



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/524-3300

May 8, 2012

Certified Mail

7010 2780 0002 1163 0262

7010 2780 0002 1163 0279

**OWNER**

City of Aurora  
Attn: The Honorable William Wiet  
44 East Downer Place  
Aurora, Illinois 60507

**OPERATOR**

Heartland Recycling, LLC  
Attn: Joseph Volini  
6201 W. Canal Bank Road  
Forest View, Illinois 60402

Re: 0894075963 -- Kane County  
Heartland Recycling Aurora CCDD Facility  
Permit No. CCDD2011-012-DE/OP  
Log No. CCDD2011-012  
Expiration Date: May 1, 2022  
CCDD File  
Permit Approval

Dear Mayor Wiet and Mr. Volini:

Permit is hereby granted to the City of Aurora as owner and Heartland Recycling, LLC as operator, approving the development of a new clean construction or demolition debris (hereinafter CCDD) fill operation all in accordance with the application and plans prepared by Brian Horvath, P.E. of Weaver Boos Consultants. Final plans, specifications, application, and supporting documents, as submitted and approved, constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency (Illinois EPA), Bureau of Land, Division of Land Pollution Control by the permit number and log number designated in the heading above.

The application approved by this permit consists of the following documents:

<u>DOCUMENT</u>	<u>DATED</u>	<u>DATE RECEIVED</u>
Original Application Log No. CCDD2011-012	September 20, 2011	September 21, 2011
Extension	December 19, 2011	December 19, 2011
Addendum	January 19, 2012	January 20, 2012
Addendum	March 15, 2012	March 19, 2012

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

9511 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

Specifically, this permit approves:

The development and operation of this CCDD fill operation so as to comply with the applicable requirements of Title 35, Illinois Administrative Code (hereinafter 35 IAC), Subtitle J, Part 1100. This operation includes one unit consisting of approximately 43.8 acres as shown in Figure 1A of the March 16, 2012 addendum with an "in-place" net fill capacity of approximately 2.2 million cubic yards of net volume, excluding final cover, and protective soils/air space. The maximum final elevation must not be higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area (702 feet Above Mean Sea Level).

Pursuant to Section 39(a) of Illinois Environmental Protection Act (Act) [415 ILCS 5/39(a)] and 35 IAC, 1100.404(b), this permit is issued subject to the development, operating and reporting requirements for CCDD fill operations in 35 IAC, Part 1100, the standard conditions attached hereto, and the following special conditions. In case of conflict between the permit application and these conditions (both standard and special), the conditions of this permit must govern.

I. OPERATING CONDITIONS

1. The operator must implement the load checking program proposed in the application for Permit No. CCDD2011-012- DE/OP (Log No. CCDD2012-012). If materials other than CCDD are discovered the load checker must prepare a report describing the results of each inspection. Documentation of the records for the facility must be kept for a minimum of three years at the facility or in some alternative location specified in the Illinois EPA permit. The documentation must be available for inspection and copying by the Illinois EPA upon request during normal business hours. Also, before the end of the operating day the operator must, by facsimile to 217-524-1991, or another method approved by the Illinois EPA, notify the Manager of the BOL Field Operations Section and provide the information described in Special Condition I.2.c
2. Materials other than CCDD must be rejected from the fill facility and the driver of the rejected load must be given a written notice of the following:
  - a. That only CCDD is accepted for use as fill at the facility;
  - b. That the rejected load contains or is suspected to contain material other than CCDD, and that the material must not be taken to another CCDD fill operation and must be properly recycled or disposed of at a permitted landfill;

- c. That for all inspected loads the owner or operator is required to record, at minimum, the date and time of the inspection, the name of the hauling firm, the name of the driver, the vehicle identification number or license plate number, and the source of the fill and is required to make this information available to the Illinois EPA for inspection; and
  - d. That the Illinois EPA will be informed that this load has been rejected.
3. Operating hours are those hours during which the CCDD may be accepted. For this facility, the operating hours must be limited to 6:00 AM to 4:00 PM, Monday through Friday, and 7:00 AM to 4:00 PM on Saturday. If it is required for the facility to be open beyond normal operating hours, a written record of the date(s), times and reason the facility was open must be made part of the operating record for the facility. Adequate lighting must be provided for outdoor activities at the fill operation occurring before sunrise or after sunset.
4. Pursuant to Public Law 96-1416, for soil received for disposal, the follow items must be documented:
  - a. Each LOAD of soil must have the following documentation:
    - i. The name of the hauler;
    - ii. The address of the site of origin;
    - iii. The name of the owner and operator (if any) of the site of origin;
    - iv. The weight or volume of the soil;
    - v. The date the soil was received.
  - b. Confirmation that the soil was not removed from a site as part of a clean up, including, but not limited to, CERCLA, RCRA, LUST, or Site Remediation Program sites;
  - c. Each SITE must be certified uncontaminated by a completed copy of either the LPC 662 or LPC 663 form, depending on the source site;
  - d. The facility must keep these records for at least three years.

## II. GENERAL CONDITIONS

1. If changes occur which modify any of the information the permittee has used in obtaining a permit for this facility, the permittee must inform the Illinois EPA's Bureau of Land/Permit Section of the changes. Except for name or addresses changes for individuals or legal entities with ownership or operating interests in this facility, for which notification procedures are described below, any

modifications to this permit must be proposed in the form of a permit application, and submitted to the Illinois EPA, pursuant to 35 IAC, Section 1100.410(a). The General Application for CCDD Fill Operation Permit form must be used to propose such changes.

2. The Illinois EPA must be notified of any changes in the names or addresses of either beneficial or legal titleholders to this facility. The notification must be submitted within fifteen days of the change and must 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.
3. Pursuant to 35 IAC, Section 1100.411, an application for permit renewal must be filed with the Illinois EPA at least ninety days prior to the expiration date of this permit.
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.

### III. CLOSURE/POST CLOSURE CARE

1. The facility must be closed in accordance with the closure plan in Application Log No. CCDD2011-012. To obtain the certificate of closure specified in 35 IAC 1100.412(b)(2)(A), the operator must submit an Affidavit for Certification of

Closure of a CCDD Fill Operation form accompanied by a General Application for CCDD Fill Operation Permit form to the Illinois EPA.

2. Inspections of the closed CCDD site must be conducted in accordance with the approved post-closure care plan in Application Log No. CCDD2011-012. Records of field investigations, inspections, sampling and corrective action taken are to be maintained at the site and made available to Illinois EPA personnel. During the post-closure care period, these records are to be maintained at the office of the site operator.
3. The minimum post-closure care period for this clean construction and demolition debris fill operation is one year. Upon completing post-closure care period, to obtain written notification that the permit for this CCDD fill operation is terminated, as specified in 35 IAC 1100.412(c)(2), the operator must submit an Affidavit for Certification of Completion of Post-Closure Care of a CCDD Fill Operation form accompanied by a General Application for CCDD Fill Operation Permit form to the Illinois EPA.

#### IV. REPORTING REQUIREMENTS

1. By April 1 of each year, the annual report for the previous calendar year must be submitted to the Illinois EPA pursuant to 35 IAC 1100.211 and 1100.203. The annual report must include, at a minimum, the following information:
  - a. A summary of the number of loads accepted and the number of loads rejected during the calendar year
  - b. Proposed activities, including the amount of CCDD expected in the next year;
  - c. Any modification or significant modification affecting operation of the facility; and
  - d. The signature of the operator or duly authorized agent as specified in 35 IAC 1100.303.
  - e. An annual facility map that must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps under 35 IAC Section 1100.305(a) through (d).

2. All certifications, logs, reports, plan sheets and monitoring data, required to be submitted to the Illinois EPA by the permittee must be mailed to the following address:

Illinois Environmental Protection Agency  
Permit Section  
Bureau of Land -- #33  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

The operator must provide the Illinois EPA with the original and two (2) copies of all certifications, logs, reports and plan sheets required by this permit.

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:

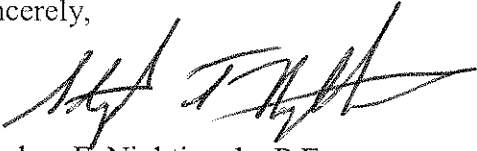
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

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

Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This permit does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Sincerely,



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

CSL  
SFN:TW:0894075963-CCDD-2011012-approval.docx  
TW

Attachment: Standard Conditions

CC: Brian Horvath, P.E., Weaver Boos Consultants

STANDARD CONDITIONS FOR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS  
PERMITS  
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
BUREAU OF LAND

The Illinois Environmental Protection Act (415 ILCS 5/1 et seq.) grants the Illinois 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 Clean Construction or Demolition Debris fill operations 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, the permit for this Clean Construction or Demolition Debris fill operation will expire ten years after date of issuance.
2. The Clean Construction or Demolition Debris fill operation covered by this permit must comply 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 from the site.



- 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 or occurrence at this site
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. These standard conditions shall prevail unless modified by special conditions.
7. 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.