

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

Peoria, Illinois, January 20, 2010, a Peoria City/County Landfill Committee Meeting was held this date at 8:36A.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, Steve Van Winkle, Merle Widmer - 6. Absent: Tim Riggensbach – 1.

City/County Staff present: Dave Barber, Steve Giebelhausen, Patti Pitcher, Karen Raithel, Patrick Urich

Other interested parties: Emily Ambroso, Joyce Blumenshine, Chris Coulter, Matt Coulter, Royal Coulter, Ron Edwards, Marty Fallon, Rick & Tracy Fox, Steve Harenberg, Jenny Hinton, Steve Matheny, Brian Meginnis, Devin Moose, Lisa Offutt, Joe Roberts, Dave Schaab, Patrick Sloan, Richard Southorn

ANNOUNCEMENTS, ETC.

Mr. Harding commented that although Ms. Dewey is no longer with the City [due to recent budget cuts], he appreciated her contributions to the Committee. Mr. Barber stated he will be handling the RTC payments from this point forward.

Mr. Bergsten announced the Public Comment portion will be held after Item No. 5 on today's Agenda at the public's request.

MINUTES

Mr. Spain moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on November 18, 2009; seconded by Mr. Akers.

Approved by viva voce vote.

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

Ms. Ambroso explained that no permit approvals were required. One item in the packet was administratively approved:

1. United Suppliers, Inc. [Treated wood – weathered]

The remaining items were pre-approved renewals:

2. Methodist Medical Center [Limestone filter rock]
3. Evonik/Goldschmidt Chemical [Waste water treatment sludge and debris]
4. Evonik/Goldschmidt Chemical [Fabric softener fines]
5. IDOT – District 4 [Unleaded gasoline/diesel-contaminated soil]

B. Review of Waste Procedures

This document gives the background on the review and approval processes utilized for every waste receipt request and is for Receive and File.

The approval of a first-time permit application essentially sets the foundation for that generator's future requests. Subsequent permit applications from the generator then provide additional information, whereas rejected waste loads never make it to the Committee level of the process. It appears the Committee approves any and all waste streams because those waste streams that would be rejected never make it through the assessment process and, therefore, are not presented to the Committee. Mr. Harding stated this process seems to be working and provides a good foundation for Peoria's waste approval efforts.

Mr. Spain was appreciative of the document and indicated he would be making copies to distribute to his fellow Council members to clarify their respective questions on the matter.

Mr. Matheny clarified that the review process starts with Waste Management where four (4) staff members review and approve or reject before it goes to Foth for their review. They, in turn, complete a technical review as explained in the memo before it is presented to the Committee.

C. Approval of Annual Engineering Services Agreement

Upon Committee approval, this Agreement would require Mr. Bergsten's signature for the engineering services Foth Infrastructure will continue to provide in 2010. A significant increase of approximately \$200,000 is included due to increased engineering services required for flare operation, leachate and dam repairs. The amount was previously approved by the Committee in the budget process last fall and this is the formal Services Agreement reflecting same.

Mr. Van Winkle clarified that both the City Council and County Board approved the Landfill Committee budget in concept, even though they may not have noticed the significant increase, so it's not in addition to what was previously approved. Also, because it is over \$50,000, Mr. Barber said it would also need to be approved by the City Council and County Board.

As for the status of the flare, Mr. Sloan reported it's been operational for the past two (2) weeks and has already extracted as much gas as RTC did years ago. It is monitored daily and repairs are ongoing. He will also submit a report to IEPA notifying them that the Peoria City/County Landfill, which has been out of compliance since 2005, is making great strides in remedying the situation.

Ms. Ambroso noted the Memo outlining the Landscape Waste procedures is a report back requested by the Committee in November.

Mr. Van Winkle moved to approve Foth's reports and to Receive and File the informational memos; seconded by Mr. Widmer.

Approved by viva voce vote.

Mr. Akers moved to approve the Engineering Services Agreement as outlined; seconded by Mr. Spain.

Approved by viva voce vote.

ITEM NO. 2 REPORT from WASTE MANAGEMENT, INC.**A. Monthly Activity Reports**

Mr. Matheny presented the Monthly Activity Reports and the Special Waste Log for November and December 2009. No discussion.

He explained receipts continue to be lower than last year, noting that Special Waste projects haven't occurred due to the recent economy.

Mr. Spain questioned where the biggest impact has been felt within Waste Management's territories; Mr. Matheny explained that the closings of the Chrysler (Howard County) and Chevrolet (Delaware County) plants in Indiana have caused an 85% decrease in waste.

Mr. Harding asked for the status of the capacity; Mr. Sloan said a flyover typically occurs in the Spring, but he will update the Committee at the February meeting.

Mr. Harding moved to Receive and File Waste Management's report; seconded by Mr. Akers.

Approved by viva voce vote.

B. Permit approvals as needed

None.

ITEM NO. 3 REPORT from PEORIA DISPOSAL CO.**A. Landfill No. 3 Update**

Mr. Coulter announced the Public Comments received have been answered and are available on the Peoria County website.

He also noted that IEPA announced in the newspaper that they will be laying off 30 employees from Bureau of Land & Air – the division which processes Peoria's permit applications. PDC is anticipating some delays as a result.

The first priority in this process is to get the Site Investigation Plan to the Committee, but before PDC is able to begin drilling, they need the Committee's approval. To further explain the process from start to finish, Mr. Coulter deferred to Mr. Moose of Shaw Environmental, Inc., who prepared a PowerPoint presentation. [Hard copies were also distributed.]

Mr. Moose, Lead Engineer, thanked the Committee for their trust and support of PDC by awarding this project to them. He then introduced Design Engineer Richard Southorn who will serve as Project Engineer, and Geologist Marty Fallon who, along with 70 or 80 others, will be part of the Shaw team working on this project.

The anticipated start date to be in the field is February 1st. He also explained that the purpose of the Site Investigation Plan is to discover the answers to the many questions regarding this project.

[PowerPoint presentation given]

Mr. Harding questioned if Shaw is relying heavily on mine maps because he has found them to not be accurate. Mr. Moose said Shaw will utilize mine maps while also verifying their accuracy through other means. Mr. Moose agreed to give the Committee percentage accuracy of the mine maps as determined.

Landfill No. 1, developed in the 1970's, was operated first by Peoria City/County, then BFI, then PDC. Mr. Harding asked how dramatic the changes have been since then with regard to developing a landfill to help him and his constituents better understand the scope. Mr. Moose explained that the IEPA regulations weren't developed until the mid 1980's, so there have been dramatic changes over time – similar to transportation modes evolving from walking to flying. Illinois in particular is very stringent based on risk. If the processes and regulations are strict, then the margin of risk is limited.

Mr. Sloan further explained that Peoria City/County Landfill No. 1 was one of the first landfills permitted by the IEPA. That being said, Landfill No. 2 required the same steps and procedures that Landfill No. 3 requires.

B. Soil Stockpile Area

Mr. Coulter explained PDC requests that the Committee terminate the existing Stockpile Agreement with Waste Management – with the exception of the site where Waste Management actively stockpiles dirt. Mr. Meginnes explained this is desired in order to clean up any jurisdictional or liability issues should anything adverse occur while allowing Shaw start drilling and installing wells. PDC would then work with Waste Management as needed when their current stockpile site would be impacted.

Mr. Giebelhausen recommended the proper number of days' notice as stated in the Agreement be given to Waste Management. He suggested another option would be to formally notify Waste Management and discuss with them a different Agreement or an amendment to the existing Agreement. Mr. Giebelhausen said he could be the lead person on this effort. PDC and Waste Management were in agreement with this latter suggestion, noting it wasn't an urgent matter since Shaw would not be in the vicinity of the stockpile area for a while. Mr. Matheny added that currently Waste Management isn't stockpiling dirt, further reducing the urgency. However, both parties and Mr. Giebelhausen agreed to meet immediately following today's meeting.

Mr. Spain requested Mr. Giebelhausen bring back the amended Agreement to the February meeting while Mr. Harding emphasized it's critical the City and County representatives be kept in the loop.

Mr. Spain moved to Receive and File report from PDC and Shaw Environmental; seconded by Mr. Van Winkle.

Approved by viva voce vote.

ITEM NO. 4 REPORT on RESOURCE TECHNOLOGY CORPORATION

There were no representatives of RTC present at the meeting.

Mr. Giebelhausen said there was a favorable decision has been made by Court at the December hearing, details of which will be discussed in Executive Session as it pertains to ongoing litigation.

No royalty monies have been received.

ITEM NO. 5 APPROVAL of SEYFARTH & SHAW, LLP INVOICE – \$2,448.50

Mr. Van Winkle moved to approve the invoices as outlined; seconded by Mr. Akers.

Approved by viva voce vote.

PUBLIC COMMENT

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 explained each speaker should clearly state his/her name, address and organization they represent and limit their comments to three (3) minutes maximum.

TRACY MEINTS-FOX – 15215 N. Ivy Lake Road, Chillicothe – [Peoria Families Against Toxic Waste]:

Ms. Fox thanked the Committee and PDC for their responsiveness to public comments as well as converting to electronic packets. She feels the special waste procedure and checks and balances, from a technical standpoint are appropriate but feels the Committee needs to extend this further by establishing an overall policy encouraging waste reduction and recycling at the commercial level. She thanked PDC and Shaw Environmental for their thorough explanation of the Site Investigation Plan and looks forward to details regarding the mine situation. She hopes the parameters involving groundwater flow and the area and depth of the sections of Landfill still under consideration will be included, especially as it relates to wells, plains and wetlands.

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

Regarding the delisted hazardous waste items and special waste items in general, many of his concerns within the Site Investigation Plan for Landfill No. 3 have been addressed through the public responses. He was very appreciative of them as well as today's presentation. He feels strongly that a base of acceptance criteria of the site being considered should be identified upfront. While he understands not every contingency could be considered upfront, he encourages the Committee to perform due diligence in this matter.

Mr. Fox supports Mr. Sloan's waste procedure document and encourages the Committee to authorize these changes today.

He thanked Mr. Sloan and Mr. Barber for providing the Special Waste procedure information. It helped clarify many of his previous questions. Continue to reduce risks.

One comment on this morning's presentation: When [Mr. Moose was] explaining the regulatory requirements and the progress that's been made with IEPA, a "no risk" comment was made which he's unclear about since there is always some level of risk when putting waste in the ground.

JOYCE BLUMENSHINE – 2419 E. Reservoir, Peoria – [Heart of Illinois Sierra Club]:

Ms. Blumenshine sincerely appreciates the Landfill documents being posted on the websites.

She noted there's no cap on special waste in the Landfill Agreement and this is a concern for the public. She encourages the Committee to approve the County Board Resolution prohibiting electric arc furnace waste in this landfill.

ITEM NO. 6 UPDATE on DeLISTED “EAFDSR” HAZARDOUS WASTE

Mr. Sloan referenced the memo in the meeting packet and suggested an adjusted Waste Acceptance policy for next month's meeting. Details can be found on the websites of IEPA, PDC, etc.

Mr. Coulter explained there are other waste streams that have been delisted – F006 [a general class of wastewater treatment sludges from specific operations involving] electroplating, whereas K061 (EAFDSR) is specific – similar to a group of delisted wastes by Enviroline of Illinois. Mr. Sloan said it's up to the Committee how specific they want it noted in the revised policy.

Mr. Bergsten suggested the revised language be presented at the February meeting to allow members to review and discuss prior to approval at the March meeting. Since this isn't an urgent matter, it was suggested to allow time for a presentation for the purposes of obtaining additional information regarding delisting items for future reference; several Committee members agreed. It was also suggested that an IEPA representative attend next month's meeting; however, due to the recent announcement of layoffs within their agency, it's unlikely they would be able to send someone, so Mr. Sloan will request an official statement from IEPA to present to the Committee instead.

Mr. Spain moved to receive and file; seconded by Mr. Harding.

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

Nays – Akers

Absent – Rigganbach

Motion approved by roll call vote.

ITEM NO. 7 APPROVAL of the HYDROGEOLOGIC FIELD INVESTIGATION WORK PLAN

Mr. Spain moved to approved; seconded by Mr. Van Winkle.

Approved by viva voce vote.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Mr. Barber addressed the new process staff has implemented in 2010 of posting the monthly meeting packets electronically on the City's website; therefore, packets will no longer be mailed. He explained that questions that arose during the expansion proposal process prompted this change.

Members are encouraged to sign-up for an eAlert which will automatically email them when Landfill documents have been posted to the City's website. [Members may also sign-up for eAlerts for the County website.] Otherwise, if members choose not to sign-up for an eAlert, they can expect the packets to be posted no later than 72 hours prior to the next meeting date. There may, however, be other items (Special Meeting notices, etc.) posted from time to time for which Committee members may want to receive automatic notification.

While this new process reduces staff time and postage, its main purpose is to make the Landfill's business transparent and easily accessible by the public. Landfill Committee-specific Agenda, Minutes and full packets will be posted on the City's website; all other Landfill-related documents will be posted on the County's website.

In general, the Committee felt it is appropriate for the Landfill Committee to take the lead on implementing a "paperless" system. Discussion was had regarding the availability of wireless access for members to bring their personal laptops - or perhaps the Committee could provide laptops for its members – and it was suggested the electronic packet be projected on the large screen during meetings for reference. Mr. Barber agreed. Members also asked that a hard (paper) copy of the packet be available for the February and March meetings during this transition period. Mr. Barber agreed staff would provide these for the next couple months but packets will not be mailed.

Mr. Sloan thanked the Committee for its vote of confidence in the Foth Agreement. He also wanted to inform the Committee PDC has asked Foth to perform some survey work at the expansion site, but it is the Committee's decision whether or not Foth would be allowed to do this. It was agreed Foth could perform surveying work only, but no analysis work is to be included.

Mr. Harding thanked Mr. Van Winkle and Mr. Bergsten for their respective legacies with the Landfill Committee and has enjoyed his time as a member; however, due to his beliefs regarding political transparency and needing sufficient information before voting on matters, the recent County Board Resolution being one of them, he suspects he may be removed from his Landfill Committee assignment. If this happens, he assured everyone it would be politically motivated and nothing personal on his part. He apologized if he's caused any of the members inconvenience or discomfort through his membership on this Committee and the County Board.

He also thanked Waste Management for installing the flare in an effort for the Committee to meet compliance requirements. Mr. Sloan reported that in only two (2) weeks, collection is already ahead of what RTC had been generating, adding that Waste Management did a good job as the installation contractor and continues to work with Foth to complete start-up items.

PUBLIC COMMENT

[Held between Items No. 5 and No. 6 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, February 17, 2010**, at 8:30A.M.

Chairman Bergsten will not be present for the February meeting and a Chairman Pro Tem will need to be appointed.

ADJOURNMENT

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

Approved by viva voce vote.

The regular Landfill Committee meeting adjourned at 10:13A.M.

Lester D. Bergsten
Chairman

/pp