



CHICAGO LEGAL CLINIC, INC.

Sharon A. Hwang, President · Adam M. Salzman, Executive Director · Marta C. Bukata, Deputy Director

Downtown
Office

211 W. Wacker Dr.
Suite 750
Chicago, IL 60606

Phone: 312-726-2938
Fax: 312-726-5206
TDD: 773-731-3477

Keith I. Harley
Greta M. Doumanian

Caroline R. Simon
Daryl D. Grable

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From: Little Village Environmental Justice Organization through Daryl Grable, Baum Senior Legal Fellow, and Keith Harley, Senior Attorney

Re: Questions for IL EPA Regarding ComEd-Former Crawford Station Site Remediation

1. HRE Crawford, LLC received the Comprehensive Site Investigation Report (“CSIR”) disapproval letter on October 22, 2018.¹ V3 then provided IL EPA “partial response[s]” to the disapproval letter on or around January 18, 2019.² There seemed to be a lot of discrepancies between IL EPA’s characterization of the CSIR and V3’s characterization:
 - a. Is it common for IL EPA’s CSIR description to be such a contentious issue?
 - b. To what can this be attributed to?
2. In the disapproval letter IL EPA expressed that, “[g]enerally, sites in the site remediation program perform baseline TCL sampling at a frequency of two (2) TCL samples per ½-acre,” that “approximately five (5) samples . . . were analyzed for the full TCL during the 2018 sampling event,” and that “additional TCL sampling is required.”³
 - a. As an initial matter, the CSIR states that it relied on 124 samples collected in 2018 and 55 samples from 1998, totaling only 179 samples in all.⁴ Consulting Tables 4.1, 4.2, and 4.3 in the CSIR, which summarize all samples collected from the site, indicates that 196 total samples have been taken, 12 of which were groundwater samples, leaving a purported 184 soil/sediment samples.⁵ In its response to the CSIR disapproval letter, however, V3 asserted that, “[t]o date, 181 soil samples have been collected from the Site.”⁶
 - i. Does IL EPA know exactly how many samples have been taken at the site?
 - b. Based off IL EPA’s guidance that, generally, site remediation program sampling takes place at a frequency of two (2) TCL samples per ½-acre, we see that for this approximately 70 acre site, there should be around 280 TCL samples taken and analyzed. According to V3, following the CSIR there were a total of six samples that were analyzed for the full TCL list, with nine additional samples analyzed for the full TCL list in the course of the supplemental site investigation (“SSI”).⁷

¹ Comprehensive Site Investigation Report Disapproval Letter, Ill. EPA, 1 (Oct. 22, 2018).

² Response to IEPA Comments on CSIR, V3 Companies, 1 (Jan. 18, 2019).

³ CSIR Disapproval Letter, at 1-2.

⁴ Comprehensive Site Investigation Report, V3 Companies, 15 (Aug. 13, 2018).

⁵ See *id.* at 85-86; 111-13; 158.

⁶ Response to IEPA Comments on CSIR, at 5.

⁷ *Id.* at 1-2; Supplement to Comprehensive Site Investigation Report, Remediation Objectives Report & Remedial Action Plan, V3 Companies, Appendix A (Apr. 2019).

- i. Is IL EPA satisfied with the amount of TCL analyses that have been performed on samples taken at the site?
 - ii. Does IL EPA require a full TCL analysis be performed on all remaining samples, as well as on all additional samples Crawford was required to take pursuant to the disapproval letter? If not, how many additional samples would need to have a full TCL analysis performed in order to meet IL EPA's standards or expectations?
 1. V3 seemed to be of the opinion that analyzing samples for the comprehensive constituent list, which does not include all target compounds on the TCL list, is satisfactory for meeting the TCL requirement.⁸ Does IL EPA agree with this characterization?
 - c. Are 20+ year old samples adequate for CSIR purposes?
 - d. Is it common for CSIRs to rely upon 20+ year old samples to characterize the present-day nature and extent of contamination?
3. IL EPA provided that "[t]he frequency of the TCL in groundwater is deficient" for a site of this size, as "only groundwater collected from four (4) groundwater monitoring wells installed by V3 in 2018 (along with four (4) wells installed by ENSR in 1998) were analyzed for full TCL."⁹ IL EPA does not provide a generally-followed guideline for frequency of TCL analysis of groundwater, however it does recommend that "[a]dditional groundwater monitoring wells should be installed[.]"¹⁰
- a. The CSIR indicates that a total of 13 groundwater monitoring wells presently exist on the site.¹¹ How many additional wells would Crawford need to dig in order to be sufficient for an approximately 70-acre site?
 - b. V3 asserts that the samples from the seven wells installed by ENSR "were analyzed for BTEX, PNAs, PCBs, and RCRA Metals."¹² Does analyzing water samples for BTEX, PNAs, PCBs, and RCRA Metals satisfy the requirement of running full TCL analyses?
 - c. V3 appears to have run full TCL analyses on three additional groundwater samples in the Supplemental Site Investigation.¹³ Approximately how many additional full TCL analyses of groundwater samples would IL EPA require to be sufficient for an approximately 70-acre site?
4. IL EPA determined the frequency of analysis of TCLP metals in soil to be deficient for a site of this size, stating only four samples were analyzed for TCLP metals.¹⁴ V3 contended that eight additional samples had actually been analyzed for TCLP metals during the CSIR, and then performed additional TCLP analyses on four samples during the SSL.¹⁵

⁸ Response to IEPA Comments on CSIR, at 1-2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ CSIR, at 65-67.

¹² Response to IEPA Comments on CSIR, at 2.

¹³ Supplement to CSIR, at Appendix A.

¹⁴ Response to IEPA Comments on CSIR, at 2.

¹⁵ *Id.*; Supplement to CSIR, at Appendix A.

- a. Is performing full TCLP analyses on a total of 16 samples sufficient for an approximately 70-acre site?
 - b. V3 contended that the quantity of TCLP analyses it performed “was not based on the size of the Site, but on the total metals concentrations detected in each sample.”¹⁶ Does IL EPA feel this is an appropriate approach for determining the frequency of TCLP analyses?
5. Does IL EPA feel V3 adequately addressed and supplemented all of the soil sampling that IL EPA identified as being deficient in the specific areas of concern at the site?
- a. V3 specifically acknowledged all of the listed areas of concern that IL EPA felt were deficiently sampled in the identified data gaps section of the supplemental site investigation apart from two.¹⁷ Is IL EPA satisfied with V3’s supplemental sampling as it relates to both the waste water treatment plant and the ash dewatering area in particular?
6. IL EPA indicated that “[u]ltimately, acceptance of any PCB mitigation efforts is at the discretion of the USEPA.”¹⁸ In its response to the disapproval letter, however, V3 indicated that it already selected a remedy for PCB contamination and that USEPA will not be getting a letter outlining its proposed remediation efforts.¹⁹ Thus, it seems like V3 has already selected a PCB mitigation effort and will not seek US EPA approval.
- a. Is V3 required to submit its proposed PCB mitigation efforts for US EPA approval?
7. In its response to the disapproval letter under subsection three, V3 claims that it will only need to resample SS-GP-111 (5-8’) in order to comply with IL EPA’s requirement “[a]ll 2018 soil samples, as well as future soil samples collected, where staining and/or odors are documented must be analyzed for TPH at the corresponding depth intervals to demonstrate compliance with 35 IAC 742.305(a).”²⁰
- a. There are at least seven samples, in addition to the three listed by IL EPA, where the boring logs indicated either the presence of odor or staining, but these are not addressed by V3 in either the response to IL EPA’s comments, or in the actual SSI. Is IL EPA satisfied with V3’s supplemental efforts or is V3 still required to reanalyze these samples for TPH?
8. In its fourth response, V3 assented to IL EPA’s requirement to further analyze samples which have a total mercury concentration greater than the Tier 1 construction work RO (0.1 mg/kg), which includes at least 25 different samples.²¹ According to the Supplemental Sampling and Analysis Plan, however, Mercury or Mercury Speciation analyses were performed on only nine additional samples.²²
- a. Is IL EPA satisfied with V3’s efforts to re-evaluate *all* samples that had total mercury concentrations above the applicable ROs?

¹⁶ Response to IEPA Comments on CSIR, at 2.

¹⁷ Supplement to CSIR, at 15-16.

¹⁸ CSIR Disapproval Letter, at 3.

¹⁹ Response to IEPA Comments on CSIR, at 5.

²⁰ *Id.* at 5-6.

²¹ *Id.* at 6.

²² Supplement to CSIR, at Appendix A.

