

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 15 2004

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PETITION OF JOHNS MANVILLE)
FOR AN ADJUSTED STANDARD FROM)
35 ILL.ADM. CODE PART 814, §§ 811.310,)
811.311, 811.318)

AS 04-04
(Adjusted Standard-Land)

NOTICE OF FILING

To: Attached Service List

Please take notice that on July 15, 2004, Johns Manville has filed the attached appearance (pursuant to 35 Ill.Adm.Code § 101.400), and the attached Publisher's Certificate (pursuant to 35 Ill.Adm.Code § 104.410) with the Illinois Pollution Control Board in the above-captioned proceedings, copies of which are hereby served upon you.

Johns Manville, Petitioner.

By: Edward P. Kenney
One of Its Attorneys

Edward P. Kenney
Sidley Austin Brown & Wood LLP
Bank One Plaza
10 South Dearborn Street
Chicago, Illinois 60603
(312) 853-7000

Dated: July 15, 2004

JUL 15 2004

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Annexed Notice

Notice of Petition by Johns Manville for an Adjusted Standard before the Illinois Pollution Control Board

Johns Manville, a Delaware corporation, which owns a former manufacturing plant located at 1871 North Pershing Road, Waukegan, Illinois in Lake County has filed a Petition for an Adjusted Standard before the Illinois Pollution Control Board, pursuant to Section 28.1 of the Illinois Environmental Protection Act, 415 ILCS Section 5/28.1, and 35 Ill. Adm. Code Sections 104.400 et seq. This petition was filed with the Pollution Control on June 30, 2004, and has been assigned Docket Number AS 04-04 by the Pollution Control Board. Johns Manville formerly operated a manufacturing plant on the property, which ceased operations in 1998. Johns Manville also operated an on-site landfill that received nonhazardous, non asbestos-containing solid wastes generated from its own on-site manufacturing activities while the plant was operating. The proposed adjusted standard would apply to certain specific requirements contained in the Illinois Pollution Control Board's land pollution control regulations relating to landfill gas collection and monitoring and groundwater monitoring. Specifically, JM seeks adjusted standards to 35 Ill. Adm. Code part 814, which incorporates 35 Ill. Adm. Code Sections 811.310, 811.311 and 811.318. The adjusted standard would assist in the efficiency of final closure of the landfill by JM. The proposed adjusted standard would address the frequency of landfill gas monitoring, and the location of landfill gas and groundwater monitoring wells. The proposed text of the adjusted standards is as follows:

"In lieu of compliance with 35 Ill. Adm. Code 811.310(c)(1) as applied to the On-Site Landfill at its facility in Waukegan, Illinois, Johns Manville shall operate all gas monitoring devices, including the ambient air monitors, such that samples will be collected on a semi-annual basis for a period of five years following approval of this adjusted standard. If, at the end of five years, the requirements for implementing a Landfill Gas Collection System (35 Ill. Adm. Code 811.311) are not met, no further monitoring will be conducted."

"In lieu of compliance with 35 Ill. Adm. Code 811.311(a)(1) as applied to the On-Site Landfill at its facility in Waukegan, Illinois, Johns Manville shall install a gas management system if a methane concentration greater than 50 percent of the lower explosive limit in air, is detected below the ground surface by a monitoring device or is detected by an ambient air monitor located at 200 feet from the edge of the unit or the property line, whichever is less."

"In lieu of compliance with 35 Ill. Adm. Code 811.318(b)(4) as applied to the On-Site Landfill at its facility in Waukegan, Illinois, Johns Manville shall install groundwater monitoring wells at a distance of no more than 200 feet from the edge of the unit or the property line, which ever is less. Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the adjusted standard proceeding, as found in this notice, and must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. #01288 7/7

STATE OF ILLINOIS
Pollution Control Board
Publisher's Certificate

THIS IS TO CERTIFY that the notice, a true copy of which is hereto annexed, was published in The News-Sun a secular newspaper of general circulation in the County of Lake and State of Illinois, published daily except Sunday in the City of Waukegan, Lake County and State of Illinois by Fox Valley Publications, Inc., a corporation organized and existing under the laws of the

State of Illinois, 1 times, the 02 day

of Jul A.D. 2004; said paper being authorized by law as a proper medium for the publication of legal notices in said county. The publisher does further certify that said News-Sun is a newspaper (a) which consists of not less than four (4) pages of printed matter and contains at least 130 square inches of printed matter per page; and (b) which is printed through the use of one of the conventional and generally recognized printing processes as defined by statute; and (c) which annually averages at least 25% news content per issue or which annually averages at least 1000 column inches of news content per issue, the term "news content" meaning any printed matter other than advertising; and (d) which publishes miscellaneous reading matter, legal or other announcements and notices, and news and information concerning current happenings and passing events of a political, social, religious, commercial, financial or legal nature, and advertisements or bulletins; and (e) which has been continuously published at regular intervals of at least once each week with a minimum of 50 issues per year for at least one year prior to the first publication of the annexed notice.

IN WITNESS WHEREOF said Fox Valley Publications, Inc., publisher aforesaid, has hereunto caused its corporate

name to be hereunto affixed on this the 08 day of

Jul A.D. 2004 by its duly authorized officer or agent.

FOX VALLEY PUBLICATIONS, INC.

By Richard D. Orlando
its PUBLISHER

Publication Fee \$ 134.93

Received payment of above fee of \$

Ac/ 303 808 22 79999

CERTIFICATE OF SERVICE

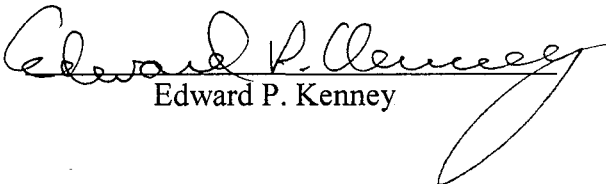
The undersigned, an attorney, hereby certifies that he caused the foregoing notice appearance, and certificate of publication to be served upon:

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

Peter Orlinsky
Assistant Counsel, Northern Region
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

Elizabeth Wallace
Assistant Attorney General, Environmental Law
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601

by placing the same in the United States mail, first-class postage prepaid, this 15th day of July, 2004.


Edward P. Kenney

CHI 2998156v1 July 15, 2004 (12:18pm)