

**To: Illinois Pollution Control Board**  
**Re: May 6, 2003 Hearing – Public Comment**

*PC#3*  
**RECEIVED**  
CLERK'S OFFICE

JUN 12 2003

Isn't it amazing that WMI on March 7, 2003 wants "review and deletion" of Special Conditions 2(h) and 2(x) of the Site Location Approval granted by the Kankakee County Board? WMI believes that those conditions "are contrary to fact and law, and therefore void, © directing the Kankakee County Board to delete said special conditions from the site location approval ...."

These are the same folks who **totally disregarded** the county's Ordinance requirements (p. 31 – D. Pollution #2) to

**"Attach a typewritten analysis as to:**

- a. The Public Health consequence of Pollution;**
- b. The economic consequence of pollution;**
- c. The duration of all such consequences."**

Apparently the County did not realize that blatant and critical omission until the "Public" Hearing. The double liner and radiation detector and other special conditions seem to be included mostly because of the voices of several citizens – both directly and through their spokespersons.

**Why is not the flagrant disregard for County requirements (presumably meant to protect its residents) sufficient cause to "cancel the contract" or deny the fundamental fairness of this whole procedure? Those requirements must have been based upon and in line with State Criteria – particularly #2.**

Please note that the **first time** (at the end of "process") the public is allowed to be involved – we hear, "see", "smell", and generally begin to detect many serious issues / flaws.

Citizens being shut out of the process of site selection for a landfill is totally **UNFAIR and CONTRARY** to the County's own Solid Waste Management Plan (page 334):

**Additional Siting Criteria**

**Public Involvement is crucial throughout the landfill site selection process and should be solicited from the initial stages of the process. Through solid waste advisory committees, public hearings, etc., local criteria should be developed to identify a site which reflects the concerns of the public.**

*9-0-5*

Let me review and quote from the minutes of various Kankakee County Regional Planning Commission meetings:

Jan 26, 1999 - "This Commission will be making all recommendations on the landfill. "

Feb 23, 1999 - "...we will need to review available options. The options to keep the landfill would be to bring limited garbage from outside of the County, expansion of the current landfill under current ownership and management, County ownership and management, County ownership with private management, and private/County ownership with private management. The committee would research as to what option is most beneficial."

**I find no notes where these options were researched, discussed, and voted on.**

"... The committee will be the public hearing body."

May 25, 1999 - "There are two things the Solid Waste Subcommittee must do: 1) review and revise the Solid Waste Plan that is due in 2000, and 2) complete the landfill study. Some of the options included in the landfill study are the Tempico project, no landfill, County owned and operates, County owned and private operators, extend contract with landfill, etc. This Subcommittee will look at financial feasibility, cost of land, what it takes to operate a landfill, negative impact and political impact. We will submit a recommendation to the full Board. We have window of two years."

July 27, 1999 - Mr. Saindon presented the Solid Waste Subcommittee report. He stated that they are moving forward with the Solid Waste Plan. Looking at all options. Need to only look at feasibility and what the best proposal is for the County. Mr. Jaffe stated that citizens do not want waste from outside of the County. Mr. Saindon stated that is true, some want Tempico to eliminate some amount of waste. The Commission should evaluate proposals that include and exclude outside County waste. Dr. Gil is working on the feasibility of the different options. Within the next year to year and a half the Solid Waste Plan update and landfill Study should be done."

Sep 28, 1999 - "Dr. Gil thinks this Commission has to question the drawbacks and advantages of accepting outside waste."

**Did they do this? Was the public included?**

Aug 22, 2000 – “The application must be in accordance with the solid waste plan in use at that time.”

Nov 28, 2000 – “...tipping fees could help the County budget problems. Work with Efraim & the different options.... Easiest to expand the current landfill. Timeline will be reduced. Otherwise longer process..”

Apr 9, 2002 – “Mr. Helsten went over the nine criteria. They are listed below:

1. Need

- The applicant informs you of the service area..”

**Since when does the “seller” tell you what you are going to purchase?**

2. “Design/locate/propose to be operated in that the public health, wealth, and safety is protected.

- Geotechnology
- Rock Structures
- Design
- Leach System
- Double Liner System”

**Apparently the County was thinking about a double liner as early as April, 2002.**

8. “Facility must be consistent with the County’s Solid Waste management Plan.”

**What about page 334 of the SWMP and the criteria about public involvement from the initial stages?**

Apr 30, 2002 – “Mr. Jaffe asked if the Planning Commission Members can bring in experts to testify. Mr. Van Mill explained that no they can not. You are to base your recommendation on what is presented. The Solid Waste Subcommittee acts as a quasi-judge. If someone from the public wants to bring in an expert, they can.”

**After being shut out from the initial stages, now at the end of the process, we citizens can hire and pay experts to represent our concerns!!! Why could not the County hire experts to determine the positive and negative impacts of a large landfill expansion? Why were the majority of “experts” hired by the one and only “competitor” (is this monopolistic?) for a project to increase landfill space, management, and remuneration -- while the citizens of the County were not represented in any vital way?!!**

Jan 16, 2003 – “The public was informed that these proceedings are open to the

public but closed for public participation and comments.”

**Once again, the public is excluded from participating!!**

Jan 22, 2003 – “There was discussion on Criteria #2 Condition X as to whether the condition should be more specific. After discussion it was decided that the condition was fine due to the fact that the Commission’s intent is to require a double liner, not the specific technology or installation of it.”

Jan 28, 2003 – “Mr. Saindon reported on the Work Program of the Solid Waste Committee, stating that the recommendations of the Solid Waste Committee will go to a special session of the County Board on Friday, January 31, 2003. He summarized the two amendments that have been made to the Kankakee County Solid Waste Management Plan as (1) lifting of the ban on out-of-county waste; and (2) reconfirmation of the one facility only policy. He stated that future events may require further amendments.”

**It is interesting to note that “outside” events seem to have more to do with determining “amendments” to the SWMP than does committee research, citizen participation and input, the exploration of other options/alternatives, etc.**

WMI’s complaint about a double liner doesn’t “hold water” (maybe not even leachate) since the County has the right to impose special conditions and a double liner was considered as early as April, 2002. More importantly the health, safety, and welfare of we citizens (Criteria 2) is jeopardized by **any further** expansion /siting of landfills which accept huge amounts of out-of-county trash!

According to a letter dated 10-5-01 from Dale Hoekstra of WMI (Waste Management of Illinois), “The volumes represented above (Laramie, Hooker Street, South Suburbs, Gary Indiana, and 4 Chicago Recycling Facilities) more than exceed the annual volume required to meet the financial commitment made by WMI in the draft host agreement.”

On October 9, 2001 the Kankakee County Board – after the failed motions to “table,” and to “change Article Six so it precludes the bringing in of outside garbage, until the issue is brought before the board separately “ – voted to amend the Solid Waste Management Plan. Clearly the people /citizens were not included /did not participate/ could not be heard in the process of deciding about bringing huge amounts of garbage from outside the county!

It is **FUNDAMENTALLY UNFAIR** to amend the SWMP to allow much out-of-county garbage in order to secure great amounts of money – without public



participation and input that has considered a broad spectrum of pros and cons about the issue long before the amendment was made!

Apparently, it is all about money! WMI wants to make a billion or so dollars. The County Board wants to collect a few million a year. Will any resident gain financially in this greedy endeavor? I strongly doubt it. But I am just as certain that a few or even many will lose significant property value. Then there are the most of us who will eventually have our water poisoned – wells and/or municipal water supply – for the simple but incredibly significant reason that our county is located above a regional aquifer!

That aquifer is a tremendous blessing to the life – sustaining need of hundreds of thousands of people – why risk our lives and health by locating/siting a huge landfill / expansion “overhead”? Never mind the further drastic pollution potential to streams and rivers near by. The Kankakee River is famous for its cleanness, fishing, boating, etc.

**In conclusion, instead of “directing the Kankakee County Board to delete said special conditions from the site location approval...”, I strongly recommend that the Illinois Pollution Control Board “review and delete” the entire WMI expansion site location approval – altogether!!**

**That decision would not please WMI or the Kankakee County power players, but it would both please and greatly relieve thousands of Kankakee County residents and the IPCB would truly help to control pollution in Illinois! Please, do so at your earliest convenience!**

Thank You.

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