

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 28 2008

STATE OF ILLINOIS
Pollution Control Board

JOHN BLICKHAN,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 08- 59
(Permit Appeal – Ninety Day
Extension)

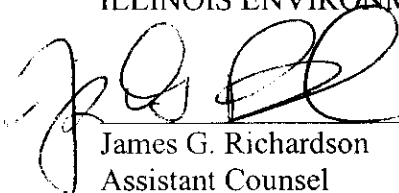
NOTICE

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Jon S. Faletto
Hinshaw & Culbertson LLP
416 Main Street, 6th Floor
Peoria, Illinois 61602-3126

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY


James G. Richardson
Assistant Counsel

Dated: March 25, 2008
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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JOHN BLICKHAN,)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 08-59
(Permit Appeal - Ninety Day Extension)

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, James G. Richardson, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board ("Board") grant an extension of the thirty-five (35) day period for petitioning for a hearing to June 29, 2008, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA's final decision. In support thereof, the Illinois EPA respectfully states as follows:

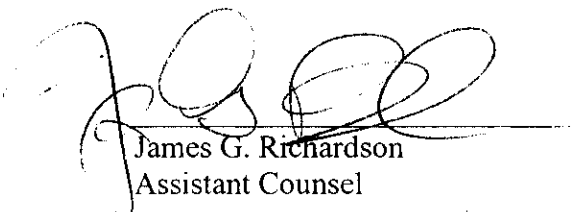
1. On February 22, 2008, the Illinois EPA issued a final decision to the Petitioner.
2. On March 24, 2008, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on February 25, 2008.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Assistant Counsel

Dated: March 25, 2008

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER



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

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

February 22, 2008

Certified Mail

7007 0220 0000 0039 3038

Mr. John Blickhan
P.O. Box 530
Lock and Dam Road
Quincy, Illinois 62301

Re: 0010650002 -- Adams County
Blickhan
Permit Nos. 1974-70-DE/OP
Certification of Completion of Post-Closure Care Period
Log No.2007-524
Permit Landfill 807 File
Permit Denial

Dear Mr. Blickhan:

This will acknowledge receipt of your affidavit for Certification of Completion of post-closure care period for the above referenced solid waste management site, dated December 20, 2007 and received by the Illinois EPA on December 24, 2007.

Your permit application for completion of post-closure care period, is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act (Act). Section 39(a) of the Act [415 ILCS 5/39(a)] requires the Illinois EPA to provide the applicant with specific reasons for denial of permit. The following reasons are given:

- 1. The operator has not demonstrated that the site will not cause future violations of the Act or 35 Ill. Adm. Code 807 in order to allow the Agency to certify post-closure pursuant to 35 Ill. Adm. Code 807.524. The following site conditions currently do not meet the requirements of 35 IAC 807.313 and 807.315:
 - a. The application has failed to demonstrate compliance with the 620.410 Class I Groundwater Standards at monitoring well G106. No groundwater data has been collected from this well G106 since the 3rd Quarter of 2004 due to the well being dry. The applicant has failed to replace monitoring well G106 pursuant to Condition 12 of Attachment A: "Should any well become consistently dry or

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ELGIN - 595 South State, Elgin, IL 60123 - (847) 408-3131 • PEORIA - 3413 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
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

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unserviceable, a replacement well shall be provided within ten (10) feet of the existing well."

- b. The application has failed to demonstrate compliance with the 620.410 Class I Groundwater Standards. Review of the groundwater history reveals numerous inorganic Class I groundwater exceedences, with the majority exhibited at downgradient monitoring wells G103, G105 and G106 which has significant higher concentrations of iron, manganese, chloride, boron, sulfate and total dissolved solids in comparison to upgradient monitoring well G104, which appears to be a best suited monitoring well for background comparisons as depicted on the provided potentiometric maps. Monitoring well G101 appears to be downgradient/side gradient of the western parcel. The following Class I inorganic exceedences which are indicative of a release from the Blickhan Landfill have been observed at the site since 2000: 6 exceedences of arsenic, 8 exceedences of barium, 4 exceedences of beryllium, 3 exceedences of chromium, 38 exceedences of iron, 27 exceedences of lead, 43 exceedences of manganese, 4 exceedences of nickel, 1 exceedence of selenium, 2 exceedences of sulfate, and 3 exceedences of total dissolved solids.
- c. The application has failed to demonstrate compliance with the 620.410 Class I Groundwater Standards. Review of the groundwater history reveals following unaddressed organic Class I groundwater exceedences and organic detections which are indicative of a release from Blickhan Landfill:
- G103, 2,4 D - 0.22 ug/L, 2nd Quarter 2004
 - G103, 2,4 D - 0.27 ug/L, 2nd Quarter 2002
 - G105, 2,4 D - 0.14 ug/L, 2nd Quarter 2002
 - R101, Methylene Chloride - 1 ug/L, 2nd Quarter 2006
 - R101, Methylene Chloride - 2 ug/L, 2nd Quarter 2002
 - G103, Methylene Chloride -- 2 ug/L, 2nd Quarter 2002
 - G104, Methylene Chloride - 1 ug/L, 2nd Quarter 2006
 - G104, Methylene Chloride - 2 ug/L, 2nd Quarter 2002
 - G105, Methylene Chloride -- 2 ug/L, 2nd Quarter 2002
 - G106, Methylene Chloride -- 2 ug/L, 2nd Quarter 2002
 - G107, Methylene Chloride - 2 ug/L, 2nd Quarter 2005
 - R101, Cis-1,2 Dichloroethene - 1 ug/L, 2nd Quarter 2006
 - R101, Cis-1,2 Dichloroethene - 1 ug/L, 2nd Quarter 2004
 - G105, Cis-1,2 Dichloroethene - 8 ug/L, 2nd Quarter 2005

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G105, Cis-1,2 Dichloroethene - 5 ug/L, 2nd Quarter 2004
 G105, Cis-1,2 Dichloroethene - 32 ug/L, 2nd Quarter 2002
 G107, Cis-1,2 Dichloroethene - 7 ug/L, 2nd Quarter 2001
 R101, Toxaphene, 75 ug/L, 2nd Quarter 2002, above the Class I Standard
 G103, Toxaphene, 180 ug/L, 2nd Quarter 2002, above the Class I Standard
 G104, Toxaphene, 8.9 ug/L, 2nd Quarter 2002, above the Class I Standard
 G105, Toxaphene - 13 ug/L, 2nd Quarter 2002, above the Class I Standard
 G106, Toxaphene - 31 ug/L 2nd Quarter 2002, above the Class I Standard
 G107, Toxaphene - 13 ug/L, 2nd Quarter 2002, above the Class I Standard
 G105, Vinyl Chloride - 12 ug/L, 2nd Quarter 2002, above the Class I Standard


- d. As per annual inspection performed on January 15, 2008 by Illinois EPA, Springfield Regional Office, a hole in the land fill cap on site No. 2 was observed. Section 22.17 of the Act requires the owner and operator to take remedial action to abate settling problems. Issuance of completion of post closure care prior to remedial action will violate Section 22.17 of the Act.

Number of violations were reported by the inspector of Springfield Regional Office, and you are required to take corrective actions before certification of completion of post-closure care period is issued.

Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Should you wish to reapply or have any questions regarding this application, please contact Mr. Shantilal Shah of Solid Waste Unit or Brett Bersche of Solid Waste Groundwater Assistance Unit at 217/524-3300

Sincerely,



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

SEPA:SS/mis/083141s.doc

cc: Bryan C. Bross, P.E., Klingner & Associates, P.C.

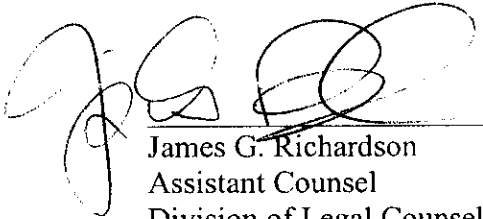
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on March 25, 2008 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Jon S. Faletto
Hinshaw & Culbertson LLP
416 Main Street, 6th Floor
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James G. Richardson
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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217/782-9143 (TDD)