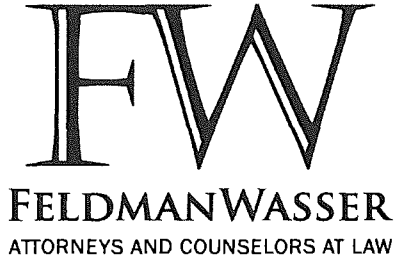


HOWARD W. FELDMAN*
STANLEY N. WASSER
CARL R. DRAPER**
J. RANDALL COX
*KELLI E. GORDON

* FELLOW OF THE AMERICAN
ACADEMY OF MATRIMONIAL LAWYERS

** FELLOW OF THE COLLEGE OF LABOR
AND EMPLOYMENT LAWYERS



ASHLEY D. DiFILIPPO

OF COUNSEL
THOMAS J. IMMEL
STUART H. SHIFFMAN

February 25, 2016

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

Re: Newly Filed Permit Appeal - Ron Bright v. IEPA

Dear Mr. Therriault:

The Appeal in above matter has just been e-filed with your office. I don't have a docket number as yet.

Enclosed find our check in the amount of \$75.00 to cover the filing fee.

Thank you for your attention to this.

Cordially,

A handwritten signature in black ink, appearing to read 'T. Immel', written in a cursive style.

Thomas J. Immel

cc: EPA, Division of Legal Counsel

COPY


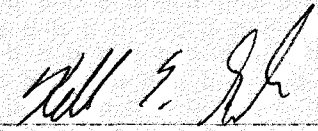


DATE : Feb/25/2016
CHE # : 047024
AMOUNT : \$75.00
ACCOUNT: GENERAL - 1
PAID TO: Illinois Pollution Control Board

Ron Bright Appeal/Schielein/983641-P

CLIENT: 983641 - SCHIELEIN, DAVE
MATTER: 983641P

COPY

	FELDMAN, WASSER, DRAPER & COX ATTORNEYS AND COUNSELORS AT LAW 1307 S. 7TH ST. SPRINGFIELD, IL 62703	TOWN & COUNTRY BANK Springfield, IL 70-2326/711	047024
			CHECK NO. 047024
		DATE Feb/25/2016	AMOUNT \$75.00
Seventy Five *****		00/100	
PAY TO THE ORDER OF	Illinois Pollution Control Board		
Ron Bright Appeal/Schielein/983641-P			

⑈047024⑈ ⑆071123262⑆ 459 851 2⑈

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

Ron Bright, Petitioner,

v.

PCB No.

Illinois Environmental Protection Agency,
Respondent.

**APPEAL FROM FINAL AGENCY DECISION DENYING
APPLICATION TO RE-CLASSIFY A SPECIAL WASTE**

NOW COMES Ron Bright, Petitioner, by his undersigned attorneys, and appeals from the final decision of the Illinois Environmental Protection Agency (the "Agency") denying his Application to Re-Classify a Special Waste, and in support thereof states as follows:

1. On December 23, 2015, Petitioner's Registered Professional Engineer filed a 26 page Application to re-classify a special waste which was located upon property managed by Petitioner. Petitioner was identified therein as the sole "Applicant". The Application addressed in detail, supported by attached exhibits, the requirements set forth in Title 35: Subtitle G, Chapter 1, Subchapter I, Part 808, Section 808.402 of the Regulations adopted by this Board.

2. On January 21, 2016, Respondent Agency issued a perfunctory 3-page letter denying the Application, a true copy of which is attached hereto by Petitioner as "*Exhibit A*" and was received by Petitioner on January 23, 2016.

(a) Pursuant to Title 35: Subtitle A, Chapter 1, Part 105, Subpart B, Section 105.206 of the Regulations adopted by this Board, the instant Appeal is to be filed within 35 days *after the date of service* of the Agency's denial. Notwithstanding, the Agency denial letter of January 21, 2016 incorrectly

states at the foot of page 2 that the instant Appeal is to be filed within 35 days after the date of *issuance* of the Agency's denial.

(b) Oddly, the Agency co-addressed the said denial letter to the *non*-Applicant, long deceased, former owner of the property managed by Petitioner. Of course, it could not be delivered and was returned to the Agency.

3. As grounds for this Appeal [per Title 35: Subtitle G, Chapter 1, Subchapter I, Part 808, Section 808.520(c)] Petitioner asserts that the Agency's denial letter of January 21, 2016, fails to address or controvert the contents of his Application and states no valid reason for the denial of said Application, all of which will be fully explicated at the Hearing on this Appeal.

4. While the property managed by Petitioner where the special waste in question is housed is located in Tazewell County, all of the necessary technical witnesses and attorneys for either Petitioner or Respondent reside in or around Springfield, Sangamon County, Illinois, which would be the preferred and cost effective venue for Hearing on the instant Appeal.

WHEREFORE, Petitioner prays that this matter be set down for Hearing at a mutually acceptable date in Springfield, Illinois; that the Board thereafter reverse the decision of the Agency Respondent and direct that the Application to re-classify a special waste be granted.

Respectfully submitted,

Ron Bright, Petitioner

By:



Thomas J. Immel, his Attorney

FELDMANWASSER

1307 South Seventh Street

Springfield, IL 62703

(217) 544-3403

timmel@feldman-wasser.com

Certificate of Service

The undersigned attorney of **FELDMANWASSER** hereby certifies that a copy of the foregoing Appeal From Final Agency Decision Denying Application To Re-Classify A Special Waste was served upon each of the entities hereinafter set forth by email and USPS Certified Mail on January 25, 2016:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 72794-9276

Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601



Thomas J. Immel



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

January 21, 2016

Certified Mail

7012 0470 0001 2971 7987

7012 0470 0001 2971 7994

Mr. Darrell Clouse
10513 Levee Road
Tremont, Illinois 61568

Quarter Construction Company
Attn: Mr. Ron Bright
10731 Levee Road
Tremont, Illinois 61568

Re: 1798095009 -- Tazewell County
Clouse, Darrell (Quarry)
Log No. PS15-152
Special Waste Determination: Miscellaneous Fill
Permit File
Permit Denial

Dear Mr. Clouse and Mr. Bright:

The Agency has evaluated your request for declassification of a special waste stream identified as miscellaneous fill and generated at the Clouse, Darrell (Quarry) located in Tremont, Illinois. The request is dated December 3, 2015 and was received by the Agency on December 3, 2015.

Based upon the Agency's evaluation of the special waste stream declassification request, the waste described therein has been deemed a Class A special waste pursuant to 35 Ill. Adm. Code 808.245(b).

Pursuant to 35 Ill. Adm. Code 808.521, the following conditions are applicable to this waste stream classification determination:

1. WASTE STREAM DESCRIPTION:

Miscellaneous Fill: Dark brown in color and consisting of silt, sand, and gravel with cinders, brick fragments, slag, and concrete. The fill currently exists as a thin veneer of road base that has been spread over on-site roads at the Clouse, Darrell (Quarry).

2. WASTE STREAM IDENTIFICATION NUMBER:

Log No. PS15-152

4302 N. Main St., Rockford, IL 61103 815-987-7760
593 S. State, Elgin, IL 60123 (847) 608-3131
2125 S. First St., Champaign, IL 61820 (217) 278-3800
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7777
100 W. Randolph, Suite 10-300, Chicago, IL 60601

Page 2

3. WASTE STREAM CLASSIFICATION:

Class A special waste: Pursuant to 35 Ill. Adm. Code 808.502(b), the special (non-RCRA) waste as described in Log No. PS15-152 is deemed a Class A special waste.

4. LIMITATIONS ON THE MANAGEMENT OF THE WASTE:

Since the waste described in Log No. PS15-152 is classified as a Class A special waste, transport and disposal in Illinois must be performed by utilizing the Agency's manifest system. Also, the waste must be disposed, treated or stored at a lawfully permitted site authorized to accept special waste.

5. QUALITY ASSURANCE PLAN:

None.

6. EXPIRATION DATE:

There is no specific expiration date for this special waste stream classification. However, this classification is subject to review and modification by the Agency as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable rules and regulations.

7. ADDITIONAL COMMENTS:

- a. The following deficiencies were noted during the review of this special waste classification request:
 - i. Aside from the total and TCLP analyses for the RCRA metals and pH, the application did not include any physical, chemical and toxicological data to assign a degree of hazard pursuant to Section 808.430, as required by 35 Ill. Adm. Code 808.402(f).
 - ii. Nor did the application include results of toxicological testing as specified in Section 808.431, as required by 35 Ill. Adm. Code 808.402(g).
- b. Even if this waste stream were to be declassified pursuant to 35 Ill. Adm. Code 808.245(d) so as to no longer be considered a special waste, it would continue to be a waste requiring transport and off-site management to a lawfully permitted site authorized to accept solid waste.

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

Page 3

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:

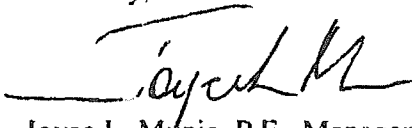
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

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

If you have any questions concerning this special waste classification, please contact Kenneth E. Smith of my staff at 217/524-3280.

Sincerely,



Joyce L. Munie, P.E., Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES

JLM:KES/1798095009-PS15152-denial.docx

CJL

cc: Michael W. Rapps, P.E. – Rapps Engineering & Applied Science, Inc.
Tazewell County Health Dept.

bcc: Bureau File
Peoria Region
DLC, Melanie Jarvis
FOS, John Richardson
Kenneth E. Smith