

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLEAN CONSTRUCTION & RECYCLING,  
LLC, and G & E EIGHT SERIES, LLC, ,

Petitioners,

v.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB No. 12-20

Permit Appeal - Land (90 Day  
Extension)

**NOTICE OF FILING**

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

James G. Richardson  
Assistant Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

William Ingersoll  
IEPA Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Scott Phillips  
Bureau Chief  
IEPA Bureau of Land  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Please take notice that on October 24, 2011, I filed an **Appeal/Petition for Hearing** with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: October 24, 2011

Respectfully submitted,

Charles F. Helsten  
Hinshaw & Culbertson LLP  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389  
815-490-4900

On behalf of

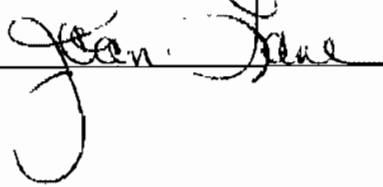
/s/ Charles F. Helsten  
Charles F. Helsten  
One of Its Attorneys

**AFFIDAVIT OF SERVICE**

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on October 24, 2011, she caused to be served a copy of the foregoing upon:

<b>VIA E-FILING</b> John Therriault Assistant Clerk Illinois Pollution Control Board 100 West Randolph Street, Suite 11-500 Chicago, IL 60601-3218	James G. Richardson Assistant Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	
William Ingersoll IEPA Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	Scott Phillips Bureau Chief IEPA Bureau of Land 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	

by depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.



HINSHAW & CULBERTSON LLP  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389  
(815) 490-4900

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Charles F. Helsten  
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**APPEAL/PETITION FOR HEARING**

NOW COME the Petitioners in the above-mentioned matter, and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (“the Act”) file their Petition for Hearing before the Illinois Pollution Control Board to contest the decision of the Illinois Environmental Protection Agency (“Agency”) relating to the granting of a permit by the Agency on or about June 17, 2011, which contained a condition added by the Agency which is contrary to, and is not provided for, by relevant law, statute, or regulation, and, in support thereof, state as follows:

1. That on or about the 15th day of March, 2011, the Petitioners herein submitted their application for a Supplemental Permit relating to Facility No. 2010400008 in Winnebago County, Illinois (commonly referred to as the Roscoe Transfer Station, a development/operating permit for which was initially issued in 1982 under Permit No. 1982-039-DE/OP). A copy of the Application for Supplemental Permit and various subsequent communications between representatives of the Petitioners and the Agency are attached hereto and incorporated are marked Group Exhibit A and attached hereto and incorporated herein by this reference.

2. Subsequent thereto, on or about June 17, 2011, the Agency issued to the Petitioners Supplemental Permit 2011-095-SP, which approved the revised operating plan for the Roscoe Transfer Station facility. A copy of such Supplemental Permit is attached hereto and marked Exhibit B and incorporated herein by this reference.

3. The Petitioners received a copy of the Supplemental Permit on or about June 22, 2011.

4. The Roscoe Transfer Station is a pollution control facility as defined by Section 3.330(a) of the Illinois Environmental Protection Act ("Act"). As such, pursuant to Section 39.2(g) of the Act, the siting approval procedures set forth in Section 39.2 of the Act shall be the exclusive procedures and rules for facilities subject to Section 39.2, and local zoning or other land use requirements shall not be applicable to conditions placed upon such pollution control facilities.

5. Upon review of the permit issued by Supplemental Permit 2011-095-SP, the Petitioners discovered that a permit condition had been added by the Agency at page 9, Section B(27) of the permit. That condition, in pertinent part, provides as follows:

For each operating day, the operator shall limit the percentage of incoming non-recyclable general construction/demolition debris to 25% or less of the total incoming general construction/demolition debris, as calculated on a daily basis.

6. The aforementioned condition, as a matter of law, applies exclusively to Section 22.38 construction demolition and debris facilities which are subject to local zoning, ordinance and land use requirements. (Again, the facility in question is not subject to local zoning. The facility in question is a pollution control facility as defined by the Act, and, accordingly, is not subject to local zoning, ordinance and land use requirements). The condition noted above at page 9, Section B(27) of the Supplemental Permit in question is specifically found at Section 22.38(b)(3) of the Act.

7. While the Petitioners, in their application for the Supplemental Permit in question, requested and consented to the imposition of certain conditions included in Section 22.38 of the Act, the Petitioners did not request or consent to a condition which would limit the percentage of incoming non-recyclable general construction/demolition debris to 25% or less of the total incoming general construction/demolition debris, as calculated on a daily basis.

8. Subsequent thereto, on or about July 13, 2011, the Petitioners by and through undersigned counsel of record sent certain correspondence to Mr. Steven Nightingale, Manager of the Permit Section Bureau of Land pointing out this error in the permit. Moreover, undersigned counsel of record, on behalf of the Petitioners herein requested that such condition be deleted for the reasons set forth above. A copy of that correspondence is marked Exhibit C and attached hereto and incorporated by this reference.

9. The July 13, 2011 correspondence set by undersigned counsel of record on behalf of the Petitioners also requests that the Agency agree to an extension of the period for filing of a Petition for Hearing pursuant to Section 40(a)(1) herein for a period not to exceed 90 days.

10. In response thereto, the Agency filed its request for a 90 day extension of the appeal hearing with the Board. A true and accurate copy of the request is attached as Exhibit D and incorporated herein by this reference.

11. Subsequent thereto, on or about the 4<sup>th</sup> day of August, 2011 the Board granted the joint request for a 90 day extension of the appeal period to and including October 25, 2011.. A copy of that action by the Board is marked as Exhibit E and incorporated herein by this reference.

12. While the parties continue to diligently communicate over a possible resolution of this matter, the matter is not yet resolved, and, upon information and belief, will not be resolved by the October 25, 2011 appeal deadline set by the Board in this matter.

WHEREFORE, the Petitioners herein request that this Appeal/Petition for Hearing be accepted by the Board, and that the condition in question noted a page 27 Section 97(B)(27) of the Supplemental Permit in question be stricken, and for such other and further relief as the Board deems appropriate in the circumstances.

Dated: \_\_\_\_\_

Respectfully submitted,

On behalf of

/s/ Charles F. Helsten

Charles F. Helsten

One of Its Attorneys

Charles F. Helsten  
Hinshaw & Culbertson LLP  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389  
815-490-4900



**ATTACHMENT 2**

**CLOSURE PLAN**

**- LPC PA-11 Closure Plans and  
Post Closure Care Plan**

**- Facility Closure Plan**







Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

**CLOSURE PLANS AND POST-CLOSURE CARE PLANS  
(LPC-PA11)**

Name of Facility: Roscoe Transfer Station Site Number: 2100400008  
County: Winnebago  
Permit No.: 1982-039-DE/OP for original DE, if obtained.

**GENERAL INFORMATION**

1. Facilities included in closure plan (check all that are applicable):

- Disposal Unit(s)  Indefinite Storage Unit(s)
- Storage/Transfer Unit(s)  Composting

Provide a map or plan that clearly delineates each of the above. If more than one (1) unit exists for each category, make sure to clearly designate each individual unit.

2. Was the interim formula of 35 IAC 807.624 previously used to prepare a cost estimate and provide financial assurance?  Yes  No

3a. Do the submitted closure plan, post-closure care plan and cost estimates include all facilities that were previously covered by the interim formula?  Yes  No

If no, explain in detail why all facilities have not been included.

b. Is this a biennial revision of the closure and post-closure cost estimates as required by 35 IAC 807.623?  Yes  No. Provide date of recently approved closure/post-closure plan and permit number.

If yes, provide details below in any areas which have been revised.

c. Does this modify a previously approved closure plan?  Yes  No

If yes, provide details on the revision in the applicable area below.

**If the answer to any of the above is yes, provide a copy of the old and new closure and post-closure plan and estimates.**

4. Will any of the closed units require post-closure care?  Yes  No

If yes, also complete applicable portions of Items 9-16.

**COVER INFORMATION**

5. For disposal unit(s) provide a map which clearly indicates the following areas (final cover is as defined in 807.305(c)):

A. Those areas (or units) which are documented as having final cover applied. Provide date(s) when final cover completed. Not Applicable (N/A)

B. Those areas which are documented as having intermediate cover in place. Provide date(s) when intermediate cover completed. N/A

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

Page 2

C. Any areas currently permitted, or proposed to be permitted, which will require any additional cover.

6. LPC 220 01/90 For each area described under #5 provide:

- A. The estimated date that cover was/will be applied. N/A
- B. The total area (in acres). N/A
- C. The average depth of refuse in each area. Provide bottom elevation (MSL) and final elevation (MSL). N/A
- D. Estimated date of final closure (35 IAC 807.503(c)(6)). N/A

The following must accompany the application. In the space provided, identify the page number or location in the supporting documentation where this information can be found.

**CLOSURE**

(Refer to 35 IAC 807.502 and 807.503)

Information  
Location

- N/A 7. For disposal and/or indefinite storage units, provide a closure plan which addresses or provides the following:
- N/A A. The location of the source and type of cover material to be used. Provide information for the quality and quantity to be used.
- N/A B. The design specifications to be used in construction of the cap to include compacted depth of each lift, total depth, etc.
- N/A C. The testing and documentation procedures to be used to insure the approved design specifications have been met.
- N/A D. Recordkeeping and certification of test results.
- N/A E. The source and type of material to be used for a vegetative layer (on top of the compacted layer).
- N/A F. The total depth of the vegetative layer. The depth selected for the vegetative layer must be accompanied by a discussion demonstrating it will be adequate to:
- N/A 1. Provide moisture for cover species;
- N/A 2. Prevent root penetration into the cover based on the species of vegetation selected; and
- N/A 3. Support the planted species without continued maintenance.
- N/A G. Any gas control system that will be provided prior to post-closure care. Include monitoring and collection or venting systems.
- N/A H. Calculations and cross-sections for the design of the system that will prevent run-on and run-off from affecting the closed unit(s) during the post-closure care period. Include a map showing the drainage and erosion control system design for control of run-on and run-off.

Page 3

Information

Location

N/A

I. A plan to be followed in case of premature final closure and temporary shutdown of the unit(s). This should identify the specific differences between routine and premature closure.

N/A

J. A description and justification of any waste to be accepted for use in closure or post-closure care.

N/A

K. A schedule of the closure activities to include:

N/A

1. Placement of final cover;

N/A

2. Placement of vegetative layer; and

N/A

3. Seeding, fertilizing and mulching.

N/A

L. A procedure to evaluate all monitoring data collected during the active life. This should be able to demonstrate that facility at closure is not causing nor contributing to violations of the Act of 35 IAC Part 807.

8. For composting or storage/transfer units, provide a closure plan which addresses the following:

Att. pg. 1

A. The maximum amount of waste that could be at the facility at the time of closure.

Att. pg. 1

B. The plan for removal of the waste material.

Att. pg. 1

C. The methods to decontaminate any remaining facilities or equipment.

Att. pg. 1

D. A schedule and recordkeeping procedures to be followed.

Att. pg. 1

E. A plan to be followed in case of premature final closure and temporary shutdown of the unit(s). This should identify the specific differences between routine and premature closure.

**POST-CLOSURE** (applicable to disposal and indefinite storage facilities)

(Refer to 35 IAC 807.523 and 807.524)

9. Indicate the number of years post-closure care will be provided. \_\_\_\_\_

N/A

10. Describe the inspection program that will be followed to monitor the site for subsidence, cracks, erosion, establishment of vegetation and gas migration. This should include frequency of inspections, and what procedures will be followed during the inspection. The frequency should be quarterly at a minimum and additional inspections when needed.

N/A

11. Describe the quantitative criteria which will be used to determine what problems discovered during the inspection will require corrective action.

N/A

12. Describe what corrective actions will be taken to correct each type of problem that is discovered.

N/A

13. Discuss any proposed changes to the groundwater monitoring program applicable during closure/post-closure.

Page 4

Information  
Location

- N/A 14. Describe what recordkeeping procedures will be used to document site inspections, problems found, corrective actions taken, groundwater monitoring results, leachate monitoring, impact of the site on groundwater, etc.
- N/A 15. Describe the security measures that will be provided to prevent unauthorized entry to the site during the post-closure care period.
- N/A 16. Provide a procedure to evaluate all data collected during the post-closure care period. This should be able to demonstrate that the site will not cause future violations of the Act or 35 IAC 807.

**CLOSURE COST ESTIMATES:** (Note: Pursuant to 35 IAC 807.621(d) the cost provided below must be based on the assumption that the Agency will contract with a third party for implementation of the closure plan and post-closure plan.) (Refer to 35 IAC 807 Subpart F).

Provide a cost estimate of the following elements required under the closure plan. (Note: If closure plan is for more than one unit provide separate cost estimates for each unit.) Each estimate must provide details as to how the estimate was derived.

- N/A 17. For disposal and indefinite storage facilities, provide:
- N/A A. The costs to obtain, move and place the cover material (this should include an estimate of the total area requiring final cover).
- N/A B. The cost for inspection and certification of final cover construction details.
- N/A C. The cost to obtain, move and place the vegetative cover (top soil).
- N/A D. The cost to monitor for gas and install any gas control system.
- N/A E. The cost to install the run-on and run-off control system.
- N/A F. The cost of fertilizing, seeding and mulching the vegetative layer.
- N/A G. The cost for certification of closure, utilizing the Agency closure certification forms.
- N/A H. Total cost of the above.
18. For storage/transfer or composting involving indefinite storage units, provide:
- Att. pg. 1 A. The cost to dispose of, or complete composting of the waste.
- Att. pg. 1 B. The cost to remove all waste and decontaminate the facility.
- Att. pg. 1 C. The cost to certify completion of closure activities utilizing closure certification forms.
- Att. pg. 1 D. Total cost of the above.
19. Post-Closure Cost Estimates:
- For facilities requiring post-closure care, provide:
- N/A A. The cost for inspection and recordkeeping for subsidence, cracks, erosion, establishment of vegetation, gas migration and leachate collection monitoring.

Page 5

- N/A B. The estimated frequency and cost of repairing any problems discovered.
- N/A C. The cost to monitor the groundwater and leachate (include sample collection and analytical costs). Leachate removal and disposal costs should also be provided, if applicable.
- N/A D. The cost to review groundwater data and assess impacts.
- N/A E. The cost of recordkeeping for all data.
- N/A F. The cost for annual mowing of the site.
- N/A G. The cost to maintain a gas control system.
- N/A H. The cost to certify the end of post-closure care utilizing the post-closure care certification form.
- N/A I. Total cost of the above.
- N/A 20. Based on the cost estimates for closure and, if applicable, post-closure care provided above, attach a new/revised financial assurance document for these costs. **Use ORIGINAL Agency forms.**
- N/A 21. If providing trust funds, submit a current status report, including any calculations for annual reports.

JLM:bjh\002821i.doc



### **Closure Plan**

Closure activities will be initiated within 30 days of the declaration of the acceptance of the last load of waste, or within 30 days of notification of closure, whichever is less. Materials will not be accepted at the facility after either of the two above mentioned activities. Access gates will be secured and signs will be posted which indicate that the facility is closed and is no longer accepting or processing material.

#### *Waste/Recyclable Commodities Removal*

Under the unlikely circumstance that the facility would require an immediate, premature closure in the midst of an operating day, it is possible that both processed and unprocessed wastes and recyclable commodities may require transfer and final disposal from the facility. Therefore, it has been conservatively assumed that a week worth of material receipt may require removal from the facility. Under this unlikely scenario, 750 tons of materials would require transfer and disposal from the facility.

#### *Equipment Cleaning*

After waste materials have been removed from the facility, all equipment will be thoroughly cleaned.

#### *Equipment Removal*

After the proposed transfer station has been cleaned, the front-end wheel loader, processing screens and conveyors, and any other on-site equipment will be removed from the facility for beneficial reuse or resale.

#### *Cost Estimate*

The final closure cost is estimated at \$40,500. This estimate includes removal and disposal of 750 tons of waste and recyclable commodity removal, equipment removal, site cleaning and closure certification. As previously stated, under routine closure conditions, no materials would be required to be removed from the proposed facility.

<b>CLOSURE COST ESTIMATE</b>			
<b>Activity</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Actual Cost</b>
Processed Shingle Removal	750 tons	\$ 30/ton	\$ 22,500
Equipment Removal	120 hours	\$ 60/hour	\$ 7,200
Site Cleaning	80 hours	\$ 60/hour	\$ 4,800
Certification of Closure	1 lump sum	\$6,000	\$ 6,000
<b>TOTAL</b>			<b>\$ 40,500</b>





"Allen, Douglas"  
<Douglas.Allen@shawgrp.com>  
03/14/2011 01:55 PM

To "eschmitt11@yahoo.com" <eschmitt11@yahoo.com>, greg  
<greg@onesourcerecycling.com>  
cc "chelsten@hinshawlaw.com" <chelsten@hinshawlaw.com>  
bcc

Subject Supplemental Permit Submission

Gentlemen:

I just wanted to give you an update to let you know that the Supplemental Permit Application will be sent to the Agency this evening for am delivery tomorrow, thus complying with our CCA for a March 15<sup>th</sup> submission.

Copies of the application to the Agency will follow to you all.

**Douglas G. Allen**  
Project Engineer  
Commercial, State & Local  
Shaw Environmental & Infrastructure Group  
1607 East Main Street  
St. Charles, Illinois 60174  
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<http://www.shawgrp.com>





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<http://www.shawgrp.com>



Charles F. Helsten/HC07  
10/24/2011 11:48 AM

To "Allen, Douglas" <Douglas.Allen@shawgrp.com>  
cc  
bcc

Subject Re: Supplemental Permit Submission

**CONFIDENTIAL AND PRIVILEGED**

Doug: I never received a copy of this (I have all other relevant documents). Can you shoot it to me?  
Thanks.

Charles F. Helsten  
HINSHAW & CULBERTSON LLP  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389

Phone: 815-490-4906  
Fax: 815-490-4901  
chelsten@hinshawlaw.com

"Allen, Douglas" <Douglas.Allen@shawgrp.com>



"Allen, Douglas"  
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<http://www.shawgrp.com>



## CALL FOR PROPOSALS

IBA 121<sup>st</sup> Annual Conference & Trade Show

JW Marriott Indianapolis

Indianapolis, Indiana

June 19-21, 2012

### APPLICATION FORM

- Proposals must be submitted by Thursday, November 17, 2011.
- Submitting a proposal does not guarantee placement in the educational program. Multiple proposals are permitted but an organization is limited to a single presentation (*if selected*).
- Session length is 60 minutes. All topics will be considered.
- Organization assumes all costs associated with the selected presentation.
- Proposals accepted for presentation entitle the presenter to a complimentary registration to the Conference & Trade Show.
- The speaker selection process is expected to be completed by December 31, 2011, with preference given to IBA members.

### 1. PRESENTER INFORMATION

Name: Jon S. Faletto and Charles F. Helsten

Credentials: Partners

Organization: Hinshaw & Culbertson LLP

Address:

Hinshaw & Culbertson LLP – Peoria Office

416 Main Street – 6th Floor

Peoria, IL 61602

(309) 674-1025

Hinshaw & Culbertson LLP – Rockford Office

100 Park Avenue

Rockford, IL 61105

815-490-4900

E-mail: [ifaletto@hinshawlaw.com](mailto:ifaletto@hinshawlaw.com); [chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)

### 2. MEMBERSHIP STATUS

Is your organization a member of the Illinois Bankers Association?     Yes     No

### 3. SPEAKING HISTORY

Identify your experience in making presentations to groups:

Significant

Moderate

Limited

**Representative Speaking Engagements:**

**Jon S. Faletto**

10/5/11 - "Environmental Issues for Loan Transactions – Key Considerations for Borrowers and Lenders," Law Seminars International, National Tele-Briefing

10/6/10 – "National Standards for Emergency Generators – Opportunities for Legal Challenges," 2010 Annual Conference - Iowa Association of Municipal Utilities, Legislative & Regulatory Sessions, Des Moines, Iowa

1/24/09 – "Environmental Due Diligence for Real Property Transactions," Business Law Seminar – Peoria County Bar Association, Peoria, IL

5/15/08 – "What's New In New Source Review," Illinois State Bar Association, 2008 Environmental Law Conference, Naperville, Illinois, May 2008.

6/15/07 – "Clean Air Act – MACT Update: What to Expect, How to be Prepared," Spring 2007 Conference, Air & Waste Management Association, Plymouth, MI

9/12/06 – "Complying With Environmental Laws," 56th Annual Convention & Trade Show, Illinois Health Care Association, Springfield, IL

**Charles F. Helsten**

INSERT REPRESENTATIVE SPEAKING ENGAGEMENTS

### 4. TARGET AUDIENCE / EDUCATIONAL TRACK

Identify the primary audience to which the proposal applies:

Executives and Senior Management

Bank Directors

### 5. SESSION TITLE

Name of presentation: "Environmental Risks for Lenders – A Refresher for the Economic Downturn"

### 6. SESSION DESCRIPTION

Provide a 75-word narrative that relates the session to trends, issues, or challenges in the banking industry; explains the value of the information; and identifies new/unique applications. Session length will be 60 minutes. Note: If this proposal is accepted for presentation, conference publications will include the following text (subject to editing).

**Risk associated with environmentally impaired collateral has become a significant issue for commercial lenders in the current economy. This presentation provides a refresher on the hard-won lender liability protections included in federal environmental laws and "safe harbor" provisions that define acceptable involvement in the borrower's affairs. Also clarified are the new "due diligence" standards where the collateral is real property; providing liability protection even for known, pre-existing property contamination. Finally, the presentation provides insight on ways to effectively use outside consultants and insurance products to minimize environmental risk.**

## **7. BIOGRAPHICAL INFORMATION**

Provide a brief narrative of speaker's background and professional accomplishments.

### **Jon S. Faletto**

Jon Faletto has more than 30 years of experience practicing in the area of environmental litigation and compliance counseling. He has defended clients against federal and state enforcement actions for alleged violations of environmental standards, and has represented clients in numerous non-enforcement litigation matters and administrative proceedings. Additionally, Mr. Faletto has extensive experience advising clients on the environmental aspects of real estate developments, corporate mergers and insurance coverage.

Early in his legal career, Mr. Faletto was Assistant Regional Counsel for the U.S. Environmental Protection Agency's Region V, where he handled complex remedial actions, enforcement cases, and permitting matters. He also worked as in-house counsel for a multi-national engineering company, where he was responsible for obtaining governmental permits and other approvals to construct and operate new and expanded industrial facilities, principally for electric utilities and independent power producers.

As a former government and in-house lawyer, Mr. Faletto today offers a unique perspective in his representation of clients in commercial transactions, litigation, compliance/permitting projects, and risk counseling. Mr. Faletto is licensed to practice law in Illinois, Missouri, Michigan and Indiana and is admitted to a number of U.S. District Courts and U.S. Courts of Appeals.

### **Charles F. Helsten**

INSERT BIO DATA HERE

**Also, please see attached biographical information provided by Hinshaw & Culbertson LLP for Attorneys Faletto and Helsten.**

**Return by Thursday, November 17, 2011 to:**  
Kevin Klug, AVP Financial Education Services  
Illinois Bankers Association  
524 South Second Street, Suite 600  
Springfield, IL 62701

**E-mail: [kklug@ilbanker.com](mailto:kklug@ilbanker.com)**

**Fax: 217-789-5410**

**Phone: 217-789-9340 or 800-783-2265**



March 30, 2011

Mr. Steve Nightingale  
Permit Manager  
Illinois Environmental Protection Agency  
Bureau of Land, Permit Section  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

**Re: 210040008 – Winnebago County  
Roscoe Transfer Station - Roscoe, IL (Winnebago County)  
Log No. 2011-095  
Response to Agency Comments**

Mr. Nightingale:

On behalf of G&E Eight Series LLC, Shaw Environmental, Inc. is pleased to provide this response to Illinois Environmental Protection Agency (Agency) comments concerning the supplemental permit application for the above referenced site. The permit application was received by the Agency on March 15, 2011. The Agency has requested further additional information/clarification on two issues which were received by Shaw during a telephone conversation with Ms. Sally Springer of the Agency during the week of March 21, 2011. The response is formatted by providing the Agency's paraphrased comment first, followed by the Applicant response. Supporting documentation is attached to the response as necessary.

**Agency Comment:**

*Please describe the procedures by which the Applicant proposes to comply with the requirements of Section 22.38 of the Illinois Environmental Protection Act (Act) concerning the management of general construction and demolition debris recycling occurring at the facility.*

**Applicant Response:**

The Roscoe Transfer Station is established and permitted as a pollution control facility as defined by Section 3.330 (13) of the Act. As such, the conducting of general construction and demolition debris recycling operations at the facility does not rely on adherence to Section 22.38 standards, but, rather, the authority to conduct such operations afforded by Section 3.330, Section 39.2, and other related portions of the Act. The application submitted on March 14<sup>th</sup> identifies the areas of the facility in which general construction and demolition debris recycling activities will take place. Moreover, within the application, the Applicant has adopted the timeframes for material sorting and stockpiling for putrescible and non-putrescible general C &

D materials which are contained within Section 22.38 of the Act. To reiterate, because operations are being conducted within a pollution control facility, the Applicant is not required to comply with the threshold recycling mandates imposed by Section 22.38 of the Act. In that regard, two other submissions previously made by G&E Eight Series to the Agency are instructive, and are included in Attachment 1.

**Agency Comment:**

*The facility closure plan requires an update.*

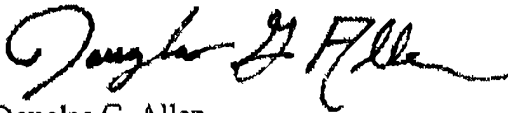
**Applicant Response:**

An updated closure plan, including an update LPC-PA11, is included in Attachment 2.

If you have any questions, or require further clarification, please do not hesitate to contact me at (630) 762-3310.

Sincerely,

**SHAW ENVIRONMENTAL, INC.**



Douglas G. Allen  
Client Program Manager





June 6, 2011

Mr. Steve Nightingale  
Permit Manager  
Illinois Environmental Protection Agency  
Bureau of Land, Permit Section  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

**Re: 210040008 -- Winnebago County  
Roscoe Transfer Station - Roscoe, IL (Winnebago County)  
Log No. 2011-095  
Response #2 to Agency Comments**

Mr. Nightingale:

On behalf of G&E Eight Series LLC, Shaw Environmental, Inc. is pleased to provide this response to Illinois Environmental Protection Agency (Agency) comments concerning the supplemental permit application for the above referenced site. The permit application was received by the Agency on March 15, 2011. The Agency has requested further additional information/clarification on one issue which was received by Shaw by facsimile from Ms. Sally Flynn of the Agency. The response is formatted by providing the Agency's comment first, followed by the Applicant response.

**Agency Comment:**

*The request to store waste on the tipping floor at the end of every operating day is denied. The application provided no justification or specific procedures describing how construction-demolition debris would be stored onsite for more than 24 hours at this facility. Condition A.8 of the current permit specifies that no waste may remain on the tipping floor overnight. The operator has not provided justification nor specific operating procedures to track the time frames that construction-demolition related material is at the facility and insure it is moved offsite in a timely manner so as not to cause open dumping, litter, odor, dust, or vector problems in accordance with 35 IAC Part 807.205 and 807.207.*

**Applicant Response:**

Although the Roscoe Transfer Station is established and permitted as a pollution control facility as defined by Section 3.330 (13) of the Act, the Applicant has unilaterally adopted the timeframes for material sorting, stockpiling and shipment of putrescible and non-putrescible general C & D materials as prescribed within Section 22.38 of the Act. The residence times for the processing and shipment of general C & D materials that will be employed at the facility by

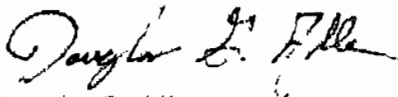
the Applicant are in agreement with Section 22.38 of the Act. The Section 22.38 material residence standards have been routinely applied and permitted by the Agency statewide at facilities which manage general C & D materials. The residence time for the sorting, stockpiling, and shipment of general C& D materials to be employed at the facility are as follows:

- Once tipped, general C & D loads will be segregated into recyclable commodities and stockpiled within 48 hours of receipt in agreement with Section 22.38 guidelines;
- Non-recyclable general construction and demolition debris material will be removed from the facility within 72 hours of receipt;
- All putrescible general construction and debris (such as wood) will be removed from the facility within 45 days of receipt; and
- All non-putrescible materials (such as concrete, asphalt, asphalt shingles, and metals) will be removed from the facility within 6 months of receipt.

As a means of tracking timeframes to demonstrate to the Agency that construction-demolition debris is moved offsite in a timely manner, the Applicant will document that at least once per applicable residence time that the bin/bunker area for a given commodity is completely emptied of that commodity. As an example, the Applicant will document that at least once every 45 days, the bunker of separated wood is completely empty and free of wood. Documentation of when material bunkers are freed of materials will be available for Agency review. It should be noted that, as part of routine operations, that the bunkers will be free of material significantly more often than once per the material residence timeframes expressed within Section 22.38.

Sincerely,

**SHAW ENVIRONMENTAL, INC.**



Douglas G. Allen  
Client Program Manager



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11.010, Chicago, IL 60601 • (312) 814-6226

PAT QUINN, GOVERNOR

217/524-3300

June 17, 2011

Certified Mail  
7009 3410 0002 3808 2568  
7009 3410 0002 3808 2575

**OWNER**  
G & E Eight Series, LLC  
Attn: Edward G. Schmidt, Manager  
13125 N. Second Street-a  
Roscoe, Illinois 61073-8227

**OPERATOR**  
Clean Construction Recycling, LLC  
Attn: George DeMarco, Manager  
13125 N. Second Street-a  
Roscoe, Illinois 61073-8227

Re: 2010400008 - Winnebago County  
Roscoe Transfer Station  
Permit 1982-039-DE/OP  
Supplemental Permit No. 2011-095-SP  
Log No. 2011-095  
Permit Storage/Treatment  
Permit Approval

Dear Mr. Schmidt and Mr. DeMarco:

Permit has been granted to G & E Eight Series, LLC, as owner and Clean Construction Recycling, LLC, as operator, to develop and operate a transfer station to receive municipal waste including construction-demolition debris on a portion of Lot 10, a portion of Lot 11 and all of Lot 12, all in the NW ¼ Section 21, T46N, R2E, 3<sup>rd</sup> P.M., more particularly described previously and also described as 13125 North Second Street, Roscoe, Illinois, all in accordance with the application prepared and signed by Chris Rubak, P.E., signature dated February 25, 2010, and with other previously submitted information. 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, by the permit numbers and log numbers designated in the heading above.

Specifically, Supplemental Permit 2011-095-SP approves the revised operating plan for the facility, including 1) a plan for mechanically removing recyclable materials from municipal solid waste; and 2) a new plan for managing construction-demolition debris and woody landscape waste, all in accordance with the application, as modified by these conditions, said application submitted by Douglas Allen, P.E., of Shaw Environmental, Inc., signature dated March 14, 2011, and received by Illinois EPA on March 15, 2011.

Pursuant to Section 39(a) of the Illinois Environmental Protection Act (Act), this permit is issued subject to the development, operating and reporting requirements for Solid Waste Facilities in 35 Ill. Adm. Code, Part 807, the standard conditions attached hereto, and the following special

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conditions. In case of conflict between the permit application and these conditions (both standard and special), the conditions of this permit shall govern.

The application for Log 2011-095 consists of the following documents:

<u>DOCUMENT</u>	<u>DATED</u>	<u>DATE RECEIVED</u>
Original Application	March 14, 2011	March 15, 2011
Additional Information	March 30, 2011	March 31, 2011
Additional Information	June 6, 2011	June 8, 2011
Additional Information	June 7, 2011	June 8, 2011

Except as noted below, the special conditions of this permit are identical in substance to the special conditions of Permit 2010-078-SP, issued May 17, 2010.

<u>Condition in 2010-078-SP</u>	<u>Condition in 2011-095-SP</u>	<u>Description</u>
A.6	A.6	Revised operating hours.
NA	B.1-34	New conditions.
B.1	C.1	Revised wording.
B.2-15	C.2-15	Renumbered.
C.1	D.1	Revised wording, renumbered.
C.2-5	D.2-5	Renumbered.

A. DEVELOPMENT AND OPERATION

1. This permit approves the development, operating and maintenance of a pollution control facility to receive and transfer municipal waste, recyclable materials, general construction-demolition debris and landscape waste, and approves plans for a used oil collection center. The used oil collection center is not in use at this time. The revised site plan and operating plan submitted with Application Log No. 2011-095 is approved, as modified by these conditions. Installation and operation of a compactor in each of the two loading bays is approved in

accordance with Application Log No. 2006-488. Use of either open top loading or loading with a compactor is approved for each loading bay.

2. 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).
3. The operator 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. The operator shall notify the Illinois EPA of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. 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. Site surface drainage, during development, during operation and after the site is closed, shall be such that no adverse effects are encountered by adjacent property owners.
5. The best available technology (mufflers, berms and other sound shielding devices) shall be employed to minimize equipment noise impacts on property adjacent to the site during both development, operation and after the site is closed.
6. The facility may receive waste during the hours of 4:00 a.m. to 10:00 p.m., except for Sundays and legal holidays. If the facility is operated past sunset, adequate lighting shall be provided.
7. 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(s), times and reason the site was open shall be made a part of the operating record for the site. The IEPA-FOS Rockford Regional Office (phone 815/987-7760) or Emergency Response Center (217/782-3637) must be notified and must grant approval each day that the operating hours need to be extended.
8. At the end of each day of operation, all loose waste shall be removed from the tipping floor. The tipping floor shall be swept to remove all loose waste. At the end of the operating day, no ponded liquid may remain on the tipping floor. Waste may be left at the site overnight, however, it shall be in a covered container or waste collection vehicle. In accordance with Application Log No. 2004-403, waste may be stored in covered and/or closed containers for 30 hours on consecutive working days and 54 hours on weekends and legal holidays.

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Recyclable materials segregated from municipal waste shall be removed from the tipping floor at least every 48 hours.

9. A vector control specialist shall inspect the transfer station building at least quarterly. If necessary, vector control measures shall be taken.
10. Management of Unauthorized Waste
  - a. Landscape waste found to be mixed with municipal waste shall be removed the same day and transported to a facility that is operating in accordance with the Illinois Environmental Protection Act (Act), Title V, Sections 21 and 39 [415 ILCS 5/21 and 39].
  - b. Lead-acid batteries mixed with municipal waste will be removed the same day and transported either to a drop-off center handling such waste, or to a lead-acid battery retailer.
  - c. Special wastes including hazardous waste, non-hazardous special waste, and potentially infectious medical waste mixed with municipal waste shall be containerized separately and removed as soon as possible by a licensed special waste hauler. Special wastes shall be transported to a licensed special waste management facility that has obtained authorization to accept such waste. The operator shall maintain a contract with haulers so that the immediate removal is ensured. The operator shall develop an emergency response/action plan for such occurrences.
  - d. Asbestos debris from construction-demolition shall be managed in accordance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS) regulations.
  - e. Tires found to be mixed with municipal waste shall be removed and managed in accordance with Section 55 of the Act [415 ILCS 5/55].
  - f. White good components mixed with municipal waste shall be removed and managed in accordance with Section 22.28 of the Act [415 ILCS 5/22.28].
  - g. No person may knowingly mix liquid used oil with any municipal waste that is intended for collection and disposal at a landfill.
  - h. After the unauthorized waste has been removed from the transfer station, a thorough cleanup of the affected area will be made according to the type

of unauthorized waste managed. Records shall be kept for three years and will be made available to the IEPA-BOL upon request.

11. The operator shall maintain a contingency plan that allows for the correct management of leaky containers. This plan must include, but is not limited to shipping and handling damaged containers first. Containers that are not open to the atmosphere and therefore minimize leachate generation must be utilized.
12. The operator of the transfer station shall not accept, receive, store or transfer special waste.
13. Clean, corrugated cardboard and paper, and glass, metal and plastic containers may be accepted for recycling. Recyclable materials segregated from municipal waste shall be removed from the storage areas on the tipping floor at least every 48 hours.
14. All litter shall be collected from the transfer station and grounds and properly managed at the end of each operating day.
15. Fire safety equipment shall be maintained in accordance with recommended practice.
16. Issuance of this permit does not relieve the operator of the referenced facility from any liability or responsibility to remediate any groundwater contamination, which may have been caused by operation of the floor drains (formerly in the transfer station tipping floor) or other unit or area of the facility.
17. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to the Illinois EPA.
18. Landscape waste left onsite overnight may be stored overnight, weekends and legal holidays only in covered roll-off containers. The rolloff containers shall be transported to an Illinois EPA approved landscape waste processing facility. The maximum time that landscape waste may be stored onsite is 72 hours. Odorous loads shall be removed the same day they are received.
19. The facility shall be operated to prevent odors from leaving the facility.
20. The operator is not required to operate a video camera at the transfer station.
21. The operator shall store white goods in covered containers outside away from traffic patterns in accordance with Application Log No. 2004-148.

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22. The operator shall store tires in a manner that prevents accumulation of water. No more than 250 tires may be stored at any time.
23. The operator shall submit a new 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 above began employment with the operator. Forms are available at our website @ <http://www.epa.state.il.us/land/regulatory-programs/permits-and-management/forms/index.html#solid-waste-forms>.

The 39i certification and supporting documentation shall be submitted to the address specified below:

Illinois EPA, BOL #33-39i Certification  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276



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B. MANAGEMENT OF CONSTRUCTION-DEMOLITION DEBRIS AND LANDSCAPE WASTE

1. The operator shall not cause or allow the modification to the design or operation of this facility or accept any type of waste or debris for recycling except as authorized in a permit issued by the Illinois EPA. Storage and processing of construction-demolition debris and sorted construction-demolition debris is limited to only those areas defined on Plan Sheet D4 of Application Log 2011-095, received March 15, 2011.
2. This permit does not authorize land application of any material received or processed at this facility.
3. The facility shall be designed, constructed, maintained and operated with roads and traffic flow patterns adequate for the volume, type and weight of traffic using the facility including, but not limited to, 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 waste hauling vehicles.
4. The operator shall provide adequate parking for all vehicles and equipment used at the facility and as necessary for queued hauling vehicles.
5. Roadways and parking areas on the facility premises shall be designed, constructed, maintained and operated for use in all weather considering the volume, type and weight of traffic and equipment at the facility.
6. The facility shall be designed, constructed, maintained and operated so that site surface drainage will be diverted around or away from the recycling and management 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.
7. 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, debris or constituents thereof, fuel, oil or other residues to soil, surface water or groundwater.
8. The facility including, but not limited to, all structures, roads, parking and recycling areas, shall be designed, constructed, maintained and operated to prevent malodors, noise, vibrations, dust and exhaust from creating a nuisance or health hazard during development, operation and 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.

9. The facility shall be designed, constructed, maintained and operated 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 debris does not become wind strewn and that no other provisions of the Act are violated.
10. 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). 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).
11. The facility shall be designed, constructed, maintained and operated 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.
12. The facility shall be designed, constructed, maintained and operated with exterior and interior lighting for roadways, and waste handling areas adequate to perform safely and effectively all necessary activities.
13. The facility shall be designed, constructed, maintained and operated with truck wheel curbs, guard rails, bumpers, posts or equivalents to prevent backing into fuel storage tanks, equipment, and other structures.
14. The facility shall be designed, constructed, maintained and operated with adequate shelter, sanitary facilities, and emergency communications for employees.
15. The facility operator shall install and maintain fences and gates, as necessary to limit entry. Except during operating hours, the gates shall be securely locked to prevent unauthorized entry.
16. The facility may receive construction-demolition debris at the site from 4:00 a.m. to 10:00 p.m., Monday through Saturday. When the facility is operated before sunrise or after sunset, adequate lighting shall be provided. 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 Regional Office responsible for inspection of this facility or Emergency Response Center must be notified and must grant approval each day that the operating hours need to be extended.

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17. Fire safety equipment (fire extinguishers) shall be maintained in accordance with recommended practice.
18. Non recyclable waste may be left at the site overnight, however, it shall be in a covered container or waste collection vehicle.
19. Piles of general construction or demolition debris shall be covered or wetted to prevent air-borne dust, as necessary.
20. The facility shall be designed, constructed, maintained and operated to prevent unauthorized access to recycling areas, storage areas for unauthorized wastes, salvaged and recycled materials, and staging areas where loaded site equipment or vehicles may be parked. Facility features such as fences and gates shall be provided.
21. Waste and debris handling areas shall be designed, constructed, maintained and operated to prevent exposure of wastes and recyclable materials to run-on and flooding.
22. The sorting areas shall be properly graded and compacted and regraded as necessary to prevent ponding from forming leachate during storms.
23. 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.
24. The operator shall, within 48 hours of receipt of the general construction or demolition debris at the facility, sort the general construction or demolition debris. The operator shall separate the recyclable general construction or demolition debris from non-recyclable general construction or demolition debris and dispose of the non-recyclable general construction or demolition debris, at a permitted facility.
25. The operator must place wood, tires, and other unacceptable materials in covered dumpsters or vehicles adequate to prevent the release of leachate.
26. The operator must separate and place all non-recyclable general construction or demolition debris and unacceptable materials in covered dumpsters. The operator shall transport all non-recyclable general construction or demolition debris, and unacceptable material offsite for disposal at a permitted facility in accordance with all applicable federal, State, and local requirements within 72 hours of its receipt at the facility.
27. For each operating day, the operator shall limit the percentage of incoming non-recyclable general construction/demolition debris to 25% or less of the total incoming general construction/demolition debris, as calculated on a daily basis.

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28. The operator shall transport all non-putrescible recyclable general construction or demolition debris for recycling or disposal within 6 months of its receipt at the facility.
29. Within 45 days of its receipt at the facility the operator must separate and place all putrescible or combustibile recyclable general construction or demolition debris in covered dumpsters for recycling or disposal, and transport offsite.
30. The operator shall employ tagging and record keeping procedures to (i) demonstrate compliance with the volumes and timeframe established in this permit, and (ii) identify the source and transporter of material accepted by the facility.
31. The operator shall use load tickets to control the site activities and comply with the tagging and record keeping procedures in condition 30 above. These load tickets shall identify the source of the material delivered to the site. The operator shall use these tickets to identify the location in the yard or in the covered dumpsters and the length of time stored at the site to achieve compliance.
32. The operator is prohibited from receiving hazardous- and asbestos-containing materials.
33. The operator may separate clean concrete, and clean soil from the general construction or demolition debris as recyclable materials for use in construction. The operator is permitted to store these recyclable materials for a maximum period of 45 days.
34. The operator may store the steel separated from concrete and other construction or demolition debris for a maximum period of 6 months. After six months, the steel must be sent offsite for disposal or recycling.

C. USED OIL COLLECTION CENTER

1. The development and operating plans for the used oil collection center remains approved. The container storage area may be used for storing used oil from household do-it yourselfers as defined in 35 Ill. Adm. Code 739.100.
2. The operator shall notify the Illinois EPA in writing within 15 days before operation that the development of the used oil collection center has been completed in accordance with Permit Application Log No. 1994-195 before a pre-operation site inspection can be conducted or an operating permit issued, authorizing operation of the used oil collection center. The used oil collection center is not operating at the time of issuance of Permit No. 2011-089-SP.
3. Used oil shall be stored in containers that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking. Storage shall be conducted in accordance with the requirements of 35 Ill. Adm. Code 724 and 725.

4. All containers used to store used oil must be stored in watertight secondary containment designed to prevent any used oil released to the containment system from migrating to the soil, groundwater or surface water.
5. Containers for storage of used oil shall be labeled or clearly marked with the words "Used Oil."
6. All containers of used oil shall be packaged, labeled and placarded in accordance with the requirements of 49 CFR 173, 178 and 179 when transported off-site.
7. The operator is prohibited from storing used oil for more than 35 days.
8. All used oil is subject to the rebuttal presumption in 35 Ill. Adm. Code 739.110(b). Therefore, the operator must determine whether the total halogen content of the used oil being transported off-site is above or below 1000 ppm. Used oil that contains total halogens above 1000 ppm must be further analyzed using SW846 methods to demonstrate that none of the solvents identified as F001 or F002 in 35 Ill. Adm. Code 721.133 are present. Alternatively, the oil must be transported off-site as hazardous waste.
9. The operator is prohibited from accepting oily wastewater. Oily wastewater is any oil/water mixture containing less than 50% used oil.
10. The names of emergency response entities shall be clearly posted near the used oil collection area. These entities include the fire department, police, ambulance service, the emergency response contractor and Illinois EPA Emergency Response Center (telephone 217/782-3637).
11. All spills of used oil shall be cleaned up immediately. In the event a spill of used oil occurs that cannot be cleaned up immediately, the operator shall notify the Illinois EPA Emergency Response Center (telephone 217/782-3637).
12. Used oil transported off-site shall be transported by an Illinois licensed special waste hauler using the Illinois EPA's special waste stream permit and manifest system.
13. Fire safety equipment (fire extinguishers) shall be maintained at the used oil storage area in accordance with recommended practice.
14. Containers of used oil shall not be stacked.
15. No more than 100 gallons of used oil shall be stored in the used oil storage area at any time.

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D CLOSURE PLAN

1. The revised facility closure plan and closure cost estimate submitted to the Illinois EPA in Application Log No. 2011-095 is approved in accordance with 35 Ill. Adm. Code, Part 807. The cost estimate for closure is \$40,500.00. Financial assurance is not required for a transfer station. The temporary closure plan in Log 2007-504 remains approved. The operator shall notify the Illinois EPA, BOL Permit Section in writing prior to the following occurrences at this facility:

Initiation of temporary closure, upon completion of temporary closure activities;

Return to operation, within 30 days prior to resuming operations; and

Permanent closure, upon initiation of closure activities.

2. The operator shall not file any application to modify the closure plan less than 180 days prior to the receipt of the final volume of waste.
3. The operator shall initiate implementation of the closure plan within 30 days after the site receives the final volume of waste.
4. The operator shall notify the Illinois EPA within 30 days after receiving the final volume of waste.
5. Upon completion of closure activities, the operator shall notify the Illinois EPA that the facility 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," available at <http://www.epa.state.il.us/land/regulatory-programs/permits-and-management/forms/index/html#solid-waste-forms>.

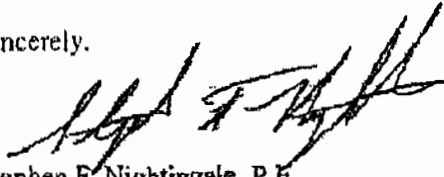
Within 35 days of the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not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

Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This permit does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with

Page 13

them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Sincerely,



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

SFN:<sup>40</sup>S:bjh\111993s.doc  
Ses

Attachment: Standard Conditions

cc: Douglas Allen, P.E., Shaw Environmental, Inc.

bcc: Bureau File  
Rockford Region  
Sallie Flynn

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

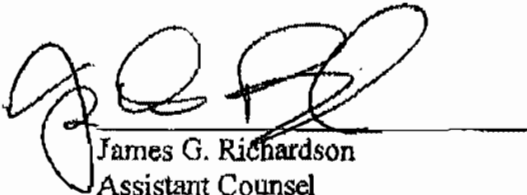
**CERTIFICATE OF SERVICE**

I, the undersigned attorney at law, hereby certify that on July 22, 2011 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

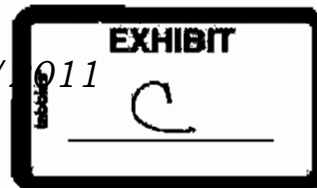
Charles Helsten  
Hinshaw & Culbertson LLP  
100 Park Avenue, P.O. Box 1389  
Rockford, Illinois 61105-1389

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson  
Assistant 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)

**HINSHAW**



**ATTORNEYS AT LAW**  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389

T 815-490-4900  
F 815-490-4901  
www.hinshawlaw.com

July 13, 2011

**VIA FACSIMILE, E-MAIL AND REGULAR U.S. MAIL**

Mr. Stephen F. Nightingale, P.E.  
Manager, Permit Section  
Bureau of Land  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: 2010400008 - Winnebago County Roscoe Transfer Station  
Permit 1982-039-DE/OP  
Supplemental Permit No. 2011-095-SP  
Log No. 2011-095  
Permit Storage/Treatment  
Permit Approval

Dear Mr. Nightingale:

Please let this serve as a follow-up response/comment concerning the permit issued for the above-mentioned facility. More specifically, the permit at page 9 Section B(27) provides that for each operating day, the operator shall limit the percentage of incoming-non-recyclable general/construction demolition debris to 25% or less of the total incoming construction/demolition debris, as calculated on a daily basis.

It should be remembered that the facility in question is a "pollution control facility" as defined by the Act. As such, its ability to receive and process certain types and quantities of material are not governed by Section 22.38 of the Act, but, rather, by the terms and conditions of the site location approval which was originally granted for this facility. As you know, no conditions were placed upon the percentage of incoming, non-recyclable general construction or demolition debris at the time the facility received siting approval.

The owner and operator's position in this regard was made clear in correspondence that accompanied permit applications that were submitted by Shaw Environmental on behalf of the facility within the past year.

Mr. Stephen F. Nightingale, P.E.

July 13, 2011

Page 2


Put a different way, in those submissions the owner and operator of this facility made clear that while its ability to accept certain types and percentages of incoming material were governed not by Section 22.38 but, rather, by the terms and conditions of the siting approval the facility originally received, and, while the facility could not/would not accept any limitations on the percentage of incoming non-recyclable general construction or demolition debris (as compared to total incoming general construction or demolition debris), it was willing to accept all other pertinent portions of Section 22.38 as permit conditions simply as part of its operating plan and operating practice going forward.

As such, and in summary, and further given the fact that the owner/operator of the facility made this premise clear at the time it submitted its underlying supplemental permit application(s), we hope and trust that inclusion of Section B(27) on page 9 of the permit issued for this facility on or about June 17, 2011 is a clerical oversight, and that the Agency will either expressly delete this provision or confirm that it is not operative in the case of this particular facility. However, as we are fast approaching the applicants deadline for appealing this condition to the Illinois Pollution Control Board, in the event we cannot come to a consensus on this matter, by this letter, I am also requesting that IEPA extend the normal thirty-five (35) day period for petitioning for a hearing before the Illinois Pollution Control Board for a period not to exceed ninety (90) days. Please let me know as soon as possible if the Agency will agree to submit such joint written notice to the Illinois Pollution Control Board.

In the interim, should you have any further questions, do not hesitate to contact me.

Sincerely,

HINSHAW & CULBERTSON LLP



Charles F. Helsten  
815-490-4906  
chelsten@hinshawlaw.com

CFH:jl



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CLEAN CONSTRUCTION & RECYCLING, )  
LLC, and G & E EIGHT SERIES, LLC, )  
Petitioners, )

v. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Respondent. )

PCB 12-  
(Permit Appeal - Land)  
(90-Day Extension)


**NOTICE**

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

Charles Helsten  
Hinshaw & Culbertson LLP  
100 Park Avenue, P.O. Box 1389  
Rockford, Illinois 61105-1389

PLEASE TAKE NOTICE that I have today caused to be filed a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

  
James G. Richardson  
Assistant Counsel

Dated: July 22, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CLEAN CONSTRUCTION & RECYCLING,	)	
LLC, and G & E EIGHT SERIES, LLC,	)	
Petitioners,	)	
	)	
v.	)	PCB No. 12-
	)	(Permit Appeal – Land)
	)	(90-Day Extension)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to October 25, 2011, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On June 17, 2011, the Illinois EPA issued a final decision to the Petitioners.
2. On July 13, 2011, the Petitioners made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days.

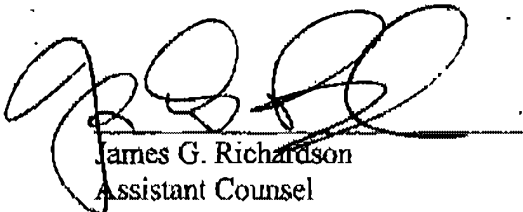
Upon information and belief the Petitioners did receive the final decision on or about June 22, 2011.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson  
Assistant Counsel

Dated: July 22, 2011

1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**



ILLINOIS POLLUTION CONTROL BOARD  
August 4, 2011

CLEAN CONSTRUCTION & RECYCLING, )  
LLC, and G & E EIGHT SERIES, LLC, )

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )

PCB 12-20  
(Permit Appeal - Land)  
(90-Day Extension)

ORDER OF THE BOARD (by G.T. Girard):

On July 25, 2011, the parties timely filed a joint notice to extend the 35-day period within which the Clean Construction & Recycling, LLC, and G & E Eight Series, LLC, (collectively, respondents) may appeal a June 17, 2011 determination of the Illinois Environmental Protection Agency (Agency). The joint notice was timely filed because it was postmarked on or before the filing deadline. See 415 ILCS 5/40(a)(1) (2010); 35 Ill. Adm. Code 101.300(b), 105.206(c), 105.208(a), (c). In the determination, the Agency grants the respondents' permit with special conditions to operate a transfer station to receive municipal waste including construction-demolition debris located at 13125 North Second Street, Roscoe, Winnebago County.

The Board extends the appeal period until October 25, 2011, as the parties request. See 415 ILCS 5/40(a)(1) (2010); 35 Ill. Adm. Code 105.208(a). If the respondents fail to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 4, 2011, by a vote of 5-0.

John Therriault, Assistant Clerk  
Illinois Pollution Control Board