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STATE OF ILLINOIS August 27, 2010
Pollution Control Board

To: Illinois State Pollution Control Board
Re: Our concerns about the DeKalb County Landfill Expansion planning process
Case Number PCB2010-103

PC # 8

(1) The public and the County Board were not adequately informed of the rules.

Rules for Public Involvement in the siting process state that, "Illinois law intends that citizens be fully informed about the proposal." The public was not fully informed that the site expansion was 7 times larger, with waste from 17 other counties, a quarter of a mile from an elementary school, and that a "non-appealable" agreement would last for 46 years. It was not until April 27, after the 7 member County Pollution Control Board approved the site application and the *Daily Chronicle* published the information on the front page, that I fully realized the extent of the expansion.

Before that time I trusted that the County Board members would responsibly find a way for disposal of the increased waste generated by County residents. I assumed the present site would probably be an adequate location for such expansion. I read in the paper that the annual landfill use application form had been approved, which I misunderstood as security that the County could annually review the project and decide whether to discontinue it. Later in reading the small print in the "Host Agreement" I learned that permit approval was a formal procedure with no teeth in it and that "Host Agreement" was a "non-appealable" agreement. When I learned of the extensive increase and the shifting of the major risks on to the County in agreements that could not be changed by the County, I became concerned. Then I learned that the reason I didn't know of the details was that the County Board had made pre-agreements to the site application and was under strict legal rules of no contact with their constituents about the site application.

As a researcher of the antislavery period and the Gag Rule in the 1840s in the U. S. Congress, I seriously considered whether such a rule was unconstitutional. I worked for hours to find on line the legal source for that decision to no avail. I learned that the County Administrator did not even give the source of that rule when he informed the Board Members of the prohibition of contact with constituents. I asked him personally the night of the Board Meeting vote for the siting, what the legal source of the no contact ruling was. He said he didn't know. Friends asked the chairwoman of the Board and she didn't know, but did make some information available after the vote. Such information duly given would have been helpful for both the Board and the public to do more research on the ruling to ascertain what the specific limitations were, what the sanctions for disobeying the rule were, and if there were any challenges to it in the courts. The fact that the legal sources of the prohibition of contact with constituents were difficult to ascertain, and that legal staff advising the County Board either did not know of any references of challenges to that rule, or failed to communicate them, enhances to a high degree my lack of confidence in local public officials dealing with sensitive matters. I do not want to distrust our local public officials. Help restore that trust by giving them another opportunity to go through a more open and balanced process.

(2) The public was not fully informed that it was a "non-appealable" agreement for 46 years.

The length of the period of the landfill site was not fully disclosed from the beginning. It was implied by giving the size and capacity of the available land. Also the terms of its duration shifted during the process, which was not available to the public. It is understood that with the permission of Waste Management some changes to the agreement could be made, but only with their permission.

A large number of unforeseen consequences such as accidental toxic contamination, shifting weather patterns, new technical standards for pollutants, safer technology for disposal, water and soil contamination from earthquakes and many more are out there, but the County is helpless for 46 years to make any changes on their own. If this was known more widely, much stiffer oversight of insisting on comparable and long term studies of similar size sites in similar size towns would have been strongly advised. If the public had been informed by open meetings, the information generated would have been more comprehensive and more balanced.

This failure to protect the rights and liabilities to the long term possible consequences significantly shifts the increased risks to the taxpayers and homeowners who would eventually need to carry the tax burden for these future necessary remedies. Please send this application back to the County Board to give them a chance for a more open process that could protect us from these risks of unforeseen consequences which should be shared with all parties concerned.

In conclusion I feel that the public was not adequately informed and was misled about the vast size, questionable conditions and long duration of this site location, until it was too late to do anything about it. Deprived of this information by silenced public officials we were hindered in our ability to help marshal public and professional support for a more vigorous examination of the issues. I and many other concerned folk really don't know what the health, safety and economic factors of this decision are because significant questions were not asked, and I doubt the Board members know sufficiently either. I feel strongly that the democratic process has been significantly compromised to the detriment of local governance, and to the long term economic condition of the County.

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