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STATE OF ILLINOIS
Pollution Control Board

May 13, 2009

Dear Pollution Control Board Members:

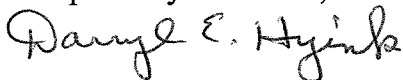
PCB 4

I am commenting on PCB case #2007-146 (Fox Moraine LLC v. United City of Yorkville). I am a Kendall County resident with a Yorkville address who attended 90% of the landfill hearings and I testified under oath on how I saw the proposed landfill impacting the City of Yorkville and Kendall County. I listened to many hours of testimony by Fox Moraine, LLC experts. The hearing officer (Mr. Clark) required that the public submit questions of the applicants in writing and he would ask the questions to provide feedback to the public. The result was an orderly procedure that allowed for reasonable participation. After the applicant's testimony the public was allowed to make public comment or to testify under oath. The proceedings were well organized by Mr. Clark and were fair to all parties involved as video tapes show.

Throughout the period of time the landfill was being considered the Yorkville City Council Members did not talk about the application. During the city council election no candidate talked about the landfill application. As a result, I was very concerned about the reality of a very large landfill being cited close to my home and grandchildren. In Derke Price's (Yorkville landfill attorney) report to the Mayor and Alderpersons he stated "We cannot recommend approval of the application without conditions as we believe these are necessary for the application to meet the requirements of the Act." There were more than 50 conditions set forth by expert consultants which were included in Mr. Price's report.

As I think about the Fox Moraine Landfill application process (with the supporting case presented by the applicant, with the concerns expressed by the public, with many conditions set forth by expert consultants) I am convinced that the requirements of the process were met by the City Council. No group disrupted the process, no council member violated rules of the process during testimony or deliberation. Council members considered the facts as presented in testimony. The election that occurred during the process was not the determining factor in the final outcome. Even mayor Prochaska (who lost the election) explained in a letter published in the Kendall County Record (after the election) that he concluded the landfill applicant did not meet all the requirements. The City of Yorkville behaved as a responsible governing body in a democracy ought to and came to a decision based on all of the information.

Respectfully submitted,



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