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PDC Project No. 91-0118.13

October 26, 2018

Mahomet Aquifer Protection Task Force, c/o  
Ms. Barb Lieberoff  
Office of Community Relations  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62702

**RE: Clinton Landfill**

Dear Colleagues:

I am writing to you today to provide findings of fact and my expert opinions with respect to certain hydrogeologic conditions at the Clinton Landfill. I hope these materials will inform the Task Force's deliberative processes as we work to finalize the recommendations that will be contained in our Final Report.

In 2017 I was found to be qualified by education and experience as an expert witness in a matter concerning hydrogeologic conditions at the Clinton Landfill. I was asked to review applicable materials and form expert opinions with respect to the Mahomet Aquifer and hydrogeologic condition in the vicinity of the Clinton Landfill. I recently reviewed these materials and am unaware of any new and emerging data that would weaken or invalidate those findings and expert opinions. A summary is provided below for your consideration:

1. Clinton Landfill has been the subject of a 3-year long split sampling groundwater investigation led by the Illinois Environmental Protection Agency (IEPA). Details of the program have been made available to the public at <https://www2.illinois.gov/epa/topics/community-relations/sites/mahomet-aquifer/Pages/default.aspx>. There have been no statistically significant differences between the groundwater results from the IEPA's analytical laboratory and Clinton Landfill Inc.'s contract analytical laboratory. There have been no findings that suggest that the shallow groundwater beneath Clinton Landfill has been impacted by construction or operations at the facility.
2. There are no hydrostratigraphic units above the Mahomet Aquifer in the vicinity of the Clinton Landfill that are saturated with groundwater and capable of yielding economically useful quantities of water. All of the available evidence suggests that the area in the vicinity of the Clinton Landfill is not a recharge zone for the Mahomet Aquifer. The hydraulic heads in the shallow aquifers differ from the hydraulic head in the confined Mahomet Aquifer by more than 40 feet, and in some cases by almost 85 feet. This large difference in hydraulic head indicates a lack of hydraulic connectivity, and does not

indicate potential for contaminants to migrate from the base of the landfill into the Mahomet Aquifer.

3. Using the EPA-developed DRASTIC methodology to determine the susceptibility of the Mahomet Aquifer to contamination from the Clinton Landfill, I found that the Mahomet Aquifer in the vicinity of the Clinton Landfill is in a much more protected setting than typical of Buried Valleys in the Glaciated Central Region of Illinois. It is less susceptible to contamination via the groundwater pathway; the major protective factors are a larger than typical depth to water, a lower than typical net recharge, and an effective confining layer.
4. Site-specific groundwater isotopic and chemical data, independently- and split-sampled, support the conclusion that all of the water-bearing zones at the Clinton Landfill, including the Mahomet Aquifer, are not-vulnerable to contamination. This clearly demonstrates that the natural glacial clays provide an effective barrier to potential contaminant migration.
5. A credible numerical flow model, independently developed and calibrated, shows that in the vicinity of the Clinton Landfill the effective downward recharge may actually be negative, indicating that the Mahomet Aquifer, in addition to being strongly confined in this area, is also receiving no recharge from the surface.
6. The Clinton Landfill is not a potential source of contamination to the Mahomet Aquifer via the groundwater pathway, and that any materials released into the groundwater pathway from the Clinton Landfill would not impact the Mahomet Aquifer to any material extent.
7. The geology and hydrogeology of the Clinton Landfill Site have already been characterized in fine detail. More than 200 soil borings have been constructed and logged at the site, and the current groundwater monitoring network has 117 individual monitoring devices. The monitoring devices are sampled quarterly, and the list of analytes contain more than 250 constituents.

My findings and opinions are in accord with independent findings from studies conducted by the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency. Attachment 1 is a letter from the Illinois Office of the Attorney General to stakeholders that address concerns with the Clinton Landfill. On page two, it is noted that “The USEPA found that ‘fluids will not migrate from the CWU to the Mahomet Aquifer even under worst case hypothetical scenarios.’ ” (highlighting added by author of this letter). On page 6, it is noted that “all appropriate safeguards are in place to protect the Mahomet Aquifer”.

I also note that, contrary to supposition put forward in recent Task Force meetings, that issues relating to the disposal of TSCA wastes or MGP Source Materials at Clinton Landfill will not be a recurring issue. Attachment 2 is a copy of the Consent Order among Clinton Landfill, Inc. and stakeholders over the Mahomet Aquifer. On page 10, paragraph 9, it is clearly agreed that Clinton Landfill, Inc. will not accept for disposal, or seek to accept for disposal, TSCA-PCBs or MGP Source Material on any real estate that is located over the Sole Source Aquifer in DeWitt County, Illinois, at any time. This Consent Order was agreed to by Clinton Landfill, Inc., the Illinois Attorney General, the Illinois Environmental Protection Agency Legal Counsel, and 16 local

stakeholder groups.

My recommendation is that the area in the vicinity of the Clinton Landfill should not be considered a priority for early HTEM characterization, for additional subsurface exploration, or groundwater monitoring outside the scope of the current landfill operating permit. I further recommend that the Task Force not advocate any new landfill rules or regulations as the existing state and federal regulatory framework for landfills is comprehensive, protective, and sufficiently prescriptive. With respect to landfills it is my view that the Task Force should maintain a strong focus on using resources to study legacy sites that are un-regulated and/or unattended. In my view, extending our focus to regulated landfills would weaken the technical credibility of our report and divert attention from activities already identified that would be much more protective of the Mahomet Aquifer.

I would be happy to answer any questions or provide more details to any member of the Task Force, the Task Force as a whole, or any stakeholder group or member of the public.

Respectfully Submitted,

**PDC Technical Services, Inc.**

Charles J. Hostetler, Ph.D.  
Senior Program Manager  
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Attachments

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**Attachment 1**

**Letter from Illinois Attorney General's Office to  
Clinton Landfill Stakeholders**



**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 11, 2015

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WATCH Clinton Landfill member  
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Former DeWitt County Board member  
Vice-President, WATCH Clinton Landfill  
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**Re: Concerns with the Clinton Landfill in Clinton, DeWitt County, Illinois**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Coal Combustion Waste**

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

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

### MGP Waste Legislation

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

### Degradation of Landfill Liners

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

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

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

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

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

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

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



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

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

### Proximity to the Mahomet Aquifer

In your letter you state:

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

\* \* \*

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

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

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

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

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

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

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

Additionally, the USEPA concluded:

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

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

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

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

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

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

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

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

Sincerely,

*Matthew J. Dunn*

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

cc: Lisa Bonnett, Director, Illinois EPA  
John J. Kim, Chief Legal Counsel, Illinois EPA  
David L. Wentworth II, Esq., Hasselberg Grebe Snodgrass Urban & Wentworth  
Frederick C. Stavins, City Attorney, City of Champaign  
Joseph E. Hooker, Assistant City Attorney, City of Champaign  
Daniel P. Markwell, DeWitt County State's Attorney



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 26 2011

REPLY TO THE ATTENTION OF: W-15J

**MEMORANDUM**

**SUBJECT:** Clinton Landfill

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

A handwritten signature in cursive script, appearing to read "Tinka G. Hyde", written over the printed name and title.

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

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

Attachment

## Clinton Landfill Evaluation

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

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

### Findings

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

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

The reasons for their findings are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1) PCBs are hazardous essentially forever.

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

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

Response: Cap maintenance is required by permit conditions.

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

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

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

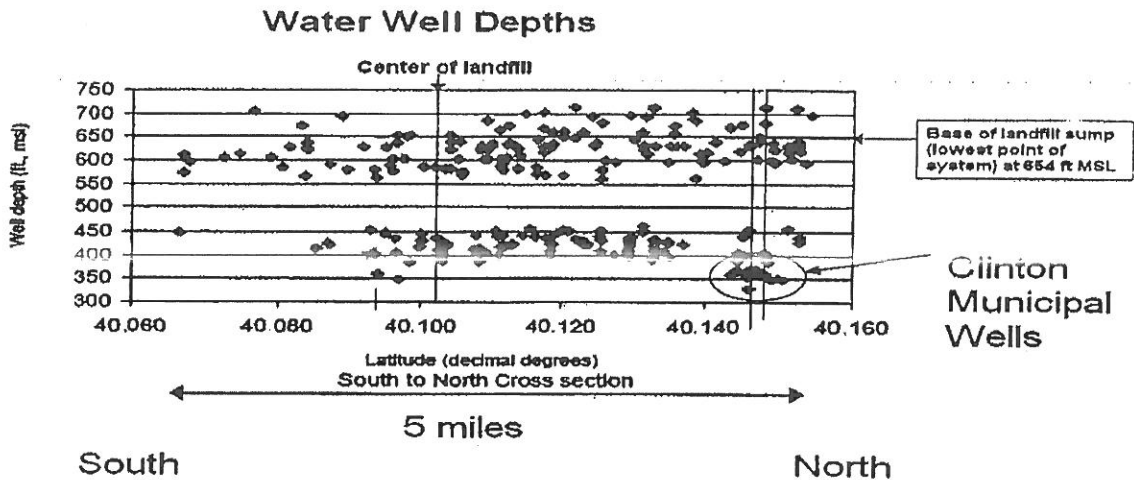
Response: Leakage will be detected by the volume of liquid pumped from the leachate collection systems. However, repair would probably be difficult.

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

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

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





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

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

**Attachment 2**

**Consent Order**

**People of the State of Illinois, *ex rel.* Lisa Madigan v.  
Clinton Landfill, Inc.**

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

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

Plaintiff,

v.

CLINTON LANDFILL, INC., an Illinois  
corporation,

Defendant.

No.

Consolidated with

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

Plaintiffs,

v.

CLINTON LANDFILL, INC., an Illinois  
corporation,

Defendant.

No.

## CONSENT ORDER

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

### I. INTRODUCTION

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

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

**A. Parties and Background**

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

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

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

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

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

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

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

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

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

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

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

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

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

Protection Agency, Case Nos. PCB 15-76, PCB 15-111, PCB 15-113, PCB 15-166, PCB 15-194, PCB 15-195, PCB 15-207, PCB 16-34, and PCB 16-59.

**B. Definitions**

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

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

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

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

**C. Allegations of Non-Compliance**

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

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

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

**D. Consolidation**

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

**E. Non-Admission of Violations**

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

**II. APPLICABILITY**

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



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

### III. JUDGMENT ORDER

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

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

##### **A. CLI's Commitments**

1. Within seven (7) days of entry of this Consent Order, CLI shall move to dismiss the permit appeals currently pending before the Board, Clinton Landfill, Inc. v. Illinois Environmental Protection Agency, Case Nos. PCB 15-60, PCB 15-76, PCB 15-111, PCB 15-113, PCB 15-166, PCB 15-194, PCB 15-195, PCB 15-207, PCB 16-34, and PCB 16-59.

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

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

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

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

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

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

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

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

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

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

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

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

**B. State's Stipulations**

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

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

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

**C. Local Governmental Plaintiffs' Stipulations**

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

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

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

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

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

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

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

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

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

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

**E. Dispute Resolution**

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

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

**F. Notice and Submittals**

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

As to the State Plaintiffs

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

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

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

As to CLI

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

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

As to Local Governmental Plaintiffs

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

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

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

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

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

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

**G. Release from Liability**

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



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

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

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

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

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

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

AGREED:

**FOR THE STATE PLAINTIFF:**

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

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

BY:   
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 11/10/15

DATE: 11/9/15

**FOR THE LOCAL GOVERNMENTAL  
PLAINTIFFS:**

MAHOMET VALLEY WATER  
AUTHORITY

CITY OF CHAMPAIGN, ILLINOIS, a  
municipal corporation

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

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

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

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

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

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

DONALD R. GERARD

LAUREL LUNT PRUSSING

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

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

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

AGREED:

**FOR THE STATE PLAINTIFF:**

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

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

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

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

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

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

**FOR THE LOCAL GOVERNMENTAL  
PLAINTIFFS:**

MAHOMET VALLEY WATER  
AUTHORITY

CITY OF CHAMPAIGN, ILLINOIS, a  
municipal corporation

By: Robert F. Biele

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

Its: Chairman

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

DATE: 10/26/15

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

DONALD R. GERARD

LAUREL LUNT PRUSSING

\_\_\_\_\_

\_\_\_\_\_

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

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

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

AGREED:

**FOR THE STATE PLAINTIFF:**

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

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

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

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

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

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

**FOR THE LOCAL GOVERNMENTAL  
PLAINTIFFS:**

MAHOMET VALLEY WATER  
AUTHORITY

CITY OF CHAMPAIGN, ILLINOIS, a  
municipal corporation

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

By: Donald R. Girard

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

Its: CITY MANAGER

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

DATE: 9.2.2015

APPROVED AS TO FORM:  
Laurel Lunt Prussing  
Assistant City Attorney      *CB 2015-153*  
LAUREL LUNT PRUSSING

DONALD R. GIRARD  
Donald R. Girard

DATE: 10/21/15

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

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

AGREED:

**FOR THE STATE PLAINTIFF:**

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

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

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

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

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

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

**FOR THE LOCAL GOVERNMENTAL  
PLAINTIFFS:**

MAHOMET VALLEY WATER  
AUTHORITY

CITY OF CHAMPAIGN, ILLINOIS, a  
municipal corporation

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

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

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

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

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

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

DONALD R. GERARD

LAUREL LUNT PRUSSING

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

  
DATE: October 19, 2015

CITY OF URBANA, ILLINOIS, a municipal corporation

By: *David J. Perry*

Its: *Mayor*

DATE: *October 19, 2015*

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINOIS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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

CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

Its: City Manager

DATE: September 16, 2015

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINOIS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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

CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

By: *Pattie Kettner*

Its: County Board Chair

DATE: September 30, 2015

COUNTY OF PIATT, ILLINOIS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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



CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINOIS

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

Its: PIATT COUNTY BOARD CHAIRMAN

DATE: SEPTEMBER 9, 2015

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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

CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINIOS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

By: Christopher Koro

Its: President, Board of Trustees

DATE: Sept. 8, 2015

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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

CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINOIS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

By: Robert C. McCleary  
Robert C. McCleary  
Its: President

DATE: 9-23-15

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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

CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINIOS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

Its: City Manager

DATE: September 8, 2015

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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

CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINIOS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

By: Christopher K. Cani

Its: MAYOR

DATE: 9/21/15

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

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

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

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

CITY OF URBANA, ILLINOIS, a municipal corporation

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

COUNTY OF PIATT, ILLINIOS

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

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

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

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

By: 

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

Its: J. Drew Hoel, City Administrator

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

DATE: 8/25/15

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

CITY OF URBANA, ILLINOIS, a municipal corporation

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

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

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

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation

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

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

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

COUNTY OF CHAMPAIGN, ILLINOIS

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

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

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

COUNTY OF PIATT, ILLINIOS

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

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

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

TOWN OF NORMAL, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF SAVOY, ILLINOIS, a municipal corporation

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

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

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

CITY OF DECATUR, ILLINOIS, a municipal corporation

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

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

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

CITY OF MONTECELLO, ILLINOIS, a municipal corporation

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

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

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

CITY OF TUSCOLA, ILLINOIS, a municipal corporation

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

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

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

VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation

By: *Malcolm Johnson*

Its: *Mayor*

DATE: *Oct. 19-15*

CITY OF TUSCOLA, ILLINOIS, a  
municipal corporation

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

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

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

COUNTY OF McLEAN, ILLINOIS

By: Matt Scrimm

Its: County Board Chairman

DATE: August 18, 2015

DEBORAH FRANK-FEINEN

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

**FOR CLI:**

CLINTON LANDFILL, INC.

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

Its: \_\_\_\_\_  
Title of Signatory

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

VILLAGE OF FORSYTH, ILLINOIS, a  
municipal corporation

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

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

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

COUNTY OF MACON, ILLINOIS

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

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

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

**SO ORDERED.**

**ENTERED:**

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

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



COUNTY OF McLEAN, ILLINOIS

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

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

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

COUNTY OF MACON, ILLINOIS

By: 

Its: County Board Chairman

DATE: 10-8-15

DEBORAH FRANK-FEINEN

By: 

Its: Mayor

DATE: 10.19.15

**FOR CLI:**

CLINTON LANDFILL, INC.

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

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

Title of Signatory

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

**IT IS SO ORDERED.**

**ENTERED:**

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

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

COUNTY OF McLEAN, ILLINOIS

COUNTY OF MACON, ILLINOIS

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

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

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

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

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

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

DEBORAH FRANK-FEINEN


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

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

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

**FOR CLI:**

CLINTON LANDFILL, INC.

BY: 

Its: President

Title of Signatory

DATE: November 5, 2015

**IT IS SO ORDERED.**

**ENTERED:**

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

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

EXHIBIT A

LEGAL DESCRIPTION OF SITE  
(Clinton Landfill No. 3)

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

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

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

Quarter of the Northeast Quarter of said Section 14; thence S.88°41'09"W., 549.84 feet along the South line of the Northwest Quarter of the Northeast Quarter of said Section 14 to the iron pin at the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 14; thence S.88°34'49"W., 1167.00 feet along the South line of the North Half of the Northwest Quarter of said Section 14; thence N.65°24'32"W., 1454.56 feet; thence West, 143.42 feet; thence N.0°20'22"W., 298.81 feet; thence N.0°20'22"W., 2805.20 feet; thence N.45°45'22"W., 222.93 feet; thence S.88°23'08"W., 950.46 feet; thence S.12°26'12"W., 316.59 feet; thence N.76°33'13"W., 1149.56 feet; thence N.0°00'05"W., 96.51 feet to the Point of Beginning and containing 258.804 acres more or less.

Part of 12-10-400-003