

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 05 2011

STATE OF ILLINOIS
Pollution Control Board

HOLLAND ENERGY, LLC)
)
Petitioner,)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 11-85
(NPDES Permit Appeal - Water)

ORIGINAL

NOTICE OF FILING

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, RESPONDENT'S MOTION FOR LEAVE TO FILE REDUCED NUMBER OF COPIES OF AGENCY RECORD and the AGENCY RECORD, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:



JANE E. McBRIDE
Sr. Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: June 29, 2011

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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, JANE E. McBRIDE, Sr. Assistant Attorney General, certify that on June 29, 2011, I caused to be served by First Class Mail, with postage thereon fully prepaid, by depositing the foregoing Respondent's NOTICE OF FILING, RESPONDENT'S MOTION FOR LEAVE TO FILE REDUCED NUMBER OF COPIES OF AGENCY RECORD, and the AGENCY RECORD

To: Susan Charles
Ice Miller
200 W. Madison Street
Suite 3500
Chicago, IL 60606-3417

ORIGINAL

and the original and two copies plus a compact disk to:

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

A copy of the Notice was also sent by First Class Mail with postage fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794


JANE E. McBRIDE
Sr. Assistant Attorney General

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**RESPONDENT'S MOTION FOR LEAVE TO FILE
REDUCED NUMBER OF COPIES OF AGENCY RECORD**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by its attorney, LISA MADIGAN, Attorney General of the State of Illinois, hereby moves for leave to file a reduced number of copies of the Agency's Record for National Discharge Elimination System ("NPDES") Permit No. IL0074268, and states as follows:


1. Section 101.302(h)(2) of the Board's General Rules, 35 Ill. Adm. Code 101.302(h)(2), states that the Agency may file a signed original and 4 duplicate copies (5 total) of the record required by Section 105.116, 105.302, and 105.410.
2. In order to conserve scarce state resources the Respondent respectfully requests leave to file a reduced number of copies of the Agency's Record for NPDES Permit No. IL0074268.
3. In lieu of the original and 4 duplicate copies, the Respondent respectfully requests leave to file an original, two copies, and a compact disc containing all documents in .pdf format.

WHEREFORE, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, requests leave
to file a reduced number of copies of the Agency Record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
JANE E. McBRIDE
Environmental Bureau
Sr. Assistant Attorney General

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(NPDES PERMIT APPEAL - WATER)

ORIGINAL

RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB") as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of Holland Energy, LLC's ("Holland Energy") National Discharge Elimination System ("NPDES") Permit No. IL0074268, as issued to Holland Energy on April 18, 2011, which is attached and consists of the following documents:

1. Memorandum dated March 3, 2000, from Darin LeCrone, Illinois EPA Bureau of Water ("BOW") to Bob Mosher, BOW, faxed to Terry Hogan, Holland Energy on November 24, 2009. (pp. 1-9)
2. Memorandum dated March 29, 2000, from Darin LeCrone to Bob Mosher. (pp. 10-12)
3. Memorandum dated October 11, 2000, from Brian O'Neil, ENSR International, to Janine Whitken and Darin LeCrone. (p. 13)
4. Memorandum dated September 17, 2001, from Bob Mosher to Darin LeCrone. (pp. 14-15)
5. Draft permit condition for receiving stream monitoring requirements. (p. 16)

6. Letter dated October 7, 2002, from Matthew A. Becker, David Mitchell and Brian O'Neil, ENSR International, to Ken Rogers, BOW, with attachments. (pp. 17-21)
7. Letter dated October 22, 2002, from Ken Rogers to ENSR International, with attachments. (pp. 22-27)
8. Letter dated September 15, 2003, from Ernie S. Miyashita, David Mitchell and Matthew A. Becker, ENSR International, to Darren LeCrone, with attachments. (pp. 28-35)
9. Memorandum dated January 26, 2004, from Alyson Grady, BOW, to Bob Mosher, Blaine Kinsley, BOW, Joe Koronkowski, Champaign Regional Office, and Bill Ettinger, BOW, with attachment. (pp. 36-37)
10. Reminder letter of permit expiration date, dated September 28, 2004. (p. 38)
11. Application for permit renewal submitted by Barry Hatfield, Holland Energy, and received on December 30, 2004. (pp. 39-76)
12. Reminder letter of permit expiration date, dated January 10, 2005. (p. 77)
13. Engineer notes dated October 12, 2006, submitted by Chris Schwarz, BOW. (p. 78)
14. Memorandum dated November 22, 2006, from Alyson Grady to Bob Mosher, Blaine Kinsley, Joe Koronkowski and Bill Ettinger, with attachment. (pp. 79-80)
15. Kaskaskia River monitoring program 2006 annual report dated December 2006, prepared by MWM Environmental, LLC. (pp. 81-152)
16. Comparison of abundance of Unionids between 1999 and 2006. (Page 45 of 2006 annual report.) (p. 153)
17. Engineer notes dated September 5, 2006. (pp. 154-158)
18. Letter dated March 29, 2007, from Michael C. Lebens, Holland Energy, to Illinois EPA. (p. 159)
19. Memorandum dated May 1, 2007, from Brian Koch, BOW, to Chris Schwarz, with attachments. (pp. 160-164)
20. 15 day notification memorandum and letters dated August 8, 2007, to Illinois EPA's Champaign Regional Office, St. Louis District of Army Corps of Engineers, and Holland Energy, with attached draft permit and public notice/fact sheet. (pp. 165-181)
21. Email on August 15, 2007, from Holly Hirschert, Champaign Regional Office, to Chris Schwarz. (p. 182)

22. Email on August 15, 2007, from Brian Koch to Holly Hirschert. (p. 183)
23. Letter dated August 24, 2007, from Joseph M. Finocchiaro, Holland Energy, to NPDES public notice clerk. (pp. 184-186)
24. Memorandum dated August 30, 2007, from Chris Schwarz to Bob Mosher. (p. 187)
25. Memorandum dated October 10, 2007, from Bob Mosher to Chris Schwarz. (pp. 188-189)
26. Email on November 9, 2007, from Joseph Finocchiaro to Chris Schwarz. (p. 190)
27. Email on November 16, 2007, from Joseph Finocchiaro to Chris Schwarz. (p. 191)
28. 30 day notification letters dated December 6, 2007, to Municipal Clerk, Beecher City, U.S. Fish & Wildlife Service, Rock Island Field Office, and Holland Energy, with attached draft permit and public notice/fact sheet. (pp. 192-208)
29. Cover letter dated December 26, 2007, from Greg Kunkel, Holland Energy, to Mike Garretson, BOW, with attached Kaskaskia River monitoring program 2007 annual report dated December 2007, prepared by MWM Environmental, LLC. (pp. 209-274)
30. Letter dated January 7, 2008, from Traci Barkley, Prairie Rivers Network, to Darin LeCrone. (pp. 275-277)
31. Emails on April 8 and 14, 2008, between Terry Hogan, Wabash Valley Power Association, and Darin LeCrone, with attachment. (pp. 278-280)
32. Email on September 30, 2008 @ 10:36 AM, from Bob Mosher to Leslie Lowry, BOW. (p. 281)
33. Email on September 30, 2008 @ 1:16 PM, from Bob Mosher to Leslie Lowry. (p. 282)
34. Emails on January 5 and 6, 2008, between Brian Koch and Christopher Ingersoll, Columbia Environmental Research Center, U.S. Geological Survey. (pp. 283-284)
35. Letter dated January 8, 2009, from M. Keith Thompson, Holland Energy, to Al Keller, BOW, notifying of address change. (p. 285)
36. Letter date January 8, 2009, from M. Keith Thompson to Manager, Permit Section, notifying of personnel, address and operator changes. (pp. 286-287)
37. Letter dated January 19, 2009, from Terry Hogan to Al Keller, with attachment. (pp. 288-291)

38. Emails on August 4 and 6, 2009, between Brian Koch and Darin LeCrone. (p. 292)
39. Memorandum dated August 31, 2009, from Brian Koch to Bob Mosher, Al Keller, Joe Koronkowski and Bill Ettinger, with attachment. (pp. 293-294)
40. Emails on October 14, 16, 19 and 20, 2009, between Jerry Kuhn, Public Water Supplies (“PWS”), and Leslie Lowry. (pp. 295-296)
41. Emails on November 10, 2009, among Leslie Lowry, Brian Koch and Bob Mosher. (pp. 297-299)
42. Emails on November 23, 2009, among Bob Mosher, Rob Pepin, U.S. EPA/Region 5 and Tom Poleck, Region 5. (pp. 300-301)
43. Emails on February 8, 2010, between Brian Koch and Bob Mosher, with attachments. (pp. 302-305)
44. Email on September 22, 2010, from Bob Mosher to Leslie Lowry and Brian Koch. (p. 306)
45. Email on September 22, 2010, from Leslie Lowry to Bob Mosher. (pp. 307-308)
46. Email on September 22, 2010, from Bob Mosher to Leslie Lowry. (pp. 309-311)
47. Emails on September 23, 2010, among Bob Mosher, Al Keller, Leslie Lowry, Rob Pepin, and Tom Poleck. (pp. 312-315)
48. Letter dated September 23, 2010, from Bob Mosher to Susan Hedman, U.S. EPA/Region 5, with attachment. (pp. 316-317)
49. Emails dated January 31, 2011, between Leslie Lowry and Bob Mosher. (p. 318)
50. Emails dated January 31, 2011, among Bob Mosher, Brian Koch and Rob Pepin. (p. 319)
51. Emails dated January 31, 2011, between Bob Mosher and Rob Pepin. (pp. 320-321)
52. Letter dated February 23, 2011, from Tinka G. Hyde, U.S. EPA/Region 5, to Bob Mosher, with attachment. (pp. 322-326)
53. Emails dated January 31 and March 7, 2011, among Bob Mosher, Leslie Lowry and Rob Pepin. (p. 327)
54. Emails dated April 4, 2011, between Brian Koch, Leslie Lowry and Bob Mosher. (p. 328)

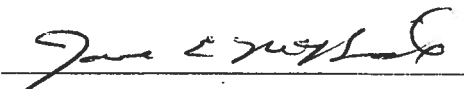
- 55. Emails dated April 12, 2011, among Mike Crumly, PWS, Dave McMillan, PWS, Jeri Long (PWS) and Leslie Lowry. (p. 329)
- 56. Letter dated April 18, 2011, from Al Keller to Traci Barkley. (pp. 330-331)
- 57. Cover letter dated April 18, 2011, from Al Keller to Holland Energy, with attached NPDES Permit No. IL0074268, issued to Holland Energy on April 18, 2011, effective May 1, 2011. (pp. 332-346)

- 58. 15-day notice review notes dated November 1, 2007, prepared by Chris Schwarz. (pp. 347-349)
- 59. 15-day notes (continued) dated November 14, 2007, prepared by Chris Schwarz. (p. 350)
- 60. 30-day public notice review notes dated September 29, 2008, prepared by Leslie R. Lowry. (pp. 351-358)

Respectfully submitted,

LISA MADIGAN,
Attorney General of the
State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: 

JANE E. MCBRIDE
Environmental Bureau
Assistant Attorney General

500 South Second Street
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Dated: June 29, 2011

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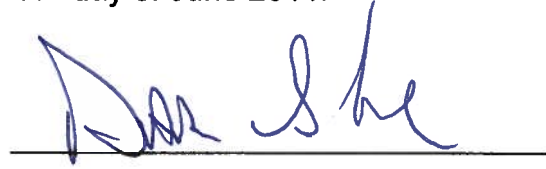
AFFIDAVIT OF DARIN LeCRONE

I, DARIN LeCRONE, under oath, on the basis of my personal knowledge, certify the following:

1. I am the Manager of the Industrial Unit of the Permits Section in the Division of Water Pollution Control of the Illinois Environmental Protection Agency (“Illinois EPA”);
2. As the Manager of the Industrial Unit, I was actively involved in reviewing National Pollutant Discharge Elimination System (“NPDES”) IL0074268 issued to Holland Energy on April 18, 2011; and
3. The Illinois Environmental Protection Agency’s record in the matter of Holland Energy, LLC v. Illinois Environmental Protection Agency is the entire record of

its decision and the record contains all items listed in Section 105.212 of Title 35 of the Illinois Administrative Code and pertinent to the issuance of NPDES Permit IL0074268.


Subscribed to and sworn before me this 24th day of June 2011.

A handwritten signature in blue ink, appearing to read "Darin LeCRONE", is written over a horizontal line.

DARIN LeCRONE

Signed and sworn to before me

this 24th day of June 2011.

A handwritten signature in blue ink, appearing to read "Dawn A. Hollis", is written over a horizontal line.

Notary Public

