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MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee	DATE:	January 14, 2008
Champaign County Brookens Administrative Center	TIME:	7:00 p.m.
Urbana, IL 61802	PLACE:	Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802

MEMBERS PRESENT: Chris Doenitz, Matthew Gladney, Brad Jones, Ralph Langenheim, Carrie Melin, Barbara Wysocki (C), Jon Schroeder (VC)

**OTHER COUNTY
BOARD MEMBERS
PRESENT:**

C. Pius Weibel (County Board Chair)

MEMBERS ABSENT: Steve Moser, Jan Anderson

STAFF PRESENT: John Hall, Leroy Holliday, Susan McGrath (Senior Assistant State's Attorney), Susan Monte (Regional Planning Commission), Susan Chavarria (Regional Planning Commission)

OTHERS PRESENT: Matt Varbel, David Holt, David Taylor

1. Call to Order, Roll Call

The meeting was called to order at 7:04 p.m. The roll was called and a quorum declared present.

2. Approval of Agenda

Mr. Langenheim moved, seconded by Mr. Jones to approve the agenda. Motion carried by voice vote.

3. Approval of Minutes (July 26, 2007; September 20, 2007; November 13, 2007; December 10, 2007; December 10, 2007 Study Session)

Mr. Langenheim moved, seconded by Mr. Doenitz to approve the July 26, 2007, September 20, 2007, November 13, 2007, December 10, 2007 and December 10, 2007 Study Session minutes as submitted. The motion carried by voice vote.

Mr. Gladney arrived at 7:07pm.

1
2 **4. Public Participation**
3

4 David Holt of the Mahomet Valley Water Authority spoke regarding the referendum for the United States
5 Environmental Protection Agency's consideration of a proposed chemical waste landfill permit over the
6 Mahomet Aquifer in Dewitt County. He said that Logan County in December passed a resolution stating
7 their opposition to this proposed chemical waste landfill in Clinton. He said that he spoke to Macon County
8 and Piatt County is reconsidering their decision in November.
9

10 **5. Correspondence**
11

12 Ms. Wysocki said that there are two pieces of correspondence from the Mahomet Aquifer Consortium and
13 the third is a notice of a seminar to be held on Wednesday January 16, 2008, at noon entitled, "Sustainability
14 and the Mahomet Aquifer". She said that anyone can attend this meeting.
15

16 **6. Proposed Intergovernmental Agreement regarding development pursuant to Municipal**
17 **annexation agreement that is more than one-and-one half miles from the municipality**
18

19 Ms. Wysocki said that we had representatives from the City of Champaign here late last year and who were
20 talking about a joint effort to deal with the ramification of the Chatham decision as it affects Champaign
21 County. She said that the proposal served two purposes one was to work together to bring about legislation
22 at the State level to include Champaign County in the list of counties where the modifications of Chatham
23 would take effect. She said that the other was an intergovernmental agreement between communities in
24 Champaign County and Champaign County itself to reach some understanding about under what
25 circumstances these municipalities would consider engaging in annexing territory beyond the mile and a
26 half. Ms. Wysocki said that they did have an informal meeting between the County and the City of
27 Champaign last week and it was decided at that time to move forward on the legislative front first and that
28 would set us up for the information that is in front of you tonight. She said that February 15, 2008, is the last
29 day in which new legislation could be accepted in Springfield so if the County is going to move forward in
30 that direction then we have to move quickly. Ms. Wysocki said that the resolution in front of you is a
31 proposed resolution based on the resolution that came from the City of Champaign. She said after Mr. Hall
32 speaks then we could decide what we would want to do with this if anything.
33

34 Mr. Hall said that he received an email from Trisha Crowley, Assistant City Attorney for the City of
35 Champaign that has been working on this and that email contained this draft council bill entitled, "A
36 Resolution Concerning The Geographical Limitations of Annexation Agreements". He said that in this
37 resolution the City stated its support for a change that is portrayed in Attachment 1. He said that this is what
38 the Committee reviewed in December which is adding the County to that list of counties and it provides for
39 an intergovernmental agreement. He said that this is the same resolution that the Village of St. Joseph
40 approved in their resolution. Mr. Hall said that he found out about the deadline of February 15th for proposed
41 legislative changes and sent an email to the City as to what they intend to do about the deadline and had not
42 yet heard from them. He said that he thinks the County Board has a couple of options and he is not sure of
43 the proper way of asking the legislators to proposed what he would refer to as a shell bill, which is at the

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1 time it is proposed is not really any substantive change to this part of the statute but it is on the docket and
2 you can later replace that shell bill with a substantive change once you are ready to do that. He said that he
3 did not know if that needed to be done by a resolution or by the County Board Chair.

4
5 Ms. McGrath said that this is the same procedure we followed last year for the Curtis Road Quick Take
6 Legislation. She said that it was also a very eminent deadline for legislation to be submitted to that
7 legislative session and in fact that was earlier than this year. She said that we did have one of our area
8 legislators submit the shell bill and we did not fill in the shell bill until at the end of March and that was still
9 in time to have it considered in that legislative session. Ms. McGrath said what that allowed us to do was to
10 meet with our are legislative delegation to talk about the language we wanted to have inserted into the shell
11 bill and to demonstrate to them the support we had garnered for the proposed language to be inserted in that
12 bill from others who were interested which was the Village of Savoy, City of Champaign, ourselves, as well
13 as representatives from IDOT.

14
15 Mr. Hall asked Ms. McGrath if that required a County Board Resolution to request a shell bill.

16
17 Ms. McGrath said no, at that time the County Board had approved the Quick Take authority and has directed
18 us to proceed with whatever means necessary in order to effectuate that. She said in this situation the
19 Committee has approved the underlying resolution to proceed with the intergovernmental agreement and she
20 thinks that would be sufficient for us to proceed and it is up to the Committee to decide if that is sufficient
21 and if they do then the Committee will still have time to send that to the full Board.

22
23 Mr. Langenheim asked would a specific resolution be more effective in procuring the results we want.

24
25 Ms. McGrath said that it would be better to submit the language to be inserted into the shell bill but as far as
26 the submission itself is concerned it would not make a difference.

27
28 Mr. Langenheim asked if it would make a difference if we passed a resolution now or not.

29
30 Ms. McGrath said she did not think so.

31
32 Ms. Wysocki said as a result of the meeting she had with the City of Champaign the decision was made to
33 have a meeting with our local area representatives and the Regional Planning Commission Friday approved
34 a legislative reception in the last week of February so by then this resolution would have already be
35 submitted and it would be a matter of lobbying our representatives to support this when it goes through the
36 channels in Springfield.

37
38 Ms. McGrath said that Dick Helton, the Chair of RPC, had agreed to put that item on the agenda so it would
39 be on the agenda this week. She said that she also spoke to Mr. Moore about that item and both of them
40 stated that item would be on the agenda for Friday. Ms. McGrath said that both of them felt that RPC would
41 be a good host for the legislative reception but the location would depend on whether we have our space
42 completed here. She said that they had suggested having the legislation reception so they were thinking of
43 the last week in February would be fruitful also they wanted the month of February for the villages and

1 towns to be able to pass on a specific resolution that would actually support the language we want for that
2 shell bill.

3
4 Ms. Wysocki asked the Committee if they wanted to pass the resolution they have in front of them with the
5 idea that it would go before the County Board at the January meeting or do they wish to go the informal
6 route and have the County Board Chair make the request to our legislators for a in the shell bill.

7
8 Mr. Doenitz said that since there is only thirty days left before February 15th he would suggest that the
9 Committee go with the shell bill to get something started because if we miss that date then we miss it for
10 another year.

11
12 Mr. Weibel said that he concurred.

13
14 Ms. Melin asked if the County asked to be added last year and was not allowed.

15
16 Mr. Hall said that Champaign County asked to be added last year and in the recent discussion with the City
17 it was said that there would be no opposition from the Illinois Municipal League and last year we were faced
18 with opposition.

19
20 Ms. Melin asked if the County was separate from the collar counties.

21
22 Mr. Hall said yes but if we could go in with support of county municipalities and no opposition from the
23 Illinois Municipal League that should make the difference.

24
25 Ms. McGrath said that it's no longer just the suburban counties which is a change from last year's legislative
26 session but those counties that have a population of 246 thousand or less and border the Mississippi River.

27
28 Mr. Hall said that the legislation proposed by the City would authorize all municipalities to enter into this
29 agreement and we did not have that ability last year so this is far better but we are facing this deadline.

30
31 Ms. Melin asked how empty is the shell bill.

32
33 Ms. McGrath said that a shell bill is a space holder for a particular piece of legislation to be inserted into it.
34 She said that Mr. Doenitz was right that you have to have something in place prior to the 15th but it does not
35 have to be complete but it simply bears a title and gives some idea about the piece of legislation and waits
36 for the information to be inserted into it.

37
38 Mr. Doentiz asked Ms. McGrath what does the Mississippi River and 246 thousand population have to do
39 with it.

40
41 Ms. McGrath said that when the legislators met last year to consider amendments to this piece of legislation
42 the text amendment was made to say that it would affect counties that are 246 thousand population and
43 above and border the Mississippi River. She said that she did not know why that had anything to do with it

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1 accept that it would clearly define which counties would be added to the text of the legislation after that,
2 there were very specific text amendments made to add individual counties by name. She said that since
3 Champaign County does not border the Mississippi River and we are less than 246 thousand that knocked us
4 out.

6 **Mr. Langenheim moved, seconded by Mr. Gladney to direct the County Board Chair to request area**
7 **legislators to reserve a legislative docket space by February 15, 2008. Motion carried by voice vote.**

9 **7. Champaign County Land Resource Management Plan Update**

10 **A. Approval of Existing Conditions and Trends Report dated December 28, 2007**

12 Susan Chavarria distributed changes to the Conditions and Trends Report. She said that this is before the
13 committee and was approved and recommended by the Land Resource Management Plan Steering
14 Committee. She said that on January 3rd they sent out the third draft of the Existing Condition and Trends
15 Report with changes and pages to be inserted.

17 Ms. Melin asked if there was a discussion about creating a policy regarding building over a high pressure
18 gas pipeline and when she looked through she did not see anything specific about that.

20 Mr. Hall said that is actually a text amendment that is at the Zoning Board of Appeals and what we are
21 talking about is the Land Resource Management Plan. He said that shortly we will have examples of specific
22 maps that we will be making for their use so that if someone is looking at land use issues for Champaign
23 County the maps that are in the Land Resource Management Plan are only intended to make you aware that
24 there are high pressure and hazardous liquid pipelines in the county but these maps are non-specific and that
25 is much different than what they are doing at the Zoning Board where they are proposing regulations and it
26 may be a few months before it will reach this committee.

28 Ms. Melin said that the LRMP Steering Committee is doing a good job as well as the staff.

30 **Mr. Jones moved, seconded by Mr. Doenitz to approve the Existing Conditions and Trends Report.**
31 **Motion carried by voice vote.**

33 The roll was called.

35 **Ms. Anderson-Absent**

Mr. Doenitz-Yes

Mr. Gladney-Yes

37 **Mr. Jones-Yes**

Mr. Langeheign-Yes

Ms. Melin-Yes

39 **Mr. Moser-Absent**

Mr. Schroeder-Yes

Ms. Wysocki-Yes

41 Ms. Wysocki said that this does not go to the County Board but this will make the report public so people
42 can give input. She said that the public meeting is set for April and it also allows for the Steering Committee
43 to move on to the Policy part.

1
2 Mr. Langenheim asked Ms. Wysocki if the yes vote was to make it public and not an endorsement of the
3 entire content.

4
5 Ms. Wysocki said that it is an endorsement of the recommendation of the Steering Committee to accept the
6 Existing Conditions and Trends Report.

7
8 Mr. Hall said that there are no changes proposed but this is similar to an interim report and may have
9 changes at the end of the project depending on what input we get from the public.

10
11 Mr. Hall said that now that we have a document for public distribution the question is now how is it going to
12 be made available to the public but the only way that he knew that it would be distributed was on CD which
13 is handy if you have a computer but otherwise it is not handy but it is relatively cheap. He said that next
14 month he may ask the Committee if they agree with that policy and they would want to set a price for people
15 to buy a printed version of the Existing Conditions and Trends Report because these reports are very
16 expensive to print and he did not think the RPC included that in their contract.

17
18 Ms. Chavarria said that there would be a printed version by request and there would be a charge for it.

19
20 Mr. Weibel asked Ms. Chavarria if the report would be on CD.

21
22 Ms. Chavarria said that they will be putting them on CD as well upon request also but is not sure what the
23 charge would be.

24
25 Mr. Schroeder asked Ms. Chavarria if it would be on the County's website.

26
27 Ms. Chavarria said that it could be placed on the County's website if it is ok with everyone.

28
29 **8. Request for County Board Resolution regarding Environmental Protection Agency's**
30 **consideration of a proposed chemical waste landfill over the Mahomet Aquifer in Dewitt**
31 **County**
32

33 Ms. Wysocki said that there is a handout titled watchclintonlandfill.com and a fact sheet from Clinton
34 Landfill Chemical Waste Unit which comes from the Area Disposal Services Inc. She said that there is a
35 proposed resolution in the packet beginning on page 64 and there is a copy of the resolution that was passed
36 in Logan County.

37
38
39 **Mr. Doenitz moved, seconded by Mr. Jones to open discussion for the request for Resolution**
40 **regarding Environmental Protection Agency's consideration of a proposed chemical waste landfill**
41 **over the Mahomet Aquifer in Dewitt County. Motion carried by voice vote.**

42
43 Mr. Langenheim said that he understood that Mr. Weibel had some proposed amendments on this action

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1 tonight and would like for him to present it at this time.

2
3 Mr. Weibel said that at the bottom of page three of the fact sheet it says that the geologic conditions at
4 Clinton Landfill are ideal for a modern landfill. He said that it is a good site but not over the aquifer. Mr.
5 Weibel said he is a geologist and he has some concerns with a landfill over the aquifer. He said that he
6 talked to a few other geologists and they shared the same concerns. He said that on page four of the Fact
7 Sheet he questions the 150 feet of dense, low permeability clay soil stating that it is not 150 feet and he has a
8 problem with where the information come from. Mr. Weibel said that if a part of that system is contaminated
9 it is removed and it reduces the amount that municipalities or projects can draw from and they would have to
10 look for other places in the aquifer to get water and that could cause stress on other parts of the aquifer. He
11 said that PCB clean up is very expensive and difficult. He said that the Illinois EPA regulates municipal
12 parts of this landfill but the US EPA regulates the chemical part of the landfill. Mr. Weibel said that Clinton
13 Landfill Inc. is obligated to monitor and maintain the municipal part of the closed landfill for 30 years and
14 once the IEPA determines there is no threat Clinton Landfill will no longer be obligated to continue to
15 monitor the landfill's performance. Mr. Weibel said that if Clinton Landfill Inc. would be no longer
16 obligated to monitor the municipal part of the landfill then who ensures the safety of that landfill? He said
17 that the Chemical Waste Landfill permit will extend this period into perpetuity to ensure that the landfill will
18 never threaten the environment. He said that only as long as Clinton Landfill Inc. is in existence but if the
19 business fails then the responsibility falls on the tax payers of the US including the taxpayers of Champaign
20 County.

21
22 Mr. Weibel said that he would like to amend the resolution to include whereas; the long-term care and
23 oversight of the hazardous landfill is only guaranteed in perpetuity if the landfill owners remain solvent ,
24 and that if the landfill owner at some time in the future becomes insolvent, the actual care and oversight of
25 the landfill is no longer guaranteed, and if that insolvency event should take place, it is likely that the care
26 and oversight of the landfill will be taken over by some agency of the United States Government; and if such
27 agency does become caretaker of the landfill, all of the expenses required for the care and oversight will be
28 burdened by the taxpayers of the entire United States which would include the tax payers of Champaign
29 County.

30
31 **Mr. Langenheim moved, seconded by Mr. Jones to approve the amendment to the Resolution**
32 **Regarding a Proposed Chemical Waste Landfill over the Mahomet Aquifer in Dewitt County. Motion**
33 **carried by voice vote.**

34
35 Mr. Langenheim said that he is a geologist as well and this landfill should not operate over the aquifer and it
36 should be put somewhere else.

37
38 Mr. Weibel said that in the 1990's he worked preparing maps of the bedrock valley of the aquifer so he is
39 familiar with the Mahomet Aquifer system.

40
41 Mr. Doenitz said that according to the Summary the landfill will bring significant benefits, economic and
42 otherwise, to Dewitt County. He asked what are those benefits.

1 Mr. David Holt said that it would create eight to 10 jobs. He said that in DeWitt County they think that it is
2 a small economic benefit to put that risk out there. He said that the other benefit is financial with hosting
3 fees of \$50,000.00 a year until it's filled up then that financial benefit ends. He said for Champaign County
4 it would be a detriment because a lot of the County's solid waste goes to Clinton and the more space used
5 for chemical waste the less space is available for municipal waste
6

7 Mr. Doenitz asked Mr. Holt what is 10% of the total landfill in acreage.
8

9 Mr. Holt said that the base footprint is 120 acres and this cell is approximately 1/6 of the area but the 10%
10 comes from a chart that showed they thought this was 10% of their total volume over the life of the landfill.
11

12 Ms. Wysocki asked Mr. Holt if only eight to ten jobs would be created.
13

14 Mr. Holt said that it would be eight to ten percent of the total employment so if there are 100 jobs then 10
15 jobs would be created.
16

17 Mr. Weibel said that according to the handout there is a total of 160 acres of which 120 are the waste cells
18 and 22 acres are dedicated to the chemical waste.
19

20 Mr. Weibel asked Mr. Holt if DeWitt County would get any Tipping Fees.
21

22 Mr. Holt said what we receive is called a hosting fee and it is not restricted like the old Tipping Fee was. He
23 said that at the new landfill at Dewitt County the current rate of the solid waste portion would be
24 \$900,000.00 a year at today's level.
25

26 Mr. Wiebel asked Mr. Holt if it would be any different if it was chemical waste.
27

28 Mr. Holt said they negotiated no premium for chemical waste. He said that Tazwell County negotiated a
29 premium but Dewitt County did not.
30

31 Mr. Holt said if you look at Chart F it speaks to what Mr. Weibel was talking about. He said that the landfill
32 is required to make several test drillings around the site and in the middle of the drawing if you look at
33 boring Ex-18 you go through the silty clay and this is the surface as it is today and as you go down they are
34 going to dig out the first 70 to 80 feet for the pit of the landfill and at the top third of the pit you would see a
35 sand pocket which we call a lens but if you go to the middle of the chart there is a sand pocket or a huge
36 sand lens. He said that they do not know how big these lenses are nor do they know the geology of this but it
37 is definitely not solid clay under this. He said that the diagonal lines in the middle of the sand pocket is the
38 relatively solid clay layer approximately two to six feet thick but this sand pocket pierces this layer and this
39 information is from the EPA engineering drawings that they filed.
40

41 Mr. Langenheim said that these are glacial sediments and till deposits that are washed off the glacial ice
42 front. He said that to imagine what the environment was like when that was happening think of the Platte
43 River Valley and on the high plains streams where you have braided streams with sand along the channel

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1 and then a wide floodplain where fine grain sediments occur or if you have watched National Geographic's
2 pictures of the outwash streams of the Alaskan Glaciers. He said what you have is a series of streams
3 moving back and forth on a plain which is mostly underlain by fine grain material. He said that the streams
4 wash away the clay and concentrate the sand so maybe you should not think of them as pockets or lenses but
5 as a place where these trails or ancient valleys are intersected so those things are connected. Mr.
6 Langenheim said that if a stream erodes into another stream then you have another one going all over the
7 place and so we have no real good idea as to how much interconnection there is between the sand bodies
8 until there is a higher density of drilling. He said the history of the Mahomet Aquifer itself follows that. He
9 said that a couple of decades ago it was thought that the Mahomet Aquifer was totally sealed and had no
10 connection with surface water but later we found out that is not the case and yet we have not determined the
11 extent of that interconnection or the amount of water that is being fed into the aquifer versus what is going
12 out into the streams so you are really dealing with a big picture of which you are seeing fragments here and
13 there and you can expect more sand and more connections in that cross section.

14
15 Mr. Weibel said that he concurs. Mr. Weibel said that the sand bodies in the diagram are shown as 200 feet
16 wide but in fact we don't really know what the distance is going into the sand bodies and it may be a mile.

17
18 Ms. Wysocki asked the Committee if there was any other discussion on the Whereas clause and there was
19 none.

20
21 Ms. Wysocki asked the Committee if there was any further discussion on the main motion which is the
22 adoption of this resolution opposing this chemical waste landfill in Clinton.

23
24 Mr. Hall said that the two actions triggered by the Resolution are the County Board would go on record as
25 opposing the permitting and it requires the County Clerk to provide a copy to the US EPA. He said that he
26 did not know if the Committee needs to circulate that resolution wider and if he finds the exact address that
27 it should be sent to he could include that but those are the only two things it does.

28
29 Mr. Langenheim said that they also obtained knowledge about the distribution of these sands and clays
30 through various geophysical methods and those are wiggle lines on charts and dials and they are less reliable
31 than records that are based on actual penetration of the rock section or sediment section.

32
33 Mr. Weibel asked Mr. Holt if there were any other entities this resolution should be sent to.

34
35
36 Mr. Holt said that if the Committee wanted to act officially they could send a copy to county's that are
37 considering this like Piatt County, Macon County, McLean County and DeWitt County.

38
39 **9. Champaign County Pre-Disaster Mitigation Plan Update**

40
41 Ms. Monte said that there is no new information to hand out. She said that they are in the organizational
42 stage of the planning team which Bill Keller, Director of Champaign County Emergency Management
43 Agency will be the Chair of that Committee. She said that he has identified approximately six individuals

1 who would like to participate and letters have gone out to all of the communities within the county inviting
2 them to participate in the development in the multi-jurisdictional Mitigation Plan and hope to have a
3 response by February. Ms. Monte said that she will provide additional information next month.
4

5 **10. Update on Enforcement Cases**
6

7 There was no report on enforcement cases.
8

9 **11. Monthly Report (October, November, December)**
10

11 Mr. Hall distributed October, November and December monthly reports and said that the reports are
12 complete and the Committee could have them included in next months packet or they could vote to place
13 them on file.
14

15 **Ms. Melin moved, seconded by Mr. Doenitz to accept and place on file the October, November,**
16 **December 2007 Monthly Reports. Motion carried by voice vote.**
17

18 **12. Other Business**
19

20 Ms. Melin asked if there will be another County Recycle Day.
21

22 Ms. Monte said that she had talked to municipalities about this and if they do one it would be in late April.
23

24 Ms. Melin said that someone asked her how would they dispose of compact florescent light bulbs.
25

26 Ms. Monte said that there is something called Green Tip but she would have to talk to Deb Busey about
27 putting things on the website so that this information would be out there for everyone. She said that there are
28 two options for recycling florescent tubes and both of those options are on the City of Urbana's website. She
29 said that one is mailing the materials to the source for a fee and the other is waiting for the household
30 hazardous waste collection. She said that she anticipates that those collections will occur sometime in the
31 fall.
32
33
34

35 **13. Determination of items to be placed on the County Board Consent Agenda**
36

37 Ms. Wysocki said that Item 8 would go on the County Board Consent Agenda.
38

39 **14. Adjournment**
40

41 **Mr. Langenheim moved, seconded by Mr. Doenitz to adjourn the meeting. Motion carried by voice**
42 **vote.**
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1 The meeting adjourned at 8:07pm.

2

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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