

DRAFT
Pollution Control Facility Committee
Minutes
April 27, 2010

The DeKalb County Pollution Control Facility Committee met on Tuesday, April 27, 2010 @ 3:40p.m. In the Legislative Center's Gathertorium. County Board Chairman, Ruth Anne Tobias, called the meeting to order. Members present were Marlene Allen, Ken Andersen, Riley Oncken, Paul Stoddard and Pat Vary. Michael Haines called in on the conference phone to participate. Staff present were Ray Bockman, John Farrell, Bob Drake, Renee Cipriano and Chris Burger. Also present were Lee Addelman, Bill Plunkett, Gary Hanson, Eileen Dubin, Scott Newport, Julian Magdaleno, Dale Hoekstra, Dan Kenney and Mac McIntyre. A quorum was present.

Chairman Tobias read the following statement to the committee and those present at the meeting, "Good Afternoon. I will now call the meeting of the Pollution Control Facility Committee to order. As you know, we are here today to make our recommendation to the full County Board on Waste Management's request for local siting approval for an expansion of the DeKalb County Landfill. Our recommendation is made pursuant to our Committee's rules and procedures, pursuant to the DeKalb County Regional Pollution Control Facility Siting Ordinance and pursuant to Section 39.2 of the Illinois Environmental Protection Act-the law put in place by the Illinois Legislature setting forth the process for local siting review.

As indicated in our rules and procedures, no further evidence, testimony or input from the parties or the public will be allowed.

Today, we will vote as to our recommendation and will forward a report on that recommendation to the County Board. We approach this vote with much deliberation and without prejudgment or bias. Our recommendation today must be and is based on the record before us. We appreciate all of the hard work of and thoughtful input from the parties and the public."

Moved by Mr. Stoddard, seconded by Ms. Vary, and it was carried unanimously to allow Mr. Haines to participate by conference phone in the committee meeting today.

APPROVAL OF THE MINUTES

Moved by Ms. Allen, seconded by Ms. Vary, and it was carried unanimously to approve the minutes of the Pollution Control Facility Committee meeting of 4/13/2010 as presented.

Mr. Kenney, from the audience asked Chairman Tobias if anyone from the audience could ask any questions.

Chairman Tobias said no.

SITING APPROVAL

Chairman Tobias said that the committee has received the updated version of the final Staff Report on whether or not this applicant has met the 9 criteria that have been set forth by the State.

Ms. Cipriano said that is correct and we (her and Mr. Burger) have also included the draft resolution, Exhibit A that addresses the special conditions they recommend and Exhibit B that addresses the questions that were asked at our last committee meeting, as well as, additional public comments that have come in and not previously addressed by the body of the report.

Moved by Ms. Vary, seconded by Ms. Allen, forward this Resolution #R2010-31 to the full County Board for approval.

Chairman Tobias asked for any questions from the committee.

Mr. Oncken asked that on page 56, item #11 to add the wording “24-hour” before the word “complaint hotline...”

Ms. Vary said that she would like the wording “for the period that equals the life of the landfill,” state the actual years like 46 years, found on Page 52, item #1 under Criterion 1.

Ms. Cipriano stated that the life of the landfill is not just a set period of time, but is certainly dependent on what comes in, how many tons per year, all of those things. But certainly, it is a reasonable request to modify the condition.

Ms. Vary said that she would like it to say something like, “as defined in the Host Community Agreement, generated in DeKalb County, a guaranteed disposal capacity for 46 years or the life of the landfill, whichever is greater.”

Ms. Cipriano said that you could be creating some confusion in that condition by trying to address it, the potential could be greater or less than. We selected the wording to address both circumstances where it could be greater than or less than.

Ms. Vary agreed to withdraw her motion.

Mr. Haines said that he has sent in a question relative to page 34, item #11 pertaining to the gas recovery, that it was changed from the original Host Fee Agreement.

He would like a fixed time limit, like “a gas plant would have to be put in place within 3 or 4 years.”

Ms. Cipriano said that this particular condition, mentioned in Exhibit A, #15, it is important to recognize two triggers, one is the average daily flow that is consistent, and secondly, that a facility cannot be constructed or operated without IEPA permits. We felt that it was necessary to insert it in here so that it was clear, that permits needed to be applied for and a solid commitment, with no feasibility analysis or economic analysis that is to be performed. Once those permits are issued by IEPA that Waste Management must construct and operate the facility, she further explained.

Mr. Haines said that he has no problem with that part, but he does have a problem with the trigger part that 6 months consecutive flow of 1500 cubic feet per minute could never occur. A person could introduce varying levels of oxygen or change the flow for a short period of time and make one of those 5 months not see 1500 cubic feet per minutes and they could do that for the entire 46 years of the landfill.

Ms. Cipriano said that there is no incentive for Waste Management not to do this, to try to artificially lower for restraining the gas flow, there are technical reasons for this and I will let Chris Burger address those.

Mr. Burger said that the 1500 trigger is a common trigger, but more importantly the gas capture must be done to comply with monitoring around the landfill. So as more waste is placed in the landfill the generation rate will go up and if you are not capturing that gas with the gas system, your monitoring points are going to indicate that, he explained. You will have the ground level monitoring, that monitoring on top of the cap, soil level monitoring, etc. Mr. Burger said, that he understood Mr. Haines' concern, but if for some reason a person is tuning the gas wells and you choke it down, you can only do this for so long before that will be out of compliance with the regulations.

Mr. Haines asked if it could be done periodically. My only concern if this isn't something that Waste Management regrettably complied with, why didn't we just have a fixed time in the Host Agreement in the first place instead of when economically feasible.

Mr. Burger asked if Mr. Haines would rather replace it with some economic feasibility language.

Mr. Haines said no, I would rather replace it with some hard time limits.

Mr. Burger said that the problem with the hard time limit is that you may not be generating that amount of gas in 3 to 4 years.

Mr. Haines said that we could say up to 8 years or sooner so that there is some guarantee that wouldn't go on for 46 years of not recapturing any gas.

Mr. Burger said that he feels it would be a challenge to choke it down to the point where you would consistently fall below that 1500 cfm for over that month's time.

Mr. Haines said that he would go along with the consensus of the group.

Ms. Vary said that we have had some of the same concerns during this time and she would feel better with some type of time limit. If this thing goes they will start bringing in 2,000 tons a day, surely the landfill expansion could generate gas in 1,2 or 3 years. What about after 4 years?

Mr. Burger said that it would take a number of months for this to happen.

Ms. Vary said that she would like to change the language to this.

Mr. Oncken said that this will be based on the volume that will be met, but if it is not going to be feasible, if it's not going to be able to generate that much gas, then we are putting a condition on them that can't be met, that is 1500 cfm's a day to be able to generate enough electricity.

Ms. Cipriano asked if she could talk to Mr. Burger about this and get back to the committee before adjourning today.

Mr. Stoddard asked about page 65 on the USGS re-classification for the region as a seismic impact zone because of the recent earthquake?

Mr. Burger said that this has to go through the IEPA review and safety is a major IEPA concern.

Mr. Andersen asked if Waste Management is found guilty of any of these rules and conditions imposed upon them, are there any monetary fees that the County can levy against them or is it all done through the Pollution Control Facility Committee or the IEPA?

Ms. Cipriano said that this will be ultimately in a resolution so you have certain conditions in here.

Chairman Tobias said but we can't make them pay a penalty if they don't meet them.

Mr. Andersen asked if we can fine them and charge them \$200.00 a day until the problem is fixed?

Mr. Oncken said that the County has a nuisance ordinance and if anything is creating a nuisance including the gas.

Mr. Ken Andersen then read a statement to the committee about why he is voting no on the siting approval (attached to these minutes).

Chairman Tobias then referred back to the motion that Mr. Oncken originally made on page 56, item #11 to add the wording “24-hour” before the word “complaint hotline,” seconded by Mr. Stoddard, and it was carried unanimously to approve this addition to the Staff Report.

Chairman Tobias then stated that we have a motion from Ms. Vary to make changes to the language regarding gas collection system.

Ms. Cipriano said that she has drafted changes to the language that she could read.

*She read a new statement that the committee could consider for insertion:
“Within 4 years from receipt of the IEPA operating permit for the expansion, WMII shall construct and operate a gas to energy facility unless it can be demonstrated to the County Health Department Staff that this timing cannot be met. An alternative time frame shall be presented for review and approval by the County Health Department Staff.”*

Ms. Cipriano then addressed Mr. Andersen’s question of earlier, I can suggest, she said, that the committee is free to add a special condition that essentially requires the special conditions of any siting approval be provided to IEPA by WMII and ask that they be incorporated into the IEPA operating permit. They then become enforceable through the IEPA permit, which would allow for enforcement under the Illinois Environmental Protection Act by the IEPA and Illinois Attorney General’s Office. So again, if that special condition that you believe is reasonable and necessary, then I put it out there for all of you to consider in response to Ken’s question.

Moved by Mr. Oncken, seconded by Ms. Vary, and it was carried unanimously to add this special condition to the standards to the IEPA application.

Chairman Tobias referred back to Mr. Haines question on page 34, item #11 pertaining to the gas recovery and that he would like a fixed time limit, like a gas plant would have to be put in place within 4 or 3 years.

Moved by Ms. Vary, seconded by Mr. Stoddard, and it was carried unanimously to have a 4-year limit with language change on the gas conversion system - that if it is not able to be met to come back to the County Health Department Staff for further discussion on timing for that conversion.

Chairman Tobias referred to the original motion **to send Resolution #R2010-31 to the full board. It was Moved by Ms. Vary, seconded by Ms. Allen, and it was carried to forward this recommendation to the full board for approval. There were 6 yes votes and 1 no vote by a roll call vote. Mr. Andersen voted no.**

ADJOURNMENT

Moved by Ms. Vary, seconded by Mr. Oncken, and it was carried unanimously to adjourn the meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ruth Anne Tobias". The signature is written in a cursive style with a large initial "R".

Ruth Anne Tobias, Chairman

mcs

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Why I voted NO vote for Landfill Expansion

4/27/2010

I am voting no for the expansion because I feel that DeKalb County does not need and or want such a large expansion. It is not the responsibility of the citizens of this county to establish a landfill for neighboring counties. We must take care of ourselves. I have been involved with this issue from the time I was elected to serve the people of District Three which this proposed project lies in. Yes, we need a place to dispose of our waste, but we don't need to provide other counties a place to dump this waste. Yes, it is very tempting to allow this expansion to take place because of the revenues that it may produce, but we need to look at more than just the money. This is not the time and definitely not the place for expansion.

I am willing to work with county officials and Waste Management to try to find a more suitable place for our waste. Given the testimony from both sides of this proposal, I believe that I would not be doing what the people in District Three want or need. There are too many uncertainties to assure me that this is the best place for a landfill expansion. It is too close to too many people and can create hazards to the area and the population, especially at the school. Yes, the landfill was here first but the people have also decided to build a school in the vicinity of the existing landfill. Shame on us for not doing more due diligence on this matter; we should have never allowed the school to be built there in the first place, but two wrongs don't make a right. We also need to recognize the impact to our roads. Even with the designated route for the large trucks, I believe that there will be more traffic than we want from the roll-offs and the packers.

I urge the committee and the rest of the board to vote NO and to create a commission and or committee to study this problem and come up with answers that best serve the residents of DeKalb County.

The whole entire process that was used to deliberate and reach a conclusion to this process is flawed. We must be diligent in working with our state legislators and urge them to review this approving process. This is not the

right way to do this. This is our county and we need to have the right to choose what happens to our county. Not by some board in Springfield.