

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CATHERINE THOMAS, d/b/a THOMAS)
12th STREET DISPOSAL,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

(Permit Appeal-Land)

PCB 10-85

RECEIVED
CLERK'S OFFICE

MAY 29 2014

STATE OF ILLINOIS
Pollution Control Board



ORIGINAL

MOTION FOR VOLUNTARY DISMISSAL

NOW COMES the Petitioner CATHERINE THOMAS, d/b/a THOMAS 12th STREET DISPOSAL, by and through her attorney, DAVID K. COX, and files her MOTION FOR VOLUNTARY DISMISSAL pursuant to 35 Ill. Adm. 101.500, stating as follows

1. A Petitioner's Amended Petition to Review the Denial of Supplemental Permit Application Log Nos. 2007-300-SP, 2007-497, 2009-460, and 2009-595 was filed on January 10, 2011, and remains pending before the Illinois Pollution Control Board.

2. All matters pertaining to the site have been resolved with the issuance of the Certification of Completion of Post-Closure Care dated April 17, 2014, by the Illinois Environmental Protection Agency, (a copy of the Certification of Completion of Post-Closure Care is attached as Petitioner's Exhibit 1), and the release letter of the Letter of Credit dated May 22, 2014, (a copy of the release letter is attached as Petitioner's Exhibit 2.)

3. Since all site issues are resolved there is no need for the Petitioner to proceed with the appeal.

4. The Petitioner seeks voluntary dismissal of this case.

5. Neither the Attorney General nor the Illinois Environmental Protection Agency have an objection to the dismissal given the procedural position of the case.

6. The parties hereby stipulate that the Motion for Voluntary Dismissal should be granted.

WHEREFORE, the Plaintiff prays that her MOTION FOR VOLUNTARY DISMISSAL be granted.

CATHERINE THOMAS, d/b/a
THOMAS 12th STREET DISPOSAL,
Plaintiff

By: 

David K. Cox
Attorney for Plaintiff

David K. Cox
Attorney at Law
110 N. Charter Street
Monticello, Illinois 61856
217/762-3800
217/762-3790



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3301

April 17, 2014

Certified Mail

7012 0470 0001 3000 C948

Mrs. Catherine Thomas
55 Greenwood Cemetary Road
Danville, Illinois 61832

Re: 1838040009 -- Vermilion County
Thomas 12th Street Disposal
Post-Closure Certification
Log No. 2013-548
Permit Approval
Permit Landfill 807 File

Dear Mrs. Thomas:

This will acknowledge receipt of your certification of completion of post-closure care, dated and received by the Illinois November 20, 2013.

Certification of Completion of Post-Closure Care

1. The Illinois EPA has determined that the post-closure care of the referenced site has been completed in accordance with the Post-Closure Care Plan and the certification, signed and sealed by Douglas W. Mauntel, P.E., signature dated November 19, 2013 and prepared by Dipanjan Ghosh.
2. The Date of completion of post-closure care is April 15, 2014.
3. Financial assurance is no longer required for the referenced site. If you wish to be released from any financial assurance that you are no longer required to maintain, you may file your written request with the Financial Assurance Unit at the address above. Include the site number for the facility with your request.
4. This correspondence constitutes final action by the Illinois EPA for the referenced site.

The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day

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appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the request for an extension, please contact:

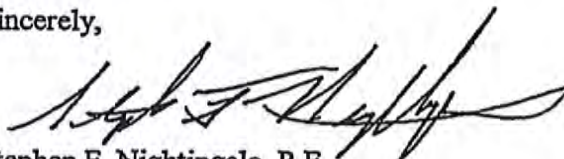
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

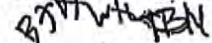
Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This permit does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Sincerely,



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

SFN:TWH:1838040009-807LF-2013548-PCLCert.docx

cc:  Douglas W. Mauntel, P.E., Andrews Engineering
Shirley Hicks, Vermilion County Health Dept.

BCC:
Bureau File
FOS - Champaign
Tom Hubbard
Brett Bersche
Greg Richardson



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

May 22, 2014

Old National Bank
ATTN: Melanie Mauck
2 West Main Street
Danville, IL 61832

UPS No. 12 621 589 01 6686 7113

Re: 1838040009 – Vermilion County
Thomas 12th Street Disposal
Financial File

Dear Ms. Mauck:

The Illinois EPA is providing written authorization for termination of Old National Bank Letter of Credit (No. 20105314283) since, as of April 17, 2014, the landfill is no longer required to maintain financial assurance. The letter of credit dated May 4, 2012 with an effective date of June 6, 2012 is enclosed as an attachment to this letter.

Kim Van Pelt of Andrews Engineering, Inc. submitted a letter, dated April 28, 2014, on behalf of Thomas 12th Street Disposal that requested that Illinois EPA authorize the release of Old National Bank Letter of Credit (No. 20105314283). The Illinois EPA completed a record review on May 8, 2014 and concluded that the letter of credit could be terminated.

If you have questions, please contact Robert Mathis, Jr. at (217) 785-7403.

Sincerely,

Lisa Bonnett by Carol Radwone

Lisa Bonnett
Director

Enclosures – Old National Bank Letter of Credit (No. 20105314283)

CC: Kim Van Pelt – Andrews Engineering, Inc.

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the MOTION FOR VOLUNTARY DISMISSAL was served on:

Christopher Grant
Assistant Attorney General
Environmental Bureau
69 W. Washington, #1800
Chicago, IL 60602

by placing the documents in an envelope, properly addressed and with proper postage affixed, and placing the envelope in the United States Mail box located in Monticello, Illinois, on the 28th day of May, 2014.

Rachel Annis