

**Proposed West DuPage Transfer Station
West Chicago, Illinois**

**Criteria 8 -
Solid Waste Management Plan
Consistency Review**

January 2023

Prepared for:

**Protect West Chicago
c/o
Mr. Phillip Luetkehans
Luetkehans, Brady, Garner & Armstrong, LLC
105 E. Irving Park Road
Itasca, IL 60143**

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1.0 SOLID WASTE PLAN CONSISTENCY

Criterion (viii) of Section 39.2 a) of the Illinois Environmental Protection Act requires the applicant to demonstrate:

If the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or Solid Waste Planning and Recycling Act, the facility is consistent with that plan. 415 ILCS 5/39.2(a)(viii)

All counties in Illinois have prepared a solid waste management plan as required by the Illinois Solid Waste Planning and Recycling Act.

The 2017 Solid Waste Management Plan (2017 Plan) reported the following population and demographic information

The 2010 DuPage County population was reported to be 916,925 from the U.S. Census Bureau. The Bureau projects the County growth to slow to 1.4% increase since 2010 with an average 2.72 persons/household. Current U.S. Census estimates put the population at 929,368 including 338,083 households. The State of Illinois has been experiencing a population decline starting in 2013 according to the U.S. Census Bureau estimates from 2016. (Ref.1).

Current 2020 census results list the population of DuPage County at 932,877 a slight increase of 0.3%. This growth rate is consistent with the projections presented in the 2017 Plan.

1.1 West DuPage Recycling and Transfer Station

Lakeshore Recycling Systems LLC (LRS) has applied to the City of West Chicago (West Chicago) for local siting approval of a MSWTS to be located near the intersection Powis Road and North Avenue, on the southeast side of West Chicago in Winfield Township. A *Solid Waste Management Plan Analysis (SWMP Analysis)* was prepared by Civil and Environmental Consultants (CEC) to demonstrate consistency of the West DuPage RTS with the SWMP of DuPage County. Information and conclusions from the CEC SWMP Analysis report were evaluated by JPL Environmental Engineering to review their claim that a MSWTS is consistent with the DuPage County SWMP, given its location less than one-half mile from an existing MSWTS

The proposed transfer station is a facility where loads from MSW collection vehicles will be consolidated into larger loads for transport to a permitted disposal facility. For MSW, the material will be disposed of at a permitted landfill or in the case of landscape yard waste to a permitted compost facility. The facility will also accept and process hydro-excavation slurry liquid that must be solidified prior to landfill disposal.

The West DuPage RTS location is illustrated in relation to the City of West Chicago on **Figure 1B – 1 Transfer Station Service Area** from the CEC report. The facility lies east of Powis Road and

South of North Avenue (IL-64). The facility will be operated by Lakeshore Recycling Systems (LRS), an established privately owned local company that offers residential and commercial collection services for municipal solid waste, landscape yard waste, construction and demolition waste and recyclable materials. The anticipated new services proposed in the application include:

- Receipt and transfer of up to 650 tons per day of non-hazardous municipal solid wastes (referred to as municipal solid waste or "MSW" or more generally as solid waste)
- Receipt, solidification, and transfer of up to 300 tons per day of hydro excavation wastes (HEW)
- Receipt and transfer of up to 250 tons per day of single-stream recyclables (referred to as "SSR" or more generally as "recyclables")
- Drop-off area for West Chicago residents of electrical/electronic devices; and
- Drop-off area for recyclables generated by residents and small businesses.

The facility will transfer waste materials collected by LRS, and likely from third-party haulers.

2.0 SOLID WASTE MANAGEMENT PLAN WASTE TRANSFER AND DISPOSAL SUMMARY

The initial DuPage County Solid Waste Management Plan was adopted February 1991 with subsequent updates completed in 1996, 2001, 2007, 2012 and 2017. A review was performed of the solid waste management plan and updates for DuPage County to determine past waste disposal recommendations for the County, and if the proposed West DuPage RTS meets the Plan recommendations put forth for recommendation for both waste transfer capacity and location within the County

2.1 1996 DuPage County SWMP Update (1996 Update)

The 1996 Plan update presented an analysis of waste disposal capacity in DuPage County, considering the dwindling disposal capacity of two large landfills in the County. The plan recommended that:

4.9.1 The County should encourage development of three to five waste transfer facilities throughout the County. The County should assist the private sector in determining the most appropriate and efficient locations for transfer facilities, and providing education and appropriate tours to municipalities, townships or any other people interested in knowing more about waste transfer stations. (NEW, Plan-1996)

(Ref. 1).

2.2 2001 DuPage County SWMP Update (2001 Update)

Building upon the closure of the two operating landfills with DuPage County, the DuKane transfer station was sited in West Chicago by Browning Ferris Industries. This transfer station was originally permitted to accept a maximum of 1,950 tons of waste per day with an annual average amount not to exceed 1,500 tons per day. Approximately 50 per cent of the waste was to originate from DuPage County. The plan recommended that:

the permitted capacity of the DuKane transfer station be increased from 1,500 tons per day to 2,500 tons per day, with a proportionate increase in acceptance at the facility for waste generated in DuPage County.

The 2001 Update went further to recommend that

The second and/or third transfer station(s) should be sized to accommodate the 350,000 tons of waste per year and accommodate future population growth and subsequent waste generation. A second and/or third transfer station is expected to increase competition, reduce wear on roads, reduce overall truck miles traveled and decrease truck air emissions.

2.3 2007 DuPage County Solid Waste Management Plan Update (2007 Update)

The 2007 Plan Update examined closely the need for waste disposal capacity for DuPage County. The plan stated:

DuPage County is currently home to one municipal solid waste transfer station (1), one landscape waste transfer station and three construction and demolition debris recycling facilities. All waste intended for landfilling or incineration is shipped out of the County.

The 2001 Plan Update concluded that an additional one or 2 more transfer stations were necessary assuming that 50% of the capacity at the DuKane Transfer Station was for DuPage County waste. It also recommended that the capacity of the DuKane facility be increased.

In 2002, DuKane's capacity was increased to 3,000 tons per day. Three new transfer stations have been proposed since the last update, however, none were approved. Transfer facilities have been constructed outside the County border that are close enough to serve our needs.

To provide an accurate snapshot of the current waste disposal capacity, an evaluation was done of existing transfer stations and disposal facilities (Attachment A). The County was divided into quadrants and the consultant reviewed the nearest three transfer stations to each quadrant. The ideal transport distance is no more than 10 miles. Out of the ten stations that were analyzed, only two facilities serving southern DuPage County failed to meet this criterion (Attachment B). (Ref.2)

At the time, the County recognized that a waste transfer capacity shortage existed in southern DuPage County and that it was increasingly difficult to site new capacity in the County, with the recent unsuccessful attempts.

Their recommendations for disposal were:

Attachment A indicates that the northwestern portion of the County is being served by one in-county transfer station and three outside the county line. The northeastern portion is being and/or could be served by three transfer stations. The analysis concluded that the only areas that might benefit from a waste transfer station are located in the southern portion of the County. The distances exceed the ideal maximum of 10 miles, however, it

appears that current disposal costs are at a level that satisfies supply and demand. Regardless of this analysis, setback requirements and space limitations continue to challenge the private sector in locating new pollution control facilities. An additional hurdle is the current sentiment of local governments which makes the possibility of siting any additional waste transfer stations in DuPage County highly unlikely.

The position at this time is to rely on existing stations both inside and outside of the County borders. While this reliance comes at the cost of higher disposal rates, it is the preferred method. This method will serve the County's needs for the next 5 years.

The Appendices F, G, H, and I from the 2007 Shaw Environmental Report are included in **Appendix 2**.

2.4 2012 DuPage County Solid Waste Management Plan Update (2012 Update)

The 2012 Update recommendations for solid waste transfer capacity relied heavily on the information prepared by their consultant, Shaw Environmental in 2007. There were no additional transfer stations sited within the County, and it continued to rely on the DuKane transfer station as its sole in-county waste transfer option. Reliance on DuKane transfer station and those in adjacent counties were the solution at the time.

Appendices D and E are maps of permitted landfills and transfer stations in the region. Appendices F, G, H and I show transfer stations in adjacent counties which may provide service to residents and businesses within the County. Service areas were determined in a 2007 report completed by Shaw Environmental for DuPage County. They reflect actual services areas identified in siting documents or a 10-mile radius determined to be the maximum economical distance for a waste hauling company. Disposal in landfills is not the preferred method of disposal but at this time, it is still preferred to incineration. The County currently has no operating landfills, and this Plan concludes that new landfills are not possible or needed within the County. The preferred method for disposal continues to be waste transfer. The above mentioned maps indicate that while solid waste is currently being handled at existing facilities, they may not be a long term solution for the County's disposal needs. Factors that contribute to the need for new facilities are an increasing population; rising waste generation rate and fuel/operating costs. Future conditions may necessitate a new facility in the southern portion of the County. The maps and table indicate that this area is somewhat underserved and that some areas are out of range for existing facilities. These conditions can result in less competitive waste hauling and higher costs especially in unincorporated areas where homeowners contract directly with waste haulers. There is a direct correlation with cost and distance to waste disposal facility.

Under the aforementioned conditions, it is potentially foreseeable that the out-of-county facilities may cease serving all, or parts, of the current DuPage area. In the event that occurs, there would be a service gap in the affected areas thereby creating a potential need for a new facility.

2.5 2017 DuPage County Solid Waste Management Plan Update (2017 Update)

The 2017 Update was heavily focused on the County's achievements to recycle various commodities in the waste stream. The plan summary is presented below.

This Plan evaluated the waste disposal capacity of the County, electronic recycling coverage, and identified food scrap collection and compost feasibility within the County. The initial Solid Waste Management Plan included multiple recommendations to reduce, recycle and handle solid waste. The County, along with many valuable local government and private sector partners successfully completed several goals including: construction and operation of a regional recycling center and a household hazardous waste facility; the establishment of several recycling drop-off locations; a latex paint recycling and reuse program; an environmental education program as well as supporting reduced requirements on construction and demolition debris recycling.

In the 2017 Update the County touched briefly on waste disposal capacity in DuPage County as presented below.

As estimated in Section 2.4, DuPage County generates 1,475,604 tons of waste per year. The average of recent recycling data has estimated the recycling rate to be 37% which leaves approximately 929,431 tons of waste in need of disposal annually. The DuKane transfer facility is permitted to accept up to 3,000 tons per operating day so it can move 939,000 tons/year. However, service areas must be considered as well as the market forces of private sector waste hauling entities. Large regions of the County are not optimally served due to the lengthy transportation routes which lead to increased costs and air emissions. To address this the County of DuPage will consider new or expanded facilities handling, treating and recycling waste on a case by case basis. Any new proposed pollution control facilities located in unincorporated areas are subject to the siting criteria stipulated in 415 Illinois Compiled Statutes 5/39.2 as well as Chapter 25 of the County's Code.

3.0 CURRENT WASTE TRANSFER STATION SERVING DuPAGE COUNTY

Since the adoption of the 1991 Solid Waste Management Plan, each 5-year update has recognized the need for another MSW transfer station in DuPage County. The County relies on the private sector to develop waste transfer capacity, and this was evident when BFI developed the DuKane Transfer Station in the late 1990's. The 2001 Update recommended additional transfer station capacity, and several were attempted unsuccessfully. Recognizing that additional MSW waste transfer capacity unlikely, the decision was made to increase the capacity of the DuKane Transfer Station to its current permitted capacity of 3,000 tons per day.

The difficulty to site new transfer stations was noted in the 2007 Update, and the County sought the assistance of a private consultant Shaw Environmental (Shaw) to assess the regional MSW disposal system that was serving it at the time. The report concluded that transfer stations outside of DuPage County were accommodating its waste transfer needs, except for the southern portion of the county. The 2012 SWMP Update built on the Shaw analysis to conclude that future conditions may necessitate a new facility there. The future conditions that were mentioned include fewer available transfer station options that were within range of the area, higher transport costs and associated air emissions, and lack of competition as compared to other parts of DuPage County.

Figure 1 – Current Transfer Station Service Areas in Appendix 3 illustrates the current reflection of the Shaw analysis. The west and northeast portions of DuPage County have more options for waste transfer than the southeast. This is the result of the location of the DuKane transfer station in West Chicago, and others located in Kane, Kendall and Will County that are within the range of generally accepted travel distances for waste hauling trucks to reach a waste transfer facility. The DuKane Transfer Station could accommodate most of the waste for disposal for DuPage County if it were centrally located in the county. The northeast portion of the county is reasonably served by large waste transfer stations in the west central part of Cook County

DuPage County in the 2017 Update continued to recognize that portions of the county were underserved as evidenced in the 2012 Update. These are the southeast portions of the county where the recommendation was to consider new or expanding facilities on a case-by-case basis.

4.0 YEAR 2003 SITING DECISION WEST DuPAGE RECYCLING AND TRANSFER

On April 4, 2003, West DuPage Recycling and Transfer Inc. (WDRT) filed an application for siting approval for a waste transfer facility in unincorporated DuPage County. The intent was to expand a construction and demolition debris recycling operation in Wayne Township, approximately one quarter mile north of the DuKane Transfer Station at 3N551 Powis Road. The owner at the time was Ken Hoving, Inc., whose company was later purchased by LRS. The application sought to handle up to 1,000 tons per day of MSW. This amount was a net increase of 800 tons per day as the owner was already processing an average of 200 tons per day at his construction and demolition debris recycling facility. This facility was later re-located to south of Powis Road, its current location and the site of the proposed West DuPage RTS facility.

After holding hearings on July 8, 9, 15, 16, 17, 24 and August 11, 12, 13, 14, 25, 26, 27, 28 of 2003, the DuPage County board prepared Resolution CB-0002-04. A full copy is included as **Appendix 4**. It resolved that:

The application of West DuPage Recycling and Transfer. for Siting approval for the West DuPage Recycling and Transfer Facility is hereby denied

The reasons set out in the record of the siting proceeding was that the Criteria numbers 1, 5 and 8 of Section 39.2 of the Environmental Protection Act (Act) were not met.

Specifically related to Criteria number 5, the board resolution stated:

The applicant has also failed to meet its burden in establishing criteria No. 8, in that the proposed facility is inconsistent with the solid waste disposal plan of DuPage County because the proposed facility location is within ¼ mile of another transfer station; and fails to reduce wear on roads, reduces overall truck miles traveled and decrease truck air emissions....

The final decision of the board was approved on February 20, 2004.

This decision by the board clearly indicated that the recommendations of the SWMP to site additional transfer stations in the County were not met by siting a new MSW waste transfer station as close to the DuKane facility as was proposed. In addition it was acknowledge that it had not reached its permitted MSW transfer capacity. The SWMP recommendations for additional waste

transfer capacity were to serve portions of DuPage County that were underserved by existing waste transfer stations, and that these areas were in the southern portion of DuPage County. Because it was located very close to the existing DuKane transfer station, it concluded that it did not accomplish the intended goal of the SWMP to reduce wear on the road, overall truck miles traveled and air emissions from the underserved areas. Their reasoning was these areas did not have convenient access to a waste transfer station due to the distance from the DuKane facility and those in nearby counties

5.0 YEAR 2003 CITY OF WEST CHICAGO RESOLUTION No. 03-R-0034

The City of West Chicago (City) prepared resolution No. -3-R-0034 on April 7, 2003, to formally oppose the Siting of a transfer station along Powis Road. The resolution is included in **Appendix 6**. Among the many reasons for its opposition, the City recognized two that were relevant to consistency with the SWMP. These are:

WHEREAS the County of DuPage (the "County") has previously adopted a Solid Waste Management Plan (the "PLAN") that called for siting of five (5) waste transfer stations to located throughout the County; and....

WHEREAS, granting of siting approval violated the terms of the PLAN by placing two transfer stations within the same community's planning area; and ...

The City acknowledged in 2003 that the SWMP plan did not intend for additional waste transfer stations in DuPage County to be in proximity to each other. Rather, the SWMP intended new waste transfer stations to be located throughout the County to provide better access to a waste transfer facility.

6.0 WEST DuPAGE RTS CONSISTENCY WITH SOLID WASTE MANAGEMENT PLAN

The proposed West DuPage RTS is not consistent with the DuPage County Solid Waste Management Plan for the following reasons.

- The SWMP Updates starting in 2007 all focus on the need for additional transfer capacity in the south portion of DuPage County
- Adding another transfer station in the Northwest portion of DuPage County will serve as a disincentive for other companies to develop transfer capacity because of the volume of waste it displaces in areas that otherwise could benefit from a transfer station in the south portion of DuPage County
- The 2007 Update was the last SWMP update to assess the progress on meeting recommendations of the 1991 SWMP. The recommendations in the plan regarding additional waste transfer capacity were:

The County should encourage development of three to five waste Transfer facilities throughout the County. The County should assist the private sector in determining the most appropriate and

efficient locations for transfer facilities, and providing education and more about waste transfer stations.

There is no mention in the Siting Application that the assistance of DuPage County was requested by the applicant with determining the most appropriate location for transfer facilities.

- DuPage County stated in its determination letter of April 23, 2020, from the DuPage Building and Zoning Department that:

The document (2017 Update) finds that service areas of existing facilities be considered as well as market forces. It observes that the County lacks disposal capacity for the waste generated within the borders and that additional pollution control facilities may be needed but will be considered on a case-by-case basis. The proposed pollution control facility appears to be consistent with the aforementioned Solid Waste Management Plan Five Year Update (2017).

The Siting Application for the West DuPage RTS did not consider service areas of other pollution control facilities, nor did it ask DuPage to consider it prior to filing the application.

- Consistency with the SWMP was one of several criteria that were not met during the Siting of a proposed waste transfer station in 2003 that was located less than one mile from the West DuPage RTS.

Based on review of the 1991 DuPage County Solid Waste Management Plan and subsequent updates in 1996, 2001, 2007, 2012 and 2017, it is the opinion of JPL Environmental Engineering that the proposed LRS West DuPage Recycling and Transfer Station is not consistent with the Plan.

By: _____

John P. Lardner
John P. Lardner, PE

7.0 REFERENCES

1. DuPage County Department of Environmental Concerns, DuPage County Solid Waste Management Plan, February 1991
2. DuPage County Solid Waste Department, Solid Waste Plan Five-Year Update, June 1996.
3. DuPage County Solid Waste Department, Solid Waste Management Plane 2001.
4. DuPage County Department of Economic Development and Planning, *Five-Year Update Solid Waste Management Plan, 2007*, February 2008.
5. DuPage County Department of Economic Development and Planning, *Five-Year Update Solid Waste Management Plan, 2012*.
6. DuPage County Building and Zoning Department, *Five-Year Update Solid Waste Management Plan, 2017*.

APPENDIX 1

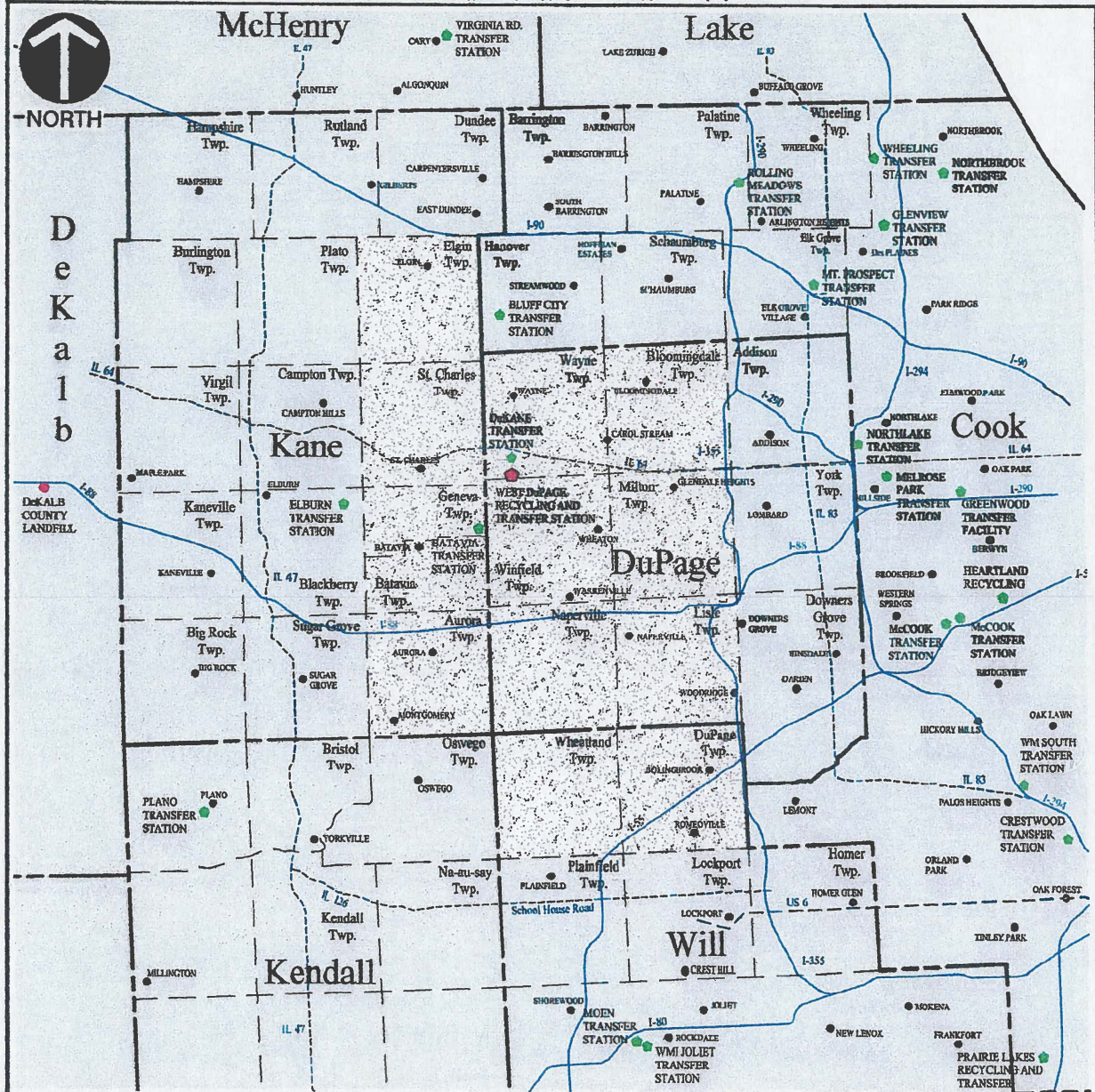
FIGURE 1B-1 – TRANSFER STATION SERVICE AREAS

APPENDIX 2
APPENDICES F, G, H AND I
FROM 2007 SHAW ENVIRONMENTAL REPORT FOR
2007 DuPAGE COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE

APPENDIX 3
FIGURE 1 – CURRENT TRANSFER STATION SERVICE AREAS

APPENDIX 4
DuPAGE COUNTY RESOLUTION CB-0002-04

APPENDIX 5
CITY OF WEST CHICAGO RESOLUTION NO. 03-R-0034



REFERENCE

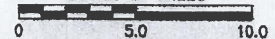
1. LOCATIONS OF TRANSFER STATIONS BASED ON ADDRESSES FROM 2009 ILLINOIS SOLID WASTE CAPACITY REPORTS OR OTHER PUBLICLY AVAILABLE INFORMATION.
2. OWNER/OPERATORS OF TRANSFER STATIONS TAKEN FROM COMPANY WEBSITES AND OTHER PUBLICLY AVAILABLE INFORMATION.

LEGEND

- ▬ WEST DuPAGE RECYCLING AND TRANSFER STATION
- ▬ SURROUNDING TRANSFER STATION
- SURROUNDING LANDFILL
- SURROUNDING MUNICIPALITY
- WEST DuPAGE RECYCLING AND TRANSFER STATION SERVICE AREA
- COUNTY BOUNDARY LINE
- SURROUNDING COUNTY BOUNDARY LINE
- COUNTY TOWNSHIP
- INTERSTATE HIGHWAY
- U.S. HIGHWAY
- STATE HIGHWAY

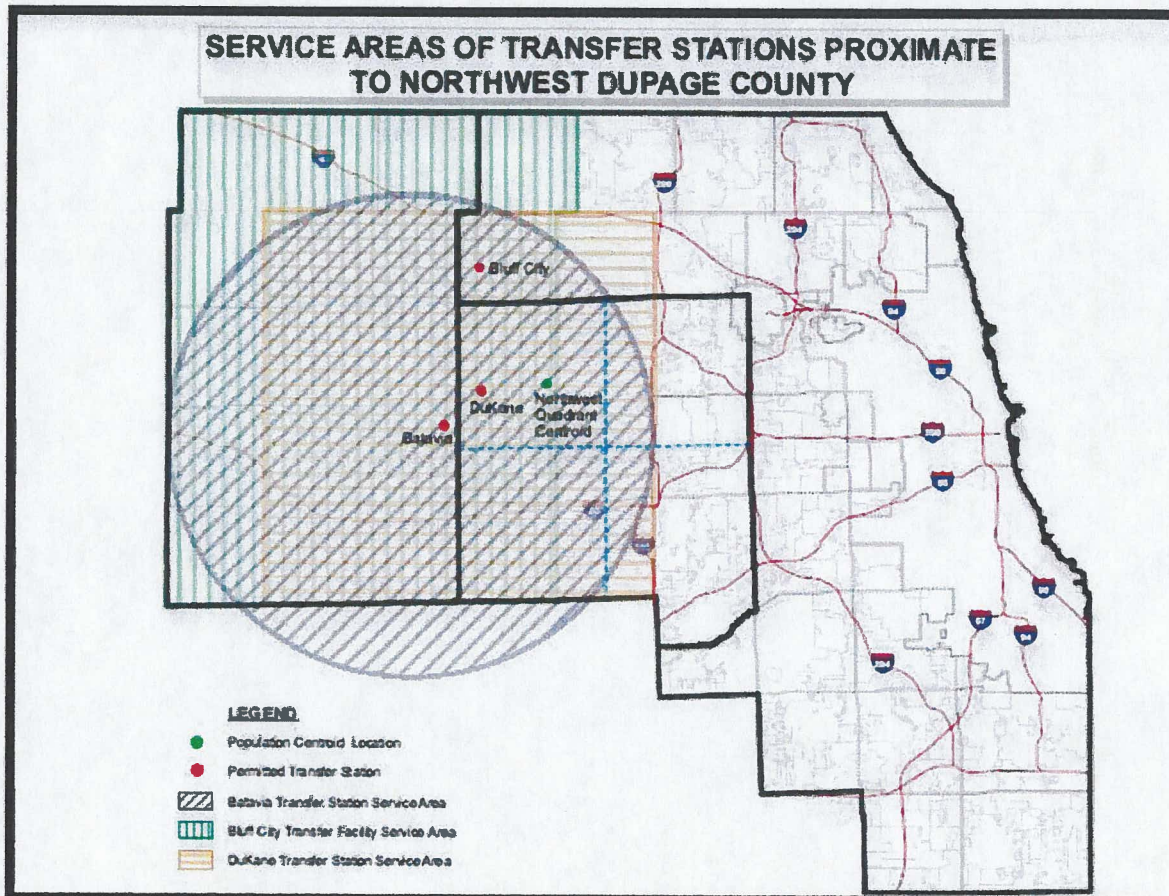
*HAND SIGNATURE ON FILE

SCALE IN MILES

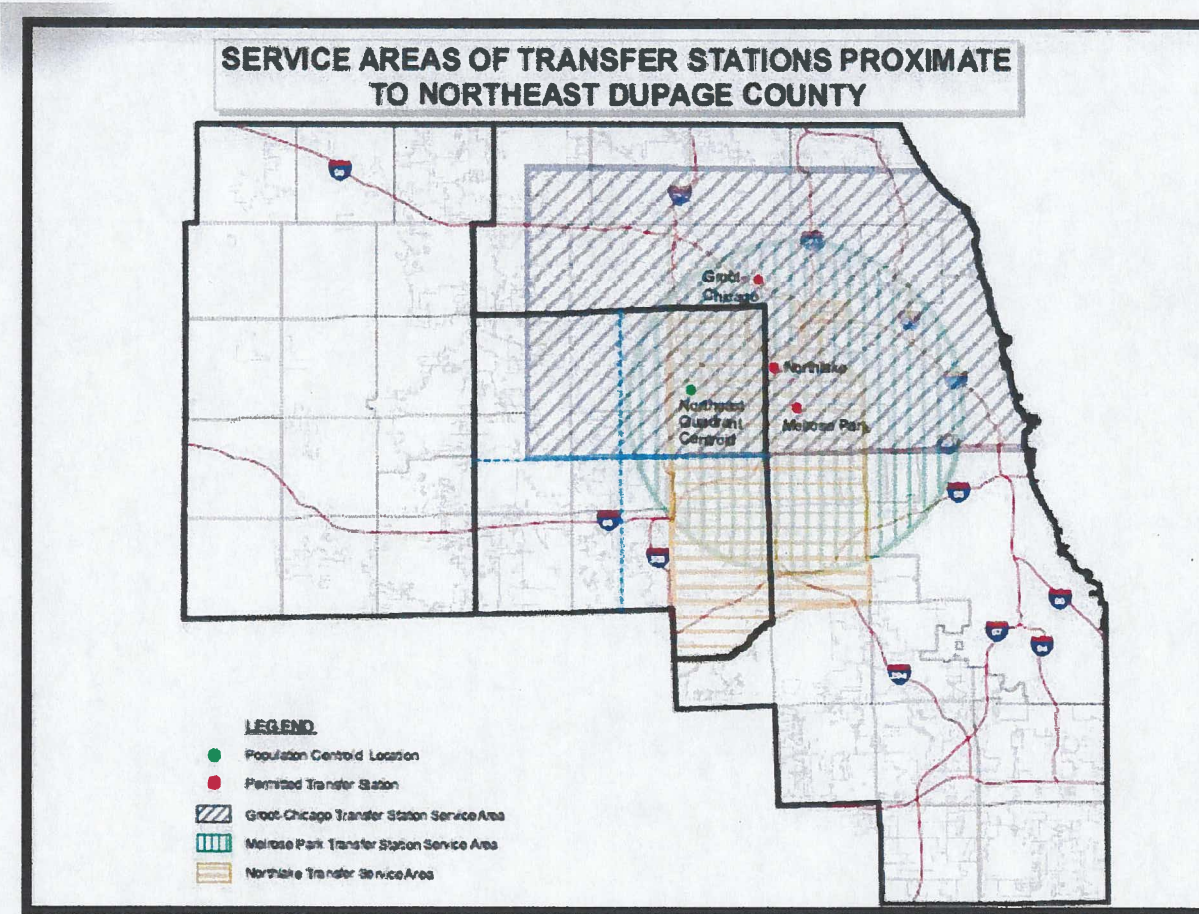


| | |
|---|---|
| <p>Civil & Environmental Consultants, Inc. 1230 East Diehl Road, Suite 200 - Naperville, IL 60563 830-983-6028 • 877-688-6028 www.cecinc.com</p> | <p>WEST DUPAGE RECYCLING AND TRANSFER STATION 1655 POWIS ROAD WEST CHICAGO, ILLINOIS</p> <p>TRANSFER STATION SERVICE AREA</p> |
| DRAWN BY: MSK CHECKED BY: JEH APPROVED BY: JEH* FIGURE NO.: 1-1 DATE: AUGUST 2022 DWG SCALE: 1"=5.0 MI PROJECT NO: 163-999.0005 | |

APPENDIX F

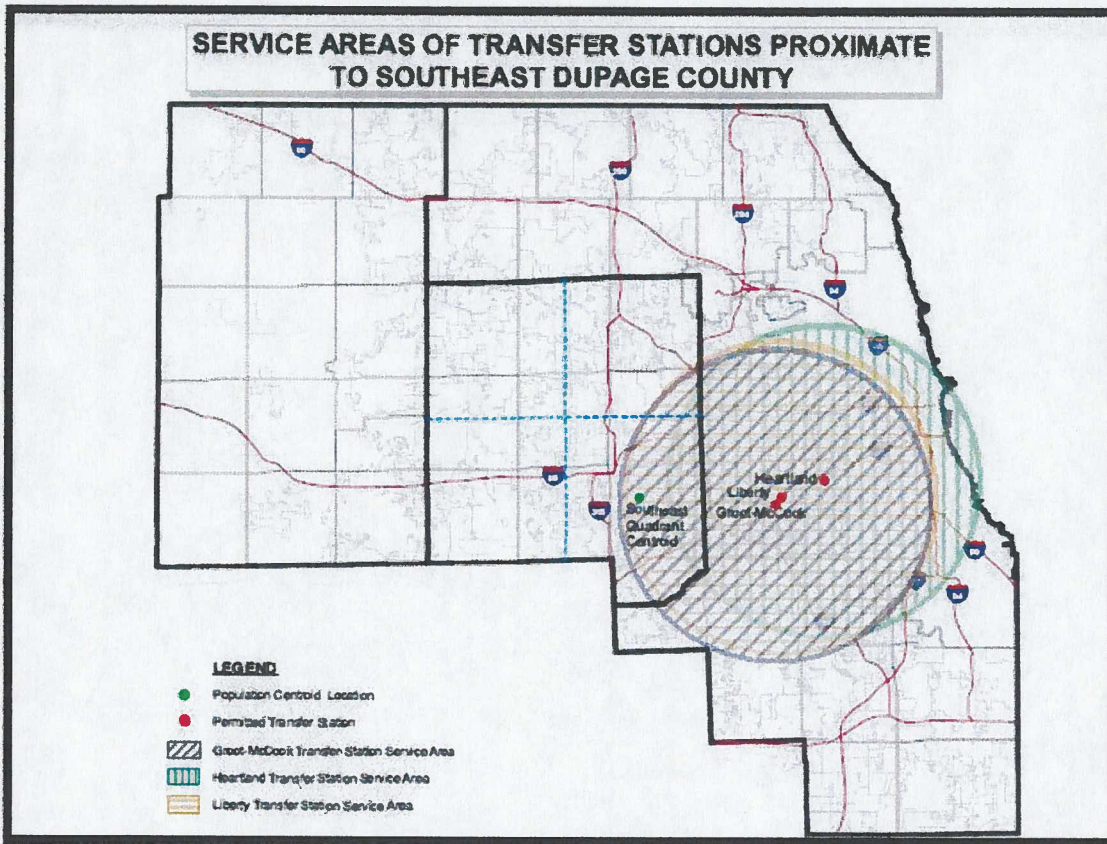


APPENDIX G



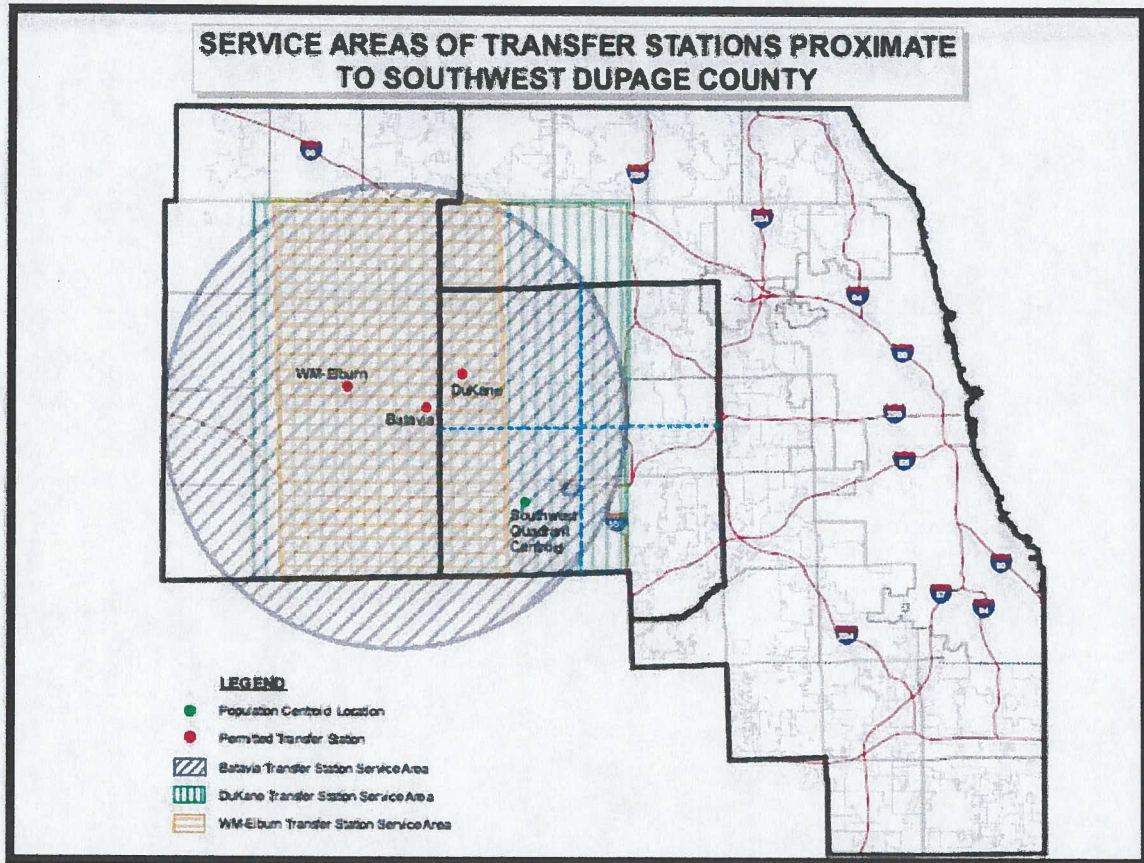
2007 Shaw Environmental Report completed for the County of DuPage

APPENDIX H

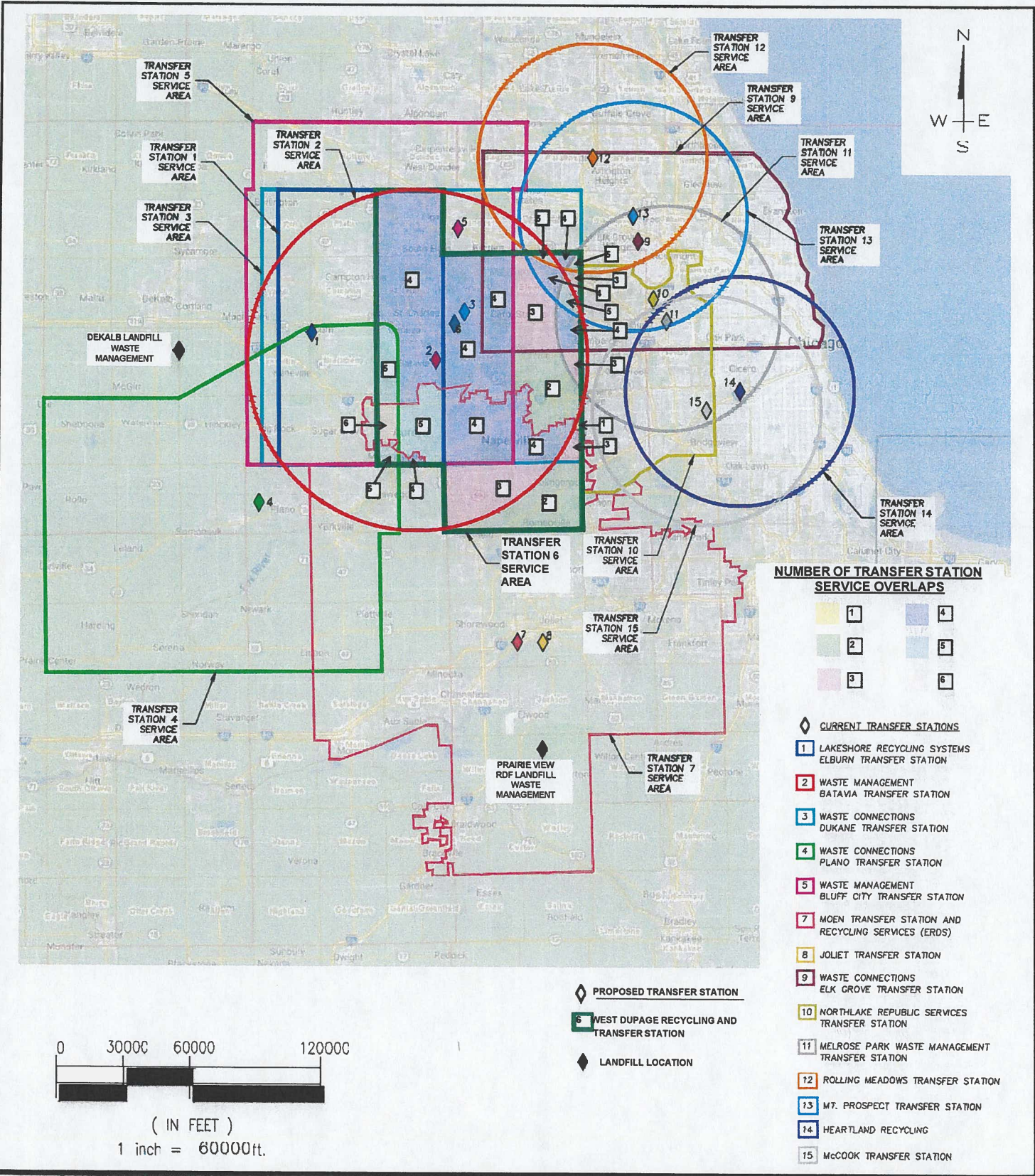


2007 Shaw Environmental Report completed for the County of DuPage

APPENDIX I



2007 Shaw Environmental Report completed for the County of DuPage



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PREPARED FOR:
JPL ENVIRONMENTAL ENGINEERING

CURRENT TRANSFER STATION SERVICE AREAS
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| | | |
|--------------------|----------------|--------------|
| JOB ID: 2022-138 | DRAWN BY: CNW | SHEET: |
| SCALE: 1" = 60000' | DATE: 1/3/2023 | FIG 1 |

R E S O L U T I O N

CB-0002-04

DENIAL OF SITING APPLICATION FROM
WEST DU PAGE RECYCLING & TRANSFER, INC.
FOR THE WEST DU PAGE RECYCLING & TRANSFER FACILITY
IN UNINCORPORATED DU PAGE COUNTY

WHEREAS, West DuPage Recycling & Transfer, Inc., pursuant to the Illinois Environmental Protection Act (415 ILCS 5/39.2 *et seq.*) ("Act") and the DuPage County New Regional Pollution Control Facility Siting Ordinance (Chapter 25, DuPage County Code) ("Ordinance") filed an application on April 4, 2003 and amended said application on July 24, 2003, for siting approval for a waste transfer facility in unincorporated DuPage County; and

WHEREAS, pursuant to the aforesaid Ordinance, DuPage County Board Chairman Robert J. Schillerstrom appointed Phillip A. Luetkehans as Hearing Officer; and

WHEREAS, in compliance with the Act, a public hearing was held on July 8, 9, 15, 16, 17, 24 and August 11, 12, 13, 14, 25, 26, 27, 28, 2003; and

WHEREAS, after consideration of the public record in this matter, including but not limited to the hearing testimony, oral comment, evidence, and written comment timely submitted, and the criteria set forth in Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2; and

WHEREAS, the applicant agreed to and extended the time by which DuPage County had, pursuant to Section 39.2 of the Act, to make a decision with respect to the application to February 28, 2004; and

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board that:

1. The application of West DuPage Recycling & Transfer, Inc. for Siting approval for the West DuPage Recycling & Transfer Facility is hereby denied; and

2. The DuPage County Board finds, for the reasons set out in the record of these proceedings, that the following Criteria, as set forth in Section 39.2 of the Act, were not met: Criteria numbers 1, 5 and 8; and
3. The certified transcription of the deliberations and decision on this siting application conducted by the County Board at their meeting held February 10, 2003, at which this Resolution was approved, be attached hereto as Exhibit A and repeated and incorporated herein as part of the written decision of the DuPage County Board on the subject application; and
4. The Motion to Deny is based on a review of the complete record of this case including the record of the public of hearing which was conducted on this matter as well as the nine criteria set out in Section 39.2 of Illinois Environmental Protection Act.

In particular, this request for siting should be denied because the applicant has failed to meet three of the statutory criteria in the following respects:

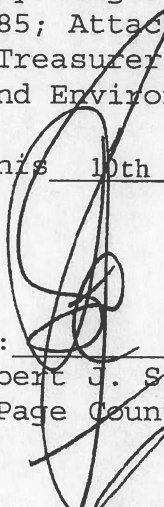
The applicant has failed to meet its burden in establishing criteria No. 1 that the facility is necessary to accommodate the waste needs of the area it is intended to serve. This criterion has not been met considering the location of other waste transfer stations in the relevant region; considering that the DuKane Facility has expanded its capacity but has not yet utilized its capacity limits; and that witness Burger's testimony is most credible on all factors related to criterion No. 1.

The applicant has also failed to meet its burden in establishing criteria No. 5, that the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents. There is insufficient evidence in the record to establish that this criteria has been satisfied by the applicant.

The applicant has also failed to meet its burden in establishing criteria No. 8, in that the proposed facility is inconsistent with the solid waste disposal plan of DuPage County because the proposed location is within ¼ mile of another transfer station; and fails to reduce wear on roads, reduces overall truck miles traveled and decrease truck air emissions; and that the proposed site of the this facility is on a tract of land less than five acres in total area; and

BE IT FURTHER RESOLVED that the County Clerk be directed to transmit certified copies of this Resolution and attached Exhibit A to West DuPage Recycling & Transfer, Inc., 3N551 Powis Road, West Chicago, IL 60185; Attached Service List; County Auditor, Finance Director, Treasurer; and two (2) copies to the Department of Development and Environmental Concerns.

Enacted and approved this 10th day of February, 2004 at Wheaton, Illinois.

BY: 
Robert J. Schillerstrom, Chairman
DuPage County Board

Attest:

BY: 
Gary A. King, County Clerk

Ayes: 16
Nays: 2

RESOLUTION NO. 03-R-0034

**A RESOLUTION OPPOSING THE SITING OF A TRANSFER STATION
ALONG POWIS ROAD - WEST DUPAGE RECYCLING AND TRANSFER**

WHEREAS, the County of DuPage (the "COUNTY") has previously adopted a Solid Waste Management Plan (the "PLAN") that called for the siting of five (5) waste transfer stations to be located throughout the COUNTY; and,

WHEREAS, the DuKane Transfer Station was the first pollution control facility of its kind sited in accordance with the PLAN, over overwhelming community opposition; and,

WHEREAS, despite the annual tipping fees received from the facility, the residents and businesses in the CITY have had to live with the offensive odors emanating from the DuKane Transfer Station throughout the year and an average of 350 more trucks per day driving through the CITY using Powis Road; and,

WHEREAS, the CITY, having become the siting authority upon annexation of the DuKane Transfer Station, reluctantly approved an amendment to the siting application on October 15, 2001, to increase the annual daily average to 2,500 tons in an effort to meet the needs of the facility, address the wishes of the COUNTY and Chairman Schillerstrom and only after assurances from the owners that the problems with odors and uncontained garbage would be addressed; and,

WHEREAS, in October 2002, the CITY learned that an unknown property owner was researching the feasibility of operating a new waste transfer station within the City's planning area; and,

WHEREAS, in December 2002, the City administration was approached by Ken Hoving (the "OWNER") of West DuPage Recycling and Transfer (the "PROPOSED TRANSFER STATION") about a plan to apply for siting approval from the COUNTY for a transfer station which would run in conjunction with his construction and demolition debris recycling facility; and,

WHEREAS, on March 10, 2003, the OWNER presented computer-generated drawings and a site plan which are attached hereto as Exhibit "A" and clearly show that the visual impact on the adjoining neighborhood will be severe; and,

WHEREAS, the OWNER indicated that his siting application contemplates an annual daily average of 1,000 tons of waste, which is a net average of 800 tons per day as his present operation processes, on average, 200 tons of waste per day; and,

WHEREAS, the OWNER further indicated that his truck volume would increase from 50 to 200 trucks per day, which amounts to a daily increase of 300 vehicle trips, an increase of three hundred (300) percent; and,



WHEREAS, on March 12, 2003, the City of West Chicago received a certain Notice of Intent to File a Request for New Pollution Control Facility Siting Approval from the COUNTY from the OWNER of the PROPOSED TRANSFER STATION; and,

WHEREAS, the COUNTY is authorized by State of Illinois law, pursuant to Section 39.2 of the Illinois Environmental Protection Act (the "ACT") to, among other things, receive, hold hearings, and render a decision on an application for the site location of a pollution control facility proposed to be located in unincorporated DuPage County; and,

WHEREAS, the ACT specifically sets forth nine (9) criteria for the granting of such local siting approval with respect to each new pollution control facility, including waste transfer stations; four of those criteria are as follows:

(1) The facility is necessary to accommodate the waste needs of the area it is intended to serve.

(3) The facility is located so as to minimize incompatibility of the character of the surrounding area and to minimize the effect on the value of the surrounding property.

(6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic.

(8) The facility is to be located in the County where the County Board has adopted a Solid Waste Management Plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with the plan; and,

WHEREAS, the PROPOSED TRANSFER STATION is located at 3N551Powis Road which is adjacent to, but not within, the CITY'S corporate boundaries; and,

WHEREAS, the PROPOSED TRANSFER STATION is located less than 1,500 feet from the existing DuKane Transfer Station; and,

WHEREAS, the DuKane Transfer Station is the only waste transfer station in the entire 334 square miles of territory of the COUNTY; and,

WHEREAS, the DuKane Transfer Station is currently only operating at seventy-two (72) percent of capacity, processing only 1,900 of the permitted 2,500 average tons per day; and,

WHEREAS, the PROPOSED TRANSFER STATION is seeking to increase an average of 800 tons of day, of which there is already an available capacity of 600 tons per day at the DuKane Transfer Station, thereby clear evidence that there is not a need for a second transfer station in this area; and,

WHEREAS, another area solid waste collection company, Onyx, has filed a host agreement with the City of Batavia and is beginning the siting process for a transfer station on Hunter Road, east of Kirk Road which is only 6.6 miles from the PROPOSED TRANSFER STATION; and,

WHEREAS, Powis Road north of Illinois Route 64 is not constructed in a manner to accommodate the type and volume of truck traffic being proposed by the OWNER; and,

WHEREAS, Cornerstone Lakes, one of West Chicago's newest subdivisions containing 730 plus homes housing over 2,500 residents, is located less than 3,800 feet from the PROPOSED TRANSFER STATION and the Elm Road Neighborhood is located less than 3,200 feet from the PROPOSED TRANSFER STATION, and their children and families will be most impacted by the siting of such a facility; and,

WHEREAS, the vacant land immediately to the west is zoned either as Airport or ORI and depicted in the CITY's Comprehensive General Plan as business park, both of which are incompatible land uses with the PROPOSED TRANSFER STATION; and

WHEREAS, Community School District #303 is building an elementary school along Smith Road which is scheduled to open in August 2003 that is located less than 2,800 feet from the PROPOSED TRANSFER STATION which is being built for 600 children; and,

WHEREAS, the West Chicago Park District has invested over \$100,000 in the Cornerstone Lakes Park that is located less than 3,200 feet from the PROPOSED TRANSFER STATION; children and families living throughout the CITY use Powis Road to participate in and attend sporting events at this park and will be impacted by the truck traffic and environmental byproducts of such a facility; and

WHEREAS, granting of siting approval violates the terms of the PLAN by placing two transfer stations within the same community's planning area ; and,

WHEREAS, the granting of siting approval for the PROPOSED TRANSFER STATION by the COUNTY will have many serious and adverse consequences on the residents of the City of West Chicago for the reasons set forth above, and hence fails to meet the required criteria for siting approval as established by the ACT and as adopted by the COUNTY; and,

WHEREAS, the PROPOSED TRANSFER STATION will result in additional permanent, offensive odor permeating the area surrounding the PROPOSED TRANSFER STATION, including an elementary school, as well as all areas downwind of the proposed site, beyond those now associated with the DuKane Transfer Station; and,

WHEREAS, the PROPOSED TRANSFER STATION will increase the likelihood that insects, rodents, and other vermin will be attracted to the site and adjoining properties, beyond the risks now associated with the DuKane Transfer Station; and,

WHEREAS, the substantial and continuous traffic, offensive odors and other negative effects of locating the PROPOSED TRANSFER STATION so close to a residential area, elementary school and viable land zoned for office would seriously affect the health, safety and welfare of the residents, students and potential business people near the site; and,

WHEREAS, the quality of life of all of the residents of West Chicago and non-resident employees who work in this great CITY would be adversely affected by the additional PROPOSED TRANSFER STATION.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1. That the recitals set forth above are incorporated herein in their entirety.

Section 2. That all of the criteria necessary for the granting of siting approval for the PROPOSED TRANSFER STATION have clearly not been satisfactorily met as follows:

- (1) The facility is not necessary to accommodate the waste needs of the area it is intended to serve.
- (2) The facility's location is incompatible with the character of the surrounding area and to minimize the effect on the value of the surrounding property.
- (3) The traffic patterns to or from the facility will severely impact on existing traffic.
- (4) The facility is not consistent with the PLAN adopted by the COUNTY.

Section 3. That the Mayor and City Council stand in strong opposition to the siting of the PROPOSED TRANSFER STATION, and will join the residents of Cornerstone Lakes, Willow Creek and all other citizens of West Chicago and surrounding communities in their fight to have the COUNTY deny siting approval, and will lend what support it can to assist in lobbying efforts.

Section 4. That the Mayor and City Council strongly urge the COUNTY Board to deny the siting request for the PROPOSED TRANSFER STATION.

Section 5. That the Mayor and City Council demand that the COUNTY adhere to the PLAN and site such facilities throughout the COUNTY.

Section 6. That the Mayor and City Council authorize the City Administrator to spend up to twenty-five thousand dollars (\$25,000.00) from the Public Benefit Fund to pursue all means necessary to oppose the PROPOSED TRANSFER STATION.

Section 7. That this Resolution shall be in full force and effect upon its passage and approval in accordance with law.

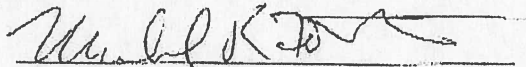
ADOPTED this 7th day of April, 2003.

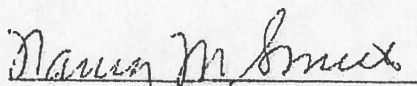
AYES: 10

NAYS: 0

ABSTAIN: 0

ABSENT: 0


Mayor

ATTEST: 
City Clerk

