFFICER FOX: Mr. Johnson has
14 indicated that he still does regard it as
15 non-substantive.

16 (Whereupon, a discussion
17 was had off the record.)

18 BOARD MEMBER JOHNSON: Tim, you intend
19 to go through each of these 49 proposed
20 amendments individually and just make sure
21 that we're --

22 HEARING OFFICER FOX: Make sure that
23 we're building a record, precisely.

24 Mr. Rao has pointed out to me

1 correctly what we should do.

2 Thank you, Mr. Northrup for
3 providing copies of the pre-filed testimony
4 of Thomas Hilbert as Proposed Exhibit No. 1,
5 the pre-filed testimony of Terry Johnson as
6 Proposed Exhibit No. 2 and the errata sheet
7 number two, which includes the changes in the
8 first errata sheet as Proposed Exhibit No. 3.
9 And in order to admit those into the record
10 as the basis for any questions, is there a
11 motion to admit those as exhibits.

12 MR. NORTHRUP: I would move to have
13 those admitted.

14 HEARING OFFICER FOX: Is there any
15 opposition or comment from the Agency or from
16 the other participant on that issue.

17 MS. GEVING: The Agency has no
18 objection.

19 MS. ANDRIA: Can I ask, does that mean
20 you're not going to be delivering them
21 orally?

22 HEARING OFFICER FOX: Correct. Under
23 the Board's procedural rules, because these
24 were pre-filed on Tuesday the 16th, they will

1 be admitted into the record of this
2 proceeding as if they were read aloud here
3 today.

4 And I don't mean to commit you to
5 something, Mr. Northrup, but you did mention
6 that you had some additional copies of these
7 documents. And if you were needing to see or
8 obtain a copy of them, I suspect that
9 Mr. Northrup would be willing to make one of
10 those copies available to you.

11 MR. NORTHRUP: That's correct.

12 MS. ANDRIA: My question -- my perplex
13 is that I had my questions keyed to the
14 testimony, so I wanted to know if that wasn't
15 being delivered, then I would have to regroup
16 and that's why I was trying to figure out the
17 rules.

18 HEARING OFFICER FOX: Mr. Northrup's
19 motion is to admit as Exhibit No. 1, the
20 pre-filed testimony just as it was pre-filed
21 with the Board on the 16th. So the document
22 that he is seeking to admit today has no
23 difference whatsoever from what you might
24 have printed from the Board's web page over

1 the last two weeks or so.

2 And, likewise, that applies
3 equally to Mr. Johnson's pre-filed testimony.
4 This document would be precisely the same as
5 what's available from the Board's website and
6 would be, again, under the operation of the
7 Board's rules, admitted as if he had read it
8 aloud, if he had read from his written
9 testimony.

10 And, likewise, the errata sheet
11 number two embracing the changes both in the
12 first and then in the second errata sheet
13 would be admitted just as it was filed with
14 the Board and put on its website. So there
15 would be no difference between the two
16 documents that I think you're referring to.

17 MS. ANDRIA: Then my question would be
18 at what point is it appropriate for us to ask
19 questions on the pre-filed testimony?

20 HEARING OFFICER FOX: We will plan to
21 go -- particularly, since all of the proposed
22 amendments were numbered consecutively, we
23 will be going through, of course, from one to
24 two all the way to the 49th. So if you have

1 a question about a particular one, please
2 indicate that you have a question and I'll be
3 happy to recognize you for that. And we'll
4 just ask you, when you pose that question, to
5 state your name and any organization that you
6 might represent so that the record is clear.

7 MS. ANDRIA: Thank you.

8 MR. NORTHRUP: And, also, if I could
9 add, the testimony tracks the proposal except
10 for the non-substantive issues. Those are
11 not included in the testimony. But then
12 everything else is all the same, so...

13 HEARING OFFICER FOX: Did you have any
14 further questions or was I at all helpful in
15 clarifying it.

16 MS. ANDRIA: No. I think that does
17 help. And this is my first hearing like
18 this, so I'm probably going to have other
19 questions on procedures. Thank you.

20 HEARING OFFICER FOX: Don't hesitate
21 to indicate that you'd like to be recognized
22 and we can certainly recognize you for any
23 procedural or substantive questions.

24

1 (Whereupon, a discussion
2 was had off the record.)

3 HEARING OFFICER FOX: Jumping back,
4 Ms. Geving has indicated that the Agency did
5 not have any disagreement with the
6 characterization of Proposed Amendment No. 1
7 as non-substantive. Mr. Johnson, I think,
8 has indicated both by word and gesture that
9 he continues to believe it is so.

10 MR. JOHNSON: Yes.

11 HEARING OFFICER FOX: Why don't we
12 proceed to Propose Amendment No. 2, which,
13 again, Mr. Johnson has characterized as
14 non-substantive.

15 Ms. Geving, does the Agency have
16 any disagreement with that assessment or
17 characterization at all?

18 MS. GEVING: We do not.

19 HEARING OFFICER FOX: Were there any
20 questions from the other participants about
21 Proposed Amendment No. 2.

22 (No verbal response.)

23 HEARING OFFICER FOX: Very good.
24 Proceeding to No. 3, again, Mr. Johnson has

1 indicated that he believes that is
2 non-substantive.

3 Ms. Geving, does the Agency have
4 any reason to dispute that characterization
5 in this case?

6 MS. GEVING: We do not.

7 HEARING OFFICER FOX: Any other
8 questions about Proposed Amendment No. 3 at
9 all?

10 (No verbal response.)

11 HEARING OFFICER FOX: Seeing none --

12 (Whereupon, a discussion
13 was had off the record.)

14 HEARING OFFICER FOX: Mr. Rao for a
15 question.

16 MR. RAO: This question is not
17 directly related to the corporation by
18 reference, but we had a general question for
19 Mr. Hilbert. In the statement of reasons on
20 Page 2, the National Solid Wastes Management
21 Association cites increased efficiency and
22 reduced costs for both IEPA and the regulated
23 community as one of the impetus for the
24 proposed rulemaking. Is it possible to

1 estimate the monetary value of the increased
2 efficiency or cost savings that this
3 rulemaking would produce?

4 (Brief pause.)

5 MR. HILBERT: I'm sorry. I misheard
6 you. I wasn't sure that you were addressing
7 me.

8 We could make an estimate of that,
9 but we don't have -- we have not gone out and
10 sought detailed numbers on the economic
11 impact for these rules. The primary goal of
12 the rule was to reduce what, in our opinion,
13 were an unnecessary frequency of assessment
14 monitoring events that were triggered by
15 false indications of release from a landfill.
16 And so it really wasn't -- although, there's
17 going to be an economic impact and we feel
18 that it will actually lessen our cost to some
19 degree, that wasn't the primary goal of the
20 rulemaking.

21 MR. RAO: If there is any estimate
22 that you can make, if it's a significant
23 reduction, it would be helpful if you provide
24 those cost figures to the Board at a later

1 time because one of the things that the Board
2 has to do during the rulemaking process is to
3 discuss the cost impact of the rulemaking.
4 And if there's any cost impact, it would be
5 helpful for the Board to have that
6 information.

7 MR. JOHNSON: I can maybe attempt to
8 answer that. What we can look at is the
9 detection monitoring list. We know what we
10 have been doing and what we've proposed. And
11 the difference between those two is roughly
12 about a third. It's about a third less
13 costly under the new proposal to perform the
14 detection monitoring. But we are adding some
15 additional sampling. We are adding a second
16 test for volatiles and we are formalizing the
17 leachate monitoring requirements. The other
18 elements of it, it's hard to put a real
19 district number on at this time.

20 MR. RAO: Okay. Well, whatever that
21 you can generate in cost data, that will be
22 helpful.

23 MS. LIU: It also might be helpful to
24 include maybe the number of man hours or

1 something along those lines.

2 DR. GIRARD: I have a quick background
3 question. Are all the landfill operators in
4 Illinois members of the National Solid Wastes
5 Management Association.

6 MR. HILBERT: No. Not all of the
7 landfill operators in the Illinois are
8 members of the National Solid Wastes
9 Management Association. But we have
10 contacted the non-member operators and made
11 them aware of the rulemaking, given them
12 copies of proposed changes and they have
13 indicated their support for the proposed
14 changes.

15 DR. GIRARD: So you did get feedback
16 from those non-member operators --

17 MR. HILBERT: Correct.

18 DR. GIRARD: -- and they did have some
19 input into these suggested changes.

20 MR. HILBERT: Certainly.

21 DR. GIRARD: Thank you.

22 MR. RAO: And just a follow-up to
23 Dr. Girard's question. In this universe of
24 landfill operators in the state, are mostly

1 municipal solid waste landfill units members
2 of your organization or are there other
3 on-site landfills or chemical waste landfills
4 that are operating in the state that are also
5 members of your organization?

6 MR. HILBERT: To my knowledge, the
7 vast bulk of members in the National Solid
8 Wastes Management Association are primarily
9 municipal solid waste landfill operators.

10 There may be certain members that
11 in addition to operating a solid waste
12 landfill also have responsibilities for what
13 I'll call on-site facilities.

14 BOARD MEMBER JOHNSON: For what?

15 MR. HILBERT: On-site facilities. But
16 the NSWMA's membership is primarily composed
17 of and their interests are primarily lined
18 with solid waste landfill operators.

19 MR. RAO: And when you responded to
20 Dr. Girard's question about whether all the
21 landfills in the state, if they're aware of
22 this rulemaking, as a part of your outreach,
23 did you also contact these on-site facilities
24 and other non-municipal solid waste landfill

1 units?

2 MR. HILBERT: No, we did not. We
3 don't really have a good list. It's a lot
4 easier -- all of the municipal solid waste
5 landfills in Illinois that are permitted
6 are well-documented. It's easy to understand
7 the world of -- who operates a municipal
8 solid waste landfill. The industrial sites
9 and on-site facilities aren't. It's a little
10 bit less certain on who we would contact, so
11 we did not make that effort.

12 HEARING OFFICER FOX: And I wonder,
13 Ms. Geving, if I may interrupt and perhaps
14 anticipate your question. Mr. Northrup, I'm
15 sorry that I've overlooked this until now.
16 We have not had the court reporter swear in
17 your witnesses. I wonder if it would be your
18 preference simply to have her do so as all
19 four of them together as a group?

20 MR. NORTHRUP: Yes.

21 HEARING OFFICER FOX: Very well. If
22 you would do so, please?

23 (Witnesses sworn.)

24 BOARD MEMBER JOHNSON: Retroactively.

1 HEARING OFFICER FOX: And I think I
2 see Ms. Geving indicate that I did, in fact,
3 anticipate her question. And I appreciate
4 her letting me acknowledge that oversight.
5 Mr. Rao, did you have any further questions.

6 MR. RAO: Yes. Actually, I had a
7 follow-up to the Agency regarding this issue
8 of the universe of landfill operators in the
9 state. Would it be possible for the Agency
10 to provide the Board with a list of landfill
11 operators that you are aware of who may be
12 affected by this rulemaking?

13 MS. GEVING: May we, at this time,
14 have our witnesses sworn, as well, please?

15 HEARING OFFICER FOX: Very well. If
16 the court reporter would swear in the two
17 agency witnesses, please.

18 (Witnesses sworn.)

19 MS. GEVING. I'm going to have
20 Ms. Thompson -- Gwen Thompson is directly to
21 my right and Mr. Liebman is to her right.
22 Gwen, will you answer the question, please?

23 MR. LIEBMAN: I'll try to answer the
24 question. We can certainly try. We really

1 don't do much with on-site, unpermitted
2 landfills. We do act as a repository for the
3 reports that they're supposed to file in
4 accordance with Part 815, but we don't really
5 maintain any sort of database that we could,
6 you know, go to easily. But I'll see what
7 our records unit can do.

8 MR. RAO: Okay.

9 HEARING OFFICER FOX: Any further
10 questions?

11 (No verbal response.)

12 HEARING OFFICER FOX: We do have a
13 standing motion to admit the Proposed Hearing
14 Exhibit Nos. 1, 2 and 3. And Ms. Geving, I
15 believe, indicated that there was no
16 objection.

17 Any objection on the part of other
18 participants?

19 (No verbal response.)

20 HEARING OFFICER FOX: Seeing none, the
21 exhibits will be entered into the record, the
22 pre-filed testimony of Mr. Hilbert as Exhibit
23 No. 1, the pre-filed testimony of Mr. Johnson
24 as Exhibit No. 2 and the errata sheet number

1 two as Exhibit No. 3.

2 (Whereupon, Proponent
3 Exhibit Nos. 1, 2 and 3
4 were entered into the
5 record by the Hearing
6 Officer.)

7 HEARING OFFICER FOX: That disposes of
8 the first three proposed amendments and the
9 general question that Mr. Rao had raised.

10 Why don't we proceed to Proposed
11 Amendment No. 4, amending Section 811.309(g)
12 regarding leachate monitoring.

13 Are there questions regarding the
14 language of Proposed Amendment No. 4?

15 Ma'am, I'm sorry, I can't recall
16 your name. I apologize.

17 MS. ANDRIA: My name is Kathy Andria.
18 I'm with American Bottom Conservancy.

19 HEARING OFFICER FOX: Thank you,
20 Ms. Andria.

21 MS. ANDRIA: And I'm also conservation
22 chair for the Kaskaskia Group for the Sierra
23 Club. I have a number of questions in this
24 section and I didn't want you to scoot onto

1 the next section before --

2 HEARING OFFICER FOX: We will not
3 scoot. Please proceed if you've got
4 questions.

5 MS. ANDRIA: One of the questions I
6 have, this proposed list of leachate
7 monitoring parameters consists of 202
8 constituents, quote, likely to be found in
9 leachate. I wondered -- I'm concerned about
10 that "likely to be found". Are there
11 constituents not likely to be found, but that
12 are found in various types of landfills?

13 MR. JOHNSON: The lists that we have
14 there are those constituents. We've been
15 monitoring leachate in Illinois and other
16 states with similar lists and those are the
17 compounds that we do see most frequently in
18 leachate.

19 MS. ANDRIA: But are there compounds
20 that aren't on the list that do appear?

21 MR. JOHNSON: To my knowledge, that
22 list is comprehensive as it exists that we've
23 monitored for and we believe it includes all
24 those parameters.

1 MS. ANDRIA: And none of the things
2 that you're excluding in the list that you're
3 going to be monitoring is ever found in --

4 MR. HILBERT: Maybe I can clarify
5 something. The list, as it was presented as
6 an amendment to these rules, is really to add
7 something into the rules that didn't exist
8 before. Prior to that, the list was derived,
9 at least for permanent facilities, internally
10 within the Agency and there was nothing
11 specified specifically in the rules that
12 would have to be monitored for leachate. So
13 we're not excluding anything, we're actually
14 adding the list to the regulatory rules that
15 wasn't there previously.

16 MS. ANDRIA: Then I must have misread
17 because I thought there were certain things
18 that weren't going to be monitored for now.

19 MR. HILBERT: Not that I'm aware of
20 within the leachate monitoring lists.

21 MS. ANDRIA: And, also, I'm very
22 appreciative that you're bringing in all
23 landfills in Illinois and not just permitted
24 landfills, but I'm wondering if IEPA, as they

1 just said, that they don't do much with
2 on-site and with unpermitted facilities, how
3 will that be enforced?

4 BOARD MEMBER JOHNSON: That's the
5 Agency.

6 MR. LIEBMAN: Well, first, I wanted to
7 respond to your question about --

8 BOARD MEMBER MOORE: The list.

9 MR. LIEBMAN: -- the list and
10 possibly excluding the parameters that had
11 previously been monitored. The changes
12 concerning leachate in this rulemaking were
13 made at the Agency's request. And the list
14 that we're adding here were things that we
15 were requiring permitted landfills to do by
16 permit. And the attempt was to -- and the
17 idea was to have everything that we're
18 currently requiring to do by permit, reflect
19 it in the rules and not leave anything out.

20 MS. ANDRIA: So are on-site facilities
21 like steel mill landfills, coal waste
22 landfills, coal combustion waste, will they
23 be covered by this?

24 MR. LIEBMAN: Yes.

1 MS. ANDRIA: And would those
2 constituents that are normally in those,
3 which aren't -- the wording -- "likely to be
4 found" in leachate, are those all considered
5 and will they all be monitored for under the
6 new rules?

7 MR. LIEBMAN: I want to make sure I
8 understand what you're asking. Are you
9 asking whether this current list was
10 developed for municipal solid waste landfills
11 and may not address all the parameters or
12 contaminants that may come from industrial
13 waste?

14 MS. ANDRIA: I guess that's what I'm
15 asking. I'm very joyful that these landfills
16 that don't have to get permits and don't have
17 the proper monitoring, at least from the ones
18 that I see in the metro east, I'm glad that
19 they're in there, but I'm just wondering
20 since they are covered I just want to make
21 sure that the constituents that would be in
22 that leachate would be covered under these
23 and it's not being excluded from monitoring.

24 MR. LIEBMAN: Well, the list that's

1 going into the regulations was developed from
2 a literature review done back in the early
3 '90s. And I think the literature review was
4 not tailored just to municipal solid waste
5 landfills. It was intended to include
6 constituents examined to be found in leachate
7 from industrial waste, as well.

8 MS. ANDRIA: Is there another way to
9 word "likely to be found" so that it is more
10 comprehensive?

11 MR. HILBERT: Could I offer one
12 additional point of clarification? There is
13 still some language -- and, actually, it's
14 part of the amendments in 809 -- 309(g), and
15 it does allow the Agency, by permit
16 condition, although, it doesn't address
17 unpermitted sites, to require additional
18 leachate sampling if it's found to be
19 necessary or appropriate. I'm not sure if
20 that actually clarified Ms. Andria's
21 concerns, but...

22 MS. ANDRIA: Would it be an
23 appropriate -- since you said they would all
24 be covered, could you word it as "all known

1 constituents to be found in leachate"? Would
2 that be possible?

3 MR. NORTHRUP: I think the most likely
4 language is just in our proposal. That's not
5 actually in the rule itself.

6 MS. ANDRIA: Are we going to go by the
7 letters afterwards or just taking the 309(g)
8 all at once?

9 HEARING OFFICER FOX: I'm not sure I
10 understand your question, Ms. Andria. I'm
11 sorry.

12 MS. ANDRIA: The leachate proposed for
13 the (g), are we going to go by the -- oh, I
14 see. It's another letter. Okay. I
15 apologize. I got ahead of myself.

16 HEARING OFFICER FOX: No apologies.
17 Ms. Andria, did you have further questions on
18 the Proposed Amendment No. 4 for either the
19 Association or the Agency.

20 MS. ANDRIA: That is not the part
21 where it has the frequency, is it?

22 HEARING OFFICER FOX: I believe that
23 is addressed in Proposed Amendment No. 8,
24 which would be the Proposed New Subsection 5.

1 MS. ANDRIA: Okay.

2 HEARING OFFICER FOX: And, certainly,
3 we won't skip any opportunity to cover that.

4 MS. ANDRIA: Okay. And I apologize
5 because, like I said, I keyed it to the
6 testimony and not the sections, which was
7 really stupid.

8 MR. RAO: I had a follow-up to Ms.
9 Andria's question about the list proposed in
10 Section 811, Appendix C. Is this list's --
11 was this list's data based on the leachate
12 data that the Agency has for municipal solid
13 waste landfills?

14 MS. THOMPSON: I'll take that. That
15 list is based on federal requirements for
16 monitoring basically everything that's
17 monitored in groundwater, which is 40 CFR
18 258, Appendix 1, 40 CFR 141.40, as well as
19 some publications -- numerous publications
20 that have gone out on past studies on solid
21 waste landfills and incorporated all of those
22 parameters.

23 BOARD MEMBER JOHNSON: And, in fact,
24 that's more comprehensive than the current

1 rule; isn't that correct?

2 MS. THOMPSON: That is what we have
3 been actually doing in the past.

4 BOARD MEMBER JOHNSON: Thanks.

5 MR. RAO: So this list of parameters,
6 which are basically derived from the federal
7 municipal solid waste rules, would this list
8 impose additional monitoring requirements for
9 the chemical waste landfills which are not
10 municipal solid waste landfills?

11 MR. LIEBMAN: Well, I think it depends
12 upon what they've been doing and how they've
13 read the current regulations. And we've not
14 tried to look and see what their filing with
15 us to see if they are more or less doing what
16 we're requiring permitted landfills to do.

17 MR. RAO: Let me read that section
18 here. It is Section 811.309(g)(3), which
19 deals with chemical waste monitoring. It
20 states, discharges of leachate from units
21 with dispose only chemical waste shall be
22 monitored for constituents determined by
23 characteristics of the chemical waste
24 disposed of in the unit, so it was basically

1 tied to the type of waste that was being
2 disposed in that particular unit, but now
3 they will be required to monitor for the
4 additional lists of constituents called for.
5 So this replaced additional requirement on
6 those landfills, does it not?

7 MR. LIEBMAN: Perhaps.

8 MR. RAO: Okay.

9 (Whereupon, a discussion
10 was had off the record.)

11 MS. GEVING: May we pause for just a
12 moment?

13 HEARING OFFICER FOX: Yes, Ms. Geving.

14 (Brief pause.)

15 MS. GEVING: May we have the court
16 reporter read the last question back, please,
17 before we respond?

18 HEARING OFFICER FOX: Yes.

19 (Whereupon, the requested
20 portion of the record
21 was read accordingly.)

22 MS. THOMPSON: Yes, it would
23 (inaudible).

24 THE COURT REPORTER: Can you repeat

1 that? I can't hear you.

2 MS. THOMPSON: Yes, it would replace.

3 MR. JOHNSON: May I speak?

4 HEARING OFFICER FOX: Yes,
5 Mr. Johnson, please.

6 MR. JOHNSON: I'd just like to add for
7 the record that between myself and my
8 colleague, Bill Schubert, we work in a number
9 of states, at least 15 states, and this is
10 the most comprehensive leachate monitoring
11 list in that area.

12 The present regulations do not
13 contain a list for monitoring, so this
14 codifies an actual list. And it matches
15 quite well with the research that is out
16 there. There's a body of research that
17 looked at broad monitoring of MSW landfills,
18 C&D landfills, chemical waste landfills and
19 co-disposal landfills and this matches real
20 well with the literature, some of which is
21 stated in our documents.

22 DR. GIRARD: Just a follow-up question
23 to that then. And I don't know whether the
24 Agency should answer this or the Association.

1 But for most of the landfills in the state
2 now, this list of constituents would be in
3 their individual permits, is that correct --

4 MR. LIEBMAN: Yes.

5 DR. GIRARD: -- for the constituents
6 they need to monitor for.

7 So in most of these landfills, do
8 they monitor for more or less than 202
9 chemical constituents in their permits?

10 MR. LIEBMAN: I'd say almost exactly
11 that. We are trying to put in the
12 regulations what we're requiring by permit
13 now.

14 DR. GIRARD: Thank you.

15 HEARING OFFICER FOX: Any further
16 questions on Proposed Amendment No. 4?

17 (No verbal response.)

18 HEARING OFFICER FOX: Very well.
19 Let's proceed -- I'm sorry. My mistake.
20 Yes, Ms. Blumenshine?

21 MS. BLUMENSHINE: Thank you. Joyce
22 Blumenshine, B-L-U-M-E-N-S-H-I-N-E. Thank
23 you very much.

24 I did have a question, please,

1 regarding the wording change that the Agency
2 may then allow less leachate sampling and
3 testing as necessary. I just wondered what
4 was the, I guess, rationale for that as one
5 would think that with a basic listing that
6 would be a baseline that would be necessary
7 for consistency and that, of course, the
8 wording, would require more, would be
9 understood for particular instances, but I
10 wanted to hear some rationale for allowing
11 less leachate sampling.

12 MR. LIEBMAN: The thinking there was
13 that there may be -- well, first of all, the
14 baseline would be the list in the appendix.
15 But then we thought that perhaps on a
16 case-by-case basis some landfill operators
17 may be able to demonstrate that some of the
18 parameters on the baseline lists weren't
19 appropriate or necessary for their particular
20 site and in those cases we thought we should
21 have the ability to eliminate those
22 unnecessary parameters.

23 HEARING OFFICER FOX: Ms. Andria.

24 MS. ANDRIA: I don't see the wording

1 that I'm looking for right now, but I think
2 they referred to that there were different
3 spatial and temporal changes, and by going to
4 less would you not be able to catch
5 contamination that was being effected by a
6 temporal change, say a river is up and
7 pushing in a different direction?

8 HEARING OFFICER FOX: Mr. Schubert
9 apparently would like to respond.

10 MR. SCHUBERT: I think I might help
11 clarify that. In No. 4 it says -- just to
12 put your statement in context, provide less
13 leachate sampling might otherwise be
14 required. The sentence before that talked
15 about a default minimum number of leachate
16 monitoring locations. Right now in the
17 regulations, there is no number of leachate
18 monitoring locations in the regulations that
19 says that the leachate must be monitored, so
20 it could be just one.

21 The new regulations provide a
22 minimum number of points greater than one
23 that needs to be monitored at every site.
24 And then the Agency upon -- you know, if

1 there is a reason, you know, for them to only
2 approve one point, such as the sites not
3 taking any leachate or, you know, maybe one
4 location where all the leachate drains to,
5 they can make that call, as well.

6 But there is a default number of
7 leachate monitoring locations that now exist
8 in regulations by virtue of this amendment
9 that weren't there before.

10 MS. ANDRIA: But aren't you -- by
11 going to a minimum number of locations and
12 then later on in the proposed rulemaking
13 you're going to less frequent or longer time
14 spans, I think that you might not be able to
15 catch something that starts -- a problem that
16 starts for perhaps a year or more when the
17 groundwater is threatened. Would that not be
18 the case?

19 MR. SCHUBERT: Well, we'll go through
20 timing on some of the future amendments -- I
21 think we covered timing and that type of
22 thing -- later. But, no, we think that this
23 proposal is probably -- as Terry had
24 mentioned, is more rigorous than any other

1 leachate monitoring proposal that I know of
2 in any of the neighboring states or 13 states
3 that I deal with.

4 So it's pretty rigorous in terms
5 of monitoring. And, really, I think the
6 Agency's intention was to make sure that
7 there's good agreement between what we're
8 monitoring for in the ground water and what's
9 in the landfills.

10 MS. ANDRIA: How does it compare to,
11 say, California or New York?

12 MR. SCHUBERT: I don't know.

13 MS. ANDRIA: Are there other states
14 that have more rigorous requirements than
15 you're proposing?

16 MR. SCHUBERT: Not in my experience.

17 MS. ANDRIA: And is that in the 13
18 states and his 15 states?

19 MR. SCHUBERT: Yes, ma'am.

20 MS. ANDRIA: In your extensive review
21 that you've been working on, for ten years I
22 think you said, have you not found any in
23 other states that are more protective?

24 MR. SCHUBERT: The point of our review

1 wasn't to look at other states, necessarily.
2 I'm just saying that it put the rigorousness
3 of the requirement in context.

4 MS. ANDRIA: Thank you.

5 HEARING OFFICER FOX: Ms. Blumenshine,
6 I think you indicated that you had a
7 question.

8 MS. BLUMENSHINE: Just to wrap-up on
9 my question so that we can go on. Thank you
10 for your time. I'll go back and review this.
11 But my specific question -- and I believe
12 the leachate monitoring points is under
13 another -- in (g)(4) in Amendment 7. I was
14 specifically concerned -- my question dealt
15 with that the Agency then could allow less
16 sampling and testing and my concern was that
17 there's a provision in there to allow less
18 sampling. So that was my specific question.

19 MR. SCHUBERT: Right.

20 MS. BLUMENSHINE: Thank you.

21 HEARING OFFICER FOX: Any further
22 questions on Proposed Amendment No. 4.

23 (No verbal response.)

24 HEARING OFFICER FOX: Seeing none,

1 then moving ahead to Proposed Amendment No.
2 5, which proposes to amend Section
3 811.309(g)(2)(G). Are there questions about
4 the specific language of that proposal?

5 Ms. Andria, I see your hand.

6 MS. ANDRIA: On heavy metals, I'm very
7 confused about the errata sheet and that some
8 of the heavy metals were removed from testing
9 and now -- we didn't -- this was not posted
10 on the website, so we didn't see things being
11 put in, so I haven't been able to check. But
12 are they in or out? Are heavy metals in our
13 out?

14 HEARING OFFICER FOX: Let me step
15 back, if I may, and just ask a procedural
16 question, Ms. Andria. Are you saying that
17 you were not able to gain access on the web
18 to errata sheet number one or number two.

19 MS. ANDRIA: Well, yesterday it
20 wasn't -- they didn't have "view file" on the
21 side of it so it wasn't accessible.

22 HEARING OFFICER FOX: There wasn't a
23 link from which you could print the document,
24 in other words.

1 MS. ANDRIA: Correct.

2 HEARING OFFICER FOX: I understand.
3 It was at least listed there in the docket
4 sheet?

5 MS. ANDRIA: It was listed that the
6 document was there, but it wasn't something
7 that you could read.

8 HEARING OFFICER FOX: Thank you for
9 clarifying that for me. I appreciate that.

10 Ms. Geving, did you have a
11 question or a response?

12 MS. GEVING: I just had one
13 suggestion. Maybe this would help
14 facilitate. Charlie, if you could have
15 somebody do an overview of what was changed
16 just by errata sheet number two that's
17 different from errata sheet number one so
18 they understand what the change was?

19 MR. NORTHRUP: Yeah. There were very
20 limited changes to errata sheet number two.
21 In fact, there were only two and they dealt
22 with on errata sheet number one, total
23 suspended solids, and had TDS in parenthesis,
24 which was wrong, so we changed that to TSS

1 and then we actually added total dissolved
2 solids. That's the only difference between
3 errata sheet number one and errata sheet
4 number two.

5 MS. ANDRIA: Okay. So is there less
6 monitoring or have pesticides been dropped
7 from monitoring? Because that was my read of
8 an earlier document and I don't know
9 pesticides by their chemical names so I just
10 wondered whether that was the case.

11 MR. BALLENGER: I think I can answer.
12 Eric Ballenger with Allied. I think the
13 leachate list you see there is essentially
14 what we're using. You may be confused then
15 with what you saw with the groundwater
16 monitoring programs. The leachate list does
17 include pesticides/herbicides, does include
18 the total metals, does include the volatiles
19 as identified on that list.

20 MS. ANDRIA: And PCBs?

21 MR. BALLENGER: Yes. That exact list
22 that you see there is the list we were using
23 as part of our leachate program.

24 MS. ANDRIA: Thank you.

1 HEARING OFFICER FOX: My recollection
2 is that we were ready to move on to Proposed
3 Amendment No. 5, Section 811.309(g)(2)(G).
4 Were there questions for the Association as
5 the Proponent on that?

6 (No verbal response.)

7 HEARING OFFICER FOX: Seeing none,
8 let's proceed to Proposed Amendment No. 6,
9 which would propose to amend Section
10 811.309(g)(3)(D). Are there questions for
11 the Association as Proponent of that or the
12 Agency?

13 (No verbal response.)

14 HEARING OFFICER FOX: Seeing none,
15 let's move forward to Proposed Amendment No.
16 7, amending 811.309(g)(4). Are there
17 questions on this proposal for the either the
18 Association or the Agency?

19 Ms. Andria?

20 MS. ANDRIA: This will now have a
21 minimum of four leachate monitoring locations
22 and at least one for every 25 acres within a
23 waste boundary unless the operator
24 demonstrates through the permitting process

1 that fewer leachate monitoring locations are
2 needed? And is that -- the permit would
3 guide that or this would guide that?

4 HEARING OFFICER FOX: Mr. Liebman?

5 MR. LIEBMAN: The regulations would
6 guide that unless in a permit application the
7 applicant was able to demonstrate that
8 something else was appropriate.

9 HEARING OFFICER FOX: Mr. Schubert,
10 did you wish to add to that answer or
11 respond?

12 MR. SCHUBERT: No. I had pretty much
13 the same answer.

14 HEARING OFFICER FOX: Any further
15 questions relating to Proposed Amendment No.
16 7 then?

17 DR. GIRARD: Just to have a summary
18 follow-up, for some landfills in the state,
19 when their permit is re-written, they will
20 actually have more monitoring stations than
21 they do now?

22 MR. LIEBMAN: That was not what we had
23 in mind and that's not the way we would read
24 that note. We thought that landfills that

1 were permitted -- let's say a landfill that's
2 100 acres has one leachate monitoring point,
3 well, the Agency approved that leachate
4 monitoring through the permit process,
5 therefore, we would think that
6 previously-permitted landfills still complied
7 with the amended regulations.

8 DR. GIRARD: But if their permit comes
9 up for renewal and this regulation is in
10 place, doesn't it state that they need a
11 minimum of four monitoring locations now.

12 MR. LIEBMAN: Unless something else
13 has been permitted.

14 DR. GIRARD: So they can still have
15 just one.

16 MR. LIEBMAN: Correct.

17 DR. GIRARD: So it doesn't really
18 enhance the leachate monitoring location
19 network in terms of adding more sites to
20 currently-permitted sites, it's just for
21 newly-permitted sites; is that correct.

22 MR. LIEBMAN: That's the way we
23 anticipate administering it, yes.

24 DR. GIRARD: Thank you.

1 MR. RAO: Then what's the rationale
2 for requiring new sites to have four
3 monitoring locations if they're 100 acres?

4 MR. LIEBMAN: The idea is to ensure
5 that the leachate monitoring system is
6 capable of detecting spatial variability.

7 MR. RAO: Doesn't the same rationale
8 apply to existing units even though they have
9 been permitted in the past because this
10 requirement was not there?

11 MR. LIEBMAN: Right. Yes, it would.
12 There may be some cases, including for new
13 sites, where one monitoring point at a
14 100-acre site would be acceptable. If the
15 landfill operator was able to make that
16 demonstration, we would certainly review it
17 in the permit application.

18 MR. RAO: What criteria do you use to
19 make such a determination?

20 MR. LIEBMAN: We've really not
21 developed any criteria like that.

22 MR. SCHUBERT: I think, as I had
23 mentioned before, you know, our petition in
24 regard to this section had mentioned that,

1 you know, we, as the petitioner, looked at
2 this as a default number of sampling points.

3 If there was a reason to have a
4 smaller number, you know, we could ask the
5 Agency to review that.

6 In my opinion, you know, the
7 criteria might be if you had five sampling
8 locations in your landfill and four of them
9 were dry consistently for two years, you
10 know, we might go in there and say, well, we
11 don't -- we want to go back to those
12 landfills and have somebody, you know, put a
13 sampling device down, you know, on a periodic
14 basis.

15 If we have flow-through manholes
16 and we have sampling locations, but they're
17 hydraulically connected to a single point, we
18 might make a petition to the Agency that
19 might be, you know, sufficient criteria for
20 looking at that type of thing as far as what
21 we looked at.

22 But I think in fairness to the
23 Agency, we haven't come in with anything and
24 they probably haven't recalled any criteria

1 yet.

2 MR. RAO: I just wanted to understand
3 under what circumstance is this provision
4 being implemented?

5 MR. SCHUBERT: We typically have
6 multiple points now. But what this
7 regulation does is it makes it a requirement.
8 Before, it was just, you know, put into our
9 permits and could be appealed and, you know,
10 could potentially be appealed as being not
11 consistent with the rule. Now, it will be
12 obvious that it's consistent with the rule.

13 MR. RAO: Thank you.

14 HEARING OFFICER FOX: Any further
15 questions on Proposed Amendment No. 7 then?

16 (No verbal response.)

17 HEARING OFFICER FOX: Proceeding then
18 to Proposed Amendment No. 8 for Section
19 811.309(g)(5). Are there questions for the
20 Association as Proponent or for the Agency on
21 this issue?

22 Ms. Andria, I see your hand.

23 MS. ANDRIA: Yes. I wondered if this
24 would -- if you're doing this for all

1 landfills, would it not be not restrictive
2 enough for, say, a loose, sandy soil where a
3 landfill was located very close to an aquifer
4 in a floodplain, say, that might the
5 contaminants might move more quickly? Would
6 that not be the case?

7 MR. BALLENGER: The frequency of the
8 leachate monitoring doesn't change the
9 frequency of our groundwater monitoring
10 program. So we still have a scheduled
11 groundwater monitoring event regardless that
12 is, of course, there to potentially indicate
13 whether or not we're seeing some sort of
14 release in the facility.

15 So although you may not be
16 monitoring those leachate points as
17 frequently, the groundwater monitoring
18 program, which is the perimeter wells, of
19 course, around the landfills stays the same.

20 MS. ANDRIA: So what is the benefit
21 other than cost and less frequent leachate
22 monitoring?

23 MR. BALLENGER: Well, in general,
24 we've seen over the years that the leachate

1 look at it and see and maybe agree with you
2 100 percent, but we -- maybe not.

3 And since we weren't provided it,
4 it gives us a little more queasy feeling
5 about going forward and supporting this
6 without seeing the data that you base your
7 assumptions on.

8 MR. SCHUBERT: All of our data, you
9 know, filed with the Agency is available for
10 review. That's really what he had mentioned.
11 We have been looking at this for a long -- we
12 have been providing this data for a long time
13 and, like I said, it's been required by our
14 permits but not necessarily in regulation.

15 MR. JOHNSON: As I understand it, we
16 did summarize the references of the
17 peer-reviewed journal articles that we relied
18 on and provided those. We do have hard
19 copies of those, as well. But those would
20 all be available on-line.

21 MS. ANDRIA: Are they available at the
22 Agency's office that people could go in to
23 review?

24 MR. NORTHRUP: We can certainly copy

1 them and give them to you.

2 MS. ANDRIA: I would very much
3 appreciate that. And, also, the list that
4 you supplied in your errata sheet that you
5 gave your sources, if any of those has a
6 website link that we can go to, that would be
7 very helpful, also.

8 MR. NORTHRUP: Okay. I don't know if
9 they do, but...

10 MR. JOHNSON: I have a lot of them.

11 HEARING OFFICER FOX: And,
12 Ms. Andria -- and please correct me,
13 Mr. Northrup, if I'm mistaken. I think
14 you've used the same term to apply to a
15 couple of different things. There was the
16 errata sheet which submitted changes that the
17 Association wished to make in its original
18 proposal. And thus, as a second filing or a
19 second document, the Association also in
20 response to a Board order filed a fairly
21 lengthy list candidly of documents, studies
22 and other research that they had relied upon.
23 And I believe that was filed on January 16th
24 with the errata sheet, but those would be two

1 separate documents and two separate questions
2 that those are addressing.

3 MS. ANDRIA: I apologize.

4 HEARING OFFICER FOX: No. No worries.
5 I just wanted to make sure there was no
6 misunderstanding about that. And while
7 you've noted that all of those perhaps are
8 not posted to the web, I can certainly check
9 with our clerk's office and ask them to scan
10 those so that they're available to see more
11 quickly.

12 MS. ANDRIA: I would very much
13 appreciate that. Thank you.

14 HEARING OFFICER FOX: And let me
15 double check. Ms. Andria, did you have a
16 further question?

17 MS. ANDRIA: I will defer to
18 Ms. Blumenshine.

19 HEARING OFFICER FOX: Ms. Blumenshine?

20 MS. BLUMENSHINE: Thank you very much.
21 Just to follow up, I simply wanted to clarify
22 that in Amendment 8 where each established
23 leachate monitoring location shall be
24 monitored once every two years, was your

1 literature review for determining that every
2 two years is adequate just on literature from
3 industry or did it include public health, as
4 Ms. Andria mentioned, wetland literature,
5 other literature that involved this section
6 of concerns?

7 MR. JOHNSON: Our literature review
8 with respect to this No. 8 was specific to
9 the parameters detected in leachate and the
10 frequency of monitoring to establish those
11 detections. And in consideration of the
12 stages that a landfill goes through, which
13 are very well understood now, that before, in
14 the old way of looking at it, we had more
15 frequent monitoring early on in the landfill.
16 And early on, what we typically monitor is
17 precipitation falling on new land areas.
18 It's not really reflective of what that
19 source will ultimately become.

20 So with this proposal, we maintain
21 a semiannual, it's not every two years. We
22 monitor semiannually and we better account
23 for the fact that the leachate that we're
24 really interested in understanding is the

1 stuff that develops over time, not the
2 initial.

3 MS. BLUMENSHINE: I'm sorry. I
4 understand that you do monitor semiannually,
5 but each location would be monitored at least
6 once every two years --

7 MR. JOHNSON: Correct.

8 MS. BLUMENSHINE: -- and there are
9 areas that could then not be monitored for
10 two years?

11 MR. JOHNSON: That's correct. But
12 there would be some sample collected on a
13 semiannual basis to that landfill unit.

14 MS. BLUMENSHINE: I guess my question
15 was the basis then to assess that that would
16 be safe for the public, what is the proof in
17 the literature that states that every
18 two years by missing wells that you would not
19 be missing important measurements? I didn't
20 know. Is that in your literature review?

21 MR. HILBERT: Could I just clarify
22 more of a global point? When we're talking
23 about leachate monitoring, we're talking
24 about characterizing a potential source, a

1 source that's contained within a Subtitle D
2 landfill. And it's just so that we can
3 understand what we need to monitor and that
4 there isn't something inordinate that has
5 occurred within that source.

6 So when we're talking about
7 monitoring it every six months, we're really
8 just looking at what we're containing and not
9 what is potentially in the environment. It's
10 within our contained system.

11 MR. RAO: As a follow-up, Mr. Hilbert,
12 what you're proposing is a change in
13 frequency over the first two years of the
14 initial two-year period of monitoring of
15 leachate, isn't it? The Board rules require
16 you to monitor on a quarterly basis over the
17 first eight quarters, and then it switches to
18 semiannual. So all you're saying is the
19 first two years it's okay to monitor on a
20 semiannual basis?

21 MR. HILBERT: Correct.

22 MR. RAO: And in Mr. Johnson's
23 testimony he referred to four quarters of
24 initial monitoring. Actually, the rules

1 require eight quarters. So your rationale
2 still holds that the initial monitoring
3 period is not very representative of the
4 leachate characteristics --

5 MR. JOHNSON: Right.

6 MR. RAO: -- in place?

7 HEARING OFFICER FOX: Any further
8 questions then with regard to Proposed
9 Amendment No. 8?

10 (No verbal response.)

11 HEARING OFFICER FOX: Moving on to
12 Proposed Amendment No. 9 with regard to 811,
13 Appendix C, this is, of course, for the
14 record, the subject, I believe, Mr. Northrup,
15 of the two errata sheets filed by the
16 Association and which has been the subject of
17 some discussion already. Are there further
18 questions with regard to Appendix C?

19 Ms. Blumenshine, I see your hand.

20 MS. BLUMENSHINE: I just would wish to
21 ask if having this specific list will in any
22 way impair or hamper the Agency, IEPA, if
23 they would wish to require additional testing
24 for other specific pollutants? What other

1 procedure would you have to do if you wanted
2 additional things tested?

3 MR. LIEBMAN: I think the wording
4 still allows us to require more in cases
5 where we think it's necessary.

6 MS. BLUMENSHINE: So there would be no
7 specific aggregates requiring that unit to go
8 through any other procedure?

9 MR. LIEBMAN: That's the way I read
10 the proposed regulations, yes.

11 HEARING OFFICER FOX: Anything further
12 on the part of the Agency?

13 MR. LIEBMAN: No.

14 HEARING OFFICER FOX: Very good.
15 Moving on to Proposed Amendment No. 10 with
16 regard to Section 811.315(e)(1)(G)(1). Are
17 there any questions of the Association as
18 proponent or of the Agency on this issue?
19 Ms. Andria?

20 MS. ANDRIA: I'd like to ask the
21 Agency since I'm not really -- I don't really
22 understand all of the wording and I'm not
23 familiar with the groundwater rules and how
24 it refers back to the public water supply

1 standard. Is this a substantive change? The
2 way they're wording it, it's not a
3 substantive change. It's just something that
4 they're required to change.

5 So I guess I wanted to know from
6 the Agency, referring to the rules involving
7 the groundwater standards, is that less
8 protective than it would be if it were a
9 direct public water supply source?

10 HEARING OFFICER FOX: And if I may
11 jump in, Ms. Andria? Looking at Page 3 of
12 Mr. Johnson's pre-filed testimony, he did not
13 include that with the list that he considered
14 non-substantive. So I did want to clarify
15 that.

16 MS. ANDRIA: I realize that. That's
17 why I'm asking. It sort of infers in Mr. --
18 in the pre-filed testimony that this is not a
19 big change, not a substantive change. So I
20 guess I'm asking the Agency is there a change
21 in water quality standards between the
22 groundwater standards found at 620 and what
23 was in the record now at public or food
24 processing water supply standards at 302?

1 MS. THOMPSON: If there is some
2 differences -- there may be some differences,
3 but I could not tell you exactly what they
4 are at this time. At the time that these
5 rules -- these regulations for landfills were
6 promulgated, 620s were being evaluated for
7 rulemaking, but they were not enforced.

8 If they had been enforced at that
9 point in time, you would be reading 620 in
10 here as far as the standards as opposed to
11 302. The 620s were not promulgated at that
12 point in time and so the 302 standards, which
13 were the only existing standards at that
14 time, were put in instead. 620 is equally
15 protective and it is evaluated for human
16 health standards.

17 MS. ANDRIA: Okay. In an English
18 person's language, I mean, a common person
19 like me who is not an engineer or an
20 attorney, it is every bit as protective, the
21 groundwater standards, as public water supply
22 standards?

23 MS. THOMPSON: The 620s, when they
24 were promulgated, were evaluated for human

1 health and environment and it is protective
2 of human health and environment, yes.

3 MS. ANDRIA: As protective is my
4 question.

5 MS. THOMPSON: If you're asking me if
6 a number is exactly the same as a 302 number,
7 I cannot answer that. I can say that it is
8 protective.

9 MS. ANDRIA: I would respectfully
10 request that when you testify at the next
11 hearing that you find that out because that's
12 very much a concern of people. There are
13 still people in our area on wells and in
14 sandy soil where it moves quickly through.
15 So if there's change in the water quality
16 standard in this, we would very much like to
17 know so we can make proper comment on that.

18 HEARING OFFICER FOX: And, Ms. Andria,
19 just as a point of information, the original
20 landfill rules were adopted in a proceeding
21 docketed at R88-7, which took effect in 1990.
22 And the groundwater standards took effect in
23 a docket 89-14B, which took effect at the
24 very end of calendar year 1991. So I think

1 that's the timing issue that the Agency and,
2 I believe, the Association, as well, were
3 referring to.

4 MS. ANDRIA: So it's just a change in
5 wording, not a change in water quality
6 standards?

7 HEARING OFFICER FOX: That would be a
8 characterization for the Proponent to make.
9 I'll leave that to them to respond to.

10 MS. ANDRIA: Could they, please?

11 MR. SCHUBERT: We have to look at
12 that.

13 MR. JOHNSON: I think that's generally
14 accurate, but we'd want to look at it.

15 HEARING OFFICER FOX: That makes
16 perfect sense.

17 MS. GEVING: Would they be responding
18 to that at the next hearing then?

19 HEARING OFFICER FOX: I'm sorry.

20 MS. GEVING: Would the Proponent be
21 responding to that --

22 MR. JOHNSON: Yes.

23 MS. GEVING: -- at the next hearing?

24 HEARING OFFICER FOX: They've clearly

1 indicated they will.

2 MR. NORTHRUP: AS you will, as well.

3 MS. GEVING: That's right.

4 HEARING OFFICER FOX: Are there any
5 further questions on Proposed Amendment No.
6 10.

7 MR. RAO: Can I go back and just make
8 an additional request for the Proponent? In
9 that same section where we are replacing the
10 public and food processing water supply
11 standards with the Illinois groundwater
12 quality standards, would you also take a look
13 to see, you know, there are like three sets
14 of standards under R6-20, the Class 1, Class
15 2 and Class 3, will you also take a look at
16 it to see which groundwater standards would
17 apply to landfills? Because my understanding
18 is Class 1 is based on the MCLs, which is
19 equivalent to these public water supply
20 standards. But if it's Class 2 or Class 3,
21 it may not be the same. It may still be
22 protective. I'm not sure. I'd like you to
23 take a look at that and address that.

24 MS. THOMPSON: That would be Class 1.

1 that's where I was coming from, to see
2 whether Class 1 is equally protective of
3 what's being changed or proposed here.

4 HEARING OFFICER FOX: Returning to No.
5 11, is it still Mr. Johnson's
6 characterization that this is non-substantive
7 and is there any dispute with that
8 characterization on the part of the Agency?

9 MS. GEVING: No objection.

10 HEARING OFFICER FOX: Seeing none,
11 let's proceed to No. 12, proposing to amend
12 Section 811.318(e)(6)(B). Are there
13 questions either of the Association as
14 Proponent or the Agency on this issue?

15 (No verbal response.)

16 HEARING OFFICER FOX: As proceeding,
17 Mr. Johnson has indicated that Proposed
18 Amendment Nos. 13, 14 and 15 are
19 non-substantive. Once again, if he continues
20 to believe that that is the case and there's
21 no objection from any of the other
22 participants, including the Agency, we can
23 proceed.

24 (No verbal response.)

1 HEARING OFFICER FOX: Hearing no
2 dispute, about that characterization, let's
3 proceed to Proposed Amendment No. 16. That
4 proposes to amend Section 811.318(e)(7). Are
5 there questions of the Association as
6 Proponent or of the Agency on this issue?

7 Yes, Ms. Andria?

8 MS. ANDRIA: Going to five years, I
9 wondered if different things happened to a
10 well that is in a floodplain with a high
11 water table then would be -- would that need
12 more frequent checking -- whatever the proper
13 word is -- for information?

14 MR. JOHNSON: The purpose of this
15 well-depth measurement was to measure whether
16 or not there's been silication occurring at
17 the monitoring wells. And when these
18 regulations were originally adopted,
19 procedures for monitoring were often used
20 bailer and they introduced some turbidity in
21 the well.

22 Since that time, we've
23 standardized on the dedicated sampling pumps
24 which are made out of Teflon. And the reason

1 that we have standardized on these is to
2 prevent cross-contamination from someone
3 actually lowering a bailer and minimizing the
4 effects of turbidity which can yield to
5 silication. So the language differentiates
6 between wells that have that dedicated
7 systems and those that do not.

8 So if a particular well was still
9 sampling with a bailer system in a
10 floodplain, as you suggested, it would still
11 have to perform these measurements annually.

12 MS. ANDRIA: Do they change their
13 function when they're -- if, like, the water
14 comes up, the freeze/thaw problems, do they
15 operate properly if you -- would that not be
16 a better idea to check them more frequently
17 when they're in the floodplain like that?

18 MR. JOHNSON: It really isn't because
19 we want to leave that equipment down the
20 hole. It's all been decontaminated. When we
21 buy it, we get a certificate that it is free
22 of organics and other contaminants.

23 What we've learned is when we're
24 pulling all that equipment out, -- you know,

1 Mr. Johnson, once again, has characterized
2 Proposed Amendment 17 as non-substantive. If
3 he has not changed his opinion on that and
4 there's no dispute from the Agency or others,
5 we can proceed.

6 (No verbal response.)

7 HEARING OFFICER FOX: Seeing none,
8 Proposed Amendment No. 18 regarding Section
9 811.319(a)(2)(A)(ii), are there questions of
10 the Association as Proponent or of the Agency
11 on this question?

12 Ms. Blumenshine, I see your hand.

13 MS. BLUMENSHINE: I did mean to ask,
14 please, the determination that any location
15 accepting more than 50 percent by volume of
16 non-municipal waste must be determining
17 additional indicators, what was the rationale
18 for that 50 percent? I was just concerned
19 that maybe that would be more protective of
20 the environment based on perhaps the type of
21 waste coming in, more indicative of the
22 specific locations of the waste.

23 MR. JOHNSON: The thinking behind that
24 was that if we had that volume of material,

1 that we would then add in the parameters that
2 are more reflective that perhaps would be
3 present in the leachate from a facility with
4 those characteristics into the detection
5 (inaudible) --

6 THE COURT REPORTER: I'm sorry? Into
7 the?

8 MR. JOHNSON: Into the routine
9 detection quarterly monitoring program.

10 THE COURT REPORTER: Okay. I can't
11 hear you. You need to turn toward me.

12 MS. BLUMENSHINE: Thank you. I just
13 didn't understand if 50 percent was a tipping
14 point or was an arbitrary number or if, like,
15 40 percent would be more protective or how
16 that 50 percent was determined.

17 MR. SCHUBERT: Frankly, we looked --
18 this was a source of a lot of discussion
19 between the Agency and ourselves when we were
20 putting this together. And we looked at
21 landfills with varying percentages of non-MSW
22 and made a judgment, you know, based on the
23 leachate characteristics of those landfills
24 that they wouldn't substantially change

1 unless they were, you know, 50 percent
2 non-MSW.

3 MR. RAO: I have a follow-up. This is
4 more of a clarification question about that
5 requirement that you have proposed as a note.
6 Should this be an actual requirement in the
7 rules instead of, you know, a Board note in
8 the rules that additional monitoring would be
9 required if 50 percent of the waste -- more
10 than 50 percent by volume is not municipal
11 solid waste?

12 MR. SCHUBERT: Well, I think it's
13 appropriate where it's at because there are
14 so many different scenarios that could arise,
15 you know, that you may want to include. You
16 may want to include other parameters.

17 I can think of an instance of a
18 landfill that had taken a large amount of fly
19 ash and had a fly ash stabilization process
20 that for a certain part of a period of time
21 was more than -- this was fly ash from a coal
22 burning power plant -- took more
23 stabilized or solidified, stabilized fly ash
24 than the MSW.

1 Over that period of time, you need
2 to -- you know, I guess the Agency would take
3 a look at a situation like that and say, hold
4 on, we need to add, you know, more parameters
5 to your list to reflect, you know, the
6 possible, you know, contaminants in that new
7 type of leachate that would be, you know,
8 from the addition of stabilized fly ash
9 because now you're over 50 percent and your
10 leachate looks a little different than it
11 would if it were just MSW. Does that answer
12 your question.

13 MR. RAO: Do you see any circumstances
14 where you can have a non-municipal solid
15 waste more than 50 percent by volume where
16 you'd not require additional monitoring?

17 MR. SCHUBERT: It could be a very
18 inert material. Say it was contaminated soil
19 from the clean-up of a gas station. Well,
20 levitec (phonetic), which would be your main
21 constituent of interest in that case, are
22 included in the list for this landfill, so
23 maybe they wouldn't want to add any. Could
24 be. Things change a lot.

1 I mean, you're trying to cover a
2 lot of circumstances in that single Board
3 note -- or that single note in the
4 regulations. And I guess I could think of an
5 instance that would be practical.

6 MR. RAO: I'm not an authority, but
7 I've always been told these Board notes are
8 not enforceable.

9 MR. SCHUBERT: If that's your
10 question, I'm not an attorney either. I
11 don't know.

12 MR. RAO: Right. Well, I was just
13 asking that for the record.

14 MR. NORTHRUP: I would not take that
15 position. For me, it doesn't make a
16 difference whether it says it's a note or
17 whether it's got its own designation. I
18 think it's equally enforceable as a note. I
19 don't know if that's the Agency's position or
20 not.

21 MS. GEVING: Let me answer that by
22 suggesting maybe if we roll this into more of
23 a requirement than an explanation and a Board
24 note? Would you be amenable to that?

1 MR. NORTHRUP: Yes.

2 MS. GEVING: Okay. Maybe we can work
3 together on that for an errata sheet number
4 three.

5 HEARING OFFICER FOX: Any further
6 discussion on Proposed Amendment No. 18?

7 (No verbal response.)

8 HEARING OFFICER FOX: Moving ahead to
9 Proposed -- I'm sorry, Ms. Andria. I didn't
10 see your hand.

11 MS. ANDRIA: I wanted to ask about
12 removing the dissolved iron and manganese.
13 Are we still on that one, the detection
14 monitoring?

15 HEARING OFFICER FOX: I believe so,
16 yes.

17 MS. ANDRIA: I wanted to understand
18 why they want to move -- remove dissolved
19 iron and manganese from the quarterly
20 sampling list.

21 MR. JOHNSON: I can answer that
22 question. The dissolved iron and manganese
23 are both naturally occurring compounds in the
24 groundwater and we've got a lot of experience

1 monitoring for those two compounds and doing
2 our statistical analyses on the data.

3 We've seen those frequently in the
4 groundwater both upgradient and downgradient
5 and, frankly, even at facilities that have
6 not yet begun to accept waste as triggering
7 us into assessment monitoring.

8 So, in short, they're not very
9 effective detection monitoring parameters.
10 We have more effective parameters that we
11 have proposed with this rulemaking.

12 HEARING OFFICER FOX: Ms. Andria.

13 MS. ANDRIA: But wouldn't -- I mean,
14 we have high iron and manganese in our
15 water -- in our groundwater. You're saying
16 then that you should just not monitor for
17 that as part of the detection monitoring
18 system?

19 MR. JOHNSON: Ideally, for detection
20 monitoring, we want a list of parameters that
21 is most indicative of a problem the landfill
22 has caused. And you mentioned you have these
23 parameters in your well. And I do, as well,
24 in my own well, which is the reason that it's

1 hard to -- virtually impossible to
2 distinguish high iron, high manganese as
3 being a source from a landfill or is it a
4 result of a natural condition because it is
5 high in natural groundwater.

6 MS. ANDRIA: Wouldn't you be able to
7 do background testing to have something to
8 compare, and then if there's a spike, then
9 you could naturally assume that it was coming
10 from a landfill? But if you don't test it
11 for all, you're not getting any levels of
12 iron or manganese, which I think is
13 problematic.

14 MR. JOHNSON: You really cannot make
15 that interpretation with iron and manganese
16 because increases in them can be caused by
17 factors totally unrelated to the landfills.
18 So even if you do have background data and
19 establish a high level, and that level then
20 goes up, that does not necessarily mean that
21 there's been a landfill impact.

22 It can be a number of other
23 causes, which we've kind of been in a circle
24 examining those other causes for many, many

1 years, which is one of basis for this
2 approach to remove those parameters and add
3 some parameters that are more conservative
4 that aren't subject to that interference in
5 the natural conditions.

6 MS. ANDRIA: But if you're not
7 testing, then you're not finding out that
8 there is a problem. And it doesn't
9 necessarily have to be your fault, but
10 because you're there testing for it, then I
11 think, you know, you have the opportunity to
12 address it.

13 And a lot of the landfills take in
14 special waste, which could yield spikes in
15 iron and manganese, I believe. And so I
16 think -- I find that very problematic to just
17 remove them rather than you can make a case
18 that we didn't cause it.

19 MR. JOHNSON: You know, our goal is to
20 as accurately as possible be able to tell
21 when we're having an impact on the
22 environment. And, frankly, these parameters
23 have not, in the history that we've monitored
24 for them, in the literature that we've looked

1 at, added to that goal. They add confusion.

2 MS. ANDRIA: Okay. Just for the
3 record, too, that's our goal, we want to make
4 sure that it's all -- everything is monitored
5 and attributed.

6 I also wondered if this is also to
7 be removed, antimony, barium, beryllium,
8 cobalt, copper, nickel, selenium, silver,
9 thallium and vanadium. If that's still meant
10 to be removed from the program of detection
11 monitoring.

12 MR. SCHUBERT: Yes.

13 MR. JOHNSON: Yes.

14 MS. ANDRIA: And the reason for those?

15 MR. JOHNSON: The removals -- the
16 metal compounds that you listed for removal
17 are monitored for as totals, meaning that the
18 samples are collected and they're not
19 filtered. And the reason that we're
20 proposing to remove these is that the
21 concentrations that we measure when we do
22 those tests are also reflective of the
23 suspended sediment in the sample and not the
24 actual dissolving groundwater. We still

1 maintain a number of those metals in the
2 monitoring program as dissolved constituents.

3 In addition, they're not --
4 they've been shown in the literature that
5 we've cited to not be mobile in groundwater
6 and not to be present in leachate at a high
7 contrast between groundwater and leachate.

8 MS. ANDRIA: In your pre-filed
9 testimony, you said that most other state
10 programs have eliminated the monitoring of
11 many of these parameters. Which have they
12 not eliminated?

13 MR. JOHNSON: It kind of depends on
14 the state. There are some states that have
15 eliminated all of them. Most notably,
16 Kansas. There are other states. Indiana, I
17 believe. Minnesota, also, I believe,
18 eliminates all the total analyses. I did see
19 some correspondence from South Dakota that
20 they're also eliminating the total metals.

21 HEARING OFFICER FOX: Any further
22 questions on that issue.

23 MR. RAO: I may have.

24 MS. LIU: I do, too. Mr. Johnson,

1 Ms. Andria was asking you about the list that
2 involved manganese and iron being eliminated.
3 I also noticed in your discussion you mention
4 that it also included phenols, but phenols
5 didn't make your final list in the proposed
6 regulations, but there wasn't any reasoning
7 given to why that one was removed. Could you
8 follow-up on that one, as well?

9 MR. JOHNSON: Yes. That's a good
10 point. Phenols have been added back in on
11 the -- being they are an organic compound,
12 they're added into the organic monitoring
13 list, which will be done two times per year.

14 MS. LIU: Thank you.

15 MR. RAO: Mr. Johnson, you were
16 talking about the monitoring of the total
17 metals. And in your proposal under
18 Section 811.319(a)(2)(A)(ii), the list of
19 constituents, they're all indicated as
20 dissolved concentrations. Could you clarify
21 these for the record whether landfills are
22 currently required to sample for dissolved
23 concentrations for most of these sample
24 parameters or are they required to monitor

1 for the total?

2 MR. JOHNSON: Presently, we monitor
3 for most of these, both total and dissolved.

4 MR. RAO: Both?

5 MR. JOHNSON: Yes.

6 MR. RAO: Thank you.

7 MR. JOHNSON: And we do that once per
8 year under the existing regulations for the
9 totals.

10 MR. RAO: Is that a requirement by
11 regulations or is it an Agency permit
12 requirement?

13 MR. JOHNSON: It originally was out of
14 the federal regulations, Subtitle D. And I
15 believe that's how it was incorporated into
16 the Illinois regulations.

17 MR. RAO: Thanks.

18 HEARING OFFICER FOX: Ms. Andria.

19 MS. ANDRIA: My understanding of this
20 section, the detection monitoring program for
21 which the heavy metals I was just talking
22 about had been taken out is just to assess
23 when there's a problem. And then the second
24 part of it is the assessment monitoring that

1 is conducted after there is a problem. And I
2 note that you say that monitoring for the
3 specific total metals is included in the
4 assessment monitoring program. If they are
5 included in after there's a problem, then
6 shouldn't they be included in the beginning?

7 I mean, you're admitting that
8 sometimes they're going to make it to that
9 final stage where there's a problem, so
10 you're testing it after the groundwater
11 contamination has occurred.

12 MR. JOHNSON: The monitoring program
13 that we have is based on detection and then
14 assessment. So in the detection phase, we're
15 performing statistical tests on the inorganic
16 parameters and we're looking at the volatile
17 organic compounds. We want to look at those
18 parameters that are going to provide us with
19 the most clear indication of what's going on
20 between the landfill and in the surrounding
21 environment.

22 If we do detect a potential
23 problem, then we broaden our sampling, which
24 is consistent with the Illinois regulations

1 as well as the federal, to make sure -- to
2 double check and make sure that there are not
3 additional parameters that we were not
4 monitoring for in the detection that are
5 present. And so that's the method of
6 monitoring that this system is based on.

7 MS. ANDRIA: Wouldn't it be more
8 protective to just include them in the first
9 place so you didn't have to get to the point
10 where you'd have to clean them up and you
11 could stop whatever was contaminating,
12 whatever the source was, at a sooner stage
13 and it would save you money?

14 MR. JOHNSON: As I stated earlier, the
15 total metals have really not been a problem,
16 they've not been really a useful detection
17 monitoring parameter. But they are included
18 and added to the list for purposes of
19 completion.

20 MS. ANDRIA: Okay.

21 HEARING OFFICER FOX: If there are no
22 immediate questions, I'll note that we've
23 been underway for about 90 minutes and it's
24 probably an appropriate time to break for

1 lunch. Why don't we do so and return here in
2 60 minutes at quarter to 2:00.

3 And, although, we have inevitably
4 discussed some of the substance of Proposed
5 Amendment 19, we can begin there.

6 Mr. Northrup, it looks like you
7 have a comment.

8 MR. NORTHROP: I do have one
9 clarification from Mr. Hilbert.

10 MR. HILBERT: I just would like to
11 offer clarification on Mr. Rao's question on
12 whether or not totals were required by
13 regulations or by permit. They currently are
14 required by permit. And we monitor them once
15 per year by permit.

16 MR. RAO: Thank you very much because
17 I didn't find it in the rules.

18 HEARING OFFICER FOX: We'll see you in
19 60 minutes at quarter to 2:00 then. Thank
20 you.

21 (Whereupon, after a lunch
22 break was had, the
23 following proceedings
24 were held accordingly.)

1 HEARING OFFICER FOX: We're back on
2 the record after a break for lunch. I did
3 have two quick housekeeping issues to bring
4 up. I believe it was you, Ms. Andria, that
5 had asked about the links on the Board
6 website to the various documents that had
7 been filed in this case.

8 And while we had the break, I did
9 call that docket sheet up and it appeared
10 that there was an opportunity for each of the
11 documents filed to date to be downloaded and
12 printed from the Board's website. So I
13 believe that that issue has been resolved
14 just since we began earlier this morning.

15 Member Moore, secondly, pointed
16 out that in describing the filing that the
17 Association had made last week listing the
18 published reports and studies on which they
19 had relied in preparing their proposal, that
20 I may have left you with the impression that
21 the Board's records included actual copies,
22 full-text copies of those documents. And
23 consistent with the Board's rules, what they
24 did was file a list that contained a very

1 specific citation to those that appear -- it
2 appears that those would be perfectly helpful
3 online or in any library in finding those.
4 But to clarify, it did not include the full
5 text of what I think were probably 50 or 60
6 documents.

7 So I didn't want to create an
8 impression on your part that that couldn't be
9 fulfilled by the documents that are on file
10 with the Board.

11 MS. ANDRIA: Thank you very much.

12 HEARING OFFICER FOX: Surely. Mr.
13 Northrup, you had a question.

14 MR. NORTHRUP: Yeah. We'd like to do
15 just a real quick two-minute recap of this
16 morning's events.

17 MR. HILBERT: Just to ensure that
18 everybody is real clear with what our goals
19 were when we set out to propose some changes
20 to the rules as they exist, I thought it
21 would be helpful just to kind of briefly
22 summarize what the areas that we have
23 proposed some amendments to do and then what
24 our goal was and how we set about to try and

1 improve on those rules.

2 What we really looked at, and the
3 focus of this rulemaking, is the monitoring
4 of landfills, not only just the monitoring in
5 all aspects. So we're proposing changes to
6 the leachate regulations that's monitoring
7 the characteristics of landfills to
8 understand what's in a landfill and what we
9 should be focusing on as far as ensuring that
10 we are aware of any potential impacts to the
11 environment.

12 In addition to that, we looked at
13 changes to the detection monitoring program
14 that would allow us to focus on those things
15 that were most important, ensuring that we
16 were protective of the environment in
17 removing those things that really just didn't
18 do -- didn't provide any benefit to
19 accomplishing that goal.

20 And in many instances in the
21 course of looking at that, we added
22 additional language to the rules that were
23 either things that were done by permit that
24 weren't specifically in the rules just to

1 clarify exactly what it is that we should be
2 accomplishing and we added additional
3 requirements that weren't there as far as
4 monitoring.

5 We did remove certain things from
6 the monitoring program, but they really are
7 things that add no clarity to the monitoring
8 program whatsoever. And I'm not sure if it's
9 clear that that's what we had in mind with
10 the objectives.

11 And as an industry, our goal is to
12 ensure that we are protective of the
13 environment. And our industries hurt when
14 there's instances where there are impacts
15 from landfill facilities, and so we certainly
16 wouldn't want to do anything that would
17 project a negative image on our industry or
18 do anything that would be a risk to the
19 general public health safety or the welfare
20 of the environment.

21 HEARING OFFICER FOX: Very good.
22 Before taking our break, it was my
23 recollection that we did complete discussion
24 of Proposed Amendment No. 18. And while we

1 inevitably had been discussing the substance
2 of Proposed Amendment 19, and we can begin
3 there, that Proposed Amendment addresses
4 Section 811.319(a)(2)(A)(ii), and contains a
5 specific list of indicator contaminants.

6 Are there, for either the
7 Association as the Proponent or the Agency,
8 any questions relating to the substance of
9 Proposed Amendment No. 19?

10 (No verbal response.)

11 HEARING OFFICER FOX: Very well.

12 Seeing none -- yes, Ms. Andria.

13 MS. ANDRIA: Do we count in those
14 questions? When you asked about -- I think
15 the Board and the Agency should go first with
16 questions.

17 HEARING OFFICER FOX: If you have a
18 question relating to No. 19, it appears that
19 you are the only participant to do so, so
20 please proceed if you have one.

21 MS. ANDRIA: I am confused about
22 phenols. Are they in or out?

23 MR. JOHNSON: As stated earlier, the
24 phenols are in. They've been moved out of

1 the quarterly. They're in the semiannual
2 organic program. So they're in.

3 MS. ANDRIA: And I have another
4 question about the dissolved mercury. And
5 I'm not a scientist and don't really know.
6 Is dissolved mercury the same as
7 methylmercury?

8 MR. JOHNSON: Dissolved mercury is an
9 all-encompassing test that would include
10 methylmercury in it inherently.

11 MS. ANDRIA: Thank you.

12 HEARING OFFICER FOX: Any further
13 questions pertaining to Proposed Amendment
14 No. 19?

15 (No verbal response.)

16 HEARING OFFICER FOX: Proceeding to
17 Proposed Amendment No. 20 relating to
18 Section 811.319(a)(3)(A)(i), for either the
19 Association or the Agency are there any
20 questions pertaining to that issue on the
21 part of any of the participants?

22 (No verbal response.)

23 HEARING OFFICER FOX: Seeing none at
24 this time, we'll move on to Proposed

1 Amendment No. 21. Once again, Mr. Johnson's
2 pre-filed testimony indicates that that was
3 non-substantive and appears to merely correct
4 a typographical error drawing on the original
5 proposal. If that's still your assessment,
6 Mr. Johnson --

7 MR. JOHNSON: Yes.

8 HEARING OFFICER FOX: -- and neither
9 the Agency or any other participant has any
10 reason to dispute that, we'll go ahead to
11 Proposed Amendment No. 22 relating to
12 Section 811.319(a)(3)(C). And on that issue
13 are there questions from any of the
14 participants either for the Association as
15 Proponent or the Agency?

16 (No verbal response.)

17 HEARING OFFICER FOX: Seeing none at
18 this time, we'll proceed to Proposed
19 Amendment No. 23 that relates to
20 Section 811.319(a)(4)(A)(i). Questions
21 relating to the language of that proposal.
22 Yes, Ms. Andria?

23 MS. ANDRIA: This changes the
24 progressive increase over four monitoring

1 events to a progressive increase over eight
2 monitoring events and I think you say
3 something about the reducing the chance of
4 false positives. Is there any chance of
5 false negatives with the changes that you're
6 proposing?

7 MR. JOHNSON: Not really.

8 MS. ANDRIA: Because?

9 MR. JOHNSON: The four- to
10 eight-quarter change is just reflective of
11 current statistical practices. This is an
12 extra statistical test that we do in Illinois
13 that we really don't do anywhere else that's
14 designed to identify trends -- real small
15 trends that wouldn't be identified in our
16 normal statistics.

17 MS. ANDRIA: I'd like to go back to my
18 mythical landfill in the Mississippi River
19 floodplain. When the water is up and the
20 direction is toward a landfill, pushing it in
21 a different direction, it could -- and that
22 happens seasonally, you're asking to double
23 the size, the lengths, the number of
24 monitoring events, and I think that there

1 could be something that happens in the
2 interim with the water levels of the river
3 that would change that. And I think that
4 making the length of it would appear to be
5 too long a period.

6 And you had talked earlier about
7 spatial, temporal kinds of inconsistencies.
8 Wouldn't that then not allow something like
9 the river coming up and going in a different
10 direction to be adequately assessed?

11 MR. JOHNSON: This Item 23 that we're
12 talking about just pertains to one of the
13 many statistical tests that we do. The
14 remaining tests that we do, the bulk of our
15 testing is done on a reoccurring basis every
16 quarter. So I think the answer is, no, that
17 we would be doing these tests continually.
18 This is just an extra test that we also do to
19 look at it over a longer period.

20 MS. ANDRIA: But it appears from my
21 reading that every change that you have
22 requested either requires you to twice as
23 long to get -- to do the testing or half as
24 much testing; is that a fair

1 characterization?

2 MR. JOHNSON: No. No. This is really
3 tailoring the testing we are doing to our
4 experience in working with these regulations
5 and monitoring the landfills over a long
6 period of time, over ten years.

7 This particular provision of a
8 four-quarter increase, we talked to
9 a statistician at the University of Chicago, a
10 Dr. Robert Gibbons, and had him look
11 specifically at this and based our language,
12 both us and the Agency, on his recommendation
13 to change this to be consistent with current
14 US EPA guidance on how you do statistics.

15 MR. SCHUBERT: Excuse me. I'd like to
16 comment on your statement that every change
17 we proposed is twice as long or half as
18 frequent. It's probably the opposite when
19 you take a look at it.

20 In fact, the section that you
21 didn't comment on, the organic monitoring,
22 those lists of organics will be monitored
23 semiannual instead of annually.

24 Our whole intention on this

1 monitoring docket was to make -- was
2 basically to update the technology in
3 monitoring we use in Illinois. It actually
4 makes the whole monitoring system more
5 rigorous than it was before and brings that
6 data to the public and to the Agency that
7 much more quickly.

8 If you look at some of the changes
9 that we've put in that we've talked about
10 before, it does bring things up quicker.
11 This one detail -- again, it's important to
12 note that a lot of your questions are
13 relatively small details of the monitoring
14 program in aggregates. So when you look at
15 things like organic monitoring, which is the
16 powerful test we do in detection monitoring,
17 that's done twice as frequently now under
18 these rules than it was before.

19 So you can't take that out of
20 context and say, well, we're looking at this
21 one little statistical test on subtle trends.
22 We have statistical triggers built in and
23 have had statistical triggers built into
24 these regulation that will identify sharp

1 increases. And that's the way you normally
2 see, you know, impacts from a landfill, in a
3 rather sharp increase on a statistical basis.

4 The federal laws require that.
5 The federal regs require that. The IEPA --
6 or excuse me, the Illinois Pollution Control
7 Board, when they originally promulgated the
8 first rules, put in an additional test, an
9 additional trigger above and beyond, you
10 know, the required triggers that says, well,
11 what if there is, in theory, a very small
12 increase over time, you know, that's so small
13 it doesn't trip any of those statistical
14 tolerances but still is rising, should we be
15 more -- you know, should we look at that as
16 well? And what we did is we did it. And
17 they came up with four quarters, it comprises
18 for four quarters additionally.

19 So in additional to all of those
20 statistical triggers that we'd normally look
21 at every quarter, let's take a look at this
22 other one, which evaluates the last four, you
23 know, monitoring periods. If it rises in
24 each of those four periods, then we'll

1 consider that a statistical trigger.

2 If you look back in the old
3 record, there was no statistical theory
4 behind it there that said that that very
5 small increase for four monitoring periods
6 represented any type of statistical power at
7 all.

8 And, in fact, we found it over the
9 16 years of doing this to be not that
10 effective. So we went back to this
11 statistician, as Terry had mentioned, had him
12 look at it, and he basically made a
13 recommendation that for the statistical power
14 we're looking at for these regulations, what
15 the US EPA recommended for statistical power
16 and statistical tests -- if we wanted to put
17 in a test like that, you'd have to look at
18 eight quarters. But, again, that is just an
19 add-on to the regular statistical triggers
20 that we look at every quarter.

21 So, again, I needed to comment on
22 your comment that we're taking things out.
23 Many of these things that we're commenting on
24 are add-ons and quite the opposite of what

1 Amendment No. 24 relating to
2 Section 811.319(a)(4)(B)(i).

3 (Whereupon, a discussion
4 was had off the record.)

5 HEARING OFFICER FOX: And Mr. Rao --
6 I'm sorry, I moved too quickly -- did have a
7 question relating to the Propose Amendment
8 No. 23. And before we move forward, we'll
9 certainly give him the opportunity to pose
10 that.

11 MR. RAO: Mr. Johnson, at Page 11 of
12 your testimony you note that the proposed
13 change to eight consecutive monitoring events
14 reduce the chance of false positives to
15 approximately 5 percent. Is this statement
16 based on the recommendation you received from
17 the statistician or is it based on some
18 actual data analysis?

19 MR. JOHNSON: It's both, sir. The
20 expert that we consulted with is Professor
21 Robert Gibbons, and he's a professor of
22 biostatistics. He's also worked on the
23 US EPA guidance document. And he did some
24 calculations to illustrate what would be the

1 most appropriate consecutive quarter increase
2 to fit with the new US EPA unified guidance
3 document. And that was about a 5 percent
4 false positive rate for this particular test,
5 which would then be added in to all the other
6 tests that we do. So we still, even with
7 these changes and the other tests that we do,
8 in totality, have a higher false positive
9 rate in our programs in Illinois and most of
10 the surrounding states, which would be more
11 protective.

12 MR. RAO: Have you done any analysis
13 to see what the rate of false positives would
14 be under current rules?

15 MR. JOHNSON: I have Dr. Gibbons'
16 assessment here. And under for a typical
17 landfill with 25 monitoring wells monitoring
18 for 14 constituents doing a total of 350
19 tests then annually, the probability of a
20 false positive is just about 100 percent near
21 certainty is what he concluded.

22 MR. RAO: That document that you're
23 referring to, is this some kind of a
24 communication received or is this something

1 that can be put into the record maybe?

2 MR. JOHNSON: It certainly could. It
3 may have already been referenced.

4 MR. NORTHRUP: Do you remember if it's
5 referenced on our list?

6 MR. JOHNSON: I think it was.

7 MR. NORTHRUP: We can certainly
8 provide this if it's not listed.

9 MR. RAO: Thank you.

10 HEARING OFFICER FOX: Did you want to
11 make a motion, Mr. Northrup, to admit that as
12 an exhibit --

13 MR. NORTHRUP: Sure.

14 HEARING OFFICER FOX: -- at this time.

15 MR. NORTHRUP: Yeah. I'll move to
16 admit what would be Proponent Exhibit No. 4,
17 which is entitled Statistical Guidelines for
18 use of Consecutive Increases in Ground-water
19 Monitoring Programs by Robert D. Gibbons,
20 dated September 27th, 2001.

21 HEARING OFFICER FOX: Is there any
22 objection on the part of the Agency or any
23 other participant in admitting that into the
24 record of this proceeding.

1 MS. GEVING: I have no objection. And
2 it appears from the list that I'm looking at
3 that it has not been put into the record yet.
4 Some other items from Gibbons have been, but
5 not that particular one.

6 HEARING OFFICER FOX: Seeing no
7 objection, the document described by
8 Mr. Northrup, the author of which is Robert
9 D. Gibbons, will be admitted into the record,
10 as he said, as Exhibit No. 4 of this
11 proceeding.

12 (Whereupon, Proponent
13 Exhibit No. 4 was
14 entered into the record
15 by the Hearing Officer.)

16 HEARING OFFICER FOX: Thank you,
17 Mr. Northrup. Let's continue then. We had
18 just begun Proposed Amendment No. 24
19 regarding verification samples. Were there
20 questions for the Proponents or for the
21 Agency by any of the participants on that
22 issue? Ms. Andria?

23 MS. ANDRIA: Yes. I wanted to know
24 why does it take three months to verify an

1 observed concentration increase?

2 MR. JOHNSON: It doesn't take
3 necessarily three months, but the timelines
4 for routine sampling work are pretty
5 well-established and then it takes -- we have
6 facilities with quite a few monitoring wells,
7 it can take up to a week to two weeks to
8 sample those and then laboratories have a
9 turnaround time of 21 days to process
10 analytical work.

11 After those results are generated,
12 those results need to be reviewed and
13 validated. And there's a ten-day period for
14 what's called a data quality review that the
15 lab has to verify that there were no issues
16 with that.

17 And then those results, if there
18 were issues, need to be re-submitted or
19 corrected. And then in the event of a
20 verification, if we were going to re-sample
21 to verify, then that same process needs to be
22 repeated with the new sample being collected.

23 So in practical terms, it is very
24 difficult to complete all these data quality

1 review procedures in the time frame under the
2 existing rules, which is 45 days.

3 MS. ANDRIA: Are they missing
4 deadlines now?

5 MR. JOHNSON: I'm sorry?

6 MS. ANDRIA: Are the industries
7 missing deadlines or are they complying now
8 with the 45 days?

9 MR. JOHNSON: We comply with the 45
10 days, but oftentimes we compromise some of
11 those data quality steps in order to meet
12 those deadlines.

13 In aggregate, I think on this
14 Item 24 and 25, what's also important to
15 understand is we are also establishing some
16 firm dates for this procedure. For instance,
17 assessment, now we have it tied to a firm
18 date, which is sampling rather than a notice
19 of an observed increase, which is something
20 that the permittee or a landfill operator
21 would determine.

22 Each of the alternate source
23 demonstrations, when we have a confirmed
24 increase, we do what's called an alternate

1 source demonstration to try to figure out was
2 that confirmed increase a result of maybe a
3 sampling problem, something that occurred,
4 damage to the well. And that, in the past,
5 was much more open-ended submittal. It now
6 needs to be submitted as a SIGMOD to a
7 permit, which establishes some firm
8 guidelines for us as well as the Agency.

9 In the past, we had 90 days from
10 which to submit an assessment monitoring plan
11 and that time has actually been compressed to
12 45 days.

13 So the purpose of these -- and I
14 realize I am talking about a couple of these.
15 But looking at them in aggregate was to
16 really firm this procedure up, recognize that
17 we needed to complete these important data
18 review steps so that our data records are
19 accurate when we submit the data to the
20 Agency for their records, which is available
21 to the public, that it's accurate and it's
22 been QC'd properly.

23 MS. ANDRIA: So you've gone right into
24 25 then, talking about that. I have some

1 questions there, too.

2 MR. JOHNSON: Yeah. But I think
3 that's kind of something that's important to
4 do is to look at -- if we look at each little
5 individual one here, we sometimes draw
6 different conclusions because we had an
7 overall objective with a lot of these things.
8 You know, certainly, there's lots of small
9 things and we're here to examine those, but
10 we also need to keep sight of what we're
11 trying to accomplish on a bigger picture.

12 MR. SCHUBERT: Under these rules, the
13 time that we have to submit an assessment
14 report is now fixed in time and keyed to the
15 initial sampling event.

16 Prior to this, it was not and the
17 Agency had difficulty tracking when, you
18 know, that submittal needed to be made
19 because it was on -- because the way the old
20 regs read, it was on the operator's
21 observation, whatever that was, you know,
22 whenever you get it in the mail, I guess, and
23 look at it and compare it.

24 Whatever steps occurred to make

1 that determination, they had to guess when
2 that was. And, instead, now it's keyed into
3 initial sampling dates. So there's a fixed
4 date, and even though we're giving ourselves
5 time to do it right, the amount of time is
6 trackable and probably in many cases is
7 shorter than it took to get that assessment
8 report in before. Now we can do a credible
9 job of, you know, doing all of the data
10 analysis correctly and also getting the
11 report in.

12 So, again, that's the reason we
13 brought in the next one is you have to look
14 at the whole time line.

15 HEARING OFFICER FOX: Ms. Blumenshine.

16 MS. BLUMENSHINE: Just a question to
17 clarify. For the regulations to be most
18 protective of public health and safety from
19 your verification timeline, you could still
20 have an assessment report on the fixed time
21 let's say if your verification timeline was
22 60 days instead of 90?

23 MR. SCHUBERT: You can make it two,
24 but it wouldn't necessarily get the job. The

1 idea is to get the job done correctly and
2 still give enough time to get the assessment
3 report in.

4 MS. BLUMENSHINE: Then I guess I would
5 just ask, 90 days is a season, rainfall, many
6 factors can change within that time that
7 could impact the importance of the data that
8 you are assessing and make a difference on,
9 you know, what happens, so I just wondered on
10 the 90 days could not that be less?

11 MR. SCHUBERT: There are a couple of
12 different reasons. One is that, you know, if
13 there is a data quality review that has to
14 take -- you know, that has to occur, many
15 times with the lab turnarounds that are
16 typical you can't do that within the 45 days.

17 The second thing is data
18 independence. If you look at a lot of the
19 groundwater that we monitor, generally,
20 groundwater that's less than ten minus
21 three centimeters per second in permeability,
22 the time it takes for that groundwater to
23 pass through a well screen, you know, and
24 get, you know, from either side of where that

1 well draws from, you know, say that when you
2 draw a sample from that well it might take
3 water from a few inches around that well
4 screen, sometimes in many cases that
5 distance -- the groundwater doesn't travel
6 that distance in 45 days. So, you know,
7 you're looking at data that, you know, isn't
8 independent from the other data. So if
9 there's any issue -- if there's any temporal
10 issue, you know, to be looked at in terms of
11 that data, it wouldn't be picked up. You're
12 basically going back and getting the same
13 water.

14 MS. BLUMENSHINE: I guess I just felt
15 it wasn't answered why. Of course, 45 is not
16 convenient for the companies. Then why
17 couldn't it be 50 or 60, rather than three
18 months, 90? I'm sorry. I guess my question
19 was why was it, you know, the 90 days? Is
20 that just for the convenience of the
21 companies?

22 MR. SCHUBERT: It certainly is
23 convenient.

24 MR. JOHNSON: I think it's a

1 combination of things, really. If you're
2 going to -- keep in mind this involves doing
3 two sets of samples, collecting two sets of
4 samples, and not just one.

5 So, really, if you're going to do
6 all the steps right and if there are issues
7 that come up that you need to look at the
8 data more closely, you will need the full
9 90 days to do that.

10 If there are no issues, you won't
11 need it, but we have to have a regulatory
12 environment that's acceptable under all
13 circumstances.

14 And as Bill said, really,
15 groundwater, one of the things that our
16 programs are predicated on is sample
17 independence. And groundwater simply -- most
18 of our environment does not move fast enough
19 to keep that principle valid. We have a
20 number of things that factor in.

21 HEARING OFFICER FOX: Any further
22 questions relating specifically to Proposed
23 Amendment No. 24?

24 (No verbal response.)

1 HEARING OFFICER FOX: Mr. Johnson, you
2 had mentioned that 24 and 25 are closely
3 linked. Why don't we move to Proposed
4 Amendment No. 25 relating to Section
5 811.319(a)(4)(B)(iii). Any questions either
6 for the Association or for the Agency on the
7 issues in Proposed Amendment 25?

8 Ms. Andria?

9 MS. ANDRIA: Yes. You had referred to
10 a SIGMOD as a significant permit modification
11 when you find that there's an increase in the
12 concentration of a constituent. And you --
13 this is all about that you must then -- the
14 submit must be in the form of a significant
15 permit modification. Aren't you asking the
16 Agency then to permit contamination?

17 MR. HILBERT: Absolutely not. No.
18 What this does is -- I kind of wanted to
19 point this out earlier. Previously, all
20 anybody had to do was notify the Agency that
21 they had a confirmed increase and provide
22 some written explanation of what that may be.
23 It didn't require the Agency to review that
24 explanation and actually agree with it. It

1 just -- you satisfied your requirements just
2 by sending that in.

3 Now, we have to go through a
4 formal permit process, which allows the
5 Agency an opportunity to review that and
6 comment on it and approve or disapprove of a
7 permit based on the results of that
8 submittal. And so it's a much more rigorous
9 process. It's designed to ensure that
10 somebody can't just keep sending letters out
11 there and claiming that it's due to an
12 off-site source or due to some other event
13 that's not related to the landfill.

14 MS. ANDRIA: Isn't it also, though,
15 designed to keep the state from perhaps
16 finding you in violation of your existing
17 permit?

18 MR. HILBERT: No, because you're
19 providing the date to the states so that they
20 can review it.

21 MR. RAO: Can I ask a follow-up?

22 MS. ANDRIA: That's fine.

23 MR. RAO: Mr. Hilbert, under what
24 circumstances can assessment monitoring be

1 triggered by this rule?

2 MR. HILBERT: Under what circumstances
3 would it be triggered?

4 MR. RAO: Yeah.

5 MR. HILBERT: If during the
6 confirmation sampling event you actually got
7 the same results, meaning that say you would
8 have exceeded some particular groundwater
9 quality standard, that would trigger the
10 assessment procedure, and it was determined
11 to be due to the landfill.

12 MR. RAO: So this confirmation of
13 monitored increase that's under Subsection
14 (a)(4)(A), there are four different scenarios
15 that are set forth. If you confirm any one
16 of those, will that trigger assessment
17 monitoring?

18 MR. HILBERT: Yes. Do you want to
19 answer that, Terry?

20 MR. JOHNSON: Yeah.

21 MR. RAO: 811.319(a)(4)(A).

22 MR. JOHNSON: These four tests here,
23 yeah, these would include our statistical
24 tests. If during confirmation we confirm

1 that we had triggered one of these four and
2 we confirmed that that's occurred through a
3 subsequent sample, two sampling events, then
4 we are in the process of determining what's
5 the cause of that, what's the source of that.

6 And within that time frame we also
7 determine what the source is through what we
8 call a source demonstration. And if that is
9 concluded that the source is the landfill,
10 then at that point we typically initiate
11 assessment monitoring.

12 MR. RAO: Because in the current rules
13 it's not very clear when assessment
14 monitoring is triggered. We have noticed
15 this in the past, also, as to when a landfill
16 goes into an assessment monitoring mode.

17 Would it be possible for you to
18 take a look at this language that you've
19 proposed to see if it can be made clearer as
20 to when assessment monitoring is triggered in
21 the rules? And the Agency can take a look at
22 it, too.

23 MR. SCHUBERT: Just to clarify your
24 inquiry, you understand the criteria, you're

1 just saying when --

2 MR. RAO: It doesn't say it in the
3 rules as to when -- if you go to
4 Subsection (b), it states, assessment
5 monitoring. It states the operators shall
6 begin assessment monitoring program in order
7 to confirm that the solid wastes disposal
8 facility is the source of contamination.
9 There's no linkage between Subsection (a) and
10 (b) in the current rules.

11 MR. SCHUBERT: That's 180 days still,
12 right?

13 MS. THOMPSON: It specifies and we're
14 moving on into some future (inaudible) --

15 HEARING OFFICER FOX: I'm sorry.
16 Could you speak just a little louder, please.

17 MS. THOMPSON: It specifies and we
18 haven't quite gotten to it yet. But under
19 811.319(b)(2), it specifies that the
20 assessment monitoring shall be implemented
21 within 180 days of the original sampling
22 event.

23 MR. SCHUBERT: We had the same
24 concern. That was one of the things we tried

1 to clarify in these rules. That's what I
2 made reference to earlier in reference to
3 Ms. Andria's statement that we are -- you
4 know, that were are getting some firm
5 timelines in here where they were previously
6 ambiguous.

7 MR. RAO: I realize that. It's just
8 that when you look at these sections, it's
9 not very clear as to when, you know, it's
10 triggered. We can go back, like, to (b)(2)
11 and try to figure it out. If there's any way
12 you can make it more clear, that would be
13 good.

14 MS. THOMPSON: I'm sorry. I still
15 don't quite understand what the breakage here
16 is. You feel that it's in (b)(2) that needs
17 to be clarified?

18 MR. RAO: Or if you can say in
19 Subsection (b) the operators would begin
20 assessment monitoring program in accordance
21 with Subsection (b)(2).

22 MS. THOMPSON: Okay. So --

23 MR. RAO: Do you see what I'm saying?

24 MS. THOMPSON: -- just doing a cross

1 reference through there?

2 MR. RAO: Yeah.

3 HEARING OFFICER FOX: Are there
4 further questions relating to the Proposed
5 Amendment No. 25 at this time on the part of
6 any participant?

7 (No verbal response.)

8 HEARING OFFICER FOX: We've already
9 introduced some of the language in Proposed
10 Amendment No. 26 and then we'll move on to
11 that relating to Section 811.319(b)(2). Any
12 questions of either the Association or the
13 Agency on the issues in that proposed
14 Amendment? Ms. Andria.

15 MS. ANDRIA: Yes. I just wanted to
16 clarify since -- Mr. Schubert; is that
17 correct?

18 MR. SCHUBERT: Yes, ma'am.

19 MS. ANDRIA: He corrected me that I
20 was mischaracterizing back at 23. Since
21 then, we've had 24, which doubled the window
22 from 45 to 90 days. And this one also
23 appears to go twice as long. And I was
24 wondering if I'm not understanding that or if

1 that's correct?

2 MR. SCHUBERT: Which one are you
3 talking about?

4 MS. ANDRIA: Well, now we're on 26.

5 MR. JOHNSON: I think under this one,
6 actually, the old language had assessment
7 monitoring implementation 90 days after
8 Agency approval and has now shortened that to
9 45 days.

10 MS. ANDRIA: And what is the 180 days?
11 I guess I'm --

12 MR. JOHNSON: That's a second tie-in
13 to the original sampling event. So it
14 establishes that that's the maximum time you
15 can go without implementing assessment
16 monitoring from the sampling event, whereas
17 before I think it was tied to the initial
18 observation, which was kind of a not real
19 clear date -- firm date that was given.

20 MS. ANDRIA: So the 180 days compares
21 to what?

22 MR. SCHUBERT: Initial sampling.

23 MS. ANDRIA: I mean, what was it in
24 the old? There was no quantification?

1 MR. JOHNSON: I believe it was tied to
2 the initial observation of an observed
3 increase, which was kind of, you know,
4 unclear date.

5 MR. SCHUBERT: It was difficult to
6 track, you know, from a regulatory
7 standpoint.

8 MR. JOHNSON: It certainly was after
9 the sampling then. It was later than the
10 sampling. Collect the samples, in order to
11 do that, you would have to have the
12 analytical data in hand, so it would have
13 been some time after the samples were
14 collected. So both these dates, as I
15 understand them, are shorter. Does that
16 help?

17 MS. ANDRIA: I need to read this
18 because it sounds like -- it sounds to me
19 like you're getting six months to do
20 something that should be done much shorter.
21 But, I apologize, I don't have my notes clear
22 here that I can -- and I do not want to
23 mischaracterize it.

24 MR. RAO: In the meanwhile, can I just

1 go over this? So once an increase in any one
2 of those four alternative ways you can do it
3 is confirmed, then you file a SIGMOD permit
4 application with the Agency and the Agency
5 gets, like, I don't know, 180 days to review
6 the permit?

7 MS. THOMPSON: Ninety.

8 MR. RAO: Ninety days to review the
9 permit? They can do it quicker, but that's
10 the limit they have? And once that approval
11 comes in, you will have 45 days to institute?

12 MR. JOHNSON: Exactly.

13 MR. BALLENGER: Correct.

14 MR. SCHUBERT: It used to be 90.

15 MR. BALLENGER: It used to be 90,
16 yeah.

17 MR. SCHUBERT: And the point that Tom
18 made earlier was that there was not even an
19 obligation before, you know, to submit
20 something for Agency approval. You could
21 make an alternate source demonstration and
22 just leave it there and the Agency's practice
23 was on your five-year renewal they'll
24 question you on that. But if somebody wanted

1 to, they could throw in a bunch of alternate
2 source demonstrations and not have to follow
3 up on these items for five years. That
4 opportunity doesn't exist anymore under this
5 new proposal.

6 HEARING OFFICER FOX: Ms. Andria.

7 MS. ANDRIA: I'd like to ask the
8 Agency if SIGMODs are open to public comment?

9 HEARING OFFICER FOX: Do you need her
10 to repeat that question.

11 MS. THOMPSON: I understood it. Are
12 they open to public comment? Yes, you can
13 provide comment there.

14 MS. ANDRIA: Are they public noticed?

15 MS. THOMPSON: Yes, the comments are.
16 But whenever an application comes inhouse,
17 it -- all of the state and local government
18 is notified that an application is inhouse.

19 MS. ANDRIA: Is there a newspaper
20 notice to the public provided?

21 MR. LIEBMAN: No.

22 MS. THOMPSON: No.

23 MS. ANDRIA: So do you have some
24 mechanism in place that someone can put

1 themselves on a list if they want to be
2 notified of any SIGMODs that are submitted by
3 certain landfills in certain counties or
4 anything like that?

5 MR. LIEBMAN: No. These notices we've
6 been talking about are really done by the
7 applicant. As a matter of public policy, we
8 require the applicants to give us proof that
9 they've notified various local officials with
10 each permit application and we do check to
11 make sure those public officials have been
12 notified.

13 MS. GEVING: Is it a possibility,
14 Mr. Liebman, that they could get on a list
15 with the public entities that we notify so
16 that they would know?

17 MR. LIEBMAN: Perhaps.

18 MS. THOMPSON: I would like to point
19 out that this information is available on our
20 website. If you have a site number for a
21 facility and you're interested in what kind
22 of applications they do have inhouse with us,
23 it is on our website.

24 MS. ANDRIA: It's not on the public

1 notice -- under public notices. Is it a
2 special place in the land section?

3 MS. THOMPSON: It is under Bureau of
4 Land. We will find out what that web address
5 is for you. But it is online and it is --
6 there will be a link on any application that
7 that facility has inhouse that provides a
8 brief description and provides who the
9 reviewers are for it.

10 MS. ANDRIA: And it's my experience
11 that -- I can't remember in however many
12 years I've been paying attention that I've
13 ever been notified by a public official that
14 a landfill is applying to do anything except
15 in citing when they're required to do that.

16 So I think it would be really very
17 helpful to those of us who live around
18 landfills that are concerned about what this
19 would be putting -- my understanding of it,
20 at least, that this would be putting a
21 contaminating parameter into a permit, giving
22 them license to continue to contaminate the
23 groundwater. So I really hope that you could
24 find some way of allowing the public to have

1 a rule in voicing anything under this since
2 there's a change on this.

3 MS. THOMPSON: As our current
4 practice, and it will continue, is that any
5 private citizen can comment on any
6 application that we are reviewing at that
7 time and we do consider all comments that
8 come in on the application.

9 MS. ANDRIA: I understand that. And I
10 appreciate that very much. It's just that if
11 we don't know, how can we comment? I mean,
12 at least, I think, you know, the facility is
13 there -- I mean, the ability I would think is
14 there for you to go on the public notice
15 because they've got MPDESs, they've got air
16 permits, public hearings that are coming up.
17 If you could have just some kind of link that
18 flashes to the public who looks at public
19 notices that there is something coming up and
20 we can go to the Bureau of Land website to
21 see what it is, I think that would be much
22 appreciated.

23 MS. GEVING: Ms. Thompson, didn't you
24 state that they have an ILD, a site facility

1 number, and they can check on any of that by
2 the number currently?

3 HEARING OFFICER FOX: Ms. Geving, if I
4 may interrupt very quickly? I apologize.
5 Ms. Andria, you are coming close, if not
6 arriving at the point of offering --

7 MS. ANDRIA: To public comment. I
8 apologize.

9 HEARING OFFICER FOX: No apology is
10 necessary. But in terms of offering
11 testimony, we would need to have the court
12 reporter swear you in. And if she would do
13 that, please.

14 (Witness sworn.)

15 HEARING OFFICER FOX: Ms. Geving, I'm
16 sorry to interrupt you with your question.

17 MS. ANDRIA: And I didn't mean to go
18 into public comment. I realized I was doing
19 it. It's a bone of contention that we can't
20 find out what's going on and that we have to
21 live with the results.

22 HEARING OFFICER FOX: We're clear to
23 proceed, so if you had a question for the
24 Agency, it sounds like they may be prepared

1 to answer it if that was, in fact, the case.

2 MS. ANDRIA: No. That was my -- I
3 think that was it unless I lost track that I
4 did have a question.

5 MR. HILBERT: Can I offer just a
6 couple points of clarification on some of the
7 things?

8 The Agency does maintain a very
9 accessible and useable database for landfill
10 permit activities. It's on the Bureau of
11 Land website. You just go to the database
12 and it's right there. And it's actually
13 easier to move through that than it would be
14 to go through the public notice section of,
15 say, like the NIPSE permits. And so it's
16 there, you just have to look for it, but not
17 very hard.

18 And the second point of
19 clarification I'd like to make is that when
20 we submit assessment monitoring plans into
21 the Agency for their review, it's not a
22 permit request to introduce a contaminant
23 into the environment. It's a permit request
24 so that the Agency has an opportunity to

1 comment on what our plan is for determining
2 what the reasons are for a confirmation of a
3 potential release and what we intend to do to
4 investigate it further to ensure that we know
5 for certain whether or not it's related to a
6 landfill or potentially some other source.

7 So nobody is permitting, at that
8 point, a release. It's just an investigative
9 plan.

10 MS. ANDRIA: But I believe that your
11 testimony or perhaps someone else's,
12 Mr. Hilbert -- you're Mr. Hilbert. I'm
13 sorry.

14 MR. HILBERT: Yeah.

15 MS. ANDRIA: Mr. Johnson, when you
16 were talking about it, it was to get this on
17 record. And I think it's problematic and I
18 don't understand that you don't see that. It
19 steams to be bypassing something. It seems
20 very clear that it's -- that you're getting a
21 permit to continue to pollute the
22 groundwater. So I apologize if I'm
23 misunderstanding it this, but...

24 MR. JOHNSON: Yeah. I think it's --

1 and maybe I misspoke earlier. But assessment
2 is just as the title describes, it's to
3 assess what's going on. Oftentimes, in
4 assessment, we conclude that it's due to some
5 naturally occurring event. It could be
6 due -- the confirmed increase could be due to
7 something coming from off-site. At that
8 stage, we're just trying to assess, to learn
9 and work with the Agency to figure out
10 exactly what caused that specific parameter
11 to be outside of its normal range.

12 MS. ANDRIA: Why would you need that
13 then put into a permit modification? Why
14 couldn't you just address it under the
15 existing permit?

16 MR. JOHNSON: We needed some formal
17 means of dealing with that. Right now, if
18 someone wanted to, they could go without
19 looking at that in a lot of detail under the
20 existing regulations.

21 MS. ANDRIA: Could I ask the Agency if
22 they agree with this characterization?

23 MS. THOMPSON: Absolutely. What is
24 being submitted to us in the assessment plan

1 is basically they're saying we found this
2 confirmed increase out here and this is what
3 we want to do about it, this is how we want
4 to investigate it.

5 What we do as reviewers is
6 determine whether their investigation is
7 actually going far enough, if it meets the
8 regulations, if there's something else that
9 we want them to do.

10 If that is the case, then we can
11 alter the permit at that time and say, yes,
12 this is exactly how you should go out and do
13 that investigation and you will come in with
14 that information at "X" number of time for us
15 to review your conclusions at that point in
16 time.

17 What the significant modification
18 application is is a chance for the Agency to
19 look at what they think -- look at their
20 proposals and make a determination whether we
21 agree or not.

22 MS. ANDRIA: And then where does the
23 clean-up part or the stop-polluting part come
24 in? At what point does that happen?

1 MR. BALLENGER: It's an assessment
2 program that identifies the site as the
3 source of rulings. We then go into a
4 corrective action program. The corrective
5 action program does also include a public
6 meeting and public comment in regards to how
7 we're going to provide corrective actions and
8 do it, including the input of the IEPA. The
9 IEPA will not accept our remedial action
10 plans without that public meeting occurring.

11 So, again, the assessment process
12 is assessing what caused that statistical
13 injury. It doesn't mean the site is leaking.
14 It doesn't mean the site caused it. That's
15 the whole point of assessing that change in
16 the water quality.

17 So every single time we have a
18 confirmed increase of a parameter identified
19 as part of our statistical MSR rules, we go
20 into that assessment program.

21 MS. ANDRIA: And could I ask the
22 attorney for the Agency does putting whatever
23 they have done, the assessment of what has
24 happened, into a permit keep the Agency, the

1 State, from finding them for violations under
2 the existing permit?

3 MS. GEVING: Well, I'm not going to
4 testify, but I will let Gwen answer that
5 question.

6 MS. THOMPSON: Could you repeat that
7 question?

8 MS. ANDRIA: Probably not, but I'll
9 try. My concern is about when you put --
10 when you codify, when you put into their
11 permit that the groundwater, they have done
12 something that has caused an increase, does
13 that stop the Agency from pursuing a
14 violation under the existing permit once it's
15 puts into a modification?

16 (Whereupon, a discussion
17 was had off the record.)

18 MS. THOMPSON: It was a little bit
19 difficult. I understand what you're saying.
20 Since they have a statistical exceedance
21 through there, you can't assume that that's
22 contamination in the first place. That's
23 what the assessment program and the
24 investigation is all about. That's why we

1 have all these specific dates we want
2 everybody to meet, to go into that.

3 If these dates are met, if we are
4 progressing through the assessment, through
5 the investigation, into assessment reports
6 and corrective actions and there is no
7 violation, okay, as long as we are dealing
8 with it through the regulations and they are
9 following those regulations. If, in fact,
10 they are not following the regulations that
11 are set forth, then there is a violation and,
12 yes, the Agency can act.

13 MS. ANDRIA: Thank you.

14 HEARING OFFICER FOX: Any further
15 questions then relating to Proposed Amendment
16 No. 26.

17 MR. RAO: Just for clarification.
18 Anyone from the Association can answer this.

19 Isn't it true that the current
20 regulations require assessment monitoring
21 plants to be submitted as part of a
22 significant modification permit?

23 MR. SCHUBERT: Yes, sir.

24 MR. RAO: This is not something that

1 MS. LIU: Okay. Thank you.

2 HEARING OFFICER FOX: That seems to
3 conclude the discussion on Proposed Amendment
4 No. 27. Seeing no additional questions, we
5 will proceed to Proposed Amendment No. 28
6 relating to section 811.319(b)(5)(D),
7 assessment monitoring and timing. Are there
8 questions for either the Association or the
9 Agency on those issues?

10 Yes, Ms. Andria?

11 MS. ANDRIA: If you can tell me what
12 they were and what they are and what they
13 will be; an annual basis, a semiannual? I
14 got a little confused in this paragraph.

15 MR. JOHNSON: The assessment
16 monitoring will be conducted on an annual
17 basis and any parameters protected in that
18 monitoring will be added semiannually.

19 MS. ANDRIA: And what are they now?

20 MR. JOHNSON: And that's the same as
21 the US EPA's standards for assessment
22 monitoring.

23 MS. ANDRIA: And that's what you're
24 operating under now?

1 MR. JOHNSON: Now, the current
2 regulation -- I have to look here to see
3 exactly what that is, if you give me a
4 moment.

5 (Whereupon, a discussion
6 was had off the record.)

7 MR. JOHNSON: Presently, we're doing
8 assessment monitoring on a semiannual basis.
9 We will be doing assessment monitoring on a
10 semiannual basis plus with the distinction
11 that there will be added constituents.

12 MS. BLUMENSHINE: If I may, please,
13 ask then how is it more protective of the
14 health and safety to change this to annual
15 because already there was concern for this
16 monitoring to be done? So what was the
17 rationale that it should now be done annually
18 instead of semiannually?

19 MR. JOHNSON: It's an assessment
20 monitoring program and not a detection
21 monitoring program.

22 MS. BLUMENSHINE: And pardon, again.
23 Just a last question. So assessing is of
24 less importance to be deferred to annual than

1 semiannual? I'm sorry. I'm having trouble
2 understanding why that is of less importance.

3 MR. SCHUBERT: That's the reason why
4 you have all these different names of these
5 programs. In the detection monitoring
6 program, we're trying to detect to see if
7 there's been any impact to the groundwater.

8 In the assessment monitoring
9 program, we've already confirmed that there
10 is some impact. We've done an initial
11 analysis to see what the impact is. So we go
12 through a big list of parameters to see
13 what's in there. Now we know what parameters
14 are in there. That's part of the assessment
15 monitoring. We're trying to see what happens
16 to the concentration of those parameters with
17 time.

18 And that's why the US EPA protocol
19 is to look for those constituents that were
20 identified in the original assessment
21 monitoring and you monitor for those
22 constituents on a semiannual basis. That's
23 what we're doing.

24 MS. BLUMENSHINE: But you're moving to

1 annual, is that my understanding?

2 MR. SCHUBERT: The whole list -- the
3 entire list gets monitored annually. And
4 that's just more or less an add-on to the
5 US EPA protocol.

6 What we're trying to do is look at
7 what's in the groundwater, try to identify
8 what constituents are in there and look to
9 see what happens to those concentrations with
10 time. That's what the assessment monitoring
11 program is for. They look at the entire list
12 annually, but on a semiannual basis just keep
13 track of these constituents.

14 MS. BLUMENSHINE: Thank you.

15 HEARING OFFICER FOX: Any further
16 questions relating to Proposed Amendment 28
17 then?

18 (No verbal response.)

19 HEARING OFFICER FOX: Seeing none, we
20 can proceed. In his pre-filed testimony,
21 Mr. Johnson indicated that he would
22 characterize Proposed Amendment Nos. 29, 30,
23 31 and 32 as non-substantive. If he
24 continues to characterize them that way and

1 there's no dispute from the Agency and no
2 questions relating to that -- I see Ms.
3 Geving doesn't, in fact, dispute that
4 characterization.

5 MS. GEVING: Correct.

6 HEARING OFFICER FOX: We can proceed
7 them to Proposed Amendment No. 33 addressing
8 Section 811.320(A)(3)(B). Any questions on
9 the language of Proposed Amendment No. 33?

10 Ms. Andria?

11 MS. ANDRIA: Yes. Thirty-three, 34
12 and 35 all give -- make reference to the
13 public or food processing water supply and
14 groundwater qualities standards which they're
15 going to report on, so we will have to
16 revisit those, I believe.

17 HEARING OFFICER FOX: And I'm
18 presuming that what you've indicated is that
19 at least as to those Proposed Amendments 33,
20 34 and 35 you will, in effect, reserve
21 questions for the second hearing.

22 MS. ANDRIA: Right. After they report
23 on if they're more protective, less
24 protective on water quality standards.

1 HEARING OFFICER FOX: Very good. Let
2 me take these one by one.

3 MR. HILBERT: Can we offer -- maybe we
4 can put it to rest here today. I think it
5 may be helpful to just clarify that the 620
6 regs weren't in place when these initial
7 regulations were proposed back in --

8 MS. ANDRIA: I can't hear you, sir.

9 MR. HILBERT: The 620 regulations were
10 not in place at the time that these
11 regulations were originally written. And so
12 the only --

13 HEARING OFFICER FOX: And if I may
14 interrupt, 620 pertains specifically to
15 groundwater; is that correct.

16 MR. HILBERT: To groundwater. That's
17 where I was going to go. The 620 regulations
18 are for potable groundwater resources, you
19 know, public water well supplies, things of
20 that nature. There was no standard or no
21 codified rules at the time that these
22 regulations were written and the only thing
23 that was available at that time to refer to
24 was the 302 food processing and public water

1 supplies.

2 The 620 regulations were always
3 intended to and do have the effect of
4 regulating groundwater quality in the state.
5 And that's the only difference is that now we
6 are -- since there is a groundwater quality
7 standard to refer to, we thought it would be
8 more appropriate for these regulations which
9 are dealing with groundwater to refer to
10 groundwater quality standards.

11 And the process to develop the
12 groundwater quality standards, the 620
13 regulations, was done with the public input
14 and thought to public health, safety and
15 welfare. And there is no difference in
16 safety for the general public, it's just that
17 now there's a set of standards to refer to
18 that actually addresses groundwater quality.

19 So, hopefully, we won't have to --
20 do you need further clarification than that?

21 MS. ANDRIA: I just wanted to know
22 whether -- I mean, I think the gentleman
23 asked about Class 1, Class 2, Class 3
24 groundwaters. I'm not a technical expert on

1 this. I just wanted to know simply whether
2 it was less protective or more protective.

3 So I would like to see that
4 explained better after I've gotten a chance
5 to read the regs as they exist and the
6 standards as they exist and perhaps to ask
7 questions about it. And I think he still has
8 questions about that that you said you would
9 answer at another hearing.

10 MR. HILBERT: To clarify that, I think
11 that -- I thought that we had answered that,
12 that the default classification was Class 1
13 groundwater quality, Class 1 standards under
14 the 620 regulations, which is the potable
15 resource standard.

16 HEARING OFFICER FOX: Taking these
17 one-by-one, is there any further questions
18 specifically related to the substance of
19 Proposed Amendment No. 33?

20 (No verbal response.)

21 HEARING OFFICER FOX: Not overlooking
22 your comment Ms. Andria, Proposed Amendment
23 34 addresses 811.320(b)(2). Are there
24 questions on the part of any of the

1 participants relating specifically to the
2 language of that Proposed Amendment?

3 (No verbal response.)

4 HEARING OFFICER FOX: Seeing none,
5 and, again, Ms. Andria, noting the comment
6 that you have offered on the issue of 620
7 rules, Proposed Amendment 35 addresses
8 Section 811.320(b)(4). Are there questions
9 relating specifically to that Amendment
10 Number 35, Proposed Amendment No. 35?

11 (No verbal response.)

12 HEARING OFFICER FOX: And seeing none
13 there, Proposed Amendment 36, for the record,
14 would amend Section 811.320(d)(1). Are there
15 questions either for the Association or for
16 the Agency on the substance of Proposed
17 Amendment No. 36?

18 Yes, Ms. Blumenshine?

19 MS. BLUMENSHINE: Thank you very much.
20 I just wanted to ask if non-consecutive data
21 will be used -- allowed, wouldn't it be
22 possible to miss a spike or a trend or
23 something? I just wondered if that was any
24 concern to the Agency.

1 MS. THOMPSON: As far as
2 non-consecutive data, I think that we have it
3 put in there that it would be allowed where
4 it isn't a problem. You can test your data
5 for seasonality. There is statistical
6 testing for that to be evaluated. And we do
7 look at that.

8 MS. BLUMENSHINE: Thank you.

9 MR. RAO: I had a clarifying question
10 regarding Subsection 811.320(d). This can be
11 answered either by the Association or the
12 Agency.

13 This section requires groundwater
14 quality standards to be established based on
15 four consecutive quarters of monitoring. Are
16 there any issues or statistical issues
17 associated with this four quarters or do you
18 think you need eight quarters of monitoring
19 to comment on it?

20 MS. THOMPSON: Yes, there are
21 statistical issues with that insofar as the
22 federal requirements and also our own
23 requirements require that we keep false
24 positives down to 5 percent.

1 And just four quarters of data
2 will not allow us to do that, particularly if
3 you only have one well or even two wells.
4 Four quarters of data just will not take care
5 of that issue. A minimum of eight is what
6 the US EPA recommends and we're trying to
7 meet our regulation that says keep it under
8 5 percent.

9 MR. RAO: So is there a need to amend
10 this requirement to say a minimum of eight
11 quarters or does the rule allow the Agency
12 to, by permit, require additional monitoring?

13 MS. THOMPSON: I believe that we left
14 it a little more open than that.

15 MR. BALLENGER: A minimum
16 of (inaudible) --

17 THE COURT REPORTER: Sir, I can't hear
18 you.

19 MR. BALLENGER: We've written in the
20 language to be a minimum of one year which
21 allows for expanded background to be
22 completed, expanded background sampling
23 effects.

24 MR. RAO: Okay. So that allows the

1 Agency to go beyond one year?

2 MS. THOMPSON: Correct.

3 MR. BALLENGER: Correct.

4 DR. GIRARD: Well, then I have a
5 question. How would you the Agency decide
6 when to go beyond one year.

7 MS. THOMPSON: When would they decide
8 or when would we decide to require them to do
9 that or --

10 DR. GIRARD: Yes.

11 MS. THOMPSON: Again, that would come
12 down to statistics. You can use what are
13 called power curves in your statistical
14 programs and they will make a determination
15 if you're meeting your 5 percent false
16 positive rate. And I realize that's getting
17 a little technical.

18 MR. RAO: Not really. Earlier,
19 Mr. Johnson had cited to this -- I forgot the
20 professor's name.

21 MR. JOHNSON: Gibbons.

22 MR. RAO: Yeah. Dr. Gibbons' report
23 that at least eight consecutive quarters of
24 sampling is required for keeping false

1 positives under 5 percent. Is there some
2 kind of a, you know, similar sampling
3 requirement to keep false positives under
4 5 percent, like eight consecutive quarter?
5 If that's the case, shouldn't that be put in
6 the rule instead of one year at minimum to
7 make it two years?

8 MS. THOMPSON: I believe I understand
9 what you are asking. Can we put in a minimum
10 of eight quarters?

11 MR. RAO: Yes.

12 MS. THOMPSON: We could do that as a
13 minimum of eight quarters. That's not
14 necessarily the only way to deal with false
15 positives. If we had additional upgradient
16 wells, granted that's a lot of wells, that
17 could also meet that requirement. So there
18 is more than one way of doing it.

19 MR. SCHUBERT: There is -- Tom just
20 mentioned to me that there are certain
21 circumstances that might cause you to go less
22 than two years, at least on a temporary
23 basis. One of which is the start-up of the
24 new facility.

1 If a municipality, you know, had
2 started a new facility and they needed money
3 to use that facility, it could be constrained
4 as, you know, a delay. Right now, there is
5 at least a year into the permitting so that
6 we can collect data during the permit -- you
7 know, during the permit review and not lose
8 any time, you know, for start-up of the new
9 facility because you can do that quarterly
10 sampling within the year that it's being
11 reviewed.

12 If you had a two-year wait period
13 for starting a new facility, you could spend
14 a whole other year just collecting background
15 data. So I guess in certain instances,
16 although, certainly the industry likes the
17 idea of a bigger background set because it
18 does reduce the false positives, there are
19 certain instances where, you know, like on a
20 start-up where you'd want to go to a smaller
21 background set, at least on a temporary
22 basis, until you go in there and change the
23 permit again.

24 MR. BALLENGER: I think what this is

1 Would you be willing to confirm that that
2 renumbering is correct and it includes that
3 technical change in any errata sheet or
4 amendments that you might propose?

5 MR. NORTHRUP: Yes, I will.

6 HEARING OFFICER FOX: Thanks very
7 much.

8 MR. NORTHRUP: That's actually at
9 320 (b).

10 HEARING OFFICER FOX: It's (b)(1). It
11 refers to, at the very end of that,
12 Subsection 106.410 through 106.416.

13 MR. NORTHRUP: Okay.

14 HEARING OFFICER FOX: Thank you. I
15 appreciate that. I think we had wrapped up
16 Proposed Amendment No. 36. And I don't see
17 any hands indicating questions.

18 Let's proceed to Proposed
19 Amendment No. 37 proposing to amend Section
20 811.320(d)(2). Are there questions for
21 either the Association or the Agency on this
22 issue relating to background concentrations?
23 Ms. Andria?

24 MS. ANDRIA: Yes. I wondered why the

1 proposal provides that such changes may only
2 be made every -- once every two years.

3 MR. SCHUBERT: That was actually a
4 consideration and discussion with the Agency.
5 There was a consideration that there could be
6 an administrative problem in readjustment of
7 background virtually every time you come in
8 with an assessment. So, you know, what we're
9 talking about here is -- what we're talking
10 about is the collection of a background data
11 set and that's used for statistical
12 comparison.

13 So the Agency was concerned that
14 maybe a particular applicant would want to
15 amend that background data set over and over
16 and over again every time they had a
17 monitoring event. And I guess we wanted to
18 make sure that we could amend it on some type
19 of reasonable frequency, but not so frequent
20 as to overload the Agency with review of all
21 sorts of background data sets every
22 monitoring event.

23 So kind of a compromised position
24 was that every two years seemed like that

1 wouldn't inconvenience the Agency and would
2 still give the industry or any landfill
3 owner/operator a chance to reassess
4 background -- his background data set on a
5 meaningful interval.

6 MS. ANDRIA: Do you have any place
7 that you define what is, quote, statistically
8 significant where there has to be so much
9 percent?

10 MR. SCHUBERT: Well, that's contained
11 in these regulations of what statistical
12 significance is. I guess that comes a little
13 farther -- that comes a little further in the
14 regulations.

15 MS. ANDRIA: How much investigation --
16 is it the company that's doing the
17 investigation or IEPA as to the background
18 concentrations and if they are attributable
19 to not the landfill? Who does that
20 assessment?

21 MR. SCHUBERT: We collect the data
22 under IEPA supervision. They review the data
23 and incorporate the approval of that
24 background data set into a permit.

1 MS. ANDRIA: And do they have -- do
2 they take samples in their labs or do you do
3 the sampling in your labs?

4 MR. SCHUBERT: Generally, we hire
5 contractors, you know, and EPA approved labs
6 to do this kind of work. I can tell you that
7 as a part of a different program, part of the
8 field services, there is a field
9 verification -- occasional field verification
10 of groundwater data by the EPA in their lab.

11 MS. ANDRIA: That's like split samples
12 you mean?

13 MR. SCHUBERT: Yeah. They come out on
14 regular intervals. But, you know, the data
15 that we're talking about here, you know, for
16 permit purposes is generally developed by our
17 contractor -- contractors that we would hire.

18 MS. ANDRIA: Thank you.

19 MR. RAO: And is this change in
20 background concentrations, the approval
21 process, is that done as part of significant
22 modification?

23 MR. SCHUBERT: Yes, sir.

24 MR. BALLENGER: Yes, sir.

1 HEARING OFFICER FOX: Further
2 questions then of any kind on Proposed
3 Amendment No. 37?

4 (No verbal response.)

5 HEARING OFFICER FOX: The next four
6 Proposed Amendments, Nos. 38, 39, 40 and 41
7 were all characterized by Mr. Johnson in his
8 pre-filed testimony as non-substantive.

9 If the Agency concurs in that
10 assessment and there's no -- and I see
11 Ms. Geving indicating that she does concur
12 and there are no questions about those which
13 appear only to re-number some of the
14 language, we can go right ahead to Proposed
15 Amendment No. 42.

16 (No verbal response.)

17 HEARING OFFICER FOX: And seeing no
18 questions, we will go to Proposed Amendment
19 No. 42 relating to Section 811.320(e)(1).
20 Ms. Andria.

21 MS. ANDRIA: Is there someplace that
22 is referenced what is an inappropriate test
23 and an appropriate test and how is that
24 determined? Is that all under US EPA?

1 MR. JOHNSON: Yes. The US EPA has
2 developed and conducted training on a new
3 guidance document, and we took a look at
4 these regulations with regard to what
5 US EPA is advocating in their new guidance
6 document.

7 You heard Ms. Thompson talk about
8 statistical power. We took a look at that.
9 We did also consult with Dr. Robert Gibbons
10 on these regulations to update that some of
11 these tests are no longer in use. And there
12 is a body of peer-reviewed research that lays
13 out the rationale for not using these tests
14 and using for up-to-date methods.

15 MR. HILBERT: And just to add one more
16 point of clarification, the inappropriate
17 language here is to distinguish between when
18 data is normal and non-normal. And that's
19 just a statistical term. And you cannot use
20 statistical tests that are based on normality
21 of data for data that's not normal. That's
22 what that language is referring to.

23 MS. ANDRIA: Those tests, are they --
24 like, do they break down in site specific

1 conditions?

2 MR. HILBERT: They are affected by the
3 site specific conditions, meaning that every
4 site is different. Some sites may have
5 normal data and some sites may have
6 non-normal data.

7 MS. ANDRIA: But, I mean, EPA gives
8 you the guidance as to what you would -- what
9 kind of test is appropriate for, say, the
10 mythical land in a floodplain as opposed to a
11 landfill that's located in an old abandoned
12 coal mine?

13 MR. HILBERT: Exactly.

14 MS. ANDRIA: Thank you.

15 MS. LIU: I had a question, too.
16 Mr. Johnson, in your pre-filed testimony on
17 this section you state that, quote, "We
18 propose to delete existing references to
19 specific normal theory statistical tests and
20 nonparametric statistical tests." And then
21 in the proposed revisions I noticed that the
22 section on normal theory is deleted, but the
23 nonparametric section remains. Was that your
24 intent?

1 MR. JOHNSON: Yeah. We could still
2 use those tests.

3 MS. LIU: Okay. Thank you. And
4 talking here earlier today you mentioned that
5 you view these as more appropriate tests.
6 Since your proposed rule is now eliminating
7 some of the tests that were introduced before
8 or at least recommended for use before, can
9 you provide some examples of statistical
10 tests that would be consistent with US
11 guidance now?

12 MR. JOHNSON: Yeah. I think that the
13 bulk of our changes relate to -- the existing
14 regs were kind of, sort of specific on some
15 of the tests that you need to use and as my
16 colleague, Tom Hilbert, has described, under
17 different data distributions. And what we've
18 attempted to do in working with the Agency on
19 this whole set of regs is to open it up more
20 and make it be more performance-based on the
21 statistical power curve. So because there's
22 so many different data distributions that you
23 can come across and, as we've talked about,
24 different site-specific situations, we want

1 to focus on what gives us the best
2 performance, which is the statistical power
3 curve which balances the false positive rate
4 and the false negative rate, meaning we're
5 optimizing that statistic to be able to tell
6 us when we've got a potential problem.

7 So we've kind of tried to open it
8 up. I don't know if that --

9 MR. SCHUBERT: Give some examples.

10 MR. JOHNSON: You know, which would
11 be -- prediction limits would be something
12 that we commonly use, tolerance intervals,
13 depending, of course, on the distribution.

14 DR. GIRARD: I'd just like to clarify
15 the list of references that you used for all
16 of the statistical -- I guess, you know, the
17 changes in the statistical methods that you
18 used in the regulations. So that's all in
19 that supplemental information and errata
20 sheet which was first filed with the Board;
21 is that correct?

22 MR. JOHNSON: Is that the first one?

23 MR. NORTHRUP: Yeah.

24 MR. JOHNSON: Yeah.

1 DR. GIRARD: What was the date that it
2 was filed with the Board?

3 MR. NORTHRUP: January 16th.

4 DR. GIRARD: So if they wanted to see
5 a full list of all the references that were
6 used for determining the statistical tests
7 and re-evaluating which ones are better,
8 that's the sheet they should go to? It's got
9 the US EPA guidance and other documents.

10 MR. JOHNSON: It appears that they're
11 in there. They're kind of mixed in. They're
12 not broken out into a separate statistical
13 section, though.

14 BOARD MEMBER JOHNSON: Is that the
15 document that I gave you before?

16 DR. GIRARD: Yeah.

17 BOARD MEMBER JOHNSON: Okay.

18 DR. GIRARD: Are there any of those
19 references that are best for looking at? I
20 mean, some of the US EPA guidance documents,
21 I noticed there are at least two of them that
22 deal with statistics. One is sort of an
23 addendum in 92 and then there's an earlier
24 one.

1 MR. JOHNSON: Yes. The '92 addendum
2 to the interim final is probably a good one
3 to discuss a lot of these. Also, there is an
4 ASTM standard that discusses these matters,
5 too.

6 DR. GIRARD: Is that listed in there.

7 MR. JOHNSON: I don't see that in
8 here.

9 DR. GIRARD: Well, if you can submit
10 that with comments before the next hearing,
11 that would be great.

12 MS. GEVING: Would that be ASTM STP
13 1118?

14 HEARING OFFICER FOX: Which is at the
15 bottom of Page 3 of the supplemental
16 information.

17 MS. GEVING: Correct.

18 MR. JOHNSON: Yeah. I didn't notice
19 that.

20 DR. GIRARD: So on Page 3 of that
21 addendum we've got the US EPA 1992 addendum
22 to interim final guidance document, which
23 is -- then we would also have that ASTM STP
24 1118.

1 MR. JOHNSON: That's correct.

2 DR. GIRARD: Which is a good source.
3 Thank you.

4 HEARING OFFICER FOX: Are there any
5 further questions pertaining to the language
6 proposed in Proposed Amendment No. 42?

7 (No verbal response.)

8 HEARING OFFICER FOX: Seeing none,
9 we'll proceed to Propose Amendment No. 43
10 relating to Section 811.320(e)(3). Are there
11 questions on anyone's part for either the
12 Association or the Agency on the substance of
13 that Proposed Amendment?

14 (No verbal response.)

15 HEARING OFFICER FOX: Seeing none, we
16 can proceed to Proposed Amendment No. 44
17 addressing Section 811.320(e)(3)(A). Is
18 there a question on anyone's part relating to
19 the substance in Proposed Amendment No. 44?

20 (No verbal response.)

21 HEARING OFFICER FOX: Seeing no
22 indication that there are questions, we'll
23 proceed to Proposed Amendment No. 45 relating
24 to Section 811.320(e)(3)(B). Are there

1 questions on anyone's part relating to the
2 substance of Proposed Amendment No. 45?

3 MS. LIU: I was just wondering
4 about -- and I'll mispronounce it I'm sure --
5 the Aitchison Adjustment Standard Statistical
6 Method?

7 MR. SCHUBERT: It's an adjustment to
8 normal statistics. So it's if you had
9 non-normal, right?

10 MR. JOHNSON: I believe, yeah.

11 MR. SCHUBERT: So it would be a
12 non-normal data set?

13 MR. JOHNSON: For normal data.

14 MR. SCHUBERT: For non-normal data
15 set, it gives you a different way of
16 calculating the standard deviations so you
17 can plug it into, like, a normal tolerance
18 interval equation.

19 MS. THOMPSON: (Inaudible).

20 MS. MOORE: Did you hear her?

21 THE COURT REPORTER: No. I need you
22 to repeat that.

23 MS. THOMPSON: It is -- the use of
24 Aitchison for adjustment is based on the

1 number of detected parameters in data sets.

2 Anything that's less than
3 50 percent detection has to be adjusted.

4 HEARING OFFICER FOX: Are there any
5 more questions then relating to Proposed
6 Amendment No. 45.

7 (No verbal response.)

8 HEARING OFFICER FOX: Seeing none, we
9 are prepared to go to Proposed Amendment No.
10 46 relating to Section 811.320(e)(3)(C). Is
11 there a question on any participant's part
12 relating to the substance of Proposed
13 Amendment No. 46?

14 (No verbal response.)

15 HEARING OFFICER FOX: And seeing none,
16 that allows us to go to Proposed Amendment
17 No. 47 relating to Section 811.320(e)(4).
18 Are there questions on anyone's part relating
19 to the subject of Proposed Amendment No. 47?

20 (No verbal response.)

21 HEARING OFFICER FOX: And seeing no
22 indication that there are questions, we'll go
23 to Proposed Amendment No. 48 addressing
24 Section 811.320(e)(5). Is there a question

1 related to the subject of that Proposed
2 Amendment?

3 (No verbal response.)

4 HEARING OFFICER FOX: And seeing no
5 indication that there is, we'll go to the
6 final Proposed Amendment No. 49 relating to
7 Section 811.320(e)(6).

8 Is there a question relating to
9 the language of that Proposed Amendment?

10 (No verbal response.)

11 HEARING OFFICER FOX: And seeing none,
12 that brings us to the end of the amendments
13 proposed in the original filing by the
14 Association and addressed in the pre-filed
15 testimony.

16 Is there anyone else present today
17 who wishes to testify? I did leave a sheet
18 out near the door that allowed anyone who
19 wished to, to indicate that they would like
20 to testify. And with Mr. Liebman's help, I
21 think we're determining that that is, in
22 fact, blank and that there is no one who
23 formally wished to do so. I'm referring,
24 obviously, only to a couple of you. Did you

1 wish to offer testimony at this time to be
2 sworn in to offer it at this point?

3 MS. ANDRIA: No. I've been sworn, but
4 I -- I do have one additional question, if I
5 may?

6 HEARING OFFICER FOX: My next order of
7 business was to see if there was any last
8 question before we moved onto some
9 housekeeping details. Please go ahead, Ms.
10 Andria.

11 MS. ANDRIA: I'm very curious. I
12 started out very happy that you were
13 including all of the other kinds of landfills
14 that are not permitted under this. But given
15 the Agency's response, I don't see how it can
16 be at all useful to them given their
17 resources and -- their lack of resources and
18 their -- and I'm not even sure legally. So
19 I'm wondering why you included that in this
20 proposal -- these proposed rulings to have
21 these other landfills come under the umbrella
22 of this?

23 MR. HILBERT: We didn't specifically
24 offer any changes in regards to --

1 MS. ANDRIA: I can't hear you.

2 MR. HILBERT: We didn't offer any
3 specific changes in regards to on-site
4 facilities. You know, by default they may be
5 covered under certain changes that we're
6 proposing, but this is really -- all these
7 changes are really with municipal solid waste
8 landfills in mind and how they fall -- how
9 the on-site facilities fall under these rules
10 is up to them, really.

11 They're not permitted, right?

12 MR. LIEBMAN: Right.

13 MR. HILBERT: I'd like to defer to the
14 attorneys on some of this.

15 MR. LIEBMAN: The Board might be in a
16 better position to explain this, but I'll
17 take a stab at it. Really, the -- right now,
18 both permitted and unpermitted facilities are
19 subject to the same standards with regard to
20 leachate and groundwater monitoring. And we
21 didn't make any changes that would, well,
22 change that structure.

23 We're making changes developed
24 to -- that would have changed, you know, the

1 fact that we're changing an 811 regulation
2 that, as Tom said, is geared for permitted
3 landfills. But I guess it would also apply
4 to unpermitted landfills because that's the
5 way the regulations are currently structured.

6 MR. SCHUBERT: I think what's
7 significant maybe that you picked out of
8 these regulations is that, in particular,
9 like the parameters selection for detection
10 monitoring, there was specific accommodations
11 made for consideration of non-MSW landfills,
12 which tend to be the non-permitted landfills.

13 We did try to keep an open view of
14 how it would affect everybody and I think as
15 a result, you know, might have better
16 regulations, at least in that one instance,
17 for the on-site facilities.

18 MS. ANDRIA: And then just one other
19 question about the non-municipal landfills or
20 the non-solid waste. I forgot how you
21 described it. One point in there -- and I
22 don't remember where you referred to -- more
23 than 50 percent or the 50 percent cut-off.
24 When you do that, is that referring to -- to

1 what exactly, like special waste or
2 construction demolition debris or what is the
3 other of the 50 percent?

4 MR. SCHUBERT: Anything that wouldn't
5 be MSW. I'd have to take a look, but I
6 believe that's correct.

7 MR. HILBERT: The definition of
8 municipal solid waste is underneath the
9 Environmental Protection Act.

10 MS. ANDRIA: I can't hear you.

11 MR. HILBERT: The definition of
12 municipal solid waste is underneath the
13 Environmental Protection Act. That's where
14 you would figure out what the other stuff
15 would be.

16 (Brief pause.)

17 MR. HILBERT: So typically -- you
18 know, I think I heard people mention that
19 would be coal combustion ash, fly ash, things
20 of that nature, which would be associated
21 more often than not with an on-site facility.

22 And maybe the attorneys can
23 explain why some sites are permitted and some
24 sites aren't, but we can't, by amending these

1 regulations, make facilities that aren't
2 currently subject to permit, subject to
3 permit.

4 HEARING OFFICER FOX: Any further
5 questions from any of the participants? Any
6 further questions at all?

7 MS. ANDRIA: I just wanted to say I
8 appreciate your patience with us. Being
9 non-attorneys and non-engineering people and
10 this being our first rulemaking, I really do
11 appreciate all of the courtesies that you
12 have extended to us, both the Agency, the
13 Solid Wastes Management Association and the
14 Board. Thank you.

15 HEARING OFFICER FOX: You're very
16 welcome. And it looks like we'll be able to
17 wrap-up the first hearing in a single day
18 very shortly.

19 We, I think, have established
20 clearly that no one has either in writing or
21 by their appearance indicated an interest in
22 providing any further testimony here at the
23 first hearing.

24 Why don't we go off the record

1 very briefly and discuss the second hearing,
2 if we may do that, please.

3 (Whereupon, a discussion
4 was had off the record.)

5 HEARING OFFICER FOX: We went briefly
6 off the record for the purpose of discussing
7 some procedural issues relating to the date
8 of the second hearing that was on
9 November 17th, scheduled to take place
10 beginning on Wednesday, February 28th, 2007,
11 beginning at 1:00 p.m. at the Pollution
12 Control Board's conference room in
13 Springfield. And we will proceed with that
14 second hearing as scheduled.

15 In response to the input from the
16 parties, the filing deadline for pre-filed
17 testimony for that second hearing will be on
18 Thursday, February 15th of 2007. And the
19 mailbox rule contained in the Board's
20 procedural rules will not apply so that the
21 Board's clerk will need to receive a copy
22 either electronically or on paper of that
23 pre-filed testimony before the close of
24 business at 4:30 on Thursday, February 15th.

1 The Board does offer the option of
2 electronic filing of which the parties and
3 participants appear to be aware, and that
4 certainly would be a valid way to file any
5 pre-filed testimony.

6 Are there any questions about the
7 second hearing or generally before we close
8 the record and adjourn the first hearing?

9 (No verbal response.)

10 HEARING OFFICER FOX: Seeing none, I'm
11 sure I speak for all of the Board members and
12 for the other Board staff in thanking you all
13 for your travel time, your preparation and
14 your information, the questions and the
15 answers and your testimony have been very
16 helpful as the Board moves toward determining
17 whether or not to adopt a first opinion -- a
18 first notice of opinion and order in this
19 proceeding. And thanks, once again. Travel
20 safely. We're adjourned.

21 (Which were all the proceedings
22 had in the above-entitled cause
23 on this date.)

24

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF WILL)

3

4 I, Tamara Manganiello, RPR, do hereby
5 certify that I reported in shorthand the proceedings
6 held in the foregoing cause, and that the foregoing
7 is a true, complete and correct transcript of the
8 proceedings as appears from my stenographic notes so
9 taken and transcribed under my personal direction.

10

11

TAMARA MANGANIELLO, RPR
License No. 084-004560

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SUBSCRIBED AND SWORN TO
before me this ____ day
of _____, A.D., 2007.

18

19

Notary Public

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