

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 16 2014

STATE OF ILLINOIS
Pollution Control Board

KRAMER TREE SPECIALISTS, INC.)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

AS
PCB No. 2014-002
(Petition for Adjusted Standard)

NOTICE OF FILING

 ORIGINAL

To:

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

Bruce White
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606

Christopher Grant
Assistant Attorney General
69 W. Washington Street
Suite 1800
Chicago, Illinois 60602

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the **Recommendation of the Illinois EPA**, a copy of which is served upon you.

Respectfully submitted,


ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

Dated: April 14, 2014

Mark V. Gurnik
Attorney Registration No. 6200029
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

BY:


Mark V. Gurnik
Assistant Counsel

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RECOMMENDATION OF THE ILLINOIS EPA

Now comes the Illinois Environmental Protection Agency ("Illinois EPA") by its attorney, Mark V. Gurnik, and pursuant to 35 Ill. Adm. Code 104.416 provides this Recommendation to the Petition for Adjusted Standard filed in this cause on February 26, 2014. The Illinois EPA recommends that the adjusted standard be granted.

I. BACKGROUND

Kramer Tree Specialists, Inc. ("Petitioner") owns and operates a ten acre leaf mulch production facility at 300 Charles Court, West Chicago, Du Page County, Illinois. It utilizes virgin leaves and ground woody materials to make two varieties of leaf mulch. One variety consists of ground virgin leaves, the other contains a blend of ground virgin leaves and ground woody materials from tree parts. An important part of the production process is the storage of the leaves in a manner that does not allow them to decompose and produce compost. In the instant proceeding, Petitioner has asked the Illinois Pollution Control Board ("Board") for relief from certain requirements and standards for composting facilities in 35 Ill. Adm. Code Part 830.

As noted in the Petition for Adjusted Standard, because of the nature of leaf mulch, its production and finished product cannot conform to the general use compost standards of 35 Ill. Adm. Code 830.503. The standards, as pointed out by Petitioner, are intended to promote the decomposition of landscape waste. Petitioner's procedures for the production of its leaf mulch, and the storage of the leaves required to produce the mulch, are designed to prevent the

decomposition of the leaves.

The Petitioner first approached the Illinois EPA with a draft petition for adjusted standard seeking relief from the general use composting standards on November 3, 2011. Since that time, the Petitioner and the Illinois EPA have had discussions and exchanged information concerning the leaf mulching operation. On April 30, 2013, Petitioner filed its Petition for Adjusted Standard, PCB 2013-003, but on May 29, 2013, it filed a Motion for Voluntary Dismissal without Prejudice. The Board granted that Motion on June 6, 2013. The Petitioner then filed this Petition for Adjusted Standard, PCB 2014-002, on February 26, 2014. In the course of the discussions between the Petitioner and the Illinois EPA, the Petitioner has satisfactorily addressed the Illinois EPA's questions and comments about the leaf mulch operation and the Petition. Much of the discussions have been incorporated into the instant Petition for Adjusted Standard. This is the basis for the Illinois EPA's brevity in considering the informational requirements of 35 Ill. Adm. Code 104.406.

II. SECTION 104.406 FACTORS

A. Section 104.406(a) – Standards from which adjusted standard is sought

The Illinois EPA does not take issue with Petitioner's statements on this subject.

B. Section 104.406(b) – Regulation of general applicability

The Illinois EPA does not take issue with Petitioner's statements on this subject.

C. Section 104.406(c) – Level of Justification

The Illinois EPA does not take issue with Petitioner's statements on this subject.

D. Section 104.406(d) – Petitioner's Activity

The Illinois EPA does not take issue with Petitioner's statements on this subject.

E. Section 104.406(e) – Efforts necessary to comply

The Illinois EPA does not take issue with Petitioner's statements on this subject.

F. Section 104.406(f) – Proposed Adjusted Standard

The Illinois EPA does not take issue with Petitioner's statements on this subject.

G. Section 104.406(g) – Quantitative and Qualitative impact on the environment

The Illinois EPA does not take issue with Petitioner's statements on this subject.

H. Section 104.406(h) – Justification for the proposed adjusted standard

The Illinois EPA does not take issue with Petitioner’s statements on this subject.

I. Section 104.406(i) – Consistency with Federal Law

The Illinois EPA does not take issue with Petitioner’s statements on this subject.

J. Section 104.406(j) – Hearing

The Illinois EPA does not request a hearing on this matter, but notes that the Petitioner has requested a hearing. If the Board schedules a hearing, the Illinois EPA intends to participate.

K. Section 104.406(k) – Supporting documents or legal authorities

The Illinois EPA does not take issue with Petitioner’s statements on this subject.

L. Section 104.406(l) – Additional information

The Illinois EPA does not take issue with Petitioner’s statements on this subject.

III. CONCLUSION

WHEREFORE the Illinois EPA recommends that the adjusted standard be granted.

Respectfully submitted,

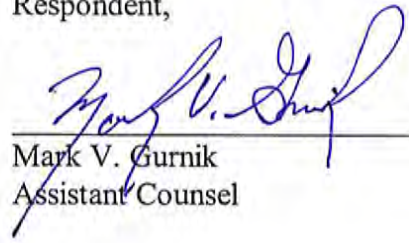
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

Dated: April 14, 2014

Mark V. Gurnik
Attorney Registration No. 6200029
1021 North Grand Avenue East
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Springfield, Illinois 62794-9276
(217) 782-5544

BY:



Mark V. Gurnik
Assistant Counsel

Kramer Tree Specialists, Inc. v. Illinois Environmental Protection Agency
Pollution Control Board No. 2014-002

CERTIFICATE OF SERVICE

I, the undersigned, on oath states that I have served on the date of April ____, 2014, the attached **Recommendation of the Illinois EPA**, by placing true copies thereof in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, upon the following persons:

RECEIVED
CLERK'S OFFICE

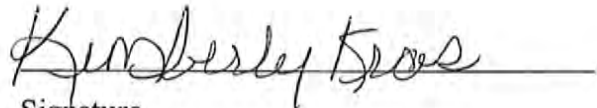
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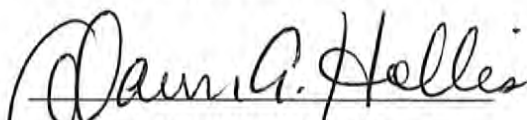
Signature

State of Illinois

County of Sangamon

SUBSCRIBED AND SWORN to before me

this 14th day of April, 2014.



NOTARY PUBLIC

