

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROLF SCHILLING, PAM SCHILLING and)
SUZANNE VENTURA,)

Complainants,)

v.)

GARY D. HILL, VILLA LAND TRUST,)
an Illinois Land Trust, and PRAIRIE)

LIVING WEST, LLC)

Respondents.)

RECEIVED
CLERK'S OFFICE
SEP 13 2010
STATE OF ILLINOIS
Pollution Control Board

PCB. No. 10-100

MOTION FOR LEAVE TO FILE RESPONSE INSTANTER,
AND TO WITHDRAW PREVIOUSLY-FILED MOTION FOR LEAVE
TO FILE RESPONSE INSTANTER

NOW COME Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, through their attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Stephen F. Hedinger of Counsel, and move this Board for leave to file instanter the attached proposed response to the Motion to Dismiss filed in this case by all Respondents, and also request leave to withdraw the "Motion For Leave to File Instanter" that was served and filed by mistake on September 3, 2010. In support of this motion, Complainants state as follows:

1. Complainants filed their complaint in this case on June 1, 2010, and Respondents filed a Motion to Dismiss on August 2, 2010.

2. Complainants have previously sought an extension of two weeks to file a response to Respondents' Motion to Dismiss. By order entered September 2, 2010, this Board granted that motion and extended the response deadline to August 30, 2010.

3. Complainants were not able to meet either the original deadline for responding to the motion to dismiss or the extended deadline due to a number of factors, including vacation scheduling and family responsibilities at the beginning of the school year, the press of other

business, and the fact that the motion to dismiss included no citation to legal authority, requiring Complainants to thoroughly research the issues presented.

4. Respondents required sixty (60) days between the filing of Complainants' complaint and the filing of their motion to dismiss, and filed the motion substantially later than the time for filing set forth in 35 Ill. Adm. Code 103.212(b). Although they sought and were granted an extension, the reason for doing so (an alleged "survey" to be conducted by the Illinois Environmental Protection Agency) was not ever mentioned in the motion to dismiss they filed.

5. This motion is being made in good faith, and not for any improper purpose. Denial of the motion will greatly prejudice Complainants by depriving them of the opportunity to respond to the motion to dismiss. Allowance of the motion should prejudice no one.

6. The proposed response to the motion to dismiss is being submitted for filing with this motion.

7. With the instant motion, Complainants also seek leave to withdraw the document also entitled "Motion For Leave to File Response Instanter" that is dated September 1, 2010 and was filed with this Board on September 3, 2010; that pleading was a draft of the instant motion, and was filed in error, before the response was completed for filing.

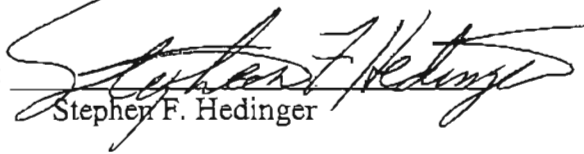
WHEREFORE Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, request this Board's leave to file instanter the attached proposed response to the motion to dismiss filed by Respondents in this matter, and for leave to withdraw the previous motion for leave to file that was filed in error on September 3, 2010, and for all such other and further relief in favor of Complainants as this Board deems just and appropriate.

Date September 8, 2010

Respectfully submitted,

ROLF SCHILLING, PAM SCHILLING and
SUZANNE VENTURA, Complainants

By:



Stephen F. Hedinger

Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
Stephen F. Hedinger and
Brian D. Jones, of Counsel
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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, certify that I have served a copy of the foregoing document upon the attorneys for Respondents at the following addresses:

Jonathan R. Cantrell
Molly Wilson Dearing
Winters, Brewster, Crosby & Schafer LLC
111 West Main
P.O. Box 700
Marion, IL 62959

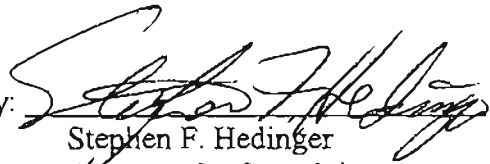
Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Ave. East
P. O. Box 19274
Springfield, IL 62794-9274

by depositing same in the U.S. Mail, certified mail/return receipt requested, postage prepaid, on this 8th day of September, 2010.

Similarly, the original and nine copies were mailed to:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

by depositing same in the U.S. Mail, first class, postage prepaid, on this 9th day of September, 2010.

By: 
Stephen F. Hedinger
Attorney for Complainants

Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
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GARY D. HILL, VILLA LAND TRUST,)
an Illinois Land Trust, and PRAIRIE)
LIVING WEST, LLC)

Respondents.)

RESPONSE TO MOTION TO DISMISS

NOW COME Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, through their attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Stephen F. Hedinger of Counsel, and for their response to the "Motion to Dismiss" filed by all three Respondents, GARY D. HILL, VILLA LAND TRUST, and PRAIRIE LIVING WEST, LLC, state as follows:

1. Respondents claim that the Citizen's Complaint filed by Complainants in this matter is "frivolous" within the meaning of Section 31(d) of the Environmental Protection Act, 415 ILCS 5/31(d), and of this Board's procedural regulations, and in particular 35 Ill. Adm. Code §103.304(c)(2).

2. Among other things, Respondents have failed to cite even a single case authority in support of their motion. Contrary to Respondents' assertion, it is their own motion, and not the Citizen's Complaint, which lacks any basis.

3. This Board has discussed its pleading requirements in numerous cases. As stated in United City of Yorkville v. Hamman Farms, PCB 08-96, slip op. at 15 (Oct. 16, 2008), "In assessing the adequacy of pleadings in a complaint, the Board has accordingly stated that 'Illinois

is a fact-pleading state which requires the pleader to set out the ultimate facts which support his cause of action." (Quoting Loschen v. Grist Mill Confections, Inc., PCB 97-174, slip op. at 4 (June 5, 1997)) (additional citations omitted). Further, citing from Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental, PCB 98-43, slip op. at 2 (Nov. 6, 1997), this Board noted that a "petitioner is not required 'to plead all facts specifically in the petition, but to set out ultimate facts which support his cause of action,'" and continued by adding that, "[L]egal conclusions unsupported by allegations of specific facts are insufficient" (quoting LaSalle Nat'l Trust N.A. v. Village of Mettawa, 249 Ill. App. 3d 550, 557, 616 N.E.2d 1297, 1303 (2d Dist. 1993)).

4. Continuing to quote from Grist Mill Confections, the United City of Yorkville ruling also teaches: "Despite the requirement of fact pleading, courts are to construe pleadings liberally to do substantial justice between the parties." (*id.*, quoting Grist Mill Confections, PCB 97-174, slip. op. at 4 (additional citations omitted)). Further, "[f]act-pleading does not require a complainant to set out its evidence: "To the contrary, only the ultimate facts to be proved should be alleged and not the evidentiary facts tending to prove such ultimate facts." People ex rel. Fahner v. Carriage Way West, Inc., 88 Ill. 2d 300, 308, 430 N.E.2d 1005, 1008-09 (1981), quoting Board of Education v. Kankakee Federation of Teachers Local No. 886, 46 Ill. 2d 439, 446-47 (1970)." *Id.* Finally, the United City of Yorkville opinion also notes that, "pleadings are not intended to create technical obstacles to reaching the merits of a case at trial; rather, their purpose is to facilitate the resolution of real and substantial controversies." *Id.*, quoting Village of Mettawa, 249 Ill. App. 3d at 557, 616 N.E. 2d at 1303.

5. See also People v. Keeven, 68 Ill. App. 3d 91, 95-96, 385 N.E.2d 804, 806-07 (5th Dist. 1979); Nash v. Sokolowski, PCB 07-96 (Aug. 5, 2010); Flagg Creek Water Reclamation

Dist. v. Village of Hinsdale, PCB 06-141 (June 1, 2006); People v. Peabody Coal Co., PCB 99-134 (June 20, 2002); Village of Park Forest v. Sears, Roebuck & Co., PCB 01-77 (Feb. 15, 2001).

6. Applying the principles set forth above, it is clear that Respondents' motion to dismiss lacks any merit, and should be denied.

7. First, it should be noted that the motion to dismiss submitted by Respondents fails to identify any "survey" to be, or that was, conducted at the site by the Illinois Environmental Protection Agency, which formed the basis for Respondents' June 28, 2010 motion for extension of time. It is clear that Respondents are simply seeking ways to delay substantive proceedings in this matter.

8. The premise of Respondents' motion to dismiss is that the Citizen's Complaint fails to provide sufficient facts to allow Respondents to prepare a defense. (See Motion to Dismiss, para. 4). However, aside from stating that, Respondents failed to reveal any deficiencies in the Citizen's Complaint that do not allow them to move forward with a defense.

9. Respondents first complain that the Citizen's Complaint does not provide "specific dates upon which the pollution occurred." (Motion to Dismiss, para. 4). However, the Citizen's Complaint clearly alleges that Phase I of the construction activities occurred in 2006 and 2007, and that pollution occurred during that timeframe, and that construction Phase II took place during the spring of 2010, and that significant pollution occurred during that timeframe, as well. See paras. 4, 8 and 13 of the Citizen's Complaint; see also Exs. A and C to the Citizen's Complaint. Sufficient allegations of dates of the pollution events have been alleged to permit Respondents to prepare a defense; Respondents cite no authority, because none exists, requiring Complainants to specify particular days of the week, hours of the day, or other such specific

evidence in support of their Citizen's Complaint; to the contrary, the authority cited above makes clear that evidentiary facts are not necessary.

10. Respondents also complain that the Citizen's Complaint does not adequately "enumerate any specific activities or sources of the pollution, other than 'construction activities'." (Motion to Dismiss, para. 4).

11. Respondents fail to explain how the allegations of the Citizen's Complaint fail to provide sufficient facts to permit them to raise a defense, particularly where, as here, the activities in question are subject to the requirements of an NPDES permit, for which Respondents applied and with which Respondents agreed to comply. See Citizen's Complaint, Exs. A, B and C. Again, as the above authorities teach, Complainants are not obligated to plead evidentiary facts in their complaint, but only ultimate facts, as they did here.

12. Respondents also complain that the Citizen's Complaint "is vague when describing the type of pollution by referring to contaminants without describing in detail what they are" (Motion to Dismiss, para. 4). The Citizen's Complaint, however, specifically identifies such contaminants as water, mud, construction-related residues, eroded material and other waste material (Citizen's Complaint, para. 8), as well as sediments and erosion (Citizen's Complaint, paras. 12 and 13), all of which meet the statutory definition of "contaminated" (415 ILCS 5/3.165), and the Citizen's Complaint alleges that these contaminants have caused "water pollution" within the statutory meaning (415 ILCS 5/3.545), as well. Moreover, the Citizen's Complaint alleges the very types of pollutants and contaminants that are addressed in the NPDES general permit (Citizen's Complaint, Ex. B). Again, Respondents fail to support their generic complaint of inadequate pleading.

13. Respondents continue by objecting to Complainants' assertion of violation of Section 12(b) of the Environmental Protection Act, 415 ILCS 5/12(b), asserting that in order to properly allege the violation, the Citizen's Complaint for some reason must "allege facts that show the facility is capable of causing or contributing to water pollution," and "that Respondents are installing or operating any equipment that is causing water pollution, other than the vague reference to 'construction activities'" (Motion to Dismiss, para. 5). This assertion overlooks the allegations of the Citizen's Complaint (paras. 8, 9 11, 12, 13 and 14) that Respondents' construction and operation of the facility did cause water pollution (thereby revealing that it certainly was capable of causing or contributing to water pollution); moreover, Respondents themselves applied for, obtained and accepted a permit to control construction activity pollution from the site, thereby further belying the assertion that no allegations support the capability of the facility for causing such pollution (See Citizen's Complaint, Exs. A, B and C). Further, there is no requirement that the Citizen's Complaint allege that Respondents "are installing or operating any equipment that is causing water pollution" (Motion to Dismiss, para. 5), because Section 12(b) not only outlaws that, but also outlaws constructing or operating a facility in violation of conditions imposed by a permit, and here the Citizen's Complaint clearly alleges that the Respondents have failed to comply with the requirements of the NPDES permit they have been granted. (Citizen's Complaint, paras. 12, 13, 14, 15, 16 and 17).

14. Respondents similarly assert that the Citizen's Complaint fails to adequately allege a violation of Section 12(d) of the Environmental Protection Act, 415 ILCS 5/12(d), because the Citizen's Complaint "merely focuses on pollution to the pond and flooding of Complainants' property. It does not list any contamination to 'land' that will create a water pollution hazard." (Motion to Dismiss, para. 6). Again the motion overlooks the allegations of

the Citizen's Complaint that clearly reveal that it was Respondents' construction activities upon the property (i.e., upon the land) that resulted in run off, sediment, and the washing away of significant amounts of materials which has caused pollution to Complainants' property – clear allegations of deposition of contaminants so as to cause a water pollution hazard. (Indeed, so as to cause water pollution, and not just a hazard of water pollution). See paras. 8, 9, 11, 12, 13, 14 and Exs. A, B and C, of the Citizen's Complaint; see also Perkinson v. Pollution Control Board, 187 Ill. App. 3d 689, 543 N.E.2d 901 (3d Dist. 1989); People v. Keeven, 68 Ill. App. 3d 91, 95, 385 N.E.2d 804, 806-07 (5th Dist. 1979); Meadowlark Farms, Inc. v. Pollution Control Board, 17 Ill. App. 3d 851, 806-61, 308 N.E.2d 829, 836 (5th Dist. 1979).

15. Respondents also object to allegations of violation of Section 12(f) of the Environmental Protection Act, 415 ILCS 5/12(f), which outlaws discharging of contaminants "into the waters of the State," by making the frivolous assertion that "[t]he complaint fails to allege any contamination of any waters of the state. The only allegations involve the contamination of water in a privately owned pond." The Environmental Protection Act itself defines "waters" to include "all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State." 415 ILCS 5/3.550 (emphasis added). Hence, Respondents' assertion is completely without merit. The Citizen's Complaint clearly alleges contamination of waters of the state, as defined by the Environmental Protection Act. See People v. Stonehedge, Inc., 288 Ill. App. 3d 318, 321-22, 680 N.E.2d 497, 500 (2d Dist. 1997).

16. Respondents have raised as a second basis for their Motion to Dismiss that "Defendant Villa Land Trust should be dismissed from this case entirely as it does not own the properties located at 900 and/or 955 Villa Court." (Motion to Dismiss, para. 8). The sole support

for this assertion is the sparse affidavit of Gary D. Hill, attached to the motion as Exhibit A, which claims that Mr. Hill is "familiar with the Villa Land Trust" and that he has "personal knowledge that the Villa Land Trust does not own the property located at 900 and/or 955 Villa Court, Carbondale, Jackson County, Illinois."

17. Gary Hill's Affidavit is insufficient to establish ownership of the property, or Villa Land Trust's involvement. The Affidavit fails to set forth the basis of Mr. Hill's asserted personal knowledge concerning what Villa Land Trust owns, and fails even to set forth information as to whether Mr. Hill knows who does own the property located at 900 and/or 955 Villa Court, Carbondale, Jackson County, Illinois.

18. Further, attached hereto as Exhibit 1 is the Affidavit of Stephen F. Hedinger, counsel for Complainants, which addresses the results of a Freedom of Information Act review of the Illinois Environmental Protection Agency files concerning the property in question and the construction project that has caused Complainants' damages. Attached to, and supported by, that affidavit is a document from the Freedom of Information Act review entitled Application for Permit or Construction Approval (given Form No. WPC-PS-1). That document identifies the owner of the Prairie Living West project as the Villa Trust, and is signed by its Beneficial Owner, Gary D. Hill; Schedule T of that document, entitled "Trust Disclosure," identifies Gary D. Hill as the 100% beneficial owner of Villa Land Trust.

19. Since the documents submitted under oath by Gary D. Hill to the Illinois Environmental Protection Agency refer to Villa Land Trust as the owner of the Prairie Living West project, for whom a permit for construction approval was sought and secured, it would seem in apparent conflict with the assertions made in Mr. Hill's affidavit, submitted with the motion to dismiss. Complainants suggest that, until further discovery can be completed, it is

premature to conclude that Villa Land Trust is not a proper party to this proceeding as owner of the offending project and property.

20. Finally, the motion to dismiss also requests dismissal of Gary D. Hill as a Respondent, upon the assertion that Mr. Hill is not a managing member of Prairie Living West, LLC, and even if he were it would be inappropriate to name him individually for that reason alone. Respondents conclude that since "Mr. Hill's only other connection with this matter is allegedly as the beneficiary of Villa Land Trust" and "[b]ecause Villa Land Trust does not own the property in question, it is appropriate that Mr. Hill be dismissed." (Motion to Dismiss, para. 9).

21. Mr. Hill was named as a party to this proceeding because of his individual acts with regard to the injuries suffered by Complainants. The Citizen's Complaint asserts and alleges that all three Respondents, Gary D. Hill, Villa Land Trust, and Prairie Living West, LLC, were involved in and responsible for the construction activities that have caused damage and injury to the Complainants. That is sufficient to allege Gary D. Hill's personal and individual involvement, regardless of whether or not he has controlling or ownership interests in either of the other two Respondents. (Moreover, since there is no basis at this time for dismissal of Villa Land Trust, and because Villa Land Trust is Gary D. Hill, since he is 100% beneficial owner, for that reason as well Gary D. Hill should not be dismissed). See People v. C.J.R. Processing, Inc., 269 Ill. App. 3d 1013, 647 N.E.2d 1035 (3d Dist. 1995) (holding that corporate officers can be liable for environmental injuries due to their own personal involvement, both under environmental statutes and common law theories); People v. Tang, 346 Ill. App. 3d 277, 805 N.E.2d 243 (1st Dist. 2004) (discussing pleading requirements for personal liability).

22. Attached hereto as an exhibit to the Affidavit of Stephen F. Hedinger (Exhibit 1) is another document taken from the Freedom of Information Act review provided by the Illinois Environmental Protection Agency, entitled a Notice of Intent submitted to the Illinois Environmental Protection Agency for inclusion in the Illinois general permit to discharge storm water during construction site activities for the Prairie Living West project. (The document is also attached as Ex. A to the Citizen's Complaint). That document identifies the owner of the project as Gary D. Hill, identifies the location as 955 Villa Court, and is signed under penalties of perjury by Gary D. Hill. Accordingly, evidence exists to support Complainants' allegations that Gary D. Hill was personally involved with actions and activities pertaining to construction activities and storm water discharges, which formed the basis for the allegations of the complaint. Accordingly, there is no reason at this time for dismissal of Gary D. Hill, pending full discovery on his involvement with the project.

23. For all the reasons discussed above, this Board should deny the motion to dismiss filed by Respondents. Moreover, in light of the substantial delay in responding to the Citizen's Complaint, caused at first by a motion for extension of time which has been abandoned without explanation by Respondents, only to be followed by a motion to dismiss devoid of any merit whatsoever and unsupported by citations to any authority, this Board should require a responsive pleading within a short time, and direct the hearing officer to address scheduling at as early a date as possible.

WHEREFORE Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, request that this Board deny in its entirety the Motion to Dismiss filed by Respondents, provide Respondents a deadline to file an answer in compliance with Rule 103.204(d) of this Board's procedural rules, 35 Ill. Adm. Code Section 103.204(d), of no more

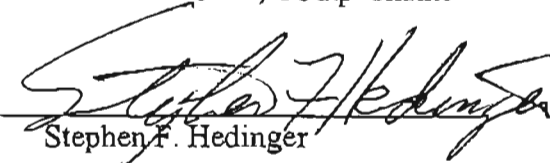
than 14 days after the Board's ruling, and direct the hearing officer to begin the scheduling process toward final hearing in this matter forthwith, and that this Board award in favor of Complainants all such other and further relief as this Board deems just and appropriate.

Date September 8, 2010

Respectfully submitted,

ROLF SCHILLING, PAM SCHILLING and
SUZANNE VENTURA, Complainants

By:


Stephen F. Hedinger

Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
Stephen F. Hedinger and
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E-mail: sfhedinger@sorlinglaw.com
E-mail: bdjones@sorlinglaw.com

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, certify that I have served a copy of the foregoing document upon the attorneys for Respondents at the following addresses:

Jonathan R. Cantrell
Molly Wilson Dearing
Winters, Brewster, Crosby & Schafer LLC
111 West Main
P.O. Box 700
Marion, IL 62959

Carol Webb
Hearing Officer
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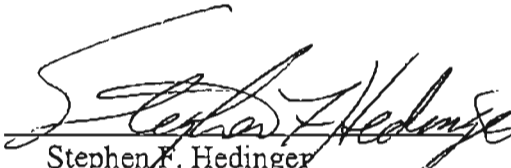
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By:


Stephen F. Hedinger
Attorney for Complainants

Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
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an Illinois Land Trust, and PRAIRIE)
LIVING WEST, LLC)

Respondents.)

AFFIDAVIT OF STEPHEN F. HEDINGER

COUNTY OF SANGAMON)
) ss
STATE OF ILLINOIS)

AFFIANT, STEPHEN F. HEDINGER, first being duly sworn upon oath, deposes and states that, if called upon to testify in this matter, he would be competent to state upon personal knowledge as follows:

1. I am an attorney duly licensed to practice law in the state of Illinois, and currently am counsel of record on behalf of the Complainants in the case captioned above, and styled as Rolf Schilling et al. v. Gary D. Hill et al., PCB No. 10-100, pending before the Illinois Pollution Control Board. This Affidavit is being submitted in support of a response by Complainants to a Motion to Dismiss filed by the Respondents in this case.

2. On or about April 26, 2010, I submitted, on behalf of Complainants, a Freedom of Information Act request to the Illinois Environmental Protection Agency ("Illinois EPA"), seeking documents related to the above-captioned litigation. On or about April 29, 2010, I received responsive documents from the Illinois EPA, under cover of the letter of that date, a true and correct copy of which is attached hereto as Exhibit A.

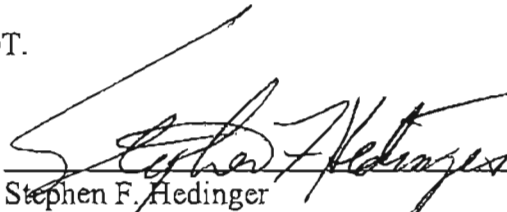


3. Included in the Freedom of Information Act response was a document entitled Application for Permit or Construction Approval (WPC-PS-1), identifying the owner as Villa Trust of the project entitled Prairie Living West – Carbondale, IL. A true and correct copy of that document and supporting materials included in the Freedom of Information Act response, including Schedule T of that document, are attached hereto as Exhibit B.

4. Also included in the Freedom of Information Act response was a document entitled Notice of Intent (NOI), identifying the company or owner as Gary D. Hill, and the construction site project as Prairie Living West (Phase II). A true and accurate copy of the Notice of Intent document received in the FOIA response is attached hereto as Exhibit C.

FURTHER AFFLIANT SAYETH NOT.

September 8, 2010


Stephen F. Hedinger

Subscribed and sworn to before me this
8th day of September, 2010.


Notary Public





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1100 South Adams Street, Springfield, Illinois 62761-1000
Phone: 217-782-8482 Fax: 217-782-9891
E-mail: foia@illinois.gov

4/29/2010

Phone: 217.782.8482
Fax: 217.782.9891
Email: foia@illinois.gov

Stephen Hedinger
Sorling, Northrup, Hanna, Cullen & Covhran, LTD.
607 E Adams St., Suite 800
PO Box 5131
Springfield, IL. 62705

RE: Freedom of Information Act (FOIA) Request/FOIA Files 2010-1205
Prairie Living West, Carbondale - 900 villa Court

Dear Stephen Hedinger:

The FOIA Sector, Bureau of Water, has processed your FOIA request 2010-1205 dated 4/26/2010 for public records pursuant to the Freedom of Information Act ("FOIA") (5 ILCS 140/1 et. Seq.). Information regarding the subject of your request, as referenced above, is enclosed. We have also sent a PDF for 2009HB2777 by email. To find a copy of the ILR10 permit go to: <http://www.epa.state.il.us/water/permits/storm-water/general-construction-permit.pdf>.

Please contact me at the above number if you require further assistance.

Sincerely,

Janet Christer
FOIA Coordinator
Bureau of Water
Enclosure

cc: File



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF INTENT (NOI)
 GENERAL PERMIT TO DISCHARGE STORM WATER
 CONSTRUCTION SITE ACTIVITIES

1243

L134

OWNER INFORMATION

Owner Type:	(SELECT ONE) <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> CITY <input type="checkbox"/> FEDERAL <input type="checkbox"/> COUNTY <input type="checkbox"/> SPECIAL DISTRICT <input type="checkbox"/> STATE				MS4 COMMUNITY <input type="checkbox"/> YES <input type="checkbox"/> NO
COMPANY OR OWNER NAME: Gary D. Hill					
MAILING ADDRESS: 2150 W. Main St.					
CITY: Carbondale	STATE: IL	ZIP CODE: 62901	PHONE: (618) 457 - 8177	EXT. _____	
CONTACT PERSON: Gary D. Hill			FAX: _____ - _____		

CONTRACTOR INFORMATION

NAME: Horve Builders					
MAILING ADDRESS: 330 Marion Avenue					
CITY: Forsyth	STATE: IL	ZIP CODE: 62535	PHONE: (217) 875 - 1362	EXT. _____	

CONSTRUCTION SITE INFORMATION

SELECT ONE: <input checked="" type="checkbox"/> NEW SITE <input type="checkbox"/> CHANGE OF INFORMATION FOR: ILR10					
PROJECT NAME: Prairie Living West (Phase II)				COUNTY: Jackson	
STREET/LOCATION: East of Tower Road and North of Chautauqua Road					
CITY: Carbondale			ILLINOIS	ZIP CODE: 62901	
LATITUDE: DEG. 37 MIN. 43 SEC. 2	LONGITUDE: DEG. 89 MIN. 15 SEC. 14		SECTION: 19	TOWNSHIP: 9S	RANGE: 1W
APPROX CONST START DATE: 03 / 01 / 09	APPROX CONST END DATE: 12 / 31 / 2012	TOTAL SIZE OF CONSTRUCTION SITE IN ACRES: 6.322 If less than 1 acre, is site part of larger common plan of development? <input type="checkbox"/> YES <input type="checkbox"/> NO			

STORM WATER POLLUTION PREVENTION PLAN INFORMATION

HAS STORM WATER POLLUTION PREVENTION PLAN BEEN SUBMITTED TO AGENCY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (SUBMIT SWPPP ELECTRONICALLY TO: epa.constilr10swppp@illinois.gov)				<i>posted</i>	
WILL STORM WATER POLLUTION PREVENTION PLAN BE AVAILABLE AT SITE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
LOCATION OF SWPPP FOR VIEWING: Prairie Living at Chautauqua ADDRESS: 955 Villa Court				CITY: Carbondale	
SWPPP CONTACT NAME: Gary D. Hill			INSPECTOR QUALIFICATIONS: (SELECT ONE) <input type="checkbox"/> P.E. <input type="checkbox"/> CPESC <input type="checkbox"/> CESSWI <input checked="" type="checkbox"/> OTHER		
PHONE: (618) 457 - 8177	FAX: () - _____	EMAIL: ghill@cherryhillrealty.com			
PROJECT INSPECTOR NAME, IF DIFFERENT THAN ABOVE: Ed Potton			INSPECTOR QUALIFICATIONS: (SELECT ONE) <input type="checkbox"/> P.E. <input type="checkbox"/> CPESC <input type="checkbox"/> CESSWI <input checked="" type="checkbox"/> OTHER		
PHONE: (217) 875 - 1362	FAX: () - _____	EMAIL: epotton@horvebuilders.com			

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ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY
 BOWWPC/PERMIT SECTION

EXHIBIT
B

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF INTENT (NOI)
 GENERAL PERMIT TO DISCHARGE STORM WATER
 CONSTRUCTION SITE ACTIVITIES

TYPE OF CONSTRUCTION (SELECT ALL THAT APPLY)

RESIDENTIAL COMMERCIAL INDUSTRIAL RECONSTRUCTION TRANSPORTATION OTHER

TYPE DETAILED DESCRIPTION OF PROJECT: New construction of 7 duplex buildings and an addition to an existing supportive living facility consisting of 50 units. Also including the construction of related parking lots and roadways.

HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE

HAS THIS PROJECT BEEN SUBMITTED TO THE FOLLOWING STATE AGENCIES TO SATISFY APPLICABLE REQUIREMENTS FOR COMPLIANCE WITH ILLINOIS LAW ON:

HISTORIC PRESERVATION YES NO <http://www.illinoishistory.gov/PS/rcdocument.htm>
 ENDANGERED SPECIES YES NO <http://dnr.eco.state.il.us/ecopublic/>

RECEIVING WATER INFORMATION

DOES YOUR STORM WATER DISCHARGE DIRECTLY TO: WATERS OF THE STATE OR STORM SEWER

OWNER TO STORM SEWER SYSTEMS: _____

NAME OF CLOSEST RECEIVING WATERBODY TO WHICH YOU DISCHARGE: unnamed tributary to Little Crab Orchard to Crab Orchard Creek to the Big Muddy River

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring program plan, will be complied with.

OWNER SIGNATURE: [Signature] DATE: 1-16-09

MAIL COMPLETED FORM TO:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 ATTN: PERMIT SECTION
 POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276
www.epa.state.il.us

FOR OFFICE USE ONLY	
LOG:	
PERMIT NO. ILR10	<u>4134</u>
DATE:	

Information required by this form must be provided to comply with 415 ILCS 5/30 (1995). Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

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 WPC 823 Rev. 8/08

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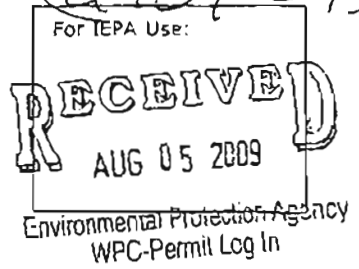
ILLINOIS ENVIRONMENTAL
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Illinois Environmental Protection Agency
Permit Section, Division of Water Pollution Control
P.O. Box 19276
Springfield, Illinois 62794-9276

2777-09 (2734-09)



Application for Permit or Construction Approval
WPC-PS-1

1. Owner Name: Villa Trust
Name of Project: Prairie Living West - Carbondale, IL
Township: Carbondale County: Jackson

2. Brief Description of Project:
An addition to a supportive living facility with a staff of 20 persons and maximum occupancy capacity of 53 beds and seven 3-bedroom duplexes.

3. Documents Being Submitted: If the Project Involves any of the items listed below, submit the corresponding schedule, and check the appropriate boxes.

	Schedule		Schedule
Private Sewer Connection/Extension	A/B <input checked="" type="checkbox"/>	Spray Irrigation	H <input type="checkbox"/>
Sewer Extension Construct Only	C <input type="checkbox"/>	Septic Tanks	I <input type="checkbox"/>
Sewage Treatment Works	D <input type="checkbox"/>	Industrial Treatment/Pretreatment	J <input type="checkbox"/>
Excess Flow Treatment	E <input type="checkbox"/>	Waste Characteristics	N <input type="checkbox"/>
Lift Station/Force Main	F <input type="checkbox"/>	Erosion Control	P <input type="checkbox"/>
Fast Track Service Connection	FTP <input type="checkbox"/>	Trust Disclosure	T <input checked="" type="checkbox"/>
Sludge Disposal	G <input type="checkbox"/>		

Plans: Title Prairie Living West - Carbondale, IL

No. of Pages: 4

Specifications: Title N/A

No. of Books/Pages: _____

Other Documents: _____
(Please Specify)

3.1 Illinois Historic Preservation Agency approval letter: Yes No

4. Land Trust: Is the project identified in item number 1 herein, for which a permit is requested, to be constructed on land which is the subject of a trust? Yes No

If yes, Schedule T (Trust Disclosure) must be completed and item number 7.1.1 must be signed by a beneficiary, trustee or trust officer.

5. This is an Application for (Check Appropriate Line):

- A. Joint Construction and Operating Permit
- B. Authorization to Construct (See Instructions) NPDES Permit No. IL00 _____
- C. Construct Only Permit (Does Not Include Operations)
- D. Operate Only Permit (Does Not Include Construction)



6. Certifications and Approval:

6.1 Certificate by Design Engineer (When required: refer to instructions)

I hereby certify that I am familiar with the information contained in this application, including the attached schedules indicated above, and that to the best of my knowledge and belief such information is true, complete and accurate. The plans and specifications (specifications other than Standard Specifications or local specifications on file with this Agency) as described above were prepared by me or under my direction.

Engineer Name: Praveen Sunny

Registration Number: 062 - 058422
(3 digits) (6 digits)

Firm: Asaturian, Eaton and Assoc.

Address: 1440 Old West Main

P.O. Box 369

City: Carbondale State: IL Zip: 62903



Phone No: (618) 529-3414

Signature X *Praveen Sunny*

Date: 08-03-09

7. Certifications and Approvals for Permits:

7.1 Certificate by Applicant(s)

I/We hereby certify that I/we have read and thoroughly understand the conditions and requirements of this Application, and am/are authorized to sign this application in accordance with the Rules and Regulations of the Illinois Pollution Control Board. I/We hereby agree to conform with the Standard Conditions and with any other Special Conditions made part of this Permit.

7.1.1 Name of Applicant for Permit to Construct: Villa Trust

Address: 2150 West Main Street

City: Carbondale State: IL Zip Code: 62901

Signature X *Gary D. Hill* Date: _____

Printed Name: Gary D. Hill Phone No: (618) 457-8177

Title: Beneficial Owner

Organization: Villa Trust

7.1.2 Name of Applicant for Permit to Own and Operate: Villa Trust

Address: 2150 West Main Street

City: Carbondale State: IL Zip Code: 62901

Signature X *Gary D. Hill* Date: _____

Printed Name: Gary D. Hill Phone No: (618) 457-8177

Title: Beneficial Owner

7.2 Attested (Required When Applicant is a Unit of Government)

Signature X _____ Date: _____

Title: _____
(City Clerk, Village Clerk, Sanitary District Clerk, Etc.)

7.3 Applications from non-governmental applicants which are not signed by the owner, must be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative.

7.4 Certificate By Intermediate Sewer Owner

I hereby certify that (Please check one):

- 1. The sewers to which this project will be tributary have adequate reserve capacity to transport the wastewater that will be added by this project without causing a violation of the environmental Protection Act or Subtitle C, Chapter I, or
- 2. The Illinois Pollution Control Board, in PCB _____ dated _____ granted a variance from Subtitle C, Chapter I to allow construction of facilities that are the subject of this application.

Name and location of sewer system to which this project will be tributary:

City of Carbondale - Northwest Waste Treatment Plant

Sewer System Owner: City of Carbondale

Address: 200 South Illinois Avenue

City: Carbondale State: IL Zip Code: 62901

Signature X _____ Date: 03 AUG 09

Printed Name: Beth Ponce Phone No: (618) 549-5302

Title: Director of Public Works

7.4.1 Additional Certificate By Intermediate Sewer Owner

I hereby certify that (Please check one):

- 1. The sewers to which this project will be tributary have adequate reserve capacity to transport the wastewater that will be added by this project without causing a violation of the environmental Protection Act or Subtitle C, Chapter I, or
- 2. The Illinois Pollution Control Board, in PCB _____ dated _____ granted a variance from Subtitle C, Chapter I to allow construction facilities that are the subject of this application.
- 3. Not applicable

Name and location of sewer system to which this project will be tributary:

Sewer System Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

7.5 Certificate By Waste Treatment Works Owner

I hereby certify that (Please check one):

- 1. The waste treatment plant to which this project will be tributary has adequate reserve capacity to treat the wastewater that will be added by this project without causing a violation of the Environmental Protection Act or Subtitle C, Chapter I, or
- 2. The Illinois Pollution Control Board, in PCB _____ dated _____ granted a variance from Subtitle C, Chapter I to allow construction and operation of the facilities that are the subject of this application.
- 3. Not applicable

I also certify that, if applicable, the industrial waste discharges described in the application are capable of being treated by the treatment works.

Name of Waste Treatment Works: City of Carbondale - Northwest Waste Treatment Plant

Waste Treatment Works Owner: City of Carbondale

Address: 200 South Illinois Avenue

City: Carbondale State: IL Zip Code: 62901

Signature X:  Date: 03 AUG 09

Printed Name: Beth Pence Phone No: (618) 549-5302

Title: Director of Public Works

Please return completed form to the following address:

Illinois Environmental Protection Agency
Permit Section, Division of Water Pollution Control
P.O. Box 19276
Springfield, Illinois 62794-9276

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

2777-09 (2734-09)
Log #

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF WATER POLLUTION CONTROL
PERMIT SECTION
Springfield, Illinois 62794-9276

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Environmental Protection Agency
WPC-Permit Log In

SCHEDULE A/B

APPLICATION FOR SANITARY SEWER: (please check one or both boxes as applicable)

- Service Connection - Schedule A
- Publicly Owned or Regulated Extensions - Schedule B

1. NAME OF PROJECT: Prairie Living West - Carbondale, IL

2. TYPE OF SERVICE(S): Residential ; Commercial ; Light Industrial (Domestic Waste Only) ;
Manufacturing ; Recreational ; Other (check all that apply)

3. NATURE OF PROJECT: Project consists of: a sewer extension ; a sewer connection ;
a trunk sewer ; a replacement sewer ; a relief sewer ; an interceptor sewer ;
a new sanitary sewer . (check all that apply)

4. PROJECT LOCATION, SERVICE AREA AND POPULATION: Submit map(s) of the service area that includes the following:

4.1 An 8½ X 11 inch detailed project location map or USGS map showing the project with respect to major roadways. In lieu of this map, a letter from the Illinois Historic Preservation Agency indicating compliance with the Illinois Historic Preservation Act for this project may be submitted.

4.2 The proposed sewer layout and project location.
Township 9 S Section 19 Range 1 W

4.3 Residential and/or non-residential areas and their associated waste loads to be immediately served by the sewers of this project.

4.4 Potential residential and/or non-residential areas and their associated loads must be included in the overall design of the sewers of this project.

5. FACILITIES PLANNING AREA: This project is is not being constructed entirely within the Facilities Planning Area (FPA) boundaries. Name of FPA: City of Carbondale

6. TYPE OF DEVELOPMENT: The following design criteria should be used in estimating the population equivalent (P.E.) of a residential building:

Efficiency or Studio Apartment	= 1	P.E.	Commonly used quantities of sewage flows from miscellaneous type facilities are listed in Appendix B, Table No. 2 of the Illinois Recommended Standards for Sewage Works.
1 Bedroom Apartment	= 1.5	P.E.	
2 Bedroom Apartment	= 3	P.E.	
3 Bedroom Apartment	= 3	P.E.	
Single Family Home	= 3.5	P.E.	
Mobile Home	= 2.25	P.E.	

6.1 RESIDENTIAL BUILDINGS: Number of building(s) 7 ;
Number of single family dwelling building(s) 0 ; Number of multiple dwelling buildings* 7 ;
Estimated total population equivalent 42 P.E.

* Please provide an itemized list for each multiple dwelling building including: Number of 1, 2 and 3 bedroom units; the total P.E. for the each building and the total P.E. for multiple family dwellings.

6.2 **NON-RESIDENTIAL BUILDINGS:** Describe use of building(s)

50 unit supportive living facility

Principal product(s) or activities

Supportive living facility.

Number of non-residential building(s) to be served under this Permit 1

Non domestic liquid waste is (see section 6.5) is not produced inside the building(s). If liquid wastes other than domestic are produced, submit Schedule N.

Estimated number of employees 20 ; Estimated number of occupants (transients) 53 .

Estimated population equivalent (one population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD₅ and 0.20 pounds of suspended solids).

Flow P.E. 70 ; BOD P.E. 70 ; Suspended Solids P.E. 70 .

6.3 Total loading for project (Sum of 6.1 and 6.2) Design Average Flow 11,195 GPD; Design Max. Flow 47,019 GPD; P.E. 112 BOD; P.E. 112 Suspended Solids

6.4 Commencing July 1, 2003, Section 12.2 of the Environmental Protection Act (415 ILCS 5/12.2, as amended by P.A. 93-32) requires the Agency to collect a fee for certain applications for the installation of sanitary sewer connections and extension. Except for the conditions listed below, the following fee schedule shall apply:

Fee Dollars	Population Equivalents
100	1
400	2 - 20
800	21 - 100
1200	101 - 499
2400	500 or more

Please send the appropriate fee based upon section 6.4 or 6.5; certified or cashiers check made out to: "Treasurer, State of Illinois, Environmental Protection Permit and Inspection Fund" with the applicant's Federal Employee Identification Number (FEIN) appearing on the face of the check and submit along with this schedule. Any fee remitted to the Agency shall not be refunded at any time or for any reason, either in whole or in part.

The Sewer Permit fee does not apply to:

- a) Any Department, Agency or Unit of State Government
- b) Any unit of local government where all of the following conditions are met;
 - 1) The cost of the installation or extension is paid wholly from monies of the unit of local government, state grants or loans, federal grants or loads, or any combination thereof;
 - 2) The unit of local government is NOT given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans;
- c)
 - 1) Include a certified copy of the budget item or the board or council minutes which authorize the construction of this project with only local funds; and
 - 2) I/we

(Signature for Unit of Government)

hereby certify that subsections (b)(1), (b)(2) and (c)(1) have been met.

6.5 A \$1,000 fee shall be required for any industrial wastewater source that does not require pretreatment of the wastewater prior to discharge to the publicly owned treatment works or publicly regulated treatment works.

7. **DEVIATION FROM DESIGN CRITERIA:** The design criteria for sewers are contained in the "Illinois Recommended Standards for Sewage Works", Current Edition. This submittal does does not include deviations from said criteria. If deviations are included, justification for said deviations must be attached.

8. **INFILTRATION/EXFILTRATION LIMITS:** 200 gallons per inch diameter of sewer pipe per mile per day.

9. **SUMMARY OF SEWERS:**

Submit plan and profile drawings for all sanitary sewer extensions and for all sanitary sewer connections where either the domestic wastewater source serves more than one building, where the domestic wastewater source is 15 P.E. or more, where non-domestic waste is produced or where the connection is not direct to either a publicly-owned or publicly-regulated sewer.

	Service Connections		Publicly Owned or Regulated Extensions			
	6"	4"		8"		
Pipe size - inches	6"	4"		8"		
Total Length - feet	165	1060		545		
Min. slope used - %	1	1		0.4		
Max. slope used - %	1	1		1.0		
Min. cover over sewers - feet	3	3		3		
Pipe Material & Specs.	ASTM D1785 PVC SCH 40	ASTM D1785 PVC SCH 40		ASTM D3034 PVC SDR 26		
Joint Material & Specs.	ASTM D2855 Solven Weld	ASTM D2855 Solven Weld		ASTM D3212 Elastomeric		
Total Manholes	0	0		6		
Max. Distance Between Manholes	N/A	N/A		189		
Bedding Class for Rigid Pipe (A, B, or C per ASTM C12)	N/A	N/A		N/A		
Bedding Class for Flexible Pipe (IA, IB, II, or III per ASTM 2321-89)	1A	1A		1A		

9.1 Is the project located in a flood plain? YES NO If yes, contact the Illinois Department of Natural Resources, Division of Water Resources Management for further permit requirements.

9.2 Water tight manhole covers used on all manholes where the manhole tops are below cover or where the tops may be flooded by surface runoff or high water? YES NO

10. **EROSION CONTROL:** The design criteria for Erosion Control are contained in the "Illinois Urban Manual" Current Edition, distributed by the National Resource Conservation Service. This submittal does does not include deviation from said criteria. If deviations are included, justification for said criteria must be attached. (See instructions for Schedule P to determine if Schedule P must be submitted.)

11. EXISTING SEWER SYSTEM:

A. This project will connect to one of the following:

- 1. existing sanitary sewer
- 2. existing combined sewer
- 3. permitted sanitary sewer
- 4. permitted combined sewer
- 5. proposed sanitary sewer
- 6. proposed combined sewer

If permitted but not constructed and operational provide permit number _____

B. Size and location of downstream sewer(s):

Existing 8" Sanitary Sewer located west of the west property line _____

12. WATER SUPPLY PROTECTION: The horizontal and/or vertical separation between sanitary sewers and water mains is in accordance with Section 370.350 of the Illinois Recommended Standards for Sewage Works. YES NO

The location of proposed and existing watermain(s) must be shown in both the plan and profile views on plan sheet(s) for each water-sewer line crossing and at all locations within 10 feet horizontal distance of the proposed sewer line. Detailed drawing(s) for crossings, either typical or site-specific, shall be shown on the plan sheet(s).

12.1 HORIZONTAL SEPARATION: All sewer line(s) is(are) 10 feet from water line(s) YES NO

If no, provide justification AND describe the precautionary features against contamination

All proposed forcemain(s) 10 feet from water line(s) YES NO N/A

12.2 VERTICAL SEPARATION:

A. The water line(s) is(are) at least 18 inches above the sewer line(s) YES NO . If no, continue with 12.2.B and provide justification below as to why this is not possible and describe precautionary measures taken to prevent contamination.

B. The water line(s) is(are) above the sewer line(s) but less than 18 inches YES NO . If no, continue with 12.2.C and provide justification below as to why this is not possible and describe precautionary measures taken to prevent contamination.

C. The water line(s) is(are) at least 18 inches below the sewer line(s) YES NO . If no, provide justification below as to why this is not possible and describe precautionary measures taken to prevent contamination.

Justification and precautionary measures:

The water main is located 18" below the sanitary sewer in order to provide adequate cover over the pipes. The water main will be cased as per the "standard specifications".

12.3 Proximity to wells, reservoirs, and other potable water sources: YES N/A

If Yes, Minimum distance _____ feet. Describe precautionary measures taken to avoid contamination:

Location of all potable water sources shown on plan sheets. YES NO NO KNOWN SOURCES

13. PIPE AND MANHOLE TESTING:

- Is infiltration testing included in plans, specifications, or special provisions? YES NO
- Is exfiltration test included in plans, specifications, or special provisions? YES NO
- Is air testing included in plans, specifications, or special provisions? YES NO
- Leakage testing for manholes included in plans, specifications, or special provisions? YES NO

14. FLEXIBLE PIPE TESTING:

Is deflection test included in plans, specifications, or special provisions in accordance with the Illinois Recommended Standards for Sewage Works, Current Edition? YES NO N/A

15. MISCELLANEOUS REQUIREMENTS:

The following requirements should be included on the plan sheets where so indicated. For items where this is not specified, the requirements may be on the plan sheets, in the specifications, or in the special provisions:

- 15.1 Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition, govern the construction of this project. YES NO . If no, please provide specifications.
- 15.2 Pipe and joint ASTM/AWWA designation included on plan sheets. YES NO
- 15.3 All flexible gravity sewer pipe installed in accordance with ASTM D2321-89; embedment materials for bedding, haunching, and initial backfill to at least 6 inches over the top of the pipe with Class IA or IB or II or III; processed material produced for highway construction used in the project classified according to particle size, shape, and gradation in accordance with ASTM D2321-89, Section 9 and Table 1. YES NO N/A
- 15.4 All rigid gravity sewer pipe installed in accordance with ASTM C12 and bedding material Class A, B, or C. YES NO N/A
- 15.5 Pickholes in all manholes likely to be flooded not larger than 1 inch in diameter and of the concealed type. YES NO N/A
- 15.6 All manholes numbered. YES NO N/A
- 15.7 Match lines shown on all plan sheets. YES NO N/A

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

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(2734-09)

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Division of Water Pollution Control
Permit Section
Springfield, Illinois 62794-9276

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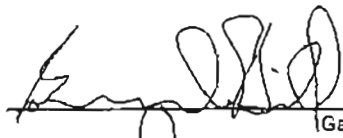
Schedule T - Trust Disclosure

A. Trust Number Villa Land Trust
B. Trustee: Name Donald R. Morgan, Trustee
Address 2150 West Main
Carbondale, IL 62901

C. Complete the following information for each beneficiary of the trust.

NAME	ADDRESS	DEFINED INTEREST
1. <u>Gary D. Hill</u>	<u>45 South Bayshore Drive</u> <u>Murphysboro, IL 62966</u>	<u>100% Beneficial Owner</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

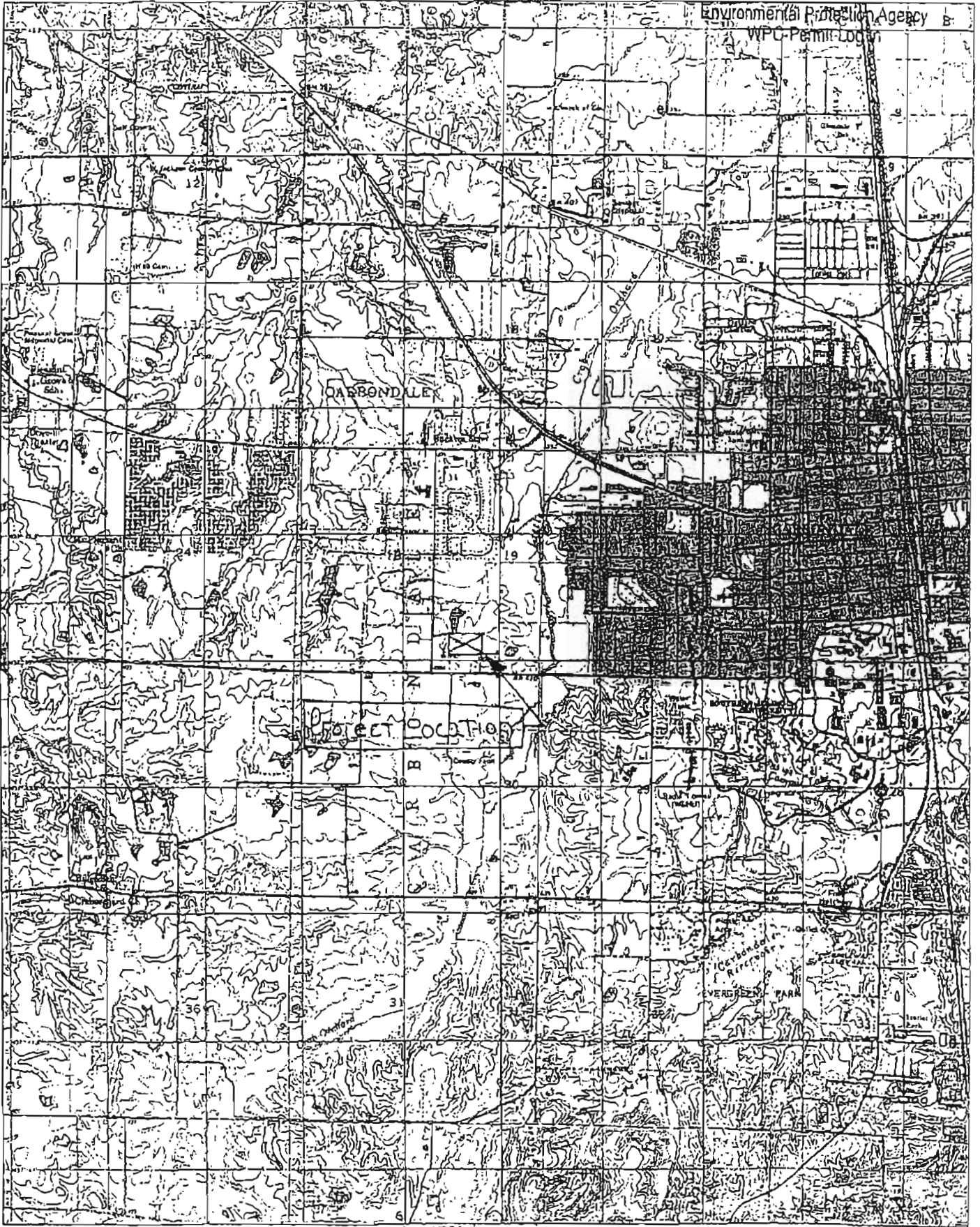
D. I/We hereby certify that the above is a true and accurate disclosure of the names, addresses and defined interest of each and every beneficiary of the above indicated trust as required under Ill. Rev. Stat., Chap. 134B, Par. 72.

Signature  Gary D. Hill
Title Beneficial Owner
(Disclosure must be signed by a beneficiary, trustee, or trust officer)
Date February 12, 2009

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

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