

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

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CLERK'S OFFICE

NOV 17 2011

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

Anielle Lipe)
Nykole Gillette)
Complainants)
v.) PCB 12-44
Village of Richton Park)
Respondent)

ORIGINAL

ADDENDUM TO MOTION TO HEAR OUR CASE
(PROOF OF SERVICE)

The undersigned hereby files a response.

Anielle Lipe
Anielle Lipe
22123 Meadow Lake Place
Richton Park, IL 60471

Nykole Gillette
Nykole Gillette
22232 Scott Drive
Richton Park, IL 60471

Under penalties of perjury, we the undersigned certify as true that we served the foregoing upon:

Village of Richton Park
4455 Sauk Trail Avenue
Richton Park, IL 60471

by placing a true and correct copy of same into a properly addressed, Priority Mail envelope with sufficient postage, and mailing it at the cashier window at the Matteson Post Office, 20650 South Cicero Avenue, Matteson, IL on or before 6:00 P.M. on November 16, 2011.

Complainant (s) Anielle Lipe Date 11/16/11
Complainant (s) Nykole Gillette Date 11/16/11

MATTESON PO
MATTESON, Illinois
604439998
615500443-0096
11/16/2011 (800)275-8777 03:22:41 PM

=====

Sales Receipt		
Product	Sale Unit	Final
Description	Qty Price	Price
RICHTON PARK IL		\$4.95
60471 Zone-1		
Priority Mail Flat		
Rate Env		
3.60 oz.		
Issue PVI:		\$4.95
Total:		\$4.95

=====

Paid by:
MasterCard \$4.95
Account #: XXXXXXXXXXXX9577
Approval #: 07178Z
Transaction #: 532
23902930403

Order stamps at usps.com/shop or
call 1-800-Stamp24. Go to
usps.com/clicknship to print
shipping labels with postage. For
other information call
1-800-ASK-USPS.

Get your mail when and where you
want it with a secure Post Office
Box. Sign up for a box online at
usps.com/poboxes.

Bill#:1000401885487
Clerk:05

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Refunds for guaranteed services only
Thank you for your business

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<https://postalexperience.com/Pos>

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YOUR OPINION COUNTS

Complainants, Anielle Lipe and Nykole Gillette request that the Pollution Control Board continue to review and hear our complaint because it is not frivolous or duplicative within the meaning of Section 31(d) of the Act (415 ILCS 5/31(d)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202).

Pursuant to the Illinois Environmental Protection Act that is located in the Illinois Compiled Statutes (Text of Section from P.A. 96-1068) Section 3.330 a "Pollution Control Facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator." In addition to Sexton Properties R.P., LLC being considered a waste storage facility and waste disposal site, it would also be considered a waste treatment facility and sanitary landfill per the IEPA, Bureau of Air Department. Per (Exhibit A1), of the Illinois Environmental Protection Agency, **Waste Treatment** means "any activity that changes the waste is regulated as waste treatment. Treatment includes, among other things, mixing the waste with other wastes or materials, burning, grinding or separating the waste." The concrete operation will consist of grinding the concrete into fine dust that will be emitted into the air and environment as solid waste instead of being recycled or used for developing the site. The Illinois EPA, Bureau of Air classified Sexton Properties RP, LLC as a sanitary landfill. Please see (Exhibit L1) a public notice of the public meeting from the Southtown Star that states "Tough Cut Concrete Services, Inc. has applied to the Illinois EPA's Bureau Of Air for a joint construction and operating permit to construct and operate a crushing facility on the site of the current Sexton clean construction and demolition debris landfill at I-57 & Sauk Trail in Richton Park."

The Village of Richton Park raised the issue that the Clean Construction Demolition Debris would not be considered waste. But until the waste stored on the Sexton Properties R.P., LLC site "is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section"; the CCDD is considered waste per the Illinois Environmental Protection Act that is located in the Illinois Compiled Statutes (415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78) Sec. 3.160 (a). The fact that there is waste stored on the Sexton Properties R.P., LLC site, **waste management** of changing the crushed concrete to fine dust and disposing of this harmful cement dust in the air as emissions constitutes Sexton Properties R.P., LLC as a Pollution Control facility. It is highly suspicious that the Village of Richton Park refuses to classify Sexton Properties as a Pollution Control Facility when the Illinois Environmental Protection Act defines it as one.

Per (Exhibit O1), page 324, it appears that there is Environmental racism of wanting to place this harmful crushing operation in Richton Park, IL based on the unfair and intentional decision making. Per (Exhibits M1 & N1), the demographics in Richton Park are 85.3% minority and 14.7% white vs. the demographics in Frankfort are 85.2% white and only 14.8% minority. Tough Cut Concrete Services is located and is temporarily operating in Frankfort, IL.

There was no fundamental fairness in the whole process of the Sexton Properties R.P., LLC, a Pollution Control Facility not providing proper notice of the public hearing by also omitting materials such as Asphalt to be crushed. Asphalt also contains harmful chemicals. In addition, Sexton Properties omitted the length of time to crush the materials up to 10 years that is confirmed from letters from Tough Cut Concrete Services per (Exhibits P1 & Q1). Lastly, the Village of Richton Park's Board did not abide by all the processes that local officials must follow to approve Sexton Properties R.P., LLC's site. Therefore, Complainants, Anielle Lipe and Nykole Gillette ask that justice be served, and revoke the Special Use Permit, Ordinance #1497.

Complainant Anielle Lipe Date 11/16/11 Complainant Nykole Gillette Date 11/16/11

EXHIBIT**IDENTIFICATION**

- A1. Illinois Environmental Protection Agency
(Does My Business Need A Land Pollution Control Permit)
- L1. Illinois Environmental Protection Agency Public Notice of a Public Meeting for Tough Cut Concrete Services, Inc. in Richton Park
- M1. The Demographics of Richton Park, Illinois
- N1. The Demographics of Frankfort, Illinois
- O1. Advocating for Environmental Justice: Protecting Vulnerable Communities from Pollution / Integrating Environmental Health into Nursing Practice
- PI. Letter from Tough Cut Concrete Services, Inc. to the Illinois Environmental Protection Agency Bureau of Air
- Q1. Letter from Derenzo and Associates, Inc. to the Illinois Environmental Protection Agency Bureau of Air Permit Section

(Exhibit A1)



www.epa.state.il.us

Pat Quinn, Governor

Publications - Pollution Control Permits

Does My Business Need A Land Pollution Control Permit?

Does my business require a permit from the Bureau of Land?

A permit from the Bureau of Land is generally required to manage waste. If you do not treat, store or dispose of some kind of waste, you will not need a land permit.

The need for a permit is dependent upon the type of waste, what you do with a waste and location of the activities.

The type of land permit that you need will be determined by the kind of waste that you manage and how you manage it.

There are a variety of waste activities that are regulated to control contamination by wastes. Because some regulated activities require a permit, you need to understand what these activities are to determine if your business needs a land permit. If your company or business activities make waste, you are a waste generator. The regulations explain how you must handle the waste while it is on your property. Waste management by the generator is a regulated activity but does not need a permit unless you conduct one of the activities described below. These are the activities that may trigger the need for a permit:

- **Waste storage** – If you store waste on your property, you must comply with all the storage requirements in the regulations. Several different sets of regulations may apply to this activity depending on who generates the waste, the classification of the waste and how long the waste is stored at your facility.
- **Waste treatment** – Any activity that changes the waste is regulated as waste treatment. Treatment includes, among other things, mixing the waste with other wastes or materials, burning, grinding or separating the waste.
- **Waste transportation** – is also regulated. If you transport the waste on a public road, you must comply with transporter rules.
- **Waste disposal** – is the most highly regulated waste management activity. Disposal includes, among other things, dumping waste on the ground, storing it in piles on the ground, in a landfill, or in lagoons and storing waste indefinitely, even when it is held in tanks, buildings or containers.

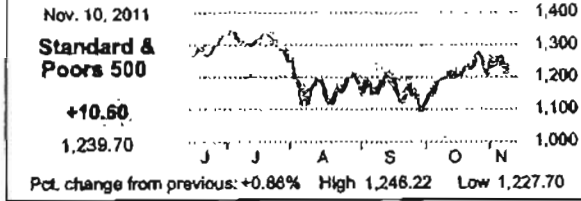
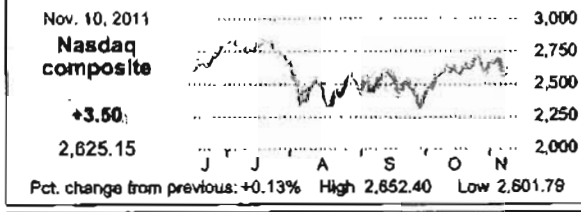
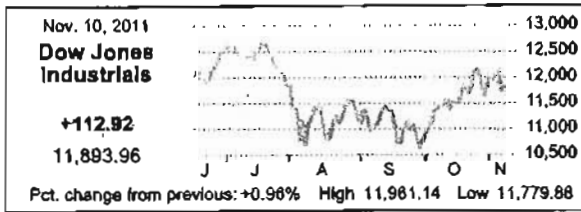
If you conduct one of these activities, please continuing reading to determine if your activities require a permit.

What is waste?

Waste is anything that is being discarded or can no longer be used for its original purpose. Something may be a waste if it no longer has a dollar value or if it is used carelessly, spilled, burned, buried or poured down the drain. All waste is referred to as solid waste. In fact, in the regulations, solid waste and waste mean the same thing. The term solid waste as used in the regulations can be misleading in another way because it includes not only solid materials but also liquids and gasses. The term "solid waste" is meant to distinguish these wastes from the wastes that are put into the sewage system through your plumbing. If you want to re-use something, it may not be a waste. The Agency's Industrial Material Exchange Section would be happy to assist you in finding someone to re-use materials for which you no longer have a use. They can be contacted at (217) 782-0450. They do not provide assistance regarding the proper management of the waste.

What is waste management?

THURSDAY MARKET WRAP-UP



LOCAL STOCKS

Name (symbol)	Close	Change	HomeDp (HD)	37.20	+0.04
Abitab (ABT)	31.95	-31.95	HorizBcp (HBNC)	24.50	-0.10
Allstate (ALL)	26.20	+0.35	JPMorgCh (JPM)	32.74	+0.20
A.M. Castle (CAS)	13.68	+0.68	JohnJn (JNJ)	64.12	+0.59
ArceorMit (MT)	18.75	+0.10	LillyER (LILY)	37.23	-0.13
AT&T Inc. (T)	29.16	+0.25	Lowes (LOW)	22.46	+0.26
AveryD (AVY)	25.63	+0.21	MarathonO (MRO)	27.33	+0.47
BP PLC (BP)	43.10	+0.67	MarathonP (MPC)	37.70	+0.68
Boeing (BA)	64.83	+0.28	McDnlds (MCD)	93.26	+0.61
BonTon (BONT)	3.93	+0.14	MorgStan (MS)	15.86	+0.10
BoydGm (BYD)	6.22	-0.20	Motorola (MSI)	45.03	+0.48
CME Grp (CME)	260.10	-5.69	NISource (NI)	21.92	+0.22
Cabelas (CAB)	25.11	+0.55	Praxair (PX)	99.84	+1.54
Caterpillar (CAT)	92.09	+0.45	SaraLee (SLE)	18.48	+0.12
Coraci (KO)	67.39	+0.36	SearsHlids (SHLD)	72.80	-0.25
Constco (CNO)	6.19	+0.08	Target (TGT)	51.75	+0.08
Exelon (EXC)	44.41	-0.05	TollBros (TOU)	18.65	+0.53
ExxonMbl (XOM)	78.70	+1.31	UnilevNY (UL)	32.54	+0.36
FedExCp (FDX)	80.12	+0.77	USSteel (X)	25.44	+0.17
Ferro (FOE)	6.63	+0.09	WalMart (WMT)	58.13	+0.08
FifthThird (FITB)	12.01	+0.28	Walgrn (WAG)	31.95	+0.23
FFncOH (FFBC)	15.97	+0.35	WsternInc (WM)	31.16	+0.17
FMDbk (FMBI)	8.91	+0.23	WellPoint (WLP)	68.57	+1.61
FordM (F)	10.99	-0.05	Worthgtn (WOR)	16.89	+0.28
FMCG (FCX)	39.21	+0.41	YRC Wrldw (YRCW)	0.04	-0.00
GATX (GMT)	40.19	+0.54	Zimmer (ZMH)	51.67	0.00
GenElect (GE)	16.06	+0.21			

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a rear-view said Geoff off Consult-

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Illinois Environmental Protection Agency

Public Notice of a Public Meeting for Tough Cut Concrete Services, Inc. in Richton Park

The Illinois EPA is holding a Public Meeting to answer questions from the public concerning a proposal from Tough Cut Concrete Services, Inc. to construct a recycled pavement crushing facility at I-57 & Sauk Trail in Richton Park. The meeting will be held on Monday, November 21, 2011, at 8:00 pm in the Richton Park Board Room, 4485 Sauk Trail in Richton Park. Representatives from Illinois EPA and the company will be available to answer questions from the public about the project and the Illinois EPA review.

Tough Cut Concrete Services, Inc. has applied to the Illinois EPA's Bureau of Air for a joint construction and operating permit to construct and operate a crushing facility on the site of the current Sexton clean construction and demolition debris landfill at I-57 & Sauk Trail in Richton Park. The crushing facility would accept clean recycled concrete and asphalt from offsite for crushing, screening and processing.

Prior to constructing the facility, Toughcut Concrete Service, Inc. must obtain a construction permit from the Illinois EPA's Bureau of Air (BOA). Although Tough Cut has requested a joint construction and operating permit, the Illinois EPA has prepared a draft construction permit issuance/operating permit denial for public review. Tough Cut will be required to perform testing before reapplying for an operating permit. Based on its review of the application, the Illinois EPA has made a preliminary determination that this project will comply with the applicable BOA environmental regulations.

The Illinois EPA will accept written comments on the application and draft permit. Comments must be submitted by December 1, 2011 and sent to: Brad Frost, Community Relations, Illinois EPA, 1021 N. Grand Ave. E., P.O. Box 19506, Springfield, IL 62794-9506, (phone 217/782-7027 or TDD 217/782-9143), brad.frost@illinois.gov

The draft permit and application are available for review at the Richton Park Public Library, 4045 Sauk Trail in Richton Park or at the Illinois EPA's offices at 9511 West Harrison in Des Plaines, 847/294-4000 and 1340 N. Ninth St., Springfield, 217/782-7027 (for either Illinois EPA location please call ahead to assure that someone will be available to assist you). The documents are also available on the Illinois EPA website at <http://www.epa.state.il.us/public-notices/>

For information about the application or draft permit, please contact Brad Frost at the address or phone number listed above.

MORTGAGE GUIDE

Check rates daily at <http://bankrate.com/mortgage/news/papers/interest.com>

Program	Rate	Points	Fees	% Down	APR
AMLOAN.COM 888-525-8498 http://www.amloan.com					
30 yr fixed	3.875	0.000	\$995	20%	3.925
15 yr fixed	3.125	0.000	\$995	20%	3.212
10 yr fixed	3.125	0.000	\$995	20%	3.252
5/1 ARM	2.625	0.000	\$995	20%	3.049
Apply & Lock Rate 24/7. View GFE 24/7. Call Sat/Sun till 3:00 PST (A) 4121 Camino Del Rio South, San Diego, CA 92108, NMLSP2858, 888759981					
EVERGREEN BANK GROUP 708-229-1010 http://www.EvergreenBankGroup.com					
30 yr fixed	3.875	0.000	\$914	20%	3.921
15 yr fixed	3.250	0.000	\$914	20%	3.330
5/1 ARM	2.875	0.000	\$914	20%	3.131
7/1 ARM	3.125	0.000	\$914	20%	3.209
Hassle Free - Local closing and funding (C) 3842 W. 95th Street, Evergreen Park, IL 60825					

debut in Tinley Park

Freely, a spokeswoman for Sears Roebuck and Kenmore, said the store is tentatively scheduled for the first or second week of December, she said. Sears Outlet stores stock new as well as discontinued, used and scratched or damaged merchandise, she said. The items are cleaned and reconditioned before being offered for resale, according to the company.

The typical Outlet store has about 30 employees and stocks brands such as Craftsman, General Electric, Kenmore, LG and Whirlpool, Freely said.

Sears Holdings currently has nine Outlet stores in the Chicago area, including Bridgeview

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Legend: The rate and annual percentage rate (APR) are effective as of 11/8/11. © 2011 Bankrate, Inc. <http://www.bankrate.com>. The APR may increase after consummation and may vary. Payments do not include amounts for taxes and insurance. The fees set forth for each advertisement above may be charged to open the plan. (A) Mortgage Banker, (B) Mortgage Broker, (C) Bank, (D) S.A.L., (E) Credit Union, (BA) Indicates Licensed Mortgage Banker, NYS Banking Dept., (BR) Indicates Registered Mortgage Broker, NYS Banking Dept., (CA) Indicates California Licensed Mortgage Banker, NYS Banking Dept., (Call for Rates) means actual rates were not available at press time. All rates are quoted on a maximum FICO score of 700. Illinois Mortgage Lenders: Conventional loans are based on loan amounts of \$165,000. Jumbo loans are based on loan amounts of \$435,000. Points quoted include discount and/or origination. Local Days 30/40. Annual percentage rates (APR) are based on fully indexed rates for adjustable rate mortgages (ARMs). The APR on your specific loan may differ from the sample used. Fees reflect charges relative to the APR. If your down payment is less than 20% of the home's value, you will be subject to private mortgage insurance, or PMI. Bankrate, Inc. does not guarantee the accuracy of the information appearing above or the availability of rates and fees in this table. All rates, fees and other information are subject to change without notice. Bankrate, Inc. does not own any financial institutions. Some or all of the companies appearing in this table may be a part of Bankrate. If you are seeking a mortgage for a loan of \$417,000, recent legislation may enable lenders to contact borrowers to provide rates that are different from those shown in the table above. Sample Payment: \$200 - or 100 monthly payments of \$3.29 per \$1,000 borrowed at 180 monthly payments of \$7.56 per \$1,000 borrowed. We recommend that you contact your lender directly to determine what rates may be available to you. To appear in this table, call 800-509-4636. To report any inaccuracies, call 888-509-4636. * <http://www.bankrate.com/mortgage/news/papers/interest.com>

(EXHIBIT M1)

City-Data.com

Richton Park, Illinois

Back to Richton Park, IL housing info, Cook County, Illinois, IL smaller cities, IL small cities, All Cities.

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Moving to Chicago Area?
Check out videos about the area,
education and find a realtor now!
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Search Maps, Get Driving
Directions
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www.MapsGalaxy.com

\$15 Locksmith Orland Park
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Area
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0382
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2010/ 2015 / 2020 Years
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Hospital Jobs (Hiring)
Local Hospital Is Hiring Now.
Complete Your Application Online!
HospitalJobs-to-Careers.com

Jump to a detailed profile or search
site with

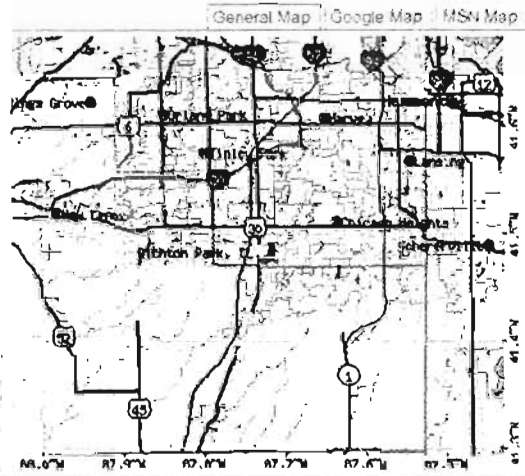
City, County or Zip Code

Homes for sale in Richton Park, Illinois Provided by HomeGain AGENTS

We are giving away \$1200 in prizes - enter simply by sending us your own city pictures!
• Click here for promotion details and to upload your Richton Park, Illinois photos



Current weather forecast for
Richton Park, IL



Cook County

Population in July 2009: 12,805. Population
change since 2000: +2.2%

Males: 5,871
Females: 6,934 (54.1%)

Median resident age: 33.3 years
Illinois median age: 34.7 years

Zip codes: 60471.

Estimated median household income in 2009: \$59,668 (it was \$48,299 in 2000)
Richton Park: \$59,668
Illinois: \$53,966

Estimated per capita income in 2009: \$28,099

Richton Park village income, earnings, and wages data

Estimated median house or condo value in 2009: \$174,955 (it was \$120,100 in 2000)
Richton Park: \$174,955
Illinois: \$202,200

Mean prices in 2009: All housing units: \$195,368; Detached houses: \$214,680; Townhouses or other attached
units: \$126,038; In 3-to-4-unit structures: \$104,471; In 5-or-more-unit structures: \$75,475

Median gross rent in 2009: \$885.

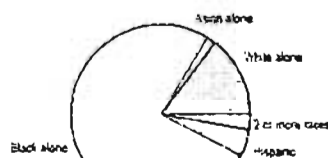
Recent home sales, real estate maps, and home value estimator for zip code 60471

Richton Park, IL residents, houses, and apartments details

Business Search - 14 Million verified businesses

Search for: near: Richton Park, IL

Races in Richton Park, IL



Black alone - 9,697 (76.0%)
White alone - 1,873 (14.7%)
Hispanic - 613 (4.8%)
Two or more races - 356 (2.8%)
Asian alone - 227 (1.8%)

(EXHIBIT N1)



Frankfort, Illinois

Ads by Google

Employment Opportunities
 Seeking Employment in Your Area?
 Apply For A Position Today!
www.findthrightjob.com

\$16 Locksmith Orland Park
 24/7 Locksmith Service in Your Area
 15 Min Response! Call 708-433-0382
www.Premium-Locksmiths.com

Medical Billing & Coding
 Get Certified in Medical Billing & Coding Online. Find Schools Now!
www.topcareerschools.com/MedBilling

Townhouses for Rent
 1000s of Townhouse Listings
 See Pics, Floor Plans, Maps & Rents
www.MyNewPlace.com

Free Foreclosure Listings
 Search Foreclosures by Zip Code.
 View Foreclosures for Sale Now!
www.BankForeclosuresListing.com

VA Loans for Veterans
 VA Loans up to \$729,000. \$0 Down.
 Veterans, Learn More & Apply Online
www.VAMortgageCenter.com

Jump to a detailed profile or search site with

Back to Frankfort, IL housing info, Will County, Illinois, IL smaller cities, IL small cities, All Cities.

Like 9 people like this. Be the first of your friends.

Ads by Google

Condo Incline Village - See current Real Estate listings in Incline Village, NV. Search now! - homegain.com

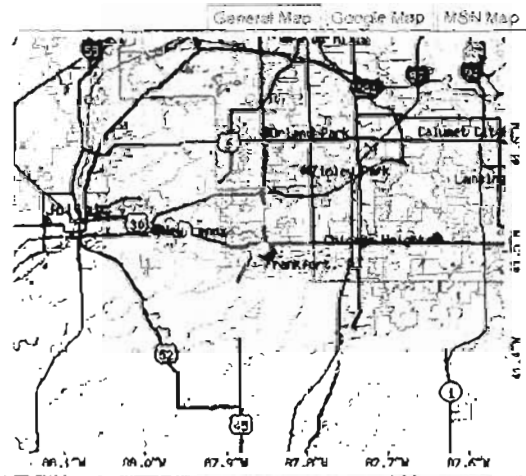
Direction Driving - Get Maps, Directions & Traffic Conditions From Your Browser Free! - www.MapsGalaxy.com



We are giving away \$1200 in prizes - enter simply by sending us your own city pictures!
 * Click here for promotion details and to upload your Frankfort, Illinois photos



Current weather forecast for Frankfort, IL



Will County

Population in July 2009: 18,302. Population change since 2000: +76.1%
 Males: 8,877
 Females: 9,425 (51.5%)

Median resident age: 39.9 years
 Illinois median age: 34.7 years

Zip codes: 60423.

Estimated median household income in 2009: \$113,398 (it was \$83,055 in 2000)
 Frankfort: \$113,398
 Illinois: \$53,966

Estimated per capita income in 2009: \$43,505

Frankfort village income, earnings, and wages data

Estimated median house or condo value in 2009: \$406,031 (it was \$245,000 in 2000)
 Frankfort: \$406,031
 Illinois: \$202,200

Mean prices in 2009: All housing units: \$456,001; Detached houses: \$470,973; Townhouses or other attached units: \$385,064; In 2-unit structures: \$227,948; In 3-to-4-unit structures: \$298,997; In 5-or-more-unit structures: \$210,029

Median gross rent in 2009: \$924.

Recent home sales, real estate maps, and home value estimator for zip code 60423

Frankfort, IL residents, houses, and apartments details

Profiles of local businesses

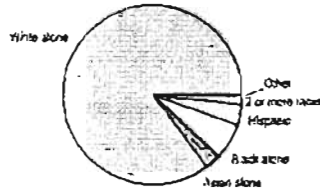
(EXHIBIT N1)

- College Hunks Hauling Junk
- Miller's Chillers

Put your BSM business profile right here for free. 30,000 businesses already created their profiles!

Business Search - 14 Million verified businesses
Search for: near: Frankfort, IL

Races in Frankfort, IL



White alone - 14,528 (85.2%)
 Black alone - 1,102 (6.5%)
 Hispanic - 635 (3.7%)
 Asian alone - 482 (2.8%)
 Two or more races - 274 (1.8%)
 Other race alone - 11 (0.06%)
 Native Hawaiian and Other Pacific Islander alone - 9 (0.05%)
 American alone - 5 (0.03%)

Races in Frankfort detailed stats: ancestries, foreign born residents, place of birth

Jan 2011 cost of living index in Frankfort: 104.0 (near average, U.S. average is 100)



Recent posts about Frankfort, Illinois on our local forum with over 1,200,000 registered users. Frankfort is mentioned 752 times on our forum:

- Is Frankfort becoming more racially diverse? (30 replies)
- Anyone live in New Lenox/Frankfort? (11 replies)
- Frankfort vs. Frankfort Square (2 replies)
- Frankfort (10 replies)
- Prestwick Country Club Frankfort IL (19 replies)
- Frankfort schools: info/opinions/experiences ?? (18 replies)

Latest news from Frankfort, IL collected exclusively by city-data.com from local newspapers, TV, and radio stations

60 years ago: 119 southern Illinois miners died - Carmi IL - The Carmi Times (carmitimes.com)

Is the Water Rate Hike Fair Chicago Tonight WTTW (Suburbs)Forest Park (Suburbs)Fox River Grove (Suburbs)Frankfort (Suburbs)Franklin Park (Suburbs)Gary (chicago tonight - tv.com)

morrisdailyherald.com Coming to fruition in Morris Illinois
Morris and graduated from Lincoln-Way East High School in Frankfort, started classes at the University of Illinois College of Veterinary Medicine in August. She has had her sights on becoming a veterinarian since she was 8 (morrisdailyherald.com)

More news from Frankfort, IL

Ancestries: German (26.1%), Irish (21.5%), Polish (14.1%), Italian (12.6%), English (7.7%), Swedish (5.8%).

Current Local Time: 1:28:27 PM CST time zone

Incorporated on 05/31/1890

Elevation: 767 feet

Land area: 10.9 square miles.

Population density: 1678 people per square mile (low).

(EXHIBIT 01)

CHAPTER 26

Advocating for Environmental Justice: Protecting Vulnerable Communities from Pollution

Dorothy Powell and Diann Slade

Fair treatment means that no group of people should bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Environmental Protection Agency, 1997

Environmental justice was a term coined in the early 1990s to denote the application of fair strategies and processes in the resolution of inequality related to environmental contamination. The fact that such a term exists suggests several things: (1) that we as a nation have done things to our environment that place people at risk; (2) that remedies have been enacted to rectify environmental contamination and the associated threats to health and well-being; and (3) that all people have not been treated the same when it comes to enacting these remedies. Minorities and low income communities face a much higher level of environmental exposure and risk than majority populations, especially in the areas of hazardous waste disposal, transport, and containment. As a result, these communities bear a disproportionate share of the nation's air, water, and waste contamination problems (Gaylord, 1993). For instance, the largest hazardous waste facility in the United States is located in Emelle, AL, a poor, predominately African-American community. It receives toxic

(EXHIBIT 01)

waste facilities and near NPL sites than nonminority populations (Powell, 1999). Three of the largest hazardous waste landfills, containing more than 40% of the total national permitted commercial capacity, remain in two African-American communities, supporting the notion that "waste tends to flow toward communities with weak response capacity" (Heiman, 2000). Many Superfund sites are located in or close by residential areas populated by ethnic minorities and people in the lowest economic stratum (Hirschhorn, 2000). Kelly (2000) reported that even when income is controlled, race continues to be a significant factor in the siting of waste facilities, particularly hazardous and nuclear facilities. Additionally, middle-class communities of color tend to have more waste facilities than poor white communities.

This phenomenon has been described as *environmental discrimination* or *environmental racism* (Bullard, 1990, 1993; Russell, 1989) and substantiates that past environmental practices, policies, and decisions were not fair. Weintraub (2000) notes that environmental racism is "the intentional siting of hazardous waste sites, landfills, incinerators, and polluting industries in communities inhabited mainly by African American, Hispanics, Native Americans, Asians, migrant farm workers, and the working poor."

While discrimination is often a challenge to prove, it is clear that low income and disadvantaged communities and populations are exposed and susceptible to hazardous substances to a greater degree than the population as a whole (Sexton, 1993, 1997; Zimmerman, 1993, 1997). Susceptibility may be a function of minority communities being perceived as powerless. Communities known as passive, lacking political power, not well informed, unorganized, and with "an eager and docile work force" (Bullard, 1990; Weintraub, 2000) are the most likely targets for environmental contamination and abuse, and the least likely to receive remediation once dangers to the community are noted (Lavelle and Coyle, 1992). Consistent with these findings, Heiman (2000) suggests that politics, demographic shifts, corruption, economics, permitting of fraud, discrimination, and weak community response capacity are at the root of decisions to site hazardous facilities in poor and minority areas.

Examples of environmental racism provide the most convincing evidence of unfair, intentional, and discriminatory decision making and/or neglect in the siting of toxic and other waste facilities. Such examples are reflective of the fate of Chester, Pennsylvania, and Alsen and Covent, Louisiana. Chester, a former industrial urban center, changed from 20% to 65% minority between 1950 and 1980 as the city decayed following the

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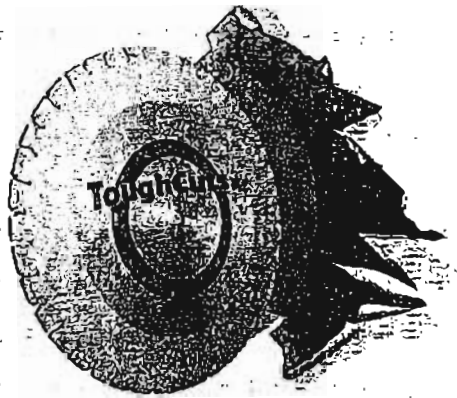
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November 7, 2011

Attn.: Mr. Charles Zeal
Bureau of Air
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Site ID: 031255AAF
Application #: 11080024

Dear Mr. Zeal,

As requested in your conversation with Mr. Todd Daniels (Sexton) and David Derenzo (Derenzo & Associates (Air Consultant to Tough Cut Concrete Services, Inc. & Sexton)) on November 7, 2011. Tough Cut's is pleased to submit this clarification statement as it relates to permit application #11080024.

Tough Cut Concrete Services, Inc. in addition to concrete materials, does plan to utilize asphalt materials in the crushing processes as mentioned on the APC-220 form.

Should you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Christine McClellan'.

Christine McClellan
President/Owner

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Illinois Environmental Protection Agency
BUREAU OF AIR
STATE OF ILLINOIS

Derenzo and Associates, Inc.

Environmental Consultants

August 1, 2011

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AUG 13 2011

Illinois Environmental Protection Agency
SUPERVISOR OF AIR
STATE OF ILLINOIS

Mr. Ed Bakowski, P.E., Manager
Bureau of Air, Permit Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19506
Springfield, IL 62794-9506

Subject: Permit application for waste concrete crushing and processing operations
ToughCuts Concrete Services, Inc.

Dear Mr. Bakowski,

ToughCuts Concrete Services, Inc. (ToughCuts Concrete Services), located in Frankfort IL, is submitting a permit application to the Illinois Department of Environmental Protection (IEPA), Division of Air Pollution Control to request a construction and operating permit to perform nonmetallic mineral ~~(waste concrete) crushing and processing~~ operations at Sexton Development in Richton Park on approximately 80 acres of land located west of Interstate 57 and north of Sauk Trail.

This document contains the technical data suggested by the Illinois EPA guidance document titled *Information That Illinois EPA Recommends be Submitted in a Crushing/Grinding Plant (True Minor Source) Air Permit Application (02-17-10)*, and includes regulated air pollutant emission rate calculations and IEPA forms as recommended by Charlie Zeal of the IEPA, Permit Section to support the issuance of a permit for the ToughCuts Concrete Services waste concrete crushing and processing equipment.

Derenzo and Associates, Inc. was retained by ToughCuts Concrete Services to prepare permit application documents to support the requested permit. Ms. Christine McClellan, President of ToughCuts Concrete Services, coordinated the permitting project.

ToughCuts Concrete Services plans to perform waste concrete crushing and processing operations at the Sexton Development location for a ~~period of approximately three to ten years~~; therefore, ToughCuts Concrete Services is requesting a site-specific (stationary) permit for this location (i.e., the facility will not be operated under a portable permit for this location since the planned operation exceeds one year).

The planned waste concrete crushing and processing facility ~~is subject to the regulatory~~ requirements of Title 40: Protection of the Environment, Part 60 – Standards of Performance for New Stationary Sources, Subpart 000 - Standards of Performance for Nonmetallic Mineral Processing Plants ~~(NSPS Subpart 000)~~.