

Rock Island County Board

Ordinance 2024-10-A

Re: Renumbering of Code Sections Applicable to Pollution Control Facilities

WHEREAS, the existing Rock Island County Code of Ordinances includes several provisions dedicated to the regulation of pollution control facilities; and

WHEREAS, said provisions of the Rock Island County Code of Ordinances are currently organized as a subchapter of Chapter 150 of the Rock Island County Code of Ordinances, regarding building regulations and construction; and

WHEREAS, Rock Island County, Illinois, now believes it would benefit the general public to make the provisions of the Rock Island County Code of Ordinances which dealt with pollution control facilities easier to identify by assigning them to their own chapter of the Rock Island County Code of Ordinances; and

WHEREAS, in making these changes, Rock Island County, Illinois, also deemed it prudent to review these provisions of the Rock Island County Code of Ordinances and clarify some of the language and cross-references present in the existing Code of Ordinances.

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois as follows:

1. This ordinance is not intended to alter the substantive content of the provisions of the Rock Island County Code of Ordinances which are affected by this ordinance.
2. §§ 150.35 DEFINITIONS, 150.36 APPLICATION, 150.37 COUNTY REVIEW, 150.38 PRE-HEARING FILINGS, 150.39 PUBLIC HEARING, 150.40 PUBLIC COMMENT, 150.41 RECORD, 150.42 SITE APPROVAL DESIGN, 150.43 EX-PARTE COMMUNICATIONS PROHIBITED, and 150.44 ADMINISTRATION OF FEES AND COST; FILING DEPOSIT are hereby repealed and shall be stricken from the Rock Island County Code of Ordinances.
3. A new chapter of the Rock Island County Code of Ordinances shall be added entitled: CHAPTER 156: POLLUTION CONTROL FACILITIES.
4. The newly created Chapter 156 of the Rock Island County Code of Ordinances shall contain the following sections and text:

Pollution Control Facilities

156.01 Definitions

156.03 Application

- 156.05 County review
- 156.07 Pre-hearing filings
- 156.09 Public hearing
- 156.11 Public comment
- 156.13 Record
- 156.15 Site approval design
- 156.17 Ex-parte communications prohibited
- 156.19 Administration of fees and cost; filing deposit
- 156.99 Penalty

POLLUTION CONTROL FACILITIES

§ 156.01 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

ACTUAL COST OF REPRODUCTION. The actual cost incurred or paid by the county to reproduce any part of the record, including the cost paid by the county to a professional copy service, or in the case of a transcript, the cost paid for copies by the county to the court reporting firm.

AGENCY. The State Environmental Protection Agency.

APPLICANT. Any person, firm, partnership, association, corporation, company, local government, joint action agency, entity, or organization of any kind who files a request for site approval pursuant to this subchapter.

APPLICATION FEE. The fee filed with the request for site approval pursuant to § 156.03(C)(12) of this code of ordinances. The APPLICATION FEE for a request for site approval for a landfill shall be \$150,000. The APPLICATION FEE for a request for site approval for all other new pollution control facilities shall be \$75,000. A supplemental APPLICATION FEE in the amount of \$10,000 shall be paid at the time of filing of an amended request for site approval pursuant to § 156.03(E) of this code of ordinances.

COUNTY. Rock Island County, Illinois, a body politic and corporate, having a mailing address at 1504 3rd Avenue, Rock Island, Illinois 61201.

COUNTY BOARD. The County Board.

COUNTY CLERK. The Clerk of Rock Island County, Illinois, having offices at 1504 3rd Avenue, Rock Island, Illinois 61201.

COUNTY SOLID WASTE MANAGEMENT PLAN. The Bi-State Regional Comprehensive Solid Waste Management Plan, dated February 19, 1991, the Rock Island County Five Year Update of the Bi-State Regional Comprehensive Solid Waste Management Plan, dated January 1996, and such amendments thereto approved from time to time thereafter.

IPCB. The Illinois Pollution Control Board.

NEW POLLUTION CONTROL FACILITY.

(a) A pollution control facility initially permitted for development or construction after July 1, 1981;

(b) The area of expansion beyond the boundary of a currently permitted pollution control facility; or

(c) A permitted pollution control facility requesting approval to store, dispose of, transfer, or incinerate, for the first time, any special or hazardous waste.

PCF COMMITTEE. The committee appointed by the County Board Chairperson pursuant to § 156.05(A) of this code of ordinances.

POLLUTION CONTROL FACILITY. Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, consistent with the definition supplied in 415 ILCS 5/3.330.

RICWMA. The Rock Island County Waste Management Agency.

STATE'S ATTORNEY. The state's Attorney of the county.

(B) In addition, all other words used in this subchapter and defined in the Illinois Environmental Protection Act, 415 ILCS 5/1, et seq., shall have the same definitions and meanings as found in the Illinois Environmental Protection Act.

§ 156.03 APPLICATION.

(A) A minimum of 15 complete copies of requests for site approval, including copies of all site plans, exhibits, and maps, shall be filed with the County Clerk. However, only three copies of large-scale engineering drawings are required to be filed with each request, provided the applicant files 15 copies of the engineering drawings that have been reduced onto 11-inch by 17-inch paper. Upon receipt of any such request for site approval, the application shall be date stamped. Copies of the request for site approval shall be distributed by the County Clerk to the Chairperson of the County Board, the Chairperson of the Solid Waste Committee of the County Board, the Chairperson of the Health and Welfare Committee of the County Board, the Administrator of the County Health Department, the state's Attorney, the RICWMA, and members of the PCF Committee. Upon selection of a hearing officer and technical consultant, if

any, as set forth below, a copy of the request for site approval shall be provided by the County Clerk to them.

(B) (1) One copy of the request for site approval shall be made available by the County Clerk for public inspection at the office of the County Clerk. Members of the public shall be allowed to obtain a copy of the request for site approval or any part thereof from the County Clerk upon payment of the actual cost of reproduction.

(2) All copying requests shall be fulfilled by the County Clerk within a reasonable time from the time of the request.

(C) Requests for site approval shall contain and be of the form as follows:

(1) A written petition on eight and one-half inch by 11 inch paper that sets forth:

(a) The identification of the applicant and owner, and if the proposed site is owned in a land trust, each beneficiary of such land trust by name, and address and his or her defined interest therein;

(b) The legal description of the proposed site and a street address, or some other reasonable description of where the proposed site is located;

(c) A description of the proposed facility, its operation, and the expected longevity thereof;

(d) The area to be served by the proposed facility and a statement of the need for such a facility in the area;

(e) A list of the existing pollution control facilities located within or serving or reasonably capable of serving the area proposed to be served and, with respect to each such facility, the following information shall be provided: location; size; owner and/or operator; type of pollution control facility; remaining capacity; probable life of the proposed facility; and types of wastes received;

(f) The expected types, amounts, and methods of treatment or storage of all wastes proposed for the site and the general origins of these wastes;

(g) A description of the landfill design, including the liner, the leachate collection system, the gas collection system, and the final cover; and

(h) Reasons supporting approval of the application.

(2) All documents, if any, submitted as of the date of the request for site approval to the Agency pertaining to the proposed facility, except trade secrets determined to be such pursuant to 415 ILCS 5/7.1. Note that the applicant need only provide one copy of such documents; at the applicant's option, said copy may be provided in electronic ".pdf" format on a CD-ROM.

(3) A site plan showing details of the proposed facility, including, but not limited to:

(a) Cross-sections;

(b) Fences, buildings, and other structures; and

(c) Roads, entrances, and driveways.

(4) A topographic survey of the subject site and the surrounding area within 500 feet which indicates land use and, if applicable, the boundary of the 100-year floodplain;

(5) A statement of the plan of operation for the proposed facility, including, but not limited to, the following:

(a) Methods of storage, treatment, consolidation, or transfer of waste or other processes;

(b) Hours of operation;

(c) Personnel;

(d) Litter, vector, dust, and odor control;

(e) Surface drainage;

(f) Landfill gas control;

(g) Leachate control;

(h) Fire control; and

(i) Corrective actions for spills and other operational accidents.

(6) A statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight, and direction of movement;

(7) All pertinent documentary support for the application or request including, but not limited to, studies, maps, reports, permits, or exhibits that the applicant desires the County Board to consider at the public hearing. It is intended that the applicant provide a full and complete disclosure of his or her case to facilitate early review and analysis by all parties, provided that the applicant shall not be required to include in the request all of the detailed information required by the agency to be included in an application for a landfill development permit. However, the applicant shall not be precluded from introducing at the public hearing documentary support for the request that was not included in the application for site location approval, provided said documents were not reasonably available at the time the application was filed;

(8) A statement describing the past operating experience of the applicant (and any subsidiary and parent corporation) in the field of solid waste management in the state within the preceding ten years;

(9) A statement citing the past record of all convictions or admissions of violations of the applicant (and any subsidiary and parent corporation) in the field of solid waste management in the state within the preceding ten years;

(10) All pre-filing notices required by 415 ILCS 5/39.2;

(11) Any host agreement entered into between the county and the applicant; and

(12) The applicable application fee.

(D) An application for site approval may not be filed that is substantially the same as a request that was disapproved pursuant to a finding against an applicant by the county under any of the criteria of (i) through (ix) of 415 ILCS 5/39.2(a), as amended, within the preceding two years.

(E) At any time prior to the completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by the county and any participants, the applicant may file not more than one amended application upon payment of additional fees to cover the reasonable and necessary costs incurred by the county in the siting review process; in which case, time limitations for final action by the governing body of the county shall be extended for an additional period of 90 days.

§ 156.05 COUNTY REVIEW.

(A) Within 35 days after receiving a copy of the request for site approval from the County Clerk pursuant to § 156.03(A) of this code of ordinances, the County Board Chairperson shall appoint six members of the County Board to the PCF Committee. The Chairperson of the County Board shall serve as the Chairperson of the PCF Committee ("PCF Chairperson") and shall be the seventh member of the PCF Committee. In the event of the absence of the PCF Chairperson at a meeting or hearing of the PCF Committee, the members shall designate one of said members as Acting Chairperson during the absence of the PCF Chairperson.

(B) Within a reasonable time after receipt of a request for site approval, the County Board Chairperson shall appoint a hearing officer to preside over the public hearing and may retain a technical consultant to advise the County Board and the PCF Committee with respect to the application or request for site approval, evidence adduced at the public hearing, and comments received by the County Board.

(C) The technical consultant(s) retained by the county, if any, is authorized to present testimony at the public hearing as hereinafter described, and to prepare reports and recommendations in response to the request for site approval and to any written comments filed with the County Clerk. Such reports and recommendations shall be filed with the County Clerk at least ten days before the public hearing commences, as hereinafter described in § 156.07 of this code of ordinances.

§ 156.07 PRE-HEARING FILINGS.

(A) Public participation.

(1) All reports, studies, exhibits, or other evidence, other than testimony, which any person other than the county and the applicant desires to submit for the record, along with a list

identifying the witnesses to be called to testify at the public hearing, must be filed with the County Clerk at least ten days before the public hearing commences and shall be available for public inspection in the office of the County Clerk. Three copies of each report, study, exhibit, and witness list must be filed. In the event that the tenth day prior to the date set for public hearing falls on a Saturday, Sunday, or holiday, the next working day shall be considered the day that reports, studies, and exhibits must be filed. The County Clerk shall date stamp any such reports, studies, exhibits, or other evidence upon receipt. Members of the public shall be allowed to obtain copies of said documents and witness list from the County Clerk upon payment of the actual cost of reproduction.

(2) Any person wishing to participate at the public hearing shall have the rights, obligations, or opportunities as set forth below in § 156.09(F) and (G) of this code of ordinances consistent with 415 ILCS 5/39.2 and fundamental fairness.

(B) Applicant and county participation.

(1) All reports and recommendations prepared by the county's technical consultant(s), if any, and by any county department(s), if any, pursuant to § 156.05(C) of this code of ordinances, and all other reports, studies, exhibits, or other evidence, other than testimony, which the county desires to submit for the record, along with a list identifying the county's witnesses to be called at the public hearing, must be filed at least ten days before the public hearing commences and shall be available for public inspection in the office of the County Clerk. Three copies of each report, study, exhibit, and witness list shall be filed. Members of the public shall be allowed to obtain copies of said documents and witness list from the County Clerk upon payment of the actual cost of reproduction.

(2) The applicant shall file three copies of a list identifying the applicant's witnesses to be called to testify at the public hearing with the County Clerk at least ten days before the public hearing commences. The applicant's witness list shall be available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain copies of said witness list from the County Clerk upon payment of the actual cost of reproduction. The request for site approval previously filed, and all reports or studies contained therein, shall be deemed evidence for admission as an exhibit at the public hearing.

(C) RICWMA participation. RICWMA shall file with the County Clerk any recommendations pursuant to the "Rock Island County Five Year Update of the Bi-State Regional Comprehensive Solid Waste Management Plan" at least ten days before the public hearing commences, which recommendation shall be available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain copies from the County Clerk of the recommendation upon payment of the actual cost of reproduction.

§ 156.09 PUBLIC HEARING.

(A) The PCF Committee shall hold a public hearing on the request for site approval no sooner than 90 days but no longer than 120 days from the date of filing of the request for site approval. A transcript shall be made and retained of all portions of the public hearing.

(B) Within 30 working days after a request for site approval is filed, the County Board Chairperson shall determine the date, time, and location of such public hearing, but in any event the initial public hearing must be scheduled no sooner than 90 days but no later than 120 days from the date the request for site approval was filed with the County Clerk.

(C) The County Board Chairperson shall notify the applicant of the date, time, and location of such hearing. The applicant shall cause notice of such hearing to be made as follows:

(1) Publish legal notice in a newspaper of general circulation published in the county no later than 14 days prior to the date of such hearing;

(2) Such notice shall consist of the following:

(a) The name and address of the applicant;

(b) The owner of the site, and in case ownership is in a land trust, the names of the beneficiaries of said trust;

(c) The legal description of the subject site;

(d) The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership, or occupancy, or in some other manner that will reasonably identify the property to residents of the neighborhood;

(e) The nature and size of the proposed development;

(f) The nature of the activity proposed;

(g) The probable life of the proposed activity;

(h) The time and date of the public hearing;

(i) The location of the public hearing;

(j) A statement that all documentary evidence other than testimony to be submitted at the public hearing and a list identifying witnesses must be filed with the County Clerk at least ten days before the public hearing commences;

(k) A statement that all parties, including members of the public, intending to testify or cross-examine must submit notice of said intent to the County Clerk or sign in with the hearing officer on or before the first day of public hearing; and

(l) A statement that written comment must be received by the County Clerk or postmarked not later than 30 days after the date of the last public hearing.

(3) No later than 14 days prior to the hearing, notice shall be delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the State Environmental Protection Agency, and to the governing authority of all municipalities contiguous to the proposed facility.

(D) The hearing officer appointed by the County Board Chairperson shall preside over the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this subchapter. The hearing officer shall make all decisions and rulings in accordance with fundamental fairness. The hearing officer may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or other evidence. No ruling of the hearing officer shall be appealable to the PCF Committee or the County Board.

(E) The applicant for site location approval shall have the burden of going forward with evidence of the suitability of the site location for the proposed use. The request for site location approval previously filed, and all reports, maps, or studies contained therein shall be deemed evidence and admitted as an exhibit at the public hearing.

(F) Any person appearing at such public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use. All persons intending to participate in the hearing, including members of the public, must submit written notification of said intent to the County Clerk before the first day of public hearing or register in person with the hearing officer prior to the close or adjournment of the first day of hearing. Any person who has submitted a timely notification of intent to participate at such public hearing shall have the right to present testimony and witnesses and orally comment on the suitability of the site location for the proposed use. Any such person shall have the right to be represented by an attorney at said public hearing. Participants represented by attorneys shall have the right of reasonable cross-examination, subject to the hearing officer's judgment and consistent with fundamental fairness. Participants not represented by attorneys shall be allowed to submit written cross-examination questions to the hearing officer, who shall exercise discretion to direct relevant and non-duplicative cross-questions to the applicable witness. Cross-questioning of witnesses will be permitted only during that period immediately following each witness' testimony.

(G) Conduct of the public hearing shall be substantially as follows:

- (1) Call to order;
- (2) Introduction of the hearing officer;
- (3) Recognition of the applicant and identification of the request for site approval;
- (4) Recognition by the applicant of fees, notices, and date of filing of the request for site approval;

(5) (a) Recognition of the PCF Committee and other parties wishing to testify and any other reports, exhibits, maps, or documents of record as filed pursuant to this subchapter, as amended. All parties, including members of the public, intending to testify or cross-examine must sign in or submit written notification of said intent to the County Clerk or hearing officer

on or before the first day of the public hearing. Should the public hearing extend beyond one day, additional parties or members of the public, not of record as of the first day of the public hearing, will not be allowed to present testimony or cross-examine, except as authorized by the hearing officer for cause shown, consistent with fundamental fairness.

(b) Subject to § 156.11(D) of this code of ordinances, any person wishing to comment orally, without being subject to cross-examination, may do so at the conclusion of evidence, subject to the hearing officer's discretion.

(6) The applicant, the county, and other parties represented by counsel may make an opening statement;

(7) Testimony from the applicant and/or any witnesses the applicant may wish to call. Upon the close of the applicant's evidence, the county and other parties may offer expert witnesses and other testimony or evidence they may wish to present. Members of the public, of record, as set forth in divisions (F) and (G)(5) above, may then present oral comment. All members of the public who participate by providing oral comments shall do so under oath. The hearing officer shall decide the order of presentation of testimony subject to this subchapter;

(8) All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable questioning as follows: direct, cross-questioning, redirect, recross, and the like. After all parties have presented testimony, reasonable rebuttal, surrebuttal, and the like, may be allowed at the discretion of the hearing officer;

(9) Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable from the request for site approval as filed with the County Clerk, such situation may constitute grounds for a recess in the public hearing for a period not to exceed five working days;

(10) Summary statements by the applicant, other parties, and the county, subject to limitations as imposed by the hearing officer;

(11) Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the hearing officer;

(12) Proposed findings of fact and recommendation of the parties. Prior to the close of the hearing, the hearing officer shall fix a date after the hearing to file the same with the County Clerk; and

(13) Hearing closed.

(H) If, prior to making a final local siting decision, the County Board has negotiated and entered into a host agreement with the applicant, the terms and conditions of the host agreement, whether oral or written, shall be disclosed and made a part of the hearing record for that local siting proceeding. In the case of an oral agreement, the disclosure shall be made in the form of a written summary jointly prepared and submitted by the County Board and the applicant, and shall describe the terms and conditions of the oral agreement.

§ 156.11 PUBLIC COMMENT.

(A) The County Clerk shall receive written comment from any person concerning the appropriateness of the proposed site. Upon receipt of any such written comment the County Clerk shall date stamp the same and shall file the written comment and the postmarked envelope in which the comment is received as part of the record in the siting proceeding.

(B) Copies of such written comments shall be made available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain a copy of any written comment received by the County Clerk upon payment of actual cost of reproduction.

(C) Any written comment received by the County Clerk or postmarked not later than 30 days after the date of the last public hearing shall be made part of the record at the public hearing as hereinafter described and the County Board shall consider any such timely written comments in making its final determination concerning said request. In the event that the thirtieth day falls on a Sunday or a federal holiday, the next day on which mail is delivered shall be considered the thirtieth day for purposes of this division (C).

(D) All public comment, oral or written, which is timely submitted, shall be considered by the County Board. Public comments may not be entitled to the same weight as testimony which is provided under oath and subject to cross-examination; while public comment shall be considered, it may be entitled to lesser weight.

§ 156.13 RECORD.

(A) The County Clerk shall be responsible for keeping the record of said hearing. The record shall consist of the following:

- (1) The request for site location approval as described in § 156.03 of this code of ordinances, including proof of notice pursuant to 415 ILCS 5/39.2(b), which shall be admitted as an exhibit at public hearing;
- (2) Proof of notice as described in § 156.09(C) of this code of ordinances;
- (3) Written comments filed by the public and received by the County Clerk or postmarked within 30 days of the close of the hearing;
- (4) All reports, studies, exhibits, or documents received into evidence at the public hearing;
- (5) The transcript of the public hearing;
- (6) All written communications between the PCF Committee and the County Board;
- (7) Proposed findings of fact and recommendations of the parties, if any; and
- (8) The resolution containing the final decision of the County Board.

(B) The County Clerk shall be responsible for certifying all copies of the record of the public hearing.

§ 156.15 SITE APPROVAL DESIGN.

(A) After the public hearing and any continuation thereof, the PCF Committee shall hold a meeting for purposes of developing a written recommendation and proposed decision to the County Board on the request for site location approval. If findings of fact are made, such findings shall be supported by the record. The written recommendation and proposed decision of the PCF Committee shall be delivered to the County Board for consideration by the County Board in making its decision on the request for site location approval.

(B) The County Board's decision on the request for site location approval shall be based on the following criteria:

(1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;

(2) The facility is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;

(3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property; and

(4) (a) 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;

(b) For a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain, or if the facility is a facility described in 415 ILCS 5/22.19a(b), the site is flood-proofed.

(5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(7) If the facility will be treating, storing, or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment, and evacuation procedures to be used in case of an accidental release;

(8) If the County Board has developed 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 said plan; for purposes of this criterion, the SOLID WASTE MANAGEMENT PLAN means the County Solid Waste Management Plan; and

(9) If the facility will be located within a regulated recharge area, any and all applicable requirements specified by the IPCB for such area have been met.

(C) The County Board may consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary and parent corporation) in the field of solid waste management when considering divisions (B)(2) and (B)(5) above.

(D) Pursuant to 415 ILCS 5/39.2(a), local siting approval shall be granted only if the proposed facility meets the criteria cited above.

(E) (1) The County Board shall make a final written decision within 180 days from the date of filing of the site approval request, specifying the reasons for the decision, which reasons shall be in conformance with 415 ILCS 5/39.2(a).

(2) The County Board may conditionally approve of any request for site approval, provided such conditions are not inconsistent with regulations promulgated by the IPCB.

(3) Any determination by the County Board shall be supported by the record, which record shall be made available for review by all members of the County Board.

(F) No written determination by the County Board of a site approval request may be reconsidered.

§ 156.17 EX-PARTE COMMUNICATIONS PROHIBITED.

In recognition of the quasi-judicial role of each member of the County Board and the state's Attorney, ex-parte communications with persons other than members of the County Board or the state's Attorney concerning the request for site approval are prohibited between the date of filing of the request for site approval and the date of the final decision of the County Board (or the one hundred eightieth day after said date of filing). Although the members of the County Board are encouraged not to attend meetings at which the member knows the request for site approval may be discussed, it is inevitable that due to their regular legislative duties over the course of time during the consideration of the request for site approval they may be in attendance at such meetings (for example, attendance at a municipality's council of governments meeting, attendance at a local chamber of commerce meeting, and the like). As such, the member is required to obtain and file a transcript of any meeting, where such meeting has been transcribed or recorded, or otherwise disclose such meeting in the public records (such as disclosing it on the record during the transcribed public hearings or during the written comment period provided for in § 156.11 of this code of ordinances). The transcript shall not, however, be utilized by the county in reaching its decision.

§ 156.19 ADMINISTRATION OF FEES AND COST; FILING DEPOSIT.

(A) (1) All expenses incurred by the county in conducting the review of the request for site approval, conducting the public hearing, making the site approval decision, and responding to any appeal thereof by a person other than the applicant shall be paid by the applicant, including

the costs of any consultants, attorneys, or hearing officer utilized by the county in connection with the request for site approval, costs of court reporting, and transcripts for the public hearing, and witness fees. Said expenses shall be paid from the application fee.

(2) The county shall periodically submit a detailed accounting and summary of all expenditures and reimbursements, authorized pursuant to division (A)(1) above, to the applicant for payment

(B) (1) Each applicant for siting approval of a pollution control facility in the county must, at the time of filing the application for site approval, pursuant to 415 ILCS 5/39.2, deposit with the County Board a filing fee deposit of \$75,000. If the proposed facility is intended to be a hazardous waste disposal site, the filing fee deposit shall be \$125,000.

(2) Pursuant to the provisions of 415 ILCS 5/39.2(e) and (k), in the event an applicant files an amended application in the manner allowed by law, such shall be accompanied by an additional filing fee in the amount of \$25,000.

(3) The applicable filing fee is intended to defray the reasonable and necessary costs of processing the application, including, but not limited to, cost of site inspection, clerical expenses, copying costs, space rental, hearing officer compensation, court reporter expenses, transcription costs, staff review expenses, special prosecutor expenses, and consulting fees, such as charges by engineers, planners, appraisers, and environmental counsel.

(4) In the event there are funds remaining in the filing fee deposit after payment of the county's costs and expenses, such shall be refunded to the applicant without interest, upon final resolution of the application process, including any and all types of administrative or judicial review.

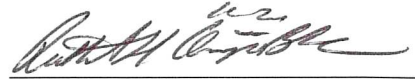
(5) In the event the county incurred additional costs in excess of the filing fee deposited, the applicant will be responsible therefor, and shall promptly pay over such amounts to the county upon request or demand.

(6) Upon receipt any and all fees required by the provisions of this subchapter shall be deposited in a special account in the County Treasury to be paid out by the County Treasurer upon order of the County Board. Such fees shall not be expended for any purpose not authorized by this subchapter.

§ 156.99 PENALTY.

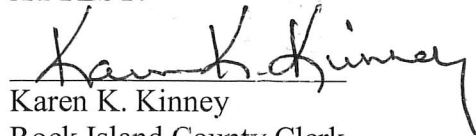
(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

Done in open meeting this 19th day of November, 2024



Richard H. "Quijas" Brunk
Rock Island County Board Chairman

ATTEST:



Karen K. Kinney
Rock Island County Clerk

Ordinance No. 2024-10-A