



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Jim Ryan
ATTORNEY GENERAL

October 6, 1995

PCB 96-76

Dorothy Gunn, Clerk
Illinois Pollution Control Board
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

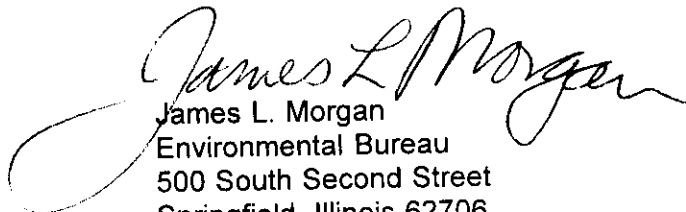
Re: People of the State of Illinois v. Chemetco, Inc.

Dear Ms. Gunn:

Enclosed for filing please find the original and ten copies of NOTICE OF FILING and COMPLAINT relative to the above captioned matter. Please file the original and return a file-stamped copy to our office in the enclosed self-addressed stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,


James L. Morgan
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

JLM/bd
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
MADISON COUNTY, ILLINOIS

RECEIVED
MAY 11 1995
POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 CHEMETCO, INC.,)
)
 Respondent.)

PCB NO. 96-76

NOTICE OF FILING

To: Thomas McRaven
Registered Agent
Chemetco, Inc.
State Highway 3
Hartford, Illinois 62048

George Von Stamwitz
Armstrong, Teasdale, Schafly & Davis
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740

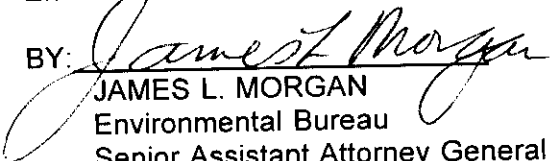
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the
Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached
hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: 
JAMES L. MORGAN
Environmental Bureau
Senior Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031

Dated: April 6, 1995
chemetco/bd

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MADISON COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 CHEMETCO, INC.,)
)
 Respondent.)

PCB NO. 96-76

COMPLAINT

NOW COMES the complainant, PEOPLE OF THE STATE OF ILLINOIS, by James E. Ryan, Attorney General of the State of Illinois, and complaining of the respondent, CHEMETCO, INC., states as follows:

COUNT I

1. The Attorney General initiated this action in the name of the People of the State of Illinois on his own motion and at the request of the Illinois Environmental Protection Agency (hereinafter, the "Agency").

2. The Agency was created pursuant to the Illinois Environmental Protection Act (hereinafter, the "Act"), 415 ILCS 5/1, et seq.(1994). Pursuant to Section 4 of the Act, 415 ILCS 5/ 4 (1994)the Agency is charged with the duty, inter alia, of enforcing the Act, including in proceedings before the Pollution Control Board (hereinafter, the "Board") pursuant to Title of the Act, 415 ILCS 5/30-34 (1994).

3. This Complaint is brought pursuant to Section 31(a) of the Act, 415 ILCS 5/31(a) (1994), after the Agency provided the respondent with notice of the alleged violations

3. This Complaint is brought pursuant to Section 31(a) of the Act, 415 ILCS 5/31(a) (1994), after the Agency provided the respondent with notice of the alleged violations of the Act and with the opportunity for a meeting pursuant to Section 31(d) of the Act, 415 ILCS 5/31(d) (1994).

4. Respondent Chemetco, Inc. ("Chemetco"), is a Delaware Corporation authorized to do business in Illinois.

5. Chemetco owns and operates a secondary copper smelter.

6. Chemetco's smelter is located on approximately 12 acres in the Southeast Quarter, Section 16, Township 4 North, Range 9 West near Hartford, Madison County, Illinois.

7. On January 22, 1991, Chemetco submitted to the Agency for its approval closure and post-closure plans for three hazardous waste disposal surface impoundments (the zinc oxide pits, the floor washwater impoundment, and the cooling water canals) and several other units.

8. On April 19, 1991, the Agency issued its conditional approval of Chemetco's January 22, 1991 closure and post-closure plans. Said approval is attached hereto as Exhibit A and incorporated herein by reference.

9. The Agency approval incorporated the following condition:

"Chemetco shall implement the following corrective action program which controls the flow of groundwater in the perched and upper regional aquifers beneath the facility. This corrective action must ensure that concentrations of contaminants above Agency established cleanup objectives do not migrate beyond the point of compliance as defined in the approved January, 1991 Closure Plan. *** In order to ensure this, the corrective action shall consist of the following:

* * *

3. Maintaining an inward gradient at the north property boundary line to ensure that concentrations of contaminants above Agency established cleanup objectives to not migrate beyond the point of compliance.

* * *

5. In order to demonstrate the effectiveness of the corrective action, groundwater quality in the perched sand and regional aquifer shall be monitored in all wells on a quarterly basis for the following parameters:

Lead
Cadmium
Zinc
Arsenic
Chromium
Copper
Tin
pH
Specific Conductance
TOC
TOX

The groundwater monitoring results shall be submitted on the enclosed Agency Chemical Analysis forms according to the following schedule.

<u>Sampling Event of Calendar Year</u>	<u>Samples to be Collected During Months of</u>	<u>Results Submitted to the Agency by the Following</u>
First Quarter	January - February	April 15
Second Quarter	April - May	July 15
Third Quarter	July - August	October 15
Fourth Quarter	October - November	January 15

Annually samples are to be taken during the fourth quarter of the year for all wells and analyzed for the parameters listed in Appendix I of 35 Ill. Adm. Code 724. The analytical results shall be evaluated and submitted to the Agency on January 15 of every year.

* * *

7. Chemetco shall determine the groundwater flow rate and direction in the perched and regional aquifers on a quarterly basis. Water table and piezometric maps must show (1) the location of the wells used to develop the maps and (2) the boundaries of the facility. These maps shall be submitted with the quarterly monitoring results.
8. Chemetco shall submit a written report to the Agency annually, which discusses the effectiveness of the corrective action program. The report must address (1) the ability of the program to control groundwater control [six] as described above and (2) the statistically significant increase or decrease in the quality of groundwater beneath the facility during operation of the corrective action program. The report must be submitted with the Annual Report required under 35 Ill. Adm. Code Part 725.194 due March 1 of every year.

* * *"

10. Chemetco did not appeal any of the terms or conditions of the April 19, 1991, approved closure plan letter.

11. On August 9, 1991, December 4, 1991, and October 30, 1992, Chemetco submitted successive requests to modify Condition 5 of the Closure Plan's corrective action program by dropping or reducing the requirement for annual Appendix I sampling.

12. The August 9, 1991, and December 4, 1991, requests were denied on October 28, 1991 and March 1992 and were not appealed.

13. The October 30, 1992 request was approved on January 29, 1993, and the prior April 19, 1991, closure plan approval letter was superseded prospectively. The January 29, 1993, closure plan approval letter is attached hereto as Exhibit B and incorporated herein by reference.

14. The new condition 5 of the Corrective Action Program retained all but the last paragraph of the previous condition 5 and substituted the following as the last paragraph:

"Annually samples are to be taken during the fourth quarter of the year from wells 31A, 28, 34, 44 and 47. These samples must be analyzed for 35 IAC 724, Appendix I metals and semi-volatiles. The analytical results shall be evaluated and submitted the Agency on January 15 of every year."

15. Section 21 of the Act, 415 ILCS 5/21 (1994), provides that:

"No person shall:

* * *

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

* * *

2. In violation of any regulations or standards adopted by the Board under this Act; or

* * *"

16. 35 Ill. Adm. Code 725.190 (1992) provides that:

- "a) The owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste must implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility, except as Section 725.101 and paragraph (c) provide otherwise.
- b) Except as paragraphs (c) and (c) provide otherwise, the owner or operator must install, operate and maintain a groundwater monitoring system which meets the requirements of Section 725.191 and must comply with Sections 725.192 through 725.194. This groundwater monitoring program must be carried out during the active life of the facility and for disposal facilities during the post-closure care period as well.

* * *

17. 35 Ill. Adm. Code 725.192 (1992) provides that:

"a) The owner or operator must obtain and analyze samples from the installed groundwater monitoring system. The owner or operator must develop and follow a groundwater sampling and analysis plan. ***"

18. 35 Ill. Adm. Code 725.175 (1992) provides that:

The owner or operator shall prepare and submit a single copy of an annual report to the Agency by March 1 of each year. *** The annual report must cover facility activities during the previous year and must include the following information:

* * *

f) Monitoring data under Section 725.194(a)(2)(B) and (c) and (b)(2) where required.

* * *

19. 35 Ill. Adm. Code 725.194 (1992) provides that:

a) Unless the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must:

* * *

2) Report the following groundwater monitoring information to the Director:

* * *

B) Annually: concentrations or values of the parameters listed in Section 725.192(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under Section 725.193(b). The owner or operator must separately identify any significant differences from the initial background found in the upgradient wells, in accordance with Section 725.193(c)(2). During the active life of the facility, this

information must be submitted as part of the annual report required under Section 725.175.

* * *

20. 35 Ill. Adm. Code 725.213(b) (1992) provides that:

"The owner or operator shall complete partial and final closure activities in accordance with the approved closure plan ***."

21. During the period of April 19, 1991 through May 1992, Chemetco did not perform the quarterly sampling required by Condition 5 of the corrective action program portion of its closure plan.

22. By failing to do so Chemetco violated its closure plan, 35 Ill. Adm. Code 725.190(b), 725.192(a) and 725.213(b) (1992), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994).

23. Chemetco did not submit an Annual Report for calendar year 1991.

24. Chemetco has, therefore, violated 35 Ill. Adm. Code 725.175, 725.194(a)(2)(B), and 725.213(b), Condition 8 of its closure plan corrective action program, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994).

25. During the period of April 19, 1991, through May 1992, Chemetco did not determine the groundwater flow rate and direction at its facility.

26. Chemetco has, therefore, violated condition 7 of its closure plan corrective action program, 35 Ill. Adm. Code 725.213, and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994).

27. Chemetco's obligation to perform groundwater monitoring is continuing.

28. These violations were committed knowingly and repeatedly.

PRAYER FOR RELIEF

WHEREFORE, Complainant, People of the State of Illinois, prays that the Board grant the following relief:

A. Set a hearing in this matter not less than twenty-one (21) days from the date of service of this complaint at which respondent Chemetco, Inc., be required to answer all of the allegations herein;

B. After due consideration of all statements, testimony, evidence, and arguments that shall be submitted at said hearing or upon default by the respondent, issue a final order finding respondent in violation of the provisions of the Act and regulations as described above and directing respondent to cease and desist from further violations;

C. Pursuant to Section 42 of the Act, 415 ILCS 5/42 (1994), impose upon respondent a civil penalty of \$25,000.00 per violation per day for each day each violation occurred for each day each violation continued thereafter;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42 (1994), award complainant its costs and attorneys fees; and

E. Grant such other and further relief as the Board may deem appropriate.

COUNT II

1-13. Complainant realleges and incorporates herein by reference paragraphs 1 through 8, 10 through 13, and 15 of Count I as paragraphs 1 through 13 of this Count II.

14. 35 Ill. Adm. Code 725.242(a) (1992) provides that:

"The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.297, 725.328, 725.358,

725.380, 725.410, 725.251, 725.481 and 725.504.

* * *

15. 35 Ill. Adm. Code 725.243 (1992) provides that the "owner or operator of each facility shall establish financial assurance for closure of the facility.***"

16. 35 Ill. Adm. Code 725.245 (1992) provides that the "owner or operator of a facility with a hazardous disposal unit shall establish financial assurance for post-closure care of the disposal unit(s).***"

17. 35 Ill. Adm. Code 725.247 (1992) provides that:

"Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. ***"

b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group facilities. ***"

18. Chemetco has failed to prepare a detailed written estimate of the cost of closing its facility.

19. Chemetco is, therefore, violating 35 Ill. Adm. Code 725.242(a) (1992) and subsection 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (West 1992)).

20. Chemetco has failed to establish financial assurance for closure of its facility.

21. Chemetco is, therefore, violating 35 Ill. Adm. Code 725.243 (1992) and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994).

22. Chemetco has failed to establish financial assurance for post-closure care of its facility.

23. Chemetco is, therefore, violating 35 Ill. Adm. Code 725.245 (1992) and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994).

24. Chemetco has failed to demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden and nonsudden accidental occurrences arising from operations of the facility.

25. Chemetco is, therefore, violating 35 Ill. Adm. Code 725.247(a) and (b) (1992) and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1994).

26. These violations are being committed knowingly and repeatedly.

PRAYER FOR RELIEF

WHEREFORE, Complainant, People of the State of Illinois, prays that the Board grant the following relief:

A. Set a hearing in this matter not less than twenty-one (21) days from the date of service of this complaint at which respondent Chemetco, Inc., be required to answer all of the allegations herein;

B. After due consideration of all statements, testimony, evidence, and arguments that shall be submitted at said hearing or upon default by the respondent, issue a final order finding respondent in violation of the provisions of the Act and regulations as described above and directing respondent to cease and desist from further violations;

C. Pursuant to Section 42 of the Act, 415 ILCS 5/42 (1994), impose upon respondent a civil penalty of \$25,000.00 per violation per day for each day each violation occurred for each day each violation continued thereafter;

D. Pursuant to subsection 42(f) of the Act, 415 ILCS 5/42 (1994), award plaintiff its costs and attorneys fees; and


E. Grant such other and further relief as the Court may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

JAMES E. RYAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

James L. Morgan
Senior Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 10/06/95
chemcom/lp



Terry Myers

217/782-6762

Log No. C-C-334-M-4
Received: January 22, 1991

Refer to: LPC#1198010003 -- Madison County
Chemetco, Incorporated
ILD048843809
RCRA-Closure

April 19, 1991

Chemetco, Incorporated
Attn: David Hoff, President
P.O. Box 187
Alton, Illinois 62002

RECEIVED
DIVISION OF LEGAL COUNSEL
APR 18 1993
ENVIRONMENTAL PROTECTION
AGENCY

Dear Mr. Hoff:

The closure and post-closure plans submitted by Chemetco and prepared by ENSR has been reviewed by this Agency. Your final closure and post-closure plan modification of the groundwater monitoring while closing the three hazardous waste disposal surface impoundments (D83), one hazardous waste storage waste pile (S03), one hazardous waste treatment tank (T01) and one hazardous waste filter press (T04) is hereby approved subject to the following conditions and modifications.

1. The Agency cannot evaluate the proposed monitoring wells to determine if well construction is pursuant to Agency standards. A cross-reference sheet, referencing old well numbers to new wells shall be provided to the Agency. The boring logs in the closure plan are identified by old well numbers.
2. Use of the ANOVA does not apply since the Agency has established the cleanup objectives. However, a trend analysis using straight line linear regression can be performed on all point of compliance wells to determine increases or decreases in contamination. Additionally any parameter exceeding the approved cleanup objective in the downgradient wells would require further assessment beyond the point.
3. TOC and TOX shall be added to the quarterly parameter list for all wells. TOC and TOX are required to measure for any increases in organics.
4. Wells 18, 32 and 33 shall be added to the upper regional aquifer monitoring program. Well 18 is to be added to monitor for any downgradient contaminants from the SID system. Wells 32 and 33 are added to determine contaminant concentrations near the regulated units.
5. The Agency does not concur with the use of well 11 as background for the upper regional aquifer. The hydrogeologic summary in the approved closure plan states on pages 7-36, "During periods of higher than normal groundwater recharge, groundwater from the sand lense would pool at the land surface and flow to the south towards the location of Well 11. The



- 5. In order to demonstrate the effectiveness of the corrective action, groundwater quality in the perched sand and regional aquifer shall be monitored in all wells on a quarterly basis for the following parameters:

Lead
 Cadmium
 Zinc
 Arsenic
 Chromium
 Copper
 Tin
 pH
 Specific Conductance
 TOC
 TOX

The groundwater monitoring results shall be submitted on the enclosed Agency Chemical Analysis forms according to the following schedule.

<u>Sampling Event of Calendar Year</u>	<u>Samples to be Collected During the Months of</u>	<u>Results Submitted to the Agency by the Following</u>
First Quarter	January - February	April 15
Second Quarter	April - May	July 15
Third Quarter	July - August	October 15
Fourth Quarter	October - November	January 15

Annually samples are to be taken during the fourth quarter of the year for all wells and analyzed for the parameters listed in Appendix I of 35 Ill. Adm. Code 724. The analytical results shall be evaluated and submitted to the Agency on January 15 of every year.

- 6. Chemetco shall maintain all equipment associated with the withdrawal and treatment (if necessary) of water withdrawn from the perched sand and upper regional aquifer. Equipment failures must be reported in writing to the Permit Section, Division of Land Pollution Control within seven days of that failure with a description of actions taken to ensure compliance with the requirements of the corrective action program.
- 7. Chemetco shall determine the groundwater flow rate and direction in the perched and regional aquifers on a quarterly basis. Water table and piezometric maps must be developed using this data. The maps must show (1) the location of the wells utilized to develop the maps and (2) the boundaries of the facility. These maps shall be submitted with the quarterly monitoring results.
- 8. Chemetco shall submit a written report to the Agency annually, which discusses the effectiveness of the corrective action program. The report must address (1) the ability of the program to control groundwater control as described above and (2) the statistically significant increase or decrease in the quality of groundwater beneath the facility during operation of the corrective action program. The report must be submitted

000102



with the Annual Report required under 35 Ill. Adm. Code Part 725.194 due March 1 of every year.

9. Chemetco shall submit all information to the Agency in a form which can be easily reviewed. All submittals must contain tables of data, drawings and text (as necessary) to accurately describe the information contained in the submittal.
10. In the event that groundwater flow is not adequately controlled, as determined by groundwater monitoring, Chemetco shall:
 - a. Notify the Agency in writing within 7 days of the date this determination is made;
 - b. Take actions as necessary to regain control of groundwater flow as required above;
 - c. Submit a written report to the Agency within 30 days describing the actions taken to regain control of groundwater flow. In addition, the report must contain information which demonstrates that groundwater flow is being adequately controlled; and
 - d. Submit a closure plan modification to the Agency within 60 days describing any changes which must be made to the corrective action program to ensure that the groundwater flow is adequately controlled.
11. Closure activities for the Zinc Oxide Bunker/Pile (S03), slurry tank (T01) and filter press (T04) must be completed by November 1, 1994. Closure activities for the Cooling Water Canal (D83), Zinc Oxide Lagoons (D83) and the floor Wash Impoundment (D83) must be completed by within 180 days after the facility is closed.

When closure is complete the owner or operator must submit to the Agency certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan. This certification must be received at this Agency within sixty (60) days after closure activities are completed, or for the S03, T01, and T04 units by January 1, 1995.

The attached closure certification form must be used. Signatures must meet the requirements of 35 Ill. Adm. Code 701.126. The independent engineer should be present at all critical, major points (activities) during the closure. These might include soil sampling, soil removal, backfilling, final cover placement, etc. The frequency of inspections by the independent engineer must be sufficient to determine the adequacy of each critical activity. Financial assurance must be maintained for the units approved for closure herein until the Agency approves the facility's closure certification.



The Illinois Professional Engineering Act (Ill. Rev. Stat., Ch. 111, par. 5101 et. seq.) requires that any person who practices professional engineering in the State of Illinois or implies that he (she) is a professional engineer must be registered under the Illinois Professional Engineering Act (par. 5101, Sec. 1). Therefore, any certification or engineering services which are performed for a closure plan in the State of Illinois must be done by an Illinois P.E.

Plans and specifications, designs, drawings, reports, and other documents rendered as professional engineering services, and revisions of the above must be sealed and signed by a professional engineer in accordance with par. 5119, sec. 13.1 of the Illinois Professional Engineering Act.

As part of the closure certification, to document the closure activities at your facility, please submit a Closure Documentation Report which includes:

- a. The volume of waste and waste residue removed. The term waste includes wastes resulting from decontamination activities.
- b. A description of the method of waste handling and transport.
- c. The waste manifest numbers.
- d. Copies of the waste manifests.
- e. A description of the sampling and analytical methods used.
- f. A chronological summary of closure activities and the cost involved.
- g. color photo documentation of closure. Document conditions before, during and after closure.
- h. Test performed, methods and results.
- i. Survey plat showing location of disposal units (required by 35 Ill. Adm. Code, Subtitle G, Sections 725.216 and 725.219 as amended March 24, 1987). (For D83 Units Only)
- j. A copy of the document (notation in deed or other document examined during title searches) in which the notification required under Section 725.219(b) as amended March 24, 1987. (For D83 Units Only)

The original and two (2) copies of all certifications, logs, or reports which are required to be submitted to the Agency by the facility should be mailed to the following address:

Illinois Environmental Protection Agency
Division Land Pollution Control -- #24
Permit Section
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

000104



12. No later than sixty (60) days after the completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator shall submit to the Agency, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan per 35 IAC, Section 725.220 (as amended February 5, 1987).
13. Owners and operators of waste management units which received wastes after July 26, 1982 or that certified closure according to 35 IAC 725.215 after January 26, 1983 are required to submit an application for a Post-Closure Permit meeting the requirements of 35 IAC, Part 724 upon request from the IEPA unless it is demonstrated that closure by removal has been achieved. (35 IAC Section 703.121(b)).
14. If the Agency determines that implementation of this closure plan fails to satisfy the requirements of 35 Ill. Adm. Code, Section 725.211, the Agency reserves the right to amend the closure plan. Revisions of closure plans are subject to the appeal provisions of Section 40 of the Illinois Environmental Protection Act.
15. The approval of this closure plan does not resolve this facility's violations of 35 Ill. Adm. Code, 725, Subpart H (Financial Requirements). These violations will not be resolved (and the facility will remain out of compliance) until adequate financial assurance is established or the Agency approves the certification of closure.
16. Under the provisions of 29 CFR 1910 (51 FR 15,654, December 19, 1986), cleanup operations must meet the applicable requirements of OSHA's Hazardous Waste Operations and Emergency Response standard. These requirements include hazard communication, medical surveillance, health and safety programs, air monitoring, decontamination and training. General site works engaged in activities that expose or potentially expose them to hazardous substances must receive a minimum of 40 hours of safety and health training off site plus a minimum of three days of actual field experience under the direct supervision of a trained experienced supervisor. Managers and supervisors at the cleanup site must have at least an additional eight hours of specialized training on managing hazardous waste operations.
17. All samples shall be analyzed individually (i.e., no compositing). Sampling and analytical procedures shall be conducted in accordance with the latest edition of SW-846 and Attachment 7 to this Agency's closure plan instruction package. When visually discolored or contaminated material exists within an area to be sampled, horizontal placement of sampling locations shall be adjusted to include such visually discolored and/or contaminated areas. Sample size per interval shall be minimized to prevent dilution of any contamination. Apparent visually contaminated



material within a sampling interval shall be included in the sample portion of the interval to be analyzed. To demonstrate a parameter is not present in a sample, analysis results must show a detection limit at least as low as the PQL for the parameter in the latest edition of SW-846. For inorganic parameters, the detection limit must be at least as low as the RCRA Groundwater Detection Limits, as referenced in SW-846 (Third Edition) Volume 1A, pages TWO-29 and TWO-30, TABLE 2-15.

18. To avoid creating another regulated storage unit during closure, it is recommended that you obtain any necessary permits for waste disposal prior to initiating excavation activities. If it is necessary to store excavated material on-site prior to off-site disposal, do so only in containers or tanks for less than ninety (90) days. Do not create regulated waste pile units by storing the excavated material in piles. The ninety (90) day accumulation time exemption (35 IAC 722.134) only applies to containers and tanks.
19. Please be advised that the requirements of the Responsible Party Transfer Act (Public Act 85-1228) may apply to your facility due to the management of RCRA hazardous waste. In addition, please be advised that if you store or treat on-site generated hazardous waste in containers or tanks pursuant to 35 IAC 722.134, those units are subject to the closure requirements identified in 35 IAC 722.134(a)(1).
20. All hazardous wastes that result from this project are subject to annual reporting as required in 35 IAC 722.141 and shall be reported to the Agency by March 1 of the following year for wastes treated and left on-site or shipped off-site for storage, treatment and/or disposal during any calendar year. Additional information and appropriate report forms may be obtained from the Agency by contacting:

Administrative Compliance Unit
Division of Land Pollution Control
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276



Page 8

Should you have any questions regarding this matter, please contact T. E. Fitzgerald at 217/782-6762.

Very truly yours,

Lawrence W Eastep by TE

Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:TEF:rmi/1021q/10-17

Attachment

cc: Collinsville Region
Division File- RCRA Closure
USEPA Region V -- George Hamper
Groundwater Unit -- Terry Myers
Enforcement -- Bruce Carlson
Permit Section -- T.E. Fitzgerald
Madison County Board Office

000107



ATTACHMENT 1

This statement is to be completed by both the responsible officer and by the registered professional engineer upon completion of closure. Submit one copy of the certification with original signatures and three additional copies.

Closure Certification Statement

Closure Log C-334-M-4

The hazardous waste management S03, T01 and T04 units at the facility described in this document have been closed in accordance with the specifications in the approved closure plan. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

USEPA ID Number

Facility Name

Signature of Owner/Operator

Name and Title

Signature of Registered P.E.

Name of Registered P.E. and Illinois
Registration Number

Date

LWE:TEF:rmi/1021q/18



ATTACHMENT 2

This statement is to be completed by both the responsible officer and by the registered professional engineer upon completion of closure. Submit one copy of the certification with original signatures and three additional copies.

Closure Certification Statement

Closure Log C-334-M-4

The three (3) hazardous waste management D83 units at the facility described in this document have been closed in accordance with the specifications in the approved closure plan. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The Owner/Operator hereby certifies that he has recorded the notation specified in 35 Ill. Adm. Code, Section 725.219(b)(1) as amended February 5, 1987.

USEPA ID Number

Facility Name

Signature of Owner/Operator

Name and Title

Signature of Registered P.E.

Name of Registered P.E. and Illinois
Registration Number

Date

LWE:TEF:rmi/1021q/19



ATTACHMENT 3

Laboratory Determination of Permeability of
Fine Grained SoilsProcedure
For Liners:

Laboratory determination of permeability of fine grained soils shall be performed using the modified triaxial apparatus technique, including back pressure saturation, to determine the constant head, saturated permeability of an "undisturbed" soil sample. Disturbance of the soil sample shall be minimized both before and during the determination in order to approximate actual field conditions. The determination shall continue until permeant liquid inflow and outflow are equal and until a "steady-state" permeability value is obtained. At a minimum, the determination shall continue until at least one-quarter (1/4) pore volumes of permeant liquid have passed through one soil sample or the volume of permeant flowing out of the sample in a minimum period of six hours is equal to the volume input in the same period, whichever is longer. The permeant liquid shall be (1) either tap water or 0.005 N CaSO₄ solution or leachate from the site or another site with similar physical and chemical characteristics for liners. In any case, distilled water shall not be used. The effective stress (confining cell pressure minus the average of the headwater and tailwater pressures) applied to the soil sample in the triaxial apparatus shall be set as close as possible to the expected in situ-stress conditions to prevent excessive consolidation of the soil sample. Hydraulic gradients (driving force pressure expressed in centimeters of water pressure divided by the length of sample in centimeters) used for a determination shall be kept below 30. Sample size must have a minimum ratio of diameter versus height of 1 to 1 with a minimum diameter of 2.75 inches. Laboratory permeability determination results shall include a detailed description of both the sample collection and preparation techniques and the details (cell pressure, headwater pressure, tailwater pressure, driving pressure, gradient, sample size, permeant liquid, time, etc.) of the determination procedures.

LEW:TEF:rmi/1021q/20

000110



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

P 373 313 104

File

Mary A. Gade, Director
217/524-3300

2200 Churchill Road, Springfield, IL 62794-9276

January 29, 1993

Chemetco, Incorporated
Attn: David Hoff, President
P.O. Box 187
Alton, Illinois 62002

Re: LPC #1198010003 -- Madison County
Chemetco, Incorporated
ILD048843809
Log No. C-334-M-7
Received: November 4, 1992
RCRA - Closure

Dear Mr. Hoff:

The closure plan modification request dated October 30, 1992, submitted by yourself and prepared by CSD Environmental Services, has been reviewed by the Agency. The referenced submittal proposed reductions in the annual 35 IAC 724 Appendix I monitoring requirements of Condition 5 of the Corrective Action Program of the April 19, 1991 approval letter. The proposed modifications are approved for purposes of closure and post-closure monitoring under 35 IAC 725. Please note, however, that full Appendix I analysis will be required for 35 IAC 724 post-closure permitting and clean closure demonstration under 35 IAC 703.160.

Your final closure and post-closure plan to close three hazardous waste surface impoundments (D83), one hazardous waste pile (S03), one hazardous waste tank (T01), and one hazardous waste filter press (T04) at the above-referenced facility is hereby approved subject to the following conditions and modifications. Included below are the conditions and modifications of the previous closure plan approval letter with the following changes: (1) Conditions 1 and 3 have been deleted because they have been satisfied, (2) Condition 5 of the Corrective Action Program of the previous letter has been changed to reflect this approval, and (3) a new condition has been added to indicate that this letter supersedes the previous approval letter.

1. This letter supersedes the previous closure plan approval letter dated April 19, 1991.
2. Use of the ANOVA does not apply since the Agency has established the cleanup objectives. However, a trend analysis using straight line linear regression can be performed on all point of compliance wells to determine increases or decreases in contamination. Additionally any parameter exceeding the approved cleanup objective in the downgradient wells would require further assessment beyond the point.

EXHIBIT B

3. TOC and TOX shall be added to the quarterly parameter list for all wells. TOC and TOX are required to measure for any increases in organics.
4. Wells 18, 32 and 33 shall be added to the upper regional aquifer monitoring program. Well 18 is to be added to monitor for any downgradient contaminants from the SID system. Wells 32 and 33 are added to determine contaminant concentrations near the regulated units.

Corrective Action Program

Chemetco shall implement the following corrective action program which controls the flow of groundwater in the perched and upper regional aquifers beneath the facility. This corrective action must ensure that concentrations of contaminants above Agency established cleanup objectives do not migrate beyond the point of compliance as defined in the approved January, 1991 Closure Plan. (This point of compliance is for interim status closure/post-closure activities and does not meet the definition of point of compliance listed in 724.195.) In order to ensure this, the corrective action shall consist of the following:

1. Recording the rate at which water is removed from the SIDS System on a daily basis.
2. Recording the rate at which water is removed from each of the 4 pumping wells in the upper regional aquifer on a daily basis.
3. Maintaining an inward gradient at the north property boundary line to ensure that concentrations of contaminants above Agency established cleanup objectives do not migrate beyond the point of compliance. In order to maintain this gradient, the 4 pumping wells shall pump a combined rate of at least 165 gpm. This number was derived from Chemetco's groundwater modeling described in the approved closure plan. The Agency has not reviewed the model. Therefore, it will be accepted at face value and if the piezometers required in 4 below indicate an inward gradient does not exist additional corrective action will be required by 10 below.
4. Periodically monitoring the piezometric head at various locations in the regional aquifer. This monitoring is necessary to demonstrate that groundwater flow is properly controlled. The following piezometers shall be monitored quarterly at a minimum for groundwater surface elevations:

Upper Regional Aquifer

26 22 35 38 18 33
44 3A 1A 42 11
45 34 37 32

Lower Regional Aquifer

36 43
39 46

5. In order to demonstrate the effectiveness of the corrective action, groundwater quality in the perched sand and regional aquifer shall be monitored in all wells on a quarterly basis for the following parameters:

Lead
Cadmium
Zinc
Arsenic
Chromium
Copper
Tin
pH
Specific Conductance
TOC
TOX

The groundwater monitoring results shall be submitted on the enclosed Agency Chemical Analysis forms according to the following schedule.

<u>Sampling Event of Calendar Year</u>	<u>Samples to be Collected During the Months of</u>	<u>Results Submitted to the Agency by the Following</u>
First Quarter	January - February	April 15
Second Quarter	April - May	July 15
Third Quarter	July - August	October 15
Fourth Quarter	October - November	January 15

Annually samples are to be taken during the fourth quarter of the year from wells 31A, 28, 34, 44 and 47. These samples must be analyzed for 35 IAC 724, Appendix I metals and semi-volatiles. The analytical results shall be evaluated and submitted to the Agency on January 15 of every year.

6. Chemetco shall maintain all equipment associated with the withdrawal and treatment (if necessary) of water withdrawn from the perched sand and upper regional aquifer. Equipment failures must be reported in writing to the Permit Section, Division of Land Pollution Control within seven days of that failure with a description of actions taken to ensure compliance with the requirements of the corrective action program.
7. Chemetco shall determine the groundwater flow rate and direction in the perched and regional aquifers on a quarterly basis. Water table and piezometric maps must be developed using this data. The maps must show (1) the location of the wells utilized to develop the maps and (2) the boundaries of the facility. These maps shall be submitted with the quarterly monitoring results.

8. Chemetco shall submit a written report to the Agency annually, which discusses the effectiveness of the corrective action program. The report must address (1) the ability of the program to control groundwater control as described above and (2) the statistically significant increase or decrease in the quality of groundwater beneath the facility during operation of the corrective action program. The report must be submitted with the Annual Report required under 35 Ill. Adm. Code Part 725.194 due March 1 of every year.
9. Chemetco shall submit all information to the Agency in a form which can be easily reviewed. All submittals must contain tables of data, drawings and text (as necessary) to accurately describe the information contained in the submittal.
10. In the event that groundwater flow is not adequately controlled, as determined by groundwater monitoring, Chemetco shall:
 - a. Notify the Agency in writing within 7 days of the date this determination is made;
 - b. Take actions as necessary to regain control of groundwater flow as required above;
 - c. Submit a written report to the Agency within 30 days describing the actions taken to regain control of groundwater flow. In addition, the report must contain information which demonstrates that groundwater flow is being adequately controlled; and
 - d. Submit a closure plan modification to the Agency within 60 days describing any changes which must be made to the corrective action program to ensure that the groundwater flow is adequately controlled.
11. Closure activities for the Zinc Oxide Bunker/Pile (S03), slurry tank (T01) and filter press (T04) must be completed by November 1, 1994. Closure activities for the Cooling Water Canal (D83), Zinc Oxide Lagoons (D83) and the floor Wash Impoundment (D83) must be completed by within 180 days after the facility is closed.

When closure is complete the owner or operator must submit to the Agency certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan. This certification must be received at this Agency within sixty (60) days after closure activities are completed, or for the S03, T01, and T04 units by January 1, 1995.

The attached closure certification form must be used. Signatures must meet the requirements of 35 Ill. Adm. Code 701.126. The independent engineer should be present at all critical, major points (activities) during the closure. These might include soil sampling, soil removal, backfilling, final cover placement, etc. The frequency of inspections by the independent engineer must be sufficient to determine the adequacy of each critical activity. Financial assurance must be maintained for the units approved for closure herein until the Agency approves the facility's closure certification.

The Illinois Professional Engineering Act (Ill. Rev. Stat., Ch. 111, par. 5101 et. seq.) requires that any person who practices professional engineering in the State of Illinois or implies that he (she) is a professional engineer must be registered under the Illinois Professional Engineering Act (par. 5101, Sec. 1). Therefore, any certification or engineering services which are performed for a closure plan in the State of Illinois must be done by an Illinois P.E.

Plans and specifications, designs, drawings, reports, and other documents rendered as professional engineering services, and revisions of the above must be sealed and signed by a professional engineer in accordance with par. 5119, sec. 13.1 of the Illinois Professional Engineering Act.

As part of the closure certification, to document the closure activities at your facility, please submit a Closure Documentation Report which includes:

- a. The volume of waste and waste residue removed. The term waste includes wastes resulting from decontamination activities.
- b. A description of the method of waste handling and transport.
- c. The waste manifest numbers.
- d. Copies of the waste manifests.
- e. A description of the sampling and analytical methods used.
- f. A chronological summary of closure activities and the cost involved.
- g. Color photo documentation of closure. Document conditions before, during and after closure.
- h. Test performed, methods and results.
- i. Survey plat showing location of disposal units (required by 35 Ill. Adm. Code, Subtitle G, Section 725.216 and 725.219 as amended March 24, 1987). (For D83 Units Only)

- j. A copy of the document (notation in deed or other document examined during title searches) in which the notification required under Section 725.219(b) as amended March 24, 1987. (For D83 Units Only)

The original and two (2) copies of all certifications, logs, or reports which are required to be submitted to the Agency by the facility should be mailed to the following address:

Illinois Environmental Protection Agency
Division of Land Pollution Control -- #33
Permit Section
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

12. No later than sixty (60) days after the completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator shall submit to the Agency, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan per 35 IAC, Section 725.220 (as amended February 5, 1987).
13. Owners and operators of waste management units which received wastes after July 26, 1982 or that certified closure according to 35 IAC 725.215 after January 26, 1983 are required to submit an application for a Post-Closure Permit meeting the requirements of 35 IAC, Part 724 upon request from the IEPA unless it is demonstrated that closure by removal has been achieved. (35 IAC Section 703.121(b)).
14. If the Agency determines that implementation of this closure plan fails to satisfy the requirements of 35 Ill. Adm. Code, Section 725.211, the Agency reserves the right to amend the closure plan. Revisions of closure plans are subject to the appeal provisions of Section 40 of the Illinois Environmental Protection Act.
15. The approval of this closure plan does not resolve this facility's violations of 35 Ill. Adm. Code, 725, Subpart H (Financial Requirements). These violations will not be resolved (and the facility will remain out of compliance) until adequate financial assurance is established for the Agency approves the certification of closure.
16. Under the provisions of 29 CFR 1910 (51 FR 15,654, December 19, 1986), cleanup operations must meet the applicable requirements of OSHA's Hazardous Waste Operations and Emergency Response standard. These requirements include hazard communication, medical surveillance, health and safety programs, air monitoring, decontamination and training. General site workers engaged in activities that expose or potentially expose them to hazardous substances must receive a minimum of 40 hours of safety and health training off site plus a minimum of three days of actual

field experience under the direct supervision of a trained experienced supervisor. Managers and supervisors at the cleanup site must have at least an additional eight hours of specialized training on managing hazardous waste operations.


17. All samples shall be analyzed individually (i.e., no compositing). Sampling and analytical procedures shall be conducted in accordance with the latest edition of SW-846 and Attachment 7 to this Agency's closure plan instruction package. When visually discolored or contaminated material exists within an area to be sampled, horizontal placement of sampling locations shall be adjusted to include such visually discolored and/or contaminated areas. Sample size per interval shall be minimized to prevent dilution of any contamination. Apparent visually contaminated material within a sampling interval shall be included in the sample portion of the interval to be analyzed. To demonstrate a parameter is not present in a sample, analysis results must show a detection limit at least as low as the PQL for that parameter in the third edition of SW-846. For inorganic parameters, the detection limit must be at least as low as the RCRA Groundwater Detection Limits, as referenced in SW-846 (Third Edition) Volume 1A, pages TWO-29 and TWO-30, Table 2-15.
18. To avoid creating another regulated storage unit during closure, it is recommended that you obtain any necessary permits for waste disposal prior to initiating excavation activities. If it is necessary to store excavated material on-site prior to off-site disposal, do so only in containers or tanks for less than ninety (90) days. Do not create regulated waste pile units by storing the excavated material in piles. The ninety (90) day accumulation time exemption (35 IAC 722.134) only applies to containers and tanks.
19. Please be advised that the requirements of the Responsible Party Transfer Act (Public Act 85-1228) may apply to your facility due to the management of RCRA hazardous waste. In addition, please be advised that if you store or treat on-site generated hazardous waste in containers or tanks pursuant to 35 IAC 722.134, those units are subject to the closure requirements identified in 35 IAC 722.134(a)(1).
20. All hazardous wastes that result from this project are subject to annual reporting as required in 35 IAC 722.141 and shall be reported to the Agency by March 1 of the following year for wastes treated and left on-site or shipped off-site for storage, treatment and/or disposal during any calendar year. Additional information and appropriate report forms may be obtained from the Agency by contacting:

Administrative Compliance Unit
Division of Land Pollution Control
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

Page 8

Should you have any questions regarding this matter, please contact Mark L. Crites or Terri Blake Myers at 217/524-3300.

Very truly yours,



Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

LWE:MLC:sf/sp/56Y,1-8

Attachment ^{MLK}

cc: USEPA Region V -- George Hamper
Madison County Board Office

bcc: Division File
Collinsville Region
Kenn Liss
Jerry Kuhn
Mark Crites
Terri Blake Myers

000242

ATTACHMENT 2

This statement is to be completed by both the responsible officer and by the registered professional engineer upon completion of closure. Submit one copy of the certification with original signatures and three additional copies.

Closure Certification Statement

Closure Log C-334-M-7

The three hazardous waste management D83 units at the facility described in this document have been closed in accordance with the specifications in the approved closure plan. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The Owner/Operator hereby certifies that he has recorded the notation specified in 35 Ill. Adm. Code, Section 725.219(b)(1) as amended March 24, 1987.

USEPA ID Number

Facility Name

Signature of Owner/Operator Date

Name and Title

Signature of Registered P.E. Date

Name of Registered P.E. and Illinois
Registration Number

Mailing Address of P.E.:

MLC:sf/sp/56Y,10

000246

ATTACHMENT 1

This statement is to be completed by both the responsible officer and by the registered professional engineer upon completion of closure. Submit one copy of the certification with original signatures and three additional copies.

Closure Certification Statement

Closure Log C-334-M-7

The hazardous waste management S03, T01 and T04 units at the facility described in this document have been closed in accordance with the specifications in the approved closure plan. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

USEPA ID Number

Facility Name

Signature of Owner/Operator Date

Name and Title

Signature of Registered P.E. Date

Name of Registered P.E. and Illinois
Registration Number

Mailing Address of P.E.:

MLC:sf/sp/56Y,9

ATTACHMENT 3

Laboratory Determination of Permeability of Fine Grained Soils

Procedure for Liners:

Laboratory determination of permeability of fine grained soils shall be performed using the modified triaxial apparatus technique, including back pressure saturation, to determine the constant head, saturated permeability of an "undisturbed" soil sample. Disturbance of the soil sample shall be minimized both before and during the determination in order to approximate actual field conditions. The determination shall continue until permeant liquid inflow and outflow are equal and until a "steady-state" permeability value is obtained. At a minimum, the determination shall continue until at least one-quarter (1/4) pore volumes of permeant liquid have passed through one soil sample or the volume of permeant flowing out of the sample in a minimum period of six hours is equal to the volume input in the same period, whichever is longer. The permeant liquid shall be (1) either tap water or 0.005 N CaSO₄ solution or leachate from the site or another site with similar physical and chemical characteristics for liners. In any case, distilled water shall not be used. The effective stress (confining cell pressure minus the average of the headwater and tailwater pressures) applied to the soil sample in the triaxial apparatus shall be set as close as possible to the expected in situ-stress conditions to prevent excessive consolidation of the soil sample. Hydraulic gradients (driving force pressure expressed in centimeters of water pressure divided by the length of sample in centimeters) used for a determination shall be kept below 30. Sample size must have a minimum ratio of diameter versus height of 1 to 1 with a minimum diameter of 2.75 inches. Laboratory permeability determination results shall include a detailed description of both the sample collection and preparation techniques and the details (cell pressure, headwater pressure, tailwater pressure, driving pressure, gradient, sample size, permeant liquid, time, etc.) of the determination procedures.

MLC:sf/sp/56Y,11

000245

CERTIFICATE OF SERVICE

I hereby certify that I did on the 6th day of October, 1995, send by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and COMPLAINT

To: Thomas McRaven
Registered Agent
Chemetco, Inc.
State Highway 3
Hartford, Illinois 62048

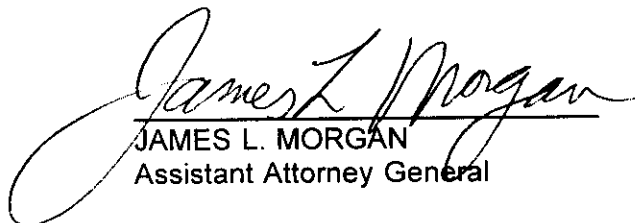
George Von Stamwitz
Armstrong, Teasdale, Sfachly & Davis
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s)

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: William R. Haine
Madison County State's Attorney
157 North Main Street
Edwardsville, Illinois 62025


JAMES L. MORGAN
Assistant Attorney General

This filing is submitted on recycled paper.