

**ORDINANCE NO. 2024-16**

**AN ORDINANCE AMENDING CHAPTER 42, ARTICLE VII OF THE MUNICIPAL CODE,  
VILLAGE OF STICKNEY, ILLINOIS REGARDING REQUESTS FOR APPROVAL OF  
POLLUTION CONTROL FACILITY SITING.**

**WHEREAS**, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of Village residents; and

**WHEREAS**, Section 39.2 of the Illinois Environmental Protection Act (415 ILCS 5/1, *et seq.*) (the “Act”) authorizes the governing body of a municipality to approve or disapprove all requests for local siting approval for each pollution control facility within the corporate boundaries of such municipality; and

**WHEREAS**, pursuant to the Act, developers of new pollution control facilities or owners of existing facilities that wish to expand their operations that are located within the Village are required to file a site approval request with the Corporate Authorities; and

**WHEREAS**, the Corporate Authorities are obligated to conduct a public hearing on such a request which shall include the opportunity for meaningful public comment on the proposed facility; and

**WHEREAS**, the Village previously established regulations creating a uniform procedure to govern the pollution control facility siting process within the Village (the “Existing Regulations”); and

**WHEREAS**, the Corporate Authorities have determined that it is necessary and in the best interests of the Village and its residents to update the Existing Regulations from time to time; and

**WHEREAS**, the Corporate Authorities have determined that Chapter 42, Article VII of the Municipal Code, Village of Stickney (the “Village Code”) should be amended to update the Existing Regulations; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

## **SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 42, Article VII of the Village Code in order to update and clarify the Existing Regulations as provided for herein and to authorize the President or his designee to take all action necessary to carry out the intent of this Ordinance.

## **ARTICLE II. AMENDMENT OF CHAPTER 42, ARTICLE VII OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

### **SECTION 3.0. AMENDMENT OF CHAPTER 42, ARTICLE VII.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 42, Article VII by striking the Article in its entirety and replacing the same as set forth herein:

## **ARTICLE VII. - REQUESTS FOR APPROVAL OF REGIONAL POLLUTION CONTROL**

### **FACILITIES**

#### **Sec. 42-501. - Definitions.**

"Act" is the Illinois Environmental Protection Act, as now enacted or as hereafter amended (415 ILCS 5/1, et seq.).

"Applicant" is any person, firm or partnership, association, corporation, company, local government, joint action agency, or organization of any kind who files a request for siting approval pursuant §39.2 of the Act or pursuant to this Article.

"Village" is the Village of Stickney, Illinois.

"Village Clerk" is the Village Clerk of the Village.

"Village Board" is the Board of Trustees of the Village.

The "Control Board" is the Illinois Pollution Control Board.

"IEPA" or "Agency" is the Illinois Environmental Protection Agency.

"Hearing officer" is an individual that the Village President appoints to conduct and regulate the proceedings at a hearing on a request for siting approval a Public Hearing and make Findings of Fact, Conclusions of Law, and recommendations to the Village Board as provided in this Article. Such an individual must be licensed as an attorney in the State of Illinois.

"Pollution Control Facility" or "Facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Reclamation District Act.

"Request for siting approval" or "Application" is any request for approval of a pollution control facility pursuant to 415 ILCS 5/39.2.

In addition, all other words used in this article and defined in the act shall have the same definitions and meanings as found in 415 ILCS 5/1, et seq. and corresponding regulations.

**Sec. 42-502. Village Approval Of Pollution Control Facilities.**

No site approval for the development or construction of a new Pollution Control Facility or expansion of an existing Pollution Control Facility in the Village may be granted by the Corporate Authorities unless an application is filed for approval of such a site and is submitted for consideration to the Corporate Authorities pursuant to this Article.

**Sec 42-503. Notice Of Intent To File Application For Site Approval.**

No later than 14 days prior to a request for location approval, the Applicant shall cause written notice of such request 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; provided, that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 foot requirement; provided further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

Such written notice shall also be served upon members of the General Assembly from the legislative district in which the proposed Facility is located and shall be published in a newspaper of general circulation published in the county in which the site is located.

Such notice shall state the name and address of the Applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such request as hereafter provided.

**Sec. 42-504. Procedure For Filing An Application For Approval Of A Pollution Control Facility.**

In order to request siting approval for a new or expanded Pollution Control Facility as defined by the Act within the Village an Applicant must file an application with the Village Clerk with a minimum of 5 paper copies of the application and 15 complete copies of the application in digital pdf format. The applicant must supply such additional copies as the Village may reasonably request. In addition, Applicant shall provide the local public Library with not less than one complete electronic copy of the application in order for the Library to make available for public inspection at the Library, should the Library so desire.

**Sec. 42-505. Filing Fee.**

The Applicant shall deposit with the Village Clerk at the time of filing the application for site approval of a new Pollution Control Facility as defined by the Act or expansion of an existing Pollution Control Facility, a nonrefundable filing fee deposit of \$5,000 for a solid waste transfer station, and a nonrefundable filing fee deposit of \$10,000 for any other type of pollution control facility. If the Applicant elects to file an amended application for site location approval for any new Pollution Control Facility as defined by the Act in accordance

with this Article, such amended application shall be accompanied by payment of a supplemental filing fee of 25% of the initial filing fee. Such supplemental filing fee shall be nonrefundable.

The applicable fee shall be used by the Village for and is intended to defray the reasonable and necessary costs of preparing to process and processing the application (hereinafter collectively referred to as "Village costs") including, but not limited to, costs of site inspection, clerical expenses, copying costs, Hearing Officer compensation, court reporter expenses, transcript costs, public notice expenses, professional consultants' fees (i.e. qualified professional engineers, planners, appraisers, etc.) tests, exhibits and testimony, if any, and any other relevant costs incident to the consideration of an application, and all expenses incurred leading up to that consideration not previously reimbursed, preparing the record on appeal. Costs and expenses incurred by the Village in defending an Applicant's appeal of the denial of a siting application are specifically exempted from reimbursement.

Should the Village incur any additional costs in excess of the applicable filing fee deposit, the Applicant shall bear any and all such additional costs and shall promptly pay over such additional amount to the Village upon request or demand. In the event that, at any time prior to final approval or the completion of any appeal, the balance of the initial filing fee deposit shall be reduced to an amount less than Two Thousand Dollars (\$2,000), the Applicant shall deposit an additional amount of 25% of the initial filing fee with the Village within five (5) days after being notified in writing of the need for such additional amounts.

#### **Sec. 42-506. Content Of Application.**

The application shall contain at least the following information:

A. The name and address of the Applicant, all direct and indirect owners of such Applicant holding more than a 10% interest, and the ownership interest held by such owners. The foregoing notwithstanding, this requirement does not require disclosure of limited partners, Trust beneficiaries, or minority shareholders of publicly traded companies.

B. The name and address of the owners of the site on which the Facility is proposed to be located, all direct and indirect owners of such site holding more than a 10% interest, and the ownership interest held by such owners. The foregoing notwithstanding, this requirement does not require disclosure of limited partners, Trust beneficiaries, or minority shareholders of publicly traded companies.

C. The legal description of the proposed site and a street address or some other reasonable description of where the proposed site is located.

D. A description of the proposed Facility, its operation and the expected longevity thereof.

E. A copy of the pre-filing notice required in 415 ILCS 5/39.2(b).

F. The area to be served by the proposed Facility and a statement of the need for such Facility at that location.

G. The expected types, amounts and methods of treatment, transportation or storage of all waste proposed for the site and the origin of those wastes.

H. A site plan showing details of the proposed Facility including, but not limited to roads, entrances and driveways.

I. A detailed topographic survey of the subject site.

J. A map showing land uses within one half mile of the site.

K. A map showing the boundary of any 100-year floodplain covering all or any part of the site.

L. All documents submitted as of the date of the application to the Agency pertaining to the proposed Facility, except trade secrets.

M. A statement of the plan of operation for the proposed Facility including, if applicable, but not limited to, the following:

1. Hours of operation.

2. Personnel.

3. Methods for litter, dust, vector and odor control.

4. Plans for surface drainage and erosion control.

5. Methods for fire control.

6. Action plans for collective actions for spills and other operational accidents.

7. If applicable, the stages of development or use.

8. Surface water monitoring, including sampling locations, and sampling and analysis protocols, if applicable.

9. If applicable, post-closure care and financial plan.

10. Identification of any on-site wetlands and the corresponding mitigation plan.

N. 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, and description of the proposed ingress and egress traffic routes to be used.

- O. A statement of compliance with the County Solid Waste Management Plan, if any.
- P. A statement describing the past operating experience of the Applicant (and any subsidiary, parent corporation or subsidiary of the parent corporation) in the field of solid waste management.
- Q. A statement citing the past record of all convictions or admissions of violations of the Applicant (and any of its subsidiaries) in the field of solid waste management. In the case of subsidiaries the statement shall be limited to convictions or admissions of violations occurring after the subsidiary was acquired. Said statement shall include but not be limited to a citation of the applicable statute or ordinance violated, a brief written summary of the violation or conviction and the penalty imposed.
- R. All physical evidence (except oral testimony and supporting power points) including, but not limited to, studies, maps, reports, permits or exhibits which the Applicant desires the Hearing Officer to consider at the public hearing. It is intended that the Applicant provide a full and complete disclosure of its case to facilitate early review and analysis by all parties.
- S. The pages of the application submitted to the Village shall be numbered or otherwise identified for easy reference. If an application consists of more than one binder, the pages within each binder shall be numbered or otherwise identified, and each binder shall be separately identified by volume.

**Sec. 42-507. Amendments To Application.**

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 Village and any participants, the Applicant may file not more than one amended application which must be accompanied with the appropriate supplemental filing fee. Provided, however, that the time limitations for final action by the Corporate Authorities on such amended application shall be extended for an additional period of 90 days.

Other amendments may be made with the consent of the Corporate Authorities.

**42-508. Public Hearing.**

At least one public hearing shall be held no sooner than 90 days but no later than 120 days from receipt of the request for site approval. Not later than 14 days prior to said hearing, the Applicant shall publish notice at its own cost and expense in a newspaper of general circulation published in the county and provide notice by certified mail to the IEPA, all members of the General Assembly from the district in which a proposed site is located; to the governing authority of every municipality contiguous to the proposed site or contiguous to the Village; and to the county board of the county where the proposed site is to be located. The notice shall contain the following information, which, except for items (h) through (m) must be included by the Applicant in its application. The Applicant shall

provide proof of publication to the Village within seven days of publication. The Village shall notify the Applicant in writing of the date and location of the public hearing at least 45 days prior to such hearing.

A. The name(s) and address(es) of the person(s) requesting site location approval;

B. The owner(s) of the site;

C. The legal description of the 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 at the proposed site;

G. The probable and proposed (if different from probable) life of the proposed activity;

H. The time and date of the public hearing(s);

I. The location of the public hearing;

J. A statement that the application and public record is available to the public in the Village Clerk's office;

K. A statement that all copies of evidence, except rebuttal evidence, other than testimony to be submitted at the public hearing must be filed in the Village Clerk's office at least two (2) days before the first public hearing; provided, however, that the Hearing Officer, in his or her sole and absolute discretion, may allow for the admission of evidence at the public hearing, or any continuation thereof, otherwise required to be filed with the Village Clerk's office in accordance with this Subsection 8.K;

L. A statement that copies of the application and public record are available upon payment of the costs and fees requested by the Village for such reproduction and which are not inconsistent with State law, at the Village Clerk's office; and

M. A statement that any person intending on participating in the public hearing process (through sworn testimony or unsworn oral comment) must file written notification of their intent to participate with the Village Clerk at least ten (10) days prior to the public hearing.

**Sec. 42-509. Appointment and conduct of the Hearing Officer.**

The Village President shall appoint a Hearing Officer for the public hearing. The Hearing Officer 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 Article. 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. For good cause shown, the Hearing Officer may waive any requirement of this Article except financial requirements. No ruling of the Hearing Officer shall be appealable to the Village Board.

#### **Sec. 42- 510. Participants At The Hearing.**

Any person, group or party who desires to participate in the public hearing (other than the Applicant and the Village, through its representatives) shall file an appearance which shall include the address of that party with the Village Clerk at least ten days prior to the public hearing. Any party filing an appearance in accordance with this section shall be provided an opportunity to fully participate in the public hearing. Such participation shall include the opportunity to make statements, cross-examine the Applicant's witnesses, present evidence including, but not limited to, testimony of witnesses, and make arguments at the close of the hearing. Full participation as described in this section shall be in accordance with the rules of fundamental fairness and procedure, including time limitations, as applied by the Hearing Officer. The right to full participation under this section shall not be construed to permit unlimited general comment, or repetitive cross examination. The rules of evidence shall not be strictly applied.

In addition to the filing of a written entry of appearance as specified above, any party wishing to fully participate in the public hearing shall submit a list of any witnesses it intends to call and the nature of the anticipated testimony of each such witness, as well as copies of any exhibits it intends to use during testimony by no later than two business days prior to the hearing. A party shall not be permitted to call any witness, except rebuttal witnesses, who have not been properly identified in accordance with this requirement.

Members of the Corporate Authorities may appear at the hearing and may ask questions or otherwise participate, without regard to the written notification required above. The Village may appear through its counsel.

#### **Sec. 42-511. Written Comment.**

The Village Clerk shall receive written comment from any person concerning the appropriateness of the proposed site. Any written comment received by the Village Clerk either prior to commencement of the hearing or within 30 days after the date of the last public hearing shall be made part of the record and the Village Board shall consider any such timely written comments in making its final determination concerning said request.

#### **Sec. 42-512. General Public Comment At The Hearing.**

Any person appearing at the public hearing and signing a register expressing a desire to address the Hearing Officer at the hearing shall have the right to make unsworn comment on the application. Opportunity for any person to make general comment pursuant to this section shall be limited to five minutes per person. The Hearing Officer in his discretion may permit others in attendance at the hearing to make comment or may expand an individual's time for comment if he deems it appropriate. Public comments shall not be given the evidentiary weight of sworn testimony subject to cross examination.



**Section 42-513. Conduct Of The Hearing.**

Conduct of the public hearing shall be substantially as follows:

- A. Call to order.
- B. Introduction of the Hearing Officer.
- C. Recognition of the Applicant and identification of the request for site approval.
- D. Recognition of the fees, notices and date of filing the request for site approval.
- E. Recognition of parties wishing to testify and any other reports, exhibits, maps or documents of record filed pursuant to this Article.
- F. The Applicant, the Village's representatives and other parties participating in the hearing pursuant to Section 42-510 may make an opening statement.
- G. The Hearing Officer shall then hear testimony from the Applicant and/or any witnesses the Applicant may wish to call. The Village's representative and any other party participating in the hearing pursuant to this Article shall have the right to cross-examine each of the Applicant's witnesses.
- H. Upon the close of the Applicant's testimony, other parties participating in the hearing may present evidence and call witnesses in support of their position. The Applicant and the Village shall have the right to cross-examine any such witnesses.
- I. Upon the close of the Applicant's and other parties' testimony and evidence, members of the public of record may then present oral comment to the Hearing Officer. The Hearing Officer shall decide the order of presentation of testimony subject to this Article.

J. Following close of the public comment portion of the hearing, the Applicant and other parties participating in the hearing shall be permitted to make final summary statements subject to limitations as imposed by the Hearing Officer.

K. Hearing closed.

**Sec. 42-514. Court Reporter.**

The Applicant shall ensure that a court reporter shall be present at any public hearing for purposes of establishing a record and transcript of the proceeding.

The transcript of the public hearing shall be made available for public inspection at the office of the Village Clerk. Interested persons may obtain copies of the transcription in accordance with the Village's Freedom of Information policies.

**Sec. 42-515. Hearing Officer's Proposed Findings of Fact.**

A. Any party participating pursuant to Section 42-510 may file proposed findings of law and fact within 7 days of the close of the record. Within 15 days of the close of the record, the Hearing Officer shall provide the Village and the Applicant with Proposed Findings of Fact. The Proposed Findings of Facts, which shall be publicly available, shall be based upon the record and the criteria the Village is required to consider pursuant to the Act, as follows:

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 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;

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;

5. 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 subsection (b)(3) of Section 22.19a (415 ILCS 5/22.19a), the site is flood-proofed;

6. The plan of operations for the Facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

7. The traffic patterns to or from the Facility are so designed as to minimize the impact on existing traffic flows;

8. 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;

9. If the Facility is to be located in a county where the county board has adopted a solid waste management plan that is consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act [415 ILCS 10/1 et seq. or 415 ILCS 15/1 et seq.], the facility is consistent with the solid waste management plan of Cook County; for purposes of this subsection, the "solid waste management plan" means the plan that is in effect as of the date the application for siting approval is filed; and

10. If the Facility will be located within a regulated recharge area, any applicable requirements specified by the board for such areas have been met.

B. The Hearing Officer may also include in their proposed Findings of Fact, and the Corporate Authorities may also consider, the previous operating experience and past record of convictions or admissions of violations of the Applicant (and subsidiary or parent corporation) in the field of solid waste management when considering above-referenced criteria (2) and (6).

**Sec. 42-516. Decision Of The Corporate Authorities.**

An Applicant for local siting approval shall submit sufficient testimony and evidence concerning the proposed Facility to demonstrate compliance with the following criteria, and local siting approval shall be granted only if the proposed Facility meets the following criteria:

A. The Facility is necessary to accommodate the waste needs of the area it is intended to serve.

B. The Facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

C. 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.

D. 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.

E. 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 subsection (b)(3) of Section 22.19a (415 ILCS 5/22.19a), the site is flood-proofed;

F. The plan of operations for the Facility is designed to minimize the danger to the surrounding area from fires, spills or other operational accidents.

G. The traffic patterns to or from the Facility are so designed as to minimize the impact on existing traffic flows.

H. If the Facility will be treating, storing or disposing of the hazardous waste, an emergency plan exists for the Facility which includes notification, containment and evacuation procedures to be used in case of an accident or release.

I. The Facility is consistent with the lawful provisions of a solid waste management plan adopted by Cook County in accordance with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act.

J. If the Facility will be located within a regulated recharge area, any applicable requirements specified by the Pollution Control Board for such areas have been met.

The Corporate Authorities may also consider as evidence the previous operating experience and past record of convictions or admissions of violations as authorized by the Act.

The decision of the Corporate Authorities shall be in writing specifying the reasons for the decision. In granting approval for a site, the Corporate Authorities may impose such conditions as may be reasonable and necessary to accomplish the purposes of this section and as are not inconsistent with regulations promulgated by the Pollution Control Board. The decision shall be available for public inspection at the office of the Village Clerk and may be copied upon payment of the actual cost of reproduction. If there is no final action by the Corporate Authorities within 180 days after the filing of the request for site approval, the Applicant may deem the request approved.

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES, PUBLICATION,  
EFFECTIVE DATE**

**SECTION 4. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**SECTION 5. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 6. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be effective ten (10) days after its passage and approval in accordance with Illinois law.

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**PASSED** this 3rd day of September 2024.

**AYES:** Trustees Milenkovic, Torres, Kapolnek & Hrejsa

**NAYS:** None

**ABSENT:** Trustees Savopoulos and White

**ABSTENTION:** None

**APPROVED** by me this 3rd day of September, 2024.

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**Jeff Walik, President**

**ATTESTED AND FILED** in my  
office this 3rd day of September, 2024.

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**Audrey McAdams, Village Clerk**