ILLINOIS POLLUTION CONTROL BOARD
November 16, 1995

IN THE MATTER OF:	)	
	)	
PETITION OF HEPWORTH U.S. HOLDINGS, INC., MANLEY BROTHERS OF INDIANA, INC., AND THE SILICA SAND TRUST FOR AN ADJUSTED STANDARD FROM 35 ILL. ADM. CODE 620.410	)	AS 94-19 (Adjusted Standard - Land)

OPINION AND ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a petition for adjusted standard filed by Hepworth U.S. Holdings, Inc. (Hepworth) on December 27, 1994. Petitioners Manley Brothers of Indiana, Inc. (Manley Brothers) and the Silica Sand Trust were added as petitioners to this action by order of the Board on October 5, 1995. The petitioners request an adjusted standard from the Class I groundwater quality standards for lead, nickel, and arsenic set forth at 35 Ill. Adm. Code 620.410, for a 50-acre portion of a 550-acre facility located southeast of Troy Grove in both Township 34N, Range 1E, Section 2 and Township 35N, Range 1E, Section 35 of LaSalle County, Illinois.

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.*). The Board is charged therein to "determine, define and implement the environmental control standards applicable in the State of Illinois" (Section 5(b) of the Act) and to "grant . . . an adjusted standard for persons who can justify such an adjustment" (Section 28.1(a) of the Act). More generally, the Board's responsibility in this matter is based on the system of checks and balances integral to Illinois environmental governance: the Board is charged with the rulemaking and principal adjudicatory functions, and the Agency is responsible for carrying out the principal administrative duties.

Based upon the record before it and upon review of the factors involved in the consideration of adjusted standards, the Board finds that petitioners have demonstrated that grant of an adjusted standard is warranted. The adjusted standard accordingly will be granted.

PROCEDURAL HISTORY

The Illinois Environmental Protection Agency (Agency) filed its initial response to the petition for adjusted standard on February 9, 1995. By order dated February 16,

1995, the Board found that the Agency's response failed to comply with the requirements of 35 Ill. Adm. Code 106.174. The Agency filed a second response on March 6, 1995 correcting the identified deficiencies.

The Board received two requests for hearing in this matter: a January 24, 1995 request for hearing from Dale L. Stockley on behalf of the Town of Dimmick; and a January 25, 1995 request for hearing from Gary L. Gearhart. The Board therefore accepted this matter for hearing on February 16, 1995, and a hearing was held on June 14, 1995.

At hearing, Hepworth presented the testimony of three witnesses: Mr. Ray Salt, President of Manley Brothers; Susan Knight, Director of Industrial Compliance at Applied Science and Technology, Inc. (ASTI); and Peter Collins, Director of Ecological Services at ASTI. Additionally, statements were made by three members of the public: Mr. Walter Kolodziej, a Trustee on the Town Board of Dimmick Township; Nancy Jasiek, Vice President of an organization called Save Our Little Vermilion Environment, and a property owner along the Little Vermilion; and Jim Crane, a farmer in the area. The majority of information submitted into the record in this action was provided by Hepworth and its consultant, ASTI.

On July 21, 1995, Hepworth filed its post-hearing comments and a motion to correct the transcript, which we hereby grant. On August 30, 1995, the Board received a public comment from Mr. Joseph Lanuti, Trustee of the Silica Sand Trust which owns the site, supporting grant of the requested relief.

On October 5, 1995, the Board on its own motion added Manley Brothers, the current operator at the site, and the Silica Sand Trust, the owner of the site, as petitioners in this action. The Board found them to be necessary parties to this action pursuant to Section 103.121(c) of our procedural rules (35 Ill. Adm. Code 101.121(c)). On October 18, 1995, Manley Brothers submitted a "Clarification" in response to the Board's October 5, 1995 order. In its clarification, Manley Brothers states that it is not the sole operator at the site, since Technisand also operates at the site. Manley Brothers does not contest its being made a party to the action. Furthermore, Technisand has not participated in this proceeding, and has not sought to be included in the terms of the requested adjusted standard.

ADJUSTED STANDARD PROCEDURE

Section 28.1 of the Act provides that a petitioner may request, and the Board may adopt, an environmental standard that is: (a) applicable solely to the petitioner, and (b)

different from the standard that would otherwise apply to petitioner pursuant to a rule of general applicability. Such a standard is called an adjusted standard. The general procedures that govern an adjusted standard proceeding are found at Section 28.1 of the Act and within the Board's procedural rules at 35 Ill. Adm. Code Part 106.

Where, as here, the regulation of general applicability does not specify a level of justification required for a petitioner to qualify for an adjusted standard, the Act at Section 28.1(c) specifies four demonstrations that must be made by a successful petitioner:

1) Factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to that petitioner;

2) The existence of those factors justifies an adjusted standard;

3) The requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability; and

4) The adjusted standard is consistent with any applicable federal law.

BACKGROUND

The 50-acre site for which the adjusted standard is sought (the site) is a portion of a 550-acre sand mining operation. (See Ex. 13.) The 50-acre site contains all facilities and processing operations on the property, including rail and truck loading areas, a sand washing area, a sand drying area, and a sand processing area. (Tr. at 24.) All structures are located and all processing operations are conducted within the 50-acre site. (Tr. at 25.) The remainder of the property consists of active quarries, former quarries filled with water, and reclaimed vegetated areas. (Tr. at 24-25.)

The property is bounded to the northwest by the Chicago and Northwestern Railroad (C & NW), and bounded to the east by County Road 13. The property is approximately 1 1/4 miles long from north to south, and approximately 3/4 mile from east to west. The Little Vermilion River crosses the property, entering at the northeast of the property and exiting at the southwest. The 50-acre sand processing site is in the northwest corner of the facility, extending between the C & NW

tracks and the northernmost portion of the Little Vermilion River. (Pet. at 1.)

Mining was begun at this site in the 1950s. Hepworth is the former operator of the property, and operated the site for approximately eleven years between 1980 and 1991. Manley took over operations at the site from Hepworth in August, 1991. (Tr. at 13.) Manley leases the property from Mr. Eggleston and Mr. Lanuti, who have owned the property since at least 1954. (Tr. at 13.)

Manley operates a mining operation on the site, producing a high quality silica sand. Manley processes and sells various grades and mixes of the sand to a variety of industries, including the foundry and glass industries. (Tr. at 13-14.) Two acres of the site are sub-leased to a company called Technisand, which operates a sand resin-coating plant adjacent to the Manley processing operation, producing specialty sand products. (Tr. at 13.)

Site Investigation.

In 1990, Hepworth hired Applied Science and Technology, Inc. (ASTI) to perform an environmental audit of the property in conjunction with the sale of its operations at the site to Manley, a subsidiary of Hepworth. (Tr. at 23.) Because of the site's operational history, ASTI's investigations focused on the 50-acre site. In addition to being the location of all processing operations and structures, this area was formerly operated as a limestone quarry in the early 1950's. (Tr. at 26.) Discussions with past and current site personnel indicated that there were potential concerns that off-specification cans for foodpacking and debris from a fire which occurred at the facility might have been used as fill material at this location. (Tr. at 26.)

ASTI's initial investigation of the site was generally positive, although it revealed several areas of elevated levels of metals in the uppermost aquifer and identified incidental contamination of soils by metals and petroleum products. (Tr. at 23.) ASTI also discovered minor polynuclear aromatic (PNA) contamination around the processing area, which it believed was associated with truck activity at the processing areas. (Tr. at 30, 35-36.)

Hepworth and Manley decided to proceed with the sale, subject to the condition that Hepworth retain responsibility for any further investigation and cleanup costs for property conditions that existed prior to the sale. Hepworth therefore continued its investigation of conditions at the property. (Tr. at 24.)

Hepworth submitted the results of its initial investigation to the Agency and entered the Agency's voluntary cleanup program on November 6, 1991, seeking to obtain a "clean letter" pursuant to Section 4y of the Act. (Tr. at 30, Pet. at 7.) On March 20, 1992, the Agency sent Hepworth a letter stating that it had determined that Class I groundwater existed at the site, and requesting that Hepworth perform additional investigations at the site. (Tr. at 30, Attachment B to Pet.) Hepworth therefore proceeded with the second phase of investigation, examining areas near the processing plant in greater detail.

Hepworth sought to establish groundwater quality, flow direction, and flow rate, and to determine whether a discrete source of contamination was present. Hepworth conducted a total of twenty-seven soil borings, installed nine monitoring wells on the site, installed two monitoring wells off-site to measure background, and conducted nine groundwater quality surveys, including hydrogeological tests of the aquifer. (Tr. at 32.) Hepworth completed its work in 1993 and on April 19, 1994 submitted its report to the Agency. (Pet. at 7, Appx. C to Pet.)

ASTI's investigation indicated that groundwater at the site generally flows towards the Little Vermilion River. (Tr. at 36-37.) ASTI found no evidence of waste materials disposed of at the site, or any evidence of a source of potential contamination. (Tr. at 37.) There was no volatile organic compound (VOC) or gasoline contamination of groundwater anywhere at the site, and no evidence of groundwater contamination by diesel fuel or other petroleum products. However, ASTI's sampling did reveal levels of arsenic, lead, and nickel which exceeded groundwater quality standards in several sampling events at several locations throughout the site.

Hepworth submitted the sampling results to the Agency, seeking to obtain a 4y letter. However, while the Agency acknowledged the results of the investigation, it believed it could not issue a 4y letter approving conditions at the site, due to the elevated levels of metals. (Tr. at 37.)

Site Operations.

Manley currently conducts active mining operations at the southern end of the property. (Tr. at 14.) In conducting these operations, Manley first uses heavy earthmoving equipment to remove the clay till which overlies the sandstone at the site. Manley then prepares the sandstone for extraction by drilling and blasting with explosive charges, or "fractioning." (Tr. at 15.) The prepared sandstone is then blasted with high pressure water, with a pressure of

approximately 200 pounds per square inch. This creates a slurry which is pumped to a discharge pipe line, which conveys the slurry to the sand washing plant. (Tr. at 15.)

At the sand washing plant, the silica sand fraction is separated from the water, which contains clay, small grains of silica, and other minerals. The water is then piped to the large quarry lake, where the sand, clay, and other minerals settle out. (Tr. at 16.) The water is then piped to a second lake, known as a clean water lake, and is reused in the process. No water is withdrawn from or discharged to the Little Vermilion River. (Tr. at 16.) Furthermore, no chemicals are added to the sand or slurry. (Tr. at 16.)

The sand product is piped from the washing plant to a stockpile area. (Tr. at 17.) From the stockpile area, the sand is sent by conveyor to a dryer. The dry sand is sorted by grain size and sent to storage silos. Manley creates 97 different blends of sand using varying amounts of the sorted grains. (Tr. at 17.) Technisand, the subleasee at the site, coats sand with resins and markets various grades of coated sand to the oil exploration and foundry industries. (Tr. at 17-18.)

Manley has approximately 24 full-time employees. (Tr. at 18.) Manley estimates that mining and processing of sand will continue at this location for approximately forty years. (Tr. at 19.) Technisand employs approximately 30 people in its sand resin-coating operations. (Pet. at 4.)

Surrounding Land Uses.

Troy Grove is located northwest of the site, across the C & NW railroad tracks. (Pet. at 3.) It is a rural community with a population of approximately 290, and its drinking water is provided by individual wells. (Pet. at 3.) Northeast of the site is the Moline Consumers Stone Quarry, a commercial stone quarry. (Pet. at 3.) Southwest of the site, Unimin Corporation operates a separate sand mining operation. (Pet. at 3.) The land south and east of the site is agricultural land. (Pet. at 3.) Illinois Water Survey well logs indicate that six residential wells are located within Section 35 south of the sandmining operation, which vary in depth from 30 to 72 feet. (Pet. at 3-4.)

RULE OF GENERAL APPLICABILITY

The petitioners seek an adjusted standard from 35 Ill. Adm. Code 620.410, Groundwater Quality Standards for Class I: Potable Resource Groundwater, as they apply to lead, nickel, and arsenic

at a 50-acre portion of the facility. This regulation provides in relevant part:

a) Inorganic Chemical Constituents

Except due to natural causes or as provided in Section 620.450, concentration of the following chemical constituents must not be exceeded in Class I groundwater:

Constituent	Units	Standard
Arsenic	mg/L	0.05
	* * * *	
Lead	mg/L	0.0075
	* * * *	
Nickel	mg/L	0.1

The Agency has determined that a Class I aquifer is present at the site (Ex. 2), and petitioners do not dispute the appropriateness of this classification.

JUSTIFICATION OF ADJUSTED STANDARD

Hepworth states that it conducted extensive groundwater investigations at the site, conducting over 600 analyses for metals and other inorganic compounds. (Tr. at 33.) These investigations revealed sporadic, slightly elevated levels of arsenic, lead, and nickel in the groundwater at various locations throughout the site.

In seeking to identify a source of contamination at the site, Hepworth also conducted extensive soil investigations, including analyses of 27 soil borings. (Pet. at 10.) These investigations revealed "spotty" soil contamination from PNA's, but Hepworth discovered no discrete source of contamination, and identified no signs of waste materials. (Tr. at 37.) Furthermore, these investigations demonstrated no relationship between soil contamination and metals identified in the groundwater. (Tr. at 36.)

Arsenic.

Arsenic was found to exceed the groundwater standard at

two widely-separated locations: monitor well 4 (MW 4) and monitor well 5 (MW 5). At MW 4, the average concentration was found to exceed the Class I groundwater standard by ten percent. At MW 5, four out of eight monitoring events exceeded the Class I standard, but the average concentration was below the standard. In the two most recent sampling events, arsenic was below the standard in both wells. (Pet. at 9.) No pattern of contamination was discovered.

Lead.

The average concentration for lead exceeded the Class I standard by 65 percent. Most of these exceedences occurred at two wells: monitoring well 1 (MW 1) and monitoring well 5 (MW 5). MW 1, an upgradient well, exceeded the standard in all sampling events. MW 5 exceeded the standard in five out of eight sampling events. (Pet. at 8.) Hepworth states that the concentrations of lead in most cases significantly decrease from upgradient to downgradient. (Pet. at 11.)

Nickel.

Nickel exceedences were detected consistently in one upgradient well, monitoring well 2 (MW 2). However, there is virtually no groundwater flow at this location, and petitioners estimate that it would take approximately 2,000 years for contamination to reach the downgradient boundary of the site. (Pet. at 8.) Petitioners therefore assert that the nickel contamination is confined within the MW 2 area.

Petitioners state that the investigations conducted by ASTI revealed no evidence of a plume or discrete source of contamination at the site (Tr. at 35, 37), and that it would therefore be pointless to conduct remediation (Tr. at 47). Furthermore, petitioners emphasize that the recorded levels of arsenic, lead, and nickel at the site only slightly exceed the Class I standards. (Pet. at 8-9; Tr. at 52-53.)

Source of Metals.

Petitioners assert that mobilization of the naturally present constituents by soil excavation, filling, and exposure of the bedrock to weathering, including low pH precipitation and on-site surface run-off, is the likely cause of the elevated metals in the groundwater. (Ex. 3 at 72-73; Pet. at 11-12.) Mr. Collins testified that it appeared that the groundwater quality at the entire site was slightly altered by the exposure of soils and bedrock to weathering and acidification by direct precipitation, and that this process is sufficient to mobilize and elevate naturally-occurring metals in soils and rock. (Tr. at 54.) Susan Knight further testified that the limestone mining which previously occurred

at the site has affected the upper-most aquifer. Susan Knight testified that the site is underlain by limestone, and that elevated levels of lead are often associated with limestone. (Tr. at 34.) Petitioners assert that these natural disturbances make meeting Class I groundwater standards unreasonable.

Surface Water Quality Standards.

Because the groundwater at the site discharges to the Little Vermilion River, petitioners also compared its groundwater sampling results to the general use surface water quality standards. Petitioners found that the total metals in the groundwater for the constituents of concern were consistently below the general use surface water quality standards for dissolved metals. Furthermore, the levels of dissolved arsenic, lead and nickel at the river-side monitoring wells met the general use water quality standards for the river. (Tr. at 58.)

The following table summarizes the comparison between Hepworth's sampling results and applicable water quality standards, recorded in parts per million (ppm):

CONSTITUENT	CLASS I GROUNDWATER (TOTAL METAL)	GENERAL USE SURFACE WATER (DISSOLVED METAL)	SITE GROUNDWATER AVERAGE CONC. (TOTAL/DISSOLVED)
ARSENIC	0.05	0.190	0.021/0.008
LEAD	0.0075	0.097	0.013/0.001
NICKEL	0.1	1.0	0.05/0.018

(Pet. Ex. 13; see Tr. at 67-72.)

Petitioners assert that, while it is technically feasible to perform groundwater remediation, reductions in the levels of metals in groundwater may not occur if the presence of the metals is principally the result of natural processes. Petitioners also assert that eliminating the slight groundwater impact would not be economically reasonable because the water is not being used for potable purposes, and because no impact to any potable water supply is expected. Additionally, since the Little Vermilion River intercepts the groundwater at the site and the groundwater flow within the watershed is toward the river, there are no groundwater wells used for potable purposes downgradient from the site. Additionally, petitioners assert that the adjusted standard will not negatively impact the value of the property. (Pet. at

20.)

COMPLIANCE ALTERNATIVES

After investigating a variety of remediation systems, petitioners determined that two remediation systems would be most effective for use at the site: installation of an engineered drain, or installation of a pump and treat system. (Pet. Ex. 5 at E-1.) Both systems operate on the same physical and chemical treatment principles. (Pet. at 21.)

Engineered Drain System.

The engineered drain system would involve excavating along the river bed to intersect groundwater. A leachate collection system would then be installed, and the groundwater would be pumped to a metal hydroxide precipitation system. The treated water would then be discharged to the river pursuant to a National Pollutant Discharge Elimination System (NPDES) permit. (Pet. Ex. 5 at E-1.)

Pump and Treat System.

The pump and treat system would require the installation of downgradient withdrawal wells. The groundwater would then be pumped to a metal hydroxide precipitation system. The treated water would then be discharged to the river pursuant to a NPDES permit, or re-injected into upgradient wells. (Pet. Ex. 5 at E-1.)

Cost of Remediation.

Petitioners assert that the total cost of remediation depends on the number of years that the system must be operated in order to achieve compliance. They estimate that compliance could be achieved within 3 to 5 years. They estimate that installing and operating a treatment system for a period of five years would cost approximately $2,275,000.00. (Pet. at 13.)

PROPOSED ADJUSTED STANDARD

Petitioners propose that the following be adopted as an adjusted standard applicable to the site:

Parameter	Proposed Standard
arsenic	0.15 mg/L
lead	0.15 mg/L
nickel	1.5 mg/L

(Pet. at 22.)

The proposed standards would be substituted for the currently applicable Class I standards for the listed constituents. All other Class I standards would remain applicable to the site.

HEALTH AND ENVIRONMENTAL EFFECTS

In support of its position that there would be minimal environmental and health impacts from the grant of the requested adjusted standard, petitioners presented the testimony of two witnesses. First, Susan Knight testified concerning groundwater conditions at the site. She testified that there was no contamination of groundwater at the site by volatile organic or petroleum compounds. (Tr. at 32-33.) Second, she testified that, while there were elevated metals in some of the wells, these elevated levels were sporadic and localized. (Tr. at 33-35.) Furthermore, Knight testified that these levels were only elevated when considering total metals data; dissolved metals levels were consistently below the Class I groundwater standard. (Tr. at 35.) Finally, she testified there was no evidence of a plume of contamination. (Tr. at 35.)

Knight also testified concerning soil conditions at the site. She testified that sampling demonstrated the presence of localized PNA contamination, which she associated with vehicle activity. (Tr. at 35-36.) Knight asserted that this PNA contamination did not impact the groundwater. Knight further testified that there no plume of soil contamination at the site. (Tr. at 36.) Finally, she testified that there was no connection between soil contamination and groundwater contamination at the site. (Tr. at 36-37.)

Peter Collins, director of Ecological Services for ASTI, testified that there would be an environmental impact associated with operating a pump and treat system of remediation. He testified that such a system would require a discharge pursuant to a NPDES permit, and that the filtered materials would generate a waste stream of either hazardous or special wastes. (Tr. at 48-49.)

Collins further testified that granting the proposed adjusted standard would present no threat to the water quality of the Little Vermilion River. (Tr. at 57.) He testified that water quality in the wells immediately adjacent to the river indicated levels of metals which were far below the surface water quality standards set forth at 35 Ill. Adm. Code Part 302, and that granting the proposed adjusted standard would therefore not result in any impact to achievement of

water quality standards for the Little Vermilion. (Tr. at 57-59.)

Collins also testified that granting the requested adjusted standard would not impact surrounding drinking water supplies. He testified that, because the groundwater gradient from the site flows away from Troy Grove and toward the Little Vermilion, the drinking water supply for Troy Grove would not be impacted. (Tr. at 59-60.)

Collins also testified that the Little Vermilion would act as a barrier to the transport of groundwater to residences on the east side of the site. (Tr. at 61.) He further noted that drinking water wells in the area are all at least 80 feet deep, and that they therefore draw water from a deeper aquifer than that for which petitioners are seeking the adjusted standard. (Tr. at 61.) Mr. Collins concluded his testimony by offering his opinion that there would be no impact to groundwater away from the site. (Tr. at 62.)

CONSISTENCY WITH FEDERAL LAW

Petitioners assert, and the Agency agrees, that none of the requirements from which relief is sought were promulgated, in whole or in part, pursuant to federal requirements. (Pet. at 14, 26; 2nd Agency Response at para. 7.)

AGENCY RESPONSE

The Agency filed its initial response in this matter on February 9, 1995. Pursuant to the Board's order, the Agency filed an amended response on March 6, 1995. In its amended response, the Agency states that it agrees that, due to past, present and planned future use of the facility, the groundwater at the site will not be used for potable purposes, and that the levels of contaminants will therefore not cause adverse environmental impacts or human health effects. (2nd Agency Response at para. 10.) Furthermore, the Agency agrees that the Little Vermilion River acts as a barrier which prevents inorganics in the groundwater beneath the site from migrating across the river. (2nd Agency Response at para. 11.) Finally, the Agency agrees that the levels of contamination at the site are low and that the water is not being used for potable purposes. (2nd Agency Response at para. 14.) Therefore, the Agency recommends that the adjusted standard be granted. (2nd Agency Response, concluding paragraph.)

CONCLUSION

The Board finds that petitioners have demonstrated that an adjusted standard is appropriate for the 50-acre northwest portion of petitioners' 550-acre facility, located southeast

of Troy Grove in both Township 34N, Range 1E, Section 2 and Township 35N, Range 1E, Section 35 of LaSalle County, Illinois. The petitioners have demonstrated that there is no evidence of a discrete source of contamination at the site, and that the elevated metals at the site may be the result of natural processes. We find that this constitutes a factor which makes petitioner's situation substantially and significantly different from the factors relied upon by the Board in adopting the regulation of general applicability. (*See* In the Matter of: Groundwater Quality Standards, R89-14(B), adopted November 7, 1991, effective November 25, 1991.) Additionally, petitioners have demonstrated that remediation is impracticable and economically infeasible. (See discussion of same at page 10 of this opinion.) Together these factors justify the requested adjusted standard.

Furthermore, we find that petitioners have demonstrated that granting the adjusted standard will not negatively impact surrounding drinking water supplies or the Little Vermilion River, or result in any other harm to the environment or human health. Finally, we find that petitioners have demonstrated that the requested adjusted standard will be consistent with federal law. The proposed adjusted standard is therefore granted.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

Petitioners Hepworth U.S. Holdings, Inc., Manley Brothers of Indiana, Inc., and the Silica Sand Trust are hereby granted an adjusted standard, pursuant to 415 ILCS 5/28.1, applicable to the 50-acre northwest portion of the 550-acre facility located southeast of Troy Grove in both Township 34N, Range 1E, Section 2 and Township 35N, Range 1E, Section 35 of LaSalle County, Illinois (the site), subject to the provisions and conditions listed below.

Inorganic Chemical Constituents

Concentration of the following chemical constituents must not be exceeded in the uppermost aquifer at the site:

Parameter	Adjusted Standard
arsenic	0.15 mg/L
lead	0.15 mg/L

nickel 1.5 mg/L

These standards shall be substituted for the currently applicable Class I standards for the listed constituents. All other Class I standards remain applicable to the site.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the _____ day of _____, 1995, by a vote of _____.

_____
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board