

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO)
CLEAN CONSTRUCTION OR DEMOLITION) R2012-009
FILL OPERATIONS) (Rulemaking-Land)
(35 ILL. ADM. CODE 1100)

NOTICE OF FILING

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

Mitchell Cohen
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Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601-3218

PLEASE TAKE NOTICE that James E. Huff, P.E. has today filed **Prefiled Questions to Tom Hornshaw, Steven Gobelman, Ken Liss, and John Hock** in R2012-009, which is hereby served upon you.

Respectfully Submitted,


James E. Huff, P.E.
Huff & Huff, Inc.
915 Harger Road
Oak Brook, IL 60523

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PRE-FILED QUESTIONS FOR TOM HORNSHAW

James E. Huff hereby file questions to Tom Hornshaw:

- 1) On page 3 of your pre-filed testimony, you note that the Agency “has no ingestion or inhalation concern for painted concrete, brick, or asphalt”.
 - a. What ingestion and inhalation concerns does the Agency have with all material placed in CCDD facilities below three and ten feet, respectively?
 - b. Is scraping paint off the surface considered a “representative sample under 35 IAC Part 720.110?
- 2) On page 5 of your pre-filed testimony, you indicate that the Agency has added Section 1100.610(d) to prohibit soil sampling compositing:
 - a. Does not compositing provide for a more representative sample?
 - b. When soil is excavated, loaded into trucks, and then emptied at CCDD facilities, wouldn't this result in some soil mixing, reducing the peak concentrations? Wouldn't this type of activity result in composited samples being more representative?
 - c. When characterizing if a solid waste is a hazardous waste, does not 35 IAC Part 721.120(c) require a representative sample, as defined in 35 IAC Part 720?
 - d. Does not 35 IAC Part 721, Appendix A specify acceptable methods for obtaining Representative Samples?
 - e. Under the hazardous waste regulations for characteristic wastes, what is the exposure pathway that the EP Toxic and later the TCLP limits were based upon?
 - f. Is compositing of samples to secure a representative sample for waste characterization for landfilling permitting appropriate?

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PRE-FILED QUESTIONS FOR STEVEN GOBELMAN

James E. Huff hereby file questions to Steven Gobelman:

- 1) On page 2 of your pre-filed testimony, you indicated that the Department of Transportation leaching testing on pavement markings did not exceed the Class 1 groundwater standards.
 - a. Would you expect a similar result on the pavement markings used by the Tollway, counties, and municipalities in Illinois?

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PRE-FILED QUESTIONS FOR KENNETH LISS

James E. Huff hereby files questions to Kenneth Liss:

- 1) On page 3 of your pre-filed testimony you note that soil fill operations will often be located in areas with high susceptibility to groundwater contamination. Do you have any supporting data of any groundwater impacts from such operations in Illinois?
- 2) On page 4 of your pre-filed testimony you note that less than 1% of the soil materials are actually tested. Can you compare this to the fraction of soil that is sent to landfills that is tested?
- 3) Form 663 requires the Professional Engineer to certify that the soil is uncontaminated, which requires the Professional Engineer to test to the level necessary in his/her professional judgment. When discussing the inadequacies of the testing, are you implying that the Professional Engineers are not meeting their responsibilities?
- 4) Has your firm ever signed a 663 form?
- 5) On page 4 of your pre-filed testimony, you note that the use of "background" samples creates a risk to groundwater contamination.
 - a. Can you define the risk level to which you are referring to?
 - b. If "background" concentrations pose such a risk to groundwater contamination, why then isn't the groundwater under all of Illinois where these "background" concentrations exist impacted?
 - c. You specifically use benzo(a)pyrene as an example. How does the Tier 1 remedial objective for soil-migration-to-groundwater for this compound compare to the "background" concentration?

- d. If the Benzo(a)pyrene background concentration is less than the Tier 1 remedial objective for soil-migration-to-groundwater, how does your statement of “creating new groundwater contamination risk” fit under a TACO approach?
 - e. Would you apply your same “background” concern to arsenic?
 - f. If the regulations were to adopt your concern over the use of “background” concentrations, what would you propose doing with this soil, and what would be the economic impact on the annual \$2 billion per year highway construction work in northeastern Illinois?
- 6) On page 7 of your testimony, you recommend that any level of degradation in groundwater quality be prevented, citing 35 Ill. Adm. Code 742.410.
- a. Can you specifically quote the Section from Part 742.410 you are referring to regarding your statement that degradation in groundwater quality be prevented?
 - b. Part 742.415(b)(2) allows the use of area background in lieu of objectives developed pursuant to other procedures in Part 742, such as the Class I or Class 2 groundwater standards? Can you explain your understanding of how this section is consistent with your testimony regarding degradation being prevented above background?
 - c. Have you read the Pollution Control Board’s opinion in R89-14(B) regarding its intent regarding non-degradation in adopting the Part 620 regulations?
 - d. If yes to question b, can you summarize your understanding?

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PRE-FILED QUESTIONS FOR JOHN HOCK

James E. Huff hereby file questions to John Hock:

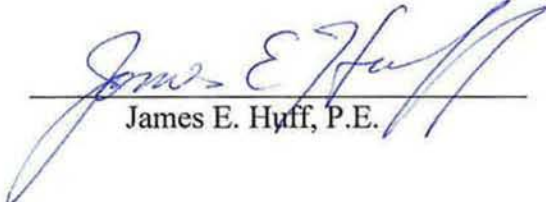
- 1) On page 4 of your testimony you note that 36 out of 44 samples, or 82 percent exceeded the proposed Maximum Allowable Concentrations (MACs) for metals.
 - a. Do you believe this data set is reasonably representative of material that is taken to CCDD facilities?
 - b. If 82 percent of the material currently going to CCDD facilities can no longer go there due to just metals, where will this material be taken?
 - c. Can you expand on what the economic implications of adopting the proposed MACs will have on both the generators and on the CCDD and uncontaminated soil facilities that historically accepted this material but will not be able to going forward?
- 2) On page 4 of your testimony you note that 7 out of 44 samples had PNAs detected above the proposed MACs. Of these 7 samples above the proposed MACs, how many were over the Tier 1 soil-migration-to-Class 1 Groundwater remedial objectives?

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 17th day of October, 2011, I have served electronically the attached Pre-Filed Testimony of James E. Huff, P.E., accompanying Attachments, and Notice of Filing upon the following person(s):

John Therriault, Clerk Pollution Control Board James R. Thompson Center 100 West Randolph Street - Suite 11-500 Chicago, IL 60601	
and by U.S. Mail, first class postage prepaid, to the following person(s):	
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James E. Huff, P.E.