



COUNTY BOARD ADDENDUM

County of Champaign, Urbana, Illinois

Thursday, June 20, 2013 – 7:00 p.m.

Lyle Shields Meeting Room, Brookens Administrative Services

1776 East Washington Street, Urbana, IL 61802

XIII. A. Finance

8. Adoption of Resolution No. 8564 Relating to Intergovernmental Agreement Regarding the Clinton Landfill Permit

*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.

RESOLUTION NO. 8564

RESOLUTION RELATING TO INTERGOVERNMENTAL AGREEMENT
REGARDING THE CLINTON LANDFILL PERMIT

WHEREAS, in Champaign County Resolution No. 7991 the Champaign County Board (“Resolution”) approved an Intergovernmental Agreement regarding the Clinton Landfill Permit Application to Accept Polychlorinated Biphenyls (“Agreement”).

WHEREAS, the purpose of the Agreement was to fund a legal challenge to “provide for the participants’ ability to effectively intervene in any administrative or other legal proceeding ***, the outcome of which threatens the [Mahomet] aquifer or increases the probability of contamination of the aquifer.” Agreement, Section 1.

WHEREAS, the Agreement provided for “contracts for professional services to support the Members’ intervention into [United States Environmental Protection Agency (“US EPA”) or Illinois Environmental Protection Agency (“IEPA”)] proceedings, or the Members’ appeals to the Courts from US EPA or IEPA decisions, the outcomes of which pose a substantial threat of contamination to the Mahomet Aquifer”, and specifically the US EPA permit of Clinton Landfill, Incorporated (“CLI”) to allow discharge of polychlorinated biphenyls at Clinton Landfill #3 (“Landfill PCB Permit”). Agreement, Section 4.a.

WHEREAS, as part of the Resolution, the County Board directed the County Board’s Executive Committee Member to report to the County Board any requirement for additional funding under the Agreement, which would, increase Champaign County’s pro rata share above a total of \$14,000. While additional legal fees incurred under the Agreement are expected to exceed \$14,000, Champaign County’s participation in the Agreement remains in the best interest of the citizens of Champaign County.

WHEREAS, the litigation pursuant to the Agreement has expanded beyond contesting the Landfill PCB Permit to include a Citizens’ Complaint before IEPA’s Pollution Control Board, Illinois Pollution Control Board Case 2013-022, filed November 9, 2012 (“Citizens’ Complaint”), alleging, inter alia, that CLI failed to obtain required local citing authority approval for Clinton Landfill #3. While the Citizens’ Complaint is a matter directly related to the Landfill PCB Permit, and within the purpose and apparent scope of the Agreement, Champaign County wishes to avoid any legal ambiguity, no matter how slight, relating to whether the Citizens’ Complaint falls within the Agreement.

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

1. Should any financial contribution toward the Agreement increase Champaign County’s pro rata share above a total of \$ _____, the County Board’s Executive Committee member shall promptly report to the County Board the

requirement for additional funding, and the reasons for said additional funding. If the request for additional funding is not approved by the Champaign County Board at that time, the County Board shall then elect whether to serve its forty-five (45) days notice of intent to terminate its participation in the Agreement, pursuant to Section 8 of the Agreement.

2. The filing of the Citizens' Complaint on behalf of Champaign County is hereby ratified, regardless of whether it falls within the Agreement.

PRESENTED, PASSED, APPROVED, AND RECORDED this 20th day of June
A.D. 2013.

Alan Kurtz, Chair
Champaign County Board,
Champaign County, Illinois

ATTEST:

Gordy Hulten,
Champaign County Clerk &
Ex Officio Clerk of the Champaign County Board