

ILLINOIS POLLUTION CONTROL BOARD
March 20, 2008

IN THE MATTER OF:)
)
PETITION FOR ADJUSTED STANDARD) AS 08-3
FROM 35 ILL. ADM. CODE 620.420 FOR) (Groundwater))
NOBEL RISLEYS LANDFILL NO. 2)

ORDER OF THE BOARD (by N.J. Melas):

On November 30, 2007, Nobel Risley's Landfill #2 (Landfill) filed an amended petition for adjusted standard concerning its facility, located in rural Franklin County near the town of Benton. In the amended petition, the Landfill requested an increase in the Class II groundwater quality standards (Class II GWQS) at 35 Ill. Adm. Code 620.420. The Landfill requested an increase of the Class II GWQS chloride limit from 200 milligrams per liter (mg/L) to 600 mg/L, and in the sulfate limit from 400 mg/L to 4500 mg/L.

By order of January 24, 2008, the Board directed petitioner to remedy two deficiencies concerning the November 30, 2007 amended petition. On February 28, 2008, petitioner timely filed a second amended petition (2d Am. Pet). This amended petition supplies the requested information concerning the sulfate request new to the November 30, 2008 petition. The Landfill has revised the proposed sulfate limit to 2,381 mg/L and submitted a statistical analysis of the groundwater monitoring data to justify the revised limit. 2d Am. Pet. at 11-12, and Exh. 8. As to the newspaper notice issue, the Landfill states that the certificate of publication filed December 19, 2008 properly noticed the amended request. *Id.* at 3-4.

The Illinois Environmental Protection Agency (Agency) filed its Recommendation on January 4, 2007, after the filing of the first amended petition. The Agency recommended grant of the adjusted standard as to chloride, but denial of the adjusted standard as to sulfate.

In the second amended petition, the Landfill states that it “does *not* waive its right to a hearing.” 2d Am. Pet. at 17, emphasis in original. The Board accordingly accepts this petition for hearing, and directs the hearing officer to expeditiously schedule and hold hearing.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 20, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board