

US EPA ARCHIVE DOCUMENT

## FIRST AMENDMENT TO HOST COUNTY AGREEMENT

THIS FIRST AMENDMENT TO HOST COUNTY AGREEMENT ("Agreement") is made and effective August 24, 2007, between Clinton Landfill, Inc., an Illinois corporation ("CLI"), and the County of DeWitt, Illinois (the "County").

WHEREAS, CLI and the County entered into a certain Host County Agreement effective April 20, 2001 (the "Host County Agreement");

WHEREAS, on September 12, 2002, the County approved the site location suitability of Clinton Landfill No. 3 as a new pollution control facility in accordance with Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2 ("Clinton Landfill No. 3");

WHEREAS, as part of the site location approval, the County imposed certain conditions on the operation of Clinton Landfill No. 3 (the "Siting Conditions");

WHEREAS, on March 2, 2007, the Illinois Environmental Protection Agency issued Permit No. 2005-070-LF to CLI for the development and construction of Clinton Landfill No. 3;

WHEREAS, Clinton Landfills No. 2 and No. 3 are already permitted to accept regulated PCB wastes, notably PCB bulk product wastes, for disposal.

WHEREAS, in order for CLI to accommodate the disposal needs of its customers, CLI intends to file an application with the U.S. Environmental Protection Agency to permit, develop, construct and operate a Chemical Waste Landfill for the disposal of PCBs and PCB Items within a section of Clinton Landfill No. 3, pursuant to the Toxic Substances Control Act (the "Chemical Waste Landfill");

WHEREAS, although receiving the support of the DeWitt County Board is not a requirement of the permit application process for a Chemical Waste Landfill under the Toxic Substances Control Act, CLI desires to maintain its positive relationship with the citizens of the County;

WHEREAS, if CLI is successful in permitting a Chemical Waste Landfill within a section of Clinton Landfill No. 3, CLI shall be responsible for providing perpetual care for the Chemical Waste Landfill pursuant to the Toxic Substances Control Act;

WHEREAS, in order to better serve its customers and reduce the number of waste vehicles entering and exiting Clinton Landfill No. 3, CLI intends to file an application with the Illinois Environmental Protection Agency to permit, develop, construct and operate a rail unloading facility at Clinton Landfill No. 3 (the "Rail Unloading Facility");

WHEREAS, operating a Rail Unloading Facility at Clinton Landfill No. 3 does not require local siting approval from the DeWitt County Board under Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2;

WHEREAS, due to the development of the Chemical Waste Landfill and the Rail Unloading Facility, CLI and the County desire to amend the Host County Agreement to effectuate certain changes and revisions thereof;

NOW, THEREFORE, for and in consideration of the foregoing recitals, and other good and valuable consideration, the receipt of which is hereby acknowledged, CLI and the County hereby amend the Host County Agreement as follows:

1. The recitals of the Host County Agreement are hereby deleted in their entirety, and the Siting Conditions contained therein are hereby deleted.
2. Paragraph 33 through 35 are added to the Host County Agreement as follows:

### **33. CHEMICAL WASTE LANDFILL**

The County supports and approves the permitting, development, construction and operation of the Chemical Waste Landfill by CLI.

### **34. DEWITT COUNTY'S SOLID WASTE MANAGEMENT PLAN**

Commencing on January 1, 2008, and continuing on each January 1 thereafter until the certified closure of the Chemical Waste Landfill, CLI shall pay to the County the sum of Fifty Thousand Dollars (\$50,000.00) per year to use to support implementation of the DeWitt County Solid Waste Management Plan. On or before April 15, 2014, CLI and the County shall in good faith negotiate an adjustment in the amount of this fee. In the event CLI does not receive a permit from the U.S. Environmental Protection Agency by January 1, 2010, to develop, construct and operate the Chemical Waste Landfill, then CLI shall not be required to make any further such payments to the County, until the permit is issued by the U.S. Environmental Protection Agency.

### **35. RAIL UNLOADING FACILITY**

The County supports and approves the permitting, development, construction and operation of the Rail Unloading Facility by CLI, and the County agrees and acknowledges that operating a Rail Unloading Facility at Clinton Landfill No. 3 does not require local siting approval from the DeWitt County Board under Section 39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2. In addition to the Host Benefit Fee payable under Paragraph 11 of the Host County Agreement, CLI shall pay the County a Rail

Unloading Facility Fee of \$1.25 for each ton of waste unloaded at the Rail Unloading Facility for deposit into Clinton Landfill No. 3. Said payments shall be paid on or before the 20th day following the end of each calendar quarter and shall be subject to the same documentation and verification requirements of the Host Benefit Fee. Pursuant to the Siting Conditions, the County hereby gives its written permission that waste unloaded at the Rail Unloading Facility shall not be included in calculating whether CLI has exceeded an average of 3,000 tons per day of waste deposited in Clinton Landfill No. 3. In order to facilitate the development of the Rail Unloading Facility, the County hereby authorizes and approves the construction of a railroad crossing by CLI across County Highway No. 1, and upon the request of CLI, the County shall provide a resolution evidencing such authorization and approval to the Illinois Commerce Commission.

3. Except as hereinabove set forth, the Host County Agreement shall remain unmodified and be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers or representatives on the date first above written.

COUNTY OF DEWITT

By: Steve Lobb  
Steve Lobb, Chairman

CLINTON LANDFILL, INC.

By: Royal J. Coulter  
Royal J. Coulter, President

Attest:

By: Jayne Usher  
DeWitt County Clerk

Attest:

By: Steven C. Davison  
Steven C. Davison, Secretary

107-1266