



U.S. Department
of Transportation

**Federal Aviation
Administration**

Great Lakes Region
2300 E. Devon Avenue
Des Plaines, Illinois 60018

AUG 14 2009

Mr. Darrel W. Bruck, Jr.
President, OUTRAGE
2943 Chippewa Drive
Bourbonnais, Illinois 60914

Dear Mr. Bruck:

Secretary Ray LaHood and Administrator J. Randolph Babbitt have asked me to respond to your letter of July 16, 2009 regarding your concerns about the proximity of the proposed Kankakee Regional Landfill (KRL) to the Greater Kankakee Airport (IKK).

When we reviewed the information sent to us in 2004, it appeared the KRL developer and IKK had created an acceptable plan to mitigate and monitor potential hazardous wildlife that could be attracted to the landfill. The Illinois representative from United States Department of Agriculture Wildlife Services also reviewed the plan. Based on that wildlife plan, we offered no objection to the location as originally proposed.

We were not aware of the changes to the proposed 2004 landfill project. Based on the information you provided, it appears the new proposal includes both an ethanol plant and a composting facility. It also appears that the Illinois Department of Natural Resources will require a floodplain mitigation plan to offset adverse impacts to stormwater storage for this new proposal.

This new proposal will need Federal Aviation Administration (FAA) review in terms of both compatible land use and airspace. Because IKK is in the State Block Grant program, the FAA will work with the Illinois Department of Transportation - Division of Aeronautics to conduct the review and issue a new compatibility determination.

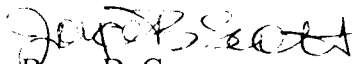
Neither the FAA nor the State of Illinois has the authority to withhold Airport Improvement Program entitlement or apportioned funds as long as the airport complies with their grant agreements. We currently have no evidence that IKK is non-compliant with their grant agreements.

As you mentioned, Section 503 of Public Law 106-181 bans new landfills within six (6) miles of certain airports. However, this provision of the law applies to airports that are recipients of Federal grants and primarily serve general aviation aircraft and scheduled air carrier operations using aircraft with less than 60 passenger seats. Since IKK does not have scheduled air carrier operations, this provision does not apply to IKK.

For airports that do not have scheduled air carrier service, but receive Federal grants under 49 U.S.C. Section 47101, the FAA Advisory Circular (AC) 150/5200-33B, "Hazardous Wildlife Attractants On or Near Airports" does apply. The AC (which is mandatory for a Federally obligated airport like IKK) establishes a minimum 10,000-foot separation between an airport servicing turbine-powered aircraft and a landfill. This minimum distance does apply to IKK as it serves turbine-powered aircraft and the proposed landfill is within 10,000 feet of the nearest runway. The AC also has a restriction of five (5) statute miles between the Airport Operation Area and the hazardous wildlife attractant when the attractant could cause wildlife movement into or across the approach or departure space.

Thank you again for bringing this matter to our attention. Aviation safety is our primary concern and we will work with all parties to ensure compliance with established wildlife management and airspace requirements. If you have any questions or concerns, please contact me at (847) 294-7294 or Jim Keefer, Manager of the Chicago Airports District Office at 847-294-7336.

Sincerely,


Barry D. Cooper
Regional Administrator
Great Lakes Region

cc: Illinois Department of Transportation—Division of Aeronautics