

RESOLUTION NO. 8283-R3

A RESOLUTION

APPROVING SITE LOCATION SUITABILITY FOR
A NEW REGIONAL POLLUTION CONTROL FACILITY

WHEREAS, Section 39.1 et. seq. of the Environmental Protection Act (Ill.Rev.Stats. Ch. 111 1/2, 1039.1 et. seq.) (the "Act") requires the City Council of the City of Urbana to approve the site location suitability for a new regional pollution control facility proposed to be located within the corporate limits of the City of Urbana in conformance with certain enumerated criteria; and

WHEREAS, on the 23rd day of March, 1982, the Champaign-Urbana Solid Waste Disposal System, an inter-governmental agency of the Cities of Urbana and Champaign (the "Applicant"), duly filed a copy of its request for such location approval with the City Clerk of the City of Urbana, (the "Request"), which such Request included an "Application For Permit To Develop And Operate A Solid Waste Management Site For The Champaign-Urbana Solid Waste Disposal System, Champaign County, Illinois," supplemented with an engineering report and drawings prepared by Daily and Associates, Engineers, Inc. for, on behalf of, and under the direction of the Applicant for submission to Illinois Environmental Protection Agency (the "Application"); and

WHEREAS, such Application requested location approval of a 17-acre area of expansion beyond the boundary of the currently permitted Urbana Sanitary Landfill, which is subject to the control and jurisdiction of the Applicant, such 17-acre area being more particularly described in the Application (the "Site"); and

WHEREAS, on March 2, 1982, a date not later than fourteen (14) days prior to such Request, the Applicant caused written notice of such Request to be served by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the Applicant, and on the owners of all property within 250 feet in each direction of the lot line of the Site, said owners being such persons or entities which appeared from the authentic tax records of Champaign County in which such facility is to be located; and

WHEREAS, on March 2, 1982, a date no later than fourteen (14) days prior to such Request, such written notice was also served by the Applicant upon those members of the General Assembly from the legislative district in which the proposed facility is to be located; and

WHEREAS, on March 7, 1982, a date no later than fourteen (14) days prior to such Request, the Applicant duly caused public notice of such Request to be published in the Champaign-Urbana News-Gazette, a newspaper of general circulation published in Champaign County, Illinois, such

notice stating 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 would be submitted to the City of Urbana, and a description of the right of persons to comment on such Request concerning the appropriateness of the proposed Site for its intended purpose; and

WHEREAS, on April 23, 1982, the City Clerk of the City of Urbana duly published notice in the Champaign-Urbana News-Gazette, a newspaper of general circulation published in Champaign County, of the date, time and place of a public hearing to be held by the City Council of the City of Urbana for the purpose of soliciting public comments on such Request; and

WHEREAS, on April 22, 1982, the City Clerk of the City of Urbana also caused written notice of such public hearing to be served by certified mail upon those members of the General Assembly from the district in which the proposed site is to be located; and

WHEREAS, on May 10, 1982, a public hearing was duly held by the City Council of the City of Urbana at 6:30 P.M. in the Urbana City Council Chambers, 400 South Vine Street, Urbana, Illinois, at which such public hearing comments on the Request were received; and

WHEREAS, a record of such public hearing on May 10, 1982, sufficient to form a basis of an appeal of the decision of this City Council has been developed and placed on file in the Office of the City Clerk; and

WHEREAS, additional public hearings were also duly held by the Urbana Plan Commission, and that body has made certain recommendations to the Urbana City Council, which such recommendations have likewise been placed on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City Council hereby finds as facts the recitals herein above set forth.

Section 2. That the Request for the location suitability of the Site for the Applicant's proposed new regional pollution control facility as set forth in the Application be and the same is hereby approved, subject to the following reasonable and necessary conditions to accomplish the purposes of this Request, which such conditions are not inconsistent with regulations established by the Illinois Pollution Control Board:

- i. that the Site be limited to a thirty (30) month operating life;

ii. that the Applicant perform monthly independent site inspections to determine if there is strict compliance with relevant laws, rules and regulations; and

iii. that the Applicant install public water supply to the two tracts of privately owned real estate which are contiguous, adjacent and immediately to the east of the Site, and shall conduct quarterly tests of the existings water wells on the above said tracts during the operation of the Site and for a period of thirty-six (36) months after the Site is closed, and in the event significant degradation of water quality in the said wells is found, Applicant shall, at its sole cost and expense, connect the above said tracts to the public water supply.

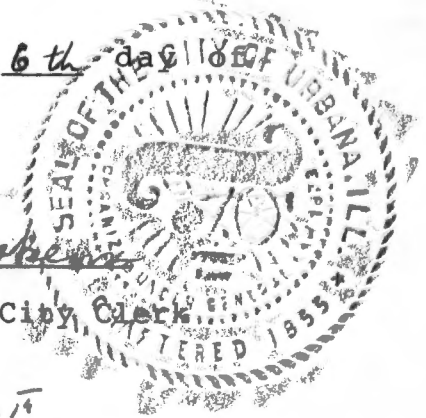
Section 3. This decision of the City Council approving the Request for Site location suitability is predicated upon the data and information contained in the Application as well as such further information submitted and elicited in connection with the public hearings described herein, the reasons for which such decision are hereby found, declared and specified as follows:

- i. the Site is necessary to accommodate the waste needs of the area it is intended to serve;
- ii. the Site is designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- iii. the Site 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 Site is located outside the boundary of the 100 year flood plain as determined by the Illinois Department of Transportation, or the Site is flood-proofed to meet the standards and requirements of the Illinois Department of Transportation and is approved by that Department;
- v. the plan of operations for the Site is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents; and
- vi. the traffic patterns to or from the Site are so designed as to minimize the impact on existing traffic flows.

PASSED by the City Council this 6th day of July, 1982.

Ruth S. Brookens

Ruth S. Brookens, City Clerk



APPROVED by the Mayor this 6th day of July, 1982.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor