

**RECEIVED**  
CLERK'S OFFICE

JUN 08 2009

STATE OF ILLINOIS  
Pollution Control Board

Jerry Dieter  
14754 Budd Rd.  
Yorkville, IL 60560

June 3, 2009

PC#12

Dear Pollution Control Board Members:

I am commenting on PBC \$2007-146 (Fox Moraine Landfill Appeal). I am a Kendall County resident who lives at 14574 Budd Road, Yorkville, IL 60560. I am assigned a Yorkville address and my home, for the past twenty-five years, is located 1.5 miles (as a crow flies) west-northwest of the proposed Fox Moraine landfill location. I attended a majority of the landfill siting hearings so I understand the facts and the Pollution Control Board's process for siting a landfill in Illinois.

Upon listening to the testimony presented by Fox Moraine landfill engineers and consultants, I obtained a disc copy of the siting application to review on my own and found how there were few critical aspects actually being addressed.

Firstly, I am greatly concerned that the geologic investigation and analysis completed by the petitioner's engineering consultants grossly ignore the potential that regional surface drainage infiltrates into unconfined permeable layers and said runoff becomes groundwater which migrates laterally through and out of the clay (Lemont) barrier layer which is supposedly protecting the deep groundwater aquifer. While the spacing of the borings may meet regulatory requirements and subsequently the forty-eight (48) monitoring wells establish direction of the groundwater flow towards the east-southeast, I do not believe that any naturally deposited geologic formation is a uniform and permeable barrier as they claim the Lemont formation to be. I personally feel that the health of my family as well as that of my neighbors has not been given consideration since we all depend on shallow groundwater wells (generally between 200-300 feet deep). All of these wells are located near and along Hollenback Creek. While the bedrock beneath the proposed landfill may slope in the direction that Aux Sable Creek flows, it is hundreds of feet down (below the shallow wells) and when there are heavy rains the landfill will drain directly into Hollenback Creek.

I believe the Feb. 20, 2007 EEI prepared comments and the subsequent May 17, 2007 Shaw responses do not adequately address the impact this project has on Hollenback Creek. I can find no counter responses from the EEI, which is not to say that the City of Yorkville should not and will not require a BFE be established for Hollenback Creek. Where is the watershed study? Why has no one required establishing a baseline assessment of the "pre-landfill" Hollenback Creek conditions in terms of the quality of surrounding vegetation and biological diversity.

I live on the Hollenback Creek tributary called the landfill north watershed and can personally verify that this stream runs year round and is clean and clear flowing. Will it continue to be this way if a landfill is constructed at its' headwaters? I believe a minimal amount of investigation proves that there are inadequacies with the petitioner's "proof" that the landfill has not affected a floodplain, floodway or provided necessary storm water protection.

If the very agencies which administer the protection of public resources see fit to allow the relocation of a jurisdiction creek and wetland, the minimum mitigation measure should be to ensure that the downstream creek has established conservation corridors and wetland buffers so the authorities can monitor and protect the creek from further impacts. I attest that the landfill site is directly in conflict with the regional resources including the Hollenback Sugarbush Forest Preserve located adjacent to Route 71 and across the highway from the landfill site. Silver Springs State Park is about 3 miles north of the landfill site and is considered a regional amenity to thousands of people in and around the Chicago-land area. Similarly, Kendall County Forest Preserve has worked for several years to acquire large tracks of agricultural land along the Fox River which is also about 3 miles west of the landfill site. So, how much sense does it make to have all this natural unspoiled beauty, which has taken years of people's dreams and dollars to create, be ruined in an instant?

This project should be held to the rules put forth by the IEPA including the 750 setback from IL State Route 71. Although it doesn't exist at this time, Kendall County and other similar collar counties will inevitably form a groundwater protection coalition. It's already begun since both Yorkville and Oswego municipalities draw from the deep sandstone aquifer at unsustainable rates. It doesn't sound like an ideal solution to risk contaminating the very water source that the area relies on. The publics' health and the welfare of Kendall and Grundy Counties depend on the boards' decision to deny this appeal. This landfill is the wrong location and offers more negatives than positives for all of the reasons I've taken the time to share above. Thank you for your consideration in this matter.

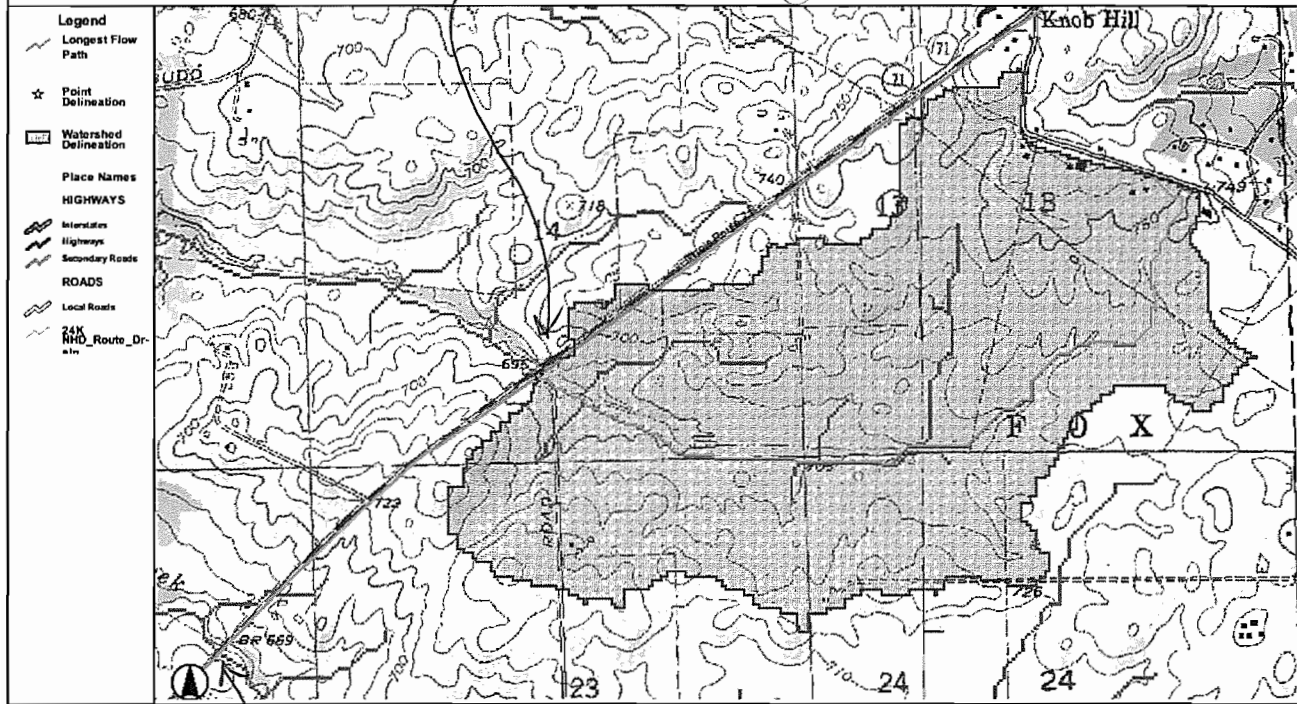
Sincerely,

Jerry Dieter

A handwritten signature in black ink that reads "Jerry Dieter". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.

$$Q_{100} = 324 \text{ cfs} / 0.96 \text{ mi}^2$$

North Watershed @ S.R. 71 culvert



South WATERSHED

$$Q_{100} = 1080 \text{ cfs} / 6.2 \text{ mi}^2$$



## Streamstats Ungaged Site Report

Date: Wed May 27 2009 13:42:11

Site Location: Illinois

Latitude (NAD83): 41.5908 (41 35 26)

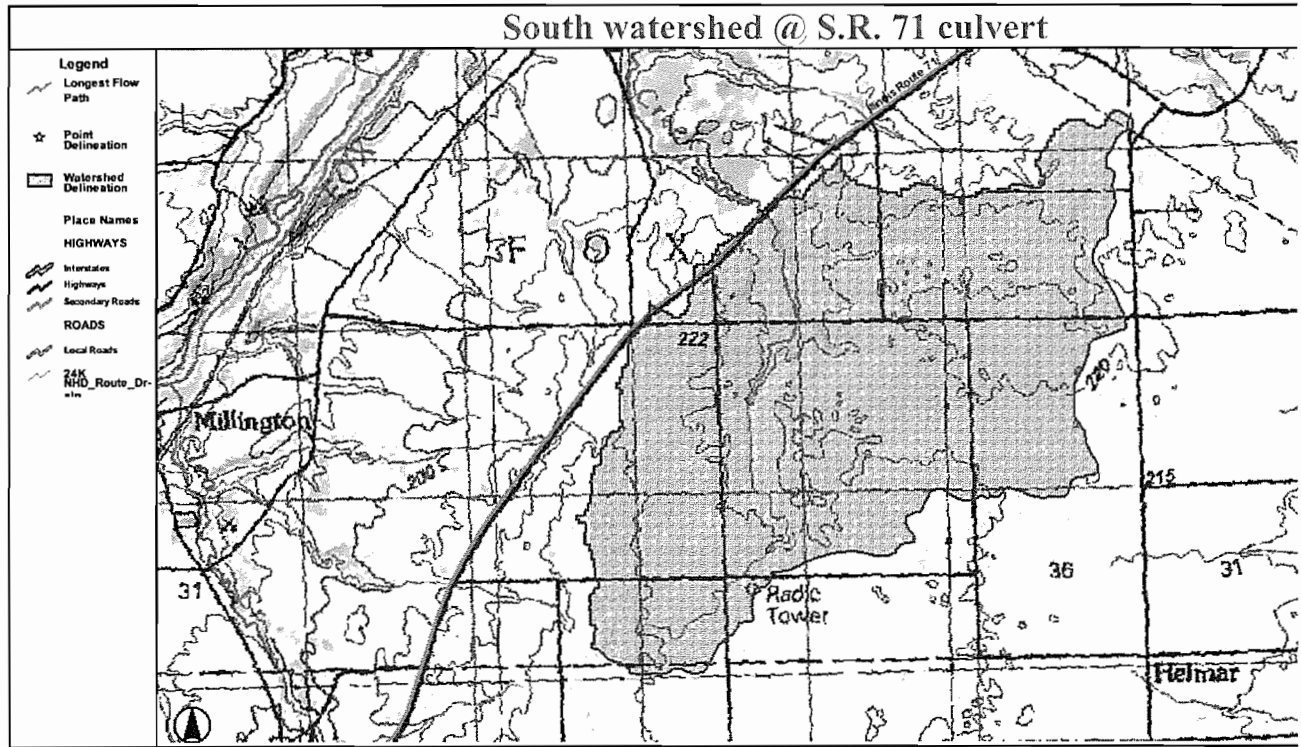
Longitude (NAD83): -88.5150 (-88 30 53)

Drainage Area: 0.9577 mi<sup>2</sup>

Peak Flow Basin Characteristics			
100% Region 2 AMS (0.958 mi <sup>2</sup> )			
Parameter	Value	Min	Max
Drainage Area (square miles)	0.958	0.03	9554
Stream Slope 10 and 85 Method (feet per mi)	32.067	0.81	317
Percent Open Water AND Herb Wetland (inches)	0.109 (below min value 0.3)	0.3	8

*Warning: Some parameters are outside the suggested range. Estimates will be extrapolations with unknown errors.*

Streamflow Statistics					
Statistic	Flow (ft <sup>3</sup> /s)	Prediction Error (percent)	Equivalent years of record	90-Percent Prediction Interval	
				Minimum	Maximum
<b>Peak-Flow Statistics</b>					
PK2	80.3		2.6		
PK5	141		3.1		
PK10	185		3.8		
PK25	241		4.6		
PK50	284		5.2		
PK100	324		5.6		
PK500	421		6.2		





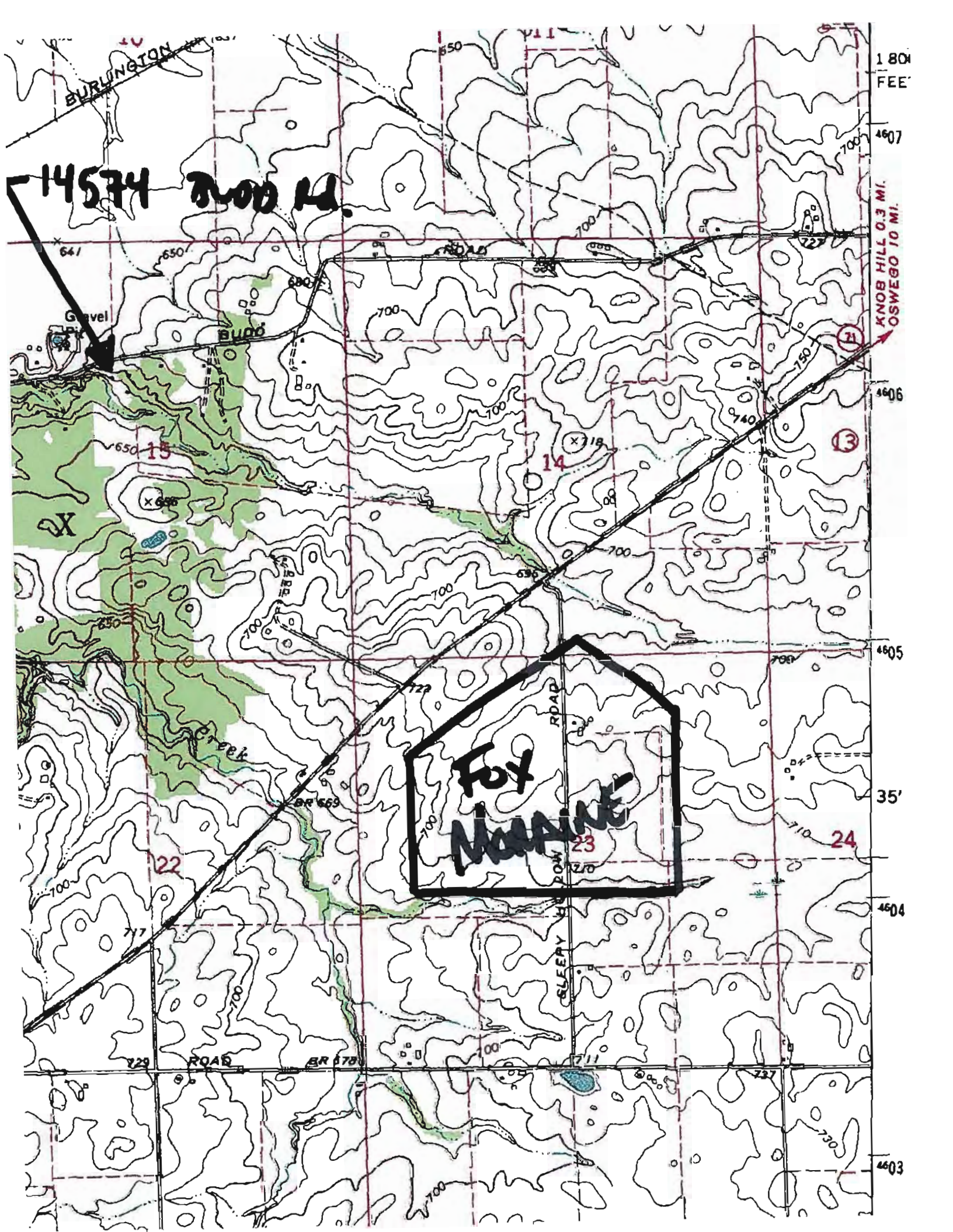
## Streamstats Ungaged Site Report

**Date:** Wed May 27 2009 13:46:21  
**Site Location:** Illinois  
**Latitude (NAD83):** 41.5828 (41 34 57)  
**Longitude (NAD83):** -88.5274 (-88 31 38)  
**Drainage Area:** 6.2083 mi<sup>2</sup>

Peak Flow Basin Characteristics			
100% Region 2 AMS (6.208 mi <sup>2</sup> )			
Parameter	Value	Min	Max
Drainage Area (square miles)	6.208	0.03	9554
Stream Slope 10 and 85 Method (feet per mi)	23.275	0.81	317
Percent Open Water AND Herb Wetland (inches)	0.022 (below min value 0.3)	0.3	8

*Warning: Some parameters are outside the suggested range. Estimates will be extrapolations with unknown errors.*

Streamflow Statistics					
Statistic	Flow (ft <sup>3</sup> /s)	Prediction Error (percent)	Equivalent years of record	90-Percent Prediction Interval	
				Minimum	Maximum
<b>Peak-Flow Statistics</b>					
PK2	283		2.6		
PK5	486		3.1		
PK10	631		3.8		
PK25	812		4.6		
PK50	953		5.2		
PK100	1080		5.6		
PK500	1390		6.2		



BURINGTON

180'  
FEET

14574 2000 14.

0.3 MI.  
KNOB HILL  
OSWEGO 10 MI.

**Foy  
MAINE**

15

14

13

22

23

24

4607

4606

4605

35'

4604

4603

641

650

600

700

650

700

750

740

700

722

659

710

729

BR 178

700

711

727

730

700

Gravel

BUDG

ROADS

Creek

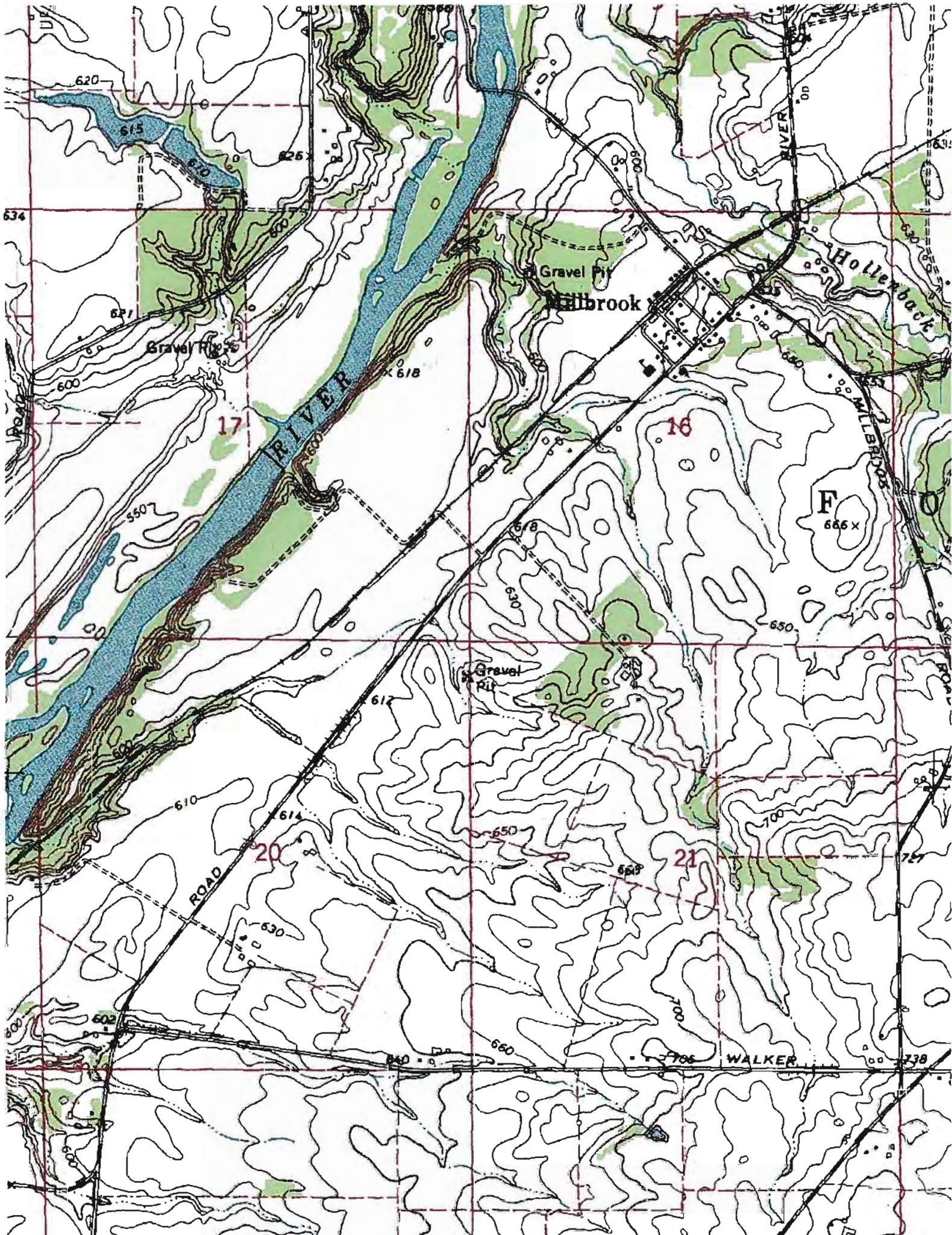
ROAD

ROAD

SLEEPY HOLLOW

BR 178

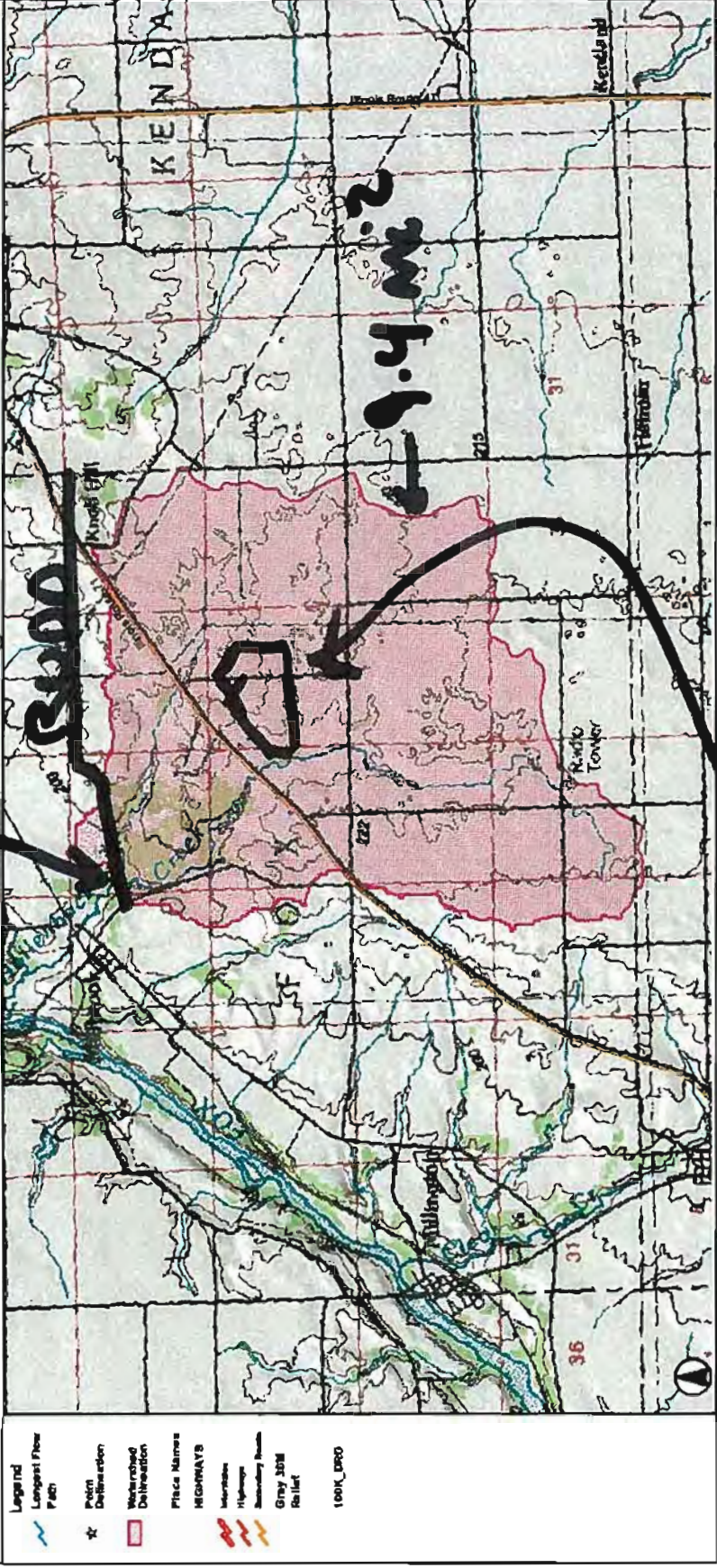
BR 178





Box culvert @ Budd  
Q<sub>100</sub> = 1430 cfs

Combined Hollenbeck Creek Watershed @ Budd Road box culvert



LANDFILL DIRECTLY CENTERED IN UNSTUDIED WATERSHED WITH PRISTINE RESOURCES



## Streamstats Ungaged Site Report

**Date:** Wed May 27 2009 13:50:57  
**Site Location:** Illinois  
**Latitude (NAD83):** 41.5975 (41 35 51)  
**Longitude (NAD83):** -88.5416 (-88 32 29)  
**Drainage Area:** 9.3748 mi<sup>2</sup>

Peak Flow Basin Characteristics			
100% Region 2 AMS (9.375 mi <sup>2</sup> )			
Parameter	Value	Min	Max
Drainage Area (square miles)	9.375	0.03	9554
Stream Slope 10 and 85 Method (feet per mi)	22.447	0.81	317
Percent Open Water AND Herb Wetland (inches)	0.037 (below min value 0.3)	0.3	8

*Warning: Some parameters are outside the suggested range. Estimates will be extrapolations with unknown errors.*

Streamflow Statistics					
Statistic	Flow (ft <sup>3</sup> /s)	Prediction Error (percent)	Equivalent years of record	90-Percent Prediction Interval	
				Minimum	Maximum
<b>Peak-Flow Statistics</b>					
PK2	377		2.6		
PK5	644		3.1		
PK10	835		3.8		
PK25	1070		4.6		
PK50	1260		5.2		
PK100	1430		5.6		
PK500	1840		6.2		

June 5, 2009

ATTN: PCB CLERK

100 W. Randolph Street

Suite 11-500

Chicago, IL 60601

PC# 13



RE: PCB CASE #2007-146 (Fox Moraine LLC v. United City of Yorkville)

This letter is written in support of the decision made by the City of Yorkville, IL, to **deny** the FOX MORaine LANDFILL application. I attended every session of the public hearings and listened to all testimony presented and the following are several reasons why the United City of Yorkville, City Council DENIED the application for the Fox Moraine Landfill, the decision of the Council was not unfair; there was due cause to deny Fox Moraine's application.

**TRAFFIC** – Fox Moraine's traffic expert used obsolete numbers, incorrect speed limit information and had nothing in their plan to provide routes that would not add extremely high levels of additional traffic to the already over burdened and inadequate roads of State Route 47, 34 and 71. The excessive traffic a landfill would bring to this community and the dangerous situations it would create were never given any significance in Fox Moraine's presentation. The City of Yorkville, City Council had to deny the application based on the lack of proof that the traffic situation would put a burden on the community and endanger the safety of this community. There was no fundamental fairness involved in their decision to deny the application.

**LANDFILL DESIGN** – When Devin Moose, of Shaw Engineering, gave his statement (under oath) he testified that this was the best and safest design and would provide the greatest safety to the people of this community. It was brought to the attention of Shaw Engineering and entire group representing Fox Moraine that their design was flawed because their design would not provide any monitoring wells in the most significant areas of monitoring until twenty-five (25) years after the landfill would be operational. This was a deliberate action on the part of Fox Moraine and Shaw Engineering because this could save them a lot of money; evidentially Shaw did not think this would be noticed by any of the people concerned about their community. The City of Yorkville, Council members had to deny on the basis of design, this design could contaminate the water of this community and no one would be aware

Page 2.

of it for 25 years, this was not an "oops", this was a deliberate decision to save costs. There was no fundamental unfairness brought against Fox Moraine, the City of Yorkville denied on the basis of Fox Moraine not meeting the requirements of safety for the people of Yorkville.

OPERATIONS - When we listened to the statement of Ron Edwards of Peoria Disposal, the operators who would be running the Fox Moraine landfill, his testimony was refuted by Joyce Blumenshine (under oath) Mr. Edwards's testimony was not complete and it proved to be less than accurate. The City Council of Yorkville denied based on the statements that were refuted and on the record of Mr. Edwards operational experiences.

  
Marcia Ludwikowski

11261A Legion Road

Yorkville, IL 60560

June 4, 2009

Attn: Clerk  
100 W. Randolph  
Suite 11-500  
Chicago, Il. 60601

RECEIVED  
CLERK'S OFFICE  
JUN 08 2009  
STATE OF ILLINOIS  
Pollution Control Board

Re: Case #PCB – 2007 – 146  
Fox Moraine Landfill / Rt. 71 / Yorkville, Il.

PC#14

Dear Sirs:

We are sure you are aware that the above mentioned property is currently being operated as a Yard-Waste-Compost Site. You must know that the 'nauseating stench' from this site is so unbearable that we cannot open our windows, sit on our deck, entertain outdoors, dry our laundry outdoors, or even tolerate the odor when mowing our lawn. A 'Landfill Site' will create an even worse stench, which will never go away, day or night.

There are several existing rural subdivisions, such as ours, that are within the 1-1/4 mile radius of the proposed Landfill Site. Every existing property will severely decrease in value, will also lose the natural well-water supply to contamination, and Landfill Truck Traffic will totally de-valuate this entire area, as well as ruin our roads.

We have been through the 'Siting Process' and have learned that the run-off from this proposed Landfill Site will also contaminate streams, tributaries, creeks, the Fox River and its wildlife habitats, and wildlife species will become extinct.

Garbage and Greed have compromised this 'Pristine Area', the survival of it's people, and it's wildlife inhabitants.

We, as citizens and taxpayers, object to the proposed 'Landfill Site'. Thank you for allowing us to submit our final comments and concerns.

Sincerely,

*Randy Scott*  
*Nancy Scott*

Randy and Nancy Scott  
45 Highview Dr.  
Yorkville, Il. 60560