

Title 6 - Chapter 8

TAZEWELL COUNTY POLLUTION CONTROL FACILITY  
SITING ORDINANCE

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**Article 1. General Provisions**

**6 TCC 8-1. Rules of Construction**

- (a) Unless otherwise specified herein, the terms used in this Ordinance shall have the same meanings as the terms are defined and used in the Environmental Protection Act of the State of Illinois, 415 ILCS 5/1 et seq., as amended from time to time, and regulations promulgated thereunder.
- (b) The provisions of this Ordinance are intended to be implemented in a manner consistent with the provisions of the Act, as amended.

**6 TCC 8-2. Definitions**

- (a) The term “Act” shall refer to the Environmental Protection Act, 415 ILCS 5/1 et seq., as it may be amended from time to time.
- (b) The terms “Request” and/or “Application” both refer to the term “request” contained in the Act, and includes all exhibits attached to the Application.
- (c) “Applicant” is any person, firm or partnership, association, corporation, company or organization of any kind proposing to obtain site location approval and IEPA permits for a Pollution Control Facility (“PCF”) in unincorporated Tazewell County, and includes the fee owner of such site, the proposed operator, and any other party with an interest in the site and/or PCF, such as, but not limited to, a lessee, contract purchaser, or land trust beneficiary, provided, however, the terms shall not include the owner of real property on which the PCF is proposed to be located if the proposed owner and/or operator of the proposed PCF has a legally enforceable contract or option to purchase said real property.
- (d) “Board” refers to the Illinois Pollution Control Board.
- (e) “Committee” refers to the Pollution Control Facility Siting Committee of the Tazewell County Board.
- (f) “County” refers to Tazewell County, Illinois.
- (g) “County Board” refers to the Tazewell County Board.
- (h) “Health Department” refers to the Tazewell County Health Department.
- (i) “IEPA” refers to the Illinois Environmental Protection Agency.
- (j) “PCF” refers to a Pollution Control Facility as defined in the Act, and includes a new Pollution Control Facility as defined by the Act.
- (k) “Health Services Committee” refers to the Health Services Committee of the Tazewell County Board.

- (l) “Record” refers to all notices and documents filed by the Applicant, including the Application and exhibits, all notices and documents filed by the County, the Committee, the Health Department or the Health Services Committee, all documents, exhibits, reports, photographs, charts, data, testimony, including transcripts of testimony, transcripts of proceedings, written comments, and other items entered into evidence during the Public Hearing, or otherwise properly submitted at the hearing or to the County Clerk pursuant to this Ordinance, a complete transcript of the Public Hearing, the recommended finds of fact and decision of the Committee, and the final resolution of the County Board.
- (m) “Public Hearing” refers to the public hearing required by Section 39.2(d) of the, including any continuances of said hearing.

**Article 2. Application for Site Approval.**

**6 TCC 8-3 Conditions to Filing Site Approval Application.**

No Site Approval Application shall be considered properly filed with the County Clerk UNLESS:

- (a) The Application conforms with the requirements of this Ordinance as well as state laws and regulations. The requirements of this Ordinance are intended as minimum requirements and do not operate to limit the information that an Applicant may provide in the Application.
- (b) The Applicant has previously entered into a Host Community Agreement with the County which covers the proposed PCF and which fully complies with Tazewell County’s Solid Waste Plan, and the Applicant is in full compliance with said Agreement.

**6 TCC 8-4 Content of Application**

- (a) In order to request siting approval for a PCF in Tazewell County, an Applicant must file an Application with the Tazewell County Clerk, with a minimum of 15 copies of the entire Application.
- (b) The Application shall be submitted on paper, and/or such other methods as the Committee may approve from time to time. Any documents prepared or generated by Applicant shall be submitted in such electronic format as the County Clerk may specify from time to time.
- (c) The Application shall:
  - (1) Conform with all statutory requirements;

- (2) Contain sufficient details describing the proposed facility to demonstrate compliance with all federal, state, and local requirements, including statutes, regulations, and ordinances, and shall be accompanied by all such items as required by this Ordinance.
- (3) Contain all information in Applicant’s possession or reasonably available to Applicant relating to or relevant to the siting criteria set forth in Section 39.2 of the Act , if not otherwise provided pursuant to 6 TCC 8-5;
- (4) Include all documents submitted to IEPA pursuant to Section 39.2(c) of the Act;
- (5) Contain a sworn statement by the Applicant that all information being submitted is truthful and accurate, and that all statutory requirements for application have been met by Applicant, setting forth the actions taken by Applicant to comply with such requirements;
- (6) Contain an agreement by Applicant to reimburse the County for any and all costs reasonably incurred by the County to review and act upon the Application.
- (7) Unless otherwise agreed to in the Host Community Agreement between the Applicant and the County, be accompanied by a filing fee in the amount set forth in the table below:

| PCF Category          | Filing Fee |
|-----------------------|------------|
| Landfill              | \$200,000  |
| Incinerator           | \$250,000  |
| Expansion of Landfill | \$200,000  |
| Composing Facility    | \$ 25,000  |
| Transfer Station      | \$100,000  |
| All other PCFs        | \$100,000  |

- i. Said filing fee shall be paid to the County Clerk for delivery to the County Treasurer for deposit in a special fund;
- ii. The fee paid hereunder and held by the Treasurer in the special fund shall be used by the County to pay for any and all costs, expenses and/or fees incurred by the County in reviewing and acting upon the Application, including, but not limited to costs of site inspection, clerical processing of the Application, copying costs, space rental, hearing officer compensation, court reporter expenses, transcription expenses, public notice expenses, staff

review time, Committee per diems, attorneys' fees (including special counsel fees), consultants (such as qualified professional engineers, planners, appraisers, environmental consultants, experts, environmental counsel, etc., including testing, exhibits, testimony, if any provided by consultants and experts), including but not limited to the creation and maintenance of a computer database and associated website for public access to information, and other reasonable and relevant costs incident to the review, consideration of, and action upon the Application, the costs incident to preparing the record for appeal, if any, and the costs of representing the County on any appeal in the event of an appeal of the County Board decision.

- iii. The balance of the fund, if any, remaining after all action on the Application is final, including any appeals of the County's decision to any agency or courts, shall be refunded to the Applicant.
- iv. The filing fee shall not be a limit on Applicant's liability under paragraph (c)(6) above for payment of the County's costs, expenses and/or fees, and should the County incur any additional costs in excess of the applicable filing fee for any PCF, the Applicant shall bear any and all additional costs and shall promptly pay such amounts to the County upon written request or demand.

(8) Include a copy of the Host Community Agreement.

(9) Include a statement that the Applicant has not filed an Application for local siting approval which is substantially the same as that contained in the Application and which was disapproved pursuant to a finding against the Applicant under any of the siting criteria set forth in Section 39.2 of the Act within the preceding two (2) years.

## **6 TCC 8-5 Format of Application**

- (a) After setting forth the above information, the Application shall have the following format:
  - (1) This part of the Application shall be divided into twelve (12) sections corresponding to the nine siting criteria in Section 39.2 of the Act, and the additional information required herein. These sections shall be clearly marked by dividers or other suitable means. The Application shall also include appropriate design drawings, including a full size set of drawings and a reduced set of drawings no larger than 11" x 17".

- (2) Additional sections may be added or included after the following described sections, as the Applicant deems necessary.
- (3) The Application shall contain at least the following information in the respective Sections:
  - i. SECTION 1: The Application shall contain sufficient detail to demonstrate that the proposed facility is necessary to accommodate the waste needs of the area it is intended to serve. Section One shall include at least the following:
    - 1. A definition of the intended service area for the proposed facility including a map of the service area boundaries.
    - 2. A calculation of the current amounts and types of waste generated and disposed within the service area, and an estimate of the amount of waste to be generated and disposed within the service area for the next 20 years.
    - 3. A calculation of the current amount of waste exported out of and imported into the service area.
    - 4. A calculation of the capacity of the proposed facility, the estimated daily volume of waste to be received, and the estimated duration of operation at the proposed facility, in years.
    - 5. A description of the type(s) of waste to be received.
    - 6. A calculation of the permitted capacity available within the service area.
    - 7. A list of the location of all other PCFs handling and/or accepting the types of waste proposed to be handled and/or accepted by Applicant within the proposed service area and within fifty (50) miles of the perimeter of the proposed service area, providing the remaining permitted capacity of such PCFs, the owner and operator of such PCFs, and the permit classification of the PCFs.
    - 8. Complete documentation of the facts and reasons supporting Applicant's assertion that the facility is necessary to accommodate the waste needs of the proposed service area.

9. A discussion of the sources and reliability of information contained in this section.
- ii. SECTION 2: The Applicant shall provide sufficient detail to demonstrate that the proposed facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. At a minimum this section of the Application shall contain the following information in an order that logically addresses concerns within this section. Section Two shall include at least the following:
1. A Site Location Map(s) of the facility on a United States Geological Survey (USGS) 7.5 minute series (topographic) quadrangle map, or similar regional topographical map. The Site Location Map(s) should clearly show the facility boundary and a minimum 2 mile radius, at a scale no smaller than one inch equals 2,000 feet (1" = 2,000'). If the Application is for a landfill facility then the Site Location Map(s) shall graphically show the following information contained within the 2 mile radius of the facility:
    1. Any aircraft runways;
    2. The 100-year flood plain limits based on the most recent FEMA map or flood plain elevation as determined by FEMA or other appropriate State authority;
    3. All water supply well setback zone(s) defined by Sections 14.2 and 14.3 of the Act;
    4. All occupied dwellings, schools, or hospitals;
    5. All water wells; and
    6. All municipal boundaries, county boundaries, and provide a separate list (not on the map(s)) of all other units of local government;
  2. A Topographic Map(s) of the proposed facility and adjacent areas (minimum 200 foot around the facility unless documentation is provided detailing all adjacent land

uses). The Topographic Map(s) should contain a topographic map of the site at a scale no smaller than one inch equals 200 feet (1" = 200'), with a minimum 2 foot contour interval except in areas with steep topography (steeper than 2 horizontal to 1 vertical) or that is otherwise obscured from aerial photography and will not significantly impact the design or review of the Application. The topographic map should clearly identify the data of the topographic map and the facility boundary. The topographic map shall also include the following:

1. Existing utilities;
  2. Existing tree lines;
  3. Standing and/or surface water limits;
  4. Existing fences;
  5. Existing buildings;
  6. Existing streets, highways, roads, entrances and driveways;
  7. Existing structures; and
  8. Existing culverts, drainage ditches, drain tiles, and easements for same.
3. A legal description and plat of survey for the facility boundary. If the facility is a landfill then the Application should also provide a legal description and plat of survey for the waste boundary. The legal descriptions shall be prepared and certified by an Illinois Registered Land Surveyor.
  4. Documentation verifying that the proposed site is not in violation of any applicable location standard or restriction specified by all applicable federal, state, and local regulations and guidelines.
  5. Documentation demonstrating Applicant either owns the proposed site or has legal right to develop the proposed site for the proposed PCF.

6. A summary of the climatological data available for the area. The data shall include monthly information (high, low and averages) for precipitation, temperature, and wind.
7. A narrative summary including drawings and figures of the regional hydro geologic conditions for the area. If the Application is for a landfill facility then the regional hydro geologic investigation shall include the following information:
  1. The regional hydro geologic investigation should be established by reviewing statewide and regional reports and maps available from the United States Geological Survey (USGS), the Illinois State Geological Survey (ISGS), the Illinois State Water Survey (ISWS), the Illinois Environmental Protection Agency (IEPA) and other available sources;
  2. The available water well logs obtained from the ISGS, ISWS and County along, with the likely existence of additional water supply wells based on field surveys within 2 miles of the facility shall be provided along with a location map and summary table of the known locations, installation dates and elevations of the water wells;
  3. A discussion of the regional sources of groundwater typically used in the area including a general characterization of the groundwater quality based on regional publications;
  4. Additional information such as boring logs, monitoring well as-built diagrams, and other hydro geologic data collected for other facilities in the area can also be used to summarize the regional hydro geologic characterization;
  5. A summary of the regional bedrock stratigraphy including the approximate name, age, type, depths, and thicknesses of the bedrock units based on regional publications. The Applicant should also describe any regional structural features near the site;

6. A summary of the seismic conditions and location of any known unstable areas; and
7. A summary of the unconsolidated deposits near the site, including general description of the individual formations and general characteristics including material, type, thickness and lateral extent.
8. If the Application is for a landfill then an initial site-specific investigation should be performed to characterize the general geologic and hydro geologic character of the site in relation to regional publications. The initial site-specific investigation shall include:
  1. A complete copy of all available field borings performed at the site. All new investigation borings shall be continuously sampled by a geologist or engineer with experience in soil classification;
  2. The borings shall be located in a pattern and spacing sufficient to obtain data to characterize the geology and hydrogeology of the entire site, and to adequately characterize the uppermost aquifer(s) at the site;
  3. Monitoring wells and/or piezometers shall be located to sufficiently identify the hydro geologic conditions at the site based on the regional investigation and field observations. All monitoring wells and piezometers shall be properly sealed, labeled and locked. Well and piezometer construction documentation shall be provided to the County Health Department or appropriate agencies;
  4. Any boring or well not to be used at the site shall be properly abandoned with a copy of the well abandonment forms submitted to the County Health Department or appropriate agencies; and
  5. Other methods may be utilized to confirm or accumulate additional information. Such methods may be used only as a supplement to, not in lieu of site-specific boring information. Other methods may include, but are not limited to, geophysical

well logs, geophysical surveys, aerial photography, age dating, and test pits.

9. If the Application is for a landfill then the Application should provide a report summarizing the site-specific information. This report shall also include at least the following information:
  1. A narrative description of all drilling and field procedures;
  2. Location of all borings, monitoring wells and piezometers at the site;
  3. All boring logs and as-built diagrams for all monitoring wells and piezometers, along with all construction documentation and abandonment forms;
  4. Laboratory and/or field testing data, including but not necessarily limited to, strength, moisture content, grain size analyses, Atterberg Limits, and hydraulic conductivity;
  5. A narrative description of each geologic unit encountered within the study area;
  6. A narrative description characterizing the hydrogeological conditions within the project site;
  7. Drawings identifying the elevation of the top of the uppermost aquifer and other pertinent geological units;
  8. Drawings showing the thickness of all pertinent geologic units;
  9. A description of all water bearing strata and groundwater conditions, including potentiometric map(s), groundwater flow velocities and directions, and identification of the uppermost aquifer. Seasonal variations should be discussed in the Application based on regional information and field observations when seasonal groundwater data is not available; and

10. Geological cross sections of the project site showing all water bearing strata, water elevations, and all geologic units encountered during the investigation.
10. A design report that describes the physical attributes of the proposed facility. The report shall contain narratives, calculations, drawings, figures and other material necessary to provide an accurate depiction of the facility, including, but not limited to vertical height of site as it exists, and as it would exist upon closure.
11. A Site Plan Map with a scale no smaller than one inch equals 200 feet (1" = 200') that shows the location of all pertinent design components at the facility.
12. If the Application is for a landfill facility then design drawings necessary to adequately describe the components and systems of the facility during, construction, operation, and closure shall be provided. The following shall be provided with the drawings:
  1. All entrance locations and facility access restrictions;
  2. The ancillary facility locations (scale, scalehouse, office building, maintenance area, parking areas);
  3. The proposed mass excavation grades (or bottom of landfill) for general construction purposes;
  4. The conceptual phasing of construction;
  5. The location of the leachate collection system and collection point;
  6. The final grading plan;
  7. The typical liner system detail;
  8. The typical final cover system detail; and
  9. Typical cross sections of the landfill.

13. If the Application is for a landfill facility then a narrative description shall be provided which describes the following design components:
  1. Liner system requirements;
  2. Leachate collection system and management plan for storage and disposal;
  3. Final cover system; and
  4. Landfill gas monitoring system and conceptual management system.
  
14. If the Application is for an incinerator facility, then at least the following information and/or documentation shall be provided:
  1. Plans and specifications for the incinerator, including, but not limited to, the design criteria for the incinerator, plans and specifications for any and all air pollution control equipment, expected life and deterioration rate of the emission unit and pollution control equipment, and type, size, efficiency and specifications of the combustion process (including engineering drawings, plans and specifications certified to by a registered Illinois professional engineer); and
  2. Information and data regarding the incineration and pollution control processes involved, quantities and types of raw materials to be used in the processes, quantities, types and rates of wastes, including emissions, generated and/or emitted from the processes, including, but not limited to controlled and uncontrolled air contaminant emissions; and
  3. Maps, statistics and other data reasonably sufficient to describe the location of the likely and/or anticipated path of travel of the air emissions, and potential areas of particulate deposition; and
  4. Identification of regulated Hazardous Air Pollutants and/or Toxic Air Contaminants to be emitted from the source; and

5. Modeling data and/or risk analysis data showing the anticipated exposure of inhabitants of Tazewell County, and the associated incremental risks of such exposures.
15. A storm water management system to characterize the existing storm water flow conditions and how development of the facility will alter and protect storm water flows. If the Application is for a landfill facility then the following calculations shall be provided:
  1. Estimated runoff from disturbed areas resulting, from the 25-year, 24-hour precipitation event which will be discharged to waters of the State;
  2. Estimated runoff from the completed, closed facility resulting from the 25-year, 24-hour precipitation event which will be discharged to waters of the State; and
  3. The general locations and capacities of all ditches, detention basins, and all other necessary storm water control structures.
16. Sediment and erosion control structures that will be used during construction and operations of the facility.
17. A Construction Quality Assurance Plan that ensures the facility will be constructed in accordance with its permitted developmental plans. This Plan shall define the duties of a Construction Quality Assurance Officer, describe all sampling and testing procedures, and define acceptance criteria.
18. An Operating Plan that describes the operations at the facility during all phases of operation at the proposed site. This plan shall include personnel requirements, personnel training, equipment requirements, construction phasing, waste handling, monitoring requirements, on site traffic control, hours of operation, equipment operation, storm water control, odor control, dust control, litter control, noise control, vector control, systems maintenance, and equipment maintenance.

19. Any routine monitoring to be performed at the facility shall be identified and described. If the Application is for a landfill facility then a preliminary groundwater monitoring plan shall be developed to identify the location and phasing of the groundwater monitoring program. The procedures to install, develop, sample, and analyze the groundwater monitoring wells shall be specified.
  20. A Closure/Post-Closure Care Plan narrative that describes the plans that will be developed to close the proposed facility and provide proper post-closure care pursuant to state and federal laws and regulations. The Applicant shall also provide sufficient information proving that financial assurance is available for the proposed facility, and for proper post-closure care, including a disclosure as to the types and/or methods of financial assurance the Applicant anticipates utilizing to comply with federal and state requirements for same.
  21. Any and all maps, diagrams, plats and/or drawings submitted pursuant to this Section 2 shall prepared by or at the direction of, and signed by, a registered Illinois professional engineer.
- iii. SECTION 3: The Application shall contain sufficient detail to demonstrate that the proposed 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. The Applicant shall divide this section of the Application into two subsections: Land Use Subsection, and Property Value Subsection. Section Three shall include at least the following:
1. Land Use Subsection: A Land Use Assessment Study shall be performed by a qualified individual who will consider the proposed facility and its compatibility with the surrounding land uses. The subsection shall include the qualifications of the individual and company that completed the study. The study shall include:
    1. An exhibit showing the land uses within a two (2) mile radius of the proposed facility.

2. Typical photographic views of the proposed site within a reasonable distance from the proposed facility.
  3. A description of the landscape plan to be implemented at the proposed facility to minimize incompatibility with the surrounding area during the operating life of the facility.
  4. A description of the proposed use of the site after the facility is closed.
  5. A description of the history of the development of the site and the surrounding area and the proposed facility's impact on those trends.
2. Property Value Subsection: A Property Value Impact Study shall be performed by a qualified individual to determine the effects on property values in the surrounding areas. The subsection shall include the qualifications of the individual and company that completed the study. The study shall include:
1. Information regarding the existing property values within a distance sufficient to draw conclusions, as determined by the study. The information should be based upon a survey of property values based on transactions occurring within the past five years. Where transaction data is unavailable, tax assessments shall be used provided they are adjusted to account for local differences between market values and assessed values.
  2. An analysis of the proposed facility's impact on property values within the distance(s) identified above.
  3. A description and analysis of factors relating to the proposed site that may impact property values in the area along with a description of the design features and operating procedures that will be used to minimize the impact on property values.
- iv. SECTION 4: The Application shall contain sufficient detail to demonstrate that (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 flood plain, or that the facility is a facility described in subsection (b) of Section 22.19a of the Illinois Environmental Protection Act (415 ILCS 5/22.19a) and the site is flood-proofed. Section Four shall include at least the following:

1. A map showing the proximity of the 100 year flood plain limits to the proposed facility, based on the most recent Federal Emergency Management Agency (FEMA) map or flood plain elevation as determined by FEMA or other appropriate state authority.
  2. For a facility other than a landfill or waste disposal site or a facility described in subsection (b) of Section 22.19a of the Illinois Environmental Protection Act, if the site is located in the 100 year flood plain, design drawings and calculations prepared by a professional engineer registered in the State of Illinois shall be required as evidence that the site is flood- proofed.
- v. SECTION 5: The Application shall contain sufficient detail to demonstrate that the proposed Plan of Operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other accidents. Section Five shall include at least the following:
1. A Fire Protection Plan that includes, but is not limited to, maintaining, a supply of water on-site, fire protection training, fire extinguisher locations, and radio or telephone access to the nearest fire department.
  2. A Load Checking Program for detecting and discouraging the disposal of hazardous waste in non-hazardous waste facilities.
  3. An Accident Prevention Plan designed to prevent and/or minimize spills and other accidents that may occur on the site. The Plan shall include, but is not limited to, providing

emergency response instructions, spill prevention and clean-up methods and worker safety instructional plans.

4. A list of possible emergency situations which might occur at or near the proposed PCF which might affect the operations of the proposed PCF, including but not limited to explosion, fire, spills, tornadoes, and vandalism, and a detailed plan for dealing therewith.

vi. SECTION 6: The Application shall contain sufficient detail to demonstrate that the proposed traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows. Section Six shall include at least the following:

1. A Traffic Impact Study performed by an experienced traffic engineer who is registered as a professional engineer in the State of Illinois. The Study shall include but is not limited to:
  1. A statement of the qualifications of the individual and company that completed the Study.
  2. A map or table indicating the roads and highways that will be utilized in proximity to the proposed facility, along with their respective classifications.
  3. Recent volume counts taken for the roads and highways indicated in (2) above.
  4. A discussion of known accidents within the past three years that may indicate problem intersections or roads in proximity to the proposed facility.
  5. A statement of the estimated number of motor vehicles and types and weights (loaded and empty gross) thereof which will be entering and exiting the site during each month of operation, and calculations of average and peak traffic flows that will be generated by the proposed site.
  6. A map showing the location of ingress and egress to the proposed site. The map shall also indicate the queuing area for vehicles.

7. A statement of the procedures which will be utilized by the Applicant to assure that only the roadways specified shall be utilized.
  8. A statement of the load limitations of any and all roads and bridges that will be utilized by the traffic entering and exiting the site.
- vii. SECTION 7: The Application shall contain sufficient detail to demonstrate that if the proposed 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. Section Seven shall include at least the following:
1. For a non-hazardous waste facility, certification that hazardous waste will not be treated, stored or disposed on site; or,
  2. An Emergency Response Plan for the site which shall include, but not be limited to:
    1. Provision for the notification of appropriate agencies and personnel in the event of a release or substantial threat of a release.
    2. Containment and removal procedures.
    3. Evacuation procedures for the facility and the surrounding area.
- viii. SECTION 8: The Application shall contain sufficient detail to demonstrate that the proposed facility is consistent with the Solid Waste Management Plan and any amendments adopted by the County Board under the Local Solid Waste Disposal Act (415 ILCS 10/1 et seq.) or the Solid Waste Planning and Recycling Act (415 ILCS 15/1 et seq.). Section Eight shall include at least the following:
1. Evidence from the Solid Waste Management Plan, as amended, that the facility is consistent with that Plan.

- ix. SECTION 9: The Application shall contain sufficient detail to demonstrate that if the proposed facility will be located within a regulated recharge area, all applicable requirements specified by the Illinois Pollution Control Board for such areas have been met. Section Nine shall include at least the following:
  - 1. Evidence and documentation that the facility will not be located in a regulated recharge area; or,
  - 2. Evidence and documentation that any and all requirements specified by the Illinois Pollution Control Board have been met.
  
- x. SECTION 10: The County Board may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the Applicant and Operator (and any subsidiary or parent corporation of either) in the field of solid waste management when considering criteria (ii) and (v) under Section 39.2 of the Illinois Environmental Protection Act. Section Ten shall include at least the following:
  - 1. The full legal name, address and phone number of the Applicant, and the name, address and phone number of the operator, if different from the Applicant, and the full legal name, address and telephone number of any person, corporation or other legal entity to be associated with the proposed PCF. If the Applicant and/or Operator, or any entity intended to be associated with the proposed PCF, is a partnership, the full legal names, addresses and telephone numbers of each partner. If the Applicant and/or Operator is a corporation, the full legal names of all stockholders owning five percent (5%) or more of the capital stock of the corporation, and the registered agent of the corporation.
  - 2. If the Applicant and/or Operator is a corporation, a copy of the Articles of Incorporation, or if the Applicant is a sole proprietorship or partnership, names, addresses and phone numbers of all individuals holding an interest in Applicant and/or Operator, and the names and addresses of all officers and directors of a corporation, and/or managers of a limited liability company.

3. A copy of all insurance policies the Applicant and operator carry or will carry for the proposed facility, or a discussion of the types and limits of insurance that is anticipated to be obtained for the proposed facility.
4. Unless otherwise covered by the Host Community Agreement between the County and the Applicant, financial condition, including balance sheet and statement of profit and loss, each certified by a Certified Public Accountant, for each of the five (5) years preceding the year of Application for both the Applicant and the Operator (is different than the Applicant), provided that if said Applicant and/or Operator is a privately held company, said information may be submitted under seal to the County.
5. A listing of solid waste management facilities owned and/or operated by the Applicant and Operator (and any subsidiary or parent corporation) in the State of Illinois.
6. Documentation regarding the previous operating experience and past record of convictions or admissions of violations of the Applicant and Operator (and any subsidiary or parent corporation) in the field of solid waste management for facilities located in the State of Illinois during the past five (5) years.
7. A clear listing of the following information:
  1. All convictions or admissions of violations, either criminal or civil, of any foreign, federal, state or local environmental regulation or statute of (a) the Applicant, (b) any subsidiary corporation of the Applicant, (c) any parent corporation of the Applicant, and (d) any proposed operator, in the field of solid waste management in the State of Illinois during the past five (5) years, including such information as court or agency, case or file number, and brief summary of allegations, facts, and resolution.
  2. A description of the solid waste management program operated at the facility which involved the conviction(s) or admission(s) of violation(s).

3. Enforcement action, if any, taken by the Government entity involved.
4. Remedial action taken at site, if any, including cost thereof.
8. Information as to whether the Applicant or proposed operator has ever closed a Pollution Control Facility voluntarily or involuntarily, and the location of said facility and the date on which the process of closing started and the date on which it was completed.
- xi. SECTION 11: Additional information may be included as an appendix to the Application if the Applicant feels this information is helpful and/or necessary.
- xii. SECTION 12: Signatures affirming that to the best of the knowledge of the person signing the information contained in the Application is true and complete, shall be included in the Application for the following individuals: a duly authorized representative of the Applicant, the proposed operator (if different than the Applicant), and all technical and non-technical individuals who supplied data contained in the Application. All individuals licensed in their profession (e.g., engineers, land surveyors, geologists) shall include their license or professional registration number.

**Article 3. Application Review Procedure**

**6 TCC 8-6 County Clerk.**

- a. Filing of Application.

Upon receipt of an Application, including payment of the applicable filing fee, the County Clerk shall date stamp all copies submitted. The County Clerk has no obligation to review the Application to determine if the Application is complete and in strict compliance with this Ordinance, and with the Act. The file stamp date shall be considered the official filing date for time limit purposes only if the Application is considered properly filed pursuant to 6 TCC 8-3. Such determination shall be made by the Committee within thirty (30) days of filing of the Application.

- b. Delivery of Applications.

Upon receipt of an Application, including the applicable filing fee, the County Clerk shall deliver file stamped copies of the Application to the Chairman of the County Board, to the Director of the Tazewell County Health Department, and the Tazewell County State's Attorney.

**6 TCC 8-7 Pollution Control Facility Siting Committee.**

- a. A Pollution Control Facility Siting Committee shall be established by the County Board Chairman within fifteen (15) days of the date a siting Application is filed with the Tazewell County Clerk. The Committee shall consist of at least four (4) Members of the Health Services Committee of the County Board. Three (3) additional County Board members shall be appointed to the Committee by the County Board Chairman. Committee members shall serve until such time as a decision is rendered by the County Board whether to grant site location approval or not, and any legal appeals concerning the siting request have been finalized.
- b. The Chair of the Committee shall be the Health Services Committee Chairman. In the event of the Chair's absence, the Committee, by a majority vote of the members present, shall designate one of its members as Acting Chair. The Chair of the Committee shall vote only in the event there is a tie in the vote of the Committee. The Committee may take action only when a quorum of Committee members is present, unless otherwise provided herein, provided that any public hearing concerning the application may proceed without the necessity of a quorum. A simple majority of members of the Committee shall constitute a quorum for purposes of taking action.
- c. All meetings and hearing of the Committee shall be at the call of the Committee Chair, or in his or her absence, the Acting Chair, at such times as may be required. The Chair shall provide at least forty-eight (48) hours notice to all Committee members of any special meeting called by him/her. This notice requirement does not apply to continuances of the Public Hearing. During the course of the Public hearing, the Committee Chair may designate the hearing officer as the presiding officer at the Public Hearing, and any continuances thereof. The Committee Chair, or in his or her absence, the Acting Chair, may administer oaths or statements of affirmation to witnesses. In the absence of any Committee Chair or Acting Chair at a public hearing, the hearing officer may schedule continuation of hearings without further notice and without the call of the Committee Chair, and may administer oaths or statements of affirmation.
- d. The Committee shall select, by simple majority vote, a hearing officer (who need not be a County Board member) to serve during any public hearing concerning an Application. The hearing officer shall serve at the pleasure of the Committee. Compensation for the services of the hearing officer shall be pursuant to a written agreement negotiated by the Committee, and approved by the County Board before the hearing officer takes any action at a public hearing. The duties of the

hearing officer shall be provided for herein and as the Committee may designate from time to time. No Committee members need be present when the Public Hearing is being conducted by the hearing officer and the hearing is being transcribed as provided herein.

**6 TCC 8-8 Retention of Consultants, Counsel, and Experts; Reports and Recommendations.**

- a. The County may, upon the recommendation of the Committee, the Tazewell County State's Attorney's Office, the Tazewell County Health Department, or the Health Services Committee, retain such consultants, attorneys, and/or experts to assist the Health Services Committee and/or the Health Department in evaluating the Applications and any and all other information made a part of the Record.
- b. **[intentionally left blank].**
- c. The Health Department, independently or in conjunction with County staff and consultants, may, but is not required to, prepare and submit a report or reports to the Committee summarizing the application, information submitted during the application review process, including the public hearing, and comments received during the public comment period following the public hearing. The final report may provide specific recommendations to the Committee concerning whether the Applicant has satisfied the relevant siting criteria, and any special conditions deemed necessary or appropriate, and proposed findings of fact. If such a final report is prepared, it shall be filed with the County Clerk and made a part of the Records no later than three (3) days prior to the meeting date at which the Committee renders a final recommendation to the County Board regarding the Application.
- d. A court reporter shall be employed by the Committee and shall be present at any and all meetings of the Committee and at the Public Hearing and any continuances thereof. The court reporter shall provide the Committee with a certified transcript of the hearing as soon as possible, but not later than fifteen (15) days after completion of the Public Hearing. A secretary may be employed by the Committee to assist the hearing officer during the Public Hearing process.

**6 TCC 8-9 Filing Written Comments**

- a. Any person or entity may file written comments with the County Clerk concerning any matters contained in the Application or otherwise relevant to the Siting Criteria, including, but not limited to, the appropriateness of the proposed site for the intended purpose. Any such written comments must be postmarked and/or received within thirty (30) days after the conclusion of the Public Hearing. Said written comments shall be mailed or delivered to the Tazewell County Clerk, 11 South 4<sup>th</sup> Street, 2<sup>nd</sup> Floor, Pekin, Illinois 61554. All written comments must

be submitted on paper and clearly designate reference to the PCF Application to which they refer. Upon receipt, the County Clerk shall date stamp the comments and refer them to the Committee and the hearing officer. The Committee and the County Board shall consider any comment complying with this section. Comments submitted or postmarked after the date provided above, or which do not concern matters contained in the Application or are otherwise relevant to the Siting Criteria, need not, but may be, considered by the Committee and/or County Board.

- b. Timely submitted written comments shall become part of the Record, and shall be added to the Document Repository.
- c. All written reports, studies, exhibits or other evidence or copies thereof, other than testimony, which any person other than the Applicant or County Staff desires to submit for the record and consideration at the Public Hearing must be filed with the County Clerk at least ten (10) days before the start of the Public Hearing. In the event the 10<sup>th</sup> day prior to the start of the Public Hearing falls on Saturday, Sunday or holiday on which the Tazewell County Clerk's office is closed, the next working day shall be considered the day the reports, studies, and exhibits must be filed. The county clerk shall date stamp any such reports, studies, exhibits or other evidence upon receipt.

#### **6 TCC 8-10 Notice**

- a. The Applicant shall comply with all notice requirements established by the Act, and this Ordinance. Nothing contained in this Ordinance shall relieve Applicant of any and all notice obligations.
- b. All notices shall contain at least the following information:
  - 1. The name and address of the Applicant.
  - 2. The owner of the site, and in case ownership is in a land trust, the names and addresses of the beneficiaries of said trust.
  - 3. The legal description of the site.
  - 4. The street address of the property, and if there is no street address, 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 area.
  - 5. The nature of the proposed development.
  - 6. The probable life of the proposed facility.

7. The date, time and location of the Public Hearing, if known.
8. A statement that the Application is available to the public in the Office of the County Clerk, and that copies of the Application are available upon payment of actual cost of reproduction, pursuant to the Freedom of Information Act (5 ILCS 140/1 et seq.).

## **6 TCC 8-11 Public Hearing**

- a. At least one Public Hearing shall be held by the Committee no sooner than ninety (90) days but no later than one hundred twenty (120) days from the date of the Application. The Public Hearing may be continued from time to time at the request and/or direction of the Committee Chair and/or hearing officer.
- b. The Chair of the Committee shall notify the Applicant in writing of the date, time and location of the Public Hearing at least twenty one (21) days prior to such hearing.
- c. The Applicant shall cause notice to be given in accordance with Section 39.2(d) of the Act. The Applicant shall file with the County Clerk copies of each notice with proof of service prior to commencement of said Public Hearing. The notice required in this subsection is not required for continuations of a Public Hearing for which notice has been properly made.
- d. Members or representatives of the governing authority of any municipality contiguous to the property boundary of the proposed site and/or the Tri-County Regional Planning Commission may appear at and participate in the public hearing as may be permitted by the hearing officer.
- e. At least fifteen (15) days prior to the start of the Public Hearing, the Committee shall meet and adopt Rules of Order for the conduct of the Public Hearing. The Rules of Order shall be developed by or in cooperation with the Hearing Officer. The hearing officer shall preside at the Public Hearing, and any continuances thereof, and shall conduct the Public Hearing consistent with the Rules of Order adopted by the Committee. The Hearing Officer shall make decisions concerning the order of witnesses, the length of time each witness shall be allowed, how many witnesses shall be allowed, the admission of evidence, and the manner in which the hearing is conducted, subject to this Ordinance and the Rules of Order adopted by the Committee. The hearing officer shall make all rulings and decisions in accordance with principles of fundamental fairness. All rulings of the hearing officer concerning admissibility of evidence or procedural issues at the public hearing shall be final, and may not be appealable to the County Board and/or the Committee.

- f. The Public Hearing shall develop a record of all evidence and other matters admitted by the hearing officer, including the testimony of the Applicant and any witnesses whom the Applicant may call in support of the Application, any representative of the Health Department, County Staff and/or consultants retained by the County in support of any reports or other matters submitted by the Health Department, County Staff and/or consultants retained by the County, and any objectors or other witnesses having relevant information, subject to the control of the hearing officer.
- g. The hearing officer shall call the hearing to order and shall allow the Applicant to make an opening statement. The hearing officer may allow a representative of the Health Department, County staff and/or consultants retained by the County, and/or objectors or their counsel to make an opening statement.
- h. The Applicant shall have the burden of proof, and the burden of going forward with evidence. If the Applicant is a natural person, the Applicant may appear at the Public hearing on his/her own behalf, or be represented by counsel or agent. If the Applicant is not a natural person, the Applicant must be represented by counsel. Testimonial evidence introduced by the Applicant may not exceed the scope of the Application, and may only explain and/or clarify the Application, not expend or amend the Application.
- i. All persons desiring to present testimony and/or present evidence at the Public Hearing, other than the Applicant and County Staff, must first submit written notification of said intent to the County Clerk at least two (2) business days before the first day of the Public Hearing. The hearing officer may waive this requirement in order to achieve fundamental fairness.
- j. Any member of the Committee present at the Public Hearing, shall have the ability to question any witness to clarify the record or to bring out relevant information. The hearing office may allow other persons present at the Public Hearing, including but not limited to County Board members, members or representatives of governing bodies of municipalities within one and one half (1½) miles of the property boundary of the proposed site, the Applicant or a representative of the Applicant (including an attorney representing the Applicant), or objectors, to question witnesses to clarify the record or to bring out relevant information, subject to the sole discretion and control of the hearing officer. In addition, the hearing officer may allow any person present at the Public Hearing to submit questions in writing to the hearing officer for any witness, and the hearing officer shall exercise discretion whether such questions shall be posed to the witness, and the manner in which the questions are posed.
- k. All witnesses shall testify under oath or affirmation. Testimony may include the use of prepared statements and exhibits, in which case the prepared statement must be signed by the witness, and must include the following statement:

“Under penalties as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and believe, and as to such matters, the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.”

- l. The hearing officer may exercise discretion as to whether and/or when to allow a time for public comment. The hearing office may exclude irrelevant, immaterial, or incompetent or unduly repetitious testimony or other evidence. The hearing office shall rule on all questions relating to the admissibility of evidence. The rules of evidence applicable in civil actions in courts of law shall apply in the Public Hearing. However, the hearing officer shall have the authority to relax the rules of evidence to allow consideration of all relevant evidence, and so as to allow public comments, written statements, and other information provided in the Act and this Ordinance. Evidentiary rulings of the hearing officer shall not be appealable to the County Board.
- m. At the conclusion of the Public Hearing, and any continuances thereof, the hearing officer may permit the Applicant, the Health Department, County Staff and/or consultants retained by the County, and any other persons to file proposed Findings of Fact and Conclusions. Such Findings of Fact and Conclusions shall be filed with the County Clerk within thirty (30) days of the close of the Public Hearing, and any continuances thereof.
- n. The siting procedures and criteria provided in the Act and in this Ordinance shall be the exclusive siting procedures and rules for all PCFs. Local zoning or other land use requirements shall not be applicable to such siting decisions. However, to the extent provided by law, the Applicant shall also comply with zoning and other requirements.

**6 TCC 8-12 Amendment of Application**

- a. At any time prior to completion of Applicant’s presentation of Applicant’s factual evidence at the Public Hearing, Applicant may file not more than one amended Application upon payment of additional fees pursuant to Section 39.2(k) of the Act and the supplemental fees provided below.
- b. If the Applicant elects to file an amended Application for site location approval for any PCF in accordance with this Ordinance, such filing shall be accompanied by payment by Applicant of a supplemental fee of twenty five thousand dollars (\$25,000). Said supplemental fee shall be paid to the County Clerk for deliver tot he County Treasurer for deposit into the special fund created pursuant to Section 6 TCC 8-4(c)(7). Said funds shall be administered pursuant to that section. The supplemental fee shall not be a limit on Applicant’s liability under section 6 TCC

8-4(c)(7) of this Ordinance for payment of the County's costs, expenses and/or fees, and should the County incur additional costs in excess of the applicable filing fee and supplemental fee, the Applicant shall bear any and all additional costs and shall promptly pay such amounts to the County upon written request or demand.

- c. In the event an Applicant files an amended Application, the time limitation for final action by the County Board set forth in Section 39.2(e) of the Act and this Ordinance, shall be extended for an addition period of ninety (90) days.

**Article 4. Committee Recommendation**

**6 TCC 8-13 Public Meeting to Discuss Application**

Not less than thirty (30) days and not more than sixty (60) days after the close of the Public Hearing, the Committee shall meet to discuss the Record for purposes of developing a recommendation to the County Board as to whether or not the Application satisfies the applicable siting criteria in the Act (or such amended criteria as may be set forth from time to time in the Act). This meeting shall be open to the public, but no further evidence, testimony or input from the parties or the public will be allowed.

**6 TCC 8-14 Recommendation of Committee**

At the conclusion of the meeting, or any continuances thereof, the Committee shall vote as to its recommendation on the Application, including any such conditions as the Committee finds may be reasonable and necessary to accomplish the purpose of the Act, and which are not inconsistent with the Act and regulations promulgated by the Illinois Pollution Control Board, in the event the Committee recommends that the Board grant approval of an Application. The recommendation of the Committee shall be in writing, specifying the reason(s) for the recommendation, and setting forth findings of fact for each of the nine (9) statutory criteria. The Committee shall submit its recommendation, conditions (if any), and proposed findings of fact, to the County Board as soon as practicable, or as otherwise provided by law.

**Article 5. County Board Decision**

**6 TCC 8-15 Preliminary Procedure**

- (a) Once the Committee has made its recommendation and reduced it to writing, the written recommendation shall be submitted to the full County Board for its review and decision.

- (b) As soon as the transcript and other evidence is available, the hearing officer shall deliver 3 copies of the transcripts of the public hearing(s), as well as all exhibits admitted during the hearing(s), and other documents handed out during the hearing(s), by filing same in the County Clerk's office.
- (c) The County Clerk shall, as soon as practicable, transfer said copies to the Chair of the County Board.

**6 TCC 8-16 County Board Decision**

- (a) The County Board shall, based upon the Record and upon review of the recommendation of the Committee, make the decision as to approval or disapproval of the Application.
- (b) The decision of the County Board shall be by resolution, in writing, specifying the reasons for the decision, in conformity with Section 39.2(a) of the Act.
- (c) The resolution shall be filed with the County Clerk and made available for public inspection and copying (upon payment of any applicable fees) at the office of the County Clerk.
- (d) The County Board, may, in its discretion, impose such conditions as may be reasonable and necessary to accomplish the purpose of the Act, and which are not inconsistent with the Act and regulations promulgated by the Illinois Pollution Control Board, in the event the Board grants approval of an Application.
- (e) If there is no final action by the County Board within one hundred eighty (180) days after the proper filing of the Application (plus any additional time as may be added as a result of the filing of an amended application), the Applicant may deem the Application approved.

**6 TCC 8-17 Expiration of Approval**

In the event the Court Board grants approval of the Application, said approval shall expire at the end of two (2) calendar years from date upon which the approval is granted, unless the approval is for a sanitary landfill operations, in which case the approval shall expire at the end of three (3) calendar years from the date upon which it was granted, and unless within that period the Applicant makes application to IEPA for a permit to develop the PCF proposed in the Application. In the event the approval is appealed, the period shall be deemed to begin on the date upon which the appeal process is concluded.

**6 TCC 8-18 Appeals**

Appeals of the final decision of the County Board shall be made in accordance with the Act.

**6 TCC 8-19 Document Repository - County Clerk**

All documents and/or other materials filed with the County Clerk pursuant to the Act and this Ordinance shall be made available for public inspection at the office of the County Clerk. Copies of documents capable of being copied by copy machines available at the County Clerk’s office may be obtained upon payment of the cost of reproduction.

**6 TCC 8-20 Other Repository**

The Committee may establish one or more public document repository or repositories as the Committee deems necessary. Said repositories shall contain the same documents as are retained by the County Clerk, and any and all other documents or other materials submitted to the Committee during the Public Hearing or within thirty (30) days after the Public Hearing. Said additional repository or repositories may be at a public location and/or at a commercial establishment offering copying services, or such other location as the Committee deems appropriate.

**6 TCC 8-21 Applications in Incorporated Areas of the County**

In the event an application or request for siting approval for a pollution control facility in an incorporated area of the County is filed with a unit of local government other than the County, the following provisions shall apply:

**6 TCC 8-22 Formation of Review Committee**

A Pollution Control Facility Siting Review Committee (hereinafter referred to as the “Review Committee”) shall be established by the County Board consisting of the chairman of the Zoning & Land Use, Highway, Property, and Health Services committees of the County Board.

**6 TCC 8-23 Purpose and Function of Review Committee**

The Review Committee shall meet at least once to review and discuss the application, and such other materials and information as the Review Committee may deem necessary, relevant or appropriate, to evaluate the application’s compliance with the County’s Solid Waste Management Plan, and to make such recommendation to the County Board as the Committee may deem appropriate, and to attend and/or participate in the public hearing held by the unit of local government to provide the County Board’s input.

**6 TCC 8-24 Severability Clause**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining provision hereto.

11/29/06