

JUL 10 2003

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS  
Pollution Control Board

**UNITED DISPOSAL OF BRADLEY, INC.,  
and MUNICIPAL TRUST & SAVINGS BANK,  
as Trustee Under Trust 0799**

**Petitioners,**

**vs.**

**ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,**

**Respondent.**

**No. PCB 03-235**

**(Permit Appeal - Land)**

**NOTICE OF FILING**

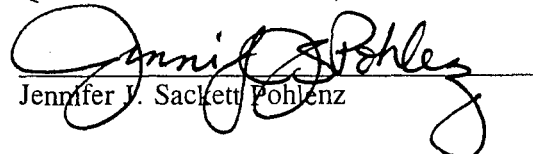
TO: Rene Cipriano, Director  
Illinois EPA  
1021 N. Grand Ave. East  
Springfield, IL 62701

Director and Division of Legal Counsel  
Illinois EPA  
1021 N. Grand Ave. East  
Springfield, IL 62701

Ms. Barbara Wheeler  
289 S. Jefferson  
Bradley, Illinois 60915

PLEASE TAKE NOTICE that on July 10, 2003, we filed with the Illinois Pollution Control Board, **Petitioners United Disposal of Bradley, Inc.'s and Municipal Trust & Savings Bank's Motion to Strike "Public Comment" Submitted by Barbara Wheeler** a copy of which is attached hereto and served upon you.

QUERREY & HARROW, LTD.

  
Jennifer J. Sackett Pohlenz

Jennifer J. Sackett Pohlenz  
David E. Neumeister  
**QUERREY & HARROW, LTD.**  
175 West Jackson Boulevard, Ste. 1600  
Chicago, Illinois 60604  
(312) 540-7000  
Attorney Registration No. 6225990  
**Attorneys for Petitioners**

**PROOF OF SERVICE**

Alesia Mansfield, a non-attorney, under penalties of perjury states that she served the foregoing **Notice of Filing, along with copies of document(s) set forth in this Notice**, on the individuals to whom this notice is directed by depositing same in the U.S. mail located at 175 West Jackson Boulevard, Chicago, Illinois, proper postage paid, this 10<sup>th</sup> day of July, 2003, by or before the hour of 5:00 p.m.

  
Alesia Mansfield

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUL 10 2003

UNITED DISPOSAL OF BRADLEY, INC.,  
and MUNICIPAL TRUST & SAVINGS BANK,  
as Trustee Under Trust 0799

No. PCB 03-235

STATE OF ILLINOIS  
Pollution Control Board

Petitioners,

(Permit Appeal - Land)

v.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PETITIONERS UNITED DISPOSAL OF BRADLEY, INC.'S AND  
MUNICIPAL TRUST & SAVINGS BANK'S  
MOTION TO STRIKE "PUBLIC COMMENT"  
SUBMITTED BY BARBARA WHEELER

NOW COME the Petitioners, United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799, and pursuant to 35 IAC 101.628(c)(2), move the Illinois Pollution Control Board (IPCB) to strike the filed "Public Comment" of Barbara Wheeler (PC #1)(attached as **Exhibit A** hereto). The IPCB should strike Wheeler's public comment in its entirety because it contains evidence not present in the record, and the IPCB is limited in its review to the record on appeal. In further support, Petitioner states as follows:

1. The Illinois Environmental Protection Act requires that the decision of the IPCB "shall be based exclusively on the *record compiled in the Agency proceeding*." (415 ILCS 5/40(c))(emphasis added). All public comments that are submitted after a hearing must present arguments or comments based on evidence contained in the record. Am. Bottom Conservancy, et al. v. Village of Fairmont City, et al., PCB No. 01-159 at \*(October 18, 2001) (*quoting* 415 ILCS 5/40.1(b) (2000) (*citing* 35 Ill. Adm. Code 101.628(c)(2))).

2. Likewise, 35 IAC 101.628(c)(2) specifically requires that public comments "*must* present arguments or comments *based on the evidence contained in the record.*" (emphasis added).

3. In a permit appeal, such as the *instant* Petition, the record is comprised of those items specifically identified in 35 IAC 105.212(b) and Ms. Wheller's public comment is outside the items specified and otherwise does not comply with 35 IAC 101.628(c)(2). Ms. Wheeler, through her own, unsupported comments or allegations, and the exhibit attached thereto (a notice sent to United Disposal of Bradley, Inc. by the Kankakee County Health Department) attempts to present new evidence not present in the record on appeal.

4. Consistent with the aforementioned IPCB Rules, and according to American Bottom Conservancy, public comments, such as Ms. Wheeler's, that contain new evidence not in the record must be stricken. Striking Wheeler's comment and the attached exhibits is proper according to Illinois law, and does not prejudice the Respondent, IEPA, since the record in this case is taken from IEPA's permit file, pursuant to 35 IAC 105.212. .

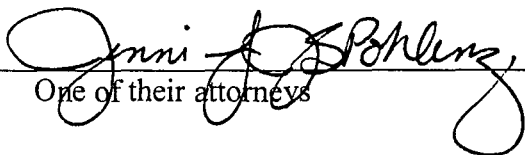
5. Additionally, Wheeler's commentary regarding United Disposal's operations cannot be taken as evidence. In addition to being outside the record on appeal, Wheeler's comments do not have the force of sworn testimony, contain unsupported allegations which are extraneous to the record and permit denial at issue, and are also not properly considered in that regard. The attempt of Barbara Wheeler, a non-party, to inject new "evidence" into this proceeding at this stage through the public comment process, pursuant to the aforementioned IPCB Rules American Bottom Conservancy, is improper. Thus, the comment and the attached exhibits should be stricken.

WHEREFORE, Petitioners United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank, as Trustee under Trust 0799 respectfully requests the Illinois Pollution Control Board to strike the "written" or "public comment" of Ms. Barbara Wheeler submitted as "Public Comment" No. 1.

Dated: July 10, 2003

Respectfully Submitted,

PETITIONERS UNITED DISPOSAL OF  
BRADLEY, INC., and MUNICIPAL TRUST &  
SAVINGS BANK, as Trustee Under Trust 0799

By:   
One of their attorneys

Jennifer J. Sackett Pohlenz  
David E. Neumeister  
**QUERREY & HARROW, LTD.**  
175 W. Jackson, Suite 1600  
Chicago, Illinois 60604  
(312) 540-7000  
Attorneys for Petitioners  
Illinois Attorney Nos. 6225990 & 6207454

RECEIVED  
CLERK'S OFFICE

JUN 26 2003

PCB 03-235  
Barbara Wheeler  
289 S. Jefferson  
Bradley, IL 60915  
(815) 474-9531  
fax: (815) 932-5713STATE OF ILLINOIS  
Pollution Control Board

PC#1

Mr. B. J. Murphy, Jr.  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., Suite 2001  
Chicago, IL 60601

VIA FACSIMILE: (312) 814-2347

Renee Cipriano, Director  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL

VIA FACSIMILE (217) 524-1991

Ms. Claire A. Manning  
Illinois Pollution Control Board  
JRTC  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

VIA FACSIMILE (312) 814-3669

**RE: United Disposal of Bradley, Illinois**

Dear Mr. Murphy/Ms. Cipriano/Ms. Manning:

Recently my neighborhood is becoming quite alarmed regarding United Disposal of Bradley and their violations within the Village of Bradley. The owner(s) Merlin Karlock and Michael Watson have openly been violating their permit which I understand the IEPA granted them. United Disposal has been hauling in outside waste and has blatantly disregarded the terms of their permit knowingly and within a residential neighborhood. I believe the terms were that waste could only be received from 6:00 a.m. to 5:00 pm Monday through Saturday. I have personally seen trucks carrying waste in after 5:00 p.m.

It is also my understanding in researching this problem that the IEPA viewed a "transfer station" as not needing siting approval. I do not understand why all solid waste/transfer stations which have waste do not require siting approval from either the Pollution Control Board or the IEPA. It seems this would be a safeguard for neighborhoods which house these kind of facilities.

It is my understanding that Mr. Karlock and Mr. Watson has sidestepped many of the necessary safeguards and the Village of Bradley although very much aware, since the

EXHIBIT

tabler

A

Health Department informed Mr. Balthazor, Mayor of Bradley of the infractions. As usual the Village has turned its back on its residents and instead was all in favor of eliminating the problem for United Disposal by approving a resolution to allow them to haul in outside waste from other municipalities. Doesn't this require a siting process? Shouldn't the Village perhaps wait to see if either the Pollution Control Board or the IEPA who has jurisdiction over waste facilities would grant such a request. As you can see the Village of Bradley does not have its residents best interest at heart, only big business with big pocketbooks.

Unless the IEPA, Attorney General's Office or the Pollution Control Board decide to help our neighborhood, we will be subject to heavy trucks on our streets where our children ride their bikes and have to endure the Doberman Pinscher dogs which freely roam our streets at night. I personally have called the Bradley Animal Control on at least three occasions, with witnesses present, and never even received a call back. Therefore, I can only conclude that the Village of Bradley at its discretion has chosen to ignore its citizens when it comes to this business concern.

The short distance from the very traveled route 50 to the "transfer station of United Disposal" would at best only accommodate 2 trucks. If United is allowed to continue there will be definite congestion on the roadway. I understand that United has tried to amend their IEPA permit to include outside waste. The site they are on will not accommodate this venture. Mr. Watson on several occasions has not and will not comply with the Health Department request to see their logs and additionally United has no intention of complying when they have the Village of Bradley to rely on for back up. My understanding is Mr. Karlock and Mr. Watson have the resources to hire legal counsel to facilitate getting the permit changed. Number 9 on the original permit specifically states no outside waste, which is continually violated. To date there are no infractions imposed on United for their unwillingness to abide by the terms of their permit. It would seem that most Village officials would be concerned that infractions would create a hardship for the residents living close to a facility which is clearly and blatantly disregarding the law. Certainly this is not true with the Village of Bradley, therefore we residents conclude that we will have to look outside of the Village for compliance.

I shall be researching and investigating on my own and will be willing in any way I can to aid your department if they would only pursue this infraction. Thank you for taking the time to read the concerns of the citizens in our neighborhood.

Sincerely,



Barbara Wheeler

Cc: John Bevis, Bonnie Schaafsma, Health Dept., Kankakee, IL



# KANKAKEE COUNTY HEALTH DEPARTMENT

2390 West Station Street  
Kankakee, Illinois 60901  
phone 815-937-3560  
tty 815-937-8520  
fax 815-937-3568

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

March 3, 2003

COPY

Mr. Mike Watson  
United Disposal  
P.O. Box 179  
Bradley, IL 60915

Re: Violation Notice: K3-2003-001  
0910200013 - Kankakee County  
United Disposal of Bradley  
Compliance File

Dear Mr. Watson:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act (Illinois EPA) 415 ILCS 5/31(a)(1), and is based upon review of available information and investigation by representatives of the Illinois EPA.

The Kankakee County Health Department, delegated agent for the Illinois EPA, hereby notifies you of violations of environmental statutes, regulations or permits as set forth in Attachment A to this letter. The Kankakee County Health Department provides, as a portion of Attachment A, an explanation of the activities that it believes may resolve the specified violations, including an estimate of a reasonable time period to complete the necessary activities.

A written response addressing the violations must be submitted via certified mail to the Kankakee County Health Department within 45 days of receipt of this letter. The response must address each violation specified in Attachment A and include for each an explanation of the activities that will be implemented and the time schedule for the completion of that activity. Also, if a pollution prevention activity will be implemented, indicate that intention in any written response. The written response will constitute a proposed Compliance Commitment Agreement (CCA) pursuant to Section 31 of the Act. The Illinois EPA and the Kankakee County Health Department will review the proposed CCA and will accept or reject your proposal within 30 days of receipt.



Mike Watson  
March 3, 2003  
Page 2

If a timely written response to this Violation Notice is not provided, it shall be considered to be a waiver of the opportunity to respond and to meet provided by Section 31(a) of the Act, and the Illinois EPA and the Kankakee County Health Department may proceed with a referral to the prosecutorial authority.

In the written response to this Violation Notice, a meeting with representatives of the Illinois EPA may be requested. The meeting must be held within 60 days of receipt of this notice, unless the Kankakee County Health Department respond to each violation and to the suggested resolutions and implementation schedule contained in this Violation Notice or to propose alternate resolutions.

Due to the nature and seriousness of the violations cited in Attachment A, please be advised that resolution of the violations may require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

Written communications should be directed to:

John J. Bevis, Director of Environmental Health  
Kankakee County Health Department  
2390 W. Station  
Kankakee, IL 60901

Please submit three copies of all written communications and reference your **VIOLATION NOTICE NUMBER, K3-2003-001**, on the copies. Questions regarding this matter should be directed to John Bevis at (815) 937-7860.

Sincerely,

John J. Bevis, M.P.H.  
Director of Environmental Health

JJB:scv

Enclosure

cc: Mayor Jerry Balthazor, Village of Bradley  
Dave Anderson, Illinois Environmental Protection Agency  
Rich Findley, Illinois Environmental Protection Agency  
Karl Kruse, County Board Chairman  
Merlin Karlock, Bank of Bourbonnais  
Ed Smith, Illinois State's Attorney  
Bonnie Schaafsma, Administrator, Kankakee County Health Dept.

**ATTACHMENT A**

1. Pursuant to Section 21(d) of the [Illinois] Environmental Protection Act {415 ILCS 5/21 (d)}, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation:
  1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder: provided, however, that except for municipal solid waste landfill units that receive waste on or after October 9, 1993, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated or disposed within the site where such wastes are generated, or (ii) for a corporation organized under the General Not For Profit Corporation Act of 1936, as now or hereafter amended, or a predecessor Act, constructing a land form in conformance with local zoning provisions, within a municipality having a population of more than 1,000,000 inhabitants, with clean construction or demolition debris generated within the municipality, provided that the corporation has contracts for economic development planning with the municipality; or
  2. In violation of any regulations or standards adopted by the Board under this Act, this subsection (d) shall not apply to hazardous waste

You are in apparent violation of Section 21(d) of the [Illinois] Environmental Protection Act {415 ILCS 5/21(d)}, for the following reasons: By not complying with provisions in Attachment A of Permit No. 1994-3060P, Section B(9), which states:

**No waste generated outside the municipal boundaries of the Village of Bradley may be accepted at this facility. Furthermore, no waste, meeting the definition of "special waste" given in Section 3.45 of the Act ( including "hazardous waste" as defined in Section 3.15 of the Act), may be accepted at this facility.**

And by:

**Not allowing any access to adequate records of the facility to assure compliance with this Act and with regulations and standards adopted thereunder.**

On January 28, 2003, John Bevis of the Kankakee County Health Department observed a United Disposal Waste Hauling vehicle receive Bourbonnais, IL waste and transport it to the Bradley, IL facility where it was unloaded onto the floor and appeared to later be placed into a transfer trailer. During the inspection, access to any records was denied, refused or otherwise not allowed that could demonstrate compliance with the Act or Permit No. 1994-3060P.

### CORRECTIVE ACTIONS

To comply with 21(d)(1) and Condition 9 of Permit No. 1994-3060P:

**United Disposal of Bradley must not accept any waste generated outside the municipal boundaries of the Village of Bradley. Furthermore, no waste, meeting the definition of "special waste" given in Section 3.45 of the Act (including "hazardous waste" as defined in Section 3.15 of the Act), may be accepted at this facility.**

Also,

**United Disposal of Bradley must allow access to adequate records of the facility to assure compliance with this Act and with regulations and standards adopted thereunder.**

Kankakee County

STATE PERMIT LOG NO. : 2003-101

NAME : UNITED DISPOSAL OF BRADLEY INC  
OWNER : MERLIN KARLOCKSTATUS : A  
SITE NO. : 0910200013

COUNTY : KANKAKEE

CITY : BRADLEY

PERMIT TYPE : SUP NOTS DUE DATE: 05/15/2003 REVIEWER :  
 SR : 90 GA-REQ'D : N  
 FACILITY TYPE : STPR COMPLETENESS : 05/15/2003 GAU-REV :  
 RP : 90 WASTE TYPE : NH  
 RECEIVED : 03/31/2003 DUE: 06/29/2003 MAILED :

FINAL ACTION :  
PSRP :

PRP :

REVIEW TIME :  
WAIVER :  
NOTIFY IHPA :

SITING APP'D: NA

NOTIFY LOCAL OFFICIALS: Y NOTIFY ENF: Y NOTIFY CMS: Y  
 NOTIFY AGRI: Y NOTIFY FOS: Y NOTIFY DOT :  
 NOTIFY DELEGATED COUNTY: Y NOTIFY DENR: PRE-OP MEMO SENT:

COMMENTS: REVISE CONDITION #9 ON PERMIT 1994-30-OP TO DELETE THE FOLLOWING  
 SENTENCE "NO WASTE GENERATED OUTSIDE THE MUNICIPAL BOUNDARIES OF THE  
 VILLAGE OF BRADLEY MAY BE ACCEPTED AT THIS FACILITY."

## 813 COMPLETENESS REVIEW

A. LOG IN PROCESS APR 03 2003 (5) : PERMIT EXPIRATION:  
 B. TO GAU REVIEWER \_\_\_\_\_: (5)  
 C. GAU REVIEW \_\_\_\_\_: (7)  
 D. GAU MEMO TO SW \_\_\_\_\_: (2)  
 E. TO SW REVIEWER \_\_\_\_\_: (5)  
 F. SW REVIEW \_\_\_\_\_: (7)  
 G. SW MANAGER REVIEW \_\_\_\_\_: (2)  
 H. JOINT DECISION \_\_\_\_\_: (2)  
 I. COMPLETENESS LTR SENT \_\_\_\_\_: (7)  
 J. GAU & SW \_\_\_\_\_: (TECH. MTG.)  
 K. DRAFT \_\_\_\_\_:  
 L. REVIEW MGR \_\_\_\_\_:

## 807/832 COMPLETENESS REVIEW

i. OWNER'S SIGNATURE Y N  
 ii. OPERATOR'S SIGNATURE Y N  
 iii. P.E.'S SIGNATURE Y N NA  
 iv. SITING OBTAINED Y N NA  
 v. CORRECT FORMS UTILIZED Y N WHAT FORMS MISSING?  
 vi. COMPLETE Y N IF NO SEND LETTER BY 30TH DAY!

## NOTICE OF TECHNICAL STATUS (NOTS) CALL

CONTACTED: ACTUAL DATE CONTACTED:  
 ITEMS DISCUSSED:

# UNITED DISPOSAL

1000 E. LIBERTY ★ P. O. BOX 179 ★ BRADLEY, ILLINOIS 60915 ★ 933-0081

March 27, 2003

Illinois Environmental protection Agency  
Bureau of Land, Permit Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Re: Application for Modification to Operation Permit 1994-30-OP

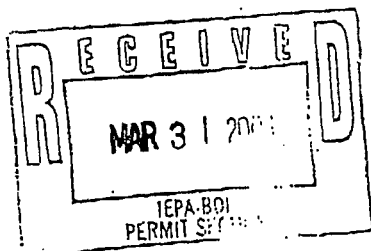
Dear Madam or Sir:

I am enclosing a General Application (LPC-PA1) form seeking to modify a portion of Special Condition #9 of the above referenced operating permit. The enclosed application requests the deletion of the following sentence currently included in Special Condition #9: "No waste generated outside the municipal boundaries of the Village of Bradley may be accepted at this facility." This is the only modification to the permit being requested in the enclosed application. The application seeks no modification to the physical structure or property boundaries of the currently permitted facility.

This facility is located in the municipal boundaries of the Village of Bradley, Illinois. Although United Disposal of Bradley, Inc. can find no legal requirement that it seek approval of the modification requested in the enclosed application from the Village of Bradley, it has sought and received, by unanimous resolution of the Village of Bradley, the Village's support for the requested operating permit modification. I am enclosing a copy of that resolution with the permit application.

Please contact me upon your receipt and initial review of the enclosed application to let me know whether it is complete. Additionally, if you have any questions, please do not hesitate to contact me. I look forward to discussing this application with you in the near future.

Sincerely,



*Michael Watson*

Michael Watson  
President  
United Disposal of Bradley, Inc.



COMMERCIAL ★ INDUSTRIAL ★ RESIDENTIAL





## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

## General Application for Permit (LPC-PA1)

This form must be used for any application for permit, except for landscape waste composting or hazardous waste management facilities regulated in accordance with RCRA, Subtitle C from the Bureau of Land. One original and two (2) photocopies, or three (3) 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 or modifications being proposed. Attach sufficient information to demonstrate compliance with all applicable regulatory requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance.

Note: Permit applications which are hand-delivered to the Bureau of Land, Permit Section must be delivered to 1021 North Grand Avenue East between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday (excluding State holidays).

Please type or print legibly.

## I. SITE IDENTIFICATION

Name: United Disposal of Bradley, Inc. Site # (Illinois EPA): 0 9 1 0 2 0 0 0 1 3  
 Physical Site Location (street, road, etc.): 1000 E. Liberty  
 City, Zip Code: Bradley, 60915 County: Kankakee  
 Existing DE/OP Permit Nos. (if applicable): 1994-306-0P

## II. OWNER/OPERATOR IDENTIFICATION

## OWNER

Name: Municipal Trust & Savings Bank  
 Address: as Trustee under trust 0799  
P.O. Box 146  
Bourbonnais, IL 60914  
 Contact Name: Merlin Karlock  
 Phone #: (815) 935-8000

## OPERATOR

United Disposal of Bradley, Inc.  
1000 E. Liberty  
Bradley, IL 60915  
Michael Watson  
(815) 933-0081

## III. PERMIT APPLICATION IDENTIFICATION

## TYPE SUBMISSION/REVIEW PERIOD:

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

## TYPE FACILITY:

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

## TYPE WASTE:

- ☒ General Municipal Refuse
- ☐ Hazardous
- ☐ Special (Non-hazardous)
- ☐ Chemical Only (exc. putrescible)
- ☒ Inert Only (exc. chemical and putrescible)
- ☐ Used Oil
- ☐ Potentially Infectious Medical Waste
- ☒ Landscape Waste
- ☐ Other (Specify)

DESCRIPTION OF THIS PERMIT REQUEST: (Include a brief narrative description here.)

Revise condition #9 on permit 1994-30-0P to delete the following  
sentence "No waste generated outside the municipal boundaries of  
the Village of Bradley may be accepted at this facility."

GEORGE H. RYAN, GOVERNOR

IL 532 1857

LPC 350 Rev. July 99

PRINTED ON RECYCLED PAPER

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

## EXCULPATORY RIDER

This instrument is executed by Municipal Trust and Savings Bank, as Trustee under the provisions of a Trust Agreement dated 02-04-94 and known as Trust no. 0799, not personally, but solely as Trustee aforesaid, in the exercise of power and authority conferred upon and vested in it as such Trustee. This instrument is executed and delivered by the Trust solely in the exercise of the powers expressly conferred upon the Trustee under the Trust and upon the written direction of the beneficiaries and/or holders of power of direction of said Trust and Municipal Trust and Savings Bank, warrants that it possesses full power and authority to execute this instrument. It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, warranties, covenants, undertakings and agreements herein made on the part of the trustee while in form purporting to be the said representations, warranties, covenants, undertakings and agreement of said Trustee are each and every one of them not made with the intention of binding Municipal Trust and Savings Bank, in its individual capacity, but are made and intended solely for the purpose of binding only that portion of the Trust property specifically described herein. No personal liability or personal responsibility is assumed by or nor shall at any time be asserted or enforceable against the Municipal Trust and Savings Bank on account of any representations, Warranties, (including but not limited to any representations and/or warranties in regards to potential and/or existent Hazardous Waste) covenants, undertakings and agreements contained in the instrument, (including but not limited to any indebtedness accruing plus interest hereunder) either express or implied or arising in any way out of the transaction in connection with which this instrument is executed, all such personal liability or responsibility, if any, being expressly waived and released, and any liability (including any and all liability for any violation under the Federal and/or state Environmental or Hazardous Waste laws) hereunder being specifically limited to the Trust assets, if any, securing this instrument. Any provision of this instrument referring to a right of any person to be indemnified or held harmless, or reimbursed by the Trustee for any costs, claims, losses, fines, penalties, damages, costs of any nature including attorney's fees and expenses, arising in any way out of the execution of this instrument or in connection thereto are expressly waived and released by all parties to and parties claiming, under this instrument. Any person claiming or any provision of this instrument referring to a right to be held harmless, indemnified or reimbursed for any and all costs, losses and expenses of any nature in connection with the execution of this instrument, shall be construed as only a right of redemption out of the assets of the Trust. Notwithstanding anything in this instrument contained, in the event of any conflict between the body of this exoneration and the body of this instrument, the provisions of this paragraph shall control. Trustee being fully exempted, nothing herein contained shall limit the right of any part to enforce the personal liability of any other party to this instrument.

State of Illinois        }  
                              } SS  
County of Kankakee }

### CERTIFICATE

I, Gail Schultz, Deputy Village Clerk of the Village of Bradley, Illinois, do hereby certify that the attached is a true and correct copy of the original on file in the office of the Village Clerk.

Resolution R-3-03-4 passed and approved by the President and Board of Trustees on the 24<sup>th</sup> day of March 2003.

  
\_\_\_\_\_  
Gail Schultz, Deputy Village Clerk

3-25-03  
Date

(Seal)



## RESOLUTION NO. R-3-03-4

WHEREAS, United Disposal of Bradley, Inc., has applied for a Supplemental Operating Permit to the Illinois Environmental Protection Agency concerning its operation of the transfer station located on Liberty Street, in the Village of Bradley, Illinois; and

WHEREAS, United Disposal of Bradley, Inc., seeks support of the Village of Bradley and approval of the Supplemental Operating Permit; and

WHEREAS, United Disposal of Bradley has obtained its permit to construct the transfer facility, has obtained a permit to operate the facility from the Village of Bradley, and has been operating the facility since that time; and

WHEREAS, condition number 9 of its operating permit states that United Disposal of Bradley, Inc. may not accept any waste generated outside the municipal boundaries of the Village of Bradley; and

WHEREAS, United Disposal of Bradley, Inc. currently has customers outside of the Village of Bradley and it is necessary to request the amendment of condition number 9 in order to maintain a viable business; and

WHEREAS, the viability of the business of United Disposal of Bradley, Inc. is of interest to the municipal government and to the citizens of the Village of Bradley due to the fact that United Disposal of Bradley, Inc. is the waste hauler of the municipal government of the Village of Bradley serving all residential citizens of the Village of Bradley.

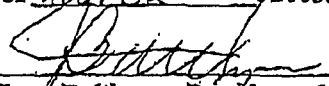
NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY that it does support the request of United Disposal of Bradley, Inc. to amend its operating permit to repeal condition number 9 of the operating permit of United Disposal of Bradley, Inc.

## TRUSTEES:

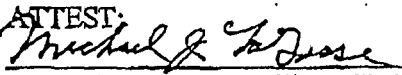
Robert O. Martin:	Aye - <u>X</u>	Nay - <u>   </u>	Absent - <u>   </u>
Robert Redmond:	Aye - <u>X</u>	Nay - <u>   </u>	Absent - <u>   </u>
Bruce Adams:	Aye - <u>X</u>	Nay - <u>   </u>	Absent - <u>   </u>
Dennis Coy:	Aye - <u>X</u>	Nay - <u>   </u>	Absent - <u>   </u>
Caryl Wadley-Foy	Aye - <u>X</u>	Nay - <u>   </u>	Absent - <u>   </u>
George Dagnan	Aye - <u>X</u>	Nay - <u>   </u>	Absent - <u>   </u>
Jerry Balthazor:	Aye - <u>   </u>	Nay - <u>   </u>	Absent - <u>   </u>

TOTALS: AYE - 6 NAY - 0 ABSENT - 0

APPROVED this 24<sup>th</sup> day of March 2003.

  
 Jerry Balthazor, President of the Board of  
 Trustees of the Village of Bradley

ATTEST:

  
 Michael J. LaGesse, Village Clerk



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

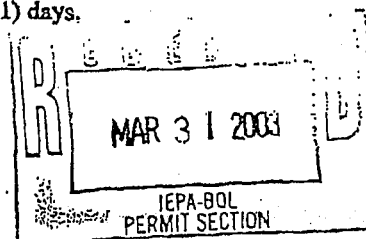
## NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: MARCH 28 2003

### To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, 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 address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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



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

### SITE IDENTIFICATION

Site Name: United Disposal of Bradley, Inc. Site # (IEPA): 0910200013

Address: 1000 E. Liberty

City: Bradley

County: Kankakee

### TYPE PERMIT SUBMISSIONS:

### TYPE FACILITY:

### TYPE WASTE:

New Landfill	_____	Landfill	_____	General Municipal Refuse	<u>X</u>
Landfill Expansion	_____	Land Treatment	_____	Hazardous	_____
First Significant Modification	_____	Transfer Station	<u>X</u>	Special (Non-Hazardous)	_____
Significant Modification to Operate	_____	Treatment Facility	_____	Chemical Only (exec. putrescible)	_____
Other Significant Modification	_____	Storage	_____	Inert Only (exec. chem. & putrescible)	<u>X</u>
Renewal of Landfill	_____	Incinerator	_____	Used Oil	_____
Development	_____	Composting	_____	Solvents	_____
Operating	_____	Recycling/Reclamation	<u>X</u>	Landscape/Yard Waste	<u>X</u>
Supplemental	<u>X</u>	Other	_____	Other (Specify _____)	_____
Transfer	_____				
Name Change	_____				
Generic	_____				

### DESCRIPTION OF PROJECT:

Revise condition #9 on permit 1994-30-OP to delete the following sentence "No waste generated outside the municipal boundaries of the Village of Bradley may be accepted at this facility."

Please retain a copy for your own use.

jabv002711p.doc

IL 532 0334  
LPC 040 Rev. Aug-99

GEORGE H. RYAN, GOVERNOR

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

STATE OF ILLINOIS )

COUNTY OF KANKAKEE )

SS:

CERTIFICATE OF SERVICE

TO:

Debbie Halvorson  
State Senator  
241 W. Joe Orr Rd.  
Chicago Heights, IL 60411

Village of Bradley  
Village Clerk  
147 S. Michigan  
Bradley, IL 60915

Phil Novak  
State Representative  
135 S. Schuyler  
Kankakee, IL 60901

City of Kankakee  
City Clerk  
385 E. Oak  
Kankakee, IL 60901

States Attorney  
Kankakee County  
450 E. Court St.  
Kankakee, IL 60901

Village of Bourbonnais  
Village Clerk  
700 N.W. Main  
Bourbonnais, IL 60914

Karl Kruse  
County Board Chairman  
189 E. Court St.  
Kankakee, IL 60901

Village of Aroma Park  
Village Clerk  
2200 S. Lowe Rd.  
Aroma Park, IL 60910

Bruce Clark  
Kankakee County Clerk  
189 E. Court St.  
Kankakee, IL 60901

I, Jana Glenzinski, certify that I served a copy of the attached Notice of Application form Permit to Manage Waste and this Certificate of Service, via certified mail, return receipt requested from the mailbox located at P.O. Box 179 Bradley, Illinois, to the persons/entities identified above, at or prior to the hour of 5:00 p.m. on March 28, 2003, with proper postage prepaid.

Dated: March 28, 2003By: Jana GlenzinskiPrinted Name: Jana Glenzinski

Under penalties as provided by law pursuant to ILL. REV. STAT CHAP. 110,  
SEC. 1-109, I certify that the statements set forth herein are true and correct.

By: Jana Glenzinski

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	4.42

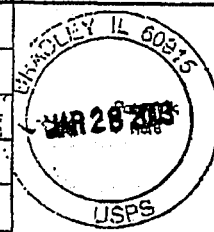


Sent To  
 Village of Bourbonnais-Village Clerk  
 Street, Apt. No.,  
 or PO Box No. 700 N.W. Main  
 City, State, ZIP+4<sup>®</sup> Bourbonnais, IL 60914  
 PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service  
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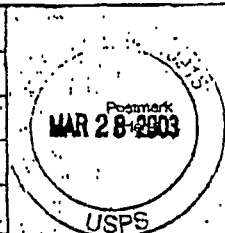


Sent To  
 STATES ATTORNEY KANKAKE COUNTY  
 Street, Apt. No.,  
 or PO Box No. 450 E COURT ST.  
 City, State, ZIP+4<sup>®</sup> KANKAKE IL 60901  
 PS Form 3800, January 2001 See Reverse for Instructions

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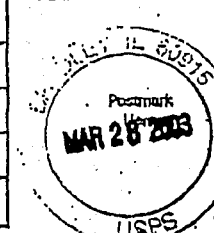


Sent To  
 Debbie Halvorson State Senator  
 Street, Apt. No.,  
 or PO Box No. 241 W. Soe Orr Rd.  
 City, State, ZIP+4<sup>®</sup> Chicago Heights, IL 60411  
 PS Form 3800, January 2001 See Reverse for Instructions

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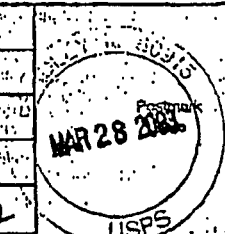


Sent To  
 Karl Kruse County Board  
 Chairman  
 Street, Apt. No.,  
 or PO Box No. 189 E. Court St.  
 City, State, ZIP+4<sup>®</sup> Kankakee, IL 60901  
 PS Form 3800, January 2001 See Reverse for Instructions

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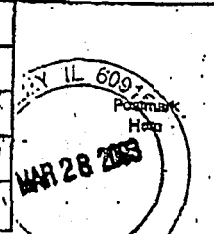


Sent To  
 Village of Aroma Park-Village Clerk  
 Street, Apt. No.,  
 or PO Box No. 2200 S. Lowe Rd.  
 City, State, ZIP+4<sup>®</sup> Aroma Park, IL 60910  
 PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service  
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Sent To  
 Village of Bradley-Village Clerk  
 Street, Apt. No.,  
 or PO Box No. 147 S. Michigan  
 City, State, ZIP+4<sup>®</sup> Bradley, IL 60915  
 PS Form 3800, January 2001 See Reverse for Instructions

06/28/2003 13:15 FAX

U.S. Postal Service

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	4.42



Sent To  
**BRUCE CLARK KANKAKEE COUNTY CLERK**  
 Street, Apt. No.,  
 or PO Box No. **189 E COURT ST.**  
 City, State, ZIP+4 **KANKAKEE IL 60901**

PS Form 3800, January 2001 See Reverse for Instructions

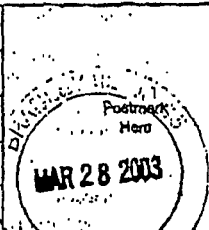
U.S. Postal Service

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Sent To  
**Phil Novak State Representative**  
 Street, Apt. No.,  
 or PO Box No. **135 S. Schuyler**  
 City, State, ZIP+4 **Kankakee, IL 60901**

PS Form 3800, January 2001 See Reverse for Instructions

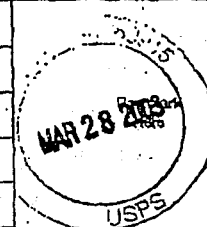
U.S. Postal Service

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Total Postage & Fees	\$	4.42



Sent To  
**City of Kankakee, City Clerk**  
 Street, Apt. No.,  
 or PO Box No. **335 E. Oak St.**  
 City, State, ZIP+4 **Kankakee, IL 60901**

PS Form 3800, January 2001 See Reverse for Instructions