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CONSENT ORDER

RE CASE NO. 07 CH 2451

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12/29/09

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)

Plaintiff,)

v.)

No. 07 CH 2451

LOUIS D. MENEGHIN and MJK SERVICES,)
INC., an Illinois corporation,)

Defendant.)

CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Defendants, LOUIS D. MENEGHIN and MJK SERVICES, INC., an Illinois corporation, ("Parties to the Consent Order") have agreed to the making of this Consent Order and submit it to this Court for approval.

I. INTRODUCTION

This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Court's entry of the Consent Order and issuance of any injunctive relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1, *et seq.* (2008), and the Illinois Pollution Control Board ("Board") Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the parties to this Consent Order that it be a final judgment on the merits of this matter.

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A. Parties

1. On January 25, 2007, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2008), against the Defendant.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2008).

3. At all times relevant to this Complaint, Defendant Louis Meneghin ("Meneghin") was and is a resident of the State of Illinois. He is the owner and operator of the Cottage Grove Landfill, located on the southern bank of the Little Calumet River, northwest of the junction of 138th Street and Cottage Grove Avenue, approximately, 13700 S. Cottage Grove Avenue, Chicago, Cook County, Illinois ("Landfill").

4. At all times relevant to the Complaint, Defendant MJK Services, Inc. ("MJK") was and is an Illinois corporation in good standing with the Illinois Secretary of State. The property containing the Landfill is currently owned by MJK.

B. Allegations of Non-Compliance

Plaintiff contends that the Defendants have violated the following provisions of the Act and Board Regulations:

Count I: Post-Closure Violations, in violation of Sections 22.17(a) and (b) of the Act; 415 ILCS 5/22.17(a) and (b) (2004), and Sections 807.508 and 807.523 of the Board Solid Waste regulations, 35 Ill. Adm. Code 807.508 and 807.523.

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C. Non-Admission of Violations

The Defendants represent that they have entered into this Consent Order for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Consent Order and complying with its terms, the Defendants do not affirmatively admit the allegations of violation within the Complaint and referenced above, and this Consent Order shall not be interpreted as including such admission.

D. Compliance Activities to Date

1. On October 9, 2008, Defendants submitted an Original Application and updated Closure Plan to the Illinois EPA.
2. On July 16, 2009, Defendants submitted an Addendum to the Application with additional information requested by the Illinois EPA.
3. On August 25, 2009, the Illinois EPA issued Supplemental Permit No. 2008-389-SP to Defendant Meneghin as owner and operator of the Cottage Grove Landfill, Site No. 0310690005, supplementing Permit Nos. 1976-24-DE and 1976-24-OP.

II. APPLICABILITY

This Consent Order shall apply to and be binding upon the Parties to the Consent Order. The Defendants waive as a defense to any enforcement action taken pursuant to this Consent Order the failure of any of their officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Consent Order. This Consent Order may be used against the Defendants in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board

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Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2008).

The Defendants shall notify each contractor to be retained to perform work required in this Consent Order of each of the requirements of this Consent Order relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Consent Order to each contractor already retained no later than thirty (30) calendar days after the date of entry of this Consent Order. In addition, the Defendants shall provide copies of all schedules for implementation of the provisions of this Consent Order to the prime vendor(s) supplying the control technology systems and other equipment required by this Consent Order.

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Defendants under this Consent Order. In the event that the Defendants propose to sell or transfer any real property or operations subject to this Consent Order, the Defendants shall notify the Plaintiff thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Defendants shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Defendants site access and all cooperation necessary for Defendants to perform to completion any compliance obligation(s) required by this Consent Order. The Defendants shall provide a copy of this Consent Order to any such successor in interest and the Defendants shall continue to be bound by and remain liable for performance of all obligations under this Consent Order. In appropriate circumstances, however, the Defendants and a proposed purchaser or

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operator of the facility may jointly request, and the Plaintiff, in its discretion, may consider modification of this Consent Order to obligate the proposed purchaser or operator to carry out future requirements of this Consent Order in place of, or in addition to, the Defendants. This provision does not relieve the Defendants from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

III. JUDGMENT ORDER

This Court has jurisdiction of the subject matter herein and of the Parties to the Consent Order and, having considered the stipulated facts and being advised in the premises, finds the following relief appropriate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Penalty

1. The Defendants shall pay a civil penalty of Two Thousand Dollars (\$2,000.00). Payment shall be tendered at time of entry of the Consent Order.
2. Payment of the civil penalty shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").
3. The name, case number and Defendant MJK's federal tax identification number shall appear on the face of the certified check or money order. Defendant Meneghin's social security number shall be provided to the Plaintiff prior to the entry of this Consent Order.

B. Stipulated Penalties, Interest and Default

1. If the Defendants fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in this Consent Order, the Defendants

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shall provide notice to the Plaintiff of each failure to comply with this Consent Order and shall pay stipulated penalties in the amount of One Hundred Fifty Dollars (\$150.00) per day until such time that compliance is achieved. The Plaintiff may make a demand for stipulated penalties upon the Defendants for their noncompliance with this Consent Order. However, failure by the Plaintiff to make this demand shall not relieve the Defendants of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date the Defendants knows or should have known of their noncompliance with any provision of this Consent Order.

2. If the Defendants fails to make any payment required by this Consent Order on or before the date upon which the payment is due, the Defendants shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Plaintiff shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

3. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Defendants not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Consent Order shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund

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("EPTF"). Payments shall be sent by first class mail and delivered to:

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

The name, case number and Defendant MJK's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Paula Becker Wheeler
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. Defendants shall comply with all deadlines for completion of all Closure and Post-Closure activities as stated in Supplemental Permit No. 2008-389-SP issued by the Illinois EPA on August 25, 2009, attached hereto as Exhibit A and incorporated into this Order.
2. Notwithstanding the deadlines as stated in Supplemental Permit No. 2008-389-SP preceding paragraphs, Final Closure of the Landfill shall be completed before December 31, 2010. Post-closure activities shall be completed as stated in Supplemental Permit No. 2008-389-SP.
3. The Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Landfill which is the subject of this Consent Order, at all reasonable times for the purposes of conducting

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inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

4. This Consent Order in no way affects the responsibilities of the Defendants to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

5. The Defendants shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. *Force Majeure*

1. *Force majeure* is an event arising solely beyond the control of the Defendants, which prevents the timely performance of any of the requirements of this Consent Order and shall include, but is not limited to, events such as floods, fires, tornadoes, other natural disasters, and labor disputes beyond the reasonable control of the Defendants. An increase in costs associated with implementing any requirement of this Consent Order shall not, by itself, excuse the Defendants for a failure to comply with such a requirement.

2. When a *force majeure* event occurs which causes or may cause a delay in the performance of any of the requirements of this Consent Order, the Defendants shall orally notify Calvin Harris of the Illinois EPA at (847) 294-4080 within forty-eight (48) hours of the occurrence. Written notice shall be given to the Plaintiff as soon as practicable, but no later than ten (10) calendar days after the claimed occurrence. This section shall be of no effect as to the particular event involved if the Defendants fail to comply with these notice requirements.

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3. Within ten (10) calendar days of receipt of any written *force majeure* notice, the Plaintiff shall respond in writing regarding the Defendants' claim of a delay or impediment to performance. If the Plaintiff agrees that the delay or impediment to performance has been or will be caused by circumstances beyond the control of the Defendants and that the Defendants could not have prevented the delay by the exercise of due diligence, the parties shall stipulate to an extension of the required deadline(s) for all requirement(s) affected by the delay, by a period equivalent to the delay actually caused by such circumstances. Such stipulation may be filed as a modification to this Consent Order. The Defendants shall not be liable for stipulated penalties for the period of any such stipulated extension.

4. If the Plaintiff does not accept the Defendants' claim of a *force majeure* event, the Defendants must file a petition with the Court within twenty (20) calendar days of receipt of the Plaintiff's determination in order to contest the imposition of stipulated penalties. The Plaintiff shall have twenty (20) calendar days to file its response to said petition. The burden of proof of establishing that a *force majeure* event prevented the timely performance shall be upon the Defendants. If this Court determines that the delay or impediment to performance has been or will be caused by circumstances solely beyond the control of the Defendants and that the Defendants could not have prevented the delay by the exercise of due diligence, the Defendants shall be excused as to that event (including any imposition of stipulated penalties), for all requirements affected by the delay, for a period of time equivalent to the delay or such other period as may be determined by this Court.

F. Enforcement and Modification of Consent Order

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1. This Consent Order is a binding and enforceable order of this Court. This Court shall retain jurisdiction of this matter and shall consider any motion by any party for the purposes of interpreting and enforcing the terms and conditions of this Consent Order. The Defendants agree that notice of any subsequent proceeding to enforce this Consent Order may be made by mail and waives any requirement of service of process.

2. The Parties to the Consent Order may, by mutual written consent, extend any compliance dates or modify the terms of this Consent Order without leave of this Court. A request for any modification shall be made in writing and submitted to the designated representatives. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Consent Order. Any such agreed modification shall be in writing and signed by authorized representatives of each party, for filing and incorporation by reference into this Consent Order.

G. Dispute Resolution

1. Except as provided herein, the Parties to the Consent Order may seek to informally resolve disputes arising under this Consent Order, including but not limited to the Illinois EPA's decision regarding appropriate or necessary response activity, approval or denial of any report, plan or remediation objective, or the Plaintiff's rejection of a request for modification or termination of the Consent Order. The Plaintiff reserves the right to seek enforcement by the Court where the Defendants have failed to satisfy any compliance deadline within this Consent Order. The following are also not subject to the dispute resolution procedures provided by this section: a claim of *force majeure*, a failure to make any required

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payment and any circumstances posing a substantial danger to the environment or to the public health or welfare of persons.

2. The dispute resolution procedure must be invoked by a party through a written notice describing the nature of the dispute and the party's position with regard to such dispute. The other party shall acknowledge receipt of the notice and schedule a meeting to discuss the dispute informally not later than fourteen (14) calendar days from the receipt of such notice. These informal negotiations shall be concluded within thirty (30) calendar days from the date of the first meeting between the parties, unless the parties agree, in writing, to shorten or extend this period. The invocation of dispute resolution, in and of itself, shall not excuse compliance with any requirement, obligation or deadline contained herein, and stipulated penalties may be assessed for failure or noncompliance during the period of dispute resolution. As part of the resolution of any dispute, the Parties to the Consent Order, by agreement or by order of this Court, may extend or modify the schedule for completion of work under this Consent Order to account for the delay in the work that occurred as a result of dispute resolution.

3. In the event that the parties are unable to reach agreement during the informal negotiation period, the Plaintiff shall provide the Defendants with a written summary of its position regarding the dispute. The position advanced by the Plaintiff shall be considered binding unless, within twenty (20) calendar days of the Defendant's receipt of the written summary of the Plaintiff's position, the Defendants file a petition with this Court seeking judicial resolution of the dispute. The Plaintiff shall respond to the petition by filing the administrative record of the dispute and any argument responsive to the petition within twenty (20) calendar

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days of service of Defendants' petition. The administrative record of the dispute shall include the written notice of the dispute, any responsive submittals, the Plaintiff's written summary of its position, the Defendants' petition before the Court and the Plaintiff's response to the petition. The Plaintiff's position shall be affirmed unless, based upon the administrative record, it is against the manifest weight of the evidence.

H. Notice and Submittals

Except for payments, the submittal of any notice, reports or other documents required under this Consent Order, shall be delivered to the following designated representatives:

As to the Plaintiff

Paula Becker Wheeler
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

Peter Orlinsky
Assistant Counsel
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Defendants

Louis D. Meneghin
20733 Cardinal Court
Frankfort, Illinois 60423

MJK Services, Inc.
c/o Bruce M. Bozich, Agent
11800 S. 75th Avenue, Suite 302
Palos Heights, Illinois 60463

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Bruce M. Bozich, Attorney at Law
11800 S. 75th Avenue, Suite 302
Palos Heights, Illinois 60463

I. Release from Liability

In consideration of the Defendants' payment of a \$2,000 penalty and any specified costs and accrued interest, their commitment to cease and desist as contained in Section III.D.4 above, and completion of all activities required hereunder, the Plaintiff releases, waives and discharges the Defendants from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Plaintiff's Complaint filed on January 25, 2007. The Plaintiff reserves, and this Consent Order is without prejudice to, all rights of the State of Illinois against the Defendant with respect to all other matters, including but not limited to the following:

- a. criminal liability;
- b. liability for future violations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. the Defendant's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2008), other than the Defendants.

J. Execution and Entry of Consent Order

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This Order shall become effective only when executed by all Parties to the Consent Order and the Court. This Order may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument. The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

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WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

DOUGLAS F. SCOTT, Director
Illinois Environmental Protection Agency

BY: _____
ROSEMARIE CAZEAU, Chief
Environmental Bureau

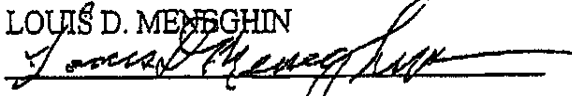
BY: _____
JOHN J. KIM
Chief Legal Counsel

DATE: _____

DATE: _____

FOR THE DEFENDANTS:

ENTERED:

LOUIS D. MENEGHIN


DATE: 12-10-09

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MJK SERVICES, INC.

JUDGE

BY: *Louis Meneghin*

Its: *President*

DATE: _____

DATE: *12-10-09*

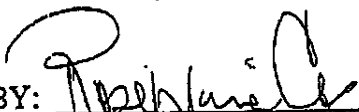
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State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

DOUGLAS P. SCOTT, Director
Illinois Environmental Protection Agency

BY: 
ROSEMARIE CAZRAU, Chief
Environmental Bureau

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 12/15/09

DATE: 12/14/09

FOR THE DEFENDANTS:

ENTERED:

LOUIS D. MENEGHIN

DATE: _____

MJK SERVICES, INC.

BY: _____

Its: _____

DATE: _____

DATE: _____

ENTERED
JUDGE MARYK. ROCHFORD-1378
JUDGE
DEC 29 2009.
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, ILL.
DEPUTY CLERK

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EXHIBIT A

WWWW

WWWW

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

August 25, 2009

Certified Mail
 7002 3150 0000 1111 0530

Mr. Louis Meneghin
 20733 Cardinal Court
 Frankfort, Illinois 60423

Re: ~~081005000659 Cook County~~

Cottage Grove Landfill
 Permit Nos. 1976-24-DE and 1976-24-OP
 Supplemental Permit No. 2008-389-SP
 Log No. 2008-389
 Permit Landfill 807 File
 Permit Approval

Dear Mr. Meneghin:

Supplemental permit is hereby granted to Mr. Louis Meneghin as owner and operator to modify the above referenced facility pursuant to 35 Illinois Administrative Code (hereinafter IAC) Subtitle G; Part 807, all in accordance with the application signed and sealed by Brian J. Horvath, P.E. of Weaver Boos Consultants North Central, LLC, signature dated August 12, 2008 and prepared by Michael B. Maxwell, LPG of Weaver Boos Consultants North Central, LLC. 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 by the permit number(s) and log number(s) designated in the heading above.

Supplemental Permit No. 2008-389-SP approves closure and post-closure care plans and cost estimates. Additionally, the Illinois EPA is modifying the permit via the inclusion of Special Condition 21 requiring the submittal of an application to comply with Section 39(i) of the Act.

The application approved by Supplemental Permit No. 2008-389-SP consists of the following documents:

<u>DOCUMENT</u>	<u>DATE</u>	<u>DATE RECEIVED</u>
Original Application	October 9, 2008	October 10, 2008
Waivers	December 30, 2008	January 2, 2009
	February 20, 2009	February 23, 2009
	May 4, 2009	May 7, 2009
Addendum	July 16, 2009	July 20, 2009

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Pursuant to Section 39(a) of the Illinois Environmental Protection Act (Act) this permit is issued subject to the development, operating and reporting requirements for Solid Waste Facilities in 35 IAC, Part 807, 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 shall govern.

1. 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." Concurrent with the submittal of the "Affidavit for Certification of Completion of Closure of Non-Hazardous Waste Facilities," the permittee shall submit a separate supplemental permit application containing a demonstration that the existing monitoring program is capable of determining background groundwater quality hydraulically upgradient of and unaffected by the landfill, and to detect any discharge of contaminants from the landfill. In addition to an evaluation of the effectiveness of the existing monitoring well placement and number, the site operator shall propose a method to evaluate groundwater monitoring data, and shall evaluate the effectiveness of the existing routine parameter list.
2. Financial assurance shall be maintained by the operator in accordance with 35 Ill. Adm. Code, Subtitle G, Part 807, Subpart F in an amount equal to the current total cost estimate for closure and post-closure care. The current total cost estimate is \$36,591.00. Within ninety (90) days of the date of this supplemental permit, the site operator shall provide the Illinois EPA with documentation of updated financial assurance pursuant to 35 Ill. Adm. Code, Subtitle G, Section 807, Subpart F in the amount of the current total closure and post-closure care cost estimate.
3. The operator shall file revised cost estimates for closure and post-closure care at least every two years in accordance with 35 Ill. Adm. Code, Subtitle G, Part 807, Subpart F. Revised cost estimates are to be submitted to the Illinois EPA, Bureau of Land, Permit Section in the form of a supplemental permit application. The first revised cost estimates are due on or before August 1, 2011.
4. This site is subject to a minimum post-closure care period of three, five or fifteen years. The post-closure care period has not yet begun.
5. The results of the December 2007 final cover investigation indicate that the thickness of the compacted clay portion of the final cover in the vicinity of geoprobe SP-1 is less than 2.0 feet. Therefore, as part of the completion of the closure of Cottage Grove Landfill, the operator shall place and compact a sufficient amount of clay soil to the existing compacted clay portion of the final cover in the vicinity of geoprobe SP-1 so that the thickness of the compacted clay portion of the final cover in the vicinity of geoprobe SP-1 is no less than 2.0 feet.

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6. Damage to the soil final cover and vegetation incurred during removal of overgrown vegetation shall be repaired contemporaneously.
7. Prior to and during the post-closure care period, corrective action shall be taken if problems, including but not limited to the following, occur:
 - ponding
 - cracks in final cover greater than one inch wide
 - gas problems
 - odor problems
 - dead or stressed vegetation
 - vegetation with taproots growing in areas not so designed
 - vector problems
 - leachate ponds or seeps
8. Inspections of the closed landfill shall be conducted quarterly. Records of field investigations, inspections, sampling and corrective action taken are to be maintained at the site and made available to Illinois EPA personnel. Records are to be maintained at the office of the site operator.
9. For areas in excess of one hundred (100) square feet that have dead or stressed vegetation due to landfill gas migration, a gas vent shall be installed to minimize the effects of that landfill gas migration on the final cap system.
10. When the gas vents are no longer used for gas control, the pipes shall be cut off at least 2.5 feet below ground level, the pipes plugged, and two feet of clay cover material compacted in eight inch layers placed in the cut area. This cover shall be topped with six inches of soil and seeded with grass that provides a vegetative cover.
11. Groundwater monitoring program shall be conducted in accordance with the Attachments to Supplemental Permit No. 1990-003-SP and is subject to the conditions contained therein.
12. The Illinois EPA reserves the right to require the installation and monitoring of a ground water monitoring system, to require analyses for certain parameters and to alter parameters as necessary to fulfill the intent and purpose of the Act.
13. During the post-closure care period, water quality records shall be maintained at the office of the site operator and shall be reviewed quarterly. A water quality report shall be submitted quarterly. If the owner/operator or the Illinois EPA's Bureau of Land determines that adverse trends are developing, further investigation is to be performed. If corrective action becomes necessary, a plan is to be developed by the operator and submitted to the Permit Section, Bureau of Land for approval.

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14. During the post-closure care period, the owner and operator shall monitor gas, water and settling and shall take whatever remedial action is necessary to abate any gas, water or settling problems which appear during that time. Post-closure groundwater monitoring shall be conducted and reported to the Illinois EPA on a quarterly basis for the monitoring wells and parameters identified in Attachment A of Supplemental Permit No. 1990-003-SP.
15. When the post-closure care period has been completed, the operator shall notify the Illinois EPA utilizing the Illinois EPA's "Affidavit for Certification of Completion of Post-Closure Care for Non-Hazardous Waste Facilities."
16. 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).
17. 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.
18. Site surface drainage shall be such that no adverse effects are encountered by adjacent property owners.
19. Any modification to the facility shall be the subject of an application for supplemental permit for site modification submitted to the Illinois EPA.
20. 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.
21. The permittee(s) shall submit a 39(i) certification and supporting documentation within 30 days of issuance of this supplemental permit and thereafter 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

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- 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.

Except as modified in the above documents, the site shall be maintained in accordance with the terms and conditions of Permit Nos. 1976-24-DE and 1976-24-OP, dated June 17, 1976 and June 27, 1977, respectively, and with other permits issued for this site.

The original and two (2) copies of all certifications, logs, reports, and groundwater monitoring chemical analysis forms which are required to be submitted to the Illinois EPA by the permittee should 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

Within 35 days of the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

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

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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

^{KES}
SFN:KES:mis\071601s.doc

^{CJL}
Attachment: Standard Conditions

cc: Brian J. Horvath, P.E. – Weaver Boos Consultants North Central, LLC
Paula B. Wheeler, Illinois Attorney General's Office

bcc: Bureau File
Des Plaines Region
Bur Filson
Hope Wright
Gwenyth Thompson
Peter Orlinsky
Kern Smith

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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.

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- 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.

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Exhibit "B"
LEGAL DESCRIPTION

**THE EAST 655.38 FEET OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION
34 TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL
MERIDIAN LYING SOUTH OF THE LITTLE CALUMET RIVER IN CHICAGO,
ILLINOIS**

Commonly Known As: 950 E. 138th Street, Chicago, Illinois 60827

Permanent Index No.: 25-34-402-002-0000

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