

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LAKE IN THE HILLS SANITARY DISTRICT,)

Petitioner,)

vs.)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)

Respondent.)

No. PCB 05-12

(Permit Appeal)

RECEIVED

JUL 29 2004

STATE OF ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF FILING

TO: See Proof of Service

PLEASE TAKE NOTICE that on July 28, 2004, we caused to be filed with the Illinois Pollution Control Board, 100 West Randolph St., James R. Thompson Center, Suite 11-500, Chicago, IL 60601 the attached Lake in the Hills Sanitary District's APPEARANCE and PETITION FOR HEARING TO CONTEST SPECIAL CONDITIONS ON LAND APPLICATION OF SEWAGE SLUDGE in the above entitled matter.

LAKE IN THE HILLS SANITARY DISTRICT

By: [Signature] Robert W. Fetzner

PROOF OF SERVICE

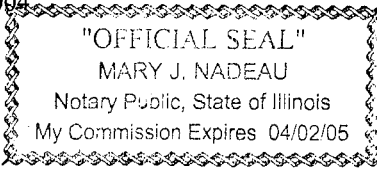
The undersigned, a non-attorney, hereby swears under oath that she served a copy of the foregoing upon the following party by depositing same in the U.S. mail, with postage prepaid, at Crystal Lake, Illinois, this 28th day of July, 2004.

Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

[Signature: Keim S. Scalise]

SUBSCRIBED AND SWORN to Before me this 28th day of July, 2004

[Signature: Mary J. Nadeau] Notary Public



Robert W. Fetzner Attorney # 06274910 Zukowski, Rogers, Flood & McArdle 50 Virginia Street Crystal Lake, IL 60014 (815) 459-2050

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LAKE IN THE HILLS SANITARY)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

APPEARANCE

The undersigned enters their appearance on behalf of Petitioner, LAKE IN THE HILLS
SANITARY DISTRICT.

LAKE IN THE HILLS SANITARY DISTRICT

By: 
Robert W. Fetzner

Robert W. Fetzner
Attorney # 06274910
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014
(815) 459-2050
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LAKE IN THE HILLS SANITARY DISTRICT,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

**PETITION FOR HEARING
TO CONTEST SPECIAL CONDITIONS ON
LAND APPLICATION OF SEWAGE SLUDGE**

The Petitioner, LAKE IN THE HILLS SANITARY DISTRICT ("Sanitary District"), by and through its attorneys, Zukowski, Rogers, Flood & McArdle, respectfully requests a hearing to contest the special conditions placed upon the Sanitary District's land application of sewage sludge permit by the Illinois Environmental Protection Agency ("IEPA"). In support of its petition, the Sanitary District states as follows:

1. This petition is filed pursuant to Section 40 (a) (1) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40).
2. On June 24, 2004 the IEPA issued permit number 2004-SC-0639 to the Sanitary District allowing for the application of approximately 1,000 dry tons per year of aerobically digested sewage sludge to agricultural lands at rates not to exceed the agronomic nitrogen demand of the crop grown. Attached hereto and incorporated herein as Exhibit A is a copy of the permit.

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3. This permit issued to the Sanitary District contained five special conditions. Three of the five special conditions concern the radium concentration for the land application of sewage sludge.

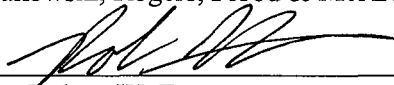
4. The Sanitary District contests the special conditions on grounds including the following:

- a. The special conditions listed in the permit which restricts land application of sewage sludge due to radium concentrations are too restrictive;
- b. The special conditions concerning radium concentrations listed in the permit are well in excess of federal restriction on radium concentrations;
- c. The cost for disposal of the sludge will be increased which will result in increased costs and fees to residents.

WHEREFORE, the LAKE IN THE HILLS SANITARY DISTRICT respectfully requests that the ILLINOIS POLLUTION CONTROL BOARD enter an order (a) setting for hearing this contest of the special conditions placed on the land application of sewage sludge permit issued to the Lake in the Hills Sanitary District, (b) reverse the special conditions placed by the Illinois Environmental Protection Agency on the Lake in the Hills Sanitary District permit number 2004-SC-0639, and (c) providing such other and further relief as the Illinois Pollution Control Board deems appropriate.

LAKE IN THE HILLS SANITARY DISTRICT
By, Zukowski, Rogers, Flood & McArdle

By


Robert W. Fetzner

Robert W. Fetzner
Attorney # 06274910
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014
(815) 459-2050

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ref 1/10/04

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

CC: FOS - 12/15/03

LOG NUMBERS: 0639-2004

PERMIT NO.: 2004-SC-0639

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS
PREPARED BY: Wight Consulting

DATE ISSUED: June 22, 2004

SUBJECT: LAKE IN THE HILLS-Land Application of Sewage Sludge

Post-It® Fax Note	7671	Date	7/22/04	# of pages	5
To	RUB FORTNER		From	RUB FORTNER	
Co./Dept.	ERF/M.		Co.		
Phone #			Phone #		
Fax #			Fax #		

PERMITTEE TO OPERATE

Lake In The Hills Sanitary District
515 Plum Street
Lake In The Hills, Illinois 60156

Permit is hereby granted to the above designated permittee(s) to operate water pollution control facilities described as follows:

Application of approximately 1000 dry tons per year of aerobically digested sewage sludge to agricultural lands at rates not to exceed the agronomic nitrogen demand of the crop grown.

This operating permit expires on May 31, 2009.

This Permit is issued subject to the following Special Condition(s). If such Special Condition(s) require(s) additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval for issuance of a Supplemental Permit.

SPECIAL CONDITION 1: Sludge shall be limited to one application per site, unless the permittee can demonstrate that the radium concentration shall not have a total increase of greater than 0.1 pCi/gram since the initial sludge application under this permit. The permittee shall receive written Agency approval prior to placing a second sludge application on such fields.

SPECIAL CONDITION 2: Sludge shall be sampled and analyzed, on a semi-annual basis, to determine the concentrations of Radium 226 and Radium 228. The resultant data shall be submitted to this Agency.

SPECIAL CONDITION 3: For the duration of this permit, the permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with a percent total solids analysis. The permittee shall maintain adequate records of the quantities of sludge produced and have said records available for Agency inspection. The permittee shall submit to the Agency a semi-annual summary report of the quantities of sludge generated and disposed (in units of dry tons) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the Agency by January 31 and July 31 of each year reporting the preceding July through December and January through June sludge disposal operations respectively. The permittee shall submit the semi-annual sludge management report to the following address:

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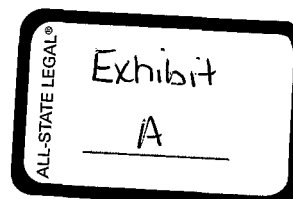
THE STANDARD CONDITIONS OF ISSUANCE INDICATED ON THE REVERSE SIDE MUST BE COMPLIED WITH IN FULL. READ ALL CONDITIONS CAREFULLY.

SAKJCH:063904

DIVISION OF WATER POLLUTION CONTROL

cc: EPA -Maywood FOS
Wight Consulting
Records
Binds

Alan Keller
Alan Keller, P.E.
Manager, Permit Section



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 0639-2004

PERMIT NO.: 2004-SC-0639

FINAL PLANS, SPECIFICATIONS, APPLICATION
 AND SUPPORTING DOCUMENTS
 PREPARED BY: Wight Consulting

DATE ISSUED: June 22, 2004

SUBJECT: LAKE IN THE HILLS-Land Application of Sewage Sludge

Illinois Environmental Protection Agency
 Bureau of Water
 Compliance Assurance Section
 Mail Code #19
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

SPECIAL CONDITION 4: For the duration of this permit, the permittee shall sample all different sludges being applied to land or publicly distributed on a quarterly basis and chemically analyze said samples in accordance with the recommended procedures contained in the latest edition of Standard Methods for the Examination of Water and Wastewater for the following parameters:

<u>Nutrients</u>	<u>Metals</u>	<u>Other</u>
Total Kjeldahl Nitrogen	Cadmium	pH
Ammonia Nitrogen	Copper	% TS
Phosphorus	Lead	% VS
Potassium	Manganese	
	Nickel	
	Zinc	

In addition to the above parameters, anaerobically digested sludge shall also be tested for volatile acids. The results of these analyses shall be submitted to this Agency on a quarterly basis. The permittee shall update the sludge application rate utilizing all sludge analyses obtained after the previous sludge application period.

SPECIAL CONDITION 5:

A. Sludge shall be applied to sites within the following guidelines:

1. Sludge shall not be applied to sites during precipitation.
2. Sludge shall not be applied to sites which are saturated or with ponded water.
3. Sludge shall not be applied to ice or snow covered sites.
4. Frozen land, which is not ice or snow covered and has a slope of 5% or less, may be used for land application of sludge provided a 200 foot grassy area exists between the sludge applied land and any surface water or potable water supply well.

B. It is not recommended that sludge be applied to sites:

1. When precipitation is imminent.
2. Which have received greater than 1/4 inch rainfall within the 24-hour period preceding the intended sludge application time.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

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- C. Sludge shall not be applied to land which lies within 200 feet from a community water supply well, potable water supply well, surface waters or intermittent streams or within one-fourth of a mile of any potable water supply wells located in consolidated bedrock such as limestone or sinkhole areas unless a 50 foot depth of non-sandy or non-gravelly unconsolidated material exists. In no case shall sludge be applied within 400 feet of a community water supply well deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation.
- D. Sludge shall not be applied to sites during the periods in which the seasonal high water table rises within 3 feet of the surface at the site.
- E. Sludge shall only be applied to land with a background soil pH of 6.5 or greater unless lime or other suitable materials are applied to the site prior to sludge application to raise the soil pH to a minimum of 6.5.
- F. Sludge shall be applied and incorporated into the site soils within the following guidelines:
 - 1. Sludge may be surface applied without incorporation only if the site slope is less than 8% and the annual soil loss does not exceed 5 tons/acre as determined by the Universal Soil Loss Equation.
 - 2. Sludge shall be incorporated if:
 - A) Site slope exceeds 8% but the annual soil loss is less than 5 tons/acre, or
 - B) Site slope is less than 8% but the annual soil loss exceeds 5 ton/acre.
 - 3. Sludge shall not be applied to a site with slope greater than 8% with annual soil loss in excess of 5 ton/acre.
 - 4. Unless surface application is allowed pursuant to this condition, or otherwise specified in this permit, sludge shall be incorporated within 48 hours of application or prior to any rainfall whichever is more restrictive.
- G. Sludge amended land shall have a crop grown and harvested pursuant to normal agricultural practices.
- H. The delivery and application of sludge, and the choice of an application site, shall be made so as to minimize the emission of odors to nearby residents taking into account the direction of wind, humidity and day of the week.
- I. Sludge application shall not exceed the following maximum metal loading rates over the lifetime of a site (pounds per acre).
 - 1. Soils with 5-15 meq/100 grams Cation Exchange Capacity (CEC):

<u>Metal</u>	<u>Total Loading</u>	<u>Annual Loading</u>
Cadmium	10	2
Nickel	100	--
Copper	250	--
Zinc	500	--
Manganese	900	--
Lead	1000	--

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2. Soils with 0-5 meq/100 grams CEC shall apply only half the metal loading rates set forth in item I(1) above.
 3. Soils with 15 or greater meq/100 grams CEC may apply double the total metal loading rates set forth in item I(1) above, however a supplemental permit shall be required for that specific site.
- J. Sludge stored off the sewage treatment plant site shall be performed within the following guidelines:
1. Off-site interim storage of liquid sludge shall not be allowed.
 2. Off-site interim storage of dried sludge in excess of 2 months shall not be allowed. In addition, measures shall be taken to contain runoff and leachate from any dried sludge that is stored.
- K. Users applying sludge to sites greater than 300 acres under common ownership or control or users of more than 1500 dry tons per year shall obtain a sludge user permit from this Agency unless the site is specifically identified in the permittee's application.
- L. User information sheets, in conformance with the Design Criteria for Sludge Application on Land (Title 35, Subtitle C, Chapter II, Part 391), shall be provided by the permittee to all sludge users and shall be signed by sludge users requesting more than 25 cubic yards. Records regarding sludge users shall be retained by the permittee for the duration of this permit and 2 years after the expiration date of this permit.

READ ALL CONDITIONS CAREFULLY:
STANDARD CONDITIONS

The Illinois Environmental Protection Act (Illinois Revised Statutes Chapter 111-12, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

- 1. Unless the construction for which this permit is issued has been completed, this permit will expire (1) two years after the date of issuance for permits to construct sewers or wastewater sources or (2) three years after the date of issuance for permits to construct treatment works or pretreatment works.
- 2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
- 3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
- 4. The permittee shall allow any agent duly authorized by the Agency upon the presentations of credentials:
 - a. to enter at reasonable times, the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
 - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.

- 5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
- 6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the agency before the facility or equipment covered by this permit is placed into operation.
- 7. These standard conditions shall prevail unless modified by special conditions.
- 8. The Agency may file a complaint with the Board for suspension or revocation of a permit:
 - a. upon discovery that the permit application contained misrepresentations, misinformation or false statement or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.