BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ARNOLD MAGNETIC TECHNOLOGIES,	)	
	)	
Petitioner,	)	**PCB 2016-097**
	)	**Water**
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
	)	
Respondent.	)	

PETITION FOR REVIEW OF WASTEWATER PERMIT No. 2011-EO-1001-2
ARNOLD MAGNETIC TECHNOLOGIES
MARENGO, ILLINOIS

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PETITION FOR REVIEW OF WASTEWATER PERMIT DENIAL

Pursuant to 415 ILCS 5/40 and 35 Ill. Adm. Code 105.206, Arnold Magnetic Technologies ("AMT") hereby petitions for review of Illinois Environmental Protection Agency's ("Illinois EPA") denial of its wastewater permit renewal, Permit No. 2011-EO-1001-2 (the "Permit") for its plant located at 300 North West Street in Marengo, Illinois (the "Site"). The Illinois Pollution Control Board (the "Board") should reverse Illinois EPA's denial, because Arnold has satisfied its requirement to prove the water treatment system will not cause violations of the Illinois Environmental Protection Act (the "Act"). As explained herein, the water treatment system at the Site is neither the source of the relevant constituents nor is that system currently causing, contributing to, or exacerbating the pre-existing contamination at the Site. The wastewater Permit should be renewed.

BACKGROUND

AMT operates a non-contact cooling water system utilizing an 800-foot deep (bedrock) groundwater well as the source of system make-up water to maintain system water balance. Spent cooling water, process wastewater, and treated sanitary wastewater are discharged into four (4) onsite lined treatment ponds connected in series. Water from Pond No. 4 is either reused and cycled through the process cooling system, or discharged to a percolation field. Groundwater quality from the deep well is likely geochemically different from shallow site groundwater, and there is little likelihood that the shallow aquifer is in hydraulic communication with the deep aquifer, due to a regionally extensive aquitard (Maquoketa Shale Group) separating the two

groundwater systems.[1]

The permit was issued in 2011, and AMT sought a permit renewal in 2015. (A true and accurate copy of the Permit is attached hereto as Exhibit A; a true and accurate copy of the permit renewal application, which also provides detail concerning the Site's operations, is attached hereto as Exhibit B ("2015 Application").) The Illinois EPA received AMT's Application for Permit Renewal and supporting documents on November 23, 2015. Illinois EPA denied the 2015 Application for Permit Renewal in a cursory letter to AMT dated February 19, 2016, in which Illinois EPA provided the reason for the denial:

> Historic groundwater monitoring indicates exceedances for VOC's and some metals in the groundwater near the ponds. The application must address this groundwater contamination, and demonstrate that operation of the ponds has not and will not contribute to violations of the groundwater quality standards as found at 35 Ill. Adm. Code Part 620.

(A true and accurate copy of the denial letter is attached hereto as Exhibit C ("IEPA Denial").)

AMT submitted a written response to Illinois EPA dated May 3, 2016, which requested Illinois EPA reevaluate the 2015 Application. (A true and accurate copy of the response and attachments is attached hereto as Exhibit D ("AMT Response").) For its response, AMT explained the technical data confirms that neither the ponds nor the percolation area are likely the source of or otherwise exacerbate the migration of contamination at or near the Site. AMT explained it has worked with two independent consultants in evaluating the data to support this conclusion. In support, AMT further explained: (1) the contamination at the Site is attributable to other sources rather than the water treatment system, and (2) the percolation field has not exacerbated the migration of contamination at or from the Site. Illinois EPA responded to

[1] By way of background, AMT has been working with Illinois EPA and other third parties to resolve issues associated with historic chlorinated solvent contamination at the Site. The parties entered into a consent agreement dated June 1, 2016. (People v. 300 West LLC, et al., Case No.

AMT's additional information to acknowledge the AMT Response contained "very good information" but required additional wastestream characterization, sampling data, monitoring well identification, and information on the ponds' construction and maintenance ("Second Denial Letter"). (A true and accurate copy of the Second Denial Letter is attached hereto as Exhibit E.) AMT now seeks this Board's intervention to reverse the improper denial.[2]

STANDARD OF REVIEW

The Illinois Environmental Protection Act (the "Act") mandates that Illinois EPA must issue a permit if the permit applicant demonstrates it will not cause a violation of the Act or of the Board's regulations. 415 ILCS 5/39(a) ("[I]t **shall be the duty** of the Agency to issue such a permit upon proof by the applicant that the facility, . . . will not cause a violation of this Act or of regulations hereunder." (emphasis added)). Wastewater permit applications are subject to the Board's administrative rule requiring the applicant submit "adequate proof that the . . . wastewater source will be constructed, modified, or operated so as not to cause a violation of the Act or of this Subtitle[.]" 35 Ill. Adm. Code 309.241(a).

The question before the Board in this type of permit denial appeal proceeding is therefore whether the respondent "sufficiently proves that issuing a permit . . . will not cause a violation of the Act and Board regulations." KCBX Terminals Co. v. Illinois Environmental Protection Agency, 2014 WL 2871721, at *44 (PCB 14-10) (entered June 19, 2014) (quoting Alton Pkg. Corp. v. EPA, PCB 85-145 (Apr. 24, 1985), aff'd. sub nom 162 Ill. App. 3d 731 (5th Dist. 1987)). The standard of review is preponderance of the evidence. KCBX, 2014 WL 2871721, at *44. "A proposition is proved by a preponderance of the evidence when it is more probably true

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13 CH 1046). AMT worked to resolve that matter in a cooperative and diligent manner.

[2] Per order dated April 7, 2016, the Board granted AMT a 90-day extension to file this appeal, up to and through June 27, 2016, and this petition is therefore timely.

than not." Id. (quoting McHenry Co. Landfill, Inc. v. County Bd. of McHenry County, PCB 85-56 (Sept. 20, 1985)). The Board has instructed Illinois EPA not to use permit applications as an impermissible means to seek enforcement. See, e.g., Donald Frink's Industrial Waste, Inc., v. Illinois Environmental Protection Agency, 1983 WL 25507, at *10-11 (PCB 83-10) (June 30, 1983).

DISCUSSION

Illinois EPA's denial of AMT's request to renew its Permit was improper, and the Permit renewal should be granted. First, the applicable statutory and regulatory framework is wholly prospective. Illinois EPA's attempt to withhold the Permit renewal on account of historic chlorinated solvent contamination is in direct contravention of the statutory directive. Illinois EPA's attempt to add a requirement that AMT prove the treatment ponds did not contribute to **past** contamination is indefensible. Second, AMT has proven the contamination at the Site is attributable to other sources rather than the water treatment system. And, third, AMT has established the percolation field has not exacerbated the migration of contamination at or from the Site. The denial should be reversed.

A. The Permit Renewal Should Be Granted, Because AMT Has Established the Treatment Ponds Will Not Cause a Discharge of Contaminants that May Tend to Cause Water Pollution, and Illinois EPA Has Improperly Expanded AMT's Burden Under the Plain Statutory Framework By Suggesting AMT Must Prove The Ponds Have Not Caused Such Contamination in the Past.

In the February 19, 2016 IEPA Denial, Illinois EPA stated as part of its basis for the Permit denial that AMT's "application must address this [historic] groundwater contamination, and demonstrate that operation of the ponds **has not** and will not contribute to violations of the groundwater quality standards . . . ." (emphasis added). (IEPA Denial, Exh. C, at 1.) Illinois EPA plainly denied AMT's Permit renewal on the basis AMT did not satisfy Illinois EPA's

theory that AMT must somehow disprove the ponds contributed to wholly past violations of the groundwater quality standards.

There is no doubt the statutory and regulatory framework set out in 415 ILCS 5/39(a) and 35 Ill. Adm. Code 309.241(a) plainly require AMT to prove its treatment ponds will not **prospectively** contribute to violations of the groundwater quality standards. For this reason, AMT's application was thorough and well documented. (See, e.g., 2015 Application, Exh. B.) Illinois EPA's attempt to expand this burden of proof to also require the application to disprove prior violations and/or impact directly disobeys the governing statutes, regulations, and caselaw, and specifically the statutory mandate that it "**shall be the duty** of the Agency to issue such a permit upon proof by the applicant that the facility, . . . will not cause a violation of this Act or of regulations hereunder Illinois EPA." 415 ILCS 5/39(a). The statute is not permissive, and it does not authorize Illinois to create other ad hoc requirements that a permit applicant must satisfy. See id.

Illinois EPA previously attempted to engraft such an improper requirement, and this Board held it was improper for Illinois EPA to do so. For example, in Donald Frink's Industrial Waste, Inc., v. Illinois Environmental Protection Agency, 1983 WL 25507, at *1 (PCB 83-10) (June 30, 1983), Illinois EPA denied a facility's application to operate four waste storage tanks on the basis downgradient monitoring wells indicated groundwater contamination, the source of such contamination was not known, and therefore no single tank could be eliminated as a source of the contamination. Frink's submitted documentation tending to indicate the tanks were not the source of contamination. Yet Illinois EPA attempted to require Frink's to prove the tanks' integrity for the "life of the site". The Board outright rejected Illinois EPA's attempt, concluding "[n]o guarantee of 'life of site' tank integrity could ever be supplied", and it would be "obviously

inappropriate" to predict such tank integrity. Id. at *10. More significantly, however, the Board rejected Illinois EPA's suggestion that Frink's need to prove the cause of the groundwater contamination if it were not attributable to the tanks. In rejecting Illinois EPA's theory, the Board concluded it sufficed that the four tanks "have been compellingly eliminated as a source", and further investigation was not warranted, because it was a permit appeal and not an enforcement action. Id. at *11. The Board proceeded to comment that the "permit denial smacks of enforcement by other, impermissible means" and that the "permit history concerning the site reflects the sort of confused, bureaucratic jungle which frustrates permittees". Id.

Frink's is instructive, because Illinois EPA is again attempting to improperly expand the plain permit application requirements. Illinois EPA may not engraft additional requirements on AMT's burden of proof (already a fairly rigid standard) and then deny AMT's 2015 Application on the basis AMT failed to prove something that neither the legislature nor the Board requires AMT to prove. This is particularly true in light of circumstances tending to indicate Illinois EPA has used AMT's 2015 Application as a means to address general historic contamination at the Site, which is a matter properly addressed under Illinois EPA's enforcement scheme—such as through the June 1, 2016 consent order recently entered into by The Arnold Engineering Company ("Arnold Engineering"), 300 West LLC ("300 West"), and the State (which was specifically entered to address, among other things, the historic contamination through the Site Remediation Process). AMT has established the treatment ponds will not contribute to violations of the groundwater quality standards, and its proof of the same triggered Illinois EPA's duty to issue its Permit renewal. Illinois EPA has violated its statutory mandate by refusing to do so. Its decision should be reversed.

B. AMT's Permit Should Be Issued, Because AMT Has Established the Contamination at the Site is Attributable to Other Sources and Not the Water Treatment System.

AMT has taken several steps to establish the contamination is attributable to sources other than the water treatment system. As part of a separate enforcement matter with Illinois EPA to address historic contamination at the Site, Arnold Engineering and 300 West engaged a consultant to perform a comprehensive site investigation ("CSI"), and AMT retained another consultant to review the CSI and to provide an independent opinion focused on whether the water treatment system was the source of the existing contamination. Consequently, AMT has developed a strong record that supports the conclusion the water treatment system will not violate the groundwater quality standards.

1. The Constituents of Concern in the Groundwater are Attributable to Other Sources.

Pursuant to a legal agreement with the State, a CSI was performed by Weaver Consultants Group (Weaver) on behalf of 300 West and Arnold Engineering and submitted to Illinois EPA on March 31, 2016 (Weaver Consulting Group, Comprehensive Site Investigation Report and Remediation Objectives Report (March 31, 2016) (the "CSIR/ROR")). (A true and accurate copy of the CSIR/ROR is attached hereto as Exhibit F.) Based on the CSIR/ROR, the reported constituents of concern in shallow groundwater at the site include chlorinated organic compounds (tetrachloroethene, trichloroethene, 1,1,1-trichloroethane, 1,1-dichloroethene) and 1,4-dioxane. Additional groundwater constituents of concern include the following metal species: aluminum, lead, iron, nickel, chromium, beryllium and manganese. These constituents will be referred to collectively as the Constituents of Concern.

AMT also retained AECOM Technical Services, Inc. ("AECOM") to review the CSIR/ROR and to provide an independent opinion regarding whether the water treatment system

was the likely source of the existing contamination at the Site and to understand the system's influence on current Site conditions. (See AECOM, Technical Memo (March 17, 2016), a copy of which is attached hereto as Exhibit G ("Data Review Memo"); AECOM Technical Memo (April 25, 2016), a copy of which is attached hereto as Exhibit H ("Mounding Analysis").) AECOM reviewed, among other things, the CSIR/ROR and historical laboratory data for the pond system, including data that supported previously-approved Water Pollution Control Permits issued by Illinois EPA. (Mounding Analysis, Exh. H, at 1-2.) These same data supported Illinois EPA's May 2011 revision of the prior Permit, in which Illinois EPA reduced the required number of routinely-monitored parameters by eliminating the Constituents of Concern. (See Permit, Exh. A; Data Review Memo, Exh. G, at 2.)

AECOM compared historical laboratory results for the water treatment system with groundwater sampling results obtained by Weaver and others as referenced in the CSIR/ROR. (Data Review Memo, Exh. G, at 2.) Water from Pond No. 4 outfall appears to have been consistently free (*i.e.*, not detected) of chlorinated compounds throughout the monitoring period from 2001 to 2010. (Id.) Furthermore, pond system water samples from the 2010 data submitted to Illinois EPA in support of the May 2011 Permit show non-detect to low concentrations of the metals that are currently present at concentrations above Illinois Class I groundwater standards in shallow groundwater at the Site. (Id.) Importantly, concentrations associated with the pond water discharge are not consistent with the relatively higher concentrations of the Constituents of Concern observed in groundwater samples at the Site. (Id.) Therefore, the water treatment system is not expected to have any impact on the concentration of the Constituents of Concern in the groundwater. (See id.)

Although pond system water samples were not analyzed until May 2016 for the

Constituents of Concern over the previous five years (in accordance with the May 2011 Permit approved by Illinois EPA), the sources and management of the industrial process water associated with AMT's pond system have not changed. (See 2015 Application, Exh. B; see also Data Review Memo, Exh. G, at 2.)

2. Additional Data in the CSIR/ROR Further Indicate the Pond System is Not a Contributing Source of Groundwater Contamination Above Groundwater Quality Standards.

Although the historical data described above demonstrate that the pond system is not a contributing source of the Constituents of Concern in the groundwater above regulatory groundwater criteria, additional data set forth in the CSIR/ROR further support this conclusion, including:

- As stated in the CSIR/ROR, the source of shallow groundwater impacts at the Site appears to be ill-defined, and is likely from multiple unspecified sources. (CSIR/ROR, Exh. F, at 79-83, 104-08.) AECOM's view is that it is far more logical to presume that the likely sources of groundwater contamination at the Site would be the former USTs (e.g., two 6,000-gallon USTs containing 1,1,1-TCA closed circa 1990), a reported LUST incident (two 8,000-gallon tanks, contents unknown, removed in 2008) and other existing/former site manufacturing buildings, rather than AMT's pond system or the percolation area. (See Data Review Memo, Exh. G, at 2; see also CSIR/ROR, Exh. F, at 8-12.)

- Analytical results from monitoring wells in the vicinity of the percolation field area do not suggest a source of the Constituents of Concern. (See CSIR/ROR, Exh. F, at 121, 131, 149.) Reported shallow groundwater exceedances in the percolation field areas consist of manganese. (See id.) Unlike aluminum, cobalt, iron, or nickel, manganese is not believed to be a common constituent of the alloys used at the Site. (See id. at 109, 124; see also 2015 Application, Exh. B) Further, manganese was not detected above ambient levels in the discharge to the percolation field. (Id.) As indicated in the CSIR/ROR, elevated manganese results in shallow groundwater are more likely indicative of ambient area background concentrations or sampling methodology (suspended solids presence and subsequent digestion). (Id. at 109, 124.)

- Groundwater flow conditions depicted in Site groundwater contour maps presented in the CSIR/ROR indicated that unsaturated flow conditions exist beneath the percolation field. (Id. at 26-28; see also Figures 14-21.) Unsaturated flow conditions increase the residence time of the discharge water in the soil

zone between the ground surface and water table, and would promote increased attenuation (*e.g.*, via absorption, volatilization, colloidal filtering, etc.) of any chemicals in the discharge water. (See Mounding Analysis, Exh. H, at 3.)

- Facility processes and operations associated with the cooling and process water discharges have not changed since the last Permit renewal. (See generally 2015 Application, Exh. B.) AECOM concluded, therefore, that it is unlikely that pond water chemistry has appreciably changed since the 2010 testing events. (Data Review Memo, Exh. G, at 2.)

Notwithstanding the foregoing, AMT agreed to collect weekly grab samples of effluent at the discharge of Pond 4 to be analyzed for the applicable constituents of concern during May 2016. AMT submitted the results of that sampling to Illinois EPA on June 1, 2016. (A true and accurate copy of that submittal is attached here to as Exhibit I.) These results establish that water discharge from the ponds is not contributing to violations of the groundwater quality standards. (See id.)

This information unequivocally indicates AMT has demonstrated the water treatment ponds will not contribute to violations of the groundwater quality standards. Illinois EPA should have granted AMT's Permit renewal. This Board should therefore reverse Illinois EPA's denial.

C. AMT's Permit Should Be Issued, Because AMT Has Established the Percolation Field Has Not Exacerbated the Migration of Contamination from or at the Site.

The Illinois EPA had also expressed concern during discussions with AMT following the permit denial that the water treatment system and percolation field may exacerbate movement of existing contamination at the Site, and that water percolating at ground surface (a recharge area) could potentially alter groundwater flow and consequently affect the movement of existing

groundwater contamination by locally altering groundwater flow gradients.[3] However, AMT has demonstrated the percolation field also has not and will not exacerbate the migration of contamination. This was not a valid basis on which to deny the Permit.

1. Weaver Contour Maps

AECOM in fact evaluated the potential for groundwater mounding impacts due to percolating water associated with AMT's pond system discharge. (See Mounding Analysis, Exh. H, at 1-3.) The pond system discharges water to a 16-acre percolation field located in the southwestern portion of the Site. (CSIR/ROR, Exh. F, at 22.) AECOM's analysis recognized that leakage may also occur beneath the four-pond system itself, as well as beneath associated drainage ditches. (See Mounding Analysis, Exh. H, at 2.) Accordingly, AECOM focused on evaluating the mounding associated with the percolation field, where the majority of the water likely percolates, as the worst-case scenario. (See id. ¶ 11.) AECOM evaluated mounding using 2015 and 2016 groundwater contour maps presented in the CSIR/ROR as well as by performing a groundwater mounding analysis using the prevailing analytical techniques incorporated by the United States Geological Survey.[4] (See id. ¶¶ 11, 13.)

[3] By way of background, the mechanism by which this could occur includes: (i) water continuously discharged at ground surface percolates vertically through the unsaturated zone under influence of gravity to the shallow groundwater table; (ii) over time, the groundwater table builds up (mounds) locally beneath the percolation area due to concentrated recharge; (iii) the mounded groundwater increases the local hydraulic gradient (i.e., increases the difference in groundwater elevation over a given distance, which is the driving force of groundwater flow and has the effect of increasing groundwater velocity), thereby increasing groundwater contaminant velocity; and (iv) mounded groundwater possibly alters groundwater flow direction, thereby altering groundwater contaminant transport direction, relative to natural/background groundwater flow direction, typically by creating a radially-outward groundwater flow pattern emanating from the groundwater mound. (See Mounding Analysis, Exh. H, at 1-2.)

[4] Hantush, M.S., 1967, Growth and Decay of Groundwater Mounds in Response to Uniform Percolation, Water Resources Research, v. 3, p. 227-234; see also USGS Scientific Investigations Report 2010-5102, http://pubs.usgs.gov/sir/2010/5102/.

Localized groundwater recharge areas typically are characterized by groundwater contours with higher elevations than the surrounding aquifer, often with high elevation contour lines wrapping around the recharge area and associated groundwater flow lines diverging radially. (Mounding Analysis, Exh. H, at 2.) These signature contours and flow lines are not apparent in the vicinity of AMT's water treatment system or the percolation field. (Id.; see also CSIR/ROR, Exh. F, at 26-28 and Figures 14-21.) The groundwater contours are relatively smooth, and they do not diverge or wrap around the percolation field. (Mounding Analysis, Exh. H, at 2.) Divergence would be expected if the volume of percolating groundwater were sufficient to cause sustained groundwater mounding beneath the area. (Id.) Groundwater flow directions (shown as red arrows in Attachment 2 to the AMT Response, Exh. D) generally indicate relatively straight downgradient flow directions, with little radial deviation. (Mounding Analysis, Exh. H, at 2.)

Based on review of the Weaver contour maps, AECOM concluded that percolating groundwater has a relatively minor impact on groundwater levels at the AMT site. (Mounding Analysis, Exh. H, at 2.) The minor nature of any impact is likely due to the relatively high hydraulic conductivity of Site soils, which has the effect of dampening and dissipating mounding buildup relatively quickly, as well as a limited volume of water percolating over a large area. (Id.)

2. AECOM Mounding Analysis

AECOM subsequently performed a groundwater mounding analysis to confirm the accuracy of the groundwater contour maps.[5] (Mounding Analysis, Exh. H, at 1-3.) The mounding analysis considers the percolation rate, specific yield of aquifer, hydraulic

conductivity, basin size, and aquifer thickness to determine a maximum groundwater mound:

- Recharge (percolation) rate = 0.027 feet per day. This value is based on information in AMT's wastewater permit application: 140,000 gallons per day are pumped from the onsite deep well and added to the water recycling system.
- Specific yield of aquifer (Sy) = 0.2 (literature value).
- Hydraulic conductivity (K) = 136 feet per day (CSIR/ROR, Exh. F, at 28-31).
- Basin size = 16 acres or 696,960 square feet (id. at 22).
- Aquifer thickness = 70 feet (see id. at 22).

(Mounding Analysis, Exh. H, at 2-3.)

The mounding analysis indicated a maximum groundwater mound of approximately one (1) foot after 1,000 days of continuous, uninterrupted groundwater percolation. (See AMT Response, at Attachment 3, Exh. D; Mounding Analysis, Exh. H, at 3.) AECOM's mounding analysis is moreover conservative, because it assumes continuous, uninterrupted (steady-state) percolation of the maximum available water, rather than the variable and/or intermittent flow that actually occurs. (See Mounding Analysis, Exh. H, at 3.) Additionally, the analysis is conservative in that the results do not include mounding dissipation that would occur during times of diminished or no percolation, assume that all water discharged from the pond system reaches the water table at the percolation field, and do not account for other water losses such as evapotranspiration, losses to the unsaturated zone, or losses to the coolant process, which could significantly diminish the quantity of water reaching the groundwater table. (See id.)

In short, the height of groundwater mounding associated with AMT's pond system appears to be relatively small, and it is less than the magnitude of natural fluctuation/variation observed over one calendar year of groundwater level observation. (See Mounding Analysis,

[5] A mounding analysis is a way to determine the magnitude of a groundwater mound (i.e., a

Exh. H, at 2-3.) According to the Weaver data, the observed fluctuation was approximately three (3) feet in the vicinity of the percolation field. (Id. at 3.) AECOM's finding is consistent with groundwater flow conditions depicted in Site groundwater contour maps produced by Weaver, and the conclusion suggests that unsaturated flow conditions exist beneath the percolation field. (Id.) Groundwater contour maps developed by Weaver and AECOM's mounding analysis indicate that mounding is not significant, any potential leakage from the pond system is not sufficient to alter groundwater flow conditions, and associated impacts on existing groundwater contamination are unlikely. (See id.)

The conclusions generated from the contour map study and mounding analysis establish the water treatment ponds are not likely to contribute to violations of groundwater quality standards. The Illinois EPA permit denial should be reversed.

CONCLUSION

Arnold Magnetic Technologies has demonstrated that its water treatment system for which a renewed wastewater permit is sought is not a contributing source of groundwater contamination above groundwater quality standards, and it has established the Constituents of Concern at the Site are attributable to other sources, and the percolation field has not exacerbated the migration of contamination from or at the Site. Upon receipt of such proof from AMT, Illinois EPA bore a statutory duty to issue the permit. Illinois EPA has inexplicably violated this duty by denying the permit, suggesting that AMT must disprove the water treatment system's effect on prior violations, and otherwise using the permit system to further penalize AMT for the Site's historic contamination, which AMT has already actively worked with Illinois EPA to resolve.

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condition in which the groundwater surface temporarily rises below an infiltration area).

For all these reasons, the Illinois EPA permit denial is based on findings of fact or conclusions of law that are clearly erroneous, and is based on an exercise of discretion or important policy considerations that the Board should review. The Board should reverse the Permit denial with instructions to issue the permit.

DATED: June 27, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

Thor W. Ketzback, counsel for Arnold Magnetic Technologies herein certifies that he has served copies of the foregoing Petition for Wastewater Permit Appeal:

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by causing to be mailed true copies thereof to the above address in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail at Chicago, Illinois on June 27, 2016.

/s/ Thor W. Ketzback_____

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ARNOLD MAGNETIC TECHNOLOGIES,	)	
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Petitioner,	)	**PCB 2016-097**
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NOTICE OF FILING

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John Therriault, Clerk
Illinois Pollution Control Board
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PLEASE TAKE NOTICE that I have filed today, June 27, 2016, with the Office of the Clerk of the Pollution Control Board the Petition for Wastewater Permit Appeal of Arnold Magnetic Technologies, a copy of which is herewith served upon you.

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