

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
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MAR 21 2007

STATE OF ILLINOIS
Pollution Control Board

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

PCB 07 - 94
(Permit Appeal-Water)

NOTICE OF FILING

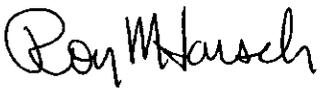
TO: Illinois Environmental Protection Agency
Alan Keller
Division of Water Pollution Control
Manager, Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Pollution Control Board
Dorothy M. Gunn
100 West Randolph
Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that on March 21, 2007, we filed with the Office of the Clerk of the Pollution Control Board an original and ten copies of the attached *Joliet's Petition for Review*, a copy of which is served upon you.

Respectfully submitted,

THE CITY OF JOLIET

By: 
One of Its Attorneys

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PETITION FOR REVIEW

NOW COMES, Petitioner, THE CITY OF JOLIET (hereinafter, "Joliet"), by and through its attorneys, DrinkerBiddleGardnerCarton, pursuant to Section 40 (a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) ("Act") and 35 Ill. Adm. Code § 105.204 Subpart B, and petitions the Illinois Pollution Control Board ("Board") for review of the February 16, 2007 modification of the Sewage Sludge Permit originally issued to Joliet by the Illinois Environmental Protection Agency ("IEPA") on October 5, 2006.

In support thereof, Joliet states as follows:

1. Joliet owns and operates three wastewater treatment plants in Joliet, Illinois.
2. Joliet operates water pollution control facilities as part of its wastewater treatment plant operations. IEPA issued permit number 2001-SC-2708 which specifically allows Joliet to apply sewage sludge from its wastewater treatment operations to agricultural lands.
3. Joliet requested to renew and replace its permit number 2001-SC-2708 and on October 5, 2006, IEPA Division of Water Pollution Control renewed and replaced the above referenced permit with Permit Number 2006-SC-4784 ("October 2006 permit").

4. IEPA issued Joliet's October 2006 permit with eight special conditions. Joliet was in agreement to all the special conditions except that of Special Condition number 2.

5. Special Condition number 2 requires that the sludge being applied to the agricultural land under the October 2006 permit "...shall not cause the total accumulative increase of Radium 226 and Radium 228 in soil to exceed 0.1 pCi/g."

6. Pursuant to a request from Joliet, the IEPA filed on December 7, 2006 a request for the Board to agree to extend the time period within which Joliet would have to appeal this permit. The Board accepted and docketed this request as PCB 07-38. Subsequently during negotiations, IEPA agreed to modify the permit to increase allowable Radium 226 and 228 in soil level to 0.4 pCi/g found in Special Condition 2. The IEPA issued a modified permit number 2006-SC-4784-2 on February 16, 2007 ("February 16, 2007 Permit") (See Exhibit A).

7. On March 1, 2007 the Board dismissed the PCB 07-38 appeal because Joliet did not file a formal appeal.

8. Joliet believes that there is no basis in law or fact to support the inclusion of Special Condition number 2 as written in the February 16, 2007 Permit.

9. The regulations that apply to permits for sites receiving sludge for land application are authorized under Section 35 of the Illinois Administrative Code Part 309 subpart B and 35 Illinois Administrative Code Part 391 subpart B. Pursuant to Section 35 Illinois Administrative Code Part 309.244, when the IEPA imposes conditions in a permit, such is treated as a refusal by the IEPA to grant the permit thereby, entitling the applicant to appeal the IEPA's decision pursuant to Section 40 of the Act.

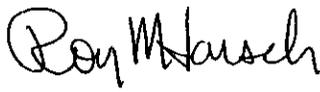
10. Pursuant to Section 40 of the Act, the applicant has 35 days from the date it receives its decision from the IEPA to petition the Board for a hearing to contest IEPA's decision. *415 ILCS 5/40(a)(1)(2006)*.

11. Joliet received its decision from IEPA via facsimile on February 20, 2007 and is requesting hearing before the Board within the initial 35 day appeal period pursuant to *415 ILCS 5/40(a)(1)(2006)*.

WHEREFORE, Petitioner, THE CITY OF JOLIET, petitions the Illinois Pollution Control Board for a hearing on the IEPA's action to issue this sludge permit with Special Conditions specifically, Special Condition 2.

Respectfully submitted,

THE CITY OF JOLIET,
Petitioner,

By: 
One of its Attorneys

Dated: March 21, 2007

Roy M. Harsch, Esq.
Yesenia Villasenor-Rodriguez, Esq.
DrinkerBiddleGardnerCarton
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606
(312) 569-1441 (Direct Dial)
(312) 569-3441 (Facsimile)

CH01/ 12494015.1

Exhibit A

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 3080-07: 4784-06

PERMIT NO.: 2006-SC-4784-2

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

DATE ISSUED: February 16, 2007

SUBJECT: JOLIET EAST, WEST & AUX SABLE STPS: Increase in Allowable Radium Concentration and Application on Ice and/or Snow Covered Ground

PERMITTEE TO OWN AND OPERATE

City of Joliet
150 West Jefferson
Joliet, Illinois 60431

Supplemental Permit is hereby granted to the above designated permittee(s) to construct and/or operate water pollution control facilities, which were previously approved under Permit 2006-SC-4784 dated October 5, 2006. These facilities have been revised as follows:

1. Special Condition 2 of Permit No. 2006-SC-4784 is hereby revised to read as follows:

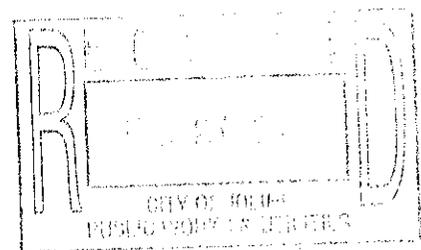
Sludge applied to land under this permit shall not cause the total accumulative increase of Radium 226 and Radium 228 in soil to exceed 0.4 pCi/g.

2. Now allowed under this permit is the application of sludge on ice and/or snow covered ground on the Herman Fritz property located in the NW 1/4 of Section 10, Aux Sable Township, Grundy County, Illinois.

This permit expires on September 30, 2011.

All Standard and Special Conditions and provisions of the original permit are also applicable to this permit unless specifically deleted or revised in this permit.

Page 1 of 1



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

SAK:JCH:j:\docs\permits\statecon\hutton\308007

DIVISION OF WATER POLLUTION CONTROL

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


Alan Keller, P.E.
Manager, Permit Section

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Petition to Review, by First Class Mail, postage pre-paid on March 21, 2007 upon the following:

Illinois Environmental Protection Agency
Alan Keller
Division of Water Pollution Control
Manager, Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



Roy M. Harsch