

**STATE OF ILLINOIS
COUNTY OF MCLEAN**

In re:)
)
Application of)
Lakeshore Recycling Systems, LLC/)
Henson Recycling Campus Transfer Station)
for Siting Approval Under 415 ILCS 5/39.2)
of a New Pollution Control Facility)

**FINDINGS OF FACT AND CONDITIONS OF APPROVAL
BY THE McLEAN COUNTY BOARD**

1. On August 18, 2023, Lakeshore Recycling Systems, LLC ("Applicant") applied to the County of McLean ("County") for local siting approval of a new municipal waste transfer station on its property in unincorporated in McLean County, Illinois as legally described in the application and hereafter referred to as the "Property".
2. The Applicant owns the Property upon which the proposed pollution control facility ("Facility") is to be located.
3. The Applicant has negotiated a Host Agreement with the County and the Host Agreement is a part of the Application. The Applicant has also negotiated a utility agreement with the City of Bloomington that is a part of the Application.
4. The County has jurisdiction to consider the Application.
5. The public hearing on the application was opened on November 30, 2023; the hearing closed on December 1, 2023.
6. In accordance with the Act, written comment was then received by the County for an additional 30 days after the close of the Hearing (i.e., through 11 :59:59 p.m. CDST on January 2, 2024, including any written comment post-marked on or before January 2, 2024).
7. Based upon a finding and legal conclusion that the legal description of the Facility as set forth in the Application (and recognized in the preliminary plan approved by the County) controls, the Applicant fulfilled the pre-filing notice requirements of Section 39.2(b) (which states, in relevant part, that the applicant shall cause written notice of its request for site approval "to be served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located ... ").

8. Concerning 415 ILCS 5/22.14 (which states, in relevant part, that "no person may establish any pollution control facility for use as a garbage transfer station, which is located less than 1000 feet from the nearest property zoned for primarily residential uses or within 1000 feet of any dwelling"): As of the date of the application and based upon the legal description of the Facility set forth in the application—which at that time had been recognized in the approved preliminary plan and also recognized in the recorded Assessment plat—the Facility is not located within 1000 feet of any dwelling and not located within 1000 feet of any properties zoned for primarily residential uses.

9. The Applicant complied with all pre-filing notice requirements of Section 39.2(c) of the Act.

10. The siting proceedings herein, both procedurally and substantively, complied with the requirements of fundamental fairness.

11. Based on the understanding of Criterion 1 as articulated by the Pollution Control Board and affirmed by the Illinois Appellate Court for the Third District in *Will County v. Village of Rockdale*, 121 N.E.3d 468 (3d Dist. 2018), the Applicant demonstrated that the proposed Facility meets Criterion 1: "the facility is necessary to accommodate the waste needs of the area it is intended to serve...."

12. In demonstrating that the Facility—as proposed in the Application—meets Criterion 2, the Applicant agreed to the imposition of 3 special conditions to remove any doubt that: "the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected." The 3 stipulated special conditions are:

Special Condition 1: the Applicant shall prepare an acceptable final plat of subdivision and to record same before receiving any construction permit.

Special Condition 2: the Applicant shall be responsible for the maintenance of the landscaping buffers proposed for the Facility, including but not limited to maintaining the landscaping proposed along HDI Court (as such maintenance activities are approved by the highway authority with jurisdiction over HDI Court) and the landscaping buffers on the Facility proper.

Special Condition 3: the Applicant shall construct and dedicate HDI Court, and construct all intersection connections with HDI Court, to the standards set by McLean County and any other authority with jurisdiction over the traffic movements or road design.

13. The following provisions are hereby adopted to supplement Special Condition 3, pursuant to the recommendations of the McLean County Highway Department as contained within its staff report submitted on December 26, 2023:

i. To accommodate the additional truck traffic, HDI Court should be constructed with 6” of hot-mix asphalt on a 12” aggregate base. This would allow for easier future maintenance by the corresponding entity who has jurisdiction of the road.

ii. Curb and gutter and storm sewer should be placed as proposed in the preliminary plan.

iii. As proposed, the newly constructed HDI Court would become a street under the jurisdiction of Bloomington Township Road District. HDI Court should be transferred to the City of Bloomington upon completion and acceptance by Bloomington Township Road District.

iv. HDI Court will be connected to Bunn Street that is under the jurisdiction of the City of Bloomington. HDI Court under the jurisdiction of the City of Bloomington would provide system continuity and logical termini.

v. The intersection of Bunn Street and Hamilton Road needs to be signalized with additional turn lanes to increase the level of service at this location.

14. The Applicant demonstrated that the proposed Facility meets Criterion 3: "the facility is so 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;"

15. The Applicant demonstrated that the proposed Facility meets Criterion 4: "for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain or the site is flood-proofed;"

16. The Applicant demonstrated that the Facility meets Criterion 5: "the plan of operations for the is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;"

17. The Applicant demonstrated that the proposed Facility meets Criterion 6: "the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

18. The Applicant demonstrated that the facility will not be accepting hazardous waste and therefore demonstrated that Criterion 7 is not applicable.

19. Based on the analysis of Criterion 8 as articulated by the Pollution Control Board and affirmed by the Illinois Appellate Court for the Third District in *Will County v. Village of Rockdale*, 121 N .E.3d 468 (3d Dist. 2018), the Applicant demonstrated that the proposed Facility meets Criterion 8: " ... where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; ... "

20. The Applicant demonstrated that the facility is not located within a regulated recharge area and therefore Criterion 9 is not applicable.

21. The Applicant's operating history demonstrates that the Applicant is qualified to operate the Facility safely and properly.
22. The proposed Facility, when developed and operated in compliance with the special conditions, is consistent with all appropriate and relevant location standards.
23. The Applicant has agreed to comply and approval is conditioned upon compliance with all terms of the Host Agreement.

With the imposition of and compliance by the Applicant with the Special Conditions set forth above, the evidence demonstrates that the Application complies with each of the nine siting criteria in Sec. 39.2(a) of the Act and therefore the County hereby grants siting approval.


Adopted by the County Board of McLean County, Illinois, this 15th day of February, 2024.

APPROVED:



Catherine Metsker, Chairman
McLean County Board

ATTEST:



Kathy Michael, Clerk of the County
Board of the County of McLean, Illinois