

MAR - 9 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

March 9, 2012

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO CLEAN) R12-9
CONSTRUCTION OR DEMOLITION) (Rulemaking - Land)
DEBRIS FILL OPERATIONS (CCDD):)
PROPOSED AMENDMENTS TO 35 Ill.)
Adm. Code 1100)

HEARING OFFICER ORDER

On February 15, 2012, a hearing was set in this matter. Prefiled testimony was filed by several participants on March 2, and 5, 2012. Board staff has examined the prefiled testimony, and has begun to developed questions for the certain witnesses. To facilitate hearing efficiency and participants' ability to provide information, these questions are provided below. As the hearing date is fast approaching, the hearing officer will e-mail or contact by phone representatives for the witnesses for which questions have been developed. In addition, the hearing officer order will be posted today on the Board's website, and hard copy will be mailed to the service list.

Board Questions for Witnesses Testifying on March 13th & 14th, 2012

IAAP (Illinois Associate Aggregate Producers)

1. The prefiled testimonies of Bret Hall, Annick Maenhout, and Gregory Wilcox present pH data along with "average pH values". Per the prefiled testimony of Dr. William Roy on page 14, the average of pH 5 and pH 7 is not pH 6, but 5.26. Dr. Roy explained that the "p notation" means the negative, base-10 log of the number. To calculate average pH values, the pH values must be converted to the form of 10 to the negative power of the pH number (e.g. pH 5 = 10^{-5}). PFT Roy at 14.

Please comment on whether it would make a significant difference if average pH presented in IAAP testimony is calculated as explained by Dr. Roy. If so, would it be possible to recalculate the pH averages presented in the testimonies from IAAP and provide the revised information for the record?

Doug Clay, PE (IEPA)

2. On pages 2-4, you state that the Board's First Notice proposal certification requirement at Section 1100.205(a)(1)(A) would be "overly burdensome to the source site owners and operators." PFT at 2. You maintain that the definition of PIP along with the incorporation by reference to ASTM standards is more reasonable and effective approach.

- a. Please comment on whether the Agency considered strengthening the definition of PIP by including any additional elements from the ASTM due diligence standard. If so, what elements of the due diligence standard should be included in the PIP definition?
 - b. Also, comment on whether it would be acceptable to the Agency if the definition of PIP is amended to include ASTM due diligence standard as a guidance rather than a required standard under Section 1100.205(a)(1)(A).
3. On page 3, you note the cost of purchasing the ASTM document and the complexity of following the technical document may force owners or operators to hire environmental professionals increasing the costs to site owners and operators beyond what is economically reasonable.
 - a. Please provide a range of cost estimates for a site owner or operator to hire a technical consultant (not necessarily a PE or PG) to assist the owner or operator in making the determination in accordance with ASTM E 1528-06 (including the cost of purchasing the document) under proposed section 1100.205(a)(1)(A).
 - b. Please comment on the approximate number of annual certifications by site owners/operators received by the Agency. Also, what would be the percentage of such certifications vs. PE/PG certifications that might be expected for a typical CCDD fill site?
 - c. Please compare your estimated cumulative costs of the site owner/operator certification with the expected groundwater monitoring costs at a typical CCDD fill site on an annual basis. From this information, would you be able to estimate a per ton (or per cubic yard) cost for IEPA's proposed groundwater monitoring vs. the First Notice proposed ASTM certification? (See PFT Kenneth Liss 3/5/12 at 2.)
 - d. Please comment on alternatives to groundwater monitoring to address the language in Section 22.51(f)(1) of the Act. In particular, would you please address: financial assurance, post-closure land use controls, and mechanisms used in 35 Ill. Adm. Code Part 811 Subpart B: Inert Waste Landfills?
4. On pages 4 and 5, you state that the proposed revisions to Section 1100.205(a)(1)(B) to require analytical soil testing results to show compliance with the MACs suggests that the entire list of contaminants on the MAC table must be sampled. The proposed requirement at Section 1100.205(a)(1)(B) specifically requires compliance with MACs established pursuant to Subpart F. As noted by you, Section 1100.610 under Subpart F allows a PE or PG to narrow the list to contaminants of concern. Please clarify whether any other provisions in Subpart F conflicts with Section 1100.610(a) or requires the analysis of all chemical constituents listed in the MAC table.

5. On page 5, you recommend that it would clearer and more prudent to provide ASTM standard as guidance. In this regard, please comment on the revisions proposed by Mr. Huff to Section 1100.205(a) to include the use of alternate standards is acceptable to the Agency. (See PFT James Huff 3/5/12 at 8-9.)
6. IAAP members and Mr. James Huff recommend that MACs for pH-dependent chemical constituents be based on a pH range of 6.25 to 6.64 with a pH of 6.25 as a floor for uncontaminated soil.
 - a. Have you reviewed the pH data submitted by the IAAP members?
 - b. If so, please comment on whether the pH data is sufficient to justify amending the Board's first notice proposal to require MACs for pH dependent chemical constituents to be established using the values in Part 742, Appendix B, Table C for a pH range of 6.25 to 6.64.
 - c. Since soil testing, including pH is required by the proposed rules, please comment on whether it would be appropriate to allow the determination of MACs for pH dependent chemical constituents on a site specific basis using the values from Part 742, Appendix B, Table C.
7. The Agency submitted a document entitled "A Summary of Illinois Soil pH Values" during the October 26th hearing that was entered into the record as Exhibit 25. The Agency noted that the summary presents pH values statewide by county for soil depths up to 80 inches. 10/26/11Tr 73.
 - a. Please provide a narrative to the Summary of Illinois Soil pH Values to explain the following:
 - i. The percentages and pH ranges included for each county.
 - ii. How, specifically, this data is relevant to potential soil accepted at CCDD or uncontaminated soil fill sites.
 - iii. How the pH ranges for each percentage can vary so widely.
 - b. Are the pH ranges included in STASTGO based on laboratory tests? If not, how are the pH ranges derived?

JAMES E. HUFF, PE (Illinois Transportation Coalition):

8. On pages 7-8, you state that a simple solution to address the concerns regarding the proposed MACs for pH dependent chemical constituents is to establish MACs based on a pH range of 6.25 to 6.64 with pH floor of 6.25 for uncontaminated soil. You also recommend that PH testing be required for soils certified by owner/operator or LPG/LPE.

- a. As proposed soil testing is not required for soil certified by owner/operator. Please clarify whether you are recommending that soil testing be required for owner or operator certification.
 - b. Please clarify whether soil with pH below 6.25 would be considered contaminated regardless of other soil contaminant levels.
 - c. Also your recommendation requires soil pH to be above 6.25, but does not specify an upper limit. Please comment on whether soil pH should be within the specified range to be considered "uncontaminated".
9. On page 8-9 of your prefiled testimony, you suggested that Section 1100.205(a)(1)(B) require a site evaluation based on only 2 components of the ASTM standard: the records search and the site reconnaissance - or - IDOT and Tollway policies. Are you suggesting this would apply only to linear projects, such as roadways and pipelines, or to all projects that would fall under Section 1100.205(a)(1)(B)?
10. In Section 1100.205(a)(1)(B), you suggested references to the "IDOT, Bureau of Design and Environment Manual, Part III Environmental Procedures, Chapter 27 Environmental Surveys and IDOT Local Roads and Street Manual, Chapter 20" and the "Illinois Tollway, Environmental Studies Manual, July 2001".
- a. The IDOT's Bureau of Design and Environment Manual appears to be different from the ISGS Environmental Site Assessment Manual submitted by Mr. Gobelman. Please clarify if either one or both of these documents should be incorporated by reference in the rules.
 - b. Also, please provide copies of the documents referenced in your testimony for the record.

STEVEN GOBELMAN, PE (IDOT)

11. On page 1, you suggested IDOT's proposed language for Section 1100.205 in Attachments 2 and 3. Please comment on IDOT's position regarding the alternate language suggested by James E. Huff (Illinois Transportation Coalition) for Section 1100.205(a)(1)(B) on page 8-9 of his prefiled supplemental testimony?
12. Your prefiled testimony suggests that an approved alternative to ASTM E 1527-05 would be the manual you included as Attachment 4 to your prefiled testimony: "A Manual for Conducting Preliminary Site Assessments for Illinois Department of Transportation Infrastructure Projects, Second Edition." Mr. Huff references the "IDOT, Bureau of Design and Environment Manual, Part III Environmental Procedures, Chapter 27 Environmental Surveys and IDOT Local Roads and Street Manual, Chapter 20". Would either one or both of these be appropriate as incorporation by reference in the rules per Section 1100.205?

Dr. William Roy (PBC)

13. On page 4, you state “while TACO may be an appropriate methodology for defining uncontaminated soil in the context of placement in quarries, it should be used with more realistic input parameters.” Please identify the specific TACO input parameters that you are referring to in your testimony. Also, comment on any specific input values that must be considered in developing MACs using TACO.
14. On page 6, you have provided a summary of soil pH values from a statewide assessment. Please comment on how the statewide pH values compare with the pH of organic and/or non-hydric soils.

IT IS SO ORDERED.



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