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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ^{R1826}

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3301

SEP 06 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7015 0640 0002 6944 7335

7015 0640 0002 6944 7342

OWNER

Wendt Family Trust
Landfill 33, Ltd., Mr. Richard Deibel
Attn: Ms. Lori Martin
715 South First Street
Effingham, Illinois 62401

OPERATOR

Landfill 33, Ltd.
Attn: Mr. Brian Hayes
P.O. Box 703
Effingham, Illinois 62401

Re: 0498100007 -- Effingham County
Landfill 33 Ltd
Log No. 2019-119
Permit Landfill 811 File
Permit DOI

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

NOV 05 2019

Dear Ms. Martin and Mr. Hayes:

REVIEWER: MED

Pursuant to 35 Ill. Adm. Code 813.103(b), the Illinois Environmental Protection Agency (Illinois EPA) has reviewed, for purposes of completeness only, the application referenced above, dated April 5, 2019 and received on the same day. Additional information dated June 7, 2019 and August 7, 2019 were received by the Illinois EPA on June 7, 2019 and August 7, 2019, respectively. The application proposes to increase the waste disposal capacity by approximately 483,000 cubic yards by seeking to develop differing final contours of the landfill. Illinois EPA's review of the August 7, 2019 additional information in conjunction with earlier reviews of the original application dated April 5, 2019 and additional information dated June 7, 2019 has revealed that the application does not contain the information described below and therefore is incomplete.

1. Additional information dated August 7, 2019 includes an Affidavit from Leon Gobczynski. As per the Affidavit, Mr. Gobczynski was the Chairman of the Effingham County Board in January and February 2000 when the siting application for vertical expansion was deliberated over and approved. Based on Mr. Gobczynski's statement in the Affidavit, the revised final contours proposed in this application are consistent in all respects with the Effingham County's determinations in January and February 2000.

Mr. Gobczynski's Affidavit and other information provided in the August 7, 2019 addendum does not in any way change Illinois EPA's earlier determinations that pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility subject to additional local siting approval.

Therefore, the August 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act and identified in Illinois EPA's determination of incompleteness letter dated July 5, 2019.

2. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners of this facility are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Additional information dated June 7, 2019 mentioned that Mr. Brian Hayes, President of Landfill 33, Ltd signed the General Application for Permit (LPC-PA1) form on behalf of Mr. Deibel due to his recent passing and clarification regarding this issue will be submitted upon settlement of Mr. Deibel's estate. As of the date of this letter Illinois EPA has not received any such clarification. The application does not provide proof that Mr. Hayes is a duly authorized representative of Mr. Deibel's estate.

This letter reiterates and reincorporates all prior reasons, identified in Illinois EPA's determination of incompleteness letters dated May 3, 2019 and July 5, 2019, regarding the proposal set forth in application Log No. 2019-119.

In the 35 days following the date of this letter, you may take either of the actions described below:

1. You may submit to the Illinois EPA additional information addressing the deficiencies identified.
2. The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision¹. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period². If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

¹ For information regarding the filing of an appeal, please contact:
Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

² For information regarding the request for an extension, please contact:
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

Page 3

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

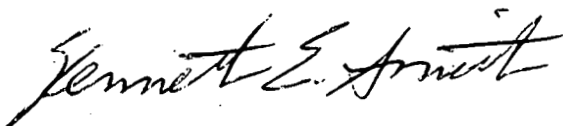
1. be in a format which allows incorporation of the new information into the appropriate sections of the current application;
2. include a cross-reference indicating where in the new information each deficiency, identified above, has been addressed;
3. have the date of the revision on each page and on each drawing;
4. include an original and at least three copies; and
5. be submitted to the address below.

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

If you do not submit additional information addressing the deficiencies within 35 days, the Illinois EPA shall consider the application not to have been filed. In this case, to reapply you will need to submit a new permit application in its entirety.

If you have any questions regarding this letter, please contact Imran Syed at 217/782-7813.

Sincerely,



Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:IMS:0498100007-811LF-2019119-Incomplete-3.docx

cc: ^{my} Douglas Mauntel, P.E., Andrews Engineering, Inc.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ⁸²⁹

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3301

JUL 05 2019

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

7015 0640 0002 6944 7991

7015 0640 0002 6944 8004

OWNER:

Wendt Family Trust
Landfill 33, Ltd., Mr. Richard Deibel
Attn: Ms. Lori Martin
715 South First Street
Effingham, Illinois 62401

OPERATOR

Landfill 33, Ltd.
Attn: Mr. Brian Hayes
P.O. Box 703
Effingham, Illinois 62401

Re: 0498100007 -- Effingham County
Landfill 33 Ltd
Log No. 2019-119
Permit Landfill 811 File
Permit DOI

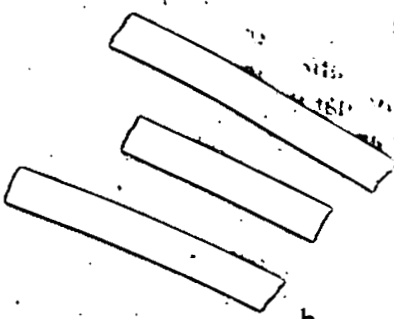
IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASED
JUL 30 2019
NOV 05 2019
REVIEWER: MED

Dear Ms. Martin and Mr. Hayes:

Pursuant to 35 Ill. Adm. Code 813.103(b), the Illinois Environmental Protection Agency (Illinois EPA) has reviewed, for purposes of completeness only, the application referenced above, dated April 5, 2019 and received on the same day. Additional information dated June 7, 2019 was received by the Illinois EPA on the same day. The application proposes to increase the waste disposal capacity by approximately 483,000 cubic yards by seeking to develop differing final contours of the landfill. This review has revealed that the application does not contain the information described below and therefore is incomplete.

1. Additional information dated and received June 7, 2019 includes a copy of an Effingham County Board Resolution dated November 19, 2018 stating that Local Siting Approvals dated February 22, 2000 (sic) and June 28, 2002 are consistent in all respects with the revised final contours.

The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act. The information provided in the June 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act for the following reasons:

- 
- a. The application, Log No. 2019-119, acknowledges that the local siting application dated September 27, 1999 sought a vertical expansion of 1.2 million cubic yards and included a map of the proposed landfill final contours. The changes proposed in the current application, Log No. 2019-119, will vertically increase the landfill final contours and increase the disposal capacity by approximately 483,000 cubic yards. The application record for Log No. 2019-119 does not demonstrate the proposed vertical waste disposal boundaries and increased disposal capacity was considered by the Effingham County Board in granting the February 21, 2000 and June 28, 2002 local siting approvals and was considered during the review of the September 27, 1999 application for local siting approval. Moreover, the current resolution finds only that the Board would deem whatever information before it to be consistent with and not approved by the Board contemporaneously. Furthermore, no information is provided on the impact, if any, on the overall waste disposal life of the facility which will likely change due to the added disposal capacity proposed;
- b. The application, Log No. 2019-119, does not include documentation that the procedures and process of Section 39.2 of the Act was followed in rendering a determination on the siting approval requested. Information, including but not limited to, the public notice requirements specified in Section 39.2(b) of the Act, inspection and comment requirements mentioned in Section 39.2(c) of the Act and public hearing requirement specified in Section 39.2(d) of the Act, have not been demonstrated to have been complied with; and
- c. Pursuant to Section 39.2(f) of the Act, local siting approval for a sanitary landfill expires at the end of 3 calendar years from the date upon which it was granted unless within that period the applicant has made application to the Illinois EPA for a permit to develop the site. Modification No. 9 to Permit No. 1995-231-LFM, issued June 28, 2002 approved a vertical expansion of landfill in accordance with the local siting approval dated February 21, 2000. The proposal to expand the disposal capacity of the landfill for a second time based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on an expired local siting approval.

In the 35 days following the date of this letter, you may take either of the actions described below:

1. You may submit to the Illinois EPA additional information addressing the deficiencies identified.

2. The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision¹. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period². If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

1. be in a format which allows incorporation of the new information into the appropriate sections of the current application;
2. include a cross-reference indicating where in the new information each deficiency, identified above, has been addressed;
3. have the date of the revision on each page and on each drawing;
4. include an original and at least three copies; and
5. be submitted to the address below.

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
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Springfield, Illinois 62794-9276

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Chicago, IL 60601
312-814-3620

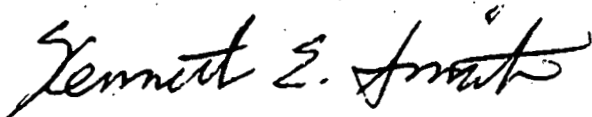
² For information regarding the request for an extension, please contact:
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Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217-782-5544

Page 4

If you do not submit additional information addressing the deficiencies within 35 days, the Illinois EPA shall consider the application not to have been filed. In this case, to reapply you will need to submit a new permit application in its entirety.

If you have any questions regarding this letter, please contact Imran Syed at 217/782-7813.

Sincerely,



Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:IMS:0498100007-811LF-2019119-Incomplete-2.docx

cc: Douglas Mauntel, P.E., Andrews Engineering, Inc.

Bcc: Bureau File
Champaign Region
Joshua Rhoades
Imran Syed



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY R1833

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, ACTING DIRECTOR

217/524-3301

MAY 03 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7017 2680 0001 0207 5978
7017 2680 0001 0207 5985

OWNER

Wendt Family Trust
Landfill 33, Ltd., Mr. Richard Deibel
Attn: Ms. Lori Martin
715 South First Street
Effingham, Illinois 62401

OPERATOR

Landfill 33, Ltd.
Attn: Mr. Brian Hayes
P.O. Box 703
Effingham, Illinois 62401

Re: 0498100007 -- Effingham County
Landfill 33 Ltd
Log No. 2019-119
Permit Landfill 811 File
Permit DOI

EPA DIVISION OF RECORDS MANAGEMENT
RELEASABLE
JUL 30 2019
REVIEWER: JMR

Dear Ms. Martin and Mr. Hayes:

Pursuant to 35 Ill. Adm. Code 813.103(b), the Illinois Environmental Protection Agency (Illinois EPA) has reviewed, for purposes of completeness only, the application referenced above, dated April 5, 2019 and received on the same day. This review has revealed that the application does not contain the information described below and therefore is incomplete.

1. The application sets forth a proposal to increase the waste disposal capacity by approximately 420,650 cubic yards by vertically increasing the final contours of the landfill. The application does not provide proof that local siting approval, following the format and procedures described in Section 39.2 of the Illinois Environmental Protection Act (Act), has been granted by the Effingham County Board. This determination is based on the following:
 - a. Pursuant to Section 39.2(a) of the Act local siting approval shall be granted only if the facility meets the criteria mentioned in Section 39.2(a)(i) through (ix) of the Act. The proposed increase in the waste disposal capacity and the associated extension of the operating life of the landfill as proposed in permit application Log No. 2019-119 has not been demonstrated to be consistent with the siting criteria set forth in Section 39.2 of the Act; and
 - b. The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Act the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section

4302 N. Main St., Rockford, IL 61103 (815) 987-7760
595 S. State St., Elgin, IL 60123 (847) 608-3131
2125 S. First St., Champaign, IL 61820 (217) 278-5800
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph St., Suite 4-500, Chicago, IL 60601

PLEASE PRINT ON RECYCLED PAPER

REVIEWER: MED

39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act.

2. Certification of Siting Approval (LPC-PA8) Form, signed by Effingham County States Attorney Brian Kibler, references a siting approval obtained from Effingham County Board on November 19, 2018. However, documentation regarding local siting review performed by the Effingham County Board in compliance with the format and procedures outlined in Section 39.2 of the Act is not provided in the application.
3. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. The description of permit request provided on General Application for Permit (LPC-PA1) and Notice of Application for Permit to Manage Waste (LPC-PA16) Forms only state a change of final cover design is being proposed. The application must include LPC-PA1 and LPC-PA16 application forms that clearly state that an increase in the permitted disposal capacity of the landfill is being proposed for approval.
4. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. A March 2003 version of the Certification of Siting Approval (LPC-PA8) Form has been provided in the application. The current version of the LPC-PA8 Form available on the Illinois EPA website is dated May 2012. The current versions of application forms are available at:
<https://www2.illinois.gov/epa/topics/forms/land-forms/permit-forms/Pages/default.aspx>
5. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners of this facility are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Ms. Lori Martin, Executor of Wendt Family Trust has signed the General Application for Permit (LPC-PA1) Form on behalf of the owners. The application does not provide proof that Ms. Martin is a duly authorized agent of Landfill 33 Ltd., and Mr. Deibel.

In the 35 days following the date of this letter, you may take either of the actions described below:

1. You may submit to the Illinois EPA additional information addressing the deficiencies identified.
2. The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the

date of issuance of the final decision¹. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period². If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

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3. have the date of the revision on each page and on each drawing;
4. include an original and at least three copies; and
5. be submitted to the address below.

Illinois Environmental Protection Agency
Bureau of Land -- #33
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1021 North Grand Avenue East
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Springfield, Illinois 62794-9276

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State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312:814-3620

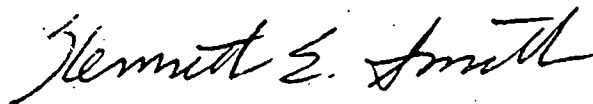
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Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217:782-5544

Page 4

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If you have any questions regarding this letter, please contact Imran Syed at 217/782-7813.

Sincerely,



Kenneth E. Smith, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

KES:IMS:0498100007-811LF-2019119-Incomplete.docx

cc: Douglas Mauntel, P.E., Andrews Engineering, Inc.

Bcc: Bureau File
Champaign Region
Joshua Rhoades
Imran Syed

Syed, Imran

From: Jennings, James M.
Sent: Monday, January 14, 2019 3:29 PM
To: Syed, Imran
Subject: RE: Landfill 33 - 39(i) review.

No additional review warranted.

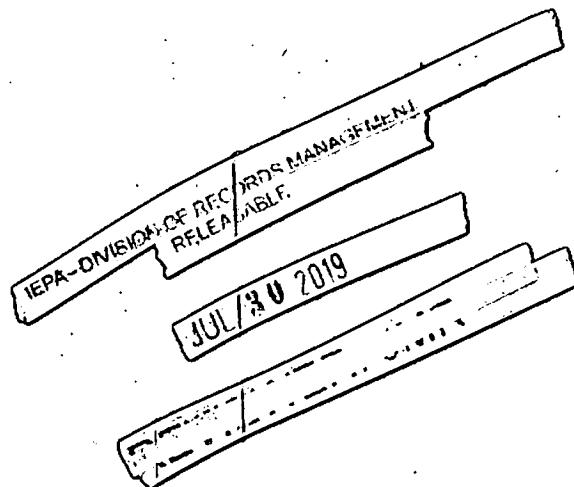
James

From: Syed, Imran
Sent: Monday, January 14, 2019 2:35 PM
To: Jennings, James M. <James.M.Jennings@illinois.gov>
Subject: Landfill 33 - 39(i) review.

James, I am working on an application for Landfill 33 Ltd (Site #0498100007) located in Effingham County. The facility is owned by Wendt Family Trust and operated by Landfill 33, Ltd. The FACES database lists 3 enforcement actions against this landfill. In order to complete our 39(i) review please provide any information you have regarding these enforcement actions.

Thanks

Imran Syed
Bureau of Land/Permit Section
217/782-7813
Imran.Syed@Illinois.gov



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MED

Landfill 33 Ltd
Application Log No. 2019-119

Reviewers: Imran Syed

Site No. – 0498100007 – Effingham County	
Date Received	April 5, 2019
Incompleteness letter mailed	May 3, 2019
Response to incompleteness letter received	June 7, 2019
Incompleteness letter mailed	July 5, 2019
Response to incompleteness letter received	August 7, 2019
Incompleteness letter mailed	September 6, 2019
Response to incompleteness letter received	October 11, 2019
Completeness Date	November 10, 2019
Due Date	January 9, 2020

Owner: Wendt Family Trust
Landfill 33, Ltd.
Richard Deibel Estate
Attn: Ms. Lori Martin
715 S. First
Effingham, Illinois 62401
Phone: (217) 821-1877
Email: seve55@me.com

Operator: Landfill 33, LTD
Attn: Brian Hayes
PO Box 703
Effingham, Illinois 62401
Phone: (217) 342-3747
Email: If33bhayes@consolidated.net

Engineer: Andrews Engineering, Inc.
3300 Ginger Creek drive
Springfield, Illinois 62711
Attn: Douglas Mauntel, P.E.
Phone: (217) 787-2334
Email: dwmauntel@andrewseng.com

Nature of Application: Proposes revised final contours to gain additional waste disposal capacity.

Completeness Review: The application is incomplete. See attached completeness checklist and discussion below.

Permit History: See attached

Comments Received:

Dustin Burger, Champaign Regional Office

April 17, 2019 – Received e-mail noting that the county board has supported the change in waste contours proposed in this application, but not through local siting. The e-mail also mentions that additional airspace would require local siting. Copy of the e-mail is attached.

Kyle Davis, Division of Legal Counsel

[REDACTED]

FACES database review: Reviewed on April 30, 2019. 3 enforcement actions are listed. During the review of a different application for this site I had sent an e-mail to James Jennings on January 14, 2019. Received response the same day (copy attached) stating that no additional review is warranted. No changes in the FACES database since January 14, 2019.

The violations noted during the inspection on June 5, 2018 remain un-resolved. During this inspection malodors were detected beyond the property boundaries. This resulted in VN L-2018-00126, dated September 18, 2018. A Compliance Commitment Agreement was entered into on November 20, 2018 to resolve these violations. One of the things required by this CCA was the installation of 3 additional gas wells with solar vent flares. The documentation for the installation of these wells is required to be submitted in the form of a significant modification no later than February 15, 2019. Application Log No. 2019-021, submitted in compliance with the CCA was approved on November 4, 2019.

October 23, 2019: Reviewed FACES database. No change since the last review on April 30, 2019.

EJ: The EJ database and SWAP tool was checked on November 4, 2019. The facility is not located in an EJ area.

Copy of PA16 is provided. The Description of Project provided on the PA16 ('Application requesting final cover modification') does not accurately reflect the changes being sought in the application. The application requests revisions of landfill final contours to gain additional waste disposal capacity. The description provided on the PA16 seems to imply that a change in final cover design is being proposed.

Discussion of permit application: The application requests to modify landfill final contours to gain approximately 483,000 cubic yards of additional airspace/waste disposal capacity. The cover letter to the application mentions that 65,350 cubic yards of waste capacity was lost due to 'design modifications or as-built construction...'. The 'Revised Waste Capacity Calculations' provided in Attachment 2 of the application state that 40,000 cy were lost in 'permitting' (1.2 million cy mentioned in the siting application vs. 1.16 million cy permitted in Modification No. 9) and 22,350 cy were lost in construction. The changes proposed in the application will result in increase of approximately 420,065 cubic yards over the waste disposal capacity mentioned in the siting application.

The application states that the changes proposed in this application were discussed with Effingham County Board and in the opinion of the County Board the proposed changes are consistent with previous siting approval, if the final maximum elevation of 644 MSL is not exceeded.

A letter from Douglas Mauntel of Andrews Engineering to Brain Hayes of Landfill 33 is provided in Attachment 3. As per this letter the siting approval was vague and did not include any conditions regarding waste volume, final contours or maximum elevation. The letter goes on to advise the landfill that additional capacity can be obtained by flattening the top of the landfill to stay below the maximum permitted height of 644 MSL and this change will not require siting. The County will have to complete an LPC-PA8 form and provide a letter to the landfill stating that the airspace gained due to these changes is within the originally approved siting conditions.

Prior to the submittal of this application, on November 27, 2018, the Agency received a letter from the County Board that stated that as local siting approvals granted to the landfill do not include specific conditions regarding maximum waste volume and landfill final contours, the proposed final contours are consistent with local siting approvals, if the final maximum permitted height of 644 MSL is not exceeded. The letter implies that the maximum permitted elevation cannot be exceeded because the Agency assigned this elevation 'as part of the permitting process...'. The letter does not clarify how the agency assigning a maximum final elevation is different from the maximum waste capacity mentioned in the permit.

The November 27, 2018, letter from Effingham County references 2 siting approvals dated February 22, 2000 and June 28, 2002. I could not find a copy of the June 28, 2002 siting approval in the permit files. It should be noted that the Modification No. 9 approving vertical expansion was issued on the same day, June 28, 2002. This letter from the County was not included in the application.

The development and operating permits for this landfill were issued on February 8, 1979 and December 7, 1981, respectively. The DE and OP permits approved development of the entire 40.6-acre landfill. The lateral expansion of 23.45 acres mentioned on Page 2 of the permit letter could be a reference to 23.45 acres developed after the issuance of the initial significant modification on October 15, 1996. Modification No. 9, issued June 28, 2002

approved vertical expansion of the landfill that increased the waste disposal capacity by 1.16 million cubic yards.

As per the information provided in Attachment 2 (Revised Capacity Calculations) and Attachment 3 (information submitted to the County), the local siting application submitted to the Effingham County Board on September 27, 1999 requested a vertical expansion of approximately 1.2 million cubic yards. As noted above Log No. 2001-248 sought and Modification No. 9 approved a vertical expansion of 1.16 million cubic yards.

The changes proposed in this application will increase the permitted volume of vertical expansion from 1.16 million cubic yards to 1.643 million cubic yards (1.16 million cubic yards permitted plus 483,000 cubic yards proposed to be added in this application). The Design Description Information provided in Attachment 6 of Log No. 2001-248 (Modification No. 9) mentions that the vertical expansion sought in Log No. 2001-248 '...is expected to extend the final closure date to the year 2022'. The cover letter to this application (Log No.2019-119) implies that the additional capacity, if approved, will extend the active life of the landfill beyond 2024. Attachment 1 of Log No. 2001-248 (Modification No. 9) includes a copy of the Effingham County Board resolution that approved the vertical expansion of the landfill.

The application acknowledges that the 420,065 cubic yards of additional waste disposal capacity is in excess 1.2 million cubic yards requested in the Siting Application submitted to the Effingham County Board on September 27, 1999. The Effingham County Board approved the Siting Application on February 21, 2000.

The following attachments are provided in the application:

- Attachment 1 – Application forms
- Attachment 2 – Waste capacity calculations. AutoCAD printouts showing the capacity lost in permitting and construction; and gained by the proposed re-design.
- Attachment 3 - LPC-PA8 form, County Board Resolution dated February 21, 2000 and Information provided to Effingham County about the proposed re-design.
- Attachment 4- Slope Stability Analysis/Bearing Capacity Analysis.
- Attachment 5 - Stormwater Design
- Attachment 6 - Revised Plan Drawing (Reduced Copy).
- Attachment 7- Groundwater Impact Assessment.

Recommendation: The application is incomplete for the following reasons:

1. The application sets forth a proposal to increase the waste disposal capacity by approximately 420,650 cubic yards by vertically increasing the final contours of the landfill. The application does not provide proof that local siting approval, following the format and procedures described in Section 39.2 of the Illinois Environmental Protection Act (Act), has been granted by the Effingham County Board. This determination is based on the following:
 - a. Pursuant to Section 39.2(a) of the Act local siting approval shall be granted

only if the facility meets the criteria mentioned in Section 39.2(a)(i) through (ix) of the Act. The proposed increase in the waste disposal capacity and the associated extension of the operating life of the landfill as proposed in permit application Log No. 2019-119 has not been demonstrated to be consistent with the siting criteria set forth in Section 39.2 of the Act; and

- b. The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Act the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act.
2. Certification of Siting Approval (LPC-PA8) Form; signed by Effingham County States Attorney Brian Kibler, references a siting approval obtained from Effingham County Board on November 19, 2018. However, documentation regarding local siting review performed by the Effingham County Board in compliance with the format and procedures outlined in Section 39.2 of the Act is not provided in the application.
3. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. The description of permit request provided on General Application for Permit (LPC-PA1) and Notice of Application for Permit to Manage Waste (LPC-PA16) Forms only state a change of final cover design is being proposed. The application must include LPC-PA1 and LPC-PA16 application forms that clearly state that an increase in the permitted disposal capacity of the landfill is being proposed for approval.
4. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. A March 2003 version of the Certification of Siting Approval (LPC-PA8) Form has been provided in the application. The current version of the LPC-PA8 Form available on the Illinois EPA website is dated May 2012. The current versions of application forms are available at: <https://www2.illinois.gov/epa/topics/forms/land-forms/permit-forms/Pages/default.aspx>
5. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners of this facility are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Ms. Lori Martin, Executor of Wendt Family Trust has signed the General Application for Permit (LPC-PA1) Form on behalf of the owners. The application does not provide proof that Ms. Martin is a duly authorized agent of Landfill 33 Ltd., and Mr. Deibel.

May 3, 2019: Incompleteness letter mailed. The applicant has until June 7, 2019 (35-days from the date of incompleteness letter) to respond.

May 30, 2019: Conference call to discuss the issues identified in the incompleteness letter. See attached for a summary of this call.

Review of Additional Information received June 7, 2019: The addendum addresses the incompleteness issues identified in the letter dated May 3, 2019. The original application submitted April 5, 2019 was deemed incomplete on May 3, 2019 which required the applicant to respond by June 7, 2019 to reactivate the application. The addendum will be reviewed for completeness again and the new completeness date is July 7, 2019.

1. **Local siting approval for the expansion of disposal capacity:** As per the addendum the proposed increase in waste disposal capacity was discussed with the Effingham County Board and that in the opinion of the County Board, the proposed change is consistent with the previous siting approval, as long as the maximum final elevation of 644 feet MSL is not exceeded. A copy of the County Board resolution is provided in Exhibit A of the addendum. A copy of the November 19, 2018 letter to the agency is also provided. As noted before in these review notes this November 19, 2018 letter was received by the Agency on November 27, 2018. The addendum states that as the changes proposed in the application are consistent with previous siting approval, meeting criteria of Section 39.2(a)(i) through (ix) is not necessary. The cover letter also mentions that the increase in disposal capacity proposed in this application is similar to that in *Brickyard Recycling, Inc. v. IEPA (PCB 16-66)*, later affirmed by the Fourth Appellate District. The gist of this argument is that there are no limitations included in the siting approval that would be exceeded if this sig mod is approved. Ongoing changes to internal waste boundaries do not require new local siting as long as the physical boundaries ('location') set by the siting authority are not exceeded. Additional information provided in this addendum does not adequately address the incompleteness item, both in regards to compliance with Section 39.2 of the act and expansion beyond the boundary of currently permitted pollution control facility as defined in Section 3.330(b)(2) of the Act for the following reasons:
 - a. Attachment 3 of the original application dated April 5, 2019 includes a copy of a letter from Douglas Mauntel of Andrews Engineering to Brian Hayes of Landfill 33. As per this letter the siting application submitted to the County Board on September 27, 1999 requested a vertical expansion of 1.2 million cubic yards. The changes proposed in the application will increase the sited 1.2 million cubic yard expansion by 420,650 cubic yards. The application does not demonstrate that the proposed vertical waste disposal boundaries and increased disposal capacity were considered during the review of September 27, 1999 application for local siting approval.
 - b. A copy of the Effingham County Board resolution dated November 19, 2018 is provided in Exhibit A of the addendum. As per this resolution the changes proposed in the application 'are in all respects consistent with both previous Siting Approvals noted hereinabove, so long as final maximum elevation of 644

MSL designated by IEPA as part of the permit process is not exceeded.' This language implies that the County Board only found the information before it consistent with and not approved by the Board contemporaneously.

- c. The application does not include documentation that the procedures and processes outlined in Section 39.2 of the Act have been complied with. These include public notice requirements specified in Section 39.2(b), inspection and comment requirements mentioned in Section 39.2(c) and public hearing requirement specified in Section 39.2(d).
 - d. As per Section 39.2(f) of the Act, local siting approval for a sanitary landfill expires at the end of 3 calendar years from the date upon which it was granted unless within that period an application to develop the site is submitted to the Illinois EPA. Modification No. 9, issued June 28, 2002 approved vertical expansion of the landfill in accordance with the local siting approval dated February 21, 2000. The proposal to expand the landfill for a second time based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on an expired local siting approval.
2. Documentation of local siting review performed by the County Board: The addendum references the November 19, 2018 County Board resolution provided in Exhibit A and discussed above.
 3. Description of the project provided on LPC-PA1 and LPC-PA16 do not clearly state that an expansion of disposal capacity is being sought: Revised LPC-PA1 and LPC-PA16 forms are provided in Exhibit. The project description provided on these forms state that the application proposes to increase landfill disposal capacity by 483,000 cubic yards. 483,000 cubic yards represents increase over the permitted disposal capacity of 1.16 million cubic yards. As mentioned in the original application dated April 5, 2019, 62,350 cubic yards was lost 'due to design modifications and construction.' The net increase over sited disposal capacity is 420,650 cubic yards.
 4. Provide a completed May 2012 version of the LPC-PA8 form: The original application included a March 2003 version of the Certification of Siting Approval (LPC-PA8) form. This addendum includes a completed May 2012 version signed by Bryan Kibler, Effingham County State's Attorney. The form provided in the original application was also signed by Mr. Kibler.
As per the LPC-PA8 form (item #5) the legal description of the site as approved by the siting authority is provided. No such legal description is provided in the addendum.
The LPC-PA8 also indicates that the siting authority approved vertical waste disposal unit boundaries and maximum disposal capacity. As per the LPC-PA8 if such limits were specified, the siting application documents that define the subject limits must be attached by the siting authority. No such documentation is provided in the addendum.
As per the County Board resolution the application for siting requested a vertical expansion of 1.2 million CY and included a map of the proposed final contours.

However, the siting approval did not include any limits on maximum waste volume, final contour dimensions or a maximum final elevation.

5. Proof that Lori Martin is the authorized agent of Landfill 33, Ltd. and Richard Deibel: The LPC-PA1 form provided in Exhibit B has been signed by Brian Hayes for both owner and operator. He is listed as president of Landfill 33, Ltd. As per the addendum Mr. Hayes is signing on behalf of Richard Deibel due to his recent passing. As per Teresa Sharp of Andrews Engineering the estate of Richard Deibel is in the process of selling his stake in the landfill to Landfill 33, Ltd. Information regarding this sale will be submitted upon settlement of Mr. Deibel's estate.

Lori Martin signed the LPC-PA1 provided in the original application on behalf of Wendt Family Trust.

Recommendation: The application is incomplete as it does not satisfy the local siting review requirements specified in Section 39.2 of the Act. Following deficiency will be noted in the incompleteness letter.

1. Additional information dated and received June 7, 2019 includes a copy of an Effingham County Board Resolution dated November 19, 2018 stating that Local Siting Approvals dated February 22, 2000 (sic) and June 28, 2002 are consistent in all respects with the revised final contours.

The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act. The information provided in the June 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act for the following reasons:

- A. The application, Log No. 2019-119, acknowledges that the local siting application dated September 27, 1999 sought a vertical expansion of 1.2 million cubic yards and included a map of the proposed landfill final contours. The changes proposed in the current application, Log No. 2019-119, will vertically increase the landfill final contours and increase the disposal capacity by approximately 483,000 cubic yards. The application

record for Log No. 2019-119 does not demonstrate the proposed vertical waste disposal boundaries and increased disposal capacity was considered by the Effingham County Board in granting the February 21, 2000 and June 28, 2002 local siting approvals and was considered during the review of the September 27, 1999 application for local siting approval. Moreover, the current resolution finds only that the Board would deem whatever information before it to be consistent with and not approved by the Board contemporaneously. Furthermore, no information is provided on the impact, if any, on the overall waste disposal life of the facility which will likely change due to the added disposal capacity proposed;

- B. The application, Log No. 2019-119, does not include documentation that the procedures and process of Section 39.2 of the Act was followed in rendering a determination on the siting approval requested. Information, including but not limited to, the public notice requirements specified in Section 39.2(b) of the Act, inspection and comment requirements mentioned in Section 39.2(c) of the Act and public hearing requirement specified in Section 39.2(d) of the Act, have not been demonstrated to have been complied with; and
- C. Pursuant to Section 39.2(f) of the Act, local siting approval for a sanitary landfill expires at the end of 3 calendar years from the date upon which it was granted unless within that period the applicant has made application to the Illinois EPA for a permit to develop the site. Modification No. 9 to Permit No. 1995-231-LFM, issued June 28, 2002 approved a vertical expansion of landfill in accordance with the local siting approval dated February 21, 2000. The proposal to expand the disposal capacity of the landfill for a second time based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on an expired local siting approval.

July 5, 2019: Mailed incompleteness letter to the applicant.

Review of Additional Information received August 7, 2019: The addendum addresses the issues identified in the July 5, 2019 incompleteness letter. The response was received within the 35-day limit specified in the incompleteness letter.

1. **Demonstrate that the proposed vertical expansion and increased disposal capacity was considered by the County Board in granting local siting approval**: As per the addendum the local siting application requested vertical expansion with 'approximate cubic waste yardage' and also included a map of 'proposed general/conceptual final contours'. An Affidavit from Mr. Leon Gobiczynski is provided. Mr. Gobiczynski was the chairman of the County Board in 2000 when the local siting approval for the vertical expansion was granted. As per Mr. Gobiczynski Affidavit the County Board 'elected not to impose any vertical boundary limitations upon the siting approval....' and the proposed changes to the landfill contours are consistent with determinations of the Board in 2000.

The changes proposed in this application increase the disposal capacity over the sited capacity by 420,650 cubic yards. This constitutes a 35% increase over the 1.2 million cubic yards expansion sought in 2000 local siting application. This large of an increase cannot be considered an approximation of the sited capacity.

2. Provide documentation that the procedures and process outlined in Section 39.2 of the Act were followed in obtaining local siting approval for the proposed expansion: As per the addendum the siting process followed was approved with Modification No. 9, issued June 28, 2002 and was consistent with the requirements in existence at that time.

Modification No. 9 approved vertical expansion of 1.16 million cubic yards.

The expansion proposed in this application is subject to a new local siting review and approval. The procedures and processes of Section 39.2 must be followed in obtaining this approval.

3. February 21, 2000 local siting approval expired at the end of 3 calendar years (Section 39.2(f) of the Act: As per the addendum the requirement to submit an application within 3-years was fulfilled with the submittal of Log No. 2001-248 (Modification No. 9). The additional waste capacity being sought in this application was not lost by not including it in Log No. 2001-248.

As noted earlier the expansion of disposal capacity, beyond the 1.2 million cubic yards, approved in February 2000 local siting approval is a new pollution control facility subject to a new local siting approval. The application is seeking to develop a new pollution control facility based on an expired local siting approval.

On the LPC-PA1 form provided in the July 5, 2019 incompleteness letter Brian Hayes signed on behalf of Landfill 33, Ltd and Richard Deibel The July 5, 2019 addendum had mentioned that Mr. Deibel had passed away and that his estate was in the process of being settled and sold to Landfill 33, Ltd. Clarification regarding this issue was to be submitted upon settlement of Mr. Deibel's estate. As of September 5, 2019 no such clarification was received

Recommendation: The application is incomplete as it does not adequately address the local siting review requirements specified in Section 39.2 of the Act and identified in earlier incompleteness letters dated May 3, 2019 and July 5, 2019. Following deficiencies will be noted in the incompleteness letter:

1. Additional information dated August 7, 2019 includes an Affidavit from Leon Gobiczynski. As per the Affidavit, Mr. Gobiczynski was the Chairman of the Effingham County Board in January and February 2000 when the siting application for vertical expansion was deliberated over and approved. Based on Mr. Gobiczynski's statement in the Affidavit, the revised final contours proposed in this application are consistent in all respects with the Effingham County's determinations in January and February 2000.

Mr. Gobczynski's Affidavit and other information provided in the August 7, 2019 addendum does not in any way change Illinois EPA's earlier determinations that pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility subject to additional local siting approval. Therefore, the August 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act and identified in Illinois EPA's determination of incompleteness letter dated July 5, 2019.

2. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners of this facility are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Additional information dated June 7, 2019 mentioned that Mr. Brian Hayes, President of Landfill, Ltd signed on behalf of Mr. Deibel due to his recent passing and clarification regarding this issue will be submitted upon settlement of Mr. Deibel's estate. As of the date of this letter Illinois EPA has not received any such clarification. The application does not provide proof that Mr. Hayes is a duly authorized representative of Mr. Deibel's estate.

September 6, 2019: Mailed incompleteness letter to the applicant.

Review of Additional Information received October 11, 2019: The addendum addresses the issues identified in the September 6, 2019 incompleteness letter. The response was received within the 35-day limit specified in the incompleteness letter.

1. Local siting approval of the proposed expansion: The addendum reiterates assertions made in the previous addenda that the changes proposed were provided to and discussed with Effingham County Board. In the opinion of the County Board, the proposed expansion is consistent with previous Siting Approval, as long as the final elevation of 644 MSL is not exceeded.

No additional information that will lead to reconsideration of Agency's determination of incompleteness regarding this issue is provided.

2. Provide proof that Brian Hayes is an authorized representative of Richard Deibel's Estate: Revised LPC-PA1 and 39(i) certification is provided. The names of one of the owners, Richard Deibel, has been changed to Richard Deibel Estate. Julia Hayes has signed the LPC-PA1 and 39(i) certification on behalf of the estate. As per a copy of the Letter of Office provided in the addendum, Ms. Hayes along with Sonja Deibel are independent co-executors of Mr. Deibel's estate.

For Item IV.5(a) (Is the property for the facility held in a beneficial trust?) the 'No' box is checked. However, for the follow up question (If a beneficial trust certification form (LPC-PA9) is provided), the 'Yes' box has been checked. Most likely this is a typo as the facility property is not held in a beneficial trust.

Recommendation: The application is incomplete as it does not adequately address the local siting review requirements specified in Section 39.2 of the Act and identified in earlier incompleteness letters dated May 3, 2019, July 5, 2019 and September 6, 2019. The completeness date is November 10, 2019.

Completeness and Initial Review Checklist for LPC-PA1

R1850

LPC-PA1 Form

Site No. 0498100007
Project Name: Landfill 33
Reviewer: Imran Syed

County: Effingham
Log No. 2019 - 119
Default Date: July 7, 2019

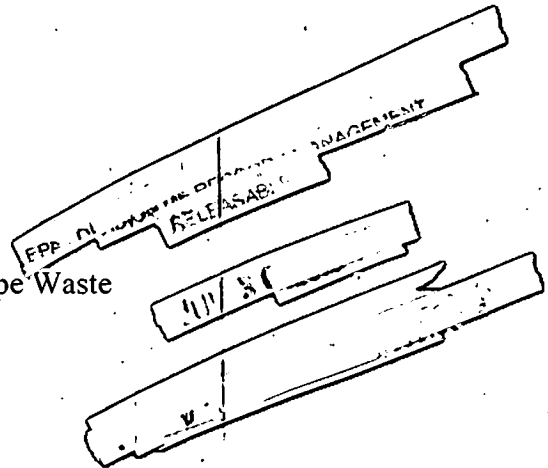
Legend:

PR-Provided, AD-Adequate, NA-Not Applicable, EX-Explanations and notes

PR AD NA EX

I. SITE IDENTIFICATION - 812.104(a)

- A. Site Name and Site Number
B. City and County
C. Owner and Operator Name and Address
D. Type Submission, Type Facility and Type Waste
E. Description of Project



II. COMPLETENESS REQUIREMENTS

- A. Documentation: the Public Notice Letters have been mailed - 807.205(k)
1. Is Section 4.1 yes box checked?
2. Are the public notice recipients listed.
B. Local Siting Approval - 812.105, 813.104(c), and 39(c) of Act
1. Determination as to whether local siting approval is required.
2. Siting Certification Form (LPC-PA8) completed and enclosed.
May 2003 version of LPC-PA8 was provided in the original application. The current version of the form (May 2012) is provided in the June 7, 2019 addendum.
3. Identification of any litigation contesting siting approval
C. Status of the following items identified:
1. Closure and post-closure care plans - 812.114 and 812.115
2. Prior Conduct Certification of the Chief Operator - 745.202
D. Beneficial Trust Certification Form (LPC-PA9) completed and enclosed. - 22.19(b) of the Act
E. Is the latest version of the LPC-PA1 form used? (currently rev. 10/2018)

LANDFILL BAN IN COUNTIES WITH POPULATIONS OVER 2,000,000

Yes No

- Does the application propose to develop a new landfill, that will be located in a county with more than 2,000,000 inhabitants (i.e., Cook County)? – Section 22.43a(a) of the Act (Source: P.A. 97-843, eff. 7-23-12.)
- Does the application propose to laterally expand a landfill, that is located in a county with more than 2,000,000 inhabitants (i.e., Cook County)? – Section 22.43a(b) of the Act (Source: P.A. 97-843, eff. 7-23-12.)

Note to Reviewer: If the answer to either of the questions directly above is “Yes”, the permit application should be hard denied.

III. SIGNATURES

- A. Owner’s Signature (notarized for 813) – 812.104(b)
- B. Operator’s Signature (notarized for 813) – 812.104(b)
- C. Professional Engineer’s Certification, seal required – 812.102

IV. OTHER

- Is the 39(i) certification form provided consistent with Section IV.7?
- Is the narrative discussion and supporting data necessary for GAU to perform their review included? (if applicable)

V. FACES DATABASE

- Has the FACES Database been reviewed?

VI. ENVIRONMENTAL JUSTICE

- Is the site located in an environmental justice area?
(Use the SWAP database to check EJ location status)
- If yes, use the EJ Database to submit a review request.

Explanations and notes:

Lori Martin, Executor of the Wendt Family Trust has signed on behalf of the owner and Brain Hayes, President of Landfill 33, Ltd has signed on behalf of the operator.

The last permit issued for this site (Modification No. 81 - Log No. 2018-373), dated

November 16, 2018 identifies Wendt Family Trust, Landfill 33, Ltd and Richard Diebel as owners of the landfill. Richard Diebel passed away on November 5, 2018. During the review of Log No. 2019-021, I talked with Teresa Sharp of Andrews Engineering. As per Ms. Sharp issues related to Mr. Diebel's estate will be resolved soon. When this happens a new LPC-PA1 identifying the owners of the landfill will be submitted.

Douglas Mauntel, P.E., of Andrews Engineering, Inc. has provided the engineer's signature and seal.

October 2018 versions of the 39(i) forms are provided. Names of officers and employees with site responsibility are provided. One form is signed by Brain Hayes and the other by Lori Martin. No 'Yes' boxes are checked in Section III.A and III.B of both forms.

Copy of PA16 is provided. The Description of Project provided on PA1 and PA16 ('Application requesting final cover modification') does not accurately reflect the changes being sought in the application. The application requests revisions to landfill final contours so as to gain additional waste disposal capacity. The descriptions provided on PA1 and PA16 seem to imply that a change in final cover design is being proposed.

FACES database and EJ information (both SWAP and EJ database) were last checked on July 3, 2019. Facility is not located in an EJ area.

The FACES database lists 3 enforcement actions. In a e-mail dated January 14, 2019 (copy attached), James Jennings noted that no additional review is required. No change in the FACES database since January 14, 2019.

A completed Certification of Siting Approval (LPC-PA8) is provided. This form is signed by Brian Kibler, Effingham County State's Attorney. March 2003 version of the LPC-PA8 form was used. The current version of the LPC-PA8 form available on the agency website is dated May 2012. The new form requires requires additional information including nearest municipality, contact person, waste boundaries and disposal capacity.

The application seeks to revise permitted final contours to gain approximately 420,000 cubic yards of disposal capacity.

See attached LFM Completeness Checklist.

The application is incomplete as proof of local siting in accordance with format and procedures outlined in 39.2 of the Act is not provided. See attached review notes for further discussion of this determination. The inaccurate description of the project will also be noted on the incompleteness letter.

May 3, 2019: Incompleteness letter mailed.

June 7, 2019: Received response to the incompleteness letter. Following information is included in this addendum:

1. Revised LPC-PA1 and LPC-PA16 forms. The description of permit request has been revised to state that an increase of 483,000 cubic yards of disposal capacity is being sought. The PA1 provided in signed by Brian Hayes on behalf of the owner and operator. Lori Martin, Executor of the Wendt Family Trust has not signed the PA1 provided in this addendum. Ms. Wendt had signed the PA1 provided in the original application. For 'Type

- of Submission/Review Period' the box for Landfill Expansion/180 days has been checked. Landfill Expansion has been checked on the PA16 as well.
2. A completed June 2012 version of Certification of Siting Approval (LPC-PA8) is provided. The form is signed by Bryan Kibler, Effingham County State's Attorney. Legal description of the site is not attached to the form. As per item#7 of the form vertical waste disposal unit boundaries and maximum disposal capacity has been approved.
 3. The cover letter to the addendum states that at this time Brian Hayes is signing on behalf of Richard Deibel due to his recent passing. The estate of Richard Diebel is in the process of being settled and sold to landfill 33. Clarification will be submitted upon settlement of Mr. Deibel's estate.

See attached review notes for further discussion of the June 7, 2019 addendum.

Completeness Checklist

Site No. 0498100007
Project Name: Landfill 33 Ltd
Reviewer: Imran Syed/Joshua Rhoades

County: Effingham
Log No. 2019 - 119
Default Date: May 5, 2019

Legend:

PR-Provided, AD-Adequate, NA-Not Applicable, EX-Explanations and notes.

PR AD NA EX

I. REQUIRED LPC FORMS

A. Is the LPC-PA1 form included and complete?

B. Is the LPC-PA16 form included and complete?

The description of project provided ('Application requesting final cover modification') on both PA1 and PA16 imply that a change in final cover design is requested. The form should clearly state that an increase in waste disposal capacity is being sought.

C. For landfill and transfer station applications requesting a change in operations, is the LPC-PA2 form included and complete?

Not provided.

D. For compost facilities requesting a change in operations, is the LPC-PA12 form included and complete?

E. Local Siting Approval - 812.105, 813.104(c), and 39(c) of Act

1. Determination as to whether local siting approval is required.

Cover letter states that the vertical expansion proposed in the application was discussed with Effingham County Board and the proposed changes are consistent with previous siting approval.

2. Siting Certification Form (LPC-PA8) completed and enclosed.

Signed by Effingham County States Attorney, Bryan Kibler. As per 812.104(b)(3) for municipality, state, federal or other public agency, the head of the agency or ranking elected official is considered an authorized agent. States Attorney in Effingham County is an elected position.

March 2003 version of the LPC-PA8 form was used. The current version of the LPC-PA8 form available on the agency website is dated May 2012. The new form requires requires additional information including nearest municipality, contact person, waste boundaries and disposal capacity.

LANDFILL BAN IN COUNTIES WITH POPULATIONS OVER 2,000,000

Yes No

Does the application propose to develop a new landfill, that will be located in a county with more than 2,000,000 inhabitants (i.e., Cook County)? - Section 22.43a(a) of the Act (Source: P.A. 97-843, eff. 7-23-12.)

Does the application propose to laterally expand a landfill, that is located in a county with more than 2,000,000 inhabitants (i.e., Cook County)? - Section 22.43a(b) of the Act (Source: P.A. 97-843, eff. 7-23-12.)

Note to Reviewer: If the answer to either of the questions directly above is "Yes", the permit application should be hard denied.

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II. ADDITIONAL INFORMATION REQUIRED FOR CHANGES TO OPERATION

A. Construction Quality Assurance Programs

1. For all Landfills

No changes to the CQA plan proposed.

a. Final Cover – 811.503(a)(6) and 811.504(b)

b. Surface Water Control Structures – 811.503(a)(8) and 811.504(b)

2. For Chemical and Putrescible Waste Landfills

a. Liner – 811.503(a)(1-3), 811.504(b) and 812.306

b. Leachate Drainage and Collection Systems – 811.503(a)(5), 811.504(b), and 812.307(g)

c. All on-site components of Leachate Management system – 811.503(a)(5) and 811.504(b)

3. For Putrescible Waste Landfills

No changes to the gas management system proposed.

a. Landfill Gas Monitoring System – 811.503(a)(7) and 811.504(b)

b. Landfill Gas Collection/Venting System (if proposed) 811.503(a)(7) and 811.504(b)

c. All on-site Gas Management Systems 811.503(a)(7) and 811.504(b)

B. Waste Analysis (for landfills which plan to accept only chemical wastes) showing that all waste entering the unit meet the definition of chemical waste, are compatible, and will not react to form a gas or hazardous substance. 812.302

C. Site Location

1. Documentation (including a map showing structures and areas within 1 mile of the facility) showing that the facility is not within: a groundwater setback zone, 500 feet of an occupied dwelling, 5000 feet of any airport, or 10000 feet of a jet airport. 811.302 and 812.303

No expansion of the lateral waste or facility boundaries proposed.

2. Documentation (including a map showing structures and areas within 1 mile of the facility) that the facility is not within 1200 feet of a sole source aquifer or 500 feet of any public road, unless its operations will be screened from view by plants or devices at least 8 feet in height. – 811.302, 812.303, and 814.302(a)(1)

No expansion of the lateral waste or facility boundaries proposed.

3. Check with ISGS coalmine map to see if any mines present a possible hazard to the structural components of the LF at www.isgs.uiuc.edu Click on

Publications bar on left side of menu then coalmine maps links. (Section 22.36 of the Act)

Link does not work. From some of research I was able to do online it does not appear there are underground mines in the area.

- D. Description of Waste Shredding (if planned) – 812.304
- E. Foundation Analysis and Design (calculations to show that the foundation, liner, leachate collection system, and final slopes will be stable during construction, operation and post-closure care) – 812.305
- Slope stability analyses and bearing capacity calculations are provided.
- F. Description of design of liner – 812.306
- G. Description of leachate drainage and collection systems – 812.307
- H. Description of leachate management system. – 812.308
- I. Description of landfill gas monitoring systems (required for putrescible waste landfills) – 812.309
- J. Description of gas collection system (if planned) – 812.310
- K. Description of landfill gas disposal (required if gas collection is proposed) – 812.311
- L. Description of intermediate cover – 812.312
- M. Design of final cover – 812.313
- N. Operation Plans
1. Description of phasing of operations with respect to invert elevation and groundwater flow – 811.321(a) and 812.318
2. Description of initial waste placement procedures – 811.321(b) and 812.318
3. Description of load checking program – 811.323 and 811.406
4. Description of procedures for managing special waste (required for landfills accepting special waste)
- a. Sign at entrance notifying generators and transporters that hazardous waste is prohibited and special wastes must be accompanied by manifests – 811.402
- b. Description of manifesting and generator identification record procedures – 811.403 and 811.404
- c. Description of recordkeeping procedures – 811.405

Explanations and notes:

The application seeks to revise landfill final contours to gain additional 420,065 cubic yards of waste capacity. No changes to operations plan, CQA plan, liner, leachate collection system, final cover, gas management/monitoring system is proposed.

Permit History – Landfill 33 Ltd 0498100007--Effingham County

Permit History

Oct 15, 1996

Permit No. 1995-231-LFM (Log No. 1995-231)

Granted to Lori Wendt-Martin as owner and Richard Deibel as operator approving the following:

- a. A Significant Modification of this existing municipal solid waste and non-hazardous waste landfill so as to comply with the applicable requirements of Title 35, Illinois Administrative Code (hereinafter 35 IAC), Subtitle G, Parts 811 and 812, pursuant to 35 IAC, Sections 814.104, 814.301 and 814.302.
- b. The modification of development of the existing landfill consisting of 40.6 acres with an "in-place" net disposal capacity of approx. 1,392,000 cubic yards of net volume, excluding daily, intermediate and final cover, and protective soils/air space. The maximum final elevation shall be approx. 602 feet above mean sea level.
- c. Operation in the areas of the landfill that have previously received operating authorization consisting of 17.15 acres.
- d. The lateral expansion of this landfill so as to comply with 35 IAC, Section 814.109. The footprint of the lateral expansion is 23.45 acres.
- e. Operation (i.e., waste disposal) within the permitted boundaries of the existing landfill unit.
- f. Acceptance of special waste streams without individual special waste stream authorizations, in accordance with the special conditions listed in Part III of this permit:

April 18, 1997

Mod. No. 1 (Log No. 1997-026)

Approved the following:

1. Operating authorization for the area known as Fill Area #2.
2. The closure and post-closure care plans and cost estimates.

March 25, 1999

Mod. No. 2 (1999-003)

Approved the following:

- a. Operating authorization for Fill Area #3, approx. 4.5 acres.
- b. Revised cost estimates for closure and post-closure care.
- c. Permit revised to allow the acceptance of waste containing polychlorinated biphenyls (PCBs) in concentrations allowed by TSCA regulations for MSWLFs.

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- d. Minimum post-closure care period of 30 years.
- e. Requires the submittal by June 1 of each year an update to the cost estimate for closure and post-closure care or submit a certification that there are no changes to the current cost estimates.
- f. New and revised requirements in accordance with 25 IAC 813.201(b)(1)(D) and R98-9, effective June 25, 1998.

July 6, 1999

Mod. No. 3 (Log No. 1999-140)

Approved the following:

- a. The use of PVC in well construction.
- b. An update of the reference to the tire regulations.
- c. The requirement for Prior Conduct Certification and Operator Training Certification.

Oct 4, 1999

Mod. No. 4 (Log No. 1999-224)

Approved the conversion of two interior landfill gas points to solar igniter flares.

June 14, 2000

Mod. No. 5 (Log No. 2000-144)

Approved an explanation of the methane gas detection at exterior landfill gas probe X306.

Oct 12, 2001

Mod. No. 6 (Log No. 2001-042)

Approved the following:

- a. Replacement of wells G21S and G24D with wells G38S and G41D, respectively.
- b. Deletion of well G18D from the monitoring program.
- c. Assessment monitoring activities for well G17S.
- d. Intrawell values for List G1 parameters at wells G16S, G19D, G22S, G23S, G25D, G26D, G27D, G28D, G29D and G30D.
- e. Certification that the cost estimate is valid for closure and post-closure care costs.
- f. An explanation and follow-up activities concerning methane exceedences near X305.

April 16, 2002

Mod. No. 7 (Log No. 2001-438)

Granted to Lori Wendt-Martin, Landfill 33, Ltd. and Richard Deibel, all owners and Landfill 33, Ltd. as operator approving the clarification of owners of the facility.

May 23, 2002

Mod. No. 8 (Log No. 2002-015)

Granted to Wendt Estate, Landfill 33, Ltd. and Richard Deibel as owners and Landfill 33, Ltd. As operator approving the following:

- a. Revisions to Special Condition VIII.13 to reflect intrawell comparison as well as interwell comparison.
- b. Installation and monitoring activities of assessment well G24S.
- c. Continues assessment monitoring at well G17S.

June 28, 2002

Mod. No. 9 (Log No. 2001-248)

Approved the renewal of Permit No. 1995-231-LFM, a vertical expansion of 1,160,000 cubic yards of in-place waste capacity, additional alternate daily covers and conditions for their use, revised groundwater monitoring network and sampling requirements, corrected well notations correctly identified the Northwest Expansion Area. Revised gas monitoring plan, and revised closure and post-closure care plans and cost estimates.

Sept 8, 2003

Mod. No. 10 (Log No. 2003-098)

Approved the following:

- A. Extended operating hours
- B. Reduced List L1 leachate sampling at point L303 to semi-annual.
- C. Reduced groundwater monitoring sampling for wells G16S, G19D, G25D, G26D, G28D and G29D to semi-annual for List G1.
- D. Proposed assessment monitoring for dalapon at well G27D.

Oct 7, 2003

Mod. No. 11 (Log No. 2003-342)

Approved interwell AGQS value of 5 ug/L for hexavalent chromium.

Jan 27, 2004

Mod. No. 12 (Log No. 2003-475)

Approved the installation of landfill gas monitoring probe X310 and the abandonment of landfill gas monitoring probe X303.

April 16, 2005

Mod. No. 13 (Log No. 2003-272)

Approved the following:

- A. Proposed investigation in the vicinity of well G17S to determine if the landfill liner has been compromised and if excavated soil in the new cell is clean enough to be used as final cover.
- B. The abandonment of wells G17S and G42S.
- C. The installation of new wells G32D and G33S.
- D. Revised closure and post-closure cost estimates.

August 30, 2005

Mod. No. 14 (Log No. 2005-225)

Approved the annual revised cost estimates for closure and post-closure care.

Nov 1, 2005

Mod. No. 15 (Log No. 2005-333)

Approved revised closure and post-closure care cost estimates and the CQA acceptance report for Cell 4, approx. 4.3 acres and operation in Cell 4.

Nov 23, 2005

Mod. No. 16 (Log No. 2005-337)

Approved the revision of the submittal date for Special Condition VIII.24 of the facility permit.

Sept 1, 2006

Mod. No. 17 (Log No. 2006-208)

Approved revised closure and post-closure care cost estimates.

Dec 14, 2006

Mod. No. 18 (Log No. 2004-255)

Approved the assessment monitoring report for well G27D for dalapon and the proposal to further evaluate the groundwater quality at well G27D.

May 18, 2007

Mod. No. 19 (Log No. 2006-246)

Approved the following:

- A. Renewal of Permit No. 1995-231-LFM.
- B. The proposed intrawell value for iron (d) at G30D.
- C. The proposed interwell value for specific conductance.
- D. Various modifications to Special Condition VIII.12.
- E. Intrawell values for G20S, G38S, G39S, G40S and G41D.

Aug 7, 2007

Mod. No. 20 (Log No. 2007-199)

Approved annually updated closure and post closure cost estimates.

Jan 23, 2008

Mod. No. 21 (Log No. 2007-426)

Approved a CQA acceptance report for approx. 6.5 acres of final cover for the sideslopes of the landfill and revised closure and post closure care cost estimates.

February 11, 2008

Mod. No. 22 (Log No. 2007-480)

Approves the explanation for the methane exceedences in probe X305 and the proposed procedure for responding and testing the probe(s) if any future exceedences are detected in the landfill gas probe(s).

April 2, 2008

Mod. No. 23 (Log Nos. 2007-422 and 2008-013)

Approved the following:

- A. The discontinuation of assessment monitoring of the parameters manganese, acetone, dalapon, and di(2-ethylhexyl)phthalate at well G27D (Log No. 2007-422).
- B. Revised intrawell values for iron and manganese at G27D (Log No. 2007-422).
- C. Revision of the groundwater monitoring section of the permit to comply with the changes to the regulations from IPCB rulemaking R007-008 (Log No. 2008-013).

April 17, 2008

Mod. No. 24 (Log No. 2007-486)

Approved the following:

- A. The revised interwell AGQS value for pH at well G16S.
- B. The revised interwell AGQS value for total potassium at well G23D.
- C. New intrawell AGQS values for the entire List G1 parameter list for well G23D.
- D. New intrawell AGQS values for the entire List G1 parameter list for well G33S.
- E. New intrawell AGQS values for specific parameters at specific wells.

Aug 25, 2008

Mod. No. 24 (Log No. 2008-208)

Approved revised closure and post-closure cost estimates.

Sept 9, 2008

Log No. 2008-208 reapproved as **Mod. No. 25**.

Oct 9, 2008

Mod. No. 26 (Log No. 2008-281)

Approved the following:

- A. The intrawell value for TOC at well G33S.
- B. Adding previously omitted intrawell values for the parameters iron(d) at wells G32D and G33S, arsenic at well G33S, and TOC at well G32D.
- C. Correcting the intrawell value for TDS at well G33S.
- D. Correcting the intrawell values for arsenic, boron, cadmium, Lead, manganese, mercury, zinc, and total phenols at wells G32D and G33S to reflect the appropriate unit of mg/L.
- E. Adding previously omitted interwell values for specific conductance for the existing landfill and the northwest expansion unit.

April 17, 2009

Mod. No. 27 (Log No. 2008-467)

Approved assessment monitoring for arsenic (d) at well G19D and ammonia(d) at well G27D. Also, modified Special Condition I.14 to require all geomembrane conformance testing to use GRI standards.

April 23, 2009

Mod. No. 28 (Log No. 2009-036)

Approved the following:

- A. The CQA acceptance report for Cell 5, approx. 3.7 acres and waste placement in Cell 5.
- B. Revised closure and post-closure care cost estimates.

April 30, 2009

Mod. No. 29 (Log No. 2009-049)

Approved revised interwell values for potassium(t) and new intrawell values for several parameters.

June 8, 2009

Mod. No. 30 (Log No. 2008-503)

Approved the installation of four (4) passive solar flares designated X322 and X325, in the south west side of the landfill.

Aug 21, 2009

Mod. No. 31 (Log No. 2009-269)

Approved revised closure and post-closure care cost estimates.

Sept 25, 2009

Mod. No. 32 (Log No. 2006-236)

Approved the proposed corrective action in the former Well G17S area in accordance with 35 IAC 811.324, 811.315 and 811.326.

Oct 13, 2009

Mod. No. 33 (Log No. 2009-375)

Approved the following:

- A. The interwell and intrawell values for chromium(d), magnesium(d) and nitrate(d).
- B. The interwell values for the organic parameters 1,3dichloropropene and trans-1,4-dichloro-2-butene.
- C. Revision of Attachment A to include intrawell values for boron(t) at wells G32D and G33S and correcting reference to G41D instead of G41S.
- D. Revision of mg/L units to ug/L units in Attachment 1 for dissolved parameters and phenols.

Nov 18, 2009

Mod. No. 34 (Log No. 2009-272)

Approved revised intrawell value for zinc(d) at well G20S.

Aug 27, 2010

Mod. No. 35 (Log No. 2010-272)

Approved updated closure and post-closure care cost estimates.

Sept 10, 2010

Mod. No. 36 (Log No. 2010-037)

Approved an assessment monitoring report for acetone at wells G19D and G27D and revised intrawell values for arsenic(d) at well G19D and ammonia as N(d) at G27D.

Dec 1, 2010

Mod. No. 37 (Log No. 2010-410)

Approved a CQA acceptance report for landfill gas wells X322, X323, X324 and X325 and operation of the wells.

March 1, 2011

Mod. No. 38 (Log No. 2010-444)

Approved the selection of remedy for G17S area.

March 25, 2011

Mod. No. 39 (Log No. 2010-227)

Approved the following:

1. The return of wells G16S, G20S, and G31D to detection monitoring for acetone.
2. Assessment monitoring at wells G30D and G29D.

May 27, 2011

Mod. No. 40 (Log No. 2010-543)

Approved the continuation of detection monitoring of the parameters zinc(d) at G25D and 1,2,3-trichloropropane at G28D.

Aug 18, 2011

Mod. No. 41 (Log No. 2011-253)

Approved updated closure and post-closure cost estimates.

Nov 17, 2011

Mod. No. 42 (Log No. 2011-295)

Approved the renewal of the facility permit.

Dec 2, 2011

Mod. No. 43 (Log No. 2011-354)

Approved the continuation of routine detection monitoring of arsenic(d) at well G39S.

Dec 15, 2011

Mod. No. 44 (Log No. 2011-422)

Approved the response to Special Condition IX.7 of the facility permit.

March 26, 2012

Mod. No. 45 (Log No. 2011-558)

Approved the effectiveness of the corrective action and continued corrective action as required by condition VIII.24.

Oct 22, 2012

Mod. No. 46 (Log Nos. 2012-075, 2012-261, 2012-298 and 2012-299)

Approved the following:

- A. Semi-annual sampling and analysis for acetone and oil (hexane soluble) at groundwater monitoring well G29D, and an additional year of assessment monitoring for cis-1,2-dichloroethene at groundwater monitoring well G29D (Log No. 2012-075).
- B. Annually updated closure and post closure cost estimates for calendar year 2011 (Log No. 2012-261).
- C. A methane exceedence assessment report submitted pursuant to Special Condition IX.7 of the facility permit (Log No. 2012-298).
- D. The transfer of partial ownership from the "Wendt Estate" to the Wendt Family Trust" (Log No. 2012-299).

Feb 22, 2013

Mod. No. 47 (Log No. 2012-519)

Approved commencement of waste disposal operations in Cell 6, updated closure and post closure cost estimates and an updated premature closure plan.

March 25, 2013

Mod. No. 48 (Log No. 2012-599)

Approved the Annual Evaluation of Corrective action required to be submitted by Special Condition VIII.24 of the facility permit and a proposed intrawell value of 288.01 ug/L for total boron at groundwater monitoring well G34S.

April 25, 2013

Mod. No. 49 (Log No. 2012-552)

Approved :

- A. The alternate source demonstration for 2nd quarter 2012 confirmed exceedences of oil (hexane soluble) and dissolved arsenic at well G39S.
- B. A revised interwell AGQS value for 5 mg/L for oil (hexane soluble) for the Existing Landfill/Southern Expansion Unit.
- C. A revised MAPC value of 20 mg/L for oil (hexane soluble) for the Northwest Expansion Unit.
- D. A proposal to collect an additional four quarters of data (2nd quarter 2013 through 1st quarter 2014) at G39S, then submit an evaluation of dissolved arsenic no later than April 30, 2014.

Aug 6, 2013

Mod. No. 50 (Log No. 2013-199)

Approved:

- A. The alternate source demonstration for 4th quarter 2012 confirmed exceedences of dissolved arsenic at groundwater monitoring well G25D.
- B. A new condition that required the operator to establish new AGQS/MAPC background values in compliance with the October 4, 2012 revisions to 35 IAC 620.

Sept 26, 2013

Mod. No. 51 (Log Nos. 2013-289 and 2013-365)

Approved:

- A. An annual update of the closure and post closure cost estimates for calendar year 2012 (Log No. 2013-289).
- B. Continued quarterly monitoring of cis-1,2-dichloroethene at well G29D (Log No. 2013-365).
- C. Additional sampling of the assessment monitoring parameters referenced in 40 CFR 258 Appendix II and 35 IAC 620.410 during the 3rd quarter 2013; any parameters detected during the 3rd quarter 2013 will be monitored during the 4th quarter 2013 (Log No. 2013-365).

April 7, 2014

Mod. No. 52 (Log No. 2013-596)

Approved:

- A. An Annual Evaluation of Corrective Action Report.
- B. Revision of the facility interwell AGQS (1.0 ug/L) and MAPC (4.0 ug/L) values for Di. (Di(2-Ethylhexyl)Phthalate is also known as Bis(2-Ethylhexyl)Phthalate or DEHP).

April 30, 2014

Mod. No. 53 (Log Nos. 2014-031 and 2014-040)

Approved:

- A. An assessment monitoring report for cis-1,2-dichloroethene at groundwater monitoring well G29D (Log No. 2014-031).
- B. Continued quarterly monitoring for the List G1 parameters and cis-1,2-dichloroethene, as well as semi-annual monitoring for the List G2, 40 CFR 258 Appendix II, and 35 IAC 620.410 parameters. After four quarters of monitoring, (1Q14 through 4Q14) an evaluation of the results shall be submitted in the form of an application for significant modification no later than January 20, 2015 (Log No. 2014-031).
- C. An alternate source demonstration for 2nd quarter 2013 confirmed exceedence of dissolved magnesium at groundwater monitoring well G25D (Log No. 2014-040).

July 8, 2014

Mod. No. 54 (Log No. 2014-246)

Approved an annual update of the closure and post closure cost estimates for calendar year 2013.

July 14, 2014

Mod. No. 55 (Log No. 2014-147)

Approved an alternate source demonstration for a 4th quarter 2013 confirmed exceedence of oil (hexane soluble) at groundwater monitoring well G20S.

July 31, 2014

Mod. No. 56 (Log No. 2014-166)

Approved an evaluation of dissolved arsenic at groundwater monitoring well G39S in accordance with Special Condition VIII.26 and approved a revised intrawell AGQS value of 330.1 mg/L for dissolved arsenic at G39S.

October 24, 2014

Mod. No. 57 (Log No. 2014-300)

Approved:

- A. An alternate source demonstration for the 1st quarter 2014 confirmed exceedence of specific conductance at groundwater monitoring well G25D.
- B. A revised interwell AGQS value of 0.05 ug/L and MAPC value of 0.2 ug/L for 1,2-dibromoethane.

January 20, 2015

Mod. No. 58 (Log No. 2014-508)

Approved an alternate source demonstration for the 2nd quarter 2014 confirmed exceedences/increases.

January 30, 2015

Mod. No. 59 (Log No. 2014-545)

Approved a revised intrawell AGQS value of 2733.7 uS for specific conductance at groundwater monitoring well G25D.

February 25, 2015

Mod. No. 60 (Log No. 2014-615)

Approved proposed interwell AGQS/MAPC background values for new 620 parameters submitted pursuant to Special Condition VIII.26.

March 20, 2015

Mod. No. 61 (Log No. 2014-626)

Approved an evaluation of corrective measures report submitted pursuant to Special Condition VIII.24.

April 13, 2015

Mod. No. 62 (Log No. 2015-028)

Approved:

- A. An assessment monitoring report for cis-1,2-dichloroethene at well G29D.
 - submitted pursuant to Special Condition VIII.25 of the facility permit.
- B. Continued quarterly monitoring for the List G1 parameters and cis-1,2-dichloroethene and benzene, as well as semi-annual monitoring for the List G2, 40 CFR 258 Appendix II, and 35 IAC 620.410 parameters.

April 23, 2015

Mod. No. 63 (Log No. 2015-041)

Approved a revised intrawell value of 151.45 mg/L for dissolved magnesium at groundwater monitoring well G25D.

July 8, 2015

Mod. No. 64 (Log No. 2015-306)

Approved an annual update of the closure and post closure cost estimates for calendar year 2014.

January 14, 2016

Mod. No. 65 (Log No. 2015-516)

Approved an alternate source demonstration for the 2nd quarter 2015 confirmed groundwater exceedences and a revised intrawell value of 2,012.15 umhos/cm for specific conductance at groundwater monitoring well G40S.

April 13, 2016

Mod. No. 66 (Log No. 2016-031)

Approved an alternate source demonstration for the 4th quarter 2015 confirmed exceedences, and a revised intrawell value of 1,967.61 umhos/cm for specific at groundwater monitoring well G30D.

May 26, 2016

Mod. No. 67 (Log No. 2016-026)

Approved the following:

- A. The assessment monitoring report for cis-1,2-dichloroethene at groundwater monitoring well G29D submitted pursuant to Special Condition VIII.24 of Modification No. 62.
- B. Continued assessment at well G29D.
- C. The installation of two (2) interior passive landfill gas extraction wells designated X326 and X327 to be installed with solar powered flares.

August 12, 2016

Mod. No. 68 (Log No. 2016-159)

Approved the following:

- A. The evaluation of the 4th quarter 2015 confirmed exceedences.
- B. A revised intrawell value for specific conductance at groundwater monitoring well G39S.
- C. Assessment monitoring at well G30D.

October 7, 2016

Mod. No. 69 (Log No. 2016-316)

Approved the evaluation of the 1st quarter 2016 confirmed exceedences and a revised intrawell value for dissolved arsenic at groundwater monitoring well G20S.

November 28, 2016

Mod. No. 70 (Log No. 2016-426)

Approved a construction acceptance report submitted for the installation of gas extraction wells X326 and X327 pursuant to Special Condition IX.11 of the facility permit, and the installation of a replacement for leachate sump/extraction point L307.

December 30, 2016

Mod. No. 71 (Log No. 2016-308)

Approved the renewal of Permit No. 1995-231-LFM and the correction of the facility acreage from 96.31 acres to 95 acres.

January 31, 2017

Mod. No. 72 (Log No. 2016-484)

Approved the following:

- A. The evaluation of groundwater quality at groundwater monitoring wells G27D and G30D submitted pursuant to Special Condition VIII.25 of the facility permit.
- B. A revised intrawell value for ammonia(d) at groundwater monitoring well G27D.
- C. The addition or revision of the standard language for several groundwater monitoring special conditions.

March 3, 2017

Mod. No. 73 (Log Nos. 2016-265 and 2016-467)

Approved the following:

- A. An annual update of the closure and post closure cost estimates for calendar year 2015 (Log No. 2016-265).
- B. The construction acceptance report for, and the commencement of waste disposal operations in Cell 7 consisting of approximately 3.53 acres (Log No. 2016-467).
- C. The construction acceptance report for a 2.6 acre portion of final cover referred to as "Phase 2 Closure" (Log No. 2016-467).
- D. Approves the installation of a geocomposite drainage layer (GDL) in the final cover system and an associated construction quality assurance plan for the GDL (Log No. 2016-467).

May 12, 2017

Mod. No. 74 (Log No. 2017-020)

Approved:

- A. The assessment monitoring report for groundwater monitoring wells G29D and G30D submitted pursuant to Special Condition VIII.24 of the facility permit.
- B. Continued assessment monitoring at groundwater monitoring wells G29D and G30D.

July 19, 2017

Mod. No. 75 (Log Nos. 2017-179 and 2017-284)

Approved the following:

- A. An evaluation of confirmed exceedances from the 4th quarter 2016 sampling event (Log No. 2017-179).

- B. Revised intrawell values for pH at groundwater monitoring wells G35S and G36S (Log No. 2017-179)
- C. An annual update of the closure and post closure cost estimates for calendar year 2016 (Log No. 2017-284).

January 8, 2018

Mod. No. 76 (Log No. 2017-454)

Approved an update of the leachate conveyance piping and allows the placement of automation controls for the leachate pumps and tanks for level monitoring.

April 13, 2018

Mod. No. 77 (Log No. 2018-023)

Approved the assessment monitoring report for groundwater monitoring wells G29D and G30D.

June 22, 2018

Mod. No. 78 (Log No. 2018-223)

Approved the updated closure and post-closure care cost estimate of \$1,932,856.

June 29, 2018

Mod. No. 79 (Log No. 2018-135)

Approved the evaluation of the 4th quarter 2017 confirmed groundwater exceedance / increase.

September 05, 2018

Mod. No. 80 (Log No. 2018-240)

Approved the construction acceptance report for the installation of the leachate conveyance piping and placement of automation controls for leachate pumps and tanks for level monitoring.

November 16, 2018

Mod. No. 81 (Log No. 2018-373)

Approved the evaluation of the 1st quarter 2018 confirmed groundwater exceedance at Landfill 33.

November 4, 2019

Mod. No. 82 (Log Nos. 2018-447 and 2019-021)

Approved the following:

- A. Evaluation of 2nd quarter 2018 confirmed exceedance at monitoring well G27D (Log No. 2018-447); and
- B. Construction acceptance report documenting installation of 3 gas extraction wells with solar powered flares and installation of a solar flare on leachate cleanout C010 (Log No. 2019-021).



Permit Application History

Wednesday, May 11 2011

Site Id: 0498100007

7:23:57 AM

Name	Log No	Mailed	Reviewer	GAU-REV	Permit Type	Facility Type
LANDFILL 33 LTD	1981-112	12/4/1981				
LANDFILL 33 LTD	1983-160	11/7/1983				
33 LTD LF	1988-047	4/29/1988	SAS		SUP	LF
LANDFILL 33 LTD	1988-344	11/29/1988	SAS		SUP	LF
LANDFILL 33 LTD	1989-063	6/2/1989	SAS		SUP	LF
LANDFILL 33 LTD	1989-333	2/14/1990	SAS		SUP	LF
LANDFILL 33 LTD	1991-021	4/5/1991	KMB		SUP	LF
LANDFILL 33 LTD	1991-044	4/17/1991	KMB		SUP	LF
LANDFILL 33 LTD	1991-208	8/28/1991	SEP		DEOP	COMP
LANDFILL 33 LTD	1991-312	2/11/1992	KMB		SUP	LF
LANDFILL 33 LTD	1992-084	7/15/1992	KMB		SUP	LF
LANDFILL 33 LTD	1992-163	9/25/1992	KMB		SUP	LF
LANDFILL 33 LTD	1993-476	10/22/1993	KMB		INTERIM	LF
LANDFILL 33 LTD	1993-574	2/10/1994	KMB		SUP	LF
LANDFILL 33 LTD	1994-295	9/19/1994	CR		SUP	COMP
LANDFILL 33 LTD	1994-448	12/16/1994	KMB	SAM/GT	LFM	LF
LANDFILL 33 LTD	1994-548	2/7/1995	KMB		SUP	LF
LANDFILL 33 LTD	1994-561	2/6/1995	KMB		SUP	LF
LANDFILL 33 LTD	1995-231	10/15/1996	SCC	SAM/GT	LFM	LF
LANDFILL 33 LTD	1995-240	12/8/1995	SCC	GT	SUP	LF
LANDFILL 33 LTD	1995-356	12/08/1995	SCC	SAM/GT	SUPOP P	LF
LANDFILL 33 LTD	1997-026	4/18/1997	SCC		SMO	LF
LANDFILL 33 LTD	1999-003	3/25/1999	SAS		SMO	LF
LANDFILL 33 LTD	1999-140	7/6/1999	SAS	GT	SM	LF
LANDFILL 33 LTD	1999-224	10/4/1999	SAS		SM	LF
LANDFILL 33 LTD	2000-144	6/14/2000	TWH		SM	LF
LANDFILL 33 LTD	2001-042	10/12/2001	SAS	KAM	SM	LF
LANDFILL 33 LTD	2001-248	6/28/2002	SAS	MSS	LF	LF
LANDFILL 33 LTD	2001-438	4/16/2002	SAS		SM	LF
LANDFILL 33 LTD	2002-015	5/23/2002	SS	KAM	SM	LF
LANDFILL 33 LTD	2003-098	9/8/2003	TWH	KAM	SM	LF
LANDFILL 33 LTD	2003-272	4/26/2005	TWH	KAM	SM	LF

Name	Log No	Mailed	Reviewer	GAU-REV	Permit Type	Facility Type
LANDFILL 33 LTD	2003-342	10/7/2003	TWH	GT DSK	SM	LF
LANDFILL 33 LTD	2003-475	1/27/2004	TWH		SM	LF
LANDFILL 33 LTD	2004-248	8/12/2004	KSG		CLCERT	COMP
LANDFILL 33 LTD	2004-255	12/14/2006	TWH	KAM	SM	LF
LANDFILL 33 LTD	2005-225	8/30/2005	TWH		SM	LF
LANDFILL 33 LTD	2005-333	11/1/2005	TWH		SMO	LF
LANDFILL 33 LTD	2005-337	11/23/2005	TWH	KAM	SM	LF
LANDFILL 33 LTD	2006-208	9/1/2006	TWH		SM	LF
LANDFILL 33 LTD	2006-236	09/25/2009	TWH	KAR	SM Part	LF
LANDFILL 33 LTD	2006-246	5/18/2007	MGS	KAM	SMR	LF
LANDFILL 33 LTD	2007-199	8/7/2007	MGS		SM	LF
LANDFILL 33 LTD	2007-422	4/2/2008	TWH	KAM	SM	LF
LANDFILL 33 LTD	2007-426	1/23/2008	TWH		SM	LF
LANDFILL 33 LTD	2007-480	2/11/2008	TWH		SM	LF
LANDFILL 33 LTD	2007-486	4/17/2008	TWH	SEW	SM	LF
LANDFILL 33 LTD	2008-013	4/2/2008	MGS	KAM	SM	LF
Landfill 33 Ltd	2008-208	08/25/2008	TWH		SM Part	LF
Landfill 33 Ltd	2008-281	10/09/2008	TWH	KAM	SM Part	LF
Landfill 33 Ltd	2008-467	04/17/2009	TWH	KAR	SM Part	LF
Landfill 33 Ltd	2008-503	06/08/2009	TWH		SM Part	LF
Landfill 33 Ltd	2009-036	04/23/2009	TWH		SM Part	LF
Landfill 33 Ltd	2009-049	04/30/2009	TWH	KAR	SM Part	LF
Landfill 33 Ltd	2009-269	08/21/2009	TWH		SM Part	LF
Landfill 33 Ltd	2009-272	11/18/2009	TWH	KAR	SM Part	LF
Landfill 33 Ltd	2009-375	10/13/2009	TWH	KAR	SM Part	LF
Landfill 33 Ltd	2010-037	09/10/2010	JMC	KAR	SM Part	LF
Landfill 33 Ltd	2010-081	05/27/2010	JMC	KAR	SM Part	LF
Landfill 33 Ltd	2010-227	03/25/2011	JMC	KAR	SM Part	LF
Landfill 33 Ltd	2010-272	08/27/2010	JMC		SM Part	LF
Landfill 33 Ltd	2010-410	12/01/2010	TWH		SM Part	LF
Landfill 33 Ltd	2010-444	03/10/2011	JMC	KAR	SM Part	LF
Landfill 33 Ltd	2010-543	05/27/2011	JMC	KAR	SM Part	LF
Landfill 33 Ltd	2011-253	08/18/2011	JMC		SM Part	LF
Landfill 33 Ltd	2011-295	11/17/2011	JMC	KAR	SMR Part	LF
Landfill 33 Ltd	2011-354	12/02/2011	JMC	KAR	SM Part	LF

R1872

Name	Log No	Mailed	Reviewer	GAU-REV	Permit Type	Facility Type
Landfill 33 Ltd	2011-422	12/15/2011	JMC		SM Part	LF
Landfill 33 Ltd	2011-558	03/26/2012	JMC	PMS	SM Part	LF
Landfill 33 Ltd	2012-075	10/22/2012	KES	BEH	SM Part	LF
Landfill 33 Ltd	2012-261	10/22/2012	KES		SM Part	LF
Landfill 33 Ltd	2012-298	10/22/2012	KES		SM Part	LF
Landfill 33 Ltd	2012-299	10/22/2012	KES		PT Part 8	LF
Landfill 33 Ltd	2012-519	02/22/2013	KES	BEH	SMO Part	LF
Landfill 33 Ltd	2012-552	04/25/2013	KES	BEH	SM Part	LF
Landfill 33 Ltd	2012-599	03/25/2013	KES	BEH	SM Part	LF
Landfill 33 Ltd	2013-199	08/06/2013	KES	BEH	SM Part	LF
Landfill 33 Ltd	2013-289	09/26/2013	KES	BEH	SM Part	LF
Landfill 33 Ltd	2013-365	09/26/2013	KES	BEH	SM Part	LF
Landfill 33 Ltd	2013-596	04/07/2014	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-031	04/30/2014	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-040	04/30/2014	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-147	07/14/2014	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-166	07/31/2014	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-246	07/08/2014	KES		SM Part	LF
Landfill 33 Ltd	2014-300	10/24/2014	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-508	01/20/2015	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-545	01/30/2015	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-615	02/25/2015	KES	BEH	SM Part	LF
Landfill 33 Ltd	2014-626	03/20/2015	KES	BEH	SM Part	LF
Landfill 33 Ltd	2015-028	04/13/2015	KES	BEH	SM Part	LF
Landfill 33 Ltd	2015-041	04/23/2015	KES	BEH	SM Part	LF
Landfill 33 Ltd	2015-306	07/08/2015	KES		SM Part	LF
Landfill 33 Ltd	2015-516	01/14/2016	KES	BEH	SM Part	LF
Landfill 33 Ltd	2016-026	05/26/2016	KES	BEH	SM Part	LF
Landfill 33 Ltd	2016-031	04/13/2016	KES	BEH	SM Part	LF
Landfill 33 Ltd	2016-159	08/12/2016	KES	BEH	SM Part	LF
Landfill 33 Ltd	2016-265	03/03/2017	KES		SM Part	LF
Landfill 33 Ltd	2016-308	12/30/2016	KES	BEH	SMR Part	LF
Landfill 33 Ltd	2016-316	10/07/2016	KES	BEH	SM Part	LF
Landfill 33 Ltd	2016-426	11/28/2016	KES	BEH	SM Part	LF
Landfill 33 Ltd	2016-467	03/03/2017	KES	BEH	SMO Part	LF

R1873

Name	Log No	Mailed	Reviewer	GAU-REV	Permit Type	Facility Type
Landfill 33 Ltd	2016-484	01/31/2017	KES	BEH	SM Part	LF
Landfill 33 Ltd	2017-020	05/12/2017	KES	BEH	SM Part	LF
Landfill 33 Ltd	2017-179	07/19/2017	KES	BEH	SM Part	LF
Landfill 33 Ltd	2017-284	07/19/2017	KES		SM Part	LF
Landfill 33 Ltd	2017-454	01/08/2018	KES		SM Part	LF
Landfill 33 Ltd	2018-023	04/13/2018	CJS	BEH	SM Part	LF
Landfill 33 Ltd	2018-135	06/29/2018	CJS	BEH	SM Part	LF
Landfill 33 Ltd	2018-223	06/22/2018	CJS		SM Part	LF
Landfill 33 Ltd	2018-240	09/05/2018	CJS		SM Part	LF
Landfill 33 Ltd	2018-373	11/16/2018	CJS	BEH	SM Part	LF
Landfill 33 Ltd	2018-447	11/04/2019	IMS	BEH	SM Part	LF
Landfill 33 Ltd	2019-007		IMS	BEH	SM Part	LF
Landfill 33 Ltd	2019-021	11/04/2019	IMS		SM Part	LF
Landfill 33 Ltd	2019-114		IMS	BEH	SM Part	LF
Landfill 33 Ltd	2019-119		IMS	JLR	SM Part	LF
Landfill 33 Ltd	2019-228		IMS		SM Part	LF
Landfill 33 Ltd	2019-394		IMS	BEH	SM Part	LF

Syed, Imran

From: Steven Edwards <sedwards@andrews-eng.com>
Sent: Thursday, May 30, 2019 10:30 AM
To: Syed, Imran
Subject: [External] Conference Call Call-In

Landfill 33 - Log No. 2019-119
Incompleteness letter dated
May 3, 2019

Call in number is 877-873-8018
Access code is

Doug Mauntel - Andrews Eng.
Brian Hayes, Ron Edwards - Landfill 33

Thanks!

Steven Edwards, PE
Project Engineer
Andrews Engineering, Inc.
3300 Ginger Creek Drive
Springfield, IL 62711
Phone: (217) 787-2334
Cell: (217) 725-5216

- Doug Mauntel - 4-5 years of remaining life.
- Expansion of capacity sought in the application will extend the life of the landfill
- Proposed expansion east of the landfill
- No limits on Capacity, final contours specified in the 2000 Siting. Approximate volume approved by the county.
- No exceedance of max. permitted elevation (644 ft. MSL) proposed.
- No change in slopes (4:1?)
Crown of the LF moved south - longer slopes.

Steven Edwards and Doug Mauntel - County Board passed a resolution approving the expansion. Will provide a copy in the addendum.

Brian Hayes - Working on resolving ownership issues (Richard Diebel one of the owners passed away recently)

Kenn Smith - Do not have anything further to add regarding siting. These legal issues need to be resolved by the Attorneys.

Doug Mauntel - Will submit a letter seeking extension of the 35-day deadline for submittal of information addressing incompleteness issues.

Syed, Imran

From: Burger, Dustin
Sent: Wednesday, April 17, 2019 4:03 PM
To: Syed, Imran
Cc: Marvel, Todd; Richardson, John
Subject: Landfill 33 Permit app. 2019-119

Imran, (Todd and John copied since this might be a significant activity or the subject of media coverage)

Landfill 33 is nearing capacity and has not yet submitted a developmental permit or local siting to locate a new landfill unit east of the current facility. They recently submitted a permit application that keeps the current permitted maximum height, but changes the contours to gain over 400,000 yards of capacity. The county board has supported the change in a letter, but not through local siting.

From what I see the addition of additional airspace at Landfill 33 would require local siting. I would ask legal for a review, but that is my opinion.

Dustin

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client-privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

MED

EPA - DIVISION OF RECORDS MANAGEMENT
 JUL 8 07/2019

June 7, 2019

RECEIVED

JUN 07 2019

IEPA/BOL

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Re: 0498100007 – Effingham County
Landfill 33, Ltd.
Illinois EPA Permit No. 1995-231-LFM
Additional Information
Log No. 2019-119

Dear Mr. Smith:

A permit modification application was submitted April 5, 2019 proposing an Application for a Significant Modification to modify the final cover of the Landfill 33 Disposal Facility (Landfill 33). The Illinois EPA issued a notice of incompleteness containing five comments on May 3, 2019. The following information addresses the incompleteness deficiencies. The specific comments are provided in bold font followed by the response in standard font.

Completeness Comments

1. **The application sets forth a proposal to increase the waste disposal capacity by approximately 420,650 cubic yards by vertically increasing the final contours of the landfill. The application does not provide proof that the local siting approval, following the format and procedures described in Section 39.2 of the Illinois Environmental Protection Act (Act), has been granted by the Effingham County Board. This determination is based on the following:**
 - a. **Pursuant to Section 39.2(a) of the Act local siting approval shall be granted only if the facility meets the criteria mentioned in Section 39.2(a)(i) through (ix) of the Act. The proposed increase in the waste disposal capacity and the associated extension of the operating life of the landfill proposed in permit application Log No. 2019-119 has not been demonstrated to be consistent with the siting criteria set forth in Section 39.2 of the Act; and**
 - b. **The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Act the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development or construction of a new pollution control facility may be granted by the Illinois EPA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act.**

ILLINOIS STATE ARCHIVES
OFFICE OF RECORDS MANAGEMENT
RECORDS SECTION

As stated in the April 5, 2019 original application, this proposed final cover modification application has been provided to and discussed with the Effingham County Board on November 14, 2018. In the opinion of the Effingham County Board, the proposed final cover modification is consistent with the previous Siting Approval, so long as the final maximum elevation of 644 MSL is not exceeded. Attachment 3 of the original application contains information submitted to the Effingham County Board. Exhibit A contains the resolution and the November 19, 2018 letter to the Illinois EPA from the Effingham County Board. Therefore, meeting the Criteria of Section 39.2(a)(i) through (ix) of the Act is not necessary since the proposed application is consistent with the previous Siting Approvals.

- 2. Certification of Siting Approval (LPC-PA8) Form, signed by Effingham County States Attorney Brian Kibler, references a siting approval obtained from Effingham County Board on November 19, 2018. However, documentation regarding local siting review performed by the Effingham County Board in compliance with the format and procedures outlined in Section 39.2 of the Act is not provided in the application.**

Provided in Exhibit A is the resolution and the November 19, 2018 letter to the Illinois EPA from the Effingham County Board.

- 3. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. The description of permit request provided on General Application for Permit (LPC-PA1) and Notice of Application for Permit to Manage Waste (LPC-PA16) Forms only state a change of final cover design is being proposed. The application must include LPC-PA1 and LPC-PA16 application forms that clearly state that an increase in the permitted disposal capacity of the landfill is being proposed for approval.**

Revised LPC-PA1 and LPC-PA16 forms are provided in Exhibit B, which states that an Application for Significant Modification to modify the final cover and increase the disposal capacity by +/- 483,000 CY is being proposed for the facility.

- 4. Pursuant to 35 Ill. Adm. Code 813.102 all permit applications shall be made on forms prescribed by the Illinois EPA. A March 2003 version of the Certification of Siting Approval (LPC-PA8) Form has been provided in the application. The current version of the LPC-PA8 Form available on the Illinois EPA website is dated May 2012. The current versions of application forms are available at:
<https://www2.illinois.gov/epa/topics/forms/land-forms/permit-forms/Pages/default.aspx>**

A revised LPC-PA8 form is provided in Exhibit C.

- 5. Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Ms. Lori Martin, Executor of Wendt Family Trust has signed the General Application for Permit (LPC-PA1) Form on behalf of the owners. The application does not provide proof that Ms. Martin is a duly authorized agent of Landfill 33 Ltd., and Mr. Deibel.**

A revised LPC-PA1 has been provided in Exhibit B with the signature of Mr. Brian Hayes signing as owner/operator for Landfill 33, Ltd and Mr. Deibel. Submitted in the original application is the signature page for Ms. Lori Martin signing on behalf of the Wendt Family Trust. At this time, Mr. Brian Hayes is also signing on behalf of Mr. Richard Deibel due to his recent passing. The estate of Mr. Richard Deibel is in the process of being settled and sold to Landfill 33 Ltd. (thus leaving only two property owners). Clarification will be submitted to the Illinois EPA upon settlement of Mr. Richard Deibel's estate.

The situation presented in the present case is strikingly similar to that in *Brickyard Disposal & Recycling, Inc. v. Illinois Environmental Protection Agency* (PCB 16-66) (later affirmed by the Fourth Appellate District at 218 Ill. App. 4th 170114). The PCB's decision in *Brickyard* correctly holds that a mere increase in internal volume within an existing facility does not constitute a "new pollution control facility" requiring new local siting approval. As noted by the PCB in *Brickyard*, the General Assembly amended the Act in 1981 by enactment of the State Siting Statute (P.A. 82-62, effective November 12, 1981), which gave county and municipal governments the authority to decide whether to grant requests to "locate" pollution control facilities within their jurisdictions. As noted in detail in submissions made to date on behalf of Landfill 33, siting approvals establishing facility boundaries for Landfill 33 were made subsequent to the enactment of the State Siting Statute by the local siting authority (i.e., the Effingham County Board). As noted in the applicable local siting approval, included as part of this submission, there were no physical "location" limitations included in the controlling siting approval which the current Sig Mod proposal would exceed.

While, in the past, the Agency has relied upon both *M.I.G. Investments, Inc. v. IEPA*, 122 Ill. 2d 392 (1988) and *Bi-State Disposal Inc. v. IEPA*, 203 Ill. App. 3d 1023 (5th Dist. 1990), as aptly noted by the Fourth Appellate District in the *Brickyard* case, and as also noted by the PCB in its underlying decision, the siting determinations made in *M.I.G.* and *Bi-State Disposal* were made by the Agency prior to the effective date of enactment of the State Siting Statute on November 12, 1981. Therefore, in turn, as noted by both the PCB and the Fourth Appellate District, the facts (and the applicable law) in *M.I.G.* and *Bi-State Disposal* are clearly distinguishable from the legal principles which control permit modifications which occurred after enactment of the State Siting Statute.

Going further, as noted by the Fourth Appellate District, the General Assembly did not use the term "permitted boundaries" in its crafting of Section 3.33(b)(2) of the Act. Rather, as noted by the Court: **The statute says "boundaries" of a "currently permitted pollution control facility" not "permitted boundaries". 415 ILCS 5/3.33(b)(2) (West 2014).** As also noted by the Fourth Appellate District in its affirmation of the PCB's decision in *Brickyard*, the Court saw **"... no indication from examination of the Act that the General Assembly intended to invoke the long and expensive process of local siting review each time the Agency restricted waste boundaries and the landfill operators sought to remove or expand those waste boundaries within an existing pollution control facility."** As further noted by the Court, by enacting Section 39(c), the General Assembly intended that local governmental authorities determine the "location" (i.e., physical boundaries) of pollution control facilities, and not have that decision imposed upon them by the Agency. The controlling term in determining operative facility boundaries (i.e., "location") is then used in connection with the local siting authority's powers (both under Sections 39(c) and 39.2 of the Act), and finds no place or home within the regulatory scheme assigned to the Agency. Going further, the Fourth Appellate District noted: **"That the General Assembly was not concerned with internal waste boundaries when enacting the requirement for local siting approval is further evidenced by the language of section 39(c) itself. According to Section 39(c), "no permit for the development or construction of a new**

pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the *location of the facility* has been approved by the County Board". (Emphasis added). 415 ILCS 5/39(c) (West 2014). The Court further observed that: "Contrary to the State's argument, *M.I.G. Investments* does not establish a "volumetric boundary" or *trigger local siting review for changes in waste volume within boundaries of existing landfills*". (Writer's Emphasis). As the Court then properly concluded: "There is no statutory language indicating local siting approval is necessary for the inner workings of a pollution control facility".

The constructs of the Sig Mod regulatory regimen clearly envision ongoing changes to internal waste boundaries so long as ultimate physical "location" boundaries set by the local siting authority are not exceeded.

In the present case, as in *Brickyard*, the Sig Mod proposal being presented does not in any way expand or exceed the physical "location" boundaries of the facility previously established by the Effingham County Board, and only internally increases available disposal capacity. Maximizing available disposal capacity within the boundaries of a currently permitted pollution control facility is an environmentally prudent and advisable practice, as it then prolongs/delays the need for an actual further expansion of a facility such as Landfill 33.

In summary, in this case as in the *Brickyard* case, the "boundary of the facility" is ascertained from local siting approval previously granted by the Effingham County Board. Again, no conditions are included within that siting approval which are in any way exceeded by the current Sig Mod proposal. In turn, there can be no "new pollution control facility" under Section 3.330(b)(2) absent in expansion beyond the "boundary" of the currently permitted facility established by the Effingham County Board.

In conclusion, and for all of the reasons set forth above, the current Sig Mod proposal does not constitute a "new pollution control facility" in any way, shape or form, and is complete in all respects.

Based on the information provided above and included as exhibits, the application should be deemed completed and the technical review of the application can continue.

If you have any questions or require further information, please contact me.

Sincerely,



Douglas W. Mauntel, PE
Director of Engineering Services

DWM:dwm:slm
Exhibit(s)

cc: Imran Syed – IEPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)

EXHIBIT A
EFFINGHAM COUNTY BOARD RESOLUTION

EFFINGHAM COUNTY BOARD

County Building • 101 North Fourth Street, Suite 301

Effingham, IL 62401

(217) 342-4990 • Fax (217) 342-8525

November 19, 2018

IEPA Bureau of Land
Permit Division
1021 North Grand Avenue East
Springfield, IL 62794

*Re: Landfill 33, Ltd.
049810007 - Effingham County*

To Whom It May Concern:

Please be advised that the Effingham County Board has received Landfill 33, Ltd.'s Application for Significant Modification (Sig Mod Application) to revise the final contours of the currently permitted facility so as to potentially gain additional airspace/waste disposal capacity. In summary, and distilled to its essence, the Sig Mod Application requests reconfiguration of certain final contours, which would move the maximum elevation of the facility closer to the center of the current waste unit. In considering this request, the County notes the following:

- On September 27, 1999, a siting application was submitted to the Effingham County Board by Landfill 33, Ltd. to expand the existing facility. That application requested a vertical expansion of approximately 1.2 million cubic yards and included a map with certain proposed final contours. Subsequent thereto, on February 22, 2000 the Effingham County Board passed a Resolution to Approve the Landfill Expansion (February 22, 2000 Siting Approval). The February 22, 2000 Siting Approval does not include any special conditions imposed by the County Board relating to maximum waste volume, final contour dimensions or a maximum elevation.
- Subsequent thereto, on June 29, 2001, Landfill 33, Ltd. submitted a supplemental Application for Vertical Expansion and Permit Renewal. This Application was intended to supplement the September 27, 1999 Application initially submitted by Landfill 33, Ltd. in certain respects. On June 28, 2002, the Effingham County Board passed a resolution approving the supplemental Application for Vertical Expansion and Permit Renewal (June 28, 2002 Siting Approval). As was the case with the February 22, 2000 Siting Approval, the June 28, 2002 Siting Approval does not include any special conditions related to maximum waste volume, maximum final contour dimensions or a maximum final elevation.

- Subsequent thereto, as a result of the permitting process engaged in between Landfill 33, Ltd. and the Illinois Environmental Protection Agency (IEPA), certain final cover contours were approved by IEPA with a defined maximum elevation of 644 MSL.
- As both Effingham County Board's Siting Approvals do not include specific conditions pertaining to maximum waste volume, absolute final cover contours or an absolute final maximum elevation, and as IEPA only assigned a final absolute maximum elevation as part of the permitting process, it is the opinion of the Effingham County Board that the revised final contours being proposed by Landfill 33, Ltd. in its current Sig Mod Application are in all respects consistent with both previous Siting Approvals noted hereinabove, so long as the final maximum elevation of 644 MSL designated by IEPA as part of the permit process is not exceeded.

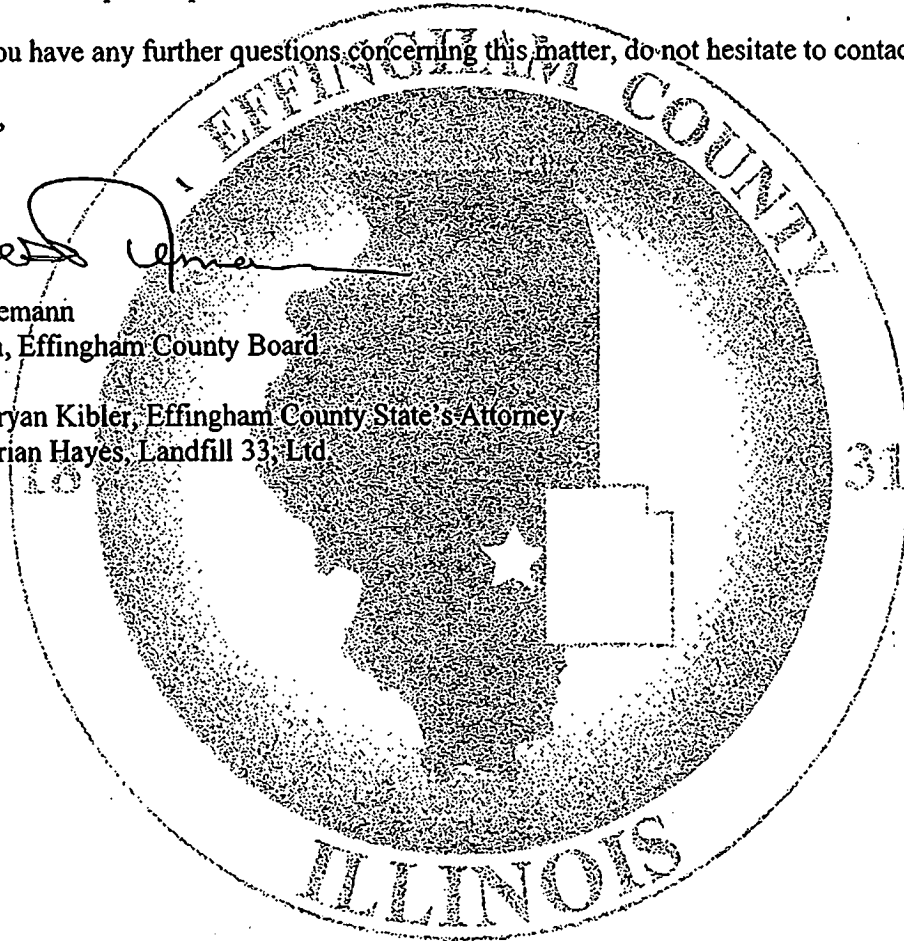
Should you have any further questions concerning this matter, do not hesitate to contact me.

Sincerely,



James Niemann
Chairman, Effingham County Board

cc: Bryan Kibler, Effingham County State's Attorney
Brian Hayes, Landfill 33, Ltd



RESOLUTION
COUNTY OF EFFINGHAM
LANDFILL 33 APPLICATION FOR SIGNIFICANT MODIFICATION

WHEREAS, on September 27, 1999, a siting application was submitted to the Effingham County Board by Landfill 33, Ltd. to expand the existing facility. That application requested a vertical expansion of approximately 1.2 million cubic yards and included a map with certain proposed final contours. Subsequent thereto, on February 22, 2000 the Effingham County Board passed a Resolution to Approve the Landfill Expansion (February 22, 2000 Siting Approval). The February 22, 2000 Siting Approval does not include any special conditions imposed by the County Board relating to maximum waste volume, final contour dimensions or a maximum elevation.

WHEREAS, subsequent thereto, on June 29, 2001, Landfill 33, Ltd. submitted a supplemental Application for Vertical Expansion and Permit Renewal. This Application was intended to supplement the September 27, 1999 Application initially submitted by Landfill 33, Ltd. in certain respects. On June 28, 2002, the Effingham County Board passed a resolution approving the supplemental Application for Vertical Expansion and Permit Renewal (June 28, 2002 Siting Approval). As was the case with the February 22, 2000 Siting Approval, the June 28, 2002 Siting Approval does not include any special conditions related to maximum waste volume, maximum final contour dimensions or a maximum final elevation.

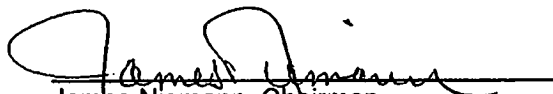
WHEREAS, subsequent thereto, as a result of the permitting process engaged in between Landfill 33, Ltd. and the Illinois Environmental Protection Agency (IEPA), certain final cover contours were approved by IEPA with a defined maximum elevation of 644 MSL.

WHEREAS, as both Effingham County Board's Siting Approvals do not include specific conditions pertaining to maximum waste volume, absolute final cover contours or an absolute final maximum elevation, and as IEPA only assigned a final absolute maximum elevation as part of the permitting process, it is the opinion of the Effingham County Board that the revised final contours being proposed by Landfill 33, Ltd. in its current Sig Mod Application are in all respects consistent with both previous Siting Approvals noted hereinabove, so long as the final maximum elevation of 644 MSL designated by IEPA as part of the permit process is not exceeded.

THEREFORE, BE IT RESOLVED, The Effingham County Board acknowledges Landfill 33 current Sig Mod proposal is consistent in all respects with its previous grant of siting approval on February 21, 2000 and hereby authorizes the County Board Chairman to execute the letter attached hereto.

PRESENTED, APPROVED, AND RESOLVED, by the County Board of the County of Effingham Illinois at a regular meeting thereof held on the 19th day of November, 2018.

Motion JOHN PERRY Second DOUG MCCAIN


James Niemann, Chairman
Effingham County Board

ATTEST:



Kerry J. Hitzel
Effingham County Clerk

EXHIBIT B
REVISED LPC-PA1 and LPC-PA16 FORMS



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

General Application for Permit (LPC - PA1)

This form must be used for any application for permit from the Bureau of Land, except for landscape waste composting or hazardous waste management facilities regulated in accordance with RCRA, Subtitle C. One original, and two copies, or three if applicable, of all permit application forms must be submitted. Attach the original and appropriate number of copies of any necessary plans, specifications, reports, etc. to fully support and describe the activities and modifications being proposed. Attach sufficient information to demonstrate the compliance with all regulatory requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance. **Note: Applicants must provide a physical address; the post office will not deliver a certified letter (final action letter) to a P.O. Box only. Please provide an extended ZIP+4 code for the site identification and owner/operator information.**

You may complete this form online, save a copy locally, print, sign and submit it to the Bureau of Land at the address below. Note: Hand-delivered permit applications must be delivered between 8:30 am and 5:00 pm, Monday through Friday (excluding State holidays) to:

Bureau of Land, Permit Section, Mail Code #33
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

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JUN 07 2019

Instructions

I. Site Identification

Site Name: Landfill 33, LTD
Street Address: 1713 South Willow Street P.O. Box: 703
City: Effingham State: IL Zip + 4: *62401 County: Effingham
*Notification letters will not be sent without a 9-digit zip code.
Existing DE/OP Permit Numbers (if applicable): 1995-231-LFM

IEPA-BOL PERMIT SECTION
IEPA BOL No.: 0498100007

II. Applicant Identification

Owner
Name: Wendt Family Trust; R. Deibel; Landfill 33, LT
Street Address: 715 S. First
PO Box: _____
City: Effingham State: IL
Zip + 4: 62401 Phone: 217-821-1877
Contact: Lori Martin
Email Address: seve55@me.com
FEIN ID No. 37-6341850

Operator (if Different)
Name: Landfill 33, LTD
Street Address: _____
PO Box: 703
City: Effingham State: IL
Zip + 4: 62401 Phone: 217-342-3747
Contact: Brian Hayes
Email Address: lf33bhayes@consolidated.net
FEIN ID No. 37-1093457

Agency correspondence mailed to:

Owner Operator Other - Explain: _____

TYPE OF SUBMISSION/REVIEW PERIOD:

- New Landfill/180 days (35 IAC Part 813)
- Landfill Expansion/180 days (35 IAC Part 813)
- Sig. Mod. to Operate/90 days (35 IAC Part 813)
- Other Sig. Mod./90 days (35 IAC Part 813)
- Renewal of Landfill/90 days (35 IAC Part 813)
- Development/90 days (35 IAC Part 807)
- Operating/45 days (35 IAC Part 807)
- Operating/90 days (35 IAC Part 848)
- Supplemental/90 days (35 IAC Part 807)
- Permit Transfer/90 days (35 IAC Part 807)
- Renewal of Experimental Permit (35 IAC Part 807)

TYPE OF FACILITY:

- Landfill
- Land Treatment
- Transfer Station
- Treatment Facility
- Storage
- Incinerator
- Composting
- Recycling/Reclamation
- Used Tire Storage/Processing Facility
- Other (Specify) _____

TYPE OF WASTE:

- General Municipal Refuse
- Hazardous
- Special (Non-Hazardous)
- Chemical Only (exec. putrescible)
- Inert Only (exec. chem. & putrescible)
- Used Oil
- Potentially Infectious Medical Waste
- Landscape/Yard Waste
- Used Tires
- Other (Specify) _____

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASEABLE

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42).

III. Description of this Permit Request: (Note: The box below will expand as needed)

Application for a Significant Modification to modify the final cover and increase the permitted disposal capacity by +/- 483,000 CY for the Landfill 33 Disposal Facility (Landfill 33).

IV. Completeness Requirements

1. Have all required public notice letters been mailed in accordance with the LPC-PA16 instructions? Yes No N/A
 (If so, provide a list of those recipients of the required public notice letters for Illinois EPA retention.
 Such retention shall not imply any Illinois EPA review and/or confirmation of the list.)

Public Notice Recipients

Name: <u>Kyle McCarter</u>	Title: <u>Senator - District 54</u>
Street Address: <u>310 Gallatin</u>	P.O. Box: _____
City: <u>Vandalia</u> State: <u>IL</u>	Zip Code: <u>62471</u>
Name: <u>Charles Meier</u>	Title: <u>Representative - District 108</u>
Street Address: <u>121 Broadway, Suite 1</u>	P.O. Box: _____
City: <u>Highland</u> State: <u>IL</u>	Zip Code: <u>62249</u>
Name: <u>Bryan Kibler</u>	Title: <u>State's Attorney</u>
Street Address: <u>120 West Jefferson, Suite 201</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>
Name: <u>James Niemann</u>	Title: <u>County Chairman</u>
Street Address: <u>101 North 4th Street, Suite 301</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>
Name: <u>Kerry Hirtzel</u>	Title: <u>County Clerk</u>
Street Address: <u>101 North 4th Street, Suite 201</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>
Name: <u>Effingham City Clerk</u>	Title: <u>City Clerk</u>
Street Address: <u>201 East Jefferson - First Floor</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>

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 PERMIT SECTION

- | | Yes | No | N/A |
|--|----------------------------------|----------------------------------|----------------------------------|
| 2. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Is siting approval currently under litigation? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. a. Is a closure, and if necessary a post-closure plan covering these activities being submitted, or | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. has one already been approved? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If yes, provide the permit number: <u>1995-231-LFM</u> | | | |
| 4. a. For operating waste disposal sites, only: Has any employee, owner, operator, officer or director of the owner or operator had a prior conduct certification denied, canceled or revoked? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. Have you included a demonstration of how you comply or intend to comply with 35 Ill. Adm. Code 745? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 5. a. For waste disposal sites, only: Is the property for the facility held in a beneficial trust? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed? | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 6. a. Does the application contain information or proposals regarding the hydrogeology; groundwater monitoring, modeling or classification; a groundwater impact assessment; or vadosezone monitoring for which you are requesting approval? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. If yes, have you submitted a third copy of the application (4 total) and supporting documents? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

7. Has the required 39(i) certification been attached? A 39(i) certification must be submitted with information concerning the following persons or entities:

- a. the owner of the business entity applying for the permit;
- b. the operator of the business entity applying for the permit;
- c. each employee or officer of the owner or operator who signed the permit application or has managerial authority at the site; and
- d. any additional owner, operator, or officer or employee of the owner or operator from whom a certification is requested by the Illinois EPA, including any officer or employee who will be responsible for overseeing or implementing regulated activities governed by the permit.

If no, then complete this certification as indicated.

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V. Signatures:

Original signatures are required. Signature stamps or applications transmitted electronically or by FAX are not acceptable.

All applications shall be signed by the person designated below as a duly authorized representative of the owner an/or operator. A printed name for each signature should also be provided.

Corporation - By a principal executive officer of the level of vice-president or above.

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 of the owner and operator only if:

1. They meet the criteria above or the authorization has been granted 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. I do herein swear that I am a duly authorized representative of the owner/operator and I am authorized to sign this permit application form.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

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Owner Signature

6/4/19
Date

BRIAN D HAYES
Printed Name


PRESIDENT
Title

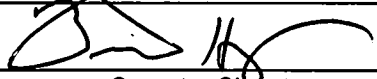
JUN 07 2019
IEPA-BOL PERMIT SECTION

Notary: Subscribed and Sworn before me
this 5th day of June 2019.

My commission expires on: 3-13-23

OFFICIAL SEAL
MATTHEW A GIBSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 03/13/23


Signature & Stamp/Seal of Notary Public


Operator Signature

6/4/19
Date


BRIAN D HAYES
Printed Name

PRESIDENT
Title

Notary: Subscribed and Sworn before me
this 5th day of June 2019.

My commission expires on: 3-13-23

OFFICIAL SEAL
MATTHEW A GIBSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 03/13/23


Signature & Stamp/Seal of Notary Public

Engineer's Name: Douglas W. Mauntel Engineer's Title: Project Engineer

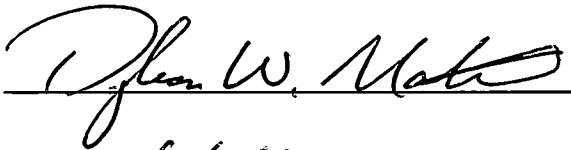
Company: Andrews Engineering, Inc. Registration Number: 062-084530

Street Address: 3300 Ginger Creek Drive PO Box: _____

City: Springfield State: IL Zip Code: 62711 Phone: 217-787-2334

Email Address: dmauntel@andrews-eng.com

License Expiration Date: 11/30/19

Signature: 

Date: 6/7/19

DOUGLAS W. MAUNTEL
062-054530
REGISTERED
PROFESSIONAL
ENGINEER
OF
ILLINOIS

Professional Engineer's Seal



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Notice of Application for Permit to Manage Waste (LPC-PA16)

Jason Plummer
Senate District 54
310 W Gallatin
Vandalia, IL 62471

June 7, 2019

Date: _____

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the Illinois EPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the Bureau of Land, Attn: Permit Section, at the above address, or contact the Permit Section at 217/524-3300 within 21 days.

The permit application, which is identified below, is for a project described at the bottom of this page.

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JUN 07 2019
IEPA-BOL
PERMIT SECTION

Site Identification:

Site Name: Landfill 33 IEPA ID Number: 0498100007

Street Address: 1713 South Willow P.O. Box: 703

City: Effingham State: IL Zip Code: 62401-4065 County: Effingham

TYPE OF PERMIT SUBMISSIONS:

TYPE OF FACILITY:

TYPE OF WASTE:

- New Landfill
- Landfill Expansion
- First Significant Modification
- Significant Modification to Operate
- Other Significant Modification
- Renewal of Landfill
- Development
- Operating
- Supplemental
- Transfer
- Name Change
- Generic

- Landfill
- Land Treatment
- Transfer Station
- Treatment Facility
- Storage
- Incinerator
- Composting
- Recycling/Reclamation
- Other (Specify)

- General Municipal Refuse
- Hazardous
- Special (Non-Hazardous)
- Chemical Only (exec. putrescible)
- Inert Only (exec. chem. & putrescible)
- Used Oil
- Solvents
- Landscape/Yard Waste
- Other (Specify)

Description of Project:

Application for a Significant Modification to modify the final cover and increase the permitted disposal capacity by +/- 483,000 CY for the Landfill 33 Disposal Facility (Landfill 33).

EXHIBIT C
REVISED LPC-PA8 FORM



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Certification of Siting Approval (LPC-PA8)

This form is to be used to demonstrate compliance with the siting requirements of the Act for new pollution control facilities. Failure to submit this form when required is cause for an application to be deemed incomplete or denied.

NOTE: Please complete this form online, save a copy locally, print and submit to the Permit Section #33 at the above address.

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JUN 07 2019

Siting Applicant Information

Name: Landfill 33, Ltd. Address 1: 1713 South Willow Street Address 2: _____ City: Effingham State: IL Zip Code: 62401

EPA-BOL
PERMIT SECTION

Site Information

Site Name: Landfill 33 Site Number (if assigned): 0498100007
Nearest Municipality: Effingham County: Effingham

1. On Nov 19, 2018 the Effingham County Board of
(Date) (Governing body of county or municipality)

Effingham County approved the site location suitability of
(County or Municipality)

Final Cover Modification of Landfill 33 as a new pollution control facility in accordance with
(Name of Site)

Section 39.2 of the Environmental Protection Act (415 ILCS 5/39.2).

2. Because the Illinois EPA may need to verify the information on this form, please indicate a person from the unit of local government ("siting authority") whom a representative from the Illinois EPA may contact regarding this approval.

Name: Bryan Kibler Title: Effingham County States Attorney
Address: 120 W Jefferson Ave. City: Effingham State: IL Zip Code: 62401
Email Address: _____ Phone: 217-347-7741

3. Identify the type of activity(ies) for which siting approval was obtained:
 Waste Storage Waste Transfer
 Sanitary Landfill Waste Treatment
 Waste Disposal Waste Incinerator

4. Did the local siting authority approve the acceptance of special waste? Yes No
Did the local siting authority approve the acceptance of hazardous waste? Yes No

5. Attached to this certification is a true and accurate statement of the legal descriptions of the site as it was approved by the aforementioned local siting authority. (Note: A legal description must be attached to this document, from the local siting authority, to make the application complete.) Yes No

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42). This form has been approved by the Forms Management Center.

6. Did the local siting authority impose any specific conditions? Yes No

If so, is a copy of the conditions attached to this form? Yes No

(Note: These conditions are provided for information only to the Illinois EPA. The Illinois EPA is not obligated to monitor nor enforce local conditions.)

7. This item is applicable only to landfills or disposal sites.

Were horizontal waste disposal unit boundaries approved? Yes No NA

Were vertical waste disposal unit boundaries approved? Yes No NA

Was a maximum disposal capacity approved (for the facility or per disposal unit?) Yes No NA

If any of the questions under #7 above were answered "yes," the siting application documents that define the subject limits must be attached to this form by the the local siting authority (e.g., legal descriptions, plan sheets, topographic drawings, etc.).

8. The undersigned has been authorized by the Effingham County Board of

(Governing body of county or municipality)

Effingham County to execute this certification on their behalf.

(County or Municipality)

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

[Handwritten Signature]

Signature:

Byron M. Kiler

Printed Name:

6-4-19

Date:

Effingham County

Title:

State's Attorney

Subscribed and Sworn before me this 4th day of June 2019.

My commission expires on: 7-7-19



[Handwritten Signature]
Signature of Notary Public

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JUN 07 2019
IEPA-BOL
PERMIT SECTION

2019-119

Champaign

IMS/JLR
R1897



3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

August 7, 2019

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

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AUG 07 2019

IEPA/BOL

Re: 0498100007 – Effingham County
Landfill 33, Ltd
Illinois EPA Permit No. 1995-231-LFM
Additional Information
Log No. 2019-119

Dear Mr. Smith:

A permit modification application was submitted April 5, 2019 proposing an Application for a Significant Modification to modify the final cover of the Landfill 33 Disposal Facility (Landfill 33). The Illinois EPA issued a notice of incompleteness on May 3, 2019. A response to that notice was submitted on June 7, 2019. The Illinois EPA (IEPA) then issued a second notice of incompleteness containing three comments on July 5, 2019. The following information addresses the perceived incompleteness deficiencies noted by the Agency in its July 5th correspondence. The Agency's specific comments are provided in bold font, followed by the Applicant's response in standard font.

Completeness Comments

1. **IEPA Comment:** Additional information dated and received June 7, 2019 includes a copy of an Effingham County Board Resolution dated November 19, 2018 stating that Local Siting Approvals dated February 22, 2000 (sic) and June 28, 2002 are consistent in all respects with the revised final contours.

The proposed increase in the waste disposal capacity will result in an expansion beyond the currently permitted boundary. Pursuant to 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility. As per Section 39(c) of the Act no permit for the development of construction of a new pollution control facility may be granted by the Illinois EOA unless the applicant submits proof to the Illinois EPA that the location of the facility has been approved by the appropriate unit of local government in accordance with Section 39.2 of the Act. The information provided in the June 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act for the following reasons:

- a. **The application, Log No. 2019-119, acknowledges that the local siting application dated September 27, 1999 sought a vertical expansion of 1.2 million cubic yards and included a map of the proposed landfill final contours. The changes proposed in the current application, Log No. 2019-119, will vertically increase the landfill final contours and increase the disposal capacity by approximately 483,000 cubic yards. The application record for Log No. 2019-119 does not demonstrate the proposed the proposed vertical waste disposal boundaries and increased disposal capacity was considered by the Effingham County Board in granting the February 21, 2000 and June 28, 2002 local siting approvals and was considered during the review of the September 27, 1999 application for local siting approval. Moreover, the current resolution finds only that the Board would deem whatever information before it to be consistent with and not approved by the Board contemporaneously. Furthermore, no information is provided on the impact, if any, on the overall waste disposal life of the facility which will likely change due to the added disposal capacity proposed;**

Applicant's Response: The application for siting approval simply requested a vertical expansion with approximate cubic waste yardage, and included a map which only included proposed general/conceptual final contours. Moreover, the map contained in the siting application specifically notes that the contours may be refined/revised. The proposed changes to the contours in application Log No. 2019-119 will not violate or exceed any site boundary that was approved in the siting for vertical expansion in 2000. Further, the siting application stated that the probable life of the facility was expected to be extended 15 years under the proposed vertical expansion. The expected end life for the existing facility at the time of original siting in 2000 was 2009. The recontoured landfill as proposed will then do no more than bring this facility the life expectancy originally approved in the siting application in 2000 (i.e., approximately 2024). The Affidavit of Leon Gobczynski is also attached. As indicated in Mr. Gobczynski's Affidavit, he was Chairman of the Effingham County Board in 2000, and, in that capacity, presided over the public hearing conducted in connection with Landfill 33's request for siting approval, as well as the deliberations of the County Board which led to siting approval. As such, Mr. Gobczynski, has direct, first hand knowledge of the fact that the County Board did not impose any vertical boundary limitations upon the siting approval that was granted. As also noted by Mr. Gobczynski, he has first hand knowledge of the fact that the present Sig Mod Application is consistent in all respects with the action taken by the County Board in early 2000.

- b. **IEPA Comment: The application, Log No. 2019-119, does not include documentation that the procedures and process of Section 39.2 of the Act was followed in rendering a determination on the siting approval requested. Information, including but not limited to, the public notice requirements mentioned in Section 39.2(b) of the Act, inspection and comment requirements mentioned in Section 39.2(c) of the Act and public hearing requirement specified in Section 39.2(d) of the Act, have not been demonstrated to have been complied with; and**

Applicant's Response: The siting process followed was approved with Modification No. 9 to Permit No. 1995-231-LFM, issued June 28, 2002, and was

consistent in all respects with the requirements that existed at that time. (See also the Affidavit of Leon Gobczynski attached hereto).

- c. **IEPA Comment:** Pursuant to Section 39.2(f) of the Act, local siting approval of a sanitary landfill expires at the end of 3 calendar years from the date upon which it was granted unless within that period the applicant has made application to the Illinois EPA for a permit to develop the site. Modification No. 9 to Permit No. 1995-231-LFM, issued June 28, 2002 approved a vertical expansion of landfill in accordance with the local siting approval dated February 21, 2000. The proposal to expand the disposal capacity of the landfill for a second time based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on an expired local siting approval.

The requirement to make application within 3 years of the siting approval was fulfilled with application Log No. 2001-248. The entire area sited does not need to be included in the initial application. The capacity is not lost by not including this area in the first application. (See also the Affidavit of Leon Gobczynski attached hereto).

The Applicant reiterates and reincorporates all prior grounds for approval of this Sig Mod Application as if fully set forth herein.

Based on the information provided above, the Application should be deemed completed and the technical review of the Application can continue.

If you have any questions or require further information, please contact me.

Sincerely,



Douglas W. Mauntel, PE
Director of Engineering Services

DWM:ndd

CC: Imran Syed – IEPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)

STATE OF ILLINOIS)
) SS
COUNTY OF EFFINGHAM)

AFFIDAVIT

I, Leon Gobczynski, being first duly sworn on oath, does depose and state as follows:

1. I have lived in Effingham County most of my life. During that time, I have served on various community boards, including serving as Effingham County Board Chairman.
2. As Chairman of the Effingham County Board in January of 2000, I presided over the Effingham County Board's consideration of a request for siting approval for a vertical expansion of Landfill 33 being made at that time.
3. I presided over the public hearing conducted in connection with that request for local siting approval, and also presided over the deliberations of the Effingham County Board that resulted in the attached February 21, 2000 Resolution of the Board granting siting approval for the vertical expansion that had been requested by Landfill 33, LTD.
4. As reflected by the attached Resolution, in granting such siting approval, the Effingham County Board elected to not impose any vertical boundary limitations upon the siting approval which was granted. As such, based upon my involvement in the process as Effingham County Board Chairman, and based upon my firsthand knowledge of the Effingham County Board's thoughts and intentions at that time, I can say that the present request to reconfigure the top of the existing landfill is consistent in all respects with the Effingham County Board's determinations in January and February of 2000.

FURTHER the Affiant sayeth not.

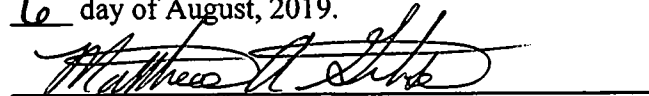

Leon Gobczynski

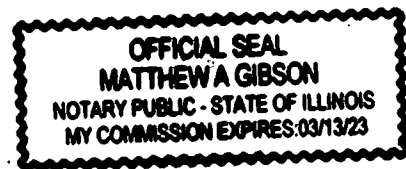
ATTESTATION

I, Leon Gobczynski, being first duly sworn on oath, deposes and states that he has read the foregoing document, and the information herein are true, correct and complete to the best of his knowledge and belief


Leon Gobczynski

SUBSCRIBED and SWORN to before me this
6th day of August, 2019.


Notary Public



EFFINGHAM COUNTY BOARD
FINDING OF FACT REGARDING REQUEST FOR EXPANSION OF EXISTING
LANDFILL FACILITY SUBMITTED BY LANDFILL 33, LTD

The Effingham County Board, having heard and considered the testimony and exhibits received as evidence at a public hearing held January 20, 2000, makes the following findings of fact in relation to the request by Landfill 33 LTD for approval for a vertical expansion of an existing landfill facility, located in Effingham County, Illinois:

1. The facility's expansion, as proposed by Landfill 33 LTD, is necessary to accommodate the waste needs of Effingham County.
2. The proposed expansion of the existing facility's design, location and proposed operation are such that the public health, safety and welfare will be protected.
3. The proposed location of the expansion of the existing facility is not incompatible with the character of the surrounding area and the location is such that the effect on the value of surrounding property will be minimized.
4. The subject facility, including the proposed expansion, is located outside the boundary of the 100 year flood plain.
5. The plan of operations for the facility, including it's proposed expansion is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.
6. The traffic patterns to and from the existing facility are so designed as to minimize the impact on existing traffic flow.
7. The following criteria, appearing in Section 39.2 of the Environmental Protection Act, do not apply to the request of Landfill 33 LTD in this case:
 - a.) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be followed in case of accidental release; and
 - b.) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.
8. The planned expansion of the existing facility is consistent with county board solid waste management plan.

Effingham County Board

RESOLUTION TO APPROVE LANDFILL EXPANSION

WHEREAS, Landfill 33, LTD has filed with the Effingham County Board a request for approval of a vertical expansion of an existing landfill facility; and

WHEREAS, a public hearing was held on January 20, 2000, at which hearing testimony and exhibits were presented concerning the said request; and


WHEREAS, the Effingham County Board has studied the proposal of Landfill 33 LTD and the testimony and exhibits received at the public hearing and further has made certain findings of fact relative thereto, which findings are attached hereto and incorporated herein by reference.

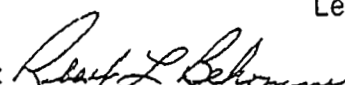
NOW, THEREFORE, BE IT RESOLVED by the members of the Effingham County Board in session on this 21 day of February, 2000, that the findings of fact are hereby adopted and that the request of the applicant Landfill 33 LTD for a vertical expansion of an existing landfill facility is hereby GRANTED.

PASSED AND APPROVED this 21ST day of FEBRUARY, 2000.

AYES: 9

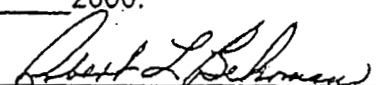
NAYES: 0


Leon Góbczynski, Chairman

ATTEST: 
Robert L. Behrman
Clerk and Recorder

CERTIFICATION

I, Robert L. Behrman the Clerk and Recorder of the County of Effingham, State of Illinois, do certify that I am the keeper of the books and records of Effingham County and that the foregoing is a true and correct copy of a resolution duly adopted by the Effingham County Board at a regular meeting duly convened and held on the 21ST day of FEBRUARY, 2000.


Robert L. Behrman



R1903
3300 Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

September 6, 2019

Mr. Kenn Smith P.E.
Manager, Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

Re: 0498100007 – Effingham County
Landfill 33, Ltd.
Illinois EPA Permit No. 1995-231-LFM
Extension for Application Log No. 2019-119

Dear Mr. Smith:

On behalf of Landfill 33, Ltd., we extend the review period for Application Log No. 2019-119 from September 6, 2019 to December 5, 2019 in order to appeal this final decision to the Illinois Pollution Control Board.

If you have any questions or require further information, please contact me at (217) 787-2334.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas W. Mauntel".

Douglas W. Mauntel, PE
Director of Engineering Services

DWM:slm

cc: Imran Syed – Illinois EPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)

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SEP 06 2019

IEPA/BOL

J:\Landfill 33\DOC\2018\Final Cover Modification Application_IEPA\Extension Letter Log No. 2019-119 (090619).docx
Applications

2019-119

Champaign

IMS/JLR
R1904



**ANDREWS
ENGINEERING**

3300. Ginger Creek Drive | 217.787.2334
Springfield, IL 62711

October 11, 2019

Kenn Smith, P.E.
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

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OCT 11 2019

IEPA/BOL

Re: 0498100007 – Effingham County
Landfill 33, Ltd
Illinois EPA Permit No. 1995-231-LFM
Additional Information
Log No. 2019-119

Dear Mr. Smith:

A permit modification application was submitted April 5, 2019 proposing an Application for a Significant Modification to modify the final cover of the Landfill 33 Disposal Facility (Landfill 33). The Illinois EPA issued a notice of incompleteness on May 3, 2019. A response to that notice was submitted on June 7, 2019. The Illinois EPA (IEPA) then issued a second notice of incompleteness containing three comments on July 5, 2019. A response to that notice was submitted on August 7, 2019. The Illinois EPA (IEPA) then issued a third notice of incompleteness containing two comments on September 6, 2019. The following information addresses the perceived incompleteness deficiencies noted by the Agency in its September 6th correspondence. The Agency's specific comments are provided in bold font, followed by the Applicant's response in standard font.

Completeness Comments

1. **IEPA Comment:** Additional information dated August 7, 2019 includes an Affidavit from Leon Gobczynski. As per the Affidavit, Mr. Gobczynski was the Chairman of the Effingham County Board in January and February 2000 when the siting application for vertical expansion was deliberated over and approved. Based on Mr. Gobczynski's statement in the Affidavit, the revised final contours proposed in this application are consistent in all respects with the Effingham County's determinations in January and February 2000.

Mr. Gobczynski's Affidavit and other information provided in the August 7, 2019 addendum does not in any way change Illinois EPA's earlier determinations that pursuant to Section 3.330(b)(2) of the Illinois Environmental Protection Act (Act) the area of expansion beyond the boundary of a currently permitted pollution control facility is a new pollution control facility subject to additional local siting approval.

Therefore, the August 7, 2019 addendum does not satisfy the local siting review requirements specified in Section 39.2 of the Act and identified in Illinois EPA's determination of incompleteness letter dated July 5, 2019.

Applicant's Response: As stated in the April 5, 2019 original application and subsequent additional information submittals on June 7 and August 7, 2019, this proposed final cover modification application has been provided to and discussed with the Effingham County Board. In the opinion of the Effingham County Board, the proposed final cover modification is consistent with the previous Siting Approval, so long as the final maximum elevation of 644 MSL is not exceeded. Therefore, meeting the Criteria of Section 39.2(a)(i) through (ix) of the Act is not necessary since the proposed application is consistent with the previous Siting Approvals.

2. **IEPA Comment: Pursuant to 35 Ill. Adm. Code 812.104(b) all applications must be signed by a duly authorized agent of the operator and the property owner. The permitted property owners of the facility are: Wendt Family Trust, Landfill 33, Ltd., and Mr. Richard Deibel. Additional information dated June 7, 2019 mentioned that Mr. Brian Hayes, President of Landfill 33, Ltd signed the General Application for Permit (LPC-PA1) form on behalf of Mr. Deibel due to his recent passing and clarification regarding this issue will be submitted upon settlement of Mr. Deibel's estate. As of the date of this letter Illinois EPA has not yet received any such clarification. The application does not provide proof that Mr. Hayes is a duly authorized representative of Mr. Deibel's estate.**

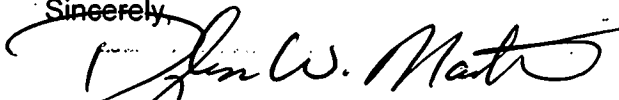
Applicant's Response: Attached are revised LPC-PA1 and 39i forms for property owner Mr. Richard Deibel. Julia Hayes has been appointed a co-executor of the Estate of Mr. Deibel and is a duly authorized agent of the property owner. Proof of Julia Hayes signature authority is also attached.

The Applicant reiterates and reincorporates all prior grounds for approval of this Sig Mod Application as if fully set forth herein.

Based on the information provided above, the Application should be deemed completed and the technical review of the Application can continue.

If you have any questions or require further information, please contact me.

Sincerely,



Douglas W. Mauntel, PE
Director of Engineering Services

DWM:slm

cc: Imran Syed – Illinois EPA (email)
Brian Hayes – Landfill 33, Ltd. (hard copy and email)
Ron Edwards – Landfill 33, Ltd. (email)
Charles F. Helsten (email)

FILED

DEC 18 2018

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT

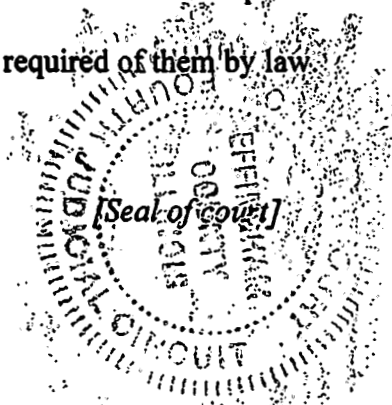
J.R.K.
CLERK OF THE CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT
EFFINGHAM COUNTY, ILLINOIS

EFFINGHAM COUNTY

In the Matter of the Estate of)
) 2018P87
Richard E. Deibel, Deceased) No. _____
)

LETTERS OF OFFICE - DECEDENT'S ESTATE

Sonja L. Deibel and Julia A. Hayes, has been appointed Independent Co-Executors of the Estate of Richard E. Deibel, deceased, who died November 5, 2018 and is authorized to take possession of and collect the estate of the decedent, and to do all acts required of them by law.



Witness, December 18, 2018.

John Nemecig / JB
Clerk of the Court

CERTIFICATE

I certify that this is a copy of the letters of office now in force in this estate.

December 18, 2018.

[Seal of court]

John Nemecig / JB
Clerk of the Court

Pamela J. Apke
Law Group of Illinois Ltd.
307 N. 3rd St., P.O. Box 1108
Effingham, IL 62401
Telephone: (217) 347-0555
Fax: (618) 283-3037
Registration #6270721
File #9937.01001

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Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

General Application for Permit (LPC - PA1)

This form must be used for any application for permit from the Bureau of Land, except for landscape waste composting or hazardous waste management facilities regulated in accordance with RCRA, Subtitle C. One original, and two copies, or three if applicable, of all permit application forms must be submitted. Attach the original and appropriate number of copies of any necessary plans, specifications, reports, etc. to fully support and describe the activities and modifications being proposed. Attach sufficient information to demonstrate the compliance with all regulatory requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance. **Note: Applicants must provide a physical address; the post office will not deliver a certified letter (final action letter) to a P.O. Box only. Please provide an extended ZIP+4 code for the site identification and owner/operator information.**

You may complete this form online, save a copy locally, print, sign and submit it to the Bureau of Land at the address below. Note: Hand-delivered permit applications must be delivered between 8:30 am and 5:00 pm, Monday through Friday (excluding State holidays) to:

Bureau of Land, Permit Section, Mail Code #33
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

Instructions

I. Site Identification

Site Name: Landfill 33, LTD IEPA BOL No.: 0498100007
Street Address: 1713 South Willow Street P.O. Box: 703
City: Effingham State: IL Zip + 4: *62401 *Notification letters will not be sent without a 9-digit zip code. County: Effingham
Existing DE/OP Permit Numbers (if applicable): 1995-231-LFM

II. Applicant Identification

<p>Owner Name: <u>Wendt Family Trust; R. Deibel Estate; LF33</u> Street Address: <u>715 S. First</u> PO Box: _____ City: <u>Effingham</u> State: <u>IL</u> Zip + 4: <u>62401</u> Phone: <u>217-821-1877</u> Contact: <u>Lori Martin</u> Email Address: <u>seve55@me.com</u> FEIN ID No. <u>37-6341850</u></p>	<p>Operator (if Different) Name: <u>Landfill 33, LTD</u> Street Address: _____ PO Box: <u>703</u> City: <u>Effingham</u> State: <u>IL</u> Zip + 4: <u>62401</u> Phone: <u>217-342-3747</u> Contact: <u>Brian Hayes</u> Email Address: <u>lf33bhayes@consolidated.net</u> FEIN ID No. <u>37-1093457</u></p>
--	---

Agency correspondence mailed to:

Owner Operator Other - Explain: _____

TYPE OF SUBMISSION/REVIEW PERIOD:

- New Landfill/180 days (35 IAC Part 813)
- Landfill Expansion/180 days (35 IAC Part 813)
- Sig. Mod. to Operate/90 days (35 IAC Part 813)
- Other Sig. Mod./90 days (35 IAC Part 813)
- Renewal of Landfill/90 days (35 IAC Part 813)
- Development/90 days (35 IAC Part 807)
- Operating/45 days (35 IAC Part 807)
- Operating/90 days (35 IAC Part 848)
- Supplemental/90 days (35 IAC Part 807)
- Permit Transfer/90 days (35 IAC Part 807)
- Renewal of Experimental Permit (35 IAC Part 807)

TYPE OF FACILITY:

- Landfill
- Land Treatment
- Transfer Station
- Treatment Facility
- Storage
- Incinerator
- Composting
- Recycling/Reclamation
- Used Tire Storage/Processing Facility
- Other (Specify)

TYPE OF WASTE:

- General Municipal Refuse
- Hazardous
- Special (Non-Hazardous)
- Chemical Only (exec. putrescible)
- Inert Only (exec. chem. & putrescible)
- Used Oil
- Potentially Infectious Medical Waste
- Landscape/Yard Waste
- Used Tires
- Other (Specify)

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This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42).

III. Description of this Permit Request: (Note: The box below will expand as needed)

Application for a Significant Modification to modify the final cover and increase the permitted disposal capacity by +/- 483,000 CY for the Landfill 33 Disposal Facility (Landfill 33).

IV. Completeness Requirements

1. Have all required public notice letters been mailed in accordance with the LPC-PA16 instructions? Yes No N/A
 (If so, provide a list of those recipients of the required public notice letters for Illinois EPA retention.
 Such retention shall not imply any Illinois EPA review and/or confirmation of the list.)

Public Notice Recipients

Name: <u>Jason Plummer</u>	Title: <u>Senator - District 54</u>
Street Address: <u>310 Gallatin</u>	P.O. Box: _____
City: <u>Vandalia</u> State: <u>IL</u>	Zip Code: <u>62471</u>
Name: <u>Charles Meier</u>	Title: <u>Representative - District 108</u>
Street Address: <u>121 Broadway, Suite 1</u>	P.O. Box: _____
City: <u>Highland</u> State: <u>IL</u>	Zip Code: <u>62249</u>
Name: <u>Bryan Kibler</u>	Title: <u>State's Attorney</u>
Street Address: <u>120 West Jefferson, Suite 201</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>
Name: <u>James Niemann</u>	Title: <u>County Chairman</u>
Street Address: <u>101 North 4th Street, Suite 301</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u> RECEIVED
Name: <u>Kerry Hirtzel</u>	Title: <u>County Clerk</u>
Street Address: <u>101 North 4th Street, Suite 201</u>	P.O. Box: _____ OCT 11 2019
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u> IEPA-BOL
Name: <u>Effingham City Clerk</u>	Title: <u>City Clerk</u> PERMIT SECTION
Street Address: <u>201 East Jefferson - First Floor</u>	P.O. Box: _____
City: <u>Effingham</u> State: <u>IL</u>	Zip Code: <u>62401</u>

- | | Yes | No | N/A |
|--|----------------------------------|----------------------------------|-----------------------|
| 2. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. Is siting approval currently under litigation? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. a. Is a closure, and if necessary a post-closure plan covering these activities being submitted, or | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. has one already been approved? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If yes, provide the permit number: <u>1995-231-LFM</u> | | | |
| 4. a. For operating waste disposal sites, only: Has any employee, owner, operator, officer or director of the owner or operator had a prior conduct certification denied, canceled or revoked? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. Have you included a demonstration of how you comply or intend to comply with 35 Ill. Adm. Code 745? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 5. a. For waste disposal sites, only: Is the property for the facility held in a beneficial trust? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6. a. Does the application contain information or proposals regarding the hydrogeology; groundwater monitoring, modeling or classification; a groundwater impact assessment; or vadosezone monitoring for which you are requesting approval? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. If yes, have you submitted a third copy of the application (4 total) and supporting documents? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

7. Has the required 39(i) certification been attached? A 39(i) certification must be submitted with information concerning the following persons or entities:

- a. the owner of the business entity applying for the permit;
- b. the operator of the business entity applying for the permit;
- c. each employee or officer of the owner or operator who signed the permit application or has managerial authority at the site; and
- d. any additional owner, operator, or officer or employee of the owner or operator from whom a certification is requested by the Illinois EPA, including any officer or employee who will be responsible for overseeing or implementing regulated activities governed by the permit.

If no, then complete this certification as indicated.

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V. Signatures:

Original signatures are required. Signature stamps or applications transmitted electronically or by FAX are not acceptable.

All applications shall be signed by the person designated below as a duly authorized representative of the owner an/or operator. A printed name for each signature should also be provided.




- Corporation - By a principal executive officer of the level of vice-president or above.
- 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 of the owner and operator only if:

- They meet the criteria above or the authorization has been granted in writing by a person described above; and
- 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. I do herein swear that I am a duly authorized representative of the owner/operator and I am authorized to sign this permit application form.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

<p><u>Julia Hayes</u> Owner Signature</p> <p><u>Julia Hayes</u> Printed Name</p>	<p><u>9-27-19</u> Date</p> <p><u>Trustee</u> Title</p>
<p>OCT 11 2019</p> <p>IEPA-BOL PERMIT SECTION</p>	
<p>Notary: Subscribed and Sworn before me this <u>27</u> day of <u>September</u> 20<u>19</u>.</p> <p>My commission expires on: <u>3/13/23</u></p>	
 <u>Matthew A. Gibson</u> Signature & Stamp/Seal of Notary Public	
<p><u>Brian N. Hayes</u> Operator Signature</p> <p><u>BRIAN N. HAYES</u> Printed Name</p>	<p><u>9/27/19</u> Date</p> <p><u>PRESIDENT</u> Title</p>
<p>Notary: Subscribed and Sworn before me this <u>27</u> day of <u>SEPT</u> 20<u>19</u>.</p> <p>My commission expires on: <u>3/13/23</u></p>	
 <u>Matthew A. Gibson</u> Signature & Stamp/Seal of Notary Public	
<p>Engineer's Name: <u>Douglas W. Maunteil</u></p> <p>Company: <u>Andrews Engineering, Inc.</u></p> <p>Street Address: <u>3300 Ginger Creek Drive</u></p> <p>City: <u>Springfield</u> State: <u>IL</u></p> <p>Email Address: <u>dmaunteil@andrews-eng.com</u></p> <p>License Expiration Date: <u>11/30/19</u></p>	<p>Engineer's Title: <u>Project Engineer</u></p> <p>Registration Number: <u>062-054530</u></p> <p>PO Box: _____</p> <p>Zip Code: <u>62711</u> Phone: <u>217-787-2334</u></p>
<p>Signature: <u>Douglas W. Maunteil</u></p> <p>Date: <u>10/4/19</u></p>	 Professional Engineer's Seal



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

39(i) Certification for Operating a Waste Management Facility

Pursuant to 415 ILCS 5/39(i), prior to issuing any RCRA permit, or any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, clean construction or demolition debris fill operation, or used tire storage site, the Illinois EPA must conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations, clean construction or demolition debris fill operations, and tire storage site management. As part of that evaluation please complete and submit this form with your permit application.

This form may be completed online and saved locally before printing, signing and submitting it to the Illinois EPA at the address below. If the form is completed manually, please type or print clearly.

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

I. Applicant Information

Site Name Landfill 33, LTD

IEPA BOL No.: 0498100007

Site Address 1713 South Willow Street

City: Effingham

State: IL

Zip Code: 62401

Permit Numbers (if applicable): 1995-231-LFM

Owner

Owner Name: Estate of Richard E. Deibel

Street Address: 715 S. First

City: Effingham

State: IL

Zip: 62401

Operator

Operator Name: Landfill 33, LTD

Street Address: PO Box 703

City: Effingham

State: IL

Zip: 62401

Is this 39(i) certification for the owner or the operator?

Owner

Operator

Owner and operator are the same entity

II. Officers and Employees with Site Responsibility

Unless the owner and operator are the same entity, a separate 39(i) form must be submitted for both the owner and operator. Persons operating under the authority of the owner should be listed on the owner's 39(i) form and persons operating under authority of the operator should be listed on the operator's 39(i) form.

A. Officers: List the name and title of all officers of the owner or operator that will have personal involvement or active participation in the operation or management of the site or facility for which the application is submitted.

Name	Title
Julia A. Hayes	Executor of the Estate of Richard E. Deibel

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

NOV 05 2019

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REVIEWER: MED

B. Employees: List the name and title of each employee of the owner or operator that will have personal involvement or active participation in the overall operation or management of the site or facility for which the application is submitted (e.g. site managers, site engineers, and other persons who direct or control the overall day-to-day management of the operation, but not persons whose duties are exclusively limited to equipment operation, labor, or similar non-managerial functions).

Name	Title
Brian Hayes	President

III. Owner, Operator, Officer, and Employee Information

A. Prior Conduct Identification

The applicant must answer each of the following questions for every owner or operator, and for any officer or employee identified under Section II. If the answer to any of the following questions is affirmative, the applicant must complete an Attachment A for each person for whom the answer is affirmative and include a copy of each final administrative or judicial determination that required an affirmative response. If the information for each owner, operator, officer, and employee has not changed since the applicant's last submission of a 39(i) certification, the applicant can skip to Section III(C), below.

- 1) Has there been a finding that any person named in Section II violated federal, State, or local laws, regulations, standards, or ordinances in the operation of one or more waste management facilities or sites, clean construction or demolition debris fill operation facilities or sites, or tire storage sites? Yes
 No
- 2) Has any person named in Section II ever been convicted in this or another State of any crime which is a felony under the laws of this State, or convicted of a felony in a federal court; or convicted in this or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition? Yes
 No
- 3) Has there been a finding against any person named in Section II of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste, clean construction or demolition debris, or used or waste tires, or a finding of gross carelessness or incompetence in using clean construction or demolition debris as fill? Yes
 No

B. Pending Proceedings

The applicant must answer each of the following questions for every owner or operator, and for any officer or employee identified in Section II. If the answer to any of the following questions is affirmative, the applicant must complete an Attachment A for each person for whom the answer is affirmative and provide information identified in Attachment A regarding the pending proceeding.

- 1. Is there any proceeding currently pending against any person named in Section II that could result in a conviction or finding described in subsection A, above? Yes
 No
- 2. Is there any proceeding currently pending against any person named in Section II that could result in the reversal of a conviction or finding described in subsection A, above? Yes
 No

C. Prior Application Information

If (i) the applicant has previously submitted the Attachments required pursuant to subsections A and B above and (ii) the Attachments previously submitted are still complete, true, and correct, then the applicant does not need to include Attachments with this submission if the following box is checked:

By checking this box, I affirm that the Attachments previously submitted are still complete, true, and correct and wish to incorporate them into this Certification.

If the above box is checked, identify the application that contains the previously submitted Attachments that are complete, true, and correct.

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Authorization for Release of Information

This Certification must be signed by an officer of the applicant.

The undersigned authorizes any representative of the Illinois Environmental Protection Agency bearing this release to obtain any information from the Illinois State Police pertaining to the criminal records of the applicant and hereby directs the Illinois State Police to release such information upon request of the bearer. The undersigned authorizes a review of and full disclosure of all records, or any part thereof, concerning the applicant's criminal records by and to a duly authorized agent of the Illinois Environmental Protection Agency, whether the records are of public, private, or confidential nature. The intent of this authorization is to give consent for full and complete disclosure of the applicant's criminal records.

The undersigned fully understands that any information which is developed directly or indirectly, in whole or in part, as a result of this authorization will be considered in determining whether a permit shall be issued by the Illinois Environmental Protection Agency under the Environmental Protection Act [415 ILCS 5]. The undersigned further agrees to release the Illinois State Police and the Illinois Environmental Protection Agency, its agents and designees under this release, from any and all liability which may be incurred as a result of compliance with this authorization for release of information.

Certification Statements

I certify under penalty of law that the information submitted, including information on any Attachments submitted as part of or incorporated into this Certification, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Julia A. Hayes

Signature of Applicant Officer

Julia A. Hayes

Julia A. Hayes

Printed Name

9-27-19

Date

Trustee

Title

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Attachment A (1 of 1)

This Attachment must be completed for each owner or operator, and for each officer or employee identified in Section II, for whom one or more affirmative responses were included in Section III.

Name: _____ Title: _____

Status: Owner Operator Officer Employee (check all that apply)

A. Prior Findings or Convictions

- 1. Has there been a finding that the person named above violated federal, State, or local laws, regulations, standards, or ordinances in the operation of one or more waste management facilities or sites, clean construction or demolition debris fill operation facilities or sites, or tire storage sites? Yes
 No
- 2. Has the person named above ever been convicted in this or another State of any crime which is a felony under the laws of this State, or convicted of a felony in a federal court; or convicted in this or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition? Yes
 No
- 3. Has there been a finding against the person named above of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste, clean construction or demolition debris, or used or waste tires, or a finding of gross carelessness or incompetence in using clean construction or demolition debris as fill? Yes
 No

If the answer to any of the above questions is Yes, attach a copy of each final administrative or judicial determination that required an affirmative response.

B. Pending Proceedings

Is there any proceeding currently pending that could result in one of the following:

- 1. A conviction or finding described in subsection A, above? Yes
 No
- 2. The reversal of a conviction or finding described in subsection A, above? Yes
 No

If the answer to any of the above questions is Yes, please provide information about the pending proceeding, including the parties involved, the adjudicating body, the docket number, the nature of the proceeding, and the status. The box below will expand as needed. Attach additional sheets if necessary.

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