

2012 IEPA PROPOSED RULES FOR CCDD FILL OPERATIONS
OR
UNCONTAMINATED SOIL FILL SITES

The McHenry County Department of Health (MCDH) and McHenry County Planning and Development Department have reviewed the proposed rules and offer the following comments for your consideration.

Groundwater Monitoring

CCDD fill operations or uncontaminated soil fill sites are often in direct contact with an aquifer and McHenry County is 100% reliant on groundwater for its sole drinking water supply. McHenry County strongly recommends implementation of a well defined groundwater monitoring program for CCDD sites. Required groundwater monitoring would allow early detection of contamination, and provide for timely corrective action and/or remediation. The costs associated with a reactive approach to environmental/groundwater issues far exceed the cost to plan and implement a proactive groundwater monitoring and protection program. Any degradation to our drinking water supply would represent a significant health and financial burden to the residents and local governments to treat contaminated groundwater and/or install new potable water wells. CCDD fill operations or uncontaminated soil fill sites do not have liner or other containment systems to prevent migration of contaminants. It is virtually impossible to guarantee that there will be no contaminants introduced into these environments. McHenry County recommends quarterly groundwater sampling for applicable parameters, to establish a baseline of water quality and to identify any significant future water quality changes. McHenry County has successfully used a similar groundwater monitoring program for earth extraction sites in McHenry County for approximately 20 years. McHenry County requests that the Subpart G, requiring groundwater monitoring standards and continued groundwater monitoring for the life of the fill operations, be included in the final rule.

Load Checking & Sampling Methodology

It is not environmentally sound to only target Potentially Impacted Properties (PIPs) and to assume other sources, such as residential sources, are not contaminated. Allowing a source site owner to certify that the origin of the soil is not from a PIP is inappropriate. All determinations as to the necessity for sampling or the determination of whether the soils are contaminated or uncontaminated should only be done by licensed, qualified individuals such as licensed professional engineers or licensed professional geologists. An objective professional third party is necessary to ensure that incoming loads meet the standards to be considered uncontaminated. Each incoming load should comply with USEPA SW-846 Quality Assurance Project Plan regulations. This would provide an established sampling protocol for applicable contaminants, including heavy metals, to ensure consistency throughout the industry, to reasonably assure contaminated soils are not being utilized in CCDD sites and prevent confusion by the regulating agency and regulated community. The current process of using PID meters is an inadequate methodology.

TACO objectives were developed to ensure contaminated properties can be returned to safe and productive uses and were not intended to define uncontaminated soils. McHenry County recommends development and implementation of specific MACs designed for CCDD sites.

Border States Consistency

During the development and implementation of these rules, McHenry County recommends outreach to adjacent states to promote consistency among the jurisdictions. This should help to minimize haulers taking loads to less restrictive jurisdictions, and negatively impacting groundwater quality in Illinois.

Recordkeeping

Recordkeeping should be required for the life of the fill operations and for an established timeframe subsequent to the closure/post-closure care period. This would be very valuable in the event of identification of a problem after a CCDD site has been closed.

Regulatory Oversight

Adequate Agency resources should be allocated to allow successful implementation of the final rules and oversight of the CCDD industry. Since these sites receive money for acceptance of CCDD fill and/or soil fill similar to that of landfill tipping fees, consideration should be given to establishing an account, similar to that of Financial Assurance for landfills, to assist with sampling, closure/post-closure care, and remediation costs.