

*

ORIGINAL
KAUFHOLD & ASSOCIATES, P.C.
ATTORNEYS AT LAW

Kevin C. Kaufhold
Duane C. Clarke*
Carrie P. Cravatta

5111 WEST MAIN STREET
P.O. BOX 23409
BELLEVILLE, ILLINOIS 62226
(618) 235-3580
FAX (618) 235-7150

*ILLINOIS AND MISSOURI

May 4, 2006

Pollution Control Board
Attn: Clerk
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, IL 60601-3218

RECEIVED
CLERK'S OFFICE

MAY - 9 2006

STATE OF ILLINOIS
Pollution Control Board

RE: Village of Caseyville v. IEPA
PCB No. 06-164

Dear Clerk:

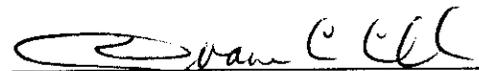
Enclosed you will find a Petition for Review, Entry of Appearance and Notice of Filing in regard to the above-referenced case. I have also enclosed our firm check no.7660 in the amount of \$75.00 for the filing fee. Copies have been forwarded to the Division of Legal Counsel for the Illinois Environmental Protection Agency as indicated below.

Thank you for your attention to this matter. If you need anything further, then please do not hesitate to contact me.

Very Truly Yours,

KAUFHOLD & ASSOCIATES, P.C.

By:



Duane C. Clarke

DCC/tw

Enclosures

cc: Division of Legal Counsel, Illinois Environmental Protection Agency

ORIGINAL

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY - 9 2006

STATE OF ILLINOIS
Pollution Control Board

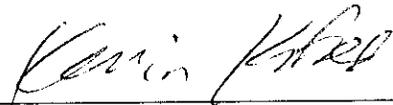
VILLAGE OF CASEYVILLE, ILLINOIS,)
 a municipal corporation,)
)
 Petitioner,)
)
 vs.)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

PCB# 06-164

ENTRY OF APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the Petitioner, Village of Caseyville, Illinois.

KAUFHOLD & ASSOCIATES, P.C.

By: 

Kevin C. Kaufhold - #6180295
5111 West Main Street
P.O. Box 23409
Belleville, Illinois 62226-0409
(618) 235-3580

ATTORNEYS FOR PETITIONER,
VILLAGE OF CASEYVILLE

ORIGINAL

CERTIFICATE OF SERVICE

RECEIVED
CLERK'S OFFICE
MAY - 9 2006
STATE OF ILLINOIS
Pollution Control Board

I, the undersigned, certify that I have served the attached Entry of Appearance by regular U.S. Mail upon the following person:

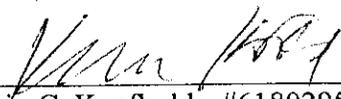
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

and by electronic delivery upon the following person:

Illinois Pollution Control Board
Attn: Clerk
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, IL 60601

KAUFHOLD & ASSOCIATES, P.C.

By:


Kevin C. Kaufhold - #6180295
5111 West Main Street
P.O. Box 23409
Belleville, Illinois 62226-0409
(618) 235-3580

ATTORNEYS FOR PETITIONER,
VILLAGE OF CASEYVILLE

ORIGINAL

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY - 9 2006

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF CASEYVILLE, ILLINOIS,)	
a municipal corporation,)	
)	
Petitioner,)	
)	
vs.)	PCB# 06-164
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

PETITION FOR REVIEW

NOW COMES Petitioner, Village of Caseyville, Illinois, by and through its attorneys, Kaufhold & Associates, P.C., and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act "Act" (415 ILCS 5/40.2) and 35 Ill.Adm.Code §105.204, hereby requests a hearing before the Illinois Pollution Control Board to review the March 31, 2006 final determination of Respondent, Illinois Environmental Protection Agency, denying the permit for the Caseyville – Forest Lakes Development Trunk Sewer.

1. Petitioner, Village of Caseyville, Illinois is a municipal corporation duly organized and existing under the laws of the State of Illinois.
2. Petitioner submitted an Application for Permit regarding the construction, ownership and operation of the Caseyville – Forest Lakes Development Trunk Sewer to the Respondent, Illinois Environmental Protection Agency.
3. Respondent originally issued Permit No. 2005-HB-3134 on April 13, 2005 (Exhibit 1) allowing the construction, ownership and operation of the Caseyville – Forest Lakes Development Trunk Sewer.
4. A substantial portion of the Caseyville – Forest Lakes Development Trunk Sewer was installed following the issuance of Permit No. 2005-HB-3134.

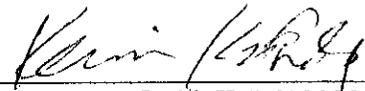
5. Respondent thereafter requested additional information and acknowledges receipt of the supporting documents on January 4, 2006.

6. By correspondence dated March 31, 2006 (Exhibit 2), the Respondent has now reversed its previous decision and issued a final determination denying the requested permit and indicating the reasons for denial were that:

- a. the issuance of the permit would threaten, cause or allow the discharge of contaminants which might cause or tend to cause water pollution in Illinois;
- b. the Petitioner failed to submit proof to the Respondent that the issuance of the permit will not cause a violation of the Act or the regulations adopted by the Act; and,
- c. the project is not completely in the Granite City facility planning area.

7. Petitioner appeals the final determination of Respondent stating that the denial is arbitrary and capricious and further that a substantial portion of the trunk sewer has been constructed in detrimental reliance of the original issuance of Permit No. 2005-HB-3134 on April 13, 2005.

WHEREFORE, Petitioner, Village of Caseyville, hereby respectfully requests that the Illinois Pollution Control Board sets a hearing to review the March 31, 2006 final determination of Respondent, Illinois Environmental Protection Agency, denying the permit for the Caseyville – Forest Lakes Development Trunk Sewer and for any other relief the Illinois Pollution Control Board deems appropriate.



Kevin C. Kaufhold, IL# 6180295
KAUFHOLD & ASSOCIATES, P.C.
5111 West Main Street
P.O. Box 23409
Belleville, IL 62226
(618)235-3580

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 3134-05 (2725-04)

PERMIT NO.: 2005-HB-3134

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS

DATE ISSUED: APR 13 2005

PREPARED BY: Burns & McDonnell

SUBJECT: CASEYVILLE- Forest Lake Development Trunk Sewer
(City of Granite City Sewage Treatment Plant) -- Sanitary Sewer Permit

PERMITTEE TO CONSTRUCT, OWN AND OPERATE

Village of Caseyville
909 Main Street
Caseyville, Illinois 62232

Permit is hereby granted to the above designated permittee(s) to construct and/or operate water pollution control facilities described as follows (quantities are approximate):

7129 feet of 12 inch sanitary sewer and 27 manholes to serve future development area of approximately 490 acres with a proposed ultimate load of 2567 P.E. (0 P.E., 0 GPD, DAF) located throughout the village with discharge to an existing 12 inch sanitary sewer tributary to the above indicated sewage treatment plant.

This Permit is issued subject to the following Special Condition(s). If such Special Condition(s) require(s) additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval for issuance of a Supplemental Permit.

SPECIAL CONDITION 1: Any connections to this sanitary sewer extension must be in accordance with the latest Revisions of Title 35, Subtitle C, Chapter 1. Permits must be obtained if required by said regulations.

SPECIAL CONDITION 2: If this project is located within a wetlands, the U.S. Army Corps of Engineers may require a permit for construction pursuant to Section 404 of the Clean Water Act.

SPECIAL CONDITION 3: The Permittee to Construct shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activities associated with this project will result in the disturbance of one (1) or more acres total land area.

An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control - Permit Section.

SPECIAL CONDITION 4: Horizontal and/or vertical separation between any sanitary sewers and water mains must be in conformance with Section 370.350 of the Illinois Recommended Standards for Sewage Works.

Page 1 of 2

THE STANDARD CONDITIONS OF ISSUANCE INDICATED ON THE REVERSE SIDE MUST BE COMPLIED WITH IN FULL. READ ALL CONDITIONS CAREFULLY.

SAK:MRA:\j\docs\permits\statecon\ashraf\313405.wpd

DIVISION OF WATER POLLUTION CONTROL

cc: EPA - Collinsville FOS
Burns & McDonnell
Metro East Sanitary District
City of Granite City
Records - Municipal
Binds


Alan Keller, P.E.
Manager, Permit Section

APR 13 2005

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 3134-05 (2725-04)

PERMIT NO.: 2005-HB-3134

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS
PREPARED BY: Burns & McDonnell

DATE ISSUED: APR 13 2005

SUBJECT: CASEYVILLE- Forest Lake Development Trunk Sewer
(City of Granite City Sewage Treatment Plant) -- Sanitary Sewer Permit

SPECIAL CONDITION 5: The operational portion of this permit is contingent upon completion of construction and start of operation of all downstream transporting and treating facilities. Issuance of this permit is not to be construed as Agency agreement that the downstream transporting and treating facilities will be completed in time to serve this project.

SPECIAL CONDITION 6: The proposed manholes shall be tested for watertightness in accordance with the Illinois Recommended Standards for Sewage Works Section 370.330 (e) (2).

SPECIAL CONDITION 7: The proposed sewer line(s) shall be encased and insulated in accordance with the Illinois Recommended Standards Section 370.340 where ground coverage is less than 3'-0".



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

217/782-0610 ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

MAR 31 2006

Village of Caseyville
909 Main Street
Caseyville, Illinois 62232

Re: CASEYVILLE- Forest Lake Development Trunk Sewer
Log No(s). 0013-06, 3134-05, 2725-04
Denial

Gentlemen:

This Agency has reviewed your Application for Permit and the supporting documents for the subject project which were received on January 4, 2006. This Agency must deny the permit for this project for the following reasons.

Sections 12 and 39 of the Environmental Protection Act (Act), 415 ILCS 5/12 and 39, prohibit the Agency from issuing a permit for any facility which would threaten, cause or allow the discharge of contaminants which might cause or tend to cause water pollution in Illinois. Section 39 of the Act also requires an applicant to submit proof to the Agency that the proposed facility will not cause a violation of the Act or the regulations adopted pursuant to the Act.

In addition to the above cited Sections of the Act, the permit application does not fulfill the requirements of 35 Ill. Adm. Code 309.241.

The following information, clarification or corrections must be provided for us to complete our technical review and are to be considered specific reasons why the Act and the regulations adopted pursuant to the Act will not be met:

- 1. It has come to our attention that the proposed project permitted under 2005-HB-3134 dated April 13, 2005 is not completely in the Granite City facility planning area (FPA). Necessary amendments of the FPAs are required to issue this permit or any subsequent supplementals or tributary permit. This denial does not allow any operation of any trunk sewer modifications which may have been constructed prior to the Agency construction authorization.

The Agency will be pleased to reevaluate your permit application on receipt of your written request and the necessary information and documentation to correct or clarify the deficiencies noted above. The revised application will be considered filed on the date that the Agency receives your written request.

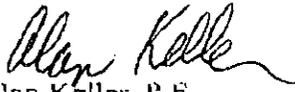
Rockford - 4302 North Main Street, Rockford, IL 61103 - (815) 962-2760 • Decatur - 9511 W. Harrison St., Decatur, IL 60116 - (815) 299-4000
Urbana - 295 South State, Elgin, IL 60123 - (847) 608-3131 • Peoria - 5415 N. University St., Peoria, IL 61614 - (309) 694-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-2100
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6092 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 111, Marion, IL 62959 - (618) 993-7200

Page 2

You have the right to appeal this denial to the Illinois Pollution Control Board within a 35 day period following the date shown on this letter.

Should you have any questions or comments regarding the above, please contact Mark R. Ashrafi at the indicated telephone number and address.

Sincerely,



Alan Keller, P.E.

Manager, Permit Section

Division of Water Pollution Control

MRA
SAK:MRA:J:\docs\permits\statecon\ashrafi\001306d.wpd

cc: Burns & McDonnell
Caseyville Township
Metro East Sanitary District
City of Granite City
Collinsville Region
Binds