

# DISPOSAL MANAGEMENT SYSTEMS, INC.

*Recycling For The Future*

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www.disposalmanagement.com

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Tuesday, June 3, 2003

Illinois Pollution Control Board  
100 W. Randolph St.  
Suite 11-500  
Chicago, Il 60601

ORIGINAL

RECEIVED  
CLERK'S OFFICE  
JUN 4 2003  
STATE OF ILLINOIS  
Pollution Control Board

Attention Ms. Dorothy M. Gunn

PC#1

Re: #PCB 03-210, Objection to Petition for Hearing To Contest Site  
Location Approval/ Response to Filing of May 29,2003

Dear Ms. Gunn:

We are requesting dismissal of the petition submitted by the Solid Waste  
Agency of Northern Cook County.

**ITEM #1** - SWANCC as stated in their letter of December 31, 2002. *"was formed in 1988 to manage the solid waste needs of its 23 member towns. SWANCC developed and adopted a long term solid waste management plan in 1991, and has since worked to implement a balanced and environmentally safe program of solid waste management."* (Exhibit "A") Since the City of DesPlaines is not a member town of SWANCC, we question what reason SWANCC would have to appeal the application of our recycling facility?

SWANCC is a transfer station, which handles mainly municipal waste; we process only construction and demolition debris. There is no appreciable competition between us. However, SWANCC states on page #2 of their December 31, 2002 letter "DMS commits at this time to accept only C&D debris, the facility would conceivably be approved to accept all municipal solid waste (i.e., refuse or garbage), including waste from residential and commercial sources, in the future." Does SWANCC consider this facility a potential competitor? If so, are competitive reasons a legitimate reason to appeal a permit? We see no reason why any organization would be opposed to a facility designed to recycle thousands of tons of material. I have a hard time understanding why an organization with a "long term plan to manage

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*solid waste* “ and “*an environmentally safe program of solid waste management*” would not be in favor of recycling.

Section 40.1(b2) of the ACT states the board **does not need to hear** the appeal if “*the petitioner is so located as to not be affected by the proposed facility.*” Since SWANCC is located 4.5 miles away from our facility, we do not compete with SWANCC and are located in DesPlaines, a non-SWANCC town; this appeal should be dismissed.

**ITEM #2** -We disagree with SWANCC’s position that we waived the statutory review process by continuing to communicate with the City of DesPlaines. In item 2A of SWANCC’s filing, the quotation clearly states that the City of DesPlaines is aware of the Feb 10<sup>th</sup> [sic] deadline. (Deadline should be Feb 4<sup>th</sup>). Also in item 2C they reference the 180-day limit. There is no doubt that the City of DesPlaines was aware of the deadline date.

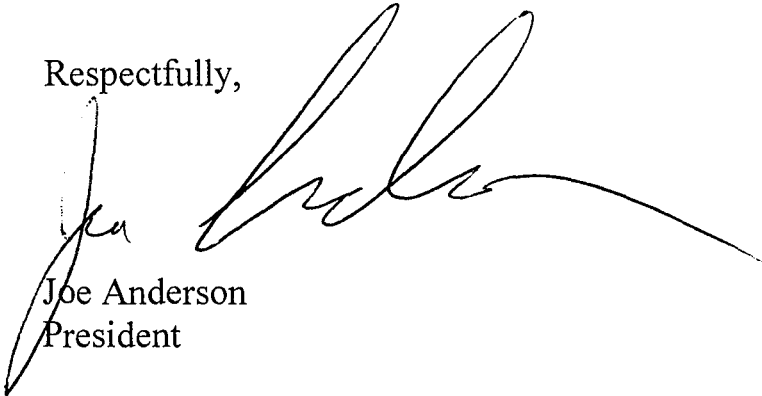
As far as DMS was concerned, the last written correspondence we received from the City is our exhibit “B” which informs us of the scheduled siting approval meeting at the February 3, 2003 City Council Meeting. This was conditional on us responding to their request for comments by January 23,2003. We did adhere to this request on time, with a hand delivery of the January 22, 2003 letter to Ms. Ruth Broder. At some point during the next few days Ms. Broder called me, to ask me to fax her a one page letter requesting an extension for amending our permit application. I initially agreed to this action. However, after reviewing section 39.2e of the ACT, I decided not to ask for an extension because of the 90 days increase of time and because we were not asking for a modification to the original permit application. We indeed were only commenting on SWANCC’s letter. Never did we request any changes. I called Ms. Broder and explained these points to her. Additionally, I called Mr. Schneider to discuss the same points. This is reflected in Mr. Schneider’s e-mail of 1/30/2003(Exhibit7). He even asked, “*Why would he have to amend his application?*” The city was aware of the 180-day limit and that we wanted to stick to the 180 day limit. Section 39.e of the ACT states “*if there is no final action by the county board or governing body of the municipality within 180 days after the filing of the request for site approval the applicant may deem the request approved.*” It goes on to say the applicant can request an extension of 90 days, DMS never asked for an extension, therefore the 180 days stays in affect.

The only correspondence in writing that DMS had with the City of DesPlaines after the February 4, 2002 dead line is the letter clarifying our procedures for handling of unusual waste. This letter was not required as part of the permitting process. Since we do not handle hazardous waste, an emergency response plan is not required. This is confirmed by Donna Czech from IEPA to Ms. Chris Wolski on February 4, 2003 in exhibit #10. If the City has any questions regarding our operation we always respond to their concerns. We did not make any changes to our original permit request and therefore, we received approval February 4, 2003 by default.

After reviewing the copies of the e-mail (attachment #5) included in the filing, I noticed there was some confusion as to the date that the 180 days limit expired. The proper date is February 4, 2003 which is 180 days after August 6, 2002. In SWANCC's letter of December 31, 2002, page#1 they state "SWANCC is experienced in the operation of solid waste transfer facilities, and is knowledgeable in the process for obtaining local siting approval in Illinois." Since they are very familiar with the process and they had a copy of the original permit application dated August 6, 2002, they should have known of the 180-day limit and filed their appeal within 35 days of February 4, 2003. They did not file on time; therefore we request that their appeal be dismissed.

An additional reason to dismiss this permit is because this permit will be probably eliminated within the next year. The City of Chicago has sued us in Cook County Court to condemn our property for the expansion of O'Hare Airport. We will continue to recycle material as long as we are allowed to by the City of Chicago. Since Chicago got quick take authority this past weekend in Springfield, it seems are days at this facility are numbered.

Respectfully,



Joe Anderson  
President

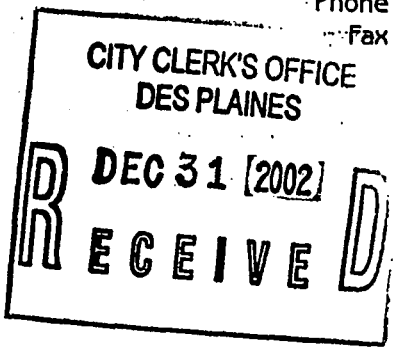


# Solid Waste Agency of Northern Cook County

1616 East Golf Road  
Des Plaines, Illinois 60016  
Phone (847) 296-9205  
Fax (847) 296-9207

No Des Plaines

December 31, 2002



City of Des Plaines  
1420 Miner/Northwest Highway  
Des Plaines, Illinois 60016-4498

Re: Public Comments on the Proposed Transfer Station by Disposal Management Systems

To the City of Des Plaines:

The following comments are submitted in response to the transfer station proposed to be located at 101-103 Sell Road in Des Plaines, Illinois. The facility is proposed by Disposal Management Systems, Inc. ("DMS"), which currently operates a recycling center for construction and demolition debris at the proposed site. SWANCC has reviewed the documents comprising the Application for local siting approval per Section 39.2 of the Illinois Environmental Protection Act (the "Act"), and believes that the applicant has not demonstrated compliance with the nine criteria set forth by the Act. The Application is grossly inadequate and lacks critical information for making any determination regarding the suitability of the site for use as a solid waste transfer station. Therefore, SWANCC strongly recommends that the City of Des Plaines deny this application for local siting approval.

The Solid Waste Agency of Northern Cook County ("SWANCC") is experienced in the operations of solid waste transfer facilities, and is knowledgeable of the process for obtaining local siting approval in Illinois. SWANCC was formed in 1988 to manage the solid waste needs of its 23 member towns. SWANCC developed and adopted a long-term solid waste management plan in 1991, and has since worked to implement a balanced and environmentally safe program of solid waste management. SWANCC owns and administers the operating contract for the Wheeling Township Transfer Station, an 82,000-square foot state-of-the-art facility located in Glenview.

### Evaluation of the Application

DMS is requesting approval to convert its existing construction and demolition ("C&D") debris recycling facility into a solid waste transfer station. The DMS application for local siting approval states that the reason for the proposed conversion is to allow the facility to accommodate loads of C&D debris containing less than 75 percent recyclable materials. For reference, Section 22.38 of the Act requires that facilities accepting exclusively general C&D debris for transfer shall

- Members**
- Arlington Heights
  - Barrington
  - Buffalo Grove
  - Elk Grove Village
  - Evanston
  - Glencoe
  - Glenview
  - Hoffman Estates
  - Inverness
  - Kenilworth
  - Lincolnwood
  - Morton Grove
  - Mount Prospect
  - Niles
  - Palatine
  - Park Ridge
  - Prospect Heights
  - Rolling Meadows
  - Skokie
  - South Barrington
  - Wheeling
  - Wilmette
  - Winnetka

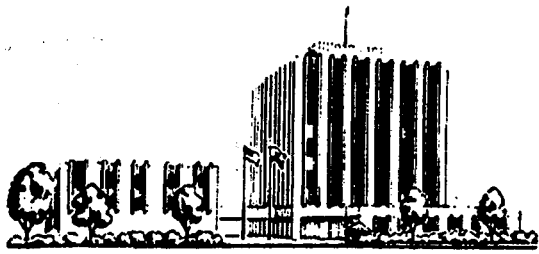
George Van Dusen  
Chairman,  
Board of Directors

Ronald Wietecha  
Vice Chairman,  
Board of Directors

William R. Balling  
Secretary/Treasurer,  
Board of Directors  
Chairman,  
Executive Committee

C. Brooke Beal  
Executive Director

Exhibit "A"



1/16

**CITY OF DES PLAINES**

1420 Miner/Northwest Highway ■ Des Plaines, Illinois 60016-4498 ■ (847) 391-5300

January 16, 2003

Joe Anderson  
Disposal Management Systems, Inc.  
420 Cutters Mill Lane  
Schaumburg, IL 60194

RE: Request to Establish a Transfer Station at 103 Sell Road, Des Plaines, IL 60018

Dear Mr. Anderson:

Enclosed is a copy of the minutes of the public hearing on your transfer station request held on December 2, 2002. Following the hearing, the City of Des Plaines accepted written public comments for a period of 30 business days, ending on January 13, 2003. During this period, the City received one written response from the Solid Waste Agency of Northern Cook County (SWANCC). A copy of this response is also attached for your information.

Your request for local siting approval has been scheduled for final consideration by the Des Plaines City Council on February 3, 2003. At this time, the City Council will vote on whether to approve or disapprove your request. To assist Council in evaluating your request, we are requesting that you send us a copy of your current Illinois Environmental Protection Agency (IEPA) permit by 4:30 p.m., Thursday, January 23, 2003. If you wish to reply to any of the issues raised in SWANCC's written comments or to add any additional information to your application, please include this information with the copy of your permit. Your reply should be sent to the Department of Community Development, 1420 Miner Street, Room 301, Des Plaines, IL 60016.

Please contact me at (847) 391-5381 if you have any questions.

Sincerely,

Ruth Broder  
Community Development Coordinator

cc: William Schneider, Acting City Manager  
Christine Wolski, Keep Des Plaines Beautiful Coordinator

Feb 9/16  
13 120  
days

Done

Exhibit "B"

