

Minutes
Kankakee County Regional Planning Commission Meeting
March 2, 2004
4th Floor Administration Building
4:30 p.m.

Members Present

Craig Bayston
Dave Bergdahl
Mike Spilsbury
Dennis Peters
John Meyer, Jr.
Barry Jaffe
Loretto Cowhig
Mel Blanchette
Jim Tripp
Ralph Paarlberg
Curt Saindon
George Washington, Jr.

Members Absent

Mike Finnegan
Dennis Millirons

Others

Elizabeth Harvey, Attorney

Mr. Washington called the meeting in order at 4:40 p.m.

Roll Call was taken and a quorum was present. The public was informed that these proceedings are open to the public but closed for public participation and comments. The deliberation will be with this Commission.

Ms. Harvey informed the Commission that they must consider the public comments filed within the 30 day of the close of the hearing in making their decision. Comments were received after the public comment period from the City of Kankakee and a supplement from the County of Kankakee staff. This Commission must decide if they are going to accept these comments.

Motion was made by Mr. Saindon to consider the 2 additional public comments received by the City of Kankakee and County of Kankakee, seconded by Mr. Jaffe. Motion carried.

Ms. Harvey also went over the obligation and role of the Commission in these proceedings. In your quasi-judicial function as judges of this application, you were prohibited in ex parte communication. If you have received no ex parte communication you should make a good faith decision on the record as a whole. If you have had ex parte communication and feel that communication could influenced your voting, you should recuse yourself from voting and leave the meeting room, due to the fact that a present vote would go to the majority vote. However if you feel that the communication has in no way influenced your vote and you can honestly make a good faith vote on the records as a whole you do not need to recuse yourself.

There are three (3) basic issues that must be addressed first if the county has jurisdiction, second if the hearing were conducted fairly and then the 9 criteria.

The first issue to be addressed was whether the County has jurisdiction over the application.

The Commission discussed this issue and noted that the Hearing Officer denied all the motions made on this issue.

Motion was made by Mr. Jaffe to accept the Hearing Officer ruling on the County having jurisdiction over the application, seconded by Mr. Saindon. Motion Carried.

Next is the issue of the proceedings being fundamentally fair.

The Commission discussed this issue and also noted that the Hearing Officer denied all the motions made on this issue.

Motion was made by Mr. Jaffe to accept the Hearing Officer's rulings, and to find that the proceedings were fundamentally fair, seconded by Mr. Bayston. Motion carried.

Ms. Harvey informed the Commission that in reviewing the criteria, it would probably be easier to follow along with the Kankakee County (dated 2/20/04) and Mr. Watson's public comments just as a basis, not to influence you in your decision.

The Commission's review of the nine (9) criteria is as follows:

Criteria #4: For a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain.

A motion to accept that Criteria #4 has been satisfied was made by Mr. Saindon, seconded by Mr. Tripp. Motion carried.

Criteria #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.

The Commission discussed whether this criteria is applicable or not, due to the fact that the application states that they will not be handling hazardous waste.

A motion was made by Mr. Bergdahl that Criteria #7 is not applicable, seconded by Mr. Saindon. Motion carried.

Criteria #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.

The Commission discussed that this criteria is not applicable because the subject site is not located in a regulated recharge area.

A motion was made by Mr. Bergdahl that Criteria#9 is not applicable, seconded by Mr. Spilsbury. Motion carried.

Criteria #1: The facility is necessary to accommodate the waste needs of the area it is intended to serve.

Ms. Harvey explained the Commission's role in adding conditions to the criteria and the conditions are imposed to insure that there are no problems down the line with the facility. The Applicant is required to follow the permitting requirements.

There was some discussion on the service area. There are 11 counties in the facilities service area. The Commission can not change the Applicant's service area. The Commission added the following condition.

1. The service area for this facility is limited to that specified (in Illinois: Kankakee, Cook, DuPage, Kane, Kendall, Grundy, & Will Counties and in Indiana: Jasper, Lake, Newton, and Porter Counties) by the Applicant in its siting application.

A motion was made by Mr. Bergdahl that Criteria 1 is necessary with the above condition. Seconded by Mr. Saindon. Motion carried.

Criteria #2: The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

Mr. Saindon made a statement that in general the criterion has been met pending discussion of the conditions. We need a consensus of this statement. Mr. Bayston and Mr. Bergdahl agreed. A motion was made by Mr. Bayston that there is a potential that the criteria could be met with the discussion of the special conditions. Seconded by Mr. Peters. Motion carried.

There was a great deal of discussion on this criterion and several issues to consider. The follow conditions were agreed upon by the Commission to be place on this criterion.

2. There shall be no vertical expansion of the existing facility. Motion to accept was made by Mr. Bergdahl, seconded by Mr. Saindon. Motion carried.
3. The lateral expansion must be considered a separate unit from the existing landfill as defined in 35, IAC 810.103 and separate groundwater monitoring networks shall be maintained for the proposed expansion and for the exiting landfill. Motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.

4. Field verification must be performed to locate all private wells and community wells currently used as a source of potable water within 1,000 feet of the boundaries of the facility. Motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
5. Downgradient monitoring well spacing in the uppermost aquifer (regardless of gradient) must be provided where adjacent potable water supply wells are located in the Dolomite. Motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.
6. Any or all sand deposits that are one foot thick, twenty feet wide, and/or yields water for period of more than 24 hours must be monitored as potential contaminant migration pathways. Motion to accept was made by Mr. Bergdahl, seconded by Mr. Peters. Motion carried.
7. Leachate shall not be recirculated for a period of at least five (5) years after the receipt of the operating permit. Following this period, the landfill operator may, if it chooses, petition the County Board to recirculate leachate. The County staff shall then review the operational record of the site, and consult with an independent technical expert to determine if the operator has demonstrated that leachate recirculation is a safe and appropriate method to handle the leachate at this facility. Reasonable and necessary consulting expenses incurred by the County shall be reimbursed by the owner/operator of the facility. Leachate may not be recirculated without the express approval of the County Board. Motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.
8. Soil bioremediation and solidification of waste is prohibited at this facility unless expressly approved in writing by the County Board. Motion to accept was made by Mr. Blanchette, seconded by Mr. Saindon. Motion carried.
9. Composting of waste is prohibited at this facility unless expressly approved in writing by the County Board. Motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.
10. An annual topographic survey of existing waste grades and elevations, of final permitted waste grades and elevations, and final permitted contours shall be conducted by the operator, with results of each annual survey to be submitted to the County Planning Director within thirty (30) days thereafter to ensure ongoing compliance with permit conditions for the facility. Motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.
11. The CQA officer shall be physically present on the landfill site a minimum of once per week during each stage of critical liner construction including: (1) preparation of sub-grade, (2) low permeability soil liner construction, (3) geomembrane installation, (4) geotextile placement, (5) granular drainage layer construction, (6) leachate system and associated piping installation, (7) final cover

- construction and (8) gas system installation. Documents signed and dated by the CQA office must be maintained evidencing his/her physical presence, and must be made available to the County upon request. If a certain stage is to be completed in less than one week, the CQA officer must be physically present each day. Technicians utilized shall have at least five- (5) years experience and shall be approved by the County Planning Director. Motion to accept was made by Mr. Bergdahl, seconded by Mr. Tripp. Motion carried. Mr. Saindon stated that we may want to revisit this condition if it is decided that a double liner is needed.
12. The active face must not exceed an area approved by the County Planning Director. If the operator believes the approved area is not adequate for operations, the operator may petition the County Board for allowance of a larger active face area. Motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
 13. An independent professional engineer (approved by the County Planning Director) shall be on-site to observe the sand drainage layer and the initial lift of waste placed in any new cell. The engineer shall report directly to the County, and have authority to stop placement of sand drainage layer or waste during the initial operation if he or she observes any condition that would or could damage or otherwise compromise the bottom liner. Motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.
 14. Trucks holding waste shall not be parked or stored overnight at the facility, staged on Route 45/52, or on the right-of-way outside of the landfill facility. Motion to accept was made by Mr. Meyer, seconded by Mr. Tripp. Motion carried.
 15. Fencing around the entire facility is required to prevent unauthorized access. An eight-foot high wooden or other view-obstructing County acceptable fence shall be constructed on the east side of the property to help block the view of the site. As cells are developed, the fence shall be extended to encompass, at a minimum, the waste footprint, with the fence eventually encompassing the entire facility. Motion to accept was made by Mr. Saindon, seconded by Mr. Meyer. Motion carried.
 16. Video recordings of all traffic entering the site shall be retained for a period of at least 6 months. The County shall have the right to review any such recordings within two days of requesting to review a tape. Motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
 17. The minimum number of random loan inspections shall be three (3) per week as specified in the Illinois regulations. For any amount of tonnage received above an average of 500 tons per day, the number of inspections shall be increased on the following basis:

- For each 500-ton per day average rate increase, the number of random inspections shall be increased by two (2). For example, if up to 1000 tons per day average is accepted during the week, the week shall have 5 inspections (3 for the first 500, and 2 for the next 500 tons). If the weekly rate is 2000 tons per week, the inspection rate is 3+2+2+2=9 inspections.
- After five- (5) year of operation, the applicant may request a review and reconsideration of this requirement by the County Board. The County landfill inspector shall have the right to inspect and be present at the random loan inspections.

A motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.

18. The landfill operator shall pick up litter on a daily basis along US Route 45/52 between the landfill and the I-57 interchange, as well as at least one-quarter mile south of the landfill along US Route 45/52. If allowed by adjacent property owners, the landfill operator shall remove any litter attributable to the landfill on those adjacent properties on a weekly basis. Perimeter picking on site shall be performed daily to remove litter from trees, fencing, and or berms. A motion to accept was made by Mr. Spilsbury, seconded by Mr. Meyer. Motion carried.
19. The landfill owner/operator shall install a radiation detector at the scale house. The landfill operator shall record any alarm and notify the County of each occurrence, the level of radiation detected, and the manner of response. A motion to accept was made by Mr. Meyer, seconded by Mr. Spilsbury. Motion carried.
20. The maximum height of the landfill and the lateral extent of the landfill shall not exceed the height and lateral extent shown on the plans provided in the application. A motion to accept was made by Mr. Tripp, seconded by Mr. Bayston. Motion carried.
21. A Groundwater Impact Assessment must be submitted to the County and its consultants prior to submittal of a Development permit application to the IEPA. The landfill owner/operator shall reimburse the County for reasonable and necessary costs incurred in review of the GIA. A motion to accept was made by Mr. Saindon, seconded by Mr. Peters, Motion carried.
22. Copies of the Development permit application and all subsequent permit applications and required submittals to the IEPA shall be submitted to the Kankakee County Planning Director at the same time the applications are submitted to the IEPA at no cost to the County. All permits issued for the facility shall be copied and submitted to the Kankakee County Planning Director within 30 days after any such permit is received by the landfill owner/operator. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Meyer. Motion carried.

23. The landfill operator shall build the berms on the west side of the property at least 1,000 feet in advance of any cell construction measured from the southernmost coordinate of the cell. For example, if the cell's southernmost coordinate is S 3500, then the berm shall extend to S 4500 or further south. The only exception to this condition will be during the construction of Phase I. A motion to accept by Mr. Saindon, seconded by Mr. Peters. Motion carried.
24. The gas line that is to be relocated shall be sealed from any potential migration from the landfill. Only fine-grained material shall be used as backfill in the trench. The construction shall be certified by an independent professional engineer, (such engineer approved by the County). A motion to accept was made by Mr. Bergdahl, seconded by Mr. Saindon. Motion carried.
25. Proof of each equipment operator's training to include at a minimum the issued identified in the application shall be provided to the County prior to that operator's being allowed to work at the site. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Bayston. Motion carried.
26. The landfill operator shall notify the Kankakee County Planning Director seven (7) days prior to collecting any required sampling or resampling. The landfill operator shall provide the County with split samples for chemical analyses. Kankakee County shall select laboratory to which its sample(s) are sent for chemical analyses. The landfill operator shall reimburse Kankakee County for the reasonable and necessary costs of such testing and analyses, provided, however, that such reimbursement shall not exceed \$10,000 per calendar year, adjusted annually for the Chicago/Gary Metropolitan Area Consumer Price Index. A motion to accept was made by Mr. Peters, seconded by Mr. Bayston. Motion carried.
27. The facility shall not use of sewage sludge as a component of final cover. A motion to accept was made by Mr. Bayston, seconded by Mr. Bergdahl. Motion carried.
28. An automatic monitoring system shall be installed to monitor the level of leachate from each leachate sump area. The system shall record the head in the sump such that at no time will the leachate level be allowed to rise above the level that corresponds to one-foot to head on the liner. The landfill operator shall maintain the records from the automatic monitoring system, and make these records accessible to the County. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Meyer. Motion carried.
29. The leachate containment area surrounding the leachate holding tanks shall be sized appropriately to handle a potential spill volume equal to all tanks present unless the operator can demonstrate that such a requirement promotes operational

safety hazards. A motion to accept was made by Mr. Saindon, seconded by Mr. Tripp. Motion carried.

30. The landfill operator shall provide to the County a stormwater management system plan as part of any permit application to the IEPA as a means of demonstrating (water balance) that the watershed north of 7500 S Road will not be negatively impacted by the facility. A motion to accept was made by Mr. Saindon, seconded by Mr. Meyer. Motion carried.
31. The Kankakee County Planning Director shall be notified at least fourteen (14) days in advance of construction of the stormwater control planned for each phase of landfill development. The operator shall provide the Planning Director with a copy of all correspondence to or from the IEPA related to stormwater detention and runoff control operations. A motion to accept was made by Mr. Bayston, seconded by Mr. Meyer. Motion carried.
32. The landfill operator shall implement the complaint procedure outlined in the application, including a hot line phone number to address complaints. All complaints shall be kept in a log readily accessible to the County for inspection. A motion to accept was made by Mr. Saindon, seconded by Mr. Meyer. Motion carried.
33. The landfill operator shall locate any farm drainage tiles, which exist on the property, and cooperate and coordinate with the County and the appropriate drainage district concerning possible and/or necessary removal and relocation those tiles. That the removed tiles shall be sealed from any potential migration from the landfill. Only fine-grained material shall be used as backfill in the trench. The construction shall be certified by an independent professional engineer, (such engineer approved by the County). A motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.
34. A textured geomembrane shall be used when constructing the interior sideslope drainage layer unless otherwise approved by the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
35. A textured geomembrane shall be used on the final cover layer, unless otherwise approved by the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.

Condition 36, 37, and 38 would be best considered in Criteria 3. A motion to move these to Criteria 3 was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.

39. Final cover over a filled area is to be placed not later than 60 days after placement of the final lift of solid waste. At no time shall the area exceed 10 acres. Unless otherwise approved by the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.

40. Leachate storage tanks shall be coated with a corrosive-resistant material prior to use, unless otherwise approved by the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Blanchette. Motion carried.
41. The leachate containment area is to be inspected for leaks or spills on a daily basis with all results recorded in a log. The log shall be made available to the County for review and inspection. Any stormwater suspected of being contaminated in the leachate containment area shall be handled as leachate, unless a sample is collected and tested for the annual leachate parameter list, and it is demonstrated that all the organic compounds are below the detection limits, and inorganic compounds are detected at concentrations below NPDES discharge limits. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
42. All stormwater detention basins and stormwater drainage ways/ditches shall be inspected weekly during the operating life of the facility. A written log shall be kept of the inspections and made available to the County for inspection. These inspections shall be conducted on a quarterly basis for five (5) years after certified closure of the landfill. After five (5) years of closure, the frequency of these inspections may be decreased to annually with IEPA approval. At the time of inspection, all debris shall be removed from the inlet/outlet structures. If the sediment build-up in a basin or ditch is within one half foot (six inches) below the invert of the outlet structure, the basin shall be dredged and all sediments removed. Adjacent ditches public owned and available for inspection or privately owned allowed by be inspected by the property owner. A motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.
43. An independent professional engineer (approved by the County Planning Director) will re-certify any final cover disturbed as a result of installation of the gas system, unless otherwise approved by the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
44. Due to the number of adjacent private potable water wells and the unknown impact of the landfill on a groundwater flow within the bedrock aquifer, the maximum spacing between bedrock monitoring wells around the entire landfill footprint shall be 250 feet. No later than five (5) years after the start of the landfill operation, the operator shall install two (2) additional deep dolomite aquifer monitoring wells at locations and depths specified by the County, unless otherwise approved by the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Tripp. Motion carried.
45. Leachate generation data will be recorded weekly per phase. The volume of leachate pumped/shipped per week shall be recorded on a written log for each phase of the landfill. A monthly written summary comparing the actual leachate generation data to the theoretical volume expected will be submitted to the

County Planning Director. A motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.

A motion was made by Mr. Bergdahl, seconded by Mr. Saindon to move conditions 46 and 47 to Criteria 6. Motion carried.

48. The landfill operator must submit to the County, concurrent with the application for Development Permit, information concerning the local coordinate systems used. Such information must tie-in to the local system to the State Plane Coordinate System or National System. A motion was made by Mr. Saindon, seconded by Mr. Bayston to hold off on a vote for this condition until we get clarification on its meaning. Motion carried.
49. To provide additional hydrogeologic data on the southwest side of the landfill, two additional piezometers shall be installed. The first piezometer will be installed midway between G119A and G137A. The second piezometer shall be installed midway between G137A and G140A. The two new piezometers shall be developed then single well aquifer tested. A minimum of one round of static water levels shall be collected from all the bedrock monitoring wells and piezometers, and the potentiometric surface contour map of the bedrock aquifer shall be updated. The boring logs, as-built diagrams, single well aquifer test data and test reduction for the two additional piezometers with the updated potentiometric map shall be included in the developmental permit application for the lateral expansion. These two additional piezometers shall be proposed by the applicant for the groundwater monitoring network in the developmental permit application submitted to the IEPA. A motion to accept was made by Mr. Meyer, seconded by Mr. Saindon. Motion carried.
50. Burning of any type (including vegetative prescribed burning) is prohibited at the facility, unless expressly approved by County Board. A motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.
51. When collecting groundwater samples, a well must be purged a minimum of 3 well volumes, and two consecutive field measurements with +/- 0.3 S.U. for pH and within 5% for specific conductivity must be conducted. All field measurements will be performed in the field at the time of sampling, and will not be performed at the lab, unless otherwise approved by the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
52. The temperature of constructed soil liner that has not yet been covered by waste shall be monitored continuously and documented in sub-freezing temperatures. Liner soils exposed to freezing temperatures must be retested for permeability by lab (tube) or in-situ testing. Any soil not meeting the 1×10^{-7} cm/sec requirements shall be reconstructed/recompacted and retested by permitted methods. A motion to accept was made by Mr. Tripp, seconded by Mr. Meyer. Motion carried.

53. Citizen refuse boxes shall be emptied daily if refuse is deposited in them. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Paarlberg. Motion carried.
54. Results of any initial tests shall be performed to determine the level of noise from the gas flare or generator systems and results shall be submitted to the County Planning Director. In any such gas flare or generator systems are materially changed after initial noise level testing, those systems shall be promptly retested. A motion to accept was made by Mr. Saindon, seconded by Mr. Tripp. Motion carried.
55. The citizen-use recycling opportunities at the landfill shall include, at a minimum, mixed paper, glass (green, brown and clear), at least two plastic types (number 1 and number 2 plastic), ferrous metal, aluminum, and cardboard. Quarterly reports on the tonnage/weight of all such materials received shall be provided to the County. A motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.
56. The hours of operation of the facility shall be limited to one half (1/2) before and two (2) hours after waste acceptance hours and days of operations proposed in the application for the facility, but in no event to commence before 5:30 a.m. or continue beyond 8:00 p.m. Operation hours are limited to 5:30 a.m. to 8:00 p.m. Monday through Saturday. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Meyer. Motion carried.
57. An operable valve shall be installed and continually maintained at each sedimentation outlet basin. Proper operation of any and all such valves shall be verified by no less than quarterly inspection, with the results of any and all such inspections being documented and provided to the County upon request. A motion to accept was made by Mr. Saindon, seconded by Paarlberg. Motion carried.
58. Because the model indicates the thickness of in-situ clay is critical for the diffusion of contaminants, the operator shall verify that clay soil with at least three (3) feet of continuous thickness is located between the bottom of the constructed clay liner and the top of the uppermost aquifer (dolomite Bedrock and basal sand unit). If it is found not to be 3 feet thick, the underlying 3 feet of material shall be over-excavated and recompacted so that a minimum of 6 feet of low permeability material is in place immediately below the HDPE liner and that this material has a maximum hydraulic conductivity of 1×10^{-7} cm/sec. A motion to accept by was made Mr. Bergdahl, seconded by Mr. Paarlberg. Motion carried.
59. All special conditions shall be stated in the writing in the development permit application submitted to the IEPA. The operator shall provide specific

notification to the County Planning Director where each condition is located in the development permit application by section, page number and condition number. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.

60. The operator shall reimburse the County for reasonable expenses for services of professionals reviewing and analyzing the groundwater corrective action measures and assessment monitoring activities. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Tripp. Motion carried.

There was some discussion on whether there were other conditions that they wanted to impose on this criteria. There was some discussion on the double liner issue and on fencing that were conditions on the recommendation in 2003. It was suggested that they wait until they review the supplemental comments from the County. A motion to defer these issues until the next meeting was made by Mr. Bayston, seconded by Mr. Saindon. Motion carried (8 to 3).

Criteria #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.

Mr. Saindon made a motion that there is a potential that the criteria could be met with the discussion of the special conditions, seconded by Mr. Bayston. Motion carried.

The Commission discussed and add the following conditions:

61. The landfill operator shall pick up litter on a daily basis along Route 45/52 between the landfill and the I-57 interchange, as well as at least one-quarter mile south of the landfill along Route 45/52. If allowed by adjacent property owners, the landfill operator shall remove any litter attributable to the landfill on those adjacent properties on a weekly basis. Perimeter picking on site shall be performed daily to remove litter from trees, fencing and berms. After some discussion on this condition it was determined that this condition was addressed in criteria 2. A motion was made by Mr. Saindon to strike this condition as repetitive, seconded by Mr. Spilsbury. Motion carried
62. The landfill operator shall build the berms on the west side of the property at least 1,000 feet in advance of any cell construction, measured from the southernmost coordinate of the cell. For example, if the cell's southernmost coordinate is S 3500, then the berm shall extend to S4500 or further south. The only exception to this condition will be during the construction of Phase 1. After some discussion on this condition a motion was made by Mr. Saindon to strike this condition as repetitive, seconded by Mr. Meyer. Motion failed. A motion was made to accept this condition by Mr. Bergdahl, seconded by Mr. Bayston. Motion carried.

63. The landfill operator shall implement the complain procedure outlined in the application, including a hot line phone number to address complaints. All complaints shall be kept in a log made accessible to the County for inspection. A motion to accept was made by Mr. Saindon, seconded by Mr. Tripp. Motion carried.
64. The area on the west side of the landfill that presently has no proposed berming shall have trees planted on the exterior slope of the access road so as to provide a visual barrier. A motion to accept was made by Mr. Bayston, seconded by Mr. Peters. Motion carried.
65. Any vegetation planted on the west side of the landfill as a visual barrier shall be at least ten feet tall, and at a density adequate to provide a visual barrier. A motion to accept was made by Mr. Bayston, seconded by Mr. Peters. Motion carried.
66. A visual barrier independent of the landfill cap shall be placed at least ten feet in height above grade at or near the east property line, which shall include appropriate vegetation, undulating berms, and fencing. A motion to accept was made by Mr. Bayston, seconded by Mr. Saindon. Motion carried.
67. Final cover over a filled area is to be placed not later than 60 days after placement of the final lift of solid waste. At no time shall the area shall exceed 10 acres, unless approved by IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Spilsbury. Motion carried.

A motion was made by Mr. Saindon that Criteria #3 is satisfied with the recommended conditions. Seconded by Mr. Bergdahl. Motion carried (11 yeas, 1 nay (Mr. Paarlberg)).

Criteria #5: The plan of operations of the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents.

68. The landfill owner/operator shall install a radiation detector at the scale house. The landfill operator shall record any alarm and notify the County of each occurrence, the level of radiation detected, and the manner of response. A motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.
69. The facility's Emergency Action Plan (EAP) shall include contingencies for management of incidental hazardous (including radioactive) waste inadvertently received at the facility. The EAP shall specify, at a minimum, qualified contractor criteria, overpacking, and immediate off-site removal of the incidental hazardous waste. A motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.

A motion was made by Mr. Spilsbury, that this criteria was satisfied with the conditions, seconded by Mr. Peters. Motion carried.

Criteria #6: The traffic patterns to or from the facility are designed to minimize the impact on existing traffic flows.

Mr. Bergdahl made a motion to generally accept this criteria with discussion on the conditions, seconded by Mr. Saindon. Motion carried (11 yeas, 1 nay (Mr. Paarlberg)).

70. All construction plans of the facility entrance shall be provided to the County Highway Engineer prior to construction. The landfill operator shall demonstrate to the County that sight distance of at least 1,015 feet of visibility can be achieved by the final entrance design. All improvements higher than 3.5 feet above the elevation of the nearest pavement edge shall be set back at least 50 feet from US Route 45/52. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Saindon. Motion carried.
71. The traffic site improvements identified in the application and conditioned in this resolution must be completed prior to commencement of operation of the expansion. A motion to accept was made by Mr. Bayston, seconded by Mr. Peters. Motion carried.
72. The landfill owner/operator shall comply with all weight restrictions imposed on area roads by the County Highway Engineer and/or the Otto Township Road Commissioner. A motion to accept was made by Mr. Spilsbury, seconded by Mr. Tripp. Motion carried.
73. The County Highway Engineer shall be informed of the planned turning radius of the first on-site curve, and his approval of that turning radius must be obtained in writing prior to construction. A motion to accept was made by Mr. Tripp, seconded by Mr. Saindon. Motion carried.
74. The operator shall consult with IDOT and the County Highway Engineer concerning installation of advance warning signs from both directions in advance of the proposed entrance to the facility. For example, a "Side Road Ahead" symbol sign, or a "Trucks Entering Roadway" sign should be pursued. The operator shall also consult with IDOT and the County Highway Engineer concerning the designation of reduced speed zones in those areas and at those times of significant school bus activity on U.S. Route 45/52 so as to further minimize the impact of the facility on existing traffic flows, and protect the public health, safety and welfare. The operator shall use its best efforts to effectuate these further precautions being implemented. The landfill owner/operator shall consult IDOT and the County Highway Engineer prior to submitting a Development Permit to the IEPA. A motion to accept was made by Mr. Saindon, seconded by Mr. Peters. Motion carried.
75. An adequate wheel wash and speed bumps must be installed near the exit of the facility in such a way to minimize mud and dirt on Route 45/52, prior to the first

load of waste being received. A motion to accept was made by Mr. Saindon, seconded by Mr. Paarlberg. Motion carried.

76. Router 45/52 between S 6000 Road and S 7500 Road will be cleaned of all mud/dirt at least once every two weeks during the active life of the facility, or at a frequency determined necessary by the County Highway Engineer. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
77. The operator shall meet with the local school districts to discuss safety issues to minimize impact of truck traffic to school bus routes. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Spilsbury. Motion carried.
78. The landfill operator shall notify IDOT of all criterion six conditions when applying for an Intersection Design Study (IDS), and those concerns shall be addressed in the operator's efforts to secure a construction permit. the landfill operator shall provide a copy of its permit application to the County Planning Director for review and comment not less than thirty (30) days prior to its submission. A motion to accept was made by Mr. Spilsbury, seconded by Mr. Peters. Motion carried.
79. The landfill operator shall develop recommended truck routes to and from the facility, using Interstate 57 and router 45/52, and shall distribute those recommended routes to trucks and contractors using the facility, as well as to County and Township Highway authorities, and the County Planning Director. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
80. If IDOT has already approved construction details for the proposed traffic improvements, such application must be revised to address and satisfy these conditions, and then be resubmitted for approval. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
81. Unless the speed limit governing the Route 45/52 road segment between 6000 S Road and 7500 S Road is reduced, the following modifications to the proposed road improvements are required:
 1. a full 14-foot median shall be constructed instead of the proposed 12-foot median; and,
 2. the southbound deceleration lane shall measure 530 feet instead of the proposed 430-foot length.

A motion to accept was made by Mr. Saindon, seconded by Mr. Bayston. Motion carried.

82. The on-site traffic route for the customer convenience area (public drop-off) should be separate from the on-site traffic route designed for the commercial

landfill operation. A motion to accept was made by Mr. Spilsbury, seconded by Mr. Bayston. Motion carried.

83. Trucks shall not be staged outside the gates prior to the opening of the facility. A motion to accept was made by Mr. Bayston, seconded by Mr. Tripp. Motion carried.

The Commission discussed condition 14, in Criteria 2 again and changed it to read the following:

Criteria 2

14. Trucks, trailers, or any other vehicles holding waste shall not be parked or stored overnight at the facility, staged on Router 45/52, or on the right-of-way outside of the landfill facility. A motion to accept was made by Mr. Bergdahl, seconded by Spilsbury. Motion carried.

A motion was made by Mr. Saindon to accept that Criteria #6 has been satisfied with the above conditions, seconded by Mr. Peters. Motion carried.

Criteria #8: If the facility is to be located in a 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 the Solid Waste Planning and Recycling Act, the facility is consistent with that plan.

A motion was made by Mr. Bergdahl that in general this criteria is meeting with discussion adding conditions, seconded by Mr. Tripp. Motion carried

There was some discussion on public involvement early in the procedure on whether the procedures were followed correctly before the hearings. There has to be some negotiation prior to filing of an application, to see if it's feasible. There is evidence in the record from a number of different people and/or agency, but each has a different conclusion on this issue. Host fees have to be negotiated and it's a contract so it would be in executive session.

84. The applicant/owner shall comply with those obligations and responsibilities made incumbent upon it by the Host Agreement between the County and Waste Management of Illinois, Inc. as previously executed. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
85. The landfill operator must employ independent appraisers acceptable to the County as part of the Property Value Guarantee Program. A motion to accept was made by Mr. Saindon, seconded by Mr. Bergdahl. Motion carried.
86. The Property Value Guarantee Program must be amended to provide that the Program continues for ten years after the included Property Owners are notified

that waste is no longer being disposed of at the facility. A motion to accept was made by Mr. Bergdahl, seconded by Mr. Saindon. Motion carried.

A motion was made by Mr. Bergdahl that Criteria 8 has been met with the 3 conditions being added, seconded by Mr. Saindon. Motion carried.

For clarification Ms. Harvey stated that she is under the impression that it is the Commission intention to not accept additional comments for consideration after tonight.

There was also some discussion that the Commission has the right at the next meeting to go back to the Criteria's and/or Condition for further consideration after reading through the comments they are accepting tonight

A motion was made by Mr. Bergdahl that no additional comments will be considered after tonight, seconded by Mr. Saindon. Motion carried.

Ms. Harvey will be doing a report for the Commission to review and vote on next week on March 9, 2004 at 4:30 p.m., Fourth Floor Conference Room. The Commission will make a recommendation as to the expansion of the Kankakee Landfill and forward that recommendation on to the Kankakee County Board, for a final recommendation.

A motion was made by Mr. Spilsbury to adjourn, seconded by Mr. Bayston. Motion carried.

Meeting adjourned at 8:40 p.m.

Submitted by Michelle Sadler, Kankakee County Planning Department