

637 Easy Street
Sycamore, IL 60178
August 12, 2010

IPCB
James Thompson Center
100 W. Randolph Suite 11-500
Chicago, IL 60601

Re: Case No. PCB2010-103

To Whom It May Concern:

I am writing in regard to the above case and upcoming appeal reciting a series of events I experienced.

In the last year we have had three County Board (CB) votes which have caused a lot of controversy. The first was allowing a wind farm in our county some of which would be very close to homes. The second was to allow the extension of the LaSalle/Mendota/Peru Enterprise Zone (EZ) to be extended to Waterman, IL to allow one company, Monsanto, to take advantage of a tax break on Illinois utility taxes. Monsanto did not plan to increase work force or increase the size of its facility which can also be part of the extension/establishment of an EZ. Both of these were approved under protest. The Wind Farm Case has now been allowed to appeal the decision of the CB.

The next event that was to be addressed was the expansion of the DeKalb County landfill. Some of us, who had met through the above two issues, felt we wanted to be part of the decision making process in the landfill expansion.

In the fall of 2009 I sent an email to Dan Kenney asking if he knew when the landfill issue would be coming up for a vote by the CB. He wasn't sure and emailed a friend who sits on the CB. The answer he received was that it was a done deal and the landfill expansion would be approved. This came as a surprise to us because we were not aware of any published notices of meetings at which we could have given our input. We felt we had been bypassed.

In December 2009, I visited a former neighbor who lives near the Rockford Landfill and when I got out of the car there was a terrible odor. I asked what it was and was told it was H₂S gas emissions of decomposing wallboard in the nearby landfill. The people who live near this landfill had been living with this odor for several months (and are still experiencing the odor), making complaints which were going unanswered and are still trying to get the issue resolved.

I contacted Mr. Kenney to relate what I had experienced near this Landfill and was concerned that our landfill may accept waste, such as drywall, which could cause an odor problem. I wanted to ensure if the landfill expansion was approved, that we would have some controls in place to avoid unforeseen problems. When I found out there was a grade school nearby, I was really upset that our governmental officials had been allowed to build one so close to a landfill.

Contrary to what we had been told, a citing hearing and a formal approval by the County Board was to come in 2010. Here was our opportunity to give input – we thought.

Once our group started to come together to share our concerns about that landfill expansion, we realized there were many negative factors for people living near the landfill, for the entire county, and even possibly to future generations as this was to be a 46 year contract.

We found out that the landfill had operated for several years with gas emission problems and leaching into the ground near a union drainage ditch. These problems will not be fixed unless Waste Management (WM) is given the approval to expand. The other fact we found out is that during this time no notice of these problems was given to those living near the landfill. It was only through this hearing that we found out about these problems.

And, finally, knowing of these problems, the CB, the County Zoning and Permitting Office allowed School District #428 to build a grade school about ¼ mile from the landfill without informing them of the possible expansion of the landfill. I feel that they had a duty to inform these agencies and allow them the opportunity to build the school in a better location.

Another group that kept quiet about this expansion is the Town of Cortland Board. They negotiated a very favorable monetary agreement with WM in exchange for not opposing the expansion. I feel they, too, had a legal responsibility to inform the citizens of the town before making that commitment. WM also promised amounts of money to other groups for their support.

Thus all of these agencies have put residents of Cortland, our children, and teachers at severe risk from gas emissions if the burn off is not correctly and continuously monitored.

In February 2010, an announcement was made that a hearing on the citing application would be held on March 1 at the CB facilities. Once the County learned there may be a great deal of interest from county residents to listen to the proposal and share concerns, the County did the following:

1. They moved the hearing to Kishwaukee College Auditorium.
2. The hearing was scheduled for one day but it turned into 6 days and an evening.
3. The meeting was scheduled for day hours knowing most people could not attend due to work commitments.
4. They forbade all CB members from communication with their constituents.
5. They tried to tell us we had no right to talk at the citing hearing.
6. After much protest, the County said they would allow people to talk at the meeting but they had to sign up at the CB office during a certain period. No one else would be allowed to talk. I'm not sure they had authority to refuse to let citizens speak.
7. That comments from anyone but WM's paid consultants would not be part of the hearing record and would not have any effect on how the CB Pollution Control Committee voted or on how the CB voted.
8. That the CB voted to issue bonds to fund expansion of the courthouse and the jail based on paying back the bonds in part from the tipping fees from the new amounts of garbage that would be brought to the landfill before approval of the landfill expansion.
9. We had been told many times before and after the final approval that the two expansions would not cost the citizens of the county any money. In fact, the CB is depending on sales tax income for the expansion of the Courthouse based on a rate of tax proceeds during our better economy. I feel the CB has not taken into account the downturn of the economy which would reduce sales tax revenue. They plan on using the "new" tipping fees to pay for the jail expansion.

10. When the County issues bonds they guarantee that the bonds will be repaid. If these two sources of income are less than what is needed the people of the county will have to make up the difference through additional taxes. In today's paper there is article about the courthouse expansion. Three key members of the committee reported that there is not enough money for security, a generator, and moving fees. The chairman of the CB stated they would have to find the money somewhere. She has been most adamant that these expansions would not cost "us anything" but I feel they may want to use someone of the new tipping fees for Courthouse overruns.
11. They hired consultants and architects to begin work on proposals for the expansion of these two facilities before approval of the landfill expansion.
12. Through repeated questioning about why the landfill had to be expanded in DeKalb County, we found out that WM threatens to close down the landfill if they do not receive approval to expand.
13. As far as I know, no agency in DeKalb County has made an effort to bring WM into compliance on gas burn off and leaching around the union drainage ditch.
14. The County said they could not find another company to pick up garbage. We have to take their word as they did not advertise for competitive bidding.
15. They did not follow one of their principles which is to protect and preserve prime farmland in DeKalb County. The landfill expansion will be cited on 500 acres of prime farmland. It seems logical to me that WM could find an area not so valuable.
16. The CB showed no concern over the multiple violations WM has at other facilities.

There was so much confusion about what we could and couldn't do at the hearing; we feel many people did not attend the hearing because they, too, felt it was a done deal.

Contrary to multiple denials by the CB that no decision had been made, we all had the distinct feeling throughout the entire process that the decision had been made. We felt frustration that our hands were tied. We could not discuss anything with our county representatives nor could we talk at the "public" hearing.

I mentioned my former neighbor above. He is a chemist and has worked in the field all of his life. He worked for Safety Clean developing products, some of which he holds the patent, and was well aware of how improperly controlled burn off of gas can damage the average adult body yet along a small child's body. He planned on attending the citing hearing to try to educate the CB on the H₂S issue but I had to tell him he could come but was not allowed to talk because I did not get his name on the "list."

To our advantage, Prof. Serewicz, who is familiar with gas emissions, came to the meeting and asked if he could testify as to the dangers of H₂S. He put the H₂S in an easily understandable diagram and explained it a way that was understandable to the average person. He was treated with less than courteous behavior. All the Committee cared about was that they didn't like the curriculum vitae he supplied.

I attended several days of the citing hearing. Of the seven board members of the Pollution Committee who were to vote on approval or not, I was told only one or two of seven attended all days of the meetings.

On the second day, one person who had a chance to say something protested that the meeting should not proceed unless all members of the Pollution Committee were in attendance. The meeting was stopped, calls were made to missing members and I think two or three more came. Again, another indicator that the decision had been made.

Other concerns were raised during the delay and the hearing officer relaxed the rules and said comments, concerns, questions to be asked after each of the nine application criteria which were by multiple WM consultants would be allowed. We were told the periods of public questions would become part of the hearing record. The CB added a 6th day of the hearing to take comments from anyone who wished to ask about any of the criteria and they would be part of the official record.

Thinking back, when people in the audience got up to talk, I watched the faces of WM's attorney, the consultants, and the CB Counsel. I saw indifference to the questions the audience asked throughout the meeting and that anyone would dare to question these "consultants." We couldn't possibly have the intelligence to "understand" the application.

On the fourth day, after the transportation expert testified, I stood up. It was hard because to me, he had not been receptive to anyone that asked questions about the impact of transportation on our county. I was intimidated and feel that I was looked at as a stupid female. My concern (among others) was that our roads are a mess. I live between two major highways and a bypass road. We have a great deal of truck traffic on these roads already and I do not want an extra 280 additional trucks on our roads. There is no provision in the citing application to contribute towards repair of any road they use.

WM will mainly be using state roads, toll way, and Rt. 39. That means that money for repair work will have to come from a state that is broke and a toll way commission that is trying to sell management of the toll way to raise money. I don't know how or if WM will contribute to motor fuel tax that DeKalb County receives.

My few minutes of conversation were not included in the minutes of the hearing. The court reporter was transcribing while I was talking but I could not find it in the final report. What happened to it?

WM states this area is mainly agricultural. This is true but the area around the landfill has several housing developments and a school so I do not consider that particular area as agriculture and that the expansion will not have impact on the people of the community.

When questioned, this so-called "transportation expert" had no idea that we have farm traffic (remember WM states we are an agricultural area) on our roads during planting and harvesting season. This was not factored into estimates of impact of congestion on our roads.

After a period of time following the hearing, CB Counsel recommended that the Committee approve the application with a few additions. Many of them were taken from our concerns. This is good and bad. We believe that had we not attended meetings, expressed concerns, none of these conditions would have been added as part of the application. The Committee and County Board would have passed the application as originally presented.

The CB scheduled a special meeting for their vote on the landfill expansion. They knew it would be packed but made no provision for the expected crowd except for additional County Police. Their small conference room was overflowing with people with the spillover in the hall. No chairs were provided for the overflow that stood in the hallway outside of the conference room. No sound was piped out to us nor was there any TV feed to watch the meeting. They allowed no comments from the audience.

Since then, monitoring was done around the grade school but H2S was not included in the first request. Was that on purpose? That was the reason for monitoring. The next round of monitoring was conducted by an "independent" group and WM helped offset the cost to the school board. The independent group is also a customer of WM. Therefore no proof of independent testing is evident to me.

The School Board recently announced a meeting to give the results of the second set of testing. They hired an environmental hygienist to interpret the results of the testing and provide his recommendation to the School District and concerned citizens. Testing was conducted using two methods. One method had high result numbers and the other method had low numbers. We were told the results of the method that had high results were thrown out as obviously they were flawed. How do we know which set of results is the correct one? Testing should continue until both types of testing produced the same results. What if they chose the wrong test results? The testing firm and the hygienist will not be impacted. They do not live in this community simply doing what they were paid to do knowing they will get more work from WM in the future.

To sum this all up, we have been told to trust all these different groups as they know what is best. We find it hard to believe them. We do believe we were treated unfairly and accurate information has not been gathered or that safety first has been proved. The CB did not do its own due diligence and relied on that which WM presented and another company called Patrick Engineering. CB has used this company before and this company is on a familiar basis with WM. I believe that an unbiased opinion has not been presented to our officials.

Respectfully yours,

Barbara Votaw
Concerned Citizen

Attachment

Letter that I sent to Daily Chronicle immediately after hearing and published several days later:

To the Editor:

I am a little confused on what I think I heard at the meetings or read in the Chronicle this morning. The hearing officer or the attorney for Waste Management affirmed this was a public hearing on the landfill expansion but then, in summary, Mr. Moran went on to say that all of the comments made by the public "technically were not a part of the review." Many of the public comments/concerns were in regard to health issues, traffic/congestion on our roads and the "for sure" deterioration of our roads. Since WM investigated these items; submitted reports on these items as part of the application; and had expert witnesses testify to each of these reports, all comments made by the public should be considered as applicable to their review.

I respect the amount of work, time and money that Waste Management has put into these reports; however, they are their reports. I suggest the County Board tables this application until they have completed their own due diligence by hiring an independent contractor(s) to validate or find the flaws in all reports of the application.

As for current health issues, the landfill is leaking and the gas burn off may not be operating properly. If I were a parent of a child in the new Cortland Elementary School, I would demand immediate testing of my children, my water, and the air quality at varying distances from the landfill in a circular manner and with the direction of the normal prevailing wind. Next I would insist that gas emissions at the landfill be monitored 24/7 from now until the closure of the landfill at some future date whether their application is approved or not approved.

Forty years is a long commitment. What if Waste Management goes out of business? Will money be set aside for remediation if needed? If application is not approved, will Waste Management fix the current leaks and ensure correct monitoring of the landfill gas emissions?

Barbara Votaw