

RECEIVED
CLERK'S OFFICE

DEC 22 2011

STATE OF ILLINOIS
Pollution Control Board

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STATE OF ILLINOIS
Pollution Control Board
12-19-2011

I.P.C.B,

**This letter is public comment on R 12-11
(Rulemaking-Procedural)**

**Specifically the lack of public notice requirements
on request to exceed agronomic rates.**

ORIGINAL

**In a recent request AS 12-2 (Terrona Farms) in
the "order of the board" under "certificate of
publication" it states; "Section 28.1(d)(1) of the
environmental protection act (415 ILCS 5/28.1 (2010)
and section 104.408(a) of the board's procedural rules
(35 Ill. Adm. Code 104.408(a)) require the adjusted
standard petitioner to publish a notice of filing of the
petition by advertisement in a newspaper of general
circulation in the area likely to be affected by the
proposed adjusted standard. Publication must take
place within 14 days after the petition is filed. See 415
ILCS."**

**On something like an annual application of 12" of
rotting landscape waste on 80 acer's that will stink for
miles whatever way the wind blows. Leachate run off
in all waterways, ground water contamination , lower
property values, truck traffic , litter and nuisance.**

**This is not much public notice for effected
residence and property owners to have there voice
heard prior to ruling , here is why. First off what if you
don't read any newspaper let alone all the newspapers,**

and with phrases such as “likely to be affected” this is non specific language. Look at the example (next page) this small ad buried in the classified met the law in April of 1991 for composting permits “general circulation newspaper” despite the fact this paper is from a town 20 miles away from the site; The Daily Journal of Kankakee, even though there is a well circular paper 1 1/2 miles away “The Peotone Vedette”.

This was an attempt to meet the law with minimum publicity leaving affected residents and property owners in the dark.

The time requirement does not leave much time for the community’s to respond to an application if need be. Example: You received AS12-2 on 9/9/2011 and issued an order on 10/20/11 that’s 41 days, subtract 14 days after petitions filing this only leaves 27 days. In the village of peotone for example, they have a meeting of the whole last Monday of month. All village officials are present and they accept public comment from the general public at that time, this is approx every 30 days. More time is needed to request and attend a hearing if necessary . Residence and effected property owners should have ample time to voice there concerns, especially on something that can drastically affect quality of life for miles away. Rock solid notification should be adopted. The enclosed petition

IN APRIL OF 1991 THIS SMALL AD IN A
 PAPER 20 MILES AWAY MET THE LAW
 FOR PUBLIC NOTICE FOR A COMPOSTING PERMIT
 KANKAKEE PAPER
 PEOTONE SITE

24,900 - 13 WEEKS
 19,500 13 WEEKS
 M-F SUN
 1.85
 1400 WEEK

937-3340

The Daily Journal, Kankakee, Ill., Friday, April 5, 1991 15

... & Baron
 Reg. Nos. 0600334/2415917/0018540
 Attorneys for plaintiff
 555 South Schuyler Avenue
 P. O. Box 693
 Kankakee, Illinois 60901
 (815) 939-7373

(C) The legal description of the real estate is:
 Lot Ten (10), block Eight (8), Hillcrest Subdivision, First Addition, being a part of the Northwest Quarter (NW¼) of Section Three (3), Township Thirty (30) North, Range Thirteen (13) West of the Second Principal Meridian, in Kankakee County, Illinois, according to plat recorded August 15, 1956, in Book F, page 313.

(D) The description of the improvements on the real estate is: One-story, single-family residence with detached garage.

(E) The times when the real estate may be inspected prior to sale are: by making reasonable arrangements with the person identified in Paragraph (A) of this notice.

(F) The time and place of the sale are: 10:00 a.m. on Wednesday, April 17, 1991, immediately within the north door of the Kankakee County Courthouse, 450 East Court Street, Kankakee, Illinois.

(G) The terms of the sale are: cash.

(H) Other sale information is: title to the real estate will be subject at the sale to the following: general real estate taxes and any special assessments for 1990 and subsequent years; any building setback lines; any easements as platted, otherwise of record, or apparent; rights-of-way for roads and drainage; and any covenants and restrictions of record. The sale is subject to court confirmation.

Dated: March 19, 1991
 CHAMPION FEDERAL SAVINGS AND LOAN ASSOCIATION, plaintiff
 By: Gregory A. Deck of Petersen, Deck, Ruch & Baron, its attorneys
 Petersen, Deck, Ruch & Baron
 Reg. Nos. 0600334/2415917/0018540
 Attorneys for plaintiff
 555 South Schuyler Avenue
 P. O. Box 693
 Kankakee, Illinois 60901
 (815) 939-7373

& Baron
 Reg. Nos. 0600334/2415917/0018540
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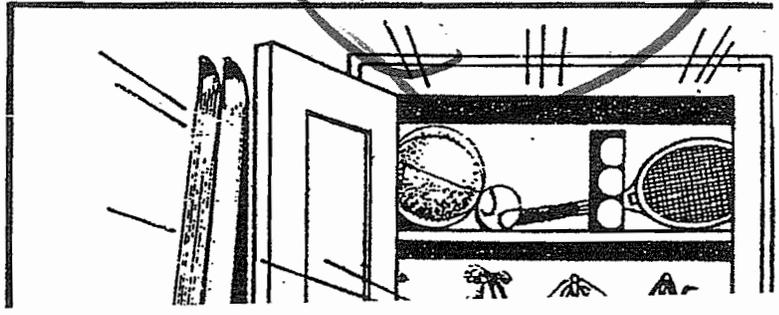
IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT KANKAKEE COUNTY, ILLINOIS IN PROBATE IN THE MATTER OF THE ESTATE OF NELDA WILSON, DECEASED

NO.: 91-P-81
 CLAIM NOTICE

Notice is given of the death of Nelda Wilson of Kankakee, Illinois. Letters of Office were issued to James P. Horchem, Sr., Independent executor, 830 Gramercy Turn, Bourbonnais, Illinois 60914, whose attorneys are Petersen, Deck, Ruch & Baron, 555 South Schuyler Avenue, Kankakee, Illinois 60901. Claims may be filed on or before September 23, 1991, and any claim not filed on or before that date is barred. Claims may be filed either with the Independent executor or in the Office of the Clerk of this Court at the Kankakee County Courthouse, 450 East Court Street, Kankakee, Illinois 60901, or both. If filed with the Clerk of this Court, within 10 days after filing, a copy of the claim shall be mailed or delivered to the Independent executor and to his attorneys.

DATED: March 19, 1991
 JAMES P. HORCHEM, SR.
 Independent Executor of the will of Nelda Wilson, deceased

NOTICE
 Illinois Native Nursery
 Bob DiCola
 8452 W. Joliet Rd.
 Peotone, IL 60468
 Site #197075007
 Is applying with the Illinois Environmental Protection Agency for a permit to develop and operate a composting facility for landscape waste.



addresses this; Certified or Registered Mail A must. (Similar to many zoning ordinances.)

In 1990-91 our local community had a real problem with Robert DiCola/IL native nursery. Which is still owned by Dicola run by his manager Jim Kerwin now called Terrona Farms. Back then Robert DiCola was running a so called farming/composting operation under the farmer exception. This resulted in the new laws being created. House bill 2250 became effective 11-17-91 establishment of “Agronomic Rates” 20 tons per acre per year, composting on no more than 2% of total acreage and incorporated into soil within 18 months. (Enclosed is a copy of the original bill pages 8 and 9 of H B 2250 lines 320,337,355,356 and 357.)

The notification laws for composting were also tighten as follows: (Senate Bill 1702) became effective after December 31, 1990 which requires an applicant has given notice thereof (1) in person or by mail to the members of the General Assembly from the legislative district in which the proposed facility is to be located, (2) by registered or certified mail to the owners of all real property located within 250 feet of the site of the proposed facility (determined as provided in subsection (b) of section 39.2 of Act). And (3) to the general public by publication in a newspaper of general circulation in the county in which the proposed facility is to be located.

Unfortunately they did not foresee exceeding agronomic rates a problem. Now you have the very same person/organization that was a large part of the reason the law on agronomic rates was enacted, asking that the agronomic rate laws not apply to him and his organization.

Please look through all the documentation enclosed, including a court order (91 CH 4099) stating that “the defendant (Robert DiCola) will accept no further landscape waste on the peotone site unless issued a permit by the IL EPA”. Please read the 1990, 91 and 92 Peotone Vedette articles and you will see the communities concerns on this subject.

On Terrona Farms last application AS 12-2 Sept. 9th 2011 many of us if not all were not informed of the application until after the board made a decision on 10/20/11. Thankfully the board denied the application.

Make no mistake this is about collecting dumping fees not organic farming. The going rate on 100 yard trucks, (which also hauls garbage and god only knows what else.) Is approximately \$200.00.

1000 trucks x \$200.00 = \$200,000.00 this is the motivation to exceed agronomic rates.

This is why these citizens signed the following petition. The majority of signatures are property owners within 1 ½ miles of Terrona Farms which is owned by Robert DiCola who formally called it Illinois

native nursery.

The citizens here do not want to relive the nightmare of 20 years ago.

Please enact a rule that requires certified or registered mail to the owners of all real property located within 250 feet of the boundary's of the proposed site and the 10 nearest residences within 1 ½ miles of the boundary's of the proposed site.

Thank you,

Leonard and Roxanne Saunoris

Leonard and Roxanne Saunoris

8547 W. Joliet Rd. Peotone IL 60468

708-258-6481

Following is the community petition and table of contents for documentation along with documents.

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STATE OF ILLINOIS
Pollution Control Board

Dec. 8, 2011

PETITION

Illinois Pollution control board;

This petition is asking that any application to exceed "agronomic rates" (adjusted standard) give written notice by certified or registered mail to all property owners within 1 ½ mile of boundary's of the site. Or at least match the law for composting facilities. (Owners of all real property located within 250 feet of the site of the facility.) 30 days prior to application date and publication in the nearest paper in general circulation. So affected residents and property owners have time to address concerns and comments, public hearing, etc.

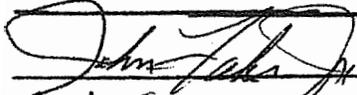
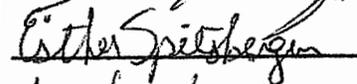
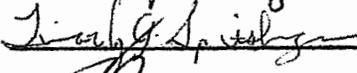
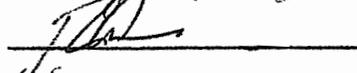
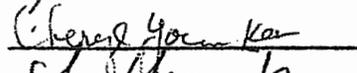
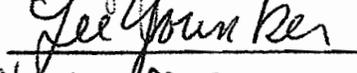
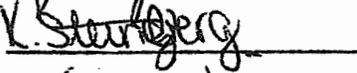
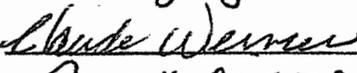
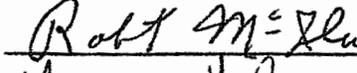
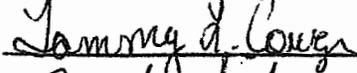
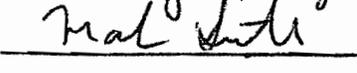
SIG-NATURE	PRINTED NAME	ADDRESS	DATE
<i>Joseph Zarlenko</i>	JOSEPH ZARLENKO	8210 W. JOLIET RD. PEORINE	12-11-11
<i>Leonard Saunoris</i>	LEONARD SAUNORIS	8547 W JOLIET RD PEORINE	12-17-11
<i>Linda Henshaw</i>	Linda Henshaw	8148 W Joliet Rd Peorone	12-11-11
<i>Tim Henshaw</i>	TIM HENSHAW	8148 W JOLIET RD PEORINE	12-11-11
<i>Mark Henshaw</i>	Mark Henshaw	8130 W Joliet Rd, Peoria	12-11-11
<i>Shawn DeYoung</i>	Shawn DeYoung	29309 S 80th Peorone IL	12-11-11
<i>Greg H. Neffler</i>	Greg H. Neffler	7895 W. North Peorone IL	12-11-11
<i>William Quinn</i>	William Quinn	7735 W. W. Peorone Peoria IL	12/11/11
<i>Anne Soucin</i>	Anne Soucin	7710 W. North Peorone Rd IL	12/11/11
<i>Noel C Mireles</i>	Noel C Mireles	7615 N. Peorone Rd PEORINE ILL	12/11/11
<i>Bob Thomas</i>	Bob Thomas	29622 S. JOLIET RD PEORINE ILL.	12/11/11

Dec. 8, 2011

PETITION

Illinois Pollution control board;

This petition is asking that any application to exceed "agronomic rates" (adjusted standard) give written notice by certified or registered mail to all property owners within 1 ½ mile of boundary's of the site. Or at least match the law for composting facilities. (Owners of all real property located within 250 feet of the site of the facility.) 30 days prior to application date and publication in the nearest paper in general circulation. So affected residents and property owners have time to address concerns and comments, public hearing, etc.

SIG-NATURE	PRINTED NAME	ADDRESS	DATE
	John Foksch	30154 S. Joliet Rd	Dec 11, 2011
	Esther Spitsbergen	29741 S. 88th	Dec 11, 2011
	Timothy Spitsbergen	29741 S 88th Ave	Dec 11, 2011
	Randy Carr	9000 W Barr Rd	Dec 11, 2011
	Cheryl Younker	9038 W PARK RD	Dec 11, 2011
	LEE YOUNKER	9038 W. BARR RD PEOTOME	Dec 11, 2011
	KATHY STEINBERG	9338 W. JOLIET RD	DEC 17, 2011
	CLAUDE WERNER	9441 W. JOLIET RD	DEC 17, 2011
	ROBT MELWEE	29331 CENTER RD	DEC-17-2011
	Tammy L. Couger	29232 S. Center Rd, Peotome	Dec. 17, 2011
	Mark Smith	9240 W Eagle Lake Peotome	Dec 17, 2011

Dec. 8, 2011

PETITION

Illinois Pollution control board;

This petition is asking that any application to exceed "agronomic rates" (adjusted standard) give written notice by certified or registered mail to all property owners within 1 1/2 mile of boundary's of the site. Or at least match the law for composting facilities.(Owners of all real property located within 250 feet of the site of the facility.) 30 days prior to application date and publication in the nearest paper in general circulation. So affected residents and property owners have time to address concerns and comments, public hearing, etc.

SIGNATURE	PRINTED NAME	ADDRESS	DATE
<i>[Handwritten Signature]</i>	KATHLEEN HAVVATH	8760 W. Eagle Lake Rd Peotone IL	12-17-11
<i>[Handwritten Signature]</i>	MARY ANDREWS	8028 W. Eagle Lake Rd Peotone IL	12/17/11
<i>[Handwritten Signature]</i>	MICHAEL TATTERSALL	28650 S. 80 TH AVE PEOTONE IL	12/17/11
<i>[Handwritten Signature]</i>	KEITH YUNKER	7820 W. EAGLE LAKE RD ^{Peotone} IL	12/17/11
<i>[Handwritten Signature]</i>	LAVERNE FRIEDNER	29285 S 80 TH PEOTONE IL	12/17/11
<i>[Handwritten Signature]</i>	Matt Ringhofer	7350 W. North Peotone Rd	12/17/11
<i>[Handwritten Signature]</i>	Janet Wilke	7130 W. North Peotone R	12/17/11
<i>[Handwritten Signature]</i>	Lythe Wilke	7130 W. N. Peotone Rd	12/17/11
<i>[Handwritten Signature]</i>	Jamie Tadsen	9015 W. Chiffet Rd. Peotone IL	12/18/2011
<i>[Handwritten Signature]</i>	JOHN WATKINS	9008 W JOLIETTA, PEOTONE IL	12/18/2011
<i>[Handwritten Signature]</i>	Loretta Stewart	8707 W. Eagle Lake Rd	12/18,

Illinois

This petition
exceed "agricultural
written notice
property owner
site. Or at least
facilities. (Or
250 feet of the
application
in general
property owner
comments, p

SIG-NATURE	P
<i>Justin A. Volk</i>	T
<i>Brotherhood of St. Andrew</i>	B
<i>Mike Nelson</i>	M
<i>Stephanie Elzy</i>	St
<i>Luca Elzy</i>	L
<i>Randy Nelson</i>	R
<i>Janice Nelson</i>	J
<i>Regina Nelson</i>	R
<i>Greg Elzy</i>	G
<i>Michael Elzy</i>	M
<i>Robina Nelson</i>	R

Dec. 8, 2011

PETITION

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SIG-NATURE	PRINTED NAME	ADDRESS	DATE
	Tabitha Page	11727 Barr Rd. Peotone	12/11/11
	Brittney Bostwick	P.O. Box 580 Peotone	12/11/11
	Michael Neighbors	P.O. Box 580 Peotone IL	12/11/11
	Stephanie Glazik	2468 W. Rt 17 Kankakee IL	12/11/11
	Lucas Glazik	2468 W. Rt. 17 Kankakee IL	12/11/11
	Rachel Niforos	11765 W. Barr Rd. Peotone, IL	12-11-11
	Dominic Corsi	416 NORTH WEST ST Peotone, IL	12/11/11
	Regina Niforos	11765 W. Barr Rd Peotone IL	12/11/11
	Larry Page	11727 W. Barr Rd Peotone IL	12/11/11
	RACHEL Page	11727 W. Barr Rd Peotone IL	12/11/11
	Robina Neighbors	P.O. Box 580 Peotone, IL	12/11/11

Table of contents

Terrona Farms/IL Native Nursery: SAME PROPERTY

Location of property

Court order (91 CH 4099) Oct. 22nd 1991

Will county sheriff's report Aug. 10th 1990

Will county land use violation letter Aug. 19th 1990

Will county states attorney's violation letter Oct. 30th 1990

Attorney's letter claiming farming exemption Nov. 6th 1990

Composting permit denial Dec. 31st 1990 (Including new notification laws)

EPA letter to will county land use department Feb. 15th 1991

Circuit court complaint for injunction and other relief (83 pages)

Composting permit denial Oct. 6th 1992

EPA letter with new notification laws Oct. 6th 1992

Peotone Vedette newspaper articles Aug. 29th 1990, Sept. 5th 1990, Aug. 21st 1991, April 22nd 1992

Original copy of house bill 2250 page 8 and 9 from REP. Regan's office. Effective Nov. 17th 1991

Son's letter to EPA Nov. 26th 2010

Village of Peotone letter opposed to variance Dec. 6th 2010

Peotone Vedette article Dec. 9th 2010

Roxanne's Saunoris letter to EPA Dec. 18th 2011

Will county board member letter opposing variance Dec. 24th 2010

Peotone township board letter (May 27th 2011) to will county land use requesting Terrona Farms comply with court order and EPA denial

End

NOTICE

**Illinois Native Nursery
Bob DiCola
8452 W. Joliet Rd.
Peotone, IL 60468
Site #1970750007**

is applying with the Illinois Environmental Protection Agency for a permit to develop and operate a composting facility for landscape waste.

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STATE OF ILLINOIS
Pollution Control Board



JIM KERWIN

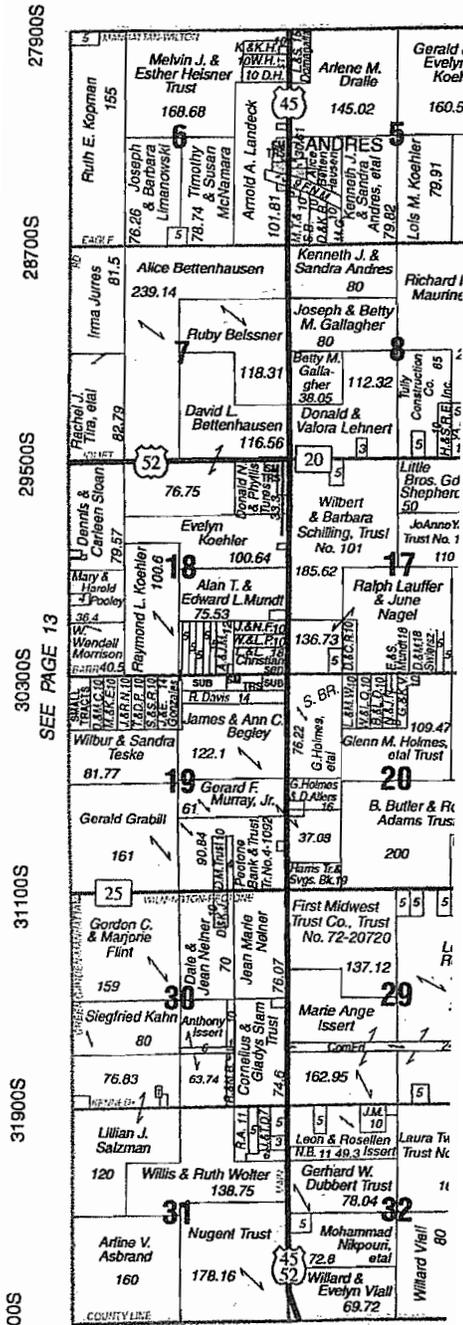
708-258-0058

Fax 708-258-0059

8452 West Joliet Road, Peotone, IL 60468

ILL NATIVE NURSERY / BOB DiCola,
TERRONA FARMS / Jim KERWIN ARE
THE SAME PLACE, SAME ADDRESS.
BOB DiCola IS THE OWNER, Jim
KERWIN IS THE MANAGER

PEOTONE



ROBERT DiCO
 AS "ILLINOIS
 KNOWN AS "T
 BY JIM KI
 8452 W

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
) Plaintiff,)
)
) vs.)
)
) ROBERT DiCOLA,) NO. 91 CH 4099
)
)
) Defendant.)

ORDER

This matter coming on for hearing, the PEOPLE OF THE STATE OF ILLINOIS present by its Attorney, EDWARD A. BURMILA, JR., through his Assistants, Barbara J. Smiles and Thomas M. Sealy and the Defendant, ROBERT DiCOLA, present in person and through his Attorney, Louis P. Yangas and the parties having reached an agreement as to disposition of all the issues in these proceedings agree that Counts I, II and III of Plaintiff's Complaint for Injunction and Other Relief are dismissed with prejudice and without leave to reinstate and with reference to Count IV the Defendant acknowledges that the conduct by him of a landscape waste composting operation is a public nuisance causing offensive smells emanating therefrom.

Now, therefore, IT IS HEREBY ORDERED as to the disposition of Count IV, that the Defendant, ROBERT DiCOLA, cause to be incorporated within the soil on the premises where the landscape waste is located, the landscape waste existing thereon, to incorporate said landscape waste to a depth of approximately 8 inches in the soil, which incorporation shall be completed on or before May 1, 1992. It is agreed between the parties that the Defendant will accept no further landscape waste on the Peotone site unless issued a permit by the Illinois Environmental Protection Agency to compost landscape waste. The parties further agree that the Defendant waive all his appeal rights to this Order.

It is also ordered that no costs be assessed to any of the parties. It is further order that this Court retains jurisdiction over the cause to ensure compliance with this Order.

It is further ordered that Counts I, II and III of Plaintiff's Complaint are dismissed with prejudice and without assessment of costs.

DATED THIS 22nd DAY OF OCTOBER, 1991.



JUDGE WILLIAM PENN

Edward A. Burmila, Jr.
Will County State's Attorney
Prepared by: Thomas M. Sealy
14 W. Jefferson St.
Joliet, IL 60431
Telephone: 815-727-8564

APPROVED:


Robert DiCola

**WILL COUNTY SHERIFF'S POLICE
REPORT CONTINUATION FORM**

CASE NAME	OFFENSE	TWP.	DATE	STATUS CODE	PAGE	CASE NUMBER
Jares	Refuse Disposal	210	8-10-90	2	2	24-90-222212

Subject Involved: Evergreen Scavenger Service Inc.
3101 W. 87th Street
Evergreen Park, IL 60642

On 8-10-90 at 2:57 p.m. the undersigned was dispatched to RR 2 Box 86-H Nune Township, which is on Harlow Avenue quarter mile south of Bruns Road, in reference to a report of illegal refuse disposal. (Refer to Statute #Chapter 11 1021).

Upon arrival the undersigned spoke with the complainant Robert A. Jares who related the following.

Jares has resided at his current address for the last three years. Ever since that time, there has been a constant compost in operation and existence at RR 2 Box 86-E in Nunee approximately one quarter of a mile south of his property. Jares contined that the compost in operation is owned by Robert Dicola who also possibly lives in the residence located the composting site. Jares states that several times during the week, trucks from Evergreen Scavenger Service Inc. drop as many as six loads of landscaping debris at the compost site. This debris is then worked into composting rows and allow to decompose into compost. Much of the larger debris, such as tree stumps are burned openly on the Dicola property. If the debris is burned, large volumes of smoke drift through the Jares property and other area residents causing a nuisance and irritant. Additionally, the smoke from the burning debris emits a strong unpleasant odor. When the compost piles turned, a strong pungent odor fills the surrounding area preventing Jares and his family from being outside on his property. Jares believes the compost operation is a commercial operation and not agricultural due to the daily deliveries of wet from Evergreen Scavenger Service Inc.

Jares has been in contact with Kevin Standbridge of the Will County Land Use Department, 815-727-8762, and has expressed his complaints to him. Jares has been informed by Standbridge that Dicola does not have any permits or county authorization to operate a commercial composting site.

Jares also stated that Dicola recently purchased 80 acres on Joliet Highway just west of I-57 and is turning that land into a composting operation. Jares wishes to pursue criminal complaints against Dicola.

The undersigned then went to the residence located directly south of Jares. This residence, RR 2 Box 86-F, is owned by RICER ASSIGNED I.D. NUMBER SUPERVISOR I.D. NUMBER LT. S. KJENWICK 00-036 *[Signature]* TYPIST I.D. NUMBER S. WILLIAMS 00-353 DATE 8-11-90

REPORTY R. COLEMAN 00-969

**WILL COUNTY SHERIFF'S POLICE
REPORT CONTINUATION FORM**

CASE NAME	OFFENSE	TWP.	DATE	STATUS CODE	PAGE	CASE NUMBER
Jares	Refuse Disposal	210	8-10-90	2	3	24-9-222-102

by William Hopman. Hopman related the following.

The Hopman residence is located directly north of the Dicola composting site. Hopman related that the composting operation has been in existence for quite some time and that the composting site receives almost daily deliveries of landscape debris from Evergreen Scavenger Service. On days when the compost piles are turned, a strong stench fills the air on Hopman's property causing him and his family to remain indoors. Hopman continued that many times the odor penetrates into his house.

The undersigned then observed the Dicola composting site from the Hopman property. The undersigned observed several large rows of composting debris. Also on the property was a large roll out dumpster containing non organic debris.

Evidence Technician E. Overturf arrived on the scene and videotaped the composting operation from the Hopman property. The undersigned then went to the Dicola property and attempted to make contact with an occupant. There was no answer at the residence. Observed on the property were at least two tractors equipped with devices to turn the composting piles. During the time the undersigned was on the Dicola property, the undersigned detected a foul odor emanating from the property.

The undersigned and Deputy Overturf then went to the property located on Joliet Highway just west of 1-57. The undersigned observed a large composting pile on that property. The undersigned also observed work being done on the entrance to that property. Deputy Overturf also videotaped at this site.

Jares was issued a Will County case report number and advised of the procedure for seeking a complaint.

END OF REPORT

OFFICER ASSIGNED DEPUTY R. COLEMAN	I.D. NUMBER 00-969	SUPERVISOR I.D. NUMBER LT. S. HJEMVICK	00-036	TYPIST I.D. NUMBER S. WILLIAMS	00-353	DATE 8-11-90
---------------------------------------	-----------------------	---	--------	-----------------------------------	--------	-----------------

WILL COUNTY SHERIFF'S POLICE DEPARTMENT **CASE REPORT # 24-90-222-122**
COMPLAINT REPORT CASE STATUS 2

SE REPORTED	CODE	TIME - DATE OF OFFENSE	DAY OF WEEK	ZONE	TWP
use Disposal	4002	Last 2 years	Fri	404	210
SE AMENDED	CODE	LOCATION	Harlem Ave. 1/4 mile south of Bruns Rd. on the east side		

RECEIVED	PLACE	METHOD	PROPERTY	VEHICLE RECOVERY	VEHICLE USED	VALUE
291						
SUPPLEMENTAL REPORTS			I.D. Technician E. Overturf			

by	ADDRESS	TELEPHONE	SEX	RACE	DATE OF BIRTH
D. Eichorst	RR 2 Box 86-H Monee, IL 60449	708-534-5274	M	W	12-04-51
IN INVOLVED	ADDRESS	TELEPHONE	SEX	RACE	DATE OF BIRTH
ert A. Jares	RR 2 Box 86-E Monee, IL 60449	788-534-2963	M	W	03-02-35

ARREST CODE	SOC	DLN	AGE	HGT.	WGT.	HAIR	EYES	MARKS
C	320-42-4922	J620-7615-1345	38	602	210	Bro	Bro	
CLOTHING		WEAPON						

ARREST CODE	SOC	DLN	AGE	HGT.	WGT.	HAIR	EYES	MARKS
W	346-26-8012		55	605	204	Blk	Blu	
CLOTHING		WEAPON						

ADDRESS	TELEPHONE	SEX	RACE	DATE OF BIRTH
RR 2 Box 86-E Monee, IL 60449	788-534-2963	M	W	03-02-35
ADDRESS	TELEPHONE	SEX	RACE	DATE OF BIRTH
RR 2 Box 86-E Monee, IL 60449	788-534-2963	M	W	03-02-35

YEAR	MAKE	MODEL	VIN	MISC.	LIC/STATE/YR

ADDRESS	TELEPHONE	SEX	RACE	DATE OF BIRTH
RR 2 Box 86-E Monee, IL 60449		M	W	01-04-56
ADDRESS	TELEPHONE	SEX	RACE	DATE OF BIRTH
RR 2 Box 86-E Monee, IL 60449		M	W	01-04-56

ARREST CODE	SOC	DLN	AGE	HGT.	WGT.	HAIR	EYES	MARKS
S		D240-7705-6004	34	508	160	Blk	Bro	
CLOTHING		WEAPON						

YEAR	MAKE	MODEL	VIN	MISC.	LIC/STATE/YR

APPROVED	TYPYST	DATE
LT. S. HJEWICK 00-036	S. WILLIAMS 00-353	8-11-90



WILL COUNTY LAND USE DEPARTMENT

501 ELLA AVENUE • JOLIET, ILLINOIS 60433

October 19, 1990

Mr. Bud Dicola
26857 So. Harlem Avenue
Monee IL 60449

RE: Violation of the Will County Zoning Ordinance
or Public Nuisance Ordinance

Dear Mr. Dicola:

An investigation by an enforcing Officer of the Will County Zoning Office finds a Violation exists on the following described property:

LOCATION: On a parcel of land identified by Will County Real Estate
Tax NO: 20-11-300-003

COMMONLY IDENTIFIED AS: 8452 W. Joliet Road, Peotone IL

TYPE OF VIOLATION: The Will County Zoning Ordinance (Section 7.1-3(1))

Permitted uses in an A-1 (Agricultural District) does not include the proposed operation of a composting facility. In order to operate such a facility, a special use permit is required. Attached are the necessary papers.

Please call immediately to avoid further enforcement action. If you fail to remedy the Violation within ten (10) days after receipt of this notice, legal action will be taken.

Sincerely,

Stephen R. Mahkovec
CHIEF ZONING INSPECTOR

BY: Paul Sorensen

Paul Sorensen
Zoning Inspector
(815) 727-8850 Ext. 6093

CC: E. Roberts, Attorney



COUNTY OF WILL
OFFICE OF THE STATE'S ATTORNEY

EDWARD A. BURMILA, JR.
STATE'S ATTORNEY

14 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60431
(815) 727-8453

October 30, 1990

Mr. Bob Dicola
26857 So. Harlem Avenue
Monee IL 60449

Subject: Violation of the Will County Zoning Ordinance

Dear Mr. Dicola:

This Office has been advised by James J. Gibbons, Chief Enforcing Officer of the Will County Land Use Department that you are in violation of:

The Will County Zoning Ordinance (Section 7.1-3(1)):

The proposed operation of a composting facility without applying to the County for a Special Use Permit.

This is to inform you that you have ten (10) days from the date of this letter to correct the situation. Failure to do so will result in this Office taking any and all appropriate legal action.

Sincerely,

Edward A. Burmila, Jr.

State's Attorney

BY: Evan Roberts/jar
Evan Roberts
Assistant State's Attorney

LOUIS P. YANGAS

ATTORNEY AT LAW

14000 CITATION DRIVE
ORLAND PARK, ILLINOIS 60462
708 301 3414

November 6, 1990

Will County Land Use Department
501 Ella Avenue
Joliet, Illinois 60433

Attn: Paul Sorensen, Zoning Inspector

Re: 8452 W. Joliet, Rd., Peotone, Il.
PIN 20-11-300-003

Dear Mr. Sorenson:

Mr. Robert DiCola has forwarded to me for response your letter addressed to him dated October 19, 1990.

Please be advised that Mr. DiCola is not operating a composting facility on his property.

He is composting landscape waste for his own use and benefit to be applied as a soil conditioner to his property. This is not forbidden by any Will County Ordinance.

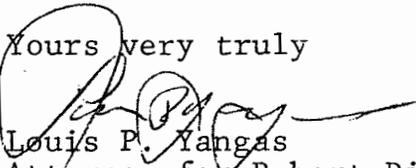
He has applied to the State of Illinois for a permit to operate a landscape waste facility which permit has not yet been issued.

If a permit is issued by the State of Illinois to allow Robert DiCola to operate a landscape waste facility on his property as described by statute, before he commences said business he intends to apply for a special use if such is required by ordinance.

In the interim he will only compost landscape waste for his sole personal use and benefit on his farm.

If you wish to discuss this matter further please communicate with me.

Yours very truly


Louis P. Yangas
Attorney for Robert DiCola

LPY/al
cc Kevin Standbridge



GPC

217/782-6762

Refer to: 1970750007 -- Will County
Illinois Native Nursery
Log No. 1990-451
Permit File

December 31, 1990

Bob DiCola
26857 S. Harlem Avenue
Monee, Illinois 60449

Dear Mr. DiCola:

This will acknowledge receipt of your Application for Permit to develop and operate a landscape waste compost facility, dated October 6, 1990, and received by this Agency on October 11, 1990.

Your permit application to develop and operate a composting facility for landscape waste is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act. Section 39(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat., Ch. 111 1/2, par. 1039(a)) requires the Agency to provide the applicant with specific reasons for the denial of permit. The following reason(s) are given:

1. The applicant has indicated on application form LPC-PA12 that this is a proposed operation. Will County inspection records indicate that this is incorrect because the site has received and is receiving landscape waste. Please provide information on previous receipt of landscape waste at this site, the amount received, the date of such operations, the type of waste received, the ultimate disposal of any material received, the location of any land application areas, the rate of land application, any testing conducted to determine an agronomic rate; and the specific location of such activities. (Section 21r of the Environmental Protection Act (Act))
2. On page four of the applicants submittal a well is described as being located 30 feet in front of the house which according to the drawing is South of the house. On the scaled survey map submitted, a well is located North of the house. Please explain this discrepancy. (Section 39m of the Act)
3. Please identify the occupant of the residence on site and any rental or lease agreements with the occupant. (Section 39m of the Act)



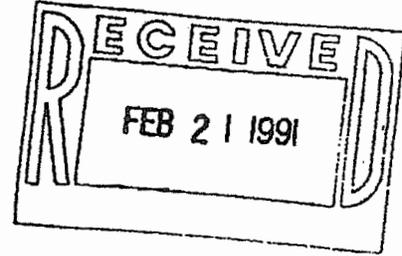
Page 2

4. The applicant has failed to indicate on a scaled map the exact location of the proposed composting facility relative to property boundaries, the residence on site and components of the composting facility including the concrete pad, the pond, the vegetative filter, the chipper location, and the staging area for incoming waste. (Section 39m of the Act)
5. The applicant has failed to provide a description of the field tile drainage system under the proposed composting site including a depth profile drawing of the tile, the collection tank and connecting piping to the excess water pond. (Section 39m of the Act)
6. Excess stormwater runoff from the composting site is proposed to be used to irrigate nursery stock. The applicant has failed to identify the existing land use on the 80 acre farm surrounding the proposed composting site. (Section 39m of the Act)
7. The applicant has failed to provide sufficient information on the vegetative filter including its size, slope and whether the filter is existing or proposed. (Section 39m of the Act)
8. The applicant has failed to indicate the existing slope of the proposed composting site and whether any grading will be necessary to augment drainage of surface water to the vegetative filter. (Section 39m of the Act)
9. The applicants description of proposed operations is incomplete (35 Ill. Adm. Code 807.207). Please provide an expanded discussion on:
 - a. The intended staging of development of the site, initial structures, roads, fencing etc.
 - b. Precomposting procedures such as loadout, stock piling, hand picking, opening bags, etc.
 - c. An equipment list including instrumentation or test equipment for measuring the composting process.
 - d. A staffing plan.
 - e. The number of compost rows proposed, the length of these rows and the direction of the wind rows in relation to the site drainage.
 - f. Records to be maintained on the composting process to determine process completion.
 - g. Sampling and testing methods to be used to determine an acceptable agronomic rate for the completed compost.
 - h. There is no information presented to indicate that the necessary equipment will be available on site to control dust.



217/782-6762

Refer to: 1970750007 -- Will County
Illinois Native Nursery
Correspondence
Permit File



February 15, 1991

Kevin Standbridge
Waste Services Director
Will County Land Use Department
501 Ella Avenue
Joliet, Illinois 60433

Dear Mr. Standbridge:

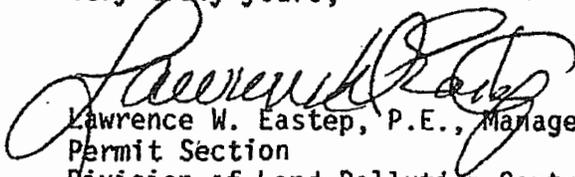
This responds to your letter of January 30, 1991 requesting an Agency determination on whether a permit is necessary from IEPA for a site which has received landscape waste and is composting it.

As you are aware, Subsection 21(r)(3) of the Illinois Environmental Protection Act, which became effective under P.A. 86-1026 on January 24, 1990, specifies several criteria which must be met for a site receiving landscape waste to be exempt from the purview of an Agency permit. Included in these criteria are requirements that the compost facility be operated by the farmer, the property on which the composting is located is principally and diligently devoted to the production of agricultural crops and the compost is used on land actually farmed by the compost operator.

It appears from your description of operations at the subject site, that one or more of the criteria specified under Subsection 21(r)(3) of the Act is missing and therefore an operator not in compliance with the requirements of this subsection must obtain an Agency permit to operate a landscape waste composting facility.

Should you have any questions or comments regarding this site please contact Gary Cima of my staff at the indicated telephone number and address.

Very truly yours,


Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:GC:rlc/474q,14

cc: Maywood Region
Sue Schroeder, DLC

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

RECEIVED
CLERK'S OFFICE

DEC 22 2011

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
ROBERT DiCOLA,)
)
)
Defendant.)

NO. 91 CH 4099

COPY

COMPLAINT FOR INJUNCTION AND OTHER RELIEF

Now comes the Plaintiff, People of the State of Illinois, by EDWARD A. BURMILA, JR., State's Attorney of Will County, Illinois and complains of the Defendant, ROBERT DiCOLA d.b.a. ILLINOIS NATIVE NURSERY, as follows:

COUNT I

**Conducting a Landscape Waste Composting Facility
Without an Agency Permit**

1. This Count is brought against the Defendant, ROBERT DiCOLA, on behalf of the People of the State of Illinois by EDWARD A. BURMILA, JR., State's Attorney of Will County, Illinois pursuant to the authority granted him under Sections 42(d), 42(e) and 42(f) of the Illinois Environmental Protection Act (hereinafter referred to as "the Act") (Illinois Revised Statutes 1989 as amended, Ch. 111 1/2, Paragraphs 1042(d), 1042(e) and 1042(f)).

2. The Defendant, ROBERT DiCOLA, is the owner of property located west of Interstate 57 on Will County Highway 20 (also known as Joliet-Wilton Center Road, also known as North Peotone Road, also known as Joliet-Peotone Road) in Peotone Township, Will County, Illinois and commonly known by Will County P. I. N. 20-11-300-003.

3. The Defendant, **ROBERT DiCOLA**, purchased the site in May, 1990.

4. This Count is brought after one or more certified inspectors for non-hazardous solid waste management sites conducted inspections of the property located west of Interstate 57 on Joliet-Wilton Center Road in Peotone Township, Will County, Illinois, which consists of approximately twenty (20) acres of a parcel known by Will County P.I.N. 20-11-300-003 (hereinafter referred to as the "site"), on or about March 8, 1991, August 9, 1990 and September 19, 1990. A visit to the site also occurred on January 18, 1991 (copies of the reports are attached hereto as Exhibits A, B and C respectively).

5. This Count is brought after copies of the reports of the inspection along with the results of said inspections were sent to the Defendant.

6. Beginning in the summer of 1990 and continuing to the current time Defendant, **ROBERT DiCOLA**, has accepted for disposal certain types of landscape waste at the site.

7. On March 8, 1991, August 9, 1990 and September 19, 1990, inspections of the site revealed windrows and/or piles of landscape waste.

8. Inspectors Kevin Standbridge and Kathryn Sachtleben have corresponded with Defendant **DiCOLA** concerning violations at the site.

9. The site consists of an approximately twenty (20) acres which is a portion of an approximately eighty (80) acre parcel.

10. Glen Pauling is farming the remaining approximately sixty (60) acres of the parcel.

11. Subsection 21(r) of the Act (Illinois Revised Statutes 1989 as amended, Chapter 111 1/2, Paragraph 1021(r)) provides in pertinent part as follows:

"No person shall:

(r) Conduct a landscape waste composting operation without an Agency permit, provided, however, that no permit shall be required for any person:

(3) operating a landscape waste composting facility on a farm, if the facility meets all of the following criteria:

(A) the composting facility is operated by the farmer on property on which the composting material is utilized (emphasis added);

(B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;

(C) all compost generated by the composting facility is used as mulch, fertilizer or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 4 years prior to its application as mulch, fertilizer, or soil conditioner (emphasis added);

12. Defendant DiCOLA is operating a landscape waste composting facility.

13. Defendant DiCOLA is conducting a composting operation for landscape wastes generated by the activities of others.

14. Defendant DiCOLA is not directly applying landscape waste or composted waste at agronomic rates to land on which he is

conducting farming activities.

15. Defendant **DICOLA** has installed one concrete pad at the site. The pad is used as the dumping area for newly received landscape wastes.

16. Defendant **DICOLA** is not operating a farm.

17. Defendant **DICOLA** is connected with a waste hauler in that he is receiving quantities of landscape waste from Evergreen Scavenger Service, a waste hauler.

18. The site is not "principally and diligently devoted to the production of agricultural crops" by **ROBERT DICOLA**.

19. That on or about August 6, 1990, **ROBERT DICOLA** applied for a permit to "UPGRADE EXISTING ENTRANCE TO COMMERCIAL ENTRANCE" on the North Peotone Road entrance to the site. The permit was granted and the entrance upgraded (a copy of said permit is attached hereto as Exhibit D).

20. The Defendant **DICOLA** has violated and continues to violate Subsection 21(r) of the Act (Illinois Revised Statutes 1989 as amended, Chapter 111 1/2, Paragraph 1021(r)) in that he is conducting a landscape waste facility without an Agency permit.

21. Defendant **DICOLA** has continuously and repeatedly committed the above described violations since the summer of 1990.

22. That on or about October 6, 1990, **ROBERT DICOLA d.b.a ILLINOIS NATIVE NURSERY** made application to the Illinois Environmental Protection Agency (IEPA) for a permit to develop and operate a composting facility for landscape waste (a copy of said Application is attached hereto as Exhibit E).

23. That on or about December 31, 1990 the IEPA responded to **ROBERT DICOLA d.b.a ILLINOIS NATIVE NURSERY** saying in part "your permit application to develop and operate a composting facility for landscape waste is denied." (a copy of the IEPA letter of denial is attached hereto as Exhibit F)

24. The violations are continuing and will continue until enjoined by this Court.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

A. Find that Defendant Robert **DICOLA** has violated Subsection 21(r) of the Act continuously from at least the summer of 1990 until the date Plaintiff filed this Complaint;

B. Enter a permanent injunction directing Defendant **DICOLA**

to cease and desist from further violations of Subsection 21(r) of the Act;

C. Impose upon Defendant DiCOLA, pursuant to Subsection 42(a) of the Act, a civil penalty of fifty thousand dollars (\$50,000.00) for each violation alleged herein, and an additional penalty of ten thousand dollars (\$10,000.00) per day for each day the violation continued;

D. Require Defendant DiCOLA, pursuant to Subsection 42(f) of the Act, to pay the costs and reasonable attorneys' fees, including the reasonable costs of expert witnesses and consultants, incurred by the Plaintiff in connection with this case; and

E. Grant such further relief as this Court deems appropriate under the circumstances of this case.

COUNT II

Causing or Allowing a Public Nuisance

1. This Count is brought against the Defendant, ROBERT DiCOLA, on behalf of the People of the State of Illinois by EDWARD A. BURMILA, JR., State's Attorney of Will County, Illinois pursuant to the authority granted him under Chapter 100 1/2, Sections 1 through 11 and Paragraphs 26 et seq. of the Illinois Revised Statutes, 1989.

2. ROBERT DiCOLA is the owner of property located west of Interstate 57 on Will County Highway 20 (also known as Joliet-Wilton Center Road, also known as North Peotone Road, also known as Joliet- Peotone Road) in Peotone Township, Will County, Illinois and commonly known by Will County P. I. N. 20-11-300-003 (hereinafter referred to as the "site").

3. This Count is brought after numerous complaints were received by the County of Will and the Illinois Environmental Protection Agency from citizens of Will County concerning the site

(see Exhibits G through O attached hereto).

4. That Chapter 100 1/2, Section 221 (Illinois Revised Statutes, 1989, Chapter 100 1/2, Paragraph 26) reads as follows:

"It is a public nuisance:

8. to erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public."

5. Beginning in the summer of 1990 and continuing to the current time Defendant, **ROBERT DiCOLA**, has accepted for disposal certain types of landscape waste at the site.

6. On March 8, 1991, August 9, 1990 and September 19, 1990, inspections of the site revealed windrows and/or piles of landscape waste.

7. Inspectors Kevin Standbridge and Kathryn Sachtleben have corresponded with Defendant **DiCOLA** concerning problems at the site.

8. The site consists of approximately twenty (20) acres which is a portion of an approximately eighty (80) acre parcel.

9. That by having windrows of landscape waste at the site and turning said windrows by Defendant **DiCOLA** and/or his employees has caused a public nuisance in that particles become airborne and/or offensive smells emanate from said windrows.

10. The dumping of the landscape waste at the site has caused a public nuisance in that particles become airborne and/or offensive smells emanate from the materials as they are dumped.

11. During the summer of 1990, Michael Rickson, Donald Gorecki and Vicki Shinn all suffered physical ailments affecting

their health. These ailments appeared and/or worsened at the same time the airborne particles and/or offensive odors were emitted from the site.

12. Defendant **DiCOLA** continues to conduct the operation at the site and that the offensive odors still affect the parties whenever the wind is blowing in the direction of their residences.

13. Due to the airborne particles and/or offensive smells emanating from the site, several neighbors have not been able to engage in outdoor activities or open the windows of their residences. These neighbors include:

Michael Naughton, 8727 W. Eagle Lake Road, Peotone, IL
Maryellen Naughton, 8727 W. Eagle Lake Road, Peotone, IL
Ronald Ziolkowski, 28409 South 88th Avenue, Peotone, IL
Ann Ziokowski, 28409 South 88th Avenue, Peotone, IL
Cheryl Younger, 9038 West Barr Road, Peotone, IL
Cynthia Borman, 9015 West Joliet Road, Peotone, IL
William Borman, 9015 West Joliet Road, Peotone, IL
David Borman, 9015 West Joliet Road, Peotone, IL
Barbara Thomas, 29622 South Joliet Road, Peotone, IL
Bob Thomas, 29622 South Joliet Road, Peotone, IL
Luann Soucie, 7530 West North Peotone Road, Peotone, IL
Arthur Ferrari, Jr., 8130 West Joliet Road, Peotone, IL
Pam Ferrari, 8130 West Joliet Road, Peotone, IL
Arthur Ferrari, Sr., 8100 West Joliet Road, Peotone, IL

14. **ROBERT DiCOLA** is causing or maintaining a public nuisance.

WHEREFORE, the People of the State of Illinois respectfully request that this Honorable Court:

A. Find the Defendant, **ROBERT DiCOLA**, has violated Chapter 100 1/2, Section 1 through 11 and Paragraphs 26 et seq. (Public Nuisances) beginning the summer of 1990 and continues to do so.

B. Enter a permanent injunction directing **ROBERT DiCOLA** to cease and desist from further violations of Chapter 100 1/2,

Paragraph 26(8) and order the site cleaned and the nuisance removed.

C. Grant such further relief as the Court may deem appropriate under the circumstances in this case.

COUNT III

Causing or Allowing a Public Nuisance

1. This Count is brought against the Defendant, ROBERT DiCOLA, on behalf of the People of the State of Illinois by EDWARD A. BURMILA, JR., State's Attorney of Will County, Illinois pursuant to the authority granted him under Chapter 100 1/2, Sections 1 through 11 and Paragraphs 26 et seq. of the Illinois Revised Statutes, 1989.

2. ROBERT DiCOLA is the owner of property located west of Interstate 57 on Will County Highway 20 (also known as Joliet-Wilton Center Road, also known as North Peotone Road, also known as Joliet-Peotone Road) in Peotone Township, Will County, Illinois and commonly known by Will County P. I. N. 20-11-300-003 (hereinafter referred to as the "site").

3. This Count is brought after numerous complaints were received by the County of Will and the Illinois Environmental Protection Agency from citizens of Will County concerning the site (see Exhibits G through O attached hereto).

4. That Chapter 100 1/2, Section 221 (Illinois Revised Statutes, 1989, Chapter 100 1/2, Paragraph 26) reads as follows:

"It is a public nuisance:

1. To cause or allow the carcass of any animal or any offal, filth or noisome substance to be collected,

deposited or to remain in any place, to the prejudice of others."

5. Beginning in the summer of 1990 and continuing to the current time Defendant, **ROBERT DiCOLA**, has accepted for disposal certain types of landscape waste at the site.

6. On March 8, 1991, August 9, 1990 and September 19, 1990, inspections of the site revealed windrows and/or piles of landscape waste.

7. Inspectors Kevin Standbridge and Kathryn Sachtleben have corresponded with Defendant **DiCOLA** concerning problems at the site.

8. The site consists of approximately twenty (20) acres which is a portion of an approximately eighty (80) acre parcel.

9. That by having windrows of landscape waste at the site and turning said windrows by Defendant **DiCOLA** and/or his employees has caused a public nuisance in that particles become airborne and/or offensive smells emanate from said windrows.

10. The dumping of the landscape waste at the site has caused a public nuisance in that particles become airborne and/or offensive smells emanate from the materials as they are dumped.

11. During the summer of 1990, Michael Rickson, Donald Gorecki and Vicki Shinn all suffered physical ailments affecting their health. These ailments appeared and/or worsened at the same time the airborne particles and/or offensive odors were emitted from the site.

12. Defendant **DiCOLA** continues to conduct the operation at the site and that the offensive odors still affect the parties whenever the wind is blowing in the direction of their residences.

13. Due to the offensive smells emanating from the site, several neighbors have not been able to engage in outdoor activities or open the windows of their residences. These neighbors include:

Michael Naughton, 8727 W. Eagle Lake Road, Peotone, IL
Maryellen Naughton, 8727 W. Eagle Lake Road, Peotone, IL
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Ann Ziokowski, 28409 South 88th Avenue, Peotone, IL
Cheryl Younger, 9038 West Barr Road, Peotone, IL
Cynthia Borman, 9015 West Joliet Road, Peotone, IL
William Borman, 9015 West Joliet Road, Peotone, IL
David Borman, 9015 West Joliet Road, Peotone, IL
Barbara Thomas, 29622 South Joliet Road, Peotone, IL
Bob Thomas, 29622 South Joliet Road, Peotone, IL
Luann Soucie, 7530 West North Peotone Road, Peotone, IL
Arthur Ferrari, Jr., 8130 West Joliet Road, Peotone, IL
Pam Ferrari, 8130 West Joliet Road, Peotone, IL
Arthur Ferrari, Sr., 8100 West Joliet Road, Peotone, IL

14. **ROBERT DiCOLA** is causing or maintaining a public nuisance.

WHEREFORE, the People of the State of Illinois respectfully request that this Honorable Court:

A. Find the Defendant, **ROBERT DiCOLA**, has violated Chapter 100 1/2, Section 1 through 11 and Paragraphs 26 et seq. (Public Nuisances) beginning the summer of 1990 and continues to do so.

B. Enter a permanent injunction directing **ROBERT DiCOLA** to cease and desist from further violations of Chapter 100 1/2, Paragraph 26(8) and order the site cleaned and the nuisance removed.

C. Grant such further relief as the Court may deem appropriate under the circumstances in this case.

COUNT IV

Causing or Allowing a Public Nuisance

1. This Count is brought against the Defendant, **ROBERT DiCOLA**, on behalf of the People of the State of Illinois by **EDWARD A. BURMILA, JR.**, State's Attorney of Will County, Illinois.

2. **ROBERT DiCOLA** is the owner of property located west of Interstate 57 on Will County Highway 20 (also known as Joliet-Wilton Center Road, also known as North Peotone Road, also known as Joliet-Peotone Road) in Peotone Township, Will County, Illinois and commonly known by Will County P. I. N. 20-11-300-003 (hereinafter referred to as the "site").

3. This Count is brought after numerous complaints were received by the County of Will and the Illinois Environmental Protection Agency from citizens of Will County concerning the site (see Exhibits G through O attached hereto).

4. Beginning in the summer of 1990 and continuing to the current time, neighbors of the site report that Defendant, **ROBERT DiCOLA**, has accepted for disposal certain types of landscape waste at the site.

5. On March 8, 1991, August 9, 1990 and September 19, 1990, inspections of the site revealed windrows and/or piles of landscape waste.

6. Inspectors Kevin Standbridge and Kathryn Sachtleben have corresponded with Defendant **DiCOLA** concerning problems at the site.

7. The site consists of approximately twenty (20) acres which is a portion of an approximately eighty (80) acre parcel.

8. That by having windrows of landscape waste at the site and turning said windrows by Defendant **DiCOLA** and/or his employees

has caused a public nuisance in that particles become airborne and/or offensive smells emanate from said windrows.

9. The dumping of the landscape waste at the site has caused a public nuisance in that particles become airborne and/or offensive smells emanate from the materials as they are dumped.

10. During the summer of 1990, Michael Rickson, Donald Gorecki and Vicki Shinn all suffered physical ailments affecting their health. These ailments appeared and/or worsened at the same time airborne particles and/or offensive odors were emitted from the site.

11. Defendant DiCOLA continues to conduct the operation at the site and that the airborne particles and/or the offensive odors still affect the parties whenever the wind is blowing in the direction of their residences.

12. Due to the offensive smells emanating from the site, several neighbors have not been able to engage in outdoor activities or open the windows of their residences. These neighbors include:

Michael Naughton, 8727 W. Eagle Lake Road, Peotone, IL
Maryellen Naughton, 8727 W. Eagle Lake Road, Peotone, IL
Ronald Ziolkowski, 28409 South 88th Avenue, Peotone, IL
Ann Ziokowski, 28409 South 88th Avenue, Peotone, IL
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Barbara Thomas, 29622 South Joliet Road, Peotone, IL
Bob Thomas, 29622 South Joliet Road, Peotone, IL
Luann Soucie, 7530 West North Peotone Road, Peotone, IL
Arthur Ferrari, Jr., 8130 West Joliet Road, Peotone, IL
Pam Ferrari, 8130 West Joliet Road, Peotone, IL
Arthur Ferrari, Sr., 8100 West Joliet Road, Peotone, IL

13. ROBERT DiCOLA is causing or maintaining a public

nuisance.

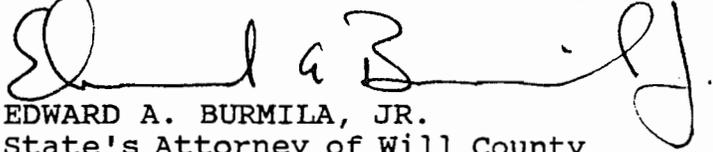
WHEREFORE, the People of the State of Illinois respectfully request that this Honorable Court:

A. Find the Defendant, **ROBERT DiCOLA**, has caused and/or maintained a public nuisance beginning the summer of 1990 and continues to do so.

B. Enter a permanent injunction directing **ROBERT DiCOLA** to cease and desist from further causing and/or maintaining a public nuisance and order the site cleaned and the nuisance abated.

C. Grant such further relief as the Court may deem appropriate under the circumstances in this case.

PEOPLE OF THE STATE OF ILLINOIS



EDWARD A. BURMILA, JR.
State's Attorney of Will County

Edward A. Burmila, Jr.
Will County State's Attorney
14 W. Jefferson St.
Joliet, IL 60431
Telephone: 815-727-8453



WILL COUNTY LAND USE DEPARTMENT

501 ELLA AVENUE • JOLIET, ILLINOIS 60433

Refer to: 1970750007 - Will County
Illinois Native Nursery
(Formerly - DiCola -Peotone/Tax# 20-11-300-003)
Compliance File

March 13, 1991

Cert.# P 739 580 659

Mr. Robert DiCola
26857 South Harlem Ave.
Monee, IL 60449

Dear Mr. DiCola:

On March 8, 1991, I conducted an inspection of the property located west of Interstate 57, on Joliet-Wilton Center Road in Peotone Township (Tax# 20-11-300-003). According to our information, you are the operator of the facility on the property.

You are operating a composting facility without an Agency permit as required by the Illinois Environmental Protection Act (Ch. 111½, §1021 Sec. 21(q)).

This report has been forwarded to the Office of the Will County State's Attorney for consideration of possible action.

If you have any questions please contact me at (815) 727-8834.

Sincerely,

Kevin Standbridge
Solid Waste Director

cc: IEPA/DLPC Division File
Maywood Region
Will County State's Attorney

EXHIBIT A



STATE OF ILLINOIS
 ENVIRONMENTAL PROTECTION AGENCY
 OPEN DUMP INSPECTION REPORT

County Will Site Code 1970750007
 Location/Name Illinois Native Nursery (Formerly D. (Jal) Pestone) Date 3-8-91
 Time: From 10:00 a m To 10:40 a m Region II
 Photos Taken: Yes (# 8) No () RP's phone # 708-534-2466
 Inspector(s) Kevin Standbridge Weather Sunny 35°
 Samples Taken: Yes (# ✓) No () Type Unshredded non-landscape waste
 Interviewed none Previous Inspection 9-19-90
 Previous Correspondent October 4, 1990

SITE OBSERVATION

- Causing or allowing litter (Section 21(q)(1) of the Act) 1* ✓
- Causing or allowing scavenging operations (Section 21(q)(2) of the Act) 2*
- Causing or allowing open burning (Section 21(q)(3) of the Act) 3*
- Causing or allowing the deposition of waste in standing or flowing waters
(Section 21(q)(4) of the Act) 4*
- Causing or allowing proliferation of disease vectors
(Section 21(q)(5) of the Act) 5*
- Causing or allowing the generation of standing or flowing liquid discharge
from the open dump site (Section 21(q)(6) of the Act) 6*
- Causing or allowing the operation of an open dump so as to cause or threaten
or allow the emissions of contaminants so as to cause or tend to cause air
pollution in Illinois (Section 9(a) and 9(c) of the Act) 7.
- Causing or allowing the operation of an open dump so as to cause or threaten
or allow the discharge of any contaminants so as to cause water pollution
in Illinois (Section 12(a) and 12(d) of the Act) 8.
- Acceptance of special waste for disposal, storage or treatment from a waste
hauler that does not have a valid waste hauling permit (Section 809.302(a)
of the Regulations) 9.

- Acceptance of special waste for disposal, storage or treatment from a waste hauler that did not present a signed manifest which designated the receiver's facility as a destination for the special waste (Section 809.302(a) of the regulations) 10. _____
- Causing or allowing the development and/or operation of a solid waste management site without a permit issued by the Agency (Sections 807.201 and 807.202 of the Regulations) 11.
- Causing or allowing the open dumping of any waste (Section 21(a) of the Act) ... 12.
- Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency (Section 21(d) of the Act) 13.
- Apparent violation of: PCB (); Circuit Court ()
Case Number _____, Order entered on _____, 19__ 14. _____
- Other 15. _____

INFORMATIONAL NOTES

- 1. Reference to "Act" herein refer to the Illinois Environmental Protection Act: Ill. Rev. Stat. ch. 111 1/2, par. 1001, et seq.
- 2. Reference to "Regulations" herein refer to the rules and regulations of the Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
- *. Subject to enforcement either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.



 Signature of IEPA Inspector(s)
 Will County

PMP:jab/3208j/22-23

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Inspection: March 8, 1991 Inspector: Kevin Standbridge

Site Code: 1970750007 County: Will

Site Name: Illinois Native Nursery Time: 10:00 a.m. to 10:40 a.m.
(DiCola - Peotone)

Location: Property located on north side of Joliet- Wilton Center Rd. at northwest corner of intersection of I-57, West Frontage Rd. in Peotone Twp., Tax Number 20-11-300-003

GENERAL REMARKS

I arrived at the site at approximately 10:00 a.m. The temperature was approximately 35 degrees and there was an approximately 10 mph wind from the south. This site has been previously inspected on August 9, 1990 and September 19, 1990 under the site name of DiCola-Peotone (site #1970000000). Inspection reports were issued for each of these previous inspections. The site was also inspected on January 18, 1991 but no report was generated.

I entered the site and drove north along the drive until I arrived at a concrete pad with landscape waste material on it (photos 1 and 2). The approximately 60 foot by 60 foot concrete pad is used as a staging area for the composting operation. Material is piled on the concrete pad until it can be placed in windrows. There was an approximately 20 yard roll-off along the south edge of the concrete pad (photo 3). I walked to the east edge of the concrete pad where there were two piles of waste material immediately east of the pad (photo 4).

I visited the site previously on January 18, 1991, and observed the amount of material at the site. Based on my observations, waste material has been dumped at the site since January 18, 1991.

The northerly of the two piles just east of the concrete pad (see site map) contained a load of what appeared to be shredded wooden pallets or stakes (see photos 5 and 6). It was clear that the material was not shredded landscape waste. I collected a small sample of portions of the material which was not shredded. The samples remain in the offices of the Land Use Department. The other pile east of the pad and the two piles on the western edge of the pad contained what appeared to be shredded Christmas trees. When I broke the surface of a pile on the concrete pad, steam escaped and there was heat emitted from the pile. The material was in the process of decomposing. The operator is operating a composting facility.

I continued north and west from the concrete pad where I

Illinois Native Nursery
DiCola - Peotone
March 8, 1991
Page 2 of 2

encountered twelve windrows of landscape waste material (photos 7 and 8). The windrows varied in length from approximately 100-800 feet long, by 8 feet wide, by 4 feet high. There was an odor near different parts of the windrows. The material in the windrows was being composted. At certain points I broke the surface of the material and steam was present.

APPARENT VIOLATIONS

Line 1 - Causing or allowing litter (Section 21(q)(1) of the Act)

Line 11 - Conducting a solid waste management site without a permit issued by the Agency (Section 21(d) of the Act)

Line 12 - Causing or allowing the dumping of any waste (Section 21(a) of the Act)

Line 13 - Conducting any waste-storage, waste-treatment, or waste disposal operation without a permit granted by the Agency (Section 21(d) of the Act)

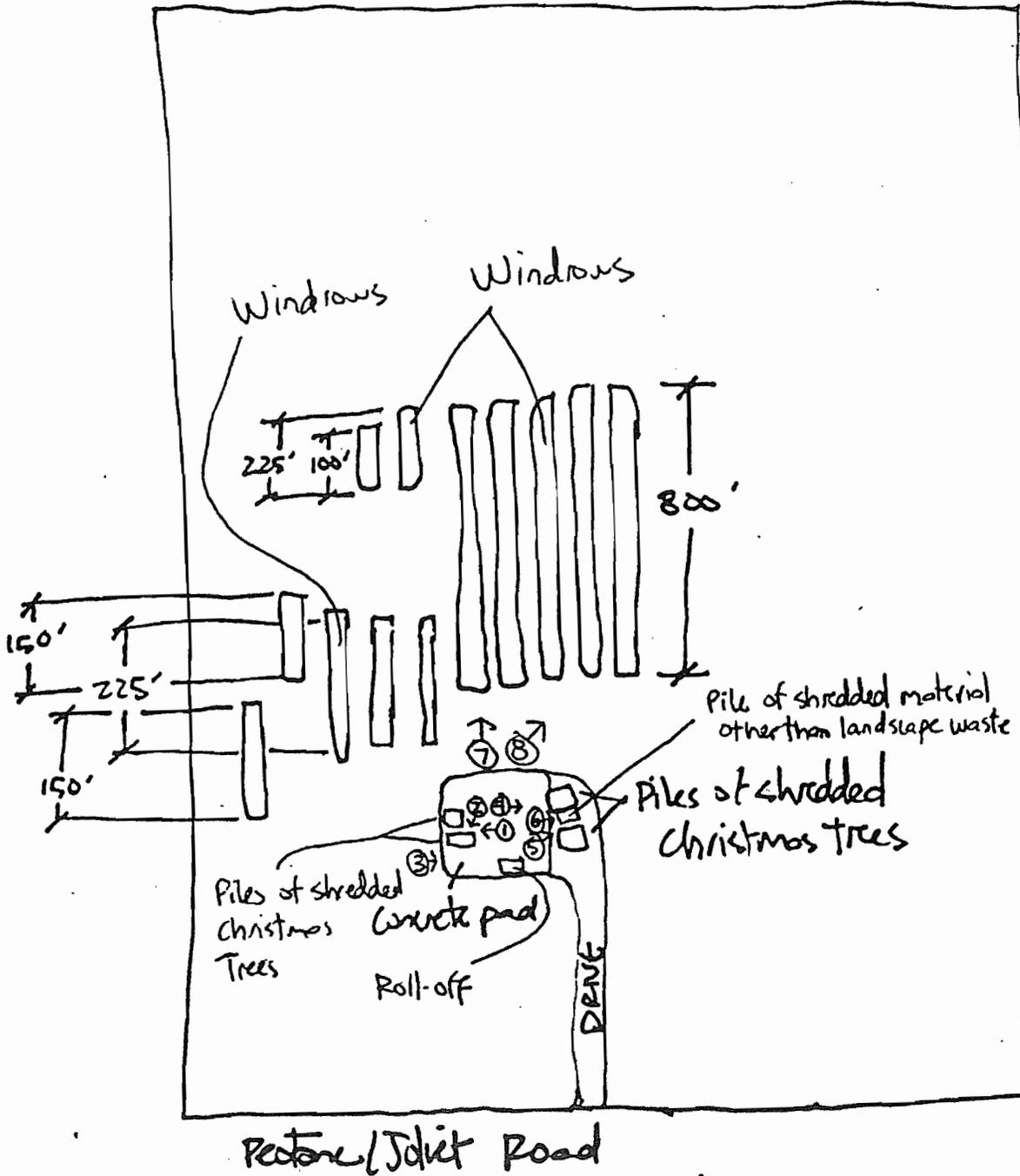
Illinois Native Nursery

DiCola/Pestone 1970756007

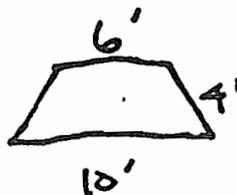
Prepared by: K. Stordbridge

Inspection: 3-8-91
Date

↑
N
Not to Scale



Typical Cross Section of a Windrow



ate: 3-8-91

ime: 10:10 (A.M.) / P.M.

otograph By:

Kevin Standbridge

ocation: LPC-1970750007

Will County - Illinois

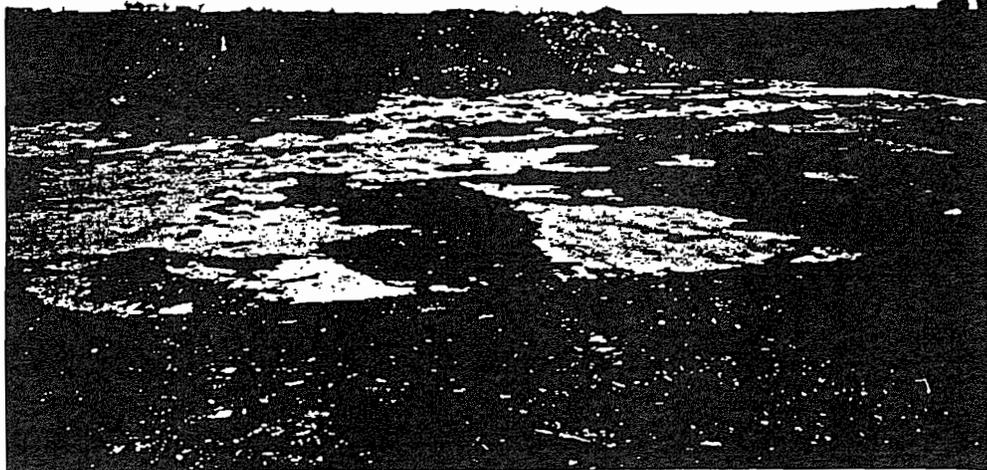
Native Nursery

omments: Photograph taken

cing toward the west. Two

piles on concrete pad.

oto # 1



ate: 3-8-91

ime: 10:12 (A.M.) / P.M.

otograph By:

Kevin Standbridge

ocation: LPC-1970750007

Will County - Illinois Native

Nursery

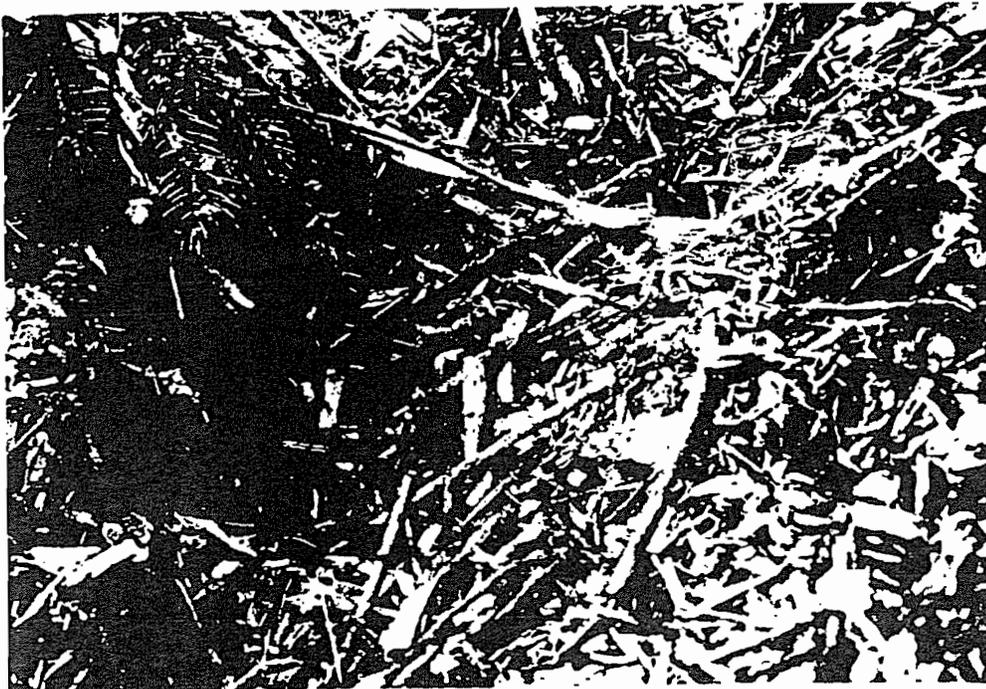
omments: Photograph taken

ing toward the south.

Close-up of pile, note decomposition

process.

oto # 2



Date: 3-8-91

Time: 10:20 (A.M./P.M.)

Photograph By: Kevin Standbridge

Location: LPC-1970750007

Will County - Illinois Native
Nursery

Comments: Photograph taken
facing toward the east. Pick-off
container.

Photo # 3



Date: 3-8-91

Time: 10:22 (A.M./P.M.)

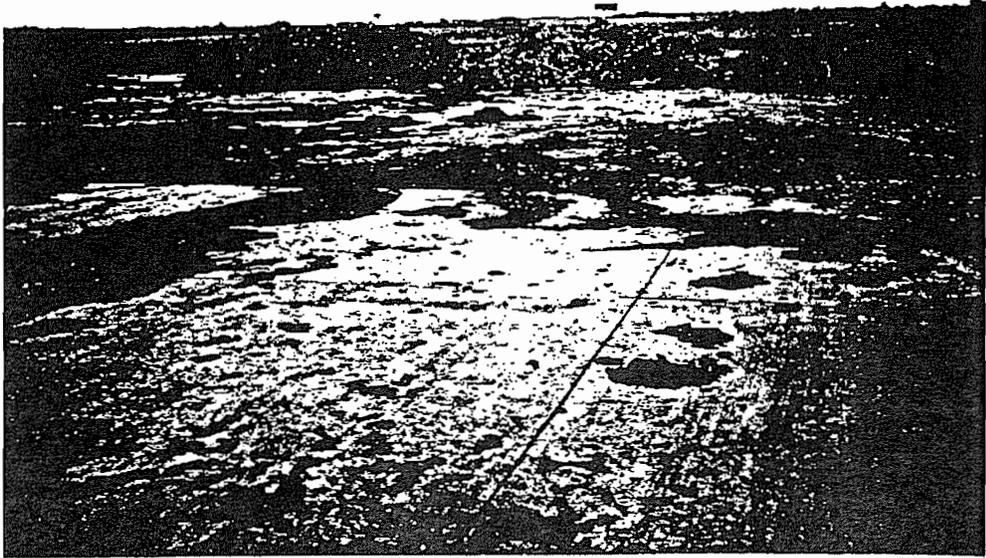
Photograph By: Kevin Standbridge

Location: LPC-1970750007

Will County - Illinois Native
Nursery

Comments: Photograph taken
facing toward the east. Piles at
east edge of concrete pad. Material
at center is same as last visit to site

Photo # 4



Date: 3-8-91

Time: 10:25 (A.M.)/P.M.

Photograph By:
Kevin Standbridge

Location: LPC-1970750227
Will County - Illinois Native
Nursery

Comments: Photograph taken
acing toward the north east.
Pile with material other than
landscaping waste.

Photo # 5



Date: 3-8-91

Time: 10:26 (A.M.)/P.M.

Photograph By:
Kevin Standbridge

Location: LPC-1970750227
Will County - Illinois Native
Nursery

Comments: Photograph taken
acing toward the east. Pick
up of pile with material other
than landscaping waste.

Photo # 6



ate: 3-8-91

ime: 10:30 (A.M./P.M.)

otograph By: Kevin Standbridge

ocation: LPC-197075007
Will County - Illinois Native
Nursery

omments: Photograph taken
acing toward the north and east.
Views of landscape west north
of concrete pad (panoramic view)
oto # 7 and 8

ite: _____

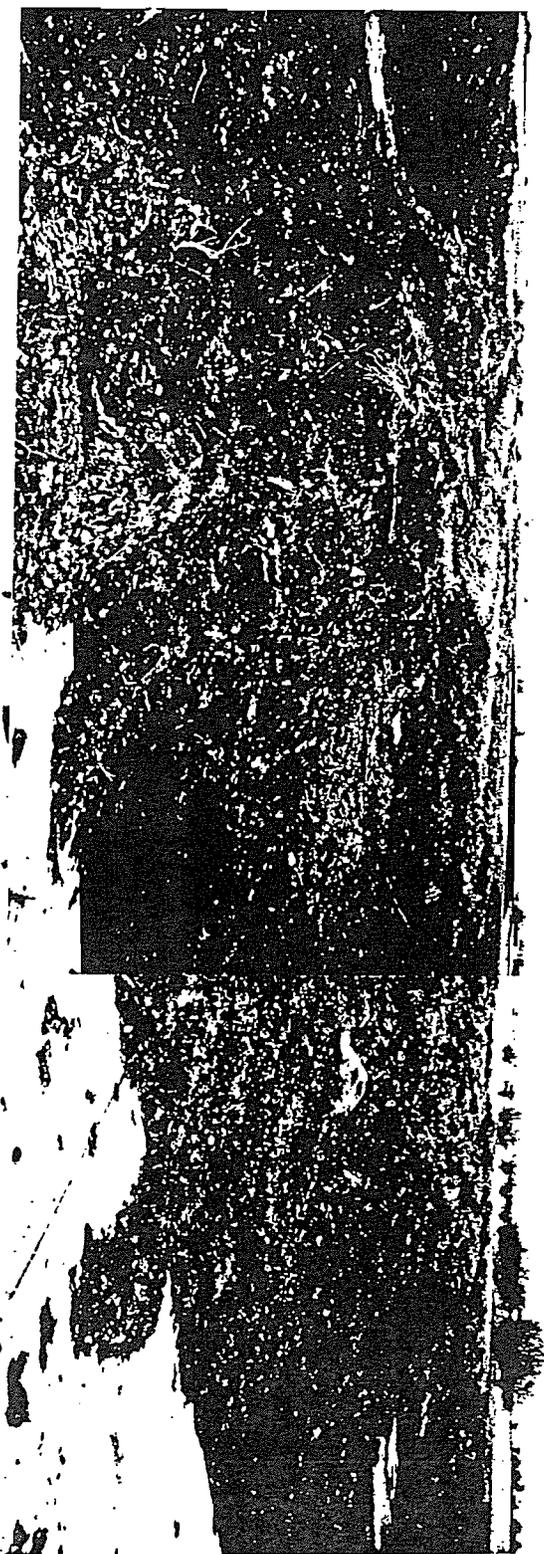
me: _____ A.M./P.M.

otograph By: Kevin Standbridge

ocation: LPC-197
Will County

omments: Photograph taken
cing toward the

oto # _____





WILL COUNTY LAND USE DEPARTMENT

501 ELLA AVENUE • JOLIET, ILLINOIS 60433

Refer to: 1970000000 - Will County
Property located on Joliet-Wilton Center Road,
west of I-57 in Peotone Twp.
DiCola -Peotone/Tax# 20-11-300-003
Compliance File

August 16, 1990

Mr. Robert DiCola
Harlem Ave.
Monee, IL 60449

Dear Mr. DiCola:

On August 9, 1990, I conducted an inspection of the property located west of Interstate 57, on Joliet-Wilton Center Road in Peotone Township (Tax# 20-11-300-003). According to our information, you are the operator of the facility on the property.

It is apparent that you are operating a composting facility without an Agency permit as required by the Illinois Environmental Protection Act (Ch. 111½, §1021 Sec. 21(q)). You must remove the compost material to a permitted facility or apply for a permit with the Agency (IEPA).

If you have any questions please contact me at (815) 727-8834.

Sincerely,

A handwritten signature in black ink that reads "K. Standbridge".

Kevin Standbridge
Solid Waste Director

cc: IEPA/DLPC Division File
Maywood Region

EXHIBIT B



STATE OF ILLINOIS
 ENVIRONMENTAL PROTECTION AGENCY
 OPEN DUMP INSPECTION REPORT

County Will Site Code 1970000000
 Location/Name Dicola, Robert - Restore Date 8-9-90
Solid Waste Land Reclamation Trp.
 Time: From 05:25 p.m. To 05:55 p.m. Region II
 Photos Taken: Yes (# 3) No () RP's phone # 708-534-2466
 Inspector(s) Kevin Standbridge Weather Sunny, soil dry 77°
 Samples Taken: Yes (#) No () Type
 Interviewed Robert Dicola Previous Inspection None
 Previous Correspondent No

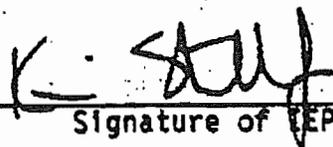
SITE OBSERVATION

- Causing or allowing litter (Section 21(q)(1) of the Act) 1* ✓
- Causing or allowing scavenging operations (Section 21(q)(2) of the Act) 2*
- Causing or allowing open burning (Section 21(q)(3) of the Act) 3*
- Causing or allowing the deposition of waste in standing or flowing waters (Section 21(q)(4) of the Act) 4*
- Causing or allowing proliferation of disease vectors (Section 21(q)(5) of the Act) 5*
- Causing or allowing the generation of standing or flowing liquid discharge from the open dump site (Section 21(q)(6) of the Act) 6*
- Causing or allowing the operation of an open dump so as to cause or threaten or allow the emissions of contaminants so as to cause or tend to cause air pollution in Illinois (Section 9(a) and 9(c) of the Act) 7.
- Causing or allowing the operation of an open dump so as to cause or threaten or allow the discharge of any contaminants so as to cause water pollution in Illinois (Section 12(a) and 12(d) of the Act) 8.
- Acceptance of special waste for disposal, storage or treatment from a waste hauler that does not have a valid waste hauling permit (Section 809.302(a) of the Regulations) 9.

- Acceptance of special waste for disposal, storage or treatment from a waste hauler that did not present a signed manifest which designated the receiver's facility as a destination for the special waste (Section 809.302(a) of the regulations) 10. _____
- Causing or allowing the development and/or operation of a solid waste management site without a permit issued by the Agency (Sections 807.201 and 807.202 of the Regulations) 11. ✓
- Causing or allowing the open dumping of any waste (Section 21(a) of the Act) ... 12. ✓
- Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency (Section 21(d) of the Act) 13. ✓
- Apparent violation of: PCB (); Circuit Court ()
Case Number _____, Order entered on _____, 19__ 14. _____
- Other 15. _____

INFORMATIONAL NOTES

- 1. Reference to "Act" herein refer to the Illinois Environmental Protection Act: Ill. Rev. Stat. ch. 111 1/2, par. 1001, et seq.
- 2. Reference to "Regulations" herein refer to the rules and regulations of the Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
- 4. Subject to enforcement either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.



 Signature of TEPA Inspector(s)
 Will County

PMP:jab/3208j/22-23

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Inspection: August 9, 1990 Inspector: Kevin Standbridge

Site Code: 1970000000 County: Will

Site Name: DiCola - Peotone Time: 5:25 p.m. to 5:55 p.m.

Location: Property located on north side of Joliet- Wilton Center Rd. at northwest corner of intersection of I-57, West Frontage Rd. in Peotone Twp., Tax Number 20-11-300-003

GENERAL REMARKS

I arrived at the site at approximately 5:25 p.m. The temperature was approximately 77 degrees and there was an approximately 8-10 mph wind from the southeast. I met Mr. DiCola at the entrance to the property where he was excavating in the ditch area to realign the culvert.

We then walked to the north along an area from which the vegetation had been scraped. Mr. DiCola indicated that it would be the driveway serving the site. As we walked to the north Mr. DiCola and I discussed the drainage tile he had installed at the site. I asked if he had installed nearly 12,000 feet of the drainage tile as alleged by neighbors. He indicated that he had installed somewhere near that amount of drainage tile on the site running from west to east. He also cut a drainage swale into the site (see map) going to the east. North of the drainage swale we passed a concrete pad constructed by Mr. DiCola (photo 1). When asked what the pad was for, Mr. DiCola responded that the pad was going to be used to dump the landscape waste on the site when the site was wet.

We continued walking to the north and west where we encountered a row of landscape waste material (photos 2 and 3). The row was approximately 100 feet long, by 10 feet wide, by 5 feet high. The row consisted mainly of grass clippings and brush. The material was definitely from off site.

Mr. DiCola informed me that he intends to apply for a composting permit from the IEPA. He does not now have a permit. He also stated that he intended to plant ten acres of trees this year. Other than weeds, and a few trees near the original home of the farmstead, there was nothing being cultivated on the site at the time of my inspection.

APPARENT VIOLATIONS

Line 1 - Causing or allowing litter (Section 21(g)(1) of the Act)

Line 11 - Conducting a solid waste management site without a permit issued by the Agency (Section 21(d) of the Act)

DiCola - Peotone
August 9, 1990
Page 2 of 2

Line 12 - Causing or allowing the dumping of any waste (Section 21 (a) of the Act)

Line 13 - Conducting any waste-storage, waste-treatment, or waste disposal operation without a permit granted by the Agency (Section 21(d) of the Act)

Site sketch

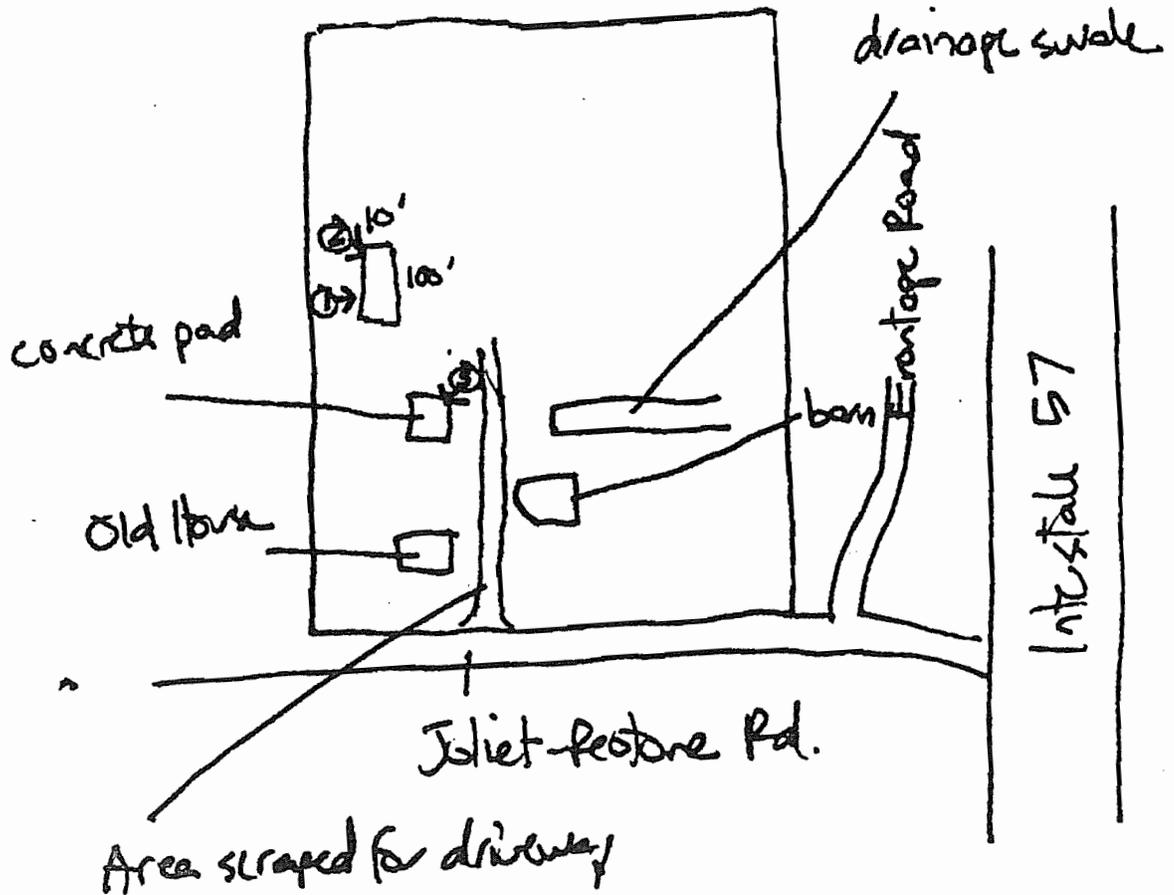
August 9, 1990

Inspector: Kevin Standbridge

Robert DiCola - Peotone

Tax # 20-11-300-003

Hq to side



Date: August 9 1990

Time: _____ A.M./P.M.

Photograph By:

Kevin Standbridge

Location: LPC-1976000000

Will County - Dilola, Peotone

Bluff-Wilbur Center Road, Peotone Twp.

20-11-300-003

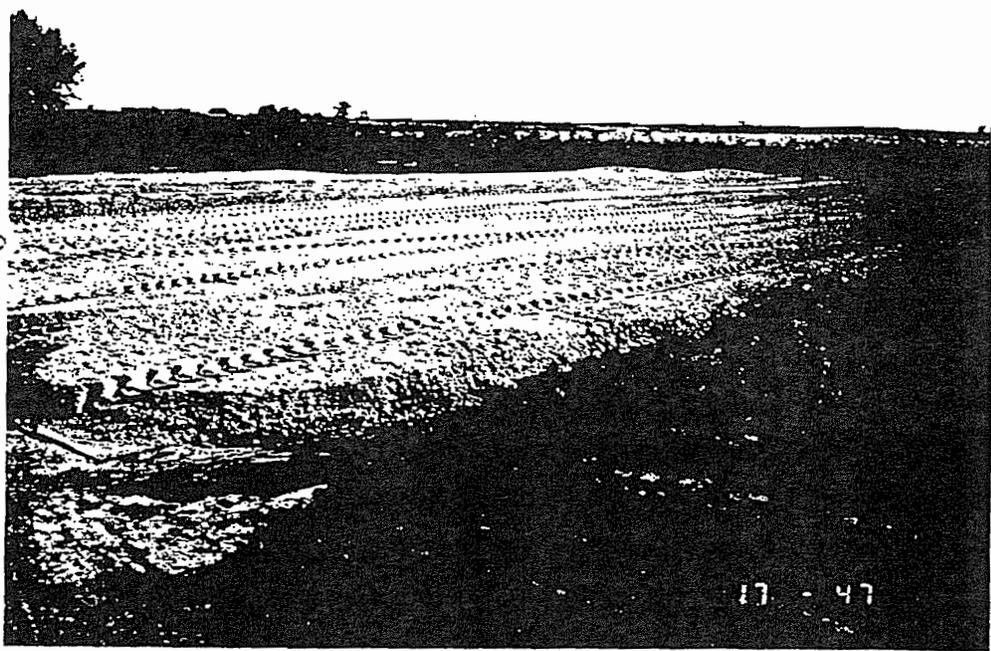
Comments: Photograph taken

Looking toward the southwest

concrete pad installed at

site.

Photo # 1



Date: August 9, 1990

Time: _____ A.M./P.M.

Photograph By:

Kevin Standbridge

Location: LPC-1970000000

Will County - Dilola - Peotone

Bluff-Wilbur Center Rd., Peotone Twp.

20-11-300-003

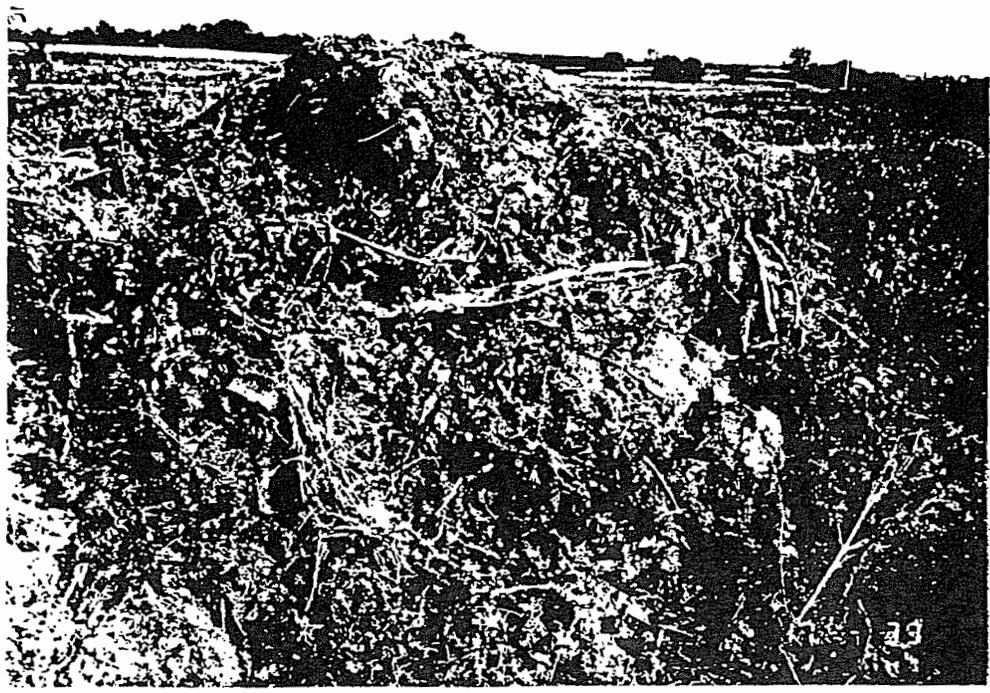
Comments: Photograph taken

Looking toward the east.

discuss waste material

fully owned at site.

Photo # 2



Date: August 9, 1990

Time: _____ A.M./P.M.

Photograph By:

Kevin Standbridge

Location: LPC-1970000000

Will County - Dicola - Region

State - Wilton Center Rd., Prof. Ex. Top.

Box # 20 - 11 - 300 - 003

Comments: Photograph taken

Looking toward the southeast.

endslope waste material

on off-site.

Photo # 3

Date: _____

Time: _____ A.M./P.M.

Photograph By:

Kevin Standbridge

Location: LPC-197

Will County

Comments: Photograph taken

Looking toward the

Photo # _____



39

11

33



WILL COUNTY LAND USE DEPARTMENT

501 ELLA AVENUE • JOLIET, ILLINOIS 60433

Refer to: 1970000000 - Will County
Property located on Joliet-Wilton Center Road,
west of I-57 in Peotone Twp.
DiCola -Peotone/Tax# 20-11-300-003
Compliance File

October 4, 1990

Mr. Robert DiCola
Harlem Ave.
Monee, IL 60449

Dear Mr. DiCola:

On September 19, 1990, I conducted an inspection of the property located west of Interstate 57, on Joliet-Wilton Center Road in Peotone Township (Tax# 20-11-300-003). According to our information, you are the operator of the facility on the property.

It is apparent that you are operating a composting facility without an Agency permit as required by the Illinois Environmental Protection Act (Ch. 111½, ¶1021 Sec. 21(q)). You must remove the compost material to a permitted facility or apply for a permit with the Agency (IEPA).

This report has been forwarded to the Office of the Will County State's Attorney for consideration of possible action.

If you have any questions please contact me at (815) 727-8834.

Sincerely,

Kevin Standbridge
Solid Waste Director

cc: IEPA/DLPC Division File
Maywood Region

EXHIBIT C



STATE OF ILLINOIS
 ENVIRONMENTAL PROTECTION AGENCY
 OPEN DUMP INSPECTION REPORT

County Will Site Code 1970010000
 Location/Name DiCola Robert - Peotone Date 9-19-90
~~John Wilton Latta Rd, Peotone Twp.~~
 Tax # 420-11-300-003
 Time: From 03:20 p.m. To 03:50 p.m. Region II
 Photos Taken: Yes (# 13) No () RP's phone # 708-534-2466
 Inspector(s) Kevin Standbridge Weather cloudy, 60°
 Samples Taken: Yes (#) No (X) Type _____
 Interviewed none Previous Inspection 8-9-90
 Previous Correspondent August 16 1990 letter with an August 9, 1990 report

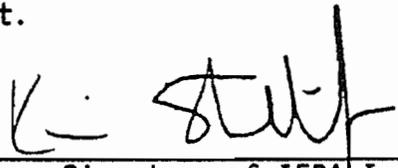
SITE OBSERVATION

- Causing or allowing litter (Section 21(q)(1) of the Act) 1* X
- Causing or allowing scavenging operations (Section 21(q)(2) of the Act) 2* _____
- Causing or allowing open burning (Section 21(q)(3) of the Act) 3* _____
- Causing or allowing the deposition of waste in standing or flowing waters
(Section 21(q)(4) of the Act) 4* _____
- Causing or allowing proliferation of disease vectors
(Section 21(q)(5) of the Act) 5* _____
- Causing or allowing the generation of standing or flowing liquid discharge
from the open dump site (Section 21(q)(6) of the Act) 6* _____
- Causing or allowing the operation of an open dump so as to cause or threaten
or allow the emissions of contaminants so as to cause or tend to cause air
pollution in Illinois (Section 9(a) and 9(c) of the Act) 7. _____
- Causing or allowing the operation of an open dump so as to cause or threaten
or allow the discharge of any contaminants so as to cause water pollution
in Illinois (Section 12(a) and 12(d) of the Act) 8. _____
- Acceptance of special waste for disposal, storage or treatment from a waste
hauler that does not have a valid waste hauling permit (Section 809.302(a)
of the Regulations) 9. _____

- Acceptance of special waste for disposal, storage or treatment from a waste hauler that did not present a signed manifest which designated the receiver's facility as a destination for the special waste (Section 809.302(a) of the regulations) 10. _____
- Causing or allowing the development and/or operation of a solid waste management site without a permit issued by the Agency (Sections 807.201 and 807.202 of the Regulations) 11. ✓
- Causing or allowing the open dumping of any waste (Section 21(a) of the Act) ... 12. ✓
- Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency (Section 21(d) of the Act) 13. ✓
- Apparent violation of: PCB (); Circuit Court ()
Case Number _____, Order entered on _____, 19__ 14. _____
- Other 15. _____

INFORMATIONAL NOTES

- 1. Reference to "Act" herein refer to the Illinois Environmental Protection Act: Ill. Rev. Stat. ch. 111 1/2, par. 1001, et seq.
- 2. Reference to "Regulations" herein refer to the rules and regulations of the Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
- *. Subject to enforcement either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.



 Signature of IEPA Inspector(s)
 Will Countz

PMP:jab/3208j/22-23

NARRATIVE INSPECTION REPORT DOCUMENT

Date of Inspection: September 19, 1990 Inspector: Kevin Standbridge

Site Code: 1970000000 County: Will

Site Name: DiCola - Peotone Time: 3:20 p.m. to 3:50 p.m.

Location: Property located on north side of Joliet- Wilton Center Rd. at northwest corner of intersection of I-57, West Frontage Rd. in Peotone Twp., Tax Number 20-11-300-003

GENERAL REMARKS

I arrived at the site at approximately 3:20 p.m. The temperature was approximately 60 degrees and there was an approximately 5 mph wind from the northeast.

I entered the site and drove north along the drive until I arrived at a concrete pad with landscape waste material on it (photos 1 and 2). The approximately 60 foot by 60 foot concrete pad is used as a staging for the composting operation. There was an approximately 20 yard roll-off along the south edge of the concrete pad (photo 3).

I continued north from the concrete pad where I encountered three windrows of landscape waste material (photos 4 and 5). The windrows were approximately 400-500 feet long, by 6 feet wide, by 4 feet high. There was a slight odor near different parts of the windrows. The material in the windrows was being composted.

I continued north where I encountered a large area of excavation (photo 6). It appeared that a large area was being excavated and a berm or wall constructed along its south and east sides. By appearance, the excavation could be the construction of a pond.

I returned to a point just south of the concrete pad where I encountered a swale. I followed the swale to the east where there was a tank protruding from the ground (photo 7). I looked inside the tank and saw a liquid at the bottom of the tank (photo 8). There were also two pipes entering the tank from the southwest (photo 9) and a third entering the tank from the east (photo 10). Apparently, the two pipes on the southwest are drainage tiles emptying into the tank and the pipe on the east side drains out to the existing drainage tile which runs off of the property. Conceptually, it looks as though the tank is being used as a standpipe for the drainage tile system.

I then walked to the west where I saw a large pile of debris on the north side of a small barn (photo 11).

While inspecting the site I saw no indication of any agricultural activities at the site. There was no evidence of any crop under cultivation of the site.

As I left the site, I took a photo from the street looking north across the site (photo 12). At the end of the drive and to the west in the photo is the concrete pad where the material is dumped. I then went to the frontage road at the southeast corner of the site and took a photo (photo 13). Visible in the photo are: the concrete pad, the windrows, and the buried tank.

APPARENT VIOLATIONS

Line 1 - Causing or allowing litter (Section 21(q)(1) of the Act)

Line 11 - Conducting a solid waste management site without a permit issued by the Agency (Section 21(d) of the Act)

Line 12 - Causing or allowing the dumping of any waste (Section 21(a) of the Act)

Line 13 - Conducting any waste-storage, waste-treatment, or waste disposal operation without a permit granted by the Agency (Section 21(d) of the Act)

SITE SKETCH

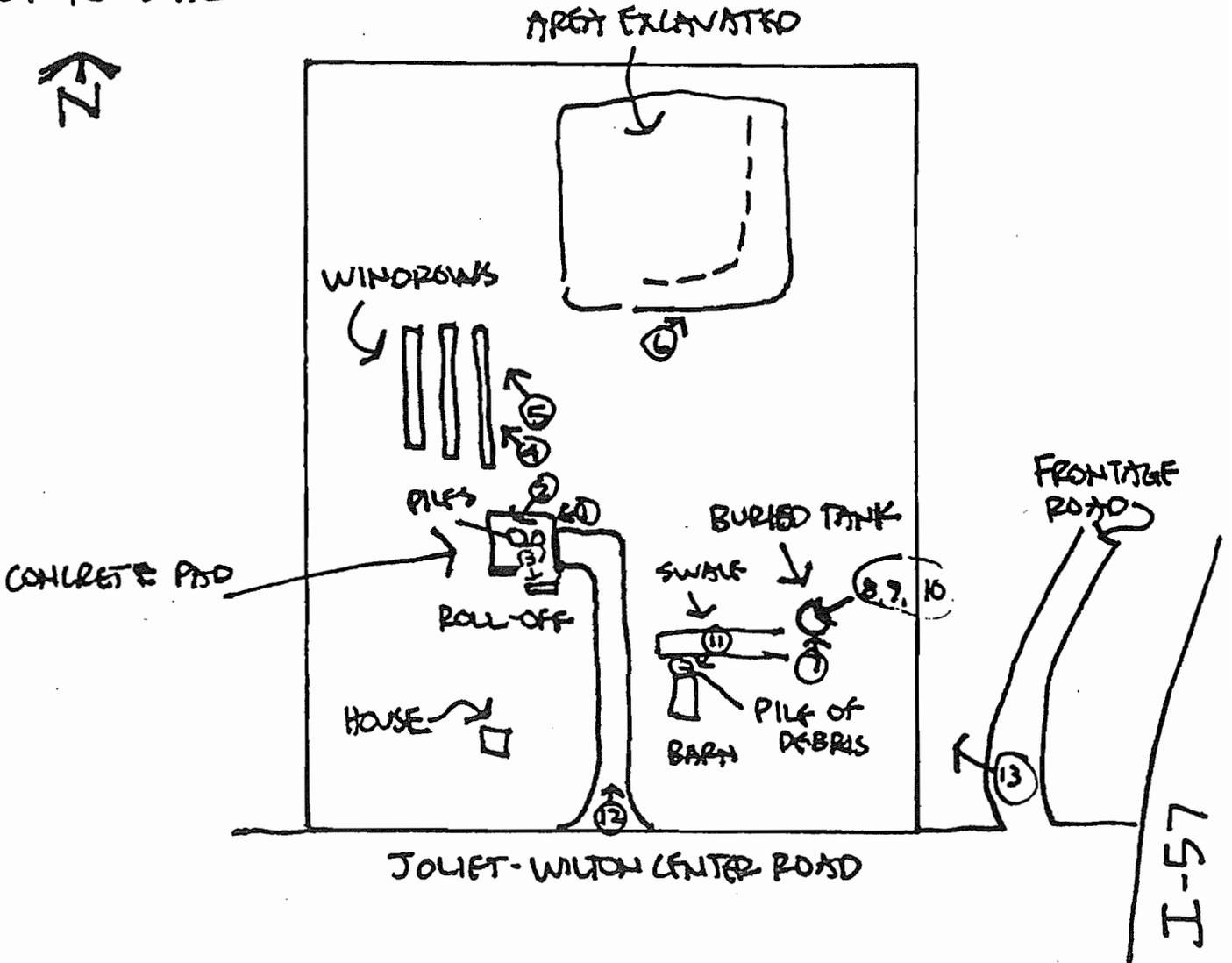
SEPTEMBER 19, 1990

INSPECTOR: KEVIN STANBRIDGE

SITE: ROBERT DICOLA / PEOTONE

TAX # - 20-11-300-003

NOT TO SCALE



Date: 9-19-96

Time: 3:25 A.M./(P.M.)

Photograph By:
Kevin Standbridge

Location: LPC-1970006000

Will County - DiCola / Peotone

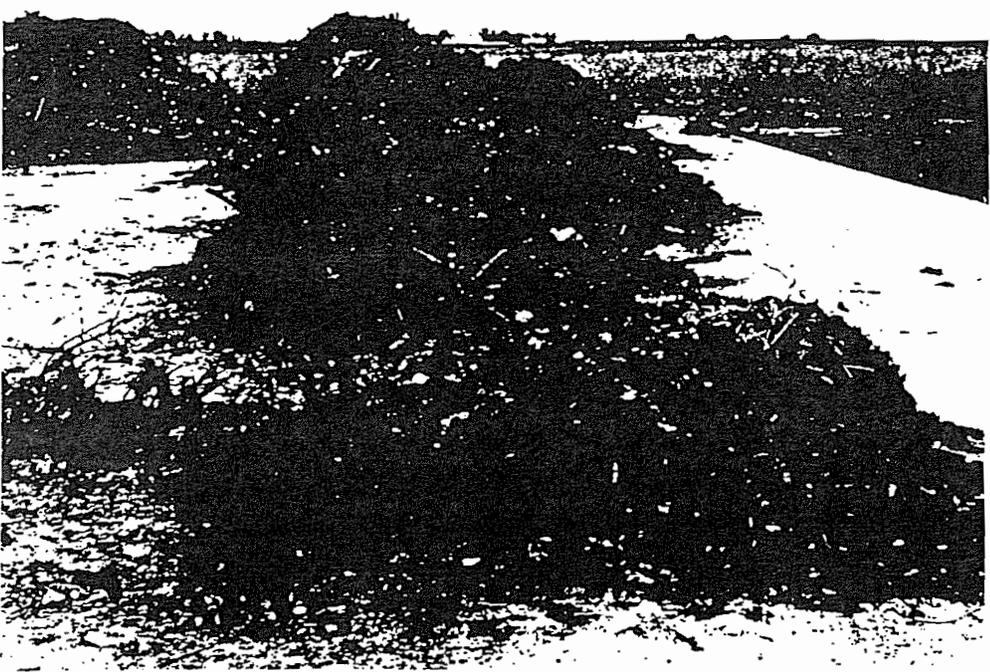
Joliet-Wilton Center Road, Peotone Twp.

Tag # 20-11-300-603
Comments: Photograph taken

Facing toward the west.

Landscape waste material
on concrete pad.

Photo # 1



Date: 9-19-96

Time: 3:25 A.M./(P.M.)

Photograph By:
Kevin Standbridge

Location: LPC-1970006000

Will County - DiCola / Peotone

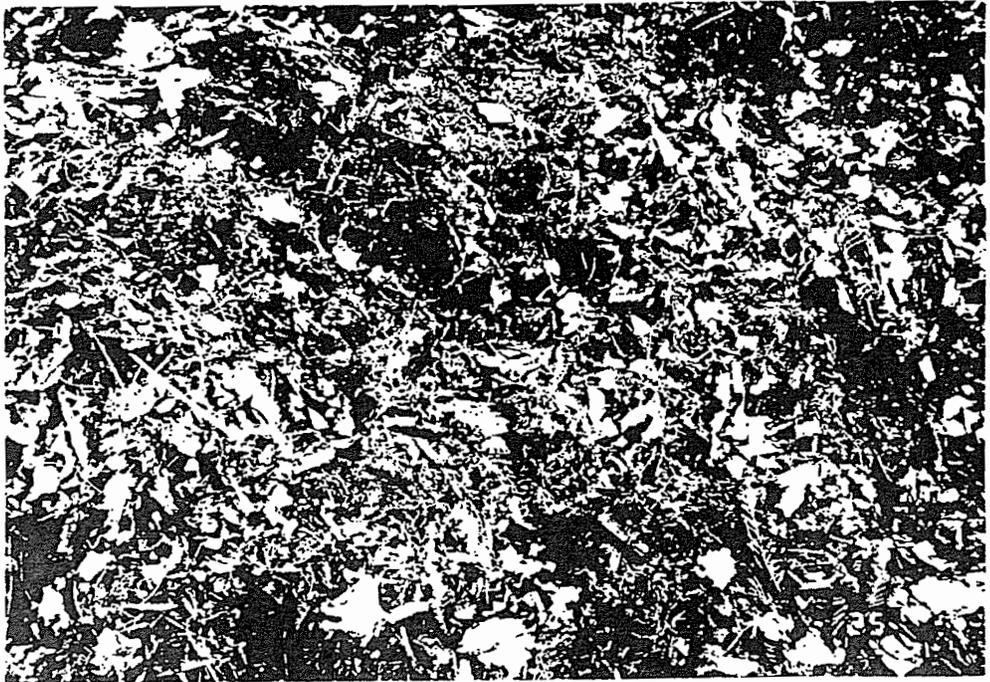
Joliet-Wilton Center Road, Peotone Twp.

Tag # 20-11-300-603
Comments: Photograph taken

Facing toward the west.

Close-up of piles on
concrete pad.

Photo # 2



Date: 9-19-90

Time: 3:26 A.M. (P.M.)

Photograph By:
Kevin Standbridge

Location: LPC-1970000000

Will County - Dacula/Petone

Juliet - Wilton Center Road, Petone Twp.

Phone # 20-11-300-003

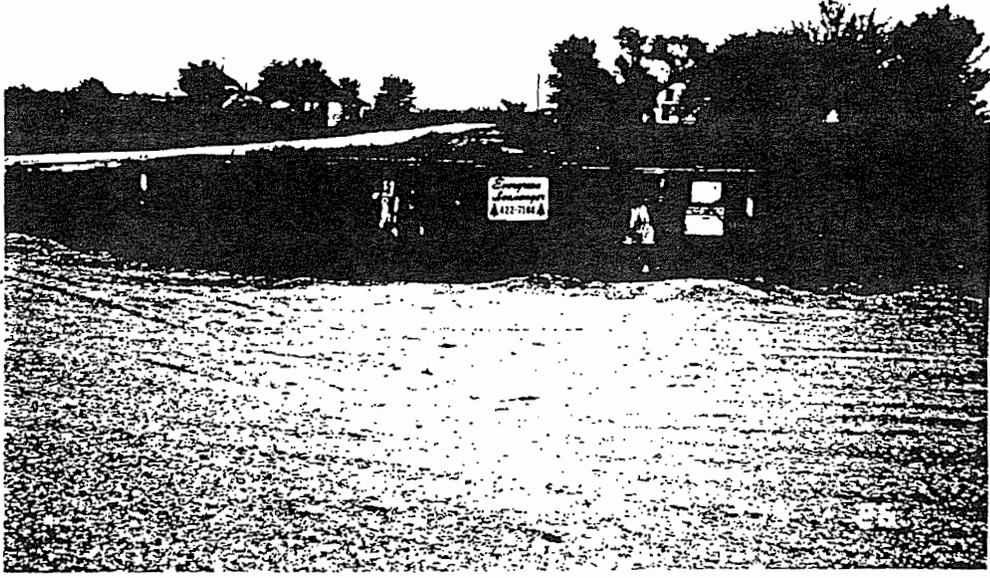
Comments: Photograph taken

Looking toward the south.

Roll-off container on south

side of pad.

Photo # 3



Date: 9-19-90

Time: 3:25 A.M. (P.M.)

Photograph By:
Kevin Standbridge

Location: LPC-1970000000

Will County - Dacula/Petone

Juliet - Wilton Center Rd, Petone Twp.

Phone # 20-11-300-003

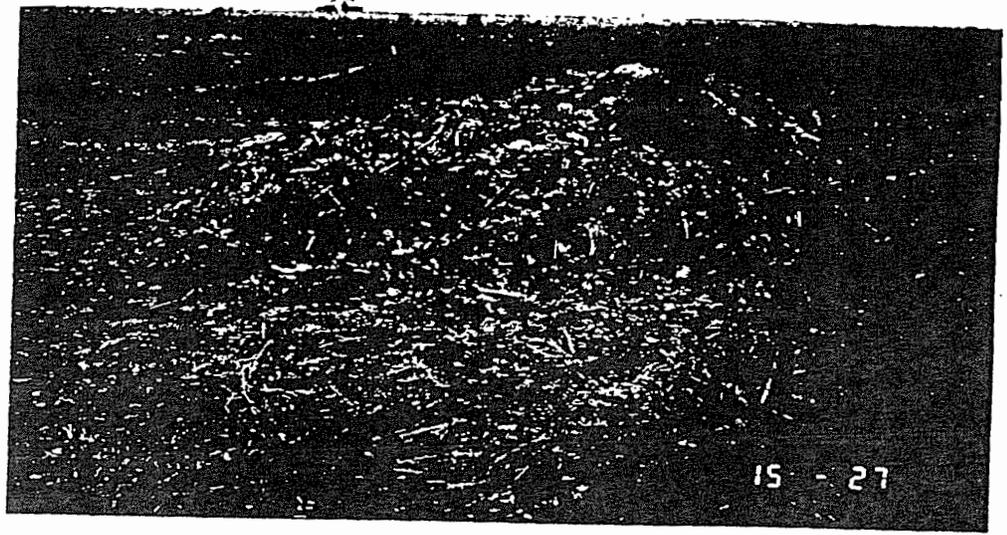
Comments: Photograph taken

Looking toward the northwest.

South edge of windrowed

landscape waste material.

Photo #



Date: 9-19-90

Time: 3:27 A.M./(P.M.)

Photograph By:

Kevin Standbridge

Location: LPC-1970000000

Will County - DiCola/Peotone

Bluff - Wilton Center Rd. Peotone Twp

Tax # 20-11-300-003

Comments: Photograph taken

Facing toward the north.

Length of windrowed

landscape waste material.

Photo # 5



Date: 9-19-90

Time: 3:28 A.M./(P.M.)

Photograph By:

Kevin Standbridge

Location: LPC-1970000000

Will County - DiCola/Peotone

Bluff - Wilton Center Rd. Peotone Twp.

Tax # 20-11-300-003

Comments: Photograph taken

Facing toward the northeast.

Location and construction of
1/2(berm) at north end of property.

Photo # 6



Date: 9-19-90

Time: 3:32 A.M./(P.M.)

Photograph By:

Kevin Standbridge

Location: LPC-197006060

Will County Dicola/Peotone

Bluet-Wilton Center Rd., Peotone Twp.

20-11-300-003

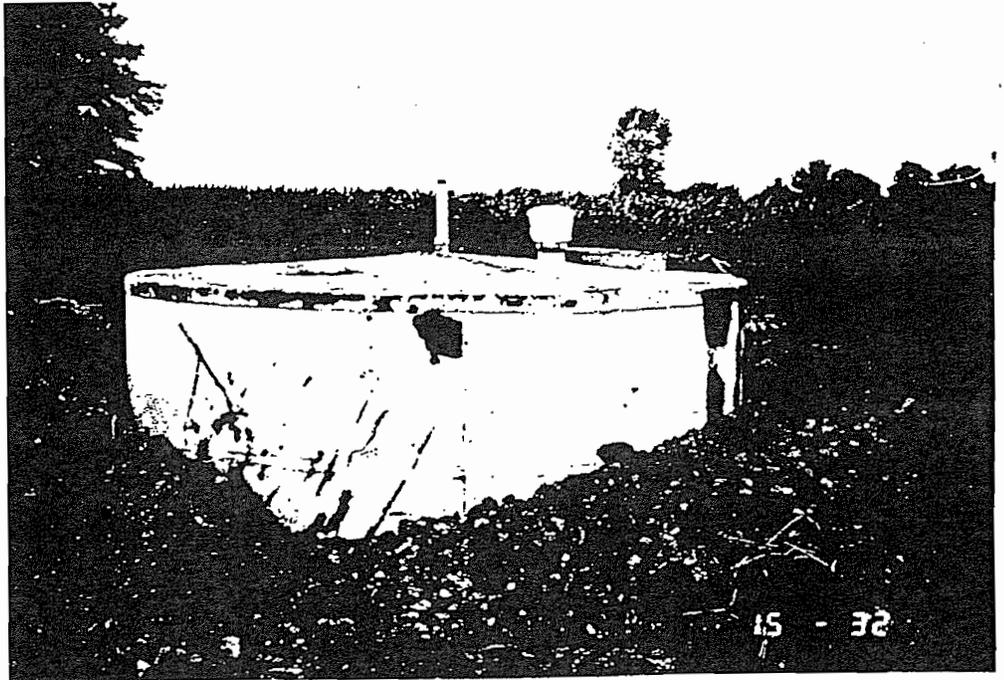
Comments: Photograph taken

Facing toward the northeast.

End of tank protruding

from ground.

Photo # 7



Date: 9-19-90

Time: 3:33 A.M./(P.M.)

Photograph By:

Kevin Standbridge

Location: LPC-197000000

Will County - Dicola/Peotone

Bluet-Wilton Center Rd., Peotone Twp.

20-11-300-003

Comments: Photograph taken

Facing toward the east.

Bottom of inside of tank

shown in photo 7.

Photo # 8



Date: 9-19-90
Time: 3:34 A.M./P.M.

Photograph By:
Kevin Standbridge

Location: LPC-1970006000

Will County - Dilola / Peotone

Wilton Center Rd. Peotone Twp.

Tax # 20-11-300-003
Comments: Photograph taken

Facing toward the southwest.

Apparent inlet pipes in tank
depicted in photo 7, coming

from # 9
from drainage tile installed on site.

Date: 9-19-90

Time: 3:34 A.M./P.M.

Photograph By:
Kevin Standbridge

Location: LPC-1970006000

Will County - Dilola / Peotone

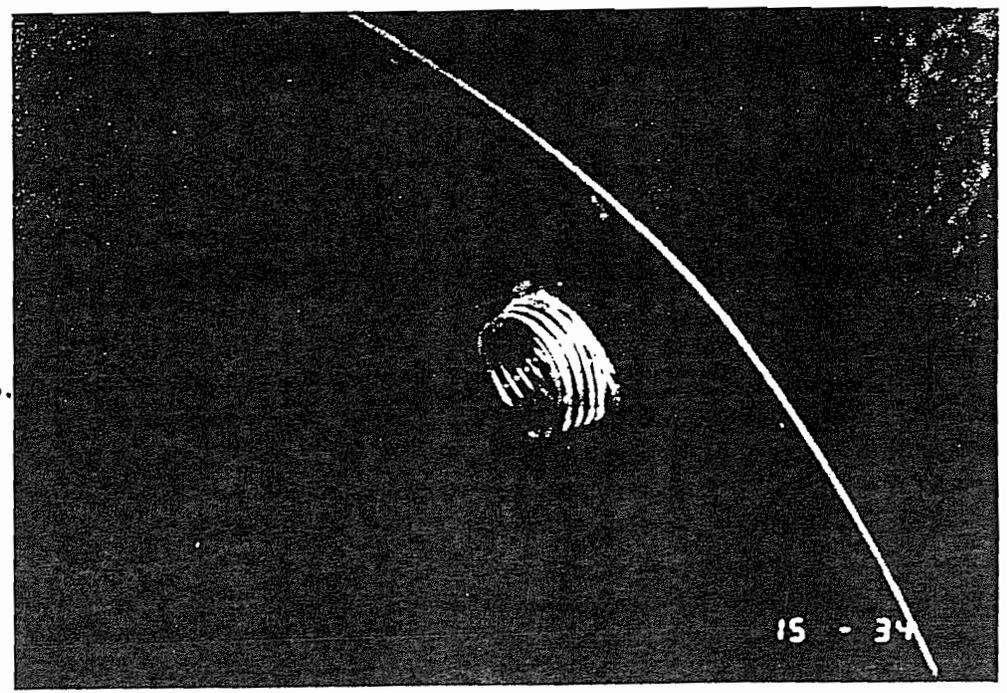
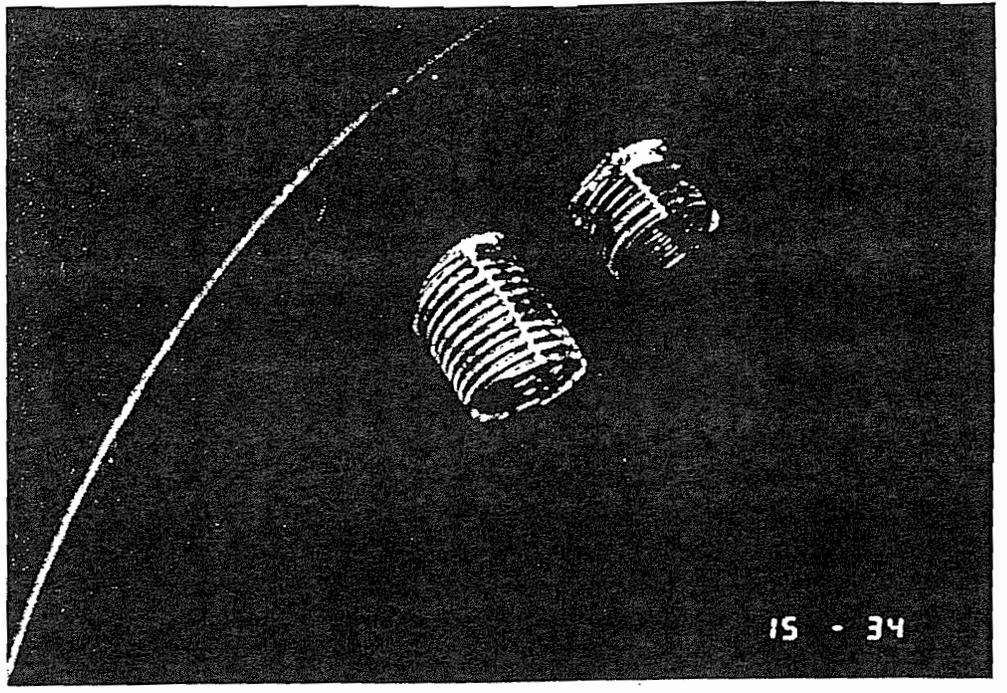
Wilton Center Rd. Peotone Twp.

Tax # 20-11-300-003
Comments: Photograph taken

Facing toward the east.

Apparent outlet pipes in tank
depicted in photo 7, leading to

from # 10
existing drain tile.



Date: 9-19-90

Time: 3:36 A.M. (P.M.)

Photograph By:

Kevin Standbridge

Location: LPC-1970000000

Will County - DeKalb/Pestone

Joliet-Wilton Center Rd., Pestone Twp.

Tax # 20-11-300.003

Comments: Photograph taken

acing toward the southeast.

Pile of debris on north side of barn.

photo # 11



Date: 9-19-90

Time: 3:37 A.M. (P.M.)

Photograph By:

Kevin Standbridge

Location: LPC-1970000000

Will County - DeKalb/Pestone

Joliet-Wilton Center Rd., Pestone Twp.

Tax # 20-11-300.003

Comments: Photograph taken

acing toward the north.

View from Joliet-Wilton Center Rd.

site. Covered pad is at termination

photo # 12

drive.



Date: 9-19-90

Time: 3:44 A.M./(P.M.)

Photograph By:

Kevin Standbridge

Location: LPC-197806050

Will County - Dilola/Pestone

Willet-Wilton Center Road, Pestone Twp

Box # 20-11-300-003

Comments: Photograph taken

Looking toward the northwest.

on Frontage Rd. on east side of

site. Note cement pad on upper

photo # 13

ft. windrows on upper right
and tank on lower right.

Date: _____

Time: _____ A.M./P.M.

Photograph By:

Kevin Standbridge

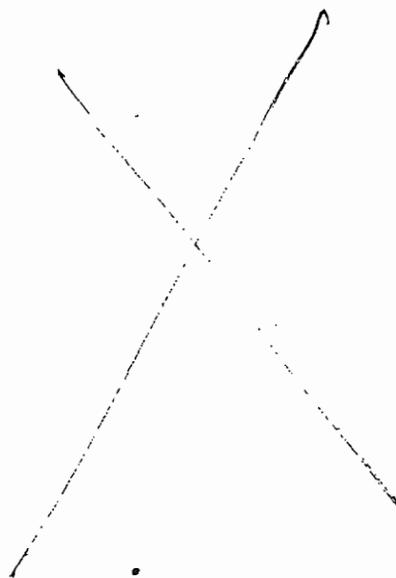
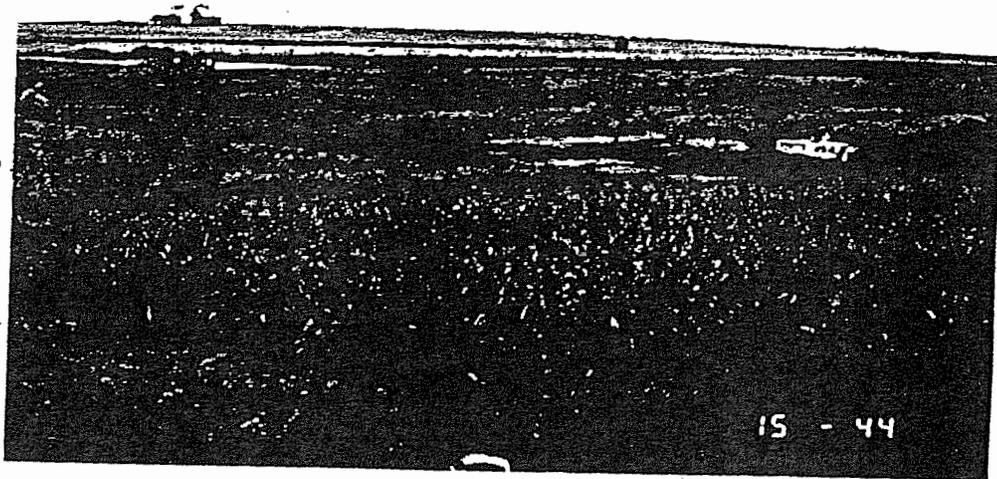
Location: LPC-197

Will County

Comments: Photograph taken

Looking toward the

0 1



Time Arrived: 3:20

Time Departed: _____

Person Interviewed: not

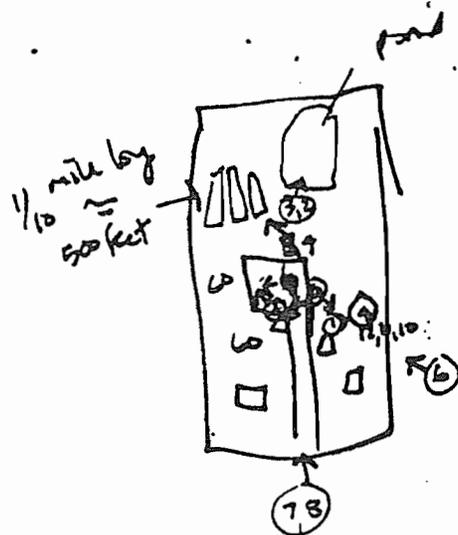
Weather: cloudy moist/sail cond. W Wind dir.:

PICTURE NO.	TIME	DIRECTION	DESCRIPTION & COMMENTS
1		NE	Tank emerging from ground
2		N	"
3		NE	pond? excavator
4		N	"
5		NW	windows
6		S	oil pit
7		W	piles on pad
8		W	- W piles on pad
9		E	- sign southwest of site
10			
11			
12			
13			
14			
15			

6 NE cross site
 7 N corner of 7
 8 N drive
 9 pile and beam
 10 inside of tank
 11 inside of tank
 12 inside of tank

COMMENTS:

Dimensions:



ENTRANCE PERMIT

Permit Granted To:

Name Robert DiCola
 Address 26857 S. Harlem
Monee, IL 60449
 Telephone No. (312) 238-7071

Permit No. E2013
 Date August 6, 1990
 Inspector Scott D. Gapsevich

Location of Entrance(s)

Name of Road or Street North Peotone Road
 County Highway No. 20 Section No. _____
 Subdivision _____ Section _____ Township _____
 Lot No. _____ Block No. _____
 Size of Culvert Required 18" x 120'

Description of Exact Location: North side of North Peotone Road - First farm West of I-57.

Remarks and/or Requirements: A Bond in the Amount of \$5,000.00 is Required.
UPGRADE EXISTING ENTRANCE TO COMMERCIAL ENTRANCE

Robert DiCola
 Petitioner

Your request for a Commercial entrance on the above listed road has been investigated and the size of culvert listed above and noted special requirements are the minimum that will be accepted. This culvert must be installed in accordance with the attached standard and all materials and construction shall conform to the specification of the Illinois Division of Highways. This work will be subject to periodic inspection by this office. All work must be completed within one (1) year of permit date.

When construction is completed, please contact Mr. Scott D. Gapsevich of the Will County Department of Highways at (815) 727-8476 for final inspection.

BONDING COMPANY

WILL COUNTY DEPARTMENT OF HIGHWAYS
 Approved by Scott Gapsevich
 Title Permit Engineer
 Date 8/8/90

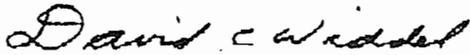
Name NOTICE
 Agent ~~It is a condition of this permission~~
 Address that a copy of this Permit be on the
Job site during all work. Failure to
comply is cause to stop all construction.

against all claims for damages that may occur to persons or property due to accidents or otherwise by reason of the location, operation, or maintenance of the work authorized by the referenced highway permit, including damages to property belonging to the County of Will arising out of the performance of said described operation and related activities from the date of this Bond, until such time as this Bond is released in writing by the County Superintendent of Highways for the County of Will, then this obligation to be void. Otherwise, this bond or so much thereof as may be necessary shall insure to the said Department as cost and expense to change and correct said construction to conform to the terms and conditions of and description in said Permit and Sketch.

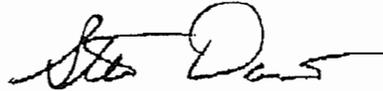
This Letter of Credit to expire on August 7, 1991.

Very truly yours,

MARQUETTE NATIONAL BANK



DAVID C. WIDDEL
Asst. Vice President



STEVEN DAVIN
Commercial Loan Officer

DCW:ek

MARQUETTE NATIONAL BANK

August 7, 1990

MARQUETTE NATIONAL BANK IRREVOCABLE LETTER OF CREDIT #976

County of Will
Department of Highways
Will County, Illinois

Amount: \$5,000.00
Expiry: August 7, 1991

Re: Robert DiCola

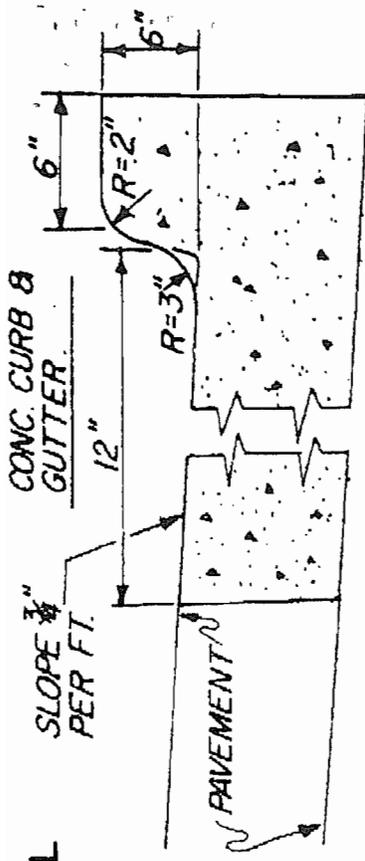
Gentlemen:

This Letter of Credit from Marquette National Bank, an Illinois Corporation, to County of Will, Department of Highways, effective as of the 7th day of August, 1990, is held firmly bound unto the County of Will in the penal sum of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) lawful money of the United States well and truly to be paid unto said County of Will, for payment which we bind ourselves, our successors and assigns, jointly, severally and firmly by these presents.

Whereas, Highway Permit No E2013 issued by the Will County Department of Highways grants to Robert DiCola permission and authority to construct, locate, operate and maintain the work described in said Permit, upon or adjacent to County Highway No. 20 in Will County as more fully described in said Permit and Sketch, which by this reference are made a part hereof as if written herein at length, in and by which Permit and Sketch that said Principal has promised and agreed to perform said described operation and related activities in accordance with the terms and conditions of and description in said Permit and Sketch.

Now, thereof, if the said Principal shall well and truly perform in accordance with the terms and conditions of and description in said Permit and Sketch to the satisfaction of said Department, and shall perform no other work or construction at said location without first applying for and receiving another permit from said Department, and shall indemnify and save harmless the County of Will

COUNTY OF WILL
ENTRANCE

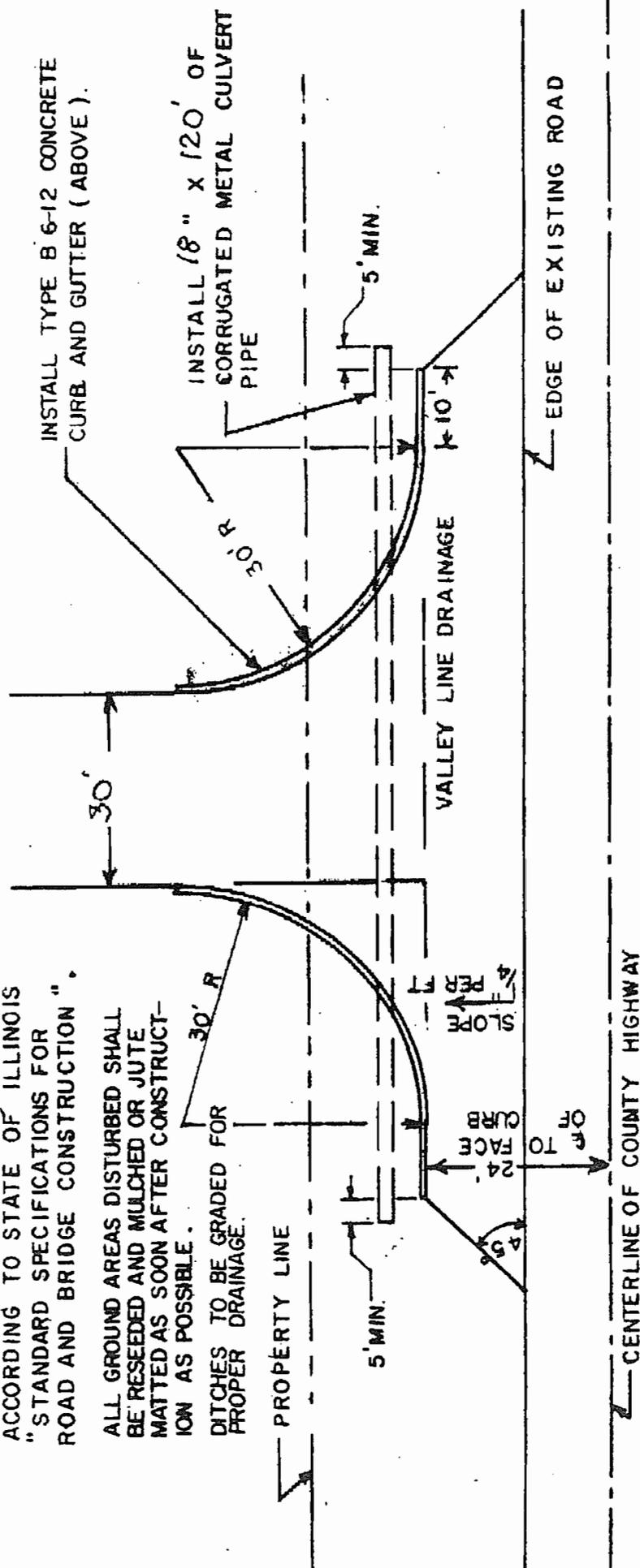


NOTE: INLETS MAY BE REQUIRED TO BE INSTALLED INTO THE C.M.C.P. IF NECESSARY FOR DRAINAGE.

ALL CONSTRUCTION TO BE DONE ACCORDING TO STATE OF ILLINOIS "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION".

ALL GROUND AREAS DISTURBED SHALL BE RESEEDED AND MULCHED OR JUTE MATTED AS SOON AFTER CONSTRUCTION AS POSSIBLE.

DITCHES TO BE GRADED FOR PROPER DRAINAGE.



NOTICE

It is a condition of this permission that a copy of this Permit be on the job site during all work. Failure to comply is cause to stop all construction.

CUT OUT DIRT ON SHOULDER AND INSTALL 1/5" AGGREGATE BASE COURSE AND 4" BITUMINOUS ASPHALT SURFACE.

IV. Development and Operating Information:

Location in the
Application by
Page Number

1

1. The area to be served by this facility (i.e., the municipalities, townships, counties, etc.).

1

2. An estimate of the maximum annual volume of waste the facility will be able to process.

3. Proof of the following:

4

i. The location of the facility shall include a setback of at least 200 feet from any potable water supply well.

5

ii. The location of the facility shall be outside the boundary of the 10-year floodplain or the site shall be floodproofed.

Zoning Map

iii. The location of the facility shall minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence.

1

iv. The design of the facility shall prevent any compost from being placed within 5 feet of the water table, adequately control runoff from the site and collect and manage any leachate that is generated on the site.

1

4. A description of the methods to control runoff and collect and manage any leachate generated on-site. This may be in the form of ditches, straw bales, check dams, discharge to storm sewers or retention basins, etc.

1

5. Descriptions of the measures that will be taken to control dust, odor and noise generated by the facility's operations (e.g., chipping, shredding, and turning the windrows).

2

6. Specification of the operating hours of the facility.

2

7. Management procedures for containment and disposal of non-compostable wastes received at the facility.

2

8. A description of procedures for terminating operations at the site (e.g., removal of all wastes and contaminated soils).

2

9. A description of the recordkeeping procedures that will be used.

2

10. The types of landscape waste that are proposed to be received by the facility.

Location in the
Application by
Page Number

- 2 11. The management procedures that will be used in composting. This should include:
 - i. A description of any treatment the wastes will receive prior to windrowing (e.g., pre-shredding).
 - ii. The specifications to which the windrows will be constructed, that is, their width, height and length. The calculations of the maximum capacity of the facility should also be provided.
 - iii. A list of any additives that will be used to adjust the moisture and/or nitrogen content of the composting material (if applicable). The rates and methods of application should also be provided.
 - iv. The method and frequency of aerating the windrows as well as a description of the equipment that will be used for this purpose.
 - v. An estimate of length of time that will be necessary to complete the composting process.
 - vi. The criteria for determining when the composting process is complete.
- 3 12. Descriptions of the storage areas (including their capacities) that will be used to stage the waste before windrowing and to store the finished compost product.
- 3 13. A description of the anticipated end use of the finished compost product.

V. Reporting:

List any additional information that is anticipated to be reported: _____

SIGNATURES

All applications shall be signed by the person designated below or by a duly authorized representative of that person:

Corporation - By a principal executive officer of at least the level of vice-president.

Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively.

Government - By either a principal executive officer or a ranking elected official.

A person is a duly authorized representative only if:

1. the authorization is made in writing by a person described above; and
2. is submitted with this application (a copy of a previously submitted authorization can be used).

I hereby affirm that all information contained in this Application is true and accurate to the best of my knowledge and belief.

Owner Signature: Bob DiLillo 10-6-90
 (Date)

Title: OWNER

Operator Signature: Bob DiLillo 10-6-90
 (Date)

Title: OPERATOR

Preparer's Signature,
 if other than
 Operator: _____ (Date)

Title: _____

Address: _____

Contact Person
 and Phone No.: Bob DiCola 708 567 0365

All information submitted as part of the Application is available to the public except when specifically designated by the Applicant to be treated confidentially as a trade secret or secret process in accordance with Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Agency rules and guidelines.

ILLINOIS NATIVE NURSERY'S

APPLICATION FOR

A COMPOSTING FACILITY

by

BOB DICOLA

8452W. JOLIET RD.

PEOTONE, ILL. 60468

Phone(708)567-0365

RECEIVED

OCT 11 1990

IEPA-DLPC

RECEIVED

SEP 27 1990

IEPA-DLPC

AREA SERVED

The area to be served is south Cook and Will Counties.

VOLUME OF WASTE

10,000 Cubic yards of landscape waste can be processed per acre per year. Since the site is 13 acres the total maximum volume per year is 130,000 cubic yards.

LOCATION MAP

The location map is on [redacted]. Also enclosed is a plat of survey of the 80 acre site the compost site is going to be on.

The only well near the compost site is on the site. The composting area is approximately 300 feet from the well.

The flood plain map is on [redacted]. None of the site is located on a flood plain.

The zoning map is on [redacted]. The only residence near the composting site is on the site. The rest of the surrounding land is all zoned agriculture and none of it has a residence within a thousand feet of the site.

CONTROL OF LEACHATE

The design for controlling runoff is on [redacted]. The water table used of drinking water is 60 to 80 feet. The composting area would not effect the water table. However the entire compost area has been tiled. The water from the tile will enter a large tank which has a pump in it. The pump will pump the water to a pond north of the compost site. The water in the pond will be used to irrigate the nursery stock that is to be located on the site. Any surface runoff will be directed towards large grass filter strips. These filter strips will follow United States Department of Agriculture Soil Conservation Service recommendations.

MEASURES TO CONTROL DUST, ODOR, AND NOISE

Dust will be controlled by spraying the area with water from the pond.

Odor will be controlled using a wildcat compost turner to aerate the landscape waste. New compost rows will be turned within a week after the landscape waste arrives on the site. Then the rows will be turned every one to two weeks depending on the weather. As long as the rows are aerated the odor should be held to a minimum.

Noise from equipment will only be during daylight hours six days a week. The composting site will no be open on Sunday.

RECEIVED

OCT 11 1990

IEPA-DLPC

RECEIVED

SEP 27 1990

IEPA-DLPC

OPERATING HOURS

The composting site will be open six days a week Monday through Saturday from six AM to six PM.

CONTAINMENT OF NON-COMPOSTABLE WASTE

No non-compostable waste will be accepted at the site. However some non-compostable waste may be in some of the landscape waste. This material will be picked up and placed in a large trash container and hauled to the dump.

TERMINATING THE OPERATIONS

If the composting is to be terminated then the site will revert back to agriculture. The compost windrows will be applied to the site. The soil will then be plowed and agricultural crops will be grown on the site.

RECORD KEEPING PROCEDURES

A record of all trucks and the amount of cubic yards delivered would be kept. All the rest of the book work would be accepted accounting procedures.

TYPES OF LANDSCAPE WASTE

Grass, leaves, brush and trees are the types of waste this site will accept.

MANAGEMENT PROCEDURES

Most of the waste will be placed directly in the windrow. Large chunks of wood will be put aside, chipped and then placed in the windrow.

Each windrow will be several hundred feet long. The windrows will be 12 feet across and six feet height in center. On each side of the windrow there will be a twelve foot wide row for the tractor to drive down.

No additives will be used for composting the landscape material.

A wildcat composting turner pulled by a tractor will aerate the windrows. The landscape waste will be turned within one week of it's arrival.

The windrows will then be aerated once every seven to fourteen days spring, summer and fall. Aeration will not occur during the winter due to weather conditions.

The length of time for the landscape waste to turn into finished compost material will be three to six months.

A visual inspection of the compost will determine if the material is ready for land application. Also the material will be ready when it fails to generate heat after it has been aerated.

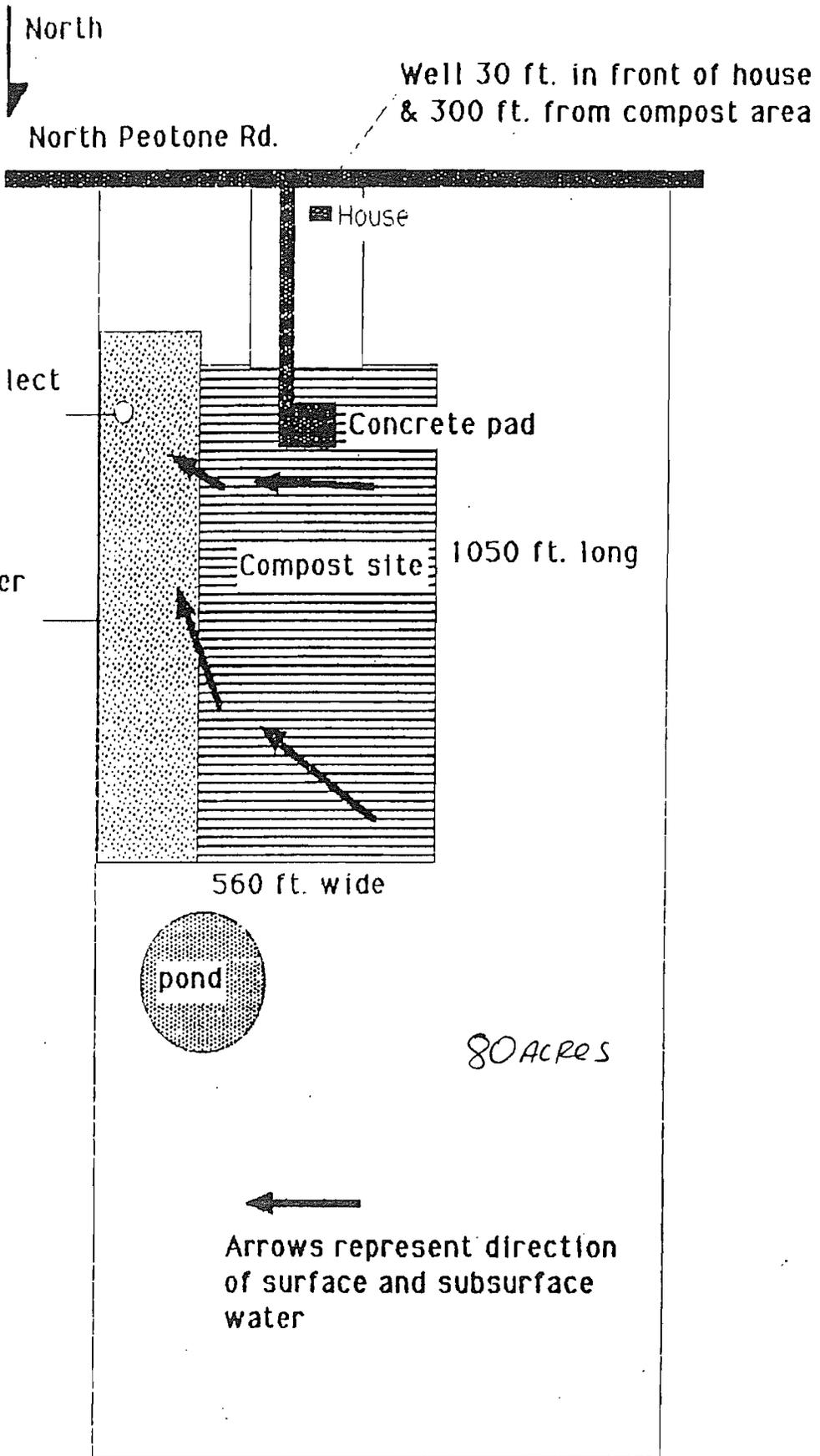
STORAGE AREAS

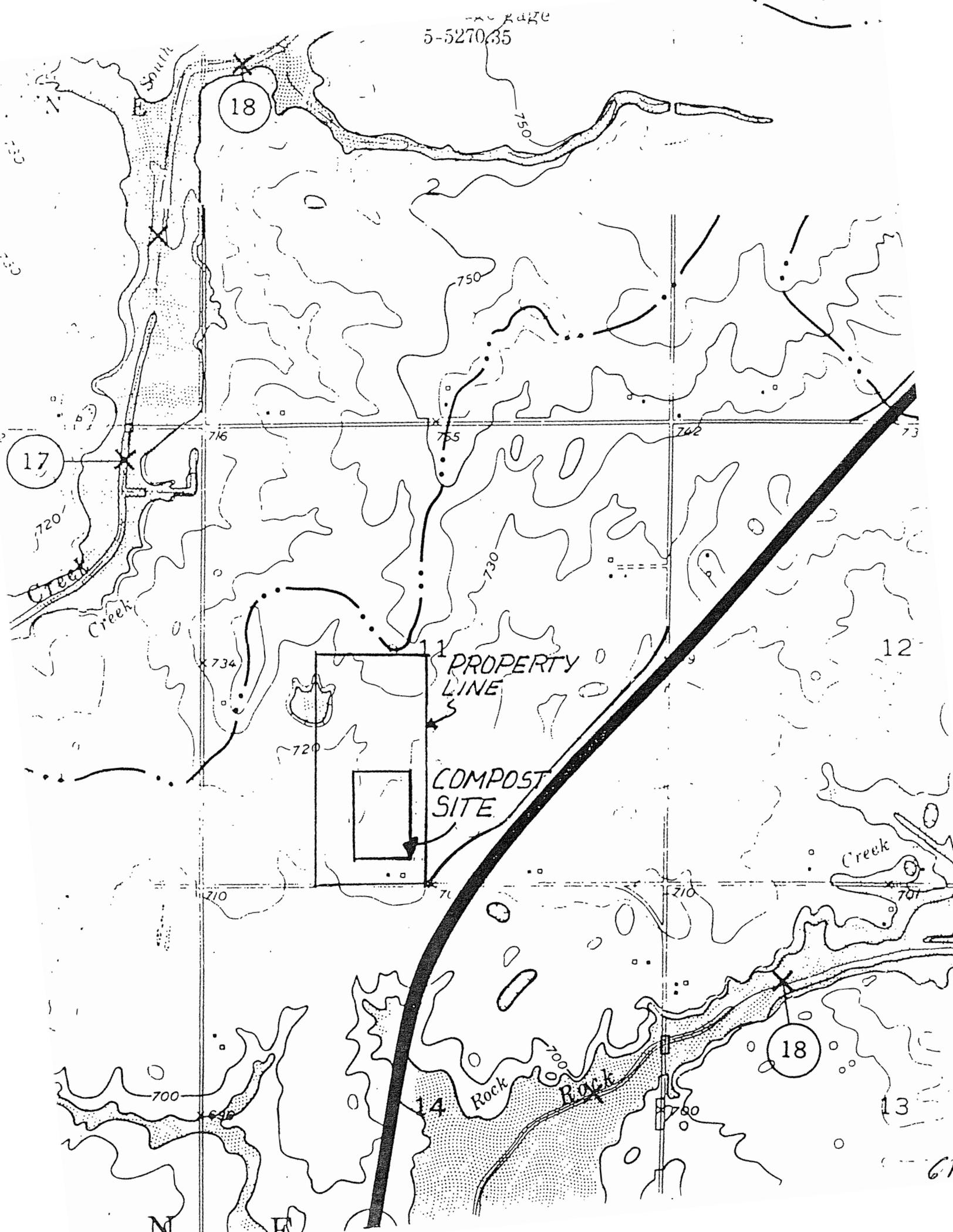
The vast majority of the landscape waste will be placed directly in the windrows. If the landscape waste can not be placed in the windrows due to the weather, it will be placed on a concrete pad that has the capacity to hold four hundred cubic yards. The material will then be moved to the windrows by a front end loader.

Finished compost material will be stored in the windrows. The compost material will be moved to the surrounding agricultural land via a manure spreader.

END USE OF MATERIAL

Finished compost will be land applied to the agricultural land on the site. None of it will be sold or given away.





18

17

12

PROPERTY LINE

COMPOST SITE

Creek

18

13

Rock Rock

South

Creek

N E

61

EXHIBIT A

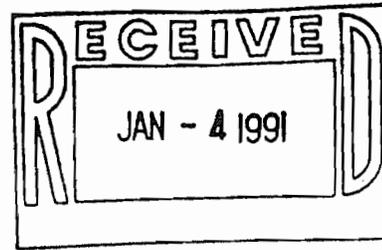
LEGAL DESCRIPTION

The East Half of the South West quarter of Section 11, Township 33 North, Range 12, East of the Third Principal Meridian, in Peotone Township, Will County, Illinois; (excepting therefrom the following described tract of land (Tract No. 19; Parcel "C") beginning at the South East corner of the South West Quarter of Section 11, aforesaid, and running thence South $88^{\circ} 51' 06''$ West, along the South line of said Section 11, a distance of 709.48 feet; thence North $1^{\circ} 08' 36''$ West a distance of 40.00' feet; Thence North $85^{\circ} 59' 39''$ East a distance of 600.75 feet; thence North $76^{\circ} 05' 36''$ East a distance of 113.14 feet to a point on the East property line (East line of the East half of the South West Quarter of Section 11, aforesaid); thence South $0^{\circ} 37' 22''$ East along the aforesaid East line, a distance of 95.0' feet to the point of beginning, containing 0.965 acres more or less, according to Document No. 914557 recorded October 17, 1960, Page 87, Book No. 32), in Will County, Illinois.



217/782-6762

Refer to: 1970750007 -- Will County
Illinois Native Nursery
Log No. 1990-451
Permit File



December 31, 1990

Bob DiCola
26857 S. Harlem Avenue
Monee, Illinois 60449

Dear Mr. DiCola:

This will acknowledge receipt of your Application for Permit to develop and operate a landscape waste compost facility, dated October 6, 1990, and received by this Agency on October 11, 1990.

Your permit application to develop and operate a composting facility for landscape waste is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act. Section 39(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat., Ch. 111 1/2, par. 1039(a)) requires the Agency to provide the applicant with specific reasons for the denial of permit. The following reason(s) are given:

1. The applicant has indicated on application form LPC-PA12 that this is a proposed operation. Will County inspection records indicate that this is incorrect because the site has received and is receiving landscape waste. Please provide information on previous receipt of landscape waste at this site, the amount received, the date of such operations, the type of waste received, the ultimate disposal of any material received, the location of any land application areas, the rate of land application, any testing conducted to determine an agronomic rate; and the specific location of such activities. (Section 21r of the Environmental Protection Act (Act))
2. On page four of the applicants submittal a well is described as being located 30 feet in front of the house which according to the drawing is South of the house. On the scaled survey map submitted, a well is located North of the house. Please explain this discrepancy. (Section 39m of the Act)
3. Please identify the occupant of the residence on site and any rental or lease agreements with the occupant. (Section 39m of the Act)



4. The applicant has failed to indicate on a scaled map the exact location of the proposed composting facility relative to property boundaries, the residence on site and components of the composting facility including the concrete pad, the pond, the vegetative filter, the chipper location, and the staging area for incoming waste. (Section 39m of the Act)
5. The applicant has failed to provide a description of the field tile drainage system under the proposed composting site including a depth profile drawing of the tile, the collection tank and connecting piping to the excess water pond. (Section 39m of the Act)
6. Excess stormwater runoff from the composting site is proposed to be used to irrigate nursery stock. The applicant has failed to identify the existing land use on the 80 acre farm surrounding the proposed composting site. (Section 39m of the Act)
7. The applicant has failed to provide sufficient information on the vegetative filter including its size, slope and whether the filter is existing or proposed. (Section 39m of the Act)
8. The applicant has failed to indicate the existing slope of the proposed composting site and whether any grading will be necessary to augment drainage of surface water to the vegetative filter. (Section 39m of the Act)
9. The applicants description of proposed operations is incomplete (35 Ill. Adm. Code 807.207). Please provide an expanded discussion on:
 - a. The intended staging of development of the site, initial structures, roads, fencing etc.
 - b. Precomposting procedures such as loadout, stock piling, hand picking, opening bags, etc.
 - c. An equipment list including instrumentation or test equipment for measuring the composting process.
 - d. A staffing plan.
 - e. The number of compost rows proposed, the length of these rows and the direction of the wind rows in relation to the site drainage.
 - f. Records to be maintained on the composting process to determine process completion.
 - g. Sampling and testing methods to be used to determine an acceptable agronomic rate for the completed compost.
 - h. There is no information presented to indicate that the necessary equipment will be available on site to control dust.



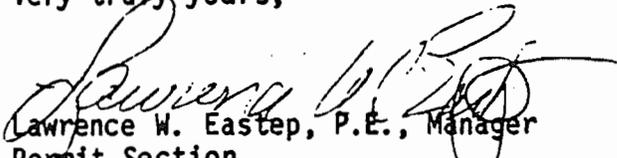
Page 3

- i. Odor reduction and prevention measures such as pH adjustment of the compost or the timing of odor releasing operations to coincide with favorable wind conditions.
10. The applicant has failed to provide details of the existing pond located North of the compost site to be used to control runoff including its location on the scaled map, its storage capacity for runoff from the proposed composting site and a description of any overflow from this pond to waters of the State. (Section 39m of the Act)

Please be advised that new legislation (Senate Bill 1702) becomes effective after December 31, 1990 which requires an application for any composting facility to include verification that the applicant has given notice thereof (1) in person or by mail to the members of the General Assembly from the legislative district in which the proposed facility is to be located, (2) by registered or certified mail to the owners of all real property located within 250 feet of the site of the proposed facility (determined as provided in subsection (b) of Section 39.2 of the Act), and (3) to the general public by publication in a newspaper of general circulation in the county in which the proposed facility is to be located.

Should you wish to reapply or have any questions regarding this application, please contact Gary Cima at 217/782-6762.

Very truly yours,


Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:GC:kkw/4441n,36-38

cc: Maywood Region
Planning & Reporting Section
Division File
Gary Cima

Illinois Environmental Protection Agency
Citizen Pollution Complaint

01

Please print and complete
as much information as possible

Office Use Only
ID Number _____

Name Mr CHESTER STEINBERG Home Telephone Number 708-258-6565

Address 9214 W. Joliet Ill Daytime Telephone Number _____

City, State, Zip Peston Ill 60468

Do you consent to Illinois EPA disclosing your
identity as complaining party? Yes No

- Cause of Problem: (check one)
- Air Pollution
 - Waste Handling
 - Water Pollution
 - Drinking Water
- If you checked drinking water, from which utility do you receive water? _____

RECEIVED
ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

SEP 04 1990

DIV. WATER POLLUTION CONTROL
Field Operations Section - Reg. 2

Suspected or Known Source:
Name ROBT DACOLA

Address JOLIET RD
60468

City, State, Zip _____

Briefly describe problem BAD ODER WILL AFFECT WATER

If you remember specific times
when the problem occurred, please
list time of day and date AUG^{Time} = 30 - 1990 Date _____

Has this problem affected your health? Yes No If so, please explain _____

Have you consulted a doctor? Yes No

Has the problem damaged your property? Yes No
If so, describe your property damage _____

Do you have photos, a written record
or other evidence of pollution? Yes No

Have you filed a claim
against the responsible party? Yes No

Have you ever worked for the suspected
source? Yes No

Have you contacted the source and
attempted? Yes No

EXHIBIT G

66

Complained, briefly describe to whom and with what results: _____

Others been affected by the problem? Yes No
Please provide names and addresses.

Name, State, Zip

Willing to testify under an enforcement hearing? Yes No

Chester A. Stierberg
Name

Name

Address

City, State, Zip

Have you enclosed additional material? Yes No

Aug - 20 - 1990
Date



Citizen Pollution Complaint
Illinois Environmental Protection Agency
1701 South First Street Suite 600
Maywood, IL 60153

**Illinois Environmental Protection Agency
Citizen Pollution Complaint**

Please print and complete
as much information as possible

Office Use Only
ID Number _____

Diane Steinberg
Name

(708) 258-6345
Home Telephone Number

9338 W Joliet Rd
Address

Same
Daytime Telephone Number

Peotone IL 60468
City, State, Zip

Do you consent to Illinois EPA disclosing your
identity as complaining party? Yes No

Cause of Problem: (check one)

- Air Pollution
- Waste Handling
- Water Pollution
- Drinking Water

Suspected or Known Source:

If you checked drinking
water, from which
utility do you receive
water? _____

Robert Di Cola
Name

Joliet Rd.
Address

Peotone, IL 60468
City, State, Zip

Briefly describe problem horrendous smell due to illegal &
improper disposal of waste.

	Time	Date
If you remember specific times when the problem occurred, please list time of day and date	<u>2:33</u>	<u>8/27</u>
	<u>12:35</u>	<u>8/25</u>

Has this problem affected your health? Yes No If so, please explain not yet!!

Have you consulted a doctor? Yes No

Has the problem damaged your property? Yes No
If so, describe your property damage Lowered property value &
possible danger to water system.

Do you have photos, a written record
or other evidence of pollution? Yes No

Have you filed a claim
against the responsible party? Yes No

Have you ever worked for the suspected
source? Yes No

EXHIBIT H

Have you contacted the source and
arranged for cleanup? Yes No

10

complaint, briefly describe to whom and with what results: _____

has this been affected by the problem? Yes No
please provide names and addresses.

Ill. Schulz

Ollet Rd.

Peotone, IL 60468
City, State, Zip

are you willing to testify under
oath at an enforcement hearing? Yes No

Vicki Shinn
Name

Peotone, IL 60468
City, State, Zip

Have you enclosed
additional material? Yes No

Date

RECEIVED
ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

SEP 07 1990

DIV. WATER POLLUTION CONTROL
Field Operations Section - Reg. 2



Citizen Pollution Complaint
Illinois Environmental Protection Agency
1701 South First Street Suite 600
Maywood, IL 60153

Illinois Environmental Protection Agency
Citizen Pollution Complaint

OFFICE OF THE DIRECTOR

SEP 11 1990

Please print and complete
as much information as possible

Office Use Only
ID Number _____

PATRICIA A. GORECKI

Name

(708) 258-3748

Home Telephone Number

28944 SO. 80th AVE.

Address

Daytime Telephone Number

PEOTONE, IL 60468

City, State, Zip

Do you consent to Illinois EPA disclosing your
identity as complaining party? Yes No

Cause of Problem: (check one)

- Air Pollution
- Waste Handling
- Water Pollution
- Drinking Water

Suspected or Known Source:

If you checked drinking
water, from which
utility do you receive
water? _____

ROBERT DI COLA

Name

APPROX 8300 W. 295th (JOLIET RD)

Address

PEOTONE, IL 60468

City, State, Zip

Briefly describe problem SMELL OF GARBAGE - MANY LOADS OF
LANDSCAPE WASTE DUMPED CAUSING PUNGENT ODORS
NOT A LEGAL LANDSCAPE SITE - CLAIMS TO BE A FARMER

If you remember specific times
when the problem occurred, please
list time of day and date

Time 3:45 PM

Date 8/28/90

Has this problem affected your health? Yes No If so, please explain

Headache

Have you consulted a doctor? Yes No

Has the problem damaged your property? Yes No
If so, describe your property damage

VALUE OF PROPERTY B.L.P.C.
STATE OF ILLINOIS

WILL CONTINUE TO DECREASE

RECEIVED
SEP 20 1990

RECEIVED

13 SEP 1990

Do you have photos, a written record
or other evidence of pollution? Yes No

Have you filed a claim
against the responsible party? Yes No

IEPA/DLPC

Have you ever worked for the suspected
source? Yes No

EXHIBIT I

Have you contacted the source and
complained? Yes No

complained, briefly describe to whom and with what results:

others been affected by the problem? Yes No
Please provide names and addresses.

DONALD W. GORECKI, SR.

28944 So. 80th Ave.

PEOTONE, IL 60468
State, Zip

Are you willing to testify under
at an enforcement hearing? Yes No

Patricia A. Gorecki

Signature

Patricia A. Gorecki

Name

Rt #1 Box 271

Address

Peotone, IL 60468

City, State, Zip

Have you enclosed
additional material? Yes No

8/28/90

Date

Place
stamp
here

RECEIVED

SEP 13 1990

RECEIVED

Citizen Pollution Complaint
Illinois Environmental Protection Agency
1701 South First Street Suite 600
Maywood, IL 60153

D.L.R.C. COMPLAINT INVESTIGATION FORM

1970000000

Will County

PEOTONE

Complaint #: C

FOS File

Received 09/05/90 By WFW By Phone [checked] In Person By Mail

Complainant DALE STAHR-WALZ Respondent ROBERT DICOLA

Address 103 43 W. JOLIET RD Address JOLIET RD

PEOTONE, ILL 60468 PEOTONE, IL 60468

Telephone (708) 258-9631 Telephone

Directions to source I-57 to PEOTONE EXIT -> TURN WEST TO PEOTONE/WILMINGTON RD. TO CENTER ST THEN TURN RIGHT (NORTH). DRIVE 3 MILES TO STOP SIGN. TURN RIGHT (EAST) AND CROSS OVER I-57. DRIVE 3 MILES SOUTH ON R. 160.

Complaint Details RESPONDENT IS OPERATING AN UNPERMITTED

COMPOSTING FACILITY. NOTICEABLE ODORS COMING FROM

THE SITE.

INVESTIGATION FINDINGS

Time By

Viewed Weather Photos

Notes:

cc:

Findings entered into computer MONTHLY REPORT

EXHIBIT J

Illinois Environmental Protection Agency
Citizen Pollution Complaint

RECEIVED
 IL ENVIRONMENTAL PROTECTION
 AGENCY

SEP 04 1990

Please print and complete
 as much information as possible

Office Use Only
 ID Number _____
 Field Office No. 500. 8. 1. 1. 1.

VERNON LANKEAU

Name

708-479-5394
 Home Telephone Number

RR #4, Box 142

708-479-5348
 Daytime Telephone Number

MORENA, IL 60448

City, State, Zip

Do you consent to Illinois EPA disclosing your
 identity as complaining party? Yes No

Cause of Problem: (check one)

- Air Pollution
- Waste Handling
- Water Pollution
- Drinking Water

Suspected or Known Source:

If you checked drinking
 water, from which
 utility do you receive
 water? _____

ROBERT D. COVA

Name

JOLIET ROAD

PEOPLES, IL 60468

City, State, Zip

Briefly describe problem AIR POLLUTION ALONG JOLIET ROAD

If you remember specific times
 when the problem occurred, please
 list time of day and date

Time	Date
<u>8:30 PM</u>	<u>8/29/90</u>
<u>7:30 PM</u>	<u>8/30/90</u>
<u>8:15 AM</u>	<u>8/31/90</u>

Has this problem affected your health? Yes No If so, please explain NOT AS YET

Have you consulted a doctor? Yes No

Has the problem damaged your property? Yes No
 so, describe your property damage HAS POTENTIAL TO AFFECT WATER, DRAINAGE + AIR

Do you have photos, a written record
 or other evidence of pollution? Yes No

EXHIBIT K

Have you filed a claim
 against the responsible party? Yes No

Have you ever worked for the suspected
 source? Yes No

Have you contacted the source and

omplained, briefly describe to whom and with what results: _____

Have you been affected by the problem? Yes No
Please provide names and addresses.

City, State, Zip

Are you willing to testify under
an enforcement hearing? Yes No

Kevin L. ...

Signature

Name

Address

City, State, Zip

Have you enclosed
additional material? Yes No

Date 8/30/90



Citizen Pollution Complaint
Illinois Environmental Protection Agency
1701 South First Street Suite 600
Maywood, IL 60153

**Illinois Environmental Protection Agency
Citizen Pollution Complaint**

Please print and complete
as much information as possible

Office Use Only
ID Number _____

LEONARD D SAUADORIS

815-469-5680

19600 S HARLEM

708-479-9000

MARION ILL 60448

Daytime Telephone Number

City, State, Zip

HEALTH
HAZARD TO
SINUSES

Do you consent to Illinois EPA disclosing your
identity as complaining party? Yes No

Cause of Problem: (check one)

- Air Pollution - **VERY OFFENSIVE ODOR**
- Waste Handling
- Water Pollution - **NO ADEQUATE RETENTION FOR LELHATE**
- Drinking Water

Suspected or Known Source:

BOB DiCola

If you checked drinking water, from which utility do you receive water? **POSSIBLY IN THE FUTURE**

9942-9946 RR 2 BOX 86E

LOCATION OF PEPTONE DUMP

CHICAGO ILL MONEE ILL 60449

**I-57 & N PEPTONE RD
N.W. Corner 80 ACRES**

City, State, Zip

Briefly describe problem

OPERATING A COMPOSTING OPERATION WITHOUT

A PERMIT. VERY OFFENSIVE ODOR FROM DOZENS & DOZENS OF TRUCKLOADS OF GARBAGE/WASTE

If you remember specific times when the problem occurred, please list time of day and date

Time	Date
7:00 PM	8/30/90
12:00 NOON	9/5/90
4:00 PM	9/12/90

Has this problem affected your health? Yes No If so, please explain

THE SMELL

HEADACHES FROM

Have you consulted a doctor? Yes No

Has the problem damaged your property? Yes No

If so, describe your property damage

In my opinion yes. It makes it unfit to live & raise a family on & that was my intent when I purchased my farm.

Do you have photos, a written record or other evidence of pollution? Yes No

THEY ARE AVAILABLE

Have you filed a claim against the responsible party? Yes No

EXHIBIT L

Have you ever worked for the suspected source? Yes No

Have you contacted the source and

complainted, briefly describe to whom and with what results: _____

others been affected by the problem? Yes No

please provide names and addresses:

LOAN & DENNIS SOUSIE - 708-258-6091 BILL HOPMAN - 708-534-296

DON GOREKI - 708-258-3748 CHEARLE YONKER - 708-258-33

MIKE AICKSON 708-258-3705 (THE LIST GOES ON)

City, State, Zip

Are you willing to testify under oath at an enforcement hearing? Yes No

Have you enclosed additional material? Yes No

Leonard D. Saunoris

Sept 19, 1990

Mr. Dicola has 2 unlicensed / unpermitted compost sites, one in Monee, the other in Peotone, Enclosed is a copy of the Complaint filed in Monee, the Attorney General (JOE WILLIAMS) is presently looking into (312-814-3816) the site @ peotone

Place stamp here

Citizen Pollution Complaint
Illinois Environmental Protection Agency
1701 South First Street Suite 600
Maywood, IL 60153

Illinois Environmental Protection Agency
Citizen Pollution Complaint

21 155 MB

Please print and complete
as much information as possible

Office Use Only
ID Number _____

Mrs. VERNA STEINBERG
Name

765-258-6365
Home Telephone Number

9214 W. JULIET RD
Address

Daytime Telephone Number _____

PECTONE ILL. 60468
City, State, Zip

RECEIVED

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Do you consent to Illinois EPA disclosing your
identity as complaining party? Yes No

Cause of Problem: (check one)

- Air Pollution
- Waste Handling
- Water Pollution
- Drinking Water

SEP 04 1990

Suspected or Known Source:

If you checked drinking water, from which utility do you receive water?
Field Operations Section - Reg. 2

ROUT. DIROLA
Name

JULIET RD
Address

60468
City, State, Zip

Briefly describe problem ODOR IS BAD - WILL POLLUTE WATER

If you remember specific times
when the problem occurred, please
list time of day and date

Time AUG - 30, 1990 Date DAY + MONTH + YEAR

Has this problem affected your health? Yes No If so, please explain I have ASTHMA

Have you consulted a doctor? Yes No

Has the problem damaged your property? Yes No
If so, describe your property damage _____

Do you have photos, a written record
or other evidence of pollution? Yes No

Have you filed a claim
against the responsible party? Yes No EXHIBIT M

Have you ever worked for the suspected
source? Yes No

Have you contacted the source and
complained? Yes No

omplained, briefly describe to whom and with what results: _____

Others been affected by the problem? Yes No
Please provide names and addresses.

Small SHANNON

All neighbors surrounding the farm
Name _____

Address _____

City, State, Zip _____

City, State, Zip _____

Are you willing to testify under oath at an enforcement hearing? Yes No

Have you enclosed additional material? Yes No

Signature _____

Aug 31 - 1982
Date _____

Place stamp here

Citizen Pollution Complaint
Illinois Environmental Protection Agency
1701 South First Street Suite 600
Maywood, IL 60153

Illinois Environmental Protection Agency
Citizen Pollution Complaint

Please print and complete
as much information as possible

Office Use Only
ID Number _____

Name DONALD W. GORECKI, SR

Home Telephone Number (708) 258-3748

Address 289450 80TH AVE.

Daytime Telephone Number SAME

City, State, Zip PEOTONE, IL 60468

Do you consent to Illinois EPA disclosing your
identity as complaining party? Yes No

Cause of Problem: (check one)

- Air Pollution
- Waste Handling
- Water Pollution
- Drinking Water

Suspected or Known Source:
Name ROBERT DiCOLA

If you checked drinking
water, from which
utility do you receive
water? MY OWN WELL, THIS SITE
NEAR 40 YEAR FLOOD PLAIN, 12000 FEET,
ON NEW TILE DRAINS INTO COUNTY
HIGHWAY DITCH. TRANSFER PAD
LOCATED BETWEEN TO NEWLY INSTALL
FIELD TILES DRAINING INTO DITCH.

Address Approx 8300 W. 295th (JOLIET Rd)

City, State, Zip PEOTONE, IL 60468

Briefly describe problem THE STENCH THIS MORNING AT MY HOME IS BREATH TAKING.

IT CAUSE GAGING & COUGHING - I HELD MY NOSE UNTIL I GOT TO MY
TRUCK & GOT IT RUNNING WITH THE AIR ON. THIS IS A NON-APPROVED
COMPOST SITE UNDER THE FARM EXEMPTION. (NO CROP - JUST WINDOWS
& PILES OF GOD ONLY KNOWS WHAT.

If you remember specific times
when the problem occurred, please
list time of day and date

Time	Date
<u>7:10</u>	<u>9/7/90</u>
_____	_____
_____	_____

Has this problem affected your health? Yes No If so, please explain UNUSUAL AMOUNTS OF ALLERGY

PILLS HAVE BEEN CONSUMED SINCE AUG 2, 1990 WHEN DUMPING WASTE 1ST
BEGAN.

Have you consulted a doctor? Yes No

Has the problem damaged your property? Yes No
If so, describe your property damage VALUE OF LAND & HOUSE DEPRECIATING

WITH EACH LOAD DUMPED IN THE GUISE OF A FARMER APPLYING
AT AN AGRONOMIC RATE. FRESHLY DUMPED PILES ON A CONCRETE PAD
OBSERVED THIS MORNING.

Do you have photos, a written record
or other evidence of pollution? Yes No

Have you filed a claim
against the responsible party? Yes No

Have you ever worked for the suspected
source? Yes No

EXHIBIT N

Have you contacted the source and
complained? Yes No

complained, briefly describe to whom and with what results: YES, TO KEVIN SWANSON
IN THE PAST, BUT A CALL THIS MORNING (9/7/90 @ 10:30 AM) WITH
RETURN CALL @ 12:00 PM.

others been affected by the problem? Yes No
please provide names and addresses.

Donald

Name _____

Address _____

State, Zip _____

City, State, Zip _____

Are you willing to testify under
oath at an enforcement hearing? Yes No

Have you enclosed
additional material? Yes No

Donald W. Grecki, Sr.

9/7/90
Date _____

IT IS MY UNDERSTANDING THIS INDIVIDUAL PLANS TO REQUEST
A GRANT TO CONTINUE HIS OPERATION. THE GRANT WOULD BE
TO FURTHER DEVELOP HIS UNAPPROVED COMPOST SITE THAT
HE ACCEPTS WASTE LANDSCAPE MATERIAL FROM EVERGREEN
WASTE DISPOSAL, RIVERDALE WASTE DISPOSAL, S.E. TRUCKING
& L.E. TRUCKING. MATERIALS HAVE BEEN TRANSFERRED TO
PEOTONE FROM A MONROE 10 ACRE SITE. HE SAYS IS A FARM.
SOME SMALL AMOUNT OF TREES ARE PRESENT WHICH
ARE FROM HIS LANDSCAPE BUSINESS. OF THE 10 ACRES
7 OF IT WAS UNDER WINDROWS UNTIL HE HAD THE WINDROWS
TRANSFERRED TO PEOTONE'S (80 ACRES) SITE.

Place
stamp
here

Citizen Pollution Complaint
Illinois Environmental Protection Agency
1701 South First Street Suite 600
Springfield, IL 62753

(SEE ATTACHED.)

CONTINUED

ON THURSDAY AUGUST 30, 1990, JAN JARIS, LUANNA SANCIE, LEE YOUNKER & MYSELF OBSERVED SEVERAL ROUND TRIPS BY L&E & B&E TRUCKING TRANSFERRING MATERIAL ~~FROM~~ FROM DI COLA'S MONEE SITE TO THE PEOTONE SITE. THE TRANSFER BEGAN THAT AFTERNOON & CONTINUED TO 3:50 PM WHEN BOTH TRUCKING LEFT PEOTONE AFTER DUMPING THEIR LOADS. THE DUMPING WAS ALSO OBSERVED BY GIBB RUSSELL OWNED OF THE PEOTONE VEDETTE NEWSPAPER.

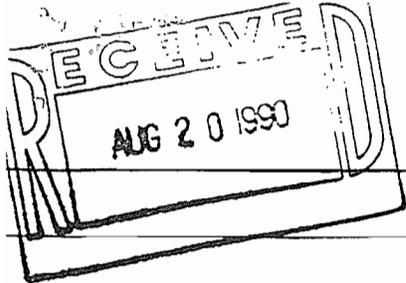
ON SATURDAY, 9/1/90, BEGINNING AT 6:00 AM AT THE MONEE SITE DUMP TRUCKS FROM EVERGREEN WASTE DISPOSAL ~~BEGAN~~ WERE LOADED BY ^A FRONT END LOADER. THE TRUCKS, ONE OF ABOUT 100 YARDS CAPACITY & THE OTHER AT 50 OR 60 YARDS, TOOK 1/2 HOUR TO LOAD THE 100 YARD TRUCK & 1/4 HOUR TO LOAD THE SMALLER TRUCK. THE TRIP TO PEOTONE, TIME TO DUMP, & THE RETURN TRUCK TOOK APPROXIMATELY 1/2 HOUR.

I OBSERVED THE LOADING & DUMPING OF SEVERAL OF THESE UNITS. THE LAST LOAD I OBSERVED LEFT THE SITE AT MONEE AT 11:30 PM. THE LAST TRUCK I OBSERVED LEFT THE SITE FILLED W/O A LOAD COVER. FROM WHAT I'VE HEARD TRANSFER OF LOADS & WORK AT THE PEOTONE SITE CONTINUED THROUGH LABOR DAY. MY SAIL OBSERVED CONSIDERABLE ACTIVITY SUNDAY.

THE PUNGENT STENCH HAS BEEN PRESENT ALL THIS WEEK. THIS MORNING THE FRESH LOADS OF ~~HIS SITE TRANSFER~~ ~~AND~~ ~~WAS~~ ~~WITH~~ THE APPROXIMATELY 2000 FEET OF FRESH AND TRANSFERRED MATERIALS HAVE RAPIDLY INCREASED THE FOUL AIR.

HIS FARM (?) HAS MORE MATERIAL THAN A FEPA APPROVED SITE. A NON-SCIENTIFIC SURVEY OF CORN & BEAN FARMERS INDICATED NONE OUT OF 15 WOULD USE OR MOST IN THEIR FARMING OPERATIONS.

Donald Grack
9/1/90



D.L.P.C. COMPLAINT INVESTIGATION FORM

Will County

FOS File

Complaint #: _____

Date Received 8/8/90 By MSR By Phone In Person By Mail

Complainant Ms. Younker Respondent Unknown

Address _____ Address _____

Peotone Township

Telephone 708-258-3552 Telephone _____

Directions to Source Located at North Joliet Rd and Rt. 57 (Peotone Twp)

Complaint Details This was referred to me by Glenn Savage (IEPA). Possible illegal compost operation. ① Does operation qualify for any exemptions? ② Does operation have a special use permit from county? ③ Are there any drainage problems? Complainant was concerned over drainage problems.

INVESTIGATION FINDINGS

Date _____ / _____ Time _____ By _____

Interviewed _____ Weather _____ Photos _____

Remarks: D/O's - Restor site. Material entering regularly - smelled once. 8-23-90 5:30 p.m. - discussed situation with Mr & Mrs. Younker. He was @ committee meeting of 8-21-90. Sent Air Pollution (atrol) forms (25) on 8-24-90. Requested they keep a log of odor and nuisance problems.

- ① possibly
- ② no
- ③ not apparent

Traced: ~ 11:30 a.m. 8-23
~ 2:00 p.m.

cc: _____

Findings entered into computer MONTHLY REPORT _____

EXHIBIT 0

Complaint #: _____

Page: _____



217/524-3300

October 6, 1992

Bob DiCola
26857 South Harlem
Monee, Illinois 60449

Re: 1970750007 -- Will County
Illinois Native Nursery
Log No. 1992-216
Permit File

RECEIVED
CLERK'S OFFICE

DEC 22 2011

STATE OF ILLINOIS
Pollution Control Board

Dear Mr. DiCola:

This will acknowledge receipt of your Application for Permit to develop and operate a yard waste composting facility, dated July 24, 1992, and received by this Agency on July 31, 1992.

Your permit application to develop and operate a yard waste composting facility is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act. Section 39(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat., Ch. 111 1/2, par. 1039(a)) requires the Agency to provide the applicant with specific reasons for the denial of permit. The following reason(s) are given:

The following additional information is needed to determine compliance with Section 39(m) of the Environmental Protection Act:

1. On page 5, item (3)(b) of the application a topographic map is referred to as evidence that the proposed composting site lies outside the 10 year floodplain. A legend and source identification for this map is required.
2. The plan sheet submitted indicates a residence is located within the 80 acre site. The occupants of this residence should be identified and their relation to proposed composting operations, if any, explained.
3. On page 12, item (b) of the application, it is stated that there are not more than 10 occupied non-farm residences within one-half mile of the site. Please indicate on the site plan, the location and approximate distances of buildings and residences within one-half mile of the boundaries of the 80 acre site.
4. On page 7, item 4 of the application the site slope is described as a two percent slope. What is the slope of the 1200 ft. x 800 ft. composting area and is any site grading or surface preparation planned? Provide the proposed elevations and topography of the composting area.
5. Provide additional details of the soil ridge located north of the proposed composting area.



Page 2

6. Is the proposed vegetative filter strip currently vegetated?
7. On page 7, item 4 of the application a ditch along the east side of the property is mentioned which will handle excess runoff from the compost site. Provide the location, size, slope and capacity calculations for this ditch to show that it can handle present drainage plus additional drainage from the proposed facility. We recommend a 10 year - 24 hour storm event be used for such calculation.
8. Provide specifications for the leachate collection tank, pump and connecting pipeline to the north pond described on page 8, item (4)(b) of the application.
9. Low spots in the composting area where leachate may accumulate should be fixed by grading or filling in the low area with soil. The use of wood chips or odor neutralizers as discussed on page 9 of the application are temporary measures. Your proposal should be amended to include more permanent solutions to any ponding problems.
10. Your application should discuss whether an alternate source of water will be available for site operational needs should the on-site pond become dry.
11. On page 6 of the application it is proposed to place loads of incoming yard waste directly into windrows. This is an unacceptable operating practice for incoming yard waste as proposed, for the following reasons:
 - a. Grinding of the incoming material is one of the essential steps in aerobic composting to maximize the decomposition process.
 - b. Placing bagged incoming yard waste directly into windrows prevents the formation of a structured windrow because incorporating bulking agents for maintaining aerobic conditions and achieving the proposed C:N ratio was not included.
 - c. A visual inspection of the waste to remove non-compostable materials cannot be done.
 - d. Paper bags should be shredded to a size which will minimize blowing litter problems and can best be accomplished by processing all incoming bagged material prior to placement into windrows.
 - e. Anaerobic material brought to the site may go undetected until disturbed during windrow turning causing odor problems. Quick attention to incoming material to promote aerobic conditions is essential to prevent odor problems.

An amended operating plan is required including specified maximum times from receipt of material to processing, mixing and placement into windrows.

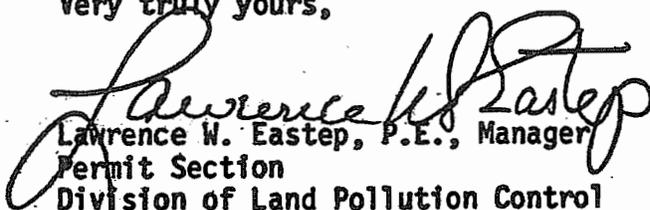


Page 3

12. No maximum storage time of incoming material on the wet weather pad has been specified. Extended storage without processing and bulking the yard waste may cause odor problems. We recommend daily processing of incoming material and then if needed, storage in windrows on the concrete pad during wet weather until it can be moved to the designated composting area. The maximum storage time before processing and windrow formation for material received on the wet weather pad must be specified.
13. On page 13, under item (5)(c) of the application it is stated that equipment will be operated only during daylight hours six days a week. On the same page under item (6) operating hours are specified as 7:00 a.m. to 4:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday. In the marketing piece (Exhibit 10) the delivery hours specified are 6:00 a.m. to 6:00 p.m. The intended hours of operation must be clarified.
14. On page 16 of the application, additional information is needed regarding stockpiles of leaves and wood chips which are to be used as bulking agents. Leaves placed in large stockpiles have been a source of odor problems at compost sites and large wood chip piles a fire hazard. The quantity and form of these stockpiles should be explained and the location identified on the plan sheet.
15. On page 19 of the application it is stated that windrows will be turned during rain events to add moisture, yet from the discussion on page 18, it appears that wet weather is expected to prohibit traffic onto the composting area. Please explain. What type of moisture monitoring equipment will be used to determine moisture content of the windrowed material, the frequency of this testing and the target range to be maintained in the windrow.
16. The criteria for determining when composting material is finished must be further explained. Under what conditions will the temperature reheat test be run (i.e. moisture, oxygen, pH), the target range and how often will the test be run per volume of material.

Should you wish to reapply or have any questions regarding this application, please contact Gary Cima at 217/524-3300.

Very truly yours,


Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

LWE:GC:397Z/65-67

cc: James M. Alderden, P.E.
Will County Landuse Department

bcc: Division File
Maywood Region
Leonard Saunoris
Gary Cima

3



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-

217/524-3300

October 6, 1992

Leonard D. Saunoris
19600 S. Harlem
Mokena, Illinois 60448

Re: 1970750007 -- Will County
Illinois Native Nursery
Log No. 1992-216

Dear Mr. Saunoris:

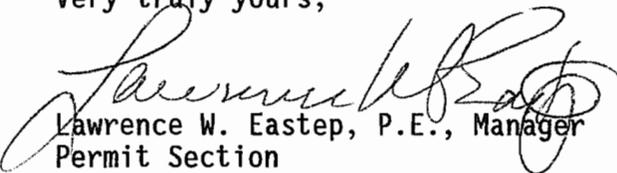
The Agency has received your comments concerning the proposed yardwaste composting facility located in Peotone, Illinois. The application has been denied.

Your letter has been made a part of the official Agency file and will be considered in the Agency's permit review process of any reapplication. The Agency feels that it is not necessary to pursue the public hearing request made by some residents.

Also be advised that in any reapplication the applicant for the composting facility is required to file a new application. In such case, the applicant is required to notify the members of the General Assembly from the legislative district in which the facility is located, and owners of all real property located within 250 feet of the site of the facility. He must also publish a notice in a newspaper of general circulation in the county.

Should you have any questions concerning this letter, or seek further information regarding the subject denial, please contact Gary Cima at 217/524-3300.

Very truly yours,


Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

LWE:GC/mls/468Z/28

AUG 29, 1990
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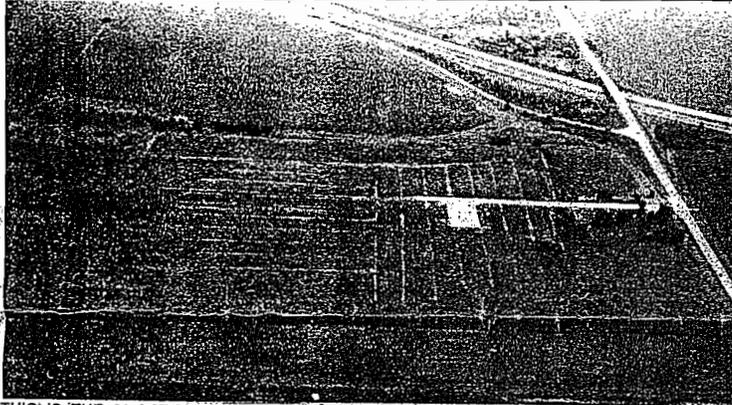
A Russell Publicatio

VOL. 97, NO. 26

PHONE 708-258-3473

PEOTONE, ILLINOIS

WEDNESDAY, AUG. 29, 1990



THIS IS THE 80-ACRE site in Peotone Township where Robert DiCola plans to operate a compost site under an exemption allowing farmers to compost. He has already been cited by the Will County State's Attorney's office for operating a compost site in Monee Township without an EPA permit.

Village Board To Begin Simo

Developer Jon Simoneau expansion of the Meadows Monday night.

The first step is a \$7 drainage system. Simor portion of that figur \$41,842.80, as set in the p nexation agreement with th luge. However, a \$33,9 sum is still needed to tak drainage system to the lake cause a new pipe is required.

The village agreed Mond borrow the money Simoneau to pay its poi providing the agreemer legally sound. The sum ca paid back over time thr waiving the impact fees approximately 17 of the lo be developed.

The unexpected factor is current engineering reports a need for a new larger pi take storm water from the panded area of the Meadows.

Meeting Set Thursday At Town Hall On Composting

An informational meeting on the still unresolved issue of composting will be held Thursday, Aug. 30, at the Peotone Fire Station at 7:30 p.m. Among those planning to attend are Rep. Robert Regan (R-80th) and some county board members. Other public officials are also encouraged to attend.

"Your participation is needed now to prevent Eastern Will County from becoming a dumping ground," said Luann Soucie, an activist in opposing a Peotone Township site. "We are fighting for our community, farms, children and our environment."

The meeting will principally be concerned with the operations of Monee resident Robert DiCola in Monee and Peotone Townships.

Meeting Tonight On Real Estate Tax Assessments

A meeting will be held to discuss tax assessment procedures Wednesday, Aug. 29, at 7 p.m. at the Peotone Township Hall on Coming Ave.

At the invitation of Peotone village residents, Alan Rotuman from the Will County Supervisor of Assessments office, and Rep. Robert Regan (R-Crete) will be present to answer questions.

Any interested persons from any township may attend.

Will County Assistant State's Attorney Barbara Smiles confirmed this week that the county filed a complaint for injunction and other relief to close down

DiCola's Monee Township site. He was cited for composting without an Illinois Environmental Protection Agency

continued on page 14

Teresa Pizza Takes First In Tournament

The Teresa Pizza men's softball team played in its second state tournament of the 1990 season, winning the 1990 ASA Class B State Championship in Kankakee last weekend.

The team finished on top, going through the 100 team double elimination tournament undefeated. The team played seven games in the tournament, giving up only 27 runs.

Teresa Pizza won the state championship game, beating East End from Monticello. Third place went to Tucker-Geias of Peoria.

Pitcher Kevin Price, shortstop Bruce Borden, first baseman Brian "Stork" Borden and outfielder Bob Olsezcky were named to the all-state team. Price was named tournament MVP.

Other team members are Randy Johnson, Glen Adams, John Robbins, Frank Forsythe, Robbie Carr, Glen Nagel, Gerald Depatis, Steve Peterson and Rick Uthe. The team's season record is 51-20.

The team will compete in the ASA Midwestern Regional in Terre Haute, Ind. on Sept. 1-2.

The first game is 3 p.m. on Saturday.

Teresa Pizza qualified for the USSSA Class D Midwestern Regional in Ann Arbor, Mich. on the same weekend. If Teresa Pizza finishes first or second out of the 18 team field, the team will qualify for the National Tournament in Las Vegas, Nev.

The team thanks their fans for support all year.

Papers Late Next Week

Because of the Labor Day holiday next Monday, all Russell Publications will be printed and distributed one day late next week and all offices will be closed on Monday.

For full coverage of the Will County Fair including show results and pictures, see the second section this week.

All Will County Fair photos by Ken Kinney and Duane Rieder.

Brush/Branch Pi

The Village of Peotone announced that brush & branches will be picked up Tuesday and Wednesday, Sept. 5, due to the Monday Labor D holiday.



BRIANN PRICE costume class v

The Peotone Vedette

August 21, 1991

Will County Judge Says Composting Hearings Postponed

Once again, a Will County Circuit Judge has postponed hearings on Robert DiCola's composting operation.

Almost 20 people were on hand Aug. 15 to give testimony when Judge William Penn announced only partial testimony

could be taken because of other matters before the court. Given the option of split hearings or four straight days of hearings, a continuance was granted until Oct. 22-25.

Nearby residents have complained about DiCola's smelly 80-acre compost operation northwest of Peotone. Prior to last August, he operated a smaller site

southwest of Monce.

Residents say DiCola is operating without an EPA permit and are seeking to end composting at the site.

DiCola had agreed not to do any dumping at the site until the court rules on the matter. Now that agreement is part of a court order.



COUNTY

Meeting On Composting Stirs Controversial Issue

by Tamara Sharman

Frustration reigned at an informational meeting on compost issues held at the Peotone Fire Station on Aug. 30.

The main issue was Robert DiCola and his business operations in Monee and Peotone townships. DiCola claims he is a farmer and may compost at the sites under an exemption for farmers. He is adamant that he is not violating the farm exemption at the sites. Some area residents and politicians at the meeting were just as adamant that DiCola's sites violate the farm exemption, and are public nuisances.

DiCola's Monee Township site is 10 acres on Harlem Avenue south of Monee-Manhattan Road. DiCola grows trees on the property. He has operated the site for four years.

The Peotone Township site is 80 acres on Joliet Road west of I-57. DiCola said he plans to grow

perennials at this site. DiCola said the Peotone site is a business venture between himself and Connor Shaw of Possibility Place nursery.

A county complaint has been filed for injunction to close the Monee Township site. DiCola was cited for composting without a permit from the Illinois Environmental Protection Agency, and for dumping and odors at the site.

Area residents at the Peotone meeting complained of odors coming from DiCola's facilities. There were also complaints about noise, possible contamination of aquifers, and endangered property values.

Janet Jares and Luann Soucie, area residents opposing the facilities, stressed they are not opposed to composting, only to illegitimate compost operations. "We want the law to be more defined and enforced," said Jares. She claimed DiCola's operations

consist of "windrows and piles and shredders and turners and dumpsters and semis rolling in and that's not farming, at least in my opinion." Soucie said DiCola is operating "in a so-called gray area" of the law.

A video and photographs of DiCola's Monee Township site were shown at the meeting. They were taken by Bill Hopman who lives next to DiCola's Monee Township site. Hopman said noise pollution was one of the problems local residents face due to the facility.

Some residents said compost materials were being taken from the Monee Township site to the Peotone Township facility in an attempt to clean the area for an upcoming inspection or because of the county charges leveled against the Monee Township facility.

DiCola, was not at the meeting. In a telephone interview, he said there is no additional room at the Monee Township site and materials are no longer being accepted there. The site will be landscaped, he said.

According to DiCola, Monee soil is clay-filled and "terrible" and needs vast amounts of organic materials. He said he prefers to use this method for growing instead of chemicals on which many farmers depend.

DiCola said he hopes to break even financially at the Peotone Township site over the course of a year because the work is labor intensive and involves expensive equipment.

Rep. Robert Regan, (R-Crete) one of the elected officials at the meeting, said current laws regarding composting are too vague and the farm exemption particularly needs strengthening. Regan wants the law tightened to prevent abuses of it, while not hindering the operations of legitimate farmers. He hopes a compromise can be reached with the Farm Bureau.

Regan recently proposed a plan for strengthening the law as it applies to farmers. The plan includes:

- describing a compost site.
- applying the same penalties for abuse of compost laws that exist for abuse of landfill laws.
- shortening to two years the period for storing compost materials at a site.
- determining the agronomic rate for each crop and limiting composting to that rate.
- banning windrows on farms.
- banning grass from compost sites until the impact of pesticides is determined.
- Requiring that materials dumped at a site be used on that land.

Regan stressed he was "not at war with farmers," but "what's happening in your backyard is gonna happen all over the state of Illinois. It's a very, very lucrative business."

Regan said he does not want to "interfere with any legitimate farmer who uses leaves and grass for composting for his own benefit on his own farm." But "what is happening in Monee and now in Peotone is beyond the intent of the law, beyond the exemption for farmers to do this."

Peotone Mayor Richard Anderson said, "We know we've got a real problem with DiCola and anyone else coming in."

DiCola said he is performing a public service by taking and using materials that would have

been destined for landfills. A law banning landscape waste from landfills went into effect July 1.

DiCola said he is an environmentalist with membership in numerous groups. He described public reaction to his sites as "like a mob action."

The possibility of a class action lawsuit against DiCola was discussed at the meeting.

Experts must determine if pesticides on grass clippings are a health hazard, according to Regan. The Environmental Protection Agency also needs to make a decision on the matter. The agency "has not come up with any rating whatsoever on what pesticides and grass does to the aquifers.... It's time that we got them off of their butts. They've had two years to make a decision."

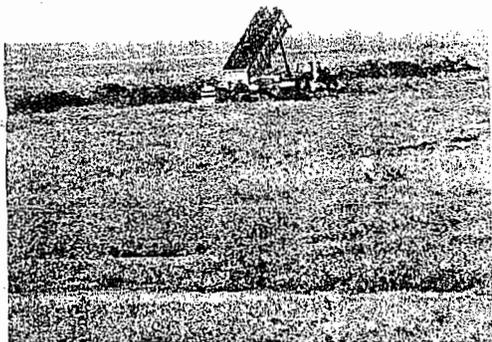
A compost facility is needed in

eastern Will County, according to Regan, but it should not be located near homes. "If it's anywhere around where neighborhoods and people are, it should have sophisticated equipment" for working the windrows.

He hopes Governor James Thompson will sign legislation requiring prior notification of state legislators, residents within 250 feet of a proposed compost facility, and the media before the EPA can issue a permit for a compost facility.

The Peotone meeting was led by Jares, Soucie, Cheryl Younker, and Don Gorecki.

A forum dealing with the pros and cons of composting will be held Sept. 19 at 7:30 p.m. at the Will County Atrium, Peotone. The forum will include a panel of experts and a question-and-answer period.



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The Peotone Vedette

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Three Sections

(USPS 427-780)

A Russell Publication

Will County Sheriff
258-3416

VOL. 99, NO. 8 PHONE 708-258-3473 PEOTONE, ILLINOIS WEDNESDAY, APRIL 22, 1992 FIFTY CENTS PER COPY



PEOTONE GOT AN ALMOST NEW AMBULANCE recently. The village purchased a new truck engine, cab, and chassis and then installed the box from the old ambulance. The old unit had extensive hard mileage and was in need of some major work. Fire Department Captain Bill Schrelbe, in front of the ambulance, said the village saved substantially by using the old box. (Photo by Marilyn Olson)

School Board Eyes Financial Legislation

The Peotone School Board heard a report from Superintendent Allen Hall Monday night on several state bills which would affect schools throughout the state.

One bill would extend unemployment benefits to non-certified school employees over the summer break.

These employees would get benefits even though they were guaranteed employment after the summer break. "Hopefully, the bill will be defeated," Hall said, "because it will cost school districts \$5.5 million if it passes."

Another bill would grant a one time window for early retirement for employees at least 50 years of age. The bill, called Plus Five Pension Legislation, probably will not pass, Hall said, because of problems funding the early retirement.

Hall added the state is sending proration notices to the schools concerning what funding will be reduced because of the state's budget crunch.

Hall said the Peotone schools will be short \$78,000 in the transportation fund as a result of the state shortfall. These funds will be cut immediately from money the schools should receive before June 30.

The board accepted a contract for bus service for next year. Hall told the board that transportation costs for the district will increase only 1% in all categories.

The transportation budget for the 1991-92 school year was \$570,000. Next year, transportation should cost the district about the same amount because of differences in some types of transportation.

Hall asked the board for permission to schedule a computer learning center open house at the schools this summer. He said one of the largest school computer firms will bring computers and software to demonstrate to the public.

Hall said the open house would be important to show voters the kinds of things available if the school referendum passes next April.

Bonnie Schranz, English teacher at the high school, re-

quested permission for use of the high school stage for a community theater group which is being formed. The board approved the use as long as it does not conflict with school use of the gym and stage.

The board opened bids for asphalt paving at Wilton Center School. Low bidder was Consolidated Paving of Markham with a bid of \$7,000 for 13,720 square feet of 2 inch thick asphalt, or \$8,300 for a 2 1/2 inch thick layer.

Four bids were received. The others were as high as \$10,400 for the thinner layer and \$13,700 for the thicker layer.

Hall said he has researched the thickness consideration and has been told that the 2 inch layer should be thick enough, even for the bus loading area.

The contractor will dig out and patch any weak areas before applying the finish layer.

The board instructed Hall to investigate the price and credentials of the low bidder. If everything is in order, Hall will accept the low bid.

The board accepted the resignation of Keith Schram as assistant high school boys baseball coach and commended several teachers for their contribution to the athletic programs.

Rich Corpus was commended as football coach. This year was nominations from Governors State University.

Olson will relinquish her duties
continued on page 16

Russell Publications Tells Personnel Shifts

Changes in staff assignments at Russell Publications were announced this week by Publisher Gilbert Russell.

Marilyn Olson will take over primary responsibility for the Peotone Vedette, replacing Bonnie Schranz, who decided to take life a little easier with just one job instead of two. For 14 years Schranz has juggled her responsibilities at the Vedette with those of a full time job as English teacher at Peotone High School.

"We were sorry to lose Bonnie after so many years; she is a top notch reporter," said Managing Editor Audrey DeMuth. "But we were fortunate to already have Marilyn Olson on staff."

Olson is an old hand in newspapers and with Russell Publications. She began her career as an Editor at Encyclopedia Britannica. Many years ago, she served as Manhattan American editor. After taking time off to be a full time homemaker, she returned to journalism as Editor of the Plainfield Enterprise. She rejoined the Russell chain in January 1991.

Olson has a degree in English from the University of Illinois

and is finalizing her thesis for a master's degree in media communication at the New Lenox Community Reporter to take over the helm at the Vedette.

A Green Garden resident, she is thoroughly familiar with Peotone. Her children, Tiffany, now a student at the College of St. Francis, and Garrick, a student at Joliet Junior College, both went through the Peotone school system.

DiCola Applying For EPA Permit

Bob DiCola has applied to the Illinois Environmental Protection Agency for a permit to develop and operate a composting facility for landscape waste. The site is 8452 W. Joliet Road, Peotone, where he previously operated such a facility. He is owner of Illinois Native Nursery.

Those who want to comment on the application can send their comments to the IEPA Permit Section, Division of Land Pollution Control (#24), at 2200 Churchill Road, P.O. Box 19276, Springfield, ILL 62794-9276.

Olson will continue to have primary editorial responsibility for the Monee Monitor as well.

Geo Gossard will continue to cover Monee village and township meetings. Gossard came to Russell Publications a year ago as a part time reporter after a long career on various newspapers including the Times of Hammond, Ind. He is now a full-time staff reporter covering Crete village
continued on page 16

DiCola complied with a court order that became final last Nov. 21 after pleading guilty to operating a public nuisance. He was required at that time to stop accepting compost on his 80 acre site and plow everything to a depth of eight inches by May 1, 1992.

DiCola had no IEPA permits to compost but claimed he was composting as a farmer, not commercially. As a farmer he would have been exempt from needing an IEPA permit.

Area residents Cheryl Younker and Luann Soucie charged that
continued on page 16

Special Section Inside:
Home Improvement, Yard and Garden Supplement To Russell Publications

PEOTONE VENTURE

PAGE 14

AUG 29, 1990

Muchaer

board with an ordinance allowing for the library district to charge and collect a development fee for each newly developed residential lot in the library district. The ordinance is modeled after a similar one used by the Village of Frankfort, Morrison said, and the process is not different from what the Peotone school district has done for years.

The charge per residential lot would be \$55, Morrison said. The figure was chosen because it is the average of developmental fees collected in other library districts of the Bur Oak System, of which the Peotone Library is a member. Fees would be paid directly to the library district, and the village would require a receipt of payment before a building permit would be issued for the property.

The board chose to table any action on the proposed ordinance until the trustees have a chance to review the document.

NEW BUSINESS
Other guests to the board were David and Christine Reif of Wilmington who told the village that they will soon be opening a

done now and paying the small remainder over the grant monies, rather than completing the third wall later at a higher cost.

Calombartis also said that work on the Wilmington Rd. sewer extension will begin this week.

In other business, the board:

•will attend a meeting with the Fire Protection District on Tuesday, Aug. 28, to discuss the annexation agreement for property on Joliet Rd., the proposed site of a new fire station. A major consideration will be drainage of the property. Board members were given a list of engineering concerns by Engineer Calombartis. Results of the discussion will be brought to the next board session.

•received a letter from Robinson Engineering making recommendations for the Mill Trace subdivision. The matter will be discussed at the upcoming session of the Peotone Plan Commission on Thursday, Aug. 30, at 7:30 p.m. at the village hall.

•approved closure of the village hall on Monday, Sept. 3, Labor Day.

•set a meeting with members

•discussed plans for attending the Illinois Municipal League conference.

The board will meet next on Monday, Sept. 10, at 7 p.m. at the village hall. All meetings are open to the public.

Meeting Set Thursday At Town Hall

permi, dumping on the site, and odors.

The complaint was filed Aug. 17 and served on DiCola by the Sheriff's Department Aug. 21.

DiCola has 30 days to file an answer to the complaint. The State's Attorney's office is waiting to hear from DiCola's attorney, Lou Yangas.

In his operation of both sites, DiCola claims he is a farmer and can compost under an exemption for farmers. His Monce property consists of two abutting five acre parcels on Harlem Ave. less than a mile south of Monce-Manhattan Road.

According to Rep. Regan,



JEREMY RIEDER is about to escape from the clutches of his mother, Cynthia Rieder of Peotone, during the Baby Show at the Will County Fair Sunday. Jeremy won first place in the 6-9 months category.

DiCola's "farm" is comprised of 10 rows of trees on one of the five acre lots. His house sits on the other.

Assistant State's Attorney Smiles said that if DiCola wants to operate under the farmers' exemption to the composting law, he should have filed for a permit from the EPA by Jan. 1, 1990 for the operation which has been ongoing for about four years.

His Peotone Township property just outside the village near I-57 is an 80 acre parcel. Smiles said the county is still investigating that operation and nothing has yet been filed in that

case, DiCola says he will operate the Peotone farm in cooperation with Connor Shaw III of The Possibility Place nursery in Monce Township.

Regan said this week that he has met with representatives of the Illinois and Will County Farm Bureaus and the EPA to try to come up with a solution to abuses of the law under the "farm" exemption. Also attending were Smiles and Kevin Standbridge of the Will County Land Use Department.

Regan emphasized that he does not want to take away farmers' rights to compost, but he does want to eliminate the gray areas where abuse can creep in.

Boy Scouts To Visit Galena

Peotone Boy Scout Troop 315 will be travelling to Galena to attend the annual U.S. Grant Pilgrimage on April 24-26. Scouts and their families will be engaging in plenty of activities such as canoe races, trail hiking, Indian dancing, patch trading, camping, living history exhibits, tours of local museums, and on Saturday afternoon a parade with about 8,000 scouts from Illinois, Wisconsin, Indiana, and Iowa.

Galena is an old lead mining town with many historical buildings situated on hillsides. It is home to nine Civil War generals, the most famous being Ulysses S. Grant.

Russell Publications...

continued from page 1

government and Crete-Monee school affairs, besides Monee.

Airport watchers will be familiar with his name as he has covered dozens of airport meetings and behind-the-scenes stories this past year. "Geo came along at just the right time," said DeMuth. "The airport beat was heating up and generating more meetings and briefings than I could handle with my other duties. He already had a good handle on the third airport from his work at the Times and he fit in perfectly."

Gossard is a frequent editorial writer, adding another dimension to his work. Although his name is George, he long ago adopted "Geo" as a way to avoid confusion with his son George, so he is known to all simply as Geo. Replacing Olson at the New Lenox Community Reporter is Lynne Starr, who loves to write for newspapers, but claims no relationship to Brenda Starr. A nine year resident of New Lenox, she knows the community well, both as a resident and as a reporter. She most recently covered New Lenox for Today Publications.

School Board Eyes...

continued from page 1

the first time in 10 years that the football team participated in state playoffs.

Dave Kibelkis was commended for coaching the girls basketball team and taking the team to North Division Champions.

The boys basketball team also made North Division Champions, under the coaching of Brad Hatfill.

Nora Johnson received a plaque as retiring coach of the girls baseball team.

The board heard a presentation by Rick LoBarbara asking for its support of a golf course proposed for 160 acres on Barr Road, just east of Rt. 45.

Both the Peotone Township Board and the Plan Commission have voted to not recommend the zoning.

Connor Shaw, board president, said the board has not supported any projects in the past which have not had an immediate and direct influence on education. The board agreed to continue that policy and refused to express support for the golf course.

A report on the industrial arts program was not heard because Rom Cramer was not present. It will be rescheduled.

DiCola Applying For EPA...

continued from page 1

DiCola was running a commercial composting operation and that he profited from that operation, not from farming the site.

Janet Jares of Monee said DiCola operated a controversial 10-acre site southwest of Monee for a number of years before shifting his operation to Peotone in August 1990.

Neighbors complained about the strong odor at both sites and nuisance charges were filed against him by the county.

Barb Smiles, then an Assistant

State's Attorney who prosecuted the case for the county, is now Director of the county's Land Use Department.

She said a new law went into effect last Nov. 18 that will restrict farm composting sites. It establishes a quarter mile distance from the nearest neighbor and 18 months maximum storage time. Only two percent of farm land can be used for composting under the exemption from an IEPA permit.

Residents May Order Calcium Chloride Now

Green Garden Road Commissioner Bob Massat has announced that residents may order calcium chloride, a dust reducer, now.

The township will order the material and spread it on the roads. It is spread once a year and significantly reduces the amount of dust generated by the roads.

The material will only be ordered once and payment is required before it is ordered.

Massat anticipates the cost to remain the same this year, 32¢ per linear foot.

The last date to order will be May 3. There will be no orders placed after that date.

Call Massat at 469-9456 to order.

Green Garden HEA Plans Tour

The Green Garden Homemakers Extension met April 10 at the home of Mrs. Albert Hiller. Mrs. Richard Knater, President, presided.

Roll call, "the accomplishment I'm most proud of", was answered by 13 members. The lesson on economical travel tips was given by Mrs. Mabel Krapp and Mrs. Mildred Bartels.

The group will go to Lemont on May 8 for a tour of the Hindu Temple and gift shops.

Mrs. Alice Bettenhausen was elected new chairman of the group. Mrs. Harold Scheer is first vice chairman, Mrs. Beth Bettenhausen second vice chairman, Mrs. Albert Hiller secretary, and Mrs. Roy Kohrbay treasurer.

American Home Week May 3-9



PEOTONE ELEMENTARY FIRST GRADERS learned all about dinosaurs in March. They made models of the giant beasts while they studied about what dinosaurs ate and how they lived.



MICHELLE MCLEAN (left) of New Life Center in Kankakee, discusses teen health issues with sophomores (l. to r.) Fred Nagel, Terry Donovan and Jenny Janda in their health class at Peotone High School.

Cable Group Looking For Studio, Storage

The Peotone Access League is seeking space to use as a studio and storage area for its growing collection of equipment, tapes and services.

The access league cablecasts weekly on Tuesday, Wednesday and Thursday evenings at 6 p.m. Cable Channel 10 serves subscribers of Continental Cablevision in the communities of Beecher, Monee, and Peotone.

The channel serves two basic functions; it lists non-profit events on the Bulletin Board and produces and cablecasts programs of local interest.

During the 1991 year, PAL taped and cablecast 25 athletic events, nine fine arts programs, 12 county board meetings, and 18 civic programs such as Peotone Happy Days, World Day of Prayer, and topics dealing with the third airport, composting, and village water and sewer.

The monthly program of Village Viewpoint with Peotone

Mayor Richard Anderson, with Teri Schram, invites participation through questions from the community. Specific programs and repeat showing times are listed on the Channel 10 Bulletin Board.

The league welcomes membership from individuals or businesses and organizations. Contributing members give financial and moral support. Active members support the organization financially, and with their time.

The studio/storage space being sought would ideally be an area with outside access, possibly a back room, an upstairs, or outbuilding would be most suitable.

The league is also forming a crew to cover summer events such as the Beecher Fourth of July parade. Anyone who can assist with either concern or who would like to be a member should fill out the form below and return it to PAL, Box 466, Peotone, IL 60468.

Bulletin Board

MISERICORDIA BIKE-ATHON

The 12th annual Misericordia Home Bike-athon, Walk-athon, Roll-athon will be held Saturday, May 16, at the Peotone Park from 6 a.m. to 2 p.m. There will be a four mile course for bikers and a two mile course for walkers and roller skaters.

Sponsor forms will be available April 29 at the Peotone Library, Hilsenhoff Pharmacy, and Dralle Chevrolet Buick Geo. For more information, call 258-6146.

DINNER DANCE

A family potluck dinner dance will be held Friday, April 24, from 6-9 p.m. in the Peotone Elementary School gym. Double EE DJ Service will provide the entertainment, with a light show included.

Every family should bring a meat dish to pass, plus one other dish. Those with children in grades K-2 should bring dessert; grades 3-4 appetizers; and grades 5-6 salads or vegetables. Every student must be accompanied by a parent.

CHAMBER DIRECTORY

The Peotone Chamber directory preparations are well under way. Anyone in the outlying area who is not on village water and who wants to be included in the directory should notify Judith Kuse, 258-9400 or Sharon DePrain, 258-9600.

Businesses wanting to advertise should also call one of the above. Prices are \$150 for a page, \$90 for a half page, or \$60 for a quarter page.

Name _____

Phone _____

Mailing Address _____

Indicate type of membership(s):
 Regular membership (\$5 per individual) _____

Student (Free) _____

Organizational affiliate (\$25) _____

Patron (\$50 or more) _____

Would you be interested in assisting with local programming?
 Yes _____

Do you have experience? _____

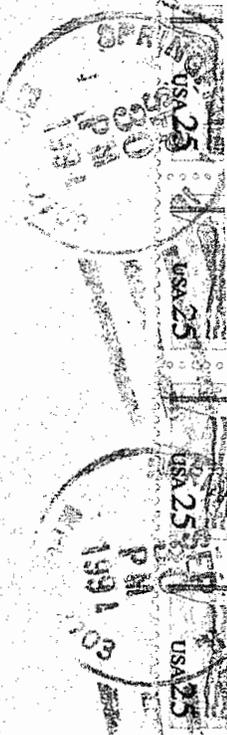
Would you like to receive details on how to submit information for the Bulletin Board? _____

HOUSE BILL 2250

PA. 87-608

AND 9-18-91

EFF 11-17-91



ROBERT P. REGAN
 STATE REPRESENTATIVE - BOTH DISTRICT
 22339 GOVERNORS HIGHWAY
 RICHTON PARK, ILLINOIS 60471
 312/747-9064

2012 STRATTON BUILDING
 SPRINGFIELD, ILLINOIS 62706
 217/782-6578

Mr. Leo Saunoris
 19600 S. Harlem
 Mokena, IL 60448

1 subsection do not limit the power of the Board to establish 303
2 regulations or standards applicable to open dumping.

3 (r) Conduct a landscape waste composting operation 305
4 without an Agency permit, provided, however, that no permit 306
5 shall be required for any person:

6 (1) conducting a landscape waste composting 308
7 operation for landscape wastes generated by such person's 309
8 own activities which are stored, treated or disposed of 310
9 within the site where such wastes are generated; or

10 (2) applying landscape waste or composted landscape 313
11 waste at agronomic rates; or

12 (3) operating a landscape waste composting facility 315
13 on a farm, if the facility meets all of the following 316
14 criteria:

15 (A) the composting facility is operated by the 318
16 farmer on property on which the composting material 319
17 is utilized, and the composting facility constitutes 320
18 no more than 2% of the property's total acreage,
19 except that the Agency may allow a higher percentage 321
20 for individual sites where the owner or operator has 322
21 demonstrated to the Agency that the site's soil 323
22 characteristics or crop needs require a higher rate;

23 (B) the property on which the composting 325
24 facility is located, and any associated property on 326
25 which the compost is used, is principally and 327
26 diligently devoted to the production of agricultural
27 crops and is not owned, leased or otherwise 328
28 controlled by any waste hauler or generator of 329
29 nonagricultural compost materials, and the operator
30 of the composting facility is not an employee, 330
31 partner, shareholder, or in any way connected with 331
32 or controlled by any such waste hauler or generator;

33 (C) all compost generated by the composting 333
34 facility is applied at agronomic rates and used as 334
35 mulch, fertilizer or soil conditioner on land 335

1 actually farmed by the person operating the 335
2 composting facility, and the finished compost is not 336
3 stored at the composting site for a period longer 337
4 than 18 months ~~4 years~~ prior to its application as
5 mulch, fertilizer, or soil conditioner; 338

6 (D) the owner or operator, by January 1, 1990 340
7 (or the January 1 following commencement of 341
8 operation, whichever is later) and January 1 of each 342
9 year thereafter, (i) registers the site with the
10 Agency, (ii) reports to the Agency on the volume of 343
11 composting material received and used at the site, 344
12 (iii) certifies to the Agency that the site complies
13 with the requirements set forth in subparagraphs 345
14 (A), (B) and (C) of this paragraph (r)(3), and (iv) 346
15 certifies to the Agency that all composting material
16 was placed more than 200 feet from the nearest 347
17 potable water supply well, was placed outside the 348
18 boundary of the 10-year floodplain or on a part of
19 the site that is floodproofed, was placed at least 349
20 1/4 mile ~~more than 200 feet~~ from the nearest 350
21 residence (other than a residence located on the 351
22 same property as the facility) and there are not
23 more than 10 occupied non-farm residences within 1/2 352
24 mile of the boundaries of the site on the date of 353
25 application, and was placed more than 5 feet above
26 the water table.

27 For the purposes of this subsection (r), "agronomic 355
28 rates" means the application of not more than 20 tons per 356
29 acre per year, except that the Agency may allow a higher rate 357
30 for individual sites where the owner or operator has 358
31 demonstrated to the Agency that the site's soil
32 characteristics or crop needs require a higher rate. 359

33 (s) Cause or allow the storage or disposal of coal 361
34 combustion waste unless:
35 (i) such waste is stored or disposed of at a site 363

11-26-2010

Dear EPA,

My Name is Austin Samoris I am 11 years of age. I live right across the street from Robert DiCola, where he is dumping landscape waste on his property. He is applying for a permit to be able to dump a foot of landscape waste on his property. I have asthma and if Jim Kerwin (Robert DiCola's manager) gets the permit I ~~might~~ have to go from doing my inhaler 1 puff twice daily to doing it 1 puff six times daily. If he gets the permit I have no where to go because I am not 16 yet. If you guys were really out to help me you would not give him the permit.

Sincerely,
Austin

Samoris

Help me please!!



The Village of Peotone

12-8-10

OFFICE : 208 E MAIN STREET
P.O.BOX 430
PEOTONE, ILLINOIS 60468-0430
PHONE: (708) 258-3279
FAX: (708) 258-3850

December 6, 2010

Mr. Derek Rompot
Illinois EPA, Composting Div.
Bureau of Land
1021 N. Grand Ave. East
Springfield, IL 62702

**RE: Log # PS 10-151: Variance Application for Land Application of Landscape Waste;
Terrona Farms, 8452 W. Joliet Road, Peotone, Illinois 60468**

Dear Mr. Rompot:

I write this letter in reference to the application listed above. I understand Mr. Jim Kerwin has filed a variance application on behalf of Mr. Robert DiCola to allow land application of up to 12 inches of waste on this property. I also understand 12 inches is 24 times the rate established by state regulations.

The site of the proposed project lies just outside the village limits, but within the 1.5 mile planning area of the village. In the early 1990's, Mr. DiCola operated a composting facility that resulted in serious quality of life issues for adjacent neighbors and residents of the village. During this time period Mr. DiCola applied twice to IEPA for a composting permit (Log nos. 1990-451, 1992-216) and both applications were denied. In 1991, The Will County State's Attorney filed suit against Mr. DiCola d.b.a. Illinois Native Nursery to halt operations of the composting facility. In the Order, Mr. DiCola acknowledged operating a public nuisance and the Order (NO. 91 CH 4099) stated: "the Defendant will accept no further landscape waste on the Peotone site unless issued a permit by the Illinois Environmental Protection Agency to compost landscape waste".

As I stated earlier, this property is located just outside the Peotone village limits, but within our 1.5 mile planning area. The Village Comprehensive Plan does not reflect waste disposal operations on this property. If the property were located within the village limits, the operator would need to file for rezoning and possibly a special use permit.

Please let this letter serve as written notice that the Village of Peotone is opposed to the variance application filed for the property located at 8452 W. Joliet Road, Peotone.

Yours Truly,

Richard P. Duran
President
Village of Peotone

Good Luck 7th Grade Girls Basketball team!
The girls are heading to state competition and will play at 6 p.m., Dec. 9, in Normal

50¢



The Peotone Vedette

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VOLUME 116, NUMBER 44

PHONE 708-258-3473

THURSDAY, DECEMBER 9, 2010



MAURA, ERIN AND AVA Daley of Monee were very happy to see Santa on Saturday, at the Green Garden Country Club's annual Breakfast with Santa event. Children from all over the suburban area participate in the popular breakfast, eager to tell Santa what they would like to find under the Christmas tree this year. Limited reservations are available for the December 18 breakfasts at the country club at 9511 W. Manhattan-Monee Road. For information, call 815-469-3350.

—photo by Karen Haave

Volunteers push for Southland Senior Services to stay open

Southland Senior Services' boosters are continuing their efforts to keep the facility open, with fundraisers and a second look at ways to save the organization that serves residents across a half-dozen townships in Will County.

News that the center was closing last month has generated both an outcry and support from those who say it is a vital agency that meets the special needs of senior citizens and the disabled.

The program is open to seniors age 55 and older in Peotone, Green Garden, Monee, Crete, Washington and Will Townships and the villages within those townships.

SSS volunteer Dawn Chaloupka said a meeting last month reiterated claims that the facility is important to those who utilize its services, which include transportation, Meals on Wheels, congregate dining, information and assistance.

"Our meeting was a success," Chaloupka said.

"There were over 50 people there, some from various groups, churches and members (of the center).

"The 150-plus members (said) they do not want their center to close its doors. Southland Senior Services is the only facility in Will County that serves (six townships), so there is a need for a service facility like this one."

Chaloupka, a frequent volunteer at the center, along with her husband, Dan, said the meeting produced numerous ideas for keeping the facility operational.

"The members suggested increasing their membership fees," she said. "Several people in attendance offered to volunteer for the Re-Sale Shop. And a retired teacher offered her expertise to possibly tutor children after school at the center.

"Now we are in the process of re-organizing. Our main issue is to collect money owed to the Southland Senior Services from various transportation agencies, such as PACE, as there is still a \$20,000 to \$30,000 shortfall to keep the center open. The shortfall was created when the Southland Senior Services lost funding from United Way, RTA and other sources," Chaloupka explained.

Despite its popularity, the center last year lost approximately \$100,000 in funding from United Way, PACE and RTA.

"Again, we are appealing to any and all, especially during this holiday season. If anyone

Peotone continues basketball success

Both the Peotone boys and girls basketball teams continue to win.

Read this and more in the sport section.

Neighbors fear reliving nightmare of DiCola composting operation of 20 years ago

by Lynn Dill

For some neighbors of Robert DiCola, the reappearance of trucks dumping landscape waste on his property this Fall has brought back bad memories of his composting operation 20 years ago that it took two years battling in court to bring to a halt.

"Robert DiCola is up to his old tricks, dumping landscape waste on his property again, despite the fact that there is a court order," said Len Saunoris, who lives directly across the road from the property owned by DiCola at 8452 W. Joliet Rd. in rural Peotone.

After a two-year court battle from 1990 to 1992, DiCola agreed that he would "accept no further landscape waste on the Peotone site unless issued a permit by the Illinois Environmental Protection Agency (IEPA) to compost landscape waste."

For the last 18 years, Saunoris said, it appeared that DiCola had complied with the court order. However, during October and November, Saunoris noticed the reappearance of trucks, carrying yard waste. He estimated that 70 to 120 loads of yard waste were

dumped by trucks with a 100-yard capacity, weighing approximately 21 to 25 tons each.

Of course, Saunoris immediately contacted the Will County state's attorney office and the Will County land use department to report the violation. Imagine his surprise when he was told by both offices that DiCola had applied to the IEPA for a land application variance to allow him to apply landscape waste 12 inches thick. The application states that the variance is needed for soil enhancement to grow Buckwheat and Sudan grass to feed his cows.

See 'Nightmare', page 11

Judi's celebrates 30 years

by Lynn Dill

For Judi Austell, working as a hairdresser seems more like a hobby than a job.

It's something she's been passionate about since her school days and feels fortunate to get paid for doing a job that she absolutely loves.

"I've always loved doing hair for as far back as I can remember," said Austell, owner of Judi's Shear Pleasure in downtown Peotone.

The salon celebrated 30 years in business this year, but Austell's involvement with the beauty industry stretches back even further. At age 14, she went to work for Emily Bozek, owner of a small shop in Harvey called "Snip and Set." She'd sweep up hair, wash the sinks and do an assortment of other odd jobs.

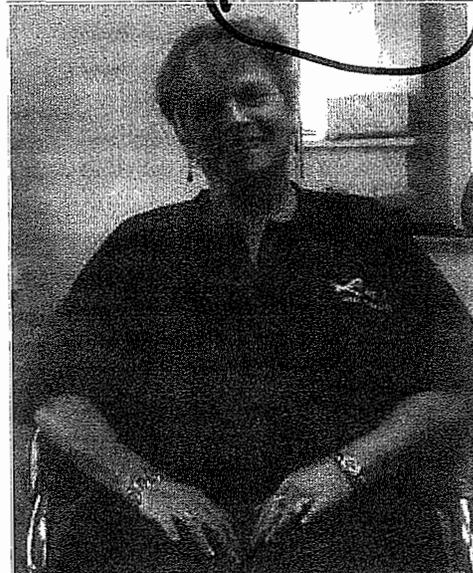
After marrying in 1960, followed by the birth of two boys, Bob in 1962 and Bill in 1963, she decided to join the workforce. It seemed only natural for her to enter the beauty industry, so she attended cosmetology school and received her license in 1964.

For the next 16 years, she'd work out of her home or in a small shop. A daughter, Jacque, would also be born during that time.

She even had the opportunity to work with the woman who gave her the position performing odd jobs at the Harvey

See 'Judi's', page 11

See 'Volunteers', page 8



CUSTOMERS OF JUDI'S SHEAR PLEASURE have come to expect a friendly greeting as soon as they enter the salon. It's that personal touch, the way that the staff cares for each other and their customers, that sets the salon apart. Pictured here is Austell in her chair at the front of the shop.

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obituaries

Eleanor Ambrogio

Cremation rites have been accorded for Eleanor Lila Ambrogio, 87, of Waukegan. Mrs. Ambrogio died Monday, November 29, 2010, at Emeritus Care Center in Orland Park.

Born September 1, 1923, in Calgary, Alberta, Canada, she was a homemaker and a member of Christ Episcopal Church of Waukegan. She loved her family, her pets, her church and to be of service to others.

Mrs. Ambrogio is survived by two daughters, Christine Phillips of Kohler, Wis., and Dr. Yvonne (Dr. Jay) Nadler of Peotone; three grandchildren, Alexander Phillips of Kohler, Joseph Nadler of Campaign-Urbana and Jeffrey Nadler of Peotone; a sister, Yvonne McMinn of Gurnee; and many nieces and nephews.

She was preceded in death by her husband, Joseph Ambrogio, in 1983; and her parents, Fred and Irene (Hunt) Gray.

A memorial service will be held at a later date. Memorial may be made to Joliet Area Hospice. Arrangements were under the direction of Fedde-Helfrich-Cross Funeral Home in Peotone. Sign the guestbook at www.feddehelfrichcrossfh.com.

LEGAL NOTICE
Because You Have A Right To Know

Assumed-Name Publication Notice
Certificate No. 25982

NOTICE

Public Notice is hereby given that on November 22, 2010, a certificate was filed in the Office of the County Clerk of Will County, Illinois, setting forth the names and residence addresses of all persons owning, conducting and transacting the business known as WillTech, located at 217 E Wilson Street, Peotone, IL 60468.

Dated this 22nd day of November, 2010

Nancy Schultz Voets
County Clerk
Pub. Peotone Dec. 2, 9, 16, 2010.



LISA J. DOMAGALLA
12-11-2009

God saw you getting tired and a cure was not to be. So he put His arms around you and whispered, "Come to Me."

With tearful eyes we watched you and saw you pass away. Although we loved you dearly, we couldn't make you stay.

A golden heart stopped beating, hard working hands at rest. God broke our hearts to prove to us He only takes the BEST.

We miss and love you more than words can describe Mom.

With love,
Todd, Kerl,
Melissa and Leah
Mom and Dad

Local schools to file suit against state for payments owed

by Lynn Dill

Several local school districts plan to take action against the state of Illinois for its failure to make payments.

Grant Park, Manteno and Peotone school districts have decided to take part in a lawsuit that includes a total of 18 districts statewide, seeking millions of dollars owed to them from the 2009/2010 school year.

According to Manteno Community Unit School District 5 Superintendent Dawn Russert, the suit must be filed before the state's obligation to pay 2009/2010 funding lapses on December 31, 2010.

"If there is a lapse in the appropriation, then the state could say that it's no longer required to pay us," said Russert.

As of Friday, Dec. 3, the state owed the Manteno district \$1,169,564.88 from last year. The district was owed more, but the state did make a payment of \$296,000 on November 30. Of course, the figure would be much higher if it included payments owed from the current fiscal year. Currently, Manteno is owed a total of approximately \$2.6 million.

As a superintendent of a district with 2,300 children, Russert says the continued late state payments are "worrisome and stressful." She said these children are counting on her to provide teachers for their classrooms, textbooks and all of the other resources needed for a good education.

"It's not the children's fault the state is in this pickle, but they are the ones who will suffer," she said.

Planning, says Russert, is difficult, if not impossible, without knowing the state's intention to pay its obligations in advance.

"I'll be delighted if we receive the money owed to us in the next few weeks, but it would be much better if we knew in advance," said Russert.

"The state needs to tell us up

front, make a commitment to funding and not waver," she added.

At Peotone Community District 207-U, Superintendent Don McKinney expressed similar sentiments. He is recommending that the district, which is owed nearly \$600,000 from the previous school year, join in the suit, and he will bring the matter before the board for approval at its December board meeting.

"It's difficult to construct a budget when you're so uncertain about expected revenue," said McKinney.

"We operate a tight ship and are forced to seek funds in other ways when the state doesn't pay, such as tax anticipation warrants," said McKinney.

Last spring, the Peotone school board cut \$1.8 million of its budget in anticipation of a reduction in state funding. School board members said that any further drastic cuts would be comparable to dismantling the school district.

McKinney pointed out that an audit of the district at year-end indicated that it was in good financial shape. However, he said that the district would have been in much better condition if they could have had the million dollars it was owed by the state. As it sits now, McKinney said the district does not have any excess funds and must operate as "leanly as possible."

Russert is hoping that the case may be settled before it even goes to the court of claims. On December 2, she said, Governor Pat Quinn agreed to issue bonds against a tobacco settlement the state will be receiving. She's hoping these funds will be used by the state to pay the millions of dollars it owes to districts across the state.

For the present time, districts have no choice but to move forward with the suit or risk losing everything that is owed to them.



THE PEOTONE LADY BLUE DEVILS U-14 team came in first in the recent 17th annual Old Mill Soccer Invitational Tournament held in Peotone. Members of the winning team front row: Danielle Benninghoff, Paige Novak, Vicky Aguilar, Jessica Walsh, Stacy Garrard and Holly Polacek; second row: Emily Petrocelli, Kallie Moe, Emily Prium, Mykayla Cowger, Becca Moore and Grace Kleindienst; back row: Coach Dan Younker, Isabelle Pavesich, Cora Graffeo, Rachel Pestlin, Lea Skafgaard, Calla Hilliard, Courtne Shawver and Coach Becca Rodgers

'Nightmare'

continued from page 1

The law imposes a 20-ton-per-acre per year limitation - a law that was instituted in 1991 in response to DiCola's dumping of landscape waste at that time.

"He's violating a law that was passed in direct response to his actions," said Saunoris, saying that previously composting was a very "gray area."

The current land application law would result in approximately a 1/2 to 3/4 inch thick layer per acre in comparison to the 12 inch thick that DiCola is seeking in the variance.

Saunoris said DiCola has applied for the variance through Jim Kirwin, manager of Tetrona Farms, the property owned by DiCola on Joliet Rd., and he believes it was done to keep DiCola's name off of the IEPA application, since he says that the IEPA was quite familiar with DiCola's past violations.

Saunoris says he's "done the math" and estimates that it would take 24 truckloads per acre to lay landscape waste 12 inches thick. Since DiCola owns 80 acres at the location, Saunoris says that would be a total of 1,920 truckloads.

He also called the company he saw hauling the recent landscape waste, KLF Trucking of Manhattan, and said that he learned it pays \$200 per load to dump these size loads. Saunoris says that figure translates into a \$14,000 to \$24,000 profit that DiCola has made this fall in just two months.

"He's getting paid - even though he's in violation of a court order," said Saunoris.

If the land application grant is approved by the IEPA, Saunoris said, 1,920 truckloads at \$200 per load translate into \$384,000.

"If any of you have ever smelled rotting grass on a hot day, imagine what 2,000 or maybe 3,000 truckloads of rotting grass will smell like," Saunoris said in a letter he passed out to neighbors, encouraging them to contact the IEPA and elected officials to express opposition to the variance.

In the letter, Saunoris warns newer residents with these words: "Ask any of your neighbors that were here 20 years ago, what it is like living where breathing the air will make you want to vomit."

Saunoris still has copies of all the newspaper articles at the time that residents were protesting

against DiCola's composting site and a lawsuit was filed. It was stated in The Peotone Vedette in an April 1992 article that DiCola had operated a controversial, 10-acre composting site before moving his operation to Peotone in August of 1990.

Before the situation that arose with DiCola's composting site, that he claimed was used for farming purposes and not profit, there weren't any laws governing such situations. However, it wasn't long before local representatives and others worked to enact a law governing composting operations.

The law concerning composting requires: a person applying for a composting permit to notify the members of the general assembly from the district where the site is located; notify property owners within 250 feet of the site by certified or registered mail and publication in a newspaper with general circulation.

Unfortunately, Saunoris says the law does not require this notification for land application. He's asking concerned residents to contact the IEPA or local representatives to express their opposition to the land application variance.

Following are contact names and numbers for the IEPA and local representatives:

Derek Rompot
IEPA Composting Division
Bureau of Land
1021 N. Grand Ave. E
Springfield, IL 62702
Direct #: 217-524-3262
General #: 217-524-3300
Email
DEREK.ROMPOT@ILL.GOV

Illinois State Representative
Lisa Dugan
200 E Court St. Suite 710
Kankakee, IL 60901
Kankakee #: 815-939-1983
Springfield #: 217-782-5981

Illinois Senator Toi
Hutchinson
200 E Court St. Suite 708
Kankakee Office: 815-929-1133

Chicago Heights Office: 708-756-0882
Springfield #: 217-782-7419
Email:

THUTCHINSON@SENATE-DEM.IL.GOV
(Editor's Note: Phone calls to Terrona Farms were not returned by press time.)

The Peotone FFA Farmer's Market wishes you Happy Holidays and Healthy Eating.

Thank you for your support!

CARD OF THANKS

Thank you for all the cards, phone calls, and to those who attended my open house to help me celebrate my 90th birthday. All of you helped to make my birthday extra special.

I would also like to thank my family for the wonderful celebration.

Mary Barr

CARD OF THANKS

We would like to extend our thanks to all the neighbors, friends and family for your expressions of sympathy in the loss of our dear aunt, Loretta Jacobs.

Your thoughtfulness is greatly appreciated.

With grateful hearts, her nieces and families:
Donna (Jim) Ramey, Janice Wilke
Betty (Roger) Shronts, Sandra (Dave) Dzurny
Colleen (Bill) Knippel, Jayne Kiedaisch
Bonnie (Jeff) Offermann and Debra (Bob) Peters

Mr. Rompot/Illinois EPA

December 18, 2010

RE: Log # PS 10-151

I am Roxanne Saunoris, Leonard Saunoris' wife. I had asthma as a child, and now I have a lot of allergies. I have in door and out door allergies, my eyes turn red and my nose will start to run. Sometimes it is hard to breathe. If DiCola or Jim Kerwin get this variance permit, who will compensate for doctor visits, hospitalizations, pain and suffering, medications and prescriptions?

I do not want to have an asthma attack; people can and have died from asthma. My family moved out this way 20 years ago to get away from all the pollution up North. My eleven-year old son was diagnosed with asthma approximately a year ago. As a parent I do not want a dump across the street from DiCola or Jim Kerwin that could cause my son or myself to have asthma attacks.

We also have a business on our property selling tress. How can we wait on customers with a bad odor from across the street? Who would even want to shop here?

Please do not issue a variance permit to DiCola or Jim Kerwin.

Sincerely,

Roxanne Saunoris
Roxanne Saunoris



OFFICE OF WILL COUNTY BOARD

WILL COUNTY OFFICE BUILDING • 302 N. CHICAGO STREET • JOLIET, ILLINOIS 60432
(815) 740-4602 • FAX (815) 740-8395

December 24, 2010

DON GOULD
WILL COUNTY BOARD COMMISSIONER
DISTRICT # 6

RESIDENCE: 21339 S. REDWOOD LANE
SHOREWOOD, ILLINOIS 60431
BUSINESS: (815) 725-7665
FAX: (815) 725-7329

Mr. Derek Rompot
Illinois EPA Composting Division
Bureau of Land
1021 N. Grand Ave. East
Springfield, IL 62702

COPY

RE: PS10-151, Terrona Farms

Dear Mr. Rompot:

I was contacted by a constituent, Mr. Leonard Saunoris, in regard to the above referenced. I then spoke with other residents who are concerned that granting a variance would result in noxious odors in the area. Furthermore, I was informed that the subject property is under a Court Order (91 CH 4099), not to accept landscape waste unless a permit is issued by the IEPA to compost landscape waste.

Please accept this letter opposing the application. I share the concern that the proposed activity would result in offensive odors and the diminution of property values in the area. It would seem that a public hearing would be appropriate in order that the community can be fully heard.

Thank you.

Sincerely,

Don Gould

Certified Mail

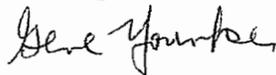
May 27, 2011

Mr. Curt Paddock
Will County Land Use Dept.
58 E. Clinton, Suite 500
Joliet, IL 60432

Dear Mr. Curt Paddock;

The Peotone Township Board reviewed the Illinois EPA response to Terrona Farms' variance request at their monthly meeting on May 16, 2011. It was moved and approved that that a letter be sent to the Will County Land Use Department requesting that you hold Terrona Farms to fully comply in a timely manner with both the IL EPA response (LPC No. 1970750007 – Will County) and 1991 Court Order No. 91 CH 4099 both of which are attached. The motion also requested the Will County Land Use Dept. to take appropriate legal enforcement if said compliance is not met in a timely manner.

Best Regards,



Gene Younker
Peotone Township Clerk

Cc Dave Cann, Peotone Township Supervisor
Peotone Township Board of Trustees
Kent Heisner, Peotone Township Planning Commission
Tim Anderson, Will County Land Use Dept.
Leonard Saunoris, adjacent land owner
✓ Paul Froehner, adjacent land owner



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

217/524-3300

May 2, 2011

Certified Mail
7009 3410 0002 3808 1325

Jim Kerwin
Terrona Farms
8452 W. Joliet Road
Peotone, Illinois 60468

Re: LPC No. 1970750007 – Will County
Terrona Farms
Log No. PS10-151
Permit Denial
03 General Correspondence

Dear Mr. Kerwin:

This letter is in response to your letter, received by Illinois EPA on November 16, 2010, requesting an increase to the agronomic rate for application of landscape waste in accordance with Section 21(q) of the Illinois Environmental Protection Act. In your letter you requested an application rate of up to 12" of landscape waste (leaves), to the fields of Terrona Farms.

The Illinois EPA has reviewed the information provided in your letter and determined that an increase in the land application rates above the standard 20 tons/acre per year of landscape waste has not been justified. Specific items of concern regarding your proposed operation are detailed further below.

1. **Incorporation:** Please note that Terrona Farms is the only site in the State of Illinois that has proposed that the landscape waste not be incorporated into the soil at the time of receipt, but instead used as ground cover over the winter with incorporation being provided by the grazing of farm animals, with the additional benefit that the leaves would help prevent damage due to livestock "pugging".

Illinois EPA has concerns that the proposed procedures for the landscape material will adequately apply the landscape waste to the soil in a manner that will result in the optimal agronomic benefit from land application. Specifically, Illinois EPA has concerns that the herd size (currently 7 animals) is adequate to sufficiently compress the leaves and that there will be excessive amounts of landscape waste present in the spring such that further incorporation by plow would be ineffective.

2. **Use of Ground Cover:** Section 21(q) of the Act allows an increase in the agronomic rate of landscape waste application if the owner or operator demonstrates the site's soil or crop needs requires a higher rate of application. Use of landscape waste as a ground cover is not considered under Section 21(q) and the applicant has not demonstrated that the soil characteristics or crop needs justify the increase in the application rate.

3. Appropriate amount of landscape waste to be received: Terrona Farms is requesting the application of up to 12" of leaves during the fall. The density of leaves typically ranges between 200 and 440 lbs per cubic yard depending on the amount of compaction. A land application rate of 20 tons/acre consisting solely of leaves would therefore range between 0.75" and 1.5". The proposed depth of 12" would be an application rate between 160 and 320 tons /acre, without a sufficient justification for the application rate.

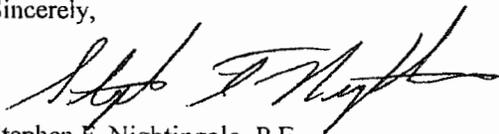
Depending upon the reference source consulted, the land application rater of physical compost is typically recommended to be no more than 5-10 tons/acre. Field reports indicate that while a 3" layer of leaves chisel plowed into the soil improved soil qualities, the application of 6" of leaves resulted in reduced crop yields.

4. Nitrogen-Phosphorous Calculations: Terrona Farms have not provided any calculations demonstrating that the requested amount of land application will not provide excessive amounts of nitrogen and/or phosphorous to the soil. In any future submittals, Terrona Farms should also provide calculations demonstrating that the amount of nitrogen and phosphorous that the leaves provide do not exceed crop demands.
5. Contaminants: Terrona Farms needs to further address how contaminants in the incoming loads will be inspected and removed. Section 32(q) of the Act does not contain an acceptable deminimus level for contaminants. While Illinois EPA does not consider the organic status of Terrona farms in our review, please note that the presence of contaminants may prevent the crops raised from being considered "organic".
6. Nuisances: Terrona Farms did not include procedures to address odors, vectors and litter resulting from the transportation, staging, placement, use of as ground cover, and incorporation of the landscape waste at the increased application rate.

Terrona Farms may submit a new request to increase the agronomic rate of application. Any further submissions should address the items of concern listed above.

If you have any additional questions in this matter, please contact Derek Rompot at 217/558-3262.

Sincerely,



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

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF)
ILLINOIS,)
Plaintiff,)
vs.)
ROBERT DiCOLA,) NO. 91 CH 4099
Defendant.)

ORDER

This matter coming on for hearing, the PEOPLE OF THE STATE OF ILLINOIS present by its Attorney, EDWARD A. BURMILA, JR., through his Assistants, Barbara J. Smiles and Thomas M. Sealy and the Defendant, ROBERT DiCOLA, present in person and through his Attorney, Louis P. Yangas and the parties having reached an agreement as to disposition of all the issues in these proceedings agree that Counts I, II and III of Plaintiff's Complaint for Injunction and Other Relief are dismissed with prejudice and without leave to reinstate and with reference to Count IV the Defendant acknowledges that the conduct by him of a landscape waste composting operation is a public nuisance causing offensive smells emanating therefrom.

Now, therefore, IT IS HEREBY ORDERED as to the disposition of Count IV, that the Defendant, ROBERT DiCOLA, cause to be incorporated within the soil on the premises where the landscape waste is located, the landscape waste existing thereon, to incorporate said landscape waste to a depth of approximately 8 inches in the soil, which incorporation shall be completed on or before May 1, 1992. It is agreed between the parties that the Defendant will accept no further landscape waste on the Peotone site unless issued a permit by the Illinois Environmental Protection Agency to compost landscape waste. The parties further agree that the Defendant waive all his appeal rights to this Order.

It is also ordered that no costs be assessed to any of the parties. It is further order that this Court retains jurisdiction over the cause to ensure compliance with this Order.

It is further ordered that Counts I, II and III of Plaintiff's Complaint are dismissed with prejudice and without assessment of costs.

DATED THIS 22nd DAY OF OCTOBER, 1991.



JUDGE WILLIAM PENN

Edward A. Burmila, Jr.
Will County State's Attorney
Prepared by: Thomas M. Sealy
14 W. Jefferson St.
Joliet, IL 60431
Telephone: 815-727-8564

APPROVED:



Robert DiCola