

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

WOOD RIVER ACQUISITIONS, LLC,	)	
and HERITAGE TRANSPORT, LLC,	)	
	)	
Petitioners,	)	
	)	
vs.	)	PCB 12-128
	)	(Land Permit Appeal)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

<b>TO:</b>	Greg Richardson	Christopher J. Grant
	Deputy General Counsel	Assistant Atty General
	IEPA	69 W. Washington Street
	1021 North Grand Ave. East	Suite 1800
	P.O. Box 19276	Chicago, IL 60602
	Springfield, Illinois 62794-9276	

**PLEASE TAKE NOTICE** that on the 16th day of August, 2012 on behalf of Wood River Acquisitions, LLC and Heritage Transport, LLC, Petitioners, an Appeal of Certain Conditions in Solid Waste Management Transfer Facility Permit was electronically filed with the Office of the Clerk of the Illinois Pollution Control Board.

**WOOD RIVER ACQUISITIONS, LLC  
and HERITAGE TRANSPORT, LLC**

  
Barbara Magel

Barbara Magel  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312)214-4585  
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**CERTIFICATE OF SERVICE**

I, on oath state that I have served the attached **Appeal of Certain Conditions in Solid Waste Management Transfer Facility Permit** electronically on this 16th day of August, 2012 to:

Greg Richardson  
Deputy General Counsel  
Illinois Environmental Protection  
Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Christopher J. Grant  
Assistant Atty General  
69 W. Washington Street  
Suite 1800  
Chicago, IL 60602

  
Barbara Magel

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vs.	)	PCB 12-128
	)	(Land Permit Appeal)
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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**APPEAL OF CERTAIN CONDITIONS IN  
SOLID WASTE MANAGEMENT TRANSFER FACILITY PERMIT**

**NOW COME** Petitioners Wood River Acquisitions, LLC (“Wood River”) as owner and Heritage Transport, LLC, (“Heritage”) as operator by their attorneys and pursuant to 35 Ill. Adm. Code 105.200 and 105.204(f) hereby file an appeal of certain conditions in the Permit to Develop and Operate a 10-day transfer solid waste facility issued by the Respondent Illinois Environmental Protection Agency (“IEPA”). The 10-day transfer facility (“facility”) is located at 251 North Old St. Louis Road, Wood River, Illinois 62095 in Madison County, Illinois (Site Number 1191155058). A copy of the Permit from which this appeal is taken is attached hereto as Exhibit A.

**Timeliness of Appeal Filing**

The Permit from which this appeal is taken was issued by Respondent IEPA on April 12, 2012. On May 10, 2012, Petitioners submitted a notice pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/4-(a)(1) and 35 Ill. Adm. Code 105.208 requesting a ninety (90) day extension of the time period for appeal to allow the parties to explore resolution of the Permit conditions from which this appeal is taken.<sup>1</sup> The Respondent IEPA filed a Request for Ninety Day Extension of Appeal

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<sup>1</sup> The Petitioners requested the 90 day extension believing that discussions with IEPA would enable the parties to resolve most if not all of the problematic Permit Conditions. Petitioners outlined their concerns with the issued permit to IEPA representatives in a letter dated June 11, 2012. (Attached as

Period with the Illinois Pollution Control Board on May 11, 2012 and that Request was granted by this Board on June 7, 2012. Therefore, the appeal period for this Permit was extended up to and including August 19, 2012 and this appeal is therefore filed in a timely manner.

### INTRODUCTION

The Petitioners own and operate a transfer facility for hazardous and non-putrescible solid waste on 1.41 acres located in the southeast quarter of Section 21, Township 5, Range 9 P.M., Block Helmkamp Industrial Park in Wood River, Illinois. That facility includes approximately 7,000 square feet of office space, 4,500 square feet of shop space and 8,750 square feet of out-buildings on an 117,600 square foot lot surrounded by a chain link fence in an area zoned for industrial use. Pictures of the 10-day transfer facility are attached hereto as Exhibit C.

On June 10, 2011 the Petitioners filed their original application for a development and operation permit for a household hazardous waste paint can crusher at their Wood River facility.<sup>2</sup> After an August 19, 2011 inspection by Respondent IEPA, Petitioners modified their permit application to include 10-day transfer operations for hazardous and non-putrescible waste at the facility on November 17, 2011. The application was further modified on February 13, 2012 to include various certification forms as sought by IEPA. The IEPA then issued the requested development/operation permit on April 12, 2012 for the 10-day transfer hazardous and non-putrescible waste facility at Wood River.

The Petitioners' Wood River facility manages both hazardous drummed waste and non-putrescible wastes in containers as contemplated by 415 ILCS 5/3.330(a)(16) and 35 Ill. Adm. Code 723.112. The hazardous wastes are received by truck in containers up to 500 gallons. At the facility the containers are unloaded from trailers at a truck dock. For those destined for a permitted facility in Indianapolis, they are placed on a trailer for transport to that location. Wastes which are destined for other permitted facilities may be held on a trailer or on the dock until loading for shipment. The dock

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Exhibit B hereto) However, very little discussion with IEPA occurred during the 90 day extension period and therefore, the filing of this appeal became necessary.

<sup>2</sup> That permit application included a request for authorization to develop and operate a paint can crushing operation so that waste paint could be managed at the facility on a transfer basis. The IEPA denied that aspect of the Permit however. This appeal does not address that permit denial.

itself is completely covered and surrounded on three sides by walls to protect the loading/unloading and holding areas from weather related conditions. None of these wastes are removed from their original containers or held for more than 10-days at the Wood River facility.

Non-putrescible solid waste, including non-hazardous special waste, is received and transferred from vehicle to vehicle at the Wood River facility. The area where this material is handled is paved and within the facility security fence. As is true of the hazardous waste received, none of this waste material is kept at the facility for more than a 10-day period.

### **CONDITIONS UNDER APPEAL**

In issuing the Permit to develop and operate a 10-day transfer facility for hazardous and non-putrescible solid waste, Respondent IEPA relied upon 35 Ill. Adm. Code 807 as the basis first for requiring a permit, and then for imposing various conditions within that Permit. However, that regulatory section deals with solid waste treatment, storage and disposal facilities. The Petitioners' facility is none of those things and therefore the majority of regulatory provisions are not applicable to the Wood River operations. Respondent has acted arbitrarily and capriciously in including various conditions designed to control long term storage and disposal risks in a permit for a facility limited to 10-day transfer activities.

### **SPECIFIC PERMIT CONDITIONS UNDER APPEAL**

The specific Permit conditions from which this appeal is taken are reviewed below:

#### **Issued Permit Condition:**

A.3. The facility may receive waste at the site from 8:00 AM to 5:00 PM, Monday through Friday. If the facility is operated past sunset, adequate lighting shall be provided.

#### **Basis for Appeal:**

Petitioners' appeal from this Permit Condition as an arbitrary restriction of its ability to operate its 10-day waste transfer business. Waste transport is not conducted on a five day week, 8:00 to 5:00 basis. Receipt and transport of shipments on weekends is a

routine matter, as are shipments that arrive before 8:00 a.m. or after 5:00 p.m. on any given day. As noted above, this facility is located in an industrial area and therefore disturbance of surrounding properties is unlikely to occur due to traffic in and out of this facility at hours and days beyond those identified in the Permit condition. Respondent has not identified any regulatory or practical basis for the imposition of this Permit Condition limitation. With this appeal, Petitioners therefore request that this Permit Condition be remanded to Respondent IEPA for deletion from the Permit.

**Issued Permit Condition:**

A.5. The facility shall be designed and constructed with roads and traffic flow patterns and adequate for the volume, type and weight of traffic using the facility including, but not limited to, waste hauling vehicles, emergency vehicles, and on site equipment. Sufficient area shall be maintained to minimize traffic congestion, provide for safe operation, and allow for queuing of waste hauling vehicles..

**Basis for Appeal:**

Petitioners are appealing from this Permit Condition as a means to obtain further clarify from the IEPA as to its meaning. The June 2011 Permit Application described the physical plant at the facility including the roadways, lots, ingress and egress routes. It is Petitioners' understanding that in granting the Permit and incorporating that facility layout, the IEPA was approving those facility features. However, given the general nature of this Permit Condition, Petitioners are concerned that their compliance obligations are unclear. Therefore, through this appeal, Petitioners are seeking remand of this Permit Condition to the IEPA for a more explicit approval of the facility features as presented in the Permit Application as representing compliance with the goals of this Permit Condition.

**Issued Permit Condition:**

A.11. The facility shall be designed and constructed to prevent litter and other debris from leaving the facility property. Facility features (e.g., windbreaks, fencing, netting, etc.) shall be among the measures considered to ensure that the waste does not become wind strewn and that no other provisions of the Act are violated.

**Basis for Appeal:**

Petitioners also appeal from this Permit Condition to obtain a clear statement from Respondent, IEPA, as to the sufficiency of the facility fencing as described in the Permit Application incorporated in the issued Permit to achieve this general goal statement. The Permit Condition is vague as to whether further measures such as windbreaks, which are usually only required at landfills or other municipal waste handling sites are required under this Permit Condition. Furthermore, the Permit Condition ignores the fact that the waste is containerized while at the facility so that there is little, if any, opportunity for litter or other debris. Again, the Permit Condition leaves Petitioner's compliance obligations uncertain and therefore remand to Respondent IEPA for deletion or in the alternative, at least clarification as necessary and appropriate.

**Issued Permit Condition:**

A. 12. The permit is issued with the express understanding that no air emissions will occur from these facilities, except as authorized by a permit from the Bureau of Air (BOA).

**Basis for Appeal:**

Petitioners' facility does not constitute an emission source requiring a permit from the IEPA Bureau of Air. However, emissions may occur that are not subject to that permitting authority. Therefore Petitioners request that this Permit Condition be clarified to state that no air emission permit is required for the Wood River 10-day transfer operations though if operations at the facility change so that emissions requiring permitting under the Illinois Environmental Protection Act occur, the Petitioners shall apply for the necessary and appropriate permit(s). Petitioners hereby request that the Permit Condition be remanded to the Respondent IEPA for rewording that the Wood River facility will be developed and operated in accordance with applicable air permitting requirements.

**Issued Permit Condition:**

A. 18. If it is required for the facility to be open beyond normal operating hours to respond to emergency situations, a written record of the date, time and reason the facility was open shall be maintained in facility operating records. The Illinois EPA's Collinsville Regional Office and when applicable the county

authority responsible for inspection of this facility, per a delegation agreement with the Illinois EPA, or Emergency Response Center must be notified and must grant approval each day that the operating hours need to be extended..

**Basis for Appeal:**

This Permit Condition is ambiguous in that the first sentence speaks in terms of emergency situations, while the second seems to require a notification each time the Permit Condition A.3. hours are exceeded. As noted as a basis for the appeal of Permit Condition A.3. above, Petitioners' facility does not limit its 10-day transfer operations to weekdays from 8:00 AM to 5:00 PM. The waste transport process of which Petitioners' facility is an integral part routinely operates seven days a week and for longer hours. To require Petitioners to notify regulatory authorities each time a shipment is received after 5:00 PM or on a Saturday is overly burdensome and unnecessary. If the term "emergency" is defined within the Permit Condition to mean release, spill, fire or explosion, Petitioner is prepared to withdraw its appeal of that aspect of the Permit Condition requiring a notice when actions to address such situations occur outside normal operational hours. In the alternative, if the unrealistic and unnecessary limit on operational hours is removed from the permit as requested herein, the need to revise this Permit Condition may be resolved. However, to require the Petitioners to submit notices to multiple offices each time a shipment is received after 5:00 p.m. or during a weekend is unduly burdensome and arbitrary. Petitioners therefore ask that this Permit Condition be remanded to the Respondent for revision to limit its scope and applicability to clearly defined emergency occurrences.

**Issued Permit Condition:**

A. 21. A vector control specialist shall inspect the transfer station at least annually. If necessary, vector control measures shall be taken.

**Basis for Appeal:**

Petitioners own and operate a non-putrescible waste 10-day transfer station. That means, by definition, that the waste, which is by its very nature not subject to decomposition, is not left at the facility for any extended period. Furthermore, the Wood River facility is essentially a paved lot with buildings for the loading/unloading of sealed waste containers and administrative functions. There is very little, if any, potential

habitat for vectors, particularly in the waste transfer parts of the facility. To nonetheless require an annual inspection by vector control specialist on a yearly basis is arbitrary. The 35 Ill. Adm Cod 807 regulations include no such specific requirement even for solid waste disposal sites where vectors would most likely be found. Given the clear lack of both operational and regulatory basis for the inclusion of this Permit Condition for a 10-day non-putrescible waste transfer station, Petitioners believe the Permit should be remanded to Respondent IEPA for removal of this Condition from the Permit.

**Issued Permit Condition:**

A. 24. All waste management activities shall be conducted indoors enclosed trailers at the loading dock.

**Basis for Appeal:**

Petitioners' appeal from this Permit Condition to obtain correction of what appears to be a typographical error that renders the Condition, and therefore compliance requirements, confusing. Petitioners are uncertain as to what is meant by "conducted indoors enclosed trailers at the loading dock". Should there be an "or" between indoors and trailers? Does IEPA mean activities should be under roof so that trailers have a roof over them as they are loaded or unloaded? Petitioners hereby request that the Permit Condition be remanded to Respondent IEPA for correction and that it be reworded to provide that loading and unloading of trailers at the dock will be conducted under roof.

**Issued Permit Condition:**

A. 25. Records shall be maintained on-site at the facility office for each operating day. The operator shall record operating hours, load ticket information, load inspections, daily processing time, volume processed per day, transfer load out and waste disposition details.

**Basis for Appeal:**

Petitioners' Wood River facility is a 10-day transfer facility for hazardous and non-putrescible solid waste. Records of wastes received and shipped are matched to the waste transported by the facility staff and the time waste remains on the Facility is monitored to make sure that the 10-day period is not exceeded. There is no daily processing time, waste disposition detail (other than shipment from the facility) or load inspections per se. Consignments are reviewed to make sure that they match their

shipping documents and copies of shipping documents are maintained at the facility. This Permit Condition was apparently drafted with a landfill operation or treatment facility in mind. To apply such record keeping requirements on a 10-day transfer facility is not in keeping with the usual industry practice and is unnecessarily burdensome. Petitioners hereby request that this Permit Condition be remanded to Respondent IEPA for revision so that the recordkeeping requirements more accurately reflect the nature of the 10-day transfer facility operations.

**Issued Permit Condition:**

A. 26. All loading/unloading shall be accomplished over spill containment devices or structures.

**Basis for Appeal:**

As noted previously, Respondent has cited 35 Ill. Adm. Code 807 as the basis for the issuance of this Permit. However, that regulatory section does not include any provision that loading and unloading of solid wastes at a 10-day transfer facility take place over spill containment devices or structures. Petitioners' facility conducts loading and unloading at a covered dock from and to trailers also covered by roofs. The area beneath the dock and trailer is paved. Wastes are not removed from containers while they remain at the Wood River facility. Each of these features, as well as procedural safety practices were described in the Permit Application incorporated into this Permit. No regulatory or practical basis exists for the imposition of this additional spill containment requirement and therefore the Respondent has acted arbitrarily and capriciously in imposing it on Petitioners through this Permit Condition. The Permit Condition should be removed from the Permit.

**Issued Permit Condition:**

A. 27. Only wastes that complies with applicable US DOT packaging, labeling, marking, and placarding requirements at 40 CFR 172, 173, and 178 and is being held in transit may be accepted at the facility. Special wastes received at this site shall be transported to the facility via a licensed special waste hauler and accompanied by a properly completed Illinois EPA manifest.

**Basis for Appeal:**

40 CFR 172, 173 and 178 of the Department of Transportation regulations apply to the packaging and transport of defined hazardous materials. Not all of the wastes transferred through the Wood River facility meet the regulatory definition of hazardous materials and are therefore subject to those Department of Transportation provisions. By extending this Permit Condition to cover those wastes which do not constitute Department of Transportation hazardous materials, the Respondent IEPA has acted arbitrarily and capriciously. Therefore, Petitioners request that the Permit Condition be remanded to the Respondent IEPA to be revised to limit the scope of packaging, placarding and marking requirement to just those materials that meet Department of Transportation definition of hazardous materials.

**Issued Permit Condition:**

A. 28. The Permittee shall not store containers holding a waste that is incompatible with any other waste or materials within the same secondary containment system.

**Basis for Appeal:**

As stated above, the Petitioners Wood River facility is a 10-day transfer facility-no waste storage within secondary containment takes place at this location. Respondent was aware of the nature of those transfer activities both through the Permit application and the IEPA inspection of the facility prior to issuance of this Permit. Therefore, Petitioners are uncertain as to the purpose and the applicability of this Permit Condition given the nature of their operations. Through this appeal, Petitioners seek remand of the Condition to the Respondent IEPA for clarification given the actual operations conducted at the Wood River location.

**Issued Permit Condition:**

A. 29. The Illinois EPA has modified its procedures. As a result the authorization number is no longer required. Therefore, the generator will no longer be required to identify the authorization number on the manifest when shipping waste as authorized by this permit.

**Basis for Appeal:**

Petitioners believe the inclusion of this Permit Condition 29 is inappropriate. Their Wood River facility is a 10-day transfer facility. This notation of a change in Respondent IEPA procedures does not apply to transfer operations and therefore should not be included in the Permit. Petitioners seek remand of this Permit Condition to the Respondent IEPA for deletion from the Permit.

**Issued Permit Condition:**

- A. 30. The following requirements must be met for the container:
- a. If it leaks or becomes unsuitable, it shall be repaired or replaced; and
  - b. Regular inspections of the container shall be conducted to assure compliance with 31(a) above.

**Basis for Appeal:**

Petitioners appeal from this Permit Condition for two reasons. First, Petitioners seek to correct a typographical error in the cross-reference to 31(a) in paragraph 30 (b). That reference would be corrected to 30(a). Second, this Permit Condition is appealed so that Petitioners can obtain a more definite statement of the Permit obligation through clarification of the Permit language. As it stands, no schedule for inspections is given. Since Petitioners operate a 10-day transfer facility, Petitioners request that the Permit Condition be remanded to Respondent IEPA to be revised to state that if any container received at the facility is observed to be leaking or unsuitable, the container contents will be transferred or the container will be overpacked at the time of that observation. Any observed leaked or spilled waste material is cleaned up at the time of its discovery. The proposed revision to the Permit Condition would serve what Petitioners believe to be the intent of the Respondent in drafting the Permit Condition, while also taking into account the nature of a 10-day transfer operation.

**Issued Permit Condition:**

- A. 31. The Permittee shall control odor, noise, combustion of materials, disease vectors, dust, and litter.

**Basis for Appeal:**

Petitioners operate their 10-day transfer facility so as to minimize odor, noise, and litter; the fundamental goal is to maintain a clean, safe and compliant work area. As a good management practice, the docks, paved area and trailers are inspected on a periodic basis and any problem conditions are corrected. The facility is fenced so that if litter were to be present it could not leave the grounds. Since the wastes managed are in closed containers or are non-putrescible solid wastes, the potential for combustion is extremely low. The Permit application presents each of the measures and facility features that address the safety and clean maintenance aspects of this 10-day transfer facility. Those elements have been incorporated by reference into the Permit and provide clear statements of compliance standards. Therefore, with this appeal, Petitioners seek to have this Permit Condition remanded to the Respondent IEPA for revision to a statement cross-referencing the Permit application language relating to odor, noise, litter and vector control.

**Issued Permit Condition:**

A. 32. The Permittee shall control, manage, and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, state and local requirements.

**Basis for Appeal:**

Petitioners do limit the contact of storm water and the waste materials it handles through the use of closed containers, enclosed trailers, and covered docks, it is not required to manage storm water otherwise.<sup>3</sup> In addition, this Permit Condition speaks in terms of leachate management and clearly, a 10-day transfer operation for hazardous and non-putrescible waste does not generate leachate. Petitioners therefore view the imposition of this Permit Condition as arbitrary given the nature of its facility and operations. With this appeal, Petitioners hereby request that the Permit Condition be remanded to Respondent IEPA for deletion from the Permit as unnecessary in the context of their facility. The facility configuration and practices as reflected in the Permit

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<sup>3</sup> Petitioners' facility is not subject to the storm water permitting requirements of 40 CFR 122 or its Illinois counterpart..

Application already incorporated into the Permit by Respondent IEPA provide sufficient runoff controls so that an additional Permit Condition is unnecessary.

**Issued Permit Condition:**

B. 5. At the time of closure the Permittee shall triple rinse and steam clean the facility until there are no longer visual signs of any contamination.

**Basis for Appeal:**

The Permit Condition as written would require Petitioners to triple rinse their entire facility, including office areas and other portions that have no contact with waste materials. Petitioners believe such a requirement is well beyond the scope of waste management regulations, and IEPA's intent in issuing the Permit. Therefore, Petitioners hereby request remand of this arbitrary and capricious expansion of closure provisions to the Respondent IEPA for revision stating that Petitioners will remove any waste containers at the facility at the time of closure and perform a visual inspection to make sure that no waste remains at the dock.

**CONCLUSION**

Petitioners have appealed from each of the identified Permit Conditions either to obtain a corrected or clarified statement of what Respondent IEPA seeks to require or due to Respondent's arbitrary and capricious inclusion of landfill-type regulatory provisions in a Permit for a 10-day transfer facility for hazardous and non-putrescible wastes. With this Permit appeal, Petitioners are seeking a revised Permit whose scope and compliance obligations are more clearly stated, and are limited to those clearly set forth in the applicable regulations. The revised Permit must be reflective of the 10-day transfer facility and operations it is designed to govern.

**RESPECTFULLY SUBMITTED,**

  
Barbara Magel  
Counsel for Petitioners

Dated: August 16, 2012

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Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312)214-4585  
(312)759-5646 (fax)

# **EXHIBIT A**



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-3397
PAT QUINN, GOVERNOR JOHN J. KIM, INTERIM DIRECTOR

217-524-3300

APR 12 2012

7009 3410 0002 3750 2692

7009 3410 0002 3750 2705

OWNER

Wood River Acquisitions, LLC
Attn: Ms. Julie Prehn
4130 Alby Street
Alton, Illinois 62002

OPERATOR

Heritage Transport, LLC
Attn: Ms. Debi Edwards
251 N. Old St. Louis Rd.
Wood River, Illinois 62095

Re: 1191155058 - Madison County
Heritage Transport LLC
Log No. 2011-507-DE/OP
Log No. 2011-507
Permit Storage/Treatment 807
Permit Approval

Dear Ladies:

Permit is hereby granted to Wood River Acquisitions, LLC as Owner and Heritage Transport, LLC as Operator to develop, and operate, a solid waste management facility for a 10-day transfer of non-putrescible solid waste at the facility Heritage Transport, LLC, located 251 N. Old St. Louis Rd, Wood River, Illinois 62045 in Madison County all in accordance with the application and plans prepared signed and sealed by Thomas E. Roberts, P.E., R & D Engineer of Heritage Research Group.

The Permittee(s) may transfer waste within ten (10) days at a solid waste management facility consisting of 7,000 sqft of office space, 4,500 sqft of shop space, and 8,750 sqft of out-buildings situated on 117,600 sqft lot, approximately 1.41 acres in SE Quarter, of Section 21, Township S, Range 9 P.M, Block Helmkamp Industrial Park, and present Zoning Classification and Restrictions (if any): I - Industrial District.

The portion of your permit application to develop and operate equipment to consolidate household hazardous waste (HHW) paint and crush paint cans for disposal 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 reason is given:

You have failed to provide proof that you have obtained siting for the treatment and storage activities associated with the paint consolidation and paint can crusher operation. Section 39(c)

4302 N. Main St., Rockford, IL 61103 (815)987-7760
395 S. State, Elgin, IL 60123 (847)608-3131
2126 S. First St., Champaign, IL 61820 (217)278-5800
2009 Main St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4300
5407 N. University St., Archer 113, Peoria, IL 61614 (309)593-5462
2309 W. Main St., Suite 114, Avonlea, IL 62959 (618)953-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

Page 2

of the Illinois Environmental Protection Act (Act) prohibits the Agency from issuing a permit for development or construction without proof that the applicant has obtained local siting approval in accordance with Section 39.2 of the Act. Although the portion of your permit which proposed a transfer operation that temporarily holds waste in transit for less than ten days is exempt from siting under Section 3.330(a)(16) of the Act, this exemption does not extend to activities that include treatment or shipments that are not in transit (e.g., shipments where the manifest initiates or terminates at the transfer facility; or shipments that are not in compliance with USDOT packaging, labeling or marking requirements).

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency/Bureau of Land/Land Pollution Control/Permit Section, by the permit number(s) and log number(s) designated in the heading above.

The application approved by Log No. 2011-507 consists of the following document(s):

<u>DOCUMENT</u>	<u>DATED</u>	<u>DATE RECEIVED</u>
Original Application (Log No. 2011-507) (contd.)	November 17 2011	November 21 2011
Additional Information	February 13, 2012	February 17, 2012
Waiver	February 17, 2012	February 23, 2012

The permit is issued subject to the standard conditions attached hereto and incorporated herein by reference and further subject to the following special conditions. In case of conflict between the application and plans submitted and these special conditions, the special conditions of this permit shall govern.

Specifically, this Developmental and Operating Permit No. 2011-507-DE/OP under Log No. 2011-507 authorizes the Permittee(s) to develop and operate, a 10-day transfer station for non-putrescible solid waste.

A. DEVELOPMENT AND OPERATION

1. The Permittee shall not cause or allow the modification to the design or operation of this facility or accept any type of waste except as authorized in a permit issued by the Agency. To allow such modifications, development and operating permits may be modified with a supplemental permit issued by the Agency.
2. The Permittee shall limit waste management activities at the facility to temporarily holding non-putrescible solid waste in transit for 10-days or less. This permit does not authorize the

Page 3

development or operation of pollution control facility. Any application to modify this permit to operate a pollution control facility must include proof that local siting approval was granted in accordance with Section 39.2 of the Illinois Protection Act (Act).

3. The facility may receive waste at the site from 8:00 AM to 5:00 PM, Monday through Friday. If the facility is operated past sunset, adequate lighting shall be provided.
4. Permittee shall notify the Illinois EPA of any changes from the information submitted to the Illinois EPA in its application for a Development and Operating permit for this site. Permittee shall notify the Illinois EPA of any changes in the names or addresses of both beneficial and legal titleholders to the herein permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of its registered agent.
5. The facility shall be designed and constructed with roads and traffic flow patterns adequate for the volume, type and weight of traffic using the facility including, but not limited to, waste hauling vehicles, emergency vehicles, and on site equipment. Sufficient area shall be maintained to minimize traffic congestion, provide for safe operation, and allow for queuing of waste hauling vehicles.
6. Roadways and parking areas on the facility premises shall be designed and constructed for use in all weather conditions considering the volume, type and weight of traffic and equipment at the facility.
7. The facility shall be designed and constructed so that site surface drainage will be diverted around or away from the waste handling areas. Surface drainage shall be designed and controlled so that adjacent property owners encounter no adverse effects during development, operation and after closure of the facility.
8. Run-off from roadways and parking areas shall be controlled using storm sewers or shall be compatible with natural drainage for the site. Best management practices (e.g., design features, operating procedures, maintenance procedures, prohibition of certain practices and treatment) shall be used to ensure that run-off from these areas does not carry wastes or constituents thereof, fuel, oil or other residues to soil, surface water or groundwater.
9. This permit is issued with the expressed understanding that no process discharge to Waters of the State or to a sanitary sewer will occur from these facilities, except as authorized by a permit from the Bureau of Water (BOW).
10. The facility including, but not limited to, all structures, roads, parking and waste handling areas, shall be designed and constructed to prevent malodors, noise, vibrations, dust and exhaust from creating a nuisance or health hazard during development, operation and

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- closure of the facility. Facility features (e.g., berms, buffer areas, paving, grade reduction), best available technology (e.g., mufflers, machinery enclosures, sound-absorbent materials, odor neutralizing systems, air filtering systems, misting systems), and building features (e.g., enclosed structures, building orientation) shall be among the measures to be considered to achieve compliance.
11. The facility shall be designed and constructed to prevent litter and other debris from leaving the facility property. Facility features (e.g., windbreaks, fencing, netting, etc) shall be among the measures considered to ensure that the waste does not become wind strewn and that no other provisions of the Act are violated.
  12. The permit is issued with the expressed understanding that no air emissions will occur from these facilities, except as authorized by a permit from the Bureau of Air (BOA).
  13. The facility shall be designed and constructed with a water supply of adequate volume, pressure, and in locations sufficient for cleaning, firefighting, personal sanitary facilities, and as otherwise necessary to satisfy operating requirements (e.g., dust suppression, wheel washing) and the contingency plan.
  14. The facility shall be designed and constructed with exterior and interior lighting for roadways, and waste handling areas that is adequate to perform safely and effectively all necessary activities.
  15. The facility shall be designed and constructed with truck wheel curbs, guard rails, bumpers, posts or equivalents to prevent backing into fuel storage tanks, equipment, and other structures.
  16. The facility shall be designed and constructed with adequate shelter, sanitary facilities, and emergency communications for employees.
  17. The facility shall install fences and gates, as necessary to limit entry. Except during operating hours, the gates shall be securely locked to prevent unauthorized entry.
  18. If it is required for the facility to be open beyond normal operating hours to respond to emergency situations, a written record of the date, time and reason the facility was open shall be maintained in facility operating records. The Illinois EPA's Collinsville Regional Office and when applicable the county authority responsible for inspection of this facility, per a delegation agreement with the Illinois EPA, or Emergency Response Center must be notified and must grant approval each day that the operating hours need to be extended.
  19. Fire safety equipment (fire extinguishers) shall be maintained in accordance with recommended practice.

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20. Waste left at the site overnight shall be packaged in accordance with US Department of Transportation (DOT) Regulations 40CFR 172, 173 and 178.
21. A vector control specialist shall inspect the transfer station at least annually. If necessary, vector control measures shall be taken.
22. The facility shall be designed and constructed to prevent unauthorized access to waste handling areas, storage areas for unauthorized wastes, salvaged and recycled materials, and staging areas where loaded refuse vehicles may be parked. Facility features such as fences, and gates shall be provided.
23. Waste handling areas shall be designed and constructed to prevent exposure of wastes to run-on, and flooding.
24. All waste management activities shall be conducted indoors enclosed trailers at the loading dock.
25. Records shall be maintained on-site at the facility office for each operating day. The operator shall record operating hours, load ticket information, load inspections, daily processing time, volume processed per day, transfer load out and waste disposition details.
26. All loading/unloading shall be accomplished over spill containment devices or structures.
27. Only wastes that complies with applicable US DOT packaging, labeling, marking, and placarding requirements at 40CFR 172, 173, and 178 and is being held in transit may be accepted at the facility. Special wastes received at this site shall be transported to the facility via a licensed special waste hauler and accompanied by a properly completed Illinois EPA manifest.
28. The Permittee shall not store containers holding a waste that is incompatible with any other waste or materials within the same secondary containment system.
29. The Illinois EPA has modified its procedures. As a result the authorization number is no longer required. Therefore, the generator will no longer be required to identify the authorization number on the manifest when shipping waste as authorized by this permit.
30. The following requirements must be met for the container:
  - a. If it leaks or becomes unsuitable, it shall be repaired or replaced; and
  - b. Regular inspections of the container shall be conducted to assure compliance with 31(a) above.

Page 6

31. The Permittee shall control odor, noise, combustion of materials, disease vectors, dust, and litter.
32. The Permittee shall control, manage, and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, state and local requirements.
33. The Permittee shall control access to the facility at all times.

B CLOSURE

1. The operator shall notify the Illinois EPA within 30 days after receiving the final volume of waste.
2. The operator shall initiate implementation of the closure plan within 30 days after the site receives its final volume of waste.
3. The operator shall not file any application to modify the closure plan less than 180 days prior to receipt of the final volume of waste.
4. Closure activities shall be finalized and the Affidavit submitted within 180 days of receiving the final volume of waste unless it is determined that the site cannot be clean closed. Upon determining that the site cannot be clean closed the Permittee shall submit a supplemental permit request to the Illinois EPA regarding what action the Permittee will take regarding closure.
5. At the time of closure the Permittee shall triple rinse and steam clean the facility until there are no longer visual signs of any contamination.
6. The closure plan dated November 17, 2011 in the application Log No. 2011-507, which was received by the Illinois EPA on November 21, 2011, is approved in accordance with 35 Ill. Adm. Code, Subtitle G, Part 807.
7. Upon completion of closure activities, the operator will notify the Illinois EPA that the site has been closed in accordance with the approved closure plan utilizing the Illinois EPA's "Affidavit for Certification of Completion of Closure of Non-Hazardous Waste Facilities."

C. OTHER CONDITIONS

1. This permit is subject to review and modification by the Illinois EPA as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable Environmental Rules and Regulations.

Page 7

2. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to this Illinois EPA.
3. The Permittee shall notify the Illinois EPA of any changes from the information submitted to the Illinois EPA in its application for a developmental and operating permit for this site. Permittee shall notify the Illinois EPA of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of its registered agent.
4. The Permittee(s) shall submit a 39(i) certification and supporting documentation within 30 days of any of the following events:
  - a. The owner or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has violated federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or
  - b. The owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has been convicted in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or
  - c. The owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding this facility has committed an act of gross carelessness or incompetence in handling, storing, processing, transporting, or disposing of waste.
  - d. A new person is associated with the owner or operator who can sign the application form(s) or who has control over operating decisions regarding the facility, such as corporate officer or a delegated employee.

The certification shall describe the violation(s), convictions, carelessness, or incompetence as outlined in (a), (b), or (c) above and must include the date that a new person as described in (d) above begins employment with the applicant. The 39(i) certification and supporting documentation shall be submitted to the address specified below:

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Illinois Environmental Protection Agency  
Bureau of Land #33  
39(i) Certification  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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 decision. 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 period. 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.

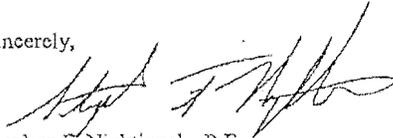
For information regarding the request for an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

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

Sincerely,



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

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 SFN: KSG [1191155058 -- TRANS - 2011507 - DE/OP - APPROVED/FINAL]

Attachment: Standard Conditions.

cc: Thomas E. Roberts, P.E, R & D Engineer, Heritage Research Group  
E-mail: [tom.roberts@hrqlab.com](mailto:tom.roberts@hrqlab.com)

Michael Wertz, Program Manager, Corporate Compliance  
E-mail: [Mike.Wertz@heritage-enviro.com](mailto:Mike.Wertz@heritage-enviro.com)

Matt A. Brandmeyer, AICP (nc) Madison County Planning and Development Dept.  
E-mail: [mabrandmeyer@co.madison.il.us](mailto:mabrandmeyer@co.madison.il.us)

bcc: Bureau File  
Collinsville Region  
Paul Purseglove  
Ted Dragovich  
Bur Filson  
Ellen Robinson, Nancy Moore  
Krishna Gadi

STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS  
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
BUREAU OF LAND

August 22, 2001

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

These standard conditions shall apply to all permits which the Agency issues for construction or development projects which require permits under the Bureau of Land. Special conditions may also be imposed in addition to these standard conditions.

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire two years after date of issuance unless construction or development on this project has started on or prior to that date.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentation of credentials:
  - a. to enter at reasonable times the permittee's premises where actual or potential effluent, emissions or noise sources are located or where any activity is to be conducted pursuant to this permit.
  - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.
  - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit.
  - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants.

- e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
- a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
  - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
  - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
  - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
  - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the Agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:
- a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed; or
  - b. upon finding that any standard or special conditions have been violated; or
  - c. upon any violation of the Environmental Protection Act or any Rule or Regulation effective thereunder as a result of the construction or development authorized by this permit.

SFNSTANDARD CONDITIONS

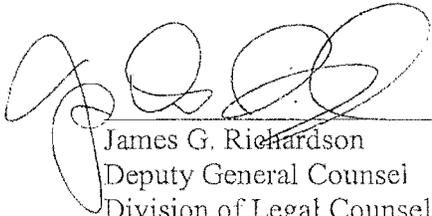
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 11, 2012 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

John Therriault  
Assistant Clerk  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Craig G. Hogarth  
Heritage Transport, LLC  
7901 West Morris Street  
Indianapolis, Indiana 46231

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson  
Deputy General Counsel  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

U.S. Postal Service *HOGARTH*  
**CERTIFIED MAIL™ RECEIPT**  
 (Express Mail Only; No Insurance Coverage Provided)

For more information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ 1.30
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.60</b>

Postmark Here  
**MAY 10 2012**

Mr. James G. Richardson

Send to: Illinois Environmental Protection Agency  
 Division of Legal Counsel, MC21  
 Street or PO: 1021 North Grand Avenue East  
 City, State, ZIP+4: Post Office Box 19276  
 Springfield, IL 62794-9276

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. James G. Richardson  
 Illinois Environmental Protection Agency  
 Division of Legal Counsel, MC21  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, IL 62794-9276

2. Article Number

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Illinois Environmental Protection Agency  
 B. Received by: *James G. Richardson*  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794

D. Is delivery address different from item 1  
 If YES, enter delivery address below.

MAY 14 2012

*Richardson*

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt
- C.O.D.

4. Restricted Delivery? (Extra Fee)

# **EXHIBIT B**



VIA ELECTRONIC MAIL TO [STEVE.NIGHTINGALE@ILLINOIS.GOV](mailto:STEVE.NIGHTINGALE@ILLINOIS.GOV)  
ORIGINAL LETTER BY US POSTAL SERVICE

June 11, 2012

Mr. Stephen F. Nightingale, PE  
Manager, Permit Section  
Bureau of Land  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62974-9276

Re: Heritage Transport, LLC, Log No: 2011-507-DE/OP  
Identification Number: 1191155058 – Madison County  
Illinois Pollution Control Board Identification: PCB 12-128

Dear Mr. Nightingale:

The purpose of this letter is to outline several concerns of Heritage Transport, LLC ("Heritage") with the permit issued by the Illinois Environmental Protection Agency ("IEPA") on April 12, 2012 that was received by Heritage on April 16, 2012. These concerns are associated with the permit issued to Heritage for a solid waste management facility that conducts 10-day transfer of non-putrescible solid waste, which does not meet the definition of a pollution control facility in Illinois.

On May 10, 2012, Heritage filed a notice with the IEPA to extend the 35 day appeal period by up to 90 days in order to resolve technical and administrative concerns associated with the permit that was issued. On May 11, 2012, representatives of the IEPA filed the request for a 90 day extension with Illinois Pollution Control Board until August 19, 2012. On Jun 7, 2012, the Illinois Pollution Control Board agreed with the request for an extension to informally resolve these concerns. In general, Heritage is concerned that conditions in the permit are either not germane to the operation of this facility (it appears more applicable to a landfill or a transfer station managing municipal solid wastes in bulk quantities) or the conditions will require clarification to the terms specified in the permit. Furthermore, the IEPA simply denied a portion of the permit for a paint can crusher without any notice after filing the permit application in June 2011.

Mr. Stephen F. Nightingale, PE  
June 11, 2012  
Page 2

The attached table identifies our concerns and proposes a suggested resolution. Heritage desires to discuss this permit, the issues that have been identified with the IEPA, and resolve these concerns in a mutually satisfactory manner. Please feel free to contact me by electronic mail at [craig.hogarth@heritage-enviro.com](mailto:craig.hogarth@heritage-enviro.com) or by telephone at (317) 486-2783 to establish a mutually convenient date to discuss this matter.

Sincerely,

On Behalf of Heritage Transport, LLC

A handwritten signature in black ink, appearing to read "Craig G. Hogarth", is written over a faint, illegible printed name.

Craig G. Hogarth  
Director of Safety & Compliance

Cc: E. Walker, ILW (by electronic mail)  
File, ILW, RCRA, Solid Waste Permit

ISSUES REQUIRING RESOLUTION WITH PERMIT ISSUED APRIL 12, 2012

1191155058 – Madison County

Heritage Transport, LLC

Log No. 2011-507-DE/OP

Permit Storage/Treatment 807

Permit Page Number	Permit Section	Issue or Concern
3	A.3	Heritage is concerned that the IEPA is limiting the company to receiving waste to certain days and hours. The transportation business does not operate on a five day work week during hours between 8 and 5. Furthermore, the Paint Can Crushing operation, which was denied by the IEPA, stated that the operation would typically occur during the specified time frames. Since the IEPA denied the installation and operation of a paint can crusher, a restriction on operating hours is not necessary. Heritage believes that the lighting at the facility is adequate for the intended purpose and requests that the permit section A.3 be removed from the permit.
3	A.5	By issuing a permit, Heritage assumes that the IEPA has determined that existing conditions at the facility meet these requirements.
4	A.11	A requirement to have windbreaks is typically applicable to a landfill. The facility is not a landfill. Heritage proposes that the IEPA remove this section of the permit, as it appears to be more suitable to a landfill or a facility that manages municipal solid waste.
4	A.12	Heritage proposes that the language in this section be revised to indicate that it is expressly understood that no air emissions occur from the facility that require a permit from the Bureau of Air.
4	A.18	Heritage is concerned that the IEPA is limiting the company to receiving containers of waste to certain days and hours and then potentially requiring a notification every day that the operating hours are different in the event of an "emergency." Heritage is uncertain what constitutes an "emergency" in this context and why there would be any notice required for extending operating hours especially for the type of operation conducted at the facility. Heritage requests that this condition be removed from the permit along with A.3.
5	A.20	Heritage requests that the IEPA revise the language to indicate wastes that are DOT hazardous materials be required to have the appropriate placarding, packaging, and labeling. There are shipping situations where wastes that are not regulated by the DOT could be present at the facility and will not be required to

ISSUES REQUIRING RESOLUTION WITH PERMIT ISSUED APRIL 12, 2012

1191155058 – Madison County

Heritage Transport, LLC

Log No. 2011-507-DE/OP

Permit Storage/Treatment 807

Permit Page Number	Permit Section	Issue or Concern
		meet these requirements.
5	A.21	Heritage is not handling garbage or municipal solid wastes. In fact, the facility is limited to non-putrescible solid wastes. Why would it be necessary for a vector control specialist to inspect the facility? Heritage requests that this condition be removed from the permit.
5	A.24	This section requires that waste handling be conducted indoors or in enclosed trailers at the loading dock. Heritage suggests that the term indoors be changed to under roof. If there is a permit condition that is specifically designated to prevent containers from being exposed to storm water, why are conditions A.7, A.8, and A.32 in the permit? Heritage proposes that conditions A.7, A.8, and A.32 be modified or removed from the permit.
5	A.25	Heritage does not understand the applicability of maintaining such records for operation of the facility. Recording operating hours, load tickets, load inspection, daily processing times, etc. seems more suited to the municipal solid waste or landfill operations than a 10 day transfer facility for non-putrescible solid waste. Heritage proposes that the IEPA remove this condition to the permit.
5	A.26	Heritage requests that the IEPA provide the specific regulatory citation requiring loading/unloading to be equipped with secondary containment devices or structures for solid or hazardous waste at a ten-day transfer facility. The act of loading and unloading containers at a dock is typically not amenable to such devices. Alternatively, Heritage requests that the IEPA remove this requirement from the facility permit.
5	A.27	Heritage requests that the IEPA revise the language to indicate wastes that are DOT hazardous materials have the appropriate placarding, packaging, and labeling. There are wastes that are not regulated by the DOT that could be present at the facility and not be required to meet any such requirements. Heritage is unaware of any requirement for an Illinois EPA manifest (since September 2006) and requests that the language be removed.
5	A.28	Based on the type of operation, Heritage is uncertain of the relevance of this condition. Heritage proposes that the condition be removed. Alternatively, the IEPA could provide an explanation

ISSUES REQUIRING RESOLUTION WITH PERMIT ISSUED APRIL 12, 2012  
 1191155058 – Madison County  
 Heritage Transport, LLC  
 Log No. 2011-507-DE/OP  
 Permit Storage/Treatment 807

Permit Page Number	Permit Section	Issue or Concern
		of the meaning of this condition and its application to the facility from a regulatory perspective.
5	A.29	What is the relevance of this section of the permit? Please explain why it is a necessary condition in the permit or alternatively remove the condition from the permit.
5	A.30.b.	There is a cross-reference typographical error in this section. The permit contemplates regular inspection of containers for leaks. There is no frequency for inspection. In the permit application, Heritage proposed to conduct periodic, formal inspections with a frequency for the paint can crushing operation. Since the paint can crushing operation was denied by the IEPA, there is no longer a need for regular inspections. It seems to Heritage that if a container was observed to be leaking or unsuitable during the normal course of a 10 day transfer operation, the container contents would be transferred or over packed at the time of discovery. As a result, condition 30.a. is suitable without 30.b.
6	A.31	This condition seems more appropriate to a landfill than the type of operation that is performed at the facility. Heritage proposes that the condition be removed or modified.
6	A.32	Heritage objects to this condition as the facility is not subject to storm water permitting (the facility does not meet the criteria specified for storm water permitting specified at 40 CFR Part 122). Furthermore the condition requires that Heritage dispose of all storm water at the facility including leachate. Heritage requests that the IEPA remove this section of the permit or revise the language so that it is germane to the facility operation.
6	B.5	The language in this section needs to be modified to include reference to waste handling areas and not the entire facility.

# **EXHIBIT C**



