

# SPECIAL MEETING OF THE COUNTY BOARD AGENDA

County of Champaign, Urbana, Illinois  
Tuesday, September 29, 2015 – 6:00 p.m.

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Lyle Shields Meeting Room, Brookens Administrative Center,  
1776 East Washington Street, Urbana, Illinois

Page #

- I. Call To Order
- II. \*Roll Call
- III. Prayer & Pledge of Allegiance
- IV. Read Notice of Meeting
- V. Approval of Agenda/Addenda
- VI. Date/Time of Next Regular Meetings

Standing Committees:

- A. Highway & Transportation Committee Meeting – October 2, 2015 @ 9:00 a.m.  
*Fleet Maintenance Facility, 1605 E. Main Street, Urbana*
- B. County Facilities Committee Meeting – October 6, 2015 @ 6:30 p.m.  
*Lyle Shields Meeting Room, Brookens Administrative Center  
1776 E. Washington Street, Urbana*
- C. Environment & Land Use Committee Meeting – October 8, 2015 @ 6:30 p.m.  
*Lyle Shields Meeting Room, Brookens Administrative Center  
1776 E. Washington Street, Urbana*

Committee of the Whole:

- A. Tuesday, October 13, 2015 @ 6:30 p.m.  
(Finance; Policy, Personnel, & Appointments; Justice & Social Services)  
*Lyle Shields Meeting Room, Brookens Administrative Center  
1776 E. Washington Street, Urbana*

County Board:

- A. Regular County Board Meeting - Thursday, October 22, 2015 @ 6:30 p.m.  
*Lyle Shields Meeting Room, Brookens Administrative Center  
1776 E. Washington Street, Urbana*

VII. Public Participation

VIII. Communications

IX. Areas of Responsibility

A. Finance

- 1. \*\*Adoption of Resolution No. 9403 Authorizing Budget Transfer #15-00005  
Fund/Dept. 090 Mental Health-Mental Health Board  
Total Amount: \$43,290

Reason: To Support the Transition of Grant-Funded Staff to Permanent Employee Status. These Dollars will Cover Salaries and Benefits from October 1, 2015-December 31, 2015. Please Refer to Memorandum for Justification and Rationale.

1-17

**B. Policy, Personnel, & Appointments**

- Memoranda Concerning Clinton Landfill #3 Site & Consent Decree:**
- a. Illinois EPA Record of Inspections of Clinton Landfill #3 Site 18
  - b. Additional Information –Proposed Consent Decree 19-49
1. Adoption of Resolution No. 9404 Approving a Consent Decree to Settle All Claims in a Citizens’ Complaint Filed with the Illinois Pollution Control Board by the County of Champaign and Other Units of Local Government Against Clinton Landfill Inc. 50-72

**X. Other Business**

**XI. Recess**

\*Roll Call  
\*\*Roll call and 15 votes  
\*\*\*Roll call and 17 votes  
\*\*\*\*Roll call and 12 votes  
Except as otherwise stated, approval requires the vote of a majority of those County Board members present.

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*The Lyle Shields Meeting Room for County Board and County Board Committee Meetings is from the north (rear) entrance to the Brookens Administrative Center facility which is located off of Lierman Avenue.  
(The Washington Street entrance is not open for evening meetings.)*

*Champaign County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities. Please contact Administrative Services, 217-384-3776, as soon as possible but no later than 48 hours before the scheduled meeting.*

RESOLUTION NO. 9403

TRANSFER OF FUNDS

September 2015

FY 2015

WHEREAS, Sufficient amounts have been appropriated to support such transfers;

NOW, THEREFORE, BE IT RESOLVED That the Champaign County Board approves the following transfers within to the FY2015 budget; and

BE IT FURTHER RESOLVED That the County Auditor be authorized and is hereby requested to make the following transfers in the FY2015 budget.

Budget Transfer #15-00005

Fund 090 Mental Health  
Dept. 053 Mental Health Board

<u>TRANSFER TO ACCOUNT</u> <u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TRANSFER FROM ACCOUNT</u> <u>DESCRIPTION</u>
511.03 Full-Time Employees	\$32,500	533.92 Contributions & Grants
513.01 Social Security-Employer	\$2,490	533.92 Contributions & Grants
513.02 IMRF-Employer Cost	\$2,920	533.92 Contributions & Grants
513.04 Worker's Compensation	\$180	533.92 Contributions & Grants
513.05 Unemployment Insurance	\$1,200	533.92 Contributions & Grants
513.06 Employee Health/Life Insurance	\$4,000	533.92 Contributions & Grants
Total	\$43,290	

REASON: To Support the Transition of Grant-Funded Staff to Permanent Employee Status. To Cover Salaries and Benefits from October 1, 2015-December 31, 2015.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 29<sup>th</sup> day of September A.D. 2015.

\_\_\_\_\_  
Pattsi Petrie, Chair  
Champaign County Board

ATTEST: \_\_\_\_\_  
Gordy Hulten, County Clerk  
and ex-officio Clerk of the  
Champaign County Board

REQUEST FOR BUDGET TRANSFER  
NEEDING CHAMPAIGN COUNTY BOARD APPROVAL

BT NO. 15-00005

FUND 090 MENTAL HEALTH

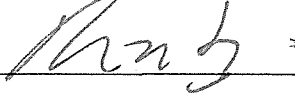
DEPARTMENT 053 MENTAL HEALTH BOARD

TO LINE ITEM:

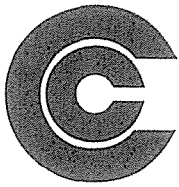
FROM LINE ITEM:

NUMBER/TITLE	\$ AMOUNT	NUMBER/TITLE
090-053-511.03 REG. FULL-TIME EMPLOYEES	32,500.	090-053-533.92 CONTRIBUTIONS & GRANTS
090-053-513.01 SOCIAL SECURITY-EMPLOYER	2,490.	090-053-533.92 CONTRIBUTIONS & GRANTS
090-053-513.02 IMRF - EMPLOYER COST	2,920.	090-053-533.92 CONTRIBUTIONS & GRANTS
090-053-513.04 WORKERS' COMPENSATION INS	180.	090-053-533.92 CONTRIBUTIONS & GRANTS
090-053-513.05 UNEMPLOYMENT INSURANCE	1,200.	090-053-533.92 CONTRIBUTIONS & GRANTS
090-053-513.06 EMPLOYEE HEALTH/LIFE INS	4,000.	090-053-533.92 CONTRIBUTIONS & GRANTS

**EXPLANATION:** TO SUPPORT THE TRANSITION OF GRANT-FUNDED STAFF TO PERMANENT EMPLOYEE STATUS. THESE DOLLARS WILL COVER SALARIES AND BENEFITS FROM OCTOBER 1, 2015 - DECEMBER 31, 2015. PLEASE REFER TO THE ATTACHED MEMORANDUM FOR JUSTIFICATION AND RATIONALE.

DATE SUBMITTED: 9/23/15  AUTHORIZED SIGNATURE  
 APPROVED BY PARENT COMMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_ \* PLEASE SIGN IN BLUE INK \*


APPROVED BY BUDGET AND FINANCE COMMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_

## CHAMPAIGN COUNTY MENTAL HEALTH BOARD

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### CHAMPAIGN COUNTY BOARD FOR CARE AND TREATMENT OF PERSONS WITH A DEVELOPMENTAL DISABILITY

**DATE:** May 28, 2015  
**TO:** Ms. Deb Busey, Champaign County Administrator  
**FROM:** Peter Tracy, Executive Director  
**SUBJECT:** Justification and Rationale for Champaign County Mental Health Board  
Budget Transfer Number 15-00001

This memorandum is to provide information which explains the rationale for the Budget Transfer which will support (1) the Project Director for System-of Care and Community Engagement, and (2) the Cultural and Linguistic Competence Coordinator positions from October 1, 2015 through December 31, 2015. See job descriptions attachment 1 and 2.

These positions will be transitioning from grant-funded status to permanent employee status as approved by the Champaign County Mental Health Board in October 2014 (attachment 3). This plan was also approved by the Illinois Department of Human Services Grant Monitor (attachment 4) and thereby meets the specifications of the Substance Abuse and Mental Health Services Administration (SAMHSA) Children's Initiative Cooperative Agreement.

#### Purpose

These positions have been created to address the complex problems associated with multi agency and system involved youth. The positions are also intended to support and energize the Champaign County Community Coalition and efforts to address the problems of youth violence in our communities and racial disparities reflected by the disproportionate involvement of children and youth of color in juvenile justice, school suspension and expulsion, and child welfare systems. Many of these children and youth have been exposed to a cycle of trauma and violence which has resulted in an adverse impact on their functioning at home, in school, and in the community.

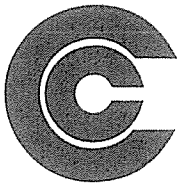
The Champaign County Community Coalition (i.e., the system-of-care) is essential to addressing the needs of multi system involved children, youth, and families. The Project Director for System of Care and Community Engagement has been a key partner in the development and implementation of the Coalition, and has worked collaboratively with key representatives from all child-serving systems and local governmental leaders. Together, this group is working to achieve their shared vision of a fully integrated system of care that is trauma informed, strength based, and culturally and linguistically competent. In addition, the Coalition is committed to supporting strategies which result in (1) a strong and sustained collaboration which includes commitment, integration and coordination of resources, (2) improved police and community relations, (3) promotion of healthy youth by developing and promoting programs to ensure all youth are mentally and physically healthy, and (4) positive youth development to utilize all available resources to ensure at-risk youth develop to their fullest potential.

The job descriptions for both positions were developed with a recognition of the importance of sustaining the work of the Cooperative Agreement and the Champaign County Community Coalition as mechanisms for building a platform of trust to address the historic and generational

division between the African American community and public institutions, as well as mainstream private service providers in our community. The Cultural and Linguistic Coordinator position is intended to monitor the performance of service providers funded by the Champaign County Mental Health Board and the Champaign County Developmental Disabilities Board and recommend corrective action plans designed to increase access and improve efficacy of services and supports for people of color.

### Summary

The CCMHB has made a commitment to reinforce the efforts started under the Cooperative Agreement with the Illinois Department of Human Services and SAMHSA, and to fully support the work of the Champaign County Community Coalition and thereby better serve the needs of people of color in Champaign County. These positions are essential to this work.



## CHAMPAIGN COUNTY MENTAL HEALTH BOARD

### CHAMPAIGN COUNTY BOARD FOR CARE AND TREATMENT OF PERSONS WITH A DEVELOPMENTAL DISABILITY

#### DECISION MEMORANDUM

**DATE:** November 19, 2014  
**TO:** Members, Champaign County Mental Health Board (CCMHB)  
**FROM:** Peter Tracy, Executive Director  
**SUBJECT:** ACCESS Initiative Sustainability Plan: Concepts

#### Background:

The six-year Cooperative Agreement between the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), the Illinois Department of Human Services (IDHS), and the Champaign County Mental Health Board (CCMHB) will end on September 30, 2015. Part of the agreement requires development of a Sustainability Plan, and the purpose of this memo is to present recommendations for the ACCESS Initiative Sustainability Plan for action by the CCMHB.

The components of these recommendations are based on the work of an ad hoc ACCESS Initiative Sustainability Committee which included Dr. Julian Rappaport, Dr. Thom Moore, Mr. Tracy Parsons, Mr. Mark Driscoll, and Peter Tracy, Executive Director. This group has convened on three occasions and has reached consensus on the components of this Decision Memorandum.

#### Statutory Authority:

The Champaign County Mental Health Board (CCMHB) is a nine-member body appointed by the Champaign County Board and has statutory responsibility (Illinois Community Mental Health Act, 405 ILCS 20 / Section 0.1 et.seq.) to plan, fund, monitor, and evaluate mental health, substance abuse, and developmental disability services in Champaign County.

#### Proposed ACCESS Sustainability Recommendations:

##### **1. Establish a permanent full time position to manage the Champaign County Community Coalition and all components of the ACCESS Initiative Sustainability Plan.**

Transition Mr. Tracy Parsons from his position as ACCESS Initiative Project Director to a full time permanent position responsible for the administration and operation of the Champaign County Community Coalition and all aspects of the Sustainability Plan approved by the Illinois Department of Human Services (DHS). This position will be responsible for building a sustainable county-wide system of care for multi-system involved youth that is trauma and justice informed. This coalition includes key decision makers from virtually all youth-serving systems including juvenile justice, law enforcement, education, behavioral health, child welfare, recreation, local government, other key stakeholders, and funding organizations in Champaign County. The vision of the Coalition is to provide a system of care to improve the lives of youth and families who are empowered and safe, to promote effective law enforcement and positive

police-community relations, and to support greater knowledge/use of the resources available. The Coalition was born out of a community tragedy which was the shooting of an unarmed youth by local police. Mr. Parsons has played a key role in the development of the Coalition and has served as facilitator of the monthly community-wide meetings and executive committee meetings. Establishing this position will assure the components of the sustainability plan will continue when the Cooperative Agreement ends in September 2015.

**2. Establish a permanent full time position to coordinate all Cultural and Linguistic Competence (CLC) activities tied to the ACCESS Initiative Sustainability Plan.**

Transition Ms. Shandra Summerville from her position as the ACCESS Initiative Cultural and Linguistic Competence Coordinator to a full time permanent position responsible for all CLC planning and activities associated with the mission of the CCMHB, in order to build on the Cultural and Linguistic Competence (CLC) foundation which was one of the key products of the ACCESS Initiative. This position will be responsible for taking CLC to the next level and integrating CLC plans into the funding allocation decision process. This position will be used to reinforce continued improvement in CLC plans and the capacity of service providers to more effectively address the service and support needs of underserved populations and more intentionally underserved minority populations. This position under the ACCESS Initiative is contracted out to a community-based service provider, but it was the recommendation of the Sustainability Committee to move the position in-house with the CCMHB and thereby reinforce our commitment to addressing service disparities in our community.

**3. Coordination of Evidence Based Services and Supports.**

Under the leadership of the Project Director in collaboration with the Associate Director for Behavioral Health, all child and youth services funded by the CCMHB will be organized to support the sustainability of the System of Care. This will include the continued partnership with Parenting with Love and Limits (PLL) and the Quarter Cent for Public Safety Administrative Team. In addition, high-fidelity WRAParound services and supports will continue as a primary component of the CHOICES implementation of the Department of Children and Family Services (DCFS) and Healthcare and Family Services (HFS) contracts for high-end youth at serious risk of psychiatric hospitalization or out of community residential placement. Mr. Parsons has already laid the groundwork for an ongoing relationship between the CCMHB, the Community Coalition, and CHOICES. In addition, the post-cooperative agreement project will continue to collaborate with ACCESS Initiative evaluators to measure the effectiveness of the sustainability plan components.

**4. Ongoing Support of a Champaign County Youth Organization.**

Systems of Care are by definition youth-guided, and this can best be accomplished by developing a sustainable and viable youth organization (e.g., Youth Move). The ACCESS Initiative has accomplished the foundation stages of a youth organization, and the ACCESS Initiative sustainability plan would be remiss if the youth component was not included. The Sustainability Committee recommends continuation of funding of the Youth Organization through the regular contracting and allocation process. The local youth organization will also serve as the lead youth based entity in the State of Illinois, System of Care expansion activities. The main focus of the youth organization will consist of peer to peer support and advocacy.



**5. Ongoing Support of a Champaign County Parent Organization.**

Systems of Care are also by definition "parent-driven" and based on the successful experiences of other systems of care this can best be accomplished by developing and nurturing a strong and viable parent organization. The ACCESS Initiative has supported the development of a Parent Organization (501c3) which has the capacity to move to the next level. Continuation of constructive and ongoing parent input into the system of care is essential to effectively meeting the needs of multi-system involved youth and families. The Sustainability Committee recommends continuation of funding of the Parent Organization through the regular contracting and allocation process. The parent organization has established a board of directors and leadership structure and has begun serving families. Moreover, the parent organization is playing a major role in the State of Illinois System of Care expansion activities. Contracts with CHOICES, HFS, Champaign Schools, and other child serving providers have been confirmed.

**6. Ongoing support of System of Care Expansion in Illinois.**

As the State of Illinois has received a Federal Award to expand system of care principles and practices statewide, the sustained components of the Access Initiative will play a key and instrumental role in those activities. The project director will serve on a statewide leadership committee. The Youth and Family organizations will serve in leadership roles as contractors, advisors, and facilitators. The foundation for this work has been laid and confirmed.

**Budget Implications:**

This plan is budget neutral. Money for permanent positions and contracts will be either continuation of current contracts or redirection/realignment of money current assigned to support the ACCESS Initiative.

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**Decision Section:**

Motion to approve recommendations #1 through #6 as listed above.

\_\_\_\_\_x\_\_\_\_\_ Approved (*Approved by the CCMHB Nov. 19, 2014*)

\_\_\_\_\_ Denied

\_\_\_\_\_ Modified

\_\_\_\_\_ Additional Information Needed

CHAMPAIGN COUNTY MENTAL HEALTH BOARD AND  
CHAMPAIGN COUNTY BOARD FOR CARE AND TREATMENT OF PERSONS WITH A  
DEVELOPMENTAL DISABILITY

**POSITION DESCRIPTION**

JOB TITLE: Project Director for System of Care-Community Engagement

REPORTS TO: Executive Director

PURPOSE: Under the supervision and in consultation with the executive director, this position is charged with the coordination and infusion of Champaign Counties System of Care through the CCMHB. The project director is responsible for the management and oversight of all program operations including, planning, funding, monitoring, engagement and evaluation activities.

PRINCIPAL ACCOUNTABILITIES:

Coordinate and assure all funded CCMHB/DD agencies are engaged and participating in Champaign Counties System of Care activities.

Development of an on-going comprehensive strategic plan for evaluating, implementing and sustaining system of care policies and practices.

Evaluate provider contract compliance, key performance indicators based on outcome measures defined in the contract program plans. Monitor all system of care contracts to assure conformity with their terms and delivery of services delineated in program plans. Define corrective action as necessary and monitor improvement. Primary area of emphasis: contracts that support and are part of the system of care.

Analyze applications for funding for mental health, substance abuse, intellectual disability, and developmental disabilities services and programs, and, based on analysis performed, participate in the development of funding recommendations by the management team for the consideration of the Mental Health Board and the Developmental Disabilities Board.

Develop contracts to implement the recommendations of the Mental Health Board and the Developmental Disabilities Board, and, as lead staff, participate in contract negotiations with special responsibility for system of care contracts.

Serve on administrative team in the planning, promotion, and coordination of Anti-Stigma Alliance activities. Research best practices and cultivate relationships with agency and community partners which will further the goals of reducing the stigma associated with disability and behavioral health disorders and of increasing community access and awareness. Develop and maintain traditional and social media for the purposes of information, outreach, and promotion.

Supervise the work of Cultural and Linguistic Competence Coordinator. And the Champaign County Community Coalition Project Specialist. Complex issues and policy matters are to be addressed in consult with the Executive Director.

With substantial cross-training in behavioral health and substance use disorders, contribute to all areas of operation of the administrative team for each board. Develop fluency not only in each area but in their interrelation, in order to advance a local system of care which responds effectively to the needs of individuals with co-occurring disorders.

Initiate contract amendments consistent with requirements and specifications delineated in the appropriate funding guidelines, including compliance with required revisions to associated contractual documents impacted by the amendment, e.g. program plan scope of work.

With special emphasis on CCMHB/DD System of Care, collaborate with board and staff on completion of all annual reports and three year plans as required by statute for the CCMHB, and serve as staff on performance reports and three year plans as requested for the CCDDDB.

Participate in the development of annual allocation criteria and funding priorities for the Mental Health Board and the Developmental Disabilities Board.

Serve as the liaison for CCMHB/DD on local, state and federal system of care expansion activities.

Coordinate with CCMHB/DD administrative team, local evaluation activities, projects and process. To ensure CCMHB/DD funded agencies are functioning, implementing services and operating in culturally and linguistically responsive manner.

Organize community wide activities to design and implement policy that impacts violence prevention and reduction efforts. This role promotes prevention efforts and accountability, acts and a neutral organizer and works with all relevant stakeholder

Collaborates on CCMHB/DD administrative team on all CCMHB/DD needs assessment projects with primary focus on the system of care.

Participate and represent the Mental Health Board in professional networks, councils, and other collaborative bodies related to the local system of care for mental health, substance abuse, intellectual disability, and developmental disability services and programs.

Participate in the organization and preparation for meetings of the Developmental Disabilities Board and the Mental Health Board.

Participate and collaborate on grant applications and other special projects as required by the Mental Health Board and the Developmental Disabilities Board.

Collaborate with other key staff as part of the management team for the Mental Health Board and the Developmental Disabilities Board.

**Champaign County Community Coalition Responsibility:**

Serve as point person for Coalition Executive Committee  
Facilitates monthly Coalition meetings  
Supervises project specialist position  
Oversee budget activities Coalition  
Serves as liaison for Coalition activities  
Organizes public marketing activities

Respond to inquiries (verbal and written) pertaining to mental health, cultural and linguistic competence, system of care, substance abuse, intellectual disability, and developmental disability services.

Other duties as assigned by the executive director.

**CONTEXT:**

The Mental Health Board and the Developmental Disabilities Board have statutory responsibilities to plan, fund, monitor and evaluate the local system of care for mental health, substance abuse, intellectual disability, and developmental disability services and program in Champaign County. A key component of this position is to assure there is fully integrated planning between the two boards and that overlapping populations are addressed in all processes.

**SUPERVISORY RESPONSIBILITIES:**

Reporting to this position along dual lines are the Developmental Disabilities Contract Specialist and the Administrative Compliance Specialist who report primarily to the Executive Director. Will provide supervision to the Cultural and Linguistic Competence Coordinator. The Champaign County Community Coalition Project Specialist May also direct the work of student interns and consultants for certain project.

**QUALIFICATIONS:**

To perform this job successfully, an individual must be able to perform each essential task satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**EDUCATION AND EXPERIENCE:**

Masters degree or experience equivalent degree in the fields of mental health, substance abuse, intellectual disability Sociology, public administration, or equivalent and years of experience in developing and evaluating behavioral health, community organizing intellectual disability, developmental disability, and/or substance abuse delivery systems including the use of statistical and computerized management and evaluation models.

#### LANGUAGE SKILLS:

Ability to read, analyze and interpret contract proposals, professional journals, technical procedures or government regulations including administrative rules and policy documents. Ability to write reports, business correspondence, memoranda, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, direct service staff, and the general public.

#### REASONING ABILITY:

Ability to define problems, collect data, establish facts, and draft valid conclusions. Ability to interpret an extensive variety of technical instructions in written and diagrammatic form and deal with several abstract and concrete variables.

#### PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the primary functions of this job. While performing the duties of this job, the employee is frequently required to walk; sit; use hands to finger, handle, or feel; reach with hands and arms; and talk; or hear. The employee is also required to stand occasionally. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required for this job include close vision, distance vision, and the ability to adjust focus. The employee is required to perform off site duties through the use of a personal vehicle.

#### WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the primary functions of this job. Normal office conditions. The noise level in the work environment is usually quiet.

Typical job

CHAMPAIGN COUNTY MENTAL HEALTH BOARD AND  
CHAMPAIGN COUNTY BOARD FOR CARE AND TREATMENT OF PERSONS WITH A  
DEVELOPMENTAL DISABILITY

**POSITION DESCRIPTION**

JOB TITLE: Cultural and Linguistic Competence Coordinator

REPORTS TO: Project Director

PURPOSE: Under the supervision and in consultation, collaboration with the Project Director, this position will provide guidance toward achieving and maintaining cultural and linguistic competence in policies, procedures, practices and service delivery. The CLC Coordinator will serve in the lead role to facilitate cultural competence, organizational accountability and cross-cultural practice.

PRINCIPAL ACCOUNTABILITIES:

Evaluate provider contract compliance, key performance indicators based on outcome measures defined in the contract program plans. Monitor all contracts to assure cultural and linguistic conformity and compliance with their agency terms and delivery of service delineated in programs plans.

Analyze applications for funding for mental health, substance abuse, intellectual disability, and developmental disabilities services and programs, and, based on analysis performed, participate in the development of funding recommendations by the management team for the consideration of the Mental Health Board and the Developmental Disabilities Board.

Develop process to implement recommendations to the Mental Health Board and Developmental Disabilities Board on agency readiness, acceptance and compliance in Cultural and Linguistic Competence.

Serve as lead staff and resource to CCMHB/DD funded agencies and additional stakeholders on cultural and linguistic competence, organizational accountability and cross cultural change.

Serve as staff in the planning, promotion, and coordination of Anti-Stigma Alliance events.

Research best practices and cultivate relationships with Alliance CCMHB/DD, COUNTY partners which will further the goals of increasing CLC awareness, reducing the stigma associated with disability and behavioral health disorders and of increasing community access. Develop and maintain traditional and social media for the purposes of information, outreach, and promotion.

Coordinate the work of cultural competence with the staffs of CCMHB/DD. Complex issues and policy matters are to be addressed in consult with the Executive Director

Coordinate and organize community work groups to look at and address critically systematic disparities.

With substantial cross-training in behavioral health and substance use disorders, contribute to all areas of operation of the administrative team for each board. Develop fluency not only in each area but in their interrelation, in order to advance a local system of care which responds effectively to the needs of individuals with co-occurring disorders.

Promote language access (translators, interpreters, and literacy) and identification of resources for all meetings, service delivery, agency activities, and outreach events sponsored by CCMHB/DD.

With special emphasis on cultural and linguistic competence collaborate with board and staff on completion of all annual reports and three year plans as required by statute for the CCMHB, and serve as staff on performance reports and three year plans as requested for the CCDDDB.

Participate in the development of annual allocation criteria and funding priorities for the Mental Health Board and the Developmental Disabilities Board. Provide technical assistance to applicant organizations as required.

Develop and collaborate on all needs assessment projects with primary focus on Cultural and Linguistic Competence.

Familiar with the following resources and applicable training:

“HHS Action Plan to Reduce Ethnic and Racial Disparities”

“National Standards for Culturally and Linguistic Appropriate services in Health and Health Care: Blueprint for Advancing CLAS Policy and Practice”

Blueprint for Using Data to Reduce Disparities/Disproportionalities in Human Services and Behavioral Healthcare”

Participate and represent the Mental Health Board and Developmental Disabilities Board in professional networks, councils, and other collaborative bodies related to the local system of care

Participate and collaborate on grant applications and other special projects as required by the Mental Health Board and the Developmental Disabilities Board.

Collaborate with other key staff as part of the management team for the Mental Health Board and the Developmental Disabilities Board.

Respond to inquiries (verbal and written) pertaining to CLC in mental health, substance abuse, intellectual disability, and developmental disability services.

Other duties as assigned by the executive director and/or project director.

## CONTEXT:

The Mental Health Board and the Developmental Disabilities Board have statutory responsibilities to plan, fund, monitor and evaluate the local system of care for mental health, substance abuse, intellectual disability, and developmental disability services and program in Champaign County. A key component of this position is to assure there is fully integrated planning between the two boards and that overlapping populations are addressed in a culturally and linguistically manner all processes.

## STRENGTHS, NEEDS and CULTURE:

Ensures that family/youth culture and voice is included and reflected in/on all aspects of the system of care,

Offer support/encouragement/respect to parents/caregivers/stakeholders

If needed, listen, advise and support to family/youth story to identify natural supports.

Display an ability to interact with staff, stakeholders, providers, youth and family in a compassionate, accepting, non-judgmental culturally responsive, trauma informed and ethical manner.

## QUALIFICATIONS:

To perform this job successfully, an individual must be able to perform each essential task satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Must possess at least three (3) years of human service experience including knowledge of community resources, system of care, and our service delivery network. Must be open, able to communicate with others and demonstrate the capacity to listen deeply, have empathy, flexibility, reliability, dependability, positivity, organizational and time management skills.

## EDUCATION AND EXPERIENCE:

Bachelor's degree in human services and/or at least 5 years relevant cultural and linguistic competence experience, community-based behavioral health experience or related task such as diversity trainer or multicultural coordinator.

## LANGUAGE SKILLS:

Ability to read, analyze and interpret contract proposals, professional journals, technical procedures or government regulations including administrative rules and policy documents. Ability to write reports, business correspondence, memoranda, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, direct service staff, and the general public.



REASONING ABILITY:

Ability to define problems, collect data, establish facts, and draft valid conclusions. Ability to interpret an extensive variety of technical instructions in written and diagrammatic form and deal with several abstract and concrete variables.

CERTIFICATES, LICENSURE, REGISTRATIONS:

As required.

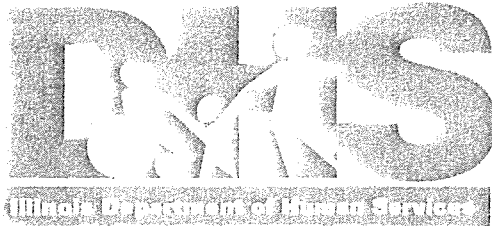
PHYSICAL DEMANDS:

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WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the primary functions of this job. Normal office conditions. The noise level in the work environment is usually quiet.

09/2013 PWT



December 12, 2014

Ms. Patti Petrie, Chairperson  
Champaign County Board  
1776 East Washington Street  
Urbana, Illinois 61802

Dear Ms. Petrie:

It has come to my attention that the Champaign County Board has raised questions about the need for continuation of the ACCESS Initiative as described in the sustainability plan recently approved by the Champaign County Mental Health Board (CCMHB). I am concerned about this situation and thought it might be helpful if you understood our perspective about the ACCESS Initiative and its importance in your community and in Illinois.

The ACCESS Initiative is a Cooperative Agreement between the Federal Government Substance Abuse and Mental Health Services Administration (SAMHSA), State Government (the Illinois Department of Human Services – Division of Mental Health), and the Champaign County Mental Health Board. I have served as the Co-Principal Investigator for this project and as such, act as the state monitor. Since the beginning of the program in October 2009, I have been involved with the selection of the administrative staff and have been a part of the team responsible for the implementation of the project as well as the development of the logic model which serves as the project blueprint. I also work with the Federal monitors and the project evaluators at the University of Illinois, and have a thorough understanding of the ACCESS Initiative.

The ACCESS Initiative is truly one of the unique System-of Care Children's Mental Health Initiative projects in the United States. The projects focus and population of interest is primarily minority youth and their families with behavioral health needs and also involvement with the juvenile justice system. This is a population disproportionately represented by African American youth in Illinois, and more importantly in Champaign County. The importance of this project's success and in serving this population is particularly relevant to Champaign County and all System of Care communities nationally. The Access Initiative project is one of four nationally focused on this population.


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Under the leadership of Mr. Tracy Parsons, with the support of the Champaign County Mental Health Board and other community partners and stakeholders, the ACCESS Initiative has worked very hard to successfully establish a trauma and justice informed System-of-Care in Champaign County which is responsive to this underserved and overrepresented cohort of youth. The ACCESS Initiative has provided extensive evidence-based trainings to many community providers and has supported the development of a Youth and Family organization to assure the project is "family-driven and youth-guided" as required by the Cooperative Agreement. Other strategic goals including the provision of high-fidelity Wraparound services, infusion of cultural and linguistic competence consultation and oversight, social marketing, and a strong commitment to meeting the terms of the local and national evaluation have been met.

Nationally, the ACCESS Initiative has received recognition for their work. Ms. Shandra Summerville was selected to serve on the board-of-directors of the National Federation of Families for Children's Mental Health, and is acknowledged to be an expert trainer in the area of cultural and linguistic competence. Mrs. Regina Crider also serves on a national board of directors to promote family inclusion and has received national recognition. Our youth leader was recognized as the national youth leader of the year in 2013. Mr. Parsons is being sought out to consult with other projects nationally concerning the special issues and approaches to addressing the needs of underserved and difficult to engage youth populations. At the State level, Mr. Parsons and the ACCESS Initiative staff provide consultation on the DHS Division of Mental Health system-of-care expansion activity. It is my hope that Mr. Parsons will continue to be involved with this project during its sustainability phase.

For all of the above reasons, I encourage the Champaign County Board to fully endorse the work of the ACCESS Initiative by supporting the Sustainability Plan approved by the CCMHB. I have reviewed and approved this plan and believe it meets the Federal sustainability requirements which will allow us to continue this valuable work of the ACCESS Initiative in Champaign County and Illinois.

Sincerely,

  
Constance Y. Williams, Ph.D.  
Co-Principal Investigator, ACCESS Initiative  
Executive Director Region I South  
Illinois Department of Human Services  
Division of Mental Health



PLANNING & COMMUNITY DEVELOPMENT

1776 East Washington Street  
Urbana, IL 61802

Phone 217.328.3313

Fax 217.328.2426

[www.ccrpc.org](http://www.ccrpc.org)

TO: Champaign County Board  
FROM: Susan Monte, CCRPC Planner  
DATE: September 23, 2015  
RE: Illinois EPA Record of Inspections of Clinton Landfill #3 Site

Regarding assertions of ongoing and earlier violations at the Clinton Landfill #3 Site, Matthew Dunn of the Attorney General's Environmental Enforcement Division, confirmed in a recent email dated September 22, 2015 to Joseph Hooker and David Wentworth, that the Illinois EPA has not alerted the Illinois Attorney General's Office of any violations at the Clinton Landfill #3 site.

The Illinois EPA web page specifically for the Clinton Landfill #3 site is <http://www.epa.illinois.gov/topics/community-relations/sites/clinton-landfill-3/index>



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[www.ccrpc.org](http://www.ccrpc.org)

TO: Champaign County Board  
FROM: Susan Monte, CCRPC Planner.  
John Hall, Champaign County Planning & Zoning Director  
DATE: September 23, 2015  
RE: Additional Information about the Proposed Consent Decree

The attached materials review questions related to the proposed Consent Decree. The primary attachment (Attachment B) is a letter of response from Attorney Joe Hooker in response to a request by City of Urbana Chief of Staff Mike Monson (Attachment A).

Attorney Hooker's response was intended primarily to correct the assertions made in the 9/13/15 email from Bill Spencer, President of W.A.T.C.H., but the Hooker response and the attached letter from the Illinois Attorney General's Office also provide a good overview of many other considerations related to the proposed Consent Decree.

Attachments:

- A Email dated 9/14/15 from City of Urbana Chief of Staff Mike Monson to Joseph Hooker with the following attachments:
  - 1. Email dated 9/13/15 from Bill Spencer, President of W.A.T.C.H.
  - 2. Cover letter by W.A.T.C.H. dated 9/3/15
  - 3. Excerpt of Illinois Administrative Code (35 Ill. Adm. Code 811.302)
  - 4. Responsiveness Summary Sole Source Aquifer Petition for the Mahomet Aquifer System in East-Central Illinois by USEPA, March 2015
  
- B Response to WATCH September 13, 2015, Letter to the Urbana City Council by City of Champaign Assistant City Attorney Joseph Hooker with the following attachments:
  - 1. Letter dated 8/11/15 from Matthew Dunn of the Illinois Attorney General's Office to Bill Spencer and others
  - 2. Memorandum dated 1/26/11 by USEPA Water Division of the evaluation of the geology and hydrogeology beneath Clinton Landfill
  - 3. Excerpt of Illinois Administrative Code (35 Ill. Adm. Code 811.302) with boldface added for emphasis



Hooker, Joseph <joseph.hooker@ci.champaign.il.us>

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**FW: SSA Roadcap (2011) stops landfilling**

1 message

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**Monson, Mike** <mmmonson@urbanaininois.us>  
To: "Hooker, Joseph" <joseph.hooker@ci.champaign.il.us>

Mon, Sep 14, 2015 at 1:37 PM

Joe,

My city council got this message over the weekend. Could you address the veracity of Mr. Spencer's claims? Charlie Smyth requested this.

Mike Monson

Chief of Staff

City of Urbana

(217) 384-2454

mmmonson@urbanaininois.us

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**From:** inbox@watchclintonlandfill.com [mailto:inbox@watchclintonlandfill.com]

**Sent:** Sunday, September 13, 2015 5:32 PM

**To:** W.A.T.C.H.

**Cc:** ! Ammons, Aaron; ! Brown, Bill; ! Smyth, Charles; ! Roberts, Dennis; ! Marlin, Diane; ! Jakobsson, Eric; ! Madigan, Michael; Prussing, Laurel Lunt; Monson, Mike; J Ross

**Subject:** SSA Roadcap (2011) stops landfilling

To Urbana City Council...

This is in response to a request for information presented by WATCH at a city council meeting affecting the reason for NOT supporting the Consent Decree.

The final federal decision expanded the original intent of the SSA petition by you and other members of the coalition by including not only the Mahomet Aquifer but the overlying aquifer zones as an SSA.

This decision by the federal government forever changes how landfilling in the future and the past will be viewed. No longer will landfilling be allowed due to this designation.

Federal and State laws no longer allow landfilling near the Mahomet Aquifer.

Please refer to the attached cover page and supporting federal and state documents.

Thank you for your time and Consideration

Please call if you have any questions or need more information

 Facebook


Bill Spencer

President W.A.T.C.H

217 944-2259

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**3 attachments**

 **W415.pdf**  
321K

 **Section 811.pdf**  
25K

 **mahomet-respsum-201503.pdf**  
489K

W.A.T.C.H.  
Clinton Landfill

September 13, 2015

Mahomet Sole Source Designation  
Information requested by Urbana City Council

W.A.T.C.H. is contacting you concerning the federal determination of the Mahomet Aquifer as a sole source of water approved specifically for special protection. W.A.T.C.H. may have been the group that presented the first draft to the USEPA but due to the extensive need for more financial and government commitment we reached out to elected officials that depend on the Mahomet Aquifer for help. That help was supplied with enthusiasm.

Federal determination is based on science; a need for scientific support was needed; many sources supplied the needed information; most importantly and specifically is professor Roadcap's scientific information supplied in his 2011 study; that is in truth the subject of this letter. After federal review of all the scientific information supplied in the Government Coalitions petition for sole source the federal government made its determination March 2015 to approve Sole Source Petition for the Mahomet Aquifer System in East-Central Illinois.

Unknown by many was the presentation of Professor Roadcap's work et al. (2011) ISGS (Illinois State Geological Survey) as part of the scientific study for sole source designation. As like many great scientific break throughs that happen this one was no different, it was placed on a sheet of paper quietly with no fanfare or public celebration when accepted.

Effects and impact of Roadcap 2011 need to be understood to be able to apply it to the protection of the Mahomet Aquifer. Scientific discovery of the Mahomet formation as a water bearing aquifer has been accepted from the time of its discovery. Much scientific study has been conducted due to the public dependency on it. Roadcap 2011 concerns the over lying formations and their effects to the Mahomet Aquifer. Recharge by surface water and its connections to the Mahomet Aquifer was explained in Roadcap 2011, this is what the EPA says about that Ground water flow model...

*According to ISGS, the Glasford Formation, in particular, contains discontinuous deposits of sand and gravel forming aquifer zones. Even though ISGS's understanding of these interconnections is evolving and this evolution may not have been fully captured in the ground water flow model presented in Roadcap, et al. (20 11),*  
*EPA believes that it is appropriate to designate the Mahomet Aquifer System, including overlying aquifer zones such as those in the Glasford Formation, as an SSA.*

Illinois and federal laws regulating activities that can threaten an SSA have been put in place. This was due to the strong scientific proof needed and thorough review by the federal government. Illinois law disallows landfills 1200 feet from a SSA and federal law does likewise for TSCA facilities. Roadcap 2011 ended landfilling near the Mahomet SSA.



**Section 811.301 Scope and Applicability**

In addition to the requirements of Subpart A, the standards of this Subpart apply to all landfills in which chemical and putrescible wastes are to be placed, except as otherwise provided in 35 Ill. Adm. Code 817.

(Source: Amended at 18 Ill. Reg. 12481, effective August 1, 1994)

**Section 811.302 Facility Location**

- a) No part of a unit may be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act;
- b) No part of a unit may be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of a sole-source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of the Safe Drinking Water Act (42 USC 300f et seq.), unless there is a stratum between the bottom of the waste disposal unit and the top of the aquifer that meets the following minimum requirements:
  - 1) The stratum has a minimum thickness of 15.2 meters (50 feet);
  - 2) The maximum hydraulic conductivity in both the horizontal and vertical directions is no greater than  $1 \times 10^{-7}$  centimeters per second, as determined by in situ borehole or equivalent tests;
  - 3) There is no indication of continuous sand or silt seams, faults, fractures, or cracks within the stratum that may provide paths for migration; and
  - 4) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years.

## Responsiveness Summary

### Sole Source Aquifer Petition for the Mahomet Aquifer System in East-Central Illinois

March 2015

#### Summary of Public Participation Process

This document provides the U.S. Environmental Protection Agency's responses to all public comments received on the proposal to designate the Mahomet Aquifer System in east-central Illinois as a Sole Source Aquifer (SSA) under Section 1424(e) of the Safe Drinking Water Act, 42 U.S.C. § 300h-3(e). On March 12, 2014, EPA issued public notice of its proposal to approve the petition to designate a portion of the Mahomet Aquifer System in east-central Illinois as a sole source aquifer under Section 1424(e) of the SDWA. The notice was published in the Champaign News Gazette and the Peoria Journal Star. EPA also made the notice available on its website at <http://www.epa.gov/region5/water/gwdw/mahomet/index.htm>. EPA provided the public with an opportunity to submit written comments from March 13 to June 12, 2014. In addition, EPA held a public meeting and hearing in Champaign, Illinois on May 13, 2014, and another public meeting and hearing in Morton, Illinois on May 14, 2014. The public was given an opportunity to submit oral comments during these hearings. The transcripts of the public hearings and all written comments received by EPA are part of the Reference List, which is available at the web address listed above.

EPA thanks all members of the public who took the time to provide comments or otherwise participate in this public process. All comments received have been thoroughly reviewed and considered by EPA in its decision-making process. To minimize redundancy, many similar or identical comments made at the public hearings and in writing are addressed once with a general response. EPA's responses to all public comments are provided below.

#### Response to Comments

**Comment 1:** The vast majority of written and oral comments received during the public comment period expressed support for the designation of the Mahomet Aquifer as an SSA.

**Response:** EPA thanks these commenters for their support. As explained in the Federal Register notice, EPA believes that the Mahomet Aquifer System in east-central Illinois meets the criteria for designation as an SSA.

**Comment 2:** One commenter opposed designation of the Mahomet Aquifer System as an SSA because (1) EPA's authority to review proposed projects receiving "Federal financial assistance" could result in EPA reviewing privately funded projects at some point in the future and (2) the designation could inhibit agriculture above the SSA.

**Response:** As explained further in response to other comments, EPA's authority under Section 1424(e) of the SDWA is limited to review of proposed projects receiving "Federal financial assistance" that may contaminate the aquifer through a recharge zone so as to create a significant hazard to public health. EPA exercises the authority granted to it by Congress in Section 1424(e) of the SDWA, which does not include the review of privately funded projects. In addition, EPA

does not believe the designation of the Mahomet Aquifer System as an SSA will inhibit agriculture. EPA's role regarding agriculture projects receiving "Federal financial assistance" and the SSA Program traditionally has been to coordinate with the U.S. Department of Agriculture funding agency to ensure that existing federal, state, and local ground water quality measures are being followed.

**Comment 3:** Some commenters questioned the scope of the SSA program and asked what citizens can do in light of the limited authority granted to EPA under Section 1424(e) of the SDWA.

**Response:** These commenters correctly recognize that designation of an SSA provides limited federal protection of ground water resources and by no means constitutes a complete ground water protection strategy. Effective protection of sources of drinking water requires the integration of federal, state, and local efforts. Concerned citizens should contact state and local authorities to determine what other measures can be taken to protect this aquifer.

**Comment 4:** One commenter asked whether the use of Federal funds in any project to cleanup polychlorinated biphenyls (PCBs) outside of the aquifer boundaries that would be disposed of within aquifer boundaries would be subject to review by EPA. Another commenter asked whether Federal dollars used to fund a project to cleanup PCBs from the Great Lakes would be subject to review before allowing the PCBs to be placed in the Clinton Landfill.

**Response:** Not all federally funded projects are subject to EPA's review under Section 1424(e) of the SDWA. EPA's authority under Section 1424(e) of the SDWA is to review projects receiving "Federal financial assistance." Projects receiving "Federal financial assistance" are a subset of those receiving federal funding. "Federal financial assistance" typically includes financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the Federal government in any form including contracts, grants, and loan guarantees. "Federal financial assistance" does not include actions or programs carried out directly by or on behalf of the Federal government. EPA determines whether projects receive "Federal financial assistance" on a case-by-case basis and based on the specific project, person, or entity completing the project, source of Federal funds involved, and any other relevant factors. Because the commenters do not refer to specific proposed projects and do not go into detail on the source of the Federal funds involved and the person or entity that would complete the projects, EPA cannot opine on whether these projects would be subject to its review under SDWA Section 1424(e).

**Comment 5:** Some commenters expressed concern regarding hydraulic fracturing, pipeline construction and operation, toxic chemical storage and disposal (other than PCBs), and coal ash disposal over the aquifer.

**Response:** To the extent that these comments were intended to communicate that designation of the Mahomet Aquifer System as an SSA will help protect this important source of drinking water, EPA acknowledges this sentiment and recognizes the importance of this aquifer system through this designation. EPA, however, believes some of the comments reflect a misunderstanding regarding the effect of the proposed designation. Designation of an SSA will not result in review of projects or activities over the SSA area or project review area that do not receive any "Federal financial assistance," as explained above in the response to comment 4. In

addition, proposed projects that are funded entirely by state, local, or private concerns are not subject to SSA review by EPA.

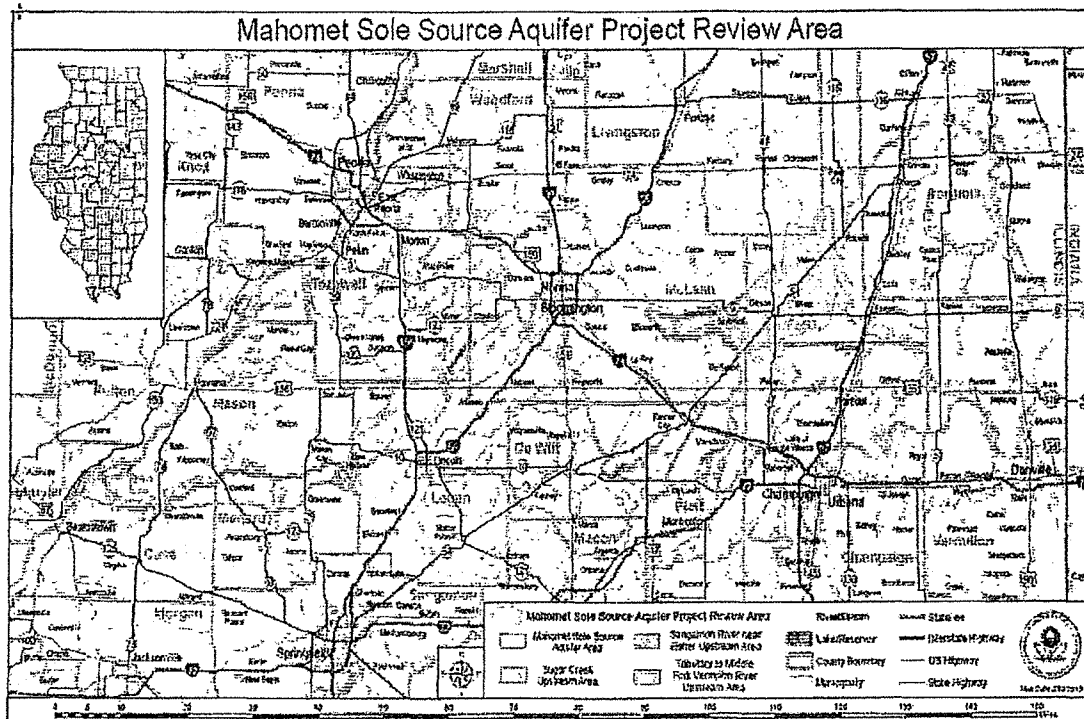
**Comment 6:** A number of commenters expressed concern about the storage of toxic chemicals over the aquifer, particularly at the Clinton Landfill. Many of these commenters asked EPA to deny the Toxic Substances Control Act (TSCA) application by Clinton Landfill, Inc. seeking approval to dispose of wastes containing PCBs at Clinton Landfill #3 in DeWitt County, Illinois. Clinton Landfill Inc. also submitted a comment taking no position on the proposed designation.

**Response:** The designation of the Mahomet Aquifer System as an SSA will only affect Clinton Landfill, Inc.'s operation under federal law to the extent that PCB disposal at that landfill involves proposed projects receiving "Federal financial assistance," which is explained in greater detail in response to Comment 4. If such a proposed project arose, it would be subject to EPA review. Today's SSA designation will not impact any disposal of PCBs at the Clinton Landfill under federal law if such disposal occurs as a result of projects funded entirely by state, local, or private concerns.

In addition, to the extent that commenters have voiced opposition to Clinton Landfill, Inc.'s application to EPA, seeking approval to dispose of waste containing PCBs regulated under TSCA at Clinton Landfill No. 3 in DeWitt County, Illinois, the EPA notes that this SSA designation and the application by Clinton Landfill, Inc. under TSCA are governed by separate statutes, criteria, and procedures.

**Comment 7:** One commenter asked EPA to consider expanding the SSA project review area beyond the proposed SSA boundary to include the upper reaches of Kickapoo Creek (McLean County) and the North Fork of Salt Creek (McLean and DeWitt Counties). In support of its position on Kickapoo Creek, the commenter attached an excerpt from a 1994 study entitled "The Sankoty-Mahomet Aquifer in the Confluence Area of the Mackinaw and Mahomet Bedrock Valleys, Central Illinois: A Reassessment of Aquifer Characteristics."

**Response:** The SSA project review area includes the designated area, or the surface area above the aquifer and its recharge areas, and all or a portion of the stream flow source areas that flow into the recharge areas of the aquifer. After receiving the petition, EPA analyzed available studies and data and proposed to expand the SSA project review area to include, not only the proposed SSA area, but also the upstream portions of the Sangamon River in McLean County, Ford County and Champaign County; Sugar Creek; and tributary to the Middle Fork of the Vermilion River in Ford County and Livingston County. These areas are depicted in the map below.



Based on its review of available studies and data, including the study referenced by the commenter, the upper reaches of the Kickapoo Creek in McLean County and the North Fork of the Salt Creek in McLean and DeWitt Counties are not losing streams contributing recharge of the Mahomet Aquifer. Therefore, EPA is not including the upstream watersheds for these creeks in the SSA project review area.

**Comment 8:** One commenter expressed support for the designation of the Mahomet Aquifer System as an SSA, but noted that designation should include all of the subsurface drainage areas including the buried valley and tributaries extending even into adjoining states. The commenter also expressed concern about the quantity of water being withdrawn from the aquifer by communities and for agricultural purposes, and the uncertainty of where recharge of the aquifer occurs. The commenter noted that these topics deserve further study.

**Response:** Regarding the commenter’s statement that the SSA designation should be expanded to include all of the subsurface drainage areas including the buried valley and tributaries, EPA’s review of the literature found that the Mahomet-Teays bedrock valley contains some smaller valleys which are tributary to its main stem. These smaller valleys, however, do not contain enough sand and gravel to be significant sources of ground water. The aquifer boundary has historically not included these tributary valleys. Based on information reviewed by EPA, the 500-foot contour line (Herzog, et.al. - Buried Bedrock Surface of Illinois – 1994) in conjunction with information found in the saturated thickness map of the Mahomet Aquifer (Figure 8 of the petition) best represent the buried valleys that contain enough sand or sand and gravel to be significant sources of ground water. The Mahomet Aquifer has been mapped by studies that

used boreholes to penetrate the top surface of the Mahomet sand, providing greater accuracy on the extent of the aquifer than the bedrock surface alone (i.e., the contour line). The boundary is depicted on EPA's Final Designated Mahomet Sole Source Aquifer Area Map.

As for the commenter's concern about the uncertainty of where recharge occurs and statement that the designated boundary of the SSA should extend into adjoining states, EPA acknowledges that the Mahomet-Teays Aquifer extends into Indiana, Ohio and possibly West Virginia. EPA asked the petitioners to provide a more detailed study of ground water flow in the area which included the Vermilion River and points 20 miles further east into Indiana. There is evidence that ground water east of the eastern SSA boundary discharges to the Iroquois River to the northeast and the North Fork of the Vermilion River to the east and southeast. According to "Meeting East-Central Illinois Water Needs to 2050: Potential Impacts on the Mahomet Aquifer and Surface Reservoirs" by George S. Roadcap, et.al. (2011), a "saddle is formed where eastward flow from the Paxton high meets westward ground water inflow from Indiana. The resulting flow is directed north toward the Iroquois River and south, possibly toward the North Fork Vermilion River near Danville, Illinois. Although the data are limited, the shape of the potentiometric saddle suggests that inflow of ground water from Indiana is not very significant." Based on this study and other available information, EPA believes the Iroquois River and the North Fork of the Vermilion River are appropriate ground water divides establishing an eastern SSA boundary.

Finally, regarding the commenter's concern with the quantity of the water withdrawn from the aquifer by communities and for agricultural purposes, EPA notes considerable interest from local officials and the public regarding the availability of water from the Mahomet Aquifer System. EPA's authority under the SSA program is limited to reviewing projects that potentially affect the quality of the water in the SSA, not whether the projects will affect the quantity of water. EPA encourages the commenter to contact state and local officials to address water quantity concerns.

**Comment 9:** One commenter expressed support for the designation of the Mahomet Aquifer System as an SSA and provided references to relevant information from recent and ongoing research from the Illinois State Geological Survey (ISGS) within the proposed boundary area. The commenter stated that the ISGS currently is conducting research to identify and understand the geometries of geologic and hydrogeologic units that may produce natural hydraulic interconnections between shallower geologic units and the Mahomet Aquifer. The commenter also mentions that anthropogenic interconnections are formed at some large-diameter, high-capacity municipal, industrial, or irrigation wells that are constructed using artificial gravel packs.

The commenter goes on to discuss and refer to ongoing three-dimensional geologic mapping and geophysical surveying by the ISGS in parts of Champaign County and adjacent counties. According to the commenter, these studies have shown that in the eastern part of the Mahomet Aquifer System, the boundary of the aquifer extends beyond the 500-foot buried valley contour line in Illinois. The commenter mentions that the Mahomet Aquifer is now considered to be comprised of several different deposits of sand and gravel including, in addition to the Mahomet Sand Member, preglacial sediment and much younger glacial outwash assigned to the Pearl Formation (also known as the lower Glasford/Upper Banner aquifer) that has source areas to the

north and east of Illinois. In places, the commenter states that these sand and gravel deposits are separated by discontinuous layers of till, silt, and clay, and the aquifer and aquitard materials have not been mapped throughout the Mahomet Aquifer System.

Finally, the commenter noted that ISGS has observed considerable geological complexities within the Wedron Group and the upper part of the Glasford Formation sediments, which were not reflected in the conceptual model presented in the petition nor in the layering or parameterization of the ground water flow model presented in Roadcap et al. (2011). According to the commenter, in the eastern part of the Mahomet Aquifer System, ISGS has not observed the type of sediment interconnections between the land surface and the Mahomet Aquifer that are reported in the petition.

**Response:** EPA thanks this commenter for expressing support for this designation and providing cited references to support the information in the comment. To ensure that this designation is based on the best available science, EPA obtained and reviewed each of the eight references cited by the commenter. EPA notes that two of the references cited by the commenter were listed as “in review” and had not yet been published. Notwithstanding the fact that two of these references are still undergoing scientific review, and for the reasons explained further below, the information referenced by the commenter does not affect EPA’s decision to use the 500-foot contour line and saturated thickness information for the boundary for the designated SSA area. In addition, the referenced information and the comment support the decision to designate the Mahomet Aquifer System, which includes overlying geologic units.

As for the commenter’s statement that the eastern part of the Mahomet Aquifer in Illinois extends beyond the 500-foot contour line, EPA refers the commenter to its response to Comment 8, which covers this issue. For the reasons explained in that response, EPA believes the 500-foot contour line and information in the saturated thickness map of the Mahomet Aquifer (Figure 8 of the petition) best represent the buried valleys that contain enough sand or sand and gravel to be significant sources of ground water. The Mahomet Aquifer has been mapped by studies that used boreholes to penetrate into the top surface of the Mahomet sand, providing greater accuracy on the extent of the aquifer than the bedrock surface alone. This is depicted on EPA’s Final Designated Mahomet Sole Source Aquifer Area Map.

The commenter’s remaining statements confirm that, in the eastern portion of the designated SSA area, there are considerable geologic complexities that are not yet fully understood on small scale. Although ISGS’s future work may shed more light on this issue, there is considerable evidence supporting the existence of interconnections between the Mahomet Aquifer and overlying geologic units, namely aquifer zones in the Glasford Formation, in this portion of the designated SSA area. The commenter acknowledges this by stating that the Mahomet Aquifer is now considered to be comprised of several different deposits of sand and gravel including, in addition to the Mahomet Sand Member, preglacial sediment and much younger glacial outwash assigned to the Pearl Formation (also known as the lower Glasford/Upper Banner aquifer) that has source areas to the north and east of Illinois.

In the eastern portion of the designated SSA area, the Mahomet Aquifer is over 300 feet below the surface in some places and is overlain by many discontinuous bodies of coarse- and fine-grained sediment. ISGS studies referenced in the comment letter, as well as other studies

reviewed by EPA, show that the interconnections between the aquifer zones in the Glasford Formation and the Mahomet Aquifer are highly variable and localized. The three-dimensional modeling performed by ISGS supports the existence of these interconnections. According to ISGS, the Glasford Formation, in particular, contains discontinuous deposits of sand and gravel forming aquifer zones. Even though ISGS's understanding of these interconnections is evolving and this evolution may not have been fully captured in the ground water flow model presented in Roadcap, et al. (2011), EPA believes that it is appropriate to designate the Mahomet Aquifer System, including overlying aquifer zones such as those in the Glasford Formation, as an SSA.



## Response to WATCH September 13, 2015 Letter to the Urbana City Council

**From: Joseph Hooker, Assistant City Attorney, City of Champaign Legal Department**

**Introduction.** This is a written response to the one-page letter submitted by the WATCH group to the Urbana City Council dated September 13, 2015, with attachments related to the recent U.S. EPA designation of the Mahomet Aquifer as a Sole Source Aquifer. The letter repeats the questionable claim, made at numerous public meetings already conducted to consider the proposed consent decree to settle the Intergovernmental Coalition's litigation against Clinton Landfill, Inc. (CLI), that the Sole Source Aquifer designation of the Mahomet Aquifer this year by the U.S. EPA, in combination with an Illinois regulation that provides for more stringent restrictions on landfills over such an aquifer, strictly prohibits any landfill facility from ever being approved anywhere over the Mahomet Aquifer.

Bill Spencer, the President of WATCH, and a number of the other opponents to the consent decree reason that the consent decree accomplishes nothing to the extent it prevents CLI from ever seeking permission to accept or accept for disposal anywhere over the Mahomet Aquifer in DeWitt County any MGP source material or PCB wastes subject to U.S. EPA approval under the Toxic Substances Control Act (TSCA). CLI designed and constructed that portion of Landfill #3 that is known as the chemical waste unit (CWU) expressly for the purpose of accepting those two waste streams.

**Confusion about the Significance of Inclusion of Geologic Features Above the Sole Source Aquifer and the Effect of State Restrictions on Landfills over a Sole Source Aquifer.** The WATCH letter correctly notes that the Glasford Formation is recognized to be part of the sole source aquifer *system* for purposes of the sole source designation. This aspect of the designation was recommended by the technical consultant who was hired by the City of Champaign as lead agency for our separate Intergovernmental Coalition formed to share the costs of the Sole Source Aquifer application. That recommendation was made in response to certain studies that suggested that there were specific locations in the Glasford Formation where irregularities in the geological materials contained in that formation provided *continuous* pathways for groundwater to migrate into the Mahomet Aquifer.

Those studies are referenced on page 6 of the U.S. EPA's Responsiveness Summary, provided by the WATCH group, where it describes "*interconnections between the Mahomet Aquifer and overlying geologic units, namely aquifer zones in the Glasford Formation.*" The response notes further that "*there are considerable geologic complexities that are not yet fully understood on small scale*" and that the "*aquifer zones in the Glasford Formation and the Mahomet Aquifer are highly variable and localized.*" Implicit in these statements is that other specific locations in the Glasford Formation do not contain these pathways for contamination. In fact, other studies have identified specific areas over the Mahomet Aquifer where it takes hundreds of years for water to migrate from the land surface into the Mahomet Aquifer.

Contrary to what the WATCH group asserts in this latest communication, it is far from clear, given the localized and variable extent of these interconnections whether the separation requirements of 35 Ill. Adm. 811.302 would be applied to the layer of geologic material in the Glasford Formation, rather than the Mahomet Aquifer itself, at any location over the Mahomet

Aquifer, even if at the location in question the evidence was rather that it would take hundreds of years for water to migrate through the Glasford Formation and other sediments over the Mahomet Aquifer before actually making it into the Aquifer itself.

**The Illinois Attorney General Does Not Agree with WATCH's Interpretation of State Law.**

The Illinois Attorney General's Environmental Enforcement Division does not agree with WATCH's interpretation of the effect of 35 Ill. Adm. 811.302, as is evidenced in Matthew Dunn's August 11, 2015 letter addressed to WATCH members Sherrie Brown, Terry Homman, Bill Spencer and George Wismiller, a copy of which is attached hereto. It is also important to remember that the Mahomet Aquifer is the first aquifer in Illinois to have ever been granted a sole source designation. Accordingly, the scope of 35 Ill. Adm. 811.302 restrictions has never been tested in court.

The Illinois regulation, by its own terms, recognizes that there are circumstances where a sole source aquifer could be adequately protected from activities at a chemical waste unit or other landfill by a sufficient strata or layer of impermeable soils. In addition, as I indicated in an earlier response about the consequences of the Sole Source Designation, Shaw Environmental, Inc., the consultant utilized by Clinton Landfill, Inc. in its U.S. EPA application to accept TSCA regulated PCB wastes in the portion of Landfill #3 designed as a chemical waste unit, asserted that at the location of this facility, the Mahomet Aquifer was separated from the bottom of that facility by at least 150 feet of impermeable clay soils.

**Even if WATCH's Questionable Interpretation of State Law is Correct, the Consent Decree Provides Same Protection that WATCH Claims Sole Source Designation Provides.**

Assuming for the sake of argument that WATCH's questionable interpretation of how 35 Ill. Adm. 811.302 would be applied to the Mahomet Aquifer was ultimately adopted by a court at the conclusion of additional costly litigation, that successful result would not provide any greater level of protection than the proposed consent decree. Recall that if the consent decree is approved, Clinton Landfill, Inc. will be prevented from ever making application for permission to accept, or actually accept for disposal, any MGP source material or TSCA regulated PCB wastes *anywhere* in DeWitt County that is located over the Mahomet Aquifer.

In addition, as even Bill Spencer, President of the WATCH group, has acknowledged, the sole source designation just granted in 2015 has no affect on the continued operation of the municipal solid waste landfill known as Landfill #3. That facility received local siting approval from the DeWitt County Board back in 2002 and Illinois EPA permit approval in 2007. While the facility that is the subject of the Intergovernmental Coalition's litigation, the CWU, is designed and constructed to the more stringent, protective requirements of a chemical waste unit under Federal regulations, the consent decree, if approved, will prevent Clinton Landfill from accepting any waste in the CWU that it could not already accept anywhere in Landfill #3.

**WATCH's Claim that Consent Decree Accomplishes Nothing Ignores Uncertainty of Litigation Outcome Regarding CLI Claim that All State Permitting has been Issued for Facility that Contains the CWU.** WATCH's suggestion that the sole source aquifer designation clearly eliminates the need for the consent decree also ignores another legal argument that is still unresolved in the current lawsuits. CLI has always contended, and the

Illinois EPA initially agreed, that the CWU did not constitute a “new pollution control facility” under the Illinois Environmental Protection Act. Rather, CLI has consistently asserted in their legal pleadings and briefs that construction of the CWU only called for a modification of the permit for an existing facility, namely the municipal solid waste facility that was granted this local siting approval in 2002 and an IEPA permit in 2007. The Illinois EPA originally agreed with that claim. In her June, 2011 letter to Bill Spencer, then Vice-President of WATCH, and David Holt, Secretary of that organization, then acting Director of the Illinois EPA Lisa Bonnett stated with regard to CLI’s application for the permit modification that authorized operation of the CWU the following:

*“In addition, there was nothing in the application making the unit a “new pollution control facility” and triggering a second local siting approval procedure. The application did not propose an expansion to the area that was approved by the Board in the 2002 siting approval resolution, and it did not propose the acceptance of special or hazardous waste for the first time.”*

If CLI prevails with this claim that the CWU was not a “new pollution control facility” under Illinois law, it can be expected to argue that all of the necessary State “facility” approvals were granted back in 2007 when the permit for the municipal solid waste facility was granted. That was eight years before the U.S. EPA granted the sole source designation to the Mahomet Aquifer. As such, they can be expected to argue that any new application for U.S. EPA approval to accept TSCA regulated PCBs would not be governed by the State’s more rigorous restrictions for sole source aquifers, but rather only by the Federal technical requirements for a chemical waste facility.

**WATCH’s Claim that the Consent Decree Accomplishes Nothing Ignores the Fact that the Decree Protects the Aquifer Everywhere in DeWitt County from Future Changes in State Regulations.** Assuming that WATCH’s questionable interpretation of the effect of Ill. Admin. Code 811.302 were ultimately adopted by a court, and CLI was not, in some manner, “grandfathered in” before the sole source designation by virtue of having its permit relate back to 2007, the regulation would still be vulnerable to being revised by the Illinois Pollution Control Board at any time in the future at the request of any interested party, including any landfill affected by it, to clarify that the impermeable stratum requirement in that regulation does not apply where a landfill facility applicant can establish that the geological formations on top of the aquifer provide the requisite natural barriers to the migration of contaminants from the landfill. Anyone at all familiar with the relentless pressure placed on both the Illinois and the U.S. EPA to relax restrictions deemed to unreasonably interfere with economic activities knows what a plausible scenario that is.

As has been emphasized by the Intergovernmental Coalition’s attorneys, former City Manager Steve Carter, John Marlin, a long time environmental activist and former Illinois Pollution Board member, and others recommending approval of the settlement decree, the agreement essentially locks in Clinton Landfill, Inc. to this commitment to never accept MGP source material or TSCA regulated PCB wastes, not only at its current landfill facility in DeWitt County, but anywhere in DeWitt County that is located over the Mahomet Aquifer. If approved, this restriction on

Clinton Landfill will be enforceable forever, regardless of how Illinois regulations may change in the future with regard to protections of a sole source aquifer.

At numerous public events that various WATCH members helped organize and participated in, where the City of Champaign, as lead agency for the Intergovernmental Coalition, and its technical consultant were promoting the sole source designation, care was always taken to emphasize *the limited nature of the protections afforded by such a designation*. We repeatedly characterized the designation as just the starting point for formulating more comprehensive and effective protections of the Mahomet Aquifer. The “Responsiveness Summary” issued by the U.S. EPA with the sole source designation, provided to you by the WATCH group, succinctly reflects the limited nature of the sole source designation when it notes that:

*“.....designation of an SSA (sole source aquifer) provides limited federal protection of ground water resources and by no means constitutes a complete ground water protection strategy. Effective protection of sources of drinking water requires the integration of federal, state and local efforts. Concerned citizens should contact state and local authorities to determine what other measures can be taken to protect this aquifer.”*

Rather than embark on another round of costly litigation to resolve a dispute about the correct application of the Illinois regulation restricting landfills over sole source aquifers, litigation that would, even if successful, not provide any greater protections than the proposed consent decree, I would respectfully submit that it makes more sense to spend our Coalition partners’ limited financial resources on efforts to support new legislation or rule changes to better protect the Mahomet Aquifer.

**WATCH’s Erroneous Claims that Any Landfill Within 1200 Feet of a Sole Source Aquifer is Strictly Prohibited by State Law and that Federal Law also Prohibits Landfills over Sole Source Aquifers.** I would note the WATCH letter repeats the incorrect statement made by Bill Spencer at several earlier public meetings that Illinois law *disallows landfills located within 1200 feet* from a sole source aquifer. For ease of reference, I am attaching 35 Ill. Adm. Code 811.302 that was provided to you at the last public meeting where you discussed the consent decree on September 8, 2015, with the language in bold that authorizes the location of a landfill less than 1200 feet from a sole source aquifer if there is a minimum fifty foot stratum of geologic material between the bottom of the landfill facility and the sole source aquifer that meets certain requirements for impeding the flow of contaminants.

The WATCH letter goes on to claim that this 1200 foot separation requirement is also found in federal law when it states *“federal law does likewise for TSCA facilities.”* This is also an incorrect statement. There is no specific reference to a “sole source aquifer” anywhere in the Toxic Substances Control Act or in any federal regulations related to that law.

Comment 6 and the Response in the Responsiveness Summary that was provided to you by WATCH refutes this claim with specific reference to the CWU. For ease of reference, the comment and response is as follows:

*“Comment 6: A number of commenters expressed concern about the storage of toxic chemicals over the aquifer, particularly at the Clinton Landfill. Many of these commenters asked EPA to deny the Toxic Substances Control Act (TSCA) application by Clinton Landfill, Inc. seeking approval to dispose of wastes containing PCBs at Clinton Landfill #3 in DeWitt County, Illinois. Clinton Landfill Inc. also submitted a comment taking no position on the proposed designation.*

*Response: The designation of the Mahomet Aquifer System as an SSA will only affect Clinton Landfill, Inc.'s operation under federal law to the extent that PCB disposal at that landfill involves proposed projects receiving 'Federal financial assistance,' which is explained in greater detail in response to Comment 4. If such a proposed project arose, it would be subject to EPOA review. Today's SSA designation will not impact any disposal of PCBs at the Clinton Landfill under federal law if such disposal occurs as a result of projects funded entirely by state, local or private concerns.”*

In recognition of that omission in Federal law, three states, New York, Washington and Ohio have adopted regulations prohibiting landfills from locating over a federally designated sole source aquifer. To date, those concerned with protecting the Mahomet Aquifer from landfill activities have been unsuccessful in getting a similar law passed in Illinois. A number of our coalition members have expressed interest in renewing efforts to get such a law enacted in Illinois.

**Conclusion:** Having worked with a number of the WATCH representatives and some of the other citizens who have spoken in opposition to the proposed consent decree at countless public meetings to build support for our two Coalitions, the litigation cost share coalition and the sole source aquifer coalition, I can attest to the enormous contribution these concerned citizens have made in getting us to this point. Their tireless efforts and tenacity have been invaluable. Having said that, I would respectfully submit that these opponents continue to misunderstand some of the complex aspects of current landfill regulations, the limits of what the Intergovernmental Coalition can accomplish with litigation, the complicated nature of the legal claims being made by the parties to the litigation and the uncertainty about the outcomes of that litigation.



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

August 11, 2015

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**Re: Concerns with the Clinton Landfill in Clinton, DeWitt County, Illinois**

Dear Ms. Brown and Messrs. Hoffman, Spencer, and Wissmiller:

Thank you for contacting the Illinois Attorney General’s Office (“AGO”) regarding our mutual desire to protect the Mahomet Aquifer. This letter responds to your letter dated May 26, 2015 addressed to Attorney General Lisa Madigan. We shared your letter with the Illinois Environmental Protection Agency (“Illinois EPA”) as your concerns relate to highly technical matters regarding the design and operation of the chemical waste unit (“CWU”) at Clinton Landfill, and the susceptibility of the Mahomet Aquifer to contamination, if the CWU were to release contaminants to the environment. This response includes the Illinois EPA’s input on those technical issues.

As a threshold matter, we should all recognize the significant events of the past six months. During that timeframe, Clinton Landfill, Inc. (“CLI”) withdrew its application to the United States Environmental Protection Agency (“USEPA”) for approval to dispose of polychlorinated biphenyls (“PCBs”) at the CWU, even though the USEPA issued a Draft Approval to allow such disposal. Likewise, CLI announced that it would discontinue its pursuit of approval to dispose of manufactured gas plant (“MGP”) remediation wastes above regulatory limits. *See* 35 Ill. Adm. Code 721.124(b). These major developments address many of the

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environmental concerns raised during the many years of controversy regarding the CWU.

In your letter, you expressed concerns about the MGP waste that was placed in the CWU remaining in place. Separately, you also referenced recent disposal of coal-ash waste in the CWU. Additionally, you conveyed your concerns about the effectiveness of the liners and leachate collection system for the CWU. A primary basis for your apprehension is what you describe as the close proximity of the bottom of the CWU to the Mahomet Aquifer. Finally, you request that:

[ ]n-place MGP and coal-ash wastes are removed and that further coal-ash waste and other toxic waste disposal at Clinton Landfill is prohibited as part of the pending consent decree. Considered in light of the additional information provided in this letter, that request is reasonable in order to prevent the anticipated, if not guaranteed, future contamination of the Mahomet Aquifer, central Illinois' only source of drinking water.

WATCH Letter, May 26, 2015, p. 2.

As we review your letter, we note that your concerns are not shared by the USEPA. The USEPA, the same agency that granted the Mahomet Aquifer its sole-source designation, evaluated the geology and hydrogeology above the Mahomet Aquifer during its review of CLI's application to accept PCB waste that must be disposed of in a "chemical waste landfill," as defined in 40 C.F.R. 761.3, in accordance with the Toxic Substances Control Act ("TSCA-PCBs"). The USEPA found that **"fluids will not migrate from the CWU to the Mahomet Aquifer even under worst case hypothetical scenarios."** See USEPA Draft TSCA Approval, p. 15, Section 10.A.iii, available at [http://www.epa.gov/Region5/waste/clintonlandfill/PDFClintonLFCChemicalWaste\\_USEPAApplication/cl\\_037.pdf](http://www.epa.gov/Region5/waste/clintonlandfill/PDFClintonLFCChemicalWaste_USEPAApplication/cl_037.pdf). (Emphasis added.)

Like your organization, the AGO has been very involved in the issues concerning the CWU. As early as February 2012, we contacted the Illinois EPA expressing concerns about the CWU and the types of wastes to be disposed at that site. In 2013, when numerous local governments filed a complaint before the Illinois Pollution Control Board ("Board") alleging that CLI had violated the Illinois Environmental Protection Act ("Act") by filing a permit application with Illinois EPA for a new site and new waste streams for which it had not received local siting approval from DeWitt County. The AGO intervened in support of those local governments. See Mahomet Valley Water Authority, City of Champaign, Donald R. Gerard, City of Urbana, Laurel Lunt Prussing, City of Bloomington, County Of Champaign, County Of Piatt, Town of Normal, Village Of Savoy, and City of Decatur, v. Clinton Landfill, Inc., PCB 13-22 (the "Mahomet Valley et al. case)." As you are aware, the Board rejected the arguments made by the local governments and the AGO and dismissed that action. The local governments and the AGO each appealed that matter to the Fourth District Appellate Court. The AGO's (Case No. 4-14-0020) and the local governments' (Case No. 4-14-0002) appellate cases are still pending.

In addition, the AGO is representing the Illinois EPA in permit appeals filed by CLI, which are currently before the Board, entitled Clinton Landfill, Inc. v. Illinois EPA, PCB 15-60, PCB 15-76, PCB 15-111, PCB 15-113, PCB 15-166, PCB 15-194, PCB 15-195, PCB 15-207,

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and PCB 16-34 ("Permit Appeals"). As you know, on July 31, 2014, the Illinois EPA modified CLI's landfill permit ("Landfill Permit") to prohibit disposal of TSCA-PCBs in the CWU unless DeWitt County Board grants local siting approval to allow such waste to be disposed of at the CWU. The design and construction standards set by the USEPA for a chemical waste landfill are very demanding and include redundant safety measures to ensure the protection of the environment, especially groundwater. The CWU was designed and constructed to meet these USEPA standards for a chemical waste landfill.

The Illinois EPA also modified the Landfill Permit to prohibit further disposal of MGP waste that exceeds the regulatory levels for any contaminant listed in the table contained in 35 Ill. Adm. Code 721.124(b). What this means is, CLI is prohibited from disposing in the CWU any TSCA-PCBs, and any MGP waste that exceeds the regulatory levels, as mentioned in the previous sentence. CLI is prohibited from accepting any hazardous waste for disposal at the CWU.

In both the Mahomet Valley et al. case and the Permit Appeals, the AGO is primarily concerned about whether the requirements of the local siting process for the CWU had been followed. Neither case alleges any violations of pollution standards at the CWU. Indeed, neither the USEPA, Illinois EPA nor the AGO have taken issue with the location or design of the CWU. The design and operation of landfills within the State of Illinois is governed by both State and Federal statutes and regulations. Those design and operational standards have been promulgated to ensure the protection of both human health and the environment. Significantly, the CWU was designed to meet the stringent USEPA requirements for chemical waste landfills found in 40 C.F.R. §761.75. In addition, the CWU includes liner components and a redundant leachate drainage and collection system that each go beyond the regulatory standards required for the disposal of the types of waste currently disposed in the CWU. No TSCA-PCBs were ever permitted to be disposed of at the CWU and there is no factual basis to suggest or conclude that the CWU cannot and will not safely contain the MGP waste that has already been disposed therein.

### **Coal Combustion Waste**

As to your inquiry regarding the disposal of coal-ash waste, coal combustion waste ("CCW") is a defined term under Section 3.140 of the Act (415 ILCS 5/3.140). Under Illinois law, CCW may be disposed of in an Illinois EPA-permitted non-hazardous municipal solid waste landfill, such as the Clinton Landfill, provided that the CCW is not a hazardous waste as defined by Section 3.220 of the Act, (415 ILCS 5/3.220). More specifically, all special waste, including CCW, disposed of at Clinton Landfill is evaluated to determine whether it is hazardous. Any waste that is determined to be hazardous cannot be disposed at the Clinton Landfill and must be taken to a hazardous waste disposal facility.

You request that the possible resolution of the pending litigation referenced above include a requirement that CLI be prohibited from accepting CCW. Because disposal of CCW at landfills is allowed by the Act, we are not aware of a legal or factual basis to support your request.



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### **MGP Waste Legislation**

As you likely know, HB1326, which is currently with Governor Rauner for final approval, is a bill prohibiting the disposal of MGP waste at facilities like the CWU, if testing using the Toxicity Characteristic Leaching Procedure ("TCLP") demonstrates that the waste exceeds the regulatory levels for any contaminant found in the table listed in 40 C.F.R. 261.24(b). If this bill becomes law, it will prohibit the **future** disposal of MGP waste exceeding regulatory levels. A review of the text of HB1326 shows no intent by the General Assembly that the statute applies to any MGP waste disposed of prior to its effective date.

### **Degradation of Landfill Liners**

You have also raised concerns that constituents from the MGP waste may negatively impact the high density polyethylene ("HDPE") liners underlying the CWU, which you assert will result in contamination of the Mahomet Aquifer. Both the Illinois EPA and the USEPA have evaluated the CWU overlying the Mahomet Aquifer and any potential interactions between the two.

In its permit application for the development of the CWU, CLI was required to and did demonstrate to the Illinois EPA that its HDPE liners and geosynthetic clay liner were each compatible with the leachate expected to be generated from potential waste streams at the CWU. In evaluating CLI's permit application, the Illinois EPA took into account the impacts leachate from MGP waste may have on the proposed HDPE and geosynthetic clay liners and determined that the liners complied with applicable Illinois law and would be protective of human health and the environment.

Additionally, the USEPA thoroughly evaluated the geology and hydrogeology beneath the CWU, concluding:

- 1) The hydrogeologic characteristic, engineering design and the groundwater Impact Assessment indicates that the Clinton Landfill No. 3 is appropriate for the development of a Chemical Waste Unit if approved design and construction plans, monitoring and operating plans are adhered to.
- 2) The proposed landfill will be protective of underground sources of drinking water.

USEPA Memorandum of the Water Division's evaluation of the geology and hydrogeology beneath the Clinton Landfill in DeWitt County, Illinois (January 26, 2011) p. 2, available at: [http://www.epa.gov/Region5/waste/clintonlandfill/PDFClintonLFChemicalWaste\\_USEPAApplication/cl\\_222.pdf](http://www.epa.gov/Region5/waste/clintonlandfill/PDFClintonLFChemicalWaste_USEPAApplication/cl_222.pdf). A copy of this Memorandum is attached to this letter.

In that same review, the USEPA specifically responded to the concern that liner materials may eventually deteriorate allowing leachate into the substrate. The USEPA's response was:

Given the highly redundant and conservative nature of the liner system, leakage of leachate into the substrate is not expected. The system consists of three HDPE liners and two leachate collection systems over a three-foot thick layer of

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compacted clay which overlays at least 150 ft of native clay above the Mahomet Aquifer.

USEPA Memorandum of the Water Division's evaluation of the geology and hydrogeology beneath the Clinton Landfill in DeWitt County, Illinois (January 26, 2011) p. 5, (*see link above*).

#### Proximity to the Mahomet Aquifer

In your letter you state:

When the potentiometric surface of the Mahomet Aquifer's water, the height the water will rise when exposed to the open atmosphere, is considered, the bottom of the landfill is about 48 feet below the top of the Mahomet Aquifer's water.

\* \* \*

With the in-place MGP waste having chemically deteriorated the chemical-waste cell's bottom liner, the contamination of the underlying Mahomet Aquifer, lying just 48 feet below, from the leachate essentially rinsing the toxic components from the chemical waste as it passes through and carrying that contamination downward into the aquifer is not an unreasonable scenario and should be anticipated.

WATCH Letter, May 26, 2015, p. 2.

The USEPA extensively reviewed the CWU's proximity to the Mahomet Aquifer during its review of CLI'S TSCA permit application. *See* USEPA Administrative Records for CLI's TSCA Permit Application for its CWU, available at: <http://www.epa.gov/region5/waste/clintonlandfill/cl-application.html> After an in-depth review of available information concerning the Mahomet Aquifer and impacts from the CWU, the USEPA stated as follows:

**The Mahomet Aquifer, as determined by drilling and water well construction, is at least 170 feet below the base of the CWU. The depth-to-aquifer is based on an evaluation of known well screen elevations in the 3 mile radius area that show water is consistently produced from elevations lower than 490 ft MSL [mean sea level]. The aquifer is isolated and well protected by watertight clay that is continuous and capable of maintaining an artesian head of approximately 110 ft.<sup>1</sup> Favorable conditions for continued use of the Mahomet Aquifer for drinking water are known to exist because the**

<sup>1</sup> The USEPA states that the "Mahomet Aquifer is over-pressured, that is, artesian conditions exist: water would flow upward if flow paths existed. The maintenance of this pressure over time demonstrates the integrity of the native clay layer." *See* Attachment, p. 3.

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watertight clays of the overlying upper Banner/lower Glasford aquiclude<sup>2</sup> is known to resist pressurized groundwater flow at loads of 50 pounds per square inch and because geochemical studies by the Illinois State Geological Survey, Institute of Natural Resource Sustainability, show isolation of the whole western Mahomet Aquifer. Indications are compelling.

USEPA Draft TSCA Approval, p. 15, Section 10.A.iii. available at:  
[http://www.epa.gov/Region5/waste/clintonlandfill/PDFClintonLFChemicalWaste\\_USEPAApplication/cl\\_037.pdf](http://www.epa.gov/Region5/waste/clintonlandfill/PDFClintonLFChemicalWaste_USEPAApplication/cl_037.pdf). (Emphasis added.)

Additionally, the USEPA concluded:

The Mahomet Aquifer [is] approximately 170 feet below the lowest geomembrane of the CWU . . . . Groundwater flow in deep sands below the landfill is fully isolated from it. **Water in the Mahomet is chemically and physically independent of the proposed CWU.** It is completely isolated from surface water and shallow groundwater.

USEPA Draft TSCA Approval, p. 17, Section 10.D.i. (*see* link above). (Emphasis added.)

Finally, both the USEPA and the Illinois EPA agree that:

**Fluids will not migrate from the CWU to the Mahomet Aquifer even under worst case hypothetical scenarios. Without migration, there can be no way for drinking water risks to develop.**

USEPA Draft TSCA Approval, p. 15, Section 10.A.iii. (*see* link above) (Emphasis added.).

Given that the Illinois EPA and USEPA have thoroughly evaluated the hydrogeologic separation of the CWU from the Mahomet Aquifer and that the CWU was constructed and designed to meet or exceed the regulatory requirements for the disposal of MGP waste (waste which CLI ceased accepting in July 2014), we are confident that all appropriate safeguards are in place to protect the Mahomet Aquifer from impacts from the CWU. If at any time evidence suggests a threat to groundwater, the Illinois Attorney General may, at that time, exercise her constitutional authority to ensure the continued protection of human health and the environment.

---

<sup>2</sup> The USEPA defines an "aquiclude" as a geologic unit through which virtually no water flows, such as "silty clay hardpan" found below 650ft MSL and Vandalia Till, lower Glasford Formation, Illinoian Age. An aquiclude may show signs of flow into it or from it but shows no signs of flow through it." USEPA Draft TSCA Approval, p.3.

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Again, thank you for contacting the Illinois Attorney General's Office.

Sincerely,



Matthew J. Dunn, Chief  
Environmental Enforcement/Asbestos  
Litigation Division  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, IL 62706

cc: Lisa Bonnett, Director, Illinois EPA  
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David L. Wentworth II, Esq., Hasselberg Grebe Snodgrass Urban & Wentworth  
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Joseph E. Hooker, Assistant City Attorney, City of Champaign  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 26 2011

REPLY TO THE ATTENTION OF: W-15J

**MEMORANDUM**

**SUBJECT:** Clinton Landfill

**FROM:** Tinka G. Hyde   
Director, Water Division

**TO:** Bruce F. Sypniewski  
Acting Director  
Land and Chemicals Division

Attached is Water Division's evaluation of the geology and hydrogeology beneath the Clinton Landfill in DeWitt County, Illinois.

Attachment

### Clinton Landfill Evaluation

The Water Division was asked to 1) summarize and evaluate the geology and hydrogeology beneath the permitted (for municipal solid waste facility) Clinton Landfill No.3 as to the suitability of the site for the development of a Chemical Waste Unit, and 2) determine if the proposed landfill will be protective of underground sources of drinking water. The Clinton Landfill No.3 is located at 9550 Heritage Road, Clinton in DeWitt County, Illinois. The proposed landfill cell and larger facility are located over the Mahomet Valley Aquifer, which underlies most of DeWitt County. The Mahomet Aquifer is used extensively throughout central Illinois (by approximately 750,000 people) for drinking water and irrigation.

On February 5, 2008, the Illinois Environmental Protection Agency received an application from Clinton Landfill Inc. (CLI) for a permit to redesign 22.5 acres of the southwest corner of the landfill for the disposal of a variety of non-hazardous industrial process and pollution control wastes including polychlorinated biphenyl (PCB) wastes. The Chemical Waste Unit has a design capacity of 2.55 million cubic yards of airspace, which includes daily cover; CLI estimates an airspace utilization of one ton of waste per cubic yard of airspace, and anticipates approximately 34 years of operation based on 75,000 tons of waste that will be accepted per year.

#### Findings

Simon Manoyan of the Watersheds and Wetlands Branch, Steve Roy of the Underground Injection Control Branch and Bill Spaulding of the Groundwater and Drinking Water Branch concluded the following:

- 1) The hydrogeologic characteristic, engineering design and the groundwater Impact Assessment indicates that the Clinton Landfill No. 3 is appropriate for the development of a Chemical Waste Unit if approved design and construction plans, monitoring and operating plans are adhered to.
- 2) The proposed landfill will be protective of underground sources of drinking water.

The reasons for their findings are as follows:

- An engineered multiple layer-composite liner system was constructed across the base and sideslopes of the proposed Chemical Waste Unit in order to contain the waste materials and prevent contaminants from leaving the landfill and impacting the water. The engineered multiple layer-composite liner system will be comprised of a primary composite liner consisting of compacted cohesive earth overlain by a geomembrane, a geocomposite drainage layer and a second geomembrane. At the base of the Chemical Waste Unit, there is an additional geosynthetic clay liner and a third geomembrane will be installed above the primary composite liner system. The compacted cohesive earth liner will consist of a minimum of 3-foot thick layer of compacted soil with a maximum permeability of  $1 \times 10^{-7}$  cm/sec. The geomembranes will consist of double-sided textured 60-mil HDPE.
- A succession of low-permeability cohesive soil units are present beneath the site which will separate the footprint of the proposed Chemical Waste Unit from the regional aquifer, and have an average thickness of approximately 200 feet at the site and approximately 170 feet of which will remain between the bottom of the proposed liner invert and the regional Mahomet sand aquifer.
- A leachate drainage system/collection system will be constructed on the bottom of the landfill to remove leachate from the landfill. The primary leachate drainage/collection system includes a highly permeable drainage layer to transmit leachate to a series of high-strength plastic pipes placed at intervals on the bottom liner. A redundant leachate drainage /collection system has also been included within the proposed liner system directly beneath the primary liner system in order to provide additional leachate removal capabilities if necessary. Both primary and redundant leachate drainage/collection systems will rapidly transmit leachate to collections sumps from which the leachate will be extracted.
- Upon the Chemical Waste Unit being filled to its intended height, it will be overlain by Municipal Solid Waste to achieve the final proposed grades and a final cover system will be constructed to cap the waste. From the bottom up, the final cover system that will cap the landfill will consist of five layers:

1. a 12-inch thick compacted low permeability final cover barrier soil (maximum permeability of  $1 \times 10^{-7}$  cm/sec);
2. a 40-mil high density polyethylene (HDPE) geomembrane to serve as an impermeable barrier against infiltration of moisture into the landfill;
3. a drainage layer consisting of a drainage net overlain by a non-woven geotextile to reduce the hydraulic head acting on the final cover;
4. a minimum three-foot thick protective soil layer overlaying the low permeability layer with the uppermost six inches consisting of soil suitable for vegetation; and
5. a vegetation layer.

To facilitate drainage and minimize erosion, the slope of the final cover will be between a minimum of 5 percent and a maximum of 25 percent. The final slopes of the landfill will be vegetated and will incorporate drainage terraces to effectively control erosion. After the placement of final cover, precipitation that falls on the landfill will be diverted into the stormwater management system to minimize percolation through the final cover system.

- Based on the waste streams anticipated, landfill gas generation is not expected, however the permitted Clinton Landfill No. 3 Municipal Solid Waste Unit has been designed with a permitted landfill gas management system. Additionally, ambient air monitoring will be performed at the Chemical Waste Unit.
- The Groundwater Impact Assessment was approved by Illinois Environmental Protection Agency for the permitted Clinton Landfill No. 3 municipal solid waste landfill. The Groundwater Impact Assessment included fate and transport modeling (conservative one- and two-dimensional models approved by the Illinois Environmental Protection Agency) to assess whether the landfill would have any impact on the groundwater quality. The models used to determine leachate migration included
  - Digital Terrain Model (DTM);
  - a two-dimensional contaminant transport model (MIGRATE, groundwater modeling software designed for the sole purpose of modeling landfills); and
  - a one-dimensional model for Hydrologic Evaluation of Landfill Performance (HELP), jointly developed by U.S. EPA and the Army Corps of Engineers for conducting water balance analyses of landfills and other solid waste containment facilities.

EPA TSCA staff used a one-dimensional contaminant transport model (pollutant migration through a clay layer (POLLUTE)) to help assess the results of the applicant's models.

- PCBs are not mobile from properly constructed landfills – they tend to stay where they are put. There are redundant leachate collection systems with multiple layers of HDPE, bentonite and compacted clay at the base of the landfill, and over at least 150 ft of native clay.
- If PCBs were to get through the bentonite and HDPE layers, the three feet of compacted clay will retard movement for at least 1000 years.
- If PCBs were to get through the compacted clay layer, there is still at least 150 feet of native clay between the landfill and the Mahomet Aquifer.
- The Mahomet Aquifer is over-pressured, that is, artesian conditions exist: water would flow upward if flow paths existed. The maintenance of this pressure over time demonstrates the integrity of the native clay layer.

- Water is extracted from shallower zones in some areas but these shallower aquifers are also protected by the liner and compacted clay later. In addition, none of these wells is "downstream" of the landfill and the location of the site essentially precludes use of any such location in the future.

#### **Modeling issues raised in the KPRG Report**

Summarized briefly, KPRG states that they reviewed the permit application submitted by Clinton Landfill, Inc. (CLI) and found it to be inadequate based on their understanding of the modeling effort conducted by CLI. The inadequacies that KPRG report listed are "lack of calibration, absence of fundamental hydrogeologic data and lack of evaluation lateral migration." KPRG recommended an unnamed 3-dimensional groundwater model.

The selection of an appropriate model depends on the application needs, objectives of the project, and what question(s) needs to be addressed by the model. The definition of modeling objectives is an essential first step in the development of a modeling approach. In some cases, objectives will be best met by using a combination of models, and in other cases, a very simplified model might be sufficient to support decision making needs. The selection of the model can be based on criteria such as value of the resource considered, data needs, application cost, the required accuracy, type of pollutants/stressors considered, management considerations and user experience. The groundwater modeling software (MIGRATE) selected by the Applicant was developed and designed for the purpose of modeling landfills and incorporates engineered systems (liners, clay layers etc.) and the hydrogeologic conditions. MIGRATE model has been used in landfill designs and accepted as an industry standard.

The KPRG recommendation is generic and may not improve the model results significantly.

IEPA performed a review of the hydrogeological investigation (which was developed and performed in accordance with the requirements of 35 Ill. Admin. Code, Sections 811.315, 812.314, and 812.315 and Federal TSCA regulations) and agreed with the findings and issued a permit for the site. The Applicant's hydrological investigation included boring logs, cross sections, private water well logs, geotechnical information, slug testing, and potentiometric maps. Additionally, CLI collected over twenty years of groundwater monitoring data for the facility and excavated and constructed landfill cells in the clays at the site and found them to be as identified in the hydrological investigation. The Groundwater Impact Assessment completed by the Applicant was developed based on State regulations and IEPA Guidance Document LPC-PA2. Based on IEPA's conclusions, sufficient and appropriate data was available to conduct modeling to address the project needs.

In addition to the low mobility of PCBs, the Illinois Geological Survey concluded that the groundwater within Mahomet Aquifer is separated from the bottom of the landfill by the engineered liner system and at least 150 feet of glacial clays and receives very little surface recharge in the site vicinity, therefore the facility is deemed to be safe.

The HELP model was used to aid in the design of the leachate collection system, which is what this modeling program was designed to do.

#### **Issues raised by Lee and Lee-Jones**

In September, 2009, Rep. Timothy Johnson wrote Region 5 Regional Administrator Mary Gade with concerns about the proposed landfill. He included a report written by G. Fred Lee and Anne Jones-Lee for the DeWitt County Board to provide information related to his concerns. Lee and Lee-Jones raised the following issues:

- 1) PCBs are hazardous essentially forever.



Response: the information indicates that they are essentially immobile and will stay within the landfill once it is capped. PCBs are very stable and hardly degrade naturally, although some can be degraded by certain anaerobic bacteria. They degrade to water, carbon dioxide and chlorine.

- 2) Cover materials will eventually deteriorate, allowing water to penetrate.

Response: Cap maintenance is required by permit conditions.

- 3) Liner materials will eventually deteriorate allowing leachate into the substrate. Note: the only citation referenced by Lee and Lee-Jones is a report which they themselves wrote.

Response: Given the highly redundant and conservative nature of the liner *system*, leakage of leachate into the substrate is not expected. The system consists of three HDPE liners and two leachate collection systems over a three-foot thick layer of compacted clay which overlays at least 150 ft of native clay above the Mahomet Aquifer.

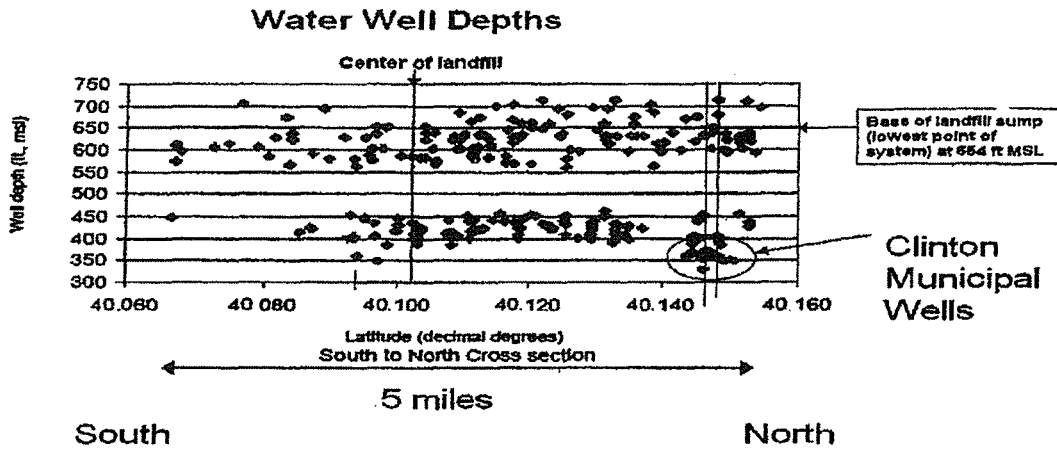
- 4) Liner is inaccessible: leaks will not be detected in a timely way and repair is difficult.

Response: Leakage will be detected by the volume of liquid pumped from the leachate collection systems. However, repair would probably be difficult.

- 5) There are pathways through the substrate into the Mahomet Aquifer:

Response: This does not seem to be true. Water in the Mahomet in this area does not show the influence of water from the surface and is in fact under artesian pressure (flow would be upward if a flow path were available). The existence of this artesian pressure demonstrates the integrity of the native clay.

Reports and other documents prepared by EPA RCRA (TSCA) staff show that no community water wells within a 15-mile radius (confirmed in SDWIS) will be threatened by this landfill. They are either 1) upstream or sidestream of the landfill (based on groundwater flow direction) and therefore they cannot be impacted by the landfill (even if there were to be a leak) or 2) they draw water from the deeper aquifer (the Mahomet), in which case the nature of the deposits between the landfill and the Mahomet Aquifer is protective. All existing wells draw water either from a shallow aquifer or a deep aquifer but no wells draw water from the zone between these two, indicating that no water is available in this "dry zone". This can be seen in the following figure which plots depth of water wells (as elevation above mean sea level (MSL)) against the number of such wells. There are no wells in the zone between approximately 460 to 550 ft above MSL. (The "dry zone" appears to be less than 150 feet thick because the figure includes wells within several miles of the landfill and the formations at these distances are not at the same depth as they are beneath the landfill. At the site of the landfill, the clay layer is at least 150 feet thick.)



The following documents prepared by EPA RCRA (TSCA) staff were reviewed:

- Response to Preliminary Notice of Deficiency and Subsequent Supplemental Letter, Clinton Landfill No.3 Application for permit to develop a Chemical Waste Unit,*
- Section 2: Hydrologic Summary,*
- Section 3: Design Report,*
- Attachment 2: Polychlorinated Biphenyls Groundwater model Assessment,*
- Attachment 1: Summary of Active Community Supply Wells (borelogs),*
- KPRG and Associates, Inc.'s Review of the Permit Application,*
- Applicant's Response to KPRG Review Comments,*
- Section 7: Environmental Monitoring,*
- Appendix K: Construction Quality Assurance,*
- Appendix N: Permitted Groundwater Impact Assessment,*
- US EPA Region 5 Power Point Presentation and various geologic and hydrogeologic figures.*

## 35 Ill. Adm. Code 811.302

## 811.302 Facility Location

- a) No part of a unit may be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act;
- b) No part of a unit may be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of a sole-source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of the Safe Drinking Water Act (42 USC 300f et seq.), **unless there is a stratum between the bottom of the waste disposal unit and the top of the aquifer that meets the following minimum requirements:**
- 1) The stratum has a minimum thickness of 15.2 meters (50 feet);**
  - 2) The maximum hydraulic conductivity in both the horizontal and vertical directions is no greater than  $1 \times 10^{-7}$  centimeters per second, as determined by in situ borehole or equivalent tests;**
  - 3) There is no indication of continuous sand or silt seams, faults, fractures, or cracks within the stratum that may provide paths for migration; and**
  - 4) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years.**
- c) A facility located within 152 meters (500 feet) of the right of way of a township or county road or state or interstate highway must have its operations screened from view by a barrier of natural objects, fences, barricades, or plants no less than 2.44 meters (eight feet) in height.
- d) No part of a unit may be located closer than 152 meters (500 feet) from an occupied dwelling, school, or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school, or hospital provides permission to the operator, in writing, for a closer distance.
- e) The facility may not be located closer than 1525 meters (5000 feet) of any runway used by piston type aircraft or within 3050 meters (10,000 feet) of any runway used by turbojet aircraft unless the Federal Aviation Administration (FAA) provides the operator with written permission, including technical justification, for a closer distance.
- f) An owner or operator proposing to locate a new MSWLF unit within a five-mile radius of any airport runway used by turbojet or piston-type aircraft must notify the affected airport and the FAA within seven days after filing a permit application with Agency in accordance with 35 Ill. Adm. Code 813 for developing a new landfill.

RESOLUTION NO. 9404

APPROVING A CONSENT DECREE TO SETTLE ALL CLAIMS IN A CITIZENS'  
COMPLAINT FILED WITH THE ILLINOIS POLLUTION CONTROL BOARD BY  
THE COUNTY OF CHAMPAIGN AND OTHER UNITS OF LOCAL  
GOVERNMENT AGAINST CLINTON LANDFILL, INC.

WHEREAS, beginning in December of 2011, a number of units of local government in Illinois, pursuant to the terms and conditions of an Intergovernmental Agreement (the "Intergovernmental Agreement"), have been sharing the costs of legal challenges to the operation of a chemical waste unit (the "CWU") located directly over the Mahomet Valley Aquifer (the "Aquifer") within a landfill facility in DeWitt County, Illinois, ("Clinton Landfill") operated by Clinton Landfill, Inc. ("CLI"); and

WHEREAS, the Intergovernmental Agreement provides for additional units of local government to join as parties to the Agreement to share the costs of the legal challenges to the CWU, and currently fourteen units of local government in Illinois are parties to said Agreement, including the Mahomet Valley Water Authority ("MVWA"), the Cities of Champaign, Urbana, Decatur, Bloomington, Monticello and Tuscola, the Town of Normal, Champaign, Piatt, Macon and McLean Counties, and the Villages of Savoy and Forsyth; and

WHEREAS, pursuant to said Intergovernmental Agreement, the City of Champaign is acting as the lead agency with authority to hire attorneys and other professional consultants to prosecute any legal challenges to the CWU; and

WHEREAS, the City of Champaign hired David L. Wentworth of the Peoria, Illinois law firm of Hasselberg, Grebe, Snodgrass, Urban & Wentworth, and Albert Ettinger of Chicago Illinois (the "Coalition Attorneys") in November of 2011 to prosecute legal challenges to the CWU; and

WHEREAS, on November 9, 2012, the Coalition Attorneys filed a Complaint (the "Citizens Complaint") in a case numbered and hereinafter referred to as "Case No. PCB 13-22", with the Illinois Pollution Control Board ("IPCB") on behalf of the nine units of government then parties to the Intergovernmental Agreement, including the MVWA, the Cities of Champaign, Urbana, Decatur and Bloomington, the Town of Normal, Champaign and Piatt Counties, and the Village of Savoy, and Champaign Mayor Donald R. Gerard, and City of Urbana Mayor Laurel Lunt Prussing, (the "Plaintiffs"), against CLI to prevent the disposal of certain manufactured gas plant and PCB waste in the CWU; and

WHEREAS, the Citizens' Complaint alleges that CLI was unlawfully operating the CWU within Clinton Landfill because CLI failed to obtain local siting approval for the CWU from the DeWitt County Board as required by the Illinois Environmental Protection Act (the "Act"); and

WHEREAS, on February 7, 2013, the People of the State of Illinois by Attorney General Lisa Madigan intervened in Case No. PCB 13-22 in support of the Plaintiffs Citizens' Complaint against CLI; and

WHEREAS, on September 19, 2013, the IPCB granted CLI's Motion to Dismiss the Citizens' Complaint; and

WHEREAS, the Plaintiffs and the People of the State of Illinois as Intervener filed appeals from IPCB's dismissal of the Citizen's Complaint ("Citizen's Complaint Appeal") with the Fourth District Court of Appeals; and

WHEREAS, all of the parties in the Citizen's Complaint Appeal have completed their legal briefs in that Appeal and the Appellate Court has postponed the scheduling of oral arguments on the motion of all of the parties to accommodate settlement negotiations in that case; and

WHEREAS, subsequent to the filing of the Citizen's Complaint, the Illinois Environmental Protection Agency (the "Agency") modified a permit it previously granted to CLI for operation of the Clinton Landfill to prohibit CLI from disposing of certain manufactured gas plant and PCB waste in the CWU because of CLI's failure to secure local siting approval from DeWitt County for said CWU; and

WHEREAS, CLI has now filed a series of appeals ("Permit Appeals") with the IPCB in the case numbered and hereinafter referred to as "Case No. PCB 15-60", alleging that the Agency's permit modification prohibiting operation of the CWU was in violation of the Act, and the Office of the Illinois Attorney General is now defending the Agency in the Permit Appeals; and

WHEREAS, the IPCB has continued Case No. PCB 15-60 upon the motion of the parties to that appeal to accommodate settlement discussions by the parties; and

WHEREAS, the Coalition Attorneys, attorneys in the Illinois Attorney General's Office and attorneys for CLI have now negotiated terms and conditions of a proposed settlement of all claims arising out of Case No. PCB 13-22 and Case No. PCB 15-60, and are proposing to enter said Settlement in the form of a Consent Decree (the "Consent Decree") that would be filed in a new case alleging that CLI has created a public nuisance related to the disposal of MGP Source Material at the CWU, the new case to be filed in the Circuit Court in DeWitt County, Illinois for purposes of facilitating effective enforcement of its terms and conditions by all of the parties thereto; and

WHEREAS, the proposed terms and conditions of the Consent Decree substantially achieve the objectives of the Citizen's Complaint and entry of said Decree to settle all claims arising out of the Citizen's Complaint will avoid the additional costs and risks associated with continuing to pursue said litigation.

NOW THEREFORE, BE IT RESOLVED by the County Board of Champaign County, Illinois, as follows:

**Section 1.** That the County shall be a party to and file a nuisance complaint in the Circuit Court of DeWitt County, Illinois for the purpose of entry of the Consent Decree and to facilitate effective enforcement of the terms and conditions of the Consent Decree.

**Section 2.** That the proposed Consent Decree to settle all claims arising out of the Citizen's Complaint is hereby approved.

Section 3. That the County Board Chair is hereby authorized to execute a Consent Decree in substantially the form as attached hereto.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 29<sup>th</sup> day of September A.D. 2015.

\_\_\_\_\_  
Pattsi Petrie, Chair  
Champaign County Board

ATTEST: \_\_\_\_\_  
Gordy Hulten, County Clerk  
and ex-officio Clerk of the  
Champaign County Board

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
DEWITT COUNTY, ILLINOIS  
CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* LISA MADIGAN, Attorney )  
General of the State of Illinois, )

Plaintiff, )

v. )

CLINTON LANDFILL, INC., an Illinois )  
corporation, )

Defendant. )

No.

Consolidated with

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MAHOMET VALLEY WATER AUTHORITY, )  
CITY OF CHAMPAIGN, ILLINOIS, a municipal )  
corporation, DONALD R. GERARD, )  
CITY OF URBANA, ILLINOIS, a municipal corporation, )  
LAUREL LUNT PRUSSING, )  
CITY OF BLOOMINGTON, ILLINOIS, )  
a municipal corporation, COUNTY OF CHAMPAIGN, )  
ILLINOIS, COUNTY OF PIATT, ILLINOIS, )  
TOWN OF NORMAL, ILLINOIS, a municipal )  
corporation, VILLAGE OF SAVOY, ILLINOIS, )  
a municipal corporation, and CITY OF DECATUR, )  
ILLINOIS, a municipal corporation, CITY OF )  
MONTICELLO, ILLINOIS, a municipal corporation, )  
CITY OF TUSCOLA, ILLINOIS, a municipal corporation, )  
VILLAGE OF FORSYTH, ILLINOIS, a municipal )  
corporation, COUNTY OF McLEAN, ILLINOIS, )  
COUNTY OF MACON, ILLINOIS, and )  
DEBORAH FRANK-FEINEN, )

Plaintiffs, )

v. )

CLINTON LANDFILL, INC., an Illinois )  
corporation, )

Defendant. )

No.

## CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois and the Illinois Environmental Protection Agency (“Illinois EPA”) (together, the “State”), and Defendant, CLINTON LANDFILL, INC., an Illinois corporation (“CLI”); and Plaintiffs, MAHOMET VALLEY WATER AUTHORITY, CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD, CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING, CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY, ILLINOIS, a municipal corporation, CITY OF DECATUR, a municipal corporation, CITY OF MONTICELLO, ILLINOIS, a municipal corporation, CITY OF TUSCOLA, ILLINOIS, a municipal corporation, VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANK-FEINEN, (individually and collectively, the “Local Governmental Plaintiffs”) and Defendant CLI; (collectively, “Parties to the Consent Order”) have agreed to the making of this Consent Order and submit it to this Court for approval.

### I. INTRODUCTION

This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Court’s entry of the Consent Order and issuance of any injunctive relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2014), and Illinois Pollution Control Board (“Board”) regulations alleged in the State’s



Complaint except as otherwise provided herein. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding nuisance alleged in the Local Governmental Plaintiffs' Complaint except as otherwise provided herein. It is the intent of the parties to this Consent Order that it be a final judgment on the merits of this matter.

**A. Parties and Background**

1. On the same date as entry of this Consent Order, a Complaint was filed on behalf of the People of the State of Illinois *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2014), against CLI.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2014).

3. On the same date as entry of this Consent Order, a Complaint was filed by the Local Governmental Plaintiffs against CLI alleging the existence of a nuisance.

4. At all times relevant to the Complaints, CLI was and is an Illinois corporation in good standing with the Illinois Secretary of State's Office.

5. CLI owns and operates a municipal solid waste and special waste landfill located at 9550 Heritage Road, Clinton, unincorporated DeWitt County, Illinois ("Clinton Landfill 3" or "Facility").

6. Clinton Landfill 3 consists of two parts: a 135-acre municipal solid waste unit ("MSWU") and a 22.5-acre portion of Clinton Landfill 3 referred to as of the date of entry of this Consent Order as the Chemical Waste Unit ("CWU"), located within the boundaries of the Facility (and for purposes of this Consent Order, Clinton Landfill 3 consists of the land legally

described in Exhibit A, a copy of which is attached hereto and incorporated by reference into this Consent Order).

7. On November 9, 2012, a complaint was filed with the Illinois Pollution Control Board (“Board”) titled Mahomet Valley Water Authority, City of Champaign, Donald R. Gerard, City of Urbana, Laurel Lunt Prussing, City of Bloomington, County Of Champaign, County Of Piatt, Town of Normal, Village Of Savoy, and City of Decatur, v. Clinton Landfill, Inc., PCB 13-22 (the “Mahomet Valley et al. case” and the “Mahomet Valley et al. case Parties”).

8. On February 7, 2013, the People of the State of Illinois by Attorney General Lisa Madigan intervened in the Mahomet Valley et al. case.

9. On September 19, 2013, the Board granted CLI’s Motion to Dismiss in the Mahomet Valley et al. case.

10. The Mahomet Valley et al. case Parties (Case No. 4-14-0002), and Intervenor the People of the State of Illinois (Case No. 4-14-0020), timely filed appeals with the Fourth District Court of Appeals. At this time, briefing on the appeals is complete and oral argument has been scheduled.

11. On August 28, 2014, CLI filed with the Board a Petition for Review of Permit based on an Illinois EPA-initiated modification (“Modification 47”) of Landfill Permit No. 2005-070-LF. Clinton Landfill, Inc. v. Illinois Environmental Protection Agency, Case No. PCB 15-60.

12. Subsequent modifications of Landfill Permit No. 2005-070-LF have necessitated additional petition filings with the Board because the language from Modification 47 was incorporated into each subsequent modification. Clinton Landfill, Inc. v. Illinois Environmental

Protection Agency, Case Nos. PCB 15-76, PCB 15-111, PCB 15-113, PCB 15-166, PCB 15-194, PCB 15-195, PCB 15-207, and PCB 16-34.

**B. Definitions**

For the purposes of this Consent Order, the following definitions shall apply:

1. “Manufactured Gas Plant Source Material (“MGP Source Material”)” shall mean any waste generated from the remediation of an MGP site or facility, the analysis of which, if it were tested using Method 1311 (Toxicity Characteristic Leaching Procedure in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA Publication Number EPA 530/SW-846), would demonstrate that the waste exceeds the regulatory levels for any contaminant given in the table contained in 40 C.F.R. 261.24(b) and 35 Ill. Adm. Code 721.124(b).

2. “Toxic Substances Control Act-polychlorinated biphenyls (“TSCA-PCBs”)” shall mean wastes containing PCBs that are required by the Toxic Substances Control Act to be disposed of in a Chemical Waste Landfill as defined in 40 C.F.R. 761.3.

3. The “Sole Source Aquifer” shall mean the Mahomet Sole Source Aquifer Area as designated by the USEPA effective on March 11, 2015 (as published in 80 Fed. Reg. 14370 (March 19, 2015)).

**C. Allegations of Non-Compliance**

The State contends that CLI has violated the following provisions of the Act and Board Waste Disposal regulations related to the Facility:

Count I: Waste Disposal in Violation of the Act, in violation of Section 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014), and Section 812.105 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 812.105.

Local Governmental Plaintiffs contend that CLI has created a public nuisance related to the disposal of MGP Source Material at the Facility.

**D. Consolidation**

On the same date as entry of this Consent Order, the case involving the Local Governmental Plaintiffs' Complaint was consolidated into the case involving the State's Complaint by the Court, on the Agreed Motion to Consolidate filed by the Parties to the Consent Order.

**E. Non-Admission of Violations**

CLI represents that it has entered into this Consent Order for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Consent Order and complying with its terms, CLI does not affirmatively admit the allegations of violation within the Complaints and referenced above, and this Consent Order shall not be interpreted as including such admission.

**II. APPLICABILITY**

A. This Consent Order shall apply to and be binding upon the Parties to the Consent Order and shall constitute a covenant running with the real property that is the site of Clinton Landfill 3 (*see* Exhibit A) and thereby apply to and be binding upon all successors in ownership or interest to said real property. The Parties to this Consent Order agree that it shall be filed for record in the office of the DeWitt County Clerk and Recorder. CLI waives as a defense to any enforcement action taken pursuant to this Consent Order the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Consent Order.

B. No change in ownership, corporate status or operator of the Facility shall in any way alter the responsibilities of CLI or the State under this Consent Order. CLI shall provide a copy of this Consent Order to any purchaser of the Facility or successor in interest to CLI as owner of the Facility. This provision does not relieve CLI from compliance with any regulatory requirement regarding notice and transfer of applicable Facility permits.

### III. JUDGMENT ORDER

This Court has jurisdiction of the subject matter herein and of the Parties to the Consent Order and, having considered the stipulated facts and being advised in the premises, finds the following relief appropriate:

#### IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

##### A. CLI's Commitments

1. Within seven (7) days of entry of this Consent Order, CLI shall move to dismiss the permit appeals currently pending before the Board, Clinton Landfill, Inc. v. Illinois Environmental Protection Agency, Case Nos. PCB 15-60, PCB 15-76, PCB 15-111, PCB 15-113, PCB 15-166, PCB 15-194, PCB 15-195, PCB 15-207, and PCB 16-34.

2. On May 29, 2015, CLI filed a withdrawal of its request with the United States Environmental Protection Agency ("USEPA") for approval to dispose of TSCA-PCBs at the CWU at Clinton Landfill 3. CLI shall not submit an application to USEPA at any time in the future for approval to dispose of TSCA-PCBs at or within the boundaries of the real estate presently known as Clinton Landfill 3.

3. As of the date of entry of this Consent Order and until such time as CLI meets all the requirements set forth in the Permit 2005-070-LF, including closure and post-closure care, CLI shall not seek to obtain approval to accept TSCA-PCBs at the Facility.

4. As of the date of entry of this Consent Order and until such time as CLI meets all the requirements set forth in the Permit 2005-070-LF, including closure and post-closure care, CLI shall not accept for disposal at or within the boundaries of the real estate presently known as Clinton Landfill 3, any MGP Source Material.

5. a. Notwithstanding any subsequent modifications to Permit 2005-070-LF, CLI shall at a minimum, semi-annually monitor groundwater monitoring wells located downgradient of Cell CWU-1A, namely: G40M, G40D, G40R, G47M, G47D, G47R, G48M, G48D, G48R, G49S, G49M, G49D, G49R, G50S, G58M, G58D, G59D, and G59R at the Facility for the following parameters:

- a) Acenaphthene
- b) Acenaphthylene
- c) Anthracene;
- d) Benzene;
- e) Benzo(a)anthracene
- f) Benzo(a)pyrene
- g) Benzo(b)fluoranthene
- h) Benzo(ghi)perylene
- i) Benzo(k)fluoranthene
- j) Chrysene
- k) Pentachlorophenol
- l) Dibenzo(a,h)anthracene
- m) Ethylbenzene
- n) Fluoranthene
- o) Indeno(1,2,3-cd)pyrene
- p) Naphthalene
- q) Phenanthrene
- r) Pyrene
- s) Toluene
- t) Xylenes-Total

b. The requirements in Paragraph III.A.5 shall remain in effect until such time as CLI completes closure and post-closure care, as required in conformity with all applicable permits, statutes, and Board regulations.

c. Laboratory analysis of the groundwater monitoring conducted pursuant to this Paragraph III.A.5 shall be performed and reported by a laboratory that holds NELAP/TNI (National Environmental Laboratory Accreditation Program/The NELAC Institute) or equivalent certification. The Parties acknowledge that the Illinois EPA has the existing legal authority to split samples with CLI and to conduct testing at Clinton Landfill 3.

6. As of the date of entry of this Consent Order, CLI shall comply with all terms and conditions of Illinois EPA Landfill Permit No. 2005-070-LF, currently and as modified.

7. This Consent Order in no way affects the responsibilities of CLI to comply with any other federal, state or local laws or regulations, including but not limited to the Act.

8. The existing MGP Source Material within the CWU is currently covered with a minimum of 12 inches of clean soil as an “intermediate cover,” as is required by the Illinois EPA regulations. In addition to and directly above that intermediate cover layer, CLI shall place an additional 12 inches of clean, select clayey soil of the same type that has proven to meet the Illinois EPA low permeability requirements for landfill cell compacted clay liner construction (low permeability compacted cohesive earth liner with hydraulic conductivity no greater than  $1 \times 10^{-7}$  cm/sec). CLI or its contractor shall compact the additional 12 inches of said select clayey soil using the same equipment and methods utilized when constructing compacted clay liners for landfill cells. This relatively impermeable cap will minimize if not prevent altogether “new” water from coming into contact with the MGP Source Material. The existing leachate collection system beneath the MGP Source Material will ensure that any liquid that might be released from the MGP Source Material over time will be effectively collected and removed for proper management.

9. CLI shall not accept for disposal, apply for permits or authority to dispose, or file or seek to obtain local siting approval pursuant to Section 39.2 of the Act from the DeWitt County Board (or from the governing body of a municipality if in an incorporated area in the future) for the disposal of TSCA-PCBs or MGP Source Material on any real estate that is located over the Sole Source Aquifer in DeWitt County, Illinois, at any time.

10. CLI shall seek to have Landfill Permit No. 2005-070-LF modified by the Illinois EPA consistent with the terms of this Consent Order.

**B. State's Stipulations**

1. The State stipulates that it is resolving the allegations of its Complaint filed herein without requiring CLI to exhume the MGP Source Material currently disposed of in the CWU at the Facility, based on the violations alleged in the Complaint filed herein.

2. The State stipulates that CLI is not required to obtain any additional local siting approval from the DeWitt County Board for the CWU, provided that the CWU is not used for the disposal of MGP Source Material or TSCA-PCBs after the date of entry of this Order, and hereafter the CWU only accepts municipal solid waste, non-hazardous special waste, certified non-special wastes, and such other wastes that CLI is permitted to accept at the MSWU at the Facility.

3. Within seven (7) days of entry of this Consent Order, the State shall move to dismiss its appeal in Case No. 4-14-0020 filed with the Fourth District Court of Appeals.

**C. Local Governmental Plaintiffs' Stipulations**

1. The Local Governmental Plaintiffs stipulate that each of them is resolving the allegations of their Complaint filed herein without requiring CLI to exhume the MGP Source Material currently disposed of in the CWU at the Facility, and the Local Governmental Plaintiffs



stipulate that each of them will never require CLI to exhume the MGP Source Material currently disposed of in the CWU at the Facility.

2. Within seven (7) days of entry of this Consent Order, the Mahomet Valley et al. case Parties shall move to dismiss their appeal in Case No. 4-14-0002 filed with the Fourth District Court of Appeals.

3. a. On July 14, 2015, the MAHOMET VALLEY WATER AUTHORITY repealed its Ordinance No. 68.

b. The MAHOMET VALLEY WATER AUTHORITY shall adopt no ordinance prior to January 1, 2016, that concerns the subject matter at issue in repealed Ordinance No. 68; provided, however, that nothing herein shall prohibit the MAHOMET VALLEY WATER AUTHORITY from taking legislative action that concerns the subject matter of repealed Ordinance No. 68 prior to January 1, 2016, in the event: (i) CLI files a significant permit modification request seeking a substantial change in the operations, design or regulated status of the Facility that would allow the Facility to dispose of wastes which are not currently allowed under RCRA Subtitle D regulations; or (ii) CLI seeks approval to dispose of new waste stream(s) at the Facility for which it does not have permit authority as of the date of this Consent Order. If this Paragraph III.C.3.b is determined by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions in this Consent Order shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

c. CLI shall have the right to enforce the requirements in this Paragraph III.C.3 against the MAHOMET VALLEY WATER AUTHORITY alone; the other Parties shall not be joined in any such enforcement action.

4. The COUNTY OF CHAMPAIGN, ILLINOIS and the COUNTY OF McLEAN, ILLINOIS each agree that if it is presented with an application for the siting and development of a transfer station and recycling center by CLI or any of its affiliates, such COUNTY will consider in good faith whether same is consistent with the solid waste management plan adopted by the COUNTY in accordance with the Local Solid Waste Disposal Act and/or the Solid Waste Planning and Recycling Act.

**D. Enforcement and Modification of Consent Order**

1. This Consent Order is a binding and enforceable order of this Court. This Court shall retain jurisdiction of this matter and shall consider any motion by any party for the purposes of interpreting and enforcing the terms and conditions of this Consent Order. The Parties to the Consent Order agree that notice of any subsequent proceeding to enforce this Consent Order may be made by mail and waives any requirement of service of process.

2. The Parties to the Consent Order may, by mutual written consent, extend any compliance dates or modify the terms of this Consent Order without leave of this Court. A request for any modification shall be made in writing and submitted to the designated representatives. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Consent Order. Any such agreed modification shall be in writing and signed by authorized representatives of each party, for filing and incorporation by reference into this Consent Order.

**E. Dispute Resolution**

The Parties to the Consent Order may seek to informally resolve disputes arising under this Consent Order. The Parties to the Consent Order reserve the right to seek enforcement by

the Court where any other party has failed to satisfy any compliance deadline or has violated any provision within this Consent Order.

**F. Notice and Submittals**

The submittal of any notice or other documents required under this Consent Order shall be delivered to the following designated representatives:

As to the State Plaintiffs

Stephen J. Sylvester  
Jennifer A. Van Wie  
Assistant Attorneys General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

James Jennings  
Assistant Counsel, Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Steve Nightingale  
Manager, Bureau of Land, Permits Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

As to CLI

Brian Meginnes  
Janaki Nair  
Elias, Meginnes & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, Illinois 61602-1611

Royal J. Coulter, President  
Clinton Landfill, Inc.  
4700 N. Sterling Avenue  
Peoria, Illinois 61615

As to Local Governmental Plaintiffs

City of Champaign  
City Attorney  
Office of City Attorney  
102 N. Neil Street  
Champaign, Illinois 61820

City of Champaign  
City Manager  
Office of City Manager  
102 N. Neil Street  
Champaign, Illinois 61820

Town of Normal  
Corporation Counsel  
Office of Corporation Counsel  
11 Uptown Circle  
Normal, Illinois 61761

Town of Normal  
City Manager  
Office of City Manager  
11 Uptown Circle  
Normal, Illinois 61761

City of Decatur  
Corporation Counsel  
Office of Corporation Counsel  
Decatur Civic Center  
1 Gary K. Anderson Plaza – 3rd Floor  
Decatur, Illinois 62523

City of Decatur  
City Manager  
Office of City Manager  
Decatur Civic Center  
1 Gary K. Anderson Plaza – 3rd Floor  
Decatur, Illinois 62523

**G. Release from Liability**

In consideration of CLI's commitments as set forth in Section III.A., the State and the Local Governmental Plaintiffs release, waive and discharge CLI from any liability, penalties,

and/or fines for the violations of the Act or in nuisance, respectively, that were the subject matter of the Complaints or are otherwise addressed herein. The release set forth above does not extend to any matters other than those expressly specified in the Complaints filed on the same date as entry of this Consent Order, or in this Consent Order. The State and the Local Governmental Plaintiffs reserve, and this Consent Order is without prejudice to, all rights of the State of Illinois and the Local Governmental Plaintiffs against CLI with respect to all matters not expressly addressed herein, including but not limited to the following:

- a. criminal liability;
- b. liability for future violations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. CLI's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois or the Local Governmental Plaintiffs may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, other than CLI.

#### **H. Execution and Entry of Consent Order**

This Order shall become effective only when executed by all Parties to the Consent Order and the Court. This Order may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument. The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

**FOR THE STATE PLAINTIFF:**

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN  
Attorney General of the State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

LISA BONNETT, Director  
Illinois Environmental Protection Agency

BY: \_\_\_\_\_  
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY: \_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**FOR THE LOCAL GOVERNMENTAL  
PLAINTIFFS:**

MAHOMET VALLEY WATER  
AUTHORITY

CITY OF CHAMPAIGN, ILLINOIS, a  
municipal corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DONALD R. GERARD

LAUREL LUNT PRUSSING

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF URBANA, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY OF CHAMPAIGN, ILLINOIS

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY OF PIATT, ILLINIOS

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

TOWN OF NORMAL, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF DECATUR, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY OF McLEAN, ILLINOIS

COUNTY OF MACON, ILLINOIS

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DEBORAH FRANK-FEINEN

By: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

**FOR CLI:**

CLINTON LANDFILL, INC.

BY: \_\_\_\_\_

Its: \_\_\_\_\_

Title of Signatory

DATE: \_\_\_\_\_

**IT IS SO ORDERED.**

**ENTERED:**

\_\_\_\_\_  
**JUDGE**

DATE: \_\_\_\_\_



## EXHIBIT A

### LEGAL DESCRIPTION OF SITE (Clinton Landfill No. 3)

The approximately 269 acre site is located approximately 2 miles south of Clinton, Illinois east of U.S. Highway 51, in Texas Township, DeWitt County, Illinois. The site is legally described as follows:

Part of the Northeast Quarter and the Southeast Quarter of Section 10, Township Nineteen (19) North, Range Two (2) East; the Northwest Quarter and the Southwest Quarter of Section 11, Township Nineteen (19) North, Range Two (2) East; and the Northwest Quarter of the Northeast Quarter and the North Half of the Northwest Quarter of Section 14, Township Nineteen (19) North, Range Two (2) East, all situated in DeWitt County, Illinois and more particularly described as follows;

Commencing at the Southwest corner of the Northeast Quarter of said Section 10; thence N.88°36'34"E., 345.56 feet along the South line of the Northeast Quarter of said Section 10 to the Point of Beginning; thence N.0°00'05"W., 63.49 feet to the Northerly Right of Way line of a township road; thence S.89°59'55"W., 60.00 feet along the said Northerly Right of Way line; thence S.17°16'48" W., 47.13 feet along the said Northerly Right of Way line; thence N.87°43'00"W., 124.87 feet along said Northerly Right of way to the Easterly Right of Way line of F.A. Route 412 (US Route 51); thence N.0°19'42"E., 82.61 feet along said Easterly Right of Way line; thence N.5°22'57"W., 100.50 feet along said Easterly Right of Way line; thence N.0°19'42"E., 88.93 feet along said Easterly Right of Way line; thence N.88°36'34"E., 2530.01 feet to the East line of the Northeast Quarter of said Section 10; thence N.88°25'40"E., 204.15 feet to the East Right of Way line of the now abandoned Illinois Central Gulf Railroad; thence S.0°20'22"E., 300.05 feet along the said East Right of Way to the North line of the Southwest Quarter of said Section 11; thence N.88°25'40"E., 2444.08 feet along the North line of the Southwest Quarter of said Section 11 to the iron pin at the Northeast corner of the Southwest Quarter of said Section 11; thence S.0°11'27"W., 1319.68 feet along the East line of the Northeast Quarter of the Southwest Quarter of said Section 11 to the iron pin at the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 11; thence S.0°20'57"W., 1336.42 feet along the East line of the Southeast Quarter of the Southwest Quarter of said Section 11 to the iron pin at the Southeast Corner of the Southwest Quarter of said Section 11; thence S.0°29'23"W., 196.82 feet along the West line of the Northwest Quarter of the Northeast Quarter of said Section 14; thence S.37°48'15"E., 884.21 feet; thence South, 427.15 feet to the South line of the Northwest

Quarter of the Northeast Quarter of said Section 14; thence S.88°41'09"W., 549.84 feet along the South line of the Northwest Quarter of the Northeast Quarter of said Section 14 to the iron pin at the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 14; thence S.88°34'49"W., 1167.00 feet along the South line of the North Half of the Northwest Quarter of said Section 14; thence N.65°24'32"W., 1454.56 feet; thence West, 143.42 feet; thence N.0°20'22"W., 298.81 feet; thence N.0°20'22"W., 2805.20 feet; thence N.45°45'22"W., 222.93 feet; thence S.88°23'08"W., 950.46 feet; thence S.12°26'12"W., 316.59 feet; thence N.76°33'13"W., 1149.56 feet; thence N.0°00'05"W., 96.51 feet to the Point of Beginning and containing 268.804 acres more or less.

Part of 12-10-400-003