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APR 14 2003

ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

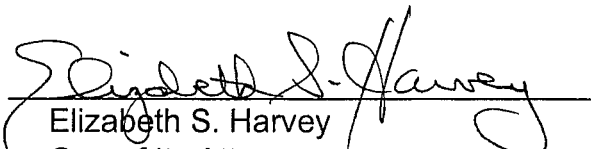
CITY OF KANKAKEE,	)	
	)	PCB 03-125
Petitioner,	)	PCB 03-133
	)	PCB 03-134
v.	)	PCB 03-135
	)	PCB 03-144 (consolidated)
COUNTY OF KANKAKEE, COUNTY	)	(Pollution Control Facility Siting Appeals)
BOARD OF KANKAKEE, and WASTE	)	
MANAGEMENT OF ILLINOIS, INC.	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 14th day of April 2003, the following **Amended Certification of Record On Appeal** and **Additional Documents** were filed with the Illinois Pollution Control Board, attached and herewith served upon you.

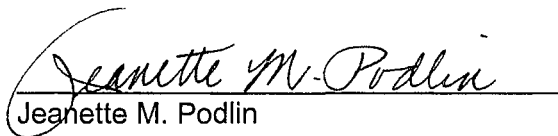
COUNTY OF KANKAKEE and  
COUNTY BOARD OF KANKAKEE

By:   
Elizabeth S. Harvey  
One of Its Attorneys

Elizabeth S. Harvey  
SWANSON, MARTIN & BELL  
One IBM Plaza, Suite 2900  
330 North Wabash Avenue  
Chicago, Illinois 60611  
Telephone: (312) 321-9100  
Firm I.D. No. 29558

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served copies of the described documents to all counsel of record in the above-captioned matter on April 14, 2003, via U.S. Mail.

  
Jeanette M. Podlin

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

**SERVICE LIST**  
**KANKAKEE COUNTY/WMII LANDFILL SITING**

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Charles F. Helsten  
Richard Porter  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105

Kenneth A. Leshen  
One Dearborn Square  
Suite 550  
Kankakee, IL 60901

Donald Moran  
Pedersen & Houpt  
161 North Clark Street  
Suite 3100  
Chicago, IL 60601-3242

George Mueller  
George Mueller, P.C.  
501 State Street  
Ottawa, IL 61350

L. Patrick Power  
956 North Fifth Avenue  
Kankakee, IL 60901

Jennifer J. Sackett Pohlenz  
Querry & Harrow, Ltd.  
175 West Jackson Boulevard  
Suite 1600  
Chicago, IL 60604

Keith Runyon  
165 Plum Creek Drive  
Bourbonnais, IL 60914

Kenneth A. Bleyer  
Attorney at Law  
923 West Gordon Terrace, #3  
Chicago, IL 60613-2013

Leland Milk  
6903 S. Route 45-52  
Chebanse, IL 60922-5153

Patricia O'Dell  
1242 Arrowhead Drive  
Bourbonnais, IL 60914

ILLINOIS POLLUTION CONTROL BOARD

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APR 14 2003

**STATE OF ILLINOIS**  
**Pollution Control Board**

CITY OF KANKAKEE	)	
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BOARD OF KANKAKEE, And WASTE	)	
MANAGEMENT OF ILLINOIS, INC.	)	
	)	
Respondents.	)	

**AMENDED CERTIFICATION OF RECORD ON APPEAL**

Pursuant to Sections 107.304 and 107.308 of the Board's procedural rules, Bruce Clark, County Clerk of Kankakee County, hereby certifies that he has submitted all information and documents filed with the County Clerk regarding the application for site approval filed by Waste Management of Illinois, Inc., on August 16, 2002. The record consists of the following:

- C1 Application for Siting Approval, Volume 1
- C2 Application for Siting Approval, Volume 2
- C3 Site Location Application Maps
- C4 WMII Operating History
- C5 WMII Operating History
- C6 WMII Operating History
- C7 WMII Operating History
- C8 WMII Operating History
- C9 WMII Operating History
- C10 WMII Operating History
- C11 – C18 Gregory Deck Exhibits
- C19 – C26 Sandburg Exhibits
- C27 – C38 Lee Milk Exhibits
- C39 – C517 Waste Management Exhibits
- C518 Appearance – Keith Runyon
- C519 Appearance – Roy Bernard
- C520 – C522 Appearance - George Mueller on behalf of Merlin Karlock

C523 Appearance – Patricia O'Dell

C524 – C527 Motion to Dismiss – IEPA Filings – George Mueller

C528 – C529 Notice of Filing – Motion in Limine – Donald Moran

C530 – C535 Motion in Limine to Limit Evidence – Waste Management

C536 – C558 Pat Power/City of Kankakee Exhibits

C559 – C575 Keith Bleyer/Richard Murray Exhibits

C576 – C652 Querry & Harrow, Ltd./Michael Watson Exhibits

C653 – C888 George Mueller/Merlin Karlock Exhibits

C889 – C1243 Keith Runyon/Richard Murray Exhibits

C1244 Hearing Transcript Volume I, Nov. 18, 2002, Morning Session, Pages 1-114

C1245 Hearing Transcript Volume II, Nov. 18, 2002, Afternoon Session, Pages 1-86

C1246 Hearing Transcript Volume III, Nov. 18, 2002, Evening Session, Pages 1-129

C1247 Hearing Transcript Volume IV, Nov. 19, 2002, Morning Session, Pages 1-107

C1248 Hearing Transcript Volume V, Nov. 19, 2002, Afternoon Session, Pages 1-149

C1249 Hearing Transcript Volume VI, Nov. 19, 2002, Evening Session, Pages 1-87

C1250 Hearing Transcript Volume VII, Nov. 20, 2002, Morning Session, Pages 1-121

C1251 Hearing Transcript Volume VIII, Nov. 20, 2002, Afternoon Session, Pages 1-101

C1252 Hearing Transcript Volume IX, Nov. 20, 2002, Evening Session, Pages 1-140

C1253 Hearing Transcript Volume X, Nov. 21, 2002, Morning Session, Pages 1-125

C1254 Hearing Transcript Volume XI, Nov. 21, 2002, Afternoon Session, Pages 1-100

C1255 Hearing Transcript Volume XII, Nov. 21, 2002, Evening Session, Pages 1-115

C1256 Hearing Transcript Volume XIII, Nov. 22, 2002, Morning Session, Pages 1-96

C1257 Hearing Transcript Volume XIV, Nov. 22, 2002, Afternoon Session, Pages 1-121

C1258 Hearing Transcript Volume XV, Nov. 22, 2002, Evening Session, Pages 1-110

C1259 Hearing Transcript Volume XVI, Nov. 23, 2002, Morning Session, Pages 1-171

C1260 Hearing Transcript Volume XVII, Nov. 25, 2002, Morning Session, Pages 1-109

C1261 Hearing Transcript Volume XVIII, Nov. 25, 2002, Afternoon Session, Pages 1-118

C1262 Hearing Transcript Volume XIX, Nov. 25, 2002, Evening Session, Pages 1-146

C1263 Hearing Transcript Volume XX, Nov. 26, 2002, Morning Session, Pages 1-108

C1264 Hearing Transcript Volume XXI, Nov. 26, 2002, Afternoon Session, Pages 1-128

C1265 Hearing Transcript Volume XXII, Nov. 26, 2002, Evening Session, Pages 1-57

C1266 Hearing Transcript Volume XXIII, Dec. 2, 2002, Afternoon Session, Pages 1-110

C1267 Hearing Transcript Volume XXIV, Dec. 3, 2002, Evening Session, Pages 1-109

C1268 Hearing Transcript Volume XXV, Dec. 4, 2002, Morning Session, Pages 1-111

C1269 Hearing Transcript Volume XXVI, Dec. 4, 2002, Afternoon Session, Pages 1-140

C1270 Hearing Transcript Volume XXVII, Dec. 4, 2002, Evening Session, Pages 1-54

C1271 Hearing Transcript Volume XXVIII, Dec. 5, 2002, Evening Session, Pages 1-180

C1272 Hearing Transcript Volume XXIX, Dec. 6, 2002, Morning Session, Pages 1-156

C1273 – C1274 Public Comment Participant – Gregory Deck

C1275 Public Comment Participant – Patricia O'Dell

C1276 – C1278 Public Comment #1 – Jeffery O'Connor

C1279 Public Comment #2 – Bruce Harrison

C1280 – C1281 Public Comment #3 – Mr. & Mrs. Robert Keller

C1282 Public Comment #4 – Byron Sandberg

C1283 – C1285 Public Comment #5 – Lee Addleman of Waste Management

C1286 – C1292 Public Comment #6 – Patricia O'Dell

C1293 – C1316 Public Comment #7 – George Mueller for Merlin Karlock

C1317 Public Comment #8 – Keith O'Dell

C1318 – C1319 Public Comment #9 – Mike VanMill – Kankakee County Staff

C1320 – C1791 Public Comment #10 – Darryl Bruck, Jr.

C1792 – C1806 Public Comment #11 – Mike Watson

C1807 – C1809 Public Comment #12 – Jana Glenzinski

C1810 – C1811 Public Comment #13 – Judith Furia

C1812 – C1813 Public Comment #14 – Leland & Carol Milk

C1814 – C1836 Public Comment #15 – George Mueller for Merlin Karlock

C1837 – C2204 Public Comment #16 – Michael Watson's Summary

C2205 – C2247 Public Comment #17 – Darryl Bruck, Jr.

C2248 – C2339 Applicant's Proposed Findings – Donald Moran

C2340 – C2347 Recommendation of Kankakee County Regional Planning Commission

C2348 – C2354 Kankakee County Board Decision

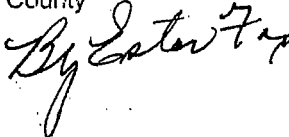
C2355 Hearing Schedule Certificate of Publication

C2356 Public Comment Certificate of Publication

C2357 Regional Planning Commission Public Notice Certificate of Publication  
C2358 Appearance – Jennifer J. Sackett Pohlenz representing Mike Watson  
C2359 Letter of 1/3/03 to Mr. McCarty to confirm the procedure for filing written comments  
C2360 Letter of 1/27/03 to Karl Kruse from George Washington Jr., KCRPC Chairman  
C2361-C2368 Kankakee County Regional Planning Comm. Meeting Minutes of January 16, 2003  
C2369-C2370 Kankakee County Regional Planning Comm. Meeting Minutes of January 22, 2003

Respectfully submitted,

  
\_\_\_\_\_  
BRUCE CLARK  
County Clerk of Kankakee County



02-10-29-254

# Querrey & Harrow

02 OCT 29 PM 1:53

Querrey & Harrow, Ltd.  
175 West Jackson Blvd.  
Suite 1600  
Chicago, IL 60604-2827

TEL (312) 540-7000  
FAX (312) 540-0578

www.querrey.com

Jennifer J. Sackett Pohlenz  
Direct Dial: (312) 540-7540  
E-Mail: [jpohlenz@querrey.com](mailto:jpohlenz@querrey.com)

*Jennifer J. Sackett Pohlenz*  
COUNTY CLERK  
KANKAKEE COUNTY

*Other Offices:*  
Crystal Lake, IL  
Joliet, IL  
Waukegan, IL  
Wheaton, IL  
Merrillville, IN  
New York, NY  
*Representative*  
U.K. Office:  
London

October 28, 2002

Siting Public Record c/o  
Kankakee County Clerk  
Kankakee County Administration Building  
189 East Court Street  
Kankakee, Illinois 60901  
Via Federal Express

Charles F. Helsten  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, Illinois 61105-1389  
Via Fax: (815) 963-9989

Hearing Officer  
John McCarthy  
Fax: (309) 647-7482

Donald J. Moran  
Pedersen & Houpt  
161 N. Clark St., Suite 3100  
Chicago, Illinois 60601-3224  
Via Fax: (312) 261-1149

Edward Smith  
Kankakee County State's Attorney  
Fax (815) 937-3932

**Re: Waste Management of Illinois, Inc.'s Application to the County Board of Kankakee County, Illinois, Requesting Approval of Site Location for the Expansion of the Kankakee Landfill**

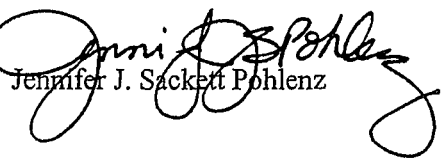
Dear Sirs:

I am writing to notify you that Querrey & Harrow, Ltd. will be representing Mr. Mike Watson during the public hearings for the above referenced request for site location approval. Two of the attorneys from my office will be participating in the hearings. I reserve Mr. Watson's right, as a participant, to present testimony, witnesses, documentary evidence, and unsworn commentary during the public hearings.

To the extent there are any provisions in Kankakee County's Siting Ordinance concerning additional information that must be provided in this notification, or requires that this notification be sent to additional people, please notify me and I will supplement this notification.

Additionally, I ask that Hearing Officer McCarthy be so kind to fax to me a copy of any applicable ordinances, resolutions, or procedural rules concerning the procedure, filings, presentation of evidence, etcetera, at the public hearings. If so required by the County, I have also included a FOIA request for the requested information.

Thank you for your consideration.

Respectfully submitted,  
  
Jennifer J. Sackett Pohlenz

Enclosure



# Querrey & Harrow **FILED**

Querrey & Harrow, Ltd.  
175 West Jackson Blvd.  
Suite 1600  
Chicago, IL 60604-2827

TEL (312) 540-7000

FAX (312) 540-0578

www.querrey.com

03 JAN -8 AM 8:59

Jennifer J. Sackett Pohlenz  
Direct Dial: (312) 540-7540  
E-Mail: [jpohlenz@querrey.com](mailto:jpohlenz@querrey.com)

*Bruce Clark*  
COUNTY CLERK  
KANKAKEE COUNTY

Other Offices:  
Crystal Lake, IL  
Joliet, IL  
Waukegan, IL  
Wheaton, IL  
Merrillville, IN  
New York, NY  
Representative  
U.K. Office:  
London

January 3, 2003

Via Facsimile (309) 647-7482

Hearing Officer  
John J. McCarthy  
45 East Side Square, Suite 301  
Carbondale, IL 61520

Re: Waste Management of Illinois, Inc.'s Application to the County Board of Kankakee County, Illinois, Requesting Approval of Site Location for the Expansion of the Kankakee Landfill  
Our File #: 64853

Dear Mr. McCarthy:

I am writing to confirm the procedure for filing written comments in the above referenced matter, specifically that written comments will be filed by the Kankakee County Clerk's office so long as they are postmarked on or before Monday, January 6<sup>th</sup>, 2003, even if they are received after that date.

Please contact me if your understanding of this procedure is different, in other words if the Kankakee County Clerk has any intention of not filing such comments if received after January 6<sup>th</sup>, even if postmarked on that date.

Thank you for your consideration.

Respectfully submitted,

*Jennifer J. Sackett Pohlenz*  
Jennifer J. Sackett Pohlenz

cc: *Via U.S. Mail*  
Siting public record/Kankakee County Clerk  
Charles F. Helston  
Donald J. Moran  
Edward Smith  
Elizabeth S. Harvey  
George Mueller  
Kenneth A. Bleyer



# County of Kankakee

## Planning Department

Michael J. Van Mill, AICP  
Planning Director

189 East Court Street • Kankakee, IL 60901 • 815-937-2940 • Fax 815-937-2974

January 27, 2003

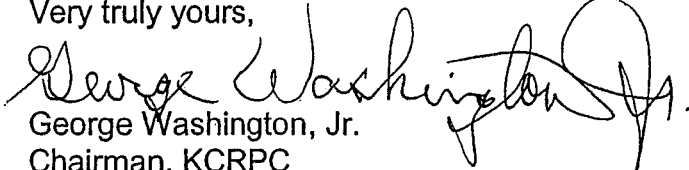
Mr. Karl Kruse  
Chairman, Kankakee County Board  
189 East Court Street  
Kankakee, IL 60901-3992

RE: Recommendation of the Kankakee County Regional Planning  
Commission on WMII's Application for Local Siting Approval

Dear Mr. Kruse:

As provided by the Kankakee County Siting Ordinance for Pollution Control Facilities, the Kankakee County Regional Planning Commission (KCRPC) has considered the application of Waste Management of Illinois, Inc. for siting approval of an expansion of its existing Kankakee Landfill. Enclosed is the KCRPC's formal resolution, adopted January 22, 2003, containing its recommendations to the County Board. I hereby transmit those recommendations to the County Board, for its consideration and decision on WMII's application. Also enclosed are the minutes of the KCRPC's January 16, 2003 meeting, at which it discussed and voted upon the recommendations.

Very truly yours,

  
George Washington, Jr.  
Chairman, KCRPC

Enclosures

cc: Mr. Bruce Clark, County Clerk  
(w/enc., for inclusion in the public record)

Minutes  
Kankakee County Regional Planning Commission Meeting  
January 22, 2003  
4<sup>th</sup> Floor Administration Building  
10:00 a.m.

Members Present

Dave Bergdahl  
Mike Spilsbury  
Mike Finnegan  
John Meyer, Jr.  
Barry Jaffe  
Loretto Cowhig  
Mel Blanchette  
Jim Tripp  
Ralph Paarlberg  
Curt Saindon  
George Washington, Jr.

Members Absent

Dennis Peters  
Dennis Millirons  
Craig Bayston

Others

Elizabeth Harvey, Attorney

Mr. Washington called the meeting in order at 10:10 a.m.

Roll Call was taken and a quorum was present.

A motion was made by Mr. Blanchette to approve the minutes from the January 16, 2003 Kankakee County Regional Planning Commission Meeting, seconded by Mr. Meyer. Motion carried.

Ms. Harvey informed the Commission that the document distributed to them is the recommendations relating to the application for the expansion of the existing Kankakee Landfill, to be forwarded to the Kankakee County Board.

Ms. Harvey went over the findings one by one to make sure that the findings reflect the Commission's recommendation.

There was some discussion on Criteria #2, Condition C regarding location of all private wells. The Commission just needed some clarification.

Also on Criteria #2 it was asked if the Commission should put a condition on the minimum depth of the clay layer. After some discussion it was decided that what was in the application was sufficient and with the double liner there is already extra safety measures in place.

There was discussion on Criteria #2 Condition X as to whether the condition should be more specific. After discussion it was decided that the condition was fine due to the fact

that the Commission's intent is to require a double liner, not the specific technology or installation of it.

There was a change to Criteria #2 Condition Y to also include relocation of farm drainage tiles.

The Commission asked if the two unnumbered criteria needed to be included in the recommendation.

Ms. Harvey informed that they were addressed in the minutes but do not need to be in the recommendation.

With no further discussion Mr. Jaffe made a motion to approve the recommendation with the spelling corrections and the wording in Criteria #2 Condition Y to be:

“The landfill operator shall locate any farm drainage tiles on the property, and work with the County and appropriate drainage districts regarding possible removal and/or relocation of those tiles.”

Mr. Meyer seconded the motion. There was a roll call vote with 10 ayes, 3 absents, and 1 nay (Mr. Paarlberg). The motion carried.

A motion to adjourn was made by Mr. Saindon, seconded by Mr. Jaffe. Motion carried.

Meeting adjourned at 10:45 a.m.

Submitted by Michelle Sadler, Kankakee County Planning Department

Approved By KCRPC on January 28, 2003

FILED

03 JAN 24 PM 2:56

Minutes  
 Kankakee County Regional Planning Commission Meeting  
 January 16, 2003  
 4<sup>th</sup> Floor Administration Building  
 9:00 a.m.

*Bruce Clark*  
 COUNTY CLERK  
 KANKAKEE COUNTY

Members Present

Craig Bayston  
 Dave Bergdahl  
 Mike Spilsbury  
 Mike Finnegan  
 John Meyer, Jr.  
 Barry Jaffe  
 Loretto Cowhig  
 Mel Blanchette  
 Jim Tripp  
 Ralph Paarlberg  
 Curt Saindon  
 George Washington, Jr.

Members Absent

Dennis Peters  
 Dennis Millirons

Others

Elizabeth Harvey, Attorney

Mr. Washington called the meeting in order at 9:10 a.m.

Roll Call was taken and a quorum was present. The public was informed that these proceedings are open to the public but closed for public participation and comments.

Ms. Harvey went over the instruction and overview of what the Commission's role in the proceedings are. The Commission can accept or deny the Hearing Officers recommendation based on the application, hearing, transcripts and public comment. The Commission must determine if all nine (9) criteria have been met. Each issue and criteria should be voted on individually.

The first issue to be addressed was whether the County has jurisdiction over the application.

The Commission discussed this issue and noted that the Hearing Officer denied all the motions made on this issue.

Motion was made by Mr. Meyer to accept the Hearing Officer ruling on the County having jurisdiction over the application, seconded by Mr. Jaffe. Motion Carried.

Next is the issue of the proceedings being fundamentally fair.

The Commission discussed this issued and also noted that the Hearing Officer denied all the motions made on this issue. The Commission was disappointed in the public participation.

Motion was made by Mr. Jaffe to accept the Hearing Officer's rulings, and to find that the proceedings were fundamentally fair, seconded by Mr. Tripp. Motion carried.

Next the Commission reviewed the nine (9) criteria:

**Criteria #4:** For a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain.

A motion to accept that Criteria #4 has been satisfied was made by Mr. Saindon, seconded by Mr. Jaffe. Motion carried.

**Criteria #7:** 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.

The Commission discussed whether this criteria is applicable or not, due to the fact that the application states that they will not be handling hazardous waste.

A motion was made by Mr. Jaffe that Criteria #7 is not applicable, seconded by Mr. Bayston. Motion carried.

**Criteria #9:** If the facility will be located within a regulated recharge area, any applicable requirements specified by the (Pollution Control) Board for such areas have been met.

The Commission discussed that this criteria is not applicable because the subject site is not located in a regulated recharge area.

A motion was made by Mr. Saindon that Criteria#9 is not applicable, seconded by Mr. Spilsbury. Motion carried.

**Criteria #6:** The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

The Commission discussed this to some length and added the following conditions:

1. Any construction plans of the facility entrance shall be provided to the County highway engineer prior to construction. The applicant shall demonstrate to the County that sight distance of at least 1,015 feet of visibility can be achieved by the final entrance design. All improvements higher than 3.5 feet above the elevation of the nearest pavement edge shall be set back at least 50 feet from US Route 45/52.
2. The traffic site improvements identified in the application should be completed prior to operation of the expansion.

3. Customer Convenience Center. A customer convenience area for public drop-off is proposed in the application. The onsite traffic route for this area should be separate from the traffic route designated for the commercial landfill operation.
4. The County may wish to restrict or limit the use of all local roads maintained by the County and/or Otto Township Road Commissioner by landfill vehicles unless their ability to handle heavy vehicles is demonstrated. 6000 S Road is a Class C truck route with a five axle maximum weight of 32 tones, although there is a spring thaw restriction of 5 tons from February 1<sup>st</sup> to May 1<sup>st</sup>. The County staff is also concerned about trucks using 7500 South as a "short-cut" off of Route 1. The County may wish to restrict landfill vehicles from the route during the specified time period due to weight concerns. Approval needs to be sought by the County and Otto Township Road Commissioner.
5. The County highway engineer shall be informed of the planned turning radius of the first curve west of the entrance of the facility, and his approval must be obtained prior to construction.
6. Advanced warning signs would be beneficial on Route 45/52 in advance of the proposed entrance in both directions. For example, a side-road ahead symbol sign or "Trucks Entering Roadway" sign could be posted. The applicant shall provide its opinion about signage to IDOT and the County highway engineer prior to its request for a construction permit.
7. The applicant shall notify IDOT of all concerns noted in this subsection when applying for an Intersection Design Study (IDS), and these shall be addressed in the applicant's efforts to secure a construction permit. The applicant shall send a copy of the permit application to the County Planning Director.
8. Trucks shall not be staged outside the gate prior to the facility opening.
9. The applicant shall develop recommended truck routes, using Interstate 57 and Route 45/52, and provide those recommended routes to their haulers and subcontracted haulers.

A motion was made by Mr. Saindon to accept that Criteria #6 has been satisfied with the above conditions, seconded by Mr. Meyer. Motion carried.

**Criteria #1:** The facility is necessary to accommodate the waste needs of the area it is intended to serve.

There was some discussion on the service area.

A motion was made by Mr. Jaffe that the facility is necessary, seconded by Mr. Bayston. Motion carried.

**Criteria #2:** The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

There was a great deal of discussion on this criteria and several issues to consider. The follow conditions were agreed upon by the Commission to place on this criteria.

1. There shall be no vertical expansion.
2. The lateral expansion must be considered a separate unit from the existing landfill as defined in Title 35, IAC Section 810.103, and separate groundwater monitoring networks shall be maintained for the proposed expansion and for the exiting landfill.
3. A field verification must be performed to locate all adjacent private wells currently used as a source of potable water within 1,000 feet of the boundaries of the Waste Management property.
4. Downgradient monitoring well spacing in the uppermost aquifer (regardless of gradient) must be provided, where adjacent potable water supply wells are located in the Dolomite.
5. The sand deposits along the south and east side should be monitored as potential contaminant migration pathways.
6. The distance from the waste footprint to the East property boundary shall not be less than 150 feet.
7. An independent engineer shall be on-site to observe the sand drainage layer and the initial lift of waste placed in any new cell. The engineer shall report directly to the County, and have authority to stop placement of sand or waste during the operation if he/she observes any condition that would or could damage the bottom liner.
8. The operations plan in Criterion 2 says that the active face will be kept at a minimum to reduce litter and vector impacts. It should be kept to a minimum to also reduce odor. The face shall be a maximum of 180 feet by 120 feet, excepting for the area allowed for random inspections, unless an alternative maximum size is specifically approved by the County Board.
9. Trucks holding waste shall not be parked or stored overnight at the facility, or staged on the roadway, or its right-of-way outside of the landfill facility.



10. Fencing is required to prevent unauthorized access. An eight-foot high wooden or other view-obstructing, County acceptable fence shall be constructed on the east side of the landfill property to help block the view of the site. A fence that fully encloses the operation shall be constructed to prevent access to the operation of the site before landfill operations begin. As cells are developed, the fence shall be extended to encompass the waste footprint.
11. Litter control has been an important consideration at landfills with significant transfer vehicle traffic. The landfill operator shall pick litter on a daily basis along US Route 45/52 between the landfill and the I-57 interchange, as well as at least ¼ mile south on US Route 45/52, and if allowed by adjacent property owners, shall weekly remove any litter attributable to the landfill on their property. Perimeter picking shall be performed daily to remove litter from trees, fencing, and or berms.
12. Video recordings of all traffic entering the site shall be kept for a period of at least six (6) months and the County shall have the right to review the recordings within two days of requesting to review the tape.
13. Leachate shall not be recirculated for a period of at least four (4) years after the receipt of the operating permit. Following this period, the landfill operator may petition the County to recirculate leachate. The County shall review the operational record of the site and obtain advice from an independent technical expert to determine if the operator has demonstrated that leachate recirculation is a safe and appropriate method to handle the leachate at this site. Reasonable expenses of the technical expert shall be reimbursed by the landfill operator.
14. Load inspections. The minimum number of random load inspections shall be three (3) per week as specified in the Illinois regulations. For any amount on tonnage above an average of 500 tons per day, the number of inspections shall be increased on the following basis:

For each 500-ton per day average rate increase, the number of random inspections shall be increased by two (2). For example, if up to 1000 tons per day average is accepted during the week, the week shall have 5 inspections (3 for the first 500, and 2 for the next 500 tons). If the weekly rate is 2000 tons per week, the inspection rate is  $3+2+2+2=9$  inspections.

After five (5) year of operation, the applicant may request a review and reconsideration of this requirement by the County Board. The County landfill inspector shall have the right to inspect and be present at the random load inspections.

15. Install a radiation detector at the scale house. Record any alarm and notify the County about each occurrence, the level of radiation detected and the method of response.
16. The maximum height of the landfill and lateral extent of the landfill shall not exceed those on the plans provided in the application.
17. Build the berms on the west side of the landfill property at least 1,000 feet in advance of any cell construction measured from the southernmost coordinate of the cell. For example, if the cell's southernmost coordinate is northing S 3500, then the berm shall extend to northing S 4500 or further south. The only exception to this is during the construction of Phase I.
18. The gas line that is to be relocated shall be fully sealed from any potential migration from the landfill. If the pipeline is within 200 feet of the landfill, the trench where the pipeline is removed shall be sealed with a low permeability material. The construction shall be certified by an independent professional engineer.
19. Proof of each equipment operator's training shall be provided to the County prior to any operator's work at the site.
20. The applicant shall not request the use of sewage sludge as a component of final cover in its IEPA permit application without first obtaining County Board approval of such use.
21. An automatic monitoring system shall be installed to monitor the level of leachate from each leachate sump area. The system shall record the head in the sump such that at no time will the leachate level be allowed to rise above the level that corresponds to one-foot to head on the liner. The applicant must maintain a log and be accessible to the County with notice.
22. The Kankakee County Regional Planning Director shall be informed of the storm water control planned for each phase of landfill development prior to construction. The operator shall provide the Regional Planning Director with a copy of all IEPA correspondence related to storm water detention and runoff control operations.
23. Waste Management shall establish a County approved complaint procedure, such as a hot line phone number, to address complaints.
24. The landfill operator shall install and maintain a double composite liner.
25. The landfill operator shall locate any existing farm drainage tiles on the property and work with the County and the appropriate drainage district to remove and relocate those tiles.

A motion was made by Mr. Meyer that Criteria #2 is satisfied with the above 25 conditions seconded by Mr. Bayston. Motion carried.

**Criteria #5:** The plan of operations of the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents.

The Commission felt this criteria was satisfied with the following condition:

1. Install a radiation detector at the scale house. Record any alarm and notify the County about each occurrence, the level of radiation detected and the

A motion was made by Mr. Blanchette that Criteria #5 is satisfied with the above condition seconded by Mr. Bergdahl. Motion carried.

**Criteria #8:** 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.

The Commission had some discussion on the consistence of the Plan and the Host Fee Agreement. The Commission placed two (2) conditions on the criteria.

1. The applicant must comply with those obligations and responsibilities made incumbent upon it by the Host Agreement if previously executed, including a confirmation by the Applicant to employ independent appraisers acceptable to the County as part of its Property Value Guarantee Program.
2. The Property Value Guarantee Program must be amended to provide that the Program continues for ten years after the facility stops accepting waste.

A motion was made by Mr. Bergdahl that Criteria #8 was satisfied with the above condition, second by Mr. Spilsbury. Motion carried.

Ms. Harvey reminded that Commission that they may also consider as evidence the previous operating experience and post record of convictions or admissions of violations of the applicant. This could effect their decision on Criteria #2 and #5.

There was discussion on what the violations were and what was done to correct the violation. It was determined that the Commission didn't feel any of the violations were serious enough to change their minds on the approval of Criteria #2 and #5.

At this time it was asked if anyone had any comments. Mr. Paarlberg talked about his concerns about the hearings and the landfill in general. No one else had any comments. The Commission moved on to the next criteria.

**Criteria #3:** 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.

The Commission discussed this criteria and add the following conditions:

1. The proposed berms on the west side of the landfill property should be constructed at least 1,000 feet in advance of any cell construction, with such distance being measured from the southernmost coordinate of the cell. By way of example, if the cell's southernmost coordinate is northing S 3500, then the berm should extend to northing S 4500 or further south. The only exception to this requirement is the construction of Phase 1.
2. The area on the west side of the landfill that has no proposed berming shall have trees planted on the exterior slope of the access road to provide visual barrier.
3. Any vegetation planted on the west side of the landfill, as a visual barrier shall be at least 10 feet tall and at a density adequate to provide a visual barrier.
4. The distance from the waste footprint to the east property boundary shall not be less than 150 feet.
5. A visual barrier independent of the landfill cap shall be placed at least 10 feet in height above grade at or near the east property line to include (but not be limited to), vegetation, undulating berms, and fencing.

A motion was made by Mr. Bayston that Criteria #3 is satisfied with the above conditions, seconded by Mr. Blanchette. Motion carried.

With that being the last criteria to review Ms. Harvey will be doing a report for the Commission to review and vote on next week on Wednesday, January 22, 2003 at 10:00 a.m., Fourth Floor Conference Room. The Commission will make a recommendation as to the expansion of the Kankakee Landfill and forward that recommendation on to the Kankakee County Board, for a final recommendation.

A motion was made by Mr. Meyer to adjourn, seconded by Mr. Paarlberg. Motion carried.

Meeting adjourned at 2:50 p.m.

Submitted by Michelle Sadler, Kankakee County Planning Department

Approved 1/22/03  
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