

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 16 2012

STATE OF ILLINOIS
Pollution Control Board

HERITAGE TRANSPORT, LLC,)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 12- 128
(Permit Appeal – Land
Ninety Day Extension)

ORIGINAL

NOTICE

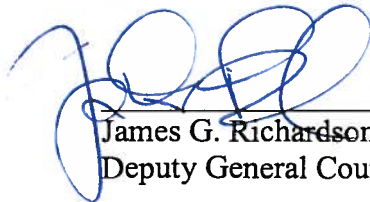
RETURN TO CLERK'S OFFICE

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Craig G. Hogarth
Heritage Transport, LLC
7901 West Morris Street
Indianapolis, Indiana 46231

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY


James G. Richardson
Deputy General Counsel

Dated: May 11, 2012
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 16 2012

STATE OF ILLINOIS
Pollution Control Board

HERITAGE TRANSPORT, LLC,)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 12-128
(Permit Appeal – Land
Ninety Day Extension)

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

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, James G. Richardson, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to August 19, 2012, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On April 12, 2012, the Illinois EPA issued a final decision to the Petitioner.
2. On May 10, 2012, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief the Petitioner did receive the final decision on or about April 16, 2012.

MAY 16 2012

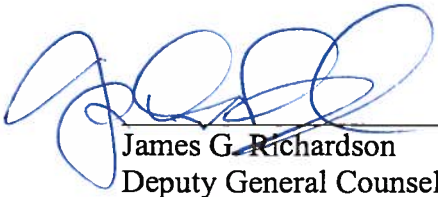
STATE OF ILLINOIS
Pollution Control Board

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

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Deputy General Counsel

Dated: May 11, 2012

1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER



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

RECEIVED
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MAY 16 2012
STATE OF ILLINOIS
Pollution Control Board

217-524-3300

APR 12 2012

7009 3410 0002 3750 2692

7009 3410 0002 3750 2708

OWNER

Wood River Acquisitions, LLC
Attn: Ms. Julie Prehn
4130 Alby Street
Alton, Illinois 62002

OPERATOR

Heritage Transport, LLC
Attn: Ms. Debi Edwards
251 N. Old St. Louis Rd.
Wood River, Illinois 62095

Re: 1191155058 – Madison County
Heritage Transport LLC
Log No. 2011-507-DE/OP
Log No. 2011-507
Permit Storage/Treatment 807
Permit Approval

Dear Ladies:

Permit is hereby granted to Wood River Acquisitions, LLC as Owner and Heritage Transport, LLC as Operator to develop, and operate, a solid waste management facility for a 10-day transfer of non-putrescible solid waste at the facility Heritage Transport, LLC, located 251 N. Old St. Louis Rd, Wood River, Illinois 62045 in Madison County all in accordance with the application and plans prepared signed and sealed by Thomas E. Roberts, P.E., R & D Engineer of Heritage Research Group.

The Permittee(s) may transfer waste within ten (10) days at a solid waste management facility consisting of 7,000 sqft of office space, 4,500 sqft of shop space, and 8,750 sqft of out-buildings situated on 117,600 sqft lot, approximately 1.41 acres in SE Quarter, of Section 21, Township 5, Range 9 P.M, Block Helmkamp Industrial Park, and present Zoning Classification and Restrictions (if any): I – Industrial District.

The portion of your permit application to develop and operate equipment to consolidate household hazardous waste (HHW) paint and crush paint cans for disposal is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act (Act). Section 39(a) of the Act [415 ILCS 5/39(a)] requires the Illinois EPA to provide the applicant with specific reasons for the denial of permit. The following reason is given:

You have failed to provide proof that you have obtained siting for the treatment and storage activities associated with the paint consolidation and paint can crusher operation. Section 39(c)

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9311 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

of the Illinois Environmental Protection Act (Act) prohibits the Agency from issuing a permit for development or construction without proof that the applicant has obtained local siting approval in accordance with Section 39.2 of the Act. Although the portion of your permit which proposed a transfer operation that temporarily holds waste in transit for less than ten days is exempt from siting under Section 3.330(a)(16) of the Act, this exemption does not extend to activities that include treatment or shipments that are not in transit (e.g., shipments where the manifest initiates or terminates at the transfer facility; or shipments that are not in compliance with USDOT packaging, labeling or marking requirements).

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency/Bureau of Land/Land Pollution Control/Permit Section, by the permit number(s) and log number(s) designated in the heading above.

The application approved by Log No. 2011-507 consists of the following document(s):

<u>DOCUMENT</u>	<u>DATED</u>	<u>DATE RECEIVED</u>
Original Application (Log No. 2011-507) (contd.)	November 17 2011	November 21 2011
Additional Information	February 13, 2012	February 17, 2012
Waiver	February 17, 2012	February 23, 2012

The permit is issued subject to the standard conditions attached hereto and incorporated herein by reference and further subject to the following special conditions. In case of conflict between the application and plans submitted and these special conditions, the special conditions of this permit shall govern.

Specifically, this Developmental and Operating Permit No. 2011-507-DE/OP under Log No. 2011-507 authorizes the Permittee(s) to develop and operate, a 10-day transfer station for non-putrescible solid waste.

A. DEVELOPMENT AND OPERATION

1. The Permittee shall not cause or allow the modification to the design or operation of this facility or accept any type of waste except as authorized in a permit issued by the Agency. To allow such modifications, development and operating permits may be modified with a supplemental permit issued by the Agency.
2. The Permittee shall limit waste management activities at the facility to temporarily holding non-putrescible solid waste in transit for 10-days or less. This permit does not authorize the

development or operation of pollution control facility. Any application to modify this permit to operate a pollution control facility must include proof that local siting approval was granted in accordance with Section 39.2 of the Illinois Protection Act (Act).

3. The facility may receive waste at the site from 8:00 AM to 5:00 PM, Monday through Friday. If the facility is operated past sunset, adequate lighting shall be provided.
4. Permittee shall notify the Illinois EPA of any changes from the information submitted to the Illinois EPA in its application for a Development and Operating permit for this site. Permittee shall notify the Illinois EPA of any changes in the names or addresses of both beneficial and legal titleholders to the herein permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of its registered agent.
5. The facility shall be designed and constructed with roads and traffic flow patterns adequate for the volume, type and weight of traffic using the facility including, but not limited to, waste hauling vehicles, emergency vehicles, and on site equipment. Sufficient area shall be maintained to minimize traffic congestion, provide for safe operation, and allow for queuing of waste hauling vehicles.
6. Roadways and parking areas on the facility premises shall be designed and constructed for use in all weather conditions considering the volume, type and weight of traffic and equipment at the facility.
7. The facility shall be designed and constructed so that site surface drainage will be diverted around or away from the waste handling areas. Surface drainage shall be designed and controlled so that adjacent property owners encounter no adverse effects during development, operation and after closure of the facility.
8. Run-off from roadways and parking areas shall be controlled using storm sewers or shall be compatible with natural drainage for the site. Best management practices (e.g., design features, operating procedures, maintenance procedures, prohibition of certain practices and treatment) shall be used to ensure that run-off from these areas does not carry wastes or constituents thereof, fuel, oil or other residues to soil, surface water or groundwater.
9. This permit is issued with the expressed understanding that no process discharge to Waters of the State or to a sanitary sewer will occur from these facilities, except as authorized by a permit from the Bureau of Water (BOW).
10. The facility including, but not limited to, all structures, roads, parking and waste handling areas, shall be designed and constructed to prevent malodors, noise, vibrations, dust and exhaust from creating a nuisance or health hazard during development, operation and

- closure of the facility. Facility features (e.g., berms, buffer areas, paving, grade reduction), best available technology (e.g., mufflers, machinery enclosures, sound-absorbent materials, odor neutralizing systems, air filtering systems, misting systems), and building features (e.g., enclosed structures, building orientation) shall be among the measures to be considered to achieve compliance.
11. The facility shall be designed and constructed to prevent litter and other debris from leaving the facility property. Facility features (e.g., windbreaks, fencing, netting, etc) shall be among the measures considered to ensure that the waste does not become wind strewn and that no other provisions of the Act are violated.
 12. The permit is issued with the expressed understanding that no air emissions will occur from these facilities, except as authorized by a permit from the Bureau of Air (BOA).
 13. The facility shall be designed and constructed with a water supply of adequate volume, pressure, and in locations sufficient for cleaning, firefighting, personal sanitary facilities, and as otherwise necessary to satisfy operating requirements (e.g., dust suppression, wheel washing) and the contingency plan.
 14. The facility shall be designed and constructed with exterior and interior lighting for roadways, and waste handling areas that is adequate to perform safely and effectively all necessary activities.
 15. The facility shall be designed and constructed with truck wheel curbs, guard rails, bumpers, posts or equivalents to prevent backing into fuel storage tanks, equipment, and other structures.
 16. The facility shall be designed and constructed with adequate shelter, sanitary facilities, and emergency communications for employees.
 17. The facility shall install fences and gates, as necessary to limit entry. Except during operating hours, the gates shall be securely locked to prevent unauthorized entry.
 18. If it is required for the facility to be open beyond normal operating hours to respond to emergency situations, a written record of the date, time and reason the facility was open shall be maintained in facility operating records. The Illinois EPA's Collinsville Regional Office and when applicable the county authority responsible for inspection of this facility, per a delegation agreement with the Illinois EPA, or Emergency Response Center must be notified and must grant approval each day that the operating hours need to be extended.
 19. Fire safety equipment (fire extinguishers) shall be maintained in accordance with recommended practice.

20. Waste left at the site overnight shall be packaged in accordance with US Department of Transportation (DOT) Regulations 40CFR 172, 173 and 178.
21. A vector control specialist shall inspect the transfer station at least annually. If necessary, vector control measures shall be taken.
22. The facility shall be designed and constructed to prevent unauthorized access to waste handling areas, storage areas for unauthorized wastes, salvaged and recycled materials, and staging areas where loaded refuse vehicles may be parked. Facility features such as fences, and gates shall be provided.
23. Waste handling areas shall be designed and constructed to prevent exposure of wastes to run-on, and flooding.
24. All waste management activities shall be conducted indoors enclosed trailers at the loading dock.
25. Records shall be maintained on-site at the facility office for each operating day. The operator shall record operating hours, load ticket information, load inspections, daily processing time, volume processed per day, transfer load out and waste disposition details.
26. All loading/unloading shall be accomplished over spill containment devices or structures.
27. Only wastes that complies with applicable US DOT packaging, labeling, marking, and placarding requirements at 40CFR 172, 173, and 178 and is being held in transit may be accepted at the facility. Special wastes received at this site shall be transported to the facility via a licensed special waste hauler and accompanied by a properly completed Illinois EPA manifest.
28. The Permittee shall not store containers holding a waste that is incompatible with any other waste or materials within the same secondary containment system.
29. The Illinois EPA has modified its procedures. As a result the authorization number is no longer required. Therefore, the generator will no longer be required to identify the authorization number on the manifest when shipping waste as authorized by this permit.
30. The following requirements must be met for the container:
 - a. If it leaks or becomes unsuitable, it shall be repaired or replaced; and
 - b. Regular inspections of the container shall be conducted to assure compliance with 31(a) above.

31. The Permittee shall control odor, noise, combustion of materials, disease vectors, dust, and litter.
32. The Permittee shall control, manage, and dispose of any storm water runoff and leachate generated at the facility in accordance with applicable federal, state and local requirements.
33. The Permittee shall control access to the facility at all times.

B CLOSURE

1. The operator shall notify the Illinois EPA within 30 days after receiving the final volume of waste.
2. The operator shall initiate implementation of the closure plan within 30 days after the site receives its final volume of waste.
3. The operator shall not file any application to modify the closure plan less than 180 days prior to receipt of the final volume of waste.
4. Closure activities shall be finalized and the Affidavit submitted within 180 days of receiving the final volume of waste unless it is determined that the site cannot be clean closed. Upon determining that the site cannot be clean closed the Permittee shall submit a supplemental permit request to the Illinois EPA regarding what action the Permittee will take regarding closure.
5. At the time of closure the Permittee shall triple rinse and steam clean the facility until there are no longer visual signs of any contamination.
6. The closure plan dated November 17, 2011 in the application Log No. 2011-507, which was received by the Illinois EPA on November 21, 2011, is approved in accordance with 35 Ill. Adm. Code, Subtitle G, Part 807.
7. Upon completion of closure activities, the operator will notify the Illinois EPA that the site has been closed in accordance with the approved closure plan utilizing the Illinois EPA's "Affidavit for Certification of Completion of Closure of Non-Hazardous Waste Facilities."

C. OTHER CONDITIONS

1. This permit is subject to review and modification by the Illinois EPA as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable Environmental Rules and Regulations.

2. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to this Illinois EPA.
3. The Permittee shall notify the Illinois EPA of any changes from the information submitted to the Illinois EPA in its application for a developmental and operating permit for this site. Permittee shall notify the Illinois EPA of any changes in the names or addresses of both beneficial and legal titleholders to the herein-permitted site. Such notification shall be made in writing within fifteen (15) days of such change and shall include the name or names of any parties in interest and the address of their place of abode; or, if a corporation, the name and address of its registered agent.
4. The Permittee(s) shall submit a 39(i) certification and supporting documentation within 30 days of any of the following events:
 - a. The owner or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has violated federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or
 - b. The owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has been convicted in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or
 - c. The owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding this facility has committed an act of gross carelessness or incompetence in handling, storing, processing, transporting, or disposing of waste.
 - d. A new person is associated with the owner or operator who can sign the application form(s) or who has control over operating decisions regarding the facility, such as corporate officer or a delegated employee.

The certification shall describe the violation(s), convictions, carelessness, or incompetence as outlined in (a), (b), or (c) above and must include the date that a new person as described in (d) above begins employment with the applicant. The 39(i) certification and supporting documentation shall be submitted to the address specified below:

Illinois Environmental Protection Agency
Bureau of Land #33
39(i) Certification
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

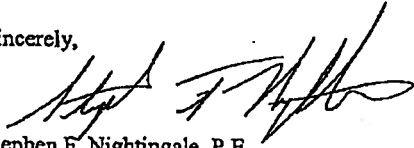
For information regarding the request for an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

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

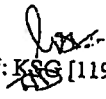
Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

Sincerely,



Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

Page 9


SFN: KSG [1191155058 - TRANS - 2011507 - DE/OP - APPROVED/FINAL]

Attachment: Standard Conditions.

cc: Thomas E. Roberts, P.E, R & D Engineer, Heritage Research Group
E-mail: tom.roberts@hrqlab.com

Michael Wertz, Program Manager, Corporate Compliance
E-mail: Mike.Wertz@heritage-enviro.com

Matt A. Brandmeyer, AICP (nc) Madison County Planning and Development Dept.
E-mail: mabrandmeyer@co.madison.il.us

bcc: Bureau File
Collinsville Region
Paul Purseglove
Ted Dragovich
Bur Filson
Ellen Robinson, Nancy Moore
Krishna Gadi

STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF LAND

August 22, 2001

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

These standard conditions shall apply to all permits which the Agency issues for construction or development projects which require permits under the Bureau of Land. Special conditions may also be imposed in addition to these standard conditions.

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire two years after date of issuance unless construction or development on this project has started on or prior to that date.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentation of credentials:
 - a. to enter at reasonable times the permittee's premises where actual or potential effluent, emissions or noise sources are located or where any activity is to be conducted pursuant to this permit.
 - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.
 - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit.
 - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants.

- e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
 - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the Agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:
 - a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed; or
 - b. upon finding that any standard or special conditions have been violated; or
 - c. upon any violation of the Environmental Protection Act or any Rule or Regulation effective thereunder as a result of the construction or development authorized by this permit.

SFNSTANDARD CONDITIONS

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STATE OF ILLINOIS
Pollution Control Board

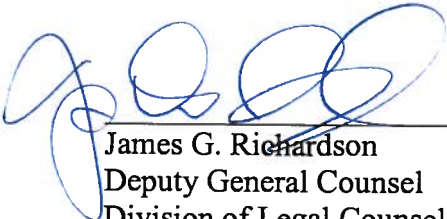
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 11, 2012 I served true and correct copies of a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD by first class mail of the United States Postal Service upon the persons as follows:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Craig G. Hogarth
Heritage Transport, LLC
7901 West Morris Street
Indianapolis, Indiana 46231

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
Deputy General Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
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