

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

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STATE OF ILLINOIS
Pollution Control Board

FORMAL COMPLAINT

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

Anielle Lipe)
Nykole Gillette)
Complainant(s),)
v.)
Village of Richton Park)
Respondent(s).)

PCB 12-44
(For Board use)

Note: This document includes the original formal complaint, notice to the respondent, a copy of the public hearing notice, July 25, 2011 Village of Richton Park Regular Meeting Minutes approving the Special Use Permit, Ordinance # 1497, and the approved Special Use Permit, Ordinance # 1497.

1. Your name, street address,
county, state:

Anielle Lipe
22123 Meadow Lake Place
Richton Park, IL 60471
Cook County
Phone: 630-235-9821

2. Place where you can be
contacted during normal
business hours (if different
from above):

PO BOX 948
Richton Park, IL 60471
Phone: 630-235-9821

3. Name and address of respondent

Village of Richton Park
4455 Sauk Trail
Richton Park, IL 60471
Phone: 708-481-8950
(if known)

1. Your name, street address,
county, state:

Nykole Gillette
22232 Scott Drive
Richton Park, IL 60471
Cook County
Phone: 708-748-0723

2. Place where you can be
contacted during normal
business hours (if different
from above):

PO BOX 948
Richton Park, IL 60471
Phone: 708-748-0723

3. Name of address of respondent

Village of Richton Park
4455 Sauk Trail
Richton Park, IL 60471
Phone: 708-481-8950
(if known)

FORMAL COMPLAINT
BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

Complainant(s): Anielle Lipe
Nykole Gillette

Respondent(s): Village Of Richton Park

In reference to the May 29, 2011 Public Hearing notice in the Southtown Star Newspaper, John Sexton Sand And Gravel Corporation which is considered a Control Pollution Facility failed to properly notify citizens regarding their request of a Special Use Permit from the Village Of Richton Park to crush concrete, asphalt and other materials on their property located at the northeast corner of Sauk Trail and Central Avenue, Richton Park, IL. Therefore, citizens were not fully informed and didn't understand the intentions about John Sexton Sand And Gravel Corporation's proposal to crush concrete and other materials on their site in Richton Park, IL. As a result of the lack of due process, the Village Of Richton Park Board members and Village President voted unanimously to approve the Special Use Permit to crush concrete and other materials on the John Sexton Sand And Gravel Corporation Site in Richton Park, IL.

The John Sexton Sand And Gravel Corporation's Public Notice in the Southtown Star Newspaper didn't properly notify the citizens as required by law of the Illinois Environmental Protection Act which is located in the Illinois Compiled Statutes (ILCS) at 415 ILCS 5/1 et seq, in Section 3.330, 39, 39.2 and 40.1. The provisions that describes the local siting process are in Section 39.2 of the Act. John Sexton Sand And Gravel Corporation's Public Notice in the Southtown Star Newspaper fails to:

- Give the complete address of the applicant, John Sexton Sand And Gravel Corporation omitting the name of the suburb, Richton Park, IL.
- Give the complete nature and size of the development. Failing to mention other materials such as: asphalt, aggregate or other materials and their quantities proposed to be crushed on the John Sexton Sand And Gravel Corporation's site.
- Give the probable life of the proposed crushing operation.
- Give the date when the request for site approval or the Special Use application will be submitted to the Village Of Richton Park Board Of Trustees and Village President for approval.
- Give a description of the right of citizens to comment on the request for the Special Use Permit or site approval.

Since interested citizens were not properly informed about the public hearing hosted by the Richton Park Planning and Zoning Commission, many citizens were not able to comment at the public hearing regarding our concerns of:

- A continuous Fly of Ash, cement dust emitted in the air from the operation that contains harmful chemicals such as Crystalline Silica, Calcium Sulphur, Fly Ash that contains hex chrome, limestone and

other harmful chemicals that can cause Respiratory problems, Gastro Intestinal, Liver, Central Nervous System, Lymphatic, Eye, Skin and Bone illnesses. As well as negatively effect the environment. From our research:

(a) Crystalline Silica is known to cause respiratory problems such as lung cancer, lung diseases that consist of nodular lesions in the lungs, tuberculosis, chronic bronchitis and etc. This information was found in the Wikipedia encyclopedia. The internet address link: <http://en.wikipedia.org/wiki/Silicosis>

(b) Breathing Fly Ash from Power Plants or Coal Plants over a long period of time can irritate the respiratory system. People with existing lung diseases such as bronchitis, emphysema, and chronic obstructive pulmonary disease (COPD) should avoid breathing coal Fly Ash dust. This information was obtained from the Kingston Ash Pond Release article.

(c) From the Eatonville News article, it states "Hex Chrome from Fly Ash is a deadly known carcinogen and is hazardous to skin, eyes and lungs." This information was found in the Eatonville News. The internet address link: <http://www.eatonvillenews.net/SEPAcommentsbatchplant6.7.07.html>

d) When limestone from the cement dust settles on vegetable and flower plants, lawns, and bushes; it has a negative effect on these greenery, and can possibly kill them. The address internet link for Effect Of Dust From A Limestone Quarry, <http://www.springerlink.com/content/m464347806qj9785/abstract/?target=print>

- The John Sexton Sand And Gravel Corporation's work site where their partnering company, Tough Cut Concrete Services LLC wants to crush the concrete and other materials has a very close proximity to residential areas, schools, businesses and the general public that travel the Interstate 57 and well traveled thoroughfares in Richton Park.
 - a. The Interstate 57 and well traveled thoroughfare, Sauk Trail is within 250 feet of the John Sexton Sand And Gravel Corporation's work site.
 - b. One of the closest residential areas on Scott Drive, Richton Park, IL takes 1 to 2 minutes to drive to the John Sexton Sand And Gravel Corporation's work site.
 - c. Other residential areas, daycares, high school, elementary school, church, bowling alley, beauty salons, gas stations and etc are within a few block distance of the John Sexton Sand And Gravel Corporation's work site.
- It being unknown as to how much a person has to inhale or be exposed to the cement dust before they can become sick from the life threatening diseases of lung cancer or other respiratory problems such as: asthma, emphysema, lung nodulations, obstructive and restrictive lung disease. As well as damage to other organs such as: gastro-intestinal diseases, eye, skin and bone disorders.
- If the quality of air is compromised by the crushing of concrete and other materials, it has a negative affect on our property values. Please see the internet link address for the Journal Of Environmental Economics and Management, <http://www.sciencedirect.com/science/article/pii/S0095069607000204> that states "the effect of polluting manufacturing facilities on the economic characteristics of nearby neighborhoods. It tests the

hypothesis that communities exposed to high levels of pollution will have lower house prices and poorer residents than cleaner locations. The estimates suggest that being a mile closer to a polluting manufacturing plant reduces house values by 1.9%, which is smaller than estimates from existing studies.”

As a result of these concerns and others that may have not been raised at the public hearing on July 14, 2011, the Richton Park Village Board may have not objectively considered the citizen’s concerns of how the pollutants from the crushing operation can negatively affect human health, cost to property, productivity, quality of life and the environment. As a result, the Richton Park Village Board voted unanimously to approve the Special Use permit to have this crushing operation performed on the John Sexton Sand And Gravel Corporation’s worksite in Richton Park, IL.

Wherefore, Complainants, Anielle Lipe and Nykole Gillette would like the Illinois Pollution Control Board to appeal the Special Use Permit, Ordinance # 1497 to crush concrete and other materials granted to the John Sexton Sand And Gravel Corporation by the Village Of Richton Park as a result of improper public notification.

Respectfully Submitted By,

Complainant (s) Anielle Lipe Date 8/28/11

Complainant (s) Nykole Gillette Date 8/28/11

NOTICE TO RESPONDENT

NOTE: THIS STATEMENT MUST BE INCLUDED IN THE SERVICE OF THE FORMAL COMPLAINT ON THE RESPONDENT

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

Please take notice that today I filed with the Clerk of the Illinois Pollution Control Board (Board) a formal complaint, a copy of which is served on you along with this notice. You may be required to attend a hearing on a date set by the Board.

Information about the formal complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.*) and the Board's procedural rules (35 Ill. Adm. Code 101 and 103). These can be accessed at the Board's Web site (www.ipcb.state.il.us). The following is a summary of some of the most important points in the Act and the Board's procedural rules. It is provided for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation:

Board Accepting Formal Complaint for Hearing; Motions

The Board will not accept this formal complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" within the meaning of Section 31(d) of the Act (415 ILCS 5/31(d)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202). "Duplicative" means that an identical or substantially similar case is already pending before the Board or in court. *See* 35 Ill. Adm. Code 103.212(a) and item 10 of the formal complaint.

"Frivolous" means that the formal complaint seeks relief that the Board does not have the authority to grant, or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. *See* 35 Ill. Adm. Code 103.212(a) and items 5 and 9 of the formal complaint.

If you believe that this formal complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you were served with the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. If you need more time than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after service of the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion alleging that the complaint is duplicative or frivolous will stay the 60-day period for filing an answer to the complaint. *See* 35 Ill. Adm. Code 103.204, 103.212(b).

All motions filed with the Board's Clerk must include an original, nine copies, and proof of service on the other parties. Service may be made in person, by U.S. mail, or by messenger service. Mail service is presumed complete four days after mailing. *See* 35 Ill. Adm. Code 101.300(c), 101.302, 101.304.

If you do not respond to the Board within 30 days after the date on which the complaint was served on you, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing. The Board will then assign a hearing officer who will contact you to schedule times for telephone status conferences and for hearing. *See* 35 Ill. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an answer to this formal complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an answer within 60 days after the Board rules on your motion. *See* 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

The Board's procedural rules require the complainant to tell you as respondent that:

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. *See* 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an answer and any motions or briefs, and present a defense at hearing.

Bid Notice	Bid Notice
<p>NOTICE TO BIDDERS SEALED PROPOSALS WILL BE RECEIVED by the Board of Education of Country Club Hills School District 160, Cook County, Illinois, (the "Owner"), until the hour of 11:00 A.M. on June 15, 2011 for the following work: NEW DRIVEWAY and RELATED WORK at SKYKUTA SCHOOL FOR COUNTRY CLUB HILLS SCHOOL DISTRICT #160 COUNTRY CLUB HILLS, ILLINOIS PROJECT NO. 10-160-04</p>	
<p>Bids will be publicly opened at 11:00 A.M. on June 15, 2011, at the Administrative Offices of Country Club Hills School District 160, 4411 West 185th Street, Country Club Hills, Illinois. Work will be let under one general construction contract to the lowest responsible bidder.</p> <p>Plans & Specifications may be obtained on or after June 1, 2011 at the office of the Architect, DETELLA PLANERA ARCHITECTS 20060 Governors Drive, Suite 101, Olympia Fields, Illinois, 60461. Please call the Architect's office to prior to picking up plans and specifications. Telephone: (708) 747-3600. All bidders shall complete and submit to the office of the Architect an A.I.A. Document A-305 (Contractors Qualification Statement) for this specific project before picking up plans and specifications. A \$100.00 refundable deposit and a 10% bid bond, as further described below, will be required of all bidders. The deposit of \$100.00 is refundable on the return of complete and undamaged sets. A 100% Performance Bond and a Labor/Material Bond will be required of the successful bidder, written by a Surety approved by the Owner. Contractors shall make deposit check payable to: the Board of Education of Country Club Hills School District 160. IF NO BID IS SUBMITTED, DEPOSIT CHECK IS FORFEITED.</p> <p>Each bid must be accompanied by a bid bond, or a certified check payable to the order of the Owner, certified by a responsible bank for an amount not less than ten percent (10%) of the total amount of the bid, as a guarantee that the bidder, if awarded the Contract, will furnish a satisfactory performance and payment bond, execute the Contract and proceed with the work. Upon failure to do so, the bidder shall forfeit the amount deposited as liquidated damages and no mistakes or errors on the part of the bidder shall excuse the bidder or entitle him to a return of the aforementioned amount.</p> <p>No bid will be considered unless the bidder shall furnish evidence satisfactory to the Owner that he has the necessary facilities, abilities, experience, equipment and financial and physical resources available to fulfill the conditions of the Contract and execute the work, should the Contract be awarded to him. Bidders will examine the plans and specifications and also the location in which said work is to be done and judge for themselves all the circumstances and surrounding conditions affecting the cost and nature of the work, and all bids will be presumed to be based on such examination, familiarity and judgment.</p> <p>Not less than the prevailing wage shall be paid for labor on the work to be done as required by law.</p> <p>The successful bidder will be required to comply with the provisions of all State of Illinois and federal laws concerning public works projects as well as the State of Illinois Human Rights Act and the regulations of the Illinois Human Rights Commission. The Board of Education of Country Club Hills School District 160 reserves the right to accept or reject any or all bids, waive any or all irregularities or technicalities in the bid, and award the bid in the manner that best serves the interests of the Owner.</p> <p>By Order of the Board of Education School District 160 Country Club Hills, Cook County, Illinois Dated this 29th day of May, 2011 J. Kay Giles, President Tamara Young, Secretary 82908 5/29/2011</p>	

Public Notices

The Retirement Board of the Policemen's Annuity and Benefit Fund, City of Chicago has Changed Board Meeting start time for May 2011. The meeting start time has been rescheduled to Noon from 9:00 a.m. on May 27, 2011 in the office of the Fund, 221 N. LaSalle Street, Chicago, IL.
RECORDING SECRETARY
 83399 5/29/2011

PREVAILING WAGE ACT RESOLUTION

WHEREAS, The State of Illinois has enacted the Prevailing Wage Act and WHEREAS the aforesaid Act requires that the Bremen Community H.S. District #228 of Cook County investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of Bremen Community High School District #228 employed in performing construction of public works for Bremen Community High School District #228. NOW THEREFORE IT BE RESOLVED BY THE BOARD OF EDUCATION OF BREMEN COMMUNITY HIGH SCHOOL DISTRICT #228

Section 1. to the extent and as required by the prevailing rates of wages in the locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the Bremen Community High School District #228 is hereby ascertained to be the same as the prevailing rates of wages for construction work in the Cook County area as determined by the Department of Labor of the current year a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and revision of the prevailing rates of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by Bremen Community High School District #228. The definition any terms appearing in the Resolution which are also used in aforesaid Act shall be the same as in said Act.

Section 2. Nothing herein contained shall be construed to apply said general prevailing rates of wages as herein ascertained to any work or employment except public works construction of the Bremen Community High School District #228 to the extent required by the aforesaid Act.

Section 3. The Bremen Community High School District #228 Secretary shall publicly post or keep available for inspection by any interested party in the main office of Bremen Community High School District #228 this determination or any revision of such prevailing rate of wage. A copy of the determination of the prevailing rates of wages then in effect shall be attached to all contract specifications. Section 4. The Bremen Community High School District #228 Secretary shall mail a copy of this determination to any employer and to any association of employers and to any person or association of employees who have filed their names and addresses and have requested copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates. Section 5. The Bremen Community High School District #228 Secretary shall promptly file a certified copy of this Resolution with the Secretary of State of the State of Illinois.
 83226 5/29/2011

Public Notices

PUBLIC NOTICE
 Jun: Committee Meeting
 Reschedule &
 2011 Meeting Dates

The Governors State University June 2011 Human Resources and Academic Affairs Committee meetings have been rescheduled. On June 3, 2011 only a Human Resources Committee Executive Session will take place.

On June 10, 2011 the Human Resources Committee, Academic Affairs Committee, Facilities Committee, Budget and Finance Committee and Full Board will meet in the William D. McGee Hall of Honors beginning at 8:30 a.m.

The remaining 2011 Full Board of Trustees meeting schedule is as follows:
 August 7-9 (Retreat)
 Friday, October 14
 Friday, December 9
 83487 5/29/2011

Public Hearings

NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS
 VILLAGE OF MOKENA

Notice is hereby given that a public hearing will be held on June 16, 2011, at the meeting of the Zoning Board of Appeals of the Village of Mokena, Illinois, at the hour of 7:00 P.M., or as soon thereafter as the agenda permits, at the Village Hall at 11004 Carpenter Street, Mokena, Illinois, at which time and place the following will be considered:

A variation to allow the construction of a 50'x 84' (4,200 sq. ft.) recreational sport court has been requested at the property located at 20029 Alison Trail.

The following applicants have filed this petition: Jerry and Stephanie Dauparas, property owners, of 20105 and 20029 Alison Trail, Mokena, IL, 60448. The property is described as follows:

THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS: LOT 185 IN FOXBOROUGH ESTATES, BEING A SUBDIVISION IN THE SOUTH 1/4 OF SECTION 12 AND IN THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER THE PLAT THEREOF RECORDED JUNE 29, 2005 AS DOCUMENT NUMBER R2005-108985, IN THE VILLAGE OF MOKENA, WILL COUNTY, ILLINOIS.
 Pin #: 15-08-13-102-015-0000
 Any interested person may attend and provide comments or ask questions, orally, in writing, or both.

Any individual requiring special accommodations as specified by the Americans with Disabilities Act is requested to notify the Village of Mokena-ADA Compliance Coordinator at (708) 479-3912 at least 24 hours in advance of the meeting date.

Dated this 29th day of May, 2011
 Zoning Board of Appeals
 By: Marc Schonwise
 Chairman
 Attorney Tiffany Gorman
 McKeown Law Firm
 28 Kansas St.
 Frankfort, IL, 60423
 83666 5/29/2011

LEGAL NOTICE #11-12 VILLAGE OF OAK LAWN

Notice is hereby given to all interested parties that on Monday, June 20, 2011, at 7:30 P.M., at the Oak Lawn Municipal Center, 9446 Raymond Avenue, Oak Lawn, IL, the Village of Oak Lawn Planning & Development Commission will hear the following variation requests as part of their regular Agenda #2011-7:

Pet. #2011-14 - Request for Variation Regarding the Lower Level Ceiling Height for Elevator at First United Reformed Church @ 9350 S. 54th Ave., First United Reformed Church, petitioner
 Pet. #2011-15 - Request for

Public Hearings

PUBLIC NOTICE

Notice is hereby given that on Tuesday, June 14, 2011, the Richton Park Planning and Zoning Commission will hold a public hearing to consider a special use petition concerning the allowance of a concrete crushing operation as proposed by the John Sexton Sand & Gravel Corporation on property located at the northeast corner of Sauk Trail and Central Avenue. The purpose of the crushing operation is to assist the land owner in producing concrete aggregate necessary for site improvements for future commercial development. The property is legally described as follows:

Parcel 1
 That part of the southwest 1/4 of Section 28, Township 35 North, Range 13 East of the Third Principal Meridian except the North 232.5 feet, the West 700 feet and the South 400 feet thereof lying west of the Interstate 57 right of way. All in Rich Township, Cook County, Illinois containing 43.68 acres, more or less exclusive of the right of way for Sauk trail, Central Avenue and Interstate 57
 Parcel 2
 That part of the southwest 1/4 of Section 28, Township 35 North, Range 13 East of the Third Principal Meridian except for the North 232.5 feet, the West 700 feet thereof lying west of the Interstate 57 right of way. All in Rich Township, Cook County, Illinois containing 40.29 acres, more or less exclusive of the right of way for Sauk trail, Central Avenue and Interstate 57
 P.I.N.
 31-28-300-010-0000
 31-28-300-011-0000

The public hearing on this matter will be held in the boardroom of the Village Municipal Building, 4455 Sauk Trail, beginning at 7:30pm. A copy of the proposed special use petition is on file for public review from 9am to 5pm Monday through Friday in the Community Development Department located at the east end of the Village Municipal Building.
 Joe Pluth, Chairman
 Planning and Zoning Commission
 83424 5/29/2011

NOTICE OF PUBLIC HEARING BEFORE THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONEE, WILL COUNTY, ILLINOIS

A Public Hearing before the Zoning Board of Appeals of the Village of Monee, Will County, Illinois, will be held on June 15, 2011, at 6:30 P.M. at the Monee Village Hall, 5130 West Court Street, Monee, Illinois, to consider the application of Robert and Karen O'Connor to grant a special use permit from the Zoning Code of the Village of Monee for property located at 6912 Trisha Court in Monee, Illinois, legally described as follows:

LOT 17 IN COUNTRY HILLS OF MONEE PHASE 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 34 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.
 PIN: 21-14-30-305-003-0000

The applicant is seeking the approval to allow the construction of an accessory use facility to store classic automobiles. The above application is open for inspection at the office of the Village Clerk at the above address. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communication in writing in relation thereto may be filed with the Board at such hearing.
 Phyllis Nieland, Secretary,
 Zoning Board of Appeals
 81816 5/29/2011

Public Notice

A public hearing is scheduled for Monday, June 13, 2011 at 7:00 PM in the Village of Hazel Crest Municipal Center, 3000 West 170th Place, Hazel Crest, IL. The Public Hearing will be conducted by the Planning and Zoning Commission for the purpose of hearing:

A petition seeking a variance from the Village Sign Ordinance for the Grande Prairie Library located at 3479 W. 183rd Street. The variance request is to install a pole sign that would include a lighted message board.

A petition seeking a variance from the Village Sign Ordinance for the Hazel Crest Park District located at 2600 W. 171st Street. The variance request is to install a ground sign that would include a lighted message board.

An opportunity will be afforded to all persons wishing to be heard in these matters.
 Edward Brooks, Chairman
 82867 5/29/2011

NOTICE OF PUBLIC HEARING RESIDENTIAL AGGREGATION FOR ELECTRIC RATES VILLAGE OF GLENWOOD

Public Hearings will be held on June 14, 2011 and June 21, 2011 at 6:30pm. The hearing will be held in the Board Room of the Village Hall, located at One Asselborn Way, Glenwood, IL 60425. A referendum was passed on April 5, 2011 authorizing the Village to negotiate for electric rates. The purpose of the hearing is to obtain input on the Electric Residential Aggregation Plan for residents and small businesses of the Village. A copy of the proposed plan is available for review in the Village Hall Offices during regular business hours, 9:00am to 5:00pm, Monday through Friday. Written and oral comments will be accepted.
 Carmen Hopkins
 Village Clerk
 83025 5/29/2011

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VILLAGE OF RICHTON PARK

REGULAR MEETING MINUTES

7-25-2011

Officials Present: President Reinbold, Valerie Babka, Cynthia Butler, Julian Alexander, Sharon Kriha, Jennifer Artis, Brian Coleman (via phone conference), Village Trustees; Mary Pierce, Village Clerk

Officials Absent: None

Staff Present: De'Carlton Seewood, Village Manager; John Murphey, Village Attorney; Hal Bittinger, Finance Director, Angie Zambrano, Deputy Clerk; Vera Brooks, Community Relations Director; Lloyd Noles, Fire Chief; Elvia Williams-Yancey, Police Chief; Regan Stockstell, Community Development Director; Ted Sianis, Village Engineer; Larry Gobel, Public Works Director

Also Present: Thess Bradford, Robert Bartz, Bill Shaw, Darnell Langston, Sheila Townsel, Gary & Guillerma Marquardt, Roosevelt Conklin, Nykole Gillette, Jerry Gillette, Pauletta Gillette, Gloria Cox, Monica Holden, Debra Shakoor, James & Gina Middleton, Jessica Allen-Porter, Belinda Cannon, Chanelle Bonaparte, Fred Foster, Linda Foster, Rachel Giddens, Jonnie Cooper, Reginald Frazier, Anielle Lipe, Residents; Art & Todd Daniels, Sexton Companies

The Regular Meeting of 7-25-11 was called to order at 7:30 p.m.

Proclamations

A Proclamation for Bill Gallaher recognizing his 30 years of business in the Village of Richton Park

Ayes-6
Nays-0
Absent-0
Abstain-0
The motion carried.

Consideration of an IDOT Local Agency Agreement Concerning the Poplar Avenue/Governors Highway Double Left Turn Lane Project

Trustee Kriha made a motion to approve the Consideration of an IDOT Local Agency Agreement Concerning the Poplar Avenue/Governors Highway Double Left Turn Lane Project. Trustee Butler seconded.

Roll was called.
Ayes-6
Nays-0
Absent-0
Abstain-0
The motion carried.

Consideration of the Baxter & Woodman IDOT Construction Engineering Services Agreement for the Poplar Avenue – Governors Highway Double Left Turn Lane Project

Trustee Babka made a motion to approve the Consideration of the Baxter & Woodman IDOT Construction Engineering Services Agreement for the Poplar Avenue – Governors Highway Double Left Turn Lane Project. Trustee Kriha seconded.

Roll was called.
Ayes-6
Nays-0
Absent-0
Abstain-0
The motion carried.

Consideration of Ordinance 1497 An Ordinance Approving a Special Use Permit to Allow a Concrete Crushing Operation (Sexton Properties LLC/Crushing Operation)

Trustee Butler made a motion to approve a consideration to approve the Consideration of Ordinance 1497 An Ordinance Approving a Special Use Permit to Allow a Concrete Crushing Operation (Sexton Properties LLC/Crushing Operation). Trustee Artis seconded.

Trustee Kriha stated the Board has heard the residents loud and clear and stated that one of the things the board has to make sure they are held accountable for is the monitoring of the work being done on the site and the information that the EPA and the USEPA has stated that they require to be met that we are also following up on those numbers. She suggested putting that

charge on Manager Seewood to assure we are doing the monitoring as well and to make sure we are getting the report.

Trustee Butler stated, for the sake of the audience, she would like for all the additional information that was added by staff to be reviewed.

Director Stockstell briefly reviewed the Derenzo and Associates Air Quality Impact Report, Derenzo and Associates Executive Summary, Recommendation for Particulate Matter Monitoring, IEPA Air Permit Application submission requirements, Chronology of Modifications of Special Use Permit, Conditions of Approval and Revised Ordinance 1497.

He had conversations with the permits manager with the IEPA who told him that this type of operation is common place in the state of Illinois and that they currently have over 6,000 of these type of permits issued. They issue other type of air permits, but this is the least type they would be concerned about.

Trustee Kriha asked about the 14 days that was in the previous ordinance. Director Stockstell stated that has been reduced to 7 days.

Director Stockstell noted a couple other changes made to the ordinance as follows:

(iii) Prior to commencement of operations. Developer shall install monitoring equipment on the Tree Farm (as defined in Section 3.A.). The monitoring equipment shall be operational on a 24 hour/7 day a week basis. The monitoring equipment shall measure any potential impact of the operations as measured from the closest residential property to the Tree Farm.

C. Developer shall promptly notify the Village in the event it receives a complaint, inquiry, or similar communication from USEPA, Illinois EPA, or other governmental agency with respect to operations being conducted on the Subject Property pursuant to this special use permit.

Trustee Butler asked the applicant to explain to the residents what they have been doing on the site and the purpose of their company.

Mr. Daniels explained that they currently have a CCDP (Clean Construction and Demolition Debris Permit) which allows them to accept a variety of material including broken concrete, which is currently the pile on their property and has been collected and put aside into one location so that it can be used in the future once it has been processed down, using the crusher to build road bases and help supporting foundations of the future development.

Dirt soils have been brought into the facility and they have been in compliance with the EPA permits to monitor the material as it comes in using a photo ionization sensor. In addition to that, they track every load, its truck number, where it was generated from, who brought it to the site. That information is provided to the State and is available to the Village. They also report when a load comes in and does not meet the requirements and it is reported to the IEPA and the IEPA checks to make sure that the load ends up in the proper facility.

The reason for the materials to enter the site initially was to elevate the additional area of the site around the former landfill to bring it to a level plateau so that a development could take place.

In addition, they have a parcel east of I-57 that has 400 trees planted at a small size with the anticipation to move them in 7-10 years to the development so that there would be large growth trees at the development at its reclamation.

They have also worked with staff to build a water booster station to potentially affect people that develop and build west of their location. Sexton worked with them to install that and installed their own valve so that the pressure of the development will be significantly better because of that booster station.

An audience member became disruptive and President Reinbold instructed that he was out of order.

Trustee Kriha asked if they have been crushing stone since the permit has expired. Mr. Daniels answered no.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

Trustee Kriha asked if there was any other directive that the Board has to do to make sure the Village Manager will be overseeing this and reporting back. President Reinbold stated the Special Use Permit is specific in the regard of monitoring and reporting.

Trustee Butler asked for an air quality baseline report from the EPA as stated in the ordinance. Mr. Daniels stated they will notify staff when the equipment is in place and begin taking reading and make sure that the baseline report is reported to the staff for the record.

Adjournment

Trustee Butler made a motion to adjourn to the Work Session at 8:25 pm. Trustee Alexander seconded.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

Respectfully submitted,
Angie Zambrano, Deputy Clerk

VILLAGE OF RICHTON PARK

ORDINANCE NO. 1497

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A CONCRETE
CRUSHING OPERATION
(SEXTON PROPERTIES R.P., LLC/CRUSHING OPERATION)**

WHEREAS, pursuant to Ordinance No. 1219 previously approved by the President and Board of Trustees, the owner of the property identified therein, commonly referred to as the “Sexton Property” received a special use permit to allow for certain concrete crushing operations to take place at said property; and

WHEREAS, the special use approved by Ordinance No. 1219 required petitioner to commence the proposed work with three years of the date of the Ordinance; and

WHEREAS, no such work commenced within the allotted three years; and

WHEREAS, the owner of the Subject Property has requested that the special use permit be reissued and has further requested that some of the conditions set forth in said permit be modified; and

WHEREAS, pursuant to notice as required by the law the Village Planning and Zoning Commission conducted a public hearing on this proposal and has favorably recommended it; and

WHEREAS, the President and Board of Trustees have determined that re-issuing the special use permit and modifying certain conditions therein will be reasonable and will benefit the Village’s long term goal of assisting in the redevelopment of the Subject Property;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RICHTON PARK, COOK COUNTY, ILLINOIS, as follows:

Section 1: Special Use Permit Extended. The special use permit previously issued by Ordinance No. 1219 is hereby re-issued and extended to allow work to begin pursuant to said permit on or before June 1, 2013.

Section 2: Modification of Certain Conditions in Ordinance 1219.

Notwithstanding anything to the contrary provided in Ordinance No. 1219:

- A. Developer must provide Village with monthly reports of materials brought to the site and from where the materials originated.
- B. Hours of operation shall be from 8:00 a.m.-5:00 p.m. Monday through Friday (“Hours of Operation”).
- C. Any aggregate amounts currently located on the site shall remain on the site. New aggregate entering the site after the contractor commences to operate shall be processed and exit the site as part of such concrete crushing operation.

Section 3: Special Environmental and Nuisance Abatement Conditions. The special use permit is subject to the following additional environmental and nuisance abatement conditions:

- A. The time-average A-weighted sound level (also known as the equivalent-continuous sound level or Leq) of the crushing operation shall be no more than five (5) decibels greater than the time-average A-weighted sound level of the ambient noise during the Hours of Operation when measured from the eastern boundary of the tree farm located immediately west of the Lakewood North subdivision (“Tree Farm”). Measurement procedures shall be based on ANSI Standard S12.9/Part 3, “Quantities and Procedures for Description and Measurement of Environmental Sound. Part 3: Short-term measurements with an observer present.” In order to enforce this condition:
 - (i) At the request of the Village and at the Developer's expense, Developer shall cause an independent qualified third party to take decibel measurements during Hours of Operation in order to determine whether this condition is being violated;

- (ii) In the event the measurements indicate a violation of this condition, then Developer shall immediately require its contractor to modify its operations to prevent further violation of this condition; and
 - (iii) In the event a violation continues in excess of seven (7) consecutive days, then the Village may revoke the special use permit so granted.
- B. Developer shall require its contractor to control operations so that dust or other particulate matter being generated from work performed on the Subject Property does not interfere with the quiet use and enjoyment of any residential property within the Village. To that end:
- (i) Developer shall require its contractor to utilize dust control/dust suppression technologies in order to prevent dust and other particulate matter from reaching residential property in the Village. Such technology shall include, but not be limited to, full-time water application controls;
 - (ii) Prior to commencement of operations, Developer and its contractor shall meet with Village staff to identify dust control operations which will be utilized;
 - (iii) Prior to commencement of operations, Developer shall install monitoring equipment on the Tree Farm (as defined in Section 3.A.). The monitoring equipment shall be operational on a 24 hour/7 day a week basis. The monitoring equipment shall measure any potential impact of the operations as measured from the closest residential property to the Tree Farm. The purpose of the monitoring is to ensure compliance with generally accepted national standards for safe particulate exposures (PN-10 National Ambient Air Quality Standards) consistent with the Illinois Environmental Protection Agency Bureau of Air permit requirements applicable to the operations ("Air Standard"). Before operations commence, Developer will monitor the existing conditions to establish a base line and to determine any other sources of particulate matter not attributable to Developer or contractor that are present in the monitoring area ("Other Sources").

Should the equipment fail to operate or otherwise experience functional difficulties, Developer shall repair the equipment as soon as possible, but in no case later than seven (7) days after the malfunction, subject to force majeure. In the event the equipment is not repaired within seven (7) consecutive days after the malfunction, unless due to force majeure, crushing operations shall cease until such time as the equipment is once again operational. If Developer encounters a force majeure event with respect to such repair efforts, Developer will promptly notify Village of such event, the steps that Developer is taking to address same and the

amount of additional time that Developer estimates will be required to complete repairs. In such event, the Village may grant such additional extension of time as may be warranted by the circumstances presented by the Developer.

At the request of the Village, Developer will make the monitoring results and records related to the Air Standard available for inspection and review by the Village for purposes of demonstrating that operations comply with the Air Standard.

If Developer demonstrates to the Village's reasonable satisfaction that the Air Standard is not being met due to Other Sources (e.g., construction on I-57 or other off-site activity), operations on the Subject Property will not be required to cease, and such failure to meet the Air Standard will not be a violation of this special use permit.

- (iv) In the event the Village receives any complaints from neighbors regarding potential dust or other particulate matter from the Subject Property interfering with the quiet use and enjoyment of the neighboring residential properties, then Developer and contractor shall meet with the Village Manager to review the complaints. At the direction of the Village Manager, Developer and contractor shall immediately prepare and submit a remediation plan to the Village in order to address the complaints and alleviate any dust or particulate matters from blowing onto neighboring residential properties; and
- (v) Developer's failure to respond and develop a remediation plan as provided for hereinabove shall constitute cause to revoke the special use permit.

C. Developer shall promptly notify the Village in the event it receives a complaint, inquiry, or similar communication from USEPA, Illinois EPA, or other governmental agency with respect to operations being conducted on the Subject Property pursuant to this special use permit.

Section 4: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2011.

RICHARD REINBOLD, President

ATTEST: