

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

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

Anielle Lipe)
Nykole Gillette)
Complainants)
v.)
IEPA (Bureau of Air, Permit Section))
Respondent)

PCB 12-95
ORIGINAL

FORMAL COMPLAINT
(PROOF OF SERVICE)

The undersigned hereby files a response.

Anielle Lipe
Anielle Lipe

Nykole Gillette
Nykole Gillette

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

Illinois Environmental Protection Agency
Bureau of Air, Permit Section
1021 North Grand Avenue East
Springfield, IL 62794-9506

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 December 20, 2011.

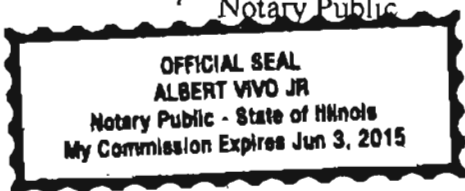
Complainant (s) Anielle Lipe Date 12/20/11

Complainant (s) Nykole Gillette Date 12/20/11

Subscribed to and sworn before me this 20 day of December, 2011.

Albert Vivo Jr.
Notary Public

My commission expires: June 3, 2015



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NOTICE TO RESPONDENT

NOTE: THIS STATEMENT MUST BE INCLUDED IN THE SERVICE OF THE FORMAL COMPLAINT ON THE RESPONDENT

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

Please take notice that today I filed with the Clerk of the Illinois Pollution Control Board (Board) a formal complaint, a copy of which is served on you along with this notice. You may be required to attend a hearing on a date set by the Board.

Information about the formal complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.*) and the Board's procedural rules (35 Ill. Adm. Code 101 and 103). These can be accessed at the Board's Web site (www.ipcb.state.il.us). The following is a summary of some of the most important points in the Act and the Board's procedural rules. It is provided for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation:

Board Accepting Formal Complaint for Hearing; Motions

The Board will not accept this formal complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" 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). "Duplicative" means that an identical or substantially similar case is already pending before the Board or in court. *See* 35 Ill. Adm. Code 103.212(a) and item 10 of the formal complaint.

"Frivolous" means that the formal complaint seeks relief that the Board does not have the authority to grant, or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. *See* 35 Ill. Adm. Code 103.212(a) and items 5 and 9 of the formal complaint.

If you believe that this formal complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you were served with the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. If you need more time than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after service of the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion alleging that the complaint is duplicative or frivolous will stay the 60-day period for filing an answer to the complaint. *See* 35 Ill. Adm. Code 103.204, 103.212(b).

All motions filed with the Board's Clerk must include an original, nine copies, and proof of service on the other parties. Service may be made in person, by U.S. mail, or by messenger service. Mail service is presumed complete four days after mailing. *See* 35 Ill. Adm. Code 101.300(c), 101.302, 101.304.

If you do not respond to the Board within 30 days after the date on which the complaint was served on you, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing. The Board will then assign a hearing officer who will contact you to schedule times for telephone status conferences and for hearing. *See* 35 Ill. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an answer to this formal complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an answer within 60 days after the Board rules on your motion. *See* 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

The Board's procedural rules require the complainant to tell you as respondent that:

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. *See* 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an answer and any motions or briefs, and present a defense at hearing.

EXHIBIT**IDENTIFICATION**

- A. Village of Richton Park Special Use Petition
- A1. Illinois Environmental Protection Agency
Does My Business Need A Land Pollution Control Permit?
- B. AIR QUALITY IMPACTS FOR TOUGH CUTS CONCRETE SERVICES, INC. NONMETALLIC MINERAL CRUSHING AND PROCESSING EQUIPMENT AT SEXTON DEVELOPMENT that was prepared by Derenzo and Associates, Inc. Environmental Consultants for the Village of Richton Park, IL dated July 18, 2011
- E1. Photo from July of 2011 of a Large Cone Shaped Pile of Crushed Concrete Aggregate at the Sexton Properties R.P., LLC's Site
- F1. Photo from July of 2011 of a Pile of Broken up Asphalt and a Pile of Bricks at the Sexton Properties R.P., LLC's Site
- G1. Photo from July of 2011 of a Pile of Broken up Concrete at the Sexton Properties R.P., LLC's Site.
- H1. The United States EPA article Particulate Matter under the headings Health, Health Effects, and Environmental Effects
- I.1. ENVIRONMENTAL ENGINEERING Figure 7-3 Sizes of particulates in micrometers.
- L1. Illinois Environmental Protection Agency Public Notice from the Southtown Star newspaper dated, November 11, 2011 of a Public Meeting for Tough Cut Concrete Services, Inc. in Richton Park
- P1. Letter from the President/Owner of Tough Cut Concrete Services, Inc. to the Illinois Environmental Protection Agency Bureau of Air dated November 7, 2011
- Q1. Letter from Derenzo and Associates, Inc. Environmental Consultants for Tough Cut Concrete Services, Inc. to the Illinois Environmental Protection Agency Bureau of Air, Permit Section dated August 1, 2011
- T1. Letter from the Illinois Environmental Protection Agency granting Tough Cut Concrete Services, Inc. a Construction Permit for a crushing plant dated December 9, 2011

- U1. Letter from the President/Owner of Tough Cut Concrete Services, Inc. to the Illinois Environmental Protection Agency Bureau of Air, Permit Section dated September 22, 2011
- V1. Letter from The Village of Richton Park's Village Manager to the Illinois Environmental Protection Agency Bureau of Air, Permit Section dated September 27, 2011
- W1 A page from a packet of information from Tough Cut Concrete Services, Inc.'s Attorneys Seyfarth Shaw LLP to the Illinois Environmental Protection Agency dated September 28, 2011
- X1. Tough Cut Concrete Services, Inc. CONSTRUCTION PERMIT GRANT - OPERATING PERMIT DENIAL – NSPS SOURCE

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BEFORE THE
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Complainants)
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IEPA (Bureau of Air, Permit Section))
Respondent)

Formal Complaint

Complainants, Anielle Lipe and Nykole Gillette request that the Pollution Control Board 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).

Per (Exhibit X1), the IEPA granted Tough Cut Concrete Services, Inc. a Construction Permit to crush materials at Sexton Properties R.P., LLC, a Pollution Control Facility without verifying that Sexton Properties R.P., LLC complied with the local siting processes located in the Illinois Compiled Statutes (ILCS) at 415 ILCS 5/1 et seq, in Sections 3.330, 39, 39.2, and 40.1. Since Sexton Properties R.P., LLC is defined as a Pollution Control Facility per the Illinois Environmental Protection Act, the Tough Cut Concrete Services, Inc.'s application should have never been considered and, therefore, denied by the IEPA as a result of the Village of Richton Park's Board **failing** to issue local siting approval to crush materials at Sexton Properties R.P., LLC. In support of our argument, (Exhibit A1) on pages 3 and 4 of the Illinois Environmental Protection Agency article, under the heading "**Are there any special requirements?**", it states "before the IEPA can review your permit application, you must provide proof that you have complied with the local siting requirements." Based on the above of the local siting processes not being followed, we ask that the Illinois Pollution Control Board revoke the Construction Permit granted to Tough Cut Concrete Services, Inc. by the IEPA.

Pursuant to the Illinois Environmental Protection Act that is located in the Illinois Compiled Statutes (ILCS) at 415 ILCS 5/1 et seq, in Section 3.330, 39, 39.2 and 40.1 it states "the local siting approval process applies to a new pollution control facility, which the law defines as:

- A pollution control facility initially permitted for development or construction after July 1, 1981; or
- The area of expansion beyond the boundaries of a currently permitted pollution control facility (horizontal, vertical, increased volume)."

In reference to the above, Sexton Properties R.P., LLC, a Pollution Control Facility was permitted by the Village of Richton Park on July 25, 2011 to develop their land for commercial use. While speaking with the Bureau of Land at the IEPA, it was indicated that Sexton Properties R.P., LLC has also applied for a modification in their CCDD permit to fill an existing pond on their site which would expand the area beyond the boundaries of their current permitted pollution control facility.

Per the Illinois Compiled Statutes (Text of Section from P.A. 96-1314) Sec. 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. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act." Sexton Properties R.P., LLC **does not** qualify for the exemptions of it not being a pollution control facility.

Per (Exhibit P1), a letter from Tough Cut Concrete Services, Inc. to the IEPA indicates that they intend to crush **Asphalt** on their partnering company, Sexton Properties R.P., LLC's site which was not mentioned in the public meetings or hearing held by the Village of Richton Park. Nor did Sexton Properties R.P., LLC indicate in their application for the Special Use Permit, Ordinance 1497 that **Asphalt** would be crushed on their site per (Exhibit A). Per (Exhibit Q1), Derenzo and Associates sent a letter to the IEPA indicating that Tough Cut Concrete Services, Inc. intends to crush concrete for **3 to 10 years** which was conflicting information that Sexton Properties R.P., LLC shared at the public meetings and public hearing held by the Village of Richton Park. Sexton Properties R.P., LLC at the public meetings and public hearing didn't mention crushing concrete beyond 3 years. In support of our claim, per (Exhibit B) the Village of Richton Park's Environmental Consultants, Derenzo and Associates states under the heading, "Equipment and Process Operations"; the planned waste concrete crushing and processing equipment will be operated: 1. At the western edge of the specific site, which provides the furthest distance from the closest residences, for a period of **approximately three years**". . . . Also Tough Cut Concrete Services, Inc. didn't make their intentions known to the IEPA as to how long they plan to crush Asphalt. Not only has the Village of Richton Park not given local siting approval for the crushing of Asphalt and Concrete on the Sexton Properties R.P., LLC's site, but as a side note, the Village of Richton Park hasn't approved an ordinance to crush Asphalt on the Sexton Properties R.P., LLC's site.

Per the Illinois Compiled Statues Section 3.160 (a) ““General construction or demolition debris”” “means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures and roads, limited to the following: bricks, concrete, and other masonry materials... or other asphalt pavement...” Per (Exhibit A1) page 2, in summary, Nonspecial Waste includes construction or demolition debris.

Therefore, the Clean Construction Demolition Debris will always be considered Nonspecial Waste that is stored on the Sexton Properties R.P., LLC site until or “if it 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” per the Illinois Environmental Protection Act that is located in the Illinois Compiled Statues (415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a) Sec. 3.160 (a).

While speaking with the P.E. Manager, Ed Bakowski at the IEPA, we explained that the Illinois Environmental Protection Act **does not** state that a facility has to intend to perform the specific processes to turn nonspecial waste into recycled material or non waste. The keyword “**if**” stated in the Illinois Environmental Protection Act indicates that the actual process has to be performed per the exact specifications of the Illinois Environmental Protection Act before a portion of that waste is considered recycled or filled in a manner to be considered not waste. Despite the detailed explanation, the IEPA has blatantly denied the mere fact that the CCDD is nonspecial waste **until** the Illinois Environmental Protection Act specifications are performed. Since the Clean Construction Demolition Debris stored on the Sexton Properties R.P., LLC’s site has not gone through the process of transforming it into not waste, the facility is considered a waste storage site or a Pollution Control Facility.

Per (Exhibit T1) referencing the letter from the IEPA, it states “the agency has determined that neither the existing CCDD fill operation nor the proposed CCDD crushing operation: 1) involve the management of waste, 2) qualify as pollution control facilities, or 3) require local siting approval in order for the Agency to permit them.” Based on (Exhibit A1), it indicates that Sexton Properties R.P., LLC is a waste management facility based on the article stating that “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,
- Waste Treatment,
- Waste Transportation and
- Waste Disposal.

Per (Exhibit A1), **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 and asphalt operation will consist of grinding the concrete and asphalt 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.

Per (Exhibit A1), the Illinois Environmental Protection Agency states “**Waste 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.” In fact, the Illinois EPA indicates that “all waste is referred to as **solid waste**.” “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.” In summary per the Illinois EPA regulations, the term solid waste includes solid materials, liquids and **gasses**. Pursuant to the Illinois Environmental Protection Act that is located in the Illinois Compiled Statutes (415 ILCS 5/3.185) (was 415 ILCS 5/3.08), Sec. 3.185 “**“Disposal”**” “means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be **emitted into the air** or discharged into any waters, including ground waters.” Therefore, Sexton Properties R.P., LLC would also be considered a waste disposal site because some of the proposed crushed material/solid waste would be emitted in the air and escape into the environment instead of being used for recycling or developing the site.

The Illinois EPA, Bureau of Air classified Sexton Properties R.P., LLC as a sanitary landfill which is also a Pollution Control Facility. 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.” Pursuant to the Illinois Environmental Protection Act that is located in the Illinois Compiled Statutes (415 ILCS 5/3.445) (was 415 ILCS 5/3.41), Sec. 3.445 “**“Sanitary landfill”**” “means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day’s operation, or by such other methods and intervals as the Board may provide by regulation.”

In reference to the above, Sexton Properties R.P., LLC, a Pollution Control Facility has been defined as a:

1. Sanitary Landfill
2. Waste storage site that:
 - (a) Stores piles of solid waste consisting of concrete, asphalt, brick and other materials. Please see photos per (Exhibit E1, F1, and G1).

3. Waste disposal facility

(a) When crushing concrete and asphalt, the IEPA expects some waste will be emitted in the air and escape into the environment. Cement dust contains particulate matter (particle pollution) such as Fly Ash, Bottom Ash, Silica Fumes (gases), Blast Furnace Slag and etc. Per (Exhibit H1), the United States EPA, page 1 under the heading of **Health** states “the size of particles is directly linked to their potential for causing health problems. Small particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream. Exposure to such particles can affect both your lungs and your heart. Small particles of concern include “inhalable coarse particles” (**such as those found near roadways and dusty industries**), which are larger than 2.5 micrometers and smaller than 10 micrometers in diameter; and “fine particles” (such as those found in smoke and haze), which are 2.5 micrometers in diameter and smaller.” Per (Exhibit I1), the Environmental Engineering book, Figure 7-3, page 432, Fumes, range “in size from .03 to .3 micrometers.” Fly ash ranges “in size from 1 to 1000 micrometers.” Since both Silica Fumes and Fly ash have levels under 10 micrometers, these particulates are a hazard to human health.

Per (Exhibit H1), the United States EPA, page 1 under the heading of **Health Effects** states “Particle pollution- especially fine particles- contains microscopic solids or liquid droplets that are so small that they can get deep into the lungs and cause serious health problems. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including:

- increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing, for example;
- decreased lung function;
- aggravated asthma;
- development of chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure. However, even if you are healthy, you may experience temporary symptoms from exposure to elevated levels of particle pollution.” In review of the above information, it is unclear as to whether there are any safe levels for humans when being exposed to particulate matter, especially under 10 micrometers.

The particulate matter has negative effects on the environment. Per (Exhibit H1), the United States EPA on pages 1 and 2 under the heading of Environmental Effects states “**Visibility reduction** fine particles (PM 2.5) are the major cause of reduced visibility (haze) in parts of the United States, including many of our treasured national parks and wilderness areas. **Environmental Damage particles can be carried over long distances by wind and then settle on ground or water.** The effects of this settling include: making lakes and streams acidic; changing the nutrient balance in coastal waters and large river basins; depleting the nutrients in soil; damaging sensitive forests and farm

crops; and affecting the diversity of ecosystems. **Aesthetic damage** particle pollution can stain and damage stone and other materials, including culturally important objects such as statues and monuments.”

In the past, we provided a huge amount of medical statistics mentioned above as well as other information to the IEPA by email showing how the chemicals from the cement and asphalt dust/fumes are harmful. Yet our information was disregarded by the IEPA sending a letter dated, 12/9/11 indicating that “the Toxicity Assessment Unit reaffirmed the Bureau of Air opinion that since the potential exposure to dust from the facility is extremely low there should be no health concerns about emissions from the facility” per (Exhibit T1). This statement made by the Toxicity Assessment Unit was a blanket statement without supplying supportive evidence to prove that the percentage of emissions from the crushing operation is safe. Nor does the letter indicate that the Toxicity Assessment Unit took into consideration the number of years Tough Cut Concrete Services, Inc. plans to crush materials to determine the compounding affects of the pollution emitted, and if that amount of pollution is safe.

Despite the IEPA’s claim of a low exposure of emissions from the crushing operation, it conflicts with the Village of Richton Park and Tough Cut Concrete Services, Inc.’s environmental consultants, Derenzo and Associate’s findings that state “the specified control measures are expected to reduce uncontrolled particulate and dust emissions at the planned **waste** concrete crushing and processing operations by at least 80%” per (Exhibit B), page 3 of the Derenzo and Associates, Inc. report. Therefore, 20% of the cement dust emitted into the air would be considered **waste**. (Exhibit B), page 2 of the Derenzo and Associates, Inc. report, indicates that “a total of approximately 250,000 tons of waste concrete material will be processed at the site annually.” Therefore, approximately 250,000 tons of waste concrete material processed annually times 20% emission of pollutants in the air = approximately **50,000 tons of cement dust/particulate matter emitted in the air annually**. Yet the IEPA states only “.8 tons per year of particulate matter” will be emitted in the air from the crushing operation per (Exhibit T1). With this conflict of information and omission of information in the past of Sexton Properties R.P., LLC applying for a local permit and Tough Cut Concrete Services, Inc. applying for a IEPA air permit, it is hard to know who is right and who is telling the truth.

By comparison, we provided a mountain of evidence to the IEPA to show that Sexton Properties R.P., LLC, and the crushing operation on its site qualifies it as a Pollution Control Facility versus the IEPA supplying minimal information and not disproving our findings. In fact, the IEPA failed to supply enough evidence to prove that the crushing operation is safe to the public and environment. It appears that the IEPA might have been pressured and rushed to judgement without doing a thorough investigation. Per (Exhibit U1), letter from Tough Cut Concrete Services, Inc. dated 9/22/11 to the IEPA, (Exhibit V1), letter form the Village of Richton Park dated 9/27/11 to the IEPA and (Exhibit W1), page 3 from the law firm, Seyfarth Shaw that represents Tough Cut Concrete Services, Inc. dated 9/28/11 to the IEPA all indicate that they want the IEPA to act promptly or expeditiously in passing the Life Time Air Permit for Tough Cut

Concrete Services, Inc. The reason stated was because Tough Cut Concrete Service, Inc. was at risk of losing their contract with IDOT. Due to the close proximity of when all these letters were written to the IEPA, it appears that the Village of Richton Park and Tough Cut Concrete Services, Inc. were in cahoots in trying to convince the IEPA to pass the Life Time Air Permit.

There was no fundamental fairness in the whole process of:

- the Village of Richton Park not requiring that Sexton Properties R.P.,LLC, a Pollution Control Facility obtain siting approval.
- the IEPA reviewing Tough Cut Concrete Services, Inc.'s Life Time Air Permit application and granting them a Construction Permit without the company providing proof that their partnering company, Sexton Properties R.P., LLC complied with the local siting requirements.
- neither the Village of Richton Park nor the IEPA proved that our quality of life, human health, safety and welfare would not be negatively impacted from this crushing operation.

In conclusion, the Complainants, Anielle Lipe and Nykole Gillette ask that the Illinois Pollution Control Board revoke the Construction Permit granted to Tough Cut Concrete Services, Inc. by the IEPA.

Complainant Anielle Lipe Date 12/20/11

Complainant Nykole Gillette Date 12/20/11

*Village of Richton Park
Special Use Petition*

Property Address:

The general description is a primary parcel of land 80 acres in size located between I-57 and Central Avenue, north of Sauk Trail. (See the attached Legal Description)

Applicant:

Sexton Properties R.P., LLC
Arthur A. Daniels – Managing Member

Applicant Address:

2801 Lakeside Drive, Suite 100
Bannockburn, Illinois 60015

Property Owner (if different from applicant):

Sexton Properties R.P., LLC (an Illinois Limited Liability Company)

Property Owners Address:

2801 Lakeside Drive, Suite 100
Bannockburn, Illinois 60015

Zoning of the Property:

M-3

Current Land Use:

Land Reclamation & Re-grading Operation (Vacant)

Proposed Zoning:

Sexton is applying to operate under the existing zoning conditions but is requesting the re-issuance of a Special-Use Permit for concrete crushing machinery to be allowed on-site.

Per the Village of Richton Park's Administration Section, the following uses may be allowed with a Special-Use Permit:

Ordinance 10.03 B - Any use which may be allowed as a special use in the M-2 District

Ordinance 10.02 B - Stone and gravel quarries and crushing, grading, washing and loading equipment and structures.

(Exhibit
A)



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?

Managing a waste refers to any kind of waste storage, treatment or disposal activity. You will hear the term "manage" used with great frequency in the land regulations and in almost any discussion of waste. Examples of waste management include burning a waste, burying a waste or storing a byproduct or sludge.

Waste management is regulated in many different ways, including the requirement to obtain a permit. However, you should be aware that many other requirements may apply. These other requirements include regulation of waste transportation, design and operating requirements for waste treatment, storage, disposal and reporting requirements on waste generation.

What type of waste do I manage?

Wastes are grouped into different categories by the regulations. You must determine which categories of waste you are managing to determine the kind of permit you will need.

Solid waste is divided into two categories: nonspecial waste and special waste.

- **Nonspecial Waste** – Nonspecial wastes are generally not as harmful to people or the environment, so they are not regulated as special waste. Nonspecial wastes include garbage and commercial waste. These types of wastes are generally associated with offices, homes and restaurants, but also include clean packaging, landscape waste, clean machinery components and construction or demolition debris.
- **Special Waste** – Special waste includes potentially infectious medical waste (PIMW), industrial process waste, pollution control waste and hazardous waste. Because the mismanagement of these wastes may cause serious health or environmental problems, special waste may be regulated under one or more sets of regulations in addition to the regulations for nonspecial waste. Special permitting requirements may also apply.
 - **PIMW** – includes most medical waste generated by health care professionals or medical research that may be infectious to humans. It does not include medical waste generated at your home. PIMW transporters must have a permit and each load must be accompanied by a PIMW manifest. Fees are associated with transportation or disposal activities. Generally, the PIMW transportation service takes care of these fees.
 - **Industrial process waste** – includes waste generated by industry or commercial services such as gas stations or painting contractors. Industrial process waste does not include clean packaging materials, office or food waste. Generally, there are state (and sometimes local) fees charged at the landfill when these wastes are disposed.
 - **Pollution control waste** – is generated by the treatment or cleanup of other wastes. Treatment residues from wastewater treatment, air scrubbing and spill cleanups are all pollution control waste.
 - **Hazardous waste** – is the most highly regulated category of waste. Some wastes are hazardous because of their ignitable, corrosive, reactive or toxic properties. These are called characteristically hazardous wastes. In other instances, U.S.EPA has decided that the waste produced by certain industrial activities will always be a hazardous waste. These are called listed hazardous wastes. There are a series of state fees collected for generating and/or handling hazardous waste. Only large quantity generators (over 2200 lbs/month) must pay a fee for generating waste.

What if I accept waste from someone else?

If you accept any waste from someone else for treatment, transfer, storage or disposal, including a facility of your own located at a different address, you must get a permit from the Bureau of Land.

The type of permit that you must obtain depends upon the kinds of waste that you accept from someone else. Even if you do not accept waste from someone else, a permit may be required for certain hazardous waste management activities.

What type of permit do I need?

Solid waste permits – are required for the nonspecial waste storage, treatment and disposal facilities

that accept waste from someone or somewhere else.

Special waste permits – are required for facilities that receive or store, treat or dispose of nonhazardous special waste and for hazardous RCRA exempt waste storage or treatment facilities. (RCRA is the acronym for the federal Resource Conservation and Recovery Act. There are separate programs that issue permits for special waste that is either hazardous (RCRA) waste or medical (PIMW) waste.

What is the permitting process?

The same system is used for permitting both solid and special waste management units.

- Development permits are required to construct new units;
- Operating permits are then required before receiving waste at a new unit; and
- Supplemental permits or modifications are required to modify an existing permitted activity.

Usually, a development permit is issued prior to construction. An operating permit is issued for operation of the business if the new unit was properly constructed. In some cases, the development and operating permits are issued jointly.

A permit for most categories of nonhazardous waste may be obtained through a single permit application. There are separate permitting regulations for medical waste, landscape waste and landfills, and separate applications must be made for each of these categories.

Hazardous waste permits – are required for hazardous waste storage, treatment or disposal facilities. A new hazardous waste management facility must obtain a Part B RCRA Permit prior to construction or to receiving waste. This is a single permit for the facility. Unlike the permits for nonhazardous waste, separate development and operating permits are not required. Annual permit and inspection fees are assessed by the state for managing hazardous waste.

The requirements for used oil are separate from other types of waste.

Used oil – means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

Permits are not required for used oil activities but you must follow the design and operating requirements in the use oil regulations. Facilities that receive used oil from off-site and used oil transporters must register with the Illinois EPA.

How do I determine if I need a hazardous waste management permit?

To establish whether or not you need a hazardous waste management permit, you must determine:

- The type of waste (The time limits for unpermitted storage may vary by hazardous waste type);
- The amount of hazardous waste you generate per calendar month (There are time limits on the storage of hazardous waste generated onsite based upon these amounts); and
- The process that generated the waste (Some processes produce listed hazardous waste even when analysis indicates the waste would not be very harmful).

There are many instances where hazardous waste management activities may be exempt from the permitting requirements.

For further information or assistance in these determinations, you may contact the Bureau of Land Permit Section at (217) 524-3300. They will be happy to assist you.

Are there any special requirements?

Before the IEPA can review your permit application, you must provide proof that you have complied

with the local siting requirements. All new pollution control facilities must obtain siting approval from a specified unit of local government. The procedures for obtaining local siting approval and the operations which are exempt from these requirements are found in the Illinois Environmental Protection Act.

As indicated earlier, in general, all facility operators that accept waste from another location must first get a permit.

Is a land permit needed for the transportation of wastes?

The Agency recommends that you always use a licensed special waste hauler to transport your waste. Some waste transportation operations must be licensed by the Agency. There are three types of permits issued to transport waste. The uniform permit is required to transport hazardous waste. The nonhazardous special waste hauler permit, or uniform permit, is required to transport all nonhazardous waste including used oil, but not potentially infectious medical waste (PIMW). A separate PIMW hauling permit is required to transport potentially infectious medical waste. Remember hazardous waste and potentially infectious medical waste are also subcategories of special waste.

- You must have a license to transport special waste unless you are a small quantity generator transporting your own waste from your own site to a permitted storage, treatment, or disposal facility.
- If you are not a small quantity generator, you must either obtain a special waste hauler license or have a licensed special waste hauler transport the waste for you. Remember that if the special waste is hazardous the transporter must have the uniform permit. If the waste is potentially infectious medical waste, a PIMW permit is required instead of the special waste hauler permit. Used oil transporters must also register their used oil activity in addition to obtaining a special waste hauling permit.
- You must also use a manifest as the shipping paper which accompanies your waste, unless you are a small quantity generator.
- No state permit is needed to transport nonspecial waste such as garbage.

You should be aware that the transportation of hazardous material is regulated by the Illinois Department of Transportation. You may contact them at (217) 782-4974 for further information.

Supplement – You can only haul your own waste without a special waste hauler's license or without a manifest if you generate 100 kg. or less of special waste including hazardous waste and less than 1 kg. of acutely hazardous waste in a calendar month. You may also qualify for an exemption from manifesting if you generate between 100 kg. and 1000 kg. of hazardous waste in a calendar month and the waste is reclaimed under a contractual agreement. The exemption for small quantity generators hauling their own waste referred to in Question #10 of this document and the exemption from manifesting for small quantity generators referred to in Question #10 of this document are not applicable to a small quantity generator as defined in Appendix 1. The exemption is different for PIMW. PIMW operators who are not commercial haulers may transport PIMW without a permit if they transport less than 50 pounds at one time or they are transporting their own waste between two sites that they own.

In addition to the permit requirements, are there any other kinds of regulations of which I should be aware?

There is a hierarchy of wastes dependent upon their potential to harm people or the environment. Generators and receivers of the wastes must comply with all the regulations specific to their category plus those applicable to less dangerous wastes.

Nonspecial wastes are regulated under the solid waste rules found in 35 Ill. Adm. Code 807 through 815. Portions of these regulations also pertain to all special waste. In some instances, the generator can certify that certain industrial process wastes or pollution control wastes are not special waste. More information on this certification process may be found in the Illinois Environmental Protection Act.

Hazardous wastes are also regulated under the federal rules resulting from the Resource Conservation and Recovery Act. The RCRA rules have been made a part of the state's rules and can be found in 35 Ill.

Adm. Code 700 through 739. The hazardous waste rules are very complicated and contain many specific inclusions, exclusions and exemptions. A guidance document on understanding the hazardous waste rules is available from the Bureau of Land at (217) 782-6762. This guidance document includes a helpful discussion of how you can determine the classification of your waste.

Whom should I contact for further information?

If the previous information indicates that you may need a permit, you should contact the Bureau of Land's Permit Section at (217) 524-3300. Different types of permits are issued by different units. To help you get to the appropriate person to answer your questions, we have identified the units that review each type of application or permit previously discussed.

- | | |
|---|----------------------------|
| Non Hazardous Waste Disposal: | Solid Waste Unit |
| Treatment - Storage and Transfer: | Disposal Alternatives Unit |
| Hazardous Waste Disposal and On-Site Storage: | RCRA Unit |

When calling, you should ask to speak to a permit reviewer in the Unit which you anticipate will be involved with your operation.

Questions about special waste hauler licenses and manifests should be directed to the Solid Waste Management Section at (217) 785-8604.

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Derenzo and Associates, Inc.

Environmental Consultants

AIR QUALITY IMPACTS
FOR
TOUGH CUTS CONCRETE SERVICES, INC.
NONMETALLIC MINERAL
CRUSHING AND PROCESSING EQUIPMENT
AT
SEXTON DEVELOPMENT

1.0 PURPOSE

Derenzo and Associates Inc. (Derenzo and Associates) has prepared this document to present the results of air pollutant emission regulatory compliance analyses that were performed to evaluate nonmetallic mineral (waste concrete) crushing and processing equipment planned for operation by ToughCuts Concrete Services, Inc. (ToughCuts Concrete Services) at Sexton Development in Richton Park on approximately 80 acres of land located west of Interstate 57 and north of Sauk Trail.

2.0 EQUIPMENT AND PROCESS OPERATIONS

The planned waste concrete crushing and processing equipment will be operated:

1. At the western edge of the specified site, which provides the furthest distance from the closest residences, for a period of approximately three years; and
2. During the hours of 8:00 AM to 5:00 PM Monday through Friday.

ToughCuts Concrete Services plans to operate at the specified site the following equipment a:

1. Fintec F1107 mobile jaw crusher;
2. Thunderbird Kobelco 4230 portable jaw crushing plant;
3. Pioneer 54X25 triple roll crusher;
4. 1997 Viper 301 portable screening plant;
5. Backhoe loader (on tracks);
6. Front end loader (on tires);

(Exhibit
R)

Derenzo and Associates, Inc.

ToughCut Concrete Services, Inc.
Facility Compliance Evaluation

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Page 2

7. Tanker truck for the application of water to appropriate roadways and materials storage piles; and
8. Sweeper vehicle to maintain paved vehicle traffic roads (appropriate on site and off site areas).

The specified equipment will be used to handle / move concrete materials, reduce and size pieces of waste concrete, and control airborne emissions of particulates (dust). A majority of the processed materials will be stored in piles and sold to customers for use in construction projects. A small amount of the processed materials will be retained onsite for future development purposes. Waste pieces of concrete (from demolition projects) are delivered to the site where it is stored and subsequently processed at appropriate times.

The crushers and screens will process up to approximately 80 tons of material per hour (TpH) of operation. While ToughCuts Concrete Services plans to place three crushers at the waste concrete processing site no more than two crushers (which will be operated in series) will ever be used at the same time.

A total of approximately 250,000 tons of waste concrete material will be processed at the site annually (TpY).

A single backhoe loader will be used to move waste concrete (from storage piles) to the crusher(s).

A single front-end loader will be used to remove processed material (final product) for customer load-out activities.

The planned crushing and screening operations are equipped with water sprays to control particulate emissions that are generated from the specified material reduction and sizing operations.

Site paved and unpaved roadways will be swept and watered (unpaved roads will not be swept) as often as necessary to minimize dust emissions from vehicle traffic.

Material stockpiles will be watered as necessary to minimize dust emissions from erosion and load-out operations.

The drop distance for all material transfer points will be reduced to the minimum that can be achieved for proper equipment operations.

Trucks will be loaded to appropriate heights that do not exceed the top of the container sideboard or tarped in order to prevent load materials from escaping.

Material spillage on local roadways will be cleaned immediately.

The specified control measures are expected to reduce uncontrolled particulate and dust emissions at the planned waste concrete crushing and processing operations by at least 80%. The waste concrete crushing and processing equipment will be operated so that the distance to the nearest residence, or commercial establishment or place of public assembly is greater than 1,320 feet (one quarter mile).

2.0 AIR POLLUTANT EMISSIONS

2.1 Particulate Emissions

Emissions of particulate matter are the main air pollutant that is produced by the operation of nonmetallic mineral crushing and processing facilities. Material crushing and processing plants typically have many pieces of equipment that have the potential to emit particulates. Most of these sources are referred to as fugitive emissions, which are difficult to quantify (i.e., they are not exhausted through a stack that provides ventilation to a piece of equipment or process; they are produced by open processes such as truck and loader traffic on paved and unpaved roads).

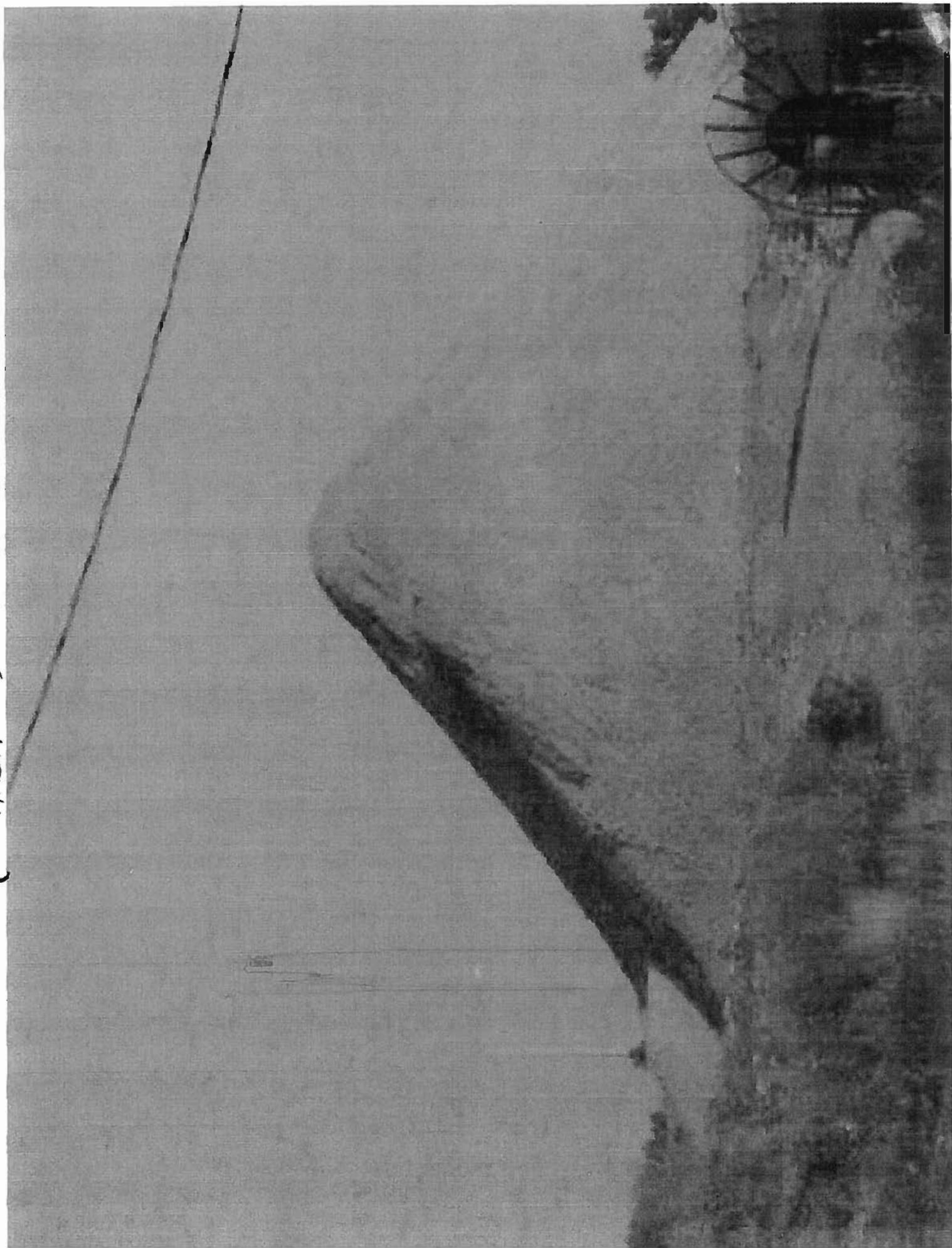
The USEPA has developed emission factors that are presented in a *Compilation of Air Pollutant Emission factors Volume I: Stationary Point and Area Sources* (AP-42) that numerous state regulatory agencies (including the Illinois EPA) rely on to estimate the amount of particulate matter that will be emitted from the operation of waste concrete crushing and processing facilities.

Based on the use of the AP-42 emission factors, the specified maximum material processing rates and minimum control efficiency of 80%, the planned waste concrete crushing and processing equipment is estimated to have maximum particulate matter (PM-10, particulates with diameters that are less than 10 microns for which USEPA promulgated National Ambient Air Quality Standards, NAAQS) emissions rates of 2.4 pounds per hour (lb/hr) and 3.75 Tpy. USEPA has promulgated NAAQS for PM-2.5 (particulates with diameters that are less than 2.5 microns). Emissions of these smaller particulates (based on the nature of the specified operations and information presented in AP-42) are estimated to be much smaller than those presented for PM-10.

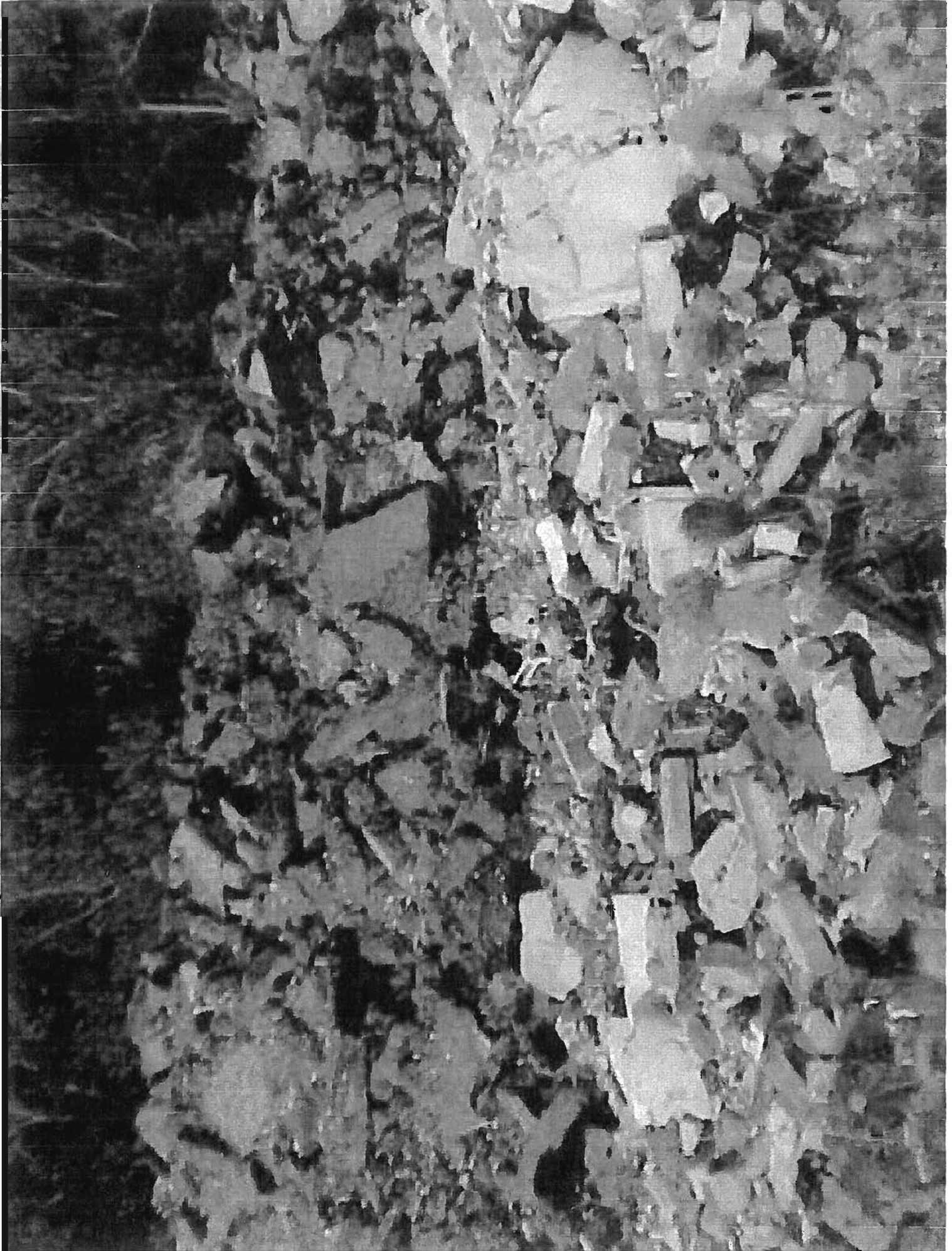
2.2 Gaseous Emissions

Power generation equipment associated with nonmetallic mineral crushing and processing operations has the potential to produce gaseous emission (e.g., carbon monoxide, sulfur dioxide, volatile organic compounds, nitrogen oxides, particulates). However, the magnitude of these emissions has been determined by the Illinois EPA to be insignificant. Construction or operating permits are not required for stationary internal combustion engines that have

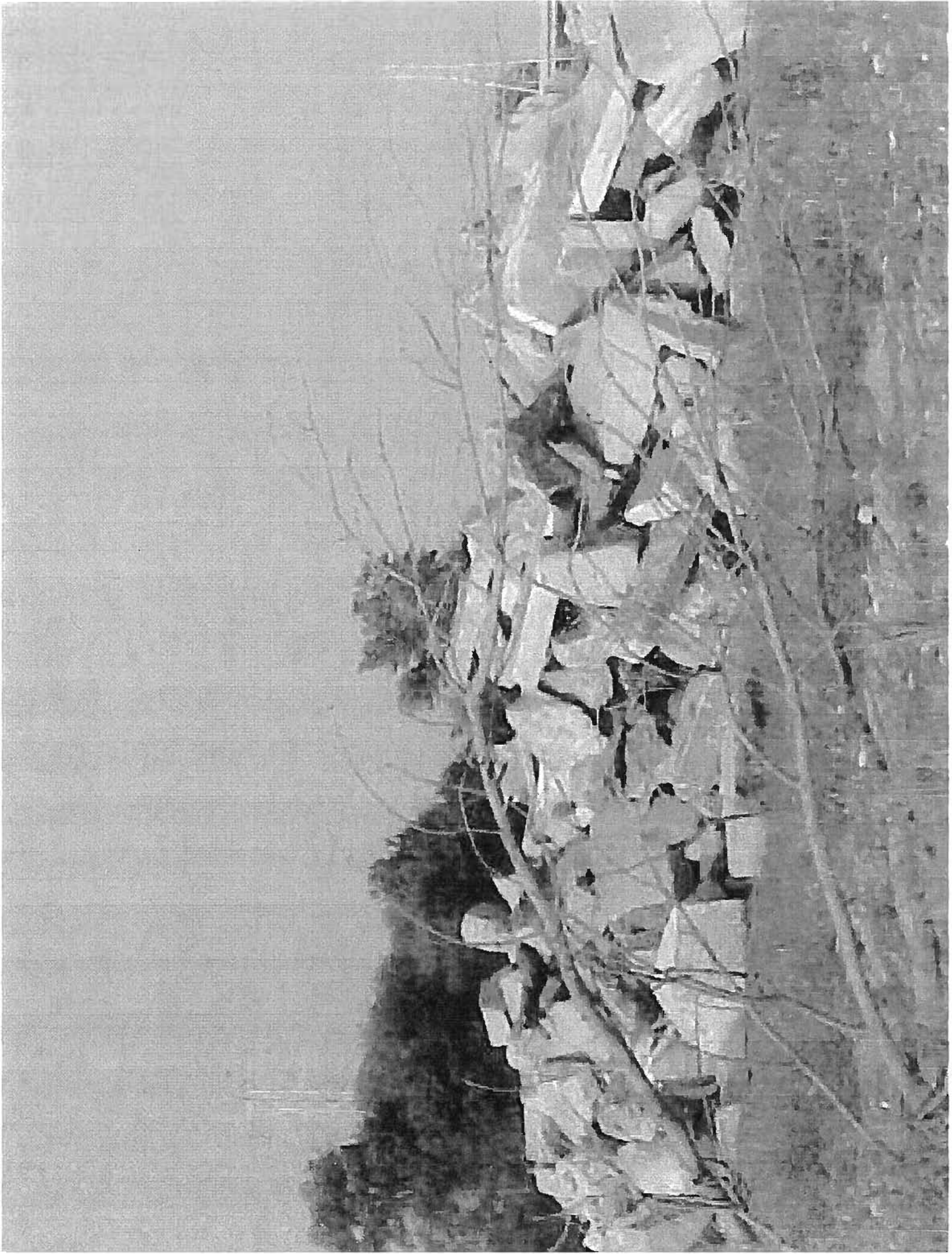
(EXHIBIT 6A)



(Exhibit F1)



(Exhibit 67)



(Exhibit H1)

<http://www.epa.gov/air/particlepollution/health.html>

Last updated on Wednesday, July 06, 2011



Particulate Matter

You are here: [EPA Home](#) » [Air & Radiation](#) » [Particulate Matter](#) » Health

Health

The size of particles is directly linked to their potential for causing health problems. Small particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream.

Exposure to such particles can affect both your lungs and your heart. Small particles of concern include "inhalable coarse particles" (such as those found near roadways and dusty industries), which are larger than 2.5 micrometers and smaller than 10 micrometers in diameter; and "fine particles" (such as those found in smoke and haze), which are 2.5 micrometers in diameter and smaller.

The Clean Air Act requires EPA to set air quality standards to protect both public health and the public welfare (e.g. crops and vegetation). Particle pollution affects both.

Health Effects

Particle pollution - especially fine particles - contains microscopic solids or liquid droplets that are so small that they can get deep into the lungs and cause serious health problems. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including:

- increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing, for example;
- decreased lung function;
- aggravated asthma;
- development of chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure. However, even if you are healthy, you may experience temporary symptoms from exposure to elevated levels of particle pollution. For more information about asthma, visit www.epa.gov/asthma.

Environmental Effects

Visibility reduction

Fine particles (PM_{2.5}) are the major cause of reduced visibility (haze) in parts of the United States, including many of our treasured national parks and wilderness areas. For more information about visibility, visit www.epa.gov/visibility.

Environmental damage

Particles can be carried over long distances by wind and then settle on ground or water. The effects of this settling include: making lakes and streams acidic; changing the nutrient

balance in coastal waters and large river basins; depleting the nutrients in soil; damaging sensitive forests and farm crops; and affecting the diversity of ecosystems. More information about the effects of particle pollution and acid rain.

Aesthetic damage

Particle pollution can stain and damage stone and other materials, including culturally important objects such as statues and monuments. More information about the effects of particle pollution and acid rain.

You will need Adobe Acrobat Reader to view the Adobe PDF files on this page.
See EPA's PDF page for more information about getting and using the free Acrobat Reader.

For more information on particle pollution, health and the environment, visit:

Particle Pollution and Your Health: Learn who is at risk from exposure to particle pollution, what health effects you may experience as a result of particle exposure, and simple measures you can take to reduce your risk. (PDF, 2 pp, 320 KB)

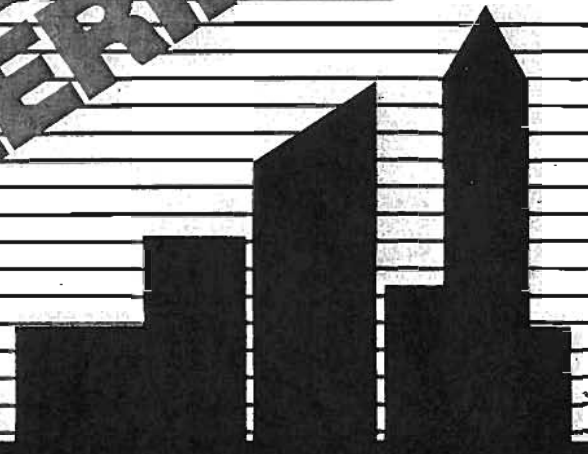
How Smoke From Fires Can Affect Your Health: It's important to limit your exposure to smoke -- especially if you may be susceptible. This publication provides steps you can take to protect your health.

Air Quality Criteria Document for Particulate Matter (October 2004): This comprehensive assessment of scientific data about the health and environmental effects of particulate matter is an important part of EPA's review of its particle pollution standards.

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HOWARD S. PEAVY
DONALD R. ROWE
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ENVIRONMENTAL ENGINEERING



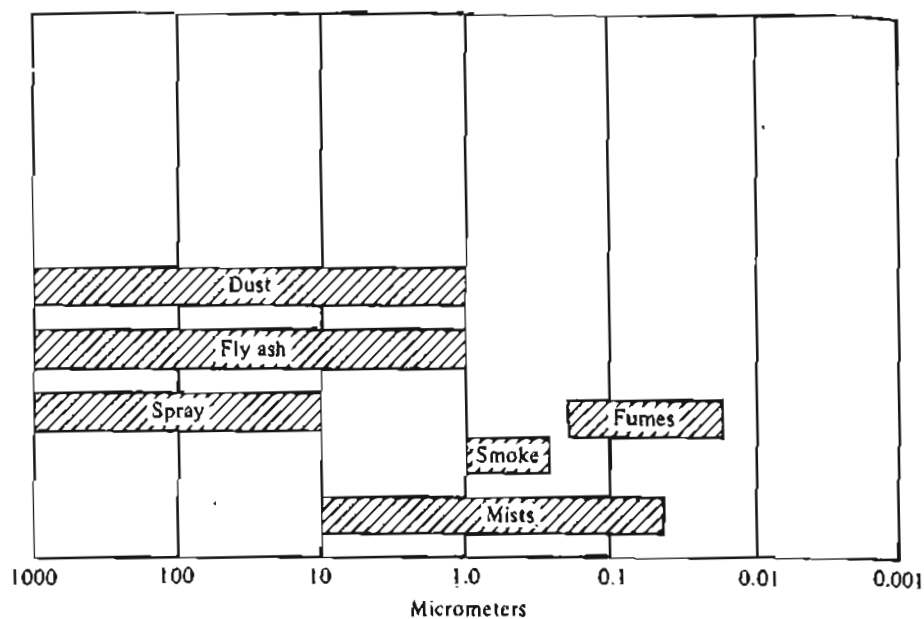


Figure 7-3 Sizes of particulates in micrometers. (Adapted from Federal Register [7-54].)

suspension in air or other gases, dusts do not diffuse. They settle under the influence of gravity. As indicated in Fig. 7-3, dusts may range in size from 1.0 to 10000 μm .

Smoke, fine, solid particles resulting from the incomplete combustion of organic particles such as coal, wood, or tobacco, consists mainly of carbon and other combustible materials. Smoke particles have diameters ranging from 0.5 to 1 μm .

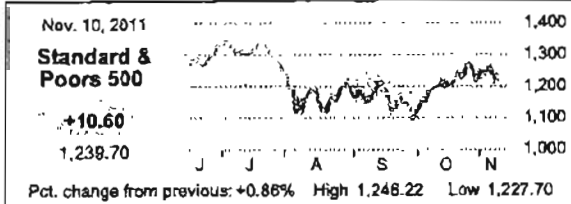
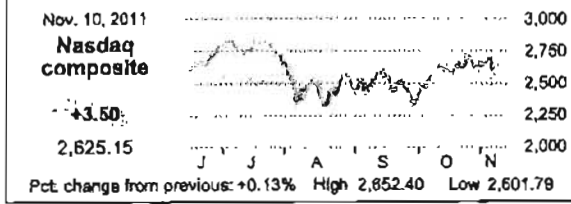
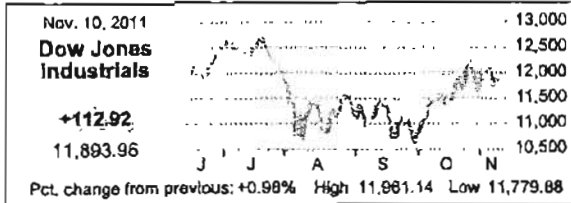
Fumes are fine, solid particles (often metallic oxides such as zinc and lead oxides) formed by the condensation of vapors of solid materials. Fumes may be from sublimation, distillation, calcination, or molten metal processes, and they range in size from 0.03 to 0.3 μm . Fumes flocculate and coalesce, then settle out.

Fly ash consists of finely divided, noncombustible particles contained in flue gases arising from combustion of coal. Inherent in all coal, these mineral or metallic substances are released when the organic portion of coal is burned. Fly ash shares characteristics of all three of the other solid particulates discussed. Like dust, it has particles that range in size from 1.0 to 1000 μm ; like smoke, it results from burning; and like fumes, it consists of inorganic metallic or mineral substances.

Mist consists of liquid particles or droplets formed by the condensation of a vapor, the dispersion of a liquid (as in foaming or splashing), or the enactment of a chemical reaction (such as the formation of sulfuric acid mist). Mists are usually less than 10 μm in diameter. If mist concentration is high enough to obscure visibility, the mist is called a fog.

Spray consists of liquid particles formed by the atomization of parent liquids, such as pesticides and herbicides. Spray particles range in size from 10 to 1000 μm .

THURSDAY MARKET WRAP-UP



LOCAL STOCKS

Name (symbol)	Close	Change	AP
AbtIab (ABT)	31.95	31.95	
Allstate (ALL)	26.20	+0.35	
A.M. Castle (CAS)	13.68	+0.68	
ArcelorMitt (MT)	18.75	+0.10	
AT&T Inc. (T)	29.16	+0.25	
AveryD (AVY)	25.63	+0.21	
BP PLC (BP)	43.10	+0.67	
Boeing (BA)	64.83	+0.28	
BonTon (BONT)	3.93	+0.14	
BoydGm (BYG)	6.22	-0.20	
CME Grp (CME)	260.10	-5.69	
Cabela's (CAB)	25.11	+0.55	
Caterpillar (CAT)	92.09	+0.45	
CocaCI (KO)	67.39	+0.36	
Consoco (CNO)	6.19	+0.08	
Exelon (EXC)	44.41	-0.05	
ExxonMbl (XOM)	78.70	+1.31	
FedExCp (FDX)	80.12	+0.77	
Ferro (FOE)	6.63	+0.09	
FifthThird (FITB)	12.01	+0.28	
FFncOH (FFBC)	15.97	+0.35	
FMBdBc (FMBI)	8.91	+0.23	
FordM (F)	10.99	-0.05	
FMCg (FCX)	39.21	+0.41	
GATX (GMT)	40.19	+0.54	
GenElect (GE)	16.06	+0.21	
HomeDp (HD)	37.20	+0.04	
HorizBcp (HBNC)	24.50	-0.10	
JPMargCh (JPM)	32.74	+0.20	
JohnJn (JNJ)	64.12	+0.59	
LillyEH (LLY)	37.23	-0.13	
Lowes (LOW)	22.46	+0.26	
MarathonO (MRO)	27.33	+0.47	
MarathonP (MPC)	37.70	+0.68	
McDnlds (MCO)	93.26	+0.61	
MorgStan (MS)	15.86	+0.10	
Motorola (MOT)	45.03	+0.48	
NISource (NI)	21.92	+0.22	
Praxair (PX)	99.84	+1.54	
SaraLee (SLE)	18.48	+0.12	
SearsHldgs (SHLD)	72.80	-0.25	
Target (TGT)	51.75	+0.08	
ToiBros (TOI)	18.65	+0.53	
UnilevNV (UL)	32.54	+0.36	
USSteel (X)	25.44	+0.17	
WalMart (WMT)	58.13	+0.08	
Walgrn (WAG)	31.95	+0.23	
WsteMinc (WM)	31.16	+0.17	
WellPoint (WLP)	68.57	+1.61	
Worlrigzn (WOR)	16.89	+0.28	
YRC Wwde (YRCW)	0.04	-0.00	
Zimmer (ZMH)	51.67	0.00	

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 1-57 & 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, 4455 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 1-57 & 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 other 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://southtownstar.com/news/papers/interest.com>

Bankrate.com

Program	Rate	Points	Fees	% Down	APR
AIMLOAN.COM 888-825-8496 http://www.aimloan.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. HML32890. MB739951					
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. 85th Street, Evergreen Park, IL 60805					

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Freely, a spokeswoman for Sears Roebuck Corp. 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. Outlet 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

Tough Cut Concrete Services, Inc.

P.O. BOX 1536

Frankfort, IL. 60423

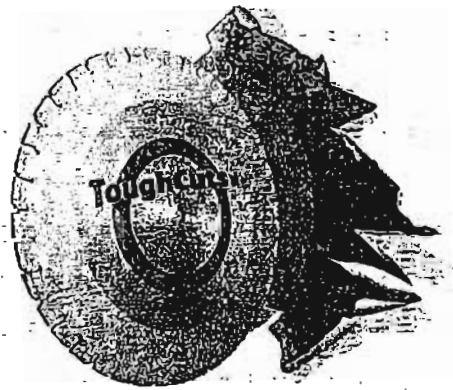
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November 7, 2011

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

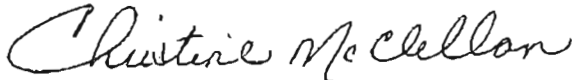
Dear Mr. Zeal,

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,



Christine McClellan
President/Owner

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NOV 08 2011

Illinois Environmental Protection Agency
BUREAU OF AIR
STATE OF ILLINOIS

(E X H I B I T 4)

Derenzo and Associates, Inc.

Environmental Consultants

August 1, 2011

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

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AUG 13 2011

Illinois Environmental Protection Agency
BUREAU OF AIR
STATE OF ILLINOIS

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)~~.



(Exhibit 12)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

December 9, 2011

Anielle Lipe
22123 Meadow Lake Pl.
Richton Park, IL 60471

Dear Ms. Lipe:

This letter is to notify you of the Illinois Environmental Protection Agency (Illinois EPA), Bureau of Air's decision on the Tough Cut Concrete Services Inc. application to construct a crushing plant at I-57 & Sauk Trail in Richton Park. Section 39 (a) of the Illinois Environmental Protection Act states that it is the duty of the Agency to issue permits upon proof by the applicant that the facility will not cause a violation of the Act or regulations adopted there under. The permit application demonstrates that the source's operations are designed to meet the requirements of applicable law and regulations; therefore, the Illinois EPA has made a decision to issue the permit.

Before issuing the permit, the Illinois EPA reviewed the comments submitted concerning the Tough Cut application and draft permit. Unfortunately, the Illinois EPA is not in position to specifically address each written comment received as some of the comments are beyond the scope of the permitting process. However, the Illinois EPA has attempted to respond to the general concerns expressed about the project below. Also, the Illinois EPA addressed comments, both written and oral, at the informational public outreach meeting held on November 21, 2011.

One main contention in the comments received concerned the need for the company to obtain local siting approval as a pollution control facility. The Agency has determined that neither the existing CCDD fill operation nor the proposed CCDD crushing operation: 1) involve the management of waste, 2) qualify as pollution control facilities, or 3) require local siting approval in order for the Agency to permit them.

Additional comments were made about health effects of emissions from the facility. The crushing project as proposed is on five acres of an 80 acre site that is a permitted clean construction and demolition debris (CCDD) processing facility. The closest and vast majority of residences are located on the east side of Interstate 57, at least a quarter of a mile from the facility which would be located on the west side of the interstate. The proposed emissions from the facility are limited in the permit to an extremely small amount (0.8 tons per year of particulate matter) and the facility is required to use water spray bars on the crushing equipment to minimize emissions. Tough Cut has committed to sweep and water roadways to minimize fugitive emissions from the site. Finally, the applicable regulations prohibit visible emissions from crossing the property boundary.

Due to the permit conditions and State and Federal regulatory requirements imposed on the site and its distance from residences, it is extremely unlikely that emissions from the facility will have any adverse impact offsite or result in a violation. Because comments were received about health impacts from the dust, the Illinois EPA Bureau of Air referred this question to the Illinois EPA's Toxicity Assessment Unit. The Toxicity Assessment Unit reaffirmed the Bureau of Air opinion that since the potential exposure to dust from the facility is extremely low there should be no health concerns about emissions from the facility. This determination is made not on the likely composition of the materials in the dust from the crushing facility, but in the fact that with the conditions imposed in the permit and the State and Federal regulatory requirements, residents should have little to no exposure to dust from the facility. For comparison purposes, the state of Texas regulations (Air Quality Standard Permit for Temporary Rock and Concrete Crushers) similarly do not specify numeric limits for chemicals in concrete dust, but only specify a minimum distance of one-quarter mile from buildings to minimize exposures.

The facility will be required to perform an opacity test to assure compliance with permit conditions and State and Federal regulations. They are required to hire a certified opacity reader to take these measurements. The testing company is required to certify that the testing was performed in accordance with 40 CFR Part 60 Subpart OOO and USEPA Method 9, 40 CFR Part 60, Appendix A. The results of this testing will be submitted to the Illinois EPA.

Finally, comments were made that the facility is being located in a disproportionately minority area. Approximately 600 crushing facilities are permitted throughout the State of Illinois in all demographic situations; in addition, the Bureau of Air's review indicates that this facility will not impact the local community because of the permit conditions and State and Federal regulations controlling and limiting the amount of emissions from the facility. Because of this, the Illinois EPA's review indicates that the facility will not have a disproportionate impact on the local community.

While the permitting of this facility would not normally fall under the parameters of the Illinois EPA's Environmental Justice Public Participation Policy because it is a minor source of air emissions, the Bureau of Air conducted outreach activities to assure that local residents had the opportunity to fully review, understand and comment on the proposed project. This included holding a public meeting to answer questions about the project and accepting written comments on the proposed project, activities not normally part of the review process for minor permits.

Thank you for your participation and comments which contributed to the Illinois EPA's review of the project and helped ensure that the permit being issued to the facility is consistent with Illinois' environmental regulations and is protective of human health and the environment. Copies of the issued permit may be obtained online at <http://www.epa.state.il.us/public-notices/> or by contacting me. If you have any questions, please contact me at 217/782-7027.

Sincerely,

Brad Frost
Office of Community Relations



(Exhibit U1)

Tough Cut Concrete Services, Inc.

P.O. BOX 1536
Frankfort, IL. 60423
Phone: (815) 464-8462
Fax: (815) 464-8469

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September 22, 2011

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: Reapplication requested by the Notice of Incompletion for Permit
Application No. 11080024, ToughCuts Concrete Services, Inc.

Dear Mr. Bakowski,

Pursuant to my letter dated September 9th, I am just following up on the request of expediting the approval process. I also heard the Village of Richton is submitting the response to the IPCB and is going to request that the complaint be dismissed as they have conducted all required steps and complied with Illinois Law/Statutes).

~~If there is anything I can do to expedite this, please contact me as soon as possible and also if you could let me know the status of my application. I need to get this project started as soon as possible.~~

Sincerely,

Christine McClellan
President/Owner
TOUGH CUTS CONCRETE SERVICES, INC.

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SEP 23 2011

Illinois Environmental Protection Agency
BUREAU OF AIR
STATE OF ILLINOIS



Village of Richton Park

September 27, 2011

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

Re: Permit Application / ToughCuts Concrete Services, Inc.

Dear Mr. Bakowski:

This letter is written in support of a permit application submitted to the Agency by ToughCuts Concrete Services in July 2011. In this application, ToughCuts requests a construction and operating permit to perform concrete crushing and processing operations at a Clean Construction and Demolition Debris facility operated by Sexton Development and located in the Village of Richton Park. The concrete crushing operation is important to the Village not only because it will provide needed jobs to the community, but it is also integral to Sexton's plans to develop the area once the CCDD operation is closed. The project, we understand, is also time-critical, as ToughCuts itself is under a contract with the Illinois Department of Transportation to begin supplying recycled concrete for roadway construction in early October. We are concerned that if IDOT pulls the contract, the entire re-development project may be in jeopardy.

In terms of safety, we should point out that as a condition to Richton Park's issuance of a special use permit to Sexton for this project, the Village required Sexton to install and operate a state-of-the-art PM-10 ambient air monitoring station. This system will alert Sexton via email and phone if PM10 get within 10% of the applicable ambient air standard.

In sum, the Village of Richton Park strongly supports the issuance of the air permit to ToughCuts and asks that the Agency do what it can to expedite the permitting process.

Very truly yours,

De'Carlton Seewood
Village Manager

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SEP 29 2011

Illinois Environmental Protection Agency
BUREAU OF AIR
STATE OF ILLINOIS

operations, will not be impacted by the de minimis amounts of emissions (less than 1 tpy) expected from operations.

C. Discussion


It is our understanding IEPA has received comments from residents expressing concerns regarding environmental impacts of potential crushing operations. As described above, many of these concerns may already have been formally addressed in public rulemaking proceedings by the Village of Richton Park. Attachment E contains information relevant to those public proceedings, which document efforts to respond to residential concerns with respect to potential environmental conditions. Ordinance 1497 contains provisions specifically addressing concerns raised by the public, which are likely the same concerns raised with IEPA.

The NSPS, state operating permit and the Village of Richton Park Special Use Permit and Ordinance sets forth standards, limits and performance obligations to address particulate emissions from crushing operations. The Companies have committed capital to controls, management practices, monitoring of emissions, and corrective action strategies to address emissions, that are expected to be less than 1 ton per year. The Companies are committed to compliance with the terms and conditions of the Ordinance and ToughCuts would not object to similar terms and conditions in the air permit. Nevertheless, we encourage IEPA to act promptly in approving and issuing a permit to allow the Companies to begin operations at the site, and eliminate the threat of lost contracts that may be associated with permitting delays.

Thank you for your consideration of this supplemental information. Please call me if you have any questions.

Sincerely,

SEYFARTH SHAW LLP



Jeryl L. Olson

JLO/pep

List of Attachments

- A. Authority for Seyfarth to Speak on Behalf of ToughCuts
- B. Letter of support from Village of Richton Park
- C. Village of Richton Park Ordinances; Special Use Permit Approval
- D. Specifications for PM10 Monitor
- E. Public Discussion

(Exhibit X 1)

217/785-1705

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CONSTRUCTION PERMIT GRANT - OPERATING PERMIT DENIAL - NSPS SOURCE

PERMITTEE

Tough Cut Concrete Services, Inc.
Attn: Christine McClellan, President
9503 Gulfstream Road
Frankfort, Illinois 60423

Application No.: 11080024 I.D. No.: 031255AAF
Applicant's Designation: Date Received: September 16, 2011
Subject: Clean Concrete/Asphalt Pavement Crushing Plant
Date Issued: December 9, 2011
Location: Sexton Development West of I-57 & North of Sauk Trail, Richton
Park, Cook County

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission unit(s) and/or air pollution control equipment consisting of a clean concrete/asphalt pavement crushing plant that includes one 360 tons/hour primary crusher, two 200 tons/hour secondary crushers, one screen, and two conveyors as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special conditions:

- 1a. The emission units included in this permit may be operated under this permit for one year from the date of issuance indicated above. The Illinois EPA suggests that the Permittee reapply for an Operating Permit after the NSPS testing required in Condition 3 below is successfully completed in accordance with the conditions in this permit. This information must be submitted in triplicate and should reference the application and I.D. numbers assigned above.
 - b. Operation of the emission units included in this permit shall not begin until all associated air pollution control equipment has been constructed and is operational.
 - c. The Permittee shall, at all times, maintain and operate this equipment, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
- 2a. This equipment is subject to New Source Performance Standards (NSPS), 40 CFR Part 60, Subparts A and OOO. The Illinois EPA is administering these standards in Illinois on behalf of the United States EPA under a delegation agreement.
 - b. Emissions of particulate matter (PM) from screens (except from truck dumping), transfer points on belt conveyors, bagging operations, and storage bins shall not exceed the opacity limits in 40 CFR Part 60 Subpart OOO.