

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

Peoria, Illinois, November 18, 2009, a Peoria City/County Landfill Committee Meeting was held this date at 8:32A.M., at the Lester D. Bergsten Operations & Maintenance Facility, 3505 N. Dries Lane, Peoria Illinois, with Mr. Lester D. Bergsten presiding.

ATTENDANCE

The following Committee Members were physically present: Bob Akers, Les Bergsten, Brad Harding, Ryan Spain, Merle Widmer, Steve Van Winkle - 6. Absent: Tim Riggerbach – 1.

City/County Staff present: Dave Barber, Julie Dewey, Steve Giebelhausen, Patti Pitcher, Karen Raithel

Other interested parties: Emily Ambroso, Joyce Blumenshine, Bill Cook, Chris Coulter, Matt Coulter, Royal Coulter, Ron Edwards, Tom Edwards, Rick & Tracy Fox, Joyce Harant, Steve Harenberg, Steve Matheny, Brian Meginnes, Carl Niemann, David Pittman, Joe Roberts, Patrick Sloan, Mike Wiersema, Jerry Wyatt

ANNOUNCEMENTS, ETC.

None.

MINUTES

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on October 21, 2009; 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 explained the two Special Waste items in the meeting packet: (1) Utility Service Co. Inc. [Sandblast media] and (2) Peoria County Highway Department [Treated wood – weathered] which were administratively approved. Another permit item, Evonik/Goldschmidt Chemical [S.T.D.E. filter cake & debris] was also included but is a pre-approved renewal. No technical objections.

She also explained a public meeting was held following the regular October 21st Landfill Committee meeting regarding G04S well. A report to IEPA is required, including Mr. Barber's signature.

IEPA also requires certification of a strip mine dam further back in the Landfill site. This is an annual certification also requiring Mr. Barber's signature.

Mr. Harding moved to approve the two items as outlined; seconded by Mr. Akers.

Approved by viva voce vote.

Ms. Ambroso confirmed the flare is installed but not operational as Foth is awaiting AmerenCILCO's reconfiguration of the transformer before proceeding.

Mr. Akers moved to approve Foth's report and the flare update; seconded by Mr. Van Winkle.

Approved by viva voce vote.

ITEM NO. 2 REPORT from WASTE MANAGEMENT, INC.

A. Monthly Activity Reports

Mr. Matheny referenced the Monthly Activity Report which indicates a 15% decrease from this time last year.

B. Permit approvals as needed

While there are no permits anticipated during the month of December, Waste Management respectfully requests permission to seek administrative approval if permits are received that would need action prior to the January 2010 meeting.

Mr. Spain moved to approve Waste Management's report and the administrative approval request; seconded by Mr. Widmer.

Approved by viva voce vote.

ITEM NO. 3 REPORT on RESOURCE TECHNOLOGY CORPORATION

There were no representatives of RTC present at the meeting.

Mr. Giebelhausen said what little activity there is to report should be discussed in Executive Session as it pertains to ongoing litigation.

He also requested that Item #5 – Approval of the Seyfarth & Shaw Invoice – be addressed next since it is a quick matter, followed by Item #4 – Approval of the Landfill Contract. Chairman Bergsten agreed.

No royalty monies have been received.

ITEM NO. 5 APPROVAL of SEYFARTH & SHAW, LLP INVOICE – \$7,799.18

Mr. Giebelhausen explained this invoice is from outside counsel representing costs associated with the most recent hearings.

Mr. Widmer expressed his astonishment of the excessive amounts charged in the itemized invoice. Mr. Harding noted these services are performed in Chicago and, therefore, are typical for that area.

Mr. Harding moved to approve the invoice as outlined; seconded by Mr. Van Winkle.

Approved by viva voce vote.

ITEM NO. 4 RECOMMENDATION for APPROVAL of LANDFILL CONTRACT

Mr. Bergsten announced that although Public Comment is typically held at the end of the meeting, it's been requested this be allowed prior to the vote on this item for discussion purposes. He also asked that each speaker clearly state his/her name, address and organization they represent and limit their comments to three (3) minutes maximum.

JOYCE HARANT – 3914 W. Donna Lane, Peoria – [Peoria Families Against Toxic Waste]

Ms. Harant referenced an email she sent on November 17th (copy on file) outlining her concerns. She noted a copy of the proposed contract was just received late last week so obtaining public feedback on this matter is difficult. She requested an Amendment stating de-listed waste not be allowed in the Peoria City/County Landfill. She questioned several details of the Perpetual Care Fund and warned that any withdrawals within the first 10 to 14 years would not result in a \$20 - \$30 million account balance as expected. She questioned who decides who will actually build the expansion vs. a transfer facility and whether or not PDC can refuse to build if a non-appealable siting isn't received? She also questioned the proposed location of this facility. She emphasized the chance to allow public dialogue and, therefore, requested this vote be delayed accordingly.

DAVID PITTMAN – 2422 W. Moss Avenue, West Peoria – Homeowner, Taxpayer & former public official:

Mr. Pittman thanked the Committee for their efforts in this endeavor and the opportunity to address this matter. He suggested this vote be deferred until January 2010 for full impact of public input. He's pleased with the proposed four (4) new drop-offs and monthly Hazardous Household collection but feels the 150,000 lbs. cap should be re-visited as it only equates to less than one (1) pound per person per year in Peoria County. He would like to see the contract amended to guarantee no electric arc furnace dust or other de-listed waste be allowed in the Peoria City/County Landfill. Funding for future repairs is necessary but he opposes using money from the Perpetual Care Fund and asked the Committee to find another source. He also noted that Perpetual Care Funds for cemeteries have specific guidelines which he suggested landfills should follow since they are far more dynamic and potentially dangerous.

RICK FOX – 15215 N. Ivy Lake Road, Chillicothe – [No organization mentioned]:

Citizens have already spoken and don't want toxic waste in their backyards. When PDC's request to expand their Hazardous Household facility was defeated, they began looking for ways to keep the issue alive. They sued Peoria County, appealed, then reclassified waste streams as a generator. Finally, they managed to get the Illinois Pollution Control Board to de-list electrical arc furnace dust. Peoria citizens are thankful this waste leaves Peoria County but that's a small consolation. Based on PDC's track record, he strongly encouraged the Committee to get any and all of PDC's promises in writing. He also urged the Committee to amend the contract accordingly, citing the Peoria Medical Society that has warned landfill liners eventually leak and pose health risks to the citizens. He's concerned about the amount of assistance from IEPA Peoria City/County would receive, if needed, with regard to PDC.

BILL COOK – [No address given] – Chemistry Professor/ICC and former Daily Laboratory Chemist:

Mr. Cook said he's personally visited landfill sites and feels the business concerns conflict with environmental concerns and the benefits don't outweigh the risks. Eventual breach of the

landfill is too large a risk for the public to address and the clean-up costs would be astronomical. There hasn't been a landfill yet that didn't eventually breach and he warned the Peoria area water supply would be compromised as a result of putting hazardous wastes in the ground. He encouraged the Committee to postpone today's vote on the contract to exclude de-listed items and suggested the only viable solution is above-ground storage.

JOYCE BLUMENSHINE – 2419 E. Reservoir, Peoria – [No organization mentioned]:

The public is interested in this project and needs adequate time to allow dialogue with the Peoria City/County Landfill Committee as there are many issues of public concern.

She referenced item 14.3, Page 10 of the proposed contract states: 'Contractor shall set fees for special waste.' Given PDC's main business is dealing with hazardous waste, giving PDC carte blanche for setting fees for special waste is a concern of the public. She asked the Committee to defer today's vote.

TRACY MEINTS-FOX – 15215 N. Ivy Lake Road, Chillicothe – [Peoria Families Against Toxic Waste, Global Warming and other environmental groups]:

Ms. Fox read the contract thoroughly and feels it captured many of the public assets – recycling drop-offs, household hazardous waste collection and convenience center - but is concerned about the specifics and that the contract is too open-ended. The contract unnecessarily exposes citizens to a variety of risks, both economic and environmental. The benefits of pushing this contract through with minimal review do not justify taking such a rushed approach on a multi-million dollar, long-term contract.

She commended PDC's willingness to offer long-term protection via a Perpetual Care Fund but noted Section 19 does not prohibit the use of funds to remedy problems in Landfill No. 1. During PDC's presentation, \$4.1 million in repairs was promised. As a separate line item it promised a \$25 million Perpetual Care Fund. If the wording of the Perpetual Care Fund purpose isn't revised, the citizens lose \$4 million immediately and take another significant hit when PDC withdraws \$3 million from the fund in its first few years. The end result will be nothing close to a \$25 million balance in the account at the start of the true post-closure period.

Another financial concern is the projected revenue loss to the City/County if the new landfill is not sited. Ms. Harant evaluated trash disposal costs to the City, host benefit fees, rebates and outright payments for both the expansion cell and a transfer station. Her figures, which have been verified independently, show a significant net loss if the transfer station is built. Even though the Committee would gain control of an additional \$6.5 million, the County would lose \$5.25 million and the City would lose \$8.45 million over the first 10 years of the contract. With losses of this magnitude at stake, the contract doesn't require PDC to exhibit due diligence in obtaining siting, nor is there a penalty or additional considerations.

The Committee's hired engineering consultant – Foth Infrastructure – stated there are archeological concerns with the parcel of land donated by PDC where excess soil was to be stored, yet the contract does not address this issue. If purchasing or allocating additional land for storing excavated soil is needed, that would be yet another economic burden for the citizens.

Citizens have asked the Committee to obtain outside legal counsel to assess this contract but it doesn't appear to have been done. There are several areas where citizens are being forced to assume unnecessary risk. She asked the Committee to take the time to review this contract properly, add the amendments that reflect public opinion and create something that would truly

serve Peoria area residents in both the short- and long-term. She also offered to sit down with interested parties to thoroughly explain the public's concerns.

KIERSTEN SHEETS – 500 County Road, 550 East, Sparland – [The environmental community in general]

Ms. Sheets works and plays in Peoria so this issue also impacts her family. She represents the environmental community in general, adding there are more supporters behind Ms. Fox and the others [who have spoken] than it appears, but they are our [environmental community] representatives.

[Public commented ended at 9:10a.m.]

Mr. Harding stated he's resistant to the idea of this matter being "hushed and rushed" as the Committee abided by the standard meeting regulations. He further stated the public comments have been very helpful. While he is encouraged by the City/County members acting like adults, the same is expected of the public.

Mr. Spain agreed, adding this process has been very open and executed properly. He noted there's already a process in place for special waste streams such as electrical arc furnace dust, a waste stream which IEPA has previously classified and developed regulations accordingly. This Committee also has a process already in place for review and approval (or disapproval) of these waste streams to be evaluated if/when presented. What we've heard today about this waste stream is hypothetical, but if that were to change, our consultant would be reviewing prior to presenting to the Committee for action.

Mr. Spain also commented on the paradox of the Transfer Station backup plan option citizens claim shouldn't be considered and a hypothetical waste stream which should be prohibited. While he appreciates the comments from passionate citizens concerning the environment, it's unclear if the real concern is maximizing revenue at the Landfill (if so, should look at bringing in as many waste streams as possible) or cost leaving the Landfill (resulting in a decrease in revenue for the City/County) as a result of the transfer Station. This premise is in and of itself conflicting. He reminded those present that we will all be working on this project for quite some time. There will be more opportunities for public dialogue and he hopes from this point forward we proceed in the spirit of working together and cooperation.

Mr. Widmer commented the 150,000 lbs. cap on household hazardous waste disposal which was specified as it seems like a small amount. Mr. Bergsten added that money for recycling will minimize waste generated. If citizens want to have services, then they need to learn to pay for it. Mr. Barber commented that staff has discussed working with the contractor and other agencies for handling more than the 150,000 lbs. and left it open-ended in order to allow for some flexibility, keeping in mind this construction project won't occur for another eight (8) years.

Mr. Akers asked Ms. Raithel for stats from special events. She responded that these are IEPA-sponsored events and statistics aren't readily available. She did note, however, that at the most recent Household Hazardous Waste Collection event there were a significant number of 55-gallon barrels which were filled to capacity but that this event was open to citizens outside of Peoria County as well.

Discussion was had regarding various details, including who would make decisions about the Transfer Station. When it was determined PDC would, barring any IEPA concerns, Mr. Akers asked that this be stated in the contract. Mr. Barber reminded the Committee that they are the

owners of the Landfill so PDC would be coming to the Committee for approval of the details being discussed today. Mr. Akers still felt the siting issues should be stated in the contract specifically. It was clarified that if PDC fails to perform or meet their contractual obligations, the Committee can void the contract and seek another vendor.

Further discussion was had regarding the care and maintenance of Landfill No. 1 if a Transfer Station is built. Peoria City/County would be responsible. Mr. Sloan added that Waste Management is responsible until 2028 to provide care for all aspects other than corrective actions. With regard to diverting funds from Landfill No. 3 to Landfill No. 1, the Committee would have the authority to approve spending funds for corrective actions. Mr. Bergsten further explained it will take the mutual consent of three parties to approve withdrawing money from the escrow account – Peoria City/County Landfill Committee, PDC and the Escrow Agent. For expenditures greater than \$50,000, it would also need to go before City Council and the County Board. The Escrow Agreement is very lengthy but addresses many of the issues being raised today.

Mr. Bergsten stated this is a “framework” document which has been a work in progress for several months and continues to be, adding there will be more opportunity for public input. Mr. Barber clarified that updates on this matter will be on each monthly Agenda. He shares similar concerns the public has and is open to ongoing input and suggestions; however, deferring today’s vote postpones the entire process.

Mr. Van Winkle reminded those present the City/County has control over special waste and has been very restrictive while supporting the local community and its needs and will continue to do so. The City Council and County Board have the final say in the matter.

Mr. Widmer mentioned this Landfill is a City/County-owned landfill and is not comparable to the privately-owned PDC landfill in many aspects.

Landscape composting status was also discussed. Mr. Sloan will provide a status report at next month’s meeting regarding the Landscape Composting facility.

Mr. Bergsten addressed PDC and Foth staff and all are comfortable with this being a framework document which has room for fine-tuning.

There being no further comments from the Committee or staff, Mr. Bergsten thanked the public for their comments. He also stated he’s been involved with the Landfill Committee since its inception with the main goal of establishing a self-sustaining landfill operation, including maintaining fund reserves. The Committee has successfully accomplished this goal to date and intends to continue. Furthermore, the need to address waste issues for citizens within the City and County are also priority which the Committee has also accomplished to date, adding this “framework” document being discussed today continues that effort. Mr. Bergsten welcomes the opportunity to continue to meet this goal through public input and fine-tuning of this agreement with the understanding that the contractor must also meet their performance requirements as well.

It was determined responses to citizens providing written questions and concerns would be provided in writing prior to the November 30th meeting of the County Board’s Health & Environment Committee. It was also noted the City Council is expected to finalize their budget on December 8, 2009.

Mr. Van Winkle said he’s very encouraged the public apparently feels the City/County has done a good job the past 20-30 years operating the landfill as they want us to continue to do so.

Ms. Blumenshine interrupted, expressing concern that many issues raised today remain unresolved. Mr. Bergsten declared Ms. Blumenshine out of order. Mr. Giebelhausen confirmed that Public Comment does not allow for debate between the public and the Committee.

Mr. Van Winkle moved to approve the contract in order to proceed; seconded by Mr. Harding.

Yeas: Bergsten, Harding, Spain, Van Winkle, Widmer

Nays: Akers

Motion passed.

Mr. Pittman was granted permission to address the Committee. He agrees a publicly-owned landfill is better than a privately-owned landfill. He will attend future meetings in order to track this project. It was not his intention to insult members of the Peoria City/County Landfill Committee; however, he stated Ms. Blumenshine's concerns are legitimate but he's hoping Mr. Bergsten's statement is true that there will indeed be future opportunities for the Committee to listen to public input.

Mr. Edwards arrived asking to address the Committee but was denied by Mr. Bergsten since he was not present during the Public Comment portion of the meeting. Mr. Edwards instead handed out a written statement.

Ms. Fox stated the Committee should release the specific document. Mr. Sloan explained the document is available in the RFP and a request needs to be directed to Chris Switzer, Purchasing Agent for the City of Peoria.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

[Held in conjunction with Item No. 4 above.]

NEXT MEETING

The next Regular Landfill Committee meeting will be held at the Lester D. Bergsten Operations & Maintenance Facility at 3505 N. Dries Lane, Peoria, on Wednesday, January 20, 2010, at 8:30A.M. There will not be a December meeting.

ADJOURNMENT

Mr. Widmer moved to adjourn the regular meeting to go into Executive Session to discuss pending litigation, not returning to Regular Session; seconded by Mr. Akers.

Approved by viva voce vote.

The regular Landfill Committee meeting adjourned at 9:58A.M.

Lester D. Bergsten
Chairman