

August 1, 2018

Kane County Zoning Board of Appeals

RE: Maxxam Petition # 4462, Special Use

Dear Kane County Zoning Board of Appeals Members,

More-than being asked to rubber-stamp a consent decree that overturns two (2) separate and well-documented hearings on this matter, you are now being asked to approve zoning that includes a series of conditions not proposed in the original application nor in any previous hearing. Each of these significantly changes the former petition for the worse, so much so that it is unconscionable to not hold entirely new hearings to examine their impact on this application. I urge you to resist and deny the false-choices being pushed on you by the State's Attorney and vote NO to one of the largest giveaways in the history of Illinois of public wealth to a private, for-profit entity.

To be specific, first, whereas Maxxam had previously stated no desire to expand beyond the current number of buildings on site, we now find language in **Section III Special Use Approval, C3 and C4 of the Consent Decree** that addresses future growth of this type. Though these specify that any additional buildings would be subject to the zoning process for approval, your vote of YES on their revised petition will become a de facto nullification of the entire zoning process, making any future approvals or oversight moot. In other words, your vote YES would set an historical precedent and open a Pandora's box of virtually unfettered growth on this site. To be clear, once Maxxam has a foothold on that site, there will be no opportunity to object to future growth. Rather than being the safeguard of County Zoning policies tonight, you are being asked to be midwife in their very destruction.

Second, **Section III C5** now allows for continuing care of patients that have been released and will return to the site daily for ongoing care. This additional traffic was never part of any study provided to KDOT. **Section III C13** allows for the increase of patient density and, thereby its

overall capacity, now allowing up to 3-4 times the original application's number of patients to be onsite, even without additional buildings. This represents a significant change to the original petition which, again, has not been modelled for KDOT to ensure public safety. Throughout the previous hearings, Objectors to this petition provided certified data *specific to Maxxam's stated model* that confirms the emergency traffic required to support any facility of this type would be at-least 300 combined calls annually. An increased capacity would extrapolate to about 1,000 calls annually. Despite Maxxam's denials, even Kane County's own Sherriff estimated the annual call volume to be around 200, or around 700 calls annually @ the new potential capacity. As a result, your vote YES will force Kane County taxpayers to pay nearly \$10 million to widen and make roads like Silver Glen, Corron, and Burlington more safe, though even this still wouldn't address the burden on local emergency services. It was inept of the petitioner to have never examined these impacts during the original application and it would be maffeasance now to approve this petition without further studies that use these very real numbers. Your vote YES would be made knowing this application used misleading data to support their flawed application.

Third, throughout this process Objectors have noted that, despite what we were being told by Mr. Marco, it is not the model of a developer to own and operate a business. To be clear, Mr. Marco has no experience in owning or operating a business of this type, which was highlighted throughout his responses, both under oath and in public. All along, and despite his denials, Objectors suspected he was just another developer that would flip the property to some other entity. Our suspicions have now been justified through the inclusion of **Section III C4 and C7, and Section IV Successor Owners and Recordation**. Especially troubling is that this settlement "runs with the land" and that Maxxam can assign their rights to purchase the property to virtually anyone, even before they would take possession or open their doors for business. In other words, after pocketing some quick cash through settlement, Mr. Marco and his unknown partners can simply sell their rights to some other entity, including someone with potentially even less-experience than him. Your vote YES would confer zoning rights to the largest and most-remote drug treatment center in Illinois to some totally unknown applicant that may have a



completely different vision for the property than the one described. Kane County would have no recourse.

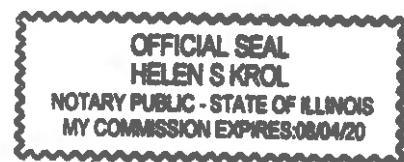
Finally, during the second hearing, Objectors exposed that the wastewater treatment system was designed only to manage normal biologic loads. It was never designed to manage medications that would be excreted into the system, some of which would be unknown and of the type typically found in any given population – antibiotics, anti-depressants, hormone replacements, etc.. If allowed, this cocktail of biologics and chemicals, some of which would still be active and have unknown half-lives, would be sprayed – yes, sprayed onto an open field. Our region is comprised of shallow aquifers, creeks, and general wetlands. **Section III C12** only promises to adhere to the most basic of environmental criteria, though none of the statutes or regulations referenced was meant to or is sufficient to protect us and our water from these types of contaminations. In other words, since there are no regulations specific to medications in wastewater, Maxxam wouldn't have to measure these items and the surrounding community would be helpless to protect ourselves against the environmental impact. Your vote YES would put our water, our environment, and health at-risk.

In closing, Maxxam was previously denied permit on 2 occasions on 3 main grounds: lies and misrepresentations throughout hearings, lack of credibility as an applicant, and that the proposed business places an unfair burden on both local emergency services and taxpayers to pay for the costs that would be required to make our roads safe again. **Denying Maxxam's petition is not about discrimination; it is about an inadequate application that was mismanaged throughout the petition process and should, therefore, be denied.** I urge you to not reward bullying from either the petitioner or the State's Attorney. Please vote NO and preserve Kane's ordinances that deny bad petitions.

Sincerely,



Joseph J Miller, Campton Township Trustee



Helen S Krol
JULY 30, 2018