

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

IN RE: APPLICATION FOR LOCAL SITING)
 APPROVAL FOR GROOT INDUSTRIES) 13-01
 LAKE TRANSFER STATION)

PROPOSED FINDINGS

In the event that the Village Board of the Village of Round Lake Park determines that the Applicant, Groot Industries has met their burden/or would meet their burden with a conditional approval, The Solid Waste Agency of Lake County, Illinois (the "Agency") wishes to make propose certain Siting Conditions for the Groot Industries Lake Transfer Station. As you know, the Agency has participated in the Hearings and has substantial experience in the solid waste field. The Agency has reviewed the Application, the testimony and the experience of the Applicant as to the operation of a transfer station. The Agency will not review the Criterion one by one, but rather would suggest that the Round Lake Park Village Board consider the following conditions, should they so determine to grant the request for Local Siting. Each recommendation is supported by a reference to the record which the Agency feels supports the imposition of that condition.

1. The facility operating hours shall be from 4 am to 8 pm, Monday through Friday, and 4 am to 12 pm on Saturdays. It shall be closed on Sundays. The Village of Round Lake Park may extend the operating hours on a temporary basis in cases where Groot is able to justify the need to have extended hours due to storms, strikes or other one-time events. Once the need for extended hours has been exhausted the facility shall go back to its standard operating hours.

Basis for Recommendation: Application Page 2.4-1: "It is anticipated that the proposed transfer station will typically receive and transfer the majority of incoming waste from 4:00 a.m. to 8:00 p.m. Monday through Friday, and 4:00 a.m. to 12:00 p.m. Saturday."

Basis for Recommendation: Transcript 9-21-13 Noon - Page 62 Moose: "We are asking for 24 hours, seven day a week operation. That gives us flexibility especially for things like commercial routes, holidays, and things like natural disasters, if they should occur. Most of the time we would be operating from 4:00 a.m. to 8:00 p.m. Monday through Friday and 4:00 a.m. to 12:00 p.m. on Saturdays

Basis for Recommendation: Transcript 9-23-13 3 p.m. Page 31 Moose: "4:00 a.m. to 4:00 p.m. is really when the most of the operations. There will be some load out operations that will occur up to 8:00 p.m. and cleaning operations, but most of the waste transfer is going to occur from 4:00 a.m. to roughly 4:00 p.m. in the afternoon."

Basis for Recommendation: Transcript 9-23-13 3 p.m. Page 42 Moose: "Q. Who developed or came up with, if you know, the 4:00 a.m. to 8:00 p.m. Monday through Friday and 4:00 a.m. to noon on Saturday as the typical times that there would be receiving transfer of waste? A. Its based on our collective experience at transfer stations."

Basis for Recommendation: Transcript 9-23-13 6:30 Page 20 Moose: "Q. Now, you testified earlier that the – you wanted the flexibility to have the facility open 24/7. And for flexibility purposes, correct? A. Correct. Q. How often do you anticipate that that would happen throughout the course of a year? A. My experience at other facilities of this size and with this client, I would estimate probably a handful, maybe a half a dozen or a dozen times a year. Q. And that would be from – strike that. Would it be possible to make an arrangement with the village to say that the normal operating hours are much narrower then create a flexibility by asking the village upon a case by case basis to create a time for waste to be accepted over and above the normal operating hours? A. I have other facilities that are 24 and then require us to notify the appropriate authorities if we intend to stay open overnight."

2. Groot Industries shall not be allowed to accept in or ship out municipal waste, recyclables or landscape waste/food scraps via rail.

There has been no proposal or no request to ship or accept waste by rail and this condition should be considered a clarification of that representation.

3. The transfer station shall be limited to an average annual intake of 750 tons per day assuming 280 working days per year (5.5 days per week x 52 weeks – 6 holidays). The peak daily amount allowed shall be 900 tons per day. If the transfer station has a need to increase these limits it must first obtain approval from the Round Lake Park Village Board.

Basis for Recommendation: Application Page 2.4-1: “The proposed transfer station is anticipated to accept and transfer 750 tons per day of municipal waste, landscape waste, and recyclables during a typical operating day, with the ability to conservatively process a 20 percent increase in the typical daily throughput. Municipal waste will constitute a majority of the incoming materials.”

Basis for Recommendation: Transcript 9-23-13 6:30 p.m. Page 9-10: Moose: “Q. Somebody – your response to some prior questions related to the 750 ton average, correct? A. Yes. Q. Can you explain what you mean by that? A. Average over the course of a year. Q. On a five and a half day per week? A. Yes. Q. And that is still the commitment of the company? A. Yes.

4. The service area of the transfer station shall be Lake County generated municipal waste, recyclables and landscape waste/food scraps only. No out of county waste shall be accepted at the transfer station.

Basis for Recommendation: Application Page 1-2: “The proposed transfer station is intended to provide transfer capacity for waste generated in Lake County.”

5. Transfer trailers full of municipal waste, recyclables or landscape waste/food scrap shall not be stored outside during operating hours for longer than 2 hours. If they are to be stored overnight the trailers must be parked inside the transfer station. Empty transfer trailers may be stored outside for no more than 24 hours.

Basis for Recommendation: Transcript 9-23-13 6:30 p.m. Page 15: Moose: "Q. Okay. But if a trailer is filled full of waste, will it ever be pulled out and parked in the yard for a period of time? A. It may. It may for a short period of time. Q. 20 minutes? A. Couple hours."

Basis for Recommendation: Application Page 2.4-8: "Waste may be kept temporarily in transfer trailers for no more than 24 hours (except on weekends and holidays), provided that such trailers are stored indoors and suitably covered. Empty transfer trailers may be stored outside for no more than 24 hours."

6. The push walls in the transfer station where municipal waste, recyclables and landscape waste/food scraps are stored on the tipping floor shall be pressure washed at least once every two weeks.

Basis for Recommendation: Transcript 9-23-13 3:00 p.m. Page 85 Moose: "Q. . . . And then in addition, push walls will be periodically cleaned with a pressure washer? A. Yes." By the imposition of a condition that identifies how often the push walls will be pressure washed, it requires the Applicant to actually do so on a regular basis.

7. All plants and trees installed per the landscaping plan shall be replaced in a reasonable amount of time if they die, and shall be of the same approximate size of the deceased plant or tree.

Basis for Recommendation: Transcript 9-24-13 Noon. Page 136: Lannert: "Q. And you have the ability to represent on behalf of the applicant that if any of that landscaping dies or doesn't thrive, they will replace it? A. I don't have the authority to speak to that. I can speak as a landscape architect that our plans will call for replacement of any plant material that dies within the first

year. And once they are established, if we pick the right plant material, we should be able to avoid most of that.”

8. If Groot obtains control of ownership of the parcel to the east of the subject site, and if it decides to remove the deciduous trees on that parcel such that the natural barrier provided by the trees is no longer sufficient, then Groot must install appropriate landscaping along the eastern border of the property that is consistent with the other existing landscaping and screening on the subject property.

Basis for Recommendation: Transcript 9-24-13 3:00 p.m. Pages 7-8. Lannert: “Q. In addition can you tell me what’s going to be along that side of the facility? A. The east side of the facility only has a fence, and there is no other berms or planting envisioned for that area. The large wood lot that exists to the east is what is providing the buffer on that side. Q. And that is the property that is being – in the process of being acquired by Groot? A. It is currently in the process of being acquired by Groot, as you well know, . . . “

9. The transfer station building must maintain a negative air pressure inside of the facility at all times during the operating hours.

Basis for Recommendation: Transcript 9-23-13 Noon. Page 49: Moose: “This facility will have an air exchange program where they will create a negative pressure within the transfer station building. As we such the air into the transfer station building, we’ll change that air probably four to six times per hour.

Basis for Recommendation: Transcript 9-23-13 6:30 p.m. Page 19: Moose: “Q. You had testified previously that there would be four air exchanges hourly? A. Four to six. Q. And is that sufficient to - - if the doors are closed, is that sufficient to protect the people who are working inside? A. Yes. Q. Does the exhaust air need to be treated in any way? A. No. Q. Can it be treated? A. It can be.”

10. The transfer station building must filter all exhaust air from the building in order to effectively treat the exhaust air for potential odors and dust. The filter must be pre-approved by the Village of Round Lake Park.

Basis for Recommendation: See TCH Exhibit 4- Page 5 of Waste Transfer Stations: Involved Citizens Make The Difference. “At the transfer building itself, exhaust fans with air filters and rooftop exhaust vents can further reduce off-site odor impacts.

Basis for Recommendation: See TCH Exhibit 4- Page 3 of Report of Charles M. McGinley, P.E. states as follows: “Equipment (i.e. automatically operated fast opening and closing doors) and odor mitigation technology (i.e. air filtration, including scrubbers or biofilters) exists (1) to manage the high potential odors that will be inside the Groot Waste Transfer Facility in Round Lake Park and (2) to protect the welfare of the Timber Creek residents.

11. The doors at the transfer station where the packer trucks enter and exit and where the transfer trailers enter and exit must remain closed during the operating hours, except to allow the packer trucks and transfer trucks to enter and exit the building. The only exception to this requirement is when the outside temperature is 80 degrees or greater.

Basis for Recommendation: Transcript 9-30-13 3:00 p.m. Page 87-88. McGinley: “Q. So in your opinion, every municipal waste facility ought to use the exact same odor control measures that are used at the HERC, right? A. I would endorse the EPA’s recommendations for urban transfer stations which include closed doors all the time and air filtration.”

12. No left turns shall be permitted from Porter Road onto Route 120 during the hours of 7 am to 10 am and 3 pm to 6 pm. After the one year anniversary of the transfer station being operational the Village of Round Lake Park shall evaluate the effectiveness of this special condition and its enforcement, and shall have the authority to extend the hours and/or implement physical barriers eliminating left turns at the intersection.

Basis for Recommendation: Application Page 6-10. "Between the hours of (1) 7:00 a.m. and 9:00 a.m. and (2) 3:00 p.m. and 5:00 p.m. all transfer station truck traffic will be prohibited from make a left turn from Porter Drive to IL 120. As a result, all transfer station truck traffic will have to make a right turn when exiting Porter Drive. This restriction will not impact the transfer trailers from the transfer station as they will be traveling to the west on IL 120. . . "

Basis for Recommendation: Application Section 6, Appendix/Traffic Counts and Gap Study - first eight (8) pages of traffic counts that show the actual number of vehicles traveling on Route 120 at the intersection of Porter Road on an hourly basis. Said numbers show a decrease in the hour after the proposed 7 a.m. to 9 a.m. and 3 p.m. to 5 p.m restricted times with which left-turns (southbound Porter to eastbound Route 120), but said traffic volumes are still significantly higher than other periods of the day.

13. All transfer trailers must enter the facility eastbound from Route 120 and must exit the facility westbound on Route 120.

Basis for Recommendation: Application Page 6-10: " . . . This restriction will not impact the transfer trailers from the transfer station as they will be traveling to the west on IL 120.

Basis for Recommendation: Transcript 9-25-13 6:00 p.m. Page 31. Werthman: "All of the outbound waste will be delivered to a distant landfill via 24-ton transfer trailers, these are the semi trailers. The trucks will be traveling to and from the transfer - - to and from the landfill via the west on Illinois 120, landfills are located out to the west."

14. Groot Industries shall be required to contact Lake County Department of Transportation within three months of local siting approval being granted and coordinate with and keep informed Lake County DOT regarding its roadway improvements.

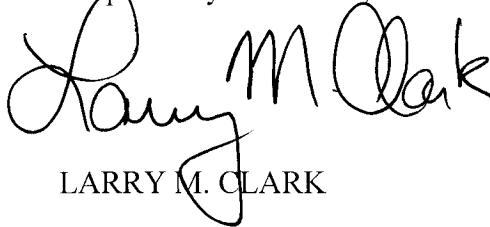
Basis of Recommendation: Transcript 9-25-13 6:00 p.m. Page 76-77 Werthman: "Q. Am I correct Mr. Werthman, that the fact that you traffic study had been reviewed and approved by the Winnebago County Highway Department was one of the bases for your Criterion 6 opinion in the Winnebago matter?" See TCH Exhibit 36 B Page 106, lines 18 to 20. Such a condition will

continue to require the Applicant to work with the Lake County Department of Transportation so as to minimize traffic impact during the course of installation of the proposed roadway improvements and thereafter.

15. Groot Industries shall be required to request that all the above special conditions be included as part of the operating permit from IEPA.

Basis for Recommendation: Any special conditions imposed by the hearing body (Round Lake Park) may be enforced by the IEPA as long as they are included as part of any Operating Permit. This will avoid future confusion or attempts to change the terms of any local approval without the opportunity for the public and the Village of Round Lake Park to review and comment upon same.

Respectively Submitted,

A handwritten signature in black ink, appearing to read "Larry M. Clark". The signature is stylized with a large "L" and "C".

LARRY M. CLARK

Larry M. Clark
Attorney for SWALCO
700 North Lake Street, Suite 200
Mundelein, IL 60060
847-949-9396
larrymclark55@sbcglobal.net

CERTIFICATE OF SERVICE

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LAKE TRANSFER STATION)

The undersigned hereby certifies that he caused a copy of the above and foregoing Proposed Findings of the Solid Waste Agency of Lake County, Illinois to be served on the following, via electronic mail, on this 21st day of October, 2013:

Hearing Officer

For the Village of Round Lake Park, IL

Phillip A. Luetkehans
Schirott, Luetkehans & Garner
105 Irving Park Rd.
Itasca, IL 60143
pleutkehans@slg-attv.com

Peter S. Karlovics
Law Offices of Rudolph F. Magna
495 Riverside Dr., Suite 201
Gurnee, IL 60031
Pkarloviacs@aol.com

Glenn Sechen
The Sechen Law Group
13909 Laque Drive
Cedar Lake, IN 46303
glenn@sechenlawgroup.com

For Groot Industries, Inc.

For Timber Creek Homes, Inc.

Charles F. Helsten
Richard S. Porter
Hinshaw & Culbertson
100 Park Ave.
Rockford, IL 61101
chelsten@hinshawlaw.com
rporter@hinshawlaw.com

Michael S. Blazer
24 N. Hillside Ave., Suite A
Hillside, IL 60162
Mblazer@enviroatt.com


George Mueller
Mueller Anderson, P.C.
609 Etna Road
Ottawa, IL 61350
george@muelleranderson.com

For the Village of Round Lake

Stephen Grossmark
Tressler, LLP
233 S. Wacker Dr., 22nd Floor
Chicago, IL 60606
sgrossmark@tresslerllp.com

Participant:

Brian Smith
harleybuddha1@sbcglobal.net


Larry M. Clark