

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

VEOLIA ES VALLEY VIEW )  
LANDFILL, INC., )  
 )  
Petitioner, )  
 )  
v. )  
 )  
COUNTY BOARD OF )  
MACON COUNTY, Illinois, )  
 )  
 )  
Respondent. )

PCB 10-31  
(Pollution Control Facility Siting Appeal)

**RECEIVED**  
CLERK'S OFFICE  
NOV 09 2009  
STATE OF ILLINOIS  
Pollution Control Board

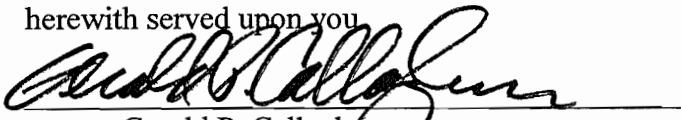
**NOTICE OF FILING**

To: Jay Dunn  
Chairman, Macon County Board  
141 S. Main Street, Room 501  
Decatur, Illinois 62523

Stephen M. Bean  
County Clerk of Macon County  
141 S. Main Street  
Decatur, Illinois 62523

Randy Waks  
Assistant State's Attorney  
Macon County State's Attorney's Office  
253 E. Wood Street  
Decatur, Illinois 62523-1408

PLEASE TAKE NOTICE that on November 9, 2009 I have filed with the Office of the Clerk of the Pollution Control Board the Petition For Hearing To Contest Siting Conditions of Veolia ES Valley View Landfill, Inc. and the Appearance of Gerald P. Callaghan, copies of which are herewith served upon you

  
Gerald P. Callaghan  
Attorney For Petitioner

Date: November 9, 2009

Gerald P. Callaghan  
Freeborn & Peters LLP  
Attorneys for Petitioner  
311 S. Wacker Drive, Suite 3000  
Chicago, IL 60606-6677  
Telephone: (312)360-6000

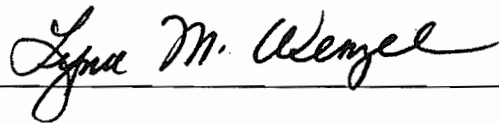
**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on November 9, 2009, I have served the attached Notice of Filing, Petition For Hearing To Contest Siting Conditions and Appearance on the following persons at the following addresses by U.S. Mail, postage prepaid.

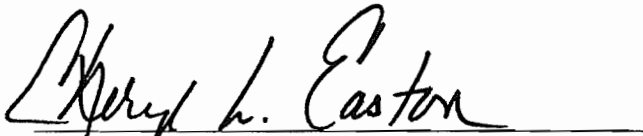
Jay Dunn  
Chairman, Macon County Board  
141 S. Main Street, Room 501  
Decatur, Illinois 62523

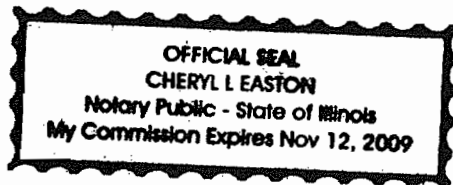
Stephen M. Bean  
County Clerk of Macon County  
141 S. Main Street  
Decatur, Illinois 62523

Randy Waks  
Assistant State's Attorney  
Macon County State's Attorney's Office  
253 E. Wood Street  
Decatur, Illinois 62523-1408

  
\_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME  
this 9<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Notary Public



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**


VEOLIA ES VALLEY VIEW )  
LANDFILL, INC., )  
 )  
Petitioner, )  
 )  
v. )  
 )  
COUNTY BOARD OF )  
MACON COUNTY, Illinois, )  
 )  
 )  
Respondent. )

PCB 10-31  
(Pollution Control Facility Siting Appeal)

RECEIVED  
CLERK'S OFFICE  
NOV 09 2009  
STATE OF ILLINOIS  
Pollution Control Board

**APPEARANCE**

I hereby file my appearance in this proceeding, on behalf of Veolia ES Valley View Landfill, Inc.

  
\_\_\_\_\_  
Gerald P. Callaghan  
Attorney For Petitioner

Date: November 9, 2009

Gerald P. Callaghan  
Freeborn & Peters LLP  
Attorneys for Petitioner  
311 S. Wacker Drive, Suite 3000  
Chicago, IL 60606-6677  
Telephone: (312)360-6000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

NOV 09 2009

STATE OF ILLINOIS  
Pollution Control Board

VEOLIA ES VALLEY VIEW )  
LANDFILL, INC., )  
 )  
Petitioner, )  
 )  
v. )  
 )  
COUNTY BOARD OF )  
MACON COUNTY, Illinois, )  
 )  
 )  
Respondent. )

PCB 10-31  
(Pollution Control Facility Siting Appeal)

**PETITION FOR HEARING TO CONTEST SITING CONDITIONS**

Petitioner Veolia ES Valley View Landfill, Inc. ("Veolia"), by and through Freeborn & Peters LLP, its attorneys, respectfully requests a hearing before this Board to contest certain conditions imposed by the County Board of Macon County, Illinois, ("County Board") in connection with the County Board's approval of site location approval for the proposed expansion of the Valley View Landfill. In support of this Petition, Veolia states as follows:

1. This Petition is filed pursuant to Section 40.1(a) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/40.1.
2. On May 1, 2009, Veolia filed a request for siting approval ("Application") with Macon County to expand the Valley View Landfill both horizontally and vertically (the "Expansion"). The Expansion will encompass approximately 183 acres owned by Veolia, in Harristown Township, Macon County, Illinois. The 183-acre facility will include a 44-acre horizontal or lateral expansion of the existing landfill footprint and a vertical expansion on approximately 73 acres of the existing landfill footprint. Waste from about 12 acres in the southeast portion of the existing landfill footprint will be relocated to the Expansion.

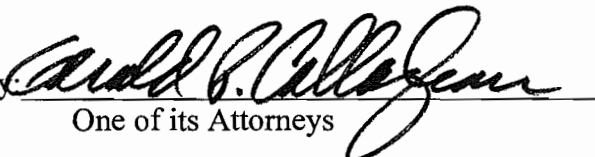
3. The public hearings on the Application were held on August 5, 6, and 15, 2009.

4. On October 8, 2009, the County Board voted to approve the Application, subject to forty-one (41) siting conditions. A true and correct copy of Macon County Board Resolution No. G-3357-10-09 Approving the Application of Veolia ES Valley View Landfill, Inc. for Local Siting Approval, including the findings and conditions to which said resolution of approval is subject, is attached hereto as Exhibit A ("Siting Decision").

5. Veolia contests Conditions 8, 9, 11, 19 and 27 imposed by the County Board in the Siting Decision on the grounds that said conditions are: unsupported by the record; against the manifest weight of the evidence; standardless; vague; not within the authority of the County Board to impose; not reasonable and necessary to accomplish the purposes of Section 39.2 of the Act; potentially in conflict with permit conditions imposed by the Illinois Environmental Protection Agency; and inconsistent with the regulations promulgated by the Board.

WHEREFORE, Veolia respectfully requests that this Board: a) enter an order setting this matter for hearing; b) after such hearing, reverse and strike Conditions 8, 9, 11, 19 and 27 from the Siting Decision; and c) grant such other and further relief as this Board deems appropriate.

Respectfully submitted,  
VEOLIA ES VALLEY VIEW LANDFILL, INC.

By:   
One of its Attorneys

Gerald P. Callaghan  
Freeborn & Peters LLP  
Attorneys for Petitioner  
311 S. Wacker Drive,  
Suite 3000  
Chicago, IL 60606-6677  
Telephone: (312)360-6000

**EXHIBIT A**

**SITING DECISION**

**Resolution No. G-3357-10-09**

**Macon County Board Resolution Approving the Application of  
Veolia ES Valley View Landfill, Inc. for Local Siting Approval**

**MACON COUNTY BOARD RESOLUTION  
APPROVING THE APPLICATION OF  
VEOLIA ES VALLEY VIEW LANDFILL, INC.  
FOR LOCAL SITING APPROVAL**

**RESOLUTION NO. G-3357-10-09**

WHEREAS, on May 1, 2009, Veolia ES Valley View Landfill, Inc. filed its Application for Local Siting Approval for the expansion of an existing landfill with the County of Macon; and

WHEREAS, three public hearings were held before the Macon County Environmental, Education, Health and Welfare Committee ("EEHW") on the Application beginning on August 5, 2009, and continuing to August 6, 2009, and continuing to a final date of August 15, 2009. Oral public comment was also received on August 15, 2009; and

WHEREAS, the EEHW Committee has had an opportunity to review the transcripts of the testimony, the Application, oral and written comments of the public and the recommendations of both the County Review Team and Veolia; and

WHEREAS, the EEHW Committee, after careful deliberation, recommended on September 30, 2009, approval of the Application for Local Siting Approval filed by Veolia ES Valley View Landfill, Inc., subject to the findings and conditions attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Macon County Board that it hereby approves the Application for Local Siting Approval filed by Veolia ES Valley View Landfill, Inc., subject to the findings and conditions attached hereto.

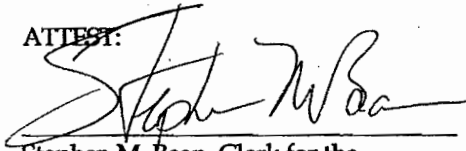
BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon the adoption thereof.

PRESENTED, PASSED and APPROVED this 8th day of October, 2009.

AYES 19 NAYS 1

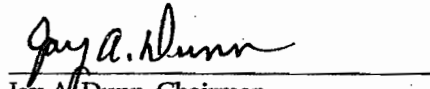
MACON COUNTY BOARD  
MACON COUNTY, ILLINOIS

ATTEST:



Stephen M. Bean, Clerk for the  
County of Macon County, Illinois

BY:



Jay A. Dunn, Chairman  
Macon County Board

**FILED**

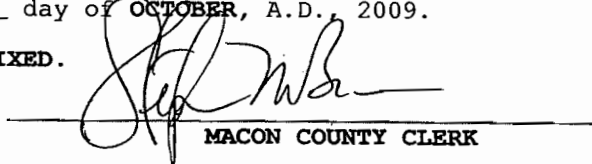
OCT 13 2009

STEPHEN M. BEAN  
COUNTY CLERK, MACON COUNTY

STATE OF ILLINOIS )  
COUNTY OF MACON )

I, **STEPHEN M. BEAN, COUNTY CLERK**, within and for said County and State aforesaid and keeper of the records hereby certify that this is a true photo copy of the record on file in this office. IN TESTIMONY THEREOF have hereunto subscribed my name, affixed the OFFICIAL SEAL OF SAID COUNTY, at my office in DECATUR, ILLINOIS this 13 day of OCTOBER, A.D. 2009.

NOT VALID UNLESS SEAL OF COUNTY AFFIXED.



MACON COUNTY CLERK

**BEFORE THE COUNTY BOARD  
OF MACON COUNTY, ILLINOIS**

IN RE: )  
 )  
THE APPLICATION OF )  
VEOLIA ES VALLEY VIEW LANDFILL, INC. )  
FOR LOCAL SITING APPROVAL FOR )  
AN EXPANDED LANDFILL IN THE )  
COUNTY OF MACON, STATE OF ILLINOIS )

**ENVIRONMENTAL, EDUCATION, HEALTH AND WELFARE COMMITTEE  
FINDINGS AND RECOMMENDATIONS TO THE FULL COUNTY BOARD  
REGARDING THE APPLICATION OF VEOLIA ES VALLEY VIEW LANDFILL, INC. FOR  
LOCAL SITING APPROVAL FILED MAY 1, 2009**

1. On May 1, 2009, Veolia ES Valley View Landfill, Inc. (hereinafter referred to as "Valley View") filed its Application for Local Siting Approval for the expansion of an existing landfill with the County of Macon, State of Illinois (hereinafter referred to as the "County").
2. The subject property that constitutes the proposed Valley View landfill is currently located in the County, outside of any incorporated areas.
3. Valley View is the owner and proposed operator of the property.
4. No testimony was presented regarding the statutory pre-filing notices filed by Valley View and it appears that all notices were properly filed.
5. The Application appears to contain all information required by Section 39.2 of the Illinois Environmental Protection Act and most, if not all, of the information required by the County's Pollution Control Facility Siting Ordinance and the County's Application For Pollution Control Facility Siting Approval.
6. Valley View paid the required application fee to the County.



7. That three public hearings were held on the Application beginning on August 5, 2009 and continuing to August 6, 2009 and continuing to a final date of August 15, 2009. Oral public comment was also received on August 15, 2009.

8. The Environmental, Education, Health & Welfare Committee ("EEHWC") has had an opportunity to review the transcripts of the testimony, the Application, oral and written comments of the public and the recommendations of both the County Review Team and Veolia and hereby recommends approval of the application for local site approval filed by Veolia ES Valley View Landfill, Inc. subject to the hereinafter included conditions.

I. **Criterion Number 1: The Facility Is Necessary To Accommodate The Waste Needs Of The Area It Is Intended To Serve.**

Valley View presented testimony regarding this criterion through Sheryl R. Smith, an Engineer with Golder Associates. She testified that the proposed service area included Macon County and eleven nearby counties located in central Illinois, including Sangamon County, Logan County, DeWitt County, Piatt County, Champaign County, Douglas County, Coles County, Cumberland County Shelby County, Moultrie County and Macon County. According to the interpretation of the PCB and the case law, the Applicant has the right to select their proposed service area.

Ms. Smith analyzed the solid waste generated within the twelve county service area and the adjacent counties thereto and then looked at the remaining landfill capacity in both the service area as well as capacity located outside the service area that could provide capacity to generators inside the service area. Her analysis covered the additional approximate 28 year life of the proposed expanded landfill.

Ms. Smith testified that if all of the solid waste generated within the service area was deposited into landfills located within the service area (or areas immediately adjacent thereto),

taking into account the waste that is currently coming into the service area and the waste that is being transferred out of the service area for disposal, that the available disposal capacity would be exhausted in approximately 20 years.

The interpretation of this Criterion infers some sense of urgency in order to show need. It does not appear that the mere numbers show any real sense of urgency in approving this landfill expansion request. However, in one sense the County has already recognized the issue of need in that they have updated their solid waste plan to provide that additional landfill capacity is needed within the County. If this landfill is not expanded, it will run out of capacity within two years. Because Valley View is the only operating landfill located within the County, it is clear that the County Board, through the adoption of their last update to their Solid Waste Plan, has reached the conclusion that the proposed facility is needed. It is the consensus of the EEHWC that Valley View has met its burden of proving Need as it relates to Criterion 1.

**II. Criterion Number 2: The Facility Is So Designed, Located And Proposed To Be Operated That The Public Health, Safety And Welfare Will Be Protected.**

Two witnesses testified on behalf of Valley View with respect to Criterion Number 2. John Bossert also testified in regard to Criteria 5. Because these two criteria overlap in many different areas, we will discuss most issues for both criteria under this heading. The first to present testimony was Mr. Bossert. Mr. Bossert is the design engineer for the proposed expansion and his testimony purported to cover everything relating to the design and operation of the proposed expansion except for the issues that related to the hydrogeology. He is employed by AECOM Environment.

Mr. Bossert testified generally about the many aspects of the design of the landfill: composite liners, leachate collection system, gas collection system, gas monitoring system,

groundwater monitoring system, construction phasing plan, the construction quality assurance plan, stormwater management plan, and some aspects of operations. He also testified about the proposed "overlay" to vertically increase the height of the landfill by a maximum of 65 feet over the current permitted height as well as to provide for a horizontal expansion to the north. On cross examination he testified as to the differences between the 35 Ill.

Admin.Code 811 regulations and the 35 Ill.Admin.Code 814 regulations and the proposed expansion would be considered a "811 landfill". He clarified that portions of the landfill that existed prior to the promulgations of the 811 regulations are only required (by the "814 regulations) to meet only certain portions of the 811 regulations, not that it meets all requirements of the 811 regulations. He agreed that an overlay liner could be engineered to separate the old portions of Sections I, II and III from the vertical expansion, although it was his belief that such additional costs were not necessary.

The applicant intends upon capturing the landfill gas by drilling a series of wells to collect the landfill gas as it is produced. Gas that is not captured has the potential to leak out of the landfill and escape into the atmosphere. This may cause odors that are unacceptable to the neighbors and in some cases may cause a potential for explosion. Additional care must be taken to assure that landfill gas is addressed appropriately.

The applicant has applied for and received permission from the Illinois Environmental Protection Agency to use a number of Alternate Daily Covers (ADC) to cover the waste at the end of each operational day. One of the new approved ADC is sludge from the Decatur sewage treatment plant. This sludge has the potential to cause unacceptable odors off-site and must be carefully used, particularly when first incorporated as such daily cover.

Little information was given regarding the waste exhumation of the southern portion of Section I during Mr. Bossert's initial testimony. Upon cross examination it is clear that many of the details of the waste exhumation process have not yet been fully developed. The EEHWC believes that the exhumation of the southern portions of Section I is a positive step in

remediating a source of contamination, however with the lack of detail as to how that is to occur, some conditions must be placed upon this process to assure that no off-site impacts will result from this process.

The applicant did not propose a separation of the old portions of Sections I, II and III and the vertical expansion. Because of the depth of leachate that currently exists in these three older sections, the questionability of the construction and location of the bottom liners, and the prior impacts observed by the applicant, the EEHWC believes that it is important to minimize the infiltration of leachate into the older sections of the landfill.

The wetland treatment system is currently sized to accommodate the volume currently received from the slurry wall gradient control system. Despite this treatment, a number of NPDES permit exceedances have been observed at outfall A01. Because the proposed exhumation of the southern portion of Section I will result in the reconstruction (and shortening) of the slurry wall and the related slurry wall gradient control system, it is unclear as to whether the wetland treatment system will be able to then meet requirements. Therefore it is important to review the test results after the new shorter slurry wall and slurry wall gradient control system have been installed and to adapt, as may be necessary, the size of the wetland treatment system.

The applicant proposes to meet the short and long term groundwater impact requirements by pumping the slurry wall gradient control system for at least 100 years. In order to assure that the applicant will have the means to continue pumping for this long of a time the review team believes that the applicant should provide for the financial assurance to continue this long term pumping and maintenance thereof.

The applicant proposes to use one of two alternatives in regard to the final cover. They propose either to provide a one foot drainage layer of granular soils or use a geocomposite above the 40 ml LDPE. If they use the granular soils it is important that the final cover supply adequate frost protection to the 40 ml LDPE liner.

The applicant proposes to re-circulate leachate. Because of the high levels of leachate that currently exist in Sections I, II and III, no leachate should be re-circulated in Section IV until the levels of leachate in Sections I, II and III have been lowered.

Mr. Bossert agreed that any new slurry walls should be constructed during the time of year where frozen conditions are not present to optimize the uniformity of the slurry wall and to ensure that the slurry wall has a low conductivity. Because the slurry wall works in conjunction with the slurry wall gradient control system, it is important that the gradient control system be pumped to a level so that the head inside the slurry wall is below all locations outside of the slurry wall.

In Sections I and II all leachate and gas is collected through vertical extraction wells. Some horizontal pipes and vertical extraction wells collect leachate and gas in Section III. The leachate being collected is either being trucked to another Veolia landfill for recirculation or is re-circulated at the face of the landfill or is recirculated by sub-surface piping. Such direct application at the face of the landfill (and in open air) provides for the potential of odors that could drift off-site.

Joseph Miller presented testimony regarding all aspects of the geological and hydrogeological setting that the expanded landfill is to be located within. He acknowledged that this was a challenging site and the basis for the exhumation of waste from the southern end of Section I was done primarily so that certain observed groundwater exceedances could be corrected. He also testified that the UMA (upper most aquifer) and the SWBZ (shallow water bearing zone) both lead into the Sangamon River and would not affect the wells of residences located to the north and the west. He took exception to some prior reports that seemed to indicate that the groundwater moved to the northwest until groundwater pumping began.

Mr. Miller also testified that the slurry wall would be installed such that the Henry formation flow will be cut off from the SWBZ so that no potential contamination of residential

wells can occur.

Pumping well MS-13 currently is screened across two distinct water bearing intervals. This well must be replaced, eliminating the potential of contamination between the two zones.

When Mr. Miller was asked about the upgradient monitoring wells, he acknowledged that well G476 would not be a good upgradient sampling point in that it is consistently dry. This well must be replaced with another well in the same general area.

While the applicant proposes to use a groundwater control system to manage impacts from the landfill leakage, the EEHWC believes that reducing the leachate levels within the landfill will be an effective approach at reducing impacts to groundwater. We believe that certain performance based requirements should be imposed to allow the applicant the flexibility to either reduce the leachate levels or alternately to show how the levels do not impact the results of a GIA model.

It is the consensus of EEHWC that the Applicant has met its burden with regard to this Criterion, subject to the following conditions:

**Criteria II Conditions:**

1. **Landfill Gas.** The landfill perimeter gas collection wells shall be installed and operated at or before the time when waste reaches 25 feet above the elevation of the top of the interior side slope, or sooner if un-captured gas generation results in offsite odor, that cannot be controlled through other methods employed by the Applicant. If such offsite odors persist for a period of 30 days or longer, then the Applicant shall immediately begin installation of landfill gas collection infrastructure.
2. **Landfill Gas Combustion for Energy.** If the Applicant of the landfill determines to combust landfill gas for energy in the future, the Applicant shall maintain control over any such system so as to immediately address any odor complaints received as a result of the operation of the combustion of landfill gas, or as a result of improper operation of the wells and header collection system.
3. **Waste exhumation.** Waste exhumation proposed by the applicant shall be conducted to avoid off-site impacts. The applicant must demonstrate to the County

that no off-site impacts will occur during unfavorable environmental conditions (e.g. high temperatures, breezy). A qualified representative of the applicant shall ensure that soil or other daily cover that is capable of containing odor is placed at the face of the exhumation site at the end of the day so that relocation minimizes off-site odor or litter. If environmental conditions cause offsite impacts, the operation is to cease until methods are implemented to curtail the problems.

4. **Exhumed Waste.** If any hazardous waste is visually observed within the exhumed waste, it shall be treated pursuant to the Hazardous Waste Plan. The Macon County Solid Waste Department shall be given 24 hours advance notice of the onset of the waste exhumation and shall be provided access to the site to monitor said waste exhumation process at reasonable times.
5. **Oversight of Exhumation Process.** A qualified representative of the applicant shall oversee the waste exhumation process.
6. **Protection of Old Sections.** A minimum of 70% of Sections I, II, and III will be final filled and the final cover installed within six (6) years after receiving IEPA Operating Permit for the expansion, with the remaining portions of those sections to be covered and seeded with two (2) feet of intermediate cover that has sufficient slope to promote run off and reduce percolation of precipitation.
7. **Wetland Treatment System.** Following the exhumation of the southern portion of Section 1 and the installation of the new slurry wall, if exceedances of NPDES limits persist, the wetland shall be redesigned, reconfigured or enlarged in order to meet outfall standards in the NPDES permit.
8. **Pumping.** The gradient control system located inside of the slurry wall and well MS-13 (or its replacements) shall be pumped for a minimum of 100 years unless otherwise released from this obligation by the Macon County Board.
9. **Financial Assurance.** A perpetual care trust fund should be established to address the long term pumping required at this site, and the rate of \$0.20 per ton or an annual payment of \$50,000, whichever is greater, shall be placed into such fund during the 28 years of landfill operation. This fund is to be used for the required pumping from year 58 (at the end of the 30-year post-closure) until year 128 as

predicted in the GIA (the GIA models 100 years following closure). More specifically, assuming a 2011 start date, the expected closure is in 2039 and the GIA pumping will run to 2139). Alternately, this requirement may be met by the inclusion of such costs, for the specified period of time (year 2139), in the applicant's Financial Assurance for Closure and Post-Closure Costs as identified in Subpart F: Financial Assurance for Closure and Post-Closure Care (35 Ill.Admin.Code 807.600 *et seq*). If the Illinois EPA proposes to release the applicant's Financial Assurance, then the applicant (or their successor) shall either maintain such financial assurance as identified above or shall petition the Macon County Board to release such financial assurance requirements.

10. **Final Cover.** There shall be at least three feet of protective soil over the cap's drainage layer, capable of maintaining vegetation. The protective vegetative layer depth of three feet shall not include the depth of the drainage layer. If the applicant installs a granular drainage layer, the maximum elevation of the landfill may be increased by one foot.
11. **Leachate Elevations.** The Applicants shall install and operate, at a minimum, the proposed number of leachate extraction wells and other leachate collection points to reduce the leachate elevation in Sections 1, 2 and 3 to a height no greater than the leachate elevations illustrated in the GIA model for future conditions (reference Hydrogeologic Characterization Report, Volume IV, Attachment 12b, Drawing Sheet 1, Predictive Model Landfill Potentiometric Contours) unless the Applicant can demonstrate that higher levels are acceptable by providing a revised GIA model to the County and Illinois EPA for review and approval. Leachate elevations shall be measured from at least 3 leachate piezometers, installed in each of Sections 1, 2 and 3 (located in the northern, central and southern portions), at points equidistant from leachate extraction points to minimize the influence of leachate extraction wells on the measured leachate elevation. Leachate elevation and leachate extraction well operation data shall be recorded at least quarterly and be readily available for County review.
12. **Slurry Wall.** The new portion of slurry wall shall be installed to cut off the flow from the Henry formation, since the Henry Formation is part of the shallow water



bearing zone ("SWBZ"). The new slurry wall invert must be at least 4 feet below the bottom of the Henry formation where the Henry formation is present. Slurry Wall construction during freezing conditions shall be avoided.

13. **Slurry Wall Gradient Control.** The slurry wall gradient control system's potentiometric surface shall be maintained at a level that provides an average inward gradient across the slurry wall of 0.25 feet. Monitoring locations along the wall shall be no greater than 250 feet apart. At no place shall there be an outward gradient. This condition shall not apply to the portion of Section I that is being exhumed, although the Applicant shall attempt to maintain an inward gradient at all times. It will apply to the new slurry wall built south of Section I.
14. **New Pumping wells.** Pumping well MS-13 shall be replaced with the one screen cased in the uppermost aquifer ("UMA"). The applicant shall continue to pump the Shallow Water Bearing Zone (SWBZ) through one or more other pumps to conform said pumping with the parameters of the Groundwater Impact Assessment ("GIA").
15. **Upgradient wells.** The applicant will install a new well in the area of G476 for use as an upgradient well, assuming the SWBZ is present in that location and capable of supplying the volume of groundwater required for quarterly and annual sampling of the necessary parameters. If a well in that location cannot supply a sufficient volume of groundwater, the applicant will install a new upgradient well in an alternate location.
16. **Groundwater Impact Assessment (GIA).** The Applicant shall supply to the Illinois EPA a sensitivity analysis using the actual measured groundwater downward velocity of groundwater (Darcy velocity) as opposed to the calculated velocity.
17. **Odor.** Daily cover shall be placed to minimize odor as well as be compliant with other Title 35. Part 811 standards. If odor complaints arise and the County determines the problem results from lack of adequate or effective daily cover, the Applicant will cease use of the ineffective daily cover and use either dirt or other approved ADC until such time that off-site odors cease.

18. **Daily Cover.** The County is to be given 24 hours notice when sludge is to be applied as daily cover for the first three times after issuance of an operating permit by IEPA for the landfill expansion.
19. **Gradient Control System.** The Gradient Control System to be used to de-water the horizontal expansion shall not be dismantled at the point in time when sufficient waste has been placed atop the base liner to discontinue its use, but shall be maintained such that a sample of the groundwater in the system can be extracted and tested once per year. The testing parameters shall be at least six (6) common leachate indicator parameters.
20. **Leachate Recirculation.** Agreed. Leachate recirculation shall not be allowed in Section IV until and unless the leachate level of Sections 1, 2 and 3 have been lowered to acceptable levels determined by the results of GIA modeling.
21. **Leachate Recirculation.** Agreed. If complaints are received regarding odors emanating from the spraying of leachate at the face of the landfill and the source of odors is confirmed by the County to be leachate spraying, such leachate spraying shall be discontinued until such odors can be eliminated. Leachate recirculation shall be performed only in composite-lined sections of the landfill.
22. **Test Results.** All test/inspection results that are required to be submitted to the Illinois EPA shall also be submitted to the Macon County Solid Waste Department via electronic communication. Such results shall include, but not be limited to quarterly and/or annual leachate testing, groundwater testing, surface water testing, gas well testing, gradient control water testing, and the various leachate levels.
23. This item intentionally left blank.
24. **Geosynthetic Clay Liner.** New leachate collection sumps at the base of the landfill shall be underlain by a Geosynthetic Clay Liner (GCL).
25. **First Layer of Waste.** The first layer of "select waste" deposition shall be overseen by a qualified representative of Veolia to assure that proper types of

wastes are being deposited on the drainage layer and that the process is done in a manner to minimize puncture potential of the liner.

26. **Final Cover Seed Mix.** The proposed seed mix for the final cover shall be submitted and approved by the Macon County Solid Waste Department prior to its use. The Department's review and approval shall be commercially reasonable.

III. **Criterion Number 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.**

Minimize Incompatibility with Character of Surrounding Area

Jim Ash testified regarding his investigation into the Character of the Surrounding Area portion of this Criterion. He is a registered Landscape Architect in Illinois and Wisconsin. He looked at a one mile study area (one mile around the perimeter of the proposed site).

About 58% of the land within the one mile study area is zoned for agricultural purposes and about 25% of the land is zoned for some sort of residential purposes. Although zoning is specifically exempt from consideration in approving or denying a request for local siting approval, it does give some indicia of the present and proposed uses surrounding the proposed expansion. Although there are a number of residences located within the one mile study area, many of these residences will be screened by intervening hills, structures and existing vegetation.

The applicant incorporated into their design an approach to further minimize the impact upon the character of the surrounding area. This was done predominantly through the use of plantings along the adjacent public roadways (as required by the Illinois Administrative Code), the entrance on Bear Road and the vacated Hill Road cul de sac. In addition Route 51 to the east and the Sangamon River to the south, coupled with the Applicant's own property

provide additional distance between the proposed expansion and the closest property owners.

Minimize The Effect On The Value of The Surrounding Property

Peter Poletti testified as to his review and study of several landfills around the State of Illinois to determine whether or not there was any effect of a landfill expansion upon the value of property surrounding such a use. He concluded that both his studies and the studies of others were meritorious and showed little or no impact on the value of the surrounding property.

Mr. Poletti did not dispute that other studies have been performed that appear to show a correlation between the size of the operation of a landfill relative to its distance from adjacent uses. He did try to distinguish such other studies from those that he performed or that he cited. The question is not, however, one of whether or not there is an impact, but rather what one can do to minimize such effect upon the value of the surrounding property.

Whether any impact is a result of actual and demonstrable conditions arising from the operation of a landfill or whether any impact arises from the perception, an impact may exist. The issue is obviously whether or not any impact would be minimized. Clearly many of the factors indicated above: undulating top, distance from residential uses, etc. also help to minimize any actual or perceived impact. Finally the Property Protection Plan will also serve to minimize any effect on the value of the surrounding area.

Mr. Poletti's conclusion that there will not be any effect on the value of the surrounding property is based upon a properly run landfill.

It is the EEHWC's impression that many additional items could have been incorporated into the plan for expansion that would further minimize the impact on the character and or value of the surrounding area. It is the consensus of EEHWC that the Applicant has met its burden with regard to this Criterion, subject to the following conditions:

**Criterion III Conditions:**

- 27. Visual Barriers. The development of the landfill shall be built in such a manner**

that perimeter and operational berms shall be placed to minimize view of the landfill operations and to assist in minimizing possible offsite impact. Perimeter berms shall be vegetated immediately after they are constructed. The east perimeter berm shall be constructed prior to waste exhumation and other operations that expose waste within 500 feet of the east property boundary. The east perimeter berm shall be no less than 8 feet in height and shall extend, at a minimum, from point 5800 N to point 4800 N shown on Drawing A4, and shall be built wide enough to support vegetation as described on the application's landscape plan. Operational berms shall be used such that waste is not seen on the west, north or east. In areas where there is insufficient room to construct a separate berm, the elevated roadway may be horizontally extended and the plantings may be installed adjacent to the roadway surface or upon the sideslopes of such roadway/berm. The elevation of such a combination roadway/berm shall be 8 feet above the adjacent grade except where existing localized conditions are prohibitive and such determination is approved by the Macon County Solid Waste Department."

28. **Landscape Plantings.** All evergreen groupings shall be installed no greater than 20 feet apart in two rows. Each row of plantings shall be off-set from the other row plantings, so that the 90 degree view shall make each tree appear to be 10 feet apart. All ornamental trees shall be planted 8-10 feet apart in two or more rows. All trees shall be 8 feet tall or taller when planted. If any trees die during the time that the landfill is open for the receipt of waste, they shall be replaced by a tree of the same size as initially installed.
29. **Fence.** The facility boundary in the lateral expansion area shall be secured by a 6 foot tall or taller chain link fence with appropriate lockable gates for any roads. The fence shall connect to the existing fence along the east and west sides of the existing facility.
30. **This item intentionally left blank.**
31. **Operating Hours.** The permitted operating hours for landfilling operations shall remain as they currently exist: 6 a.m. to 6 p.m.
32. **Flare.** The flare shall be moved to its proposed new location within three years of receiving an IEPA Construction Permit.

- 33. Storage of Waste.** All waste received prior to 4:30 p.m. shall be deposited into the landfill by the end of the operating day. Waste contained within the Citizens Drop Off Container will be secured within the landfill property and tarped until such time that the Citizens Drop Off Container is full. Once filled, the waste will be deposited within the landfill during normal operating hours. If the waste within a mechanically impaired vehicle can not be deposited into the landfill by the end of the operating day, that vehicle will be stored in a secure location within the landfill property until either the mechanically impaired vehicle is repaired or the waste can be transferred to another vehicle and then deposited into the landfill. Veolia trucks and/or containers that are limited by collection requirements and cannot arrive at the landfill prior to 4:30 p.m. shall be stored in a secure location within the landfill property. Those trucks and/or containers shall be deposited into the landfill at the opening of the next business day. No waste shall be stored in a transfer trailer overnight, unless that vehicle is mechanically impaired. In that case, the transfer trailer load will be deposited in the landfill no later than the end of the next business day. All loads that require storage after that day's operating hours will be monitored and located so as to eliminate potential for odor to leave the property.
- 34. Complaint Process.** The Owner/Operator shall maintain a telephone line for the receipt of complaints relative to the development or operation of the landfill pursuant to the Complaint Resolution process as identified in the Host Community Agreement. The Macon County Solid Waste Department shall be notified within 1 business day of any complaints and the action taken thereto, if any.
- 35. Bi-Annual Meetings.** The Owner/Operator shall participate in bi-annual meetings with the Macon County Solid Waste Department and members of the public to discuss current operations and/or proposed changes to the site or operations upcoming in the next 6+ months.
- 36. Vegetation.** The Final cap shall be constructed within 60 days of the final placement of waste. The final cap shall be vegetated as soon as possible thereafter, but no later than 120 days after final placement of waste. If intermediate cover is used for the outer slope, it shall be vegetated as soon as possible, but no later than 120 days after the intermediate cover is installed.

37. Litter. The site, areas around the site and the roadway system as defined in the Host Agreement shall be inspected for litter on a daily basis and any such litter shall be removed as needed.

IV. **Criterion Number 4: The Facility Is Located Outside The Boundary Of The 100 Year Floodplain.**

Part of the property was located within the boundaries of the 100 year flood plain prior to Valley View obtaining a conditional letter of map amendment removing that property from the 100 year flood plain. Thus, it is the consensus of EEHWC that the Applicant has met its burden with regard to this Criterion.

V. **Criterion Number 5: The Plan Of Operations For The Facility Is Designed To Minimize The Danger To The Surrounding Area From Fire, Spills, Or Other Operational Impacts.**

Testimony was received from Mr. John Bossert regarding this Criterion. Unfortunately no testimony was received from any of the employees who work on the site on a day to day basis. Many questions arose that were unable to be responded to adequately by Mr. Bossert. The following condition (in addition to the conditions proposed in Criterion II) must be incorporated into any approval to assure the citizenry of Macon County that the landfill expansion would be operated in a manner that would minimize the danger to the surrounding area from fires, spills and other operational accidents:

**Criterion V Conditions:**

38. **Emergency Response Plan.** The Macon County Solid Waste Department and Macon County Emergency Management Agency shall be added as an additional party to be notified in all cases where notification is required under the Emergency Response Plan. All local fire chiefs and the Macon County Solid Waste Department shall be invited to participate in the yearly Fire Response Training Requirements.

VI. **Criterion Number 6: The Traffic Patterns To Or From The Facility Are So Designed As To Minimize The Impact On Existing Traffic Flows.**

Valley View presented testimony regarding this criterion through engineer Lee Austin of AECOM. He testified that Valley View's proposed expansion will increase the amount of traffic in such a nominal way that most all of the intersections will see little, if any, impact by the increased volume of traffic if the expansion is granted. His testimony took into account the additional number of collection/packer trucks that will use the facility (approximately 11), additional employees, and other increased traffic. Of the major intersections that he studied, only one will change from a Level of Service A to a Level of Service B (Wyckles and Cantrell). No roadway improvements are proposed for the landfill expansion and none appear to be necessary. The vacation of parts of Bear Road and Hill Road will eliminate any through traffic and will further decrease any impact to the surrounding roadway system.

Mr. Austin was unable to discuss the internal roadways system of the landfill in that he said that he had no input into those considerations. The review team believes that some internal components will further decrease any impact upon the surrounding roadway system. Therefore, it is the consensus of EEHWC that the Applicant has met its burden with regard to this Criterion, subject to the following conditions:

**Criterion VI Conditions:**



39. **Roadway System.** No mud shall be tracked upon Bear Road or other roads in the area roadway system. The roadway system shall be inspected daily and if mud is found to be tracked upon the roadway system, it shall be removed at least daily. If mud continues to be tracked upon the roadway system, the operator shall take appropriate steps to eliminate such tracking, including if necessary the lengthening of any run-off roads within the facility boundaries or the installation of a wheel washer to wash the mud off of the truck tires and wheels.
40. **Truck Staging.** The Operator shall not allow trucks to back up or be parked on Bear Road while awaiting intake at the scale house at any time.
41. **Truck Tarping Policy.** The Applicant shall propose a written truck tarping policy to the County for its review within 6 months of any granting of local siting approval. The County shall approve or return said Policy with suggested changes. A final policy shall be adopted by the Applicant no later than the earlier of the date on which an operating permit for the expansion is granted by the IEPA or November 1, 2011. The Truck Tarping Policy shall be distributed to all haulers using the site and shall contain provision(s) that would bar the use of the facility by the offending truck driver for a period of 90 days upon a third violation of said Truck Tarping Policy within any 1 year period.

**VII. Criterion 7: 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.**

Valley View has provided testimony that they do not intend to receive hazardous waste at this site. They have also provided an Emergency Response Plan in the unlikely event that hazardous waste is received and detected. The more likely scenario is that some sort of hazardous waste will be found during the excavation of the southern portion of Section I. If they do uncover such waste, they have a plan in place to address that waste. It is the EEHWC's consensus that the Applicant has met their burden under this Criterion.

VIII. **Criterion 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.**

Ms. Smith also provided expert testimony regarding the consistency of this proposed expansion with the County's Solid Waste Plan. It is the consensus of EEHWC that the Applicant has met its burden with regard to this Criterion.

IX. **Criterion 9: If The Facility Will Be Located Within A Regulated Recharge Area, Any Applicable Requirements Specified By The Board For Such Areas Have Been Met.**

The proposed site is not located within a regulated recharge area and Valley View has therefore met this requirement.

**Previous Operating History When Considering Criterion 2 and 5.**

The "so-called" tenth Criterion allows the County Board to consider as evidence the previous operating history of the Applicant when considering Criterion 2 and Criterion 5. It is clear that this property has a checkered history going back many years. When this landfill was obtained by Veolia in 1998 many problems existed at the site, including the movement of leachate and numerous other exceedances. The installation of the slurry wall and slurry wall

gradient control system has helped to address many of the problems that were created by the prior owners. Although there were some operational issues that arose immediately after Veolia purchased the landfill, these issues have declined steadily since that time. It is the EEHWC's recommendation that the previous operating history is not a detriment to the consideration of these two criteria.