

ILLINOIS POLLUTION CONTROL BOARD

June 12, 2013

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO CLEAN) R12-9(B)
CONSTRUCTION OR DEMOLITION) (Rulemaking - Land)
DEBRIS FILL OPERATIONS (CCDD):)
PROPOSED AMENDMENTS TO 35 ILL.)
ADM. CODE 1100)



ORIGINAL

HEARING OFFICER ORDER

On May 20, 2013, hearing was held in Springfield to elicit more information regarding the need for groundwater monitoring. Specifically, on April 18, 2013, a series of questions were posed by the Board relating only to the issue of groundwater monitoring. As a result of the prefiled answers and additional testimony, the Board asked several additional questions at the hearing. At hearing, all participants were invited to supply answers to the questions posed, and a request that those questions be placed in a hearing officer order was made. *See Tr. at 156.*

A review of the transcript resulted in additional question that the Board will pose. Attached are the questions from the transcript as well as additional questions raised. The comment period closes on August 1, 2013 (*See Tr. at 192*). Anyone may file a comment and anyone may respond to the questions attached.

IT IS SO ORDERED.

Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-4925
Marie.Tipsord@illinois.gov

ATTACHMENT A

1. If the Board proceeds with groundwater monitoring, should background levels be established for all wells or just the wells upgradient? *See Tr. at 56*
2. Is the cost for modeling provided by LRRRA for the Bluff Springs facility of \$364,000 typical for a CCDD site? If not, is a typical cost higher or lower? *See Tr. at 66.*
3. What type of modeling is typical for a groundwater assessment at a CCDD facility? *See Tr. at 66.*
4. The proposed regulations refer to requirements for determining the quality of groundwater downgradient in horizontal and vertical directions. If the horizontal component is determined using a monitoring well that is screened to capture groundwater from a wide range of depths, is it necessary to determine the precise vertical component for the purposes of monitoring and demonstrating compliance? *See Tr. at 75.*
5. Would the vertical component only be necessary if remediation were contemplated? *See Tr. at 75.*
6. Under what conditions would a site only need four groundwater monitoring wells? *See Tr. at 159.*
7. Provide an explanation of IEPA's ranges of cost estimates for establishing a groundwater monitoring network. *See Tr. at 77.*
8. Although Section 742. Appendix B, Table C (Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route (Class I Groundwater)) does not address concentrations for pH greater than 9.0, the only two constituents with Maximum Allowable Concentration (MAC) values that decrease as pH increases are Chromium (+6) and Selenium.
 - (a) Would the Agency be able to propose MAC values for Chromium (+6) and Selenium for pH greater than 9.0 or even just for pH of 12.49? If so, please comment on including just these values for Chromium (+6) and Selenium solely in Part 1100, so as to not to require opening up Part 742 to make a revision? *See Tr. at 61-62.*
 - (b) In light of concerns regarding loads being rejected based on pH values greater than 9.0 and because the Agency did not include an upper pH limit in its proposal, please comment on the pH standard adopted by the Board and whether the pH range should be limited to 6.25 and 12.5 as suggested in James Huff's testimony, as opposed to 6.25 to 9.0 as adopted. *See Tr. at 78.*
9. If the pH range of uncontaminated soil was limited to between 6.25 and 12.5, should the Maximum Allowable Concentrations, or MACs, in uncontaminated soil still be

determined based on the lowest pH dependent value in 742, Appendix B, Table C, between the column ranges 6.25 and 9.0? *See* Tr. at 79.

10. Are the number and locations of IDOT and other transportation-related excavations used for CCDD/USF that are exempt pursuant to Section 1100.101(b)(3) known across the State? *See* Tr. at 139-46.
11. Is information available regarding the geologic conditions at the transportation-related excavations used for CCDD/USF that are exempt from these rules, and how these conditions differ from quarries, mines, or other excavations covered by these rules? *See* Tr. at 140.
12. Are the transportation-related excavations used for CCDD/USF typically smaller than CCDD and uncontaminated soil fill operations? If so, is there less concern regarding the potential for groundwater contamination because of the reduced volume of CCDD/USF materials being deposited? *See* Tr. at 140.
13. Do any other states have regulations for a subset of construction and demolition debris, such as clean or uncontaminated debris? If yes, is groundwater monitoring required? *See* Tr. at 155.
14. Of the nine facilities shown on the map of Will County submitted by Mr. Cravens in his testimony, how many of these are now accepting CCDD or USF, are actively mined, and continuing to dewater with an established cone of depression? For those facilities that are dewatering with an established cone of depression, how long will dewatering continue? *See* Exh. 55.
15. How many CCDD/USF operations across the state are still actively mined, and continuing to dewater with an established cone of depression?
16. Please provide the additional information concerning the groundwater monitoring data included in the Agency's prefiled testimony: the type of facilities sampled, *i.e.* CCDD or USF fill operations; facility location; sampling protocols, and whether the samples taken were representative of the groundwater underlying the CCDD/USF facilities; and information on any comparisons made between the metal concentrations in the groundwater samples with available statewide area background for metals in soil or groundwater. *See* Tr. at 110-112. Specifically for the Fall 2012 data indicating an exceedance of benzo(a)pyrene, please identify the location and depth of the fill area and monitoring well(s) where the benzo(a)pyrene exceedance was found. *See* Tr. at 84-85, 110, Exh. 59 at 8-11, Exh. 63 at 9-10, Exh. 64.
17. Please comment on whether the Board should consider raising the PID response value to 5.0 ppm as suggested on page 4 of Mr. Huff's testimony. *See* Tr. at 160.
18. Proposed Section 1100.735 requires groundwater monitoring for all Class I parameters in 35 Ill. Adm. Code 620.410. The Agency stated that the groundwater standards in Part

620 are based on total metals, although some programs require both totals and dissolved, but always totals. Exh. 63 at 11.

Mr. Huff raised the issue that monitoring wells in Illinois are often screened in unconsolidated units of silts and/or clays, and a total metals analysis reflects both what is in the groundwater as well as the particulates or sediment in a sample. Exh. 58 at 3. The Agency acknowledged that turbidity in samples has an impact on metals, but developing a well correctly should keep turbidity from becoming an issue. The Agency recommended low flow groundwater monitoring to minimize turbidity. See Tr. at 48-51.

USEPA Region 9's "Field Sampling Guidance Document #1220, Groundwater Well Sampling" stated, "With respect to the ground water chemistry, an adequate purge is achieved when the pH, specific conductance, and temperature of the ground water have stabilized and the turbidity has either stabilized or is below 10 Nephelometric Turbidity Units (NTU). Ten NTU is the (maximum) goal for most ground water sampling objectives." "Field Sampling Guidance Document #1220, Groundwater Well Sampling", REV. 1, 9/2004, USEPA Region 9 Laboratory, Richmond, California at 13.
http://www.epa.gov/region6/qa/qadevtools/mod5_sops/groundwater/sampling/r9_gw_gui.pdf

To avoid the submission of groundwater monitoring samples from monitoring wells where an adequate purge has not been achieved and the groundwater has not been stabilized, would including a provision that would limit samples submitted for metals analysis (total and/or dissolved) to 10 NTU or less be appropriate?

19. Please provide additional information regarding the results from a recent soil sampling exercise submitted by IEPA in response to Board's prefiled Question 3(a) in Hearing Officer order dated April 18, 2013. See Tr. at 149-151.
 - (a) Please provide additional information on the type of facility (CCDD or uncontaminated soil fill facility), and their location.
 - (b) Please clarify how many samples were taken at each facility and whether the Agency believes the samples were representative of the soil being accepted at the sampled facilities.
 - (c) Please comment on whether the Agency has made any comparison of the sampled metals concentrations with background soils in the state.
 - (d) Do any of the ten facilities monitor groundwater?
 - (e) If the sampled facilities were in compliance with the existing CCDD regulations, please comment on the reasons for exceedances of the MACs.