

~~ORIGINAL~~

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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CLERK'S OFFICE

OCT 06 2003

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF ROBBINS and,)
ALLIED WASTE)
TRANSPORTATION, INC.,)
) Petitioner,)
) v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
) Respondent.)

PCB No. 04-48
(Permit Appeal - Ninety Day Extension)

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: October 2, 2003

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 STATE OF ILLINOIS
 Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD
 OF THE STATE OF ILLINOIS**

VILLAGE OF ROBBINS and,)
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 TRANSPORTATION, INC.,)
 Petitioner,)
 v.)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
 Respondent.)

PCB No. 04- 48
 (Permit Appeal – Ninety Day Extension)

**REQUEST FOR NINETY DAY EXTENSION
 OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to December 31, 2003, or any other date not more than a total of one hundred twenty-five (125) days from the date of service of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On August 28, 2003, the Illinois EPA issued a final decision to the Petitioner. (Exhibit A)
2. On September 19, 2002, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA join in requesting that the Board extend the thirty-five day period for filing a petition to ninety days. The Petitioner did not represent when the final decision was received. (Exhibit B)

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
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217/782-5544
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Dated: October 2, 2003



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/524-3300

August 28, 2003

Certified Mail

7002 3150 0000 1219 7929

7002 3150 0000 1219 7912

Village of Robbins
Attn: Irene Brody
3327 West 137th Street
Robbins, Illinois 60472

Allied Waste Transportation, Inc.
Attn: Steve Smith
13701 South Kostner
Crestwood, Illinois 60445

Re: 0312700001 - Cook County
Robbins Resource Recovery
Log No. 2003-161
Permit File

Dear Ms. Brody:

This will acknowledge receipt of your Application for Permit to modify a solid waste management site, dated May 6, 2003, which was received by the Illinois Environmental Protection Agency ("Illinois EPA") on May 7, 2003. The following Addendums to the application were also received and reviewed as part of the application:

<u>Document</u>	<u>Dated</u>	<u>Date Received</u>
Copies of the Siting Resolutions	May 12, 2003	May 12, 2003
Request for Extension/Waiver	June 27, 2003	June 27, 2003
Response to Notice of Deficiency	July 10, 2003	July 11, 2003

Your application to develop and operate a recycling and waste transfer station on a portion of the former Robbins Resource Recovery facility is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act (Act). Section 39(a) of the Act (415 ILCS 5/1 et seq.) requires the Illinois EPA to provide the applicant with specific reasons for the denial of permit. In accordance with 35 Ill. Adm. Code 807.207, the Illinois EPA cannot issue the permit for the following reasons:

1. The applicant failed to submit sufficient documentation that the facility has obtained local siting approval to conduct a waste transfer facility and receive special waste. This information was required in accordance with 35 Illinois Administrative Code (IAC) 807.205(b). This section requires the applicant to submit such additional information as is reasonably necessary to determine whether the waste management activities will meet

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the requirements of the Act and regulations. Section 39(c) of the Act prohibits the Illinois EPA from granting a development permit to a new pollution control facility unless the applicant submits proof that the location has been approved in accordance with Section 39.2 of the Act.

2. The applicant proposed to conduct waste management activities outside the proposed new solid waste management site. Site security, access control and waste receipt/processing are activities involving the storage and transfer of waste. 35 Ill. Adm. Code 807.201 states no person shall cause or allow the development of any new solid waste management site without a development permit issued by the Illinois EPA.
3. In accordance with 35 Ill. Adm. Code 802.205(a), the applicant failed to:
 - a. demonstrate the capacity of the containment system is sufficient to collect releases and accumulated liquids in order to prevent the migration of waste or accumulated liquids to the soil, groundwater or surface water at any time during its use to insure a violation of 21(a) of the Act does not occur;
 - b. provide procedures for detecting and managing unacceptable wastes which may arrive mixed in waste shipments to insure compliance with Sections 22.22, 22.23, 22.28, 56.1, 55(a), 21(e) and 21(f) of the Act;
 - c. provide a copy of Allied's Special Waste reference guide. This guide details the type, time and frequency of testing to be performed on wastes used in the solidification process to insure the facility operator can properly treat the waste and to ensure the resulting treated waste will meet the condition for disposal at an off-site facility in accordance with Section 21(d) the Act;
 - d. indicate that records of the amount of waste received and transferred are maintained in their operating record in accordance with 21(d) of the Act;
 - e. provide detailed information on the design of a water vapor/misting system for odor control necessary to evaluate and permit the development and operation of the system in accordance with Section 21(d) of the Act; and
 - f. identify the parameters tested in Section V of their generator waste profile sheet to insure compliance with Section 21(d) of the Act.

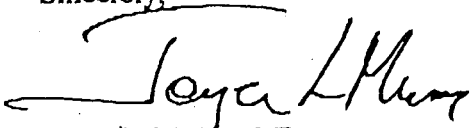
Because of the deficiencies described above issuance of this permit would result in violations of 35 Ill. Adm. Code, Sections 807.201, 807.202, 807.205, 807.207, and Sections 21(d)(2), 21(e), 39(a) and 39(c) of the Act.

Within 35 days after notification of the final permit decision the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

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Should you wish to reapply or have any questions regarding this application, please contact Mark A. Schollenberger, P.E., at 217/524-3307.

Sincerely,



Joyce L. Mumme, P.E.
Manager, Permit Section
Bureau of Land

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cc: Kenneth J. Karl, EMCON/OWT, Inc.

HINSHAW & CULBERTSON
ATTORNEYS AT LAW

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CHAMPAIGN, ILLINOIS
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MILWAUKEE, WISCONSIN

WRITER'S DIRECT DIAL
815-490-4906

FILE NO. 820753

September 19, 2003

CERTIFIED MAIL RETURN RECEIPT

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

RECEIVED
Division of Legal Counsel
SEP 23 2003
Environmental Protection
Agency

Re: Robbins Resource Recovery (Log No. 2003-161)
Permit File: 0312700001-Cook County

Dear John:

As you know, on August 28, 2003, the Illinois Environmental Protection Agency ("Illinois EPA") denied the Application for Permit to modify the above-mentioned solid waste management site. A copy of that letter is attached hereto. The Applicants herein have directed me to request an extension of the deadline for Petition for Further Review of Illinois EPA's decision to the Illinois Pollution Control Board for a period of time not to exceed 90 days.

Please advise if the Agency will execute such a request for extension of the time period in which to appeal this matter to the Board.

Very truly yours,

HINSHAW & CULBERTSON

By: 

Charles F. Helsten

CFH:jml

cc: William Mansker
Steve Smith


CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 2, 2003, I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Charles F. Helsten
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