

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO CLEAN)
CONSTRUCTION OR DEMOLITION) Rule 2012-009
DEBRIS (CCDD) FILL OPERATIONS:) (Rulemaking –Land)
PROPOSED AMENDMENTS TO 35 Ill.)
Admin. Code 1100)


RECEIVED
CLERK'S OFFICE
OCT 07 2011
STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

Please take notice that on the 6th day of October 2011, you were served with copies of Pre-Filed Testimony of David G. Pyles, P.G and Harvey Porkorny, P.G. and their appearance on behalf of the American Institute of Professional Geologists (AIPG).

By: 

David G. Pyles, P.G.
American Institute of Professional Geologists
Illinois/Indiana Section
414 Plaza Drive Suite 106
Westmont, IL 60559

Dated: October 6, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
IN THE MATTER OF: PROPOSED AMENDMENTS TO
CLEAN CONSTRUCTION OR DEMOLITION DEBRIS
(CCDD) FILL OPERATIONS
PROPOSED AMENDMENTS TO 35 IAC 1100

R2012-009
(Rulemaking - Land)

NOTICE OF FILING

To: the Illinois Pollution Control Board

From: American Institute of Professional Geologists, Illinois-Indiana Section

RE: Case R2012-009 / In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris Fill Operations under PA 96-1416 & 97-0137: 35 Ill. Adm. Code, Part 1100

Geologists successfully fought for inclusion into the CCDD bill (35 IAC 1100) just signed into law by the governor last month. We are now addressing inclusion into a different portion of the same bill, one that is typically more of a geological task than an engineering task. Design of a groundwater monitoring plan requires knowledge of the subsurface media, a grasp of the elements of groundwater, contaminant flow through geologic strata, proper design and installation of groundwater monitoring wells, and the application of appropriate sampling techniques, all of which are common and routine tasks performed by an Illinois Licensed geologist.

As an authorized representative of the American Institute of Professional Geologists (AIPG) licensed membership and as an Illinois Licensed Professional Geologist, I believe it is appropriate and applicable to incorporate references to Licensed Professional Geologists in the following sections of the Proposed Amendment:

1. 1100.205– Certifications and Load Checking
2. 1100.212 – Painted CCDD.
3. 1100.412 – Procedures for Closure and Postclosure Maintenance
4. 1100.525 – Procedures for Closure
5. 1100.530 – Termination of Postclosure Maintenance
6. 1100.710 – Groundwater Monitoring Subpart G

Sections 1100.205 and 1100.212 deal with soil and materials previously addressed in comments last year. We believe inclusion of professional geologists into these sections of the proposed Act was previously addressed and validated, but was not incorporated into these sections. We wish to reference the inclusion of a professional geologist into these sections to provide for review and certifications.

The above referenced Sections allow only professional engineers to design and and/or approve groundwater monitoring plans or site closure plans based on groundwater data. For example, Section 1100.710 states: “Based on their education, training, and experience, professional engineers are well-qualified to provide necessary oversight and guidance”. As Illinois-licensed professional geologists, we take exception to this statement if the practice of geology is not also included. Illinois Licensed Professional Geologists hold the appropriate education, training, and experience, and are well-qualified to provide necessary oversight and guidance. We request inclusion into these Sections for equivalent professional service and function.

The task of groundwater monitoring is a critical element of the practice of geology. The IEPA LUST program recognizes geologists and affords the licensed geologist the right to sign off on the final Corrective Action Completion Report. The IEPA LUST well completion report form requires the name of the installing “Geologist” in the upper right hand portion of the document. The IEPA Site Remediation Program also recognizes the licensed geologist as qualified to design and implement all aspects of a typical site investigation.

Please also note on Attachment 2 of the proposed amendments to 35 IAC 1100, Page 39 of 41 (“Monitoring Well Completion Report”), the monitoring well completion form requires the name of the installing “Geologist” in the upper right hand portion of the document. It is already recognized by the IEPA that a professional licensed geologist typically implements a groundwater investigation.

Standard curriculum for geologists include requirements for hydrogeology, well logging, depositional environments, or stratigraphy, all of which are extremely important to the design of any groundwater monitoring program. Only a geology program supports study in these fields that directly contribute to an effective groundwater monitoring program. The Professional Geologist Licensing Act [225 ILCS 745] (Public Act 89-366 eff. 7-1-1996) clearly provides for Illinois Licensed Professional Geologists to be included in the stewardship of this CCDD Rule. The following citations to the Illinois Professional Geologist Licensing Act demonstrate and document the legal authority; and offer justification for our requested inclusions into the proposed Act.

The State of Illinois has recognized the important role of Professional Geologists since passage of the Professional Geologist Licensing Act in 1996. Section 10 of the Act, “Declaration of public policy” states;

“The practice of professional geology in the State of Illinois is hereby declared to affect the public health, safety, and well-being of its citizens and to be subject to regulation and control in the public interest. It is further declared that the practice of professional geology, as defined in this Act, merits the confidence of the public, and that only qualified persons shall be authorized to engage in the practice of professional geology in the State of Illinois. This Act shall be liberally construed to best carry out this purpose. “

*“Examples of the practice of professional geology include, but are not limited to, the conduct of, or responsible charge for, the following types of activities: ... (ii) planning, review, and supervision of data gathering activities, interpretation of geological data gathered by direct and indirect means, preparation and interpretation of geological maps, cross-sections, interpretive maps and reports for the purpose of determining regional or site specific geological conditions; (iii) the planning, review, and supervision of data gathering activities and interpretation of data on regional or site specific geological characteristics affecting **groundwater**....”*

Qualifications for Professional Geologist licensure are outlined in 225 ILCS 745/50 of the Professional Geologist Licensing Act and require:

1. *"The applicant has earned a degree in geology from an accredited college or university,"*
2. *"The applicant has a documented record of a minimum of 4 years of professional experience, obtained after completion of the education requirements specified in this Section, in geologic or directly related work, demonstrating that the applicant is qualified to assume responsible charge of such work upon licensure as a Licensed Professional Geologist ..."*
3. *"The applicant has passed an examination authorized by the Department for practice as a Licensed Professional Geologist."*

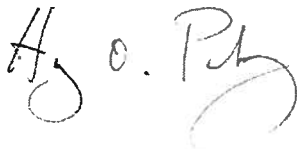
At present, a candidate for licensure as a Professional Geologist in Illinois must pass a rigorous national technical examination administered by the National Association of State Boards of Geology.

In conclusion, requirements of the proposed Act are consistent with professional practice areas outlined in the Professional Geologist Licensing Act. We urge the Pollution Control Board/IEPA to include Illinois licensed geologists in the Sections noted above of the proposed Act.

Submitted on behalf of the:
American Institute of Professional Geologists
Illinois-Indiana Section



David G. Pyles, P.G.
CPG#7364
LPG Illinois#196.000356



Harvey D. Pokorny
CPG #7919
LPG Illinois #196.000470
LPG Indiana #1239

OCT 07 2011

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I DO HEREBY CERTIFY THAT A COPY OF THE PRE-FILED TESTIMONY AND APPEARANCE Notices were submitted via facsimile, email and FedEx overnight delivery on or before October 7, 2011, to the following:

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

ORIGINAL

And by first class mail, postage pre-paid, on October 6, 2011, to the following:

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

Matthew J. Dunn, Chief
Environmental Enforcement
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

Stephen Sylvester, Asst. Attorney General
Environmental Enforcement
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

Claire A. Manning
Brown, Hay & Stephens LLP
700 First Mercantile Bank Building
205 South Fifth St, PO Box 2459
Springfield, IL 62794-9276

Kimberly A. Geving, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

Mark Wright, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

Stephanie Flowers, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

Dennis Wilt
Waste Management
720 East Butterfield Road
Lombard, IL 60148

Michele Gale
Waste Management
720 East Butterfield Road
Lombard, IL 60148

Mitchell Cohen, General Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Steven Gobelman, Geologic/Waste
Assessment Specialist
Illinois Department of Transportation
2300 S Dirksen Parkway
Springfield, IL 62764

Tiffany Chappell
City of Chicago, Mayor's Office of
Intergovernmental Affairs
121 N. LaSalle Street City Hall
Room 406 Chicago, IL 60602

Mr. Dennis G. Walsh
20 North Wacker Drive
Suite 1660
Chicago, IL 60606-2903

Mr. Gregory T. Smith
20 North Wacker Drive
Suite 1660
Chicago, IL 60606-2903

Mr. Brian Lansu
Land Reclamation & Recycling Association
2250 Southwind Blvd.
Bartlett, Illinois 60103

James Huff – Vice-President
Huff & Huff, Inc.
915 Harger Road, Suite 330
Oak Brook, Illinois 60523

Greg Wilcox
Executive Director
Land Reclamation & Recycling Association
2250 Southwind Blvd.
Bartlett, IL 60103

John Henriksen, Executive Director
Illinois Association of Aggregate Producers
1115 S. 2nd Street
Springfield, IL 62704

Submitted,



David G. Pyles, P.G.

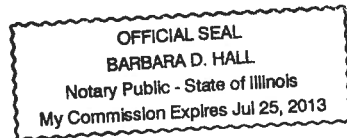
Notary of Public:

Subscribed and sworn to before me this 16th day of October, 2011

My commission expires: 7/25/13
Barbara D Hall

Notary

Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

OCT 07 2011

STATE OF ILLINOIS
Pollution Control Board


IN THE MATTER OF:)
PROPOSED AMENDMENTS TO CLEAN)
CONSTRUCTION OR DEMOLITION) Rule 2012-009
DEBRIS (CCDD) FILL OPERATIONS:) (Rulemaking –Land)
PROPOSED AMENDMENTS TO 35 Ill.)
Admin. Code 1100)

ORIGINAL

APPEARANCE

TO: SEE ATTACHED SERVICE LIST

On the 6th day of October 2011, you were served with copies of Pre-Filed Testimony of David G. Pyles, P.G and Harvey Porkorny, P.G. and hereby provide notice of their intended appearance to provide testimony and comments on behalf of the American Institute of Professional Geologists (AIPG).

By: 

David G. Pyles, P.G.
American Institute of Professional Geologists
Illinois/Indiana Section
414 Plaza Drive Suite 106
Westmont, IL 60559

Dated: October 6, 2011