PEORIA CITY/COUNTY LANDFILL COMMITTEE
REGULAR BUSINESS MEETING AGENDA

WEDNESDAY, APRIL 18, 2012
8:30 A.M.

DATES SET:

WEDNESDAY, MAY 16, 2012 @ 8:30 a.m.
REGULAR COMMITTEE MEETING – To be held at the Lester D. Bergsten Operations & Maintenance Building, 3505 N. Dries Lane, Peoria Illinois 61604.

WEDNESDAY, JUNE 20, 2012 @ 8:30 a.m.
REGULAR COMMITTEE MEETING – To be held at the Lester D. Bergsten Operations & Maintenance Building, 3505 N. Dries Lane, Peoria Illinois 61604.

WEDNESDAY, JULY 18, 2012 @ 8:30 a.m.
REGULAR COMMITTEE MEETING – To be held at the Lester D. Bergsten Operations & Maintenance Building, 3505 N. Dries Lane, Peoria Illinois 61604.

PEORIA CITY/COUNTY LANDFILL COMMITTEE
AGENDAS AND MINUTES
ISSUED BY:
LESTER D. BERGSTEN, CHAIRMAN
via the PUBLIC WORKS DEPARTMENT
3505 N. Dries Lane
(309) 494-8800
INTERNET ADDRESS: www.ci.peoria.il.us

To access electronic Agenda & Minutes (only):
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4. Roll cursor over to “Public Works” for another drop-down window to appear
5. Roll cursor over to “Boards & Commissions”
6. Roll cursor over to “Landfill Committee”
7. Scroll to the bottom of the screen. Under “Agenda & Minutes” will be a list of the .pdf postings.
8. Select desired document and double click to open.

*CITIZENS WISHING TO ADDRESS AN ITEM NOT ON THE AGENDA SHOULD CONTACT A COMMITTEE MEMBER PRIOR TO THE MEETING. ALL OTHER PUBLIC INPUT WILL BE HEARD UNDER PUBLIC COMMENT NEAR THE END OF THE COMMITTEE MEETING.

NOTE: THE ORDER IN WHICH AGENDA ITEMS ARE CONSIDERED MAY BE MOVED FORWARD OR DELAYED BY AT LEAST 2/3 VOTE OF THE COMMITTEE MEMBERS PRESENT.

THE PEORIA CITY/COUNTY LANDFILL COMMITTEE MEETS IN REGULAR BUSINESS SESSIONS THE THIRD WEDNESDAY OF THE MONTH (JANUARY THROUGH NOVEMBER) AT 8:30 A.M. AT LESTER D. BERGSTEN OPERATIONS & MAINTENANCE FACILITY CONFERENCE ROOM, 3505 N. DRIES LANE, PEORIA, ILLINOIS.

DURING THE MONTH OF DECEMBER, PEORIA CITY/COUNTY LANDFILL COMMITTEE WILL NOT MEET UNLESS A SPECIAL MEETING IS CALLED. NOTICES OF ANY SPECIAL MEETING ARE POSTED AT LEAST 48 HOURS PRIOR.
PEORIA CITY/COUNTY LANDFILL COMMITTEE MEETING
DRIES LANE FACILITY CONFERENCE ROOM

APRIL 18, 2012

8:30AM

ATTENDANCE

ANNOUNCEMENTS, ETC.

MINUTES

REQUEST FOR APPROVAL OF THE PEORIA CITY/COUNTY LANDFILL MINUTES
Dated: March 21, 2012

AGENDA ITEMS

ITEM NO. 1 REPORT FROM FOTH INFRASTRUCTURE & ENVIRONMENT, LLC

A. Special Waste Approvals as needed
   • Midwest Generation (U5 & U6 Fan Bay Cleanup)
B. Permit approvals as needed
C. Gate Audit
D. Landfill #1 Quarterly Groundwater Update
E. Approval to Receive Bids for GCCS Rehab and Well Decommission and Leachate Improvements

ITEM NO. 2 DAM PROJECT UPDATE

ITEM NO. 3 LANDFILL BUDGET DISCUSSION
A. 1st Quarter 2012 Report – Landfill Operating Fund
B. Increase of the Host Fee
C. Request for Audit of Waste Management

ITEM NO. 4 REPORT FROM WASTE MANAGEMENT, INC.

A. Monthly Activity Report
B. Permit approvals as needed
ITEM NO. 5 REPORT FROM PEORIA DISPOSAL CO.

A. UPDATE ON IEPA PERMIT APPLICATION DEVELOPMENT

ITEM NO. 6 Approval of an Amendment to the Landfill Agreement between PCCL, Inc. and the County and City of Peoria and the Peoria City/County Landfill Committee

UNFINISHED BUSINESS

NEW BUSINESS

CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMITTEE

NEXT MEETING
WEDNESDAY, MAY 16, 2012 @ 8:30 A.M.

ADJOURNMENT

EXECUTIVE SESSION
OFFICIAL PROCEEDINGS:

FOR THE CITY OF PEORIA, ILLINOIS:

A Regular Meeting of the Peoria City/County Landfill convened at 8:30 a.m. on Wednesday, March 21, 2012, at the Lester D. Bergsten Operations & Maintenance Facility located at 3505 N. Dries Lane, Peoria, Illinois, and was called to order by Commissioner Van Winkle.

ATTENDANCE

The following Committee Members were physically present: Steve Morris, Les Bergsten, Timothy Riggenbach, Lynn Scott-Pearson, Ryan Spain, Steve Van Winkle — 6; Absent: Bob Akers — 1.

City/County Staff present: Dave Barber, Steve Giebelhausen, Stephanie Stapleton, Karen Raithel

Other interested parties: Simon Alwan, Joyce Blumenshine, Chris Coulter, Dan Erni, Rick and Tracy Fox, Joyce Harant, Steve Harenberg, Steve Matheny, Pat Sloan, Todd Shumaker with Midwest Fiber Recycling, Mike Wiersema, Jerry Wyatt

ANNOUNCEMENTS, ETC.

None.

MINUTES

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on February 15, 2012, seconded by Ms. Scott-Pearson.

Approved by viva voce vote.

ITEM NO. 1. REPORT from FOTH INFRASTRUCTURE & ENVIRONMENT, LLC

A. SPECIAL WASTE APPROVALS AS NEEDED

Mr. Alwan stated that there were two profiles, which require Committee action and approval: 1) Illinois American Water Company [Chlorosorb (Aluminum Oxide)]. No technical objections. 2) Osmose Railroad Services, Inc. [Treated Wood – Weathered]. No technical objections.

Mr. Morris moved to approve these two permit applications as outlined; seconded by Ms. Scott-Pearson.

Approved by viva voce vote

B. PERMIT APPROVALS AS NEEDED

Mr. Alwan said Foth doesn’t have any permit approvals at this time.

C. LANDFILL GAS – ELECTRICITY FACILITY UPDATE

Mr. Alwan said Foth doesn’t have update at this time.
In discussion with Chairman Bergsten regarding the clean-up, the leaking valve on the tank and providing electricity to the Landfill Gas Building; Mr. Alwan stated that the clean-up was completed and that they were working to resolve the issues surrounding the tank. He hoped to have a report back at the next scheduled meeting regarding the tank valve. He stated that this would not affect the flair operations at this time. He stated that they have received an estimate for approximately $5,700 to provide electricity to the Landfill Gas Building. This would be for single phase power, which would only run the lights and outlets. At this time, he recommended that the Committee not proceed at this point. He explained that several different avenues were reviewed as it related to restoring electricity and power to the building. One option was to have the power run through the high voltage equipment located in the back of the building; however, it would cost approximately $11,000 just to have the equipment tested and inspected. The second option explored would cost approximately $10,000 to provide 3-phase power to the building. The third option was to bring single phase power to run the outlets and turn on the lights which would cost approximately $5,700.

Mr. Sloan stated that they were actively looking into power generation with several vendors and plan to provide an update at the next scheduled meeting.

Mr. Van Winkle moved to approve the reports and the permits as outlined; seconded by Mr. Morris.

Approved by viva voce vote

ITEM NO. 2. DAM PROJECT UPDATE

Mr. Giebelhausen stated that a meeting has been scheduled with Waste Management to continue negotiations on April 10, 2012.

ITEM NO. 3. LANDFILL BUDGET DISCUSSION

A. INCREASE OF THE HOST FEE

Mr. Barber stated that there was no update at this time.

B. Request for Audit of Waste Management

Mr. Barber stated that he would like to clarify the Committee’s request regarding the Financial Audit of Waste Management’s operations at the landfill. He pointed out that the Landfill Agreement does not give the Committee the authority to do so; therefore, he felt he would need some additional direction from the Committee before pursuing this matter further.

Mr. Morris expressed his concerns regarding the guidelines for the Landfill Committee and their ability to conduct a financial audit on Waste Management’s operations at the landfill. He stated that he was surprised that the Committee has an agreement in place that does not allow them to compare the practices of their operator. He stated that there are various factors involved and he felt that the Committee should be able to make the necessary comparisons as it relates to the federal and state laws; EPA and IEPA requirements; the guidelines of the Committee in regards to ingress, egress, security, etc. He felt the Committee should be allowed to review all things that are basic operation materials for the Landfill.

Mr. Barber stated that he would review the scope of work and report back to the Committee.
Mr. Morris moved to defer the Request for Audit of Waste Management for one month; seconded by Mr. Spain.

Mr. Spain stated that he agreed with Mr. Morris and felt the scope of work would be a good starting point.

Mr. Van Winkle stated there should be a legal review of the scope of work, as well.

Mr. Barber stated that he would follow-up with Mr. Giebelhausen.

Motion to defer the Request for Audit of Waste Management for one month was approved by viva voce vote.

ITEM NO. 4 REPORT FROM WASTE MANAGEMENT, INC.

A. MONTHLY ACTIVITY REPORT

Mr. Erni said Waste Management doesn’t have update at this time.

B. PERMIT APPROVALS AS NEEDED

Mr. Erni is processing one permit application for documenting an expansion of the leachate recirculation system, for Mr. Barber’s signature contingent upon Foth’s review and approval.

Mr. Spain moved to approve Waste Management’s report and the two permits as outlined; seconded by Mr. Van Winkle.

Approved by viva voce vote.

ITEM NO. 5 REPORT FROM PEORIA DISPOSAL CO.

A. UPDATE ON SITING CERTIFICATE FROM PEORIA COUNTY

Mr. Coulter stated that the Siting Certificate was complete. The next step is to prepare the amendment to the Landfill Agreement.

B. UPDATE ON SITING APPROVAL INCORPORATION INTO LANDFILL AGREEMENT

Mr. Coulter stated that he would forward the first amendment to the Landfill Agreement to Mr. Giebelhausen for review prior to the next schedule Committee meeting. He stated that the amendment was developed by Mr. Brian McGinnis.

C. UPDATE ON MEETING WITH IEPA CONCERNING LANDFILL NO. 3 PERMIT APPLICATION

Mr. Coulter stated that he met with the IEPA along with Chairman Bergsten, Ms. Scott-Pearson, Ms. Raithel and Mr. Sloan. He stated the main focus of the meeting was the permit application. He said once the siting approval was in place then they would have two years to file the permit application, which would need to be filed with the IEPA by November 10, 2013. If they fail to file the permit by the
deadline then the application process would repeat the approval process. He stated that they would have three (3) years to construct the facility. If they fail to construct the facility within the three year period then they will lose the Siting approval. He stated the Citizens convenience Center would need to be completed by November 2013. He stated that the focus was to get the permit application developed and filed.

Mr. Coulter stated that PDC plans to continue operating the Citizens Convenient Center until Landfill #3 is closed.

D. PRESENTATION FROM MIDWEST FIBER RECYCLING

Mr. Coulter stated that in a previous meeting there were several questions centered around recycling.

Mr. Todd Shumaker gave a brief overview covering various aspects of the operation as it pertains to the composting, marketing, etc., of Midwest Fiber Recycling.

The Committee thanked Mr. Shumaker for the presentation.

Ms. Scott-Pearson moved to approve PDC’s report; seconded by Mr. Morris.

Approved by viva voce vote

UNFINISHED BUSINESS

NONE.

NEW BUSINESS

NONE.

CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMITTEE

NONE.

NEXT MEETING

Mr. Bergsten stated the next regularly-scheduled meeting will be held Tuesday, April 18, 2012, at the Lester D. Bergsten Operations & Maintenance Facility, 3505 N. Dries lane, Peoria, Illinois.

EXECUTIVE SESSION

Requesting Approval of a Motion for the Peoria City/County Landfill Committee go into EXECUTIVE SESSION to Discuss 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent.
Mr. Spain moved to adjourn the Regular Peoria City/County Landfill Committee Meeting, to go into Executive Session to Discuss 2(c)(1) Litigation, not returning to Regular session; seconded by Mr. Morris.

Approved by viva voce vote.

**ADJOURNMENT**

The regular Landfill Committee meeting adjourned at 9:40 A.M.

__________________________
Lester D. Bergsten
Chairman
REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members
From: Simon Alwan, PE, Environmental Engineer, Foth

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: Special Waste Permit Approvals

BACKGROUND: Memorandum attached. Two new profiles requiring Committee approval. Action is required.

FINANCIAL IMPACT: N/A
MEMORANDUM

TO: Joint City of Peoria - County of Peoria Solid Waste Disposal Facility Board

FROM: Simon Alwan, P.E.

DATE: April 6, 2012

NUMBER: 012P001.00

SUBJECT: Special Waste Permits

Waste Management has presented the following waste streams.

New Profiles for Approval (Action is Necessary):

1.  Midwest Generation
    13082 East Manito Road
    Pekin, IL 61554
    
    Oil Contaminated oil dry and debns

    Application
    Dated: 03/26/2012
    Received: 03/26/12
    
    U5 Fan Bay cleanup of oil leaks and spills

    Source: Tazewell
    Type: Non-Special
    Profile # 113864IL
    
    Expected
    Quantity = 5-15 Cubic Yards
    Frequency = 1-2 Times per Year

    Subject to County Fee = yes
    Last Tested = 3/22/2012

Comments: This waste stream is certified by the generator as non-special based on analytical data and generator knowledge. The analytical showed no PCB’s were detected and TCLP’s were either not detected or well below regulatory limits. We have no technical objections to this waste stream. Action is required.
2.

<table>
<thead>
<tr>
<th>Midwest Generation</th>
<th>Oil Contaminated oil dry and debris</th>
</tr>
</thead>
<tbody>
<tr>
<td>13082 East Manito Road</td>
<td></td>
</tr>
<tr>
<td>Pekin, IL 61554</td>
<td></td>
</tr>
<tr>
<td><strong>Application</strong></td>
<td></td>
</tr>
<tr>
<td>Dated: 03/13/2012</td>
<td>U6 Fan Bay cleanup of oil leaks and spills</td>
</tr>
<tr>
<td>Received: 03/26/12</td>
<td></td>
</tr>
<tr>
<td><strong>Source:</strong> Tazewell</td>
<td></td>
</tr>
<tr>
<td><strong>Type:</strong> Non-Special</td>
<td></td>
</tr>
<tr>
<td><strong>Profile #:</strong> 113865IL</td>
<td></td>
</tr>
<tr>
<td><strong>Expected</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Quantity:</strong> 5-15 Cubic Yards</td>
<td></td>
</tr>
<tr>
<td><strong>Frequency:</strong> 1-2 Times per Year</td>
<td></td>
</tr>
<tr>
<td><strong>Subject to County Fee = yes</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Last Tested = 2/28/2012</strong></td>
<td></td>
</tr>
</tbody>
</table>

Comments: This waste stream is certified by the generator as non-special based on analytical data and generator knowledge. The analytical showed no PCB’s were detected and TCLP’s were either not detected or well below regulatory limits. A reactive sulfide concentration greater than 10ppm requires further explanation by the generator because of the potential for toxic fumes being emitted during hauling and disposal (not after burial). No reactive sulfide was measured in this waste, however, the generator certified that the waste has never emitted hazardous fumes (hydrogen sulfide). We have no technical objections to this waste stream. Action is required.

Notes:
- Committee approval does not relieve the Generator and Landfill Operator from complying with all applicable laws and regulations.
Generator's Non-hazardous Waste Profile Sheet

Requested Disposal Facility: Peoria City - County #2 Landfill

Profile Number: 113864/L

Renewal for Profile Number: ________________________________

Waste Approval Expiration Date: ________________________________

Check here if there are multiple generating locations for this waste. Attach additional locations.

A. Waste Generator Facility Information (must reflect location of waste generation/origin)

1. Generator Name: Midwest Generation
2. Site Address: 13082 East Manito Road
3. City/ZIP: Pekin, 61554
4. State: Illinois
5. County: Tazewell
6. Contact Name/Title: Joseph A. Heredia

7. Email Address: jheredia@mwgen.com
8. Phone: 309.477.5289
9. FAX: 309.477.5268
10. NAICS Code: 22112
11. Generator USEPA ID #: IL0000665471
12. State ID# (if applicable): 17980100002

B. Customer Information (same as above)

1. Customer Name: Midwest Generation
2. Billing Address: 13082 East Manito Road
3. City, State and ZIP: Pekin, Illinois, 61554
4. Contact Name: Joseph A. Heredia
5. Contact Email: jheredia@mwgen.com
6. Phone: 309.477.5289
7. Transporter Name: Waste Management
8. Transporter ID # (if appl.): ________________________________
9. Transporter Address: 3553 East Washington Street
10. City, State and ZIP: East Peoria, Illinois, 61611

C. Waste Stream Information

1. DESCRIPTION
   a. Common Waste Name: Oil Contaminated Oil Dry and Debris From US
      State Waste Code(s):
   b. Describe Process Generating Waste or Source of Contamination:
      US Fan Bay clean up of oil leaks and spills.
   c. Typical Color(s): Dark Grayish Brown
   d. Strong Odor? □ Yes ☑ No Describe:
      a. Physical State at 70°F: ☑ Solid □ Liquid □ Powder □ Semi Solid or Sludge □ Other:
      f. Layers? □ Single layer ☑ Multi-layer □ NA
      g. Water Reactive? □ Yes ☑ No If Yes, Describe:
      h. Free Liquid Range (%): ______ to ______ □ NA(solid)
      i. pH Range: 4.5 to 8.5 □ NA(solid)
      j. Liquid Flash Point: ☑ < 140°F □ 140°-180°F □ ≥ 200°F □ NA(solid)
      k. Flammable Solid? □ Yes ☑ No
   l. Physical Constituents: List all constituents of waste stream - (e.g. Soil 0-80%, Wood 0-20%): □ (See Attached)

<table>
<thead>
<tr>
<th>Constituents (Total Composition Must be ≥ 100%)</th>
<th>Lower Range</th>
<th>% of Measure</th>
<th>Upper Range</th>
<th>Unit of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil</td>
<td>5</td>
<td>%</td>
<td>10</td>
<td>%</td>
</tr>
<tr>
<td>Oil Dry</td>
<td>80</td>
<td>%</td>
<td>85</td>
<td>%</td>
</tr>
<tr>
<td>Debris</td>
<td>&lt;1</td>
<td>%</td>
<td>&lt;2</td>
<td>%</td>
</tr>
<tr>
<td>Coal Dust</td>
<td>&lt;1</td>
<td>%</td>
<td>&lt;2</td>
<td>%</td>
</tr>
<tr>
<td>Other (specify)</td>
<td>&lt;2</td>
<td>%</td>
<td>&lt;3</td>
<td>%</td>
</tr>
</tbody>
</table>

2. ESTIMATED QUANTITY OF WASTE AND SHIPPING INFORMATION
   a. ☑ One Time Event □ Been ☑ Repeat Event
   b. Estimated Annual Quantity: 5 - 15 □ Tons ☑ Cubic Yards □ Drums □ Gallons □ Other (specify): ________________________________
   c. Shipping Frequency: 1 - 2 Units per □ Month □ Quarter □ Year □ One Time □ Other
   d. Is this a U.S. Department of Transportation (USDOT) Hazardous Material? (If yes, answer e.) □ Yes ☑ No
   e. USDOT Shipping Description (if applicable):

3. SAFETY REQUIREMENTS (Handling, PPE, etc.): Safety Glasses, Gloves, Safety Shoes

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May 2010
D. Regulatory Status (Please check appropriate responses)

1. Waste Identification:
   a. Does the waste meet the definition of a USEPA listed or characteristic hazardous waste as defined by 40 CFR Part 261? ☑ Yes ☑ No
   1. If yes, please complete a hazardous waste profile.
   b. Does the waste meet the definition of a state hazardous waste other than identified in D.1.a? ☑ Yes ☑ No
   1. If yes, please complete a hazardous waste profile.

2. Is this waste included in one or more of categories below (Check all that apply)? If yes, attach supporting documentation. ☑ Yes ☑ No
   - Excluded Wastes Under 40 CFR 261.4
   - Treated Hazardous Waste Debris
   - Treated Characteristic Hazardous Waste

3. Is this waste from a Federal (40 CFR 300, Appendix B) or state-mandated clean-up? If yes, see instructions. ☑ Yes ☑ No

4. Does the waste represented by this waste profile sheet contain radioactive material?
   a. If yes, is disposal regulated by the Nuclear Regulatory Commission? ☑ Yes ☑ No
   b. If yes, is disposal regulated by a State Agency for radioactive waste? ☑ Yes ☑ No

5. Does the waste represented by this waste profile sheet contain Polychlorinated Biphenyls (PCBs)? ☑ Yes ☑ No
   (If yes, list in Chemical Composition - C.I.I)
   a. If yes, are the PCBs regulated by 40 CFR 761? ☑ Yes ☑ No
   b. If yes, is the remediation waste from a project performed under the Self-Implementing option provided in 40 CFR 761.61(a)? ☑ Yes ☑ No
   c. If yes, were the PCBs imported into the US? ☑ Yes ☑ No

6. Does the waste contain untreated, regulated medical or infectious waste? ☑ Yes ☑ No

7. Does the waste contain asbestos?
   a. If Yes, ☑ Fissile ☑ Non-Fissile

8. Is this profile for remediation waste from a facility that is a major source of Hazardous Air Pollutants (Siting Remediation NESHAP, 40 CFR 63 subpart GGGGG)? ☑ Yes ☑ No
   a. If yes, does the waste contain <500 ppm VOCs at the point of determination? ☑ Yes ☑ No

E. Generator Certification (Please read and certify by signature below)

By signing this Generator's Waste Profile Sheet, I hereby certify that all:

1. Information submitted in this profile and all attached documents contain true and accurate descriptions of the waste material;
2. Relevant information within the possession of the Generator regarding known or suspected hazards pertaining to this waste has been disclosed to WM/the Contractor;
3. Analytical data attached pertaining to the profiled waste was derived from testing a representative sample in accordance with 40 CFR 261.20(c) or equivalent rules; and
4. Changes that occur in the character of the waste (i.e. changes in the process or new analytical) will be identified by the Generator and disclosed to WM (and the Contractor if applicable) prior to providing the waste to WM (and the contractor if applicable).

5. Check all that apply:
   ☑ a. Attached analytical pertains to the waste. Identify laboratory & sample ID #’s and parameters tested:
      J44679-1 UDS L4 2 Final Rpt_U5.pdf # Pages: 28
   ☑ b. Only the analysis identified on the attachment pertain to the waste (identify by laboratory & sample ID #’s and parameters tested). Attachment #
   ☑ c. Additional information necessary to characterize the profiled waste has been attached (other than analytical, such as MSDS). Indicate the number of attached pages
   ☑ d. I am an agent signing on behalf of the Generator, and the delegation of authority to me from the Generator for this signature is available upon request.

Certification Signature: ____________________________ Title: Environmental Specialist

Company Name: Midwest Generation LLC, Powerton Station
Name (Print): Joseph A. Heredia
Date: March 26, 2012

©2010 Waste Management, Inc. Page 2 of 2  May 2010
Profile Addendum: State of Illinois
GENERATOR'S NON-SPECIAL WASTE CERTIFICATION

Additional Waste Stream Information

Profile Number: 1138648L

Generators Name: Midwest Generation

Generators Site Address: Illinois
(The location where the waste is generated)

Waste Name: Oil Contaminated Oil Dry and Debris From U5

The Illinois Environmental Protection Act allows a Generator to certify that their pollution control waste or industrial process waste, is not an Illinois Special Waste (Section 3.45). By completing the following questionnaire, you may certify that the waste stream represented by the Waste Management Profile referenced above is not an Illinois Special Waste as defined in the Act.

Is the waste referenced above any of the following:
1. A Potentially Infectious Medical Waste (PIMW)? □ Yes □ No
2. A Hazardous Waste as defined in 40 CFR 261 or in 35 IAC 722.111? □ Yes □ No
3. A Liquid Waste (fails the paint filter test as defined in 35 IAC 811.107)? □ Yes □ No
4. A regulated PCB waste as defined in 40 CFR 761? □ Yes □ No
5. A NESHAP regulated asbestos waste other than waste from renovation or demolition? □ Yes □ No
6. A waste resulting from the checking recyclable metals (auto fluff)? □ Yes □ No
7. A delisted Hazardous Waste or Treated Characteristic Hazardous Waste, subject to LDR requirements under 35 IAC 728.107? □ Yes □ No

In determining that this waste is not a liquid, I have used knowledge of the processes generating the waste and the attached supporting documentation: □ MSDS □ Analytical □ Other (explain below):
General Knowledge / Lab Analysis J44679-1 UDS Lvl 2 Final Rpt U5.pdf

In determining that this waste is not RCRA hazardous, I have used knowledge of the processes generating the waste and the attached supporting documentation: □ MSDS □ Analytical □ Other (explain below):
General Knowledge / Lab Analysis J44679-1 UDS Lvl 2 Final Rpt U5.pdf

8. Is the waste represented by this profile sheet subject to the Illinois Solid Waste Management Act fee? □ Yes □ No

By signing below, I certify my waste is NOT an Illinois Special Waste, and that I understand that a person who knowingly and falsely certifies that a waste is not special waste is subject to the penalties set forth in subdivision (6) of subsection (h) of section 44 of the Illinois Environmental Protection Act.

Name: (Print) Joseph A. Heredia
Title: Environmental Specialist

Signature: [Signature]
Date: March 26, 2012
Generate's Non-hazardous Waste Profile Sheet

1. Generator Name: Midwest Generation
2. Site Address: 13082 East Manito Road
3. City/ZIP: Pekin, 61554
4. State: Illinois
5. County: Tazewell
6. Contact Name/Title: Joseph A. Heredia

1. Customer Name: Midwest Generation
2. Billing Address: 13082 East Manito Road
3. City, State and ZIP: Pekin, Illinois, 61554
4. Contact Name: Joseph A. Heredia
5. Contact Email: heredia@mwgen.com

1. DESCRIPTION
   a. Common Waste Name: Oil Contaminated Oily and Debris
      State Waste Code(s):
   b. Describe Process Generating Waste or Source of Contamination:
      US Fan Bay clean up of old leaks and spills.
   c. Typical Color(s): Dark Grayish Brown
   d. Strong Odor? □ Yes □ No
   e. Physical State at 70°F: □ Solid □ Liquid □ Powder □ Semi-Solid or Sludge □ Other:
   f. Layers? □ Single-layer □ Multilayer □ NA
   g. Water Reactive? □ Yes □ No
   h. Free Liquid Range (%): □ NA
   i. pH Range: 4.5 to 8.5 □ NA(solid)
   j. Liquid Flash Point: □ < 140°F □ 140°-189°F □ ≥ 300°F □ NA(solid)
   k. Flammable Solid: □ Yes □ No

2. PHYSICAL COMPOSITION: List all constituents of waste stream - (e.g. Soil 0-20%, Wood 0-20%)
   Coconstituen (Total Composition Must be ≥ 100%)

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Lower Range</th>
<th>%</th>
<th>Out of Measure</th>
<th>Upper Range</th>
<th>%</th>
<th>Unit of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil</td>
<td>5</td>
<td>%</td>
<td></td>
<td>10</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Oil Dry</td>
<td>60</td>
<td>%</td>
<td></td>
<td>100</td>
<td>%</td>
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</tr>
<tr>
<td>Debris</td>
<td>1</td>
<td>%</td>
<td></td>
<td>2</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Coal Dust</td>
<td>1</td>
<td>%</td>
<td></td>
<td>2</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Coal Ash</td>
<td>1</td>
<td>%</td>
<td></td>
<td>2</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Soil/White Rock</td>
<td>2</td>
<td>%</td>
<td></td>
<td>3</td>
<td>%</td>
<td></td>
</tr>
</tbody>
</table>

2. ESTIMATED QUANTITY OF WASTE AND SHIPPPING INFORMATION
   a. □ One Time Event □ Base □ Repeat Event
   b. Estimated Annual Quantity: □ 5 - 15 □ Tons □ Cubic Yards □ Drums □ Gallons □ Other (specify):
   c. Shipping Frequency: □ 1 - 2 □ Units per □ Month □ Quartert □ Year □ One Time □ Other
   d. Is this U.S. Department of Transportation (USDOT) Hazardous Material? (If yes, answer a.) □ Yes □ No
   e. USDOT Shipping Description (If applicable):

   1. SAFETY REQUIREMENTS (Handling, PPE, etc.): Safety Glasses, Gloves, Safety Shoes

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Page 1 of 2
May 2010
Generator's Non-hazardous Waste Profile Sheet

**D. Regulatory Status (Please check appropriate responses)**

1. Waste Identification:
   a. Does the waste meet the definition of a USEPA listed or characteristic hazardous waste as defined by 40 CFR Part 261? □ Yes □ No
      1. If yes, please complete a hazardous waste profile.
   b. Does the waste meet the definition of a toxic hazardous waste other than identified in D.1.a? □ Yes □ No
      1. If yes, please complete a hazardous waste profile.

2. Is this waste included in one or more of the categories below (Check all that apply)? If yes, attach supporting documentation. □ Yes □ No
   □ Delisted Hazardous Waste
   □ Treated Hazardous Waste
   □ Excluded Waste under 40 CFR 261.4
   □ Treated Characteristic Hazardous Waste

3. Is the waste from a Federal (40 CFR 800, Appendix B) or state mandated clean-up? If yes, see instructions. □ Yes □ No

4. Does the waste represent by this waste profile sheet contain radioactive material?
   a. Yes □ No
   b. Yes □ No
   c. Yes □ No

5. Does the waste represented by this waste profile sheet contain Polychlorinated Biphenyls (PCBs)? □ Yes □ No
   (If yes, list in Chemical Composition - C.1.1)
   a. Yes □ No
   b. Yes □ No
   c. Yes □ No

6. Does the waste contain untreated, regulated medical or infectious waste? □ Yes □ No

7. Does the waste contain asbestos?
   a. Yes □ No
   b. Yes □ No

8. Is this profile for remediation waste from a facility that is a major source of Hazardous Air Pollutants (HSI, NESHAP, 40 CFR 261.20(c) or equivalent rules) and
   a. Yes □ No
   b. Yes □ No

**E. Generator Certification (Please read and sign certificate by signature below)**

By signing this Generator's Waste Profile Sheet, I hereby certify that:

1. Information submitted in this profile and all attached documents contain true and accurate descriptions of the waste material;
2. Relevant information within the possession of the Generator regarding known or suspected hazards pertaining to this waste has been disclosed to WM/ the Contractor;
3. Analytical data attached pertaining to the profiled waste was derived from testing a representative sample in accordance with 40 CFR 261.20(c) or equivalent rules; and
4. Changes that occur in the character of the waste (i.e., changes in the process or new analytical) will be identified by the Generator and disclosed to WM/ the Contractor (if applicable) prior to providing the waste to WM/ the Contractor (if applicable).

Check all that apply:

- [ ] Attached analytical test results to the waste, identify laboratory & sample ID's and parameters tested:
  J44384-1 UDS LTR 2 Final Rpt_U6.pdf
- [ ] Only the analysis identified on the attachment pertains to the waste (identify by laboratory & sample ID's and parameters listed).
- [ ] Additional information necessary to characterize the profiled waste has been attached (other than analytical, such as MSDS).
- [ ] I am an agent signing on behalf of the Generator and the delegation of authority to me from the Generator for this signature is available upon request.

Certification Signature: [Signature]
Title: Environmental Specialist
Company Name: Midwest Generation LLC, Powerton Station
Name (Print): Joseph A. Heredia
Date: March 13, 2012

©2010 Waste Management, Inc.
Profile Addendum: State of Illinois
GENERATOR'S NON-SPECIAL WASTE CERTIFICATION

E. Additional Waste Stream Information

Profile Number: 1138b5IL

Generators Name: Midwest Generation

Generators SITE Address: 13082 East Mabta Road Pekin, IL 61554
(The location where the waste is generated)

Waste Name: Oil Contaminated Oil Dry & Debris

The Illinois Environmental Protection Act allows a Generator to certify that their pollution control waste or industrial process waste, is not an Illinois Special Waste (Section 3.45). By completing the following questionnaire, you may certify that the waste stream represented by the Waste Management Profile referenced above is not an Illinois Special Waste as defined in the Act.

Is the waste referenced above any of the following:

1. A Potentially Infectious Medical Waste (PIMW)? □ Yes ☑ No
2. A Hazardous Waste as defined in 40 CFR 261 or in 35 IAC 722.111? □ Yes ☑ No
3. A Liquid Waste (fails the paint filter test as defined in 36 IAC 811.107)? □ Yes ☑ No
4. A regulated PCB waste as defined in 40 CFR 761? □ Yes ☑ No
5. A NESHAPS regulated asbestos waste other than waste from renovation or demolition? □ Yes ☑ No
6. A waste resulting from the shredding recyclable metals (mats, shre)? □ Yes ☑ No
7. A designated Hazardous Waste or Treated Characteristic Hazardous Waste, subject to LDR requirements under 35 IAC 728.107? □ Yes ☑ No

In determining that this waste is not a liquid, I have used knowledge of the processes generating the waste and the attached supporting documentation: ☑ MSDS □ Analytical □ Other (explain below):

In determining that this waste is not RCRA hazardous, I have used knowledge of the processes generating the waste and the attached supporting documentation: ☑ MSDS □ Analytical □ Other (explain below):

8. Is the waste represented by this profile sheet subject to the Illinois Solid Waste Management Act fee? ☑ Yes □ No

By signing below, I certify my waste is NOT an Illinois Special Waste, and that I understand that a person who knowingly and falsely certifies that a waste is not special waste is subject to the penalties set forth in subdivision (6) of subsection (h) of section 44 of the Illinois Environmental Protection Act.

Name: (Print) Joseph A. Hernandez
Signature: [Signature]
Title: 
Date: 
Dear Generator,

Your waste has been found to contain reactive sulfide and/or cyanide in concentrations greater than 10 PPM, but less than 500 PPM for reactive sulfide and/or less than 250 PPM for reactive cyanide. The Illinois EPA has indicated that additional information concerning this waste stream will be required prior to landfill approval. Specifically:

Has the waste ever caused injury to a worker because of H2S or HCN generation?  
Yes  No

Have the OSHA workplace air concentration limits for either H2S or HCN been exceeded in areas where the waste is generated, stored, or otherwise handled?  
Yes  No

Have air concentrations of H2S or HCN above 10 PPM ever been encountered in areas where the waste is generated, stored, or otherwise handled?  
Yes  No

Have any of the problems described above ever been encountered with disposal of this waste? (i.e. land disposal, treatment, etc.)  
Yes  No

If you indicated a positive response to any of the above questions, please explain below:


Sincerely,

Joseph Kash,  
Waste Approval Manager

________________________
(Generator’s Signature)

Joseph A. Heralin

Environmental Specialist  
(Title)

March 12, 2012  
(Date)
REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members

From: Simon Alwan, P.E., Foth

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: Discussion of special waste gate audit

BACKGROUND: In accordance with the special waste procedures, a gate audit is to be performed to ensure all procedures and requirements for special waste acceptance at the landfill are being met. A gate audit was performed by Foth on March 6, 2012 and the findings are attached to this memo.

FINANCIAL IMPACT: N/A
Foth Infrastructure & Environment, LLC
Memorandum

April 4, 2012

TO: Peoria City/County Landfill Committee

CC: Mike Wiersema, Waste Management

FR: Simon Alwan, Foth

RE: March 2012 Gate Audit Peoria City/County Landfill

On March 6, 2012 a gate audit was conducted at Peoria City/County Landfill by Foth Infrastructure and Environment to ensure that the required procedures for receiving and rejecting special and certified non-special waste streams are being followed. An updated copy of the Procedures for General Refuse and Special Waste Received at the City of Peoria /County of Peoria Landfill No. 2 (dated December 2011) and new rejected load forms were filed in the scale house building. A review of the waste profiles showed the files were organized and in order.
Landfill personnel were reminded to take pictures of any new profiles and to continue to update photos of current profiles. No significant issues or inconsistencies were observed and landfill personnel were extremely helpful in assisting with this audit and are performing well.
The inspection form is attached.
GATE CONTROL INSPECTION RECORD
PEORIA CITY/COUNTY LANDFILL

Inspection Date: 3-6-12  Time: 1:00 PM

Gate Personnel:
Name: Sarah Paves  Sig: [Signature]
Name: [ ]  Sig: [ ]
Name: [ ]  Sig: [ ]

Inspectors:
Name: Mark Williams  Sig: [Signature]
Name: [ ]  Sig: [ ]

Notes:
Left updated copy of the procedures for General Refuse \ Special Waste Receipt at the City of Peoria County of Peoria Landfill
No. 1 (updated Dec 2011)
Continue to keep photos updated.

DIRECTIONS:
1) After the inspection is completed, review the inspection results with the gate personnel, and ask each person to sign after his/her name.
2) A copy of the inspection results should be given to the Landfill Director; its original should be filed in the Landfill Operator's office, and an additional copy provided to the Landfill Committee.
3) Suggested inspection timings are semi-annual: February and August.
4) Inspections should be arranged by the Consultant.

A. RECORD KEEPING
I. Complete the (Non-Hazardous) Special and Non-Special Waste Receipts Log

II. Complete/Individual Waste Log
   Up-to-date Entry: Yes or No
   All Items Entered: Yes or No
III. Rejection Notice File

Rejected load form available to be issued as necessary: ☑️ or N

Rejection notice is properly issued to:
  IEPA: * ☑️ or N
  Generator: ☑️ or N
  IEPA: ☑️ or N

Rejected load form available to be issued as necessary: ☑️ or N

Ask attendant, "What happens if a load or item comes in that should have been profiled and was not?" and record response below:

"If load arrives not profiled, gate personnel will have driver pull to the side of cell and senditorio to figure out where profile is. If profile is approved they will allow the load to be dumped if not load is rejected."

* Applies to Manifested loads only

IV. Current Procedures on File

Gate control procedures: ☑️ or N

Rejection procedure: ☑️ or N

Training documentation: ☑️ or N

Notes:

Fire safety training completed 4-26-11
Continue to update training as specified in Section 2.4 of the procedures.
B. SAFETY & HEALTH-PROTECTION EQUIPMENT ON-HAND

- Housekeeping, office: Y or N
- Housekeeping, platform: Y or N
- Tyvec cover-all: Y or N
- Plastic protective clothing: Y or N
- Face shield: Y or N
- Rubber gloves: Y or N
- Rubber boots: Y or N
- First aid kit: Y or N
- Fire extinguisher: Y or N
- Eye washer: Y or N

Notes:

Load checking + Sample Collection are taken care of at the active site.
REQUEST FOR DISCUSSION
To: Peoria City/County Landfill Committee Members
From: Simon Alwan, P.E., Foth

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: Landfill #1 – Quarterly Groundwater Update

BACKGROUND: This memo serves as the quarterly update of the current status of groundwater issues for Landfill #1. As a reminder, by contract with the Committee, Waste Management is responsible for routine groundwater sampling and re-samples at Landfill No. 1. However, assessment monitoring that arises based on increases confirmed by re-sampling are the responsibility of the Committee. This monitoring is generally completed by Waste Management’s contractor in order to reduce costs of additional trips and field personnel.

G02S and G04S remain in Corrective Action. Both had confirmed increases in Volatile Organic Compounds (VOC’s) before the flare began operation and have since dropped tremendously in concentration. The volatile organic compound, vinyl chloride, was again detected above permitted AGQS values at G02S in the 1st quarter of 2012 after being below AGQS values the previous two quarters. These occasional exceedances above AGQS values will probably continue as the gas and leachate system is repaired. The dissolved chloride concentration at G04S is also above AGQS values and has been previously discussed with the agency. A permit required update on the corrective action measures was submitted to the IEPA on March 9, 2012 and is awaiting agency review. As part of the report a recommendation was submitted to change the gas monitoring frequency at G02S, G04S and surrounding wells from a monthly to a quarterly schedule.

G06S and G11S are currently in assessment monitoring for dissolved chloride. 1st quarter results were above AGQS values. An assessment monitoring report is due to the IEPA by August 1, 2012. As such, the wells are expected to remain in assessment monitoring at least through this year.

G15S had a confirmed an increase for dissolved chloride in the 4th quarter of 2011 and preceded into assessment monitoring. A permit application concerning assessment monitoring was submitted to the IEPA and a response from the agency is due no later than May 2, 2012. The assessment monitoring process for G15S began in the 1st quarter of 2012. There were no exceedances above permitted AGQS values during the 1st quarter event. We assume G15S will remain in assessment monitoring at least through the year. The assessment monitoring will consist of quarterly groundwater testing and VOC testing in the 2nd and 4th quarters.

The 4th quarter 2011 sampling event had several observed increases for phenolics, dissolved chloride, dissolved nitrate, and total nitrate which were retested as part of the 1st quarter 2012 sampling event. The cost of the re-samples for these observed increases were the responsibility of Waste Management. Of the nine observed increases for phenolics only one, upgradient well G13S, was confirmed just slightly above AGQS values. Due to the large number of observed increases for one analyte the lab was contacted for a possible laboratory explanation. Since G13S is an upgradient monitoring well and the possibility of laboratory false positive errors regarding the phenolic test exists, it was decided to see what the 2nd quarter results will be for well G13S. There were no exceedances of the dissolved nitrate with the re-samples. The
A resample of the total nitrate was above the AGQS value for well R12S; However the AGQS values between the total and dissolved nitrate are not in line as they should be and discussions with the agency are ongoing to correct this issue. The dissolved chloride concentration at R10S was confirmed during resampling and this well will go into assessment monitoring beginning with the 2nd quarter 2012 sampling event. The assessment monitoring will consist of quarterly groundwater testing and VOC testing in the 2nd and 4th quarters. A significant modification permit application concerning the assessment monitoring will be submitted to the agency.

**Financial Impact:** The Committee is responsible for assessment monitoring costs that arise based on confirmed increases.
REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members

From: Simon Alwan, P.E., Foth

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: Landfill #1

- Approval to receive bids for the Gas Collection and Control System (GCCS) Rehabilitation and Well Decommissioning.
- Approval to obtain Mr. Barber's signature on a Significant Modification Permit Application and to receive bids upon IEPA approval for the Leachate Extraction Improvements.

BACKGROUND: Landfill No. 1 continues to need repairs on the landfill gas collection and leachate extraction systems. As part of the 2012 Landfill Budget, a GCCS Rehabilitation budget of $130,000 and a Leachate Extraction Improvements budget of $120,000 were approved for the design, construction and oversight of the projects. The Landfill Committee previously approved the submittal of an application to the IEPA to decommission a number of gas wells at LF1. The number of gas collection wells at LF1 is considered excessive and adds a level of complexity when adjusting and tuning the system. A reduced number of wells will result in a more efficient system while maintaining or increasing the amount of gas collected.

GCCS REHABILITATION: Per the Clean Air Act Permit Program, negative pressure (vacuum) shall be maintained at each well. Many wells in the southwest region of landfill #1 are experiencing little to no vacuum due to issues with the gas collection system. The GCCS improvements will consist of installing nearly 1,600 linear feet of 10 inch HDPE pipe and connecting to existing gas collection wells and laterals that currently experience little to no vacuum. These improvements will provide consistent vacuum to all the wells in the Southwest area for gas collection. In addition, a condensate sump will be installed at the low point of the new the piping to collect and pump the condensate to prevent water logging of the system.

The project is estimated to cost approximately $102,000 for construction. Foth has budgeted $16,000 for construction oversight and submittal of documentation to the IEPA for this and the well decommissioning project described below. This project will be publicly bid through the City of Peoria’s procurement process.

WELL DECOMMISSION: With approval from the Landfill Committee, Foth submitted a plan to the IEPA to allow for decommissioning of a number of gas wells at Landfill No. 1. Permit Modification No. 67 approved this plan. As a result of decommissioning certain gas wells, the gas collection system will operate much more efficiently and decrease emissions. All wells planned to be decommissioned will be done so per the approved IEPA plan (cut 2 feet below the landfill cap, fill well and plug) and surveyed for future reference. Approximately a dozen of the wells will be disconnected from the collection system but will not be filled and plugged, only capped above ground. Several of these wells will be converted to leachate extraction points as part of the project described below. The remaining wells will be kept in the event pumping operations are needed to expand further. Once it is determined the wells are not needed, they will be fully decommissioned as previously mentioned.

The project is estimated to cost approximately $46,000. The construction oversight will be done at the same time as the GCCS Rehabilitation. This project will be combined with the GCCS Rehabilitation project and publicly bid through the City of Peoria.
**LEACHATE EXTRACTION IMPROVEMENTS:** Section I of the landfill does not have a horizontal leachate collection system. Currently, there are three extraction wells that must be operated manually. The planned improvements include automating the system so it requires less attention and man hours, increasing the number of extraction points and achieving better compliance. The original plan included drilling new wells for the leachate extraction, however with the approval of the well decommissioning some of the abandoned wells can be converted into the new leachate extraction points. These wells are located in areas of high liquid levels based on numerous field measurements. The leachate will be pumped via force main to the existing above ground storage tank located near the LFGE Building and hauled offsite as needed. Removal of the landfill liquids in Section I will help to improve gas collection and possibly gas quality.

This project is currently under design and therefore a cost estimate has not yet been prepared. Foth anticipates cost savings on this project through the use of decommissioned gas wells. Foth has budgeted $14,000 for construction oversight and submittal of documentation to the IEPA. This project cannot proceed until a significant modification permit application (design plans) has been submitted to the IEPA for review and approval. Upon approval from the IEPA, this project will be publicly bid through the City of Peoria's procurement process.

**SUMMARY:** The GCCS and Well Decommissioning projects will be publicly bid together for construction. The bid can be formatted with alternates such that the projects can be adjusted to keep costs down. This may result in phasing the project or constructing a portion of it the following year. The Leachate Extraction Improvements project will also be publicly bid upon approval from IEPA. Similar to the GCCS and Well Decommissioning projects, it can be formatted with bid alternates to adjust project costs and phase construction if needed. The total construction budget for all the projects is $198,000.

Foth recommends receiving bids and constructing the GCCS Rehabilitation and Well Decommissioning this year. Foth further recommends receiving bids for the Leachate Improvements project this year. The Leachate bids can then be reviewed and construction phased, as required, to remain within the total construction budget amount. Any phasing, or reduction in project scope, would result in completing the project the following year. In the event, the bids are above the budgeted amount and it is decided to construct the entire project this year, Foth will return to the committee for a budget amendment.

**FINANCIAL IMPACT:** The GCCS Rehabilitation and Well Decommissioning projects combined are estimated to cost approximately $148,000. Construction oversight for these two projects is budgeted for $16,000. The Leachate Extraction Improvements project has not been estimated at this time however it is expected to be in the range of $50,000 to $90,000. Construction oversight is budgeted for $14,000. The cost for these projects is included in the approved 2012 Landfill Budget.
REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members

From: Simon Alwan, P.E., Foth

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: Approval for David Barber’s Signature on the following Report:

- Title V – Clean Air Act Permit Program (CAAPP) Annual Compliance Certification

BACKGROUND: As part of compliance with the site’s Clean Air Act permit, the Annual Compliance Certification is due to the IEPA on May 1, 2012. This report provides a summary of compliance history from the previous year at Landfill No. 1 and Landfill No. 2 and summarizes areas of non-compliance with the permit requirements. This report requires Mr. Barber’s signature.

We currently do not expect any additional reports that will require Mr. Barber’s signature, however we respectfully request approval to obtain his signature should the need arise prior to the next Committee Meeting.

FINANCIAL IMPACT: N/A
REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members
From: Simon Alwan, P.E., Foth

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: Landfill #1 – Quarterly Groundwater Update

BACKGROUND: This memo serves as the quarterly update of the current status of groundwater issues for Landfill #1. As a reminder, by contract with the Committee, Waste Management is responsible for routine groundwater sampling and re-samples at Landfill No. 1. However, assessment monitoring that arises based on increases confirmed by re-sampling are the responsibility of the Committee. This monitoring is generally completed by Waste Management’s contractor in order to reduce costs of additional trips and field personnel.

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**FINANCIAL IMPACT:** The Committee is responsible for assessment monitoring costs that arise based on confirmed increases.
REQUEST FOR COUNCIL ACTION

To: Members of the Landfill Committee

From: David Barber, Public Works Director

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: 1st Quarter 2012 Report on the Landfill Operating Fund

BACKGROUND: Attached is a copy of the report on the financial activity of the Landfill Fund for the 1st Quarter of 2012. Some expenses that will be charged to March have not been posted, specifically the invoice from Foth Engineering.

Based on the attached, the revenues for the quarter amount to $63,061.48 (1st quarter of 2011 = $65,343.28). Expenses (not including the March Foth invoice) amount to $53,694.69 for the quarter (1st quarter 2011 = $60,931.71). The surplus for the quarter is $9,366.79 (1st quarter 2011 = $4,411.57).

The invoice from Foth for services in March will adjust these figures. Their invoices for the first two months of 2012 have been about $31,018 and $21,259 so the real figures for the 1st quarter will show a deficit when this invoice is recorded.

It is important to note payments for City staff time and County services are not billed monthly but rather removed from the Landfill Fund during December. These line items amount to $168,300 or about $14,025 if paid monthly. This will also further increase the deficit for the first quarter.

The Financial Summary Sheets for the 1st quarter show cash on hand of $627,508.64.
REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members
From: Steve Matheny Landfill Sales Waste Management

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: REceive and file monthly reports
BACKGROUND: Attached are the monthly summary report, profiled waste log, and year over year comparison chart for March 2012.

Permit Requests and Notifications –

Waste Management requests Mr. Barber's signature on the following documents:

Landfill No. 1
- The IEPA Bureau of Land Annual Report and Annual Certification.
- A permit application to update the closure and post-closure cost estimates.

Landfill No. 2
- Permit applications documenting construction of an expansion of the landfill gas extraction system, an expansion of the leachate recirculation system, development of a new disposal cell, and construction of final cover.
- A permit application to re-evaluate the intermediate cover HELP model, and to modify the permit based upon the new modeling results.
- A permit application to update the closure and post-closure cost estimates.
- We are amending our request from the February meeting regarding changes to the "Procedures for General Refuse and Special Waste Received at the City of Peoria/County of Peoria Landfill No. 2 Near Brimfield, Illinois". More specifically, we are restating our request to split this document into two; one addressing regulatory requirements and another addressing contract requirements. This will allow us to submit the regulatory document to IEPA as part of a pending permit application. This amended request clarifies that Waste Management will use internal staff/resources for this work rather than hiring Foth.

Both Sites
- The Annual Air Emission Report

All permit applications will be subject to review and approval by Foth prior to submittal.

2. Waste Management does not anticipate any other permit requests but respectfully asks the committee to allow administrative approval of permits for signature by Dave Barber after review by Foth if permits are required prior to the May meeting.

FINANCIAL IMPACT: NA
# Peoria City/County Landfill No. 2
## Waste Management of Illinois, Inc.
### Monthly Activity Report
#### March 2012

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<th>Tonnage: General Refuse</th>
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<th>Month</th>
<th>Landfill #2 Year to Date</th>
<th>Landfill #2 Year to Date</th>
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**TOTAL LANDFILL RECEIPTS**

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<th>Yard Waste Receipts</th>
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<td>357,949.11</td>
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<tr>
<td>General Refuse</td>
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<th>Landfill #2 Year to Date</th>
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<td>Available*</td>
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* calculated annual average that assures life from the 2013 airspace analysis.
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<td><strong>Sum</strong></td>
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Year to Year Comparison
March
2012

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<td>2,368</td>
<td>3,785</td>
<td>41,309</td>
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<td>42,861</td>
<td>3,785</td>
<td>42,861</td>
<td>7.87</td>
<td>13.89</td>
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</table>
REQUEST FOR COMMITTEE ACTION

To: Members of the Landfill Committee

From: Karen Raithel, Peoria County Recycling Director

AGENDA DATE REQUESTED: April 18, 2012

ACTION REQUESTED: APPROVAL OF FIRST AMENDMENT TO LANDFILL AGREEMENT

BACKGROUND:

Attached to this communication is the "First Amendment to the Landfill Agreement" between the County of Peoria, the City of Peoria, the Peoria City/County Landfill Committee and Peoria City/County Landfill, Inc. that incorporates the Siting Certificate into the approval per Article 6.3 of the Landfill Agreement.

Staff has reviewed the documents and finds they are in order for your approval.

Should the Landfill Committee approve this document, it will then require action by the City Council and County Board in accordance to the City's Purchasing Guidelines as the contract is in excess of $50,000.

Documents include:
1. First Amendment to Landfill Agreement
2. Exhibit E: Escrow Agreement
3. Exhibit F: Certification of Siting Approval (LPC-PA8) which includes the list of special conditions
EXHIBIT F

Illinois Environmental Protection Agency

Certification of Siting Approval
(LPC-PA8)

This form is to be used to demonstrate compliance with the siting requirements of the Act for new pollution control facilities. Failure to submit this form when required is cause for an application to be deemed incomplete or denied.

NOTE: Please complete this form online, save a copy locally, print and submit to the Permit Section #33, at the above address.

Siting Applicant Information

Name: Peoria City/County Landfill, Inc. 
Address 2: 
City: Peoria 
State: IL 
Zip Code: 61612-9071

Address 1: P.O. Box 9071

Site Information

Site Name: Peoria City/County Landfill No. 3
Site Number (if assigned): 

Nearest Municipality: Village of Hanna City
County: Peoria

1. On 11/10/2011 the County Board of 
   (Date) 
   (Governing body of county or municipality)

Peoria County 

(County or Municipality) approved the site location suitability of
Peoria City/County Landfill No. 3 as a new pollution control facility in accordance with

(Name of Site)

Section 39.2 of the Environmental Protection Act (415 ILCS 5/39.2).

2. Because the Illinois EPA may need to verify the information on this form, please indicate a person from the unit of local government ("siting authority") whom a representative from the Illinois EPA may contact regarding this approval.

Name: Karen Raithel
Title:

Address: 3116 N. Dries Lane
City: Peoria
State: IL Zip Code: 61504

Email Address: kraithel@peoriacounty.org Phone: 309-681-2550

3. Identify the type of activity(ies) for which siting approval was obtained:
   - Waste Storage
   - Sanitary Landfill
   - Waste Disposal
   - Waste Transfer
   - Waste Treatment
   - Waste Incinerator

4. Did the local siting authority approve the acceptance of special waste?
   - Yes 
   - No

Did the local siting authority approve the acceptance of hazardous waste?
   - Yes 
   - No

5. Attached to this certification is a true and accurate statement of the legal descriptions of the site as it was approved by the aforementioned local siting authority. (Note: A legal description must be attached to this document, from the local siting authority, to make the application complete.)
6. Did the local siting authority impose any specific conditions?
   If so, is a copy of the conditions attached to this form?
   (Note: These conditions are provided for information only to the Illinois EPA. The Illinois EPA is not obligated to monitor nor enforce local conditions.)
   • Yes  ☐ No
   • Yes  ☐ No

7. This item is applicable only to landfills or disposal sites.
   Were horizontal waste disposal unit boundaries approved?
   • Yes  ☐ No  ☐ NA
   Were vertical waste disposal unit boundaries approved?
   • Yes  ☐ No  ☐ NA
   Was a maximum disposal capacity approved (for the facility or per disposal unit)?
   • Yes  ☐ No  ☐ NA
   If any of the questions under #7 above were answered "yes," the siting application documents that define the subject limits must be attached to this form by the the local siting authority (e.g., legal descriptions, plan sheets, topographic drawings, etc.).

8. The undersigned has been authorized by the County Board ________________________ of
   (Governing body of county or municipality) to execute this certification on their behalf.
   Peoria County
   (County or Municipality)

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Signature: ____________________________ Date: March 9, 2012
Thomas H. O’Neill, III  Chairperson
Printed Name: ____________________________ Title: ____________________________
My commission expires on: 8/24/2012

Subscribed and Sworn before me this 14th day of March 2012.

Signature of Notary Public

"OFFICIAL SEAL"

VIRGINIA PEARL
Notary Public, State of Illinois
My Commission Expires 08-24-2012
Addition to Question 5.

The legal description and survey of the Site are set forth in the attached Sheet No. 1 and Sheet No. 2 contained within Appendix D.1 of the Siting Application.

111-1767
APPENDIX D.1

PLAT OF SURVEY
FOR FACILITY BOUNDARY AND WASTE DISPOSAL BOUNDARY
Addition to Question 6.

The Resolutions approving the request for local siting approval for the proposed Peoria City/County Landfill No. 3 are attached.

The specific conditions imposed on the proposed Peoria City/County Landfill No. 3 are set forth in the Proposed Findings of Fact and Recommendations attached hereto.

111-1768
TO THE HONORABLE COUNTY BOARD
COUNTY OF PEORIA, ILLINOIS

RE: Siting Approval for the Proposed Expansion of the Peoria City/County Landfill

Your Regional Pollution Control Site Hearing Committee does hereby recommend passage of the following Resolution:

RESOLUTION

WHEREAS, on May 18, 2011, Peoria City/County Landfill, Inc. ("Applicant"), filed an application requesting local siting approval for a proposed new expansion of the existing Peoria City/County Landfill ("Facility"); and

WHEREAS, under the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq. ("the Act"), the Peoria County Board must approve, approve with special conditions, or deny the proposed site location of said facility; and

WHEREAS, Section 39.2 of the Act specifies nine criteria that must be satisfied for local siting approval; and

WHEREAS, a public hearing concerning said facility was held from August 29th through August 31, 2011; and

WHEREAS, on October 13, 2011 your Committee deliberated concerning the evidence presented at the Public Hearing, the information included with the application requesting local siting approval, and the information submitted as public comments on the application or otherwise relevant to the statutory siting criteria; and

WHEREAS, on October 13, 2011, your Committee found certain facts relevant to the statutory siting criteria to have been established, determined that the application satisfied the statutory siting criteria with certain Special Conditions deemed reasonable and necessary to accomplish the purposes of the Illinois Environmental Protection Act, and recommended that the Peoria County Board approve the application subject to those Special Conditions; and

WHEREAS, the findings and determinations of your Committee were set forth in a written document designated "Proposed Findings of Fact and Recommendations" that was filed with the Peoria County Clerk and made available to the Peoria County Board on November 2, 2011, a copy of which is attached to this Resolution and incorporated herein by reference; and

NOW THEREFORE BE IT RESOLVED, by the Peoria County Board, after due consideration of the "Proposed Findings of Fact and Recommendations" of the Peoria County Regional Pollution Control Site Hearing Committee, all of the evidence from the public hearings, and the information and written comments filed in the Public Record for the local siting approval proceedings, that the Peoria County Board hereby approves the Applicant's request for local siting approval for the proposed expansion of the Peoria City/County landfill;

BE IT FURTHER RESOLVED, approval of the Applicant's request is made subject to all Special Conditions set forth in the "Proposed Findings of Fact and Recommendations" of the Peoria County Regional Pollution Control Site Hearing Committee.

RESPECTFULLY SUBMITTED,
REGIONAL POLLUTION CONTROL SITE HEARING COMMITTEE

Reviewed: NOVEMBER 12, 2011
Dated: APPROVED BY A ROLL CALL VOTE OF 14 AYES, WITH 4 ABSTENSIONS
TO THE HONORABLE COUNTY BOARD
COUNTY OF PEORIA, ILLINOIS

RE: Siting Approval for the Proposed
Expansion of the Peoria City/County Landfill

Your Regional Pollution Control Site Hearing Committee does hereby recommend passage of the following Resolution:

RESOLUTION

WHEREAS, on May 18, 2011, Peoria City/County Landfill, Inc. ("Applicant"), filed an application requesting local siting approval for a proposed new expansion of the existing Peoria City/County Landfill ("facility"); and

WHEREAS, under the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq. ("the Act"), the Peoria County Board must approve, approve with special conditions, or deny the proposed site location of said facility; and

WHEREAS, Section 39.2 of the Act specifies nine criteria that must be satisfied for local siting approval; and

WHEREAS, a public hearing concerning said facility was held from August 29th through August 31, 2011; and

WHEREAS, on October 13, 2011 your Committee deliberated concerning the evidence presented at the Public Hearing, the information included with the application requesting local siting approval, and the information submitted as public comments on the application or otherwise relevant to the statutory siting criteria; and

WHEREAS, on October 13, 2011, your Committee found certain facts relevant to the statutory siting criteria to have been established, determined that the application satisfied the statutory siting criteria with certain Special Conditions deemed reasonable and necessary to accomplish the purposes of the Illinois Environmental Protection Act, and recommended that the Peoria County Board approve the application subject to those Special Conditions; and

WHEREAS, the findings and determinations of your Committee were set forth in a written document designated "Proposed Findings of Fact and Recommendations" that was filed with the Peoria County Clerk and made available to the Peoria County Board on November 2, 2011, a copy of which is attached to this Resolution and incorporated herein by reference; and

NOW THEREFORE BE IT RESOLVED, by the Peoria County Board, that the "Proposed Findings of Fact and Recommendations" of the Peoria County Regional Pollution Control Site Hearing Committee are hereby approved and adopted by the Peoria County Board.

RESPECTFULLY SUBMITTED,
REGIONAL POLLUTION CONTROL SITE HEARING COMMITTEE

NOVEMBER 16, 2011
APPROVED BY A ROLL CALL VOTE OF 14 AYES, WITH 4 ABSTENTIONS

Reviewed:
Dated:

FILED
NOV 11 2011
R. STEVE SONNEMAKER
PEORIA COUNTY CLERK
PROPOSED FINDINGS OF FACT AND RECOMMENDATIONS

The Proposed “Pollution Control Facility” For Which Siting Approval Is Requested

- The existing Peoria City/County Landfill facility is jointly owned by the City of Peoria and Peoria County.

- Ownership and operation of the City/County Landfill is subject to the current 1997 “Landfill Intergovernmental Agreement,” which established the City and County Landfill Committee (“Landfill Committee”) and assigned to the Landfill Committee the responsibility for oversight of landfill operations.

- The Landfill Committee also establishes policies and regulations for waste disposal at the City/County Landfill, administers those policies and regulations for specific waste streams, negotiates contracts for essential services, and conducts long-range planning.

- The Landfill Committee selected Peoria City/County Landfill, Inc. (“PCCLI”), an Illinois corporation, to site, design, construct and operate a new landfill facility that would expand the capacity of the existing City/County Landfill.

- A contract entered into between the County, City and PCCLI, known as the “Landfill Agreement,” required PCCLI to make application for and obtain local siting approval for a proposed new landfill and associated facilities.

- In addition to the Landfill Agreement, PCCLI and Peoria County entered into a "Host Community Agreement" for the proposed Peoria City/County Landfill No. 3 which provides certain rights, benefits, and obligations to both Peoria County and the Applicant.

- As the Applicant requesting local siting approval, PCCLI satisfied the notice requirements of Section 39.2 of the Illinois Environmental Protection Act (“the “Act”), 415 ILCS §5/39.2(b), that it intended to file an Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3.

- On May 18, 2011, PCCLI filed an application requesting local siting approval for a “pollution control facility” subject to local siting review under Section 39.2 of the Act, 415 ILCS 5/39.2.

- PCCLI is the “Applicant.”

- The proposed “pollution control facility” identified in PCCLI’s Application includes an expansion of the existing Peoria City/County Landfill and an associated facility for acceptance of recyclable materials and for temporary storage of household chemical wastes.
• The expansion of the existing Peoria City/County Landfill, also referred to as "Landfill #3," consists of a stand-alone disposal unit with a footprint of approximately 78 acres located immediately adjacent to the existing landfill facilities.

• The expansion proposes to add approximately 13,450,000 cubic yards of disposal capacity (capable of accommodating approximately 10,000,000 tons of solid waste).

• Pursuant to Section 39.2 of the Act, the legal authority for review of the application for siting approval and a determination to approve or disapprove the request is vested with the Peoria County Board.

• Section 39.2 specifies the criteria that must be considered by the County Board in its review of the Application for Local Siting Approval.

• In addition to the Environmental Protection Act, the Peoria County Pollution Control Facility Ordinance (Article II of Chapter 7.5) is applicable to review of requests for siting approval for pollution control facilities.

• Pursuant to ordinance, the Peoria County Regional Pollution Control Site Hearing Committee ("Site Hearing Committee") was given the responsibility to conduct the application review process and provide a recommendation to the full County Board specifying whether the request for siting approval should be approved, approved with conditions, or denied.

• On August 10, 2011, the Applicant satisfied the notice requirements of Section 39.2 of the Act (415 ILCS §5/39.2(d)), that a public hearing on the "Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3" was to be held before the Site Hearing Committee, beginning on August 29, 2011.

• From August 29, 2011, through August 31, 2011, the Site Hearing Committee conducted a Public Hearing regarding the Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3.
Criterion 1: The facility is necessary to accommodate the waste needs of the area it is intended to serve.

- The permitted disposal capacity of Peoria City/County Landfill No. 2 is projected to be exhausted sometime in 2020.

- The service area for the proposed Peoria City/County Landfill No. 3, as defined by the Applicant, is Peoria, Fulton, Stark, and Knox counties, and the portion of Marshall County west of the Illinois River, in Illinois.

- There are only two permitted municipal solid waste landfills currently operating within the service area of the proposed Peoria City/County Landfill No. 3; one in Peoria County and one in Knox County.

- The Applicant provided expert testimony that there will be a disposal capacity shortfall of at least 15,446,000 tons from 2010 through 2051 in the service area without the development of additional landfill capacity.

- The proposed Peoria City/County Landfill No. 3 is anticipated to provide 10,079,000 tons of disposal capacity.

- The Applicant provided testimony that the proposed Peoria City/County Landfill No. 3 is anticipated to provide approximately thirty-two (32) years of additional disposal capacity.

- The "Host Community Agreement" between Peoria County and the Applicant includes a "Capacity Guarantee" which requires the Applicant to provide the County with disposal capacity at the proposed Peoria City/County Landfill No. 3 for the disposal of all solid wastes and special wastes which are not defined as Hazardous Waste, i.e. "non-hazardous solid waste," which are generated within Peoria County, provided that the Applicant is permitted to receive said non-hazardous solid waste.

- There are no Household Chemical Materials ("HCM") facilities within the service area defined by the Applicant for the proposed Peoria City/County Landfill No. 3 and the proposed HCM facility.

- A feasibility study prepared for the County of Peoria in 2009 recommended the development of a permanent household collection facility in the County.

- At the hearing on August 30, 2011, Phillip Kowalski of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.

- In his report included in the Application and in his testimony at the Public Hearing, Mr. Kowalski rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is necessary to accommodate the waste needs of the area it is intended to serve.
- Mr. Neil Seldman provided expert testimony at the Public Hearing regarding the benefits of recycling as well as various types and methods of recycling.

- Representatives and members of the Peoria Families Against Toxic Waste (PFATW) and Heart of Illinois Group Sierra Club (HOIGSC) provided public comment and testimony at the Public Hearing that criticized some of the methodologies utilized by the Applicant and the findings of Applicant’s expert witness. Tracy Meints-Fox of PFATW provided testimony demonstrating the sensitivity of the Applicant’s Mr. Kowalski’s methodology to different assumptions.

- PFATW and HOIGSC did not, however, present independent studies, either prior to or at the Public Hearing, that established an alternative methodology demonstrating a smaller disposal capacity shortfall.

- After the close of the Public Hearing Mr. Seldman submitted written public comments in the form of a written report. As public comments, Mr. Seldman’s report was not subject to cross-examination and cannot be afforded the same level of credibility as testimony subjected to cross-examination during the Public Hearing.

- Mr. Seldman’s report included two scenarios that would result in a disposal capacity need of less than seven million tons; however, both scenarios require Peoria County to achieve first a 75% recycling rate in the year 2021 and then an 85% recycling rate in the year 2041 with other counties in the service area achieving recycling rates of between 9.4% and 38%.

- The current Peoria County Solid Waste Management Plan does not expect to achieve recycling rates of 75 to 85%, and no credible evidence in the record demonstrates that it is probable that Peoria County will achieve such admirably high recycling rates.

- In public comments submitted September 30, 2011 the Applicant indicated that the disposal capacity shortfall for the year 2020 plus 25 years would be 11,299,000 tons.

- The proposed Peoria City/County Landfill No. 3 and the HCM are necessary to accommodate the waste needs of the area it is intended to serve.

**Recommendations:**

The Committee finds the Applicant has demonstrated compliance with Criterion #1 subject to the following Special Condition:

**Special Condition:** While the Applicant is operating and accepting waste for disposal during the useful life of the proposed Peoria City/County Landfill No. 3, Applicant shall ensure that the proposed Peoria City/County Landfill No. 3 is available to accept for disposal all non-hazardous solid waste generated within Peoria County.
Criterion 2: The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

- The proposed Peoria City/County Landfill No. 3 is designed to incorporate a composite liner system typical of new landfills in Illinois plus a double liner in critical areas designed to exceed the requirements of the Illinois Environmental Protection Agency. Although the double liner portions of the design are not required by the Illinois EPA, the County Staff agrees that the liner components are important to providing additional protection in the critical leachate areas.

- Most of the proposed Peoria City/County Landfill No. 3 will have an inward hydraulic gradient.

- The design for the proposed Peoria City/County Landfill No. 3 has a leachate management system that will restrict the leachate head to less than twelve inches at any point in the proposed Peoria City/County Landfill No. 3.

- The design for the proposed Peoria City/County Landfill No. 3 has a final cover system designed to reduce the amount of infiltration into the landfill.

- The design for the proposed Peoria City/County Landfill No. 3 includes a landfill gas monitoring system and a conceptual landfill gas collection system.

- The proposed Peoria City/County Landfill No. 3 has a construction quality assurance ("CQA") program that assures construction of the bottom and side liners, gas system, leachate system, soil liners, cap components and other landfill systems are constructed according to the permitted plan. The CQA program requires certification of the construction of the proposed landfill by a third-party professional engineer, licensed in Illinois.

- The compaction of the subgrade soil fill areas and the three foot low permeability liner at the proposed Peoria City/County Landfill No. 3 will be tested in place during installation. In some areas of the design, significant fills of well over 10 feet is required.

- Adequate compaction and testing of the subgrade fill areas that have significant fills is crucial to the landfill liner stability and were discussed in the September 23rd Regional Pollution Control Site Hearing Committee meeting.

- Implementation of the CQA program that was included in the Application, and specifically the requirements applicable to "Compacted Foundation Fill," is critical to the safe design and operation of the proposed Peoria City/County Landfill No.3.

- An independent CQA program officer is required to be at the site during construction. Presence of the City/County Landfill Committee's designated engineer during the construction of critical fill areas will provide additional assurance the Applicant implements the CQA program and that construction of "Compacted Foundation Fill" is adequate to ensure negligible differential settlement of the liner.

Final Findings of Fact as approved by RFCSH Cante
• The design for the proposed Peoria City/County Landfill No. 3 has an adequate stormwater management program, adequate closure and post-closure care programs, and final stable slopes which will promote storm water drainage and reduce erosion.

• The northeast stormwater basin and the southeast stormwater basin berm elevations, by virtue of their height (greater than 6 feet) and the holding capacity of the basins (greater than 50 acre-feet), constitute Class III dams in accordance with IDNR regulations.

• In its Public Comments filed on September 30, 2011, Applicant commits to achieving and maintaining compliance with all applicable IDNR regulations, including the requirement to obtain Class III dam permits.

• The Application did not include a specific design for the Citizens Convenience Center and Household Chemical Materials facility.

• The internal traffic flow and drop-off configurations for the Citizens’ Convenience Center and Household Chemical Materials facility accommodate customer safety, facilitate recycling, and allow proper management of household hazardous wastes and other materials.

• As a witness for the Applicant at the hearing, Mr. Devin Moose, P.E., of Shaw Environmental, Inc., rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so designed that the public health, safety and welfare will be protected.

• The proposed Peoria City/County Landfill No. 3 is so designed that the public health, safety and welfare will be protected, provided Applicant fully complies with all Special Conditions.

• The proposed Peoria City/County Landfill No. 3 meets all required set-backs from public use airports.

• The wetlands impacted by the proposed Peoria City/County Landfill No. 3 will be mitigated prior to its disturbance, through the creation of a wetland on Peoria Park District property that is at least 50% larger than the proposed wetland disturbance area.

• All other regulatory location criteria are satisfied.

• In his testimony at the hearing, Mr. Moose rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.

• The proposed Peoria City/County Landfill No. 3 is located in an area which, due to low yield, is unfavorable for the development of groundwater resources.

• The extent of underground mining activities in and around the proposed Peoria City/County Landfill No.3 site has been defined by the Applicant.
• The extensive investigations conducted pertaining to underground mining activities in and around the proposed Peoria City/County Landfill No. 3 site demonstrate that there is no evidence that underground mines extend beneath the proposed Peoria City/County Landfill No. 3 waste footprint.

• The Applicant provided expert testimony that proposed Peoria City/County Landfill No. 3 waste footprint will be positioned outside a conservative angle of draw from any adjacent mines, and that, therefore, the proposed Peoria City/County Landfill No. 3 will not be affected by the collapse of any underground mines adjacent to the proposed Peoria City/County Landfill No. 3.

• At the hearing on August 30, 2011, Martin Fallon, P.G., of Shaw Environmental, Inc., testified regarding the Peoria City/County Landfill No. 3. In his report submitted with the application and his testimony, Mr. Fallon rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected from a geologic and hydrogeologic standpoint and with consideration of the site location in relation to nearby underground coal mines.

• There is no credible evidence in the record contradicting the opinion of Applicant's expert witness that the proposed Peoria City/County Landfill No. 3 waste footprint is shown to be a distance away from underground mines.

• The Application indicates the presence of former underground mines located outside the waste footprint and under or near other landfill infrastructure, including the entrance road, the Citizens’ Convenience Center and Household Chemical Materials facility, the landfill gas facility, and the stormwater detention basins. Subsidence of these areas could cause disruption of operations or pose other safety risks depending upon the extent and location of the subsidence.

• The Applicant did not submit a Mine Subsidence Plan as part of the Application.

• The Applicant, in its written comments submitted September 30, 2011, included a proposed Mining Subsidence Plan, and indicated that a final mine subsidence plan would need to be approved by the City/County Landfill Committee prior to implementation.

• During the Public Hearing and in public comments submitted September 30, 2011 Applicant agreed that Applicant would obtain a Class III dam permit for the sediment basins (a.k.a. stormwater management basins) if required, and further that Applicant would maintain any embankments that may be classified as dams at the Peoria City/County Landfill Facility.

• Proper design and maintenance of the proposed stormwater management basins identified in the Application, including compliance with regulations promulgated by the Illinois Department of Natural Resources (“IDNR”) for dams, are necessary to ensure that the proposed Peoria City/County Landfill No. 3 is so designed and operated as to protect the public health, safety and welfare.
At the hearing on August 30, 2011, Daniel J. Drummerhausen P.G., of Shaw Environmental, Inc. testified for the Applicant regarding Peoria City/County Landfill No. 3 and the Groundwater Impact Evaluation ("GIE").

The results of the GIE demonstrate that the Peoria City/County Landfill No. 3 will not adversely impact the groundwater quality 100 feet from the waste boundary after 100 years of closure, and that the site-specific hydrogeologic conditions are favorable for the development of a landfill.

In his testimony at the hearing, Mr. Drummerhausen rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.

Other than Mr. Moose, Martin Fallon, P.G., and Daniel Drummerhausen, P.G., no other expert witness provided testimony as to whether the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.

There is no credible evidence in the record refuting Mr. Moose's, Mr. Drummerhausen's and Mr. Fallon's opinions that the proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected.

The proposed Peoria City/County Landfill No. 3 is so located that the public health, safety and welfare will be protected, provided a plan is developed to address mine subsidence.

There is a plan of operations for the proposed Peoria City/County Landfill No. 3.

The proposed Peoria City/County Landfill No. 3 will be permitted to accept waste between the hours of 7:00 a.m. and 5:30 p.m., Monday through Saturday.

The plan of operations for the proposed Peoria City/County Landfill No. 3 includes site access controls, a transportation plan, waste acceptance and unauthorized waste controls and load-checking procedures, leachate management provisions, environmental controls, including stormwater quality, air quality, dust and odor, mud tracking, noise, vector and litter controls, groundwater and gas monitoring, regular inspections and maintenance procedures.

The plan of operations for the proposed HCM Facility includes procedures to ensure the safe handling, storage, and management of household hazardous wastes and other materials that will be accepted at the facility.

The plan of operations includes activities to prevent unacceptable wastes from disposal at the landfill. In Public Comments filed with the Peoria County Clerk on September 16, 2011, the Applicant stated that it would agree to Special Conditions as a condition of siting approval to not accept PCB remediation wastes that have a concentration of PCBs of 50 ppm or greater as well as any delisted K-061 waste, at Peoria City/County Landfill No. 3.
• The Applicant has agreed to the imposition of a Special Condition as a condition of siting approval that the Applicant shall not request, seek, apply for or accept a chemical waste landfill approval for Peoria City/County Landfill No. 3 from the United States Environmental Protection Agency.

• Peoria City/County Landfill, Inc. will provide routine reports to the Illinois Environmental Protection Agency for the proposed Peoria City/County Landfill No. 3, including groundwater quality reports, waste volume reports, annual capacity certifications, annual groundwater flow reports, and annual emissions and storm water reports.

• At the hearing on August 31, 2011, Ronald J. Welk, Vice President of Peoria City/County Landfill, Inc., the applicant for the proposed Peoria City/County Landfill No. 3, testified regarding the proposed Peoria City/County Landfill No. 3.

• In his testimony at the hearing, Mr. Welk rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so proposed to be operated that the public health, safety and welfare will be protected.

• The proposed Peoria City/County Landfill No. 3 is proposed to be operated that the public health, safety and welfare will be protected, with Applicant’s commitments restricting the types of wastes that will be accepted for disposal.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #2 subject to the following Special Conditions:

Special Condition: Applicant may accept only non-hazardous Solid Waste for disposal at Peoria City/County Landfill No. 3. Applicant shall not knowingly accept, treat or dispose of (i) any waste that is defined as hazardous by the Illinois Environmental Protection Act (the “Act”) or the regulations adopted thereunder, or (ii) any waste that is regulated as radioactive waste or infectious waste under the Act or regulations adopted thereunder, or (iii) PCB remediation wastes that have a concentration of PCBs of 50 ppm or greater, or (iv) any delisted R-061 waste, at Peoria City/County Landfill No. 3.¹

Special Condition: Applicant shall not request, seek, apply for or accept a chemical waste landfill approval for Peoria City/County Landfill No. 3 from the United States Environmental Protection Agency pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976, Public Law No. 94-469, 15 USC 2605(e)(1) and the federal PCB regulations promulgated thereunder.¹

¹In Public Comments filed with the Peoria County Clerk on September 16, 2011, the Applicant stated that it would agree to the imposition of this Special Condition as a condition of siting approval, subject to approval of the City/County Landfill Committee. The text of this Special Condition is taken verbatim from the Applicant’s Public Comments.
Special Condition: The Applicant shall identify all regulatory and permitting requirements applicable to the proposed stormwater management basins identified in the Application, including applicability of the regulations promulgated by the Illinois Department of Natural Resources ("IDNR") for dams. The results of the Applicant's investigation and regulatory determination shall be provided to the City/County Landfill Committee. If any stormwater management basin developed by the Applicant for the proposed landfill expansion is regulated by the IDNR regulations, Applicant shall be responsible for achieving and maintaining compliance with all applicable IDNR regulations and requirements, including the requirement to apply for and obtain a permit.

Special Condition: Applicant shall develop and submit to the City/County Landfill Committee and to the Illinois Environmental Protection Agency ("Illinois EPA") a Construction Quality Assurance ("CQA") plan that includes all of the components applicable to "Compacted Foundation Fill" that are included in the Application. The CQA plan shall provide that fill materials placed anywhere beneath the landfill floor Earth Liner shall meet the specified requirement of Compacted Foundation Fill, as referenced in the Application. The Applicant shall implement the CQA plan as approved by the Illinois EPA. The Applicant shall ensure that the City/County Landfill Committee designated engineer is given advance notice and is present to observe construction of the foundation fill where fills are greater than 10 feet and the construction quality assurance officer confers with the designated engineer to confirm that the test results are appropriate during the construction process.

Special Condition: In constructing the leachate collection system, the Applicant shall include the additional components, including a geosynthetic clay layer ("GCL") and an additional HDPE membrane liner, in the leachate trenches and sump areas as identified in the Application. The permit application materials submitted to the Illinois Environmental Protection Agency ("IEPA") for construction and development of the landfill shall include the GCL and second HDPE membrane liner in the leachate trenches and sump areas, or more protective design features if required by IEPA regulations.

Special Condition: The Applicant shall submit a written plan to the City/County Landfill Committee for approval that will address how the Applicant will identify and confirm, and then address the results of a potential mine subsidence event. The plan shall include: how the site survey control will be utilized to determine if a subsidence event has occurred; when and how observations are made of the facility to identify a subsidence event; the notification procedure and expected steps in reporting; and specific immediate steps that will be taken if subsidence impacts the site roadways, stormwater basin bottoms and berms, landfill gas header lines, the landfill gas facilities, and Household Chemical Waste facility. The plan shall be included in the Illinois EPA permit application and will propose that certain immediate remedial actions are not contingent upon waiting for an Illinois EPA response or permit revision, although the Applicant will notify Illinois EPA of the response as soon as practicable. The goal of this condition is to identify a preapproved and permitted method that is ready for action. The plan should also address the normal Illinois EPA permit revision process when subsidence is not an
immediate threat to the continued safe and compliant operation of the site as determined by the site operator and the City/County Landfill Committee chair.\(^1\)

\[^1\text{In Public Comments filed with the Peoria County Clerk on September 30, 2011, the Applicant stated that it would agree to the imposition of a Special Condition, as a condition of site approval, which would require development and implementation of a Mine Subsidence Plan. The Applicant included a proposed Mining Subsidence Plan with its public comments.}\]
Criterion 3: The facility is so located as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

- The character of the area surrounding the proposed Peoria City/County Landfill No. 3 is largely agricultural and open space.

- Landfilling activities have occurred at the site of the proposed Peoria City/County Landfill No. 3 since 1976 and therefore, the proposed landfill expansion is consistent with historical land use activities and is not expected to change the historical trend in local land use patterns.

- Residential land uses within two miles of the proposed Peoria City/County Landfill No. 3 are buffered by topography, vegetation, and distance from the proposed Peoria City/County Landfill No. 3.

- Residential land uses within two miles of the proposed Peoria City/County Landfill No. 3 have coexisted with landfill operations for more than thirty-five (35) years.

- The Landscape Plan included in the Application for the proposed Peoria City/County Landfill No. 3 is designed to buffer the Facility’s frontage, along Cottonwood Road with significant setbacks, berms and plantings.

- At the Public Hearing on August 29, 2011, J. Christopher Lannert, R.L.A., of the Lannert Group, testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.

- In his report included with the Application and in his testimony at the Public Hearing, Mr. Lannert rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located as to minimize incompatibility with the character of the surrounding area.

- The proposed Peoria City/County Landfill No. 3 is so located as to minimize incompatibility with the character of the surrounding area, provided the Applicant timely constructs the berms and planting north of Cottonwood Road right-of-way as stated in the Application.

- Substantial visual buffering of the proposed Peoria City/County Landfill No. 3 from surrounding properties helps to minimize effects on surrounding property values.

- At the Public Hearing on August 29, 2011, Peter J. Poletti, Ph.D., MAI, of Poletti & Associates, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.

- In his report included with the Application and in his testimony at the Public Hearing, Mr. Poletti rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is so located as to minimize the effect on the value of the surrounding area.
The proposed Peoria City/County Landfill No. 3 is so located as to minimize the effect on the value of the surrounding area, provided the Applicant timely constructs the berms and planting north of Cottonwood Road right-of-way as stated in the Application.

In Public Comments the Applicant stated that it would agree to the imposition of a Special Condition as a condition of siting approval requiring the Applicant to construct the berms and plantings north of Cottonwood Road right-of-way as stated in the Application.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #3 subject to the following Special Condition:

Special Condition: In order to minimize the impact of the proposed Peoria City/County Landfill No. 3 on the character of the surrounding area and the value of the surrounding property, Applicant shall construct such berms and plantings north of Cottonwood Road right-of-way as generally shown on the Landscape & End Use Plan (Sheet No. 6) and Landscape Details (Sheet No. 7) provided in Section 3.1 of the Application for Local Siting Approval of a Pollution Control Facility, Peoria City/County Landfill No. 3, and as depicted on Ex. 8, Lambert Slide 15, admitted at the hearing concerning the Application on September 1, 2011, as are deemed reasonably necessary and technically feasible by the Joint City of Peoria-County of Peoria Solid Waste Disposal Facility Board. Applicant shall provide a grading and landscape-plan depicting the proposed berms and planting to the Joint City of Peoria-County of Peoria Solid Waste Disposal Facility Board for approval prior to construction. The berms shall be completed prior to the acceptance of waste in the proposed Peoria City/County Landfill No. 3. The trees and plantings shall be planted no later than during the first growing season following initial waste acceptance.
Criterion 4: The facility is located outside the boundary of the 100-year flood plain.

- No portion of the proposed Peoria City/County Landfill No. 3 is located within the three-dimensional boundary of the 100-year flood plain established by FEMA’s Flood Insurance Rate Maps.

- At the hearing on August 30, 2011, Devin A. Moose, PE, DEE, of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the Peoria City/County Landfill No. 3.

- In his report submitted with the application and in his testimony at the Public Hearing, Mr. Moose rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is located outside the 100-year flood plain.

- There is no credible evidence in the record refuting the fact that the proposed Peoria City/County Landfill No. 3 is located outside the 100-year flood plain.

- The proposed Peoria City/County Landfill No. 3 is located outside the 100-year flood plain.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #4.
Criterion 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.

- Applicant has committed to implement hazard identification, prevention and response, medical services and first-aid, site safety, accident prevention and contingency, and emergency and fire prevention plans at the proposed Peoria City/County Landfill No. 3.

- Applicant has committed to monitor landfill gas to minimize the danger of explosions and to inspect and operate secondary containment of leachate to minimize the danger of spills at the facility.

- Applicant has committed to design and operate the HCM Facility to prevent fires, explosions and spills.

- Applicant has committed to maintain a communication system capable of utilizing 911 emergency services, if necessary, and first aid kits at the proposed Peoria City/County Landfill No. 3, in order to minimize the danger from accidents or injuries to people at the facility.

- Applicant has committed to develop and implement plans to minimize the danger of fire, spills and other operational accidents at the facility.

- Applicant has committed to train its employees involved in load checking or waste disposal activities to minimize the danger of fire, spills and other operational accidents at the facility.

- Applicant has committed to coordinate with local governmental units, including the Tivoli Fire Protection District, Peoria County EMA, and the Peoria County Sheriff's Office in order to minimize the danger of fire, spills and other operational accidents at the proposed Peoria City/County Landfill No. 3.

- At the hearing on August 31, 2011, Ronald J. Welk, Vice President of Peoria City/County Landfill, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.

- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Welk rendered an expert opinion that the proposed plan of operations for the proposed Peoria City/County Landfill No. 3 is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.

- Mr. Welk also testified that the Applicant intends to develop and implement an environmental management system designed to increase its effectiveness and efficiency of achieving compliance with environmental requirements including receiving the ISO 14000 environmental certification.
- The proposed plan of operations for the proposed Peoria City/County Landfill No. 3 is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents, provided the Applicant implements effectively both the plans, monitoring, and procedures identified in the Application as well as a formal environmental management system designed to identify and control the Applicant's environmental impact and ensure compliance.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #5 subject to the following Special Condition:

Special Condition: Implementation of an Environmental Management Systems (EMS) is a recognized, sound business practice designed to increase effectiveness and efficiency through better management of environmental issues that affect the mission of an organization. Applicant shall implement a formal environmental management system designed to identify and control the Applicant's environmental impact, ensure compliance with the (i) Plan of Operations, (ii) applicable environmental requirements, and (iii) regulations and policies implemented by the Peoria City/County Landfill Committee, and to implement a systematic approach to meeting all environmental objectives. The International Standards Organization ("ISO") 14000 group of standards is one example of the criteria that should be incorporated into an acceptable system.
Criterion 6: The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flow.

- The existing landfill entrance off Cottonwood Road will continue to be the main entrance to the proposed Peoria City/County Landfill No. 3.
- The current sight distance is less than the design standard at the Illinois Route 8 with Cottonwood Road intersection.
- Sufficient on-site queuing is available to accommodate the proposed Peoria City/County Landfill No. 3, Citizen’s Convenience Center and HCM Facility.
- At the hearing on August 30, 2011, Robert Lee Cannon, P.E., PTOE, of Crawford, Bunte, Brammeier, testified on behalf of the Applicant regarding the Peoria City/County Landfill No. 3.
- In his report submitted with the application and in his testimony at the Public Hearing, Mr. Cannon rendered an expert opinion that the traffic patterns to and from the proposed Peoria City/County Landfill No. 3 are so designed as to minimize the impact on existing traffic flow.
- There is no credible evidence in the record rebutting Mr. Cannon’s expert opinion that the traffic patterns to and from the proposed Peoria City/County Landfill No. 3 are so designed as to minimize the impact on existing traffic flow.
- The traffic patterns to and from the proposed Peoria City/County Landfill No. 3 are so designed as to minimize the impact on existing traffic flow, but the record documented the existing sight distances at the intersection of Illinois Route 8 with Cottonwood Road are inadequate.

Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #6 subject to the following Special Condition:

Special Condition: Applicant shall submit a request to the Illinois Department of Transportation ("IDOT"), asking IDOT to conduct design and/or speed studies for the purpose of improving the sight distances at the intersection of Cottonwood Road and Illinois Route 8. Applicant shall coordinate its request to IDOT with the City/County Landfill Committee.

Final Findings of Fact as approved by RPSII Cote
Criterion 7: If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan for the facility will be developed to include notification, containment and evacuation procedures to be used in case of an accidental release.

- The proposed Peoria City/County Landfill No. 3 will not be treating, storing or disposing of hazardous waste.

- The Applicant has committed to implement a waste analysis plan and waste acceptance program reasonably calculated to limit the opportunity for customers to dispose of unauthorized wastes at the facility.

- The Applicant has committed to implement site access controls intended to limit the opportunity for unauthorized dumping at the facility.

- At the hearing on August 31, 2011, Ronald J. Welk, Vice President of Peoria City/County Landfill, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.

- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Welk rendered an expert opinion that the proposed operations of the proposed Peoria City/County Landfill No. 3 would reasonably prevent hazardous waste from being disposed of at the facility.

- There is no credible evidence in the record refuting the fact that the proposed operations of the proposed Peoria City/County Landfill No. 3 would reasonably prevent hazardous waste from being disposed of at the facility.

- Applicant’s plans for operating the proposed Peoria City/County Landfill No. 3 will reasonably prevent hazardous waste from being disposed of at the facility.

- The Household Chemical Materials Facility (“HCM Facility”) described in the Application is intended to receive materials characterized as “household hazardous wastes” by the applicable Illinois environmental regulations.

- The Application included general information about the proposed operations of the HCM Facility but did not provide detailed information regarding its design, personnel training, or a specific plan of operations.

- As stated in the Application and in testimony introduced at the Public Hearing, household hazardous wastes collected at and stored at the HCM Facility will be segregated from other waste materials, separately managed, and will not be disposed of at the Peoria City/County Landfill.
Recommendations

The Committee finds the Applicant has demonstrated compliance with Criterion #7 subject to the following Special Conditions:

**Special Condition:** Household hazardous wastes collected and stored at the Household Chemical Materials Facility ("HCM Facility") will be segregated from other waste materials, separately managed, and shall not be disposed of at the Peoria City/County Landfill.

**Special Condition:** Prior to beginning construction of the HCM facility, Applicant shall provide to the Peoria City/County Landfill Committee, for its review and approval, detailed plans of the facility, a personnel training plan, and an operations plan specific to the household chemical management that demonstrate protection equivalent to the applicable sections of 35 Ill. Admin. Code, Section 724.104, "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities."

**Special Condition:** Applicant shall inspect all waste materials brought to the Household Chemical Materials ("HCM") facility for disposal or management. If those waste materials do not constitute "household hazardous waste" that can be accepted at the HCM facility, or otherwise are not allowed to be accepted at the HCM facility, the Applicant shall provide information to the person who brought the waste materials to the HCM facility that (i) identifies lawful disposal methods or, (ii) the facilities where such waste materials may be disposed.
Criterion 8: If the facility is to be located in a county where the county has adopted a solid waste management plan, the facility is consistent with the plan.

- The Peoria County Solid Waste Management Plan was adopted in May, 1991, and has been updated on five year intervals through June, 2008.

- Collectively, the original Peoria County Solid Waste Management Plan and the updates thereto constitute the “Peoria County Solid Waste Management Plan.”

- The Peoria County Solid Waste Management Plan recommends a system which included development of in-County landfill capacity.

- At the hearing on August 29, 2011, Phillip Kowalski of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.

- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Kowalski rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is consistent with the Peoria County Solid Waste Management Plan.

- There is no credible evidence in the record refuting the fact that the proposed Peoria City/County Landfill No. 3 is consistent with the Peoria County Solid Waste Management Plan.

- The proposed Peoria City/County Landfill No. 3 is consistent with the Peoria County Solid Waste Management Plan.

Recommendations:

The Committee finds the Applicant has demonstrated compliance with Criterion #8.
Criterion 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.

- Regulated recharge areas are established by state rulemaking.

- At the hearing on August 30, 2011, Devin A. Moose, PE, DEE, of Shaw Environmental, Inc., testified on behalf of the Applicant regarding the proposed Peoria City/County Landfill No. 3.

- In his report submitted with the Application and in his testimony at the Public Hearing, Mr. Moose rendered an expert opinion that the proposed Peoria City/County Landfill No. 3 is not located within a regulated recharge area.

- There is no credible evidence in the record refuting the fact that the proposed Peoria City/County Landfill No. 3 is not located within a regulated recharge area.

- The proposed Peoria City/County Landfill No. 3 is not located within a regulated recharge area.

Recommendations:

The Committee finds the Applicant has demonstrated compliance with Criterion #9.
Addition to Question 7.

Horizontal waste disposal unit boundaries are set forth in the attached Sheet No. 1 and Sheet No. 2, contained within the Siting Application.

Bottom vertical waste disposal unit boundaries are set forth in the attached Drawing No. D9—Leachate Collection System Layer Grades contained within the Siting Application.

Top vertical waste disposal unit boundaries are set forth in the attached Drawing No. D10—Final Landform Grades contained within the Siting Application (the top vertical waste disposal unit boundary would be approximately four (4) lower than the final landform grades).

111-1769
STAND ALONE DESIGN

LANDFILL 3

Preliminary Plan

Plan of Sydney
EXHIBIT E

ESCROW AGREEMENT

This Escrow Agreement is made and effective _______________ 20__, by and among COUNTY OF PEORIA, ILLINOIS, a body politic and corporate (the "County"), CITY OF PEORIA, ILLINOIS (the "City"), a municipal corporation (the "City"), and the JOINT CITY OF PEORIA – COUNTY OF PEORIA SOLID WASTE DISPOSAL FACILITY BOARD (the "Committee"), and _________________ ("Escrow Agent"). In consideration of the mutual obligations and undertakings contained herein, the parties agree as follows:

1.  RECITALS

   1.1 The County, the City, the Committee and Peoria City/County Landfill, Inc. ("PCCL") entered into a certain Landfill Agreement effective ________________ (the "Landfill Agreement").

   1.2 Pursuant to the Landfill Agreement, PCCL is required to site, design, construct and operate a solid waste disposal facility ("Expansion Solid Waste Facility") located at the Joint City of Peoria/County of Peoria Solid Waste Disposal Facility at Edwards, Illinois (the "Facility"). The Facility is described in Schedule 1.

   1.3 Landfill No. 1, a closed landfill owned by the County and the City, is located at the Facility. Pursuant to the Landfill Agreement, PCCL is required to perform certain post-closure care activities with respect to Landfill No. 1.

   1.4 Pursuant to the Landfill Agreement, the County and the City are required to enter into this Escrow Agreement in order to provide a source of funds to pay for certain activities at Landfill No. 1 and the Expansion Solid Waste Facility.

   1.5 The funds shall be held and disbursed pursuant to the terms of this Escrow Agreement.

2.  ESCROW.

2.1 Escrow Deposit. (a) There is hereby deposited by the Committee with the Escrow Agent the sum of Two Hundred Fifty Thousand Dollars ($250,000.00). That sum, and any and all additional sums as may be added from time to time shall be held by the Escrow Agent in the escrow fund ("Escrow Fund"). The Escrow Agent is authorized and directed to hold all deposits in the Escrow Fund in accordance with the terms and conditions of this Escrow Agreement.

   (b) Purpose of Escrow Fund. The purpose of the Escrow Fund will be to provide a source of funds for the following activities ("Corrective Action and Perpetual Care"): 
(i) Address corrective actions at Landfill No. 1;

(ii) Address corrective actions at the Expansion Solid Waste Facility commencing thirty (30) years after the closure of the Expansion Solid Waste Facility;

(iii) Provide Perpetual Care (as hereinafter defined) at Landfill No. 1; and

(iv) Provide Perpetual Care commencing thirty (30) years after the closure of the Expansion Solid Waste Facility.

As used herein, Perpetual Care means all activities necessary to maintain Landfill No. 1 and the Expansion Solid Waste Facility in an environmentally safe and secure condition in perpetuity. Perpetual Care may include, but shall not be limited to the activities described in Schedule 2 attached hereto.

(c) Withdrawals from Escrow Fund. Sums or assets constituting the Escrow Fund may be withdrawn only in accordance with Section 3 hereof.

2.2 Investments. All cash deposits in the Escrow Fund shall be invested in any one or more of the types of investments described in Schedule 3 attached hereto ("Permitted Investments"). The Permitted Investments shall be made by the Escrow Agent pursuant to written instructions signed by the County and the City designating specific securities, financial institutions or government obligations in which such funds should be invested. If and to the extent that the Escrow Agent is required to file an informational return with the Internal Revenue Service with respect to the investment earnings on the amounts on deposit in the Escrow Fund, all investment earnings shall be allocated equally to the County and the City.

3. DISBURSEMENTS FROM ESCROW FUND.

3.1 Corrective Action/Perpetual Care. PCCL shall have primary responsibility for providing Corrective Action and Perpetual Care. The Committee and PCC shall mutually agree upon a proposed work plan prior to the performance of Corrective Action or Perpetual Care.

3.2 Disbursements by Escrow Agent. The Escrow Agent shall only disburse funds from the Escrow Fund upon receiving a written direction signed by both the Committee and PCCL.

3.3 Restriction on Use. The Escrow Fund shall only be used to pay for the costs of Corrective Action and Perpetual Care and for no other purpose.
4. **ESCROW OPERATIONS.**

The parties hereto (which term "parties" or "party" as used in this Section 4 shall not include the Escrow Agent) for themselves, their successors, heirs and personal representatives do hereby agree with the Escrow Agent that:

4.1 **Assignment.** No assignment or attempted assignment of this Escrow Agreement or any interest hereunder by any party hereto shall be of any force or effect unless and until the Escrow Agent, in its sole discretion, shall give its written consent thereto.

4.2 **Successors.** No person, firm or corporation will be recognized by the Escrow Agent as a successor, heir or personal representative of any party hereto until there shall be presented to the Escrow Agent evidence satisfactory to it of such succession.

4.3 **Liabilities and Duties.** The Escrow Agent shall have no duties or responsibilities except as expressly set forth in this Escrow Agreement and shall neither be obligated to recognize nor have any liability or responsibility arising under any other agreement to which Escrow Agent is not a party, even though reference thereto may be made herein.

4.4 **Indemnities.** The Escrow Agent shall not be responsible for the identity, authority or rights of any person, firm or corporation executing or delivering or purporting to execute or deliver this Escrow Agreement or any document or security deposited hereunder or any endorsement thereon or assignment thereof.

4.5 **Reliance Upon Instruments.** The Escrow Agent may rely upon any instrument of writing believed by it to be genuine and sufficient and properly presented, and shall not be liable or responsible for any action taken or omitted in accordance with the provisions thereof.

4.6 **Reasonable Care.** The Escrow Agent shall not be liable or responsible for any act it may do or omit to do in the exercise of reasonable care.

4.7 **Compliance with Judicial Proceedings.** In case any property held by the Escrow Agent hereunder shall be attached, garnished or levied upon under any order of the court, or the delivery thereof shall be stayed or enjoined by any order of the court, or any other order, judgment or decree shall be made or entered by any court affecting such property, or any part thereof, or any act of the Escrow Agent, it is hereby expressly authorized, in its sole discretion, to obey and comply with all writs, orders, judgments or decrees so entered or issued, whether with or without jurisdiction, and in case the Escrow Agent obeys and complies with any such writ, order, judgment or decree, it shall not be liable to any of the parties hereto, their successors, heirs or personal representatives or to any other person, firm or corporation, by reason of such compliance notwithstanding that such writ, order, judgment or decree is subsequently reversed, modified, annulled, set aside or vacated.
4.8 Compensation of Escrow Agent. The Escrow Agent shall be entitled to compensation for its services, and may employ agents and attorneys for the reasonable protection for the property held hereunder and of itself and shall have a lien on any such property for its compensation and for any and all costs, expenses and attorney's fees reasonably incurred by it. The compensation of the Escrow Agent shall be as follows:

(a) A fee not to exceed the amount of ___________ Dollars ($______) to cover the setup costs. The fee is payable in full upon execution of this Agreement.

(b) An annual fee not to exceed the amount of _______________ Dollars ($______).

(c) In addition, the Escrow Agent shall receive reasonable compensation for any additional or extraordinary services rendered or costs incurred hereunder, including without limitation, reasonable attorneys' fees incurred by the Escrow Agent if it deems it necessary to consult with its attorneys in connection with its obligations in connection with this Escrow Agreement; provided, however, that the Escrow Agent will provide the Committee and PCCL with ten (10) days prior written notice before performing any additional or extraordinary services.

5. MISCELLANEOUS.

5.1 Successors and Assigns. This Escrow Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The parties stipulate and agree that this Escrow Agreement is an integral part of the Landfill Agreement to which this Escrow Agreement is attached. PCCL is a third-party beneficiary of this Escrow Agreement. To the extent the Landfill Agreement is assigned pursuant to the terms and conditions of that agreement, the parties contemplate that simultaneous assignment of the rights under this Escrow Agreement to the same assignee of the Landfill Agreement.

5.2 Counterparts. For the convenience of the parties, this Escrow Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document.

5.3 Notices. Any notice, statement or other communication which is required or may be given hereunder shall be in writing and shall be sufficient in all respects if delivered personally or by certified mail, postage prepaid, as follows or to such other address as may hereafter be designated by written notice given by any of the parties hereto to the other parties in the manner provided herein.
If to the County:

Peoria County Administrator
Room 501
324 Main Street
Peoria, IL 61602-1318
Attention: County Administrator
Telecopier No.: (309) 672-6054

If to the City:

City of Peoria
419 Fulton Street
Peoria, IL 61602
Attention: City Manager
Telecopier No.: (309) 494-8559

With a copy to:

City of Peoria
419 Fulton Street
Peoria, IL 61602
Attention: Director of Public Works
Telecopier No.: (309) 494-8658

If to the Committee:

Peoria City/County Landfill Committee
c/o City of Peoria
419 Fulton Street
Peoria, IL 61602
Attention: Chairman

If to PCCL:

Peoria City/County Landfill, Inc.
P.O. Box 9071
Peoria, Illinois 61612-9071
Attention: President
Telecopier No.: (309) 688-9611
If to the Escrow Agent:

________________________________________

Attention: ______________________________

5.4 Payment of Escrow Agent Fees. All fees and expenses of the Escrow Agent under Section 4.8 shall be deducted from the Escrow Fund.

5.5 General Terms. This Escrow Agreement may not be amended except by an agreement in writing by all parties hereto, and PCCL. This Escrow Agreement shall be governed by and construed in accordance with the laws of the State of Illinois. Any litigation involving this Agreement shall be filed in a court of competent jurisdiction in Peoria County, Illinois.

5.6 Automatic Renewal. The term of this Escrow Agreement shall be one hundred (100) years from the effective date set forth above, and at the end of the initial term and any renewals thereof, it shall automatically renew for an additional one hundred (100) years without the requirement of notice from any party.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement as of the day and year first above written.

COUNTY: CITY:
COUNTY OF PEORIA CITY OF PEORIA
By: ____________________________ By: ____________________________
Its: ____________________________ its: ____________________________
ESCROW AGENT: COMMITTEE
________________________________________

By: ____________________________
its: ____________________________

JOINT CITY OF PEORIA-COUNTY OF PEORIA SOLID WASTE DISPOSAL FACILITY BOARD

By: ____________________________
Its: ____________________________

109-1694
SCHEDULE 2
ESCROW AGREEMENT
PERPETUAL CARE ACTIVITIES

Facility Inspections, including labor, vehicle and professional engineer review.

Cover and Stormwater Management Facilities Maintenance, including equipment mobilization and demobilization, labor, equipment, professional engineer review, erosion/settlement repair, import/place topsoil, import/place random fill, import/place riprap, vegetation repair (tilling and seeding) and mowing.

Leachate Collection, including system maintenance and leachate extraction, treatment and disposal.

Data Evaluation, including annual data review and report.

Remediation Costs of Landfill No. 1 and the Expansion Solid Waste Facility (commencing thirty years after the closure of the Expansion Solid Waste Facility) and adjoining property, including all necessary expenses incurred in the investigation, removal, remediation, neutralization or immobilization of contaminated soil, surface water, groundwater, or other contamination.

Insurance, including environmental impairment liability insurance.

Natural resource damage costs, including all reasonable direct costs (including costs of assessment) associated with action necessary to restore (including replacement) natural resources.

Groundwater monitoring costs, including reasonable costs of sampling and analysis, and for well maintenance and repairs.

Legal Costs reasonably incurred with respect to perpetual care activities and preserving the escrow fund.

Professional Engineer Costs, and related expenses and costs associated with perpetual care activities.

Repair, maintenance and installation of gas collection systems and gas-to-electricity facilities.
SCHEDULE 3
ESCROW AGREEMENT
PERMITTED INVESTMENTS

1. In bonds, notes, certificates of indebtedness, treasury bills or other securities now or hereafter issued, that are guaranteed by the full faith and credit of the United States of America as to principal and interest.

2. In bonds, notes, debentures, or other similar obligations of the United States of America or its agencies. As used herein, the term "agencies of the United States of America" includes: (i) the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 and Acts amendatory thereto; (ii) the federal home loan banks and the federal home loan mortgage corporation; and (iii) any other agency created by Act of Congress.

3. In interest-bearing savings accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

4. In short term obligations of corporations organized in the United States with assets exceeding $500,000,000 if; (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and which mature not later than 180 days from the date of purchase; (ii) such purchases do not exceed 20% of the corporation's outstanding obligations and (iii) no more than 10% of the Escrow Fund may be invested in short term obligations of corporations.

5. In money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) of this subsection and to agreements to repurchase such obligations.

6. In short term discount obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan associations incorporated under the laws of the State of Illinois or any other state or under the laws of the United States. Investments may be made only in those savings banks or savings and loan associations the shares, or investment certificates which are insured by the Federal Deposit Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase.

7. In dividend-bearing share accounts, share certificate accounts or class of share accounts of a credit union chartered under the laws of the State of Illinois or the laws of the United States; provided, however, the principle office of any such credit
union must be located with the State of Illinois. Investments may be made only in those credit unions the accounts of which are insured by applicable law.

8. In repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986 subject to the provisions of said Act and the regulations issued there under.

9. In any investment as authorized by the Public Funds Investment Act, 30 ILCS 235/2.

10. In one or more structured environmental annuities with a company or companies approved by the Escrow Agent, PCCL, the County, the City and the Committee.
FIRST AMENDMENT TO LANDFILL AGREEMENT

THIS FIRST AMENDMENT TO LANDFILL AGREEMENT ("Agreement") is made and effective ________, 2012, by and among the COUNTY OF PEORIA, ILLINOIS, a body politic and corporate (the "County"), the CITY OF PEORIA, ILLINOIS, a municipal corporation (the "City") (the County and the City shall be collectively referred to as the "Owners"), the JOINT CITY OF PEORIA-COUNTY OF PEORIA SOLID WASTE DISPOSAL FACILITY BOARD (the "Committee") and PEORIA CITY/COUNTY LANDFILL, INC., an Illinois corporation (the "Contractor").

RECITALS

WHEREAS, the Owners, the Committee and the Contractor entered into a certain Landfill Agreement effective December 11, 2009 (the "Landfill Agreement");

WHEREAS, on November 10, 2011, the County approved the site location suitability of the Expansion Solid Waste Facility (as defined in the Landfill Agreement) as a new pollution control facility in accordance with Section 39.2 of the Environmental Protection Act (415 ILCS 5/39.2);

WHEREAS, as a result of the site location suitability approval by the County, the Owners, the Committee and the Contractor desire to amend the Landfill Agreement to effectuate certain changes and revisions thereof;

NOW, THEREFORE, for and in consideration of the foregoing recitals, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owners, the Committee and the Contractor, intending to be legally bound, hereby amend the Landfill Agreement as follows:

1. Section 1 of the Landfill Agreement is deleted in its entirety and the following is substituted in lieu thereof:

   1. CONTRACT DOCUMENTS

      The Contract consists of this Agreement and the Contract Documents. The Contractor shall perform the Work described in the Contract Documents. The Contract Documents consist of:

      (a) This Agreement signed by the Owners, the Committee and the Contractor;

      (b) Invitation for Qualifications, Joint City of Peoria/County of Peoria Solid Waste Disposal Facility Expansion, RFQ #40-
08 issued by Division of Purchasing, City of Peoria, Illinois ("RFQ #40-08"), attached hereto as Exhibit A;

(c) Addendum #1 to RFQ #40-08, ("Addendum #1"), attached hereto as Exhibit B;

(d) Addendum #2, Questions and Responses to RFQ #40-08, ("Addendum #2"), attached hereto as Exhibit C;

(e) Response to Request for Qualifications, Joint City of Peoria – County of Peoria Solid Waste Disposal Facility Expansion, RFQ #40-08, dated March 25, 2009, submitted by Peoria City/County Landfill, Inc. ("Contractor's Response"), attached hereto as Exhibit D;

(f) Escrow Agreement ("Escrow Agreement"), attached hereto as Exhibit E.

(g) Certification of Siting Approval (LPC-PA8) executed by the Chairperson of the Peoria County Board on March 9, 2012 ("Certification") attached hereto as Exhibit F.

This Agreement, including the Exhibits attached hereto, sets out the full and complete understanding of the parties relating to the subject matter hereof as of the effective date of this Agreement, and supersedes any and all negotiations, agreements and representations made or dated prior hereto with respect to the subject matter of this Agreement. In the event of any conflict or inconsistency between or among the main body of this Agreement and any document or documents that may be incorporated herein by reference, such documents shall prevail between and among themselves in the following order (from most authoritative to least): main body of this Agreement, Certification, RFQ #40-08, Contractor's Response, Escrow Agreement, Addendum # 1 and Addendum #2.

2. Section 19.2 of the Landfill Agreement is deleted in its entirety and the following is substituted in lieu thereof:

19.2 ESTABLISHMENT

The Committee shall establish the Fund at a financial institution. The Fund shall be governed by the terms of the Escrow Agreement in the form attached hereto as Exhibit E.
3. A new Section 20.8 is added to the Landfill Agreement as follows:

**20.8 CESSATION OF SERVICES**

The Contractor shall cease operation of the Citizen's Convenience Center when Contractor ceases acceptance of Municipal Waste at the Expansion Solid Waste Facility. Upon cessation of operations at the Citizen's Convenience Center, Contractor shall be responsible, at its sole cost, for performing closure and post-closure care in accordance with the permits issued for the Citizen's Convenience Center.

4. A new Section 33 is added to the Landfill Agreement as follows:

**33. SPECIAL CONDITIONS**

The County approved the site location suitability of the Expansion Solid Waste Facility subject to certain Special Conditions. The Special Conditions are set forth in the "Proposed Findings of Fact and Recommendations" attached to the Certification attached hereto as Exhibit F and are incorporated herein by reference thereto. The Contractor shall abide by the terms of the Special Conditions and shall site, design, construct and operate the Expansion Solid Waste Facility in accordance with the Special Conditions.

5. Exhibit F attached hereto is added to the Landfill Agreement.

6. Except as hereinabove set forth, the Landfill Agreement shall remain unmodified and be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers or representatives on the date first above written.

COUNTY OF PEORIA

By: ____________________________
Lts: ____________________________

Attest:

By: ____________________________
Lts: ____________________________

CITY OF PEORIA

By: ____________________________
Lts: ____________________________

Attest:

By: ____________________________
Lts: ____________________________
JOINT CITY OF PEORIA-COUNTY OF PEORIA SOLID WASTE DISPOSAL FACILITY BOARD

By: ____________________________
Its: ____________________________

PEORIA CITY/COUNTY LANDFILL, INC.

By: ____________________________
Its: ____________________________

Attest:

By: ____________________________
Its: ____________________________

112-473