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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PETITION OF LANDFILL 33, LTD.	)	
	)	
Petitioner,	)	PCB 2020–018
	)	(Permit Appeal – Land)
	)	
v.	)	
	)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
	)	
Respondent.		

RESPONSE TO ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S MOTION FOR SUMMARY JUDGMENT

NOW COMES LANDFILL 33 LTD, ("Landfill 33") by and through its attorneys, HINSHAW & CULBERTSON LLP, and hereby files this Response to Illinois Environmental Protection Agency's ("Agency") Motion for Summary Judgment, and in support thereof, states as follows:

I. The Agency has Admitted that the Maximum Vertical Elevation of 644 MSL was Sited by Effingham County and is Not Proposed to be Exceeded by the Application.

The Agency's Motion for Summary Judgment should be denied as the Agency has explicitly acknowledged that the height sited by Effingham County in the year 2000 via a public hearing held pursuant to 415 ILCS 5/39.2 was 644 MSL.[1] The Agency has argued that "prior siting approval was based on what was proposed at the time by Landfill 33, including a specific volume and topographical maps that differ from the current proposed expansion." (See Agency's Motion for Summary Judgment, Pg. 10).

[1] Landfill 33 hereby incorporates by reference all facts and arguments it raised in its Motion for Summary Judgment filed in this case on April 17, 2020 as though stated verbatim herein.

However, in its Motion the Agency attached at page 3 the existing permitted final cover grades which were included in the April 5, 2019 Application for Significant Modification as to Final Cover of Landfill PCB Log No. 2019. ("Application") (See Agency MSJ, page 3, citing (R33). That Map shows the current landfill (before any proposed modification) is already permitted for a maximum elevation of 644 MSL. In its Motion the Agency has admitted that an affidavit was provided by Landfill 33 during the 2019 Application process of the former Chairman of the Effingham County Board, Leon Gobczynski, who presided over the Section 39.2 public hearing in the year 2000 who testifies that the year 1999 "application for siting approval simply requested a vertical expansion with approximate cubic waste yardage, and included a map which only included proposed general/conceptual final contours. Moreover the map contained in the siting application specifically notes that the contours may be refined/revised." (See Agency Motion for Summary Judgment, Statement of Facts, page 7, citing R1898, emphasis added). Indeed, Drawing A2-3 was attached to the siting approval application in the year 2000 and shows a maximum elevation of 644 MSL and explicitly provides at Note 5 "The final contours and conditions shown here may be refined or undergo minor modifications for the IEPA Developmental Permit Application." (See Additional Copy of Local Siting Hearing Application Drawing A2-03 attached hereto as Exhibit 1 which was also attached as Exhibit A to Petition for Review). The Agency also admitted that the 2019 Landfill 33 Application and Mr. Gobczynski's affidavit showed that the Effingham County Board approval in the year 2000 was relied upon by the Illinois EPA when it permitted Modification #9 on June 28, 2002 which allowed a maximum elevation of 644 MSL and ***"was consistent in all respects with the [siting] requirements that existed at that time"***. (See Agency Brief, page 7; citing R1898-1899). (emphasis added).

Therefore, the Agency has explicitly acknowledged that the height of 644 MSL was within the physical vertical boundary approved by the Effingham County Board in the year 2000.

Further, the Agency has admitted that "on February 21, 2000 the Effingham County Board, following a public hearing, passed a resolution that included findings of fact regarding how [the] expansion proposed by Landfill 33 in 1999 impacted the Section 39.2 factors." (See Agency Motion for Summary Judgment, pg. 2; citing R29). That Findings of Fact from the year 2000 local siting approval found that each of the Section 39.2(e) criteria were met. (R29). The Agency has also acknowledged that the uncontradicted testimony of Mr. Gobczynski was that "Landfill 33's proposed modification ***was consistent in all respects with the action taken by the Effingham County Board in early 2000, and that the Effingham County Board had not imposed any vertical boundary limitations upon the siting approval granted"***. (Agency MSJ, pg 7, citing R1897-1902)(emphasis added). Further, the Agency has admitted that on March 7, 2018, Andrews Engineering explicitly informed the Agency that the Effingham County Board resolution imposed no conditions related to waste volume, final contours or maximum elevation of the expansion of the landfill. (R31).

Therefore, it is undeniable that the Agency has admitted in multiple respects that the physical boundary of a vertical height of up to 644 MSL was approved by Effingham County after a proper Section 39.2 siting hearing held in the year 2000, which is not proposed to be exceeded by the 2019 Application. Indeed, the Agency had no choice but make this concession in its Motion because within the very record of this case is the email from IEPA Inspector Dustin Berger on April 17, 2019 to several other IEPA employees which provides that Landfill 33 "recently submitted a permit application **that keeps the current permitted maximum height**, but changes the contours to over 400,000 yards capacity." (R1876)(emphasis added).

Despite the Agency's express acknowledgement that a local siting hearing indeed occurred in 2000 and that drawings were submitted at that siting hearing with a maximum elevation of 644 MSL, the Agency nonetheless attempts to argue that the current permit application of Landfill 33 is "seeking to expand its boundaries and increase its disposal capacity" by changing the internal contours of the permitted operating face of the landfill. (Agency Motion for Summary Judgment, page 11). The Agency is attempting to use the "permitted boundary" to try to limit a sited facility boundary that was approved at the local siting hearing, in violation of the plain language of the statute and the applicable case law.

II. The Agency's permitting function cannot be used to limit or reduce a pollution control facility boundary sited by Effingham County and the law is well established that no new siting hearing is required when additional capacity is created by a modification within a physical site boundary approved at a local siting hearing.

The Agency has provided absolutely no authority whatsoever for its assertion that merely changing the contours of the working face of a landfill within a vertical site elevation of a facility approved by a local siting authority somehow requires an entirely new local siting hearing. To the contrary, the Illinois Pollution Control Board and the Illinois Courts have explicitly rejected such a conclusion. *Brickyard Disposal and Recycling v. Illinois Environmental Protection Agency*, PCB No. 16-66, 216 Ill. Envt'l Lexis 220 (a*ff'd*. by Fourth District Appellate Court at 218 IL App (4th) 170114). The Agency argues the fact that Andrews Engineering and Landfill 33 propose to amend the contours to garner additional waste capacity is somehow an application for a "new pollution control facility" requiring a new local siting approval. Specifically, the Agency argues "the significant expansion of waste disposal capacity beyond the current boundaries established by Petitioner's own application two decades ago and approved as such by the Agency, requires local siting review and analysis of Section 39.2 factors". (Agency Motion for Summary Judgment, page 13, emphasis added). However, the Agency has completely ignored the *Brickyard* case,

which explicitly held that ***"Contrary to the State's argument, MIG Investments does not establish a volumetric boundary or trigger local siting review for changes in waste volume within the boundaries of existing landfills"***. *IEPA v. Illinois Pollution Control Board and Brickyard Disposal and Recycling*, 218 IL App (4th) 170144 at *P34. (Emphasis added)

In 1981, Section 415 ILCS 5/39(c)(2019) was enacted, which provides, in pertinent part that: "[n]o permit for the development or construction of a new pollution control facility may be granted by the Agency unless the Applicant submits proof to the Agency that the location of the facility has been approved by the County Board … in accordance with Section 39.2 of this Act." 415 ILCS 5/39(c). Section 3.330(b)(2) defines a "new pollution control facility" as "the area of expansion beyond the boundary of a currently permitted pollution control facility". 415 ILCS 5/3.330(b)(2). Thus, when an application is filed to modify an existing facility permit issued by an Agency, the question that arises is whether the application is for a whole new facility location outside of previously sited boundaries which requires a new local siting approval, as opposed to an amendment of a permit which does not exceed previously sited boundaries, and which would then require a new local siting approval by the County. The only appellate case that is directly on point and is controlling precedent is the *Brickyard* case.

In its motion the Agency is again erroneously arguing that *MIG Investments v. Illinois*, 122 Ill.2d 392 (1988) established that any proposed "volumetric expansion" is a proposal for a new facility requiring a new local siting hearing, just as it argued in the *Brickyard* case. (See Agency Brief, page 14). However, *Brickyard* explicitly rejected that argument by holding that ***"a mere increase in internal volume within an existing facility does not constitute 'a new pollution control facility' requiring new local siting approval"***. *Brickyard Disposal and Recycling v. Illinois Environmental Protection Agency*, PCB No. 16-66, 216 Ill. Envt'l Lexis 220 (a*ff'd*. by

Fourth District Appellate Court at 218 IL App (4th) 170114)(emphasis added). *Brickyard* explained that the *MIG* case merely referenced the increase in the volume of waste to show that when one expands the physical vertical boundary of a facility the scope of a landfill changes however ***"it does not follow… that change in volume without expanding beyond a vertical boundary triggers local siting under Section 39(c)"***. 218 IL App (4th) 170114 at *P34. (Emphasis added). Thus *Brickyard* unequivocally held only an expansion beyond the sited physical boundaries of the facility is relevant, and if a permit can be modified to increase capacity while respecting the sited physical boundaries that were established by the County, then no new County hearing is required. Again, here the Agency has admitted that at a vertical elevation boundary of 644 MSL was approved by the County in 2002 and permitted by no less than the Agency itself in 2002.

The Agency also relies upon a second argument that was also rejected in *Brickyard* that *Bi-State Disposal Inc. v. Illinois Envtl. Prot. Agency*, 203 Ill.App.3d 1023 (5th Dist. 1990) stands for the proposition that the "boundary of the facility" is to be determined by the current waste permits issued by the Agency. (See Agency MSJ, pg 14; and *Brickyar*d, 218 IL App (4th) 170114 at *P35-41). The Agency asserts that the proposed modification is "a significant increase beyond the currently permitted boundaries outlined in the map contemporaneously submitted following the local siting review in 1999." (Agency MSJ, page 13). However, *Brickyard* explicitly addressed that argument, and held "we reject the Agency's conclusion that the holding in *Bi-State Disposal* means this court must examine the Agency's permits regarding *waste collection* to determine the boundaries of a 'currently permitted pollution control facility'". 218 IL App (4th) 170114 at *P38. *Brickyard* noted that ***"the Agency further contends the source for a boundaries determination should not be 'local siting approval' but the boundaries should be ascertained by***

examining the permits it issued regarding waste collection… [however] the key flaw in this argument is the General Assembly did not use the term 'permitted boundaries'. *Id*. at *P40 (emphasis added). *Brickyard* correctly held ***"the statute [415 LCS 3.330(b)(2)] says 'boundaries' of a 'currently permitted pollution control facility' not 'permitted boundaries'"***. *Id.* at *P41 (emphasis added). Therefore, *Brickyard* unequivocally and forever resolved that it is the local siting authority (the County Board) that establishes the "boundaries of the pollution control facility" for purposes of determining whether an application is for a new facility, and not the Agency via a permit issued after that siting hearing. The *Brickyard* case explicitly held that "when the General Assembly said 'pollution control facility' it meant the entire facility and not boundaries of 'waste collection'". *Id.* at *P33. *Brickyard* further held *Bi-States* was distinguishable on its facts because ***"it involved siting completed before 1981… [n]o local siting had been undertaken, meaning the only source to ascertain boundaries were permits issued by the Agency."*** *Id.* at *P39 (emphasis added).

The PCB has already found that "The Agency cannot through a permit condition retroactively narrow siting boundaries approved by the County Board." *Brickyard*, PCB No. 16-66, 216 Ill. Envt'l Lexis 220 at *20. Therefore, the Agency's argument that a new siting hearing is required merely because the permitted landfill contours are proposed to be changed (when those changes are below the maximum sited vertical height) has already been squarely rejected. On June 28, 2002 when the Agency issued Permit Modification Number 9 which allowed a vertical expansion with certain contours and certain capacity all within the siting boundaries approved by the County, such could not, (and did not) magically narrow the siting approval by those permit conditions. The present 2019 proposal is well within both the horizontal acreage and the maximum vertical elevation approved by Effingham County. It is obvious that the Agency is using

the Landfill 33 Application to relitigate the issue decided in the *Brickyard* case; which is wholly improper, as *Brickyard* is the only authority that is directly on point, is *stare decisis* and must be followed, and cannot be ignored by the Pollution Control Board nor the Agency. *Tuite v. Corbitt*, 224 Ill.2d 490, (505 Ill. Supreme Court 2006) ("the doctrine of *stare decisis* expresses the policy of courts to stand by precedent and to avoid disturbing settled points.")

In its Motion the Agency attempts to distinguish *Waste Management v. Illinois EPA,* PCB 94-153 but cannot do so, as it addresses nearly the exact situation at issue in this case, and was cited favorably by the Board in *Brickyard*, which noted:

> "[i]n *Waste Management*, a county board approved siting with maximum elevation and lateral boundaries, but without setting three-dimensional contours for the landfill mound. PCB 94-153, slip op. at 3 (July 21, 1994). A subsequent Agency permit set these contours. *Id.* The operator later proposed to reconfigure the contours, higher in some areas, lower in others. <u>All of the reconfigured contours would be within the local siting approval's boundaries, but some of them would extend beyond the permit's contours</u>. As in this case, the Agency argued that its permitted boundaries controlled. *Id.* at 4. The Board found, however, that new local siting approval was not required. <u>Because the redesign fell within boundaries set by the local siting authority, there was no expansion.</u>"
>
> *Brickyard*, PCB 16-66, 2016 Ill.Env.Lexis 220 at *16-17(emphasis added).

Likewise here, the Agency argues that its permitted boundaries control, but the record is absolutely clear that the siting authority, Effingham County, approved a vertical expansion of up to 644 MSL and knew and understood that the contours were subject to change. In fact, the Agency admits in its Motion that during the 2019 Application process evidence was submitted by Landfill 33 that "the [year 2000] application for siting approval simply requested a vertical expansion with approximate cubic waste yardage, and included a map which only included general/conceptual final contours. Moreover, the map contained in the siting application specifically notes that contours may be refined/revised." (Agency MSJ, page 7, citing R 1898). Indeed, Note 5 of Drawing A2-3 from the 200 application provides ***"[t]he final contours and conditions shown here***

may be refined or undergo minor modifications for the IEPA Developmental Permit Application." (See Additional Copy of Local Siting Hearing Application Drawing A2-03 attached hereto as Exhibit 1 which was also attached as Exhibit A to Petition for Review). (Emphasis added).

The *Brickhouse* and *Waste Management* cases could not be clearer that a permit cannot diminish the site boundaries approved by a local siting authority, and as long as the previously-sited physical boundaries are not exceeded then there is no need to endure a new local siting hearing. The Fourth District summed it up nicely when it held "[w]e see no indication from examination of the Act that the General Assembly intended to invoke the long and expensive process of local siting review each time the Agency restricted waste boundaries and the landfill operator sought to remove or expand those waste boundaries within an existing pollution control facility." *Id.* at *P41. Therefore, the Agency's Motion should be denied.

III. Ample Evidence was Provided of Local Siting Approval on February 21, 2000 Which was Compliant with Section 39.2 and Did Not Expire.

Without any elaboration or explanation, the Agency in its brief asserts that "Local siting must be contemporaneous with any development, as local siting approval expires at the end of three calendar years from the date it was granted, unless within that period the applicant has made application to the Agency for a permit to develop the site." *See* 415 ILCS 5/39.2(f). This appears to be some lip service to the novel (and completely unsupported) argument raised by the Agency in its July 5, 2019 determination of incompleteness letter where it erroneously stated that "the proposal to expand the disposal capacity of the landfill for a second time based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on an expired local siting approval." (R1830). Section 39.2(f) of the Illinois Environmental Protection Act provides "a local siting approval granted under this Section shall expire…at the end of three calendar years

from the date upon which it was granted…unless within that period the applicant has made application to the Agency for a permit to develop the site." 415 ILCS 5/39.2(f) (emphasis added). The Agency ignores the fact that indeed an application was brought and approved within 3 years.

Here, the local siting was approved on February 21, 2000 and the Application for Permit Modification No. 9 to develop the site consistent with the local siting was brought on June 29, 2001 and permitted by the Agency on June 28, 2002. (R30). The language of the Act is plain, and clearly provides that local siting authority expires in three years **"unless"** within that period an application was made for a permit to develop the site. Thus the only requirement to "vest" the siting or avoid its expiration is that an application be brought within three years – which indeed occurred on June 29, 2001. The *Brickyard* case itself involved a siting approval that occurred in 1991, with an Agency permit application made and approved in 1992. Then, in 2015, some 23 years later, another application to significantly modify that permit was made to the Agency to increase the capacity of the landfill without extending beyond the previously-sited physical borders of the facility. The PCB and the 4th District both found that the 1991 local siting approval was all that was required for the 2015 Significant Modification Permit Application, and no new siting hearing or approval was needed for the application to be complete. *Brickyard Disposal and Recycling, Inc v. Illinois Envt'l Protection Agency*, PCB No. 16-66, 2016 Ill. Env. Lexus 220 (a*ff'd*. by the Fourth Dist. Appellate Court at 218 IL App (4th) 170114). In other words, the Board and the 4th District both found that the 1991 siting approval did not expire as it vested once the 1992 application was made. There is simply no basis for the Agency to assert as it did in the July determination letter that the siting expired and if there is any suggestion by the Agency in its brief that it is entitled to judgment based upon section 39(f), such should obviously be denied.

In an equally obtuse and erroneous argument the Agency has asserted at Section III that Landfill 33 failed to present sufficient evidence of local siting approval. (Agency MSJ, pages 16-19). In that Section of its Motion, the Agency conflates two different arguments. At one point the Agency suggests that the evidence that Section 39.2 was followed in 2000 was not provided and that all that was presented was the "recollection" of one County Board member about the siting approval from 20 years ago. (Agency MSJ, Pg 18). The Agency then shifts its "lack of evidence" argument to suggest that Landfill 33 did not provide "documents to support the notion that the current expansion … was part of its 1999 application or considered on February 21, 2000". (Agency MSJ, Pg 19). The Agency argument is obviously specious, as ample evidence was contained in the Application of a Section 39.2 compliant local siting hearing held on January 20, 2000 with County Board approval on February 21, 2000 and that the boundaries established in that siting approval are not exceeded by this 2019 Application. (See Section III(B) *supra*; R1, 2, 26, 27, 28, 29, 30, 1878, 1882,1883, 1884, 1885, 1898, 1899 and 1900).

Specifically, as detailed in Section III B above, all of the following evidence was tendered to the Agency with the 2019 Application, and each show that an appropriate Section 39.2 local siting approval was achieved on February 21, 2000:

1. April 5, 2019, June 7, 2019, August 7, 2019, September 6, 2019, and October 11, 2019 Andrews Engineering letters and attachments which provide that the Effingham County Board held a section 39.2 hearing on January 20, 2000 and approved the application for vertical expansion on February 21, 2000 and that the Agency then in turn approved a modification permit on June 28, 2002 for vertical expansion and adjustment of contours with a maximum height of 644 MSL. (R1-2, 26-30; 1877-1880; 1882-1885; 1894-1896; 1897-1899; 1900; 101-1902; 1903; 1904-1905).

2. LPC-PA8 forms signed by the Effingham County State's Attorney Brian Kibler certifying that on November 19, 2018 the Effingham County Board approved the site location suitability and passed a resolution, which was also included in the Application, that the Board found that the Sig Mod proposal was consistent with the previous grant of local siting approval in the year 2000. (R26-27; R1895-96).

3. Effingham County Board Resolution to Approve Landfill Expansion dated February 21, 2000 which explicitly states that a public hearing was held on January 20, 2000 at which hearing testimony and exhibits were presented on the 39.2(e) criteria. (R28).

4. February 21, 2000 Effingham County Board Findings of Fact Regarding Request For Expansion of Existing Landfill Facility Submitted by Landfill 33 Ltd finding each of the Section 39.2(e) criteria were met. (R29).

5. November 19, 2018 Effingham County Board Chairman James Nieman letter which confirmed that on February 21, 2000 local siting approval occurred and that there were no restriction placed upon the maximum waste value nor final contour dimensions nor maximum elevation of 644 MSF. (R1883- 1884).

6. Affidavit of the Chairman of the Effingham County Board from the year 2000, Leon Gobczynski, providing all of the procedures of Section 39.2 were followed at the January 20, 2000 public hearing and the February 21, 2000 County Board local siting approval. (R1900).

Further, attached as Exhibit A to the Petition for Review were the relevant portions of the actual application filed in 1999, as well as the notices that were issued and the drawings contained within that application including Drawing A2-3 which explicitly shows that the maximum vertical height proposed by Landfill 33 was 644 MSL and acknowledges that the contours may change. (See Ex. A to Petition for Review, Drawing A2-3; an additional copy of which is attached hereto as Exhibit 1). Moreover, the LPC-PA8 Certification of Siting approval form dated February 21, 2000) and executed by the Effingham County Clerk is attached as Exhibit C to the Petition for Review, and explicitly provides that Effingham County approved the site location suitability of the vertical expansion of Landfill 33 on February 21, 2000. That LPC-PA8 form was filed with the Agency in 2000 and thus is part of the Agency record as to the Landfill 33 facility.

It is simply undeniable that in 2019 the Agency was provided ample evidence and was well aware that a local siting hearing occurred on January 20, 2000, and that an approval was issued and findings made that the Section 39.2 factors were met was issued on February 21, 2000. As a matter of fact, the Agency acknowledged such in its July 5, 2019 determination letter when the Agency argued that “the proposal to expand disposal capacity of the landfill for a second time

based on the February 21, 2000 local siting approval constitutes an attempt to develop the site based on expired local siting approval." (R1830). Therefore, the Agency admitted that there was indeed local siting approval issued on February 21, 2000, and it cannot in good faith now argue that the Application was incomplete based upon an alleged failure to provide evidence of the local siting approval on February 21, 2000. Furthermore, the Agency has admitted that the record shows that the maximum elevation of the landfill which was approved by the County Board was 644 MSL, and thus it is disingenuous to argue that it was not provided the evidence needed to show that the current Application does not seek to expand that siting approval.

IV. The Agency has Abandoned its Assertion that the Application was Incomplete for Failing to Provide Proof of Ownership.

The Agency, in its first determination of incompleteness on May 3, 2019 and its third determination on September 6, 2019 asserted that the Application "does not provide proof that [the signator of the Application] was the duly authorized agent" of the owner. (R1834; R 1828). The Agency has apparently abandoned that claim of incompleteness as it is not raised or even mentioned in the Agency's Motion for Summary Judgment. (See *Cochran v. Georg Sollitt Const. Co.*, 358 Ill.App.3d 865 (1st Dist. 2005) at 873)(issues not raised at summary judgment are waived upon appeal). Regardless, Section 35 Ill.Adm.Code 812.104(b) only requires that "All permit applications shall be signed by a duly authorized agent of the operator and the property owner, shall be accompanied by an oath or affidavit attesting to the agent's authority to sign the application and shall be notarized." The April 5, 2019 Application complied with the regulation as LPC-PA1 General Application for Permit form filed by Landfill 33 contained the required oath and affirmation and notarization. The form explicitly provided that the individual signing did "hereby affirm that all information contained in this application is true and accurate" and "herein swear that I am a duly authorized agent of the owner/operator and I am authorized to sign this permit

application form". (R9, R1910). Lori Martin signed as Owner and Brian Hayes (President of Landfill 33) signed as Operator, and those signatures were duly notarized. (R9). Further, Landfill 33 provided even more proof to the Agency by providing an additional LPC-PA1 dated June 4, 2019 wherein Mr. Hayes signed on behalf of the Owner and the Operator and he again affirmed and provided an oath of his authority to do so and his signature was again notarized. (R1891). Further, on October 11, 2019. (R1904-1913 Landfill 33 provided a third LPC-PA1 form to the Agency executed by Julie Hayes, who had been appointed co-executor of the Richard Deibel Estate (R1904) with the required affirmation and oath (R1910) and even provided Letters of Office from the Circuit Court further proving that she was Co-Executor and thus authorized to execute the Application. (R1913). Obviously, the Agency's attorneys have recognized the unreasonableness of the Agency determination of incompleteness on this issue and abandoned such as a basis.

V. Conclusion

For the reasons provided herein the Illinois Pollution Control Board should deny the Agency's Motion for Summary Judgment and should reverse the Agency determination that the April 5, 2019 Application was incomplete and remand the case to the Agency to review the merits of the Application.

Dated: May 12, 2020

Respectfully submitted,

LANDFILL 33, LTD.

By:/s/ Richard S. Porter
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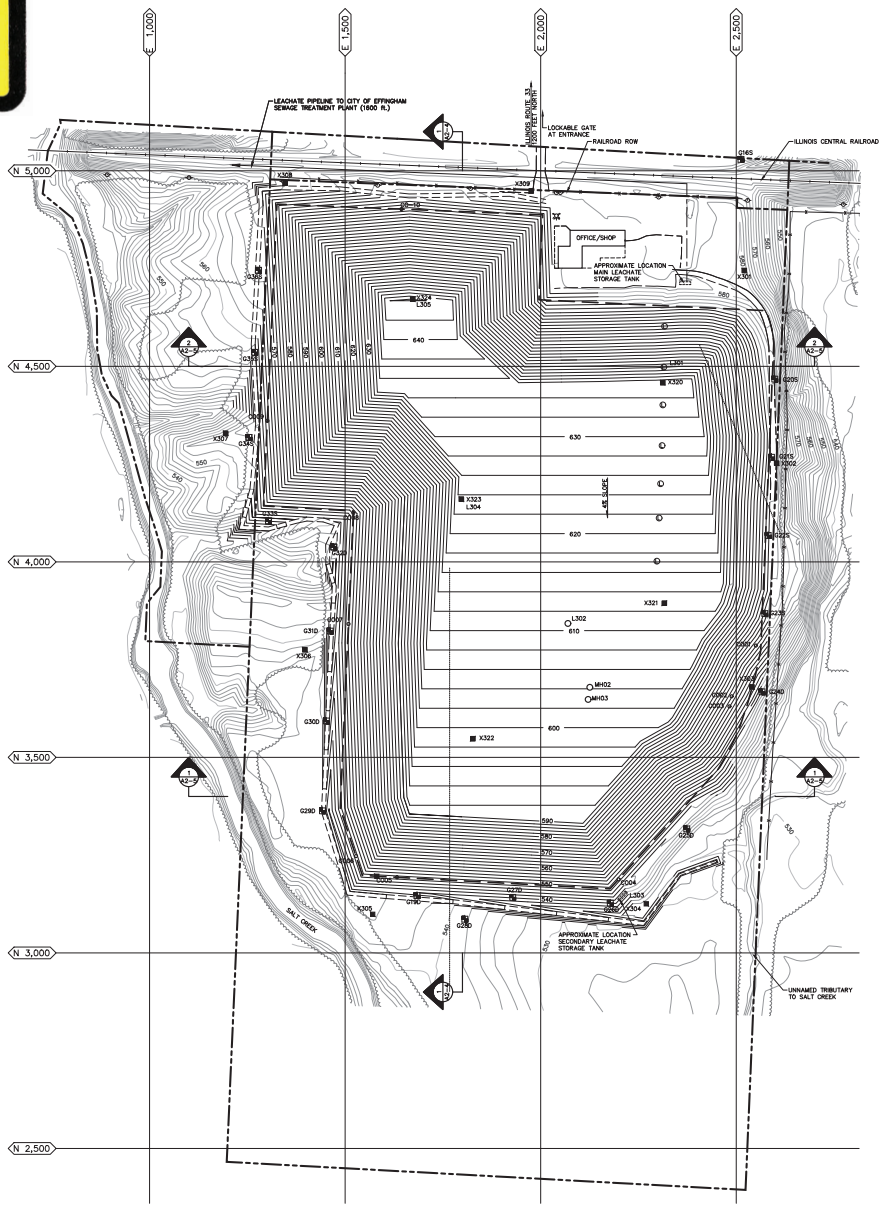
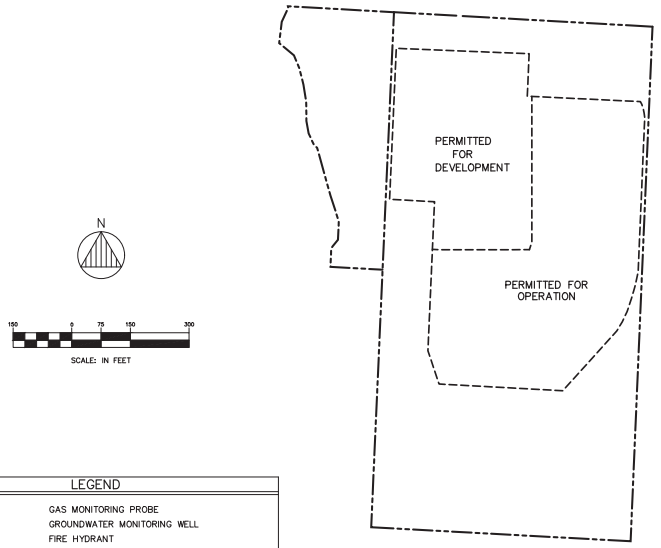
EXHIBIT 1

labbies

Electronic Filing: Received, Clerk's Office 05/12/2020



1 A2-3 PROPOSED FINAL CONTOURS
SCALE: AS SHOWN



2 A2-3 IEPA PERMITTING STATUS
SCALE: 1" = 300'

N

150 0 75 150 300
SCALE: IN FEET

LEGEND

- GAS MONITORING PROBE
- GROUNDWATER MONITORING WELL
- FIRE HYDRANT
- LEACHATE COLLECTION CLEANOUT
- LEACHATE COLLECTION MANHOLE
- LEACHATE COLLECTION SUMP
- UTILITY POLE
- LEACHATE COLLECTION/TRANSFER PIPE
- ALL WEATHER ROADWAY
- FENCE
- PROPERTY BOUNDARY (FACILITY BOUNDARY)
- TREE LINE
- WASTE BOUNDARY

NOTES:

1. THIS DRAWING DEPICTS PROPOSED FINAL GRADE IF VERTICAL EXPANSION IS PERMITTED.
2. FOR CLARITY, NOT ALL SITE FEATURES ARE SHOWN.
3. AT LEAST 5 GAS MONITORING PROBES WILL BE LOCATED WITHIN THE WASTE BOUNDARY AS SHOWN. INSTALLATION WILL BE NO LATER THAN 60 DAYS AFTER FINAL COVER IS IN PLACE IN THE AREA WHERE THE PROBES ARE TO BE LOCATED. THE ACTUAL LOCATIONS OF THE GAS MONITORING PROBES WITHIN THE WASTE MAY VARY WITH IEPA APPROVAL.
4. THE SITE'S END USE WILL BE "OPEN SPACE".
5. LEACHATE TRANSFER PIPING LOCATED WITHIN THE WASTE BOUNDARY WILL BE SINGLE-WALLED. PIPING OUTSIDE THE WASTE BOUNDARY WILL BE DOUBLE-WALLED.
6. THE FINAL CONTOURS AND CONDITIONS SHOWN HERE MAY BE REFINED OR UNDERGO MINOR MODIFICATIONS FOR THE IEPA DEVELOPMENTAL PERMIT APPLICATION.

NO.	DATE	REVISIONS DESCRIPTION	BY

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APPROVED BY: BCJ | DESIGNED BY: RMM | DRAWN BY: JSR

PROPOSED FINAL CONTOURS
VERTICAL EXPANSION PLANS PREPARED FOR
LANDFILL 33, LTD.
EFFINGHAM COUNTY, ILLINOIS

DATE: SEPTEMBER 1999
JOB NO.: 77-118B
FILE NO.: z:\...\DWG\A2\A2-03
SHEET NUMBER: A2-3

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 12th day of May, 2020, I have served the Response to Illinois Environmental Protection Agency's Motion for Summary Judgment upon the following persons via certified mail and electronic transmission.

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