

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|-----------------------------------|---|-----------------------|
| GIFFORD 300, LLC, and, |) | |
| CREEKSIDE COMPOST, LLC, |) | |
| Petitioners, |) | |
| |) | |
| v. |) | PCB 26- |
| |) | (Compost – Ninety Day |
| ILLINOIS ENVIRONMENTAL PROTECTION |) | Extension) |
| AGENCY, |) | |
| Respondent. |) | |

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

Gifford 300, LLC
Attn: M. Slade O’Keefe
2250 Southwind Boulevard
Bartlett, IL 60103-1304
Slade@grp7.com

Creekside Compost, LLC
Attn: M. Slade O’Keefe
2250 Southwind Boulevard
Bartlett, IL 60103-1304
Slade@grp7.com

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
melanie.jarvis@illinois.gov
Dated: January 27, 2026

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| GIFFORD 300, LLC, and, |) | |
| CREEKSIDE COMPOST, LLC, |) | |
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| AGENCY, |) | |
| Respondent. |) | |

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

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to September 13, 2026, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On or about January 16, 2026, the Illinois EPA issued a final decision to the Petitioner.
2. On January 23, 2026, the Petitioner made a request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five-day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about January 16, 2026.

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

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A Jarvis
Deputy Chief Counsel – Land Enforcement
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov
Dated: January 27, 2026

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 27, 2026, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

Gifford 300, LLC
Attn: M. Slade O'Keefe
2250 Southwind Boulevard
Bartlett, IL 60103-1304
Slade@grp7.com

Creekside Compost, LLC
Attn: M. Slade O'Keefe
2250 Southwind Boulevard
Bartlett, IL 60103-1304
Slade@grp7.com

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
Division of Legal Counsel
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov



January 23, 2026

FedEx

Mr. Andrew Armstrong
Chief Legal Counsel, Division of Legal Counsel
Illinois Environmental Protection Agency
2520 West Iles Avenue
Springfield, IL 62794-9276
217.785.8592

Re: 0890305068 – Kane County
Lorang Road Compost Facility
Permit No. 2005-515-DE/OP
Log No. 2025-515
Request for Extension

Dear Mr. Armstrong:

Gifford 300, LLC (Gifford) and Creekside Compost, LLC (Creekside) submitted an application for a proposed On-Site Commercial Compost Facility located at 2S785 Lorang Road in Elburn, Kane County, Illinois. The application was dated December 16, 2025 and received by the Illinois Environmental Protection Agency (Illinois EPA) on December 19, 2025. A Determination of Incompleteness (DOI) letter for the above referenced Log Number was issued by the Illinois EPA and received electronically by Gifford / Creekside on January 16, 2026.

The purpose of this letter is to respectfully request a 90-day extension to prepare and submit the additional information requested by the Illinois EPA in the DOI letter. In accordance with Section 40 of the Illinois Environmental Protection Act, this request for extension is being made within 35 days of the issuance of the DOI letter. Gifford / Creekside will submit this additional information no later than April 16, 2026, or within 90 days of the issuance of the DOI letter, unless a new date is established and provided by the Illinois EPA.

A copy of the DOI letter is enclosed as required.

Thank you for the opportunity to provide this information. Creekside Compost, LLC is committed to protecting the environment and maintaining compliance with all regulatory requirements and permit conditions. Should you have any questions regarding this letter or any component thereof, or if you require any additional information, please do not hesitate to contact me directly at 630.497.8700, extension 251 or Slade@grp7.com.

Sincerely,

CREEKSIDE COMPOST, LLC



M. Slade O'Keefe
Manager



Illinois Environmental Protection Agency

2520 West Iles Avenue • P.O. Box 19276 • Springfield, Illinois • 62794-9276 • 217-782-3397

JB Pritzker, Governor

James Jennings, Acting Director

217/524-3301

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

9589 0710 5270 2887 3040 49

JAN 16 2026

OWNER

Gifford 300, LLC
Attn: Mr. M. Slade O'Keefe
2250 Southwind Boulevard
Bartlett, Illinois 60103-1304

OPERATOR

Creekside Compost LLC
Attn: Mr. M. Slade O'Keefe
2250 Southwind Boulevard
Bartlett, Illinois 60103-1304

FACILITY ADDRESS

25785 Lorang Road
Elburn, Illinois 60119-8413

Re: 0890305068 -- Kane County
Lorang Road Compost Facility
Permit No. 2005-515-DE/OP
Log No. 2025-515
Permit Compost 832 File – 03T
Permit DOI

Dear Mr. O'Keefe:

Pursuant to 35 Illinois Administrative Code (IAC) 832.105(b), the Illinois Environmental Protection Agency (Illinois EPA) has reviewed, for purposes of completeness only, the application referenced above, dated December 16, 2025 and received December 19, 2025. This review has revealed that the application does not contain the information required by the referenced sections of 35 IAC, Parts 830 through 832 and therefore is incomplete. This determination of incompleteness is based on the omission of the following items:

1. The permit application does not satisfy the definition of an on-site commercial landscape waste compost facility. Pursuant to 35 IAC 830.102, an on-site commercial facility means a landscape waste compost facility at which the landscape waste composted is generated only on-site and the end-product is offered for off-site sale or use.

Pursuant to 35 IAC 830.102, on-site means on the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which the owner controls and to which the public does not have access are also considered on-site property.

As stated on Page 13 and noted in the Operating Plan section of the permit application, the type of material accepted is ground landscape waste, such as green material, yard trimmings, wood waste, grass clippings, and leaves. Creekside Compost will only accept clean, landscape waste from landscape contractors and landscape waste transfer stations to significantly reduce risk of accepting material with physical contaminants. This does not meet the definition of "on-site" and therefore does not meet the definition of "on-site commercial facility."

To resolve this incompleteness deficiency, the permit application must be revised to meet the requirements of a 35 IAC 830.201(c) on-site commercial landscape waste compost facility or meet the additional requirements to satisfy a 35 IAC 830.201(e) permitted landscape waste compost facility.

2. The permit application does not satisfy 35 IAC 831.105(b). All permit applications must be signed by the operator and the property owner, if different from the operator, or the duly authorized agent(s) of the operator or property owner, accompanied by an oath or affidavit attesting to the agent's authority to sign the application, if applicable, and notarized. For a sole proprietorship or partnership, the proprietor or a general partner, respectively, are considered duly authorized agents of the operator and the property owner.

M. Slade O'Keefe, Manager has signed Page 5 Section 14 of "Application for Permit Relating to a Composting Facility for Landscape Waste (LPC-PA12)" form on behalf of the owner, Gifford 300, LLC, and operator, Creekside Compost LLC.

To resolve this incompleteness deficiency, provide documentation demonstrating authorization for Mr. M. Slade O'Keefe to sign on behalf of the owner (Gifford 300, LLC) and operator (Creekside Compost LLC).

3. The permit application does not satisfy to 35 IAC 832.104(a).

To resolve this incompleteness deficiency, in Section 13(A) of the "Application for Permit Relating to a Composting Facility for Landscape Waste (LPC-PA12)" form, provided in the application, the "Yes" box must be checked and a copy of the "Notice of Application for Permit to Manage Waste (LPC-PA16)" and a list of persons to whom it was sent, along with copies of the mailing receipt as proof that all required public notice letters have been mailed to the public officials in accordance with the LPC-PA16 instructions must be included with the application. The LPC-PA16 form can be downloaded from the Illinois EPA website.

4. The permit application does not satisfy 35 IAC 832.104(c).

To resolve this incompleteness deficiency, in Section 13(B) of the "Application for Permit Relating to a Composting Facility for Landscape Waste (LPC-PA12)" form, provided in the application, the "Yes" box must be checked and a copy of the newspaper notice, the name and telephone number of the newspaper used, and the dates of publication must be included with the application or must be submitted up to 30 days after the date the application is filed with the Illinois EPA.

5. The permit application does not satisfy 35 IAC 832.104(b).

To resolve this incompleteness deficiency, in Section 13(C) of the "Application for Permit Relating to a Composting Facility for Landscape Waste (LPC-PA12)" form, provided in the application, the "Yes" box must be checked and a copy of the "Notice of Application for Permit to Manage Waste (LPC-PA16)" and a copy of the mailing receipts as proof that all required public notice letters have been mailed to the property owners within 250 feet in each direction of the lot line of the subject property in accordance with the LPC-PA16 instructions must be included with the application

6. Pursuant to 35 IAC 832.105(b), an application for permit pursuant to this Part shall not be deemed filed until the Illinois EPA has received all information and documentation in the form and with the content required pursuant to this Part, 35 IAC 830 and 35 IAC 831. Section 1 of the "Application for Permit Relating to a Composting Facility for Landscape Waste (LPC-PA12)" form lists the Facility Name as "Creekside Compost, LLC" which is inconsistent with the "39(i) Certification for Operating a Waste Management Facility" for Owner and Operator forms which list Site Name as "Creekside Farms".

To resolve this incompleteness deficiency, verify that the correct entity name is used on all forms and resubmit any forms which improperly named the entity.

Due to the deficiencies noted above the Illinois EPA has not performed a technical review of the application. In the 35 days following the date of this letter, the applicant may either submit to the Illinois EPA additional information addressing the deficiencies identified or appeal this final decision.

If the applicant does submit additional information within 35 days, the Illinois EPA shall review it for completeness in conjunction with the current application. Assuming that with the additional information the application is complete, the 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
2520 West Iles Avenue
Post Office Box 19276
Springfield, Illinois 62794-9276

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 decision. 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 period. 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.

For information regarding the request for an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
2520 West Iles Avenue
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-5544

For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605-1241
312/814-3620

Failure to actively pursue approval under 35 IAC Part 832 may result in the determination that this facility is no longer considered timely filed and the operating rights under any existing permits will end upon notification of that determination. If neither of the courses of action described above are taken within 35 days, the Illinois EPA shall consider the application not to have been filed.

For any questions regarding this letter, please contact Carlos Khairallah of my staff by phone at 217/557-1435 or by email at carlos.khairallah@illinois.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua L. Rhoades for".

Joshua L. Rhoades, P.G.
Permit Section Manager
Bureau of Land

JLR:RCR:JJR:CGK\0890305068-COMP-2025515DEOP-2025515-DOI.docx

JLR CGK

cc: Gregory W. Wilcox, P.E., Winston Engineering