

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ARNOLD MAGNETIC TECHNOLOGIES,)	
)	
Petitioner,)	PCB
)	Water – Ninety Day Extension
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached Certificate of Service

PLEASE TAKE NOTICE THAT I have today filed with the Office of the Clerk of the Pollution Control Board the attached *APPEARANCE* of the Petitioner, Arnold Magnetic Technologies, and *JOINT REQUEST FOR EXTENSION OF TIME PERIOD TO APPEAL PERMIT NO. 2011-EQ-1001* of both the Petitioner and Respondent, copies of which are attached hereto and herewith served upon you.

Dated: March 17, 2016

Respectfully submitted,

BRYAN CAVE LLP

/s/ Thor W. Ketzback
Thor W. Ketzback, ARDC # 229578
thor.ketzback@bryancave.com

Erin L. Brooks, ARDC # 6311005
erin.brooks@bryancave.com

161 N. Clark St., Suite 4300
Chicago, IL 60601
(312) 602-5000

*Attorneys for Petitioner Arnold
Magnetic Technologies*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

APPEARANCE

I, Thor W. Ketzback, hereby file my appearance in this proceeding on behalf of the Petitioner, Arnold Magnetic Technologies.

Dated: March 17, 2016

Respectfully submitted,

BRYAN CAVE LLP

/s/ Thor W. Ketzback
Thor W. Ketzback, ARDC # 229578
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*Attorneys for Petitioner Arnold
Magnetic Technologies*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS ENVIRONMENTAL)	
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)	
Respondent.)	

**JOINT REQUEST FOR EXTENSION OF TIME PERIOD
TO APPEAL PERMIT NO. 2011-EQ-1001**

NOW COMES the Petitioner, ARNOLD MAGNETIC TECHNOLOGIES (“Petitioner”), by and through its undersigned counsel, and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through one of its attorneys, and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/40(a)(1)) and the Illinois Pollution Control Board’s (“Illinois PCB”) procedural rules at 35 Ill. Adm. Code 105.206, 105.208, hereby respectfully request that the Illinois PCB grant an additional ninety (90) day extension of the thirty-five (35) day period to petition for an appeal of Permit No. 2011-EQ-1001. In support thereof, the Petitioner and Illinois EPA state as follows:

1. On February 19, 2016, the Illinois EPA issued a final determination of the Permit No. 2011-EQ-1001 to the Petitioner. *See* IL0028088 permit attached as Exhibit A.
2. On February 22, 2016, the Petitioner was served the aforementioned final determination referenced in paragraph 1.
3. Pursuant to 35 Ill. Adm. Code 105.206, the Petitioner currently has until March 28, 2016, to file an appeal of the Illinois EPA’s final determination on the permit.
4. On March 8, 2016, Petitioner made a written request to the Illinois EPA asking

that the thirty-five (35) day period for an appeal be extended for an additional ninety (90) days. See Petitioner's request letter attached as Exhibit B.

5. The additional time requested by the parties may eliminate the need for an appeal in this matter or, in the alternative, allow the parties to identify and limit the issues to be addressed at any appeal hearing that may be necessary to resolve this matter.

6. Respondent has reviewed the request for a ninety (90) day extension of the appeal period and agrees with the contents of the request. See Respondent's consent letter attached as Exhibit C.

7. Respondent and Petitioner agree to stay the effectiveness of the denial of the Permit No. 2011-EQ-1001 unless and until a final order is entered by the Board.

WHEREFORE, for the above reasons, the parties respectfully request that the Illinois PCB grant a ninety (90) day extension of the thirty-five (35) day period to petition for any appeal of the Permit No. 2011-EQ-1001 up to and including June 27, 2016.

Dated: March 17, 2016

Respectfully submitted,

BRYAN CAVE LLP

Chicago, IL 60611

/s/ Thor W. Ketzback

Thor W. Ketzback, ARDC # 229578

thor.ketzback@bryancave.com

Erin L. Brooks, ARDC # 6311005

erin.brooks@bryancave.com

161 N. Clark St., Suite 4300

Chicago, IL 60601

(312) 602-5000

Attorneys for Petitioner Arnold Magnetic Technologies

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Christine Zeivel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Ave. East
Springfield, IL 62794-9276
Telephone: (217) 524-1624

CERTIFICATE OF SERVICE

Thor W. Ketzback, counsel for Arnold Magnetic Technologies herein certifies that he has served copies of the foregoing *Appearance* and *Joint Request for Extension of Time Period to Appeal NPDES Permit No. IL0028088* upon:

Christine Zeivel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Ave. East
Springfield, IL 62794-9276
Telephone: (217) 524-1624

by causing to be mailed true copies thereof to the above address in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail at Chicago, Illinois on March 17, 2016.

/s/ Thor W. Ketzback

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 1001-10

PERMIT NO.: 2011-EO-1001

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS

DATE ISSUED: January 12, 2011

PREPARED BY: Arnold Magnetic Technologies

SUBJECT: ARNOLD ENGINEERING CORPORATION (MARENGO FACILITY) - Wastewater Treatment and Recycle System - McHenry County

PERMITTEE TO OPERATE

Arnold Magnetic Technologies - Arnold Engineering
300 North West Street
Marengo, Illinois 60152

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

Wastewater treatment and recycle system consisting of a series of four ponds (ponds #1-4) of 3 million gallon total capacity, one extended aeration activated sludge treatment plant with a rated capacity of 30,000 gpd tributary to Pond#1, one diked percolation field and all pumps, piping and appurtenances necessary to treat sanitary wastewater, cooling water and process wastewater (an average of 163,030 gpd, and a maximum of 217,333 gpd). Treated wastewater from the four ponds (Ponds #1-4) will either be recycled back to plant operations or discharged to the percolation field via an industrial ditch.

This operating permit expires on December 31, 2015.

This operating permit renews and replaces permit number 2006-EO-0690 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: All sludges generated on-site shall be transported for disposal at an Illinois Environmental Protection Agency permitted facility using the Agency's Supplemental Permit and manifest system in accordance with the Environmental Protection Act. If the sludge is a hazardous waste, the generator must comply with all applicable requirements of 35 Ill. Adm. Code Parts 702, 703, 705 and 720 to 725.

SPECIAL CONDITION 2: This Permit is issued with the expressed understanding that there shall be no surface discharge from these facilities. If such discharge occurs, additional or alternate facilities shall be provided. The construction of such additional or alternate facilities may not be started until a Permit for the construction is issued by this Agency.

SPECIAL CONDITION 3: The operation of the treatment facilities must be under the direct and active field supervision of

Page 1 of 2

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

SAK:SMT:1001-10.docx

DIVISION OF WATER POLLUTION CONTROL

cc: EPA-Peoria FOS
Arnold Magnetic Technologies
Records - Industrial
Binds


Alan Keller, P.E.
Manager, Permit Section

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 1001-10

PERMIT NO.: 2011-EO-1001

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS

DATE ISSUED: January 12, 2011

PREPARED BY: Arnold Magnetic Technologies

SUBJECT: ARNOLD ENGINEERING CORPORATION (MARENGO FACILITY) - Wastewater Treatment and Recycle System - McHenry County

a certified industrial treatment plant operator in accordance with the State of Illinois Rules and Regulations, Title 35, Subtitle C, Chapter 1, Part 312.

SPECIAL CONDITION 4: Monitoring and Reporting Requirements – The discharge to the percolation pond shall not exceed the Class I Groundwater Standards.

A. Samples shall be collected of the treated wastewater at a point representative of the discharge from Pond #4 (final stage) but prior to entry into the ditch tributary to the percolation field. Monthly samples shall also be collected from the monitoring wells identified in the permit application as MW-1, MW-2, MW-3, MW-A4, MW-A5, MW-A6, MW-A7, and MW-A8. All samples shall be analyzed for the following parameters:

Parameter	Sample Type	Frequency	Class I Groundwater Quality Standards
1.1.1 - Trichloroethane, mg/l	Grab	Once/Month	0.2 mg/l
Tetrachloroethylene, mg/l	Grab	Once/Month	0.005 mg/l
Trichloroethylene, mg/l	Grab	Once/Month	0.005 mg/l
Total Dissolved Solids, mg/l	Grab	Once/Month	1,200 mg/l
Nickel, mg/l	Grab	Once/Month	0.1 mg/l
pH	Grab	Once/Month	6.5 - 9.0 SU
Ammonia Nitrogen	Grab	Once/Month	Monitoring Only
Nitrate	Grab	Once/Month	10 mg/l

B. Flow rate from Pond #4 to the ditch tributary to the percolation field shall be recorded, in million gallons per day, as a daily maximum and monthly average.

C. Monitoring shall be conducted according to test procedures approved in 40 CFR 136 or other Agency approved methods. The monitoring results and flow data shall be tabulated and submitted to the Agency on a semi-annual basis (May and November of each year) to the following addresses:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Illinois Environmental Protection Agency
DWPC - Des Plaines Region
9511 W. Harrison
Des Plaines, Illinois 60016

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 1629-11

PERMIT NO.: 2011-EO-1001-2

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS

DATE ISSUED: May 11, 2011

PREPARED BY: Arnold Magnetic Technologies

SUBJECT: ARNOLD ENGINEERING CORPORATION (MARENGO FACILITY) - Wastewater Treatment and Recycle System - McHenry County

PERMITTEE TO OPERATE

Arnold Magnetic Technologies - Arnold Engineering
300 North West Street
Marengo, Illinois 60152

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 Permits #2011-EO-1001 dated January 12, 2011 and #2011-EO-1001-1 dated March 31, 2011. Special Condition 4 has been revised below:

SPECIAL CONDITION 4: Monitoring and Reporting Requirements – The discharge to the percolation pond shall not exceed the Class I Groundwater Standards.

A. Samples shall be collected of the treated wastewater at a point representative of the discharge from Pond #4 (final stage) but prior to entry into the ditch tributary to the percolation field. All samples shall be analyzed for the following parameters:

Parameter	Sample Type	Frequency	Class I Groundwater Quality Standards
Total Residual Chlorine	Grab	Once/Month	No Standard
Nickel	Grab	Once/Month	0.1 mg/l
pH	Grab	Once/Month	6.5 - 9.0 SU

B. Flow rate from Pond #4 to the ditch tributary to the percolation field shall be recorded, in million gallons per day, as a daily maximum and monthly average.

C. Monitoring shall be conducted according to test procedures approved in 40 CFR 136 or other Agency approved methods. The monitoring results and flow data shall be tabulated and submitted to the Agency on a semi-annual basis (May and November of each year) to the following addresses:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
1021 North Grand Avenue East

Illinois Environmental Protection Agency
DWPC - Des Plaines Region
9511 W. Harrison
Des Plaines, Illinois 60016

Page 1 of 2

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

SAK:SMT:1629-11.docx

DIVISION OF WATER POLLUTION CONTROL

cc: EPA-Peoria FOS
Arnold Magnetic Technologies
Records - Industrial
Binds


Alan Keller, P.E.
Manager, Permit Section

Electronic Filing - Received, Clerk's Office : 03/17/2016 - * * * PCB 2016-097 * * *
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 1629-11

PERMIT NO.: 2011-EO-1001-2

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS

DATE ISSUED: May 11, 2011

PREPARED BY: Arnold Magnetic Technologies

SUBJECT: ARNOLD ENGINEERING CORPORATION (MARENGO FACILITY) - Wastewater Treatment and Recycle
System - McHenry County

Post Office Box 19276
Springfield, Illinois 62794-9276

This operating permit expires on December 31, 2015.

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.

**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.



BRYAN CAVE LLP 161 North Clark Street, Suite 4300, Chicago, IL 60601-3315

T: 312.602.5000 F: 312.602.5050 bryancave.com

March 8, 2016

Thor W. Ketzback

Partner

Direct: 312/602-5111

Fax: 312/698-7511

thor.ketzback@bryancave.com

VIA E-MAIL AND US MAIL

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

Re: Arnold Magnetic Technologies (Marengo); Permit Log: 2015-60605

Dear Mr. Keller:

With this letter, Arnold Magnetic Technologies (“Arnold” or the “Company”) requests an extension of time to petition for a hearing regarding the Illinois Environmental Protection Agency’s (“Illinois EPA”) denial of a renewal application with the above-referenced permit log number (relating to the renewal of the Company’s January 12, 2011 permit to operate; permit number 2011-EQ-1001) pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act and Sections 35 IAC 105.206 and 105.208 of Illinois Pollution Control Board’s Procedural Rules.

Illinois EPA issued a denial of Arnold’s application for a renewal permit on February 19, 2016. On February 22, 2016, Arnold received Illinois EPA’s letter formally announcing its final decision to deny the Company’s application to renew the permit to operate. Arnold seeks a 90-day extension of the initial period to appeal this decision.

Bryan Cave LLP

Alan Keller, P.E.
March 8, 2016
Page 2

Please call me if you have any questions or require further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thor W. Ketzback". The signature is fluid and cursive, with a large, stylized initial "T" and "K".

Thor W. Ketzback

TWK:lac

cc: Christine Zeivel (Christine.Zeivel@illinois.gov)
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 782-5544

March 15, 2016

Mr. Thor W. Ketzbach
Brian Cave LLP
161 North Clark Street, Suite 4300
Chicago, IL 60601

Re: Joint Request for Extension of Time of Appeal Period
Arnold Magnetic Technologies; Permit Log No. 2015-60605

Dear Mr. Ketzbach:

Please allow this letter to serve as written evidence that the Agency joins in the Petitioner's request for a 90-day extension of time pursuant to 35 Ill. Adm. Code § 105.208(c).

Sincerely,

A handwritten signature in cursive script that reads "Christine Zeivel".

Christine Zeivel
Assistant Counsel
Division of Legal Counsel