

~~RESOLUTION NO. 5167~~ORDINANCE NO. _____

~~RESOLUTION-ORDINANCE ESTABLISHING REGIONAL-CHAMPAIGN COUNTY~~
~~POLLUTION CONTROL FACILITY SITING PROCEDURES~~

~~WHEREAS, as of August 15, 2005, An Act Relating to the Location of Sanitary Landfills and Hazardous Waste Disposal Sites, otherwise know as Public Act 94-591, became effective; and,~~

~~WHEREAS, Public Act 94-591 has been codified into Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/39.2) and requires that the County Board of the County approve or disapprove the request for local siting approval for each regional pollution control facility which is subject to such review; and,~~

~~WHEREAS, said Act prohibits the Illinois Environmental Protection Agency from issuing permits for the development or construction of new regional pollution control facilities 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 located; and,~~

~~WHEREAS, said Act requires an applicant to file its request for location approval with the County Board; and,~~

~~WHEREAS, the Illinois Environmental Protection Act (415 ILCS 5/39.2 et seq.) gives the power for approving or disapproving requests for siting a pollution control facility or a new pollution control facility in unincorporated areas to county boards, and establishes the criteria which can be utilized in reviewing siting requests and the process by which siting requests are handled; 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 criteria contained in the Act so long as conditions imposed by the County Board are not inconsistent with regulations promulgated by the Illinois Pollution Control Board; and,~~

~~WHEREAS, in order to protect the public interest of the citizens of Champaign County and to promote the orderly conduct of the hearing process and to insure that full and complete information is made available to the Champaign County Board, it is necessary that procedures be established for conducting the public hearings and for making decisions regarding site-siting approval requests for a pollution control facility or a new Regional Pollution-pollution Control-control facility Facilities proposed to be located in unincorporated areas of Champaign County.~~

NOW, THEREFORE BE IT ~~RESOLVED-ORDAINED~~ by the Champaign County Board, Champaign County, as follows:

I. That Resolution No. ~~5167, 2122, Resolution for Creation of a Champaign County Regional Pollution Control Hearing Committee and Procedure for Hearing Site Approval Requests for New Regional Pollution Control Facilities in Unincorporated Areas of Champaign County, Illinois, as amended, and Resolution No. 3096,~~ Resolution Establishing Regional Pollution Control Facility Siting Procedures, ~~are is~~ repealed.

2. That the following ~~Regional-Champaign County~~ Pollution Control Facility Siting Procedures be adopted.

**CHAMPAIGN COUNTY ~~REGIONAL~~ POLLUTION CONTROL
FACILITY SITING PROCEDURES**

SECTION ONE: COUNTY BOARD APPROVAL REQUIRED

A. No ~~Regional Pollution Control Facility~~ or new pollution control facility located in whole or in part in any unincorporated area of Champaign County shall be constructed or operated without the approval of the County Board (hereinafter, "Board") of Champaign County (hereinafter, "County").

B. The County Board shall approve, deny or approve subject to conditions, a pollution control facility or a new pollution control facility ~~Regional Pollution Control Facilities~~ only upon making findings of fact with respect to all of the criteria established by Section 39.2(a) of the Illinois Environmental Protection Act (415 ILCS 5/39.2) which are incorporated herein and attached as an appendix and only in conformance to the procedures and requirements set forth herein.

SECTION TWO: DEFINITIONS

The terms used in these procedural rules and regulations shall have the same meanings as the same terms defined in the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.), in effect as of the date hereof and as said Act may be amended or modified from time to time, including the following defined terms: following words and phrases, when used in this Article, shall have the meanings respectively ascribed to them.

~~"Act" means the Illinois Environmental Protection Act (415 ILCS 5/3.01 et seq.)~~

"Disposal"

~~means~~ The discharge, deposit, injection, dumping, spilling, 5 leaking or placing of any waste or hazardous waste into or on any land or water or building or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwaters (415 ILCS 5/3.185).

~~"Garbage" is waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage and sale of produce (415 ILCS 5/3.200).~~

"Hazardous waste"

~~means a~~ A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource ~~conservation~~ Conservation and Recovery Act of 1976, P.L. 94-580, -or pursuant to ~~Illinois Pollution Control~~ Board regulations. (415 ILCS 5/3.~~225220~~ et seq.).

~~"Industrial process waste" means liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. Industrial process waste includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. (415 ILCS 5/3.235).~~

~~"Party" means any person, including the applicant and the County, who complies with the pre-hearing filing requirements set forth in Section 6(B) and who may be affected by the siting of the facility.~~

~~"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. Pollution control waste includes but is not limited to water and wastewater treatment plant sludges, bag house dusts, landfill waste, scrubber sludges, chemical spill cleanings (415 ILCS 5/3.535).~~

~~"Regional pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, resource recovery facility, waste treatment facility or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under "An Act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois Rivers," approved May 29, 1989, as now or hereafter amended. The following are not regional pollution control facilities:~~

~~(1) — Sites or facilities located within the boundary of a local general purpose unit of government and intended to serve only that entity;~~

~~(2) — Waste storage sites regulated under 40 CFR, Part 761.42;~~

~~(3) — Sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;~~

~~(4) — Sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3 of the Act;~~

~~(5) — abandoned quarries used solely for the disposal of concrete, earth materials, gravel,~~

~~or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;~~

~~(6) — sites or facilities used by any person to specifically conduct a landscape composting operation;~~

~~(7) — regional facilities as defined in the Central Midwest Interstate Low Level Radioactive Waste Compact;~~

~~(8) — the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (s)(2) or (s)(3) of Section 21 of the Act; or (9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV of the Act.~~

~~A new regional pollution control facility is:~~

~~(1) — a regional pollution control facility initially permitted for development or construction after July 1, 1981; or~~

~~(2) — the area of expansion beyond the boundary of a currently permitted regional pollution control facility; or~~

~~(3) — a permitted regional pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste (415 ILCS 5/3.330b).~~

~~"Resource recovery" means the recovery of material or energy from waste (415 ILCS 5/3.435).~~

~~"Resource recovery facility" means a facility required to be permitted by the Illinois Environmental Protection Agency and capable of the recovery of material or energy from waste.~~

"Pollution control facility" or 'New pollution control facility"

Any facility defined as such in the Illinois Environmental Protection Act (415 ILCS 5/3 et seq.).

Appendix B of this ordinance contains the definitions of 'pollution control facility" and "new pollution control facility" from the Illinois Environmental Protection Act (415 ILCS 5/3 et seq.).

"Sanitary landfill"

means a A-facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, (P.L. 94-580), and regulations there under, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods as the ~~Illinois Pollution Control~~ Board may provide by regulation (415 ILCS 5/3.425 445 et seq.).

~~"Special waste" means any industrial process waste, pollution control waste or hazardous waste except as maybe determined pursuant to Section 22.9 of the Act. (415 ILCS 5/22.9).~~

"Storage"

The containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal. (415 ILCS 5/3.480 et seq.).

~~when used in connection with hazardous waste, means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste (415 ILCS 5/22.4).~~

"Storage site"

A site at which waste is stored. "Storage site" includes transfer stations but does not include (i) a site that accepts or receives waste in transfer containers unless the waste is removed from the transfer container or unless the transfer container becomes stationary, en route to a disposal, treatment, or storage facility for more than 5 business days, or (ii) a site that accepts or receives open top units containing only clean construction and demolition debris, or (iii) a site that stores waste on a refuse motor vehicle or in the vehicle's detachable refuse receptacle for no more than 24 hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site. (415 ILCS 5/3.485 et seq.).

"Transfer station"

A site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment, or storage facility. "Transfer station" includes a site where waste is transferred from (1) a rail carrier to a motor vehicle or water carrier; (2) a water carrier to a rail carrier or motor vehicle; (3) a motor vehicle to a rail carrier, water carrier or motor vehicle; (4) a rail carrier to a rail carrier, if the waste is removed from a rail car; or (5) a water carrier to a water carrier, if the waste is removed from a vessel. (415 ILCS 5/3.500 et seq.).

"Treatment"

Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous. (415 ILCS 5/3.505 et seq.).

"Waste"

~~Any means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or ~~industrial discharges which are point sources subject to permits under Section 402 of the Federal Waste Pollution Control Act, or source, special nuclear, or by product materials as defined by the Atomic Energy Act of 1954, as amended, or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-870) or the rules and regulations-~~~~

~~thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto (225-ILCS 715/1 et seq.), coal combustion by-products as defined in Section 3.135, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. (415 ILCS 5/3.535 et seq.)~~

~~"Waste transfer station" means a facility or process required to be permitted by the Illinois Environmental Protection Agency that is so designed and operated so as to only transfer waste from vehicle to vehicle without any material or energy recovery or other processing of waste, exclusive of compacting or baling.~~

B. For purposes of this ordinance, the following definitions shall apply:

"Applicant"

Any person, firm or partnership, association, corporation, company or organization of any kind who files an application pursuant to this ordinance.

"Application"

An application for a pollution control facility submitted to Champaign County.

"Committee"

The Champaign County Board Environment and Land Use Committee.

"Committee Chair"

The duly appointed Chair of the Environment and Land Use Committee of the Champaign County Board.

"County"

The County of Champaign, Illinois.

"Director"

The Director of the Champaign County Director.

"Party"

Any person, including the applicant and the County, who complies with the pre-hearing filing requirements set forth in Section 6(B) and who may be affected by the siting of the facility.

"SAO"

The State's Attorney's Office of Champaign County, Illinois.

SECTION THREE: APPLICATION

3.1 Procedure

A. The original and a minimum of five Five complete paper copies of the application, including all site plans, exhibits, and maps, and one digital PDF of the complete application, including all site plans, exhibits, and maps, along with the filing fee required in Section 3.3, shall be submitted to the Director. Upon receipt of any such application, the Director shall date stamp the same and immediately deliver one paper copy each of the application to the Committee Chair, the County Executive, and the Office of the State's Attorney.

~~requests for site location approval, including six copies of all site plans, exhibits, and maps, along with the filing fee required in section 3.3 shall be submitted to the office of the County Clerk. Upon receipt of any such application for site location approval, the County Clerk shall date stamp the same and immediately deliver one (1) copy of the application for site location approval to the Chair of the County Board, the County Administrators, the Office of the State's Attorney, and the Director of the Department of Planning and Zoning. Within ten working days of the date of submission of the application to the County Clerk's office, the County Administrators, the County Clerk, the State's Attorney, and the Director of the Department of Planning and Zoning shall meet to detennine whether the application is complete. If the application is determined not to be complete, the County Administrator shall notify the application in writing of the deficiencies in the application.~~

B. Within ten working days of the date of submission of the application to the Director, the Director or designee, the Committee Chair, the County Executive or designee, and the State's Attorney Office designee shall meet to determine whether the application is complete.

~~(A) C. No application for site location approval shall be deemed to have been completed and accepted for filing unless all of the requirements of this Section applicable thereto shall have been met, and the County ClerkDirector shall not give a receipt or other indication of filing until such time as it is determined that the application is complete and complies with all the requirements of this Section. Within 15 working days after receipt of an application, the County AdministratorDirector shall advise the applicant either that the application is complete; or that the application is not complete, specifying wherein it is deficient.~~

~~(B) D. The time period for review of the application designated in Section 39.2 of the Act shall not commence until the applicant has been informed that the application for site location approval is complete and the applicant shall have submitted 35-22 additional copies of the completed application to the office of the County ClerkDirector. Upon receipt of these 22 additional 35 copies of the application, the County ClerkDirector shall provide the applicant with a receipt and certification that the application has been accepted for filing, designating the date of filing.~~

E. The applicant solely is responsible for providing sufficient technical information to meet their burden of proving the criteria cited in Section 39.2(a) of the Act (415 ILCS 5/39.2(a) et seq.). Descriptions, observations, testing and data collection and interpretation should be conducted by licensed professionals in their respective disciplines and in accordance with industry standards and national or international procedures.

~~(C) — The acceptance of the application by the County Clerk is a pro forma acceptance. The applicant solely is responsible for providing sufficient technical information to meet their burden of proving the criteria cited in Section 39.2(a) of the Act (415 ILCS 5/39.2a).~~

~~(D)~~ F. In order to give members of the public an opportunity to make informed written comment and to give the ~~parties~~ Parties an opportunity to prepare adequately and fairly for the public hearing hereinafter described, any information not included in the completed application shall be inadmissible at said public hearing unless allowed by the hearing officer pursuant to Section 6 herein.

~~(E)~~ G. A copy of the completed application ~~for site location approval~~ shall be made available for public inspection in the ~~County Board~~ Director ~~Office, the Department of Planning and Zoning, on the Champaign County website, at~~ the Champaign Public Library, the Urbana Free Library, and at the local public library located closest to the proposed site. Members of the public shall be allowed to obtain a copy of the completed application ~~for site location approval~~ or any part thereof upon payment of the actual cost of reproduction.

3.2 Submittal Requirements

~~(A)~~ A. Applications for ~~site location~~ siting approval shall ~~be of the form as provided by the County Administrator and shall~~ include the following:

1. A written petition on 8 1/2" x 11" paper that sets forth:
 - ~~a.~~ a. The identification of:
 - (i) The site owner, and if the proposed site is owned in a land trust, each beneficiary of such land trust by name and address, and his or her defined interests therein;
 - (ii) The site operator;
 - (iii) The entity including all engineering, legal and other consultants ~~Responsible~~ responsible for preparing the application;
 - b. The legal description of the proposed site and a street address or some other reasonable description of where the proposed site is located;
 - c. A description of the proposed facility, its operation and its expected period of operation and its expected period of operation;
 - d. The area to be served by the proposed facility and a statement of the needs of such area for such a facility;
 - e. A list of the existing ~~regional~~ pollution control facilities located within or serving or capable of serving the same need to the area proposed to be served and, with respect to each such facility, the following information shall be provided: location, size, owner and/or operator, type of pollution control facility, remaining

capacity, probable life of the proposed facility, and types of wastes received;

f. The expected types and quantities of hazardous, non-hazardous and special waste amounts accepted intentionally or potentially present unintentionally in the facility, the methods of treatment or storage of all wastes proposed for the ~~regional~~ pollution control facility or new pollution control facility, the origin of these wastes and the applicant's plan to preclude acceptance of unauthorized wastes;

g. In the case of a sanitary landfill, a description by a licensed professional engineer of the geologic and hydrogeologic character of the site including background analyses for groundwater, surface water and air, and all public and private wells, industrial and petroleum borings, including abandoned wells and borings on the proposed site and within 500 feet of the proposed site;

h. Reasons supporting approval of the application based on the nine criteria established by Section 39.2(a) of the Act (415 ILCS 5/39.2(a)) as may be amended from time to time;

i. ~~A prayer for site approval~~ The following statement signed by the applicant submitted with the application to formally request approval of the application:
“By signing below, I (the applicant) certify all statements and representations in the submitted application are true and accurate to the best of my knowledge, and I hereby formally seek siting approval.”

i. ; and

j. Certification that no less than 14 days prior to a request for site location approval, the applicant caused written notice either in person or by registered mail, return receipt requested, to be served on the owners of all property within the subject area not solely owned by the applicant; the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which said facility is to be located, provided that the number of all feet occupied by all private roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement, and further provided that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways; and members of the General Assembly from the legislative district in which the proposed facility is to be located. In addition, certification that no less than 14 days prior to a request for site location approval the applicant caused notice to be published in a newspaper of general circulation published in Champaign County. Such notice shall be made in accordance with Section 39.2(b) of the Act (415 ILCS 5/39.2b) and shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such a request as hereafter provided.

2. The permit application made to the Illinois Environment Protection Agency, if any such application has been made, and any correspondence with the Agency relating thereto.

3. A site plan or plans drawn at a scale sufficient to show all details of the proposed regional pollution control facility including but not limited to:

- a. ~~fences~~Fences, easements, utilities, railroad spurs, building and other structures;
- ~~b.~~ b. ~~R~~Roads, entrances, parking areas, and driveways;
- ~~b.~~ c. ~~P~~Planned landscaping and screening; and
- d. ~~Exploration borings and wells, and pits, and~~
- e. e. in the case of a sanitary landfill:
 - (i) ~~eross~~Cross sections;
 - (ii) ~~all~~All existing wells within five hundred (500) feet of the site;
 - (iii) ~~all~~All monitoring wells and borings, abandoned, both existing and planned;
 - ~~(iii)~~(iv) Geophysical logs and surface studies; and
 - ~~(iv)~~(v) ~~core~~Core sample locations on and within two hundred(200) feet of the site.

4. A detailed topographic survey at a contour interval of no more than two feet and the boundary of any Special Flood Hazard Area located on the subject site and the surrounding area within 500 feet of the site.

5. A depiction of the surface and subsurface drainage characteristics of the site and surrounding area, including the boundary of the watershed tributary to the site, delimitation of subwatersheds within the site, location and description of all known drainage tiles, a description of the efforts made to locate drainage tiles and a description of the drainage away from the site to the nearest perennial stream receiving runoff from the subject area and a description of the normal flow and seasonal fluctuations in such receiving stream.

6. A statement of the plan of operation for the proposed facility, including, but not limited to, the following:

- a. Method of landfilling, incineration, resource recovery or other process including flow diagrams depicting waste flow by type and volume from initial acceptance at the facility to final disposition;
- b. Hours of operation;
- c. Personnel;
- d. Litter, vermin, dust and odor control onsite and offsite within one and one-half(~~1.5~~) miles of the site;
- e. Surface drainage, stormwater runoff, sedimentation, surface water pollution and erosion control;
- f. Fire and hazardous material control;
- g. Corrective action for spills and other operational accidents;
- h. If applicable, the stages of development or use;

- i. Building floor plans illustrating material handling equipment and processes, as well as architectural elevations including exterior construction materials; and
 - j. ___A plan for post-closure use or rehabilitation of the site.
7. A report of off-site traffic impact regarding the proposed site including the anticipated number of vehicles and their size, weight and directional distribution, and structural adequacy of affected pavements to include a traffic abatement and control plan to address negative traffic impacts completed by an engineer experienced in traffic engineering and registered in the State of Illinois.
8. A stormwater management plan consistent with applicable ordinances or policies of Champaign County.
9. An identification of the drainage district in which the site is located.
10. A statement of the applicant's ability to acquire certificates of insurance to cover accidents, such as fires, explosions, non-sudden accidental occurrences and pollution impairment.
11. If required for the proposed regional pollution control facility, a copy of the contingency plan prepared pursuant to the Resource Conservation and Recovery Act (42 U.S.C. §6901 *et seq.*) and a copy of the chemical safety contingency plan prepared pursuant to the Illinois Chemical Safety Act (430 ILCS 45/1 *et seq.*)
12. A statement describing the past operating experience of the owner and, if operated by a separate entity, such operating entity (and the owner's and operator's subsidiaries, parent corporations, or subsidiaries of the parent corporations), in the field of solid waste management, if any.
13. A statement citing the past record of convictions or admissions of violations of the owner and operating entity (and their subsidiaries, parent corporations, or subsidiaries of the parent corporations). Said statement shall include, but not be limited to, a citation of the applicable statute or ordinance violated; a brief written summary of the violation or conviction; and the penalty imposed.
14. A statement assessing the proposed facility's conformance to the Champaign County Solid Waste Management Plan adopted by the County Board in Resolution 3077, and the five year update to the said Plan adopted by the County Board in Resolution 4497.
15. A written summary of any testimony to be presented at the public hearing by the applicant, a list of all witnesses along with resumes of the qualifications of any expert witnesses the applicant intends to have testify, and all other evidence the applicant desires the Board to consider including, but not limited to: studies, maps, reports, ~~permits~~, or exhibits. A written description maybe substituted for any exhibit that will be presented in the public hearing that by virtue of its size, shape, inability to be reproduced or other characteristics cannot reasonably be made available for public inspection outside of the public hearing. It is intended that the applicant provide a full and complete disclosure of the case to facilitate early review and analysis by any person.

~~16. The full fee required by Section 3.3~~

B. The pages of the application and all exhibits submitted to the County shall be consecutively numbered and the application shall contain a table of contents or index.

C. The application shall include the following signatures:

1. The applicant, if different than the owner of the pollution control facility or new pollution control facility.

2. The operator, if different than the owner of the pollution control facility or new pollution control facility.

3. The pollution control facility or new pollution control facility owner.

4. The owners of the land if different than the owner of the pollution control facility or new pollution control facility. If the land is owned in a land trust, the signature of a responsible person for the land trust.

~~(B)~~

3.3 Fees

A. An application fee in the form of a certified or cashier's check or a line of credit to the County at a local financial institution acceptable to the County shall be paid by the applicant upon filing pursuant to Section 3.1(A). Such fee may be used by the County to cover its reasonable and necessary costs including but not limited to, notice costs, court reporter costs, transcription costs, County consultant costs, hearing officer costs, and attorney's fees, and other expenses incurred by the County in conducting the review of the request for site location approval, the subsequent public hearing, and the site location approval decision, provided however, that any portion of the application fee that remains unexpended at the conclusion of the site location approval decision shall be returned to the applicant. Should there be any additional costs incurred by the County over the amount paid by the applicant in the application fee, the applicant shall bear any and all additional reasonable and necessary costs. The application fee and all other monies due the County shall be submitted to the County Clerk and made payable to Champaign County.

B. The application fee to be submitted pursuant to this Section shall be as follows:

	New Facility	Expansion of <u>an</u> Existing Facility	Amendment to Original Application
<u>Waste transfer station</u>	\$50,000	\$10,000	\$2,500
<u>Waste storage site</u>	\$50,000	\$10,000	\$2,500
<u>Waste Treatment Facility</u>	\$50,000	\$10,000	\$2,500

Resource Recovery Facility, Sanitary Landfill, Waste Storage Site, Waste Treatment Facility, or Waste disposal site	\$250,000	\$50,000	\$12,500
Waste incinerator	<u>\$250,000</u>	<u>\$50,000</u>	<u>\$12,500</u>

C. In the event that at any time prior to the conclusion of the site location approval decision, the County has expended such sums so as to reduce the ~~balance~~-balance of the application fee to a figure less than \$2,500.00, the petitioner, within seven calendar days of receipt of written notice thereof; shall contribute an additional \$2,500.00 to the application fee to cover costs as described above. Any portion of the fees, including any additional fees that remain unexpended at the conclusion of the site location approval decision, shall be returned to the applicant as provided in Section ~~12.11~~.

SECTION FOUR: AMENDED APPLICATION

A. At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by any party at the public hearing, the applicant may file not more than one amended application including appropriate application fees in which case the time limitation for final action set forth in Section 11(C) shall be extended for an additional period of 90 days. Said application shall conform to the requirements of Section 3.

B. An applicant may not file a request for location approval which is substantially the same as a request which was disapproved within the preceding two years pursuant to a finding against the applicant as provided for in Section ~~11~~10.

SECTION FIVE: SITING APPLICATION REVIEW COMMITTEE

~~(A)~~—The County Board Chair shall appoint a Siting Application Review Committee, hereinafter ("Committee") and its Chair at the earliest date possible consistent with the rules of the County Board following acceptance for filing by the County Clerk.

~~(8)~~—The Committee shall be comprised of one member from each County Board District for a total of 9 members. No County Board member who is currently appointed to any intergovernmental agency or other body appearing as an applicant may be appointed to the Siting Application Review Committee.

~~(C)~~ A. Following acceptance for filing by the Director, the The Siting Application Review Committee shall be responsible for conducting the public hearing, reviewing the application, all testimony and exhibits pre-filed or submitted during the public hearing and all comments received at the public hearing or pursuant to Section 98. The Committee shall make findings of fact regarding the siting criteria contained in the Act (Appendix A) and recommend approval or denial to the County Board and, if recommending approval, to recommend conditions to be imposed on that approval.

~~(D)~~ B. To undertake its responsibilities the ~~committee~~-Committee shall have authority to:

1.—Attend the public hearing and to participate in the proceedings as provided in Section 6; call upon the SAO State's Attorney's Office, the County Administrator or other County staff for advice and assistance; request additional or supplementary information from the applicant or any other party to the public

hearing, with such additional information to be entered into the hearing record as provided in Section 6;

2. Consider requests for and grant waivers from the provisions of this resolution as provided in ~~section~~ Section 1312.

~~(E)~~ C. The Committee shall meet within ~~14~~ 45 days of acceptance for filing by the Director ~~its creation by the County Board~~ to review procedures for the public hearing and consider the need for independent review of the ~~sites~~ siting approval request by County staff or consultants. The Committee shall meet at least once following the end of the public comment period established in Section ~~98~~.

~~(F)~~ The Committee shall conduct its business in conformance with the Rules of the County Board provided, however, that for purposes of conducting the public hearing as provided for in Section 6, the quorum shall be 3 members.

~~(G)~~ D. All meetings of the ~~Siting Application Review~~ Committee shall be conducted in accordance with the Illinois Open Meetings Act.

E. The ~~Siting Application Review~~ Committee shall not accept spoken or written communication concerning the siting application outside of the public hearing prior to making a recommendation to the County Board. If any such communication is received by the Committee or by any Committee member, such communication or a description of the contents thereof shall be entered into the public hearing record as provided in Section 6 or, if the hearing has been closed, submitted as public comment as provided in Section ~~98~~.

F. The Committee shall make findings of fact and a recommendation to the full County Board within 45 days of the close of the public hearing. If there is no final action by the County Board within 180 days after the date on which the County Board received the request for site approval, the applicant may deem the request approved.

SECTION SIX: PUBLIC HEARING

A. The ~~Siting Application Review~~ Committee shall conduct a public hearing no sooner than 90 days but no later than 120 days from the date of acceptance for filing of the completed application by the ~~County Clerk~~ Director.

~~B.~~ Any party who desires to participate in the public hearing other than in the public comment period shall file an entry of appearance with the ~~County Clerk~~ Director at least ~~10~~ ten days prior to the public hearing. Any party, except the applicant, who has pre-filed pursuant to this Section, shall submit all written testimony to be presented at the public hearing and all other documentary evidence relating to the applicant requirements pursuant to Section 3.2(A)(15), including but not limited to reports, studies and exhibits that the party desires to submit for the record by filing them with the ~~County Clerk~~ Director at least ten days prior to the public hearing. In the event that the tenth day prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next business day shall be considered the day any appearance and/or evidence must be filed. The ~~County Clerk~~ Director shall date stamp any appearance and/or evidence upon receipt. In the case of documentary evidence, any person

shall be allowed to obtain copies of said evidence upon payment of the actual cost of reproduction. Any party who has pre-submitted testimony shall bring at least one copy of that testimony and any exhibits to the public hearing.

~~C. C.~~ Within ten ~~working business~~ days of the date an ~~application request for site location approval~~ is accepted for filing, the ~~Chair of the County Board Director~~ shall determine the date, time and location upon which such public hearing shall be held, ~~but in any event the initial public hearing must be scheduled no sooner than 90 days but no later than 120 days from the date the completed application was accepted for filing by the County Clerk.~~

~~D. D.~~ The ~~Chair of the County Board Director~~ shall notify the County ~~Executive, the County Board Chair, the Committee Chair, and the State's Attorney Office Administrators~~ of the date upon which such hearing shall be held and shall ~~request the County Administrators to~~ cause notice of such hearing to be made as follows:

1. Publish two (2) legal notices in a newspaper of general circulation published in Champaign County. One such notice shall be published no later than 60 days from the date the completed application was accepted for filing by the ~~County Clerk Director~~, and one such notice shall be published no later than 75 days from the date the completed application was accepted for filing by the ~~County Clerk Director~~. Such notices shall consist of the following:

- a. The names and addresses of the applicant;
- b. The legal description of the proposed site, and a proposed site location map;
- c. The street address of the property, or, 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 in the neighborhood;
- d. The nature and size of the proposed development;
- e. The nature of the activity proposed;
- f. The probable life of the proposed activity;
- g. The time and date of the public hearing;
- h. The location of the public hearing; and

~~i. i.~~ A statement that any person who may be affected by the siting of the facility may file an "entry of appearance" ~~10~~ten days before the hearing to become a party, and that a copy of all testimony and exhibits to be submitted at the public hearing by a party must be pre-filed with the ~~County Clerk Director~~ at least ten days prior to the public hearing. An "entry of appearance" may be a brief one-page document that is signed by the person or the person's attorney, to announce that person's interest in the public hearing and to facilitate that person receiving all notice of subsequent proceedings.

~~2.~~ 2. Notice by certified mail to all members of the General Assembly from the district to which the proposed site is located at least ten days prior to the public hearing.

~~3.~~ 3. Notice by certified mail to the ~~Illinois~~ Illinois Environmental Protection Agency at least ten days prior to the public hearing.

~~4.~~ 4. Public hearing notice in a newspaper of general circulation in Champaign County published as a display advertisement at least once during the week preceding the public hearing. As may be possible, the public hearing notice shall be shared on one or more social media outlets in common use. Such notice shall consist of all items described in Paragraph I above except for items (b) and (i).

~~E.~~ E. The ~~Committee Chair of the Siting Application Review Committee,~~ in consultation with the ~~County Administrator, Director, County Executive, and the SAO and the State's Attorney's Office shall~~ may appoint a hearing officer, or the Committee Chair may elect to serve as hearing officer. The hearing officer shall preside over the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this Section. The hearing officer shall make all decisions and rulings in accordance with a standard of fundamental fairness to all parties. The hearing officer may allow the submission of additional supplementary information requested by the ~~Siting Application Review~~ Committee pursuant to Section ~~5D(4)~~, but may exclude irrelevant, immaterial, incompetent or unduly repetitious evidence. No interlocutory appeal may be taken from a ruling by the hearing officer. The hearing officer shall cause to be made a verbatim written transcript of the hearing and may cause to be made a daily audiotape or videotape or other summary record of the same. The hearing officer shall cause to be made available online, a summary transcript that includes names and affiliations of attendees and those presenting testimony at the public hearing.

~~F.~~ F. The applicant ~~for site location approval~~ shall have the burden of proof of the suitability of the proposed site location for the proposed ~~use~~ pollution control facility or proposed new pollution control facility.

~~G.~~ G. Any party appearing at such public hearing shall have the right to give testimony or comment on the suitability of the proposed site location for the proposed pollution control facility or the proposed new pollution control facility use subject to the provisions of this ordinance. ~~Resolution.~~ Any party who has filed an entry of appearance as provided in Section ~~6B(8)~~ shall have the right to be represented by an attorney and to offer expert testimony at said public hearing and the right to reasonable cross examination. To fully participate as provided for in this paragraph, parties shall have complied with all requirements as set forth in paragraph B of this Section.

H. Conduct of the public hearing shall be substantially as follows:

~~H.~~ I. Call to order.

2. Introduction of the hearing officer and ~~Siting Application Review~~ Committee.

3. Acknowledgement of receipt of fees, certification of notices,

and date of filing of the completed application for site location approval.

4. Identification of parties ~~which that~~ pre-filed testimony and ~~which that~~ pre-filed exhibits pursuant to this Section.

~~5.~~ 5. The applicant and other parties may make an opening statement.

~~6.~~ 6. The hearing officer shall then enter into the record as if read testimony from the applicant and/or any witnesses the applicant may wish to call, and any evidence it wishes to present. Upon the close of the examination of the applicant's witnesses, the hearing officer shall enter into the record as if read testimony by other parties ~~and their and/or their~~ witnesses and the evidence they wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, members of the ~~Siting Application Review~~ Committee may question the applicant or other party offering testimony and the hearing officer shall enter into the record as if read testimony by the County and/or its witnesses and the evidence it wishes to present. The hearing officer shall decide the order of presentation of testimony subject to this Section.

7. 7. The testimony submitted prior to hearing will be entered into the record as if read, unless the hearing officer determines that it will aid public understanding to have the testimony read. Modifications to previously submitted testimony and exhibits may be allowed by the hearing officer at the hearing, provided that such modifications are either non-substantive in nature, or would not materially prejudice another person's participation at the hearing. Objections to such modifications are deemed to be waived unless raised at hearing.

8. 8. Everyone shall testify under oath ~~and shall sign a Witness Register.~~ Testimony may include the use of exhibits. Everyone shall be subject to reasonable questioning as follows: direct, cross questioning, redirect, recross, etc. After all parties have presented testimony, reasonable rebuttal, sur-rebuttal, etc., may be allowed at the discretion of the hearing officer.

9. 9. Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable by any party from the completed application as filed with the ~~County Clerk~~ Director, such situation may constitute grounds for a recess in the public hearing for a period not to exceed five working days and the hearing officer may allow admission of such additional information.

~~10.~~ 10. Closing statements including legal arguments by the applicant, other parties and the County may be made subject to limitations imposed by the hearing officer.

~~11.~~ 11. Rebuttal statements, if any, by the applicant, may be made subject to limitations imposed by the hearing officer.

~~12.~~ 12. A public comment period shall commence following the closing statements and any rebuttal statements allowed by the hearing officer. During the public comment period any person who has not filed an entry of appearance as provided in Section 6(B) shall be permitted to offer spoken or written comments. The hearing officer may require such persons to provide written notice of their intent to offer comments prior to the start of the public comment period

and may set reasonable limits on the time permitted to any one person to submit such comments. No questioning, cross-examination or rebuttal to testimony given in the public comment period shall be permitted during the public comment period.

~~13.~~ The hearing shall be closed by action of the hearing officer.

I. The hearing maybe recessed and reconvened by action of the hearing officer.

~~(I)~~

~~(J)~~ J. Any member of the County Board or other official of the County may attend the public hearing, in accordance with the Illinois Open Meetings Act requirements.

~~(K)~~ K. The hearing officer has the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear, complete, and concise record sufficient to form the basis of appeal of any decision in accordance with Section 40.1 of the Act (415 ILCS 5/40.1 et seq.).

SECTION SEVEN: AUTHORITY OF THE HEARING OFFICER

~~He or she~~ A. The hearing officer shall have all powers necessary to these ends, including, but not limited to:

~~(A)~~ 1. If appointed per Section 6.e., preside ~~Preside~~ over the public hearing to ensure fundamental fairness;

~~(B)~~ 2. Require everyone to state ~~his or her~~ their position with respect to administer oaths and affirmations;

~~(C)~~ 3. Administer oaths and affirmations:

~~(D)~~ 4. Examine witnesses and direct witnesses to testify for the sole purpose of clarifying the record established by the parties at the public hearing;

~~(E)~~ 5. Regulate the course of the hearing as set forth in this Section 6 including the conduct of the parties, their counsel and other persons;

~~(F)~~ 6. Establish reasonable limits on the duration of the testimony and questioning of any witness and limit repetitious or cumulative testimony and questioning; ~~consider and rule upon objections and evidentiary questions;~~

~~(G)~~ 7. Consider and rule upon objections and evidentiary questions;

~~(H)~~ 8. Consider and rule as justice may require upon appropriate motions;

~~(I)~~ 9. Grant recesses of the public hearing ~~determined to be requested~~ as appropriate; ~~and~~

~~(J)~~ 10. Cause a written transcript to be made of the public hearing;

~~(K)~~ 11. Cause a daily audiotape(s), videotape(s) or other summary records to be made; and

12. Cause such transcript and audiotape(s), videotape(s), or other summary record(s), if any, to be delivered to the ~~County Clerk~~ Director.

B. If no hearing officer is appointed, the Committee Chair shall assume all duties and authorities of the hearing officer and may assign any such duties and authorities to others.

SECTION EIGHT: MOTION PRACTICE

~~(A) — All motions shall be in writing, unless made orally on the record during the public hearing. The original and 5 copies of any written motion and proof of service shall be filed with the County Clerk no less than ten days prior to the date of the public hearing and one copy shall be served upon the hearing officer and upon the applicant or any party named in the motion.~~

~~(8) — At any time prior to the public hearing and after receipt of the motion, any other party may file a response to the motion. If no response is filed, the parties shall be deemed to have waived objection to the granting of the motion, but such waiver of objection does not bind the hearing officer in a decision on the motion. Unless undue delay or material prejudice would result, the hearing officer shall not grant or deny any motion before the opening of the public hearing.~~

~~(C) — The moving party shall not have the right to reply, except as permitted by the hearing officer to present material prejudice.~~

~~(D) — No oral argument will be heard on a motion before the hearing officer unless so directed by the hearing officer.~~

~~(E) — No interlocutory appeal may be taken from a ruling on a motion by the hearing officer.~~

~~(F) — The filing of any motion under this Section shall not stay the proceedings or extend the time for the performance of any act.~~

SECTION ~~NINE~~EIGHT: PUBLIC COMMENT

~~(A)A.~~ — In addition to the public comment period of the public hearing, the ~~County Clerk~~ Director shall receive written comment from any person concerning the appropriateness of the proposed ~~site location~~ siting. Upon receipt of any such written comment, the ~~County Clerk~~ Director shall date stamp and file such written comment and the postmarked envelope in which comment is received.

~~(8)B.~~ Copies of such written comments shall be made available for public inspection in the ~~County Board~~ Director Office, and any person shall be allowed to obtain copies of any written comment upon payment of actual cost of reproduction.

~~(C)C.~~ Any written comment received by the ~~County Clerk~~ Director or postmarked not later than 30 days after the date of the last public hearing shall be made part of the record of the public hearing as hereinafter described, and the County Board shall consider any such timely written

comments in making its final determination concerning said request. In the event that the 30th day falls on Saturday, Sunday, or holiday, the next business day shall be considered the 30th day for purposes of this ~~parai,,raph~~-paragraph.

SECTION ~~TENNINE~~: RECORD

A. The hearing officer shall be responsible for keeping the record of the said hearing and shall file the record with the ~~County Clerk~~Director within thirty (30) days after the date the public hearing is closed.

B. The record shall consist of the following:

~~1.~~ 1. The completed application ~~for site location approval~~ as described in Section 3 hereof.

2. Certificate of notice given by applicant pursuant to Section 39.2(b) of the said Act (415 ILCS 5/39.2).

3. Written comments filed by any person received by the ~~county~~ClerkDirector or postmarked within thirty (30) days after the date of the last public hearing.

4. All testimony, reports, studies, exhibits, written comments, or documents received into evidence at the public hearing.

5. The written transcript of the public hearing and the daily audiotape(s), if any.

C. The ~~County Clerk~~Director shall be responsible for certifying all copies of the record of the ~~public~~ hearing.

SECTION ~~ELEVENTEN~~: ~~SITE-LOCATIONSITING~~ APPROVAL RESOLUTION

~~A.~~ A. The ~~County Clerk~~Director shall transmit a certified copy of the record of the public hearing to the County ~~Administrators~~Executive within ten ~~(10)-business~~working days after the date that the hearing officer file the hearing record with the ~~County Clerk~~Director and to each member of the County Board within fifteen ~~(15)-working~~business days after the date the record is filed.

~~B.~~ B. The ~~Siting Application Review~~ Committee shall review the record of the public hearing and the public comments received pursuant to Section ~~9-8~~ and shall report to the County Board regarding the application, ~~for siting approval~~. Such report shall contain proposed findings of fact, a recommendation concerning the Board's determination, potential conditions to be imposed on any site approval, and a draft ~~site location siting~~ approval resolution.

~~C.~~ C. The County Board shall consider the certified record of the public hearing and the report of the ~~Siting Application Review~~ Committee, and shall make a determination concerning the completed application no later than 180 days after the ~~County Clerk~~Director accepts the filing of the completed

application. The decision shall be in writing and be in the form of a ~~site location~~siting approval resolution specifying the reasons for the decision in conformance to the provisions of Section ~~14~~(B).

~~D.~~ D. The County Board, in granting siting approval for a pollution control facility or new pollution control facility site may consider recommendations of the ~~Siting-Application-Review~~ Committee and impose such conditions as may be reasonable and necessary to ~~accomplish~~ accomplish the purposes of Section 39.2 of the Act (415 ILCS 5/39.2 et seq.) that ~~which~~ are not inconsistent with regulations promulgated by the Illinois Pollution Control Board.

E. All pollution control facilities or new pollution control facilities shall comply with the necessary permit approval received from the Illinois Environmental Protection Agency and such a condition shall be included in the siting approval resolution by the County Board.

~~E.~~ F. Such ~~site~~siting approval resolution shall be served upon the applicant and shall be available for public inspection at the ~~County Board~~Director office-Office and may be copied upon payment of the actual cost of reproduction.

~~F.~~ G. This ~~site~~siting approval resolution shall expire at the end of two calendar years from the date upon which it is adopted unless within that period the applicant has made application to the Illinois Environmental Protection Agency for a permit to develop the site.

~~G.~~ H. No determination by the Board concerning an application for site approval may be reconsidered.

SECTION ~~ELEVEN~~ TWELVE: FEES AND COSTS

A. All reasonable and necessary costs and expenses incurred by the county in conducting the review of the completed application, the subsequent hearing, and the site location approval ordinance shall be paid from the fees submitted pursuant to Section 3.3.

B. Upon termination of any proceedings under this Resolution, the ~~County-Administrators~~Director or designee shall make a final accounting and summary of all authorized reasonable and necessary expenditures made by the County.

C. Any portion of an application fee not required for reimbursement of reasonable and necessary costs and expenses incurred by the County shall be returned to the applicant. Should there be costs and/or expenses in excess of the amount paid by the applicant in the application fee, the applicant shall bear any and all additional reasonable and necessary costs.

SECTION ~~THIRTEEN~~ TWELVE: WAIVERS

In order to ~~insure~~ensure fundamental fairness, compliance with the Act, and protect

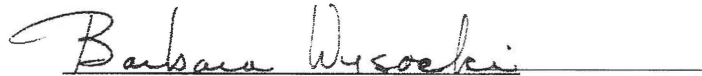
the public interest, the ~~Siting Application Review~~ Committee, by majority vote of its members may waive any of the above provisions, except that such vote shall not conflict with nor override the provisions of Section 6E or Section 7 of this ~~Resolution ordinance~~.

SECTION ~~FOURTEEN~~THIRTEEN: SEVERABILITY

If any provision of this ~~Resolution ordinance~~ or the application thereof to any party, person, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ~~ordinance Resolution which that~~ can be given effect without the invalid provisions or applications of this ~~Resolution ordinance~~ and to the end that the provisions or applications of this ~~ordinance Resolution~~ are declared to be ~~severable~~.

~~3. — That this resolution shall become effective immediately upon its adoption and approval as required by law.~~

~~PRESENTED, ADOPTED, APPROVED AND RECORDED this 17th day of November, 2005.~~



~~J3ARBA_1y\ WYSOC I, Chair
ChampmgnCQllllyA 9ard
Champaign County, Illinois~~

~~**ATTEST: L**~~

~~MARK SHELDEN, County Clerk
and *ex officio* Clerk of the
Champaign County Board~~