

THE LAW OFFICES OF  
**LAROSE & BOSCO, LTD.**

MARK A. LAROSE\*  
JOSEPH A. BOSCO\*  
DAVID KOPPELMAN  
JUSTIN E. BURTNETT  
DAVID J. BERAULT  
CHARISSE LOGARTA  
ANDREW T. SPERRY

OF COUNSEL

HON. ANTHONY J. BOSCO (1928-2008)  
JOSEPH G. ALIOTO\*\*  
CLARISSA Y. CUTLER\*

\*ADMITTED IN MICHIGAN ALSO  
\*\*ADMITTED IN WISCONSIN ONLY

February 22, 2010

**RECEIVED**  
CLERK'S OFFICE

FEB 22 2010

STATE OF ILLINOIS  
Pollution Control Board

200 N. LASALLE STREET  
SUITE 2810  
CHICAGO, IL 60601  
(312) 642-4414  
FAX (312) 642-0434  
www.laroseandbosco.com

135 S. WHITTAKER  
NEW BUFFALO, MI 49117  
(269) 469-8440  
FAX (269) 469-8442

**BY HAND DELIVERY**

Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
**Attention:** Mr. John Theriault, Clerk

*PCB 10-63*

**RE: 0630600001 – Grundy County  
Community Landfill – Parcel B  
Permit No. 2000-155-LFM  
Log No. 2009-425  
Permit Landfill 811 File  
Permit Denial**

**0630600001 – Grundy County  
Community Landfill – Parcel A  
Permit No. 2000-155-LFM  
Log No. 2009-424  
Permit Landfill 811  
Permit Denial**

Dear Mr. Theriault:

This firm represents Community Landfill Co. (CLC) and we are in receipt of the Illinois Environmental Protection Agency's letters dated January 11, 2010 denying CLC's application for a permit for significant modification to modify a solid waste management site (Log No. 2009-425 and 2009-424) as referenced above. Copies of the IEPA's permit denial letters are attached.

On behalf of CLC and pursuant to 415 ILCS 5/40(a)(1) and 35 Ill. Adm. Code § 105.208, enclosed are letters signed by the Agency constituting joint written notice of extension of time for 90 days (to April 12, 2010) for CLC to file its petition for hearing before the Illinois Pollution Control Board in the above-referenced matters. This notice is timely made.

Illinois Pollution Control Board  
Attention: Mr. John Theriault, Clerk  
February 22, 2010  
Page 2 of 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Mark A. LaRose

MAL/mk  
Enclosures

cc: Community Landfill Co. (by U.S. Mail)  
Mr. Stephen Nightingale (by fax (217) 524-3291 & U.S. Mail)  
Ms. Christine Roque (by fax (217) 524-3291 & U.S. Mail)  
Ms. Clarissa Y. Cutler (by U.S. Mail)  
Mr. Scott M. Belt (by U.S. Mail)  
City of Morris, Mayor Kopczick (by U.S. Mail)

THE LAW OFFICES OF  
**LAROSE & BOSCO, LTD.**

MARK A. LAROSE\*  
JOSEPH A. BOSCO\*  
DAVID KOPPELMAN  
JUSTIN E. BURTNETT  
DAVID J. BERAULT  
CHARISSE LOGARTA  
ANDREW T. SPERRY

200 N. LASALLE STREET  
SUITE 2810  
CHICAGO, IL 60601  
(312) 642-4414  
FAX (312) 642-0434  
www.laroseandbosco.com

OF COUNSEL  
HON. ANTHONY J. BOSCO (1928-2008)  
JOSEPH G. ALIOTO\*\*  
CLARISSA Y. CUTLER\*

February 18, 2010

135 S. WHITTAKER  
NEW BUFFALO, MI 49117  
(269) 469-8440  
FAX (269) 469-8442

\*ADMITTED IN MICHIGAN ALSO  
\*\*ADMITTED IN WISCONSIN ONLY

**BY FAX (217) 524-3291**  
Mr. Stephen F. Nightingale, P.E.  
Manager, Permit Section – Bureau of Land  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
P. O. Box 19276  
Springfield, IL 62794-9276

10-63

**RE: 0630600001 – Grundy County  
Community Landfill – Parcel B  
Permit No. 2000-155-LFM  
Log No. 2009-425  
Permit Landfill 811 File  
Permit Denial**

Dear Mr. Nightingale:

As a follow-up to my letter to you and the Pollution Control Board of February 12, 2010 providing written notice of a 90-day extension for Community Landfill Company (CLC) to file its Petition for Hearing with the Illinois Pollution Control Board in the above-referenced matter (copy enclosed), today the Pollution Control Board advised that our notice for a 90-day extension must be submitted jointly by Community Landfill and the Agency. Therefore, we request that you or any authorized representative of the Agency provide the Agency's agreement to submit joint notice of an extension of 90 days (or until April 12, 2010) for CLC to file its petition for hearing with the IPCB, by signing where indicated below and faxing a copy to my attention by the close of business tomorrow. Please note that time is of the essence in this matter and we appreciate your prompt attention to this matter.

February 18, 2010  
Page 2 of 2

If you have any questions or if the Agency does not intend to agree to provide joint written notice, please call me immediately upon receipt of this letter. Thank you.

Very truly yours,



Mark A. LaRose

**THIS CONSTITUTES THE AGENCY'S  
AGREEMENT TO PROVIDE JOINT NOTICE  
OF A 90-DAY EXTENSION FOR  
COMMUNITY LANDFILL CO. TO FILE ITS  
PETITION FOR HEARING WITH THE  
ILLINOIS POLLUTION CONTROL  
BOARD (UNTIL APRIL 12, 2010) AS SET  
FORTH IN THE ATTACHED LETTER**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

By Christian J. Liebman 2/22/2010  
Date

MAL/mk  
Enclosures

cc: Community Landfill Co. (by U.S. Mail)  
Ms. Clarissa Y. Curler (by U.S. Mail)  
Ms. Christine Roque (by fax (217) 524-3291)  
Mr. Scott M. Belt (by U.S. Mail)  
City of Morris, Mayor Kopczick (by U.S. Mail)



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

January 11, 2010

CERTIFIED MAIL

7004 2510 0001 8615 9449

7004 2510 0001 8615 9456

OWNER

City of Morris  
Attn: Mayor Richard Kopczick  
320 Wauponsee Street  
Morris, Illinois 60450

OPERATOR

Community Landfill Company  
Attn: Mr. Robert J. Pruim  
1501 S. Ashley Road  
Morris, Illinois 60450

Re: 0630600001 -- Grundy County  
Community Landfill -- Parcel B  
Permit No. 2000-155-LFM  
Log No. 2009-425  
Permit Landfill 811 File  
Permit Denial

Dear Mayor Kopczick and Mr. Pruim:

This will acknowledge receipt of your Application for Permit for a significant modification to modify a solid waste management site, dated August 17, 2009 and October 9, 2009, and received by the Illinois EPA on August 18, 2009 and October 13, 2009, respectively.

Your permit application (Log No. 2009-425) proposes to increase the closure/post-closure care and corrective action cost estimates for Morris Community Landfill Parcel B from \$5,320,810.00 to \$5,330,823. This permit application is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act (Act). Section 39(a) of the Act [415 ILCS 5/39(a)] requires the Illinois EPA to provide the applicant with specific reasons for the denial of permit. The following reasons are given:

1. Morris Community Landfill Parcel B is an existing permitted municipal solid waste landfill unit, which is subject to the requirements of 35 IAC Section 814 Subpart C. As such, the owner/operator must provide cost estimates for closure/post-closure care and corrective action for the landfill, per 35 IAC Subsections 811.704 and 812.115. These cost estimates are needed to determine the amount of financial assurance that the owner/operator must post to cover the cost of closure/post-closure care and corrective action, per 35 IAC 811.700 and 811.706 and Section 21.1 of the Act. The cost estimates, proposed in Log No. 2009-425, may underestimate the cost of closure/post-closure care and corrective action and may,

Rockford • 4102 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 395 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land - Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2129 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

Page 2

therefore, violate the aforementioned regulatory and statutory citations for the following reasons:

- a. No cost is provided for the removal and disposal of excess waste (overheight) as required by landfill's permit and PCB01-49.
  - b. The proposed cost estimate assumes that final cover has been applied to a portion of the site, referencing a "Landfill Cover Characterization and Verification of Thickness Report" dated November 2007. However, this report is not included in the application. [Note: Documentation of construction of final cover is subject to the permitting process described in 35 IAC 813.203]
  - c. No cost is provided for performing the corrective action required by the approved groundwater remediation plan.
  - d. No justification is provided for the unit costs, that were used to calculate the cost estimates. Furthermore, the cost estimates for earthwork, including stormwater features and final cover certification, need to be broken down into tasks, labor, and materials.
  - e. No justification is provided for the cost estimate proposed for maintaining the final cover and its vegetation during the post-closure care period.
  - f. The cost estimate for leachate monitoring is based on fewer monitoring points and less frequent testing than what is required by the landfill's permit.
  - g. The application does not include documentation of leachate generation rates. This is needed to accurately estimate the cost of leachate collection and management.
  - h. No cost is provided for the operation and maintenance of the active gas collection system.
  - i. No cost is provided for maintaining of the leachate system, collecting and monitoring leachate, and monitoring groundwater elevations for 70 years after the minimum post-closure care has ended, as required by the landfill's permit.
2. Pursuant to Section 39(i)(2) of the Act [415 ILCS 5/39(i)(2)], the Illinois EPA may deny a permit if the owner or operator has a history of conviction of a felony in federal court. In accordance with Section 39(i) of the Act, the Illinois EPA conducted an evaluation of Community Landfill Corporation's prior experience in waste management operations. Based on the felony conviction of Robert J. Pruim, which is directly related to the management of waste in Illinois, the Illinois EPA, by the authority granted in Section


Page 3

39(i) of the Act is denying this permit. Mr. Robert J. Pruim was convicted in federal court of a felony in the case of U.S.A. v. Pruim, et al., No. 93-CR-682 (Dist. Ct. N-IL).

Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Should you wish to reapply or have any questions regarding this application, please contact Christine Roque at 217/524-3299.

Sincerely,



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

SFN: CMB/bjh\103543s.doc

CT-

cc: Jesse P. Varsho, P.E. - Shaw Environmental, Inc.