

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Kenda C. Hess, Theresa C. Adams,)
Lori Shields, John and Joyce)
Borcher, Lois Rooney, Charles)
Archibald, Yolanda)
Taylor-Hudson, and Mary Mann)
Reifsteck,)

Petitioners,)

v.)

Area Disposal Service, Inc.,)
And Village of Rantoul,)

Respondents.)

PCB No. _____
(Pollution Control Facility Siting Appeal)

PETITION FOR A HEARING TO CONTEST THE VILLAGE OF RANTOUL'S
APPROVAL OF AREA DISPOSAL SERVICE, INC.'S WASTE TRANSFER STATION

Petitioners, Kenda C. Hess, Theresa C. Adams, Lori Shields, John and Joyce Borcher, Lois Rooney, Charles Archibald, Yolanda Taylor-Hudson, and Mary Mann Reifsteck (collectively, "Petitioners"), by and through their undersigned counsel, collectively, and individually, petition the Illinois Pollution Control Board for a hearing to contest Respondent Village of Rantoul's local siting approval of Respondent Area Disposal Service, Inc.'s Rantoul Recycling and Transfer Station pursuant to 415 ILCS 4/40.1(b). In support thereof, Petitioners state as follows:

INTRODUCTION

In the early 1850s, Robert Rantoul Jr., a United States Congressman serving Massachusetts, secured a charter for the Illinois Central Railroad that included train tracks running from Urbana, Illinois to Chicago, Illinois.¹ In 1854, the railroad project was completed and a railroad station, the

¹ University of Illinois, Illinois History and Lincoln Collections, *#SmallTownSaturday – Rantoul, IL*, Nov. 18, 2017 (last visited July 20, 2026), available here: <https://publish.illinois.edu/ihlc-blog/2017/11/18/small-town-saturday-rantoul-il/>

“Rantoul Station,” was built in a wooded area north of Urbana, Illinois and was named after Representative Robert Rantoul Jr.² Around that time, a town with a population of approximately 1,634 residents began to form near the Rantoul Station as settlers built homes and set up small businesses driven by the railroad and its passengers.³ Eventually, the town received an official charter and honored Robert Rantoul Jr. through its ultimate name: the Village of Rantoul (“Rantoul” or the “Village”).⁴ Fueled by the business brought in by the railroad, Rantoul steadily grew throughout the nineteenth and early twentieth century.

In 1917, the United States government began searching for a place to train pilots and aircraft maintenance workers in preparation for World War I.⁵ Rantoul residents advocated to serve as the home for a base where this important training could take place.⁶ As a result of residents’ advocacy, the United States government selected Rantoul as the official site for the Chanute Air Force Base, named in recognition of aviation pioneer Octave Chanute. Chanute Air Force Base opened in 1917 and created an economic and social boom for Rantoul and its residents, who became economically dependent on it and who were, and continue to be, deeply proud to host the thousands of Air Force pilots that trained there.⁷

In 1993, Chanute Air Force Base was closed. The closure was painful for Rantoul residents and forced many businesses to shutter in its wake.⁸ An official from the U.S. Army Engineer Research and Development Center’s Public Affairs Office described the outcome of the “hit” that

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*; see also Illinois Public Media, Eye of The Storm: Chanute Closes, Jan. 3, 2001 (last visited July 20, 2026), available here: <https://will.illinois.edu/focus/program/focus010103b>

⁸ Dana Ginney, US Army Corps of Engineers, Chanute: Base closure revisited 20 years late (last visited July 20, 2026), available here: <https://www.erdc.usace.army.mil/Media/News-Stories/Article/476598/chanute-base-closure-revisited-20-years-later/>

Rantoul took due to the closure as including “the [Rantoul] population and its tax base declining by 50%, losses of over \$100 million per year in revenue, a two-thirds drop in the local student population and subsequent loss of federal funding, a polluted landscape, and many other urban impacts.”⁹ As former Rantoul Mayor Chuck Smith recalled, when the base closed ““it was like rats abandoning a sinking ship. I mean everybody left. The military stores. The pawn shops. Housing went down. Values dropped. It was just an economic and chaotic mess that we had to clean up” and left Rantoul with a bad reputation in the eyes of the public in the surrounding area.¹⁰ As he further observed in 2021, ““We [Rantoul] have still not fully recovered, and it will take a lot to bring the economy back to where it was....I'm not sure we may ever reach that. I'm hopeful of that, and I am working towards that goal of getting us back to where we once were.””¹¹

Today, the tireless and resilient residents of Rantoul continue to work to revitalize their community by bringing in new retail stores, attracting families, expanding housing, seeking new hotels and commercial businesses, and making Rantoul an optimal destination for visitors.¹² For example, Rantoul recently opened the Rantoul Family Sports Complex, which has 18 outdoor fields for baseball, soccer and other sports as well as a playground and splash pad.¹³ The aim of the facility is “ sports tourism: regional sports events that can bring families and their dollars to

⁹ *Id.*

¹⁰ Brenden Quealy, The News- Gazette, *Rantoul: 20 years after closing of Chanute Air Force Base*, Sept. 21, 2021 (last visited July 20, 2026), available here: https://www.news-gazette.com/news/rantoul-20-years-after-closing-of-chanute-air-force-base/article_e1188e4e-04b2-5fe4-a01a-0ed875e6bfdd.html

¹¹ *Id.*

¹² *Id.*

¹³ Jim Meadows, IPM News, *Director of Rantoul's New Sports Complex Promises a Big Impact*, Mar. 14, 2021 (last visited July 20, 2026), available here: <https://ipmnewsroom.org/director-of-rantouls-new-sports-complex-promises-a-big-impact/>

Rantoul and Champaign County.”¹⁴ Located just off Interstate-57 and close to Rantoul’s hotels and restaurants, the complex is optimal for this purpose.¹⁵

Rantoul residents’ revitalization work is guided by careful land use planning goals and policies captured by the Official Comprehensive Plan for the Village of Rantoul, Illinois (the “Plan”) and Rantoul’s related zoning Ordinance and map. One of the Plan’s goals is to “encourage the development of a regional shopping center adjacent to the existing Commercial area on the northeast Side and southeast Side of the I-57 Interchange.”¹⁶ A related policy in the Comprehensive Plan calls for the development of “retail and interstate commercial” businesses to the east of I-57 that do not “inflict incompatible noise, odor or traffic danger on residential areas.”¹⁷ Consistent with the Plan’s goals and policies, the area to the northeast Side of the I-57 Interchange is zoned as a commercial district, **where solid waste transfer stations are not permitted** because of their incompatibility with surrounding retail and commercial businesses. *See* Rantoul, Ill. Mun. Code Chapter 46, Article 9, Table 9.1.

It is against this backdrop that, pursuant to Section 39.2 of the Illinois Environmental Protection Act, Respondent Area Disposal Service, Inc. (“Area Disposal”) submitted an application to Respondent Village of Rantoul (“Rantoul” or the “Village) for site location approval for a proposed waste transfer and recycling station (hereinafter referred to as the “Rantoul Transfer Station” or the “RTS”). (R-1-1322.)¹⁸ The proposed site for the RTS is a 14.03-acre property located at 896 West Champaign Ave in Rantoul—within the commercial district on the northeast

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Official Comprehensive Plan For The Village of Rantoul, Illinois, at p. 12, attached as Exhibit 1 and also available here: <https://www.myrantoul.com/DocumentCenter/View/670/2006-Comprehensive-Plan-Text?bidId=>

¹⁷ *Id.*

¹⁸ Citations to “R-####” are to the Record certified by the Rantoul Village Clerk on June 8, 2026, attached to this Petition as Exhibit 2.

side of the Interstate-57 Interchange **where waste transfer stations are not allowed**. Rantoul, Ill. Mun. Code Chapter 46, Article 9, Table 9.1.

There is no local newspaper in circulation in Rantoul, and Area Disposal only provided direct notice of its application to property owners within 1,000 feet of the site. (R-159.) Although they wish that they were notified earlier so that they could more fully participate in the local siting process, Petitioners and many of their neighbors ultimately caught wind of the application in time to submit public comment. Six residents made oral public comments in opposition to the RTS and at least 48 residents submitted written public comments in opposition. (R-1500-1520; 1792-1880). These comments reflect what is discussed in greater detail in the following sections of this Petition: that Area Disposal did not meet its burden to satisfy each of the applicable criteria enumerated in Section 39.2 of the Illinois Environmental Protection Act. The evidence in the record manifestly shows that the RTS is unnecessary. And further that it will have adverse impacts on Rantoul's roads, property values, public health, safety, peace, existing businesses, and community revitalization efforts, and is incompatible with the surrounding area. Because Area Disposal has not satisfied its burden with respect to Section 39.2 criteria 1, 2, 3, and 6, Respondent Village of Rantoul's decision to approve the RTS is against the manifest weight of the evidence and should be overturned.

BRIEF PROCEDURAL HISTORY

On December 22, 2025, Area Disposal filed an application for local siting approval for the Rantoul Waste Transfer Station. (R-1-1322, the Application). On April 17, 2026, Rantoul held a public hearing concerning the application. (R-1324-1568, 4/17/2026 Hearing Transcript). At the hearing, Area Disposal called four expert witnesses who testified under oath: John E. Hock, PE, J. Christopher Lannert, RLA; Dale J. Kleszynski, MAI, SRA, and Michael Werthmann, PE, PTOE.

Id. Oral public comments were permitted at the hearing and written public comments submitted to the Rantoul Village Clerk were accepted until May 18, 2026.

On June 16, 2026, the Rantoul Board of Trustees and Mayor held a Special Meeting to discuss Area Disposal's application for local siting approval of the RTS and vote on whether to approve it. *See* Exhibit 3 ("An Ordinance Approving Siting Application For Pollution Control Facility Submitted By Area Wide Disposal Inc."). At the June 16, 2026 Special Meeting, a motion was made to approve the RTS with conditions. *Id.* Three Trustees voted in opposition of the motion and were against approving the RTS. *Id.* Three Trustees voted in favor of approving the RTS. *Id.* The Mayor voted to break the tie, voting in favor. *Id.* The motion passed and Area Disposal's RTS was approved with conditions. *Id.* The conditions are:

- "The Applicant shall construct a ten (10) foot opaque barrier fence surrounding the entire facility with controlled access. The facility shall be monitored by security cameras." *Id.*
- The Applicant shall enter into a Road Use Agreement with the Village to outline roadways within the Village which will be utilized by truck traffic to the site. The Agreement shall provide for repairs to roadways negatively impacted, specifically by the truck traffic coming to and from the site regarding the operation of the recycling and transfer station. *Id.*

Pursuant to 35 Ill. Admin. Code § 107.208(a), a copy of the Village of Rantoul's written decision, in the form of an ordinance is attached to this Petition as Exhibit 3.

LEGAL STANDARDS

Applicant's Burden To Demonstrate Satisfaction of Illinois Environmental Protection Act Section 39.2 Criteria

Section 39.2 of the Illinois Environmental Protection Act ("the Act") sets forth the siting procedures for pollution control facilities, including waste transfer stations, in Illinois. 415 ILCS 5/39.2. Pursuant to Section 39.2 of the Act, the governing body of the relevant municipality must

approve or disapprove a request, i.e., an application, for local siting approval for a pollution control facility. *Id.* An applicant for local siting approval of a pollution control facility “shall submit sufficient details describing the proposed facility and evidence to demonstrate compliance, and local siting approval shall be granted only if the proposed facility meets” each of the nine criteria enumerated in Section 39.2 of the Act. *Id.* It is the applicant’s burden to put forth evidence demonstrating that each of the criteria is met. *See Id.* If the applicant fails to establish any one of the criteria, the application **must** be denied. *See Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 175 Ill. App. 3d 1023, 1030 (1988).

Third Party’s Right to Appeal Local Siting Approval of a Pollution Control Facility

Under Section 40.1(b) of the Act, if the governing body of the municipality grants approval of a pollution control facility under Section 39.2 of the Act, “a third party other than the applicant who participated in the public hearing conducted by the county board or governing body of the municipality may, within 35 days after the date on which the local siting authority granted siting approval, petition the [Illinois Pollution Control] Board for a hearing to contest the approval of the county board or the governing body of the municipality.” 415 ILCS 5/40.1(b). The Illinois Pollution Control Board (“the Board”) “shall hear the petition,” unless the Board determines that such petition is “duplicative or frivolous, or that the petitioner is so located as to not be affected by the proposed facility.” *Id.* Such hearing by the Board is based exclusively on the record before the governing body of the municipality and the burden of proof on appeal rests with the petitioner. *Id.*

The Illinois Pollution Control Board’s Standard of Review

The standard for the Board upon review of a municipality’s decision on the Act’s statutory criteria is to determine if that decision is against the manifest weight of the evidence. *Peoria*

Disposal Co. v. Illinois Pollution Control Bd., 385 Ill. App. 3d 781, 800 (2008). In other words, the Board must determine whether the municipality's decision that each of the criteria provided by Section 39.2 of the Act is met is against the manifest weight of the evidence. *See Id.* If the municipality's decision that a Section 39.2 criterion was met is against the manifest weight of the evidence, the municipality's decision to approve the facility must be overturned. *See Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 175 Ill. App. 3d 1023, 1030 (1988).

SPECIFICATION OF GROUNDS FOR APPEAL
PURSUANT TO 35 Ill. Admin. Code § 107.208(c)

As described in further detail below, Petitioner respectfully requests that the Board overturn Respondent Village of Rantoul's decision to approve Area Disposal's RTS because its finding that the RTS met criteria 1, 2, 3 and 6 is against the manifest weight of the evidence.

I. Criterion 1 – Area Disposal failed to meet its burden to establish that the Rantoul Transfer Station is necessary to accommodate the waste needs of the area it is intended to serve.

The first criterion that must be satisfied under the Act is that the “facility is necessary to accommodate the waste needs of the area it is intended to serve.” 415 ILCS 5/39.2(a)(i). Although the applicant need not show absolute necessity, “it must demonstrate an urgent need for the new facility as well as the reasonable convenience of establishing it.” *Will County, Petitioner v. Village of Rockdale, Board of Trustees of Village of Rockdale and Environmental Recycling and Disposal Services, Inc., Respondents Waste Management of Illinois, Inc., Petitioner*, 2016 WL 4400781, at *32 (citing *Fox Moraine, LLC v. United City of Yorkville*, 2011 IL App (2d) 100017, ¶ 110; *Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 234 Ill. App. 3d 65, 69 (1992); *Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 175 Ill. App. 3d 1023, 1031 (1988)). The applicant must further demonstrate that the new facility “is reasonably required by the waste needs of the area, including consideration of its waste production and disposal capabilities.” *Id.* To determine

whether a new facility is reasonably required, consideration of waste disposal capabilities of facilities located both within and outside of the service area is appropriate. *Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 175 Ill. App. 3d 1023, 1032 (1988).

Here, with respect to Criterion 1, the relevant question boils down to: based on the Service Area's waste production and disposal capabilities, is there sufficient evidence to support a finding that Area Disposal's proposed RTS is reasonably required because there is an urgent need for it? The answer is no. As detailed in the following paragraphs of this Section, the evidence principally shows that the Service Area's waste handling needs are being met, and will continue to be met in the future, by existing facilities in and proximate to the Service Area. Because there is substantial evidence that existing facilities have ample capacity to handle the waste needs of the Service Area and zero evidence that Area Disposal's RTS is necessary to accommodate the waste needs of the Service Area, Rantoul's finding that Criterion 1 is satisfied is against the manifest weight of the evidence.

A. The Service Area's Waste Needs Are Already Met; There Is No Need For Additional Waste Disposal Facilities.

Area Disposal's identified service area for the proposed Waste Transfer Station is all of Champaign County, Illinois; Ford County, Illinois's Sullivant, Drummer, Dix, Peach Orchard, Wall, Patton, and Button Townships; and Iroquois County, Illinois's Loda Township (hereinafter referred to as the "Service Area"). (R-17.) Area Disposal calculates that the Service Area's volume of municipal solid waste requiring disposal is approximately 650 tons per day. (R-29.) Area Disposal acknowledges within its written application and its expert's, Mr. John Hock's, testimony that all 650 tons per day of municipal solid waste requiring disposal is already being collected and disposed of at existing waste transfer stations or landfills in and near the Service Area. (*See, e.g.*,

R-29, 1356-1357.) **Area Disposal itself therefore admits that there is no unmet need** for further accommodation for the Service Area's 650 tons per day of municipal solid waste. *Id.*

Indeed, there is no evidence that any of the Service Area's 650 tons per day of municipal solid waste requiring disposal is going uncollected, or that it will imminently go uncollected. (*See generally* R13-130; R1346-R1386.) There is no evidence that waste is piling up or that it will soon begin to pile up due to lack of availability of a proper disposal location. *Id.* There is no evidence that existing landfills and waste transfer stations within or nearby the Service Area are overwhelmed or will soon be overwhelmed and unable to meet the waste disposal needs of the Service Area. *Id.* In sum, there is no evidence of any need, let alone an urgent need, for more capacity to accommodate municipal solid waste generated in the Service Area. *Id.*

The word "urgent" does not appear in Area Disposal's application or in its expert's testimony regarding Criterion 1. *Id.* And, tellingly, Area Disposal states in its Application's Executive Summary, as well as the Summary and Conclusion, that the "reasons" the RTS satisfies Criterion 1 are the economic and environmental benefits it *might* provide. (R-9, 45.) Not included in such "reasons" is any mention whatsoever of any municipal waste disposal deficit or capacity issue suggesting the existence of an urgent or reasonable need for a new facility, which is what is required to satisfy Criterion 1 under Illinois law. *See, e.g., Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 123 Ill. App. 3d 1075, 1087, 463 N.E.2d 969, 978 (1984).

The evidence that does exist manifestly shows that there is plenty of availability and capacity to accommodate the Service Area's immediate and future waste disposal needs. For example, the Republic Services Urbana Transfer Station (the "Urbana Transfer Station") is located within the Service Area, accepts waste from all haulers, has no known cap on the maximum amount of municipal solid waste it can accept, accepts recyclables, sits on a large property suitable to

accommodate significant volumes of municipal solid waste, and already accepts municipal solid waste generated in the Service Area. (R-22-23.) Even Area Disposal admits that the “Urbana Transfer Station appears to have additional disposal capacity....” (R-30.) Thus, the evidence shows that the Urbana Transfer Station—alone—is capable and willing to accept the municipal solid waste and recyclables in need of disposal in the Service Area. *Id.*

But the Urbana Transfer Station is not alone in accommodating the waste needs of the Service Area. Area Disposal puts forth evidence of eight additional existing waste disposal facilities within or nearby the Service Area that already handle, or could handle, the Service Area’s current and future municipal solid waste without incident and which have capacity to handle more waste than the volumes they have historically received from waste haulers. (R-22-26.) For example, Area Disposal identifies three landfills nearby the service area, the Clinton Landfill, the Brickyard Landfill, and the Valley View Landfill, which already handle municipal solid waste from the Service Area and, collectively, have at least 61.8 years of additional availability. (R-25-28.) More specifically, Area Disposal identifies the following nine existing waste disposal facilities in or proximate to the Service Area:

1. The Urbana Transfer Station is located within the Service Area on a large, approximately 11.3 acre, property approximately 11.25 miles south of ADS’s proposed Waste Transfer Station. It accepts municipal solid waste and recyclables. (R-22.) There is no evidence that Urbana Transfer Station has any sort of maximum acceptable amount of municipal solid waste or recyclables it can or will collect. (*Id.*) There is no evidence that the Urbana Transfer Station is currently, or plans to, turn away any waste haulers or that it will not accept an increased volume of municipal solid waste or recyclables. (*Id.*) In other words, there is no evidence that the Urbana Transfer Station is overwhelmed or lacks space or capacity to accept all the Service Area’s municipal solid waste generated now or at any time into the future. In fact, the evidence shows that the Urbana Transfer Station is handling less waste now (approximately 300 tons per day in 2024), than it did in the past (380, 385, and 347 tons per day (on average) during 2007, 2008, and 2009, respectively) further evidencing that it has ample capacity to receive more municipal solid waste from within the Service Area now and as the population of the Service Area grows. (*Id.*)

2. The Clinton Landfill is located proximate to the Service Area and accepts municipal solid waste and nonhazardous special waste. (R-25.) The Clinton Landfill has historically received approximately 1,160 tons of waste per day and “reported a remaining capacity of approximately 22,419,000 gate cubic yards (as of January 1, 2025), which would provide approximately 20.4 years of life at its 2024 waste acceptance rate.” (*Id.*) The Clinton Landfill currently handles municipal solid waste generated within the Service Area and there is no evidence of any cap or limit to the volume of municipal solid waste it can accept per day. (R-25, 27-28.) Thus, Area Disposal’s own evidence shows that the Clinton Landfill is not overwhelmed and has capacity to accept municipal solid waste generated in the Service Area now and 20.4 years into the future. (R-25.)
3. The Illinois Landfill is located proximate to the Service Area and accepts municipal solid waste and nonhazardous special waste. (R-25.) The Illinois Landfill has historically received approximately 110 tons of waste per day and “reported a remaining capacity of approximately 19,813,000 gate cubic yards (as of January 1, 2025), which would provide approximately 184 years of life at its 2024 waste acceptance rate.” (*Id.*). There is no evidence of any cap or limit to the volume of municipal solid waste it can accept per day. (*Id.*) Thus, Area Disposal’s own evidence shows that the Illinois Landfill is not overwhelmed and does not lack capacity to accept municipal solid waste generated in the Service Area now or nearly two centuries into the future. (*Id.*)
4. The Brickyard Landfill is located proximate to the Service Area and currently accepts municipal solid waste and nonhazardous special waste, including that generated in the Service Area. (R-25, 27.) The Brickyard Landfill has historically received approximately 750 tons of waste per day and “reported a remaining capacity of approximately 11,113,000 gate cubic yards (as of January 1, 2025), which would provide approximately 15.6 years of life at its 2024 waste acceptance rate.” (R-25.) There is no evidence of any cap or limit to the volume of municipal solid waste it can accept per day. (*Id.*) Thus, ADS’s own evidence shows that the Brickyard Landfill is not overwhelmed and does not lack capacity to accept waste generated in the Service Area now or 15.6 years into the future. (*Id.*)
5. The Valley View Landfill is located proximate to the Service Area and currently accepts municipal solid waste and nonhazardous special waste, including that generated in the Service Area. (R-26, 27.) The Valley View Landfill has historically received approximately 630 tons of waste per day and “reported a remaining capacity of approximately 15,314,000 gate cubic yards (as of January 1, 2025), which would provide approximately 25.8 years of life at its 2024 waste acceptance rate.” (R-26.) There is no evidence of any cap or limit to the volume of municipal solid waste it can accept per day. Thus, Area Disposal’s own evidence shows that Valley View Landfill is not overwhelmed and does not lack capacity to accept waste generated in the Service Area now or 25.8 years into the future.
6. The Paris Transfer Station is located proximate to the Service Area and accepts municipal solid waste. (R-26.) The Paris Transfer Station has historically accepted between 20 and 24 tons of waste per day, but there is no evidence that it has any sort of maximum acceptable amount of municipal solid waste it can or will collect per day. (*Id.*) In other words, there is no evidence

in the record that the Paris Transfer Station is overwhelmed or lacks capacity to accept all waste generated in the Service Area now or at any time into the future. (*Id.*)

7. The University of Illinois Waste Transfer and Material Recovery Facility (the “U of I Waste Transfer Station”) is located within the Service Area on an approximately 2.2 acre property approximately 15 miles south of ADS’s proposed Waste Transfer Station. R-23. It accepts solid waste and certain recyclables from the University of Illinois community within the Service Area. R-23, R1220. Historically, the U of I Waste Transfer Station has accepted between 31-32 tons of solid waste per day on average, but there is no evidence that the U of I Waste Transfer Station has a maximum acceptable amount of solid waste or recyclables it can or will collect from the University of Illinois community within the Service Area. (R-23.) Although it currently only services the University of Illinois, there is no evidence that the U of I Waste Transfer Station is overwhelmed or lacks capacity to accept all such solid waste generated in that portion of the Service Area, even if the University of Illinois grows. (*Id.*) Thus, there is no unmet need for solid waste disposal services related to the University of Illinois’s buildings and activities.
8. The Henson Urbana Recycling Center (“HURC”) is located within the Service Area on an approximately 8.3 acre property approximately 11 miles south of Area Disposal’s proposed Waste Transfer Station. R-23, 24. It accepts general construction or demolition debris and is permitted to store 250 tons of such waste at a time, but recently has only received 200 tons per day. (R-24.) Area Disposal estimates that, since March 2025, approximately 50 tons per day of that 200 tons per day is “MSW,” i.e., municipal solid waste. (*Id.*) Should HURC begin to accept construction or demolition debris up to its 250 ton limit, a total of 62.5 tons of that 250 tons can be municipal solid waste. (*See Id.*) Put differently, HURC can accommodate approximately 12.5 more tons of municipal solid waste than it is currently receiving under the presently applicable limit on the volume of waste it can accept. (*See Id.*) Although HURC can not affirmatively accept municipal solid waste, the evidence shows that it has capacity and authority to handle such waste that makes it onto its site. (*See Id.*)
9. The Monticello Transfer Station is located proximate to the Service Area and accepts municipal solid waste. R-26. There is no evidence that Monticello Transfer Station has a maximum amount of solid waste it can accept. (*Id.*) Historically, the Monticello Transfer Station has only opened for two weeks per year for “cleanup days”, but there is no evidence in the record that it is overwhelmed by or lacks capacity for the waste it receives in connection to “cleanup days” or could not elect to open for additional days to accommodate more waste transfer needs if they were to arise. (*Id.*)

In short, the evidence in the record plainly demonstrates that multiple existing waste disposal facilities can, do, and will in the future be available to accommodate the municipal waste and recycling needs of the Service Area. There is simply no evidence of an urgent or unmet need

for an additional facility to accommodate municipal solid waste requiring disposal in the Service Area.

B. Area Disposal's Claimed "Need" For a Facility to Handle 300 Tons Per Day of Waste Reflects Its Business Preference, Not the Service Area's Need For A Transfer Station.

As discussed in Section I(A), above, the evidence shows that all 650 tons of solid municipal waste in need of disposal from the Service Area is being sufficiently disposed of at one or more of the nine solid waste facilities within or proximate to the Service Area—there is no evidence that those existing facilities are not capable of handling the waste needs of the Service Area now or at any time in the future. Despite this evidence, Area Disposal claims that there is a “shortfall” or “need” for disposal of 300 additional tons of waste per day from the Service Area. R-29. But, again, that 300 additional tons of waste is already being properly disposed of at existing facilities. (R-29, 1356-1357.)

How then does Area Disposal calculate a “shortfall” or “need” for disposal of 300 tons of municipal solid waste per day? The answer is that Area Disposal manufactures this purported “shortfall” through a series of choices driven by its business interests, and which have nothing to do with meeting a demonstrated need for more waste disposal capabilities within the Service Area.

For example, Area Disposal itself currently hauls approximately 190 tons per day of the purported 300 tons per day “shortfall” from the Service Area directly to the Clinton Landfill, bypassing the Urbana Transfer Station within the Service Area. (R-29.) That 190 tons of waste per day is being properly disposed of, every day, without incident. (*Id.*) Thus, Area Disposal is claiming a need for a new facility to handle 190 tons of waste per day that Area Disposal is already handling without issue. (*Id.*) But Area Disposal counts that 190 tons as part of a “shortfall” because it considers the commercial market prices charged by the Urbana Transfer Station too expensive.

(*Id.*) Area Disposal’s expert, Mr. Hock, admits that the reason Area Disposal does not use the Urbana Transfer Station “is pricing”—not lack of capacity to accept municipal solid waste. (*See* R-1375; *see also* R-30.) But, Illinois law requires a showing that the Service Area’s waste needs are not reasonably being met, that there is an urgent need for a new facility—not that a particular company dislikes the price a competitor charges. *Waste Mgmt. of Illinois, Inc. v. Illinois Pollution Control Bd.*, 122 Ill. App. 3d 639, 645 (1984) (holding that where the evidence in the record that “indicated that other available facilities were sufficient to meet the future waste needs of the area served,” the landfill facility at issue “was not reasonably required to meet” the waste needs of the area served).

In reality, there is no 190 tons of waste per day “shortfall”, there is no 300 tons of waste per day “shortfall”, there is no “shortfall” at all—there is only Area Disposal’s preference to route its trucks through a transfer station it owns within the Service Area rather than directly to nearby landfills, like the Clinton Landfill, or to the existing waste transfer stations within and nearby the Service Area. Area Disposal tacitly attempts to overcome this reality by speculating that “multiple other haulers provide waste hauling services in the Service Area at least some of which would also not be expected to use the [] Urbana Transfer Station,” and similarly that the “capacity of the available transfer station(s) in the Service Area may not be equally or fully available to all haulers in the Service Area.”¹⁹ (R-29.) But, Area Disposal’s speculation is contrary to the actual evidence in the record, as discussed in Section I(A), above.

¹⁹ Area Disposal also does not count the Paris Transfer Station, the Monticello Transfer Station, the U of I Transfer Station, and the Illinois Landfill as available waste facilities because they historically “do not manage substantial volumes of MSW generated in the Service Area....” (R-29.) Petitioner disagrees that this is a logical conclusion supported by the evidence. But even assuming, *arguendo*, that these facilities do not count, there is still plenty of capacity for waste disposal at the five other landfills and waste transfer stations in and near the Service Area.

C. The True Purpose of Area Disposal's Rantoul Transfer Station Is Its Desire for Vertical Integration.

Area Disposal's own words reveal that the true purpose of its proposed RTS is not to meet a reasonable waste disposal need, but instead to accomplish a business goal of achieving vertical integration of its waste disposal services. Perhaps most telling is the passage in Area Disposal's application that plainly states that if it can get the RTS approved, it "would become fully vertically integrated in the Service Area and would be in position to effectively compete with Republic Services." (R-32.) That is a business goal. It may be a legitimate business goal, but it is not a physical community need for more waste disposal capacity, and it is not the basis on which Illinois law permits a new waste disposal facility to be sited in a residential and commercial area. *Stop the Mega-Dump v. Cnty. Bd. of De Kalb Cnty.*, 2012 IL App (2d) 110579, ¶ 62 (holding that economic benefits may only be considered by the local siting authority if Criterion 1, as well as the other statutory criteria under the Act, are met); *see also Fairview Area Citizens Taskforce v. Illinois Pollution Control Bd.*, 198 Ill. App. 3d 541, 547 (1990), *abrogated on other grounds*.

There is no provision in the Illinois Environmental Protection Act, and no decision by the Illinois Pollution Control Board or reviewing Appellate Court, that holds that a private applicant's desire to achieve a competitive business advantage, standing alone, constitutes the kind of "need" that satisfies Criterion 1. Nor is a "need" reflected by generalized statements that such business advantages may result in decreased waste disposal costs. *Waste Mgmt. of Illinois, Inc. v. Illinois Pollution Control Bd.*, 122 Ill. App. 3d 639, 643 (1984) (holding that "general" statements regarding "potential for greater hauling costs" are insufficient to show a need). To the contrary, the case law and the structure of the statute make clear that there must be some component of physical need: a demonstrated insufficiency of existing disposal capacity to accommodate the actual waste being generated in the service area. *See, e.g., Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*,

234 Ill. App. 3d 65, 69–70 (1992). That means, for example, trucks being turned away, facilities operating beyond capacity, waste left uncollected, or some other concrete indicator that the existing system cannot handle the load. *Id.* (holding that “improvement in the efficiency of operations by elimination of some collection trucks is inadequate to meet the statutory requirement of necessity” and was “insufficient to show that the waste transfer station was reasonably required by the waste needs of the area and did not adequately address the waste production and disposal capabilities in the service area”).

Area Disposal has not identified a single hauler that has been turned away from an existing facility. It has not identified a single community whose waste is going unmanaged. It has not shown that any existing facility is nearing, at, or above capacity. What it has shown is that Area Disposal would prefer to own its own infrastructure rather than pay a competitor to use theirs. That preference may be understandable from a business standpoint, but it does not satisfy the legal standard under Section 39.2 of the Act. Economic self-interest and the desire for a more convenient facility, without more, do not make a facility “necessary to accommodate the waste disposal needs of the area.” *See, e.g., Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 234 Ill. App. 3d 65, 69–70 (1992) (affirming the decision that Criterion I was not met where the applicant “did not establish any more than that the landfill would be convenient”).

Rantoul’s decision to approve the RTS is against the manifest weight of the evidence because Area Disposal failed to provide evidence demonstrating that it “is necessary to accommodate the waste needs of the area it is intended to serve.” *See* 415 ILCS 5/39.2(a)(i).

II. Criterion 2 – Area Disposal failed to meet its burden to establish that the Rantoul Transfer Station is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

The second criterion that must be satisfied in order to approve a waste transfer facility is 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). To approve a proposed waste transfer station, the applicant must “submit sufficient details describing the proposed facility and evidence to demonstrate compliance” with all nine criteria, including Criterion 2. 415 ILCS 5/39.2(a). Vague assurances or incomplete technical information about critical operations and safety features do not satisfy the statutory requirement. *See* 415 ILCS 5/39.2(a); *Fox Moraine, LLC v. United City of Yorkville*, 2011 IL App (2d) 100017, ¶¶ 102-103 (holding that a finding that Criterion 2 was not satisfied was proper where the applicant deferred providing operational details concerning its proposed facility because it would address those details at a later time with Illinois EPA).

Here, Area Disposal submitted evidence that demonstrates that the RTS does not comply with Criterion 2 with respect to its stormwater management system and infrastructure, which are critical to assure protection of public health, safety and welfare. Area Disposal also failed to meet its burden to show that air pollution and odor from the RTS are minimized to protect public health and welfare. Because Area Disposal did not meet its burden to show that that Criterion 2 has been met, Rantoul’s decision that Criterion 2 was satisfied is against the manifest weight of the evidence.

A. Area Disposal Admits That the Rantoul Transfer Station’s Stormwater Detention Pond Does Not Comply With Rantoul’s Freeboard Requirements.

Rantoul's Manual of Practice for stormwater management (“the Manual”) requires that any detention pond maintain at least one full foot of freeboard, i.e., open space above the water level, to protect against overflow during heavy rain. (R-215.) The application states, in its own words,

that the existing detention pond at the site has only 0.86 feet of freeboard. (R-201, 215.) That is less than the required minimum by more than an inch.

Area Disposal admits that the existing detention pond freeboard does not comply with requirements and is a problem that needs to be fixed. (R-215.) Its response is to promise that this will be fixed later, after local siting approval, through “[m]inor modifications.” (R-201.) Area Disposal proposes adding height to the pond embankment to fix the lack of freeboard issue as part of its “Phase 2 Improvements”, but acknowledges that this modification has not been designed, specified, or approved. (R-201, 215.) Area Disposal provides zero information on how it will add height to the pond embankment, what materials it will use to do so, or whether any changes to the landscape or soil will be needed to accomplish adding height. There are no drawings. (*See* R-170-177 (the Phase 2 drawings)). There are no engineering calculations. There is no approved plan.

The Act requires Area Disposal to have submitted “sufficient details describing the proposed facility and evidence to demonstrate compliance” as part of its application so that Rantoul could adequately evaluate whether the RTS is designed to protect public health and welfare **before** granting approval, not after. *See* 415 ILCS 5/39.2(a); *Fox Moraine, LLC v. United City of Yorkville*, 2011 IL App (2d) 100017, ¶¶ 102-103. The freeboard design deficiency is not a technicality—stormwater management protects neighboring property owners from flooding and runoff. This pond will retain water running off a property handling garbage, and which sits on the Mahomet Aquifer—supplying water to over 1 million people in central Illinois including all of Champaign county and Rantoul. (R-1839.) This design deficiency cannot be waived on the strength of a vague promise. *See* 415 ILCS 5/39.2(a); *Fox Moraine, LLC v. United City of Yorkville*, 2011 IL App (2d) 100017, ¶¶ 102-103.

B. The Required Emergency Spillway Does Not Exist and Area Disposal Did Not Submit Design Specifications For One.

The Manual also *requires* an emergency spillway, which is a channel designated to safely carry away water runoff during a major storm event. (R-214.) The application acknowledges that no emergency spillway was built on the existing site during Phase 1 of the project. *Id.* Area Disposal proposes adding one in the future during Phase 2 Improvements, but only as a symbol on a drawing. (See R-175, 214.) Area Disposal provides no evidence of the proposed emergency spillway's dimensions. There are no capacity calculations, and no design specifications. No details about how this important safety feature will protect the public. In sum, Area Disposal did not meet its burden to provide sufficient details describing its proposed facility's emergency spillway and therefore failed to provide evidence requisite to demonstrate compliance with Criterion 2. See 415 ILCS 5/39.2(a).

C. Area Disposal Defers Providing Required Critical Stormwater Design Details Until "Final Engineering"

Throughout Area Disposal's Criterion 2 submission, it defers, until "after final engineering" and "subsequent to siting approval," providing critical information about aspects of its stormwater management plan that are *required* by the Manual. (R-202, 206, 209.) The Manual requires a stormwater management plan that includes the "slope, type, and size of all existing and proposed storm sewers and other waterways." (R-202, 206.) In response, Area Disposal advises that the "[p]iping details" for the proposed Waste Transfer Station "will be provided during final engineering." (R-206.)

Similarly, the Manual mandates that the stormwater management plan include an "engineering cost estimate **detailing and explaining** all construction costs associated with the stormwater management plan." (R-202, 209 (emphasis added)). In response, Area Disposal

sidesteps this mandate by stating that “[c]osts associated with stormwater management modifications will be provided during final engineering.” (R-209.)

Finally, the Manual **requires** that the stormwater management plan include a “profile and one or more cross sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto” and “high water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.” (R-202, 209.) In response, Area Disposal again deflects, stating only that the “final design of the storm management system, including detention pond and storm sewers, will be performed subsequent to siting approval. Proposed channels are not anticipated as the site is intended to convey the stormwater surface drainage via overland flow or storm sewers. Cross-sections for the proposed pond will be provided following siting approval during final site engineering.” (R-209.)

This missing stormwater management information is extremely problematic because the information is required to determine if public health, safety and welfare are protected by proper stormwater management planning and design. Public health and safety are why these stormwater details are required by the Manual. Deferring submission of this critical information until after local siting approval has occurred defeats the purpose of public participation in the siting process and is contrary to the requirements of the Act. *See* 415 ILCS 5/39.2(a) (requiring the applicant to submit “sufficient details describing the proposed facility”). Because Area Disposal did not provide required information regarding the stormwater management plan for the RTS, there is no evidence in the record regarding those requirements.

D. Area Disposal Did Not Meet Its Burden to Demonstrate Public Protection From Odor and Air Pollution

Municipal solid waste odors stem from household and business garbage like rotting food, wrappers, and pet waste. (*See* R-1350.) Area Disposal does not adequately address how the nearby public will be protected from being regularly inundated with these putrid smells, including overnight, on weekends, and during important holidays like Juneteenth, Columbus Day, Indigenous Peoples' Day, Presidents' Day, and Martin Luther King Day.²⁰

Rantoul residents and Rantoul's Trustees raised concerns about odors from garbage dumped at the RTS, including at the April public hearing. (*E.g.*, R-1492-1493, 1511.) Their concerns are legitimate. Imagine seeking relief from a hot summer evening by sitting on the patio of the Starbucks across the street from the RTS while enjoying a refreshing iced-beverage. A breeze blows in from out of the northwest. But the breeze that should bring relief from the heat brings the stale stench of rotting garbage instead.

Area Disposal's expert, Mr. Hock, attempted to quash these concerns by claiming that "there's no waste that will be left on the floor at the end of each operating day. So we may leave recyclables on the floor overnight just to accumulate enough to get a load, but the waste itself will all be gone. So all the operational features itself will prevent the odors." (R-1493). Area Disposal's actual application tells a different story. The application describes the transfer operations as allowing waste "to be left on the floor of the transfer station" for up to 24 hours. (R-147.) While, it sounds like Area Disposal's best intention may be to remove waste before nightfall, that is not

²⁰ Area Disposal proposes to operate the Rantoul Transfer Station on these important holidays. Further, while it "anticipates" that it will not operate on six other important holidays like Christmas and Labor Day, it does not guarantee or promise that it will not operate on those days. (*See* R-144.)

what it actually promises to do in its application and therefore it has not demonstrated it has or will do all that is reasonably feasible to protect the public from the odor impact.

Even if it could be said that the facility's building for garbage-dumping itself has done everything it can reasonable do to minimize the smell—it has not—Area Disposal does not demonstrate that it has or will minimize odors wafting into town from waste stored within trucks and transfer trailers parked outside of the building. “Waste and/or recyclables may be kept temporarily outside in transfer trailers which are tarped/covered for no more than twenty-four hours, except over holidays and weekends, when the time shall be extended by an additional twenty-four hours for a holiday and forty-eight hours for a weekend.” (R-147.) This shortcoming is also a significant issue for Rantoul residents. Imagine that the Rantoul Family Sports Complex is hosting a Juneteenth weekend baseball tournament. By the time of the championship game Sunday evening, waste has been baking in trucks sitting in the RTS's parking lot for nearly 48-hours. A wind blows in from the north bringing the foul stench of the rotting garbage into the stands. Then a wind from the west brings the stench to Petitioner's yard where she's hosting a barbeque about a half of a mile away.

Although Area Disposal states that these trucks will be “tarped/covered”, there is no evidence demonstrating that those covers are designed to minimize odor to the most reasonably feasible extent possible. And Area Disposal sets no limit for how much waste can be stored up to 48-hours or more in that fashion. Area Disposal claims as a traffic benefit that hauling trucks will return to the RTS in the evening and will not have to leave once they arrive, they will remain parked there. (R-1446.) Thus, dozens of trucks containing waste will be allowed to sit in the parking lot overnight and, on weekends and holidays, multiple nights.

Area Disposal also claims as benefit to the entire Service Area (the entirety of Champaign County and additional nearby townships) that there will be an overall emissions reduction from waste-hauling trucks and trailers. (R-43-44.) But this “environmental benefit” to the Service Area depends on concentrating more of those trucks and trailers in and around Rantoul, especially the area surrounding the RTS. That is the entire purpose of a transfer station. Yet, Area Disposal has not estimated the amount of diesel exhaust and other air emissions released from its trucks into the Rantoul community, let alone analyzed whether it has done everything it can feasibly do to reduce emissions or minimize adverse public health impacts from exposure to those emissions. There is no air dispersion modeling of diesel, particulate matter, or other air emissions from trucks idling, queuing, or driving to and from the facility. No “air monitoring is proposed.” (R-151.)

The air pollution impacts from the RTS are actual day-to-day impacts that pose a safety and health risk to the people who live, work, shop, eat, rest, and play nearby. According to the United States Environmental Protection Agency, exposure to “diesel exhaust can lead to serious health conditions like asthma and respiratory illnesses and can worsen existing heart and lung disease, especially in children and the elderly. These conditions can result in increased numbers of emergency room visits, hospital admissions, absences from work and school, and premature deaths,” among other impacts to local natural resources. (R-1852 (citing USEPA’s “Learn About Impacts of Diesel Exhaust and the Diesel Emissions Reduction Act” Webpage, available here: <https://www.epa.gov/dera/learn-about-impacts-diesel-exhaust-and-diesel-emissions-reduction-act>)). Area Disposal has not demonstrated that it has done what is reasonably feasible to protect the Rantoul public from air pollution and diesel exhaust as it has not attempted to analyzed those impacts.

Because Area Disposal has not met its burden to demonstrate that the RTS is so designed, located and proposed to be operated that the public health, safety and welfare will be protected from adverse stormwater and air pollution impacts, Rantoul's finding that Criterion 2 has been satisfied is against the manifest weight of the evidence. *See* 415 ILCS 5/39.2(a)(ii).

III. Criterion 3 - Area Disposal failed to meet its burden to establish that the Rantoul 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 that must be satisfied is 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). As detailed in the following paragraphs, taking into account all of the evidence in the record, the clear conclusion that must be drawn is that Criterion 3 is not met because: (A) Area Disposal has not located the proposed facility so as to minimize incompatibility with its commercial and residential surroundings; and (B) has not provided evidence required to show that effect on the surrounding property values is minimized.

A. Area Disposal Has Not Located Its Rantoul Waste Station So As to Minimize Incompatibility with Its Commercial and Residential Surroundings.

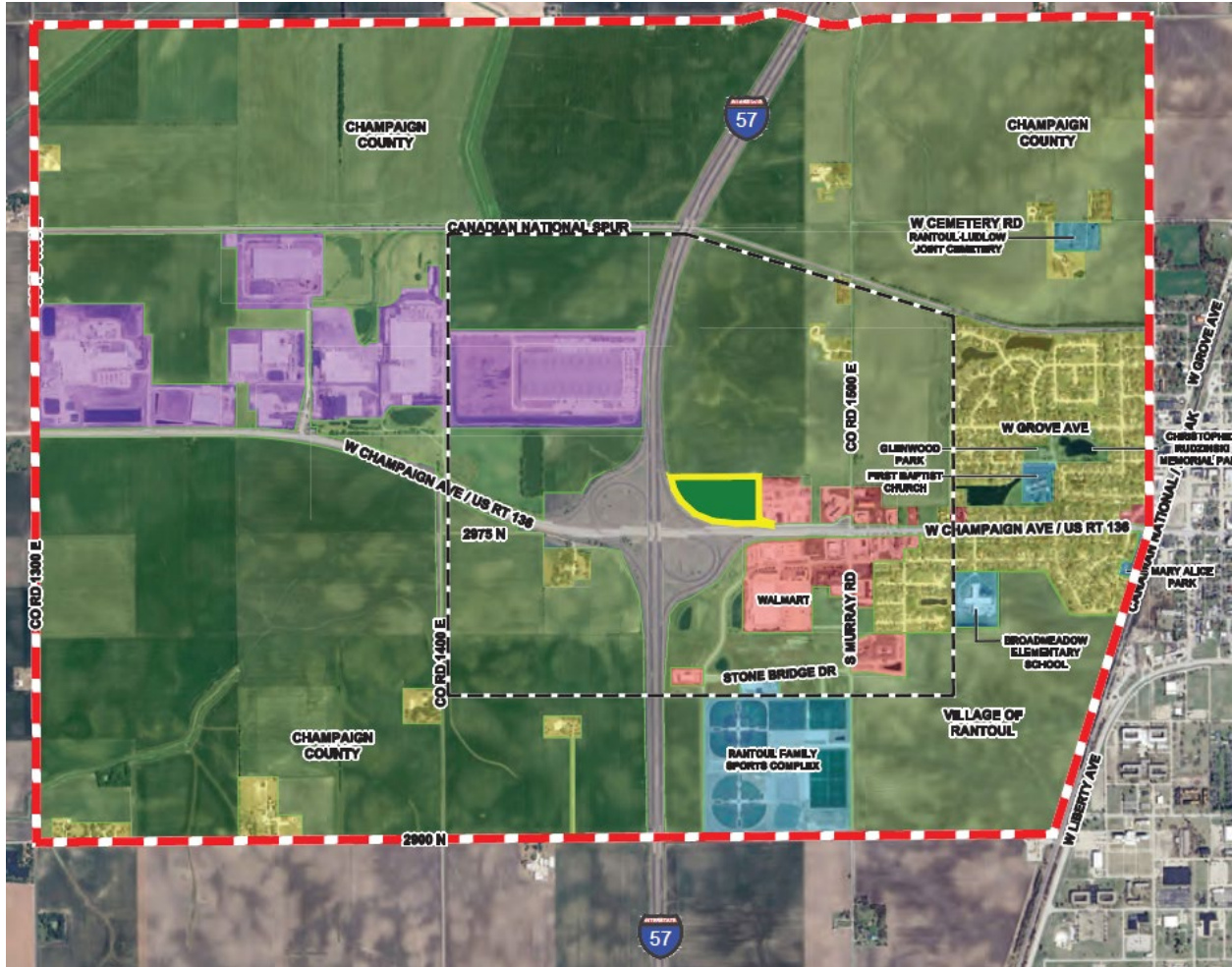
To satisfy the "minimize incompatibility" requirement of Criterion 3, the applicant must "demonstrate more than minimal efforts to reduce" a facility's incompatibility. *Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 123 Ill. App. 3d 1075, 1090 (1984). Rather, "an applicant must demonstrate it has done or will do what is reasonably feasible to minimize incompatibility." *Id.* In lieu of demonstrating that it has done or will do all that is reasonably feasible to minimize incompatibility, Area Disposal attempts to show that its Waste Transfer Station "is compatible" with the commercial businesses, restaurants, hotels, and homes nearby its proposed site. (*See* R-929.) But the evidence, including Area Disposal's own evidence, clearly weighs in favor of a

finding Criterion 3 has not been met because the RTS is not so located as to be compatible with the surrounding area and Area Disposal has not demonstrated that it has or will minimize incompatibility.

1. Common sense, backed by evidence and comment, manifestly weighs in favor of finding that the Rantoul Transfer Station is not located to minimize incompatibility with the current and future character of the surrounding area.

The Applicant attempts to satisfy Criterion 3's incompatibility minimization requirement by arguing that a waste transfer station is compatible with allowable land uses within the surrounding area and that existing roadways and businesses provide an adequate buffer to shield surrounding properties from its incompatible waste transfer features. (R-922, 933.) Those conclusions ignore the character of the homes, businesses, and other land uses that currently exist in the area and that would be allowed to exist in the area, as well as impacts that cannot be buffered like odors, noise, truck traffic on the roads, and air pollution.

The area surrounding the proposed site is a developing commercial corridor serving the traveling public and local residents. (R-933.) Also surrounding the proposed site are residential neighborhoods. (R-933.) Within close proximity of the site, there is a Super Walmart, a locally-owned auto dealership, a Circle K, numerous restaurants, a coffee shop, a church, a park, an elementary school, multiple motels, a mini golf course, and the Rantoul Family Sports Complex (a major outdoor sports complex), as shown by Area Disposal's summary zoning and study area map (R-933), here:



The area closest to the site, which is outlined with a yellow line above, is not a remote industrial area where a waste facility would blend into its surroundings—like the purple-shaded areas in the above pictured map, across Interstate-57, and actually zoned for industrial, solid waste, and warehouse uses. (R-933.) The area closest to the site, the area shaded in red, is an active, growing, commercial corridor. (R-933.) The next closest areas to the site, shaded in yellow, are residential neighborhoods. (R-933.)

The area surrounding the site contains numerous restaurants and businesses beyond those Area Disposal actually labeled on the map it submitted or which it otherwise specifically considered in its application. For example, the Shields Auto Center is a locally owned car

dealership business that is located between the Walmart shown on the map and the site. There is also an Assisted Living & Memory Care facility, home to vulnerable seniors, located near the site slightly northeast of the Rantoul Family Sports Complex. And just two examples of the numerous restaurants in the area shaded in red above are the Starbucks and the Culver's.

What Area Disposal proposes here is certainly not similar to or even compatible with these actual, existing, uses. The existing businesses, restaurants, schools, and churches depend on the character of the area around them; on it being clean, odor-free, accessible, and welcoming to customers, guests, students, and athletes. For example, a Rantoul resident and owner of the car dealership across the street from the proposed site commented that "it's going to smell. You know, so I [] have my customers to deal with. I don't want them having to smell a bad smell, and I sure don't want our visitors to the community to have to smell a horrible smell." (R-1512.) The car dealership and other nearby businesses will experience negative business impacts from the smell of garbage each and every business day; customers do not want to shop at an outdoor car lot that stinks of rotting food and other waste. Despite these legitimate concerns, discussed further in Section II(D), above, Area Disposal does not identify or specifically consider, as it must, incompatibility with any of the businesses or residential neighborhoods. (*See* R-925, 926.)

Area Disposal's proposed facility is also not like, or compatible with, the "manufacturing, wholesaling, and warehousing" activities, as well as other land uses Area Disposal purports are allowed to exist in the commercial area "if conducted wholly within enclosed buildings or structures." R-928. The proposed facility is not wholly enclosed within a building, its doors will be open during operations and trucks storing waste are permitted to remain parked on site overnight. *See* Section II(D), *supra*. Further, only light, "artisanal" manufacturing, "micro-breweries", and "mini-warehouses" are properly suited for and allowed in the commercial area

closest to the proposed facility. *See* Rantoul, Ill. Mun. Code Chapter 46, Article 9, Table 9.1.²¹ A “warehouse” is not allowed. *Id.* Even a “[w]arehouse with less than 6,000 sq. ft. gross floor area per floor, [with] no outside storage of any kind, and no outside truck parking” is not allowed. *Id.* Nor are junkyards, construction or demolition businesses, construction yard storage, landscape businesses, or industrial activities such as “manufacturing” allowed. *Id.*; *see also* Chapter 46, Article 7, Sec. 46-81 (District purpose statements).

The proposed facility will receive hundreds of tons of municipal garbage and recyclables every day, generate a continuous stream of heavy truck traffic from pre-dawn through early evening, and present the odors, noise, litter, and pest-attraction risks that are inherent in any large-scale solid waste operation. That is not similar to the operations of current and allowable commercial uses, e.g., restaurants, hotels, micro-breweries and warehouses that do not allow outside truck parking and storage. The industrial impacts of the RTS are fundamentally incompatible with the current, future, and allowable uses of the nearby commercial and residential neighborhoods.

2. Solid Waste Transfer Stations Are Not Allowed At or Near The Proposed Site Because They Are Not Compatible.

As previewed above, to conclude that Criterion 3 is met, Area Disposal’s experts rely on the Village of Rantoul’s zoning Ordinance and zoning map. (R-923, 927-929.) The zoning Ordinance creates various zoning districts and specifies authorized land uses for within each district, as well as unauthorized, *i.e.*, not permitted, land uses. It is the “intent” of Rantoul “to group similar or **compatible** land uses into specific zoning districts.” *Id.* at Sec. 46-103 (emphasis added). The RTS will be located in the C-2 General Commercial District. (R-928, 936.) Under the

²¹ Village of Rantoul's Code of Ordinances, Chapter 46 (Zoning), Article 9 (Authorized Uses) is available online, here: https://library.municode.com/il/rantoul/codes/code_of_ordinances?nodeId=COOR_CH46ZO_ART9AUUS

zoning Ordinance, the “C-2 General Commercial District is intended to provide a variety of commercial uses meeting the general shopping, service, and business needs of the Village and wider geographic area.” Rantoul, Ill. Mun. Code Chapter 46, Article 5, Sec. 46-61.

Area Disposal puts forth, as evidence that the proposed RTS is compatible with the surrounding area, that “proposed transfer station is similar in use, character, and intensity to the allowable uses described in the C-2 text.” (R-298.) This conclusion is fatally flawed. A “[s]olid waste transfer station” is “[n]ot permitted” to be located in a C-2 General Commercial District. Rantoul, Ill. Mun. Code Chapter 46, Article 9 (emphasis added).²² Indeed, the relevant portion of the zoning Ordinance mandates that “[i]f Table 9-1 contains a cell that is blank, then that use is not allowed in the district.” *Id.* Pictured here are the relevant portions of Table 9-1:²³

[***See the following page***]

²² Village of Rantoul's Code of Ordinances, Chapter 46 (Zoning), Article 9 (Authorized Uses) is available online, here: https://library.municode.com/il/rantoul/codes/code_of_ordinances?nodeId=COOR_CH46ZO_ART9AUUS

²³ Table 9-1 is available online, here:

https://library.municode.com/il/rantoul/codes/code_of_ordinances?nodeId=COOR_CH46ZO_ART9AUUS_S46-104USPRSTST

Table 9-1. Table of Authorized Uses by District

P	By right with a Building Permit required
S	Special Use Permit required
T	By right with a Temporary Use Permit required
	Not permitted

Principal uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AFIN	RC	I-1	I-2
Mini-warehouses									S	P	P			P	P
Recycling business								S	S	S	S			P	P
Solid waste facility														S	S
Solid waste transfer station														S	S

Thus, Rantoul has determined, and codified its determination, that a solid waste transfer station is not “*compatible*” or “similar” to “land uses” intended for C-2 General Commercial Districts. *Id.* at Sec. 46-103 (emphasis added). Area Disposal’s own expert essentially signs off on Rantoul’s land use compatibility determinations, finding that C-2 General Commercial zoning “has been established historically and is appropriately positioned as a result of the established roadway system and existing built environment.” (R-928.) Yet another of Area Disposal’s Criterion 3

experts testified “I think the village itself as well as Champaign County has done a very good job of placing properties and using zoning districts in order to enhance the value of the real estate. So I concluded that the appropriate planning and zoning exists to maximize the value of the subject property and minimize any negative impacts on surrounding uses.” (R-1415.)

Contrary to Area Disposal’s conclusion that “The Village of Rantoul Zoning Ordinance does not designate a transfer facility as a permitted or special use in any zoning district,” the Village of Rantoul has determined the zoning districts where such a facility would be compatible with its surroundings: the I-1 Industrial Districts and I-2 Industrial Districts—all of which are located across Interstate-57, far from the commercial and residential districts surrounded the proposed site. Rantoul, Ill. Mun. Code Chapter 46, Article 9; *see also* R-933. The zoning evidence clearly shows that, while the industrial districts are compatible with a solid waste transfer station, the C-2 General Commercial District is not, as numerous comments from residents and local business-owners reflect:

- “location-wise[, this is] close to town and on the east side of [I-]57, I think [this] would have been a lot better on the west side of [I-]57 further back into the existing industrial area...” (R-1506.)
- “I don't know what the best place [for the proposed facility] would be. Maybe by the industrial complex or something like that. When I've been in big towns, big cities, you know, cutting to the airport trying to get through, I've seen these transfer stations and they're always located on a low traffic road kind of hidden away in a part of town. I don't think it's the right spot for us to come, go right into town and have it [the proposed transfer station] (R-1511.)
- “I just really feel like it is not the place it needs to be. It needs to be on the other side of [I-]57 further out.” (R-1517.)
- “It is extremely likely that there are alternative locations better suited for this type of operation—areas that are more industrial in nature and further removed from residential neighborhoods.” (R-1811.)

- “I respectfully urge the village to reconsider this proposal and explore alternative locations that are better suited for industrial operations—areas that are appropriately zoned and distanced from residential and commercial centers.” (R-1825.)
- “Can we work with them to help find them another more suitable location outside of residential backdoors and tourist locations to put their transfer station? With the directional winds in mind, maybe out in the industrial park area on the North/northwest side of the park so fumes drift farther north of town and trash and rodents have a better chance of staying out of town?” (R-1855.)

3. *Rantoul’s land use plans weigh in favor of finding that the proposed Waste Transfer Station is not located to minimize incompatibility.*

To conclude that Criterion 3 is met, Area Disposal’s experts rely on the Village of Rantoul’s Comprehensive Plan (the “Plan”). (R-923, 929.) Area Disposal discusses a map contained in the Plan but does not discuss the text of the plan itself.²⁴ Perhaps that is because the Plan’s stated goal for the area of the proposed site is to "encourage the development of a regional shopping center adjacent to an existing Commercial area on the northeast Side and southeast Side of the I-57 Interchange," i.e., where Area Disposal proposes to build the RTS. The Plan’s stated policy for the area is that "[b]usiness and service establishments should be located in proximity to residents they serve and designed to not inflict incompatible noise, odor or traffic danger on residential areas...Land east of the Interstate exchange should be developed as retail and interstate commercial as well as compact high quality residential (east of Murray Road)."

A smelly waste transfer station and numerous near-daily loud trucks carrying waste are land uses that are incompatible with these goals and policies, as two former members of Rantoul’s Planning and Zoning Commission as well as other residents and business owners confirm in their public comments:

²⁴ The text of the Plan is attached as Exhibit 1. Although Area Disposal does not provide a copy of the Plan with its application, it refers to it and it is also incorporated into the record in full by reference and provision of a link to an online copy of the Plan in a public comment. (R-929, 932, 1859.)

- “I’ve lived in Rantoul my entire life, grew up here, took great pride in having a military base here, hated to see it go, hated to see all the economic situations it brought to our community, and just have enjoyed lately seeing us digging ourselves out of this hole that we’ve been in. We’ve seen a lot of improvement. Our downtown is improving, and we put a sports facility in, we’ve repurposed the base, and I see us hopefully bringing in more hotels, restaurants. It all should be in that direction....I spent eight years on the Planning Commission here in town and my worry is also the plan for the future.” (R-1500-1503.) “We spent a lot of time planning and developing the properties, keeping our village image and safety a priority. Believe me, we never imagined or yearned for a trash transfer station.” (R-1845.)
- “I do not think it’s the place where it needs to be. I do not want people that I am trying to get to come to this town to have to see it....I’ve been on the Planning Commission....” (R-1516, 1517.)
- “the winds coming in are going to pull those fumes [odors and air pollution from the RTS] -- even though they say we're going to do our best, we all know that that's not -- it's not going to be zero -- are going to go into our brand-new downtown area, into our multimillion dollar sports complex area, and into our residential high district, high money real estate taxed Indian Hills area. Let alone we're trying to bring more people into town to build more houses which they're going to want to live out by Indian Hills. They're not going to want to do that now.” (R-1507.)
- “We [he and his wife] have the car dealership right across the street, so we're Shields Auto Center right there, built a new facility....I understand you would want to build this facility for economics on property you already own, but I do think this would be best to be on the outskirts of town not right smack when you're pulling [off Interstate-57] -- the direct access into this community.” (R-1510.)

4. There is scant evidence that Area Disposal has done what is required to minimize the significant incompatibility of its proposed Waste Transfer Station.

As the application acknowledges, Rantoul is a relatively flat area. A setback, approximately 20 new immature trees, and a fence are not going to adequately shield the visible impacts of the operations, the parked trucks, and certainly not the numerous garbage trucks on the road. Especially when the area is known to not support healthy trees, as the trees that exist there have died and had to be replanted multiple times. (R-1517.)

But even assuming that the trees, road and fence minimize visual impacts, they do nothing to minimize the odors, noise, back-up alarms, litter spilled from trucks on roadways, air pollution, insects, birds and rodents associated with waste transfer stations. (*E.g.*, R-1517.) While Area Disposal discusses some techniques that it will use to reduce odor from the transfer station itself, it has not shown that it is doing everything feasible to reduce smells from its trucks—which are permitted to store waste overnight while parked in the parking lot. *See* Section II(D), *supra*.

All told, Area Disposal's claim that the RTS is compatible with surrounding commercial and residential properties does not pass the sniff test. It has not demonstrated that it "has done or will do what is reasonably feasible to minimize incompatibility," with the commercial properties, stores, and businesses nearby, as required to satisfy Criterion 3. *See Waste Mgmt. of Illinois, Inc. v. Pollution Control Bd.*, 123 Ill. App. 3d 1075, 1090 (1984).

B. There is Insufficient Evidence From Which to Conclude That The Negative Effect of Area Disposal's Proposed Waste Transfer Station On Surrounding Property Values is Minimized.

To satisfy the Criterion 3, the facility **must** also be located "to minimize the effect on the value of the surrounding property." 415 ILCS 5/39.2(a)(iii). The Applicant submitted a real estate impact study that purports to show transfer stations do not harm surrounding property values. (*See* R-398.) But the study's flaws render it and related testimony of little evidentiary value.

The first flaw is that, to draw the conclusion that Criterion 3 is met, the study heavily relies upon the finding that the RTS is the highest and best use of the property. That is because, if a land use is the highest and best use of the property, there is an indication that it will not "have a negative impact on surrounding uses" and is not "detrimental" to them. (R-1413, 1414.) To demonstrate that a property's use is the "highest and best use," there are four elements that must be satisfied, including that the use is legally permissible. R-969, 1413. A property is legally permissible when

it is “either currently allowed or most probably allowable under zoning codes, building codes, environmental regulations, and other applicable laws and regulations that govern land use restrictions.”

The study’s author, Mr. Kleszynski, concludes that the legal permissibility element of the highest and best use test is met. (R-971.) This conclusion flies in the face of, and is obviously contrary to, Rantoul’s zoning Ordinance which, as discussed in Section III(A) above, **prohibits solid waste transfer stations** in C-2 General Commercial Districts as they are not compatible with that districts’ intended shopping and commercial uses.²⁵ It further disregards the portion of Rantoul’s Plan, also discussed in Section III(A) above, which calls for development of compatible retail and other commercial shops—**not an industrial waste transfer station**.

The second flaw is that the study purports that impacts on values of surrounding properties are minimized because the site of RTS is bounded by “industrial/commercial development to the east.” (R-943, 950.) It further states that it is shielded by those “industrial/commercial uses.” (R-964.) And that it is isolated from other surrounding properties by way of such uses. (R-966.) These statements are false. The study’s own exhibits refute this and show that multifamily residential developments, agricultural uses, and commercial facilities exist to the east—there are no industrial zones or developments to the east. (R-965, 966.) Moreover, this conclusion evidences that the values of the surrounding properties hosting commercial uses will be sacrificed for the purpose of shielding more distant surrounding properties from harmful impacts of the proposed RTS.

²⁵ The study is also flawed in that it assumes, without explanation or direct consideration of Rantoul’s zoning prohibition on waste transfer stations in the area, that land “[u]ses in the area are consistent and demonstrate the compatibility of the industrial/recycling applications with various commercial applications.” (R-950.)

The third flaw is that the real estate impact study appears to have defined its primary study area around the RTS site so narrowly that it excludes surrounding properties and other land uses such as restaurants that would also feel the facility's impact on property values and which are not compatible with a smelly, pest-attracting, solid waste transfer station. As discussed above, Starbucks, Culver's, other restaurants and hotels appear to be located just outside the real estate study area—but there is no reason to arbitrarily exclude them. The only reason to exclude them from the study area is that their inclusion begs the conclusion that impact on the values of surrounding properties is not minimized.

The fourth flaw is that the real estate impact study did not characterize, specifically identify, or specifically evaluate the RTS's impact on the values of nearby homes and other residential properties located in residential neighborhoods, such as the Indian Hills and Westlin Meadows neighborhoods. Such residences and neighborhoods also appear to be excluded from the boundaries of the study area, despite the fact that many of them are less than a mile from the proposed the RTS. (*See* R-964, 965, 966.)

During the public hearing, Area Disposal's expert Mr. Kleszynski pointed to a comparative study regarding impacts of a Bloomington, IL facility on Bloomington, IL residential property values. But, Bloomington is different in character and population than Rantoul, and there is no discussion of how or whether those residences are an appropriate comparator for the residences in Rantoul, IL, as pointed out in one of the public comments on this topic. (R-1804.) Indeed, there is no specific description of nearby Rantoul residences and neighborhoods at all. Thus, there is no adequate evidence in the record demonstrating that the RTS is located to minimize the effect on the values of those surrounding residential properties.

On the other hand, numerous public comments by Rantoul residents point to a drop in residential real estate values, for example:

- “As a long-term resident, this will decrease my property value and every property owner’s property value.” (R-1817.)
- “I would not purchase a house or open a restaurant near a transfer station and I don’t want one built so close. So why would someone else want to pay market value for mine [?]” (R-1833.)
- “I live in the neighborhood closest to the proposed transfer station (Westlin Meadows). Even if property assessments remain unchanged, how might proximity to this facility impact actual home resale values in my neighborhood and others? This was not addressed during the GFL presentation!” (R-1835.)
- “Depreciation of Indian Hills: as Rantoul’s premier residential area with some of the town’s highest property values and tax contributions, Indian Hills relies on its reputation for high quality of life. A nearby transfer station just down-wind will create a stigma effect, where the mere threat of drifting odors and toxic fumes will permanently depress property values and discourage future high-end residential growth.” (R-1852.)
- “It has been shown in Evanston, IL that property values dropped an[] average of 12.9% where the transfer station was located. Rantoul is turning a corner, but has a long way to go to expand residential and business development. Having existing properties devalued by any amount decreases the chances for development and residential building...some current homeowners could leave the town before their real estate values tank....We have been property owners and paid taxes in this community for 42 years. We went through the closure of Chanute Air Force Base, have seen businesses come and go and seen property values drop and start to come back. Rantoul does n[o]t need the facility that is being proposed to degrade out community.” (R-1804-1805.)
- “I am located less than a mile from what apparently will be the location of the proposed landfill and would be very negatively affected by not only the smell, but the affect on my property value.” (R-1870.)
- “how might proximity to this facility impact actual home resale values?” (R-1797.)
- “I must disagree with the ‘expert’ discussing effect on property values. The reports he gave were not complete & did not include increase in property values due to inflation, etc...There is no way that a nearby trash transfer station would not effect the property values, just ask any realtor. It would more than likely discourage future business and residential development. The criteria showing no effect on property values has definitely not been met!” (R-1847.)

Rantoul residents-property owners are generally competent to render opinions about their own property values under Illinois law. *E.g.*, *In re Marriage of Vucic*, 216 Ill. App. 3d 692, 703 (1991) (“the general rule in Illinois is that a property owner is competent to render an opinion as to the value of his property.”); *Am. Nat. Bank & Tr. Co. v. City of N. Chicago*, 155 Ill. App. 3d 970, 973 (1987).

IV. Criterion 6 - Area Disposal failed to meet its burden to establish that the traffic patterns to or from its Rantoul Transfer Station are so designed as to minimize the impact on existing traffic flows.

The sixth criterion that must be satisfied is that “the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.” 415 ILCS 5/39.2(a)(vi). As with all the criteria, the applicant must provide detailed information sufficient to demonstrate that impacts on existing traffic flows are minimized. *Id.*; *see also McHenry Cnty. Landfill, Inc. v. Illinois E.P.A.*, 154 Ill. App. 3d 89, 102, (1987). Here, Area Disposal failed to provide evidence sufficient to show the RTS meets Criterion 6 because it did not evaluate at least three critical areas of impact on traffic flows and safety.

The traffic impact study submitted by Area Disposal obscured, and therefore did not analyze, the true peak volume of traffic generated by the facility. After performing traffic counts on Tuesday, March 4, 2025 from 6:00am to 6:00pm, Area Disposal’s expert, Mr. Werthmann concluded that the “midday” is when traffic ramps up in the area around the site and is “when the facility generates the highest volume of traffic.” (R-1440, 1441.) Yet, for the purpose of evaluating impacts of the proposed facility on that midday traffic peak, Mr. Werthmann assumed that the five new employees associated with the proposed facility would arrive “during the morning peak hour and depart during the evening peak hour,” even though he found that most of them were “projected to arrive and depart the facility outside of the weekday morning and evening peak hours.” (R-1044.

R-1044.) Mr. Werthmann also opined that, in addition to waste truck and employee traffic, the proposed RTS “will generate several trips per day due to the maintenance/service of the proposed transfer station.” (*Id.*) There is no evidence of the type of vehicles involved in maintenance/service or even an estimate of what “several” trips means but, that traffic too will occur mostly during off-peak hours. (*Id.*; *see also* R-1045 (Table 2)). Yet, it was not included or analyzed in the study. (*Id.*)

Traffic related to the Rantoul Family Sports Complex, which depends upon the Murray Road intersection that will be heavily utilized by the RTS, was not considered. One commenter, the Westlin Meadows neighborhood’s Homeowners Association President, explained:

“The intersection of US 136 and Murr[a]y Road is already a well-traveled area. The addition of frequent, heavy truck traffic associated with a trash deposit center will significantly increase congestion and create safety risks for residents, commuters, and nearby businesses. This is especially concerning for families in our neighborhood who rely on these routes daily. Not to mention the added congestion of the sports complex.” (R-1811.)

Additional comments from residents raised concerns and evidence that traffic related to the Rantoul Family Sports Complex is significant but was not considered. (*E.g.*, R-1804, 1851, 1853, 1854.) And, the Rantoul Family Sports Complex is an outdoor sports complex unlikely to host sports activities in early March. There are no sports or any other events listed on the Rantoul Sports Complex’s calendar for March 4, 2025—the day of the traffic study.²⁶ Thus, traffic related to this significant facility was not analyzed.

Additionally, the facility is proposed to operate on Saturdays from 5:00 a.m. to noon. (R-1443.) But, as one resident commented, Area Disposal’s “traffic study is fundamentally insufficient, reportedly relying on a single day “snapshot” (a Tuesday, vs a weekend or festival period, where an extra 40,000 + people are in town and the facility is proposed to be operating.

²⁶ Rantoul Family Sports Complex, Calendar (last visited July 20, 2026), available here: <https://www.rantoulsportscomplex.com/calendar/> (enter Mar. 5, 2025 to view related calendar entries for the date of the traffic study).

This fails to capture the true congestion of US 136, especially during the weekends when the sports complex and local businesses close by are at peak capacity.” (R-1851.) As another resident and owner of the local auto dealership further commented, “the amount of traffic, if you ever were here not on a Tuesday -- a Tuesday is not a very good day to do a traffic check. Friday, Saturday, Sunday, it is -- it is almost impossible to get out of our business. If you go to Walmart or if you come to Shields Auto Center on a Saturday, to get off our small access road to get onto the main road, you're sitting there for [a long time] and have 20 to 30 cars lined up in front of you and you can't get out.” (R-1518.)

Indeed, the traffic study was conducted entirely on a weekday. (R-1443.) As Rantoul residents explained on the record, Saturday traffic patterns are different—the businesses near this site, are likely to have different weekend usage profiles. (*E.g.*, R-1851, 1853, 1854.) No Saturday traffic data was collected and no Saturday analysis was performed. Thus, it cannot be concluded that Saturday operations are safe for local traffic or are designed to minimize impacts, when Saturday was never studied.

It is against the manifest weight of the evidence to conclude that peak midday and Saturday traffic impacts are minimized and the roads are safe from traffic hazards, when the impacts of the true traffic conditions were not analyzed and evidence in the records points to more traffic existing than was considered by the study.

V. Fundamental Fairness – Law and Facts Regarding the Rantoul Transfer Station Were Unfairly Prejudged

When a local siting decision is appealed to the Board, Section 40.1 of the Act requires the Board to consider the fundamental fairness of the procedures used by the local governing body in reaching its decision. 415 ILCS 5/40.1. A key component of the fundamental fairness standard is

the requirement of an impartial decision-maker. *See e.g., Sw. Energy Corp. v. Illinois Pollution Control Bd.*, 275 Ill. App. 3d 84, 89, 655 N.E.2d 304, 307 (1995) (affirming the Board’s decision that local siting proceedings were fundamentally unfair where an applicant and a principal behind the application met with the hearing officer over lunch to discuss her qualifications and interest in serving, and they participated in determining whether she was qualified—creating an improper relationship that compromised the impartiality of the proceedings.) The members of a local siting authority are presumed to have made their decision in a fair and objective manner. *Peoria Disposal Co. v. Illinois Pollution Control Bd.*, 385 Ill. App. 3d 781, 797 (2008). To show bias or prejudice, a petitioner must demonstrate that a disinterested observer might conclude that the local siting authority, or its members, had prejudged the facts or law of the case. *Id.* at 798.

Here, there is a concern that certain Rantoul elected officials and staff prejudged the facts and the law, rendering the siting proceedings fundamentally unfair. Public comments in the record raised these concerns. (*E.g.*, R-1825 (“My big fear is that this is already a done-deal and we, the residents of Rantoul, do not have any say on what is affecting us”)). And these fears are supported by evidence in the record that suggests that Area Disposal and/or its experts worked with Rantoul’s governing body and staff so closely that they prejudged that criteria were satisfied prior to the completion of the siting proceedings. (*E.g.*, R-1342-1343 (reflecting that Rantoul had started to consider and invest in the application “before [Area Disposal] filed [it.]”); R-1443-1444 (“We’ve [Area Disposal and/or its expert Mr. Werthmann] worked closely with the village and your consultant on the design of this and the routes to the facility....”)). Statements made by Rantoul Trustees, officials, and their representatives at the June 16, 2026 Special Meeting raise similar

concerns that the law and facts were prejudged to require approval with no room to consider denial of the application or the imposition of additional conditions on the RTS.²⁷

Some consultation between Rantoul and Area Disposal may be permissible and/or required under Rantoul's Ordinances, but the level of influence shown in the record suggests such information-sharing crossed the line into impermissible pre-judgment of the application. The precise circumstances, nature, and timing of interactions between Area Disposal, Rantoul, and Rantoul's consultants are not contained in the record. But, unlike with the Section 39.2 criteria, when examining fundamental fairness, the Board may consider new evidence that is not part of the record before the local siting authority. *Fox Moraine, LLC v. United City of Yorkville*, 2011 IL App (2d) 100017, ¶ 58. Petitioners seek the opportunity to discover and offer additional evidence related to the concerns of bias shown above prior to a hearing before the Board. An Illinois Freedom of Information Act (5 ILCS 140) request has been submitted to obtain information bearing on fundamental unfairness, but Rantoul's request for an extension of time to gather responsive records prevented obtaining that information in advance of the filing of this Petition.

Additionally, it appears that some timely submitted public comments did not make it into the record and therefore were not considered by Rantoul, as required and rendering the local siting process unfair. For example, Petitioner Mary Mann Reifsteck believes that she timely submitted a written public comment on or about May 15, 2026, but her comment does not appear in the record attached as Exhibit 2.

²⁷ Although a transcript of the June 16, 2026 Special Meeting is not included in the record of proceedings attached as Exhibit 2, the meeting was livestreamed and the video of the livestream is available here: <https://vimeo.com/1199945933> (which is a link provided by the Village of Rantoul on its website).

**STATEMENT OF PROPER PETITIONERS
PURSUANT TO 35 Ill. Admin. Code § 107.208(b)**

Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioner, Kenda C. Hess, is a proper petitioner. Petitioner participated in the April public hearing conducted by Rantoul by making an oral public comment. (R-1503-1504.) Petitioner is so located as to be affected by the proposed RTS. Petitioner is a resident of Rantoul, and has been for about 39 years. (R-1504.) Petitioner resides less than one mile away from the site proposed for the RTS. (*See Id.*)

Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioner Theresa C. Adams, is a proper petitioner. Petitioner participated in the April public hearing conducted by Rantoul by making an oral public comment. (R-1505-1509.) She also submitted written public comment (R-1849-1855.). Petitioner is so located to be affected by the proposed RTS. Petitioner is a resident of Rantoul. (*Id.*)

Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioner Lori Shields, is a proper petitioner. Petitioner participated in the April public hearing conducted by Rantoul by making an oral public comment. (R-1516-1519.) Petitioner is so located to be affected by the proposed RTS. Petitioner is a resident of Rantoul. Petitioner resides less than one mile away from the site proposed for the RTS. (*See Id.*) Petitioner also owns and works at a business located less than one mile from the site proposed for the RTS. (*See Id.*)

Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioners John and Joyce Borchert are proper petitioners. Petitioners participated in the local siting proceedings by submitting written public comments. (R-1803-1808;1838-1840). Petitioners are so located to be affected by the proposed RTS. Petitioners are residents of Rantoul. *Id.*

Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioner Lois Rooney, is a proper petitioner. Petitioner participated in the local siting proceedings by submitting written public comment. (R-1801-1802.) Petitioner is so located to be affected by the proposed RTS. Petitioner is a resident of Rantoul. (*Id.*)

Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioner Charles Archibald, is a proper petitioner. Petitioner participated in the local siting proceedings by submitting written public comment. (R-1818.) Petitioner is so located to be affected by the proposed RTS. Petitioner is a resident of Rantoul. (*Id.*)

Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioner Yolanda Taylor-Hudson, is a proper petitioner. Petitioner participated in the local siting proceedings by submitting written public comment. (R-1871). Petitioner is so located to be affected by the proposed RTS. Petitioner is a resident of Rantoul. (*Id.*)

Upon information and belief, Pursuant to 35 Ill. Admin. Code §§ 107.200, 107.208(b), Petitioner Mary Mann Reifsteck is a proper petitioner. Upon information and belief, Petitioner participated in the local siting proceedings by submitting written public comment on or about May 15, 2026.²⁸ Petitioner is so located to be affected by the proposed RTS. Petitioner is a resident of Rantoul.

Petitioners are also supported by Shegenn Archibald and Joanne A. Beesley, who are residents of Rantoul that wish to express further support of the relief requested in this Petition.

²⁸ As discussed in Section V, Petitioner Mary Mann Reifsteck's written public comment does not appear in the record available to Petitioners. Petitioner believes that her written public comment was submitted on or about May 15, 2026, a few days before the May 18, 2026 deadline. Should Respondent Village of Rantoul provide evidence that she did not timely submit a public comment, Petitioner Mary Mann Reifsteck may be considered a supporter of this Petition, as opposed to a petitioner.

CONCLUSION

For the foregoing reasons, Petitioners respectfully petition the Illinois Pollution Control Board for a hearing to contest Respondent Village of Rantoul's local siting approval of Respondent Area Disposal Service, Inc.'s Rantoul Recycling and Transfer Station pursuant to 415 ILCS 4/40.1(b).

Dated: July 20, 2026

Respectfully submitted,

/s/ Margaret E. Galka

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I did on July 20, 2026, cause to be served by Electronic and Certified US Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Naperville, Illinois, a true and correct copy of the following instruments entitled Petition for Hearing to Contest The Village of Rantoul's Approval of Area Disposal Service, Inc.'s Waste Transfer Station, upon:

The Village of Rantoul
David B. Wesner (dwesner@efbclaw.com)
Counsel for The Village of Rantoul

Area Disposal Service, Inc.
Janaki Nair (jnair@emrslaw.com)
Counsel for Area Disposal Service, Inc.

The Village of Rantoul
C/O Village Clerk Janet E. Gray, MMC
333 South Tanner
Rantoul, IL 61866
(Certified #9589 0710 5270 2917 3312 43)

Area Disposal Service, Inc.
C/O CT Corporation System
208 S. LaSalle St, Ste. 814
Chicago, IL 60604-1101
(Certified #9589 0710 5270 2917 3312 36)

Hearing Officer William R. Andrichik
444 West Lake Street
Suite 3200
Chicago, IL 60606
William.Andrichik@michaelbest.com
(Regular US Mail)

Please be advised that, due to their large size, the exhibits to the above mentioned Petition are contained in a flash drive within the referenced mailing.

/s/Margaret E. Galka

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