



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 22 2009

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL - 7001 0320 8922 6289
RETURN RECEIPT REQUESTED

Mr. Gary Hannig, Secretary
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Re: Docket No: CWA-05-2010-0001
BD # 2751043W001

Dear Mr. Hannig:

I have enclosed one copy of the fully executed Consent Agreement and Final Order (CAFO) in the resolution of the above case. It was filed with the Regional Hearing Clerk. DEC 22 2009

The penalty amount agreed upon is \$100,000, which is due 60 days after the effective date of this CAFO. A Certified or Cashier Check should be made payable to the "Treasurer, United States of America," at the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

When submitting your check, please be sure that the Case Docket No. and the Billing Docket No. (BD) are included at the bottom of your check.

There is now an On Line Payment Option available through the Department of Treasury at <https://www.pay.gov>; which allows you to make payments using your credit card, checking or saving account. Using the Search Public Forms field (left side of page) enter "SFO 1.1" to access the EPA Miscellaneous Payments-Cincinnati Finance Center Form. Follow the instructions for payment.

As indicated in your CAFO, a copy of the check or electronic transfer must be sent to:

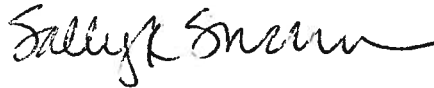
LaDawn Whitehead (E-19J)
Regional Hearing Clerk
U.S. EPA
77 W. Jackson Blvd.
Chicago, IL 60604

William Jones (WC-15J)
Wet Weather Program Manager
U.S. EPA
77 W. Jackson Blvd.
Chicago, IL 60604

Richard Nagle (C-14J)
Associate Regional Counsel
U.S. EPA
77 W. Jackson Blvd
Chicago, IL 60604

If you have any questions, please contact William Jones at (312) 886-6058

Sincerely yours,



Sally K. Swanson, Chief
Water Enforcement and Compliance Assurance Branch

Enclosure

cc: Ms. Carrie K. Zalewski, IDOT
Michael Garretson, IEPA

cc: William Jones (WC-15J)
Phillipa Cannon (P-19J)
Financial Mgmt. (MF-10J)
James Coleman (WC-15J)

WC15J: DMoore/dm/12-16-09

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
Illinois Department of Transportation)
)
Respondent.)
)
_____)

Docket No. CWA-05-2010-0001

Proceeding to Assess a Class II
Civil Penalty under Section 309(g)
of the Clean Water Act,
33 U.S.C. § 1319(g)

RECEIVED

OCT 14 2009

REGIONAL HEARING CLERK
USEPA
REGION 5

CONSENT AGREEMENT AND FINAL ORDER

I. General Allegations

1. This is an administrative action commenced by the U.S. Environmental Protection Agency pursuant to Section 309(g) of the Clean Water Act (Act or CWA), 33 U.S.C. § 319(g), and Sections 22.01(a)(6) and 22.38 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits* (Consolidated Rules), 40 C.F.R. § 22.01(a) (6) and 22.38 (2007). The Administrator of EPA (Administrator) has delegated the authority to take this action to the Regional Administrator of Region 5, who has re-delegated the authority to the Water Division Director.

2. The Respondent, Illinois Department of Transportation (IDOT) is a political subdivision of the state organized under the laws of the State of Illinois. IDOT is therefore a "person" as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2, and is thus subject to its requirements.

3. Respondent at all times relevant to this complaint has owned and operated a construction site and storm sewers, located in Lake Zurich, Illinois. This site is known as the IDOT Route 22/12 construction site in Lake Zurich (hereinafter, "the site").

4. Construction on the site concluded on October 17, 2007.

5. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants to waters of the United States except in compliance with certain sections of the Act, including Section 402, 33 U.S.C. § 1342.

6. The State of Illinois, through its Environmental Protection Agency (IEPA), is a state approved under Section 402(b) of the Act to administer the National Pollutant Discharge Elimination System (NPDES) program, including the issuance of storm water permits.

7. Title 40 C.F.R. § 122, requires an NPDES permit for storm water discharges from small municipal separate storm sewer systems.

8. The term "municipal separate storm sewer" is defined at 40 C.F.R § 122.26(b)(8) and includes:

"a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State...or other public body (created by or pursuant to State law) having jurisdiction over disposal of...storm water ..."

9. A "small municipal separate storm sewer system" (small MS4) is defined at 40 C.F.R § 122.26(b)(16) and means all separate storm sewers that are:

"(i) Owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district,

flood control district or drainage district, or similar entity...that discharges to waters of the United States...

(iii) This term includes systems similar to separate storm sewer systems in municipalities, such as... highways and other thoroughfares..."

10. Municipal separate storm sewers in highways and other thoroughfares owned by Respondent (including IL Route 22 in Lake Zurich) are small MS4s because they are comprised of places referred to in 40 C.F.R. § 122.26 (b)(16)(iii).

11. Respondent's MS4 in Lake Zurich discharges to Lake Zurich and other surface waters, which are "navigable waters" as defined by Section 502(7) of the Act, 33 U.S.C. § 1362(7), and "waters of the United States" as defined by EPA regulations in 40 C.F.R. § 122.2.

12. Under the authority of Section 402(a) of the Act, 33 U.S.C. § 1342(a), the IEPA issued NPDES permit No. ILR400493 to Respondent. NPDES Permit No. ILR400493 establishes certain limitations, and other provisions governing the discharge of storm water from Respondent's MS4. The permit became effective on March 1, 2003, and expired on February 29, 2008, but remains in effect, pursuant to its terms, until a new permit is issued. IEPA reviewed Respondent's Notice of Intent (NOI) to discharge on March 7, 2003. IEPA permitted Respondent's MS4 as a final action on September 3, 2004.

13. NPDES permit No. ILR400493, Part I.B.3, requires that "Any municipality covered by this general permit is also granted automatic coverage under Permit No. ILR10 for the discharge of storm water associated with construction site activities for municipal construction projects disturbing one acre or more. The permittee shall comply with all the requirements of Permit ILR10 for all such construction projects." Section 502 of the Act, 33 U.S.C. § 1362,

defines the term “municipality” as “...a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes...”

14. Section 309(g) of the Act, 33 U.S.C. § 1319(g), authorizes the Administrator to assess a Class II civil penalty under Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), after consultation with the State, when the Administrator finds, on the basis of any information available, that a person has violated Section 301 of the Act, 33 U.S.C. § 1311 or has violated any permit condition or limitation implementing a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

15. The Parties agree that settlement of this matter without litigation will save time and resources, that it is in the public interest, and that entry into this CONSENT AGREEMENT AND FINAL ORDER (hereinafter “CAFO”) is the most appropriate means of resolving this matter.

II. Violations

Count I - Failure to Identify Sources of Pollution

16. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

17. NPDES permit ILR10, Part IV, Storm Water Pollution Prevention Plans (SWPPP), requires “The plan shall identify potential sources of pollution...Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.”

18. On July 28, 2006, EPA conducted an inspection of the Respondent’s site and found that the SWPPP did not identify all potential sources of pollution.

19. Respondent's failure to identify potential sources of pollutants is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count II - Failure to Implement the SWPPP

20. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

21. NPDES permit ILR10, Part IV, SWPPP, requires "...Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit."

22. The IDOT SWPPP states "Redi-mix concrete trucks should washout in designated areas surrounded by silt fence. After all [Portland Cement Concrete] items have been constructed, the dried concrete wash material should be cleaned up and properly disposed."

23. On July 28, 2006, EPA conducted an inspection of the Respondent's site and observed that concrete had been washed out in various places without using certain best management practices (BMPs) to contain the washout and that designated concrete washout areas had not been established.

24. The IDOT SWPPP also requires that "On site maintenance of equipment must be performed in accordance with environmental law, such as proper storage and no dumping of old engine oil or other fluids on site."

25. On the July 28, 2006, inspection of the Respondent's site, EPA observed a small amount of oil spilled on the ground and an antifreeze container lying on the ground.

26. The IDOT SWPPP requires properly installed and maintained protection at all sewer inlets.

27. On the July 28, 2006, inspection of the Respondent's site, the inspector observed that straw bales were improperly installed between the detention pond near the contractor's office and the culvert under the railroad tracks. There were also a number of unprotected storm sewer inlets observed.

28. Respondent's failure to comply with the SWPPP is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count III - Failure to Keep Plans Current

29. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

30. Permit No. ILR10, Part IV.C, Keeping Plans Current, requires "The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the Waters of the State and which has not otherwise been addressed in the plan or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph D.2. below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with construction site activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the SWPPP."

31. On July 28, 2006, EPA conducted an inspection of the Respondent's site and observed that the SWPPP was not updated to show all current changes in design, construction or operation, including, but not limited to, failure to show the addition of detention basins and additional controls to basins and a manhole before the basin. These changes have a significant effect on the potential for the discharge of pollutants to the waters of the State and are not

otherwise addressed in the SWPPP.

32. Respondent's failure to update the SWPPP is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count IV – Failure to Provide an Estimate of the Runoff Coefficient

33. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

34. Permit No. ILR10, Part IV.D.1, Site Description, requires each plan to provide a description of the following: “An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site.” “A site map indicating...locations where storm water is discharged to a surface water...”

35. On July 28, 2006, EPA conducted an inspection of the Respondent's site and observed that the SWPPP on site did not contain a runoff coefficient, nor a site map of locations where there are storm water discharges to a surface water.

36. Respondent's failure to provide an estimate of the runoff coefficient and failure to map locations of discharge points in the SWPPP is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count V – Failure to Maintain Controls

37. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

38. Permit No. ILR10, Part VI.P, Proper Operation and Maintenance requires, “The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWPPP.”

39. On July 28, 2006, EPA conducted an inspection of the Respondent's site and observed perimeter controls in need of maintenance. Respondent failed to maintain some silt fences and failed to properly remove and dispose of straw bales inside the storm sewers. Respondent failed to properly maintain and clean out inlet protection at various storm sewer inlets.

40. Respondent's failure to properly operate and maintain controls is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count VI – Failure to initiate stabilization measures

41. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

42. Permit No. ILR10, Part IV.D.2., Stabilization Practices provides that "Except as provided in paragraphs (A) and (B) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. (A) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by snow cover, stabilization measures shall be initiated as soon as practicable. (B) Where construction activity will resume on a portion of the site within 21 days from when activities ceased (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased." Additionally, Part IV.D.2.(a)(i) states that "Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature

vegetation, and other appropriate measures.”

43. On July 28, 2006, EPA conducted an inspection of the Respondent’s site and observed that soil was not stabilized in areas where construction had temporarily or permanently ceased within the time frames allowed by the permit. The soil stock pile required seeding pursuant to the SWPPP, however, the inspector observed that it was not seeded at the time of the inspection. In an area near the contractor’s office, the inspector observed that the soil was not properly stabilized in several areas. Grass seed that had been spread at the location near the contractor’s office was not properly stabilizing the slope. It was observed that the seed had washed down the slope and took root at the bottom of the slope. The slope erosion resulted in small channels forming in the slope. Further, the inspector observed that the entrance into the contractor’s staging area had not been stabilized. Dust was being tracked onto new Illinois Highway 22 as a result of the construction road not being stabilized. In these areas, stabilization was either not attempted or was not adequate as required by the permit.

44. These unstabilized areas were not affected by snow cover and were not scheduled to become active construction areas within 21 days and, therefore, were not exempt from stabilization requirements.

45. Respondent’s failure to initiate stabilization measures is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count VII – Failure to Provide Procedures for Maintaining Controls

46. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

47. Permit No. ILR10, Part IV.D.3. Maintenance requires “A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control

measures and other protective measures identified in the site plan.”

48. On July 28, 2006, EPA conducted an inspection of the Respondent’s site and observed that the SWPPP did not provide adequate information concerning maintaining all of the sediment controls. The SWPPP did not describe the procedure to maintain sediment controls in good and effective operating condition and did not state what the inspector should look for to determine if best management practices, such as silt fences, were operating correctly.

49. Respondent’s failure to provide procedures for maintaining good and effective controls is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count VIII – Failure to Inspect

50. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

51. Permit No. ILR10, Part IV.D.(4) Inspections, requires “Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.”

52. On July 28, 2006, EPA conducted an inspection of the Respondent’s site and reviewed the Respondent’s inspection log. From that review, it was observed that inspections of disturbed areas of the construction site that were not finally stabilized, structural control measures, and locations where vehicles enter or exit the site were not occurring within 7 days on a number of occasions. Construction at the site started on May 13, 2005. A review of inspection reports showed that the first storm water control inspection occurred on June 24, 2005, and the

last inspection occurred on July 21, 2006. There were also several gaps in the inspection record. Most notably, there were no inspections between the November 11, 2005 inspection and the March 3, 2006 inspection. Additional gaps were noted between May 1 and May 10, 2006; between May 31, and June 9, 2006; and between June 26 and July 18, 2006. The inspection gaps were confirmed in documents (Attachment 3(b) to IDOT November 15, 2006 letter) obtained from IDOT on November 16, 2006.

53. Respondent's failure to inspect the site every 7 days is in violation of a permit condition in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

Count IX – Violations of Water Quality Standards

54. Paragraphs 1 through 15 are re-alleged here as if set forth in full.

55. Permit No. ILR40, Part III.A requires that "Your discharges, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302."

56. Permit No. ILR10, Part I.B.(3)(d) prohibits "storm water discharges from construction sites that the Agency has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard."

57 The stormwater runoff from IDOT's construction activities enters MS4 systems owned by IDOT and the Village of Lake Zurich and then flows into Lake Zurich which is subject to applicable water quality standards.

58. The water quality standard for stormwater runoff to Lake Zurich is narrative, and states, in part, that there shall be no "sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin."

59. On April 3, 2006, an inspector observed at the point where the Lake Zurich MS4 enters Lake Zurich that: “the receiving stream was observed as milky white.” See, April 19, 2006, memorandum from Chris Kallis in response to a March 14, 2006, citizen complaint showing sediment runoff.

60. EPA has photographic evidence of discharge from the MS4 that alone or in combination with other sources contains sludge, bottom deposits, plant or algal growth or is of color or turbidity of other than natural origin.

61. Respondent’s stormwater discharge through the Lake Zurich MS4 to Lake Zurich, alone or in combination with other sources caused or contributed to water quality violations in violation of a permit limitation in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

III. TERMS OF SETTLEMENT

62. After further communications, and based upon such factors as quick settlement reduction and litigation considerations, EPA and Respondent agree to settle these matters for payment by Respondent of a \$100,000 civil penalty.

63. For the purposes of this proceeding, and pursuant to 40 C.F.R. § 22.18(b) and (c), Respondent: (1) admits that EPA has jurisdiction over the subject matter set forth in this consent agreement; (2) neither admits nor denies the facts stipulated in this consent agreement; and (3) consents to the terms of this CAFO.

64. The allegations and violations are made and agreed upon for the purposes of this CAFO only and neither the fact that a party has entered into this CAFO, nor any of the allegations or violations stated herein, shall be introduced into evidence in any other proceeding regarding the allegations or violations asserted in this CAFO. The CAFO does not constitute an

admission by any party of liability or wrongful act.

65. Upon execution of the final order attached hereto, Respondent waives all rights to request a judicial or administrative hearing on any issue of law or fact set forth in this consent agreement, including, but not limited to, its right to request a hearing under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and its right to appellate review of the attached final order found at Section 309(g)(8)(B) of the CWA, 33 U.S.C. § 1319(g)(8)(B).

66. The parties acknowledge that this CAFO is executed voluntarily by each of them, without the duress or undue influence on the part of, or on behalf of, any of them. This CAFO is not intended for the benefit of any third party and is not enforceable by any third party.

67. Respondent must pay the \$100,000 civil penalty by mailing a certified or cashier's check made payable to "Treasurer, United States of America" within 60 days after the effective date of this CAFO, which is the date that the CAFO is filed with the Regional Hearing Clerk. EPA reserves the right to require Respondent to provide a docket number on the check.

68. Respondent must send the check to the following address:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Respondent shall send a copy of the payment check and the transmittal letter to:

Regional Hearing Clerk
Planning and Management Division (19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Richard Nagle
Office of the Regional Counsel (C-14J)
EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

and

William Jones
Water Enforcement and Compliance Assurance
Branch (WC-15J)
EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

69. Respondent's failure to pay the assessed civil penalty in accordance with the provisions of this CAFO, above, may result in the referral of this matter to the United States Department of Justice for collection in accordance with Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. In addition to any unpaid balance and interest of this penalty, Respondent shall also be required to pay attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty. This nonpayment penalty shall be in an amount equal to 20% of the aggregate amount of Respondent's penalties and nonpayment penalties which are unpaid as of the beginning of each such quarter.

70. Notwithstanding anything in Paragraph 69 of this CAFO, interest shall accrue on any amount overdue under the terms of this CAFO at an annual rate calculated in accordance with 40 C.F.R. § 13.11.

71. Respondent agrees to comply with the requirements of the CWA during its construction activities.

OTHER MATTERS

72. This CAFO settles Respondent's liability for federal civil penalties for any violations based on the facts alleged in this CAFO. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violation of law.

73. Nothing in this CAFO relieves Respondent of the duty to comply with the CWA, or other federal, state or local laws or statutes.

74. This consent agreement binds both parties, their officers, directors, employees, successors, and assigns to this action. The representative of each party signing this consent agreement certifies that he or she has authority to enter into the terms of this consent agreement and bind that party to it.

75. Each party agrees to bear its own costs accrued in the course of this action.

76. Pursuant to 40 C.F.R. § 22.38, on May 22, 2008, the Illinois EPA was notified of this proceeding.

77. The effective date of this CAFO is 30 days after it is filed with the Regional Hearing Clerk. This CAFO is subject to the public notice requirements of Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C).

78. This CAFO constitutes the entire agreement between the parties for the violations alleged above for the Route 22/Lake Zurich Construction Project matter.

**United States Environmental Protection Agency, Region 5,
Complainant**

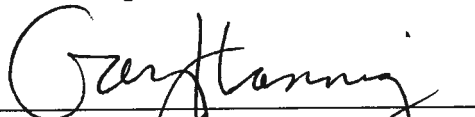


**Tinka G. Hyde
Director, Water Division
U.S. Environmental Protection Agency
Region 5**

10-13-2009

Date

**The Illinois Department of Transportation,
Respondent**



**Gary Hannig
Acting Secretary
Illinois Department of Transportation**

3-13-09

Date

**In The Matter Of the Illinois Department of Transportation, Lake Zurich - Route 22
Construction Project
Docket Number: CWA-05-2010-0001**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective 30 days after the filing of this Order with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

12/9/09
Date

Walter W. Kovalukh
for
Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection
Agency, Region 5

RECEIVED

DEC 22 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Facility Name: Illinois Department of Transportation
Springfield, IL

Docket No: CWA-05-2010-0001
BD No: 2751043W001

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of this Administrative Complaint was filed with the Regional Hearing Clerk on DEC 22 2009 the above referenced document was sent Certified Mail to:

CERTIFIED MAIL 7001 0320 0005 8922 6289
RETURN RECEIPT REQUESTED

Gary Hannig, Secretary
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

CERTIFIED MAIL 7001 0320 0005 8922 6272
RETURN RECEIPT REQUESTED

Ms. Carrie K. Zalewski
Assistant Chief Counsel
Illinois Department of Transportation
Office of Chief Counsel
300 West Adams Street – 2nd Flr.
Chicago, Illinois 60606

CERTIFIED MAIL 7001 0320 0005 8922 6265
RETURN RECEIPT REQUESTED

Michael Garretson
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

Denise Moore Denise Moore
Title: Program Assistant
Date: DEC 22 2009