

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:

PETITION OF BRICKYARD DISPOSAL & )  
RECYCLING, INC. FOR AN ADJUSTED ) AS 14-03  
STANDARD PURSUANT TO 35 ILL. ) (Adjusted Standard - Land)  
ADM. CODE 814.402(B)(3) and FROM 35 )  
ILL. ADM. CODE 810.103, 811.318(b)(3) )  
and 811.320(c) )

---

**NOTICE OF FILING**

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board the Petitioner's Response to IEPA Recommendation. A copy of this document is hereby served upon you.

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

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

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

Dated: August 27, 2014

Respectfully submitted,  
BRICKYARD DISPOSAL & RECYCLING,  
INC.

**BROWN, HAY & STEPHENS, LLP**

Claire A. Manning  
William D. Ingersoll  
cmanning@bhslaw.com  
wingersoll@bhslaw.com  
205 S. Fifth Street, Suite 700  
P.O. Box 2459  
Springfield, IL 62705-2459  
(217) 544-8491

By: /s/William D. Ingersoll  
One of Its Attorneys

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:

PETITION OF BRICKYARD DISPOSAL & RECYCLING, INC. FOR AN ADJUSTED STANDARD PURSUANT TO 35 ILL. ADM. CODE 814.402(B)(3) and FROM 35 ILL. ADM. CODE 810.103, 811.318(b)(3) and 811.320(c)	)	)	)
	)	)	AS 14-03
	)	)	(Adjusted Standard - Land)

---

**PETITIONER’S RESPONSE TO IEPA RECOMMENDATION**

NOW COMES Brickyard Disposal & Recycling, Inc. (“Brickyard” or “Petitioner”), by its attorneys Brown, Hay & Stephens, LLP and, in support of its Petition for an Adjusted Standard in the above-captioned matter (“Petition” or “Pet.”), hereby responds to the Recommendation of the Illinois Environmental Protection Agency filed on August 12, 2014, by the Illinois Environmental Protection Agency (“IEPA” or “Agency”).

**I. INTRODUCTION**

In its Recommendation, the IEPA raised certain discreet items regarding the Petition and, as a result of those items, recommended denial (“IEPA filing” or “Rec.”). However, each of the key items raised in the IEPA’s filing are herein addressed, in a manner that Brickyard believes to be satisfactory to the IEPA, on the basis of a meeting Brickyard had with IEPA on August 21, 2014. See attached Affidavit of Todd K. Hamilton (“Hamilton Affidavit”). Moreover, Brickyard takes this opportunity to clarify its requested relief since the IEPA filing may have complicated issues Brickyard believed to be relatively straightforward. In this response, Brickyard does not seek to change the petitioned for relief in any material way, and does not read

the IEPA's filing as requiring or requesting such.<sup>1</sup> Rather, this Response simply presents certain information in a manner that provides greater clarity to those items raised as potential concerns by the IEPA in its filing. Brickyard continues to believe that the relief sought in this adjusted standard provides the best regulatory solution to the unique issues presented at this site and, despite IEPA's filing, Brickyard believes IEPA to be in concurrence with that statement. See Hamilton Affidavit, at par. 9.

This Adjusted Standard meets all applicable requirements of the Illinois Environmental Protection Act ("Act") and relevant Board rules, and nothing contained in the IEPA filing contradicts the record evidence presented by Brickyard that is relevant to its required statutory and regulatory analysis. Brickyard asks for a favorable ruling by the Board, so that it may move forward with the permitting and installation of an appropriate groundwater monitoring network. The Act does not require a hearing in this matter, as no member of the public has sought a hearing, and neither has Brickyard or the IEPA. Certainly, the Board is authorized to grant adjusted standards on the basis of the filed record. Here, Brickyard believes that record justifies the relief sought. However, should the Board believe it would benefit from more information, or from a hearing, Brickyard will willingly accommodate the Board.

At its core, the relief requested in this Petition would simply define a compliance boundary and zone of attenuation so as to allow appropriate groundwater monitoring of Brickyard Unit I in a manner that is environmentally responsible. This Petition seeks to achieve the same result Brickyard sought to achieve in a prior proceeding. *In the Matter of: Petition of*

---

<sup>1</sup> There are certain revisions that have been made as a result of the IEPA filing and the discussions that followed, but Brickyard does not believe them to be material. For example, Brickyard revised the proposed compliance boundary at the southern end, to be 100 foot, regardless of the Groundwater Management Zone. See discussion at Section IV.B.2 of this Response.

*Brickyard Disposal & Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(B)(3)*, Ill. Pollution Control Bd., Opinion and Order AS 13-4 (Jan. 23, 2014) (“AS 13-4”).

As a reminder, the IEPA supported both the Petition and the Amended Petition in AS 13-4, recommending that the Board grant those petitions. The distinction here, in this new docket, is that this Petition has been informed by the Board’s careful review and final Opinion and Order in the prior proceeding which, for background purposes, we explain below. In short, the relief sought here would allow final monitoring wells to be placed in a manner that is consistent with the regulatory scheme deemed appropriate by the Board in AS 13-4, given the unique site conditions that are relevant here.

Without this relief, effective groundwater monitoring is neither feasible nor environmentally responsible, because, under the existing regulatory scheme relevant to this Subpart D landfill, as applied by the IEPA and confirmed by the Board in AS 13-4, groundwater monitoring wells would need to be placed over or into historically deposited extraneous materials and, therefore, any potential groundwater impacts from this area will not be effectively monitored and understood.<sup>2</sup>

Moreover, the relief requested has absolutely no adverse environmental impact but instead, would provide an environmental benefit. Given the environmental significance of this request, which the IEPA does not in any way deny, Brickyard assumes that the IEPA will now support this request, with the clarifications provided herein. Further, a close review of IEPA’s filing demonstrates that it does not provide *any* sufficient rationale for denial. Moreover, IEPA does not seek removal of the extraneous material nor challenge any of the information presented

---

<sup>2</sup> Given current conditions, the IEPA has never challenged this basic premise. However, as Brickyard has continuously stated, it recognizes that it is responsible for any impacts from the extraneous material area and, accordingly, responsibly seeks to monitor for any such impacts via this adjusted standard petition.

related to Brickyard's evaluation of the environmental impacts removal would, based upon current site conditions, pose.

This response (a) sets forth the regulatory scheme the Board fashioned in AS 13-4 that is relevant to Brickyard's requested relief; (b) sets forth the areas of agreement between the IEPA and Brickyard, which are ascertained from the IEPA's filing itself; and (c) responds to each of the criticisms contained in the IEPA filing, by clarifying or modifying the requested relief.

## **II. PRIOR PROCEEDING: AS 13-4**

Given IEPA's imprecise discussion of the Board's findings in the prior proceeding, and its nature and relevance here, Brickyard provides the following as a matter of context and background, as it relates to Brickyard's filing in this proceeding.<sup>3</sup>

Here, Brickyard seeks to achieve the same ends that it sought to achieve in AS 13-4: extension of the compliance parameters relevant to a Subpart D unit, so that Brickyard can monitor for impacts not only from the permitted landfill unit, but also for any impacts that might occur as a result of the extraneous material fill area that has been thoroughly investigated and identified. See Pet. Exh. B, pp. 4-5, Figures 3, 4. Without this adjusted standard, the compliance boundary would be identified as the edge of permitted Unit I, and monitoring wells would be required to be placed as close as possible to that edge. Thus, wells would need to be placed directly above or into the extraneous material fill areas, a situation that is not environmentally

---

<sup>3</sup> The IEPA filing continuously refers to this Petition as the "Third Petition" when, in fact, the instant Petition is a new one, filed in a new docket, as directed by the Board and believed to be responsive to the Board's Opinion and Order in AS 13-4. Also, the IEPA filing continuously refers to the Board's interim order dated August 8, 2013 as an "Opinion and Order" containing "denial points" when, in fact, it was a request that Brickyard provide more information and, further, that it do so in the context of an amended petition. As explained in this Section, the Board's final Opinion and Order in AS 13-4, which is key here, indicated that although Brickyard addressed many of the items requested, the changed relief presented in the Amended Petition in AS 13-4 failed to request a zone of attenuation and, for that reason, was considered, in essence, fatally flawed. Here, Brickyard, in good faith and with all due respect to the Board, attempts to address the issues in the manner the Board instructed.

sound as it does not monitor for any potential excursions or impacts from the extraneous material area.

The distinction in this Petition is that it has been informed by the Board's review, analysis and conclusions in the prior proceeding, as set forth in the Board's January 23, 2014, AS 13-4 Opinion and Order. Accordingly, Brickyard here seeks the relief that the Board there instructed would be appropriate, given the circumstances presented.

As the Board stated in the AS 13-4 Opinion and Order, its focus was "on the relief being sought in the amended petition, as it is dispositive of the Board's consideration of the petition for adjusted standard." (AS 13-4 Opinion and Order, at p. 16) In other words, the Board did not find that the requested relief could not be granted pursuant to an adjusted standard analysis; instead, its denial focused on the regulatory framework necessary to obtain such relief. Specifically, the Board stated:

Brickyard filed an amended petition [citation omitted] addressing many of the issues the Board enumerated in its August 8, 2013 Order, but also changing the relief requested by withdrawing its request for a zone of attenuation. Brickyard also withdrew its request for an adjusted standard from the determination of the zone of attenuation at Section 811.320(c) and monitoring well requirement at Section 811.318(b)(5). However, the amended petition continues to request an adjusted compliance boundary pursuant to Section 814.403(b) and relief from the monitoring well requirement at Section 811.318(b)(3). [citation omitted].

*Id.*, at p. 1.

Although the Board noted that "the IEPA recommended that the Board grant the adjusted standard as requested in both the original and amended petitions," *Id.*, at 2, the Board nonetheless concluded, unequivocally, that:

(B)ased on our reading of 35 Ill. Adm. Code 814.402(b)(3), the Board will not grant an adjusted standard moving the compliance boundary beyond the edge of the unit without also establishing a zone of attenuation. The amended petition for adjusted standard is therefore denied and this docket is closed.

*Id.*, at p. 2.

Then, after setting forth a discussion of the history and factual background of the case, and finding that notice was proper, the Board provided a detailed explanation for its denial. Specifically, the Board disagreed with the parties' premise that Brickyard Unit I was exempt from the requirements for a zone of attenuation found at Section 811.320(c):

“(S)ince Brickyard is requesting the Board adjust the compliance boundary per Section 814.402(b)(3) such that the compliance boundary is not at the edge of the unit, the exemption from Section 811.320(c) under Section 814.402(a)(8) no longer applies and that an adjusted standard granted pursuant to Section 814.402(b)(3), such as the one requested here, must provide for, and be analyzed on the basis of, both a zone of attenuation and an adjusted compliance boundary.

*Id.*, at p. 18.

Instead, the Board provided the following interpretation as to the relief that needed to be sought:

(T)o obtain the full relief it needs Brickyard may need to request a zone of attenuation and adjusted compliance boundary under Section 814.402(b)(3), and to justify any requested relief from the specific provisions in Sections 810.103, 811.318 and 811.320 in accordance with the factors of Section 28.1(c) of the Act.

*Id.*

Finally, the Board concluded: “Brickyard is free to file a new petition for adjusted standard.” *Id.*

Accordingly, this Petition has been filed under a new docket and is believed to be consistent with the framework set forth by the Board in AS 13-4. The underlying circumstances and eventual outcome sought have not changed throughout the process, simply the regulatory means of accomplishing those ends. In other words, although the “means” are changed in this Petition, the “ends” Brickyard seeks are essentially the same.

### **III. AREAS OF AGREEMENT**

The points made in IEPA's filing, presumably which led to its recommended denial, have little to do with the substantive information presented that actually justifies this adjusted standard pursuant to the statute and regulations that the Board is called upon to here analyze. Rather, each area of criticism lodged by the IEPA in its filing is addressed below, in Section IV of this Response. Importantly though, Brickyard here discusses the areas of agreement between Brickyard and the IEPA. Clearly, as evident from the IEPA filing itself, on the key points relevant to the Board's grant of this adjusted standard, the parties remain aligned.

#### **A. Analysis of Brickyards' Justification Pursuant to Section 28.1 of the Act.**

First, the IEPA generally agrees with Brickyard's entire analysis of the Section 28.1 factors, and the relevance of those factors to the specific set of circumstances at Brickyard Unit I since, at paragraph 75, it states: "The Illinois EPA generally agrees with Petitioner's assessments provided within Section III. A." That section of Brickyard's Petition (Pet. pp. 4 – 13), as well as Petition Exhibit B (pp. 28-31), cover all of the factors required for the Board's consideration under Section 28.1 of the Illinois Environmental Protection Act ("Act"), as applicable to an adjustment of the rules of general applicability. Specifically then, the IEPA agrees that Brickyard has presented adequate proof that:

- The factors relating to the petitioner are substantially and significantly different from the factors relied upon by the board in adopting the general regulation applicable to that petitioner;
- The existence of those factors justifies an adjusted standard;

- The requested adjusted standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and
- The adjusted standard is consistent with any applicable federal law.

Importantly, it is in that section of the Petition, at p. 12, where Brickyard presents the conclusion reached by its engineering firm, Andrews Engineering Inc. (“AEI”), that this adjusted standard “will allow for greater protection against unnecessary risk and harm at this site”. (Pet., at p. 12) Significantly, IEPA states that it “does not take significant issue with Petitioner (sic) representation of the environmental impact of issuing this adjusted standard.” Rec., at par. 96. In fact, IEPA takes no issue with Petitioner’s representations concerning environmental effect but instead, as discussed above, IEPA states its general agreement with Brickyard’s assessment of the Section 28.1 factors, which includes the environmental analysis. The IEPA further states, at paragraph 88, that “added environmental benefit will be realized by the implementation of the Cover Plan, (Exhibit C) and Petitioner’s request for its inclusion within the conditions”. In fact, the Cover Plan was the subject of previous pre-filing discussions with the IEPA – and is essentially the same plan as that presented in AS 13-4.

Accordingly, the Board must conclude that the IEPA has no dispute with Brickyard’s assessment of the environmental value that will be realized as a result of this adjusted standard. Brickyard further notes that, despite proper public notice, and the public visibility of the Board’s online filing system, no member of the public or environmental organization has taken any issue with the goal, or manner of achieving it, that Brickyard seeks in this adjusted standard petition.

**B. Analysis of Brickyard's Justification for Relief Pursuant to Section 814.402(b)(3)**

Further, the IEPA takes no issue with Brickyard's technical and substantive analysis of the specific factors required for an adjusted compliance boundary and a designated zone of attenuation pursuant to the Board's authority under Section 814.402(b)(3), and instead simply states: "Petitioner provides a thorough recitation of the provision which would allow for the relief requested." Of that list of *key factors* relevant to Brickyard's request, the IEPA takes issue only with Section 814.402(b)(3)(H) (related to boundary line) and Section 814.402(b)(3)(I) (related to 150 meter from edge of unit). Both are addressed in Section IV below.

Thus, the Board must conclude that the IEPA agrees with Brickyard's analysis of the remaining factors, as it did in AS 13-4:

- The hydrogeological characteristics of the unit and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;
- The volume and physical and chemical characteristics of the leachate;
- The quantity, quality, and direction of flow of groundwater underlying the facility;
- The proximity and withdrawal rates of groundwater users;
- The availability of alternative drinking water supplies;
- The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater; and
- Public health, safety, and welfare effects.

As IEPA's filing does not refute any of the record information presented by Brickyard in Exhibit B, pp. 6-28, as it relates to these important factors, the Board must find that Brickyard has met its burden of analysis on each of these points. Certainly, there is no record evidence

contrary to the substantial technical information presented by the Andrews Engineering, Inc. (“AEI”) in Petition, Exhibit B as it relates to these factors and, accordingly, the Board’s findings should be consistent with the information presented.

**C. Landfill Expansion Not A Regulatory Option – and Extraneous Material Area Will Not Be Part of Permitted Area of Landfill.**

As gleaned from IEPA’s discussion at paragraphs 39 – 41, the IEPA and Brickyard are in agreement that the Petition is not a request to expand the permitted area of Brickyard Unit I into the extraneous fill material area. Brickyard is *not* seeking to expand the landfill. That premise has been at the core of pre-filing discussions on this matter for over three years. At paragraph 40, the IEPA appears to concede that this is not Brickyard’s intention; however, the point is inconsistently made (see paragraph 39)<sup>4</sup>. A bit more clearly, at paragraph 40, the IEPA states that the petition “is simply only an Adjusted Standard to move monitoring wells for Brickyard Unit I.” (More accurately stated, though, the adjusted standard petition would create an adjusted compliance boundary and designated zone of attenuation that will allow for effective placement of monitoring wells.)

Brickyard fully agrees, as the regulations relevant to this landfill do not allow for an expansion, and the parties do not seek to have the extraneous fill area be part of the actual permitted area of the Brickyard Unit I landfill. As stated previously, Brickyard only seeks to identify an appropriate compliance boundary and zone of attenuation, via an adjusted standard, so that the permitted placement of the routine monitoring network is allowed within the newly identified compliance boundary and zone of attenuation.

---

<sup>4</sup> Brickyard’s use of the terms “integrated into the technical strategy for final closure and post-closure care” is not intended to mean incorporation of the area for purposes of permitting the extraneous material area. Rather, it is language utilized by the technical personnel at Brickyard, as an expression that the extraneous material area (and the ability to appropriately place a routine groundwater monitoring network which takes such into consideration) is pivotal to appropriate permitted closure of Brickyard Unit I.

As the extraneous material area has been in place historically, the only available methodology to effectively monitor that area, presuming the extraneous material is left in place<sup>5</sup>, is via the proposed adjusted standard, which will allow for a compliance boundary and zone of attenuation that makes environmental sense, given these conditions.

**D. Routine Groundwater Monitoring Network the Subject of IEPA Permitting**

Although not entirely clear, IEPA seems to suggest that the Board might want to designate the actual locations of the groundwater monitoring wells in the context of this adjusted standard petition. Specifically, the IEPA reads paragraphs (5) and (6) of its August 8, 2013, AS 13-4 interim order (calling them “denial points”) as suggesting such. (“If the Board does not intend to review placement/locations of monitoring wells within this process, the Illinois EPA would be willing (sic) review these locations within a permit review process.” Rec., at par. 27).

Yet, clearly, the *actual location* of the *final groundwater monitoring wells* is most certainly the subject of IEPA permitting. The above-cited paragraph in the IEPA filing is also internally inconsistent with its own Recommendation as the IEPA also states, and Brickyard fully agrees: the “Illinois EPA cannot approve completion of closure unless an adequate groundwater detection monitoring program has been approved and the network of monitoring wells has been installed” (Rec. par. 7) and “(T)hose monitoring wells must be modeled and presented for inclusion within the Unit 1 permit.” (Rec. par. 8).

---

<sup>5</sup> While the IEPA quibbles with the manner in which Brickyard presented its cost of removal analysis, see Rec., at pars.84 - 86, the IEPA has never questioned the basic premise that removal is not a viable option in the context of the proposed adjusted standards. Nor has it suggested that removal is a cost effective alternative to the relief requested. Brickyard reminds the Board: (1) the IEPA supported both the Petition and the Amended Petition in AS 13-4, where removal costs were not specifically articulated; (2) the IEPA here does not challenge Brickyard’s analysis of, and conclusions regarding, the Section 28.1 factors; (3) the IEPA’s suggestion, at par. 84-86, that Brickyard might include closure costs as a proper comparison to costs to remove the extraneous material is entirely inconsistent with its point that this area is not, and cannot be, permitted as an expansion of Brickyard Unit I; (4) Brickyard’s cost analysis is not articulated as one of IEPA’s key points of inadequacy (Rec., p. 72); and (5) the Board’s interim order in AS 13-4 suggested Brickyard address costs of the cover plan, yet it never requested that Brickyard include a discussion of removal costs in its Amended Petition. On that final point, Brickyard has discussed costs in the context of AS 14-3 simply for purposes of completeness, and believes that such costs are adequately and accurately presented. Moreover, they are indeed substantial.

Further, the IEPA sets forth the required regulatory permitting framework: “[t]he final detection groundwater monitoring network has not been approved by the Illinois EPA. A temporary detection groundwater monitoring network is approved in Log No. 2009-089. If the waste in the overfill area is left in place (outside the current permitted waste boundary), a revised waste boundary shall be proposed and a revised groundwater monitoring network shall be modeled and proposed through a significant modification permit application.” See Rec., par. 6.

In contrast, Brickyard believes that the Board’s interim order was simply seeking more information related to where Brickyard believes it will propose the final monitoring wells, for purposes of permitting. Brickyard agrees that the Board could benefit from more specificity, in this adjusted standard proceeding, as to where it expects the wells to be located and Brickyard does so, below in Section IV. C.

**E. Presuming the extraneous materials remain in place, monitoring wells would have to be placed above the extraneous material and, accordingly Section 814.402(b)(3) is the appropriate vehicle to provide relief.**

IEPA acknowledges that the areas containing extraneous materials pose an impediment to (“interfere with”) the placement of wells at the edge of Brickyard Unit I (Rec., at par. 14), and states that “the Board likely did not consider the fact pattern presented at Unit I when enacting regulations of general applicability at issue in this proceeding” (Rec. at 16). Further, IEPA agrees that Section 814.402(b)(3) provides the appropriate solution:

Certainly, where the Board has provided for such relief, in a case such as this, where site facts present an issue to placement of groundwater monitoring wells at some points on the edge of part of Brickyard Unit I, a proposal could be presented in a manner so as to afford relief from the generally applicable provisions and still achieve environmental goals.

Rec. at par. 11.

Reading the regulations applicable to a Subpart D literally, the IEPA states that Brickyard Unit I must not contaminate a source of drinking water at the compliance boundary, defined by the Board as *any point on the edge of the unit at or below the ground surface (emphasis in the original)* and, as such, wells must be placed on the unit's edge. (Rec. par. 9). While there is no question of even *potential* contamination of drinking water<sup>6</sup> with this proposed adjusted standard, the existing regulatory definition of compliance boundary is indeed troublesome if, as IEPA states, wells are required to be placed as close as possible to or "on the edge of the waste footprint for Unit 1". Given site conditions, that would require placement in a manner that is above or into the extraneous materials area. Thus, this adjusted standard is necessary for appropriate well placement.

IEPA agrees (see Rec. par. 10) that Section 814.402(b)(3) of the Board's rules allows for a compliance boundary and zone of attenuation via adjusted standard and, further, that Section 814.402(b)(3) is the appropriate vehicle to allow for sensible monitoring of any potential excursions of contaminants from either the permitted landfill cell or the extraneous material area.

On the basis of the above, Brickyard believes that the IEPA and Brickyard continue to agree on the basic rationale and analysis underlying this adjusted standard request.

#### **IV. BRICKYARD'S RESPONSES TO ALLEGED DEFICIENCIES**

Here, Brickyard analyzes the alleged deficiencies related to its justification contained in the AS 14-3 petition which appears to have led to IEPA's recommendation of denial. Brickyard appreciates the opportunity to provide any necessary clarification, and addresses each IEPA point in a manner that Brickyard believes satisfies the objections raised. See Hamilton Affidavit at par. 8. Hopefully, this section provides sufficient clarity to the requested adjusted standard relief, so that the Board can grant the petition without further information. If not, Brickyard will

---

<sup>6</sup>See Pet. Exh. B, pp. 15-16.

provide the Board whatever further information it needs, in whatever manner the Board deems appropriate.

**A. Compliance Boundary Is Within Regulatory Maximum Distance from Waste Unit Boundary**

Section 814.402(b)(3)(I) clearly provides that “(N)otwithstanding the limitations of subsection 814.402(b)(3)(H), in no case shall the zone of compliance at an existing MSWLF unit extend beyond 150 meters from the edge of the unit.” In its Recommendation, at paragraphs 65 – 70, IEPA suggests that the compliance boundary proposed by Brickyard does not appear to meet this requirement. It suggests that clarification “will be necessary since, again, the use of the scale at the bottom of Exhibit A, Figure 1 would tend to show that the fill area in at least one location [does not meet this requirement].” Rec., at par. 69.

The proposed compliance boundary was drawn, utilizing Computer Aided Design (“CAD”) technology, with the regulatory maximum distance set forth in Section 814.402(b)(I) (*i.e.*, 150 meters from edge of waste unit) fully known, understood, and respected. The proposed compliance boundary is drawn to be within that maximum compliance boundary, at each and every location. To illustrate this fact, AEI has prepared a map demonstrating how the computer generated the 150 meter distance from the edge of the unit. Specifically, the computer generated the line by taking the edge of the unit, at every point at its outer boundary, and establishing those points as the center point of a series of circles, the radius of which is 150 meters. See Illustration 1. At no point does the proposed compliance boundary, depicted in green, exceed the maximum compliance boundary (*i.e.*, 150 meters from permitted waste unit) as set forth in Section 814.402(b)(I), depicted in red.

**B. 100 Foot Proposed Compliance Boundary is Fully Justified**

Although various paragraphs in IEPA's filing refer to alleged insufficiencies in Brickyard's proposed compliance boundary, Brickyard believes that the below three sections address each of the key issues IEPA raised related to the appropriateness of the proposed compliance boundary.

**(1) Distance Generally Drawn At 100 Foot or Less**

The petition identifies Brickyard's proposed compliance property boundary as 100 foot from either the edge of the waste unit or the edge of the extraneous material area, whichever is relevant. IEPA points out that it is actually greater than 100 foot at the southern end of the landfill and Brickyard agrees that the line was drawn that way in the petition, in order to accommodate an existing permitted Groundwater Management Zone ("GMZ") on the southern edge of the landfill, which is greater than 100 feet from the edge of the unit. Although the petition clearly shows this area (Pet. Exh. A, Figure 1), Brickyard here addresses that issue further, and revises to accommodate the IEPA's request, in Section IV.B.2, below.

Further, while the line was drawn greater than 100 feet only in relation to the GMZ, it actually is less than 100 feet in two discreet areas. First, the compliance boundary at the western side of the property is less than 100 feet because the proposed compliance boundary is limited by the property boundary, consistent with Section 814.402(b)(H), as the property boundary in that location is less than 100 foot from the edge of the extraneous material.<sup>7</sup> Second, the compliance boundary is slightly less than 100 feet in an area on the eastern side of the landfill property,

---

<sup>7</sup> At paragraphs 46 - 48 of its Recommendation, IEPA opines that since the Board's interim order in AS 13-4 utilized the terminology "within" the property boundary (Rec., par. 46), instead of the more precise regulatory language found in Section 814.402(b)(3)(H) ("extend beyond the facility property line") that Brickyard's proposed petition was deficient because it was not clearly located "within" but rather perhaps "upon" the property boundary. (Rec., par. 47) Certainly, Brickyard does not believe the Board intended to change the relevant regulatory language by the choice of words in its AS 13-4 interim order. Nonetheless, if clarification is required, Brickyard here provides it: the line has been drawn to extend to the eastern edge of the western property boundary.

because it is restricted by Section 814.402(b)(I) (*i.e.*, 150 meters from edge of waste unit). Similar to Illustration 1, which addresses compliance with Section 814.402(b)(I) as it did with the 150 meter restriction prohibition, discussed above and illustrated in Illustration 1, AEI drew the 100 foot compliance boundary utilizing CAD technology. A visual depiction of how that line was generally drawn at 100 foot, but less than 100 feet in the two areas referenced above, is set forth in Illustration 2. *See* also Exh. A, Figure 1.

**(2) GMZ as a Extenuating Factor for the Compliance Boundary**

As discussed above, the one area where IEPA correctly points out that the compliance boundary is greater than 100 feet is at the southern end. Brickyard initially proposed the southern boundary consistent with the existing GMZ boundary, as opposed to the 100 foot (or less) utilized for the rest of the compliance boundary. That it did so is clearly evident from the petition, on the note found at Exh. A., Figure 1. Brickyard's rationale for doing was to maintain consistency of both boundaries in that area: the GMZ and the proposed compliance boundary. However, as the IEPA has taken issue with this approach (see Rec., pars. 42-25), Brickyard has agreed to redraw the line in a manner that is 100 foot (or less) throughout the entirety of the relevant area, notwithstanding the GMZ. Brickyard makes this accommodation in its Response and, accordingly, presents a revised proposed Board Order and revised attached Exh. A, Figure 1. The change is also evident in Illustration 2, discussed above.

**(3) Rationale for 100 foot from waste footprint where no extraneous materials exist.**

The IEPA also correctly points out that the petition requests that the compliance boundary be extended, and a zone of attenuation established, even in the specific areas where there is no extraneous material. See Rec. pars. 49 – 52. The IEPA's criticism is not technical in nature, but suggests (incorrectly Brickyard believes) that the petition did not provide any

justification for such. Accordingly, Brickyard provides further justification here, in response to that criticism.

First, Brickyard had no idea that this point would draw IEPA criticism since the currently permitted groundwater monitoring network *includes* existing permitted wells in areas where there is no extraneous material, and yet are not placed at the unit's edge. Brickyard hopes to retain these as part of the permanent routine monitoring network. See attached Illustration 3 (*i.e.*, wells R106 and R132).

Second, while this placement may not currently be consistent with the actual framework for an old Subpart D landfill, such as Brickyard I, the placement is actually consistent with the regulatory framework for a new Subtitle D landfill. As the Board knows, the Subtitle D regulations are generally considered a more stringent set of regulations. See Section 810.103 (definition of zone of attenuation) and Section 811.318(b)(3) (standards for location of monitoring points).

Third, since Brickyard here seeks to establish a zone of attenuation, it makes sense that the zone of attenuation (and compliance boundary) is consistent throughout the landfill perimeter, subject only to the location of the waste source (*i.e.*, unit boundary or edge of extraneous materials).

Fourth, since Brickyard II, a Subtitle D landfill, is directly north of (and contiguous with) Brickyard I, it makes further sense to have the compliance boundary and zone of attenuation consistent throughout the Brickyard facility.

**C. Placement of Final Routine Monitoring Network as Brickyard Anticipates Through IEPA Permitting**

In Brickyard's discussion of permitting of monitoring wells, set forth in Section II. D above, Brickyard asserted that final well placement is subject to IEPA permitting and that it did

not read the Board's interim order in AS 13-4, as IEPA appears to have done, to suggest that the Board believed it should actually establish final well locations in the context of this proceeding. Nonetheless, Brickyard agrees that the Board would benefit from a more complete discussion of where Brickyard intends to seek well placement, in the context of a permit application, subject to evaluation and permitting by the IEPA.

In that vein, AEI has prepared Illustration 3 (Res. Ill. 3), which presents the Board with a picture of what Brickyard expects to occur in permitting, if it grants this adjusted standard. Specifically, in its permit application to the IEPA, Brickyard will place all downgradient wells as close to the relevant waste source as possible (unit boundary or extraneous material edge), and within the compliance boundary and zone of attenuation.<sup>8</sup> All currently permitted wells which Brickyard would expect to retain as part of the routine monitor network are shown in black. The areas identified by black lines represent areas where Brickyard expects to develop a new well. One of these new well locations will contain a well that meets the objectives of Section 811.318(b)(5) and, thus, Brickyard does not seek adjustment from that provision. All wells identified in red will likely be retained, but not as part of the routine monitoring network. The above proposed locations of the final routine monitoring network are subject to appropriate modeling and, of course, IEPA permitting.

**D. Applicability of Landfill Regulations in the Event of Impact**

The IEPA states, at paragraph 100, that if the compliance boundary is moved, impacts should be subject to relevant landfill regulations. Accordingly, Brickyard revises the proposed Board Order to so provide. The revised Board Order, containing this and the changes discussed above, are set forth Exh. A.

---

<sup>8</sup> Two upgradient wells, currently permitted, are placed outside the compliance boundary on the western edge of the property. Only one is likely to be considered as part of the routine monitoring network.

**V. CONCLUSION**

The Petitioner has met its burden of justifying relief pursuant to Section 28.1 of the Illinois Environmental Protection Act (the "Act") (415 ILCS 5/28.1), Part 104 of the Board's Procedural Rules (35 Ill. Adm. Code 104) and Section 814.402(b)(3) of the Board's regulations (35 Ill. Adm. Code 814.402.(b)(3)). This relief will establish a compliance boundary and a zone of attenuation that allows for the establishment of the groundwater monitoring network surrounding Unit I that takes into account the unique circumstances of this facility.

**BRICKYARD DISPOSAL & RECYCLING, INC.**

By: /s/ Claire A. Manning  
One of Its Attorneys

Dated: August 27, 2014

**BROWN, HAY & STEPHENS, LLP**

Claire A. Manning  
Registration No. 3124724  
William D. Ingersoll  
Registration No. 6186363  
205 S. Fifth Street, Suite 700  
P.O. Box 2459  
Springfield, IL 62705-2459  
(217) 544-8491

**AFFIDAVIT OF TODD K. HAMILTON**

1. My name is Todd K. Hamilton. I am an Environmental Manager (“EM”) at Republic Waste Services who has oversight responsibilities for landfills in the Midwestern states, primarily Illinois and Indiana.

2. Those oversight responsibilities, for approximately the last five years, have included Brickyard Landfill in Danville, Illinois. I have been aware of Brickyard’s efforts to achieve an Adjusted Standard from the Illinois Pollution Control Board, and I attended the first meeting we had with the Illinois Environmental Protection Agency, in March of 2011. That meeting included Doug Clay, then Head of the Bureau of Land; Steve Nightingale, Head of Permits, Bureau of Land; and various groundwater and permitting personnel from the Bureau of Land, as well as an IEPA attorney.

3. That initial meeting resulted in the conceptual approach that Brickyard seek an adjusted standard from the Board, in order to accommodate a monitoring network that allows for monitoring outside the extraneous materials area.

4. I have followed closely Brickyard’s filing in both AS 13-4 and now in AS 14-3, and have reviewed all technical documents, as well as the Board’s Opinion in AS 13-4.

5. Subsequent to our receipt of the IEPA’s Recommendation in AS 14-3, Brickyard requested a meeting at IEPA, for the purpose of resolving the issues IEPA raised in the Recommendation.

6. The meeting was held on August 21, 2014, and was attended by the following persons from IEPA Bureau of Land: Steve Nightingale, Head of Permits; Terri Blake-Myers Head of Groundwater Unit; Chris Liebman and Doug Van Nattan, Permit Unit; Brett Bersche Groundwater Unit; Kyle Davis and Greg Richardson, Division of Legal Counsel.

7. In addition to myself, the meeting was attended by the following persons for Brickyard: Eric Ballenger, Manger Hydrogeology, Republic Services and Brickyard; Brad Hunsberger Andrews Engineering, Inc.; Claire Manning and Bill Ingersoll, Brown, Hay & Stephens, LLP, counsel to Brickyard.

8. The meeting was very productive. The clarifications and proposed revisions contained in Brickyard's Response to the IEPA's recommendation were specifically discussed at the meeting. It is my belief that the Response addresses the key issues set forth in IEPA's recommendation, as discussed at our August 21, 2014 meeting.

9. Further, Brickyard believes that IEPA continues to support the conceptual approach Brickyard attempts to achieve in AS 14-3, as the best path forward to establish an adequate and responsible monitoring network.

**FURTHER, Affiant sayeth not.**

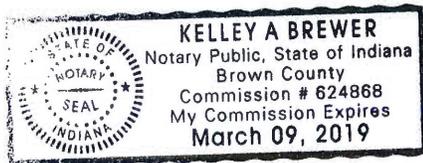
DATED: 8/26/2014



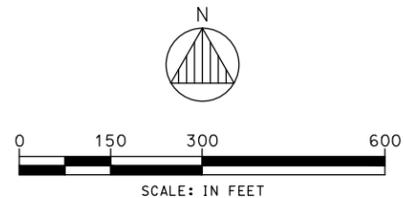
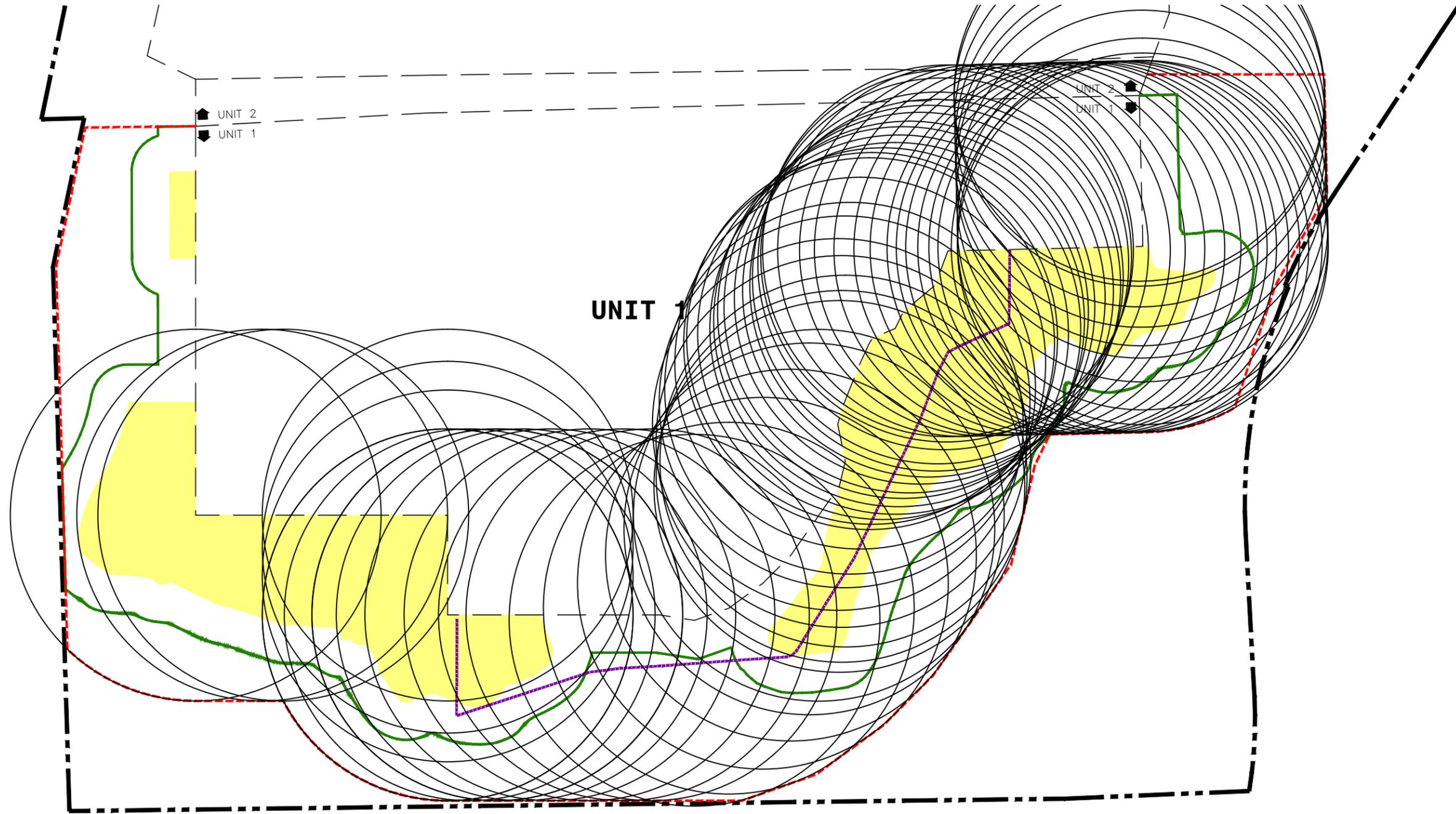
Todd K. Hamilton

Subscribed and swore to before me  
this 26 day of August, 2014

Kelley A Brewer  
Notary Public

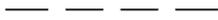


J:\1989\89-115A (Brickyard)\DWG\2014\FIGURES\ILL-FIGURES\ILL-2.dwg Tab: ILL-1 Last Saved: August 27, 2014, by Mike Nguyen Plotted: Wednesday, August 27, 2014 10:36:59 AM



**NOTES:**

1. THE MAXIMUM COMPLIANCE BOUNDARY IS 150 METERS FROM THE UNIT 1 WASTE BOUNDARY EXCEPT IN AREAS WHERE THE PROPERTY BOUNDARY IS LESS THAN 150 METERS FROM THE SUBJECT BOUNDARY.
2. THE CENTER OF EACH CIRCLE IS LOCATED ON THE WASTE UNIT BOUNDARY. THE MAXIMUM COMPLIANCE BOUNDARY IS THE TANGENT TO THE CIRCLE 90 DEGREES TO THE WASTE UNIT BOUNDARY (AS DETERMINED BY COMPUTER AIDED DESIGN SOFTWARE) AND REPRESENTS A DISTANCE OF 150 METERS.

EXPLANATION	
	BRICKYARD PROPERTY BOUNDARY
	UNIT 1 WASTE BOUNDARY
	PROPOSED COMPLIANCE BOUNDARY
	MAXIMUM COMPLIANCE BOUNDARY (150m)
	EXISTING GMZ
	AREA OF EXTRANEIOUS MATERIALS

NO.	DATE	DESCRIPTION	BY

**ANDREWS ENGINEERING, INC.**  
 3300 Ginger Creek Drive, Springfield, IL 62711-7233  
 Tel (217) 787-2334 Fax (217) 787-9495  
 Pontiac, IL • Naperville, IL • Indianapolis, IN • Warrenton, MO  
 Professional Design Engineering and Land Surveying Firm #184-001541

APPROVED BY: BJH DESIGNED BY: BJH DRAWN BY: MPN

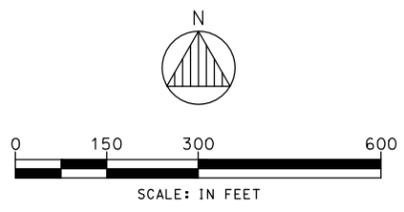
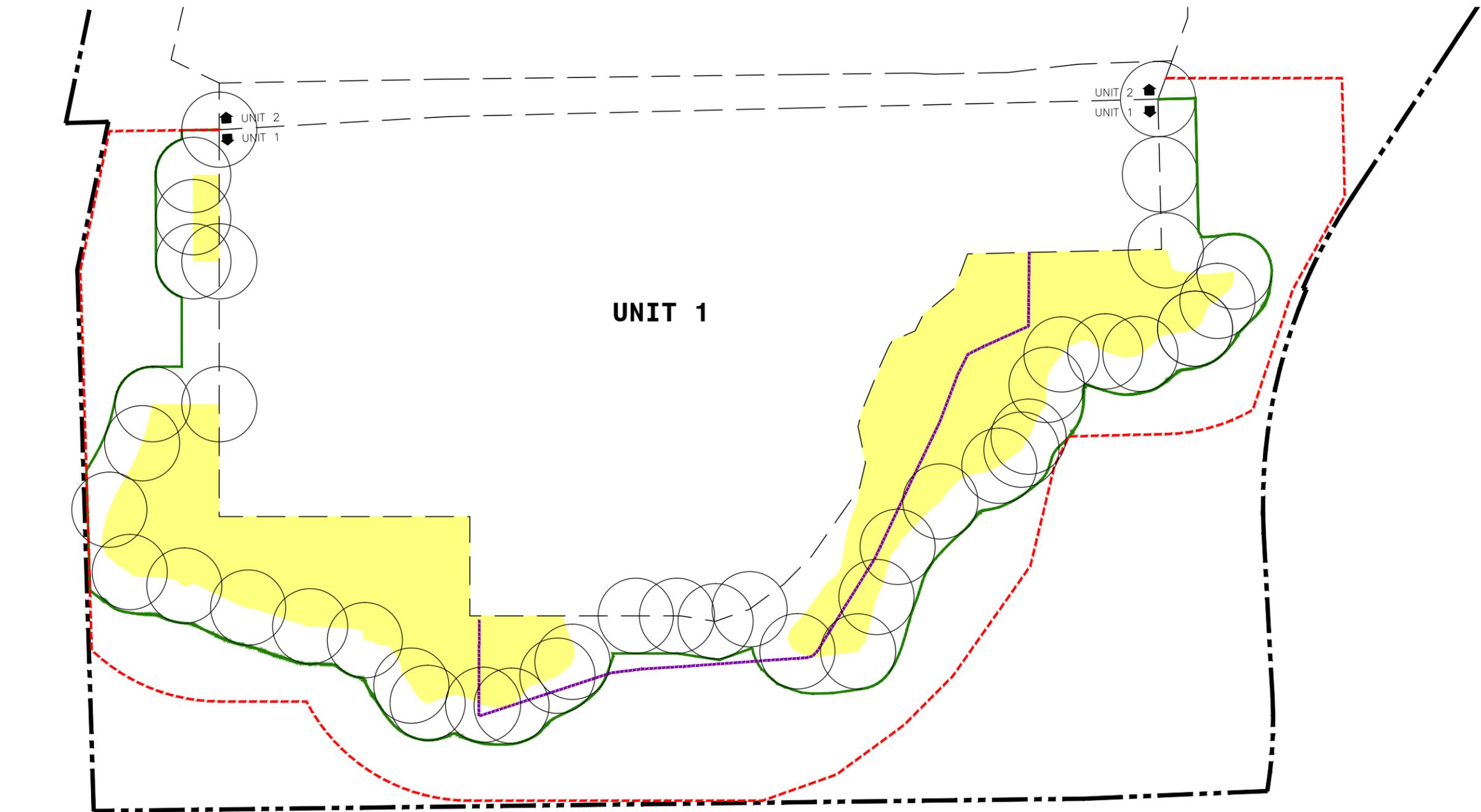
MAXIMUM COMPLIANCE BOUNDARY ILLUSTRATION

PLANS PREPARED FOR  
**BRICKYARD DISPOSAL & RECYCLING**  
 DANVILLE, ILLINOIS

DATE: AUGUST 2014  
 PROJECT ID: 1989-115A  
 SHEET NUMBER:

**ILL 1**

J:\1989\B9-115A (Brickyard)\DWG\2014\FIGURES\ILL-FIGURES\ILL-2.dwg Tab: ILL-2 Last Saved: August 27, 2014, by Mike Nguyen Plotted: Wednesday, August 27, 2014 10:35:56 AM



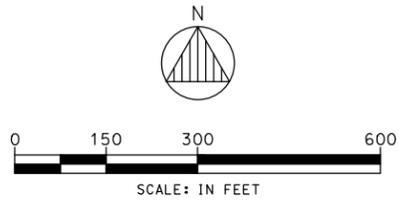
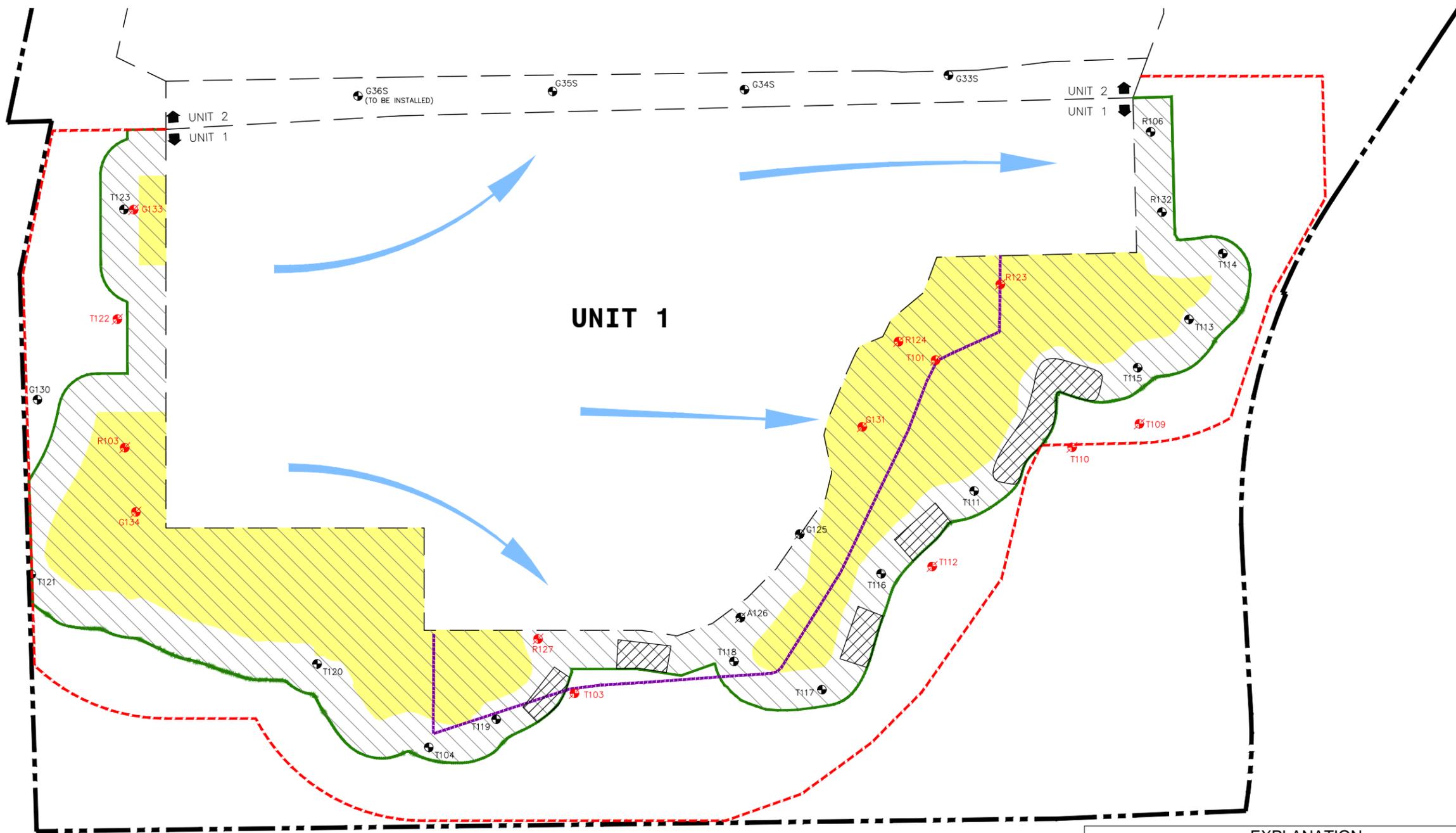
**NOTES:**

1. THE PROPOSED COMPLIANCE BOUNDARY IS 100 FEET FROM EITHER THE UNIT 1 WASTE UNIT BOUNDARY OR FROM THE EDGE OF THE EXTRANEIOUS MATERIALS, WITH TWO EXCEPTIONS, WHERE THE DISTANCE IS LESS THAN 100 FEET. SEE FIGURE 1.
2. THE CENTER OF EACH CIRCLE IS LOCATED ON THE WASTE UNIT BOUNDARY OR THE EDGE OF THE EXTRANEIOUS MATERIALS, WHICHEVER IS RELEVANT. THE PROPOSED COMPLIANCE BOUNDARY IS THE TANGENT TO THE CIRCLE 90 DEGREES TO EITHER THE WASTE UNIT BOUNDARY OR THE EDGE OF THE EXTRANEIOUS MATERIALS (AS DETERMINED BY COMPUTER AIDED DESIGN SOFTWARE) AND REPRESENTS A DISTANCE OF 100 FEET, EXCEPT IN THE TWO AREAS REFERENCED BY ARROW.

EXPLANATION	
	BRICKYARD PROPERTY BOUNDARY
	UNIT 1 WASTE BOUNDARY
	PROPOSED COMPLIANCE BOUNDARY
	MAXIMUM COMPLIANCE BOUNDARY (150m)
	EXISTING GMZ
	AREA OF EXTRANEIOUS MATERIALS

<p><b>ANDREWS ENGINEERING, INC.</b>          3300 Ginger Creek Drive, Springfield, IL 62711-7233          Tel (217) 787-2334 Fax (217) 787-9495          Pontiac, IL • Naperville, IL • Indianapolis, IN • Warrenton, MO          Professional Design Engineering and Land Surveying Firm #184-001541</p>																																													
<p>APPROVED BY: BJH          DESIGNED BY: BJH          DRAWN BY: MPN</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY																																								
NO.	DATE	DESCRIPTION	BY																																										
<p>PROPOSED COMPLIANCE BOUNDARY ILLUSTRATION</p> <p>PLANS PREPARED FOR  <b>BRICKYARD DISPOSAL &amp; RECYCLING</b>          DANVILLE, ILLINOIS</p>	<p>DATE: AUGUST 2014</p> <p>PROJECT ID: 1989-115A</p> <p>SHEET NUMBER:  <b>ILL 2</b></p>																																												

J:\1989\89-115A (Brickyard)\DWG\2014\FIGURES\Revision 1\ILL3.dwg Tab: ILL-3 Last Saved: August 27, 2014, by Mike Nguyen Plotted: Wednesday, August 27, 2014 10:35:12 AM



**NOTES:**

1. EXISTING PERMITTED WELLS SHOWN IN BLACK (INCLUDING THE TEMPORARY WELLS) ARE EXPECTED TO BE RETAINED AS PART OF THE ROUTINE MONITORING NETWORK, SUBJECT TO PERMITTING PROCESS.
2. EXISTING WELLS SHOWN IN RED (INCLUDING THE TEMPORARY WELLS) ARE NOT EXPECTED TO BE RETAINED AS PART OF THE ROUTINE MONITORING NETWORK, SUBJECT TO PERMITTING PROCESS.
3. WELLS OUTSIDE THE PROPOSED COMPLIANCE BOUNDARY WILL NOT BE INCLUDED IN THE ROUTINE MONITOR WELL NETWORK, EXCEPT WELLS THAT ARE HYDRAULICALLY UPGRADIENT TO THE WASTE UNIT (E.G., G130)
4. AREAS INDICATED BY DIAGONAL BLACK LINES REPRESENT AREAS WHERE NEW MONITORING WELLS ARE LIKELY TO BE LOCATED, SUBJECT TO PERMITTING, AS CLOSE TO THE RELEVANT WASTE SOURCE AS POSSIBLE AND IN NO CASE BEYOND THE PROPOSED COMPLIANCE BOUNDARY. A COMPLIANCE WELL AS SET FORTH IN SECTION 811.318(B)(3) WILL BE LOCATED IN ONE OF THESE AREAS.

EXPLANATION	
	BRICKYARD PROPERTY BOUNDARY
	UNIT 1 WASTE BOUNDARY
	PROPOSED COMPLIANCE BOUNDARY
	MAXIMUM COMPLIANCE BOUNDARY (150m)
	EXISTING GMZ
	PERMITTED MONITORING WELL
	TEMPORARY WELL
	WELL NOT TO BE USED IN THE ROUTINE MONITORING NETWORK
	EVALUATION AREA FOR FUTURE WELL
	AREA OF EXTRANEOUS MATERIALS
	ZONE OF ATTENUATION
	TYPICAL GROUNDWATER FLOW DIRECTION

NO.	DATE	REVISIONS DESCRIPTION	BY

**ANDREWS ENGINEERING, INC.**  
 3300 Ginger Creek Drive, Springfield, IL 62711-7233  
 Tel (217) 787-2334 Fax (217) 787-9495  
 Pontiac, IL • Naperville, IL • Indianapolis, IN • Warrenton, MO  
 Professional Design Engineering and Land Surveying Firm #184-001541

APPROVED BY: BJH DESIGNED BY: BJH DRAWN BY: MPN

POTENTIAL ROUTINE MONITOR NETWORK SUBJECT TO IEPA PERMITTING

PLANS PREPARED FOR  
**BRICKYARD DISPOSAL & RECYCLING**  
 DANVILLE, ILLINOIS

DATE: AUGUST 2014  
 PROJECT ID: 1989-115A  
 SHEET NUMBER:  
**ILL 3**

**EXHIBIT A**

PROPOSED BOARD ORDER

Pursuant to Section 28.1 of the Act (415 ILCS 5/28.1) (2012) and Section 814.402(b)(3) of the Board's landfill regulations (35 Ill. Adm. Code 814.402(b)(3)), the Board grants Brickyard Disposal and Recycling, Inc. (Brickyard) an adjusted standard from the definition of "zone of attenuation" in 35 Ill. Adm. Code Section 810.103 and requirements of 35 Ill. Adm. Code Sections 811.318(b)(3) and 811.320(c). The adjusted compliance boundary and the designated zone of attenuation, as set forth below, are applicable to Brickyard's Unit I (permit 1981-24-DE, Site Number 1838040029) located at 601 Brickyard Road, Danville, Vermilion County.

1. The compliance boundary for Brickyard Unit I is adjusted to the line as shown in attached Figure 1, dated August 2014, which is 100 feet or less from the boundary of Brickyard Unit I or the identified area containing extraneous materials, whichever is relevant.
2. The definition of "zone of attenuation" from 35 Ill. Adm. Code 810.103 is modified as applied to Brickyard Unit I as follows:

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement in Brickyard Unit I from the volume resulting from a vertical plane drawn to the bottom of the uppermost aquifer as shown in the attached Figure 1, dated August 2014.

3. The provisions of 35 Ill. Adm. Code Section 811.318(b)(3) ("Standards for Location of Monitoring Points") are modified as follows:

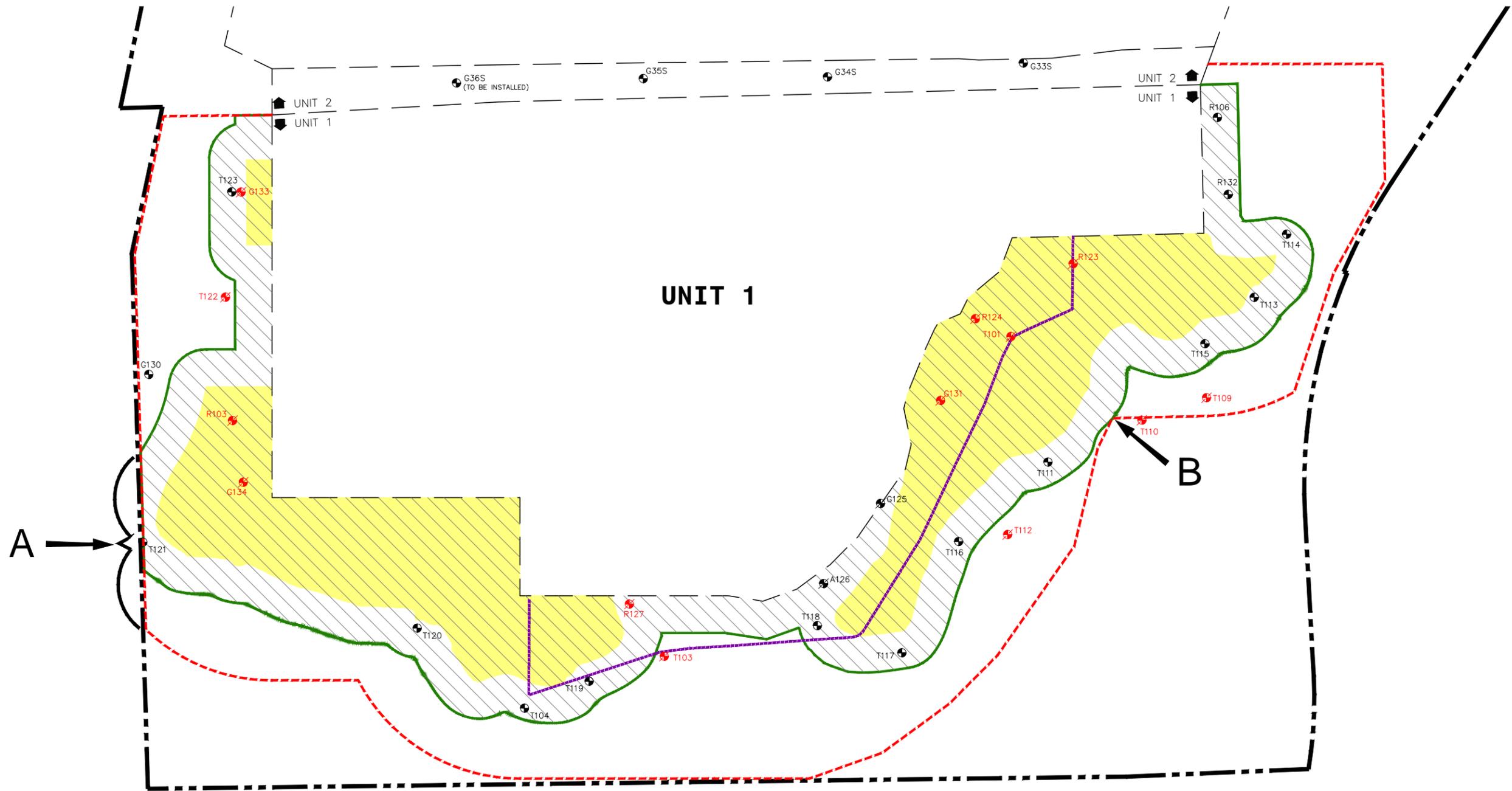
Monitoring wells shall be established as close as possible to the potential source, either the boundary of Brickyard Unit I or the identified area containing extraneous materials, within the zone of attenuation downgradient, with respect to groundwater flow, from the source.

4. The provisions of 35 Ill. Adm. Code Section 811.320(c)(1) ("Determination of the Zone of Attenuation") are modified as applied to Brickyard Unit I as follows:

The zone of attenuation, within which concentrations of constituents in leachate discharged from the unit may exceed the applicable groundwater quality standard of this Section, is a volume bounded by a vertical plane at the line shown in Figure 1, dated August 2014, attached hereto, extending from the ground surface to the bottom of the uppermost aquifer and excluding the volume occupied by the waste in Brickyard Unit I.

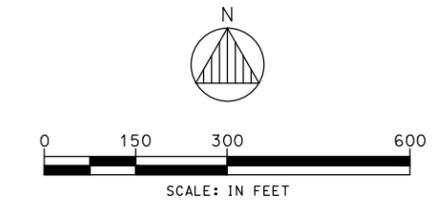
5. Within 90 days of the date of this Order, Brickyard shall submit a significant permit modification to the Agency for a groundwater monitoring well network for Brickyard Unit I consistent with the relief granted herein.
6. Within 12 months of the date of this Order, Brickyard shall complete installation of the final groundwater monitoring well network following the permitting process through a significant modification permit application.
7. Within 12 months of the date of this Order, Brickyard shall complete placement of additional cover to those areas identified in the Cover Plan, Pet. Exh. C., and as otherwise determined necessary during cover placement operations. The Construction Certification Report shall be submitted to the Illinois EPA within 60 days of completion of cover placement.
8. Any releases indicated by the groundwater monitoring network shall be subject to 35 Ill. Adm. Code Part 811 and/or 814 as applicable and appropriate.

J:\1989\89-115A (Brickyard)\DWG\2014\FIGURES\LL-FIGURES\Revision 1\LL3.dwg Tab: EXH-1 Last Saved: August 27, 2014, by Mike Nguyen Plotted: Wednesday, August 27, 2014 8:35:36 AM



**NOTES:**

1. THE AS 14-3 COMPLIANCE BOUNDARY IS 100 FEET FROM EITHER THE UNIT 1 WASTE UNIT BOUNDARY OR FROM THE EDGE OF THE EXTRANEIOUS MATERIALS, AS RELEVANT, EXCEPT WHERE IT IS LESS THAN 100 FEET AT:  
  
ARROW A: LIMITED BY PROPERTY BOUNDARY PER SECTION 814.402(B)(3)(H).  
ARROW B: LIMITED BY 150 METER COMPLIANCE BOUNDARY MAXIMUM PER SECTION 814.402(B)(3)(I).
2. THE AS 14-3 ZONE OF ATTENUATION IS A THREE DIMENSIONAL REGION RESULTING FROM A VERTICAL PLANE DRAWN TO THE BOTTOM OF THE UPPERMOST AQUIFER AS DEPICTED BY THE DIAGONAL LINE ON THE FIGURE 1 MAP.
3. EXISTING PERMITTED WELLS SHOWN IN BLACK (INCLUDING SOME EXISTING TEMPORARY WELLS) ARE EXPECTED TO BE RETAINED AS PART OF THE ROUTINE MONITORING NETWORK, SUBJECT TO IEPA PERMITTING. NEW ROUTINE MONITOR WELLS WILL BE LOCATED AS CLOSE TO THE RELEVANT WASTE SOURCE AS POSSIBLE, SUBJECT TO IEPA PERMITTING, BUT WITHIN THE COMPLIANCE BOUNDARY, EXCEPT THOSE THAT ARE HYDRAULICALLY UPGRADIENT TO THE UNIT 1 WASTE UNIT.



EXPLANATION	
	BRICKYARD PROPERTY BOUNDARY
	UNIT 1 WASTE BOUNDARY
	PROPOSED COMPLIANCE BOUNDARY
	MAXIMUM COMPLIANCE BOUNDARY (150m)
	EXISTING GMZ
	PERMITTED MONITORING WELL
	TEMPORARY WELL
	WELL NOT TO BE USED IN THE ROUTINE MONITORING WELL NETWORK
	AREA OF EXTRANEIOUS MATERIALS
	ZONE OF ATTENUATION

NO.	DATE	DESCRIPTION	BY

**ANDREWS ENGINEERING, INC.**  
 3300 Ginger Creek Drive, Springfield, IL 62711-7233  
 Tel (217) 787-2334 Fax (217) 787-9495  
 Pontiac, IL • Naperville, IL • Indianapolis, IN • Warrenton, MO  
 Professional Design Engineering and Land Surveying Firm #184-001541

APPROVED BY: BJH DESIGNED BY: BJH DRAWN BY: MPN

AS 14-3 COMPLIANCE BOUNDARY, ZONE OF ATTENUATION AND ROUTINE WELL MONITOR NETWORK

PLANS PREPARED FOR  
**BRICKYARD DISPOSAL & RECYCLING**  
 DANVILLE, ILLINOIS

DATE: AUGUST 2014  
 PROJECT ID: 1989-115A  
 SHEET NUMBER:  
**FIGURE 1**

CERTIFICATE OF SERVICE

I, William D. Ingersoll, certify that I have this date served the attached Notice of Filing and Petitioner's Response to IEPA Recommendation, by means described below, upon the following persons:

To: Pollution Control Board, Attn: Clerk  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601-3218  
(Via Electronic Filing)

Kyle N. Davis, Esq.  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(Via First-Class Mail)

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
(Via First-Class Mail)

Dated: August 27, 2014

**BROWN, HAY & STEPHENS, LLP**

Claire A. Manning  
William D. Ingersoll  
cmanning@bhslaw.com  
wingersoll@bhslaw.com  
205 S. Fifth Street, Suite 700  
P.O. Box 2459  
Springfield, IL 62705-2459  
(217) 544-8491

By:           /s/William D. Ingersoll