

Zoning Board of Appeals/Plan Commission
Village of Sheridan
April 30, 2018

The Village of Sheridan Zoning Board of Appeals/Plan Commission met on the above date at the Sheridan American Legion with the following members present: Jamie Walker, Heather Weber, Pam Carlson and John Whalen. Susan Enger was absent. Other Village officials present were Attorney Rich Burton, Chief Bergeron, Mayor Shelly Figgins, Zoning Chairman Larry Ryg, Parks Chairman Peggy Arneson and Village Clerk/Administrator Cathy Carpenter. Members of the public in attendance were as indicated in the sign in register attached as **Exhibit A**.

Jamie Walker as the Chairperson Pro Tem called the meeting to order at 7:10 P.M. Minutes from the April 2, 2018 were reviewed. Jamie Walker motioned to approve the minutes as written. John Whalen made a second to the motion which was approved by unanimous oral vote. The Village Clerk swore upon oath all present wishing to testify.

The first agenda item was consideration of Special Use request of Community #2 District to replace an existing communication tower next to the Elementary School in Sheridan. Pat McCauley with MapleNet Wireless was present and explained the school's petition for a special use. The school's petition seek the replacement of the existing 90 foot cell tower with a new 100 foot tower to be located near the site of the old tower at other location on the school property in Sheridan. The new tower will improve internal communications for internet, phone and connectivity between the schools. He stated that the replacement tower was freestanding and engineered to withstand wind, ice, and other natural disasters.

After Pat McCauley made his presentation, Jamie Walker opened the public hearing for comments from the board and others. In answer to questions, Pat McCauley advised that the tower will likely be available for other communications needs in Sheridan. Small Ethernet cables are run from the tower to the school and all power equipment will be inside and protected. The tower will be fenced or otherwise protecting from unauthorized climbing.

Upon completion of questions, Jamie Walker motioned to close public comment. Heather Weber made a second to the motion which was approved by unanimous oral vote. Jamie Walker motioned to recommend to the Village Board approval of the Special Use for the communication tower. Pam Carlson mad a second to the motion which was approved by unanimous oral vote. The Village Board will consider the Zoning Board's recommendation at the May 14 meeting.

Jamie Walker next called for the second agenda item on consideration for a hearing on a petition for review of Special Use for Clean Construction Demolition Debris at N 4201st Rd. Village Attorney Burton stated the agenda has been broken down into two parts: first, consideration if there is cause for a modification of the existing Special Use, and second, consideration of revisions to language for the Special Use. Attorney Burton asked Mr. Vardijan if he would agree if there was cause for modification of the existing Special Use or if he would like to hear from the Petitioners why they believe there is cause for modifications. Mr. Vardijan

replied that he would like to hear why Petitioners believe there is cause for a change to the existing Special Use.

Petitioners were asked to provide opening statements. Wendy Greenrod stated that Terry Greenrod, Kenny Thompson, Don McNelis and she had been working on researching CCDD issues in Sheridan since 2011. She advised that they have documented proof of allegations made in Petition. Mr. Vardijan advised in opening comments that his operations are a family business and that he believes that the Petitioners seek a personal attack on him as opposed to his business operations. Ron Vaughan who registered with the Village Clerk as an interested party waived any opening statement.

At the conclusion of opening statements, Ken Thompson began the presentation of Petitioners on the topic of whether cause exists for a modification of Special Use authorizing CCDD operations at the 4201st Road site. Ken Thompson passed out **Exhibit B** (copy attached to these minutes) and read pages 1 & 2 from **Exhibit B**.

Don McNelis continued the presentation of Petitioners. He passed out and had on display several pages from the **Exhibit C** (copy attached to these minutes) being a booklet entitled Development in Deep Sandstone Aquifer along the Illinois River in LaSalle County by L.R. Hoover and R. J. Schicht dated 1967 by the Illinois State Water Survey. Don spoke about the Maquoketa Aquifer and its location and flow along the CCDD sites in Sheridan to the Fox River referring in particular to page 7 of **Exhibit C**.

Don testified that the 4201st Road CCDD site was an abandoned gravel pit which had been mined to approximately 50-100'. Don stated that the shallow aquifer used by Sheridan Residents is 120-160' feet and any CCDD contaminated loads would be a danger to the shallow aquifer utilized by Sheridan area residents for drinking water. Don referenced improper dumping at the 4201st Road site as indicated by IEPA sample taking at the 4201st Road site on April 2017. See **Exhibit D** and **Exhibit E** (copies attached to these minutes). Don also testified that wrongful dumping took place this past winter for which the IEPA performed an inspection on January 9, 2018. See **Exhibit F** (copy attached to these minutes).

Mr. Vardijan questioned Don how he knew the direction of water flow from the 4201st site and asked if he had a study showing the direction of the flow of the water. Mr. Vardijan stated that it would take 30 years to contaminate the water. Mr. Vardijan asked Don if the IEPA took prompt steps to correct issues reported by the incident subject matter of **Exhibit D**. Don did not reference any water study for the 4201st Road site. Don stated that the IEPA did not take prompt action as to the incident subject matter of **Exhibit D** and believed that IEPA might be delayed for up to 3-5 years. Mr. Vardijan stated that the incident identified as **Exhibit F** was a result of a truck driver spraying his truck with fuel oil to allow CCCD materials to be dumped at the 4201st Road site. Mr. Vardijan stated that it was not company policy to allow the use of fuel oil. Pam Carlson asked if the incident subject matter of **Exhibit D** was scheduled or random. Don stated it was random. Don was asked how the sites are monitored. He stated they are self-monitored using a PID tester. Don stated that the 4201st Road site does not have a viewing stand by which the CCDD site operator may walk around a truck and check the contents with a PID

tester. Don stated that if the loads are bad they are supposed to be documented and taken away to an appropriate facility.

Wendy Greenrod stated there are supposed to be quarterly inspections at CCDD sites but based on her review of IEPA records there have been on average about two inspections of the 4201st Road site a year over the last 10 years. She advised that following the incident subject matter of **Exhibit F**, it took the 9 months until January of 2018 for the IEPA to test samples and make findings of violations. Wendy Greenrod stated no paperwork has ever been shown to the IEPA showing any rejected loads from the site. See **Exhibit G** (copy attached to these minutes). Wendy advised that reports should be filed with the IEPA when loads are rejected. Wendy Greenrod testified that the Petitioners requested this hearing to make sure the site is run in a safe manner for all residents of Sheridan. She stated that Sheridan Grade School and Jennings Lyon Day Home are tested to ensure that the water is safe. She spoke of the wells in town within 3,300' of the site. See **Exhibit H** (copy attached to these minutes). Wendy stated that is her desire that all parties work together to come to a solution to keep the Village of Sheridan safe. Jeff Tomlin stated the State of Illinois has underfunded the IEPA and they are running years behind.

Mr. Vardijan started his presentation after the petitioners concluded with their presentation. He spoke about his business with the City of Chicago and how loads were checked in Chicago. Materials are taken to a transfer station where they are inspected with a PID and sorted. Loads not suitable for CCDD deposit are taken to a City controlled rejection site. He advised that it is more economical for his company to take improper materials to the City rejection site than to truck materials to Sheridan only to have to return contaminated loads back to the Chicago rejection site. His company prefers trucks to return to Chicago with aggregate materials such as limestone from one of the quarries in Lisbon. Mr. Vardijan testified that Kevin Friel is the site employee at the N 4201st Rd. facility. He inspects loads with a PID instrument. Loads which set off the PID are reported to Nicole Vardijan at the Chicago area office and the materials in trucked back to Chicago. Mr. Vardijan stated that the two loads in reference from January were scooped up and sent back to Chicago. He stated that nobody is trying to pollute groundwater in Sheridan.

Mr. Vardijan made comments about the incident subject matter of **Exhibit D** and the IEPA testing results subject matter of **Exhibit E**. He stated that 89% of the CCDD pits fail their tests. He complained that the EPA made up a new criteria of maximum allowable concentration of certain chemicals and that CCDD operators, such as himself, were not aware of the new sampling and testing apparently implemented by the IEPA. Mr. Vardijan stated that his operation at the N 4201st Road site and operators at other CCDD sites were performing retesting of the IEPA collected samples. He advised that the January 2018 IEPA reports, retesting and reviews were still underway. Mr. Vardijan stated the given the IEPA standards and the manner in which CCDD sites operate, there would be no way to stop all potential violations. He stated that Waste Management was pushing to stop CCDD operations by having CCDD operate under conditions similar to regulated waste disposal operations including water well monitoring. He advised that water well monitoring carried a cost of about \$24,000.00 per quarter. He advised that there would be no advantage to CCDD sites if they became so regulated.

Kevin Friel stated that trucks come out in the morning and that he checks them with his PID. Kevin stated that his PID tester internally calibrates itself which is performed at the start of each day. Kevin stated that he reports any bad loads to the Chicago office and ships rejected loads back to Chicago. Don inquired as to whether or not the EPA is notified of bad loads. Kevin stated no he does not write out any report but notifies the Chicago office. Kevin states that the EPA was present when the loads were found to be bad at the incident subject matter of **Exhibit D**. Kevin testified that he checks loads by stepping out of his wheeler loader which he uses to push dumped loads into the pit. The deck of his wheel loader puts him at the appropriate elevation to check the load at the front, middle and back of the truck load with his PID. Terry Greenrod commented that he did not believe such monitoring could take place and Kevin invited Terry to the N 4201st Road site to view in inspection operations.

Wendy Greenrod commented that loads need to be checked on both sides. Mr. Vardijan stated that no one else dumps on the N 4201st Road site but their Chicago operations which reduces the chance of any contaminated materials being deposited at the N 4201st Road site. Mr. Vardijan was asked if all delivery trucks were his trucks and drivers. Mr. Vardijan advised that his son acts as the truck dispatcher. When operations get busy, his son calls in independent truckers to assist with loads.

Wendy asked if the PID tester had a memory that could be downloaded onto a computer. She stated this would be a safety measure and help village residents feel safer by knowing incoming load tests. Wendy stated that petitioners would like to assure all safety measures are in place to avoid any contamination at the N 4201st Road site. Mr. Burton inquired as to whether or not an engineer is certifying loads. Mr. Vardijan replied no engineer certifies each load but that an engineer certifies the collection site as qualified for CCDD disposal. Ken Thompson inquired about the time required for the testing and dumping of trucks. Kevin stated that trucks have a turnaround time of roughly 10-15 minutes. Ken asked if logs were maintained for all load. Kevin stated that pit activity logs are maintained. Juanita Altrip asked why there would be so many chemicals in loads of concrete. Mr. Vardijan stated that it could be in the soil surrounding the concrete, bricks and block. Mr. Vardijan asked Ken Thompson why he shut down the roads this spring. Ken replied that he posts temporary weight limits based upon weather and road conditions which are not the same from year to year.

At the end of questions of Mr. Vardijan, Mr. Burton asked the Petitioners to proceed to the second part of the hearing being consideration of revisions to language for the Special Use. Ken Thompson referred to and read pages 3-4 of **Exhibit B**. Ken also tendered a copy of the proposed LaSalle County CCDD zoning amendment. See **Exhibit I** (copy attached to these minutes). Ken advised that Petitioners are in support of the draft LaSalle County ordinance and stated there were advantages to LaSalle County and Sheridan's ordinances being similar.

Mr. Burton asked Mr. Vardijan to make comments as to possible revisions to language for the Special Use. Mr. Vardijan requested the opportunity to make such comments at a continued meeting.

Mr. Burton asked Ron Vaughan if he wanted to make comments. Ron spoke about issues that he encountered with the IEPA and the fast paced demands that they had made upon his as to

his farming operation. Ron complemented the petitioners for their work but commented that they had not reviewed any of their work with him, who was the closest person to the N 4201st Road site.

The Zoning Board discussed possible continued hearing dates and times. After Board discussion, Mr. Burton asked the participating parties if Monday May 7, 2018 at 6:00 P.M. at the Sheridan American Legion would work. All participating parties agreed to the date, time and location. Jamie Walker motioned to recess the meeting until May 7, 2018 at 6:00 P.M. Pam Carlson seconded to the motion which was approved by unanimous oral vote.

Respectfully Submitted,

Cathy Carpenter
Village Clerk