

**RULES OF ORDER
FOR THE
PUBLIC HEARING ON THE
SITING APPLICATION OF PEORIA CITY/COUNTY LANDFILL INC.
PROPOSED EXPANSION OF THE PEORIA CITY/COUNTY LANDFILL
FACILITY**

Commencing on August 29, 2011, at 9:00 a.m.

Location:

**Grand Hotel
4400 N. Brandywine Drive
Peoria, Illinois 61614**

RULES OF ORDER

PUBLIC HEARING ON THE

PROPOSED EXPANSION OF THE PEORIA CITY/COUNTY LANDFILL FACILITY

A. Introduction

On May 18, 2011, Peoria City/County Landfill Inc's. application requesting local siting approval for an expansion of the Peoria City/County Landfill was filed with the Peoria County Clerk. The applicant is a separately incorporated affiliate of Peoria Disposal Company, 4700 N. Sterling Avenue, Peoria, Illinois. The Peoria City/County Landfill facility is located at 11501 W. Cottonwood Road, Brimfield, Peoria County, Illinois. The Peoria City/County Landfill is presently permitted by the Illinois Environmental Protection Agency to accept municipal and non-hazardous special waste. The application is for an expansion of the existing landfill consisting of a stand alone disposal unit of approximately seventy eight (78) acres more or less. If granted, the expansion would add approximately 13,450,000 cubic yards of disposal airspace to the existing facility. In addition, a waste storage and waste transfer station consisting of a citizens' convenience center encompassing approximately four (4) acres is proposed which would include a waste and recycling drop-off facility for cardboard, newspaper, office paper, commingled containers, yard waste, white goods, tires, pallets, clean wood, electronics, used oil, household hazardous waste, and other wastes. The application states the proposed expansion would increase the projected life of the facility by approximately thirty two (32) years.

Under the Illinois Environmental Protection Act, the responsibility for acting upon the Application is vested with the Peoria County Board. The Peoria County Pollution Control Facility Siting Ordinance (Sec. 7.5-31 et seq.) requires the Peoria County Regional Pollution Control Site Hearing Committee (the "Committee") conduct the Application review process and provide a recommendation to the full Peoria County Board specifying whether the Application should be approved or rejected, or approved with conditions. A Public Hearing is required in connection with the Application review process.

Set forth below are Rules of Order that will govern the Public Hearing. The Rules of Order were developed pursuant to the Peoria County Pollution Control Facility Siting Ordinance (Sec. 7.5-41(F)) and the Illinois Environmental Protection Act (415 ILCS 5/39.2). Individuals are encouraged to refer to the ordinance, as amended, and the Act.

Note that the daily scheduling referenced below cannot be predicted with any certainty in advance of the Public Hearing, and therefore is only a suggestion of what to expect.

B. Order of Public Hearing Testimony

1. Opening of Public Hearing by the Committee Chair.
2. Introduction and Explanation by the Committee Chair of: (a) the Purpose of Public Hearing, (b) the Public Hearing Rules of Order, and (c) Order of Public Hearing Testimony.
3. Opening Statement by the Applicant, and then by a representative of the Health Department, the County Staff, and Citizen Groups or Objectors or their counsel.
4. Day 1 – Presentation by Applicant through the testimony of witnesses. Cross-examination and questions will occur at the conclusion of the presentation or testimony of each witness. If a witness testifies on more than one criterion, cross-examination and questions will be allowed at the conclusion of the testimony of the witness on each criterion, subject to the discretion of the Committee Chair (no questions or cross examination will take place during the direct testimony or presentation by a witness).
5. Day 2 – Further presentation of witnesses by Applicant, and questions and cross examination of each Applicant witness (if necessary), followed by testimony or presentation of the Health Department, County Staff or consultants retained by the county, and then followed by presentation of experts by objectors, representatives of governing municipalities, groups and citizens. Testimony or presentation by each witness will be followed by questions and cross examination of that witness. **Opportunity for Public Comment follows all testimony and cross examination.**
6. Day 3* – If Necessary. Further testimony, questions and cross examination on Applicant’s presentation (if necessary), and testimony or presentation of experts by others, including opponents, groups and citizens, followed by questions and cross examination of each witness. Opportunity for Public Comment will follow.
7. Day 4* – If necessary. Opportunity for Public Comment (if necessary), Committee Chairperson or Hearing Officer closes Public Hearing.

* **NOTE:** The Public Hearing will be continued to Day 3 and Day 4 only if necessary to accommodate all witnesses and Public Comment. The County anticipates closing the Public Hearing at the earliest possible time when there are no more individuals wishing to testify and/or provide Public Comment. Therefore, it is possible, if not likely, that the Public Hearing will be concluded before Day 3 and/or Day 4, in which case there will be no Public Hearing on those dates.

C. Testimony and Public Comment at Public Hearing

1. All testimony shall be under oath or affirmation.

2. During Applicant's presentation of a witness and during County Staff or Opponents' presentation of a witness, questions or cross examination shall be provided first to other parties represented by counsel; provided the Committee reserves the right to ask questions for clarification purposes at the conclusion of questions or cross examination of each witness by other participants.
3. Representation. Any person may appear personally on their own behalf, by an attorney licensed in the State of Illinois, or by an authorized representative at the Public Hearing. An "authorized representative" shall include the following:
 - a. An officer of a corporation who presents a duly executed resolution of the Board of Directors authorizing the officer to act in a representative capacity at the Public Hearing;
 - b. A general partner of a partnership;
 - c. A natural person who is authorized by a group or organization to represent the group or organization at the Public Hearing. An authorized representative must file proof of authorization with the Clerk at least three (3) days prior to the start of the Public Hearing. There shall be no particular form required, however all authorizations must clearly identify the group or organization represented (name, address, and phone number), the authorized representative (name, address, and phone number), be signed by an officer, director or board member of the group or organization represented, and specify that the representative has the authority to act on behalf of the group or organization at the Public Hearing.

A duly registered authorized representative shall exercise the rights of a participant at the Public Hearing on behalf of the group or organization, including the right to present evidence or testimony, the right to cross examine witnesses, the right to provide Public Comment, and the right to receive notices, subject to the control of the Committee Chair or Hearing Officer. Authorized representatives shall be permitted to ask questions and cross examine witnesses, present witnesses and testimony, and otherwise act in the order they register, and following registered attorneys. Any action or inaction of an authorized representative shall be deemed to be action or inaction of the group or organization represented.

4. Any attorney appearing on behalf of a client or clients (whether the client is a business, group or individual) shall complete an Attorney Registration Form setting forth the identity of the client, and the attorneys' name, business address, and business telephone number. During question and cross examination periods, attorneys shall be permitted to ask questions and cross examine witnesses in the order they return the Attorney Registration Form to the County Clerk. The Attorney Registration form will be available from the County Clerk and serves as notification of intent to present testimony and/or evidence, which Form must be filed with the Clerk.
5. Any person wishing to participate in the hearing process, other than merely as an observer, shall complete a Registration Form setting forth their name, address, and daytime telephone number. The Registration Form will be available from the County

Clerk and serves as notification of intent to present testimony and/or evidence, which Form must be filed with the Clerk prior to the start of the first day of the Public Hearing under the ordinance, as amended. The Registration Form will also be available at the Public Hearing for those wishing to provide Public Comment. Individuals may be permitted, subject to the discretion of the Committee Chairman, to ask questions after any registered attorneys have asked questions, and individuals will be called to testify or provide Public Comment in the order they return the Registration Form.

6. The Committee and/or Hearing Officer reserve the right to limit and/or control questions, comments and cross examination to prevent argumentative comments, personal attacks, maintain order and decorum during the Public Hearing, and to prevent cumulative, repetitive or irrelevant material.
7. After the conclusion of the questioning and cross examination of Applicant's witnesses, and any testimony or witnesses of the Health Department, the County Staff or consultant retained by the county, any opponents to the application who are represented by an attorney or attorneys shall be permitted to present witnesses and testimony (subject to the registration requirements above). After the conclusion of such testimony by each witness, the witness may be questioned and/or cross examined in the same fashion as the applicant's witnesses were questioned (i.e., at the conclusion of the testimony of each witness on each criterion).
8. After the conclusion of the questioning and cross examination of witnesses presented by opponents represented by attorneys, any individuals wishing to provide testimony and be subject to questioning and cross examination, may testify, provided notification or a Registration Form has been timely filed with the County Clerk. All testimony must be based upon personal observation or knowledge and/or be qualified as expert opinion testimony by the Committee Chairman.
9. All persons desiring to present testimony and/or evidence at the Public Hearing (other than Public Comment) must first submit written notification of said intent to the County Clerk on or before Friday, August 26, 2011. Said notification shall be made by the filing of the Registration Form attached hereto and/or available from the County Clerk. The Registration Form must be signed, and may be filed with the County Clerk in person, by fax, by regular mail, or by e-mail, provided that the form must be actually received by the Clerk on or before Friday, August 26, 2011. All reports, studies, exhibits or other documents or items intended to be presented at the Public Hearing must be filed with the County Clerk on or before Friday, August 19, 2011.
10. After the conclusion of all testimony, questioning and cross examination, at the discretion and control of the Committee Chairman, individuals may be allowed to provide Public Comment.
11. During the Public Comment phase of the Public Hearing, any person appearing at the Public Hearing and wishing to make a comment shall have up to ten (10) minutes to make their comment regarding the application. Persons who wish to comment in excess

of the ten-minute period may comment for an additional ten minutes after all other Public Comment is complete. The comments will become part of the official public record. Public Comment may be based upon personal, non-expert, opinion and will not be subject to cross-examination by parties or counsel.

12. Any person who provides Public Comment and/or testifies will be required to state their name, address and telephone number where they may be reached during regular business hours.
13. The Peoria City/County Health Department, Peoria County Engineer, Peoria County Administrator (or Staff), Peoria County State's Attorney, Peoria County Recycling and Resource Conservation Director and the Planning and Zoning Administrator, or representatives thereof, may ask questions of any person testifying.

D. Cross Examination/Questions at Public Hearing

1. The Committee Chair may allow persons at the Public Hearing to ask questions and/or conduct reasonable cross examination of any person testifying.
2. Attorneys representing the Applicant or any other party, group or persons at the Public Hearing may ask questions and/or conduct reasonable cross examination of any person testifying, but shall not be allowed to cross examine or question persons giving Public Comment.
3. The Committee Chair has the right to limit cross examination to prevent argumentative comments, personal attacks on other parties, to maintain order and decorum during the hearing process, and to prevent the admission of cumulative, repetitive or irrelevant material in the public record.
4. The Committee Chair, and any members of the Committee, may ask questions of any party or person testifying in order to clarify an issue, statement or fact.

E. Continuances

1. The Public Hearing is scheduled to begin on Monday, August 29, 2011 at 9:00 a.m. and to continue, only if necessary, as follows:

Tuesday, August 30, 2011	9 a.m. to 5 p.m.
Wednesday, August 31, 2011	9 a.m. to 5 p.m. (if necessary)
Wednesday, August 31, 2011	Reopen at 6 p.m. for public comment
Thursday, September 1, 2011	9 a.m. to 5 p.m. (if necessary)

2. If there is not enough time at these public hearings to allow all interested parties the opportunity to participate, the Public Hearing may be continued from time to time. The date, time and place for such continuance will be announced before the Public Hearing is adjourned.

3. The Public Hearing will conclude when there are no additional witnesses to testify and/or individuals to give Public Comment. It is possible, if not likely, the Public Hearing will conclude prior to presently scheduled closing times for the Wednesday, August 31, 2011 and Thursday, September 1, 2011 sessions. All interested persons wishing to provide testimony and/or Public Comment should plan on attending all sessions in order to ensure the ability to provide said testimony and/or comment at the Public Hearing or attend at 6 p.m. on Wednesday, August 31, 2011. Those individuals who miss the Public Hearing will have thirty (30) days after the close of the Public Hearing to provide written comments to the public record.
4. The Public Hearing and any continuances thereof will be held at the Grand Hotel, 4400 N Brandywine Drive, Peoria, Illinois, 61614.

F. Written Comments

1. Written comments on the Application may be filed with the Peoria County Clerk at the Peoria County Courthouse, 324 Main Street, Peoria, Illinois, 61602, by sending by regular U.S. mail, postage prepaid to the preceding address, and/or by sending by e-mail to **landfillpubliccomment@peoriacounty.org**. The written comments to be included in the public record for the County Board's consideration must be received by the County Clerk or postmarked no later than thirty (30) days after the date of the close of the Public Hearing.
2. All written comments filed with the County Clerk on or before the close of the Public Comment period (i.e., postmarked or filed no later than 30 days after the date of the close of the Public Hearing) will be included in the record of the proceedings, provided to the Committee and made available to the County Board for review and consideration. The Committee and the County Board will be directed to disregard any and all comments, communications or contacts which are not filed with the County Clerk and/or contained in the record of the Public Hearing.
3. Written reports, studies, exhibits or other evidence or copies thereof, other than testimony, which any person (other than the applicant or staff) desires to submit for the record at the Public Hearing must be filed with the County Clerk on or before August 19, 2011, (i.e., at least ten (10) days before the start of the Public Hearing).
4. It is anticipated that on September 8, 2011, at 4 p.m. or such other time within thirty (30) days of the close of the Public Hearing as the Committee may determine, the Committee may hold a public meeting for the sole purposes of receiving and hearing staff reports.
5. The County requests, to the extent possible, all reports, studies, exhibits or other written evidence, statements and comments be submitted in "pdf" format. It is the County's intent to include all properly filed items on the County website at www.peoriacounty.org. You may visit the website at any time to review the application, comments, documents,

exhibits, and hearing transcripts which are submitted into the record, as well as links to relevant websites and information regarding the siting process.

G. Committee Recommendation

1. After the close of the Public Comment period following the Public Hearing, the Committee shall meet to discuss and consider the record, and develop recommended findings of fact and to develop a recommendation to forward to the full Peoria County Board.
2. The Committee Meeting is tentatively set for October 13, 2011, at 4:00 p.m. in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois 61602. Final confirmation of the Committee Meeting will be mailed no less than three (3) days prior to the Committee Meeting to those requesting notice on the Registration Form.
3. At the Committee meeting, the Committee will discuss the Record, develop a recommendation to the County Board as to whether or not the application satisfies the siting criteria, and develop proposed findings of fact. Any interested party may submit during the first twenty (20) days of the Public Comment period following the close of the Public Hearing proposed findings of fact and recommendation for the Committee's consideration.
4. The Committee's meeting will be open to the public, but no further evidence, testimony or input from the parties or the public will be allowed. At the meeting, the Committee shall have the right to ask questions of County Staff, including any consultants hired by County Staff, in order to clarify any aspect of the Staff report, including any proposed findings of fact and/or proposed special conditions under consideration by the Committee.
5. At the conclusion of the Committee's meeting, the Committee will vote as to its recommendation on the application, including such special conditions, if any, the Committee finds may be reasonable and necessary. After the meeting, the Committee will submit its recommendation, conditions (if any), and proposed findings of fact, to the County Board.

H. County Board Decision

1. After the Committee delivers its recommendation, conditions (if any), and proposed findings of fact, to the County Board, the full County Board shall meet to act on the recommendation of the Committee.
2. The date tentatively set for the County Board meeting to act on the recommendation is November 10, 2011, at 6:00 p.m. in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois, 61602.
3. Pursuant to state law, the Committee's recommendation and the County Board's decision

shall be based exclusively on the record developed during the siting application review process. The record shall consist only of those items either filed with the County Clerk (or filed by e-mail) or presented at the Public Hearing. All communications should be directed to the County Clerk for filing in the public record. There should be no direct communications with the individual County Board Members outside of the Public Hearing procedures or the record kept by the County Clerk. The County Board will be directed to disregard any and all comments, communications or contacts which are not filed with the County Clerk and/or contained in the record of the Public Hearing.