

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

Peoria, Illinois, January 21, 2009, a Peoria City/County Landfill Committee Meeting was held this date at 8:08 A.M., at 3505 N. Dries Lane, Peoria, Illinois, with Mr. Lester D. Bergsten presiding.

**ATTENDANCE**

The following Committee Members were physically present: Bob Akers, Les Bergsten, Patrick Nichting, Ryan Spain, Steve Van Winkle and Merle Widmer - 7. Absent: 0; Vacant: 1

City/County Staff present: Bill Atkins, Dave Barber, Steve Giebelhausen, Patti Pitcher, Karen Raithel, Randy Ray

Other interested parties: Emily Ambroso, Dan Erni, Steve Harenberg, Jenny Hinton, Steve Matheny, Carl Niemann, Joe Roberts, Dave Schaab, Patrick Sloan, Jerry Wyatt.

**ANNOUNCEMENTS, ETC.**

Mr. Bergsten announced the regularly-scheduled Landfill Committee meetings will no longer be held at City Hall. Instead they will be held at this Dries Lane location which allows for easier access and better parking.

**MINUTES**

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on November 19, 2008; seconded by Mr. Spain.

Approved by viva voce vote.

**AGENDA ITEMS****ITEM NO. 1. REPORT from FOTH INFRASTRUCTURE & ENVIRONMENT, LLC****A. Permit approvals as needed.**

Ms. Ambroso referenced two profiles included in the meeting packet: **(1)** Riverland Biofuels [corn debris] requiring Committee approval; and **(2)** Lonza, Inc. [RCRA empty drums/containers ≤110 gallons] not requiring Committee approval as it qualifies as a “pre-approval” and only included as a courtesy.

A report was submitted to IEPA summarizing the surface scan findings for Landfill No. 1. Results indicated thirteen (13) methane readings in excess of 500 ppm – ten at gas wells, three at leachate-collection manholes. The lack of maintenance, insufficient functional engine capacity and deficient well field balancing on the part of RTC has resulted in a steady degradation of compliance on Landfill No. 1.

Ms. Ambroso noted a memo outlining the Foth budget and expenditures for 2008 was also included in the meeting packet, per the Committee’s request at the November meeting. It shows Foth’s actual expenses (\$106,862.17) were below the budgeted amount of \$145,000.

Mr. Sloan reported that upgradient groundwater well G04S requires implementation of an assessment monitoring plan due to false-positive readings of dissolved arsenic which are not landfill related, but Foth is still required to answer the false-positive readings. This will require Mr. Barber’s signature.

Mr. Sloan said the same well is experiencing contamination caused by landfill gas. This happened about ten (10) years ago in the north but they were able to work with RTC to resolve it operationally. Since there's currently no gas collection occurring, Foth is in negotiations with IEPA regarding this matter.

Mr. Sloan requested that an aerial landfill photo be readily available for future meetings in this new location. Mr. Barber assured him the most recent photo will be available as requested.

Mr. Akers inquired as to how the BioFuels debris is different than regular yardwaste. Mr. Matheny explained special waste is defined, in simple terms, by the State as "production waste." Even though this is corn waste and used in the production of a product, the generator has to prove its non-hazardous either by doing an analysis or the State allows them to declassify it. Either way, Waste Management requires all generators to fill out a profile just in case it's questioned later.

Mr. Nichting moved to approve the permit applications and securing Mr. Barber's signature as needed; seconded by Mr. Van. Winkle.

Approved by viva voce vote.

#### **B. RFP Status – Landfill Expansion**

Mr. Sloan reported he has not had to respond to any questions from bidders since the last meeting. He is planning to schedule a second and final pre-proposal meeting around February 11<sup>th</sup> as previously promised to the bidders to ensure everyone has all the same information available to them.

There are ten (10) names on the plan holders list, three (3) of which are waste companies and one (1) of which is a consultant who is representing an unknown party. Bids are due March 25<sup>th</sup>, at which time the name of the unknown party will need to be revealed.

Mr. Nichting moved to approve Foth Infrastructure's report; seconded by Mr. Akers.

Approved by viva voce vote.

### **ITEM NO. 2 REPORT from WASTE MANAGEMENT, INC.**

#### **A. Monthly Activity Reports**

Mr. Matheny reviewed the Monthly Reports for November and December 2008. In the December report, he pointed out the 2007 and 2008 payables to the City/County Committee, noting the figures are a fair representation of the high and low spectrums for the Committee's budgeting purposes. The 2007 figure is attributed to a couple of special large projects, but 2008 is more reasonable for anticipating fees and taxes. No discussion.

Mr. Bergsten asked if Waste Management has seen a decline in waste receipts this month due to the economy. Mr. Matheny stated while there has been a slow down, it's hard to pinpoint if its weather or economy related.

A memo was included in the meeting packet seeking Committee approval of Waste Management's desire to switch to its winter hours [7am to 4pm Monday – Friday and 7am to 1pm Saturday], pursuant to Section 2.13 of their current contract, for the period of January 26, 2009 through March 14, 2009. Based on statistical reports, Mr. Matheny was able to determine that only one (1) truck used the site on a Saturday. Mr. Matheny assured the Committee Waste

Management would immediately post notices and notify customers on their bills of the change in hours if approved. No discussion.

**B. Permit approvals as needed**

Mr. Erni reported he has several permit applications that require signatures. One for a new environmental sampling plan, proposed changes to groundwater monitoring system, update the closure and post-closure plan, and re-run some H.E.L.P. computer models that predict leachate-generation rates. Also need to submit landfill capacity report to IEPA by March 1<sup>st</sup>. He will also be completing some routine semi-annual air submittals and Waste Management plans to install a larger flare. All of these are subject to Mr. Sloan's review and approval and about half will require Mr. Barber's signature.

Mr. Matheny reported Mr. Wiersema was unable to attend today's meeting, but there is nothing on the Operations side to report to the Committee at this time regarding landfill activities.

Mr. Van Winkle moved to approve the winter hours request as outlined and to authorize securing Mr. Barber's signatures as needed, pending Mr. Sloan's review and approval; seconded by Mr. Akers.

Approved by viva voce vote.

**ITEM NO. 3 REPORT on RESOURCE TECHNOLOGY CORPORATION**

There were no representatives of RTC present at the meeting.

Mr. Atkins stated there would not be a need for Executive Session today since there's been little change in circumstances since the November meeting. The current issues regard scheduling matters.

Their [Greenblatt entities] Motion to Dismiss (our case trying to get them out of the Peoria City/County Landfill), to which the City/County filed a response and Randy Ray signed off on, has been delayed. The Greenblatt entities have a right to reply in this particular proceeding resulting in a hearing set for March 9, 2009.

Mr. Atkins anticipates the City/County winning against all Greenblatt entities on site currently, but can't guarantee it will include the Receiver. He reminded the Committee we have already attempted in State Court in Cook County to get an Order there allowing us to sue the Receiver here, but the Judge wouldn't allow it, so he expects there will be further proceedings in that regard and that it will be much later this year before the case is heard.

With regard to the Bankruptcy Case appeal, we won but they appealed to the Trial Court where we won again, but they've now appealed to the 7<sup>th</sup> Circuit Court. Ms. Kujaca is handling this matter and while the City/County's portion will be done shortly, we will need to wait for a Court decision which likely won't be rendered until very late this year or early next.

Mr. Atkins introduced Mr. Steve Giebelhausen, Assistant State's Attorney, who will be assigned to the Peoria City/County Landfill Committee. Ms. Mindy Mannlein, who was introduced at the November meeting, will be Mr. Giebelhausen's backup. Mr. Atkins will attend occasionally but our meeting time is difficult for him to attend regularly. Mr. Atkins assured the Committee he will still be handling our case and will keep in close contact with Mr. Giebelhausen and Ms. Mannlein as well as Mr. Ray as needed. He encouraged Committee members to introduce themselves after the meeting.

Discussion was had regarding RTC's engines. Mr. Sloan needs to confirm with AmerenCILCO as to whether or not RTC has any engines running. He has not seen any RTC personnel on site recently, nor has Mr. Erni. Mr. Sloan is keeping IEPA informed of the situation.

#### **ITEM NO. 4 FARMING & GRAZING LEASES**

Mr. Nichting questioned the structure listed on Mr. Wyatt's insurance policy; Mr. Wyatt explained it's an error, he forgot to remove his farm information from the lease policy when he renewed it but confirmed that there are no structures on the Landfill lease property in question.

Mr. Van Winkle asked for clarification of the current lease terms for Mr. Wyatt and Mr. Harenberg. Mr. Harenberg's lease is currently five (5) years at a rate of \$500/year; Mr. Wyatt's lease is currently two (2) years at a rate of \$800/year. Mr. Harenberg is requesting an additional two (2) years (for seven (7) years total) and Mr. Wyatt is also requesting an additional two (2) years (for four (4) years total). Since the Committee has the right to terminate either or both leases at any time, Mr. Van Winkle didn't have a problem with honoring their respective requests as long as the monetary obligations remained the same.

Mr. Atkins indicated he would revise the leases with the minor changes as outlined and have it available for Mr. Bergsten's signature by the end of this week.

Mr. Nichting moved to approve extending the leases for Mr. Wyatt and Mr. Harenberg for four (4) years total; seconded by Mr. Van Winkle as long as the monetary obligations remain the same.

Approved by viva voce vote.

Mr. Barber requested copies of the revised leases for his office. Mr. Atkins agreed.

Mr. Spain moved to defer the farming and grazing leases [held by Mr. Roger Beecher and Mr. Phil Ehnle respectively, due to expire in February] to next month's meeting; seconded by Mr. Akers.

Approved by viva voce vote.

#### **ITEM NO. 5 PROPOSED LANDFILL INSURANCE POLICY**

Mr. Atkins confirmed the County's Risk Manager requested this coverage; however, Mr. Atkins doesn't have any additional information and is unsure if the respective Risk Managers at the County and City have met recently to discuss.

Mr. Barber stated it's his understanding we are already covered under Waste Management's contract but checking to see if it's sufficient to cover both City/County but hasn't heard anything more on it either from Miss Shauna [County] or Ed Hopkins [City]. Mr. Barber will follow-up.

Mr. Nichting moved to defer to next month's meeting; seconded by Mr. Akers.

Approved by viva voce vote.

#### **ITEM NO. 6 FLARE BIDS**

Mr. Van Winkle moved to defer this item for one month; seconded by Mr. Nichting.

Approved by viva voce vote.

**ITEM NO. 7 LANDFILL INTERGOVERNMENTAL AGREEMENT/COMMITTEE MEMBERSHIP**

Mr. Bergsten has reviewed this matter with Mr. Atkins and Mr. Bergsten recommends the current Committee be expanded from the current seven (7)-member Committee - two (2) at-large members, two (2) City Council members, two (2) County Board members and the Chairman - to nine (9) members. This change would, pending the Mayor's approval, give Mr. Nichting an opportunity to stay on the Committee [in the event he wins his upcoming City Treasurer election] while allowing for more citizen involvement through one (1) additional appointment from the City as well as one (1) from the County. The Committee's recommendation would then need to go before the City Council and the County Board for approval.

Mr. Widmer stated it's the County Board Chairman's desire to defer this matter until another [County] appointee has been chosen for the Landfill Committee vacancy [created by Eldon Polhemus' recent County Board election loss].

Mr. Widmer moved to defer discussion and action on this matter until the February meeting; seconded by Mr. Akers.

Approved by viva voce vote.

Mr. Bergsten also recommended that the \$50,000 expenditure limit (above which the Committee must seek authorization from the City Council and County Board) be doubled to \$100,000 for any unforeseen expenses. Mr. Atkins stated the Committee can spend as much as needed, based on the County's interpretation, but he concurs with doubling the amount for documentation purposes.

Mr. Spain expressed his reluctance to recommend doubling the line item to \$100,000 when simultaneously asking the City Council and the County Board to increase the Committee's membership. Currently, the majority of the Committee members hold elected appointments and that dynamic would change if membership is increased to a 9-member group. He felt the Committee may encounter reluctance to giving greater autonomy to the Landfill Committee in terms of a \$100,000 line item.

Mr. Bergsten requested these issues – doubling the line item and increasing the Committee membership – be on the February Agenda. Mr. Atkins suggested a broad Agenda item description such as "Discussion and Action on Any Necessary Changes." Mr. Bergsten concurred.

Approved by viva voce vote.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**PUBLIC COMMENT**

None.

**NEXT MEETING**

The next Regular Landfill Committee meeting will be held at 3505 N. Dries Lane, on Wednesday, February 18, 2009, at 8:00 a.m.

Mr. Bergsten announced he anticipates being out of town on this date, so a Chairman Pro-Tem will need to be chosen at the February meeting.

**EXECUTIVE SESSION**

None.

**ADJOURNMENT**

Mr. Akers moved to adjourn the Regular Peoria City/County Landfill Committee meeting; seconded by Mr. Nichting.

Approved by viva voce vote.

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

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Lester D. Bergsten  
Chairman

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