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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF LAKE BARRINGTON, CUBA)
TOWNSHIP, PRAIRIE RIVERS NETWORK,)
SIERRA CLUB, BETH WENTZEL and)
CYNTHIA SKRUKRUD,)

Petitioners)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WAUCONDA,)

Respondents.)

PCB 05-55
(3rd Party NPDES Permit
Appeal)

SLOCUM LAKE DRAINAGE DISTRICT OF)
LAKE COUNTY, ILLINOIS)

Petitioner)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY AND VILLAGE OF)
WAUCONDA, ILLINOIS)

Respondents.)

PCB 05-58
(3rd Party NPDES Permit
Appeal)

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AL PHILLIPS, VERN MEYER, GAYLE DEMARCO,)
GABRIELLE MEYER, LISA O'DELL, JOAN LESLIE,)
MICHAEL DAVEY, NANCY DOBNER, MIKE)
POLITO, WILLIAMS PARK IMPROVEMENT)
ASSOCIATION, MAT SCHLUETER, MYLITH PARK)
LOT OWNERS ASSOCIATION, DONALD KREBS,)
DON BERKSHIRE, JUDY BRUMME, TWIN POND)
FARMS HOMEOWNERS ASSOCIATION, JULIA)
TUDOR and CHRISTINE DEVINEY,)

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NOTICE OF FILING

TO: See Attached Certificate of Service


Please take notice that on December 22, 2004, I filed with the Illinois Pollution Control Board an original and four (4) copies of the attached REQUEST TO ADMIT TO THE VILLAGE OF WAUCONDA, copies of which are attached and hereby served upon you.

Dated: December 22, 2004



Jay J. Glenn
Attorney for the Resident Group

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847-487-0700
Attorney No. 06205127



Bonnie L. Macfarlane
Attorney for the Slocum Lake
Drainage District of Lake County,
Illinois

STATE OF ILLINOIS)
) ss.
COUNTY OF MCHENRY)

CERTIFICATE OF SERVICE

Bonnie L. Macfarlane, an attorney, hereby certifies that a copy of the foregoing Notice of Motion, Certificate of Service, and REQUEST TO ADMIT TO THE VILLAGE OF WAUCONDA, was served on the persons listed below by first Class U.S. Mail, proper postage prepaid, on December 22, 2004.

Dorothy Gunn, Clerk
Illinois Pollution Control Board
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Chicago, Illinois 60601

Bradley P. Halloran
Illinois Pollution Control Board
James R. Thompson Center
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JOINT REQUEST TO ADMIT
TO THE
VILLAGE OF WAUCONDA

NOW COMES, the Slocum Lake Drainage District of Lake County, Illinois, an agency of the State of Illinois, through their attorney, Bonnie Macfarlane, P.C., and The Resident Group, by and through their attorney, Jay J. Glenn, and pursuant to 35 Ill. Adm. Code 101.202, propounds this JOINT REQUEST TO ADMIT to the VILLAGE OF WAUCONDA, as follows:

1. That on March 21, 2003, James Eschenbach was the Mayor of the Village of Wauconda (hereinafter referred to as the "Mayor").¹
2. That on March 21, 2003, the firm of Bonestroo Devery & Associates were retained by the Village of Wauconda, and were the engineers of the Village of

¹References to IEPA - #s are to Illinois Environmental Protection document numbers filed before the Illinois Pollution Control Board as the Record in this proceeding, i.e., IEPA #00161, 001620, 001638, 001642.

Wauconda (hereinafter referred to as the "Village Engineers").²

3. That the Village of Wauconda has been identified as one of the Potentially Responsible Party ("PRP's") relating to Wauconda Sand and Gravel, a National Priority List Superfund Site.
4. That on March 21, 2003, the Mayor signed EPA Form 3510-1, General Information - Consolidated Permits Program - Form 1 General ("Form 1").³
5. That Form 1 contains the following statement ("Read the "General Instructions" before starting").⁴
6. That Form 1, XIII, CERTIFICATION, states as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those person immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."⁵
7. That on March 21, 2003, the Mayor executed EPA Form 3510-2A,⁶ NPDES Form 2A Application Overview, (Form 2A).⁷
8. That Form 2A requires all applicants to complete questions A.1 through A-8.⁸
9. That question A.3 of Form 2A required the Village of Wauconda to "provide the permit number of any existing environmental permits that have been issued to the treatment works (include state-issued permits)".

²IEPA - #001608; #001609

³IEPA - #001611

⁴IEPA - #001610

⁵IEPA - #001611

⁶

⁷IEPA - #001612, 001620

⁸IEPA - #001612

10. That the Village of Wauconda indicated in its answer to question A.3 that one NPDES permit IL 0020109 was issued.⁹
11. That the Village of Wauconda indicated in its answer to A.3, under the RECRA question, the answer "N/A."¹⁰
12. The Wauconda Sand and Gravel Superfund has been issued an Illinois EPA industrial water pollution control permit, issued to the Wauconda Task Group that allows the discharge of an average of 4,000 gallons per day of leachate from the collection system to Wauconda WWTP, identified as permit number 2001-EP-3444.
13. That the Village of Wauconda's answer to question A.3 of EPA Form 3510 was false.
14. That the Mayor certified the false answer to questions A.3.¹¹
15. That EPA Form 3510-2A at pages 10 of 21 thru 14 of 21¹² includes a "SUPPLEMENTAL APPLICATION INFORMATION - PART D EXPANDED EFFLUENT TESTING DATA."
16. That the Village of Wauconda answered using the symbol "*" indicating "Not Believed to be Present" as its answer to numerous specific questions dealing with the identification of: Metals, Volatile Organic Compounds, Acid-Extractable Compounds, Base-Neutral Compounds.¹³
17. The Village of Wauconda answered "ARSENIC" with a "*", specifying the answer "Not Believed to be Present"¹⁴ and this answer is false.
18. That the Mayor's certification of the Village of Wauconda's Answers to "PART D EXPANDED EFFLUENT TESTING DATA" was false.
19. That EPA FORM 3510-2A at pages 18 of 21 thru 19 of 21 includes PART F

⁹IEPA - #001613

¹⁰IEPA - #001613

¹¹IEPA - #001620

¹²IEPA - #001621 thru 001624

¹³IEPA - #001621 thru 001624

¹⁴IEPA - #001621

INDUSTRIAL USER DISCHARGES AND RCRA/CERCLA WASTES.¹⁵

20. **That the Village of Wauconda answered the CERCLS (SUPERFUND) WASTEWATER, RCRA REMEDIATION/CORRECTIVE ACTION WASTEWATER, AND OTHER REMEDIAL ACTIVITY WASTEWATER with the answer "N/A."¹⁶**
21. **That on March 21, 2003, the Mayor had actual knowledge that the Wauconda Wastewater Treatment Plant was receiving leachate from the Wauconda Sand and Gravel Superfund Site.**
22. **That the response of the Village of Wauconda to EPA Form 2510-2A, page 19 of 21, to questions F.9 (RCRA Waste), F.10 (Waste Transport), F.11 (Waste Description), F.12 (Remediation Waste), F.13 (Waste Origin), F.14 (Pollutants), f.15 (Waste Treatment)¹⁷ were false, in whole or in part.**
23. **That on November 28, 1975, the Village of Wauconda did not discharge effluent into Fiddle Creek, Fiddle Lake, Fiddle Marsh or the channels of the Slocum Lake Drainage District of Lake County (hereinafter referred to as the "Fiddle Creek Wetlands").**
24. **The First discharge of STP effluents into the Fiddle Creek Wetlands occurred when the Village of Wauconda re-located its wastewater outfall to Anderson Road in the 19980's.**
25. **There are currently hundreds of residences in Wauconda Township and Cuba Township adjacent to the Fiddle Creek Wetlands.**
26. **The subdivisions of Saddlewood, Lakeland Estate and Twin Pond Farms are all connected to the Fiddle Creek Wetlands.**
27. **The Lake County Forest Preserve owns the Fox River Marina and Preserve which is adjacent to the Fiddle Creek Wetlands.**
28. **If the Village of Wauconda increased its monthly user fees to its Wauconda Wastewater Treatment Plant customers, it could generate sufficient funds to construct an underground wastewater pipeline to discharge its effluent directly into the Fox River.**

¹⁵IEPA - #001629

¹⁶IEPA - #001630

¹⁷IEPA - #001630

29. The Village of Wauconda has not considered using the Northern Moraine Water Reclamation District, Regional Waste Water Treatment Plant to process its excess wastewater.
30. The Village of Wauconda has not considered using Bangs Lake for its WWTP Outfall.

Respectfully Submitted,


Bonnie L. Macfarlane


Jay J. Glenn

Dated: December __, 2004

Bonnie L. Macfarlane
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