PETITIONER'S EXHIBIT 1

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EXHIBIT

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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.

Janet E. Gray

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of Ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.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.

Janet E. Gray
Village Clerk

APPROVED this 10th day of June, 2025.

VILLAGE of RANTOUL • ILLINOIS • 1854 •

Daniel Huff III
Village President

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 facility 75,000.00
Sanitary landfill 250,000.00
Waste storage site 50,000.00
(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.