

CHAPTER 32

SANITARY LANDFILL CODE

ARTICLE I - GENERALLY

32-1-1 **CODE ESTABLISHED.** This Chapter shall be known and cited as the Sanitary Landfill Code of St. Clair County.

32-1-2 **PURPOSE AND AUTHORITY.**

(A) The County adopts and avails the County of the provisions of "an act authorizing the County to regulate garbage disposal areas and vehicles used in the hauling of garbage", approved **September 26, 1980**, and all supplement amendments thereto, "enacted by the People of the State of Illinois, represented in the General Assembly of the State of Illinois". **(55 ILCS)**

(B) The County adopts and avails the County of the provisions of "An act to prohibit open garbage dumps", approved **June 29, 1970**, and all supplemental amendments thereto, "enacted by the People of the State of Illinois, represented in the General Assembly of the State of Illinois". Except as hereinafter stated, and unless a different meaning of a word or term is clear from its context, the definitions of words or terms as are used in this Code shall be the same as those used in the Environmental Protection Act.

32-1-3 **DEFINITIONS.** The following terms or words shall have the meanings ascribed to them as follows:

(A) **"Garbage Disposal Area"** shall mean any site, including a sanitary landfill or land reclamation area used for the disposal of solid or semi-solid refuse from more than one premise, or from a commercial or industrial operation, not suitable for discharge into water carriage waste disposal systems. It means any area within a county but outside any city, village or incorporated town in such county to which garbage is hauled for disposal. The term does not include the area on any person's land used for disposal of garbage from such person's own household.

(B) **"Sanitary Landfill"** shall mean a method of disposing of refuse on land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical volume by employing power equipment, and covering with a layer of compacted earth or suitable cover material at the conclusion of each day's operation, or at such intervals on a more frequent basis as may be necessary.

(C) **"Land Reclamation Area"** shall mean all land or parcels of land on which refuse or nonputrescible refuse or solid waste is accepted for deposit or permitted to be deposited regardless of whether a charge is made therefor.

(D) **"Combustible Waste"** shall mean all waste substances capable of incineration or burning, but excluding explosive or highly inflammable material.

(E) **"Non-Combustible Waste"** shall mean all other waste substance not capable of incineration or burning such as earth fill, glass, metal, earthenware and the like.

(F) **"Refuse"** shall mean all waste substances, including animal and vegetable, as well as combustible and non-combustible waste and all putrescible matter.

(G) **"Person"** shall mean any person, firm, club, corporation, association, partnership, company, organization or political subdivision.

(H) **"A Disposal Area"** shall mean any area within the County to which refuse is to be hauled for disposal.

(I) **"Bedrock"** means the solid rock exposed at the surface of the earth or overlain by unconsolidated material.

(J) **"Cell"** means compacted refuse completely enclosed by cover material.

(K) **"Compaction"** means the reduction of volume of material under load.

(L) **"Cover Material"** means soil or other material that is used to cover compacted solid waste in a sanitary landfill and that is free of objects that would hinder compaction and free of content that would be conducive to vector harborage, feeding, or breeding.

(M) **"Development"** means construction or installation of a facility.

(N) **"Facility"** means any device, mechanism, equipment or area used for storage, transfer, processing, incineration or deposit of solid waste.

(O) **"Groundwater"** means water occurring in the zone of saturation in any aquifer or soil.

(P) **"Hazardous Waste"** means solid waste with inherent properties which make such waste difficult or dangerous to manage by normal means including but not limited to chemicals, explosives, pathological wastes, radioactive materials and wastes likely to cause fire.

(Q) **"Leachate"** means liquid containing materials removed from solid waste.

(R) "Lift" means an accumulation of refuse which is compacted into a cell and over which compacted cover is placed.

(S) "Modification" means any physical change, or change in the method of operation, of a solid waste management facility.

(T) "Operator" means a person who owns, leases, or manages a solid waste management facility.

(U) "Permeability" means the capability of a material to pass a fluid.

(V) "Professional Engineer" means an engineer registered to practice engineering in the State of Illinois.

(W) "Salvaging" means the return of solid waste materials to beneficial use.

(X) "Scavenging" means the removal of materials from a solid waste management facility in a manner not in conformity with the regulations governing salvaging.

(Y) "Site" means any location, place, or tract of land and facilities, used for solid waste management.

(Z) "Solid Waste" means refuse having **forty percent (40%)** or more solid contents.

(AA) "Solid Waste Disposal" means disposition of solid waste by means acceptable under regulations adopted by the Board.

(BB) "Solid Waste Management" means the processes of storage, processing or disposal of solid wastes, not including hauling or transport.

(CC) "Surface Water" means all water the surface of which is exposed to the atmosphere.

(DD) "Vector" means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

(EE) "Water Table" means that surface in unconfined water at which the pressure is atmospheric and is defined by the levels at which water stands in wells that penetrate the water just far enough to hold standing water.

(FF) "Working Face" means any part of a sanitary landfill where refuse is being disposed.

(GG) "Commercial Hauler" means any person collecting garbage for hire from more than **two (2) residences** or from any commercial or industrial establishment or public building.

(HH) "Liquid" means a waste, or part of a waste, which yields any fluid when subjected to the paint filter test described in Section 729.320 of the Environmental Protection Act. (Source: added at 9 Ill. Reg. 718, effective January 3, 1985)

(II) "All Weather Road" means a road built of suitable material which allows for unrestricted and unaided vehicular movement in all forms of wet or dry weather.

(JJ) "Sludge" means any material containing less than **forty percent (40%)** solids with no free flowing liquids present.

(KK) "Containers" means **five (5) gallon** pails, **forty/forty-five (40/45) gallon** fiberboard, steel and plastic drums, and **fifty/fifty-five (50/55) gallon** steel drums.

ARTICLE II - ADMINISTRATION

32-2-1 **ENVIRONMENT COMMITTEE.** The enforcement of this Code is hereby vested in the Environment Committee of St. Clair County, hereinafter known as the "Committee".

The Committee shall enforce this Code and all amendments and regulations hereinafter adopted by the St. Clair County Board.

32-2-2 **APPROPRIATIONS.** The County Board shall appropriate funds to carry out the duties of the Committee, and the Board shall have the authority to extend, under regular County procedure all sums appropriated to it for the purposes and activities authorized herein.

32-2-3 **RULES AND PROCEDURES.** The Committee shall adopt such rules concerning the filing of appeals and applications for amendments, variances, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Committee shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote of all actions taken. All minutes and records shall be filed for a period not to exceed **two (2) consecutive years** in the office of the County Board and shall be of public record.

ARTICLE III - REQUIREMENTS

32-3-1 LICENSE REQUIRED.

(A) License Fee. No person shall operate any solid waste facility including but not limited to any landfill, sanitary landfill, transfer station, waste storage facility, waste treatment facility, or any facility accepting exclusively construction or demolition debris for transfer, storage, or treatment or any land reclamation area without first obtaining a license and paying an annual fee of **Five Hundred Dollars (\$500.00)**. (Ord. No. 98-637; 01-26-98)

(B) Application. No such license shall be issued except on application and approval of the Committee. Application forms are available from the Zoning Department. (Ord. No. 98-637; 01-26-98)

(C) Financial Assurance Required. All active solid waste facilities in St. Clair County must provide "financial assurance" by posting a Forfeiture Bond for the purpose of insuring proper clean up and closure of the site and any needed post closure care. As State law requires all landfills and hazardous waste facilities to provide financial assurance as conditions of permitting, submitting proof of an Illinois EPA issued land permit requiring financial assurance shall be deemed adequate proof of financial assurance for purposes of obtaining a County license under this Section. For all other facilities, financial assurance shall be provided as set forth herein.

(1) For all solid waste facilities that do not have financial assurance pursuant to an Illinois EPA permit, a forfeiture bond shall be provided with the application for license. The bond shall conform to the requirements of this Section. (Ord. No. 98-637; 01-26-98)

(2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code. (Ord. No. 98-637; 01-26-98)

- (3) The surety bond shall be on the form provided in **Appendix A** herein. **(Ord. No. 98-637; 01-26-98)**
- (4) Any payments made under the bond will be placed in the Environmental Safety Fund within the County Treasury. **(Ord. No. 98-637; 01-26-98)**
- (5) The bond must guarantee that the facility will provide clean up of all waste and proper closure and postclosure care in accordance with all applicable laws. **(Ord. No. 98-637; 01-26-98)**
- (6) The surety will become liable on the bond obligation when, during the term of the bond, the owner or operator of the facility fails to perform as guaranteed by the bond. The facility fails to perform when the operator:
 - (a) Abandons the site;
 - (b) Is adjudicated bankrupt;

- (c) Fails to perform clean up and closure of the site or postclosure care when ordered to do so by a court of competent jurisdiction; or
 - (d) Fails to renew its annual license as required herein.
(Ord. No. 98-637; 01-26-98)
- (7) The penal sum of the bond shall be in the following amounts:
- (a) For solid waste facilities accepting exclusively construction or demolition debris for transfer, storage, or treatment, the bond shall be for an amount equal to **Fifty Thousand Dollars (\$50,000.00)** per acre of the facility. For any portion that is less than an acre, the bond amount shall be for a full acre. (For example, a **two (2) acre** facility shall provide a bond of **One Hundred Thousand Dollars (\$100,000.00)** while a **five (5) acre** facility shall provide a bond of **Two Hundred Fifty Thousand Dollars (\$250,000.00)**.) **(Ord. No. 98-640; 02-23-98)**
 - (b) For transfer stations and all other facilities requiring a bond under this Section, the bond shall be in an amount of at least **One Hundred Thousand Dollars (\$100,000.00)** per acre of the facility. For any portion that is less than an acre, the bond amount shall be for a full acre unless otherwise determined in accordance with subsection (c) below. (For example, a **two (2) acre** facility shall provide a bond of at least **Two Hundred Thousand Dollars (\$200,000.00)** while a **five (5) acre** facility shall provide a bond of at least **Five Hundred Thousand Dollars (\$500,000.00)**.) **(Ord. No. 98-640; 02-23-98)**

- (c) Upon application to the Committee and submission of proof of accurate cost estimates for clean up and closure of the facility in accordance with principles set forth in the Illinois Environmental Protection Act and the regulations adopted thereunder, the Committee may consider and lower the amount required for bonding upon a showing of special circumstances. An example of a special circumstance is a very small waste storage or transfer unit within a business where such business is not related to waste other than the generation of it from normal business practices and that does not require financial assurance under State law. **(Ord. No. 98-637; 01-26-98)**
- (8) The bond must be issued for a term of at least **five (5) years** and must not be cancelable during that term. **(Ord. No. 98-637; 01-26-98)**

- (9) The County shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides immediate and adequate cleanup and closure and any required postclosure care of the site, unless the County determines that the closure or postclosure care plan or the amount of substituted financial assurance is inadequate to provide clean up, closure and any postclosure care to bring about compliance with the Illinois Environmental Protection Act and the nuisance provisions of the County Zoning Code. **(Ord. No. 98-637; 01-26-98)**
- (10) After clean up, closure, and any required postclosure care have been completed, the County shall refund any unspent money which was paid to the County by the surety. **(Ord. No. 98-637; 01-26-98)**

32-3-2 VEHICULAR LICENSING.

(A) Permit. All persons using or operating commercial or municipal refuse vehicles hauling refuse to any refuse disposal area in St. Clair County shall obtain a permit from the County Clerk. Those municipalities owning or operating vehicles hauling refuse to municipally owned disposal areas shall be exempt from the provisions of this Section. A copy of the permit shall be carried at all times in the hauling vehicle and displayed in the upper right hand corner of the windshield.

(B) Issuance. No permit shall be issued unless said application filed with the County Clerk contains the following information:

- (1) Name (owner and/or hauler)
- (2) Address
- (3) Location of equipment
- (4) License plate number

(C) Fee. The annual fee per vehicle shall be **Fifty Dollars (\$50.00)** per year, which shall be paid prior to the issuance of said permit.

ARTICLE IV - REGISTRATION AND/OR PERMITS

32-4-1 **REGISTRATION AND/OR PERMITS.** All refuse disposal sites or facilities shall be registered with the Committee on forms provided by the Department.

32-4-2 **NOTIFICATION OF CHANGE.** The Committee shall be notified in writing at least **thirty (30) days** prior to any proposed change in method of operation, deviation from the approved method of operation, relocation, closure, or plan.

ARTICLE V - INSPECTIONS AND FINES

32-5-1 **INSPECTION BY COMMITTEE.** The Committee, or its authorized representative, is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code and regulations promulgated hereunder. It shall be the duty of the operator of a Sanitary Landfill and/or Landfill Solid Waste Disposal Site or Land Reclamation Project to give the Committee free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code and the regulations promulgated hereunder.

32-5-2 **FINES.** Any person who fails to comply with the provisions of this Code or the regulations adopted pursuant thereto shall be deemed guilty of a violation of this Code and shall, upon conviction, be fined a sum not to exceed **Five Hundred Dollars (\$500.00)**. Each day that a violation continues to exist, after notice by the Committee, shall constitute a separate offense.

ARTICLE VI - CONDITIONS

32-6-1 NOTICES AND COMMUNICATIONS. All notices and communications to the County will be addressed separately to:

Environment Committee Chairman and Director of Administration
St. Clair County
10 Public Square
Belleville, Illinois 62220

32-6-2 SEVERABILITY. If any item or provision of this agreement is held invalid, unenforceable, voidable or void, said term or provision shall not affect the other terms or provisions of this agreement which can be given effect without the invalid term or provision. (#3-86-O; 1-27-86)

ARTICLE VII - NEW POLLUTION CONTROL FACILITY

32-7-1 **DEFINITIONS.** The following terms or words shall have the meanings ascribed to them as follows:

(A) **"Applicant"** is any person, firm or partnership, association, corporation, company or organization of any kind who files a request for site approval pursuant to this resolution.

(B) A **"Hazardous Waste Disposal Site"** is a site at which hazardous waste is disposed. "Hazardous Waste" is waste as defined in the Illinois Environmental Protection Act, (hereinafter referred to as the Act) as amended (**415 ILCS Sec. 5/1 et seq.**)

(C) A **"Regional Pollution Control Facility"** is any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government. For purposes of this Chapter a local general purpose unit of government is St. Clair County. A Regional Pollution Control Facility is also any facility defined as such in the Act.

(D) **"The Regional Pollution Control Hearing Committee"** is the committee appointed by the County Board Chairman whose function is to attend the public hearings on requests for site approval, make factual findings, and make recommendations regarding the requests for site approval to the County Board.

(E) **"IEPA"** is the Illinois Environmental Protection Agency.

32-7-2 **APPLICATION.**

(A) A minimum of **twelve (12) complete copies** of requests for site approval, including **twelve (12) copies** of all site plans, exhibits, and maps, shall be filed in the office of the St. Clair County Clerk. Upon receipt of any such request for site

approval, the County Clerk shall date stamp same and immediately deliver **eight (8) copies** of the request for site approval to the Chairman of the County Board, **one (1) copy** of the request for site approval to the Director of the Land Development Department, **one (1) copy** to the hearing officer, **one (1) copy** to the office of the State's Attorney, and **one (1) additional copy** of the request for site approval to each municipality within **one and one-half (1 1/2) miles** of the proposed facility.

(B) A copy of the request for site approval shall be made available for public inspection in the office of the County Clerk and members of the public shall be allowed to obtain a copy of the request for site approval or any part thereof upon payment of the actual cost of reproduction. All copying requests shall be fulfilled by the County Clerk within a reasonable time from the time of the request.

(C) Requests for site approval shall be of the form as provided by the St. Clair County Department of Land Development and shall include the following:

(1) A written petition on 8 1/2" x 11" paper which sets forth:

- (a) the identification of the applicant and owner, and if the proposed site is owned in trust, the beneficiaries;
 - (b) the legal description of the proposed site and a street address or some other reasonable description of where the proposed site is located;
 - (c) a description of the proposed facility, its operation and the expected longevity thereof;
 - (d) the area to be served by the proposed facility and a statement of the needs of such area for such a facility;
 - (e) a list of the existing Regional Pollution Control Facilities within the area proposed to be served and, with respect to each such facility, the following information shall be provided; location, size, owner and/or operator, type of pollution control facility, remaining capacity, probably life of the proposed facility, and types of wastes received;
 - (f) the expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the origins of these wastes;
 - (g) a description of the geologic and hydrogeologic character of the site including core samples, the monitoring plans, including any background analyses for ground water, surface water and air;
 - (h) reasons supporting approval of the application;
 - (i) a prayer for site approval.
- (2) The request for a permit made to the Illinois Environmental Protection Agency, if any such request has been made.
- (3) A site plan showing details of the proposed facility including but not limited to:
- (a) cross sections;

- (b) all existing wells within **five hundred (500) feet** of the site;
 - (c) all monitoring wells;
 - (d) fences, buildings and other structures;
 - (e) roads, entrances, and driveways; and
 - (f) core sample locations on and within **two hundred (200) feet** of the site.
- (4) A detailed topographic survey of the subject site and the surrounding area within **five hundred (500) feet** which indicates land use and, if applicable, the boundary of the **one hundred (100) year** flood plain as determined by the Illinois Department of Transportation.
- (5) A statement of the plan of operation for the proposed facility, including but not limited to the following:

- (a) method of landfilling, incineration, resource recovery or other process;
 - (b) hours of operation;
 - (c) personnel;
 - (d) litter, vector, dust and odor control;
 - (e) surface drainage and erosion control;
 - (f) fire control;
 - (g) corrective actions for spills and other operational accidents;
 - (h) if applicable, the stages of development or use;
 - (i) an end use plan.
- (6) A statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight and direction of movement.
- (7) All studies, maps, reports, permits or exhibits which the applicant desires the County Board to consider at the public hearing.
- (8) A description of the insurance policies carried by the applicant to cover single accidents, such as fires or explosions, and non-sudden accidental occurrences.
- (9) If the site is a proposed hazardous waste facility, a copy of the Resource Conservation Recovery Act Contingency Plan.
- (10) A **Two Hundred Fifty Thousand Dollar (\$250,000.00) application fee** to cover notice costs, court reporter costs, transcription costs, county consultant costs, hearing officer costs, and other expensed incurred by the County of St. Clair in conducting the review of the request for site approval, the subsequent public hearing, and the site approval decision, provided however, that any portion of the

application fee that remains unexpended at the conclusion of the hearing process shall be returned to the applicant. Should there be any additional costs incurred by the County over the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs. **(87-29; 05-26-87)**

(D) No application for site approval shall be deemed to have been filed or accepted for filing unless all of the requirements of this Chapter applicable thereto shall have been met and the County Clerk shall not give a receipt or other indication of filing until such time as it is determined that the application complies with the requirements of this Chapter. Within a reasonable period of time after delivery of an application, the County Clerk shall advise the applicant:

- (1) Either that the application is complete and that it has been accepted for filing, designating the date of filing; or

- (2) That the application is not complete, specifying wherein it is deficient.

(E) In order to give members of the public an opportunity to make informed written comment pursuant to Section 39.1(c) of the Act (**415 ILCS Sec. 5/39.2(c)**) and to give members of the public and departments of the County an opportunity to prepare adequately and fairly for the public hearing hereinafter described, the applicant must fully comply with all application requirements as set forth in **Section 32-7-2(C)** hereof. Failure to comply with said application requirements shall render such required information inadmissible at said public hearing.

(F) No request for site approval may be amended to add additional data or reports once the request for site approval has been filed with the County Clerk. However, an applicant may withdraw his request for site approval at least **fourteen (14) days** before the first scheduled hearing and may file a new request for site approval. Upon withdrawal of a request for site approval, any unexpended portion of the application fee shall be returned to the applicant. The refiling of a request for site approval puts into operation all the requirements set forth in this Chapter as pertains to any new request for site approval.

32-7-3 **COUNTY REVIEW.**

(A) Upon receipt of a copy of a request for site approval, the Director of the Department of Land Development shall notify the following County Departments of such receipt:

- (1) Health Department
- (2) Highway Department
- (3) County Administrator's Office
- (4) State's Attorney's Office

(B) The Department of Land Development shall be the department responsible for coordinating review of the request for site approval by the aforementioned Departments and is authorized to call inter-departmental meetings and set deadlines for the submittal of reports and recommendations.

(C) The aforementioned departments may attend the public hearings and may ask such questions as needed to assist in reaching their recommendations.

(D) The aforementioned departments are authorized to prepare and submit reports and recommendations in response to the request for site approval. Preliminary reports prepared by County Departments and retained consultants summarizing and analyzing the request for site approval, reports, studies, exhibits and any written comments filed with the County Clerk, concerning the appropriateness of the proposed site, shall be filed with the County Clerk no later than **ten (10) days** in advance of the date set for hearing. In the event that the **tenth (10th) day** prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next working day shall be considered the day that reports shall be filed. Copies of departmental reports shall be available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain copies of the reports upon payment of the actual cost of reproduction.

(E) The County Departments and consultants retained by the County are authorized to present testimony at the public hearing as hereinafter described.

32-7-4 **OTHER PARTIES.** All reports, studies, exhibits or other evidence or copies thereof, other than testimony, which any other person desires to submit for the record at the public hearing must be filed with the County Clerk at least **ten (10) days** before the public hearing and shall be available for public inspection in the office of the County Clerk. In the event that the **tenth (10th) day** prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next working day shall be considered the day that reports, studies, and exhibits must be filed. The County Clerk shall date stamp any such reports, studies, exhibits or other evidence upon receipt. In the case of documentary evidence, members of the public shall be allowed to obtain copies of said documents upon payment of the actual cost of reproduction.

32-7-5 **PUBLIC HEARING.**

(A) No sooner than **ninety (90) days** but no longer than **one hundred eighty (180) days** from the date of filing of the request for site approval with the County Clerk, a public hearing shall be held by the Regional Pollution Control Hearing Committee.

(B) The Regional Pollution Control Hearing Committee shall consist of members of the St. Clair County Environment Committee.

(C) **Four (4) members** shall constitute a quorum of the purpose of holding such public hearing.

(D) Within **ten (10) working days** of the date a request for site approval is filed, the Chairman of the County Board shall determine the date, time and location upon which such public hearing shall be held, but in any event the initial public hearing must be scheduled no sooner than **ninety (90) days** but no later than **one hundred**

eighty (180) days from the date the request for site approval was filed with the County Clerk.

(E) The Chairman of the County Board shall notify the County Clerk of the date upon which such hearing shall be held and shall request the County Clerk to cause notice of such hearing to be made as follows:

- (1) Published legal notice in a newspaper of general circulation published in the County at least once per week for **three (3) successive weeks** prior to the date set for hearing.

Such notice shall consist of the following:

- (a) The name and address of the person, partnership or corporation requesting site location approval.
- (b) The owner of the site, and in case ownership is in a land trust, the names of the beneficiaries of said trust.
- (c) The legal description of the site.

- (d) The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership or occupancy or in some other manner that will reasonably identify the property to residents of the neighborhood.
 - (e) The nature and size of the proposed development.
 - (f) The nature of the activity proposed.
 - (g) The probable life of the proposed activity.
 - (h) The time and date of the public hearing.
 - (i) The location of the public hearing.
 - (j) A statement that all copies of evidence other than testimony to be submitted at the public hearing must be filed with the County Clerk at least **ten (10) days** before the public hearing.
- (2) Certified mail to all members of the General Assembly from the district in which the proposed site is located.
 - (3) Certified mail to the Illinois Environmental Protection Agency.
 - (4) Certified mail to all municipalities and townships within **one and one-half (1 1/2) miles** of the proposed facility.

(F) The St. Clair County State's Attorney shall appoint the hearing officer for the public hearing on the request for site approval. The hearing officer shall preside over the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this Chapter. The hearing officer shall make all decisions and rulings in accordance with fundamental fairness. The hearing officer may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. No ruling of the hearing officer shall be appealable to the County Board.

(G) The applicant for site location approval shall have the burden of going forward with evidence of the suitability of the site location for the proposed use.

(H) Any person appearing at such public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use. Any person shall have the right to be represented by an attorney at said public hearing. Such attorneys shall have the right of reasonable cross examination. Opportunity for any persons appearing at such public hearing to cross examine any witness shall be limited by the hearing officer.

- (I) Conduct of the public hearing shall be substantially as follows;
- (1) Call to order.
 - (2) Introduction of the hearing committee and hearing officer.
 - (3) Recognition of the applicant and identification of the request for site approval.
 - (4) Recognition of fees, notices, and date of filing of the request for site approval.
 - (5) Recognition of the County and other parties wishing to testify and any other reports, exhibits, maps, or documents of record as filed pursuant to this Chapter. All parties, including members of the

public, intending to testify or cross examine must sign in or submit written notification of said intent to the Environment Committee of the St. Clair County Board on or before the **first (1st) day** of the public hearing. Should the public hearing extend beyond **one (1) day**, additional parties or members of the public, not of record as of the **first (1st) day** of the public hearing will not be allowed to present testimony or cross examine.

- (6) The applicant, the County, and other parties may make an opening statement.
- (7) The Committee shall then hear testimony from the applicant and/or any witnesses the applicant may wish to call. Upon the close of the applicant's testimony, other parties may offer expert witnesses and evidence they may wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, the County may present any witnesses and evidence it wishes to present. Members of the public, of record, as set forth in **Section 32-7-5(I)(5)** above, may then present oral comment to the hearing committee. The hearing officer shall decide the order of presentation of testimony subject to this Chapter.
- (8) All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable examination as follows: direct, cross examination, redirect, recross, etc. After all parties have presented testimony, reasonable rebuttal, sur-rebuttal, etc., may be allowed at the discretion of the hearing officer.

- (9) Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable by a party from the request for site approval as filed with the County Clerk, such situation may constitute grounds for a recess in the public hearing for a period not to exceed **five (5) working days**.
- (10) Summary statements by applicant, other parties and the County, subject to limitations as imposed by the hearing officer.
- (11) Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the hearing officer.
- (12) Hearing closed.

32-7-6 **PUBLIC COMMENT.**

(A) The County Clerk shall receive written comment from any person concerning the appropriateness of the proposed site. Upon receipt of any such written comment the County Clerk shall date stamp same and shall file written comment and the postmarked envelope in which comment is received.

(B) Copies of such written comments shall be made available for public inspection in the offices of the County Clerk, and members of the public shall be allowed to obtain a copy of any written comment upon payment of actual cost of reproduction.

(C) Any written comment received by the County Clerk or postmarked no later than **thirty (30) days** after the date of the last public hearing shall be made part of the record at the public hearing as hereinafter described and the County Board shall consider any such timely written comments in making its final determination concerning said request. In the event that the **thirtieth (30th) day** falls on a Sunday or a federal holiday, the next day on which mail is delivered shall be considered the **thirtieth (30th) day** for purposes of this paragraph.

32-7-7 **RECORD.**

(A) The County Clerk shall be responsible for keeping the record of said hearing.

(B) The record shall consist of the following:

- (1) The request for site location approval as described in **Section 32-7-2(C)** hereof.
- (2) Proof of notice as described in **Section 32-7-5(E)** hereof.
- (3) Proof of notice given by applicant pursuant to Section 39.2(b) of said Act (**415 ILCS Sec. 5/39.2(b)**).
- (4) Written comments filed by the public and received by the County Clerk or postmarked within **thirty (30) days** of receipt of the filing of a request for site location approval.

- (5) All reports, studies, exhibits or documents received into evidence at the public hearing.
 - (6) The transcript of the public hearing.
 - (7) Findings of fact and recommendations of the Regional Pollution Control Hearing Committee.
 - (8) The Resolution containing the final decision of the County Board.
- (C) The County Clerk shall be responsible for certifying all copies of the record of the public hearing.

32-7-8 SITE APPROVAL DECISION.

(A) After the public hearing and any continuation thereof, the St. Clair County Environmental Committee shall hold a public review meeting for purposes of establishing findings of fact and a recommendation concerning the site approval request. Any findings of fact and recommendation shall be supported by the record and shall be presented to

the Department of Land Development which shall in turn submit same to the full County Board at least within **one hundred eighty (180) days** from the County Clerk's receipt of the site approval request.

(B) In making its recommendation on the request for site approval, the Environmental Committee shall base its decision on the following criteria:

- (1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
- (4) The facility is located outside the boundary of the 100-year flood plain as determined by the Illinois Department of Transportation, or the site is flood proofed to meet the standards and requirements of the Illinois Department of Transportation and is approved by the Department;
- (5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents; and
- (6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.
- (7) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release.

(C) The County Board shall consider the record from the public hearing and the findings of fact and recommendations of the Environment Committee and shall make a determination concerning a site approval request at least within **one hundred eighty (180) days** from the County Clerk's receipt of the site approval request. The County Board may conditionally approve any request for site approval provided such conditions are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. Any determination by the County Board shall be supported by the record.

(D) No determination by the County Board of a site approval request may be reconsidered.

32-7-9 **ADMINISTRATION OF FEES AND COSTS.**

(A) All expenses incurred by the County in conducting the review of the request for site approval, the subsequent hearing, and the site approval decision shall be paid from the application fee as provided in this Chapter.

(B) Upon termination of any proceedings under the hearing process, a final accounting and summary of all authorized expenditures and reimbursements shall be presented to the appropriate County Board committees.

(C) Any portion of an application fee not required for reimbursement to the County for costs or expenses incurred by the County under the hearing process shall be returned to the applicant. Should there be costs and/or expenses in excess of the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs.

(D) In order to properly administer the application fee received with respect to the hearing process and procedure set forth herein, the County Treasurer is hereby authorized and directed to receive and hold such application fees for administration subject to the review and approval of the Environment and Finance Committees.

(E) In order to expedite payment of all bills incurred as a result of administering the hearing process, all bills and questions concerning billing should be directed to the Department of Land Development.

32-7-10 WAIVER OF RULES. In order to insure fundamental fairness, compliance with the Act, and to protect the public interest, the Committee, by majority vote of members present and voting, may waive any of the above rules. (**#71-86-O; 4-28-86**)