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STATE OF ILLINOIS
Pollution Control Board

Legislative Center □ 200 N. Main Street □ Sycamore, Illinois 60178 □ (815) 895-7189

Mr. Bradley P. Halloran
Hearing Officer IPCB
James R. Thompson Center Suite 11-500
100 West Randolph Street
Chicago, IL 60601

December 3, 2010

PC# 44

RE: PCB 10-103 (Stop the Mega-Dump v. DeKalb County and Waste Management)

Mr. Halloran,

Please accept this letter as additional public comment on the above-captioned matter. After yet another day of listening to members of "Stop the Mega-Dump" allegations against myself and members of the DeKalb County Board, I have decided to comment for the first time on this matter.

My name is Ray Bockman. I am the County Administrator of DeKalb County and have been for more than twenty-six years. I was the County Administrator the last time an expansion of this landfill was approved over twenty-one years ago. There was opposition then too, but the County Board did what it felt was in the best interests of the majority of its citizens then as it has done now.

Informed that the only landfill in the county was running out of capacity, the County board, in 2006, appointed a solid waste committee to study alternatives. That group interviewed consultants and hired Patrick Engineering to lead an exhaustive study of alternatives. It looked at every means now known to dispose of solid waste including, among others, incineration, plasma-arc and transfer stations and the costs/benefits of these various methods. The committee's conclusion, which I share, is that at this point in time, in this community, a landfill is the best solution to the final disposal of solid waste. It is the solution called for in the County's solid waste plan and it is, in fact, the only reasonable solution for us at this time.

The committee, based on this realization, studied the prospects of expansion versus new landfills. It was obvious that new sites were difficult/impossible to get approved and it settled on an expansion of the existing facility. It was also apparent that, given the tremendous cost associated with constructing a modern Subtitle D compliant landfill, there was no possibility that any other disposal company would undertake that exorbitant cost to dispose of the relatively small amount (300 tons per day (TPD)) that DeKalb County currently produces. The committee agreed to request a 1,500 TPD proposal.

DeKalb County

Ultimately, Waste Management of Illinois, Inc., the owner and operator of the County's only landfill, submitted a 2,000 TPD proposal to the Solid Waste Committee. The committee then directed me to negotiate a Host Fee Agreement pursuant to Illinois Law. The DeKalb County Board approved that agreement in March of 2009.

Opponents of the actions of the County Board have frequently either misunderstood or misinterpreted the laws of this state with regard to the Host Fee agreement process. I understand their confusion and agree with them that this process merits change. The landfill expansion opponents need to stop blaming the County Board and start petitioning the Illinois General Assembly. The County Board followed the law to the letter – as it must.

Similarly, opponents of this expansion have made much of a letter that I wrote to members of the County Board shortly before the public hearing began advising them against *ex parte* contacts. These good people are incensed that their elected representatives were told not to talk to them outside of the public hearing process. Again their vitriol should be directed at the law, not myself or the members of the County Board. Many of these law abiding citizens, upon hearing that this type of contact was against the law, proceeded to ignore the law and contact their representatives on the County Board outside of the hearing process anyway.

The County Board and staff bent over backwards to ensure that anyone who wanted to review a copy of the application could do so. I personally delivered copies of that application to the local city halls and libraries the day after it was filed. I also personally delivered an electronic copy of that application to a local reporter. Copies were made available for review and/or copying at both the County Board office and the County Clerk's office. No person who requested to view or copy any portion of the application was refused or denied. Members of Stop the Mega-Dump have alleged in various ways that they were denied access to the application or were not properly notified of the hearings and their right to participate in those proceedings. This is simply not true. The record will show that any person who wished to be heard on this matter was heard. Many of those people cross-questioned witnesses at hearing, spoke at considerable length, and submitted written comments.

The local siting authority under Illinois law has only 180 days to act on an application for site approval once it has been filed. I am proud of the way this application was handled in DeKalb County. The County hired excellent legal staff, environmental consultants and the best hearing officer we could find. The siting process was facilitated, in my opinion, by going through the pre-filing review process as outlined in state and local law which lead to a better understanding of the technical aspects and principles involved.

One last area that has been the subject of a good deal of misunderstanding: the opponents of the landfill expansion have accused the County Board of "spending the money" before

they approved the application. It is irrefutably true that the staff and County intend to use host fee receipts to expand the county jail if and when they become available. This has been stated publicly on numerous occasions. It has also always been stated that if those fee revenues do not become available we will go to the voters for referendum approval of a general obligation bond issue to accomplish this expansion. Opponents focus on language contained in the County Board's bond inducement resolution as proof of their allegations. The bond inducement resolution contains a reference to host fee revenues because all possible sources of payment had to be included in the resolution that induced those alternative revenue bonds. The resolution covered not only the future expansion of the jail but also the current expansion of the county courthouse.

In closing, I urge the Illinois Pollution Control Board to affirm the strong vote of the DeKalb County board in this matter. The findings of local government decisionmakers should be presumed to have been made in good faith and should be deemed valid. I can assure you that this was the case in DeKalb County.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Bockman". The signature is stylized with a large, sweeping initial "R" and a long horizontal line extending to the right.

Ray Bockman
DeKalb County Administrator