



PERMIT NO. DS2007107
DATE: July 26, 2007

State of Illinois
Department of Natural Resources, Office of Water Resources

Permission is hereby granted to:

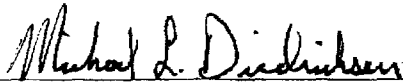
TOWN & COUNTRY UTILITIES, INC.
1620 EAST CHICAGO AVENUE
EAST CHICAGO, INDIANA 46312

to develop a landfill and ethanol plant within the Minnie Creek floodplain involving placing fill and excavating in the floodplain, modifying the creek channel, excavating a relief channel, constructing 3 Conspan culvert crossings of the relief channel, and modifying the inlet of the existing CNIC Railroad bridge over Minnie Creek in Section 25, Township 30 North, Range 14 West of the 3rd Principal Meridian in Kankakee County,


in accordance with an application dated November 17, 2007, and the plans and specifications entitled:

MINNIE CREEK STUDY, KANKAKEE, IL
(Sheets 1 - 6, Dated 7/9/07).

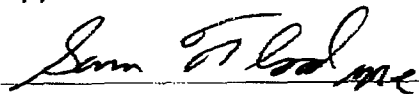
Examined and Recommended:


Michael L. Diedrichsen, Acting Manager
Downstate Regulatory Programs

Approval Recommended:


Gary R. Clark, Director
Office of Water Resources

Approved:


Sam Flood, Acting Director
Department of Natural Resources

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) This permit is granted in accordance with the Rivers, Lakes and Streams Act "615 ILCS 5."
- 2) This permit does not convey title to the permittee or recognize title of the permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the activity or any part thereof will be located, or otherwise grant to the permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
- 3) This permit does not release the permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.
- 4) This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approvals from any federal or other state agency to do the work, this permit is not effective until the federal and state approvals are obtained.
- 5) The permittee shall, at the permittee's own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project. If the permittee fails to remove such structures or materials, the Department may have removal made at the expense of the permittee.
- 6) In public waters, if future need for public navigation or other public interest by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or the permittee's successors as required by the Department or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
- 7) The execution and details of the work authorized shall be subject to the review and approval of the Department. Department personnel shall have the right of access to accomplish this purpose.
- 8) Starting work on the activity authorized will be considered full acceptance by the permittee of the terms and conditions of the permit.
- 9) The Department in issuing this permit has relied upon the statements and representations made by the permittee; if any substantive statement or representation made by the permittee is found to be false, this permit will be revoked; and when revoked, all rights of the permittee under the permit are voided.
- 10) In public waters, the permittee and the permittee's successors shall make no claim whatsoever to any interest in any accretions caused by the activity.
- 11) In issuing this permit, the Department does not ensure the adequacy of the design or structural strength of the structure or improvement.
- 12) Noncompliance with the conditions of this permit will be considered grounds for revocation.
- 13) If the construction activity permitted is not completed on or before December 31, 2010, this permit shall cease and be null and void. When all work is constructed, the permittee shall notify the Department so that a final inspection can be completed.

THIS PERMIT IS SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- a. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
- b. To preserve the creek's flood carrying capacity, the compensatory flood conveyance and storage provided by the relief channel and floodplain excavation shall be maintained by the permittee and the permittee's successors in perpetuity. Maintenance shall include removing sediment from the culverts, channel and excavated floodplain when sediment accumulates to more than 6 inches above the elevations noted on the approved plans. Excavated material shall be removed from the floodplain.