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SEP 18 2003
STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG

Petitioner, ,

v.

No PCB 04-33

Pollution Control Facility Siting Appeal

THE CITY OF KANKAKEE, ILLINOIS
CITY COUNCIL, TOWN AND COUNTRY
UTILITIES, INC. and KANKAKEE
REGIONAL LANDFILL, L.L.C.,

Respondents,

I am respectfully requesting a hearing to contest the decision of the Kankakee City Council ("City Council") granting site location approval for the proposed Kankakee Regional Landfill ("Facility"). In support of this Petition, I state the following

1. This Petition is filed pursuant to Section 40.1 of the Illinois Environmental Protection Act (the "Act")
(414ILCS 5/40.1)
2. On March 7, 2003, Town & Country Utilities, Inc and Kankakee Regional Landfill L.L.C. ("Town and Country") submitted it request for site location approval for the Facility, located in Otto Township within the corporate limits of the City of Kankakee, Illinois ("Request"). The Facility is a 400 acre site which will receive 3,500 tons a day and provide disposal capacity for an estimated 30 years.
3. On Aug 18,2003, following service and publication of notice and public hearings conducted before the City Council, said hearing having been held from Jun 24 -Jun28th, 2003. A true and correct copy of the City Council Ordinance approving same is attached hereto and made a part hereof a Exhibit A.
4. I appeared and participated in the public hearings held before the City Council.
5. I contest and object to the City Council's decision to approve the Request because the siting process and procedures by the City Council in reach that decision were fundamentally unfair.
6. I further contest the City Council's siting approval because the evidence presented by Town & Country failed to establish that Town & Country met the following criteria as established in 39.2(a) of the act.
 - (a) that the Facility is so designed, located and proposed to be operated so that the public health and safety and will be protected, (Criterion 1) and.
 - (b) that the facility is located in a flood plain (Criterion 4) and
 - (c) that a permit has been requested or issued to build in a flood plain as required by Illinois Department of Natural Resources regulations.

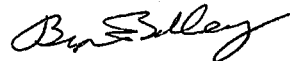
(d) The City of Kankakee allowed T&C special indulgences and consideration because fees from the facility would heal the city's financial dilemma. The City Council members are more or less bribed in their decision by the large amount of fees that will be generated by the landfill. They can hardly be expected to make a fair and impartial decision when the city financial situation and the city jobs of their supporters are so much at stake. The penalty for voting against the application was to lose the support of their fellow councilmen and mayor in patronage and improvements in their district for the people who voted them into office. The facility is expected to generate income to the city in excess of one million dollars a year. Failure to receive this income will cause budget cuts with fewer jobs and lesser services furnished to the voters and higher taxes. Accordingly, the city council did not have the motivation to make a decision based on the manifest weight of the evidence. Nor does it have the need research ability or knowledge to make this decision. I were in their place, I could not easily have made the decision that would have protected the public health and welfare except for my previous knowledge of the this aquifer, my research experience and education.

This special indulgence and consideration is apparent in the leeway which the city allowed T&C to follow a strategy of submitting two applications to run the objectors out of money and time. This strategy was accomplished by not drilling the test wells required by PCB Phase 2 and 3 research procedures for the first hearing so they could hold that in reserve for a second hearing. This would have been successful except for the participation of Waste Management and the County of Kankakee. This strategy is also evident in Town and Country experts and lawyer repeatedly asking time killing nonsensical questions such as "Where is the Screen" and "Where is the Seal" for each one of many surrounding domestic wells (A screen is not used in dolomite bedrock wells and the location of the screen is fixed by the Public Health Rules that Mr. Cravens had explained). They were thus able to run the objector group (CRIME) paid expert (Stu Cravens) fee up to above \$13,000, far beyond his original estimate of \$8,000. After this expense, the CRIME group of objectors were unable to raise more money and afford the time required for another hearing. Fortunately, Mr. Cravens who is the top authority on this aquifer from his studies while with the Illinois Water Survey was hired for second hearing by Waste Management.

This special indulgence is also apparent in that the city allowed T&C to submit two applications for a landfill without first requiring them to submitting an application to build in a flood plain.

WHEREFORE, I respectfully request that the Board enter an order (a) setting for hearing this contest of the City council siting approval decision, (b) reversing the City Council siting approval decision, and (c) providing such other and further relief as the Board desires appropriate.

Respectfully submitted,



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