

**Indiana Recycling doing business as Illinois Recycling and Renewable Fuels
Illinois EPA response to written comments
October 6, 2011**

1. Request for an Environmental Justice Analysis.

The Illinois EPA performed a demographic analysis of the community surrounding the proposed source and determined that it met the criteria of a potential environmental justice (EJ) community as defined by the Illinois EPA's Public Participation Policy. Per Illinois Environmental Protection Act ("Act") and Illinois Pollution Control Board ("Board") regulations, a public notice and comment period was not required nor did the project trigger the Illinois EPA's EJ Public Participation Policy. (www.epa.state.il.us/environmental-justice/public-participation-policy.pdf). However, given significant public interest expressed in the project, which included correspondence received from South Suburban Citizens Opposed To Polluting Our Environment ("SS-COPE"), and its location in a potential EJ community, the Illinois EPA elected to hold a public availability session. Therefore, while the project did not trigger the Illinois EPA's EJ Public Participation Policy, the Agency provided enhanced public participation in the spirit of the Illinois EPA's EJ Policy (www.epa.state.il.us/environmental-justice/policy.html) and United States Environmental Protection Agency's ("USEPA") EJ policies and guidance concerning public outreach (for example, see www.federalregister.gov/articles/2006/03/21/06-2691/title-vi-public-involvement-guidance-for-epa-assistance-recipients-administering-environmental). Lastly, the Illinois EPA created a page on its website dedicated to Illinois Recycling and Renewable Fuels, LLC ("Illinois Recycling") with links to relevant documents thereby creating a comprehensive and convenient reference source for information related to permitting of the facility.

The Illinois EPA considered comments submitted prior to, during, and after the public availability session. The Illinois EPA received several comments expressing concern over the potential for odors impacting residents near the source. As a result, the Illinois EPA Bureau of Air ("BOA") revised condition 6 of the construction permit. Specifically, the BOA construction permit now requires Illinois Recycling to implement the odor prevention activities and procedures identified in the permit application. Revised condition 6 is more stringent than condition 6 in the draft permit. Importantly, the Illinois EPA Bureau of Land ("BOL") permit requires a community relations plan consistent with 35 Ill. Adm. Code Part 1600 to facilitate prompt reporting of odors to the source so that it can expeditiously respond.

2. Noise

Title VI of the Illinois Environmental Protection Act prohibits nuisance noise. Noise from the facility is addressed in the following manner: the primary and secondary shredders are located in sound dampening rooms; the large fans have air intake silencers, and all processing occurs within the buildings where a sound dampening effect occurs because of building walls, i.e. concrete and steel barrier walls in the storage rooms and insulated sheet metal walls in the other process rooms. The permit requires that the best available technology (mufflers, berms and other

sound shielding devices) be employed to minimize equipment noise impacts on property adjacent to the site.

3. Truck and train traffic

The emissions from the trucks bringing materials to and from the plant, including idling of truck engines at the plant, are not figured in to the permitted emissions of the plant. The trucks serving the plant would be mobile sources, so their tailpipe emissions should not be included in the construction permit for the proposed plant, which addresses emissions from the plant itself (e.g., the boilers, fuel handling, etc.). Emissions from mobile sources are addressed as part of transportation planning, separately from the permitting of stationary sources. Mobile sources, including cars and trucks, are subject to federal regulations adopted by USEPA that are lowering emissions from this source sector as existing vehicles are replaced with new vehicles that are designed to comply with more stringent emission standards. The Illinois EPA must account for the emissions from mobile sources when developing Illinois' plans to bring the Greater Chicago area into compliance with all air quality standards.

Other concerns related to truck traffic such as the volume or routing of traffic are issues enforced by the local government and may be considered during the local siting approval under Section 39.2 of the Act.

4. Odor

The BOL application included an odor control plan. This plan includes measures, such as quick handling, segregating specific wastes, rejecting odorous loads and using masking agents. These measures are generally effective in managing expected odors at other transfer stations within the Illinois EPA's experience. The facility itself will be operating under negative pressure so that the air inside the buildings will be drawn through the air pollution equipment to ensure the areas, such as the processing area, likely to produce odors have atomized deodorizing sprays. The BOL permit also requires the delivery trucks to be enclosed and covers may not be removed until the truck reaches the tipping floor. Process residues and recycled materials will be loaded into transfer vehicles with covers and hauled from the site as they are filled. Acceptable waste and refuse derived fuel are handled on a "first-in" basis.

As discussed above, the BOA construction permit requires Illinois Recycling to implement the odor prevention activities and procedures identified in the permit application. The required odor prevention activities and procedures include storing materials under a roof and out of direct sunlight; removing materials from the site as soon as possible on a "first-in", "first-out" basis; good design and housekeeping; and use of deodorizing sprays into baghouse airstreams and other locations as needed.

Despite the odor control plan, there may be instances when odors are a problem. To account for this, the BOA has enhanced Condition 6 in the BOA permit requiring Illinois Recycling to take action if odor becomes a nuisance and BOL has included condition 18 in the BOL permit

requiring the facility to develop a Community Relations Plan and to establish an odor complaint hotline. The BOL condition requires the facility to keep records of complaints along with the description of the specific operating conditions that existed during the time of the complaint. This includes their evaluation of the odor potential at the time and any corrective action they took. These records are required to be maintained and available for immediate review by Illinois EPA staff. In addition to any complaints the Regional office receives, this recordkeeping requirement should give an adequate representation of the severity and frequency of off-site odors and give the Agency indication as to whether enforcement action needs to be pursued.

5. Rodents and other vectors

BOL permit requires that a vector control specialist routinely inspect the facility and take vector control measures as necessary. Also, the facility operator must conduct a daily inspection and cleanup of the plant grounds for any litter, spillage or other foreign material that may occur and clean the tipping floors daily.

6. Does Illinois Recycling and Renewable Fuels have commitments from other national facilities to operate this facility since this is a first time venture for this company?

The Illinois EPA does not have information regarding commitments from other national facilities to operate this facility. The permitted operator is Illinois Recycling and Renewable Fuels and the company would be required to modify the BOL permit before anyone else can assume the responsibilities of the operator.

7. If the facility is given a construction permit it will be allowed to operate for more than a year without getting an operating permit. Geneva Energy has operated for 15 years without getting a construction permit.

The source now known as Geneva Energy, for many reasons, has operated sporadically over 15 years since it was issued its first construction permit. The sporadic operation has limited Illinois EPA's action on the pending application for an operating permit. Rather the Illinois EPA has issued multiple construction permits or revised construction permits addressing emissions and establishing methods to demonstrate compliance. Geneva currently operates pursuant to the terms and conditions of the last issued construction permits.

The Illinois Recycling construction permit authorizes operation for purposes including testing and for a limited one year period after operation begins. Illinois Recycling will have to demonstrate compliance through testing and apply for and obtain an operating permit in order to continue to operate in compliance with the Act and the regulations established there under. Specifically, Illinois Recycling must apply for a Federally Enforceable State Operating Permit ("FESOP"). In order to obtain a FESOP, Illinois Recycling must demonstrate that it is in compliance with all applicable construction permit conditions, the Act and applicable regulations.

8. Procedures to exclude hazardous waste

The facility is not permitted to accept hazardous waste. Part of the procedures to prevent the accidental acceptance of hazardous waste include signage at the entrance stating what wastes are unacceptable. The facility is permitted to take only household wastes and commercial waste, not waste from an industrial process. All haulers will be included in an inspection program that includes inspecting random vehicle loads by dumping and checking for non-acceptable waste. All haulers are required to sign a certification that, to the best of their knowledge, the waste haulers loads do not contain hazardous waste. The permit requires the operator to report any incident where the facility receives hazardous waste to the Illinois EPA within 48 hours. Haulers who knowingly bring hazardous waste or continue delivering unacceptable waste will be banned from delivering waste to the facility.

9. Proximity to a school

Setbacks requirements are dictated by the Act in Section 22.14 for garbage transfer stations. The Act establishes that a garbage transfer station may be no closer than 800 feet from the nearest property zoned for primarily residential use in counties of at least 3,000,000 inhabitants. There are no specific setbacks in relation to a school established in the Act.

10. Local Siting Approval

Comment two from the Chicago Legal Clinic's comments dated September 8, 2011 argues that the local siting approval granted by the City of Chicago Heights was for a different type of facility than the facility proposed in the permit applications submitted to the Agency. The facility proposed in the permit applications would accept municipal solid waste from off-site and process the material into a refuse derived fuel, making it a solid waste transfer station and a treatment facility. The permit applicant submitted a Certification of Siting Approval signed by the City Clerk of Chicago Heights as proof of local siting approval. The Certification indicates that local siting approval was granted for waste transfer and waste treatment. The Certification further indicates that Chicago Heights did not impose any conditions on siting approval. Likewise, the copy of the Chicago Heights Resolution No. 2009-15 included in an appendix to the BOL permit application does not contain any conditions or qualifications on local siting approval. The permit applicant has provided proof of local siting as required under Section 39.2(c) of the Act.

11. If Illinois Recycling possesses no current ownership, or has not acquired the necessary approvals from other authorities that possess jurisdiction, Illinois EPA should not proceed to permitting because the project is simply too speculative.

As part of the standard conditions attached to all BOA construction permits, it is stated that the issuance of the air permit 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.

In addition, the BOA construction permit is valid for only one year. As such if Illinois Recycling does not begin construction on the facility within a year of the issuance of the air construction permit, the air construction permit becomes invalid.

12. Why was a draft of the Bureau of Land Solid Waste Permit not available during the comment period?

The BOL did not provide a draft permit during the comment period because the BOL permit application was still under review. Regardless, the application submitted by Illinois Recycling to the BOL was made easily accessible both at a local repository and electronically on the Illinois EPA website. In addition, the Illinois EPA held a public meeting in Chicago Heights with BOL staff in attendance to explain the project, BOL review and answer questions about the project. This level of outreach afforded the public the opportunity to gather information to make informed comments about the project. The information in comments provided by the public affected the permitting decision including the terms of the issued BOL permit. For example, as a result of your comments, a condition has been included in the BOL permit to address concerns about odor.

13. Senate Bill 2288 should not be approved

The Illinois EPA does not have authority over passage of bills in the General Assembly or whether those bills are signed into law by the Governor. For informational purposes, Governor Quinn vetoed Senate Bill 2288 on August 26, 2011.