

DRAFT  
MINUTES

POLLUTION CONTROL FACILITIES COMMITTEE

April 13, 2010

Chairman Tobias called the meeting to order at 3:40pm in the Gathertorium. Members present in addition to Mrs. Tobias included Pat Vary, Ken Andersen, Riley Oncken, Marlene Allen and Paul Stoddard. Mr. Michael Haines was absent.

Also present were Ray Bockman, Julian Magdaleno, John Hulseberg, Scott Newport Bob Drake, Dale Hoekstra, Don Moran, Bill Plunkett, Chris Burger, Renee Cipriano, John Hein and Rick Frendt.

Ruth Anne Tobias opened the meeting by noting that the sole purpose of today's meeting was to allow the experts that the County has hired to present their report and answer any question that the committee may have on the Report's content at this time. The hearings have concluded and the public comment period has ended thus no additional evidence or public comment can be accepted or considered.

Mrs. Tobias introduced Renee Cipriano, counsel to the County for this matter. Ms. Cipriano introduced Mr. Chris Burger team leader for Patrick Engineering who introduced Mr. John Heim, traffic expert and Mr. Rick Frendt, chemical engineer who would be presenting on air quality in general and H<sub>2</sub>S in particular. Ms. Cipriano restated the need to remember that Illinois siting law and procedures govern all local sitings. The prohibition on ex parte contacts remains in effect and that the Report that she and the experts from Patrick Engineering have prepared is keyed to the nine criteria outlined in Illinois law for siting landfills. Ms. Cipriano then presented an overview of the structure of the Report and conclusions.

Chris Burger then led the committee members through the Report addressing each of those nine criteria in order. **[All page references are to the attached 60-page staff report]**

**Criterion One.** Mr. Burger reminded the committee that the service area is defined by the applicant in these sitings. He stated that it was the Staff opinion that need had been sufficiently demonstrated by the applicant and that Criterion One was satisfied. He also indicated that Staff recommended one special condition with regard to this criterion and that was that DeKalb County would be guaranteed disposal capacity for the life of the landfill rather than just for the first 25 years of operation. **[Page 8]**. Ms. Cipriano presented a quick overview of the law and rationale regarding the definition of the service area, and the restriction placed on the decision maker to not redefine it. Mr. Ken Andersen noted that he had raised a concern on this issue and felt that the special condition addressed his concern.

**Criterion Two.** Mr. Burger explained that two is by far the largest criteria and that the Staff analysis was divided into four parts. Those are Design and Location, Operation (including gas control and monitoring), Groundwater and Exhumation of Old Landfill. He noted that with regard to stormwater there were no deficiencies noted and that the facility design was compliant with the County's stormwater regulations.

Renee Cipriano noted the IEPA was the first environmental agency created in the nation and had the first solid waste program. As such, Illinois is a national leader in landfill design requirements and that Waste Management had designed the expansion to the very specific criteria of the IEPA.

Mrs. Tobias asked who the "CQA Officer" **[page 22]** was? Mr. Burger explained that Waste Management would be required to hire an independent third-party inspector called "a construction quality assurance officer" to certify that the landfill was constructed according to the plans approved by IEPA.

In conclusion Mr. Burger noted that with regard to Design, Staff had recommended three special conditions and that these conditions were outlined on **pages 21 and 22** of the Report.

Mr. Burger then moved on to operations and led the committee through a discussion of the eleven proposed special conditions recommended by Staff **[pages 29-32]**.

Mr. Andersen raised a concern over the liability of the County should Waste Management and/or its insurer fail financially in the future. Mr. Burger and Ms. Cipriano responded that it was the State that was at risk in such instances and that they would be very careful to assure that adequate post-closure funds and financial guarantees were in place prior to approving operations.

Mrs. Vary stated that she was very concerned that there was no certain guarantee that methane gas would be converted to energy. She said it was unclear from the application when such waste to energy facilities would be implemented. Mr. Burger and Ms. Cipriano responded that these decisions, due in part to the infrastructure required to connect such facilities, were usually driven by economic factors but that staff had proposed a special condition [**#11 page 32**] that would trigger this improvement once gas generation reached the 1500 cubic feet per minute level on a sustained basis. Considerable discussion followed on the topic of H<sub>2</sub>S gas. Mr. Burger introduced Mr. Rick Frendt a chemical engineer from Patrick Engineering who assisted in the H<sub>2</sub>S portion of the staff report [**pages 26-28**]. Mr. Frendt explained to the committee that despite the claims of some objectors H<sub>2</sub>S gas at the levels normally associated with landfills does not pose a toxological threat to anyone including children. He noted that Waste Management had a third party firm conduct air sampling at the site. The monitoring revealed very few detections of H<sub>2</sub>S (mostly along I-88 away from the landfill) and none of the detections even approached the OSHA standards. He noted that OSHA standards would allow workers to be exposed to up to 10 parts per million in an enclosed workplace for an entire day without concern. Most readings on site were non-detections. One reading was 4 parts per billion – thousands of times less than the allowable workplace levels. Mr. Frendt stated that at 10 ppb H<sub>2</sub>S is a nuisance not a hazard. He felt that recent notice of H<sub>2</sub>S was due to the introduction of ground gypsum into landfills here and elsewhere and the ability of the human nose to detect H<sub>2</sub>S at very low concentrations. It was noted that the landfill had banned ground gypsum in 2008 and would no longer accept it. Mr. Burger noted that hydrogen sulfide monitoring was recommended as one of the special conditions. Mr. Burger and Ms. Cipriano also discussed the special condition requiring that a notification protocol be developed and a number of special conditions relating to how citizen complaints should be handled. [**Page 29**]

With regard to groundwater Mr. Paul Stoddard asked how far down the proposed monitoring would go? The ensuing discussion was based on the groundwater section of the Report [**page 33**] that delineates the various geologic formations to be monitored. Mr. Stoddard asked of the area beneath the facility translated to the Troy Valley aquifer? Mr. Burger said he did not believe that it did but would verify prior to the next meeting (4/23/10).

The committee then discussed the exhumation of the old landfill. Mr. Riley Oncken asked if it might not be better to leave things as they were and not disturb the old landfill area. Mr. Burger said that in his expert opinion exhumation was the right thing to do. Ms. Cipriano noted that IEPA would engage in a lengthy discussion with Waste Management over the exhumation and would work out a detailed plan. The committee asked what if hazardous waste was unearthed in the process. The staff replied that it would have to be treated as any hazardous waste and removed to a facility designed to accept such materials. The consensus was that it would be better to find out sooner rather than later if problem substances did exist in the old cell. The common belief is that it contains only residues traditionally associated with burned municipal solid waste.

Mr. Burger noted that staff found that the exhumation plan was acceptable and further explained the six special conditions staff suggests regarding the exhumation process to provide further protections. **[Pages 35-36].**

In conclusion Mr. Burger and Ms. Cipriano said that the applicant had met Criterion Two while also recommending a series of special conditions as outlined in their Report.

**Criterion Three.** Mr. Burger explained that this criterion is the only one that Patrick Engineering had engaged an outside consultant to evaluate. They utilized the Gorman Group Ltd. and through them concluded that Criterion Three had been met. Staff did recommend that the property value guarantee be extended from one-half mile to one full mile from the waste footprint in all directions not just to the north. **[Page 42]** Mr. Oncken asked Mr. Burger what the impact on the applicant would be to provide the additional notices etc.? Mr. Burger said he would find out.

Mr. Oncken also asked if a condition was warranted requiring that someone be physically on site 24/7 to address emergency conditions. Staff indicated that such a condition was not indicated by evidence, or past practice here or elsewhere. Staff noted that several special conditions **[pages 41-42]** had been recommended with regard to screening and berms to further enhance the visual screening of the expansion activities from the public. The committee discussed these requirements with Staff and considered further modifications. The Staff concluded that Criterion Three had been met by the applicant.

**Criterion Four and Criterion Five.** Staff noted that these two criteria had been met by the applicant and that there were no problems in either of these areas.

**Criterion Six.** Chris Burger introduced Mr. John Heim who conducted the traffic analysis for Patrick Engineering. Mrs. Vary asked if it wouldn't be better to utilize Fairview Drive rather than Route 38. Mr. Heim said that in his professional opinion Route 38 was the better choice based on the rural nature of Fairview Drive, the potential for conflict with agricultural traffic and the cost of upgrading this road. He distributed a copy of a traffic graph and directed the committee to the discussion on [pages 43-47] of the Report in which he notes that during the peak hour the landfill impact on a single lane of traffic is **less than five vehicles per hour [page 46]**. Ruth Anne Tobias asked if the potential for idling vehicles at the intersection of Route 38 and Somonauk Road posed an emissions problem.

Mr. Frendt responded that the emissions along I-88 would probably be on the order of 1000 times greater and still not a concern in his opinion.

Riley Oncken asked Mr. Heim if the failure to include farm traffic in the applicant's traffic consultant's report flawed the study. Mr. Heim stated that it was not a concern as the LOS (level of service) on the surrounding is quite low to begin with. He noted that Somonauk Road is currently operating at 14% [page 44] of its capacity and when the proposed landfill was fully operational that utilization would peak at 17%. The southbound left turn lane was actually not warranted but would certainly not hurt traffic flow in his opinion.

Staff concluded by noting that in their opinion Criterion 6 had been met by the applicant with the addition of two special conditions noted on [page 47-48].

**Criterion Seven.** Refers to hazardous waste and does not apply as this facility will not accept any hazardous waste.

**Criterion Eight.** The proposed expansion is consistent with the DeKalb County Solid Waste Plan and therefore Criterion Eight is met.

**Criterion Nine.** The proposed expansion is not located in a regulated recharge area.

**Operating Experience.** Staff noted that there was nothing in the record of Waste Management's operation of the DeKalb County Landfill to disqualify them. Mr. Oncken asked if there was anything in the record from other facilities that would disqualify Waste Management? Ms. Cipriano said based on her review, there was not.

Staff noted that Exhibit A of the Report [pages 51-60] contained their draft resolution recommending approval of the expansion and the entire list of recommended special conditions.

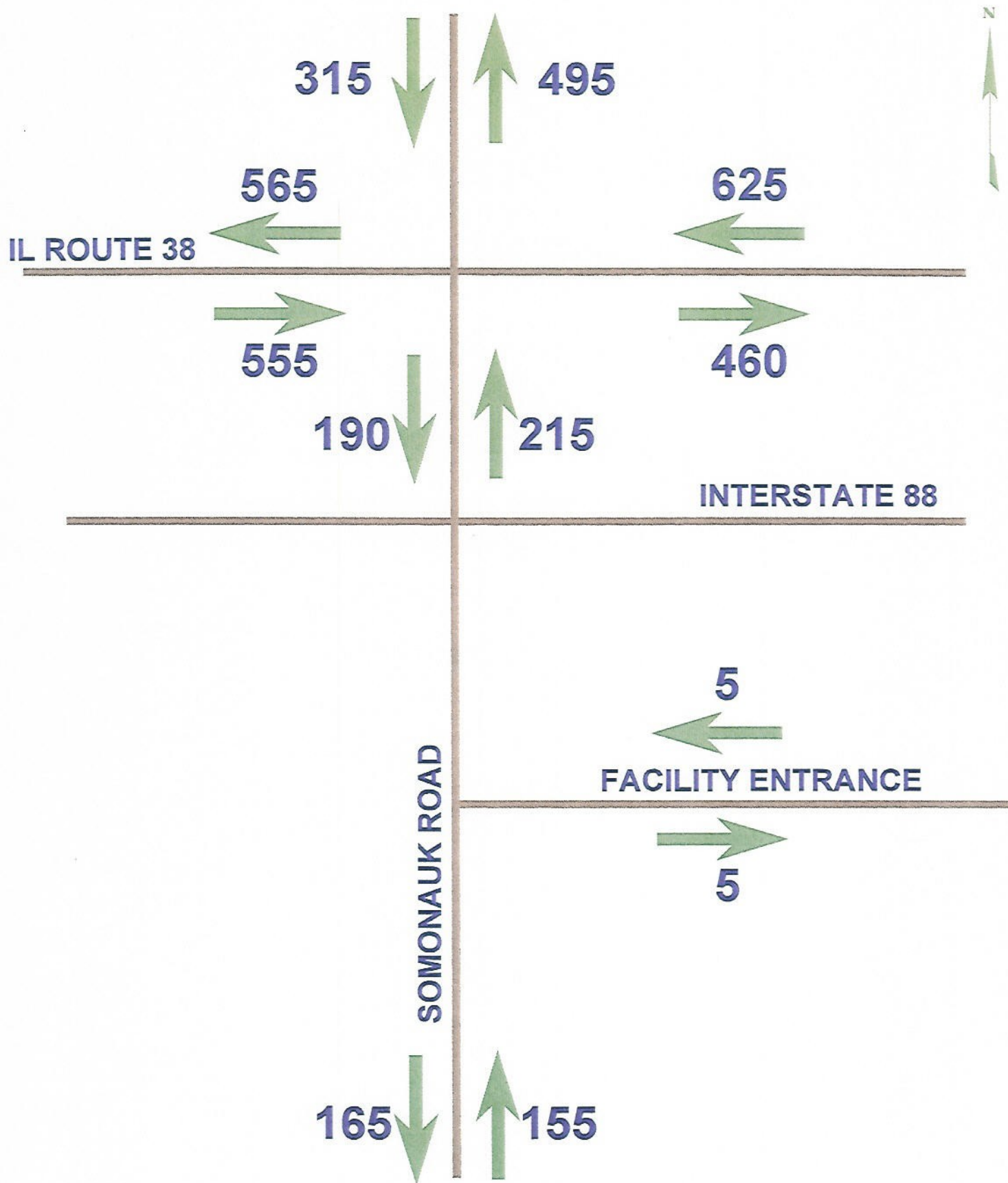
Mr. Bockman informed that later this week a mailing would go out to all members of the County Board with containing everything that had been received since the close of the hearing. Briefs, exhibits, letters public comments etc. and that following the next meeting of this committee (4/23/10 @ 1:30pm) a final version of the resolution and recommended conditions would go out to the full board.

It was moved by Mr. Andersen and seconded by Mr. Oncken to adjourn. Motion carried unanimously.

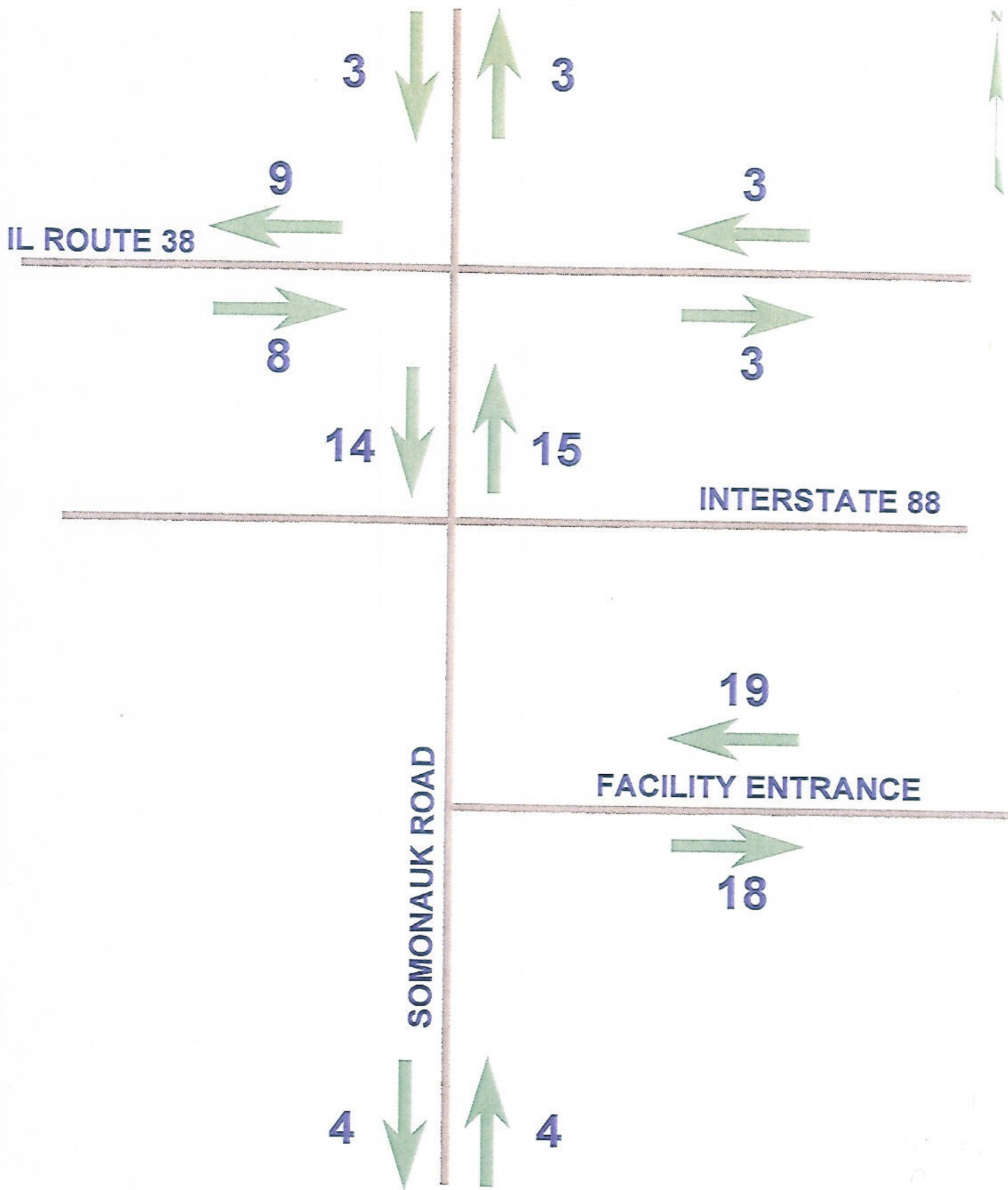
Signed by:

A handwritten signature in cursive script, reading "Ruth Anne Tobias". The signature is written in dark ink and is positioned above a horizontal line.

Ruth Anne Tobias  
Chairman



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