

: OFFICIAL PROCEEDINGS :**: FOR THE CITY OF PEORIA, ILLINOIS :**

Peoria, Illinois, April 16, 2008, a Peoria City/County Landfill Committee Meeting was held this date at 8:12 A.M., at City Hall, Conference Room #404, 419 Fulton Street, with Mr. Lester D. Bergsten presiding.

ATTENDANCE

The following Committee Members were physically present: - Bob Akers, Les Bergsten, Patrick Nichting, Ryan Spain (arrived 8:15 a.m.), and Steve Van Winkle - 5. Absent: Eldon Polhemus, Merle Widmer – 2.

City/County Staff present: Dave Barber, Julie Dewey, Miranda Floyd, Karen Raithel, Randy Ray, and Ruth Blancaflor.

Other interested parties: Emily Ambroso, Dan Erni, Dave Schaab, Carl Niemann, Steve Matheny, Patrick Sloan.

MINUTES

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on March 19th; seconded by Mr. Akers.

Approved by viva voce vote.

AGENDA ITEMS

1. **Report from Foth Infrastructure & Environment, LLC**

A. Report from Mr. Sloan, Environmental Engineer, from Foth Infrastructure & Environment, LLC., with Permit Approvals, As Needed;

Mr. Patrick Sloan, Environmental Engineer from Foth Infrastructure, discussed the special waste memorandum listing five waste streams, which were forwarded to the committee in their packets. He handed out Addendum No. 1 to that memorandum, listing two more special waste streams, to all members of the Landfill Committee. All seven applications required committee approval: (1) Evonik Goldschmidt Corporation [A. glycerine pitch, and B. sandblast grit]; (2) Degussa/Goldschmidt Chemical [fabric softener fines]; (3) Ameren-CILCO [asbestos containing material]; (4) IDOT [non-friable asbestos containing material (uncontaminated)]; (5) Pekin Hospital [general and autoclaved waste]; and (6) ADM [grit balls]. No technical objections.

In discussion with Mr. Nichting, Mr. Sloan stated the glycerine pitch was a sludge material considered a solid waste and that it did not have to be treated.

Mr. Van Winkle moved to receive and file Foth Infrastructure & Environment's report and approve all of the permit applications as outlined; seconded by Mr. Nichting.

Approved by viva voce vote.

B. Pre-Approval Process Revisions for Special Waste Procedures and Status.

Mr. Sloan discussed the Special Waste Procedures and Status memorandum. He said the attached list was an example, for information only. He stated we wanted to update the petroleum contaminated soil definition, since it only referenced leaking underground storage tanks. He said he recommended any petroleum contaminated soil be included in the pre-approval process and, secondly, for a renewal of a waste stream as long as it meets all the requirements. He said Waste Management reviewed them and Foth reviewed them.

Mr. Sloan said Waste Management had asked for the process to be simplified and that one way to do that was for an administrative procedure to be in place on renewals, which happen every five years. Therefore, he said, a mechanism had been added so that if the committee wanted to bring back something that had already been reported, they could do that. He said the original procedure was incorporated into the contract that the City of Peoria and County of Peoria had previously approved, so it was a minor modification of what was previously approved.

Mr. Nichting questioned whether random sampling tests or audits were ever done on contaminated soil to ensure it was, in fact, petroleum contaminated soil, and not something else such as PCB's trying to pass.

Mr. Sloan stated the system was set up for the generator to certify the material, based on their knowledge of it. He said it be fraud if the certification was improper. If it was an oil product, he said, they could provide the Material Safety Data Sheet (MSDS) which stated what the composition was. He said it was all based on self-reporting and self-certification. Historically, he said, it was more important to audit a waste when it came in, and not afterwards, such as power transformers which are known to have a potential for PCB contamination or solvents from auto facilities.

Mr. Erni agreed, and he added that it was the system required by the State of Illinois for special waste for any landfill system. Once those wastes were at the landfill, he said, they'd be stuck. He explained that the testing that goes in on a profile provided the double checking of what the generator said it was, versus what the analysis tells you. He said if it is waste that is contaminated with a product that you know, specifically, like a diesel fuel spill, it does have to be tested, the MSDS could be used, but if there were multiple possible contaminants, those would have to be tested.

In further discussion with Mr. Nichting, it was determined that there should not be significantly more petroleum-based products entering the landfill than those seen in the last few years, since Tazewell's closure.

Mr. Matheny discussed the effect ethanol had on underground storage tanks. He said those gas stations which have been upgrading the last 15 years were constructing double-walled fiberglass storage tanks, because ethanol disintegrates the fiberglass, making the life of the tank only 20 years as compared to the 50-year tanks of the past. He said that was one of the down sides of ethanol and that, with the double wall, hopefully, any contamination would be discovered earlier and the tank could be pulled out.

After further discussion, Mr. Nichting moved to approve the Pre-Approval Process Revisions for Special Waste Procedures and Status, as outlined; seconded by Mr. Van Winkle.

Approved by viva voce vote.

Mr. Sloan stated the annual Landfill Report for Landfill #1 was due in May of each year, and it was nearly complete. Also due at the same time, he said, was the annual Air Compliance Certification which was going to be very comparable to last year's which stated the site is in compliance except for the RTC deviations. Lastly, he said, before the next committee meeting the annual post-closure peer cost update was due, as required by the EPA. He said the cost estimate would go down a little because there was one year less of post-closure care of Landfill #1. He said all three documents needed the committee's approval for Mr. Barber to sign.

Mr. Van Winkle moved to approve the report and the three items for signature by Mr. Barber; seconded by Mr. Nichting.

Approved by viva voce vote.

2. Report from Waste Management, Inc.

Communication from Mr. Matheny, Senior Industrial Sales Account Manager at Waste Management, Inc., Requesting the Committee to receive and file the Monthly Activity Report.

Mr. Matheny discussed the activity report. He said they were up a little on MSW general refuse, there was a large soil job last quarter, and special waste was down for the year. He noted that, in February, the City/County committee and the county numbers somehow were switched but they were made up in March. So the correction was made and the year-to-date numbers were correct, he said.

Mr. Erni reported that the site will receive a new stormwater permit and, in accordance with the permit, a request would be made to the state within the next few days for approval to use contaminated soil as daily cover. He also reported an expansion of the leachate recirculation system would be constructed and Mr. Barber's signature on that submittal was required, when it came due. He said construction on cell 5, the next disposal cell, would begin within the next several weeks. Within the last month, he said the annual report that Mr. Sloan previously mentioned had been addressed, so all of their permitting submittals were current.

Mr. Nichting moved to approve Waste Management's report and to authorize the appropriate signatures by Mr. Barber, as outlined; seconded by Mr. Spain.

Approved by viva voce vote.

3. Report on Resource Technology Corporation

Neither Mr. Fortelka nor an RTC representative was in attendance.

Ms. Floyd reported that she filed a complaint against the five defendants in Peoria County approximately two weeks previous to the meeting. She said Mr. Harry Henderson had been left out of the complaint, as Receiver, but that a Motion had been filed in the Cook County Case to request permission to file suit against Harry Henderson in the 10th Circuit, since he was appointed as a Receiver there. She explained there was some case law that would support his only being sued there and, in order to prevent a contempt citation, we were asking for permission.

In discussion with Mr. Nichting, Ms. Floyd determined the Committee had the right to litigate in its own district.

Ms. Floyd further reported that the hearing on the Motion was set for a May hearing in Cook County. She said summonses would go to the Cook County Sheriff tomorrow to serve on the five parties in the lawsuit.

In discussion with Mr. Van Winkle, Ms. Floyd advised that if the Motion in Cook County was successful, the Peoria County suit would be amended to include Mr. Henderson. She stated there may be a slight delay in the overall matter, but that it was unavoidable.

Lastly, Ms. Floyd reported the Peoria County case was scheduled for a Case Management Conference August 19th, 2008 at 1:15 p.m. and that the date will probably stand.

Mr. Ray explained they would have more substantive advice at the next month's meeting. Depending on what happened in May, he said they would either move forward to add Mr. Henderson or, if that appeared to be bogged down, they would need to move forward without him.

4. Approval of Smith Amundsen Invoice

Mr. Akers moved to approve Invoice 305141 for professional services provided by Smith Amundsen through February 29, 2008, in the amount of \$21,104.43, as outlined; seconded by Mr. Spain.

Approved by viva voce vote.

5. Flare Bids

Mr. Van Winkle stated that, in order for the EPA to appreciate that the City of Peoria was doing everything it could on the matter, the committee should be ready with an RFP for the flare bids as soon as the proper time came about.

Mr. Sloan stated he would review the previous RFP and get it ready to go. He said they would put the RFP out through the City of Peoria's Purchasing Division. Also, he said, a letter needed to be sent to the EPA to request an extension on the construction permit for the flare. He said those were given a year at a time.

Mr. Nichtig requested that the item be placed on the Landfill Committee's Agenda each month, so that the Committee could act on the matter as soon as possible.

The Committee concurred.

In discussion with Mr. Akers regarding whether the gas levels were more prevalent recently, Mr. Erni stated he did not notice the odors but occasionally heard the engine running. He said he would check on it.

In further discussion, Mr. Sloan stated he would immediately advise the chairman when there was any new information regarding the flare, so that a special meeting could be scheduled if necessary. In the mean time, he said he would review the previous bid package to make it ready, although he didn't anticipate many changes.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Announcement Regarding Household Hazardous Waste Collection Event

Ms. Raithel announced that Peoria County was hosting a household hazardous waste collection event sponsored by the Illinois Environmental Protection Agency on Saturday, May 3rd at Exposition Gardens from 8:00 a.m. until 3:00 p.m. She distributed copies of the flyer regarding the event and she said the information was also available on the County's web site.

PUBLIC COMMENT

None.

NEXT MEETING

Mr. Bergsten stated the next regularly-scheduled meeting will be held Wednesday, May 21, 2008, at City Hall Room 404, at 8:00 a.m.

ADJOURNMENT

Mr. Akers moved to adjourn the meeting; seconded by Mr. Nichting.

Approved by viva voce vote.

The regular Landfill Committee meeting adjourned at 8:43 A.M.

rmb

Lester D. Bergsten
Chairman