

DRAFT

Minutes from the Sub-Committee B Meeting

"Identifying actions that might be taken to ensure the long-term protection of the Mahomet Aquifer"

April 16, 2018

Place: Champaign County Board; Brookens Administrative Center; 1776 East Washington Street Urbana, Illinois.

Time Started: 10:35 AM

Time Adjourned: 12:08pm.

Members Present:

Teresa Barnett, DeWitt County Emergency Management Agency

Charles Hostettler, PDC Technical Services

Alec Davis, Illinois Environmental Regulatory Group

Jim Risley, Mahomet-Seymour School District

Mayor Deborah Frank-Feinen, City of Champaign

Steve Turner, Illinois Farm Bureau

Senator Chapin Rose, 51st District

Mayor Diane Marlin, City of Urbana

George Roadcapp, Illinois State Water Survey/Prairie Rivers Institute

Andrew Rehn, Prairie Rivers Network

Senator Scott Bennett, 52nd District

Mayor Julie Moore-Wolfe, City of Decatur

Davide Zimmerman, Tazewell County Board

Mayor Larry Stoner, City of Monticello

Barb Lieberoff, Illinois EPA

Rick Cobb, Illinois EPA

TOPICS DISCUSSED:

Nomination of Sub-Committee Chair

Chairwoman Deb Feinen call the sub-committee to order and notes the first order of business on the agenda is to nominate a sub-committee chair. Motion to nominate a sub-chair. Teresa Barnett makes a motion to nominate Mayor Larry Stoner as sub-committee chair. Mayor Julie

Wolfe second's the nomination. Motion carries. Mayor Stoner asks that Chairwomen Deb Feinen to run the first sub-committee meeting. Committee consensus is that is fine.

Discuss Past Presentations/Discuss Issues Raised

Chairwomen Deb Feinen has task force reference document "draft for discussion" and Item B as it relates to everything for this sub-committee. If we start with the bullet points we can identify items we would like to include in final report and what we would like to work on. First bullet point Gas storage fields who wants to start the discussion there? Rick Cobb comments to the natural gas federal law adopted in 2017. The US Department of Transportation Pipeline and hazardous Material Safety Administration (PHMSA) incorporated by reference American Petroleum Institute (API) Recommended Practices 1170 and 1171 by law. Chairwomen Deb Feinen refers to the bulleted item *Regulatory/statutory authority what's already available to the Task Force this in not being utilized, on page 3 on Item B of the "draft for discussion" document. She asks is this something that is not being enforced by the Agency? Rick Cobb comments that he is not aware that not a lot of communities are using some of these regulatory/statutory authorities. Chairwomen Deb Feinen comments that, that our recommendation as a sub-committee could be look at some of these regulatory/statutory items? Rick Cobb comments that is correct. Andrew Rehn asks if these rules are local or state level? Rick Cobb comments that they are both. The regulated recharge area is pollution control board area. The expanded setbacks are under municipal and county governments as well as protective ordinances. Source water protection plans is something that is currently proposed before the pollution control board as this lays out a template for how to develop a source water protection plan. Many of the communities in the Mahomet Aquifer are using community water supplies and that community water supply could delineate where that water is coming from, look at the potential sources and come up with a protection plan to deal with existing sources as well future sources. That is what Pekin/Tazewell County did in their overlay zoning ordinance. Deb Feinen asks if the rules are pending before the pollution control board should we be considering filing comments in support of the rule? Rick Cobb response is sure you could. Deb Feinen comments that we would want to look at the rules first but that is something tangible we would want to do to move them forward in getting adopted. Rick Cobb comments that would be beneficial to us that we did do outreach and we do have a Governor's Groundwater Advisory Council that's statutory and comprised of different interest groups; industrial, agricultural, etc. and they held an outreach session before we proposed that to the board. Deb Feinen asks when the comment period ends. Rick Cobb comments that he will have to look. Deb Feinen asks the sub-committee if that is something the sub-committee if they would like to do is prepare comments in support of the source water protection plan rule? Do we want to motion and second and copies of the rules? David Zimmerman motion to prepare comments in support. Larry Stoner seconds the motion and the motion carries. Deb Feinen ask if we want copies of the rules for next meeting and consensus is yes. Andrew Rehn comments that he would like to know more about these rules and perhaps have a presentation on them as well. Someone who understands it here's how it works and

here's how its applied. That would be very beneficial. Teresea Barnett asks David Zimmerman from Tazewell Co what they are doing and maybe give a brief overview? David Zimmerman comments that he could get a copy of what they are doing and get that to the committee and get it out. Deb Feinen comments that Andrew you are requesting that at our next meeting you are asking what each of these items are and how they can be applied at the local or county government setting. Rick Cobb comments yes that we could get other people to speak or he could do that and he can speak to the regulated recharge area or expanded setbacks or there is a team of local grassroots that could speak. For example; Bill Compton who is the Chair of our Governors Groundwater Advisory Council who used to be with Caterpillar Corporate Environmental Affairs and chairperson of his own water district. He could speak to the Tazewell/Pekin ordinances and I could speak to the regulated recharge and expanded setbacks. Deb Feinen comments that would be great because I can imagine that we would chose as a sub-committee to recommend to the broader group the various municipal and county governments that are on the aquifer that one of our recommendations is that they take action under each of these regulations so that they help us protect the aquifer. I'm trying to get at tangible actions because ultimately, we must write a report. Rick Cobb comments that the regulated recharge report had things like regulating new and special waste to landfills within the boundary of the recharge area and that was adopted the pollution control board. There were also things for education and pollution prevention for existing sources that might have hazardous substances and training and best management practices for those hazardous substances and then what do you when there is a release. Those types of things. Deb Feinen comments that we have consensus to have Rick Cobb come back and have Rick Cobb report back on that. Charles Hoestetler comments that he has a general concern that number one we understand the content and how well they worked before we recommend more action and speaking as a member of the regulated community there are regulations that are not affective and not useful so rather than a blanket recommendation or approval it's important to understand the content. The second concern I have is unfunded mandates. What I'd like to hear from the city's and county's is do they have the money to do this. It's okay to do this but if it's not in the city's or county's budget that recommendation wont' have any affect. Deb Feinen comments that it's also possible that we also consider that we also consider having a template information available to the extent it's not specific to an area so this is the resolution you would need to adopt a groundwater wellhead overlay that way we could have a packet that is prepared changed up a little for each of the communities but wouldn't have to start from scratch. Rick Cobb comments on a couple follow up on what Charles said those things are true that is why I was kind of recommending someone other than a regulator do the presentation for example Bill Compton is a business person and he would know and ran a water supply and worked with all sides of the equation. The other thing I will mention is the source water protection planning requirements, that builds on what he said, that vision statement, that each community individually would develop so that gets to the template idea. That vision statement gets to the resources the entity should implement them. We saw Pekin do it from a grassroot level. I also know of another place, McHenry Co that tried

to adopt the same exact ordinance because they did not accustom it to their own needs and it did not work. David Zimmerman comments that Bill Compton emailed him and would be happy to participate and wants to help the Task Force. Deb Feinen comments that is a great idea and having Bill there to answer questions as well will be good. Deb Feinen asks if there is anything further on the first section of the agenda item. Alec Davis comments if we can go back one bullet on the Gas storage conversation if we can line up someone from DNR or PHMSA it would be helpful to hear on the regulatory language itself. Rick Cobb comments that we have that lined up with Mike Mankowski (IDNR) wanted to wait until after he had the PHMSA training, Barb when was that? Barb Lieberoff comments that Mike will be at the PHMSA training the week of our April Task Force meeting so we have him lined up to speak at our May Task Force meeting. Rick Cobb comments that he will be getting that training from the feds and be better prepared on whatever the state needs to do be better recognized by the feds an implementer of the program I assume. Deb Feinen comments that it would also be nice to know what the rules also entail and with Sen. Rose's concerns with notice and monitoring with the implantation of these rules is going to cover that then maybe that's a whole section of things that we don't need to go into. Rick Cobb comments that we will see what we can do with that API document because my read on it is public awareness damage communications, communications on a release and many other issues. Barb Lieberoff comments Rick I believe I got an email from Alec this morning regarding that document, Alec who is downtown in Springfield testifying on the Volkswagen issue and can't be here this morning, was able to get a copy of that document for us so that the Task Force is able to see that as well. Jim Risley comments ([mic is audible](#)) regarding the Task Force taking into consideration Senator Rose's bill's and use those as recommendations. Sen. Rose comments regarding his bill that passed committee this week regarding DNR gas permitting to have annual gas inspections on the Mahomet Aquifer and the other to change notice requirements in the event of an emergency that might end up playing into this PHMSA rules. I'm not sure because we haven't seen it yet but I know they are monkeying around with the notice requirements too. Those two are extremely important to me because we don't want another problem and that's the point of annual inspections by DNR and to paid by People's Gas and not by taxpayers. The other one is to look at best practices and we have EPA here. Let's not forget as far as gas storage goes DNR has authority over it. EPA only shows up after there is a problem. My continued biggest problem with this is the fact that there has been no environmental review of where this thing is and think that needs to be part of this conversation and I'm not so sure PHMSA or whatever we are calling it and I think its lacking in maintenance on the front end and I think it's not prescribing on back end. Mines and Mineral at DNR if you're a mine you must post a bond if you fail to close that mine and taxpayers can seize that bond if you fail to close that mine. In this instance there is no requirement for natural gas storage in the event of emergency for action. In fact, that was why I was so excited to get Teresa on here because I thought part of the focus of this committee would be is to get an emergency action plan in the event of a problem and push for that. As far as the future another recommendation of the group I heard from the U of I and thoroughly map the aquifer with that light "R" technology could be good. I've got one other thing that I'd like to

talk about and unfortunately, I must go to a meeting that just started, but Landon Stinger my Chief of Staff is going to stay I've got one other thing I want to say and I know we are focusing on the natural gas issue but what started this all is the landfill issue. I'm less concerned what's in these modernized landfills than what's in these old closed landfills. One of the recommendations I'd like to see is that the EPA gives a complete map of these old landfills and I believe it's as complete as it can be but also monitor the groundwater quality around those closed landfills. I'm just way more concerned about those that the modern designed landfills because nobody knows what's in those old ones. Charles Hoesteler comments that it's important to understand what we mean by a closed landfill. So, we site a landfill and we get a permit to operate it and dependent on when that operating life starts there is a different set of regulations so no matter what set of regulations it was when it closed post closure character where it sits. Depending on the regulations it may or may not be monitored. Then at the end of post closure care if all the requirements are met then it can be removed from post closure care in an affidavit and it's no longer a landfill. So, I totally get your concern but I would avoid using the word closed but I would emphasize the word unmonitored here because many landfills that are closed are being monitored just with the same frequency as when they were active. Sen Rose comments that is a fair point regarding the legal definition closed vs active. I will give you an example in Charleston, town branch which flows in the Embarras River and the old town dump which is on the edge of town branch and in environmental science class we would walk the creek and pull up all this trash from 50 years ago. It closed before there was even an EPA so nobody knows what's in that and nobody knows what's flowing out of it. I think truthfully there is way more concern from my perspective about those then what is already out there they may be legally closed because nobody what's in it and nobody knows what's leaked out of it. Rick Cobb comments that there are pre-landfill law landfills and when the law came into being they were allowed two options: 1) close, 2) or 2 meet the requirements of the new regs. Another thing you're talking about Chapin is the pre-law landfills that didn't have any design standards and may not have had any type of monitoring. Andrew Rehn has question to the ones that closed when the law came out if they said okay we closed or complied do they have to install monitoring then or are they exempt? Rick Cobb comments that they either close or meet the new requirements. Andrew Rehn comments so they don't have to meet any closure requirements? Rick Cobb states that no. Charles Hoesteler (**mic is inaudible**) Andrew Rehn comments we have a map of active landfills that looks like a small handful and then historic landfills and we've recognized that there is more terminology than we need to realize. Can we map these so that we have some gradience that how protective are some vs others? Charles Hoesteler (**mic is inaudible**) Andrew Rehn comments is there only 4 active now? Rick Cobb comments I think there is only 3. Andrew Rehn comments this map has 4. Charles Hoesteler comments that the 4th one McClean is just outside the northeastern boundary. Charles Hoesteler (**mic is inaudible**) Andrew Rehn comments is there any plans for future landfills? Rick Cobb comments not that I'm aware of. Charles Hoesteler (**mic is inaudible**) Rick Cobb comments that there are new requirements if it's a brand-new facility. If you are in a sole source aquifer-8.11.3 0 2 in the document "draft for discussion" So if it's a brand-

new facility there are more stringent standards. The other thing I will mention and this is on the regional/local level, this is geology that isn't being covered, if you wanted to at least look at your priority areas in the aquifer you'd overlay the older landfills relative to the potential for aquifer recharge. Deb Feinen comments that uses the overlay of the older landfills in the aquifer of the recharge area and then our recommendation could be to disallow all landfills in that area. Rick Cobb comments now that's a step beyond. That's a whole new direction. Deb Feinen comments is there a scientific reason within those recharge areas to have no new construction? Does it need to be in pristine ground or can it be in a parking lot with permeable pavement etc. Rick Cobb comments that in my opinion water will find a way to get in. An example would be with the Pekin wellhead protection, is to make uses coexist harmoniously that's the idea of an overlay zoning ordinance. So, it doesn't get into prohibitions it gets into technology controls to prevent contaminations. Charles Hoestetler ([mic is inaudible](#)). Rick Cobb comments to the Groundwater protection needs assessment walks through that analysis; what's already there, what are the groundwater susceptibilities, what are the risks, so there already is. Its either Section 14 or Section 17.1 or 17.2 of the Environment Protection Act, it does exactly what Charles says. Andrew Rehn comments that the burden of proof is on the new regulation? Do not understand all new threats-regulations continue to protect aquifer. Deb Feinen comments-what information do we need to make recommendations to include in the report? 1. Presentations on regulations that are listed on 3rd page of draft for discussion under section B-potentially implemented by communities along the aquifer. 2. Info on emergency response plans (gas wells) 3. Funding for mapping the aquifer 4. Closed/out of service landfills and their status on whether they will need additional monitoring. 5. Natural gas/PHMSA regs covers inspections/notice/enviro review after a leak. Diane Marlin comments on what a sustainable withdrawal from the aquifer is and maintaining the quantity. George Roadcapp comments that is something he can provide and in the process of developing new tools at looking at permeability of the aquifer and how much the aquifer is using and how vulnerable the aquifer is. Diane Marlin comments do all users pay a monthly water use in the aquifer? Rick Cobb comments that water use is regulated by the water use act of 1983. No state agency has no authority to regulate withdrawals. Only Lake Michigan allocation act is where they can get use of withdrawals. Diane Marlin comments is that something we should be looking at, quantity regulation? Rick Cobb comments that would be covered under a statute and could be considered. People have lots of opinions on that, especially in northeastern Illinois and Mahomet Aquifer. Steve Turner comments regarding on the recharge of the western side of the aquifer vs the eastern side on an agriculture standpoint. The agriculture community doesn't necessarily want to be regulated for recharge when the western side of aquifer doesn't really have a problem. Deb Feinen comments that we can look to other states on what they are doing agriculturally. It may make sense to have some exemptions when it's a huge part of our economy here. Andrew Rehn comments maybe we need to look at where the recharge areas and how to protect it. Deb Feinen comments do we have recharge data over several years to look at? So that we can look at what a sustainable amount is. What is drawdown and recharge. George Roadcapp comments that they can certainly put something like that

together. Recharge depends on use. Steve Turner comments (**mic is inaudible**) Deb Feinen comments should we be looking at monitoring recharge areas? Alec Davis comments that local governments do have the authority to monitor recharge areas. Rick Cobb comments that the state does not have the authority to make that happen. Alec Davis comments correct but it would helpful to hear a presentation on a local gov't and how they are doing that. Steve Turner comments regarding having someone from State Water Survey in his area speak to that affect when they host a Task Force meeting on the western side of the aquifer. Rick Cobb comments on the wasteful malicious use of water -1983 water use act-water quantity/water quality/recharge- (western area water quality issue vulnerable) Realtime data looking at nitrates on western side of aquifer b/c of water quality issues. 15 min interval data for a year. 32 ft. depth. Isotopes denitrification. Drinking water standard for nitrate is acute and its 10. George Roadcapp comments (**mic is inaudible**) Andrew Rehn comments on new wells drilled and asks if George can speak to that. George Roadcapp comments that he can't a whole lot but it is part of Iroquois County area and there is not a lot of review. Deb Feinen comments that perhaps one of our recommendations could be to look at new wells and fund a position to track them and the water use of the wells. Andrew Rehn comments with the agreement of that. George Roadcapp comments that one of updated water use act is that irrigators to report water use and the as the legislation was written it was up to the water survey to approve or disapprove how the water data was being reported to us. There was not a requirement for irrigators to go out and install a meter on each of their wells and they can be notoriously inaccurate. We have never gotten data prior to 2015. The Champaign Co Farm bureau has taken that responsibility of reporting use to us. It is aggregated so not singling anyone out. It is projected. Steve Turner comments this method is affective for us irrigators and it is how we meet the legislative requirement. It also hasn't been around very long—2-3 yrs. So, each year they will get more data and see as far as recharge what we as farmers do to aquifer. Deb Feinen comments that as we move along in our packet we just finished discussing in our packet 8.11 Siting and the next is the state develop a plan to monitor groundwater quality. Again, our job is to make recommendations not necessarily how to do it or how to fund it. So, is there any additional information to include something like this in a recommendation? Rick Cobb comments do you want existing statutes on monitoring groundwater? Deb Feinen comments yes some of that would be helpful. Rick Cobb comments we have two statutes that requires us to monitor for groundwater and there is one in the environmental protection and one in the groundwater protection act. We do have a network comprised of community groundwater wells that are in the Mahomet Aquifer and every couple of year I must do a statewide WQ report. This one I am working on I've chosen to do special focus for the Task Force. I'm looking at the data from our ambient wells that are in Mahomet aquifer. Another thing that is out there that Sen Rose negotiated, we split samples with a number of the landfills.... that's available on our website. I wanted to refer to that data in comparison to what we see in our ambient network in the Mahomet aquifer. There are also dedicated monitoring wells in the Mahomet aquifer and private studies and non-community well studies in the Mahomet aquifer. Deb Feinen comments is the question not a plan to monitor but plan to

get a report that pulls all that data together? Rick Cobb comments that yes that could be and I've been talking about a lot of factors here. Diane Marlin comments is there one agency that keeps track of all the users in the aquifer? State Interagency Coordinating Committee-multi Agency that tries to coordinate via water quality report. George Roadcapp comments water survey does handle usage and sends surveys to all the big users but doesn't have handle on private users. Rick Cobb comments on IEPA's web gis services and their handle on private well users. Andrew Rehn comments on Industry and how they are viewed as a threat to their quantity on the aquifer. How do we know who the big users are on the aquifer? George Roadcapp comments (**mic is audible**) speaks to Gibson City and how they use water for cooling. Teresa Barnett comments when we are talking about discharging water there is already regs in place for that correct? George Roadcapp comments yes (**mic is inaudible**). Deb Feinen comments are there any other issues before moving forward on agenda. George Roadcapp comments on historic landfills on it would be nice have monitoring wells in Mahomet Aquifer but don't want to go poking holes in older landfills as well---but need to be very careful what we are looking at and I bring up the Indian Creek Landfill as a good case b/c the monitoring wells had arsenic in it and Tazewell Co looked at it a little closer and perhaps IEPA too and found out this was a widespread problem and this was naturally occurring and led to a lot of efforts on Tazewell Co to learn about arsenic. Andrew Rehn comments you mentioned poking holes in wells-contamination faster—creating contamination pathway. Way to drill a well without creating a contamination pathway. Rick Cobb comments that is very difficult in these older landfills. Deb Feinen comments could we perhaps do something like a Phase 1 and do a document history of these landfills and find out information about them? Rick Cobb comments regarding pre-law landfills-PFAS Pre-floral contaminates—back through archives. Charles Hoestetler comments that it's a case by case bases on these contaminated sites—shallow techniques—investigations. Deb Feinen comments

Discussion of Issues Raised

Discussion of Work Plan

Deb Feinen comments to be prepared at next meeting to bring ideas for presentations and recommendations on how to move forward towards a report. Jim Risley comments on withdraw risk and contamination risk and what science is going to help us understand that and keep that focus.

Future Sub-Committee Meetings

Mayor Stoner asks that we use Survey Monkey to obtain dates for future subcommittee meetings and what works bests for everyone. Barb will work with Mayor Stoner for location/date/times.

Public Comments

There were none

Adjourn

Steve Turner made a motion to adjourn Diane Marlin 2nd that motion.

DRAFT