

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF CASEWILLE, ILLINOIS,	)	
a municipal corporation,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB# _____
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

**PETITION FOR REVIEW**

NOW COMES Petitioner, Village of Caseyville, Illinois, by and through its attorneys, Kaufhold & Associates, P.C., and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act "Act" (415 ILCS 5140.2) and 35 Ill. Adm. Code §105.204, hereby requests a hearing before the Illinois Pollution Control Board to review the March 31, 2006 final determination of Respondent, Illinois Environmental Protection Agency, denying the permit for the Caseyville – Forest Lakes Development Trunk Sewer.

1. Petitioner, Village of Caseyville, Illinois is a municipal corporation duly organized and existing under the laws of the State of Illinois.
2. Petitioner submitted an Application for Permit regarding the construction, ownership and operation of the Caseyville – Forest Lakes Development Trunk Sewer to the Respondent, Illinois Environmental Protection Agency.
3. Respondent originally issued Permit No. 2005-HB-3134 on April 13, 2005 (Exhibit 1) allowing the construction, ownership and operation of the Caseyville – Forest Lakes Development Trunk Sewer,
4. A substantial portion of the Caseyville – Forest Lakes Development Trunk Sewer was installed following the issuance of Permit No. 2005-HB-3134,

5. Respondent thereafter requested additional information and acknowledges receipt of the supporting documents on January 4, 2006.

6. By correspondence dated March 31, 2006 (Exhibit 2), the Respondent has now reversed its previous decision and issued a final determination denying the requested permit and indicating the reasons for denial were that:

- a. the issuance of the permit would threaten, cause or allow the discharge of contaminants which might cause or tend to cause water pollution in Illinois;
- b. the Petitioner failed to submit proof to the Respondent that the issuance of the permit will not cause a violation of the Act or the regulations adopted by the Act; and,
- c. the project is not completely in the Granite City facility planning area.

7. Petitioner appeals the final determination of Respondent stating that the denial is arbitrary and capricious and further that a substantial portion of the trunk sewer has been constructed in detrimental reliance of the original issuance of Permit No. 2005-HB-3134 on April 13, 2005.

WHEREFORE, Petitioner, Village of Caseyville, hereby respectfully requests that the Illinois Pollution Control Board sets a hearing to review the March 31, 2006 final determination of Respondent, Illinois Environmental Protection Agency, denying the permit for the Caseyville–Forest Lakes Development Trunk Sewer and for any other relief the Illinois Pollution Control Board deems appropriate.

Kevin C. Kaufhold, IL# 6180 95  
KAUFHOLD & ASSOCIATES, P.C.  
5111 West Main Street  
P.O. Box 23409  
Belleville, IL 62226  
(618)235-3580

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached Petition for Review by regular

U.S. Mail upon the following person:

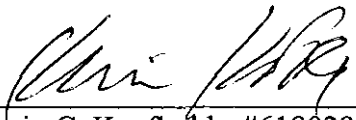
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

and by electronic delivery upon the following person:

Illinois Pollution Control Board  
Attn: Clerk  
James R. Thompson Center  
100 W. Randolph  
Suite 11-500  
Chicago, IL 60601

KAUFHOLD & ASSOCIATES. P.C.

By:

  
Kevin C. Kaufhold - #6180295  
5111 West Main Street  
P.O. Box 23409  
Belleville, Illinois 62226-0409  
(618) 235-3580

ATTORNEYS FOR PETITIONER,  
VILLAGE OF CASEYVILLE

LOG NUMBERS : 3134-05 ( 2725-04 )

PERMIT NO.: 2005-HB-3134

FINAL PLANS, SPECIFICATIONS, APPLICATION  
AND SUPPORTING DOCUMENTS  
PREPARED BY: Burns & McDonnell

DATE ISSUED: APR 13 2005

SUBJECT: CASEWILLE- Forest Lake Development Trunk Sewer  
( City of Granite City Sewage Treatment Plant) --Sanitary Sewer Permit

PERMITTEE TO CONSTRUCT, OWN AND OPERATE

Village of Cascoville  
809 Main Street  
Caseyville, Illinois 62232

Permit is hereby granted to the above designated permittee(s) to construct and/or operate water pollution control facilities described as follows (quantities are approximate):

7129 feet of 12 inch sanitary sewer and 27 manholes to serve future development area of approximately 490 acres with 3 proposed ultimate load of 2567 P. E. (0 P.E., 0 GPD, DAF) located throughout the village with discharge to an existing 12 inch sanitary sewer tributary to the above indicated sewage treatment plant.

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: Any connections to this sanitary sewer extension must be in accordance with the latest Revisions of Title 35. Subtitle C, Chapter 1. Permits must be obtained if required by said regulations.

SPECIAL CONDITION 2: If this project is located within a wetlands, the U.S. Army Corps of Engineers may require a permit for construction pursuant to Section 404 of the Clean water Act.

SPECIAL CONDITION 3: The Permittee to Construct shall be responsible for obtaining an NPOES Storm Water Permit prior to initiating construction if the construction activities associated with this project will result in the disturbance of one (1) or more acres total land area.

An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control - Permit Section.

SPECIAL CONDITION 4: horizontal and/or vertical separation between any sanitary sewers and water mains must be in conformance with Section 370.350 of the Illinois Recommended Standards for Sewage Works.

Page 1 of 2

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

SAK:MRA:j:\docs\permits\statecon\ashrafi\313405.wpd

DIVISION OF WATER POLLUTION CONTROL

cc: EPA - Collinsville FOS  
Burns & McDonnell  
Metro East Sanitary District  
City of Granite City  
Records - Municipal  
Binds


  
Alan Keller, P.E.  
Manager, Permit Section

EXHIBIT " / "

LOG NUMBERS: 3134-05 ( 2725-04 )

PERMIT NO.: 2005-HE-3134

**FINAL PLANS, SPECIFICATIONS, APPLICATION  
AND SUPPORTING DOCUMENTS  
PREPARED BY: Burns & McDonnell**

**DATE ISSUED: APR 13 2005**

SUBJECT: CASEWILLE- Forest Lake Development Trunk Sewer  
( City of Granite City Sewage Treatment Plant ) - Sanitary Sewer Permit

SPECIAL CONDITION 5: The operational portion of this permit is contingent upon completion of construction and start of operation of all downstream transporting and treating facilities, issuance of this permit is not to be construed as Agency agreement that the downstream transporting and treating facilities will be completed in time to serve this project.

SPECIAL CONDITION 6: The proposed manholes shall be tested for watertightness in accordance with the Illinois Recommended Standards for Sewage Works Section 370.330 ( e ) ( 2 ).

SPECIAL CONDITION 7: The proposed sewer line(s) shall be encased and insulated in accordance with the Illinois Recommended Standards Section 370.340 where ground coverage is less than 3'-0".



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

217/782-0610

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

MAR 31 2006

Village of Caseyville  
909 Main Street  
Caseyville, Illinois 62232

Re: CASEYVILLE- Forest Lake Development Trunk Sewer  
Log No(s). 0013-06, 3134-05, 2725-04  
Denial

Gentlemen:

This Agency has reviewed your Application for Permit and the supporting documents for the subject project which were received on January 4, 2006. This Agency must deny the permit for this project for the following reasons.

Sections 12 and 39 of the Environmental Protection Act (Act), 415 ILCS 5/12 and 39, prohibit the Agency from issuing a permit for any facility which would threaten, cause or allow the discharge of contaminants which might cause or tend to cause water pollution in Illinois. Section 39 of the Act also requires an applicant to submit proof to the Agency that the proposed facility will not cause a violation of the Act or the regulations adopted pursuant to the Act.

In addition to the above cited Sections of the Act, the permit application does not fulfill the requirements of 35 Ill. Adm. Code 309.241.

The following information, clarification or corrections must be provided for us to complete our technical review and are to be considered specific reasons why the Act and the regulations adopted pursuant to the Act will not be met:

1. It has come to our attention that the proposed project permitted under 2005-HB-3134 dated April 13, 2005 is not completely in the Granite City facility planning area ( FPA ). Necessary amendments of the FPAs are required to issue this permit or any subsequent supplementals or tributary permit. This denial does not allow any operation of any trunk sewer modifications which may have been constructed prior to the Agency construction authorization.

The Agency will be pleased to reevaluate your permit application on receipt of your written request and the necessary information and documentation to correct or clarify the deficiencies noted above. The revised application will be considered filed on the date that the Agency receives your written request.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DEERFIELD - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (815) 699-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - FLORIDA - 7020 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5900  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINGSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Page 2

**You have the right to appeal this denial to the Illinois Pollution Control Board within a 35 day period following the date shown on this letter.**

Should you have any questions or comments regarding the above, please contact Mark R. Ashrafi at the indicated telephone number and address.

Sincerely,



Alan Keller, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

*MRA*  
SAK:MRA:J:\docs\permits\statecon\ashrafi\001306d.wpd

cc: Burns & McDonnell  
Cascyville Township  
Metro East Sanitary District  
City of Granite City  
Collinsville Region  
Rinds