

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 12 2010

STATE OF ILLINOIS
Pollution Control Board

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

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

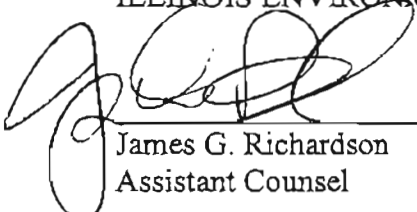
NOTICE

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: April 7, 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

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

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**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 July 18, 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:

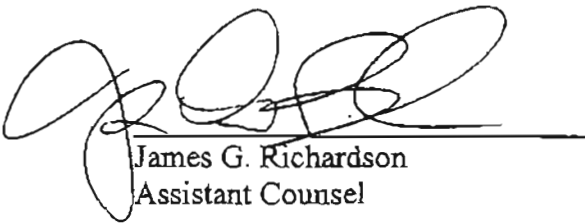
1. On March 4, 2010, the Illinois EPA issued a final decision to the Petitioner.
2. On April 6, 2010, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on March 15, 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: April 7, 2010

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) 782-2829
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

March 4, 2010

Certified Mail
7004 2510 0001 8625 6384

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. 2009-460
Permit Landfill 807 File
Permit Denial

Dear Mrs. Thomas:

This will acknowledge receipt of your certification of completion of post-closure care at a solid waste management site, dated, and received by the Illinois EPA on September 24, 2009.

Your permit affidavit for certification of completion of post-closure care 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. Pursuant to 807.524, the Agency shall certify completion of post-closure care upon determination that the facility will not cause future violations of 35 Illinois Administrative Code Part 807 or the Act. The following site conditions currently do not meet the requirements of 35 Ill. Adm. Code Parts 807.313 and 807.315 and Sections 12(a), 12(b), 12(d), and 12(f) of the Act:

1. Previous application Log No. 2004-017 stated that the probable source of the following contaminants was the landfill. No further investigation has been made to demonstrate otherwise. The following organic and inorganic parameters have been detected at the landfill at concentrations above background, method detection limit (MDL), the practical quantitation limit (PQL) and/or the Class IV Standard that are indicative of groundwater impacts caused by Thomas 12th Street Disposal.

• G113

- Chlorobenzene – Detected below the MDL, 4th Quarter 2004
- 2,4 D – Detected below the MDL, 2nd Quarter 2004
- Picloram – Detected below the MDL, 2nd Quarter 2004
- 2,4,5 – TP (Silvex) – Detected below the MDL, 4th Quarter 2004
- Benzene – Detected below the MDL, 1st Quarter 2005
- Total Xylenes – Detected below the MDL, 1st Quarter 2005

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- G114
Picloram – Detected below the MDL, 2nd Quarter 2004
- G115
Picloram – Detected below the MDL, 2nd Quarter 2004
Phenols - Detected below the MDL, 3rd Quarter 2004 .
- G117
1,1 Dichloroethane – Detected below the MDL, 2nd Quarter 2004
Phenols – Detected below the MDL, 3rd Quarter 2004
- B3
EPTC – 0.26 ug/L, 4th Quarter 2004, no PQL established

Along with the following historical detections and background exceedences:

- G113
Chlorobenzene – 2.9 ug/L, 2nd Quarter 1998, detected above the MDL
Chlorobenzene – 5.01 ug/L, 2nd Quarter 2000, above the PQL of 5 ug/L
Chlorobenzene – 5.02 ug/L, 2nd Quarter 2001, above the PQL of 5 ug/L
Chlorobenzene – 3.2 ug/L, 2nd Quarter 2003, detected above the MDL
2,4,5-TP – 0.24 ug/L, 2nd Quarter 2001, above the PQL of 0.2 ug/L
2,4,5-TP – 0.317 ug/L, 4th Quarter 2003, above the PQL of 0.2 ug/L
Benzene – 0.6 ug/L, 2nd Quarter 1997, detected above the MDL
Benzene – 1.3 ug/L, 2nd Quarter 1998, detected above the MDL
Benzene – 0.72 ug/L, 3rd Quarter 1998, detected above the MDL
Benzene – 0.76 ug/L, 2nd Quarter 1999, detected above the MDL
Benzene – 2.81 ug/L, 4th Quarter 2000, detected above the MDL
Benzene – 2.07 ug/L, 2nd Quarter 2001, detected above the MDL
Benzene – 2.4 ug/L, 4th Quarter 2001, detected above the MDL
Phenols – 51 ug/L, 1st Quarter 1988, above the PQL of 5 ug/L
Phenols – 12 ug/L, 2nd Quarter 1988, above the PQL of 5 ug/L
Phenols – 8 ug/L, 2nd Quarter 1995, above the PQL of 5 ug/L
Phenols – 6 ug/L, 4th Quarter 2002, above the PQL of 5 ug/L
Phenols – 11 ug/L, 1st Quarter 2003, above the PQL of 5 ug/L
Phenols – 37 ug/L, 4th Quarter 2003, above the PQL of 5 ug/L
Phenols – 20 ug/L, 1st Quarter 2004, above the PQL of 5 ug/L
Phenols – 6 ug/L, 3rd Quarter 2004, above the PQL of 5 ug/L
Phenols – 9.5 ug/L, 2nd Quarter 2005, above the PQL of 5 ug/L
Phenols – 5.3 ug/L, 3rd Quarter 2005, above the PQL of 5 ug/L
Phenols – 8.2 ug/L, 1st Quarter 2006, above the PQL of 5 ug/L
Phenols – 7.8 ug/L, 2nd Quarter 2006, above the PQL of 5 ug/L
Phenols – 5.5 ug/L, 2nd Quarter 2007, above the PQL of 5 ug/L

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Phenols - 9.1 ug/L, 3rd Quarter 2007, above the PQL of 5 ug/L
Phenols - 64 ug/L, 4th Quarter 2007, above the PQL of 5 ug/L
Phenols - 5.2 ug/L, 4th Quarter 2008, above the PQL of 5 ug/L
Phenols - 8.9 ug/L, 2nd Quarter 2009, above the PQL of 5 ug/L
Total Xylenes - 2.0 ug/L, 2nd Quarter 1998, detected above the MDL
Total Xylenes - 2.78 ug/L, 2nd Quarter 2000, detected above the MDL
Total Xylenes - 2.25 ug/L, 2nd Quarter 2001, detected above the MDL
Total Xylenes - 2.81 ug/L, 3rd Quarter 2001, detected above the MDL
Total Xylenes - 2.3 ug/L, 4th Quarter 2001, detected above the MDL
Total Xylenes - 1.13 ug/L, 3rd Quarter 2002, detected above the MDL
Total Xylenes - 1.43 ug/L, 2nd Quarter 2003, detected above the MDL
o-Xylene - 1.4 ug/L, 3rd Quarter 1997, no PQL established
o-Xylene - 1.9 ug/L, 4th Quarter 1997, no PQL established
o-Xylene - 1.7 ug/L, 1st Quarter 1998, no PQL established
o-Xylene - 1.3 ug/L, 3rd Quarter 1998, no PQL established
o-Xylene - 1.7 ug/L, 3rd Quarter 1999, no PQL established
o-Xylene - 1.1 ug/L, 4th Quarter 1999, no PQL established
o-Xylene - 1.2 ug/L, 1st Quarter 2000, no PQL established
o-Xylene - 2.78 ug/L, 2nd Quarter 2000, no PQL established
o-Xylene - 2.17 ug/L, 3rd Quarter 2000, no PQL established
o-Xylene - 2.66 ug/L, 4th Quarter 2000, no PQL established
o-Xylene - 1.02 ug/L, 1st Quarter 2001, no PQL established
o-Xylene - 2.3 ug/L, 4th Quarter 2001, no PQL established
o-Xylene - 1.35 ug/L, 1st Quarter 2002, no PQL established
o-Xylene - 1.13 ug/L, 3rd Quarter 2002, no PQL established
o-Xylene - 1.06 ug/L, 4th Quarter 2002, no PQL established
o-Xylene - 1.49 ug/L, 1st Quarter 2003, no PQL established
o-Xylene - 2.5 ug/L, 1st Quarter 2004, no PQL established
Boron - 12,970 ug/L, 2nd Quarter 1995, above the Class IV standard of 2000 ug/L
Boron - 12,500 ug/L, 3rd Quarter 1995, above the Class IV standard of 2000 ug/L
Boron - 13,150 ug/L, 4th Quarter 1995, above the Class IV standard of 2000 ug/L
Boron - 11,800 ug/L, 1st Quarter 1996, above the Class IV standard of 2000 ug/L
Boron - 13,100 ug/L, 2nd Quarter 1996, above the Class IV standard of 2000 ug/L
Boron - 10,500 ug/L, 3rd Quarter 1996, above the Class IV standard of 2000 ug/L
Boron - 9,450 ug/L, 2nd Quarter 1997, above the Class IV standard of 2000 ug/L
Boron - 6,460 ug/L, 2nd Quarter 1998, above the Class IV standard of 2000 ug/L
Boron - 7,040 ug/L, 2nd Quarter 1999, above the Class IV standard of 2000 ug/L
Boron - 9,250 ug/L, 2nd Quarter 2000, above the Class IV standard of 2000 ug/L
Boron - 8,070 ug/L, 2nd Quarter 2001, above the Class IV standard of 2000 ug/L
Boron - 6,030 ug/L, 2nd Quarter 2003, above the Class IV standard of 2000 ug/L
Boron - 7,120 ug/L, 4th Quarter 2003, above the Class IV standard of 2000 ug/L
Boron - 5,130 ug/L, 2nd Quarter 2004, above the Class IV standard of 200 ug/L
Boron - 6,020 ug/L, 4th Quarter 2004, above the Class IV standard of 2000 ug/L

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Boron - 4,900 ug/L, 2nd Quarter 2005, above the Class IV standard of 2000 ug/L
Boron - 6,100 ug/L, 2nd Quarter 2006, above the Class IV standard of 2000 ug/L
Boron - 3,900 ug/L, 2nd Quarter 2007, above the Class IV standard of 2000 ug/L
Boron - 2,700 ug/L, 2nd Quarter 2008, above the Class IV standard of 2000 ug/L
Boron - 3,500 ug/L, 2nd Quarter 2009, above the Class IV standard of 2000 ug/L
Dissolved Chloride - 420 mg/L, 3rd Quarter 2007, above IntraWell Background
Dissolved Chloride - 460 mg/L, 4th Quarter 2007, above IntraWell Background

G114

Phenols - 11 ug/L, 4th Quarter 1987, above the PQL of 5 ug/L
Phenols - 5 ug/L, 4th Quarter 2003, above the PQL of 5 ug/L
Phenols - 7.1 ug/L, 1st Quarter 2009, above the PQL of 5 ug/L
1,1-Dichloroethane - 11.1 ug/L, 2nd Quarter 2004, no PQL established
1,1-Dichloroethane - 14.3 ug/L, 4th Quarter 2004, no PQL established
1,1-Dichloroethane - 9.24 ug/L, 1st Quarter 2005, no PQL established
1,1-Dichloroethane - 9 ug/L, 2nd Quarter 2005, no PQL established
1,1-Dichloroethane - 11.1 ug/L, 2nd Quarter 2006, no PQL established
Dichloromethane - 0.6 ug/L, 2nd Quarter 2005, above the PQL of 0.2 ug/L
Dichloromethane - 0.9 ug/L, 2nd Quarter 2006, above the PQL of 0.2 ug/L
Benzene - 0.65 ug/L, 4th Quarter 1999, detected above the MDL
Toluene - 3.5 ug/L, 4th Quarter 1999, detected above the MDL
Ethylbenzene - 1.8 ug/L, 4th Quarter 1999, detected above the MDL
Xylenes - 8 ug/L, 4th Quarter 1999, above the PQL of 5 ug/L
Dissolved Sulfate consistently exceeds background through 4th Quarter 2009

G115

Phenols - 80 ug/L, 2nd Quarter 1999, above the PQL of 5 ug/L
Phenols - 6 ug/L, 4th Quarter 2003, above the PQL of 5 ug/L
Phenols - 11 ug/L, 1st Quarter 2004, above the PQL of 5 ug/L
Benzene - 0.59 ug/L, 3rd Quarter 1997, detected above the MDL
Benzene - 1.3 ug/L, 1st Quarter 1998, detected above the MDL
Benzene - 0.87 ug/L, 3rd Quarter 1998, detected above the MDL
Dissolved Chloride consistently exceeds background through 4th Quarter 2009

G116

Phenols - 5 ug/L, 2nd Quarter 2000, above the PQL of 5 ug/L
1,1-Dichloroethane - 16.3 ug/L, 3rd Quarter 2004, no PQL established
Dichloromethane - 0.7 ug/L, 2nd Quarter 2005, above the PQL of 0.2 ug/L
Benzene - 0.77 ug/L, 2nd Quarter 1998, detected above the MDL
Benzene - 0.67 ug/L, 3rd Quarter 1998, detected above the MDL
Chromium - 1420 ug/L, 3rd Quarter 2000, above the Class IV standard of 1000 ug/L
Chromium - 1600 ug/L, 2nd Quarter 2007, above the Class IV standard of 1000 ug/L
Chromium - 1300 ug/L, 2nd Quarter 2008, above the Class IV standard of 1000 ug/L
Chromium - 1200 ug/L, 2nd Quarter 2009, above the Class IV standard of 1000 ug/L

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G117

Phenols – 6 ug/L, 4th Quarter 2003, above the PQL of 5 ug/L

Dichloromethane – 0.7 ug/L, 2nd Quarter 2005, above the PQL of 0.2 ug/L

Dichloromethane – 0.8 ug/L, 2nd Quarter 2006, above the PQL of 0.2 ug/L

Benzene – 0.86 ug/L, 2nd Quarter 1998, detected above the MDL

Benzene – 4.9 ug/L, 3rd Quarter 1998, detected above the MDL

Barium – 2260 ug/L, 2nd Quarter 2000, above the Class IV standard of 2000 ug/L

Chromium – 5020 ug/L, 3rd Quarter 2004, above the Class IV standard of 1000 ug/L

Dissolved Chloride consistently exceeds background through 4th Quarter 2009

Dissolved Sulfate consistently exceeds background through 4th Quarter 2009

Total Dissolved Solids consistently exceeds background through 4th Quarter 2009

Note: The laboratory PQLs for Chlorobenzene, 1,1-Dichloroethane, Benzene, Toluene and Total Xylenes have been increased to 5 ug/L, which is greater than the historical detected concentration range (less than 5 ug/L) and is potentially masking current groundwater quality.

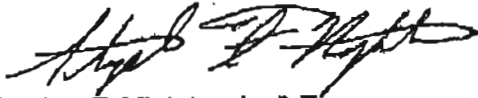
2. Condition 23 of Attachment A of Supplemental Permit No. 2007-300-SP has not been satisfied. The required groundwater assessment activities at G111, G113, G114, G115, and G117 have not been completed. All groundwater assessment activities, results, conclusions, and follow up activities (to demonstrate the facility is not the source of the listed impacts) must be conducted to the satisfaction of the Illinois EPA prior to issuance of certification of completion of post closure care for Thomas 12th St. Disposal.
3. Condition 25 of Attachment A of Supplemental Permit No. 2007-300-SP has not been satisfied. Background for the List 1, 2 and 3 inorganic parameters shall be developed utilizing the earliest four consecutive quarters of groundwater quality. All calculations, raw data presented in tabular form, proposed background values and all historical groundwater data shall be re-evaluated to the proposed background values. This data is required to demonstrate whether or not any of the listed impacts are due to offsite conditions. Requirements of Condition 25 of Attachment A of Supplemental Permit No. 2007-300-SP, must be conducted and approved by the Illinois EPA prior to issuance of certification of completion of post closure care for Thomas 12th St. Disposal.

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.


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Should you wish to reapply or have any questions regarding this application, please contact Tom Hubbard at 217/524-3286.

Sincerely,



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


SFN:TH:mjs/103052s.doc
CJL TWH

cc: Doug Maunte], P.E., Andrews Engineering

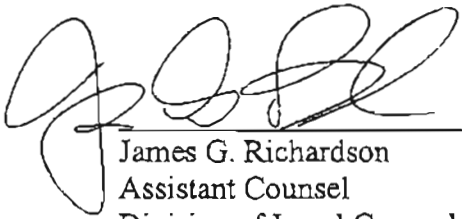
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on April 7, 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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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Division of Legal Counsel
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