KENDALL COUNTY SOLID WASTE PLAN
PUBLIC HEARING

Kendall County Board Room
111 West Fox Street
Yorkville, Illinois 60560

October 7, 2014 at 6:00 P.M.

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes from February 4, 2010 for 5-Year Solid Waste Plan Update
5. Public Hearing on Kendall County Solid Waste Plan
   A. Solid Waste Coordinator Presentation – Marlin Hartman
6. Open Public Comment
7. Close Public Comment
8. County Board Comments
9. Adjournment
1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Open Public Comment

5. Close Public Comment

6. Adjournment
PRESENT:

MR. ROBERT E. DAVIDSON, County Board Member;
MS. ELIZABETH FLOWERS, County Board Member.
MS. JESSIE HAFENRICHTER, County Board Member;
MS. NANCY MARTIN; County Board Member;
MS. PAN PARR, County Board Member;
MS. SUZANNE PETRELLA, County Board Member;
MR. JOHN P. PURCELL, County Board Member;
MR. JOHN SHAW, County Board Member;
MS. ANNE VICKERY, County Board Member; and
MR. JEFF WEHRLE, County Board Member;
MS. DEBBIE GILLETTE, Kendall County Clerk;

ALSO PRESENT:

KENDALL COUNTY STATE'S ATTORNEY, by
MR. BRIAN J. LABARDI, Assistant State's Attorney,
807 West John Street
Yorkville, Illinois 60560,
Appeared on behalf of the County of Kendall.
D-16524
STATE OF ILLINOIS  
COUNTY OF KENDALL  
)  SS.  

BEFORE THE  
KENDALL FOREST PRESERVE DISTRICT  

IN RE PUBLIC MEETING:  
KENDALL COUNTY SOLID WASTE MANAGEMENT PLAN  

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause, taken by Kathleen M. Grove, CSR No. 84-002197, RPR, CRR, on February 4, 2010, at 6:30 p.m., at 111 West Fox Street, Room 209 and 210, Yorkville, Illinois.

GROVE & ASSOCIATES REPORTING
CHAIRMAN VICKERY: Call to order Kendall County solid waste public hearing.

Debbie, would you call the roll.

THE CLERK: Mr. Davidson?

BOARD MEMBER DAVIDSON: Yes.

THE CLERK: Ms. Flowers?

BOARD MEMBER FLOWERS: Present.

THE CLERK: Ms. Hafenrichter?

BOARD MEMBER HAFENRICHTER: Here.

THE CLERK: Ms. Martin?

BOARD MEMBER MARTIN: Yes.

THE CLERK: Ms. Parr?

BOARD MEMBER PARR: Here.

THE CLERK: Ms. Petrella?

BOARD MEMBER PETRELLA: Present.

THE CLERK: Mr. Purcell?

Mr. Shaw?

BOARD MEMBER SHAW: Here.

THE CLERK: Ms. Vickery?

CHAIRMAN VICKERY: Here.

THE CLERK: Mr. Wehrli?

BOARD MEMBER WEHRLI: Here.

THE CLERK: Mr. Purcell is here.

CHAIRMAN VICKERY: Can I have a motion to
approve the agenda?

BOARD MEMBER FLOWERS: Moved.

BOARD MEMBER HAFENRICHTER: Second.

CHAIRMAN VICKERY: So moved, seconded, Flowers and Hafenrichter.

All those in favor?

(Ayes heard.)

CHAIRMAN VICKERY: Approved. Thank you.

Before we start our public comment period, Marlin Hartman, our solid waste coordinator, is going to give a presentation because obviously -- or I shouldn't obviously. Probably most of you have not maybe had a look at the whole new plan.

So how many of you here are familiar with the new plan as written?

(Show of hands.)

CHAIRMAN VICKERY: Okay. We're going to have Marlin go into it. This is about a 40- or 45-minute presentation, but in order for people to really understand about any changes or determine how they feel about it, I think this is an important part of it.

So Marlin -- Mr. Gilson?

MR. GILSON: I'm sorry. There's a -- I know
KENDALL COUNTY
2015-2020 SOLID WASTE PLAN
UPDATED MARCH 2015
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Kendall County Solid Waste Plan Executive Summary
2015-2020 Update

Kendall County has been conducting solid waste management planning since it was first required in the early 1990’s. The original Kendall County Solid Waste Plan was introduced in 1995 with Phase I and Phase II of the Plan having been prepared by Morris Engineering. Morris Engineering was supported by a Citizens Advisory Committee that aided in the development of recommendations for implementing the Solid Waste Plan. The Plan has since been updated as required by Illinois statute, on a five year cycle, with updates completed in 2000, 2005 and 2010.

The 2015-2020 update, as well as all previous updates, follows the Illinois Environmental Protection Agency (IEPA) recommended format, which can be found on the IEPA website, http://www.epa.state.il.us/land/landfill-capacity/five-year-waste-management-plan-update.pdf. The 20:5 update was accomplished by an ad hoc committee appointed by the Kendall County Board. This committee, referred to as the Solid Waste Plan Committee, convened over eight separate meetings held between June 2013 and August 2014. Kendall County’s solid waste planning meetings were facilitated by Kendall County Board member, Judy Gilmour, serving as Committee Chair and representing the County Board and Kendall County Health Department’s Solid Waste Coordinator, Marlin Hartman; and served as a forum for crafting and informally approving the recommendations included within the Plan. These recommendations will be presented to the Board of Health, and to the County Board for their consideration and approval, prior to the Plan’s due date of March 2015.

Kendall County is located in Northeastern Illinois and was one of the fastest growing counties in Illinois during 2000-2010. The population had grown from 54,544 in 2000 to 118,105 in 2012 (US Census Bureau). Along with this rapid growth in population came a significant increase in the amount of Municipal Solid Waste (MSW). In 2000, Kendall County generated 38,905 tons; by 2010 this amount had increased to 91,000 tons (a 134% increase). The collection of information on the amount of MSW generated is made possible through a residential recycling ordinance requiring solid waste haulers to report Kendall County collection quantities, annually. This ordinance was first enacted in 1997.

Since its inception in 1995, implementation of the Solid Waste Plan has served to increase the recycling rate and overall landfill diversion of MSW from 21.44% in 2000 to 27.16% in 2013. In 2013 residential waste comprised 45% of MSW while commercial waste comprised 45%. The balance of waste generated was from construction and demolition activity (C&D), which amounted to 9%. C&D waste was on the rise over the previous five year period, but has decreased by over 15% due to lack of construction activities. Commercial waste generation has also increased and is now equal to residential waste generation. Since 2006 there has been a 38% increase in private businesses in the county.

The MSW generated is collected by numerous solid waste collection companies, with up to five companies handling over 75% of the collection. This waste is directly hauled to out-of-county landfill as well as directed to out-of-county transfer stations since Kendall County currently has no active landfills or operating transfer stations.
Kendall County’s recyclables are directed to out-of-county recycling facilities. An IEPA permitted compost facility operates within the county, accepting yard waste from both in-county and out-of-county sources.

The last 5-years’ average showed MSW generation between 90,000-96,000 tons, with a peak of 118,000 tons in 2010. Just as waste generation has plateaued within the United States, it seems Kendall County’s population and waste generation have stabilized as well.

Kendall County’s average recycling rate for the past five years has been between 27% and 30%, with very little change from the ten year average. This data identifies that Kendall County has stabilized its waste generation at approximately 95,000 tons; the residential and county-wide recycling rate considered to be 28%.

Commercial recycling in Kendall County appears to be in somewhat of a flux. The commercial waste generation has increased by about 30% over the past five years. Commercial generation was about 15,000 tons in 2008. In 2013, commercial waste generation represented 45% of total county waste. Commercial recycling has also fluctuated over the Plan’s latest update cycle. The average commercial recycling rate over the past five years (2008-2013) was 21%, with a low of 8% in 2009 and a peak of 23% in 2008.

The other MSW waste stream tracked is construction and demolition waste (C&D). This waste stream has decreased over this last update cycle with what appears to be the lack of residential and commercial construction due largely to a stagnant economy. In 2008, C&D waste represented 24% of Kendall County’s total waste generation; decreasing to 15% in 2011, and 9% in 2013.

MSW generation trends in the county appear to reveal a stabilization of waste generation both residually and county-wide. This MSW generation is accompanied by a stable recycling rate of approximately 28%. Commercial waste generation and C&D waste generation appear to present more of an inconsistent variable.

The data supplied to the Solid Waste Plan Committee, MSW trends in Kendall County; and MSW trends in neighboring counties, as well as Illinois as a whole; served to inform and assist the Committee in forming recommendations aimed at enhancing and improving Kendall County’s MSW management practices.

The recommendations for the 2015-2020 Kendall County Solid Waste Plan update present strategies intended to minimize waste generation and permanent disposal through source reduction and recycling initiatives. Additionally, the safety, sustainability and feasibility of existing and new final disposal methods for wastes generated within the county, will continue to be evaluated.

The recommendations are in similar categories as within previous plans, including the sections, Administration, Source Reduction and Recycling, Compost, Waste-to-Energy/Alternative Technologies, Transfer Stations, and Landfills.
Administration recommendations address methods to incorporate Solid Waste Plan tasks into management systems within the Kendall County Health Department. Source Reduction and Recycling recommendations address methods to educate residents and businesses in Kendall County. These recommendations identify target audiences and messages needed to be communicated to best augment the Solid Waste Plan.

Compost recommendations revolve around education, legislation and cooperative relationships with the composters within Kendall County including IEPA permitted facilities and those facilities under IEPA agronomic exemption status.

Transfer Station recommendations address host benefit agreement requirements with the Kendall County Board whether incorporated or unincorporated areas. Other recommendations within the Transfer Station section include consideration for material recovery and that transfer stations are allowable within Kendall County.

Waste-to-Energy/Alternative Technology recommendations encompass such things as reviews of legislation relating to these systems, tracking ambient air quality standards and educating residents, elected officials and county leaders on the pros and cons of these methods of waste disposal. Additionally, the committee voted on a recommendation to not allow a Waste-To-Energy/Alternative Technology facility that falls within the category of pollution control facility as defined by the IEPA for the five year duration of this plan. This recommendation is based on the premise that pollution control facilities using Waste-to-Energy/Alternative Technologies are best suited closer to major metropolitan areas. These facilities need a large volume of waste to be economically viable and if there is a dense population nearby, they might even be able to provide energy directly back to the consumer. Within the next five years, the committee does not believe that Kendall County will have the population to support one of these facilities as they are presently designed. Alternatively, in this five year plan, it is recommended that the application and feasibility of waste-to-energy and other alternative waste disposal technologies, such as anaerobic digestion, that do not fall under the category of a Pollution Control Facility as defined by the IEPA, be considered as potentially viable waste management options for Kendall County.

The final section of recommendations addresses landfills, which is the least desirable strategy of the IEPA hierarchy of municipal solid waste management. The Kendall County Solid Waste Plan will not allow the siting of landfills within Kendall County for the next five years. A factor impacting this recommendation is the ample landfill space in our region surrounding Kendall County.

These recommendations are a result of meaningful, thoughtful discussion held over the course of eight planning meetings attended by an ad hoc committee comprised of a broad and diverse representation of the Kendall County community; facilitated by the Kendall County Health Department and led by the Kendall County Board. The approved Solid Waste Plan goals and objectives ultimately will be implemented by the Kendall County Health Department’s Environmental Health Services unit.
GENERAL INFORMATION

Local Government: Kendall County

Contact person: Aaron Rybski, Kendall County Health Department Environmental Health Services Director
               Marlin Hartman, Kendall County Health Department Solid Waste Coordinator

Address: Kendall County Health Department
         811 W. John St.
         Yorkville, IL, 60560

Telephone: (630) 553-9100

Plan Adoption Date: May 1995
Re-Adoption Date: July 2000
Re-Adoption Date: February 2005
Re-Adoption Date: February 2010
Re-Adoption Date:
NEEDS ASSESSMENT INFORMATION

The following 2013 Municipal Solid Waste (MSW) collection figures were reported in January 2014 by Kendall County Health Department-permitted solid waste haulers:

a. MSW generated per year 90,544 tons
b. MSW generation rate* 4.20 pounds/capita/day
c. MSW recycled/composted per year 24,593 tons
d. MSW incinerated per year 0 tons
e. MSW land-filled per year 65,591 tons

*Based on Kendall County population of 118,105 (US Census, 2012)

2015-2020 SOLID WASTE PLAN RECOMMENDATIONS AND IMPLEMENTATION SCHEDULE

■ ADMINISTRATIVE RECOMMENDATIONS

A. Integrate solid waste legislation monitoring into the Kendall County Health Department legislative/policy work.

Schedule: December 2015

B. Integrate goals from Solid Waste Plan into Kendall County Health Department Strategic Plan.

Schedule: December 2015

■ RECYCLING AND SOURCE REDUCTION RECOMMENDATIONS

A. Offer to educate and promote recycling and source reduction within Kendall County.

B. Interact with local schools, clubs, senior groups, and community groups in Kendall County on ways in which to promote and practice recycling and source reduction.

Schedule: Annually, interact with the Kendall County community via groups such as those referenced above, in an effort to promote and inspire recycling and source reduction.

C. Using social/mainstream media, including the Kendall County Green Pages, to incorporate information on source reduction, recycling and other actions to aid proper waste management.

Schedule: By 2015, update the Kendall County Green Pages, and provide community-wide access to this and future updated editions via use of the Kendall County Health Department and Kendall County websites; make reference and embed a website link to the Green Pages, within the Kendall County Health Department Community Resource Directory, which is made available both in hardcopy and on the Health Department’s website; promote the existence of the Green Pages on the KCHD’s Face Book page. Annually, review the Green Pages of any applicable updates.
D. Identify and communicate methods by which to practice safe and proper disposal of residential Household Hazardous Wastes (HHW).

Schedule: Performed annually

E. Communicate with waste haulers to address recycling concerns and possible waste hauler actions (sponsoring theatre promos, stickers or magnets with directions on how to recycle) that would improve collections.

Schedule: By 2018 all licensed waste haulers will be contacted regarding types of customer education practices implemented.

F. Recognize businesses within Kendall County who practice innovative waste reduction and recycling.

Schedule: Starting in 2016, and annually thereafter, recognize a minimum of one Kendall County business for implementing innovative and effective waste reduction and/or recycling practices.

G. Interact with municipalities and villages within Kendall County on financial benefits and best practices in managing municipal solid waste.

Schedule: Twice during the next five years each Village or Municipality should be contacted by the Kendall County Health Department to discuss MSW practices and financial benefits.

**COMPOST RECOMMENDATIONS**

A. Offer to educate community, strive to be informed and knowledgeable on the latest composting processes and practices; foster cooperative relationships with commercial composting operations and support legislation to improve compost and yard waste land application regulations.

Schedule: Educating the community will be an ongoing activity as outreach opportunities become available through various media or presentations.

Semi-annually, visit IEPA permitted compost sites within Kendall County.

B. Routinely monitor legislation addressing compost and yard waste land application regulations.

**WASTE-TO-ENERGY/ALTERNATIVE TECHNOLOGIES RECOMMENDATIONS**

A. Identify state/federal regulations relating to Waste-to-Energy and Alternative Technologies

Schedule: Routinely track and examine legislation addressing waste-to-energy and other alternative technologies intended to manage of solid wastes.
B. Identify status of USEPA clean air attainment and non-attainment designation for townships relating to Waste-to-Energy siting.

    Schedule: Confirm annually and remain informed on the status of Kendall County townships as related to the National Ambient Air Quality Standards (NAAQS).

C. Continue to identify and examine alternative technologies and offer to educate the public and county leaders regarding these technologies.

    Schedule: Remain informed on both the successes and challenges presented by established Waste-to-Energy and Alternative Technology-based solid waste management operations at the global and national levels.

D. No new Waste-To-Energy (WTE) or Alternative Technology Facilities as defined by IEPA as a pollution control facility (PCF) for handling municipal solid waste (MSW).

    Schedule: 2015-2020

**TRANSFER STATION RECOMMENDATIONS**

A. Development of private sector Municipal Solid Waste Transfer Facilities are allowable within Kendall County.

    Schedule: 2015-2020

B. Transfer Station Host Community Benefit Agreement

   a. All Transfer Stations in Kendall County must enter into Host Community Benefit Agreement with the siting authority in the host community and with the Kendall County Board

   b. Each Host Community Benefit Agreement may give considerations for facilities that include materials recovery.

    Schedule: 2015-2020

**LANDFILL RECOMMENDATIONS**

A. No new or expanded landfills in Kendall County

    Schedule: 2015-2020
RECOMMENDATIONS, IMPLEMENTATION, AND REVISIONS TO THE KENDALL COUNTY 2010-2015 SOLID WASTE PLAN

The original Kendall County Solid Waste Plan and its subsequent five year updates address solid waste management categories as required by the Illinois Environmental Protection Agency (IEPA). In 2005, the once independent categories of Combustion for Energy Recovery and Combustion for Volume Reduction were combined. The category of Composting was added. In 2010, the once independent categories of Waste-to-Energy and Alternative Technology were combined. Along the way, a number of appendices have been added to the Plan, reflecting both the structure and meaning work that makes up the update process and overall implementation of the Kendall County Solid Waste Plan.

■ ADMINISTRATIVE RECOMMENDATIONS

In 2010, five administrative recommendations were developed for the Kendall County Solid Waste Plan based on previous years’ proposals and trials. A brief summary of and implementation schedule for each recommendation follows:

A1 Create a local intergovernmental standing advisory meeting where representatives from the county and all municipalities collectively discuss solid waste issues within Kendall County (1995).

Schedule: First annual meeting to be held in 2010 and continue through 2015.

A2 Create and fill the position of a full-time Solid Waste Coordinator (1995).

Schedule: Annually, evaluate the need for the current part-time position of Solid Waste Coordinator.

A3 Complete a comprehensive review and update of the Kendall County Solid Waste Plan, as required every five years. (1995).

Schedule: In 2013, commence with the process of updating the 2010-2015 Kendall County Solid Waste Plan, completing the entire update by March 2015.
Federal, state, county and private funding should be sought to assist supporting solid waste management education programs (1995).

**Schedule:** Ongoing evaluation of available grants.

Consider becoming an Illinois Environmental Protection Agency (IEPA)-delegated county as it pertains to solid waste-related enforcement programs. (2000)

**Schedule:** Ongoing evaluation of benefits of this action.

**SOURCE REDUCTION RECOMMENDATIONS**

SR1 Offer solid waste audits within municipal buildings and schools to promote source reduction and serve as an example to the business community. Goals should be set and measured at intervals to monitor this program (1995).

**Schedule:** Perform up to four audits per year through 2015.

SR2 Foster positive working relationships with school districts through solid waste public education (1995). Maintaining involvement with schools will be instrumental in creating a culture of waste reduction and preservation of our natural resources.

**Schedule:** Ongoing education efforts throughout the school systems to be completed annually through 2015.

SR3 Publicly recognize local businesses and industries that inspire source reduction (1995).

Local businesses and industries will be identified and recognized in an effort to educate and motivate other businesses and industries to actively practice recycling and source reduction.

**Schedule:** Beginning in 2011, annually recognize businesses or industries.

SR4 Initiate programs to collect and properly dispose of Household Hazardous Waste (HHW), and promote non-toxic alternatives (1995).

**Schedule:** Ongoing evaluation of available programs to be implemented in the county through 2015.

SR5 Continue a public education program conducted by the Environmental Health Services staff, including the Solid Waste Coordinator.

**Schedule:** The program will be ongoing through 2015 in the plans' implementation.

SR6 The Solid Waste Coordinator will monitor new legislation regarding source reduction, such as toxic materials and white goods (1995).

**Schedule:** Ongoing review of federal, state and local legislation impacting Municipal Solid Waste (MSW) activities through 2015.
R1  Create an implementation schedule for commercial/industrial recycling ordinance. (1995)

In the 2010 Solid Waste Plan update, this recommendation was modified to set a goal of 30% commercial recycling. During the years 2010-2013, the commercial recycling rate has ranged from 15-21%. The main concern is the reliability of the data collected from the haulers. The commercial recycling rate is improving, but it has not achieved the 30%.

Schedule: In 2013, examine the commercial recycling rate and industry trends in an effort to evaluate the possible future need for and feasibility of a commercial recycling ordinance.

R2  Kendall County should encourage schools and local government and special to purchase products made from recycled materials. (1995)

Efforts have been made to encourage schools and local government to consider these eco-friendly purchases.

Kendall County, in implementing solid waste and recycling audits, will encourage schools, and county and municipal agencies to purchase products from recycled materials.

Schedule: Ongoing

R3  Adopt a recycling goal of 45% for the year 2015. (2010)

The 1995 Kendall County Solid Waste Plan had established a 25% recycling goal. This goal was modified in 2000 to achieve a 30% recycling rate by 2005, and yet another increase in 2005 to 40% by 2010. Recently collected data appears to reveal that Kendall County’s recycling rate has reached a plateau at approximately 29%.

A lack of reliability in the tools and process by which solid waste haulers report recycling data presents a degree of concern with respect to the setting of recycling goals. Opportunities for better reporting will be explored.

Schedule: Kendall County will maintain and continue to strive to achieve a recycling goal of 40%

R4  The Solid Waste Coordinator (along with the Environmental Health Services unit) should maintain a public education program to promote recycling. (1995)

This recommendation was first established within the 1995-2000 Kendall County Solid Waste Plan cycle, and has been continued with each subsequent cycle. Solid waste management-related public education has become and remains a staple of programming provided by the health department, and is administered via the staff of the Environmental Health Services unit.

Schedule: Ongoing
R5 Create a program for monitoring construction and demolition waste (C&D) recycling and disposal activities occurring within and/or serving Kendall County. (2010)

Schedule: Complete through 2010-2015

**COMBUSTION FOR ENERGY RECOVERY/COMBUSTION FOR VOLUME REDUCTION**

COMB1 Monitor regulations relating to incineration, such as incinerator siting and emission requirements. (1995)

During 2010-2015, the United States has experienced growth in the area of Waste-to-Energy (WTE). Most of the growth is on our nation’s east and west coasts, but one facility is operating in Indianapolis, IN. The evaluation of this method for final disposal includes an examination of not only environmental impact, but economic impact as well. In the Midwest, the costs associated with WTE appear to be double that of land-filling.

Schedule: Ongoing, as part of routine review of WTE technology and industry information.

COMB 2 All Waste-to-Energy or Alternative Technology waste processes, meeting pollution-control facility siting, must enter into a Host Community Benefit Agreement (2010)

All Waste-to-Energy or Alternative Technology processes must enter into a Host Community Benefit Agreement with Kendall County, if the county is the siting authority.

If Kendall County is not the appropriate siting authority, the applicant must enter into a Host Community Benefit Agreement with the siting authority.

Each Host Community Benefit Agreement should make considerations for facilities that include materials recovery.

A host community benefit agreement compensates the host community and may also compensate other affected communities or districts for environmental, infrastructure, economic, and aesthetics-related impacts. Other impacts resulting from the development and operation of a new pollution control facilities could potentially be compensated for as well.

Examples of host community benefits for consideration during the siting of a proposed pollution control facility include the following:

- Lump sum or per ton payments to host community (per ton credits may be given to the facility for recyclables recovered from the waste stream).
- Financial support of community departments/organizations (e.g. fire departments/library districts/townships or impacted communities)
- Financial support of community infrastructure improvements (e.g. construction and maintenance of roadways and public parks)
- Guaranteed waste disposal
- Annual collection events for HHW, tires, etc.

Schedule: When required during PCF siting
COMB3 Monitor IEPA clean air attainment and non-attainment status for townships of Kendall County related to incineration siting. (1995)

The Solid Waste Coordinator has monitored National Ambient air Quality standards (NAAQS) on an ongoing basis.

Schedule: Ongoing via routine visits to the USEPA NAAQS website.

COMB 4 Source reduction and recycling efforts should be continued by the Solid Waste Coordinator to diminish needs for combustion disposal. (2000)

Schedule: Ongoing, during normal job duties.

COMB 5 Continue to investigate Alternative Technologies, and educate the public and county leaders regarding these technologies. (2010)

The Solid Waste Coordinator has continued to review literature, conferences, and other information regarding Alternative Technologies. Growth in the application of WTE in the United States appears to be in the form of conventional mass burn systems, as opposed to the more eco-friendly Alternative Technologies.

Schedule: Ongoing, during normal job duties of technology data reviews and the presentation of educative information via opportunities such as TV and radio appearances, and newspaper articles.

TRANSFER STATIONS RECOMMENDATIONS

T1 Kendall County should consider development of a waste transfer facility(s) within county parameters (1995).

One of the fastest growing methods of MSW handling in densely populated areas involves the use of Transfer Stations. Transfer Stations efficiently and economically move waste to final disposal.

Schedule: As opportunities arise, if transfer stations were to become sited, they should be considered and designed as environmentally friendly.

T2 Transfer Station Host Community Benefit Agreement

1. All Transfer Stations must enter into a Host Community Benefit Agreement with Kendall County, if Kendall County is the siting authority. (2010)

2. If Kendall County is not the appropriate siting authority, the applicant must enter into a Host Community Benefit Agreement with the siting authority.

3. Each Host Community Benefit Agreement should make considerations for facilities that include materials recovery.
A Host Community Benefit Agreement compensates the Host Community and may compensate other affected communities or districts for environmental, infrastructure, economic, aesthetics, and other impacts within its jurisdiction. It is understood that the impact of such facilities may not be limited to the Host Community.

Examples of Host Community Benefits for consideration during the siting of a proposed Pollution Control Facility include the following:

- Lump sum or per ton payments to Host Community (per ton credits may be given to the facility for recyclables recovered from the waste stream).
- Financial support of community departments/organizations (e.g. fire departments/library districts/townships or impacted communities)
- Financial support of community infrastructure improvements (e.g. construction and maintenance of roadways and public parks)
- Guaranteed waste disposal
- Annual collection events for HHW, used tires, etc.

**Schedule:** To be implemented as applicable.

**T3** Ensure the Transfer Station site is large enough to provide for safe traffic flow, lighting, landscaping, vehicle and equipment storage, and other ancillary operations. Also, ensure Transfer Station is adequately screened from view. (2005)

**Schedule:** To be implemented as applicable.

**T4** Ensure the Transfer Station site will be compatible with adjacent land uses. The site shall be located near major haul roads and railroad facilities. (2005)

**Schedule:** To be implemented as applicable.

**T5** Ensure the transfer station site will be located and operated to minimize dust, odor, rodents, noise impacts and other vectors to adjacent properties. (2005)

**Schedule:** To be implemented as applicable.

**T6** Transfer Stations must be enclosed facilities. (2005)

Recommendations T3-T6 were added in 2005 to mirror the IEPA guidance for siting a transfer station. Some of the above recommendations are incorporated in, “Kendall County Pollution Control Facility Siting Ordinance 12-01”, the Pollution Control Facility site approval ordinance. The recommendations not with Ordinance 12-01 are still included within the IEPA requirements.

**Schedule:** To be implemented as applicable.

**T7** The Transfer Station will meet best available technology and all IEPA requirements. (2010)

**Schedule:** To be implemented as applicable.
LANDFILL RECOMMENDATIONS

LD1  No new or expanded landfills (2010).

This recommendation was added in an effort to suspend the receipt of landfill siting applications, allowing time to explore and gain a better understanding of the hydrogeology that exists beneath Kendall County.

Schedule: To be implemented as applicable.

COMPOST RECOMMENDATIONS

CO 1  Create an education program to encourage residents to effectively mulch and compost yard waste. (2000)

Current yard waste bans in Illinois landfills revealed the need for educating residents and businesses on methods of proper composting (both at the home and landscape businesses).

Schedule: Ongoing

CO2  Continue to monitor local yard waste composting facilities, and notify the IEPA when potential violations are observed. (2005)

Kendall County is host to one IEPA permitted compost facility in which educative visits are made during the year. The IEPA Bureau of Land may be notified of any practices considered potentially unsafe or unhealthful.

Schedule: Ongoing; semi-annual visits to facilities.

CO3  Work with state legislators to update present IEPA Compost and Yard-waste Land Application regulations. (2010)

Schedule: Ongoing; routinely monitor solid waste-related proposed legislation.

CO4  Kendall County will stay apprised of food composting practices. The county participates in the Illinois Food Scrap Coalition, who, in part, researches practices and monitors proposed legislation dealing with the composting of food wastes.

Schedule: Ongoing
2010-2015 SOLID WASTE PLAN IMPLEMENTATION EFFORTS

The following section describes recommendations made to the 2010-2015 Solid Waste Plan that have been implemented.

■ ADMINISTRATIVE RECOMMENDATIONS IMPLEMENTED

There were five 2010 Administrative Recommendations scheduled to be addressed over Plan's 2010-2015 cycle. These recommendations, summarized below, had been carried over from one or more previous Plans. The discussion following each recommendation describes the action(s) taken to meet the intent of the recommendation and Plan.

A1 Create an Intergovernmental Standing Advisory Meeting, between Kendall County and all municipalities, to collectively discuss and examine solid waste issues within Kendall County.

The Kendall County Health Department participated in and presented at a Kendall County Mayors and Managers Meeting during both 2011 and 2013. Information and education was shared in an effort to foster safe and sound solid waste management practices and policy, and to promote and raise local government awareness of the Kendall County Solid Waste Plan.

This recommendation is considered completed due to the timely and meaningful discussion had between Kendall County and municipalities.

A2 Create and fill the position of a full-time Solid Waste Coordinator.

Kendall County has continued to fill and support the part-time position of Solid Waste Coordinator. The Kendall County Health Department began to fund this position in county FY14. The necessity to create a full-time position was evaluated and not considered necessary at this time.

This recommendation is considered fulfilled at this time.

A3 Complete updates, revisions, and reviews of the Solid Waste Plan as required.

Kendall County is completing the required five year update of the Solid Waste Plan on schedule.

This recommendation is on schedule to be fulfilled in a timely manner.

A4 State, federal, county and private funding should sought to assist supporting waste education programs.

Kendall County had applied for and received federal funding from the US Department of Agriculture’s Rural Development Program for a Solid Waste Grant in both 2013 and 2014.

This recommendation is considered complete, because funds to assist in solid waste education programs were received, and the required work effectively implemented.
Consider becoming an IEPA-delegated county to allow for the enforcement of solid waste management-related programs.

Kendall County has only one IEPA permitted facility within its jurisdiction. With only one permitted facility, it does not seem beneficial to pursue this designation. The other consideration is the present lack of state funding available to support the required resources.

This recommendation is considered complete.

**SOURCE REDUCTION RECOMMENDATIONS IMPLEMENTED**

SR2 The public education program should include close interaction with school districts.

Continued involvement with schools is considered instrumental in creating and maintaining a culture of waste reduction and the preservation of our natural resources. The school education program continues throughout Kendall County in the form of annual presentations to school students, the provision of source reduction and recycling surveys and audits, and the promotion of safe and sound solid waste management practices. The following list describes the numbers of students educated by year:

- **2010**: Approximately 400 students, representing 3 school districts, and 2 private schools in May were completed over 2 days.
- **2011**: Approximately 700 students, representing 7 schools, and 1 private school in May were completed over 3 days.
- **2012**: Approximately 800 students, representing 7 schools, and 2 private schools in May were completed over 4 days.
- **2013**: Approximately 740 students, representing 4 school districts and 2 private schools in May were completed over 4 days.

This recommendation is considered complete based on strong educational involvement with Kendall County schools.

SR4 Initiate programs to collect and properly dispose of Household Hazardous Waste (HHW), and promote non-toxic alternatives (1995).

Due to a lack of funding at the state level, Kendall County residents no longer have access to the once routine IEPA-sponsored local HHW collection events. Kendall County has offered HHW disposal options in the form of source reduction techniques, and the promotion of two permanently situated, IEPA funded HHW drop-off sites; one located in Naperville, the other in Rockford.

This recommendation is considered completed due to Kendall County residents having reasonable HHW disposal options available. Kendall County has also made efforts to educate and communicate these resources to residents using a variety of media.
SR5  Continue a public education program conducted by the Solid Waste Coordinator.

The Solid Waste Coordinator has continued to make available, information on source reduction, recycling, and closing the loop by purchasing green products and other topics relating to MSW management. The information is made available on the Kendall County Health Department website, promoted via outreach opportunities through local newspaper articles, and TV and radio appearances.

This recommendation is considered complete as information is made available to the public on numerous MSW management topics that support the Solid Waste Plan.

SR6  Solid Waste Coordinator will monitor new legislation regarding source reduction, such as toxic materials and white goods.

The Solid Waste Coordinator has become more involved in tracking legislation in the past 5 years compared to any other time. The following list of legislation was reviewed during the past 5 years.

- E-Waste Bill 2012
- Cook County Banning Landfills
- Cook County requiring Incinerators a specific distance from schools Amends EPA 415ILCS 5/22.16 (ch. 111 1/2, par. 1022.16b)
- Plastic Bag Bill- Not passed
- Paint Stewardship Act HB5457
- Product Stewardship Involvement commencing 2012

Participation in the Product Stewardship Institute (PSI) has allowed for increased access to and reviews of solid waste related proposed legislation. It has also created a system for the monitoring and evaluation of legislation at state and federal levels which may impact Kendall County.

This recommendation is considered completed due to numerous pieces of legislation reviewed over the past five years.

**RECYCLING RECOMMENDATIONS IMPLEMENTED**

R2  Kendall County should encourage local government and special agencies to purchase products made from recycled materials.

Kendall County has made efforts to support local government and special agencies in these eco-friendly purposes. Kendall County, in conjunction with the solid waste and recycling audits, will encourage schools and municipal agencies to purchase products from recycled materials.

The Kendall County Green Pages contains information regarding purchasing materials made from recycled items.

This recommendation is considered implemented as the information is within the Kendall County Green Pages is and being communicated during public education.
The Solid Waste Coordinator should maintain a public education program to promote recycling.

The Solid Waste Coordinator implemented this recommendation within the first five years of the plans’ acceptance. The schedule will continue to have this recommendation as an ongoing recommendation.

Each year the Solid Waste Coordinator completes Public Education for Schools through the Kendall County Soil and Water Conservation District at Hoover Forest Preserve. The following are numbers of students educated by year:
- 2010- Approximately 400 students, representing 3 school districts, and 2 private schools in May were completed over 2 days.
- 2011- Approximately 700 students, representing 7 schools, and 1 private school in May were completed over 3 days.
- 2012- Approximately 800 students, representing 7 schools, and 2 private schools in May were completed over 4 days.
- 2013- Approximately 740 students, representing 4 school districts, and 2 private schools in May were completed over 4 days.

This recommendation is considered completed with the ongoing public education.

Create a program for monitoring the Construction and Demolition Waste recycling and disposal activities within Kendall County.


This recommendation was created due to growing waste stream within Kendall County. The C&D generation has been between 15-16%, but recently dipped to 9% due to construction downturn. This recommendation is considered completed with the tracking of C&D waste generation.

Created category within Solid Waste Data Collection for this waste stream by 2010.

This recommendation is completed by collecting C&D data.

**WASTE-TO-ENERGY AND ALTERNATIVE TECHNOLOGIES RECOMMENDATIONS IMPLEMENTED**

**COMB1** Monitor regulations relating to incineration, such as incinerator siting and emissions requirements.

The Solid Waste Coordinator has completed this recommendation on an ongoing basis.

Over the review period, the United States has seen growth in WTE. Most of the growth is on the East and West coasts, but one facility is operating in Indianapolis. The evaluation of this method for final disposal is not only an environmental impact, but economical as well. The cost doubles for final disposal in Midwest for WTE compared to landfill costs.

This recommendation is considered implemented with the tracking of growth of WTE industry and informal economic evaluation of this final disposal method.
All Waste-to-Energy or Alternative Technology waste processes meeting pollution control facility siting must enter into a Host Community Benefit Agreement

All Waste-to-Energy or Alternative Technology processes must enter into a Host Community Benefit Agreement with Kendall County, if Kendall County is the siting authority.

If Kendall County is not the appropriate siting authority, the applicant must enter into a Host Community Benefit Agreement with the siting authority.

Each Host Community Benefit Agreement should make considerations for facilities that include materials recovery.

A Host Community Benefit Agreement compensates the Host Community and may compensate other affected communities or districts for environmental, infrastructure, economic, aesthetics, and other. It is understood that the impact of such facilities may not be limited to the Host Community.

Examples of Host Community benefits for consideration during the siting of a proposed pollution control facility include the following:

- Lump sum or per ton payments to host community (per ton credits may be given to the facility for recyclables recovered from the waste stream)
- Financial support of community departments / organizations (e.g. fire departments/library districts/townships or impacted communities)
- Financial support of community infrastructure improvements (e.g. construction and maintenance of roadways and public parks)
- Guaranteed waste disposal
- Annual collection events for HHW, tires or etc.

This recommendation was added based on the increasing interest in this type of final disposal to ensure a Host Community Agreement is created to protect the interests of Kendall County.

This recommendation is considered complete.

COMB 3 Monitor IEPA clean air attainment and non-attainment status for townships of Kendall County relating to incineration siting.

The Solid Waste Coordinator has monitored National Ambient Air quality Standards (NAAQS) on an ongoing basis.

Kendall County is aware of the status of townships as it pertains to the NAAQS, therefore the recommendation is considered completed with that information.

COMB 4 Source Reduction and Recycling efforts should be continued by the Solid Waste Coordinator to diminish needs for combustion disposal.

Schedule: 2010-2015

This recommendation is considered fulfilled, and worthy of continuing.
COMB 5  Continue to investigate Alternative Technologies, and educate the public and county leaders regarding these technologies.

The Solid Waste Coordinator has continued to review literature, conferences and other information regarding alternative technologies. The WTE growth seen in the United States is for typical mass burn systems and not alternative technologies.

This recommendation is considered fulfilled, and worthy of continuing.

**TRANSFER STATIONS RECOMMENDATIONS IMPLEMENTED**

**T1**  Kendall County should consider development of a waste transfer facility(s) within the county (1995).

One of the fastest growing methods of MSW handling in densely populated areas is Transfer Stations. Transfer stations efficiently and economically move waste to final disposal.

This recommendation is actively implemented.

**T2**  Transfer Station Host Community Benefit Agreement

All Transfer Stations must enter into a Host Community Benefit Agreement with Kendall County if the county is the siting authority.

If Kendall County is not the appropriate siting authority, the applicant must enter into a Host Community Benefit Agreement with the siting authority.

Each Host Community Benefit Agreement should make considerations for facilities that include materials recovery.

A Host Community Benefit Agreement compensates the Host Community and may compensate other affected communities or districts for environmental, infrastructure, economic, aesthetics, and other impacts. It is understood that the impact of such facilities may not be limited to the Host Community.

Examples of Host Community Benefits for consideration during the siting of a proposed pollution control facility include the following:

- Lump sum or per ton payments to Host Community (per ton credits may be given to the facility for recyclables recovered from the waste stream).
- Financial support of community departments / organizations (e.g. fire departments/library districts/townships or impacted communities)
- Financial support of community infrastructure improvements (e.g. construction and maintenance of roadways and public parks)
- Guaranteed waste disposal
- Annual collection events for HHW, tires or etc.

This recommendation was added in 2010 to ensure a Host Community Agreement is created to protect Kendall County.

This recommendation is considered complete.
Ensure the Transfer Station site is large enough to provide for safe traffic flow, lighting, landscaping, vehicle and equipment storage, and other ancillary operations. Also, ensure Transfer Station is adequately screened from view.

Ensure the Transfer Station site will be compatible with adjacent land uses. Site shall be located near major haul roads and railroad facilities.

Ensure the Transfer Station site will be located and operated to minimize dust, odor, rodents, noise impacts or other vectors to adjacent properties.

Transfer Stations must be enclosed facilities.

Recommendations T3-T6 were added in 2005 to mirror the IEPA guidance for siting a Transfer Station. Some of the above recommendations are incorporated in the Kendall County Ordinance 12-01 the “Amended and Restated Kendall County Site Approval Ordinance for Pollution Control Facilities”. The recommendations not with Ordinance 12-01 are still included within the IEPA requirements.

These are considered to be implemented.

The siting criteria outlined within the Amended and Restated Kendall County Site Approval Ordinance for Pollution Control Facilities will be followed.

In 2012 the Kendall County Site Approval Ordinance for Pollution Control Facilities was amended and restated, and serves as County policy.

This recommendation is considered implemented.

The Transfer Station will meet best available current technology for this type of facility and meet all IEPA requirements.

This recommendation is considered implemented.

**Landfills Recommendations Implemented**

No new or expanded landfills

This recommendation was added to slow down the landfill applications in Kendall County, and allow for a better understanding of the hydrogeology of Kendall County as it pertains to groundwater protection.

This recommendation is considered implemented.
CO 1 Create an education program to encourage residents to effectively mulch and compost yard waste.

Kendall County residents continue to be provided with information describing landfill yard-waste bans, and options for the safe and proper management of yard-wastes.

This recommendation is considered implemented.

CO2 Strive to be informed and knowledgeable on the latest composting processes and practices, and foster collegial relationships with commercial composting operations.

Kendall County has one IEPA permitted compost facility, and educative visits to the facility are made throughout each year. The IEPA’s Bureau of Land may be notified to address any conditions considered unsafe or unsanitary.

This recommendation is considered implemented by semi-annual educative visits of the IEPA facility composting within Kendall County.

CO3 Work with state legislators to evaluate present IEPA Compost and Yardwaste Land Application regulations.

Kendall County is educated on current food composting practices. Kendall County is involved with the Illinois Food Scrap Coalition, which monitors and examines proposed legislation involving the composting of food waste.

This recommendation is considered implemented.

THE FOLLOWING SECTION DESCRIBES RECOMMENDATIONS MADE TO THE 2010-2015 SOLID WASTE PLAN WHICH WERE NOT OR HAVE YET TO BE IMPLEMENTED.

■ ADMINISTRATIVE RECOMMENDATIONS

All Administrative Recommendations are considered to be implemented. The recommendations may not meet each specific aspect of the recommendation, but the intent and action required was met by the implementation efforts.

■ SOURCE REDUCTION RECOMMENDATIONS

SR1 Offer solid waste audits within municipal buildings and schools to promote source reduction and to serve as an example to the business community. Goals should be set and measured at intervals to monitor this program.

Goal: Up to 4 per year

All Kendall government buildings were audited and had adequate recycling opportunities. Kendall government buildings have required replenishment of containers on an as needed basis.
School recycling surveys were performed during 2013 school education at Hoover. This sampling identified all schools are recycling paper, which is the largest component of their waste stream. The majority are also recycling cardboard, cafeteria containers (cans and plastic), aluminum cans and plastic bottles and e-waste. A few schools perform special collections, such as shoe drives.

This recommendation is not completed due to the few audits completed over past five years.

SR3 The County Board to provide public recognition to businesses and industries to stimulate source reduction.

Local businesses and industries were to be identified and recognized in an effort to educate and motivate other businesses and industries to use recycling and source reduction.

Kendall County has not implemented the program of commercial recycling recognition.

This recommendation is not completed, since recognition of any type has not been implemented.

**RECYCLING RECOMMENDATIONS**

R1 Create an implementation schedule for commercial/industrial recycling ordinance.

The County has considered this option but at this time this recommendation has not been implemented. The schedule identifies this recommendation as continuing to be considered with the potential to create this ordinance. In the 2010-2015 Solid Waste Plan update this recommendation was modified to set a goal of 30% commercial recycling. Between 2010 and 2013 the commercial recycling rate has ranged from 15-21%. The main concern is the reliability of the data collected from the local solid waste haulers. While the commercial recycling rate appears to be increasing, it is possible that it has yet to reach the 30% mark.

It is believed that in order to consider the need for a commercial recycling ordinance, in part, accurate recycling collection data must be available. Data collection techniques appear to be improving and will continue to be monitored.

This recommendation is considered not complete, due to not implementing the ordinance.

**WASTE-TO-ENERGY AND ALTERNATIVE TECHNOLOGIES RECOMMENDATIONS**

All combustion recommendations are considered to be implemented. The recommendations may not meet each specific aspect of the recommendation but the intent and action required was met by the implementation efforts.

**TRANSFER STATIONS RECOMMENDATIONS**

Most of the Transfer Station recommendations were to be implemented if a Transfer Station were to be attempted to be sited within Kendall County. The county has had no applications for a Transfer Station, so they are considered implemented.
**LANDFILL RECOMMENDATIONS**

No landfill was sited, so the recommendation is considered to be met.

**WHICH RECOMMENDATIONS HAVE BEEN ADOPTED ACCORDING TO THE PLAN SCHEDULE?**

The previous sections of this update request information on implemented and non-implemented recommendations. All recommendations completed were considered “...adopted according to the plan schedule”. Therefore, no additional information will be inserted into this section since appropriately addressed in previous sections.

**NEW SCHEDULE FOR NON-IMPLEMENTED RECOMMENDATIONS**

Schedules for all 2015-2020 Solid Waste Plan recommendations can be found listed under 2015-2020 Solid Waste Plan Recommendations and Implementation Schedule starting on page 18.
RECYCLING PROGRAM STATUS

a. Has the program been implemented throughout Kendall County?
   Yes

b. Has the recycling coordinator been designated to administer this program?
   Yes, Since 1994

c. Does the program provide for separate collection and composting of leaves?
   Not in the unincorporated areas of Kendall County

d. Does the recycling program provide for public education and notification to foster understanding of
   and encourage compliance with the program?
   Yes

e. Does the recycling program include provisions for compliance, including incentives and penalty?
   Yes, the licensing requirement does include fines to haulers, which do not meet the ordinance requirements.

f. Does the program include provisions for recycling the collected materials, identifying potential
   markets for at least three materials, and promoting the use of products made from recovered or
   recycled materials among businesses, newspapers, and local government?

1. Recycling the collected materials
   Yes

2. Identifying potential markets for at least 3 materials
   No, the residential ordinance requires the haulers to accept recyclable items. It is expected for them to
   identify markets for recyclables collected.

3. Promoting the use of products made from recovered or recycled materials among
   businesses, newspapers, and local governments?
   Yes

g. Provide any other pertinent details on the recycling program.
   E-Waste collection sites are available within the county and HHW collection is available within 30 miles.
◆ Administration Objectives
  - Integrate solid waste legislation monitoring into the Kendall County Health Department Legislative/Policy Agenda.
  - Integrate goals from Solid Waste Plan into the Kendall County Health Department Strategic Plan

◆ Recycling & Source Reduction Recommendations
  - Offer to educate and promote recycling and source reduction efforts within Kendall County
  - Interact with schools, clubs, senior groups & community groups in Kendall County on ways to promote recycling & source reduction
  - Using social/mainstream media, including “Green Pages”, to incorporate information on source reduction, recycling and other actions to aid proper waste management
  - Identify & communicate methods for residential disposal of household hazardous wastes
  - Communicate with waste haulers to address recycling concerns & possible waste hauler actions (sponsoring theater promos, stickers or magnets with directions on how to recycle) that would improve collections
  - Recognize businesses within Kendall County who practice innovative waste reduction and/or recycling
  - Interact with municipalities and villages within Kendall County on financial benefits and best practices in managing municipal solid waste

◆ Compost Recommendations
  - Offer to educate community, strive to be informed and knowledgeable on the latest composting processes and practices; foster cooperative relationships with commercial composting operations and support legislation to improve compost and yardwaste land application regulations.

◆ Waste-to-Energy/Alternative Technologies Recommendations
  - Identify state/federal regulations relating to Waste to Energy and Alternative Technologies
  - Identify status of USEPA clean air attainment and non-attainment designation for townships relating to waste to energy siting
  - Continue to identify and explore Alternative Technologies and offer to educate the public and Kendall County leaders regarding these technologies
  - No new waste-to-energy (WTE) or alternative technology facilities as defined by IEPA as a pollution control facility (PCF) for handling municipal solid waste (MSW) in Kendall County.

◆ Transfer Stations Recommendations
  - Development of private sector Municipal Solid Waste Transfer Facilities are allowable within Kendall County
  - Transfer Station Host Community Benefit Agreement
    - All Transfer Stations in Kendall County must enter into a Host Community Benefit Agreement with the siting authority in the host community and with the Kendall County Board
    - Each Host Community Benefit Agreement may give considerations for facilities that include materials recovery.

◆ Landfill Recommendations
  - No new or expanded landfills in Kendall County
TO BE INSERTED:
APPENDIX C – 2015-2020 SOLID WASTE PLAN LETTER OF ENDORSEMENT FROM THE KENDALL COUNTY BOARD & BOARD OF HEALTH

TO BE INSERTED:
Appendix D - Structure of 2015-2020 Solid Waste Plan Committee

Kendall County Board of Health Solid Waste Plan Committee

The Kendall County Solid Waste Plan is due for updating by March 2015. The Health Department plans to begin the facilitation of this process in March of 2013. The methodology implemented for 2015-2020 Solid Waste Plan included a committee structure with representatives invited from all villages or municipalities as well as other parts of county government and members-at-large.

This committee structure works well for a plan that has input from major stakeholders in solid waste issues affecting Kendall County. The following is a template for committee membership. The Open Meetings Act will be adhered to throughout the course of these meetings.

- County Board Chair and County Board Health and Environment Committee Chair
- The Health and Environment Chair will act as chair of this advisory committee process
- A representative from the Board of Health and Environmental Health Advisory Board
- Five members from the public at large (to be chosen by County Board Chair/Designee)
- One representative from each of the following entities were invited:

<table>
<thead>
<tr>
<th>City of Plano</th>
<th>Village of Lisbon</th>
<th>Village of Montgomery</th>
<th>Seward Township</th>
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<tbody>
<tr>
<td>Village Oswego</td>
<td>Village of Plainfield</td>
<td>Fox Township</td>
<td>Big Grove Township</td>
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<td>United City of Yorkville</td>
<td>Village of Newark</td>
<td>Lisbon Township</td>
<td>Na-Au-Say Township</td>
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<td>City of Joliet</td>
<td>Village of Millington</td>
<td>Kendall Township</td>
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<td>Village of Platteville</td>
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<td>Bristol Township</td>
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<td>Village of Minooka</td>
<td>Village of Millbrook</td>
<td>Little Rock Township</td>
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*The preferred members from these entities should hold the position of village manager/township supervisor or their designee*

<table>
<thead>
<tr>
<th>COMMITTEE MEMBER</th>
<th>REPRESENTING</th>
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<tbody>
<tr>
<td>John Church</td>
<td>Kendall County Health Department Environmental Health Advisory Board Member</td>
</tr>
<tr>
<td>Jim Friedrich</td>
<td>Kendall County Board of Health Member</td>
</tr>
<tr>
<td>Joel Frieders</td>
<td>United City of Yorkville</td>
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<tr>
<td>Joann Gilbert</td>
<td>Kendall County Resident</td>
</tr>
<tr>
<td>Judy Gilmour</td>
<td>Kendall County Board Member &amp; Solid Waste Plan Committee Chair</td>
</tr>
<tr>
<td>James Haller</td>
<td>City of Joliet</td>
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<tr>
<td>Jim LaPorta</td>
<td>Kendall County Resident</td>
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<tr>
<td>Stan Ludwikowski</td>
<td>Kendall County Resident</td>
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<tr>
<td>John Maggio</td>
<td>Village of Oswego</td>
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<tr>
<td>Todd Milliron</td>
<td>Kendall County Resident</td>
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<tr>
<td>Scott Mulliner</td>
<td>City of Plano</td>
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<td>Bob Nordengren</td>
<td>Village of Newark</td>
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<td>Lee Schultz</td>
<td>Kendall County Resident</td>
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<tr>
<td>John Shaw</td>
<td>Kendall County Board Chair</td>
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<tr>
<td>Joan Sortwisch</td>
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<td>Scott Wallin</td>
<td>Lisbon Township</td>
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**Kendall County Health Department Staff**

<table>
<thead>
<tr>
<th>Person</th>
<th>Title</th>
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<tbody>
<tr>
<td>Dr. Amaal Tokars</td>
<td>Executive Director/Public Health Administrator</td>
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<tr>
<td>Marlin Hartman</td>
<td>Solid Waste Coordinator</td>
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<tr>
<td>Steve Curatti</td>
<td>Program Administrator</td>
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<tr>
<td>Aaron Rybski</td>
<td>Environmental Health Services Director</td>
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<tr>
<td>Becki Rudolph</td>
<td>Executive Assistant</td>
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### Solid Waste Plan (SWP) Meetings 2013

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<tr>
<th>TASK</th>
<th>JAN</th>
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<tr>
<td>KCHD Pre-Update/Staff Meeting</td>
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<td>Introduce Present Plan including current implementation efforts</td>
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<td>Address Kendall Recycling History and 2010 Recommendations</td>
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<td>Timeliness Recycling and Source Reduction Recommendations</td>
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### Solid Waste Plan (SWP) Meetings 2014

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<td>Review Food and Yardwaste Compost Recommendations and WTE/Alternative Technologies</td>
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<td>Food and Yardwaste Compost Recommendations and WTE/Alternative Technologies Recommendation; Transfer Stations Introductions</td>
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<td>Franchising; Transfer Stations and Landfill Recommendations</td>
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<td>State's Attorney's presentation on PCF Siting Ordinances and SWP Implementation</td>
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<td>Final Plan Review; Evaluation of the SWP Update Process</td>
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<td>Board of Health Review &amp; Vote to Recommend SWP</td>
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Notes: All meetings outside of the Public Hearing and County Board vote are held at the Kendall County Health Department, running from 5 p.m. - 7 p.m.
Solid Waste Participant Insight Instrument

Thank you for being a valued member of the Solid Waste Plan Committee, we appreciate your feedback and your comments as you reflect on the following aspects of the planning process.
(Please do not place your name on this instrument.)

Solid Waste, more commonly known as trash or garbage, consists of everyday items we use and then throw away, such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries. This comes from our homes, schools, hospitals, and businesses. EPA encourages practices that reduce the amount of waste needing to be disposed of, such as waste prevention, recycling, and composting. Source reduction or waste prevention, is designing products to reduce the amount of waste that will later need to be thrown away and also to make the resulting waste less toxic.

Recycling is the recovery of useful materials, such as paper, glass, plastic, and metals, from the trash to use to make new products, reducing the amount of virgin raw materials needed.

Composting involves collecting organic waste, such as food scraps and yard trimmings, and storing it under conditions designed to help it break down naturally. This resulting compost can then be used as a natural fertilizer.

(United States Environmental Protection Agency, 2013)

Source Reduction

To what extent has your participation made a meaningful contribution to source reduction in Kendall County?

Very Meaningful____ Meaningful Contribution____ Slight Contribution____ No Contribution____

Feel free to explain___________________________________________________________

Recycling Improvement

To what extent has your participation made a meaningful contribution to recycling improvements in Kendall County?

Very Meaningful____ Meaningful Contribution____ Slight Contribution____ No Contribution____

Feel free to explain___________________________________________________________
Composting Improvement

To what extent has your participation made a meaningful contribution to composting improvements in Kendall County?

Very Meaningful___ Meaningful Contribution___ Slight Contribution___ No Contribution___
Feel free to explain_____________________________________________________________

Participatory Input (Contribute to insight and understanding through dialogue)

To what extent have you provided participatory input to the Kendall County Solid Waste Plan?

Very Participatory___ Participatory Input___ Slightly Participatory___ Not Participatory___
Feel free to explain_____________________________________________________________

Respectful Treatment

To what extent have you received respectful treatment from participants during the Solid Waste Planning Process?

Very Respectful___ Respectful Treatment___ Somewhat Respectful___ Not Respectful___
Feel free to explain_____________________________________________________________

Feel free to provide other insights into your process experience with the Solid Waste Plan.

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

7/14 - AVET
The following thoughtful source reduction and recycling strategies were crafted and presented by the members of the 2015-2020 Solid Waste Plan Committee while engaged in meaningful break-out group discussions on possible strategies to fostering safe and sound community-wide solid waste management practices. These discussions, facilitated by the Kendall County and the Kendall County Health Department took place over the course of two planning meetings, August 7th and October 13th, 2013.

**Strategies for Source Reduction:**
- Locate and publicize area organizations that accept Household Hazardous Waste (HHW)
- Recognize and publicize local businesses actively practicing source reduction
- Work with organizers of local community events to encourage the use of less paper during public events
- Educate school students of all ages, and indirectly their families, on the benefits and proper methods of yard waste and food composting
- Produce educative movie trailers to be shown at local theaters promoting, source reduction – work with local community college on production of a trailer, encourage solid waste haulers to contribute to the cost of such productions
- Use public access (TV) cable to promote the benefits and proper methods of source reduction

**Strategies for Recycling:**
- Promote the Green Pages, easily accessed electronically, to local school groups, clubs, and at assemblies
- Promote and make available, recycling information at local school events
- Encourage solid waste haulers to further promote and educate customers on recycling opportunities
- Encourage local municipalities to promote recycling – explain financial advantages to municipalities
- Increase recycling awareness at local events such as a 5K run; hold a recycling event in conjunction with Earth Day
- Create a “Recycling Challenge” – demonstrating how to make simple changes to increase recycling
- Provide targeted education to seniors and senior groups
- Go to local service organizations – Kiwanis’s, Knights of Columbus, etc.
- Promote “Trash to Cash” fund raising for groups – recycle phones, ink cartridges, etc.
- Work with community/local chambers of commerce to encourage community recycling – learn what’s going on with other agencies/groups, etc.
- Recognize/publicize businesses who recycle via articles in local newspapers
- Educate on and promote strategies for properly segregating recycling from garbage – what goes where
- Households share strategies “Trash Triage”
- Explore the feasibility of stickers or recycle bins with information on that which can be recycled
- Recycling must be cost effective for businesses to adopt – show ways they would save dollars
- Send and learn from a questionnaire to businesses asking about recycling – do they recycle, what do they recycle, etc.
KENDALL COUNTY

Ordinance No. 12-01

AMENDED AND RESTATED KENDALL COUNTY SITE APPROVAL ORDINANCE
FOR POLLUTION CONTROL FACILITIES

WHEREAS, as of November 12, 1981, PA. 82-882 entitled "An Act relating to the location of sanitary landfills and hazardous waste disposal sites" (415 ILCS 5/39/2) became effective and amended the "Environmental Protection Act" (415 ILCS 5/1 et seq., therein the "Act"), and which has subsequently been amended; and

WHEREAS, the Act restricts the authority of the Illinois Environmental Protection Agency to issue permits for the development or construction of new pollution control facilities in unincorporated areas unless the applicant submits proof to the Agency that the location of said facility has been approved by the County Board of the county in which the proposed site is to be located; and

WHEREAS, the Act requires an applicant to file an application for site approval with the County Board; and

WHEREAS, the Act requires that the County Board shall approve or disapprove the application for site approval for each pollution control facility which is subject to the Act; and

WHEREAS, by its terms, the Act supersedes local zoning and land use ordinances and requires the County Board to evaluate applications for site approval for pollution control facilities as outlined in Kendall County Solid Waste Plan 2010-2015 pp. 6-7 in accordance with the following criteria, and to grant site approval only if the criteria are met:

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

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

3. The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

4. (a) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (b) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year floodplain, or if the facility is a facility described in subsection (b) of Section 22.19a. of the Act the site is flood-proofed;
5. The plan of operations for the facility is designed to minimize the dangers to the surrounding area from fire, spill, or other operational accidents;

6. The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

7. If the facility will be treating, storing, or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;

8. If the facility is to be located in a county where the County Board has adopted a solid waste management plan, the facility is consistent with that plan;

9. If the facility will be located within a regulated recharge area, any applicable requirements specified by the Illinois Pollution Control Board for such areas have been met;

provided, however, that this Ordinance governs applications for site location approval of new pollution control facilities as defined by the Act. To the extent a facility described in an application proposes to handle or manage material that is not a waste, or proposes to conduct an activity which is excluded from the Act's definition of a pollution control facility, or proposes to conduct an activity which does not require a permit from the Illinois Environmental Protection Agency, this Article does not govern the application, and authorization to locate such a facility shall be determined by other provisions in the County's Code of Ordinances, including but not limited to those related to zoning, special use, building or environmental requirements, as applicable, and

WHEREAS, the Act authorizes the County Board to also consider as evidence 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 when considering criteria (ii), (vi), (vii) of 415 ILCS 5/3-20(a); and

WHEREAS, the Act requires that an applicant shall file as part of its application: (1) the substance of the applicant's proposal; (2) all documents, if any, submitted as of the date of the application to the Illinois Environmental Protection Agency pertaining to the proposed facility, except trade secrets as determined under 415 ILCS 5/7.1; and

WHEREAS, the Act requires the County Board to hold at least one public hearing to commence no sooner than 90 days but no later than 120 days from receipt of the application for site approval, such hearing to be preceded by published notice in a newspaper of general circulation published in the county of the proposed site, and notice by certified mail to all members of the General Assembly from the district in which the proposed site is located, and to the governing authority of every municipality contiguous to the proposed site, and to the Illinois Environmental Protection Agency, and

WHEREAS, the Act provides that members or representatives of the governing authority of every municipality contiguous to the proposed site, and members or representatives of the County Board, may appear at and participate in public hearings related to any application for site approval; and

2
WHEREAS, the Act provides that the public hearing shall develop a record sufficient to form the basis of appeal of any decision, and that appeals shall be based exclusively on the record made before the County Board; and

WHEREAS, the Act provides that any person may file a written comment with the County Board concerning the appropriateness of the proposed site for its intended purpose; and that the County Board shall consider any comment received or postmarked not later than 30 days after the date of last public hearing; and

WHEREAS, pursuant to this Ordinance the County Board shall also consider any post-hearing memorandum submitted by the applicant and received or postmarked not later than 30 days after the date of the last public hearing; and

WHEREAS, decisions of the County Board with respect to applications for location approval for such facilities are quasi-judicial determinations, and therefore are required to be based solely upon the evidence received at said public hearing, the written comments from persons received or postmarked not later than 30 days after the date of last public hearing, and pursuant to this Ordinance, the applicant's post-hearing memorandum, if any, received or postmarked not later than 30 days after the date of last public hearing; and

WHEREAS, the Act requires that decisions of the County Board regarding such matters are required to be in writing specifying reasons for the decision, and shall be made within 180 days after the receipt for site approval has been filed; and

WHEREAS, the Act provides that if no final action is taken by the County Board within 180 days after the filing of the application for site approval, the applicant may deem the application approved, but the Act does not prohibit the applicant and the County Board from agreeing to extend the time period for final action by the County Board; and

WHEREAS, the Act provides that the County Board, in granting approval for a site, may impose such conditions as may be reasonable and necessary to satisfy the purposes of the Act as long as those conditions are not inconsistent with regulations imposed by the Texas Pollution Control Board; and

WHEREAS, it is apparent to the County Board that unless the information submitted by each applicant for site approval and by other persons can be evaluated by qualified professionals, including but not limited to engineering and legal professionals, the County Board cannot accomplish what the Legislature has mandated; and that the employment of such qualified professionals will impose a financial burden upon the County, and that because it would be impossible for the County Board to anticipate in any given year whether any or how many applications for approval of pollution control facilities may be filed in Kendall County, the County Board cannot justify the employment of those competent professionals as salaried employees; and it is assumed the legislature was cognizant of those facts; and

WHEREAS, recognizing that a single county should not bear the substantial financial burden of the cost of determining the appropriateness of such a regional facility, said Act provides that a county may impose a reasonable fee upon an applicant to recover reasonable and necessary costs incurred in the siting review process; and

WHEREAS, in order to protect the public interest and to promote the orderly conduct of the hearing process and to insure that full and complete information is made available to the
County Board, it is necessary that procedures be established for conducting the public hearings and making decisions regarding site approval applications; and

WHEREAS, the terms of this Ordinance do not constitute or imply a policy decision by the County concerning siting pollution control facilities of any kind within the County but exist to guide the County in the fulfillment of its statutory duties with respect to applications for site location approval; and therefore

BE IT RESOLVED by the County Board of Kendall County, Illinois that the following procedures shall be established with respect to applications for site approval for pollution control facilities which are subject to Section 39.2 of the Act (415 ILCS § 5/39.2):

Article 1
DEFINITIONS

1.1 The terms used in these procedural rules and regulations shall have the same meanings as the same terms are defined in the Act, in effect as of the date hereof and as said Act may be amended or modified from time to time, except where otherwise specifically defined herein. Defined terms in this Ordinance need not be capitalized to have the meaning prescribed to them herein or in the Act.

1.2 Applicant, as used herein, shall include any person, group of persons, beneficiaries of a trust, partnership, firm, association, corporation, company or organization of any kind that files an application for site approval pursuant to this Ordinance, including, but not limited to, any and all persons or entities having any pecuniary interest in the subject matter of the application for site location approval, provided, however, that this definition shall not include holders or owners of less than five percent (5%) of the stock of any such company or entity whose stock is publicly traded on a national exchange.

1.3 Operator, as used herein, shall include any person, group of persons, beneficiaries of a trust, partnership, firm, association, corporation, company or organization of any kind that is designated or identified in an application for site approval pursuant to this Ordinance to operate the proposed facility, provided, however, that this definition shall not include holders or owners of less than five percent (5%) of the stock of any such company or entity whose stock is publicly traded on a national exchange.

Article 2
FILING OF APPLICATION

2.1 A minimum of thirty (30) complete copies of applications for site approval shall be filed in the office of the County Clerk by the applicant. All exhibits that the applicant wishes to have considered as evidence by the County Board shall be attached to the application for site approval at the date of filing. The applicant shall also provide at least one (1) copy to the governing authority of each municipality, if any, contiguous to the proposed site, and to the governing authority of each municipality within five (5) miles of the border of the proposed site.

2.2 All applications shall be in writing on eight and one-half inch by ten inch (8 1/2" x 11") paper and one-half inch by fourteen inch (8 1/2" x 14"), or eleven inch by seventeen inch (11" x 17") paper, and shall also be submitted in an electronic P.D.F. format. All exhibits shall likewise be made available both in paper and electronic formats.
The pages of the application and all exhibits, including pages intentionally left blank, shall be consecutively numbered.

2.3 Upon receipt of any such application and the filing fee as provided in Section 3.1, the County Clerk shall date stamp same. The date on the stamp of the County Clerk shall be considered the official filing date for all purposes relating to the time of filing. Should the application be presented to the County Clerk without the correct number of copies, in the incorrect form, or without the sections and fee described in this subsection, the application shall be rejected by the County Clerk, provided, however, that receipt and acceptance of an application by the County Clerk is pro forma, and does not constitute an acknowledgment that the applicant has complied with the Act or this Ordinance.

2.4 Three copies of the application for site approval shall be made available for public inspection in the offices of the County Clerk and members of the public shall be allowed to obtain a copy of the application or any part thereof upon payment of actual costs of reproduction to the County Clerk. The remaining copies of the application shall be delivered by the County Clerk to the County Board offices for distribution to the County Board members and County staff. The County Clerk shall also cause the electronic version of the application to be posted, in its entirety, in a publicly accessible area on the County’s web site.

2.5 Copies of each application for site approval shall also be made available for public inspection in each public library within five (5) miles of the proposed facility. It shall be the responsibility of the applicant to identify all such libraries and to make such copies available.

2.6 At any time prior to the completion by the applicant of the presentation of the applicant’s factual evidence and an opportunity for cross-questioning by the members of the County Board and any other Participants, the applicant may file not more than one amended application for site approval upon payment of an additional fee as set forth in Section 3.1 of this Ordinance. In the event an amended application is filed, the time limitations for final action as set forth by the Act shall be extended for an additional period of ninety (90) days from the date of filing of the amended application.

2.7 The application for site approval shall contain a certification signed by an officer or partner of the applicant stating “I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information provided in the site application are true, accurate, correct and complete.”

2.8 Withdrawal of Application. An application for site approval may be withdrawn by a site applicant under the following circumstances:

1. The applicant may, at any time before the public hearing called for by Article 8 hereof begins and upon notice filed with the County Clerk withdraw the application for site approval.

2. After the commencement of the public hearing, and up to the date said hearing is closed in accordance with §8.5.16 of this Ordinance, the applicant may withdraw the application for site approval only upon terms fixed by the Hearing Officer, on a motion specifying the ground for withdrawal, which shall be supported by affidavits or other proof.
3. An applicant may not withdraw an application for siting approval after the close of the public hearing in accordance with §8.5.16 of this Ordinance.

**Article 3**

**FILING FEE**

3.1 There shall be paid to the County Clerk for delivery to the County Treasurer, for deposit in a segregated siting application fund, at the time of the filing of an application for site approval a fee of $500,000 (Five Hundred Thousand Dollars), by certified or cashier's check. If the application is amended, an additional filing fee of $250,000 (Two Hundred Fifty Thousand Dollars) shall accompany each amended application. A fee of $1,000,000 (One Million Dollars) is required if said facility is designed as a Hazardous Waste Treatment, Storage or Disposal Site. If the application is amended, an additional fee of $500,000 (Five Hundred Thousand Dollars) shall accompany such amended application. The County Treasurer is hereby authorized and directed to receive and hold said filing fee until payment is directed as described below.

3.2 In the event the applicant for site approval requests approval for a waste transfer station only, a reduced application fee in the amount of $125,000.00 (One Hundred Twenty-Five Thousand Dollars) will be accepted to cover notice costs, court reporter costs, hearing officer costs and other expenses incurred by the County in conducting the review of the application for site approval, the subsequent public hearing, and the site approval decision.

3.3 The County Board may, at its discretion, retain the services of one or more professional consultants to assist the Board and County staff in the siting process. The County Board shall authorize the filing fee to pay any costs and expenses incurred by the County as a result of the application for site approval and the hearing process set forth herein, including, but not limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigators, data searches, notices, court reporters, transcription costs, consultants, the hearing officer, other expenses incurred by the County in conducting the review of the application, the public hearing, and the County’s site location decision, or any issue raised at any time during any hearing, to pay any costs incurred in any appeal of any decision of the Board related to the application and to pay any other cost or expenses in any way connected with the application, including, but not limited to, remand hearings.

3.4 Records of County-incurred fees and costs, including but not limited to relevant time records of County employees and staff and County consultants, to the extent the County is seeking reimbursement of their time, are to be submitted by the persons creating such records to the County Treasurer on a monthly basis.

1. The County Treasurer, or his/her designee, shall organize the records and prepare and submit periodic reports to the County Board, County Clerk and the applicant, of invoices to or expenditures by the County. The actual invoices and bills shall be submitted to the County Treasurer and included in the report submitted to the County Board, County Clerk and Applicant, with all privileged and confidential information, if any, redacted. Inadvertent disclosure of confidential or privileged information by the County is not a waiver of confidentiality or privilege.
2. Upon approval of each report, described in subsection (a), above, by the County Board, the County Treasurer may draw upon the applicant’s filing fee deposits in the amount of the reported incurred costs and fees, or as otherwise provided by the County Board.

3. In determining the fees to be paid to the County to reimburse the County for its employees or staffs time involved in matters concerning the application, the County Treasurer shall determine a rate for each employee who submits a record of his/her time to the County Treasurer, including in such rate, all costs of the County in compensating such employee or staff member, such as salary or wage, or benefits. The County Treasurer shall include the rate he/she calculates per employee in the report described in (a) above.

3.5 If the costs incurred by the County under this Article 3 exceed, or are reasonably estimated to exceed, the amount of the filing fee then remaining on deposit, the County shall present a claim to the applicant for the excess, and for such additional amount as is reasonably estimated to be needed to complete the filing process. Payment of the excess shall be made within five (5) business days of the date the claim is presented to the applicant. Any unpaid amount shall constitute a debt and the County shall recover its costs and attorneys’ fees if it is required to make a claim or commence a suit against the applicant and to recover the unpaid fees.

Upon termination of all proceedings hereunder, the County Treasurer shall prepare a final accounting and summary of all bills and expenses which shall be presented for approval to the County Board. Any portion of the filing fee deposits that remains unexpended at the conclusion of the local site location review process (including all appeals), shall be returned to the Applicant.

3.7 In addition to any other filing fee as set forth above, the applicant shall deposit, at the time of filing, a filing fee in the amount of $150,000 (One Hundred Fifty Thousand Dollars), to be paid to the County Clerk for delivery to the County Treasurer, for deposit in a segregated filing fee fund, by certified or cashier’s check. The County Treasurer is hereby authorized and directed to receive and hold said filing fee until all costs, fees, and expenses associated with any appeal of any decision of the County of the filing application are paid in full. This shall include any attorney’s fees incurred by the County as a result of an appeal. In the event the decision of the County is not appealed, the fee shall be returned to the Applicant 60 days after the last day an appeal can be taken by any party.

Article 4
CONTENTS OF APPLICATION FOR SITE APPROVAL

4.1 Each application for site approval shall contain information sufficient to allow the County Board to evaluate whether the proposed site meets the criteria for such facilities set forth in Section 39.2 of the Act. The determination of the quality and quantity of information to be included in an application is, ultimately, the applicant’s burden to demonstrate that the filing criteria set forth in Section 39.2 of the Act are met. However, for purposes of this Ordinance, an application shall contain, at a minimum, the following documents and information, in addition to what the applicant submits in support of the Section 39.2 criteria, together with, to the extent that such documents and information are based on other information or data, citations to the primary sources of data:
4.2 Background of Applicant. The application for site approval shall contain the following information concerning the applicant:

1. Applicant's full name, address, and telephone number. If applicant is a partnership or limited partnership, the names and addresses of each partner and limited partner.

2. If applicant is a trust, the name(s) and address(es) of each beneficiary.

3. If applicant is a corporation or is a limited partnership having a corporation as its general partner:
   a. the names and addresses of all officers, directors, all stockholders owning five percent or more of the capital stock of the corporation and the name, address, and telephone number of the corporation and the registered agent of the corporation.
   b. certified copy of the Articles of Incorporation or Organization in the State of Illinois or, if incorporated or organized in a state other than Illinois, a certified copy of its authorization to do business in the State of Illinois; and
   c. the most recent annual report.

4. If applicant is a corporation or is a limited partnership having a corporation as its general partner and more than five (5) percent of such corporation's capital stock is owned by another corporation, either directly or derivatively, then the requirements of this section shall apply to such corporation.

5. A list of any and all court actions or administrative proceedings of any kind in which the applicant (including all persons and entities identified in Section 1.2 hereof) is or has been a named party and the subject matter of which was related to waste collection, hauling, or disposal. Such list shall identify the court or agency, the number of the case, and a brief summary of the facts and disposition of the case.

6. A description of the previous operating history of the applicant in the field of solid waste management, including all pollution control facilities as defined in the Act, and all operations relating to the transfer, transfer, storage or disposal of waste, owned or operated by the applicant in the United States at any time during the fifteen (15) years prior to the filing of the application, including but not limited to:
   a. the name of each facility,
   b. a description of the nature of each facility (i.e., sanitary landfill, hazardous waste landfill, construction and demolition debris site, transfer station, recycling facility, composting facility, etc.).
c. a description of the applicant's involvement in each facility (i.e., investor, owner, operator, co-operator, etc.).

d. an identification of the volume of waste deposited in, on or at each such facility or processed by each such facility for each of the five (5) years preceding the filing of the application.

e. a description of each court action or administrative proceeding initiated against the applicant (including all persons and entities identified in Section 1.2 hereof) related to each such facility, or complaint, notice of violation or citation received by the applicant related to each such facility, along with an identification of the court or administrative agency in which or by whom any such proceeding was initiated, if any, and a description of the outcome or resolution of each such complaint or proceeding.

f. A description of any closure or post-closure activities undertaken by any person at each such facility within the five (5) years preceding the filing of the application.

7. With respect to each individual named in the application for site approval, said application for site approval shall state the prior employment history and qualifications of such person as it relates to the proposed site operation.

8. If the applicant (including all persons and entities identified in Section 1.2 hereof) has previously closed any facility regulated by the United States Environmental Protection Agency or the Illinois Environmental Protection Agency, the applicant shall make available a copy of all closure documents, including, but not limited to financial assurance documents, related to such closure. The terms of this paragraph shall apply to facilities which were owned or operated by a corporation, partnership or limited partnership of which the applicant was the owner of more than five (5) percent of the ownership interest of the corporation, partnership or limited partnership which owned or operated the facility.

9. A description of all claims made by the applicant within the five (5) years prior to the date of the application under or against any policy of insurance which covers, or is alleged by the applicant to cover, claims against the applicant related to any waste collection, hauling or disposal activities.

4.3 Background of Operator. The application for site approval shall contain the following information concerning the operator of the proposed facility:

1. Operator's full name, address, and telephone number. If operator is a partnership or limited partnership, the names and addresses of each partner or limited partner.

2. If applicant is a trust, the name(s) and address(es) of each beneficiary.
3. If operator is a corporation or is a limited partnership having a corporation as its general partner:

   a. the names and addresses of all officers, directors, all stockholders owning five percent or more of the capital stock of the corporation and the name, address, and telephone number of the corporation and the registered agent of the corporation; and

   b. certified copy of the Articles of Incorporation or Organization in the State of Illinois or, if incorporated or organized in a state other than Illinois, a certified copy of its authorization to do business in the State of Illinois; and

   c. the most recent annual report.

4. If operator is a corporation or is a limited partnership having a corporation as its general partner and more than five (5) percent of such corporation's capital stock is owned by another corporation, either directly or derivatively, then the requirements of this section shall apply to such corporation.

5. A list of any and all court actions or administrative proceedings of any kind in which the operator (including all persons and entities identified in Section 1.2 hereof) is or has been a named party and the subject matter of which was related to waste collection, hauling or disposal. Such list shall identify the court or agency, the number of the case, and a brief summary of the facts and disposition of the case.

6. A description of the previous operating history of the operator in the field of solid waste management, including all pollution control facilities as defined in the Act, and all operations relating to the transport, transfer, storage or disposal of waste, owned or operated by the operator in the United States at any time during the fifteen (15) years prior to the filing of the application, including but not limited to:

   a. the name of each facility;

   b. a description of the nature of each facility (i.e., sanitary landfill, hazardous waste landfill, construction and demolition debris site, transfer station, recycling facility, composting facility, etc.);

   c. a description of the operator's involvement in each facility (i.e., investor, owner, operator, co-operator, etc.);

   d. an identification of the volume of waste deposited in, on or at each such facility or processed by each such facility for each of the five (5) years preceding the filing of the application;

   e. a description of each court action or administrative proceeding initiated against the operator (including all persons and entities identified in Section 1.2 hereof) related to each such facility; or
complaint, notice of violation or citation received by the operator related to each such facility, along with an identification of the court or administrative agency in which or by whom any such proceeding was initiated, if any, and a description of the outcome or resolution of each such complaint or proceeding.

1. A description of any closure or post-closure activities undertaken by any person at each such facility within the five (5) years preceding the filing of the application.

7. With respect to each individual named in the application for site approval, said application for site approval shall state the prior employment history and qualifications of such person as it relates to the proposed site operation.

8. If the operator (including all persons and entities identified in Section 1.2 hereof) has previously closed any facility regulated by the United States Environmental Protection Agency or the Illinois Environmental Protection Agency, the applicant shall make available a copy of all closure documents, including, but not limited to financial assurance documents, related to such closure. The terms of this paragraph shall apply to facilities which were owned or operated by a corporation, partnership or limited partnership of which the operator was the owner of more than five (5) percent of the ownership interest of the corporation, partnership or limited partnership which owned or operated the facility.

9. A description of all claims made by the operator within the five (5) years prior to the date of the application under or against any policy of insurance which covers, or is alleged by the operator to cover, claims against the operator related to any waste collection, hauling or disposal activities.

4.4 Site Description: The application for site approval shall contain the following information concerning the description of the proposed site:

1. Legal description of the proposed site.

2. Vertical height (elevation-mean sea level (msl)) of site as it exists at the time of the application and vertical height (elevation-msl) of the site as it is expected to exist upon closure.

3. Name, address, and telephone number of each owner(s) (including, if applicable, beneficial owner) of the property. The requirements of Section 4.2 shall apply to owners of the property and such information should be provided at the time the application for site approval is filed by applicant.

4. If the site is not owned by the applicant, then documents granting to the applicant the right to develop the site for the proposed use shall be attached to the application for site approval by the applicant.
A map, prepared and certified by an Illinois licensed professional engineer, of sufficient size, showing, but not limited to:

a. location of the site;

b. location and depths of all public and private water wells within five (5) miles of the boundaries of the proposed site and such other wells as may be affected by the proposed use (to the extent such information is available, the Application shall also contain well construction details and, if applicable, well closure information);

c. location of all aquifers, streams, ponds, rivers and lakes and such bodies of water as may be affected by the proposed use;

d. location of all roads and bridges and transportation structures that may be affected by the proposed use; and

e. location of all fences, buildings or other structures within the proposed site and within 500 feet of the boundaries of the proposed site and all other structures that may be affected by the proposed use.

f. locations of all groundwater monitoring wells in place at the site as of the date of filing of the application.

6. A complete hydrogeologic study of the site by a qualified hydrogeologist, including but not limited to:

a. Studies completed by any federal or state agency;

b. General description of the hydrogeologic conditions of the site and the surrounding area, based on an exploratory program including soil borings;

c. Detailed description of all known or suspected drinking water aquifers located within three (3) miles of the site;

d. A complete log of each boring made during the exploratory program, including but not limited to:
   (1) Textural soil classification (USCS);
   (2) Particle size distribution for representative samples;
   (3) Coefficient of permeability based on field and laboratory determinations; and
   (4) Ion-exchange capacity and ability to absorb and fix heavy metals;

e. If bedrock was encountered:
(1) Depth of bedrock;

(2) Physical character and hydrogeologic characteristics of the bedrock formation; and

(3) Names and ages of the formation encountered.

7. Information on any existing surface or sub-surface mining on the site and within any area that may be affected by the proposed use, including but not limited to:
   a. Legal description of areas mined;
   b. Materials removed by mining; and
   c. Approximate size of displacement.

8. Information on any other activity that has occurred on the site in which the natural condition of the soil or support of the surface has been disturbed.

4.5 Proposed Service Area/Volume. The application for site approval shall contain the following information concerning the proposed service area for the proposed site:

1. A description of the geographic area that the proposed site is intended and designed to serve.

2. A statement identifying the location of each active Pollution Control Facility ("PCF") within the proposed service area and within 50 miles of the perimeter of the proposed service area, providing the following information:
   a. The PCF shall not be a landfill in whole or in part.
   b. If the PCF is a transfer station:
      (1) Permitted allowable throughput capacity of the PCF, in tons or tonnes per operating day;
      (2) Owner and operator; and
      (3) Classification of permit.

3. Complete documentation of the facts and reasons supporting applicant's assertion that the proposed facility is necessary to accommodate the waste needs of the proposed service area.

4.6 Site Development Plan. The application for site approval shall contain the following information concerning the Site Development Plan:
1. A detailed topographic map of the site as it exists at the time of the application for site approval, prepared and certified by an Illinois licensed professional engineer, drawn to a scale of not less than \(1'' = 200'\); showing:
   
   a. Five-foot contour intervals on sites, or portions thereof, where the relief exceeds 20 feet, and two (2) foot contour intervals on sites, or portions thereof, having less than 20 feet of relief; and
   
   b. Location of all buildings, ponds, streams, wooded lots, bedrock outcrops, underground and overhead utilities, roads, fences, culverts, drainage ditches, drain tiles, easements, streets, boundaries, areas previously mined or where soil has been disturbed from its natural condition, the location and elevations of borings made under Section 4.3 hereof, and any other item that may be affected by the proposed use.

2. A detailed topographic map of the site as it is to be developed, prepared and certified by an Illinois licensed professional engineer, surveyor, drawn to a scale of not less than \(1'' = 200'\); showing the same types of information as the map in Section 4.5(1), and more specifically:
   
   a. Location and description of all monitoring devices which will be utilized on the site;
   
   b. Location and description of all leachate collection systems to be installed at the site; and
   
   c. Location of all buildings and equipment to be utilized by the proposed use.

3. A description of the proposed landscaping plan and facility screening.

4. A statement of the approximate period of time for which the proposed facility will be in operation.

4.7 Operating Procedures. The application for site approval shall contain the following information concerning the operating procedures for the proposed facility if applicable to the type of proposed POF:

1. Detailed operating procedures for the facility;

2. Specific details for the following items:
   
   a. Personnel requirements, including training and supervision;
   
   b. Traffic control and in the vicinity of the site;
   
   c. Method of determining the quantity and characteristics of waste delivered to the facility.
d. Method of inspection and chemical analysis of waste,
e. Method of landfilling, incineration, resource recovery or other process;
f. Hours of operation, including waste placement and non-waste placement operating hours;
g. Litter, vector, vermin, dust and odor control;
h. Stormwater management and erosion control;
i. Fire control;
j. If applicable, the stages of development or use;
k. Landfill gas control, monitoring, recovery/re-use program, as applicable;

l. Leachate control collection and treatment.
m. Overlay of on-site wetlands and mitigation plan;
n. Truck parking and road maintenance program.

3. Specific details for the following items:

a. Identification of the specific types of wastes which the applicant plans to accept for disposal or processing at the proposed site classified according to the definitions set forth in the Illinois Environmental Protection Act (415 ILCS 5/3.3 et seq.);

b. Identification of the proposed yearly volumes of each type of waste identified in response to Article 4.6(3) above which the applicant expects to dispose of or process, or reasonably anticipates disposing of or processing, at the proposed site through the end of the expected life-span of the proposed site.

4.6 Closure/Post-Closure Plan. The application for site approval shall contain a detailed plan for voluntary or involuntary closure of the proposed facility, including, but not limited to, the following information:

1. A detailed topographic map of the site as it will appear at the time of closure, prepared and certified by an Illinois licensed professional engineer, drawn to a scale of not less than 1" = 200', showing the same types of information as the map in Section 4.5(1), and more specifically:

a. Location and description of all monitoring devices which will be utilized on the site after closure.
b. Location and description of all leachate and landfill gas collection and control systems to be installed at the site; and

c. Location of all buildings and equipment that will remain after closure;

d. Sequence/timing of closure for completed site area(s).

2. Final cover system, including proposed soil and/or geosynthetic material specifications, as applicable.

3. Proposed use(s) after operation (i.e., end-use plan) including changes in topography and all new surface features, and plans for how site controls and engineered features will be compatible with end use plan(s).

4. Satisfactory evidence of financial assurance adequate to insure the implementation of the closure plan and the performance of all applicable closure/post-closure requirements.

4.9 The application for site approval shall include information on contingency and emergency plans, including, but not limited to:

1. List of possible emergency situations which might occur at or near this facility which might affect the operations of the facility, including, but not limited to, explosion, fire, spills, power outages, tornadoes, and vandalism.

2. The applicant’s plan to insure against risks of injury to the person and property of others, including copies of insurance policies or commitment letters.

3. A summary of measures that the applicant will take to limit site access and other appropriate site security measures to prevent acts of vandalism and terrorism.

4.10 Flood Plain. There shall be filed with the application for site approval:

1. A statement that the facility is within or outside the 100-year flood plain as determined by the Federal Emergency Management Agency.

2. A map prepared and certified by an Illinois licensed professional engineer documenting the boundaries of the 100-year flood plain.

3. If the site is not a sanitary landfill or waste disposal site, and is within the 100-year flood plain, there shall be filed:

   a. Evidence that the site has been flood-proofed to meet the requirements of the Federal Emergency Management Agency and the requirements of any other federal or state agency; and

   b. Evidence of approval by applicable federal and state agencies.
4.11 **Traffic Patterns.** There shall be filed with the application for site approval:

1. A map of the county, prepared by an Illinois licensed professional engineer, showing the roads which will be used to transport material to and from the site.

2. A traffic impact study showing the present traffic flows on said roadways and the impact that the traffic generated by the facility will have thereon. The traffic study shall be in accordance with guidelines recommended by the Institute of Transportation Engineers regarding the proposed site and shall include, at a minimum, the following information:

   a. The anticipated number of motor vehicles and the types and weights (laden and empty gross) thereof which will be entering and exiting the site, broken down by each hour of the day. If the number of vehicles is expected or intended to be greater or less on particular days of the week, identify those days, the numbers of vehicles, and where it includes vehicles other than passenger automobiles, include the hourly analysis for each day of the week.

   b. Direction of flow of traffic, into, within and from, the proposed facility, and provide a copy of any driveway permit, if applicable.

   c. A statement of the speed limits and load limitations of any and all roads and bridges that will be used by traffic entering and exiting the site.

   d. Accurate accident history data compiled for roads and intersections within 2 miles of the site.

   e. Detailed design plans for any roadway improvements, modifications proposed by the applicant to mitigate traffic impacts, if applicable.

4.12 The application shall be signed by the applicant, landowners, operator, engineer registered in the State of Illinois under the Illinois Professional Engineering Practice Act, and surveyor and any other technical consultant responsible for drafting all or portions of the application. The application shall provide a contact address, telephone number and e-mail address for all persons named.

**Article 5**

**PARTICIPANTS**

5.1 **The Applicant is a Participant.**

5.2 The County, its employees and staff, and any experts, consultants, investigators or attorneys hired by the County, on the advice and consent of the County, at a hearing, or otherwise work for the County concerning the application, are Participants. To the extent the County employees and staff wish to participate in the public hearings outside their
roles or employment with the County, they must submit a Notice of Participation, as do other members of the public.

5.3 Any person other than described in 5.1 and 5.2 above, must file a written notification of intent to participate (Notice of Participation), with the County Clerk before the start of the first day of public hearing or, after the start and before the adjournment of the first day of public hearing, with the Hearing Officer. Such notice shall state, at a minimum:

1. The name, address daytime phone number and, if available, facsimile number of the person filing the Notice of Participation.

2. Whether the person will be participating on his/her own behalf or as a representative/spokesperson of another person or entity (and if on behalf of another person or entity, identify the name of that person or entity).

3. Whether the person or the entity or association he/she represents will be represented by an attorney during the public hearing, and

4. Whether the person intends on providing oral testimony or comment during the public hearing.

5.4 A person may not become a Participant after the first day of the hearing except for good cause shown. The County shall liberally interpret the limitation if the additional participation shall not delay the process or unfairly prejudice a prior Participant. No later Participant shall be entitled to cross-examine a witness who has previously testified.

5.5 Participant rights.

1. Participants have the right to present sworn testimony and witnesses; provide unsworn, oral comment during the public hearing (subject to the Hearing Officer’s judgment and consistent with fundamental fairness); to cross-examine or question witnesses who provide sworn testimony or, alternatively, submit to the Hearing Officer written questions to be asked of the witnesses by the Hearing Officer and at the Hearing Officer’s discretion as to whether and how such questions are to be posed.

2. Participants shall have the right to be represented by a licensed attorney-at-law at the public hearing(s). Any attorneys representing a Participant must be licensed and in good standing to practice law in the State of Illinois, or if licensed and in good standing to practice law in another State which is part of the United States, shall be allowed to serve as an attorney for a Participant upon motion made to and granted by the Hearing Officer. Subject to the authority of the Hearing Officer, such attorneys shall have the right of reasonable cross-examination. Any Participant not represented by an attorney shall also have the right to reasonable cross-examination of witnesses.

3. Subject to the Hearing Officer’s right to extend filing deadlines as set forth in Article 7, all reports, studies, exhibits or other evidence or copies thereof, other than testimony, which any Participant desires to submit for the record at the public hearing must be filed with the County Clerk at
least seven (7) calendar days before the public hearing and shall be available for public inspection in the office of the County Clerk. In the event that the seventh day prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next working day shall be considered the day that reports, studies and exhibits must be filed. The formatting requirements set forth in Article 2 hereof, including submittal of electronic versions of all materials, shall apply to Participants, provided, however, that Participants shall be required to file only fifteen (15) paper copies and one (1) electronic copy. One paper copy shall be provided by the County Clerk to the applicant.

4. The County Clerk shall cause all Participant submittals in electronic format to be posted on the County’s web site, in the same manner and location as provided for the application.

5. Upon conclusion of the public hearing, any Participant may submit to the County Board a post-hearing memorandum addressing the siting criteria set forth in Section 392(a) of the Act (415 ILCS § 5-392(a)), as well as any other issue relevant to the proceeding. The post-hearing memorandum shall be based on the record developed during the siting approval process. Any such post-hearing memorandum must be submitted within 30 days after the date of the last public hearing, by filing 8 copies with the County Clerk who shall receive and date stamp the post-hearing memorandum, which shall be made part of the record of the public hearings and the County Board shall consider any such timely submitted post-hearing memorandum in making its final determination. The post-hearing memorandum shall be limited to no more than 25 pages in length.

Article 6
PUBLIC COMMENT

6.1 The County Clerk shall receive and date stamp written comments from any person concerning the appropriateness of the proposed site for its intended purpose.

6.2 Copies of written comments shall be made available for public inspection in the offices of the County Clerk, and members of the public shall be allowed to obtain a copy of any written comments upon payment of actual cost of reproduction.

6.3 Subject to the Hearing Officer’s authority to impose reasonable limits on the timing and duration of unsworn oral comments, as set forth in Article 7 of this Ordinance, any member of the public shall have the opportunity to submit such oral comments during the course of the public hearing. Oral comments shall be transcribed in the same manner as sworn testimony and shall become part of the record of the public hearing.

6.4 Any written comment received by the County Clerk postmarked not later than 30 days after the date of the last public hearing, shall be made part of the record of the public hearings as hereafter described and the County Board shall consider any such timely written comments and post-hearing memorandum in making its final determination. In the event that the 30th day falls on a Saturday, Sunday, a Federal, State or Kendall County holiday, the next day...
on which mail is received by the Kendall County Clerk shall be considered the 30th day for purposes of this paragraph.

Article 7
HEARING OFFICER

7.1 HEARING OFFICER. The County Board Chairman, with the advice and consent of the County Board, shall appoint a Hearing Officer to govern the proceedings under this Ordinance.

1. The Hearing Officer shall be a licensed attorney in the State of Illinois, skilled in matters of trial or administrative hearing procedures.

2. The Hearing Officer shall be authorized to perform the following functions:

a. To preside over the hearing and be responsible for ruling on preliminary motions, evidentiary issues, objections of any other contested legal issues.

b. To make all decisions concerning the manner in which the hearing is conducted subject to this Ordinance and the law concerning such applications. All decisions and rulings shall be in accordance with the concept of fundamental fairness (unless a different standard is adopted as a matter of Illinois law), but need not be in strict compliance with the Illinois Supreme Court Rules, Illinois Code of Civil Procedure, or any local rules of evidence governing a civil judicial trial in the State of Illinois. County of Kendall, provided, however, that the rules relating to privileged communications and privileged topics shall be observed.

c. To conduct a fair hearing, to take all necessary actions to avoid delay, to maintain order and to ensure development of a clear, complete and concise record.

d. To administer oaths and affirmations.

e. To conduct a public meeting, prior to the start of the public hearings, to explain the public hearing procedure and site location review process. If the Hearing Officer decides to hold such a meeting, it shall be held no sooner than the ninetieth (90th) day from the date the Petition was filed, and notice shall be given in a newspaper of general circulation one week prior to the meeting (or alternatively, as part of the first published notice of the hearing), and such notice shall expressly state that it is an informational meeting concerning the procedure to be used at the public hearing and the site location review process, and that it is a public hearing at which evidence will be taken for purposes of making a determination in accordance with this Ordinance and the Act.
To arrange for the presence of a certified court reporter to attend and transcribe the conduct of all public hearings for the public record.

g. To require a witness or person presenting unsworn public comment to state his/her position either for, against, or undecided with respect to the proposed facility.

h. To examine a witness and direct a witness to testify.

i. To establish reasonable limits on the duration of the siting hearing consistent with the Act and the Ordinance, including but not limited to the reasonable limitation of sworn testimony, unsworn oral comment, direct and cross-examination of any witnesses, and the limitation of repetitive or cumulative testimony and questioning.

j. To allow the introduction of late-filed evidence, be it written or testimonial, on behalf of any Participant, provided good cause is shown for the late-filing, the evidence is offered in and is relevant to the rebuttal portion of the Participant’s case, and the evidence was filed with the County Clerk at least one day before the public hearing at which it is offered, and fundamental fairness to all parties will be preserved.

k. The Hearing Officer, at his discretion or at the request of the County Board, may continue any session of the hearing from time to time, consistent with the timing provisions set forth in this Ordinance and the Act.

l. Pursuant to §28.2 hereof, to rule upon a motion to withdraw the application for siting approval filed prior to the close of the public hearing, and to impose reasonable terms upon the grant of such a motion.

3. The Hearing Officer shall confer with the County Board, and counsel for the County, as necessary, concerning the application, between the time of the filing of the application and the County Board’s decision on the application. Given the Hearing Officer’s role of communicating with the County Board, the Hearing Officer may not confer with Participants (members of the public, and applicant included) concerning the application, unless such conference takes place during the public hearing, is through correspondence which is filed with the County Clerk (and, thus, available for everyone to view), or concerns location, time or other similar scheduling aspects of the public meeting or public hearing, or the notices for same. The only additional exception from this restriction is that the Hearing Officer may confer with the County Clerk about the upkeep or status of the public record, make a request to review or copy the public record, or confer with the County Clerk regarding the scheduling or location of the public meeting or hearing, or arrangements for the notices of the public meeting and hearing.
4. At the conclusion of the public hearing and after consideration of all timely-filed written comments, the Hearing Officer shall submit draft written findings to the County Board and file a copy of such findings with the County Clerk.

5. The Hearing Officer does not have the right or the power to vote, as a County Board Member, in the application.

**Article 8**

**PUBLIC HEARING**

8.1 Within forty-five (45) days from the date the application for site approval is filed, the County Board shall determine the date, time and location upon which a public hearing shall commence. The initial session of the public hearing shall be scheduled no sooner than 90 days but not later than 120 days from the date the application for site approval was filed with the County Clerk.

8.2 If, in the County Board’s opinion, County facilities are not sufficient to accommodate the number of persons expected to attend the hearing, the County Board may arrange for the hearing to be conducted at another site. In such an event, the County Board is authorized to lease an adequate auditorium and sound system for the hearing. Any and all costs associated with such lease or acquisition shall be paid from the filing fee.

8.3 The County Board shall notify the County Clerk of the date upon which such hearing shall be held and shall request the County Clerk to cause notice of such hearing to be made as follows. Upon receipt of such request, the County Clerk, and, at the County Clerk’s discretion, with the help of the attorney representing the County (its staff and employees), shall cause the publication of notice pursuant to the following requirements:

1. By publication of two (2) legal notices in a newspaper of general circulation published in the County. One such notice shall be published no later than sixty (60) days from the date the application was filed and one such notice shall be published no later than seventy-five (75) days from the date the application was filed.

2. Such notices shall consist of the following information, which, except for h. through k. below, must be disclosed by the applicant in the application:
   a. The name and address of the person, partnership or corporation requesting site location approval;
   b. The name and address of the owner of the site, and in case ownership is in a land trust, the names 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 facility;
f. The nature of the activity proposed;
g. The probable life of the proposed activity and facility;
h. The time and date of the public hearing(s);
i. The location(s) of the public hearing(s);
j. A statement that all copies of evidence other than testimony to be submitted at the public hearing(s) must be filed with the County Clerk at least seven (7) days before the date of the first public hearing; and

k. A statement that any person wanting to present sworn testimony or cross-examine witnesses must register as a Participant with the County Clerk no later than the first day of the public hearing or register with the Hearing Officer no later than the adjournment of the first day of the public hearing.

3. A copy of the notice shall also be sent, no later than fifty-five (55) days after the date the application was filed, by certified mail return receipt requested to the following. This notice, pursuant to Section 39.2(d) of the Act, must be delivered to the following persons/entities no later than fourteen (14) days prior to the first day of public hearing. If a return receipt is not received by the County Clerk confirming delivery of the notice on the following persons/entities, by the sixty-fifth (65th) day following the filing of the application, the County Clerk shall arrange for personal service on the following persons/entities.

g. All members of the General Assembly from the district in which the proposed facility is located;
h. the Illinois Environmental Protection Agency;

i. the governing authority of every municipality whose corporate limits are within 1 mile of the boundary of the proposed facility;

4. Additional notice of the public hearing may, at the discretion of the County Board, be given, by publishing a notice in a newspaper of general circulation published as a display ad at least once during the week preceding the public hearing. Such notice shall consist of all items described in subsection 8.3.2.1-k. above except for item 8.3.2.c.

8.4 The State’s Attorney, or an assistant, may serve as legal advisor for the County Board. The County Board, with the advice of the State’s Attorney, may engage outside counsel to serve as legal advisor for the County and County staff. Such outside counsel may be
responsible for evaluating the application and advising the County and County staff throughout the application and hearing process, including any appeals or remand hearings. Said counsel may be entitled to examine witnesses, and otherwise to participate in the Hearing as counsel to the County. At the conclusion of the public hearing and after consideration of all timely-filed written comments, said outside counsel may submit draft written findings to the County Board. A copy of any such submitals may be filed with the County Clerk. Any and all costs and fees associated with such outside counsel may be paid from the filing fee.

8.5 Conduct of the public hearing shall be substantially as follows:

1. Call to order with determination of a quorum;
2. Introduction of the Hearing Officer;
3. Introduction of the County Board Members who are present;
4. Recognition of the applicant and identification of the application;
5. Recognition of fees, notices, and date of filing of the application;
6. Recognition of the County staff and attorneys present;
7. Recognition of all other Participants who have filed a Notice of Participation pursuant to Section 5.3;
8. Recognition of all reports, exhibits, maps or documents of record as filed pursuant to Section 5.3;
9. Applicant, the County, and Participants may then make an opening statement.
10. The County Board 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, Participants, other than the applicant and the County, may present sworn testimony, including any witnesses and evidence they wish to present.
11. After the close of the Applicant’s and Participants’ cases, the County may present any witnesses and evidence they wish to present.
12. Rebuttal testimony and evidence will be allowed at the discretion of the Hearing Officer, but if it is allowed, it will be presented in the same order as described in (9), above.
13. Following rebuttal testimony, if any, any Participant or other member of the public who wishes to present un-sworn oral comment may then present such comment to the County Board.
14. Closing statements, if any, by Participants, including the applicant and the County, who presented evidence or testimony at or questioned witnesses during the public hearing.
15. Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the Hearing Officer.


8.6 All testimony at any public hearing shall be under oath or affirmation. All witnesses who testify under oath shall be subject to reasonable questioning as follows: direct, cross-examination, redirect, re-cross, etc.

8.7 The applicant requesting site approval shall have the burden of going forward with evidence of the suitability of the site for its proposed use, and that the proposed facility meets the criteria set forth in Section 39.2(a) of the Act (415 ILCS § 5/39.2(a)).

8.8 Upon conclusion of the public hearing the applicant may submit to the County Board a post-hearing memorandum addressing the criteria set forth in Section 39.2(a) of the Act (415 ILCS § 5/39.2(a)), as well as any other issue relevant to the proceeding. The post-hearing memorandum shall be based on the record developed during the site approval process. If the applicant elects to submit a post-hearing memorandum, it shall be in within 30 days after the date of the last public hearing by filing 8 copies with the County Clerk who shall receive and stamp the post-hearing memorandum which shall be made a part of the record of the public hearings and the County Board shall consider any such timely submitted post-hearing memorandum in making its final determination. The post-hearing memorandum shall be limited to no more than 25 pages in length.

Article 9
RECORD

9.1 The County Clerk or his/her designee shall be responsible for keeping the record of the hearing and site review process.

9.2 The record shall consist of the following:

1. The application for site approval and any amendments filed with the County Clerk.

2. Proof of notice as described in Section 8.3 hereof.

3. Proof of each notice given by applicant pursuant to Section 39.2(b) and Section 39.2(d) of the Act (415 ILCS § 5/39.2).

4. Written comments filed by the public and received by the County Clerk or postmarked within 30 days of the last public hearing.

5. All evidence, reports, studies, exhibits or documents admitted into evidence at the public hearing.

6. All motions filed during the course of the public hearing.

7. All notices of participation filed with the county clerk within the time frame specified in Section 5.3.
8. A complete transcript of the public hearing(s), in both written and electronic/digital form.

9. All post-hearing memoranda submitted by the applicant and any participant, received by the County Clerk or postmarked within 30 days of the last public hearing.

10. Written findings provided by outside counsel for the County.

11. The Hearing Officer's written findings.

12. A copy of the Resolution containing the final decision of the County Board.

13. A log which the County Clerk shall require each person seeking to view, copy or file documents with or in the public record shall sign, stating the date the request to view, copy, file or other was made, the nature of the request (i.e., view, copy, file or other, and identifying the "other"), and the requesting person's name and address.

9.3 The County Clerk or his/her designee shall, during the regular business hours of the County Clerk’s Office, make the public record available to any person requesting to review it.

9.4 The County Clerk or his/her designee shall, during the regular business hours of the County Clerk’s Office, accept requests from persons for copies of the public record, in whole or in part, and arrange for copying so requested upon the requesting person’s payment of the actual cost of copying. The County Clerk shall respond to copying requests within a reasonable time.

9.5 The County Clerk shall be responsible for certifying all copies of the public record.

9.6 Although late filed public comments are not part of the public record pursuant to this Article, they shall be retained by the County Clerk with any evidence of date of filing, such as the County Clerk’s date stamp copy of the written comment or the postmark if the written comment was mailed.

Article 10
SITE APPROVAL DECISION

10.1 Subject to the provisions of Section 2.8, after the public hearing(s) or any continuation thereof, the County Board shall consider the record of the public hearing, the findings of fact and the proposed findings of outside counsel for the County and the Hearing Officer, and shall, by written resolution, upon the vote of a majority of its members, make a written decision concerning a site approval application not more than 180 days from the date of the County Clerk’s receipt of the site approval application, or within such extended time period as has been agreed upon by the applicant and the County Board. In the event an application for site approval is amended, the County Board shall render a decision within 270 days, or within 90 days after the amended application is received by the County Board, whichever period is
longer, or within such extended time period as has been agreed upon by the applicant and the
County Board. Such decision by the County Board may be to:

1. grant the application, without any conditions; or

2. grant the application, but with conditions on such approval, provided such
   conditions are reasonable and necessary to accomplish the purposes of
   Section 39.2 of the Act and are not inconsistent with the regulations
   promulgated by the Illinois Pollution Control Board; or

3. deny the application.

10.2 The County Board shall state in its decision its findings as to whether the
applicant has established, and whether the public record supports the establishment of each of
the following criteria:

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

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

3. The facility is located so as to minimize the incompatibility with the
   character of the surrounding area and to minimize the effect on the value
   of the surrounding property;

4. For a transfer facility or facility other than a sanitary landfill or waste
disposal site, the facility is located outside the boundary of the 100 year
floodplain or the site is flood-proofed; and for a facility that is a sanitary
landfill or waste disposal site, the facility is located outside the boundary
of the 100-year floodplain, or if the facility is a facility described in
subsection (d)(3) of Section 22.19a of the Act, the site is flood-proofed;

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;

6. The traffic patterns for or from the facility are so designed as to minimize
   the impact on existing traffic flows;

7. If the facility will be treating, storing or disposing of hazardous waste, an
   emergency response plan exists for the facility which includes notification,
   containment and evacuation procedures to be used in case of an
   accidental release;

8. The consistency of the facility with the County's Solid Waste Management
   Plan, including any updates of that Plan;

9. If the facility is located in a regulated recharge area, any applicable
   requirements specified by the Illinois Pollution Control Board for such
   areas have been met.
10.3 The County Board shall consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary, parent corporation, or subsidiary of the parent corporation) in the field of solid waste management when considering the second and fifth criteria in Section 39.2 of the Act, and subsections 10.3.2 and 10.3.5, above.

10.4 In making its decision, the County Board shall consider the public record of the hearing proceedings. The County Board shall give greater evidentiary weight to sworn testimony and evidence presented during the public hearings than to unsworn oral or written comment.

10.5 No determination by the County Board of an application may be reconsidered, except to the extent it is reversed and remanded on appeal and the County Board is directed by the Illinois Pollution Control Board or Illinois Appellate Court to conduct all or part of the review process again.

10.6 Any County Board member may be excused from participation in the hearing and decision upon demonstration of any disqualifying direct and personal interest in the property or the affairs of the applicant or any objector to the proceedings. Additionally, any County Board Member may abstain from voting on the decision, except to the extent there are insufficient number of Board Members to pass a resolution consistent with Section 10.2, above.

Article 11
SEVERABILITY

11.1 The sections, subsections, paragraphs, and provisions of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Article 12
REPEAL

12.1 Any or all Ordinances pertaining to a procedure for hearing site approval applications for new regional pollution control facilities prior to the enactment of this ordinance are hereby repealed.

Article 13
EFFECTIVE DATE

13.1 This Ordinance shall become effective upon its adoption by the County Board of Kendall County, Illinois.

Adopted by the County Board of Kendall County, Illinois this _______ day of ________, 2011.

ATTEST:

County Clerk
Kendall County, Illinois

Chairman
Kendall County Board

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