

**American Bottom Conservancy—Sierra Club**  
**P.O. Box 4242 Fairview Heights, IL 62208**

**RECEIVED**  
CLERK'S OFFICE

MAR 23 2007

STATE OF ILLINOIS  
Pollution Control Board

March 23, 2007

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Ste 11-500  
Chicago, Illinois 60601 (Via COOL)

PC#2

Re: R 07-8 Proposed Amendments to Solid Waste Landfill Rules

Dear Clerk Gunn:

American Bottom Conservancy and Sierra Club participated in the first hearing on this rulemaking, but we were unable to participate in the second. Some of our concerns from the first hearing have been alleviated, but others remain. This rulemaking still appears to lower the frequency of monitoring, the number of wells to be monitored annually, and the number of constituents for which monitoring is required. While we understand the financial constraints on the Agency, protection of our water quality—both surface and groundwater—should be of paramount importance. Delaying detection of contamination can multiply the costs of remediating the situation many times over. It could also result in contamination that is beyond remediation. Our water is too precious a resource.

The National Solid Waste Management Assn. provided figures indicating savings to the industry should the rulemaking proceed in its current form. By dropping total organic carbon from the indicator list, there is a savings of \$96 per well. By changing quarterly sampling of phenols to semi-annual, the savings would be \$44 per well per year. That would result in a total savings, according to NSWMA, of \$2800 per year per facility, or \$143,000 for the 51 actively permitted operating landfills in the state. The proposed rulemaking's total savings to the industry, according to the Assn., would be \$52,500 per year per facility. Given that more frequent monitoring of more wells and constituents would undoubtedly result in earlier detection of contamination, that cost should be borne by the industry and passed on to its customers as the cost of doing business. That could raise waste collection bills by a few cents per month—a small price to pay for protection of water quality. The state and counties—taxpayers—could well have to pick up the cost of cleaning up contaminated sites should companies go out of business, such as has happened in the Metro East and elsewhere. More frequent monitoring of all wells (not on a rotating basis, which could allow for faster migration of undetected contaminants) could be viewed as an insurance policy to protect water quality, residents and taxpayers.

The timeline of 180 days for alternate source determination is too long and should be shortened. We also strongly urge the Board to require that the alternate source determination assessment report be submitted to the Agency in all cases so that the public is informed that there is contamination and can evaluate and comment on the report and the probable source.

We appreciate Board Member Andrea Moore's request to put the rulemaking in language understandable by the public. We were unable to review the changes submitted in the last errata sheet, but understand there will be an additional comment period and look forward to commenting with more particularity.

Thank you for your consideration of our comments.

*Kathy Andria*

Kathy Andria  
Chair, Illinois Sierra Club Waste & Recycling  
President, American Bottom Conservancy

cc: Timothy Fox, Hearing Officer

Washington University School of Law  
Campus Box 1120  
One Brookings Drive  
St. Louis, MO 63130-4899

**Interdisciplinary  
Environmental Clinic**

**RECEIVED**  
CLERK'S OFFICE

MAR 23 2007

STATE OF ILLINOIS  
Pollution Control Board

**Fax**

To: PCB (JOHN THERIAULT) From: KATHY ANDRIA  
Fax: 312-814-3669 Pages:  
Phone: Date: 3/23/2007  
Re: CC:

Urgent     For Review     Please Comment     Please Reply     Please Recycle

See Attached.

**THIS DOCUMENT IS CONFIDENTIAL**

This facsimile may contain information which (a) may be LEGALLY PRIVILEGED, PROPRIETARY IN NATURE OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) is intended only for the use of the recipient named above. If you are not the intended recipient or a person responsible for delivering such documents to the recipient, you are hereby notified that reading, copying, or distributing this facsimile is prohibited. If you have received this facsimile in error, please telephone us at (314) 935-7238 immediately. The original facsimile should be immediately mailed back to the office at the address listed above. Thank you.