

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 16 2006

STATE OF ILLINOIS
Pollution Control Board

CITY OF JOLIET,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 07-38
Water - Ninety Day Extension

NOTICE

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Roy Harsch
GARDON, CARTON & DOUGLAS
191 N. Wacker Drive
Suite 3700
Chicago, Illinois 60606-1698

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Sanjay K. Sofat
Assistant Counsel and Special Assistant Attorney General
Division of Legal Counsel

Dated: November 14, 2006

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

NOV 16 2006

STATE OF ILLINOIS
Pollution Control Board

CITY OF JOLIET,)
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 Petitioner,)
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 v.)
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 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 07-38
 Water - Ninety Day Extension

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

NOW COMES Respondent, Illinois Environmental Protection Agency ("Illinois EPA"), by and through one of its attorney, Sanjay K. Sofat, Assistant Counsel and Special Assistant Attorney General, and Petitioner, CITY OF JOLIET, located in the City of Joliet in Will County, Illinois, ("Petitioner"), and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40(a)(1)), respectfully requests the Illinois Pollution Control Board ("Illinois PCB") to grant an extension of the thirty-five (35) day period for petitioning for a Board hearing in this matter. In support thereof, the Illinois EPA respectfully states:

1. On or about October 5, 2006, the Illinois EPA issued a final determination of the land application of Sewage Sludge permit # 2006-SC-4784 to the Petitioner. (See attached Exhibit A)
2. On or about October 12, 2001, Petitioner made a written request to the Illinois EPA asking that the thirty-five (35) day period for a hearing be extended to ninety days (90). (See attached Exhibit B)
3. The additional time requested by the parties may eliminate the need for a hearing in this

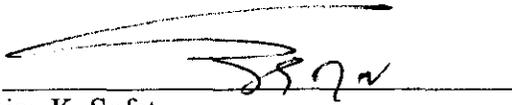
matter, or in the alternative, allow the parties to identify and limit the issues to be addressed at the Board hearing that may be necessary to resolve this matter.

4. Counsel for Petitioner has reviewed the request for the extension of the thirty-five (35) day period and agrees with the contents of the request.

WHEREFORE the parties respectfully request that the Illinois PCB, in the interest of administrative and judicial economy, grant this request for extension of the thirty-five (35) day appeal period for an additional period of time not to exceed ninety (90) days.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY, Respondent

By: 

Sanjay K. Sofat

Assistant Counsel and Special Assistant Attorney
General

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

THIS FILING PRINTED ON RECYCLED PAPER

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

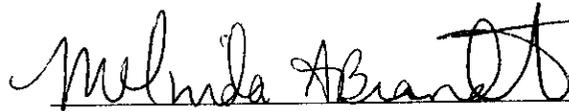
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PROOF OF SERVICE

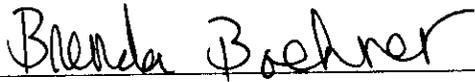
I, the undersigned, on oath state that I have served the attached **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Roy Harsch
GARDON, CARTON & DOUGLAS
191 N. Wacker Drive
Suite 3700
Chicago, Illinois 60606-1698



SUBSCRIBED AND SWORN BEFORE ME
THIS 14th DAY OF November, 2006.





THIS FILING PRINTED ON RECYCLED PAPER

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 4784-2005

PERMIT NO.: 2006-SC-4784

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS
PREPARED BY: Land Treatment Alternatives

DATE ISSUED: October 5, 2006

SUBJECT: JOLIET EAST, WEST AND AUX SABLE STPS-Land Application of Sewage Sludge

PERMITTEE TO OPERATE

City of Joliet
150 West Jefferson
Joliet, Illinois 60431

Permit is hereby granted to the above designated permittee(s) to operate water pollution control facilities described as follows:

Application of approximately 4500 dry tons per year of anaerobically digested sewage sludge to agricultural lands at rates not to exceed the agronomic nitrogen demand of the crop grown.

This operating permit expires on September 30, 2011.

This permit renews and replaces Permit Number 2001-SC-2708 which was previously issued for the herein permitted facilities.

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: Sludge applied to land under this permit shall be incorporated within 24 hours or one working day, whichever is least.

SPECIAL CONDITION 2: Sludge applied to land under this permit shall not cause the total accumulative increase of Radium 226 and Radium 228 in soil to exceed 0.1 pCi/g.

SPECIAL CONDITION 3: The increase in soil radium shall be calculated by determining the pCi/g applied per acre divided by total grams of soil and sludge per acre. Such calculations shall assume a plow zone depth of 12 inches and a soil density of 90 pounds per cubic foot. The quantity of radium applied per acre shall be based on the results of samples of the subject sludge, taken in accordance with Special Condition 4 of this permit, and the agronomic application rate of the sludge being applied to land.

Page 1 of 4

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

SAK:JCH:478405

DIVISION OF WATER POLLUTION CONTROL

cc: EPA - Des Plaines FOS
Land Treatment Alternatives, Inc.
Records
Binds


Alan Keller, P.E.
Manager, Permit Section

**READ ALL CONDITIONS CAREFULLY:
STANDARD CONDITIONS**

The Illinois Environmental Protection Act (Illinois Revised Statutes Chapter 111-12, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

1. Unless the construction for which this permit is issued has been completed, this permit will expire (1) two years after the date of issuance for permits to construct sewers or wastewater sources or (2) three years after the date of issuance for permits to construct treatment works or pretreatment works.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentations of credentials:
 - a. to enter at reasonable times, the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
 - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for suspension or revocation of a permit:
 - a. upon discovery that the permit application contained misrepresentations, misinformation or false statement or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 4784-2005

PERMIT NO.: 2006-SC-4784

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS
PREPARED BY: Land Treatment Alternatives

DATE ISSUED: October 5, 2006

SUBJECT: JOLIET EAST, WEST AND AUX SABLE STPS-Land Application of Sewage Sludge

SPECIAL CONDITION 4: The permittee shall maintain a record of the quantities of sludge applied to specific field(s) and the accumulative total of radium applied to said field(s).

SPECIAL CONDITION 5: Sludge, which is to be land applied, shall be sampled for radium and reported at the same frequency as specified in Special Condition 7 of this permit. Radium concentrations shall be reported as picocuries per gram, dry weight basis. The sludge sample shall consist of a composite sample of not less than 6 grabs.

SPECIAL CONDITION 6: For the duration of this permit, the permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with a percent total solids analysis. The permittee shall maintain adequate records of the quantities of sludge produced and have said records available for Agency inspection. The permittee shall submit to the Agency a semi-annual summary report of the quantities of sludge generated and disposed (in units of dry tons) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the Agency by January 31 and July 31 of each year reporting the preceding July through December and January through June sludge disposal operations respectively. The permittee shall submit the semi-annual sludge management report to the following address:

Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section
Mail Code #19
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

SPECIAL CONDITION 7: For the duration of this permit, the permittee shall sample all different sludges being applied to land or publicly distributed on a monthly basis for the Joliet East and West STPs and on a quarterly basis for the Joliet Aux Sable STP. The permittee shall chemically analyze said samples in accordance with the recommended procedures contained in the latest edition of Standard Methods for the Examination of Water and Wastewater for the following parameters:

<u>Nutrients</u>	<u>Metals</u>	<u>Other</u>
Total Kjeldahl Nitrogen	Cadmium	pH
Ammonia Nitrogen	Copper	% TS
Phosphorus	Lead	% VS
Potassium	Manganese	
	Nickel	
	Zinc	

In addition to the above parameters, anaerobically digested sludge shall also be tested for volatile acids. The results of these analyses shall be submitted to this Agency on a monthly basis for the Joliet East and West STPs and on a quarterly basis for the Joliet Aux Sable STP. The permittee shall update the sludge application rate utilizing all sludge analyses obtained after the previous sludge application period.

**READ ALL CONDITIONS CAREFULLY:
STANDARD CONDITIONS**

The Illinois Environmental Protection Act (Illinois Revised Statutes Chapter 111-12, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

1. Unless the construction for which this permit is issued has been completed, this permit will expire (1) two years after the date of issuance for permits to construct sewers or wastewater sources or (2) three years after the date of issuance for permits to construct treatment works or pretreatment works.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentations of credentials:
 - a. to enter at reasonable times, the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
 - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for suspension or revocation of a permit:
 - a. upon discovery that the permit application contained misrepresentations, misinformation or false statement or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 4784-2005

PERMIT NO.: 2006-SC-4784

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS
PREPARED BY: Land Treatment Alternatives

DATE ISSUED: October 5, 2006

SUBJECT: JOLIET EAST, WEST AND AUX SABLE STPS-Land Application of Sewage Sludge

SPECIAL CONDITION 8:

- A. Sludge shall be applied to sites within the following guidelines:
1. Sludge shall not be applied to sites during precipitation.
 2. Sludge shall not be applied to sites which are saturated or with ponded water.
 3. Sludge shall not be applied to ice or snow covered sites.
 4. Frozen land, which is not ice or snow covered and has a slope of 5% or less, may be used for land application of sludge provided a 200 foot grassy area exists between the sludge applied land and any surface water or potable water supply well.
- B. It is not recommended that sludge be applied to sites:
1. When precipitation is imminent,
 2. Which have received greater than 1/4 inch rainfall within the 24-hour period preceding the intended sludge application time.
- C. Sludge shall not be applied to land which lies within 200 feet from a community water supply well, potable water supply well, surface waters or intermittent streams or within one-fourth of a mile of any potable water supply wells located in consolidated bedrock such as limestone or sinkhole areas unless a 50 foot depth of non-sandy or non-gravelly unconsolidated material exists. In no case shall sludge be applied within 400 feet of a community water supply well deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation.
- D. Sludge shall not be applied to sites during the periods in which the seasonal high water table rises within 3 feet of the surface at the site.
- E. Sludge shall only be applied to land with a background soil pH of 6.5 or greater unless lime or other suitable materials are applied to the site prior to sludge application to raise the soil pH to a minimum of 6.5.
- F. Sludge amended land shall have a crop grown and harvested pursuant to normal agricultural practices.
- G. The delivery and application of sludge, and the choice of an application site, shall be made so as to minimize the emission of odors to nearby residents taking into account the direction of wind, humidity and day of the week.

**READ ALL CONDITIONS CAREFULLY:
STANDARD CONDITIONS**

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2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentations of credentials:
 - a. to enter at reasonable times, the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
 - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for suspension or revocation of a permit:
 - a. upon discovery that the permit application contained misrepresentations, misinformation or false statement or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 4784-2005

PERMIT NO.: 2006-SC-4784

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS
PREPARED BY: Land Treatment Alternatives

DATE ISSUED: October 5, 2006

SUBJECT: JOLIET EAST, WEST AND AUX SABLE STPS-Land Application of Sewage Sludge

H. Sludge application shall not exceed the following maximum metal loading rates over the lifetime of a site (pounds per acre).

1. Soils with 5-15 meq/100 grams Cation Exchange Capacity (CEC):

<u>Metal</u>	<u>Total Loading</u>	<u>Annual Loading</u>
Cadmium	10	2
Nickel	100	--
Copper	250	--
Zinc	500	--
Manganese	900	--
Lead	1000	--

2. Soils with 0-5 meq/100 grams CEC shall apply only half the metal loading rates set forth in item I(1) above.
3. Soils with 15 or greater meq/100 grams CEC may apply double the total metal loading rates set forth in item I(1) above, however a supplemental permit shall be required for that specific site.
- I. Sludge stored off the sewage treatment plant site shall be performed within the following guidelines:
1. Off-site interim storage of liquid sludge shall not be allowed.
2. Off-site interim storage of dried sludge in excess of 2 months shall not be allowed. In addition, measures shall be taken to contain runoff and leachate from any dried sludge that is stored.
- J. Users applying sludge to sites greater than 300 acres under common ownership or control or users of more than 1500 dry tons per year shall obtain a sludge user permit from this Agency unless the site is specifically identified in the permittee's application.
- K. User information sheets, in conformance with the Design Criteria for Sludge Application on Land (Title 35, Subtitle C, Chapter II, Part 391), shall be provided by the permittee to all sludge users and shall be signed by sludge users requesting more than 25 cubic yards. Records regarding sludge users shall be retained by the permittee for the duration of this permit and 2 years after the expiration date of this permit.

**READ ALL CONDITIONS CAREFULLY:
STANDARD CONDITIONS**

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3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
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 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
 - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
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 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
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 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.

GCD

Gardner Carton & Douglas

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Chicago, Illinois 60606-1698

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New York, NYROY M. HARSCH
(312) 569-1441
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rharsch@gcd.com

November 9, 2006

VIA OVERNIGHT COURIER AND EMAILSanjay K. Sofat
Assistant Counsel/Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276**Re: City of Joliet
Sludge Application Permit
Log # 4784-2005
Permit # 2006-SC-4784**

Dear Sanjay:

As we discussed I represent the City of Joliet who was issued a land application of Sewage Sludge Permit dated October 5, 2006. It was received on October 10, 2006. Joliet objects to the Radium limitation in Special Condition 2.

Pursuant to Section 40 of the Environmental Protection Act, Joliet requests that the Illinois Environmental Protection Agency submit a placeholder appeal with the Illinois Pollution Control board which will allow time to hopefully resolve this issue.

Please advise me as soon as possible if Illinois Environmental Protection Agency will submit a placeholder appeal or not so I can proceed to file an appeal petition if necessary.

Very truly yours,



Roy M. Harsch

cc: Jim Eggen
Harold Harty

CH02/ 22468046.1