

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 v.)
)
 ATKINSON LANDFILL CO., an)
 Illinois corporation,)
)
 Respondent.)

PCB No. 13-28
 (Enforcement-Water)

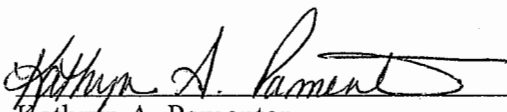
NOTICE OF MOTION

To: ***Via Regular Mail***
 Kenneth Anspach, Esq.
 Anspach Law Office
 111 West Washington Street
 Suite 1625
 Chicago, Illinois 60602

Via Hand Delivery
 Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 James R. Thompson Center, Suite 11-500
 100 W. Randolph Street
 Chicago, Illinois 60601

PLEASE TAKE NOTICE that on the 15th day of March, 2013, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, filed the attached Agreed Motion for Leave to File First Amended Complaint, a true and correct copy of which is attached hereto and is hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
 of the State of Illinois

By: 
 Kathryn A. Pament
 Assistant Attorney General
 Environmental Bureau
 69 W. Washington St., 18th Floor
 Chicago, IL 60602
 (312) 814-0608

DATE: March 15, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 13-28
)	(Enforcement-Water)
ATKINSON LANDFILL CO., an)	
Illinois corporation,)	
)	
Respondent.)	

AGREED MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

People of the State of Illinois (“Complainant”) and Atkinson Landfill Co. (“Respondent”) and together with Complainant, the “Parties”), for their Agreed Motion for Leave to File First Amended Complaint, hereby state as follows:

1. On December 17, 2012, Complainant filed a four-count Complaint (the “Original Complaint”) against Respondent, alleging violations of the Illinois Environmental Protection Act and the Illinois Pollution Control Board’s regulations regarding water pollution (“Board Water Pollution Regulations”).
2. On January 28, 2013, Respondent filed its Motion to Strike and Dismiss and Supporting Memorandum (“Motion to Dismiss”).
3. On February 7, 2013, the Board entered a Hearing Officer Order providing that Complainant’s response to the Motion to Dismiss was due on or before March 15, 2013, and Respondent’s reply, if any, was due on or before April 12, 2013. A telephonic status hearing is scheduled in this case on March 21, 2013 at 9:45 am.
4. In lieu of filing a response to the Motion to Dismiss at this time, Complainant seeks to amend the Original Complaint to: (a) attach a copy of Water Pollution Control Permit

No. 2008-EO-0331 as Exhibit 1; (b) add the word "approximate" to Paragraph 6 of Count I of the Original Complaint; (c) delete Paragraph 7 of Count I of the Original Complaint; (d) delete the alleged violations of Section 12(c) of the Act, 415 ILCS 5/12(c) (2010), from the Original Complaint; (e) add allegations to clarify Respondent's alleged violations of Sections 12(a) and (b) of the Act, 415 ILCS 5/12(a), (b) (2010); (f) amend Paragraph 17 of Count III of the Original Complaint; and (g) make additional clarifications and correct certain typographical errors. A true and correct copy of the First Amended Complaint is attached hereto as Exhibit A.

5. Respondent has not filed an answer to the Original Complaint; the Parties have not conducted discovery to date; and Respondent will not be prejudiced if Complainant is granted leave to amend the Original Complaint at this time.

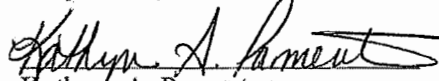
6. Respondent has no objection to Complainant filing its First Amended Complaint.

7. The Parties agree that by joining in this Agreed Motion, Respondent does not waive any of the issues raised in the Motion to Dismiss.

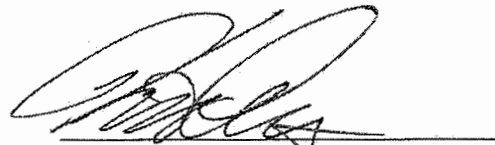
8. The Parties agree that Respondent has 30 days from the granting of this motion to answer or otherwise plead to the First Amended Complaint. The Parties agree that Respondent may simply adopt the Motion to Dismiss as and for its response to the First Amended Complaint by so informing the Board, if it so chooses.

WHEREFORE, Complainant and Respondent respectfully request that the Board grant (1) Complainant leave to file its First Amended Complaint and (2) such other relief as the Board deems proper.

Respectfully submitted,



Kathryn A. Pamerter
Assistant Attorney General, Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, IL 60602
(312) 814-0608



Kenneth Anspach, Esq.
Anspach Law Office
111 West Washington Street
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Chicago, Illinois 60602
(312) 407-7888

EXHIBIT A

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB 13-28
)	(Enforcement – Water)
ATKINSON LANDFILL CO.,)	
an Illinois corporation,)	
)	
Respondent.)	

FIRST AMENDED COMPLAINT

PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, (“Illinois EPA”) complains of Respondent, ATKINSON LANDFILL CO., an Illinois corporation, as follows:

VIOLATIONS AT THE VILLAGE OF ATKINSON SEWAGE TREATMENT PLANT

COUNT I
WATER POLLUTION

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois EPA, pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(2010), against Respondent Atkinson Landfill Co.

2. The Illinois EPA is an administrative agency of the State of Illinois, created by Section 4 of the Act, 415 ILCS 5/4 (2010), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Atkinson Landfill Co. (“Respondent”) was and is an Illinois corporation in good standing with the Illinois Secretary of State.

4. At all times relevant to this Complaint, Respondent owned and operated, and continues to own and operate, an active municipal solid waste landfill located at 1378 Commercial Drive, Atkinson, Henry County, Illinois. Respondent operates the landfill under Permit No. 2001-021-LFM, Modification No. 5, Log No. 2010-068, issued by the Illinois EPA on April 21, 2010.

5. On April 3, 2008, the Illinois EPA issued Water Pollution Control Permit No. 2008-EO-0331 ("Water Pollution Control Permit") to Respondent. A true and correct copy of the Water Pollution Control Permit is attached hereto as Exhibit 1. The Water Pollution Control Permit provides:

Permit is hereby granted to the above designated permittee(s) to construct and/or operate water pollution control facilities described as follows:

The hauling of approximately 12,000 gpd (DMF of 12,000 gpd) of landfill leachate to the headworks of the Village of Atkinson STP.

"DMF," as referred to in the Water Pollution Control Permit, means design maximum flow. The Village of Atkinson Sewage Treatment Plant ("Village STP") is located at 19696 East 2200 Street, Atkinson, Henry County, Illinois and discharges its effluent to the Green River.

6. On August 24, 2011, the Illinois EPA conducted a compliance inspection at the Village STP, including records from the Village STP. During the months of March and April 2011, Respondent hauled and disposed of leachate at the Village STP in excess of the approximately 12,000 gallons per day limit allowed by the Water Pollution Control Permit. The dates and amounts of leachate disposed of at the Village STP are as follows:

<u>Date</u>	<u>Amount</u>
March 16, 2011	16,960 gallons
March 17, 2011	12,720 gallons
March 18, 2011	12,720 gallons
March 21, 2011	12,720 gallons
March 22, 2011	12,720 gallons

March 23, 2011	12,720 gallons
March 24, 2011	12,720 gallons
March 25, 2011	12,720 gallons
March 28, 2011	12,720 gallons
March 29, 2011	12,720 gallons
March 30, 2011	42,400 gallons
March 31, 2011	21,200 gallons
April 1, 2011	42,400 gallons
April 4, 2011	38,160 gallons
April 5, 2011	42,400 gallons
April 6, 2011	42,400 gallons
April 7, 2011	42,400 gallons
April 8, 2011	25,440 gallons
April 9, 2011	38,160 gallons
April 11, 2011	50,880 gallons
April 12, 2011	50,880 gallons

7. Sometime in April 2011, and on such date better known to Respondent, the Village of Atkinson halted accepting leachate from Respondent.

8. Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

9. Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), provides, as follows:

“PERSON” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

10. Respondent, an Illinois corporation, is a “person,” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2010).

11. Section 3.550 of the Act, 415 ILCS 5/3.550 (2010), provides as follows:

“WATERS” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

12. The Green River constitutes “waters,” as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2010).

13. Section 3.165 of the Act, 415 ILCS 5/3.165 (2010), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

14. The leachate generated at the Respondent’s landfill is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2010).

15. Section 3.545 of the Act, 415 ILCS 5/3.545 (2010), provides the following definition:

“WATER POLLUTION” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

16. The discharge of certain types of wastewater in excess of permitted levels, including leachate generated by landfills, may cause serious harm to the Village STP by upsetting the treatment process, interfering with the normal operation of the Village STP or causing conditions at the Village STP which may be harmful to Village STP workers and which may result in contaminants passing through the Village STP untreated.

17. Leachate generated by landfills passing through the Village STP untreated into the Green River is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural,

recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

18. By disposing of landfill leachate at the Village STP in excess of the approximately 12,000 gallons per day limit imposed by the Water Pollution Control Permit, and thereby threatening the pass through of untreated wastewater into the Green River, Respondent threatened the discharge of a contaminant into waters of the State which could cause or tend to cause water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010);
3. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT II

VIOLATION OF PERMIT REQUIREMENTS

1. This Count is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, pursuant to the terms and provisions of Section 31(d) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(d) (2010).

2-15. Complainant realleges and incorporates by reference herein paragraphs 2 through 7 and 9 through 17 of Count I as paragraphs 2 through 15 of this Count II.

16. Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), provides as follows:

No person shall:

(b) Construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

17. Section 309.204(a) of the Illinois Pollution Control Board's regulations concerning water pollution found in title 35, Subtitle C, Chapter I of the Illinois Administrative Code (the "Board Water Pollution Regulations"), 35 Ill. Adm. Code 309.204(a), titled, Operating Permits; Existing Sources, provides as follows:

a) No person shall cause or allow the use or operation of any treatment works, pretreatment works or wastewater source without an operating permit issued by the Agency

18. Section 301.430 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.430, provides as follows:

Wastewater source: Means any equipment, facility, or other source of any type whatsoever which discharges wastewater, directly or indirectly to the waters of the State.

19. Section 301.425 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.425, provides as follows:

“Wastewater[r]” means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

20. Section 301.285 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.285, provides as follows:

“Industrial Wastes” means any solid, liquid, or gaseous wastes resulting from any process of industry, manufacturing, trade, or business or from the development, processing, or recovery, except for agricultural crop raising, of any natural resource.

21. Leachate is a liquid generated from a process of industry or business at a landfill, and thereby constitutes an “Industrial Waste” pursuant to 35 Ill. Adm. Code 301.285 and “Wastewater” pursuant to 35 Ill. Adm. Code 301.425.

22. Leachate disposed of at the Village STP in excess of the limits of the Water Pollution Control Permit is unpermitted.

23. By operating equipment, including trucks, to dispose of wastewater at the Village STP in March and April 2011 and indirectly to the Green River, a water of the State, in excess of the limits of the Water Pollution Control Permit and thus without an operating permit issued by the Illinois EPA, Respondent violated Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a).

24. Respondent’s operation of trucks to haul leachate from Respondent’s landfill in excess of the Water Pollution Control Permit limits in March and April 2011, which was disposed of at the Village STP, was capable of causing or contributing to water pollution, thereby also violating Section 12(b) of the Act, 415 ILCS 5/12(b) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and 35 Ill. Adm. Code 309.204(a);
3. Ordering Respondent to cease and desist from any further violations of Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and 35 Ill. Adm. Code 309.204(a);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

VIOLATIONS AT THE CITY OF GALVA WASTEWATER TREATMENT PLANT

COUNT III
WATER POLLUTION

1-11. Complainant realleges and incorporates by reference herein paragraphs 1 through 4, 8 through 11, and 13 through 15 of Count I as paragraphs 1 through 11 of this Count III.

12. During the months of May and June 2011, Respondent hauled and disposed of landfill leachate at the City of Galva wastewater treatment facility ("Galva WWTF"). The Galva WWTF discharges its effluent to the Edwards River.

13. Illinois EPA reviewed Hazardous Waste Manifest records maintained at the City of Galva. Between May 4, 2011, and June 16, 2011, Respondent disposed of a total of 202,750 gallons of landfill leachate at the Galva WWTF as follows:

006301439	5/4/11	3,000 gallons	006301497	6/1/11	5,000 gallons
006301441	5/5/11	6,000 gallons	006301498	6/1/11	5,000 gallons
006301442	5/4/11	3,750 gallons	006301878	6/2/11	5,000 gallons
006301443	5/5/11	5,000 gallons	006301879	6/2/11	5,000 gallons
006301444	5/7/11	5,000 gallons	006301880	6/3/11	5,000 gallons
006301445	5/6/11	5,000 gallons	006301882	6/3/11	5,000 gallons
006301446	5/6/11	5,000 gallons	006301886	6/4/11	5,000 gallons
006301447	5/9/11	5,000 gallons	006301887	6/4/11	5,000 gallons
006301453	5/6/11	5,000 gallons	006301888	6/6/11	5,000 gallons
006301454	5/7/11	5,000 gallons	006301889	6/6/11	5,000 gallons
006301455	5/9/11	5,000 gallons	006301893	6/6/11	5,000 gallons
006301459	5/9/11	5,000 gallons	006301897	6/7/11	5,000 gallons
006301473	5/17/11	5,000 gallons	006301898	6/7/11	5,000 gallons
006301474	5/17/11	5,000 gallons	006301899	6/7/11	5,000 gallons
006301475	5/17/11	5,000 gallons	006301903	6/8/11	5,000 gallons
006301478	5/18/11	5,000 gallons	006301904	6/8/11	5,000 gallons
006301479	5/18/11	5,000 gallons	006301905	6/8/11	5,000 gallons
006301480	5/18/11	5,000 gallons	006301909	6/13/11	5,000 gallons
006301495	5/28/11	5,000 gallons	006301910	6/13/11	5,000 gallons
006301496	5/28/11	5,000 gallons	006301911	6/16/11	5,000 gallons
			006301917	6/16/11	5,000 gallons

14. Between May 4, 2011 and June 16, 2011, Respondent did not apply for and had not obtained any permit from the Illinois EPA to dispose of landfill leachate at the Galva WWTF. As a result, no determination had been made as to whether the Galva WWTF could accept and treat any landfill leachate from Respondent.

15. Sometime after June 16, 2011, and on such date better known to Respondent, the Galva WWTF stopped accepting leachate from Respondent.

16. On December 22, 2011, the Illinois EPA issued Water Pollution Control Permit No. 2011-EP-2351 to Respondent to allow it to dispose of landfill leachate at the Galva WWTF thereafter.

17. The Edwards River into which the Galva WWTF discharges its effluent constitutes "waters" of the State of Illinois, as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2010).

18. The discharge of certain types of wastewater without an operating permit, including leachate generated by landfills, may cause serious harm to the Galva WWTF by upsetting the treatment process, interfering with the normal operation of the Galva WWTF or causing conditions at the Galva WWTF which may be harmful to Galva WWTF workers and which may result in contaminants passing through the Galva WWTF untreated.

19. Leachate generated by landfills passing through the Galva WWTF untreated into the Edwards River is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

20. By disposing of landfill leachate at the Galva WWTF without any permit issued by the Illinois EPA, and thereby threatening the pass through of untreated wastewater into the Edwards River, Respondent threatened the discharge of a contaminant into waters of the State which could cause or tend to cause water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count III:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010);
3. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT IV

DISPOSING OF CONTAMINANTS WITHOUT A PERMIT

- 1-18. Complainant realleges and incorporates by reference herein paragraphs 1 through 4 of Count I, paragraphs 16 through 21 of Count II and 12 through 19 of Count III as paragraphs 1 through 18 of this Count IV.
19. By operating equipment, including trucks, to dispose of wastewater indirectly to the Edwards River, which is a water of the State, without an operating permit issued by the Illinois EPA, Respondent violated Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a).
20. Respondent's operation of trucks to haul leachate from Respondent's landfill for disposal at the Galva WWTF without an operating permit in May and June 2011, was capable of

causing or contributing to water pollution, thereby also violating Section 12(b) of the Act, 415 ILCS 5/12(b) (2010).

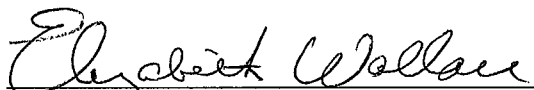
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count IV:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and 35 Ill. Adm. Code 309.204(a);
3. Ordering Respondent to cease and desist from any further violations of Section 12(b) of the Act, 415 ILCS 5/12(b) (2010), and 35 Ill. Adm. Code 309.204(a);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN, Attorney
General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: 
ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
KATHRYN A. PAMENTER
Assistant Attorney General
Environmental Bureau
69 W. Washington, Suite 1800
Chicago, Illinois 60602
(312) 814-0608

EXHIBIT 1

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

SCREEN

LOG NUMBERS: 0331-08

PERMIT NO.: 2008-EO-0331

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS
PREPARED BY: Atkinson Landfill Company

DATE ISSUED: April 3, 2008

SUBJECT: ATKINSON LANDFILL COMPANY - Hauling of Landfill Leachate Tributary to the Village of Atkinson STP

PERMITTEE TO OWN AND OPERATE

Atkinson Landfill Company
221 North Washtenaw
Chicago, IL 60612

Permit is hereby granted to the above designated permittee(s) to construct and/or operate water pollution control facilities described as follows:

The hauling of approximately 12,000 gpd (DMF of 12,000 gpd) of landfill leachate to the headworks of the Village of Atkinson STP.

This operating permit expires on March 31, 2013.

This Permit is issued subject to the following Special Condition(s). If such Special Condition(s) require(s) additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval for issuance of a Supplemental Permit.

SPECIAL CONDITION 1: This Permit is issued with the expressed understanding that there shall be no surface discharge from these facilities. If such discharge occurs, additional or alternate facilities shall be provided. The construction of such additional or alternate facilities may not be started until a Permit for the construction is issued by this Agency.

SPECIAL CONDITION 2: The issuance of this permit does not relieve the permittee of the responsibility of complying with 35 Ill. Adm. Code, Part 307 and/or the General Pretreatment Regulations (40 CFR 403) and any guidelines developed pursuant to Section 301, 306, or 307 of the Federal Clean Water Act of 1977.

SPECIAL CONDITION 3: The issuance of this permit does not relieve the permittee of the responsibility of complying with any limitations and provisions imposed by the City of Atkinson.

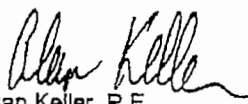
Page 1 of 2

THE STANDARD CONDITIONS OF ISSUANCE INDICATED ON THE REVERSE SIDE MUST BE COMPLIED WITH IN FULL. READ ALL CONDITIONS CAREFULLY.

SAK:LRL:033108

DIVISION OF WATER POLLUTION CONTROL

cc: EPA - Peoria FOS
Atkinson Landfill Company
Village of Atkinson Sewer Treatment Facility
Records - Municipal
Records - Industrial
Binds


Alan Keller, P.E.
Manager, Permit Section

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

SCREEN

LOG NUMBERS: 0331-08

PERMIT NO.: 2008-EO-0331

FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS

DATE ISSUED: April 3, 2008

PREPARED BY: Atkinson Landfill Company

SUBJECT: ATKINSON LANDFILL COMPANY - Hauling of Landfill Leachate - Tributary to the Village of Atkinson STP

SPECIAL CONDITION 4: This permit is being issued with the expressed understanding that the transportation of wastewater to the Village of Atkinson Sewer Treatment Facility for treatment will be done in accordance with the following IEPA Bureau of Land requirements:

These regulations as identified in 35 Ill. Adm. Code 809, state that the generator may not give the waste to a hauler unless the hauler has obtained an Illinois special waste haulers license; the hauler may not accept the waste unless it is accompanied by the required manifest; and the receiving facility can not accept the waste unless it is delivered by a licensed special waste hauler or exempt hauler, accompanied by the required manifest and the receiving facility has obtained the required permits to receive the waste.

The authorization number is no longer issued by this Agency. Therefore, you will no longer be required to identify the authorization number on the manifest when shipping waste as authorized by this permit.

**READ ALL CONDITIONS CAREFULLY:
STANDARD CONDITIONS**

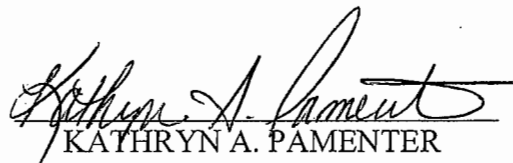
The Illinois Environmental Protection Act (Illinois Revised Statutes Chapter 111-12, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

1. Unless the construction for which this permit is issued has been completed, this permit will expire (1) two years after the date of issuance for permits to construct sewers or wastewater sources or (2) three years after the date of issuance for permits to construct treatment works or pretreatment works.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentations of credentials:
 - a. to enter at reasonable times, the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
 - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for suspension or revocation of a permit:
 - a. upon discovery that the permit application contained misrepresentations, misinformation or false statement or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.

JAN 10 2013

CERTIFICATE OF SERVICE

I, KATHRYN A. PAMENTER, an Assistant Attorney General, do certify that I caused to be served this 15th day of March, 2013, the attached Notice of Motion and Agreed Motion for Leave to File First Amended Complaint upon (a) Kenneth Anspach, Esq. by placing a true and correct copy in an envelope addressed as set forth on said Notice of Motion, first class postage prepaid, and depositing same with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m., and (b) Bradley P. Halloran via hand delivery.


KATHRYN A. PAMENTER