

**AN ORDINANCE APPROVING AN APPLICATION FOR SITE APPROVAL
OF A REGIONAL POLLUTION CONTROL FACILITY**

(SITING OF THE CENTRAL WASTE TRANSFER AND RECYCLING FACILITY)

WHEREAS, Allied Waste Transportation, Inc. d/b/a Central Waste Services (hereinafter called Central Waste Services) has filed an application on November 1, 2000 for site approval for a waste transfer and recycling facility to be located at 921 W. Saline Court, Urbana, IL; and

WHEREAS, the proposed facility falls within the definition of a "regional pollution control facility" under the Illinois Environmental Protection Act and, as such, requires site location approval by the municipality in which the proposed facility will be located pursuant to 415 ILCS 5/39.2; and

WHEREAS, the City of Urbana is the municipality in which the proposed facility will be located if approved and the City of Urbana has adopted Ordinance No. 2000-02-022 as amended to govern the siting process; and

WHEREAS, notice of the filing of the application and notice of the public hearing held in this matter were given as required pursuant to Statute and Ordinance; and

WHEREAS, a public hearing on Central Waste Services' application for siting was conducted on February 6, 2001 in accordance with the provisions of Section 39.2 of the Illinois Environmental Protection Act and Ordinance No. 2000-02-022 as amended of the City of Urbana; and

WHEREAS, the record for the siting proceeding has been prepared and which record conforms with Statutory requirements and the requirements of Ordinance No. 2000-02-022 as amended of the City of Urbana; and

WHEREAS, pursuant to the requirements of Ordinance No. 2000-02-022 as amended of the City of Urbana the certified record of the siting proceedings has been available to the Mayor and Urbana City Council since March 26, 2001; and

WHEREAS, the City Council, after having reviewed the record have determined that Central Waste Services has met its burden of proof to establish compliance with the nine statutory criteria set forth in Section 39.2 of the Environmental Protection Act and the additional requirements of Ordinance No. 2000-02-022 as amended of the City of Urbana and that the application for siting approval should be approved; and

WHEREAS, this Ordinance is intended to serve as the written decision of the City Council on the Central Waste Services siting application as required by Section 39.2 of the Environmental Protection Act and Ordinance No. 2000-02-022 as amended of the City of Urbana.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:

SECTION 1: Site approval is hereby granted for the Central Waste Services Transfer and Recycling Facility (a regional pollution control facility) for the 11.3 acre site commonly known as 921 W. Saline Drive, Urbana, IL. The legal description of the site being:

PART OF THE EAST ½ OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SECTION 31, T. 20 N., R. 9 E. OF THE 3RD P.M., THENCE N. 00°13'21" E., A BEARING BASED ON THE CITY OF URBANA HORIZONTAL CONTROL DATUM, ALONG THE EAST LINE OF THE NE 1/4 OF SAID SECTION 31, 330.51 FEET TO THE

NORTH LINE OF THE SOUTH 330.50 FEET OF THE NE 1/4 OF SAID SECTION 31; THENCE S. 89°43'10" W., 366.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE S. 00°13'21" W., 50.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT, CONVEX TO THE WEST WITH A RADIUS OF 283.00 FEET, A DISTANCE OF 141.29 FEET; THENCE S. 61°37'00" W., 388.68 FEET; THENCE N. 49°00'00" W., 50.00 FEET; THENCE N. 69°00'00" W., 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD; THENCE N. 17°39'30" E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE; 210.00 FEET TO THE AFORESAID NORTH LINE OF THE SOUTH 330.50 FEET OF THE NE 1/4 OF SAID SECTION 31; THENCE S. 89°43'10" W., ALONG SAID LINE AND EASTERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD, 296.36 FEET; THENCE N. 17°39'30" E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 370.00 FEET; THENCE S. 89°46'39" E., 817.72 FEET; THENCE S. 00°13'21" W., 344.84 FEET TO THE POINT OF BEGINNING, CONTAINING 11.367 ACRES, MORE OR LESS AND ALL SITUATED WITHIN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

SECTION 2: The City Council make the following findings of fact with respect to the application for siting approval filed by Central Waste Services:

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

There is no landfill capacity in the service area (and the number of landfills outside the service area is declining), and

there are no transfer stations available for public use for waste disposal in this area. The proposed facility will enable waste transportation to be accomplished in the most economical and environmentally safe manner. Additionally, the proposed facility will help assure competitive disposal costs, provide an effective means for waste screening before ultimate disposal, recover recyclables, assist municipalities in meeting their waste diversion goals and is consistent with the City of Urbana's Solid Waste Management Planning Goals and Objectives.

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

The facility is located in an area zoned industrial by the City of Urbana, which is compatible with the proposed operation. The limits of the site are outside the one thousand (1000) foot residential setback, as required under Section 22.14 of the Illinois Environmental Protection Act. The design of the facility meets or exceeds the requirements set forth in all applicable laws and regulations. The design includes, among other features, a stormwater management system, secondary containment system, leachate management and collection system, and site security measures.

There are no jurisdictional wetlands or waters of the United States within the proposed facility limits and there are no records of State listed threatened or endangered species, no dedicated nature preserves at the proposed site and the site is in compliance with the National Wild and Scenic Rivers Act. Additionally, no archaeological sites or artifacts were found during a Phase 1 Archaeological and Historic Survey.

The plan of operations for the facility includes specific procedures, training and equipment so that the public health, safety and welfare will be protected. Specific measures will be implemented by Central Waste Services to control dust, odors, vectors and litter at the site. Strict screening procedures, encompassed in a load checking program, will be in place to ensure that hazardous wastes and other prohibited materials are not processed through the transfer station and a Contingency Plan has been delineated to address any potential issues with fire, hazardous material control, or potential operational accidents. The proposed facility has been designed with numerous control measures to minimize any potential danger to the public and those using the facility.

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

The area surrounding the site is generally zoned industrial and primarily consists of industrial uses. The adjacent parcel to the south of the proposed facility site is operated by University Asphalt Company as an asphalt plant site. The contiguous property to the south and west of the site is owned by University Asphalt Company, and functions presently as a concrete recycling site. To the north and east of the proposed facility site is agricultural land and the Illinois Central Gulf Railroad tracks provide a boundary on the west of the site, with uses west of the Railroad site being industrial in nature, including Clifford Jacobs Foundry and Apollo Industrial Subdivision. The nearest parcel with a dwelling is located greater than 1000 feet from the site, as required by the Environmental Protection Act, upon

ground zoned I-2 Heavy Industrial, and there are only five residences within a 2500 foot radius from this site.

The appreciation of property values in the proposed area will not differ from other areas of Urbana or neighboring communities if the facility is sited. The proposed facility is in keeping with the industrial character of the surrounding area and the location of this facility will not impact adversely on property values.

(4) The facility is located outside the boundary of the 100-year floodplain or the site is floodproofed. The proposed facility is located outside the boundary of the 100-year floodplain.

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

The Plan of Operations and Contingency Plan for the proposed facility which will assist facility personnel in managing daily activities and will provide an organized course of action to be taken in responding to contingencies which might arise during the operation of the facility. A waste screening program will be employed to ensure that unacceptable waste is not improperly disposed of. In addition to providing an affidavit stating that the proposed facility will not treat, store or dispose of hazardous waste, the Applicant has a comprehensive load checking program and plan of operations to address the Applicant's plan to exclude acceptance of unauthorized waste.

A Contingency Plan will be implemented in the unlikely event that an emergency situation would develop which could endanger the public health and safety or the environment. Those

potential situations, which are specifically addressed in the Contingency Plan, include fire, spills, hazardous materials, equipment malfunction and medical attention. The Contingency Plan also contains an emergency equipment list, plan for evacuation and post emergency follow-up procedures. All facility personnel will be trained in emergency procedures and the facility's operations manager will be responsible for overseeing and implementing the Contingency Plan and training personnel.

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

Facility peak hours do not conflict with the existing or proposed adjacent street system peak hours. Capacity of Lincoln Avenue (with additional structural improvements north of Somer Drive and structural improvements From Wilbur Road to Somer Drive) and the proposed re-aligned Lincoln Avenue is judged adequate to accommodate the additional facility traffic.

Facility traffic is estimated to be less than or approximately a one percent increase in traffic at the Lincoln Avenue and I-74 interchange, with negligible effect on the frontage road signalized intersections. The facility entrance location on a minor cul-de-sac street is designed in accordance with the required IDOT setback offset distance for major regional arterials. There is more than adequate sight distance at the intersection of the proposed minor street intersection with the adjacent arterial of North Lincoln Avenue.

(7) If the facility will be treating, storing or disposing of hazardous wastes, an emergency response plan for the facility.

The facility will not knowingly treat, store or dispose of hazardous waste. It is, however, perhaps inevitable, that during

the course of operation hazardous wastes will be encountered at the facility. A contingency plan to respond to such situations shall be implemented to mitigate the situation.

(8) The facility is consistent with the Champaign County Solid Waste Management Plan.

Confirmed by a letter written by Champaign County stating that the proposed Central Waste Transfer and Recycling Facility is consistent with that plan.

(9) If the facility will be located within a regulated recharge area, proof that any and all applicable requirements specified by the Illinois Pollution Control Board for such area have been met.

The proposed Central Waste Transfer and Recycling Facility is not located in a regulated recharge area.

SECTION 3: The City of Urbana reserves the right to make periodic inspections of the facility to assure operation is being conducted in compliance with the Siting Application documents, Article III, of Chapter 10, and other applicable Sections of the Urbana Municipal Code, and any Illinois Environmental Protection Agency operating permit(s).

SECTION 4: That transfer trailers to be used in the transportation of waste or recyclable materials generated from this facility by Central Waste Services, and its successors and assigns, shall be restricted to use only roadways within Champaign County that have been designed to support the weight of such transfer trailers. Failure to comply with this section will subject Central Waste Services, and its successors and assigns, to penalties as may be provided in Article III, Chapter 10, of the Urbana Municipal Code.

SECTION 5: The City Clerk is hereby authorized to transmit this Ordinance to the Illinois Environmental Protection Agency along with any other forms required by the Agency to certify siting approval.

SECTION 6: This Ordinance shall be in effect from its passage and approval.

PASSED by the City Council this 16th day of April,
2001.

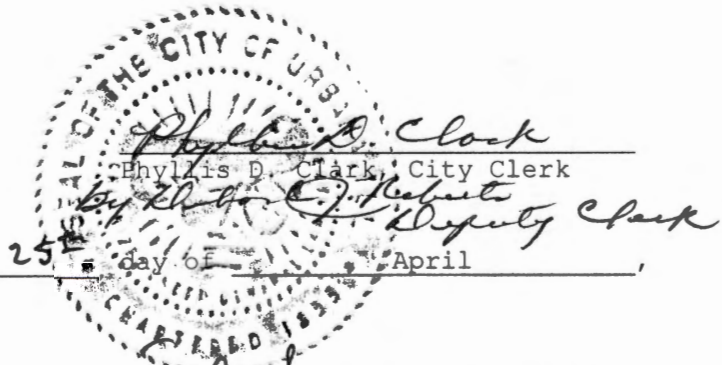
AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 25th day of April,

2001.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

by Robert C. Roberts
Deputy Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor