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STATE OF ILLINOIS
Pollution Control Board

Illinois Nature Preserves Commission



One Natural Resources Way
Springfield, IL 62702-1271
217/785-8686

November 19, 2012

Mr. John T. Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 110500
100 West Randolph
Chicago, IL 60601

Pct 49

RE: Comments on Proposed Amendments to Clean Construction or Demolition Debris
Fill Operations (Rulemaking – Land)
R12-9(B)

Dear Clerk and Members of the Illinois Pollution Control Board:

The Illinois Nature Preserves Commission (INPC) is charged under the Illinois Natural Areas Preservation Act [525 ILCS 30/] with the protection of the State's highest quality natural areas. Under the Illinois Groundwater Protection Act [415 ILCS 55/] those high quality natural areas which have been dedicated as Illinois Nature Preserves can be afforded additional protection to their groundwater contribution areas through a request for Class III: Special Resource Groundwater delineation pursuant to 35 Ill. Adm. Code 620.230(b). The INPC has successfully received Class III status for twenty-two (22) Nature Preserves, which have been, after considerable legal and technical review by the Illinois Environmental Protection Agency (IEPA), thereby acknowledged by the Illinois Pollution Control Board procedures as being worthy of protection.

A number of sites receiving Clean Construction or Demolition Debris Fill (CCDD) lie within the delineated Class III groundwater contribution areas of Nature Preserves or areas that likely qualify but have not yet completed the delineation process. The INPC supports the testimony provided by Richard P. Cobb of the IEPA urging the Board to consider a groundwater monitoring requirement. Specifically, CCDD sites within Class III groundwater contribution areas or areas that potentially qualify as such should be required to monitor due to the distinct potential of, for example, acidic precipitation mobilizing contaminants and causing impact to these dedicated Nature Preserves which the INPC is statutorily charged with protecting. It is well established that the health of these distinct natural communities that are

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supported by Class III groundwater are vulnerable to changes in quality or quantity to their groundwater systems. The INPC is concerned both that CCDD could potentially impact current Class III delineations as well as those areas for which the INPC has not yet had the time or funding to submit to IEPA. In instances where CCDD will be used as fill within the boundary of a Class III area, the INPC respectfully requests that the Board enforce a groundwater monitoring requirement. In instances where CCDD will be used as fill within a one-mile radius of a Nature Preserve with no Class III delineation, the INPC recommends that an evaluation of groundwater flow direction be required to discern whether any potential contamination could impact a vulnerable groundwater contribution area. Illinois Nature Preserves make up less than .15% of the State, therefore the INPC does not believe that this request would be overly burdensome to site operators.

The INPC requests that the Board consider the hydrologic vulnerability of and hydraulic connectivity to Illinois Nature Preserves when deliberating on whether to compel that CCDD sites be monitored for potential groundwater contamination.

Thank you for the opportunity to comment.

Sincerely,



Jenny Skufca
Natural Areas Defense Specialist

cc: Randy Locke, Jim Miner – Illinois State Geological Survey
Richard P. Cobb, Lynn Dunaway – Illinois Environmental Protection Agency
Mitchell Cohen – Illinois Department of Natural Resources
Randy Heidorn – INPC