

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLINTON LANDFILL, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 15-60
)	PCB 15-76
ILLINOIS ENVIRONMENTAL)	(Permit Appeal- Land)
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on the 6th day of January, 2014, I have filed with the Office of the Clerk of the Pollution Control Board the Respondent's Unopposed Motion to Supplement the Record. A copy of which is attached hereto and hereby served upon the persons listed in the attached Service List.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By LISA MADIGAN
Attorney General of the
State of Illinois



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Date: January 6, 2015

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Hearing Officer

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CERTIFICATE OF SERVICE

I, STEPHEN J. SYLVESTER, an attorney, do certify that I caused the Respondent's Unopposed Motion to Supplement the Record and Notice of Filing in this matter to be served upon the persons listed in the Service List by electronic mail at the listed electronic mail addresses.



STEPHEN J. SYLVESTER

Date: January 6, 2015

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UNOPPOSED MOTION TO SUPPLEMENT THE RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“IEPA”), by Lisa Madigan, the Attorney General of the State of Illinois, presents its motion to supplement the record and states as follows:

1. On August 28, 2014, Clinton Landfill, Inc. (“CLI”) filed with the Pollution Control Board (the “Board”) a Petition for Review of Modification No. 47 to Permit No. 2005-070-LF, which was issued by the IEPA on July 31, 2014.
2. The September 4, 2014 Board Order required the Respondent to file the entire record of its determination by Monday, September 29, 2014, unless the Board or the hearing officer ordered otherwise.
3. The October 7, 2014 Hearing Officer Order granted the Respondent an extension to October 20, 2014 to file the record.
4. On October 20, 2014, the record and record index were filed electronically and on October 28, 2014, the record was supplemented with a paper copy.
5. During briefing on CLI’s Motion for Partial Summary Judgment, the Respondent discovered that one (1) page in the record was inadvertently excluded during copying and numbering.

6. The missing page is located in document 164 of the record index, which is titled "Excerpt of Operating Plan, April 2002. (00015841-00015851)". The missing page should be inserted between pages 15841 and 15842 of the record, and Respondent proposes referring to the missing page as "15841A." A copy of document 164, including the missing page 15841A, is attached hereto as Exhibit A.

7. The Petitioner has no objection to the Respondent's Motion to Supplement the Record.

WHEREFORE, Respondent, the Illinois Environmental Protection Agency, hereby requests that the Board or the Hearing Officer enter an order granting this Motion to Supplement the Record and designate the excluded page as 15841A.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECION AGENCY

By LISA MADIGAN
Attorney General of the State of Illinois

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DATE: January 6, 2015

2.5 OPERATING PLAN

This section provides a narrative description of the facility and describes how the facility will be operated in order to ensure compliance with the facility's permits and applicable regulations.

2.5.1 Clinton Landfill No. 2 Operating History

CLI strives to operate Clinton Landfill No. 2 in an unobtrusive and environmentally safe manner. Although CLI has received odor complaints on rare occasions, we are unaware of any operating issues that negatively affect the nearby populations and property. We note that the Host County Agreement (provided in Appendix 11-4 of this siting application) includes provisions for responding to odor complaints.

As detailed in Section 10.5 of this siting application, as of the date of this siting application two Violation Notices regarding the unknowing acceptance of foundry wastes that the Illinois Environmental Protection Agency alleges to meet the definition of hazardous waste are pending. As stated in Section 10.5, CLI disputes these claims since, as of the date of this application, CLI has not received any analytical information for any shipments accepted which would support IEPA's allegations. Regardless, CLI has implemented additional waste acceptance safeguards to ensure that no questionable wastes are accepted from foundries in the future. These additional waste acceptance safeguards are incorporated in Section 2.5.6 of this siting application.

2.5.2 Operating Hours And Personnel

The landfill may accept waste on Mondays through Fridays, 6 am to 6 pm, and on Saturdays from 6 am to 3 pm. Facility operations, including application of daily cover, cell development, etc. will occur until no later than 8 pm except under extreme conditions. The hours of operation may be expanded in emergency situations with notice to the IEPA.

The landfill will be fully staffed with personnel to ensure efficient operations in accordance with the applicable regulations and permit conditions. The following sections describe the personnel that will be directly responsible for operating the landfill.



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Landfill Director

The Landfill Director has overall responsibility for development and operation of the facility. The Landfill Director has substantial knowledge of all regulatory requirements pertaining to the landfill. The Facility Manager directly reports to the Landfill Director.

Facility Manager

The Facility Manager is responsible for the day-to-day operations of the facility. This includes supervising facility personnel, directing equipment and facility-maintenance activities, and ensuring that the facility is operated and maintained in accordance with the permit.

Gate Control Officer

The Gate Control Officer operates the facility scales, maintains scale tickets, and performs load inspections.

Equipment Operators and Laborers

Equipment Operators and Laborers operate waste and earth handling equipment, perform repairs and maintenance tasks, and conduct other activities as directed by the Facility Manager.

Facility personnel will receive training appropriate for their duties to ensure safe and compliant operation and management of the facility. An outline of the training program is provided in Appendix 2.5-1.

2.5.3 Waste Acceptance Procedures

Types Of Waste Accepted

Municipal solid waste (household and commercial refuse), construction and demolition waste, certified non-Special Waste, and non-hazardous Special Waste will be accepted at the facility. The facility may accept certain non-hazardous wastes that do not pass the Paint Filter Liquids Test (PFLT) for solidification and disposal. These wastes will be solidified onsite so that they pass the PFLT prior to disposal. The following wastes will not be accepted:

- Hazardous wastes as defined by 35 IAC 721.103,
- Radioactive wastes,
- Wastes containing polychlorinated bi-phenyls (PCBs) at concentrations greater than that allowed by the Toxic Substances Control Act (TSCA),

- Potentially infectious medical waste (PIMW),
- Asbestos-containing materials,
- White goods components,
- Landscape wastes,
- Lead-acid batteries, and
- Intact, or otherwise improperly processed tires.

Additional information related to waste management is provided in the following sections of this document:

- Load checking procedures that will be followed to ensure that only acceptable wastes are disposed at the facility: Section 2.5.3,
- Special Waste management procedures: Section 2.5.4, and
- Solidification of liquids: Section 2.5.5.

Weighing and Recordkeeping

All wastes will be received by over-the-road vehicles; waste will not be received by rail, except as authorized by the County pursuant to the Host County Agreement (a copy of Host County Agreement is provided in Appendix 11-4 of this siting application). All vehicles carrying waste will be directed to the facility's scale-house and weighed. Except for vehicles with a known, previously recorded net (empty) weight, the vehicles will be weighed again after discharging their loads. The vehicle identity, gross and net weight, and estimated volume of waste will be recorded. This information will be retained on file for at least 3 years.

2.5.4 Load Checking Program

A load checking program will be implemented to detect and discourage attempts to dispose unauthorized wastes at the facility. The load checking program is described in the following sections.

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Random Checks

At least three randomly determined loads of municipal solid waste (MSW), including certified non-special waste, will be checked each week. The days that the loads are checked will be randomly selected as well.

The randomly selected loads will be directed to discharge their loads at a designated location within the disposal area. The location will be near the active face, but the contents will not be allowed to commingle with wastes from other loads. Facility personnel will then conduct a detailed inspection of the entire contents of the discharged load for any regulated hazardous, PCB, PIMW, or other unacceptable wastes. If regulated hazardous, PCB, PIMW, or other unacceptable wastes are suspected, the Operator will notify the generator, hauler or other responsible party to determine the identity of the waste.

Special Waste Load Checks

All loads of Special Waste loads will be checked for the presence of unacceptable materials. Typical Special Waste load checking procedures are described below:

- All loads stop at the gate control office,
- Gate control personnel inspect the manifests and the load to confirm that the waste appearance is similar to that described on the Waste Material Data Sheet, and performs fingerprint analysis consisting of conducting a pH measurement, radioactivity scan, volatile organic vapor scan, and water reactivity screen. Some waste streams undergo additional, more extensive gate control testing prior to acceptance,
- Gate control personnel evaluate whether the load is acceptable and conforms to the IEPA permit and facility pre-authorization,
- Gate control personnel notify the Facility Manager if the load is suspected to be unacceptable, and obtains authorization to reject the load. The generator is notified and arrangements are made to return the load to the generator. Information regarding rejected special waste loads will be reported to the IEPA, as required,
- Gate control personnel sign the manifest if the load is acceptable. The manifests are then distributed appropriately.

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2.5.5 Waste Solidification

Wastes to be solidified will be transported to a designated solidification area near the active face. The designated solidification area will be within an area that is developed and permitted (including Operating Permit) to accept waste. Because of the in-place environmental controls, the permitted landfill area is suitable for use as a site to conduct waste solidification. The solidification area location will vary, but will be at least 10 feet above the landfill floor, and at least 30 feet from the landfill sidewall liner system. Berms will be constructed around the solidification area to prevent run-off from the area.

Wastes will be solidified in liquid-tight containers, such as steel drums and roll-off containers. Solidification containers will be adequately spaced to allow inspections and equipment access. Up to 10 drums and 10 roll-off containers will be used at any one time. A process flow diagram and conceptual plan of the treatment area are provided in Appendix 2.5-2. The goal of the treatment is to solidify the waste such that the waste passes the paint filter test.

The wastes will be directly dumped or pumped from the waste transport trucks into the solidification containers. Alternatively, solidification will occur in the drums in which the wastes are transported (provided adequate freeboard is available for the solidification adsorbents/reagents and mixing operations). Solidification agents (reagents and/or adsorption materials) will be placed in the containers and mixed with the wastes.

Adsorbents (e.g. soil, "Oil-Dry", sawdust, and/or corn cobs) will primarily be used for the solidification process. However, depending upon waste characteristics, reagents might also be used. Reagents may include lime, pozzalime, fly ash, and/or bottom ash. Fly ash and bottom ash that are to be used as reagents may only originate from coal combustion. Pozzalime is simply a mixture of lime and a pozzalonic material. Market conditions, availability, and waste characteristics will dictate which solidification agents will be used.

Reagents will be "stockpiled" onsite within portable silos. The silos will be closed top and therefore will protect the reagents from precipitation. Adsorbents will be placed in traditional stockpiles and covered as required.

The waste/solidification agent mix will be allowed to cure as required. Following curing, the waste will be tested for free liquids using the paint filter test. Wastes that pass the paint filter test will be removed from the containers using a backhoe or excavator. Material that cannot be removed using the



mechanical equipment will be manually removed using shovels. The waste will be direct-loaded into a transport vehicle for delivery to the landfill's active face and disposed.

Wastes that do not pass the paint filter test will be allowed to cure longer and/or additional solidification agent will be mixed in with the waste.

Wastes requiring solidification will be solidified on the day received. Solidified wastes are intended to be disposed the same day; however, depending upon the length of curing time that is required and the time that the waste was solidified, in some instances solidified waste may have to remain in the solidification container until the next business day. In these instances, such waste will be disposed during the next business day. Solidification containers containing wastes exhibiting noxious odors and wastes that must remain in a container overnight will be tightly covered.

2.5.6 Management Of Special Waste

CLI will follow all IEPA requirements for managing Special Waste. The following sections describe the current Special Waste management procedures. The facility Operator may impose additional requirements for the transportation, disposal and handling of Special Wastes to ensure protection to the environment, facility employees, and the landfill facility itself.

Special Waste Manifests

All Special Wastes accepted for disposal (excluding Special Wastes generated by the Facility Operator at the site) shall be accompanied by a manifest. Manifests shall include the following information as a minimum:

- The name of the Special Waste generator,
- When and where the Special Waste was generated,
- The name of the Special Waste hauler,
- The name of the solid waste management unit (i.e. Clinton Landfill No. 3),
- The date of delivery to the landfill,
- The name, Special Waste stream permit number, and quantity of Special Waste delivered,

- The signature of the person who delivered the Special Waste to the hauler, acknowledging such delivery,
- The signature of the Special Waste hauler, acknowledging receipt of the Special Wastes, and
- The signature of the person who accepted the Special Waste at the landfill, acknowledging acceptance of the Special Waste.

Clinton Landfill No. 3 will be designated on the manifests as the final destination point. Any subsequent delivery of the Special Waste or any portion or product thereof to a Special Waste hauler will be conducted under a manifest initiated by Clinton Landfill No. 3.

All Special Waste deliveries must be accompanied by three copies of the manifest. The hauler shall retain one copy of the manifest. Facility personnel will send one copy of the completed manifest to the person who delivered the Special Waste to the hauler (typically the generator). Facility personnel will maintain one copy of the completed manifest on file for at least three years. Completed manifests will be made available to the IEPA at reasonable times for inspection and photocopying pursuant to Section 4(d) of the Illinois Environmental Protection Act.

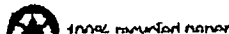
Profile Identification Record

Generators of Special Waste (including Special Wastes generated by the Facility Operator at the site) must obtain the Operator's acceptance of the waste prior to transporting the waste to the facility. Upon obtaining the Operator's acceptance, a Special Waste permit application will be submitted to the IEPA for approval. IEPA pre-approval is not required for waste streams for which the facility has a Generic Permit.

The first step in Special Waste acceptance consists of the generator providing to the Operator a Special Waste profile identification sheet. The Special Waste profile identification sheet shall be supplied by the generator and certify the following:

- The generator's name and address,
- The transporter's name and telephone number,
- The name of the waste,
- The process generating the waste,

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- Physical characteristics of the waste (e.g. color, odor, solid or liquid, and flashpoint),
- The chemical composition of the waste,
- The metals content of the waste,
- Absence of hazardous characteristics, including identification of wastes deemed hazardous by the USEPA or the IEPA,
- Absence of polychlorinated biphenyls (PCBs) and 2,3,7,8-tetrachlorodibenzodioxin (2,3,7,8-TCDD), and
- Any other information, such as the results of tests performed in accordance with 35 IAC 811.202, that can be used to determine whether 1) the Special Waste is regulated as a hazardous waste as defined by 35 IAC 721, 2) the Special Waste is of a type that is permitted for, or has been classified in accordance with 35 IAC 809, for disposal at the facility, and 3) whether the method of disposal at the facility is appropriate for the waste.

Each subsequent shipment of a Special Waste from the same generator must be accompanied by a Special Waste manifest, a copy of the original Special Waste profile identification sheet, and either of the following:

- A Special Waste recertification by the generator describing whether there have been changes in the following: laboratory analysis (copies to be attached), raw material in the waste-generating process, the waste-generating process itself, the physical or hazardous characteristics of the waste, and new information on the human health effects of exposure to the waste, or
- Certification indicating that any change in the physical or hazardous characteristic of the waste is not sufficient to require a new Special Waste profile.

Waste Analysis Plan

Except for Special Wastes for which the facility has a Generic Permit, a representative sample of each Special Waste stream must, at a minimum, be analyzed for the following parameters:

- Paint filter,
- Flashpoint,

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- Reactive sulfide,
- Reactive cyanide,
- Total phenols,
- pH, and
- The organic and inorganic Toxicity Characteristic Constituents listed in 35 IAC 721.124 by the Toxicity Characteristics Leaching Procedure (TCLP).

The following exceptions apply to the above analytical requirements:

- Total sulfide analysis may be substituted for reactive sulfide, only if the total sulfide concentration does not exceed 10 parts per million (ppm),
- Total cyanide analysis may be substituted for reactive cyanide, only if the total cyanide concentration does not exceed 10 parts per million (ppm),
- Total concentration analyses may be substituted for TCLP analyses except where the total concentrations exceed the TCLP limits specified in 35 IAC 721.124,
- Analysis of the eight pesticide Toxicity Characteristic Constituents (D012, D013, D014, D015, D016, D017, D020, and D031) can be waived if the Generator certifies that they are not expected in the waste based on the nature of the waste and generator's business,
- Petroleum-contaminated media and debris from Leaking Underground Storage Tank (LUST) sites subject to corrective action under 35 IAC Parts 731 and 732 are only required to be analyzed for flash point, paint filter test, and TCLP lead,
- An MSDS for off-specification, unused or discarded commercial or chemical products may be used to determine the presence of hazardous constituents in lieu of analytical results,
- Complete TCLP analysis is not required in the case of an emergency cleanup provided: 1) the IEPA Emergency Response Unit (ERU) authorizes the waste stream analytical exemption, 2) the Operator obtains assurance that the Generator has received an incident number from the Illinois Emergency Management Agency, and 3) the waste was analyzed for the chemical constituents required by the IEPA ERU.

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Special Waste streams will be required to be reanalyzed at least once every 5 years and whenever the composition of the waste changes.

Acceptance Criteria

Special Waste shall meet the following criteria prior to acceptance:

- Does not contain a listed hazardous waste or PCBs at concentrations regulated by the Toxic Substances Control Act.
- Does not contain asbestos-containing material.
- Does not exhibit the characteristics of ignitability, reactivity, corrosivity, or toxicity as defined by 35 IAC 721 Subpart C.
- Does not contain total phenol concentrations greater than 1,000 parts per million.
- Does not contain reactive cyanide concentrations greater than 250 parts per million unless specific information to show it does not present danger to human health or the environment is provided. Wastes with between 10 and 250 parts per million reactive cyanide can only be accepted if the Generator provides a signed certification that none of the following have occurred:
 - ⇒ The waste has never caused injury to a worker because of HCN generation,
 - ⇒ That the OSHA work place air concentration limits of HCN have not been exceeded in areas where the waste is generated, stored, or otherwise handled, and
 - ⇒ That air concentrations of HCN above 10 parts per million have not been encountered in areas where the waste is generated, stored, or otherwise handled.
- Does not contain reactive sulfide concentrations greater than 500 parts per million unless specific information to show it does not present danger to human health or the environment is provided. Wastes with between 10 and 500 parts per million reactive cyanide can only be accepted if the Generator provides a signed certification that none of the following have occurred:
 - ⇒ The waste has never caused injury to a worker because of H₂S generation,



- ⇒ That the OSHA work place air concentration limits of H₂S have not been exceeded in areas where the waste is generated, stored, or otherwise handled, and
- ⇒ That air concentrations of H₂S above 10 parts per million have not been encountered in areas where the waste is generated, stored, or otherwise handled.

Foundry Wastes

The following additional requirements apply to Special Wastes generated from foundries.

Prior to first time acceptance, a CLI representative will tour the foundry facility and question knowledgeable foundry representatives to:

- Review the waste generation processes to identify all hearths where metal is melted, where dusts are generated, and identify all baghouses to ensure that hazardous wastes are not commingled with nonhazardous wastes,
- Review how wastestreams are sampled at the point of generation to ensure that representative samples are collected, and
- Review the wastestream analytical data to confirm that all appropriate parameters have been analyzed.

CLI will not accept Special Wastes that have been commingled with other Special Wastes unless each wastestream was individually characterized and determined to be nonhazardous prior to being commingled.

RCRA Empty Containers

RCRA empty containers received as a Special Waste shall meet the following criteria:

- Have a rated capacity less than 110 gallons,
- Meet the definition of empty as provided in 35 IAC 721.107(b), and
- For drums, at least one end must be removed and the drums must be intact, or both ends must be removed and the drums must be crushed flat prior to disposal.



Where possible, a copy of the material safety data sheet for products last contained in the drum shall be obtained and kept on file. Containers that formerly held "P"-listed hazardous wastes or TSCA regulated quantities of PCBs must be triple rinsed. Compressed gas cylinders will not be accepted.

Recordkeeping

The Operator will retain copies of all Special Waste profile identification sheets, Special Waste recertifications, certifications of representative sample, Special Waste laboratory analyses, Special Waste analysis plans, and any waivers of requirements (prohibitions, Special Waste management authorization, and operating requirements) at the facility until the end of the post-closure care period.

2.5.7 Manner Of Waste Placement

Solid waste will be landfilled in lifts, each having a thickness of approximately 10 to 15 feet. Prior to waste placement, previously placed daily or intermediate cover will be at least partially removed to allow leachate to drain into the leachate collection system. Waste placement will generally occur in the lowermost portion of the active cell. However, higher tiers within the landfill may be designated for waste placement during inclement weather in order to ensure operating safety and efficiency.

Solid waste will generally be placed at the toe of the active face and pushed upwards in relatively thin lifts using a compactor, bulldozer, or other appropriate heavy equipment. Heavy equipment will not be allowed to operate directly above the liner and leachate drainage and collection system until at least 5 feet of waste covers the landfill floor in order to not overstress these landfill components. Therefore, the initial lift of solid waste over the landfill floor will be pushed over the top of the active face.

The first 5 feet of solid waste on the landfill floor will be free of construction and demolition debris and other debris that could damage the underlying geotextile. Alternatively, the first lift can consist of 18-inches of soil or fine-grained waste (e.g. dewatered sludge, contaminated soil, foundry sand, etc.). The first lift will be carefully placed in order to prevent tears and excessive wrinkles in the geotextile.

The waste will be compacted using landfill compactors or bulldozers to minimize void space and settlement unless precluded by extreme weather conditions to meet the requirements of 35 IAC 811.105. Waste slopes that remain longer than 60 days following placement will be no steeper than 4 horizontal to 1 vertical.

