

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

| | | |
|---------------------------------------|---|----------------------------------|
| |) | |
| |) | |
| Petition for Adjusted Standard |) | AS 08-003 |
| from 35 Ill. ADM. CODE 620.420 |) | (Adjusted Standard-Water) |
| For Nobel Risley's Landfill #2 |) | |

NOTICE OF FILING

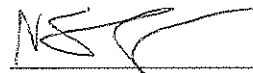
| | | |
|-----|----------------------------------|--|
| To: | Ms. Carol Webb | Mr. James Kropid |
| | Hearing Officer | Division of Legal Counsel, #21 |
| | Illinois Pollution Control Board | Illinois Environmental Protection Agency |
| | 1021 North Grand Avenue East | 1021 North Grand Avenue East |
| | Post Office Box 19274 | Post Office Box 19276 |
| | Springfield, Illinois 62794 | Springfield, Illinois 62794 |

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board a MOTION TO SUPPLEMENT THE RECORD TO ADD GROUNDWATER DATA ANALYSIS TO PETITIONER'S SECOND AMENDED PETITION and our CERTIFICATE OF SERVICE in the above-titled matter. Copies of these documents are hereby served upon you.

Respectfully submitted,

Nobel Risley

By: LIVINGSTON LAW FIRM



NICK M. SAN DIEGO, #6293689
Attorney for the Petitioner
5701 Perrin Road
Fairview Heights, IL 62208
Telephone 618-628-7700
Fax 618-628-7710

DATED: April 14, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| IN THE MATTER OF: |) | |
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| Petition for Adjusted Standard |) | AS 08-003 |
| from 35 Ill. ADM. CODE 620.420 |) | (Adjusted Standard-Water) |
| For Nobel Risley's Landfill #2 |) | |

**MOTION TO SUPPLEMENT THE RECORD TO ADD GROUNDWATER DATA
ANALYSIS TO PETITIONER'S SECOND AMENDED PETITION**

NOW COMES the Petitioner, Risley Landfill #2 ("Petitioner," "Risley" or "Landfill #2"), by and through its attorneys of the Livingston Law Firm, and hereby moves this Pollution Control Board ("Board") to accept Exhibit 1 as a supplement to the record in the above-captioned matter. In support of this Motion, Petitioner states as follows:

1. On January 4, 2008, the Illinois Environmental Protection Agency ("Illinois EPA") recommended that the Board grant Petitioner's request for an Adjusted Standard for chlorides at 600mg/L and deny Petitioner's request for an Adjusted Standard for sulfates at 4,500 mg/L.
2. On February 28, 2008, Petitioner filed its Second Amended Petition for Adjusted Standards wherein Petitioner amended its request for a sulfates Adjusted Standard to only 2,381 mg/L.
3. On several occasions since the filing of the Second Amended Petition, engineers from Leggette Brashears & Graham ("LBG") (on behalf of Petitioner) have discussed the technical justifications for a sulfate Adjusted Standard with Illinois EPA.
4. On or about March 26, 2008, Illinois EPA received a five-page document from LBG regarding Petitioner's statistical verification for its requested Adjusted Standard of 2,381 mg/L for sulfates. See Exhibit A.

5. Page 1 of the Exhibit lists the basic data showing the actual sample data and the averaged data. Page 2 contains the data set from the statistical program (i.e. the data that is utilized in the calculations). This data set matches the averaged data on Page 1. Page 3 describes the outlier testing results showing that there are no outliers in the data set. Page 4 contains the normality testing result showing that the data is normally distributed. Page 5 contains the results of the calculations showing the following: number of samples (21); mean (2,161 mg/L); standard deviation (584 mg/L); t-test coefficient (1.724); and 95% UCL (2,381 mg/L).

6. Given the importance of this documentation as a resource for Illinois EPA's analysis of the Landfill's amended request for a sulfates Adjusted Standard, its inclusion as part of the record is critical.

7. Petitioner's understanding is that Illinois EPA supports Petitioner's inclusion of this documentation into the record as it contains new data to justify Petitioner's Adjusted Standard request for sulfates.

WHEREFORE, for all of the reasons stated above, the Petitioner respectfully requests that this honorable Board **GRANT** the Petitioner's Motion to Supplement the Record to Add Groundwater Data Analysis to Petitioner's Second Amended Petition.

Respectfully submitted,
Nobel Risley

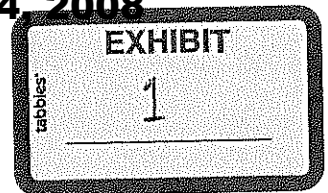
By: 

NICK M. SAN DIEGO, #6293689
Attorney for the Petitioner
5701 Perrin Road
Fairview Heights, IL 62208
Telephone 618-628-7700

DATED: April 11, 2008

Electronic Filing - Received, Clerk's Office, April 14, 2008

RISLEY LANDFILL #2
Permit # 1999-285-SP
Dissolved Sulfate Results for Well G-104



| Date | Well | Result (ug/L) | Averaged Values |
|------------|------|---------------|-----------------|
| 10/19/1999 | G104 | 3,215,000 | 3,215,000 |
| 1/14/2000 | G104 | 3,137,000 | 3,293,500 |
| 1/14/2000 | G104 | 3,450,000 | |
| 5/2/2000 | G104 | 2,752,000 | 2,865,500 |
| 5/2/2000 | G104 | 2,979,000 | |
| 8/15/2000 | G104 | 561,900 | 1,848,950 |
| 8/15/2000 | G104 | 3,136,000 | |
| 11/13/2000 | G104 | 2,925,000 | 2,925,000 |
| 2/14/2001 | G104 | 2,050,300 | 2,075,600 |
| 2/14/2001 | G104 | 2,100,900 | |
| 4/13/2001 | G104 | 1,976,400 | 2,011,000 |
| 4/13/2001 | G104 | 2,045,600 | |
| 8/15/2001 | G104 | 2,705,000 | 2,687,150 |
| 8/15/2001 | G104 | 2,669,300 | |
| 11/13/2001 | G104 | 2,101,700 | 2,047,900 |
| 11/13/2001 | G104 | 1,994,100 | |
| 2/6/2002 | G104 | 1,840,300 | 1,949,750 |
| 2/6/2002 | G104 | 2,059,200 | |
| 4/18/2002 | G104 | 1,467,000 | 1,433,500 |
| 4/18/2002 | G104 | 1,400,000 | |
| 8/28/2002 | G104 | 1,972,000 | 1,962,000 |
| 8/28/2002 | G104 | 1,952,000 | |
| 1/9/2003 | G104 | 1,891,000 | 1,862,500 |
| 1/9/2003 | G104 | 1,834,000 | |
| 4/15/2003 | G104 | 1,603,000 | 1,614,000 |
| 4/15/2003 | G104 | 1,625,000 | |
| 5/7/2003 | G104 | 1,975,000 | 1,991,000 |
| 5/7/2003 | G104 | 2,007,000 | |
| 8/26/2003 | G104 | 2,015,000 | 2,108,500 |
| 8/26/2003 | G104 | 2,202,000 | |
| 11/12/2003 | G104 | 2,573,000 | 2,622,500 |
| 11/12/2003 | G104 | 2,672,000 | |
| 2/26/2004 | G104 | 2,140,000 | 2,129,500 |
| 2/26/2004 | G104 | 2,119,000 | |
| 5/7/2004 | G104 | 1,714,000 | 1,714,000 |
| 9/2/2004 | G104 | 2,087,000 | 2,087,000 |
| 5/10/2007 | G104 | 941,000 | 941,000 |

Concentrations

Parameter: Sulfate, Dissolved

Original Data (Not Transformed)

Non-Detects Replaced with Detection Limit

Total Measurements: 21

Total Non-Detect: 0

Percent Non-Detects: 0%

Total Background Measurements: 21

There is 1 background location

| Loc. | Meas. | ND | Date | Conc. | Original |
|------|-------|--------|--------------|--------------|--------------|
| G104 | 21 | 0 (0%) | 10/19/1999 | 3.215e+006 | 3.215e+006 |
| | | | 1/14/2000 ~ | 3.2935e+006 | 3.2935e+006 |
| | | | 5/2/2000 ~ | 2.8655e+006 | 2.8655e+006 |
| | | | 8/15/2000 ~ | 1.84895e+006 | 1.84895e+006 |
| | | | 11/13/2000 | 2.925e+006 | 2.925e+006 |
| | | | 2/14/2001 ~ | 2.0756e+006 | 2.0756e+006 |
| | | | 4/13/2001 ~ | 2.011e+006 | 2.011e+006 |
| | | | 8/15/2001 ~ | 2.68715e+006 | 2.68715e+006 |
| | | | 11/13/2001 ~ | 2.0479e+006 | 2.0479e+006 |
| | | | 2/6/2002 ~ | 1.94975e+006 | 1.94975e+006 |
| | | | 4/18/2002 ~ | 1.4335e+006 | 1.4335e+006 |
| | | | 8/28/2002 ~ | 1.962e+006 | 1.962e+006 |
| | | | 1/9/2003 ~ | 1.8625e+006 | 1.8625e+006 |
| | | | 4/15/2003 ~ | 1.614e+006 | 1.614e+006 |
| | | | 5/7/2003 ~ | 1.991e+006 | 1.991e+006 |
| | | | 8/26/2003 ~ | 2.1085e+006 | 2.1085e+006 |
| | | | 11/12/2003 ~ | 2.6225e+006 | 2.6225e+006 |
| | | | 2/26/2004 ~ | 2.1295e+006 | 2.1295e+006 |
| | | | 5/7/2004 | 1.714e+006 | 1.714e+006 |
| | | | 9/2/2004 | 2.087e+006 | 2.087e+006 |
| | | | 5/10/2007 | 941000 | 941000 |

There are 0 compliance locations

| Loc. | Meas. | ND | Date | Conc. | Original |
|------|-------|----|------|-------|----------|
|------|-------|----|------|-------|----------|

There are 6 unused locations

| Loc. | Meas. | ND | Date | Conc. | Original |
|------------|-------|--------------|------------|--------|----------|
| Trip Blank | 13 | 9 (69.2308%) | 10/19/1999 | ND<100 | ND<100 |
| | | | 1/14/2000 | ND<100 | ND<100 |
| | | | 5/2/2000 | ND<100 | ND<100 |
| | | | 8/28/2002 | 160 | 160 |
| | | | 1/9/2003 | ND<100 | ND<100 |
| | | | 4/15/2003 | ND<100 | ND<100 |
| | | | 5/7/2003 | ND<100 | ND<100 |
| | | | 8/26/2003 | ND<100 | ND<100 |
| | | | 11/12/2003 | ND<100 | ND<100 |
| | | | 2/26/2004 | 2820 | 2820 |
| | | | 5/7/2004 | ND<100 | ND<100 |
| | | | 9/2/2004 | 1140 | 1140 |
| | | | 5/7/2007 | 180 | 180 |

Dixon's Test for Outliers

Parameter: Sulfate, Dissolved

All Locations

Original Data (Not Transformed)

Non-Detects Replaced with Detection Limit

For 21 Measurements...

5% Level of Significance

| Iteration | Highest | Lowest | Critical | Outlier |
|------------------|----------------|---------------|-----------------|----------------|
| 1 | 0.219411 | 0.339214 | 0.44 | None |

| Loc. | Date | Conc. | Outlier |
|-------------|--------------|--------------|----------------|
| G104 | 10/19/1999 | 3.215e+006 | FALSE |
| | 1/14/2000 ~ | 3.2935e+006 | FALSE |
| | 5/2/2000 ~ | 2.8655e+006 | FALSE |
| | 8/15/2000 ~ | 1.84895e+006 | FALSE |
| | 11/13/2000 | 2.925e+006 | FALSE |
| | 2/14/2001 ~ | 2.0756e+006 | FALSE |
| | 4/13/2001 ~ | 2.011e+006 | FALSE |
| | 8/15/2001 ~ | 2.68715e+006 | FALSE |
| | 11/13/2001 ~ | 2.0479e+006 | FALSE |
| | 2/6/2002 ~ | 1.94975e+006 | FALSE |
| | 4/18/2002 ~ | 1.4335e+006 | FALSE |
| | 8/28/2002 ~ | 1.962e+006 | FALSE |
| | 1/9/2003 ~ | 1.8625e+006 | FALSE |
| | 4/15/2003 ~ | 1.614e+006 | FALSE |
| | 5/7/2003 ~ | 1.991e+006 | FALSE |
| | 8/26/2003 ~ | 2.1085e+006 | FALSE |
| | 11/12/2003 ~ | 2.6225e+006 | FALSE |
| | 2/26/2004 ~ | 2.1295e+006 | FALSE |
| | 5/7/2004 | 1.714e+006 | FALSE |
| | 9/2/2004 | 2.087e+006 | FALSE |
| | 5/10/2007 | 941000 | FALSE |

Shapiro-Wilks Test of Normality

Parameter: Sulfate, Dissolved

All Locations

Normality Test of Parameter Concentrations

Original Data (Not Transformed)

Non-Detects Replaced with Detection Limit

K = 10 for 21 measurements

| i | x(i) | x(n-i+1) | x(n-1+1)-x(i) | a(n-i+1) | b(i) |
|----|--------------|--------------|---------------|----------|--------------|
| 1 | 941000 | 3.2935e+006 | 2.3525e+006 | 0.4643 | 1.09227e+006 |
| 2 | 1.4335e+006 | 3.215e+006 | 1.7815e+006 | 0.3185 | 567408 |
| 3 | 1.614e+006 | 2.925e+006 | 1.311e+006 | 0.2578 | 337976 |
| 4 | 1.714e+006 | 2.8655e+006 | 1.1515e+006 | 0.2119 | 244003 |
| 5 | 1.84895e+006 | 2.68715e+006 | 838200 | 0.1736 | 145512 |
| 6 | 1.8625e+006 | 2.6225e+006 | 760000 | 0.1399 | 106324 |
| 7 | 1.94975e+006 | 2.1295e+006 | 179750 | 0.1092 | 19628.7 |
| 8 | 1.962e+006 | 2.1085e+006 | 146500 | 0.0804 | 11778.6 |
| 9 | 1.991e+006 | 2.087e+006 | 96000 | 0.053 | 5088 |
| 10 | 2.011e+006 | 2.0756e+006 | 64600 | 0.0263 | 1698.98 |
| 11 | 2.0479e+006 | 2.0479e+006 | 0 | | |
| 12 | 2.0756e+006 | 2.011e+006 | -64600 | | |
| 13 | 2.087e+006 | 1.991e+006 | -96000 | | |
| 14 | 2.1085e+006 | 1.962e+006 | -146500 | | |
| 15 | 2.1295e+006 | 1.94975e+006 | -179750 | | |
| 16 | 2.6225e+006 | 1.8625e+006 | -760000 | | |
| 17 | 2.68715e+006 | 1.84895e+006 | -838200 | | |
| 18 | 2.8655e+006 | 1.714e+006 | -1.1515e+006 | | |
| 19 | 2.925e+006 | 1.614e+006 | -1.311e+006 | | |
| 20 | 3.215e+006 | 1.4335e+006 | -1.7815e+006 | | |
| 21 | 3.2935e+006 | 941000 | -2.3525e+006 | | |

Sum of b values = 2.53168e+006

Sample Standard Deviation = 584440

W Statistic = 0.938229

5% Critical value of 0.908 is less than 0.938229

Data is normally distributed at 95% level of significance

1% Critical value of 0.873 is less than 0.938229

Data is normally distributed at 99% level of significance

Student's t-test UCL Method

Parameter: Sulfate, Dissolved

Original Data (Not Transformed)

Non-Detects Replaced with Detection Limit

Limit calculated for 21 background measurements

Background mean = 2.16118e+006

Background standard deviation = 584440

$t(0.05) = 1.72472$ for 20 degrees of freedom

Upper Confidence Limit = 2.38115e+006

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IN THE MATTER OF:)
)
Petition for Adjusted Standard) AS 08-003
from 35 Ill. ADM. CODE 620.420) (Adjusted Standard-Water)
For Nobel Risley's Landfill #2)

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached AMENDED SECOND AMENDED PETITION FOR ADJUSTED STANDARDS TO ADDRESS POLLUTION CONTROL BOARD COMMENTS ON PREVIOUS AMENDED PETITION and NOTICE OF FILING, by U.S. FIRST CLASS MAIL to the following persons:

Ms. Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794

Mr. James Kropid
Division of Legal Counsel, #21
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794

Respectfully submitted,

Nobel Risley

By: LIVINGSTON LAW FIRM



NICK M. SAN DIEGO, #6293689

Attorney for the Petitioner
5701 Perrin Road
Fairview Heights, IL 62208
Telephone 618-628-7700
Fax 618-628-7710

DATED: April 14, 2008