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STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:)
) AS 08-003
) (Adjusted Standard)
PETITION FOR ADJUSTED)
STANDARD FROM 35 ADM. CODE)
620.420 FOR NOBEL RISLEY'S)
LANDFILL #2)

NOTICE

John Therriault
Illinois Pollution Control Board
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Carol Webb
Hearing Officer
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P.O. Box 19274
Springfield, Illinois 62794

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board an **AMENDED RECOMMENDATION TO SECOND AMENDED PETITION FOR ADJUSTED STANDARDS**, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,


James M. Kropid
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: May 7, 2008

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**AMENDED RECOMMENDATION TO SECOND AMENDED PETITION FOR
ADJUSTED STANDARDS**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by one of its attorneys, James Kropid, Assistant Counsel, and, pursuant to 35 Ill. Adm. Code 104.418(b), hereby submits an Amended Recommendation to the Illinois Pollution Control Board ("Board") in response to the Second Amended Petition for Adjusted Standards to Address Pollution Control Board Comments on Previous Amended Petition ("Second Amended Petition" or "Second Amend. Pet.") filed by Nobel Risley's Landfill #2 ("Petitioner") on February 28, 2008. The Petitioner is seeking adjusted standards from 35 Ill. Adm. Code Part 620.420 Class II groundwater standards ("groundwater standards") regarding chloride and sulfate. The previous recommendation, filed by the Illinois EPA on January 4, 2008, recommended that the Board grant the adjusted standard request for chloride and deny the adjusted standard request for sulfate. This Amended Recommendation now recommends that the Board also grant the adjusted standard request for sulfate. In support of this recommendation, the Illinois EPA states as follows:

BACKGROUND

1. The Petitioner is seeking a certificate of closure from the Illinois EPA for Nobel Risley's Landfill #2 is located in Franklin County near the town of Benton.

2. The Second Amended Petition requests an increase in the groundwater standards for sulfate from 400 milligrams per liter (mg/L) to 2,381 mg/L. Petitioner's original Amended Petition, filed on November 30, 2007, requested an increase in the groundwater standards for sulfate from 400 milligrams per liter (mg/L) to 4,500 mg/L.

3. Because the Second Amended Petition only requests a change to the groundwater standard for sulfate, this Amended Recommendation only addresses the amended adjusted standard request for sulfate. As such, the Illinois EPA recommendation regarding the adjusted standard request for chloride, the Illinois EPA response to facts presented by the Petitioner, and the Illinois EPA comment on Section 28.1(C) can be found in the Recommendation to Amended Petition for Adjusted Standards filed on January 4, 2008.

SECTION 104.406 FACTORS FOR SULFATE REQUEST

4. In order for the Board to grant the request for an adjusted standard increasing the allowable limit of sulfate Petitioner must satisfactorily address all informational requirements set forth in Section 104.406 of the Board's procedural regulations (35 Ill. Adm. Code 104.406). The Illinois EPA must respond to each issue raised by these requirements.

Section 104.406(a) – Standard from which adjusted standard is sought

The Illinois EPA does not take issue with the Petitioner's statements on this subject.

Section 104.406(b) – Regulation of general applicability

The Illinois EPA does not take issue with the Petitioner's statements on this subject.

Section 104.406(c) – Level of justification

The Illinois EPA does not take issue with the Petitioner's statements as to the required level of justification.

Section 104.406(d) – Petitioner's activities

The Illinois EPA does not take issue with the Petitioner's statements on this subject.

Section 104.406(e) – Efforts necessary to comply

The Illinois EPA does not take issue with the Petitioner’s statements on this subject.

Section 104.406(f) – Proposed adjusted standard

The Second Amended Petition requests an adjusted standard for sulfates in groundwater from 400 mg/L to 2,281 mg/L (Second Amend. Pet. at 18). Elsewhere, the Second Amended Petition requests an adjusted standard for sulfates in groundwater from 400 mg/L to 2,381 mg/L (Second Amend. Pet. at 1, 10 and 11). Presumably the Petitioner’s desired request is for the 2,381 mg/L value; however the Illinois EPA does not disagree with either request.

Section 104.406(g) – Quantitative and qualitative impact on the environment

The Illinois EPA does not take issue with the Petitioner’s statements on this subject.

Section 104.406(h) – Justification of the proposed adjusted standard

The Second Amended Petition requested an adjusted standard for sulfate that was revised from a value of 4,500 mg/L to a value of 2,381 mg/L. The technical justification stated that the concentration was the 95% upper confidence limit (UCL). (See Exhibit 8). However neither the technical justification nor the Second Amended Petition stated what data set was used to determine this value. The Illinois EPA could not duplicate the value based on the given information using the UCL calculation method specified in Nobel Risley’s Landfill #2 permit.

Illinois EPA discussed this concern with the Petitioner and Petitioner’s consultants. The Agency explained that the data set could not be duplicated and could find no documentation that provided direction. Although Petitioner could not specify the dates of the data that were used, they did state that duplicate data (taken the same time of sampling) were averaged with the original data for each date that they were available. Therefore the average of the original and the duplicate were used in the data set rather than the data found in the Agency database. Both the duplicate and original values are found in the volumes of the technical justification for the

proposed adjusted standard. Petitioner also offered to forward the work that had been done to develop the UCL.

The information that was forwarded to the Illinois EPA was subsequently made part of the record in this matter pursuant to Petitioner's Motion to Supplement the Record to Add Groundwater Data Analysis to Petitioner's Second Amended Petition, which was filed on April 14, 2008. This Motion, with Illinois EPA concurrence, was granted on April 14, 2008.

Petitioner stated that the UCL method listed in the Nobel Risley's Landfill #2 permit was not used, instead a Student t-test UCL as listed in the reference "Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites" was used as an alternative method. Petitioner maintains that this formula provided a more conservative (lower) result.

Using the alternate method, the calculations were confirmed by the Illinois EPA. The Agency agrees that the result of 2,381 mg/L is more conservative than what would be generated using the UCL method listed in the Petitioner's permit (3,193 mg/L). Considering the last concentration measured at the site in May 2007 was 941 mg/L, the lower number, 2,381 mg/L, is reasonable and justifiable.

Section 104.406(i) – Consistency with federal law

The Illinois EPA does not take issue with the Petitioner's statements on this subject.

Section 104.406(j) – Hearing

The Illinois EPA defers to the Board, and any subsequent Board Orders, pertaining to the Petitioner's right to a hearing.

Section 104.406(k) – Supporting documents

The Illinois EPA does not take issue with the Petitioner's statements on this subject.

Section 104.406(l) – Additional Information

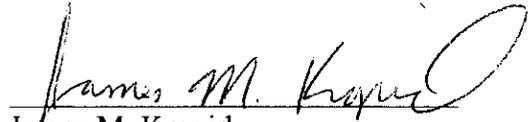
The Illinois EPA does not take issue with the Petitioner's statements on this subject.

CONCLUSION

WHEREFORE the reasons more fully set forth herein, the Illinois EPA respectfully recommends that Petitioner's request for an adjusted standard for sulfate be granted.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,



James M. Kropid
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217/782-5544
217/782-9143 (TDD)
Dated: May 7, 2008

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE

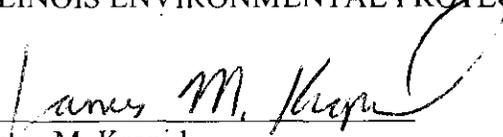
I, the undersigned attorney at law, hereby certify that on May 7, 2008, I served true and correct copies of an **AMENDED RECOMMENDATION TO SECOND AMENDED PETITION FOR ADJUSTED STANDARDS**, by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

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