

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 15 2015

STATE OF ILLINOIS
Pollution Control Board

D&L LANDFILL, INC.,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 15- **B1**
(Land Permit Appeal – Ninety Day
Extension)

NOTICE



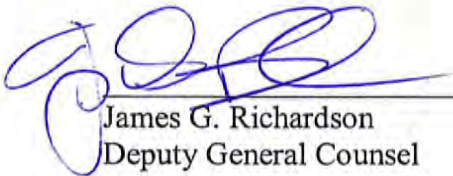
ORIGINAL

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

Patrick Shaw
Attorney at Law
1 North Old Capitol Plaza, Suite 325
Springfield, Illinois 62701

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY


James G. Richardson
Deputy General Counsel

Dated: January 13, 2015
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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STATE OF ILLINOIS
Pollution Control Board

D&L LANDFILL, INC.,)
Petitioner,)
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v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 15- 137
(Land Permit Appeal – Ninety Day
Extension)

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Deputy General Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to April 28, 2015, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:


1. On December 19, 2014, the Illinois EPA issued a final decision to the Petitioner.
2. On January 9, 2015, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the Petitioner received the final decision on or about December 24, 2014.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Deputy General Counsel

Dated: January 13, 2015

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3301

December 19, 2014
D & L Landfill, Inc.
Attn: Lee Roy McCray
1212 Ayers Road
Greenville, Illinois 62246

Certified Mail
7012 0470 0001 2976 3557

Re: 0050050001-- Bond County
D & L Landfill
Log No. 2013-007
Permit Landfill 807 File
Permit Denial

Dear Mr. McCray:

This will acknowledge receipt of your certification for completion of post-closure care at a solid waste management site, dated December 31, 2012, and received by the Illinois EPA on January 2, 2013.

Your certification to end post-closure care is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act (Act). Section 39(a) of the Act [415 ILCS 5/39(a)] requires the Illinois EPA to provide the applicant with specific reasons for the denial of permit. The following reason(s) are given:

1. Pursuant to 807.524, the Agency must certify that the post-closure care period has ended upon determining that the facility will not cause future violations of 35 Illinois Administrative Code Part 807 or the Act. 35 IAC 807.313 states, no person shall cause or allow operation of a sanitary landfill so as to cause or threaten or allow the discharge of any contamination into the environment. And 35 IAC 807.315 states, no person shall cause or allow the development or operation of a sanitary landfill unless the applicant proves to the satisfaction of the Agency that no damage or hazard will result to waters of the State because of the development and operation of the sanitary landfill. Due to the exceedances described below, the affidavit fails to adequately demonstrate that the D & L Landfill has not impacted the groundwater. Therefore, a determination that 35 Illinois Administrative Code (IAC) 807.313 and 807.315 will not be violated cannot be made:

The following exceedances are unaddressed:

- a. G106: (TDS – background value & 620 standard), (dissolved barium – background value), (dissolved boron – background value), (dissolved iron – background value & 620 standard), (ethyl ether – over 2 times PQL), (TOX – background value & 620 standard), (dissolved chloride – background value), (total ammonia – background value), (total barium – background value), (total boron – background value), (total iron – background value & 620 standard), (total manganese – background value), (total sodium – background value), (total arsenic – background value), (total chloride – background value & 620 standard).
- b. G110: (dissolved nitrate – background value), (dissolved barium – background value), (dissolved chloride – background value), (total fluoride – background value), (total sodium – background value), (total fluoride – background value), (total chloride – background value).
- c. G111: (TDS – background value), (dissolved barium – background value), (dissolved boron – background value), (dissolved manganese – background value), (dissolved sulfate – background value), (dissolved chloride – background value), (total boron – background value), (total sodium – background value), (total sulfate – background value), (total chloride – background value).
- d. G112: (TDS – background value & 620 standard), (dissolved barium – background value), (dissolved boron – background value & 620 standard), (dissolved iron – background value & 620 standard), (dissolved manganese – background value), (dissolved nickel – background value), (ethyl ether – over 2 times PQL), (TOX – background value & 620 standard), (phenols – 620 standard), (dissolved chloride – background value & 620 standard), (oil – background value), (total ammonia – background value), (total barium – background value), (total boron – background value & 620 standard), (total iron – background value & 620 standard), (total manganese – background value & 620 standard), (total sodium – background value), (tetrahydrofuran – over 2 times PQL), (total chloride – background value & 620 standard).
- e. G113: (TDS – background value), (dissolved barium – background value), (dissolved boron – background value), (dissolved manganese – background value), (TOX – background value & 620 standard), (dissolved chloride – background value & 620 standard), (total boron – background value), (total manganese – background value), (total sodium – background value), (total chloride – background value & 620 standard).
- f. G114: (Alkalinity – background value), (TDS – background value & 620 standard), (dissolved barium – background value), (dissolved boron – background value & 620 standard), (dissolved iron – background value & 620 standard), (dissolved manganese – background value & 620 standard), (dissolved nickel – background value),

(chlorobenzene – over 2 times PQL), (TOX – background value & 620 standard), (phenols – background value & 620 standard), (total fluoride – background value), (dissolved chloride – background value & 620 standard), (COD – background value), (total barium – background value), (total boron – background value), (total iron – background value & 620 standard), (total manganese – background value & 620 standard), (total sodium – background value), (tetrahydrofuran – over 2 times PQL), (total chloride – background value & 620 standard).

- g. Exceedences noted in the facility GMZ: G116 - dissolved boron, G124 - dissolved manganese, G145 - dissolved boron & dissolved manganese.

The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the request for an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

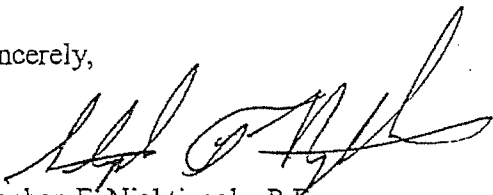
For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

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Should you wish to reapply or have any questions regarding this application, please contact Tom Hubbard at 217/524-3286.

Sincerely,



Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

CJL

SFN: TWH:0050050001-807LF-2013007 - Denial.docx

TWH/TB

cc: Michael Emken, P.E., Hurst-Rosche Engineers

BCC:
Bureau File
FOS - Collinsville
Tom Hubbard
Will Sparks

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JAN 15 2015

CERTIFICATE OF SERVICE

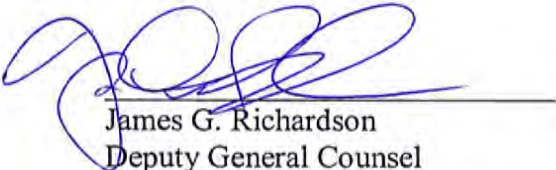
STATE OF ILLINOIS
Pollution Control Board

I, the undersigned attorney at law, hereby certify that on January 13, 2015 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

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

Patrick Shaw
Attorney at Law
1 North Old Capitol Plaza, Suite 325
Springfield, Illinois 62701

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