

Water Well Monitoring Plan
Zion Landfill, Inc.

- Sections 9 and 10 of City of Zion Host Agreement dated May 11, 1994
- Section 5 of Second Amendment to Host Agreement

9. Well Monitoring.

a. Within thirty days after the effective date of this Paragraph, BFI shall contact the owners or the agents, transferees or assigns of the owners of all water supply wells located within 1500 feet of the perimeter of the BFI Property or within the area bounded by Kenosha Road (east), Russell Road (north), Green Bay Road (west), and by 9th Street (south), or on property which is located on the following streets in the Oak View Estates Subdivision: Oak Lane, Block Lane, 3rd Street, Prairie Avenue and Clear View Court. Such notice shall be by personal service, registered or certified mail, return receipt requested, seeking permission from the record owners to sample their wells and analyze the samples for background characteristics and constituents, and to provide the monitoring here required. For purposes of this Agreement, "monitoring" includes representative sampling, appropriate chain of custody procedures, sample preparation and analysis and generation of a signed analytical report from a certified laboratory. BFI shall use its best efforts to obtain permission to monitor the wells. The City will assist BFI in obtaining permission from the well owners. Any well owner not consenting to the monitoring of his or her well within twelve (12) months of being contacted shall be ineligible for the benefits of this Paragraph 9 and Paragraph 10. For purposes of this Paragraph 9, a succeeding owner to a timely consenting owner is considered to be a timely consenting owner.

b. At its expense, BFI shall monitor the water in each functioning well of a consenting owner as follows:

- (1) Background. Background groundwater quality ("Background") shall be

determined for each well prior to the first disposal of solid waste at the expanded Landfill. Background shall be established on the basis of an analysis of a single representative sample of each well's source water. Parameters shall include all of those for which background concentrations are required by 35 ILL. ADMIN. CODE 811.320(d) and by any Illinois EPA development or operation permit issued for BFI's proposed expansion.

(2) Check for Contamination. Starting with the detection of a constituent increase in any BFI monitoring well, as described in Paragraph 10.a., BFI shall obtain and analyze an initial and, thereafter, annual representative sample of the source water in each well identified in Paragraph 10.a.(1). Sampling shall continue until:

- (a) the private well has been abandoned pursuant to state and local law; or,
- (b) it has been determined, to the satisfaction of Illinois EPA, that the monitored constituent increase in BFI's well was in error or that the constituent did not originate from the BFI Property; or,
- (c) BFI has provided a permanent safe water supply to replace that supplied from the private well.

Analyses conducted under this subparagraph shall be completed within 7 days of obtaining the sample, and shall report, at least, the concentrations of those constituents for which an increase has been detected at the affected BFI well.

(3) Pre-Sale Analysis. Prior to the first compensated sale of property on which an eligible private well is located, BFI shall, at the request of the property owner, obtain and analyze a representative sample of the well's source water. Analysis shall be for the same characteristics and constituents which were the subject of the Background analysis. This analysis should be required only one time per well.

c. All sampling, sample preparation and analytical protocols and methodologies shall be in accordance with the requirements of 40 CFR Part 141.

d. BFI shall direct the analytical laboratory to provide a copy of each well water analysis report to both the owner of the well and the City, within one week of the time such report is sent to BFI.

e. BFI's compliance with the requirements of this Paragraph 9 shall be considered by the City to be compliance with Paragraph 14(b) of the Stipulation, but only on and after the effective date of this Paragraph 9.

10. Contamination.

a. If, at any time until the post-closure certification of the Landfills, any of the monitoring wells included in the Landfills' groundwater monitoring system shows an increase in any monitored constituent, BFI shall, within 48 hours of the detection of such increase:

- (1) obtain a representative sample of the source water in each well which has been the subject of Background analysis pursuant to Paragraph 9.b.(1), and which well is located within 200 feet of the affected BFI well; and,
- (2) provide a temporary alternate supply of water for all domestic uses served by each private well identified in subparagraph (1) preceding.

For purposes of this Paragraph 10, a BFI monitoring well is considered to show an increase if any of the circumstances described in 35 ILL.ADMIN.CODE 811.319(a)(4)(A) is present. Further, statistical significance shall be determined according to the requirements of the Illinois EPA permit for the Landfills and 35 ILL.ADMIN.CODE 811.320(e).

b. BFI shall continue to provide a temporary alternate supply of water until:

- (1) it has been determined, to the satisfaction of Illinois EPA, that the monitored constituent increase was in error or that the constituent did not originate from the BFI Property; or
- (2) it has been demonstrated that the constituent detected in the BFI well is not present in the affected private well in a concentration statistically significantly higher than the Background concentration for that constituent; or
- (3) BFI has provided a permanent safe water supply to replace that supplied

from the private well.

c. In the event the analysis of a representative sample drawn from the affected private well shows the presence of the detected constituent(s) at a concentration statistically significantly higher than the Background concentration of such constituent(s), it shall be presumed that the constituent(s) originated from BFI Property, subject to BFI's ability to rebut such presumption. If BFI cannot rebut such presumption within 60 days after receiving the analysis, BFI shall, within such time, develop and commence implementation of a plan to provide a permanent safe replacement water supply. BFI shall consult with the owner of the private well in development of such plan. Installation of such replacement supply shall be completed within a reasonable time.

d. BFI shall be considered to have satisfied its obligation to provide a permanent safe replacement water supply if it connects an affected residence to a public water supply distribution system and pays the first sixth months water usage charges for such residence. For purposes of this Agreement, BFI shall be considered to have provided a connection if it offers to make such or to pay all of the costs to obtain such. If the owner of the affected private well rejects such an offer, BFI shall have no further obligations under Paragraphs 9 or 10 of this Agreement with respect to such owner or well.

e. BFI's compliance with this Paragraph 10 shall be considered by the City to be compliance with Paragraph 14(c) of the Stipulation, but only on and after the Effective Date of this Paragraph 10.

Section 5 of Second Amendment to Host Agreement

5. That Section 7 of the Agreement is amended by adding the following sentence and subsections to the existing sentence.

The parties to this Second Amendment agree that Section 10.a.(1) of the monitoring well contamination provisions in the City of Zion's host agreement with Zion Landfill, dated May 21, 2019, shall be augmented with the additional requirement that private wells located downgradient within 750 feet of the Landfill's affected monitoring well or, if no such well is located within 750 feet of the affected monitoring well, the nearest down gradient private well, which has been subject to Background analysis, shall be sampled for contamination. Within 60 days of non-appealable siting approval, Zion Landfill shall obtain Background analysis data for those wells for which the present owner desires the protection (both existing and those newly included due to the expansion) for whom Zion Landfill does not have Background analysis tests."