Illinois Environmental Protection Agency
Bureau of Land
July 2017

Responsiveness Summary for
Comments on the Application for
a Development Permit for
the Winnebago Reclamation Services – East Expansion
2018080001
Log No. 2013-295
DECISION

On July 27, 2017, the Illinois Environmental Protection Agency (Illinois EPA), Bureau of Land, issued a development permit to Winnebago Reclamation Services (Winnebago) for its planned East Expansion to the landfill. At the same time, the Bureau of Land issued this Responsiveness Summary to address comments on the proposed issuance of this development permit that were submitted during the public comment period.

BACKGROUND

Winnebago Reclamation Services applied to the Illinois EPA Bureau of Land for a planned East Expansion Unit. The unit will be allowed to accept municipal waste and non-hazardous special waste. The East Expansion Unit will be a separate landfill unit, as opposed to lateral expansion of an existing unit, with a waste footprint of about 222 acres and 52 million cubic yards of airspace for waste disposal. The Illinois EPA reviews applications to determine if they meet applicable regulations for design and operation of a new landfill, 35 IAC Subtitle G.

Previously, as required by 35 IAC 812.105, Winnebago Landfill obtained local siting approval for this expansion from the Winnebago County Board. The Board in making a siting determination must hold public hearings and take certain factors into account. Proof of local siting approval is submitted to the Illinois EPA as part of the application.

COMMENT PERIOD AND PUBLIC HEARING

The Illinois EPA, Bureau of Land, evaluates applications and issues permits for waste handling, storage and disposal facilities. A land development permit application must appropriately show that the proposed project will comply with applicable pollution control laws and regulations before a permit can be issued.

At the request of residents, the Illinois held a public comment period on the application for the East Expansion. The public comment period began on March 28, 2017 and closed on April 27, 2017 to accept written comments on the application. This responsiveness summary is the Agency’s response to those comments received during the comment period. Copies of many of the comment letters submitted to Winnebago County during the siting hearings were submitted to the Illinois EPA during the comment period. The issues raised in those letters were appropriately addressed during the siting process and are acknowledged so in the responses.

AVAILABILITY OF DOCUMENTS

The development permit issued to Winnebago and this Responsiveness Summary is available by the following means:

2. By contacting the Illinois EPA:

   Jay Timm, Community Relations Coordinator
   Illinois Environmental Protection Agency
   Office of Community Relations
   1021 North Grand Avenue, East
   P.O. Box 19276
   Springfield, Illinois 62794-9276
   217/557-4972
   jay.timm@illinois.gov
RESPONSES TO COMMENTS

1. **Comment:** The landfill expansion is located on the north end of the North-Central Karst Region. There are many caves and sinkholes near the landfill site that have been identified along with numerous subsurface voids. Caves, sinkholes and subsurface voids are all considered Karst features, and their presence dramatically increases bedrock permeability’s and groundwater velocities by several orders of magnitude. Any contaminants that emanating from beneath the landfill could get into the groundwater and possibly leach into one of the three aquifers that are in the area and contaminate them.

**Response:** The North-Central Karst Region is described in a 1997 Illinois State Geological Survey (ISGS) publication titled “Karst Regions of Illinois”. According to this study, approximately 9% of the state of Illinois is underlain by karst topography, with the highest degree of karstification occurring in southwest and southern Illinois. The North-Central Karst Region is found in areas of Lee and Ogle counties, which lie southwest of Winnebago County. Per the ISGS publication, the proposed Winnebago Landfill expansion is located outside of the North-Central Karst Region, approximately ten miles to the east / northeast.

Prior to submission of the expansion application, a comprehensive investigation of the underlying site geology was performed. A total of fifty-four geologic borings were advanced to verify the geologic and hydrologic features beneath the site, and geologic cross sections were produced using data from the borings. Common features of carbonate bedrock such as small fractures, pitting, and vugs are noted in the boring logs, but no karst features were identified in the borings or cross-sections.

The landfill construction is required to adhere to Illinois solid waste regulations. The engineered liner system beneath the expansion area will consist of three feet of compacted clay and a high-density polyethylene (HDPE) liner. Furthermore, significant portions of the expansion area are underlain by naturally occurring low-permeability clay deposits of varying depths on top of the bedrock that—which would retard any possible release from reaching bedrock.

A comprehensive groundwater monitoring system will also be implemented to monitor whether groundwater resources are being impacted by the landfill and thus that corrective actions need to be taken.

2. **Comment:** It has been stated that the landfill is sitting over a fault line. What happens if there is an earthquake? Will our groundwater become contaminated due to leakage from the landfill?

**Response:** The expansion area is located in a low seismic impact zone. The expansion is in an area that has a 90% probability of not exceeding a horizontal acceleration of
0.06591 g in 250 years. A detailed study of southern California landfills demonstrated that all landfills designed in accordance with Resource Conservation and Recovery Act Subtitle D liner standards that were subject to the 1994 Northridge California earthquake (magnitude of 6.7) performed well with no major slope failures. Calculations show the landfill exceeds the stated regulatory factors of safety for seismic conditions.

3. **Comment:** It is hard to plan outside events as the odors are irritating to small children and people with asthma and/or lung disease.

**Response:** The Facility is inspected on a quarterly basis, to determine whether their permit and regulations are being properly followed, or not. Once the Agency receives notification of an odor complaint, the matter is investigated, then the facility is contacted to determine the source and what are their intentions to resolve the issue. Currently, enforcement is being pursued by the Illinois Attorney General’s Office (IAGO) for off-site odors that were detected from previous inspections conducted within a year in a half.

4. **Comment:** Instead of expanding the landfill, they should build a dome around the current landfill to trap all the odors. By trapping the methane that is produced by the trash, it could be converted into energy by a system of pipes running through the ground to an energy building. The overall concept is to create a more green community and stop the stench.

**Response:** Such a concept was not proposed in the application submitted to the Illinois EPA. It is not required by the regulations and is beyond the authority of the Illinois EPA to add to the permit. The Illinois EPA cannot, by law, require a facility to provide additional restrictions not required by the existing regulations.

Further, all active landfills are required to install and operate landfill gas capture systems. These do not operate by enclosure of the landfill but instead by the installation of piping throughout the waste deposition areas for gas collection. Gas is collected and routed either to a flare, as at Winnebago Landfill, or to a gas-to-energy facility.

5. **Comment:** Atmospheric emissions, such as noise, dust and bioaerosols, are a big problem and will only get worse if this expansion is allowed to happen.

**Response:** The landfill is required to control dust and emissions and comply with all state and local noise regulations or ordinances. State noise pollution control regulations, Title 35: Subtitle H, are enforceable through complaint to the Illinois Pollution Control Board.
6. **Comment:** The Winnebago Landfill has not shown that they can meet the EPA’s recommended 1.4 parts per billion chronic inhalation of toxic hydrogen sulfide gas.

**Response:** The landfill is required to install a landfill gas collection system to capture and control landfill gas to prevent uncontrolled migration of gas from the landfill.

7. **Comment:** Ongoing failure to correct and maintain a compromised outlet from wetland, causing significant flooding, erosion, and related issues due to outfall being compromised.

**Response:** The outfall at the end of the retention pond is constructed in a manner to dissipate the effluent and not cause erosion. This is also the designated sampling point. During the August 2016 inspection, this outfall was observed; the effluent was clear with no observable solids or floatage and no odor. No negative effects were observed at the time of the inspection. Sampling should occur at this point so no dilution of the sample can occur from a longer path.

8. **Comment:** Failure to maintain best management practices with respect to control of surface water and erosion in violation of 811.103(a), including the relatively recent, likely unpermitted placement of excavated soils covering approximately five feet above the road surface over Edson Road. There doesn’t appear to be any recorded permit to allow changes to the roadway and no controls to maintain safe conditions for the public.

**Response:** The August 2016 inspection did point out deficiencies in stormwater controls. These stormwater controls have been corrected. As they have occurred, heavy rains do cause heavy damage. As long an operation and maintenance (O and M) is performed within a reasonable time frame, no issues exist regarding non-compliance. The points of Waters of the State occur at the drainage ditch along Il Rt. 251 and Kilbuck Creek. Sediment in the Edson Road drainage swale does not represent noncompliance and is an O and M issue. A permit violation does not occur until sediment reaches a point of contact for Waters of the State. The claims that sediment from the swale along Edson road or the soil pile is causing sediment to reach Kilbuck Creek is unfounded. No evidence to support this has been observed by IEPA to this point. Sediment discharge areas to Kilbuck Creek were identified in the August inspection and repaired; however, neither came from Edson Road or the soil pile. The soil pile is active; therefore, a perimeter silt fence has been constructed and is being monitored and maintained. The road elevation is an in-process construction adaptation to prevent damage. In terms of overall protection, best management practices (BMP’s) need to be maintained; however, the NPDES does not prohibit Winnebago Landfill from modifying the road or the soil pile.

The Illinois Environmental Protection Agency does not have the authority to regulate changes to roadways regarding public safety.
9. **Comment:** Has Illinois Department of Resources tested Kilbuck Creek for evidence of leachate seepage from the existing landfill?

   **Response:** No. The landfill has a leachate management system in place to prevent leachate from entering the groundwater surrounding the landfill. The groundwater monitoring network is designed to detect any leachate seepage from the landfill.

10. **Comment:** Failure to fully and properly secure the facility in accordance with 811.109(a). The entire Western property edge along Edson Road. Damaged gate at entrance, short run of fencing with access on either end of security fence, which also allows for foot traffic.

    **Response:** The access to the West Expansion Unit is restricted to any type of street legal vehicle, able to haul a load of refuse onto the site. Access controls consists of 8-foot chain link fencing and all three entry points on Edson are gated and locked.

11. **Comment:** Failure to provide proper visual screening in accordance with 811.302(c) which states that all operations that are within 500 feet of Township, County and State roads shall be screened from view.

    **Response:** Screening regulations as covered in Section 811.302(c) states that 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. The facility has an 8-foot fence with screening to block views of the landfill.

12. **Comment:** Failure to properly maintain intermediate and final cover conditions in accordance with 811.313 and 811.314. Intermediate cover placement on the Northern Expansion is heavily eroded, with deep and closely placed rills.

    **Response:** The facility is currently placing compost material on the Northern Expansion Unit to establish a vegetative growth to prevent future erosion.

13. **Comment:** The landfill has only been cleaning up the plastic bags that blow over the fences since applying for the expansion permit. There is trash for miles on our roads and in our fields and trees

    **Response:** The facility is required by their permit to collect any litter that is blown from the permitted boundaries of the landfill. Facility personnel go along the roads that encompass the landfill to collect litter that came from vehicles transporting refuse to the facility.

    The landfill permit does not regulate refuse that has been dropped from trucks prior to their arrival at the landfill. Law enforcement has been requested to patrol the area for
any vehicles not properly securing their loads. Any vehicles transporting refuse throughout the state of Illinois must abide by the Illinois Vehicle Code, Section 15-109, spilling loads on highways prohibited. (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. (b) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway. Also, any vehicles that transport refuse throughout Winnebago County, must abide to the Winnebago County Code of Ordinance Section 70-6(a), which states Hauling Garbage and Rubbish, owner’s duty to prevent spills. No person owning, or controlling any vehicle used for the purpose of carrying, carting, hauling or garbage, rubbish or miscellaneous waste shall cause or permit any vehicle to be so loaded, to be such defective condition, so out of repair, faultily constructed, or so improperly driven or managed that any garbage, rubbish or miscellaneous waste with which such vehicle is loaded, or is being loaded, shall drop or fall on any public way or other place. Such vehicle shall be so constructed and covered as to prevent any part of the contents thereof from falling, leaking or spilling therefrom.

14. **Comment**: Does this area meet EPA requirements for a landfill.

   **Response**: Winnebago Landfill has demonstrated that the expansion will be designed to meet all the rules and regulations for a landfill.

15. **Comment**: Past practice by the landfill has shown that they have been willing to operate in an improper manner for years and that any compliance efforts being shown now are merely an act in an effort to have their application approved.

   **Response**: Winnebago Landfill remains liable for any violations of applicable Pollution Control Board regulations regardless of the decision on the permit application. Past compliance issues do not rise to a level that would necessitate a permit denial.

16. **Comment**: There is an unsightly view of a 200 foot high mound of trash that is 500 feet from our roads

   **Response**: Proof of local siting for the landfill was provided as required. Screening regulations as found in Section 811.302(c) states that 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. The facility has an 8-foot fence with screening to block views of the landfill.
17. **Comment:** Not keeping trash inside of garbage trucks when traveling towards the landfill; unsecured loads.

**Response:** The landfill permit does not regulate refuse that has been dropped from trucks prior to their arrival at the landfill. Law enforcement has been requested to patrol the area for any vehicles not properly securing their loads.

Any vehicles transporting refuse throughout the state of Illinois must abide by the Illinois Vehicle Code, Section 15-109, spilling loads on highways prohibited. (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. (b) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway. Also, any vehicles that transport refuse throughout Winnebago County, must abide to the Winnebago County Code of Ordinance Section 70-6(a), which states Hauling Garbage and Rubbish, owner’s duty to prevent spills. No person owning, or controlling any vehicle used for the purpose of carrying, carting, hauling or garbage, rubbish or miscellaneous waste shall cause or permit any vehicle to be so loaded, to be such defective condition, so out of repair, faultily constructed, or so improperly driven or managed that any garbage, rubbish or miscellaneous waste with which such vehicle is loaded, or is being loaded, shall drop or fall on any public way or other place. Such vehicle shall be so constructed and covered as to prevent any part of the contents thereof from falling, leaking or spilling therefrom.

18. **Comment:** Citizens can hardly drive down Baxter Road without getting hit with rocks from trucks going 55+ miles per hour through neighborhood areas.

**Response:** The landfill permit does not regulate trucks prior to their arrival at the landfill. These are local issues enforced by law enforcement personnel.

19. **Comment:** Make the garbage trucks use Route 39 so they aren’t going through a school zone, a pristine forest reserve and crossing over 2 rivers.

**Response:** The landfill permit does not regulate trucks prior to their arrival at the landfill. These are local code issues that should be taken up with the County Board.

20. **Comment:** Why are state workers picking up the garbage that is left on the roads by this landfill?
Response: The landfill permit does not regulate refuse that has been dropped from trucks prior to their arrival at the landfill. The Illinois EPA is not aware of state workers being used to pick up garbage left on the roads.

21. Comment: Our homes were here long before the landfill was. Why should we leave and move away?

Response: The suitability of the location is one of the criteria that must be considered by local authorities in making the local siting approval. The landfill expansion received local siting approval.

22. Comment: The company that put the dump here wasn’t supposed to last this long.

Response: While landfill design and capacity are a part of the Illinois EPA review of the application, the length of time that a landfill will operate is not limited by regulation.

23. Comment: We have felt tremors, we hear back up noises at all hours of the day and evening, loud crashing of container doors against the ground, explosions, popping like noises and all the visual effects associated with the landfill.

Response: The landfill must comply with the State’s noise pollution control regulations, Title 35: Subtitle H. These regulations are enforceable through complaint to the Illinois Pollution Control Board and may be enforceable through local ordinance.

24. Comment: The expanded landfill will become a permanent and increasing source of pollution and blight on the economy and property values of the entire area.

Response: These are issues addressed as part of local siting approval.

25. Comment: The temporary money that the County will receive from the landfill expansion is certain to ruin any future development and the jobs that come with this type of economic growth. Any hope of generating additional sales and property tax dollars in this area will be gone permanently.

Response: These are issues addressed as part of local siting approval.

26. Comment: The Environmental Protection Act (Act) ILCS 5/1, contains all requirements for local siting approval for landfills. Sec. 39.2(a) provides nine criteria that must be satisfied as part of the siting approval process. We believe that the applicant fails to meet the criterion that requires they demonstrate that a pollution control facility such as Winnebago Landfill 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. Due to its close proximity to the future economic engine that community has frequently referred to as the Baxter Road/I-39 Interchange, the proposed expansion of the
Winnebago Landfill will significantly encroach on this important developing area and does nothing to minimize incompatibility with the character of the surrounding area nor does it minimize the effect on the value of the surrounding property.

**Response:** Issues related to the nine criteria found in Sec. 39.2(a) of the Act must be addressed by the local government entity during the siting process. Winnebago Landfill obtained siting for the East expansion and as required by 35 IAC 812.105 has submitted that information to Illinois EPA as part of its application.

27. **Comment:** Concerning all the people in New Milford who have or have died from cancer. Could this be because of the landfill?

**Response:** Cancer is not a single disease. It is a group of more than 200 different diseases and as a group is common in the population. Only a statistical analysis can determine if there is increased incidence of any particular cancer in a population and there would need to be a route of exposure. More information can be found on the Illinois Department of Health webpage, [http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/cancer-your-environment](http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/cancer-your-environment)

28. **Comment:** Birds around the landfill are a hazard. Not only from their contaminated droppings but also from airplane strikes. The landfill is so close to the Greater Rockford Airport that bird strikes are likely to happen more often.

**Response:** The landfill has a bird control plan and has implemented control approaches such as habitat control and active control to eliminate food sources for the birds. The expansion meets regulatory distances from airports. Notification of the expansion was provided to the FAA and the Northwest Chicagoland Regional Airport at Rockford.

29. **Comment:** Landfills are an assault on our environment. The EPA should be doing everything possible to deny the expansion permit to the existing landfill. Creating the largest landfill in Illinois will likely create the largest hazardous superfund site in the long term.

**Response:** Laws and regulations are promulgated to specify design, development and operating parameters to be met by any new or expansion of a landfill. The Illinois EPA is required by law to issue a permit if the facility can demonstrate that it can comply with the rules and regulations adopted by the Illinois Pollution Control Board.

30. **Comment:** Manufacturers only guarantee landfill liners for three years. That is why it is so dangerous to proceed with this expansion.

**Response:** The delivery, storage, installation and testing of geomembranes at a landfill is subject to a very stringent Construction Quality Assurance (CQA) program that, prior to implementation, is reviewed and approved by the Illinois EPA. Such a CQA program
is provided in the Winnebago Landfill Expansion application and was reviewed by the Illinois EPA to ensure compliance with the solid waste landfill regulations.

During the installation of a geomembrane liner at a solid waste landfill, the CQA officer is required to record and document all inspections, observations, sampling and testing associated with the delivered geomembrane, and the placement seaming, and sampling of the geomembrane. This documentation is required to be compiled by the CQA officer in what is referred to as a construction acceptance report and submitted to the Illinois EPA in the form of a permit application. This application is reviewed by the Illinois EPA to ensure the geomembrane has been installed in accordance with the approved landfill design, the approved CQA program and the solid waste landfill regulations.

31. **Comment:** If this landfill expansion is approved, no families or businesses would ever consider relocating to Rockford or the surrounding area.

**Response:** These are issues addressed as part of local siting approval.

32. **Comment:** Fire safety is a major concern. The New Milford Fire Protection District is a volunteer service and is staffed sparsely. What if a major fire or other catastrophe would occur?

**Response:** If a fire occurs, the landfill must take steps to keep it from becoming a major fire. Steps may include isolating the burning area and application of soil, water, or other material. Fire extinguishers are located in each piece of heavy equipment and within buildings. A soil stockpile is located near the working face and the working face is covered with daily cover at the end of each day. The fire department or the Emergency Services Disaster Agency offices may be contacted for help in fighting larger fires.

33. **Comment:** If you proceed to expand this landfill- someday the lawsuits on this decision will be a catastrophe and thousands of acreage surrounding the landfill will be destroyed.

**Response:** Decisions relating to land use and the siting of landfills is specifically delegated by the Environmental Protection Act to local authorities. In this case, Winnebago Landfill, as required by the Act, obtained local siting approval for the east expansion from Winnebago County prior to submittal of a permit application to the Illinois EPA.

34. **Comment:**

Suggestions if the landfill must be here:
1. More epidemiological studies on health issues that might be tied to the landfill.
2. Provide OUTSIDE testing of water and air quality
3. Restrict the usage of the facility to Winnebago alone or most of the contiguous counties.
4. Restrict the landfill to 100 or 125 feet above existing ground level and stop it at the Harrisville Road to allow a gradual more esthetic incline.
5. Require a 50 to 100 foot net completely around the landfill to retard blowing waste.
6. Require a comprehensive operations and end use plan with sufficient attention to the traffic and economic impact of the facility and local landowners both during the life cycle of the facility and in the end-use phase.

**Response:** These items are not required by the regulations and are beyond the authority of the Illinois EPA to add to the permit. The Illinois EPA cannot, by law, require a facility to provide additional restrictions not required by the existing regulations.

35. **Comment:** Winnebago Landfill is currently taking garbage from 14 Illinois counties as well as some from Indiana, Michigan and Wisconsin. This has become nothing more than BIG BUSINESS. It is no longer about finding a place for our garbage but for much of the Midwest. Do we really want to sell our Counties soul this cheap?

**Response:** These items are not required by the regulations and are beyond the Illinois EPA’s permitting authority.

36. **Comment:** The current application directly conflicts with the Village of Cherry Valley’s existing Comprehensive Land Use Plan (Plan). The current Plan was revised in 2009 and serves as the village’s official planning document. The Village makes every effort to carry out the contents of the Plan to ensure that the living and business environment is secured and enhanced for all residing within the Village and its planning area. The Village has identified the northeast and the southeast parcels of Baxter Road/I-39 Interchange as future commercial retail in order to support the Village’s growing needs. The Winnebago Landfill expansion to the west of these parcels will slow economic development along the Baxter Road/I-39 corridor and will significantly affect the number of and types of businesses that would locate in such close proximity to a landfill operation. The number of jobs that would have potentially located in this corridor would significantly decline, while in turn would negatively affect the tax revenue generated by potential commercial, office and light industrial businesses that would have otherwise likely located by the Baxter Road/I-39 Interchange.

**Response:** These are issues addressed as part of local siting approval.

37. **Comment:** Wasted tax dollars used on an advanced infrastructure for growth to an area that will not see future development due to the expansion

**Response:** These are issues addressed as part of local siting approval.