

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PETITION OF MAXIMUM INVESTMENTS, LLC) AS-09-02
OR AN ADJUSTED STANDARD FROM)
35 ILLINOIS ADMINISTRATIVE CODE)
740.210(A)3 FOR THE STONEY CREEK)
LANDFILL IN PALOS HILLS, IL)

RECEIVED
CLERK'S OFFICE

JAN 12 2009

STATE OF ILLINOIS
Pollution Control Board

Certificate of Service

I, the undersigned, certify that I have served the attached Petition for Rehearing and Amended Petition for an Adjusted Standard, by depositing in the US Postal Service first class postage prepaid on January 6, 2009, upon the following persons:

Pollution Control Board, Clerk
100 W Randolph
Thompson Center, Suite 11-500
Chicago, IL 60601-3218

Division of Legal Counsel
Illinois EPA
1021 N Grand Ave East
PO Box 19276
Springfield, IL 61794-9276


Richard Rosenbaum

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PETITION FOR REHEARING

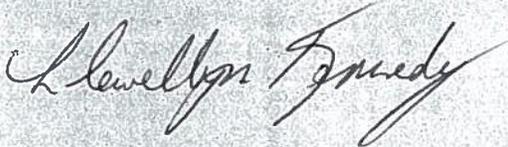
On December 18, 2008, the Board dismissed this Petition on two grounds. First was a jurisdictional issue: that the Petition did not include a timely filed certificate of publication of notice of filing. Second was a deficiency because the Petition was not filed by an attorney.

The information before the Board as to the first deficiency was incorrect. Notice of the Petition was published on November 18, 2008 in the Southtown Star and a certificate of publication was timely filed with the clerk's office. The clerk's office erroneously failed to docket the certificate.

The second deficiency is addressed by the attached Amended Petition filed by petitioner's counsel, Weil & Associates.

Wherefore Petitioner respectfully requests that the Board re-instate this matter and consider the Amended Petition.

Submitted by



Llewellyn Kennedy
Weil & Associates
60 Revere Drive
Suite 888
Northbrook, IL 60062

847-509-0015

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AMENDED

PETITION FOR AN ADJUSTED STANDARD

Petitioner: Maximum Investments, LLC
Address: 9437 Karlov, Skokie, IL 60076
Tel: 847-673-4010

Subject Property: Stoney Creek Landfill

Address: 10900 S 84th St, Palos Hills, IL

PIN #: 23-14-400-026

A: Standard from which an adjusted standard is sought

Code section 740.210 (A)3 requires written permission from the property owner be included as part of an application for the Site Remediation Program. Effective April 25, 2002

B: Statement of general applicability

The regulation was promulgated to meet the requirements of 415 ILCS 5/58.1(a)1

C: Level of justification required

The general regulation does not specify a level of justification required of a petitioner to qualify for an adjusted standard. Petitioner believes that factors related to the subject property are substantially and significantly different from factors relied upon by the Board in adopting the general regulation; that the existence of those factors justify an adjusted standard; the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered in adopting the general standard and that the adjusted standard is consistent with applicable federal law.

D: Description of petitioner's activity

Petitioner holds a tax lien on the subject property. The subject property has been abandoned since the early 1970's. Petitioner wishes to enroll the property in the Site Remediation Program before acquiring title so as to qualify for exemption as a prospective purchaser under 415 ILCS 5/22.2b.

E: Efforts necessary if petitioner were to comply with regulation of general applicability

The general standard requires the written permission of the property owner. Since there is no property owner, petitioner is unable to comply with the general standard and would be unable to enroll the property in the Site Remediation Program. The prior owner filed for bankruptcy in the 1970's and is now believed to be deceased.

F: Proposed adjusted standard

The requirements of section 740.210(a) 3 requiring the written permission of the property owner for conducting investigative and remedial activities is hereby waived with regards to the subject property.

There is no effort necessary to achieve this proposed standard and no costs will be incurred.

G: Impact of petitioner's activity on the environment

There is no difference in impact on the environment between petitioner complying with the general standard versus the proposed adjusted standard. The proposed adjusted standard only changes the approvals needed to enroll the property in the Site Remediation Program.

H: Justification of proposed adjusted standard

Compliance with the general standard is not possible since the property is abandoned. Failure to grant an adjusted standard would result in the property not being enrolled in the Site Remediation Program and not being returned to productive use or the tax rolls.

I: Reasons for granting proposed adjusted standard

The adjusted standard requested does not have any impact upon the environmental standards ultimately to be imposed and merely addresses a procedural requirement under the Illinois Administrative Code.

J: Statement regarding hearing

Petitioner waives a hearing on the petition

K: Citation of legal authorities

No legal authority is cited.

L: Additional information

None

Submitted by

A handwritten signature in black ink, reading "Llewellyn Kennedy". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Llewellyn Kennedy
Weil & Associates
60 Revere Drive
Suite 888
Northbrook, IL 60062