

FILED

NOV 11 2011

R. STEVE SONNEMAKER
PEORIA COUNTY CLERK

AGENDA BRIEFING

COMMITTEE: Regional Pollution Control Site Hearing Committee

MEETING DATE: October 13, 2011 @ 3:00pm

ISSUE: To establish Findings of Fact and a Recommendation on Peoria City/County Landfill, Inc.'s application for local siting approval of a pollution control facility.

BACKGROUND/DISCUSSION:

On May 18, 2011, Peoria City/County Landfill, Inc ("PCCLI") submitted an application for local siting approval to expand the current City/County municipal waste landfill. Section 39.2 of the Illinois Environmental Protection Act outlines specific actions and time frames to accomplish those actions. Locally, Section 7.5 of the Peoria County Code identifies the items to be included in the application, addresses administrative process and responsibilities of staff members, and outlines the time frame for events to occur during the 180 day review period. Highlights of the review process include holding public hearings for the Applicant to present their case in chief as well as to allow opponents to cross-examine witness and offer their own testimony and evidence. An evening session was dedicated to hearing public comments, where 10 people spoke in favor of and against the proposed expansion. The public hearings commenced on August 29, 2011 and concluded on Wednesday, August 31. Upon conclusion of the public hearing, the County Code identifies that any written comment received by the County clerk or postmarked within 30 days shall be made part of the record. This window of opportunity ended September 30, 2011. A DRAFT Staff Report was submitted into the record on September 20 and distributed to Committee members and represented parties. This staff report included the findings from County employees and outside consultants hired to assist in the review. Consultants from Patrick Engineering; Jon Faletto, special assistant to the State's Attorney's Office; and County employees prepared the report that included recommendations of special conditions. A Supplemental Staff Report addressing materials submitted during the last week of the public comment period was prepared for the October 13 Regional Pollution Control Site Hearing Committee meeting.

One of the last steps in the review process is for the Regional Pollution Control Site Hearing Committee to hold a public review meeting to establish findings of fact and a recommendation concerning the site approval request to be forwarded to the full County Board for action.

During this process, all materials submitted into the record including PCCLI's application, evidence submitted prior and during the public hearings, transcripts, written public comment, and staff reports were scanned and downloaded onto Peoria County's website to allow the public (both locally and nationally) the opportunity to view materials at their convenience.

As co-owners of the current landfill, the City of Peoria and Peoria County established an Intergovernmental Agreement whereby appointing a committee to oversee the operations of this

facility. This committee, the City/County Landfill Committee, determined to pursue expansion of the municipal waste landfill. After a Request for Qualifications process and interviews with bidders, the Landfill Committee approved the proposal submitted by Peoria Disposal Company ("PDC"). PDC authorized a subsidiary, Peoria City/County Landfill Inc. as the entity overseeing the expansion.

COUNTY BOARD GOALS:



SAFE AND HEALTHY COMMUNITY

COMMITTEE ACTION: Resolution

PREPARED BY: Karen Raithel

DEPARTMENT: Recycling & Resource Conservation

DATE: October 7, 2011

FILED

NOV 11 2011

STEVE SONNEMAKER
PEORIA COUNTY CLERK

TO THE HONORABLE COUNTY BOARD)
)
COUNTY OF PEORIA, ILLINOIS)
)

RE: Siting Approval for the Proposed
Expansion of the Peoria City/County
Landfill

Your Regional Pollution Control Site Hearing Committee does hereby recommend passage of the following Resolution:

RESOLUTION

WHEREAS, on May 18, 2011, Peoria City/County Landfill, Inc. ("Applicant"), filed an application requesting local siting approval for a proposed new expansion of the existing Peoria City/County Landfill ("facility"); and

WHEREAS, under the Illinois Environmental Protection Act, 415 ILCS 5/1 et. seq. ("the Act"), the Peoria County Board must approve, approve with special conditions, or deny the proposed site location of said facility; and

WHEREAS, Section 39.2 of the Act specifies nine criteria that must be satisfied for local siting approval; and

WHEREAS, a public hearing concerning said facility was held from August 29th through August 31, 2011; and

WHEREAS, on October 13, 2011 your Committee deliberated concerning the evidence presented at the Public Hearing, the information included with the application requesting local siting approval, and the information submitted as public comments on the application or otherwise relevant to the statutory siting criteria; and

WHEREAS, on October 13, 2011, your Committee found certain facts relevant to the statutory siting criteria to have been established, determined that the application satisfied the statutory siting criteria with certain Special Conditions deemed reasonable and necessary to accomplish the purposes of the Illinois Environmental Protection Act, and recommended that the Peoria County Board approve the application subject to those Special Conditions; and

WHEREAS, the findings and determinations of your Committee were set forth in a written document designated "Proposed Findings of Fact and Recommendations" that was filed with the Peoria County Clerk and made available to the Peoria County Board on November 2, 2011, a copy of which is attached to this Resolution and incorporated herein by reference; and

NOW THEREFORE BE IT RESOLVED, by the Peoria County Board, after due consideration of the "Proposed Findings of Fact and Recommendations" of the Peoria County Regional Pollution Control Site Hearing Committee, all of the evidence from the public hearings, and the information and written comments filed in the Public Record for the local siting approval proceedings, that the Peoria County Board hereby approves the Applicant's request for local siting approval for the proposed expansion of the Peoria City/County landfill;

BE IT FURTHER RESOLVED, approval of the Applicant's request is made subject to all Special Conditions set forth in the "Proposed Findings of Fact and Recommendations" of the Peoria County Regional Pollution Control Site Hearing Committee.

RESPECTFULLY SUBMITTED,
REGIONAL POLLUTION CONTROL SITE HEARING COMMITTEE

Reviewed: NOVEMBER 10, 2011
Dated: APPROVED BY A ROLL CALL VOTE OF 14 AYES, WITH 4 ABSTENTIONS

FILED

NOV 11 2011

R. STEVE SONNEMAKER
PEORIA COUNTY CLERK

AGENDA BRIEFING

COMMITTEE: Regional Pollution Control Site Hearing Committee

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COUNTY BOARD GOALS:



SAFE AND HEALTHY COMMUNITY

COMMITTEE ACTION: Resolution

PREPARED BY: Karen Raithel

DEPARTMENT: Recycling & Resource Conservation

DATE: October 7, 2011

TO THE HONORABLE COUNTY BOARD)
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COUNTY OF PEORIA, ILLINOIS)
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RE: Siting Approval for the Proposed
Expansion of the Peoria City/County
Landfill

Your Regional Pollution Control Site Hearing Committee does hereby recommend passage of the following Resolution:

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WHEREAS, under the Illinois Environmental Protection Act, 415 ILCS 5/1 et. seq. ("the Act"), the Peoria County Board must approve, approve with special conditions, or deny the proposed site location of said facility; and

WHEREAS, Section 39.2 of the Act specifies nine criteria that must be satisfied for local siting approval; and

WHEREAS, a public hearing concerning said facility was held from August 29th through August 31, 2011; and

WHEREAS, on October 13, 2011 your Committee deliberated concerning the evidence presented at the Public Hearing, the information included with the application requesting local siting approval, and the information submitted as public comments on the application or otherwise relevant to the statutory siting criteria; and

WHEREAS, on October 13, 2011, your Committee found certain facts relevant to the statutory siting criteria to have been established, determined that the application satisfied the statutory siting criteria with certain Special Conditions deemed reasonable and necessary to accomplish the purposes of the Illinois Environmental Protection Act, and recommended that the Peoria County Board approve the application subject to those Special Conditions; and

WHEREAS, the findings and determinations of your Committee were set forth in a written document designated "Proposed Findings of Fact and Recommendations" that was filed with the Peoria County Clerk and made available to the Peoria County Board on November 2, 2011, a copy of which is attached to this Resolution and incorporated herein by reference; and

NOW THEREFORE BE IT RESOLVED, by the Peoria County Board, that the "Proposed Findings of Fact and Recommendations" of the Peoria County Regional Pollution Control Site Hearing Committee are hereby approved and adopted by the Peoria County Board.

RESPECTFULLY SUBMITTED,
REGIONAL POLLUTION CONTROL SITE HEARING COMMITTEE

NOVEMBER 10, 2011
APPROVED BY A ROLL CALL VOTE OF 14 AYES, WITH 4 ABSTENTIONS

Reviewed:
Dated:

FILED
NOV 11 2011
R. STEVE SONNEMAKER
PEORIA COUNTY CLERK

**BEFORE THE PEORIA COUNTY BOARD
REGIONAL POLLUTION CONTROL SITE HEARING COMMITTEE**

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J. STEVE SONNEMAKER
PEORIA COUNTY CLERK

PROPOSED FINDINGS OF FACT AND RECOMMENDATIONS

The Proposed "Pollution Control Facility" For Which Siting Approval Is Requested

- The existing Peoria City/County Landfill facility is jointly owned by the City of Peoria and Peoria County.
- Ownership and operation of the City/County Landfill is subject to the current 1997 "Landfill Intergovernmental Agreement," which established the City and County Landfill Committee ("Landfill Committee") and assigned to the Landfill Committee the responsibility for oversight of landfill operations.
- The Landfill Committee also establishes policies and regulations for waste disposal at the City/County Landfill, administers those policies and regulations for specific waste streams, negotiates contracts for essential services, and conducts long-range planning.
- The Landfill Committee selected Peoria City/County Landfill, Inc. ("PCCLF"), an Illinois corporation, to site, design, construct and operate a new landfill facility that would expand the capacity of the existing City/County Landfill.
- A contract entered into between the County, City and PCCLI, known as the "Landfill Agreement," required PCCLI to make application for and obtain local siting approval for a proposed new landfill and associated facilities.
- In addition to the Landfill Agreement, PCCLI and Peoria County entered into a "Host Community Agreement" for the proposed Peoria City/County Landfill No. 3 which provides certain rights, benefits, and obligations to both Peoria County and the Applicant.
- As the Applicant requesting local siting approval, PCCLI satisfied the notice requirements of Section 39.2 of the Illinois Environmental Protection Act ("the "Act"), 415 ILCS §5/39.2(b), that it intended to file an Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3.
- On May 18, 2011, PCCLI filed an application requesting local siting approval for a "pollution control facility" subject to local siting review under Section 39.2 of the Act, 415 ILCS 5/39.2.
- PCCLI is the "Applicant."
- The proposed "pollution control facility" identified in PCCLI's Application includes an expansion of the existing Peoria City/County Landfill and an associated facility for acceptance of recyclable materials and for temporary storage of household chemical wastes.

- The expansion of the existing Peoria City/County Landfill, also referred to as “Landfill #3,” consists of a stand-alone disposal unit with a footprint of approximately 78 acres located immediately adjacent to the existing landfill facilities.
- The expansion proposes to add approximately 13,450,000 cubic yards of disposal capacity (capable of accommodating approximately 10,000,000 tons of solid waste).
- Pursuant to Section 39.2 of the Act, the legal authority for review of the application for siting approval and a determination to approve or disapprove the request is vested with the Peoria County Board.
- Section 39.2 specifies the criteria that must be considered by the County Board in its review of the Application for Local Siting Approval.
- In addition to the Environmental Protection Act, the Peoria County Pollution Control Facility Ordinance (Article II of Chapter 7.5) is applicable to review of requests for siting approval for pollution control facilities.
- Pursuant to ordinance, the Peoria County Regional Pollution Control Site Hearing Committee (“Site Hearing Committee”) was given the responsibility to conduct the application review process and provide a recommendation to the full County Board specifying whether the request for siting approval should be approved, approved with conditions, or denied.
- On August 10, 2011, the Applicant satisfied the notice requirements of Section 39.2 of the Act (415 ILCS §5/39.2(d)), that a public hearing on the “Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3” was to be held before the Site Hearing Committee, beginning on August 29, 2011.
- From August 29, 2011, through August 31, 2011, the Site Hearing Committee conducted a Public Hearing regarding the Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3.

Criterion 1: The facility is necessary to accommodate the waste needs of the area it is intended to serve.

- The permitted disposal capacity of Peoria City/County Landfill No. 2 is projected to be exhausted sometime in 2020.
- The service area for the proposed Peoria City/County Landfill No. 3, as defined by the Applicant, is Peoria, Fulton, Stark, and Knox counties, and the portion of Marshall County west of the Illinois River, in Illinois.
- There are only two permitted municipal solid waste landfills currently operating within the service area of the proposed Peoria City/County Landfill No. 3; one in Peoria County and one in Knox County.
- The Applicant provided expert testimony that there will be a disposal capacity shortfall of at least 15,446,000 tons from 2010 through 2051 in the service area without the development of additional landfill capacity.
- The proposed Peoria City/County Landfill No. 3 is anticipated to provide 10,079,000 tons of disposal capacity.
- The Applicant provided testimony that the proposed Peoria City/County Landfill No. 3 is anticipated to provide approximately thirty-two (32) years of additional disposal capacity.
- The "Host Community Agreement" between Peoria County and the Applicant includes a "Capacity Guarantee" which requires the Applicant to provide the County with disposal capacity at the proposed Peoria City/County Landfill No. 3 for the disposal of all solid wastes and special wastes which are not defined as Hazardous Waste, i.e. "non-hazardous solid waste," which are generated within Peoria County, provided that the Applicant is permitted to receive said non-hazardous solid waste.
- There are no Household Chemical Materials ("HCM") facilities within the service area defined by the Applicant for the proposed Peoria City/County Landfill No. 3 and the proposed HCM facility.
- A feasibility study prepared for the County of Peoria in 2009 recommended the development of a permanent household collection facility in the County.
- At the hearing on August 30, 2011, Phillip Kowalski of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.
- In his report included in the Application and in his testimony at the Public Hearing, Mr. Kowalski rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is necessary to accommodate the waste needs of the area it is intended to serve.

- Mr. Neil Seldman provided expert testimony at the Public Hearing regarding the benefits of recycling as well as various types and methods of recycling.
- Representatives and members of the Peoria Families Against Toxic Waste (PFATW) and Heart of Illinois Group Sierra Club (HOIGSC) provided public comment and testimony at the Public Hearing that criticized some of the methodologies utilized by the Applicant and the findings of Applicant's expert witness. Tracy Meints-Fox of PFATW provided testimony demonstrating the sensitivity of the Applicant's Mr. Kowalski's methodology to different assumptions.
- PFATW and HOIGSC did not, however, present independent studies, either prior to or at the Public Hearing, that established an alternative methodology demonstrating a smaller disposal capacity shortfall.
- After the close of the Public Hearing Mr. Seldman submitted written public comments in the form of a written report. As public comments, Mr. Seldman's report was not subject to cross-examination and cannot be afforded the same level of credibility as testimony subjected to cross-examination during the Public Hearing.
- Mr. Seldman's report included two scenarios that would result in a disposal capacity need of less than seven million tons; however, both scenarios require Peoria County to achieve first a 75% recycling rate in the year 2021 and then an 85% recycling rate in the year 2041 with other counties in the service area achieving recycling rates of between 9.4% and 38%.
- The current Peoria County Solid Waste Management Plan does not expect to achieve recycling rates of 75 to 85%, and no credible evidence in the record demonstrates that it is probable that Peoria County will achieve such admirably high recycling rates.
- In public comments submitted September 30, 2011 the Applicant indicated that the disposal capacity shortfall for the year 2020 plus 25 years would be 11,299,000 tons.
- The proposed Peoria City/County Landfill No. 3 and the HCM are necessary to accommodate the waste needs of the area it is intended to serve.

Recommendations:

The Committee finds the Applicant has demonstrated compliance with Criterion #1 subject to the following Special Condition:

Special Condition: While the Applicant is operating and accepting waste for disposal during the useful life of the proposed Peoria City/County Landfill No. 3, Applicant shall ensure that the proposed Peoria City/County Landfill No. 3 is available to accept for disposal all non-hazardous solid waste generated within Peoria County.

Criterion 2: The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

- The proposed Peoria City/County Landfill No. 3 is designed to incorporate a composite liner system typical of new landfills in Illinois plus a double liner in critical areas designed to exceed the requirements of the Illinois Environmental Protection Agency. Although the double liner portions of the design are not required by the Illinois EPA, the County Staff agrees that the liner components are important to providing additional protection in the critical leachate areas.
- Most of the proposed Peoria City/County Landfill No. 3 will have an inward hydraulic gradient.
- The design for the proposed Peoria City/County Landfill No. 3 has a leachate management system that will restrict the leachate head to less than twelve inches at any point in the proposed Peoria City/County Landfill No. 3.
- The design for the proposed Peoria City/County Landfill No. 3 has a final cover system designed to reduce the amount of infiltration into the landfill.
- The design for the proposed Peoria City/County Landfill No. 3 includes a landfill gas monitoring system and a conceptual landfill gas collection system.
- The proposed Peoria City/County Landfill No. 3 has a construction quality assurance ("CQA") program that assures construction of the bottom and side liners, gas system, leachate system, soil liners, cap components and other landfill systems are constructed according to the permitted plan. The CQA program requires certification of the construction of the proposed landfill by a third-party professional engineer, licensed in Illinois.
- The compaction of the subgrade soil fill areas and the three foot low permeability liner at the proposed Peoria City/County Landfill No. 3 will be tested in place during installation. In some areas of the design, significant fills of well over 10 feet is required.
- Adequate compaction and testing of the subgrade fill areas that have significant fills is crucial to the landfill liner stability and were discussed in the September 23rd Regional Pollution Control Site Hearing Committee meeting.
- Implementation of the CQA program that was included in the Application, and specifically the requirements applicable to "Compacted Foundation Fill," is critical to the safe design and operation of the proposed Peoria City/County Landfill No.3.
- An independent CQA program officer is required to be at the site during construction. Presence of the City/County Landfill Committee's designated engineer during the construction of critical fill areas will provide additional assurance the Applicant implements the CQA program and that construction of "Compacted Foundation Fill" is adequate to ensure negligible differential settlement of the liner.

- The design for the proposed Peoria City/County Landfill No. 3 has an adequate stormwater management program, adequate closure and post-closure care programs, and final stable slopes which will promote storm water drainage and reduce erosion.
- The northeast stormwater basin and the southeast stormwater basin berm elevations, by virtue of their height (greater than 6 feet) and the holding capacity of the basins (greater than 50 acre-feet), constitute Class III dams in accordance with IDNR regulations.
- In its Public Comments filed on September 30, 2011, Applicant commits to achieving and maintaining compliance with all applicable IDNR regulations, including the requirement to obtain Class III dam permits.
- The Application did not include a specific design for the Citizens Convenience Center and Household Chemical Materials facility.
- The internal traffic flow and drop-off configurations for the Citizens' Convenience Center and Household Chemical Materials facility accommodate customer safety, facilitate recycling, and allow proper management of household hazardous wastes and other materials.
- As a witness for the Applicant at the hearing, Mr. Devin Moose, P.E., of Shaw Environmental, Inc., rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so designed that the public health, safety and welfare will be protected.
- The proposed Peoria City/County Landfill No.3 is so designed that the public health, safety and welfare will be protected, provided Applicant fully complies with all Special Conditions.
- The proposed Peoria City/County Landfill No. 3 meets all required set-backs from public use airports.
- The wetlands impacted by the proposed Peoria City/County Landfill No. 3 will be mitigated prior to its disturbance, through the creation of a wetland on Peoria Park District property that is at least 50% larger than the proposed wetland disturbance area.
- All other regulatory location criteria are satisfied.
- In his testimony at the hearing, Mr. Moose rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.
- The proposed Peoria City/County Landfill No. 3 is located in an area which, due to low yield, is unfavorable for the development of groundwater resources.
- The extent of underground mining activities in and around the proposed Peoria City/County Landfill No.3 site has been defined by the Applicant.

- The extensive investigations conducted pertaining to underground mining activities in and around the proposed Peoria City/County Landfill No. 3 site demonstrate that there is no evidence that underground mines extend beneath the proposed Peoria City/County Landfill No. 3 waste footprint.
- The Applicant provided expert testimony that proposed Peoria City/County Landfill No. 3 waste footprint will be positioned outside a conservative angle of draw from any adjacent mines, and that, therefore, the proposed Peoria City/County Landfill No. 3 will not be affected by the collapse of any underground mines adjacent to the proposed Peoria City/County Landfill No. 3.
- At the hearing on August 30, 2011, Martin Fallon, P.G., of Shaw Environmental, Inc., testified regarding the Peoria City/County Landfill No. 3. In his report submitted with the application and his testimony, Mr. Fallon rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected from a geologic and hydrogeologic standpoint and with consideration of the site location in relation to nearby underground coal mines.
- There is no credible evidence in the record contradicting the opinion of Applicant's expert witness that the proposed Peoria City/County Landfill No. 3 waste footprint is shown to be a distance away from underground mines.
- The Application indicates the presence of former underground mines located outside the waste footprint and under or near other landfill infrastructure, including the entrance road, the Citizens' Convenience Center and Household Chemical Materials facility, the landfill gas facility, and the stormwater detention basins. Subsidence of these areas could cause disruption of operations or pose other safety risks depending upon the extent and location of the subsidence.
- The Applicant did not submit a Mine Subsidence Plan as part of the Application.
- The Applicant, in its written comments submitted September 30, 2011, included a proposed Mining Subsidence Plan, and indicated that a final mine subsidence plan would need to be approved by the City/County Landfill Committee prior to implementation.
- During the Public Hearing and in public comments submitted September 30, 2011 Applicant agreed that Applicant would obtain a Class III dam permit for the sediment basins (a.k.a. stormwater management basins) if required, and further that Applicant would maintain any embankments that may be classified as dams at the Peoria City/County Landfill Facility.
- Proper design and maintenance of the proposed stormwater management basins identified in the Application, including compliance with regulations promulgated by the Illinois Department of Natural Resources ("IDNR") for dams, are necessary to ensure that the proposed Peoria City/County Landfill No. 3 is so designed and operated as to protect the public health, safety and welfare.

- At the hearing on August 30, 2011, Daniel J. Drommerhausen P.G., of Shaw Environmental, Inc. testified for the Applicant regarding Peoria City/County Landfill No. 3 and the Groundwater Impact Evaluation (“GIE”).
- The results of the GIE demonstrate that the Peoria City/County Landfill No. 3 will not adversely impact the groundwater quality 100 feet from the waste boundary after 100 years of closure, and that the site-specific hydrogeologic conditions are favorable for the development of a landfill.
- In his testimony at the hearing, Mr. Drommerhausen rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.
- Other than Mr. Moose, Martin Fallon, P.G., and Daniel Drommerhausen, P.G., no other expert witness provided testimony as to whether the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.
- There is no credible evidence in the record refuting Mr. Moose’s, Mr. Drommerhausen’s and Mr. Fallon’s opinions that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.
- The proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected, provided a plan is developed to address mine subsidence.
- There is a plan of operations for the proposed Peoria City/County Landfill No. 3.
- The proposed Peoria City/County Landfill No. 3 will be permitted to accept waste between the hours of 7:00 a.m. and 5:30 p.m., Monday through Saturday.
- The plan of operations for the proposed Peoria City/County Landfill No. 3 includes site access controls, a transportation plan, waste acceptance and unauthorized waste controls and load-checking procedures, leachate management provisions, environmental controls, including stormwater quality, air quality, dust and odor, mud tracking, noise, vector and litter controls, groundwater and gas monitoring, regular inspections and maintenance procedures.
- The plan of operations for the proposed HCM Facility includes procedures to ensure the safe handling, storage, and management of household hazardous wastes and other materials that will be accepted at the facility.
- The plan of operations includes activities to prevent unacceptable wastes from disposal at the landfill. In Public Comments filed with the Peoria County Clerk on September 16, 2011, the Applicant stated that it would agree to Special Conditions as a condition of siting approval to not accept PCB remediation wastes that have a concentration of PCBs of 50 ppm or greater as well as any delisted K-061 waste, at Peoria City/County Landfill No. 3.

- The Applicant has agreed to the imposition of a Special Condition as a condition of siting approval that the Applicant shall not request, seek, apply for or accept a chemical waste landfill approval for Peoria City/County Landfill No. 3 from the United States Environmental Protection Agency.
- Peoria City/County Landfill, Inc. will provide routine reports to the Illinois Environmental Protection Agency for the proposed Peoria City/County Landfill No. 3, including groundwater quality reports, waste volume reports, annual capacity certifications, annual groundwater flow reports, and annual emissions and storm water reports.
- At the hearing on August 31, 2011, Ronald J. Welk, Vice President of Peoria City/County Landfill, Inc., the applicant for the proposed Peoria City/County Landfill No. 3, testified regarding the proposed Peoria City/County Landfill No. 3.
- In his testimony at the hearing, Mr. Welk rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so proposed to be operated that the public health, safety and welfare will be protected.
- The proposed Peoria City/County Landfill No. 3 is proposed to be operated that the public health, safety and welfare will be protected, with Applicant's commitments restricting the types of wastes that will be accepted for disposal.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #2 subject to the following Special Conditions:

Special Condition: Applicant may accept only non-hazardous Solid Waste for disposal at Peoria City/County Landfill No. 3. Applicant shall not knowingly accept, treat or dispose of (i) any waste that is defined as hazardous by the Illinois Environmental Protection Act (the "Act") or the regulations adopted thereunder, or (ii) any waste that is regulated as radioactive waste or infectious waste under the Act or regulations adopted thereunder, or (iii) PCB remediation wastes that have a concentration of PCBs of 50 ppm or greater, or (iv) any delisted K-061 waste, at Peoria City/County Landfill No. 3.*

Special Condition: Applicant shall not request, seek, apply for or accept a chemical waste landfill approval for Peoria City/County Landfill No. 3 from the United States Environmental Protection Agency pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976, Public Law No. 94-469, 15 USC 2605(e)(1) and the federal PCB regulations promulgated thereunder.¹

* In Public Comments filed with the Peoria County Clerk on September 16, 2011, the Applicant stated that it would agree to the imposition of this Special Condition as a condition of siting approval, subject to approval of the City/County Landfill Committee. The text of this Special Condition is taken verbatim from the Applicant's Public Comments.

Special Condition: The Applicant shall identify all regulatory and permitting requirements applicable to the proposed stormwater management basins identified in the Application, including applicability of the regulations promulgated by the Illinois Department of Natural Resources (“IDNR”) for dams. The results of the Applicant’s investigation and regulatory determination shall be provided to the City/County Landfill Committee. If any stormwater management basin developed by the Applicant for the proposed landfill expansion is regulated by the IDNR regulations, Applicant shall be responsible for achieving and maintaining compliance with all applicable IDNR regulations and requirements, including the requirement to apply for and obtain a permit.

Special Condition: Applicant shall develop and submit to the City/County Landfill Committee and to the Illinois Environmental Protection Agency (“Illinois EPA”) a Construction Quality Assurance (“CQA”) plan that includes all of the components applicable to “Compacted Foundation Fill” that are included in the Application. The CQA plan shall provide that fill materials placed anywhere beneath the landfill floor Earth Liner shall meet the specified requirement of Compacted Foundation Fill, as referenced in the Application. The Applicant shall implement the CQA plan as approved by the Illinois EPA. The Applicant shall ensure that the City/County Landfill Committee designated engineer is given advance notice and is present to observe construction of the foundation fill where fills are greater than 10 feet and the construction quality assurance officer confers with the designated engineer to confirm that the test results are appropriate during the construction process.

Special Condition: In constructing the leachate collection system, the Applicant shall include the additional components, including a geosynthetic clay layer (“GCL”) and an additional HDPE membrane liner, in the leachate trenches and sump areas as identified in the Application. The permit application materials submitted to the Illinois Environmental Protection Agency (“IEPA”) for construction and development of the landfill shall include the GCL and second HDPE membrane liner in the leachate trenches and sump areas, or more protective design features if required by IEPA regulations.

Special Condition: The Applicant shall submit a written plan to the City/County Landfill Committee for approval that will address how the Applicant will identify and confirm, and then address the results of a potential mine subsidence event. The plan shall include: how the site survey control will be utilized to determine if a subsidence event has occurred; when and how observations are made of the facility to identify a subsidence event; the notification procedure and expected steps in reporting; and specific immediate steps that will be taken if subsidence impacts the site roadways, stormwater basin bottoms and berms, landfill gas header lines, the landfill gas facilities, and Household Chemical Waste facility. The plan shall be included in the Illinois EPA permit application and will propose that certain immediate remedial actions are not contingent upon waiting for an Illinois EPA response or permit revision, although the Applicant will notify Illinois EPA of the response as soon as practicable. The goal of this condition is to identify a preapproved and permitted method that is ready for action. The plan should also address the normal Illinois EPA permit revision process when subsidence is not an

immediate threat to the continued safe and compliant operation of the site as determined by the site operator and the City/County Landfill Committee chair.[†]

[†] In Public Comments filed with the Peoria County Clerk on September 30, 2011, the Applicant stated that it would agree to the imposition of a Special Condition, as a condition of siting approval, which would require development and implementation of a Mine Subsidence Plan. The Applicant included a proposed Mining Subsidence Plan with its public comments.

Criterion 3: The facility is so located as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

- The character of the area surrounding the proposed Peoria City/County Landfill No. 3 is largely agricultural and open space.
- Landfilling activities have occurred at the site of the proposed Peoria City/County Landfill No. 3 since 1976 and therefore, the proposed landfill expansion is consistent with historical land use activities and is not expected to change the historical trend in local land use patterns.
- Residential land uses within two miles of the proposed Peoria City/County Landfill No. 3 are buffered by topography, vegetation, and distance from the proposed Peoria City/County Landfill No. 3.
- Residential land uses within two miles of the proposed Peoria City/County Landfill No. 3 have coexisted with landfill operations for more than thirty-five (35) years.
- The Landscape Plan included in the Application for the proposed Peoria City/County Landfill No. 3 is designed to buffer the Facility's frontage, along Cottonwood Road with significant setbacks, berms and plantings.
- At the Public Hearing on August 29, 2011, J. Christopher Lannert, R.L.A., of the Lannert Group, testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.
- In his report included with the Application and in his testimony at the Public Hearing, Mr. Lannert rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located as to minimize incompatibility with the character of the surrounding area.
- The proposed Peoria City/County Landfill No. 3 is so located as to minimize incompatibility with the character of the surrounding area, provided the Applicant timely constructs the berms and planting north of Cottonwood Road right-of-way as stated in the Application.
- Substantial visual buffering of the proposed Peoria City/County Landfill No. 3 from surrounding properties helps to minimize effects on surrounding property values.
- At the Public Hearing on August 29, 2011, Peter J. Poletti, Ph.D., MAI, of Poletti & Associates, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.
- In his report included with the Application and in his testimony at the Public Hearing, Mr. Poletti rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located as to minimize the effect on the value of the surrounding area.

- The proposed Peoria City/County Landfill No. 3 is so located as to minimize the effect on the value of the surrounding area, provided the Applicant timely constructs the berms and planting north of Cottonwood Road right-of-way as stated in the Application.
- In Public Comments the Applicant stated that it would agree to the imposition of a Special Condition as a condition of siting approval requiring the Applicant to construct the berms and plantings north of Cottonwood Road right-of-way as stated in the Application.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #3 subject to the following Special Condition:

Special Condition: In order to minimize the impact of the proposed Peoria City/County Landfill No. 3 on the character of the surrounding area and the value of the surrounding property, Applicant shall construct such berms and plantings north of Cottonwood Road right-of-way as generally shown on the Landscape & End Use Plan (Sheet No. 6) and Landscape Details (Sheet No. 7) provided in Section 3.1 of the Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3, and as depicted on Ex. 8, Lannert Slide 15, admitted at the hearing concerning the Application on September 1, 2011, as are deemed reasonably necessary and technically feasible by the Joint City of Peoria-County of Peoria Solid Waste Disposal Facility Board. Applicant shall provide a grading and landscape plan depicting the proposed berms and planting to the Joint City of Peoria-County of Peoria Solid Waste Disposal Facility Board for approval prior to construction. The berms shall be completed prior to the acceptance of waste in the proposed Peoria City/County Landfill No. 3. The trees and plantings shall be planted no later than during the first growing season following initial waste acceptance.

Criterion 4: The facility is located outside the boundary of the 100-year flood plain.

- No portion of the proposed Peoria City/County Landfill No. 3 is located within the three-dimensional boundary of the 100-year flood plain established by FEMA's Flood Insurance Rate Maps.
- At the hearing on August 30, 2011, Devin A. Moose, PE, DEE, of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the Peoria City/County Landfill No. 3.
- In his report submitted with the application and in his testimony at the Public Hearing, Mr. Moose rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is located outside the 100-year flood plain.
- There is no credible evidence in the record refuting the fact that the proposed Peoria City/County Landfill No. 3 is located outside the 100-year flood plain.
- The proposed Peoria City/County Landfill No. 3 is located outside the 100-year flood plain.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #4.

Criterion 5: The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.

- Applicant has committed to implement hazard identification, prevention and response, medical services and first-aid, site safety, accident prevention and contingency, and emergency and fire prevention plans at the proposed Peoria City/County Landfill No. 3.
- Applicant has committed to monitor landfill gas to minimize the danger of explosions and to inspect and operate secondary containment of leachate to minimize the danger of spills at the facility.
- Applicant has committed to design and operate the HCM Facility to prevent fires, explosions and spills.
- Applicant has committed to maintain a communication system capable of utilizing 911 emergency services, if necessary, and first aid kits at the proposed Peoria City/County Landfill No. 3, in order to minimize the danger from accidents or injuries to people at the facility.
- Applicant has committed to develop and implement plans to minimize the danger of fire, spills and other operational accidents at the facility.
- Applicant has committed to train its employees involved in load checking or waste disposal activities to minimize the danger of fire, spills and other operational accidents at the facility.
- Applicant has committed to coordinate with local governmental units, including the Trivoli Fire Protection District, Peoria County EMA, and the Peoria County Sheriff's Office in order to minimize the danger of fire, spills and other operational accidents at the proposed Peoria City/County Landfill No. 3.
- At the hearing on August 31, 2011, Ronald J. Welk, Vice President of Peoria City/County Landfill, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.
- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Welk rendered an expert opinion that the proposed plan of operations for the proposed Peoria City/County Landfill No. 3 is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.
- Mr. Welk also testified that the Applicant intends to develop and implement an environmental management system designed to increase its effectiveness and efficiency of achieving compliance with environmental requirements including receiving the ISO 14000 environmental certification.

- The proposed plan of operations for the proposed Peoria City/County Landfill No. 3 is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents, provided the Applicant implements effectively both the plans, monitoring, and procedures identified in the Application as well as a formal environmental management system designed to identify and control the Applicant's environmental impact and ensure compliance.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #5 subject to the following Special Condition:

Special Condition: Implementation of an Environmental Management Systems (EMS) is a recognized, sound business practice designed to increase effectiveness and efficiency through better management of environmental issues that affect the mission of an organization. Applicant shall implement a formal environmental management system designed to identify and control the Applicant's environmental impact, ensure compliance with the (i) Plan of Operations, (ii) applicable environmental requirements, and (iii) regulations and policies implemented by the Peoria City/County Landfill Committee, and to implement a systematic approach to meeting all environmental objectives. The International Standards Organization ("ISO") 14000 group of standards is one example of the criteria that should be incorporated into an acceptable system.

Criterion 6: The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flow.

- The existing landfill entrance off Cottonwood Road will continue to be the main entrance to the proposed Peoria City/County Landfill No. 3.
- The current sight distance is less than the design standard at the Illinois Route 8 with Cottonwood Road intersection.
- Sufficient on-site queuing is available to accommodate the proposed Peoria City/County Landfill No. 3, Citizen's Convenience Center and HCM Facility.
- At the hearing on August 30, 2011, Robert Lee Cannon, P.E., PTOE, of Crawford, Bunte, Brammeier, testified on behalf of the Applicant regarding the Peoria City/County Landfill No. 3.
- In his report submitted with the application and in his testimony at the Public Hearing, Mr. Cannon rendered an expert opinion that the traffic patterns to and from the proposed Peoria City/County Landfill No. 3 are so designed as to minimize the impact on existing traffic flow.
- There is no credible evidence in the record rebutting Mr. Cannon's expert opinion that the traffic patterns to and from the proposed Peoria City/County Landfill No. 3 are so designed as to minimize the impact on existing traffic flow.
- The traffic patterns to and from the proposed Peoria City/County Landfill No. 3 are so designed as to minimize the impact on existing traffic flow, but the record documented the existing sight distances at the intersection of Illinois Route 8 with Cottonwood Road are inadequate.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #6 subject to the following Special Condition:

Special Condition: Applicant shall submit a request to the Illinois Department of Transportation ("IDOT"), asking IDOT to conduct design and/or speed studies for the purpose of improving the sight distances at the intersection of Cottonwood Road and Illinois Route 8. Applicant shall coordinate its request to IDOT with the City/County Landfill Committee.

Criterion 7: If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan for the facility will be developed to include notification, containment and evacuation procedures to be used in case of an accidental release.

- The proposed Peoria City/County Landfill No. 3 will not be treating, storing or disposing of hazardous waste.
- The Applicant has committed to implement a waste analysis plan and waste acceptance program reasonably calculated to limit the opportunity for customers to dispose of unauthorized wastes at the facility.
- The Applicant has committed to implement site access controls intended to limit the opportunity for unauthorized dumping at the facility.
- At the hearing on August 31, 2011, Ronald J. Welk, Vice President of Peoria City/County Landfill, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.
- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Welk rendered an expert opinion that the proposed operations of the proposed Peoria City/County Landfill No. 3 would reasonably prevent hazardous waste from being disposed of at the facility.
- There is no credible evidence in the record refuting the fact that the proposed operations of the proposed Peoria City/County Landfill No. 3 would reasonably prevent hazardous waste from being disposed of at the facility.
- Applicant's plans for operating the proposed Peoria City/County Landfill No. 3 will reasonably prevent hazardous waste from being disposed of at the facility.
- The Household Chemical Materials Facility ("HCM Facility") described in the Application is intended to receive materials characterized as "household hazardous wastes" by the applicable Illinois environmental regulations.
- The Application included general information about the proposed operations of the HCM Facility but did not provide detailed information regarding its design, personnel training, or a specific plan of operations.
- As stated in the Application and in testimony introduced at the Public Hearing, household hazardous wastes collected at and stored at the HCM Facility will be segregated from other waste materials, separately managed, and will not be disposed of at the Peoria City/County Landfill.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #7 subject to the following Special Conditions:

Special Condition: Household hazardous wastes collected and stored at the Household Chemical Materials Facility ("HCM Facility") will be segregated from other waste materials, separately managed, and shall not be disposed of at the Peoria City/County Landfill.

Special Condition: Prior to beginning construction of the HCM facility, Applicant shall provide to the Peoria City/County Landfill Committee, for its review and approval, detailed plans of the facility, a personnel training plan, and an operations plan specific to the household chemical management that demonstrate protection equivalent to the applicable sections of 35 Ill. Admin. Code, Section 724.104, "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities."

Special Condition: Applicant shall inspect all waste materials brought to the Household Chemical Materials ("HCM") facility for disposal or management. If those waste materials do not constitute "household hazardous waste" that can be accepted at the HCM facility, or otherwise are not allowed to be accepted at the HCM facility, the Applicant shall provide information to the person who brought the waste materials to the HCM facility that (i) identifies lawful disposal methods or, (ii) the facilities where such waste materials may be disposed.

Criterion 8: If the facility is to be located in a county where the county has adopted a solid waste management plan, the facility is consistent with the plan.

- The Peoria County Solid Waste Management Plan was adopted in May, 1991, and has been updated on five year intervals through June, 2008.
- Collectively, the original Peoria County Solid Waste Management Plan and the updates thereto constitute the "Peoria County Solid Waste Management Plan."
- The Peoria County Solid Waste Management Plan recommends a system which included development of in-County landfill capacity.
- At the hearing on August 29, 2011, Phillip Kowalski of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.
- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Kowalski rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is consistent with the Peoria County Solid Waste Management Plan.
- There is no credible evidence in the record refuting the fact that the proposed Peoria City/County Landfill No. 3 is consistent with the Peoria County Solid Waste Management Plan.
- The proposed Peoria City/County Landfill No. 3 is consistent with the Peoria County Solid Waste Management Plan.

Recommendations:

The Committee finds the Applicant has demonstrated compliance with Criterion #8.

Criterion 9: If the facility will be located within a regulated recharge area, any applicable requirements specified by the Pollution Control Board for such areas have been met.

- Regulated recharge areas are established by state rulemaking.
- At the hearing on August 30, 2011, Devin A. Moose, PE, DEE, of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.
- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Moose rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is not located within a regulated recharge area.
- There is no credible evidence in the record refuting the fact that the proposed Peoria City/County Landfill No. 3 is not located within a regulated recharge area.
- The proposed Peoria City/County Landfill No. 3 is not located within a regulated recharge area.

Recommendations:

The Committee finds the Applicant has demonstrated compliance with Criterion #9.