

: 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