

ARGUMENT

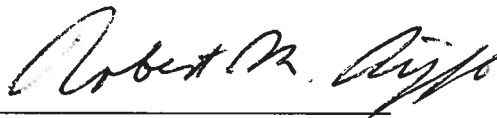
The IEPA denied the Application for a Permit, stating that the submittal fails to demonstrate compliance regarding the horizontal and vertical extent of contamination and the rate and extent of groundwater impact was not defined. Coalville respectfully disagrees with the denial, and requests review of the IEPA's decision.

CONCLUSION

For all of the foregoing reasons, Coalville, respectfully requests a hearing in this matter, which will provide it the opportunity to establish the merits of its position, and that the Final Decision be reversed or modified, granting our client's Application for a Permit.

Respectfully submitted,

Coalville Road Enterprises, Inc., Petitioner

By: 
Robert M. Riffle
Its Attorney

ROBERT M. RIFFLE
Elias, Meginnis, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
(309) 637-6000
610-280

CERTIFICATE OF SERVICE

The undersigned certifies that on March 30, 2010, a copy of the foregoing document was served upon each party to this case by

X Enclosing a true copy of same in an envelope addressed to the attorney of record of each party as listed below, with first class postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.

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

X Via Federal Express - Express Package Service - Priority Overnight

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



A handwritten signature in cursive script, appearing to read "Robert M. Riffle", is written over a horizontal line.

Robert M. Riffle
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

01-124

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

February 24, 2010

Certified Mail
7004 2510 0001 8625 5929

Coalville Road Enterprises
Attn: Arthur E. Allen
3840 East 3300 North Road
Streator, Illinois 61364

Re: 1058220007 – Livingston County
Streator Area Landfill
Log No. 2008-335
Permit Landfill 807
Permit Denial

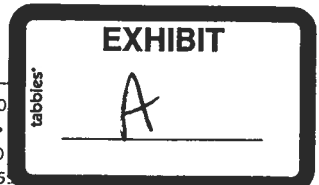
Dear Mr. Allen:

This will acknowledge receipt of your Application for a Permit, to modify the solid waste management facility as required by Special Conditions 23 and 24 of Attachment A of Supplemental Permit No. 2008-082-SP. The application was dated August 15, 2008 and received by the Illinois Environmental Protection Agency on August 15, 2008. Supplemental Information was received by the Agency (Agency) on December 21, 2009.

Your permit application addressing Special Conditions 23 and 24 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 the denial of permit. The following reason(s) are given:

Pursuant to 35 Ill. Adm. Code 807.313, no person shall cause or allow operation of a sanitary landfill so as to cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under the Act. In addition, pursuant to 35 Ill. Adm. Code 807.502(b), the operator shall close the site in a manner which controls, minimizes or eliminates post-closure release of waste, waste constituents, leachate, contaminated rainfall, or waste decomposition products to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to the human health or the environment. This submittal has failed to demonstrate compliance with these requirements for the following reason:

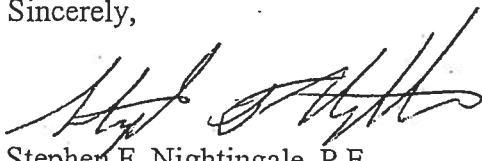


1. The horizontal and vertical extent of contamination (Benzene, 1,1-Dichloroethane, cis-1,2-Dichloroethene and Vinyl Chloride - above Class IV Standard at G103, Acetone, Benzene, 1,1-Dichloroethane, cis-1,2-Dichloroethene and Vinyl Chloride - above Class IV Standard at G104 and for Acetone, 1,1-Dichloroethane, cis-1,2-Dichloroethene, Tetrachloroethylene - above Class IV Standard, and Trichloroethene - above Class IV Standard at G105) has not been determined in the areas of G103, G104 and G105 in order to establish a Groundwater Management Zone in this application. This information was required to be submitted in this Assessment Monitoring Report pursuant to Condition 24 of Supplemental Permit No. 2009-417-SP. The horizontal and vertical extent of the proposed GMZ must be demonstrated through groundwater investigations (e.g. stepping out in the direction of groundwater flow from G103, G104 and G105); groundwater samples should be collected through piezometers or discrete groundwater collection methodologies to determine the extent of groundwater impacts.
2. It cannot be determined whether the current and proposed corrective actions are adequate. Once the rate and extent of groundwater impacts is defined, the applicant should propose revisions to the corrective action program as necessary.

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 Mark A. Schollenberger, P.E., at 217/524-3307.

Sincerely,



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

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cc: Kim Van Pelt, Andrews Engineering, Inc.