

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VEOLIA ES ES ZION)
 LANDVILL, INC.)
)
 Petitioner,)
)
 vs.)
)
 CITY COUNSEL OF THE)
 CITY OF ZION, ILLINOIS,)
)
 Respondent.)

PCB 11-10
 (Pollution Control Facility Siting Appeal)

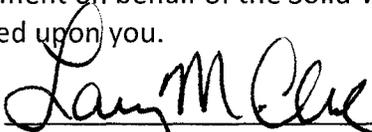
NOTICE OF FILING

To: Bradley P. Halloran
 Hearing Officer, IPCB
 James R. Thompson Center
 Suite 11-500
 Chicago, IL 60601

Adam Simon
 Ancel, Glink, Diamond, Bush, et al
 175 E. Hawthorn Pkwy, Suite 145
 Vernon Hills, IL 60061

Gerald P. Callaghan
 Freeborn & Peters LLP
 311 South Wacker Drive, Suite 3000
 Chicago, IL 60606

Please take notice that on the 7th day of February, 2011 I have filed with the Office of the Clerk of the Pollution Control Board Public Comment on behalf of the Solid Waste Agency of Lake County, Illinois, a copy of which is hereby served upon you.



 Larry M. Clark, Attorney for the Solid Waste
 Agency of Lake County, Illinois

Dated this 7th day of February, 2011

Larry M. Clark
 Attorney At Law
 700 North Lake Street, Suite 200
 Mundelein, IL 60060
 847-949-9396

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VEOLIA ES ZION)	
LANDFILL, INC.,)	
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Petitioner,)	
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v.)	PCB 11-10
)	(Pollution Control Facility Siting Appeal)
CITY COUNSEL OF THE)	
CITY OF ZION, ILLINOIS,)	
)	
Respondent.)	

PUBLIC COMMENT

Now comes the Solid Waste Agency of Lake County, Illinois, a Third Party Participant herein and hereby makes the following public comment in regard to the Appeal of Veolia ES Zion Landfill, Inc. to the Illinois Pollution Control Board:

The Hearing Officer in this local siting hearing concurred with all of the conditions proposed by the City of Zion and agreed to by Veolia ES Zion Landfill, Inc. with the exception of Condition 2.2 which reads as follows:

2.2 Prior to the submitting of the development permit application to the IEPA for the landfill gas collection and control system for the proposed Facility, the Owner/Operator shall submit draft plans, designs, and an operations and maintenance plan relating thereto to the City of Zion for review and approval. Thereafter, prior to submitting any and all pertinent applications to the IEPA for modifications to the landfill gas collection and control system for the proposed Facility, the Owner shall submit notice thereof to the City of Zion, which may exercise the option to review and approve said plans by giving notice of such election within 10 business days of receipt. In both cases the City shall have up to 60 days from submittal of such plans to render its approval or conditional approval of the proposed design. The Owner/Operator shall be responsible for reimbursing the City for any costs related to the review of the proposed designs.

It appears that the primary concern of the Petitioner, Veolia, is that they will be bound by this condition to present all plans that relate to the gas collection system to the City for their prior approval, both now and in the future. It is clear that Veolia has had prior operational difficulties in preventing odor from leaving the site and permeating through the neighborhood. Table V-2 in Appendix V (C1-05350 through C1-05357). Even the testimony of Veolia's engineer Devin

Moose have acknowledged prior odor issues at this site. (C1-174). The public comment elicited at the siting hearing from two different sets of neighbors, Robert & Robin Brunner (C1-140 & C4-13 through C4-15) and Ms Barret (C1-139) during the local siting hearing and in Mr. Brunner's Notice of Participation indicate that the odor issues continue to exist at the site, despite the fact that the record of odor issues goes back to at least 2006 (C1-171 and 172). Given the acknowledged odor issues at the Zion Landfill it is prudent and necessary for the City to take a more proactive role in the current and future design, construction and operation of the landfill gas collection and control system. Veolia has already agreed to the City of Zion reviewing its development permit application for the landfill gas and control system and to not allow the City of Zion to continue to have input in the permitting of the landfill gas and control system would be contrary to the City's expectations when it granted siting approval subject to the condition in question.

Landfills are currently a necessity as a method to dispose of solid waste in Illinois. Veolia's ES Zion Landfill has had odor issues that go back to 2006 or before and continue. If Veolia cannot solve their odor issues independently, then they should not reject offers of participation from the City to cooperate in the solving of these problems. Certainly if Veolia were to run a landfill with no odor issues, then changes to their gas collection system or operations would not be necessary and they would not be required to submit plans to the City for review. Similarly, if Veolia has no further odor issues, then they will not have to submit proposed plans to the City and won't have to reimburse the City for their engineering costs in reviewing any new proposals.

The City can only review the current plans as identified in Veolia's Application for Local Siting. Both the City and Veolia have acknowledged that the Application did not contain sufficient detail in addressing the odor problems that have dogged this landfill for years. Therefore Veolia agreed to prepare updated plans and allow the City to review them. Because prior odor plans have not been entirely successful in the elimination of odors, it is questionable as to whether any new proposals will adequately address odor issues. Therefore it would make sense to have Veolia, as opposed to the public, repay the City for any expenses that they may incur in reviewing plans to address a continuing problem.

Respectively Submitted,

A handwritten signature in black ink that reads "Larry M. Clark". The signature is written in a cursive style with a large, looping initial "L".

Larry M. Clark, Attorney for Third Party
Participant, The Solid Waste Agency of
Lake County, Illinois

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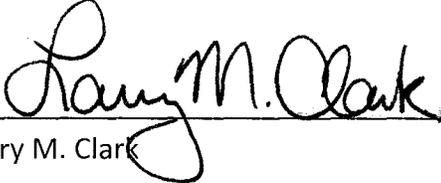
CERTIFICATE OF SERVICE

I, Larry M. Clark, an attorney for the Respondent, hereby certify that I have served the attached Notice of Filing and Appearance on the following persons at the following address by U.S. Mail, postage prepaid.

Bradley P. Halloran
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