

17 November 2010

Illinois Pollution Control Board  
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STATE OF ILLINOIS  
Pollution Control Board

RE: Case number PCB2010-103

Board Members:

PC# 43

This letter is to state my feelings on the fairness of the hearing for the proposed DeKalb County Landfill expansion, and also includes general comments about the project and the entire process. As to the fairness of the hearing process, I believe that it was flawed in several ways.

First, before the hearing was even held, the DeKalb County Board (hereafter DCB) published an announcement in the DeKalb Daily Chronicle stating that they would be passing a resolution to sell bonds for 2 projects, namely 1) the expansion of the DeKalb County Courthouse (to be paid for by income from the taxes taken in by the businesses that occupy the old County Farm property) and, 2) the expansion of the DeKalb County Jail, to be paid for by the tipping fees that would be generated by the expansion of the DeKalb County Landfill.

Since the DCB had already committed to using the funds that would be generated by the expansion BEFORE they held a hearing to determine whether or not Waste Management Int'l. (hereafter WMI) had met all the criteria necessary for the expansion, this has the appearance of the DCB having already made up their minds about the expansion. And, since these bonds were to be GO (General Obligation) bonds, IF the landfill tipping fees did not materialize, the taxpayers of the County would be liable for the repayment of these bonds. Since the taxpayers of this County had already voted down two referendums proposing the DeKalb County Jail expansion, this seems like a subterfuge by the DCB to get their project done, regardless of taxpayer feelings.

Second, I quote (emphasis mine) from the published minutes of the DeKalb County Board, August 29, 2006: "The committee asked, as we go through these meetings and Waste Management attends them, when does it become prohibitive for them to continue to meet with us and then we in turn begin the public hearing process? Mr. Bockman, DeKalb County Administrator, said that *once Waste Management files for a permit the 172 process begins and we cannot talk to them any longer*. That process does trigger the public hearings then.

Mr. Paul Miller, DeKalb County Planning and Zoning Director, said that prior to the 172 filing, *there is nothing that prohibits this committee from sponsoring either informational meetings or public hearings. There is nothing that stops this committee from conducting these public hearings in advance of a formal application*, he further stated."

Assuming that the hearing was indeed fair and that the members of the DCB did not have a predisposition to approve the expansion, the DCB was extremely lax in following the recommendation of Mr. Paul Miller. Where was the chance for citizen input BEFORE this issue came to the attention of the general population of DeKalb County? When was the information about the expansion proposal presented to the public so that they might have input into the process of ELECTED GOVERNMENT? Where was the contact by the DCB members to their constituents? And, once this issue became known to some of the public, the 172 process had begun, and *the members of the DCB were then told that they could not talk to their constituents about this issue until AFTER the hearing*. Note that Mr. Bockman's statement does NOT mention that the County Board members cannot talk to their constituents, only "to them" (WMI)! Some DCB members were NOT aware that they could not talk to their constituents under the rules of the 172 process!!

After the hearing was held, *the members were then told that they could not talk to their constituents until AFTER the vote by the full DCB!* And this “gag order” information came from the County Administrator, not the State's Attorney, who should have been the bearer of such news... ONLY AFTER people complained, did the State's Attorney issue a statement. **The process that allows an elected official to be inaccessible to their constituents is a flawed process.**

Thirdly, the hearing was held at Kishwaukee College in Malta, IL. I realize that meeting places are not always easy to find, but as the landfill property is near Cortland, IL, in Cortland Township, and the major population center of DeKalb County is the DeKalb/Sycamore/Cortland area, it seems that in order for this hearing to be fair insomuch as to make it easily accessible to the people in the most populous area AND also those who would be affected the most by the expansion, it should have been held in the DeKalb/Sycamore/Cortland area. Also, the hearing was scheduled during the day, when most people are at work. There were NO plans to include an evening session to accommodate any persons who might wish to participate UNTIL the actual day of the hearing, and then the announcement of same was AT the hearing. It was then published in the newspaper that there would be an evening session, but on the day that the evening session occurred. Hardly enough time for most people to plan to attend.

Fourth, it was also published that in order to be able to speak at the hearing, one would need to register ahead of time at the County Clerk's office in Sycamore. How many people (we'll never know, I'm sure) did not attend and speak because they were not able to “register in advance?” Again, AT the hearing, those rules changed, and anyone could get up and speak at the appropriate time designated by the Hearing Officer -- with no notice to the public that the “rules” had changed. The number of people who did attend the hearing surprised several people, who were apparently expecting limited or no attendance, and those that had registered to speak (Dan Kenney, Mac McIntyre, et. al.) were not even provided with a microphone or a table to sit at!

Fifth, since the Pollution Control Committee of the DCB were the people required to hear, evaluate, and pass judgment on the presentation by WMI, it struck me as odd that they were not all in attendance during the entire proceedings. I realize that they have jobs, responsibilities, etc. aside from the DCB, but an issue of this importance and magnitude should have demanded their attention and attendance for the entire proceedings.

Sixth, the ability of the public to be able to ask intelligent, meaningful questions about the expansion was limited in that we were presented with materials that were very complex and often scientific in nature, presented by people who had taken a great deal of time to prepare their presentations. Apparently the nine volumes of criteria study done by WMI were available at the County Clerk's office and the DeKalb Public Library, but this information was NOT well known. When asked about receiving that information in electronic format, a citizen was told that could not be done. When the citizen then visited and questioned the State's Attorney about this, later that night the County Administrator delivered the CD of the electronic document to the citizen's house in person! Either very accommodating, or very CYA!!

Seventh: Prior to the hearing, there was an earthquake NE of Sycamore near Virgil, IL. The location and magnitude of this earthquake prompted the Unites States Geological Survey to change the designation of this region, including the area covered by the landfill expansion. Since the WMI report was prepared prior to this change, the information contained within was not based on the current, albeit, new, data. Why was WMI allowed to present this data? Should not that portion of their presentation have been required to be re-done to reflect the new conditions? I believe that when this was mentioned by a citizen at the hearing, they were told that it was not of any major concern and would be addressed. In my mind, that entire portion of the presentation is null and void, as, the way it is now written is not based on accurate data and USGS designations.

Eighth: One of WMI's studies was traffic. They admitted that they had totally ignored agricultural traffic in their study. While DeKalb County is now considered a "collar county", it is still one of the major agricultural counties in the State. To ignore that portion of the traffic seems flawed.

Other things trouble me about this entire process – the fact that the DCB knew that there was a possibility of the landfill expansion as far back as 2006, yet they did not communicate this fact to the DeKalb County School Board and School District. Consequently, there is now a grade school within ½ mile of the landfill on land donated by a developer!! The issue of the school near the landfill has taken on a life of its own, but HAD there been some inter-governmental communication, this entire issue could have been avoided! For this I fault the DCB, but given their lack of communication about the landfill issue in general, I am not surprised by this. Should not the developer of the sub-division across I88 from the landfill have been told of the possible expansion? This whole scenario appears to be all about money rather than the good of the County and the people within. The DeKalb County Host Agreement was drawn up hastily, for fear that the town of Cortland might draw one up sooner and thereby reap the monetary "rewards" instead of DeKalb County. Consequently, many of the items in the Host Agreement are not in the best interest of the County. Had they done their homework and looked at other Host Agreements drawn up by other Counties, perhaps they could have forged an agreement that would have been beneficial, not only financially, but ecologically as well. Many "pet projects" of County Board members will receive yearly contributions from WMI tipping fees, making their "yes" vote suspect. The town of Cortland was bought off (I know of no other way to say it) by WMI. IF the government of the town of Cortland does not oppose or side with those who do oppose the landfill expansion, they will receive \$1 million from WMI and their fire protection district will also receive monies. And, the residents of Cortland will enjoy a \$12/year savings on their refuse pickup!

DeKalb County has attained one of the highest, if not the highest, rates of recycling in the State of Illinois. As a reward for this, we are expected to accept the trash from 16 other counties who do NOT put an emphasis on recycling. I find this hypocritical on the part of WMI.

In closing, I feel that a project of this magnitude, taking the better part of a section of productive farmland and turning it into a giant landfill, is not to be handled the way this has been. The majority of residents in DeKalb County had no idea that this expansion was planned, and most, when they did find out about it, are not in favor of it. The fact that it was done with such secrecy makes it suspect immediately! This project will impact our county and citizens for decades to come, and the outcome, based upon other such landfills, is not a good one. Odors, the very likely possibility of groundwater contamination and gas emissions, blowing garbage... This is NOT what we want for DeKalb County.

Thank you,



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