

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN C. BLICKHAN,)
)
 Petitioner,)
)
 vs.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

Case No. PCB 08-59
(Permit Appeal - Land)


RECEIVED
CLERK'S OFFICE
JUN 27 2008
STATE OF ILLINOIS
Pollution Control Board

NOTICE

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

James G. Richardson
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

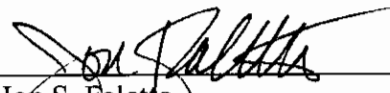
PLEASE TAKE NOTICE that I have today caused to be filed a PETITION FOR REVIEW with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: June 25, 2008

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: Hinshaw & Culbertson LLP



Jon S. Faletto
One of His Attorneys

HINSHAW & CULBERTSON LLP
416 Main Street – 6th Floor
Peoria, IL 61602-3126
309-674-1025
309-674-9328 (fax)
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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 25th, 2008, I served true and correct copies of a PETITION FOR REVIEW by first class mail of the United States Postal Service upon the persons as follows:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

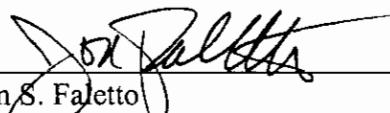
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Dated: June 25, 2008

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One of His Attorneys

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PETITION FOR REVIEW

NOW COMES the Petitioner, JOHN BLICKHAN, (hereinafter "Petitioner or "John Blickhan"), by and through his attorneys, Hinshaw & Culbertson LLP, and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/40(a)(1) and 35 Ill. Admin. Code Part 105, Subpart B, hereby requests review by the Illinois Pollution Control Board ("Board") of a decision by the Respondent, the Illinois Environmental Protection Agency (the "Agency" or "IEPA"), to deny Petitioner's "*Affidavit for Certification of Completion of Post-Closure Care Period*," requesting IEPA's approval of completion of the post-closure care for the closed Blickhan Landfill.

IN SUPPORT of his Petition, the Petitioner states as follows:

1. Petitioner, John Blickhan is an individual and tax-paying resident of the State of Illinois.
2. Petitioner owns a closed landfill facility known as the "Blickhan Landfill" located in Quincy, Adams County, Illinois. The landfill operated lawfully under permits issued by the Respondent's Bureau of Land, including Permit No. 1974-70-DE, Permit No. 1974-70-OP, and Supplemental Permit No. 2004-182-SP, Log No. 2004-182. During Mr. Blickhan's ownership of the Blickhan Landfill, only construction and demolition debris was disposed of at the site.

3. Supplemental Permit No. 2004-182-SP (Log No. 2004-182), issued on August 9, 2004 acknowledged the certified closure date of the Blickhan Landfill as September 30, 1992. Special Condition #1 of that Supplemental Permit states, *“The fifteen-year minimum post-closure care period began September 30, 1992.”*

4. On December 20, 2007, an *“Affidavit for Certification of Completion of Post-Closure Care for Non-Hazardous Waste Facilities”* (hereafter *“Post-Closure Completion Certification”*) was submitted to the IEPA requesting Agency approval of completion of all post-closure care for the Blickhan Landfill. The Post-Closure Completion Certification was prepared on behalf of John Blickhan by Klingner Associates, an engineering consulting firm that has conducted oversight for all post-closure monitoring, maintenance and analytical work for the Blickhan landfill since its official closure on September 30, 1992.

5. IEPA acknowledged its receipt on December 24, 2007 of the Post-Closure Certification. The Post-Closure Certification notified IEPA that post-closure care for the Blickhan Landfill was completed on September 30, 2007.

6. As demonstrated by that submittal, all post-closure care requirements for the subject landfill have been fully complied with and the post-closure care period has ended in compliance with all effective Permits, the applicable regulations at 35 Ill. Admin. Code Part 807, and the Act.

7. On February 22, 2008, Mr. Stephen F. Nightingale, P.E., Manager, Permit Section, Bureau of Land for the IEPA , issued a denial of John Blickhan’s request for approval of the Post-Closure Completion Certification (hereafter *“Denial Letter”*). Petitioner received the IEPA’s Denial Letter on February 25, 2008, via certified mail. A true copy of the IEPA’s February 22nd Denial Letter is attached hereto as Exhibit 1.

8. On March 28, 2008, IEPA filed with the Board a *“Request For Ninety Day Extension Of Appeal Period”* to extend the deadline for filing an appeal of the February 22nd determination by IEPA to deny approval of the Post-Closure Completion Certification.

9. On April 3, 2008, the Board approved the requested extension and opened the instant Board proceeding No. 08-59 (Permit Appeal – Land), allowing Mr. Blickhan an additional ninety days, up to and including June 29, 2008, within which to attempt to resolve the matter informally with IEPA or to file a Petition for Review of IEPA’s denial. The Board’s Order further provided that if *“... Blickhan fails to file an appeal on or before that date, the Board will dismiss this case and close the docket.”* A true copy of the Board’s April 3rd Order is attached hereto as Exhibit 2.

10. Communications with IEPA officials have not been successful in resolving the dispute concerning IEPA’s denial of the Post-Closure Completion Certification. Therefore, in compliance with the Board’s April 3rd Order, Petitioner now files its Petition for Review within the prescribed extended appeal period.

11. The IEPA’s Denial Letter stated that Petitioner’s Post-Closure Completion Certification failed to provide proof that IEPA’s approval *“... would not result in violations of the Illinois Environmental Protection Act.”* The Denial Letter purported to provide specific reasons why there was inadequate proof that IEPA’s approval would not ensure the absence of violations of the Act. Those specific reasons were listed in Paragraph 1 (a) through (d) and alleged the following:

- Compliance with *“620.410 Class I Groundwater Standards”* was not shown for monitoring well designated “G106” because *“no data has been collected from*

this well G106 since the 3rd Quarter of 2004 due to the well being dry.” (see Paragraph 1(a) of the Denial Letter);

- Compliance with “620.410 Class I Groundwater Standards” has not been demonstrated due to “*numerous inorganic Class I groundwater exceedences... which are indicative of a release from the Blickhan Landfill.*” (see Paragraph 1(b) of the Denial Letter);
- Compliance with “620.410 Class I Groundwater Standards” has not been demonstrated due to “*unaddressed organic Class I groundwater exceedences and organic detections which are indicative of a release from Blickhan Landfill.*” (see Paragraph 1(c) of the Denial Letter); and
- Compliance with Section 22.17 of the Act was not demonstrated due to “*... a hole in the landfill cap on site No.2.*” (see Paragraph 1(d) of the Denial Letter)

12. Respondent’s Denial Letter misstated the legal standard for demonstrating completion of post-closure care requirements for landfills, such as the Blickhan Landfill, that are regulated under 35 Ill. Admin. Code Part 807 “Solid Waste.”

13. With respect to completion of post-closure care, Section 22.17 of the Act (415 ILCS §5/22.17), provides in relevant part:

(a) The owner and operator of a sanitary landfill site that is not a site subject to subsection (a.5) or (a.10) of this Section shall monitor gas, water and settling at the completed site for a period of 15 years after the site is completed or closed, or such longer period as may be required by Board or federal regulations.

14. The Blickhan landfill is not a site subject to subsection (a.5) or (a.10) of Section 22.17 because no household waste was disposed of at the Blickhan Landfill at any time after

October 9, 1991. In fact, no household waste was disposed of at the Blickhan Landfill during the entire period of ownership by John Blickhan beginning in 1969. The Certification of Completion of Closure Activity submitted for the Blickhan Landfill, a Certification approved by the IEPA with issuance of Supplemental Permit 2000-097-SP (Log Nos. 1997-207 and 2000-097), certified there had been no disposal of any waste or construction/demolition debris at the Blickhan Landfill after September 1, 1991. As evidenced by the terms and conditions of Supplemental Permit No. 2004-182-SP (Log No. 2004-182), issued on August 9, 2004, IEPA acknowledged the certified closure date of the Blickhan Landfill as September 30, 1992.

15. John Blickhan has monitored gas, water, and settling of the Blickhan Landfill for a period longer than 15 years in full compliance with Section 22.17 of the Act, and as demonstrated in the Post-Closure Certification. Accordingly, John Blickhan has satisfied the statutory requirements for completion of post-closure care for the Blickhan Landfill and is entitled to approval of the Post-Closure Certification he submitted, unless a Board regulation prescribes otherwise.

16. The Board regulation applicable to completion of the post-closure care period for the Blickhan Landfill is found at 35 Ill. Admin. Code §807.524 *“Implementation and Completion of Post-Closure Care Plan,”* at subsection (c) which provides:

(c) The Agency shall certify that the post-closure care period has ended when it determines:

(1) that the post-closure care plan has been completed; and

(2) That the site will not cause future violations of the Act or this Part.

17. IEPA’s Denial Letter does not state or allege that John Blickhan has not complied with and fully completed the IEPA-approved Post-Closure Care Plan. Accordingly, the IEPA’s

determination to deny Post-Closure Certification can only be sustained by the Board if the Blickhan Landfill will cause future violations of the Act or Part 807.

18. As noted above, IEPA's Denial Letter alleged only that the Blickhan Landfill would cause future violations of Part 807. Specifically, IEPA alleged that groundwater monitoring data demonstrated exceedences of the concentrations specified in 35 Ill. Admin. Code Section 620.410 "Groundwater Quality Standards for Class I: Potable Resource" (referred to as the "Class I Groundwater Standards" in IEPA's Denial Letter), and that those exceedences constituted violations of 35 Ill. Admin. Code 807.313 and 807.315 (see Paragraph 1 (a), (b), and (c) of the Denial Letter). Section 807.313 prohibits the discharge of contaminants from a sanitary landfill that causes or tends to cause water pollution or that violates the regulations and/or standards adopted by the Board. Section 807.315 prohibits the operation of a sanitary landfill unless it is proven to IEPA that no "damage or hazard" will result to waters of the State.

19. Over the course of the more than fifteen years that he has provided post-closure care of the Blickhan Landfill, Mr. Blickhan submitted a significant amount of groundwater monitoring data to the IEPA for its review. The Denial Letter purports to justify IEPA's denial of the Post-Closure Completion Certification on the basis that (1) groundwater data was not provided from groundwater monitoring well designated "G106" (see Paragraph 1(a) Denial Letter); (2) analytical results showing exceedences of the Class I: Potable Resource standards for certain inorganic compounds (see Paragraph 1(b) Denial Letter); (3) analytical results showing exceedences of the Class I: Potable Resource standards for certain organic compounds in 2002 (see Paragraph 1(c) Denial Letter); analytical results showing "detections" of certain organic compounds for which there exist Class I: Potable Resource standards (see Paragraph 1(d) Denial

Letter); and a hole in the landfill cap observed on January 15, 2008 (see Paragraph 1(d)) Denial Letter).

20. IEPA erred in evaluating and analyzing the groundwater monitoring data provided by John Blickhan for the Blickhan Landfill. Those errors have resulted in IEPA's unlawful denial of the Post-Closure Completion Certification and are more fully addressed below:

(a) The absence of data from the groundwater monitoring well designated "G106" since the Third Quarter of 2004 "*due to the well being dry*," as alleged by IEPA, does not demonstrate a violation of the regulations or standards promulgated by the Board. IEPA appears to take the position that John Blickhan has not proved there has not been a violation of applicable Board regulations or standards because no monitoring data was produced from monitoring well G106. Contrary to IEPA's assertions, John Blickhan is not required to prove the double negative. Instead, it is IEPA's obligation to make a determination that a violation of Board regulations or standards has occurred to support and justify its denial. Unless it can be shown that contaminants released from the Blickhan Landfill have caused water pollution, violated Board regulations and standards, or caused "damage or hazard" to waters of the State, the absence of monitoring data from groundwater monitoring well G106 does not provide IEPA with a valid legal or technical basis to justify its denial of the Post-Closure Completion Certification. Simply put, the absence of monitoring data from groundwater monitoring well G106 does not provide adequate factual or legal support for IEPA's denial of the Post-Closure Completion Certification and the denial can not be sustained on that basis.

(b) IEPA has misinterpreted the groundwater monitoring data submitted by John Blickhan during the post-closure period, including the data purporting to show “*Class I inorganic exceedences which are indicative of a release from the Blickhan Landfill,*” as alleged by IEPA’s Denial Letter. When data demonstrating groundwater flow, elevations and direction are properly analyzed, that data does not indicate releases of any inorganic contaminants from the Blickhan Landfill. The mere presence of inorganic compounds in groundwater samples is not evidence of a release from the Blickhan Landfill nor is it evidence of a violation of the Groundwater Quality Standards for Class I: Potable Resource (35 Ill. Admin. Code §620.410), caused by the Blickhan Landfill. The regulation expressly recognizes the possibility that inorganic chemical constituents and compounds found in the groundwater resource may be “due to natural causes” and therefore, such compounds are exempt from regulation under §620.410(a). Proper analysis and evaluation of the groundwater monitoring data, as well as critical hydrogeologic information for the Blickhan Landfill and surrounding area, does not demonstrate violations of any Board regulations or standards caused by the Blickhan Landfill. Unless it can be shown that contaminants released from the Blickhan Landfill have caused water pollution, violate Board regulations and standards, or caused “damage or hazard” to waters of the State, the presence of inorganic compounds in groundwater samples taken and analyzed during the post-closure care period does not provide IEPA with a valid legal or technical basis to justify its denial of the Post-Closure Completion Certification. Simply put, the presence of inorganic compounds in groundwater samples, even if detected in

concentrations exceeding the Class I Groundwater Standards, does not provide adequate factual or legal support for IEPA's denial of the Post-Closure Completion Certification, unless the Blickhan Landfill is shown to be the source of those compounds. IEPA's denial can not be sustained on that basis.

(c) IEPA has misinterpreted the groundwater monitoring data submitted by John Blickhan during the post-closure period, including the data purporting to show "... *unaddressed organic Class I groundwater exceedences... which are indicative of a release from the Blickhan Landfill.*" as alleged by IEPA's Denial Letter. When the data demonstrating groundwater flow, elevations and direction are properly analyzed, that data does not indicate releases of any organic contaminants from the Blickhan Landfill. The mere presence of organic compounds is not evidence of a release from the Blickhan Landfill nor is it evidence of a violation of the Groundwater Quality Standards for Class I: Potable Resource (35 Ill. Admin. Code §620.410), caused by the Blickhan Landfill. The regulation expressly recognizes the possibility that organic chemical constituents and compounds found in the groundwater resource may be "due to natural causes" and therefore, such compounds are exempt from regulation under §620.410(b). Proper analysis and evaluation of the groundwater monitoring data, as well as critical hydrogeologic information for the Blickhan Landfill and surrounding area, does not demonstrate violations of any Board regulations or standards caused by the Blickhan Landfill. Unless it can be shown that contaminants released from the Blickhan Landfill have caused water pollution, violate Board regulations and standards, or caused "damage or hazard" to waters of the State, the presence of

organic compounds in groundwater samples taken and analyzed during the post-closure care period does not provide IEPA with a valid legal or technical basis to justify its denial of the Post-Closure Completion Certification. Simply put, the presence of organic compounds in groundwater samples, even if detected in concentrations exceeding the Class I Groundwater Standards, does not provide adequate factual or legal support for IEPA's denial of the Post-Closure Completion Certification, unless the Blickhan Landfill is shown to be the source of those compounds. IEPA's denial can not be sustained on that basis

(d) IEPA has misinterpreted the groundwater monitoring data submitted by John Blickhan during the post-closure period, including the data purporting to show "... *organic detections which are indicative of a release from the Blickhan Landfill,*" as alleged by IEPA's Denial Letter. The detection of organic compounds in groundwater samples is not evidence that Board regulations or standards have been violated. An "organic detection" may represent analytical error or contamination in the laboratory resulting in false positive findings. Detection of organic compounds during analysis of groundwater samples at levels that do not exceed the Groundwater Quality Standards for Class I: Potable Resource (35 Ill. Admin. Code §620.410), established by the Board, is not a violation of a Board regulation or standard. Such a finding, even if accurate, does not provide adequate factual or legal support for IEPA's denial of the Post-Closure Completion Certification, whether or not the Blickhan Landfill is shown to be the source of those compounds.

21. Assuming arguendo that groundwater monitoring data indicates the presence of certain inorganic or organic compounds in the groundwater underlying or adjacent to the Blickhan Landfill, as alleged by IEPA and denied by Respondent, that data does not prove the Blickhan Landfill was the source of those contaminants. When the data on groundwater flow, elevations, and direction are properly analyzed, that data does not indicate releases of any contaminants from the Blickhan Landfill. Proper analysis and evaluation of the groundwater monitoring data, as well as critical hydrogeological information for the Blickhan Landfill and surrounding area, does not demonstrate violations of any Board regulations or standards caused by the Blickhan Landfill.

22. Assuming arguendo that groundwater monitoring data indicates the presence of certain contaminants in the groundwater underlying the Blickhan Landfill and the Blickhan Landfill was the source of those contaminants, as alleged by IEPA and denied by Respondent, the presence of those contaminants does not necessarily constitute “water pollution” as that term is defined by the Act. Section 3.545 of the Act defines the term “water pollution” as follows:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life. (415 ILCS §5/3.545)

IEPA’s Denial Letter does not allege and contains no evidence from which they Board may conclude that any chemical compound or constituent detected in the groundwater underlying the

Blickhan Landfill has altered the groundwater so as to create a potential or actual nuisance or to render that groundwater harmful or detrimental or injurious as prohibited by the Act.

23. IEPA's Denial Letter alleges that one of its inspectors observed a "... *hole in the landfill cap on site No. 2 on January 15, 2008,*" and concludes that the hole constitutes a "*settling problem.*" In reality, the hole observed by the IEPA inspector on January 15th was not due to settlement of the landfill cap or underlying landfilled materials; instead, it was a hole dug by a native wild animal, probably a groundhog or muskrat. The Act and Board regulations impose no obligation on John Blickhan to prevent wild animals from utilizing the closed Blickhan Landfill for whatever purposes they see fit. No such obligation is stated in the Act or the Board regulations and none can be inferred if the post-closure care period can be completed for any closed landfill in Illinois. The presence of a hole in the landfill cap that was not caused by settlement of the cap or underlying landfilled materials, even if true, does not provide adequate factual or legal support for IEPA's denial of the Post-Closure Completion Certification for the closed Blickhan Landfill.

24. IEPA unlawfully denied the Petitioner's Post-Closure Completion Certification because Petitioner monitored gas, water and settling for fifteen (15) years after the IEPA-certified closure of the Blickhan Landfill, in compliance with Section 22.17 of the Act (415 ILCS §5/22.17); Petitioner completed all work required under the IEPA-approved Post-Closure Plan, in accordance with 35 Ill. Admin. Code §807.524(c)(1); and the Petitioner demonstrated that the Blickhan Landfill will not cause future violations of the Act or the Part 807 requirements, in compliance with 35 Ill. Admin. Code §807.524(c)(2).

WHEREFORE, for the foregoing reasons, the Petitioner respectfully requests that the Board reverse the IEPA's February 22, 2008 denial of the Petitioner's Post-Closure Completion


Certification and enter an Order directing IEPA to issue a decision approving the Post-Closure Completion Certification that will terminate the post-closure care period for the Blickhan Landfill, in compliance with 35 Ill. Admin. Code 807.524(c), and all other applicable provisions of the Act and implementing Board regulations.

Dated: June 25, 2008

Respectfully Submitted,

On behalf of JOHN BLICKHAN

By: Hinshaw & Culbertson LLP



Jon S. Faletto
One of His Attorneys

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 79276, 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

DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

February 22, 2008

Certified Mail

7007 0220 0000 0039 3038

Mr. John Blickhan
P.O. Box 530
Lock and Dam Road
Quincy, Illinois 62301

Re: 0010650002 -- Adams County
Blickhan
Permit Nos. 1974-70-DE/OP
Certification of Completion of Post-Closure Care Period
Log No.2007-524
Permit Landfill 807 File
Permit Denial

Dear Mr. Blickhan:

This will acknowledge receipt of your affidavit for Certification of Completion of post-closure care period for the above referenced solid waste management site, dated December 20, 2007 and received by the Illinois EPA on December 24, 2007.

Your permit application for completion of post-closure care period, 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 5/39(a)] requires the Illinois EPA to provide the applicant with specific reasons for denial of permit. The following reasons are given:

- 1. The operator has not demonstrated that the site will not cause future violations of the Act or 35 Ill. Adm. Code 807 in order to allow the Agency to certify post-closure pursuant to 35 Ill. Adm. Code 807.524. The following site conditions currently do not meet the requirements of 35 IAC 807.313 and 807.315:
 - a. The application has failed to demonstrate compliance with the 620.410 Class I Groundwater Standards at monitoring well G106. No groundwater data has been collected from this well G106 since the 3rd Quarter of 2004 due to the well being dry. The applicant has failed to replace monitoring well G106 pursuant to Condition 12 of Attachment A: "Should any well become consistently dry or

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 ELGIN - 595 South State, Elgin, IL 60123 - (847) 600-3131 • PEORIA - 3418 N. University St., Peoria, IL 61614 - (309) 693-5463
 BUREAU OF LAND - PEORIA - 7820 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 270-5800
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6442 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
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Page 2

unserviceable, a replacement well shall be provided within ten (10) feet of the existing well."

- b. The application has failed to demonstrate compliance with the 620.410 Class I Groundwater Standards. Review of the groundwater history reveals numerous inorganic Class I groundwater exceedences, with the majority exhibited at downgradient monitoring wells G103, G105 and G106 which has significant higher concentrations of iron, manganese, chloride, boron, sulfate and total dissolved solids in comparison to upgradient monitoring well G104, which appears to be a best suited monitoring well for background comparisons as depicted on the provided potentiometric maps. Monitoring well G101 appears to be downgradient/side gradient of the western parcel. The following Class I inorganic exceedences which are indicative of a release from the Blickhan Landfill have been observed at the site since 2000: 6 exceedences of arsenic, 8 exceedences of barium, 4 exceedences of beryllium, 3 exceedences of chromium, 38 exceedences of iron, 27 exceedences of lead, 43 exceedences of manganese, 4 exceedences of nickel, 1 exceedence of selenium, 2 exceedences of sulfate, and 3 exceedences of total dissolved solids.

- c. The application has failed to demonstrate compliance with the 620.410 Class I Groundwater Standards. Review of the groundwater history reveals following unaddressed organic Class I groundwater exceedences and organic detections which are indicative of a release from Blickhan Landfill:

G103, 2,4 D - 0.22 ug/L, 2nd Quarter 2004

G103, 2,4 D - 0.27 ug/L, 2nd Quarter 2002

G105, 2,4 D - 0.14 ug/L, 2nd Quarter 2002

R101, Methylene Chloride - 1 ug/L, 2nd Quarter 2006

R101, Methylene Chloride - 2 ug/L, 2nd Quarter 2002

G103, Methylene Chloride - 2 ug/L, 2nd Quarter 2002

G104, Methylene Chloride - 1 ug/L, 2nd Quarter 2006

G104, Methylene Chloride - 2 ug/L, 2nd Quarter 2002

G105, Methylene Chloride - 2 ug/L, 2nd Quarter 2002

G106, Methylene Chloride - 2 ug/L, 2nd Quarter 2002

G107, Methylene Chloride - 2 ug/L, 2nd Quarter 2005

R101, Cis-1,2 Dichloroethene - 1 ug/L, 2nd Quarter 2006

R101, Cis-1,2 Dichloroethene - 1 ug/L, 2nd Quarter 2004

G105, Cis-1,2 Dichloroethene - 8 ug/L, 2nd Quarter 2005

Page 3

- G105, Cis-1,2 Dichloroethene - 5 ug/L, 2nd Quarter 2004
- G105, Cis-1,2 Dichloroethene - 32 ug/L, 2nd Quarter 2002
- G107, Cis-1,2 Dichloroethene - 7 ug/L, 2nd Quarter 2001
- R101, Toxaphene, 75 ug/L, 2nd Quarter 2002, above the Class I Standard
- G103, Toxaphene, 180 ug/L, 2nd Quarter 2002, above the Class I Standard
- G104, Toxaphene, 8.9 ug/L, 2nd Quarter 2002, above the Class I Standard
- G105, Toxaphene - 13 ug/L, 2nd Quarter 2002, above the Class I Standard
- G106, Toxaphene - 31 ug/L, 2nd Quarter 2002, above the Class I Standard
- G107, Toxaphene - 13 ug/L, 2nd Quarter 2002, above the Class I Standard
- G105, Vinyl Chloride - 12 ug/L, 2nd Quarter 2002, above the Class I Standard

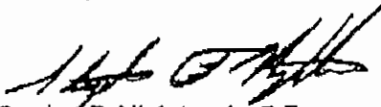
d. As per annual inspection performed on January 15, 2008 by Illinois EPA, Springfield Regional Office, a hole in the land fill cap on site No. 2 was observed. Section 22.17 of the Act requires the owner and operator to take remedial action to abate settling problems. Issuance of completion of post closure care prior to remedial action will violate Section 22.17 of the Act.

Number of violations were reported by the inspector of Springfield Regional Office, and you are required to take corrective actions before certification of completion of post-closure care period is issued.

Within 35 days after the date of mailing of the Illinois EPA's final 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.

Should you wish to reapply or have any questions regarding this application, please contact Mr. Shantial Shah of Solid Waste Unit or Brett Bersche of Solid Waste Groundwater Assistance Unit at 217/524-3300

Sincerely,



Stephen F. Nightingale, P.E.
 Manager, Permit Section
 Bureau of Land

SFA:SS/mis/083141s.doc

cc: Bryan C. Bross, P.E., Klingner & Associates, P.C.

ILLINOIS POLLUTION CONTROL BOARD
April 3, 2008

JOHN BLICKHAN.)	
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Petitioner.)	
)	
v.)	PCB 08-59
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	(90-Day Extension)
PROTECTION AGENCY.)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On March 28, 2008, the parties timely filed a joint request to extend the 35-day period within which John Blickhan (Blickhan) may appeal a February 22, 2008 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 105.208. The Agency's determination concerns a solid waste management site located in Adams County. In the determination, the Agency denied Blickhan's application for completion of the post-closure care period. The Board extends the appeal period until June 29, 2008, as the parties request. *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 105.208. If Blickhan fails to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 3, 2008, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board

