

18-2

ARTICLES OF RULES AND PROCEDURES  
REGIONAL POLLUTION CONTROL FACILITY COMMITTEE  
KENDALL COUNTY, ILLINOIS

ARTICLE 1: GENERAL PROVISIONS

SECTION 1: These rules and procedures are supplementary to the provisions of the Regional Pollution Control Facility Siting Ordinance (the "Ordinance") as they relate to procedures of the Regional Pollution Control Facility Committee (the "Committee"). References and terms herein shall be defined as in the Ordinance.

SECTION 2: The State's Attorney shall be consulted where the powers of the Committee are not clearly defined.

ARTICLE II: RESPONSIBILITIES AND DUTIES

SECTION 1: The Committee shall have a Chairman and an Acting Chairman.

SECTION 2: The Chairman shall be designated as provided for in the Ordinance; the Acting Chairman shall be elected by the Committee from amongst its members, and shall hold office for one (1) year.

SECTION 3: A. The Chairman shall supervise the affairs of the Committee, preside at all meetings (subject to the powers granted to the hearing officer(s) at the public hearing on application), set the times for the meetings and public hearings and decide points of order.

B. The Chairman or Acting Chairman shall be the only Committee members to respond to communications both written and verbal.

SECTION 4: In the absence of the Chairman, the Acting Chairman shall perform all duties and exercise all powers of the Chairman.

SECTION 5: A court reporter shall be employed by the Committee, and shall be present at any and all public hearings on an application and shall provide the Committee with a certified transcript of the hearing as soon as possible. A secretary may be employed by the Committee to assist the hearing officer(s) during the hearing process.

ARTICLE III: MEETINGS AND HEARINGS

SECTION 1: Meetings and hearings shall be called by the Chairman at such times as may be deemed necessary.

SECTION 2: The Chairman shall provide at least forty-eight (48) hours notice of any special meeting called by him/her.

SECTION 3: All hearings shall be open to the public.

SECTION 4: A quorum, for purposes of site approval application hearings shall be one (1) member and for all other purposes shall be three (3) members.

ARTICLE IV: PROCEDURES

SECTION 1: General Procedures

A. An application for a Regional Pollution Control Facility shall be presented as described in the Ordinance.

B. An application for site approval shall be as follows:

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"APPLICATION FOR REGIONAL POLLUTION CONTROL FACILITY SITING APPROVAL"

A. IDENTIFICATION

1. Name of Land Owner \_\_\_\_\_

2. Address of Land Owner \_\_\_\_\_  
(Street, P.O. Box, RR)

\_\_\_\_\_  
City State Zip Code  
Telephone \_\_\_\_\_  
(Area Code) (Number)

3. Name of Applicant/Operator \_\_\_\_\_

4. Address of Applicant/Operator \_\_\_\_\_  
(Street, P.O. Box, RR)

\_\_\_\_\_  
City State Zip Code  
Telephone \_\_\_\_\_  
(Area Code) (Number)

5. Name of Site \_\_\_\_\_

6. Address of Site \_\_\_\_\_  
(Street, P.O. Box, RR)

\_\_\_\_\_  
City State Zip Code  
County Township

7. Legal Description of Site (Attach Plat of Survey)

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8. Attach site plan showing details of proposed facility including:

- (a) Cross section;
- (b) all wells within 500 feet of site;
- (c) fences, buildings and other structures;
- (d) roads, entrances and driveways;
- (e) core sample locations on and within 200 feet of the site;
- (f) the location of all streams, ponds, rivers and lakes within a one (1) mile radius of the site; and,
- (g) the land use of all lands within a one (1) mile radius of the site.

In addition, all data and information required by the IEPA for permit approval, pertaining to the above, shall be supplied.

9. Describe the insurance policies carried by the applicant to cover single incidents and gradual and fortuitous incidents:

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10. Land Ownership (Check applicable boxes)

- Presently owned by Applicant
  - To be purchased by Applicant
  - To be leased by Applicant for \_\_\_\_\_ years
  - \_\_\_\_\_ Years of lease remaining; Termination date of Lease \_\_\_\_\_
- Operated by:  Illinois Corporation  Partnership  
 Government  Individual  Other

- a. If a partnership, submit names and addresses of all partners. If a corporation, submit names and addresses of all Officers and Directors, and the names and addresses of all shareholders owning ten percent (10%) or more of the capital stock of said corporation.
- b. If applicant is a corporation, submit copies of the Articles of Incorporation as an exhibit. If applicant is a corporation more than fifty percent (50%) owned by another corporation, these requirements of this part shall be applicable to said corporation.
- c. Submit audited financial statements of the applicant for the five (5) preceding years. If new corporation, provide statement for years available.

- d. State whether or not the applicant has had any prior experience in the activity in which the applicant intends to be engaged if the application is approved.
- e. State whether or not the applicant has ever closed a Regional Pollution Control Facility voluntarily or involuntarily and the location of said facility and the date on which the process of closing started and ended.

B. SITE HISTORY (Check applicable box or boxes)

- 1.  This is a proposed operation  
 This is a proposed expansion of an existing operation:  
     Illinois E.P.A. Permit No. \_\_\_\_\_  
 No Illinois E.P.A. Permit.
- 2. Existing land use on Site \_\_\_\_\_  
     \_\_\_\_\_
- 3. List any covenants recorded with the property Deed \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_

C. OPERATION CLASSIFICATION

- 1. Type of Regional Pollution Control Facility proposed (Check applicable box or boxes)
  - Waste storage site
  - Landfill or other disposal Site
  - Transfer Station
  - Incinerator
  - Recycling Facility
  - Other: Explain \_\_\_\_\_
- 2. Type(s) of wastes proposed to be deposited at the site, as defined in the Act:  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_

D. SITE LOCATION

1. Attach a copy of the United States Geological Survey (U.S.G.S.) topographic quadrangle map of the area which includes the site (7.5 minute quadrangle, if published).

Quadrangle Map provided: \_\_\_\_\_ (name) \_\_\_\_\_ (date)

2. Outline the location and extent of the site on the U.S.G.S. topograph quadrangle map.
3. Provide State Plane Coordinates of the Southwest Corner of the Site using the State Plane Coordinate System (East Zone):  
\_\_\_\_\_ feet east, \_\_\_\_\_ feet north of origin.
4. General characteristics (Flood plain, Hillside, Field, Strip Mine, Quarry, Gully, Gravel Pit, Swamp, etc.) Briefly describe:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The Committee shall consider the following items when making its recommendation based on the six (6) factors listed in the Ordinance, Section 6(d). Submit as much information as possible as to each one of these items.

(a) As to whether the facility is necessary to accomodate the waste needs of the area it is intended to serve (Ordinance Section 6(d)(i)) provide documentation detailing the:

1. Proposed service area
2. Site capacity
3. Extent of recycling possibility (if applicable)
4. Estimated daily volume of waste to be received and source of said waste
5. Types of waste to be received
6. Estimated duration of operation
7. A list of the existing Regional Pollution Control Facilities within the area proposed to be served and, with respect to each such facility, provide the following information: location, size, owner/operator, type of facility, proposed longevity and types of wastes received.

(b) As to whether the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected (Ordinance Section 6(d)(ii)), provide documentation, including all data, information, test results and designs required by the IEPA for permit approval, detailing:

1. Site Location

a. Provide a complete hydrologic study of the site, including:

- (i) A description of the geography of the area
- (ii) A description of the hydrologic conditions typical of the area
- (iii) Complete logs of any borings done on the site and the following information as a result of these borings:

(A) If bedrock was encountered during the boring program, the depth of the bedrock; physical character and hydrological characteristics of the bedrock formation; and the names and ages of the formations encountered during the boring operation or which are adjacent to the site

(B) As to the samples taken, provide the following information:

(I) Textural Classification  
(USDA System)

(II) Particle size distribution for representative samples

(III) Coefficient of permeability based on field and/or laboratory determinations

(IV) Ion-exchange capacity and ability to absorb and "fix" heavy metal ions.

(C) As to the hydrologic flow system, show:

(I) The depth to water in bore holes at time of boring completion and periodic measurement until the water level has stabilized

(II) The rate and direction of ground water movement

At a minimum, all testing and sampling shall be performed according to current IEPA standards and guidelines.

- b. Whether any activity has ever taken place on or within one (1) mile of the perimeter of the site which disturbed the natural condition of the soil, such as mining; state the type of activity which took place, the time, the depth to which the soil was disturbed and the natural state of the land before its disruption.

## 2. Design Standards

### a. Leachate collection system

- (i) Type, location and construction of the subsurface collection system;
- (ii) Location, dimensions, volume and surface elevations of any treatment lagoon;
- (iii) Written narrative describing methods and processes of treatment system;
- (iv) Program for monitoring effectiveness of system; and
- (v) Discharge points of effluent.

### b. Drainage and erosion control

### c. Monitoring system

- (i) Techniques, location and construction
- (ii) Frequency of tests
- (iii) Potential for co-operation with McHenry County

## 3. General Operating Procedures

- a. Personnel requirements including training and supervision
- b. Plans for chemical analysis of waste
- c. Plans for identification and verification of wastes
- d. Plans for identification of unacceptable soils, and removal of same.

4. Adjacent and nearby land uses

(c) As to whether the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property (Ordinance Section 6(d)(iii)), provide documentation detailing:

1. Property values of surrounding property
2. Topographic survey before operation
3. Final design grades
4. Incineration requirements (if applicable)
5. Surrounding zoning and land uses
6. Proposed use after operation including changes in topography and all new surface features

(d) As to whether the facility is located outside the boundary of the 100 year flood plain or the site is floodproofed. (Ordinance Section 6(d)(iv)), provide documentation detailing:

1. State review, if any (Note: Should there be no state review, or state review does not disclose whether or not the site is located outside the boundary of the 100 year flood plain, then submit independent calculations and depiction of 100 year flood plain.)
2. County Flood Plain Development Permit
3. Stormwater runoff
4. Floodproofing plans, if floodproofing is required.

(e) As to whether the plan of operation for the facility is so designed to minimize the danger to the surrounding area from fire, spills or other operational accidents (Ordinance Section 6(d)(v)), provide documentation detailing the:

1. Accident Prevention Plan
2. Fire Prevention Plan
3. Operation Plan including method of landfilling; hours of operation; personnel; litter, vector, dust and odor control
4. Proposed responses to spills and other operational accidents

(f) As to whether the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows (Ordinance Section 6(d)(vi)), provide documentation detailing the:

1. Traffic Plan, including anticipated number of vehicles, their size, weight and direction of movement
2. Entrance permit



- (g) As to an emergency response plan for the facility if it will be treating, storing or disposing of hazardous waste (Ordinance Section 6(d)(vii)), provide documentation detailing procedures to be used in case of an accidental release as to:
1. Notification of appropriate agencies and personnel.
  2. Containment procedures.
  3. Evacuation procedures for the facility and the surrounding area.
- (h) As to the facility's location within a regulated recharge area (Ordinance Section 6(d)(viii)), provide documentation detailing compliance with any and all applicable requirements specified by the Illinois Pollution Control Board for such areas.
- (i) As to whether the facility is consistent with any current solid waste management plan adopted by the County Board of the County (Ordinance Section 6(d)(ix)), provide documentation detailing:
1. The current solid waste management plan of the County.
  2. The aspect or aspects of the proposal that are consistent with the current solid waste management plan.
- (j) As to the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management, provide documentation detailing:
1. All convictions or admissions of violations, either criminal or civil, of any foreign, federal, state or local environmental law or statute, of (a) the applicant, (b) any subsidiary corporation of the applicant, and (c) any parent corporation of the applicant in the field of solid waste management.
  2. Description of solid waste management program operated at which conviction(s) or admission(s) of violation(s) occurred.
  3. Enforcement action taken by government entity involved, if any.
  4. Remedial action taken at site, if any, including cost thereof.

#### E. ADDITIONAL INFORMATION

In addition to the above, the application shall be accompanied by all documents, if any, submitted as of the date of filing to the IEPA in connection with the application except trade secrets as determined under Section 7.1 of the Act (Ill. Rev. Stat., Ch. 111 1/2, Par. 1007.1).

F. DATE OF FILING

The date the applicant files the application with the office of the County Board shall be considered the official filing date.

G. NOTICE OF ADJOINING LAND OWNERS

There shall be filed with the Application copies of the notices required to be served under the Illinois Revised Statutes, Chapter 111 1/2, Section 1039.2(b), together with evidence of service thereof as provided in said statute.

H. SIGNATURE AND NOTARY

I hereby affirm that all information contained in this application is true and complete to the best of my knowledge and belief.

Signature of Applicant/Operator: \_\_\_\_\_ (Date)

Notary: \_\_\_\_\_ SEAL \_\_\_\_\_ (Date)

Signature of Landowner(s): \_\_\_\_\_ (Date)

\_\_\_\_\_ (Date)

\_\_\_\_\_ (Date)

Notary: \_\_\_\_\_ SEAL \_\_\_\_\_ (Date)

Signature of Engineer/Land Surveyor:

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

Illinois Registration Numbers: \_\_\_\_\_ SEAL \_\_\_\_\_ (Date)

Signature of other person(s), technical and non-technical, who have supplied data contained in the submittal:

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Registration Number, Position, Title) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

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(Registration Number, Position, Title)

(Date)

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- C. The applicant must complete this application fully.
- D. Once the application has been filed, members of the general public, and any members of the various county departments who may wish, may file written comments from the date of the application through and until thirty (30) days after the date of the last public hearing.
- E. Any written comment must be filed with the County Board. Any written comments received or postmarked from the date of the application through and until thirty (30) days after the date of the last public hearing shall be made part of the record of the public hearing. The County Board shall consider any such timely written comment in making its final decision on the site approval request.

SECTION 2: CONDUCT OF THE HEARING

- A. The applicant for site approval shall have the burden of presenting evidence as to the suitability of the site location for the proposed use.
- B. The hearing shall be held at a time and place determined by the Chairman of the Committee, subject to the availability of the hearing officer.
- C. At the time of the hearing, the applicant may appear on his/her own behalf, or be represented by counsel or agent.
- D. The hearing officer(s) shall call the hearing to order and may allow the applicant, the County and objectors, or their counsel or agent, to make an opening statement.
- E. The Committee shall then hear testimony from the applicant and/or any witnesses the applicant may wish to call. Upon the close of the applicant's testimony, any other

parties may offer any witnesses and evidence they may wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, the County may present any witnesses and evidence it may wish to present, unless the County is the applicant, in which case it shall proceed as set out above. The hearing officer(s) shall decide the order of presentation of testimony subject to these rules.

- F. All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable examination as follows: direct, cross, redirect, recross, etc. After all parties have presented testimony, reasonable rebuttal, sur-rebuttal, etc., may be allowed at the discretion of the hearing officer(s).
- G. The hearing officer(s) may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. The hearing officer(s) shall rule on all questions relating to the admissibility of evidence. These rulings shall not be appealable to the County Board.
- H(1) At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by the County Board and any participants, the applicant may file not more than one amended application upon payment of additional fees pursuant to SECTION 4(a)(ii) of the Ordinance. Provided, however, that the time limitation for final action set forth in Sectin 39.2(e) of the Illinois Environmental Protection Act, as amended, and SECTION 7(b) of the Ordinance, shall be extended for an additional period of 90 days.
- (2) Within seven (7) days of the filing of the amendment(s), the Chairman of the Committee, pursuant to SECTION 6(c) of the Ordinance, shall notify the applicant of the date of public hearing, said public hearing to be held pursuant to these Articles of Rules and Procedures.

(3) An applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved, pursuant to a finding against the applicant under any of criteria (i) through (ix) of SECTION 6(d) of the Ordinance, within the preceding 2 years.

I. Any Committee member who has, or feels he has, any disqualifying interest in the property or affairs of the applicant may be excused from participating in any hearing or decision of the Committee.

### SECTION 3: OUTLINE OF COMMITTEE HEARING PROCEDURE

- A. Call to order.
- B. Introduction of Committee and hearing officer(s).
- C. Recognition of applicant and identification of application.
- D. Recognition of fees, notices and date of filing of application.
- E. Recognition of the County and other parties wishing to testify and their listing. (All parties wishing to testify or cross-examine must sign in or submit written notification of said intent to the County Board on or before the first date of the hearing; if the hearing should extend beyond one session no additional parties shall be allowed to testify or cross examine.)
- F. The order and manner of presentation of testimony shall be as set out in Sections 2E and F of Article IV herein, subject to all other Articles and Rules found herein.
- G. Summary statements by applicant, the County and other parties, subject to limitations as imposed by the hearing officer(s).
- H. Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the hearing officer(s).
- I. Hearing closed.

ARTICLE V: FACTORS TO BE CONSIDERED BY THE COMMITTEE IN MAKING ITS DECISION

In making its recommendation on the pending application, the Committee shall base its decision on the factors listed in the McHenry County Regional Pollution Control Facility Siting Ordinance, Section 6(d).

ARTICLE VI: NOTICES

SECTION 1: Notice shall be given in the manner prescribed by the Ordinance and Statute.

SECTION 2: All notices shall contain the following information:

- A. The name and address of the applicant requesting site location approval.
- B. The owner of the site, and in case ownership is in a land trust, the names and addresses of the beneficiaries of said trust.
- C. The legal description of the site.
- D. The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership or occupancy or in some other manner that will reasonably identify the property to residents of the neighborhood.
- E. The nature and size of the proposed development.
- F. The nature of the activity proposed.
- G. The probable life of the proposed activity.
- H. The time and date of the public hearing.
- I. The location of the public hearing.
- J. A statement that the application is available to the public in the County Board Office, and that copies of the application are available upon payment of actual cost of reproduction, as outlined in the constraints of the Freedom of Information Act (Illinois Revised Statutes, Chapter 116, Paragraph 201 et. seq.).

ARTICLE VII: FEES

SECTION 1: The Fee, as described in the Ordinance, Section 4(a)(ii), must be paid by the applicant at the time an application is filed, and at the time an amendment is filed, before they may be considered.

SECTION 2: Fees are to include items as described in the Ordinance, Section 4(a)(ii).

ARTICLE VIII: COMMITTEE RECOMMENDATION

SECTION 1: The Committee shall meet after the public hearing to make its recommendation as to site approval to the County Board. This meeting shall be open to the public, but no further evidence, testimony or input from the parties or the public will be allowed.

SECTION 2: At this meeting, the Committee shall vote as to its recommendation on the application (and amendment, if applicable) and submit a written report on that vote to the County Board. This report must be filed as soon as practicable.

ARTICLE IX: WAIVER OF RULES

In order to insure fundamental fairness, compliance with the Act, and to protect the public interest, the Committee, by majority vote of members present and voting, may waive any of the above rules.

These amended Articles of Rules and Procedures shall take effect on the 10 day of July, 1990.

DATED:

Kenneth E. Carl

NUMBER VOTING AYE: \_\_\_\_\_

NUMBER VOTING NAY: \_\_\_\_\_

NUMBER ABSTAINING: \_\_\_\_\_

NUMBER ABSENT: \_\_\_\_\_