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December 7, 2018

To: Mahomet Aquifer Protection Task Force Members

Re: Public Comments – Proposed Revisions By Others to the Draft MAPTF Report

INTRODUCTION

This letter supplements the public comments that PDC Technical Services, Inc. (PDC-TSI) provided to the Mahomet Aquifer Protection Task Force (MAPTF) on August 31, 2018. Comments provided herein address two proposed changes to the draft Mahomet Aquifer Protection Task Force Report posted on the Mahomet Aquifer Protection Task Force website as of December 5, 2018 (Draft Report), as listed in the “MAPTF Comment Tracking Sheet” posted on the same website as of December 5, 2018 (“Comment Tracking Sheet”). We also are providing comments in response to a suggestion made during the November 19, 2018 MAPTF meeting regarding HTEM surveys at specific landfills. In summary, PDC-TSI opposes the proposed changes to the draft Report contained in Comment #'s O2, O9 and N10 of the Comment Tracking Sheet. The bases for our comments are provided in the following paragraphs.

PUBLIC COMMENT

Water Quality and Protection

Comment #O2 of the Comment Tracking Sheet appears to propose prohibiting a broad range of new facilities over an undefined and potentially region-wide area. The proposed language is similar to, but much more broad than, existing regulatory language that prohibits specific types of facilities within a regulated recharge area, i.e. 35 Illinois Administrative Code (IAC) Part 617. 35 IAC Part 617 provides a mechanism to establish a regulated recharge area, which is defined as: “a compact geographic area, as determined by the Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination” (415 Illinois Compiled Statutes (ILCS) 5/3.390 and 35 IAC 617.102).

35 IAC 617.120 a) states: “The following new facilities, sites, units, or potential routes must not be located within a delineated regulated recharge area: 1) low level radioactive sites; 2) class V injection wells; 3) municipal solid waste landfills; or 4) special or hazardous waste landfills.” Therefore, there already is a mechanism to impose additional protections to potable resource groundwater sources that are particularly susceptible to contamination. In fact, the Pleasant Valley Public Water District in Peoria County has established a regulated recharge area near some of their water supply wells.

The language proposed under Comment #O2 is nearly identical to that already codified at 35 IAC 617.120 a), except for the following:

- The phrase “delineated regulated recharge area” is proposed to be changed to “delineated recharge area.” This would result in very vague regulatory language since “delineated recharge area” is not defined in the Illinois Environmental Protection Act (Act). Without such a definition,

the proposed change would result in regulations that could be arbitrarily applied, possibly encompassing the entire state.

- The phrase “municipal solid waste landfills” is proposed to be changed to “municipal solid waste sites.” This would greatly expand the types of facilities that are subject to the existing prohibitions to include “any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder” (definition of “Site” at 415 ILCS 5/3.460). Since all solid waste is subject to regulation or control by the Act, the proposed change would effectively prohibit all new facilities that **generate** solid waste, as well as all new facilities that store or dispose solid waste.

For these reasons, PDC-TSI encourages the MAPTF members to vote no on revising the Draft Report pursuant to Comment #O2.

Legacy Landfills

“Legacy Landfills” have been discussed numerous times by both the subcommittees and the committee-as-a-whole since the very early MAPTF meetings, and have been identified by the MAPTF as “potential threats”. The Draft Report defines Legacy Landfills as “pre-807 sites, and a limited number of 807 solid-waste landfills, (which) did not have source controls (i.e. may have disposed of what is now hazardous waste before the promulgation of RCRA in 1976), did not have groundwater monitoring programs, and did not have effective engineering controls (e.g., liners, leachate removal systems, and landfill gas collection and control systems).”

At the request of the MAPTF, Illinois EPA staff screened the “807 landfills” (i.e. those regulated under 35 IAC Part 807, which predates the current landfill regulations) located within the delineated Mahomet Sole Source Aquifer to identify those which are located in areas with a high to moderately high potential for aquifer recharge (i.e. areas in which the Mahomet Aquifer could be particularly susceptible to contamination). The Illinois EPA staff further evaluated the five “807 landfills” that met that location criterion. As to two of those landfills, which had completed post-closure care monitoring, the Illinois EPA staff found that groundwater monitoring had been conducted, and “No potential threats the GW quality are apparent.” Two of the other landfills remain in post-closure care, appear to be actively monitored, and are being reviewed by the Illinois EPA. However, the remaining “807 landfill” that meets the location criterion above, Pekin Metro Landfill, is an orphan landfill. This means that the owner/operator has abandoned the landfill and, as a result, the landfill is not compliant with the Illinois EPA regulations. Based on this circumstance, the Draft Report recommends focusing the Legacy Landfill efforts on properly closing, maintaining, and monitoring Pekin Metro Landfill.

Comment #O9, dated October 30, 2018, proposes to change the definition of Legacy Landfills such that the definition would be very vague, and possibly very wide. The proposed language also makes several statements of technical opinion that have not been thoroughly vetted by the MAPTF. Furthermore, while current Federal and State regulations prohibit new landfills from being located within the 100-year floodplain, Comment #O9 appears to propose expanding that prohibition to the 500-year floodplain.

Incorporating the revisions proposed by Comment #O9 could significantly expand the scope (and cost) of the proposed evaluation stage, which would likely delay action on the one landfill identified by the Illinois EPA as being a real concern (i.e. Pekin Metro Landfill). Furthermore, the revisions recommended in Comment #O9 were first proposed on October 30, 2018, which provided insufficient time for a meaningful vetting process of the language and statements that are included in the proposed revision. PDC-TSI fully supports Comment #O8 (October 30, 2018) by MAPTF member Teresa Barnet

(representing DeWitt County) which, in part states: “At this late date, there is no time to research, educate and make decisions with the same attention and detail we have carefully given all current items in the report.”

For these reasons, PDC-TSI encourages the MAPTF members to vote no on revising the Draft Report pursuant to Comment #O9.

HTEM Studies at Existing Landfills

A comment was made orally by a member of the public at the November 19, 2018 MAPTF meeting recommending additional requirements for conducting HTEM surveys at landfills (Comment #N10). The commenter provided no technical basis for his comments regarding these new proposed requirements. Additionally, it is not clear in the meeting minutes who would be responsible for conducting the HTEM surveys. Needless to say, the MAPTF has not had an opportunity to openly evaluate this recommendation.

The Helicopter-borne Time-domain Electromagnetic (HTEM) survey method is a state-of-the-art geophysical survey technique typically used to broadly classify subsurface geological features on a regional scale. As with other non-intrusive geophysical survey techniques, the results are commonly used to help target specific areas where intrusive methods (e.g. borehole drilling and sampling) should be performed to fully characterize the geologic feature being studied. While it can be a highly effective tool for identifying locations that might be more likely to have interactions between surface water and the Mahomet Aquifer, it is of limited value for understanding the detailed geologic and hydrogeologic conditions at specific sites that are well characterized by borehole drilling and groundwater monitoring. Since the siting and permitting process for landfills requires extensive site-specific borehole drilling and groundwater monitoring, HTEM surveys at existing or proposed landfills are of little value.

For these reasons, PDC-TSI encourages the MAPTF members to vote no on revising the Draft Report pursuant to Comment #N10.

SUMMARY

In summary, PDC-TSI is supportive of the work being performed by the Mahomet Aquifer Protection Task Force, commends the hard work of the members and supporting organizations, and believes that many good ideas have been brought forward through this process. However, we believe that the proposed revisions to the Draft Report that are addressed herein are inappropriate, and should not be incorporated into the Final Report.

We thank you for your attention.

Sincerely,

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