

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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NOV 18 2014

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )

Adjusted Standard Petition of )  
Brickyard Disposal & Recycling, Inc. )  
Pursuant to Title 35 of the )  
Illinois Administrative Code )  
Parts: 814.402(b)(3), 810.103, 811.318(b)(3) )  
and 811.320(c) )

AS 14 - 03  
(Adjusted Standard - Land)

 ORIGINAL

NOTICE

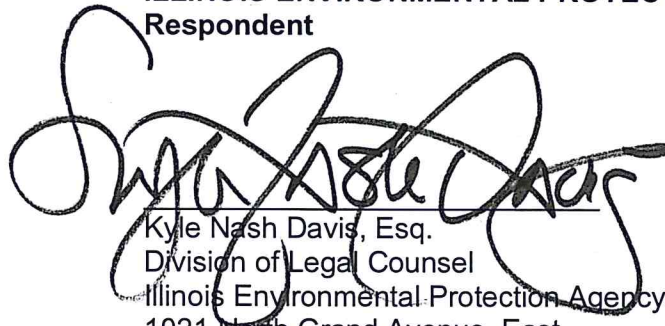
Illinois Pollution Control Board  
Attn: Mr. John Therriault, Clerk  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Brown Hay & Stephens, LLP  
Attn: Ms. Claire Manning, Esq.  
205 S. Fifth Street, Suite 700 – P. O. Box 2459  
Springfield, Illinois 62705

**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 TO PETITIONER'S RESPONSE AND AMENDED PETITION**, copies of which are herewith served upon you.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,**  
Respondent



Kyle Nash Davis, Esq.  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

Dated: November 10, 2014

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**CERTIFICATE OF SERVICE**

I, the undersigned non-attorney, state that I served a copy of the above-described document to counsel of record via U.S. Mail at 1021 North Grand Ave. East, Springfield, IL 62794, at or before 5:00 p.m. on November 13, 2014.

**Illinois Pollution Control Board**

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Clerical signature

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**RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
TO PETITIONER'S RESPONSE AND AMENDED PETITION.**

The **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** ("Illinois EPA/Respondent"), through its attorney Kyle Nash Davis, hereby submits a **RECOMMENDATION to Petitioner's Amended Petition** in the above captioned matter. This filing is submitted pursuant to Section 35 of the Illinois Environmental Protection Act ("EPAct") [415 ILCS 5/35 (2012)] and 35 Ill. Adm. Code 104 *et seq.* For the reasons outlined below, the Illinois EPA believes sufficient supporting information has been submitted for the petition to be **GRANTED**.

**I. INTRODUCTION**

1. On May 31, 2013, Brickyard Disposal & Recycling, Inc. ("Petitioner"), filed a Petition for Adjusted Standard ("Petition") which was docketed as AS 13 - 04. Illinois EPA filed its recommendation on July 17, 2013. On August 8, 2013, the Pollution Control Board ("Board") issued an Order identifying 25 issues that the Board requested be addressed by Petitioner. On September 5, 2013, the Hearing Officer issued an Order directing that an Amended Petition be filed by September 9, 2013.

2. Petitioner requested a 30 day extension from the ordered September 9, 2013, deadline, which was granted, and filed an Amended Petition on October 9, 2013. Illinois EPA filed its Recommendation on November 26, 2013. Thereafter, Petitioner filed a Response to the Illinois EPA's Recommendation. The Board issued an Opinion and Order on January 23, 2014, denying the Amended Petition and closing the docket.
3. On June 27, 2014, Petitioner filed the initial pleading in this matter, a Third Petition for Adjusted Standard, as captioned above ("Third Petition" or for citation purposes herein "Pet."). Illinois EPA received a hard copy of this pleading on Monday, June 30, 2014.
4. The Illinois EPA filed a Recommendation in this matter on August 12, 2014.
5. Petitioner filed a Response to the Agency's Recommendation on August 27, 2014.
6. The Board issued an Order on September 18, 2014, accepting the petition as complete, however directing the Petitioner to file an Amended Petition by October 20, 2014.
7. On October 14, 2014, the Hearing Officer issued an order granting an extension to Petitioner allowing until November 6, 2014 for filing of the Amended Petition on that date.

8. On November 6, 2014, Petitioner filed its Amended Petition in this matter.
9. To date, Respondent has not received a citizen inquiry regarding AS 14 - 03.
10. The Illinois EPA believes the comments and concerns raised within its August 12, 2014, Recommendation are relevant to the original pleading in this matter. However, the Agency has reviewed the Petitioner's Response (filed August 27, 2014) as well as the Amended Petition (filed November 6, 2014). The Response provides significant clarification to issues which the Agency noted within its Recommendation. The only notable remaining issues would be two fold, first the measurement of the 150 meter limit from the unit as well as whether the Board seeks exact locations of wells. Further, the Amended Petition adequately addresses the issues raised by the Board within its Order.
11. Based upon the forgoing review, if the Board focuses on the Third Petition and the provisions which were not commented upon nor required changes according to the Agency's Recommendation, as well as the Petitioner's Response and Amended Petition, the Agency believes that there is sufficient technical information for the Board to **GRANT** the Petitioner's Amended Petition.

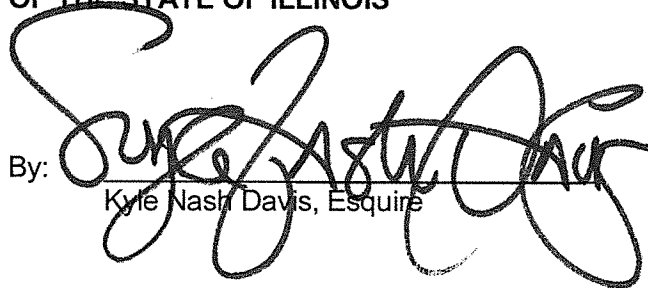
**VI. ILLINOIS EPA RECOMMENDATION**

A review of the Petition for relief was made by Illinois EPA's Bureau of Land technical staff. The Illinois EPA concludes that, based upon the forgoing, sufficient supporting information has been submitted for AS 14-03 to be **GRANTED**.

Respectfully submitted,

**ENVIRONMENTAL PROTECTION AGENCY  
OF THE STATE OF ILLINOIS**

By:

A large, stylized handwritten signature in black ink, appearing to read 'Kyle Nash Davis', is written over a horizontal line.

Kyle Nash Davis, Esquire

DATED: November 10, 2014

**Illinois Environmental Protection Agency**

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