



EXHIBIT

PWC-23

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To: Mr. Dennis G. Walsh - Klein, Thorpe, and Jenkins, Ltd.  
From: Aptim Environmental and Infrastructure and Walter Willis  
Date: August 27, 2020  
Re: West DuPage Recycling and Transfer Station Draft Siting Application Review

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On behalf of the City of West Chicago, APTIM Environmental and Infrastructure LLC (Aptim) and Walter Willis have completed a review of the updated Draft of the Siting Application (Application) for the Lakeshore Recycling System, LLC (Applicant) West DuPage Recycling and Transfer Station, prepared by Civil and Environmental Consultants, Inc. (CEC). Upon review of the updated Draft, concerns regarding the applicant content and several siting criteria were identified and are summarized below:

#### **Issue: Missing Information Required by Siting Ordinance**

- Sect. 14-93 (b)(1)(d) In case of a limited liability company, submit the names and addresses of all members and managers and attach a certificate of good standing for the LLC from the Secretary of State's office. **THIS INFORMATION HAS BEEN ADDED TO CRITERION 2.**
- Section 14-93 (b)(8) Proof of notice pursuant to Section 39.2(b) of the Act. (It is realized that this information is not able to be provided yet, but it should be included in the final draft). **AS NOTED, WE WILL PROVIDE THIS INFORMATION ONCE COMPLETE**
- Section 14-93 (b)(16) A statement setting forth a complete record of actual or alleged violations from the last ten (10) years.... **THIS INFORMATION HAS BEEN ADDED TO CRITERION 2.**

#### **Issue: Need**

##### Summary

- The Application identifies 8 factors supporting need. (Page 1-3). However, only 3 of the factors -- increased competition, needed capacity for hydro-excavation waste, and growth in service area population and waste quantities -- are directly related to a demonstration of need. The other 5 factors (such as host fees to West Chicago and DuPage County) are potential benefits but do not directly address the need for an MSW transfer station.
- Much of the information used in the Application is not sourced, and some of the conclusions are supported by opinion/argument and not facts or data. **SOURCES ADDED**
- The daily throughput at the facility is vague and potentially allows for greatly varying quantities of material to be received. **DAILY THROUGHPUTS SPECIFIED**

- The capacity analysis does not demonstrate an impending shortage of MSW transfer capacity and in fact concedes that service area transfer stations are operating at well below their permitted throughputs. **CORRECT, NOT ARGUING CAPACITY ISSUE; WE BELIEVE we needed to do this as part of the basic expected components of a need evaluation. Could take it out but then someone could say our evaluation was incomplete because we did not look at capacity. WE ARE CHOOSING TO LEAVE THIS IN.**
- Applicant attempts to address this by introducing the concept of “operational capacity” but that analysis is primarily based on opinion/argument and not data. **OUR DATA IS PRICING FROM OTHER TRANSFER STATIONS** This situation is different than the one in Rockdale where the transfer station down the road in that instance was easily shown to have been operating over operational capacity.
- The needs analysis (for MSW) relies heavily on competition. However, much of the analysis of competition is based on opinion/argument, and only one semi-quantitative data point is provided with respect to pricing. If “economic need” is going to be the primary driver of “facility need”, then additional data and analysis is required. **DATA ADDED**
- On the other hand, other factors such as the need for transload of single-stream recyclables (because there are relatively few MRFs in the regional market) could support the overall case for need. **LRS IS CURRENTLY TAKING THE SSR THEY COLLECT TO BATAVIA WHERE IT IS TRANSLOADED AND TAKEN TO THE LRS MRF IN FOREST VIEW; SEE 1.7.6 FOR ADDITIONAL LANGUAGE**
- Generally, the needs analysis presents anecdotal information on various factors but does not synthesize that information into an overall case for need.

#### Throughput

- Applicant provides no information as to how much of each material the company currently hauls within the service area. **ADDED THIS INFORMATION FOR MSW AND SSR. ADDED INFORMATION ABOUT EXISTING C&D TONNAGE AND NOT ANTICIPATED TO CHANGE** Therefore, no assessment can be made of what percentage of incoming material (MSW, C&D, SSR) is internal company tonnage and what percentage is third-party tonnage. There should be some documentable relationship between the 1,000 tpd of MSW transfer capacity and the amounts of MSW hauled by Lakeshore and affiliates. **ADDED CURRENT VOLUMES**
- Furthermore, there is no analysis of the amount of third-party tonnage that is potentially available in the Service Area. **WE TALK ABOUT WHICH MUNICIPALITIES FLOOD AND ROY STROM HAULS SO COULD INFER A VOLUME. ALSO MAKE THE POINT THEY COULD COMPETE AND WIN MORE.** In fact, applicant states that the hauling market is “controlled” by 3 large companies -- Waste Management, Waste Connections and Advanced Disposal. (Page 1-25). Each of these companies has transfer stations in the Service Area and therefore, based on Applicant’s own competition arguments, are not likely to be customers of the proposed facility. **AGREED** That, in turn, raises the question of how much third-party waste can be sourced from within the Service Area. **THE POINT IS MORE THE FUTURE VOLUME AND THE ABILITY FOR THE PRIVATELY RUN COMPANIES TO COMPETE. ALSO PROVIDE LETTERS FROM SEVERAL OTHER PRIVATE HAULERS THAT COULD BRING VOLUME.**
- Applicant does provide letters of support from one municipality and 9 smaller waste companies. However, the municipality -- the Village of Hinckley -- is located in DeKalb County and is not even in the Service Area. Of the 9 companies, no information is provided in the letters about

how much waste they haul, or whether they provide collection services within the Service Area. It appears that many of the companies providing letters (Tri-County Excavation & Construction, Construction Development Strategies Corp, MBL Recycling, D&P) are focused on C&D hauling as opposed to MSW hauling. No information is provided on Creekside Compost and what type of hauling services they provide. **ADDED MANY MORE LETTERS; BROKE OUT SUPPORT LETTER; ADDED INFORMATION FOR ALL WASTE HAULERS**

- In sum, there is no information presented on internal company waste or third-party waste tonnages in relation to the 1,000 tpd (or 1,500 tpd) of transfer capacity that is proposed in the Application. **ADDED INFORMATION ABOUT CURRENT INTERNAL MSW AND SSR VOLUMES**

### Service Area

- Applicant has defined the service area to consist of townships in 4 counties: DuPage County (6 townships), Kane County (8 townships); Cook County (2 townships) and Will County (2 townships). **CORRECT**
- Applicant states that the Service Area is “generally” based on the current service area of the LRS hauling operations. The Application does not indicate, however, whether the current hauling service area is representative of MSW hauling or C&D debris hauling. **BASED ON MSW AND SSR HAULING; C&D SERVICE AREA NOT DISCUSSED BUT WOULD BE THE SAME; NOR IS HYDRO EXCAVATION SERVICE AREA DEFINED; MSW IS THE FOCUS OF THE APPLICATION SO THIS IS THE FOCUS** Further, the Application does not indicate whether all hauling operations in the Service Area are staged out of the West Chicago site or other LRS hauling yards. **NOW STATES ALL CURRENT OPERATIONS IN THE SERVICE AREA BASED AT THE SITE**
- Applicant lists Elburn, Geneva, Lisle, St. Charles, and Wheaton as LRS residential hauling communities. Page 1-4. However, Figure 1-2 shows other communities (e.g., Montgomery, Sugar Grove) as being hauled by LRS. **THIS HAS BEEN CORRECTED**
- Applicant states the Service Area is approximately 640 square miles in size, but presents no analysis of hauling costs to support such a large service area. **THIS IS CORRECT**, but is also not the point. This is about competition for disposal pricing, not really transportation costs getting MSW to the transfer station. Transfer stations could be closer but pricing could still be manipulated to make its **USE IMPRACTICAL**.
- This is also relevant given that Applicant identifies 10 transfer stations as being “proximate” to the service area. It appears that several more-densely population townships in the Service Area (e.g., Schaumburg Township in Cook County, DuPage Township in Will County) may be a shorter haul distance to the proximate transfer stations than the proposed Facility. **AGAIN TRUE BUT THE POINT IS THAT THE PRICING IS NOT THE SAME FOR ALL TRANSFER STATION USERS TO THE DISTANCE CAN BE IRRELEVANT (EXAMPLE OF 30% HIGHER PRICING AT DUKANE)**
- No analysis or explanation is provided to support the identification and designation of “proximate” transfer stations. **MAKE STATEMENT THE ONES SHOWN ARE ABOUT 10 MILES OR LESS FROM THE SERVICE AREA** Applicant's transfer station in Forest View, for instance, is omitted from the list of proximate transfer stations even though it is relatively close to the two transfer stations in McCook (Figure 1-1). **ADDED FOREST VIEW BECAUSE IT IS DISCUSSED IN THE REPORT ERD's transfer station in Rockdale is not shown, even though ERD submitted a letter of support. NOW ALSO SHOW ERD'S AND WMI JOLIET TRANSFER STATION**

### Service Area Demographics/Waste Quantities

- Applicant relies on waste generation and recycling data from County Solid Waste Management Plans, but states "It should be noted that many factors affect the accuracy and precision of this type of data including variability in exactly what materials are reported (e.g., what material is included or excluded) and the method of data collection (e.g., voluntary reporting, measurement)." **DELETED THIS SENTENCE** Applicant does not include any analysis to support the accuracy of the data upon which it relies to estimate Service Area waste quantities, a key variable in the needs analysis, nor does Applicant derive its own estimates of Service Area waste quantities that may be more accurate than the County Plan data. **NOW INCLUDE BRIEF DISCUSSION OF DATA; SINCE THIS IS REALLY BASED ON COMPETITION, THE EXACT GENERATION NUMBERS ARE NOT AS IMPORTANT; NO ADDITIONAL DISCUSSION OR ESTIMATES OF DATA ARE INCLUDED**
- Further, Applicant cites the Kane County Plan, which suggested that increased diversion of waste from landfill due to recycling and "light-weighting" of consumer products may be trends that are lowering disposal quantities. Applicant does not provide any analysis that such trends will not continue in the future, and yet Applicant projects future growth in disposal quantities from the Service Area. **DELETED THE REFERENCED SECTION. THIS SECTION PRIMARILY PROVIDES THE PER CAPITA RATE FROM THE KANE COUNTY SWMP.**
  - Applicant assumes waste generation rates (pounds per capita per day) and recycling rates will remain constant between 2010 and 2040. Tables 1-3A and 1-3B. Applicant also notes that "Trends in pounds per capita per day rates were not evaluated in the Illinois DCEO Report", which was the source of the per capita rates used in Table 1-3B. Applicant provides no analysis of whether per capita generation rates and recycling rates will increase, decrease, or stay the same in the future. **DELETED THE SENTENCE; ADDED A BRIEF DISCUSSION**
- Applicant relies on CMAP population projections for the year 2040 and estimates that population within the Service Area will grow by 20% between 2010 and 2040. Applicant does not consider recent Census data which indicates much slower population growth in Illinois counties. **ADDED 2020 DATA; DISCUSSED FACT THAT 2040 DATA REMAINS THE SAME BUT INCREASES COULD BE LOWER THAN PREVIOUSLY PROJECTED.**
- Applicant states that "The Illinois DCEO Update estimated that the overall Illinois diversion rate is 37.3% by weight, assuming the difference between the generation quantities (estimated to be 19.3 million tons), and disposal quantities (estimated to be 12.1 million tons) is the quantity of materials recovered (approximately 7.2 million tons)." Page 1-9. Applicant utilizes the 37.3% recycling rate from the DCEO study to estimate Service Area recycling and disposal quantities in one forecast scenario. Table 1-3B. Applicant does not provide any analysis or opinion as to whether it agrees with the DCEO methodology or whether it is an accurate method for estimating recycling and disposal quantities. **NOT CLEAR WHY WE NEED TO EVALUATE IT; THE REPORT IS PUBLICLY AVAILABLE AND USED BY MULTIPLE SOLID WASTE MANAGEMENT PLANS; SO SEEMS TO BE A REASONABLE DATA SOURCE**
- In summary, accurate waste projections are a key component of the needs analysis. Applicant cites County Plan and DCEO data and CMAP population projections, but acknowledges such data may be inaccurate, and provides no independent analysis to support that the waste projections in the needs report are reliable and accurate. **SEE ABOVE COMMENTS; WE DO NOT SEE THE VALUE IN GETTING INTO OUR OWN INDEPENDENT EVALUATION; IT IS NOT A PIVOTAL COMPONENT OF THIS NEED EVALUATION.**

#### MSW Transfer Capacity

- Applicant identifies 4 transfer stations located in the Service Area. With respect to these transfer stations, Applicant states:

DuKane Transfer Station has been operating at less than half its maximum capacity since at least 2010. Page 1-12

Batavia Transfer Station operated at about 55% of its maximum capacity during 2019. Page 1-13.

Elburn Transfer Station received 688 tpd in 2007, 535 tpd in 2008, and 495 tpd in 2009. This is old data, but indicates a declining tonnage trend. Pages 1-13, 1-14.

Bluff City Transfer Station received 645-700 tpd between 2016 and 2019, which means it operated about 35% of its maximum capacity of 2,000 tpd for the last 3 years. Page 1-15. Further, these recent throughputs are down from prior levels. Bluff City handled 965 tpd in 2007, 893 tpd in 2008, and 846 tpd in 2009.

Applicant actually concludes that there is adequate design capacity in Service Area. Page 1-25. Applicant estimates the 4 transfer stations in the Service Area have a combined capacity of 7,000 tpd, compared to projected Service Area waste disposal of 3,700 tpd (current) and 4,400 tpd (2040, assuming population grows by 20 percent). This does not suggest an urgent need, either presently or in the future.

Furthermore, on a combined basis, Applicant estimates the 4 transfer stations accept 2,800 tpd, a throughput that has been relative stable over the years. Pages 1-25 and 1-26. Therefore, the 4 transfer stations are operating at about 40% of their design capacity on a combined basis.

Applicant also identifies 10 proximate transfer stations that are located outside the service area. Page 1-15. Applicant does not provide an explanation for why these 10 facilities were selected (nor why other transfer stations outside the Service Area were not also deemed to be "proximate"). Applicant provides no information on capacity and throughputs at the proximate transfer stations, and does not answer an obvious question: if these transfer stations are "proximate", why are they not reasonably available to meet the needs of the Service Area? In fact, the Applicant concedes that 900 tpd of waste from the Service Area is currently being managed by the proximate transfer stations. Page 1-26. **WE ACKNOWLEDGE THAT THE PROXIMATE TRANSFER STATIONS ARE HANDLING THE WASTE NOT MANAGED BY THE TRANSFER STATIONS IN THE SERVICE AREA AND DO NOT ARGUE THEY COULD NOT IN THE FUTURE; THIS IS NOT THE POINT; WE ARE RELYING UPON THE COMPETITION ARGUMENT AND THE VALUE TO DUPAGE COUNTY OF KEEPING ITS OWN WASTE IN ITS OWN TRANSFER STATIONS**

- Applicant argues that the export of 900 tpd from the Service Area is evidence of a 900 tpd "operational" shortfall of capacity in the Service Area. Page 1-26. Given that the 4 transfer stations are operating at 40% of design capacity, Applicant's conclusion is not supported by empirical data. Applicant concedes that "Given the number of transfer stations proximate to the Service Area, it is reasonable that the approximately 900-ton-per-day difference is currently being managed by transfer stations located outside of the Service Area." Page 1-26. The service areas for the proximate transfer stations may very well overlap with the Service Area of the proposed Facility, which is a more plausible explanation of why 900 tpd is exported from the Service Area rather than some alleged shortfall in "operational capacity". **WE AGREE THAT THE 900 TPD IS EXPORTED AND ACKNOWLEDGE THIS.**
- Applicant does no analysis of service area overlap. Moreover, Applicant does not provide any analysis as to why the proposed Facility is more economical compared to using proximate transfer stations to manage a portion of the Service Area's waste. Some townships in the Service Area are likely closer to the proximate transfer stations than the proposed Facility.

**WE ARE NOT ARGUING WHETHER CERTAIN ONES ARE MORE ECONOMICAL BASED ON DISTANCE; EVALUATING THE DISTANCE ASSUMES SAME/ FAIR DISPOSAL RATES FOR ALL USERS; THE POINT IS THAT DISTANCE DOES NOT MATTER WHEN THE DISPOSAL RATES ARE NOT THE SAME FOR ALL USERS.**

- Applicant states that the available operational capacity of a transfer station can vary based on:

The type/amount of equipment used at the transfer station.

Operating hours.

- Labor.

Optimization of operational capacity relative to anticipated acceptance volume.

- Relative transportation distances and other operational factors considering other same-company operating facilities.

Ability to solicit favorable agreements/pricing from transfer stations operated by other companies.

Overall company business strategy.

Positioning for winning municipal hauling contracts.

- All of these factors would apply equally to the proximate transfer stations as well as the proposed Facility. **CORRECT, BUT ALSO EACH IS ABLE TO DECIDE FOR THEMSELVES TO NOT CONSISTENT FOR EACH TRANSER STATIONS** Far from suggesting an "operational capacity" deficit, they instead more plausibly provide an explanation as to why 900tpd of Service Area waste is currently exported. **AGREED**

- Because it will be a new transfer station, the proposed Facility will necessarily draw waste from existing transfer stations. **AGREED** Applicant could have provided an analysis to demonstrate that the proposed Facility would improve the regional handling of waste, for instance by evaluating the spatial distribution of population/waste within the Service Area to evaluate whether the proposed Facility provided transportation savings (to the entire Service Area, not just Applicant's hauling operations). **DO NOT THINK WE CAN PROVE THIS BECAUSE DUKANE HAS SO MUCH ADDITIONAL CAPACITY; TRANSPORTATION SAVINGS IS NOT THE POINT BECAUSE UNEVEN PRICING CAN OVERBALANCE TRANSPORTATION COSTS.**

However, other than noting that the Facility is located near the geographic center of the Service Area and may provide some transport savings to Applicant, no such analysis was provided in the Application. The proposed Facility may provide business benefits to the Applicant, but the needs of the entire Service Area must be considered under Criterion 1. **WE ARE CONSIDERING THE NEEDS OF ALL THE COMMUNITIES IN THE SERVICE AREA BY MAKING THE CASE THEY ALL NEED COMPETITION TO MAINTAIN THEIR RATES AND THEIR SERVICES. COMPETITION IS MAINTAINED BY GIVING THE PRIVATELY OWNED HAULERS AN OPTION OTHER THAN THE MAJORS.**

- Applicant asserts that the Batavia Transfer Station, owned and operated by Advanced Disposal Services, has been the most aggressive transfer station in the Service Area in terms of soliciting third-party tonnage. Applicant bases this assertion on the observation that Advanced holds relatively few of the municipal (i.e., residential) hauling contracts within the Service Area. However, that observation does not consider that Advanced may collect larger amounts of commercial waste than residential waste, **NOT SURE HOW WE COULD CONFIRM/**

**KNOW THIS BUT VERY DOUBTFUL BASED ON TYPICAL OPERATIONS** and ignores the fact that LRS has taken the St. Charles and Geneva municipal hauling contracts from Advanced since the Batavia Transfer Station started operating. **ST. CHARLES AND GENEVA OBVIOUSLY BENEFITED FROM THIS; ALSO COULD ARGUE THAT THIS HELPS MAKE OUR POINT ABOUT WHY WANT PRIVATES IN THE MARKET AND THAT ADVANCED COULD TURN US UPSIDE DOWN BY RAISING THEIR PRICES IF THEY WANTED TO; DATA WOULD SUGGEST THEY ARE OK WITH LETTING THE HAULING GO AND MAKING THEIR MONEY ON THE TRANSFER**

- Applicant concludes "In summary, the available operational capacity in the Service Area can vary from the available design capacity to zero at the discretion of the companies which control the waste management network. Currently, based on the long-term relatively consistent volumes at the Service Area transfer stations, the available operational capacity to companies other than WMI, Advanced Disposal and Waste Connections is less than 560 tons per day (1,250 tons per day at Batavia Transfer Station - approximately 700 tons per day acceptance volumes)." Pages 1-26 and 1-27. Applicant therefore concedes that "operational capacity" may in fact be equal to design capacity. Applicant's contention that "operational capacity" may be zero at the discretion of the current owners is not supported by empirical data -- Applicant provides no data on third-party volumes at the 4 transfer stations in the Service Area (or proximate transfer stations) and, in fact, LRS is a third-party customer at the Batavia Transfer Station. Applicant is assuming its conclusion rather than demonstrating it through empirical evidence. **THE FLAW WITH YOUR ARGUMENT IS THAT IT ASSUMES THE OTHER TRANSFER STATIONS ARE PROVIDING CONSISTENT PRICING NOW AND WILL BE IN THE FUTURE. EVEN IF THEY ARE NOW, DOES NOT MEAN THEY WILL IN THE FUTURE. THE POINT IS A COMPANY NEED FULL INTEGRATION TO HAVE A CHANCE TO MAINTAIN A LEVEL PLAYING FIELD. IF NOT, ALWAYS AT THE MERCY OF THOSE WHO DO AND THERE ARE SUBSTANTIAL BENEFITS TO THE SERVICE AREA IF LRS GETS THE TRANSFER STATION.**

Hydro-Excavation Waste – SEE LANGUAGE CHANGES; CHANGED ARGUMENT TO MORE ECONOMICAL TRANSPORTATION VS CAPACITY ISSUE

- Applicant asserts there is a "desperate" need for hydro-excavation waste. Page 1-1 **REMOVED THIS LANGUAGE**
- Applicant states that "Publicly available information regarding the amount of hydro excavation wastes that are generated within Illinois and/or a geographic area within Illinois is not available. Information from customers and generators suggest that 50 tons per day to 200 tons per day of hydro excavation wastes are generated in the Service Area primarily depending on the time of year (larger amounts are generated during the construction season." Page 1-23. Applicant does not disclose which customers and generators provided "information" nor how many customers and generators were contacted. There is no way for West Chicago to independently verify these estimates of quantities (and the burden is on the Applicant to adequately document quantities). **SEE ADDITIONAL LANGUAGE**
- Applicant states "We understand that the only facility within the Service Area that accepts and processes hydro excavation wastes is the Woodridge-Green Valley Wastewater Facility." Page 1-24 Applicant provides no information on the capacity (in tpd) of that facility for hydro-excavation waste. **SEE NEW LANGUAGE**

- Applicant states "We understand that the only facility proximate to the Service Area that is permitted to accept and process hydro excavation wastes is LRF's facility in Forest View." Page 1-24 Applicant further states the Forest View facility handles 100-400 tpd of hydro-excavation waste, which is sourced from throughout northern Illinois (Wisconsin to the north, Iowa to the west, and Pontiac to the south). Given that the apparent service area for hydro-excavation waste at Forest View is all of northern Illinois, it is hard to resolve a proportionate estimate of generation within the Service Area of 50-200 tpd. **SEE NEW LANGUAGE**
- Applicant claims that the large service area at Forest View is evidence that there is a lack of available facilities to accept and process hydro-excavation waste. But Applicant also couches its identification of the Woodridge-Green Valley Wastewater Facility and Forest View Transfer Station as being the only facilities that manage hydro-excavation waste as "We understand that the only facility..." The Application does not disclose the source of that "understanding" Further, no survey of other wastewater treatment facilities, transfer stations or landfills was apparently performed by Applicant to document that there are *only two* existing facilities processing hydro-excavation waste. **SEE NEW LANGUAGE**

#### Competition

- Applicant is on stronger ground when it comes to competition; however, additional data and analysis would support that aspect of need.
- Applicant suggests that hauling in the Service Area is "controlled" by Waste Management, Waste Connections and Advanced Disposal, which own the 4 transfer stations in the Service Area. Page 1-25. However, Applicant has managed to secure at least 9 municipal (residential) hauling contracts in the Service Area, notwithstanding that it doesn't currently own a transfer station. Page 1-17. Presumably, Applicant also provides commercial waste collection within the service area. Page 1-4 **CORRECT. LRS WAS SUCCESSFUL IN LARGE PART DUE TO DISPOSAL PRICING PROVIDED BY ADVANCED DISPOSAL.**
- Applicant states that it currently delivers all of the waste it collects in the Service Area to the Advanced Disposal's Batavia Transfer Station. Page 1-21. Applicant states that Advanced has been aggressive about sourcing third-party tonnage at the Batavia Transfer Station, but suggests that may change after the completion of the pending acquisition of Advanced by Waste Management. Page 1-26. There is no analysis or evidence presented to document that the Batavia Transfer Station would not be available to Applicant post-acquisition. **WE DISCUSS PRICING FROM OTHER WMI FACILITIES; SPECULATING INTO THE FUTURE SO NOT AWARE OF OTHER DATA THAT COULD BE PROVIDED.**
- Applicant does not discuss the possibility that Waste Management may have to divest assets (including a transfer station) in the Service Area as part of the acquisition of Advanced Disposal. GFL has been identified in industry trade journals as the purchaser of assets that DOJ is requiring Waste Management to divest and would be a new entrant into the transfer/disposal market in the Chicago metro-area. **ADDED LANGUAGE ABOUT THE STATUS OF THE ACQUISITION**
- Applicant states that available design capacity is not necessarily available to third-party collection companies. Page 1-21 Applicant further states that it requested pricing from Waste Connections at the DuKane Transfer Station and was quoted a disposal price that is approximately 33% higher than "market". P. 1-21. Applicant provides no data on what the "market" disposal price is, however. Further, Applicant provides no information as to the terms under which the pricing was requested from Waste Connections (e.g., contract length, tonnage to be delivered, etc.) Further, Applicant apparently did not request pricing information from the other transfer stations in the Service Area nor from proximate transfer stations. **CLARIFIED**



**AND ADDED SOME ADDITIONAL LANGUAGE.**

Typos

- Page 1-3, 6th bullet, typo, "it" should be "its".
- Page 1-11, last sentence on the page, should state 2016 acceptance volume was the largest since 2010, not 2017, at least not based on the tonnage data listed in the previous sentence.
- Page 1-17, typo, middle paragraph, "includes" should be "include".
- Page 1-18, typo, first bullet, "serve" should be "serves".
- Page 1-23, typo last line, "its" not "their"

**Issue: Residential Zoning Setback**

Section 22.14(a) of the Illinois Environmental Protection Act states that "No person may establish any pollution control facility for use as a garbage transfer station, which is located less than 1,000 feet from the nearest property zoned for primarily residential uses or within 1,000 feet of any dwelling, except in counties of at least 3,000,000 inhabitants."

The railroad property directly adjacent to the east side of the site is zoned Estate Residence District which is designated for single family detached dwellings, home occupations, small community residences, forest preserves, and parks and recreational areas when publicly owned. Although the application includes extensive discussion that the physical features of that property, the lack of access, and the lot requirements make it physically impossible to construct a residence there, it is the opinion of Aptim that this issue poses significant risk to the project.

It is our understanding that the Applicant believes that the Pollution Control Board decision in the Caseyville transfer station case, along with the letter from West Chicago provided in Appendix 2-D exempts this project from the residential setback requirement. However, there are differences between this situation and that in Caseyville. In any event, even if siting approval is obtained in West Chicago, this is an issue that may be litigated in the event that the siting process has opposition that may file an appeal. Aptim recommends that the railroad property be rezoned prior to filing to eliminate this risk. **WE UNDERSTAND AND APPRECIATE YOUR ENCOURAGEMENT OF WEST CHICAGO TO CHANGE THE ZONING, BUT WEST CHICAGO HAS DECLINED TO REZONE.**

**Issue: Plan Consistency**

Beginning with the 2007 Plan Update the County began articulating the need for a transfer station in the "southern portion" of the county. **UNDERSTOOD. THE 2007 UPDATE INDICATES THE RESULTS OF THE EVALUATION "CONCLUDED THAT THE ONLY AREA THAT MIGHT BENEFIT FROM A WASTE TRANSFER ARE LOCATED IN THE SOUTHERN PORTION OF THE COUNTY." HOWEVER, THIS IS NOT REFLECTED IN THE RECOMMENDATION SECTION, WHICH INDICATES THE COUNTY IS CONSIDERING MULTIPLE ADDITIONAL TRANSFER STATIONS.**

This finding was further supported by the study Shaw did and the figures from that study are in the 2012 Plan Update which again states that conditions may necessitate a transfer station in the southern portion of the county. This is a key issue that the opposition will focus on along with the maps in the 2012 update. **WE UNDERSTAND AND APPRECIATE THE COMMENT; VARIOUS FIGURES ARE INCLUDED THAT DID NOT APPEAR TO HAVE BEEN INCLUDED IN THE 2007 UPDATE. THE RECOMMENDATION TABLE IS NO LONGER INCLUDED AND THE RECOMMENDATION SECTION OF THE 2012 UPDATE DOES NOT MENTION TRANSFER STATIONS. THE NEEDS ASSESSMENT INCLUDES THE ABOVE STATEMENT WHICH IS BASED ON CAPACITY, GENERATION AND DISTANCE, AND INFERS CONSISTENT PRICING AT TRANSFER STATIONS FOR VARIOUS USERS. WE BELIEVE THIS SECTION DOES NOT PRECLUDE THE POTENTIAL NEED FOR OTHER TRANSFER STATIONS AND SEEMS TO SUGGEST THIS**

**POSSIBILITY.**

Compounding this is the DuPage County Plan Updates doesn't appear to clearly state that the past plan update recommendations are no longer applicable and that the 2017 Update controls as far as Plan consistency. **NONE OF THE UPDATES MAKE THIS CLEAR STATEMENT. THE 2017 UPDATE MENTIONS SERVICE AREAS MUST BE CONSIDERED AS WELL AS MARKET FORCES AND MUCH MORE CLEARLY STATES THE COUNTY WILL CONSIDER NEW OR EXPANDED FACILITIES ON A CASE BY CASE BASIS, WHICH SEEMS TO OVER RIDE THE SIMILAR COMMENTS ON THE SAME TOPIC IN PREVIOUS UPDATES. THIS IS THE FIRST MENTION OF MARKET FORCES, WHICH IS ARGUMENT WE ARE MAKING.**

LRS further complicates this by including all the plans in its proposed filing, opening up all the past plans to being applicable to the hearing. **WE UNDERSTAND THE COMMENT BUT BELIEVE ALL SHOULD BE INCLUDED AND ADDRESSED.**

The letter from the County is weakened by the fact it is from mid-level staff and it states the facility "appears" to be consistent with the plan. The opposition will wonder why the county held back from saying it is consistent with the plan, and that the letter is meaningless since the county did not offer a final determination. **JOY HINZ IS RESPONSIBLE FOR OVERSEEING THE SWMP SO WE WOULD ARGUE SHE PROBABLY HAS THE BEST UNDERSTANDING AT THE COUNTY AND IS THUS THE BEST PERSON TO SIGN THE LETTER.**

The opposition will likely muddy-up what the DuPage County Plan says about TSs and that the 2007 and 2012 preference for TSs in the southern portion of the county is still controlling policy in the plan. There is nothing in the 2017 plan that states the past language is no longer applicable. **WE UNDERSTAND AND APPRECIATE ALL THE COMMENTS AS THEY HELP PREPARE FOR THE POTENTIAL ARGUMENTS AT THE HEARING. ALL OF THE ABOVE ITEMS ARE ADDRESSED IN OUR EVALUATION AND WE ARE NOT PROPOSING ANY MODIFICATIONS TO THE DRAFT CRITERION 8 EVALUATION.**

### Issue: Stormwater

Although the City issued a Stormwater Management Certification (No. SM2019-0061) on December 6<sup>th</sup> 2019 approving the site stormwater plan, Aptim has identified a number of issues during its review of the Stormwater Management Plan that may impact the health, safety and wellbeing of the general public. These issues were previously raised with the Applicant, but not addressed—likely because the City has approved of their plans. However, this issue may be raised by opposition during the siting hearing.

The 100-yr Base Flood Elevation (BFE) (752.25 ft. MSL) obtained from the new FEMA Flood Insurance Study data is greater than the East Pond outfall (749.1 ft. MSL) as well as the site's existing storm sewer network outlet (750.5 ft. MSL) which drains roughly half of the upstream paved site. In fact, both the East Pond outfall and existing storm sewer outlet are lower than the 10-year storm flood elevation (751.50 ft. MSL). **CORRECT. 100-YEAR BASE FLOOD IS 752.25 AND 10-YEAR FLOOD IS 751.50 BASED ON FEMA FLOOD INSURANCE STUDY.**

Given the East Pond and attributing storm sewer network will be submerged during significant storm events, a tailwater analysis at both locations is necessary to determine if free-flowing conditions will exist. **THIS WAS COMPLETED** Furthermore, no evaluation of the site's existing storm sewer network was performed. **CORRECT** Watersheds were generally delineated based on the site's paved surface boundaries with sheet-flow and shallow concentrated-flow assumed to occur across the site. In reality, stormwater runoff will sheet-flow across the site into the storm sewer inlets and then through the pipe network before discharging into the East Pond. It is noted that a lot of the storm sewer pipes' invert elevations are below the 100- yr BFE (752.25 ft. MSL) as well as the East Pond high-water elevation (754.16 ft. MSL). **CORRECT** A change to the stormwater model such as this would most likely change the peak flow, peak time, and high-water level exhibited at the East Pond. **WE DISAGREE. THE EAST POND WAS MODELLED ASSUMING KRESS CREEK IS AT 100-YEAR FLOOD STAGE, WHICH IS A VERY CONSERVATIVE ASSUMPTION. NO DETENTION CREDIT IS TAKEN BELOW KRESS CREEK 100-YEAR FLOOD STAGE.**

It is recommended that an analysis of the storm sewer network be performed to evaluate and determine how the site's proposed stormwater management system performs during peak rainfall events. This is especially the case given that stormwater from the East Pond is expected to backflow into the existing storm sewer network for even the 10-year rainfall event. With no understanding of how stormwater runoff will move through the site's conveyance and discharge features, it is impossible to anticipate if stormwater will be detained and released in a controlled manner. **WE DISAGREE. WHILE FULL EXTENTS OF STORMWATER SYSTEM ARE NOT KNOWN (SEE PREVIOUS DISCUSSION ATTACHED) IT IS KNOWN THAT STORMWATER BACKUP WOULD ONLY OCCUR UNDERGROUND IN THE STORM SEWER SYSTEM (STORMWATER WILL NOT BACK UP ONTO THE PAVEMENT). WATER WILL CONTINUE TO DRAIN TO THE POND EVEN IN 10-YEAR EVENT SINCE POND LEVEL WILL BE BELOW PAVEMENT SURFACE (I.E. THERE WILL BE A HEAD DIFFERENCE BETWEEN WATER ENTERING STORM SEWER NETWORK WITH ELEVATIONS BETWEEN 755 AND 756 COMPARED TO 10-YEAR FLOOD STAGE AT 751.50).**

Therefore, it is the opinion of Aptim that the Stormwater Report has not demonstrated adequate stormwater runoff design features in accordance with the DuPage County Countywide Stormwater and Flood Plain Ordinance. **DUPAGE COUNTY ISSUED AN APPROVAL CONFIRMING THE PROPOSED DESIGN MEETS THE COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE. WE RESPECTFULLY REQUEST THAT APTIM RECONSIDER THIS OPINION.**

### Issue: Push Wall Design

A typical push wall design includes a 12 to 18-inch reinforced concrete wall with, in some instances, a metal plate for abrasion resistance attached to the lower portion of the wall. However, Drawing C302

depicts a push wall design that includes a structural I beam attached to a "cover plate". Additionally, based on Figure 2-3, it appears that the pushwall will be attached directly to some of the building columns which will be wrapped instead of being constructed as a linear wall in front of the building structure. **NO PORTIONS OF THE PUSHWALL WILL BE CONNECTED TO THE BUILDING COLUMNS; THE DRAWINGS WERE MODIFIED TO CLARIFY THIS.**

APTIM believes that a structural engineering analysis be performed to demonstrate that the system can take an impact from a loader at 5 mph without shearing the beams. Although the Applicant has claimed that this is a proprietary design, it will need to be reviewed by the City prior to issuance of a building permit if they are unwilling to provide the information within their Siting Application. Aptim recommends that this information is made available to the City prior to filing of the Siting Application to allow for review and to ensure that the sited design will ultimately be constructible. **THE BARRIER WALL WILL BE DESIGNED TO WITHSTAND AN IMPACT FROM A LOADER AT 5 MPH. WE ADDED LANGUAGE TO THE APPLICATION REFLECTING OUR PAST EXPERIENCE WITH THIS DESIGN.**

Further, the applicant should explain how waste is prevented from accumulating behind their proposed pushwall system (between the push wall and exterior building wall) and and/or how that area will be cleaned on a routine basis. **APPROXIMATELY THREE FEET OF SPACE WILL BE PROVIDED BETWEEN THE BARRIER WALL AND THE BUILDING/ BUILDING COLUMNS TO ALLOW CLEANING. A THINNER SHEET OF METAL (ABOUT 3/16 INCH) WILL BE PLACED ON TOP OF THE WALL BETWEEN THE WALL AND THE BUILDING AT ABOUT A 45 DEGREE ANGLE (SLOPING BACK TO THE TIP FLOOR) TO PREVENT WASTE FROM OVER TOPPING. LANGUAGE WAS ADDED TO SECTION 2.4.7 TO CLARIFY THAT ROUTINE CLEANING BEHIND THE WALL WILL OCCUR. CLEANING HAS BEEN PERFORMED BY A COMBINATION OF SWEEPING, BLOWING OR HIGH PRESSURE WATER. FOR A LONGER RUN, A DOORWAY CAN BE PROVIDED TO THE OUTSIDE OF THE BUILDING IN BETWEEN THE ENDS OF THE BARRIER TO PROVIDE BETTER ACCESS. THIS WALL DESIGN HAS BEEN USED AT LRS'S 3152 S CALIFORNIA FACILITY FOR OVER 15 YEARS WITHOUT ANY SAFETY OR FIRE ISSUES. IT IS ALSO THE SAME AS THE BARRIER WALL INSTALLED IN THE C&D TIPPING BUILDING IN 2018.**

#### **Issue: Tipping Floor Capacity and Operation**

The proposed maximum throughput is too high for the facility design and operation.

The wheel loaders that are depicted on Figure 2-3 are drawn at a smaller scale than actual size. The loader models being used at Lakeshore's California Ave facility are Caterpillar 980 and 950 for loading and consolidation, respectively. **THE DIMENSIONS OF THE PLANNED LOADERS HAAVE BEEN ADDED TO FIGURE 2-3** The smallest loader recommended by Caterpillar for use in a transfer station that transfers 1,300 tons per day (MSW and SSR) is a 966 model with an 8.5 yd bucket, though an even larger 980 model may be necessary as it apparently is at the California Ave. facility. The 966 and 950 models have lengths of almost 27 feet (without a bucket) and widths of 9.83 and 10.83 feet over tires, respectively. **THE DIMENSIONS ARE SHOWN ON FIGURE 2-3** The loaders shown appear to have length of only approximately 17 feet (without bucket) and a width of approximately 7 feet over tires. Figure 1 imposes more realistic loaders onto the Applicant's Figure 2-3.

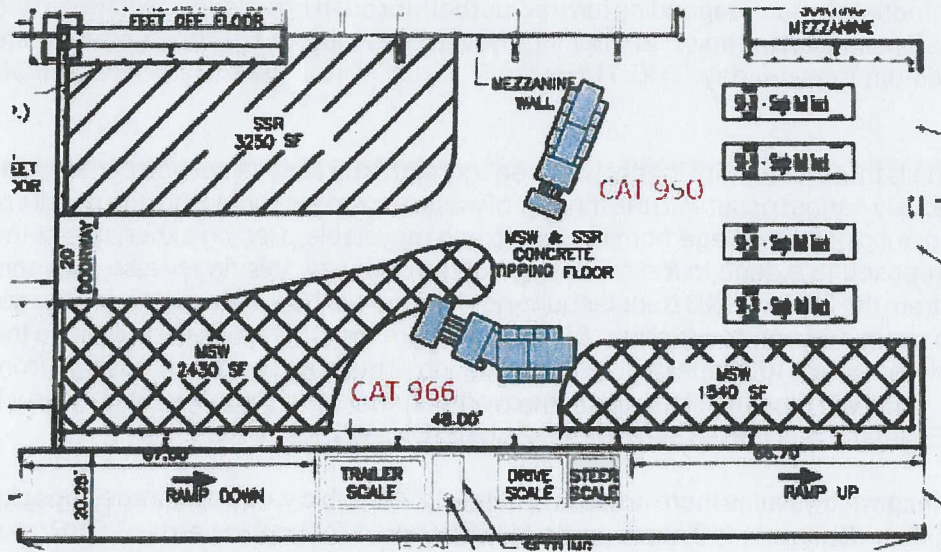


Figure 1

As shown, the sizes and locations of the stockpiles create a limited area where the wheel loaders can operate and will prevent a wheel loader from unloading and loading a transfer vehicle as efficiently as presented.

The applicant should provide analyses of the area required on the floor to allow movement of the appropriately sized wheel loaders to accommodate the corresponding turning radius (both for pushing unloaded waste into the pile and loading a transfer vehicle) and how that affects the area available on the floor to store waste. **THE TURNING RADIUS OF THE 980 LOADER IS SHOWN ON FIGURE 2-3 TO DEMONSTRATE THE APPROXIMATELY WORKING AREA FOR THE LOADER.** The current scenario appears not to allow these movements as depicted in Figure 2.

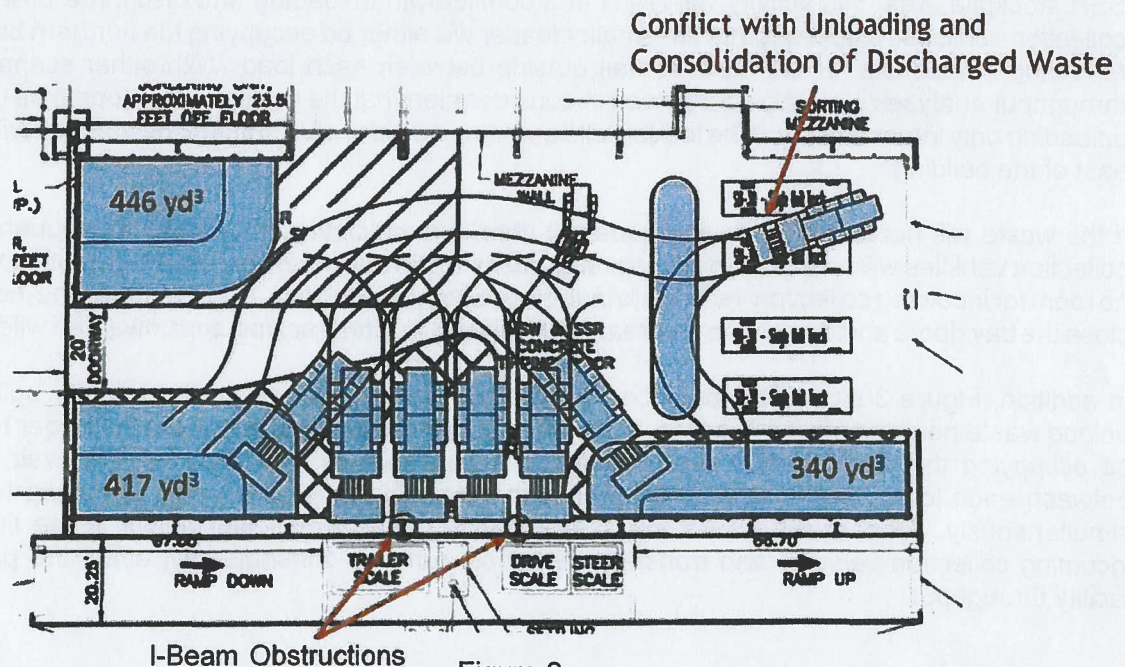


Figure 2

The applicant should provide an analyses of the area required on the floor to allow movement of the

wheel loader or accommodate the corresponding turn radius (both for pushing unloaded waste into the pile and loading a transfer vehicle) and how that will affect the area available on the floor to store waste and the required maximum tons per day. **THE TURN RADIUS OF THE LOADER IS SHOWN ON FIGURE 2-3.**

To compound this issue is that the primary loader will need a straight run at each section of the trailer as it is filled which obviously cannot occur with the "finger" of waste shown extending into the middle of the floor. In addition to anticipated spillage from the waste and recyclable piles on either side of the doorway which are proposed to extend to the exact edge of the doorway, this finger also prevents equipment access to/from the 20-foot C&D transfer building. It is unclear how or if equipment can get to that door in order to move any non-recyclable C&D material from the C&D transfer building to the transfer building, and vice versa. Additionally, overhead door no. 2 may be blocked by spillage from the smaller MSW pile. This will prevent full usage of the overhead door no. 2 bay and slow the truck acceptance rate. **SEE UPDATED THROUGHPUT EVALUATION AND FIGURE 2-3**

Further, the applicant incorrectly claims there is approximately 2,500 cubic yards of storage capacity on the revised tipping floor design (1,410 cubic yards of MSW and 1,090 cubic yards of SSR). As previously indicated, we believe that use of a more realistic density of 169 pounds per cubic yard results in a need to store 1,239 cubic yards of SSR material as proposed.

The applicant also used "average" pile heights of 12 feet. However, with such narrow stockpile areas, it will not be possible to store waste above maximum height of the pushwall since, at a 1:1 slope, the peak of the piles of already very near to the edge of the building, severely limiting the area above the pushwall that can be used for storage.

Figure 2 illustrates more realistic stockpile sizes, each showing a 1:1 working face up to the top of the pushwall (a height of 12 feet) while still allowing relatively free maneuvering of the loaders. It also shows more realistic stockpile sizes. Using the average areas of the pile bases and plateaus on this figure and multiplying by 12 feet, we estimate the total volume of MSW and SSR storage is only 757 cubic yards and 446 cubic yards, respectively.

Figure 2 also illustrates a previously mentioned issue of the need for waste to be consolidated from its discharge area to the southwest stockpile. In addition to the previously described need to reduce the SSR stockpile area, this activity will result in a conflict with unloading and discharge of waste by collection vehicles. It appears that the smaller loader will either be occupying the northern bay door, rendering it unusable, or will have to wait outside between each load. With either scenario, the throughput analyses should be performed in consideration that the northern bay door to be used for unloading only intermittently. If the loader will be waiting outside, it will impede the maneuvering area east of the building.

If the waste will not be routinely consolidated, then it is anticipated that each subsequent set of collection vehicles will need to dump closer and closer to the bay doors such that there will be virtually no room for incoming collection vehicles to pull into the transfer building. Not to mention the inability to close the bay doors and the inherent increased likelihood for litter tracking and unwanted wildlife.

In addition, Figure 3 shows the collection vehicle pulling far enough into the transfer building to unload waste near the stockpile areas, but in doing so, will also require the smaller loader to either be occupying the northern bay door, rendering it unusable, or that it will have to wait outside between each load. This scenario also makes it impossible for loading and unloading to occur simultaneously. All of these issues are anticipated to cause significant delays in the timing of incoming collection vehicles and transfer trailer load-out and, consequently, affect the proposal facility throughput.

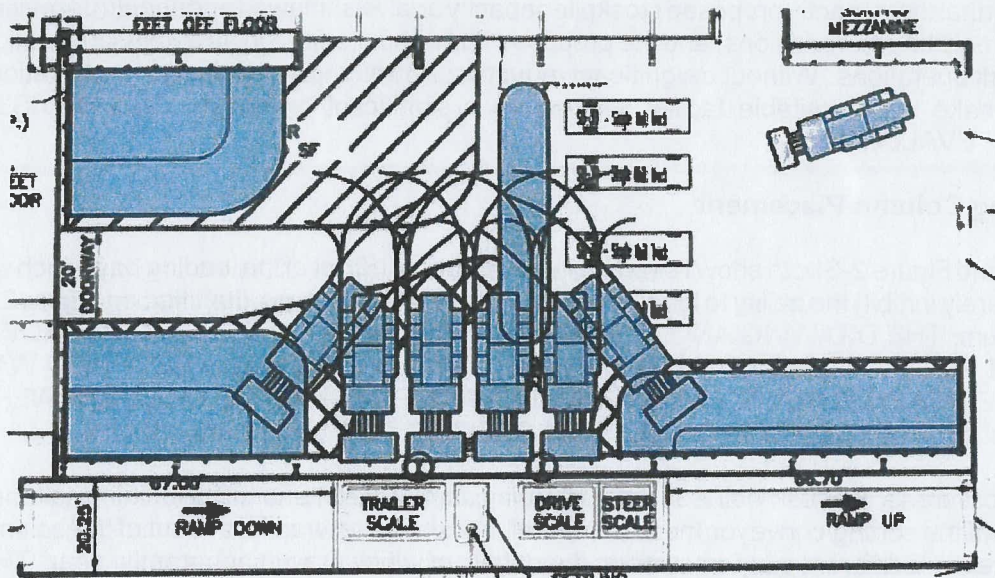


Figure 3

In addition to the apparent need for one of the loaders to be blocking one of the bay doors, it is proposed that four vehicles (two per door) can be unloading at the same time. The doors are specified to be 30 feet wide, each. Assuming a width of 10 feet for each truck, **THE MAXIMUM LEGAL VEHICLE WIDTH IN ILLINOIS IS 8.5 FEET**, there will only be approximately 3.3 feet of clearance between the doorjamb and/or adjacent truck in each bay. This is unlikely as it will require near perfect driving from collection vehicles in order to reverse through a shared door without causing an accident. At maximum throughput peak hour, the Applicant plans to dump 28 trucks in the building - 14 trucks through each bay in the busiest hour. This will not be possible if only one bay can be used and if two trucks cannot tip their loads simultaneously in each bay. With only one useable bay and one vehicle in that bay at a time, only 12 vehicles will be able to unload if the applicant's assumption of 5 minutes per dumped load is accurate. Aptim has used a range of unloading times of 4 to 9 minutes (average of 6.5 minutes) which would further reduce the number of vehicles that can dump. **WE ARE USING 5 MINUTES AND BELIEVE THAT THIS IS AN APPROPRIATE AVERAGE TIME.**

The applicant has indicated that they would segregate and store incidental white goods, lead-acid batteries, and used tires. It is unclear how much interior or exterior space has been dedicated to storage of each of these materials, **CONTAINERS HAVE BEEN ADDED TO SHOW WHERE WHITE GOODS, TIRES AND BATTERIES WOULD BE STAGED** how the salvaging may affect operations (e.g. tipping floor operations, traffic circulation, queuing, etc.). In addition, manual sorting on a tipping floor this small is dangerous. **SALVAGING IS PROPOSED ONLY FOR PREDOMINANTLY RECYCLABLE LOADS BUT ARE ACCEPTED AS MSW. IT WILL NOT BE A ROUTINE OPERATION. LANGUAGE HAS ALSO BEEN ADDED TO CLARIFY SALVAGING WILL NOT OCCUR DURING PEAK TIMES**

Finally, the applicant has proposed that salvaging of recyclable material from MSW loads may also occur. Salvaging will require the loader operator to leave the transfer building with the salvaged materials and deliver them to the C&D tip floor **MATERIAL WOULD JUST BE PUSHED THROUGH THE OPENING**, or directly to the storage bunkers as described in Section 2.4.5. The proposed salvaging and sorting of recyclables and incidental wastes also becomes functionally impossible, as these activities cannot be performed simultaneously. **SALVAGING IS PROPOSED ONLY FOR PREDOMINANTLY RECYCLABLE LOADS BUT ARE ACCEPTED AS MSW. IT WILL NOT BE A ROUTINE OPERATION. LANGUAGE HAS ALSO BEEN ADDED TO CLARIFY SALVAGING WILL NOT OCCUR DURING PEAK TIMES**

In all, it is evident that the currently proposed stockpile capacity analysis is flawed and should be revised to reflect more realistic site conditions, and the proposed throughput adjusted as necessary to allow safe and efficient operations. Without a significant reduction in throughput, the design modifications necessary to make this a suitable facility will require a significant re-design. **SEE REVISED THROUGHPUT EVALUATION**

#### **Issue: Building Column Placement**

Drawing C302 and Figure 2-3 both show I beam column supports in front of the loading bay which will prevent (or severely inhibit) the ability to load trailers. These obstructions are identified on Figure 2 of this memorandum. **THE DRAWING AND FIGURES ARE CORRECT. THE COLUMNS SHOWN ARE PRESENT ABOVE THE LOADING PIT FRAMED OPENING. AN ELEVATION VIEW WAS ADDED TO THE DRAWING SET TO SHOW THE BUILDING FRAMING. THE COLUMNS WERE REMOVED FROM THIS LOCATION ON CERTAIN FIGURES TO AVOID CONFUSION.**

In addition, in most areas, the push wall is shown extending across the interior of the building columns and, in the area of the sorting conveyor/mezzanine wall, it is shown to wrap in and out of the column bays with apparently a different support system, the details of which are not apparently clear. **THE DRAWINGS WERE MODIFIED TO CLARIFY THAT THE BARRIER WALL DOES NOT WRAP IN AND OUT OF THE COLUMN BAYS.**

In addition to posing a safety issue, it will be difficult to clean the waste or recyclables that will become wedged around these columns. **SEE ABOVE COMMENTS ON THE BARRIER WALL.**

#### **Issue: Sensitivity of Throughput Analyses**

The distribution and timing of transfer vehicle loadouts is speculative, and sensitive to minor variations in projected delivery and load-out assumptions, including weather, traffic/accidents, control of third parties, and variability of the waste stream. In fact, sensitivity analyses on the 1,000 ton per day MSW scenario provided by the applicant shows that shifting the arrival times of a handful of collection and transfer trucks (i.e. a driver is running early, late, etc.) would increase the required storage area from the reported 522 cubic yards to over 1,000 cubic yards (refer to Table 2).



**Table 2 - MSW Throughput Sensitivity**

Hour	Incoming Packers as in Application	Inbound Switches		
		1	2	3
6:00 AM	0	0	0	0
7:00 AM	3	3	3	3
8:00 AM	8	8	8	8
9:00 AM	8	8	8	9
10:00 AM	16	17	17	17
11:00 AM	16	16	17	17
12:00 PM	5	5	4	4
1:00 PM	5	5	5	5
2:00 PM	16	15	15	15
3:00 PM	16	16	16	15
4:00 PM	3	3	3	3
5:00 PM	0	0	0	0
<b>Cubic Yards of Storage Required</b>	<b>522</b>	<b>579</b>	<b>635</b>	<b>683</b>

Hour	Loadout as in Application	Outbound Switches		
		1	2	3
6:00 AM	2	2	2	2
7:00 AM	2	2	2	2
8:00 AM	5	5	5	5
9:00 AM	5	5	5	4
10:00 AM	5	5	4	4
11:00 AM	6	5	5	5
12:00 PM	5	5	5	5
1:00 PM	6	6	6	6
2:00 PM	5	5	6	6
3:00 PM	6	6	6	6
4:00 PM	4	5	5	6
5:00 PM	1.63	1.63	1.63	1.63
<b>Cubic Yards of Storage Required</b>	<b>523</b>	<b>643</b>	<b>763</b>	<b>883</b>

Cubic Yards of Storage Required	As in Application	Combined Inbound and Outbound Switches		
		1	2	3
	<b>522</b>	<b>699</b>	<b>872</b>	<b>1043</b>

As designed, the available floor storage for MSW is 757 cubic yards per Aptim's previously described and illustrated analysis, leaving very little maneuvering room on the tipping floor.

**SEE REVISED THROUGHPUT EVALUATION**

**Issue: Required SSR Storage Quantity**

The Applicant proposes to accept approximately 300 tons of SSR which they indicate is Source-Separated Recyclables. It is assumed that they intend to accept Single Stream Recyclables (commingled bottles, cans, paper, etc.), versus source separated loads of those materials which would require areas on the floor to be dedicated to each material. If source separated loads are to be accepted, the Applicant should indicate where the various materials will be stored until enough of each is available for loadout of a full truck. **WE HAVE USED THE TERMS SOURCE-SEPARATED RECYCLABLES AND SINGLE STREAM RECYCLABLES SOMEWHAT INTERCHANGEABLY. THE NARRATIVE WAS MODIFIED TO CONSISTENTLY USE THE TERM SINGLE STREAM RECYCLABLES TO AVOID CONFUSION.**

In any event, the stockpile is shown as occupying 3,250 square feet of the tipping floor. This is more than double the area that will be actually be available, and will provide less stockpile *volume* that will actually be necessary as proposed as described further within subsequent comments.

The applicant proposes to stockpile material against a non-reinforced wall that supports the C&D sorting mezzanine, with material to be stored between and against building columns which we believe to be a safety hazard. We question whether there is even a push-wall proposed in this location as it appears to have a different design than the other push wall areas (refer to Figure 2-3). **THE DRAWING WAS MODIFIED TO MORE CLEARLY SHOW THE BARRIER WALL IN THIS LOCATION.**

In addition, the proposed stockpile as proposed does not allow for the consolidation of MSW from its tipped location near the building doors into the southwest stockpile which will reduce the area available for SSR stockpile.

This issue may be exacerbated since the Applicant used a density of 300 pounds per cubic yard for the SSR material when calculating the required tip floor storage. While it is recognized that, with compaction, densities of up to 18 tons per load may be achieved in a vehicle (300 pounds per cubic yard in a 120 cubic yard trailer), it is anticipated that the loose density on the tipping floor would be considerably less. Research done by Aptim indicates an average density on the floor of 169 pounds per cubic yard (refer to Table 1). **THE USEPA AND MINNESOTA REFERENCES SEEM TO REFERENCE THE DENSITY OF LOOSE RECYCLABLES AS COLLECTED IN A HOUSEHOLD CONTAINER. AS A CLARIFICATION, THE WASHINGTON DOE REFERENCE ALSO APPEARS TO BE THE USEPA REFERENCE. THE COLLECTED RECYCLABLES AT THE WEST DUPAGE RTS WILL BE COMPACTED IN THE PACKER TRUCK (INCREASING DENSITY), WILL BE UNLOADED ON THE TIPPING FLOOR (EXPERIENCING SOME BUT NOT ALL REBOUND), AND THEN BE PUSHED UP WITH A LOADER. REGARDLESS, WE UNDERSTAND THE POINT AND MODIFIED THE THROUGHPUT EVALUATION TO USE 200 LBS/CY FOR RECYCLABLES.**

Source	Material	Reported Density
Colorado DPH&E	Single-stream (mixed recyclables)	177 lbs/yd°
Minnesota PCA	Single stream recycling (bottles, cans, containers, paper)	139 lbs / yd°
U S. EPA	Containers (plastic bottles, aluminum cans, steel cans, glass bottles) and Paper	262 lbs / yd°
U.S. EPA	Containers (plastic bottles, aluminum cans, steel cans, glass bottles), Corrugated Containers and Paper	111 lbs / yd°
Washington DOE	Commingled single family recyclables (food/beverage containers, glass, paper, cardboard)	126 lbs / yd°
CalRecycle		200 lbs / yd°
Average		169 lbs / yd°

Sources:

1. Colorado Department of Public Health and Environment, Recycling Rebate Application for Recycling Resources Economic Opportunity Fund, February 2, 2015.
2. Minnesota Pollution Control Agency, 2014 State Agency Recycling Data Input Form, January 13, 2015.
3. U.S. EPA, Volume-to-Weight Conversion Factors, April 2016.
4. Washington Department of Ecology, General Measurement Standards and Reporting Guidelines, March 2016.
5. California Department of Resources Recycling and Recovery FacIT Conversion Table 1 —Material Type Equivalency Factors.

With a density of 169 pounds per cubic yard, the necessary storage capacity for waste at the proposed throughput would be 77% higher (approximately 1,239 cubic yards per extrapolation of Table 2-3). However, as further described in subsequent comments, Aptim believes that there would only be available storage space for approximately 36% of this needed space (446 cubic yards).

The Applicant has also indicated that they plan to transfer-out 5% of the incoming SSR as MSW. However, it is unclear how the MSW will be extracted from the SSR. Typically, this is performed at a Material Recovery Facility and contamination levels within SSR are generally above 20% based on a recent market study performed by Aptim. **THIS ASSUMPTION WAS BASED ON THE CONSERVATIVE ASSUMPTION THAT AN OCCASIONAL "BAD LOAD" MAY BE RECEIVED. THIS ASSUMPTION WAS REMOVED TO AVOID CONFUSION. ALL SSR IS NOW ASSUMED TO BE HAULED OFF-SITE TO A MRF. ANY INCOMPATIBLE ITEMS WOULD BE REMOVED AT THE MRF.**

### **Issue: Tarping**

The applicant has indicated that, after loading, the transfer trailers will exit the loading pit and move forward onto the exit ramp where the load will be tarped. However, as currently depicted, the length of the ramp is 66.7 feet. Drawing C201 indicates the Applicant will be using WB-55 transfer trailers. The total length of a WB-55 truck is 65.8 feet. If the driver is able to perfectly center the truck on the exit ramp, there will be approximately 5 inches of space between the front of the cab and the exit door. This leaves very little tolerance for error and presumably will not allow the exit door to remain closed during the tarping process. It is understood that the Applicant may extend the length of the ramp to allow additional room for tarping, but we have not yet seen that design. **THE UPDATED DRAWINGS ARE PROVIDED.**

In addition, according to the Applicant, all transfer trailers are planned to be equipped with auto tarpers and no interior tarping station has been provided. However, almost the entirety of waste transfer trailer fleet in the Chicago metropolitan area uses a bungee cord tie-down tarping system, including Lakeshore's fleet. Further, Lakeshore does not plan to restrict use of the facility to its own trucks. If any third-party trailers are used, there will not be sufficient room for manual tarping (or for larger trucks – a WB-65 truck is 73.5 feet long). **LRS'S FLEET INCLUDES APPROXIMATELY 100 TRANSFER TRAILERS AND ABOUT 25 CURRENTLY HAVE THE AUTO TARPERS. THE REMAINDER OF THE FLEET IS PLANNED TO BE FULLY CONVERTED WITHIN THE NEXT TWO YEARS.**

The Applicant indicated that, "if a situation occurs where a tarp cannot be secured within the building, a fall protection device will be provided along the east perimeter of the northbound exit road (adjacent to the west of the east detention basin) for the drivers use." This is not acceptable for a facility located adjacent to an airport. According to the FAA, trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations and are not compatible with safe airport operations. **THIS IS INTENDED ONLY IN THE EVENT AN AUTO TARTER MALFUNCTIONS. WE BELIEVE THIS APPROACH IS STILL CONSISTENT WITH THE FAA CIRCULAR.**

In the case that a tarping station is installed along the outbound exit road, it will require the movement of untarped trailers between the transfer station building and the tarping station which will result in exposed and blowing litter until that vehicle can be tarped.

If the Applicant fails to include a dedicated tarping station within the facility (e.g. with a catwalk and/or fall protection), the City of West Chicago should place a condition on any siting approval that requires all transfer vehicles that use the facility to tarp within the building and include auto tarping systems if a dedicated catwalk and fall arrest system is not proposed. **WE ARE OK WITH THIS CONDITION.**

### **Issue: Proximity to Airport and Inconsistency with Circular**

It is understood that the DuPage Airport Authority has reviewed draft portions of the application **THE DRAFT INFORMATION PROVIDED TO THE DAA IS CONSISTENT WITH THE CURRENT DRAFT SITING APPLICATION** and has executed an agreement with the property owner that, among other things, indicates that, "based upon its current knowledge of the proposed West DuPage RTS, agrees that the proposed West DuPage RTS will not pose a threat to the safe operation of the DuPage Airport."

However, Aptim believes that the DuPage Airport Authority may not fully understand the technical deficiencies with the proposal.

FAA Advisory Circular 150/5200-33b (Hazardous Wildlife Attractants on or Near Airports) requires developers to establish convincingly **THE WORDING "TO ESTABLISH CONVINCINGLY" IS A BIT MISLEADING. IT IS TAKEN FROM 4-4(B) OF THE AC WHICH STATES "TO CLAIM SUCCESSFULLY THAT A WASTE-HANDLING FACILITY SITED WITHIN THE SEPARATIONS IDENTIFIED IN SECTION 1-2 THROUGH 1-4 DOES NOT ATTRACT HAZARDOUS WILDLIFE AND DOES NOT THREATEN AVIATION, THE DEVELOPER MUST ESTABLISH CONVINCINGLY THAT THE FACILITY WILL NOT HANDLE PUTRESCIBLE MATERIAL OTHER THAN THAT AS OUTLINED IN 2-2.D** on a case-by-case basis that proposed transfer stations will not pose a threat to aviation safety by attracting wildlife. According to the FAA, "trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations." The FAA considers these facilities incompatible with safe airport operations if they are located within 10,000 feet of airports serving turbine-powered aircrafts.

The proposed transfer station is within 10,000 feet of the DuPage Airport, which serves turbine-powered aircrafts, and is not proposed to be fully enclosed. **WHAT IS YOUR UNDERSTANDING OF THE DEFINITION OF "FULLY ENCLOSED"? WHY EXACTLY DO YOU BELIEVE THE PROPOSED FACILITY DOES NOT MEET THE DEFINITION OF FULLY ENCLOSED? DOT/FAA/AR-09/62 IS THE BEST REFERENCE FOR WHICH WE ARE AWARE. THIS REFERENCE STATES ONLY THAT "FULLY ENCLOSED TRASH-TRANSFER FACILITIES HAD FOUR WALLS WITH DOORS LARGE ENOUGH FOR TRASH TRUCKS TO ENTER OR EXIT THE FACILITY" AND HAS A PICTURE. THE DAA AGREEMENT ALSO STATES THAT THE DAA IS NOT AWARE OF ANY CONTRADICTIONS WITH THE ADVISORY CIRCULARS, WHICH INDICATES THEY BELIEVE THE PROPOSED WEST DUPAGE RTS DOES MEET THE DEFINITION OF A FULLY ENCLOSED TRANSFER STATION.**

The application indicates that, "West DuPage RTS agrees to keep the truck doors to the transfer facility closed, except for emergencies and to allow trucks to enter and exit the facility, during regular business hours." However, there is no indication that these doors will operate automatically such that they will open/close before/after each truck enters/leaves the building. This should be corrected or clarified. **THE BAY DOORS WILL BE OPENED AND CLOSED AFTER EACH VEHICLE ENTERS/LEAVES. LANGUAGE WAS ADDED TO THE NARRATIVE TO CLARIFY THIS OPERATION.** Further, the proposed throughput and operations are such that the bay doors for access to the tipping floor will not be able to be closed during operating hours and will need to remain open. In addition, the proposed transfer building is proposed to have a doorway on the west side connecting to the C&D building that currently operates with its doors open. **DOORS WILL BE PROVIDED FOR THE C&D TIPPING BUILDING.**

These conditions may provide a hazardous wildlife attractant. In fact, the bird study prepared by Loomacres that is provided in Appendix 2-G1 indicates that rock pigeons are loafing within the existing C&D sorting building and that European starlings nests are located on its exterior. **AS A CLARIFICATION, THE LOOMACRES REPORT WAS NOT INCLUDED IN THE DRAFT PROVIDED IN JUNE AND WILL NOT BE INCLUDED IN THE FINAL APPLICATION.**

In addition to providing a food source, it is unknown how the proposed air filtration and ventilation system will be capable of maintaining negative pressure throughout the entire building when openings are present. **THE CIRCULAR DOES NOT INDICATE THAT THE AIR FILTRATION AND VENTILATION SYSTEM BE CAPABLE OF MAINTAINING NEGATIVE PRESSURE. ARE YOU AWARE OF INFORMATION WHICH INDICATES THE FILTRATION AND VENTILATION SYSTEM MUST MAINTAIN NEGATIVE AIR PRESSURE?** Therefore, it is recommended that further information be provided as to how the proposed transfer building will stay fully enclosed during hours of operation, as well as maintain negative pressure for the proposed air filtration and ventilation system. Aptim recommends that the FAA and DuPage Airport be provided another opportunity to review the design and operations of the facility. **THE DAA HAS EXECUTED AN AGREEMENT WHICH CLEARLY STATES THAT THEY NOT AWARE OF ANY CONTRADICTIONS WITH THE ADVISORY CIRCULARS. WE RESPECTFULLY REQUEST THAT APTIM RECONSIDER THIS OPINION.**

It should be noted that any potential mitigating measures that could be requested by the FAA, such as the implementation of actuated doors that would open and close each time a vehicle enters or leaves the building, could create significant issues relating to operations and storage capacity being proposed by the applicant.

#### **Issue: Criterion 5 and Fire Department Coordination**

What has been the fire incident history at the existing C&D site, if any? **TWO INCIDENTS: FIRST INCIDENT – SMOLDERING TRANSFER TRAILER OVER A WEEKEND DUE TO LED BATTERY; WAS TARPED AND STARTED SMOLDERING; TRAILER WAS PARKED IN A TRUCK SPOT IN NORTHWEST PORTION OF THE PARKING LOT; SECOND INCIDENT – INSIDE THE C&D BUILDING AGAIN DUE TO LED BATTERY; JUST STARTED SMOLDERING; NO DISCHARGE OF SPRINKLER SYSTEM; PULLED HOT MATERIAL OUT OF BUILDING AND PUT OUT USING WATER FROM THE WATER TRUCK.**

It does not appear that the West Chicago Fire Protection District has reviewed and provided any input on the proposed fire and emergency response plan to assure that the proposed design will not be a significant threat of fire or other risk to the community, and to assure efficient emergency coordination.

It is recommended that the West Chicago Fire Protection District be offered an opportunity for such a review. **FIRE PROTECTION FOR THE SITE WAS REVIEWED AS PART OF THE PUD AMENDMENT; FOR THE SITING APPLICATION, THEY INDICATED WOULD BE PART OF THE INSPECTION PROCESS AND WILL NOT OFFER A LETTER.**

The Applicant indicates that on-site equipment will include a fire rover located north of the MSW and SSR transfer building (location shown on Figure 5-1), which combines twenty-four hours per day, seven days per week remote thermal monitoring and an automated fire-fighting foam system that can be released as quickly if a spike in temperature in the building is detected. However, this system will not be able to serve the proposed transfer station based on our understanding of the technology. The nozzle needs to be located as close as possible to the supporting water tank and mechanicals. Does the Applicant propose for an additional Fire Rover system to serve the proposed transfer station? **WE ARE PROPOSING A SECOND FIRE ROVER. LOCATION IS SHOWN ON FIGURE 5-1 AND VARIOUS DRAWINGS.**

If so, it is suggested that the Applicant expand on the role and success of the Fire Rover in more detail. **SEE ADDED LANGUAGE IN CRITERION 5**

#### **Issue: Parking**

In an emailed response to an information request, the Applicant has indicated that it plans to store 105 trucks on-site (15 portable restroom trucks, 25 roll-off trucks, 40 collection trucks, and 25 street

sweepers. However, the site only has parking for 89 trucks. **ALL OF THE PORTABLE RESTROOM TRUCKS WILL BE PARKED IN THE NEW MAINTENANCE BUILDING OR PARKED IN THAT AREA OF THE SITE UNTIL THE NEW MAINTENANCE BUILDING IS CONSTRUCTED. AT LEAST ONE OF THE COLLECTION TRUCKS, STREET SWEEPER OR ROLL OFF TRUCKS IN PARKED IN THE EXISTING MAINTENANCE BUILDING FOR REPAIRS.**

In addition, the Applicant indicates that up to 20 transfer trailers may be parked on-site east of the transfer station building. However, those trailers do not appear that they will be able to be parked as shown. Without the ability to circle through that area of the site, it appears that the transfer vehicles would need to be backed-into the storage area and against the traffic flow east of the proposed transfer station and around the brick, block, and dirt storage bunker. A turning analysis should be conducted in this area to assess the viability of the proposed transfer trailer parking area and how many trailers could be parked there, and how. **THE CONFIGURATION OF THE PARKING AREA WAS REVISED. SEE DRAWINGS. DESIGNATED SPACES ARE PROVIDED FOR 17 TRANSFER TRAILERS.**

Further, the extensive travel time to Atkinson from West Chicago will likely limit the number of trips to one per day for each trailer (4 hours and 40 minutes round trip, plus 30 minutes on-site, plus loading and time to/from daily parking). The throughput table indicates that six trailers will be needed in the 11:00 a.m. hour, though it appears that these trailers may not be available at that time of day if the Atkinson landfill is the disposal destination. **LRS HAS A FLEET OF APPROXIMATELY 100 TRAILERS; SOME WILL BE PARKED AT ATKINSON AND RETURNING TO THE WEST DUPAGE RTS IN THE MORNING. LRS MANAGES THE LOCATION AND DESTINATIONS OF ITS FLEET DAILY AND ENSURING ADEQUATE TRANSFER TRAILERS IS NOT AN ISSUE.**

#### **Issue: Traffic**

The Applicant indicates that it has 175 employees, most of which start between 4:30 am and 6:30 am, and that they will add 10 employees for the proposed transfer operation for a total of 185. They also indicate that the majority of these employees start during the hours of 4:30 and 6:30 am.

However, the traffic counts used in the traffic report identified only 15 passenger vehicles accessing the site during what they have identified as the "morning peak hour." Further, the traffic analysis only appears to count passenger vehicles and direct haul and transfer vehicles associated with the C&D recycling operation. It is unclear whether traffic associated with the portable restroom business, roll-off business, street sweepers, material sales, visitors for e-waste drop-off, etc. has also been included. **EXISTING CONDITIONS INCLUDE ALL VEHICLES, NOT JUST THOSE ASSOCIATED WITH THE C&D OPERATION. THE PROPOSED NUMBERS OF VEHICLES WILL BE UPDATED BASED ON THE REVISED THROUGHPUT, BUT THE CONCLUSIONS ARE NOT EXPECTED TO CHANGE.**

The morning counts were also conducted between the hours of 6:00 to 9:00 am and showed that the peak hour occurred from 7:15 to 8:15 am. It is unclear whether this is the peak hour of traffic when considering all on-site activities. **THIS REFERS TO THE PEAK HOUR OF TRAFFIC ON POWIS ROAD, NOT THE PEAK HOUR OF THE FACILITY** The report adds 16 direct haul trucks from what was counted on that day to represent the projected increase in traffic from the MSW and SSR activities (and to account for additional C&D) for a total of 24 inbound haul trucks. However, it appears that the 10:00 hour will be the peak hour with 53 inbound haul trucks. **THE PROPOSED NUMBERS OF VEHICLES WILL BE UPDATED BASED ON THE REVISED THROUGHPUT, BUT THE CONCLUSIONS ARE NOT EXPECTED TO CHANGE.**

It is also noted that traffic report indicates that incoming loads will be roll-off (4 tons) and packer (8 tons), and outgoing transfer loads will be 24 tons. The traffic report does not disclose the relative percentages of roll-off versus packer deliveries, nor whether payloads are appropriate for all materials (including C&D, SSR, and/or hydro-excavation waste). Similarly, the throughput analysis in Table 2-2 indicates that the payloads for incoming SSR is 8 tons. However, discussions with other regional haulers has led to a determination that SSR payloads range from 3.7 to 5 tons. This will increase the assumed traffic volumes.

### **Issue: Ceiling on Throughput**

West DuPage RTS is "anticipated" to receive and efficiently manage up to 2,300 tons per day of MSW, hydro excavation wastes, C&D and SSR, of which up to 1,000 tons per day would be MSW. They state that the typical amount of material accepted is anticipated to be approximately 1,500 tons per day with an approximate breakdown of 650 tons per day MSW, 100 tons per day hydro excavation wastes, 600 tons per day general construction and demolition debris and 150 tons per day SSR (Page 2-31).

The traffic report indicates that the facility currently processes an average of 600 tons per day of C&D and is proposing to process an average of 750 tons of MSW (including hydro-excavation waste) and 150 tons of SSR. But then the traffic analysis was done assuming 2,300 tons of total material (1,000 tons of C&D, 1,000 tons of MSW per day and 300 tons of SSR, which is noted to be 50% greater than the projected average.

However, the Applicant currently handles "upto an average of 1,250 tons per day (tpd) of C&D" material at the site per Page 1-2. If 1,250 tpd of C&D debris is currently handled, the total anticipated throughput of 2,300 tpd is generally consistent with 1,000 tpd of MSW, provided that no hydro-excavation waste or SSR is accepted.

These numbers are difficult to interpret and no hard cap on total throughput appears to be proposed for each material. The host agreement caps MSW and hydro-excavation waste at 1,500 tpd on a rolling 12-month average. The host agreement, therefore, anticipates the handling of larger material quantities than identified in the siting application. However, even if MSW is capped at 1,000 tpd, there are no limitations placed on other material streams (C&D debris, SSR).

The Applicant should clarify the proposed throughput, propose hard caps for each of the materials in the application, and all analyses should be based on the worst-case scenario. **THROUGHPUT CEILINGS ARE PROVIDED FOR ALL MATERIAL TYPES.**

### **Issue: Queuing**

Drawing C402 shows two queues in front of the scale for inbound vehicles — one in the middle lane and one in the northern lane. However, the northernmost lane is shown on Drawing C400 as being dedicated to inbound vehicles that need to turn left (e.g. employees to park in the north lot, vehicles that need to access the maintenance facility, or portable restroom operations). Queuing vehicles in the northernmost lane will block access to the site for those vehicles. Alternatively, they will apparently need to use the southernmost entrance lane and then dangerously pass through the middle of the scale queue. **THE VEHICLES IN THE NORTHBOUND LANE WERE SHOWN FOR ILLUSTRATIVE PURPOSES; THEY HAVE BEEN REMOVED.**

There is also a secondary queue shown just west of the proposed hydro excavation building for exiting vehicles awaiting an outbound ticket. Presumably these vehicles will be queued there to prevent blockage of the e-waste drop-off area. It is unclear how these vehicles will know to stop in this area and how they will know to proceed to the primary queue/outbound ticket lane. **THE VEHICLES IN THE NORTHBOUND LANE WERE SHOWN FOR ILLUSTRATIVE PURPOSES; THEY WILL BE REMOVED.**



Discussion on how the outbound vehicles will obtain tickets is also warranted. **LANGUAGE WAS ADDED TO SECTION 2.4.6.**

The MSW/SSR transfer building queue also appears problematic as there is a line-of-sight problem with this process. As designed, the queued vehicles cannot see whether a tipping bay is available. If they are to pull forward or out in front of the transfer station bay doors, they will impede traffic flow. **A SPOTTER WILL BE LOCATED AT THIS LOCATION; DRAWINGS 400 THROUGH 404 HAVE BEEN MODIFIED TO MORE CLEARLY SHOW THE SPOTTER LOCATION**

**Issue: Upon approval of siting and permitting of the proposed transfer station to include both the MSW transfer and C&D recycling operations, Lakeshore plans to nullify the existing 22.38 permit.**

The application states that, "if approval of the MSW transfer operations receive local siting and IEPA approval, the facility boundary will become the entire 27-acre property and the "22.38" permit for the C&D transfer and recycling operation will no longer be applicable." As a result, Aptim recommends that Lakeshore include within the siting application (or that West Chicago would have to include as conditions of siting) that they will still comply with the 22.38 timeframes for material processing (i.e. within 48 hours of receipt), for off-site transport of non-recyclable material (i.e. within 72 hours), for storage of putrescible or combustible recyclable general C&D (i.e. within 45 days of receipt), etc. It is likely that the IEPA would also require continued compliance with these operational conditions. **THIS IS ALREADY INCLUDED IN SECTION 2.3.4 OF CRITERION 2 (PAGE 2-23)**

**Issue: Land Use Compatibility and Property Value Impact**

- Page 3-2 states that the effective date of the report is February 17, 2010. Shouldn't that be 2020? **WILL CORRECT**
- Page 3-32, it is unclear whether the property zoned residential along the east side of the site is shown as being within the 1,000 foot setback. Is it shown? **IT IS SHOWN AND DESCRIBED AS RAILROAD RIGHT OF WAY BUT NOT CALLED OUT AS RESIDENTIAL ESTATE**
- Page 3-33, when listing the zoning land uses within the subject area there is no mention of the property zoned residential. **THE NEAREST PROPERTY ZONED RESIDENTIAL IS DISCUSSED IN DETAIL IN CRITERION 2. AS SUGGESTED BELOW, THIS REPORT WILL BE AMENDED TO REFERENCE THE NEAREST RESIDENCE**
- This study relied solely on a highest and best use analysis, and no use of control vs. non-control sales data. Shouldn't this be done if possible regardless of if the property nearby is residential or commercial? **WE BELIEVE THE HIGHEST AND BEST USE ANALYSIS IS SUFFICIENT FOR THIS APPLICATION.**
- There is no mention of where the nearest homes are, that should at least be mentioned in the report. **A REFERENCE TO NEAREST RESIDENCES WILL BE ADDED TO THE REPORT**