

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SOUTHWIND RAS I, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB ____ - ____
)	(Permit Appeal – Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, Illinois 60605
don.brown@illinois.gov

VIA ELECTRONIC MAIL

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board, **SOUTHWIND RAS I, LLC'S PETITION FOR REVIEW OF DISAPPROVAL OF REQUEST FOR BENEFICIAL USE DETERMINATION AND ENTRIES OF APPEARANCE**, copies of which are hereby served upon you.

Respectfully submitted,
SOUTHWIND RAS I, LLC
Petitioner

Dated: August 13, 2025

By: /s/ Melissa S. Brown
One of Its Attorneys

Alec Messina
Melissa S. Brown
Michael P. Murphy
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Alec.Messina@heplerbroom.com
Melissa.Brown@heplerbroom.com
Michael.Murphy@heplerbroom.com
Telephone: (217) 528-3674

CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: That I have served the attached **SOUTHWIND RAS I, LLC'S PETITION FOR REVIEW OF DISAPPROVAL OF REQUEST FOR BENEFICIAL USE DETERMINATION AND ENTRIES OF APPEARANCE**, via electronic mail upon:

Don Brown
Clerk of the Board
Illinois Pollution Board
60 E Van Buren Street, Suite 630
Chicago, Illinois 60605
don.brown@illinois.gov

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East¹
P.O. Box 19276
Springfield IL 62794-9276
epa.dlc@illinois.gov

That my email address is Melissa.Brown@heplerbroom.com.

That the number of pages in the email transmission is 106.

That I have sent the email transmission on August 13, 2025.

Date: August 13, 2025

/s/ Melissa S. Brown
Melissa Brown

¹ The Board is in the process of amending 35 Ill. Adm. Code 101.304(g)(1) to reflect Illinois EPA's new address for its headquarters in Springfield. See PCB R 25-23. However, as seen in the Board's Second Notice Opinion and Order in PCB R 25-23, the e-mail address remain the same. Petitioner is also serving Illinois EPA via United States Mail. As seen in the Board's Second Notice Opinion and Order, the Agency's P.O. Box has not changed.

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ENTRY OF APPEARANCE OF ALEC MESSINA

NOW COMES Alec Messina of the law firm HEPLERBROOM, LLC, and hereby enters his appearance in this matter on behalf of SOUTHWIND RAS I, LLC.

Respectfully submitted,

Dated: August 13, 2025

By: /s/ Alec Messina

Alec Messina
Melissa Brown
Michael P. Murphy
HEPLERBROOM LLC
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Melissa.Brown@heplerbroom.com
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ENTRY OF APPEARANCE OF MELISSA S. BROWN

NOW COMES Melissa S. Brown of the law firm HEPLERBROOM, LLC, and hereby enters her appearance in this matter on behalf of SOUTHWIND RAS I, LLC.

Respectfully submitted,

Dated: August 13, 2025

By: /s/ Melissa S. Brown

Alec Messina
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ENTRY OF APPEARANCE OF MICHAEL MURPHY

NOW COMES Michael P. Murphy of the law firm HEPLERBROOM, LLC, and hereby enters his appearance in this matter on behalf of SOUTHWIND RAS I, LLC.

Respectfully submitted,

Dated: August 13, 2025

By: /s/ Michael P. Murphy

Alec Messina
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Respondent.)	

**PETITION FOR REVIEW OF DISAPPROVAL OF
REQUEST FOR BENEFICIAL USE DETERMINATION**

Petitioner, SOUTHWIND RAS I, LLC (“Southwind”), by and through its attorneys, pursuant to Sections 22.54(b) and 40(a)(1) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/22.54(b) and 40(a)(1), and 35 Ill. Adm. Code Part 105, petitions the Illinois Pollution Control Board (“Board”) for review of and a hearing to contest the final decision of the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) to disapprove Southwind’s request for a Beneficial Use Determination. In support thereof, Petitioner states as follows:

I. BACKGROUND

1. Petitioner owns and operates the Romeoville RAS Recycle Center located at 5 South Material Road, Romeoville, Illinois 60446.

2. As part of its operations, Petitioner accepts reclaimed asphalt shingles (“RAS”) and processes/grinds the RAS to produce a specialized eco-mix aggregate that is sold to local asphalt producers for use in the production of hot mix asphalt.

3. Petitioner received Beneficial Use Determinations (“BUDs”) from Illinois EPA for this beneficial use, specifically to produce an end product that meets Illinois Department of Transportation (“IDOT”), Illinois State Toll Highway Authority (“ISTHA”), or Chicago

Department of Transportation (“CDOT”) specifications for RAS to be used as the raw material in hot-mix asphalt pavement, with the most recent renewed BUD issued on October 14, 2021. A copy of BUD11-013-R2 is attached hereto and marked as SR001 – SR007.¹

4. Petitioner also mixes RAS with fractionated reclaimed asphalt pavement (“FRAP”) to produce an IDOT-specified pavement blend for dust control and general road improvements.

5. Petitioner received a BUD from Illinois EPA for this beneficial use on October 7, 2021. A copy of BUD20-016 is attached hereto and marked as SR008 – SR013.

II. AGENCY’S FINAL DECISION

6. On March 20, 2025, Petitioner submitted a request for a BUD to use a blend of RAS and RAP or other crushed coarse aggregate on unpaved rural roadways for the purposes of dust control and road stabilization and on private pavement or structure development to reduce construction costs. A copy of Petitioner’s application for such BUD (BUD25-004) is attached hereto and marked as SR014 – SR065.

7. On July 9, 2025, Illinois EPA issued a final decision disapproving Petitioner’s March 20, 2025 BUD request. The final decision was received by Petitioner on July 21, 2025. The Agency’s final decision which is the subject of this appeal is attached hereto and marked as SR066 – SR067.²

8. The reason provided by Illinois EPA for the disapproval was the “ongoing litigation of alleged violation of Illinois law and non-compliance with multiple Permit Conditions...” SR067 (referencing Violation Notices L-2023-00093 and L-2023-00094 issued by

¹ With this Petition, Petitioner has provided a Supporting Record (cited as “SR”), SR 001 – SR 088, along with a Table of Contents for the Supporting Record.

² The Agency’s disapproval of the request for BUD25-004 does not impact the prior BUDs issued to Petitioner. Petitioner has the authority to continue processing material in accordance with BUD11-013-R2 and BUD20-016.

Illinois EPA). Illinois EPA stated in its final decision that the following alleged violations were observed on April 11, 2023 at the Romeoville RAS Recycle Center:

- a. An Illinois EPA inspector observed open dumping at the subject property, which violates Illinois law. See 415 ILCS 5/21(a).
- b. An Illinois EPA inspector observed evidence of asbestos exposure assessments not being done during grinding operations at the subject property, which violates Illinois law and the Permit. See 415 ILCS 5/21(d)(1); 415 ILCS 5/22.54(d); Permit Condition 11; and Permit Condition 21.
- c. The subject property was not testing samples using National Institute of Standards and Technology (NIST) accredited lab, which violates Illinois law and the permit. See 415 ILCS 5/21(d)(1); Permit Condition 17; and Permit Condition 20.
- d. An Illinois EPA inspector observed inconsistent records with discrepancies in the quantities of materials at the subject property, which violates Illinois law and the Permit. See 415 ILCS 5/21(d)(1); Permit Condition 10; Permit Condition 15; and Permit Condition 17; and Permit Condition 18.
- e. The subject property did not have all required records available for inspection, which violates Illinois law and the Permit. See 415 ILCS 5/21(d)(1); Permit Condition 10; and Permit Condition 17.

SR066 – SR067.

III. STANDARD OF REVIEW

9. Section 22.54 of the Act governs issuance of BUDs. 415 ILCS 5/22.54. (“The purpose of this Section is to allow the Agency to determine that a material otherwise required to be managed as waste may be managed as non-waste if that material is used beneficially and in a manner that is protective of human health and the environment.”)

10. Section 22.54(a) includes the factors that an applicant must demonstrate prior to Illinois EPA making a written determination that the material is used beneficially and not a

waste. *Id.* at 22.54(a). Upon a request, Illinois EPA may issue a BUD if the applicant demonstrates all of the following:

- (1) The chemical and physical properties of the material are comparable to similar commercially available materials.
- (2) The market demand for the material is such that all of the following requirements are met:
 - (A) The material will be used within a reasonable time.
 - (B) The material's storage prior to use will be minimized.
 - (C) The material will not be abandoned.
- (3) The material is legitimately beneficially used.

For the purposes of this item (3) of subsection (a) of this Section, a material is "legitimately beneficially used" if the applicant demonstrates all of the following:

- (A) The material is managed separately from waste, as a valuable material, and in a manner that maintains its beneficial usefulness, including, but not limited to, storing in a manner that minimizes the material's loss and maintains its beneficial usefulness.
- (B) The material is used as an effective substitute for a similar commercially available material. For the purposes of this paragraph (B) of item (3) of subsection (a) of this Section, a material is "used as an effective substitute for a commercially available material" if the applicant demonstrates one or more of the following:
 - (i) The material is used as a valuable raw material or ingredient to produce a legitimate end product.
 - (ii) The material is used directly as a legitimate end product in place of a similar commercially available product.
 - (iii) The material replaces a catalyst or carrier to produce a legitimate end product.

The applicant's demonstration under this paragraph (B) of item (3) of subsection (a) of this Section must include, but is not limited to, a description of the use of the material, a description of the use of the legitimate end product, and a demonstration that the use of the material is comparable to the use of similar commercially available products.

(C) The applicant demonstrates all of the following:

- (i) The material is used under paragraph (B) of item (3) of subsection (a) of this Section within a reasonable time.
 - (ii) The material's storage prior to use is minimized.
 - (iii) The material is not abandoned.
- (4) The management and use of the material will not cause, threaten, or allow the release of any contaminant into the environment, except as authorized by law.
- (5) The management and use of the material otherwise protects human health and safety and the environment.

Id.

11. Section 22.54(j) of the Act requires Illinois EPA, prior to issuance a BUD for beneficial use of asphalt shingles, to conduct an evaluation of the applicant's prior experience in asphalt shingle recycling operations. *Id.* at 22.54(j). The section further states as follows:

The Agency may deny such a beneficial use determination if the applicant, or any employee or officer of the applicant, has a history of any one or more of the following related to the operation of asphalt shingle recycling operation facilities or sites:

- (1) repeated violations of federal, State, or local laws, rules, regulations, standards, or ordinances;
- (2) conviction in a court of this State or another state of any crime that is a felony under the laws of this State;
- (3) conviction in a federal court of any crime that is a felony under federal law;
- (4) conviction in a court of this State or another state, or in a federal court, of forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, rule, regulation, or permit term or condition; or
- (5) gross carelessness or incompetence in the handling, storing, processing, transporting, disposing, or recycling of asphalt shingles.

Id.

12. Section 22.54(b) states that Illinois EPA's approval, approval with conditions, or disapproval of a BUD application must be in writing and that approvals with conditions and disapprovals are subject to review under Section 40 of the Act. *Id.* at 22.54(b).

13. Section 40(a)(1) of the Act provides an applicant the opportunity to petition for a hearing before the Board to contest the decision of the Agency to refuse to grant a permit. 415 ILCS 5/40(a)(1).

14. Part 105 of the Board's regulations governs appeals of final decisions of state agencies. 35 Ill. Adm. Code Part 105. Subpart B of Part 105 governs appeals of Illinois EPA permit decisions and other final decisions. 35 Ill. Adm. Code 105, Subpart B. Section 105.204(f) authorizes a person who applied for or otherwise requested an Agency decision, or the person to whom the Agency directed its final decision, to petition the Board for review of the Agency's final decision to deny. 35 Ill. Adm. Code 105.204(f).

15. The burden of proof is on Petitioner. 415 ILCS 5/40(a)(1); 35 Ill. Adm. Code 105.112. "It is well settled that the Agency's denial letter frames the issues in a permit appeal before the Board." *KCBX Terminals Co. v. IEPA*, PCB 14-110 (June 19, 2024), 2014 WL 2871721, at *45.

IV. GROUND FOR APPEAL AND ISSUES PROPOSED FOR REVIEW

A. The Agency's disapproval of the BUD request was arbitrary and capricious, against the manifest weight of the evidence, clearly erroneous and not supported by the record because the request demonstrated all Section 22.54(a) factors.

16. Petitioner's March 20, 2025 request for a BUD (BUD25-004) fully demonstrated all of the factors in Section 22.54(a) of the Act. *See* SR014 – SR065. Specifically, the request demonstrated:

- a. The chemical and physical properties of the material are comparable to similar commercially available materials. *See* SR037 – SR041.
- b. The market demand for the material is such that the material will be used within a reasonable time, the material's storage prior to use will be minimized, and the material will not be abandoned. *See* SR026 – SR027, SR043 – SR053.
- c. The material is legitimately beneficially used. The material is managed separate from waste and in a manner that maintains its beneficial usefulness – the ground RAP and final blended product stockpiles are stored on dedicated non-earthen surfaces separate from other areas of the facility in accordance with best management practices. Additionally, the material is used as a valuable raw material or ingredient to produce a legitimate end product, i.e., used by end-users as an aggregate subbase or aggregate surface. *See* SR032 – SR038.
- d. The management and use of the material will not cause, threaten, or allow the release of any contaminant into the environment, except as authorized by law, as the management and use of the RAS/aggregate mixture will only be used in compliance with applicable state and federal law. *See* SR032 – SR035, SR046 – SR053.
- e. The management and use of the RAS/aggregate mixture will only be used in a manner that is protective of human health, safety, and the environment. *See* SR032 – SR035, SR046 – SR053.

17. Illinois EPA's final decision disapproving the BUD request did not include failure to meet the factors in Section 22.54(a) as a reason for disapproval, nor were any of those requirements discussed. *See* SR066 – SR067.

18. Given that Petitioner's BUD request demonstrated all of the necessary factors in order for Illinois EPA to issue a BUD, the decision by Illinois EPA to disapprove Petitioner's BUD request was arbitrary and capricious, against the manifest weight of the evidence, clearly erroneous, and not supported by the record.

B. The Agency's disapproval of the BUD request was arbitrary and capricious, against the manifest weight of the evidence, clearly erroneous and not supported by the record because the facts do not support disapproval based on Section 22.54(j).

19. Section 22.54(j) of the Act states that the Agency may deny a BUD request if, among other things, the applicant has a history of "repeated violations of federal, State, or local laws, rules, regulations, standards, or ordinances" related to operation of asphalt shingle recycling operation facilities or sites. 415 ILCS 5/22.54(j)(1).

20. Illinois EPA's written final decision did not reference Section 22.54(j) of the Act as a reason for its disapproval. *See* SR066 – SR067.

21. The final decision also did not discuss *repeated violations*. *See* SR066 – SR067. Instead, Illinois EPA stated that it was unable to approve the proposed BUD at this time due to "ongoing litigation of alleged violation of Illinois law and non-compliance with multiple Permit Conditions." SR067. Illinois EPA then referenced Violation Notices L-2023-00093 and L-2023-00094. *Id.* A copy of Violation Notice L-2023-00094 is attached hereto and marked as SR068 – SR081.³

22. Neither of the referenced Violation Notices were in "litigation" at the time of the Agency's final decision, nor were any violations of the Act or permit conditions relating to Petitioner's RAS operations.

³ Violation Notice L-2023-00093 was not issued to Petitioner and therefore Petitioner does not have a copy of this document.

23. Second, the phrase “repeated violations” infers adjudicated violations. Section 31 of the Act addresses the process of issuing and responding to Violation Notices, entering or not entering into Compliance Commitment Agreements (“CCAs”), and issuing Notices of Intent to Pursue Legal Action (“NIPLAs”). 415 ILCS 5/31. Throughout each step of the Section 31 process, the alleged violations are referenced and treated as such – either “alleged violations” or “apparent violations” that have not yet been adjudicated. For example, Violation Notice L-2023-00094 resulted in a CCA between Petitioner and the Agency.⁴ Within the CCA, Petitioner agreed to undertake several actions that Illinois EPA deemed necessary to “address the alleged violations set forth in the VN” and if Petitioner complied with the terms of the CCA, Illinois EPA agreed to “not refer the alleged violations that are the subject of this CCA.” A copy of the CCA is attached hereto and marked as SR082 – SR087. Thereafter, Illinois EPA issued a NIPLA for Violation Notice L-2023-00094. The NIPLA also contains numerous references to “alleged violations.” A copy of the NIPLA is attached hereto and marked as SR088.⁵ The issuance alone of Violation Notices, CCAs, and NIPLAs cannot be considered “violations” and the State itself identifies them only as “alleged” or “apparent” violations.

24. Additionally, Illinois EPA listed in its final decision several “alleged violations” that were observed on April 11, 2023. *See* SR066 – SR067. Again, these are alleged violations and not adjudicated violations.

⁴ Violation Notice L-2023-00093 was also resolved via the same CCA.

⁵ *See also* 415 ILCS 5/31(b) (“For alleged violations that remain the subject of disagreement between the Agency and the person complained against following fulfillment of the requirements of subsection (a) of this Section, and for alleged violations of the terms or conditions of a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of this Section as well as the alleged violations that are the subject of the Compliance Commitment Agreement, and as a precondition to the Agency’s referral or request to the Office of the Illinois Attorney General or the State’s Attorney of the county in which the alleged violation occurred for legal representation regarding an alleged violation that may be addressed pursuant to subsection (c) or (d) of this Section or pursuant to Section 42 of this Act, the Agency shall issue and serve, by certified mail, upon the person complained against a written notice informing that person that the Agency intends to pursue legal action.”)

25. Moreover, the Agency has the potential to abuse its discretion if BUDs can be denied under these circumstances. If a site has a pending BUD application and pending enforcement, the Agency could simply refer the matter over to the Attorney General's Office, claim the matter is now in "litigation," and deny the BUD without even addressing the merits.

26. Given that Illinois EPA did not specifically rely upon Section 22.54(j) in its final decision and that the facts do not support a disapproval based on Section 22.54(j), the decision by Illinois EPA to disapprove Petitioner's BUD request was arbitrary and capricious, against the manifest weight of the evidence, clearly erroneous, and not supported by the record.

C. The Agency's disapproval of the BUD request involved an exercise of discretion by the Agency that the Board, in its discretion, should review and reverse.

27. Section 22.54(j) of the Act states:

The Agency *may* deny such a beneficial use determination if the applicant, or any employee or officer of the applicant, has a history of any one or more of the following related to the operation of asphalt shingle recycling operation facilities or sites:

- (1) repeated violations of federal, State, or local laws, rules, regulations, standards, or ordinances;
- (2) conviction in a court of this State or another state of any crime that is a felony under the laws of this State;
- (3) conviction in a federal court of any crime that is a felony under federal law;
- (4) conviction in a court of this State or another state, or in a federal court, of forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, rule, regulation, or permit term or condition; or
- (5) gross carelessness or incompetence in the handling, storing, processing, transporting, disposing, or recycling of asphalt shingles.

415 ILCS 5/22.54(j)(1) (emphasis added).

28. Under Section 22.54(j), Illinois EPA may deny a BUD request if an evaluation shows that the applicant has a history of violations of state or federal law, convictions, or gross

carelessness or incompetence relating the applicant's RAS operations. However, Section 22.54(j) gives Illinois EPA the discretion to approve a request if these conditions exist and does not require disapproval.

29. In its final decision, Illinois EPA did not state, or allude to, that its reasoning for disapproving the BUD request was because Petitioner had a history of any of the scenarios listed in Section 22.54(j)(2)-(5).

30. Illinois EPA also did not specifically state in its final decision that its reasoning for disapproving the BUD was because Petitioner had a history of repeated violations of federal, State, or local laws, rules, regulations, standards, or ordinances.

31. However, if Section 22.54(j)(1) was a basis for the Agency's disapproval, then the disapproval was a discretionary decision that should be reviewed and reversed by the Board.

32. As explained above, the Agency's final decision does not show that Petitioner had a history of repeated violations of federal, State, or local laws, rules, regulations, standards, or ordinances relating to its RAS operations at the time of the Agency's disapproval.

33. Even if the Agency was able to demonstrate that Petitioner had a history of such violations, then whether to disapprove the BUD was still in the Agency's discretion and the disapproval should not have been made.

34. Disapproval of the BUD means that Petitioner cannot process and provide the material as requested in the BUD application, i.e., using a blend of RAS and RAP or other crushed coarse aggregate on unpaved rural roadways for the purposes of dust control and road stabilization and on private pavement or structure development to reduce construction costs.

35. Not being able to offer the material for this purpose has and will continue to decrease the demand for RAS. Petitioner is aggrieved by the disapproval as this prevents

Petitioner from reducing inbound stockpiles of shingles and fulfilling the goal of providing an environmentally viable alternative to diverting shingles to a landfill. *See* SR014 – SR065.

V. CONCLUSION

36. Petitioner respectfully requests that the Board grant review of the Agency's final decision to disapprove the BUD request and schedule a hearing in this matter to review such final action. Petitioner requests that the Board enter an order finding that the Agency's final decision was arbitrary and capricious, against the manifest weight of the evidence, clearly erroneous, not supported by the record, and involved an exercise of discretion by the Agency that the Board, in its discretion, should review and reverse.

WHEREFORE, for the reasons set forth above, Petitioner, SOUTHWIND RAS I, LLC, petitions the Illinois Pollution Control Board for a hearing on the Illinois EPA's final decision to disapprove the BUD request, and requests that the Illinois Pollution Control Board find that Illinois EPA's final decision was improper, remand the matter to the Agency, and instruct the Agency to issue the BUD as requested.

Respectfully submitted,

SOUTHWIND RAS I, LLC,
Petitioner,

Dated: August 13, 2025

By: /s/ Melissa S. Brown
One of Its Attorneys

Alec Messina
Melissa Brown
Michael P. Murphy
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SUPPORTING RECORD

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SR068 – SR081	Violation Notice L-2023-00094
SR082 – SR087	Compliance Commitment Agreement
SR088	Notice of Intent to Pursue Legal Action



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

7011 1150 0001 0856 7593
7011 1150 0001 0856 8897

217524-3301

OCT 14 2021

OWNER

Southwind RAS I, LLC
Attention: Troy Kutz
2250 Southwind Blvd
Bartlett, Illinois 60103

OPERATOR

Black Dog Petroleum, LLC
Attention: Amit Gauri
4226 S. Lawndale
Lyons, Illinois 60534

Re: 1970905199 – Will County
Romeoville RAS Recycling Facility
Log No. BUD11-013-R2
Expiration Date: August 15, 2026
Beneficial Use Determination Permit File
Permit Approval

Dear Mr. Kutz and Mr. Gauri:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed your renewal application for a beneficial use determination (BUD) identified in the Illinois EPA records as Log BUD11-013-R2 dated March 26, 2021 and received on March 29, 2021. Your request to renew the BUD for the use of recycled asphalt shingles (RAS) as a raw ingredient in hot-mix asphalt has been approved in accordance with 415 ILCS Section 22.54 of the Illinois Environmental Protection Act and the material processed at 5 South Material Road, Romeoville, Illinois 60446 is not a waste when distributed by Reliable Asphalt Corporation, 3741 S. Pulaski, Chicago, Illinois 60623, when generated, processed and managed according to the following conditions:

The application, Log No. BUD11-013-R2, consists of the following documents:

DOCUMENT	DATED	DATE RECEIVED
Original Application Log No. BUD11-013-R2	March 26, 2021	March 29, 2021
Additional Information	April 20, 2021 September 14, 2021	April 21, 2021 September 15, 2021

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER

SR001

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This BUD approves and authorizes Romeoville RAS Recycling Facility to produce an end product that meets the Illinois Department of Transportation (IDOT) specification or the Illinois State Toll Highway Authority specification for RAS to be used as the raw material in hot-mix asphalt (HMA) pavement.

1. Approval is only for the use of RAS, generated by those suppliers mentioned in Condition 13, as a raw ingredient in HMA as specifically identified and described in your application Log No. BUD11-013-R2.

Approval does not apply to circumstances where material source, method of generation, characteristics, location of use, or methods of use vary from the information in your application or the conditions of this approval. If changes occur which modify any of the information described in the Application Log No. BUD11-013-R2 and used in obtaining this approval, you must notify the Illinois EPA and cease beneficial reuse activity until you obtain from the Illinois EPA a new BUD or a written determination that a new BUD is not required. Such changes would include but not be limited to any changes in the names or addresses of either the beneficial or legal title holders to the above referenced site.

2. The end product RAS shall only be used in a manner that is protective of human health, safety and the environment and in compliance with applicable state and federal law. It should be noted that the issuance of this authorization does not relieve the applicant of the responsibility of complying with the provisions of the State of Illinois Rule and Regulations, 35 Illinois Administrative Code (35 Ill. Adm. Code), Subtitle B, Air Pollution Control, Chapter 1.
3. This authorization shall terminate under operation of law if, due to a change in law, it conflicts with the law; however, the recipient of the determination may apply for a new beneficial use determination that is consistent with the law as amended within 30 days from the date the new law became effective.
4. This authorization does not allow use of hazardous waste, coal combustion waste, coal combustion by-product, sludge applied to the land, potentially infectious medical waste, used oil or compost waste.
5. This authorization does not apply to material that is burned for energy recovery, that is used to produce a fuel, or that is otherwise contained in a fuel.
6. This authorization is issued with the expressed understanding that no process discharge to Waters of the State, storm water runoff, or to a sanitary sewer will occur from these facilities except as authorized by a permit from the Illinois EPA Bureau of Water.

SR002

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7. This authorization is issued with the expressed understanding that no air emissions will be generated from the site except as authorized by a permit from the Illinois EPA Bureau of Air.
8. This authorization is subject to review and modification by the Illinois EPA as deemed necessary to fulfill the intent and purpose of The Act, and all applicable environmental rules and regulations.
9. Any application for renewal of this BUD shall include the beneficial use application form LPC-PA27 and supporting documents with original signatures and seal to be filed with the Illinois EPA at least 180 days prior to the expiration date of this authorization.
10. Romeoville RAS Recycling Facility shall retain copies of all operating records, including any affidavits, records of retention times, training records, daily reports, inspection reports, incident reports, material profile identification sheets, re-certifications, certifications of representative samples, laboratory analyses, special analysis plans, any waiver of requirements at the office of the facility for five years after this authorization expires. These records shall be made available to the Illinois EPA or their designee through intergovernmental agreement upon request.
11. The RAS shall be inspected upon receipt at Romeoville RAS Recycling Facility and loads which are not clean shall be rejected. A not clean load is defined by a load containing any amount of non-shingle materials such as paper, plastic, flashing or wood. Any load with visible non-shingle material must be rejected. As the clean load of shingles is unloaded into the raw shingles storage area, any concealed non-shingle material detected during unloading must be removed immediately during the unloading process. Acceptance of waste is not permitted at the site. Shingles shall be managed onsite in accordance with the applications and the conditions of this approval. Shingles must not be abandoned or allowed to escape into the environment. The clean material shall be stockpiled and tested in accordance with the Best Management Practices (BMPs) submitted and approved as described in your application Log No. BUD11-013-R2.
12. This BUD authorizes the use of processed RAS from Romeoville RAS Recycling Facility that have been processed in accordance with the application Log No. BUD11-013-R2 and the conditions of this approval to be used by Reliable Asphalt Corporation, 3741 S. Pulaski Avenue, Chicago, Illinois 60623 in HMA. The HMA plants may use additional mix designs under this BUD if they document that the RAS will be used in a mix design that has been certified by an Illinois Registered Professional Engineer for use in HMA pavement. Additional HMA plants may receive the RAS identified in this BUD if the HMA plant operates within the limitations and conditions of this authorization and keeps the required records and provides an affidavit to the processor, Black Dog Petroleum, LLC. A copy of any affidavit generated to comply with this condition shall be kept with the operating record at Romeoville RAS Recycling Facility, 5 South Material Road,

SR003

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Romeoville, Illinois 60446. The operating record must be made available to the Illinois EPA personnel or their designee through intergovernmental agreement upon request.

13. The generator/supplier of the shingles for processing is limited to Filotto Roofing & Siding, 2111 Oakland Ave, Crest Hill, Illinois 60403. Before receiving shingles from a supplier, Black Dog Petroleum, LLC must document that the supplier has completed an affidavit attesting that they have completed the supplier training outlined in the application Log No. BUD11-013-R2. Additional suppliers/generator may be authorized under this BUD if the supplier/generator completes the supplier training outlined in this approval and signs an affidavit and/or Supply Certification Form attesting that they will supply shingles to Romeoville RAS Recycling Facility, 5 South Material Road, Romeoville, Illinois 60446 in accordance with the training outline in the BUD application Log No. BUD11-013-R2. A copy of the affidavit must be included in the operating record and made available to the Illinois EPA or their designee through intergovernmental agreement upon request during normal business hours.
14. The Illinois EPA has determined that the processed RAS received at Reliable Asphalt Corporation, 3741 S. Pulaski Avenue, Chicago, Illinois 60623 are not a waste when processed in accordance with the application Log No. BUD11-013-R2 and the conditions of this determination at Romeoville RAS Recycling Facility, 5 South Material Road, Romeoville, Illinois 60446. This approval specifies the conditions under which the Black Dog Petroleum, LLC must operate to produce RAS that is not a waste when shipped to a HMA plant in Illinois. It also specifies the conditions under which an Illinois HMA plant must operate to be exempt from permits when storing and using RAS produced by Romeoville RAS Recycling Facility, 5 South Material Road, Romeoville, Illinois 60446.
15. The maximum amount of processed and unprocessed shingles stored at Romeoville RAS Recycling Facility, 5 South Material Road, Romeoville, Illinois 60446 is 38,497 tons at any one time. The basis of this "hard cap" is a base cap of 10,000 tons plus a 4-year rolling average of an additional 7,124 tons per year as the "market-based cap". All shingles received at the site shall be processed onsite and removed from the site within 4 years of initial acceptance. At least 25% of the facility's entire inventory present during a calendar year must be removed during the following calendar year. Stored volumes of the total combined volume of processed and unprocessed shingles may exceed 39,000 tons only if the facility can produce documentation (i.e., contracts, order requests, or letters of intent) from either an IDOT, Illinois State Toll Highway Authority, or private hot-mix asphalt producer showing the entire volume of processed and unprocessed shingles exceeding 38,497 tons will be needed by a RAS user authorized under Condition 12 above, within the 4-year period after the shingles are received. This documentation must be provided within 30 days after requested verbally or in writing by the Illinois EPA or its designee through intergovernmental agreement upon request during normal business hours.

SR004

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16. No shingle material shall be received from a source other than Filotto Roofing & Siding, 2111 Oakland Ave, Crest Hill, Illinois 60403, except as allowed by Condition 13.
17. Shingles shall be processed to meet the desired IDOT or Illinois State Toll Highway Authority specification. Material meeting the desired specification shall be conveyed to the on-site processed shingles storage area. Oversized material must be conveyed back to the grinder, reground and re-screened to meet the size specification. Records of tonnages of tear-off shingles and retention times shall be compiled monthly and maintained in bound or electronically imaged chronological files.
18. Southwind RAS I, LLC shall develop and maintain a recordkeeping system that is adequate to track the storage time on site and volumes of shingles to demonstrate compliance with conditions 15 and 17 above.
19. Filotto Roofing & Siding (and all additional sources of shingles) shall develop and maintain a recordkeeping system that is adequate to demonstrate that only source separated shingles from family home and apartments of less than 4 dwellings are used as raw materials and that asbestos testing as specified by IDOT has been conducted on all source material used to make RAS for this BUD. These records shall be provided to Black Dog Petroleum, LLC or Illinois EPA or its designee through intergovernmental agreement upon request during normal business hours.
20. The IDOT specification for shingle recycling shall be conducted in accordance with IDOT's contract specifications for Reclaimed Asphalt Shingles (RAS) and Policy Memorandum-Reclaimed Asphalt Shingles (RAS) Sources. The Illinois Tollway specification for shingle recycling shall be conducted in accordance with Construction Bulletin 10-01: Guidelines of Best Management Practices for the Operation of Asphalt Shingle Recycling Facilities. Any deviation from these procedures or specifications, except to comply with IDOT updates for specifying Reclaimed Asphalt Shingles (RAS) and Policy Memorandum-Reclaimed Asphalt Shingles (RAS) Sources, is subject to the requirements of Condition 1.
21. This BUD only applies to shingles that have been processed following the shingle control plan presented in this application for testing, and removal of material containing asbestos and using method EPA 600/R-93/116 to detect asbestos in the shingles.
22. Processed RAS shall be stored on a non-earthen pad that prevents the RAS from being contaminated during unloading, loading, and storage.
23. Unprocessed shingles must be stored on a non-earthen surface constructed of concrete, asphalt, gravel, or unprocessed shingles, in such a manner that the shingles are not mixed with earth when moved for processing.

SR005

Page 6

24. This authorization limits activities associated with RAS processing as proposed in this BUD application to the area as specified in the approved application in order to fulfill the intent and purpose of the Illinois Environmental Protection Act, and all applicable environmental rules and regulations.

Appeal Rights

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
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

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

Work required by this authorization, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This authorization does not relieve

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anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

If you have any questions regarding this BUD approval letter, please contact Rongjuan Yang at (217) 557-8912 and/or Rongjuan.Yang@illinois.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth E. Smith".

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

KES:TWH:RJY:1970905199-BUD-BUD11013-R2-Approval.docx

cc: Josh Quinn - Southwind RAS, LLC

SR007



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7019 1640 0000 4552 7315

OCT 07 2021

OWNER & OPERATOR

Southwind RAS I, LLC
Attention: Troy Kutz
2250 Southwind Blvd.
Bartlett, IL 60103

Re: 1970905199 – Will County
Southwind RAS I, LLC – Romeoville Recycling Center
Log No. BUD20-016
Expiration Date: October 1, 2026
Beneficial Use Determination
BUD File 030

Dear Mr. Kutz:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed your Beneficial Use Determination (BUD) Application for use of recycled asphalt shingles (RAS) in gravel roads and parking lots identified in the Illinois EPA records as Log No. BUD20-016. The application was dated December 4, 2020 and received on December 11, 2020.

Your application, Log No. BUD20-016, is hereby approved. BUD20-016 will expire on October 1, 2026.

Your BUD request for the use of RAS as an ingredient along with fractionated reclaimed asphalt pavement (FRAP) to produce an IDOT specified pavement blend for dust control and general road improvements is approved. Pursuant to Section 22.54 of the Illinois Environmental Protection Act (415 ILCS 5/22.54), the RAS is not considered a waste when beneficially used in accordance with this BUD to produce an end product that meets the Illinois Department of Transportation (IDOT) specification for reclaimed asphalt pavement (RAP) for aggregate applications by Southwind RAS I, LLC 5 S. Material Rd, Romeoville Illinois 60446. This BUD is subject to the following conditions:

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

1. Approval is only for the use of recycled asphalt shingles (RAS) as an ingredient along with fractionated reclaimed asphalt pavement (FRAP) to produce a blend generated/processed by Southwind RAS I, LLC, at 5 S. Material Road, Romeoville, Illinois as specifically identified and described in your application Log No. BUD20-016.

Approval does not apply where the source of material, method of generation, characteristics of the material, location or methods of use of the material, or other circumstances vary from the information in this letter or your approved application. If information changes from that described in the application, Log No. BUD20-016, or changes occur which modify any of the information used in obtaining this authorization, the applicant of record shall notify the Illinois EPA and a new or modified BUD may need to be sought. The beneficial reuse activity shall cease until it has received a new beneficial use determination from the Illinois EPA or a written determination that a new BUD is not required. Such changes would include but not be limited to any changes in the names or addresses of both beneficial and legal title holders to the site where the material is used.

2. The RAS/FRAP blend shall only be used in a manner that is protective of human health, safety and the environment and in compliance with applicable state and federal law. It should be noted that the issuance of this authorization does not relieve the Permittee of the responsibility of complying with applicable laws and regulations, including but not limited to 35 Illinois Administrative Code (35 Ill. Adm. Code), Subtitle B, Air Pollution Control, Chapter 1.
3. The Agency has determined that the RAS/FRAP blend processed at Southwind RAS I, LLC-Romeoville Recycling Center, 5 South Material Rd., Romeoville, Illinois is not a waste when processed in accordance with the application Log No. BUD20-016 and the conditions of this determination. This approval specifies the conditions under which the Southwind RAS I, LLC Site must operate to produce the RAS/FRAP blend that is not a waste when shipped to Blackberry and Kaneville Townships Highway Department in Illinois. It also specifies the conditions under which a highway department must operate to be exempt from permits when storing and using RAS/FRAP blend produced by Southwind RAS I, LLC-Romeoville Recycling Center.
4. The generator/processor of the RAS/FRAP blend is limited to Southwind RAS I, LLC, 2250 Southwind Blvd., Bartlett, Illinois. Before receiving shingles from a supplier to be used for the RAS portion of the blend, Southwind RAS I, LLC must document that the supplier has completed an affidavit attesting that they have completed the supplier training outlined in the application Log No. BUD20-016 and the affidavit must be included in the operating record.
5. Southwind RAS I, LLC and all additional sources of shingles that have provided an affidavit to Southwind RAS I, LLC per condition 4 of this BUD shall develop and maintain a recordkeeping system that is adequate to demonstrate that only source

separated shingles from family home and apartments of less than 4 dwellings are used as raw materials and that asbestos testing as specified by IDOT has been conducted on all source material used to make the RAS/FRAP blend. These records shall be provided to Southwind RAS I, LLC, Agency personnel, or their designees upon request.

6. The RAS shall be limited to material currently on site at Southwind RAS I, LLC. Shingles shall be managed onsite in accordance with the applications and conditions of this approval. Shingles shall not be speculatively accumulated, abandoned, or allowed to escape into the environment. The clean, sorted material shall be stockpiled and tested in accordance with the Best Management Practices (BMPs) submitted and approved as described in your application Log No. BUD20-016. The RAS shall only be used in the quantities and time frames specified in the approved application.
7. The end use of the RAS/FRAP blend is limited to application upon public roads in accordance with the design and specification approved by an Illinois Licensed Professional Engineer.
8. No more than 10,000 tons of RAS and unprocessed shingles may be stored at Southwind RAS I, LLC, 5 S. Material Rd., Romeoville, Illinois. This limit applies to the total amount of shingles at the site, regardless of the number of BUDs issued for the site. All shingles received at the site shall be processed onsite and removed within 18 months of receipt. Stored volumes of the total combined volume of RAS and raw shingles may only exceed 10,000 tons if the facility can produce documentation (i.e., contracts, order requests, or letters of intent) from either an Illinois Department of Transportation, Illinois Tollway, private hot-mix asphalt producer, county, township or other government entity showing the entire volume of processed RAS and unprocessed shingles will be needed by a RAS user authorized under condition 3, within the 18 month period after the RAS was received. This documentation must be provided within 30 days after requested verbally or in writing by the Illinois EPA or their designees through intergovernmental agreement.
9. Southwind RAS I, LLC shall develop and maintain a recordkeeping system that is adequate to track the storage time on site and volumes of shingles to demonstrate compliance with condition 8 above.
10. This authorization shall terminate under operation of law if, due to a change in law, it conflicts with the law; however, the recipient of the determination may apply for a new beneficial use determination that is consistent with the law as amended 30 days from the effective new law.
11. This authorization does not allow use of material from hazardous waste, coal combustion waste, coal combustion by-product, and sludge applied to the land, potentially infectious medical waste, used oil or compost waste.
12. This authorization does not apply to material that is burned for energy recovery, that is used to produce a fuel, or that is otherwise contained in a fuel.

13. This authorization is issued with the expressed understanding that no process discharge to Waters of the State, storm water runoff, or to a sanitary sewer will occur from these facilities, except as authorized by a permit from the Agency's Bureau of Water (BOW).
14. This authorization is subject to review and modification by the Illinois EPA as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.
15. Any application for renewal of this BUD shall include the beneficial use application form LPC-PA-27 and supporting documents with original signatures and seal and be filed with the Illinois EPA at least 180 days prior to the expiration date of this authorization.
16. Southwind RAS I, LLC shall retain copies of all operating records including any affidavits, records of retention times, training records, daily reports, inspection reports, incident reports, material profile identification sheets, re-certifications, certifications of representative samples, laboratory analyses, special analysis plans, and any waivers of requirements, at the office of the facility for five years after this authorization expires. These records shall be made available to the Illinois EPA and delegated officials acting on the behalf of the Agency upon request.
17. This authorization is issued with the expressed understanding that no air emissions will be generated from the site operated by Southwind RAS I, LLC, 2250 Southwind Blvd., Bartlett, Illinois except as authorized by a permit from the Illinois EPA Bureau of Air (BOA).
18. The IDOT specification for the RAS/FRAP pavement blend shall be conducted in accordance with Illinois Department of Transportation specifications and Policy Memorandum on Reclaimed Asphalt Pavement (RAP) for Aggregate Applications. Any deviation from these procedures or specifications, except to comply with IDOT updates for specifying Reclaimed Asphalt Pavement (RAP) for Aggregate Applications, is subject to the requirements of Condition 1.
19. This BUD only applies to the RAS/FRAP blend that has been processed following the control plan presented in this application for testing, and removal of material containing asbestos and using method EPA 600/R-93/116 to detect asbestos in the shingles.
20. Processed RAS/FRAP blend shall be stored on a non-earthen pad that prevents the RAS/FRAP from being contaminated during unloading, loading and storage.
21. Unprocessed shingles shall be stored on a non-earthen surface constructed of concrete, asphalt, gravel, or raw shingles, in such a manner that the shingles are not mixed with earth when moved for processing.
22. This authorization limits activities associated with RAS/FRAP blend processing as proposed in this BUD application to the area as specified in the approved application in

order to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.

Appeal Rights

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
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

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

Work required by this authorization, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This authorization does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Page 6

If you have any questions regarding this BUD approval letter, please contact Nolan Legg at (217) 524-3497 and/or Nolan.Legg@illinois.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth E. Smith". The signature is fluid and cursive, with the first name "Kenneth" being more prominent.

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

KES:TWH:NL:1970905199-BUD-BUD20-016-Approval.docx

cc: ^{TWH} Blackberry Township Highway Department
Kaneville Township Highway Department

SR013



Southwind RAS I, LLC

March 20, 2025

Mr. Thomas Hubbard, P.E.
Manager, Disposal Alternatives Unit
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

Re: Southwind RAS I, LLC – Romeoville, Will County, Romeoville, IL
Beneficial Use Determination (BUD) Application

Dear Mr. Hubbard:

Southwind RAS I, LLC (Southwind) respectfully submits the enclosed Beneficial Use Determination (BUD) application for the above referenced site, located at the Southwind RAS I, LLC – Romeoville facility (5 S. Material Road, Romeoville, IL 60446).

The purpose of this BUD would be a continuation of previously approved applications for the use of a blend of recycled asphalt shingles (RAS) and reclaimed asphalt pavement (RAP) or other crushed coarse aggregate on currently unpaved rural roadways (i.e. township / county highways) for the purposes of dust control and road stabilization, with a slight modification. In addition to the aforementioned uses, Southwind is petitioning to allow for an additional end use of RAS/crushed coarse aggregate blend in applications where the mixture is used as part of private pavement or structure developments in accordance with designs and specifications approved by an Illinois Licensed Professional Engineer. This process, which includes the same materials used in typical asphalt production, would reduce construction costs of private aggregate pavement and structural developments by using recycled materials versus virgin materials. Additional benefits may include greater permeability of pavement, if needed.

Please note that this application mimics the submittal used to obtain the Beneficial Use Determination (BUD) (BUD20-003-M1) recently issued for Southwind RAS I, LLC – Lorang Road in Elburn, IL. This application seeks to use the same materials outlined in that facility's application.

A specification designed by a professional engineer (P.E.) with experience in municipal transportation and roadways and private aggregate pavement developments is also included in this application.



Southwind RAS I, LLC

Upon review and approval by the Illinois Environmental Protection Agency (IEPA), Southwind RAS desires to utilize this BUD process and ship outbound RAS for use in accordance with the specification outlined in this application across multiple locations as public and private opportunities become available.

Approval by the IEPA will increase the demand for RAS thus reducing inbound stockpiles of shingles and fulfilling the goal of providing an environmentally viable alternative to diverting shingles to the landfill.

To complete the permit application, the following forms are also enclosed: 1) completed LPC-PA-27 application; 2) 22.54 certification forms; 3) generator and end-user affidavits; 4) Best Management Practices (BMPs); 5) application narrative; 6) RAP or Other Crushed Coarse Aggregate/RAS specification; 7) list of facilities owned and operated by Southwind RAS I; and 8) a facility drawing.

Thank you in advance for your assistance with this application submittal. Given the timing and nature of seasonal temperatures and potential effects on the effectiveness of this construction process, an expedited review of this application would be appreciated. Should you have any questions or require any additional information, please contact me at (630) 497-8700.

Sincerely,

SOUTHWIND RAS I, LLC

A handwritten signature in blue ink, appearing to read "Josh Quinn".

Josh Quinn

Vice President – Safety, Environmental Services and Compliance

Enclosures

**APPLICATION TO REQUEST A BENEFICIAL USE DETERMINATION
FOR THE
SOUTHWIND RAS I, LLC – ROMEOVILLE RECYCLING CENTER
Romeoville, IL**



SUBMITTED TO:



**Illinois
Environmental
Protection Agency**

SUBMITTED BY:



**Southwind RAS I,
LLC**

March 2025

**APPLICATION TO REQUEST A BENEFICIAL USE DETERMINATION
FOR THE
SOUTHWIND RAS I, LLC – ROMEOVILLE RECYCLING CENTER
Romeoville, Illinois**

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Southwind RAS I, LLC

Certificate of Authenticity

SECTION 1:

General Information/Site Identification

- IEPA Form LPC-PA-27
Application form



Illinois Environmental Protection Agency

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

OFFICIAL USE ONLY

M. Slade O'Keefe

LPC-PA-27

APPLICATION TO REQUEST A BENEFICIAL USE DETERMINATION

This form must be submitted with an application for a beneficial use in accordance with Section 22.54 of the Illinois Environmental Protection Act (Act). This application must include an original and three (3) photocopies of this form and all supporting information including any reports, plans specifications etc. necessary to fully describe the activities proposed and to demonstrate compliance with the Act. Incomplete applications will be rejected. Please refer to the instructions for further guidance. If there is not enough in the space provided on the form, attach your responses on a separate sheet of paper following the application format. Section 22.54 can be viewed at <http://www.ipcb.state.il.us/SLR/TheEnvironmentalProtectionAct.asp>.

I. GENERAL INFORMATION

TYPE OF BENEFICIAL USE: Ingredient

LENGTH OF TIME:

We request this beneficial use determination be authorized for 5 years and 0 months. (The Illinois EPA cannot authorize a time period greater than 5 years.)

I.A DESCRIPTION OF THE BENEFICIAL USE:

Reclaimed asphalt shingles, blended with reclaimed asphalt pavement or other crushed coarse aggregate, is a cost effective way to improve dust control, surface stabilization, patching maintenance, and private aggregate pavement projects. See attached.

II. SITE IDENTIFICATION

A. MATERIAL GENERATOR INFORMATION

Site Name: Romeoville RAS Recycle Center Site # (IEPA): 1970905199
Physical Site Address: 5 S. Material Road County: Will
City: Romeoville State: IL Zip Code: 60446

SITE OWNER

Name: Southwind RAS I, LLC
Address: 2250 Southwind Blvd
City: Bartlett State: IL Zip: 60103
Contact Name: M. Slade O'Keefe
Phone #: 630-233-5700

SITE OPERATOR

Name: Southwind RAS I, LLC
Address: 2250 Southwind Blvd
City: Bartlett State: IL Zip: 60103
Contact Name: M. Slade O'Keefe
Phone #: 630-233-5700

B. MATERIAL USER INFORMATION

Site Name: Bluff City Construction, LLC Site # (IEPA): _____
Physical Site Address: 2250 Southwind Blvd County: Cook
City: Bartlett State: IL Zip Code: 60103

SITE OWNER

Name: Bluff City Construction, LLC
Address: 2250 Southwind Blvd
City: Bartlett State: IL Zip: 60103
Contact Name: Matthew P. Vondra
Phone #: 630-497-8700

SITE OPERATOR

Name: Bluff City Construction, LLC
Address: 2250 Southwind Blvd
City: Bartlett State: IL Zip: 60103
Contact Name: Matthew P. Vondra
Phone #: 630-497-8700

III. AFFIDAVITS

The following affidavits must be included in your request:

- A. An affidavit or certification, from the generator, that the characteristics and method of generation of the material described in the application is accurate. (Original signatures required. Signature stamps or applications transmitted electronically or by facsimile are not acceptable.)
- B. An affidavit or certification from the product manufacturer or end user that the description of the storage and use of the material by the manufacturer or end user described in the application is accurate.
- C. If applicable, an affidavit or certification from the intermediate management facility such as a marketer that the description of the storage and use of the material by the intermediate facility described in the application is accurate.

IV. DESCRIPTION OF THE PROCESS GENERATING THE MATERIAL:

See additional text

V. DESCRIPTION OF LOCATION OF THE INTERMEDIATE STORAGE AND PROCESSING OF THE MATERIAL:

None-no intermediate facility will be used

VI. JUSTIFICATION THAT THE MATERIAL IS LEGITIMATELY USED BENEFICIALLY AS DEFINED IN SEC. 22.54 (a)(3) OF THE ACT AND THAT IT IS USED AS AN EFFECTIVE SUBSTITUTE FOR A COMMERCIALY AVAILABLE MATERIAL:

Materials in asphalt shingles are used in the production of aggregate pavement. See additional text for production cost.

VII. IDENTIFICATION OF ANY OF THE HAZARDOUS CONSTITUENTS AND AN EXPLANATION WHY THE CONCENTRATION OF EACH CONSTITUENT AND THE MATERIAL'S MANAGEMENT AND USE WILL NOT NEGATIVELY IMPACT HUMAN HEALTH, SAFETY AND THE ENVIRONMENT:

No solvent or chemicals are used to process liquid asphalt in shingles, therefore no hazardous constituents are present.

VIII. CHEMICAL AND PHYSICAL ANALYSIS: (ATTACH TO THE APPLICATION)

IX. IF THE MATERIAL IS APPLIED TO THE LAND, A DISCUSSION OF THE SITE-SPECIFIC GEOLOGY AND THE POTENTIAL FOR CONSTITUENTS OF THE MATERIAL TO MIGRATE TO GROUNDWATER: (ATTACH TO THE APPLICATION)

X. VOLUMES AND TIMEFRAMES FOR USE OF THE MATERIAL AND ANY RESULTING PRODUCTS CONTAINING THE SUBSTITUTE MATERIAL. JUSTIFICATION FOR THE VOLUMES AND TIMEFRAMES FOR STORAGE AND PROCESSING THAT WERE SELECTED: (ATTACH TO THE APPLICATION)

XI. OTHER INFORMATION: (ATTACH TO THE APPLICATION)

XII. SIGNATURES: (Original signatures required. Signature stamps or applications transmitted electronically or by facsimile are not acceptable.)

The application must be signed by the person responsible for using the material or processing the material into a product that is marketable to the general public. All applications shall be signed by the person designated below as a duly authorized representative of the applicant.

1. Corporation – By a principal executive officer of at least the level of vice president.
2. Partnership or Sole Proprietorship – By a partner or proprietor, respectively.
3. Government- by either a principal executive officer or a ranking elected official.

A person is a duly authorized representative of the applicant only if: (1) they meet the criteria above or the authorization has been granted in writing by the person described above; and (2) is submitted with this application.

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 duly authorized representative of the applicant and I am authorized to sign this application form.

APPLICANT

Signature: _____

Date: 03/20/2025

Name: M. Slade O'Keefe

Title: Manager

Company Name: Southwind RAS I, LLC

Address: 2250 Southwind Blvd

City: Bartlett

State: IL

Zip Code: 60103

Phone: 630-233-5700

ENGINEER

Signature: _____

Date: 3/18/25

Name: Gregory W. Wilcox

Title: President - Winston Engineering

Address: 2250 Southwind Blvd.

City: Bartlett

State: IL

Zip Code: 60103

Phone: 630-917-1158



"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))"

I.A DESCRIPTION OF THE BENEFICIAL USE: (additional text)

See additional text.

IV. DESCRIPTION OF THE PROCESS GENERATING THE MATERIAL: (additional text)

See additional text.

V. DESCRIPTION OF LOCATION OF THE INTERMEDIATE STORAGE AND PROCESSING OF THE MATERIAL:
(additional text)

See additional text.

VI. JUSTIFICATION THAT THE MATERIAL IS LEGITIMATELY USED BENEFICIALLY (additional text)

See additional text.

VII. IDENTIFICATION OF ANY OF THE HAZARDOUS CONSTITUENTS (additional text)

See additional text.

Southwind RAS I, LLC

General Information/Site
Identification

SECTION 2:

Site Identification

- Attachment 1:
Description of Beneficial
Use

Attachment 1 - DESCRIPTION OF THE BENEFICIAL USE:

Historically speaking, due to price fluctuations in asphalt cement, asphalt mix users in the U.S. have had to seek ways of reducing or extending the virgin asphalt cement they use in their products with continued industry emphasis on quality and environmental assurances. The most practical approach has been to use the binder available in reclaimed asphalt pavement (RAP) and reclaimed asphalt shingles (RAS). Industry has long realized the value of RAP for saving money and conserving resources. More recently the industry has also come to realize the value of asphalt shingles since they contain anywhere from 19 to 36 percent of liquid asphalt (Townsend, Powell, & Su, 2007). Therefore, even a small percentage of shingles can have a significant effect on the amount of new asphalt binder added to a mix design. Asphalt shingles also contain other materials, including fibers, fine aggregate and mineral filler which are also commonly used in asphalt mixtures.

Asphalt roofing shingles constitute nearly two-thirds of the roofing market for both new homes and roof replacements. Roof installation generates an estimated 7-10 million tons of shingle tear-off waste and installation scrap annually. U.S. manufacturing plants generate another 750,000 to 1 million tons of manufacturing shingle scrap (NAHB Research Center, 1998). This represents over 2 million tons of liquid asphalt available for use in asphalt paving mixtures, or a replacement of almost 9 percent of the current national need for liquid asphalt in pavement construction.

Reclaimed Asphalt Shingles (RAS), when mechanically blended with Reclaimed Asphalt Pavement (RAP) or other crushed coarse aggregate, is a cost-effective and sustainable way to improve unpaved rural county roadways and gravel parking lots to better control dust and stabilize unpaved roadway surfaces. In addition, this blend also improves private pavement developments by reducing permeability to create a stronger, better engineered structure. This process, which includes the same materials used in typical asphalt production, also eliminates the higher costs associated with using virgin materials.

Southwind RAS I, LLC

Certifications/Affidavits

SECTION 3:

Affidavits:

- Source / Supplier
- Generator
- End User

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

Affidavit of Beneficial Use Determination

I, M. Slade O'Keefe, being first duly sworn under oath, state and depose as follows:

- 1.0 That I am an Officer of Southwind RAS I, LLC, an owner of the subject processing facility identified in IEPA LPC-PA-27 and located at 5 S. Material Road, Romeoville, Illinois.
- 2.0 That RAS, when separated from other materials and used as a raw material, will meet the specifications for the RAS product as identified in Illinois State Toll Highway and/or Illinois Department of Transportation and/or city, county, or other municipal agency designs which may utilize the same or similar specifications as the Illinois State Toll Highway Authority and/or the Illinois Department of Transportation. RAS may also be used in private aggregate pavement projects in accordance with the design and specifications approved by an Illinois Licensed Professional Engineer.
- 3.0 That in said capacity I have reviewed the application and have personal knowledge of the operations of said property sufficient to execute this affidavit.
- 4.0 That on behalf of the "Generator" the characteristics and method of generation of the materials as described in the application is true and accurate to the best of my knowledge.



M. Slade O'Keefe

Subscribed and sworn to before me
this 20th day of March 2025.



Notary Public



STATE OF ILLINOIS)

) SS.

COUNTY OF KANE)

Affidavit of Beneficial Use Determination

I, M. Slade O'Keefe, being first duly sworn under oath, state and depose as follows:

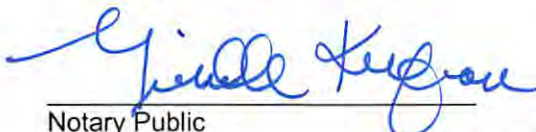
- 1.0 That I am an Officer of Southwind RAS I, LLC, the site operator for the material end-user identified in IEPA LPC-PA-27 and located at 2250 Southwind Blvd, Bartlett, Illinois.
- 2.0 That the reclaimed asphalt shingles will be processed in accordance with any State, ISTHA, City, County, Township or approved engineered designs and will be mechanically blended with reclaimed asphalt pavement or other crushed coarse aggregate for the purpose of being used as an asphalt aggregate blend for dust control purposes and general roadway or aggregate pavement structure improvement and stabilization in accordance with the "Reclaimed Asphalt Shingles (RAS) – RAP or Other Crushed Coarse Aggregate Blend for Aggregate Pavement Sections, Dust Control, Stabilization, Patching, and Private Aggregate Pavement Developments" specification, or in accordance with the design and specifications approved by an Illinois Licensed Professional Engineer in private pavement development applications.
- 3.0 That in said capacity I have reviewed the application and have personal knowledge of the operations of said property sufficient to execute this affidavit.
- 4.0 That on behalf of the "End User" the description of the storage and use of the material by the manufacturer or end user described in the application is true and accurate to the best of my knowledge.



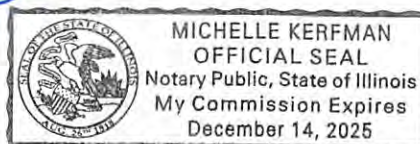
M. Slade O'Keefe

Subscribed and sworn to before me

this 20th day of March 2025.


Notary Public

Southwind RAS I, LLC



March 2025
SR030

STATE OF ILLINOIS)

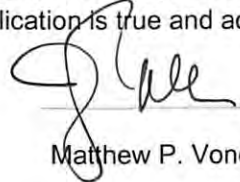
) SS.

COUNTY OF KANE)

Affidavit of Beneficial Use Determination

I, Matthew P. Vondra, being first duly sworn under oath, state and depose as follows:

- 1.0 That I am an Officer of Bluff City Construction, LLC, the owner of the material user identified in IEPA LPC-PA-27 and located at 2250 Southwind Blvd., Bartlett, Illinois.
- 2.0 That the use of a recycled shingle and asphalt pavement blend on roadways, alleys, and parking lots is for dust control purposes and general roadway or pavement structure improvement and stabilization, or in accordance with the design and specifications approved by an Illinois Licensed Professional Engineer in private pavement development applications as identified in the IEPA LPC-PA-27 application and attached hereto.
- 3.0 That the incoming processed shingles will be processed in accordance with any State, ISTHA, City, or County approved mix designs and will be distributed for the purpose of being used for dust control purposes and general roadway or private pavement structure improvement and stabilization which meets the enclosed specifications.
- 4.0 That in said capacity I have reviewed the application and have personal knowledge of the operations of said property sufficient to execute this affidavit.
- 5.0 That on behalf of the "End User" the description of the storage and use of the material by the manufacturer or end user described in the application is true and accurate to the best of my knowledge.

 3.20.2025
Matthew P. Vondra

Subscribed and sworn to before me

this 20th day of March 2025.



Notary Public



Southwind RAS I, LLC



Process Description

SECTION 4:

Description of the Process Generating the Material

- Process Description
- Proposed Site Plan
- Proposed Equipment Plan

IV. DESCRIPTION OF THE PROCESS GENERATING THE MATERIAL:

RAS Material Description & Generation

Existing Reclaimed Asphalt Shingles (RAS) processed in accordance with BUD No. BUD20-016 & BUD No. BUD11-013-R2 will be used in this aggregate mix design. The "Reclaimed Asphalt Shingles (RAS) – RAP or Other Crushed Coarse Aggregate Blend for Aggregate Pavement Sections, Dust Control, Stabilization, Patching, and Private Aggregate Pavement Developments" specification will be used in this application. For this application, the portable grinder will grind and shred shingles into a product approximately 1-inch in size, instead of 3/8-inch size. The Reclaimed Asphalt Pavement (RAP) will consist of grindings in 1.5-inch size or less. The RAS and Aggregate will be mechanically blended at a pre-determined ratio in accordance with the engineering specifications for the specific project.

The final blended product will be brought to the project area to be used for both an aggregate subbase or aggregate surface. Only the blend or RAS volume necessary will be shipped to the project site and temporarily stored until installation. Unused material will be retained by the end-user for minor roadway or pavement structure maintenance patching, stored for the next project location, or shipped back to the point of origin. The RAS / Aggregate mixture will only be used in a manner that is protective of human health, safety, and the environment and in compliance with applicable state and federal law.

The RAS used in this application will undergo the same acceptance, processing, and final product shipment procedures laid out in the above referenced BUD. There are no other deviations or changes from the original BUD application language.

RAS Material Description & Generation

The RAP will be generated from various asphalt producers and contractors in the area. Specifically, the RAP will be generated from Illinois Department of Transportation (IDOT), County, Municipal and Private Hot Mix Asphalt (HMA) paved surfaces as part of new and ongoing projects let by these agencies. Southwind RAS can obtain affidavits from the generators/suppliers of the RAP that will be received at the facility. These affidavits will be retained by the facility and kept as part of the site's operating record which will track the inbound and outbound quantities of RAP. Southwind RAS will adhere to the acceptance procedures for RAP enclosed with this application.

Southwind RAS will grind the RAP on-site using a feeder, crusher and a screen. The grinding will all be located on a dedicated non-earthen surface separate from other areas of the facility. The attached drawing shows the proposed location of the equipment, materials, and stockpiles of finished products at the site.

Upon completion of material processing, Southwind RAS will blend the RAS, RAP, and crushed aggregate on-site using a mobile equipment fed blending bin and trommel. The blending will all be located on a dedicated non-earthen surface separate from other areas of the facility. The attached drawing shows the proposed location of the equipment, materials, and stockpiles of finished products at the site.

Southwind RAS will store small quantity piles of both ground RAP and final blended product on-site. Both stockpiles will be stored on dedicated non-earthen surface separate from other areas of the facility, and in accordance with the facility's best management practices. Inbound and outbound tonnages will be recorded to ensure maximum storage volumes are not exceeded. The attached drawing shows the proposed locations of the stockpiles along with an estimated size (in tons) of each pile.

Estimated tonnages for the stockpiles shown in the drawing are as follows:

- Raw asphalt stockpile can store approximately 3,000 to 5,000 tons (assuming pile height of 10 feet).
- Ground RAP stockpile can store a maximum of approximately 3,500 tons (assuming pile height of 15 feet)
- Each FM-98 bin can store a maximum of approximately 900 tons
- Each RAP/RAS/Aggregate blend bin can store a maximum of approximately 900 tons



Southwind RAS, LLC

RAP (Reclaimed Asphalt Pavement) Load Inspection Procedures

Load Checking

A visual inspection is performed by trained personnel on each load upon arrival at the facility. The load is visually inspected to ensure that only clean, broken reclaimed asphalt pavement (RAP) is present without any non-conforming materials such as garbage, more than an incidental amount of soil, or fabric materials attached to the RAP. Loads containing non-conforming materials or fresh hot-mix asphalt (HMA) will not be accepted. If the lining of the truck bed is treated with chemicals in any way, the load will not be accepted.

Documentation

Each load of RAP material imported to the site is inspected and documented through individual load tickets. Each load ticket will contain the following information: date, time, customer name, vehicle name, vehicle identification number, and the address or location of the source of the RAP, and the quantity of material received.

Documentation will be retained on site for a period of one year.

Southwind RAS I, LLC

SECTION 5:

- This section intentionally left blank.

Section 5: N/A

Southwind RAS I, LLC

SECTION 6:

- Justification of Use

Justification of Use

VI. JUSTIFICATION THAT THE MATERIAL IS LEGITIMATELY USED BENEFICIALLY:

Reclaimed Asphalt Shingles (RAS), when mechanically blended with Reclaimed Asphalt Pavement (RAP) or other crushed coarse aggregate, is a cost-effective and sustainable way to improve currently unpaved rural and county roadways to better control dust and stabilize roadway surfaces. This process, which includes the same materials used in typical asphalt production, also eliminates the higher costs associated with using virgin materials. The final RAS / Aggregate roadway will consist of a mechanically blended mixture of RAS and Aggregate. As shown below, the cost savings using of using a mechanically blended mixture of RAS and Aggregate is, on average, approximately \$68.36 per ton cheaper than hot-mix asphalt (82%).

Roadway Improvement Costs Using Hot-Mix Asphalt

Description / Material	Unit Cost
Fine Grade / Roadway Prep	\$3.52 / ton
2-inch Hot-Mix Asphalt Surface (N50)	\$79.87 / ton
Total Cost	\$83.39 / ton
*Optional – add 2.5-inch HMA binder course layer at \$58.13 / ton	\$125.95 / ton

Pavement Structure Improvement Costs Using RAS / Aggregate Mixture

Description / Material	Unit Cost
Fine Grade / Prep	\$1.25 / ton
6-inch Aggregate / RAS Blend Layer	\$13.78 / ton
Total Cost	\$15.03 / ton

ALTERNATIVE USES

Alternative uses or materials that can be used to control dust include calcium chloride or other roadway surfactants. These short-term or temporary solutions come with a high cost and are ineffective when compared to the RAP / Aggregate blend process. The mixture of RAS / Aggregate has an approximate life expectancy of ten (10) years.

Southwind RAS I, LLC

SECTION 7:

- This section intentionally left blank.

Section 7: N/A

Southwind RAS I, LLC

SECTION 8:

- Chemical Analysis

Chemical Analysis

VIII. CHEMICAL AND PHYSICAL ANALYSIS:**COMPOSITION / INFORMATION ON INGREDIENTS**

CAS #	Component	Percent
Not Available	Mineral Granules (Granules may consist of: feldspar, crystalline silica in the form of quartz, pyroxene, sodium silicate, kaolin, iron oxide, chromium oxide (trivalent chromium), hydrotreated heavy naphthenic petroleum distillate, titanium dioxide, zinc ferrite, carbon black, aluminum oxide, amorphous silica, calcium oxide, magnesium oxide and nickel)	30 - 45
1317-65-3	Limestone	15 - 45
8052-42-4	Petroleum Asphalt (Asphalt fumes are not released unless this product is heated to above 250°F)	15 - 34
14808-60-7	Crystalline Silica (Quartz)	1.5 - 10
14807-96-6	Talc (containing no asbestos)	< 10
65997-17-3	Continuous filament fiber glass (encapsulated)	1.5 - 3

Component Information/Information on Non-Hazardous Components

The products listed above are articles as defined by the OSHA Hazard Communication Standard at 29 CFR 1910.1200. The product's end-use is dependent upon its manufactured shape and design, and under normal conditions of use, it does not release chemicals that present a physical or health hazard. These products do not contain any form of asbestos material.

Southwind RAS I, LLC

SECTION 9:

- This section intentionally left blank.

Section 9: N/A

Southwind RAS I, LLC

SECTION 10:

- Volumes and Timeframes

X. VOLUMES AND TIMEFRAMES:

Asphalt shingle recycling has been identified as possessing a market potential greater than most other components of construction and demolition (C&D) debris. Currently, Hot Mix Asphalt (HMA) is the largest recycling market for reclaimed asphalt shingles. Because of its adhesive characteristics, flexibility, and ability to form strong cohesive mixtures with mineral aggregates, asphalt is widely used in the HMA industry for producing paving materials. Asphalt shingle recycling will not only reduce the requirement for the virgin materials that the shingles are replacing (e.g., asphalt and aggregate in the HMA market), but will also reduce the consumption of landfill airspace.

Existing Reclaimed Asphalt Shingles (RAS) processed in accordance with BUD No. BUD20-016 & BUD No. BUD11-013-R2 will be used in this RAS / Aggregate pavement mix design. This alternative use of the final RAS product will help reduce the total volume of material stored across all Southwind RAS facilities.

DEMAND & FORECAST

The specification for the RAS / Aggregate blend has been utilized across a number of pilot projects in various townships, municipalities and privately owned developments in Illinois over the last several years. Below is a summary of these projects for reference:

- The RAS / Aggregate blend was used on several roadways in Blackberry and Kaneville Townships. Material was installed over approximately 12,000-feet of roadway with an average width of 18 to 20-feet and a thickness of 3 to 4-inches. These projects used approximately 3,000 tons of RAS, and typical roadway projects such as this can require anywhere between 700 and 1,500 tons of RAS per section.
- The RAS / Aggregate blend was used on several roadways with the City of Peoria Public Works Department as well as Morton and Washington Townships. There were multiple RAS / FRAP blend options used to address the various needs within each entity's infrastructure, as outlined in the enclosed specification document.
 - Southwind is working with Winnebago County and other rural highway departments to provide this product for un-paved roadways.
- The RAS / Aggregate blend is suitable for use in privately-owned, large-scale parking lot development applications to achieve the same results as hot-mix asphalt at a substantially reduced cost. There is a significant market for private RAS / Aggregate pavement structure developments (i.e. parking lots) created, in part, through the successful publicly approved projects referenced above. This blend of recycled asphalt and aggregate pavement, when used in accordance with the specification outlined in this application, will provide private developers with the same benefits realized in publicly funded projects.

With regard to anticipated demand and forecast for use of RAS in accordance with the specification outlined in this application, across all Southwind RAS locations, below is an estimate of outbound sales over the next 2 years:

2025

Southwind RAS Facility	Facility Location	Estimated RAS Volume
Bartlett	Bartlett, IL	20,000 tons
Lorang Road	Elburn, IL	3,500 tons
South Beloit	South Beloit, IL	1,000 tons
Peoria	Peoria, IL	500 tons
Lake in the Hills	Lake in the Hills, IL	4,000 tons
Thornton	Thornton, IL	4,800 tons
Romeoville	Romeoville, IL	5,000 tons

2026

Southwind RAS Facility	Facility Location	Estimated RAS Volume
Bartlett	Bartlett, IL	5,000 tons
Lorang Road	Elburn, IL	3,500 tons
South Beloit	South Beloit, IL	500 tons
Peoria	Peoria, IL	N/A
Lake in the Hills	Lake in the Hills, IL	4,000 tons
Thornton	Thornton, IL	4,800 tons
Romeoville	Romeoville, IL	5,000 tons

Southwind RAS I, LLC



SECTION 11:

- Other Information:
 - RAS Best Management Practices

SUBJECT: RECLAIMED ASPHALT SHINGLES (RAS) – RAP OR OTHER CRUSHED COARSE AGGREGATE BLEND FOR AGGREGATE PAVEMENT SECTIONS, DUST CONTROL, STABILIZATION, PATCHING, AND PRIVATE AGGREGATE PAVEMENT DEVELOPMENTS

DEFINITIONS:

Asbestos Containing Material (ACM) – Any material containing more than one percent (1%) asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

Asbestos Free – Asbestos is not detectable using Polarized Light Microscopy.

Asphalt Shingles – A roof shingle mat of fibers impregnated with asphalt covered with aggregate.

BUD (Beneficial Use Determination) – Written conditional exemption from Illinois EPA under the authority of Section 22.54 of the Illinois Environmental Protection Act (415 ILCS 5/22.54) that specifically exempts a Source that is providing Post Consumer shingles from Illinois EPA solid waste permit requirements.

Department – County Department of Transportation

Fractioned RAP (FRAP) – FRAP shall consist of screened RAP

Local Agency – Municipality, County, Township or Local Road District

Illinois EPA – Illinois Environmental Protection Agency

NESHAP – National Emission Standards for Hazardous Air Pollutants

Manufacturer's Salvaged Shingles – Asphalt shingles, tabs, and end runs salvaged directly from a shingle manufacturer.

Other Crushed Coarse Aggregate – Consists of limestone, natural gravel, reclaimed asphalt pavement or recycled concrete with angular fragments resulting from crushing by mechanical means and/or screened aggregates with final gradation ranging in particle size from the No. 200 Sieve to <6.0 inches.

Paddock – A fenced-in or walled enclosure that can be locked and/or sealed to prevent undocumented removal or addition of new material. This area shall have a surface suitable to prevent soil from contaminating the RAS.

Pre-processed Shingles – Manufacturer's Salvaged or Post-Consumer shingles that remain to be ground to Department specifications.

Processed Shingles – Manufacturer's Salvaged or Post-Consumer shingles meeting requirements herein that have been ground to Department specifications.

Polarized Light Microscopy (PLM) – Test method to identify asbestos following EPA 600/R-93/116.

Post-Consumer Shingles (Tear-off) – Shingles salvaged from residential buildings of four or fewer dwelling units and/or single-family dwellings not subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP). Shingles must be collected separately from other general construction or demolition debris at the generated source. Shingle from whole house demolition will not be allowed.

Reclaimed Asphalt Pavement (RAP) – RAP is the material produced by cold milling or other asphalt pavement removal methods.

Reclaimed Asphalt Shingles (RAS) – RAS is from the processing and grinding of pre-consumer or post-consumer shingles.

Source – Recycler/Processor who processes shingles for use in Hot Mix Asphalt (HMA) and is authorized by the Illinois EPA and approved by the Department

State – Illinois

Stockpile – Pile of pre-processed shingles limited in size by the Illinois EPA BUD or Permit

Supplier – An individual or business that brings shingles into the facility for the production of RAS.

Direct suppliers can be:

- Roofing Company
- Homeowner

Indirect suppliers (must be listed in QC Plan):

- Construction/Demolition Recyclers
- Salvager from new shingle manufacturer

Tipping Pad – Designated paddock for unloading incoming loads of shingles prior to asbestos sampling.

Training – An educational program specified to the job duties described in the quality control plan. The education program shall include specific position responsibilities and the type of training required. For positions that require asbestos training, the education program shall be developed for the specific methods being used by the Source and presented by licensed specialists knowledgeable in the safe handling, usage and disposal of this material.

1.0 PURPOSE

- 1.1 To establish a procedure whereby the Reclaimed Asphalt Shingle (RAS) production of a Source will be conducted in accordance with applicable environmental laws and regulations in a manner that results in a product that may be accepted for use on State, Local Agency or private development projects. This policy shall be referenced with all applications for Illinois Environmental Protection Agency (Illinois EPA) permits (Bureaus of Air, Land and Water) or for applications of BUD permits required to operate a RAS processing facility.

2.0 SCOPE

- 2.1 This procedure shall apply to all Sources which desire to supply RAS for incorporation into RAP (Reclaimed Asphalt Pavement or other crushed coarse aggregate) for aggregate pavement section road projects, dust control, private aggregate pavement or structure developments, and stabilization purposes in accordance with the design and specification approved by an Illinois Licensed Professional Engineer.

3.0 SPECIFICATION

- 3.1 RAS - RAS is from the processing and grinding of pre-consumer or post-consumer shingles. RAS shall be a clean and uniform material with a maximum of 0.5 percent unacceptable materials. All RAS used shall be ground and processed to 95 percent passing the 1-inch sieve based on a dry shake gradation.
- 3.2 RAP - Shall be reclaimed asphalt product, crushed or screened to produce a finished product with 100 percent passing the 1.5-inch sieve.
- 3.3 Blended Product – The final RAS-RAP / Aggregate road blend will be mechanically blended to meet the Illinois Professional Engineer design specifications.

4.0 INSTALLATION

- 4.1 RAS-RAP aggregate blend for aggregate pavement sections shall be installed in a uniform lift and compacted per Exhibit A.
- 4.2 RAS-RAP aggregate blend for pavement patching shall be blended mechanically for use per Exhibit B.
- 4.3 RAS blended with existing aggregate surface material shall be blended and placed per Exhibit C.

5.0 BUD permit from the Illinois EPA

- 5.1 Only RAS from a facility with an IEPA approved BUD shall be used in the RAS / RAP or other crushed coarse aggregate mixture.

6.0 RAS Facility Best Management Practices

The intent of this document is to summarize the environmental and process controls for recycling post-consumer reclaimed asphalt shingles at the RAS Facility, subject to the parameters outlined under a beneficial use determination ("BUD") (415ILCS 5/22.54).

1. Incoming loads of post-consumer asphalt shingles will be inspected and accepted or rejected by the onsite Illinois Certified Asbestos Inspector, trained to identify potential asbestos containing materials and other unacceptable wastes and materials. Loads identified by the Illinois Certified Asbestos Inspector as containing potential asbestos containing materials will be rejected. Acceptance and rejection of the incoming loads will be recorded, and records will be maintained electronically.
2. A list of unacceptable items will be displayed at the point of inspection (see Exhibit - Supplier List of Acceptable and Unacceptable Materials)
3. Training of the suppliers and processing facility personnel on acceptable and unacceptable materials will be completed by an Illinois Certified Asbestos Inspector. The goal of the training is to achieve separation of unacceptable materials at the source of the clean loads or to train personnel at mixed load facilities to sort shingles in the manner required. Training materials are attached which describes training required for all parties in the process. Training documents will be updated as necessary.
4. Environmental Control
 - a. The initial 100 loads or 1000 tons (whichever is met first) of pre-processed tear-off asphalt shingles will be sampled and tested for asbestos containing materials every 10/tons according to IEPA current standards and procedures.
 - i. Each load will be weighed, ticketed, and stockpiled separately in an assigned area.

- ii. Representative samples of the asphalt shingle material will be collected according by the onsite Illinois Certified Asbestos Inspector. Representative samples will include different colors and patterns present.
 - iii. Samples will be tested according to IEPA current standards and procedures for ACM using "Polarized Light Microscopy" (PLM).
 - iv. Only material certified as non-hazardous for asbestos will be incorporated into the feed material.
 - v. In the event that asbestos is not detected through PLM in the first 100 loads or 1000 tons of post-consumer pre-processed material, in-bound sampling protocol will be reduced to 2 samples for every 250 tons inbound. This frequency of testing may be modified in future as determined by IEPA.
 - vi. In the event that asbestos is detected through PLM in the first 100 loads or 1000 tons of post-consumer pre-processed material, loads identified as hazardous asbestos containing materials will be rejected and properly disposed of at a landfill.
- b. The initial 1000 tons of post-processed post-consumer asphalt shingles will be tested after processing for ACM content.
 - i. ACM testing of the initial 1000 tons will occur at a rate of 1 PLM test/100 tons.
 - ii. Test results confirming the material is non-hazardous for asbestos, will be obtained prior to commingling the material with stockpiled product.
 - iii. After the first 1000 tons, testing will be completed at a rate of 1 PLM test for every 500 tons of produced. This frequency of testing may be modified in future as determined by IEPA.

5. Air monitoring Plan

- a. An initial exposure assessment (personal breathing zone air sampling) for asbestos fibers will be conducted in the breathing zone of each specific task by a certified industrial hygienist (CIH) during the grinding of the asphalt shingles within the first month of processing. The assessment will include samples collected at 30-minute, 4-hour, and 8-hour durations. Samples will be analyzed by PLM or Phase Contrast Microscopy (PCM), and results are not to exceed 0.1 fibers per cubic centimeter. Samples requiring further analysis will be analyzed using Transmission Electron Microscopy (TEM), which differentiates and counts only asbestos fibers. Documentation of the results will be maintained on-site and will be made available to the IEPA Asbestos Unit Program Manager upon request.
- b. Exposure assessments will be conducted bi-annually the first year and then annually thereafter under the supervision of the certified industrial hygienist for

each task identified. This frequency and type of testing may be modified in future as determined by IEPA.

6. Quality Control and Processing

- a. Quality Testing will be completed on processed product, ready for use, to ensure the product characteristics are representative and meet customer requirements.
- b. Processing production logs will be completed to indicate the quantities of material sorted ground, tested as non- hazardous ACM, and processed daily for final use in hot mix asphalt.

7. General Operating Guidelines

- a. Access to the facility will be controlled by a gated entrance and exit. The gate must be locked when facility personnel are not present.
- b. A sign will be posted at the entrance of the processing facility indicating the name of the facility and the hours of operation.
- c. Incoming loads will be inspected by the on-site Illinois Certified Asbestos Inspector familiar with the requirements and operation of the facility.
- d. Unloading of the post-consumer tear-off shingles will be confined to an approved designated "tipping area" paddock.
- e. Fencing at least 6 feet in height will be constructed to prevent windblown material from leaving the storage area.
- f. Storage shall be a minimum of 100' from waters of the U.S.
- g. A sort-line staffed by trained personnel will be used to remove deleterious materials from the clean shingles prior to processing.
- h. Unacceptable material separated from the shingles will be evaluated periodically to determine the amount of unacceptable materials entering the site from each supplier in order to reduce the amount of unacceptable materials entering the site.
- i. Stockpiles of incoming shingles, clean, sorted material ready for grinding, and ground RAS shall not exceed 10,000 tons, unless documentation (i.e. contracts, order requests, or letters of intent), from either an Illinois Highway Authority or private hot mix asphalt producer can be provided. Storage time will not exceed 18 months after shingles are received at BUD.
- j. The regulatory agencies will be allowed to conduct random visits to the facility.
- k. Clean loads, ready for processing, shall not exceed a cumulative total of 1.5% by weight of felt attached to shingles or other deleterious. This weight shall not include nails, which will be removed during processing.
- l. Grinding of clean, sorted material, ready for processing will be conducted using an industrial shingle grinder. The grinder will utilize water for dust control and to control temperature during the grinding process.

- m. During storms, heavy rain and/or high winds, production will be stopped until weather conditions allow for safe operation.
- n. MSDS – A material safety data sheet is provided for a sample shingle manufacturer. It is suggested that people handling RAS by hand should wear gloves and eye protection. Long sleeves are also suggested.

Southwind RAS I, LLC

SECTION 12:

- RAS / FRAP Specification

Materials Specifications:

We are providing three material specifications for beneficial use of reclaimed shingles in various Aggregate / RAS blended applications.

1. Specification 01 – 70% - 30% Aggregate-RAS Blend for Aggregate Pavement Sections
2. Specification 02 – Pavement Patching Cold Patch Mix using Fractionated RAP (or other crushed aggregate) and RAS Blend
3. Specification 03 – RAS Blended with an Existing Aggregate Surface Course – for the purpose of Dust Control.

Specification – 01

Subject: RAS Application – 70% - 30% Aggregate-RAS Blend for Aggregate Pavement Sections

Description: This work shall consist of furnishing and placing one or more courses of RAP or crushed aggregate blended with RAS, uniformly mixed, constructed and compacted in accordance with these specifications upon a prepared aggregate or soil base. The material shall be installed to meet the lines, grades, and cross sections as shown on the plans or as required by the Engineer.

Materials: RAP or crushed coarse aggregate materials shall be processed, well-graded and at minimum meet the gradation for CA-06. RAS shall be produced at an IEPA approved BUD facility with 100% passing the $\frac{3}{4}$ " Sieve. Materials shall be mechanically blended utilizing a calibrated cold feed bin system and may consist of RAP, coarse aggregate, RAS, etc.

RAS shall be free of all nails.

RAS can either be Type I, Manufacturer's scrap, of Type II, Post-consumer tear-off waste.

Drainage: The method of construction shall include provisions for surface drainage of the prepared base.

Application: The RAS / RAP or other crushed coarse aggregate shall be applied uniformly to the existing prepared aggregate or soil base.

EQUIPMENT: All equipment and machinery used on the work shall be of sufficient size and in such mechanical condition as to meet the requirements of the work and produce satisfactory quality of work. RAS / RAP or other crushed coarse aggregate blend shall be graded, rolled and compacted. Material shall be compacted to the satisfaction of the property owner or Engineer.

Equipment which may be used: motor grader, dozer, smooth drum roller, pneumatic-tired roller, wheel loader, trucks, water truck and other equipment and tools necessary to complete the work.

Specification - 02

Subject: RAS Application – Pavement Patching Cold Patch Mix using Fractionated RAP (or other crushed aggregate) and RAS Blend

Description: This work shall consist of furnishing and placing a blend of fractionated aggregate or other crushed aggregate and RAS for the purposes of pavement patch maintenance work.

Materials: FRAP or other aggregate materials shall be processed, reasonably well-graded from coarse to fine. Aggregate material that is gap-graded or single sized will not be accepted. RAS shall be produced at an IEPA approved BUD facility with 100% passing the $\frac{3}{4}$ " Sieve. Emulsion should be at the direction of the Engineer. Materials shall be mechanically blended utilizing a calibrated cold feed bin system and may consist of FRAP, other crushed coarse aggregate, RAS, etc.

RAS shall be free of all nails.

RAS can either be Type I, Manufacturer's scrap, of Type II, Post-consumer tear-off waste.

Application: The blended RAP or other crushed coarse aggregate will be applied to the existing pavement maintenance area in a quantity to allow for safe travel over the area. The area will be cleaned using high volume, low-pressure air to clean the patch area of debris. The area will be coated with emulsion visually acceptable to the property owner and or Engineer. FRAP or other crushed coarse aggregate and blended with RAS will be shoveled and raked to fill patch area above the surface elevation.

Equipment: Duraco Durapatcher 125DJT or other equipment approved by the Engineer. The blended aggregate shall be rolled and compacted. Material shall be compacted to the satisfaction of the property owner or Engineer.

Specification - 03

Subject: RAS Application – RAS Blended with an Existing Aggregate Surface Course – for the purpose of Dust Control.

Description: This work shall consist of furnishing and placing one or more courses of RAS aggregate upon an existing scarified aggregate surface course for the purpose of Dust Control. The material shall be installed to meet the lines, grades, and cross sections as shown on the plans or as required by the Engineer.

Materials: RAS shall be produced at an IEPA approved BUD facility with 100% passing the ¾" Sieve.

RAS can either be Type I, Manufacturer's scrap, of Type II, Post-consumer tear-off waste and shall be free of all nails.

Drainage: The method of construction shall include provisions for positive drainage.

Application: The RAS shall be applied uniformly on the scarified surface aggregate via truck dumped with the tailgate tightly chained to control spreading volume to achieve a uniform thickness of 1 to 2 inches. RAS should then be blended with the scarified surface gravel using a motor grader or road reclaimer.

If blending is completed via motor grader – starting at one side of the existing roadway edge and blading a windrow to the middle, then blading the opposite roadway edge to the middle, The contractor shall then blade the resulting blended windrow back across the roadway section to meet the lines, grades, and cross sections as shown on the plans or as required by the Engineer. This process should be repeated until the resulting mixture is homogenous and uniform in appearance to the satisfaction of the property owner or Engineer.

Equipment: RAS aggregate blended with scarified aggregate surface course shall be graded, rolled and compacted.

Equipment which may be used: motor grader and/or road reclaimer, smooth drum roller, pneumatic-tired roller, wheel loader, trucks, water truck and other equipment and tools necessary to complete the work.

I, Steven R. Kaminski, have reviewed these specifications and it is to the best of my knowledge and belief, true, accurate and complete. Further, Reclaimed Asphalt Shingles (RAS) when blended with Reclaimed Asphalt Pavement (RAP) or other crushed coarse aggregate for the purpose of being used as an aggregate base or aggregate surface coarse, will provide an aggregate pavement of equal structural performance as those constructed via conventional state, county, township and municipal specifications for aggregate pavements while providing superior dust suppression and erosion resistance characteristics.

Steven R. Kaminski

Printed Name



Signature of Licensed Professional Engineer

8-9-24

Date



Southwind RAS I, LLC

SECTION 12:

Signatures:

- IEPA 22.54 Certification (for a Legal Entity)
- IEPA 22.54 Certification (for a person)



Illinois Environmental Protection Agency

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

22.54 Certification (for a Legal Entity) For Operating an Asphalt Shingle Recycling Operation or Site

This form is for prior experience in operating an asphalt shingle recycling operation or site.

You may complete this form online and save a copy locally before printing, signing and submitting it to the Illinois EPA at the address below. If you choose to complete this form manually, please type or print clearly.

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

Site Name: Southwind RAS I, LLC - Romeoville Recycling Facility IEPA BOL No.: 1970905199
Applicant Name: Southwind RAS I, LLC
Title: _____
FEIN: 27-2142676
Street Address: 2250 Southwind Blvd P.O. Box: _____
City Bartlett State: IL Zip Code: 60103
Permit Numbers (if applicable): _____

I. Has the applicant, or any of its owner or officers, ever owned or operated other asphalt shingle recycling operations or sites (anywhere) at anytime? If Yes, provide the information below. ☒ Yes ☐ No

Site Name: See Attached IEPA BOL No.: _____
Applicant Name: _____
Title: _____
Street Address: _____ P.O. Box: _____
City _____ State: _____ Zip Code: _____
Type of Material: _____
Activity Type: _____

II. All of the following questions need to be answered. If the answer to any of the following is yes, attach a copy of any final administrative or judicial determination.

- 1) Has the applicant or any of its owners or officers, ever been convicted of a violation of any federal, state, or local laws, regulations or ordinances governing the operation of any asphalt shingle recycling operation or site or CCDD facility or site? ☐ Yes ☒ No
- 2) Has the applicant or any of its owners or officers, ever been convicted in Illinois or any other state of any crime which is a felony under Illinois law, or been convicted of a felony in a federal court or been convicted in Illinois, another state or federal court of any of the following: forgery, official misconduct, bribery, perjury or knowingly submitting false information under any environmental law, regulation or permit term or condition? ☐ 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 and 5/22). 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.

- 3) Has the applicant or any of its owners or officers, ever been proven to have shown gross carelessness or incompetence in the handling, storing, processing, transporting, disposing of, or recycling asphalt shingles in any state?

☐ Yes ☒ No

III. Is there any administrative or judicial proceeding, which is still pending, which:

- 1) Could result in a determination of the type described in Section II above;

☐ Yes ☒ No

or

- 2) Could result in the reversal of any administrative or judicial determination provided in response to section II above.

☐ Yes ☒ No

If the answer to any of the above is yes, please provide a description including the name of the Agency or Court, title, docket No. and status below. The box below will expand as needed. Attach additional sheets as needed.

AUTHORIZATION FOR RELEASE OF INFORMATION

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 an to a duly authorized agent of the Illinois Environmental Protection Agency, whether said 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 5/1]. 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 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))



Applicant's Signature:

M.Slade O'Keefe

Printed Name:

03/20/2025

Date:

Manager

Title:

Site Name	Site Address	IEPA BOL #	County	Type of Material	Activity Type	IEPA Log No
Southwind RAS, LLC Bartlett Recycle Facility	1950 Vulcan Blvd Bartlett, IL 60103	314125049	Cook	Shingles	Recycle	BUD09-006-R-1
Southwind RAS, LLC Decatur RAS Facility	680 West El Dorado Decatur, IL 62521	894125010	Macon	Shingles	Recycle	BUD10-007-R-1
Southwind RAS, LLC Peoria RAS Facility	2217 S. Darst Street Peoria, IL 61601	1430000000	Peoria	Shingles	Recycle	BUD10-012-R-1
Southwind RAS, LLC Mundelein RAS Facility	19109 Winchester Mundelein, IL 60060	971155241	Lake	Shingles	Recycle	BUD10-014-M-3
Southwind RAS, LLC Romeoville RAS Facility	South Material Road Romeoville, IL 60446	1970905199	Will	Shingles	Recycle	BUD11-013
Southwind RAS, LLC Lake in the Hills RAS Facility	8813 S Route 31 Lake in the Hills, IL 60156	1110000000	McHenry	Shingles	Recycle	BUD11-003
Southwind RAS, LLC Thornton RAS Facility	183rd and Glenwood/Thornton Rd Thornton, IL 60476	310000000	Cook	Shingles	Recycle	BUD11-013
Southwind RAS, LLC Skokie RAS Facility	3219 Oakton Street Skokie, IL 60076	312888618	Cook	Shingles	Recycle	BUD12-006
Southwind RAS, LLC McCook Recycle Site	5300 Lawndale Ave McCook, IL 60525	311745067	Cook	Shingles	Recycle	BUD13-002
Southwind RAS, LLC Springfield RAS Facility	2100 J David Jones Pkwy Springfield, IL 62707	1671205529	Sangamon	Shingles	Recycle	BUD13-003
Heartland Recycling Center Aurora RAS Facility	213 Mettel Road Aurora, IL 60504	894075963	Kane	Shingles	Recycle	BUD13-014
Quality North Central Recycle Center	1820 North Central Ave Chicago, IL 60639	316305085	Cook	Shingles	Recycle	BUD13-009
Southwind RAS, LLC DeKalb Recycle Center	900 Oak Street DeKalb, IL 60115	370105011	DeKalb	Shingles	Recycle	BUD13-020
Southwind RAS, LLC Sterling Recycle Center	2707 West 4th Street Sterling, IL 61081	1950505155	Whiteside	Shingles	Recycle	BUD13-025
Southwind RAS, LLC Urbana Recycle Center	1000 W Saline Court Urbana, IL 61801	191059085	Champaign	Shingles	Recycle	BUD13-022
Southwind RAS, LLC Bloomington Recycle Center	2148 Tri Lakes Rd Bloomington, IL 61704	1138045001	McLean	Shingles	Recycle	BUD13-021
Southwind RAS, LLC Grand Avenue Recycle Center	4613 W. Grand Ave. Chicago, IL 60639	316195385	Cook	Shingles	Recycle	BUD14-009
Southwind RAS, LLC Sangamo RAS	2100 Moffat (19th/Washington) Springfield, IL 62707	1671209387	Sangamon	Shingles	Recycle	BUD16-003
Southwind RAS, LLC Richton Park RAS Recycling Facility	22100 Central Avenue Richton Park, IL 60471	312555027	Cook	Shingles	Recycle	BUD16-007

Site Name	Site Address	IEPA BOL #	Type of Material	Activity Type	IEPA Log No
Northwind RAS, LLC	4225 Prairie Hill Rd				
South Beloit RAS Facility	South Beloit, IL 61080	2010000000 -- Winnebago County	Shingles	Recycle	BUD10-010-R-1
Northwind RAS, LLC	301 W BR Townline Rd				
Janesville RAS Facility	Janesville, WI 53545	2010305617 --Winnebago County	Shingles	Recycle	BUD11-019
G&E Five, LLC	5728 9th Street				
Rockford 9th Street RAS Facility	Rockford, IL 61109	2010306637 -- Winnebago County	Shingles	Recycle	BUD12-010

Site Name	Site Address	IEPA BOL #	Type of Material	Activity Type	IEPA Log No
Hansen's RAS O'Fallon Recycle Center	1628 Kemmar Court O'Fallon, MO 63366	1194285099 -- St Clair County	Shingles	Recycle	BUD13-011
Hansen's RAS Fairview Heights Recycle Center	9665 Route 161 Fairview Heights, IL	1630525105 -- St Clair County	Shingles	Recycle	BUD14-005



217/524-3301

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 09 2025

9589 0710 5270 0389 7156 15

Owner/Operator

Southwind RAS I, LLC
Attn: M. Slade O'Keefe
2250 Southwind Blvd
Bartlett, IL 60103-1304

Site Location

5 South Material Road
Romeoville, IL 60446

Re: 1970905199 -- Will County
Romeoville RAS Recycle Center
Log No. BUD25-004
Permit Denials – 03B

Dear M. Slade O'Keefe:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the request for a Beneficial Use Determination (BUD) dated March 20, 2025, and received by the Illinois EPA on March 21, 2025, to blend recycled asphalt shingles (RAS) with reclaimed asphalt pavement (RAP) or other crushed coarse aggregate on currently unpaved rural roadways for the purpose of dust control and road stabilization, both on public and private projects. This request is disapproved. In accordance with Section 22.54(b) of the Illinois Environmental Protection Act (415 ILCS 5/), the Illinois EPA must provide reasons for the disapproval. The following reason is given:

On April 11, 2023, the following alleged violations were observed at Romeoville RAS Recycle Center:

1. An Illinois EPA inspector observed open dumping at the subject property, which violates Illinois law. See 415 ILCS 5/21(a).
2. An Illinois EPA inspector observed evidence of asbestos exposure assessments not being done during grinding operations at the subject property, which violates Illinois law and the Permit. See 415 ILCS 5/21(d)(1); 415 ILCS 5/22.54(d); Permit Condition 11; and Permit Condition 21.
3. The subject property was not testing samples using National Institute of Standards and Technology (NIST) accredited lab, which violates Illinois law and the permit. See 415 ILCS 5/21(d)(1); Permit Condition 17; and Permit Condition 20.
4. An Illinois EPA inspector observed inconsistent records with discrepancies in the quantities of materials at the subject property, which violates Illinois law and the Permit. See 415 ILCS 5/21(d)(1); Permit Condition 10; Permit Condition 15; and Permit Condition 17; and Permit Condition 18.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
115 S. LaSalle Street, Suite 2203, Chicago, IL 60603
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000

595 S. State Street, Elgin, IL 60123 (847) 608-3131
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Page 2

5. The subject property did not have all required records available for inspection, which violates Illinois law and the Permit. See 415 ILCS 5/21(d)(1); Permit Condition 10; and Permit Condition 17.

Due to the ongoing litigation of alleged violation of Illinois law and non-compliance with multiple Permit Conditions, the Illinois EPA is unable to approve the proposed Beneficial Use Determination request at this time. Upon resolving violation notices L-2023-00093 and L-2023-00094, the applicant may resubmit the application for consideration.

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
P.O. Box 19276
Springfield, IL 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, IL 60605-1241
312/814-3620

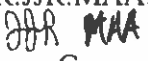
Any questions about this letter should be directed to Michael Anderson of my staff by phone at 217/524-8440 or by email at Michael.A.Anderson@illinois.gov.

Sincerely,



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

JLR:JJR:MAA: 1970905199-BUD-BUD25004-Denial.docx

cc:  Gregory W. Wilcox P.E., Winston Engineering
Dave Hartke, Will County

SR067



(217)524-3300
TDD 217/524-2891

CERTIFIED MAIL # 7021 2720 0000 2253 3558
RETURN RECEIPT REQUESTED

April 11, 2023

John F Harris, Registered Agent
2250 Southwind Boulevard
Bartlett, Illinois 60103

Re: Violation Notice L-2023-00094
BOL #1970905199 - Will County
Romeoville/Southwind RAS LLC
Compliance File

Dear John F Harris:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on January 26, 2023 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by

agreeing to and signing the proposed CCA or by notifying the Illinois EPA that you reject the terms of the proposed CCA.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to a prosecutorial authority.

Written communications should be directed to:

Illinois Environmental Protection Agency
Attn: Victoria Slayton
Bureau of Land # 24
1021 North Grand Ave. East
Springfield, Illinois 62794-9276

Please include the Violation Notice Number L-2023-00094 and the Site Identification Number 1970905199 on all written communications and supporting documents.

The complete requirements of the Illinois Environmental Protection Act and any Illinois Pollution Control Board regulations cited herein or in the inspection report can be viewed at:

<http://www.ipcb.state.il.us/SLR/TheEnvironmentalProtectionAct.asp>

and

<http://www.ipcb.state.il.us/SLR/IPCBandIEPAEnvironmentalRegulations-Title35.asp>

If you have questions regarding this matter, please contact Jose Loeza at the following email address: Jose.Loeza@Illinois.gov or at (847) 294-4066.

Sincerely,



Victoria Slayton, MPA
Deputy Section Manager
Materials Management and Compliance Section
Illinois EPA

Enclosure: Violation Notice Attachment

Violation Notice Attachment

Southwind RAS LLC (“Respondent”) operates the business located at 5 South Material Road in Romeoville, Illinois (“the subject property”). Southwind RAS LLC is a/k/a Southwind RAS I LLC and f/k/a Romeoville RAS Recycling Facility. On January 26, 2023, the Illinois EPA inspected the subject property. During the inspection, apparent violations of the Illinois Environmental Protection Act and Permit No. Solid Waste: BUD11-013-R2 (the “Permit”) were observed. These apparent violations are discussed in further detail below.

1. Applicable Authorities

- i) Illinois law prohibits any person from:
 - a) Causing or allowing open dumping. *See* 415 ILCS 5/21(a).
 - b) Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Illinois EPA or in violation of any conditions imposed by such permit. *See* 415 ILCS 5/21(d)(1).
 - c) Using a material subject to a beneficial use determination in violation of the conditions of the determination, unless the material is managed as waste. *See* 415 ILCS 5/22.54(d).
- ii) The Permit requires:
 - a) Romeoville RAS Recycling Facility shall retain copies of all operating records, including any affidavits, records of retention times, training records, daily reports, inspection reports, incident reports, material profile identification sheets, re-certifications, certifications of representative samples, laboratory analyses, special analysis plans, any waiver of requirements at the office of the facility for five years after this authorization expires. These records shall be made available to the Illinois EPA or their designee through intergovernmental agreement upon request. *See* Permit Condition 10.
 - b) The RAS shall be inspected upon receipt at Romeoville RAS Recycling Facility and loads which are not clean shall be rejected. A not clean load is defined by a load containing any amount of non-shingle materials such as paper, plastic, flashing or wood. Any load with visible nonshingle material must be rejected. As the clean load of shingles is unloaded into the raw shingles storage area, any concealed non-shingle material detected during unloading must be removed immediately during the unloading process.

Acceptance of waste is not permitted at the site. Shingles shall be managed onsite in accordance with the applications and the conditions of this approval. Shingles must not be abandoned or allowed to escape into the environment. The clean material shall be stockpiled and tested in accordance with the Best Management Practices (BMPs) submitted and approved as described in your application Log No. BUD11-013-R2. *See Permit Condition 11.*

- c) The maximum amount of processed and unprocessed shingles stored at Romeoville RAS Recycling Facility, 5 South Material Road, Romeoville, Illinois 60446 is 38,497 tons at any one time. The basis of this "hard cap" is a base cap of 10,000 tons plus a 4-year rolling average of an additional 7,124 tons per year as the "marking-based cap". All shingles received at the site shall be processed onsite and removed from the site within 4 years of initial acceptance. At least 25% of the facility's entire inventory present during a calendar year must be removed during the following calendar year. Stored volumes of the total combined volume of processed and unprocessed shingles may exceed 39,000 tons only if the facility can produce documentation (i.e., contracts, order requests, or letters of intent) from either an IDOR, Illinois State Toll Highway Authority, or private hot-mix asphalt producer showing the entire volume of processed and unprocessed shingles exceeding 38,497 tons will be needed by a RAS user authorized under Condition 12 above, within the 4-year period after the shingles are received. This documentation must be provided within 30 days after requested verbally or in writing by the Illinois EPA or its designee through intergovernmental agreement upon request during normal business hours. *See Permit Condition 15.*
- d) Shingles shall be processed to meet the desired IDOT or Illinois State Toll Highway Authority specification. Material meeting the Page 5 desired specification shall be conveyed to the on-site processed shingles storage area. Oversized material must be conveyed back to the grinder, reground and rescreened to meet the size specification. Records of tonnage of tear-off shingles and retention times shall be compiled monthly and maintained in bound or electronically imaged chronological files. *See Permit Condition 17.*
- e) Southwind RAS I, LLC shall develop and maintain a recordkeeping system that is adequate to track the storage time on site and volumes of shingles to demonstrate compliance with conditions 15 and 17 above. *See Permit Condition 18.*
- f) The IDOT specification for shingle recycling shall be conducted in accordance with IDOT's contract specifications for Reclaimed Asphalt

Shingles (RAS) and Policy Memorandum-Reclaimed Asphalt Shingles (RAS) Sources. The Illinois Tollway specification for shingle recycling shall be conducted in accordance with Construction Bulletin 10-01: Guidelines of Best Management Practices for the Operation of Asphalt Shingle Recycling Facilities. Any deviation from these procedures or specifications, except to comply with IDOT updates from specifying Reclaimed Asphalt Shingles (RAS) and Policy Memorandum-Reclaimed Asphalt Shingles (RAS) Sources, is subject to the requirements of Condition 1. *See* Permit Condition 20.

- g) This BUD only applies to shingles that have been processed following the shingles control plan presented in this application for testing, and removal of material containing asbestos and using method EPA600/R-93/116 to detect asbestos in the shingles. *See* Permit Condition 21.

2. Alleged Violations

- i) The Illinois EPA inspector observed open dumping at the subject property, which violates Illinois law. *See* 415 ILCS 5/21(a).
- ii) The Illinois EPA inspector observed evidence of asbestos exposure assessments not being done during grinding operations at the subject property, which violates Illinois law and the Permit. *See* 415 ILCS 5/21(d)(1); 415 ILCS 5/22.54(d); Permit Condition 11; Permit Condition 21.
- iii) The subject property is not testing samples using a National Institute of Standards and Technology (“NIST”) accredited lab, which violates Illinois law and the Permit. *See* 415 ILCS 5/21(d)(1); Permit Condition 17; Permit Condition 20.
- iv) The Illinois EPA inspector observed inconsistent records with discrepancies in the quantities of materials at the subject property, which violates Illinois law and the Permit. *See* 415 ILCS 5/21(d)(1); Permit Condition 10; Permit Condition 15; Permit Condition 17; Permit Condition 18.
- v) The subject property did not have all required records available for inspection, which violates Illinois law and the Permit. *See* 415 ILCS 5/21(d)(1); Permit Condition 10; Permit Condition 17.

3. Suggested Resolutions

Respondent should take remedial action to address the above-referenced violations, including:

- i) **Immediately upon receipt of this Violation Notice (“VN”),** cease open dumping at the subject property.

- ii) **Immediately upon receipt of this Violation Notice (“VN”),** begin conducting asbestos exposure assessments during grinding operations.
- iii) **Immediately upon receipt of this VN,** begin maintaining a paper or electronic copy of the operating record at the subject property.
- iv) **Within 45 calendar days of receipt of this VN,** begin submitting samples of shingles to a NIST accredited lab for testing.
- v) **Within 45 calendar days of receipt of this VN,** develop and maintain a recordkeeping system that will adequately track retention time and tonnage of the shingles on-site.
- vi) **Within 45 calendar days of receipt of this VN,** provide an explanation for the inconsistent information on the monthly reports and the material discrepancies.
- vii) Recordkeeping. **Within 45 calendar days of receipt of this VN,** the Respondent shall submit copies of records reflecting remedial actions undertaken to address the above-referenced violations, including but not limited to an explanation of the discrepancies, and photographs reflecting the completion of the suggested resolutions identified above, to:

*Illinois EPA Des Plaines Regional Office
Attn: Jose Loeza
9511 Harrison Street
Des Plaines, Illinois 60016*

Illinois Environmental Protection Agency

Bureau of Land – Field Operations Section

Inspection Report

General Facility Information

BOL ID	1970905199	Evaluation Date	1/26/2023
USEPA ID	N/A	Region	Des Plaines
Site Name	Southwind RAS LLC	County	Will
Address	5 S. Material Rd.	Phone	630-233-5700
City/State/Zip	Romeoville, IL 60446	EJ Status	Minority
Limited English	<input type="checkbox"/>	Primary Language	English

Observations

Time	0845 - 0930
Weather Conditions	Light snow
Temperature	22 Fahrenheit
Photos Taken	Yes (3)

Evaluation Type

Solid Waste Program - Beneficial Use Determination

Owner

Heidelberg Materials Midwest Aggregate Inc
 Attn: Christopher Ward
 300 E. John Carpenter Fwy. #1645
 Irving, TX 75062

Operator

Southwind RAS LLC
 Attn: Josh Quinn
 2250 Southwind Blvd
 Bartlett, IL 60103

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Jose Loeza	IEPA FOS Primary Inspector	(847) 294-4066
Donna Shehane	IEPA FOS Secondary Inspector	(847) 294-4000

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
Josh Quinn	(630) 940-5789	JoshQ@grp7.com

Permit

<u>Application Date</u>	<u>Log #</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Mod/Sp #</u>	<u>Mod/Sp Date</u>
3/26/2021	Solid Waste: BUD11-013-R2	10/14/2021	8/15/2026	Log No. BUD11-013-R2	10/14/2021
12/4/2020	Solid Waste: BUD20-016	10/7/2021	10/1/2026	Log No. BUD20-016	10/7/2021

Active Enforcement Orders

<u>CACO</u>	<u>Consent Decree</u>	<u>CAFO</u>	<u>IPCB</u>	<u>Federal Court</u>	<u>State Court</u>
NONE					

Executive Summary

On January 26th, 2023, I, Jose Loeza, conducted a beneficial use determination (BUD) inspection at Southwind RAS LLC, located at 5 S. Material Rd., Romeoville, IL. 60446. The site stores and processes recycled asphalt shingles (RAS). I was accompanied by Illinois EPA inspector Donna Shehane. The inspection was conducted as part of the Illinois EPA's solid waste workplan to determine compliance with the Illinois Environmental Protection Act, Beneficial Use Determination (BUD) Application Log No. BUD11-013-R2 and BUD20-016, Illinois Tollway Construction Bulletin 10-01: Guidelines of Best Management Practices for Operations of Asphalt Shingle Recycling Facilities, and Illinois Department of Transportation Policy Memorandum: Reclaimed Asphalt Shingles (RAS) Sources. I interviewed environmental compliance manager, Josh Quinn. I observed apparent violations during the inspection.

Evaluation Narrative

Background

Southwind RAS LLC currently has two BUDs. BUD11-013-R2 is for the storage, management, and use of RAS as a raw ingredient in hot mix asphalt (HMA) pavement. BUD20-016 is for the use of RAS as an ingredient, along with fractionated reclaimed asphalt pavement (FRAP), in a pavement blend for dust control and general road improvements. BUD20-016 does not add to the maximum amount of processed and unprocessed shingles, 38,497 tons, allowed at 5 S. Material Rd. under BUD11-013-R2. The previous inspection was conducted on November 13, 2019. It resolved continuing violations from an inspection on November 16, 2016, that resulted in Violation Notice L-2016-01151 and subsequent Compliance Commitment Agreement dated March 28, 2017.

On-site Evaluation

I arrived at 5. S. Material Rd. at approximately 8:45AM. Mr. Quinn received us at the entrance of the facility and took us to the scale house where I conducted the onsite interview. He gave me background information and explained how RAS is processed at the site from start to finish. Incoming loads are weighed on the scale, then an asbestos inspector screens the loads for suspected asbestos containing materials (ACM) and unauthorized waste. The loads are first dumped in a tipping bay (see photo 1) until they accumulate 125 tons of material for a sample and wait for results. The samples are tested for asbestos fibers. Loads are then taken to the unprocessed shingles storage pile (see photo 2). When needed, they order mobile grinding and screening machinery to the site. Processed RAS is stored in a separate pile (see photo 3) and sampled for asbestos once every 500 tons.

I asked Mr. Quinn to show me several documents of their operating record. However, the only document available on-site was Supply Certification Forms for suppliers of tear-off roofing shingles. Mr. Quinn said he would email the rest of the documents. We then went on a tour of the site and ended the inspection at 9:30AM.

Off-site Evaluation

On January 27th, I received asbestos training certificates from 2022, a general refuse disposal receipt, monthly report for 2022, lab results from sampling, and an asbestos exposure assessment for 2022. Asbestos training is received from EarthTech Inc. in Yorkville, IL. General refuse was last picked up on November 30, 2022, by Homewood Disposal Service in Tinley Park, IL. According to their 2022 monthly summary report (see attachment A), 3571 tons of shingles were accepted, 5880 tons of RAS were shipped off site, and there are a total of 12,892 tons of material on-site. The report also included tonnage figures from 2021-2014. The last rejected load happened over three years ago. Lab reports for asbestos testing showed "None Detected" for inbound material from October 12, 2022, and outbound material from May 20, July 22, and October 13, 2022 (see attachments B-C). The asbestos exposure assessment was performed on November 15, 2022, by TrueNorth Consultants in Naperville, IL. Asbestos fibers were not detected above the OSHA 8-hour permissible exposure limit or 30-minute excursion limit (see attachment D).

On February 7th, I received asbestos exposure assessments for 2020-2021, monthly summary reports for 2020-2021, and confirmed the sampling frequency of inbound and outbound material. Exposure assessments were performed on October 12, 2020, and September 29, 2021, by TrueNorth Consultants in Naperville (see attachments E-F). Asbestos fibers were not detected above the OSHA 8-hour permissible exposure limit and 30-minute excursion limit. According to the 2020 monthly summary report, 10,229 tons of shingles were accepted, 3,742 tons of RAS were shipped off, and there was a total of 48,321 tons of material on-site. According to the 2021 monthly summary report, 5337 tons of shingles were accepted, 45,509 tons of RAS were shipped off, and there was a total of 8,149 tons of material on-site (see attachment G).

On February 9th, I received a response from Mr. Quinn to my request for additional information. Mr. Quinn showed me examples of inbound and outbound load tickets (see attachments H-I). He also confirmed that the Southwind RAS Lab in Bartlett does not have any official accreditations, but that employees are individually certified in polarized light microscopy techniques through the Microscopy Instruction Consultation and Analysis program. Also, that the 41,698 tons of outbound RAS in January and February 2021 went to Reliable Asphalt Corporation for use in hot mix asphalt (see attachment J).

On March 1st, Mr. Quinn sent me two end user affidavits from their customers (see attachments K-L).

Based on my findings of the onsite and offsite evaluation, Southwind RAS LLC is in apparent violation of the Illinois Tollway Construction Bulletin 10-01, Illinois Department of Transportation Policy Memorandum, Beneficial Use Determination Application Log No. BUD11-013-R2 and BUD20-016, and the Illinois Environmental Protection Act. First, asbestos exposure assessments should be conducted during grinding operations. The three reports from 2020-2022 all describe the duties performed as weighing, ticket writing, and stockpiling incoming loads. No report described grinding operations. Second, testing of samples should be performed by a National Institute of Standards and Technology (NIST) accredited lab. The in-house lab at Southwind RAS in Bartlett is not NIST accredited. Third, a paper or electronic copy of records should be kept at 5 S. Material Road. Illinois EPA inspectors should be able to review all records during the site visit. Fourth, Southwind RAS should have developed and maintained a recordkeeping system that is adequate to track retention time and tonnage of shingles on site. Information on the monthly summary reports appear to be inconsistent from year to year (see attachments A and G). Specifically, the ending total quantity of material in 2021 does not agree with the starting total quantity of material in 2022. There seems to be a discrepancy of about 7,052 tons of material.

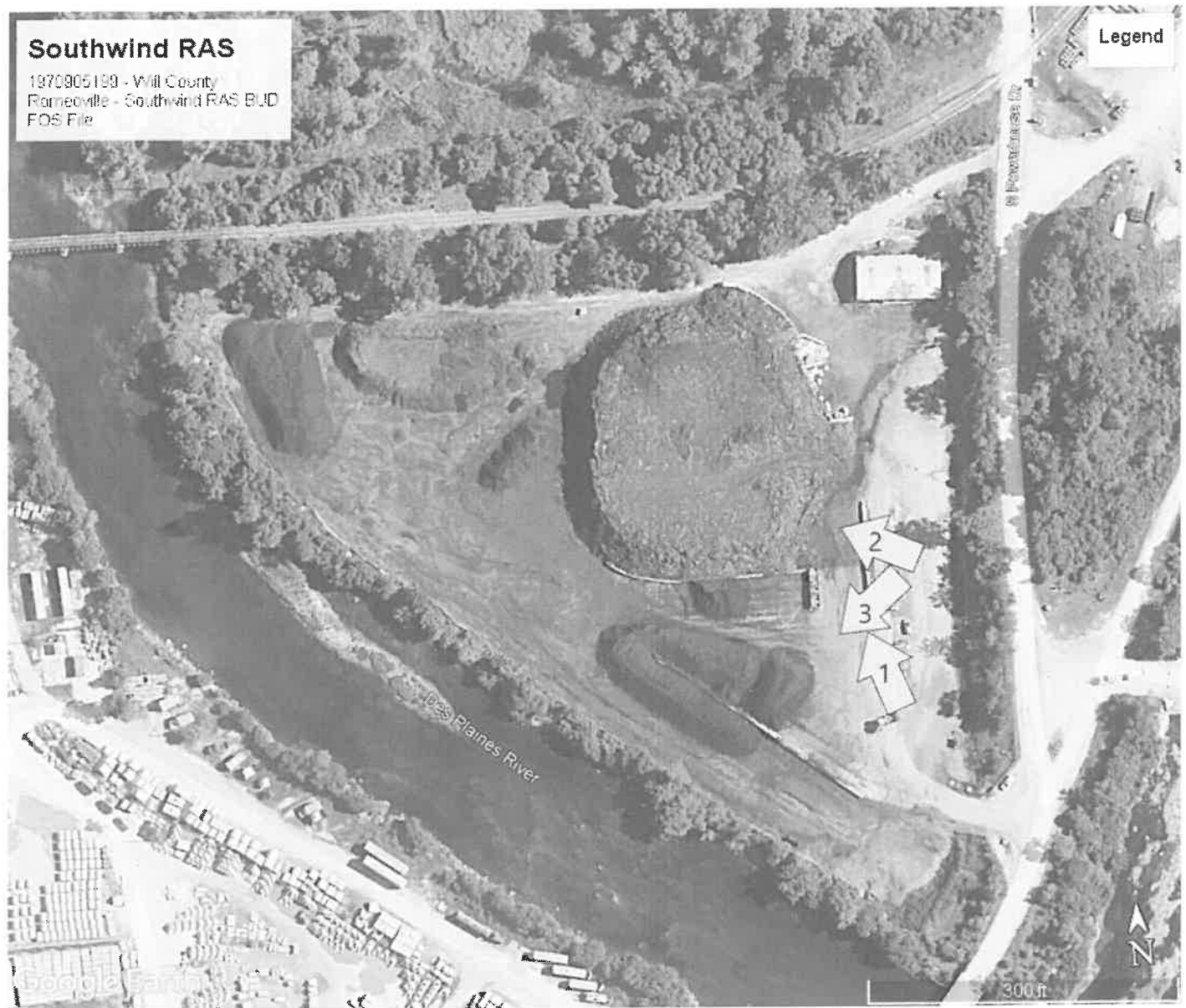
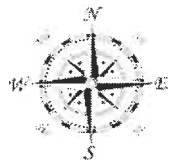
Summary of Apparent Violation(s)			
Status	Date	Violation	Narrative
New	1/26/2023	21(a)	Cause or allow open dumping
New	1/26/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	1/26/2023	22.54(d)	No recipient of a beneficial use determination shall manage or use the material that is the subject of the determination in violation of the determination or any conditions in the determination, unless the material is managed as a waste.
New	1/26/2023	BUD Condition	BUD11-013-R2 / Condition 10: Romeoville RAS Recycling Facility shall retain copies of all operating records, including any affidavits, records of retention times, training records, daily reports, inspection reports, incident reports, material profile identification sheets, re-certifications, certifications of representative samples, laboratory analyses, special analysis plans, any waiver of requirements at the office of the facility for five years after this authorization expires. These records shall be made available to the Illinois EPA or their designee through intergovernmental agreement upon request.
New	1/26/2023	BUD Condition	BUD 11-013-R2 / Condition 11: The RAS shall be inspected upon receipt at Romeoville RAS Recycling Facility and loads which are not clean shall be rejected. A not clean load is defined by a load containing any amount of non-shingle materials such as paper, plastic, flashing or wood. Any load with visible non-shingle material must be rejected. As the clean load of shingles is unloaded into the raw shingles storage area, any concealed non-shingle material detected during unloading must be removed immediately during the unloading process. Acceptance of waste is not permitted at the site. Shingles shall be managed onsite in accordance with the applications and the conditions of this approval. Shingles must not be abandoned or allowed to escape into the environment. The clean material shall be stockpiled and tested in accordance with the Best Management Practices (BMPs) submitted and approved as described in your application Log No. BUD11-013-R2.
New	1/26/2023	BUD Condition	BUD11-013-R2 / Condition 15: The maximum amount of processed and unprocessed shingles stored at Romeoville RAS Recycling Facility, 5 South Material Road, Romeoville, Illinois 60446 is 38,497 tons at any one time. The basis of this "hard cap" is a base cap of 10,000 tons plus a 4-year rolling average of an additional 7,124 tons per year as the "marking-based cap". All shingles received at the site shall be processed onsite and removed from the site within 4 years of initial acceptance. At least 25% of the facility's entire inventory present during a calendar year must be removed during the following calendar year. Stored volumes of the total combined volume of processed and unprocessed shingles may exceed 39,000 tons only if the facility can produce documentation (i.e., contracts, order requests, or letters of intent) from either an IDOR, Illinois State Toll Highway Authority, or private hot-mix asphalt producer showing the entire volume of processed and unprocessed shingles exceeding 38,497 tons will be needed by a RAS user authorized under Condition 12 above, within the 4-year period after the shingles are received. This documentation must be provided within 30 days after requested verbally or in writing by the Illinois EPA or its designee through intergovernmental agreement upon request during normal business hours.
New	1/26/2023	BUD Condition	BUD11-013-R2 / Condition 17: Shingles shall be processed to meet the desired IDOT or Illinois State Toll Highway Authority specification. Material meeting the

			desired specification shall be conveyed to the on-site processed shingles storage area. Oversized material must be conveyed back to the grinder, reground and re-screened to meet the size specification. Records of tonnage of tear-off shingles and retention times shall be compiled monthly and maintained in bound or electronically imaged chronological files.
New	1/26/2023	BUD Condition	BUD11-013-R2 / Condition 18: Southwind RAS I, LLC shall develop and maintain a recordkeeping system that is adequate to track the storage time on site and volumes of shingles to demonstrate compliance with conditions 15 and 17 above.
New	1/26/2023	BUD Condition	BUD11-013-R2 / Condition 20: The IDOT specification for shingle recycling shall be conducted in accordance with IDOT's contract specifications for Reclaimed Asphalt Shingles (RAS) and Policy Memorandum-Reclaimed Asphalt Shingles (RAS) Sources. The Illinois Tollway specification for shingle recycling shall be conducted in accordance with Construction Bulletin 10-01: Guidelines of Best Management Practices for the Operation of Asphalt Shingle Recycling Facilities. Any deviation from these procedures or specifications, except to comply with IDOT updates from specifying Reclaimed Asphalt Shingles (RAS) and Policy Memorandum-Reclaimed Asphalt Shingles (RAS) Sources, is subject to the requirements of Condition 1.
New	1/26/2023	BUD Condition	BUD11-013-R2 / Condition 21: This BUD only applies to shingles that have been processed following the shingles control plan presented in this application for testing, and removal of material containing asbestos and using method EPA600/R-93/116 to detect asbestos in the shingles.

Attachment Listing

Type	Description
Miscellaneous	Attachment A: Monthly summary report for 2022 and history report for total quantity on hand.
Miscellaneous	Attachment B: Lab results for outbound material.
Miscellaneous	Attachment C: Lab results for inbound material.
Miscellaneous	Attachment D: Asbestos exposure assessment for 2022.
Miscellaneous	Attachment E: Asbestos exposure assessment for 2021.
Miscellaneous	Attachment F: Asbestos exposure assessment for 2020.
Miscellaneous	Attachment G: Monthly summary report for 2021 and 2020.
Receipt	Attachment H: Inbound load ticket.
Receipt	Attachment I: Outbound load ticket.
Email	Attachment J: Email correspondence.
Miscellaneous	Attachment K: End user affidavit.
Miscellaneous	Attachment L: End user affidavit.

Site Diagram



Digital Photographs



Bureau ID: 1970905199
Photo No.: 1
Photo Date: 1/26/2023
Photo Time: 9:16:49 AM
Direction: Northwest
Taken By: Jose Loeza

Incoming load tipping bays and pile of unprocessed shingles.



Bureau ID: 1970905199
Photo No.: 2
Photo Date: 1/26/2023
Photo Time: 9:17:51 AM
Direction: Northwest
Taken By: Jose Loeza

Pile of unprocessed shingles.



Bureau ID: 1970905199

Photo No.: 3

Photo Date: 1/26/2023

Photo Time: 9:18:49 AM

Direction: Southwest

Taken By: Jose Loeza

Pile of processed shingles.



217-524-2891

August 30, 2023

CERTIFIED MAIL # 7022 1670 0001 4683 2351
RETURN RECEIPT REQUESTED

Southwind RAS LLC
Attn: Josh Quinn
2250 Bartlett Boulevard
Bartlett, Illinois 60103

Re: **Executed Compliance Commitment Agreement.**
Violation Notice: L-2023-00093 & L-2023-00094
BOL#1970905199 – Will County
Romeoville/Southwind RAS LLC
Compliance File

Dear Josh Quinn:

Attached to this letter is a signed and fully executed copy of the Compliance Commitment Agreement (“CCA”) for your records. The CCA between Southwind RAS LLC and the Illinois Environmental Protection Agency became effective on August 30, 2023. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.

If you should have any questions regarding this matter, please contact me at the number above or email me at Victoria.Slayton@illinois.gov.

Sincerely,

Victoria Slayton, MPA
Deputy Section Manager
Materials Management and Compliance Section
Illinois EPA

cc: Bureau File

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)	
)	
Southwind RAS LLC)	
Romeoville/Will County)	ILLINOIS EPA VN L-2023-00093 &
)	L-2023-00094
BOL #1970905199)	BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement ("CCA") is entered into voluntarily by the Illinois Environmental Protection Agency ("Illinois EPA") and, Southwind RAS LLC ("Respondent") (collectively, the "Parties") under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent leases and operates the subject property located at 5 South Material Road in Romeoville, Illinois ("the subject property"). Pursuant to Violation Notice L-2023-00093 & L-2023-00094 ("the VN"), issued on April 11, 2023, the Illinois EPA contends that Respondent has violated the following provisions of the Act, and Beneficial Use Determination Log No.: BUD11-013-R2 (the "Permit"):
 - a) 415 ILCS 5/21(a).
 - b) 415 ILCS 5/21(d)(1).
 - c) 415 ILCS 5/22.54(d).
 - d) Permit Condition 10.
 - e) Permit Condition 11.
 - f) Permit Condition 15.
 - g) Permit Condition 17.
 - h) Permit Condition 18.
 - i) Permit Condition 20.

RECEIVED

AUG 30 2023

IEPA/BOL

- j) Permit Condition 21.

III. Compliance Activities

3. On June 29, 2023, the Illinois EPA received Respondent's response to the VN, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
4. Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN:
 - a) **By September 1, 2023**, schedule an asbestos exposure assessment during grinding operations and submit a copy of the report to the Agency.
 - b) **By September 1, 2023**, begin submitting samples of shingles to a National Institute of Standards and Technologies ("NIST") accredited lab for testing.
 - c) **By September 1, 2023**, maintain an electronic operating record, including year-to-date inbound and outbound tonnages, any affidavits, records of retention times, training records, daily reports, inspection reports, incident reports, material profile identification sheets, re-certifications, certifications of representative samples, laboratory analyses, special analysis plans, and any waiver of requirements at the site and update it monthly.
 - d) **By September 1, 2023**, survey the piles of RAS material to determine the size and weight of the piles. The survey should be conducted by an independent surveyor/P.E./P.G. Submit a copy of this survey to the Illinois EPA.
 - e) **By September 1, 2023**, submit to the Illinois EPA a report identifying and explaining when and where the discrepancy of 7052 tons in the tonnage summaries occurred.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

5. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in

Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VN.

6. This CCA is solely intended to address the violations alleged in the VN. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations and the Permit.
7. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
8. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's business or property.
9. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.
10. This CCA shall only become effective:
 - a) If, within 30 days of receipt, Respondent executes this CCA and submits it, **via certified mail**, to:

Victoria Slayton
Manager, Materials Management and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and
 - b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA **by certified mail** within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

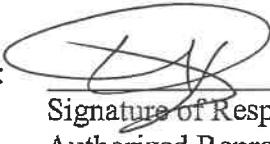
11. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

FOR RESPONDENT:

BY:



Signature of Respondent or
Authorized Representative

DATE:

8/28/2023

TROY KUTZ President - Southwind RAS

Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY:



Victoria Slayton, Deputy Manager
Materials Management and Compliance Section
Bureau of Land

DATE:

8/30/23



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JAMES JENNINGS, ACTING DIRECTOR

Phone: 217.782.5544

TDD#: 217.782.9143

October 9, 2024

CERTIFIED MAIL

Return Receipt Requested

7022 3330 0000 8734 5124

Southwind RAS LLC

Attn: Josh Quinn

2250 Southwind Blvd.

Bartlett, Illinois 60103

Re: Notice of Intent to Pursue Legal Action for Violation Notices: L-2023-00094

BOL# 1970905199 — Will County

Romeoville/Southwind RAS LLC

Compliance File

Dear Josh Quinn:

This letter is a notice of intent to pursue legal action, as provided for pursuant to Section 31, subsection (b), of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(b). The Illinois Environmental Protection Agency ("Illinois EPA") is serving this letter upon you due to the nature and seriousness of the allegations within Violation Notice **L-2023-00094** and the notice's attachments ("Violation Notice").

By this letter, the Illinois EPA is providing written notice that it may request legal representation of a prosecutorial authority in the filing of legal action against you for the violations of environmental statutes, regulations, or permit conditions identified within the above noted Violation Notice. Please, be advised that the resolution of the alleged violations may require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

As provided for within Section 31, subsection (b), of the Act, this letter also extends to you an opportunity to meet with representative of the Illinois EPA in an effort to resolve alleged violations that could lead to the filing of a formal complaint. If you choose to request a meeting, it must be held within thirty (30) calendar days of receipt of this letter, unless an extension of time is agreed to by the Illinois EPA. As such, to accommodate scheduling, if it is your intent to request a meeting, please contact me at the address or phone number listed above within twenty (20) calendar days of the date of this letter.

Very truly yours,

Rich Kim

Assistant Counsel

Richard.Kim@illinois.gov

2125 S. First Street, Champaign, IL 61820 (217) 278-5800

115 S. LaSalle Street, Suite 2203, Chicago, IL 60603

1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000

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