

MAY 15 2002

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

GERE PROPERTIES, INC.

Petitioner,

v.

JACKSON COUNTY BOARD and
SOUTHERN ILLINOIS REGIONAL LANDFILL, INC.,

Respondents.

PCB 02-501
(Landfill Siting Appeal)

NOTICE OF FILING AND PROOF OF SERVICE

To: Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, IL 60601-3218

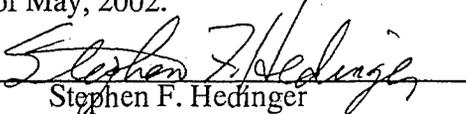
Larry Reinhardt
Jackson County Clerk
Jackson County Courthouse
1001 Walnut St.
Murphysboro, IL 62966

Charles F. Helsten
Attorney for Southern Illinois Regional
Landfill, Inc.
Hinshaw & Culbertson
100 Park Ave.
Rockford, IL 61105

John J. McCarthy
Special Assistant State's Attorney for Jackson
County
45 E. Side Square
Suite 301
Canton, IL 61520

PLEASE TAKE NOTICE that on the 14th day of May, 2002, we sent via FedEx to the Clerk of the Pollution Control Board the original and nine copies of the PETITION FOR REVIEW for filing in the above entitled cause.

The undersigned certifies that a true and correct copy of the PETITION FOR REVIEW was served upon each of the above-identified individuals via U.S. mail, by enclosing the same in envelopes properly addressed, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mail box, on the 14th day of May, 2002.


Stephen F. Hedinger

Hedinger & Howard
1225 S. Sixth St.
Springfield, IL 62703
(217) 523-2753 phone
(217) 523-4366 fax

THIS FILING IS SUBMITTED ON RECYCLED PAPER.

MAY 15 2002

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

GERE PROPERTIES, INC.,

Petitioner,

v.

JACKSON COUNTY BOARD and
SOUTHERN ILLINOIS REGIONAL LANDFILL, INC.,

Respondents.

PCB 02-301
(Landfill Siting Appeal)

PETITION FOR REVIEW

NOW COMES Petitioner, GERE PROPERTIES, INC. (GERE) through its undersigned attorneys, and hereby seeks review of the decision of Respondent JACKSON COUNTY BOARD, granting local siting approval of a new pollution control facility to Respondent SOUTHERN ILLINOIS REGIONAL LANDFILL, INC. (SIRL). GERE seeks review pursuant to Section 40.1 of the Environmental Protection Act, 415 ILCS 5/40.1.

1. On November 5, 2001, Respondent SIRL filed its application for local siting approval of the South Unit Expansion of its landfill pursuant to Section 39.2 of the Environmental Protection Act, 415 ILCS 5/39.2.

2. Hearings on the application were held on February 4, 5, 14, 15 and 26, 2002. On April 10, 2002, the Pollution Control Facility Committee (Committee) of the Jackson County Board, which is charged by local ordinance with the duty of reviewing the evidence and making a recommendation to the Jackson County Board, rendered its recommendation. The Committee found that the application of SIRL for facility siting approval for a new pollution control facility met the criteria set forth in Section 39.2 of the Environmental Protection Act. The Committee also determined that ten conditions should be imposed for the siting approval. On April 10, 2002, the Jackson County Board rendered its decision on the application for siting approval. The Jackson County Board agreed with the findings of the Committee and approved the application with conditions. The Decision of the Pollution Control Facility Committee of the Jackson County

Board is attached as Exhibit A. The Jackson County Board's Resolution adopting the Decision of the Committee is attached as Exhibit B.

3. GERE is a proper Petitioner for this proceeding pursuant to Section 107.200(b) of this Board's Procedural Rules, 35 Ill. Adm. Code Section 107.200(b), and pursuant to Section 40.1 of the Environmental Protection Act, 415 ILCS 5/40.1. GERE participated in the siting hearings by cross examining SIRL's witnesses and by presenting expert testimony and exhibits objecting to the expansion of the South Unit of SIRL.

4. GERE appeals the Jackson County Board's decision because the ruling, as it pertains to the first of the siting criteria (that the proposed facility is necessary to accommodate the waste needs of its intended service area, 415 ILCS 5/39.2(a)(i)), is against the manifest weight of the evidence. GERE reserves the right to add any other grounds for relief that may appear of record, including that the Jackson County Board lacked jurisdiction over the local siting application of SIRL.

WHEREFORE, Petitioner GERE PROPERTIES, INC. asks that this Board reverse the Jackson County Board's approval of the expansion of SIRL, and for any other relief that this Board deems appropriate.

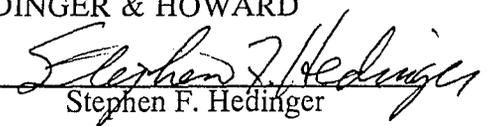
Respectfully submitted,

GERE PROPERTIES, INC.,
Petitioner,

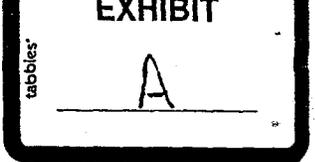
By its attorneys,

HEDINGER & HOWARD

By


Stephen F. Hedinger

Hedinger & Howard
1225 S. Sixth St.
Springfield, IL 62703
(217) 523-2753 phone
(217) 523-4366 fax



BEFORE THE POLLUTION CONTROL FACILITY COMMITTEE
OF THE JACKSON COUNTY BOARD,
JACKSON COUNTY, ILLINOIS

In Re: The Application for Site Location Approval of the South Unit Expansion of the Southern Illinois Regional Landfill in the County of Jackson, Illinois

DECISION

1. Section 39(c) of the Illinois Environmental Protection Act (415 ILCS 5/39 (c)) provides, in part, that no permit for the development or construction of a new pollution control facility may be granted by the Illinois Environmental Protection Agency unless the applicant submits proof to the Illinois Environmental Protection Agency that the location of the facility has been approved by the County Board of the County if in an unincorporated area in which the facility is to be located in accordance with Section 39.2 of the Illinois Environmental Protection Act.

2. Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) provides, in part, that local siting approval shall be granted by the County Board of the County in which the facility is to be located only if the proposed facility meets the following criteria:

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a, the site is flood-proofed;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;

(viii) if the facility is to be located in a County where the County Board has adopted a solid waste management plan consistent with the planning

requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; and

(ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

3. Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) provides, in part, that the County Board of the County in which the facility is to be located shall hold a public hearing on an application for site location approval for such new pollution control facility.

4. Southern Illinois Regional Landfill, Inc., which is hereinafter sometimes referred to as "SIRL", has filed an Application for Site Location Approval of the South Unit Expansion of the Southern Illinois Regional Landfill in Jackson County, Illinois, which is hereinafter sometimes referred to as the "Application".

5. The Jackson County Board is the governing body as determined by Section 39(c) of the Illinois Environmental Protection Act (415 ILCS 5/39 (c)) who shall approve or disapprove this request for local siting approval for a new pollution control facility in Jackson County, Illinois.

6. The Pollution Control Facility Committee of the Jackson County Board, which is hereinafter sometimes referred to as the "Committee", has held a public hearing on the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois on February 4, 2002, February 5, 2002, February 14, 2002, February 15, 2002 and February 26, 2002.

7. The Committee reviewed and considered the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois, the engineering reports submitted by Southern Illinois Regional Landfill, Inc., the transcript of the public hearing, the written comments filed with the County Clerk of Jackson County, Illinois and the Summary Report to the Jackson County Board on the review of the Siting Application for the Expansion of the Southern Illinois Regional Landfill prepared by Patrick Engineering, Inc.

8. The statutory procedures provided for in Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) concerning local siting approval have been fully complied with.

9. Based upon its review of this record, it is the decision of the Committee and the Committee hereby finds that the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois meets the criteria set forth in Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2).

10. Section 39.2(e) of the Illinois Environmental Protection Act (415 ILCS 5/39.2(e)) provides, in part, that in granting approval for a site the County Board of the County in which the facility is to be located may impose such conditions as may be reasonable and necessary to accomplish the purposes of Section 39.2 of the Illinois Environmental Protection Act and as are not inconsistent with regulations promulgated by the Illinois Pollution Control Board.

11. It is the judgment of the Committee and the Committee hereby finds that in granting approval of the application of Southern Illinois Regional Landfill, Inc. for facility siting approval

for a new pollution control facility in Jackson County, Illinois, the following conditions shall be imposed, which conditions are reasonable and necessary to accomplish the purposes of Section 39.2 of the Illinois Environmental Protection Act and are not inconsistent with regulations promulgated by the Illinois Pollution Control Board:

A. SIRL shall use SDR11 leachate collection pipe or equivalent to collect leachate from the bottom liner system.

B. Jackson County shall be sent the HELP model results when the developmental permit application is submitted to the Illinois Environmental Protection Agency.

C. If deemed necessary by the Jackson County Highway Engineer, SIRL shall install adequate erosion control that protects the public road ditches. If the outlets from the detention basins cause erosion along the ditches adjacent to the public roadways, SIRL shall be responsible for repairing the ditches and supplying the labor and materials acceptable to Jackson County and/or De Soto Township. Materials may include, but are not limited to, riprap, topsoil, seed, and erosion blanket.

D. SIRL shall limit its horizontal waste boundary or vertical elevations to those shown in the Application. The elevations of the landfill's invert shall not be lower than shown in the Application and the elevations of the landfill's final cover shall not be higher than shown in the Application.

E. All wells or piezometers abandoned in the waste footprint shall be abandoned by over drilling, using hollow stem augers or tricone rotary, the entire depth of the well, and tremie grouted to the ground surface using a commercial bentonite grout. SIRL shall provide at least seven (7) days written notice to the Jackson County Health Department prior to the abandonment of each well or piezometer. Copies of the well or piezometer abandonment certification shall be supplied to the Jackson County Health Department within seven (7) days of abandoning each well or piezometer.

F. SIRL shall install nested piezometers near WBG 8D. The first piezometer shall be screened into the sandstone unit. The second piezometer shall be screened in the middle of the lacustrine unit. The wells shall be logged, constructed and developed under the direction of a registered geologist or engineer. Single well aquifer tests shall be performed on each well. The hydrogeologic report shall be updated to include additional nested well water levels, hydraulic conductivity and potentiometric surface.

G. A six-foot to eight-foot high privacy fence shall be built to screen the view of the equipment storage area from Township Line Road or other public roads developed in the future. In the alternative, natural vegetation or landscaping can be used for this purpose.

H. Additional screening shall be provided along the property boundary on the west portions of the landfill between the landfill and private residences. SIRL shall take into consideration the homeowner's preference of fencing, vegetation screening and/or a berm prior to installing the screen.

I. If any above ground petroleum tank is newly installed or relocated in the future, it shall be placed on a liner that consists of at least two feet of compacted clay and a 60-mil HDPE geomembrane, or a liner system of equivalent permeability.

J. Commercial waste vehicles shall be informed to enter and exit the landfill from the east (using U. S. 51 and Landfill Road) and not to use the roads west of the landfill entrance. This traffic restriction shall be maintained for the life of the expansion unless the Jackson County Highway Engineer and the Jackson County Health Department concur that the restriction shall be lifted. Commercial waste vehicles used to collect waste along Dumaroc Road, Township Line Road or other local roads as deemed appropriate by the Jackson County Highway Engineer shall be exempt from this restriction.

NOW, THEREFORE, the Pollution Control Facility Committee of the Jackson County Board makes the following recommendations to the Jackson County Board:

1. That the Application for Site Location Approval of the South Unit Expansion of the Southern Illinois Regional Landfill be approved and granted.

2. That the proposed facility meets the following criteria as required by Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2):

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) the facility is located outside the boundary of the 100-year flood plain;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) the facility will not be treating, storing or disposing of hazardous waste;

(viii) the facility is consistent with the Jackson County Solid Waste Management Plan; and

(ix) the facility is not located within a regulated recharge area.

3. That in granting approval of the Application for Site Location Approval of the South Unit Expansion of the Southern Illinois Regional Landfill in Jackson County, Illinois, the following conditions shall be imposed, which conditions are reasonable and necessary to accomplish the purposes of Section 39.2 of the Illinois Environmental Protection Act and are not inconsistent with the regulations promulgated by the Illinois Pollution Control Board:

A. SIRL shall use SDR11 leachate collection pipe or equivalent to collect leachate from the bottom liner system.

B. Jackson County shall be sent the HELP model results when the developmental permit application is submitted to the Illinois Environmental Protection Agency.

C. If deemed necessary by the Jackson County Highway Engineer, SIRL shall install adequate erosion control that protects the public road ditches. If the outlets from the detention basins cause erosion along the ditches adjacent to the public roadways, SIRL shall be responsible for repairing the ditches and supplying the labor and materials acceptable to Jackson County and/or De Soto Township. Materials may include, but are not limited to, riprap, topsoil, seed, and erosion blanket.

D. SIRL shall limit its horizontal waste boundary or vertical elevations to those shown in the Application. The elevations of the landfill's invert shall not be lower than shown in the Application and the elevations of the landfill's final cover shall not be higher than shown in the Application.

E. All wells or piezometers abandoned in the waste footprint shall be abandoned by over drilling, using hollow stem augers or tricone rotary, the entire depth of the well, and tremie grouted to the ground surface using a commercial bentonite grout. SIRL shall provide at least seven (7) days written notice to the Jackson County Health Department prior to the abandonment of each well or piezometer. Copies of the well or piezometer abandonment certification shall be supplied to the Jackson County Health Department within seven (7) days of abandoning each well or piezometer.

F. SIRL shall install nested piezometers near WBG 8D. The first piezometer shall be screened into the sandstone unit. The second piezometer shall be screened in the middle of the lacustrine unit. The wells shall be logged, constructed and developed under the direction of a registered geologist or engineer. Single well aquifer tests shall be performed on each well. The hydrogeologic report shall be updated to include additional nested well water levels, hydraulic conductivity and potentiometric surface.

G. A six-foot to eight-foot high privacy fence shall be built to screen the view of the equipment storage area from Township Line Road or other public roads developed in the future. In the alternative, natural vegetation or landscaping can be used for this purpose.

H. Additional screening shall be provided along the property boundary on the west portions of the landfill between the landfill and private residences. SIRL shall take into consideration the homeowner's preference of fencing, vegetation screening and/or a berm prior to installing the screen.

I. If any above ground petroleum tank is newly installed or relocated in the future, it shall be placed on a liner that consists of at least two feet of compacted clay and a 60-mil HDPE geomembrane, or a liner system of equivalent permeability.

J. Commercial waste vehicles shall be informed to enter and exit the landfill from the east (using U. S. 51 and Landfill Road) and not to use the roads west of the landfill entrance. This traffic restriction shall be maintained for the life of the expansion unless the Jackson County Highway Engineer and the Jackson County Health Department concur that the restriction shall be lifted. Commercial waste vehicles used to collect

waste along Dumaroc Road, Township Line Road or other local roads as deemed appropriate by the Jackson County Highway Engineer shall be exempt from this restriction.

PASSED by the Pollution Control Facility Committee of the Jackson County Board at a meeting this 10th day of April, 2002 upon a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

Respectfully Submitted,

Bonnie Long, Chair

RESOLUTION NO. _____

A RESOLUTION GRANTING LOCAL SITING APPROVAL OF THE SOUTH UNIT EXPANSION OF THE SOUTHERN ILLINOIS REGIONAL LANDFILL IN THE COUNTY OF JACKSON, ILLINOIS.

WHEREAS, Section 39(c) of the Illinois Environmental Protection Act (415 ILCS 5/39) provides, in part, that no permit for the development or construction of a new pollution control facility may be granted by the Illinois Environmental Protection Agency unless the applicant submits proof to the Illinois Environmental Protection Agency that the location of the facility has been approved by the County Board of the County if in an unincorporated area in which the facility is to be located in accordance with Section 39.2 of the Illinois Environmental Protection Act; and

WHEREAS, Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) provides, in part, that local siting approval shall be granted by the County Board of the County in which the facility is to be located only if the proposed facility meets the following criteria:

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a, the site is flood-proofed;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;

(viii) if the facility is to be located in a County where the County Board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; and

(ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met; and

WHEREAS, Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) provides, in part, that the County Board of the County in which the facility is to be located shall hold a public hearing on an application for site location approval for such new pollution control facility; and

WHEREAS, Southern Illinois Regional Landfill, Inc., which is hereinafter sometimes referred to as "SIRL", has filed an Application for Site Location Approval of the South Unit Expansion of the Southern Illinois Regional Landfill in Jackson County, Illinois, which is hereinafter sometimes referred to as the "Application"; and

WHEREAS, the Jackson County Board is the governing body as determined by Section 39(c) of the Illinois Environmental Protection Act (415 ILCS 5/39 (c)) who shall approve or disapprove this request for local siting approval for a new pollution control facility in Jackson County, Illinois; and

WHEREAS, the Pollution Control Facility Committee of the Jackson County Board, which is hereinafter sometimes referred to as the "Committee", has held a public hearing on the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois on February 4, 2002, February 5, 2002, February 14, 2002, February 15, 2002 and February 26, 2002; and

WHEREAS, the Committee reviewed and considered the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois, the engineering reports submitted by Southern Illinois Regional Landfill, Inc., the transcript of the public hearing, the written comments filed with the County Clerk of Jackson County, Illinois and the Summary Report to the Jackson County Board on the review of the Siting Application for the Expansion of the Southern Illinois Regional Landfill prepared by Patrick Engineering, Inc; and

WHEREAS, the statutory procedures provided for in Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) concerning local siting approval have been fully complied with; and

WHEREAS, based upon its review of this record, it was the decision of the Committee and the Committee found that the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois meets the criteria set forth in Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2); and

WHEREAS, a copy of the Decision of the Committee is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, in its Decision, the Committee recommended that the application be approved; and

WHEREAS, the Jackson County Board has reviewed and considered the Application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois, the engineering reports submitted by Southern Illinois

Regional Landfill, Inc., the transcript of the public hearing, the written comments filed with the County Clerk of Jackson County, Illinois and the Summary Report to the Jackson County Board on the review of the Siting Application for the Expansion of the Southern Illinois Regional Landfill prepared by Patrick Engineering, Inc.; and

WHEREAS, it is the judgment of the Jackson County Board and the Jackson County Board hereby finds that the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois meets the criteria set forth in Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2); and

WHEREAS, Section 39.2(e) of the Illinois Environmental Protection Act (415 ILCS 5/39.2(e)) provides, in part, that in granting approval for a site the County Board of the County in which the facility is to be located may impose such conditions as may be reasonable and necessary to accomplish the purposes of Section 39.2 of the Illinois Environmental Protection Act and as are not inconsistent with regulations promulgated by the Illinois Pollution Control Board; and

WHEREAS, it is the judgment of the Jackson County Board and the Jackson County Board hereby finds that in granting approval of the application of Southern Illinois Regional Landfill, Inc. for facility siting approval for a new pollution control facility in Jackson County, Illinois, the following conditions shall be imposed, which conditions are reasonable and necessary to accomplish the purposes of Section 39.2 of the Illinois Environmental Protection Act and are not inconsistent with regulations promulgated by the Illinois Pollution Control Board:

A. SIRL shall use SDR11 leachate collection pipe or equivalent to collect leachate from the bottom liner system.

B. Jackson County shall be sent the HELP model results when the developmental permit application is submitted to the Illinois Environmental Protection Agency.

C. If deemed necessary by the Jackson County Highway Engineer, SIRL shall install adequate erosion control that protects the public road ditches. If the outlets from the detention basins cause erosion along the ditches adjacent to the public roadways, SIRL shall be responsible for repairing the ditches and supplying the labor and materials acceptable to Jackson County and/or De Soto Township. Materials may include, but are not limited to, riprap, topsoil, seed, and erosion blanket.

D. SIRL shall limit its horizontal waste boundary or vertical elevations to those shown in the Application. The elevations of the landfill's invert shall not be lower than shown in the Application and the elevations of the landfill's final cover shall not be higher than shown in the Application.

E. All wells or piezometers abandoned in the waste footprint shall be abandoned by over drilling, using hollow stem augers or tricone rotary, the entire depth of the well, and tremie grouted to the ground surface using a commercial bentonite grout. SIRL shall provide at least seven (7) days written notice to the Jackson County Health Department prior to the abandonment of each well or piezometer. Copies of the well or piezometer abandonment certification shall be supplied to the Jackson County Health Department within seven (7) days of abandoning each well or piezometer.

F. SIRL shall install nested piezometers near WBG 8D. The first piezometer shall be screened into the sandstone unit. The second piezometer shall be screened in the middle of the lacustrine unit. The wells shall be logged, constructed and developed under the direction of a registered geologist or engineer. Single well aquifer tests shall be performed on each well. The hydrogeologic report shall be updated to include additional nested well water levels, hydraulic conductivity and potentiometric surface.

G. A six-foot to eight-foot high privacy fence shall be built to screen the view of the equipment storage area from Township Line Road or other public roads developed in the future. In the alternative, natural vegetation or landscaping can be used for this purpose.

H. Additional screening shall be provided along the property boundary on the west portions of the landfill between the landfill and private residences. SIRL shall take into consideration the homeowner's preference of fencing, vegetation screening and/or a berm prior to installing the screen.

I. If any above ground petroleum tank is newly installed or relocated in the future, it shall be placed on a liner that consists of at least two feet of compacted clay and a 60-mil HDPE geomembrane, or a liner system of equivalent permeability.

J. Commercial waste vehicles shall be informed to enter and exit the landfill from the east (using U. S. 51 and Landfill Road) and not to use the roads west of the landfill entrance. This traffic restriction shall be maintained for the life of the expansion unless the Jackson County Highway Engineer and the Jackson County Health Department concur that the restriction shall be lifted. Commercial waste vehicles used to collect waste along Dumaroc Road, Township Line Road or other local roads as deemed appropriate by the Jackson County Highway Engineer shall be exempt from this restriction; and

WHEREAS, the Chairman of the Jackson County Board, or other appropriate official of Jackson County, as determined by the Illinois Environmental Protection Agency rules and regulations, shall execute any and all appropriate documents including a Certificate of Local Siting Approval as required by the Illinois Environmental Protection Agency consistent with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Chairman of the Jackson County Board and by the Jackson County Board, as follows:

1. That the Application for Site Location Approval of the South Unit Expansion of the Southern Illinois Regional Landfill is hereby approved and granted.

2. That the proposed facility meets the following criteria as required by Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2):

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) the facility is located outside the boundary of the 100-year flood plain;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) the facility will not be treating, storing or disposing of hazardous waste;

(viii) the facility is consistent with the Jackson County Solid Waste Management Plan; and

(ix) the facility is not located within a regulated recharge area.

3. That in granting approval of the Application for Site Location Approval of the South Unit Expansion of the Southern Illinois Regional Landfill in Jackson County, Illinois, the following conditions shall be imposed, which conditions are reasonable and necessary to accomplish the purposes of Section 39.2 of the Illinois Environmental Protection Act and are not inconsistent with the regulations promulgated by the Illinois Pollution Control Board:

A. SIRL shall use SDR11 leachate collection pipe or equivalent to collect leachate from the bottom liner system.

B. Jackson County shall be sent the HELP model results when the developmental permit application is submitted to the Illinois Environmental Protection Agency.

C. If deemed necessary by the Jackson County Highway Engineer, SIRL shall install adequate erosion control that protects the public road ditches. If the outlets from the detention basins cause erosion along the ditches adjacent to the public roadways, SIRL shall be responsible for repairing the ditches and supplying the labor and materials acceptable to Jackson County and/or De Soto Township. Materials may include, but are not limited to, riprap, topsoil, seed, and erosion blanket.

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F. SIRL shall install nested piezometers near WBG 8D. The first piezometer shall be screened into the sandstone unit. The second piezometer shall be screened in the middle of the lacustrine unit. The wells shall be logged, constructed and developed under the direction of a registered geologist or engineer. Single well aquifer tests shall be performed on each well. The hydrogeologic report shall be updated to include additional nested well water levels, hydraulic conductivity and potentiometric surface.

G. A six-foot to eight-foot high privacy fence shall be built to screen the view of the equipment storage area from Township Line Road or other public roads developed in the future. In the alternative, natural vegetation or landscaping can be used for this purpose.

H. Additional screening shall be provided along the property boundary on the west portions of the landfill between the landfill and private residences. SIRL shall take into consideration the homeowner's preference of fencing, vegetation screening and/or a berm prior to installing the screen.

I. If any above ground petroleum tank is newly installed or relocated in the future, it shall be placed on a liner that consists of at least two feet of compacted clay and a 60-mil HDPE geomembrane, or a liner system of equivalent permeability.

J. Commercial waste vehicles shall be informed to enter and exit the landfill from the east (using U. S. 51 and Landfill Road) and not to use the roads west of the landfill entrance. This traffic restriction shall be maintained for the life of the expansion unless the Jackson County Highway Engineer and the Jackson County Health Department concur that the restriction shall be lifted. Commercial waste vehicles used to collect waste along Dumaroc Road, Township Line Road or other local roads as deemed appropriate by the Jackson County Highway Engineer shall be exempt from this restriction.

4. That the Chairman of the Jackson County Board or other appropriate official of Jackson County, as determined by the Illinois Environmental Protection Agency rules and regulations, shall execute any and all documents including a Certificate of Local Siting Approval as required by the Illinois Environmental Protection Agency consistent with this Resolution.

5. That this Resolution shall be in full force and effect immediately upon its passage by the Jackson County Board and approval by the Chairman thereof.

PASSED by the Jackson County Board at a regular meeting this 10th day of April, 2002 upon a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

Approved:

Chairman
Jackson County Board

Attest:

Jackson County Clerk