

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MARTIN MAGGIO,)	
)	
Petitioner)	
)	
v.)	No. PCB 13-10
)	
COUNTY OF WINNEBAGO,)	(Pollution Control Facility Siting Appeal)
WINNEBAGO COUNTY BOARD and)	
WINNEBAGO LANDFILL COMPANY,)	
LLC,)	
)	
Respondents)	

NOTICE OF FILING

TO: SEE ATTACHED CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on August 28, 2012 the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board an original and 9 copies of the Winnebago County Board's July 12, 2012 RESOLUTION ADOPTING THE PROPOSED FINDINGS AND ORDER ON THE APPLICATION FOR LOCAL SITING APPROVAL FOR THE WINNEBAGO LANDFILL EXPANSION, a copy of which is attached hereto.

Respectfully Submitted,
Martin Maggio



By: _____
One of his attorneys

Michael S. Blazer (ARDC No. 6183002)
Thomas S. Yu (ARDC No. 6273289)
Jeep & Blazer, LLC
24 N. Hillside Avenue, Suite A
Hillside, IL 60162
(708) 236-0830
Fax: (708) 236-0828
mblazer@enviroatty.com
tsyu@enviroatty.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MARTIN MAGGIO,)	
)	
Petitioner)	
)	
v.)	No. PCB 13-10
)	
COUNTY OF WINNEBAGO,)	(Pollution Control Facility Siting Appeal)
WINNEBAGO COUNTY BOARD and)	
WINNEBAGO LANDFILL COMPANY,)	
LLC,)	
)	
Respondents)	

**FILING OF EXHIBIT TO PETITION FOR REVIEW OF DECISION CONCERNING
SITING OF A NEW POLLUTION CONTROL FACILITY**

Now comes Petitioner, Martin Maggio (“Maggio”), by his attorneys, Jeep & Blazer, LLC, and hereby files the Winnebago County Board’s July 12, 2012 RESOLUTION ADOPTING THE PROPOSED FINDINGS AND ORDER ON THE APPLICATION FOR LOCAL SITING APPROVAL FOR THE WINNEBAGO LANDFILL EXPANSION, referenced in Maggio’s Petition for Review previously filed herein.

Respectfully Submitted,
Martin Maggio



By: _____
 One of his attorneys

Michael S. Blazer (ARDC No. 6183002)
Thomas S. Yu (ARDC No. 6273289)
Jeep & Blazer, LLC
24 N. Hillside Avenue, Suite A
Hillside, IL 60162
(708) 236-0830
Fax: (708) 236-0828
mblazer@enviroatty.com
tsyu@enviroatty.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of Petitioner's NOTICE OF FILING with attached FILING OF EXHIBIT TO PETITION FOR REVIEW OF DECISION CONCERNING SITING OF A NEW POLLUTION CONTROL FACILITY to be served on the following, via U.S. Mail at Hillside, Illinois, postage prepaid, before 5:00 p.m. on this 28th day of August, 2012:

*For Winnebago County and Winnebago
County Board*

Gary L. Kovanda
231 Echo Drive
Rockton, IL 61072

Margie M. Mullins
Winnebago County Clerk
404 Elm Street, Suite 104
Rockford, IL 61101

Scott H. Christiansen
Chairman, Winnebago County Board
404 Elm Street
Rockford, IL 61101

Hearing Officer

Bradley P. Halloran
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

For Winnebago Landfill Company, LLC

George Mueller
Mueller Anderson & Associates
609 East Etna Road
Ottawa, IL 61350

John Lichty – Chief Executive Officer
Winnebago Landfill Company, LLC
5450 Wansford Way, Suite 201
Rockford, IL 61109



Michael S. Blazer
One of the attorneys for
Petitioner

NO. 27

County Board: 7/12/12

**A M E N D E D
R E S O L U T I O N
of the
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2012 CR 092

**RESOLUTION ADOPTING THE PROPOSED FINDINGS
AND ORDER ON THE APPLICATION FOR LOCAL SITING
APPROVAL FOR THE WINNEBAGO LANDFILL EXPANSION**

WHEREAS, Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2 (hereinafter referred to as the "Act"), requires that local governments approve the site location suitability for new pollution control facilities; and

WHEREAS, on January 17, 2012, Winnebago Landfill Company, LLC filed an Application For Local Siting Approval For The Winnebago Landfill Expansion for a sanitary landfill or waste disposal site in the 8400 block of Lindenwood Road, Rockford, IL 61109; and

WHEREAS, pursuant to subparagraph (d) of Section 39.2 of the Act, and Section 42-39 of the Winnebago County Code, on October 20, 2005, a public hearing on the application was held on April 23, April 24, April 26 and April 30, 2012, by a hearing officer on behalf of the County Board; and

WHEREAS, pursuant to subparagraph (c) of Section 39.2 of the Act, all written comments received or postmarked not later than 30 days after the close of the public hearing have been considered; and

WHEREAS, after reviewing the Hearing Officer's Recommended Findings of Fact and Recommended Condition of Approval and the entire Record in this cause which consists of the Application, testimony presented at the public hearing conducted on that Application, exhibits entered into evidence during the public hearing, public testimony given before the hearing officer, properly filed post hearing proposed findings and conditions of the parties, and all written comments properly filed, the County Board has prepared the attached Findings and Order.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of the County of Winnebago, Illinois, that the Findings and Order attached hereto are adopted as the written decision of the County Board on the Application For Local Siting Approval For The Winnebago

Landfill Expansion filed on January 17, 2012, as required by Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2.

BE IT FURTHER RESOLVED, that the Chairman of the County Board execute the attached Findings and Order, and enter them into the record of proceedings on the Application of Winnebago Landfill Company, LLC.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effect immediately upon its adoption.

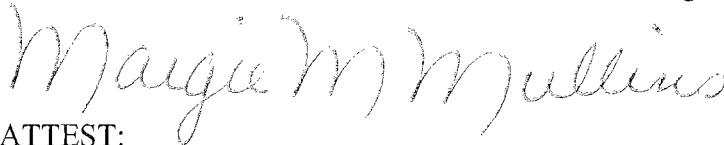
BE IT FURTHER RESOLVED, that the Clerk of the County Board is hereby directed to prepare and deliver certified copies of this Resolution to the Winnebago County Board Chairman and State's Attorney, and to Mr. John Lichty, Winnebago Landfill Company, LLC, 5450 Wansford Way Suite 201, Rockford, IL 61109.

Respectfully Submitted,

The above and foregoing Resolution was adopted by the County Board of the County of Winnebago, Illinois this 12TH day of July, 2012.



Scott H. Christiansen, Chairman of the
County Board of the County of
Winnebago, Illinois



ATTEST:

Margie Mullins, Clerk of the County
Board of the County of Winnebago, Illinois

**BEFORE THE WINNEBAGO COUNTY BOARD
WINNEBAGO COUNTY, ILLINOIS**

IN RE THE MATTER OF:

THE APPLICATION FOR LOCAL)
SITING APPROVAL FOR THE)
WINNEBAGO LANDFILL)
EXPANSION.)

FINDINGS AND ORDER

THIS MATTER coming on to be heard upon the Application of the Winnebago Landfill Company, LLC for Local Siting Approval for the Winnebago Landfill Expansion filed on January 17, 2012 (hereinafter referred to as "Applicant"), said Application requesting the site location approval for a sanitary landfill or waste disposal site to be located in unincorporated Winnebago County, Illinois, in the 8400 block of Lindenwood Road, Rockford, IL 61109, the County Board having considered the Hearing Officer's Recommended Findings of Fact and Recommended Condition of Approval and the entire Record in this cause which consists of the Application, testimony presented at the public hearing conducted on that Application, exhibits entered into evidence during the public hearing, public testimony given before the hearing officer, properly filed post hearing proposed findings and conditions of the parties, and all written comments properly filed, the County Board of the County of Winnebago, Illinois finds and orders as follows:

FINDINGS

A. The County Board recognizes that the process set forth in Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2 requiring local governments to approve the location suitability for new pollution control facilities is quasi-judicial in nature. The County Board recognizes that it can only consider the Record consisting of the Hearing Officer's

Recommended Findings of Fact and Recommended Condition of Approval and testimony presented at the public hearing conducted on that Application, exhibits entered into evidence during the public hearing, public testimony given before the hearing officer, properly filed post hearing proposed findings and conditions of the parties, and all written comments properly filed.

The County Board further recognizes that it must apply the preponderance of evidence standard to that Record and base its decision in this matter only on the following nine 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 100 year flood plain;
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 applicable requirements specified by the Pollution Control Board for such areas have been met.

B. Utilizing the preponderance of the evidence standard, upon consideration of the

Record in this matter as it relates to the nine criteria set forth above, the County Board finds:

1. The Applicant has met its burden of proof as to Criteria Nos. 1,2,3,4,5,6 and 8.
2. Criteria Nos. 7 and 9 are not applicable to the facility as proposed by the Applicant.
3. The County Board adopts and incorporates the Hearing Officer's Recommended Findings of Fact and Recommended Condition of Approval.

ORDER

Because the Applicant has met its burden of proof on, or otherwise demonstrated compliance with, all of the nine criteria as required by Section 39.2 of the Illinois Environmental Protection Act, the Application of the Winnebago Landfill Company, LLC for Local Siting Approval for the Winnebago Landfill Expansion filed on January 17, 2012, is hereby granted, and the site location for the facility proposed in that Application is approved subject to the following condition(s):

The condition contained on pages 3-4 of the Report of Hearing Officer Recommended Findings of Fact and Recommended Condition of Approval.

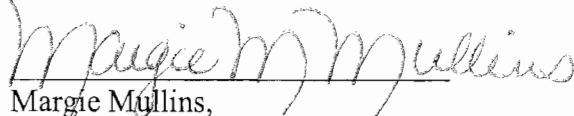
The Chairman and Clerk of the County Board, and all other County officials, if necessary, are authorized to execute all documents needed to effectuate or exhibit the approval granted herein, without further action by the County Board.

Dated this 12th Day of July, 2012.



Scott H. Christiansen,
Chairman of the County Board of the
County of Winnebago, Illinois

ATTEST:



Margie Mullins,
Clerk of the County Board of the
County of Winnebago, Illinois