**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF FILING**

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have electronically filed today with the Illinois Pollution Control Board the Office of the Attorney General's Public Comments Regarding The Necessity For Groundwater Monitoring, a copy of which is hereby served upon you.

Dated: December 3, 2012

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney
General of the State of Illinois

BY: _____

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**THE OFFICE OF THE ATTORNEY GENERAL'S PUBLIC COMMENTS REGARDING THE NECESSITY FOR GROUNDWATER MONITORING**

The Office of the Attorney General, on behalf of the People of the State of Illinois, ("People") hereby files its Public Comments Regarding The Necessity For Groundwater Monitoring in this matter, as provided by the Illinois Pollution Control Board ("Board") Hearing Officer Order issued on September 21, 2012.

## I. BACKGROUND

In the Conclusion of its February 2, 2012 First Notice Opinion and Order, the Board stated, in part, the following:

> First, the Board finds that no evidence was provided to demonstrate that CCDD or uncontaminated soil fill sites were a source of groundwater contamination. Also, considering the potentially sizeable costs for groundwater monitoring, the Board finds that this record does not support groundwater monitoring at this time. The Board therefore proceeds to first notice without Subpart G of IEPA's proposal.

Board February 2, 2012 First Notice Opinion and Order, p. 78.

In the Conclusion of its August 23, 2012 Final Notice Opinion and Order, the Board stated:

> At the recommendation of JCAR, the Board opens a Subdocket B to continue to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operation.

Board February 2, 2012 Final Notice Opinion and Order, p. 5.

The Board did open a Subdocket B, and on September 21, 2012, the Hearing Officer

issued an order directing interested persons to provide comments on whether the Board should amend the Part 1100 Rules to include groundwater monitoring. Specifically, the September 21, 2012 Order seeks comment on the Board's five concerns:

> 1) the costs of groundwater monitoring, 2) the parameters to be monitored, 3) the design of a groundwater monitoring system, particularly placement of wells, 4) whether or not the groundwater monitoring should be self-implementing, and 5) the lack of evidence that groundwater was being impacted by properly run facilities.

Board Hearing Officer September 21, 2012 Order.

## II. COMMENTS

The People in their October 17, 2011 pre-filed questions to the Illinois EPA, at the October 25 and 26, 2011 public hearings, in their December 2, 2011 public comment, their March 5, 2012 pre-filed testimony, at the March 13 and 14, 2012 public hearings, and in their April 18, 2012 public comment have consistently advocated that the Board adopt a more comprehensive approach to protecting the State's groundwater, including at a minimum groundwater monitoring and timely corrective action to address any negative impacts to groundwater from CCDD fill operations. For the reasons set forth below, the People request that the Board amend the Part 1100 Regulations to include groundwater monitoring and corrective action.

### 1. The Costs Of Groundwater Monitoring.

#### A. Information Presented In The Record Does Not Support The Board's Decision To Exclude Groundwater Monitoring As Part of the Part 1100 Regulations.

One of the challenges identified with estimating the costs associated with groundwater monitoring for CCDD fill operations and USFOs is that each site is unique. Some of the factors that will affect the cost of ground water monitoring include the volume of the site to be filled, depth of groundwater incurred, and the geology of the site (i.e. bedrock or unconsolidated

material). Notwithstanding these potential issues, it is still possible to put forth reliable information relating to potential costs.

To date, information regarding costs associated with groundwater monitoring has been submitted by three participants: 1) Illinois Association of Aggregate Producers ("IAAP"), PC No. 34, 2) Waste Management of Illinois, Inc. ("Waste Management"), PC No. 33a, and 3) Illinois EPA, PC Nos. 39 and 47. *See also* Board June 7, 2012 Second Notice Opinion and Order, pp. 88-89.

In IAAP's public comment, it provided information regarding a very large 1,000 acre site, Bluff City Materials. IAAP stated that the "estimated total costs to determine groundwater gradients – before filling, after filling and to establish testing and monitoring wells for this site as proposed by IEPA – would be approximately $350,000." IAAP April 18, 2012 First Notice Comments, PC No. 34, pp. 2-3. In addition, IAAP claimed that the "total sampling and testing costs for the 6 wells potentially included within a groundwater monitoring program total $20,000 to $25,000 annually." *Id.* at p. 3. However, IAAP's information is lacking supporting detail that would establish the basis for the significantly high estimates espoused by IAAP in its comments for both the initial installation costs and the annual sampling costs.

In Waste Management's supplemental public comment, Ken Liss provided the following information:

> [T]he total cost of a simple groundwater monitoring system with four thirty-foot wells (three upgradient and one downgradient) would range between $5,400 and $12,000. When extrapolated over many tons of soil over many years, the cost per ton is insignificant, being a few pennies per ton.

Waste Management April 18, 2012 Supplemental Public Comment Regarding Groundwater Monitoring Costs, PC No. 33a, p. 1.

The Illinois EPA's Responses to First Notice Comments provided an analysis of

IAAP's, Waste Management's, and its own data, with which the People concur. Illinois EPA April 27, 2012 Responses to First Notice Comments by Illinois EPA, PC No. 47, pp. 7-11. Specifically, the Illinois EPA determined that:

> Overall, the Agency concluded, based on its stated assumptions and limitations, that *the estimated costs for installation of groundwater monitoring wells "for approximately 96% of the CCDD disposed of at CCDD fill sites [in 2011] (a total of 3,217,118 cubic yards) are less than $0.10 per cubic yard* [over the 10-year life of a permit]." Further, the estimated cost "for approximately 99% of the CCDD disposed of at fill sites (a total of 3,315,858 cubic yards) is less than $0.50 [per cubic yard]." PC # 39 at 26. Even if design and maintenance costs multiplied the totals, the Agency contends the cost increases "[appear] to be within a quite reasonable range considering the protection to the State's groundwater resource that monitoring would provide and especially when compared to the considerably higher costs of disposing of material at a landfill." *Id.* at 27.

(*Emphasis added*) *Id.* at p. 8.

Less than ten cents per cubic yard is not an exorbitant cost that should preclude the protection of the State's groundwater. As the Illinois EPA pointed out, moreover, a "map of the current permitted CCDD fill operations shows that both public and private wells are found in close proximity to CCDD fill operations due to the fact that the same geologic material that is good to be quarried is also appropriate material in which to sink a groundwater well." Illinois EPA Statement of Reasons, July 29, 2011initial Filing, p. 6.

This observation is particularly significant when considered in the light of the General Assembly's findings regarding groundwater in Section 11 of the Act, Section 2 of the Illinois Groundwater Protection Act and the prohibitions found in Section 12 and 22.51 (f)(1) (2010) of the Act. *See* Illinois Attorney General's Office's Pre-filed Testimony on the Illinois Pollution Control Board's First Notice Proposal, pp. 6-9; 415 ILCS 55/2 (2010); 415 ILCS 5/11, 12, and 22.51(f)(1) (2010). For example, Section 11(b) of the Illinois Groundwater Protection Act specifically states that "it is the *policy of the State of Illinois to restore, protect, and enhance the groundwaters of the State, as a natural and public resource....*" (*Emphasis added*) 415 ILCS

55/2(b) (2010).

One of the Board's stated bases for deleting groundwater monitoring from the Part 1100 Regulations – the potentially sizeable costs for groundwater monitoring – appears to be unfounded when considered in conjunction with the Illinois EPA's statement that groundwater monitoring wells could be installed at a cost of less than ten cents per cubic yard of CCDD or uncontaminated soil. *See* Board February 2, 2012 First Notice Opinion and Order, p. 78.

In addition, the People concur with the Illinois EPA's Public Comment on this issue. *See* Illinois EPA's December 3, 2012 Comments On Groundwater Monitoring, Section II.B, pp. 16-29. Accordingly, the People respectfully request that the Board include groundwater monitoring in the Part 1100 Regulations.

### B. The Illinois EPA's Proposal Provided For Dewatering, Which Would Further Offset The Costs Of Groundwater Monitoring.

Pursuant to Sections 1100.202 and 1100.308 of the Board CCDD Regulations, 35 Ill. Adm. Code 1100.202 and 1100.308, CCDD fill operations have been required to discharge surface water runoff that entered the fill area pursuant to the terms and conditions of a National Pollutant Discharge and Elimination System ("NPDES") Permit issued by the Illinois EPA.

As part of its proposed amendment to the Part 1100 Regulations, the Illinois EPA provided for these "dewatering" activities.[1] In its Subpart G proposal found in Section 1100.760, the Illinois EPA suggested allowing CCDD fill operations and USFOs to continue to dewater the

[1] In Section 1100.103 of its Initial Proposal, the Illinois EPA provided definitions for the terms "cone of depression" and "dewatering," as follows:

> "Cone of depression" means the drawdown of the water table or potentiometric surface at a fill operation or unit where well pumping alters the groundwater flow such that representative groundwater conditions do not exist.
>
> "Dewatering" means removing water from a fill operation or unit such that a cone of depression is created.

Illinois EPA Proposed Part 1100 Regulations, July 29, 2011initial Filing, pp. 6-7.

fill area at their sites without performing groundwater monitoring. Illinois EPA Proposed Part 1100 Regulations, July 29, 2011initial Filing, pp. 47-48. In fact, Section 1100.760 of the proposed regulations would allow CCDD fill operations and/or USFOs to delay installation of a groundwater monitoring system until one year after dewatering ceased. *Id.* As a result, CCDD fill operations and USFOs that could demonstrate that a cone of depression was being maintained at their sites would not have to incur the costs associated with groundwater monitoring well design and groundwater monitoring for potentially several years. Waste Management's Ken Liss testified that a company could continue to dewater without the need for groundwater monitoring for an indeterminate amount of time, so long as the site did not go through closure. Testimony of Ken Liss, Tr. October 25, 2011, 109:18-11:13.

**2. The Parameters To Be Monitored.**

The Illinois EPA in its initial filing in this matter included proposed regulations for groundwater monitoring at CCDD fill operations and uncontaminated soil fill operations in Subpart G. Illinois EPA Statement of Reasons, July 29, 2011initial Filing, pp. 32-34. As part of Subpart G, in Section 1100.735, the Illinois EPA proposed that the appropriate monitoring parameters were "all parameters for which there is a Class I groundwater quality standard at 35 Ill. Adm. Code 620.410. Illinois EPA Proposed Part 1100 Regulations, July 29, 2011initial Filing, p. 45. Further, the People concur with the Illinois EPA's Public Comment on this issue. *See* Illinois EPA's December 3, 2012 Comments On Groundwater Monitoring, Section III.C, pp. 32-37. Therefore, the People urge the Board to include the Class I standards for groundwater monitoring in the Part 1100 Regulations.

**3. The Design Of A Groundwater Monitoring System, Particularly Placement Of Wells.**

In its Statement of Reasons the Illinois EPA proposed that "fill operations employ a

professional engineer to supervise both the design of the groundwater monitoring system and the preparation of related programs, notifications, plans and reports." Illinois EPA Statement of Reasons, July 29, 2011initial Filing, p. 32. This proposal is consistent with the process used at landfills and any other sites that require groundwater investigation, and the People concur with the Illinois EPA on this point.

**4. Whether Or Not The Groundwater Monitoring Should Be Self-Implementing.**

**A. Groundwater Monitoring Should Not be Self-Implementing, Because The Illinois EPA Is The Agency Required To Determine Compliance With The Act And Board Regulations.**

The groundwater monitoring program should not be self-implementing. Rather, CCDD fill operators and USFOs must be required to submit their groundwater monitoring plans to the Illinois EPA and their monitoring results. This requirement would allow the Illinois EPA to determine compliance without the necessity of a site visit, thereby conserving Agency resources. Moreover, it would ensure that the Illinois EPA, the agency charged with enforcing the Act and Board CCDD Regulations, has the information needed to determine whether groundwater contamination has occurred. If the groundwater monitoring program were self-implementing, the decision to report exceedances of groundwater monitoring standards would be left in the hands of the owner/operators, and as discussed in Section 5 below, the People have had 13 enforcement cases involving CCDD operations that failed to comply with the Act and Board CCDD Regulations.

**B. Groundwater Monitoring Should Not be Self-Implementing, Because It Would Undermine Access To Public Information.**

Another important consideration for requiring Illinois EPA oversight is that it provides public access to information via the Freedom of Information Act. 5 ILCS 140/1 *et seq.* The

Illinois EPA could also make this information accessible to the public on its website. Citizens Against Ruining the Environment ("CARE") raised this important policy consideration in its Public Comment:

> It makes it possible for members of the public to obtain records related to groundwater activities at a fill operation. The Illinois Freedom of Information Act allows access to records in the Agency's possession; if records are not submitted to IL EPA, there is no public access. Public access to information enables public confidence in the effectiveness of regulatory programs and the activities of regulated entities. In the absence of this information, adjacent property owners, users of groundwater, and other stakeholders will not have access to information that may be directly relevant to their health, safety and well-being. This is contrary to the well-established public policy of Illinois, the stated purposes of the legislation mandating this regulatory process and the interests of every participant in this process that there is public confidence in fill operations and the agency that regulates them.

Post-Hearing Comments on Behalf of CARE, PC No. 10, p. 7. The People agree access to information about contamination in the groundwater is an important public policy relating to health and safety issues. Therefore, the People respectfully request that the Board include groundwater monitoring in the Part 1100 Regulations and require the submission of groundwater monitoring plans and reports to the Illinois EPA.

**5. The Lack Of Evidence That Groundwater Was Being Impacted By Properly Run Facilities.**

**A. Notwithstanding the Board's Determination, Evidence Was Presented Establishing Groundwater Contamination And/Or The Threat Of Groundwater Contamination.**

In its February 2, 2012 Order, the Board found that "*no evidence* was provided to demonstrate that CCDD or uncontaminated soil fill sites were a source of groundwater contamination." (*Emphasis added.*) February 2, 2012 Board First Notice Opinion and Order, p. 78. However, a review of the Illinois EPA's Rick Cobb's testimony highlights the fact that the record was supported with evidence of a threat and actual groundwater contamination from CCDD fill operations.

> [T]he Agency provided testimony of a poorly run CCDD facility operating under statutory authority of Section 3.160 with limited groundwater sampling showing "levels of lead and cadmium many times higher than the groundwater standards." An enforcement action ensued that resulted in an order requiring groundwater monitoring. Testimony of Mr. Purseglove, Tr. 1 at 27. The Agency's position is that the potential for groundwater contamination also arises from well-run facilities, but poorly run facilities certainly increase that potential.
>
> Mr. Purseglove also testified that sampling of fill materials from a round of compliance inspections in the infancy of the program "f[ound] contaminants at a variety of sites across the State." *Id.* at 31. Enforcement cases were initiated against facilities with the higher levels of contamination. *Id.* Mr. Hock's testimony at least partially confirms the Agency's experience. Mr. Hock provided the most detailed data concerning contaminants in fill material. He testified that data from 44 samples collected from 44 borings at three facilities in northern Illinois with roughly 80% soil as fill material produced detections of PNAs above their respective MACs in seven of the samples and detections of metals above their respective MACs in 36 samples. Testimony of Mr. Hock, Exh. 12 at 3 – 5; Tr. 2 at 37 – 42.
>
> To the extent anything can be concluded from these limited examples, it is that fill operations do accept material presenting the potential for groundwater contamination.

March 5, 2012, Illinois Environmental Protection Agency's Testimony of Richard P. Cobb, P.G., pp. 13-14. Based on the foregoing testimony, prudence dictates the inclusion of groundwater monitoring at CCDD facilities to protect groundwater, as required by Section 22.51(f)(1) of the Act. 415 ILCS 5/22.51(f)(1).

### B. There Has Been Virtually No Data To Support The Proposition That Groundwater At CCDD Facilities Has Not Been Impacted.

Paul Purseglove aptly pointed out in his testimony that "[b]ecause groundwater monitoring currently isn't required at these sites, data collection is virtually nonexistent." Testimony of Paul Purseglove, Tr. September 26, 2011, 26:12-26:14. Though the Board posits that there was a lack of evidence regarding contamination of groundwater from CCDD facilities, the evidence that these facilities have not impacted the groundwater was even scarcer. Consistent with Mr. Purseglove's astute observation, the Board in its February 2, 2012 First Notice Order and Opinion only referenced one instance in support of the proposition that CCDD fill operations

may not be impacting groundwater. *See* February 2, 2012 Board First Notice Order and Opinion, p. 53 (Mr. Huff cited testing at private wells within 1/4 mile of an existing CCDD facility where sample results were within the Class I standards).

Ultimately, the Board's premise based on the purported lack of data does not support its conclusion that there are no groundwater impacts from CCDD. Essentially, the Board has indicated that the record is incomplete, therefore no groundwater monitoring should be required, especially because the "discarded" CCDD is not "waste" and there are adequate soil screening procedures in place. However, clean construction or demolition debris is not actually "clean," as CCDD by its very definition may lawfully contain cancer causing chemicals in the form of PNAs (i.e. reclaimed or other asphalt) without reference to any regulatory levels.[2] *See* 415 ILCS 5/3.160(b) (2010). Therefore, the specter of groundwater contamination will always exist at CCDD facilities, particularly because there is no requirement in the Part 1100 Regulations to employ any protective liners at these facilities.

### C. The Board's Existing Part 1100 CCDD Regulations Have Not Been Sufficient To Ensure All CCDD Facilities Are "Properly Run"

The Board assumes that CCDD fill operations and USFOs have all been and will continue to be "properly run:"

> The Board understands that mistakes can be made and that there are persons who may choose to ignore the law. However, the rules do provide checks at the fill sites to alleviate the potential for source site owners/operators to make mistakes.... Thus, the Board is convinced that the rules provide checks and balances against errors and persons who may choose to ignore the law.

June 7, 2012 Board Second Notice Opinion and Order, p. 87. However, the People's pre-filed testimony amply demonstrates that this assumption quite simply is not the case.

[2] Section 3.160(c)(1) of the Act, which required the Board to adopt maximum concentrations of contaminants only dealt with soils, not broken concrete, bricks, rock, stone, or reclaimed or other asphalt pavement. 415 ILCS 5/3.160(c)(1) (2010).

Since the Part 1100 regulations have been in effect, the People have had to take enforcement action for regulatory violations at CCDD disposal sites that clearly call into question the ability to determine the nature of materials accepted by these facilities. *See* Pre-Filed Testimony of the Attorney General's Office at pp. 26-28 (citing 11 enforcement actions against CCDD disposal owners/operators); *see also* p. 26 (citing 5 instances where highly regulated landfills were subject to enforcement for accepting materials for which they were not permitted).

Subsequent to the amended Part 1100 Regulations becoming effective, on October 31, 2012, the People filed two enforcement actions with the Board alleging violations of the Act and Board CCDD Regulations: 1) *People v. Sheridan-Joliet Land Development, LLC and Sheridan Sand & Gravel Co.,* PCB 13-19; and 2) *People v. Sheridan-Joliet Land Development, LLC and Sheridan Sand & Gravel Co.,* PCB 13-20. The violations alleged in both cases included the CCDD fill operation's failure to implement and document a load checking program, failure to obtain soil certifications, and failure to maintain records.

Based on the foregoing examples, the People do not share the Board's confidence that soil certifications and load checking procedures are adequate to ensure the protection of the State's groundwater.

### D. From 1997 To 2010, There Were No Effective Regulatory Measures In Place To Protect Groundwater From CCDD Disposal.

The Board believes that the new Part 1100 Regulations promulgated in 2012 will be sufficient to protect the State's groundwater, and the citizens who rely on it for their needs, from contamination.

> The Board finds that the statutory directive to protect groundwater does not equate to requiring groundwater monitoring. With strengthened soil certification and testing and

> recordkeeping, groundwater will be protected from contamination under the Board's rules.

June 7, 2012 Board Second Notice Opinion and Order, p. 89.

A closer look at the regulatory history of CCDD disposal calls into question this approach for facilities that accepted CCDD from 1997 to 2010 and continue to operate. In 1997, [3] the General Assembly adopted a new definition for CCDD in §3.78 of the Act (*See*, P.A. 90-475), which essentially provided that to the extent provided by federal law, CCDD could be disposed of at a CCDD fill site, without the need for any soil certifications, load checking and/or screening. From 1997 to 2005, there were neither any regulations in place nor the requirement for an Illinois EPA-issued permit. Needless to say, CCDD that was disposed of at CCDD facilities during this period had a far greater potential to contaminate groundwater. *See* e.g. Testimony of Paul Purseglove, Tr. September 26, 2011, 27:12-27:22 (site operated in Lynwood prior to the requirements to obtain permits groundwater sampling showed levels of lead and cadmium many times higher than the groundwater standards).

Concerned that non-CCDD was potentially being disposed of at CCDD fill sites and recognizing the obvious regulatory void, the General Assembly enacted Section 22.51 of the Act.[4] The General Assembly's concern was demonstrated by its mandate that each incoming truckload of CCDD be screened with a photo ionization detector ("PID") or equivalent device to detect the presence of volatile organic chemicals ("VOCs"). 415 ILCS 5/22.51(c). However, the Illinois EPA highlighted the shortcomings of these steps, which the Board codified in the Part 1100 CCDD Regulations.

> The screening procedures proposed at Section 1100.205 are based on load checking requirements using visual and olfactory observations and photo ionization detectors

[3] In 1989, the General Assembly added a definition for CCDD to the Act at IL ST CH 111 1/2 P 1003.78.
[4] Section 22.51 of the Act was created by Public Act P.A. 94-272, § 10, which became effective on July 19, 2005.

> ("PID"). Visual and olfactory observations are useful but hardly sufficient for obvious reasons. PIDs also have their limitations including, but not limited to, detection only of certain volatile chemical constituents, susceptibility to interferences *(e.g.,* power lines, transformers, other electrical fields), and reliability under certain weather conditions *(e.g.,* high winds, high humidity, rain).

March 5, 2012, Illinois Environmental Protection Agency's Testimony of Richard P. Cobb, P.G., p. 5. In sum, the lack of effective procedures to identify contaminated soil from 1997 to 2010 at "properly run" facilities, let alone the improperly run facilities, begs the question how the Board's newly promulgated soil certifications can ensure that there will be no groundwater contamination at any CCDD facility in the State, where dumping occurred before 2010 and continues today?

### E. Soil Certification And Load Checking For CCDD Disposal Facilities Alone Is Insufficient To Ensure That These Facilities Will Not Impact State Groundwater.

Another troubling component of the soil certification process is that the bulk of the responsibility for demonstrating that soils are uncontaminated is left to the soil generators. The Illinois EPA's groundwater expert, Rick Cobb, testified about the shortcomings of soil certifications and the need for groundwater monitoring at CCDD facilities:

> There is no certification process that's absolutely perfect. And with the acceptance of large quantities of soil over time, and nearly the complete absence of any technical control such as liners to prevent any contamination, and the location of such facilities in these extremely highly sensitive geological areas with heavy reliance on groundwater as not only a current and future source of fresh water, we really think that for the CCDD and uncontaminated soil fill operations, that we must -- that the Board should consider the potential to cause groundwater contamination, and not just be thinking about contamination that's been caused and allowed. We emphasize that, because really the State's policy of preventing groundwater contamination is to prevent and protect groundwater resources from -- for current and future beneficial uses. And we believe that's the potential reason enough to justify groundwater monitoring in fill operations. This policy and the importance of the groundwater resource requires that any uncertainties really be resolved in favor of groundwater monitoring.

Testimony of Rick Cobb, Tr. March 13, 2012, 22:10-23:11.

Based on the regulatory history of CCDD, if the screening and soil certification procedures are less than 100% effective, which is highly likely based on the foregoing examples of regulatory noncompliance cited above, then how can regulators meet the General Assembly's mandate to protect groundwater? *See* 415 ILCS 5/22.51(f)(1) (2010). The Board's approach to protecting groundwater under the current Part 1100 Regulations is clearly underinclusive. The proposed rules contain neither a mechanism to determine if there are any impacts to groundwater, nor any procedures to take corrective action in the event that contamination occurs. This approach is particularly troubling for the citizens of this State who rely on groundwater wells for their water needs, like those in Will County.

> And then it also gives the total for the nine CCDDs in Will County. And, you know, we have 398 potential private wells, 31 public non-community wells and 12 community water supply wells within those -- relative to those buffered areas around these sites. Further, what we did is we -- for the county itself, we determined the number of community water systems that use groundwater in Will County, and we have associated the populations served by each of those community water supplies and then provided a total for Will County. So about -- almost 350,000 people are served by groundwater supplies for community wells in Will County.

Testimony of Rick Cobb, Tr. March 13, 2012, 20:18-21:8.

With this testimony in mind, the People again repeat the old adage, which is particularly relevant in the area of groundwater protection: "an ounce of prevention is worth a pound of cure." At a cost of less than ten cents per cubic yard of CCDD, groundwater monitoring wells can be installed at these facilities to protect the groundwater and the people that rely on it, such as the citizens of Will County.

The People agree with the Illinois EPA that "groundwater monitoring provides the single most reliable tool for protection of groundwater." Illinois EPA April 18, 2012 First Notice Comments, PC No. 39, p 3. Further, the People concur with the Illinois EPA's Public Comment on this issue. *See* Illinois EPA's December 3, 2012 Comments On Groundwater Monitoring,

Section II.A, pp. 6-16. It is imperative that the Board do everything in its power to protect the public and the State's groundwater from the effects of contamination. Accordingly, the People respectfully request that the Board include groundwater monitoring to protect the State's groundwater and the requirement for corrective action, when appropriate, for these CCDD facilities.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, STEPHEN J. SYLVESTER, an Assistant Attorney General in this case, do certify that I caused to be served this 3rd day of December, 2012, the foregoing the Office of the Attorney General's Public Comments Regarding The Necessity For Groundwater Monitoring and Notice of Filing upon the persons listed on the Service List by depositing same in an envelope, first class postage prepaid, with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

STEPHEN J. SYLVESTER