Electronic Filing - Received, Clerk's Office: 12/09/2015 - *** PCB 2016-066 ***

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRICKYARD DISPOSAL & RECYCLING,)	
INC.,)	
Petitioner,)	
)	
v.)	PCB 16-
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
Respondent.)	

NOTICE

John Therriault Clerk Illinois Pollution Control Board 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601-3218 Claire Manning Attorney at Law Brown, Hay & Stephens, LLP P.O. Box 2459 Springfield, Illinois 62705

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

ames G. Richardson Deputy General Counsel

Dated: December 9, 2015 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BRICKYARD DISPOSAL & RECYCLING,)	
INC.,)	
Petitioner,)	
)	
v.)	PCB No. 16-
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

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 3, 2016, 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 November 25, 2015, the Illinois EPA issued a final decision to the Petitioner.
- 2. On December 7, 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 November 30, 2015.

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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: December 9, 2015

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

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR LISA BONNETT, DIRECTOR

217/524-3301

November 25, 2015

Certified Mail 7013 2630 0001 4705 5675

Brickyard Disposal & Recycling, Inc. Attn: Mr. Travis Simpson P.O. Box 985 Danville, Illinois 61834-0985

Re:

1838040029 -- Vermilion County Brickyard Disposal & Recycling Log No. 2015-421 Permit Landfill 811 File Permit DOI

Dear Mr. Simpson:

Pursuant to 35 IAC 813.103(b), the Illinois Environmental Protection Agency has reviewed, for purposes of completeness only, the application referenced above, both dated and received August 31, 2015, and an addendum to the application both dated and received by the Illinois EPA on October 30, 2015. This review has revealed that the application does not contain the information described below and therefore is incomplete. This determination of incompleteness is based on the omission of the following item(s):

- 1. The application did not include a current Certification of Siting Approval form (LPC-PA8). The proposed landfill modification meets the definition of a "New Pollution Control Facility" pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act ("Act"), as it includes an area of expansion beyond the boundaries of a currently permitted pollution control facility. Therefore, the applicant must submit proof to the Agency that the location of the facility has been approved by the County Board, pursuant to Section 39(c) of the Act.
- 2. The application does not include a new/updated Groundwater Impact Assessment (GIA). Pursuant to Part 811, Subpart C, Section 811.317(a)(1), the facility is required to submit to the Illinois EPA for review a GIA which adequately represents the facility redesign/expansion including minimum design standards for slope configuration, cover, liner, leachate drainage and collection system. In accordance with Section 811.317(c)(1), the facility is required to have an approved contaminant transport model that represents groundwater flow under the proposed expanded facility. Therefore, the applicant must submit a new/revised GIA as part of a complete permit application for facility expansion.

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In the 35 days following the date of this letter, you 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 decision¹. 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 period². 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.

If you have any questions regarding this letter, please contact Doug VanNattan at 217/782-7505.

Sincerely.

Stephen F. Nightingale, P.E. Manager, Permit Section

Bureau of Land

SFN:DCV METERN

cc: Douglas W. Mauntel, P.E., Andrews Engineering, Inc. (by e-mail)
Jenny Trimmell, Vermilion County Health Department (by e-mail)
Todd Hamilton, Republic Services, Inc. (by e-mail)

bcc:

Bureau File Champaign Region Bur Filson

Ellen Robinson, Bob Mathis & Nancy Moore

Brett Bersche Doug VanNattan

 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

2 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, 1L 62794-9276 217/782-5544

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on the afternoon of December 9, 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

Claire Manning Attorney at Law Brown, Hay & Stephens, LLP P.O. Box 2459 Springfield, Illinois 62705

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

James G. Richardson Deputy General Counsel Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 217/782-5544 217/782-9143 (TDD)