

RESOLUTION NO. _____
Date Passed: April 9, 2012

**AUTHORIZING ACCEPTANCE OF WASTE GENERATED OUTSIDE THE
SERVICE AREA AT ROCHELLE MUNICIPAL LANDFILL #2**

WHEREAS, on April 11, 2007, the Rochelle City Council adopted Resolution R07-10, approving the Application for Local Siting Approval for the Rochelle Municipal Landfill #2 Expansion filed by the City of Rochelle on October 16, 2006, and imposing certain special conditions on said approval; and

WHEREAS, among the special conditions imposed by Resolution R07-10 was special condition 36, which provided that "[t]he expansion shall not accept any waste generated outside the service area defined in the siting application, except as specifically approved otherwise by the City Council in writing"; and

WHEREAS, on May 8, 2007, the Rochelle City Council adopted Resolution R07-18, amending Resolution R07-10 in certain particulars, and affirming the remaining special conditions, including special condition 36; and

WHEREAS, the service area defined in the siting application includes the City of Rochelle, Ogle County and the remaining 20 counties comprising IEPA Regions 1 and 2 (JoDaviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, DeKalb, Kane, Cook, Whiteside, Lee, DuPage, Kendall, Bureau, LaSalle, Grundy, Will, Putnam and Kankakee Counties), excluding the City of Chicago; and

WHEREAS, the landfill operator, Rochelle Waste Disposal, L.L.C., has advised the City that, between the date of the approval of the landfill expansion and the operator's receipt of a development permit from the Illinois Environmental Protection Agency in September of 2011, the operator has reduced the annual waste receipts to approximately 33% of the 300,000 tons per year allowed under the Host Agreement between the City and the operator, in order to avoid running out of airspace before the IEPA permit was issued; and

WHEREAS, the operator has requested that the Rochelle City Council allow it to accept waste generated outside the service area at the landfill expansion, in order to make it possible for the operator to increase the landfill receipts to the allowable amount in order to make the landfill an economically viable business; and

WHEREAS, the Rochelle City Council deems it to be in the best interests of the City to grant the operator's request and to allow the landfill expansion to accept waste generated outside the service area;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Rochelle, as follows:

1. The City Council hereby approves the operator's request and authorizes the operator to accept waste generated outside the service area defined in the siting application.

2. This resolution, and the approval and authorization contained therein, shall not modify any other conditions of siting approval for the landfill, or any provisions of the Host Agreement between the Operator and the City, including without limitation conditions and provisions restricting the type and volume of waste which may be received in the expanded landfill.

PASSED AND APPROVED this 9th day of April, 2012 .

ATTEST:

City Clerk

Mayor