

BEFORE THE VILLAGE BOARD OF THE VILLAGE OF ROUND LAKE PARK
SITTING AS POLLUTION CONTROL FACILITY SITING AUTHORITY

IN RE: APPLICATION FOR LOCAL SITING)
APPROVAL FOR GROOT INDUSTRIES) 03-01
LAKE TRANSFER STATION)

NOTICE OF FILING

TO: keggert@villageofroundlakepark.com See Attached Service List
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PLEASE TAKE NOTICE that on **November 8, 2013**, there was filed electronically **VILLAGE OF ROUND LAKE'S RESPONSE TO PUBLIC COMMENTS AND APPLICANT'S RESPONSE TO CONDITIONS PROPOSED BY PARTICIPANTS**, a copy of which is hereby attached and served upon you.

VILLAGE OF ROUND LAKE

BY: *Stephen Grossmark*
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PROOF OF SERVICE – VIA E-MAIL

I, the undersigned, on oath state that I served the above-referenced documents upon the above-referenced parties at their E-Mail addresses listed above on the 8th day of November, 2013.

Karen J. Sommerfeld

SUBSCRIBED and SWORN to before
me this 8th day of November, 2013.

Karen J. Sommerfeld
NOTARY PUBLIC



SERVICE LIST

Case No. 03-01

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**VILLAGE OF ROUND LAKE’S RESPONSE TO
PUBLIC COMMENTS AND APPLICANT’S RESPONSE TO
CONDITIONS PROPOSED BY PARTICIPANTS**

Hainesville and Grayslake Public Comments

The Village of Hainesville (“Hainesville”) and the Village of Grayslake (“Grayslake”) submitted public comments that, for the most part, raise legitimate and serious concerns about the impact of increased traffic the proposed transfer station will cause. For example, Grayslake reports that IL 120 has a road capacity of 2,050 vehicles/hour but current traffic peak hour volumes of 2,448 vehicles/hour.

The Village of Round Lake (“Round Lake”) agrees with Hainesville and Grayslake that, before a ruling on the application, a traffic radius study should be performed. Such a study should be performed as suggested by Hainesville and Grayslake, preferably for five miles as Grayslake prefers. Round Lake also agrees that the Village of Round Lake Park should work with the Lake County Department of Transportation (“LCDOT”) on these issues.

Round Lake, however, has serious concerns about suggestions that traffic from the proposed transfer station not be permitted to turn left onto IL 120 from Porter Drive. Such a prohibition would, either for the entire day or during rush hours, funnel all of this traffic, the vast majority of which will be large trucks carrying waste, through Round Lake. A concern addressed for Hainesville and Grayslake increases the concern for Round Lake. Rather than creating this type of tension among neighboring municipalities, this issue should instead highlight the critical need for the type of study suggested by Hainesville and Grayslake and working with the LCDOT before decision is reached regarding the siting application. If this study is not performed and work with the LCDOT is not undertaken, the siting application should be denied.

Applicant’s Response to Conditions Proposed by Participants

Although not authorized by the schedule for post-hearing submittals, which was determined by the Hearing Officer after consulting with the participants, the applicant, Groot Industries, Inc. (“Groot”), filed responses to conditions proposed by participants if

the Village of Round Lake Park grants Groot's application. Groot takes the position that there is no basis or reason to impose any condition, though it discloses under what situations it would agree to certain conditions. Groot misconstrues or misstates the law and the record. It is Groot that has the burden of proof in this matter. Certain of the other participants in this proceeding have pointed out when Groot has not met its burden in support for some of the proposed conditions and when the record supports other suggested conditions. Groot does not address these citations to the record. The following addresses certain of the conditions Round Lake suggested that warrant comment in light of Groot's recent pleading.

If Groot's application is granted, the transfer station must be limited to accepting at most 750 tons/day. Based on the record, the Village of Round Lake Park does not have the power or ability under the law to authorize more. Groot did not present adequate facts or opinions regarding acceptance of greater amounts, and has therefore not met its burden of proof regarding this issue. In particular, Mr. Lannert's and Mr. Kleszynski's opinions and testimony were limited to the 750 ton/day amount. Therefore, on the issue about which they testified, Groot simply failed to show that the proposed facility is located so as to minimize incompatibility with the character of the surrounding area at amounts greater than 750 tons/day. This warrants denial of the application, but, if the application is approved, the approval must limit the site to accepting at most 750 tons/day.

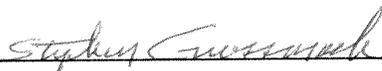
The transfer station should also operate during the hours Round Lake suggests, should randomly check loads on the schedule Round Lake proposes, should clean the push walls, tipping floor and trucks as Round Lake outlines and should install and operate filters that remove odors from air exhausted from the building as Round Lake and others recommend. First, there are no facts or opinions in the record that show that opening the facility could not wait until 6:00 a.m. and that closing the facility could not be at 6:00 p.m. In fact, the record reflects that these hours are consistent with the schedules of those that would pick up and deliver waste to the site and Groot's operations.

Second, each of these conditions will address and reduce the chances that odors will impact people off the site. Groot admits that the waste that will be at the site will have odors. Groot also admits that it will contain liquids that will reach the tipping floor. It also admits that certain cleaning will be conducted, including to address odors, but prefers that that particular cleaning be done at the discretion of Groot employees. The cleaning Groot suggests, for example of the push walls, and the cleaning that Groot does not suggest but which should be conducted, for example of the trucks and tipping floor, should be done on a frequent or more frequent basis and regularly scheduled. This will provide the community with more protection than would leaving just certain cleaning to the discretion of Groot employees. Also, since the record reflects that odors emitted at high elevations can carry, filters on building vents will provide additional protection.

The information that supports these proposed conditions are cited to and discussed in Round Lake's proposed findings of fact and conclusions of law.

For these reasons, the Groot application for local siting approval should be denied or, in the alternative, if it is approved, the conditions suggested by Round Lake should be included with any such authorization.

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