

UNOFFICIAL COPY



1324819132

Doc#: 1324819132 Fee: \$90.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/05/2013 04:17 PM Pg: 1 of 27

PREPARED BY AND AFTER
RECORDING RETURN TO:
Thomas Lupo, Esq.
Hinshaw & Culbertson LLP
222 N. LaSalle Street
Suite 300
Chicago, IL 60601

This Space for Recorder's use only

AGREED MODIFICATION TO CONSENT ORDER

WITH LOUIS D. MENEGHIN

RE CASE NO. 07 CH 2451

Property of Cook County Clerk's Office

UNOFFICIAL COPY**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
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. MENECHIN and MJK SERVICES,)
 INC., an Illinois corporation,)

Defendants.)

AGREED MODIFICATION TO CONSENT ORDER WITH LOUIS D. MENECHIN

I. On December 29, 2009, this Court entered a Consent Order (the "Consent Order") with Louis D. Meneghin ("Mr. Meneghin") and MJK Services, Inc., an Illinois corporation ("MJK Services" and together with Mr. Meneghin, the "Defendants"), in which the Defendants agreed in pertinent part that:

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. . . . Notwithstanding the deadlines as stated in Supplemental Permit No. 2008-389-SP [sic] 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.

(Consent Order at III.D.1, 2.) Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Consent Order.

II. On July 13, 2012, Plaintiff filed its Verified Petition to Enforce Court Order and for Rule to Show Cause against the Defendants (the "Verified Petition").

III. In response to the Verified Petition, the Defendants have stated as follows: (a) Mr. Meneghin is 87 years old, has been declared incompetent by his physicians and is undergoing treatment for cancer; (b) Mr. Meneghin's financial resources were essentially exhausted before the onset of his

UNOFFICIAL COPY

serious medical issues and corresponding expenses; (c) Mr. Meneghin's son, who long assisted with the operation of the Landfill (as defined below), recently passed away from cancer; and (d) on April 1, 2013, the Circuit Court of Will County, Illinois entered an Order appointing MaryEllen Pickering (Mr. Meneghin's daughter) as Mr. Meneghin's guardian. Based solely upon the foregoing factors, the Plaintiff and the Illinois Environmental Protection Agency ("Illinois EPA") are entering into this Agreed Modification to Consent Order and waive any stipulated penalties and interest that are owing pursuant to Section III.B. of the Consent Order. To the extent either Defendant has a positive change in his/its financial condition, the Plaintiff and the Illinois EPA reserve the right to seek the completion of additional work pursuant to Supplemental Permit No. 2008-389-SP dated August 25, 2009, a copy of which is attached hereto as Exhibit 1.

IV. Pursuant to Section III.F.2. of the Consent Order, and by agreement of the parties, the Consent Order shall be modified as provided herein in light of the factors described in Paragraph III of this Agreed Modification to Consent Order and the status of the closure and post-closure activities at 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 (the "Site"). As used in this Agreed Modification to Consent Order, the term "Landfill" means that portion of the Site that has been developed as a landfill as of the date of this Agreed Modification to Consent Order.

V. This Agreed Modification to Consent Order is applicable only to Mr. Meneghin and any purchaser of or successor to the Site pursuant to Section II of the Consent Order. To the extent MaryEllen Pickering, Mrs. Pickering's husband or any other Meneghin family member assists Mr. Meneghin financially or otherwise in his compliance with this Agreed Modification to Consent Order, neither Mrs. Pickering, her husband nor such Meneghin family member shall be considered or deemed

UNOFFICIAL COPY

an "operator(s)" at the Site; provided, however, that any work conducted at the Site must comply with the Illinois Environmental Protection Act and any applicable environmental regulations.

VI. Section III.D. of the Consent Order is hereby modified in its entirety and shall now read as follows:

D. Future Compliance

1. Mr. Meneghin shall complete 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 1 and incorporated into this Agreed Modification to Consent Order. Without limiting the foregoing, Mr. Meneghin shall comply with the deadlines set forth in Paragraphs A and B herein. Final Closure of the Landfill shall be completed before December 31, 2015.

A. Closure Tasks.

- i. On or before November 30, 2013, Mr. Meneghin shall place and compact (y) a sufficient amount of clay soil to the existing compacted clay portion of the final cover in the vicinity of geoprobe SP-1 at the Landfill so that the thickness of the compacted clay portion of the final cover in the vicinity of geoprobe SP-1 is not less than 2.0 feet; and (z) six inches of top soil seeded with grass for vegetative cover.
- ii. On or before November 30, 2013, Mr. Meneghin shall remove all woody vegetation (y) from the Landfill and (z) around all groundwater monitoring wells at the Site so as to be able to conduct sampling from such wells. Damage to the soil final cover and vegetation incurred during removal of the overgrown vegetation shall be repaired contemporaneously.
- iii. On or before November 30, 2013, Mr. Meneghin shall (x) remove from the Site all abandoned trailers, vehicles, abandoned earth-moving equipment, the dilapidated building structure, plywood, cinder blocks, corrugated metal and miscellaneous debris to a metal recycling or salvage facility, permitted landfill or transfer station, as appropriate, and Mr. Meneghin shall submit a legible copy of all corresponding disposal receipts to Illinois EPA, Bureau of Land, 3rd floor, 9511 Harrison, Des Plaines, IL 60016, attn.: Calvin Harris; provided, however, that the currently-staged earth-moving equipment located at the Site may remain on-Site for use in completing the remedial activities set forth in this Agreed Modification to Consent Order; and (z) remove from the Site all

UNOFFICIAL COPY

used tires to a registered tire storage, disposal or recycling facility, and submit a legible copy of all corresponding disposal receipts to Illinois EPA, Bureau of Land, 3rd floor, 9511 Harrison, Des Plaines, IL 60016, attn.: Calvin Harris.

- iv. Within fifteen (15) days of completing items i., ii. and iii. above, Mr. Meneghin shall contact the Illinois EPA (Inspector Calvin Harris - 847.294.4080) to schedule an inspection of the Site regarding, among other things, the following concerns: 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 popouts or seeps and erosion. To the extent any of such concerns are identified during the inspection, Mr. Meneghin shall complete all necessary corrective action to address the observed problems within thirty (30) days following the inspection date.

- v. On or before November 30, 2013, Mr. Meneghin shall conduct an assessment of all existing gas vents as identified on Exhibit 2 and sample each such gas vent for methane. To the extent that the methane level in a gas vent sample is below five percent of the total gas content, Mr. Meneghin shall cut off the pipes of the gas vent at least 2.5 feet below ground level, plug the pipes, compact two feet of clay cover material in eight inch layers placed in the cut area and top this cover with six inches of topsoil seeded with grass that provides a vegetative cover.

- vi. Commencing in the fourth quarter of 2013, Mr. Meneghin shall conduct groundwater monitoring in accordance with the Attachments to Supplemental Permit No. 1990-003-SP issued by the Illinois EPA on April 2, 1990. A true and correct copy of such Attachments are attached hereto as Exhibit 3 and incorporated herein by reference.

- vii. On or before September 30, 2013, Mr. Meneghin shall submit a separate supplemental permit application containing a demonstration that the existing groundwater 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 (the "Supplemental Permit Application"). In addition, in the Supplemental Permit Application, Mr. Meneghin shall (x) propose a method to evaluate groundwater monitoring data, (y) evaluate the effectiveness of the existing routine parameter list, and (z) certify as to the original date that the clay cover was installed at the Landfill.

UNOFFICIAL COPY

B. Additional Tasks

- i. Commencing on January 1, 2014, Mr. Meneghin shall conduct quarterly inspections of the Site and submit to the Plaintiff Notice parties set forth in Paragraph VII of this Agreed Modification to Consent Order, an inspection report certified by a licensed professional engineer in the State of Illinois pursuant to the following schedule:

<u>Inspection Report Due to Illinois EPA by:</u>	<u>Period in Which Inspection Shall be Conducted:</u>
15 th of January	October – December
15 th of April	January – March
15 th of July	April – June
15 th of October	July – September

Mr. Meneghin's inspection of the Site shall include gas, odor, dead or stressed vegetation, vectors, leachate popouts or seeps, water and settling (including cracks greater than one inch and erosion), and Mr. Meneghin shall take whatever remedial action is necessary to abate any of the foregoing problems which appear during that time. Mr. Meneghin's quarterly inspection reports shall include documentation regarding any remedial action taken at the Site.

- ii. Upon issuance of the Illinois EPA's written approval letter of the Supplemental Permit Application, Mr. Meneghin shall continue to sample groundwater at the Site on a quarterly basis pursuant to the approval letter.
2. Without limiting Section E (*Force Majeure*) and Section F (Enforcement and Modification of Consent Order) of the Consent Order and due solely to the factors discussed in Paragraph III of this Agreed Modification to Consent Order, Mr. Meneghin may request an extension of any compliance dates or a modification of any terms of this Agreed Modification to Consent Order due to a lack of available resources. Any such request shall be in writing, shall be made in a separate document (rather than including such a request in any other report or submittal required under this Agreed Modification to Consent Order) and shall be submitted to the Plaintiff in accordance with the Notice provision set forth in Paragraph VII herein. Any future agreed modification shall be in writing and signed by authorized representatives of each party, for filing and incorporation by reference into this Agreed Modification to Consent Order. If the parties to this Agreed Modification to Consent Order are unable to reach an agreement regarding any such request, Section G (Dispute Resolution) of the Consent Order shall govern.

UNOFFICIAL COPY

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 Site which is the subject of this Consent Order, at all reasonable times for the purposes of conducting 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 Mr. Meneghin to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board regulations.
5. Mr. Meneghin shall cease and desist from future violations of the Act and the Board regulations that were the subject matter of the Complaint.

VII. Section III.H. of the Consent Order is hereby modified in its entirety and shall now read as follows:

H. Notices and Submittal

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 Plaintiff

Kathryn A. Pamerter
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 69 W. Washington Street, Suite 1800
 Chicago, Illinois 60602

Mark V. Gurnik
 Assistant Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

UNOFFICIAL COPY

Calvin Harris
Illinois Environmental Protection Agency
Des Plaines Regional Office
9511 West Harrison Street
Des Plaines, Illinois 60016

As to Defendant

Thomas D. Lupo
Hinshaw & Culbertson LLP
222 N. LaSalle Street, Suite 300
Chicago, IL 60601

VIII. In light of the factors discussed in Paragraph III of this Agreed Modification to Consent Order, the Plaintiff and Mr. Meneghin agree to (a) provide a fully-executed copy of this Agreed Modification to Consent Order to the City of Chicago within five (5) days of it being entered by the Court and (b) contact the City of Chicago to attempt to avoid redundant legal proceedings.

IX. Mr. Meneghin hereby informs the Plaintiff that he is seeking to sell or otherwise transfer the Site. Without limiting Section II of the Consent Order, the Plaintiff agrees not to take unreasonable steps to block or hinder such a sale or transfer. Within seven (7) days of the entry of this Agreed Modification to Consent Order, Mr. Meneghin agrees to record a copy of (a) the Consent Order dated December 29, 2009 and (b) this Agreed Modification to Consent Order, with the Cook County Recorder's Office in the chain of title against the Site and to provide a file-stamped copy of the recorded Consent Order dated December 29, 2009 and Agreed Modification to Consent Order to the Plaintiff.

X. This Agreed Modification to Consent Order is incorporated by reference in the Consent Order.

XI. Except as modified herein, all of the other provisions of the Consent Order, including Supplemental Permit No. 2008-389-SP, remain in full force and effect.

XII. This Agreed Modification to Consent Order resolves the Verified Petition as against Mr. Meneghin.

UNOFFICIAL COPY

XIII. The Court retains jurisdiction for one year after entry of this Agreed Modification to Consent Order.

XIV. This Agreed Modification to Consent Order may be executed by the parties in one or more counterparts, all of which taken together, shall constitute one and the same instrument.

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

LISA BONNETT, Director

BY: Elizabeth Wallace
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: [Signature]
JOHN J. KIM
Chief Legal Counsel

DATE: 5/14/13

DATE: 5/17/13

UNOFFICIAL COPY

AGREED:

FOR THE DEFENDANT

LOUIS D. MENEGHIN

BY:

Margaret J. Kelly

His:

guardian

DATE: 5-31-2013

ENTERED
Judge Neil H. Cohen-2021
MAY 31 2013
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

ENTERED:

Neil H. Cohen
JUDGE

DATE:

5.31.13

Property of Cook County Clerk's Office

UNOFFICIAL COPY

WW

EXHIBIT 1

WW

Property of Cook County Clerk's Office

UNOFFICIAL COPY**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-8276 - (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: ~~2008-389-SP~~
 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, 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

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-1000
 ELGIN - 195 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
 LAW OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
 COLLINGSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120 • MANTON - 2309 W. Main St., Suite 116, Manton, IL 62859 - (618) 993-7200

PRINTED ON RECYCLED PAPER

UNOFFICIAL COPY

Page 2

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 I.A.C. 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.

UNOFFICIAL COPY

Page 3

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.

UNOFFICIAL COPY

Page 4

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

UNOFFICIAL COPY

Page 5

- 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.

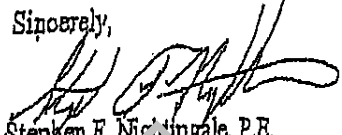
Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural 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

UNOFFICIAL COPY

Page 6

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

SFN:KBS:m1s\091601e.doc
c-32-27

Attachment: Standard Condition

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

- boc: Bureau File
- Des Plaines Region
- Bur Elson
- Hope Wright
- Gwenyth Thompson
- Peter Orlinaky
- Kenn Smith

Cook County Clerk's Office

UNOFFICIAL COPY

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) grant 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.

UNOFFICIAL COPY

- c. 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.

UNOFFICIAL COPY

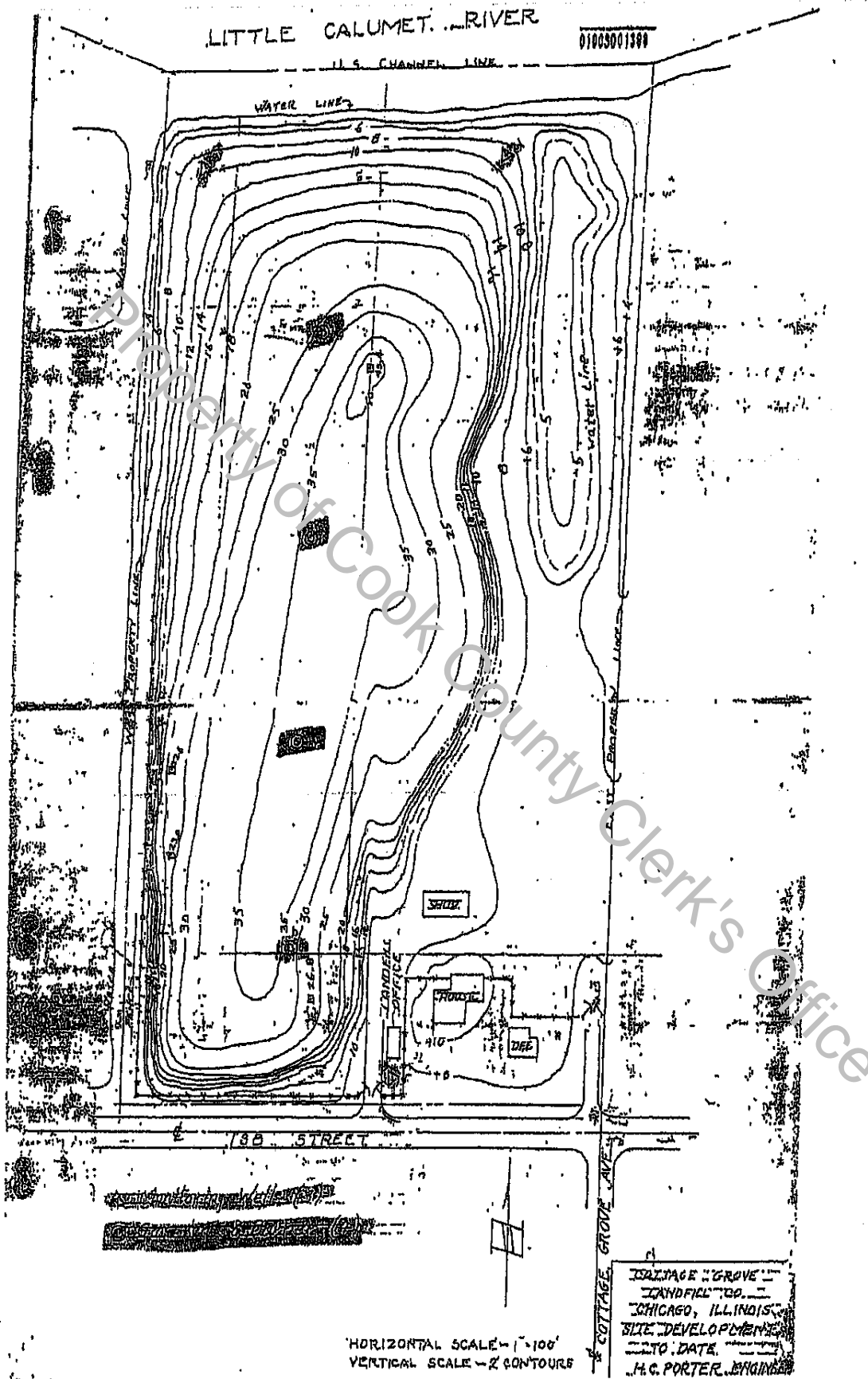
WW

EXHIBIT 2

Property of Cook County Clerk's Office

WW

UNOFFICIAL COPY



UNOFFICIAL COPY

W W W

Property of Cook County Clerk's Office

EXHIBIT 3

W W W

UNOFFICIAL COPY



Illinois Environmental Protection Agency P. O. Box 19276, Springfield, IL 62794-9276

Refer to: Site No. Q370690005 - Cook County
Cottage Grove/Cottage Grove Landfill
Permit Nos. 1976-24-DE and 1976-24-OP
Supplemental Permit No. 1990-003-SP
Log No. 1990-003
Permit File

April 2, 1990

ATTACHMENT A
WATER MONITORING PROGRAM

1. The following monitoring points are to be used in the water monitoring program for this facility. These monitoring points supersede all previously required monitoring points and represent the entire list of monitoring points now required for this facility.

<u>Applicant Designation</u>	<u>Agency Designation</u>
G101	*+G101
G102	*G102
No. 1	#+G103
No. 2	#G104
No. 3	#G105

- + represents upgradient monitoring point(s)
represents monitor point(s) added to the monitoring program
* represents monitor point(s) deleted from the monitoring program

2. All wells deleted from the monitoring program shall be plugged and abandoned in accordance with the procedures attached to this permit letter. Well plugging and abandonment methods and certification shall be submitted to the following address within 60 days after the wells are removed from the monitoring program.

Illinois Environmental Protection Agency
Compliance Section
Division of Land Pollution Control -- #24
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

3. The concentrations or values of the following parameters in the water samples shall be determined and reported quarterly for a period of at least three (3) years.

UNOFFICIAL COPY



Illinois Environmental Protection Agency

P. O. Box 14276, Springfield, IL 62794-9276

Page 2

<u>Constituent</u>	<u>STORET Number</u>
COD Low Level MG/L	00335
Temp. of Water Sample DEG F (field measured, unfiltered)	00011
Specific Conductance (SC) UMHOS (field measured, unfiltered)	00094
pH STD. UNITS (field measured, unfiltered)	00400
Elevation of GW Surface FT. REF MSL	71993
Depth to Water FT. BELOW LS	72019
*Well Depth Elevation FT. REF MSL	72020
Depth to Water from Measuring Point FT.	72109
Total Alkalinity, as CaCO ₃ MG/L Lab	00410
Ammonia (NH ₃ +NH ₄) as N, Diss MG/L	00608
Nitrate-Nitrite N, Diss MG/L	00631
Cyanide CN, Total (unfiltered), MG/L	00720
Sodium Na, Diss MG/L	00930
Chloride Cl, Diss MG/L	00941
Sulfate SO ₄ , Diss MG/L	00946
Fluoride F, Diss MG/L	00950
Arsenic As, Diss UG/L	01000
Barium Ba, Diss UG/L	01005
Boron B, Diss UG/L	01020
Cadmium Cd, Diss UG/L	01025
Chromium Cr, Diss UG/L	01030
Iron Fe, Diss UG/L	01046
Lead Pb, Diss UG/L	01049
Manganese Mn, Diss UG/L	01056
Nickel Ni, Diss UG/L	01065
Silver Ag, Diss UG/L	01075
Zinc Zn, Diss UG/L	01090
Selenium Se, Diss UG/L	01145
Phenols, Total (unfiltered) UG/L	32730
Residue on Evaporation (ROE) MG/L (180 deg. C)	70300
Mercury Hg, Diss UG/L	71890
Copper CU, Diss UG/L	01040

NOTE: Values for all constituents listed above (except temperature, Specific Conductance, pH, Total Organic Carbon, cyanide, and phenols) are to be determined from a sample that has been field filtered through a 0.45 micron filter membrane.

*Elevation, as referenced to mean sea level (MSL), of the bottom of each monitoring well (STORET 72020), is to be reported at least annually. The mandatory measurement must be taken during the months of April or May and reported by July 15.

UNOFFICIAL COPY

Illinois Environmental Protection Agency • P. O. Box 19276, Springfield, IL 62794-9276

Page 3

Surveyed elevation of stick-up is to be reported when the well is installed (with as-built diagrams) and every two years, or whenever the elevation changes.

4. In addition to the requirement that three (3) copies of quarterly groundwater monitoring chemical analysis forms be mailed to the Agency as outlined on page 3 of the attached permit, each quarterly monitoring analysis report shall be mailed within seven days after completion of the analyses to the attention of:

Regional Manager
Northern Region Office
Division of Land Pollution Control
Illinois Environmental Protection Agency
1701 South First Street
Maywood, Illinois 60153

5. In the event that the groundwater monitoring sample results show that the levels of the parameters required to be tested exceed legally acceptable levels as defined in the Act and regulations promulgated thereunder, the operator shall continue to sample the wells and report the results to the Agency as described in items 3 and 4 and the attached supplemental permit for an additional period of three years.
6. The first quarterly samples shall be collected during the months of July-August, 1990 and the results submitted to the Agency by October 15, 1990.
7. The schedule for sample collection and submission of quarterly monitoring results is as follows:

<u>Results Due to the Agency by:</u>	<u>Samples to be Collected During the Preceding Months of:</u>
15th of January	October -- November
15th of April	January -- February
15th of July	April -- May
15th of October	July -- August

8. The water monitoring instruction packet enclosed must be utilized in sampling and reporting under your approved water monitoring program.

KS/kja:1151n/21-23

Enclosure.

UNOFFICIAL COPY

Refer to: 0310690005--Cook County
 Cottage Grove Landfill
 Permit Nos. 1976-24-DE and 1976-24-OP
 Supplemental Permit No. 1990-003-SP
 Log No. 1990-003

April 2, 1990

ATTACHMENT B Water Monitoring Program

Ground Water Monitoring Conditions

Construction of groundwater monitoring wells must conform to the special conditions below and the "Diagram of Monitoring Well Construction", attached hereto and incorporated herein by reference.

1. Within sixty days of installation of any monitoring point, boring logs and as-built diagrams shall be submitted to the Agency, utilizing the enclosed "Well Completion Report" form. Complete one sheet for each well installed pursuant to this permit. As-built diagrams, for each monitoring point installed, shall include horizontal location to the nearest 0.1 foot (grid coordinates), the type and inner diameter of casing material used, type and length of screen packing material used, type and length of seals used, type of backfill used, finishing details, groundwater levels, elevation of stick-up (top of casing), ground surface elevation, bottom elevation, interval screened, screen slot size and depth. All elevations or levels are to be measured and reported to the nearest 0.01 foot MSL.
2. If replacement of any monitor point becomes necessary, the Agency shall assign a new designation to the point. Agency designations are non-transferable.
3. All borings/wells not used as monitoring points shall be backfilled in accordance with the attached IEPA monitor well plugging procedures.
4. For new or replacement wells, the annular space (the space between the bore hole and the well casing) for a distance of two to three feet above the top of the screen must be sealed with a bentonite or an expanding cement grout (as above), to minimize contamination of samples and the groundwater. Above this, an expanding concrete grout plug shall be placed to a point above the ground surface, and be sloped away from the well casing so that surface water will be diverted away from the well casing and bore hole.
5. A padlocked protective cover must be installed over the portion of the well casing extending above the ground surface to protect against damage to, and tampering with, the well.
6. Wells shall be easily visible and identified with the Agency monitoring point designation.
7. All monitoring points shall be maintained such that a sample may be obtained.
8. Should any well become consistently dry or unserviceable and therefore require replacement, a replacement well shall be provided within ten (10) feet of the existing well. This well shall monitor the same zone as the existing well and be constructed in accordance with the current IEPA groundwater monitor well construction standards at the time that the wells are replaced. These standards are available from the Compliance Section. As-built diagrams and boring logs are to be submitted to the Compliance Section within 30 days following installation of the well. New wells which are more than ten (10) feet from the existing well or which do not monitor the same geologic zone must be approved by the Permit Section via a Supplemental Permit.

SAS:rd/sp1843/1

UNOFFICIAL COPY

Exhibit "A"
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

Property of Cook County Clerk's Office