

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF FAIRMONT CITY, ILLINOIS)

Petitioner)

v.)

VILLAGE OF CASEYVILLE, ILLINOIS)
BOARD OF TRUSTEES and CASEYVILLE)
TRANSFER STATION, L.L.C.)

Respondents.)

15-69
No. PCB 14-_____

(Pollution Control Facility Siting Appeal)



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STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING PETITION FOR HEARING TO CONTEST

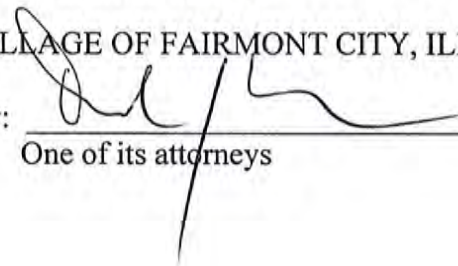
TO: See Attached Service List

PLEASE TAKE NOTICE that on September 8, 2014, we filed with the Illinois Pollution Control Board, the attached **PETITION FOR HEARING TO CONTEST SITE LOCATION APPROVAL**.

Dated: September 8, 2014

Respectfully submitted,

VILLAGE OF FAIRMONT CITY, ILLINOIS

By: 
One of its attorneys

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**PETITION FOR HEARING
TO CONTEST SITE LOCATION APPROVAL**

Petitioner Village of Fairmont City ("Fairmont City"), by its attorneys Sprague & Urban and Pedersen & Houpt, respectfully requests a hearing to contest the decision of the Village of Caseyville Board of Trustees ("Village Board") granting site location approval for the proposed Caseyville Transfer Station ("Facility"). In support of this Petition, Fairmont City states as follows:

1. This Petition is filed pursuant to Section 40.1 of the Illinois Environmental Protection Act (the "Act") (415 ILCS 5/40.1), and in accordance with Sections 107.200 - 107.208 of the Illinois Pollution Control Board Procedural Rules (35 IAC 107.200-208).

2. On or about February 10, 2014, Caseyville Transfer Station, L.L.C. ("Applicant") filed a siting application with the Village of Caseyville requesting approval for a proposed municipal solid waste transfer station located on a 5-acre site, over one or more parcels, at the southwest corner of the intersection of Bunkum Road and the Harding Ditch, in the Village of Caseyville.

3. A public hearing on the siting application was held May 29, 2014. The Applicant presented no sworn testimony, only the public comment offered by its representative, Mr. John Siemsen. Sworn testimony was provided by two expert witnesses that criteria (i), (ii), (vi) and

(vii) were not met. This testimony was not contradicted or rebutted. Written comment was received until 30 days after the May 29 public hearing, at which time the record closed.

4. On August 6, 2014, the Village Board approved the siting application. A true and correct copy of the Village Board decision approving same is attached hereto and made part hereof as Exhibit A.

5. Fairmont City appeared and participated in the public hearing held before the Village Board. Fairmont City is located approximately one mile from the Facility, and is within the proposed service area for the Facility.

6. Fairmont City contests and objects to the Village Board's siting approval because the siting process and procedures used by the Village Board in reaching that decision were not fundamentally fair for the following reasons:

- (a) Members of the Village Board prejudged the siting application.
- (b) The entire Village record of the siting proceedings was not made available for Village Board member review.
- (c) The Village Board did not allow the only witness presented by the Applicant to be cross-examined.

7. Fairmont City further contests and objects to the Village Board's siting approval because the written material and public comment presented by the Applicant failed to establish that the Applicant met the following criteria as required by Section 39.2(a) of the Act:

- (a) that the Facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (b) that the Facility is located to minimize incompatibility with the character of the surrounding area and the effect on the value of surrounding property;
- (c) traffic patterns to and from the Facility are designed to minimize the impact on existing traffic flows; and

(d) that as the Facility is to be located in a county (St. Clair County) where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or Solid Waste Planning and Recycling Act, the Facility is consistent with that plan.

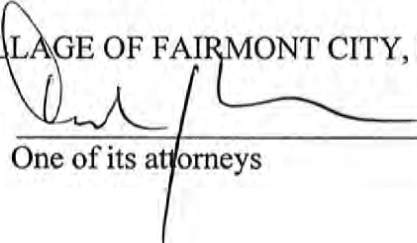
8. Finally, the Village Board's siting approval should be reversed because the Facility is located within 1000 feet of property zoned for primarily residential uses, in violation of Section 22.14(a) of the Act. 415 ILCS 5/22.14(a)

WHEREFORE, Fairmont City respectfully request that the Board enter an order (a) setting for hearing this contest of the Village Board siting approval decision, (b) reversing the Village Board siting approval decision, and (c) providing such other and further relief as the Board deems appropriate.

Dated: September 8, 2014

Respectfully submitted,

VILLAGE OF FAIRMONT CITY, ILLINOIS

By: 
One of its attorneys

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Village of Caseyville

909 South Main Street
Caseyville, Illinois 62232

Phone: 618-344-1234
Fax: 618-394-1234

LEN BLACK
Mayor

ROB WATT
Village Clerk

WALTER ABERNATHY
Trustee

RICK CASEY, JR.
Trustee

KERRY DAVIS
Trustee

G.W. SCOTT, SR.
Trustee

RON TAMBURELLO
Trustee

BRENDA WILLIAMS
Trustee

BRIAN RADER
Supt. of Public Works

VILLAGE OF CASEYVILLE DECISION REGARDING CASEYVILLE TRANSFER STATION, LLC'S APPLICATION FOR LOCAL SITING APPROVAL

BE ADVISED the Village of Caseyville held a Special Board Meeting on August 6, 2014 where it GRANTED Caseyville Transfer Station, LLC's Application for Local Siting Approval pursuant to its continuing desire to bring new business into Caseyville.

The Village Board, having an opportunity to review the Application, full record, and transcript of the public hearing held on May 29, 2014, makes this decision in full compliance with 415 ILCS 5/39.2. The applicant has complied with all procedural and notice requirements of the statute thus giving the Village jurisdiction to reach this decision.

In reaching its decision, the Village finds that each of the criteria prescribed in 415 ILCS 5/39.2(a)(i-ix) has been met. Specifically, the Village finds that the location of the proposed facility fits well with the surrounding area and that impact on existing traffic will be minimal. Furthermore, incorporated by reference herein is the full record of the Application including comments, responses, and transcripts.

The Village Board has granted the undersigned Mayor of Caseyville the authority to execute this written decision and any other documents or forms which may be necessary to comply with applicable law.

Leonard Black

Leonard Black, Mayor of the Village of Caseyville

EXHIBIT

A



PROOF OF SERVICE

Donald J. Moran, an attorney, on oath states that he served the foregoing **Village of Fairmont City Petition for Hearing to Contest Site Location Approval** on the following parties by depositing same in the U.S. mail at 161 N. Clark Street, Chicago, Illinois 60601, at 5:00 p.m. on this 8th day of September, 2014.

Village of Caseyville
c/o Rob Watt, Clerk
909 S. Main Street
Caseyville, Illinois 62232

Caseyville Transfer Station, L.L.C.
290 South Main Place
Carol Stream, Illinois 60188

Jennifer J. Sackett-Pohlenz
CLARK HILL PLC
150 N. Michigan Avenue
Suite 2700
Chicago, IL 60601

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Pollution Control Board

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No. PCB 14-1569

(Pollution Control Facility Siting Appeal)



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Pollution Control Board

ENTRY OF APPEARANCE

TO: Clerk of the Pollution Control Board and all parties of record

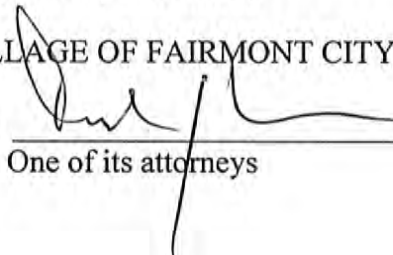
Please enter our appearance as counsel of record in this case for the following:

VILLAGE OF FAIRMONT CITY, ILLINOIS

Dated: September 8, 2014

Respectfully submitted,

VILLAGE OF FAIRMONT CITY, ILLINOIS

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One of its attorneys

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