

US EPA ARCHIVE DOCUMENT

SECOND AMENDMENT TO HOST COUNTY AGREEMENT

THIS SECOND AMENDMENT TO HOST COUNTY AGREEMENT ("Agreement") is made and effective October 1, 2008, 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, as amended by a First Amendment to Host County Agreement effective August 24, 2007 (the "Host County Agreement");

WHEREAS, on April 25, 2008, Peoria Disposal Company, of which CLI is an affiliate, filed an RCRA Delisting Adjusted Standard Petition with the State of Illinois Pollution Control Board, file number AS 08-10, requesting that the Illinois Pollution Control Board grant an adjusted standard to delist the stabilized residue generated by Peoria Disposal Company from the treatment of K061 electric arc furnace dust (a hazardous waste) at Peoria Disposal Company's waste stabilization facility in Peoria County, Illinois;

WHEREAS, the County has considered requesting a second public hearing on said petition be convened in DeWitt County, Illinois;

WHEREAS; Peoria Disposal Company is desirous of having only one public hearing on said petition in order to expedite matters for both them and their customers who have a vested interest in the granting of said petition;

WHEREAS, CLI continues to be desirous of earning the goodwill of the citizens of the County by demonstrating that its landfill operations are, have been and will continue to be conducted in an environmentally sound manner;

WHEREAS the County continues to be desirous of protecting the health, safety and welfare of its citizens;

WHEREAS, 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, the mutual agreements contained in this Agreement, and for 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. Paragraph 36 is added to the Host County Agreement as follows:

36. STABILIZED RESIDUE

That CLI hereby agrees not to accept stabilized residue from the treatment of K061 electric arc furnace dust, whether or not it has

been delisted by the Illinois Pollution Control Board as a hazardous waste, for disposal at any of CLI's present or future disposal sites located in DeWitt County, Illinois, without first receiving approval for the same from the County. The County may require a public hearing on any future request by CLI for permission to accept disposal of stabilized residue from the treatment of K061 electric arc furnace dust at any of CLI's present or future disposal sites located in DeWitt County, Illinois. The County and CLI hereby agree that the County may deny any said request to accept disposal of stabilized residue from the treatment of K061 electric arc furnace dust for any reason.

2. That Paragraph 33 of the Host County Agreement is deleted in its entirety and the following is substituted in lieu thereof:

33. CHEMICAL WASTE LANDFILL

The County supports CLI in its endeavors to provide safe and secure landfill disposal services at its Clinton Landfill No. 3 facility. Furthermore, the County recognizes that evaluating the protectiveness of the Chemical Waste Landfill permit application prepared by CLI involves highly technical, multi-disciplinary analysis, and such analysis is best performed by the Illinois Environmental Protection Agency and the United States Environmental Protection Agency. As a result, the County neither supports nor opposes the permitting, development, construction, and operation of the Chemical Waste Landfill proposed by CLI at Clinton Landfill No. 3.

3. Except as hereinabove set forth, the Host County Agreement effective April 20, 2001; together with the First Amendment to Host County Agreement effective August 24, 2007, shall remain unmodified and shall remain 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: James Usher
DeWitt County Clerk

Attest:

By: Ron L. Edwards
Ron L. Edwards, Secretary

108-2096