

**AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF PEORIA AND THE COUNTY OF PEORIA
FOR THE PURPOSE OF SITING A POLLUTION CONTROL FACILITY WITHIN THE CITY OF PEORIA**

Now comes the COUNTY OF PEORIA, A Body Politic and Corporate (hereinafter the "COUNTY"), and the CITY OF PEORIA, A Municipal Corporation (hereinafter the "CITY").

WHEREAS, the CITY has not adopted an ordinance for the local siting of a Pollution Control Facility (Hereinafter - PCF); and

WHEREAS, the COUNTY has adopted such an ordinance and has prior knowledge, expertise, and experience in the siting of pollution control facilities; and

WHEREAS, the CITY and the COUNTY desire to establish an Agreement that delegates the application process, investigation, assessment, fact finding, public hearing body portions of the process and site recommendation to site a pollution control facility within the corporate limits of the CITY to the COUNTY; and

WHEREAS, using the powers vested in the Intergovernmental Cooperation Act (5 ILCS 220/1, et. seq.).

THE COUNTY AND THE CITY HEREBY AGREE AS FOLLOWS:

I. PURPOSE AND INTENT OF THIS AGREEMENT.

The stated intent of the Peoria City Council and the Peoria County Board is to permit the COUNTY to oversee the PCF application process, conduct investigation as needed, assess, and evaluate the documentation submitted by the applicant in support of their application for a permit to operate a PCF, conduct fact finding processes, and conduct public hearings as required by the Ordinance. After the "Pollution Control Site Hearing Committee" performs these operations, the Committee is to prepare a summary and recommendation as to the siting of the proposed PCF within the corporate limits of the CITY and provide whatever further consultation to the CITY as needed on this proposed PCF under the guidelines and regulations of Chapter 7.5 of the Peoria COUNTY Code.

II. GENERAL.

- A. By virtue of adopting this Intergovernmental Agreement, the CITY hereby adopts, Chapter 7.5 of the Peoria COUNTY Code, as amended, which is incorporated as Attachment A.
- B. The “Application for Site Approval” is to conform to the requirements of the Environmental Protection Ordinance Chapter 7.5. The Applicant for the siting of a “Pollution Control Facility” is to comply with all requirements of this Ordinance.
- C. The filing of the application and the delivery of the application is to be in conformance with Section 7.5-36 of the Ordinance. In addition the COUNTY Clerk shall deliver a copy of the application and all supporting documents to the Clerk of the City of Peoria.
- D. After distribution of the application and supporting documents, a Regional Pollution Control Site Hearing Committee is to be established pursuant to Section 7.5-37 of the Ordinance.
- E. The Regional Pollution Control Site Hearing Committee is to conduct meetings, investigations, evaluations, reviews, hearings evaluations, collect data, and evaluate documents submitted by the applicant as provided for in Section 7.5-37 as needed for the evaluation of the application.
- F. Pursuant to Section 7.5-34 of Attachment A, the COUNTY is to collect all fees, and deposit said fees in a special fund with any unused fees being refunded to the applicant. The filing fee is not to be a limit on the applicant’s liability for payment of the COUNTY’s costs and expenses. Rather, should the COUNTY incur any additional costs and expenses in excess of the initial application fee for the “Pollution Control Facility” herein, the Applicant is to bear any and all additional costs and expenses and is to promptly pay such amounts to the COUNTY upon written request and demand.

G. The COUNTY by way of the “Pollution Control Site Hearing Committee” after following the procedures and requirements of the Ordinance is to make a series of findings and prepare a recommendation summary document and submit their findings and documentation to the CITY for any pollution control facility to be sited within the corporate limits of the CITY. The City Council is to be the final arbiter of local siting for an application for a pollution control facility located within the corporate limits of the CITY, pursuant to the Illinois Environmental Protection Act (415 ILCS 5/39 (c) et. seq.).

III. **NATURE OF THE WORK TO BE PERFORMED BY THE COUNTY.**

(a) The COUNTY by way of the “Pollution Control Site Hearing Committee” is to undertake all necessary procedures and acts with respect to the “Pollution Control Facility” application procedures, environmental statute compliance, general statutory compliance, strategic planning, collection of necessary documents, investigation, research, organizational matters, and overseeing the application and prospective approval process leading up to and including the required public hearings and meetings for a proposed “Pollution Control Facility” to be located within the city limits of the City of Peoria according to the procedures and requirements of the COUNTY Ordinance 7.5. The CITY agrees to provide the COUNTY with adequate information and resources and access to CITY employees as needed to allow the COUNTY to effectively undertake the application and siting process on behalf of the CITY for the creation of a new “Pollution Control Facility” as envisioned between the parties hereto.

(b) The COUNTY as part of its procedures may retain outside consultants, counsel, engineers, architects, and other relevant experts necessary to fully assess the applicant’s application for the creation of a “Pollution Control Facility” and the operation of same pursuant to Section 7.5-38 of the Ordinance.

(c) In making its determinations on permit applications under the ordinance, the “Pollution Control Site Hearing Committee” may consider prior adjudications of

noncompliance with the Illinois “Environmental Protection Act” by the applicant that involved a release of a contaminant into the environment. In granting permits, the Committee may impose reasonable conditions specifically related to the applicant's past compliance history with this Act as necessary to correct, detect, or prevent noncompliance. The Committee may impose such other conditions as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated by the Board hereunder.

IV. **PAYMENT TO THE COUNTY FOR FEES, COSTS AND EXPENSES.**

It is anticipated that the fees, costs, and expenses of the COUNTY will be paid from the application fees to be paid by the “Pollution Control Facility” applicant to the COUNTY as stated above. Expenses and costs that exceed the initial application fee are to be paid by the Applicant pursuant to the Ordinance.

V. **TERM.**

This Agreement is to be in effect from the date of execution once adopted by the elected bodies of both the CITY and COUNTY and will remain in effect unless terminated by written request submitted by either party to the other with six (6) months’ notice.

VI. **REPOSITORY OF THE APPLICATION DOCUMENTATION.**

At the final conclusion of the application process following the approval or disapproval of the application, the documentation is to be stored by the City of Peoria in its archives.

VII. **ADDITIONAL TERMS AND CONDITIONS.**

RECITALS: The recitals set forth above are deemed incorporated into this Agreement as if set forth herein.

AMENDMENTS: This Agreement may only be amended and/or otherwise modified upon the written agreement of the parties hereto.

SUCCESSORS: This Agreement is to be binding upon successors of the Parties now present hereto.

ENTIRE AGREEMENT: This Agreement, including any Exhibits, states the entire Agreement between the parties and supersedes all previous contracts, proposals, oral or written, and all other communications between the parties regarding the subject matter hereof, and supersedes any and all prior understandings, representations, warranties, agreements or contracts (oral or written) between the parties hereto regarding the subject matter hereof.

GOVERNING LAW: The Parties acknowledge that because this Agreement is to be performed in Illinois, the laws of the State of Illinois are to govern the Parties in the interpretation of this Agreement, the State in which the Agreement has deemed to have been executed and delivered.

SEVERABILITY: The provisions of this Agreement are severable if any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to law or contrary to any rule or regulation having the force and effect of law; such decision is not to affect the remaining portions of this Agreement. However, upon the occurrence of such event, either Party may terminate this Agreement forthwith, upon the delivery of written notice of termination of the other Party.

INDEMNIFICATION AND HOLD HARMLESS: The City of Peoria is to indemnify, defend, and save harmless the COUNTY of Peoria, its officers, agents, and employees from any and all claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities arising out of the alleged negligent performance or attempted performance of the provisions hereof; including any alleged willful or negligent act or omission to act on the part of the COUNTY of Peoria or his agents or employees or other independent contractors directly responsible to the COUNTY of Peoria to the fullest extent allowable by law. This requirement is to include any claims made by the "Pollution Control Facility" applicant, the landowner upon which the proposed "Pollution Control Facility" is to be located, the ultimate operator of the "Pollution

Control Facility” and any associated contractors and any other person or entity involved with the application for or operation or both of the proposed “Pollution Control Facility”. This indemnification, defense, and hold harmless is to extend in favor of the COUNTY regarding the use of the “Pollution Control Facility” by the applicant or any successor owner of the facility and the COUNTY is not to be held accountable or liable for any consequence of any material accepted and delivered to the “Pollution Control Facility” to be processed, recycled or disposed of by the operation of the “Pollution Control Facility” under this indemnification and hold harmless agreement.

NOTICES: All notices or proposals for amendments hereto by either party are to be served personally or by certified or registered mail to the other party as set forth below:

As to the COUNTY of Peoria:

County Administrator
Attn: Scott Sorrel
324 Main Street, 5th Floor
Peoria, Illinois 61602

As to the City of Peoria:

Office of the City Manager
Attn: Patrick Urich
419 Fulton Street, Suite 207
Peoria, Illinois 61602

or to such address or such other parties as the Parties may from time to time designate by notice as provided herein. Notice is deemed effectively given as of the date which is two (2) business days following the date of postmarking by the U.S. Postal Service or as of the date of delivery, if delivered personally or by hand delivery.

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, have affixed their hands to this contract which consists of seven (7) Pages plus Attachment “A” - Chapter 7.5 Environmental Protection from the Code of the COUNTY of Peoria – which contains 24 pages.

SIGNATURE PAGE FOLLOWS

THE CITY OF PEORIA,
A Municipal Corporation

THE COUNTY OF PEORIA,
A Body Politic and Corporate

MAYOR, THE CITY OF PEORIA

CHAIR, PEORIA COUNTY BOARD

Date: _____

Date: _____

MANAGER, CITY OF PEORIA

ADMINISTRATOR, COUNTY OF PEORIA

Date: _____

Date: _____

ATTEST:

ATTEST:

CITY CLERK

PEORIA COUNTY CLERK

ATTACHMENT A

Chapter 7.5 - ENVIRONMENTAL PROTECTION ARTICLE I. - IN GENERAL

Secs. 7.5-1—7.5-15. - Reserved.

ARTICLE II. - POLLUTION CONTROL FACILITIES DIVISION 1. - GENERALLY

Secs. 7.5-16—7.5-30. - Reserved.

DIVISION 2. - SITING ORDINANCE⁽¹⁾

Footnotes:

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Editor's note— An ordinance adopted Aug. 12, 2010, revised Div. 2, §§ 7.5-31—7.5-49, in its entirety to read as herein set out. Former Div. 2 pertained to the same subject matter and derived from a resolution adopted Feb. 14, 1984, as amended March 9, 1993; Oct. 11, 1994; July 8, 1997; Aug. 12, 1997; June 13, 2002; and by an ordinance adopted Oct. 9, 2003; an ordinance adopted June 14, 2007; and an ordinance of July 12, 2007.

Cross reference— Administration, Ch. 2; motor vehicles and traffic, Ch. 15; planning and development, Ch. 17; sewers and sewage disposal systems, Ch. 19; water supply and water wells, Ch. 23.

Subdivision A. - General Provisions

Sec. 7.5-31. - Rules of construction.

- (a) Unless otherwise specified herein, the terms used in this Ordinance shall have the same meanings as the terms are defined and used in the Environmental Protection Act of the State of Illinois, 415 ILCS 5/1 et seq., as amended from time to time, and regulations promulgated thereunder.
- (b) The provisions of this Ordinance are intended to be implemented in a manner consistent with the provisions of the Act, as amended.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-32. - Definitions.

- (a) The term "Act" shall refer to the Environmental Protection Act, 415 ILCS 5/1 et seq., as it may be amended from time to time.
- (b) The terms "Request" and/or "Application" both refer to the term "request" contained in the Act, and includes all exhibits attached to the Application.
- (c) "Applicant" is any person, firm or partnership, association, corporation, company or organization of any kind proposing to obtain site location approval and IEPA permits for a Pollution Control Facility ("PCF") in unincorporated Peoria County. When there are multiple persons or entities which may qualify as an "Applicant" under this definition, the "Applicant" for purposes of this Ordinance can be specified in a Host Community Agreement.
- (d) "Board" refers to the Illinois Pollution Control Board.
- (e) "Committee" refers to the Regional Pollution Control Site Hearing Committee of the Peoria County Board.
- (f) "County" refers to Peoria County, Illinois.

- (g) "County Board" refers to the Peoria County Board.
- (h) "Health Department" refers to the City of Peoria/County of Peoria Health Department.
- (i) "IAC" refers to the Illinois Administrative Code.
- (j) "IEPA" refers to the Illinois Environmental Protection Agency.
- (k) "PCF" refers to a Pollution Control Facility as defined in the Act, and includes a new Pollution Control Facility as defined by the Act.
- (l) "Health and Environmental Issues Committee" refers to the Health and Environmental Issues Committee of the Peoria County Board.
- (m) "RCRA" refers to the Resource Conservation and Recovery Act, a federal law governing the disposal of solid waste and hazardous waste.
- (n) "Record" refers to all notices and documents filed by the Applicant, including the Application and exhibits, all notices and documents filed by the County, the Committee, the Peoria County Recycling and Resource Conservation Department, the Health Department or the Health and Environmental Issues Committee, all documents, exhibits, reports, photographs, charts, data, testimony, including transcripts of testimony, transcripts of proceedings, written comments, and other items entered into evidence during the Public Hearing, or otherwise properly submitted at the hearing or to the County Clerk pursuant to this Ordinance, a complete transcript of the Public Hearing, the recommended findings of fact and decision of the Committee, and the final resolution of the County Board.
- (o) "Public Hearing" refers to the public hearing required by Section 39.2(d) of the Act, including any continuances of said hearing.

(Ord. of 8-12-10; Res. of 9-9-10)

Subdivision B. - Application for Site Approval

Sec. 7.5-33. - Conditions to filing site approval application.

No Site Approval Application shall be considered properly filed with the County Clerk unless:

- (a) The Application substantially conforms with the requirements of this Ordinance as well as applicable state laws and regulations. The requirements of this Ordinance are intended as minimum requirements and do not operate to limit the information that an Applicant may, or should, provide in the Application;
- (b) The Applicant has previously entered into a Host Community Agreement with the County which covers the proposed PCF, and the Applicant is in full compliance with said Agreement; and
- (c) The Applicant files with the Peoria County Clerk the appropriate fee or fees as required by this Ordinance, or as specified in a Host Community Agreement.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-34. - Content of application.

- (a) In order to request siting approval for a PCF in Peoria County, an Applicant must file an Application with the Peoria County Clerk, with a minimum of fifteen (15) paper copies and twenty-five (25) electronic copies of the entire Application, including all exhibits thereto (plus one additional copy for each municipality within one and one-half miles of the site location). The electronic copies shall be submitted in electronic searchable ".pdf" format on a CD-ROM, or such other electronic format as the County Clerk may specify from time to time.
- (b) Any documents prepared or generated by Applicant during the Application review process shall be submitted in paper form and shall also be submitted in electronic searchable ".pdf" format on a CD-ROM, or such other electronic format as the County Clerk may specify from time to time.

- (c) The Application shall:
- (1) Conform with all statutory requirements.
 - (2) Include a face sheet that contains only the following information:
 - a. A statement that it is an application for approval of a site for a new regional pollution control facility; and
 - b. A statement indicating whether it is an application for a solid waste, hazardous waste, or special waste storage site, sanitary landfill, solid waste, hazardous waste, or special waste disposal site, solid waste, hazardous waste or special waste transfer station, or a solid waste, hazardous waste, or special waste incinerator, compost facility, or any combination thereof;
 - c. The full, legal name of the Applicant;
 - d. The principal business address and telephone number of the Applicant;
 - e. The name, address, telephone number and title of the person designated by the Applicant as the agent for service of notices.
 - (3) Contain sufficient details describing the proposed facility to demonstrate compliance with all applicable federal, state, and local siting requirements, including statutes, regulations, and ordinances, and shall be accompanied by all such items as required by this Ordinance.
 - (4) Contain pertinent and sufficient information relating to the siting criteria set forth in Section 39.2 of the Act, if not otherwise required by this Ordinance.
 - (5) Include all documents submitted to IEPA pursuant to Section 39.2(c) of the Act.
 - (6) Contain a sworn statement by the Applicant that all information being submitted is truthful and accurate, that all statutory requirements for application have been met by Applicant, and that the person signing has read the Application and knows the contents thereof to be true in substance and in fact, provided that if the Applicant is a corporation the sworn statement shall be signed by the corporation's principal executive officer or chief operating officer.
 - (7) If any portion of the Application or exhibits is prepared by anyone other than the Applicant, the name, address and telephone number of any such person should be clearly shown together with an indication of the portion prepared by said person.
 - (8) Contain a list of the names, addresses and telephone numbers of all persons who Applicant reasonably anticipates the Applicant will call to testify in support of the Application and an identification of the siting criteria upon which the person is expected to testify, or if a person is expected to use written testimony, copies thereof shall be filed with the Application.
 - (9) Contain an agreement by Applicant to reimburse the County for any and all costs reasonably incurred by the County to review and act upon the Application.
 - (10) Unless otherwise agreed to in the Host Community Agreement between the Applicant and the County, be accompanied by a filing fee in the amount set forth in the table below:

PCF Category	Filing Fee
Hazardous Waste Facility	\$500,000.00
Solid Waste Landfill	250,000.00
Solid Waste Incinerator	250,000.00
Expansion of Solid Waste Landfill	200,000.00
Composting Facility	25,000.00
Transfer Station	100,000.00
All other PCFs	500,000.00

- a. Said filing fee shall be paid to the County Clerk for delivery to the County Treasurer for deposit in a special fund;
- b. The fee paid hereunder and held by the Treasurer in the special fund shall be used by the County to pay for any and all costs, expenses and/or fees incurred by the County in reviewing and acting upon the Application, including, but not limited to, costs of site inspection, clerical processing of the Application, copying costs, space rental, hearing officer compensation, court reporter expenses, transcription expenses, public notice expenses, staff review time, Committee per diems, attorneys' fees (including special counsel fees), consultants (such as qualified professional engineers, planners, appraisers, environmental consultants, experts, environmental counsel, etc., including testing, exhibits, testimony, if any provided by consultants and experts), including, but not limited to, the creation and maintenance of a computer database and associated website for public access to information, and other reasonable and relevant costs incident to the review, consideration of, and action upon the Application, the costs incident to preparing the record for appeal, if any, and the costs of representing the County on any appeal in the event of an appeal of the County Board decision.
- c. The balance of the fund, if any, remaining after all action on the Application is final, including any appeals of the County's decision to any agency or courts, shall be refunded to the Applicant.
- d. The filing fee shall not be a limit on Applicant's liability for payment of the County's costs, expenses and/or fees, and should the County incur any additional costs in excess of the applicable filing fee for any PCF, the Applicant shall bear any and all additional costs and shall promptly pay such amounts to the County upon written request or demand.

(11) Include a copy of the Host Community Agreement.

(12) Include a statement that the Applicant has not filed an Application for local siting approval which is substantially the same as that contained in the Application and which was disapproved pursuant to a finding against the Applicant under any of the siting criteria set forth in Section 39.2 of the Act within the preceding two (2) years.

(13) Include proof of compliance with all pre-filing notice requirements.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-35. - Format of application.

(a) After setting forth the above information, the Application shall have the following format:

- (1) This part of the Application shall be divided into twelve (12) sections corresponding to the nine (9) siting criteria in Section 39.2 of the Act, and the additional information required herein. These sections shall be clearly marked by dividers or other suitable means. The Application shall also

include appropriate design drawings, including a full size set of drawings and a reduced set of drawings no larger than 11" x 17".

(2) Additional sections may be added or included after the following described sections, as the Applicant deems necessary.

(3) The Application shall contain at least the following information in the respective sections:

i. *SECTION 1:* The Application shall describe why the Applicant believes that the proposed facility is necessary to accommodate the waste needs of the area it is intended to serve. Section 1 shall include at least the following:

1. A definition of the intended service area for the proposed facility including a map of the service area boundaries.
2. A calculation of the current amounts of all types of waste generated and disposed within the service area relating to the proposed facility (including, but not limited to, hazardous waste, special waste, municipal solid waste, industrial process waste, pollution control waste, potentially infectious medical waste), and an estimate of the amount of waste to be generated and disposed within the service area for the next twenty (20) years.
3. A calculation of the current amount of waste exported out of and imported into the service area.
4. A calculation of the capacity of the proposed facility, the estimated daily volume of waste (including volumes of hazardous waste and/or special waste) to be received, and the estimated duration of operation at the proposed facility, in years. The waste volumes shall also be expressed in gallons if liquid or tons if solid.
5. A description of the type(s) of waste to be received, and identification of general sources of waste within the service area. If the proposed PCF is a hazardous waste treatment, storage or disposal facility, the application shall also contain a complete listing of waste producers using or expected to use the facility.
6. A calculation of the permitted capacity available within the service area.
7. A list of the location of all other PCFs handling and/or accepting the types of waste proposed to be handled and/or accepted by Applicant within the proposed service area and within fifty (50) miles of the perimeter of the proposed service area, providing the permitted capacity of such PCFs, and if the PCF is a landfill the remaining permitted capacity for the landfill, listing the owner and operator of such PCFs, and the permit classification of the PCFs, and if the PCF is a transfer station, the tons per day throughput of the transfer station.
8. An analysis and discussion of the facts and reasons supporting Applicant's assertion that the facility is necessary to accommodate the waste needs of the proposed service area.
9. A discussion of the sources and reliability of information contained in this section.

ii. *SECTION 2:* The Applicant shall describe why the Applicant believes the proposed facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. At a minimum this section of the Application shall contain the following information in an order that logically addresses concerns within this section. Section 2 shall include at least the following:

1. A Site Location Map(s) of the facility on a United States Geological Survey (USGS) 7.5 minute series (topographic) quadrangle map, or similar regional topographical map. The Site Location Map(s) should clearly show the facility boundary and a minimum 1.5 mile radius, at a scale no smaller than one inch equals two thousand feet (1" = 2,000'). If the Application is for a landfill facility then the Site Location Map(s) shall graphically show the following information contained within the 1.5 mile radius of the facility:

- (a) Any aircraft runways;
 - (b) The 100-year floodplain limits based on the most recent FEMA map or floodplain elevation as determined by FEMA or other appropriate State authority;
 - (c) All water supply well setback zone(s) defined by Sections 14.2 and 14.3 of the Act;
 - (d) All occupied dwellings, schools, or hospitals;
 - (e) All roads and bridges;
 - (f) All streams, ponds, rivers and lakes;
 - (g) All water wells; and
 - (h) All municipal boundaries, county boundaries, and provide a separate list (not on the map(s)) of all other units of local government;
2. Topographic Map(s) of the site as it exists at the time of the filing of the application and adjacent areas (minimum three hundred (300) feet around the facility unless documentation, such as recent aerial photographs, is provided detailing all adjacent land uses). The Topographic Map(s) should contain a topographic map of the site at a scale no smaller than one inch equals two hundred feet (1" = 200'), with a minimum two-foot contour interval except in areas with steep topography (steeper than two (2) horizontal to one vertical) or that is otherwise obscured from aerial photography and will not significantly impact the design or review of the Application. The topographic map should clearly identify the data of the topographic map and the facility boundary. The topographic map shall also include the following:
- (a) Existing utilities (designating whether underground or overhead);
 - (b) Existing tree lines and wooded areas;
 - (c) Standing and/or surface water limits (including ponds and streams);
 - (d) Existing fences;
 - (e) Existing buildings;
 - (f) Existing streets, highways, roads, entrances and driveways;
 - (g) Existing structures;
 - (h) Existing culverts, drainage ditches, drain tiles, and easements for same;
 - (i) All other easements and rights-of-way;
 - (j) Bedrock outcrops; and
 - (k) Areas known to be previously mined or where the soil has been significantly disturbed from its natural condition.
3. Topographic Map(s) of the site as it is proposed to be developed prepared in the same manner as the map(s) described in item 2., above (i.e., the "before map(s)") that includes:
- (a) All changes in topography proposed to be made;
 - (b) All surface features included in the before map(s) as they will exist upon completion of the proposed development of the site, including the proposed construction;
 - (c) The proposed location of all buildings, stationary equipment and other structures to be constructed on the site; and
 - (d) The location of and description of all monitoring devices which will be utilized at the proposed site.

4. A legal description and plat of survey for the facility boundary. If the facility is a landfill then the Application should also provide a legal description and plat of survey for the waste boundary. The legal descriptions shall be prepared and certified by an Illinois Registered Land Surveyor.
5. Documentation verifying that the proposed site is not in violation of any applicable location standard or restriction specified by all applicable federal, state, and local regulations and guidelines. The Applicant shall list the location criteria and the demonstration of how each is satisfied.
6. Documentation demonstrating Applicant either owns the proposed site or has legal right to develop the proposed site for the proposed PCF. If the Applicant does not own the site, the application shall include the names and addresses of the owner(s). If the site is owned by a trust, the names and addresses of all trustees and beneficiaries, as well as a copy of the trust agreement shall be included. If the site is owned by a corporation, the names and addresses of all officers, directors and shareholders owning at least seven and one-half (7.5) percent of the outstanding shares of capital stock, as well as the corporate phone number must be included in the application. If the site is owned by a limited liability company, the names and addresses of all the managers and members owning at least seven and one-half (7.5) percent of the membership of the company, as well as the company phone number must be included in the application.
7. A summary of the climatological data available for the area for at least the preceding ten (10) years. The data shall include monthly information (high, low and averages) for precipitation, temperature, and wind.
8. The application shall state whether any surface or subsurface mining has ever been done on the site or within one and one-half (1.5) miles of the perimeter of the site. If any such mining has ever been done, the type of mining shall be described and a map illustrating the approximate extent of mining, as can be ascertained from public documents, shall be provided.
9. The application shall state whether any other activity has ever taken place on the site which disturbed the natural condition of the soil, such as grading. If any such activity has ever taken place, the type of activity shall be fully described.
10. A narrative summary including drawings and figures of the regional hydrogeologic conditions for the area. If the Application is for a landfill facility then the regional hydrogeologic investigation shall include the following information:
 - (a) The regional hydrogeologic investigation should be established by reviewing statewide and regional reports and maps available from the United States Geological Survey (USGS), the Illinois State Geological Survey (ISGS), the Illinois State Water Survey (ISWS), the Illinois Environmental Protection Agency (IEPA) and other available sources;
 - (b) The available water well logs obtained from the ISGS, ISWS and County along with the likely existence of additional water supply wells based on field surveys within one and one-half (1.5) miles of the facility shall be provided along with a location map and summary table of the known locations, installation dates and elevations of the water wells;
 - (c) A discussion of the regional sources of groundwater typically used in the area including a general characterization of the groundwater quality based on regional publications;
 - (d) Additional information such as boring logs, monitoring wells, as-built diagrams, and other hydrogeologic data collected for other facilities in the area can also be used to summarize the regional hydrogeologic characterization;

- (e) A summary of the regional bedrock stratigraphy including the approximate name, age, type, depths, and thicknesses of the bedrock units based on regional publications. The Applicant should also describe any regional structural features near the site;
 - (f) A summary of the seismic conditions and location of any known unstable areas; and
 - (g) A summary of the unconsolidated deposits near the site, including general description of the individual formations and general characteristics including material, type, thickness and lateral extent.
11. If the Application is for a landfill, then an initial site-specific investigation should be performed to characterize the general geologic and hydrogeologic character of the site consistent with the requirements of 35 IAC § 812.314. The initial site-specific investigation shall include:
- (a) A complete copy of all available field borings performed at the site. All new investigation borings shall be continuously sampled by a geologist or engineer with experience in soil classification;
 - (b) The borings shall be located in a pattern and spacing sufficient to obtain data to characterize the geology and hydrogeology of the entire site, and to adequately characterize the uppermost aquifer(s) at the site;
 - (c) Monitoring wells and/or piezometers shall be located to sufficiently identify the hydrogeologic conditions at the site based on the regional investigation and field observations. All monitoring wells and piezometers shall be properly sealed, labeled and locked. Well and piezometer construction documentation shall be provided to the Health Department or appropriate agencies;
 - (d) Any boring or well not to be used at the site shall be properly abandoned with a copy of the well abandonment forms submitted to the Health Department or appropriate agencies; and
 - (e) Other methods may be utilized to confirm or accumulate additional information. Such methods may be used only as a supplement to, not in lieu of site-specific boring information. Other methods may include, but are not limited to, geophysical well logs, geophysical surveys, aerial photography, age dating, and test pits.
12. If the Application is for a landfill, then the Application should provide a report summarizing the site-specific information. This report shall also include at least the following information:
- (a) A narrative description of all drilling and field procedures;
 - (b) Location and elevation of all borings, monitoring wells and piezometers and other monitoring devices at the site;
 - (c) All boring logs and as-built diagrams for all monitoring wells, piezometers and other monitoring devices, along with all construction documentation and abandonment forms;
 - (d) Laboratory and/or field testing data, including but not necessarily limited to, strength, moisture content, grain size analyses, Atterberg Limits, hydraulic conductivity, and Unified Soil Classification System (USCS) classification. If the proposed PCF is a hazardous waste treatment, storage or disposal facility, the application shall also include information regarding ion exchange capacity and ability to absorb and "fix" heavy metals consistent with the NRCS National Soil Survey Handbook, parts 618.10, 618.18 and Appendix 618-2, or similar protocol;
 - (e) A narrative description of each geologic unit encountered within the study area, and if bedrock is encountered, the application shall include depth to bedrock, a

description of the physical character and hydrological characteristics and the names and ages of the formations encountered or which crop out on or adjacent to the site;

- (f) A narrative description characterizing the hydrogeological conditions within the project site including a discussion of any significant water-bearing zones;
 - (g) Drawings identifying the elevation of the top of the uppermost aquifer and other pertinent geological units;
 - (h) Drawings showing the thickness of all pertinent geologic units;
 - (i) A description of all water-bearing strata and groundwater conditions, including potentiometric map(s), groundwater flow velocities and directions, and identification of the uppermost aquifer. Seasonal variations should be discussed in the Application based on regional information and field observations when seasonal groundwater data is not available; and
 - (j) Geological cross sections of the project site showing all water-bearing strata, water elevations, and all geologic units encountered during the investigation.
13. A design report that describes the physical attributes of the proposed facility. The report shall contain narratives, calculations, drawings, figures and other material necessary to provide an accurate depiction of the facility, including, but not limited to, vertical height of site as it exists, and as it would exist upon closure.
14. A Site Plan Map with a scale no smaller than one inch equals two hundred feet (1" = 200') that shows the location of all pertinent design components at the facility.
15. If the Application is for a landfill facility, then design drawings necessary to adequately describe the components and systems of the facility (including, but not limited to, liner system, leachate collection system, conceptual landfill gas collection and control system, final cover system, landfill gas monitoring network, groundwater monitoring network, and stormwater management control systems) during, construction, operation, and closure shall be provided. The following shall be provided with the drawings:
- (a) All entrance locations and facility access restrictions;
 - (b) The ancillary facility locations (scale, scalehouse, office building, maintenance area, parking areas);
 - (c) The proposed mass excavation grades for general construction purposes and the bottom of the constructed liner invert elevations;
 - (d) The conceptual phasing of construction;
 - (e) The location of the leachate collection system and collection points;
 - (f) The final cover plan, including maximum final cover elevations;
 - (g) The liner system detail;
 - (h) The final cover system detail; and
 - (i) Cross sections of the landfill.
16. If the Application is for a landfill facility, then a narrative description shall be provided which describes the following design components:
- (a) Liner system requirements;
 - (b) Leachate collection system and management plan for storage and disposal, including, but not limited to, complete descriptions of: the subsurface collection system; any treatment lagoon or detention basin; any system or method for storing, treating and disposing of leachate; methods of monitoring and evaluating the

- effectiveness of the system; and any points of discharge of effluent from the system;
- (c) Final cover system; and
 - (d) Landfill gas monitoring system and conceptual management system.
17. If the Application is for an incinerator facility, then at least the following information and/or documentation shall be provided:
- (a) Plans and specifications for the incinerator, including, but not limited to, the design criteria for the incinerator, plans and specifications for any and all air pollution control equipment, expected life and deterioration rate of the emission unit and pollution control equipment, and type, size, efficiency and specifications of the combustion process (including engineering drawings, plans and specifications certified to by a registered Illinois professional engineer); and
 - (b) Information and data regarding the incineration and pollution control processes involved, quantities and types of raw materials to be used in the processes, quantities, types and rates of wastes, including emissions, generated and/or emitted from the processes, including, but not limited to controlled and uncontrolled air contaminant emissions; and
 - (c) Maps, statistics and other data reasonably sufficient to describe the location of the likely and/or anticipated path of travel of the air emissions, and potential areas of particulate deposition; and
 - (d) Identification of regulated Hazardous Air Pollutants and/or Toxic Air Contaminants to be emitted from the source; and
 - (e) Modeling data and/or risk analysis data showing the anticipated exposure of inhabitants of Peoria County, and the associated incremental risks of such exposures; and
 - (f) A detailed contingency plan describing how waste will be handled when the incinerator is nonfunctional.
18. A stormwater management system to characterize the existing stormwater flow conditions and how development of the facility will alter and protect stormwater flows. If the Application is for a landfill facility then the following calculations shall be provided:
- (a) Estimated runoff from disturbed areas resulting from the 25-year, 24-hour precipitation event which will be discharged to waters of the State;
 - (b) Estimated runoff from the completed, closed facility resulting from the 25-year, 24-hour precipitation event which will be discharged to waters of the State; and
 - (c) The general locations and capacities of all ditches, detention basins, and all other necessary stormwater control structures.
19. Sediment and erosion control structures that will be used during construction and operations of the facility.
20. A Construction Quality Assurance Plan that ensures the facility will be constructed in accordance with its permitted developmental plans. This Plan shall define the duties of a Construction Quality Assurance Officer, describe all sampling and testing procedures, and define acceptance criteria.
21. An Operating Plan that describes the operations at the facility during all phases of operation at the proposed site. This plan shall include personnel requirements, personnel training, equipment requirements, construction phasing, waste handling, monitoring requirements, on-site traffic control, hours of operation, equipment operation, stormwater control, odor control, dust control, litter control, noise control, vector control, systems maintenance, and equipment maintenance.

22. The application shall include a list of all major waste types to be disposed at the facility and methods to be used to prevent undesired interactions with potentially incompatible waste types. If the application is for a proposed hazardous waste landfill and/or treatment facility, the Application shall also include a list of all wastes to be received on the site, the chemical composition of each, a description of the potential of each waste to interact chemically or otherwise with each of the other wastes, a complete description of the method or methods to be used to control or prevent undesirable interactions. If the application is for an incinerator, the kinds of materials to be incinerated shall be identified or designated by chemical composition.
 23. Any routine monitoring to be performed at the facility shall be identified and described. If the Application is for a landfill facility then a preliminary groundwater monitoring plan shall be developed to identify the location and phasing of the groundwater monitoring program. The procedures to install, develop, sample, and analyze the groundwater monitoring wells shall be specified.
 24. Information as to the applicant's plan for delivering monitoring results to the County of Peoria and other governmental agencies. These plans should also indicate what provisions will be made to allow access by Peoria County, or its agents or representative(s), to the monitoring devices.
 25. A Closure/Post-Closure and Perpetual Care Plan narrative that describes the plans that will be developed to close the proposed facility, provide proper post-closure care pursuant to state and federal laws and regulations, and, if a landfill, to provide perpetual care of the proposed facility after the facility has been released from post-closure care by the applicable regulatory agency. The Applicant shall also provide sufficient information proving that financial assurance is available for the proposed facility, and for proper post-closure care, including a disclosure as to the types and/or methods of financial assurance the Applicant anticipates utilizing to comply with federal and state requirements for same. The Applicant shall also provide a plan for funding perpetual care of the proposed facility after the facility is released from post-closure care.
 26. Any and all maps, diagrams, plats and/or drawings submitted pursuant to this Section 2 shall be prepared by or at the direction of, and signed by, a registered Illinois professional engineer.
- iii. **SECTION 3:** The Application shall describe why the Applicant believes the proposed facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The Applicant shall divide this section of the Application into two (2) subsections: Land Use Subsection, and Property Value Subsection. Section 3 shall include at least the following:
1. *Land Use Subsection:* A Land Use Assessment Study shall be performed by a qualified individual who will consider the proposed facility and its compatibility with the surrounding land uses. The subsection shall include the qualifications of the individual and company that completed the study. The study shall include:
 - (a) An exhibit showing the land uses within a one and one-half-mile radius of the proposed facility.
 - (b) Typical photographic views of the proposed site within a reasonable distance from the proposed facility.
 - (c) A description of the landscape plan to be implemented at the proposed facility to minimize incompatibility with the surrounding area during the operating life of the facility.
 - (d) A description of the proposed use of the site after the facility is closed.
 - (e) A description of the history of the development of the site and the surrounding area and the proposed facility's impact on those trends.

2. *Property Value Subsection:* A Property Value Impact Study shall be performed by a qualified individual to determine the effects on property values in the surrounding areas. The subsection shall include the qualifications of the individual and company that completed the study. The study shall include:
 - (a) Information regarding the existing property values within a distance sufficient to draw conclusions, as determined by the study. The information should be based upon a survey of property values based on transactions occurring within the past five (5) years. Where transaction data is unavailable, tax assessments and/or other information shall be used provided tax assessment data are adjusted to account for local differences between market values and assessed values.
 - (b) An analysis of the proposed facility's impact on property values within the distance(s) identified above.
 - (c) A description and analysis of factors relating to the proposed site that may impact property values and uses in the area along with a description of the design features and operating procedures that will be used to minimize the impact on property values.
- iv. *SECTION 4:* The Application shall contain sufficient detail to demonstrate that (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain (as determined by the Federal Emergency Management Agency), or the site is floodproofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain (as determined by the Federal Emergency Management Agency), or that the facility is a facility described in subsection (b) of Section 22.19a of the Illinois Environmental Protection Act (415 ILCS 5/22.19a) and the site is floodproofed. Section 4 shall include at least the following:
 1. A statement indicating whether the facility is within or outside the boundary of the 100-year floodplain as determined by Federal Emergency Management Agency (FEMA).
 2. A map showing the proximity of the 100-year floodplain limits located within one and one-half (1.5) miles of the facility boundary of the proposed facility, based on the most recent Federal Emergency Management Agency (FEMA) map or floodplain elevation as determined by FEMA or other appropriate state authority.
 3. For a facility other than a landfill or waste disposal site or a facility described in subsection (b) of Section 22.19a of the Illinois Environmental Protection Act, if the site is located in the 100-year floodplain, design drawings and calculations prepared by a professional engineer registered in the State of Illinois shall be required as evidence that the site is floodproofed.
- v. *SECTION 5:* The Application shall contain a proposed Plan of Operations for the facility that is designed to minimize the danger to the surrounding area from fire, spills, other accidents, or entry of contaminants into the environment. Section 5 shall include at least the following:
 1. A Fire Protection Plan that includes, but is not limited to, maintaining or otherwise being able to supply or provide sufficient of water for fire control purposes, fire protection training, fire extinguisher locations, and radio or telephone access to the nearest fire department. If there is no on-site or readily available supply of water for fire control purposes, the plan shall provide a fire suppression system or materials to be on hand to address small fires.
 2. A Load Checking Program for detecting and discouraging the disposal of hazardous waste in non-hazardous waste facilities.
 3. An Accident Prevention Plan designed to prevent and/or minimize spills and other accidents that may occur on the site. The Plan shall include, but is not limited to, providing emergency response instructions, spill prevention and clean-up methods and worker safety instructional plans.

4. A list of reasonably possible emergency situations which might occur at or near the proposed PCF which might affect the operations of the proposed PCF, including, but not limited to, explosion, fire, spills, tornadoes, and vandalism, and as to each emergency situation identified there shall be filed with the application plans for dealing therewith. If such plans require or suggest the participation therein of any governmental unit, official or department, the application shall describe the following:
 - (a) The current state of preparedness of each such governmental unit, official or department;
 - (b) The estimated cost to each such governmental unit, official or department to achieve a state of readiness to participate in the plan(s); and
 - (c) A statement showing that the governmental unit, official or department has reviewed the plan and is in agreement therewith, or if not in agreement, a statement defining their areas of disagreement or objection thereto.
5. If the application is for a hazardous waste treatment, storage or disposal facility, the application shall include a complete list of manufactured materials and/or chemical compounds expected to be used, the manufacture thereof, the manufacturer's specifications therefore, and the effect that the wastes proposed to be received would have thereon, and the combustibility thereof.
6. If the application is for approval of a site for waste storage (whether municipal solid waste, hazardous waste or special waste) the application shall include:
 - (a) A detailed explanation as to how the wastes will be stored;
 - (b) Descriptions of the types or kinds of containers to be used;
 - (c) The manner in which waste and/or the containers will be stored;
 - (d) The period of time the average shipment or load of waste will be on the site and the maximum period of time any particular waste will be allowed to remain on the site;
 - (e) The identity of the facility or facilities to which the waste will be transferred, and complete information on the facility or facilities to which the wastes will be transferred (including, the identity and location thereof, and the permit status of the receiving facility and related information);
 - (f) The period of time during which the site will be used for such purpose(s); and
 - (g) A complete description of the procedures the applicant will follow upon termination to assure there will be no danger to the public health and safety.
- vi. **SECTION 6:** The Application shall describe why the Applicant believes the proposed traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows. Section 6 shall include at least the following:
 1. A Traffic Impact Study performed by an experienced traffic engineer who is registered as a professional engineer in the State of Illinois. The Study shall include, but is not limited to:
 - (a) A statement of the qualifications of the individual and company that completed the Study.
 - (b) A map or table indicating the roads and highways that will be utilized within two (2) miles of the proposed facility entrance, along with their respective classifications. If any intersection or road segment farther than two (2) miles from the facility entrance is expected to have ten (10) percent or more of the traffic to or from the proposed facility, then that intersection or road segment shall be included in the table and be assessed in the traffic study.

- (c) Recent volume counts taken for the roads and highways indicated in (b) above.
 - (d) A discussion of known accidents within the past three (3) years that may indicate problem intersections or roads within two (2) miles of the proposed facility.
 - (e) A statement of the estimated number of motor vehicles and types and weights (loaded and empty gross) thereof which will be entering and exiting the site during each month of construction and operation, and calculations of average and peak traffic flows that will be generated by the proposed site.
 - (f) A map showing the location of ingress and egress to the proposed site. The map shall also indicate the queuing area for vehicles.
 - (g) A statement of the procedures which will be utilized by the Applicant to educate haulers and drivers that only the roadways specified shall be utilized. The education material shall include a warning that the use of unapproved routes is grounds for terminating rights to tip at the landfill for that hauler or driver.
 - (h) A statement of the load limitations of any and all roads and bridges within two (2) miles of the facility entrance.
 - (i) A summary of the present traffic flows on said roadways and the impact that the traffic generated by the facility will have thereon.
2. The Application shall provide information on the planning which the applicant has made to provide financial reimbursement to the county and any municipality or township whose roads and highways experience unusual or excessive wear due to the increased traffic to and from the applicant's proposed operations. The applicant shall also provide a timetable which it will follow in initiating and completing discussions with the appropriate governmental authorities on the issue of compensation for the protection from unusual or excessive wear to the highways or roadways.
- vii. *SECTION 7:* If the facility will be treating, storing or disposing of hazardous waste, the Application shall contain an emergency response plan [that] exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release. Section 7 shall include at least the following:
- 1. For a nonhazardous waste facility, certification that hazardous waste will not be treated, stored or disposed on site; or
 - 2. An Emergency Response Plan for the site which shall meet all RCRA contingency plan requirements, and shall include, but not be limited to:
 - (a) Provision for the notification of appropriate agencies and personnel in the event of a release or substantial threat of a release.
 - (b) Containment and removal procedures.
 - (c) Evacuation procedures for the facility and the surrounding area.
- viii. *SECTION 8:* The Application shall describe why the Applicant believes the proposed facility is consistent with the Solid Waste Management Plan and any amendments adopted by the County Board under the Local Solid Waste Disposal Act (415 ILCS 10/1 et seq.) or the Solid Waste Planning and Recycling Act (415 ILCS 15/1 et seq.). Section 8 shall include at least the following:
- 1. Evidence from the Solid Waste Management Plan, as amended, that the facility is consistent with that Plan.
 - 2. A plan for how the proposed facility will be operated in a fashion that is consistent with the policies and principles of the Solid Waste Management Plan, including, but not limited to, waste reduction or minimization, and effective volume reporting.

- ix. *SECTION 9:* The Application shall describe why the Applicant believes the proposed facility will be located within a regulated recharge area [and that] all applicable requirements specified by the Illinois Pollution Control Board for such areas have been met. Section 9 shall include at least the following:
1. Evidence and documentation that the facility will not be located in a regulated recharge area; or
 2. Evidence and documentation that any and all requirements specified by the Illinois Pollution Control Board have been met.
- x. *SECTION 10:* The Committee and County Board may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the Applicant and Operator (and any subsidiary or parent corporation of either) in the field of solid waste management when considering criteria (ii) and (v) under Section 39.2 of the Illinois Environmental Protection Act. Section 10 shall include at least the following:
1. The full legal name, address and phone number of the Applicant, and the name, address and phone number of the operator, if different from the Applicant, and the full legal name, address and telephone number of any person, corporation or other legal entity to be associated with the proposed PCF. If the Applicant and/or Operator, or any entity intended to be associated with the proposed PCF, is a partnership, the full legal names, addresses and telephone numbers of each partner. If the Applicant and/or Operator is a corporation, the full legal names of all stockholders owning five (5) percent or more of the capital stock of the corporation, and the registered agent of the corporation.
 2. If the Applicant and/or Operator is a corporation, a copy of the Articles of Incorporation, or if the Applicant is a sole proprietorship or partnership, names, addresses and phone numbers of all individuals holding an interest in Applicant and/or Operator, and the names and addresses of all officers and directors of a corporation, and/or managers of a limited liability company.
 3. With respect to each individual named in subsection 1. or 2., above, the application shall contain a statement of his respective prior employment history for the five (5) years preceding the filing of the application.
 4. A copy of all insurance policies the Applicant and Operator carry or will carry for the proposed facility, or a discussion of the types and limits of insurance that is anticipated to be obtained for the proposed facility.
 5. Unless otherwise covered by the Host Community Agreement between the County and the Applicant, financial condition, including balance sheet and statement of profit and loss, each certified by a Certified Public Accountant, for each of the five (5) years preceding the year of Application for both the Applicant and the Operator (if different than the Applicant), provided that if said Applicant and/or Operator is a privately held company, said information may be submitted under seal to the County.
 6. A listing of solid waste management facilities owned and/or operated by the Applicant and Operator (and any subsidiary or parent corporation) in the State of Illinois.
 7. Documentation regarding the previous operating experience and past record of convictions or admissions of violations of the Applicant and Operator (and any subsidiary or parent corporation) in the field of solid waste management for facilities located in the State of Illinois during the past five (5) years.
 8. A clear listing of the following information:
 - (a) All convictions or admissions of violations, either criminal or civil, of any foreign, federal, state or local environmental regulation or statute of (a) the Applicant, (b) any subsidiary corporation of the Applicant, (c) any parent corporation of the Applicant, and (d) any proposed operator, in the field of solid waste management

- during the past five (5) years, including such information as court or agency, case or file number, and brief summary of allegations, facts, and resolution.
- (b) A description of the solid waste management program operated at the facility which involved the conviction(s) or admission(s) of violation(s).
 - (c) Enforcement action, if any, taken by the Government entity involved.
 - (d) Remedial action taken at site, if any, including cost thereof.
9. Information as to whether the Applicant or proposed operator has ever closed a Pollution Control Facility voluntarily or involuntarily, and the location of said facility and the date on which the process of closing started and the date on which it was completed, the reason(s) for closing the facility, the state of the post-closure, and any post-closure remedial actions taken or required to be taken, and shall include, but not be limited to, the following:
- (a) A description of the closure activities that were performed, and confirmation that the closure work met the approval of the appropriate state or federal regulatory agencies, a narrative of any significant problems or difficulties encountered during closure activities, a discussion as to whether such problems or difficulties might arise at the proposed facility, and if so, include a plan for addressing or avoiding them, and a discussion of any increased costs associated with addressing said problems or difficulties.
 - (b) The terms of this subsection shall apply to facilities which were closed when the Applicant was the owner or operator of said facility, and also to facilities which were owned or operated by a corporation, partnership or other entity of which the Applicant was or is owner of more than seven and one-half (7.5) percent of the ownership. If the Applicant is a corporation, partnership or other entity, this subsection shall also apply to anyone owning more than seven and one-half (7.5) percent interest in the applicant.
10. Information as to whether the Applicant or proposed operator has ever applied for site location approval of the same or a similar pollution control facility, whether the application was approved, withdrawn or denied, the location of said facility, the date on which the application was filed, and the reason(s) for withdrawal or denial.
- xi. *SECTION 11:* Additional information may be included as an appendix to the Application if the Applicant feels this information is helpful and/or necessary.
- xii. *SECTION 12:* Signatures affirming that to the best of the knowledge of the person signing the information contained in the Application is true and complete, shall be included in the Application for the following individuals: a duly authorized representative of the Applicant, the proposed operator (if different than the Applicant), and all technical and non-technical individuals who were responsible for the preparation of each section or subsection of the Application. All individuals licensed in their profession (e.g., engineers, land surveyors, geologists) shall include their license or professional registration number.

(Ord. of 8-12-10; Res. of 9-9-10)

Subdivision C. - Application Review Procedure

Sec. 7.5-36. - County clerk.

- (a) *Filing of Application.* Upon receipt of an Application, including payment of the applicable filing fee, the County Clerk shall date stamp all copies submitted. The County Clerk has no obligation to review the Application to determine if the Application is complete and/or is in strict compliance with this Ordinance or with the Act. The file stamp date shall be considered the official filing date for time limit purposes only if the Application is considered properly filed pursuant to section 7.5-33. Such determination shall

be made by the Committee within thirty (30) days of filing of the Application. The County Clerk shall accept no Application for filing unless the appropriate filing fee has been paid.

- (b) *Delivery of Applications.* Upon receipt of an Application, including the applicable filing fee, the County Clerk shall deliver eight (8) file-stamped paper copies of the Application to the Chairman of the County Board, one paper copy and one electronic copy to the County Administrator, four (4) paper copies and two (2) electronic copies to the County Recycling and Resource Conservation Director, one electronic copy to the County Planning and Zoning Director, one electronic copy to the Director of the City of Peoria, County of Peoria Health Department, one electronic copy to the Peoria County State's Attorney, and one electronic copy to the County Engineer.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-37. - Regional pollution control site hearing committee.

- (a) A Regional Pollution Control Site Hearing Committee shall be established by the County Board Chairman not later than thirty (30) days after the date a siting Application is filed with the Peoria County Clerk. The Committee shall consist of seven (7) members of the County Board who shall be appointed by the Chairman of the County Board. The Chairman of the County Board shall designate a chairman and vice-chairman of the Committee. No member of the committee can represent the district in which the proposed site is located. Committee members shall serve until such time as a decision is rendered by the County Board whether to grant site location approval or not, and any legal appeals concerning the siting request have been finalized.
- (b) During all meetings of the Committee, the Chairman of the Committee shall preside over the meeting. In the event of the Chair's absence, the Vice-Chair shall preside over the meeting and serve as Acting Chair. In the event of the Chair and Vice-Chair's absence, the Committee, by a majority vote of the members present, shall designate one of its members as Acting Chair. The Chair of the Committee shall vote only in the event there is a tie in the vote of the Committee. The Committee may take action only when a quorum of Committee members is present, unless otherwise provided herein, provided that any public hearing concerning the application may proceed without the necessity of a quorum. A simple majority of members of the Committee shall constitute a quorum for purposes of taking action.
- (c) All meetings and hearings of the Committee shall be at the call of the Committee Chair, or in his or her absence, the Acting Chair, at such times as may be required. The Chair shall provide at least forty-eight (48) hours' notice to all Committee members of any special meeting called by him/her. This notice requirement does not apply to continuances of the Public Hearing. During the course of the Public hearing, the Committee Chair may designate the hearing officer as the presiding officer at the Public Hearing, and any continuances thereof The Committee Chair, or in his or her absence, the Acting Chair, may administer oaths or statements of affirmation to witnesses. In the absence of any Committee Chair or Acting Chair at a public hearing, the hearing officer may schedule continuation of hearings without further notice and without the call of the Committee Chair, and may administer oaths or statements of affirmation.
- (d) The Committee may select, by simple majority vote, a hearing officer (who need not be a County Board member) to serve during any public hearing concerning an Application. The hearing officer shall serve at the pleasure of the Committee. Compensation for the services of the hearing officer shall be pursuant to a written agreement negotiated by the Committee, and approved by the County Board before the hearing officer takes any action at a public hearing. The duties of the hearing officer shall be provided for herein and as the Committee may designate from time to time. No Committee members need be present when the Public Hearing is being conducted by the hearing officer and the hearing is being transcribed as provided herein.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-38. - Retention of consultants, counsel, and experts; reports and recommendations.

- (a) The County may, upon the recommendation of the Committee, the Peoria County State's Attorney's Office, the Peoria County Administrator, the Peoria County Recycling and Resource Conservation Department, or the Health and Environmental Issues Committee, retain such consultants, attorneys, and/or experts to assist the Health and Environmental Issues Committee and/or the Regional Pollution Control Site Hearing Committee in evaluating the Application(s) and any and all other information made a part of the Record.
- (b) The County Staff, independently or in conjunction with consultants, may, but is not required to, prepare and submit a report or reports to the Committee summarizing the application, information submitted during the application review process, including the public hearing, and comments received during the public comment period following the public hearing. The final report may provide specific recommendations to the Committee concerning whether the Applicant has satisfied the relevant siting criteria, and any special conditions deemed necessary or appropriate, and proposed findings of fact. If such a final report is prepared, it shall be filed with the County Clerk and made a part of the Records no later than three (3) days prior to the meeting provided for in section 7.5-41(r).

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-39. - Filing written comments.

- (a) Any person or entity may file written comments with the County Clerk concerning any matters contained in the Application or otherwise relevant to the Siting Criteria, including, but not limited to, the appropriateness of the proposed site for the intended purpose. Any such written comments must be postmarked and/or received within thirty (30) days after the conclusion of the Public Hearing. Said written comments shall be mailed or delivered to the Peoria County Clerk, 324 Main Street, Peoria, Illinois 61602 or submitted electronically if authorized by the County Clerk. All written comments must be submitted on paper and clearly designate reference to the PCF Application to which they refer. Upon receipt, the County Clerk shall date stamp the comments and refer them to the Committee and the hearing officer. The Committee and the County Board shall consider any comment complying with this section. In the event the thirtieth day falls on a Saturday, Sunday or any holiday when the Peoria County Courthouse is closed, the next day on which mail is received by the Peoria County Clerk shall be considered the thirtieth day for purposes of this paragraph.
- (b) Timely submitted written comments shall become part of the Record, and shall be added to the Document Repository.
- (c) All written reports, studies, exhibits or other evidence or copies thereof, other than testimony, which any person other than the Applicant or County Staff desires to submit for the record and consideration at the Public Hearing must be filed with the County Clerk at least ten (10) days before the start of the Public Hearing. In the event the tenth day prior to the start of the Public Hearing falls on Saturday, Sunday or holiday on which the Peoria County Clerk's office is closed, the next working day shall be considered the day the reports, studies, and exhibits must be filed. The county clerk shall date stamp any such reports, studies, exhibits or other evidence upon receipt.
- (d) The County Staff and County Clerk shall take reasonable measures to allow, if possible, the submission of public comment, reports, studies and other evidence electronically, including via e-mail or other electronic means, so as to facilitate the submission of information into the Record and to promote a transparent public information process.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-40. - Notice.

- (a) The Applicant shall comply with all notice requirements established by the Act, and this Ordinance. Nothing contained in this Ordinance shall relieve Applicant of any and all notice obligations.
- (b) All notices shall contain at least the following information:
 - (1) The name and address of the Applicant.

- (2) The owner of the site, and in case ownership is in a land trust, the names and addresses of the beneficiaries of said trust.
 - (3) The legal description of the site.
 - (4) The street address of the property, and if there is no street address, a description of the site with reference to location, ownership or occupancy or in some other manner that will reasonably identify the property to residents of the area.
 - (5) The nature of the proposed development.
 - (6) The probable life of the proposed facility.
 - (7) The date, time and location of the Public Hearing, if known.
 - (8) A statement that the Application is available to the public in the Office of the County Clerk, and that copies of the Application and other information are available upon payment of actual cost of reproduction, pursuant to the Freedom of Information Act (5 ILCS 140/1 et seq.).
 - (9) A statement that all copies of evidence other than testimony to be submitted at the Public Hearing must be filed with the County Clerk at least ten (10) days before the start of the Public Hearing.
- (c) The County Staff and County Clerk shall take reasonable measures to provide, if possible, notice to the applicant and interested parties electronically, including via e-mail or other electronic means.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-41. - Public hearing.

- (a) At least one Public Hearing shall be held by the Committee no sooner than ninety (90) days but no later than one hundred twenty (120) days from the date of filing of the Application. The Public Hearing may be continued from time to time at the request and/or direction of the Committee Chair and/or hearing officer. To the extent possible, the Public Hearing shall be held at the earliest date and time within the time period allowed.
- (b) Within sixty (60) days of the date the Application is filed, the Committee shall determine the date, time, and location upon which such public hearing shall be held. If, in the Committee's reasonable opinion, the facilities of the Peoria County Courthouse are not sufficient to accommodate the number of persons expected to attend the hearing, the Committee may arrange, or direct County staff to arrange, for the hearing to be conducted at a site other than the Peoria County Courthouse. In such an event, the Committee is authorized to lease an adequate auditorium and sound system, and such other reasonable accommodations as may be necessary, for the Public Hearing. Any and all costs associated with such acquisitions shall be paid by the Applicant.
- (c) The State's Attorney shall make the necessary arrangements to have a court reporter present at all meetings of the Committee, at the Public Hearing, and at the County Board meeting at which final action is taken on the Application, for purposes of establishing a record and a transcript thereof. The court reporter shall provide the Committee with a certified transcript of the hearing as soon as possible, but not later than seven (7) days after close of the Public Hearing.
- (d) The State's Attorney, or an assistant, shall serve as legal advisor for the Regional Pollution Control Site Hearing Committee.
- (e) Members or representatives of the governing authority of any municipality contiguous to the property boundary of the proposed site and/or the Tri-County Regional Planning Commission may appear at and participate in the public hearing as may be permitted by the hearing officer.
- (f) At least thirty (30) days prior to the start of the Public Hearing, the Committee shall meet and adopt Rules of Order for the conduct of the Public Hearing. If the Committee had retained a hearing officer to conduct the hearing, the Rules of Order shall be developed by or in cooperation with the Hearing Officer, and shall be consistent with this ordinance. The Rules of Order shall include a process for registering individuals, groups and/or entities as participants for purposes of participating in the Public

Hearing. Groups or entities shall be allowed to register as participants only if represented by an attorney licensed in Illinois who shall notify the Committee Chair or hearing officer of the identity of his or her client(s) prior to the start of the Public Hearing. The Applicant; the County and any departments of the County or representatives thereof; members or representatives of the governing authority of any municipality contiguous to the property boundary of the proposed site; shall automatically be deemed Registered Participants provided that they are participating on behalf of the organization that they so represent. All Registered Participants shall have the right to make opening statements, present witness testimony, question and/or cross-examine witnesses, and submit proposed Findings of Fact following the Public Hearing, subject to the reasonable control of the Committee Chair or hearing officer.

- (g) The Committee Chair, or the hearing officer if applicable, shall preside at the Public Hearing, and any continuances thereof, and shall conduct the Public Hearing consistent with the Rules of Order adopted by the Committee. The Committee Chair, or the Hearing Officer if applicable, shall make decisions concerning the order of witnesses, the length of time each witness shall be allowed, how many witnesses shall be allowed, the admission of evidence, and the manner in which the hearing is conducted, subject to this Ordinance and the Rules of Order adopted by the Committee. The Committee Chair, or the hearing officer if applicable, shall make all rulings and decisions in accordance with principles of fundamental fairness. All rulings of the Committee Chair or hearing officer concerning admissibility of evidence or procedural issues at the public hearing shall be final, and shall not be appealable to the County Board and/or the Committee.
- (h) The purpose of the Public Hearing shall be to develop a record of all evidence and other matters relating to the Application. The record shall consist of all witness testimony, all exhibits and other items admitted into evidence by the Committee Chair or hearing officer, and public comment, and the written transcript of the proceedings prepared by the court reporter hired by the State's Attorneys' office.
- (i) The Committee Chair or hearing officer shall call the hearing to order and shall allow the Applicant to make an opening statement. The Committee Chair or hearing officer may allow a representative of the County staff and/or consultants retained by the County, and/or other Registered Participants or their counsel, to make an opening statement.
- (j) The Applicant shall have the burden of proof, and the burden of going forward with evidence. If the Applicant is a natural person, the Applicant may appear at the Public hearing on his/her own behalf, or be represented by counsel or agent. If the Applicant is not a natural person, the Applicant must be represented by counsel. Testimonial evidence introduced by the Applicant may not exceed the scope of the Application, and may only explain and/or clarify the Application, not expand or amend the Application.
- (k) The hearing officer may waive some or all of the requirements of section 7.5-39(c) for any participant in order to achieve fundamental fairness.
- (l) Any member of the Committee present at the Public Hearing shall have the ability to question any witness to clarify the record or to bring out relevant information. The Committee Chair or hearing officer may allow other persons present at the Public Hearing, including, but not limited to, County Board members, members or representatives of governing bodies of municipalities within one and one-half (1.5) miles of the property boundary of the proposed site, County Staff or consultants retained by the County, the Applicant or a representative of the Applicant (including an attorney representing the Applicant), to submit questions in writing to the Committee Chair or hearing officer for any witness, and the Committee Chair or hearing officer shall exercise discretion whether such questions shall be posed to the witness, and the manner in which the questions are posed.
- (m) All witnesses shall testify under oath or affirmation. The testimony of witnesses appearing at the Public Hearing and subject to cross-examination may include the use of prepared statements and exhibits, in which case the prepared statement must be signed by the witness, and must include the following statement:

"Under penalties as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and believe, and as to such matters, the undersigned certifies as aforesaid that the undersigned verily believes the same to be true."

Prepared statements and exhibits submitted by an individual who does not appear in person to testify at the Public Hearing, shall be considered public comment.

- (n) Any person shall have the right to comment on the Application and any evidence or testimony presented at the Public Hearing. Public comment may be submitted in writing to the Committee at the time of the Public Hearing, may be made orally at the Public Hearing, subject to reasonable control by the Hearing Officer as to when and how to allow a time for public comment, or for thirty (30) days after the close of the Public Hearing. Public comment need not be under oath and shall not be subject to cross-examination. However, the Committee Chair, the hearing officer, and/or any member of the Committee may ask questions of any person making a public comment to clarify the record.
- (o) The Committee Chair or hearing officer may exclude irrelevant, immaterial, or incompetent, vexatious, or unduly repetitious testimony, comment or other evidence. The Committee Chair hearing officer shall rule on all questions relating to the admissibility of evidence. The rules of evidence applicable in civil actions in courts of law shall apply in the Public Hearing. However, the Committee Chair or hearing officer shall have the authority to relax the rules of evidence to allow consideration of all relevant evidence and/or information, and so as to allow public comments, written statements, and other information provided in the Act and this Ordinance. Public comment is not subject to the rules of evidence. Evidentiary rulings of the Committee Chair or hearing officer shall not be appealable to the County Board or the Committee.
- (p) Upon the completion of all testimony and public comment, the Committee Chair or Hearing Officer shall announce the close of the Public Hearing.
- (q) At the conclusion of the Public Hearing, and any continuances thereof, the Committee Chair or hearing officer may permit the Applicant, the County Staff and/or consultants retained by the County, and any other Registered Participant to file proposed Findings of Fact and Conclusions. Such Findings of Fact and Conclusions shall be filed with the County Clerk within twenty (20) days of the close of the Public Hearing, and any continuances thereof.
- (r) Within thirty (30) days of the close of the Public Hearing, the Committee may hold a public meeting for the sole purposes of receiving and hearing staff reports. If the time and date of the public meeting is not announced at or before the close of the Public Hearing, notice of the public meeting shall be sent to the Applicant and any member of the public who requests in writing that they be notified. Notice of the meeting shall be mailed not less than three (3) days prior to the meeting date.
- (s) The siting procedures and criteria provided in the Act and in this Ordinance shall be the exclusive siting procedures and rules for all PCFs. For new pollution control facilities, local zoning or other land use requirements shall not be applicable to such siting decisions. However, to the extent provided by law, the Applicant shall also comply with other applicable requirements.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-42. - Amendment of application.

- (a) At any time prior to completion of Applicant's presentation of Applicant's factual evidence at the Public Hearing, Applicant may file not more than one amended Application upon payment of additional fees pursuant to Section 39.2(k) of the Act and the supplemental fees provided below.
- (b) If the Applicant elects to file an amended Application for site location approval for any PCF in accordance with this Ordinance, such filing shall be accompanied by payment by Applicant of a supplemental fee of twenty-five thousand dollars (\$25,000.00). Said supplemental fee shall be paid to the County Clerk for delivery to the County Treasurer for deposit into the special fund created pursuant to section 7.5-34. Said funds shall be administered pursuant to that section. The supplemental fee shall not be a limit on Applicant's liability under section 7.5-34 of this Ordinance for payment of the County's costs, expenses and/or fees, and should the County incur additional costs in excess of the applicable filing fee and supplemental fee, the Applicant shall bear any and all additional costs and shall promptly pay such amounts to the County upon written request or demand.

- (c) In the event an Applicant files an amended Application, the time limitation for final action by the County Board set forth in Section 39.2(e) of the Act and this Ordinance, shall be extended for an additional period of ninety (90) days.

(Ord. of 8-12-10; Res. of 9-9-10)

Subdivision D. - Committee Recommendation

Sec. 7.5-43. - Public meeting to discuss application.

Not less than thirty (30) days and not more than sixty (60) days after the close of the Public Hearing, the Committee shall meet to discuss the Record for purposes of developing findings of fact and a recommendation to the County Board as to whether or not the Application satisfies the applicable siting criteria in the Act (or such amended criteria as may be set forth from time to time in the Act). This meeting shall be open to the public, but no further evidence, testimony or input from the parties or the public will be allowed. At the meeting, the Committee shall have the right to ask questions of County Staff in order to clarify any aspect of the Staff report, including any proposed findings of fact and/or proposed special conditions under consideration by the Committee.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-44. - Recommendation of committee.

At the conclusion of the meeting provided for in section 7.5-43, or any continuances thereof, the Committee shall vote as to its recommendation on the Application, including findings of fact, and any such conditions as the Committee finds may be reasonable and necessary to accomplish the purpose of the Act, and which are not inconsistent with the Act and regulations promulgated by the Illinois Pollution Control Board, in the event the Committee recommends that the Board grant approval of an Application. The recommendation and findings of fact of the Committee shall be in writing, specifying the reason(s) for the recommendation, and setting forth findings of fact for each of the nine (9) statutory criteria. The Committee shall submit its recommendation, conditions (if any), and proposed findings of fact, to the County Board as soon as practicable, or as otherwise provided by law. Submittal of its recommendation, conditions (if any), and proposed findings of fact to the County Board, shall be the final action of the Committee on the Application.

(Ord. of 8-12-10; Res. of 9-9-10)

Subdivision E. - County Board Decision

Sec. 7.5-45. - Preliminary procedure.

- (a) Once the Committee has made its recommendation and reduced it to writing, the written recommendation shall be submitted to the full County Board for its review and decision.
- (b) The Committee written recommendation, proposed conditions (if any) and proposed findings of fact shall be accompanied by the transcript and other items admitted into evidence at the Public Hearing. The hearing officer shall deliver at least three (3) copies of the said transcript and other evidence from the Public Hearing (not including the Application) to the County Board by filing same in the County Clerk's office.
- (c) The County Clerk shall, as soon as practicable, transfer said copies to the Chair of the County Board.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-46. - County board decision.

- (a) The County Board shall, based upon the Record and upon review of the recommendation of the Committee, make the decision as to approval or disapproval of the Application within one hundred eighty (180) days of the filing of the Application.
- (b) The decision of the County Board shall be by resolution, in writing, specifying the reasons for the decision, in conformity with Section 39.2(a) of the Act.
- (c) The resolution shall be filed with the County Clerk and made available for public inspection and copying (upon payment of any applicable fees) at the office of the County Clerk.
- (d) The County Board, may, in its discretion, impose such conditions as may be reasonable and necessary to accomplish the purpose of the Act, and which are not inconsistent with the Act and regulations promulgated by the Illinois Pollution Control Board, in the event the Board grants approval of an Application.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-47. - Expiration of approval.

In the event the County Board grants approval of the Application, said approval shall expire at the end of two (2) calendar years from date upon which the approval is granted, unless the approval is for a sanitary landfill operations, in which case the approval shall expire at the end of three (3) calendar years from the date upon which it was granted, and unless within that period the Applicant makes application to IEPA for a permit to develop the PCF proposed in the Application. In the event the approval is appealed, the period shall be deemed to begin on the date upon which the appeal process is concluded.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-48. - Appeals.

Appeals of the final decision of the County Board shall be made in accordance with the Act.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-49. - Document repository—County clerk.

- (a) The County Clerk shall be responsible for keeping the record.
- (b) The Record shall consist of the following:
 - (1) The Application and all documents attached thereto or incorporated therein;
 - (2) Proof of all notices required by statute and/or this ordinance;
 - (3) The transcript of the Public Hearing and all evidence, reports, studies, exhibits or other documents admitted into evidence at the Public Hearing;
 - (4) Written comments filed with the County Clerk or postmarked within thirty (30) days after the date of the close of the Public Hearing;
 - (5) All reports and recommendations submitted by County Staff;
 - (6) The findings of fact and recommendations of the Regional Pollution Control Hearing Committee; and
 - (7) A copy of the resolution containing the final decision of the County Board.
- (c) All documents and/or other materials filed with the County Clerk pursuant to the Act and this Ordinance shall be made available for public inspection at the office of the County Clerk. Copies of documents capable of being copied by copy machines available at the County Clerk's office may be obtained upon payment of the cost of reproduction.
- (d) The County Clerk shall be responsible for certifying all copies of the Record.

(Ord. of 8-12-10; Res. of 9-9-10)

Sec. 7.5-50. - Severability clause.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining provision hereto.

(Ord. of 8-12-10; Res. of 9-9-10)

Secs. 7.5-51—7.5-60. - Reserved.