

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PETITION OF LANDFILL 33, LTD.)	
)	
Petitioner,)	PCB 2019 –
)	(Permit Appeal – Land)
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that on October 9, 2019, I have filed with the Office of the Clerk of the Pollution Control Board the Petition for Review of Permit Decision and the Appearances of Charles F. Helsten and Richard S. Porter. Copies of these documents are hereby served upon you via certified mail and electronic transmission as addressed below.

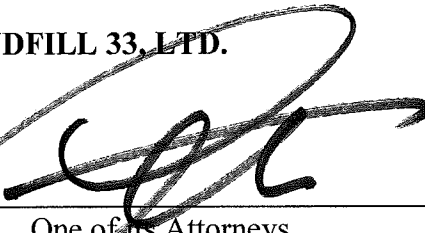
To: Don Brown, Clerk of the Board
Illinois Pollution Control Board
Janes R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
Don.Brown@Illinois.Gov

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(Certified Mail Only)

Dated: October 9, 2019

Respectfully submitted,

LANDFILL 33, LTD.

By: 

One of its Attorneys

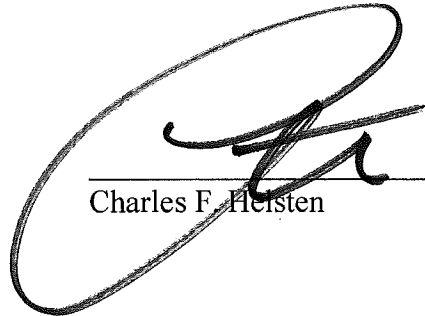
Charles F. Helsten ARDC 6187258
chelsten@hinshawlaw.com
Richard S. Porter ARDC 6209751
rporter@hinshawlaw.com
HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 9th day of October, 2019, I have served the attached Entry of Appearance, Notice of Filing and Petition for Review of Permit Decision upon the following persons via certified mail and electronic transmission.

Don Brown, Clerk of the Board
Illinois Pollution Control Board
Janes R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
Don.Brown@Illinois.Gov

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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Charles F. Heisten

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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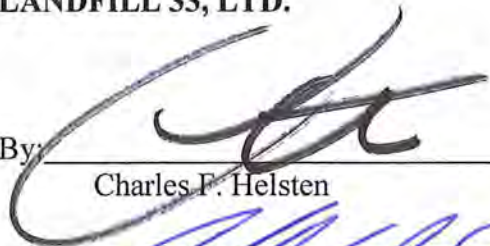
ENTRY OF APPEARANCE

The undersigned attorneys, Charles F. Helsten and Richard S. Porter, hereby enter their appearances in the above-title proceeding on behalf of Landfill 33, Ltd.

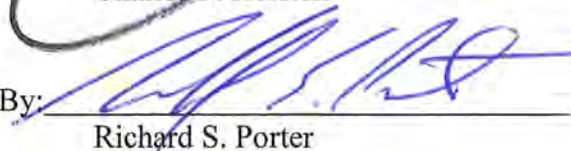
Dated: October 9, 2019

Respectfully submitted,

LANDFILL 33, LTD.

By: 

Charles F. Helsten

By: 

Richard S. Porter

Charles F. Helsten ARDC 6187258
chelsten@hinshawlaw.com
Richard S. Porter ARDC 6209751
rporter@hinshawlaw.com
HINSHAW & CULBERTSON LLP
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PETITION FOR REVIEW OF PERMIT DECISION

Pursuant to Section 40 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/40, and the regulations of the Illinois Pollution Control Board (“Board”) at 35 Ill. Adm. Code Part 105, Subpart B, Petitioner Landfill 33, Ltd (“Landfill 33”) hereby requests review of the September 6, 2019 permit decision made by Respondent, the Illinois Environmental Protection Agency (“Agency”). The decision denied review of the Petitioner’s permit request, finding the permit application incomplete. Accordingly, this Petition is timely.

The September 6, 2019 decision, effectively final for the reasons set forth herein, declared the Petitioner’s permit application in Log No. 2019-119 to be incomplete, erroneously finding that the permit applicant sought development of “new pollution control facility” which required new local siting prior to Agency review.

The Agency erred in denying review of the Permit because (1) it failed to give a sufficiently specific or detailed rationale for the legal conclusions reached; (2) even if the rationale was sufficiently specific and detailed, the Act and relevant Board regulations do not provide a valid basis for its decision, the effect of which is to limit local siting decisions via IEPA permit decisions; and (3) the conclusion that the application seeks to permit a “new pollution control facility” for

which new siting is required, and constitutes a “facility expansion” misconstrues the Act and existing Board precedent, and runs contrary to the intent of the Legislature in this regard.

In support of its Petition, Landfill 33 states as follows:

II. BACKGROUND

1. Landfill 33 owns and operates a municipal solid waste landfill facility (“Facility”) in Effingham County, located at 1713 S. Willow Street, Effingham, Illinois, 62401.

2. The Facility has been assigned IEPA Bureau of Land I.D. #0498100007.

3. Landfill 33 is regulated pursuant to the Board’s landfill regulations found at 35 Ill. Adm. Code, Part 814, Subpart C.

4. On September 27, 1999, a Request for Site Approval (“Request”) for a Pollution Control Facility was submitted to the Effingham County Board, seeking approval for siting of a vertical facility expansion as set forth in greater detail hereafter. The Request for Site Approval addressed all of the relevant statutory criteria for consideration by local governments in decision-making pursuant to Section 39.2 of the Act. A true and accurate copy of pertinent portions of that Request is marked as Exhibit “A” and incorporated herein by this reference.

5. The Request for Site Approval referenced above contained a depiction of the final landform as conveyed by various drawings. These drawings clearly delineate and indicate that waste would be disposed under the entire vertical expansion being requested. The siting application referred to the Request for Site Approval as a request for vertical expansion.

6. On February 21, 2000, pursuant to Section 39.2 of the Act and subsequent to the requisite public hearing required thereunder, the Effingham County Board adopted a resolution (“Resolution”) granting the “... approval for a vertical expansion of an existing landfill facility, located in Effingham County, Illinois”. The Resolution contained no volumetric waste calculations or restrictions, or any other physical site restrictions, and attached no conditions to

this Siting Approval. A true and accurate copy of such Resolution is attached hereto and marked Exhibit "B" and incorporated herein by this reference.

7. On June 29, 2001, Landfill 33 submitted supplemental permit application Log No. 2001-248, which detailed the vertical expansion approved in the attached Resolution. The permit application was accompanied by LPC-PA8 ("Certification of Siting Approval"), dated and executed by then Effingham County Board Chairman on September 19, 2000. The form attested that the County had approved the site location suitability for the vertical expansion in accordance with Section 39.2 of the Illinois Environmental Protection Act. A true and accurate copy of such Certification of Siting Approval is marked Exhibit "C" and incorporated herein by reference.

8. The Agency thereafter approved Permit No. 1995-231-LFM, Modification No. 9, Log No. 2001-248 for the vertical expansion ("Original Permit) on June 28, 2002. Various subsequent permits were issued from time to time which were consistent with the Original Permit and the Siting Approval previously granted. A true and accurate copy of pertinent portions of such Original Permit is marked Exhibit "D" and incorporated herein by this reference.

9. On April 5, 2019, Landfill 33 filed an Application for Significant Modification ("Sig Mod Application") (Permit Log No. 2019-119) which is the subject of this appeal. The Sig Mod Application proposed to increase waste disposal capacity within the Landfill by developing different final permitted contours for the Facility. On May 3, 2019, the Agency provided its initial determination, declaring the Application incomplete, and requesting additional information. A true and accurate copy of such April 5, 2019 Sig Mod Application and the Agency's May 3, 2019 initial determination are marked Group Exhibit "E" and incorporated herein by this reference.

10. Thereafter, in response to the above-referenced incompleteness determination, Landfill 33 submitted additional information to the Agency - primarily for the purpose of

providing more information as it related to the County's February 21, 2000 siting decision. A true and accurate copy of all submittals noted above (and the Agency's responses thereto) are marked Group Exhibit "F" and incorporated herein by this reference. Subsequent thereto, on September 6, 2019, the Agency ultimately responded with the permit denial decision that is the subject of this appeal. A true and accurate copy of such determination is marked Exhibit "G" and incorporated herein by this reference.

11. Subsequent thereto, Landfill 33 requested that the Agency join it in seeking a ninety (90) day extension of the appeal period from the Illinois Pollution Control Board concerning the Agency's September 6, 2019 decision noted above. On or about September 18, 2019, the Agency denied Landfill 33's request. A true and accurate copy of correspondence between Landfill 33 and the Agency is marked Group Exhibit "H" and incorporated herein by this reference.

III. STANDARD OF REVIEW

12. The Board treats permit decisions which deny review on the basis of incompleteness as a permit denial for purposes of review. See *Atkinson Landfill Company v. IEPA, PCB 13-8 (June 20, 2013)*. (The Board reversed the Agency's determination that the permit application was incomplete for lack of siting).

13. In an appeal of a permit decision, the standard of review the Board must apply is whether granting the permit would violate the Act or Board regulations. 415 ILCS 5/39(a).

14. Here, the Board must determine whether the Agency can grant the permit to revise the previously permitted (not sited) contours pursuant to the existing February 21, 2000 local government siting decision in question without violating the Act or corresponding Board regulations.

IV. ISSUES ON APPEAL

14. The Agency's denial of review for purposes of incompleteness is erroneous for the following reasons, and the Board should remand the application back to the Agency for full technical review on the merits without regard to the conditions precedent set forth in the determination letter included as Exhibit "G" above.

15. The Agency's conclusion that the Act requires new local siting in this case is erroneous and must be reversed because:

- A. Neither the Agency's reading of the Board regulations, nor the decisions made by the Agency in previous design and development permits, can restrict the General Assembly's determination as to when siting is or is not required.
- B. The only manner provided for in the Act which would declare that the local siting here has expired would be if the Petitioner did not apply to the Agency for a permit to develop the landfill within three years of February 21, 2000, the date Effingham County made its local siting determination. See *id.* and *Saline County Landfill v. IEPA, PCB No. 2004-117* (May 6, 2004). In that regard, the Petitioner applied for its first development permit on June 29, 2001; the Agency granted that permit on June 28, 2002.
- C. The Petitioner does not here seek to expand the landfill in any manner not contemplated by the 2000 siting decision.
- D. Permit Application Log No. 2019-119 does not seek permitting of a "new pollution control facility" since the proposed revised final contours are not beyond the sited boundaries of a currently-permitted facility. See *Brickyard Disposal & Recycling, Inc., PCB No. 2016-66* (November 17, 2016); *IEPA*

V. Illinois Pollution Control Board and Brickyard Disposal & Recycling, Inc. 2018 Ill. App. (4th) 170194.

WHEREFORE, for the reasons set forth above, Petitioner requests that the Board find that Petitioner's Permit Application Log No. 2019-119 be remanded to the Agency for review on its technical merits, without the requirement that it be accompanied by any further proof of siting than that which accompanied the subject application, and for such other and further relief as this Honorable Board deems appropriate.

Respectfully submitted,

LANDFILL 33, LTD.

By: 

One of its Attorneys

Charles F. Helsten ARDC 6187258
chelsten@hinshawlaw.com
Richard S. Porter ARDC 6209751
rporter@hinshawlaw.com
HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

**REQUEST FOR LOCAL SITING APPROVAL
FOR VERTICAL EXPANSION OF**

LANDFILL 33

IEPA SITE NO. 0498100007

SEPTEMBER, 1999

Submitted to:
EFFINGHAM COUNTY BOARD



Prepared for:
LANDFILL 33, LTD.
1713 South Willow Street
Post Office Box 703
Effingham, Illinois 62401



Prepared by:
ANDREWS ENVIRONMENTAL ENGINEERING, INC
3535 Mayflower Boulevard - Springfield, Illinois 62707
Phone: 217-787-2334 - Fax: 217-787-9495



RICHARD DEIBEL
President

LF
33

LANDFILL 33, LTD.

1713 S. Willow, P.O. Box 703
Effingham, IL 62401
(217) 342-3713

September 27, 1999

FILED

SEP 27 1999

Richard L. Deibel
COUNTY CLERK AND RECORDER
EFFINGHAM COUNTY, ILLINOIS

Leon Gobczynski
Board Chairman
County of Effingham
Effingham County Office Building
101 N. 4th
Effingham IL 62401

RE: Landfill 33, Ltd. - Effingham County
Illinois IEPA Site No. 0498100007
Vertical Expansion of Existing Landfill

Dear Mr. Gobczynski:

Enclosed herewith are ten (10) complete copies of a Request for Local Siting Approval for the referenced pollution control facility. The request includes all information required by Section 39.2 of the Illinois Environmental Protection Act (Act) pertaining to local siting review.

In accordance with Section 39.2 of the Act, written notice of the request has been served on the owners of all property within 250 feet in each direction of the lot line of the facility and members of the General Assembly from the legislative district in which the facility is located. A written notice was also published in a newspaper of general circulation published in Effingham County. Copies of this notice and all proofs of service and publication are included with this letter and the request.

A copy of all documents submitted to the Illinois Environmental Protection Agency (Illinois EPA) pertaining to the facility is provided in the three accompanying file boxes. Those documents represent a direct copy of the Illinois EPA files obtained through a Freedom of Information Act request. Also, included herewith is one full size original of the Plan Documents and ten reduced sets attached to each copy of the request for local siting approval.

We believe that submission of these materials addresses the statutory mandates of 39.2 concerning this request. We look forward to your review of this request, the public hearing on this request, and approval based on the nine criteria as outlined in Section 39.2 of the Act.

Respectfully yours,

Richard Deibel

Richard Deibel
General Manager

NOTICE OF INTENT TO REQUEST
POLLUTION CONTROL FACILITY SITING APPROVAL
FROM THE EFFINGHAM COUNTY BOARD
PURSUANT TO SECTION 39.2(b) OF THE
ILLINOIS ENVIRONMENTAL PROTECTION ACT

Re: Notice of Intent to Request Pollution Control Siting Approval Pursuant to the Illinois Environmental Protection Act.

NOTICE is hereby given to you pursuant to Section 39.2(b) of the Illinois Environmental Protection Act (415 ILCS 5/39.2(b)) that Landfill 33, Ltd., an Illinois corporation, intends to file a request for siting approval for a Pollution Control Facility, at the location legally described as follows: The East Half of the Northeast Quarter of Section 33, Township 8 North, Range 6 East of the Third Principal Meridian, Effingham County, Illinois.

You are provided the following information:

Name and Address of Applicant:	Landfill 33, Ltd. 1713 South Willow Street Effingham, IL 62401
Kind of Facility:	Non-hazardous Solid Waste Landfill
Location of Facility:	1713 South Willow St. Effingham, IL 62401
Nature and Size of Development:	The existing facility consists of approximately 80 acres. The waste footprint of approximately 41 acres will remain unchanged. The Applicant intends to expand the capacity by reconfiguring the top of the disposal unit. The Applicant has operated the facility for approximately 18 years.
Nature of Activity:	The site will be used for disposal of municipal solid waste and non-hazardous special waste only as approved by the Illinois Environmental Protection Agency and other regulatory agencies as authorized by statute. No hazardous waste, as defined under State and Federal law, will be accepted.

Probable Life of Activity:

The probable life of the facility may be extended approximately 15 years.

Request for Site Approval will be submitted to the Effingham County Board on:

September 27, 1999

Your Right to Review and Comment:

The request for site approval will conform to the requirements of the Illinois Environmental Protection Act and will include: (i) the substance of the Applicant's proposal, and (ii) documents in support of the Applicant's request.

The application and documents so filed will be available for your inspection and copying upon payment of the actual cost of reproduction to the Effingham County Clerk.

Any interested person may file written comments with the Effingham County Board concerning the appropriateness of the site for its proposed purpose in accordance with Effingham County procedural regulations.

The Effingham County Board shall hold at least one public hearing on the request; and, the County Board shall consider any comments received or postmarked not later than 30 days after the date of the last public hearing.

Respectfully submitted,

Landfill 33, Ltd.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery
3. Article Addressed to: LEONARD + BETTY WENDT 1710 S. WILLOW EFFINGHAM, IL 62401	4a. Article Number 4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	7. Date of Delivery 8.28.99
5. Received By: (Print Name) BETTY WENDT	8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) Betty Wendt		

PS Form 3811, December 1994 102595-99-B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

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3. Article Addressed to: JAMES C. + LINDA NIEBRUGLE REVOCABLE TRUST P.O. BOX 165 EFFINGHAM, IL 62401	4a. Article Number 4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	7. Date of Delivery 8. Addressee's Address (Only if requested and fee is paid)
5. Received By: (Print Name) Amanda Niemerg	8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) Amanda Niemerg		

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3. Article Addressed to: EDWARD G. + JANE KISTNER 1723 S. WILLOW EFFINGHAM, IL 62401	4a. Article Number 4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	7. Date of Delivery 8-28-99
5. Received By: (Print Name) 6. Signature (Addressee or Agent) [Signature]	8. Addressee's Address (Only if requested and fee is paid)	

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3. Article Addressed to: WALTER & MARY KREKE TRUSTEES 14354 E. 1300TH AVE. EFFINGHAM, IL 62401	4a. Article Number Z 310 335 497 4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	7. Date of Delivery 8-28-99
5. Received By: (Print Name) ALBERT BRETT 6. Signature (Addressee or Agent) [Signature]	8. Addressee's Address (Only if requested and fee is paid)	

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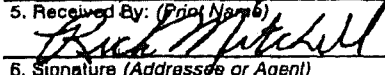
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	3. Article Addressed to: CLARENCE + JOSEPHINE BORRIES 1622 E. 1400 TH AVE TEBULARIS, IL 62467 <i>M. M. Borries</i>	4a. Article Number 2310 335 496	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name)	7. Date of Delivery 8/28/99		
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	3. Article Addressed to: REBECCA LUSTIG P.O. BOX 766 EFFINGHAM, IL 62401	4a. Article Number 2310 335 493	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
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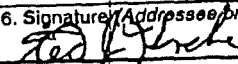
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3. Article Addressed to: A. SUOKAMA + CLYDE R. MITCHELL 1612 S. WILLOW EFFINGHAM, IL 62401	4a. Article Number 2310335499	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name) Clyde R. Mitchell	6. Signature (Addressee or Agent) 	7. Date of Delivery 9-10-99
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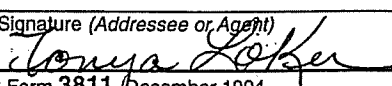
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3. Article Addressed to: T.J. + P.S. KREKE TRUCKEES 12833 N 1600 TH ST. TEUTONIA, IL 62467	4a. Article Number 2310335495	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name) Ted Kreke	6. Signature (Addressee or Agent) 	7. Date of Delivery 8/28/99
PS Form 3811, December 1994		102595-99-B-0223 Domestic Return Receipt

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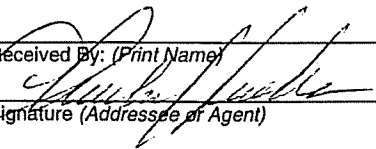
Is your RETURN ADDRESS completed on the reverse side?

SENDER: <input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery	
3. Article Addressed to: Honorable William L. O'Daniel Senate District 54 2929 Broadway Mt. Vernon, IL 62864		4a. Article Number Z 105 560 977	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 9-2	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) 			

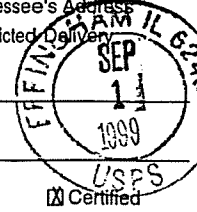
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3. Article Addressed to: Honorable Charles A. Hartke Representative District 108 110 East Section Street Post Office Box 1205 Effingham, IL 62401		4a. Article Number Z 105 560 978	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 9-1-99	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) 			

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Thank you for using Return Receipt Service.

Certificate Of Publication

STATE OF ILLINOIS, EFFINGHAM COUNTY, SS.

NOTICE OF INTENT TO REQUEST POLLUTION CONTROL FACILITY SITING APPROVAL FROM THE EFFINGHAM COUNTY BOARD PURSUANT TO SECTION 39.2(b) OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT

TO WHOM IT MAY CONCERN:

NOTICE is hereby given to you pursuant to Section 39.2(b) of the Illinois Environmental Protection Act (415 ILCS 5/39.2(b)) that Landfill 33, Ltd., an Illinois corporation, intends to file a request for siting approval for a Pollution Control Facility, at the location legally described as follows: The East Half of the Northeast Quarter of Section 33, Township 8 North, Range 6 East of the Third Principal Meridian, Effingham County, Illinois.

You are provided the following information:

Name and Address of Applicant: Landfill 33, Ltd.
1713 South Willow Street
Effingham, IL 62401

Kind of Facility: Non-hazardous Solid Waste Landfill.

Location of Facility: 1713 South Willow St.
Effingham, IL 62401

Nature and Size of Development: The existing facility consists of approximately 80 acres. The waste footprint of approximately 41 acres will remain unchanged. The Applicant intends to expand the capacity by reconfiguring the top of the disposal unit. The Applicant has operated the facility for approximately 18 years.

Nature of Activity: The site will be used for disposal of municipal solid waste and non-hazardous special waste only as approved by the Illinois Environmental Protection Agency and other regulatory agencies as authorized by statute. No hazardous waste, as defined under State and Federal law, will be accepted.

Probable Life of Activity: The probable life of the facility may be extended approximately 15 years.

Request for Site Approval will be submitted to the Effingham County Board on: **September 27, 1999**

Your Right to Review and Comment: The request for site approval will conform to the requirements of the Illinois Environmental Protection Act and will include: (i) the substance of the Applicant's proposal, and (ii) documents in support of the Applicant's request.

The application and documents so filed will be available for your inspection and copying upon payment of the actual cost of reproduction to the Effingham County Clerk.

Any interested person may file written comments with the Effingham County Board concerning the appropriateness of the site for its proposed purpose in accordance with Effingham County procedural regulations.

The Effingham County Board shall hold at least one public hearing on the request; and, the County Board shall consider any comments received or post-marked not later than 30 days after the date of the last public hearing.

Respectfully submitted,
Landfill 33, Ltd.
Legal #1392 8/28-9/4-11/99

Effingham, Illinois

Aug. 28, 1999

I, Dennis M. De Rossett do certify that I am the authorized agent and the publisher of the Effingham Daily News, a secular newspaper of general circulation published daily, except Sunday and legal holidays in Effingham County, City of Effingham and the State of Illinois and that I am authorized to make this certificate for the said Newspaper that the notice or advertisement of

Notice of Intent to Request Approval

relating to the matter of

**Landfill 33, Ltd
Request Pollution Control Facility Siting Approval**

A true copy of which is hereto annexed, has been printed and published in the said Effingham Daily News as follows:

- the first on the 28th day of Aug. 1999
- the second on the 4th day of Spt. 1999
- the third on the 11th day of Spt. 1999

and that the said newspaper was regularly published for a period of one year prior to the date of the first publication of this notice.

I Further certify that the face of the type in which each publication of the said notice was made the same as the body type and the classified advertising in the issue of the said newspaper in which such publication was made.

I Further certify that said newspaper is a newspaper as defined in 'An Act to revise the law in relation to notices' as amended by Act approved July 17, 1959.—III. Revised Statutes, Chap. 100, Para. 1-10.

Effingham Daily News



as agent of the Effingham Daily News

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EXECUTIVE SUMMARY

i. INTRODUCTION

Landfill 33, Ltd. has prepared this Application for Local Siting Approval for Modifications to a Pollution Control Facility in accordance with Section 39.2 of the Environmental Protection Act (Illinois revised statutes, Chapter 1111/2, Paragraph 1000 et seq.). As described in this Application, the proposed facility modifications will serve to enhance the environmental protection systems at the facility and will extend the time the facility will serve the community.

ii. FACILITY BACKGROUND

Landfill 33, Ltd. has provided waste disposal services to the citizens of the City of Effingham and surrounding communities since 1981. The facility was operated under the Illinois Environmental Protection Agency (IEPA) Permit No. 1979-4-DE/OP. The facility was completely re-permitted under the new Illinois Landfill Regulations adopted as 35 IAC Parts 810 - 815. IEPA issued Permit No. 1995-231-LFM in October 1996, authorizing continued development and operation of the disposal unit.

iii. PROPOSED FACILITY MODIFICATIONS

In order to continue improving site operations, Landfill 33, Ltd. is proposing a reconfiguration of the top of the disposal unit. Reconfiguration of the top of the disposal unit will allow for a number of improved facility characteristics and enhancements to the facility environmental control systems:

- The useful life of the facility may be extended on the order of 15 years.
- The uniform top surface will provide a relatively flat surface allowing for more productive end-use options.

iv. LOCAL SITING APPROVAL

In order to implement the proposed facility improvements described in this Application, the Effingham County Board must first approve of the proposed modifications. The Board must evaluate the proposed improvements with respect to the nine (9) criteria identified in Section 39.2 of the Illinois Environmental Protection Act:

1. the facility is necessary to accommodate the waste needs of the area it is intended to serve;
2. the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
3. the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
4. the facility is located outside the boundary of the 100-year floodplain or the site is flood-proofed;
5. the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
6. the traffic patterns to or from the facility are so designed as to minimize the impact on

existing traffic flows;

7. if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;
8. if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; and
9. if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such area have been met.

Local siting approval shall be granted if it is demonstrated that the above criteria are met.

The proposed facility modifications are a continuation and enhancement to the facility improvements for which IEPA permitted development and operations in 1996. The Agency's approval at that time was dependent upon a determination that the facility met each of the nine criteria. This Application will demonstrate that the facility continues to meet each of the criteria.

v. **REQUEST OVERVIEW**

This Request is presented in nine (9) Sections, each Section corresponding to one criterion specified in Section 39.2 of the Act.

Section 1 of this Request demonstrates that the proposed modifications to the facility are necessary to accommodate the waste disposal needs of the City of Effingham and surrounding communities.

Section 2 of this Request demonstrates that the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

Section 3 of this Request demonstrates that the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

Section 4 of the Request demonstrates that the facility is located outside the boundary of the 100-year flood plain or the site is flood-proofed.

Section 5 of this Request demonstrates that the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents.

Section 6 of this Request demonstrates that the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

Section 7 of this Request demonstrates that if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release.

Section 8 of this Request demonstrates that if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning

requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling act, the facility is consistent with that plan.

Section 9 of this Request demonstrates that if the facility will be located within a regulated recharge area, any applicable requirements specified by the board for such areas have been met.

1.0 NEED FOR THE PROPOSED FACILITY MODIFICATIONS

1.1 INTRODUCTION

Landfill 33, Ltd. is applying to the Effingham County Board for local siting approval for a vertical expansion of their existing landfill facility. The proposed vertical expansion will provide additional cost efficient and convenient waste disposal capacity to the area served by the facility. In addition to the additional waste disposal capacity afforded, the vertical expansion includes modifications that will improve drainage of stormwater runoff, create a more aesthetically pleasing landform and allow greater flexibility for end-uses after final closure.

The landfill modifications proposed will serve to accommodate the following waste needs of the service area:

- It provides approximately 1.2 million cubic yards of new cost effective and environmentally secure disposal capacity;
- It will provide for a long-term environmentally secure and useful landform following completion of disposal activities;
- It will enhance economic development in the service area;

Section 39.2 of the Illinois Environmental Protection Act requires that applicants for local siting approval demonstrate that "the facility is necessary to accommodate the waste needs of the area it is intended to serve". This section will demonstrate the manner in which the proposed facility modifications meet the waste needs of the service area.

1.2 DISPOSAL VOLUME NEED

1.2.1 Service Area

Landfill 33 focuses on providing disposal services to approximately ten counties in south central Illinois. They include:

Clay, Coles, Crawford, Cumberland, Effingham, Fayette, Jasper, Marion, Richland and Shelby

These ten counties comprise the service area for which waste generation and disposal capacity information were compiled, in order to prepare an assessment of need for the proposed vertical expansion of Landfill 33. The relative locations of the ten counties are illustrated in Figure 1-1.

1.2.2 Waste Types


Landfill 33 handles a number of waste streams generated within the service area, including municipal solid waste (MSW), non-special wastes, non-hazardous special wastes, construction and demolition (C & D) wastes, and landscape waste.

Municipal solid waste includes residential, commercial and institutional, and industrial lunchroom and office waste. Residents in the service area drop-off approximately 200 tons of used appliances per year for recycling.

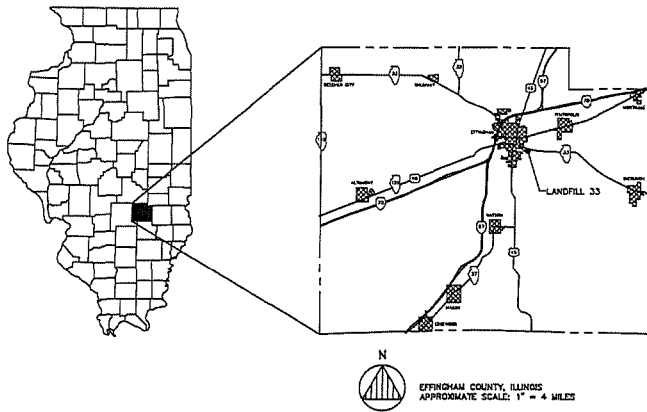
ATTACHMENT 10-1
REDUCED PLAN SET

REQUEST FOR LOCAL SITING APPROVAL FOR VERTICAL EXPANSION OF LANDFILL 33 EFFINGHAM COUNTY, ILLINOIS



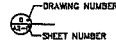


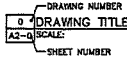
PREPARED BY:


ANDREWS ENVIRONMENTAL ENGINEERING INC.
 SPRINGFIELD, ILLINOIS

SITE LOCATION



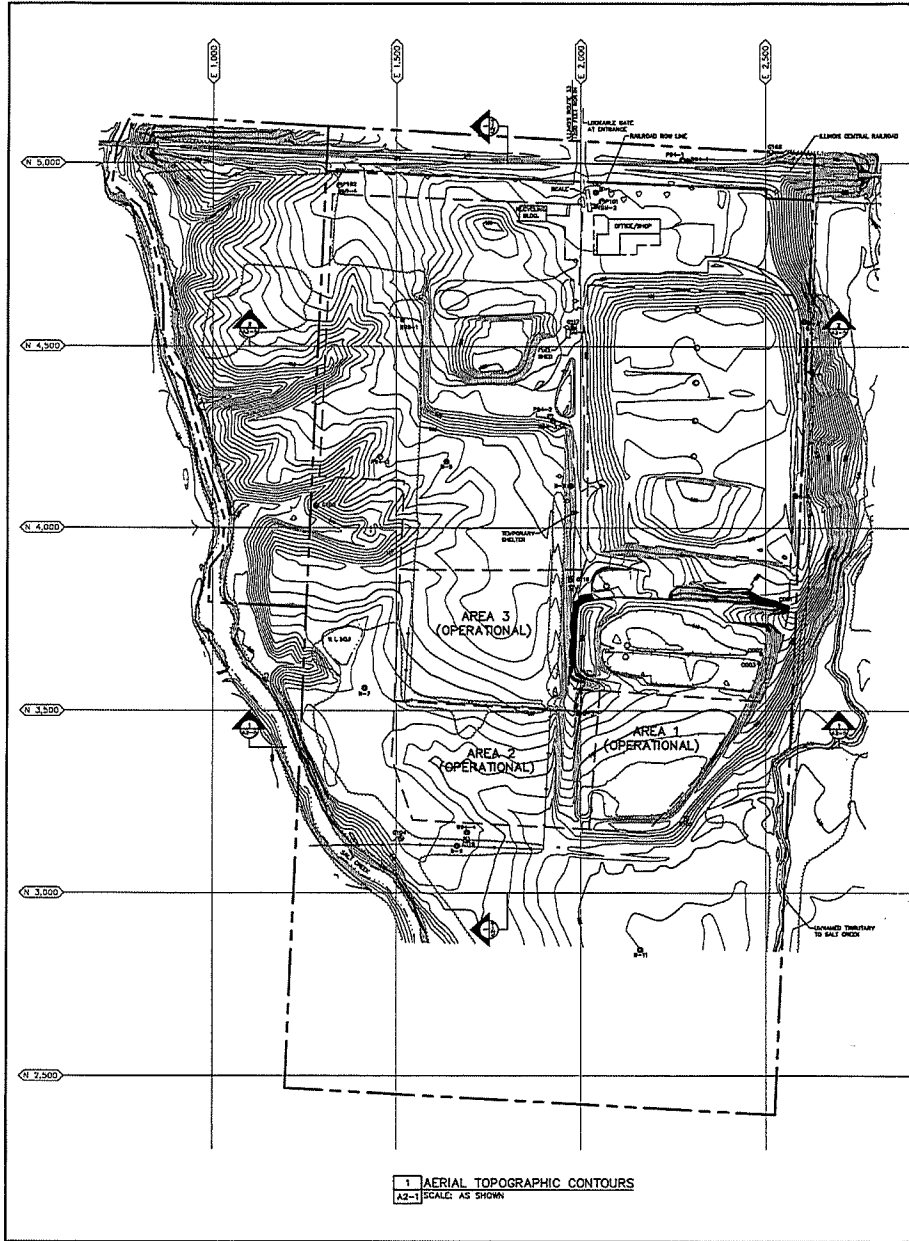
REFERENCE SYMBOLS KEY

	REVISION SYMBOL
	SITE COORDINATE SYSTEM
	DETAIL REFERENCE
	DETAIL REFERENCE
	CROSS SECTION REFERENCE
	DRAWING REFERENCE

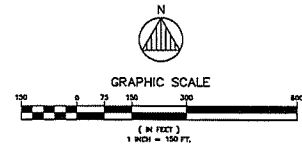
INDEX OF DRAWINGS

A2-0	(THIS) TITLE SHEET
A2-1	EXISTING SITE CONDITIONS
A2-2	SITE DEVELOPMENT PLAN
A2-3	FINAL SITE CONDITIONS
A2-4	CROSS SECTION AT E 1,800
A2-5	CROSS SECTIONS AT N 3,400 AND N 4,500
A2-6	LEACHATE COLLECTION DETAILS 1
A2-7	LEACHATE COLLECTION DETAILS 2

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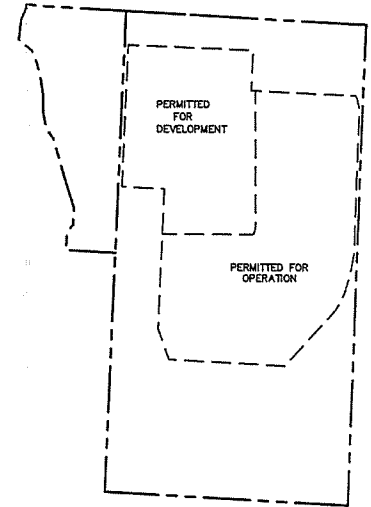


1 AERIAL TOPOGRAPHIC CONTOURS
A2-1 SCALE: AS SHOWN



LEGEND	
•	BENCHMARK (SEE DESCRIPTION THIS SHEET)
⊙	BORING LOCATION
⊙	GROUNDWATER MONITORING WELL (PVC)
⊙	GROUNDWATER MONITORING WELL (SS)
⊙	GROUNDWATER PIEZOMETER
⊙	FIRE HYDRANT
⊙	LEACHATE COLLECTION CLEANOUT
⊙	LEACHATE COLLECTION MANHOLE
⊙	LEACHATE COLLECTION SUMP
⊙	UTILITY POLE
---	STREAM OR WATERWAY
---	FENCE
---	PROPERTY BOUNDARY
---	TREE LINE
---	WASTE BOUNDARY

BENCHMARK	
BM-1	TOP OF BLACK POST NORTHEAST OF THE FUEL SHED AT N 4,553.3 E 1,975.9 ELEVATION 332.50
TBM-2	TOP BOLT OF FIRE HYDRANT BETWEEN SCALE AND P101, ELEVATION 276.92



2 HEPA PERMITTING STATUS
A2-1 SCALE: 1" = 300'

- NOTES:
1. CONTOURS WERE DEVELOPED USING AERIAL PHOTOGRAMMETRIC METHODS BY WALKER AND ASSOCIATES FROM PHOTOGRAPHS DATED MARCH 25, 1984. CONTOURS ARE SHOWN AT AN INTERVAL OF 2 FEET.
 2. PROPERTY BOUNDARIES WERE ESTABLISHED BY MILANO AND GRINLICH, INC. BENCHMARKS (VERTICAL CONTROL MONUMENTS), HORIZONTAL CONTROL, AND PROPERTY BOUNDARIES WILL BE MAINTAINED BY A PROFESSIONAL LAND SURVEYOR.
 3. CURRENT TOPOGRAPHY MAY DIFFER FROM THAT SHOWN DUE TO LANDFILLING ACTIVITIES CONDUCTED SINCE THE DATE OF PHOTOGRAPHY.
 4. FOR CLARITY, NOT ALL SITE FEATURES ARE SHOWN.

REDUCED COPY

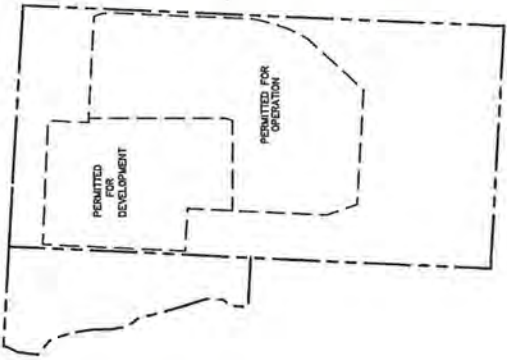
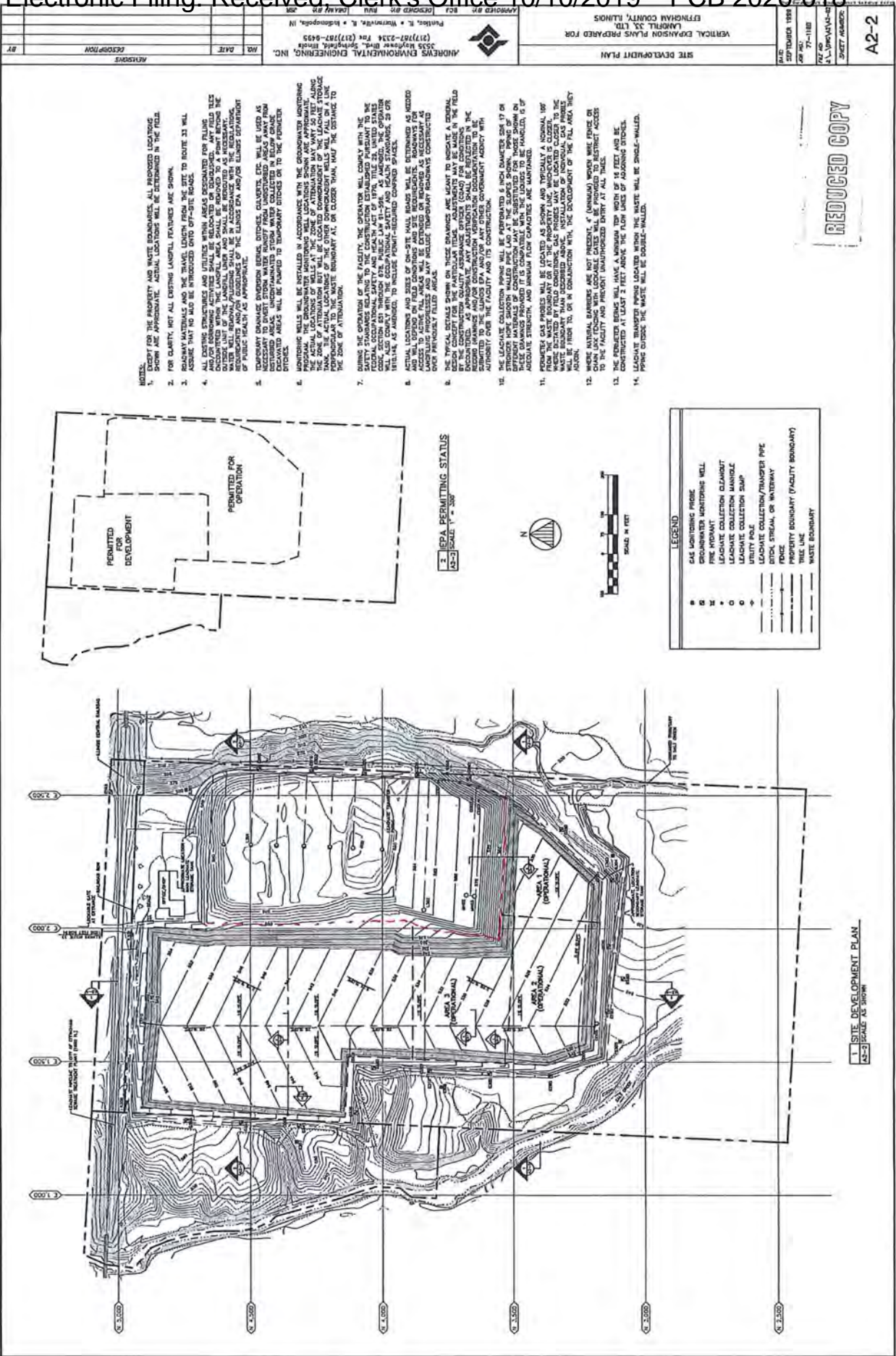
DATE:	SEPTEMBER 1989
JOB NO.:	77-1158
FILE NO.:	A__V000\VA3-0
SHEET NUMBER:	
A2-1	

APPROVED BY: [Signature] DATE: [Date]

REVISIONS:

NO.	DATE	BY	DESCRIPTION

ANDREWS ENVIRONMENTAL ENGINEERING, INC.
301 W. 23rd St., Effingham, IL 62421
Phone: 618-242-1111 Fax: 618-242-1112



2 EPA PERMITTING STATUS
A2-2 SCALE 1" = 500'



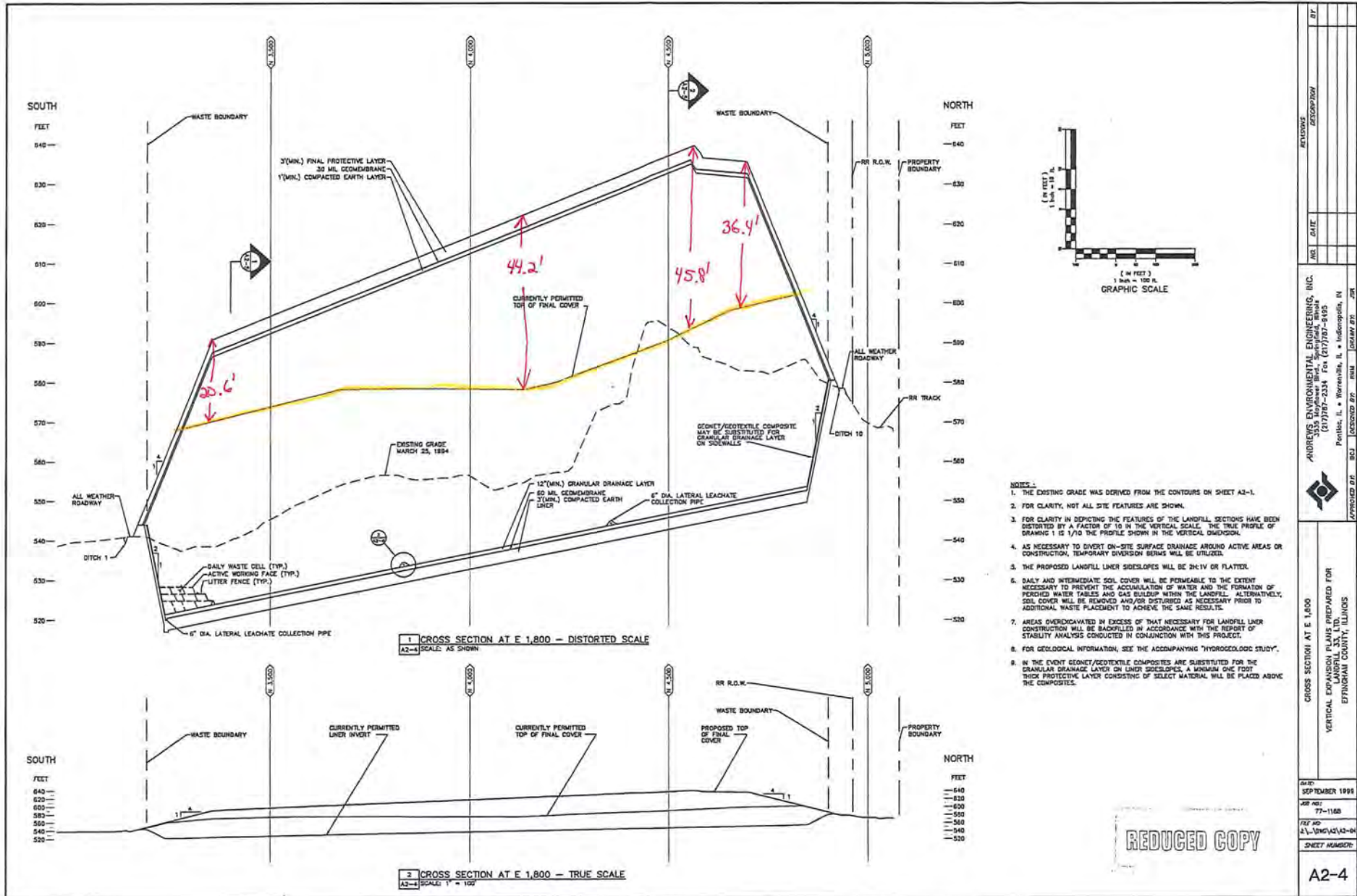
LEGEND

- 1 6" LEACHATE PIPE
- 2 12" LEACHATE MONITORING WELL
- 3 FIRE HYDRANT
- 4 LEACHATE COLLECTION DRAINAGE
- 5 LEACHATE COLLECTION MANHOLE
- 6 LEACHATE COLLECTION SUMP
- 7 UTILITY POLE
- 8 LEACHATE COLLECTION/TRANSPORT PIPE
- 9 STORMWATER POND
- 10 FENCE
- 11 PROPERTY BOUNDARY (FACILITY BOUNDARY)
- 12 TREE LINE
- 13 WASTE BOUNDARY

1 SITE DEVELOPMENT PLAN
A2-2 SCALE 1" = 500'

- NOTES:**
1. THE PROPERTY HAS A LIMITED PERMITS. ALL PROPOSED LOCATIONS FOR NEW AND EXISTING MONITORING WELLS SHALL BE IN THE FIELD.
 2. FOR CLARITY, NOT ALL EXISTING LANDMARK FEATURES ARE SHOWN.
 3. THE PROPOSED MONITORING WELLS SHALL BE LOCATED TO ROUTE 31 WILL ASSURE THAT THE INTRODUCED LEACHATE WILL NOT BE DETECTED.
 4. ALL EXISTING OBSTRUCTIONS AND UTILITIES WITHIN AREAS DESIGNATED FOR FILLING AND/OR REMEDIATION ACTIVITIES SHALL BE RELOCATED OR DEMOLISHED. ANY FIELD TELEVISION CABLES SHALL BE RELOCATED TO THE PERMITTED FOR DEVELOPMENT AREA. WATER MAINS AND/OR FLOODING SHALL BE IN ACCORDANCE WITH THE REGULATIONS OF THE TOWN OF BURLINGTON. THE TOWN OF BURLINGTON HAS A PERMIT FOR PUBLIC HEALTH AS APPROPRIATE.
 5. TEMPORARY DRAINAGE DIVERSION DITCHES, DITCHES, DRAINAGE, ETC. WILL BE USED AS NECESSARY TO PREVENT EXCESSIVE WATER FROM ACCUMULATING IN AREAS OF EXCAVATED AREAS. UNCONTAMINATED STORM WATER COLLECTED IN AREAS OF EXCAVATED AREAS WILL BE PUMPED TO TEMPORARY DITCHES OR TO THE PERMITTER.
 6. THE WELLS WILL BE INSTALLED IN ACCORDANCE WITH THE CONSTRUCTION MONITORING PROGRAM. THE OPERATOR SHALL MAINTAIN WELL LOCATIONS SUCH AS APPROXIMATE, THE ACTUAL LOCATION OF WELLS AT THE ZONE OF ATTENTION MAY VARY 50 FEET ALONG THE PERMITTED FOR DEVELOPMENT AREA. THE OPERATOR SHALL MAINTAIN WELL LOGS. THE ACTUAL LOCATIONS OF THE OTHER DOWNSHAFT WELLS WILL FALL ON A LINE WITHIN THE BOUNDARY AT OR CLOSER THAN HALF THE DISTANCE TO THE ZONE OF ATTENTION.
 7. DURING THE OPERATION OF THE FACILITY, THE OPERATOR WILL COMPLY WITH THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, TITLE 29, UNITED STATES DEPARTMENT OF LABOR, 1910.1010 AND 1910.1020 AND WITH THE TOWN OF BURLINGTON, AS AMENDED, TO INCLUDE PERMIT-REQUIRED CONFINED SPACES.
 8. ACTUAL LOCATIONS AND SIZES OF ONE-SITE WALL HEADS WILL BE DETERMINED AS NEEDED TO PROTECT THE FACILITY FROM EXCESSIVE WATER PRESSURE. THE WALL HEADS SHALL BE INSTALLED AND SHALL INCLUDE TEMPORARY REMEDIATION CONSTRUCTION.
 9. THE TYPICAL DETAILS SHOWN ON THESE DRAWINGS ARE INTENT TO INDICATE A GENERAL DESIGN CONCEPT FOR THE PARTICULAR ITEMS. ADJUSTMENTS MAY BE MADE IN THE FIELD AS NECESSARY TO ACCOMMODATE SITE CONDITIONS. ANY ADJUSTMENTS SHALL BE NOTIFIED TO THE PERMITTER AND/OR CONSTRUCTION SUPERVISOR DOCUMENTATION TO BE AUTHORITY OVER THE FACILITY AND ITS CONSTRUCTION.
 10. THE LEACHATE COLLECTION PIPING WILL BE PERFORMED 6" OR 8" DIA. (6" OR 8" DIA. PIPING IS REQUIRED FOR ALL COLLECTION AREAS). THE PIPING SHALL BE SUBSTITUTED FOR THOSE SHOWN ON THESE DRAWINGS PROVIDED IT IS COMPATIBLE WITH THE LOADS TO BE HANDLED, IS OF ADEQUATE STRENGTH, AND MEANS FOR CONNECTIONS ARE MAINTAINED.
 11. THE PERMITTED FOR DEVELOPMENT AREA SHALL BE BOUNDARY AS SHOWN. THE WASTE BOUNDARY OR AT THE PROPERTY LINE, UNLESS OTHERWISE NOTED. THE WASTE BOUNDARY SHALL BE PROVIDED TO PREVENT ACCESS TO THE FACILITY AND PREVENT UNAUTHORIZED ENTRY AT ALL TIMES.
 12. THE PERMITTED FOR DEVELOPMENT AREA SHALL BE PROVIDED TO PREVENT ACCESS TO THE FACILITY AND PREVENT UNAUTHORIZED ENTRY AT ALL TIMES.
 13. THE PERMITTED FOR DEVELOPMENT AREA SHALL BE PROVIDED TO PREVENT ACCESS TO THE FACILITY AND PREVENT UNAUTHORIZED ENTRY AT ALL TIMES.
 14. LEACHATE MONITORING WELLS LOCATED WITHIN THE ZONE OF ATTENTION SHALL BE SINGLE-WALLED. FROM DITCHES, THE WELLS WILL BE DOUBLE-WALLED.

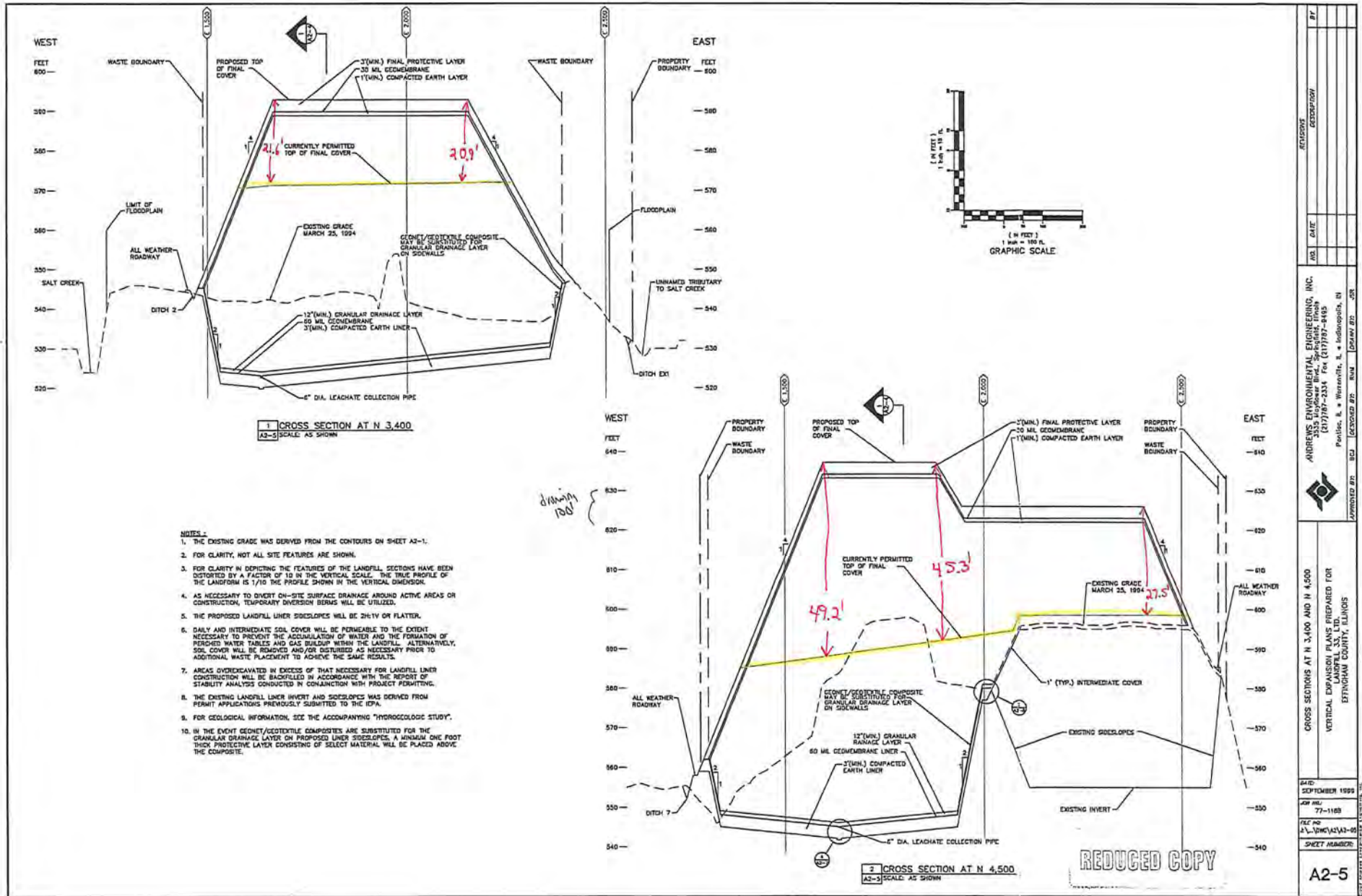
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- NOTES:
1. THE EXISTING GRADE WAS DERIVED FROM THE CONTOURS ON SHEET A2-1.
 2. FOR CLARITY, NOT ALL SITE FEATURES ARE SHOWN.
 3. FOR CLARITY IN DEPICTING THE FEATURES OF THE LANDFILL, SECTIONS HAVE BEEN DISTORTED BY A FACTOR OF 10 IN THE VERTICAL SCALE. THE TRUE PROFILE OF DRAWING 1 IS 1/10 THE PROFILE SHOWN IN THE VERTICAL DIMENSION.
 4. AS NECESSARY TO DIVERT ON-SITE SURFACE DRAINAGE AROUND ACTIVE AREAS OR CONSTRUCTION, TEMPORARY OVERFLOW BERMS WILL BE UTILIZED.
 5. THE PROPOSED LANDFILL LINER SIDESLOPES WILL BE 2H:1V OR FLATTER.
 6. DAILY AND INTERMEDIATE SOIL COVER WILL BE PENETRABLE TO THE EXTENT NECESSARY TO PREVENT THE ACCUMULATION OF WATER AND THE FORMATION OF PERCHED WATER TABLES AND GAS BUILDUP WITHIN THE LANDFILL. ALTERNATIVELY, SOIL COVER WILL BE REMOVED AND/OR DISTURBED AS NECESSARY PRIOR TO ADDITIONAL WASTE PLACEMENT TO ACHIEVE THE SAME RESULTS.
 7. AREAS OVERCULCATED IN EXCESS OF THAT NECESSARY FOR LANDFILL LINER CONSTRUCTION WILL BE BACKFILLED IN ACCORDANCE WITH THE REPORT OF STABILITY ANALYSIS CONDUCTED IN CONJUNCTION WITH THIS PROJECT.
 8. FOR GEOLOGICAL INFORMATION, SEE THE ACCOMPANYING "HYDROGEOLOGIC STUDY".
 9. IN THE EVENT GEOMET/GEOTEXTILE COMPOSITES ARE SUBSTITUTED FOR THE GRANULAR DRAINAGE LAYER ON LINER SIDESLOPES, A MINIMUM ONE FOOT THICK PROTECTIVE LAYER CONSISTING OF SELECT MATERIAL WILL BE PLACED ABOVE THE COMPOSITES.

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REV.	DATE	BY
ANDREWS ENVIRONMENTAL ENGINEERING, INC. 335 Midway Blvd., Springfield, Illinois (217)707-2524 Fax (217)707-8105 Peoria, IL • Molineville, IL • Indianapolis, IN		
APPROVED BY	DATE	BY
CROSS SECTION AT E 1,800 VERTICAL EXPANSION PLANS PREPARED FOR EFFINGHAM COUNTY, ILLINOIS		
DATE	SEPTEMBER 1999	
JOB NO.	77-116B	
FILE NO.	41-VINCI/AS-04	
SHEET NUMBER		
A2-4		



BY	REVISIONS
DATE	DESCRIPTION
NO.	
DATE	
NO.	

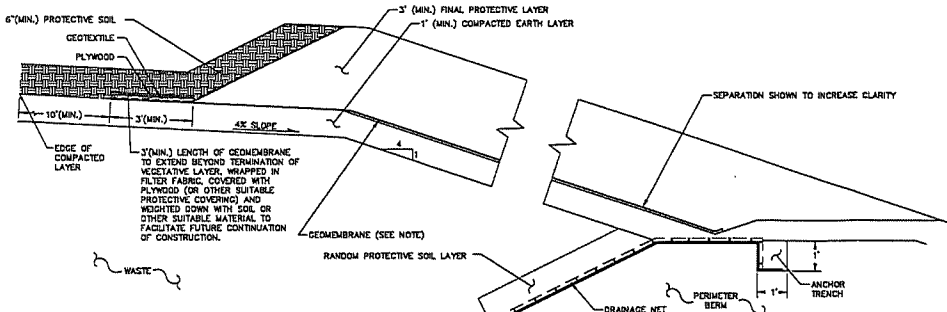
ANDREWS ENVIRONMENTAL ENGINEERING, INC.
 1332 LAWRENCE BLVD. S.E.
 FORT VALLEY, GA 31030
 (770) 787-2331 Fax: (770) 787-8495
 Perdue, IL • Warrenville, IL • Indianapolis, IN

APPROVED BY: [Signature] DATE: [Blank]
 CHECKED BY: [Blank] DATE: [Blank]

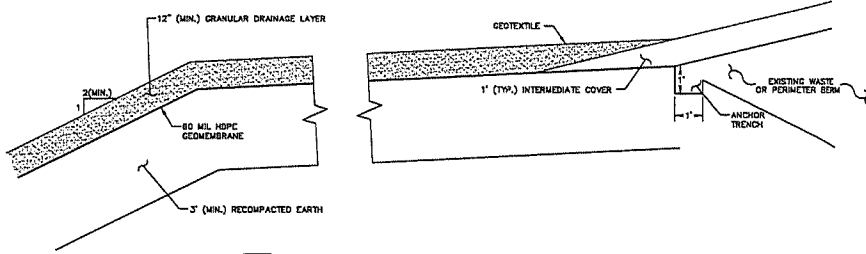
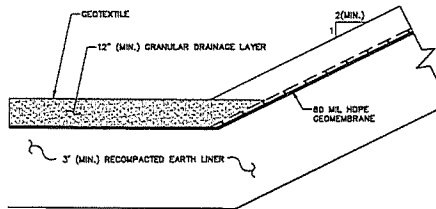
CROSS SECTIONS AT N 3,400 AND N 4,500
 VERTICAL EXPANSION PLANS PREPARED FOR
 LANFELL 33, LTD.
 EFFINGHAM COUNTY, ILLINOIS

DATE: SEPTEMBER 1999
 JOB NO.: 77-1103
 FILE NO.: A2-VMEV3-02
 SHEET NUMBER:

A2-5



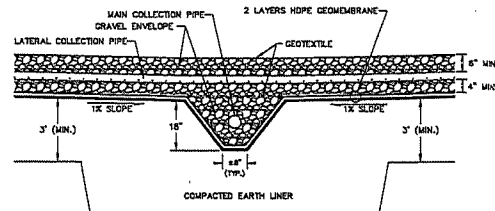
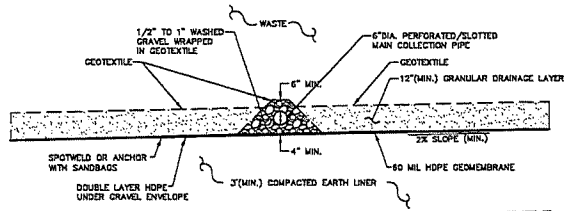
NOTE:
THE DRAWINGS SHOWN ON THIS SHEET ARE INDICATIVE OF GENERAL LINER TERMINATION AND LEACHATE ISOLATION DETAILS. BASED UPON EXPERIENCE REALIZED IMPROVEMENTS TO THESE MAY BE MADE AS APPROVED BY THE CDAD.



- NOTES:
1. THE ANCHOR TRENCHES SHALL BE FILLED WITH COMPACTED CLAY.
 2. ALL DIMENSIONS SHOWN REPRESENT MINIMUM VALUES.
 3. IF SAND IS PLACED OVER THE SIDEWALL LINER, THE RANDOM PROTECTIVE SOIL LAYER AND DRAINAGE NET MAY BE OMITTED.
 4. UNFILLED GAPS OR VENT HOLES IN ANCHOR TRENCH SANDFILL WILL BE PERIODICALLY LEFT TO FACILITATE AIR ESCAPE UNDER GEOMEMBRANE WHEN PROVIDING SURFACE COVERING.
 5. THE RANDOM PROTECTIVE SOIL LAYER WILL BE PLACED IN SIX LIFTS AND COMPACTED WITH TRACKED EQUIPMENT.
 6. A SECOND ANCHOR TRENCH WILL BE PROVIDED IF DEPLOYMENT OF DRAINAGE NET AND GEOTEXTILE IS DELAYED BEYOND GEOMEMBRANE INSTALLATION.

1 FINAL COVER/ANCHOR TRENCH DETAIL
A2-6 NOT TO SCALE

2 LINER SIDEWALL/SEPARATION LAYER DETAIL
A2-6 NOT TO SCALE

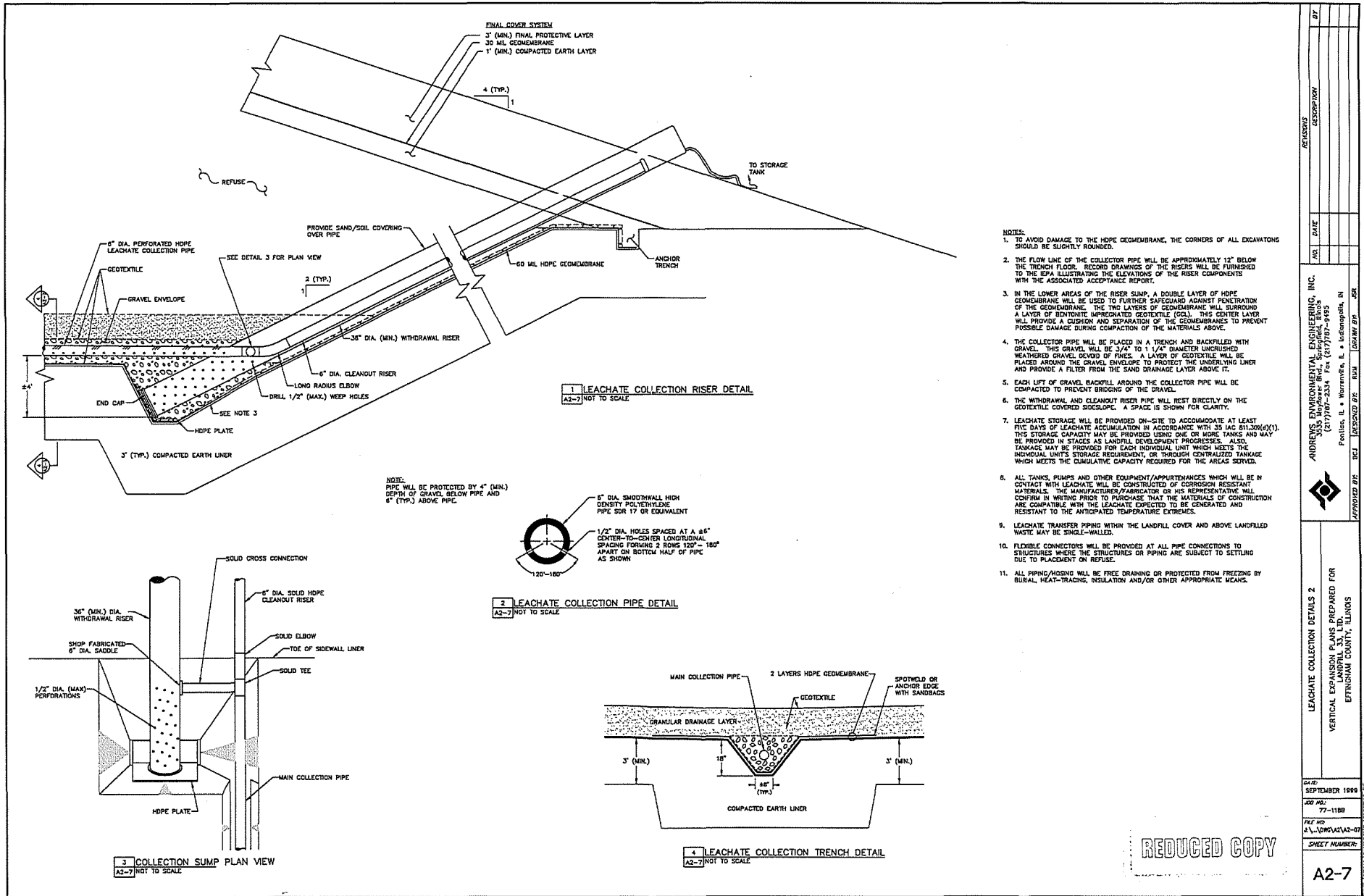


3 LATERAL COLLECTION PIPE DETAIL
A2-6 NOT TO SCALE

4 LEACHATE COLLECTION TRENCH DETAIL
A2-6 NOT TO SCALE

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REVISED DESCRIPTION	
DATE	
ISS	
DESIGNED BY	
CHECKED BY	
APPROVED BY	
DRAWN BY	
ANDREWS ENVIRONMENTAL ENGINEERING, INC. 3045 W. WASHINGTON AVE. SUITE 200 FORT COLLINS, CO 80526 Phone: 970-226-2334 Fax: 970-226-8438 Peoria, IL • Warrenville, IL • Indianapolis, IN APPROVED BY: [Signature]	
LEACHATE COLLECTION DETAILS 1 VERTICAL EXPANSION PLANS PREPARED FOR LANDFILL 33, LTD. EFFINGHAM COUNTY, ILLINOIS	
DATE:	SEPTEMBER 1999
JOB NO.:	77-118B
FILE NO.:	HL-VINGVA2-08
SHEET NUMBER:	
A2-6	



REVISED	DESCRIPTION	BY
DATE		

ANDREWS ENVIRONMENTAL ENGINEERING, INC.
 5333 W. 116th St., Suite 100
 Skokie, IL 60077
 (708) 439-2334 Fax (708) 439-2335
 Pontiac, IL • Warrenville, IL • Indianapolis, IN
 GARY, IN

LEACHATE COLLECTION DETAILS 2
 VERTICAL EXPANSION PLANS PREPARED FOR
 LANDFILL 33, LTD.
 ILLINOIS

DATE: SEPTEMBER 1999
 JOB NO.: 77-118B
 FILE NO.: A-1-1999V142-07
 SHEET NUMBER: A2-7

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CERTIFIED
COPY

ROBERT L. BEHRMAN
COUNTY CLERK AND RECORDER
Effingham County
Effingham, Illinois

ROBERT L. BEHRMAN
COUNTY CLERK AND RECORDER
EFFINGHAM COUNTY
EFFINGHAM, ILLINOIS



CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF EFFINGHAM } ss.

I, ROBERT L. BEHRMAN, County Clerk and Recorder in and for said County, in the State aforesaid, do hereby certify that I am custodian of the records and files of the office of County Clerk and Recorder. I do also further certify that the foregoing is a true and complete copy of the Resolution to Approve Landfill 33, LTD Expansion and the Official Record of the February 21, 2000 Effingham County Board Minutes and filed in Book 13 on Pages 485 and 486.

REDUCED COPY

as the same appears from the records and files now in this office remaining.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Official Seal of said office, in my office in Effingham, Illinois, on

September 19, 2000

Robert L. Behrman

(County Clerk and Recorder)

EFFINGHAM COUNTY BOARD
FINDING OF FACT REGARDING REQUEST FOR EXPANSION OF EXISTING
LANDFILL FACILITY SUBMITTED BY LANDFILL 33, LTD

The Effingham County Board, having heard and considered the testimony and exhibits received as evidence at a public hearing held January 20, 2000, makes the following findings of fact in relation to the request by Landfill 33 LTD for approval for a vertical expansion of an existing landfill facility, located in Effingham County, Illinois:

1. The facility's expansion, as proposed by Landfill 33 LTD, is necessary to accommodate the waste needs of Effingham County.
2. The proposed expansion of the existing facility's design, location and proposed operation are such that the public health, safety and welfare will be protected.
3. The proposed location of the expansion of the existing facility is not incompatible with the character of the surrounding area and the location is such that the effect on the value of surrounding property will be minimized.
4. The subject facility, including the proposed expansion, is located outside the boundary of the 100 year flood plain.
5. The plan of operations for the facility, including it's proposed expansion is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.
6. The traffic patterns to and from the existing facility are so designed as to minimize the impact on existing traffic flow.
7. The following criteria, appearing in Section 39.2 of the Environmental Protection Act, do not apply to the request of Landfill 33 LTD in this case:
 - a.) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be followed in case of accidental release; and
 - b.) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.
8. The planned expansion of the existing facility is consistent with county board solid waste management plan.

RESOLUTION TO APPROVE LANDFILL EXPANSION

WHEREAS, Landfill 33, LTD has filed with the Effingham County Board a request for approval of a vertical expansion of an existing landfill facility; and

WHEREAS, a public hearing was held on January 20, 2000, at which hearing testimony and exhibits were presented concerning the said request; and


WHEREAS, the Effingham County Board has studied the proposal of Landfill 33 LTD and the testimony and exhibits received at the public hearing and further has made certain findings of fact relative thereto, which findings are attached hereto and incorporated herein by reference.

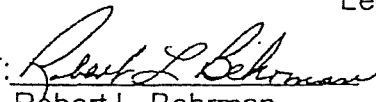
NOW, THEREFORE, BE IT RESOLVED by the members of the Effingham County Board in session on this 21 day of February, 2000, that the findings of fact are hereby adopted and that the request of the applicant Landfill 33 LTD for a vertical expansion of an existing landfill facility is hereby GRANTED.

PASSED AND APPROVED this 21ST day of FEBRUARY 2000.

AYES: 9

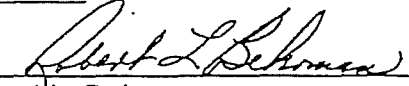
NAYES: 0


Leon Gobczynski, Chairman

ATTEST: 
Robert L. Behrman
Clerk and Recorder

CERTIFICATION

I, Robert L. Behrman the Clerk and Recorder of the County of Effingham, State of Illinois, do certify that I am the keeper of the books and records of Effingham County and that the foregoing is a true and correct copy of a resolution duly adopted by the Effingham County Board at a regular meeting duly convened and held on the 21ST day of FEBRUARY 2000.


Robert L. Behrman

Illinois Department of Transportation - Local Agency Agreement for Federal Participation
Effingham County - Local Agency - Section 93-00070-00-RS - Fund Type STR
State Contract X

This Agreement is made and entered into between the above local agency (LA) and the state of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as shown below. The improvement shall be constructed in accordance with plans approved by the STATE and the STATE's policies and procedures approved and/or required by the United States Federal Highway Administration hereinafter referred to as F.H.W.A.

LOCATION

Local Name - County Highway 25 - Route - FAS 711 - Length 4.9
Termini - Effingham - Fayette County Line extending northerly 4.9 miles
Current Jurisdiction - Effingham County
Project Description - Construct 1 24' wide bituminous pavement over the existing oil - chip surface with aggregate shoulders.

FOR A COMPLETE COPY OF THE AGREEMENT SEE THE FEBRUARY 21, 2000 ORIGINAL REPORTS AND DOCUMENTS FILE OF THE EFFINGHAM COUNTY BOARD MINUTES.

LANDFILL #33 - DECISION ON EXPANSION REQUEST

Chairman L. Gobczynski talked about the Hearing and the Letters the County Board had received on this issue. He said we have looked over the Landfill #33 Site and discussed all the issues. We need a place to go with this waste.

State's Attorney K. Parker said there are 9 Criteria and Criteria No's 7 and 9 deal with hazardous waste, therefore due not apply.

Motion was made by B. Grunloh and seconded by L. Waldhoff to approve the Resolution Criterion No's 1, 2, 3, 4, 5, 6, and 8 for Landfill #33, LTD for Vertical Expansion.

Roll call was taken and voting was as follows: Aye 9 Nay 0. Motion carried.

RESOLUTION TO APPROVE LANDFILL EXPANSION

WHEREAS, Landfill 33, LTD has filed with the Effingham County Board a request for approval of a vertical expansion of an existing landfill facility; and

WHEREAS, a public hearing was held on January 20, 2000, at which hearing testimony and exhibits were presented concerning the said request; and

WHEREAS, the Effingham County Board has studied the proposal of Landfill 33 LTD and the testimony and exhibits received at the public hearing and further has made certain findings of fact relative thereto, which findings are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the members of the Effingham County Board in session on this 21 day of February, 2000, that the findings of fact are hereby adopted and that the request of the applicant Landfill 33 LTD for a vertical expansion of an existing landfill facility is hereby GRANTED.

PASSED AND APPROVED this 21st day of February, 2000.

AYES: 9

NAYES: 0

S/Leon Gobczynski
Leon Gobczynski, Chairman

ATTEST: S/Robert L. Behrman
Robert L. Behrman
Clerk and Recorder

CERTIFICATION

I, Robert L. Behrman the Clerk and Recorder of the County of Effingham, State of Illinois, do certify that I am the keeper of the books and records of Effingham County and that the foregoing is a true and correct copy of a resolution duly adopted by the Effingham County Board at a regular meeting duly convened and held on the 21st day of February 2000.

S/Robert L. Behrman
Robert L. Behrman

EFFINGHAM COUNTY BOARD
FINDING OF FACT REGARDING REQUEST FOR EXPANSION OF EXISTING
LANDFILL FACILITY SUBMITTED BY LANDFILL 33, LTD

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2. The proposed expansion of the existing facility's design, location and proposed operation are such that the public health, safety and welfare will be protected.

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3. The proposed location of the expansion of the existing facility is not incompatible with the character of the surrounding area and the location is such that the effect on the value of surrounding property will be minimized.
4. The subject facility, including the proposed expansion, is located outside the boundary of the 100 year flood plain.
5. The plan of operations for the facility, including its proposed expansion is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.
6. The traffic patterns to and from the existing facility are so designed as to minimize the impact on existing traffic flow.
7. The following criteria, appearing in Section 39.2 of the Environmental Protection Act, do not apply to the request of Landfill 33 LTD in this case:
 - a). If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be followed in case of accidental release; and
 - b). If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.
8. The planned expansion of the existing facility is consistent with county board solid waste management plan.

Effingham County Board

FOR A MORE DETAILED COPY OF THE CRITERION AND FACT FINDINGS SEE THE FEBRUARY 21, 2000 ORIGINAL REPORTS AND DOCUMENTS FILE OF THE EFFINGHAM COUNTY BOARD MINUTES.

ELECTED OFFICIALS REPORTS

Circuit Clerk J. Schuette said the new Program to Educate the Public about the Work and Process for each County Office Holder is moving along fine and we will have another meeting next week.

ESDA Director R. Thomas said he is holding a School on Tornado Sighting next month.

COMMITTEE REPORTS

Tax and Finance Chairman B. Grunloh said Local Businessman Dave Goslet appeared before the Committee to report that he thinks many of the Commercial Property's are assessed. B. Grunloh said we are looking into this issue.

Effingham Unit #40 School District has notified the Regional Office of Education that there is an initiative to discuss Illinois Century Network. This ICN is a Network designed to bring Internet Access to Public Organization. A meeting will be held on February 29, 2000 at 1:00 P. M. in Effingham High School in the Conference Room.

Regional Office of Education - Bond-Fayette-Effingham Counties - February 15, 2000

Mr. Ron Meek
Effingham County Sheriff
Effingham County Building
Effingham, IL 62401

Dear Sheriff Meek:

Recently, I received a request to attend a meeting in Effingham to discuss an initiative called Illinois Century Network. This ICN is a network designed to bring internet access to "public" organizations within a community. Schools, colleges, libraries, hospitals, government agencies, etc. all qualify.

The basic idea is that the ICN foots the bill for whatever bandwidth the community warrants into one location in town and the different agencies make use of DSL technology to connect to that location. The only cost to the school/agency is the DSL connection and the DSL modem. Internet access is included as part of the ICN network as is all the equipment that it takes to make the location "connectable" to all of us.

I understand that the city of Effingham and Mayor Utz are looking at a similar concept. The ICN would save them all the costs of building such a network except for the DSL connection from the central location to their offices. I have been contacted relative to the possibility of locating the equipment in the Regional Office of Education in the Effingham County Building.

On February 29, 2000, Frank Whitney, Illinois State Board of Education and Dave Mollett, Area V Technology Hub Network Specialist would like to meet with all players who could be involved in such a network in Effingham. The time of this meeting will be 1 p.m. and will be at the Effingham High School in the Conference Room.

I invite you to this meeting if your schedule allows. In any event, I will keep updated on this initiative.

Please let me know, one way or the other on your availability for this meeting, by calling Becky at 342-4363.

Thanks for your consideration on this issue and hope to see you on the 29th. at

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 Mary A. Gade, Director

CERTIFICATION OF SITING APPROVAL (LPC-PA8)

Name of Applicant: LANDFILL 33, LTD.
Address of Applicant: 1713 S. WILLOW ST., P.O. BOX 703, EFFINGHAM, IL 62401
Name of Site: LANDFILL 33, LTD. IEPA SITE # 0498100007
Site Information: Nearest City: EFFINGHAM County: EFFINGHAM

- 1. On February 21, 2000, the COUNTY BOARD of EFFINGHAM COUNTY approved the site location suitability of VERTICAL EXPANSION OF LANDFILL 33 as a new pollution control facility in accordance with Section 39.2 of the Illinois Environmental Protection Act, Ill. Rev. Stat., ch. 111 1/2, Section 1039.2.
2. The facility was approved for the following activities: waste storage (), landfill (X), waste disposal (), waste transfer station (), waste treatment (), waste incinerator ().
3. Attached to this certification is a true and correct statement of the legal description of the site as it was approved by the aforementioned local governing body.
4. Attached to this certification is a true and accurate statement of conditions, if any, under which the approval was provided.
5. The undersigned has been authorized by the COUNTY BOARD of EFFINGHAM COUNTY to execute this certification on behalf of EFFINGHAM COUNTY.

NAME: [Signature]
TITLE: Effingham County Clerk, Recorder and Election Authority

SUBSCRIBED AND SWORN TO BEFORE ME this 19 day of September, 2000

[Signature] Notary Public



NOTICE OF INTENT TO REQUEST
POLLUTION CONTROL FACILITY SITING APPROVAL
FROM THE EFFINGHAM COUNTY BOARD
PURSUANT TO SECTION 39.2(b) OF THE
ILLINOIS ENVIRONMENTAL PROTECTION ACT

Date:

Re: Notice of Intent to Request Pollution Control Siting Approval Pursuant to the Illinois Environmental Protection Act.

NOTICE is hereby given to you pursuant to Section 39.2(b) of the Illinois Environmental Protection Act (415 ILCS 5/39.2(b)) that Landfill 33, Ltd., an Illinois corporation, intends to file a request for siting approval for a Pollution Control Facility, at the location legally described as follows: The East Half of the Northeast Quarter of Section 33, Township 8 North, Range 6 East of the Third Principal Meridian, Effingham County, Illinois.

You are provided the following information:

Name and Address of Applicant:	Landfill 33, Ltd. 1713 South Willow Street Effingham, IL 62401
Kind of Facility:	Non-hazardous Solid Waste Landfill
Location of Facility:	1713 South Willow St. Effingham, IL 62401
Nature and Size of Development:	The existing facility consists of approximately 80 acres. The waste footprint of approximately 41 acres will remain unchanged. The Applicant intends to expand the capacity by reconfiguring the top of the disposal unit. The Applicant has operated the facility for approximately 18 years.
Nature of Activity:	The site will be used for disposal of municipal solid waste and non-hazardous special waste only as approved by the Illinois Environmental Protection Agency and other regulatory agencies as authorized by statute. No hazardous waste, as defined under State and Federal law, will be accepted.

Probable Life of Activity:

The probable life of the facility may be extended approximately 15 years.

Request for Site Approval will be submitted to the Effingham County Board on:

September 27, 1999

Your Right to Review and Comment:

The request for site approval will conform to the requirements of the Illinois Environmental Protection Act and will include: (I) the substance of the Applicant's proposal, and (II) documents in support of the Applicant's request.

The application and documents so filed will be available for your inspection and copying upon payment of the actual cost of reproduction to the Effingham County Clerk.

Any interested person may file written comments with the Effingham County Board concerning the appropriateness of the site for its proposed purpose in accordance with Effingham County procedural regulations.

The Effingham County Board shall hold at least one public hearing on the request; and, the County Board shall consider any comments received or postmarked not later than 30 days after the date of the last public hearing.

Respectfully submitted,

Landfill 33, Ltd.



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COPY

ROBERT L. BEHRMAN
COUNTY CLERK AND RECORDER
Effingham County
Effingham, Illinois

CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF EFFINGHAM } ss.

I, ROBERT L. BEHRMAN, County Clerk and Recorder in and for said County, in the State aforesaid, do hereby certify that I am custodian of the records and files of the office of County Clerk and Recorder. I do also further certify that the foregoing is a true and complete copy of the Resolution to Approve Landfill 33, LTD Expansion and the Official Record of the February 21, 2000 Effingham County Board Minutes and filed in Book 13 on Pages 485 and 486.

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as the same appears from the records and files now in this office remaining.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Official Seal of said office, in my office in Effingham, Illinois, on

September 19, 2000.

Robert L. Behrman

(County Clerk and Recorder)

EFFINGHAM COUNTY BOARD
FINDING OF FACT REGARDING REQUEST FOR EXPANSION OF EXISTING
LANDFILL FACILITY SUBMITTED BY LANDFILL 33, LTD

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1. The facility's expansion, as proposed by Landfill 33 LTD, is necessary to accommodate the waste needs of Effingham County.
2. The proposed expansion of the existing facility's design, location and proposed operation are such that the public health, safety and welfare will be protected.
3. The proposed location of the expansion of the existing facility is not incompatible with the character of the surrounding area and the location is such that the effect on the value of surrounding property will be minimized.
4. The subject facility, including the proposed expansion, is located outside the boundary of the 100 year flood plain.
5. The plan of operations for the facility, including it's proposed expansion is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.
6. The traffic patterns to and from the existing facility are so designed as to minimize the impact on existing traffic flow.
7. The following criteria, appearing in Section 39.2 of the Environmental Protection Act, do not apply to the request of Landfill 33 LTD in this case:
 - a.) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be followed in case of accidental release; and
 - b.) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.
8. The planned expansion of the existing facility is consistent with county board solid waste management plan.

Effingham County Board

RESOLUTION TO APPROVE LANDFILL EXPANSION

WHEREAS, Landfill 33, LTD has filed with the Effingham County Board a request for approval of a vertical expansion of an existing landfill facility; and

WHEREAS, a public hearing was held on January 20, 2000, at which hearing testimony and exhibits were presented concerning the said request; and

WHEREAS, the Effingham County Board has studied the proposal of Landfill 33 LTD and the testimony and exhibits received at the public hearing and further has made certain findings of fact relative thereto, which findings are attached hereto and incorporated herein by reference.

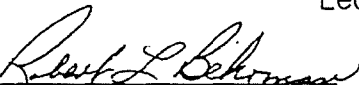
NOW, THEREFORE, BE IT RESOLVED by the members of the Effingham County Board in session on this 21 day of February, 2000, that the findings of fact are hereby adopted and that the request of the applicant Landfill 33 LTD for a vertical expansion of an existing landfill facility is hereby GRANTED.

PASSED AND APPROVED this 21ST day of FEBRUARY 2000.

AYES: 9

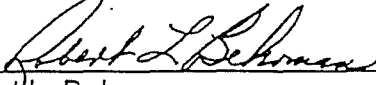
NAYES: 0


Leon Gobczynski, Chairman

ATTEST: 
Robert L. Behrman
Clerk and Recorder

CERTIFICATION

I, Robert L. Behrman the Clerk and Recorder of the County of Effingham, State of Illinois, do certify that I am the keeper of the books and records of Effingham County and that the foregoing is a true and correct copy of a resolution duly adopted by the Effingham County Board at a regular meeting duly convened and held on the 21ST day of FEBRUARY 2000.


Robert L. Behrman

Illinois Department of Transportation - Local Agency Agreement for Federal Participation
Effingham County - Local Agency - Section 93-00070-00-RS - Fund Type STR
State Contract X

This Agreement is made and entered into between the above local agency (LA) and the state of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as shown below. The improvement shall be constructed in accordance with plans approved by the STATE and the STATE's policies and procedures approved and/or required by the United States Federal Highway Administration hereinafter referred to as FJWA.

LOCATION

Local Name - County Highway 25 - Route - FAS 711 - Length 4.9
Termini - Effingham - Fayette County Line extending northerly 4.9 miles
Current Jurisdiction - Effingham County
Project Description - Construct 1 24' wide bituminous pavement over the existing oil - chip surface with aggregate shoulders.

FOR A COMPLETE COPY OF THE AGREEMENT SEE THE FEBRUARY 21, 2000 ORIGINAL REPORTS AND DOCUMENTS FILE OF THE EFFINGHAM COUNTY BOARD MINUTES.

LANDFILL #33 - DECISION ON EXPANSION REQUEST

Chairman L. Gobczynski talked about the Hearing and the Letters the County Board had received on this issue. He said we have looked over the Landfill #33 Site and discussed all the issues. We need a place to go with this waste.

State's Attorney K. Parker said there are 9 Criteria and Criteria No's 7 and 9 deal with hazardous waste, therefore due not apply.

Motion was made by B. Grunloh and seconded by L. Waldhoff to approve the Resolution Criterion No's 1, 2, 3, 4, 5, 6, and 8 for Landfill #33, LTD for Vertical Expansion.

Roll call was taken and voting was as follows: Aye 9 Nay 0. Motion carried.

RESOLUTION TO APPROVE LANDFILL EXPANSION

WHEREAS, Landfill 33, LTD has filed with the Effingham County Board a request for approval of a vertical expansion of an existing landfill facility; and

WHEREAS, a public hearing was held on January 20, 2000, at which hearing testimony and exhibits were presented concerning the said request; and

WHEREAS, the Effingham County Board has studied the proposal of Landfill 33 LTD and the testimony and exhibits received at the public hearing and further has made certain findings of fact relative thereto, which findings are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the members of the Effingham County Board in session on this 21 day of February, 2000, that the findings of fact are hereby adopted and that the request of the applicant Landfill 33 LTD for a vertical expansion of an existing landfill facility is hereby GRANTED.

PASSED AND APPROVED this 21st day of February, 2000.

AYES: 9

NAYES: 0

S/Leon Gobczynski
Leon Gobczynski, Chairman

ATTEST: S/Robert L. Behrman
Robert L. Behrman
Clerk and Recorder

CERTIFICATION

I, Robert L. Behrman the Clerk and Recorder of the County of Effingham, State of Illinois, do certify that I am the keeper of the books and records of Effingham County and that the foregoing is a true and correct copy of a resolution duly adopted by the Effingham County Board at a regular meeting, duly convened and held on the 21st day of February 2000.

S/Robert L. Behrman
Robert L. Behrman

EFFINGHAM COUNTY BOARD
FINDING OF FACT REGARDING REQUEST FOR EXPANSION OF EXISTING
LANDFILL FACILITY SUBMITTED BY LANDFILL 33, LTD

The Effingham County Board, having heard and considered the testimony and exhibits received as evidence at a public hearing held January 20, 2000, makes the following findings of fact in relation to the request by Landfill 33 LTD for approval for a vertical expansion of an existing landfill facility, located in Effingham County, Illinois:

1. The facility's expansion, as proposed by Landfill 33 LTD, is necessary to accommodate the waste needs of Effingham County.
2. The proposed expansion of the existing facility's design, location and proposed operation are such that the public health, safety and welfare will be protected.

REDUCED COPY

3. The proposed location of the expansion of the existing facility is not incompatible with the character of the surrounding area and the location is such that the effect on the value of surrounding property will be minimized.
4. The subject facility, including the proposed expansion, is located outside the boundary of the 100 year flood plain.
5. The plan of operations for the facility, including its proposed expansion is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.
6. The traffic patterns to and from the existing facility are so designed as to minimize the impact on existing traffic flow.
7. The following criteria, appearing in Section 39.2 of the Environmental Protection Act, do not apply to the request of Landfill 33 LTD in this case:
 - a). If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be followed in case of accidental release; and
 - b). If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.
8. The planned expansion of the existing facility is consistent with county board solid waste management plan.

Effingham County Board

FOR A MORE DETAILED COPY OF THE CRITERION AND FACT FINDINGS SEE THE FEBRUARY 21, 2000 ORIGINAL REPORTS AND DOCUMENTS FILE OF THE EFFINGHAM COUNTY BOARD MINUTES.

ELECTED OFFICIALS REPORTS

Circuit Clerk J. Schuette said the new Program to Educate the Public about the Work and Process for each County Office Holder is moving along fine and we will have another meeting next week.

ESDA Director R. Thomas said he is holding a School on Tornado Sighting next month.

COMMITTEE REPORTS

Tax and Finance Chairman B. Grunloh said Local Businessman Dave Coslet appeared before the Committee to report that he thinks many of the Commercial Property's are assessed. B. Grunloh said we are looking into this issue.

Effingham Unit #40 School District has notified the Regional Office of Education that there is an initiative to discuss Illinois Century Network. This ICN is a Network designed to bring Internet Access to Public Organization. A meeting will be held on February 29, 2000 at 1:00 P. M. in Effingham High School in the Conference Room.

Regional Office of Education - Bond-Fayette-Effingham Counties - February 15, 2000

Mr. Ron Meek
Effingham County Sheriff
Effingham County Building
Effingham, IL 62401

Dear Sheriff Meek:

Recently, I received a request to attend a meeting in Effingham to discuss an initiative called Illinois Century Network. This ICN is a network designed to bring internet access to "public" organizations within a community. Schools, colleges, libraries, hospitals, government agencies, etc. all qualify.

The basic idea is that the ICN foots the bill for whatever bandwidth the community warrants into one location in town and the different agencies make use of DSL technology to connect to that location. The only cost to the school/agency is the DSL connection and the DSL modem. Internet access is included as part of the ICN network as is all the equipment that it takes to make the location "connectable" to all of us.

I understand that the city of Effingham and Mayor Utz are looking at a similar concept. The ICN would save them all the costs of building such a network except for the DSL connection from the central location to their offices. I have been contacted relative to the possibility of locating the equipment in the Regional Office of Education in the Effingham County Building.

On February 29, 2000, Frank Whitney, Illinois State Board of Education and Dave Mollett, Area V Technology Hub Network Specialist would like to meet with all players who could be involved in such a network in Effingham. The time of this meeting will be 1 p.m. and will be at the Effingham High School in the Conference Room.

I invite you to this meeting if your schedule allows. In any event, I will keep updated on this initiative.

Please let me know, one way or the other on your availability for this meeting, by calling Becky at 342-4363.

Thanks for your consideration on this issue and hope to see you on the 29th. at

REDUCED COPY

77-118B
SIF



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

217/524-3300

June 28, 2002

Certified Mail

7001 2510 0002 3280 1936

7001 2510 0002 3280 1929

Wendt Estate, Attn: Lori Wendt-Martin
Landfill 33, Ltd., Attn: Brian Hayes, and
Richard Deibel
1713 South Willow Street
P.O. Box 703
Effingham, Illinois 62401

Landfill 33, Ltd.
Attn: Brian Hayes
1713 South Willow
Post Office Box 703
Effingham, Illinois 62401

Re: 0498100007 -- Effingham County
Landfill 33 Ltd
Permit No. 1995-231-LFM
Modification No. 9
Log No. 2001-248
Expiration Date: October 1, 2006
Permit File

Dear Ms. Wendt-Martin, Mr. Hayes and Mr. Deibel:

Permit has been granted to Wendt Estate, Landfill 33 Ltd. and Richard Deibel as owners and Landfill 33 Ltd. as operator, allowing modification of the above referenced existing municipal solid waste and non-hazardous special waste landfill all in accordance with the application and plans identified as Log No. 1995-231. Final plans, specifications, application, and supporting documents, as submitted and approved, shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency (the "Illinois EPA"), Bureau of Land, Division of Land Pollution Control by the permit number in the heading above.

Permit No. 1995-231-LFM approved:

- a. The Significant Modification of the development and operation of this landfill so as to comply with the applicable requirements of Title 35, Illinois Administrative Code (hereinafter 35 IAC), Subtitle G, Parts 811 through 813, pursuant to 35 IAC, Sections 814.104, 814.301 and 814.302;
- b. The modification of development of the existing landfill consisting of 40.6 acres with an "in-place" net disposal capacity of approximately 1,392,000 cubic yards of net volume,

GEORGE H. RYAN, GOVERNOR



Page 2

excluding daily, intermediate and final cover, and protective soils/air space. The maximum final elevation shall be approximately 602 feet above mean sea level;

- c. Operation in the areas of the landfill that have previously received operating authorization consisting of 17.15 acres;
- d. The lateral expansion of this landfill so as to comply with 35 IAC, Section 814.109. The footprint of the lateral expansion is 23.45 acres;
- e. Operation (i.e., waste disposal) within the permitted boundaries of the existing landfill unit; and
- f. Acceptance of special waste streams without individual special waste stream authorizations, in accordance with the special conditions listed in Part III of this permit.
- g. Modification No. 9 includes renewal of Permit 1995-231-LFM and approval of a vertical expansion of 1,160,000 cubic yards of in-place waste capacity, all in accordance with Application Log No. 2001-248. The revised maximum final elevation approved is 644 msl. Also, the facility acreage is increased to 96.31 acres, to acknowledge areas for surface water management and monitoring well locations and other acreage as part of the facility. There is no change to the acreage of the waste footprint of the 40.6 acre disposal unit approved by 1995-231-LFM and by Modification No. 9.

Permit Modification No. 9 is issued to the Werdt Estate, Landfill 33, Ltd., and Richard Deibel as owners and Landfill 33, Ltd., as operator, approving modification to an existing operating municipal waste and non-hazardous waste landfill, all in accordance with the application prepared, signed and sealed by Bryan C. Johnsrud, P.E., of Andrews Environmental Engineering, Inc., signature dated June 29, 2001, and also prepared by Timothy P. Derstine, also of Andrews Environmental Engineering, Inc. Final plans, specifications, application, supporting documents, as submitted and approved, shall constitute part of this permit and are identified in the records of the Bureau of Land, Division of Land Pollution Control by the permit number and log number in the heading above.

Specifically, Modification No. 9 approves renewal of Permit 1995-231-LFM, a vertical expansion of 1,160,000 cubic yards of in-place waste capacity, additional alternate daily covers and conditions for their use, revised groundwater monitoring network and sampling requirements, corrected well notations correctly identified the Northwest Expansion Area, revised gas monitoring plan, and revised closure and post-closure care plans and cost estimates, all in accordance with Application Log No. 2001-248. The revised maximum final elevation approved is 644 msl. Also, the facility acreage is increased to 96.31 acres, to acknowledge areas for surface water management and monitoring well locations and other acreage as part of the

Page 3

facility. There is no change to the acreage of the waste footprint of the 40.6 acre disposal unit approved by 1995-231-LFM and by Modification No. 9.

The application for Log 2001-248 consists of the following documents:

<u>Document</u>	<u>Dated</u>	<u>Date Received</u>
Original Application	June 29, 2001	June 29, 2001
Additional Information	August 28, 2001	August 29, 2001
Additional Information	September 17, 2001	September 17, 2001
Additional Information	October 4, 2001	October 4, 2001
Additional Information	April 2, 2002	April 2, 2002 (Via telefax)
Additional Information	April 2, 2002	April 5, 2002
Additional Information	April 30, 2002	April 30, 2002
Additional Information	June 7, 2002	June 11, 2002
Additional Information	June 18, 2002	June 19, 2002

The special conditions for Modification No. 9 to Permit No. 1995-231-LFM are identical to the special conditions of Modification No. 8 to Permit No. 1995-231-LFM, issued May 23, 2002, except as noted below:

<u>Condition No. In Mod. No. 8</u>	<u>Condition No. In Mod No. 9</u>	<u>Description</u>
II.4	II.4	Revised to approve additional alternate daily covers.
II.5	II.5	Revised to include additional conditions for use of additional alternate daily covers.
NA	II.6-10	Additional conditions for use of alternate daily covers. Subsequent conditions are renumbered.
V.5	V.5	Removed reference to pending application for permit renewal.
VII.5	VII.5	Identifies L303 as the leachate collection tank.
VII.7	VII.7	Removed incorrect notations for sampling for RCRA parameters every quarter, and revised the paragraph concerning electronic reporting.
VIII.3	VIII.3	Revised groundwater monitoring network.
VIII.9	VIII.9	Corrected well notations, revised groundwater well list for the zone of



3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

April 5, 2019

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RECEIVED

APR 05 2019

IEPA/BOL

Re: 0498100007 – Effingham County
Landfill 33, Ltd.
Illinois EPA Permit No. 1995-231-LFM
Final Cover Modification of Permitted Area

Dear Mr. Smith:

On behalf of our client, Landfill 33, Ltd., enclosed herewith are the original and three copies of an Application for a Significant Modification to modify the final cover of the Landfill 33 Disposal Facility (Landfill 33). Completed Illinois EPA application forms (LPC-PA1, LPC-PA16, LPC-PA8, and 39i certification) are provided in Attachment 1.

Currently, Landfill 33 has developed the entire facility and completed closure activities for +/- 9.1 acres out of the permitted +/- 40.6 acres based on the current design. Landfill 33 is anticipated to reach capacity in late 2023 or 2024 depending upon tonnage received at the gate and compaction rates achieved at the facility. In addition, as part of the development and permitting of the existing facility, approximately +/- 62,350 cubic yards of in-place waste capacity have been lost due to design modifications or as-built construction, further reducing the capacity of the landfill.

The facility is in the early stages of planning a new lateral waste unit/new landfill (new pollution control facility as defined by Section 39.2 of the Illinois Environmental Protection Act [Act]) that will require approximately 4 to 5 years with siting, permitting and initial site development. Since the current facility is anticipated to close about the same time the new landfill could open, there is no buffer in the schedule to account for unforeseen changes. Given that the schedule is very tight for permitting and development of a new landfill prior to the current landfill closing, options for extending the existing life of the current facility have been evaluated.

Landfill 33 is requesting a final cover modification to revise the final cover contours and stay below the permitted defined maximum elevation of 644 MSL. The proposed final cover modification will enhance the facility design, gain back the airspace lost due to previous permitting and construction activities and extend the life of the facility to allow a smooth transition to the new landfill.

This proposed final cover modification will not increase the waste footprint or final height of the existing landfill and all slopes will remain at a 4H:1V as permitted. This application only modifies the top final cover contours and will adjust the maximum elevation of the facility closer to the center of the current waste unit to create a more natural final landform. A copy of the revised waste capacity calculation is included in Attachment 2. In addition, cross sections were generated to illustrate the proposed modifications (Attachment 6).

The change in the airspace/waste disposal capacity from this modification is approximately +/- 420,650 cubic yards. This is based on the additional 483,000 cubic yards from this modification less the 62,350 cubic yards previously lost due to design modifications and construction. This application has been provided to and discussed with the Effingham County Board. In the opinion of

Kenn Smith, P.E.
Illinois Environmental Protection Agency

April 5, 2019
Page: 2

the Effingham County Board, the proposed final cover modification is consistent with the previous Siting Approval, so long as the final maximum elevation of 644 MSL is not exceeded. Attachment 3 contains information submitted to the Effingham County Board.

A slope stability analysis has been completed for the proposed final cover modification (Attachment 4). The results demonstrate safety factors that meet all of the requirements of 35 Ill. Adm. Code 811.304. Attachment 4 also contains the revised analyses, computerized printouts and summary report for the proposed final cover modifications.

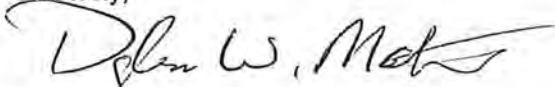
The stormwater design for the facility has been revised to account for the proposed final cover modification. The final cover modification will modify the existing and future slopes and perimeter ditches associated with the facility footprint. In addition, perimeter ditches, terraces, letdowns and culverts have been reviewed and redesigned as necessary to accommodate the final cover modification. Outfall locations have been reviewed to verify that the existing design meets the needs for the proposed final cover modification. The results demonstrate that the proposed final cover modification meets all the requirements of 35 Ill. Adm. Code 811.103. Attachment 5 contains the revised stormwater analyses and a summary report.

The revised set of plan sheets (reduced copy) is located in Attachment 6. A full-size set has been included to accompany this application. The only location that has been revised with the proposed final cover modification is the final cover system and stormwater management. For ease of review, a full revised plan set has been included with this application for the facility.

A revised Groundwater Impact Assessment (GIA) has been completed to evaluate the existing and lateral expansion areas with respect to the final cover modification. The complexity of the site geology required the assessment of three distinct modeling scenarios. These scenarios are identified as the Existing Landfill Unit, the South Unit and the Northwest Unit. Sensitivity analyses were performed on the hydrogeologic data used in the models. Baseline model scenarios were then developed from the sensitivity analysis to provide a conservative model framework for the impact assessment. Surrogates were developed from the baseline models to express all leachate constituents within the conceptual models framework. Maximum allowable predicted concentrations were also calculated for the leachate constituents utilizing the contaminant transport models. On the basis of this study, this facility does not produce a statistically significant increase over background concentrations over the life, post-closure care, and 100 year assessment periods, pursuant to 35 IAC 811.317 and 811.320.

Should you have any further questions concerning this matter, do not hesitate to contact me at (217) 787-2334.

Sincerely,



Douglas W. Mauntel, P.E.
Director of Engineering Services

STE:dwm:ndd

Attachment(s)

cc: Chris Sartain – IEPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, ACTING DIRECTOR

217/524-3301

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

MAY 03 2019

7017 2680 0001 0207 5978

7017 2680 0001 0207 5985

OWNER

Wendt Family Trust
Landfill 33, Ltd., Mr. Richard Deibel
Attn: Ms. Lori Martin
715 South First Street
Effingham, Illinois 62401

OPERATOR

Landfill 33, Ltd.
Attn: Mr. Brian Hayes
P.O. Box 703
Effingham, Illinois 62401

Re: 0498100007 -- Effingham County
Landfill 33 Ltd
Log No. 2019-119
Permit Landfill 811 File
Permit DOI

Dear Ms. Martin and Mr. Hayes:

Pursuant to 35 Ill. Adm. Code 813.103(b), the Illinois Environmental Protection Agency (Illinois EPA) has reviewed, for purposes of completeness only, the application referenced above, dated April 5, 2019 and received on the same day. This review has revealed that the application does not contain the information described below and therefore is incomplete.

1. The application sets forth a proposal to increase the waste disposal capacity by approximately 420,650 cubic yards by vertically increasing the final contours of the landfill. The application does not provide proof that local siting approval, following the format and procedures described in Section 39.2 of the Illinois Environmental Protection Act (Act), has been granted by the Effingham County Board. This determination is based on the following:
 - a. Pursuant to Section 39.2(a) of the Act local siting approval shall be granted only if the facility meets the criteria mentioned in Section 39.2(a)(i) through (ix) of the Act. The proposed increase in the waste disposal capacity and the associated extension of the operating life of the landfill as proposed in permit application Log No. 2019-119 has not been demonstrated to be consistent with the siting criteria set forth in Section 39.2 of the Act; and
 - b. The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Act the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section

Page 2

39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act.

2. Certification of Siting Approval (LPC-PA8) Form, signed by Effingham County States Attorney Brian Kibler, references a siting approval obtained from Effingham County Board on November 19, 2018. However, documentation regarding local siting review performed by the Effingham County Board in compliance with the format and procedures outlined in Section 39.2 of the Act is not provided in the application.
3. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. The description of permit request provided on General Application for Permit (LPC-PA1) and Notice of Application for Permit to Manage Waste (LPC-PA16) Forms only state a change of final cover design is being proposed. The application must include LPC-PA1 and LPC-PA16 application forms that clearly state that an increase in the permitted disposal capacity of the landfill is being proposed for approval.
4. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. A March 2003 version of the Certification of Siting Approval (LPC-PA8) Form has been provided in the application. The current version of the LPC-PA8 Form available on the Illinois EPA website is dated May 2012. The current versions of application forms are available at:
<https://www2.illinois.gov/epa/topics/forms/land-forms/permit-forms/Pages/default.aspx>
5. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners of this facility are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Ms. Lori Martin, Executor of Wendt Family Trust has signed the General Application for Permit (LPC-PA1) Form on behalf of the owners. The application does not provide proof that Ms. Martin is a duly authorized agent of Landfill 33 Ltd., and Mr. Deibel.

In the 35 days following the date of this letter, you may take either of the actions described below:

1. You may submit to the Illinois EPA additional information addressing the deficiencies identified.
2. 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

Page 3

date of issuance of the final decision¹. 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 appeal period². 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.

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

1. be in a format which allows incorporation of the new information into the appropriate sections of the current application;
2. include a cross-reference indicating where in the new information each deficiency, identified above, has been addressed;
3. have the date of the revision on each page and on each drawing;
4. include an original and at least three copies; and
5. be submitted to the address below.

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

¹ 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

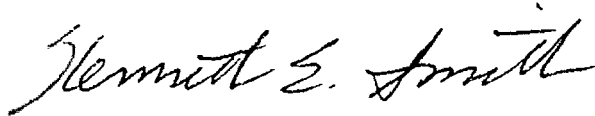
² For information regarding the request for an extension, please contact:
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

Page 4

If you do not submit additional information addressing the deficiencies within 35 days, the Illinois EPA shall consider the application not to have been filed. In this case, to reapply you will need to submit a new permit application in its entirety.

If you have any questions regarding this letter, please contact Imran Syed at 217/782-7813.

Sincerely,



Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:IMS:0498100007-811LF-2019119-Incomplete.docx

cc: Douglas Mauntel, P.E., Andrews Engineering, Inc.

Bcc: Bureau File
Champaign Region
Joshua Rhoades
Imran Syed



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794 9276 • (217) 782 3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3301

JUL 05 2019

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7015 0640 0002 6944 7991

7015 0640 0002 6944 8004

OWNER

Wendt Family Trust
Landfill 33, Ltd., Mr. Richard Deibel
Attn: Ms. Lori Martin
715 South First Street
Effingham, Illinois 62401

OPERATOR

Landfill 33, Ltd.
Attn: Mr. Brian Hayes
P.O. Box 703
Effingham, Illinois 62401

Re: 0498100007 -- Effingham County
Landfill 33 Ltd
Log No. 2019-119
Permit Landfill 811 File
Permit DOI

Dear Ms. Martin and Mr. Hayes:

Pursuant to 35 Ill. Adm. Code 813.103(b), the Illinois Environmental Protection Agency (Illinois EPA) has reviewed, for purposes of completeness only, the application referenced above, dated April 5, 2019 and received on the same day. Additional information dated June 7, 2019 was received by the Illinois EPA on the same day. The application proposes to increase the waste disposal capacity by approximately 483,000 cubic yards by seeking to develop differing final contours of the landfill. This review has revealed that the application does not contain the information described below and therefore is incomplete.

1. Additional information dated and received June 7, 2019 includes a copy of an Effingham County Board Resolution dated November 19, 2018 stating that Local Siting Approvals dated February 22, 2000 (sic) and June 28, 2002 are consistent in all respects with the revised final contours.

The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act. The information provided in the June 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act for the following reasons:

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760
595 S. State Street, Elgin, IL 60123 (847) 608-3131
2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 691-1111
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 992-1111
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601



Page 2

- a. The application, Log No. 2019-119, acknowledges that the local siting application dated September 27, 1999 sought a vertical expansion of 1.2 million cubic yards and included a map of the proposed landfill final contours. The changes proposed in the current application, Log No. 2019-119, will vertically increase the landfill final contours and increase the disposal capacity by approximately 483,000 cubic yards. The application record for Log No. 2019-119 does not demonstrate the proposed vertical waste disposal boundaries and increased disposal capacity was considered by the Effingham County Board in granting the February 21, 2000 and June 28, 2002 local siting approvals and was considered during the review of the September 27, 1999 application for local siting approval. Moreover, the current resolution finds only that the Board would deem whatever information before it to be consistent with and not approved by the Board contemporaneously. Furthermore, no information is provided on the impact, if any, on the overall waste disposal life of the facility which will likely change due to the added disposal capacity proposed;
- b. The application, Log No. 2019-119, does not include documentation that the procedures and process of Section 39.2 of the Act was followed in rendering a determination on the siting approval requested. Information, including but not limited to, the public notice requirements specified in Section 39.2(b) of the Act, inspection and comment requirements mentioned in Section 39.2(c) of the Act and public hearing requirement specified in Section 39.2(d) of the Act, have not been demonstrated to have been complied with; and
- c. Pursuant to Section 39.2(f) of the Act, local siting approval for a sanitary landfill expires at the end of 3 calendar years from the date upon which it was granted unless within that period the applicant has made application to the Illinois EPA for a permit to develop the site. Modification No. 9 to Permit No. 1995-231-LFM, issued June 28, 2002 approved a vertical expansion of landfill in accordance with the local siting approval dated February 21, 2000. The proposal to expand the disposal capacity of the landfill for a second time based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on an expired local siting approval.

In the 35 days following the date of this letter, you may take either of the actions described below:

1. You may submit to the Illinois EPA additional information addressing the deficiencies identified.

Page 3

2. 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 decision¹. 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 appeal period². 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.

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

1. be in a format which allows incorporation of the new information into the appropriate sections of the current application;
2. include a cross-reference indicating where in the new information each deficiency, identified above, has been addressed;
3. have the date of the revision on each page and on each drawing;
4. include an original and at least three copies; and
5. be submitted to the address below.

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

¹ 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

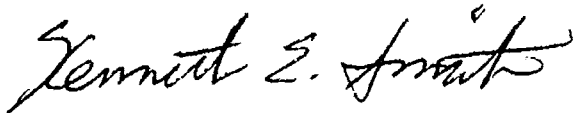
² For information regarding the request for an extension, please contact:
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217.782-5544

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If you do not submit additional information addressing the deficiencies within 35 days, the Illinois EPA shall consider the application not to have been filed. In this case, to reapply you will need to submit a new permit application in its entirety.

If you have any questions regarding this letter, please contact Imran Syed at 217/782-7813.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth E. Smith".

Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:IMS:0498100007-811LF-2019119-Incomplete-2.docx

cc: Douglas Mauntel, P.E., Andrews Engineering, Inc.

Bcc: Bureau File
Champaign Region
Joshua Rhoades
Imran Syed



3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

June 7, 2019

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Re: 0498100007 – Effingham County
Landfill 33, Ltd.
Illinois EPA Permit No. 1995-231-LFM
Additional Information
Log No. 2019-119

RECEIVED

JUN 07 2019

IEPA/BOL

Dear Mr. Smith:

A permit modification application was submitted April 5, 2019 proposing an Application for a Significant Modification to modify the final cover of the Landfill 33 Disposal Facility (Landfill 33). The Illinois EPA issued a notice of incompleteness containing five comments on May 3, 2019. The following information addresses the incompleteness deficiencies. The specific comments are provided in bold font followed by the response in standard font.

Completeness Comments

1. The application sets forth a proposal to increase the waste disposal capacity by approximately 420,650 cubic yards by vertically increasing the final contours of the landfill. The application does not provide proof that the local siting approval, following the format and procedures described in Section 39.2 of the Illinois Environmental Protection Act (Act), has been granted by the Effingham County Board. This determination is based on the following:
 - a. Pursuant to Section 39.2(a) of the Act local siting approval shall be granted only if the facility meets the criteria mentioned in Section 39.2(a)(i) through (ix) of the Act. The proposed increase in the waste disposal capacity and the associated extension of the operating life of the landfill proposed in permit application Log No. 2019-119 has not been demonstrated to be consistent with the siting criteria set forth in Section 39.2 of the Act; and
 - b. The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Act the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act.



June 7, 2019

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Re: 0498100007 – Effingham County
Landfill 33, Ltd.
Illinois EPA Permit No. 1995-231-LFM
Additional Information
Log No. 2019-119

Dear Mr. Smith:

A permit modification application was submitted April 5, 2019 proposing an Application for a Significant Modification to modify the final cover of the Landfill 33 Disposal Facility (Landfill 33). The Illinois EPA issued a notice of incompleteness containing five comments on May 3, 2019. The following information addresses the incompleteness deficiencies. The specific comments are provided in bold font followed by the response in standard font.

Completeness Comments

1. **The application sets forth a proposal to increase the waste disposal capacity by approximately 420,650 cubic yards by vertically increasing the final contours of the landfill. The application does not provide proof that the local siting approval, following the format and procedures described in Section 39.2 of the Illinois Environmental Protection Act (Act), has been granted by the Effingham County Board. This determination is based on the following:**
 - a. Pursuant to Section 39.2(a) of the Act local siting approval shall be granted only if the facility meets the criteria mentioned in Section 39.2(a)(i) through (ix) of the Act. The proposed increase in the waste disposal capacity and the associated extension of the operating life of the landfill proposed in permit application Log No. 2019-119 has not been demonstrated to be consistent with the siting criteria set forth in Section 39.2 of the Act; and
 - b. The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Act the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act.

Kenn Smith
Illinois Environmental Protection Agency

June 7, 2019
Page: 2

As stated in the April 5, 2019 original application, this proposed final cover modification application has been provided to and discussed with the Effingham County Board on November 14, 2018. In the opinion of the Effingham County Board, the proposed final cover modification is consistent with the previous Siting Approval, so long as the final maximum elevation of 644 MSL is not exceeded. Attachment 3 of the original application contains information submitted to the Effingham County Board. Exhibit A contains the resolution and the November 19, 2018 letter to the Illinois EPA from the Effingham County Board. Therefore, meeting the Criteria of Section 39.2(a)(i) through (ix) of the Act is not necessary since the proposed application is consistent with the previous Siting Approvals.

- 2. Certification of Siting Approval (LPC-PA8) Form, signed by Effingham County States Attorney Brian Kibler, references a siting approval obtained from Effingham County Board on November 19, 2018. However, documentation regarding local siting review performed by the Effingham County Board in compliance with the format and procedures outlined in Section 39.2 of the Act is not provided in the application.**

Provided in Exhibit A is the resolution and the November 19, 2018 letter to the Illinois EPA from the Effingham County Board.

- 3. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. The description of permit request provided on General Application for Permit (LPC-PA1) and Notice of Application for Permit to Manage Waste (LPC-PA16) Forms only state a change of final cover design is being proposed. The application must include LPC-PA1 and LPC-PA16 application forms that clearly state that an increase in the permitted disposal capacity of the landfill is being proposed for approval.**

Revised LPC-PA1 and LPC-PA16 forms are provided in Exhibit B, which states that an Application for Significant Modification to modify the final cover and increase the disposal capacity by +/- 483,000 CY is being proposed for the facility.

- 4. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. A March 2003 version of the Certification of Siting Approval (LPC-PA8) Form has been provided in the application. The current version of the LPC-PA8 Form available on the Illinois EPA website is dated May 2012. The current versions of application forms are available at:
<https://www2.illinois.gov/epa/topics/forms/land-forms/permit-forms/Pages/default.aspx>**

A revised LPC-PA8 form is provided in Exhibit C.

- 5. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Ms. Lori Martin, Executor of Wendt Family Trust has signed the General Application for Permit (LPC-PA1) Form on behalf of the owners. The application does not provide proof that Ms. Martin is a duly authorized agent of Landfill 33 Ltd., and Mr. Deibel.**

Kenn Smith
Illinois Environmental Protection Agency

June 7, 2019
Page: 3

A revised LPC-PA1 has been provided in Exhibit B with the signature of Mr. Brian Hayes signing as owner/operator for Landfill 33, Ltd and Mr. Deibel. Submitted in the original application is the signature page for Ms. Lori Martin signing on behalf of the Wendt Family Trust. At this time, Mr. Brian Hayes is also signing on behalf of Mr. Richard Deibel due to his recent passing. The estate of Mr. Richard Deibel is in the process of being settled and sold to Landfill 33 Ltd. (thus leaving only two property owners). Clarification will be submitted to the Illinois EPA upon settlement of Mr. Richard Deibel's estate.

The situation presented in the present case is strikingly similar to that in *Brickyard Disposal & Recycling, Inc. v. Illinois Environmental Protection Agency* (PCB 16-66) (later affirmed by the Fourth Appellate District at 218 Ill. App. 4th 170114). The PCB's decision in *Brickyard* correctly holds that a mere increase in internal volume within an existing facility does not constitute a "new pollution control facility" requiring new local siting approval. As noted by the PCB in *Brickyard*, the General Assembly amended the Act in 1981 by enactment of the State Siting Statute (P.A. 82-62, effective November 12, 1981), which gave county and municipal governments the authority to decide whether to grant requests to "locate" pollution control facilities within their jurisdictions. As noted in detail in submissions made to date on behalf of Landfill 33, siting approvals establishing facility boundaries for Landfill 33 were made subsequent to the enactment of the State Siting Statute by the local siting authority (i.e., the Effingham County Board). As noted in the applicable local siting approval, included as part of this submission, there were no physical "location" limitations included in the controlling siting approval which the current Sig Mod proposal would exceed.

While, in the past, the Agency has relied upon both *M.I.G. Investments, Inc. v. IEPA*, 122 Ill. 2d 392 (1988) and *Bi-State Disposal Inc. v. IEPA*, 203 Ill. App. 3d 1023 (5th Dist. 1990), as aptly noted by the Fourth Appellate District in the *Brickyard* case, and as also noted by the PCB in its underlying decision, the siting determinations made in *M.I.G* and *Bi-State Disposal* were made by the Agency prior to the effective date of enactment of the State Siting Statute on November 12, 1981. Therefore, in turn, as noted by both the PCB and the Fourth Appellate District, the facts (and the applicable law) in *M.I.G.* and *Bi-State Disposal* are clearly distinguishable from the legal principles which control permit modifications which occurred after enactment of the State Siting Statute.

Going further, as noted by the Fourth Appellate District, the General Assembly did not use the term "permitted boundaries" in its crafting of Section 3.33(b)(2) of the Act. Rather, as noted by the Court: **The statute says "boundaries" of a "currently permitted pollution control facility" not "permitted boundaries". 415 ILCS 5/3.33(b)(2) (West 2014).** As also noted by the Fourth Appellate District in its affirmation of the PCB's decision in *Brickyard*, the Court saw **"... no indication from examination of the Act that the General Assembly intended to invoke the long and expensive process of local siting review each time the Agency restricted waste boundaries and the landfill operators sought to remove or expand those waste boundaries within an existing pollution control facility."** As further noted by the Court, by enacting Section 39(c), the General Assembly intended that local governmental authorities determine the "location" (i.e., physical boundaries) of pollution control facilities, and not have that decision imposed upon them by the Agency. The controlling term in determining operative facility boundaries (i.e., "location") is then used in connection with the local siting authority's powers (both under Sections 39(c) and 39.2 of the Act), and finds no place or home within the regulatory scheme assigned to the Agency. Going further, the Fourth Appellate District noted: **"That the General Assembly was not concerned with internal waste boundaries when enacting the requirement for local siting approval is further evidenced by the language of section 39(c) itself. According to Section 39(c), "no permit for the development or construction of a new**

Kenn Smith
Illinois Environmental Protection Agency

June 7, 2019
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pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board". (Emphasis added). 415 ILCS 5/39(c) (West 2014). The Court further observed that: **"Contrary to the State's argument, *M.I.G. Investments* does not establish a "volumetric boundary" or trigger local siting review for changes in waste volume within boundaries of existing landfills". (Writer's Emphasis).** As the Court then properly concluded: **"There is no statutory language indicating local siting approval is necessary for the inner workings of a pollution control facility"**.

The constructs of the Sig Mod regulatory regimen clearly envision ongoing changes to internal waste boundaries so long as ultimate physical "location" boundaries set by the local siting authority are not exceeded.

In the present case, as in *Brickyard*, the Sig Mod proposal being presented does not in any way expand or exceed the physical "location" boundaries of the facility previously established by the Effingham County Board, and only internally increases available disposal capacity. Maximizing available disposal capacity within the boundaries of a currently permitted pollution control facility is an environmentally prudent and advisable practice, as it then prolongs/delays the need for an actual further expansion of a facility such as Landfill 33.

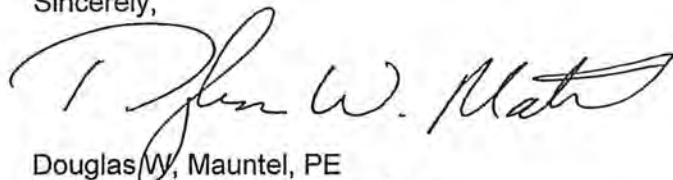
In summary, in this case as in the *Brickyard* case, the "boundary of the facility" is ascertained from local siting approval previously granted by the Effingham County Board. Again, no conditions are included within that siting approval which are in any way exceeded by the current Sig Mod proposal. In turn, there can be no "new pollution control facility" under Section 3.330(b)(2) absent in expansion beyond the "boundary" of the currently permitted facility established by the Effingham County Board.

In conclusion, and for all of the reasons set forth above, the current Sig Mod proposal does not constitute a "new pollution control facility" in any way, shape or form, and is complete in all respects.

Based on the information provided above and included as exhibits, the application should be deemed completed and the technical review of the application can continue.

If you have any questions or require further information, please contact me.

Sincerely,



Douglas W. Mauntel, PE
Director of Engineering Services

DWM:dwm:slm
Exhibit(s)

cc: Imran Syed – IEPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)

EXHIBIT A

EFFINGHAM COUNTY BOARD RESOLUTION

EFFINGHAM COUNTY BOARD

County Building • 101 North Fourth Street, Suite 301

Effingham, IL 62401

(217) 342-4990 • Fax (217) 342-8525

November 19, 2018

IEPA Bureau of Land
Permit Division
1021 North Grand Avenue East
Springfield, IL 62794

Re: *Landfill 33, Ltd.*
049810007 - Effingham County

To Whom It May Concern:

Please be advised that the Effingham County Board has received Landfill 33, Ltd.'s Application for Significant Modification (Sig Mod Application) to revise the final contours of the currently permitted facility so as to potentially gain additional airspace/waste disposal capacity. In summary, and distilled to its essence, the Sig Mod Application requests reconfiguration of certain final contours, which would move the maximum elevation of the facility closer to the center of the current waste unit. In considering this request, the County notes the following:

- On September 27, 1999, a siting application was submitted to the Effingham County Board by Landfill 33, Ltd. to expand the existing facility. That application requested a vertical expansion of approximately 1.2 million cubic yards and included a map with certain proposed final contours. Subsequent thereto, on February 22, 2000 the Effingham County Board passed a Resolution to Approve the Landfill Expansion (February 22, 2000 Siting Approval). The February 22, 2000 Siting Approval does not include any special conditions imposed by the County Board relating to maximum waste volume, final contour dimensions or a maximum elevation.
- Subsequent thereto, on June 29, 2001, Landfill 33, Ltd. submitted a supplemental Application for Vertical Expansion and Permit Renewal. This Application was intended to supplement the September 27, 1999 Application initially submitted by Landfill 33, Ltd. in certain respects. On June 28, 2002, the Effingham County Board passed a resolution approving the supplemental Application for Vertical Expansion and Permit Renewal (June 28, 2002 Siting Approval). As was the case with the February 22, 2000 Siting Approval, the June 28, 2002 Siting Approval does not include any special conditions related to maximum waste volume, maximum final contour dimensions or a maximum final elevation.

- Subsequent thereto, as a result of the permitting process engaged in between Landfill 33, Ltd. and the Illinois Environmental Protection Agency (IEPA), certain final cover contours were approved by IEPA with a defined maximum elevation of 644 MSL.
- As both Effingham County Board's Siting Approvals do not include specific conditions pertaining to maximum waste volume, absolute final cover contours or an absolute final maximum elevation, and as IEPA only assigned a final absolute maximum elevation as part of the permitting process, it is the opinion of the Effingham County Board that the revised final contours being proposed by Landfill 33, Ltd. in its current Sig Mod Application are in all respects consistent with both previous Siting Approvals noted hereinabove, so long as the final maximum elevation of 644 MSL designated by IEPA as part of the permit process is not exceeded.

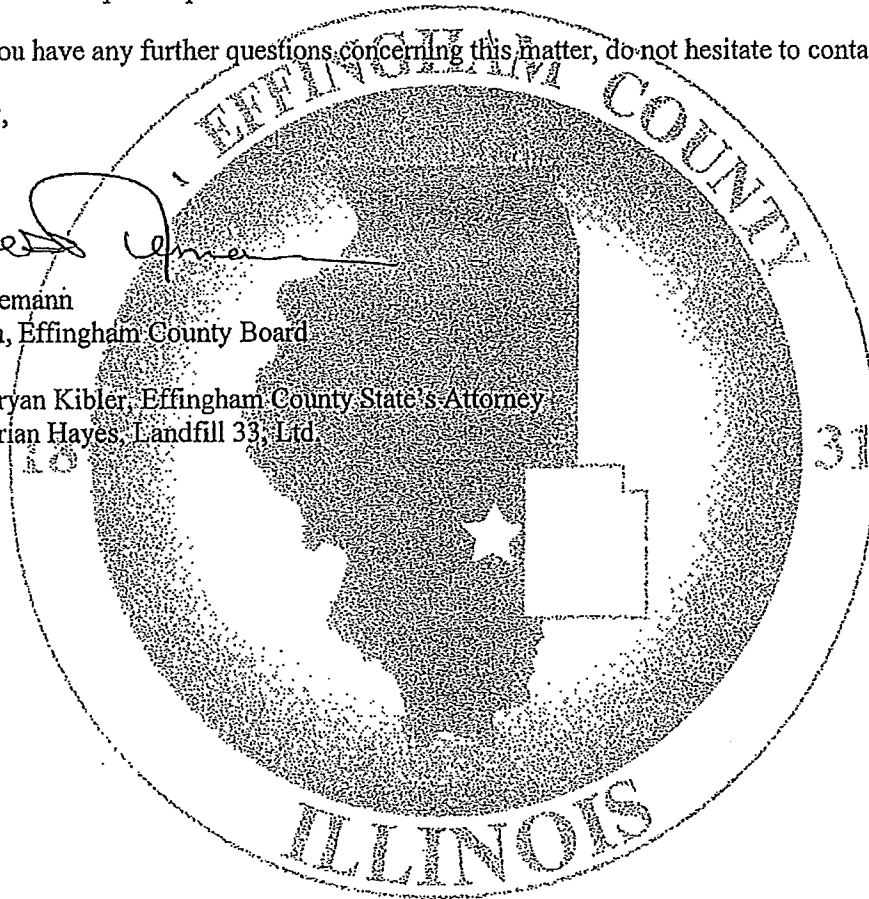
Should you have any further questions concerning this matter, do not hesitate to contact me.

Sincerely,



James Niemann
Chairman, Effingham County Board

cc: Bryan Kibler, Effingham County State's Attorney
Brian Hayes, Landfill 33, Ltd.



RESOLUTION

COUNTY OF EFFINGHAM

LANDFILL 33 APPLICATION FOR SIGNIFICANT MODIFICATION

WHEREAS, on September 27, 1999, a siting application was submitted to the Effingham County Board by Landfill 33, Ltd. to expand the existing facility. That application requested a vertical expansion of approximately 1.2 million cubic yards and included a map with certain proposed final contours. Subsequent thereto, on February 22, 2000 the Effingham County Board passed a Resolution to Approve the Landfill Expansion (February 22, 2000 Siting Approval). The February 22, 2000 Siting Approval does not include any special conditions imposed by the County Board relating to maximum waste volume, final contour dimensions or a maximum elevation.

WHEREAS, subsequent thereto, on June 29, 2001, Landfill 33, Ltd. submitted a supplemental Application for Vertical Expansion and Permit Renewal. This Application was intended to supplement the September 27, 1999 Application initially submitted by Landfill 33, Ltd. in certain respects. On June 28, 2002, the Effingham County Board passed a resolution approving the supplemental Application for Vertical Expansion and Permit Renewal (June 28, 2002 Siting Approval). As was the case with the February 22, 2000 Siting Approval, the June 28, 2002 Siting Approval does not include any special conditions related to maximum waste volume, maximum final contour dimensions or a maximum final elevation.

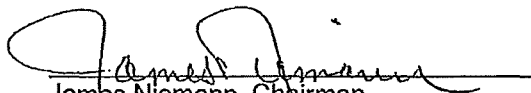
WHEREAS, subsequent thereto, as a result of the permitting process engaged in between Landfill 33, Ltd. and the Illinois Environmental Protection Agency (IEPA), certain final cover contours were approved by IEPA with a defined maximum elevation of 644 MSL.

WHEREAS, as both Effingham County Board's Siting Approvals do not include specific conditions pertaining to maximum waste volume, absolute final cover contours or an absolute final maximum elevation, and as IEPA only assigned a final absolute maximum elevation as part of the permitting process, it is the opinion of the Effingham County Board that the revised final contours being proposed by Landfill 33, Ltd. in its current Sig Mod Application are in all respects consistent with both previous Siting Approvals noted hereinabove, so long as the final maximum elevation of 644 MSL designated by IEPA as part of the permit process is not exceeded.

THEREFORE, BE IT RESOLVED, The Effingham County Board acknowledges Landfill 33 current Sig Mod proposal is consistent in all respects with its previous grant of siting approval on February 21, 2000 and hereby authorizes the County Board Chairman to execute the letter attached hereto.

PRESENTED, APPROVED, AND RESOLVED, by the County Board of the County of Effingham Illinois at a regular meeting thereof held on the 19th day of November, 2018.

Motion JOHN PERRY 1) Second DOUG MCCAIN


James Niemann, Chairman
Effingham County Board

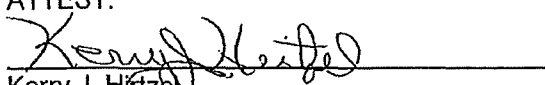
ATTEST:

Kerry J. Hirtzel
Effingham County Clerk

EXHIBIT B

REVISED LPC-PA1 and LPC-PA16 FORMS



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

General Application for Permit (LPC - PA1)

This form must be used for any application for permit from the Bureau of Land, except for landscape waste composting or hazardous waste management facilities regulated in accordance with RCRA, Subtitle C. One original, and two copies, or three if applicable, of all permit application forms must be submitted. Attach the original and appropriate number of copies of any necessary plans, specifications, reports, etc. to fully support and describe the activities and modifications being proposed. Attach sufficient information to demonstrate the compliance with all regulatory requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance. **Note: Applicants must provide a physical address; the post office will not deliver a certified letter (final action letter) to a P.O. Box only. Please provide an extended ZIP+4 code for the site identification and owner/operator information.**

You may complete this form online, save a copy locally, print, sign and submit it to the Bureau of Land at the address below. Note: Hand-delivered permit applications must be delivered between 8:30 am and 5:00 pm, Monday through Friday (excluding State holidays) to:

Bureau of Land, Permit Section, Mail Code #33
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

Instructions

I. Site Identification

Site Name: Landfill 33, LTD IEPA BOL No.: 0498100007
 Street Address: 1713 South Willow Street P.O. Box: 703
 City: Effingham State: IL Zip + 4: 62401 *Notification letters will not be sent without a 9-digit zip code. County: Effingham
 Existing DE/OP Permit Numbers (if applicable): 1995-231-LFM

II. Applicant Identification

Owner

Name: Wendt Family Trust; R. Deibel; Landfill 33, LT
 Street Address: 715 S. First
 PO Box: _____
 City: Effingham State: IL
 Zip + 4: 62401 Phone: 217-821-1877
 Contact: Lori Martin
 Email Address: seve55@me.com
 FEIN ID No. 37-6341850

Operator (if Different)

Name: Landfill 33, LTD
 Street Address: _____
 PO Box: 703
 City: Effingham State: IL
 Zip + 4: 62401 Phone: 217-342-3747
 Contact: Brian Hayes
 Email Address: lf33bhayes@consolidated.net
 FEIN ID No. 37-1093457

Agency correspondence mailed to:

Owner Operator Other - Explain: _____

TYPE OF SUBMISSION/REVIEW PERIOD:

- New Landfill/180 days (35 IAC Part 813)
- Landfill Expansion/180 days (35 IAC Part 813)
- Sig. Mod. to Operate/90 days (35 IAC Part 813)
- Other Sig. Mod./90 days (35 IAC Part 813)
- Renewal of Landfill/90 days (35 IAC Part 813)
- Development/90 days (35 IAC Part 807)
- Operating/45 days (35 IAC Part 807)
- Operating/90 days (35 IAC Part 848)
- Supplemental/90 days (35 IAC Part 807)
- Permit Transfer/90 days (35 IAC Part 807)
- Renewal of Experimental Permit (35 IAC Part 807)

TYPE OF FACILITY:

- Landfill
- Land Treatment
- Transfer Station
- Treatment Facility
- Storage
- Incinerator
- Composting
- Recycling/Reclamation
- Used Tire Storage/Processing Facility
- Other (Specify)

TYPE OF WASTE:

- General Municipal Refuse
- Hazardous
- Special (Non-Hazardous)
- Chemical Only (exec. putrescible)
- Inert Only (exec. chem. & putrescible)
- Used Oil
- Potentially Infectious Medical Waste
- Landscape/Yard Waste
- Used Tires
- Other (Specify)

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42).

III. Description of this Permit Request: (Note: The box below will expand as needed)

Application for a Significant Modification to modify the final cover and increase the permitted disposal capacity by +/- 483,000 CY for the Landfill 33 Disposal Facility (Landfill 33).

IV. Completeness Requirements

1. Have all required public notice letters been mailed in accordance with the LPC-PA16 instructions? Yes No N/A
 (If so, provide a list of those recipients of the required public notice letters for Illinois EPA retention.
 Such retention shall not imply any Illinois EPA review and/or confirmation of the list.)

Public Notice Recipients

Name: <u>Kyle McCarter</u>	Title: <u>Senator - District 54</u>
Street Address: <u>310 Gallatin</u>	P.O. Box: _____
City: <u>Vandalia</u> State: <u>IL</u>	Zip Code: <u>62471</u>
Name: <u>Charles Meier</u>	Title: <u>Representative - District 108</u>
Street Address: <u>121 Broadway, Suite 1</u>	P.O. Box: _____
City: <u>Highland</u> State: <u>IL</u>	Zip Code: <u>62249</u>
Name: <u>Bryan Kibler</u>	Title: <u>State's Attorney</u>
Street Address: <u>120 West Jefferson, Suite 201</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>
Name: <u>James Niemann</u>	Title: <u>County Chairman</u>
Street Address: <u>101 North 4th Street, Suite 301</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>
Name: <u>Kerry Hirtzel</u>	Title: <u>County Clerk</u>
Street Address: <u>101 North 4th Street, Suite 201</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>
Name: <u>Effingham City Clerk</u>	Title: <u>City Clerk</u>
Street Address: <u>201 East Jefferson - First Floor</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>

- | | Yes | No | N/A |
|--|----------------------------------|----------------------------------|----------------------------------|
| 2. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Is siting approval currently under litigation? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. a. Is a closure, and if necessary a post-closure plan covering these activities being submitted, or | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. has one already been approved? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If yes, provide the permit number: <u>1995-231-LFM</u> | | | |
| 4. a. For operating waste disposal sites, only: Has any employee, owner, operator, officer or director of the owner or operator had a prior conduct certification denied, canceled or revoked? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. Have you included a demonstration of how you comply or intend to comply with 35 Ill. Adm. Code 745? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 5. a. For waste disposal sites, only: Is the property for the facility held in a beneficial trust? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed? | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 6. a. Does the application contain information or proposals regarding the hydrogeology; groundwater monitoring, modeling or classification; a groundwater impact assessment; or vadosezone monitoring for which you are requesting approval? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. If yes, have you submitted a third copy of the application (4 total) and supporting documents? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

7. Has the required 39(i) certification been attached? A 39(i) certification must be submitted with information concerning the following persons or entities:

- a. the owner of the business entity applying for the permit;
- b. the operator of the business entity applying for the permit;
- c. each employee or officer of the owner or operator who signed the permit application or has managerial authority at the site; and
- d. any additional owner, operator, or officer or employee of the owner or operator from whom a certification is requested by the Illinois EPA, including any officer or employee who will be responsible for overseeing or implementing regulated activities governed by the permit.

If no, then complete this certification as indicated.

V. Signatures:

Original signatures are required. Signature stamps or applications transmitted electronically or by FAX are not acceptable.

All applications shall be signed by the person designated below as a duly authorized representative of the owner an/or operator. A printed name for each signature should also be provided.

Corporation - By a principal executive officer of the level of vice-president or above.

Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively.


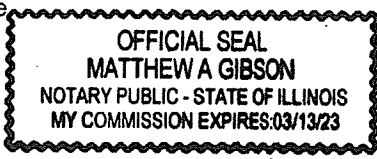
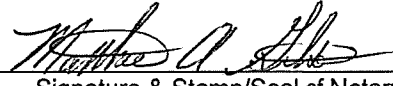
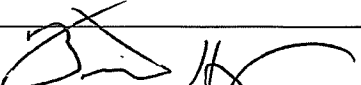
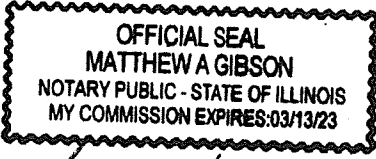
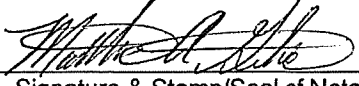
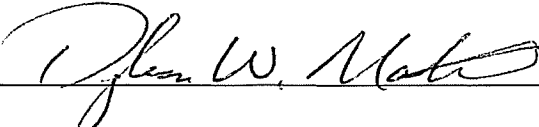
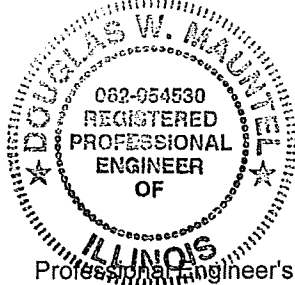
Government - By either a principal executive officer or a ranking elected official.

A person is a duly authorized representative of the owner and operator only if:

1. They meet the criteria above or the authorization has been granted in writing by a person described above; and
2. Is submitted with this application (a copy of a previously submitted authorization can be used).

I hereby affirm that all information contained in this application is true and accurate to the best of my knowledge and belief. I do herein swear that I am a duly authorized representative of the owner/operator and I am authorized to sign this permit application form.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

<p style="text-align: center;"> Owner Signature</p> <p style="text-align: center;"><u>BRIAN D HAYES</u> Printed Name</p>	<p style="text-align: center;"><u>6/4/19</u> Date</p> <p style="text-align: center;"><u>PRESIDENT</u> Title</p>
<p>Notary: Subscribed and Sworn before me this <u>5th</u> day of <u>June</u> 20<u>19</u>.</p> <p>My commission expires on: <u>3-13-23</u></p>	
  Signature & Stamp/Seal of Notary Public	
<p style="text-align: center;"> Operator Signature</p> <p style="text-align: center;"><u>BRIAN D. HAYES</u> Printed Name</p>	<p style="text-align: center;"><u>6/4/19</u> Date</p> <p style="text-align: center;"><u>PRESIDENT</u> Title</p>
<p>Notary: Subscribed and Sworn before me this <u>5th</u> day of <u>June</u> 20<u>19</u>.</p> <p>My commission expires on: <u>3-13-23</u></p>	
  Signature & Stamp/Seal of Notary Public	
<p>Engineer's Name: <u>Douglas W. Mantel</u></p> <p>Company: <u>Andrews Engineering, Inc.</u></p> <p>Street Address: <u>3300 Ginger Creek Drive</u></p> <p>City: <u>Springfield</u> State: <u>IL</u></p> <p>Email Address: <u>dwmantel@andrews-eng.com</u></p> <p>License Expiration Date: <u>11/30/19</u></p>	<p>Engineer's Title: <u>Project Engineer</u></p> <p>Registration Number: <u>062-08530</u></p> <p>PO Box: _____</p> <p>Zip Code: <u>62711</u> Phone: <u>217-787-2334</u></p>
<p>Signature: </p> <p>Date: <u>6/7/19</u></p>	 Professional Engineer's Seal



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Jason Plummer
Senate District 54
310 W Gallatin
Vandalia, IL 62471

Notice of Application for Permit to Manage Waste (LPC-PA16)

June 7, 2019

Date: _____

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the Illinois EPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the Bureau of Land, Attn: Permit Section, at the above address, or contact the Permit Section at 217/524-3300 within 21 days.

The permit application, which is identified below, is for a project described at the bottom of this page.

Site Identification:

Site Name: Landfill 33 IEPA ID Number: 0498100007

Street Address: 1713 South Willow P.O. Box: 703

City: Effingham State: IL Zip Code: 62401-4065 County: Effingham

TYPE OF PERMIT SUBMISSIONS:

TYPE OF FACILITY:

TYPE OF WASTE:

- | | | |
|--|--|---|
| <input type="checkbox"/> New Landfill | <input checked="" type="checkbox"/> Landfill | <input checked="" type="checkbox"/> General Municipal Refuse |
| <input checked="" type="checkbox"/> Landfill Expansion | <input type="checkbox"/> Land Treatment | <input type="checkbox"/> Hazardous |
| <input type="checkbox"/> First Significant Modification | <input type="checkbox"/> Transfer Station | <input checked="" type="checkbox"/> Special (Non-Hazardous) |
| <input type="checkbox"/> Significant Modification to Operate | <input type="checkbox"/> Treatment Facility | <input type="checkbox"/> Chemical Only (exec. putrescible) |
| <input type="checkbox"/> Other Significant Modification | <input type="checkbox"/> Storage | <input type="checkbox"/> Inert Only (exec. chem. & putrescible) |
| <input type="checkbox"/> Renewal of Landfill | <input type="checkbox"/> Incinerator | <input type="checkbox"/> Used Oil |
| <input type="checkbox"/> Development | <input type="checkbox"/> Composting | <input type="checkbox"/> Solvents |
| <input type="checkbox"/> Operating | <input type="checkbox"/> Recycling/Reclamation | <input type="checkbox"/> Landscape/Yard Waste |
| <input type="checkbox"/> Supplemental | <input type="checkbox"/> Other (Specify) | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Transfer | _____ | _____ |
| <input type="checkbox"/> Name Change | _____ | _____ |
| <input type="checkbox"/> Generic | _____ | _____ |

Description of Project:

Application for a Significant Modification to modify the final cover and increase the permitted disposal capacity by +/- 483,000 CY for the Landfill 33 Disposal Facility (Landfill 33).

EXHIBIT C

REVISED LPC-PA8 FORM



Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

**Certification of Siting Approval
(LPC-PA8)**

This form is to be used to demonstrate compliance with the siting requirements of the Act for new pollution control facilities. Failure to submit this form when required is cause for an application to be deemed incomplete or denied.

NOTE: Please complete this form online, save a copy locally, print and submit to the Permit Section #33, at the above address.

Siting Applicant Information

Name: Landfill 33, Ltd. Address 1: 1713 South Willow Street
 Address 2: _____ City: Effingham State: IL Zip Code: 62401

Site Information

Site Name: Landfill 33 Site Number (if assigned): 0498100007
 Nearest Municipality: Effingham County: Effingham

1. On Nov 19, 2018 the Effingham County Board of
 (Date) (Governing body of county or municipality)

Effingham County approved the site location suitability of
 (County or Municipality)

Final Cover Modification of Landfill 33 as a new pollution control facility in accordance with
 (Name of Site)

Section 39.2 of the Environmental Protection Act (415 ILCS 5/39.2).

2. Because the Illinois EPA may need to verify the information on this form, please indicate a person from the unit of local government ("siting authority") whom a representative from the Illinois EPA may contact regarding this approval.

Name: Bryan Kibler Title: Effingham County States Attorney
 Address: 120 W Jefferson Ave. City: Effingham State: IL Zip Code: 62401
 Email Address: _____ Phone: 217-347-7741

3. Identify the type of activity(ies) for which siting approval was obtained:
- | | |
|--|---|
| <input type="radio"/> Waste Storage | <input type="radio"/> Waste Transfer |
| <input checked="" type="radio"/> Sanitary Landfill | <input type="radio"/> Waste Treatment |
| <input type="radio"/> Waste Disposal | <input type="radio"/> Waste Incinerator |
4. Did the local siting authority approve the acceptance of special waste? Yes No
 Did the local siting authority approve the acceptance of hazardous waste? Yes No
5. Attached to this certification is a true and accurate statement of the legal descriptions of the site as it was approved by the aforementioned local siting authority. (Note: A legal description must be attached to this document, from the local siting authority, to make the application complete.) Yes No

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42). This form has been approved by the Forms Management Center.

6. Did the local siting authority impose any specific conditions? Yes No

If so, is a copy of the conditions attached to this form? Yes No

(Note: These conditions are provided for information only to the Illinois EPA. The Illinois EPA is not obligated to monitor nor enforce local conditions.)

7. This item is applicable only to landfills or disposal sites.

Were horizontal waste disposal unit boundaries approved? Yes No NA

Were vertical waste disposal unit boundaries approved? Yes No NA

Was a maximum disposal capacity approved (for the facility or per disposal unit?) Yes No NA

If any of the questions under #7 above were answered "yes," the siting application documents that define the subject limits must be attached to this form by the the local siting authority (e.g., legal descriptions, plan sheets, topographic drawings, etc.).

8. The undersigned has been authorized by the Effingham County Board of

(Governing body of county or municipality)

Effingham County to execute this certification on their behalf.

(County or Municipality)

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

[Handwritten Signature]

Signature:

Bryan M. K. Gier

Printed Name:

6-4-19

Date:

Effingham County

Title:

State's Attorney

Subscribed and Sworn before me this 4th day of June 2019.

My commission expires on: 7-7-19



[Handwritten Signature]
Signature of Notary Public



3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

August 7, 2019

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Re: 0498100007 – Effingham County
Landfill 33, Ltd
Illinois EPA Permit No. 1995-231-LFM
Additional Information
Log No. 2019-119

RECEIVED

AUG 07 2019

IEPA/BOL

A handwritten signature in black ink that reads "Shannon Bebrin".

Dear Mr. Smith:

A permit modification application was submitted April 5, 2019 proposing an Application for a Significant Modification to modify the final cover of the Landfill 33 Disposal Facility (Landfill 33). The Illinois EPA issued a notice of incompleteness on May 3, 2019. A response to that notice was submitted on June 7, 2019. The Illinois EPA (IEPA) then issued a second notice of incompleteness containing three comments on July 5, 2019. The following information addresses the perceived incompleteness deficiencies noted by the Agency in its July 5th correspondence. The Agency's specific comments are provided in bold font, followed by the Applicant's response in standard font.

Completeness Comments

1. **IEPA Comment:** Additional information dated and received June 7, 2019 includes a copy of an Effingham County Board Resolution dated November 19, 2018 stating that Local Siting Approvals dated February 22, 2000 (sic) and June 28, 2002 are consistent in all respects with the revised final contours.

The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development of construction of a new pollution control facility may be granted by the Illinois EOA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act. The information provided in the June 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act for the following reasons:



3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

August 7, 2019

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Re: 0498100007 – Effingham County
Landfill 33, Ltd
Illinois EPA Permit No. 1995-231-LFM
Additional Information
Log No. 2019-119

Dear Mr. Smith:

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Kenn Smith
Illinois Environmental Protection Agency

August 7, 2019
Page: 2

- a. **The application, Log No. 2019-119, acknowledges that the local siting application dated September 27, 1999 sought a vertical expansion of 1.2 million cubic yards and included a map of the proposed landfill final contours. The changes proposed in the current application, Log No. 2019-119, will vertically increase the landfill final contours and increase the disposal capacity by approximately 483,000 cubic yards. The application record for Log No. 2019-119 does not demonstrate the proposed the proposed vertical waste disposal boundaries and increased disposal capacity was considered by the Effingham County Board in granting the February 21, 2000 and June 28, 2002 local siting approvals and was considered during the review of the September 27, 1999 application for local siting approval. Moreover, the current resolution finds only that the Board would deem whatever information before it to be consistent with and not approved by the Board contemporaneously. Furthermore, no information is provided on the impact, if any, on the overall waste disposal life of the facility which will likely change due to the added disposal capacity proposed;**

Applicant's Response: The application for siting approval simply requested a vertical expansion with approximate cubic waste yardage, and included a map which only included proposed general/conceptual final contours. Moreover, the map contained in the siting application specifically notes that the contours may be refined/revised. The proposed changes to the contours in application Log No. 2019-119 will not violate or exceed any site boundary that was approved in the siting for vertical expansion in 2000. Further, the siting application stated that the probable life of the facility was expected to be extended 15 years under the proposed vertical expansion. The expected end life for the existing facility at the time of original siting in 2000 was 2009. The recontoured landfill as proposed will then do no more than bring this facility the life expectancy originally approved in the siting application in 2000 (i.e., approximately 2024). The Affidavit of Leon Gobczynski is also attached. As indicated in Mr. Gobczynski's Affidavit, he was Chairman of the Effingham County Board in 2000, and, in that capacity, presided over the public hearing conducted in connection with Landfill 33's request for siting approval, as well as the deliberations of the County Board which led to siting approval. As such, Mr. Gobczynski, has direct, first hand knowledge of the fact that the County Board did not impose any vertical boundary limitations upon the siting approval that was granted. As also noted by Mr. Gobczynski, he has first hand knowledge of the fact that the present Sig Mod Application is consistent in all respects with the action taken by the County Board in early 2000.

- b. **IEPA Comment: The application, Log No. 2019-119, does not include documentation that the procedures and process of Section 39.2 of the Act was followed in rendering a determination on the siting approval requested. Information, including but not limited to, the public notice requirements mentioned in Section 39.2(b) of the Act, inspection and comment requirements mentioned in Section 39.2(c) of the Act and public hearing requirement specified in Section 39.2(d) of the Act, have not been demonstrated to have been complied with; and**

Applicant's Response: The siting process followed was approved with Modification No. 9 to Permit No. 1995-231-LFM, issued June 28, 2002, and was

Kenn Smith
Illinois Environmental Protection Agency

August 7, 2019
Page: 3

consistent in all respects with the requirements that existed at that time. (See also the Affidavit of Leon Gobczynski attached hereto).

- c. **IEPA Comment:** Pursuant to Section 39.2(f) of the Act, local siting approval of a sanitary landfill expires at the end of 3 calendar years from the date upon which it was granted unless within that period the applicant has made application to the Illinois EPA for a permit to develop the site. Modification No. 9 to Permit No. 1995-231-LFM, issued June 28, 2002 approved a vertical expansion of landfill in accordance with the local siting approval dated February 21, 2000. The proposal to expand the disposal capacity of the landfill for a second time based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on an expired local siting approval.

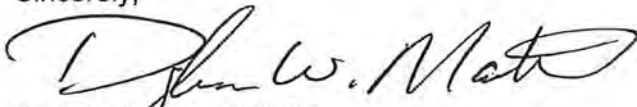
The requirement to make application within 3 years of the siting approval was fulfilled with application Log No. 2001-248. The entire area sited does not need to be included in the initial application. The capacity is not lost by not including this area in the first application. (See also the Affidavit of Leon Gobczynski attached hereto).

The Applicant reiterates and reincorporates all prior grounds for approval of this Sig Mod Application as if fully set forth herein.

Based on the information provided above, the Application should be deemed completed and the technical review of the Application can continue.

If you have any questions or require further information, please contact me.

Sincerely,



Douglas W. Mauntel, PE
Director of Engineering Services

DWM:ndd

CC: Imran Syed – IEPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)


STATE OF ILLINOIS)
) SS
COUNTY OF EFFINGHAM)

AFFIDAVIT

I, Leon Gobczynski, being first duly sworn on oath, does depose and state as follows:

1. I have lived in Effingham County most of my life. During that time, I have served on various community boards, including serving as Effingham County Board Chairman.
2. As Chairman of the Effingham County Board in January of 2000, I presided over the Effingham County Board's consideration of a request for siting approval for a vertical expansion of Landfill 33 being made at that time.
3. I presided over the public hearing conducted in connection with that request for local siting approval, and also presided over the deliberations of the Effingham County Board that resulted in the attached February 21, 2000 Resolution of the Board granting siting approval for the vertical expansion that had been requested by Landfill 33, LTD.
4. As reflected by the attached Resolution, in granting such siting approval, the Effingham County Board elected to not impose any vertical boundary limitations upon the siting approval which was granted. As such, based upon my involvement in the process as Effingham County Board Chairman, and based upon my firsthand knowledge of the Effingham County Board's thoughts and intentions at that time, I can say that the present request to reconfigure the top of the existing landfill is consistent in all respects with the Effingham County Board's determinations in January and February of 2000.

FURTHER the Affiant sayeth not.



Leon Gobczynski

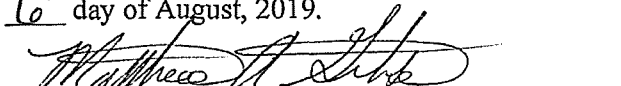
ATTESTATION

I, Leon Gobczynski, being first duly sworn on oath, deposes and states that he has read the foregoing document, and the information herein are true, correct and complete to the best of his knowledge and belief

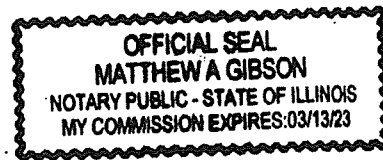


Leon Gobczynski

SUBSCRIBED and SWORN to before me this
6th day of August, 2019.



Notary Public



EFFINGHAM COUNTY BOARD
FINDING OF FACT REGARDING REQUEST FOR EXPANSION OF EXISTING
LANDFILL FACILITY SUBMITTED BY LANDFILL 33, LTD

The Effingham County Board, having heard and considered the testimony and exhibits received as evidence at a public hearing held January 20, 2000, makes the following findings of fact in relation to the request by Landfill 33 LTD for approval for a vertical expansion of an existing landfill facility, located in Effingham County, Illinois:

1. The facility's expansion, as proposed by Landfill 33 LTD, is necessary to accommodate the waste needs of Effingham County.
2. The proposed expansion of the existing facility's design, location and proposed operation are such that the public health, safety and welfare will be protected.
3. The proposed location of the expansion of the existing facility is not incompatible with the character of the surrounding area and the location is such that the effect on the value of surrounding property will be minimized.
4. The subject facility, including the proposed expansion, is located outside the boundary of the 100 year flood plain.
5. The plan of operations for the facility, including its proposed expansion is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.
6. The traffic patterns to and from the existing facility are so designed as to minimize the impact on existing traffic flow.
7. The following criteria, appearing in Section 39.2 of the Environmental Protection Act, do not apply to the request of Landfill 33 LTD in this case:
 - a.) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be followed in case of accidental release; and
 - b.) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.
8. The planned expansion of the existing facility is consistent with county board solid waste management plan.

Effingham County Board

RESOLUTION TO APPROVE LANDFILL EXPANSION

WHEREAS, Landfill 33, LTD has filed with the Effingham County Board a request for approval of a vertical expansion of an existing landfill facility; and

WHEREAS, a public hearing was held on January 20, 2000, at which hearing testimony and exhibits were presented concerning the said request; and

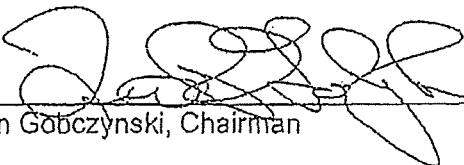
WHEREAS, the Effingham County Board has studied the proposal of Landfill 33 LTD and the testimony and exhibits received at the public hearing and further has made certain findings of fact relative thereto, which findings are attached hereto and incorporated herein by reference.

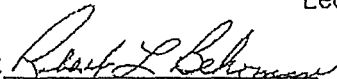
NOW, THEREFORE, BE IT RESOLVED by the members of the Effingham County Board in session on this 21 day of February, 2000, that the findings of fact are hereby adopted and that the request of the applicant Landfill 33 LTD for a vertical expansion of an existing landfill facility is hereby GRANTED.

PASSED AND APPROVED this 21ST day of FEBRUARY, 2000.

AYES: 9

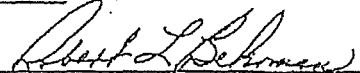
NAYES: 0


Leon Gobczynski, Chairman

ATTEST: 
Robert L. Behrman
Clerk and Recorder

CERTIFICATION

I, Robert L. Behrman the Clerk and Recorder of the County of Effingham, State of Illinois, do certify that I am the keeper of the books and records of Effingham County and that the foregoing is a true and correct copy of a resolution duly adopted by the Effingham County Board at a regular meeting duly convened and held on the 21ST day of FEBRUARY, 2000.


Robert L. Behrman



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3301

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7015 0640 0002 6944 7335

7015 0640 0002 6944 7342

SEP 06 2019

OWNER

Wendt Family Trust
Landfill 33, Ltd., Mr. Richard Deibel
Attn: Ms. Lori Martin
715 South First Street
Effingham, Illinois 62401

OPERATOR

Landfill 33, Ltd.
Attn: Mr. Brian Hayes
P.O. Box 703
Effingham, Illinois 62401

Re: 0498100007 -- Effingham County
Landfill 33 Ltd
Log No. 2019-119
Permit Landfill 811 File
Permit DOI

Dear Ms. Martin and Mr. Hayes:

Pursuant to 35 Ill. Adm. Code 813.103(b), the Illinois Environmental Protection Agency (Illinois EPA) has reviewed, for purposes of completeness only, the application referenced above, dated April 5, 2019 and received on the same day. Additional information dated June 7, 2019 and August 7, 2019 were received by the Illinois EPA on June 7, 2019 and August 7, 2019, respectively. The application proposes to increase the waste disposal capacity by approximately 483,000 cubic yards by seeking to develop differing final contours of the landfill. Illinois EPA's review of the August 7, 2019 additional information in conjunction with earlier reviews of the original application dated April 5, 2019 and additional information dated June 7, 2019 has revealed that the application does not contain the information described below and therefore is incomplete.

1. Additional information dated August 7, 2019 includes an Affidavit from Leon Gobczynski. As per the Affidavit, Mr. Gobczynski was the Chairman of the Effingham County Board in January and February 2000 when the siting application for vertical expansion was deliberated over and approved. Based on Mr. Gobczynski's statement in the Affidavit, the revised final contours proposed in this application are consistent in all respects with the Effingham County's determinations in January and February 2000.

Mr. Gobczynski's Affidavit and other information provided in the August 7, 2019 addendum does not in any way change Illinois EPA's earlier determinations that pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility subject to additional local siting approval.



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Therefore, the August 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act and identified in Illinois EPA's determination of incompleteness letter dated July 5, 2019.

2. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners of this facility are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Additional information dated June 7, 2019 mentioned that Mr. Brian Hayes, President of Landfill 33, Ltd signed the General Application for Permit (LPC-PA1) form on behalf of Mr. Deibel due to his recent passing and clarification regarding this issue will be submitted upon settlement of Mr. Deibel's estate. As of the date of this letter Illinois EPA has not received any such clarification. The application does not provide proof that Mr. Hayes is a duly authorized representative of Mr. Deibel's estate.

This letter reiterates and reincorporates all prior reasons, identified in Illinois EPA's determination of incompleteness letters dated May 3, 2019 and July 5, 2019, regarding the proposal set forth in application Log No. 2019-119.

In the 35 days following the date of this letter, you may take either of the actions described below:

1. You may submit to the Illinois EPA additional information addressing the deficiencies identified.
2. 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 decision¹. 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 appeal period². 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.

¹ 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

² 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

Page 3

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

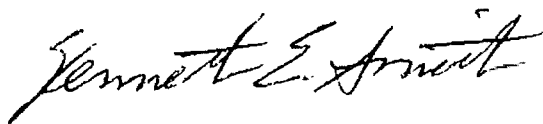
1. be in a format which allows incorporation of the new information into the appropriate sections of the current application;
2. include a cross-reference indicating where in the new information each deficiency, identified above, has been addressed;
3. have the date of the revision on each page and on each drawing;
4. include an original and at least three copies; and
5. be submitted to the address below.

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

If you do not submit additional information addressing the deficiencies within 35 days, the Illinois EPA shall consider the application not to have been filed. In this case, to reapply you will need to submit a new permit application in its entirety.

If you have any questions regarding this letter, please contact Imran Syed at 217/782-7813.

Sincerely,



Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:IMS:0498100007-811LF-2019119-Incomplete-3.docx

cc: Douglas Mauntel, P.E., Andrews Engineering, Inc.

Bcc: Bureau File
Champaign Region
Joshua Rhoades
Imran Syed



3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

September 6, 2019

Mr. Kenn Smith P.E.
Manager, Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

Re: 0498100007 – Effingham County
Landfill 33, Ltd.
Illinois EPA Permit No. 1995-231-LFM
Extension for Application Log No. 2019-119

Dear Mr. Smith:

On behalf of Landfill 33, Ltd., we extend the review period for Application Log No. 2019-119 from September 6, 2019 to December 5, 2019 in order to appeal this final decision to the Illinois Pollution Control Board.

If you have any questions or require further information, please contact me at (217) 787-2334.

Sincerely,

A handwritten signature in black ink that reads "Douglas W. Mauntel".

Douglas W. Mauntel, PE
Director of Engineering Services

DWM:slm

cc: Imran Syed – Illinois EPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 782-5544
TDD: (866) 273-5488

September 18, 2019

VIA E-MAIL & FIRST CLASS MAIL

Douglas W. Mauntel, PE
Andrews Engineering
3300 Ginger Creek Drive
Springfield, Illinois 62711

Re: 0498100007 – Effingham County
Landfill 33 Ltd.

Dear Mr. Mauntel:

I am in receipt of your September 17, 2019 letter requesting that the Illinois EPA join your client in seeking a 90-day extension of the appeal period from the Illinois Pollution Control Board for the Illinois EPA's September 6, 2019 decision letter concerning the above-referenced site.

Your request for the Illinois EPA to join your client in seeking a 90-day extension of the appeal period is DENIED. After consulting with technical staff about the basis for the decision letter and reviewing your request, it does not appear that the issues relating to the decision would be resolved during a time extension. Because of this, the request for an extension is denied and the time to appeal the September 6, 2019 decision letter is not extended.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Richardson'.

James G. Richardson
Deputy General Counsel



3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

September 17, 2019

Mr. James Richardson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

Re: 0498100007 – Effingham County
Landfill 33, Ltd.
Illinois EPA Permit No. 1995-231-LFM
Extension for Log No. 2019-119

Dear Mr. Richardson:

On behalf of Landfill 33, Ltd., we would like to request an extension of the 35-day period for appeal to 90 days in order to consider options regarding the appeal and possibly to obtain clarification from the Illinois Pollution Control Board in regards to the application for proposed Final Cover Modification.

If you have any questions or require further information, please contact me at (217) 787-2334.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas W. Mauntel".

Douglas W. Mauntel, PE
Director of Engineering Services

DWM:slm

cc: Imran Syed – Illinois EPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)

Applications