

ILLINOIS POLLUTION CONTROL BOARD

June 16, 2005

IN THE MATTER OF: )  
)  
PETITION OF THE VILLAGE OF ) AS 05-2  
BENSENVILLE FOR AN ADJUSTED ) (Adjusted Standard – Water)  
STANDARD FROM 35 ILL. ADM. CODE )  
620.410 REGARDING CHLORIDE AND )  
LEAD )

ORDER OF THE BOARD (by A.S. Moore):

On January 3, 2005, the Village of Bensenville (Bensenville) filed a petition for an adjusted standard from the Board's Class I chloride and lead groundwater quality standards for Bensenville's closed landfill site, which is located in Bensenville, DuPage County. On March 4, 2005, Bensenville filed an amended petition to address informational deficiencies in the original petition. On June 3, 2002, Bensenville filed a second amended petition, withdrawing its request for relief from the lead standard. In this order, the Board finds that the second amended petition meets the content requirements of the Board's procedural rules and directs the Illinois Environmental Protection Agency (Agency) to file its recommendation.

In its original petition seeking less stringent standards, Bensenville sought relief from the Class I or potable resource groundwater quality standards at 35 Ill. Adm. Code 620.410(a) for both chloride and lead. According to Bensenville, the landfill site is currently used as a public golf course. Bensenville has represented that it requires an adjusted standard to be able to receive certification from the Agency that post-closure care monitoring at the landfill is complete.

On January 20, 2005, the Board issued an order finding that Bensenville had satisfied the requirement of newspaper notice for adjusted standard petitions under the Environmental Protection Act (415 ILCS 5/28.1 (2002)), a prerequisite to the Board having jurisdiction over this proceeding. In addition, the Board granted Bensenville's motion for expedited review. However, the Board's January 20, 2005 order also identified several informational deficiencies in Bensenville's original petition and directed Bensenville to file an amended petition to cure them.

On March 4, 2005, Bensenville filed the amended petition. In a March 17, 2005 order, the Board found that the amended petition addressed the identified informational deficiencies. On June 3, 2005, Bensenville filed a second amended petition.<sup>1</sup> Bensenville states that the most significant difference between its amended petition and its second amended petition is that the latter contains the "withdrawal of Bensenville's request for an adjusted standard related to lead." 2d Am. Pet. at 1.

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<sup>1</sup> The Board cites the second amended petition as "2d Am. Pet. at \_."

Bensenville explains its reasoning for no longer seeking relief from the lead standard:

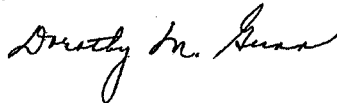
At the time Bensenville filed its original petition[,] current groundwater sampling data indicated that the groundwater quality standard for lead was not being exceeded. Because of past exceedences, Bensenville included relief for lead solely to provide additional support for its request for certification of release from post closure care . . . . Yet after further review of the data, Bensenville determined that regulatory relief regarding lead is not necessary and that the request for this relief complicated its petition regarding chloride. 2d Am. Pet. at 1-2.

Bensenville further states that it “conditionally waives” a hearing, adding that Bensenville “reserves the right to a hearing if the Agency chooses to recommend denial.” *Id.* at 28.

The Board finds that the second amended petition satisfies the adjusted standard petition content requirements of the Board’s procedural rules. *See* 35 Ill. Adm. Code 104.406. The Agency must file its recommendation within 30 days after being served with Bensenville’s second amended petition. Bensenville, in turn, will have 14 days after being served with the Agency’s recommendation to file a response. Lastly, consistent with this order, the Board will amend the caption of this proceeding, deleting from the caption the words “and lead.” Future filings should reflect this amendment.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 16, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board