

VILLAGE OF CASEYVILLE

BOARD MEETING

July 16, 2014

Jeannie D. Priscu, RPR, CSR, CCR

CCR NUMBER: 694

PENGAD 800-631-6869
EXHIBIT
1
10-21-14 CW

1 PRESENT:
2 Leonard Black, Mayor
3 Rob Watt, Village Clerk
4 Walter Abernathy, Trustee
5 Rick Casey, Jr., Trustee
6 Kerry Davis, Trustee
7 G.W. Scott, Sr., Trustee
8 Ronald Tamburello, Trustee
9 Brenda Williams, Trustee
10 Mike Gras, Attorney

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1 MR. BLACK: Okay. The meeting will now come
2 to order at seven o'clock, July the 16th. We'll stand
3 and say the Pledge of Allegiance, and after the Pledge
4 of Allegiance would you remain standing?

5 (Pledge of Allegiance.)

6 MR. BLACK: Okay. In the last month we have
7 had three of our Caseyville residents pass away; Rita
8 Burcham, Joseph Duckworth, and presently Virgil
9 Stogner.

10 At this time I would like to request that
11 everyone remain standing to honor their memory and
12 lives with a moment of silence.

13 (Moment of silence.)

14 MR. BLACK: Okay. Would the clerk please
15 call the roll?

16 (The roll was called by Mr. Watt.)

17 MR. BLACK: Everyone present. Have you all
18 had time to look at the minutes of the closed session
19 and the regular board meeting?

20 MR. ABERNATHY: I make the motion they be
21 entered.

22 MR. TAMBURELLO: Second.

23 MR. BLACK: A motion and a second to approve
24 the meeting of -- the regular board meeting and the
25 closed session for July 18th and July the 2nd. Any

1 questions?

2 MS. WILLIAMS: Yes. There are a couple of
3 corrections.

4 MR. BLACK: Okay. Go ahead.

5 MS. WILLIAMS: Of course the chief okayed
6 all the (inaudible) not present.

7 MR. WATT: Okay. Thank you.

8 MS. WILLIAMS: And also I believe on the
9 smoke shop, I believe that was Ron Tamburello that
10 voted that, not Rick Casey.

11 MR. WATT: Okay. I will make those changes.
12 Thank you.

13 MS. WILLIAMS: And do you want to amend the
14 budget -- amend a motion on that?

15 MR. BLACK: Do you want to amend the motion?

16 MR. TAMBURELLO: I'll amend the motion.

17 MR. BLACK: Okay. Is there any other
18 questions? Okay. Kerry?

19 MR. DAVIS: Yes.

20 MR. BLACK: Ron?

21 MR. TAMBURELLO: Yes.

22 MR. BLACK: Wally?

23 MR. ABERNATHY: Yes.

24 MR. BLACK: Scott?

25 MR. SCOTT: Yes.

1 MR. BLACK: Brenda?

2 MS. WILLIAMS: Yes.

3 MR. BLACK: And Rick?

4 MR. CASEY: Yes.

5 MR. BLACK: Okay. Is there any old
6 business?

7 MS. WILLIAMS: I have some, Mayor.

8 MR. BLACK: Okay.

9 MS. WILLIAMS: I'd like to bring up, we had
10 talked about buying a flag for the fire department.
11 That is the --

12 MR. BLACK: I got that on here.

13 MS. WILLIAMS: Yeah. \$5,000 for the
14 advertising during the picnic and stuff, and after the
15 clerk researched it, we never really took a vote that
16 night.

17 So I was wondering if somebody had
18 objections if we could vote too, so I can go ahead and
19 process that check to the fire department for \$5,000?

20 MR. BLACK: I have no objection I have no
21 objections. Anyone have any objections? Any
22 questions?

23 MS. WILLIAMS: So I make the motion to pay
24 the fire department \$5,000 out of the Hotel/Motel
25 Fund.

1 MR. SCOTT: Second.

2 MR. BLACK: Second. Is there any other
3 questions on the motion? Kerry?

4 MR. DAVIS: Yes.

5 MR. BLACK: Ron?

6 MR. TAMBURELLO: Yes.

7 MR. BLACK: Wally?

8 MR. ABERNATHY: Yes.

9 MS. WILLIAMS: Scott?

10 MR. SCOTT: Present.

11 MR. BLACK: Okay. Brenda?

12 MS. WILLIAMS: Yes.

13 MR. BLACK: And Ricky?

14 MR. CASEY: Yes.

15 MS. WILLIAMS: That's all I have, Mayor.

16 MR. BLACK: Okay. Okay. At this time we'll
17 go to the citizens' input. So would anybody like to
18 get up and say something or have a problem?

19 MS. PIAZZA: I would.

20 MR. BLACK: Okay. Susan, go ahead.

21 MS. PIAZZA: Thank you. Thank you, Mayor
22 and trustees. Good evening. I'm Susan Piazza and I'm
23 commenting today on behalf of Roxana Landfill,
24 Incorporated to ask that the village board make a
25 decision on the Caseyville Transfer Station, LLC

1 siting application.

2 The Caseyville Transfer Station siting
3 application does not appear on the agenda for the
4 meeting tonight, and this is the last regularly
5 scheduled meeting at which the village board can make
6 its decision.

7 Section 39.2 of the Illinois Environmental
8 Protection Act gives the village 180 days from the
9 date of filing of the application to make its
10 decision.

11 If the application was filed on February
12 10th, 2014, the statutory deadline is Saturday,
13 August 9th, 2014.

14 Roxana Landfill requests that this village
15 call a special meeting of the board to make a decision
16 in the Caseyville Transfer Station, LLC siting
17 application to be held prior to August 9, 2014.
18 Additionally, Roxana objects to this village letting
19 the 180 day deadline pass without a decision.

20 Finally, I would like to ask this board what
21 is the plan for its review of the Caseyville Transfer
22 Station siting application? When will you put it on
23 an agenda? Thank you.

24 MR. BLACK: Thank you. Okay. Brenda, I
25 think did we kind of discuss that? Do we want to call

1 a special meeting? Maybe we can combine it with --

2 MS. WILLIAMS: I thought we still had a
3 third one or something?

4 MR. BLACK: No.

5 MS. WILLIAMS: No?

6 MR. ABERNATHY: The three -- Those are three
7 public hearings, and that was wherever -- You know, we
8 thought there was three public hearings here.

9 MS. PIAZZA: You have a 180 day window to --
10 We had the public hearing I believe June 26th that was
11 here.

12 MR. PENNY: May 26th.

13 MS. PIAZZA: Sorry. And that was for the
14 public to provide input, which they did that evening.
15 And then there was a 30 day comment period where we
16 could submit written comment as well, which I believe
17 you received written comment as well.

18 And now it's time to take a vote basically
19 for that August 9th date. It not being on the agenda
20 this evening --

21 MR. BLACK: Correct.

22 MS. PIAZZA: We're just basically curious
23 when you think the --

24 MR. ABERNATHY: Well, I guess that's my
25 misunderstanding, because I thought someone said that

1 night that there would be three public hearings, and
2 that's -- that's --

3 MR. BLACK: Ron, did you have a comment?

4 MR. TAMBURELLO: Yeah, we already discussed,
5 you know, I believe August 6th because we have a
6 committee meeting, and prior to that we could have a
7 special meeting.

8 MR. BLACK: We could set it up prior to our
9 meeting on August the 6th?

10 MS. PIAZZA: August the 6th.

11 MR. TAMBURELLO: To get that resolved.

12 MS. PIAZZA: At what time?

13 MR. BLACK: We'll have to discuss that.

14 MR. TAMBURELLO: Our meeting is going to be
15 at seven, so I guess we'll start one at six. Do you
16 want to have a special meeting before our committee
17 meeting or after?

18 MR. BLACK: What would the board like?

19 MR. CASEY: I think it's better following
20 the committee meeting.

21 MR. BLACK: Anybody? Any other comment?
22 How do you feel, Kerry, the same way, or after the
23 meeting or before the meeting?

24 MR. DAVIS: It doesn't make a difference to
25 me.

1 MR. BLACK: It makes no difference to me.
2 How do you feel?

3 MS. WILLIAMS: Can everybody make it?

4 MR. TAMBURELLO: Can everybody make it
5 before, or is there a problem with anybody?

6 MR. BLACK: I can make it. I can make it
7 either way, so it's up to the rest of you.

8 MR. DAVIS: We'll do it at six then.

9 MR. BLACK: Okay. We'll set it up at
10 six o'clock.

11 MS. PIAZZA: Okay.

12 MR. BLACK: Prior to our committee meeting
13 on August the 6th.

14 MS. PIAZZA: Here in council chamber?

15 MR. BLACK: Pardon?

16 MS. PIAZZA: Here in council chamber?

17 MR. BLACK: Meet here. Right here.

18 MS. PIAZZA: Thank you very much.

19 MR. BLACK: Okay. Do you want to go ahead?
20 Scott, go ahead. This is Scott Penny. He's a
21 celebrity here tonight. He's the chief of police at
22 Fairmont City.

23 MR. PENNY: Administrator at Fairmont City.

24 MR. BLACK: Oh, okay.

25 MR. PENNY: It was asked that I come

1 following up on similar concerns that Susan had.

2 MR. BLACK: Okay.

3 MR. PENNY: We didn't know if you had a
4 meeting on August 2nd, but we had also calculated the
5 date, if the application came in in February, as it
6 had been indicated, that the time clock and the window
7 would close on the 9th.

8 And the mayor and the board in Fairmont City
9 and the township as a governmental entity was
10 concerned that there would not be a public hearing of
11 the facts and the circumstances of the decision. So
12 they were also asking you to act on that publicly.

13 MR. BLACK: Okay. We will. Kevin Carson,
14 would you like to say something?

15 MR. CARSON: Yes, I would. I have a
16 problem. I talked with the mayor before the meeting.
17 About thirty days ago they tagged my son's car.

18 The state took his plates and his license
19 because he had a DUI. The car is a Lincoln Mark VIII
20 with an air ride suspension.

21 If the car isn't started, you can't jack it
22 up, it goes low. He couldn't get a jack under there
23 to change the one tire.

24 I talked to the chief. Scott Miller said
25 that if he just gets the tire aired up it would be

1 okay. Well, we got the tires aired up, and over the
2 next day and a half the one tire went flat and then
3 subsequently another. Well, he can't get the jack
4 under there, and he needs the battery. He needs the
5 battery to get the car started.

6 He had no job. He lost his job last like
7 November, and I'll say he just got a job down there at
8 Bourbon a week and a half, two weeks ago at the most,
9 and I can validate that.

10 And we went to the grocery store today, and
11 came home and his car was towed. And there was a
12 battery charger cord still sticking out the front
13 where he had tried to charge the battery enough to get
14 the car -- So we were compliant. We tried to do it.

15 And I said, all the junk that sits around
16 this town. You know, she had my car -- my son's car
17 towed while we were gone.

18 All they had to do was come to the door, you
19 know, if there was an issue. We could have worked
20 around it. I've never given them a problem with
21 anything.

22 And I said, all the time that I've donated
23 to the Khoury League down here and patrolling the
24 park, and going twice. On two occasions I got the
25 chief or a policeman or one time the chief and I

1 reported a guy dumping down there in the park,
2 dumping a bunch of metal and house stuff in there, and
3 they got him.

4 And then I told him about a car, a
5 suspicious car down there where a guy was acting like
6 he was wiping off his wheels, and he wasn't doing
7 nothing with a big -- had a big car, and he was
8 waiting for somebody. I know what he was doing. So I
9 went and got the chief.

10 And I said, all the things that they can
11 pick on, they towed my son's car when he couldn't --
12 You know, if they had time to get the battery that --
13 You know, he could have worked around that.

14 But I said he took the car out of our
15 driveway. The plates are gone and his license is
16 gone. The car drives, starts, drives, runs if it had
17 a battery, but he has no license, so what's he
18 supposed to do with it? You know, and they took it.

19 And I'd just like to know if that is okay or
20 if that's, you know, the way it goes. So I went down
21 there and I talked with the woman at the police
22 department. I got there at 5:32. Her truck's
23 running. I wait until 6:21. Her truck is still
24 running, nobody's comes out there.

25 At 6:21 she comes out. I asked her about

1 it. I was aggravated. She says, Well, let me go get
2 a policeman. So she went in, and they came around the
3 other door.

4 Three policemen come out there and her
5 standing there, and I was getting frustrated because
6 she had an attitude too, and then I got -- I had an
7 attitude.

8 And the policeman told me I need to go, and
9 I said I'm not doing nothing wrong. I said I'd like
10 to know what -- you know, what's going on. They said,
11 you know, \$200 to get the car out.

12 I said, He ain't got \$200. He didn't have
13 money to buy a battery. How is he going to get \$200
14 to get the thing out? And basically they just took
15 the car. They tagged it, you know.

16 But he called the number that was on there,
17 and I came down personally and talked to the chief.
18 You know, it ain't like we were trying to be
19 noncompliant about it.

20 And then the policeman told me today,
21 Spratt, that I better get out of here, you know,
22 before I get arrested. My cane could be considered a
23 weapon. And I said -- I said, Are you serious? And,
24 you know, he was just real arrogant about it.

25 And I said, I don't like being treated that

1 way by a policeman when I wasn't doing anything wrong,
2 and I think it's bullshit.

3 MR. BLACK: Okay. Now, that's --

4 MR. CARSON: Sorry for those that are
5 offended by that, but I didn't do anything, you know,
6 for him to be smart. He gets an attitude.

7 And then when I say that's stupid, you know,
8 he says, You better get out of here. He said, You
9 know you can be arrested for that, get you for some
10 kind of battery or -- You know, and I said, I can see
11 this is going nowhere.

12 So that's why I came to the meeting tonight.
13 You know, I would like some -- someone to assist me
14 with this because I don't think it was right, and if
15 somebody has a different opinion, I'd certainly be
16 glad to hear it.

17 MR. BLACK: Brenda, you're the chairman of
18 that board.

19 MR. CARSON: Thank you for your time.

20 MS. WILLIAMS: I think I would refer it to

21 --

22 MR. BLACK: The chief?

23 MS. WILLIAMS: -- Chief Miller.

24 CHIEF MILLER: I mean I spoke to him and
25 told him the car had to be in compliance with, you

1 know, our ordinance rules. He aired up the tires.
2 Obviously it didn't stay aired up. She went back and,
3 you know, she was doing what she -- You know, she was
4 doing her job so --

5 MR. CARSON: You can't get a jack under
6 there because it won't start, and he can't jack it up
7 to change the bad tire because he needs a battery.

8 And we tried to get two different jacks
9 under that car. I couldn't get under there. It's
10 sitting so low, you couldn't get it, you know. Until
11 it gets started, there's not much I can do.

12 And, you know, he's not going to drive it
13 because he doesn't have a license anyway, you know.
14 So but I just -- I just don't think it was right.

15 You know, we tried to work, you know,
16 whatever we could do. You know, we did the best we
17 could. And, you know, to take his car.

18 At least if nothing else he could have sold
19 it and got the money. This way it's going to cost him
20 money. Thank you.

21 MR. BLACK: Did you ever -- Did you ever
22 talk to her personally or --

23 MR. CARSON: Yeah, I did tonight the first
24 time.

25 MR. BLACK: I mean before this happened or

1 --

2 MR. CARSON: No.

3 MR. BLACK: Did she ever come up to you or

4 --

5 MR. CARSON: No. No. My son tried to
6 contact her and she didn't return, answer, or
7 whatever. I won't say return his call because I don't
8 know that he left a number.

9 MR. BLACK: Okay.

10 MR. CARSON: But he did call the next day.
11 He tore the sticker off the car and took it inside and
12 I guess got a number off there to call, and that's
13 what -- You know, that's what he did. And I came down
14 and talked with the chief.

15 And we did air up all the tires, and we
16 tried to get a jack under there to change the battery,
17 but it keeps going flat, and it's hard to keep airing
18 up the tire, you know, in your driveway. But, you
19 know, well, thank you for your time.

20 MR. BLACK: Okay. Brenda, I guess we better
21 -- we'll look into this.

22 MS. WILLIAMS: Yeah, we will research it.

23 MR. BLACK: And get back with Scott and
24 research it.

25 MS. WILLIAMS: And get the paperwork.

1 MR. BLACK: And get back with you and see if
2 we can work something out.

3 MR. CARSON: All right. Thank you.

4 MR. BLACK: Okay. M.K., would you want to
5 get up and -- Where are you at here?

6 M.K.: Hi. I was asked to give a report on
7 the July 5th event that we had, the fireworks. In
8 talking with the committee we meant to review it last
9 -- earlier this week. We've all received positive
10 feedback on it.

11 The vendors were pleased, the food vendors,
12 the organizational vendors, they were there. I'm
13 trying to see who else was. Various people present
14 were there can give you feedback. We were pleased
15 with that.

16 The kiddie area was constantly busy, the
17 face painting, the kiddie train ride. People started
18 arriving early. They were there before five.

19 So I would say there was good -- Word got
20 out pretty good, good anticipation of it. Officer
21 Singleton and Paco gave a wonderful demonstration.
22 They drew quite a crowd.

23 And the park (inaudible) got off to a small
24 start, but they were very much in the biz. They
25 really liked the way that we did it with the fire,

1 police, the mayors, and the firemen, fire chief's
2 choice awards, and said that they -- It was much
3 better than the actual judging, and they'll be back
4 with a lot more people next year.

5 I asked around about the fireworks. We all
6 asked our neighbors and friends and people around
7 town, and got good feedback about that too.

8 MR. BLACK: Okay.

9 M.K.: So we have some areas that we would
10 like to work on, site layout, parking, managing the
11 parking better, but we feel it went well and we're
12 looking forward to next year.

13 MR. BLACK: Okay. Thank you. Okay.
14 Angela, would you want to make a comment or two?

15 ANGELA: Yeah. Sure. I've got something to
16 say. Good evening. I'd like to say first of all,
17 M.K., well done. Well done.

18 I have worked on many committees out on the
19 square, and well done for the first year. And success
20 is measured in attendance, and I've never seen that
21 many people in the park, so congratulations.

22 On that note, I'm here because I'd like to
23 talk to you about the village newsletter possibly
24 coming to life. We've talked about it and tossed it
25 around.

1 There's a tremendous need and want for it in
2 the village, because we need a single way to
3 communicate community events and important information
4 in the village. So I'm here to see what we need to do
5 to make that happen. Hold on. I've got it right
6 here.

7 All right. So obviously I've been talking
8 with the mayor and other people throughout the village
9 and our members, and other neighbors.

10 The newsletter really needs to be a
11 community oriented publication to inform citizens of
12 important useful information by, for, and about the
13 village. It think there is a demand and a want for it
14 by the citizenry -- citizenry.

15 I've done a little research on the cost of
16 the printing. Distribution again is something we need
17 to decide on. The main cost factors we're talking
18 about is printing and then distribution.

19 As far as the actual publication of the
20 newsletter, the work involved, it's all going to be
21 volunteer. It doesn't need any labor, anything of
22 that nature involved in it.

23 We discussed potentially doing it quarterly,
24 and distributing it via the village website via a
25 link, making copies and putting it in local

1 businesses. It would probably be a good idea on the
2 first time around to mail them to individual
3 residents.

4 With that being said, relevant to the
5 content, let me find my list here. I think the
6 content should be kept nonpolitical as much as
7 possible.

8 Obviously, we're going to be talking about
9 things in the village that are going to be political,
10 you know, where to call in emergencies, so on and so
11 forth.

12 We discussed each elected official having an
13 actual -- You know, I'm your village trustee, fill in
14 the blank, an actual section in it compiled by you,
15 forward it to the editors and the (inaudible)
16 committee, that would be me, and whoever else wants to
17 volunteer.

18 Make sure the police department, the
19 library, the parks and rec, fire department, public
20 works, community events, community organizations, so
21 basically just a general community based newsletter.

22 The city of Belleville does a very nice one.
23 I don't think ours would need to be that big, you
24 know, just two pages front and back. So I'm here to
25 just find out what we need to do to make this happen.

1 MR. BLACK: Okay. I'm with you. I'm for
2 it. I don't know. Does any of you board members have
3 a question you would like to ask Angela?

4 ANGELA: The cost would run about \$950 for
5 the print and mailing.

6 MR. BLACK: We can use that out of that
7 hotel or ---

8 ANGELA: I know money is a problem. If we
9 need to raise money, well, then say so. But if it's
10 not wanted I don't want to waste valuable time on it.
11 You know, if it's wanted, let's make it happen.

12 MR. BLACK: I think it's a good idea.
13 People do like to know the events that are coming up
14 like the fishing derbies and the 5K run coming up, and
15 that way they can address it.

16 Does anybody else have any comment, or I'm
17 the only one I guess? What do you think, Wally? It's
18 for everybody and it's for --

19 MR. ABERNATHY: If she can put something
20 together and let us look at it, you know. I mean I'm
21 not against it but --

22 ANGELA: I also want to say before we waste
23 our time if you're even interested in it. If not then
24 we can --

25 MR. BLACK: I think the firemen --

1 ANGELA: Time is money. Time is pretty
2 valuable.

3 MR. BLACK: They have different events. You
4 people have, the school out there, they have different
5 events that we don't know about.

6 ANGELA: You would be able to advertise all
7 your community events, you know.

8 MR. BLACK: Yes.

9 ANGELA: There are very few municipalities
10 in this state that don't have a newsletter or
11 something that communicates to the community base
12 what's going on.

13 MR. TAMBURELLO: One question that I had.
14 Are you talking about for the circulation, through the
15 mail or --

16 ANGELA: In the Village of Caseyville, the
17 residents basically, restaurant, residents.

18 MR. BLACK: I think we did a letter, a
19 newsletter that was a 1,500 mailer, wasn't it,
20 something like that, 1,200?

21 ANGELA: That was the town hall meeting,
22 when we did a town hall meeting notice.

23 MR. BLACK: So if we want to have another
24 town hall meeting, we were talking about it.

25 ANGELA: That would be something you could

1 advertise in it.

2 MR. BLACK: Put that in there too.

3 ANGELA: Your Neighborhood Watch, Neighbors
4 Helping Neighbors, Lions Club, VFW, Ladies Auxiliary.

5 MR. BLACK: Yes. Yes.

6 ANGELA: All of those organizations are
7 looking for this.

8 MR. BLACK: Right.

9 CITIZEN: It's a good way to get the word
10 out.

11 ANGELA: Exactly. Just a consolidated piece
12 of paper about what's happening in town, you know.

13 CITIZEN: Or who do I call for what.

14 ANGELA: Exactly. That's the other thing.
15 Who do I call if the water main breaks out front, you
16 know, so --

17 MR. BLACK: I think it's something to start
18 and work on. It's like our fireworks. We started out
19 somewhere along the line small, and built off of it.

20 ANGELA: I think you're looking at about
21 \$945. It might be a little more to mail it the first
22 time. I think it's like 23 cents apiece if you mail
23 it.

24 MR. BLACK: Right.

25 ANGELA: But if you get it out there and the

1 community understands it and then it becomes
2 recognizable, you don't have to mail it every time.

3 MR. BLACK: Right.

4 ANGELA: Just print those copies and --
5 Yeah, put them in the library, put them in the village
6 hall, and you'll have people showing up. I go pick up
7 a church bulletin if I miss because I want to know
8 what's going on.

9 MR. BLACK: Right.

10 MR. CARSON: You could put like donation
11 jars in all of the local stores like, you know.

12 MR. BLACK: Well, we can do that.

13 MR. CARSON: For the printing of the pages
14 of the newsletter, Dollar General, everybody down
15 there.

16 MR. BLACK: Well, we can do that, but I
17 think --

18 MR. CARSON: It will help offset the costs
19 maybe.

20 MR. BLACK: Well, I think we have enough
21 money in that fund to do those kinds of things.

22 MS. WILLIAMS: Can you take something like
23 that out of the Hotel Motel?

24 MR. BLACK: Right. See, we could do --

25 MS. WILLIAMS: I don't know.

1 MR. BLACK: Like they did one of the fliers
2 we had listed all of the motels on the bottom and a
3 little -- What was that, the fishing derby or one of
4 them we did that with? And we advertised all of the
5 motels, and we could put that on the bottom, which
6 would help them out too.

7 ANGELA: And that could maybe mean maybe we
8 should --

9 CITIZEN: Should you post it on the village
10 website?

11 MR. BLACK: Right.

12 ANGELA: Put it on the website so they can
13 link on.

14 CITIZEN: Because a lot of people -- I mean
15 I understand that our town is diverse, that we have an
16 older population, retirement population that doesn't
17 like to get that stuff on line.

18 MR. BLACK: Yes.

19 CITIZEN: And then you have the younger
20 generation that doesn't like all the junk mail to come
21 and will never read it when it's in the mailbox, who
22 might actually read it if it was on line.

23 MR. BLACK: I think it's a start. How
24 should we proceed with this? Just go ahead and --

25 MR. ABERNATHY: Put something together.

1 MR. BLACK: Put something together and let
2 everybody look it over and get your opinions of it and
3 --

4 MR. ABERNATHY: And what it's going to cost
5 us.

6 MR. BLACK: I think it's nice each one of us
7 have a little article in there, each board member, and
8 a little comment or whatever.

9 ANGELA: I think your constituents would
10 appreciate that. You know, they would like to hear
11 from you, from their trustees, and know what's going
12 on. I know I would.

13 MR. BLACK: Okay.

14 ANGELA: I know my neighbors would; right,
15 Rick? I'm speaking for you I mean, you know.

16 MR. BLACK: Okay. Sounds good to me. Let's
17 work on it this week. We appreciate it.

18 ANGELA: Now I'm going to ask Mr. Pierce to
19 come here because we have some Neighborhood on Watch
20 business. Are you all on citizens' input still?

21 MR. BLACK: I can't hear you real good.

22 ANGELA: Still on citizens' input?

23 MR. BLACK: Yes, we are.

24 ANGELA: Come on, Pierce. Thank you.

25 MR. PIERCE: Good evening, everybody, the

1 mayor, the board, and the citizens. I'm here for the
2 Caseyville on Watch tonight. I just want to give
3 everybody a little update here.

4 First of all, Mayor, we had a pickup truck
5 with Derek Parker. We sort of got our name brand out
6 at the parade. That was a success. Threw out a bunch
7 of candy.

8 The July 5th fireworks was a positive as far
9 as -- I was out of town. I missed it. I heard good
10 feedback on it, though. So I plan on being at it next
11 year, though.

12 So but I want to give everybody an update
13 on -- We did have a raffle, and out of the tickets we
14 did sell for the Caseyville on Watch donations we
15 raised about over \$400 after all of the expenses.

16 G.W. Scott, in fact, won the grand prize,
17 \$200, and I can tell you this was not fixed. Okay.
18 It was a trustworthy drawing. Okay.

19 We had a Sandy V. that won a \$25 gift
20 certificate I believe at Tony's and we had a Cliff
21 Moore, he was out of Pocahontas, Illinois and won the
22 \$25 gift certificate I think for Woody's.

23 So that being said, we would still -- We
24 want to get more people on the Caseyville on Watch. I
25 know that I saw on the input for tonight you guys are

1 going to be talking about these signs. Okay.

2 I know Scotty, with Derek Parker and myself,
3 we want to try to get the signs hopefully put in
4 around August in the town throughout mainly the main
5 thoroughfares. We want people to -- show that we have
6 a lot of people keeping an eye on things in the town.

7 That also being said, we are having our
8 board meeting here at the village hall July 22nd, and
9 that's going to be at 6:30.

10 And on September 11th -- This is where I'd
11 like for everybody to get the word out.
12 September 11th at 7:00 p.m. we're going to have a
13 public meeting here at the village hall. So if
14 anybody, after the meeting, needs any input from us or
15 Angie, get ahold of us. Okay.

16 MR. BLACK: Okay.

17 MR. PIERCE: And one last note. Again, the
18 Caseyville Police Facebook page on line, I'd like to
19 congratulate them. They've really been putting some
20 good information out there for citizens as far as
21 suspects, people in custody, and I think it's more
22 people in this town are keeping an eye on things.
23 Thank you.

24 MR. BLACK: I agree. Thank you.

25 CITIZEN: Leonard, before you move on.

1 MR. BLACK: Yes.

2 CITIZEN: I would like to know what needs to
3 be done. I know that I had spoke with the former
4 attorney about the village making it more difficult
5 for the child molesters to move in.

6 I've made some inquiries to the county
7 myself. They said there are steps that we can take.
8 I don't know if you guys have been following this, but
9 there's been like three more in the last month move
10 in.

11 Because we don't have any guidelines, all
12 they have to do is come and register. You can set up
13 a fee that they have to pay, and let them know that
14 their face is going to be put out through the public
15 on the Facebook page. There are deterrents set up.

16 And I don't know about how you guys feel
17 about your kids growing up in this environment, but I
18 still am not happy about the one that's living across
19 the street from myself.

20 And I worry about the little Mexican kids
21 who don't speak English around him since he's been
22 twice convicted of having sex with a two-year old and
23 a seven-year old.

24 MR. BLACK: Wow.

25 CITIZEN: Exactly.

1 CITIZEN: So I know that these -- The old
2 city attorney told me he thought he knew where he
3 could go to get some information together. That never
4 came. It's kind of stalled since then, and I would
5 like once again to bring that to the forefront.

6 MR. CASEY: One of the easiest things to do
7 is increase your feet limit within the park. That's
8 the easiest thing for any municipality to do. Right
9 now we go by 500 feet if I'm not mistaken.

10 CITIZEN: Well, there are also -- As I said,
11 there are also --

12 (Inaudible.)

13 CITIZEN: Oh, I didn't know that. Well,
14 there are also fees that that -- you can impose upon
15 them. You can. There are stricter guidelines than
16 what we currently have. I would like to see the city
17 move in this positive direction.

18 Ron, I'm going to throw you under the bus
19 once more. You said you want to get the town back.
20 We've got to clean it up. How do you clean it up?
21 You've got to remove the child molesters and the
22 drugs. Thank you.

23 MR. BLACK: Okay.

24 CITIZEN: (Inaudible) I'll call him tomorrow
25 and get a copy of the ordinance.

1 MR. BLACK: Okay.

2 CITIZEN: And a copy of their fees.

3 MR. BLACK: Okay. The next item -- Well,
4 would anybody else like to say anything? The next
5 item I have on the agenda is I know Rick had asked for
6 some signs, for Neighborhood Watch signs.

7 And I talked to Brian about it, and we would
8 have to have board approval on that. If we could
9 maybe buy another half a dozen signs or so that they
10 could place around. Brian, would you have a comment
11 on that, how that -- How you want to go about that?

12 BRIAN: We bought some before on the last
13 board I guess.

14 MR. BLACK: What did we buy, four or five or
15 six?

16 BRIAN: We bought ten of them.

17 MR. BLACK: Ten of them. Okay.

18 BRIAN: And they were like \$330 for one
19 sign.

20 MR. BLACK: So we need four or five or
21 something like that now?

22 BRIAN: I'm not sure what they're
23 requesting.

24 MR. BLACK: Is that correct?

25 CITIZEN: I'll address that. We had eight

1 additional signs that we needed.

2 MR. BLACK: You need eight?

3 CITIZEN: A total of twenty signs throughout
4 the village.

5 MR. BLACK: Okay. Well, how does the board
6 feel about helping them out?

7 MR. ABERNATHY: Doesn't the sheriff's
8 department have a community watch? Don't they have a
9 watch program that they donate signs, and they'll come
10 down and give classes or --

11 CITIZEN: That's a really good question,
12 Wally. I don't know that. I don't know that.

13 MR. ABERNATHY: Well, they --

14 CITIZEN: I mean I have no objection to
15 investigating that. The best of my knowledge our lead
16 educator is Derek Parker. He is a policeman in
17 Fairmont City, and I'm pretty sure he checked all of
18 those boxes for us in advance so we wouldn't be --
19 (inaudible). If there are free signs to be had, I
20 will go get them.

21 MR. ABERNATHY: They don't have the
22 Neighborhood Watch. The sheriff's department I'm sure
23 will help.

24 CITIZEN: Well, would that cover residents
25 in the village proper?

1 MR. ABERNATHY: They don't have one?

2 CITIZEN: Neighborhood Watch is in the
3 business of selling those signs.

4 MR. ABERNATHY: Oh, is that right?

5 CITIZEN: So there's nothing I've ever seen
6 for free.

7 MR. ABERNATHY: I wasn't aware of that. I
8 thought it was through the sheriff's department.

9 CITIZEN: If there was something free from
10 Neighborhood Watch we would have gotten it.

11 MR. CARSON: Excuse me, Mayor.

12 MR. BLACK: Go ahead.

13 MR. CARSON: Would it be legal or possible
14 say to put like at the little playground in the park
15 like somewhere like a board, a Plexiglass and put all
16 of the pictures of the sex offenders up there and just
17 say, If you see any of these people in the park,
18 please call the Caseyville police at something?

19 You could make a big 6-foot long board and
20 put all of their pictures in there, and then
21 Plexiglass it and lock it, you know.

22 MR. BLACK: Yeah. I don't know. I don't
23 think that's legal.

24 MR. GRAS: Yeah, I really don't know. We'd
25 have to look into it but --

1 MR. CARSON: I mean that way if anybody saw
2 them around the park.

3 MR. BLACK: Yeah, I agree.

4 MR. CARSON: Where they shouldn't be, you
5 know, someone -- you know, anyone could call.

6 MR. BLACK: Right.

7 MR. CARSON: At least maybe it would deter
8 them and they might even get out of town, you know.

9 MR. BLACK: I agree.

10 MR. CARSON: I didn't know if that was
11 legal.

12 MR. BLACK: So what do you feel about the
13 signs?

14 MR. DAVIS: We've got ten now. Where are
15 they?

16 CITIZEN: They're in the garage. We haven't
17 had time to put them up yet. All of that with the 4th
18 of July celebration.

19 CITIZEN: I might suggest that we do have a
20 list of where they need to go, because we're waiting
21 on time or go ahead or whatever the rules are to get
22 them put up.

23 We have citizens that have been through the
24 training, that have been certified as block captains,
25 and that also village (inaudible). And the signs are

1 what you've given us so far, and we need to get the
2 signs up throughout the town.

3 It's kind of tough to say this neighborhood
4 gets to be safe and this one does not. I'm not going
5 to be the first one to say (inaudible) show an
6 interest in the care.

7 MR. BLACK: Well, what do you --

8 CITIZEN: If public works was involved they
9 really have to -- If you give them a street that you
10 want a sign on, and they have the time to put it up,
11 if they can put it on a preexisting sign, that saves
12 us the expense of --

13 CITIZEN: Absolutely.

14 CITIZEN: -- buying another post so --

15 CITIZEN: I am all about that. Whatever it
16 takes to save, whatever the rules are.

17 CITIZEN: So all we need is the list of the
18 streets, right, and we decide where the best way to
19 install them?

20 CITIZEN: I believe we have that. Ron,
21 don't we have a list?

22 MR. TAMBURELLO: Yeah. Derek Parker has
23 been in contact with me. I've been talking with him
24 and he's got a list, an updated list. He said he was
25 going to get with me shortly.

1 CITIZEN: Yes, well, I also have that list
2 for there -- as to that.

3 MR. BLACK: So do we want to go ahead and
4 purchase a few of the signs or --

5 MR. TAMBURELLO: They said they needed eight
6 more?

7 MR. ABERNATHY: Is that what they said?

8 CITIZEN: Eight.

9 MR. ABERNATHY: Do we need a motion on it or
10 --

11 CITIZEN: You might as well get ten. You
12 can probably get ten for the price of eight. That
13 would be great.

14 MR. BLACK: How about a motion to -- Would
15 someone like to make a motion to --

16 MR. TAMBURELLO: I make a motion that we buy
17 ten more.

18 MR. BLACK: Ten more signs. Okay. I have a
19 motion to make ten signs. Do I have a second to that
20 motion?

21 MR. TAMBURELLO: Wally seconds it.

22 MR. BLACK: Wally seconds it. Okay. Is
23 there any other questions on it?

24 MR. DAVIS: Did we skip the tent?

25 MR. BLACK: Pardon?

1 MR. DAVIS: Did we skip the tent?

2 MR. BLACK: Yeah, we did. I'll get back to
3 it. Kerry on the vote?

4 MR. DAVIS: Yes.

5 MR. BLACK: Ron?

6 MR. TAMBURELLO: Yes.

7 MR. BLACK: Wally?

8 MR. ABERNATHY: Yes.

9 MR. BLACK: All right. Scott?

10 MR. SCOTT: Yes.

11 MS. WILLIAMS: Yes.

12 MR. BLACK: Brenda. Thank you.

13 CITIZEN: Thank you.

14 MR. BLACK: Okay.

15 CITIZEN: You're more than welcome.

16 MR. BLACK: The other thing that was brought
17 to my attention for the board would be I talked to
18 some of the firemen and Scott here that they have this
19 large flag that they have for -- that they put up for
20 different functions.

21 Apparently it got damaged or got full of
22 grease, and they'd like to have another flag to
23 replace that one. So Scotty, do you want to give them
24 a few details on it and then the price?

25 MR. SCOTT: The flag that we had, it flew

1 into one of Cahokia's ladders. It came down at a
2 funeral for a St. Clair County deputy that time, and
3 it got that black grease on it.

4 We took it to two different places trying to
5 get it cleaned, and it just won't come out. It's that
6 black lithium grease just -- and that nylon and
7 it's -- You can't get it out of there.

8 I mean that's -- There's no other way to get
9 it out. So we want to see what we could do if we
10 could possibly get another one.

11 MR. BLACK: Do you have an idea what --

12 MR. SCOTT: If possible. If not, then
13 that's fine too.

14 MR. BLACK: Do you have an idea about what
15 it would run approximately?

16 MR. SCOTT: I think that's 30 -- 38 by 21 is
17 the size of that flag, and they're about \$1,700 at
18 least.

19 MR. BLACK: It's a big flag, though. Could
20 that be taken out of the -- Brenda, would that be
21 taken out of the Hotel Motel for various functions or
22 --

23 MS. WILLIAMS: I wouldn't think so, no.

24 MR. BLACK: No. Okay. So that would have
25 to come out of the general fund.

1 MR. DAVIS: Or your community building fund.

2 MR. BLACK: Or we could do that. Did the
3 audience hear that? We could take it out of the
4 community fund, building fund, or do you not want to
5 purchase one?

6 MS. WILLIAMS: Well, that would be the only
7 place I guess that would have money right at the
8 moment.

9 MR. BLACK: Is the building fund; right?

10 MS. WILLIAMS: Yeah.

11 MR. BLACK: We could take it out of the
12 community building municipal.

13 MR. DAVIS: If you want to table that until
14 another time we can do that too. I mean maybe
15 research it a little bit or something.

16 MR. BLACK: Well, we don't have to research
17 it. We know what it is. It's not going to change two
18 weeks from now. So it's up to the board if you want
19 to look at it or study it more. Go ahead, John.

20 JOHN: Before on that big flag the VFW
21 assisted in getting the first one. I furnished the
22 very original one. The VFW got one. Then the Village
23 of Caseyville furnished the big one we've got now.

24 It might behoove Scott or someone to talk to
25 Jim Bivens because he normally calls us twice, at

1 least twice a year to put however -- Caseyville's
2 ladder truck in front of the building for VFW
3 functions.

4 See if they've got any funds available
5 for -- Or maybe we could split the costs with the VFW
6 or get something out of them, because normally
7 basically it's used at least twice a year.

8 MR. BLACK: At least twice a year.

9 JOHN: At least twice. So if you would --
10 Scotty or someone talk to him.

11 MR. BLACK: Why don't we --

12 JOHN: There is a post commander.

13 MR. BLACK: That's a good idea. Why don't
14 we just kind of -- We'll just kind of talk about it.
15 You can maybe get with Jim and bring it back in the
16 committee meeting.

17 JOHN: Maybe they can come up with some of
18 that money.

19 MR. BLACK: Maybe we can get some more money
20 somewhere along donated. We'll table that. I need a
21 vote to table that.

22 MR. SCOTT: I will make a motion to table
23 it.

24 MR. BLACK: And a second?

25 MR. CASEY: Second.

1 MR. BLACK: Motion made and second to table
2 that. Any questions? Kerry?

3 MR. DAVIS: Yes.

4 MR. BLACK: Ron?

5 MR. TAMBURELLO: Yes.

6 MR. BLACK: Wally?

7 MR. ABERNATHY: Yes.

8 MR. BLACK: Scott?

9 MR. SCOTT: Yes.

10 MR. BLACK: Brenda?

11 MS. WILLIAMS: Yes.

12 MR. BLACK: And Ricky?

13 MR. CASEY: Yes.

14 MR. BLACK: Okay. I have tonight with us --
15 Okay. Yeah. We talked about the purchase of a tent
16 for the community activities, and M.K. would be in on
17 that.

18 We talked about that at the committee
19 meeting. It's just one, just a small tent, a \$200
20 tent to be used at various functions like the
21 fireworks or the 5K run, the fishing derby or whatever
22 we need -- need it for. So we'd like to purchase one
23 of those tents for her if we could.

24 MR. DAVIS: I make the motion.

25 MR. BLACK: Kerry made a motion.

1 MR. TAMBURELLO: Second.

2 MR. BLACK: And Ron seconded it that we
3 purchase a tent for various community functions. Any
4 questions? Kerry?

5 MR. DAVIS: Yes.

6 MR. BLACK: Ron?

7 MR. TAMBURELLO: Yes.

8 MR. BLACK: Wally?

9 MR. ABERNATHY: Yes.

10 MR. BLACK: Scott?

11 MR. SCOTT: Yes.

12 MR. BLACK: Brenda?

13 MS. WILLIAMS: Yes.

14 MR. BLACK: And Ricky?

15 MR. CASEY: Yes.

16 MR. BLACK: Okay. I have brought with me or
17 had come here this evening is Mike Wallmeister
18 (phonetic) who I'd like to bring on here as our
19 Village attorney.

20 And I had him come here tonight specially
21 for -- A couple of the board members weren't here.
22 Maybe they'd like to ask a few questions, or if he'd
23 like to say something before we discuss it. So does
24 anybody have any questions they'd like to ask Mike?

25 MR. CARSON: Who is he?

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CASEYVILLE TRANSFER STATION, LLC
APPLICATION FOR LOCAL SITING APPROVAL

SPECIAL MEETING TO APPROVE APPLICATION

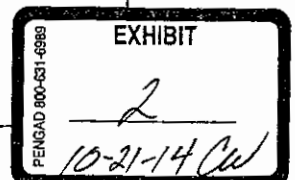
Taken at Caseyville Community Center, 909 South
Main Street, Caseyville, Illinois 62232
Between the Hours of 6:00 p.m. and 6:14 p.m.

August 6, 2014

Sherrie L. Merz, RDR/CSR/CCR

CSR No. 084-002840

CCR No. 995



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A P P E A R A N C E S

BOARD OF TRUSTEES:

Len Black, Mayor
Walter Abernathy, Trustee
Ron Tamburello, Trustee
Kerry Davis, Trustee
G. W. Scott, Trustee
Brenda Williams, Trustee

Robert Watt, Village Clerk
Michael Gras, Village Attorney

APPLICANT:

John Siemsen, Esq. (Not Present)
Caseyville Transfer Station, LLC
29 South Main Place
Carol Stream, Illinois 60188

ON BEHALF OF FAIRMONT CITY:

Donald J. Moran, Esq.
Pedersen & Houpt, PC
161 North Clark Street, Suite 3100
Chicago, Illinois 60601

Robert J. Sprague, Esq.
Sprague and Urban
26 East Washington Street
Belleville, Illinois 62220

ON BEHALF OF ROXANA LANDFILL, INC.

Jennifer J. Sackett Pohlenz, Esq.
Clark Hill PLC
150 North Michigan Avenue Suite 2700
Chicago, Illinois 60601

1 (On the record at 6:00 p.m.

2 MAYOR BLACK: We'll call the meeting to order
3 with the Pledge of Allegiance, then a silent prayer.

4 (Recitation of the Pledge of Allegiance,
5 followed by a moment of silent prayer.)

6 MAYOR BLACK: Now we'll have roll call.

7 Kerry Davis.

8 TRUSTEE DAVIS: Here.

9 MAYOR BLACK: Ron Tamburello.

10 TRUSTEE TAMBURELLO: Here.

11 MAYOR BLACK: Wally Abernathy.

12 TRUSTEE ABERNATHY: Here.

13 MAYOR BLACK: G. W. Scott.

14 TRUSTEE SCOTT: Present.

15 MAYOR BLACK: Mrs. Williams.

16 TRUSTEE WILLIAMS: Here.

17 MAYOR BLACK: Rick Casey, Jr.

18 (No response.)

19 MAYOR BLACK: Len Black, here. Mike Gras.

20 ATTORNEY GRAS: Here.

21 MAYOR BLACK: Is there any old business?

22 Okay. Before we go to the citizen input, I'm going to
23 turn this over to Mike Gras here to explain why we're
24 here.

25 ATTORNEY GRAS: Folks, we're here on this

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1 special board meeting being called for a decision of
2 Caseyville Transfer Station LLC's application for a
3 waste transfer station inside the Village of Caseyville.
4 There has been -- an application has been filed. There
5 was a hearing on I believe it was May 29th. There has
6 been public comment since then.

7 The board members tonight are going to make a
8 decision based on the record as it exists at this point.
9 So there is, though, since we have it on the agenda and
10 this is a Caseyville open meeting, and we have citizen
11 input on the meeting, we would give the audience here a
12 time for participation.

13 As the court reporter said, if you'd like to
14 say something, please come up to the front, spell your
15 name, make your comments about it and that's it.
16 Unfortunately, tonight for this purpose, the Board is
17 not going to respond to your comments directly. We're
18 just going to listen to the comments, and the Board is
19 going to make a decision. And the Board's decision,
20 again, is going to be based solely on the record.

21 It's not going to be based on any new
22 comments tonight. Comments can be made, but they're not
23 going to be taken into consideration for making this
24 decision. And when the Board reaches its decision, it's
25 going to do so pursuant to the statute 415 ILCS5-39.2,

1 which does give the nine criteria to consider when
2 reaching a decision on this issue.

3 So I guess without any further ado, any
4 citizens who'd like to say anything or anybody who would
5 like to say anything is welcome to make your comments
6 now.

7 MAYOR BLACK: Go ahead.

8 MR. NORMAN MILLER: Thank you. My name is
9 Norman Miller, N-O-R-M-A-N. My last name is Miller,
10 M-I-L-L-E-R. I represent Canteen Township. I'm a
11 supervisor there. There's a few points I'd like to
12 touch on here since it was about two and a half months
13 ago when we were here.

14 First of all, I want to thank the ones that
15 came to the meeting two and a half months ago to hear
16 what we had to say. And I know everyone wasn't here, so
17 I'll go through this as briefly as I can.

18 One of the things I do want to say is my
19 understanding from all the paperwork and stuff that I
20 read that there was supposed to be 10 criteria points,
21 and all 10 of them weren't met.

22 The second thing I want to say is a traffic
23 study was done on that road. And I hope all of you have
24 had the chance to look at that traffic study and to go
25 down there and see what's going on, because most people

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1 at that time did not know that is the main thoroughfare
2 for all the school buses that handle the East St. Louis
3 School District. They all come down Bunkum Road, and
4 they come down different hours, and they have different
5 programs.

6 And with all this extra traffic on there,
7 that's going to throw a lot of their programs behind.
8 They're not going to have babysitters at home on time.
9 They're not going to be there when they get home for
10 lunch because there's going to be traffic problems.
11 We've got plenty of traffic on that street, the most
12 traffic in Canteen Township, Bunkum Road.

13 And many of you know, like I said again, I
14 don't know if you guys even looked at the school buses
15 when you was thinking about this, but that's one thing
16 that's very important to us.

17 You know, you bring this kind of thing in,
18 along with it comes problems. You're going to have the
19 smell that we didn't have there before. You're going to
20 have rodents that come in that we didn't have there
21 before. You're going to have trash that flies out of
22 these trash trucks. We all see that no matter where
23 we're driving down the highway or whatsoever. And I
24 haven't seen any report in there where anybody intends
25 on cleaning this up afterwards.

1 The residents that was here, there was plenty
2 of residents here last time from the Village of
3 Caseyville, from right across here on Bunkum, Maple and
4 the streets around here already are complaining about
5 how busy their streets are with school buses and stuff
6 going through and the trash trucks now. And, you know,
7 they spoke. They were all here.

8 What is this going to do for Canteen
9 Township? This is not going to do nothing but cause us
10 a problem because this is one way in and one way out the
11 way it's set up. It's set up to come in off of
12 Kingshighway which is also known as 111, go down Bunkum
13 Road, make a turn around and come right back the same
14 way, which at this point is not set to go through the
15 Village of Caseyville -- which we figure that's doubling
16 the traffic on us, because it's coming, turning around
17 and coming right back out.

18 If you looked at the traffic study, you will
19 find out that the tractor trailers, once they leave
20 there, they cannot make the turn and stay in their own
21 lane properly. So they will be causing problems for
22 oncoming traffic. All I can do is just ask that I hope
23 each and every one of you has looked at the packet that
24 was presented to you and looked at the traffic study,
25 and I'll leave it at that and let someone else speak.

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1 Thank you for your time.

2 MAYOR BLACK: Would anybody else like to
3 comment? We'll go on to new business. We can discuss
4 and make a decision on the Caseyville waste transfer
5 station.

6 Board Members, have you had time to look at
7 everything? Do you have any comment?

8 TRUSTEE DAVIS: A question to Mr. Gras about
9 the 10 points. I'm not clear on that.

10 ATTORNEY GRAS: Yes, it's what I've given you
11 in the statute. There's nine points.

12 TRUSTEE DAVIS: Okay.

13 ATTORNEY GRAS: And then there's a paragraph
14 afterwards saying you may also consider previous
15 operating experience of the Board, so I guess that
16 technically counts as 10.

17 TRUSTEE ABERNATHY: Why weren't we given this
18 literature here prior to this meeting?

19 ATTORNEY GRAS: This meaning the literature,
20 meaning the statute? I mean, it's been quoted in the
21 application. It's in the record.

22 MAYOR BLACK: Would you like to discuss it,
23 anybody? Scottie, any comment on it?

24 TRUSTEE TAMBURELLO: Anybody have any
25 rebuttal of the concerns Mr. Miller stated up here?

1 ATTORNEY GRAS: Again, we're really basing
2 our decision on what's already been in the record. We
3 have citizen input, but we're not going to be taking
4 comments tonight in our decision.

5 TRUSTEE TAMBURELLO: Supervisor,
6 superintendent of Canteen Township, I thought maybe
7 there was rebuttal on that part of it.

8 ATTORNEY GRAS: He's already submitted
9 something, I think, in the record. So we've talked
10 about that.

11 MAYOR BLACK: Okay. Are you ready for the
12 vote? Okay. Everybody ready? Kerry --

13 ATTORNEY GRAS: You've got to make a motion.

14 MAYOR BLACK: Somebody make a motion to
15 accept it? Somebody make a motion, then we'll have roll
16 call. We need a motion to either accept or deny the
17 Caseyville transfer station.

18 TRUSTEE ABERNATHY: I'll make a motion that
19 we accept.

20 TRUSTEE SCOTT: I'll second.

21 MAYOR BLACK: Motion that we accept the
22 Caseyville waste transfer station. Any other questions?
23 Okay. On with the vote. Kerry.

24 TRUSTEE DAVIS: Yes.

25 MAYOR BLACK: Ron.

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1 TRUSTEE TAMBURELLO: Yes.

2 MAYOR BLACK: Wally.

3 TRUSTEE ABERNATHY: Yes.

4 MAYOR BLACK: Scottie.

5 TRUSTEE SCOTT: Yes.

6 MAYOR BLACK: Brenda.

7 TRUSTEE WILLIAMS: No.

8 MAYOR BLACK: Okay.

9 ATTORNEY GRAS: If you could announce it.

10 Also the decision has to be in writing with the reasons.

11 The reasons can just be that, you know, that the

12 criteria listed in the statute was complied with, but if

13 any of the Board members have any reasons for their

14 decision, I think what we'll do, if the Board members

15 will grant the Mayor the authority to sign a letter with

16 the decision of the Board and the reasons and have that

17 posted by the county, we can do that. So are there any

18 reasons that we're going to give for the granting of the

19 application?

20 MAYOR BLACK: Anybody have a reason we would

21 want to grant the application?

22 TRUSTEE ABERNATHY: I think it would be a

23 good thing for Caseyville. I mean, we got all kinds of

24 traffic down there. We had the trucking company,

25 Henderson, Corman, and there was never any questions on

1 them being there or nobody asked us about whether they
2 could be there or not, or they were going to be there.
3 We just heard about it after they moved in down there.
4 Of course, they're in the county, the two businesses.
5 But there was no discussion over the roads or anything
6 at that time that I know of. I don't know.

7 TRUSTEE TAMBURELLO: That's also an
8 industrial area down there. There's more and more
9 industries that are in that area. So you're going to
10 have the traffic, and things are going to be upgraded
11 down here. That's something we're going to have to work
12 with in the future.

13 Several years back whenever we had the
14 trucking, traffic was running up and down Bunkum. We
15 didn't have that much of a problem. They had a lot of
16 traffic back then. What I'm saying, it concerns the
17 trucks down there and the buses down there for 189.

18 TRUSTEE DAVIS: I believe the county is
19 grading Bunkum Road.

20 MAYOR BLACK: Right.

21 TRUSTEE SCOTT: They're grading all the way
22 from 89th Street to 37th Street.

23 MAYOR BLACK: There isn't any equipment going
24 down there now which we know. Anyone else like to make
25 a comment?

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1 ATTORNEY GRAS: The reasons that we would put
2 in writing are the criteria, one way or the other, on
3 the statute that I handed out to you, the nine criteria
4 of the first page of the statute, any reasons that we
5 would have for granting. Are there any other reasons?

6 MAYOR BLACK: Any other reasons?

7 TRUSTEE DAVIS: I'll be honest. My reason is
8 that right now the Village is in financial dire straits,
9 and this is a revenue source for the Village we can
10 certainly use. And we don't think -- it's going to be a
11 good thing for neighbors of Canteen and Washington Park
12 and everybody else involved, but we have to do what
13 needs to be done to protect the interest of the village
14 residents. And right now, we just passed a budget. We
15 had to cut \$190,000 out of the budget cost equipment and
16 projects of our own.

17 So my reason for voting for it is the revenue
18 source that we certainly need it badly, and we'll do
19 everything -- we have an ordinance on file regulating
20 trash hauling businesses. You got to keep your trucks
21 covered. Got to keep your trucks maintained. That's
22 been on the books quite some time.

23 I would hope the whole Board would agree, and
24 urge our police department to monitor these trucks and
25 make sure they are complying with village ordinances and

1 do what they say as far as keeping their trucks covered
2 on the roadway and do all their transfer of the trash
3 inside a closed building which will contain the smell
4 and not let the trash escape into the neighboring
5 community and neighboring properties. So that's my
6 reason.

7 MAYOR BLACK: That's fine.

8 ATTORNEY GRAS: Does anybody have any
9 opinions that the facility is necessary to accommodate
10 the waste needs of the area intended? That was part of
11 the application.

12 MAYOR BLACK: As long as there isn't a
13 negative impact on your house.

14 ATTORNEY GRAS: Negative impact you said?

15 So does the Board want to authorize the mayor
16 to sign a written document with the board's decision
17 then we can have another vote to authorize him to make
18 that decision?

19 TRUSTEE DAVIS: I'll make that motion.

20 TRUSTEE TAMBURELLO: I'll second it.

21 MAYOR BLACK: Motion and seconded to
22 authorize the mayor to write this letter confirming.
23 We'll vote. Kerry.

24 TRUSTEE DAVIS: Yes.

25 MAYOR BLACK: Ron.

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1 TRUSTEE TAMBURELLO: Yes.

2 MAYOR BLACK: Wally.

3 TRUSTEE ABERNATHY: Yes.

4 MAYOR BLACK: Scottie.

5 TRUSTEE SCOTT: Yes.

6 MAYOR BLACK: And Brenda.

7 TRUSTEE WILLIAMS: Yes.

8 MAYOR BLACK: Okay. That should take care of
9 the special meeting, and we have a motion to adjourn?

10 TRUSTEE DAVIS: I will.

11 TRUSTEE SCOTT: Second.

12 MAYOR BLACK: Have a motion and seconded to
13 adjourn. Kerry.

14 TRUSTEE DAVIS: Yes.

15 MAYOR BLACK: Ron.

16 TRUSTEE TAMBURELLO: Yes.

17 MAYOR BLACK: Wally.

18 TRUSTEE ABERNATHY: Yes.

19 MAYOR BLACK: Scottie.

20 TRUSTEE SCOTT: Yes.

21 MAYOR BLACK: Brenda.

22 TRUSTEE WILLIAMS: Yes.

23 MAYOR BLACK: Motion carried, the meeting is
24 now adjourned.

25 (Special hearing concluded. Off the record

1 at 6:14 p.m.)

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CERTIFICATE

I, SHERRIE L. MERZ, RDR, CSR and CCR, do hereby certify that, pursuant to the agreement hereinbefore set forth, the foregoing proceedings were had before me; that the transcript has been reduced to typewriting by me; that the record is a true record of the proceedings had before me.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated this 20th day of August, 2014.

SHERRIE L. MERZ, RDR, CSR, CCR

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Town Clerk
Michael Suarez

Highway Commissioner
Leonard Moore



Township Supervisor
Norman Mil'
Administrator
Everleaner Phillips

Canteen Township

5500 Bunkum Road • Washington Park, IL 62204
Phone: (618) 875-6363 • Fax: (618) 875-6362

After personally hearing the presentation for the Caseyville Waste Transfer Station three times there are a multitude of reasons as to why it should not be allowed:

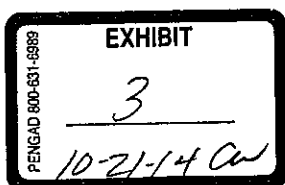
- 1) Building it in a flood plain is a danger. The creek immediately adjacent to the site floods often. Additionally, no study has been done.
- 2) The projected increase in traffic if allowed will interfere with school bus transit hub and the buses that transport our children to and from school. Again, no study has been done.
- 3) The expenses to the township and county to repair and maintain Bunkum Road and to keep picking up litter that results from such a project. The extra heavy traffic would also cause extra damage to nearby homes.
- 4) The plan doesn't meet the criteria that he himself presented. He has no experience leading such a facility (such is required) nor does the plan comply with the county master plan. As I heard his pitch three times he stammered and stumbled and changed it with every presentation.
- 5) The Canteen Township Board says "NO". The Village of Washington Park says "NO". The Village of Fairmont City says "NO". The East Side Health District says "NO". School District 189 says "NO". The voters in Canteen Township said "NO". The voters in Washington Park said "NO". The voters in Fairmont City said "NO". The voters in the Botanical Subdivision said "NO". The voters in the Old Bunkum Road area said "NO".

The unity AGAINST the scheme is overwhelming and complete. What part of the word "NO" doesn't the applicant understand? I am confident that the members of the honorable board of the Village of Caseyville possess the wisdom to respect the wishes of their citizens who elected them to serve on their behalf and that the village board shall indeed vote AGAINST this ill-conceived and half-baked idea that has been previously rejected by both East St. Louis and Washington Park.

We, the people, need to wake up and stop letting Chicago run Southern Illinois. As elected representatives for our neighbors, families and friends do we not owe it to them to STOP this garbage scheme? If the gentleman from Chicago wants to build such, let him build it in Chicago. We don't want it in our backyards. It is not needed, it is not wanted. If this were his backyard he would not desire it.

Trustees

Steven Mitchell • Georgia Nicholson • Geneva Dotson • Michael Kokotovich



B-001a

(Page 2)

I am deeply concerned about the rodents this will attract. Not only do they carry germs but they can do an enormous amount of damage. This is something all of the residents, businesses, and there employees will have to deal with.

Waste will be collected between 6am to 8pm. This means that there will be waste stored in covered containers, outside, overnight. What type of vehicles will be allowed to haul in? Cars, pickup trucks, waste hauling vehicles? Will it be open to the public? Who will be responsible for cleaning up the trash left on the road and roadside up and down Bunkum by these trash hauling trucks.

This will also have a negative affect on the value of property, hurting the many homeowners and business along Bunkum. This will also have an impact on new businesses moving to the area.

I implore you to vote NO on the Application for Local Siting Apporval.
Thank You

Respectfully Yours,

Kathy Mertzke 10/27/14

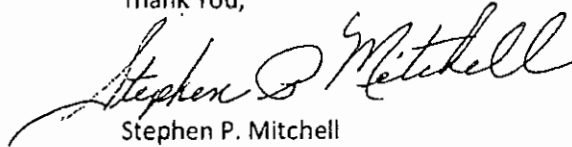
Kathy Mertzke
Property Owner

B-0011

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Show your voters, friends, neighbors and families that you cannot be bought off by the mere promise of the scent of a few dollars waved beneath your noses. Do NOT take the money. Do NOT sell out your residents. Do not alienate your sister municipalities. This "Dump Station" is not needed. We need to stop letting Chicago from running OUR part of the state.

Thank You,



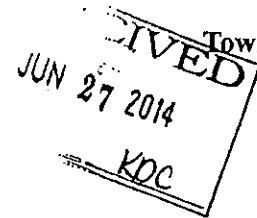
Stephen P. Mitchell

Canteen Township Trustee

B0013

Town Clerk
Michael Suarez

Highway Commissioner
Leonard Moore



Township Supervisor
Norman Miller
Administrator
Everleaner Phillips

Canteen Township

5500 Bunkum Road • Washington Park, IL 62204
Phone: (618) 875-6363 • Fax: (618) 875-6362

As Canteen Township Chairman and as an elected representative of the neighbors of the proposed Caseyville Waste Transfer Plant let this serve as my strongest possible condemnation of the ill-formed scheme. Having heard presentations for the station multiple times it is my opinion as a public servant that the plant simply grows worse with every increase of scrutiny.

Our township invited Mr. Siemsen downstate on April 23rd, 2014. He came before the board and presented his plan as well as to answer any questions of the proposed station. Many questions were asked. Answers were scarce. Our concerns on property values, traffic congestion, infrastructure damage and safety for the school children were shunted aside. As he had a public meeting with the Village of Caseyville yet we gathered that he did not desire to "show his hand". Dissatisfied yet vigilant we bided our time and eagerly awaited the public hearing as our chance to hear hard answers and specific plans. We strive to be impartial. We desire to gather as much information as possible before deciding.

The zoning meeting came. It was a packed house. The majority of the public who were to be most impacted by the plan could not gain access to the meeting chamber. Yet they persisted knowing the severity of the threat to the quality of their lives under this scheme. Mr. Siemsen rose to speak. Sadly, upon hearing the spiel again even more flaws and unaddressed issues were gleaned leaving us convinced that the plan is a stillborn.

The Manual for Decision Making reads: "An important part of successful transfer station operations is engaging in constructive dialogue with the surrounding community." Sadly Mr. Siemsen never sought us out or anyone else on Bunkum Road. He absolutely ignored the local populace in Caseyville, Washington Park and Canteen Township that would have to endure the smells, rats, traffic jams, dust, noise and light pollution and loss in property values.

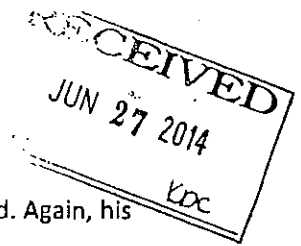
The Manual advises "Hire a professional licensed pest control company with expertise and experience in controlling specific vector populations." Siemsen cares so little about the people who work, live and study on Bunkum Road that he did not bother to get a report from a professional on would have to be done to control the rats and other vermin.

The Manual : "once a site is identified for the transfer station, planners, architects, and engineers use the factors described above to develop a site plan for the proposed facility. A site plan shows the layout of the transfer station site's major features, including access points, roadways, buildings, parking lots, utilities, surface water drainage features, fences, adjacent land uses and landscaping." Towards such there are no "planners, architects and engineers"- the so called "site plan"

Trustees

Steven Mitchell • Georgia Nicholson • Geneva Dotson • Michael Kokotovich

B-0014



from Siemsen does not even meet the "general" site plan used in the manual he submitted. Again, his "plan" failed to meet even the most basic of requirements.

"During the site selection process," the Manual reads "steps should be taken to ensure that siting decisions are not imposing a disproportionate burden upon low-income or minority communities." The site is literally on the "other side" of the tracks of predominantly white Caseyville and far away from her population and inserted into the 90%+ minority and lower income adjacent community. Siemsen gave no thought or concern whatsoever to the low-income and minority populations along Bunkum Road. This plan would hugely impact in many negative ways the people living on Bunkum who already overburdened with no shortage of negative impacts.

We here at the township have seen people coming and making promises. I've listened to Siemsen at meetings in Canteen Township and at the Caseyville public hearing. After listening carefully to his presentations and reading the application that he submitted, I do not trust that he will bring good to this community. I have been in local government for many years and am familiar with statutes like the one governing this process that requires careful analysis of assorted criteria that must be PROVEN before a project can be approved. I was an alderman in Fairview Heights for years and investigated many such proposals. I have seen applicants and their lawyers try to make a case with evidence including expert witnesses and certified reports. But until Siemsen and this facility plan I have simply never beheld-especially from an applicant who is also a lawyer-an applicant try to prove his case by simply standing there and talking hot air and unsworn statements that no one, including board members, could ask questions. John Siemsen simply gave no evidence to support any of the required nine criteria and he even omitted the tenth, that he need to have experience in such a facility as an operator. That is something else he does not have.

It is true that we are not a rich community. What we do have is community. In the past I have seen developers who refuse to do the required plans. Even though we need development we could not trust he would follow the rules and therefore we had no choice but to determine that he would not be a good partner of our community.

Canteen Township is gravely concerned about Siemsen's plan. Canteen Township is against the plan. Attached is the resolution we passed rejecting the plan entirely.

Additionally, I was heartily disappointed to see only two Board Members in attendance at the May 29th public hearing on the proposed waste transfer station. I have been an elected official for 24 years and have special appreciation for controversial issues that come before you to vote. It is my sincere hope that you take this matter to vote. As an elected official and resident of the area, I strongly object to the Village deferring the decision to others or not making a decision on this matter at all.

Norman J. Miller
Norman J. Miller

Canteen Township Supervisor

B-0015

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Perry County Tax Bills in the Mail on June 25

By Kathy Kopshever
Du Quoin Evening Call
Posted Jun 18, 2010 @ 01:06 PM



Pinckneyville, Ill. — Perry County Treasurer Bill Taylor said he will put the 2009 real estate tax bills in the mail after hours on Friday, June 25. Some people could receive them as early as Saturday, June 26.

The first installment will be due on Friday, Aug. 6 and the second installment will be due Friday, Sept. 17.

Taylor said taxing bodies should expect a disbursement within a week of the due dates.

Tax bills can be paid at any local bank, including those in Campbell Hill and Coulterville, at the Treasurer's office, through the drop box at the Government Building or online through Illinois e-pay.

Past due notices will be mailed Oct. 15, the delinquent tax list will be published Oct. 29 and the tax sale will be held Nov. 16, completing the tax cycle.

In other business, the board:

- passed a resolution accepting the audit for the fiscal year ending Nov. 30, 2009. Harold Emling presented the audit. He said there was only one recommendation for a loan re-financing. The 708 Board borrowed \$950,000 in 1994 to purchase the Five Star Industries buildings. Emling said re-financing the loan could save \$50,000 to \$75,000 over the remaining life of the loan. The interest rate in 1994 was five percent.
- heard from David Searby that the Perry County Youth Court had another successful year. The court addressed 15 offenses, including drug and alcohol offenses, theft, battery, truancy and traffic. Circuit Clerk Kim Kellerman's office collected \$6,089 for the Youth Court program in 2009. State's Attorney David Stanton said that the General Assembly passed a law that took effect Jan. 1 that requires all defendants under 18 years of age to be tried as juveniles for misdemeanor offenses. Juvenile cases are very expensive. The youth court handles those cases at a much lower cost. Stanton added that Searby, Deputy Steve Bareis, Barb Gossman of SIRSS, Circuit Clerk Kim Kellerman, Probation Officer Beth Cassity and Chief Deputy Clerk Carol Stout put in many hours to make the youth court a success. Perry County has the only youth court south of I64. It takes dedicated volunteers and/or resources to make the youth court possible.
- passed a resolution authorizing Stanton to pursue litigation against Perry Ridge Landfill and GERE Properties Inc. over unresolved default notices. Commissioner Jim Epplin was appointed to work with Stanton between board meetings on the litigation. Perry Ridge Landfill is currently one quarter behind and owes \$33,000 plus interest.
- authorized Commissioner Bobby Kelly to execute the contracts for an electronics recycling pick-up day in Perry County.
- discussed the liquor license for Double Eagle Inc. County Clerk Kevin Kern said Double Eagle was aware that Thursday's meeting was the last opportunity to re-apply for a liquor license before their current one expires on June 30. The next meeting is July 1. The business would be without a license from midnight on June 30 through 2 p.m. on July 1 if they re-apply before the next meeting.

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Stanley - This new trick allows North Carolina residents to get car insurance at half-price.



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**A RESOLUTION OBJECTING TO THE DEPOSIT OF WASTE
IN CANTEEN TOWNSHIP AND THE LOCATION OF THE PROPOSED CASEYVILLE
TRANSFER STATION, LLC POLLUTION CONTROL FACILITY
ON BUNKUM ROAD IN CASEYVILLE, ILLINOIS**

WHEREAS, Illinois law, 60 ILCS 1/30-25, provides that the electors of a township may take all necessary measures and give directions for exercise of their corporate powers;

WHEREAS, Illinois law, 60 ILCS 1/30-120, provides that electors may prevent the deposit of garbage or other offensive substances within the limits of the township;

WHEREAS, Illinois law, 60 ILCS 1/73-5 and 605 ILCS 5/6-101 provides that roads which are part of the township and district road system are under the jurisdiction of the several road districts in which they are located, subject to such supervision by the County and IDOT as is provided in the law;

WHEREAS, the electors of Canteen Township consider it in the Township's best interest to perform a traffic study by a licensed and experienced traffic engineer before proposing a new source to truck traffic on Bunkum Road between N. Kings Highway (west) and the municipal boundary of the Village of Caseyville (east);

WHEREAS, the electors of Canteen Township consider it in the best interests of public health, safety and welfare to prevent the deposit of garbage and other offensive substances within the Township limits, unless otherwise approved by the Township;

WHEREAS, the electors of Canteen Township consider it in the best interest of public health, safety and welfare, to review and respond, where appropriate, to proposed developments that impact the Township and roadways within the Township;

NOW THEREFORE, the Electors of Canteen Township, St. Clair County, Illinois, hereby resolve as follows:

1. The Township objects to the Caseyville Transfer Station, LLC new pollution control facility directing all the truck traffic it generates solely westbound on Bunkum Road;
2. The Township finds that Criterion 6 of Section 39.2 of the Illinois Environmental Protection Act cannot be fairly considered by the Village of Caseyville, based on the limited narrative contained in the Caseyville Transfer Station, LLC siting application;
3. The Township objects to the Caseyville Transfer Station, LLC proposed waste transfer station, as it will add new truck traffic, causing additional wear and tear on the Township Roadways, with no proposed compensation to the Township to set off the additional maintenance and repair that will be necessary due to the Caseyville Transfer Station, LLC;
4. The Township objects to Caseyville Transfer Station, LLC proposed waste transfer station, as it fails to consider the health, safety and welfare of the residents and roadways of the Township;

EXHIBIT
4
10-21-14 CW
PENGAD 800-631-6888

B-0023

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BY:

5. The Township, through the authority of 60 ILCS 1/30-120, hereby prohibits the deposit by Caseyville Transfer Station, LLC and/or any vehicles go to or coming from the proposed waste transfer station of garbage and all other offensive substances within the limits of the Township;

6. The Township Clerk is hereby directed to send a copy of this Resolution to the Village Clerk of the Village of Caseyville to be included in the public record for the Caseyville Transfer Station, LLC siting record;

7. The Township Supervisor is hereby authorized to sign this Resolution on behalf of the Electors of the Township; and

8. To the extent required by 60 ILCS 1/40-30 or, if not required, in the discretion of the Township Clerk, the Township Clerk is hereby directed to publish this Resolution in compliance with the law.

Dated: MAY 14-2014

Norman J. Miller
Norman Miller, Township Supervisor

Attest: [Signature]
Michael Suarez, Township Clerk

CASEYVILLE TRANSFER STATION L.L.C.

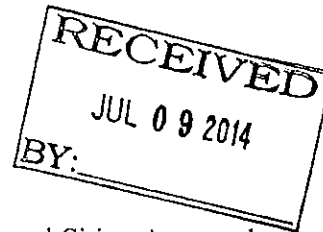
290 South Main Place, #101
Carol Stream IL 60188-2476

Ph. 630-653-3700
Fax: 630-933-9412

July 7, 2014

VIA FEDERAL EXPRESS GROUND

Mr. Rob Watt
Village Clerk
Village of Caseyville
909 S. Main Street
Caseyville, Illinois 62232



Re: Caseyville Transfer Station, LLC Application for Local Siting Approval

Dear Mr. Watt:

Enclosed please find the following documents being filed by Caseyville Transfer Station, LLC to be made a part of the Village's public record of the above-referenced matter:

1. Applicant Caseyville Transfer Station LLC's Post-Trial Summary
2. Applicant Caseyville Transfer Station LLC's Memorandum in Opposition to Roxana Landfill, Inc.'s Motion to Dismiss Based on Jurisdiction
3. Applicant Caseyville Transfer Station LLC's Memorandum in Opposition to Roxana Landfill, Inc.'s Motion to Dismiss Based on Fundamental Fairness

Feel free to contact me with any questions.

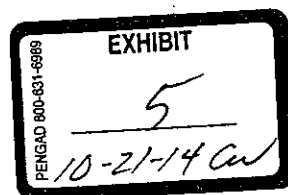
Very truly yours,

CASEYVILLE TRANSFER STATION, LLC

By

A handwritten signature in black ink that reads "John P. Siemsen".

John P. Siemsen
Manager



F-0001

**BEFORE THE BOARD OF TRUSTEES
VILLAGE OF CASEYVILLE, ILLINOIS**

**IN RE: CASEYVILLE TRANSFER)
STATION, LLC'S APPLICATION)
FOR LOCAL SITING APPROVAL)**

**APPLICANT CASEYVILLE TRANSFER STATION LLC'S
POST-TRIAL SUMMARY**

1. INTRODUCTION

This Post-Trial Summary is being submitted by Caseyville Transfer Station, LLC ("Applicant") to the Village Clerk of Caseyville, Illinois as part of the administrative record with respect to Applicant's Application for Local Siting Approval under Section 39.2 of the Illinois Environmental Protection Act. 415 ILCS 5/39.2. This Post-Trial Summary contains Applicant's summation of the evidence and issues raised at the public hearing held on May 29, 2014. Applicant seeks approval of its Application for Local Siting Approval. If the Board of Trustees approves the Application then Applicant will be required to apply to the Illinois Environmental Protection Agency for a development permit for the proposed Transfer Station, which application will require Applicant to demonstrate compliance with the Illinois Environmental Protection Agency's design and operational requirements for transfer stations.

It has been well-established that the Village Board of Trustees, has the authority and responsibility to approve or disapprove of an application for local siting based upon the following nine criteria:

- (i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) 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;

(iv) . . . the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) 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;

(viii) 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; . . . ; and

(ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the [Illinois Pollution Control] Board for such areas have been met.

415 ILCS § 5/39.2(a).

The Application has received substantial scrutiny and attention, particularly by the two companies that control the landfill disposal market in the Metro East area, Roxana Landfill, Inc., a subsidiary of Allied Services, Inc. ("Roxana")¹ and Waste

¹ While Roxana has consistently tried to identify itself as a "participant" in the public hearing, the law is clear that the Illinois Environmental Protection Act "does not grant the right to 'participate' in public hearings or confer adjudicative due process rights to any person other than the applicant and those local government members or representatives mentioned in [Section 39.2(d) of the Illinois Environmental Protection Act]." *Stop the Mega-Dump v. County Board of DeKalb County*, 979 N.E.2d 524, 535 (Ill. App. 2012). Roxana is not one of the governmental entities identified in Section 39.2 of the Illinois Environmental Protection Act, and therefore has no rights greater than any member of the general public.

Management, Inc., acting through the Village of Fairmont City (collectively, the "Opponents"). The Opponents complained vociferously about the format of the hearing, and invested much effort and expense in seeking denial of the Application, including the hiring of high-powered legal counsel and expert witnesses. Their motivation is obvious. The proposed Transfer Station would take landfill disposal business away from them and cause price competition in the Metro East waste disposal marketplace. While the Opponents mounted a strenuous attack on the Application, a careful review of their arguments and their experts' testimony reveals that their objections are hollow and the Application should be approved under the nine criteria set forth in Section 39.2.

a. **The Village Can Consider the Economic Benefits it Will Receive from the Transfer Station**

According to Roxana, the Village's siting decision "has nothing to do with host fee payments or jobs potentially created by the proposed facility." (Written Comment of Roxana Landfill, Inc., p. 5.) . While the potential economic benefits to the Village resulting from the Transfer Station may be irrelevant to Roxana, the law is clear that the Village may consider these benefits so long as it also finds that the nine criteria are satisfied. *See Fairview Area Citizens Task Force v. Pollution Control Board*, 555 N.E. 2d 1178, 1181-82 (Ill. App. 1990). The estimated host fees payable to the Village under the Host Community Agreement are shown on Exhibit 5.

b. **The Public Hearing is Only Quasi-Judicial in Nature and is not a Trial**

See id. While Roxana apparently believes it has a special status as a competitor of the proposed Transfer Station, the law simply does not agree. As a mere member of the general public, Roxana's rights in the proceeding "are limited to (1) public inspection of the application and related documents and materials on file and (2) public comment concerning the appropriateness of the site for its intended purpose." *See id.* (citing 415 ILCS 5/39.2(c)).

The Opponents have consistently asserted that the Section 39.2 siting process must be treated as a judicial process, requiring, among other things, sworn witness testimony and expert witness testimony. (See, e.g., Transcript pp. 6-7, 24-25, and 65-68.) Under Illinois law, however, there is no requirement that the Section 39.2 hearing be conducted as a trial. “[T]he Act does not prohibit a [municipal authority] from establishing its own rules and procedures governing conduct of a local siting hearing so long as those rules and procedures are not inconsistent with the Act and are fundamentally fair.” *Waste Management, Inc. v. Pollution Control Board*, 530 N.E.2d 682, 693 (Ill. App. 1988). A local siting hearing is an administrative hearing, and “due process is satisfied by procedures that are suitable for the nature of the determination to be made and that conform to fundamental principles of justice. . . . Furthermore, not all accepted requirements of due process in the trial of a case are necessary at an administrative hearing.” *See id.*

Rather, the fundamental fairness rights afforded under the Illinois Environmental Protection Act “are limited to (1) public inspection of the application and related documents and materials on file and (2) public comment concerning the appropriateness of the site for its intended purpose.” *Stop the Mega-Dump v. County Board of DeKalb County*, 979 N.E.2d 524, 535 (Ill. App. 2012). At the hearing, the Opponents and members of the public were given a full and fair opportunity to present any evidence, testimony, or objections. (See Transcript p. 138.) The Objectors have no valid argument that the public hearing conducted by the Board of Trustees was fundamentally unfair.

c. The Board of Trustees Can Approve the Application for Local Siting With Conditions

Contrary to Roxana's assertions, the Board may resolve any lingering concerns or issues by subjecting its approval to conditions. Section 39.2(e) of the Illinois Environmental Act expressly provides that the Board of Trustees may "impose such conditions as may be reasonable and necessary to accomplish the purposes of this Section [39.2]." 415 ILCS 5/39.2(e). In fact, counties and municipalities routinely approve applications for local siting but impose conditions with respect to issues that arise during the local siting process. For example, the DeKalb County Board approved Waste Management of Illinois, Inc.'s DeKalb County Landfill expansion subject to 32 conditions including that WMII develop a Perimeter Air Monitoring Plan and a Notification Protocol to be prepared and submitted to the county for approval prior to pursuing IEPA permitting. *See Waste Management of Illinois Inc. v. DeKalb County Board*, PCB 2010-104. Likewise, the City Council of Zion granted siting approval to Veolia ES Zion Landfill, Inc. subject to numerous conditions including that the applicant: (a) shall design its leachate collection system so that it can also be used for gas extraction; (b) develop a complaint monitoring system within 90 days; (c) design reasonable bird mitigation measures; and (d) cooperate with state, county and local officials to develop an access contingency plan. *See Veolia ES Zion Landfill, Inc. v. City Council of Zion*, PCB 2011-010. These cases demonstrate that, contrary to Roxana's assertions, the Board of Trustees could approve the Application but impose conditions on any matters that caused a concern to the Board.

2. **THE EVIDENCE IN THE RECORD DEMONSTRATES THAT THE SITING CRITERIA UNDER SECTION 39.2 ARE SATISFIED**

At the May 29, 2014 hearing, Applicant provided drawings, documents and other evidence with respect to each of the applicable siting criteria. Applicant has proven by a preponderance of the evidence the satisfaction of each of the criteria under Section 39.2.

a. **Criterion 1: The Proposed Caseyville Transfer Station Is Reasonably Convenient To The Area's Waste Disposal Needs And Therefore Satisfies The Criterion Of Necessity**

The first criterion, found in Section 39.2(a)(i) of the Act, is that "the facility is necessary to accommodate the waste needs of the area it is intended to serve." Under this standard, Applicant is not required to show that the proposed Transfer Station is "necessary in absolute terms, but only that proposed facility was 'expedient' or 'reasonably convenient' vis-a-vis the area's waste needs." *E&E Hauling Inc. v. Pollution Control Board*, 451 NE2d 555, 573 (Ill. App. 1983).

i. **The Proposed Caseyville Transfer Station is Necessary Because There Are No Municipal Solid Waste Transfer Stations in the Service Area**

The uncontroverted evidence at the public hearing demonstrated that there are no municipal solid waste transfer stations within the Service Area and that the Service Area contains the fewest municipal solid waste transfer stations in the State of Illinois, whether measured on a population basis or geographic basis. (Tr. pp. 25-29; Ex. 7.) In particular, while the Chicago metropolitan area has 0.57 transfer stations per 100,000 people, the Metro East region has only 0.36. (Ex. 7.)

ii. **The Proposed Caseyville Transfer Station is Necessary to Promote Competition and Efficiency in the Service Area**

As demonstrated by the testimony of and letter submitted by Mr. Eric Greear of Brisk Sanitation (Exhibit 14), the proposed Caseyville Transfer Station will increase

competition in the Service area by allowing independent waste haulers to better compete with the dominant companies in the waste management industry. According to Mr. Greear, "The Caseyville Transfer Station could allow Brisk to better compete against Allied Waste and Waste Management in retaining and securing customers for waste disposal services. Brisk Sanitation competes against Allied and Waste Management for customers but must contract with the same companies for landfill disposal." (Exhibit 14.) Mr. Greer further stated that the proposed Caseyville Transfer Station would be closer and more convenient, would result in reduced wait times for disposal, and would reduce wear and tear on waste hauling vehicles. (Ex. 14.)

Mr. Greear's statements are supported by the United States Environmental Protection Agency document, "Transfer Stations: A Manual for Decision Making," which was introduced by the Applicant at the public hearing as Exhibit E of Exhibit 1. According to the USEPA, Transfer stations serve the purpose of consolidating waste from collection vehicles into more efficient transfer trailers for more economical shipment to distant disposal sites. *See* Exhibit E of Exhibit 1 at p. 2. Transfer stations reduce waste transportation costs, reduce fuel consumption and collection vehicle maintenance costs, and produce less overall traffic, air emissions and road wear. *See id.* at p. 3.

iii. Neither the Existence of Local Landfill Capacity Nor the Longer Distance to Competing Landfills Negates the Need for the Proposed Caseyville Transfer Station and Ms. Sheryl Smith's Testimony is Inapposite

The Opponents' claim that the proposed Transfer Station is not necessary is quite nakedly based on the Opponents' desire to protect the oligopoly they enjoy for landfill disposal services in the Service Area. Mr. Donald Moran, Esq., appeared purportedly on

behalf of the Village of Fairmont City,² and argued essentially that a transfer station may be sited only if it is first proved that the existing landfill capacity in the Service Area is inadequate to satisfy the waste needs of the Service area. (See Transcript p. 63-4.) However, Mr. Moran did not cite any case supporting this bald assertion. Mr. Moran's witness, Ms. Sheryl Smith testified that the proposed Transfer Station is not necessary essentially because the Opponents operate landfills in the Service Area. (See Transcript pp. 73-79.) Ms. Smith's testimony regarding the five reasons she believes the proposed Transfer Station is unnecessary only underscore the dominant market position of the Opponents and does nothing to negate Applicant's evidence that the Transfer Station is "'expedient' or 'reasonably convenient' vis-a-vis the area's waste needs." *E&E Hauling*, 451 NE 2d at 573.

1. Existing Landfill Capacity is Irrelevant to the Need for a Transfer Station

Ms. Smith's first reason that the proposed Transfer Station is not necessary is that the landfills operated the Opponents provide sufficient disposal capacity for the next 20 years. (See Transcript p. 79.) However, as Mr. Moran and Ms. Smith well know, transfer stations do not add additional landfill disposal capacity. Instead, as Ms. Smith testified, transfer stations are intended to provide more cost effective means of transporting waste. (See Transcript p. 72.) Applicant concedes that the Opponents' landfills have substantial additional capacity remaining, but this fact does not negate the increased efficiencies and need for the proposed Transfer Station described above.

² Waste Management, Inc.'s Milam Landfill is located in Fairmont City and Waste Management, Inc. pays Fairmont City host fees with respect to the Milam Landfill. Mr. Moran, from the esteemed law firm of Pederson & Haupt, P.C. in Chicago, Illinois, is the long-time attorney for Waste Management, Inc. See, e.g., *Waste Management of Illinois, Inc. v. Pollution Control Board*, 463 N.E.2d 969 (1984) and *Waste Management of Illinois Inc. v. DeKalb County Board*, PCB 2010-104.

2. *The Cost to Transport Waste From the Transfer Station to Remote Landfills is not Relevant to the Siting Criteria*

Ms. Smith's second reason for claiming the Transfer Station is unnecessary is that, by her calculations it would cost \$12.65 to transport waste from the Transfer Station to the landfill located in Perry County. (See Transcript p. 79.) Even if Ms. Smith's calculations were correct, this hardly presents a reason to deny siting approval for the Transfer Station and instead is a business consideration for Applicant. Illinois law is clear that the necessity of a facility cannot be challenged by a claim that the facility would not be profitable. See *Turlek v. Pollution Control Board*, 653 N.E.2d 1288, 1293 (Ill. App. 1995). Under Ms. Smith's calculations (which Applicant does not accept), Applicant could compete with the Opponents if it could obtain reduced landfill disposal pricing and/or pricing premiums for increased service and convenience collectively amounting to \$12.65 per ton. The Opponents' rigorous opposition to this Application is motivated by their fear that the Transfer Station would in fact provide competition to their landfill disposal oligopoly.

3. *Ms. Smith Distorts the Solid Waste Plan's Preference for Landfill Disposal*

Ms. Smith's third stated reason why the Transfer Station is unnecessary is that the solid waste management plan identifies landfilling as the preferred disposal option. (Transcript p. 79.) Consistency with the county Solid Waste Management Plan is a separate criterion and is separate from whether there is a need for the proposed facility. See 415 ILCS 5/39.2(a)(i) and (viii). Moreover, as Ms. Smith well knows, for the purposes of the Solid Waste Management Plan, the preference for landfilling indicates only that the Plan does not provide for an alternative disposal method such as

incineration, and indicates nothing with respect to transfer stations. As Mr. Moran and Ms. Smith also well know, wastes accepted by the Transfer Station will ultimately be landfilled, which Ms. Smith claims is the preferred disposal method under the solid waste plan.

4. A Transfer Station Need not be Pre-Approved by the Solid Waste Plan to be Reasonably Efficient and Convenient

Ms. Smith outlandishly testified as her fourth reason that the Transfer Station is not necessary under the first criterion because there is no mention of it under the Solid Waste Management Plan, see Transcript p. 79, which was last updated in 2006. As noted above, the need for the proposed Transfer Station is a separate issue from consistency with the Solid Waste Management Plan. See 415 ILCS 5/39.2(a)(i) and (viii). Moreover, the Solid Waste Management Plan process is intended to cause counties to plan for adequate waste disposal capacity, not to stifle additional waste disposal options.

5. The Existence of Landfills Does Not Negate the Need for the Transfer Station

As her fifth and final reason that the Transfer Station is unnecessary, similar to her first reason, Ms. Smith testified that the Transfer Station is unnecessary because the Opponents' competing landfills are located between 10 and 17 miles from the proposed Site. For the reasons set forth above, neither the existence of existing landfill capacity nor the absence of mention of transfer stations in the Solid Waste Management Plan negate the strong need for the Transfer Station demonstrated by Applicant. Moreover, if the Opponents' landfills are 10 and 17 miles from the Site, that means that there are many residents for which the proposed Transfer Station would be a more convenient option. Moreover, the need for the Transfer Station is not based solely on distance but also the

increased efficiencies experienced, especially by smaller haulers, with respect to shorter waiting lines and less wear and tear on equipment from driving on landfill roads. (See Exhibit 14.)

b. Criterion 2: The Proposed Caseyville Transfer Station Is So Designed, Located And Proposed To Be Operated That The Public Health, Safety And Welfare Will Be Protected

The second criterion under the Act requires that “the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.” 415 ILCS § 5/39.2(a)(ii). The fact that a facility will be designed and operated in accordance with Illinois Environmental Protection Agency standards is sufficient evidence for approval under this standard. *See Wabash and Lawrence Counties Taxpayers and Water Drinkers Ass'n v. Pollution Control Board*, 555 NE2d 1081, 1086 (Ill. App. 1990). To show that the proposed facility is designed to protect public health, safety and welfare, the applicant need not submit written documentation “anticipating and addressing any objections which might be raised.” *Tate v. Pollution Control Board*, 544 N.E.2d 1176, 1197 (Ill. App. 1989). The Applicant presented ample and uncontested documentation at the public hearing demonstrating that the Transfer Station is so designed, located and operated in a manner that is protective of human health and the environment.

i. Location

At the public hearing, the Applicant introduced a Regional Aerial (Exhibit 2, Figure 1) and an Area Land Use Map (Exhibit 2, Figure 2) which demonstrate the proposed Site is located so as to protect public health, safety and welfare. Figure 2 demonstrates that the only land uses within 1000 feet of the proposed Site include vacant

land, agricultural, and trucking, excavating and quarrying operations. Figure 2 further demonstrates that there are no residential land uses within 1000 feet of the proposed site. Neither the Opponents of the Transfer Station nor any public commenter at the hearing disputed the accuracy of Figure 1 or Figure 2, or identified any residential or other sensitive land use within the vicinity of the proposed Site.

Applicant also introduced substantial documentation that the Site location has been vetted for environmentally sensitive conditions. In particular, Applicant introduced as Wetlands Map as Exhibit 2, Figure 9, which shows that the U.S. Fish and Wildlife Service National Wetlands Inventory identifies no designated wetlands on or adjacent to the proposed Site. Applicant also introduced as Exhibit 8 documentation of the Applicant's Consultation for Endangered Species Protection and Natural Areas Preservation which demonstrates that there are no known state-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the proposed site. (See Exhibit 8.) Included in the record as Exhibit M of Exhibit 1 contains documentation that there are no sole source aquifers or public water supply wells in the vicinity of the proposed site. No Opponent or public commenter disputed the accuracy of the Wetlands Map or identified any environmentally sensitive conditions on or in the vicinity of the proposed Site.

ii. Design

Applicant introduced at the public hearing a Site Plan (Exhibit 2, Figure 4) and a Building Layout (Exhibit 2, Figure 5) showing the general site and building design and layout of the proposed Transfer Station, which were described at the public hearing.

Roxana's traffic expert, Mr. Dustin Riechmann, testified that the Application contained insufficient information for him to reach a conclusion with respect to the design because it contained insufficient detail. (See Transcript pp. 109-11.) What Mr. Riechmann fails to understand, however, is that the drawings at the local siting stage are preliminary and will undergo modification during the Illinois Environmental Protection Agency permitting process as well as local reviews by the St. Clair County Highway Department, the Caseyville Building Department and other agencies. As Mr. Riechmann readily admits, this is the first time he has ever performed a review of a transfer station local siting application. (See Transcript pp. 106-7.)

iii. Operations

Applicant's Plan of Operations is contained in the record of the public hearing in Section 5 of Applicant's Application for Local Siting Approval. (Exhibit 1.) The Plan of Operations describes in detail the management procedures that will be implemented at the facility including, among other things, practices to prevent and respond to spills, fires and accidents and to prevent acceptance of unauthorized materials. Exhibit 6 contains a letter from Caseyville Fire Department Deputy Fire Chief Randy Allard documenting that he reviewed the Plan of Operations and found no deficiencies from a fire safety perspective. Despite having over three months to review the Plan of Operations, no Opponent or public commenter identified any deficiency or threat to public health, safety or welfare associated with Applicant's Plan of Operations.

- c. **Criterion 3: The Proposed Caseyville Transfer Station 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 third criterion under the Act requires that “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” 415 ILCS § 5/39.2(a)(iii). To satisfy this standard, an applicant must undertake to do what is “reasonably feasible to minimize incompatibility and impact on property values,” but the Act “does not require a guarantee that there will be no incompatibility and impact on property values.” *Fox Moraine, LLC v. United City of Yorkville*, 960 N.E.2d 1144, 1180 (Ill. App. 2011).

As demonstrated by Exhibit 2, Figure 2, the proposed Site is located in an area that is remote from any inconsistent land uses. In fact, the Site was selected specifically because there are no residential or even retail businesses in the vicinity. The character of the surrounding area is wholly consistent with the Transfer Station and includes only vacant, agricultural, quarrying, trucking and excavating land uses. (*See* Exhibit 2, Figure 2.) Based upon the complete absence of any inconsistent land uses, the Board should conclude that the Site was located in a manner to minimize incompatibility and loss of value to the surrounding property.

Mr. Moran asserts that “normally what you would see is there would be a study done to determine whether a proposed facility would have any impact on surrounding property value.” (Transcript p. 65.) In fact, however, Mr. Moran has not and cannot cite any authority for his assertion that a study is required, and is directly contradicted by the actual case law stating that the Act “does not require a guarantee that there will be no incompatibility and impact on property values.” *Fox Moraine*, 960 N.E.2d at 1180. Unable to present any substantive evidence or documentation to rebut the obvious fact that the proposed Site is remote and appropriate for the proposed land use, Mr. Moran

could only offer infirm procedural arguments. The Board should base its decision on common sense and the unrebutted evidence of surrounding land uses demonstrated by Exhibit 2, Figure 2.

d. Criterion 4: The Proposed Caseyville Transfer Station Is Located Outside The Boundary Of The 100 Year Floodplain

Section 39.2(a)(iv) of the Illinois Environmental Protection Act provides: "for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year floodplain or the site is flood-proofed." 415 ILCS 5/39.2(a)(iv). At the public hearing, Applicant introduced as Exhibit 12 Panel 180 of 555 of the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) for St. Clair County (November 5, 2003) (Map No. 17163C0180D). Exhibit 12 demonstrates that the Site is included within "Zone X," which is outside of the 100-year floodplain, and as being protected from the 1% annual chance flood by the Mississippi River Levee System. A drawing showing the FIRM flood hazard information for the area surrounding the Site was introduced by Applicant as Exhibit 2, Figure 10, and the fourth criterion is clearly satisfied.

Neither the Opponents nor any public commenter presented any technical or scientific information contradicting the applicable Federal Emergency Management Agency Flood Insurance Rate Map. A public participant, Ms. Kathryn Mertzke, asserted that the Harding Ditch floods regularly, but did not provide any documentation that the proposed Site has ever been subject to flooding. (See Transcript p. 49.) Applicant submitted a letter from the owner of the proposed Site, Ralph Stanley, stating among other things that Mr. Stanley and his family have owned the Site since 1968, and that the

site has not been subject to flooding with the exception of the flood of 1993. (See Exhibit 6.)

e. **Criterion 5: The Plan Of Operations For The Proposed Caseyville Transfer Station Is Designed To Minimize Danger To The Surrounding Area From Fire, Spills Or Other Operational Accidents**

The fifth criterion under Section 39.2 is that “the plan of operations for the facility is designed to minimize danger to the surrounding area from fire, spills or other operational accidents.” 415 ILCS § 39.2(a)(v). This standard does not require that the applicant can guarantee that no accident will ever occur, but rather that the risks from operations will be minimized. See *Wabash*, 555 NE2d at 1086.

The Plan of Operations for the proposed Transfer Station is included as Section 5 of Exhibit 1, Applicant’s Application for Local Siting Approval. Applicant submitted the Plan of Operations to the Caseyville Fire Department for review. The results of that review were presented in a May 1, 2014 letter to the Caseyville Board of Trustees from Randy Allard, Deputy Fire Chief, Caseyville Fire Department, which stated as follows:

At the request of Caseyville Transfer Station, LLC, I reviewed the application for local siting approval for the proposed Caseyville Transfer Station. In particular, I reviewed their plan of operations. Their plan includes fire and accident prevention plans, fire prevention and control procedures, spill and accident prevention and control plans. Based on my review I find that Caseyville Transfer Station LLC complies with all Fire related codes and training. Their plans appear to be designed to minimize danger from fire, spills or accidents and meets current Life Safety Codes that have been set forth by the National Fire Protection Agency and the Office of the State Fire Marshal.

See Exhibit 6. At the public hearing and after the public hearing, neither any Objector nor any public commenter identified any flaws, deficiencies or risks with respect to Applicant’s Plan of Operations. Applicant has proven that its Plan of Operations is

designed to minimize danger to the surrounding area from fire, spills or other operational accidents.

f. Criterion 6: The Traffic Patterns To And From The Proposed Caseyville Transfer Station Are So Designed As To Minimize The Impact On Existing Traffic Flows

The sixth criterion under Section 39.2 is that “the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.” 415 ILCS § 39.2(a)(vi). To satisfy this standard, an applicant is not required to eliminate all traffic problems, nor to “provide evidence of exact routes, types of traffic, noise, dust, or projections of volume and hours of traffic . . . but rather a showing that the traffic patterns to and from the facility are designed to minimize impact on existing traffic flows.” *Fox Moraine*, 960 N.E.2d at 1181. The applicant is not required to prepare or introduce a formal traffic study or traffic plan. *See Fairview Area Citizens Taskforce v. Pollution Control Board*, 555 N.E.2d 1178, 1186-7 (Ill. App. 1990).

Applicant introduced as Exhibit 2, Figure 6 a Site Traffic Pattern Map which shows the planned means of ingress and egress to and from the proposed Transfer Station. As shown on the Site Traffic Pattern Map, the site plan calls for separate points for ingress and egress to the facility and ample site queuing areas. (See Exhibit 2, Figure 2.) Applicant’s Exhibit 2, Figure 7 shows the primary routes to and from the facility.

Roxana attempted to create issues with respect to traffic through the testimony of Mr. Dustin Riechmann. Mr. Riechmann did not conduct a detailed or even scientific traffic study, but instead made random observations and took photographs in the vicinity of the proposed Site. (See Transcript pp. pp. 116-124.) Mr. Riechmann’s testimony

proves too much as, under his analysis, no truck traffic should be allowed on Bunkum Road at all.

Mr. Riechmann concludes, among other things, that: (1) the Highway 111 and I-64 Intersection has a "heavy congestion" condition based upon a single observation at 4:00 p.m. (*See* Transcript p. 117); (2) the intersection of Highway 111 and I-64 is unable to handle truck traffic based on an observation of rutting behind the curb line (*See* Transcript p. 117); and (3) he had a concern regarding blockage of the transfer station entrance due to freight train interference even though he admits that he did not observe such a condition (*See* Transcript p. 123.) Mr. Riechmann raises a number of other generalized concerns including the poor condition of Bunkum Road and the existence of a preschool program located approximately one mile east of the proposed Site (*See* Transcript pp. 122-124). These same considerations would apply to any business on Bunkum Road generating truck traffic, including the numerous trucking and industrial businesses already located on Bunkum Road. None of these issues raised by Mr. Riechmann provide a basis for denial of Applicant's Application. Furthermore, the St. Clair County Highway Department is in the process of improving Bunkum Road, see Exhibit 13, and most of Mr. Riechmann's analysis will be rendered moot by the road improvements.

Mr. Riechmann further testified that there are inadequate site distances to exist the proposed Site onto Bunkum Road. Mr. Riechmann admits, however, that he just estimated where the ingress and egress points would be. (*See* Transcript p. 125.) The single drawing submitted as part of Mr. Riechmann's testimony does not identify the

measurement point that Mr. Riechmann was using. (See Roxana Exhibit 1.) Quite simply, Mr. Riechmann's observations are unreliable and premature.

As stated at the hearing, the St. Clair County Highway Department will require Applicant to conduct a traffic study to be presented for the Department's review and approval prior to Applicant gaining access to Bunkum Road. (See Transcript p. 43; Exhibit 13.) As part of the traffic study Applicant will ensure that the exit from the Transfer Station complies with all AASHTO site line standards. As set forth above, the Village could approve Applicant's application for local siting but impose a condition with respect to the AASHTO site line standards.

g. Criterion 7: The Proposed Caseyville Transfer Station Will Not Be Treating, Storing Or Disposing Of Hazardous Waste

Section 39.2(a)(vii) of the Illinois Environmental Protection Act provides: "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." 415 ILCS 5/39.2(a)(vii). Because the Transfer Station will not be treating, storing or disposing of hazardous waste, this criterion is not applicable and thus has been satisfied.

h. Criterion 8: The Proposed Caseyville Transfer Station Is Consistent With The St. Clair County Solid Waste Management Plan

Section 39.2(a)(viii) of the Illinois Environmental Protection Act provide that "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.” 414 ILCS 5/39/2(a)(vii). A copy of the St. Clair County Solid Waste Management Plan (the “Solid Waste Management Plan”), with revisions, was introduced at the public hearing as Exhibit P of Exhibit 1. As further described and explained in Section 8 of Exhibit 1, the Solid Waste Management Plan does not directly address transfer stations. It identifies landfilling as the preferred disposal method but expresses concern regarding receipt of out-of-state waste by the landfills operated by the Objectors. (See Exhibit 1, Section 6; Exhibit 1, Exhibit P.) The proposed Transfer Station would serve to transport waste from the Service Area to landfills outside the Service Area, is not prohibited by the Solid Waste Management Plan, and is therefore consistent with the Solid Waste Management Plan. While Mr. Moran appears to assert that a transfer station can only be approved if it was specifically called for in the Solid Waste Management Plan, he provides no legal authority for this outlandish claim.

i. Criterion 9: The Proposed Caseyville Transfer Station Will Not Be Located Within A Regulated Groundwater Recharge Area

Section 39.2(a)(ix) of the Illinois Environmental Protection Act provides: “if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.” 414 ILCS 5/39.2(a)(ix). As of the date of this Application, only one regulated recharge area has been designated, the Pleasant Valley Public Water District located in Peoria County, Illinois. As documented by the communications contained in Exhibit M of Exhibit 1, the Site is not located within a regulated recharge area or other groundwater protection area. At and after the public hearing, no Objector or public commenter identified any regulated recharge area or other

sensitive groundwater resource within the vicinity of the proposed Site. The ninth criterion is clearly satisfied.

3. **THE ADDITIONAL OBJECTIONS RAISED BY ROXANA ARE SPURIOUS**

a. **Applicant Will Not Construct the Transfer Station Until all Appeals have Been Exhausted**

Roxana sets forth a fanciful scenario under which the Village would approve the Transfer Station siting, Applicant would construct and begin operating the Transfer Station, and then the local siting decision would be overturned on appeal. (See Written Comment of Roxana Landfill, Inc. p. 8.) Common sense dictates that Applicant would be foolish to begin construction while an appeal is pending, and the doomsday scenario envisioned by Roxana is not even a remote possibility.

b. **Applicant's Closure Estimate is Realistic**

Roxana additionally, with no calculations or documentation, asserts that the cost to close the Transfer Station would be seven to ten times the estimates contained in the Application and that Applicant's estimate is flawed for assuming that only one day of waste would require disposal upon closure. (See id. p. 9.) Roxana appears to be arguing that the Transfer Station could be capable of storing more than one day's worth of waste. What Roxana ignores, however, is the Illinois regulations and the Host Community Agreement with the Village of Caseyville require that the tipping floor be cleaned at least every 24 hours, requiring that in fact one day of waste is the maximum amount of accumulation.

4. **CONCLUSION**


Applicant has proved by a preponderance of the evidence that each of the nine siting criteria is satisfied. The Opponents had ample opportunity to challenge the location of the proposed site for a Transfer Station, but offered only feeble and self-serving arguments and evidence.

WHEREFORE, Caseyville Transfer Station, Inc. respectfully requests that the Board of Trustees of the Village of Caseyville, Illinois approve its Application for Local Siting Approval under Section 39.2 of the Illinois Environmental Protection Act.

Respectively submitted,

CASEYVILLE TRANSFER STATION, LLC

By: _____


John P. Siemsen, Manager

BEFORE THE BOARD OF TRUSTEES
VILLAGE OF CASEYVILLE, ILLINOIS

RECEIVED
AUG 06 2014
BY: _____

IN RE: CASEYVILLE TRANSFER)
STATION, LLC'S APPLICATION)
FOR LOCAL SITING APPROVAL)

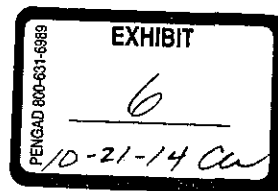
**APPLICANT CASEYVILLE TRANSFER STATION LLC'S MEMORANDUM
IN OPPOSITION TO ROXANNA LANDFILL, LLC'S
MOTION TO DISMISS BASED ON FUNDAMENTAL UNFAIRNESS**

Applicant, Caseyville Transfer Station, LLC ("Applicant"), hereby presents this Memorandum in Opposition to Roxana Landfill, Inc.'s ("Roxana") Motion to Dismiss Based on Fundamental Fairness and urges the Board of the Trustees to deny Roxana's Motion to Dismiss.

In its Motion to Dismiss, Roxana seeks dismissal of the entire public hearing held by the Board of Trustees of the Village of Caseyville, Illinois with respect to Caseyville Transfer Station, LLC's Application for Local Siting Approval under Section 39.2 of the Illinois Environmental Protection Act (the "Application") which was filed by Applicant with the Caseyville Village Clerk on February 10, 2014. Roxana's Motion is based solely on the allegation that a certain persons or persons did not receive access to the Application until nine (9) days after it was filed. Roxana's Motion should be denied for the foregoing reasons:

1. Roxana is not a "Participant" and has no Right to File a Motion to Dismiss

While Roxana has consistently tried to identified itself as a "participant" in the public hearing, the law is clear that the Illinois Environmental Protection Act "does not grant the right to 'participate' in public hearings or confer adjudicative due process rights to any person other than the applicant and those local government members or



BEFORE THE VILLAGE BOARD,
VILLAGE OF CASEYVILLE, ILLINOIS

IN RE: CASEYVILLE TRANSFER)
STATION L.L.C.'S APPLICATION FOR)
SITE LOCATION APPROVAL OF A)
POLLUTION CONTROL FACILITY)

NOTICE OF FILING

Rob Watt, Village Clerk
Village of Caseyville
909 South Main Street
Caseyville, IL 62232
*Via U.S. Mail - from the
U.S. Post Office, 200 E.
Randolph Street, Chicago,
IL 60601-6436 & E-mail:
Email:rwatt@caseyville.org*

John Siemsen, Manager
Caseyville Transfer Station
L.L.C.
290 South Main Place, #101
Carol Stream, IL 60188
Via U.S. Mail Only

Donald Moran
Pederson & Houpt, P.C.
161 N. Clark Street
Suite 3100
Chicago, IL 60601-3224
Via U.S. Mail Only

Robert Sprraag
Sprague & Urban
Law Office
26 East Washington
Street
Belleville, IL 62220
Via U.S. Mail Only

PLEASE TAKE NOTICE that on the 27th day of June, 2014, we caused to be mailed, via the U.S. Postal Service for filing with the Village Clerk, Village of Caseyville, Illinois, 909 South Main Street, Caseyville, Illinois 62232, the attached **WRITTEN COMMENT OF PARTICIPANT ROXANA LANDFILL, INC.**, a copy of which is attached hereto and hereby served upon you.

Dated: June 27, 2014

Respectfully submitted,

Jennifer J. Sackett Pohlenz
CLARK HILL PLC
150 N. Michigan Ave. | Suite 2700 | Chicago,
Illinois 60601 | 312.985.5912 (direct)
312.985.5971 (fax) | 312.802.7810 (cell)
jpohlenz@clarkhill.com | www.clarkhill.com

ROXANA LANDFILL, INC.

By:
One of Its Attorneys

CERTIFICATE OF SERVICE

I, Rita Burman, a non-attorney, certify¹ that I served or caused to be served this *Notice of Filing* and the above-referenced *Written Comment* to the parties listed above via regular U.S. mail by depositing them, postage pre-paid in the mailbox located at 150 N. Michigan Ave., Chicago, IL 60601, or where specifically indicated above, handing it to a mail clerk for mailing at the U.S. Post Office located at 200 E. Randolph Street, Chicago, IL 60601-6436, on June 27, 2014, before 6:00 p.m.

Rita Burman

¹ Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the above signed certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief as to such matters the above signed certifies as aforesaid that he verily believes the same to be true.

F0182

**BEFORE THE VILLAGE BOARD,
VILLAGE OF CASEYVILLE, ILLINOIS**

IN RE: CASEYVILLE TRANSFER)
STATION L.L.C.'S APPLICATION FOR)
SITE LOCATION APPROVAL OF A)
POLLUTION CONTROL FACILITY)

WRITTEN COMMENT OF ROXANA LANDFILL, INC.

This is a written comment submitted¹ by Roxana Landfill, Inc. ("Roxana"), by and through its attorneys at Clark Hill PLC. Roxana is submitting this comment to encourage the equal application of the state siting criteria to any person who seeks site location approval. From this participant's view of the process, it appears that Caseyville Transfer Station, L.L.C. (referenced from this point forward as "Siemsen") has been given unique treatment in this process by the Village Board. This comment does not attempt to summarize all the failures of Siemsen's siting application and of the Village in the siting process. Instead, this comment seeks to assist the Village Board and encourage the Village Board to make a decision based on the evidence:

(A) the Village Board, by law, must deny Siemsen's siting application, as the siting application does not meet the mandatory statutory criteria;

(B) the Village Board, by law, cannot defer its obligations by conditioning its approval to a later review and approval by other persons, such as the County or EPA;

(C) Roxana objects to the Village allowing Siemsen's siting application to be "deemed" approved by the Village Board's failure to act in the statutorily required timeframe;

(D) if the Village Board is determined to approve the Siemsen siting application, even though contrary to the evidence, then condition the Village's or its designee's signature on the form sent to Illinois EPA showing such approval on a final and non-appealable siting approval.

¹ By submitting this written comment and discussing the application and its "filing," Roxana is not waiving or releasing any arguments that jurisdiction in this matter never vested due to a statutory pre-filing notice failure, that the siting application was never actually filed with a person authorized to file it on behalf of the Village, and that the public hearing and siting process was fundamentally unfair. Roxana reserves all of its arguments in opposition to this siting application and the siting process, whether or not referenced in this Written Comment.

F-0183

(A) THE VILLAGE BOARD, BY LAW, MUST DENY SIEMSEN'S SITING APPLICATION, AS THE SITING APPLICATION DOES NOT MEET THE MANDATORY STATUTORY CRITERIA

Siemsen's siting application is strictly governed by Section 39.2 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/39.2). A complete copy of Section 39.2 is attached to this Written Comment as **Exhibit A**. In making its decision, the Village Board must review all of the evidence and determine whether Siemsen has demonstrated, by a **preponderance of the evidence**, that the following nine-plus one criteria are met:

- (i) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (ii) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (iii) 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;
- (iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a [415 ILCS 5/22.19a], the site is flood-proofed;
- (v) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- (vi) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
- (vii) 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;
- (viii) 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 [415 ILCS 10/1 et seq. or 415 ILCS 15/1 et seq.], the facility is consistent with that

plan; and

(ix) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

Plus-one (the 10th, unnumbered Criterion) "In making its determination on the Application, the County Board may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) under the above Section of the Act."

There is no provision in the Act for the Village Board to deviate from these Criteria or for an applicant to ignore a criterion that is applicable. Moreover, only Siemsen has the burden of proof - he must show the Village Board, by a preponderance of the evidence, that it has met its burden on each of the Criteria.

What does that mean? A preponderance of the evidence means that Siemsen must persuade you, considering all the evidence in the case, that it is more probably true than not true that he has met each of the Section 39.2 Criteria. *See*, Illinois Pattern Jury Instructions – Civil 21.01, *see also*, *Metropolitan Waste System, Inc., et al. v. City of Marseilles*, PCB No. 89-121 at

The public hearing before the local governing body is the most critical stage of the site approval process. *Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle*, PCB No. 03-218 at 65 (April 15, 2004), citing *Land and Lakes Co. v. PCB*, 245 Ill. App. 3d 631, 616 N.E.2d 349, 356 (1993). Section 40.1 of the Act requires adjudicative due process at the public hearing, thus manner in which the hearing is held, opportunity to be heard, whether *ex parte* contacts existed, prejudgment of adjudicative facts, and the introduction of evidence are important, not rigid, elements in assessing fundamental fairness. *Id.* citing *American Bottom Conservancy v. Village of Fairmont City*, PCB 00-200 (Oct. 19, 2000), citing *Hediger v. D & L Landfill, Inc.*, PCB 90-163, slip op. at 5 (Dec. 20, 1990); *Gallatin Nat'l Co. v. Fulton County Bd.*, PCB 91-256 at 21 (June 15, 1992).²

² Roxana reserves its right, as previously stated, to raise issues of fundamental unfairness on appeal, including but not limited to the unfairness and lack of due process of the public hearing. If the Village of Caseyville approves Siemsen's proposed pollution control facility, this matter will be reviewed, on appeal, for the fundamental unfairness of the hearing (a basis for appeal that Siemsen has waived since he was a proponent of the unfair hearing procedure). "It is fundamental that a decision pursuant to an administrative hearing must be based upon testimony and other evidence received at the hearing and that a conclusion influenced by extraneous considerations must be set aside * * *" *Des Plaines Cur. Exch., Inc. v. Knight*, 29 Ill.2d 244, 247 (S. Ct. 1963); *See also*, *Smith v. Dept. of Reg. & Education*, 412 Ill. 332, 345-349 (S.Ct 1952), and cases cited therein; *Garces v. Department of Reg. & Education*, 118 Ill.App.2d 206, 224 (1st Dist. 1969); *Grab It Here Liquor Store v. L.L.C. Comm.*, 53 Ill.App.2d 31, 34 (3rd Dist. 1964); *Fantozzi v. Board of Fire & Police Com'rs.*, 35 Ill.App.2d 248, 256-257 (2nd Dist. 1962), *aff'd.* 27 Ill.2d 357 (1963). Due process requires that all parties have an opportunity to cross-examine witnesses and to offer evidence in rebuttal. *Garces v. Department of Reg. & Education*, *supra*. All of these cited decisions, even though many are not siting decisions, have been recognized and relied on by the Illinois Pollution Control Board for purposes of the due process and fundamental fairness of a public hearing, such as a Section 39.2 public hearing. The remedy for a

Meeting the Section 39.2 Criteria has nothing to do with host fee payments or jobs *potentially* created by the proposed facility. The Village Board's review of the Section 39.2 Criteria is not limited to its municipal boundaries – the Village Board cannot put blinders on as to the impacts Siemsen's proposed transfer station will have on Canteen Township and Washington Park. "It's on the outskirts of town" is not part of the review with which you, as the Village Board, are charged with by statute.

The Village Board **must** make its decision based solely on the **record** and evidence in this case. Siemsen presented no sworn evidence and not a single report, study, figure or drawing prepared and signed by an expert, such as a licensed, professional engineer. Siemsen's application and "presentation" to the Village Board is nothing more than a generalized statement which is insufficient to meet his burden of proof. *See, Waste Management of Illinois, Inc. v. Pollution Control Board* 122 Ill.App.3d 639, 461 N.E.2d 542 (1984)(generalized statements held insufficient to establish the need for an expansion of an existing landfill facility).

Moreover, there is un rebutted and unquestioned testimony in the record (the only testimony in the record) clearly establishing that Siemsen's application fails to meet Criteria (i), (ii), (vi), and (viii). Ms. Sheryl Smith testified that Siemsen's application failed to meet Criteria (i) and is not necessary to accommodate waste needs of the service area. (5/29/14 public hearing transcript ("TR") p. 78). Ms. Smith presented five reasons for her opinion that Siemsen's application does not meet Criterion (i):

1. there is sufficient disposal capacity within the service area to handle the need over the next 20-years;
2. it will cost more (\$12.65 per ton more) to transfer waste, a longer distance, to Perry County or other landfills outside the service area than to landfills within the service area;
3. the County Solid Waste Management Plan for the three counties in Siemsen's defined "service area" identify landfilling as the preferred management option;
4. the County Solid Waste Management Plan does not include reference to a transfer station; and
5. the Milam, North Milam, and Roxana landfills are located between 10 and 17 miles of the Village of Caseyville and is a reasonable distance for disposing waste by direct haul, rather than transfer through a transfer station.
(TR. pp. 78-79).

In addition, Ms. Smith's testimony supports denial of Siemsen's application as it fails to meet Criterion (viii). Ms. Smith testified that the Solid Waste Management Plan for St. Clair County identifies that it does not address a transfer station, identifies that the County will be direct-hauling its waste to landfills for disposal, and in an earlier version of that Plan (1991) did reference a transfer station, but later removed that reference so that it is no longer included in the current Plan. (Tr. p. 79).

fundamentally unfair hearing, which the May 29, 2014 hearing was, is for the matter to be remanded to the Village of Caseyville and for the additional hearings to be held to correct the problems. *Land and Lakes Co.*, 245 Ill. App.3d 631, 644 (3rd Dist. 1993); *City of Rockford v. Winnebago County Board*, PCB 87-92 slip op. at 203 (Nov. 19, 1987); *McLean County Disposal Co. Inc. v. County of McLean*, PCB 89-108 slip op. at 5 (Nov. 15, 1989).

Mr. Dustin Riechmann, a licensed, professional engineer, analyzed Siemsen's application and testified that Criteria (ii) and (vi) are not met. Mr. Riechmann identified that Siemsen failed to meet Criterion (ii) and failed to design, locate and propose to operate a transfer station so that public health, safety and welfare are protected, as the Siemsen application failed to contain an on-site traffic plan, and only contained a "crude schematic." (Tr. pp. 109-111). The crude schematic in Siemsen's application fails to include grades, profiles of proposed driveways to Bunkum Rd or where or how those driveways intersect with Bunkum Rd. (Tr. p. 111). The crude schematic fails to identify the stationing of driveway locations, and does not identify: sight distances, adequate on-site staging, storing and queuing of vehicles, parking calculations, and signage and striping. *Id.*

Mr. Riechmann also testified that Siemsen's proposed transfer station does not meet Criterion (vi), as the traffic patterns of the facility are not so designed to minimize impact on existing traffic flow. (Tr. p. 111-133). Even if the current, degraded condition (*i.e.*, "existing condition") of Bunkum Road is not considered, Mr. Riechmann testified the proposed transfer station does not meet Criterion (vi), because:

1. heavy congestion at the 111 and I-64 intersection; the design and construction of the 111 and I-64 intersection, which evidences trucks cannot make the turn they would need to make to get to the facility (Tr. p. 117; Roxana Exh. 1., p. 7);
2. the residential character of Bunkum Road in Washington Park (Tr. p. 118; Roxana Exh. 1, p. 8);
3. sight distance limitations with the location of the railroad crossing on Bunkum Road (Tr. pp. 118-120; Roxana Exh. 1, p. 9-13);
4. queuing of vehicles due to train crossings and the blocking of the proposed transfer station entrance and exist as a result of the proximity of the entrance and exist to the existing railroad crossing (Tr. pp. 123-124; Roxana Exh. 1, p. 9-13);
5. impact of proposed transfer station on existing traffic flows that are not minimized and create a safety risk associated with the school bus depot operations currently located on Bunkum Road, east of the proposed transfer station (Tr. pp. 120-123; Roxana Exh. 1, p. 13-19);
6. impact of the proposed transfer station on existing traffic flows that are not minimized and create a safety risk for the Head Start preschool (244 students between the ages of 2-5) currently located on Bunkum Road, as the peak traffic times for the proposed transfer station (between 11:00 a.m. and 1:00 p.m.) directly conflict with the heaviest time of day for traffic to and from the preschool (half-day program pick-up and drop-off) (Tr. pp. 122-124, Roxana Exh. 1, pp. 18-19); and,
7. there is inadequate site distance to exist from the proposed facility on to Bunkum Road (Tr. pp. 124-130; Roxana Exh. 1, pp. 20-22).

Thus, not only has there been no evidence submitted by Siemsen to support the mandatory, statutory Criteria, but the only testimony in the records supports a denial of the Siemsen application. Therefore, Siemsen has not given the Village Board any other choice than to deny the proposed transfer station.

(B) THE VILLAGE BOARD, BY LAW, CANNOT DEFER ITS OBLIGATIONS BY CONDITIONING ITS APPROVAL TO A LATER REVIEW AND APPROVAL BY OTHER PERSONS, SUCH AS THE COUNTY OR ILLINOIS EPA

The Section 39.2 siting process is the Village of Caseyville's **only** "say" in this process and after the 180-day "decision period is up, there is no 'going back' for fine-tuning." *BFI v. Lake County Bd. Supervisors*, PCB 82-101 at 20 (December 2, 1982). In addition, the Village of Caseyville cannot take a siting application and record with no evidence supporting approval and "patch it" with conditions on the Village approval, requiring the applicant to do things that should have been done as part of the application.

For example, it is uncontested that the application contains no traffic study. Common sense dictates that an application without a traffic study cannot meet Criterion (vi). However, in this case, in addition to common sense, the Village Board has an expert opinion (Mr. Riechmann) that Criterion (vi) is not met due to the failure of the applicant to perform a traffic study, among other reasons. Can't the Village simply condition Siemsen on doing the traffic study and getting the County approval?

The Village cannot "condition-away" a failure of Siemsen to meet the statutory Criteria. Of foremost importance is that the **Village cannot change state law**, it must follow it. The Act provides the Village must determine whether the Section 39.2 Criteria are met and does not allow the Village to defer that judgment to other entities. (415 ILCS 5/39.2). The Village's determination on the Section 39.2 Criteria is "mandatory" and Illinois courts have found that the "restrictive language" of Section 39.2 "demonstrates a clear legislative intent that each and every one of the . . . criteria must be satisfied." *Waste Management of Illinois, Inc. v. Pollution Control Bd.*, 160 Ill. App. 3d 434, 443 (2d Dist. 1987)(Note, decided at a time when 39.2 contained 6 rather than 9, numbered Criteria).

Further, as respects siting conditions, the Village may ". . . impose such conditions as may be reasonable and necessary to accomplish the purposes of this Section [39.2]. . . ." (415 ILCS 5/39.2(e)). Conditions **cannot** be used by the Village to defer its statutory obligations to other entities. Thus, the Village cannot fix Siemsen's deficiencies by giving him another opportunity to present the information lacking from his application to a different governmental entity, and the Village must deny the Caseyville Transfer Station, L.L.C. siting application.

(C) ROXANA OBJECTS TO THE VILLAGE ALLOWING SIEMSEN'S SITING APPLICATION TO BE "DEEMED" APPROVED BY THE VILLAGE BOARD'S FAILURE TO ACT IN THE STATUTORILY REQUIRED TIMEFRAME

Section 39.2(e) of the Act provides: ". . . If there is no final action by the county board or governing body of the municipality within 180 days after the date on which it received the request for site approval, the applicant may deem the request approved." If Siemsen's siting application was filed with the Village on February 10, 2014, (which Roxana denies), then the 180th day is Saturday, August 9, 2014. By knowingly allowing a siting application to be "deemed" approved, the Village intentionally ignores its statutory obligation, fails its

F-0188

constituents, and forfeits its "say" about this proposed facility. Moreover, the Village would fail the public, the participants to this proceeding, and its constituents by allowing something to be defaulted into approval rather than acting on its statutorily mandated obligations to review the record and make a decision on each of the individual Section 39.2 Criteria.

(D) IF THE VILLAGE BOARD IS DETERMINED TO APPROVE THE SIEMSEN SITING APPLICATION, EVEN THOUGH CONTRARY TO THE EVIDENCE, THEN CONDITION THE VILLAGE'S OR ITS DESIGNEE'S SIGNATURE ON THE FORM SENT TO ILLINOIS EPA SHOWING SUCH APPROVAL ON A FINAL AND NON-APPEALABLE SITING APPROVAL.

Siting is the most critical part of the process of developing a pollution control facility, such as Siemens's proposed transfer station. As mentioned above in Section (B) of this Written Comment, there simply is there is no 'going back' for fine-tuning." *BFI v. Lake County Bd. Supervisors*, PCB 82-101 at 20 (December 2, 1982). What the Village does now, the Village does forever.

If the Village Board determines to approve this siting application, contrary to the evidence and record, then impose a siting condition, that **"THE VILLAGE WILL NOT AUTHORIZE OR EXECUTE THE FORM NEEDED FOR CASEYVILLE TRANSFER STATION, L.L.C. TO OBTAIN A PERMIT FROM ILLINOIS EPA TO DEVELOP AND OPERATE THE TRANSFER STATION UNTIL THERE IS A FINAL AND NON-APPEALABLE DECISION."**

Why? If the Village approves Siemens's siting application, it will be appealed. If the Village approves this facility and does not condition its signature on the form needed by Caseyville Transfer Station, L.L.C. to get its Illinois EPA permits, then you'll have a transfer facility operating in the community that will be overturned on appeal.

What's the form? The form a host local government signs to show Illinois EPA that it approved the siting of a pollution control facility, such as the transfer station in Siemens's application, is called the "LPC-PA8." It is a "Certification of Siting Approval" and a copy of it is attached as **Exhibit B**.

What happens if the Village approves siting, signs the LPC-PA8 form, and the siting is later overturned? If the Village approves the siting application and the Village's approval is overturned on appeal, then any permit issued by Illinois EPA is void.

What happens if the Illinois EPA permits are void? If it does not have permits, Caseyville Transfer Station, L.L.C. must stop operating. If it stops operating, since it does not own the land on which it will located and the owners are from out-of-state, who will clean-up if Caseyville Transfer Station, L.L.C. leaves without properly closing the facility? There is nothing that requires Illinois EPA to get financial assurance from Caseyville Transfer Station, L.L.C., even though the transfer station is required to calculate the true closure costs. Rather than the \$17,000 closure as referenced by Siemens (Siting Application Section 2.3.18, the 82nd page

counting from the front cover), the true cost is calculated utilizing the capacity of the transfer station building, the maximum amount of waste that fills that capacity, and the cost for a third-party contractor to remove, transport, and dispose of that waste. The calculation for the transfer station capacity is dependent on the type of facility proposed and, in the government publications submitted by Siemens in two sections of the application (Application Exhibit E, p. 9 and Exhibit F, p. 8-23), the formula for determining transfer station capacity is included (interestingly, a formula that Siemsen has avoided using):

Table 4-8 Formulas for Determining Transfer Station Capacity	
Pit Stations	Direct Dump Stations
<i>Based on rate at which wastes can be unloaded from collection vehicles:</i>	$C = (N_n \times P_t \times F \times 60 \times H_w) / ((P_t/P_c) \times (W/L_p)) \times T_c - B$
$C = P_c \times (L/W) \times (60 \times H_w/T_c) \times F$	Hopper Compaction Stations
<i>Based on rate at which transfer trailers are loaded:</i>	$C = (N_n \times P_t \times F \times 60 \times H_w) / (P_t/P_c \times T_c) - B$
$C = (P_t \times N \times 60 \times H_w) / (T_l - B)$	Push Pit Compaction Station
	$C = (N_p \times P_t \times F \times 60 \times H_w) / (P_t/P_c \times W/L_p \times T_c) - B_c - B$
where:	
C = Station capacity (tons/day)	N = Number of transfer trailers loading simultaneously
P _c = Collection vehicle payload (tons)	H _w = Hours per day used to load trailers (empty trailers must be available)
L = Total length of dumping space (feet)	B = Time to remove and replace each loaded trailer (minutes)
W = Width of each dumping space (feet)	T _l = Time to load each transfer trailer (minutes)
H _w = Hours per day that waste is delivered	N _n = Number of hoppers
T _c = Time to unload each collection vehicle (minutes)	L _n = Length of each hopper (feet)
F = Peaking factor (ratio of number of collection vehicles received during an average 30-minute period to the number received during a peak 30-minute period)	L _p = Length of push pit (feet)
P _t = Transfer trailer payload (tons)	N _p = Number of push pits
	B _c = Total cycle time for cleaning each push pit and compacting waste into trailer
Source: Schnaper, 1986	

The true cost of closure is likely to be more in line of 7-10 times what is stated by Siemens. To close a transfer station all of the waste needs to be removed and transported for disposal, the processing area needs to be cleaned (and any debris or waste outside the building also removed), equipment must be removed, and certification procedures for closure completed with Illinois EPA. The \$17,000 amount for closure contained in the Siemsen application contains only one day of waste and assumes it can be removed, transported, and disposed of for \$40 per ton. The common sense approach has an operator estimate more than just a day of waste accumulation, in fact, that is one of the reasons a capacity calculation is done.

Who is Caseyville Transfer Station, L.L.C. and Mr. Siemsen? What assurance do you have that they will close the facility properly? What assurance do you have that they will pay the host fees they are promising the Village? The Illinois Secretary of State's website shows a relationship, by office address, to the Perry Ridge Landfill, Inc. (Exhibit C). Newspaper articles have reported that the Perry Ridge Landfill, Inc. has defaulted on its obligations to its host government. (Exhibit D.) Will Caseyville Transfer Station, L.L.C. default too?

Does the Village have the money to clean up the mess it will create by approving this siting application? Is the Village prepared to enforce against Caseyville Transfer Station, L.L.C. once its Illinois EPA permit is voided? Is the Village going to take responsibility for its actions and shut the facility down? Take responsibility now - follow the law- and deny Caseyville Transfer Station, L.L.C.'s siting application.

WHEREFORE; Roxana Landfill, Inc. respectfully requests that the Village of Caseyville deny the Caseyville Transfer Station, L.L.C. siting application within the 180-day, mandated timeframe provided by Section 39.2 of the Act.

Dated: June 27, 2014

Respectfully submitted,

Jennifer J. Sackett Pohlenz
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ROXANA LANDFILL, INC.

By:


One of Its Attorneys

415 ILCS 5/39.2

Statutes current through Public Act 98-597 of the 2013 Legislative Session Annotations current to State Cases through October 18, 2013

Illinois Compiled Statutes Annotated > CHAPTER 415. > ENVIRONMENTAL PROTECTION ACT > TITLE X.

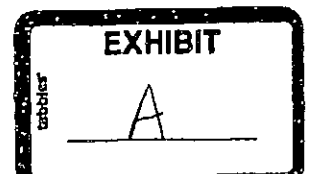
§ 415 ILCS 5/39.2. Local siting review

- Sec. 39.2. Local siting review. (a) The county board of the county or the governing body of the municipality, as determined by paragraph (c) of Section 39 of this Act [415 ILCS 5/39], shall approve or disapprove the request for local siting approval for each pollution control facility which is subject to such review. An applicant for local siting approval shall submit sufficient details describing the proposed facility to demonstrate compliance, and local siting approval shall be granted only if the proposed facility meets the following criteria:
- (i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;
 - (ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
 - (iii) 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;
 - (iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a [415 ILCS 5/22.19a], the site is flood-proofed;
 - (v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
 - (vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
 - (vii) 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;
 - (viii) 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 [415 ILCS 10/1 et seq. or 415 ILCS 15/1 et seq.], the facility is consistent with that plan; for purposes of this criterion (viii), the "solid waste management plan" means the plan that is in effect as of the date the application for siting approval is filed; and
 - (ix) 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 county board or the governing body of the municipality may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) under this Section.

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F-0192



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If the facility is subject to the location restrictions in Section 22.14 of this Act [415 ILCS 5/22.14], compliance with that Section shall be determined as of the date the application for siting approval is filed.

- (b) No later than 14 days before the date on which the county board or governing body of the municipality receives a request for site approval, the applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located; provided, that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

Such written notice shall also be served upon members of the General Assembly from the legislative district in which the proposed facility is located and shall be published in a newspaper of general circulation published in the county in which the site is located.

Such notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such request as hereafter provided.

- (c) An applicant shall file a copy of its request with the county board of the county or the governing body of the municipality in which the proposed site is located. The request shall include (i) the substance of the applicant's proposal and (ii) all documents, if any, submitted as of that date to the Agency pertaining to the proposed facility, except trade secrets as determined under Section 7.1 of this Act [415 ILCS 5/7.1]. All such documents or other materials on file with the county board or governing body of the municipality shall be made available for public inspection at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

Any person may file written comment with the county board or governing body of the municipality concerning the appropriateness of the proposed site for its intended purpose. The county board or governing body of the municipality shall consider any comment received or postmarked not later than 30 days after the date of the last public hearing.

- (d) At least one public hearing is to be held by the county board or governing body of the municipality no sooner than 90 days but no later than 120 days after the date on which it received the request for site approval. No later than 14 days prior to such hearing, notice shall be published in a newspaper of general circulation published in the county of the proposed site, and delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the governing authority of every municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located,

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to the county board of the county where the proposed site is to be located, if the proposed site is located within the boundaries of a municipality, and to the Agency. Members or representatives of the governing authority of a municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located and, if the proposed site is located in a municipality, members or representatives of the county board of a county in which the proposed site is to be located may appear at and participate in public hearings held pursuant to this Section. The public hearing shall develop a record sufficient to form the basis of appeal of the decision in accordance with Section 40.1 of this Act [415 ILCS 5/40.1]. The fact that a member of the county board or governing body of the municipality has publicly expressed an opinion on an issue related to a site review proceeding shall not preclude the member from taking part in the proceeding and voting on the issue.

- (e) Decisions of the county board or governing body of the municipality are to be in writing, specifying the reasons for the decision, such reasons to be in conformance with subsection (a) of this Section. In granting approval for a site the county board or governing body of the municipality may impose such conditions as may be reasonable and necessary to accomplish the purposes of this Section and as are not inconsistent with regulations promulgated by the Board. Such decision shall be available for public inspection at the office of the county board or governing body of the municipality and may be copied upon payment of the actual cost of reproduction. If there is no final action by the county board or governing body of the municipality within 180 days after the date on which it received the request for site approval, the applicant may deem the request approved.

At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by the county board or governing body of the municipality and any participants, the applicant may file not more than one amended application upon payment of additional fees pursuant to subsection (k); in which case the time limitation for final action set forth in this subsection (e) shall be extended for an additional period of 90 days.

If, prior to making a final local siting decision, a county board or governing body of a municipality has negotiated and entered into a host agreement with the local siting applicant, the terms and conditions of the host agreement, whether written or oral, shall be disclosed and made a part of the hearing record for that local siting proceeding. In the case of an oral agreement, the disclosure shall be made in the form of a written summary jointly prepared and submitted by the county board or governing body of the municipality and the siting applicant and shall describe the terms and conditions of the oral agreement.

- (e-5) Siting approval obtained pursuant to this Section is transferable and may be transferred to a subsequent owner or operator. In the event that siting approval has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes and takes subject to any and all conditions imposed upon the prior owner or operator by the county board of the county or governing body of the municipality pursuant to subsection (e). However, any such conditions imposed pursuant to this Section may be modified by agreement between the subsequent owner or operator and the appropriate county board or governing body. Further, in the event that siting approval obtained pursuant to this Section has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes all

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rights and obligations and takes the facility subject to any and all terms and conditions of any existing host agreement between the prior owner or operator and the appropriate county board or governing body.

- (f) A local siting approval granted under this Section shall expire at the end of 2 calendar years from the date upon which it was granted, unless the local siting approval granted under this Section is for a sanitary landfill operation, in which case the approval shall expire at the end of 3 calendar years from the date upon which it was granted, and unless within that period the applicant has made application to the Agency for a permit to develop the site. In the event that the local siting decision has been appealed, such expiration period shall be deemed to begin on the date upon which the appeal process is concluded.

Except as otherwise provided in this subsection, upon the expiration of a development permit under subsection (k) of Section 39 [415 ILCS 5/39], any associated local siting approval granted for the facility under this Section shall also expire.

If a first development permit for a municipal waste incineration facility expires under subsection (k) of Section 39 after September 30, 1989 due to circumstances beyond the control of the applicant, any associated local siting approval granted for the facility under this Section may be used to fulfill the local siting approval requirement upon application for a second development permit for the same site, provided that the proposal in the new application is materially the same, with respect to the criteria in subsection (a) of this Section, as the proposal that received the original siting approval, and application for the second development permit is made before January 1, 1990.

- (g) The siting approval procedures, criteria and appeal procedures provided for in this Act for new pollution control facilities shall be the exclusive siting procedures and rules and appeal procedures for facilities subject to such procedures. Local zoning or other local land use requirements shall not be applicable to such siting decisions.
- (h) Nothing in this Section shall apply to any existing or new pollution control facility located within the corporate limits of a municipality with a population of over 1,000,000.
- (i) (Blank.)

The Board shall adopt regulations establishing the geologic and hydrologic siting criteria necessary to protect usable groundwater resources which are to be followed by the Agency in its review of permit applications for new pollution control facilities. Such regulations, insofar as they apply to new pollution control facilities authorized to store, treat or dispose of any hazardous waste, shall be at least as stringent as the requirements of the Resource Conservation and Recovery Act [42 U.S.C. § 6901 et seq.] and any State or federal regulations adopted pursuant thereto.

- (j) Any new pollution control facility which has never obtained local siting approval under the provisions of this Section shall be required to obtain such approval after a final decision on an appeal of a permit denial.
- (k) A county board or governing body of a municipality may charge applicants for siting review under this Section a reasonable fee to cover the reasonable and necessary costs incurred by such county or municipality in the siting review process.

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- (l) The governing Authority as determined by subsection (c) of Section 39 of this Act may request the Department of Transportation to perform traffic impact studies of proposed or potential locations for required pollution control facilities.
- (m) An applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved pursuant to a finding against the applicant under any of criteria (i) through (ix) of subsection (a) of this Section within the preceding 2 years.
- (n) In any review proceeding of a decision of the county board or governing body of a municipality made pursuant to the local siting review process, the petitioner in the review proceeding shall pay to the county or municipality the cost of preparing and certifying the record of proceedings. Should the petitioner in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure [735 ILCS 5/3-109] shall apply.

In the event the petitioner is a citizens' group that participated in the siting proceeding and is so located as to be affected by the proposed facility, such petitioner shall be exempt from paying the costs of preparing and certifying the record.

- (o) Notwithstanding any other provision of this Section, a transfer station used exclusively for landscape waste, where landscape waste is held no longer than 24 hours from the time it was received, is not subject to the requirements of local siting approval under this Section, but is subject only to local zoning approval.

History

[Prior to 1/1/93 cited as: Ill. Rev. Stat., Ch. 111 1/2, para. 1039.2]

Source:

P.A. 86-452; 86-959; 86-1028; 87-333; 87-650; 87-895; 87-1152, § 1; 88-557, § 5; 88-681, § 25; 89-102, § 5; 89-200, § 5; 89-626, § 2-62; 90-217, § 5; 90-409, § 5; 90-503, § 5; 90-537, § 5; 90-655, § 133; 91-588, § 5; 92-574, § 5; 94-591, § 5; 95-288, § 5.

NOTE.

This section was Ill.Rev.Stat., Ch. 111 1/2, para. 1039.2.

Section 98 of P.A. 94-591 provides: Applicability. The change made to Section 39.2 of the Environmental Protection Act by this amendatory Act of the 94th General Assembly applies only to siting applications filed on or after the effective date of this amendatory Act.

P.A. 95-288, effective August 20, 2007, contains an applicability clause.

Annotations

Notes

EFFECT OF AMENDMENTS.

The 1994 amendment by P.A. 88-557, effective July 27, 1994, added subsection (o).

The 1994 amendment by P.A. 88-681, effective December 22, 1994, deleted "regional" preced-

JENNIFER POHLENZ

F-0196



Illinois
Environmental
Protection Agency

Bureau of Land
1021 North Grand Avenue East
Box 19276
Springfield, IL 62794-9276

CERTIFICATION OF SITING APPROVAL (LPC-PA8)

Name of Applicant for Siting: _____

Address of Siting Applicant: _____

Name of Site: _____ Site Number (if assigned): _____

Site Information: Nearest Municipality: _____ County: _____

Unit of local government from which siting approval was obtained: _____

1. On _____, 20____, the _____ of
(Date) (Governing body of county or municipality)

_____ approved the site location suitability of _____
(County or municipality) (Name of site)

as a new pollution control facility in accordance with Section 39.2 of the Illinois Environmental Protection Act, Ill. Rev. Stat., ch 111 1/2, Section 1039.2.

2. The Illinois EPA may need to verify the information on this form, please indicate a person from the unit of local government ("siting authority") whom a representative from the Illinois EPA may contact regarding this approval:

(Name, title, and telephone number)

3. Identify the type of activity(ies) for which local siting approval was obtained:
waste storage () , sanitary landfill () , waste disposal () , waste transfer () ,
waste treatment () , waste incinerator () .

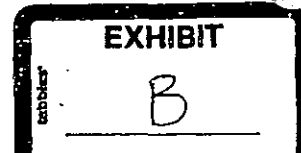
4. Did the local siting authority approve the acceptance of special waste? Yes No
Did the local siting authority approve the acceptance of hazardous waste? Yes No

5. Attached to this certification is a true and correct statement of the legal descriptions of the site as it was approved by the aforementioned local siting authority. Yes No
(Note: A legal description must be attached to this document, by the local siting authority, to make the application complete)

IL 532 1429
LPC 218 Rev. March 2003

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

F-0197



6. Did the local siting authority impose any specific condition(s)? Yes No
If yes, is a copy of the conditions attached to this form? Yes No
(Note: These conditions are provided for information only to the Illinois EPA. The Illinois EPA is not obligated to monitor nor enforce local conditions.)

7. **This item is applicable only to landfills or disposal sites.**
Was a legal description of horizontal and vertical waste? Yes No N/A
boundaries approved? (i.e., the waste envelop).
If no, is there a maximum disposal capacity approved?
(i.e., the waste envelop). Yes No N/A

If either of the questions under #7 above was answered yes, the legal description or maximum capacity must be attached to this form by the local siting authority to make the application complete.

8. The undersigned has been authorized by the _____ of _____
(siting authority of county or municipality)
_____ to execute this certification on their behalf.
(county or municipality)

Name: _____

Signature: _____

Title: _____

SUBSCRIBED AND SWORN TO BEFORE ME

SEAL:

this _____ day of _____, 20 _____

Notary Public



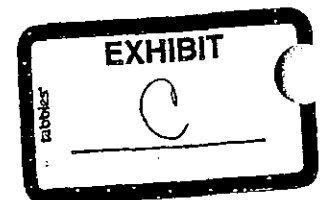
CORPORATION FILE DETAIL REPORT

Entity Name	PERRY RIDGE LANDFILL, INC.	File Number	60825808
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	08/12/1999	State	ILLINOIS
Agent Name	STEPHANIE CHODERA	Agent Change Date	08/12/1999
Agent Street Address	290 S MAIN PLACE	President Name & Address	NONE
Agent City	CAROL STREAM	Secretary Name & Address	STEPHANIE CHODERA 290 S MAIN PLACE CAROL STREAM IL 60188
Agent Zip	60188	Duration Date	PERPETUAL
Annual Report Filing Date	00/00/0000	For Year	2014

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JESSE WHITE
SECRETARY OF STATE



LLC FILE DETAIL REPORT

Entity Name	CASEVILLE TRANSFER STATION LLC	File Number	04569814
Status	ACTIVE	On	10/09/2013
Entity Type	LLC	Type of LLC	Domestic
File Date	10/09/2013	Jurisdiction	IL
Agent Name	JOHN P. SIEMSEN	Agent Change Date	10/09/2013
Agent Street Address	290 S MAIN PL STE 101	Principal Office	290 SOUTH MAIN PLACE, #101 CAROL STREAM, IL 601880000
Agent City	CAROL STREAM	Management Type	MGR View
Agent Zip	60188	Duration	PERPETUAL
Annual Report Filing Date	00/00/0000	For Year	
Old LLC Name	12/20/2013 - WASHINGTON PARK TRANSFER STATION LLC		
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

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EXHIBIT
D
bbles

F-0201

Two Weeks Left to Vote For Your Favorite Pet



November 16, 2009

ports: Big Weekend for Salukis

MONDAY

Weather



Rain

50 - 45



Du Quoin Evening Call

Your Newspaper Fights for Your Right to Know! Volume 115 No. 277

Dist. 300 Board Meets Today at 5 p.m. on Industrial Ed Building & Levy

2009 Du Quoin Evening Call

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TOMPSON CORRECTIONAL CENTER

No Signs of Optimism in County Budget



FILE PHOTO

The Tompson Correction Center west of Chicago.

Illinois Prison

BY KATHY KOPSEVER
DUQUOIN@VERIZON.NET

PINCKNEYVILLE

With no choice and little optimism, the Perry County Board placed on file for public inspection a 2010 budget with a \$590,000 deficit.

"We'll work on this for the next 15 days," Chairman Bobby Kelly said. The new budget year begins Dec. 1.

The budget projects revenue of \$6,072,641 and expenses of \$6,662,528. That would mean a 13 percent increase in the tax levy for the county's general fund. The county's general fund represents about 15 percent of taxpayers' total real estate bill.

"We've turned over every rock we can," County Clerk Kevin Kern said.

The board has met weekly since budget preparations began over a month ago, but have been unable to reach a balanced budget. A significant portion of the deficit, \$330,000, can be attributed to the repairs to

the jail roof. The funds were received in the current budget year and will not be expended until 2010. That still leaves a deficit of \$269,000. There are several factors involved in the deficit, including a 30 percent increase in the cost of health insurance, a 50 percent drop in landfill revenue and chronically late payments from the landfill. Prairie Ridge is now two quarters or six months behind on payments.

The county had to threaten to sue the landfill before the last payments were made.

The board met with representatives from Snedeker Risk Management to discuss cost savings regarding the county's self-funded health insurance program.

Suggestions included changing claims administrators for an immediate savings of about \$43,000, offering a medical reimbursement incentive for employees to move to a spouse's insurance plan and reducing the county's liability per employee, which cur-

rently stands at \$80,000.

None of the suggestions made by Alex Snedeker would solely solve the problem, but the board plans to take action on changing administrators at the Nov. 19 meeting. Other actions may take place after greater study. Any changes that are made will have to comply with union contracts.

"We have no control over contractual obligations," Commissioner Sam Robb said. Health insurance costs and landfill revenue are not solely to blame for the deficit. Revenue from sales tax, income tax and personal property tax is also down, treasurer Bill Taylor said. IMRF costs are up nearly 10 percent, as well.

"Fringe benefits drain the county's general fund to nothing," Taylor said. "Benefits are almost equal to payroll."

"We have to do something now because it will just be tougher next year," Commissioner Jim Epplin said.

Crews & Company in Perfect Sync as Du Quoin wins Tipoff Championship—There was a tremendous synergy between DU QUOIN HEAD COACH MIKE Crews and members of the varsity Indians during Du Quoin's Tipoff Classic tournament last week. Du Quoin went 4-0 in the tournament with Matt Gossett taking the tournament MVP title. Coach Mike Crews is pictured interacting with his team in Du Quoin's 79-43 win over Waltonville Saturday. From left, Crews is pictured during a time out, congratulates No. 24 Cody Rose face to face coming off the court, and gives Logan Carson a congratulatory head slap as he headed to the bench in the closing minutes of the last quarter. JOHN H. CROESSMAN PHOTOS

December 7, 2009 (Near Harbor Anniversary - Page 2)

Sports: SIU Football Season Ends

MONDAY

Weather



Drizzle

39-28



Du Quoin Evening Call

Your Newspaper Fights for Your Right to Know! Volume 115 No. 295

Inside: Angels Among Us—Junior Woman's Club Bowling With Santa—Page 2

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Perry Ridge Landfill \$84,009 Behind in Payments



JOHN H. CROESSMAN PHOTO

The Perry County Board of Commissioners has passed a resolution finding the Perry Ridge Landfill in default of the host agreement. According to State's Attorney David Stanton, the landfill is two quarters behind. Citing a section in the host agreement, Stanton suggested that the County Board include a 1 percent interest payment on the current late payment, as well as any previously late payments since the agreement took effect in January 2007. Perry County is currently owed \$84,009 in host fees and solid waste fund payments.

Hearing Expected

Holiday Lights Welcomes PCHS Band & Chorus



The Holiday Lights Festival in Du Quoin welcomed members of the Pinckneyville High School chorus under the direction of Cathy Cunningham and the Pinckneyville Community High School jazz band under the direction of Steve Connolly Sunday night. The gifted singers and musicians followed a Friday night performance by the Du Quoin Middle School band under the direction of Jon Montgomery.

JOHN H. CROESSMAN PHOTOS



F-0202

Jan 22, 2010



AN PHOTO

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JOHN H. CROESSMAN PHOTO

Jubilant players coming off the floor are met by team-
mates during the celebration as Murphysboro players
head for the locker room.



JOHN H. CROESSMAN PHOTO

Despite a coach's comforting, there was no solace for
this disappointed Murphysboro player as he holds his
head in his hands as the game came to an end.

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Perry County Board Declares Landfill In Default of Fourth Quarter Payment

BY KATHY KOPSHEVER

DUQUOIN@VERIZON.NET

PINKNEYVILLE

The Perry County Board passed a resolution finding the Perry Ridge Landfill in default of the host community benefits agreement by not making the fourth quarter payment which was due Jan. 15.

The landfill has already been found in default for not paying the second and third quarter payments or the 2009 recycling payment to the county and the 2008 and 2009 recycling payments to the City of Du Quoin.

In other business, the board:

■ approved the re-appointment of Ted Harsha to the Emergency Telephone System 911 Board and the appointment of Timothy V. Cockrum.

■ approved the re-appointment of Herb Chapman and Jeff Brocaille to the Tamaroa Cemetery Association Board and the appointment of Marilyn Taylor.

■ heard from Health Department Administrator Jodi Schoen that PCHD has given approximately 2,800 H1N1 shots so far and continues to hold regular clinics. The shots are free of charge. Schoen said that though hospitalizations and deaths from H1N1 have decreased in Illinois, the majority of flu symptoms are being caused by H1N1. It is recommended that everyone get the shot. PCHS held H1N1 clinics in all but one Perry County school.

Schoen said that PCHD is preparing to go into St. Bruno, Tamaroa and

204 Schools to give a Heart Smart program to fourth, fifth and sixth graders. The program is paid for through an IDPH grant and focuses on nutrition, exercise and healthy lifestyle choices.

PCHD will begin to issue citations to those who violate the no-smoking in public places rule. Perry County receives a grant for Tobacco Free Communities, part of which should be used for regulation of the Smoke Free Illinois law. Schoen said the department will issue warnings first and give everyone a chance to comply with the law before issuing citations. She is working with local law enforcement to have officers accompany Health Department Personnel who will issue citations.

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\$200,000 Loan to the County

BY KATHY KOPSHEVER
DUQUIN@VERIZON.NET

PANORAMAVILLE

The Perry County Board passed a resolution authorizing the issuance of a tax anticipation warrant for \$200,000. Treasurer Bill Taylor said Du Quoin State Bank offered the lowest interest rate at three percent. He added that the funds would be placed in the general fund.

Taylor said he hopes to repay the loan in late August or early September. The loan must be paid as part of the first disbursement of real estate taxes.

In other business, the board passed a resolution finding the Perry Ridge Landfill in default of the host agreement for not paying the annual \$20,000 recycling payment. The payment is divided between Perry County (\$12,000) and the City of Du Quoin (\$8,000). Du Quoin did not receive the \$8,000 last year either. The County has found Perry Ridge in default for not making the last two quarterly payments. The next quarterly payment is due Jan. 15.

passed a resolution designating Jeff Ashauer as the county's Freedom of Information Officer.

passed a resolution appropriating \$350,000 in motor fuel tax funds for county road maintenance in the coming year. County Engineer Doug Bishop said the amount of MFT funding has not changed for at least the last 12 years.

passed a resolution approving an engineering agreement for the Falcon Road bridge project. The cost for engineering is expected to be \$12,000. Total cost of the project will be \$180,000 to \$200,000. The bridge is located half a mile west of Route 51.

F-0204

F-0205

January 22, 2010

frt page

Inside: Lady Indians Win at Home

FRIDAY



52-42

Weather
More Rain
Saturday



Du Quoin Evening Call

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Dist. 300 Superintendent to Spell Out \$\$ Options

BY JOHN H. CROSSMAN
MANAGING EDITOR

DU QUOIN

In the coming days, Du Quoin Community Unit Dist. 300 superintendent Dr. Gary Kelly and his board will author an open letter to the public explaining the fiscal crisis the district will face if the State of Illinois doesn't reconcile over \$1 million in school aid shortfalls to the district in the coming year.

The board of education met again Thursday to consider its options. Dr. Kelly has already met with staff members at both the Du Quoin High School and the Middle School, but has not yet

detailed what teachers believe are three levels of likely cuts if the shortfall continues.

The Board continued its discussion regarding cost containment strategies in planning for the 2010-2011 school year budget. As has been continually discussed for the past several months is the district's need to examine all costs due to the state's financial condition and its potential impact on all school districts in the state. Specifically, the state has not made any decisions on how they plan to fill a \$1 billion statewide shortfall in the state aid formula (due to federal stimulus funds being no longer available after this year) or how they plan to accelerate mandated categorical aid payments to

districts.

"In the next few weeks the district will also be submitting to the newspaper a joint letter from the board, administration and DEA regarding the state's financial condition and its potential impact on our school district. It will be written to give an overview to the general public about how the state's financial problems will now be effecting local school district," said Kelly.

DEA Representative Jean Ann Mathis spoke to the board thanking the administration for their recent informational meetings with building staff regarding the imminent state financial condition impact on the school district.

The superintendent shared with the board that the district has received its first categorical aid payment for the year for regular and special transportation and for two special education aid programs. The district received these payments that were vouchered to the state comptroller office on September 24th. The state is currently running behind nearly 120 days in the disbursement of categorical aid.

The board also accepted the resignation of Keith Smith as High School Science Teacher effective at the present time with regrets.

F-0206

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Marion Ridge Landfill hearing could be denied

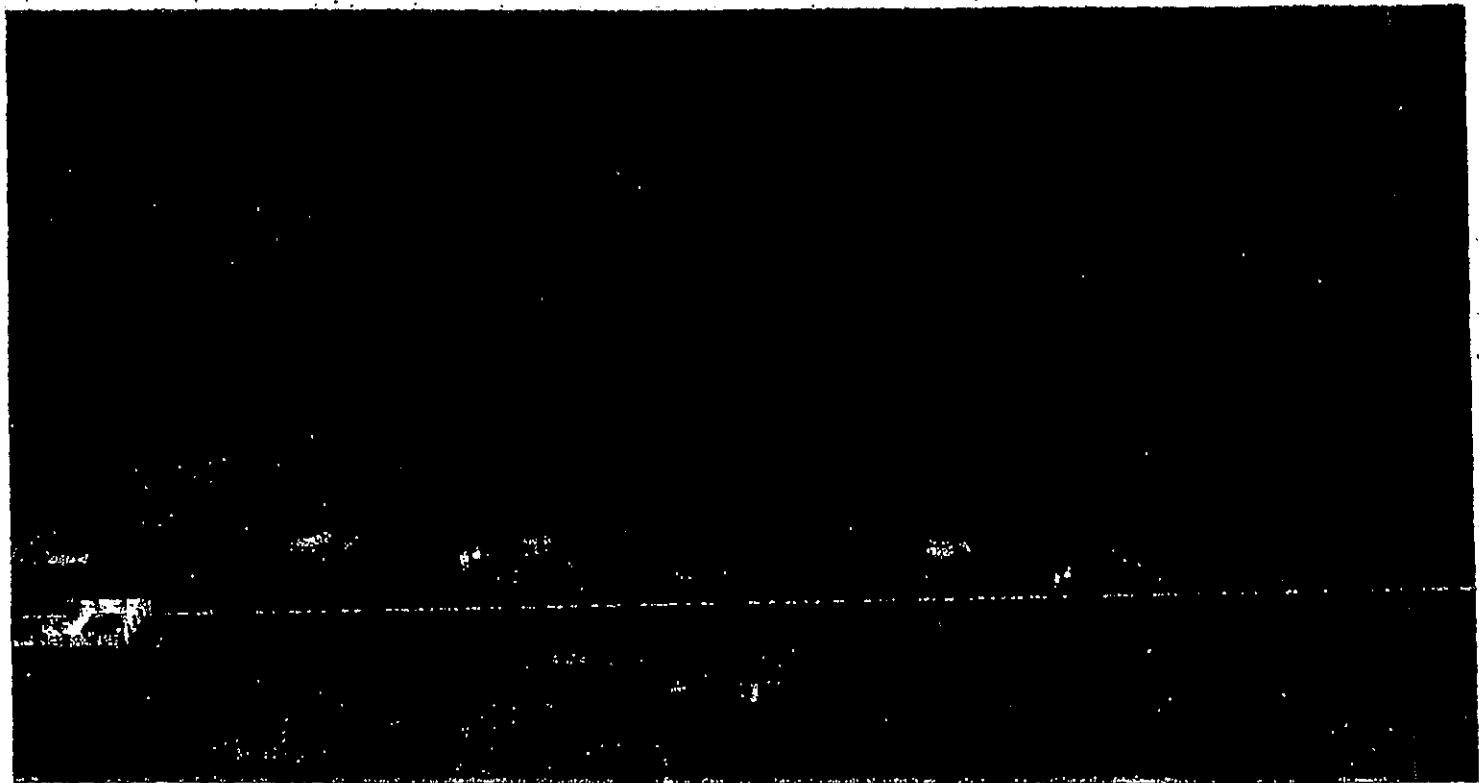
■ Hearing before pollution control board scheduled but not certain

BY TOM KANE

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MARION — Williamson County States Attorney Charles Garnati's July 28 hearing before the Illinois Pollution Control Board (IPCB) could be cancelled.

The Illinois Environmental Protection Agency (IEPA) and the Marion Ridge Landfill filed separate motions on Monday and Wednesday to dismiss the petition filed by States Attorney Charles Garnati to halt construction of a 120-foot tall landfill adjacent to the backyards of some of the priciest real estate in Williamson County and in the flight path of planes landing at Williamson County



Tom Kane Photo

This aerial photo shows the proximity of some Kokopelli houses to the proposed Marion Ridge Landfill. In the top of the photo, trees are being cleared on the landfill property less than 100 feet away from the backyards of the homes. A treeline has been left standing between the houses and the landfill. A portion of the landfill will occupy the space cleared of trees. When completed the landfill will be 120 feet high and visible from many vantage points in the area.

Regional Airport.

The completed landfill would be visible from Rent One Park, the Illinois Centre Mall and homes and hotels located northwest of Marion. Seagulls attracted by the landfill

could pose a danger to aircraft landing at Williamson County Regional Airport, opponents say.

Despite previously published reports, Connie Newman of the IPCB said the board

has not accepted the case for bearing as yet. The board has tentatively scheduled the hearing for July 28 in Courtroom 2 of the

● See LANDFILL - page 2



Landfill continued from page 1

Williamson County Courthouse pending acceptance.

Attorney Jennifer Pohlenz of Chicago, representing Williamson County in the appeal, said, "What is happening is what we expected the IEPA and the landfill owner to do. They have filed motions to dismiss our petition.

"The reason we expected the motions is because, while counties through their state's attorneys have been allowed to intervene in permit hearings before the IPCB before, this is the first time to our knowl-

edge that a state's attorney is seeking to file a petition when the landfill is not filing a petition.

"The state's attorney can insert himself into an existing appeal of a permit that was denied or issued by the EPA. But in this case the permit was issued with conditions that were apparently acceptable to the landfill owner and no appeal on the part of the landfill was filed," she said.

"But since the state's attorney has rights to intervene in an existing appeal process, it is also

our belief that the state's Attorney has the right to initiate a permit review such as was done in this case.

"The IEPA and landfill motions today asking for dismissal of the appeal allege that the States Attorney does not have the right to initiate an appeal before the Pollution Control Board. The IPCB will rule on the motion and if they are denied they will accept our petition for a review of the permit that was issued by the EPA in April," she said.

The July 28 hearing

would be held in Courtroom 2. "If they grant the motions filed today they will dismiss our petition and the hearing will be cancelled," Pohlenz said.

"But that does not foreclose our legal options to contest that permit. We can still contest in circuit court. There are a number of avenues that could be pursued. This is basically a test case on the issue of whether a States Attorney can initiate a permit appeal before the pollution control board. We'll make history one way or another on this."

NOBODY CALLS A LAWYER WHEN THINGS ARE GOING RIGHT.

BANKRUPTCY

"Furniture Capital of So. Illinois"

"Ride for Hearts" poker

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behalf of former PCH Administrator George Ranta, who did not attend the meeting.

Ranta favors renovating the current hospital and expanding at the current site in the same manner as Sparta and Marshall Browning Hospitals have done recently.

Roe said the board has spent the last eight years debating whether or not to build a new hospital. After commissioning several studies by expert consultants, the board determined that new construction was the better option.

"We are committed to moving forward without an increasing local taxes," Roe said. "Local tax revenue accounts for about one percent the hospital's operating revenue."

The main objection is that the community cannot afford to repay a \$40 million loan. Many mentioned how few patients stay in the hospital on a regular basis.

Webber questioned the purchase of the land for the proposed new hospital before the Certificate of Need was approved.

Welsch pointed out that while newer hospitals may attract additional patients, people don't select a hospital in the same way they choose a hotel.



KATHY KOPSHEVER PHOTO

Flossine Schrader reads a statement written by former PCH administrator George Ranta that opposes building a new hospital.

submit written comments on the hospital's certificate of need application or Project 09-068. The Health Facilities Planning Board plans to consider the application at the April 20-21 meeting at Harold Washington College in Chicago.

Comments may be submitted via mail to the Illinois Department of Public Health, 525 West Jefferson Street (2nd Floor), Springfield, IL 62761-0001 or by fax to (217)785-4111.

The hospital is also working toward a federal loan guarantee through the Housing and Urban Development 242 program.

overruns and preparation.

Testimony ended with local businessman and farmer Irl Engelhardt saluting the courage of board members in moving forward with the project. He encouraged the community to move forward with the project, providing jobs during the construction phase and ensuring future health care jobs in the area.

"Businesses that don't reinvest go out of business," Engelhardt said. "It has been a long time since Pinckneyville has invested in their hospital. There have been a lot of major changes in that time."

The public has until March 31 to submit written comments on the hospital's certificate of need application or Project 09-068. The Health Facilities Planning Board plans to consider the application at the April 20-21 meeting at Harold Washington College in Chicago.

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The hospital is also working toward a federal loan guarantee through the Housing and Urban Development 242 program.

bell hangs was bent when it was struck by one of two vehicles in the accident.

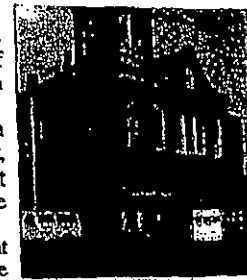
"We'll take a torch and bend it, then bend it back," said Dale Spencer.

The accident tore out one of the posts that hold up the wooden canopy and broke one of the windows.

The bell was manufactured by a St. Louis foundry in 1867 and was hung at the old city hall after its construction in 1892.

The bell mirrored the look and feel of the old city hall.

The hall's tower roof was of galvanized iron, tiles with final



Du Quoin's old city hall with bell tower on the north where bell was originally hung.

south a library room. The fire department was south of the main entrance. The room was 24 by 36 feet with 15 1/2 foot ceilings, all beaded. It was set back to provide for a drive on the front for wagons and later for trucks.

were the near-quarters of the police-12 by 24 with a 13 foot ceiling. To the south was a lock-up of three cells. On the second floor was the police magistrate's office and the council chambers, above that the bell tower.

To the north of the council chamber was the mayor's office and to the

1,000 Perry County Health Claims Held Hostage

BY KATHY KOPSHEVER
DUQUOIN@VSPFDON.NET

PINCKNEYVILLE

County Treasurer Bill Taylor had some good news and some bad news for the County Board. The good news-the Perry Ridge Landfill has made two quarterly payments of \$42,369 and \$41,670 each and made the \$12,000 recycling payment. The only funds yet to be received are the fourth quarter payment which was due Jan. 15.

The bad news is that BAC, the county's former third-party health care claim administrator refuses to forward approximately 1,000 health claims to the new claims processor unless the county pays a \$15 processing fee per claim.

"We already paid a \$1,000 termina-

tion fee," Taylor said. "This seems like extortion to me."

The Perry County Board adopted a resolution changing their third-party health insurance administrator from BAC to Mutual Medical and their stop-loss carrier from UIC to Symetra in November.

The change in administrators produces a savings of approximately \$43,000 in fixed costs.

BAC had been receiving \$28,000 per month.

Taylor asked that employees be patient while the county works to resolve the issue. He has asked the State's Attorney's office how to handle the situation.

"The only two solutions I see are to pay \$15,000 and I don't want to do that

or to ask employees to contact their health providers and have them resubmit every claim to the new third party administrator," Taylor said.

Assistant State's Attorney Jennifer Foutch said she spoke to Alex Snedeker of Snedeker Risk Management about the problem this week. She asked him to fax copies of the contract with BAC to her, but had not yet received them.

Taylor said that BAC also will not divulge which employees have met their deductibles and out-of-pocket expenses for the year.

In addition to holding up payment on the 1,000 claims held by BAC, the county's policy is to pay claims in the order they are received. That means that the newer claims which have been submitted to the new third party adminis-

trator have not been paid either.

"There's money in the account to pay claims," Taylor said.

In other business, the board:

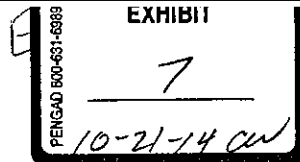
■ approved the appropriation of motor fuel tax funds for the County Highway Department and the Unit Road District. The low bidders for materials were Illini Asphalt oil at \$2.37 per gallon, chip at \$20.85 per ton; Beelman: CA6 at \$7.74 per ton, small rip rap at \$11.94 per ton and large rip rap at \$15.24 per ton; Barr Trucking: CA1 at \$7.99 per ton and CA5 at \$7.99 per ton. The only difference between the County and Unit Road Dist. bids is that the Unit District uses CA7. The low bidder for CA7 was Beelman at \$8.63 per ton. County Engineer Doug Bishop was very pleased with the bids.

He had expected an increase, but the price remained the same as the previous year.

■ approved a zoning ordinance amendment granting re-zoning of 42 acres of land on the west side of Sacred Heart Cemetery Rd. from agricultural to residential. The landowner, Carol A. Smith, plans to break the ground into 5.25 acre parcels.

■ approved a special use permit for Rodney Doerr to place a 2009 mobile home on a 95 acre parcel on the south side of East Park Street Road.





BEFORE THE VILLAGE OF CASEYVILLE BOARD OF TRUSTEES
CASEYVILLE, ILLINOIS

IN RE:)	
)	
APPLICATION FOR LOCAL SITING)	Public Hearing Date: May 29, 2014
APPROVAL FOR CASEYVILLE)	
TRANSFER STATION FILED BY)	
CASEYVILLE TRANSFER STATION,)	
L.L.C.)	
)	

**VILLAGE OF FAIRMONT CITY MEMORANDUM OF LAW
REGARDING SUFFICIENCY OF SITING APPLICATION
AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Village of Fairmont City, by its attorneys Sprague & Urban and Pedersen & Houpt, submits the following brief with proposed findings of fact and conclusions of law regarding whether the Applicant satisfied its burden of demonstrating compliance with Sections 22.14 and 39.2(a) of the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.* (2010) (the "Act").

I. Introduction.

Caseyville Transfer Station, L.L.C. ("Applicant" or "Petitioner") filed an application for local siting approval with the Village of Caseyville pursuant to Section 39.2 of the Act. The Applicant seeks local siting approval for a new 5-acre municipal solid waste transfer station located in the Village of Caseyville. Application for Local Siting Approval ("Siting Application"), Petitioner's Exhibit 1, p. 1. A public hearing on the Siting Application was held on May 29, 2014. Petitioner presented its case through Mr. John Siemsen, who provided oral remarks and comments in support of the Siting Application. Mr. Siemsen did not provide his comments under oath, and thus was not available for, or subjected to, cross-examination. Two

witnesses testified, under oath, in opposition to the Siting Application. In addition, numerous persons presented public comment opposing the proposed facility.

The Petitioner failed to prove compliance with the Section 39.2 siting criteria and with the setback requirement of Section 22.14. Specifically, the Applicant failed to establish that the transfer station is (1) necessary to meet the waste needs of the service area, (2) located to minimize incompatibility with the character of the surrounding area and the effect on the value of surrounding property, and (3) consistent with the St. Clair County Solid Waste Management Plan.

In addition, Section 22.14 of the Act prohibits any person from establishing a garbage transfer station within 1000 feet of property zoned for primarily residential uses. 415 ILCS 5/22.14(a). There are six parcels zoned by St. Clair County for primarily residential use that are located within 1000 feet of the proposed garbage transfer station.

II. Applicant's Burden and Standard of Proof.

A local siting body may grant siting approval for a proposed new pollution control facility only if it finds that the applicant meets all nine statutory criteria. CDT Landfill Corp. v. City of Joliet, No. PCB 98-60, slip op. at 4 (March 5, 1998). The applicant must submit sufficient details of the proposed facility demonstrating that it satisfies each of the nine criteria by a preponderance of the evidence. Land and Lakes Co. v. Illinois Pollution Control Board, 319 Ill.App.3d 41, 743 N.E.2d 188, 191 (3d Dist. 2000); CDT Landfill Corp., slip op. at 4. If the applicant fails to establish any one of the criteria, the application must be denied. Waste Management v. Pollution Control Board, 175 Ill.App.3d 1023, 520 N.E.2d 682, 689 (2d Dist. 1988).

The Village does not believe Petitioner met its burden with respect to criteria (i), (ii), (iii), (vi) or (viii). However, in this memorandum, the Village will only address criteria (i), (iii) and (viii). To establish criterion (i), Petitioner must show that the transfer station is reasonably required by the waste needs of the service area, taking into consideration the waste production of the area and the waste disposal capability. Waste Management of Illinois, Inc. v. Pollution Control Board, 175 Ill.App.3d 1023, 1031, 530 N.E.2d 682, 689 (2d Dist. 1988). Need involves consideration of increased costs of transporting and disposing waste, and whether the proposed facility will ensure that service area waste will be disposed of in an environmentally sound and cost-efficient manner. Wabash & Lawrence Counties Taxpayers v. Pollution Control Board, 198 Ill.App.3d 388, 555 N.E.2d 1081, 1086 (5th Dist. 1990). Failure to consider available disposal capacity is fatal to a request to find need. A.R.F. Landfill v. Pollution Control Board, 174 Ill. App.3d 82, 528 N.E.2d 390, 396 (2d Dist. 1988).

To establish criterion (iii), Petitioner must demonstrate more than minimal efforts to reduce the transfer stations incompatibility. File v. D&L Landfill, Inc., 219 Ill.App.3d 897, 579 N.E.2d 1228 (5th Dist. 1991). Petitioner must show that it has done or will do what is reasonably feasible to minimize incompatibility and effect on the value of surrounding property. Waste Management of Illinois, Inc. v. Pollution Control Board, 123 Ill.App.3d 1075, 1090, 463 N.E.2d 969, 980 (2d Dist. 1984).

To establish criterion (viii), Petitioner must demonstrate that the intent of the county solid waste management plan, as indicated by its plain language, is to provide for or approve waste transfer stations as a component of the plan's preferred or selected system for solid waste management. County of Kankakee v. Illinois Pollution Control Board, 396 Ill.App.3d 1000, 955

N.E.2d 1 (3d Dist. 2009); Landfill 33, Ltd. v. Effingham County Board, PCB 03-43, slip op. at 29 (February 20, 2003).

It is the province of the local siting body to determine the credibility of witnesses, resolve conflicts in the evidence and weigh the evidence. Tate v. Pollution Control Board, 188 Ill.App.3d, 994, 554 N.E.2d 1176, 1195 (4th Dist. 1989). In determining credibility, the siting body may consider the witness's manner, his responsiveness and the consistency of his own testimony. The siting body may disbelieve all or any part of a witness's testimony if he ignored important facts, contradicted himself or speculated on the criteria. Royal Elm Nursing v. Northern Illinois Gas Company, 172 Ill.App.3d 74, 526 N.E.2d 376, 379 (1st Dist. 1988). The siting body may discount testimony that is contradicted by credible facts or that is so unreasonable, improbable or unsatisfactory as to be unworthy of belief. Trident Industrial Products v. American National Bank, 149 Ill.App.3d 857, 501 N.E.2d 273, 280 (1st Dist. 1986).

Consideration of public comment, or unsworn testimony, is appropriate in the siting process. City of Geneva v. Waste Management of Illinois, Inc., PCB 94-58 (July 21, 1994). However, public comments are not accorded the same weight as expert testimony given under oath and subject to cross-examination. Unsworn testimony or public comments receive lesser weight. Landfill 33, Ltd. v. Effingham County Board, PCB 03-43, slip op. at 9 (February 20, 2003). Moreover, if the only testimony an applicant presents in support of a siting application is that of a witness offering unsworn testimony, cross-examination of the witness is precluded, and an essential requirement of fundamental fairness is denied. See Fox Moraine, LLC v. United City of Yorkville City Council, 2011 IL App (2d) 100017, ¶60 (fundamental fairness in siting proceeding incorporates minimal standards of procedural due process, including right to cross-examine adverse witnesses).

III. Summary of Evidence.

A. Criterion (i)

**Petitioner Failed to Establish that the Proposed Transfer Station
Is Necessary to Accommodate the Waste Needs of the Service Area.**

Mr. John Siemsen was the Applicant's only witness in support of the Siting Application. Mr. Siemsen is the sole manager of the Applicant. (May 29, 2014 Transcript of Public Hearing ("May 29 Tr.") at 5.) He testified on the nine siting criteria. He did not address the "tenth" criteria, which involves the previous operating experience of the Applicant in the field of solid waste management. 415 ILCS 5/39.2(a).

Mr. Siemsen stated that criterion (i) requires a showing the proposed transfer station is "expedient or reasonably convenient to help serve the area's waste management needs." (May 29 Tr. at 25.) He acknowledged that the area has plenty of landfill capacity - the Roxana, Milam and Cottonwood Hills landfill) - but claimed this capacity "doesn't mean that a transfer station wouldn't be reasonable and convenient and expedient for the waste management needs of this area." (May 29 Tr. at 25.) He admitted that these three landfills are convenient, but added that "there are no transfer stations." (May 29 Tr. at 8). He later clarified that there are two transfer stations in the area, but asserted that they are not convenient. (May 29 Tr. at 8, 25-26.)

The service area for the proposed facility is "essentially the Metro East area", and comprises Madison, St. Clair and Monroe counties. (May 29 Tr. at 15.) The facility proposes to accept municipal waste from local residents and businesses in the service area, consolidate that waste within the enclosed transfer station building, and then load the waste into semi-trailer vehicles for transport to licensed Subtitle D landfills located outside the service area. (May 29 Tr. at 13.) While he did not specifically identify these landfills, he indicated that once the

facility was constructed, "we'll be negotiating with various landfills for legal disposal of the waste." (May 29 Tr. at 15-16.)

Mr. Siemsen stated that the transfer station is necessary because "it's going to increase competition within this area." (May 29 Tr. at 26.) According to Mr. Siemsen, there are only two waste disposal options in the area: Waste Management and Allicd Waste. (May 29 Tr. at 26.) The transfer station would allow a municipality to "collect its own waste with its own trucks", and would "help local haulers who will have a third option in their disposal." (May 29 Tr. at 26-27.)

Finally, Mr. Siemsen stated that "Southwest Illinois has the fewest transfer stations on both the population and geography basis." (May 29 Tr. at 28.) He pointed out that the Chicago Midland Metro Area has .57 transfer stations per 100,000 people, and 11 transfer stations per 1,000 square miles, while the comparable numbers for the Metro East area are .36 and .4, respectively. (May 29 Tr. at 28.)

Mr. Siemsen offered no specific evidence on waste production in the service area or waste disposal capabilities (i.e., landfill capacity of Cottonwood Hills, North Milam and Roxana) in the service area. He provided no information on how the proposed facility will save or decrease transportation costs or achieve more efficient waste collection, management and disposal.

Ms. Sheryl Smith provided expert testimony, under oath, regarding criterion (i). Ms. Smith is an environmental consultant and senior project manager with the URS Corporation, and has over 30 years of experience in the solid waste industry. (May 29 Tr. at 69-70.) She has performed 32 need assessments in siting cases, finding both need and no need depending on the facts of each case. (May 29 Tr. at 71.)

Ms. Smith explained that the purpose of a waste transfer station is to provide a more cost-effective means of transporting and disposing waste. This may be accomplished when service area landfills reach capacity, and more distant landfills need to be used to provide an alternative for the diminished or exhausted capacity of service area landfills. (May 29 Tr. at 72.)

Her method is to project the amount of waste produced or generated within the service area over a specified time period, and then consider the disposal capacity available to receive that waste and determine whether the capacity is sufficient to handle the amount of waste generated. (May 29 Tr. at 72-73.) If the waste disposal capacity meets or exceeds the amount of waste generated over the specific time period, there is no need for the proposed facility. (May 29 Tr. at 78.)

Ms. Smith determined that the amount of waste produced or generated in the service area will be approximately 333,000 tons per year. Over a 20-year time period, the total amount of waste generated will be between 6.8 million and 10.3 million tons, depending on the recycling goals that are met. (May 29 Tr. at 73.) She then determined that the amount of disposal capacity available at the existing Cottonwood Hills, North Milam and Roxana landfills for the waste produced in the service area is approximately 47.8 million tons. (May 29 Tr. at 77.) Therefore, there is no shortfall of supply (waste disposal capacity available) when measured against demand (waste generated), and the waste generated in the service area can be accommodated by existing capacity for at least the next 20 years. (May 29 Tr. at 77-78.)

Ms. Smith also addressed the subject of transportation costs. As the Applicant did not identify the landfill(s) to which it intended to transport service area waste, Ms. Smith was asked to assume that the proposed transfer station would transport waste to the landfill in Perry County, one of the landfills closest to, but outside of, the service area. She determined travel distance,

time and cost for service area waste that would be transported to the Perry County landfill and compared them for waste transported to the North Milam and Roxana landfills. (May 29 Tr. at 75-76.) Assuming that the waste would be transferred from Caseyville, the numbers for waste transfer to North Milam (NM) and Perry County (PC) are as follows: distance (roundtrip): 20 miles (NM) versus 144 miles (PC); time (roundtrip): one hour (NM) versus three hours (PC); and cost: \$3.65 per ton (NM) versus \$12.65 per ton (PC). (May 29 Tr. at 75-76.) The numbers for waste transfer to Roxana (R) and Perry County are: (roundtrip) distance: 34 miles (R) versus 144 miles (PC); time (roundtrip): one hour (R) versus three hours (PC); and cost: \$4.65 per ton (R) versus \$12.65 per ton (PC). (May 29 Tr. at 76.)

Ms. Smith concluded that the proposed transfer station is not necessary to accommodate the waste needs of the service area. The reasons for her opinion are: (1) the existing landfills in the service area have disposal capacity sufficient to handle the waste produced in the service area for the next 20 years; (2) the cost of transporting waste out of the service area will be greater than the current cost of transporting waste to the existing service area landfills; (3) the county solid waste plan for Madison, Monroe and St. Clair counties identifies landfilling as the preferred disposal option; (4) the county solid waste plan does not approve or identify waste transfer stations as a component of the counties' solid waste management system; and (5) the county solid waste plan identified direct haul as the means of disposal. (May 29 Tr. at 79.)

1. Proposed Findings of Fact

a. Petitioner filed its Siting Application with the Village of Caseyville in February, 2014.

- b. The Siting Application requests local siting approval for a new pollution control facility pursuant to Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2 (2010).
- c. The proposed municipal solid waste transfer station is located on a five-acre parcel on Bunkum Road in the Village of Caseyville, Illinois. (Siting Application, p. 1.)
- d. The purpose of a solid waste transfer station is to consolidate waste from collection vehicles into transfer trailers for more efficient and economical transport to distant landfills. (Siting Application, p. 8; May 29 Tr. at 72.)
- e. A properly located and operated solid waste transfer station will reduce waste transportation costs. (Siting Application, p. 8; May 29 Tr. at 72.)
- f. Ms. Sheryl Smith was qualified as an expert to testify on whether the proposed transfer station is necessary to meet the waste needs of the area it intends to serve. (May 29 Tr. at 68-72.)
- g. The proper method to evaluate whether a proposed facility is needed under criterion (i) is to compare supply (the amount of landfill disposal capacity available to the service area over a stated period), with demand (the amount of waste to be produced or generated in the service area during that period which requires disposal). Need is established at that point where demand exceeds supply. (May 29 Tr. at 72-73, 77-78.)
- h. The service area for the proposed transfer station comprises Madison, Monroe and St. Clair counties. (Siting Application, p. 5.)
- i. There are three permitted landfills presently accepting municipal solid waste generated in the service area. (Siting Application, pp. 6-7; May 29 Tr. at 77.)

j. Those three landfills are the Cottonwood Hills Recycling and Disposal Facility located in Marissa, Illinois; North Milam, located in the City of Madison, Illinois; and the Roxana Landfill, located in Roxana, Illinois. (Siting Application, pp. 6-7; May 29 Tr. at 77.)

k. As of January, 2014, the amount of disposal capacity available at those three landfills for the waste generated in the service area is 47.8 million tons. (May 29 Tr. at 77.)

l. The amount of waste that will be generated in the service area was determined by referring to the waste generation rates and recycling goals contained in the solid waste plans for the counties in the service area. (May 29 Tr. at 72-74.)

m. A 20-year period was used to calculate waste generation projections for the service area. (May 29 Tr. at 73.)

n. Over the 20-year period, between 6.8 million and 10.3 million tons of waste, depending on the recycling goals that are met, will be generated in the service area. (May 29, Tr. at 73.)

o. The amount of waste generated in the service area that will require disposal is approximately 333,000 tons per year. (May 29 Tr. at 73-74.)

p. The amount of waste generated in the service area that will require disposal can be accommodated by the available disposal capacity at the three landfills in the service area for at least the next 20 years. (May 29 Tr. at 78.)

q. The landfill in Perry County is one of the closer landfills to the service area, and therefore is a likely destination for waste transported from the proposed transfer station. (May 29 Tr. at 74.)

r. The Perry County landfill is located 72 miles from the Village of Caseyville. (May 29 Tr. at 75.)

- s. The North Milam landfill is located 10 miles from the Village of Caseyville. (May 29 Tr. at 76.)
- t. The Roxana landfill is located 17 miles from the Village of Caseyville. (May 29 Tr. at 76.)
- u. The cost to transport waste from Caseyville to the Perry County landfill is \$12.65 per ton. (May 29 Tr. at 75.)
- v. The cost to transport waste from Caseyville to the North Milam landfill is \$3.65 per ton. (May 29 Tr. at 75.)
- w. The cost to transport waste from Caseyville to the Roxana landfill is \$4.65 per ton. (May 29 Tr. at 76.)
- x. Based upon the fact that the supply of available disposal capacity at service area landfills exceeds the amount of service area-generated waste requiring disposal over the next 20 years, there is no capacity shortfall. (May 29 Tr. at 77-79.)
- y. Ms. Smith's opinion is that the proposed transfer station is not necessary to accommodate the waste needs of the service area. (May 29 Tr. at 78.)
- z. Five reasons supported Ms. Smith's opinion: existing disposal capacity will meet the waste needs of the service area for the next 20 years, the costs to transfer waste to Perry County is \$12.65 per ton, the county solid waste plan identifies landfilling as preferred disposal option, the plan does not include transfer stations, and the plan described direct haul as the appropriate mode of transport. (May 29 Tr. at 78-79.)

2. Proposed Conclusions of Law

- a. Ms. Smith's testimony on criterion (i) was un rebutted.

b. Ms. Smith's opinion that criterion (i) was not met was factually and legally sound.

c. Petition has failed to demonstrate that the proposed transfer station is necessary to accommodate the waste needs of the area it is intended to serve.

d. The proposed transfer station is not necessary to accommodate the waste needs of the area it is intended to serve.

B. Criterion (iii)

Petitioner Failed to Establish that the Proposed Transfer Station
Complies with Criterion (iii) or Section 22.14 of the Act.

Mr. Siemsen provided comments on criterion (iii), which requires that the Applicant demonstrate that the transfer station "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." 415 ILCS 5/39.2(a)(iii).

Mr. Siemsen said very little regarding criterion (iii). His basic point was that the proposed site is removed from residential and retail uses, so it is appropriate for a transfer station. (May 29 Tr. at 24, 38.) The Applicant performed no study of land uses or property values in the surrounding area. It did not perform an evaluation of zoning and land use, or determine whether and to what extent there was any incompatibility that must be minimized. It made no effort to even consider values of surrounding property, much less determine the proposed facility's effect on the values, and so was unable to determine what reasonably could be done to minimize any effect.

The Applicant did mention the 1000-foot setback requirement in Section 22.14(a) of the Act, and claimed that there are no residential land uses or dwellings within 1000 feet of the site. (Siting Application, p. 26) Section 22.14 provides that "(n)o person may establish any pollution

control facility for use as a garbage transfer station, which is less than 1000 feet from the nearest property zoned for primarily residential uses or within 1000 feet of any dwelling." 415 ILCS 5/22.14(a)

In his affidavit filed as a written consent, Mr. Dallas Alley, the Administrative Assistant to the Director of Building and Zoning for St. Clair County, Illinois, stated there are four parcels of property zoned SR-MH (Single Family District - Manufactured Home District) by St. Clair County located within 1000 feet of the proposed transfer station, and two parcels zoned MHP (Manufactured Home Park District) by St. Clair County located within 1000 feet of the proposed transfer station. (Affidavit of Dallas Alley ¶¶ 9-11)

1. Proposed Findings of Fact

- a. No compatibility evaluation was performed.
- b. No survey of land uses or zoning in the surrounding property was performed.
- c. No information regarding surrounding property values was provided.
- d. No property value impact analysis was presented.
- e. No information or evidence was presented regarding any reasonable feasible steps the Applicant has taken or will take to minimize incompatibility and effect on property value.
- f. There are four parcels (02150403033, 02150503034, 02150404015 and 02150405014) zoned SR-MH (Single Family District - Manufactured Home District) by the St. Clair County Zoning Ordinance, each of which is located within 1000 feet of the proposed transfer station.

g. There are two parcels (0215040411 and 02150404013) zoned MHP (Manufactured Home Park District) by the St. Clair County Zoning Ordinance, both of which are located within 1000 feet of the proposed transfer station.

2. Proposed Conclusions of Law

a. Petitioner failed to demonstrate that the proposed transfer station is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding property.

b. The proposed transfer station is not located so as to minimize incompatibility and effect on surrounding property value as required by criterion (iii).

c. The proposed facility is located within 1000 feet of the nearest property zoned for primarily residential uses.

d. The location of the proposed facility violates Section 22.14(a) of the Act.

C. Criterion (viii)

Petitioner Failed to Establish that the Proposed Transfer Station Is Consistent with the County Solid Waste Management Plan.

Mr. Siemsen comment's regarding criterion (viii) may be simply summarized: since the county solid waste plan expresses concern that a large amount of waste disposed at service area landfills is coming from Missouri, the proposed transfer station, because it will allow for waste to be exported out of the service area for disposal in landfills outside the service area, will be consistent with the plan. (May 29 Tr. at 44-45.) In other words, because the plan identifies a need to control the import of out-of-state waste coming into service area landfills, the proposed transfer station, by providing access to more distant landfills outside the service area, will help reduce the extent to which St. Clair County is an importer of solid waste. (Siting Application, p. 42)

The Applicant did not explain how diverting service area waste from service area landfills, and thus increasing the capacity and extending the life of service area landfills so that they are able to accept more out-of-state waste, promotes the plan's importation concern rather than subverts it. In fact, exporting service area waste out of county will enhance the ability of service area landfills to receive out-of-state waste.

The Applicant offered no information or evidence that the plain language of the plan, or the intent of the County, provided for or approved a solid waste transfer station located in the service area to be part of the overall solid waste management system for the area. Mr. Siemsen acknowledged that the plan does not even mention transfer stations "one way or the other."

(May 29 Tr. at 44.)

1. Proposed Findings of Fact

a. Applicant offered no information or facts showing how the transfer station would promote or achieve any purpose or objective of the plan.

b. By directing waste generated in the service area from service area landfills to more distant facilities, the proposed transfer station would expand and extend the capacity of service area landfills to accept out-of-state waste.

c. Rather than help control the import of out-of-state waste into service area landfills, the proposed transfer station would enable greater import of out-of-state waste into service area landfills.

d. The plan does not call for or recommend transfer stations as a component of the overall system of solid waste management for St. Clair, Madison and Monroe counties.

e. The plan does not endorse or approve the operation of transfer stations as part of the overall system of solid waste management for St. Clair, Madison and Monroe counties.

2. Proposed Conclusions of Law

a. Petitioner failed to demonstrate that the proposed transfer station is consistent with the solid waste management plan for St. Clair, Madison and Monroe counties.

b. The proposed transfer station is not consistent with the solid waste management plan for St. Clair, Madison and Monroe counties.

IV. Conclusion

Based on the facts, finding and conclusions described above, local siting approval for the Caseyville Transfer Station should be denied.

June 26, 2014

Respectfully submitted,

VILLAGE OF FAIRMONT CITY

By: 

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HOST COMMUNITY AGREEMENT

THIS HOST COMMUNITY AGREEMENT (this "**Agreement**") is made and entered into as of the 18th day of December, 2013 (the "**Effective Date**") and between **WASHINGTON PARK TRANSFER STATION, LLC**, an Illinois limited liability company (the "**Operator**") and **THE VILLAGE OF CASEYVILLE, ILLINOIS**, an Illinois municipal corporation (the "**Village**").

RECITALS:

WHEREAS, Operator has an option to purchase the property described in Exhibit A of this Agreement (the "**Property**") and the Property is located within the corporate limits of the Village;

WHEREAS, the Village understands that Operator intends to file with the Village an application for siting approval (the "**Application**") under Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq. (the "**Act**") for the development, construction and operation of a municipal solid waste transfer station (the "**Transfer Station**") on the Property;

WHEREAS, the Village has not consented to or concurred in the Application for siting of the Transfer Station, and nothing in this Agreement shall be deemed by the Operator, the Village, other public agencies, or any other person or entity, to indicate that the Village has herein or heretofore adopted any position with regard to the proposed Application or the proposed Transfer Station;

WHEREAS, if the Village approves the Application for the siting of the Transfer Station, and if the Illinois Environmental Protection Agency (the "**IEPA**") issues permits for the development and operation of the Transfer Station, and if the Operator develops, constructs and operates the Transfer Station, the Operator is willing to pay to the Village, and the Village desires to accept, Host Fees as hereinafter set forth and other benefits to help meet the direct and indirect costs of the Village associated with the approvals and the siting of the Transfer Station, and for other general revenue needs of the Village as the Village may deem appropriate;

WHEREAS, Section 39.2(e) of the Act, 415 ILCS 5/39.2(e), recognizes the authority of the Village to enter into host agreements;

WHEREAS, Operator is desirous of earning the good will of the citizens of the Village by demonstrating that its operations will be conducted in an environmentally sound manner and protective of the health, safety and welfare of the citizens of the Village; and

WHEREAS, the Village is desirous of protecting the health, safety and welfare of its citizens by measures set forth herein.



3. **COMMUNICATIONS BETWEEN VILLAGE AND OPERATOR.** From and after the date that the Transfer Station begins receiving waste (the "**Operations Date**"):

a. **Transfer Station Manager.** The Operator shall appoint a Transfer Station Manager who shall be the Village's point of contact for matters relating to the Transfer Station. The Transfer Station Manager shall have an office at the Transfer Station.

b. **Public Inquiries.** The Operator shall maintain a telephone number for public inquiries, complaints, and customer calls. The telephone number shall be answered during regular business hours and shall be equipped with voicemail. Any complaints shall be investigated within twenty four (24) hours. In addition, Operator shall provide the Village with an emergency telephone number for contacting Operator at any time in the event of an emergency.

4. **OPERATION OF THE TRANSFER STATION.**

a. **Handling of Waste.** All delivery of waste at the Transfer Station shall be on the tipping floor inside the transfer building, and the tipping floor shall be free of waste by the end of each operating day or a least once every twenty-four (24) hours. No waste shall be stored outside the transfer building overnight except in covered containers.

b. **Waste Acceptance Hours.** The Transfer Station shall accept waste, and shall transport waste from the Transfer Station, only between the hours of 6:00 a.m. and 8:00 p.m. unless the Village approves in writing additional hours of waste acceptance. The restrictions in this Section 4(b) are limited to waste acceptance and waste transport, and do not impact the operations within the indoor areas of the Transfer Station.

c. **Village Inspection of the Transfer Station.** The Village may, during normal business hours of the Transfer Station, upon reasonable notice to the Operator, inspect the Transfer Station for compliance with this Agreement.

5. **HOST FEES.** If the Operator obtains site location approval from the Village, development and operational permits from the IEPA, and if Operator develops the Transfer Station and begins accepting waste, Operator shall pay the Village "**Host Fees**" as set forth herein.

a. **Calculation of Host Fee.** The Host Fee shall be calculated each calendar quarter beginning on the Operations Date, based upon the tons of Municipal Waste transported from the Transfer Station for landfill disposal during such calendar quarter, according to the following schedule:

portions of the Transfer Station books and records revealing such information prior to providing any document to the Village, so long as the redaction does not remove tare and weight of truck information. If any audit reveals an overpayment by the Operator, then the Operator may credit the amount of such overpayment against payment of Host Fees payable after such audit. The Village must notify the Operator in writing of any dispute regarding the payment of Host Fees within one year from the last day for which disputed fees are payable, or else any such dispute is deemed waived.

f. **New Taxes.** In consideration of the Host Fees provided for under this Agreement, the Village shall not levy any new taxes or assess any fees against the Operator, the Property or the Transfer Station even if such fees are specifically allowed by law to be charged by a host community to a pollution control or other similar facility; provided, however, that foregoing shall not apply to real estate taxes, special assessments, or other fees or taxes validly and uniformly assessed against all members of a class of tax payers or fee payers, other than as an owner or operator of a waste transfer station or other waste management facility. For purposes of clarity, this Section 5(f) is intended only to prohibit new or additional taxes specific to waste transfer or waste management operations, and would not prohibit new or additional taxes or fees being levied or assessed against the Property or the Transfer Station, so long as such taxes or fees were also levied or assessed against other similar taxpayers. For example, this Section 5(f) would not exempt Operator, the Property or the Transfer Station from a new fee or tax levied upon or assessed against all property owners, all commercial property owners, or all businesses within the Village. Nothing in this Section is meant to in any way restrict or limit the Village's ability to require Operator to purchase a business license from the Village or to pay an annual fee for said license.

6. **REIMBURSEMENT OF VILLAGE EXPENSES.** The Operator shall reimburse the Village for reasonable third party out-of-pocket costs incurred by the Village with respect to the Application, beginning on the date of the filing of the Application with the Village, including Village attorney and court reporter fees associated with the Village's review and hearing of the Application; provided, however, that the fees and costs shall stop accruing on the date that the Village takes final action with respect to the approval or denial of the Application.

7. **VILLAGE WASTE ALLOWANCE.** In each calendar year, the Village shall be permitted to deliver up to fifty (50) tons of Village Waste (defined below) to the Transfer Station without charge, and the Transfer Station shall manage such waste in accordance with all applicable laws and regulations. "Village Waste" shall mean Municipal Waste generated by the Village as part of conducting the Village's normal government operations and services within the Village, including, without limitation, cleanup of fly dumping or abandoned properties, such Village Waste to be transported to the Transfer Station by vehicles owned or leased by the Village. In no event shall this Section 7 obligate the Operator or Transfer Station to accept any waste or other material that the Transfer Station is not authorized to accept under applicable laws, regulations or permit conditions.

e. **Other Facilities.** The Village shall not, during the term of this Agreement, enter into any host agreement, or other agreement providing host community benefits to the Village, with another party who proposed to or does file a request for siting approval under Section 39.2 of the Act for a transfer station and/or landfill.

f. **Entire Agreement.** This Agreement constitutes the entire agreement between the Operator and the Village with respect to the Application, the Property, and the Transfer Station, and all prior or contemporaneous oral or written agreements or instruments are merged herein. No amendment to this Agreement shall be effective unless it is in writing and signed by both the Operator and the Village.

g. **Third Parties.** Nothing in this Agreement, express or implied, is intended to confer any right or remedy on any person other than the Village, the Operator, and their respective assigns.

h. **Counterparts.** This instrument may be signed in multiple counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Operator and the Village have entered into this Agreement as of the date first written above.

OPERATOR:

WASHINGTON PARK TRANSFER STATION, LLC, an Illinois limited liability company

By: John Siemsen

Printed Name: John Siemsen

Title: Manager

VILLAGE:

VILLAGE OF CASEYVILLE, ILLINOIS, an Illinois municipal corporation

By: Leonard Black

Printed Name: LEONARD BLACK

Title: MAYOR

ATTEST:

By: [Signature]
Village Clerk