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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CATHERINE THOMAS, d/b/a THOMAS 12th)
STREET DISPOSAL,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB 10- 69
(Permit Appeal – Land)
(Ninety Day Extension)

NOTICE

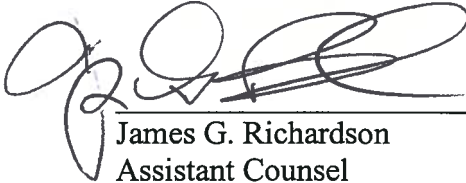
 ORIGINAL

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

David K. Cox
Cox Law Office
112 West Washington Street
Monticello, Illinois 61856

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 5, 2010
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

CATHERINE THOMAS,)
d/b/a THOMAS 12th STREET DISPOSAL,)
Petitioner,)

v.)

PCB No. 10-69
(Permit Appeal – Land)
(Ninety Day Extension)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

ORIGINAL

**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 7, 2010, 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 January 29, 2010, the Illinois EPA issued a final decision to the Petitioner.
2. On March 4, 2010, 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.

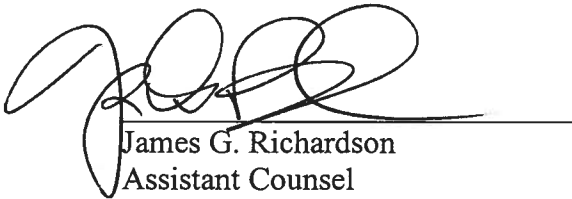
Upon information and belief the Petitioner did receive the final decision on February 2, 2010.

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 5, 2010

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

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

January 29, 2010

Certified Mail
7004 2510.0001 8615 9968

Thomas 12th Street Disposal
Attn: Mrs. Catherine Thomas
55 Greenwood Cemetery Road
Danville, Illinois 61832

Re: 1838040009 -- Vermilion County
Thomas 12th St Disposal
Log No. 2007-497
Permit Landfill 807 File
Permit Denial

RELEASABLE

JAN 29 2010

REVIEWER MD

Dear Mrs. Thomas:

This will acknowledge receipt of your Application for Permit to modify a solid waste management site, dated and received by the Illinois EPA on December 4, 2007.

Your permit application to revise the post-closure care cost estimates 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 the denial of permit. The following reason(s) are given:

1. Pursuant to 35 Ill. Adm. Code Section 807.622(d), post-closure care cost estimates must include all groundwater monitoring parameters at the frequency indicated in the permit. This application failed to meet this regulation. The cost estimate of \$35,606.00 proposed in the application assumes that only detection groundwater monitoring will need to be done during the remainder of the post-closure care period. However, there are groundwater exceedences in the vicinity of this landfill and a groundwater assessment must be done as described in Supplemental Permit No. 2007-300-SP. Therefore, estimates should be calculated incorporating the assessment monitoring required by Supplemental Permit No. 2007-300-SP.

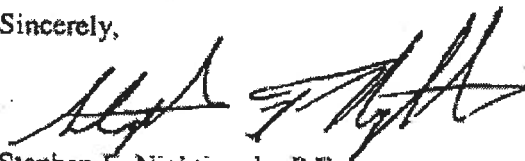
Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the

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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 Tom Hubbard at 217/524-3286.

Sincerely,



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

^{BAG}
SFN: IWH/mls/103372.doc
LTL TH

cc: Sean C. Chisek, P.E., Andrews Engineering

bcc: Bureau File
Champaign Region
Hope Wright
Bur Filson
Brett Bersche
Tom Hubbard Steve Nightingale

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MAR 08 2010

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

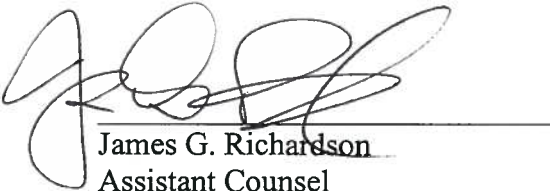
I, the undersigned attorney at law, hereby certify that on March 5, 2010 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

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

David K. Cox
Cox Law Office
112 West Washington Street
Monticello, Illinois 61856

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Assistant Counsel
Division of Legal Counsel
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