

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Kenda C. Hess, Theresa C. Adams,	)	
Lori Shields, John and Joyce Borchert,	)	
Lois Rooney, Charles Archibald, Yolanda	)	
Taylor-Hudson, and Mary Mann	)	
Reifsteck,	)	
	)	PCB No. 2027-002
Petitioners,	)	
	)	
v.	)	
	)	
Area Disposal Service, Inc. and	)	
Village of Rantoul,	)	
	)	
Respondents.	)	

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on August 19, 2026, Area Disposal Service, Inc. electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the MOTION TO DISMISS PETITION FOR HEARING TO CONTEST THE VILLAGE OF RANTOUL'S APPROVAL OF AREA DISPOSAL SERVICE, INC.'S WASTE TRANSFER STATION, a copy of which is hereby served upon you.

/s/ Janaki Nair
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CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies that she served a copy of the foregoing NOTICE OF ELECTRONIC FILING and the following MOTION TO DISMISS PETITION FOR HEARING TO CONTEST THE VILLAGE OF RANTOUL'S APPROVAL OF AREA DISPOSAL SERVICE, INC.'S WASTE TRANSFER STATION, to the parties on the attached service list, by sending a copy to the email addresses designated on the service list on or before 4:30 p.m. on August 19, 2026.

/s/ Janaki Nair
One of the Attorneys for Area Disposal
Service, Inc.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Kenda C. Hess, Theresa C. Adams,	)	
Lori Shields, John and Joyce Borchers,	)	
Lois Rooney, Charles Archibald, Yolanda	)	
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	)	PCB No. 2027-002
Petitioners,	)	
	)	
v.	)	
	)	
Area Disposal Service, Inc. and	)	
Village of Rantoul,	)	
	)	
Respondents.	)	

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

Respondent Area Disposal Service, Inc. (the "Applicant"), by and through its undersigned counsel, and pursuant to 35 Ill. Adm. Code 101.500(a), hereby moves to dismiss the Petition for Hearing to Contest the Village of Rantoul's Approval of Area Disposal Service, Inc.'s Waste Transfer Station (the "Petition"), filed with the Illinois Pollution Control Board (the "Board") on July 21, 2026, by Kenda C. Hess ("Hess"), Theresa C. Adams ("Adams"), Lori Shields ("Shields"), John and Joyce Borchers (the "Borchers"), Lois Rooney ("Rooney"), Charles Archibald ("Archibald"), Yolanda Taylor-Hudson ("Taylor-Hudson"), and Mary Mann Reifsteck ("Reifsteck") (each a "Petitioner" and collectively, "Petitioners"). The Petition is subject to dismissal in its entirety for lack of standing pursuant to 35 Ill. Adm. Code 107.502, 735 ILCS 5/2-619(a)(9), 415 ILCS 5/40.1(b), 35 Ill. Adm. Code 107.200(b), and other applicable law. Alternatively, Petitioners' claim that the siting hearing was not fundamentally fair is subject to dismissal because (a) Petitioners failed to state a claim that the siting authority prejudged the

application; and (b) Petitioners forfeited their claim by failing to raise their objections with the siting authority.

INTRODUCTION

First, Petitioners lack standing to pursue this appeal of the local siting approval granted to the Applicant by Respondent Village of Rantoul (the “Village”) because Petitioners did not “participate” in the public hearing conducted by the Village, as is required by 415 ILCS 5/40.1(b) and 35 Ill. Adm. Code 107.200(b). There were only two participants at the public hearing: the Applicant and the Village. Therefore, the Petition and this case must be dismissed in its entirety. Alternatively, and at a minimum, those Petitioners who merely submitted a written public comment should be dismissed.

Second, if the Petition is not dismissed in its entirety, Petitioners’ claim that the siting process was not fundamentally fair should be dismissed. Petitioners failed to allege any facts that support this allegation. Furthermore, to preserve this claim, Petitioners were required to raise it before the siting authority approved the application. Because they failed to do so, the claim is forfeited.

BACKGROUND

1. The Applicant submitted an application for siting approval for a recycling and transfer station to be located at 896 West Champaign Avenue in Rantoul on December 22, 2025. (*See* R-1-1322).¹

2. On February 14, 2026, Applicant published a Notice of Public Hearing for the application in the News-Gazette, a daily newspaper of general circulation in the Rantoul area. (*See* R-1578-79).

¹ References to the Record certified by the Village Clerk on June 2, 2026 are cited as “R-” herein.

3. The Village has adopted an ordinance that governs the consideration of applications for pollution control facilities. *See* Village's Ordinance 2796 (An Ordinance Amending Chapter 28 "Solid Waste" of the Rantoul Code in Connection with Pollution Control Facilities) (the "Ordinance"), a copy of which is attached hereto as Exhibit A.

4. Section 28-110(A) of the Ordinance provides, "[a]ny qualified person or entity (other than the applicant) who desires to participate in the public hearing as a party as defined in this article shall file an entry of appearance with the Village Clerk at least ten (10) days prior to the public hearing and serve a copy upon the hearing officer." *Id.*

5. Section 28-110(D) of the Ordinance provides that "[o]nly the applicant and other parties who have complied with this section can actively participate in the public hearing." *Id.*

6. At no time did any Petitioner file an entry of appearance with the Village Clerk to participate in the public hearing on the siting application.

7. The sole participants at the public hearing were the Village and the Applicant. *See* Finding of Fact No. 38: "The Applicant and the Village of Rantoul were the sole participants at the public hearing on April 17, 2026, as defined by Section 28-110 of the Ordinance." (R-1906).²

² The version of the Record filed by Petitioners ends on page R-1880 and does not include pages R-1881 through R-1908. The complete Record was circulated via email sent on June 5, 2026, to the participants at the public hearing, by the Hearing Officer. That complete Record includes the Village's Certification of Compliance with Section 39.2(d-5) of the Act (R-1881), the Hearing Officer's Report and Findings (R-1882-1908), a Certification of Record dated June 2, 2026. Pages R-1881-1908 and the Certification of Record dated June 2, 2026, are attached hereto as Exhibit B.

As the Hearing Officer also noted in his Report, "[w]ithin the time set forth in §28-110(A) of the Ordinance, American Disposal Services of Illinois, Inc. d/b/a Republic Services of Bloomington filed an appearance and stated its intent to appear at the Hearing. Prior to the Hearing, however, American Disposal Services of Illinois, Inc. formally withdrew its appearance. [Footnote omitted.] At the hearing, the Applicant was represented by counsel, specifically Janaki H. Nair of Elias, Meginnis & Seghetti, P.C. (See R-1323.) The Village Board and Mayor were represented by David B. Wesner of Evans, Froehlich, Beth & Chamley. No other entity or individual filed an appearance prior to the Hearing or within the timeframe set forth in the Ordinance." (Ex. B, R-1883).

8. The Village conducted a public hearing on the Application for Local Siting Approval on April 17, 2026. (*See* R-1325-1526).

9. Three (3) Petitioners (Hess, Adams, Shields) made oral public comment at the public hearing. (*See* R-1504-09; 1516-20).

10. Petitioner Reifsteck “believes that she timely submitted a written public comment on or about May 15, 2026,” after the public hearing. (*See* Petition, p. 43)

11. The remaining Petitioners (the Borchers, Rooney, Archibald, and Taylor-Hudson) filed written public comment after the public hearing. (*See* Petition, pp. 44-45).

12. Petitioners do not allege that any Petitioner objected to the fairness of the hearing or asserted in their oral or written comments that any member of the siting authority was biased or had prejudged the siting application. (*See* Petition pp. 41-43).

13. On June 16, 2026, the Rantoul Board of Trustees and Mayor held a Special Meeting at which they voted on and approved Applicant’s siting application, with conditions. (*See* Petition, p. 6).

ARGUMENT

A. The Petition Should Be Dismissed Because Petitioners Lack Standing.

1. The Act Only Confers Standing on Third Parties “Who Participated in the Public Hearing” and Petitioners Did Not Participate in the Public Hearing as Prescribed in the Village’s Ordinance.

Section 40.1(b) of the Environmental Protection Act (“Act”) only allows a third party to appeal a grant of local siting approval if it “*participated in the public hearing*” conducted by the local governing authority. 415 ILCS 5/40.1(b) (emphasis added). In the Petition, Petitioners assert that their right to appeal in this case is based on oral public comments made during the public hearing and submission of written public comments. (Petition, pp. 44-45). However, neither is

sufficient to establish “participation” under the Act or the Ordinance and, therefore, Petitioners lack standing to bring this action.

The Illinois Appellate Court has held that the Act does not grant the right to the general public “to act as ‘participants’ in local siting proceedings.” *Stop the Mega-Dump v. Bd. of De Kalb County*, 2012 IL App (2d) 110579, ¶ 41. In *Stop the Mega-Dump*, the Illinois Appellate Court upheld a Board decision that a county board’s siting procedures, which narrowly defined the class of persons who could act as “participants” at the public hearing, were not fundamentally unfair. *Id.* at ¶ 40. Looking first to the Act, the court held that, while “[t]he Act affords specific persons and entities particular rights in relation to the local siting process,” it “**does not give the general public the right to appear and to participate.**” *Id.* at ¶ 42 (emphasis added). The only rights granted to the general public in the Act are limited to inspecting the application on file and providing written comment concerning the appropriateness of the proposed site for its intended purpose. *Id.*

Next, with respect to the county board’s procedures, the court stated that the appellate court has held that a siting authority “is not bound by the siting approval procedures, criteria, **or appeal procedures** provided for in the Act and **may establish its own rules governing conduct of a siting hearing** so long as those rules are fundamentally fair and not inconsistent with the Act.” *Id.* at ¶ 12 (emphasis added), citing *City of Elgin v. County of Cook*, 257 Ill. App. 3d 186, 192 (1st Dist. 1993); *Waste Management of Illinois, Inc. v. Pollution Control Board*, 175 Ill. App. 3d 1023, 1036 (2nd Dist. 1988). Reviewing the specific procedures utilized in *Stop the Mega-Dump*, the court found that they allowed the general public to participate in ways that would otherwise not be afforded under the Act, and the hearing officer relaxed the participation limitations to afford greater

participation.³ *Id.* at ¶ 44-46. Therefore, the opponents of the siting approval failed to establish that the proceedings were fundamentally unfair. *Id.* at ¶ 47.

Here, the Village, consistent with its authority to adopt rules governing the siting hearing, lawfully adopted the Ordinance, which sets forth procedures for persons who desire to participate in the public hearing. Under those rules, only those parties who have complied with those procedures can participate in the public hearing. All other persons are limited to submitting written public comment. (Ex. A, §28-110(A), (D), p. 10.) Specifically, the Ordinance provides that “[a]ny qualified person or entity (other than the applicant) who *desires to participate* in the public hearing as a party as defined in this article shall *file an entry of appearance* with the Village Clerk at least ten (10) days prior to the public hearing and serve a copy upon the hearing officer.” (Ex. A, §28-110(A), p. 10; *emphasis added*). The term “party” is defined in the Ordinance as “any person, in addition to the applicant, who complies with the prehearing filing requirements set forth in Section 28-1[10] and who may be affected by the proposed facility.” (Ex. A, §28-100, p. 2). The Ordinance further provides that “[o]nly the applicant and other parties who have complied with this section can actively participate in the public hearing. All other persons and entities are limited to submitting written comments as allowed in section 28-119.” (Ex. A, §28-110(D), p. 10).⁴

In this case, Petitioners were not “participants” in the public hearing under the Act because they did not comply with the rules set forth in §28-110(A) of the Ordinance. The sole participants at the public hearing were the Village and the Applicant. (*See* Ex. A, §28-110(D), p. 10). As the

³ The county board’s procedures limited a “participant” to only an owner of property or its attorney subject to notice under an ordinance; or an official or an attorney representing a township or a municipality located within 1½ miles from the proposed facility. *Stop the Mega-Dump*, 2012 IL App (2d) 110579, ¶ 29.

⁴ The Hearing Officer allowed submission of oral public comment at the public hearing as well as written public comment. *See* Transcript, R-1500 to R-1520; Report of Hearing Officer and Findings Pursuant to Ord. 2796 § 28-112(B)(14) (the “Report”), Ex. B, R-1900 to R-1902; Ex. B, Finding of Fact No. 40 (R-1906).

Hearing Officer stated in his Report, “[t]he Applicant and the Village of Rantoul were the sole participants at the public hearing on April 17, 2026, as defined by Section 28-110 of the Ordinance.” (Ex. B, Finding of Fact No. 38, R-1906).

If Petitioners wanted to participate in the public hearing, they had the opportunity to do so; but they elected not to participate. They did not file entries of appearances with the Village Clerk at least ten (10) days prior to the public hearing, as required by the Ordinance. (*See Ex. A*, §28-110(A), pg. 10). In fact, Petitioners never filed any entries of appearances. Petitioners admit that the extent of their involvement in the public hearing was making oral and written public comment. (Petition, pp. 44-45). This does not constitute “participation” under the Ordinance, which specifically sets forth what is required to “participate in a public hearing.” Under the Illinois Appellate Court’s holdings, the Village can establish its own siting hearing rules, including appeal procedures, and those procedures control. *See Stop the Mega-Dump*, 2012 IL App (2d) 110579, ¶ 12. Therefore, Petitioners lack standing to file the Petition, and the Petition and this case must be dismissed in its entirety.

The Applicant acknowledges that this interpretation of “participation” is inconsistent with certain past decisions of the Board, in which the Board held that “mere attendance” by an individual at a public hearing on a siting application was sufficient to constitute “participation” pursuant to Section 40.1(b) of the Act. *See, e.g., Valessares v. County Board of Kane County*, PCB 87-36 (July 16, 1987); *Zeman v. Village of Summit*, PCB 92-174, PCB 92-177 (consol.) (Dec. 17, 1992); *Amer. Disposal Servs. of Illinois, Inc. v. County Bd. of McClean County, Illinois*, PCB 11-60 (Feb. 16, 2012). However, the Board has not reached that holding following the Illinois Appellate Court’s 2012 decision in *Stop the Mega-Dump, supra*, or in the context of this specific Ordinance, which defines “participation” in a public hearing. The general public clearly **does** have

a right to file public comment under the Act, but under the current law, the general public does *not* have a right to “participate” in the public hearing under the Act. Rather, this right is found, if anywhere, in the Ordinance. And, in this case, Petitioners failed to establish they complied with Section 28-110 of the Ordinance in order to secure “participant” status and, therefore, they lack standing to bring this appeal.

2. Petitioners Who Only Submitted, or Purportedly Submitted, a Written Public Comment are not a “Participant” With Standing to Appeal From a Grant of Local Siting Approval.

Regardless of whether mere attendance at a hearing constitutes “participation,” under the Board’s prior rulings, those Petitioners who only submitted written public comments lack standing to pursue this appeal and should be dismissed. In the Petition, Petitioners the Borchers, Rooney, Archibald, Taylor-Hudson, and Reifsteck each concede that their sole involvement in this case was filing (or possibly filing, in the case of Reifsteck) written public comment. (*See* Petition, pp. 44-45). The Board has long held that filing a written public comment is insufficient to establish “participation in a public hearing” under Section 40.1(b) of the Act and does not confer standing to appeal a siting decision. *See, e.g., Valessares*, at 6; *Rosauer v. Onyx Waste Services Midwest, Inc.*, PCB 05-1 (October 7, 2004), at 6.

In *Valessares*, the Board reasoned that the terms “public hearing” and “public comment” appear in different contexts within Section 39.2 of the Act, which establishes local siting procedures. *See Valessares*, at 6. Appeal rights under Section 40.1(b) of the Act are only in the context of those who participated in a “public hearing,” whereas general “public comment” rights are granted to anyone who wants to simply submit a public comment after the close of the public hearing. *See* 415 ILCS 5/39.2(c) (“Any person may file written comment with the county board or governing body of the municipality concerning the appropriateness of the proposed site for its

intended use. The county board or governing municipality shall consider any comment received or postmarked not later than 30 days *after the date of the last public hearing.*”) (emphasis added).

It is clear that the mere filing of a written public comment was never intended to constitute “participation” in the public hearing for purposes of the right to appeal in Section 40.1(b) of the Act. Therefore, those Petitioners who solely submitted or purportedly submitted written public comments, namely, the Borchers, Rooney, Archibald, Taylor-Hudson, and Reifsteck, should be dismissed for lack of standing.

B. Petitioners’ Claim that the Siting Hearing Was Not Fundamentally Fair Because the Siting Authority Prejudged the Application Should Be Dismissed.

1. Petitioners Failed to Allege Facts Supporting Their Claim that the Siting Process was Not Fundamentally Fair.

Illinois is a fact-pleading jurisdiction, and the Board requires fact-pleading in petitions challenging siting decisions. *See Sierra Club and Jim Bensman v. City of Wood River and Norton*, 1997 WL 728170, at *2 (PCB November 6, 1997). Accordingly, “[b]are conclusions of law, or conclusory factual allegations that parrot the elements of a cause of action without underlying factual support, are not taken as true in considering a ... motion to dismiss.” *Selby v. O’Dea*, 2020 IL App (1st) 181951, ¶ 59; *see also City of Des Plaines v. Metro. Sanitary Dist. of Greater Chicago.*, 60 Ill. App. 3d 995, 1001 (1st Dist. 1978) (dismissing Complaint because the petitioner “merely states a conclusion and fails to allege any facts upon which the Board could grant relief.”)

A claim that a siting process was not fundamentally fair faces a high bar because the “siting authority’s role in the siting-approval process is both quasi-legislative and quasi-adjudicative.” *Fox Moraine, LLC v. United City of Yorkville*, 2011 IL App (2d) 100017, ¶ 60. For that reason, fundamental fairness requires only “minimal standards of procedural due process,” *id.*, and “[t]he 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 (3d Dist. 2008). A petitioner “accusing the siting authority of prejudgment must identify specific evidence showing that members of the siting authority were actually biased.” *Stop the Mega-Dump*, 2012 IL App (2d) 110579, ¶ 56; *see also Residents Against a Polluted Env't v. Illinois Pollution Control Bd.*, 293 Ill. App. 3d 219, 225 (3d Dist. 1997) (rejecting challenge to siting approval that was “based upon bare, unsupported allegations”).

Petitioners’ claims fail as a matter of law under this standard. The Petition’s allegations are devoid of any facts indicating prejudgment of the application by any member of the siting authority. The Petition does not allege any statement or action by any member of the siting authority, much less any statement or action suggesting that any member’s decision was based on improper factors. In fact, the Applicant cannot even determine which members of the siting authority Petitioners are alleging improperly prejudged the application.

Petitioners allege that their claim that the siting process was not fundamentally fair is supported by statements made by the Applicant’s counsel and witnesses at the siting hearing, but they cite only to portions of the transcript referring to a prefiling review of the application by the Village’s staff and outside expert. (*See* Petition at p. 42, citing R-1342-43 and 1443-44). Notably, a prefiling conference with Village staff is a legal requirement of the siting application established by the Village’s Ordinance. (*See Ex. A*, §28-101) (“At least forty-five (45) days prior to the filing of an application with the Village Clerk, the applicant shall contact the Village Department of Community Development to schedule a preapplication conference with Village staff. Applicant is encouraged to discuss with staff the type, size and location of its facility.”) Moreover, it is well-established that prefiling review and prefiling communications (even communications with voting members of the siting authority, which is not alleged here) are permissible and do not render the

subsequent siting process unfair. *See Stop the Mega-Dump*, 2012 IL App (2d) 110579, ¶ 16 (rejecting prejudgment challenge to siting approval where applicant had given county board members “mini hearing presentations” and private tours of other facilities before the siting application was filed); *see also Land & Lakes Co. v. Illinois Pollution Control Bd.*, 319 Ill. App. 3d 41, 49 (3d Dist. 2000) (finding siting process was not fundamentally unfair where county waste services division reviewed and provided comments on draft application before it was submitted); *Sierra Club v. Will County Board*, PCB 99-136 (August 5, 1999).

Petitioners also allege that their claim of prejudgment is supported by “Statements made by Rantoul Trustees, officials, and their representatives at the June 16, 2026 Special Meeting.” (Petition, pp. 42-43). Despite providing an internet link to a video recording of that hearing, however, Petitioners do not identify a single statement from the hearing that they allege supports their fundamental fairness claim. This allegation is thus merely a “[c]onclusion[] of fact or law unsupported by any allegation of specific facts” and is therefore “insufficient to withstand a motion to dismiss.” *Kaczka v. Ret. Bd. of Policemen’s Annuity & Ben. Fund of City of Chicago*, 398 Ill. App. 3d 702 (1st Dist. 2010).

Petitioners tacitly admit the inadequacy of their allegations. They state that “[t]he precise circumstances, nature, and timing of interactions between Area Disposal, Rantoul, and Rantoul’s consultants are not contained in the record.... 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.” (Petition, p. 43.) Petitioners have it backwards. “[D]iscovering first and pleading later is a misuse of discovery.” *Odarczenko v. Polaris Indus., Inc.*, 2024 IL App (4th) 230790-U, ¶ 80. Fact pleading requires that a petitioner have a factual basis for its claims as a threshold matter. Petitioners are not entitled to use discovery as a “fishing expedition” to search for the facts that

are missing from the Petition. *See Redelmann v. Claire Sprayway, Inc.*, 375 Ill. App. 3d 912, 927 (1st Dist. 2007). Therefore, Petitioners' unsupported claims of lack of fundamental fairness should be dismissed.

2. Petitioners Forfeited Their Claim that the Siting Process Was Not Fundamentally Fair Because They Failed to Object to the Siting Authority's Alleged Prejudgment Before the Vote Approving the Application.

In addition to its substantive deficiencies, Petitioners' fundamental fairness challenge also comes too late. Claims that the siting authority prejudged the application are "forfeited unless they are raised promptly in the original siting proceeding[.]" *Peoria Disposal Co.*, 385 Ill. App. 3d at 798. This timing requirement serves an important equitable function: "it would be improper to allow the complainant to knowingly withhold such a claim and to raise it after obtaining an unfavorable ruling." *Id.*

To preserve their unfairness claim, Petitioners were required to make a formal objection, and bring the alleged unfairness issues to the attention of the siting authority, before it voted to approve the application. *Id.* at 799 (finding that company forfeited its claims of bias because "the company learned at the meeting itself, before a vote was taken, that Mayer and Thomas were members of the national Sierra Club. The company's attorneys could have objected and raised a claim of bias at that point, before a vote was taken."); *see also Fox Moraine*, 2011 IL App (2d) 100017, ¶ 75 ("We agree that Fox Moraine could have submitted a written motion immediately after the election, during the public commentary period or at the deliberations meeting. Since it made no attempt, we agree with the Board that the arguments were forfeited.").

All of the alleged bases for Petitioners' fundamental fairness claim were known or knowable in advance of the vote on the application. As explained above, the claim arises largely from alleged prefilings communications between the Applicant and the Village's staff and consultants. The Ordinance, which requires a prefilings conference between the applicant and the

Village, was published on June 10, 2025, over a year before the June 16, 2026 Special Meeting at which the vote occurred. Also, Petitioners alleged that the communications were discussed in public at the siting hearing, which occurred two months before the vote.

Despite this, Petitioners do not allege that any of them raised any objection to the fairness of the siting process with the siting authority. Accordingly, Petitioners' fundamental fairness claim is forfeited and should be dismissed.

WHEREFORE, the Applicant respectfully requests that the Board dismiss the Petition and this case in its entirety or, alternatively, dismiss the Borchers, Rooney, Archibald, Taylor-Hudson, and Reifsteck, and dismiss the claims of lack of fundamental fairness in Section V of the Petition, and award the Applicant such other and further relief as is deemed appropriate under the circumstances.

Respectfully submitted,

AREA DISPOSAL SERVICE, INC.,
Respondent

By: /s/ Janaki Nair
One of its attorneys

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EXHIBIT A

SITING ORDINANCE

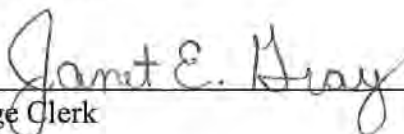
ORDINANCE 2796

**AN ORDINANCE
AMENDING CHAPTER 28 "SOLID WASTE" OF THE RANTOUL CODE
IN CONNECTION WITH POLLUTION CONTROL FACILITIES**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 10th day of June, 2025, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.



Village Clerk

ORDINANCE 2796

**AN ORDINANCE
AMENDING CHAPTER 28 "SOLID WASTE" OF THE RANTOUL CODE
IN CONNECTION WITH POLLUTION CONTROL FACILITIES**

WHEREAS, the Village of Rantoul Code Chapter 28 contains provisions concerning solid waste within the Village; and,

WHEREAS, a proposal for a pollution control facility has been made to locate such a facility within the Village; and,

WHEREAS, the Mayor and Village Board have determined it necessary to amend Chapter 28 to include a process for approval of a pollution control facility desiring to locate within the Village.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Amendment. That Chapter 28, entitled "Solid Waste," be amended by creating new Article IV, entitled "Pollution Control Facilities," to provide as set forth in the attached provisions which are incorporated herein by this reference thereto.

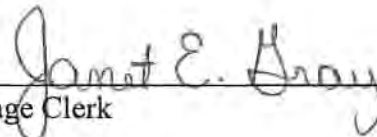
Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval, and publication as required by law.

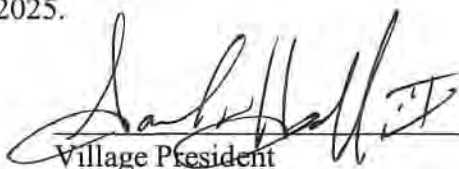
Section 3. Conflict. All Ordinances or parts of Ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This Ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office on the date set forth below.

PASSED this 10th day of June, 2025.


Village Clerk


Village President



APPROVED this 10th day of June, 2025.

ARTICLE IV - POLLUTION CONTROL FACILITIES

Section 28-100 - Definitions

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Act means the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.), as amended from time to time.

Agency is the Illinois Environmental Protection Agency.

Applicant means any person or entity who submits an application to the Village for site location approval as well as IEPA permits for a pollution control facility within the Village's jurisdiction.

The term applicant includes the fee owner of the site, the proposed operator, and any other party with an interest in the site, such as a lessee, contract purchaser or land trust beneficiary.

Application means the application for site location approval of a pollution control facility filed by applicant.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Nuisance has the meaning ascribed to it within the Village Code and Illinois law.

Operator is any person or entity who operates a pollution control facility.

Party means any person, in addition to the applicant, who complies with the prehearing filing requirements set forth in section 28-109 and who may be affected by the proposed facility.

"Party" includes the village, members or representatives of the governing authority of a municipality contiguous to the proposed site or contiguous to the village and members or representatives of the Champaign County Board.

Pollution control facility (PCF, or Facility) is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility or waste incinerator.

The following are not pollution control facilities:

(1) Recycling centers;

(2) Sites or facilities excluded from the definition of "pollution control facility," as set forth in 415 ILCS 5/3.330, as amended from time to time.

Recycling center means a site or facility that accepts only segregated, nonhazardous, nonspecial, homogeneous, non-putrescible materials, such as dry paper, glass, cans or plastics, for subsequent use in the secondary materials market.

Sanitary landfill means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, the regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the pollution control board may provide by regulation.

Site means any location, place, tract of land, and facilities, including but not limited to buildings and improvements used for purposes subject to regulation or control by this article.

Storage site is a site at which waste is stored. Storage site includes transfer stations but does not include (i) a site that accepts or receives waste in transfer containers unless the waste is removed from the transfer container or unless the transfer container becomes stationary, en route to a disposal, treatment, or storage facility for more than five (5) business days, or (ii) a

site that accepts or receives open top units containing only clean construction and demolition debris, or (iii) a site that stores waste on a refuse motor vehicle or in the vehicle's detachable refuse receptacle for no more than twenty-four (24) hours, excluding Saturdays, Sundays, and holidays, covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site.

Transfer station means a site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment or storage facility. Transfer station includes a site where waste is transferred from (1) a rail carrier to a motor vehicle or water carrier; (2) a water carrier to a rail carrier or motor vehicle; (3) a motor vehicle to a rail carrier, water carrier or motor vehicle; (4) a rail carrier to a rail carrier, if the waste is removed from the rail car; or (5) a water carrier to a water carrier, if the waste is removed from a vessel. Transfer station does not include (i) a site where waste is not removed from the transfer container, or (ii) a site that accepts or receives open top units containing only clean construction and demolition debris, or (iii) a site that stores waste on a refuse motor vehicle or in the vehicle's detachable refuse receptacle for no more than twenty-four (24) hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site.

Treatment means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

Village means Village of Rantoul, Illinois.

Waste means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.94 of the Act, or industrial discharges which are point sources subject to permits under discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended, or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 or the rules and regulations adopted by the State of Illinois pursuant thereto.

Waste disposal site is a site on which solid waste is disposed.

Unless otherwise defined herein, all words and terms used in this article shall have the meanings ascribed to them in the Illinois Environmental Protection Act, as amended from time to time.

Section 28-101 - Pre-filing conference.

At least forty-five (45) days prior to the filing of an application with the Village Clerk, the applicant shall contact the Village Department of Community Development to schedule a pre-application conference with Village staff. Applicant is encouraged to discuss with staff the type,

size and location of its facility. Village staff will, at applicant's request, pre-view an application prior to filing to determine if the proposed application complies with the form of application required by the Village. Any pre-filing conferences, which have occurred prior to adoption of this article, shall be deemed in compliance with this section.

Section 28-102 - Application.

(A) Applications for site location approval shall be submitted on paper with the pages being consecutively numbered. Any attachments or exhibits shall be labelled and numbered for ease of reference. The application shall contain the identification and address of the applicant, the current owner(s) of the site and the proposed operator of the facility. If either the applicant or the owner(s) is/are a land trust, the application shall contain the identity of each beneficiary and the specific interest of each beneficiary in the land trust.

(B) Each application must address the nine (9) siting criteria set forth in the Act (415 ILCS 5/39.2). Those nine (9) criteria and the minimum documentation to be submitted by the applicant in support of its application as to each criterion are as follows:

(1) The facility is necessary to accommodate the waste needs of the area that it is intended to serve.

- a. A description of the area to be served by the proposed facility and a statement of the needs of such area for such a facility;
- b. To the extent the information is reasonably available, a list of the existing pollution control facilities located within or serving or capable of serving the area proposed to be served and, with respect to each such facility, the following information shall be provided: location, size, owner and/or operator, type of pollution control facility, remaining capacity, probable life of the proposed facility, and types of wastes received;
- c. The expected types of hazardous, nonhazardous and special wastes, amounts and methods of treatment or storage of all wastes proposed for the pollution control facility, the geographic origins of these wastes, and the applicant's plan to preclude acceptance of unauthorized wastes;

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

- a. A planimetric map showing the location of the site and the area within one thousand five hundred (1,500) feet of the site.
- b. A plat or boundary survey of the site, including the legal description of the site.
- c. A site plan showing details of the facility including, but not limited to:
 - i. Fences, easements, utilities, railroad spurs, buildings and other structures;
 - ii. Roads, entrances, parking areas, and driveways;
 - iii. Planned landscaping and screening; and
- d. In the case of a sanitary landfill:
 - i. Cross sections, both existing and proposed;
 - ii. All existing water wells, whether active or abandoned, within fifteen hundred (1,500) feet of the site;
 - iii. All ground water and/or methane monitoring wells, both existing and planned, whether public or private; and

- iv. Core sample locations on and within two hundred (200) feet of the site.
 - v. Storage tanks, whether above ground or below ground; and,
 - vi. All utilities.
 - e. A statement of the plan of operation for the proposed facility, including, but not limited to, the following:
 - i. Method of landfilling, incineration, resource recovery or other process including flow diagrams depicting waste flow by type and volume from initial acceptance at the facility to final disposition;
 - ii. Hours of operation;
 - iii. Number, duties and training of facility personnel;
 - iv. Litter, vector, dust and odor control on-site;
 - v. Surface drainage and erosion control;
 - vi. Fire and hazardous material control;
 - vii. Corrective actions for spills and other operational accidents;
 - viii. Collection and disposal of leachate generated from activities on-site; and,
 - ix. Number and types of equipment proposed to be used.
 - f. If applicable, the stages of development or use.
 - g. Building floor plans illustrating material handling equipment and processes as well as architectural elevations including exterior construction materials;
 - h. A stormwater management plan consistent with the Village Code and any NPDES permit or application thereof required by the Agency;
 - i. A closure and/or end use plan; and
 - j. A summary of the experience of the applicant and the proposed operator in operating other pollution control facilities of a type similar to the proposed pollution control facility, including the location, dates of operation of such facilities, and any operating violations by the applicant or operator or any subsidiary or parent corporation of the applicant or operator within the last five (5) years at any facility in the State of Illinois that is of the same type as the facility that is the subject of the application (e.g., transfer station, sanitary landfill). The Director of Public Works shall determine the scope of information required under this paragraph and shall advise the applicant of such determination not later than fifteen (15) calendar days following the initial pre-filing meeting.
- (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.
- a. Map showing land uses within two thousand five hundred (2,500) feet of the perimeter of the site.
 - b. Map showing zoning of all land within two thousand five hundred (2,500) feet of the perimeter of the site.
 - c. Village's comprehensive plan showing projected land uses of the site and within two thousand five hundred (2,500) feet of the perimeter of the site.
 - d. Report by MAI appraiser on projected impact on property values for the area within two thousand five hundred (2,500) feet of the facility if facility was constructed.

(4) Flood Plain.

- a. For a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the one hundred-year flood plain or the site is floodproofed.
- b. For a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the one hundred-year flood plain, or if the facility is a facility described in subsection (b) of Section 22.19a of the Act, the site is flood-proofed:
 - i. A detailed topographic survey of the subject site.
 - ii. A map that shows the boundary of all one hundred-year floodplains within 500 feet of the site, if present.
 - iii. Statement by project architect and/or engineer that the site is or will be floodproofed if the site is within a one-hundred year floodplain.
 - iv. The identification of the drainage district, if any, in which the site is located.

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

- a. A statement of the plan of operation for the proposed facility, including, but not limited to, the following:
 - i. Hours of operation;
 - ii. Safety personnel;
 - iii. Fire and hazardous material control; and,
 - iv. Corrective actions for spills and other operational accidents.
- b. A statement of the operator's ability to acquire certificates of insurance to cover accidents, such as fires, explosions, non-sudden accidental occurrences and pollution impairment.

(6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

- a. A report of off-site traffic impact regarding the proposed site including the anticipated number of vehicles and their size, weight and directional distribution, and the classification of the roadways reasonably likely to be used by vehicles entering and exiting the site. The report shall include reasonably sufficient information regarding traffic on the relevant roadways for the Public Works Department to analyze potential negative impacts on traffic to and from the facility and on the pavement of the roadways used to access the facility. The report must be prepared by an engineer experienced in traffic engineering and registered in the State of Illinois.

(7) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan for the facility.

- a. A copy of the contingency plan prepared pursuant to the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) The plan shall include, but is not limited to, notification, containment and evacuation procedures to be used in the event of an accidental release.
- b. The chemical safety contingency plan prepared pursuant to the Illinois Chemical Safety Act.

c. Compliance with the requirements of the Illinois Emergency Management Agency.

d. Any other plan necessary to comply with this requirement.

(8) The facility is consistent and in compliance with the Champaign County Solid Waste Management Plan.

(9) If the facility will be located within a regulated recharge area, proof that any and all applicable requirements specified by the Illinois Pollution Control Board for such area have been met.

(C) Any testimony submitted by applicant in support of its application shall be either in the form of written testimony if the witness will not testify at the public hearing or a summary of the witness' opinions that he/she will testify to at the public hearing. In either event, the application must contain the name, occupation, professional address, and qualifications of each witness.

(D) Each application shall contain all documents, if any, submitted as of that date to the Illinois Environmental Protection Agency pertaining to the proposed facility, (except trade secrets as determined under Section 7.1 of the Act) and any correspondence with the Agency relating thereto.

(E) Each application shall contain a certification that no later than fourteen (14) days prior to filing the application the applicant caused written notice of such application to be served and published in accordance with the section 28-103 pre-filing notice as contained in this article.

Section 28-103 - Pre-filing notice.

(A) No later than fourteen (14) days prior to filing the application, the applicant shall cause written notice of such application to be served either in person, by registered mail, or by certified mail return receipt requested, on the owners of all property within the site not solely owned by the applicant, and on the owners of all property within five hundred (500) feet in each direction of the lot line of the site, said owners being such persons or entities which appear from the authentic tax records of Champaign County; provided, that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the five hundred (500) feet.

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

(C) Such notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such request in writing until thirty (30) days after the last date of the public hearing.

Section 28-104 - Filing fee.

(A) An application fee in the form of a certified or cashier's check payable to the Village shall be paid by the applicant upon filing of the application. The Village shall apply the filing fee at its discretion to cover reasonable and necessary costs, including but not limited to, notice costs, court reporter costs, transcription costs, Village consultant costs, Village staff costs, hearing officer costs, attorney's fees, and other expenses incurred by the Village in conducting the

review of the application and, in the event site approval is granted, the preparation of a site approval ordinance or resolution.

(B) The amount of the application fee to be submitted pursuant to this section shall be as follows:

Transfer station\$50,000.00

Resource recovery facility75,000.00

Sanitary landfill250,000.00

Waste storage site50,000.00

(C) In the event that at any time prior to the conclusion of the site location approval decision, the Village has expended such sums so as to reduce the balance of the application fee to a figure less than five thousand dollars (\$5,000.00), the applicant shall, within seven (7) calendar days of receipt of written notice thereof, contribute an additional sum as determined by the Village to cover additional costs that have been or will be reasonably incurred by the Village as a direct result of the applicant's application for site approval.

(D) Upon the conclusion or termination of any proceedings under this article, a final accounting and summary of all authorized reasonable and necessary expenditures shall be made. Any portion of an application fee not required for reimbursement to the Village for reasonable and necessary costs and expenses under this article incurred by the Village shall be returned to the applicant. Should there be costs and/or expenses in excess of the amount paid by the applicant in the application fee, the applicant shall bear any and all additional reasonable and necessary costs.

Section 28-105 - Filing of application.

(A) The original and five (5) complete paper copies of the application for site location approval and an electronic copy of same, including copies of all site plans, exhibits, and maps, shall be submitted to the office of the Village Clerk. Upon receipt of any such application and the receipt of the appropriate filing fee, the Village Clerk shall date stamp the application and immediately deliver one (1) copy of the application to the Mayor and Village Administrator of the Village.

(B) A copy of the application shall be made available for public inspection in the office of the Village Clerk and the local public library. Members of the public shall be allowed to obtain a copy of the application or any part thereof from the Village Clerk upon payment of the actual cost of reproduction.

Section 28-106 - Amendment of application.

(A) Any substantive information not included in the original application shall be inadmissible at the public hearing unless either allowed by the hearing officer pursuant to section 28-113 as rebuttal testimony, or the application is amended. This paragraph shall not pertain to plans, maps or other drawings or information contained in the application that are enlarged for public presentation purposes, and other demonstrative materials.

(B) At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by any party at the public hearing, the applicant may file not more than one (1) amended application. Said amended application shall conform to the requirements of section 28-102.

(C) If an amended application is filed, the time limitation for final action set forth in section 28-117 of this article shall be extended ninety (90) days.

Section 28-107 – Review of filed application.

(A) The Director of Public Works shall have the authority to coordinate the review of the application by Village staff and retained consultants as well as to render such reports, advice or recommendations to the Mayor and Village Board as the Director shall deem prudent to assisting the Mayor and Village Board in making their decision. The Director, Village staff, consultants and any other individuals assisting the Director shall not discuss the application or review thereof with, nor submit reports or recommendations, to the Mayor and Village Board except in accordance with the public hearing process set forth below.

(B) Should the Director desire to enter any reports, testimony or other evidence into the record of the public hearing, such shall be entered in accordance with the procedures set forth in this chapter.

Section 28-108 - Establish hearing date.

Within thirty (30) working days of the date an application is filed with the Village Clerk, the Mayor or Village Administrator shall determine the date, time and location upon which the public hearing on such application shall be held. The public hearing must be scheduled for a date no sooner than ninety (90) days but no later than one hundred twenty (120) days from the date the application was filed with the Village Clerk.

Section 28-109 - Notices of application and hearing.

The Mayor or Village Administrator shall notify the applicant of the date upon which such hearing shall be held and the applicant cause notice of the filing of the application and of such hearing to be made as follows:

(A) The applicant shall cause to be published a notice in a newspaper of general circulation in Champaign County, including within the Village. The notice shall be published no later than sixty (60) days from the date the application was filed with the Village Clerk. Such notice shall consist of the following:

1. The names and addresses of the applicant;
2. The legal description of the site;
3. The street address of the site; if there is no street address applicable to the property, a description of the site with reference to location, ownership or occupancy or in some other manner that will reasonably identify the site to residents of the neighborhood;
4. The nature and size of the proposed facility;
5. The nature of the activity proposed;
6. The probable life of the proposed facility;
7. The time and date of the public hearing;
8. The location of the public hearing; and
9. A statement that any person who may be affected by the siting of the facility may file an appearance ten (10) days before the hearing to become a party and that five (5) copies, plus an electronic copy, of all testimony and exhibits to be submitted at the public hearing by a party must be pre-filed with the Village Clerk at least ten (10) days prior to the public hearing and one (1) copy served upon the hearing officer and each party.

(B) No later than fourteen (14) days prior to the start of the public hearing, the applicant shall cause notice of the date, time and place of such hearing to be delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the

governing authority of every municipality contiguous to the proposed site or contiguous to the Village, to the Champaign County Board and to the Agency.

(C) No later than fourteen (14) days prior to the start of the public hearing, the applicant shall cause to be published in a newspaper of general circulation in Champaign County, including within the Village, notice of the public hearing published as a display advertisement. Such notice shall consist of all items described in paragraph (a) above except for items 2 and 9.

(D) No later than fourteen (14) days prior to the start of the public hearing, the applicant shall cause written notice of the public hearing to be served either in person, by registered mail, or by certified mail return receipt requested, on the same persons to whom pre-filing notice was provided pursuant to Section 28-103(A).

Section 28-110 - Additional parties.

(A) Any qualified person or entity (other than the applicant) who desires to participate in the public hearing as a party as defined in this article shall file an entry of appearance with the Village Clerk at least ten (10) days prior to the public hearing and serve a copy upon the hearing officer. Any such party shall submit either written testimony if the witness will not testify at the public hearing or a summary of the witness' opinions that he/she will testify to at the public hearing, the name, occupation, professional address, and qualifications of each witness and their testimony, and all other evidence relating to the application requirements pursuant to section 28-102, including, but not limited to, reports, studies and exhibits that the party desires to submit for the record by filing the original and six (6) copies, plus an electronic copy, of the same with the Village Clerk at least ten (10) days prior to the public hearing and by serving one (1) copy upon the hearing officer and one (1) copy upon each other party. The Village Clerk shall date stamp any appearance and evidence upon receipt. In the case of documentary evidence, any person shall be allowed to obtain copies of said evidence from the Village Clerk upon payment of the actual cost of reproduction.

(B) Any party appearing at the public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use subject to this article.

(C) Any party shall have the right to be represented by an attorney at said public hearing. Only those parties represented by an attorney shall have the right to reasonable cross examination of witnesses.

(D) Only the applicant and other parties who have complied with this section can actively participate in the public hearing. All other persons and entities are limited to submitting written comments as allowed in section 28-119.

Section 28-111 - Host agreement.

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

Section 28-112 - Hearing officer.

(A) The mayor shall appoint the hearing officer for the public hearing.

(B) The hearing officer shall preside over the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this article. The hearing officer shall make all decisions and rulings in accordance with fundamental fairness. The powers and duties of the hearing officer shall include, but not be limited to, the following:

- (1) Preside over the public hearing to ensure fundamental fairness;
- (2) Arrange for the presence of a certified court reporter to attend and transcribe the conduct of all public hearings for the public record.
- (3) Require everyone to state his or her position with respect to the proposal;
- (4) Administer oaths and affirmations;
- (5) Examine witnesses and direct witnesses to testify for the sole purpose of clarifying the record established by the parties at the public hearing;
- (6) Regulate the course of the hearing as set forth in this article including the conduct of the parties, their counsel and other persons;
- (7) Establish reasonable limits on the duration of the testimony and questioning of any witness and limit repetitious or cumulative testimony and questioning;
- (8) Consider and rule upon objections and evidentiary questions, with the understanding that such rulings must be consistent with fundamental fairness, but need not be in strict compliance with the Illinois Supreme Court, Illinois Code of Civil Procedure, or any local rules of evidence governing actions in the circuit courts;
- (9) Exclude irrelevant, immaterial, or unduly repetitious testimony or other evidence;
- (10) Consider and rule as justice may require upon appropriate motions;
- (11) Allow the introduction of late-filed evidence, be it written or testimonial, on behalf of a party, provided good cause is shown for the late-filing, the evidence is offered in and is relevant to the rebuttal portion of the applicant's or party's case, and evidence was filed with the Village Clerk at least one day before the public hearing at which it is offered, and fundamental fairness to all parties will be preserved;
- (12) Grant recesses of the public hearing determined to be required;
- (13) Cause a written transcript to be made of the public hearing and may cause a daily audiotape(s) to be recorded, and cause such transcript and audiotape(s), if any, to be delivered to the Village Clerk; and,
- (14) At the conclusion of the public hearing and after consideration of all timely-filed written comments, prepare and submit draft written findings (of fact or law) to the Mayor and Village Board and file a copy of such findings with the Village Clerk.

Section 28-113 - Public hearing.

(A) The public hearing shall be open to the public. Any village board member and any other officer(s) or employees of the Village may attend.

(B) The public hearing shall be conducted by the hearing officer substantially as follows:

- (1) Call to order.
- (2) Introduction of the hearing officer.
- (3) Acknowledgment of receipt of fees, certification of notices, and date of filing of the completed application for site location approval.
- (4) Identification of parties which pre-filed testimony and which pre-filed exhibits pursuant to this article.
- (5) The applicant, and other parties may make an opening statement.

(6) The hearing officer shall then enter into the record the pre-filed written testimony from the applicant as if read and/or any witnesses the applicant may wish to call and any evidence it wishes to present. Upon the close of the cross-examination of applicant's witnesses, the hearing officer shall enter into the record the pre-filed written testimony by other parties as if read and/or their witnesses and the evidence they wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, the hearing officer shall enter into the record the pre-filed written testimony by the Village as if read and/or its witnesses and the evidence it wishes to present. All witnesses of the applicant and other parties, including the Village, are subject to cross-examination by the applicant and any other party who is represented by counsel. Upon the close of the Village's presentation of evidence, the applicant will be allowed to present rebuttal evidence at the discretion of the hearing officer. Any surrebuttal will also be at the hearing officer's discretion.

(7) The testimony submitted prior to hearing will be entered into the record as if read, unless the hearing officer determines that it will aid public understanding to have the testimony read. Modifications to previously submitted testimony and exhibits may be allowed by the hearing officer at hearing provided that such modifications are either non-substantive in nature or would not materially prejudice another party's participation at hearing. Objections to such modifications are waived unless raised at hearing.

(8) Everyone shall testify under oath. Testimony may include the use of exhibits. Everyone shall be subject to reasonable questioning as follows: direct, cross questioning, redirect, recross, etc. After all parties have presented testimony, reasonable rebuttal, surrebuttal, etc., may be allowed at the discretion of the hearing officer.

(9) Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable by any party from the application as filed with the Village Clerk, such situation may constitute grounds for a recess in the public hearing for a period not to exceed five (5) working days to allow all parties time to prepare responses to such evidence. Upon reconvening the public hearing, the hearing officer may allow admission of such additional information as comports with the hearing officer's determination of fundamental fairness.

(10) Closing statement including legal argument by applicant, other parties and the Village subject to limitations as imposed by the hearing officer.

(11) Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the hearing officer.

(12) Hearing closed.

Section 28-114 - Motions.

(A) All motions shall be in writing, unless made orally on the record during the public hearing. The original and five (5) copies of any written motion and proof of service shall be filed with the Village Clerk ten (10) days prior to the date of the public hearing and one (1) copy shall be served upon the hearing officer and upon each party.

(B) At any time prior to the public hearing and after receipt of the motion, any other party may file a response to the motion. If no response is filed, the parties shall be deemed to have waived

objection to the granting of the motion, but such waiver of objection does not bind the hearing officer in a decision on the motion. Unless undue delay or material prejudice would result, the hearing officer shall not grant or deny any motion before the opening of the public hearing.

(C) The moving party shall not have the right to reply, except as permitted by the hearing officer to prevent material prejudice.

(D) No oral argument will be heard on a motion before the hearing officer unless so directed by the hearing officer.

(E) No interlocutory appeal may be taken from a ruling on a motion by the hearing officer.

(F) The filing of any motion under this section shall not stay the proceedings or extend the time for the performance of any act.

Section 28-115 - Public comments.

(A) The Village Clerk shall receive written comment from any person concerning the appropriateness of the proposed site location. Upon receipt of any such written comment the Village Clerk shall date stamp same and shall file such written comment and the postmarked envelope in which comment is received.

(B) Copies of such written comments shall be made available for public inspection in the office of the Village Clerk, and any person shall be allowed to obtain copies of any written comment upon payment of actual cost of reproduction.

(C) Any written comment received by the Village Clerk or postmarked not later than thirty (30) days after the last date of the public hearing shall be made part of the record of the public hearing as hereinafter described, and the Village Board shall consider any such timely written comments in making its final determination concerning said application. In the event that the thirtieth day falls on a Saturday, Sunday or holiday, the next day on which mail is delivered shall be considered the thirtieth day for purposes of this section.

Section 28-116 - Record of proceedings.

(A) The hearing officer shall be responsible for keeping the record of said hearing and shall file the record with the Village Clerk within forty-five (45) days after the date of the last public hearing.

(B) The record shall consist of the following:

(1) The application for site location approval as described in section 28-102 above.

(2) Certificate of notice given by applicant pursuant to section 39.2(b) of said Act.

(3) All testimony, reports, studies, exhibits, written comments, or documents received into evidence at the public hearing.

(4) The written transcript of the public hearing and the daily audiotape(s), if any.

(5) Written comments filed by any person received by the Village Clerk postmarked within thirty (30) days after the date of the last public hearing.

(C) The Village Clerk shall be responsible for certifying all copies of the record of the public hearing.

Section 28-117 - Site location approval ordinance or resolution.

(A) The Village Clerk shall transmit a certified copy of the record of the public hearing to each member of the Village Board within fifty (50) days after the date of the close of the public hearing.

(B) The applicant shall have the burden of proof of the suitability of the site location for the proposed use. In making its decision on the application for site location approval, the Village Board shall base its decision on the following criteria:

- (1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
- (4) The facility is located outside the boundary of the one hundred-year flood plain, or the site is flood-proofed;
- (5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- (6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
- (7) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;
- (8) If the facility is to be located in a county where the county board has adopted a solid waste management plan, the facility is consistent with that plan; and,
- (9) If the facility will be located within a regulated recharge area, any and all applicable requirements specified by the Illinois Pollution Control Board for such area have been met.

(C) The Village Board shall consider the certified record of proceedings and shall make a determination concerning the application, being to: grant the application without any conditions; grant the application but with conditions; or, deny the application. If it approves the application, the Board shall pass a site approval ordinance or resolution not later than one hundred and eighty (180) days after the filing of the application. If the application was amended by the applicant, the Village Board shall make its final determination within two hundred seventy (270) days of the initial filing of the application. The decision of the Village Board shall be in writing and shall specify the Village Board's finding of fact as to each of the nine (9) criteria and a determination of whether or not the applicant met its burden of proof as to each criterion. In its evaluation of the nine (9) criteria, the Village Board may also consider as evidence the previous operating experience and past record of violations and penalties of the applicant.

(D) The Village Board, in granting approval for a site, may impose such conditions as may be reasonable and necessary to accomplish the purposes of section 39.2 of the Act and are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. The Village may provide for the right in an appropriate host agreement to make periodic inspections of the facility to determine whether or not it is being operated in a manner that is consistent with any special conditions imposed by the Village in the site location approval ordinance or resolution.

(E) The findings and determinations of the Village Board shall be mailed to each party, including the applicant, and shall be made available at the Village Clerk's office and may be copied upon payment of the reproduction costs. Any site location approval ordinance or resolution shall be mailed to all parties and shall be available for public inspection at the office of the Village Clerk and may be copied upon payment of the actual cost of reproduction.

(F) Any site location approval ordinance or resolution shall expire at the end of two (2) calendar years from the date upon which it is granted (3 years for a landfill) unless within that period the applicant has made application to the Agency for a permit to develop the site.

Section 28-118 - Transfer of siting approval.

Siting approval obtained pursuant to this article is transferable and may be transferred to a subsequent owner or operator. In the event that siting approval has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes and takes subject to any and all conditions imposed upon the prior owner or operator by the Village pursuant to section 28-117. However, any such conditions imposed pursuant to that section may be modified by agreement between the subsequent owner or operator and the Village. Further, in the event that siting approval obtained pursuant to this article has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes all rights and obligations and takes the facility subject to any and all terms and conditions of any existing host agreement between the prior owner or operator and the Village.

Section 28-119 - Restricted re-filing.

An applicant may not file a request for site location approval which is substantially the same as an application which was disapproved pursuant to a finding against the applicant under any of the criteria provided for in section 28-102 within the preceding two (2) years.

Section 28-120 – Operator's license

(A) No person shall operate any pollution control facility without first obtaining a license from the Village and without first paying the appropriate fee as determined by the Village Board. Such fee shall be submitted to the Village Comptroller in conjunction with an application for a license and said fee shall be made payable to the Village. It shall be a precondition to obtaining such license that a site location approval ordinance has been adopted by the Village Board for said pollution control facility. Any such license may be suspended or revoked if the licensee violates any provision of this article or any special condition imposed on said pollution control facility by the Village Board. Any such operator's license is not transferable, and a new license shall be required for any change in the operator of said pollution control facility.

(B) During the term of any such license required by this section, the operator shall post a maintenance fund in the amount of fifteen thousand dollars (\$15,000.00) to be used by the Village to abate nuisances created by the operation of said pollution control facility. The amount of the maintenance fund must be submitted by the operator to the Village Comptroller after the operator's application for a license has been approved and must be received by the Village prior to issuance by the Village of the operator's license. If, upon written notice to the operator to abate a nuisance, the operator fails to abate the nuisance within forty-eight (48) hours, or otherwise to satisfy the Village that the nuisance will be abated in a reasonable time, the Village will access the maintenance fund and use those funds to take action to abate the nuisance. In the event the Village draws on the maintenance fund, the operator will deposit additional funds within seven (7) calendar days thereafter to maintain a minimum balance of fifteen thousand dollars (\$15,000.00). Upon expiration of a license, all monies remaining in the maintenance fund shall be refunded to the licensee.

Section 28-121 - Severability.

If any provision of this article or the application thereof to any party, person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or applications of this article and to the end that the provisions or applications of this article are declared to be severable.

EXHIBIT B

**R-1881-1908 and
Certification of Record dated June 2, 2026**

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

CERTIFICATION OF COMPLIANCE

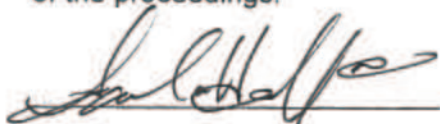
An application for siting approval for a recycling and solid waste transfer station was submitted to the Village of Rantoul by Area Disposal Service Inc. Section 28-109 of the Village of Rantoul Code concerning such siting applications requires certain notices of a public hearing be provided according to such section. In addition, the public hearing notice was published in accordance with the Illinois Open Meetings Act as the Mayor and Village Board of Trustees would be in attendance at such hearing.

Pursuant to the above, notices of the public hearing concerning the siting application were provided on several occasions.

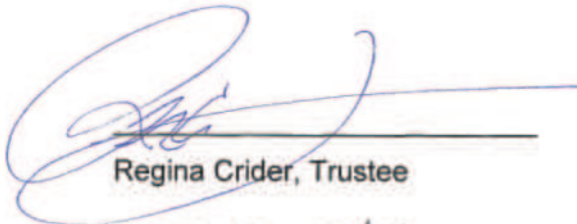
The public hearing on the siting application was conducted on April 17, 2026 in the Board Room at Rantoul Village Hall.

Pursuant to 415 ILCS 5/39.2(d-5), the hearing is to be conducted in a manner that is accessible to the public, including, but not limited to, individuals with disabilities and individuals who are not native speakers of English.

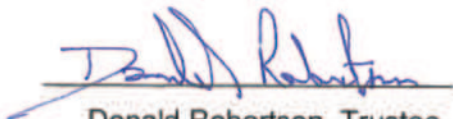
We, the undersigned governing body of the Village of Rantoul, do hereby certify that the public hearing was conducted in a manner that was accessible to the public. We further acknowledge that no requests for any interpreters were made for the public hearing or the live stream of the hearing and that no requests have been made for translation of the live stream of the hearing or the transcript of the proceedings.



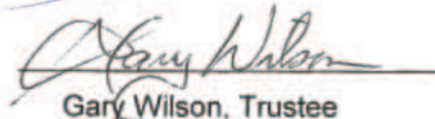
Samuel Hall II, Mayor



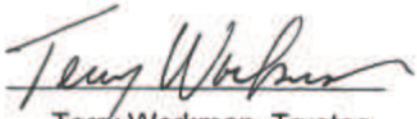
Regina Crider, Trustee



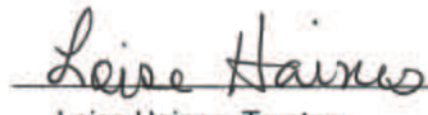
Donald Robertson, Trustee



Gary Wilson, Trustee



Terry Workman, Trustee



Loise Haines, Trustee



Mike Graham, Trustee

Rantoul Village Board

In re: APPLICATION FOR LOCAL SITING	)
APPROVAL OF A POLLUTION CONTROL	)
FACILITY, RANTOUL RECYCLING AND	)
TRANSFER STATION	)
	)
Submitted by:	)
AREA DISPOSAL SERVICE, INC.	)
	)
Applicant.	)

**REPORT OF HEARING OFFICER AND
FINDINGS PURSUANT TO ORD. 2796 § 28-112(B)(14)**

INTRODUCTION

On December 22, 2025, Area Disposal Service, Inc. ("Applicant") filed its application for local siting approval of a recycling and transfer station at the location of an existing waste hauling business owned by Applicant at 896 West Champaign Avenue, Rantoul, Champaign County, Illinois. The Village Board is to render a decision on the Application in accordance with the criteria and procedures set forth in Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) (the "Act") and Chapter 28 of the Rantoul Code of Ordinances (the "Ordinance").

Among the procedures set forth in the Act and the Ordinance is the requirement to send proper notices of the Application, hold a public hearing on the Application, accept public comment, and for the Board to make a formal decision on the Application within 180 days of the date of filing (i.e., June 22, 2026, because 180 days falls on Saturday June 20, 2026). The Village held the public hearing on April 17, 2026.

In accordance with the procedures and other terms and provisions of the Act and the Ordinance, I reviewed the Application, pre-hearing notices, and initial filings which included, among other things, affidavits and proofs of publication; public letters of support; a December 12, 2025 letter detailing Foth Infrastructure & Environment, LLC's review of the Application (the "Foth Letter"), the identity and *curriculum vitae* of Applicant's proposed expert witnesses; and each witness' proposed Hearing testimony. Within the time set forth in §28-110(A) of the Ordinance, American Disposal Services of Illinois, Inc. d/b/a Republic Services of Bloomington filed an appearance and stated its intent to appear at the Hearing. Prior to the Hearing, however, American Disposal Services of Illinois, Inc. formally withdrew its appearance. (R-1755.)¹ At the hearing, the Applicant was represented by counsel, specifically Janaki H. Nair of Elias, Meghinnes & Seghetti, P.C. (See R-1323.) The Village Board and Mayor were represented by David B. Wesner of Evans, Froehlich, Beth & Chamley. No other entity or individual filed an appearance prior to the Hearing or within the timeframe set forth in the Ordinance.

During the Hearing, I admitted the Application (which included within it the Host Agreement between the Applicant and the Village); the Foth Letter; a Certificate of Publication; an Affidavit of Publication; an Affidavit of Compliance; public comment filed prior to the Hearing; the Applicant's witness list; power point presentations, and testimony from witnesses called by the Applicant in support of the Application. No other party submitted any pre-Hearing written findings or filings. At the Hearing, the Applicant called four expert witnesses, each of

¹ Citations to "R-####" are to the Record filed with the Village Clerk on May 29, 2026.

whom were subject to cross-examination by the Village and by the individual Board members: John E. Hock, P.E.; J. Christopher Lannert, RLA; Dale J. Kleszynski, MAI, SRA; and Michael Werthmann, PE, PTOE.

Section 28-110(D) of the Ordinance states that only the Applicant and others who have provided the requisite pre-Hearing notice can actively participate in the Hearing. Furthermore, §28-110(C) limits cross-examination of witnesses to parties who have an attorney representing them at the Hearing. As a result of Area Disposal Services of Illinois, Inc.'s withdrawal of its appearance prior to the Hearing, the Village and Mayor, through Mr. Wesner, and the Board Members were the only parties permitted to cross-examine or question the witnesses. In addition, there was no contrary evidence submitted during the Hearing.

The Hearing took place at the Rantoul Village Municipal Building at 333 S. Tanner Street, Rantoul, IL 61866. The meeting room for the Hearing was open to the public and contained ample space for those in attendance. In addition, the Hearing was livestreamed on the Village of Rantoul website and advance notice of the livestream (including a link to the location of the livestream) was included in the Applicant's pre-hearing notices. (*See* R-1582, 1586.) In addition, the Hearing was transcribed by a certified court reporter and notary public, and also video-recorded and the recordings were made available on the Village website through the period of public comment (and remain available on the website as of the writing of this Report).

Though no individual had registered pursuant to § 28-110 of the Ordinance, to promote fundamental fairness, I opened the floor for live public comment at the Hearing and announced the ability to provide such comment throughout the Hearing. (*See, e.g.*, R-1339, 1452.) The

Village of Rantoul's public participation guide (available on the Village website) typically limits public comment at Board meetings to three minutes per person, with a total of 30 minutes of public participation. At the Hearing, I enlarged the allotted time to five minutes per person and did not impose a total cap on public speaking time. Nine members of the public spoke at the Hearing, six of whom opposed the Application and three of whom supported it. (R-1500-1520.) "Comment" (whether received at the Hearing or following the Hearing) is distinguished from "testimony" in that "comment" is not provided under oath and is not subject to cross examination and therefore entitled to less weight than testimony. Following conclusion of the public speakers, I again asked whether anyone would like to speak. (R. 1515, 1520.) I also announced at several points throughout the Hearing, that written public comment could be submitted to the Village Clerk within the thirty-day period following the Hearing. (R. 1330, 1340, 1498, 1499, 1520.)

I declared the Hearing closed on April 17, 2023. In accordance with the Act, written comments were then received by the Village for an additional 30 days (i.e., through 11:59:59 p.m. on May 18, 2026, including any written comment post-marked on or before May 18, 2026).² As indicated above, public comment is entitled to less weight because it is not subject to being tested by the opportunity for cross examination.

I also received proposed findings of fact from the Applicant as well as written response to the public comment from the Hearing which are both part of the Record. (R-1756-1791.)

² Because the thirty-day timeframe fell on a weekend, the period for comment was extended to the following Monday which was May 18, 2026.

RECOMMENDATION

For the reasons set forth below, I find that the Village of Rantoul has jurisdiction over the Application, and my recommendation to the Village is to approve the Application as satisfying the siting criteria of Section 39.2. More specifically, I find that the Application as filed, and the testimony concerning the Application, has established that the proposed Facility satisfies all of the criteria for local siting approval set forth in Section 39.2 of the Act.

JURISDICTION

I find that the Applicant complied with all notice requirements of Section 39.2(b) and (d) of the Act and Section 28-109 of the Ordinance concerning the notice requirements prior to the Hearing. (R-1578-1599.) No objections were filed concerning compliance with these sections. I find that the Applicant complied with these requirements and that the Village has jurisdiction to consider the statutory criteria of Section 39.2

SECTION 39.2 CRITERIA

These proceedings are governed by Section 39.2 of the Environmental Protection Act ("the Act"), 415 ILCS 5/39.2, which sets forth the exclusive siting procedures for pollution control facilities in Illinois. Section 40.1 of the Act and case law require that siting proceedings and the decision making be conducted in accordance with the requirements of fundamental fairness. The application (or request) must contain sufficient details of the proposed facility to meet each of the nine criteria. *Land & Lakes Co. v. Illinois Pollution Control Board*, 319 Ill. App. 3d 41, 44 (3d Dist. 2000). If the Applicant fails to establish any one of the criteria, the application should be denied. *Waste Management v. Pollution Control Board*, 175 Ill. App. 3d 1023, 1029 (2d Dist. 1988). On the other hand, if the Applicant proves compliance with each of nine different criteria (or alternatively demonstrate that they do not apply) approval shall be granted. Before the Board

may rule against an Applicant on any criterion, the Board must find competent rebuttal or impeachment evidence in the record. *Industrial Fuels and Resources v. Illinois Pollution Control Board*, 227 Ill.App.3d 533, 592 N.E. 2d 148 (1st Dist. 1992). As explained above, there were no pre-Hearing written submissions opposing the Application and no contrary evidence introduced at the Hearing. The opposition to the Application consists exclusively of oral public comment from the Hearing and written public comment submitted after the Hearing which is entitled to less weight than the under-oath testimony provided by the Applicant's witnesses at the Hearing who were subject to cross-examination. The Applicant called four expert witnesses to offer evidence as to the statutory siting criteria. Counsel for the Village as well as Board Members were permitted to question and/or cross-examine each witness during the Hearing. No other sworn witnesses testified at the Hearing.

The basis and rationale for my findings on each criterion is set forth below.

Criterion 1: The Facility is necessary to accommodate the waste needs of the area it is intended to serve

The first criterion found in Section 39.1(a)(i) of the Act is that the "facility is necessary to accommodate the waste needs of the area it is intended to serve." Though the Act does not provide a specific formula to determine necessity, case law has provided some guidance, including the fact that, under this standard, an Applicant does not need to show absolute "necessity" to satisfy Criterion 1. *Waste Management of Illinois, Inc. v. Pollution Control Bd.*, 234 Ill. App. 3d 65, 69 (1st Dist. 1992). Instead, the Application must show that the facility is expedient and reasonably required by the waste needs of the area it is intended to serve, including the area's waste production and disposal capabilities. *Id.*

The Applicant defines the intended service area. *See Metropolitan Waste Sys., Inc. v.*

Pollution Control Bd., 201 Ill. App. 3d 51, 55 (3d Dist. 1990). Here, the Service Area of the proposed Rantoul Recycling and Transfer Station is all of Champaign County, Illinois, the townships of Sullivant, Drummer, Dix, Peach Orchard, Wall, Patton, and Button in Ford County, Illinois, and Loda Township in Iroquois County, Illinois. The Service Area is estimated to generate approximately 650 tons per day (tpd) of Municipal Solid Waste (MSW) requiring disposal. There are no active landfills within the Service Area. Approximately 350 tpd of MSW generated in the Service Area is currently managed by transfer stations and recycling facilities within the Service Area, and disposed at landfills located outside of the Service Area. Approximately 300 tons per day of MSW generated in the Service Area is currently being managed by transfer stations and/or disposed at landfills not located in the Service Area landfills. Of the three permitted transfer stations in the Service Area, only one purports to accept MSW from unaffiliated waste haulers, namely, the Central Waste Services and Recycling Facility (RS Urbana Transfer Station). The Applicant executed a Host Community Agreement (R-120-130) with the Village of Rantoul in June, 2025, providing a host benefit fee of \$0.40 per ton of waste transferred to a landfill or disposal facility via the proposed Rantoul Recycling and Transfer Station.

The portion of the Application pertaining to Criterion 1 can be found at R-13 through R-130. At the Hearing, the Applicant presented the testimony of John E. Hock regarding Criterion 1. Mr. Hock has over 38 years' experience in the solid waste business. He has a B.S., in Chemical Engineering and is licensed as a Professional Engineer in six states, including Illinois. He has served as the principal engineering witness at local siting hearings for six other transfer stations. Mr. Hock was qualified as an expert witness to provide testimony on Criterion 1. (R-1347.) He also prepared a report regarding Criterion 1. (R-14-R-46.)

Mr. Hock testified regarding the Applicant and its affiliated companies. He also testified

about the proposed site, existing operations at the site, proposed operations at the site, proposed facility improvements. He also testified regarding the service area, existing operational facilities within and outside the service area, trends in the waste disposal system, the importance of vertical integration, pricing observations, and benefits to Rantoul and the surrounding area. His testimony on Criterion 1 can be found at R-1346 through R-1386.

Following his direct testimony, the Village and the Mayor were permitted an opportunity to ask Mr. Hock questions regarding Criterion 1; they did not have any questions. (R-1385.) Trustee Wilson asked Mr. Hock questions regarding the proposed location and what other locations were considered. (R-1386.) Mr. Hock testified that the location was originally purchased for waste hauling, making it generously sized, and that it represented the “ideal” location given its size and proximity to the expressway. (R-1386).

No evidence was submitted in opposition to the Applicant on Criterion 1 and no other witnesses testified on the criterion. Notably, many of the written and oral public submissions opposing the Application acknowledge the need for the transfer station and, instead, question the specific location (which is more appropriately covered by Criterion 3). Based on the Application, pre-Application submissions, and Hearing Testimony, I find that Criterion 1 is satisfied.

Criterion 2: The Facility is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected

The second criterion found in Section 39.1(a)(ii) of the Act is that the “facility is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.” This includes demonstrating that the facility is not flawed from a public safety standpoint and that its proposed operations are neither substandard nor unacceptably risky. *Indust. Fuels and Resources, Inc. v. Ill. Pollution Control Bd.*, 227 Ill. App. 3d 533, 592 (1st Dist. 1992).

The portion of the Application pertaining to Criterion 2 can be found at R-131 through R-917. At the Hearing, the Applicant presented the testimony of John E. Hock regarding Criterion 2. Mr. Hock was qualified as an expert witness to provide testimony on Criterion 2. (R-1453.) He also prepared a report regarding Criterion 2. (R-132 – 160.)

Mr. Hock's testimony and report discuss the design of the facility including recent improvements to parking, plans for a 12,000 square foot transfer building, planned improvements to access roads, enhanced security at the site, materials for the proposed building, the plan for concrete barrier walls, and the treatment of liquid runoff at the facility. Mr. Hock's testimony and report also discuss the location of the facility including the lack of any historical, archeological, or architectural resources at the site, that no rivers designated for protection flow through the site, that it does not affect any protected wetlands, that it would not interfere with the Rantoul Airport, and that the site met all required setbacks from occupied dwellings and residentially zoned property. Mr. Hock's testimony and report also discuss the operations at the proposed facility including the plan to accept municipal solid waste and household recyclables but not hazardous waste, proposed operating hours, anticipated volume, that waste would be delivered in closed vehicles, the frequency of cleaning of the tipping floor, and the plan to operate within the confines of Illinois laws and Village ordinances. His testimony on Criterion 2 can be found at R-1454 through R-1477.

Following his direct testimony, the Village and the Mayor were permitted an opportunity to ask Mr. Hock questions regarding Criterion 2; they did not have any questions. (R-1490-1491.) Trustee Robertson asked Mr. Hock about the plan if the ventilation fan failed. (R-1493.) Mr. Hock testified that the fan was a "belt-and-suspenders" such that no odors were expected due to the relatively short amount of time and material would be placed on the indoor floor surface, but that

the fan would be repaired relatively quickly. (R-1493-1494.)

No evidence was submitted in opposition to the Applicant on Criterion 2 and no other witnesses testified on the criterion. Though several of the public comments related to potential odor from the facility due to experience with odors emanating from a pork processing plant, none included any evidence rebutting the evidence submitted by the Applicant with respect to the proposed facility. Based on the Application, pre-Application submissions, and Hearing Testimony, I find that Criterion 2 is satisfied.

Criterion 3: The Facility is so located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding property

The third criterion found in Section 39.1(a)(iii) of the Act is that the “facility is so located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding property.”

The portion of the Application pertaining to Criterion 3 can be found at R-918 through R-1013. At the Hearing, the Applicant presented the testimony of J. Christopher Lannert regarding Criterion 3. Mr. Lannert is the President of Lannert Group, is a member of several professional associations including the American Society of Landscape Architects and the American Planning Association, and has provided testimony on approximately 60 solid waste-related proposals. Mr. Lannert was qualified as an expert witness to provide testimony on Criterion 3. (R-1389.) He also prepared a report regarding Criterion 3. (R-919 – 937.)

Mr. Lannert's testimony and report focused on whether the proposed transfer station was located so as to minimize incompatibility with the surrounding area. He explained that the proposed facility is located in a C-2 Commercial district within the Village. He focused on the area within approximately 2,500 feet of the site and noted that it is approximately 64.9% agricultural

or open space, approximately 12.4% transportation or right-of-way, approximately 8.9% commercial use, and approximately 8.7% industrial purposes. He also studied a wider area approximately one mile from the site and noted that 74.3% of that area is agricultural or open space and acknowledged that 7.3% of that wider study area is residential use. He noted, however, that there was no residential zoned or used property within 1,000 feet of the site, meeting the setback requirement in 415 ILCS §22.14. He also testified regarding plantings along the Western and Southern roadway frontages and the Northern property line. He ultimately opined that the location would blend in with the existing land use in the area and would minimize incompatibility with the surrounding area. His testimony on Criterion 3 can be found at R-1387 through R-1404.

Following his direct testimony, the Mayor asked Mr. Lannert whether the vegetation referenced in Mr. Lannert's testimony was aesthetic only or whether it had other benefits. (R-1402.) Mr. Lannert responded that the existing physical terrain and natural conditions were beneficial, and that the landscaping plan would add to that buffer. (R-1402-1403.) The Mayor also asked about potential odors and pests and Mr. Lannert deferred to Mr. Hock's testimony and report on this issue. (R-1403.) The Trustees were offered the opportunity to ask Mr. Lannert questions and they did not have any questions. (R. 1404.)

The Applicant also presented the testimony of Dale J. Kleszynski regarding Criterion 3. Mr. Kleszynski has worked for over 45 years in the appraisal space and has been awarded the MAI and SRA designations by the Appraisal Institute. He is licensed in both Indiana and Illinois. Mr. Kleszynski was qualified as an expert witness to provide testimony on Criterion 3. (R-1406.) He also prepared a report regarding Criterion 3. (R-939 – 1013.)

Mr. Kleszynski's report and testimony consisted of his conclusions with respect to a real estate impact study he conducted. He opined that the proposed site is in an area of historic industrial

and commercial use development and that the surrounding area has man-made boundaries that isolate and buffer the property—noting that location is centralized on the property. His study including looking at three comparable transfer stations and he concluded that transfer stations generally do not have impacts on surrounding property values. He ultimately opined that the proposed facility was located so as to minimize effect on the value of the surrounding area. His testimony on Criterion 3 can be found at R-1404 through R-1433.

Following his direct testimony, the Village and Mayor were permitted to ask Mr. Kleszynski questions. On their behalf, Mr. Wesner noted that one of Mr. Lannert's presentation slides had shown a "close study area" and a "wide study area" which included some residential neighborhoods. Mr. Wesner asked Mr. Kleszynski whether the site would have a potential negative impact on the residential neighborhoods in proximity to the location. (R-1429-1430.) Mr. Kleszynski responded that this was the reason his study included "test site number two" because it contained residential areas that were even closer in proximity to the facility than the residential neighborhoods in the wider area for the proposed Rantoul facility. He noted that site showed no impact on the residential property values. (R-1430-1431.) Mr. Wesner also asked Mr. Kleszynski's opinion on whether the proposed site would have a negative impact on potential commercial or residential development in the general area. (R-1431-1432.) Mr. Kleszynski responded that, while he did not think the area was conducive to a "spot" residential zone, the proposed facility was consistent with the transportation activities in the area and that future development would feed off the proposed facility, such that it would be an enhancement to the area. (R-1432-1433.) The Trustees were offered the opportunity to ask Mr. Kleszynski questions and they did not have any questions for him. (R-1433.)

No evidence was submitted in opposition to the Applicant on Criterion 3 and no other

witnesses testified on the criterion. Though it does not constitute evidence, I note that at least two of the public comments raised the point that the Village of Rantoul's Code of Ordinances, Chapter 46, Article 9 states that a "solid waste transfer station" is "not permitted" in a district zoned C-2. (R-1861-1862.) Upon review of the Ordinance, this appears to be a correct statement of the Ordinance, but I note that Section 39.2 of the Act specifically addresses this by saying that the Act's "siting approval procedures, criteria and appeal procedures provided for in this Act for new pollution control facilities shall be the exclusive siting procedures and rules and appeal procedures for facilities subject to such procedures. *Local zoning or other local land use requirements shall not be applicable to such siting decisions.*" (Subsection g, emphasis added). Accordingly, the Ordinance's zoning restrictions are not a barrier to the location of the proposed facility at its proposed location. Based on the Application, pre-Application submissions, and Hearing Testimony, I find that Criterion 3 is satisfied.

Criterion 4: The Facility is located outside the boundary of the 100 year floodplain

The fourth criterion found in Section 39.1(a)(iv) of the Act is that the "facility is located outside the boundary of the 100 year floodplain." As part of the Application, Mr. Hock conducted a floodplain assessment. (R-1015-R-1019.) He determined that, based on maps prepared by the Federal Emergency Management Agency, the proposed facility was not located within any 100-year floodplain. (*Id.*) He testified consistently. (R-1458.) No evidence was submitted in opposition to the Applicant on Criterion 4 and no other witnesses testified on the criterion. Based on the Application, pre-Application submissions, and Hearing Testimony, I find that Criterion 4 is satisfied.

Criterion 5: The plan of operations for the Facility is designed to minimize the danger to the surrounding area from fire, spills and other operational accidents

The fifth criterion found in Section 39.1(a)(v) of the Act is that the “plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills and other operational accidents.” The portion of the Application pertaining to Criterion 5 can be found at R-1020 through R-1031. At the Hearing, the Applicant presented the testimony of John Hock regarding Criterion 5. Mr. Hock was qualified as an expert witness to provide testimony on Criterion 5. (R-1453.) He also prepared a report regarding Criterion 5. (R-1020-1031.)

Mr. Hock’s testimony and report covered several areas pertinent to Criterion 5. He discussed a twofold plan covering prevention of fires, spills and operational incidents, as well as actions should one of those events occur. Per Mr. Hock, a Safety Officer will be on-site at all times during operation, and the Applicant will train all employees prior to them being allowed to work at the facility. With respect to spills, the transfer facility will not accept liquid waste and, to the extent minor liquid spills occur, that liquid will be captured and diverted to tanks rather than being permitted into the stormwater system. Mr. Hock testified that fuel tanks will be stored on site to service the facility’s vehicles, and that the Applicant will stock absorbent materials to contain any spilled liquids. Regarding fire suppression, the building will be equipped with 24-hour thermal monitoring, and a Fire Rover early detection system that can dispense targeted foam to control/extinguish fires. More traditional fire prevention/suppression methods will also be employed such as fire extinguishers on all heavy equipment, on-site water truck with pressurized hose supply, and a hot-load containment area if smoldering loads are detected. His testimony on Criterion 5 can be found at R-1478 through R-1484 and 1491 through 1493.

Following his direct testimony, the Village and the Mayor were offered the opportunity to ask Mr. Hock questions regarding Criterion 5; they did not have any questions. (R-1490 – R-1491.)

Trustee Wilson asked Mr. Hock several questions about the fire prevention measures, given Trustee Wilson's role as a Captain in the Rantoul Fire Department. First, Trustee Wilson asked Mr. Houck if there was a battery or generator backup for the fire suppression system. (R-1491.) Mr. Hock assured Trustee Wilson there would be a backup power supply. (*Id.*) Next, Trustee Wilson asked if there was a dry fire suppression system installed in the building. (*Id.*) Mr. Hock acknowledged that the current plans do not call for one, but noted that, following the siting approval process, there would still need to be a building permitting process and that the Applicant could work through those questions with the Village at that time. (R-1941-1492.) Trustee Wilson also asked how the Applicant would keep the on-site water truck from freezing in cold weather. (R-1492.) Mr. Hock explained there is an existing fire hydrant just East of the existing buildings, and that blankets could be used to smother a fire, but also acknowledged that freezing temperatures for a water truck would need to be addressed. (R-1493.)

No evidence was submitted in opposition to the Applicant on Criterion 5 and no other witnesses testified on the criterion. Based on the Application, pre-Application submissions, and Hearing Testimony, I find that Criterion 5 is satisfied.

Criterion 6: The traffic patterns to or from the Facility are so designed as to minimize the impact on existing traffic flow

The sixth criterion found in Section 39.1(a)(vi) of the Act is that the "traffic patterns to and from the facility are so designed as to minimize the impact on existing traffic flow." The portion of the Application pertaining to Criterion 6 can be found at R-1032 through R-1185. At the Hearing, the Applicant presented the testimony of Michael Werthmann, POE, PTOE, a registered professional engineer and certified professional traffic operations engineer, with more than 25 years of traffic engineering experience for both the private and public sectors. Mr. Werthmann was

qualified as an expert witness to provide testimony on Criterion 6. (R-1435.) He also prepared a report regarding Criterion 5. (R-1033-1185.)

Mr. Werthmann prepared a Traffic Impact Study in December 2025 related to the proposed site. The study accounted for the facility's proposed operating schedule of 5:00 a.m. to 6:00 p.m. on weekdays and 5:00 a.m. to 12:00 p.m. on Saturdays, as well as the expected number of employees (five), the fact that many of the trucks anticipated to be used for the facility are already located at the subject site, and considered the maximum tonnage of waste and recyclables expected on a given day. Mr. Werthmann acknowledged that waste transfer stations do result in an increase in traffic, but that the traffic would be distributed throughout the day and peak waste transfer facility periods do not typically coincide with peak commuter traffic time periods. As part of his study, he monitored weekday peak traffic near the facility.

Mr. Werthmann also noted that, as part of the development, the Applicant would be expanding the radius at the southwest corner of the intersection of Murray Road and the West Champaign Avenue Service Road to accommodate turning truck traffic (a plan which has been preliminarily approved by the Rantoul Public Works Director), and that the Illinois Department of Transportation already has plans to upgrade the traffic signal at that intersection, including making phasing and timing adjustments and ADA enhancements. These are the only upgrades that are needed to accommodate the additional traffic. Mr. Werthmann found that the adjacent intersections currently operate at a good level of service rating of A, B, or C and would continue to following the placement of the facility, given the existing roadway system's sufficient reserve capacity.

Following his direct testimony, the Village and the Mayor were offered the opportunity to ask Mr. Werthmann questions regarding Criterion 6; they did not have any questions. (R-1451.) The Trustees were also offered an opportunity to ask Mr. Werthmann questions regarding Criterion

6 and they did not have any. (R-1451.) No evidence was submitted in opposition to the Applicant on Criterion 6 and no other witnesses testified on the criterion. Based on the Application, pre-Application submissions, and Hearing Testimony, I find that Criterion 6 is satisfied.

Criterion 7: If the Facility will be treating, storing or disposing of hazardous waste, an emergency response plan for the Facility will be developed to include notification, containment and evacuation procedures to be used in case of an accidental release

The seventh criterion found in Section 39.1(a)(vii) of the Act only applies to facilities which are designed to treat, store or dispose of hazardous waste. Mr. Hock testified that the proposed facility will not be allowed to accept hazardous waste including, but not limited to, medical waste, asbestos-containing materials, PCB waste, motor oils, liquids, sludges, white goods, batteries, tires or landscape waste. (R-1471.) The Applicant will conduct load inspections to prevent such materials from coming through the facility and, in the event it does, will separate it from the rest of the waste and recyclables in special containers until it can be removed and disposed of appropriately at another location. (R-1471-1472.) Accordingly, this criterion does not apply and is therefore deemed satisfied. No evidence was submitted to suggest that it may apply and no other witnesses testified regarding this criterion.

Criterion 8: If the Facility is to be located in a County where the County Board has adopted a Solid Waste Management Plan consistent with the planning requirements of the local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the Facility is consistent with that Plan

The eighth criterion found in Section 39.1(a)(viii) of the Act is that the Facility must comply with any applicable plan made pursuant to the Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act. The portion of the Application pertaining to Criterion 8 can be found at R-1190 through R-1318. At the Hearing, the Applicant presented the testimony of John Hock, regarding Criterion 8. Mr. Hock was qualified as an expert witness to provide testimony on

Criterion 8. (R-1453.) He also prepared a report regarding Criterion 8. (R-1191-1318.)

Champaign County adopted a Solid Waste Management Plan (the "SWMP") in 1991. It has been updated approximately every five years, in 1996, 2002, 2007, 2012, 2017 and 2022. As part of his report, Mr. Hock analyzed the SWMP and the Application's compliance therewith. He also attached a complete copy of the 2022 update to the SWMP (R-1204 – R-1318) and summarized it (R-1196 – 1198). The Village of Rantoul adopted Ordinance 2796 in June 2025, as amended by Ordinance 2813, in December 2025. The Application was prepared consistent with the Ordinance and the Applicant must follow the Ordinance. As part of that, the Applicant has entered into a Host Agreement with the Village which is attached to the Application at R-120 – R-130.)

Mr. Hock testified that, as part of its compliance with the SWMP, the Facility will perform unloading, loading, and temporary storage in an enclosed building. The building will include green/sustainable principles, including the use of recycled construction materials, LED lighting, and minimal energy usage for heating/cooling. He was qualified as an expert on Criterion 8 (R-1453) and his testimony regarding Criterion 8 can be found at R-1484 to R-1490.

Following his direct testimony, the Village and the Mayor were offered the opportunity to ask Mr. Hock questions regarding Criterion 8; they did not have any questions regarding this Criterion. (R-1491.) The Trustees were also offered an opportunity to ask Mr. Werthmann questions regarding Criterion 8 and they did not have any. (*Id.*) No evidence was submitted in opposition to the Applicant on Criterion 8 and no other witnesses testified on the criterion. Based on the Application, pre-Application submissions, and Hearing Testimony, I find that Criterion 8 is satisfied.

Criterion 9: If the Facility will be located within a regulated recharge area, any

applicable requirements specified by the Board for such areas have been met

The ninth criterion found in Section 39.1(a)(ix) of the Act only applies to facilities which are located in a “regulated recharge area” which are determined by the Illinois Pollution Control Board as compact geographic areas, the geology of which renders a potable resource groundwater particularly susceptible to contamination. 415 ILCS 5/3.67; R-1321. Mr. Hock’s report, submitted as part of the Application, explained that there is only one regulated recharge area established in Illinois and it is over 75 miles West of proposed site. Accordingly, this criterion does not apply and is therefore deemed satisfied. No evidence was submitted to suggest that it may apply and no other witnesses testified regarding this criterion.

Previous Operating Experience

Though not explicitly one of the nine criteria, the Act also permits the Board to consider the previous operating experience of an Applicant including the “past record of convictions or admissions of violations of the Applicant...” when considering Criteria 2 and 5. Here, the record contains no past convictions or violations by the Applicant nor admissions by the Applicant, which favors approval of the Application.

PUBLIC COMMENT

In addition to the public comment received during the Hearing, the Village Clerk received written public comments after the Hearing closed. These are located at R-1792 through R-1880. Except as otherwise referenced, I found that the majority of the public comment was not focused on the statutory criteria in a relevant or probative way. In addition, several of the comments were auto-generated or cut-and-paste from other comments, making them redundant. While some of the comments did purport to address the criteria, they mostly disagreed with the expert testimony

without any basis other than opinions or unsupported statistics.³ As mentioned, since the public comment (whether oral or written, whether in favor of or opposed to the Application) is not subject to cross-examination, it is afforded less weight than the sworn expert testimony that was subject to cross-examination and questions from the Village and Board at the Hearing.

The bulk of the written comments centered around items that were also raised orally by the public at the Hearing and fell within the following categories: missed garbage pick-ups or anecdotal reports of trash falling from trucks; odors (including from the existing pork processing facility) and the potential to attract rodents; dust generation from increased truck traffic into and out of the Facility; the “look” of the Facility for visitors entering Rantoul; concerns over real estate values; and the fact that the traffic study was performed on a weekday instead of a weekend. Each of these concerns appeared in multiple written comments and were also raised at the Hearing. I find that the Applicant’s response to these items sufficiently addresses the public comments as well as similar comments raised in the written comments following the Hearing, by citing to the specific sections of the Application which address the concerns. (*See* R-1756 through R-1761.)

One written comment took issue with the Hearing, suggesting it lacked fairness because “the opposing side did not get an opportunity to show their slide shows or have their ‘expert’ witnesses testify” and because the public was “only given 5 minutes of public comment.” (R-1834.) It is unclear who the “opposing side” is referred to in this comment but, as stated above, no opposition was submitted prior to the Hearing and the only appearance other than the Applicant’s

³ One of the written public comments that did address the criteria was submitted by an attorney from Naperville, Illinois which is outside the relevant area. (R-1856 – R-1860.) The submission states that the author has “heard from members of this community” but does not identify any members of Rantoul or the service area. Nor did the author file an appearance on behalf of any entity or individual per the Ordinance. Indeed, the comment acknowledges that it is the author’s “opinions” as to the criteria. Like other public comment, it is not subject to cross-examination.

was withdrawn—in other words, no individual entity complied with the Ordinance such that it could participate at the hearing, cross-examine witnesses, or present expert witnesses. This is not a flaw in the Hearing, it is the operation of the Ordinance. In addition, and as noted above and on the record, public comment was not limited to 5 minutes. Nor was it limited to 30 minutes as is typical for Rantoul Board meetings. Nine members of the public spoke at the meeting and were allotted 5 minutes *each* for a total of 45 minutes. Three of the speakers spoke in support of the Application. I also asked twice if anyone else would like to speak following the speakers who had signed up.

* * *

In addition to the Section 39.2 findings above, I submit the following proposed findings of fact and conclusions of law for the Board's consideration:

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The name and address of the owner and operator of the proposed Rantoul Recycling and Transfer Station is Area Disposal Service, Inc., 4700 N. Sterling Avenue, Peoria, IL 61615.
2. The proposed Rantoul Recycling and Transfer Station will be located at the existing waste hauling business owned by Area Disposal Service, Inc. located northeast of Interstate 57 and West Champaign Avenue (or Route 136) in the western portion of Rantoul, Illinois. The mailing address is 896 West Champaign Avenue, Rantoul, Illinois in Champaign County.
3. The Applicant entered into a Host Community Agreement with the Village on June 10, 2025. It is in the Record at R-120 through R-130 and is part of the Application.
4. Prior to filing its Application for Local Siting Approval of the Rantoul Recycling and Transfer Station (Application), the Applicant provided a complete copy of the Application for review by an independent engineering company retained directly by the Village of Rantoul: Foth Infrastructure & Environment, LLC (Foth).
5. In its pre-filing Review Letter dated December 12, 2025 (R-1569-1577), Foth recommends approval of the Application without any added conditions.
6. On December 1, 2025, more than fourteen (14) days prior to the filing of the Application, the Applicant mailed the required written notices stating that it intended to file the Application on December 22, 2025, via certified mail, return receipt requested, in accordance with 415 ILCS §5/39.2(b) and Section 28-103 of the Village of Rantoul Code of Ordinances. (R-890-913.)
7. On December 4, 2025, more than fourteen (14) days prior to the filing of the Application, Area Disposal Service, Inc. caused the required written notice stating that it intended to file the Application on December 22, 2025, to be published in accordance with 415 ILCS §5/39.2(b) and Section 28-103 of the Village of Rantoul Code of Ordinances. (R-913-917.)
8. On December 22, 2025, Area Disposal Service, Inc. filed the Application with the Rantoul Village Clerk.
9. The Applicant paid the requisite \$50,000 application fee (R-3) and the Hearing Officer confirmed receipt with the Village Administrator.
10. The Application includes a summary of the experience of the Applicant in operating other transfer stations in Illinois that complies with the requirements of Sections 28-102(A)(2)(j) of the Village of Rantoul Code of Ordinances. (R-180-182.) The Director of Public Works did not require the Applicant to submit additional information regarding operating experience.
11. On February 14, 2026, more than sixty (60) days prior to the public hearing, Area Disposal Service, Inc. caused the required written notice of the public hearing to be published in accordance with Section 28-109(A) of the Village of Rantoul Code of Ordinances. (R-1578.)

12. On March 24, 2026, more than fourteen (14) days prior to the public hearing, Area Disposal Service, Inc. mailed the required written notices of the public hearing via certified mail, return receipt requested, in accordance with 415 ILCS §5/39.2(b) and Section 28-109(B) and (D) of the Village of Rantoul Code of Ordinances. (R-1586-1599.)

13. On March 27, 2026, more than fourteen (14) days prior to the public hearing, Area Disposal Service, Inc. caused the required written notice of the public hearing to be published in accordance with 415 ILCS §5/39.2(d) and Sections 28-109(C) of the Village of Rantoul Code of Ordinances. (R-1581.)

14. Given the Applicant's compliance with the pre-hearing notice requirements, the Board has jurisdiction to consider the Application.

15. On April 17, 2026, the Board of Trustees of the Village of Rantoul conducted a public hearing regarding the Application at the Rantoul Village Hall at 333 S. Tanner St.

16. The public Hearing was presided over by a Hearing Officer appointed by the Mayor, namely, William R. Andrichik, Esq.

17. Five (5) of the six (5) Trustees of the Village of Rantoul attended the public hearing, as well as the Mayor of the Village of Rantoul, the Clerk of the Village of Rantoul, and various other Village of Rantoul officials and employees.

18. A written transcript of the Hearing was prepared by a certified court reporter and notary public who was also authorized in that capacity to swear in each witness under oath.

19. In addition to the written transcript, the Hearing was livestreamed via a link available on the Village website and which was included in the pre-hearing notices. The Hearing was also video recorded.

20. Despite the livestream and the video recording, the written transcript (R-1324 to R-1568) is the official transcript of the Hearing.

21. Neither the Village nor the Hearing Officer received any requests for translation services for the Hearing or with respect to the livestream, recorded video, or printed transcript.

22. The Application for Local Siting Approval of the Rantoul Recycling and Transfer Station filed with the Rantoul Village Clerk on December 22, 2025, was admitted by the Hearing Officer as Applicant's Exhibit 1 at the public hearing on April 17, 2026.

23. The pre-filing Review Letter dated December 12, 2025, prepared by Foth Infrastructure & Environment, LLC (Foth) for the Village of Rantoul recommending approval of the Application, was admitted by the Hearing Officer as Applicant's Exhibit 2 at the public hearing on April 17, 2026.

24. Applicant's Certificate of Publication memorializing the publication of notice pursuant to Section 28-109(A) of the Code of the Village of Rantoul was admitted by the Hearing Officer as Applicant's Exhibit 3 at the public hearing on April 17, 2026.

25. Affidavit of Publication memorializing the publication of the final pre-hearing notice pursuant to Section 28-109(C) of the Code of the Village of Rantoul was admitted by the Hearing Officer as Applicant's Exhibit 4 at the public hearing on April 17, 2026.

26. Affidavit of Compliance with 415 ILCS 5/39.2(d) and Section 28-109(B), (C), and (D) of the Code of the Village of Rantoul was admitted by the Hearing Officer as Applicant's Exhibit 5 at the public hearing on April 17, 2026.

27. Sixteen (16) letters of support for the Rantoul Recycling and Transfer Station filed prior to the hearing were admitted by the Hearing Officer as Applicant's Exhibit 6 at the public hearing on April 17, 2026.

28. Applicant's Witness List for the hearing, including its expert witnesses' resumes, was admitted by the Hearing Officer as Applicant's Exhibit 7 at the public hearing on April 17, 2026.

29. At the public hearing on April 17, 2026, John E. Hock, P.E., of Civil & Environmental Consultants, Inc., was qualified by the Hearing Officer as an expert witness to testify regarding Criteria 1, 2, 4, 5, 7, 8, and 9. *See* 415 ILCS §5/39.2(a).

30. Mr. Hock's PowerPoint presentation presented at the public hearing on April 17, 2026, was admitted by the Hearing Officer as Applicant's Exhibit 8.

31. At the public hearing on April 17, 2026, J. Christopher Lannert, R.L.A., of the Lannert Group, was qualified by the Hearing Officer as an expert witness to testify regarding the first part of Criterion 3 ("the facility is located so as to minimize incompatibility with the character of the surrounding area..." 415 ILCS §5/39.2(a)(iii)).

32. Mr. Lannert's PowerPoint presentation presented at the public hearing on April 17, 2026, was admitted by the Hearing Officer as Applicant's Exhibit 9.

33. At the public hearing on April 17, 2026, Dale J. Kleszynski, MAI, SRA, of Associated Property Counselors, LTD., was qualified by the Hearing Officer as an expert witness to testify regarding the second part of Criterion 3 ("the facility is located so as ... to minimize the effect on the value of the surrounding property" 415 ILCS §5/39.2(a)(iii)).

34. Mr. Kleszynski's PowerPoint presentation presented at the public hearing on April 17, 2026, was admitted by the Hearing Officer as Applicant's Exhibit 10.

35. At the public hearing on April 17, 2026, Michael A. Werthmann, PE, PTOE., of Kenig, Lindgren, O'Hara, Aboona, Inc., was qualified by the Hearing Officer as an expert witness

to testify regarding Criterion 6 ("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)).

36. Mr. Werthmann's PowerPoint presentation presented at the public hearing on April 17, 2026, was admitted by the Hearing Officer as Applicant's Exhibit 11.

37. The withdrawal of the appearance of American Disposal Services of Illinois, Inc. d/b/a Republic Services of Bloomington was admitted by the Hearing Officer as Applicant's Exhibit 12.

38. The Applicant and the Village of Rantoul were the sole participants at the public hearing on April 17, 2026, as defined by Section 28-110 of the Ordinance.

39. Only the Applicant provided sworn testimony or presented sworn witnesses at the Hearing.

40. A total of nine (9) members of the public provided unsworn comment at the Hearing. The Hearing Officer removed the 30-minute limit on public comment which is typically imposed at Rantoul Village Board meetings. The Hearing Officer also enlarged the public comment time from three (3) minutes per person to five (5) minutes per person.

41. The Hearing closed on April 17, 2026.

42. The Village of Rantoul provided a thirty (30) day period following the conclusion of the public hearing on April 17, 2026, for the filing of written public comment regarding the Application. Because the thirtieth (30th) day fell on a weekend, public comment was received through May 18, 2026.

43. No complaints regarding access to and availability of the Application have been received.

44. There were no amendments to the Application.

45. No pre-hearing motions were filed by any party or participant.

46. On May 28, 2026, the Village Clerk noticed public comment letters in her email spam filter which were "sent" prior to May 18 and alerted the Hearing Officer. The Hearing Officer accepted these emails as "timely" and included them in the Record before filing the Record with the Village Clerk on May 29, 2026.

47. The public hearing and attendant procedures implemented by the Village of Rantoul were fundamentally fair and were consistent with 415 ILCS §5/39.2 and the Village of Rantoul Code of Ordinances.

48. The public hearing and attendant procedures implemented by the Village of Rantoul were in compliance with the requirements of 415 ILCS §5/39.2(d-5).

49. The record indicates that the Facility is not located within 1,000 feet from the nearest property zoned for primary residential uses or within 1,000 feet of any dwelling.

50. The Applicant demonstrated that the proposed Facility meets Criterion 1: "the facility is necessary to accommodate the waste needs of the area it is intended to serve."

51. The Applicant demonstrated that the proposed Facility meets Criterion 2: "the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected."

52. The Applicant demonstrated that the proposed Facility meets Criterion 3: "the facility is so 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."

53. The Applicant demonstrated that the proposed Facility meets Criterion 4: "for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain, or the site is flood-proofed."

54. The Applicant demonstrated that the Facility meets Criterion 5: "the plan of operations for the is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents."

55. The Applicant demonstrated that the proposed Facility meets Criterion 6: "the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows."

56. The Applicant demonstrated that the Facility will not be accepting hazardous waste and therefore demonstrated that Criterion 7 is not applicable.

57. The Applicant demonstrated that the proposed Facility meets Criterion 8: "... where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan ..."

58. The Applicant demonstrated that the facility is not located within a regulated recharge area and therefore Criterion 9 is not applicable.

59. The Applicant's operating history demonstrates that the Applicant is qualified to operate the Facility safely and properly.

60. The Applicant has agreed to comply and approval is conditioned upon compliance with all terms of the Host Community Agreement dated June 10, 2025.

Respectfully submitted,

By: 
William Andrichik
Hearing Officer

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

CERTIFICATION OF RECORD

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Rantoul, and as such, I am the keeper of the records and files of the Village and of the President and Board of Trustees of the Village.

An application for siting approval for a recycling and solid waste transfer station was submitted to the Village of Rantoul by Area Disposal Service Inc. Section 28-113 of the Village of Rantoul Code concerning such siting applications requires that a public hearing be conducted on an application. The public hearing on the siting application submitted by Area Disposal Service Inc. was conducted by a Hearing Officer on April 17, 2026. Pursuant to Section 28-116 of the Village Code, the Hearing Officer has submitted the record of proceedings concerning the siting application to me.

I do further certify that the attached constitutes a full, true, and complete record of the Public Hearing and all submissions, as set forth in Section 28-116 of the Village Code, concerning Area Wide Disposal Inc.'s siting application for a recycling and solid waste transfer station. I have reviewed the attached copy of the record and compared such copy with the original on file and of record and that the attached constitutes a full, true and complete record of the proceedings.

IN WITNESS WHEREOF, I hereunto affix my official signature as Village Clerk of the Village of Rantoul and the seal of the Village of Rantoul, Champaign County, Illinois this 2 day of

June, 2026.

Jamit E. Gray
Clerk