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STATE OF ILLINOIS  
Pollution Control Board

Illinois Pollution Control Board  
Attn. Mr. Brad Halloran  
100 West Randolph Street  
Suite 11-500  
Chicago, Ill. 60601-3286

December 27, 2002

Re: Sutter's Sanitation Services application for waste transfer—a comment

Dear Sir:

I now live in Altamont, Effingham County, but have owned property in Mason Township for all of my life—the township where there is a proposal to locate a solid waste transfer station. I am opposed to the Sutter Sanitation Services application to put a waste transfer station on the site of the old Quandt farm. I have over the years hauled some grain to the Quandt's old elevators and know the property not to be suitable for waste material—only grains and farm supplies.

I read the attached article from the December 20 newspaper and was particularly interested in Mr. Deibel's comments to the reporter near the end of the article where he said that Landfill 33 had had a problem with Sutter carrying hazardous materials some years ago. It is generally known around here and has been for several years that Sutter's tend sometimes to haul hazardous stuff or operate on the edge with the nature of the garbage they haul, and therefore I am not surprised to see Mr. Deibel confirm my concerns about his dealing in hazardous materials. Just to make sure of this, I spoke to Mr. Deibel directly about whether what was in the paper is what he said. He confirmed for me it was.

I also believe that the area that Sutter's want to put the waste transfer in is not legitimate for such a station because it is surrounded by farm homes and good farm land, at least for this area. I should know as for most of my life I lived in that township just about 4 miles away from that place. And it would not be in the interest of myself or my family members who own land nearby there to see our property values drop because of concerns over garbage being hauled in and out of there in big volumes. Also, the safety of that area especially for the farmers operating around there I believe would be not as good what with the garbage truck traffic and some questions around that farm about whether Sutter's is mixing hazardous materials into the trash being transferred.

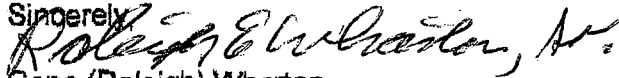
Lastly, I have attached the entire news article for you to read as part of my comment. In addition to the above, I am troubled by what appears to have been a decision made by our county board here to approve this waste transfer for Sutter's because of the recycling operation out there—based on how I read Mrs.

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Deters's comments. To connect up the need for recycling with the factors surrounding whether that location is suitable for waste transfer is not right to my way of thinking, and therefore I wonder about the board's judgment and what they were really using to evaluate whether to give Sutter's a permit. He did a lot of publicity around here when that recycling place first opened—so it looks to me based on the story in the newspaper that he was setting the board up for getting his waste location through without proper consideration of whether it really was a suitable place for it.

Thank you for consideration of my letter.

Sincerely



Gene (Raleigh) Wharton

P.S. News article from Effingham Daily News attached

# Challenges heard by IPC Board

By BILL GRIMES

Daily News

The public still has the opportunity to comment on a dispute between Sutter Sanitation and two businesses that have challenged Sutter's right to develop a transfer station in southwest Effingham County.

Landfill 33 Inc. of Effingham and Stock & Co., LLC, of Taylorville have challenged Sutter's effort to develop the transfer station at the old Quandt Grain Elevator on the Farina/Altamont blacktop, about seven miles south of Altamont. The Effingham County Board approved the siting permit in September, but Landfill 33 and Stock both appealed the ruling to the Illinois Pollution Control Board, the state agency that oversees solid waste disposal facilities.



Effingham County State's Attorney Ed Deters, left, and County Clerk Kerry Hirtzel go over some documents before an appeal hearing conducted Thursday by the Illinois Pollution Control Board.

Bill Grimes photo

When originally applying for the permit to build the transfer station, Sutter Sanitation owner Tracy Sutter said the owner of Landfill 33 had made it clear that Sutter Sanitation is not welcome to dump garbage at Landfill 33. That forces Sutter to haul

trash to landfills outside of Effingham County.

Garbage trucks are not intended to

— CHALLENGES to A5 —

make that kind of long trip over highways, and making the trip to other landfills is proving very costly to Sutter. The proposed transfer station would be a site where his garbage trucks would be unloaded, and the refuse then reloaded into semitrailers to be hauled away.

PCB hearing officer Bradley Halloran conducted the appeal hearing Thursday in the Effingham County Board room. Appeals from both Landfill 33 and Stock were consolidated into one hearing.

Public comment will be considered by the PCB if postmarked by Jan. 3. Attorneys for both sides must file post-hearing briefs by Jan. 10. Replies to those briefs must be filed by Jan. 17.

Halloran said the PCB will make its decision when it meets Feb. 20 in Chicago.

Halloran said transcripts of the hearing will be available Dec. 24 on the PCB Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

Thursday's hearing included testimony from a man who lives across the road from the proposed transfer station, as well as from Tracy Sutter of Sutter Sanitation and Duane Stock of Stock & Co. Landfill 33 representatives did not testify Thursday.

Lloyd Stock, a relative of Duane Stock who leases a home across the road from the proposed transfer station, said the station would have a negative impact on the immediate area.

"I'm concerned about the impact that the transfer station will have," Lloyd Stock said. He added that he was "concerned and disappointed" about the situation.

Lloyd Stock added that he already has seen garbage trucks pulling into the transfer station site. Sutter uses the site as a drop-off recycling center.

Duane Stock, who owns the home that Lloyd Stock lives in, said he had been hampered by not being able to receive a copy of the transcript from the siting hearing until late November.

"That put us at a disadvantage," Stock said.

The mobile home at which Stock resides is within 1,000 feet of the proposed site — which is a violation of IPCB siting criteria. However, the home did not exist at the time the county board approved Sutter's permit. Lloyd Stock had the home placed on the property shortly after the board awarded

Sutter testified Thursday that a county board committee visited his recycling operation soon after it opened in March, though he couldn't remember the exact date. He did say it was before he filed his application for a transfer station on April 19.

Also testifying Thursday was Nancy Deters of rural Cumberland County, who said it was her opinion that Landfill 33's opposition was a "personal vendetta" against Sutter, who has claimed Landfill 33 has banned him from dumping trash at its facility on the southeast edge of Effingham.

Deters, the mother of Effingham County State's Attorney Ed Deters, admitted that she had no background in solid waste management, other than to take "big black bags to

the recycling center."

She added that she was not likely to take Sutter's position merely because her son represents the county board in legal matters.

"My son and I rarely agree about anything," she said.

Ed Deters, who cross-examined his mother briefly, asked her if she remembered a statement by former county board Chairman Leon Gobjczynski that recycling was not one of the issues in the controversy.

But Mrs. Deters said recycling was an underlying issue during earlier hearings on the matter.

"It was like the elephant in the room," she said.

Landfill 33 representatives did not testify, but owner Richard Deibel, who attended the hearing, said after the hearing that there was no vendetta against Sutter and that, in fact, Sutter Sanitation is not barred from using Landfill 33.

Deibel said Sutter chose to stop using Landfill 33 after a disagreement over a load including potentially hazardous materials several years ago.

"We felt like we needed more clarification on that particular load," Deibel said.

"We have sent him (Sutter) a letter saying they could haul to Landfill 33 as long as they conduct themselves in a proper business manner," Deibel added.

In addition to owning Landfill 33, Deibel also owns Sanitation Service Inc. (also known as the Rubbish Gobbler) and French Sanitation Co. Sutter Sanitation is the only garbage collection service in Effingham County not owned by Deibel.

**"I'm concerned about the impact that the transfer station will have"**  
— Lloyd Stock, potential neighbor