

PEORIA CITY/COUNTY LANDFILL COMMITTEE REGULAR BUSINESS MEETING AGENDA

WEDNESDAY, MAY 19, 2010

8:30 A.M.

DATES SET:

WEDNESDAY, JUNE 16, 2010 @ 8:30a.m.

REGULAR COMMITTEE MEETING – To be held at the Lester D. Bergsten Operations & Maintenance Building, 3505 N. Dries Lane, Peoria Illinois 61604. (309) 494-8841.

WEDNESDAY, JULY 21 @ 8:30a.m.

REGULAR COMMITTEE MEETING – To be held at the Peoria City/County Landfill, 2nd Floor Employee Breakroom, 11501 Cottonwood Road, Brimfield, Illinois 61517. (309) 565-4281. *(FOLLOW SIGNS)*

WEDNESDAY, AUGUST 18 @ 8:30a.m.

REGULAR COMMITTEE MEETING – To be held at the Lester D. Bergsten Operations & Maintenance Building, 3505 N. Dries Lane, Peoria Illinois 61604. (309) 494-8841.

PEORIA CITY/COUNTY LANDFILL COMMITTEE

AGENDAS AND MINUTES

ISSUED BY:

LESTER D. BERGSTEN, CHAIRMAN

via the PUBLIC WORKS DEPARTMENT

CITY HALL, ROOM #307

(309) 494-8800

INTERNET ADDRESS: www.ci.peoria.il.us

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*CITIZENS WISHING TO ADDRESS AN ITEM NOT ON THE AGENDA SHOULD CONTACT A COMMITTEE MEMBER PRIOR TO THE MEETING. ALL OTHER PUBLIC INPUT WILL BE HEARD UNDER PUBLIC COMMENT NEAR THE END OF THE COMMITTEE MEETING.

NOTE: THE ORDER IN WHICH AGENDA ITEMS ARE CONSIDERED MAY BE MOVED FORWARD OR DELAYED BY AT LEAST 2/3 VOTE OF THE COMMITTEE MEMBERS PRESENT.

THE PEORIA CITY/COUNTY LANDFILL COMMITTEE MEETS IN REGULAR BUSINESS SESSIONS THE THIRD WEDNESDAY OF THE MONTH (JANUARY THROUGH NOVEMBER) AT 8:30 A.M. AT LESTER D. BERGSTEN OPERATIONS & MAINTENANCE FACILITY CONFERENCE ROOM, 3505 N. DRIES LANE, PEORIA, ILLINOIS. (309) 494-8841.

DURING THE MONTH OF DECEMBER, PEORIA CITY/COUNTY LANDFILL COMMITTEE WILL NOT MEET UNLESS A SPECIAL MEETING IS CALLED. NOTICES OF ANY SPECIAL MEETING ARE POSTED AT LEAST 48 HOURS PRIOR.

**PEORIA CITY/COUNTY LANDFILL COMMITTEE MEETING
MAY 19, 2010
DRIES LANE FACILITY CONFERENCE ROOM
8:30 A.M.**

ATTENDANCE

ANNOUNCEMENTS, ETC.

MINUTES

AGENDA ITEMS

ITEM NO. 1 REPORT from FOTH INFRASTRUCTURE & ENVIRONMENT, LLC

- A. Special Waste Approvals as needed
- B. Permit approvals as needed

ITEM NO. 2 REPORT from WASTE MANAGEMENT, INC.

- A. Monthly Activity Report
- B. Permit approvals as needed

ITEM NO. 3 REPORT from PEORIA DISPOSAL CO.

- A. Landfill No. 3 Update
- B. Approval of Stand-alone Design for Landfill No. 3

ITEM NO. 4 REPORT on RESOURCE TECHNOLOGY CORPORATION

ITEM NO. 5 APPROVAL of SEYFARTH SHAW LLP INVOICES for \$2,581.20

ITEM NO. 6 APPROVAL of SPECIAL "NO TARP" FEE POLICY

ITEM NO.7 REVIEW of EXECUTIVE SESSION MEETING MINUTES

UNFINISHED BUSINESS

NEW BUSINESS

PUBLIC COMMENT

NEXT MEETING

ADJOURNMENT

EXECUTIVE SESSION

: OFFICIAL PROCEEDINGS :

: FOR THE CITY OF PEORIA, ILLINOIS :

Peoria, Illinois, April 21, 2010, a Peoria City/County Landfill Committee Meeting was held this date at 8:33A.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, Dan Irving, Steve Van Winkle, Merle Widmer - 6. Absent: Ryan Spain - 1.

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

Other interested parties: Emily Ambroso, George Armstrong, Jeanette Bergsten, Joyce Blumenshine, Chris Coulter, Rick & Tracy Fox, Joyce Harant, Steve Harenberg, Steve Matheny, Brian Meginnes, Mike Wiersema, Jerry Wyatt

ANNOUNCEMENTS, ETC.

The Committee is due for its annual site visit in either June or July 2010. Majority indicated they would be able to attend the on-site meeting in July.

Mr. Barber asked that any congregating before or after the Landfill meetings occur outside (weather permitting) or down the hall just past the Conference Room door to minimize noise and disruption for the front office staff answering phones.

MINUTES

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on March 17, 2010; seconded by Mr. Harding.

Approved by viva voce vote.

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

Ms. Ambroso stated there were no new Special Waste profiles and, therefore, no action required but three profiles were administratively approved: IAWC [Sandblasting waste]; Prairie Fire Equipment [Unused/Off-Spec Product (solid): Fire Extinguisher ABC; Multi-purpose dry chemical]; and BNSF Railway [Plastic contaminated debris].

A fourth application - Behr Peoria [Contaminated soil] – was not approved but included in the packet for reference. Select samples from the waste stream exhibited unacceptable PCB levels. Waste Management and the generator withdrew the application.

With regard to the Behr waste stream, Mr. Matheny explained Waste Management is working with the USEPA Region V Office to determine whether or not there's a way to delineate some of this waste (to segregate the portions that may be acceptable at a Subtitle D facility) and to develop a sampling plan. This particular waste stream is significantly large, approximately 2,000 tons, so if it is deemed hazardous waste, the associated costs would be dramatically higher for the generator by four- or five-fold, plus transportation costs. This generator is an invested and conscientious local business cleaning up old environmental issues on their property (which has been greatly enhanced since their acquisition) in the most economical way feasible which is the driving force behind this issue. Mr. Coulter added this particular generator is probably trying to work out a solution with Waste Management after being given a price quote by PDC.

The sampling plan Waste Management and USEPA are developing would be subject to Foth's approval, and would hopefully be acceptable to the Peoria City/County Landfill Committee. The suggestion was made to sample each load, but others felt Foth's assessment was appropriate. Ms. Ambroso explained Foth's acceptance of such a plan would depend on the details included and would need to be comprehensive in order to improve Foth's confidence level in the plan. Mr. Matheny will present the revised sampling plan to the Committee at next month's meeting.

Mr. Van Winkle moved to approve Foth's Special Waste report; seconded by Mr. Harding.

Approved by viva voce vote.

B. Permit approvals as needed

Ms. Ambroso requested Mr. Barber's signature on two items due May 1st – Annual Compliance Certification for the Clean Air Act Permit covering the entire site. While there are a number of non-compliance issues to be included in this report [due to the ongoing RTC issues], Foth will also be reporting to IEPA it's not anticipated these will be issues in the upcoming reporting year due to the recently-installed flare. To date, the flare has shown vast improvements within 2010 resulting in Landfill No. 1 being almost in full compliance with the exception of a couple minor issues currently being addressed. Based on this current data, Landfill No. 1 is expected to be in full compliance within the year.

The other item is the Annual Post-Closure Care Cost Estimate Update. No significant changes made in this year's estimate.

Mr. Akers moved to approve securing Mr. Barber's signatures as outlined; seconded by Mr. Harding.

Approved by viva voce vote.

Ms. Ambroso reported Foth is currently obtaining quotes for underground gas system repair costs. Above-ground repairs have been completed. Foth continues to monitor the dam and it is stable. They are working on the design and permitting process at this time.

Mr. Harding moved to approve the continued repairs and update on the dam;; seconded by Mr. Akers.

Approved by viva voce vote.

ITEM NO. 2 REPORT from WASTE MANAGEMENT, INC.

Mr. Bergsten thanked Waste Management staff for the thorough and informative tour they gave him and Mr. Irving last week. They observed the closing of the face of Landfill No. 2 as well as the footprint and associated activity regarding Landfill No. 3

A. Monthly Activity Reports

Mr. Matheny presented the Monthly Activity Reports for March 2010. Receipts are still down from this time last year but are beginning to level off and even show a slight increase. Report shows no yardwaste was received in late 2009 but this was due to a snowstorm late in the year. No discussion.

B. Permit approvals as needed

Waste Management is also preparing their Annual Post-Closure Care Cost Estimate Update on Landfill No. 2 for IEPA, contingent upon Foth's review and approval, which will require Mr. Barber's signature. This is due in May.

While none are anticipated at this time, Waste Management respectfully requests the Committee's approval for Waste Management to seek administrative approval for time-sensitive permit applications if/as needed.

Mr. Wiersema reported IEPA conducted an inspection during muddy conditions and they received a warning for papers stuck in the mud in the active face from the compactor's tracks. The inspector understood the violation was a result of the muddy conditions so only issued a warning, not a fine.

Mr. Widmer moved to approve Waste Management's report and securing Mr. Barber's signature as outlined, including allowing administrative approval of time-sensitive permits as needed; seconded by Mr. Irving.

Approved by viva voce vote.

ITEM NO. 3 REPORT from PEORIA DISPOSAL CO.

A. Landfill No. 3 Update

Mr. Coulter reported the boring work is done but the site investigation is not.

Mr. Armstrong distributed handouts [footprint map and cross-section of geology] and gave a summary of the geologic findings at the site. The primary concern has been locating the coal seam (strip mines). In order to do so, they've utilized historical mine maps from Illinois Department of Mines & Minerals and consulted with IDNR [Illinois Department of Natural Resources]. They drilled 20 borings – 18 of which revealed coal; the other 2 were voids – and are currently installing wells which should be completed by the end of April 2010. He explained the geophysical survey and how the geophones work, resulting in a zero chance of a false-positive. Field work is completed and it will take another month for the geophysicist to assess the data. Once the data is interpreted, additional borings will be done to confirm or disprove probable mine voids.

He also explained how the sonar survey was conducted which was implemented by Carnegie Mellon group out of Pittsburgh.

Overall, the majority of the site looks good but there are some underground mines in the eastern portion of the site requiring additional investigation. The solutions are to pursue a detailed shale analysis or grouting (to fill voids), both of which are expensive. Another alternative is to avoid this area which has been incorporated by moving the preliminary footprint westward 500 feet. As for moving it more northward, Mr. Armstrong explained the shape of the footprint has already been adjusted to accommodate these variables. The current footprint is approximately 250 feet from the closest neighbor's property line.

Mr. Coulter added that the original capacity was estimated at 12 million tons. With the current adjusted design, it's approximately 10 million tons or slightly more. The final design will be contingent on the mine voids.

PDC and Shaw Environmental representatives met with the Rock Island Corps of Engineers on April 6th to discuss possible wetland mitigation scenarios regarding the Landfill No. 3 project. For every one (1) acre of wetlands that is disturbed, an applicant must develop one-and-a-half (1.5) acres to replace it. Discussions with Mr. Betker of the U.S. Army Corps of Engineers will be ongoing throughout the project. They offered to do an on-site visit which PDC will likely pursue. They also discussed opportunities involving the Kickapoo Creek watershed. PDC seems to be on the right track.

Mr. Coulter also reported PDC met with Mr. Sloan and Ms. Ambroso on April 9th to discuss Landfill No. 1 improvements (cap restorations) to be completed by the end of 2010. Foth plans to contact the IEPA to determine if any permits are necessary and will follow up with a draft Scope of Work for PDC as well as an on-site visit. Their mutual goal is to complete the objectives by July 2010.

Regarding the Stockpile Agreement, it seems Waste Management currently has the perfect balance (1:1 ratio) so their stockpiling needs are dwindling, rendering this matter less urgent than originally thought. The next cell construction won't occur until 2011. The site is scheduled to be flown today; the flyover data will be presented at next month's meeting. Currently, there's no need to modify the existing Agreement but Mr. Meginnis suggested if the footprint moves to the north it may need to be amended to some degree.

Additionally, PDC offered Waste Management \$2.00/yard for any soil they haul to Landfill No.1 for PDC's use rather than stockpiling it, but this may not be feasible due to the timing of their respective construction needs.

B. Landfill siting design approval on 300-acre expansion property

Originally PDC presented a piggyback design (over Landfill No. 2, contingent upon Waste Management's approval) as well as a stand-alone design for Landfill No. 3. Waste Management's legal counsel isn't comfortable with the piggyback design concept so it is being omitted. As such, PDC requests the Committee's approval to move forward with the stand-alone design only.

Mr. Erni explained legal's concerns pertained to potential environmental liability and resulting limitations if WMI should pursue renewable energy options in the future. Waste Management will put their denial of the piggyback design in writing for the record.

This item is being deferred to next month's meeting to allow Committee members to review the analytical data before voting on this issue.

Mr. Van Winkle also wanted the record to show that PDC is absorbing approximately \$450,000 for the repair work on Landfill No. 1 that the Committee would have had to handle and they should be commended. Mr. Bergsten added that by addressing these repairs, PDC is also eliminating the possibility of IEPA fining Peoria for non-compliance.

Mr. Van Winkle moved to approve PDC's report; seconded by Mr. Harding.

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 requested a brief Executive Session to update the Committee on the pending litigation.

No royalty monies have been received.

ITEM NO. 5 APPROVAL of SEYFARTH SHAW LLP INVOICES for \$4,140.02

Mr. Van Winkle moved to approve the invoice in the amount of \$4,140.02; seconded by Mr. Irving.

Mr. Widmer commented it's difficult to comprehend why someone earning a lower pay rate [at this firm] doesn't do some of the remedial work and why we never see any of the work.

Roll call vote:

Yeas – Akers, Bergsten, Harding, Irving, Van Winkle

Nays – Widmer

Absent – Spain

Motion passed.

ITEM NO. 6 APPROVAL of REVISIONS to SPECIAL WASTE ACCEPTANCE PROCEDURES regarding DeLISTED “EAFDSR” HAZARDOUS WASTE

Ms. Ambroso explained the memo in today’s packet is the same memo previously submitted to the Committee for consideration. The matter is the same as discussed with the IEPA in a conference call at the previous [March 17th] Committee meeting. The only change to the current Waste Acceptance Procedure is listing EAFDSR dust as prohibited material. From a technical standpoint, Foth supports this change.

Mr. Harding stated no additional action has been taken by the County Board on this matter [since passing their Resolution on December 10, 2009], nor by the City Council, according to Mr. Irving.

Mr. Irving moved to approve; seconded by Mr. Akers.

Approved by viva voce vote.

[Mr. Widmer excused himself and left.]

ITEM NO. 7 DISCUSSION regarding IMPLEMENTATION of SPECIAL “NO TARP” FEE

Mr. Barber explained Mr. Wyatt contacted him about the roadside litter due to loads heading to the landfill which aren’t probably secured and covered by a tarp. He also mentioned Waste Management had a similar problem near their Whiteside Landfill and implemented a \$15 penalty fee that proved to be effective. Mr. Barber asked if the Committee would be interested in entertaining this concept for the Peoria City/County Landfill. If so, he will do further research and prepare a proposal for their consideration at the May meeting. Mr. Van Winkle said it’s important all angles and options are considered in the forthcoming proposal such as State law, Peoria County laws, established littering fines, etc.

Mr. Wyatt explained his farm is at the end of Cottonwood Road and oftentimes finds barrels, mattresses, etc., along the roadway. He contacted the State Police who confirmed the Illinois law states loads must be tarped and secured.

Not only is the litter an eyesore, Mr. Wyatt said it poses safety issues as well. Just the other day he witnessed a County Police officer pulling over and getting out of his car to remove a mattress from the road. He suggested the money realized from imposing a fine should be used to pay laborers to clean up the litter.

Waste Management staff agreed roadside litter is a problem. On Saturdays alone they have 125 to 150 trucks come through. It was also noted that Mr. Wyatt’s property is after most of these haulers and residents have driven a distance to get to the Landfill, so the problem is widespread, not just on Cottonwood Road. Mr. Matheny said he knows of a hauler who was ticketed for not having a tarp over his load because items were falling out along I74. Not only was he ticketed, but he had to re-trace his route and clean up the debris he’d left behind.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

TRACY FOX – Rural Peoria County

She thanked the Committee for today's vote on the EAFDSR and listening to the public's concerns. She commended PDC for their detailed site presentation thereby keeping all parties well informed and educated. Furthermore, she encourages the Committee to work with PDC to see if there are solutions to take wetland mitigation off the site and utilize the Kickapoo Creek bottoms. Restoration of a larger flood plain for public recreation as well as restoration of wildlife habitat is a better and more valuable use of public land. She also thanked Foth for their full disclosure regarding Behr's waste.

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, May 19, 2010**, at 8:30A.M.

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. Irving.

Approved by viva voce vote.

The regular Landfill Committee meeting adjourned at 9:29A.M.

Lester D. Bergsten
Chairman

/pp



REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members

From: Emily Ambroso, Environmental Engineer, Foth

AGENDA DATE REQUESTED: May 19, 2010

ACTION REQUESTED: Special Waste Permit Approvals

BACKGROUND: Memorandum attached. No new profiles for consideration. No action is required.

Memorandum includes one profile granted administrative approval and one profile that was a pre-approved renewal (FYI – no action required).

FINANCIAL IMPACT: N/A



MEMORANDUM

TO: Joint City of Peoria - County of Peoria
Solid Waste Disposal Facility Board

DATE: May 7, 2010

FROM: Emily L. Ambroso, P.E.

NUMBER: 010P001.00

SUBJECT: Special Waste Permits

Waste Management has presented the following waste streams and requested Board approval.

Administrative Approval (No Action is Necessary):

1.

Midwest Generation 13082 East Manito Road Pekin, IL 61554	Hydraulic Oil Contaminated Soil and/or Cleanup Debris
<u>Application</u> Dated: 11/23/09 Received: 4/26/10	Soil and/or cleanup debris (tarps, absorbents, pads, PPE, rags, etc.) contaminated with hydraulic oil due to a line break, product spill or tank leak.
Source: Tazewell Type: Non-Special Profile # 109483IL	<u>Expected</u> Quantity = 10 CY Frequency = 1-2x/Year
Subject to County Fee = yes Last Tested = 4/19/10	

Comments: This waste stream is certified by the generator as non-special based on generator knowledge and analytical results. It was not considered pre-approved soil due to the potentially large proportion of cleanup debris in the waste stream. We have no technical objections to this waste stream. Administrative approval was granted by Mr. Barber on April 26, 2010. No further action is required.

Pre-approved Renewal (No Action is Necessary):

1.

Evonik/Goldschmidt Chemical 8300 West Route 24 Mapleton, IL 61547	Air Dryer Dessicant and Debris
<u>Application</u> Dated: 5/7/09 Received:	Dessicant from instrument air dryers for the plant
Source: Peoria Type: Special Profile # BR4005	<u>Expected</u> Quantity = 60 drums Frequency = Annually
Subject to County Fee = yes Last Tested = 5/8/09	

Comments: This waste stream is considered a special waste based on generator certification and analytical results. No waste was received in 2009 under this profile number. We have no technical objections to this waste stream. No action is required.

Notes:

- Committee approval does not relieve the Generator and Landfill Operator from complying with all applicable laws and regulations

Hydraulic Oil Contaminated Soil and/or Cleanup Debris Express Profile



Requested Disposal Facility Peoria City - County #2 Landfill Profile Number 1094831L

☐ Renewal for Profile Number _____ Waste Approval Expiration Date _____

A. Waste Generator Facility Information (must reflect location of waste generation/origin)

1. Generator Name: Midwest Generation
 2. Site Address: 13082 East Manito Road
 3. City/ZIP: Pekin, 61554
 4. State: Illinois
 5. County: Tazewell
 6. Contact Name/Title: Joseph A. Heredia
 7. Email Address: jheredia@mwgen.com
 8. Phone: 309.477.5289 9. FAX: 309.477.5268
 10. NAICS Code: 22112
 11. Generator USEPA ID #: ILD000665471
 12. State ID# (if applicable): 1798010002

B. Customer Information ☐ same as above

P. O. Number: _____

1. Customer Name: Midwest Generation
 2. Billing Address: 13082 East Manito Road
 3. City, State and ZIP: Pekin, Illinois, 61554
 4. Contact Name: Joseph A. Heredia
 5. Contact Email: jheredia@mwgen.com
 6. Phone: 309.477.5289 FAX: 309.477.5268
 7. Transporter Name: Waste Management
 8. Transporter ID # (if appl.): _____
 9. Transporter Address: 3552 East Washington Street
 10. City, State and ZIP: East Peoria, Illinois, 61611

C. Waste Stream Information

1. DESCRIPTION

a. Common Waste Name: Hydraulic Oil Contaminated Soil and/or Cleanup Debris

State Waste Code(s): _____

b. Describe Process Generating Waste or Source of Contamination:

Soil and/or Cleanup Debris (Tarps, Absorbents, Pads, PPE, Rags, Etc.) Contaminated with Hydraulic Oil due to a line break, product spill or tank leak.

c. Typical Color(s): grayish brown

d. Strong Odor? ☐ Yes ☒ No Describe: _____

e. Physical State at 70°F: ☒ Solid ☐ Liquid ☐ Powder ☐ Semi-Solid or Sludge ☐ Other: _____

f. Layers? ☐ Single layer ☐ Multi-layer ☒ NA

g. Water Reactive? ☐ Yes ☒ No If Yes, Describe: _____

h. Free Liquid Range (%): _____ to _____ ☒ NA(solid)

i. pH Range: ☐ <2 ☐ 2.1-12.4 ☐ ≥12.5 ☒ NA(solid) ☐ Actual: _____

j. Liquid Flash Point: ☐ < 140°F ☐ ≥ 140°F ☒ NA(solid) ☐ Actual: _____

k. Flammable Solid: ☐ Yes ☒ No

l. Physical Constituents: List all constituents of waste stream - (e.g. Soil 0-80%, Wood 0-20%): ☐ (See Attached)

Constituents (Total Composition Must be > 100%)	Lower Range	Unit of Measure	Upper Range	Unit of Measure
1. <u>Soil Contaminated with Hydraulic Oil</u>	0	%	100	%
2. <u>Debris Contaminated with Hydraulic Oil</u>	0	%	100	%
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____

2. ESTIMATED QUANTITY OF WASTE AND SHIPPING INFORMATION

a. ☐ One Time Event ☐ Base ☐ Repeat Event

b. Estimated Annual Quantity: 10 ☐ Tons ☒ Cubic Yards ☐ Drums ☐ Gallons ☐ Other (specify): _____

c. Shipping Frequency: 1-2 Units per ☐ Month ☐ Quarter ☒ Year ☐ One Time ☐ Other

d. Is this a U.S. Department of Transportation (USDOT) Hazardous Material? (If yes, answer e.) ☐ Yes ☒ No

e. USDOT Shipping Description (if applicable): _____

3. SAFETY REQUIREMENTS (Handling, PPE, etc.): Normal Landfill Personal Protective Equipment



Hydraulic Oil Contaminated Soil and/or Cleanup Debris Express Profile

109483IL

D. Regulatory Status (Please check appropriate responses)

1. Is this a USEPA (40 CFR Part 261)/State hazardous waste? If yes, contact your sales representative. ☐ Yes ☒ No
2. Is this waste included in one or more of categories below (Check all that apply)? If yes, attach supporting documentation. ☐ Yes ☒ No
 - ☐ Delisted Hazardous Waste ☐ Excluded Wastes Under 40 CFR 261.4
 - ☐ Treated Hazardous Waste Debris ☐ Treated Characteristic Hazardous Waste
3. Is the waste from a Federal (40 CFR 300, Appendix B) or state mandated clean-up? If yes, see instructions. ☐ Yes ☒ No
4. Does the waste represented by this waste profile sheet contain radioactive material? ☐ Yes ☒ No
 - a. If yes, is disposal regulated by the Nuclear Regulatory Commission? ☐ Yes ☐ No
 - b. If yes, is disposal regulated by a State Agency for radioactive waste/NORM? ☐ Yes ☐ No
5. Does the waste represented by this waste profile sheet contain concentrations of regulated Polychlorinated Biphenyls (PCBs)? ☐ Yes ☒ No
 - a. If yes, is disposal regulated under TSCA? ☐ Yes ☐ No
6. Does the waste contain untreated, regulated, medical or infectious waste? ☐ Yes ☒ No
7. Does the waste contain asbestos? ☐ Yes ☒ No If Yes, ☐ Friable ☐ Non Friable
8. Is this profile for remediation waste from a facility that is a major source of Hazardous Air Pollutants (Site Remediation NESHAP, 40 CFR 63 subpart GGGGG)? ☐ Yes ☒ No

If yes, does the waste contain <500 ppmw VOHAPs at the point of determination? ☐ Yes ☐ No

E. Generator Certification (Please read and certify by signature below)

By signing this Generator's Waste Profile Sheet, I hereby certify that all:

1. Information submitted in this profile and all attached documents contain true and accurate descriptions of the waste material;
2. Relevant information within the possession of the Generator regarding known or suspected hazards pertaining to this waste has been disclosed to WM/the Contractor;
3. Analytical data attached pertaining to the profiled waste was derived from testing a representative sample in accordance with 40 CFR 261.20(c) or equivalent rules; and
4. Changes that occur in the character of the waste (i.e. changes in the process or new analytical) will be identified by the Generator and disclosed to WM (and the Contractor if applicable) prior to providing the waste to WM (and the Contractor if applicable).
5. Check all that apply:
 - ☐ Attached analytical pertains to the waste. Identify laboratory & sample ID #'s and parameters tested: _____ # Pages: _____
 - ☐ Only the analyses identified on the attachment pertain to the waste (identify by laboratory & sample ID #'s and parameters tested). Attachment #: _____
 - ☐ Additional information necessary to characterize the profiled waste has been attached (other than analytical). Indicate the number of attached pages: _____
 - ☐ I am an agent signing on behalf of the Generator, and the delegation of authority to me from the Generator for this signature is available upon request.
 - ☒ By Generator process knowledge, the following waste is not a listed waste and is below all TCLP regulatory limits.

Certification Signature: _____

Title: Environmental Specialist

Company Name: Midwest Generation L.L.C. (Powerton Station)

Name (Print): Joseph A. Heredia

Date: November 23, 2009

FOR WM USE ONLY

Management Method: ☒ Landfill ☐ Bioremediation

Approval Decision:

☐ Approved☐ Not Approved☐ Non-hazardous solidification ☐ Other: _____

Waste Approval Expiration Date: _____

Management Facility Precautions, Special Handling Procedures or Limitation

on approval: Only hydraulic oil contaminated soil and cleanup debris associated with product spill or leak. No other soil contaminants present. No free liquids.

☒ Shall not contain free liquid☐ Shipment must be scheduled into disposal facility☐ Approval Number must accompany each shipment☐ Waste Manifest must accompany load

WM Authorization Name / Title: _____

Date: _____

State Authorization (if Required): _____

Date: _____



**Profile Addendum: State of Illinois
GENERATOR'S NON-SPECIAL WASTE CERTIFICATION**

F. Additional Waste Stream Information

Profile Number: 109483IL

Generators Name: Midwest Generation

Generators SITE Address: 13082 East Manito Road
(The location where the waste is generated)

Waste Name: Hydraulic Oil Contaminated Soil and /or Cleanup Debris

The Illinois Environmental Protection Act allows a Generator to certify that their pollution control waste or industrial process waste, is not an Illinois Special Waste (Section 3.45). By completing the following questionnaire, you may certify that the waste stream represented by the Waste Management Profile referenced above is not an Illinois Special Waste as defined in the Act.

Is the waste referenced above any of the following:

- | | | |
|--|------------------------------|--|
| 1. A Potentially Infectious Medical Waste (PIMW)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. A Hazardous Waste as defined in 40 CFR 261 or in 35 IAC 722.111? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. A Liquid Waste (fails the paint filter test as defined in 35 IAC 811.107)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. A regulated PCB waste as defined in 40 CFR 761? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. A NESHAP regulated asbestos waste other than waste from renovation or demolition? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. A waste resulting from the shredding recyclable metals (auto fluff)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. A delisted Hazardous Waste or Treated Characteristic Hazardous Waste, subject to LDR requirements under 35 IAC 728.107? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

In determining that this waste is not a liquid, I have used knowledge of the processes generating the waste and the attached supporting documentation: ☐ MSDS ☒ Analytical ☒ Other (explain below):
General Knowledge

In determining that this waste is not RCRA hazardous, I have used knowledge of the processes generating the waste and the attached supporting documentation: ☐ MSDS ☒ Analytical ☐ Other (explain below):

8. Is the waste represented by this profile sheet subject to the Illinois Solid Waste Management Act fee? ☒ Yes ☐ No

By signing below, I certify my waste is NOT an Illinois Special Waste, and that I understand that a person who knowingly and falsely certifies that a waste is not special waste is subject to the penalties set forth in subdivision (6) of subsection (h) of section 44 of the Illinois Environmental Protection Act.

Name: (Print) Joseph A. Heredia

Title: Environmental Specialist

Signature: Joseph A. Heredia

Date: November 23, 2009



NON-HAZARDOUS WAM APPROVAL FORM

Requested Disposal Facility Peoria City - County #2 Landfill

Profile Number 109483IL

Waste Approval Expiration Date 04/23/2011

APPROVAL DETAILS

Approval Decision: ☒ Approved ☐ Not Approved

Profile Renewal: ☐ Yes ☒ No

Management Method: Direct Landfill

Management Facility Precautions, Special Handling Procedures or Limitation on approval:

Additional Conditions:

25 Codisposal

Approved as non-special waste. Not an Illinois Special Waste per generator's certification. No manifest or Illinois Special Waste Hauling License required.

WM Authorization Name: Joe Kash

Title: Waste Approval Manager

WM Authorization Signature: [Signature]

Date: 04/23/2010

Agency Authorization (if Required): _____

Date: _____



Memorandum

April 26, 2010

TO: David Barber, City of Peoria

CC:

FR: Emily L. Ambroso, P.E.

RE: Peoria City/County Landfill #2
Special Waste - Request for Administrative Approval
Profile No. 109483IL – Midwest Generation

Waste Management has presented the attached profile and requested administrative approval to allow the generator to dispose of the material.

The profile covers hydraulic oil contaminated soil and/or cleanup debris. Analytical results were provided. The soil on its own could be deemed pre-approved petroleum-contaminated soil, but the waste stream may contain a significant amount of cleanup debris, so approval is requested. We have no technical objections to the waste stream. Action is required.

This memo and your subsequent response will serve as the official administrative approval and will be forwarded to the Committee in next month's packet.

Notes:

- Committee approval does not relieve the Generator and Landfill Operator from complying with all applicable laws and regulations

The information contained in this memorandum is considered privileged and confidential and is intended only for the use of recipients and Foth.

7500 North Harker Drive Peoria, IL 61615 (309) 691-5300 Fax: (309) 691-1892

Emily Ambroso/PE/Foth

04/26/2010 03:31 PM

To: Therese Buechel

cc: smatheny@wm.com

bcc:

Subject: Fw: Special Waste - Administrative Approval Request
[109483IL]

Foth has no technical objections to this waste stream. Based on the attached email from David Barber (see below), Profile No. 109483IL is granted administrative approval for receipt at PCC#2. As with all waste streams, Committee/administrative approval does not relieve the Generator and Landfill Operator from complying with all applicable laws and regulations.

Emily Ambroso, P.E.
Environmental Engineer

* Note: The cell phone number below is new. Please update your contacts accordingly.*

Foth Infrastructure & Environment, LLC
7500 N. Harker Drive
Peoria, IL 61615
Phone: (309) 691-5300, FAX: (309) 691-1892
Direct Line: (309) 683-1661
Cell Phone: (309) 258-8883
<http://www.foth.com>

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----- Forwarded by Emily Ambroso/PE/Foth on 04/26/2010 03:27 PM -----



"David Barber"
<DBarber@ci.peoria.il.us>

04/26/2010 03:04 PM

To: <EAmbroso@foth.com>

cc:

Subject: Re: Special Waste - Administrative Approval Request
[109483IL]

Emily:

I have no objections to this waste stream.

David

>>> <EAmbroso@foth.com> 4/26/2010 11:52 AM >>>

David -

Attached is a profile for consideration for administrative approval. Please review & respond.

Thank you.

Emily Ambroso, P.E.
Environmental Engineer

* Note: The cell phone number below is new. Please update your contacts accordingly.*

Foth Infrastructure & Environment, LLC
7500 N. Harker Drive
Peoria, IL 61615
Phone: (309) 691-5300, FAX: (309) 691-1892
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Generator's Nonhazardous Waste Profile Sheet

Requested Disposal Facility Peoria City - County #2 Landfill Profile Number BR4005
☒ Renewal for Profile Number BR4005 Waste Approval Expiration Date 05-01-10 SK

A. Waste Generator Facility Information (must reflect location of waste generation/origin)

1. Generator Name: Evonik / Goldschmidt Chemical 7. Email Address: phillip.fowle@evinik.com
2. Site Address: 8300 West Route 24 8. Phone: 309-634-3395
3. City/ZIP: Mapleton 61547 9. FAX: 309-634-3410
4. State: Illinois 10. NAICS Code: 2843, 2869
5. County: Peoria 11. Generator USEPA ID #: ILD095792859
6. Contact Name/Title: Phillip Fowle 12. State ID# (if applicable): 1438050006

B. Customer Information ☒ same as above

P. O. Number: _____

1. Customer Name: _____ 6. Phone: _____ FAX: _____
2. Billing Address: _____ 7. Transporter Name: Waste Management
3. City, State and ZIP: _____ 8. Transporter ID # (if appl.): _____
4. Contact Name: _____ 9. Transporter Address: _____
5. Contact Email: _____ 10. City, State and ZIP: _____

C. Waste Stream Information

1. DESCRIPTION

a. Common Waste Name: Air Dryer Dessicant and Debris State Waste Code(s): _____

b. Describe Process Generating Waste or Source of Contamination:

Dessicant from Instrument Air Dryers for the Plant.

c. Typical Color(s): Off-White, Grey, Brown, Variegated

d. Strong Odor? ☐ Yes ☒ No Describe: _____

e. Physical State at 70°F: ☒ Solid ☐ Liquid ☐ Powder ☐ Semi-Solid or Sludge ☐ Other: _____

f. Layers? ☐ Single layer ☒ Multi-layer ☐ NA

g. Water Reactive? ☐ Yes ☒ No If Yes, Describe: _____

h. Free Liquid Range (%): _____ to _____ ☒ NA(solid)

i. pH Range: ☐ ≤2 ☒ 2.1-12.4 ☐ ≥12.5 ☐ NA(solid) ☐ Actual: _____

j. Liquid Flash Point: ☐ < 140°F ☐ ≥ 140°F ☒ NA(solid) ☐ Actual: _____

k. Flammable Solid: ☐ Yes ☒ No

l. Physical Constituents: List all constituents of waste stream - (e.g. Soil 0-80%, Wood 0-20%): ☐ (See Attached)

Constituents (Total Composition Must be ≥ 100%)	Concentration %	Constituents (Total Composition Must be ≥ 100%)	Concentration %
1. <u>Silica Substrate</u>	<u>80 - 95 %</u>	4. _____	_____
2. <u>Debris</u>	<u>5 - 20 %</u>	5. _____	_____
3. <u>Moisture, not free</u>	<u>0 - 10 %</u>	6. _____	_____

2. ESTIMATED QUANTITY OF WASTE AND SHIPPING INFORMATION

a. ☐ Event ☒ Base/Ongoing (Check One)

b. Estimated Annual Quantity: 60 ☐ Tons ☐ Cubic Yards ☒ Drums ☐ Gallons ☐ Other (specify): _____

c. Shipping Frequency: 60 Units per ☐ Month ☐ Quarter ☒ Year ☐ One Time ☐ Other

d. Is this a U.S. Department of Transportation (USDOT) Hazardous Material? (If yes, answer e.) ☐ Yes ☒ No

e. USDOT Shipping Description (if applicable): _____

3. SAFETY REQUIREMENTS (Handling, PPE, etc.): _____



Generator's Nonhazardous Waste Profile Sheet

BR4005

D. Regulatory Status (Please check appropriate responses)

1. Is this a USEPA (40 CFR Part 261)/State hazardous waste? If yes, contact your sales representative. ☐ Yes ☒ No
2. Is this waste included in one or more of categories below (Check all that apply)? If yes, attach supporting documentation. ☐ Yes ☒ No
 - ☐ Delisted Hazardous Waste ☐ Excluded Wastes Under 40 CFR 261.4
 - ☐ Treated Hazardous Waste Debris ☐ Treated Characteristic Hazardous Waste
3. Is the waste from a Federal (40 CFR 300, Appendix B) or state mandated clean-up? If yes, see instructions. ☐ Yes ☒ No
4. Does the waste represented by this waste profile sheet contain radioactive material? ☐ Yes ☒ No
 - a. If yes, is disposal regulated by the Nuclear Regulatory Commission? ☐ Yes ☐ No
 - b. If yes, is disposal regulated by a State Agency for radioactive waste/NORM? ☐ Yes ☐ No
5. Does the waste represented by this waste profile sheet contain concentrations of regulated Polychlorinated Biphenyls (PCBs)? ☐ Yes ☒ No
 - a. If yes, is disposal regulated under TSCA? ☐ Yes ☐ No
6. Does the waste contain untreated, regulated, medical or infectious waste? ☐ Yes ☒ No
7. Does the waste contain asbestos? ☐ Yes ☒ No If Yes, ☐ Friable ☐ Non Friable
8. Is this profile for remediation waste from a facility that is a major source of Hazardous Air Pollutants (Site Remediation NESHA, 40 CFR 63 subpart GGGGG)? ☐ Yes ☒ No
If yes, does the waste contain <500 ppmw VOHAPs at the point of determination? ☐ Yes ☐ No

E. Generator Certification (Please read and certify by signature below)

By signing this Generator's Waste Profile Sheet, I hereby certify that all:

1. Information submitted in this profile and all attached documents contain true and accurate descriptions of the waste material;
2. Relevant information within the possession of the Generator regarding known or suspected hazards pertaining to this waste has been disclosed to WM/the Contractor;
3. Analytical data attached pertaining to the profiled waste was derived from testing a representative sample in accordance with 40 CFR 261.20(c) or equivalent rules; and
4. Changes that occur in the character of the waste (i.e. changes in the process or new analytical) will be identified by the Generator and disclosed to WM (and the Contractor if applicable) prior to providing the waste to WM (and the Contractor if applicable).
5. Check all that apply:
 - ☒ Attached analytical pertains to the waste. Identify laboratory & sample ID #'s and parameters tested:
Sample ID Number: 09043882-2, Spent Desiccant # Pages: 3
 - ☐ Only the analyses identified on the attachment pertain to the waste (identify by laboratory & sample ID #'s and parameters tested).
Attachment #: _____
 - ☐ Additional information necessary to characterize the profiled waste has been attached (other than analytical).
Indicate the number of attached pages: _____
 - ☐ I am an agent signing on behalf of the Generator, and the delegation of authority to me from the Generator for this signature is available upon request.
 - ☒ By Generator process knowledge, the following waste is not a listed waste and is below all TCLP regulatory limits.

Certification Signature: [Signature]

Title: EH & S Manager

Company Name: Evinik / Goldschmidt Chemical

Name (Print): Phillip Fowle

Date: May 7, 2009

FOR WM USE ONLY

Management Method: ☒ Landfill ☐ Bioremediation

Approval Decision:

☒ Approved

☐ Not Approved

☐ Non-hazardous solidification ☐ Other: 25 Codisposal

Waste Approval Expiration Date: 05-01-10

Management Facility Precautions, Special Handling Procedures or Limitation

on approval: Approved as special waste.

☐ Shall not contain free liquid

☐ Shipment must be scheduled into disposal facility

☐ Approval Number must accompany each shipment

☒ Waste Manifest must accompany load

WM Authorization Name / Title: Joe Kesh / Joseph Kesh - WAM

Date: 05-14-09

State Authorization (if Required): _____

Date: _____



**Profile Addendum: State of Illinois
PESTICIDE / HERBICIDE DECLARATION LETTER**

F. Additional Waste Stream Information

Dear Customer:

This Declaration letter provides us with information to make a determination on the analytical parameters to be run on your waste stream. The generator may certify that the eight pesticides (D012, D013, D014, D015, D016, D017, D020 and D031) would not reasonably be expected to be present in their waste based on the nature of the generator's business. If, to the best of your knowledge, your waste stream may contain any of these parameters as listed below, please make a notation on this form. If, to the best of your knowledge, your waste stream does not contain these parameters as listed below, please read and sign this form.

By signing this document, Evonik-Goldschmidt Chemical hereby certifies that the
(Generator's Name)

waste stream Air Dryer Dessicant as described on Waste Management
(Waste Name)

Generator's Waste Profile Sheet # BR4005 does not contain the following pesticides and herbicides: Endrin, Lindane, Methoxychlor, Toxaphene, 2, 4-D, 2, 4, 5 -TP (Silvex), Chlordane and Heptachlor (and its Epoxide) unless clearly noted.

Name: (Print) Phillip Fowlie Title: EH&S Manager
Signature:  Date: May 12, 2009

Special Waste Preacceptance Form (Profile Identification Sheets)

Facility Name: Peoria City/Co. #2
 Facility Address: 11501 W. Cottonwood Bl., Brimfield
 Generator Name: Evenik/Goldschmidt Chemical
 Generator Address: 8300 West Route 24
Mapleton, IL 61547
 IL Generator ID No: 143 805 0006
 Generator SIC Code: _____
 This is a: ☐ Pollution Control Waste, ☐ Industrial Process Waste as defined in Section 3 of the Act.

Facility ID No: 1438165003
 Generator Contact Person: Phillip Fawcett
 Generator Mailing Address: _____
 I(f different): _____
 Phone Number: 309-634-3395
 Transporter: _____
 Transporter Phone: _____

(leave blank any constituent for which analysis has not been conducted)

Process Description: Dessicant from Instrument Air Dryers for the Plant
 Generic Name: Air Dryer Dessicant and Debris Ultimate Disposal: 25 Cell's special
Analysis

Physical Characteristics: Off-white, Grey, Brown
 Paint filter test: Pass
 (Indicate pass or fail)
 Waste Phase: Solid
 Percent Acidity/Alkalinity: _____
 Major Constituents: Silica Substrate, Debris
 Pnetrometer Test: N/A
 Percent Solids: 84
 Flash Point °F: 7200
 pH (for aqueous wastes only) 9

		ppm		
	Constituent	Limit	PQL	Result
D004	Arsenic	5.0		<0.02
D005	Barium	100.0		<1
D006	Cadmium	1.0		0.02
D007	Chromium	5.0		<0.005
D008	Lead	5.0		0.022
D009	Mercury	0.2		<0.001
D010	Selenium	1.0		<0.005
D011	Silver	5.0		<0.03
D012	Endrin	0.02		NA percent
D013	Lindane	0.4		
D014	Methoxychlor	10.0		
D015	Toxaphene	0.5		
D016	2, 4-D	10.		
D017	2, 4, 5-TP Silvex	1.0		
D018	Benzene	0.50		<0.025
D019	Carbon Tetrachloride	0.5		<0.025
D020	Chlordane	0.03		NA percent
D021	Chlorobenzene	100.0		<0.025
D022	Chloroform	6.0		<0.025
D023	o-Cresol	200.0		<0.1
D024	m-Cresol	200.0		<0.1
D025	p-Cresol	200.0		<0.1

		ppm		
	Constituent	Limit	PQL	Result
D026	Cresol	200.0		
D027	1, 4-Dichlorobenzene	7.5		<0.025
D028	1, 2-Dichloroethane	0.5		<0.025
D029	1, 1-Dichloroethylene	0.7		<0.025
D030	2, 4-Dinitrotoluene	0.13		<0.1
D031	Heptachlor (& epoxide)	0.008		NA percent
D032	Hexachlorobenzene	0.13		<0.1
D033	Hexachlorobutadiene	0.5		<0.1
D034	Hexachloroethane	3.0		<0.1
D035	Methyl ethyl ketone	200.0		0.065
D036	Nitrobenzene	2.0		<0.1
D037	Pentachlorophenol	100.0		<0.5
D038	Pyridine	5.0		<0.1
D039	Tetrachloroethylene	0.7		<0.025
D040	Trichloroethylene	0.5		<0.025
D041	2, 4, 5-Trichlorophenol	400.0		<0.1
D042	2, 4, 6-Trichlorophenol	2.0		<0.1
D043	Vinyl Chloride	0.2		<0.05
	Reactive Sulfide	500.		2.5
	Reactive Cyanide	250.		<2
	Phenols	1000.		9.9
	EOX	10,000		<50
	PCBs	50.		

7DC # 07043882-2 (05-08-09)

The above analysis has been conducted in accordance with SW-846 Test Methods for Evaluation of Solid Waste. I have reviewed the analysis and the attached certification form (if applicable) and determined that the waste will be: ☒ accepted _____ rejected in accordance with the terms of our facility operating permit. In addition, I agree to require the generator to recertify annually that this waste has not changed since the preacceptance analysis was conducted.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is true, accurate and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

Signature: [Signature] Date: 05-14-09
 Printed Name: Joseph Kosh Title: WAM



REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members

From: Emily Ambroso, P.E., Environmental Engineer, Foth

AGENDA DATE REQUESTED: May 19, 2010

ACTION REQUESTED: Approval for David Barber's Signature on Permit Application:

- New Source Performance Standards (NSPS) Construction Permit Revision – PCC1 Flare
- Title V – Clean Air Act Permit Program (CAAPP) Permit Revision – to include PCC1 Flare

BACKGROUND: The initial construction permit application for the Landfill No. 1 flare was submitted in 2007 and renewed annually until the flare was able to be installed in 2009. The original application allowed for flexibility in installation of a larger flare than was deemed necessary by calculations in 2009 in preparation for the flare construction.

The flare needs to be incorporated into the Title V permit but the Agency requires that the construction permit be updated first to include the actual estimated emissions from the flare that was installed.

Mr. Barber's signature is requested on both of these applications. The NSPS Construction Permit Revision application will be submitted in May 2010 and the CAAPP Permit Revision application will be submitted upon receipt of an approved NSPS Construction Permit for the flare.

FINANCIAL IMPACT: There is a \$500 processing fee associated with each of these applications.



REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members
From: Steve Matheny Landfill Sales Waste Management

AGENDA DATE REQUESTED: May 19, 2010

ACTION REQUESTED: RECEIVE AND FILE MONTHLY REPORTS

BACKGROUND: Attached are the monthly summary report, profiled waste log and airspace chart thru April 2010.

Permit Requests –

1. Permit Request – Subject to approval by Foth, requesting Mr. Barber's signature on a permit application for LF#1 that provides the IEPA with updated magnesium and chromium statistics and PQL/MDL values for any organic parameters that don't have already established values. This information is required to be submitted on or before July 15, 2010.
2. Waste Management does not anticipate any permit requests but respectfully asks the committee to allow administrative approval of permits for signature by Dave Barber after review by Foth if permits are required prior to the June meeting.

FINANCIAL IMPACT: N/A

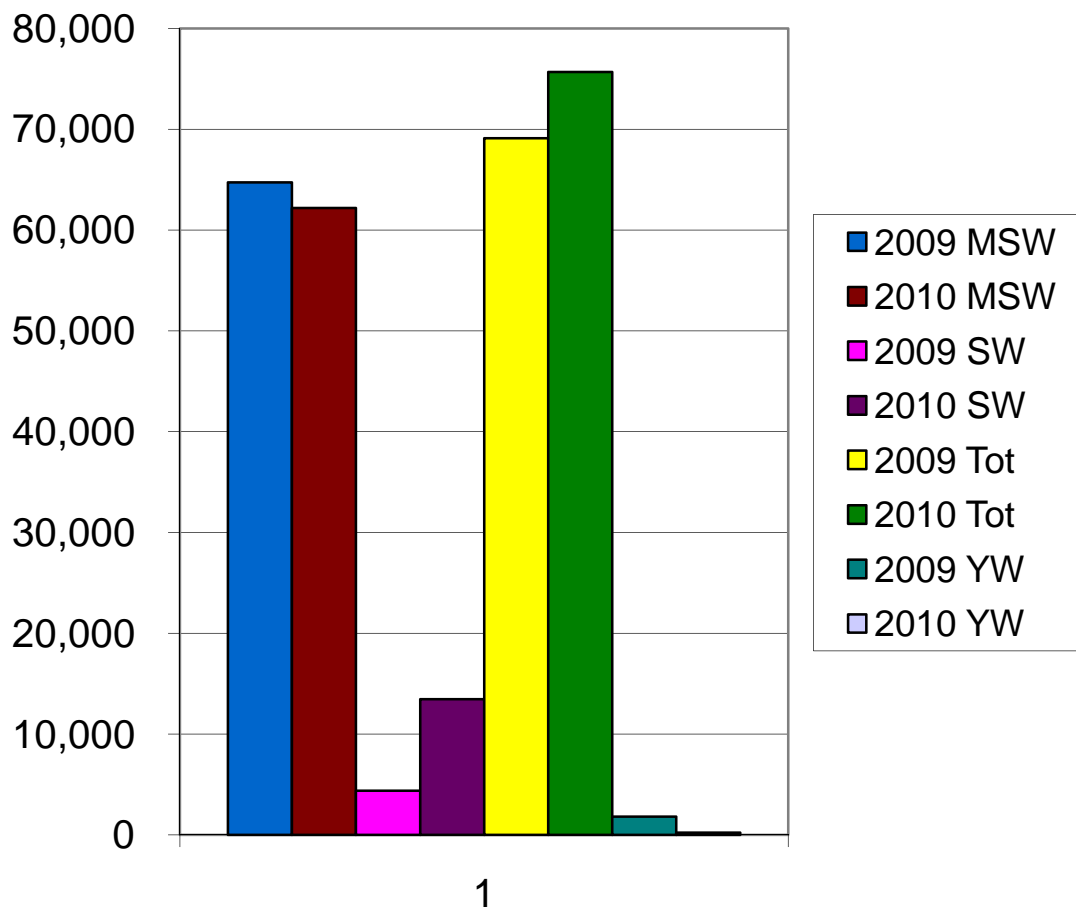
April 2010

* calculated annual average that assures life from the 2009 airspace analysis

		Year	2010 YTD	
		Month	April	
Profile Name	PMT Name	Generator	Tons	Tons
SM3933	Sp. Waste	AES MEDINA VALLEY	0.02	0.02
105835IL	ACM	ANNABRLL STETZLER		6.89
WM010289	Sp. Waste	ARTCO	32.55	197.69
106101IL	ACM	ATT - EAST PEORIA	0.49	0.49
108506IL	ACM	BARTONVILLE, VILLAGE OF		73.51
SMF1831	Sp. Waste	BUCKEYE TERMINALS LLC		1.77
SM5084	Sp. Waste	CANTON, CITY OF	221.14	703.82
MS186	Sp. Waste	CATERPILLAR INC., OF PONTIAC		14.86
MS192	Sp. Waste	CROMPTON CORP	20.61	149.02
BR4034	Sp. Waste	DEGUSSA	0.01	0.01
MS187	Sp. Waste	DEGUSSA	12.04	53.68
IM284629	Sp. Waste	EAST PEORIA, CITY OF	174.26	475.85
BR 4040	Sp. Waste	EVONIK GOLDSCHMIDT	53.14	3,030.38
102535IL	Sp. Waste	FREEDOM OIL		1.24
TZWMI452972	Sp. Waste	GOLDSCHMIDT	1.81	12.22
010151	Sp. Waste	GOLDSCHMIDT	24.89	74.11
010153	Sp. Waste	GOLDSCHMIDT	30.63	108.12
010154	Sp. Waste	GOLDSCHMIDT	10.95	80.64
010155	Sp. Waste	GOLDSCHMIDT	3.43	4.51
010156	Sp. Waste	GOLDSCHMIDT	33.04	248.90
104876IL	Sp. Waste	HERR PETROLEUM	0.97	0.97
104269IL	Sp. Waste	IDOT DIST 4 - KNOXVILLE AVE		35.91
108487IL	Sp. Waste	IL AMERICAN WATER		10.28
105894IL	ACM	KEWANEE HOSPITAL		1.49
MS117	Sp. Waste	KOMATSU AMERICA	21.92	100.85
TZ49080	Sp. Waste	LONZA		9.68
FO04799	Sp. Waste	MAC'S CONVIENCE EP		9.64
ASB001487	ACM	MIDWEST GENERATION		0.53
ASB25605	Sp. Waste	M & O Environmental Comp.	2.7	21.12
ASB25606	Sp. Waste	M & O Environmental Comp.	0.1	7.31
ASB25607	Sp. Waste	M & O Environmental Comp.	13.89	43.89
ASB25608	Sp. Waste	M & O Environmental Comp.	0.36	1.80
104545IL	ACM	NATE BEADLE		7.19
104543IL	ACM	NOAH CONSTRUCTION		3.92
103672IL	ACM	OSF ST FRANCIS		5.34
108357IL	ACM	OXIER, EMERSON	1.53	1.53
TZW452675	Sp. Waste	PARSONS	2.41	4.20
BR4073	Sp. Waste	PEKIN HOSPITAL		20.40
ASB007156	ACM	PEORIA PUBLIC SCHOOLS	1.34	1.34
105854IL	Sp. Waste	PKM CORPORATION	7943.01	7,943.01
108364IL	ACM	ZEHR, WARREN	5.88	5.88
108769IL	ACM	ZOSS, STANLEY	3.19	3.19
Sum			8,616.31	13,477.20

MSW		Special Waste		Total Landfill		Yardwaste Totals	
2009 MSW	2010 MSW	2009 SW	2010 SW	2009 Tot	2010 Tot	2009 YW	2010 YW
64,707	62178	4379	13477	69,087	75656	1829	224

Year to Year Comparison April 2010





REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members

From: Steven Giebelhausen Civil Assistant State's Attorney

AGENDA DATE REQUESTED: May 19, 2010

ACTION REQUESTED: Approval of invoice payment for outside legal counsel.

BACKGROUND: Outside legal counsel, Phil Comella, has been retained to represent Peoria City/County in a portion of the ongoing litigation with RTC et al. Mr. Comella has submitted an invoice for legal services rendered during April 2010 in the amount of \$2,581.20.

FINANCIAL IMPACT: \$2,581.20

Writer's direct phone
(312) 460-5501
Writer's e-mail
pcomella@seyfarth.com

April 26, 2010

William W.P. Atkins
Chief Civil Assistant State's Attorney
Peoria County Courthouse
324 Main Street
Peoria, IL 61602

Re: **Scattered Corporation v. City of Peoria**

Dear Bill:

Enclosed is the bill for legal services rendered through April 11, 2010 in regard to the above matter. We thank you for the opportunity of working on this matter.

If you have any questions on the bill, please call me.

Very truly yours,
SEYFARTH SHAW LLP



Philip L. Comella

PLC:sld
Enclosure
cc: Randall Ray (w/ encl.)
David Barber.(w/ encl.)

April 26, 2010

City and County of Peoria
Peoria City/County Landfill Committee
419 Fulton Street
Suite 307
Peoria, IL 61602
William Atkins Chief Civil Assisistant State's Attorney

Invoice No. 1716567
0870 57107 / 57107-000003
Scattered Corporation v. City of Peoria

INVOICE SUMMARY

Total Fees	\$2,581.00
Total Disbursements	<u>0.20</u>
Total Fees and Disbursements This Statement	<u>\$2,581.20</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE SENT BY CHECK TO:
SEYFARTH SHAW LLP
131 S. DEARBORN STREET, SUITE 2400
CHICAGO, IL 60603-5577

PAYMENT MAY BE MADE BY WIRE TO:
Bank of America
ACCOUNT NAME: Seyfarth Shaw LLP Operating Account
ACCOUNT NUMBER: 5201743357
ABA - WIRE PAYMENT NUMBER: 026-009-593
ABA - ACH PAYMENT NUMBER: 081-904-808
SWIFT CODE: BOFAUS3N

April 26, 2010

Invoice No. 1716567
0870 57107 / 57107-000003
W6S

City and County of Peoria
Peoria City/County Landfill Committee
419 Fulton Street
Suite 307
Peoria, IL 61602
William Atkins Chief Civil Assistant State's Attorney

For legal services rendered through April 11, 2010

Scattered Corporation v. City of Peoria

<u>Date</u>	<u>Attorney</u>	<u>Hours</u>	<u>Description</u>
02/09/10	P. Comella	0.20	Exchange emails with P. Sloan regarding scheduling call; review his proposal response to RTC equipment removal list.
03/09/10	P. Comella	1.20	Prepare draft agreed order setting forth terms and conditions of equipment removal; forward to S. Giebelhausen and R. Ray for comment.
03/10/10	P. Comella	0.40	Make final changes to Agreed Order; forward to S. Giebelhausen; obtain approval; forward to L. Bernstein for comment.
03/15/10	P. Comella	0.50	Prepare for court hearing; email to L. Bernstein regarding status of counter-offer.
03/16/10	P. Comella	1.00	Prepare for and attend court hearing before Judge Hall on Scattered's motion to remove equipment; negotiate and enter agreed order; forward to S. Giebelhausen.
03/17/10	P. Comella	0.10	Exchange emails with L. Bernstein regarding scheduling Peoria site visit.

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

City and County of Peoria

<u>Date</u>	<u>Attorney</u>	<u>Hours</u>	<u>Description</u>
03/19/10	P. Comella	0.20	Exchange emails with L. Bernstein regarding scheduling last inspection to prepare removal estimate; email to S. Giebelhausen regarding same.
03/22/10	P. Comella	0.20	Respond to P. Sloan emails requesting details on RTC site inspection; confirm arrangements for Peoria site visit by RTC contractors.
03/24/10	P. Comella	0.40	Review L. Bernstein email request; additional access to Peoria Landfill; email request to P. Sloan and S. Giebelhausen; follow up with L. Bernstein and J. Connolly regarding same; exchange emails with P. Sloan and L. Bernstein.
03/25/10	P. Comella	0.20	Confirm arrangements for RTC contractor visit to site; exchange emails with J. Connolly and P. Sloan to confirm arrangements and to identify contractor.
03/26/10	P. Comella	0.20	Exchange emails with P. Sloan regarding RTC site visit and follow up.
04/06/10	P. Comella	1.00	Review L. Bernstein email claiming that Peoria's consultant is interfering with RTC's contract; telephone conference with P. Sloan regarding email to collect facts; respond to L. Bernstein email indicating that P. Sloan was simply responding to a question; follow up with P. Sloan.
04/07/10	P. Comella	0.20	Exchange emails with L. Bernstein regarding status of removal proposal for Peoria.

Total Hours 5.80

Total Fees \$2,581.00

Timekeeper Summary

P. Comella - 5.80 hours at \$445.00 per hour

Disbursements **Value**

Copying 0.20

Total Disbursements 0.20

City and County of Peoria

Total Fees And Disbursements This Statement

\$2,581.20

April 26, 2010

City and County of Peoria
Peoria City/County Landfill Committee
419 Fulton Street
Suite 307
Peoria, IL 61602
William Atkins Chief Civil Assistant State's Attorney

0870 57107 / 57107-000003
Scattered Corporation v. City of Peoria

ACCOUNTS RECEIVABLE SUMMARY

A review of our records reflects the following invoice(s) remain unpaid. Please remit your payment promptly.

<i><u>Date</u></i>	<i><u>Invoice</u></i>	<i><u>Invoice Amount</u></i>	<i><u>Payment Received</u></i>	<i><u>Balance</u></i>
03/25/10	1703743	\$4,140.02	\$0.00	\$4,140.02

If you have any questions with regard to the amount as stated, please contact Kathy Hobbs in our Finance Department at 312-460-6046.

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE SENT BY CHECK TO:
SEYFARTH SHAW LLP
131 S. DEARBORN STREET, SUITE 2400
CHICAGO, IL 60603-5577

PAYMENT MAY BE MADE BY WIRE TO:
Bank of America
ACCOUNT NAME: Seyfarth Shaw LLP Operating Account
ACCOUNT NUMBER: 5201743357
ABA - WIRE PAYMENT NUMBER: 026-009-593
ABA - ACH PAYMENT NUMBER: 081-904-808
SWIFT CODE: BOFAUS3N



REQUEST FOR DISCUSSION

To: Peoria City/County Landfill Committee Members

From: Steve Giebelhausen, Civil Assistant State's Attorney

AGENDA DATE REQUESTED: May 19, 2010

ACTION REQUESTED: RETAIN THE MINUTES LISTED IN THIS MEMO AS "CLOSED" AND OTHERWISE CONFIDENTIAL UNTIL FURTHER NOTICE.

BACKGROUND: As required by 5 ILCS 120/2.06(c) of the Open Meetings Act, all minutes of closed ("Executive Session") meetings must be reviewed by the respective entity or their legal counsel to determine approval of content and whether or not the closed minutes may be released. When Executive Session meeting minutes are released, they no longer require confidential treatment and are made available for public inspection upon request.

The minutes being reviewed at this time include:

January 16, 2008
*January 28, 2008**
February 20, 2008
March 19, 2008
May 21, 2008
June 23, 2008
November 19, 2008

March 18, 2009
August 19, 2009
September 23, 2009
October 21, 2009
November 18, 2009

* Special Executive Session

FINANCIAL IMPACT: N/A

3. PDC would need to provide an insurance policy covering potential damages from any releases and environmental events, as well as future claims for property, injury or other types of tort claims, with WM named as additionally insured.


Alternate Consideration for the Committee

During the April 21st Committee meeting, PDC briefed the Committee on the status of their landfill expansion site investigation, indicating underground mines had been found in unmapped locations and in locations that affected the footprint of their proposed landfill expansion. PDC also stated that the mines may limit their ability to develop a stand-alone landfill that provides the 10 million tons of minimum required capacity for the landfill expansion. PDC was well aware of the presence of the mines, through their experience as operator of Landfill No. 1 and from the detailed technical information provided by Foth during the RFQ process. The fact that PDC cannot meet the required 10 million tons of disposal capacity is not surprising, considering their design's reliance on excessively deep (and technically unfeasible) liner excavations through the upper aquifer. Conversely, WM's expansion design took into account not only the presence of the mines, but also the limitation on liner excavation depth, and clearly detailed the solution offered by our layover expansion design.

At the August 19, 2009 Committee meeting, Steve Giebelhausen clearly stated that if the company initially selected to pursue the landfill expansion was unable to meet the requirements of the RFQ, the Committee then had the legal right to negotiate with the other proposer. WM stands ready to resume discussions with the Committee regarding the construction of a landfill expansion that meets or exceeds all of the requirements stipulated in the RFQ. We remain confident in the expanded landfill design we submitted and in its ability to exceed the required 10 million tons of disposal capacity, inclusive of potential impacts from the underground mines.

Please contact me at (815) 423-5120 with any questions you may have.

Sincerely,
Waste Management of Illinois, Inc.



Dale Hoekstra
Director of Operations