

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
))
Complainant,)
))
v.)
))
ATKINSON LANDFILL CO., an)
Illinois corporation,)
))
Respondent.)

PCB No. 13-28
(Enforcement-Water)

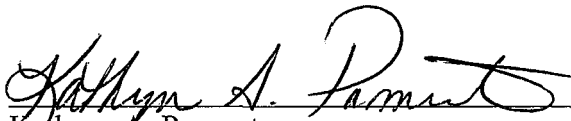
NOTICE OF MOTION

To: ***Via Regular Mail***
Kenneth Anspach, Esq.
Anspach Law Office
111 West Washington Street
Suite 1625
Chicago, Illinois 60602

Via Email
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

PLEASE TAKE NOTICE that on the 23rd day of July, 2013, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, filed the attached Motion for Leave to File Surreply to Respondent's Reply in Support of Motion to Strike and Dismiss First Amended Complaint, a true and correct copy of which is attached hereto and is hereby served upon you.

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

By: 
Kathryn A. Pament
Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, IL 60602
(312) 814-0608

DATE: July 23, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
 General of the State of Illinois,)
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 Complainant,)
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 v.)
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 ATKINSON LANDFILL CO., an)
 Illinois corporation,)
)
 Respondent.)

PCB No. 13-28
 (Enforcement-Water)

**COMPLAINANT’S MOTION FOR LEAVE TO FILE SURREPLY
 TO RESPONDENT’S REPLY IN SUPPORT OF MOTION TO STRIKE AND DISMISS
 FIRST AMENDED COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.500(e), hereby moves this Board for leave to file a surreply to Atkinson Landfill Co.’s (“Respondent”) Reply in Support of Motion to Strike and Dismiss First Amended Complaint. In support of its motion, Complainant states as follows:

1. On April 18, 2013, the Board accepted Complainant’s four-count First Amended Complaint (the “First Amended Complaint”) against Respondent, alleging violations of Sections 12(a) and (b) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/12(a) and (b) (2010), and Section 309.204(a) of the Illinois Pollution Control Board’s regulations regarding water pollution found in title 35, subtitle C, Chapter I of the Illinois Administrative Code, 35 Ill. Adm. Code 309.204(a).

2. On June 7, 2013, Respondent filed its Motion to Strike and Dismiss First Amended Complaint (“Motion to Dismiss”).

3. On June 21, 2013, Complainant filed its (a) Response to the Respondent's Motion to Dismiss ("Response to Motion to Dismiss") and (b) Motion to Strike Respondent's Section 2-619(a)(9) Motion to Dismiss and Affidavits of Gary Hull and Erik Vardijan ("Complainant's Motion to Strike").

4. On July 18, 2013, at approximately 5:30 p.m., Respondent filed its 19-page Reply in Support of Motion to Strike and Dismiss (the "Reply"), in which, among other things, it asserts numerous times that Complainant failed to respond to its Section 2-619(a)(9) argument. (Reply at pp. 1, 2, 14, 15, 17, 19). Yet, Complainant's Motion to Strike was incorporated by reference into its Response to Motion to Dismiss. (Response to Motion to Dismiss at p. 4, fn. 1.) Accordingly, contrary to Respondent's contention, Complainant did not waive any objection to the granting of Respondent's motion pursuant to Section 2-619(a)(9) of the Illinois Code of Civil Procedure.

5. In the Objections, Respondent (a) argues for the first time that its landfill operation pursuant to Permit No. 2001-021-LFM satisfies 35 Ill. Adm. Code 309.204(a); (b) incorrectly asserts that Complainant did not respond to Respondent's argument regarding the statutory basis for the Illinois Environmental Protection Agency's ("Illinois EPA") issuance of certain permits; (c) misconstrues the analysis of *Harris v. American General Finance Corp.*, 54 Ill. App. 3d 835 (3rd Dist. 1977) and mischaracterizes the reason that Complainant attached Respondent's Application for Permit or Construction Approval WPC-PS-1 to its response; and (d) impermissibly argues for the first time that it need not rely on the affidavits of Gary Hull and Erik Vardijan to support its Section 2-619(a)(9) motion to dismiss, and that the Village of Atkinson sewage treatment plant and the City of Galva wastewater treatment facility have been

delegated the authority to regulate discharges of landfill leachate into their systems.¹ In the absence of an opportunity to file a surreply in response to the foregoing, Complainant will be materially prejudiced.

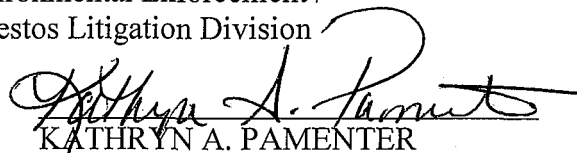
6. Complainant has prepared a Surreply to Respondent's Reply in Support of Motion to Dismiss, a copy of which is attached hereto as Exhibit A. By this Motion, Complainant seeks leave to file its Surreply with the Illinois Pollution Control Board to avoid material prejudice.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board grant it leave to file its Surreply to Respondent's Reply in Support of Motion to Dismiss and such other relief as the Board deems proper.

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

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

By:



KATHRYN A. PAMENTER
Assistant Attorney General
Environmental Bureau
69 W. Washington, 18th Floor
Chicago, Illinois 60602
(312) 814-0608

¹ In addition, Respondent impermissibly reargues the issues of whether the Attorney General may file a complaint on her own motion and whether Sections 12(a) and (b) of the Act, 415 ILCS 5/12(a) and (b) (2010), require allegations of actual water pollution. (Reply at pp. 10-14.) Further, Respondent again advocates for the amendment of the First Amended Complaint to include violations of pretreatment standards under 40 C.F.R. 403.5(1)-(8) and 35 Ill. Adm. Code 307.1101(B)(1)-(13) not presently alleged in the First Amended Complaint. (*Id.* at pp. 9-10.) As these issues were not properly the subject of a reply, Complainant relies on its argument in its Response to Motion to Dismiss regarding these issues.

EXHIBIT A

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 13-28
)	(Enforcement-Water)
ATKINSON LANDFILL CO., an)	
Illinois corporation,)	
)	
Respondent.)	

COMPLAINANT'S SURREPLY TO RESPONDENT'S REPLY IN SUPPORT OF MOTION TO STRIKE AND DISMISS FIRST AMENDED COMPLAINT

On July 18, 2013, Atkinson Landfill Co. ("Respondent") filed its Reply in Support of Motion to Strike and Dismiss (the "Reply"), in which Respondent (a) argues for the first time that its landfill operation pursuant to Permit No. 2001-021-LFM satisfies 35 Ill. Adm. Code 309.204(a); (b) incorrectly asserts that Complainant did not respond to Respondent's argument regarding the statutory basis for the Illinois Environmental Protection Agency's ("Illinois EPA") issuance of certain permits; (c) misconstrues the analysis of *Harris v. American General Finance Corp.*, 54 Ill. App. 3d 835 (3rd Dist. 1977) and mischaracterizes the reason that Complainant attached Respondent's Application for Permit or Construction Approval WPC-PS-1 to its response; and (d) impermissibly argues for the first time that it need not rely on the affidavits of Gary Hull and Erik Vardijan to support its Section 2-619(a)(9) motion to dismiss, and that the Village of Atkinson sewage treatment plant ("Village Treatment Plant") and the City of Galva wastewater treatment facility ("Galva Treatment Facility") have been delegated the authority to regulate discharges of landfill leachate into their systems. Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois

("People" or "Complainant"), for its Surreply to Respondent's Reply in Support of Motion to Strike and Dismiss First Amended Complaint, hereby states as follows:

I. A Permit Issued Pursuant to 415 ILCS 5/21(d) and 35 Ill. Adm. Code Parts 811, 812 and 814 Does Not Constitute a Permit Issued Under 415 ILCS 5/39 and 35 Ill. Adm. Code 309.204(a).

For the first time in its Reply, Respondent contends that its Permit No. 2001-021-LFM, Modification No. 5, Log No. 2010-068 (the "Landfill Permit"), which concerns its operation of the active municipal solid waste landfill located at 1378 Commercial Drive, Atkinson, Henry County, Illinois (the "Landfill"), also governed its disposal of landfill leachate at the Village Treatment Plant and the Galva Treatment Facility. To operate a municipal solid waste landfill, an operator must apply for and obtain a permit from the Illinois EPA's Bureau of Land pursuant to 415 ILCS 5/21(d) and 35 Ill. Adm. Code Parts 811, 812 and 814. 35 Ill. Adm. Code 101.630. To dispose of landfill leachate at a treatment facility, an operator must apply for and obtain a permit from the Illinois EPA's Bureau of Water pursuant to 415 ILCS 5/39 and 35 Ill. Adm. Code 309.204(a). *Id.* As set forth in those provisions, the application requirements and the terms of the issued permits are unique to the operation of a landfill versus the disposal of landfill leachate. Respondent failed to comply with its Water Pollution Control Permit No. 2008-EO-0331 (the "2008 Water Pollution Control Permit") by discharging landfill leachate at the Village Treatment Plant in excess of the permit's terms and failed to obtain any permit prior to discharging landfill leachate at the Galva Treatment Facility, thereby violating Sections 12(a) and (b) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/12(a) and (b) (2010), and 35 Ill. Adm. Code 309.204(a).¹

¹ Respondent asserts that it has been "lawfully" operating its Landfill. (Reply at pp. 2-3.) In fact, the Illinois EPA has issued Violation Notice L-2010-01361 dated November 10, 2010, Violation Notice L-2011-01091 dated April 7, 2011 and Violation Notice L-2013-01043 dated June 14, 2013 to Respondent regarding its landfill operations.

II. Complainant Properly Responded to Respondent's Argument Regarding the Statutory Basis for Illinois EPA's Issuance of Certain Permits.

In its Motion to Strike and Dismiss First Amended Complaint (the "Motion to Dismiss"), Respondent asserted that Complainant was required to allege in its First Amended Complaint the statutory basis for the issuance of the 2008 Water Pollution Control Permit. (Motion to Dismiss at p. 5-6.) In its Reply, Respondent asserts that Complainant failed to address this argument in its Response to Respondent's Motion to Strike and Dismiss First Amended Complaint (the "Response to Motion to Dismiss"). (Reply at pp. 3-5.) Yet, Complainant addressed the argument in footnote 3 of its response, as the argument did not warrant inclusion in the main text of the response. (Response to Motion to Dismiss at p. 11, fn. 3.) Specifically, Section 31(c)(1) of the Act provides that the complaint shall "specify the provision of the Act, rule, *regulation*, permit, *or* term or condition thereof under which such person is said to be in violation . . ." 415 ILCS 5/31(c)(1) (2012) (emphasis added). Contrary to Respondent's belief, Section 31(c)(1) of the Act does not state that the statutory provision authorizing the issuance of a permit must be alleged in a complaint. *Id.* Complainant has satisfied the requirements of Section 31(c)(1) of the Act by alleging in the First Amended Complaint that Respondent violated Sections 12(a) and (b) of the Act, 415 ILCS 5/12(a) and (b) (2010), and 35 Ill. Adm. Code 309.204(a).

III. Respondent's Argument Regarding Allegedly Ambiguous Terms in the 2008 Water Pollution Control Permit is not the Proper Subject of a Motion to Dismiss.

In its Motion to Dismiss and its Reply, Respondent states that certain terms of the 2008 Water Pollution Control Permit are ambiguous and that ambiguous terms must be construed against the drafter. (Motion to Dismiss at pp. 6-11; Reply at pp. 5-9.) From this premise, Respondent concludes that its Motion to Dismiss should be granted as to Counts I and II without the Board's consideration of any extrinsic evidence regarding the terms that Respondent states

are ambiguous. In doing so, Respondent ignores the facts and legal reasoning of the very cases it cites, *Harris v. American General Finance Corp.*, 54 Ill. App. 3d 835 (3rd Dist. 1977) and *Citizens Utilities Co. of Illinois v. Illinois Pollution Control Bd.*, 127 Ill. App. 3d 504 (3rd Dist. 1984), which were decided after a bench trial and based on a record that included the testimony of two witnesses, respectively. For example, the *Harris* court recognized that “[e]ven assuming that the word ‘guaranteed’ is ambiguous, extrinsic evidence would be admissible to explain it.” *Harris*, 54 Ill. App. 3d at 840.

Complainant has not admitted, expressly or impliedly, that the terms of the 2008 Water Pollution Control Permit are ambiguous. (See Response to Motion to Dismiss at pp. 16-17.)² Rather, Complainant stated that “[e]ven if, as the Respondent contends, certain terms of the 2008 Water Pollution Control Permit are ambiguous, extrinsic evidence may be offered to explain their meaning.” (*Id.* at p. 17.) Contrary to Respondent’s lengthy argument, Complainant attached Respondent’s Application for Permit or Construction Approval WPC-PS-1 simply as an “example” of the extrinsic evidence that exists for the Board’s consideration.³ (*Id.*) Complainant specifically stated that “both parties must be permitted to complete discovery regarding the terms of the 2008 Water Pollution Control Permit and present their arguments regarding such terms to the Board as the trier of fact” to determine whether they are ambiguous and if so, their meaning. (*Id.*) See also *Quake Construction, Inc. v. American Airlines, Inc.*, 141 Ill.2d 281, 288-89 (1990) (if the terms of a contract are ambiguous, the interpretation of the

² Respondent’s case law citations are inapposite. *In re Estate of Rennick*, 181 Ill.2d 395 (Ill. 1998) concerned whether admissions made during a discovery deposition were admissible against a deceased party’s estate, while *Keen v. Bump*, 310 Ill. 218 (Ill. 1923) considered whether to enjoin a person from utilizing a right of way across land.

³ Respondent takes issue with Complainant’s use of the word “arguably” when stating that Respondent’s understanding of the terms “DMF,” “hauling” and “approximately” is arguably set forth in the Application. (Reply at p. 7 (citing Response to Motion to Dismiss at p. 17.) Given that no discovery has been conducted to date, Complainant properly limited its statement at this stage of the case.

terms is a question of fact which cannot properly be determined on a motion to dismiss). Because the First Amended Complaint satisfies the requirements of Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012), Respondent's Motion to Dismiss as to Counts I and II should be denied.

IV. Respondent's 2-619(a)(9) Motion to Dismiss Argument Wholly Relies on Inadmissible Hearsay Statements and Incorrectly Asserts that the State of Illinois Does Not Regulate Discharges of Landfill Leachate into Wastewater Treatment Facilities.

Respondent now contends in its Reply that its Section 2-619(a)(9) motion "is not dependent upon the viability" of the affidavits of Gary Hull and Erik Vardijan. (Reply at p. 17.) However, each of the provisions on which Respondent seeks to rely would require an authorization of the Village of Atkinson and the City of Galva (assuming Respondent's reading of such provisions were correct, which is disputed below):

35 Ill. Adm. Code 307.1101 – "No person may introduce the following types of pollutants into a POTW: . . . (13) Any trucked or hauled pollutants, except at discharge points *designated by the POTW*."

40 C.F.R. § 403.5(b)(8) – [T]he following pollutants shall not introduced into a POTW: . . . (8) Any trucked or hauled pollutants, except at discharge points *designated by the POTW*."

Special Condition 2 of the 2008 Water Pollution Control Permit – The issuance of this permit does not relieve the permittee of the responsibility of *complying with 35 Ill. Adm. Code, Part 307* and/or the General Pretreatment Regulations (40 CFR 403) and any guidelines developed pursuant to Section 301, 306 or 307 of the Federal Clean Water Act of 1977.

Special Condition 3 of the 2008 Water Pollution Control Permit – The issuance of this permit does not relieve the permittee of the responsibility of complying with any limitations and provisions *imposed by the Village of Atkinson*.

(Motion to Dismiss at pp. 19-20; Reply at pp. 15-16 (emphasis added).) Respondent seeks to rely on impermissible hearsay statements contained in the affidavits of Gary Hull and Erik Vardijan to show such alleged authorizations. (*Id.*) Pursuant to Illinois Supreme Court Rule

191(a), such hearsay statements are inadmissible for purposes of supporting Respondent's Motion to Dismiss. (*See* Complainant's Motion to Strike at pp. 3-4.) Accordingly, because Paragraphs 2-4 of the Hull Affidavit and Paragraphs 3-4 of the Vardijan Affidavit must be stricken, Respondent's Section 2-619(a)(9) argument which is solely based upon such paragraphs, must also be stricken.

Respondent also argues for the first time that the State of Illinois, through the Illinois EPA, has no regulatory authority over discharges of landfill leachate into the Village Treatment Plant and the Galva Treatment Facility. (Reply at pp. 15-16.) Rather, according to Respondent, the Village Treatment Plant and the Galva Treatment Facility were "delegated" the duty to regulate discharges of landfill leachate into their systems. (*Id.*) This argument ignores 35 Ill. Adm. Code 309.204(a), which required Respondent to obtain an operating permit issued by the Illinois EPA to discharge landfill leachate into the Village Treatment Plant and the Galva Treatment Facility.

To obtain a permit, Respondent was required to complete an application, which included a certification of the Village Treatment Plant and the Galva Treatment Facility that each could accept and treat the volume of landfill leachate that Respondent intended to discharge into their respective systems. 35 Ill. Adm. Code 101.630 ("[o]fficial notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge and experience of the Board"); *see also* Affidavit of Darin LeCrone, a true and correct copy of which is attached hereto as Exhibit 1.) The Village Treatment Plant and the Galva Treatment Facility could impose only more stringent conditions on Respondent regarding its discharge of landfill leachate into their systems. (*Id.* at ¶ 5.)

Respondent has cited no authority for its contention that the State of Illinois delegated its regulatory responsibilities regarding discharges of landfill leachate to the Village Treatment Plant and the Galva Treatment Facility.⁴ Further, Respondent wholly relies on inadmissible hearsay statements in support of its argument. Therefore, Respondent's Section 2-619(a)(9) argument should be denied.

V. Conclusion

To succeed on its Motion to Dismiss, Respondent must show that “no set of facts could be proved which would entitle the plaintiff to relief.” *People v. Inverse Investments, L.L.C.*, PCB 11-79, 2012 WL 586821, slip op. at *8 (Feb. 16, 2012) (quoting *Smith v. Central Illinois Regional Airport*, 207 Ill.2d 578, 584-85 (2003)). In making this determination, “the Board takes all well-pled allegations as true and draws all reasonable inferences from them in favor of the non-movant.” *Id.* Respondent has failed to satisfy the foregoing standard regarding each of the arguments that it set forth in its Motion to Dismiss.

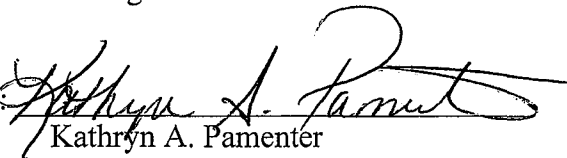
⁴ 33 U.S.C. § 1317(b), which Respondent cites, simply provides that the Administrator is to enact certain regulations. Similarly, Respondent has offered no evidence that either the Village Treatment Plant or the Galva Treatment Facility has a total design flow greater than 5 million gallons per day such that 40 C.F.R. § 403.5(b) would be applicable, *see* 40 C.F.R. § 403.8, or that either has an approved pretreatment program pursuant to 35 Ill. Adm. Code 310.

Accordingly, based upon the foregoing, its Response to the Respondent's Motion to Strike and Dismiss and its Motion to Strike Respondent's Section 2-619(a)(9) Motion to Dismiss and Affidavits of Gary Hull and Erik Vardijan, which are incorporated herein by reference, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Board deny Respondent's Motion to Strike and Dismiss the First Amended Complaint and grant such other relief as this Board deems proper.

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

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

BY:



Kathryn A. Pament
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602
(312) 814-0608

EXHIBIT 1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 13-28
)	(Enforcement-Water)
ATKINSON LANDFILL CO., an)	
Illinois corporation,)	
)	
Respondent.)	

AFFIDAVIT OF DARIN LECRONE

I, Darin LeCrone, after being duly sworn on oath, state that if called upon to testify in this matter, I would competently testify as follows:

1. I am employed by the Illinois Environmental Protection Agency (the "Illinois EPA") as a Public Service Administrator, and am located in Springfield, Illinois. I have been employed by the Illinois EPA since May of 1992.

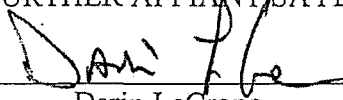
2. As a Public Service Administrator with the Illinois EPA, my duties include but are not limited to Manager of the Industrial Unit in the Division of Water Pollution Control, Permit Section. The Industrial Unit is responsible for reviewing applications and writing permits for the treatment, pretreatment, and/or discharge of industrial wastewaters.

3. A true and correct copy of Atkinson Landfill Co.'s Application for Permit or Construction Approval WPC-PS-1 to discharge landfill leachate at the Village of Atkinson is attached hereto as Exhibit X.

4. A true and correct copy of Atkinson Landfill Co.'s Application for Permit or Construction Approval WPC-PS-1 to discharge landfill leachate at the City of Galva is attached hereto as Exhibit Y.


5. The Village of Atkinson sewage treatment plant and the City of Galva wastewater treatment facility were authorized to impose only more stringent conditions on Atkinson Landfill Co. regarding its discharge of landfill leachate into their systems.

FURTHER AFFIANT SAYETH NOT



Darin LeCrone

Subscribed and Sworn to
Before me this 23rd day of
July, 2013.



NOTARY PUBLIC

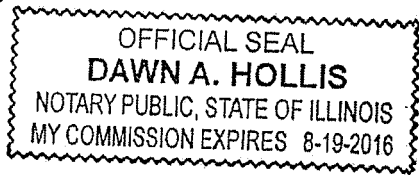


EXHIBIT X

WEAVER
BOOS
CONSULTANTS
NORTH CENTRAL, LLC
GEO-ENVIRONMENTAL ENGINEERS
AND SCIENTISTS

RECEIVED 0331-08
MAR 04 2008

Environmental Protection Agency
WPC-Permit Log In March 3, 2008
Project No. 0009-01-11.00

Illinois Environmental Protection Agency
Bureau of Water
DWPC Permit Section #15
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

SCREENED

UNRELEASABLE

Re: Permit Application
Atkinson Landfill Leachate Discharge to the Village of Atkinson STP
Atkinson Landfill
IEPA Site No. 0730200003

Dear Sir or Madam:

Weaver Boos Consultants North Central, LLC, on behalf of Atkinson Landfill Company, is submitting this application for the operating permit for the discharge of landfill leachate from the Atkinson Landfill to the Village of Atkinson STP. The Atkinson Landfill is currently permitted to truck all site-generated leachate to the City of East Moline Regional WWTP (Permit 2002-EE-1066), but is requesting a permit to discharge the lower strength discharges from the newly constructed cells and the contingent groundwater remediation system at the Village of Atkinson Sewer Treatment Plant.


The permit application consists of the following information:

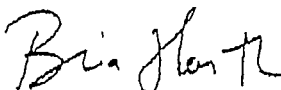
- IEPA Form WPC-PS-1, which includes required signatures; and
- IEPA Schedule N (Waste Characteristics).

Please find enclosed the original and one copy of the permit application. We trust that this information is sufficient for your needs at this time. If you have any questions or if you require additional information, please feel free to contact either of the undersigned.

Sincerely,

Weaver Boos Consultants North Central, LLC


Jacqueline Maddox, E.I.T
Staff Engineer


Brian Horvath, P.E.
Senior Project Manager

Cc: Branko Vardijan



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

RECEIVED
MAR 04 2013
Environmental Protection Agency

Application for Permit or Construction Approval
WPC-PS-1

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1. Owner Name: Atkinson Landfill Company
Name of Project: Atkinson Landfill Leachate Discharge
Township: Atkinson County: Henry

2. Brief Description of Project:
Discharge of landfill leachate at the Village of Atkinson Sewer Treatment Plant via tanker truck hauling

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 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 checked="" 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 type="checkbox"/>
Sludge Disposal	G <input type="checkbox"/>		

Plans: Title _____ No. of Pages: _____

Specifications: Title _____ 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)

SCREENED

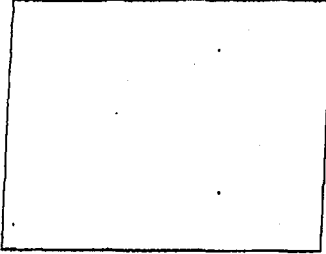
6. Certifications and Approval:

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: _____

(Seal)



Registration Number: _____
(3 digits) (6 digits)

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone No: _____

Signature X _____ Date: _____

RECEIVED AS ABILITY

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: N/A

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

Organization: _____

7.1.2 Name of Applicant for Permit to Own and Operate: Atkinson Landfill Company

Address: 221 North Washtenaw

City: Chicago State: IL Zip Code: 60612

Signature X *Branko Vardjan* Date: _____

Printed Name: Branko Vardjan Phone No: (773) 761-7706

Title: President

SCREENED

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:

Sewer System Owner: Village of Atkinson Sewer System

Address: 107 West Main St, PO Box 614

City: Atkinson State: IL Zip Code: 61235

Signature X *Guy Pauley* Date: _____

Printed Name: Guy Pauley Phone No: 309-936-7658

Title: Mayor of Atkinson, IL 61235

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: _____

SCREENED

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: Village of Atkinson Sewer Treatment Facility

Waste Treatment Works Owner: Village of Atkinson

Address: 107 West Main Street

City: Atkinson State: IL Zip Code: 61235

Signature X [Signature] Date: _____

Printed Name: Bruce Pawley Phone No: 309-936-7658

Title: Mayor of Atkinson IL 61235

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.

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This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111-1/2, Section 1009. 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.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 PERMIT SECTION
 Springfield, Illinois 62784-9276

SCHEDULE N WASTE CHARACTERISTICS

1. Name of Project Atkinson Landfill Leachate Discharge at the Village of Atkinson Sewer Treatment Plant

	EXISTING	PROPOSED DESIGN
2.1 Average Flow (gpd)	0	12,000
2.2 Maximum Daily Flow (gpd)	0	12,000

2.3 TEMPERATURE

Time of Year	Avg. Intake Temp. F	Avg. Effluent Temp. F	Max. Intake Temp. F	Max. Effluent Temp. F	Max. Temp. Outside Mixing Zone F
SUMMER	75	75	85	85	N/A
WINTER	45	45	70	70	N/A

2.4 Minimum 7-day, 10-year flow: n/a cfs n/a MGD.

2.5 Dilution Ratio: n/a

2.6 Stream flow rate at time of sampling n/a cfs MGD.

3. CHEMICAL CONSTITUENT Existing Permitted Conditions ; Existing conditions ; Proposed Permitted Conditions

Type of sample: grab (time of collection); composite (Number of samples per day)

(see instructions for analyses required)

CONSTITUENT	RAW WASTE (mg/l)	TREATED EFFLUENT Avg. (mg/l) Max.	UPSTREAM (mg/l)	DOWNSTREAM SAMPLES (mg/l)
Ammonia Nitrogen (as N)	4			
Arsenic (total)	0.1			
Barium	0.1			
Boron	1			
BOD ₅	25			
Cadmium				
Carbon Chloroform Extract				
Chloride	25			
Chromium (total hexavalent)	0.01			
Chromium (total trivalent)	0.01			

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WEAVER BOOS CONSULTANTS

003/003

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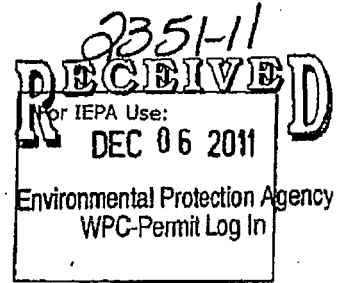
CONSTITUENT	RAW WASTE (mg/l)	TREATED EFFLUENT Avg. (mg/l) Max.	UPSTREAM (mg/l)	DOWNSTREAM SAMPLES (mg/l)
Copper	0.02			
Cyanide (total)				
Cyanide (readily released @ 150° F & pH 4.5)				
Dissolved Oxygen				
Fecal Coliform				
Fluoride				
Hardness (as Ca CO ₃)				
Iron (total)	1			
Lead	0.01			
Manganese	0.3			
MBAS				
Mercury				
Nickel	0.02			
Nitrates (as N)				
Oil & Grease (hexane solubles or equivalent)	6			
Organic Nitrogen (as N)				
pH	6 - 8			
Phenols	0.3			
Phosphorous (as P)				
Radioactivity				
Selenium				
Silver				
Sulfate	200			
Suspended Solids	150			
Total Dissolved Solids	300			
Zinc	0.1			
Others				

RELEASEABLE

EXHIBIT Y



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



**Application for Permit or Construction Approval
 WPC-PS-1**

1. Owner Name: Atkinson Landfill Company

Name of Project: Atkinson Leachate Treatment Galva WWTP

Township: Galva County: Hény

2. Brief Description of Project:

Disposal of Leachate from Atkinson Landfill into Galva WWTP thru use of 5,000 gallon liquid haul trucks.
 Discharge point is at the Galva WWTP.

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

	<u>Schedule</u>		<u>Schedule</u>
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 checked="" 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 type="checkbox"/>
Sludge Disposal	G <input type="checkbox"/>		

Plans: Title N/A

No. of Pages: _____

Specifications: Title N/A

No. of Books/Pages: _____

Other Documents: Analysis Report from Sherry Laboratories LLC on Atkinson Landfill Leachate
 (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)

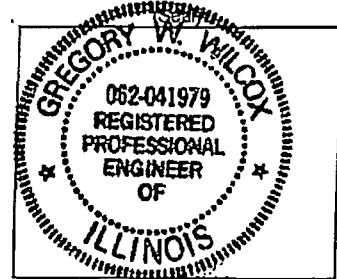
I hereby certify that I am familiar with the information contained in this application, including the attached schedules indicated above, and that to the best of my knowledge and belief such information is true, complete and accurate. The plans and specifications (specifications other than Standard Specifications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

Engineer Name: Gregory Wilcox

Registration Number: 062 - 041979
(3 digits) (6 digits)

Firm: Winston Engineering

Address: 2250 Southwind Blvd



City: Bartlett State: IL Zip: 60103 Phone No: (630) 917-1158

Signature X [Handwritten Signature] Date: 11/29/11

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: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

Organization: _____

7.1.2 Name of Applicant for Permit to Own and Operate: Atkinson Landfill Company

Address: 221 North Washtenaw

City: Chicago State: IL Zip Code: 60612

Signature X [Handwritten Signature] Date: 11-30-11

Printed Name: BRANKO VARDIJAN Phone No: 773-617-0105

Title: PRESIDENT

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:

Sewer System Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

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: Galva Northeast

Waste Treatment Works Owner: City of Galva

Address: 311 N.W. 4th Ave

City: Galva State: IL Zip Code: 61434

Signature X David L. Dyer Date: 12/2/2011

Printed Name: David L. Dyer Phone No: 309/932-2555

Title: City Administrator

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 ½, 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.

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.

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 DIVISION OF WATER POLLUTION CONTROL
 PERMIT SECTION
 Springfield, Illinois 62794-9276

SCHEDULE N WASTE CHARACTERISTICS

1. Name of Project Atkinson Leachate Treatment Galva WWTP

2. FLOW DATA	EXISTING	PROPOSED-DESIGN
2.1 Average Flow (gpd)	_____	<u>10,000</u>
2.2 Maximum Daily Flow (gpd)	_____	<u>15,000</u>

2.3 TEMPERATURE

Time of Year	Avg. Intake Temp. F	Avg. Effluent Temp. F	Max. Intake Temp. F	Max. Effluent Temp. F	Max. Temp. Outside Mixing Zone F
SUMMER	_____	_____	_____	_____	_____
WINTER	_____	_____	_____	_____	_____

2.4 Minimum 7-day, 10-year flow: _____ cfs _____ MGD.

2.5 Dilution Ratio: _____;

2.6 Stream flow rate at time of sampling _____ cfs _____ MGD.

3. CHEMICAL CONSTITUENT Existing Permitted Conditions ; Existing conditions ; Proposed Permitted Conditions

Type of sample: grab (time of collection 12:50); composite (Number of samples per day _____)

(see instructions for analyses required)

CONSTITUENT	RAW WASTE (mg/l)	TREATED EFFLUENT Avg. (mg/l) Max.	UPSTREAM (mg/l)	DOWNSTREAM SAMPLES (mg/l)
Ammonia Nitrogen (as N)	7.73			
Arsenic (total)	nd			
Barium	0.164			
Boron	1.04			
BOD ₅	< 11.0			
Cadmium	nd			
Carbon Chloroform Extract	76			
Chloride	10.8			
Chromium (total hexavalent)	-			
Chromium (total trivalent)	nd			

CONSTITUENT	RAW WASTE (mg/l)	TREATED EFFLUENT Avg. (mg/l) Max.	UPSTREAM (mg/l)	DOWNSTREAM SAMPLES (mg/l)
Copper	nd			
Cyanide (total)	nd			
Cyanide (readily released @ 150° F & pH 4.5)	-			
Dissolved Oxygen	-			
Fecal Coliform	< 1.0			
Fluoride	nd			
Hardness (as Ca CO ₃)	-			
Iron (total)	25			
Lead	nd			
Manganese	0.655			
MBAS				
Mercury	nd			
Nickel	nd			
Nitrates (as N)	< 0.1			
Oil & Grease (hexane solubles or equivalent)	< 8.0			
Organic Nitrogen (as N)	-			
pH	6.98			
Phenols	0.0672			
Phosphorous (as P)	0.105			
Radioactivity	-			
Selenium	nd			
Silver	nd			
Sulfate	570			
Suspended Solids	99			
Total Dissolved Solids	2300			
Zinc	nd			
Others				

INSTRUCTIONS FOR SCHEDULE N - WASTE CHARACTERISTICS

This schedule must be submitted to show raw waste characteristics, effluent quality, and upstream and downstream quality of the receiving waters, sludge characteristics and other wastewater characteristics as required for the various schedules.

1. The name of the project must be the same as that indicated in WPC-PS-1.

2. Flow data

2.1 Indicate existing, if applicable, and proposed or present design average flow.

2.2 Indicate existing, if applicable, or proposed or present design maximum flow depending on the schedule originating the request.

2.3 The information submitted to the Agency for temperature must be sufficient to prove that violations of the temperature portion, 203(i) of the Illinois Pollution Control Board Regulations Chapter 3 will not occur.

In the case of discharges from power plants, a graphical description of the discharge plume must be provided to the Agency which describes the various isotherm regimes in the plume and defines the boundaries of the discharge plume in relation to the receiving stream.

The definition of mixing zone is given in Rule 201(a) of the Illinois Pollution Control Board's Regulations. Make sure you are using the latest Illinois Pollution Control Board's interpretation of this definition - mixing zone.

2.6 The flow rate in the receiving stream at the time of stream sampling must be indicated.

3. Chemical Characteristics: The applicant must prove that the facility if permitted, will not cause violations of the Environmental Protection Act or of Regulations adopted by the Board pursuant to the Act. If the characteristics are not applicable so indicate with the letters NTF (not tested for).

For existing facility, the type of sample (grab, composite) and the number of samples taken should be indicated on Schedule N. The sampling points should be indicated on an appropriately labeled process flow sketch for raw wastewater and treated effluent. The process flow sketch should show all wastewater influent points to the treatment works before ultimate discharge.

Please review the following comments prior to proceeding.

3.1 The characteristics must show the average concentration of the particular waste parameter in the design year except when the schedule is being submitted to depict the current conditions.

3.2 For existing domestic waste treatment works, as a minimum the influent and effluent analyses should include ammonia nitrogen, fecal coliform, (effluent only), nitrite and nitrate nitrogen, pH, phosphorous as p, suspended solids, total dissolved solids and biochemical oxygen demand (5 day).

3.3 The influent and effluent should be analyzed for chemical parameters appropriate to reflect industrial discharges into the sewer system tributary to the treatment works. Guidelines for such additional analyses are contained in Table 1, which may also be used by industrial discharges as minimum required analysis guidelines.

3.4 The effluent parameter concentrations shown must reflect the average and maximum concentrations of the treatment works or discharge effluent.

3.5 An analysis must be performed on the influent and effluent, if it is existing, for each parameter shown on Table 1 for the appropriate industry.

3.6 If the proper industrial category is not provided on Table 1, the consulting engineer should write the Illinois Environmental Protection Agency requesting a letter with a statement of the required parameters or use the parameters for a similar category on Table 1.

- 3.7 If background concentration, Rule 401(b), is considered by the applicant to be a factor in the allowable contaminants being discharged, submit an analysis of the water supply showing the concentration of the applicable parameters.
- 3.8 If any constituent level in any discharge or effluent exceeds the water quality standard then analyses must be performed for that parameter upstream and downstream in the receiving stream. The flow rate in the receiving stream at the time of stream sampling must be specified.
- 3.9 For proposed facilities approximations should be made and analysis performed in accordance with these items and Table 1.
- 3.10 The analysis must be performed in accordance with the Standard Methods for the Examination of Water and Wastewater, 13th edition or with the most current later edition or with other generally accepted procedures approved by the Agency. The methods indicated in Table A of the U.S. Environmental Protection Agency National Pollutant Discharge Elimination System Application Form Standard Form Instructions will be considered acceptable to the agency unless noted otherwise in subsequent changes to these instruction forms.
- 3.11 Upstream and downstream analyses will not be required for pretreatment facilities. However, if current data is not available regarding receiving treatment works effluent quality, additional data may be requested.
- 3.12 Upstream and downstream analyses will not be required if the minimum, 7-day, 10-year low flow of the stream is zero (0) c.f.s. The effluent quality must meet water quality standards.

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DIVISION OF WATER POLLUTION CONTROL
PERMIT SECTION
Springfield, Illinois 62794-9276

Environmental Protection Agency
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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:** Atkinson Leachate Treatment Galva WWTP

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 _____ Section _____ Range _____

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: _____

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) _____ ;
Number of single family dwelling building(s) _____ ; Number of multiple dwelling buildings* _____ ;
Estimated total population equivalent 150 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)

Principal product(s) or activities

Disposal of Leachate from Atkinson Landfill into Galva WWTP thru use of 5,000 gallon liquid haul trucks.
Discharge point is at the Galva WWTP.

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

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 _____; Estimated number of occupants (transients) _____.

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. 100; BOD P.E. 100; Suspended Solids P.E. 100.

6.3 Total loading for project (Sum of 6.1 and 6.2) Design Average Flow 10,000 GPD; Design Max.

Flow 15,000 GPD; P.E. 100 BOD; P.E. 100 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 loans, 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:** N/A 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			
Pipe size – inches						
Total Length – feet						
Min. slope used - %						
Max. slope used - %						
Min. cover over sewers - feet						
Pipe Material & Specs.						
Joint Material & Specs.						
Total Manholes						
Max. Distance Between Manholes						
Bedding Class for Rigid Pipe (A, B, or C per ASTM C12)						
Bedding Class for Flexible Pipe (IA, IB, II, or III per ASTM 2321-89)						

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):

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:

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.

CONSTITUENT	RAW WASTE (mg/l)	TREATED EFFLUENT Avg. (mg/l) Max.	UPSTREAM (mg/l)	DOWNSTREAM SAMPLES (mg/l)
Copper	nd			
Cyanide (total)	nd			
Cyanide (readily released @ 150° F & pH 4.5)	-			
Dissolved Oxygen	-			
Fecal Coliform	< 1.0			
Fluoride	nd			
Hardness (as Ca CO ₃)	-			
Iron (total)	25			
Lead	nd			
Manganese	0.655			
MBAS				
Mercury	nd			
Nickel	nd			
Nitrates (as N)	< 0.1			
Oil & Grease (hexane solubles or equivalent)	< 8.0			
Organic Nitrogen (as N)	-			
pH	6.98			
Phenols	0.0672			
Phosphorous (as P)	0.105			
Radioactivity	-			
Selenium	nd			
Silver	nd			
Sulfate	570			
Suspended Solids	99			
Total Dissolved Solids	2300			
Zinc	nd			
Others				

235-11
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 Environmental Protection Agency
 WPC-Permit Log In



December 8, 2011

Shu-Mei Psai
Illinois EPA
1021 N Grand Ave E
Springfield, IL 62794-9276

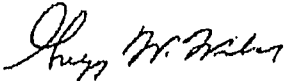
Dear Ms. Psai:

The following information is to supplement the application to dispose of Landfill Leachate from the Atkinson Landfill into the Galva WWTP in Galva, Illinois. The Atkinson Landfill stores collected Leachate in two 9,000 gallon storage tanks as permitted by the Landfill Permit issued by IEPA. The Leachate is pumped into tanker trucks through on site leachate pumps for disposal at offsite WWTP. Atkinson Landfill uses approved special use tankers of either 5,000 gallons or 2,000 for hauling Leachate. The distance to Galva WWTP from Atkinson Landfill is approximately 20 miles. On average the weekly disposal will not exceed 10,000 gallons per day. The maximum day disposal would be no more than 15,000 gallons per day.

No pretreatment of the Leachate is done on the Atkinson Landfill site. Currently Atkinson Landfill has a permit issued by IEPA to dispose of Leachate at the Atkinson WWTP through the use of these same tank trucks. Atkinson is seeking approval with this submittal to dispose of leachate at Galva in case there are operational problems that prevent disposal at Atkinson WWTP.

If you have any further questions please call me at 630-917-1158.

Sincerely,


Gregory W. Wilcox, P.E.

Atkinson Landfill

County	Henry
Municipality	Atkinson
Location	137 Commercial Dr.
Location ☎	309-936-7468

Facility Facts

Identification number	0730200003
Design capacity, cu.yds.	11,600,000
Total permitted landfill area, acres	249.8
Permitted disposal area, acres	125.8
Highest permitted elevation, feet (msl)	790
Years remaining, estimated by landfill	19
Date/year to open – Date/year to close	1980 - 2030

Waste Received: 2009 and 2010

	TOTAL WASTE ACCEPTED			OUT-OF-STATE WASTE ACCEPTED		
	gate cu. yds.	tons	tons/day	gate cu/yds.	tons	% of total
2009	49,248	14,924	57	0	0	0
2010	212,856	64,502	248	0	0	0
2010 State of Origin: Illinois only						

Remaining Capacity: Jan. 1, 2010 and Jan. 1, 2011

2010 certified gate cu. yds. (tons)	23,151,000	(7,015,000)
2011 certified gate cu. yds. (tons)	22,964,000	(6,959,000)

Contacts

Owner	Operator
Atkinson Landfill Co.	Atkinson Landfill Co.
221 N. Washtenaw Ave.	221 N. Washtenaw Ave.
Chicago, IL 60612	Chicago, IL 60612
Contact: Branko Vardijan	Contact: Branko Vardijan
☎ 773-761-7706	☎ 773-761-7706

CERTIFICATE OF SERVICE

I, KATHRYN A. PAMENTER, an Assistant Attorney General, do certify that I caused to be served this 23rd day of July, 2013, the attached Notice of Motion and Motion for Leave to File Surreply to Respondent's Reply in Support of Motion to Strike and Dismiss First Amended Complaint upon (a) Kenneth Anspach, Esq. *via regular mail* by placing a true and correct copy in an envelope addressed as set forth on said Notice of Motion, first class postage prepaid, and depositing same with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m., and (b) Bradley P. Halloran *via email*.


KATHRYN A. PAMENTER