

ILLINOIS POLLUTION CONTROL BOARD

SHERIDAN-JOLIET LAND DEVELOPMENT LLC.,)	
AND SHERIDAN SAND & GRAVEL CO.,)	
(Wiensland Ave. Site))	
)	
Petitioners,)	
)	
vs.)	PCB
)	(CCDD Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

To: Don Brown, Clerk
Illinois Pollution Control Board
100 West Randolph Street
State of Illinois Building, Suite 11-500
Chicago, IL 60601

Greg Richardson, Attorney
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302, a PETITION FOR REVIEW OF IEPA PERMIT DENIAL, a copy of which is herewith served upon the above parties of record in this cause. The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served on Respondent by enclosing same in envelopes addressed as above with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 20th day of September, 2018.

Respectfully submitted,

Sheridan-Joliet Land Development LLC.,
and Sheridan Sand & Gravel Co., Petitioners

BY: /s/Wm. D. Seith
William D. Seith, Attorney
917 Cleveland Rd.
Hinsdale, IL 60521
C. 630-217-1829
wdseith@aol.com

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) (CCDD Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

PETITION FOR REVIEW OF IEPA PERMIT DENIALS

NOW COME Petitioners, SHERIDAN-JOLIET LAND DEVELOPMENT LLC and SHERIDAN SAND & GRAVEL CO., (hereinafter "Petitioners"), pursuant to Section 40 of the Illinois Environmental Protection Act, 415 ILCS 5/40, and hereby appeal the CCDD Permit Renewal denial dated August 14, 2018 by Respondent Illinois Environmental Protection Agency (hereinafter "IEPA"), stating as follows:

1. Petitioners own or operate two CCDD facilities in Sheridan, LaSalle County, Illinois. The facilities are located at N4201 Road and Wiensland Avenue, respectively. The N4201 site is assigned Permit # CCDD2001-040-DE/OP. The Wiensland Avenue site is assigned Permit # CCDD2001-042-DE/OP. Both Permits were issued in 2008.

2. On April 4, 2018, Petitioners applied for the renewal of Wiensland site Permit. In a letter dated August 14, 2018 and received by Petitioners on August 16, 2018, The IEPA DENIED the Permit Renewal Application. A true and correct copy of the IEPA Denial letter is attached hereto as Exhibit A.

3. Petitioner specifically denies the factual, legal and substantive allegations as well as the reasons and basis for the denial of Permit Renewal Application as set forth in the Denial Letter, including, but not limited to:

- a.** IEPA’s reliance on historical allegations of violations at the Sheridan sites that were not “adjudicated”, but in fact were resolved through an Agreed Stipulation.
- b.** IEPA’s reliance on historical allegations of violations at an unrelated landfill site in Atkinson, Illinois, that date back more than 20 years and were not “adjudicated”, but in fact were resolved through an Agreed Order settling the case.

WHEREFORE, Petitioners, pray that: (a) IEPA produce the Record; (b) a hearing be held; (c) the Board find IEPA erred in its decision, (d) the Board direct IEPA to issue the Permit Renewal, and (e) grant such other and further relief as it deems meet and just.

Respectfully submitted,

Sheridan-Joliet Land Development LLC.,
and Sheridan Sand & Gravel Co., Petitioners

BY: /s/Wm. D. Seith

William D. Seith, Attorney

917 Cleveland Rd.

Hinsdale, IL 60521

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1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/524-3301
August 14, 2018

Certified Mail
7014 2120 0002 3283 2300

OWNER
Sheridan-Joliet Land Development LLC
Attn: Mr. Branko Vardijan
221 N. Washtenaw Ave.
Chicago, IL 60612

OPERATOR
Sheridan Sand & Gravel Co.
Attn: Mr. Branko Vardijan
221 N. Washtenaw Ave.
Chicago, IL 60612

Re: 0991105008 -- LaSalle County
Sheridan Sand & Gravel-Wiensland
Permit No. CCDD2007-042-DE/OP
Log No. CCDD2018-021
CCDD File
Permit Denial

Dear Mr. Vardijan:

This will acknowledge receipt of your Application for Permit to modify a Clean Construction or Demolition Debris Fill Operation, dated April 4, 2018, and received by the Illinois EPA on April 17, 2018.

Your permit application to renew Permit No. CCDD2007-042-DE/OP is denied. Section 39(a) of the Illinois Environmental Protection Act (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(s) are given:

1. Pursuant to Section 39(i) of the Act, the permit has been denied based on a history of repeated violations by owner and operator in the operation of waste management facilities or sites and clean construction or demolition debris fill operation facilities. This denial is based on the following adjudicated violations:

People v. Sheridan-Joliet Land Development, LLC et. al., PCB 13-19 and 13-20 (March 28, 2014)

People v. Atkinson Landfill Company, and Branko Vardijan, individually, and as president of Atkinson Landfill Company and Ravenswood Disposal Services, Inc.,

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2. The application did not provide proof that public officials were notified of the application as required by 35 Ill. Adm. Code Section 1100.302.

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:

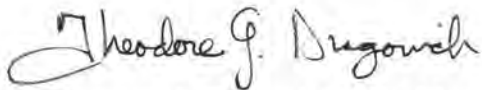
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

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

Should you wish to reapply or have any questions regarding this application, please contact Tom Hubbard of my staff at 217/524-3286.

Sincerely,



Theodore J. Dragovich, P.E. Manager
Permit Section
Division of Land Pollution Control
Bureau of Land

TJD:TWH:0991105008-CCDD2007042DEOP-CCDD2018021-Denial.docx

cc: Brian Gift, LaSalle County



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Sheridan-Joliet Land Development
LLC
Attn: Mr. Branko Vardijan
221 N. Washtenaw Ave.
Chicago, Illinois 60612

*Received
8/16/18
[Signature]*

60612#2013 C024

