

RESOLUTION NO. 20-160

**Resolution Concerning Local Site Approval  
of the Ozinga Materials, Inc. Transfer Facility  
in the City of Henry**

**WHEREAS**, 415 ILCS 5/39.2 requires local siting approval for a pollution control facility by the county or municipality in which it resides and criteria 8 states, "the facility is to be located in a county 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; for purposes of this criterion (viii), the "solid waste management plan" means the plan that is in effect as of the date the application for siting approval is filed";

**WHEREAS**, the proposed Ozinga Material, Inc. Transfer Station, by their application and evidence presented at the public hearing, states that the municipal solid waste (MSW) to be handled will be generated at a service area outside of Marshall County and its region and the MSW will be disposed at a facility not in Marshall County or its region; and

**WHEREAS**, the Marshall County Solid Waste Management Plan does not address such a facility;

**NOW, THEREFORE, BE IT RESOLVED** that Marshall County does not object to the proposed transfer station provided that:

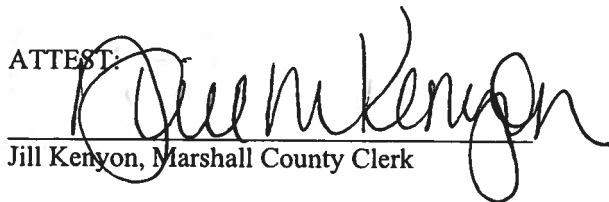
- a. The facility will not handle any MSW generated or disposed within Marshall County or the 4-County Solid Waste Plan region, Bureau, Marshall, Stark and Putnam Counties; and
- b. The facility will only accept baled and wrapped MSW by barge, i.e. no loose or baled MSW will be accepted by land transportation.

Passed and Adopted at Lacon, Illinois, Marshall County, Illinois on this 13<sup>th</sup> day of August 2020, by a vote of 12 ayes, 0 nays, 0 abstain and 0 absent.



Gary Kroeschen, Chairman  
Marshall County Board

ATTEST:



Jill Kenyon, Marshall County Clerk



County Clerk <coclerk@marshallcountyillinois.com>

### Resolution on Henry Transfer Station

1 message

Pat Sloan <Psloan@marshallcountyillinois.com>

Mon, Aug 10, 2020 at 12:09 PM

To: Gary Kroeschen <62mcbc@gmail.com>, Travis McGlasson <travis@travismcglasson.com>, Brad Lindstrom <lindstrombrad@gmail.com>, Andy Stash <andy@stashstash.com>, Marty McLaughlin <Martin@mclaughlininsurance.net>, Bob Bakewell <bakewell64@yahoo.com>, David Minnick <davebev97@frontier.com>, Debbie Daykin <debbiedaykin@hotmail.com>, Hank Gauwitz <hgauwitz@hotmail.com>, Jack Johnson <jj727518@gmail.com>, Rebecca Donna <rdonna303@gmail.com>, Charlotte Balensiefen <cbalensiefen@mchsl.com>

Cc: County Clerk <coclerk@marshallcountyillinois.com>, Paul Bauer <62mcsa@gmail.com>

All,

I asked that the transfer station be put on the agenda for Thursday. We will also be talking about it at the Zoning Committee tomorrow at 10.

I have attached a draft of a resolution.

Basically, I am your staff member that deals with this on three levels - county engineer, zoning administrator and solid waste/recycling coordinator.

I took care of roads by submitting a letter into the record for the City of Henry to consider.

Zoning really doesn't apply, because the parcel is in the City of Henry.

The resolution deals with solid waste. Local site approval requires that the proposed facility be consistent with the Marshall County Solid Waste Management Plan. As stated in the resolution, you do not believe that it applies per their own application. I believe that you want to go on the record for both now and in the future it would only deal with baled, wrapped waste coming in by barge and leaving the county north on Rt. 29.

I am sure that you will have a good discussion about it, I just wanted to give you some background. Glad to answer any questions.

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Patrick G. Sloan, PE  
Marshall-Putnam County Engineer  
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Lacon, IL 61540

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**NOTICE OF PUBLIC HEARING ON THE REQUEST  
FOR APPROVAL OF A SITE FOR A NEW  
POLLUTION CONTROL FACILITY  
FOR A WASTE TRANSFER STATION**

**PLEASE TAKE NOTICE** that on the 5th day of May, 2020, an application for siting approval for a "pollution control facility" (as defined by Section 3.330 of the Illinois Environmental Protection Act) consisting of a waste "transfer station" (as defined by Section 3.500 of the Illinois Environmental Protection Act) was filed with the City of Henry, Illinois Clerk by Ozinga Materials, Inc. The transfer station shall be referred to in this notice as the "Transfer Station".

**PLEASE TAKE FURTHER NOTICE THAT A PUBLIC HEARING WILL BE HELD** regarding said application beginning at 6:00 p.m. on the 4<sup>th</sup> day of August, 2020, at the Henry-Senachwine Community Unit School District #5, 1023 College St., Henry, Illinois. The public hearing, if not completed on August 4<sup>th</sup>, shall resume on August 5, 2020 at 6:00 p.m., and if further hearings are necessary, on August 6, 2020 at 6:00 p.m. Additional hearing dates shall be scheduled and conducted as needed and will be announced at the close of each hearing day until the hearing is complete as determined by the Hearing Officer appointed to preside over this matter.

MEMBERS OF THE PUBLIC MAY SPEAK AND PRESENT THEIR COMMENTS AT THE PUBLIC HEARING AND/OR DO SO IN WRITING. HOWEVER, IN ORDER TO PARTICIPATE AS A PARTY IN THE HEARING WITH THE RIGHT TO, AMONG OTHER THINGS, BE REPRESENTED BY AN ATTORNEY, OFFER EVIDENCE AND PRESENT WITNESSES, A PERSON MUST FILE AN APPEARANCE AS A PUBLIC PARTICIPANT AND FILE OTHER DOCUMENTS MEETING THE SPECIFIED REQUIREMENTS AND WITHIN THE TIME LIMITS AND IN THE MANNER SPECIFIED IN THE CITY SITING ORDINANCE. A COPY OF THE CITY SITING ORDINANCE MAY BE OBTAINED FROM THE CITY CLERK. SEE AN ORDINANCE ESTABLISHING PROCEDURES FOR POLLUTION CONTROL FACILITY SITING IN HENRY, ILLINOIS, SECTION 10 PROVIDING AS FOLLOWS:

“Any person, group or party who desires to participate in the public hearing (other than the Applicant and the City, through its representatives) shall file an appearance which shall include the address of that party with the City 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 evidence 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.

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 by no later than five 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.”

Some further pertinent details of the application for the Transfer Station are as follows:

Name and Address of Applicants:	Ozinga Materials, Inc, 19001 Old LaGrange Road, Suite 300, Mokena, IL 60448
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Property Owner: The Site property is owned by Chicago Title Land Trust Company Trust No. 17510 whose address is 171 North Clark, Chicago, Illinois 60601-3294. The sole beneficiary of the trust is Ozinga Bros., Inc. Ozinga Materials, Inc is a wholly owned subsidiary of Ozinga Bros. Inc.

Transfer Station Location: The proposed facility is located at 1440 County Road 1500 East, a/k/a Richard Street, Henry, Marshall County, Illinois, 61537. It encompasses approximately 85.265 acres, and is legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTH HALF OF FRACTIONAL SECTION 10; THENCE NORTH 89 DEGREES 02 MINUTES 55 SECONDS EAST ALONG THE SOUTH LINE OF THE SAID NORTH HALF OF SECTION 10, 926.02 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1,000.00 FEET, A CHORD BEARING OF NORTH 42 DEGREES 12 MINUTES 41 SECONDS WEST, A CHORD DISTANCE OF 1,268.85 FEET, AND AN ARC LENGTH OF 1,374.53 FEET TO THE EAST RIGHT OF WAY LINE OF THE CHICAGO, ROCK ISLAND & PACIFIC RAILROAD; THENCE ALONG THE EAST LINE OF SAID RAILROAD RIGHT OF WAY, BEING A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 383.20 FEET, A CHORD BEARING OF NORTH 13 DEGREES 26 MINUTES 48 SECONDS WEST, AND A CHORD DISTANCE OF 149.71 FEET TO THE NORTH LINE OF THE SOUTH 1,100.00 FEET OF SAID NORTHWEST QUARTER OF SECTION 10; THENCE NORTH 89 DEGREES 02 MINUTES 55 SECONDS EAST ALONG SAID NORTH LINE OF THE SOUTH 1100.00 FEET OF SAID SECTION 10, 4068.30 FEET; THENCE SOUTH 07 DEGREES 40 MINUTES 54 SECONDS WEST, 176.08 FEET; THENCE SOUTH 10 DEGREES 36 MINUTES 28 SECONDS WEST, 375.20 FEET; THENCE SOUTH 16 DEGREES 14 MINUTES 23 SECONDS WEST, 301.04 FEET; THENCE SOUTH 16 DEGREES 38 MINUTES 16

SECONDS WEST, 284.01 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 10; THENCE SOUTH 89 DEGREES 02 MINUTES 55 SECONDS WEST ALONG SAID SOUTH LINE, 2,922.72 FEET TO THE POINT OF BEGINNING. CONTAINING 85.265 ACRES, MORE OR LESS, IN HENRY TOWNSHIP, MARSHALL COUNTY, ILLINOIS.

Nature of Activity:

The proposed facility would be a non-hazardous solid waste transfer station which will accept baled, packaged, non-hazardous municipal solid waste, arriving by barge for temporary storage and further transfer via semi tractor flatbed trailer to a waste disposal facility. The Applicant will develop and operate the transfer station only as approved by the Illinois Environmental Protection Agency, other applicable regulatory agencies, and as authorized by applicable statutes and regulations. The waste accepted for transfer will be baled, packaged general municipal solid waste, generated by residential, commercial and industrial sources. The facility proposes to handle a maximum of 3300 tons per day of solid waste. The facility will not accept liquid or hazardous waste.

Probable Life of the Proposed Activity:

Twenty years to Indefinite.

**PLEASE TAKE FURTHER NOTICE** that copies of the siting application and public record are available for review by the public in the Henry City Clerk's office, located at 514 Front St., Henry, Illinois, 61537. Copies of the siting application and any public record will be available for copying at the City Clerk's Office upon payment of the cost and fees requested by the City for such reproduction which are not inconsistent with Illinois law.

This **NOTICE** is prepared, served and published pursuant to 415 ILCS 5/39.2(d).

Dated this 10th day of July, 2020

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Mueller Anderson & Assoc.  
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(815) 431-1500  
Attorney for Applicants