

September 24, 2010

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STATE OF ILLINOIS
Pollution Control Board

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To whom it may concern,

I first heard about the proposal to expand the DeKalb County Landfill by Waste Management during the last week in February of 2010, a week before a public hearing was scheduled to begin. This is more than I can say for probably 99% of my fellow citizens. No one I knew had heard about this proposed landfill expansion. I happened to be a fellow church member of a local citizen who was spearheading a citizens group to oppose the expansion, and who invited me to an informational meeting to learn about the proposal. I attended a meeting in which someone shared a newspaper clipping from a notice in the back of the local DeKalb Daily Chronicle earlier in February, announcing the approval of the sale of \$45 million in bonds to pay for a courthouse and jail expansion. The notice announced that the repayment of the bonds "will" be made through tipping fees from a proposed landfill expansion by Waste Management. I did a web search of recent articles related to any landfill expansion and found an article entitled "County given authority to sell bonds," dated Feb. 17th, 2010. The article began with the following paragraph:

"With no discussion and just one dissenting vote, the DeKalb County Board authorized a bond issuance of \$45 million to finance expansions to the county courthouse and jail. 'This essentially enables the process to begin,' Michael Haines, D-Kingston, and chairman of the Finance Committee, said before asking for the board's approval."

The voters of DeKalb County had voted against expanding the county jail in a referendum on the ballot in two previous elections. When I read the notice shared at the meeting, and the article in the paper, my impression was that the County Board had already decided it would find a way to complete the courthouse and jail expansions despite the wishes of the voters. My immediate reaction was to send an e-mail to my local County Board representative, Steve Walt, first to thank him for casting the lone vote against the sale of the bonds, and secondly to express my concerns about a major decision affecting the future of DeKalb County citizens for generations to come being made without the input of those citizens. I did not receive a response to my e-mail and found out from the citizens group that this was because an order had been given to county board members not to talk with either their constituents or Waste Management about the proposed expansion until after the hearing was over.

This obstruction of communication between citizens and their elected officials was absurd to me. Especially when I learned that the County Board had been in talks with Waste Management throughout the prior year and had even been given the board a private tour of a site similar to the one proposed. It sure seems to me that preference was given to Waste management to the point where they could even promise one time payments to the DeKalb County Economic Development Corp. and the Forest Preserve District. How is it fair that Waste Management could make such promises to the board when its own constituents could not communicate with them? It seems like a classic example of a situation in which money talks and those without money don't have a voice.

I learned that there would at least be the opportunity for the public to comment at the hearing scheduled during the first week of March. I immediately contacted the County clerk's office where I was told to register, and was informed that I had missed the deadline for registering to speak, which was a week earlier. I told them that only a handful of residents even knew about the hearing a week ago. I was told to speak to the hearing officer at the hearing and it would be up to him whether or not to allow individuals to

speaking. I then asked for a copy of Waste Management's proposal so I could at least be informed if given the opportunity to speak. I was told that the only way I could view this proposal was to go to the DeKalb library. I understood that it was hundreds of pages long and explained that I couldn't possibly spend that much time at the library away and would like to have time to review it at home. I was told that there was no other option. Needless to say, I did not have the opportunity to spend that much time at the library to view the document and went to the hearing prepared to speak only from emotion rather than factual data. At least the hearing officer did grant me the opportunity to share my grievances about the whole process.

As I encountered more friends and acquaintances who were learning about the landfill expansion proposal and the public hearing, they too seemed under the impression that the decision had been made and that the public hearing was more or less a formality and requirement of the process, but in reality had little relevance with respect to the final decision. Despite my doubts I attended every day of the hearing after I got off work. This was enough time to see that Waste Management's proposal was not planned to have the least impact on the surrounding community. They were charged with proving that they had met 9 required criteria. Waste management did NOT prove that they met all of these criteria. One of the criteria was that their traffic plan had to have the least impact on the local community. Their traffic studies were severely flawed and failed to take into account farm traffic and the traffic generated from an approved major commercial development planned for the key intersection where Waste vehicles would enter the community. It also failed to take into account future population growth, and an upturn in the economy that would result in a resumption of commuter traffic traveling through the proposed route. In addition, Waste Management proposed a route that would have the least financial impact on them – a route that let them get off with only improving a small section of the entrance to the landfill rather than an entire stretch of road that would make up a more logical route with less impact on the community. The proposed route leads truck traffic down Rte 38, the primary thoroughfare between the towns of DeKalb and Cortland and communities to the east, rather than Fairview St., a sparsely traveled and populated road; one that would not only have less impact on the community, but one that is actually the shorter route to the landfill. This is just one criterion they did not meet. There are eight others and I argue they did not meet all of them. In fact I thought that the attorney for Waste Management was patronizing and condescending throughout the hearing and he even said that the statements and questions we (the public) posed, were irrelevant and shouldn't be considered as weighing on the final decision (see one of the attached articles). He said they are "technically not part of this review." Then why would any member of the public even bother speaking? Why was the public told they had 30 days following the hearing to submit written commentary to be considered in the testimony prior to our county board vote if it was "not part of this review?"

The fact that the County Board did not seek any independent impartial studies of their own, or investigate thoroughly, similar proposals and their impacts on similar communities is a clear indicator to me that they had really made up their minds and planned to approve the expansion proposal regardless of what was presented at the public hearing. In fact, there were many times where only a couple of the members of the assigned County Board review committee were present or days when members left early. There were times where members did not even appear to be awake. I only pray that the members of the Illinois Pollution Control Board are more awake than our own elected County Board members were when they voted to approve Waste Management's proposal and subsequently tied the hands of DeKalb County residents, preventing them from participating in decisions that will significantly impact their own future and future welfare. Please do not allow this injustice to take place.

Sincerely,



Danica Lovings

Resident of DeKalb County

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Landfill expansion hearing concludes

Author(s): CARRIE FRILLMAN **Date:** March 11, 2010 **Section:** News

MALTA – After about 50 hours of proceedings, the public hearing on a proposal to expand the DeKalb **County** landfill ended Thursday, when closing arguments by Waste Management of Illinois Inc. and public participants were heard. The hearing – held Thursday and all of last week – centered on an application submitted by Waste Management to increase the size of the local landfill.

Built in 1956 and located on Somonauk Road south of Interstate 88, it takes in about 350 tons of trash per day. Waste Management wants the landfill to be expanded to take in about 2,000 tons per day and trash could be brought in from 17 surrounding **counties**, which would pay a tipping fee to dump there.

The **county** would like to use the revenue generated from the landfill expansion to pay bonds issued for the expansion and renovation of the **county** jail and courthouse.

Don Moran, who represented the company, spoke first Thursday. He encouraged members of the **county board's** Pollution Control Facility Committee to stick to the facts set before them during the hearing.

The committee is a six-member group of **county board** members who will make a recommendation to the **board** regarding the expansion.

"As much as we have heard people's statements and comments about what they believed ... they are technically not part of this review," Moran said in his closing argument. "Facts about the specific design elements that are presented here ... those are the kind that provide basis for the appropriate determination by the committee."

Moran then summarized the criteria that must be met in order for the committee to suggest approval of the landfill expansion. Waste Management must demonstrate need, design, location, operation, compatibility with the surrounding area, and traffic patterns. The company met all criteria, Moran said, and proved the landfill poses no danger to public health.

Five people presented closing arguments on behalf of the opposition Thursday.

Sycamore resident and Republican candidate for DeKalb **County** State's Attorney Clay Campbell discussed the harm of hydrogen sulfide – a gas emitted from landfills that causes a rotten egg smell, experts said.

Retired Northern Illinois University chemistry professor Aubrey Serewicz was the first and only witness called by the opposition. He testified last week and Thursday that the gas is harmful to people.

"I'm trying to be skeptical here because I'm trying to think that it's our job to keep these kids safe," Campbell said of children at Cortland Elementary School, which is located about a half-mile from the landfill. "We cannot go home tonight and say, 'Oh, well, the **county** needs the money.' ... Everybody is suffering for money. But money is not more important than children."

Brooks Elementary School teacher Dan Kenney criticized evidence

Many Citizens as well as the gentlemen representing the Citizens presented facts. To be dismissed like this was an insult to the Citizens.

presented by the paid witnesses of Waste Management, and said they had not proven "without a shadow of a doubt," that it is safe and practical to expand the landfill.

Kenney also voiced concern about public participation.

"Throughout the course of this hearing it has become evident that the public has not been made aware of their rights," said Kenney, adding that residents were not properly informed about how to participate in proceedings.

Kenney urged **county board** members to vote no.

The **county** waived its right to a closing argument, said Renee Cipriano, a former director of the Illinois Environmental Protection Agency who is providing legal counsel to the **county**.

Attendees were given the opportunity to make public comments Thursday, just before closing arguments were heard. About five did so.

Kenney read a statement on behalf of Mike Verbic, president of the DeKalb School **Board**.

The letter discussed the construction of Cortland Elementary School at the beginning of the 2009-2010 academic year.

"We were aware that the landfill would need to be expanded soon to accommodate the waste needs of DeKalb **County**," Kenney said, reading the statement. "We were not aware of any consideration to grow the landfill to what is being proposed during the planning stages for our new school."

Odors have been detected more than a mile north of the landfill, and Verbic is concerned about the health and safety of students at the elementary school, the letter said.

"We understand the financial gain potential for this expansion and the desperate need for these revenues in our **county**," the letter said. "... We only ask that you do your due diligence in this matter by verifying the long-term safety of this proposal."

Waste Management and public participants have until April 8 to submit their closing briefs, Cipriano said. Residents must postmark statements they wish to have entered in the public record by April 10. Cipriano said she will hand-deliver April 12 a recommendation to the pollution committee regarding the expansion.

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was not informed by the County Board of their plans for making a deal with Waste Mgmt. The discussions with Waste Mgmt were already in progress when the School board planned the construction of the new elementary school a half mile from the site of the landfill expansion.

Daily Chronicle, The (DeKalb, IL)

May 15, 2010

Section: Opinion

Schaumburg: DeKalb County Board member explains 'no' vote on landfill

JASON SCHAUMBURG

It wasn't until the day before last month's DeKalb County Board Pollution Control Facility Committee meeting that County Board District 3 representative Ken Andersen had decided how he was going to vote on Waste Management's landfill expansion proposal. "I prayed on it for quite some time," Andersen said. "I started writing things down. Did they do this? Did they do that? I couldn't come up with enough 'yes' reasons to do it."

So, a little more than a year after supporting the landfill expansion, Andersen was the lone vote against the proposal at the committee meeting last month. On Monday, he was one of eight DeKalb County Board members to vote against the expansion, which passed 16-8.

After last week's column, where I pointed out Andersen was for the landfill before he was against it, I wanted to visit with him this week to learn more about his reversal of position and provide you a glimpse of his thought process.

Andersen said he voted no because he didn't think the proposal met the nine criteria needed for approval.

Those criteria are: a need for the facility, safety plan, minimally invasive location, site design outside the flood plain, plan to minimize danger from accidents, a traffic pattern for haulers, emergency response plan, solid waste management plan and that the site is not in a "regulated recharge area."

Traffic and environmental concerns were the areas Andersen believed Waste Management fell short.

Andersen initially supported the expansion as long as it struck a balance with neighboring property owners. He said Waste Management's sub-par traffic study and inadequate job addressing the air quality issue meant they didn't strike that balance.

"I'm not comfortable with [the gas issues]," Andersen said. "That's probably the biggest reason."

All that said, Andersen's biggest frustration was not being able to speak with constituents in the months leading up to the vote. The board essentially was placed under a gag order because state law viewed it as a jury in this process. The board's vote serves as a recommendation to the Illinois Pollution Control Board, which will have the final say on the proposal.

"This whole entire process that was used to deliberate and reach a conclusion to this process is flawed,"

Andersen wrote in a prepared statement he was going to read to the board Monday night but didn't.

"When, as elected officials, we cannot talk and listen to the people we represent on this issue, then we have grossly missed the entire process on what this country is all about. ... This is our county, and we need to have the right to choose what happens in our county, not some board in Springfield or Chicago." Andersen feels so strongly about how flawed the process is that he hopes to work with state Sen. Brad Burzynski, R-Rochelle, and state Rep. Robert Pritchard, R-Hinckley, to get legislation passed to change it.

Now that Andersen can speak to his constituents about the matter, what is his message?

"Work with me," Andersen said. "Stay diligent with this process. I encourage them to stay in tune to everything that's going on. Learn the issue. Become involved. ... Please call and tell me how you feel about this."

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Archives

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Cortland Township residents vote against landfill expansion

Author(s): CAITLIN MULLEN Date: May 19, 2010 Section: News

CORTLAND - More than 200 people attended a special meeting Tuesday night of the Cortland Township Electors and approved a resolution opposing a proposed expansion of the DeKalb County Landfill.

The county landfill is on Somonauk Road just south of Interstate 88 in Cortland Township. Waste Management of Illinois, which has operated the county landfill since 1991, is asking for permission to allow the landfill to accept about 2,000 tons of trash a day. About 272 tons of waste were dumped at the site each weekday in 2009, according to the DeKalb County Health Department.

The trash could be brought in from 17 surrounding counties that would pay a tipping fee to dump there. The fee would be used to pay for an expansion to the county jail. The county board has already approved the proposal; the state still needs to give the go-ahead.

Only residents of Cortland Township were allowed to vote at Tuesday's meeting. Name stickers identified Cortland Township residents and non-residents. Most in attendance had "voter" stickers.

Resident Frankie Benson was chosen by the group to be the moderator of the meeting. At least 15 registered voters were at the meeting, which makes a quorum, Benson said. Resident Richard Hahin made the motion to adopt the resolution opposing the expansion.

The resolution states: "... Be it therefore resolved by a vote of the Electors of the Cortland Township that no expansion of the DeKalb County Landfill will be allowed in Cortland Township — in size of the facility, in the amount of waste material accepted at the facility, or in the origination points from which waste is hauled."

A few people opposed; most of the crowd approved the motion by saying "aye." The crowd clapped after the meeting ended.

Matthew Brown, attorney for the Cortland Township Board of Trustees, said the issue will go to the trustees at their next meeting June 14. The decision made by the electors could make a difference, he said, although it's still unclear how it may impact the landfill expansion.

"The actions of the electors are separate from any actions the trustees may make," Brown said.

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