



Note: Copy of attachments, Lake County Unified Development Ordinance and book of Zoning Maps are in the Clerk's file.

Zoning Board of Appeals **RECEIVED**
CLERK'S OFFICE

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STATE OF ILLINOIS
Pollution Control Board

September 21, 2000

Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph St.
11th fl.
Chicago, IL 60601

ROI-10
P.C. #5

Re: In the Matter of: Natural Gas Fired Peak Load Electrical Power Generating Facilities
(Peaker Plants) ROI- 10

Dear Ms. Gunn:

At the IPCB hearing on "peaker" plants recently held in DuPage County, I understand that Dr. Flemal asked for a copy of the Lake County Zoning Ordinance addressing these issues. It is enclosed.

In Lake County, the peaker plants are permitted only in the limited industrial and intensive industrial zoning categories, and then only with a conditional use permit. The overall standards for approval of CUPs include (UDO page 3-23):

"Conditional use permits may be approved only if the County Board finds that all of the following criteria are met:

- A. the use in its proposed location will be consistent with the stated purpose and intent of Sec. 1.5;
- B. the proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Sec. 6.2; and
- C. the proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of application or as they may be developed in the future due to implementation of the Comprehensive Plan:
 1. adjacent property,
 2. the character of the neighborhood,
 3. natural resources,
 4. infrastructure,
 5. public sites, or
 6. any other matters affecting the public health, safety, or general welfare.

Additionally, separate conditions apply to permits for electrical generation plants, as follows (UDO page 6-13):

"The following standards shall apply to all private electrical generation facilities with power generation potential of 30 megawatts or more:

- A. Petitioner shall submit a Site Plan prepared and certified by a registered surveyor licensed in the State of Illinois that complies with the site plan review submission requirements of this Ordinance.
- B. The facility's operation area shall be located at least 1,000 feet from all parcel boundary lines that adjoin any zoning district other than Limited Industrial (LI) or Intensive Industrial (II). The term "operational area" shall mean all electrical generation equipment, cooling equipment, exhaust or venting equipment, and any structures housing such equipment.
- C. Fencing shall be provided around the boundary of the property to prevent unauthorized access.
- D. All current, state and federal permits, waivers of permits, licenses, and certificates of insurance shall be on file with the Lake County Department of Planning, Building and Development throughout the life of the conditional use.
- E. All equipment on the subject property shall operate in accordance with the Illinois Environmental Protection Agency's Class "C" nighttime noise regulations (Title 35, Subtitle H, Chapter 1 of the Illinois Administrative Code) throughout the life of the Conditional Use Permit, as measured at the boundaries of the nearest property zoned for residential purposes.
- F. The Conditional Use Permit shall establish reasonable standards to prevent contamination of water resources due to spillage or leakage of chemicals, fuels and other products that are stored on-site. The Conditional Use Permit process shall also consider the possibility of accidental explosion in establishing such standards.
- G. Any increase in the schedule, intensity or energy output of operations, as established under the original Conditional Use Permit, shall require an amendment to the Conditional Use Permit.
- H. If all operations at the facility cease for a period of 24 consecutive months, removal of all equipment, structures, foundations, tanks, towers, and fences shall be completed within the next 12 calendar months; the site shall be returned to its previous landscape by that time. A bond or letter of credit in the amount of 150% of an independent engineer's estimate of site clean-up (removal of structures, foundations, tanks, towers, and fences) shall be submitted to the Lake County Department of Planning, Building and Development prior to the issuance of a Building Permit.

I. All electrical generation plants shall employ Best Available Control Technology, as specified by the Illinois Environmental Protection Agency."

The process for issuing Conditional Use Permits allows the County Board to attach other conditions to the permit (operating hours, lighting, etc.) at its discretion. Point D above is intended to require the company to present the IEPA air permit with the application to the County for the CUP.

Thank you for your interest in this matter. I'm available at your convenience for questions.

Sincerely,



Bob Mosteller
Deputy Director

c. Amy Jackson, Hearing officer
IPCB
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Springfield, IL

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