

BEFORE THE COUNTY BOARD
OF LAKE COUNTY, ILLINOIS

IN RE: THE APPLICATION OF WASTE)
MANAGEMENT OF ILLINOIS, INC. FOR)
LOCAL SITING APPROVAL)
FOR THE MEADOWVIEW MATERIAL)
TRANSFER FACILITY.)

RECEIVED

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**HEARING OFFICER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND RECOMMENDATIONS**

I. BACKGROUND

Waste Management of Illinois, Inc. ("WMII") seeks to develop a new transfer station known as Meadowview Material Transfer Facility ("the Facility") on approximately 10.9 acres of land located on Illinois Route 83, North of the intersection of Illinois Route 83 and Peterson Road in Lake County, Illinois.

Section 39(c) of the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/39(c), provides, in part, that no permit for the development or construction of a new pollution control facility may be granted by the Illinois Environmental Protection Agency ("Agency") unless the Applicant submits proof to the Agency that the location of the facility has been approved by the county board of the county in which the facility is to be located in accordance with Section 39.2 of the Act, 415 ILCS 5/39.2.

Section 39.2 of the Act provides, in part, that local siting approval shall be granted by the county board of the county in which the facility is to be located only if the proposed facility meets the following criteria:

- (i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

- (iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
- (iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a, the site is flood-proofed;
- (v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- (vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
- (vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;
- (viii) if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; and
- (ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

The county board of the county may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the Applicant in the field of solid waste management when considering criteria (ii) and (v) under this Section.

On February 13, 2026, WMII filed an Application for Local Siting Approval for the Facility in the County of Lake, Illinois. The County Board of the County of Lake (“the County Board”) is the governing body as determined by Section 39(c) of the Act who shall approve or disapprove the request for local siting approval for a new pollution control facility in the County of Lake.

Section 39.2(d) of the Act provides, in part, that at least one public hearing is to be held by the County Board no sooner than 90 days but no later than 120 days from receipt of the request for site approval. The County Board held a public hearing on the Application for Local Siting Approval in the County of Lake on May 18, 2026 and May 19, 2026¹.

The County of Lake has also adopted an Ordinance Establishing Procedures for New Pollution Control Facilities; Site Approval Requests, in Lake County, Illinois (“the Siting Ordinance”). The Siting Ordinance applies to this process to the extent that it sets out procedures and requirements that are consistent with the Act and supplement, rather than supplant, the requirements of the Act. The Siting Ordinance provides that the Lake County State’s Attorney shall appoint a hearing officer to serve during any public hearing concerning an Application for Local Siting Approval. I was appointed by the Lake County State’s Attorney as the hearing officer in this matter.

Section 50.52(A) and (B) of the Siting Ordinance provide, in part, that the Hearing Officer shall provide the County Board with proposed Findings of Fact within 15 days after the final date to submit written comment. The proposed Findings of Fact shall be publicly available, shall be based upon the record and the criteria the County Board is required to consider pursuant to the Act.

Section 39.2 of the Act and the Siting Ordinance require the County Board to approve or disapprove the Applicant’s request for local siting approval. Under Section 39.2(a) of the Act, the County Board must determine whether the Applicant has submitted sufficient details describing the proposed facility to demonstrate compliance with the nine statutory criteria. Only if the County Board finds that the Applicant has proven by a preponderance of the evidence that

¹ Citations to the transcript of the public hearings will be referred to herein as “(5/18/26 Tr. at ____)” and “(5/19/26 Tr. at ____)”.

all applicable criteria have been met can site approval be granted. The County Board shall make its decision based on the evidence admitted at the public hearing, the entire siting record, and the recommendation of the hearing officer.

The record in this proceeding consists of the application, the transcripts of the public hearing, the exhibits and filings of the participants in the public hearing and the public comments. Along with the Applicant, participants in the public hearing were the Solid Waste Agency of Lake County ("SWALCO") and the Lake County Staff, both of whom were represented by counsel. Additionally, the County Board of the County of Lake was represented by counsel.

In reaching my decision and recommendation, I have reviewed and considered the application, the engineering reports submitted by the Applicant, the exhibits and filings of the participants, the written comments filed with the County Clerk of the County of Lake, the Proposed Findings of Fact, Conclusions of Law and Special Conditions Proposed By SWALCO, the County Staff's Proposed Findings of Fact and Conclusions of Law and Proposed Siting Conditions, and WMII's Post-Hearing Brief and Proposed Findings of Fact and Conclusions of Law.

Based upon my review of this record, it is my decision that the application meets the criteria set forth in Section 39.2 of the Act and I recommend that the County Board approve the request for local siting approval subject to the special conditions which are set forth hereinafter.

Section 39.2(e) of the Act and Section 50.53(A) of the Siting Ordinance provide, in part, that in granting site location approval, the County Board may impose such conditions as may be reasonable and necessary to accomplish the purposes of the Act and as are not inconsistent with regulations promulgated by the Illinois Pollution Control Board.

In their Proposed Findings of Fact and Conclusions of Law, both SWALCO and the County Staff indicate that they support the development of the Facility so long as it is sited and permitted as a municipal solid waste transfer station. It is my judgment that in granting approval of the application, the conditions set forth below should be imposed by the County Board, which conditions are hereinafter set forth in detail and which conditions are reasonable and necessary to accomplish the purposes of the Act and are not inconsistent with regulations promulgated by the Illinois Pollution Control Board.

Of course, the County Board is free to accept or reject any or all of the findings of fact, conclusions of law and recommendations of the hearing officer.

II. NOTICE AND JURISDICTION

Section 39.2(b) of the Act provides:

No later than 14 days before the date on which the county board or governing body of the municipality receives a request for site approval, the Applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the Applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located; provided, that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

Such written notice shall also be served upon members of the General Assembly from the legislative district in which the proposed facility is located and shall be published in a newspaper of general circulation published in the county in which the site is located.

Such notice shall state the name and address of the Applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such request as hereafter provided.

Tab A, Notice of Application, in Volume 2, Additional Information, of the application includes the written notice of intent by the Applicant to file the application, and Tabs B, C and D include the various indicia of service and the affidavit of one of the Applicant's attorneys, indicating that the prefiling notices were timely served and timely published.

The Act also requires notices regarding the public hearing. Section 39.2(d) of the Act provides, in part:

(d) At least one public hearing at which the Applicant shall present at least one witness to testify subject to cross examination, is to be held by the county board or governing body of the municipality no sooner than 90 days but no later than 120 days after the date on which it received the request for site approval. No later than 14 days prior to such hearing, notice shall be published in a newspaper of general circulation published in the county of the proposed site, and delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the governing authority of every municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located, to the county board of the county where the proposed site is to be located, if the proposed site is located within the boundaries of a municipality, and to the Agency. . . .

The notice of public hearing, together with an affidavit and indicia of service similar to that provided regarding the prefiling notice, was admitted into evidence during the public hearing as Applicant's Exhibit 2. This Exhibit indicated that the hearing notices were timely served and timely published.

SWALCO, the County Staff and the County Board of the County of Lake each stipulated to compliance with the notice requirements of the Act. Therefore, the statutory notice requirements provided for in the Act have been fully complied with.

A. Proposed Findings of Fact

The Applicant's prefiling notices and the Applicant's notices of public hearing were prepared and filed in compliance with all requirements of the Act and the Siting Ordinance.

B. Proposed Conclusion of Law

The County of Lake has jurisdiction to consider and decide upon the application.

III. STATUTORY CRITERIA

As stated above, Section 39.2(a) of the Act requires that the County Board of the County of Lake determine whether the Applicant for local siting approval has submitted sufficient details describing the proposed facility to demonstrate compliance with the nine criteria set forth in the Act. Local siting approval shall be granted only if the proposed facility meets the following criteria:

- (i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
- (iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a, the site is flood-proofed;
- (v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- (vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
- (vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;

- (viii) if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; and
- (ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

In addition, the Act also provides that the County Board may consider as evidence the previous operating experience and past records of convictions or admissions of violations of the Applicant in the field of solid waste management when considering criteria (ii) and (v) under this Section.

Criterion (i)

Need, Criterion (i): “the facility is necessary to accommodate the waste needs of the area it is intended to serve” 415 ILCS 5/39.2(a)(i).

The law on need is clear. Criterion (i) requires that the facility be necessary to accommodate the waste needs of the area it is intended to serve. It is the Applicant that selects the service area. *Metropolitan Waste Systems, Inc. v. Pollution Control Board*, 201 Ill. App. 3d 51, 558 N.E. 2d 785 (3rd Dist. 1990). The siting authority does not have the power to, by itself, revise the Applicant’s service area when considering criterion (i). *Land and Lakes Company v. Village of Romeoville*, PCB 91-7 (December 6, 1991).

Need is established where it is shown that a proposed facility is reasonably required by the waste needs of the service area, taking into consideration its waste production and disposal capabilities. *File v. D & L Landfill*, 219 Ill. App. 3d 897, 579 N.E. 2d 1228 (5th Dist. 1991).

Ms. Sheryl Smith testified on Criterion (i). (5/18/26 Tr. at 191-202.) Ms. Smith is a solid waste consultant with 43 years of experience in the solid waste industry. (5/18/26 Tr. at 191.) She is employed by TRC, a global engineering environmental services firm. (5/18/26 Tr. at 191.)

She has performed need assessments regarding over 24 landfill siting applications and 11 transfer station siting applications. (5/18/26 Tr. at 192.) Ms. Smith testified that the Facility is necessary to accommodate the waste needs of Lake County, Illinois, the service area it is intended to serve. (5/18/26 Tr. at 192-93, 201.)

Ms. Smith described the methodology that she employed to evaluate need for the Facility. (5/18/26 Tr. at 195-201.) She first estimated the amount of waste generated in the service area requiring disposal over a 20-year planning period. (5/18/26 Tr. at 195.) She collected information from the 2024 Lake County Solid Waste Management Plan Update on per capita waste generation and disposal rates for residential and commercial waste and applied those to population information obtained from Chicago Metropolitan Agency for Planning (“CMAP”) estimates. (5/18/26 Tr. at 195.)

Using a residential waste disposal rate of 1.53 pounds per capita per day and a commercial waste disposal rate of 3 pounds per capita per day, Ms. Smith determined that the net amount of waste requiring disposal per year is estimated to be 629,000 tons, and by 2047, that number is 684,000 tons. (5/18/26 Tr. at 196.) The total waste requiring disposal for Lake County over the 20-year planning period is estimated to range between 12.9 and 13.3 million tons. (Pet. Ex. 1, Criterion 1 Report, pp. 1-6.)

Ms. Smith then identified the solid waste facilities in both the service area and surrounding counties available to the service area. These include the GFL Zion Landfill, Countryside Landfill and the Round Lake Park transfer station in Lake County, and various other transfer stations located in eastern McHenry County and northern Cook County. Because of closure dates and practical or inherent limitations, these facilities are unable to provide sufficient processing capacity for the net waste requiring disposal over the 20-year planning period.

(5/18/26 Tr. at 196-199, 201-202; Pet. Ex. 1, Criterion 1 Report, pp. 1-19.) The Countryside Landfill is projected to close in 2028, the GFL Zion Landfill is expected to close in 2038, the Round Lake Park transfer station is limited to receiving 900 tpd, and out-of-county transfer station availability is constrained by service area restrictions, permit constraints on types of waste accepted, daily waste receipt caps, and higher transportation costs ranging from \$77 to \$172 per truckload. (5/18/26 Tr. at 197-199, Pet. Ex. 1, Criterion 1 Report, pp. 1-19.)

Ms. Smith further testified to the economic benefits of the Facility. (5/18/26 Tr. at 199-201). These included (1) host fee payments to Lake County, SWALCO and the Village of Grayslake, (2) traffic efficiencies, (3) reduced transportation costs, and (4) construction and operation jobs.

In addition, the Life Cycle Assessment performed by WMII demonstrated that with the operation of the Facility, there will be reduced fuel consumption, reduced nitrogen oxide and carbon dioxide emissions and reductions in net energy consumption. (5/18/26 Tr. at 199-201; Pet. Ex. 1, Criterion 1 Report, pp. 1-14, 15, 19.)

A. Proposed Findings of Fact

1. Ms. Smith was qualified to testify as an expert on Criterion (i), and was a credible witness.

2. Ms. Smith was the only witness to testify on Criterion (i).

3. The service area for the Facility is Lake County, Illinois. (5/18/26 Tr. at 195)

4. The net amount of waste requiring disposal per year is estimated to be 629,000 tons, and by 2047, 684,000 tons. (5/18/26 Tr. at 196.)

5. The total waste requiring disposal from Lake County over the 20-year planning period is between 12.9 and 13.3 million tons. (Pet. Ex. 1, Criterion 1 Report, p. 1-6.)

6. Solid waste facilities currently providing disposal or processing capacity to Lake County were evaluated to determine whether there is sufficient capacity to meet the County's disposal or processing needs. (5/18/26 Tr. at 196-199; Pt. Ex. 1, Criterion 1 Report, pp. 1-9-17.)

7. The solid waste facilities evaluated were GFL Zion Landfill, Countryside Landfill and the Round Lake Park transfer station in Lake County, and other transfer stations located in eastern McHenry County and northern Cook County. (5/18/26 Tr. at 196-199; Pet. Ex. 1, Criterion 1 Report, pp. 1-9-17.)

8. The solid waste facilities evaluated are unable to provide sufficient processing capacity for the net waste requiring disposal over the 20-year planning period because of closure dates and practical or legal constraints. (5/18/26 Tr. at 196-199, 201-202; Pet. Ex. 1, Criterion 1 Report, p. 1-19.)

9. The economic benefits of the Facility include (1) host fee payments to Lake County, SWALCO and the Village of Grayslake, (2) traffic efficiencies, including reduced transportation costs, (3) construction and operation jobs and (4) Life Cycle Assessment findings that the Facility's operation will result in reduced fuel and net energy consumption and reduced nitrogen oxide and carbon dioxide emissions compared to a "No Build" scenario. (5/18/26 Tr. at 100-201; Pet. Ex. 1, Criterion 1 Report, 1-14, 15, 19.)

10. Ms. Smith testified that, in her expert opinion, the Facility is necessary to accommodate the waste needs of the service area. (5/18/26 Tr. at 192-193, 201.)

11. Ms. Smith's testimony was un rebutted.

As WMII presented adequate reasons and supporting evidence to establish need, Criterion (i) has been established. *American Bottom Conservancy v. Village of Fairmont City*, No. PCB 01-159, slip op. at 22-24 (October 18, 2001).

B. Proposed Conclusion of Law

The Facility is necessary to accommodate the waste needs of the area it is intended to serve.

Criterion (ii)

Design, Location and Operation, Criterion (ii): “the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected” 415 ILCS 5/39.2 (a)(ii).

Criterion (ii) requires that the facility be so designed, located and proposed to be operated that the public health, safety and welfare will be protected. This criterion requires a demonstration that the proposed facility does not pose an unacceptable risk to public health and safety. *Industrial Fuels & Resources v. Pollution Control Board*, 227 Ill. App. 3d 533, 592 N.E. 2d 148, 157 (1st Dist. 1992). It does not, however, require a guarantee against any risk or problem. *Residents Against Polluted Environment v. Pollution Control Board*, 293 Ill. App. 3d 219, 687 N.E. 2d 552 (3rd Dist. 1997); *File v. D & L Landfill*, 219 Ill. App. 3d 897, 579 N.E. 2d 1228 (5th Dist. 1991).

WMII presented two witnesses who testified regarding Criterion (ii): Mr. Andy Nickodem of Civil and Environmental Consultants (CEC), and Mr. Chris Peters, District Manager for WMII. The evidence introduced by WMII demonstrates that the Facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

(a) Design

Mr. Andy Nickodem testified regarding the location and design of the Facility to protect the public health, safety and welfare. He is a civil engineer with over 38 years of experience in

the design and construction of solid waste facilities. (5/18/26 Tr. at 31-32.) He is licensed as an engineer in Illinois and Wisconsin. (5/18/26 Tr. at 31.) Mr. Nickodem has participated in the design of over 120 facilities including transfer stations; he has worked on 20 facilities, including 9 transfer stations, in Illinois. (5/18/26 Tr. at 32.)

Mr. Nickodem designed the Meadowview Material Transfer Facility. (5/18/26 Tr. at 34.) He explained that a solid waste transfer station is a facility where collection vehicles tip or dump their loads within an enclosed building, and where those loads are consolidated into a semi-truck or transfer trailer for a transport to a distant landfill. (5/18/26 Tr. at 32-33.)

Mr. Nickodem described the factors he considers when designing a solid waste transfer station. He stated that safety and efficiency are the most important factors. (5/18/26 Tr. at 33 34.) He incorporated those principles in designing Meadowview. (5/18/26 Tr. at 34.)

Mr. Nickodem identified the location standards for a proposed pollution control facility as follows: (i) facilities are required to be at least 1000 feet from dwellings or areas zoned for residential use; (ii) if there are any wetlands or waters of the U.S. on the site, all required permitting must be obtained; (iii) the facility cannot be located in a flood plain or it must be flood-proofed; (iv) the facility cannot have any known historic or archeological sites on it; (v) there cannot be any known endangered or threatened species or nature preserves in the proximity of the facility and (vi) the facility should meet all regulations and recommendations from the FAA and guidance documents. The Facility meets all of these standards. (5/18/26 Tr. at 36 40.)

Mr. Nickodem next discussed the design of the Facility. The Subject Site encompasses 10.9 acres, and is located approximately three-quarters (3/4) of a mile north of the intersection of Illinois Route 83 and Peterson Road. The site entrance is off of Route 83, and is the same entrance that Countryside Landfill currently uses. (5/18/26 Tr. at 40.)

The Facility will accept municipal solid waste, construction and demolition debris, and recyclables. The Facility will handle an average of 500 tons per day (tpd), with a maximum of 1,000 tpd. (5/18/26 Tr. at 44.) All unloading and loading of waste occurs within the transfer building. (5/18/26 Tr. at 51.)

The two-level transfer station building is a cast-in-place concrete structural metal and steel building, completely enclosed, and encompasses about 31,000 square feet with a height of approximately 60 feet (transfer building). (5/18/26 Tr. at 42-45, 52, 60.) The tipping floor is 25,000 square feet (5/18/26 Tr. at 45.)

The two-level transfer building features an upper level, where the smaller waste collection vehicles enter, deposit their waste on the tipping floor and then depart, and a lower level, where the larger transfer trailers enter the building. (5/18/26 Tr. at 43-44.) There are two bays where transfer trailers will be loaded with waste from the tipping floor on the upper level. Once fully loaded, the trailers exit the transfer building. (5/18/26 Tr. at 44.)

Translucent panels along the perimeter and skylights at the roof will provide ambient lighting, that help minimize power consumption in the building (5/18/26 Tr. at 47.) Solar panels, a white roof, bird friendly glass and dark sky compliant fixtures provide additional safety and environmental benefits. (5/18/26 Tr. at 44, 52-53.)

The interior of the transfer building includes ancillary facilities for employees, offices, restrooms and changing rooms. (5/18/26 Tr. at 51.) There is a fire control system, consisting of a ceiling sprinkler system and a Fire Rover system which uses thermal cameras for early detection of hotspots. (5/18/26 Tr. at 48-49.)

An ozone system has been designed to neutralize, not merely mask, odors. Ozone attaches to odor particles and neutralizes them, unlike other systems that only provide a scent or

fragrance to mask the odors. (5/18/26 Tr. at 49.) In addition, a series of mechanical louvers and fans will circulate fresh air throughout the building during operations. (5/18/26 Tr. at 49.)

A misting system has been designed for dust control. Located in the ceiling, the misting system will provide a fine water mist to the tipping floor, minimizing dust via water droplets. (5/18/26 Tr. at 50.)

Mr. Nickodem next described the design of the safe and efficient vehicular movements within and through the Subject Site. (5/18/26 Tr. at 40-41, 44-46, 53-60.) He identified the inbound and outbound scales that are used to weigh collection vehicles upon arrival and as necessary upon departure. (5/18/26 Tr. at 40-41.)

Mr. Nickodem next described the recycling center. (5/18/26 Tr. at 57-60.) The recycling center is designed to allow residents to come in and deposit their source-separated recyclables, including glass, paper, and aluminum cans. (5/18/26 Tr. at 58.)

The stormwater management system is designed to collect all of the stormwater within the Facility boundary and in accordance with the Lake County Watershed Development Ordinance. (5/18/26 Tr. at 60-64.) The Facility is designed so that stormwater does not touch or come into contact with waste. Any water that comes into contact with waste will occur within the transfer building. (5/18/26 Tr. at 60.) The tipping floor is sloped toward a floor drain, so that any liquid that may be present would be collected in the floor drain. (5/18/26 Tr. at 46-47.) The liquid is then piped out to a triple basin, a series of concrete structures that filter out silt and debris before discharge to the sanitary sewer system. (5/18/26 Tr. at 47.)

Outside the building, stormwater will flow into a series of bioswales, or vegetated channels, that promote infiltration and not just runoff. (5/18/26 Tr. at 61.) The bioswales flow into the detention basins, of which there are four. Basin 4 flows into basin 2, and then into basin

1. Basin 3 flows into basin 2, and then into basin 1. This flow pattern provides sufficient capacity to manage and detain stormwater on-site. (5/18/27 Tr. at 62.)

Each detention basin has an outlet structure, which filters any silt or debris prior to discharge out of the basin. (5/18/26 Tr. at 62.) Detention basin 1 is the ultimate outflow area off the Subject Site, and it has a valve, called a gate belt, which can be closed in the event a liquid or substance got into the basins that should not be discharged off-site. (5/18/26 Tr. at 63.) Basin 1 outlet discharges to an existing stormwater pond off-site, a NPDES-permitted stormwater basin. (5/18/26 Tr. at 63.)

Mr. Nickodem testified that, in his experience and based on his review, the Facility is designed and located so as to protect the public health, safety and welfare. (5/18/26 Tr. at 64.) He based that opinion on the following: (i) the Facility meets the location standards; (ii) the Facility is safely and efficiently designed with respect to people, the environment and internal traffic flows; (iii) the stormwater management system is extensive and effective; (iv) indoor air quality management is provided in the transfer building; (v) all waste handling is conducted within the transfer building; and (vi) the Facility has sustainable and aesthetic features in the transfer building: solar panels, white roofs, skylights, bird friendly glass and dark sky compliant light fixtures. (5/18/26 Tr. at 65.)

(b) Operation

Mr. Peters has 40 years of experience in the solid waste industry. As district manager, he has oversight responsibilities for multiple post-collection facilities such as landfills and transfer stations. (5/18/26 Tr. at 88-89.) He is an Illinois EPA certified landfill operator. (5/18/26 Tr. at 89.)

Mr. Peters discussed the operating procedures of the Facility, including the building layout and entrance area, hours for waste acceptance, acceptable and unacceptable waste types, waste identification/load checking procedures, scale and scale house areas and operation, loading bay areas and operation, tipping floor area and operations, tarping procedures, and, housekeeping procedures, including litter, odor, noise, dust and vector control. (5/18/26 Tr. at 92-115.)

The Facility will accept waste from 6:30 a.m. to 3:30 p.m., Monday through Friday. In addition, the recycling center will accept recyclables on Saturday from 8:00 a.m. until 12 noon. (5/18/26 Tr. at 93-94)

The Facility will accept municipal solid waste, construction and demolition debris and recyclables. (5/18/26 Tr. at 95.) Recyclables will include source-separated recyclables from households and small businesses, such as newspapers, plastic, cans, glass, cardboard, electronics, food scraps, shoes, textiles, and clothing. (5/18/26 Tr. at 95.) Anything not listed as an acceptable waste will not be accepted at the Facility. (5/18/26 Tr. at 95.)

Mr. Peters explained that a number of material screening procedures will be implemented to help preclude acceptance of unacceptable waste. (5/18/26 Tr. at 95-96.) First and foremost is customer education as to the types of acceptable materials. (5/18/26 Tr. at 96.) Second, the scale house clerk or operator will speak with each customer as to the materials in their vehicle or truck making them aware of what materials are and are not acceptable, and perform a visual inspection through cameras located at the scale house. (5/18/26 Tr. at 96-97.) Once on the tipping floor, the load is further inspected by the heavy equipment or loader operator as the materials are moved across the floor. (5/18/26 Tr. at 97.) Additionally, there are random load inspections at a minimum of once a week where the contents of the load are physically inspected and documented. (5/18/26 Tr. at 97-98.)

Mr. Peters further testified that collection vehicles will enter the Facility off the east side of Route 83 at the existing entrance to the Countryside Landfill, proceed to the inbound scales, stop at the scale house, receive a ticket if the load is approved and proceed to the transfer building. The driver will unload material on the tipping floor, clean off the truck, close the truck, exit the transfer building and exit the Facility past the outbound scale, stopping at the outbound scale only if a tare weight (or empty weight) was necessary to record for future use. (5/18/26 Tr. at 99-100.)

Transfer trailers will enter the Facility off the east side of Route 83, and proceed to the scale to be weighed if a tare weight has not previously been established. Transfer trailers proceed to the transfer building and enter the loading bay. The trailers will then be loaded from one of the two loading pits or chutes, with the operator pushing waste off the tipping floor into the chute down into the trailer. Transfer trailers are loaded while sitting on pit scales, so that the operator can confirm that the trailer is not loaded beyond its legal limit. Once loaded, the trailer proceeds to the tarping area, which is inside the building. The tarping area is equipped with catwalks for easy access and quick tarping. Once the load is tarped, the trailer exits the building. (5/18/26 Tr. at 100-102.)

Mr. Peters next explained how the recycling center is accessed and operated. (5/18/26 Tr. at 102-104.) Vehicles will enter off the east side of Route 83, proceed to the scale house, stop on the scale and check in with the scale house clerk. The clerk will then direct them to the recycling center, where a number of labeled containers will be staged around the perimeter to allow customers to place their recyclables in the proper containers. (5/18/26 Tr. at 103)

Mr. Peters described the Facility's litter, odor, noise, vector and dust control procedures. Vehicle tarping is required, as is on-site and off-site litter collection. WMII personnel will patrol

the Subject Site and any properties controlled by WMII along Route 83 within 1500 feet north and south of the Facility and, given permission by the landowner, collect any litter that may have accumulated on their property up to 500 feet from the Facility. All waste handling is done within the transfer building. All waste is removed from the tipping floor and the tipping floor will be cleared at the end of each operating day. The tipping floor walls can be pressure washed as necessary. (5/18/26 Tr. at 107-110.)

Odor will be controlled through the enclosed building, daily cleaning, first-in, first-out waste transferring, and the odor neutralization (ozone) system. (5/18/26 Tr. at 109-111)

Noise is controlled by having all waste handling occur within the transfer building, equipment maintenance and limited operating hours. (5/18/26 Tr. at 111-112.)

Vector control is part of the operation plan. The building is designed to make it difficult for vectors to harbor inside the building. Loads are handled on a first-in, first-out basis so no loads sit for an extended time. Monthly inspections will be performed by a professional exterminator. The ozone system that neutralizes odors will remove an attractant to vectors. (5/18/26 Tr. at 112-113.)

Dust is controlled by (1) exterior and interior paved (asphalt or concrete) surfaces, (2) daily or weekly as necessary sweeping of roadways and within the building and (3) a misting system. (5/18/26 Tr. at 114-115.)

Mr. Peters testified that the Facility is designed and will be operated to protect the public health, safety and welfare. (5/18/26 Tr. at 115-116.) The reasons for his opinion are that (1) waste handling takes place within an enclosed building, (2) material screening processes will help preclude the acceptance of any unacceptable or unsafe waste, (3) waste is moved efficiently from the scale house to the tipping floor to the transfer trailer, (4) the proper housekeeping

procedures are in place, including Facility cleaning, litter, odor, noise, vector and dust control, and (5) the Facility will have experienced personnel trained in waste identification and acceptance procedures. (5/18/26 Tr. at 115-116.)

A. Proposed Findings of Fact

(a) Design

1. Mr. Nickodem was qualified to testify as an expert in the design and location of transfer facilities, and was a credible witness.

2. Mr. Nickodem is a licensed professional civil engineer in the State of Illinois with over 38 years of experience in the design and construction of solid waste facilities. He has participated in the design of over 120 solid waste facilities, including 9 transfer stations in Illinois. (5/18/26 Tr. at 32.)

3. The Facility encompasses 10.9 acres, and is located three-quarters (3/4) of a mile north of the intersection of Illinois Route 83 and Peterson Road. (5/18/26 Tr. at 40.)

4. The Facility will accept municipal solid waste, construction and demolition debris, and recyclables. (5/18/26 Tr. at 94-95.) The Facility will not be handling hazardous waste. (5/18/26 Tr. at 95.)

5. The Facility is designed to handle and transfer up to 1,000 tpd of acceptable waste, and expects to receive an average of 500 tpd. The Application requests permission to handle and transfer a maximum of 1,000 tpd.

6. The location standards for a proposed pollution control facility are as follows: (i) facilities are required to be at least 1000 feet from dwellings or areas zoned for residential use; (ii) if there are any wetlands or U.S. waters on the site, all required permitting must be obtained; (iii) the facility cannot be located in a flood plain or it must be flood-proofed; (iv) the facility

cannot have any known historic or archeological sites on it; (v) there cannot be any known endangered or threatened species or nature preserves in the proximity of the facility; and (vi) the facility should meet all regulations and recommendations from the FAA and guidance documents. The Facility meets all of these standards. (5/18/26 Tr. at 36-40.)

7. The transfer building includes about 31,000 square feet with a height of approximately 60 feet. (5/18/26 Tr. at 43-45.) The building is completely enclosed. Waste handling, including unloading and loading of waste, are contained within the transfer station building. (5/18/26 Tr. at 51.)

8. The transfer building includes a fire control system, consisting of a ceiling sprinkler system and a Fire Rover System, which uses thermal cameras for early detection of hotspots. (5/18/26 Tr. at 48-49.)

9. The transfer building has an ozone system to neutralize odors, and a series of mechanical louvers and fans to circulate fresh air throughout the building. (5/18/26 Tr. at 49.)

10. A misting system has been designed and is located in the ceiling to provide a fine water mist to the tipping floor to control dust. (5/18/26 Tr. at 50.)

11. Translucent panels along the perimeter and skylights on the roof provide ambient lighting to help minimize power consumption in the transfer building. (5/18/26 Tr. at 47.)

12. Solar panels, a white roof, bird friendly glass and dark sky compliant fixtures provide additional safety and environmental benefits. (5/18/26 Tr. at 44, 52-53.)

13. The recycling center is designed to allow residents to come in and deposit their recyclables, including glass, paper, plastic, electronics, cardboard, food scraps, shoes, textiles and clothing safely and efficiently. (5/18/26 Tr. at 58, 95.)

14. Internal traffic patterns will ensure that incoming and outgoing vehicles can get into and out of the Facility safely and efficiently. (5/18/26 Tr. at 40-41, 44-46, 53-60.)

15. The Facility was designed so that stormwater does not come into contact with waste and that all stormwater is collected within the Facility boundary. (5/18/26 Tr. at 60-64.) Any water that comes into contact with waste will occur within the transfer building itself, will go into the floor drains and will be piped to a triple basin to filter out silt and debris before discharge to the sanitary sewer system. (5/18/26 Tr. at 46-47.)

16. Outside the building, stormwater will flow into a series of bioswales that promote infiltration, and then into detention basins, which filter silt or debris prior to discharge to an off site NPDES-permitted stormwater basin. (5/18/26 Tr. at 61-63.)

17. The Facility is designed and located so as to protect the public health, safety and welfare. (5/18/26 Tr. at 64.)

(b) Operation

1. Mr. Chris Peters, WMII District Manager, testified on the portion of Criterion (ii) related to proposed operation of the Facility, and was a credible witness.

2. Mr. Peters has 40 years of experience in the solid waste industry, associated with landfill and transfer station operations. As district manager, he has oversight responsibility for multiple post-collection facilities such as landfills and transfer stations. He is an Illinois EPA certified landfill operator. (5/18/26 Tr. at 88-89.)

3. The Facility will accept waste from 6:30 a.m. to 3:30 p.m., Monday through Friday. The recycling center will also accept recyclables from 8:00 a.m. to noon on Saturday. (5/18/26 Tr. at 93-94.)

4. The Facility will accept municipal solid waste, construction and demolition debris, and recyclables. Any waste not listed as acceptable will not be accepted at the Facility. (5/18/26 Tr. at 95.)

5. The Facility has numerous material screening procedures, including weekly random load inspections. (5/18/26 Tr. at 95-98.)

6. All unloading, loading and tarping of waste will occur inside the transfer building. (5/18/26 Tr. at 99-102.)

7. There is safe and efficient waste movement and traffic flow in and out of the Facility. (5/18/26 Tr. at 99-101, 105-106, 115.)

8. Housekeeping practices will be employed at the Facility to control waste, litter, odor, noise, vectors and dust. (5/18/26 Tr. at 107-110)

9. The Facility is proposed to be operated so as to protect the public health, safety and welfare. (5/18/26 Tr. at 115-116.)

10. There was no evidence presented that contradicted the testimony of Mr. Nickodem and Mr. Peters. There was no evidence that indicated the proposed design and operation ignored or violated any applicable governmental regulation, or would have deleterious effects on public health, safety and welfare.

Accordingly, Criterion (ii) has been satisfied. *Industrial Fuels & Resources v. Pollution Control Board*, 227 Ill. App. 3d 533, 599 N.E. 2d 148 (1st Dist. 1992).

B. Proposed Conclusions of Law for Criterion (ii)

1. The Facility is designed to protect the public health, safety and welfare.

2. The Facility is located to protect the public health, safety and welfare.

3. The Facility is proposed to be operated to protect public health, safety and welfare.

Criterion (iii)

Compatibility and Property Value, Criterion (iii): “the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property” 415 ILCS 5/39.2 (a)(iii).

The third criterion provides that the facility be located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. This criterion requires that the Applicant demonstrate that it has done or will do what is reasonably feasible to minimize incompatibility or effect on surrounding property values. *File v. D & L Landfill*, 219 Ill. App. 3d 897, 579 N.E. 2d 1228 (5th Dist. 1991). It does not require that the Applicant choose the best possible location to guarantee that no fluctuation in property value occurs. *Sierra Club v. Will County Board*, PCB 99-136 (P.C.B. August 5, 1999) citing *Clutts v. Beasley*, 185 Ill. App. 2d 543, 541 N.E. 2d 844, 846 (5th Dist. 1989).

WMII presented the testimony of two witnesses: Mr. J. Christopher Lannert, owner of The Lannert Group, and Mr. Peter Poletti, a real estate appraiser and Collinsville Township Tax Assessor. The testimony of these two witnesses was presented in two parts evaluating (1) the character of the surrounding area and (2) effect on property value.

(a) Compatibility

Mr. Lannert testified regarding the first part of Criterion (iii). He is a landscape architect in Illinois and has been a landscape architect for more than 50 years. (5/18/26 Tr. at 166.) He has assisted clients in the solid waste industry since 1978. Mr. Lannert’s experience in the evaluation of solid waste facilities has included approximately 20 transfer stations and 40 landfills. (5/18/26 Tr. at 168.)

Mr. Lannert evaluated the location of the Facility relative to surrounding land uses within a one-mile Study Area around the Facility. (5/18/26 Tr. at 172-174.) The Lannert Group

conducted a field survey and numerous follow-up field investigations of the area surrounding the Facility and its environs. (5/18/26 Tr. at 172-173.) He testified that the predominant land uses within the Study Area include approximately 58% open space/vegetation, 18% office/warehouse/distribution, 11% residential and 7% transportation/utility corridors. (5/18/26 Tr. at 174.) The nearest residence is more than 1000 feet southwest of the Facility. (Pet. Ex. 1, Criterion 3 Report, p. 3. A-12.)

Mr. Lannert obtained various photographs taken from various vantage points around the Facility. During his testimony, Mr. Lannert utilized the photographs as a visual aid to show the character of the surrounding area and the location of the Facility. (5/18/26 Tr. at 175-179.) He also prepared a landscape plan for the Facility. (5/18/26 Tr. at 179-180; Pet. Ex. 1, Criterion 3 Report, p. 3 – A – 10.)

Mr. Lannert concluded that the Facility is compatible with the character of the surrounding area. He stated that the basis for his opinion is that (1) the surrounding area comprises 75% open space and office/warehouse/distribution land uses; (2) there are no residentially zoned or dwelling units within 1000 feet of the Facility; and (3) the Facility is screened by Countryside Landfill on the north, railroad lines on the east, vegetation, berms and plantings along Illinois Route 83 on the west, and the Commonwealth Edison transmission lines on the south. (5/18/26 Tr. at 181, Pet. Ex. 1, Criterion 3 Report, p. 3 – A – 12.)

A. Proposed Findings of Fact

1. Mr. Lannert was qualified to testify as an expert in land use, and was a credible witness.

2. Mr. Lannert was the only witness to testify regarding that portion of Criterion (iii) related to compatibility of the Facility with the character of the surrounding area.

3. The Facility is located in unincorporated Lake County, Illinois. (Pet. Ex. 1, Criterion 3, p. 3 – A – 3.)

4. The predominant land uses within the Study Area surrounding the Facility include approximately 58% open space/vegetation, 18% office/warehouse/distribution and 11% residential. (5/18/26 Tr. at 174; Pet. Ex. 1, Criterion 3, p. 3 – A – 6.) The nearest residence is more than 1000 feet southwest of the Facility. (5/18/26 Tr. at 181.)

5. Mr. Lannert testified that the Facility is compatible with the character of the surrounding area. (5/18/26 Tr. at 180-181.)

(b) Property Value

Mr. Peter Poletti testified on the second part of Criterion (iii), which is to demonstrate that the Facility is located so as to minimize any effect on the value of surrounding property. Mr. Poletti is a professional real estate appraiser and Collinsville Township Tax Assessor who has worked in the real estate industry since 1977. (5/18/26 Tr. at 185.) He is currently employed by Poletti & Associates, Inc. as president and founder. (5/18/26 Tr. at 185-186.) He is a member of the Appraisal Institute and holds the MAI designation. (5/18/26 Tr. at 187.) He has extensive experience in analyzing landfills and waste transfer stations. (Pet. Ex. 1, Criterion 3 Report, pp. 3 – B – 28-32.)

Mr. Poletti performed a property value impact study for properties surrounding existing transfer stations. (Pet. Ex. 1, Criterion 3 Report, pp. 3 – B – 14-25.) An impact study examines a particular use and how that use will impact properties that are both nearby (target area) and remote (control area) by analyzing the sales and resales of properties in both the target and control areas over a lengthy period of time. The target area and control area are homogeneous with regard to property type. (Pet. Ex. 1, Criterion 3 Report, pp. 3 – B – 14-25.)

Mr. Poletti studied two existing transfer stations: the Round Lake Park transfer station and the Elburn transfer station. (Pet. Ex. 1, Criterion 3 Report, pp. 3 – B – 14-25.)

Mr. Poletti performed a quantitative analysis that reviewed average sales data from a target area and compared them to sales of similar residences in a control area. (Pet. Ex. 1, at Criterion 3 Report, pp. 3 – B – 14-25.) The results of the analysis, using both a comparison of target-control average prices and a multiple regression analysis, showed there was no statistically significant difference between the sales prices in the target and control areas (Pet. Ex. 1, Criterion 3 Report, pp. 3 – B – 17-19, 3 – B – 20-25.)

Mr. Poletti testified that in his expert opinion the Facility is so located as to minimize any effect on the value of surrounding properties. (5/18/26 Tr. at 189.) The reasons for his opinion are that the evidence indicates no negative impact on surrounding property values, that the Facility is compatible with the character of the surrounding area, and that open space and office/warehouse/distribution comprise 75% of land uses in the one-mile Study Area. (5/18/26 Tr. at 190.)

A. Proposed Findings of Fact

1. Mr. Peter Poletti was qualified to testify as an expert on real estate and property value impact, and was a credible witness.

2. Mr. Poletti was the only witness to testify regarding that portion of Criterion (iii) related to the impact of the Facility on the value of surrounding property.

3. Mr. Poletti conducted an impact study with regard to residential properties both proximate to and distant from two operating solid waste transfer stations: Round Lake Park transfer station and Elburn transfer station. (Pet. Ex. 1, at Criterion 3 Report, pp. 3 – B – 14-25.)

4. Mr. Poletti testified that the Facility has been located so as to minimize any effect on the value of surrounding property. (5/18/26 Tr. at 189.)

The testimonies of Mr. Lannert and Mr. Poletti were not rebutted. There was no evidence that the Facility was incompatible with the character of the surrounding area, or that it will have an adverse effect on property values. Hence, Criterion (iii) has been satisfied. *Tate v. Illinois Pollution Control Board*, 188 Ill. App. 3d 944, 544 N.E.2d 1176, 1197 (4th Dist. 1989).

B. Proposed Conclusions of Law for Criterion (iii)

1. The Facility is compatible with the character of the surrounding area, and satisfies the first part of Criterion (iii).

2. The Facility is located so as to minimize any effect on the value of surrounding property, and satisfies the second part of Criterion (iii).

Criterion (iv)

Flood Plain, Criterion (iv): “(A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood proofed ...” 415 ILCS 5/39.2 (a)(iv).

The fourth criterion requires that the facility be located outside the boundary of the 100 year flood plain or the site be flood proofed. This criterion is satisfied where the Applicant assures that the proposed facility would not be developed in the flood plain. *Tate v. Pollution Control Board*, 188 Ill. App. 3d 994, 544 N.E. 2d 1176, 1195 (4th Dist. 1989).

Mr. Andy Nickodem testified that the Facility is not located within a 100-year flood plain. (5/18/26 Tr. at 66; Pet. Ex. 1, Criterion 4.) Mr. Nickodem testified that the basis for that conclusion is in the Application. (5/18/26 Tr. at 66; Pet. Ex. 1, Criterion 4 Report.)

A. Proposed Findings of Fact

1. Mr. Nickodem was the only witness who testified regarding Criterion (iv), and was a credible witness.
2. The Facility is not located within the boundary of the 100-year flood plain. (5/18/26 Tr. at 66.)

B. Proposed Conclusion of Law

The Facility is located outside the boundary of the 100-year flood plain, and satisfies Criterion (iv).

Criterion (v)

Plan of Operations, Criterion (v): “the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents” 415 ILCS 5/39.2 (a)(v).

The fifth criterion requires that the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents. This criterion concerns sudden calamities or disasters. *E & E Hauling v. Pollution Control Board*, 116 Ill. App. 3d 586, 451 N.E. 2d 555, 576 (2nd Dist. 1983). It requires minimization, not elimination, of any problems because it is virtually impossible to guarantee that no accidents will occur. *Wabash and Lawrence Taxpayers Association v. Pollution Control Board*, 198 Ill. App. 3d 388, 555 N.E. 2d 1081 (5th Dist. 1990). The issue is safety, with the emphasis on avoiding or minimizing damage from catastrophic accidents. *Industrial Fuels & Resources v. Pollution Control Board*, 227 Ill. App. 3d 533, 599 N.E. 2d 148, 157 (1st Dist. 1992). An accident-proof facility is not required. *Id.*

Mr. Chris Peters testified regarding Criterion (v). Mr. Peters testified that the Facility is designed to minimize the danger to the surrounding area due to fire, spills or other operational accidents. (5/18/26 Tr. at 117.) He testified that a plan of operations has been established for the Facility, including a fire prevention program, spill prevention program, health and safety training and an emergency plan of action. (5/18/26 Tr. at 117-118.)

The fire prevention program includes a sprinkler system in the transfer building and scale house, a Fire Rover early detection system, a sand pile, direct connection and coordination with the Grayslake Fire Protection District, and personnel training. (5/18/26 Tr. at 118-121.)

As part of the spill prevention program, the Facility will not accept liquid waste. (5/18/26 Tr. at 121.) The Facility will have a stormwater pollution prevention plan (SWPPP). (5/18/26 Tr. at 122.) An emergency spill kit will be placed at the Facility, including rubber mats to cover drains, absorbent socks, oil dry, and other necessary personnel protective equipment. (5/18/26 Tr. at 122.) The Facility has a detention basin discharge pipe with a gate valve which can be closed in the event of a spill. (5/18/26 Tr. at 122-123.)

The Facility's health and safety training consists of weekly safety meetings, personal protective equipment (such as hard hats, high visibility vests, steel-toed boots, gloves and hearing protection) and fire and spill prevention/control procedures and practices training on an annual basis. (5/18/26 Tr. at 124-126.)

Mr. Peters testified that an emergency action plan exists for the Facility in the event of an emergency. The plan includes the designation of an emergency coordinator, employee training, internal and external communication procedures and equipment, the posting of emergency numbers, and the annual communication and review of the emergency procedures with all employees. (5/18/26 Tr. at 124-126.)

A. Proposed Findings of Fact

1. Mr. Peters was the only witness who testified regarding Criterion (v), and was a credible witness.

2. The plan of operations for the Facility includes measures to prevent fires, spills and other operational accidents, including a fire prevention program, spill prevention control plan, health and safety training, an emergency action plan, emergency spill kit, discharge basin control structures, personal protective equipment, internal and external communication procedures and emergency coordinator assignments. (5/18/26 Tr. at 117-126.)

A plan of operations is sufficient where it provides a reasonable blueprint or overview of procedures, and includes (a) identification of persons responsible for implementation, (b) description of emergency procedures, (c) list of outside agencies to be notified, and (d) emergency response instruction for facility personnel. *Industrial Fuels & Resources v. Pollution Control Board*, 227 Ill. App. 3d 533, 599 N.E. 2d 148 (1st Dist. 1992). The plan need not include all details of any coordination agreements with police, fire and disaster relief agencies. An alleged lack of detail will not establish that the plan is insufficient. *Fairview Area Citizens Task Force v. Illinois Pollution Control Board*, 198 Ill. App. 3d 541, 555 N.E.2d 1178, 1186 (3rd Dist. 1990).

WMII presented a comprehensive plan to minimize the danger posed by operational accidents, and satisfied Criterion (v). *Land & Lakes Co. v. Illinois Pollution Control Board*, 319 Ill. App. 3d 41, 743 N.E.2d 188, 198 (3d Dist. 2000).

B. Proposed Conclusion of Law

The plan of operations for the Facility has been designed to minimize the danger to the surrounding area from fire, spills and other operational accidents.

Criterion (vi)

Traffic Patterns, Criterion (vi): “the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows” 415 ILCS 5/39.2 (a)(vi).

The sixth criterion requires the traffic patterns to or from the facility to be designed so as to minimize the impact on existing traffic flows. The issue here is not whether there will be no negative impact but rather whether any impact on traffic flows has been minimized. *Fairview Area Citizens Task Force v. Illinois Pollution Control Board*, 198 Ill. App. 3d 541, 555 N.E. 2d 1178, 1187 (3rd Dist. 1990). A traffic plan is not required; questions regarding traffic noise, dust and driver negligence are not relevant. *Id.* The key principle is to minimize impact on traffic as it is impossible to eliminate all problems. *Id.* The traffic criterion does not require that the Applicant eliminate any problems that will be caused by facility generated traffic. *Tate v. Illinois Pollution Control Board*, 188 Ill. App. 3d 994, 544 N.E. 2d 1176, 1196 (4th Dist. 1989).

Ms. Lynn Means testified regarding Criterion (vi). She is a licensed traffic engineer in Illinois, Indiana, New Hampshire and Tennessee with experience in traffic engineering and preparing traffic impact studies for over 25 years. (5/18/26 Tr. at 144-145.) She is employed by BLA, a civil engineering consulting firm specializing in transportation engineering, municipal engineering and traffic impact studies. (5/18/26 Tr. at 144.) She is certified as a professional transportation operations engineer (PTOE) and a road safety professional level 1 (RSP1). (5/18/26 Tr. at 146.)

Ms. Means’s analysis consisted of field observations within the Facility’s one-mile Study Area, including information on roadway characteristics, speed limits, traffic control (signalized versus unsignalized intersections) and traffic signal timings. (5/18/26 Tr. at 147.) She developed Facility traffic characteristics including directional distribution of Facility traffic and performed

weekday and Saturday traffic counts, both during peak times as well as on a daily basis, a capacity analysis, a gap study analysis, and a site distance analysis. (5/18/26 Tr. at 147-149.)

The Facility will use the existing Countryside Landfill access on the east side of Illinois Route 83 that is opposite Rowena Road; both the Facility access as well as Rowena Road at this intersection are under stop sign control. (5/18/26 Tr. at 149.)

Ms. Means determined the volume of traffic on Illinois Route 83. From the traffic counts, she determined that the street peak hours with the heaviest traffic volume occurs between 7:00 and 8:00 a.m. and 4:00 to 6:00 p.m. (5/18/26 Tr. at 156.) For the 500 ton per day scenario, Facility traffic is highest between 2:00 and 3:00 p.m., which does not coincide with the weekday morning and evening street peaks. (5/18/26 Tr. at 156-157.) The result is the same for the 1000 ton per day scenario and for Saturday traffic to and from the recycling center; peak Facility traffic on Saturday between 11:00 a.m. and 12:00 p.m. does not coincide with Route 83 peak traffic between noon and 2:00 p.m. (5/18/26 Tr. at 157-158.)

She determined roadway and intersection capacity in terms of Levels of Service (LOS), defined as follows: LOS A represents little to no delay; LOS B represents desirable level of delay; LOS C is average level of delay; LOS D is deemed acceptable level of delay, and LOS E and F are longer delays. (5/18/26 Tr. at 152-153; Pet. Ex. 1, Criterion 6 Report, pp. 27-30.) She found that the signalized intersections are operating at LOS D or better, and the unsignalized stop sign approaches are operating at LOS D or better. (5/18/26 Tr. at 154; Pet. Ex. 1, Criterion 6 Report, pp. 27-28.)

Based on average conditions for the Facility accepting 500 tons per day, the Study Area roadways and intersections would continue to operate at acceptable levels of service. (5/18/26 Tr. at 160; Pet. Ex. 1, Criterion 6 Report, pp. 27-30.) Under the 1000 ton per day scenario, the

Study Area roadways and intersections continued to operate at acceptable levels of service. (5/18/26 Tr. at 160-161; Pet. Ex. 1, Criterion 6 Report, pp. 27-30.)

Ms. Means next determined the amount of traffic that will be generated by the Facility. Based on the 500 ton per day scenario, she determined the hourly distribution of collection vehicles, transfer trailers and employee and vendor vehicles arriving at and departing from the Facility. She calculated that from 6:30 a.m. to 3:30 p.m., there would be a total of 570 trips: 285 vehicles coming in and 285 vehicles going out. (5/18/26 Tr. at 156.) During 2:00 to 3:00 p.m., the peak hours for the Facility, there would be 91 trips, inbound and outbound. Ms. Means noted that the peak hours for the Facility do not coincide with the morning and afternoon street peak hours. (5/18/26 Tr. at 156-157.)

Ms. Means testified as to the directional distribution of the Facility-generated traffic. She found that there were no alternative traffic routes that would minimize impact on existing traffic flows. (5/18/26 Tr. at 158.)

Ms. Means conducted a gap study to determine the duration and frequency of the gaps or breaks in traffic flow at the Facility access off of Illinois Route 83. (5/18/26 Tr. at 161.) The results of the gap study found that, under both peak and average conditions, there would be more than enough gaps to permit safe entry to and exit from the Facility. (5/18/26 Tr. at 163.)

Finally, Ms. Means testified that the Facility has sufficient stopping sight distance as well as intersection sight distance to provide safe access into and out of the Facility. (5/18/26 Tr. at 162-164.)

Ms. Means concluded that, in her expert opinion, the traffic patterns to and from the Facility have been designed so as to minimize any impact on existing traffic flows. She based her opinion on her findings that (1) the Facility's peak hours do not coincide with the street peak

hours; (2) the Facility traffic does not significantly impact existing levels of service at both roadways and intersections in the Study Area; (3) there are adequate gaps at the Facility access; and (4) the existing roadway geometry provides adequate sight distance for approaching and departing vehicles. (5/18/26 Tr. at 164-165.)

A. Proposed Findings of Fact

1. Ms. Means was qualified to testify as an expert regarding the impact of Facility traffic on existing traffic flows, and was a credible witness.

2. Ms. Means based her opinion on field observations, evaluation of surrounding roadway characteristics, daily and peak hour traffic counts, projected Facility traffic and their distribution, a capacity analysis, a gap study, and a site distance analysis. (5/18/26 Tr. at 147-149.)

3. The Facility access is off of Illinois Route 83. (5/18/26 Tr. at 149.)

4. The peak hours of the Facility traffic do not coincide with the street peak hours. (5/18/26 Tr. at 156-158.)

5. There are sufficient gaps in Illinois Route 83 traffic flow to permit safe entry to and exit from the Facility. (5/18/26 Tr. at 163.)

6. The Facility access has sufficient stopping sight distance and intersection sight distance to provide safe entry into and exit from the Facility. (5/18/26 Tr. at 162-164.)

7. Ms. Means testified that the traffic patterns to and from the Facility have been designed to minimize the impact on existing traffic flows. (5/18/26 Tr. at 164-165.)

The traffic criterion does not require that the applicant eliminate any problems that will be caused by facility-generated traffic. *Tate v. Illinois Pollution Control Board*, 188 Ill. App. 3d 994, 544 N.E.2d 1176, 1196 (4th Dist. 1989). WMII has made a reasonable effort to minimize

the impact of the Facility on existing traffic flows, and thus has satisfied Criterion (vi). *File v. D&L Landfill*, 219 Ill. App. 3d 897, 579 N.E.2d 1228, 1236 (5th Dist. 1991).

B. Proposed Conclusion of Law

The traffic patterns to and from the Facility are designed to minimize the impact on existing traffic flows.

Criterion (vii)

Hazardous Waste, Criterion (vii): “if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release” 415 ILCS 5/39.2 (a)(vii).

The seventh criterion requires that an emergency response plan exist for a facility which will be treating, storing or disposing of hazardous waste. Mr. Andy Nickodem testified that the proposed facility will not be treating, storing or disposing of hazardous waste. Therefore, an emergency response plan is not required. Mr. Nickodem’s testimony on this criterion is un rebutted and uncontradicted.

A. Proposed Findings of Fact

1. The Facility will not be treating, storing, or disposing of hazardous waste. (Pet. Ex. 1, Criterion 7 Report.)

2. Criterion (vii) does not apply.

B. Proposed Conclusion of Law

Criterion (vii) does not apply because the Facility will not be treating, storing or disposing of hazardous waste.

Criterion (viii)

Consistency With Solid Waste Plan, Criterion (viii): “if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan” 415 ILCS 5/39.2 (a)(viii).

The eighth criterion requires a determination whether the facility is consistent with the solid waste management plan of the county in which it is located. This criterion involves review of the plan language to determine whether the proposed facility is consistent with the plan. *Land and Lakes Company v. Randolph County*, PCB 99-69, slip op. at 31-32 (P.C.B. September 21, 2000). Strict compliance with the plan is not required. *City of Geneva v. Waste Management of Illinois, Inc.*, PCB 94-58, slip op. at 22 (P.C.B. July 21, 1994).

Ms. Sheryl Smith testified regarding the consistency of the Facility with the 2024 Lake County Solid Waste Management Plan Update (“2024 Plan Update”). In order to determine if the Facility complied with Criterion (viii), Ms. Smith reviewed the 2024 Plan Update, the Host Community Agreement between Lake County and WMII dated January 14, 2025, the Master Renewable Resource Campus Agreement between the Village of Grayslake and WMII dated May 14, 2025 and the June 5, 2025 Codicil, and the Host Community Agreement between SWALCO and WMII dated January 23, 2025. (Pet. Ex. 1, Criterion 8 Report, p. 8-1.)

Ms. Smith testified regarding the four requirements (T.2-T.5) for solid waste transfer stations stated in the 2024 Plan Update: (T.2) a transfer station should be sized to be able to safely and efficiently manage the expected waste volume, and should provide screening and buffering, safe traffic flow and stormwater management; (T.3) waste handling must occur in an enclosed building, developers are encouraged to use green or sustainable practices in design and operation; (T.4) transfer of recyclables and food scraps within 24 hours of acceptance, a negative

air pressure system, limited operating hours and high performance doors; and (T.5) host community agreement with Lake County and SWALCO, including provisions guaranteeing capacity access for Lake County waste, payment of host fees, environmental benefits and performing a Life Cycle Assessment. (5/18/26 Tr. at 204-208.)

Based on her extensive review of the 2024 Plan Update, Ms. Smith stated that the Facility is consistent with the 2024 Plan Update. (5/18/26 Tr. at 208.) She based this conclusion on the fact that WMII's Site Location Application (Pet. Ex. 1) meets the requirements for solid waste transfer stations stated in the 2024 Plan Update. (5/18/26 Tr. at 208-209.)

A. Proposed Findings of Fact

1. Ms. Smith was the only witness to testify during the public hearings regarding Criterion (viii), and was a credible witness.

2. WMII's Site Location Application (Pet. Ex. 1) meets the requirements of the 2024 Lake County Solid Waste Management Plan Update. (5/18/26 Tr. at 208-209.)

3. Ms. Smith testified that the Facility is consistent with the 2024 Plan Update. (5/18/26 Tr. at 208.)

No testimony or evidence was offered to rebut or contradict Ms. Smith's opinion. WMII presented unrefuted evidence that the proposal was consistent with the 2024 Plan Update, and Criterion (viii) has been met. *Concerned Adjoining Owners v. City of Salem*, 288 Ill. App. 3d 565, 680 N.E.2d 810, 818 (5th Dist. 1997).

B. Proposed Conclusion of Law

The Facility is consistent with the 2024 Lake County Solid Waste Management Plan Update.

Criterion (ix)

Regulated Recharge Area, Criterion (ix): “if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met” 415 ILCS 5/39.2 (a)(ix).

The ninth criterion is whether the facility is located within a regulated recharge area. Regulated recharge areas are areas specifically identified by the Illinois Pollution Control Board as being areas where important groundwater resources are recharged. In other words, the geology of such area renders a potable resource groundwater particularly susceptible to contamination.

The Illinois Pollution Control Board has designated only one such regulated recharge area in Illinois. This regulated recharge area, Pleasant Valley Public Water District, is located in the central portion of Peoria County, Illinois. Mr. Nickodem testified that there are no regulated recharge areas either in Lake County or in Northern Illinois. Thus, the Facility is not located within or near a regulated recharge area.

A. Proposed Findings of Fact

1. Mr. Nickodem was the only witness during the public hearings to testify regarding Criterion (ix), and was a credible witness.

2. Mr. Nickodem testified that the Facility is not located within a regulated recharge area.
(5/18/26 Tr. at 67.)

B. Proposed Conclusion of Law

The Facility is not located within a regulated recharge area.

IV. PREVIOUS OPERATING EVIDENCE

Section 39.2(a) of the Act provides, in part, that the county board of the county may also consider as evidence the previous operating experience and past record of convictions or

admissions of violations of the Applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) under this Section. The Siting Ordinance contains similar language.

The proposed facility is owned by Waste Management of Illinois, Inc. No evidence was introduced at the public hearing concerning the previous operating experience and past record of convictions or admissions of violations of the Applicant in the field of solid waste management.

V. SPECIAL CONDITIONS

Section 39.2(e) of the Act provides, in part, that in granting approval for a site, the county board of the county may impose such conditions as may be reasonable and necessary to accomplish the purposes of Section 39.2 of the Act and as are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. Section 50.53(A) of the Siting Ordinance contains similar language. In granting local siting approval to WMII, I recommend that the County Board of the County of Lake impose the following special conditions on WMII:

SITING CONDITIONS

1. The Meadowview Material Transfer Facility (“the Facility”) shall operate from 6:30 a.m. to 3:30 p.m. Monday through Friday. If there is a holiday during the previous week, the Facility shall operate on Saturdays from 6:30 a.m. to 2:00 p.m. In the event of an emergency, such as a natural disaster, extreme weather event, act of God or landfill closure, the Facility shall contact the Lake County Administrator and Lake County Health Department by email and phone to obtain advance approval to extend the operating hours and shall provide a follow-up email to the Lake County Administrator and Lake County Health Department within 48 hours, not including Sundays, detailing the reasons for the extended hours event and its duration.

2. The recycling center shall operate from 6:30 a.m. to 3:30 p.m. Monday through Friday, and Saturdays from 8:00 a.m. to 12:00 p.m. Any changes to the recycling center's operating hours must be approved by the Lake County Administrator and Lake County Health Department.

3. The Facility shall only accept municipal solid waste, including garbage, general household and commercial waste, industrial lunchroom or office waste, and construction and demolition debris, and non-hazardous industrial waste. The Facility shall also accept only the following recyclable materials at the recycling center: single stream household recyclables, cardboard, electronics, textile and clothing, shoes and food scraps. The Facility shall not accept landscape waste.

4. The maximum throughput of municipal solid waste that may be received by the Facility shall not exceed 1,000 tons per day.

5. The operator of the Facility ("the Operator") shall diligently patrol and remove litter on a daily basis from property owned or controlled by Waste Management of Illinois, Inc., roadways and rights-of-way within 1,500 feet of the Facility, and property within 500 feet of the foregoing roadways and rights-of-way, provided the Operator has obtained advance permission from the property owners. In addition, the Operator shall patrol the Facility periodically throughout the operating day to collect any litter and prevent it from escaping the site.

6. All vehicles entering the Facility shall be tarped. Vehicles without tarping shall be turned away from the Facility. All loaded transfer trailers shall be fully tarped inside the transfer station building prior to exit using current (i.e., at the time of implementation) best management practices (BMPs). The Operator shall visually inspect outbound transfer trailers to monitor the integrity of tarps prior to leaving the facility. If a tear, rip or hole is identified with the potential to allow litter to escape the trailer, the Operator shall communicate with the third-party vendor to

ensure appropriate repairs are made to the tarp or the tarp is replaced before the vehicle leaves the site. The Operator shall maintain at least two (2) spare tarps at the Facility of appropriate size for transfer trailers utilizing the Facility for sale to any third party transfer trailer operator or for use on any company-owned transfer trailer.

7. All on-site equipment shall be equipped with mufflers, lowest allowable decibel backup alarms and other sound suppressing devices, as necessary to comply with applicable state and local noise laws and regulations.

8. The Operator shall utilize a street sweeper to remove mud and dust tracked onto hard surfaces inside and outside the Facility, as well as all public roads and rights-of-way within at least 1,000 feet of the Facility, on an as needed basis. The Facility shall also be equipped with a misting system that will assist in mitigation of dust.

9. The Facility shall be designed and operated with the design and operational odor control procedures as described in Sections 3.3 and 4.17 of the Siting Application, or equivalent, and using current (i.e., at the time of implementation) best management practices (BMPs).

10. Transfer trailers entering and exiting the Facility shall use only the following route: Illinois Route 83 to Peterson Road to Illinois Route 137 and I-94 (Tri-State Tollway).

11. The Operator shall demonstrate to the County that the proposed development meets the Lake County Watershed Development Ordinance (“the WDO”) and shall seek authorization from the County under the WDO by no later than submittal of a building permit application. Additionally, the Operator shall obtain all appropriate jurisdictional determinations, permits, and authorizations for impacts to Waters of the U.S. (including jurisdictional wetlands) under federal jurisdiction and the federal Clean Water Act and/or Isolated Waters of Lake County under the Lake County Stormwater Management Commission’s jurisdiction (WDO Section 1001.01).

12. The Facility shall be constructed and operated in substantial conformance with the plans and operating procedures contained in the Site Location Application, and using current (i.e., at the time of implementation) best management practices (BMPs).

13. The Facility shall design the internal roadways to remove conflicts between transfer trailers exiting the transfer station building and collection vehicles stacked prior to entering the transfer station building. As part of the building permit process, the Facility shall provide the County with the results of modeling performed of both the incoming collection vehicles and outbound transfer trailers demonstrating the transfer trailers will be able to pass the collection vehicles with no issues with the internal roadway design.

14. Waste Management of Illinois, Inc. shall comply with all terms of the Host Community Agreement between the County of Lake, Illinois and Waste Management of Illinois, Inc., dated January 14, 2025, and the Master Renewable Resource Campus Agreement between the Village of Grayslake and Waste Management of Illinois, Inc., dated May 2025.

15. Waste Management of Illinois, Inc. must seek approval from the Village of Grayslake for any deviations from the Master Agreement and Master Plan that Waste Management of Illinois, Inc. previously agreed to with the Village of Grayslake concerning the design and operation of the Facility.

16. Waste Management of Illinois, Inc. must seek approval from the Village of Grayslake for any deviations from the Master Agreement and Master Plan that Waste Management of Illinois, Inc. previously agreed to with the Village of Grayslake concerning the landscape plan and design of the Facility, including security features. (Tr. 182(14)-183(24))

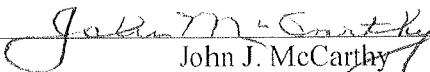
VI. SUMMARY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

The County of Lake has jurisdiction over the Application for Local Siting Approval for the Meadowview Material Transfer Facility in the County of Lake, Illinois. The proposed findings of fact and conclusions of law contained in this document are based upon the record in this proceeding including oral and written public comment. The procedures followed herein are in full accord with the principles of fundamental fairness. The special conditions contained herein are reasonable and necessary to accomplish the purposes of the Act.

VII. COUNTY BOARD DECISION

The County Board of the County of Lake shall make its decision on the Application based upon the evidence admitted at the public hearing, the entire siting record and the recommendations of the hearing officer. The decision of the County Board shall be by resolution in writing specifying the reasons for the decision, such reasons to be in conformity with Section 39.2(a) of the Act.

Respectfully submitted,



John J. McCarthy
Hearing Officer

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PROOF OF SERVICE

I hereby certify that I have served the attached Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations on the following by e-mailing a copy of the same to them on the 29th day of June, 2026.

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/s/ John J. McCarthy

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the above signed certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the above signed certifies as aforesaid that he verily believes the same to be true.

