

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CATHERINE THOMAS, d/b/a THOMAS )  
12<sup>th</sup> STREET DISPOSAL, )  
 )  
 )  
Petitioner, )  
v. ) (Permit Appeal-Land)  
 )  
ILLINOIS ENVIRONMENTAL ) PCB 10-69  
PROTECTION AGENCY, )  
 )  
 )  
Respondent. )

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MAY 29 2014

STATE OF ILLINOIS  
Pollution Control Board



ORIGINAL

**MOTION FOR VOLUNTARY DISMISSAL**

NOW COMES the Petitioner CATHERINE THOMAS, d/b/a THOMAS 12<sup>th</sup> STREET DISPOSAL, by and through her attorney, DAVID K. COX, and files her MOTION FOR VOLUNTARY DISMISSAL pursuant to 35 Ill. Adm. 101.500, stating as follows

1. A Petitioner's Amended Petition to Review the Denial of Supplemental Permit Application Log Nos. 2007-300-SP, 2007-497, 2009-460, and 2009-595 was filed on January 10, 2011, and remains pending before the Illinois Pollution Control Board.
2. All matters pertaining to the site have been resolved with the issuance of the Certification of Completion of Post-Closure Care dated April 17, 2014, by the Illinois Environmental Protection Agency, (a copy of the Certification of Completion of Post-Closure Care is attached as Petitioner's Exhibit 1), and the release letter of the Letter of Credit dated May 22, 2014, (a copy of the release letter is attached as Petitioner's Exhibit 2.)
3. Since all site issues are resolved there is no need for the Petitioner to proceed with the appeal.
4. The Petitioner seeks voluntary dismissal of this case.
5. Neither the Attorney General nor the Illinois Environmental Protection Agency have an objection to the dismissal given the procedural position of the case.

6. The parties hereby stipulate that the Motion for Voluntary Dismissal should be granted.

WHEREFORE, the Plaintiff prays that her MOTION FOR VOLUNTARY DISMISSAL be granted.

CATHERINE THOMAS, d/b/a  
THOMAS 12<sup>th</sup> STREET DISPOSAL,  
Plaintiff

By: 

David K. Cox  
Attorney for Plaintiff

David K. Cox  
Attorney at Law  
110 N. Charter Street  
Monticello, Illinois 61856  
217/762-3800  
217/762-3790



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3301

April 17, 2014

Certified Mail

7012 0470 0001 3000 C948

Mrs. Catherine Thomas  
55 Greenwood Cemetary Road  
Danville, Illinois 61832

Re: 1838040009 – Vermilion County  
Thomas 12<sup>th</sup> Street Disposal  
Post-Closure Certification  
Log No. 2013-548  
Permit Approval  
Permit Landfill 807 File

Dear Mrs. Thomas:

This will acknowledge receipt of your certification of completion of post-closure care, dated and received by the Illinois November 20, 2013.

## Certification of Completion of Post-Closure Care

1. The Illinois EPA has determined that the post-closure care of the referenced site has been completed in accordance with the Post-Closure Care Plan and the certification, signed and sealed by Douglas W. Mauntel, P.E., signature dated November 19, 2013 and prepared by Dipanjan Ghosh.
2. The Date of completion of post-closure care is April 15, 2014.
3. Financial assurance is no longer required for the referenced site. If you wish to be released from any financial assurance that you are no longer required to maintain, you may file your written request with the Financial Assurance Unit at the address above. Include the site number for the facility with your request.
4. This correspondence constitutes final action by the Illinois EPA for the referenced site.

The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day

4302 N. Main St., Rockford, IL 61103 (815) 987-7760  
595 S. State, Elgin, IL 60123 (847) 608-3131  
2125 S. First St., Champaign, IL 61820 (217) 278-5800  
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000  
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main St., Suite 114, Marion, IL 62959 (618) 993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312) 814-6026

PLEASE PRINT ON RECYCLED PAPER

Petitioner's Exhibit 1

Page 1

appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the request for an extension, please contact:

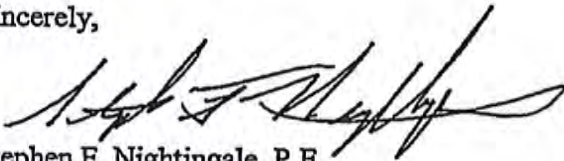
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board, Clerk  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
312/814-3620

Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This permit does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Sincerely,



Stephen F. Nightingale, P.E.  
Manager, Permit Section  
Bureau of Land

CJL

SFN-TWH:1838040009-807LF-2013548-PCLCert.docx

cc: Douglas W. Mauntel, P.E., Andrews Engineering  
Shirley Hicks, Vermilion County Health Dept.

BCC:  
Bureau File  
FOS - Champaign  
Tom Hubbard  
Brett Bersche  
Greg Richardson



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PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

May 22, 2014

Old National Bank  
ATTN: Melanie Mauck  
2 West Main Street  
Danville, IL 61832

UPS No. 12 621 589 01 6686 7113

Re: 1838040009 – Vermilion County  
Thomas 12<sup>th</sup> Street Disposal  
Financial File

Dear Ms. Mauck:

The Illinois EPA is providing written authorization for termination of Old National Bank Letter of Credit (No. 20105314283) since, as of April 17, 2014, the landfill is no longer required to maintain financial assurance. The letter of credit dated May 4, 2012 with an effective date of June 6, 2012 is enclosed as an attachment to this letter.

Kim Van Pelt of Andrews Engineering, Inc. submitted a letter, dated April 28, 2014, on behalf of Thomas 12<sup>th</sup> Street Disposal that requested that Illinois EPA authorize the release of Old National Bank Letter of Credit (No. 20105314283). The Illinois EPA completed a record review on May 8, 2014 and concluded that the letter of credit could be terminated.

If you have questions, please contact Robert Mathis, Jr. at (217) 785-7403.

Sincerely,

*Lisa Bonnett by Carol Radwone*

Lisa Bonnett  
Director

Enclosures – Old National Bank Letter of Credit (No. 20105314283)

CC: Kim Van Pelt – Andrews Engineering, Inc.

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12<sup>th</sup> STREET DISPOSAL, )

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ILLINOIS ENVIRONMENTAL )  
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PCB 10-69

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Pollution Control Board

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the MOTION FOR VOLUNTARY DISMISSAL was served on:

Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington, #1800  
Chicago, IL 60602

by placing the documents in an envelope, properly addressed and with proper postage affixed, and placing the envelope in the United States Mail box located in Monticello, Illinois, on the 28<sup>th</sup> day of May, 2014.

Rachel Annis