

ORDINANCE NO. 8687-28

AN ORDINANCE APPROVING SITE LOCATION  
SUITABILITY FOR URBANA LANDFILL NO. 3

WHEREAS, the City of Urbana, Illinois ("Urbana") and the Champaign-Urbana Solid Waste Disposal System (the "System"), an intergovernmental contractual association of the City of Urbana, Illinois and the City of Champaign, Illinois ("Champaign") have applied to the Illinois Environmental Protection Agency for a supplemental permit to change the contours of Urbana Landfill No. 3 (the "Landfill" or the "Site"), the essence of the proposed change in contours being to increase the height of the presently permitted Site level by fifteen (15) feet, thereby increasing the volume of solid waste that may be disposed of at the Site and extending the useful life of the Site for landfilling purposes; and

WHEREAS, Section 39.2 of the Environmental Protection Act (Section 1001 et seq. of Chapter 111½ of the Illinois Revised Statutes, as supplemented and amended, the "Act") provides that the Urbana City Council "shall approve the site location suitability for [a] new regional pollution control facility," and under Section 3(x) of the Act a "regional pollution control facility" is "any waste storage site, sanitary landfill, waste disposal site, waste transfer station 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" and 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"; and

WHEREAS, the Site constitutes a sanitary landfill that accepts waste originating beyond Urbana's boundaries and was initially permitted for that purpose after July 1, 1981, the expansion applied for arguably is vertically "beyond the boundary of a currently permitted regional pollution control facility", and, therefore, the "site location suitability" approval provisions of Section 39.2 of the Act apply; and

WHEREAS, Section 39.2 of the Act provides that the Urbana City Council shall "approve the site location suitability for [a] new regional pollution control facility only in accordance with the following criteria:

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;

(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) the facility is located outside the boundary of the 100 year flood plain as determined by the Illinois Department of Transportation and is approved by that Department;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows; and

(vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release"

,of which seven enumerated criteria only criteria (i)-(vi) [herein each such criteria are referred to as "criterion (\_\_\_\_)"] with insertion of the appropriate criteria number] are applicable because the pending application and request for location approval with respect to the Site does not concern hazardous waste; and

WHEREAS, pursuant to Section 39.2(b) of the Act, "at least 14 days prior to a request for location approval the applicant [here, Urbana and the System] shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on ... the owners of all property within 250 feet in each direction of the lot line of the subject property" (according to Section 39.2(b), in figuring distances public ways are disregarded, but including all public ways the maximum distance is 400 feet), and, similarly, written notice is to be served upon the members of the General Assembly from the legislative district where the Site is located, and such notice is to be published, provided that such notice "shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted to the county board [sic], and a description of the right of persons to comment on such request . . . "; and

WHEREAS, a copy of the request for location approval together with accompanying documentation was duly filed with Urbana's City Council, and the City Council is to consider any comments received or postmarked not later than 30 days after the date of the last public hearing; and

WHEREAS, on July 24, 1986, preliminary to and in connection with the August 5, 1986 public hearing concerning location approval for the Site, a hearing was held and conducted to consider procedures to follow and guide the public hearing and for the preliminary submission of exhibits, which would then be available for public review, inspection and copying, as a result of which preliminary hearing the application and request for Site approval as submitted to the Environmental Protection Agency, together with related attachments, and certain other proposed evidentiary items were given exhibit numbers and were made available from that point for public review, inspection and copying, the exhibits submitted at the preliminary hearing and the exhibit numbers given them being as follows:

1. Exhibit No. 1: Certificate of publication concerning the notice of the July 24, 1986 preliminary hearing and of the August 5, 1986 public hearing.
2. Exhibit No. 2: Professional resume of Gale L. Jamison of Daily & Associates, Engineers, Inc.
3. Exhibit No. 3: Attachment to the application for the vertical expansion of Urbana Landfill No. 3, prepared by Gale L. Jamison of Daily & Associates, Engineers, Inc.
4. Exhibit No. 4: Statement of Frank Dinovo, associate planner of the Champaign County Regional Planning Commission.
5. Exhibit No. 5: Professional resume of Roberta L. Jennings, consulting hydrogeologist.
6. Exhibit No. 6: "Report on City of Urbana Solid Waste Management Site Proposed Expansion" dated July 15, 1986, prepared by Roberta L. Jennings, consulting hydrogeologist.

7. Exhibit No. 7: Resume of Stephen E. Bantz.
8. Exhibit No. 8: Resume of Earl C. Bantz.
9. Exhibit No. 9: Statement over the letterhead of Bantz Real Estate, dated July 15, 1986, prepared by Stephen E. Bantz and Earl C. Bantz.
10. Exhibit No. 10: Ring bound volume one dated September 10, 1984 of the prior hearing related to location suitability of the Site in 1984.
11. Exhibit No. 11: Ring bound volume two dated September 10, 1984 of the prior hearing related to location suitability of the Site in 1984.
12. Exhibit No. 12: "Supplemental Permit Application for Development of Urbana Landfill No. 3," stamped "preliminary only"; and

WHEREAS, at the preliminary hearing, no evidence was taken, no exhibits were offered or received into evidence and no evidentiary rulings were made; a suggestion was made that documentary evidence not be read into the record, and that it be incorporated by reference to the extent possible, which suggestion was subject to the right of any participant, in the hearing to demand the actual reading of all documentary evidence, and since no such demand was made by any participant, the record before the Urbana City Council of the August 5, 1986 public hearing consists of a relatively short verbatim transcript (72 pages) and 16 numbered exhibits [In addition to the 12 exhibits submitted and made public at the July 24, 1986 preliminary hearing, 4 other exhibits were submitted at the August 5, 1986 hearing.], the 12 exhibits numbered above plus 4 additional exhibits being numbered 13-16, inclusive, as follows:

13. Exhibit No. 13: Certificate of Service of mailing of notices under Section 39.2 (b) of the Act.
14. Exhibit No. 14: Certificate of publication concerning the filing with Urbana City Council of the supplemental application (see Ex. 12).

15. Exhibit No. 15: Registered mailing certificates and receipts related to the mailed notices (also see Ex. 13).
16. Exhibit No. 16: Photograph of the Site and related plastic overlays.

[Reference to exhibits in this ordinance will be as "(Ex. \_\_\_)", with insertion of the appropriate exhibit number.]; and

WHEREAS, the Urbana City Clerk on or before the morning of September 5, 1986 in connection with the August 5, 1986 public hearing received a statement in affidavit form concerning the notices mailed to property owners near the Site as required by Section 39.2 (b) of the Act (in Attachment C to the herein after described Report, the "Statement") and a certificate of mailing concerning the notices required by Section 39.2(d) of the Act (in Attachment C to the herein described Report, the "Section 39.2 (d) Certificate"); and

WHEREAS, the Mayor and City Council pursuant to Urbana's Ordinance No. 7475-18, passed July 15, 1974 and approved July 16, 1974 (in Attachment C to the herein described Report, "Ordinance No. 7475-18") annexed the Site to Urbana; and

WHEREAS, the preliminary hearing of July 24, 1986 and the public hearing of August 5, 1986 in connection with the Site were held and conducted by a hearing officer for and on behalf of the Mayor and City Council, which hearing officer filed a Report of Hearing Officer to the Mayor and City Council of the City of Urbana, Illinois dated September 5, 1986 (the "Report"), which Report was duly filed with the City Clerk for filing with and delivery and presentation to the Mayor and City Council, which filing, delivery and presentation was made with and to the Mayor and City Council as required by the Act before this meeting; and

WHEREAS, the Mayor and each member of the City Council have had an opportunity to read, review and study the Report.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. The appointment and designation by the Mayor of Kurt P. Froehlich, of Champaign, Illinois, as the hearing officer (the "Hearing Officer") in connection with the Site location suitability public hearing held and conducted on July 24 and August 5, 1986 (the "Hearing") concerning the Site be and is hereby ratified, confirmed and approved, and the Hearing Officer's Report is hereby accepted and approved.

Section 2. Based upon the August 5, 1986 Public Hearing, the exhibits offered and received into evidence, the Statement, the Section 39.2(d) Certificate and Ordinance No. 7475-18, procedural conclusions are as follows:

(a) The Site is located within the corporate limits of the City of Urbana, Illinois and is located in the 52nd Legislative District (Senator Stanley B. Weaver) and in the 103rd Representative District (Representative Helen F. Satterthwaite), as shown by Urbana's Ordinance No. 7475-18 which annexed the Site before the redistricting of the General Assembly in 1981 that placed all of Urbana at that time in the 103rd Representative District.

(b) Notice by registered mail, return receipt requested, was duly given to all property owners and members of the General Assembly as required by Section 39.2(b) of the Act, as shown by Ex. 13 and by the Statement.

(c) Notice by publication was duly given as required by Section 39.2(b) of the Act, as shown by Ex. 13 and Ex. 14.

(d) Records under the jurisdiction and control of the Urbana City Clerk show that the application and request for location approval (see Ex. 12) and related documentation were filed with the City Clerk on May 1, 1986, and the notices required by Section 39.2(b) of the Act were mailed and published more than 14 days before May 1, 1986, as shown by Ex. 13 and Ex. 14.

(e) Notice of the July 24, 1986 preliminary meeting and of the August 5, 1986 public hearing was duly published as required by Section 39.2(d) of the Act, as shown by Ex. 1.

(f) Notice by certified mail to Senator Weaver and Representative Satterthwaite was duly given as required by Section 39.2(d) of the Act, as shown by the Section 39.2(d) Certificate.

(g) The public hearing under Section 39.2 of the Act commenced August 5, 1986, more than 90 and less than 120 days from May 1, 1986, the date of the filing of Ex. 12 with the Urbana City Clerk, as shown by Ex. 1 and Ex. 14.

(h) The Report and all related attachments were filed with the Urbana City Clerk on September 5, 1986, as shown by the Clerk's receipt therefor on page 10 of the Report, which Report was presented by the City Clerk to the Urbana Mayor and City Council.

Section 3. With reference to criteria (i) - (vii), inclusive, as set forth above, the Mayor and City Council of the City of Urbana, Illinois as the City's "governing body" under the Act find and determine as follows:

- (i) Criterion (i) -- The facility is necessary to accommodate the waste needs of the area it is intended to serve.

The Site as permitted had an anticipated life of approximately 1.75 years; and assuming only Urbana and Champaign are



utilizing the Site, it would be completely consumed for landfilling sometime around February 1, 1987. When the Site was designed as a part of the original application for permit, Urbana, Champaign and the County of Champaign, Illinois (the "County") had authorized the preparation of a long-range plan for disposal of solid waste. This plan addressed resource recovery and recycling with provisions for disposing of waste generated during the development of facilities for resource recovery and recycling. Delays in the planning process made clear that the Site as now permitted would not have sufficient space to allow the time for the development of a replacement disposal facility. The consultant preparing the long-range plan recognized this as a problem and that a landfill facility with long-term capacity to accept resource recovery and recycling residues and serve as an emergency back-up would be essential. Accordingly Urbana, Champaign and the County have executed an intergovernmental agreement concerning solid waste disposal, among other things, creating and establishing the Intergovernmental Solid Waste Disposal Association (the "Association"). Legal, administrative and technical requirements make it impossible to have long-term solid waste disposal facilities ready by February 1987. With the time required to apply for and obtain a developmental permit, including local siting approvals, develop a landfill site and obtain an operational permit, the vertical expansion contemplated by the present application and request (Ex. 12) is necessary to provide a solid waste disposal facility while long-range plans are developed and implemented. If the vertical expansion of the Site is not approved, all waste generated in Champaign and the small villages and unincorporated areas of the County, excluding those that use the Rantoul landfill, must continue to have their waste hauled to out-of-county landfills. This would continue until a new regional landfill is opened, at least until January of 1988. This would leave about 62% of the County's population (106,431) without access to landfill facilities in the County. A population of 85,000, and the businesses concentrated in and around Champaign, now transport their waste to more distant

sites. Without the vertical expansion contemplated by the present application and request (Ex. 12) this would continue for at least 15 more months. This represents an estimated 74,375 tons or approximately 371,875 cubic yards of waste, about half the County total. This diversion has a number of consequences that could negatively affect the implementation of long range solid waste planning, including as follows:

1) There would be increased costs to haulers, homeowners, local businesses and local government agencies from the longer hauling distance to other disposal facilities, even allowing for somewhat lower tipping fees at the receiving facilities. Assuming an average tipping fee of \$2.00/cubic yard at out of County facilities, this would cost the local economy approximately \$750,000 over 15 months just in tipping fees. Urbana, Champaign and the County would lose revenue that otherwise would be generated by any sur-charge on tipping fees. The System from 1983 until June 1, 1986 collected \$.24 per cubic yard of solid waste to promote recycling. The new intergovernmental agreement among Urbana, Champaign and the County, which created and established the Association, provides for a surcharge of \$1.15 per cubic yard to fund a variety of solid waste programs and activities. Continued diversion of waste generated outside of Urbana would reduce this income by about \$427,000 over 15 months.

2) There would also be a loss of control over the waste stream. This involves lack of any direct control over the ultimate disposition of the community's waste at privately operated landfills. It also subjects the community to the risk that inadequate or unlawful design or operation, not within any local control, at these other solid waste disposal facilities could or might lead to temporary or permanent closure. Continued transfer to out of County sites could also lead to efforts by receiving communities to restrict this.

3) There will be fragmentation of waste stream. The long

range solid waste disposal plan contemplates development of state-of-the-art solid waste disposal facilities, including energy conversion. To fund the state-of-the-art technology the plan anticipates the adoption of flow control regulations to direct waste to the local facilities in order to better assure a certain level of revenue from tipping fees. The longer waste must be hauled out of the County the more likely it is that individual haulers or small municipalities may enter into long-term waste disposal contracts and agreements. The existence of such contracts could make it more difficult to adopt uniform flow control regulations throughout the County and would function as a disincentive for municipalities to join or use the facilities of the Association, an intergovernmental contractual association of Urbana, Champaign and the County, especially where there is a large difference in tipping fees. This could limit the volume of waste delivered to the Association's new facilities and reduce the revenues which will fund not only the Association's major waste disposal facilities and programs but also County-wide recycling and yard waste reclamation programs and on-going solid waste planning.

- (ii) Criterion (ii) -- The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

The Site as presently permitted by the Illinois Environmental Protection Agency was designed by registered professional engineers pursuant to and in strict accordance with the requirements and provisions of the Act. The proposed vertical modification is designed in accordance with the same requirements and provisions.

Final cover construction for the Site is not designed to change from that originally permitted. Cover is to consist of 2.5 feet of clay compacted to 95% of Standard Proctor Density. Tests indicate permeabilities of less than 10 cm/sec. Six inches

of topsoil is to be provided above the clay for grass cover growth. The proposed vertical expansion as designed will provide steeper (25%) slopes, which will increase run-off and decrease the amount of water that would infiltrate and increase leachate production. Provisions have been made to protect the steeper slopes from erosion and increased surface run-off.

Soil testing shows a minimum of 10 feet of material with permeabilities of less than 10 cm/sec. Soil borings on the Site and well logs in the area of the Site indicate that at least 30 feet and up to 80 feet of similar material lie below the Site.

The proposed vertical expansion of the Site is designed to have a negligible impact on groundwater or surface water quality. Reference is made to Ex. 6, the conclusions of which are hereby incorporated by this reference.

The perimeter earth screening berm and area fill method of construction is designed to minimize the wind exposure to unloading and working areas. The 15-foot high screening fence to be installed on the berm will allow the wind to pass through while trapping the blowing debris for removal. This is to minimize or eliminate debris to the south during the winter when the prevailing winds would be from the north. When the wind is from other directions, debris would blow onto previously filled areas where it can be picked up by the Site operator. Prompt compaction, covering and daily pickup is to be provided to control blowing debris. A portable fence mounted on skids is to be available to be positioned downwind from any working area to minimize clean-up operations.

Vector control is to be accomplished by prompt and sufficient cover and compaction. The present Site operation shows few signs of rodents. Vector control efforts are to be continuous, including the use of poison and traps for rodents.

Dust is to be controlled by periodically sprinkling the Site with water. In addition, the application of road oil, calcium chloride or water is to minimize dust from traffic on the access road to the Site.

Odor control is to be accomplished by prompt, rapid and

continuous coverage of waste during the day to seal in odors.

Uniform grading of the finished cover according to the proposed contours promotes sheet flow of water across the surface. Prompt seeding and growth of vegetation on finished surfaces is to establish roots and reduce the impact of rain.

(iii) Criterion (iii) -- The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

The Site is an extension of the Urbana municipal landfill system. That system consists of over 120 acres and has been in operation over 45 years. The triangular shaped Site has previously landfilled areas on the west and on the north sides, with row crop farmland on the third side. The nearest residence is in Wilson Trailer Park, approximately 600 feet to the south. The nearest commercial establishment is the Ironworkers Local on the industrial lot at the southwest corner of the Site. The Site was a borrow area for the adjacent landfill areas and was overgrown with weeds and brush prior to the original development as a waste disposal facility. Except for new contours, the proposed vertical expansion will be within the confines of the existing permitted Site.

For the proposed vertical expansion an additional 15 feet of screening is to be provided during Site operations. This screening is for visual purposes and for debris containment. In comparison with the adjacent landfilled areas, the vertical expansion would have a maximum elevation of about 755 feet above mean sea level, and the 24-acre and 17-acre waste disposal sites to the northeast are approximately 785 feet and 773 feet, respectively.

The ultimate use of the Site, together with adjacent landfilled areas, is anticipated to be development for public open space and recreational use by the Urbana Park District. It is

not anticipated that the present and ultimate use of the Site will have an adverse impact on neighboring property values. See 9.

(iv) Criterion (iv) -- The facility is located outside the boundary of the 100 year flood plain as determined by the Illinois Department of Transportation and is approved by that Department.

The landfill Site is located outside the 100-year flood plain area for the Saline Drainage Ditch as is shown by the flood prone map for the area. See the exhibit numbered 25 in Ex. 10. Because the Site is not within the 100-year flood plain, neither flood-proofing nor approval from the Illinois Department of Transportation is required.

(v) Criterion (v) -- The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents.

All waste disposal operations at the Site will be within the landfill excavation or within the confines of screening berms and fences. The proposed vertical expansion will take place within those same confines. All runoff from operating areas is to be confined inside the Site and can be collected in one location for proper disposal.

The Site is not permitted for nor will it accept liquid and/or hazardous wastes. Small quantities of household liquids and/or hazardous wastes which unavoidably find their way into the Site can be contained within the other waste. Any such waste that finds its way into run-off from the working areas will be contained by the excavation and berms for disposal.

Fires within waste are to be smothered quickly by using on-site bulldozers to spread cover over them. The Site is within the area protected by the Urbana Fire Department. Each piece of major equipment to be used at the Site is to be equipped with

a portable fire extinguisher. Open burning is not permitted at the Site.

(vi) Criterion (vi) -- The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

The traffic patterns and volume related to the Site have been the same since Champaign and Urbana joined together to establish the System and began jointly to use the Landfill. Solid waste generated from outside Urbana and Champaign has been disposed of at the Site. There are no changes in the patterns and volumes compared to when the Site was permitted and developed for its present use. The proposed vertical expansion will have no substantial impact on traffic flow patterns or volume for which original permits were obtained.

The present Site life with use by Urbana alone is expected to be until September 1987. If the vertical expansion is permitted Urbana, Champaign, and the County would utilize the Site until about the same time. Therefore, traffic time will not be lengthened by the proposed vertical expansion.

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

This Criteria item is not applicable. The Site will not be designed or used for hazardous waste.

Section 4. In accordance with and pursuant to Section 39.2 of the Act the Mayor and Council of the City of Urbana, Illinois hereby grant, approve and confirm the "site location suitability" of the Site.

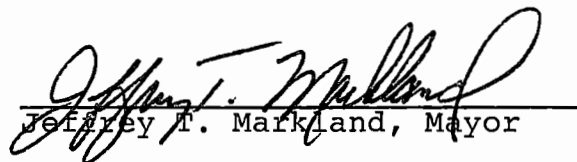
Section 5. This ordinance shall become effective immediately upon its passage and approval.

PASSED by the City Council this 15th day of September, 1986.

(SEAL)

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 17<sup>th</sup> day of September, 1986.

  
Jeffrey T. Markland, Mayor