

SEPTEMBER 24, 2013  
6 P.M. SESSION

1                                   BEFORE THE VILLAGE BOARD  
2                                   OF THE VILLAGE OF ROUND LAKE PARK  
3                                   SITING AS A POLLUTION CONTROL FACILITY  
4                                   SITING AUTHORITY

5                   IN RE:       APPLICATION FOR LOCAL SITING    )  
6                                   APPROVAL FOR GROOT INDUSTRIES   )   03-01  
7                                   LAKE TRANSFER STATION,            )

8                   SCHIROTT, LUETKEHANS & GARDNER, LLC  
9                   MR. PHILLIP A. LUETKEHANS,

10                                   The Hearing Officer;

11                   MUELLER, ANDERSON & ASSOCIATES  
12                   MR. GEORGE MUELLER,

13                                   On behalf of Groot Industries;

14                   HINSHAW & CULBERTSON, LLP  
15                   MR. CHARLES F. HELTSEN,

16                                   On behalf of Groot Industries;

17                   THE LAW OFFICES OF RUDOLPH F. MAGNA  
18                   MR. PETER S. KARLOVICS,

19                                   On behalf of Board of Trustees of the  
20                                   Village of Round Lake Park;

21                   THE SECHEN LAW GROUP, P.C.  
22                   MR. GLENN C. SECHEN,

23                                   On behalf of Village of Round Lake Park;

24                   TRESSLER, LLP  
25                   MR. STEPHEN T. GROSSMARK,

                                  On behalf of Village of Round Lake;

                  JEEP & BLAZER, LLC  
                  MR. MICHAEL S. BLAZER,

                                  On behalf of Timber Creek Homes, Inc.

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1           ALSO PRESENT:  
2           MS. LINDA LUCASSEN, Village of Round Lake Park Mayor;  
3           MS. JEAN McCUE,        Village of Round Lake Park Trustee;  
4           MS. CANDACE KENYON, Village of Round Lake Park Trustee;  
5           MR. ROBERT CERRETTI, Village of Round Lake Park Trustee;  
6           MS. RAEANNE McCARTY, Village of Round Lake Park Trustee;  
7  
8           SOLID WASTE AGENCY OF LAKE COUNTY, ILLINOIS,  
9           MR. WALTER WILLIS  
10          MR. LARRY M. CLARK

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1           MR. KARLOVICS: We have Mayor Linda Lucassen,  
2           Trustee Jean McCue, Trustee Pat Williams, Trustee  
3           Bob Cerretti and Trustee Candace Kenyon.

4           HEARING OFFICER LUETKEHANS: I have a feeling the  
court  
5           reporter may ask you for spellings at the next break, but  
6           we'll go from there. For the record we had a discussion  
off  
7           the record at the end of the last session related to  
8           schedule, and I know that it's still somewhat up in the  
air,  
9           but for those of us who are here I think where we currently  
10          are is that tomorrow we will hopefully finish up with the  
11          applicant's case in chief with Mr. Werthmann and Mr. Moose.  
12          We will then proceed with Mr. Blazer's, Super, Timber  
13          Creek -- excuse me -- I've heard it enough. I should  
14          remember it. Mr. Thorson will testify Wednesday, and then  
at  
15          that point Mr. Blazer has three witnesses left, Mr.  
Coulter,  
16          Mr. McGinley and Mr. Maroose, who most likely will be  
spread  
17          over Monday and Tuesday.

18          MR. BLAZER: If I may, Mr. Mueller just spoke to me.  
We  
19          talked about initially putting Coulter on Thursday. At the  
20          beginning there was some question about whether or not it  
was

21           appropriate. I just heard from Mr. Mueller. They would  
22           prefer to put him on Thursday. So we're prepared to do  
that.

23                   HEARING OFFICER LUETKEHANS: Okay. So we will be back  
24           here Thursday to put on Mr. Coulter, C-o-u-l-t-e-r. And  
then

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1 Monday we will do Mr. McGinley and public comment most  
2 likely. Are we going to do it at the village hall,  
3 Mr. Karlovics?

4 MR. KARLOVICS: Want to do Monday?

5 HEARING OFFICER LUETKEHANS: Monday night do you want  
to  
6 do it at the village hall?

7 MR. KARLOVICS: I think it would be better to do it  
8 here.

9 HEARING OFFICER LUETKEHANS: That's fine. So we'll be  
10 here again Monday, and then Tuesday hopefully we'll finish  
11 Mr. Blazer's case and do any rebuttal, if any, from  
12 Mr. Helsten and Mr. Mueller's client and possibly close.

13 MR. KARLOVICS: What time for public comment on  
Monday?

14 HEARING OFFICER LUETKEHANS: Monday we have --  
15 Mr. McGinley is all we have on Monday, correct?

16 MR. KARLOVICS: Correct.

17 HEARING OFFICER LUETKEHANS: How long do we think  
18 Mr. McGinley will take? I know we're trying to get another  
19 nighttime session in for public comment. Is that my  
20 understanding, what we'd like to do, Mr. Karlovics?

21 MR. KARLOVICS: Yes, that's what I'd like to do.

22 HEARING OFFICER LUETKEHANS: Okay. Do we think --

23 MR. BLAZER: It won't be long.

24  
will

HEARING OFFICER LUETKEHANS: I guess a lot of this

5

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1           probably be Mr. Helsten and Mr. Mueller's cross, but I  
think

2           if we put him on at 3 o'clock instead of at noon we'll  
finish

3           him by 6:00, and then we'll do public comment in the  
evening

4           like at 7:00. Does that sound amenable to everybody?  
We'll

5           start a little later on Monday. Is that okay with the  
6           applicant, Mr. Helsten, so we don't have this four-hour  
break

7           in between?

8           MR. HELSTEN: That's fine.

9           HEARING OFFICER LUETKEHANS: Okay. So that's what  
we'll

10          do. We'll start -- unless something changes where we have  
a

11          problem not getting done on Thursday we'll start Monday at  
12          3:00, and then we'll do public comment at 7:00 which will  
be

13          the main public comment for anybody reading this. We'll  
14          start at 7:00 and keep going. Any of the public who has  
not

15          had a chance this will be the main public comment. We'll  
16          hopefully -- because there will not be any more after  
Tuesday

17          most likely.

18          MR. SECHEN: Mr. Maroose will be Tuesday.

19          HEARING OFFICER LUETKEHANS: Yes. If anybody has  
public

20 comment after Maroose, we're going to give them that  
21 opportunity, but we're going to block off a fair amount of  
22 time if necessary for Monday.

23 MR. SECHEN: Depending on what Mr. Maroose says  
there's

24 a possibility of (inaudible).

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1 HEARING OFFICER LUETKEHANS: We'll just have to figure  
2 it out. If we have to do it Wednesday, we'll do it  
3 Wednesday. Why don't we do -- you have to be out of here  
4 at -- village board meeting starts at 6:00, correct, on  
5 Tuesday?

6 MR. KARLOVICS: On Tuesday, yes.

7 HEARING OFFICER LUETKEHANS: So we want to be done by  
8 5:00, I assume.

9 MR. KARLOVICS: Correct.

10 HEARING OFFICER LUETKEHANS: Why don't we list public  
11 comment at 4 o'clock on Tuesday and go from there. Is that  
12 acceptable to everyone? Any objection?

13 MR. SECHEN: Tuesday at noon?

14 HEARING OFFICER LUETKEHANS: Yes. Hearing no  
objection  
15 we'll go forward. Yes, Mr. Sechen?

16 MR. SECHEN: Can we just go over the entire schedule?

17 HEARING OFFICER LUETKEHANS: Yeah. Wednesday we'll  
have

18 a full day starting at noon. I think we already have  
public

19 comment. I don't remember what time. We have that at

20 8:00 p.m. Okay. Thursday we will start again at noon and

21 public comment is scheduled for noon. We'll start with

22 public comment on Thursday. Friday, we are canceling  
Friday.

23           There will be no hearing on Friday.  So there will be no  
24           hearing, no public comment.  And then Monday we will start  
at

7

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1 3:00, and we'll have public comment starting at 7:00. And  
2 then Tuesday we will start at noon and public comment will  
be  
3 at 4:00, and we'll finish up hopefully by 5:00. Hopefully  
4 that will be the end. If not, we will go Wednesday at  
noon.  
5 Mr. Karlovics?

6 MR. KARLOVICS: Hearing Officer, what I will do is  
I'll  
7 prepare an amended agenda and send it to all parties.

8 HEARING OFFICER LUETKEHANS: That's great. The other  
9 thing that everyone should know and maybe we should post it  
10 on the agenda if you can, Mr. Karlovics, is that while we  
11 have a bunch of hearing dates, we have the room scheduled  
for  
12 a bunch of dates, once we're done, we're done. We're not  
13 going to sit here and hold hearings for no apparent reason.  
14 Those dates were posted just so everybody could be aware of  
15 what they may be if we had to keep going, but it's obvious  
at

16 this point we're going to finish well before those 15  
hearing  
17 dates I think we originally had. That's because, honestly  
18 because the parties and the attorneys have been so  
reasonable  
19 in streamlining this, and I think we all appreciate it.  
20 So that being said, I don't think there's anything else.  
21 Mr. Helsten, Mr. Mueller, you want to put Mrs. or

22 Miss Seibert on the stand, please?

23 MR. HELSTEN: Mr. Hearing Officer, we would call

24 Miss Seibert to the stand.

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1 HEARING OFFICER LUETKEHANS: Ms. Seibert, you want to  
be  
2 sworn in, please.

3 (Witness sworn.)

4 CHRISTINA SEIBERT,  
5 called as a witness herein, having been first duly sworn,  
was  
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. HELSTEN:

9 Q. Could you state your name for the record, please?

10 A. Christina Seibert.

11 Q. And what's your profession, Miss Seibert?

12 A. I'm a solid waste planner with Shaw  
Environmental.

13 Q. Have you participated in the preparation of a  
14 portion of the application which is the subject of this  
15 public hearing?

16 A. Yes, I have. I prepared the report that's  
17 contained in Section 1 which addresses the need for the  
18 facility.

19 Q. And have you prepared a PowerPoint presentation  
20 that's based upon the Needs section of the application  
which  
21 you prepared and which you intend to testify as to tonight?

22 A. Yes.

23 MR. HELSTEN: Mr. Hearing Officer, we would ask for  
24 leave as with the other witnesses for Miss Seibert to  
proceed

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1 in narrative form with her PowerPoint presentation.

2 HEARING OFFICER LUETKEHANS: Leave is granted.

3 MR. HELSTEN: Thank you.

4 BY MR. HELSTEN:

5 Q. Please proceed.

6 A. As I stated, I'm a solid waste planner with  
7 Shaw Environmental. By education my background is in  
8 environmental science. I have a Bachelor of Science Degree  
9 in environmental science from the University of Iowa, and  
for  
10 the last nearly 13 years I have worked with Shaw as a solid  
11 waste planner.

12 During the course of those 13 years I have  
13 either been the lead preparer or a contributor to the  
14 development of 20 need assessments for different municipal  
15 solid waste facilities including both landfills and  
transfer  
16 stations.

17 I have provided expert witness testimony for  
18 eight different siting proceedings and have also worked on  
19 permit applications for more than ten transfer stations in  
20 northern Illinois.

21 In addition to the siting and permitting  
work  
22 that I have done I have experience with both private  
industry

23  
planning.

and government clients on all types of solid waste

24

For private industry I performed market assessments and

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1 feasibility studies to support development of new markets  
or  
2 expansion within existing markets similar to the need  
3 assessment I'll talk about here today as well as for other  
4 types of solid waste programs, recycling programs.

5 For government clients we do solid waste  
6 planning, developing comprehensive solid waste plans that  
7 look at the ways that basis management within a certain  
8 jurisdiction typically on behalf of a county but sometimes  
9 for cities and quantify the amount of waste, look at the  
ways  
10 that they have been handled, how much is being landfilled,  
11 how much is being recycled, how much is being composted,  
and  
12 we look at the facilities that were relied on for those  
13 different jurisdictions and help to provide technical  
14 information for the government client to develop policy  
15 recommendations for the future of its solid waste  
management.

16 Q. Miss Seibert, can you expound on that point a  
17 little more and tell me what government clients you have  
18 worked for and specifically what you've done.

19 A. Within Illinois specific government clients that  
20 I've worked for include DuPage County, Lake County, the  
West  
21 Cook County Solid Waste Agency which is the western 35 or  
so

22 communities outside of Chicago, the Solid Waste Agency of  
23 Northern Cook County which is the 23 communities in  
northern  
24 Cook County, LaSalle County, probably several others that  
I'm

11

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1           forgetting. And then also nationally I've done work for  
city  
2           and county clients. That would be in California, in Texas,  
3           in Florida. I've done work in Ohio and understand the  
solid  
4           waste practices that are in place and in those different  
5           areas of the country as well.

6           Q. Thank you. Please proceed.

7           A. In addition, I've done work with Solid Waste  
8           Association of North America. It's an international  
9           professional organization that represents both public and  
10          private sector waste professionals, and SWANA has a very  
well  
11          respected training program that it has developed over the  
12          course of several years that is offered to both members and  
13          nonmembers.

14                        Most recently I assisted in the updating of  
15          their Transfer Station Management course and then was the  
16          lead author on the Managing and Integrating Solid Waste  
17          Management Systems course and have been faculty now for  
SWANA  
18          for the last year for that course.

19          Q. So you have authored programs and courses and  
also  
20          presented courses as well?

21          A. Yes, I have.

22          Q. Thank you.

23                   A.    In addition to those training presentations with  
24                   both the private sector and public sector clients that I  
work

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1 with I do public meeting facilitations. I work with  
advisory  
2 committees to build consensus on solid waste plans and on  
3 future solid waste activities and provide information to  
the  
4 public regarding those plans. I'm a member of the Solid  
5 Waste Association of North America, and I served on our  
6 Illinois Chapter Board since 2005.

7 As I indicated, I prepared the report that's  
8 in Section 1 of the application. This is a report that's  
9 developed to address the statutory criteria that states the  
10 facility is necessary to accommodate the waste needs of the  
11 area it is intended to serve.

12 I'll give you a brief overview of what I'll  
13 talk about for the next 45 minutes or so. The criteria  
14 references the area that is intended to be served. We  
15 typically refer to this as the service area. So we'll talk  
16 about what that service area is. We next look at how waste  
17 has been managed particularly in the service area and what  
18 the plans are for the future management of waste.

19 Q. Why is that important for purposes of your  
opinion?

20 A. It's important because the local county here has  
21 taken a very active role over the last 20-plus years in  
22 assessing what facilities are available, what facilities  
are

23 handling its waste and what its needs are and has taken  
time

24 through extensive public involvement processes to determine

13

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1 what those future policies will be. So by looking at those  
2 historical and current trends we're able to understand the  
3 local area and address the specific needs as it relates to  
4 managing waste within this region.

5 Q. Thank you. Please proceed.

6 A. Based on the waste trends within the service area  
7 and what that specific service area is we next look at the  
8 quantity of the waste that are going to require disposal  
9 currently and as well in the future based on some  
projections  
10 that we rely on, population projections and projections of  
11 waste quantities.

12 Q. So you're looking at -- you're calculating waste  
13 generated that needs to be disposed of?

14 A. We calculate waste disposal. Waste generation  
15 really refers to everything that is created to be managed  
16 which includes the waste that's disposed, plus waste that's  
17 recycled and composted or diverted through any other type  
of  
18 handling. Because this is a municipal waste transfer  
station  
19 that requires siting because of the waste being handled we  
20 look primarily at those disposal quantities which is a  
subset  
21 of the generation.

22 We next looked at what's available to the

23 service area and considered economic factors that also  
impact

24 the needs of this region because transfer stations are  
really

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1 a facility of convenience. They're not a permanent  
disposal  
2 site. So you still need some permanent disposal facility  
as  
3 part of your transfer system.

4 You've heard reference already from Mr.  
Moose

5 that our service area for this facility is Lake County.  
That

6 service area was defined by Groot as the applicant, and it  
7 represents the area that they intend to receive waste from  
8 and that they intend to serve with this facility.

9 Lake County has historically been a  
landfill-  
10 based system. You have two county landfills that are  
11 operating currently. Those landfills have been the only  
12 landfills within the county for at least the last 15 years,  
13 and in addition to those two in-county landfills, the Zion  
14 Landfill and the Countryside Landfill, a portion of the  
15 county's waste has also gone to the Pheasant Run Landfill  
in

16 Wisconsin historically. Those three facilities really  
17 represent local type solid waste facilities for Lake  
County.

18 They receive the majority of Lake County's waste by direct  
19 haul. So the trucks that are picking up the waste at your  
20 house or at your business are driving directly to those  
21 landfill sites.



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1           those disposal sites.

2                           Those historical landfills that the county  
has  
3           relied on for 15-plus years are all located within 22 miles  
4           of what we refer to as our waste centroid. Our waste  
5           centroid is the position within the county that if we were  
to  
6           spread all of the county's waste across the county in  
7           proportion to the population density, that we would see  
8           that's the balancing point. So it's not at the geographic  
9           center, but it's that average point where we would see  
waste  
10          being generated. That's about 7 miles from the proposed  
11          transfer station. So it's very close to where the majority  
12          of waste or the average waste is being generated within the  
13          county. By comparison the landfills have been located up  
to  
14          22 miles from that centroid point.

15                           The other thing I want to point out on this  
16          slide -- I'm referring to Slide 6 -- our service area is  
here  
17          shaded in this light blue, and our open landfills,  
operating  
18          landfills are shown with blue squares. It's the Zion  
19          Landfill, the Countryside Landfill and the Pheasant Run  
20          Landfill. There's also one additional open landfill that's  
21          shown here in Cook County. That's the River Bend Prairie

22 Landfill. That is not serving Lake County. It's quite a  
23 distance away and on the other side of the City of Chicago.

24 But what we also show on this map is Kane

16

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1 County, DuPage County and then the whole of Cook County,  
and  
2 you see these green triangles that represent closed  
3 landfills.

4 Q. Why is that significant?

5 A. Well, it's significant because we see the same  
6 trend that we are expecting to see in Lake County that  
7 counties that historically depended on in-county landfills  
8 have seen those landfills close, and they have had to make  
9 decisions about how they're going to manage their waste.  
10 And, as we'll talk about in a couple of slides, they have  
11 developed transfer stations. What we're proposing here is  
12 consistent with what we have seen as the standard of  
managing  
13 waste within the region.

14 Q. So this is a trend that has evolved in this area,  
15 in the Chicago metro area over time, correct?

16 A. Yes. And Cook County has really been the leader  
17 for that. Cook County at one point had 15 or more  
operating  
18 landfills as well as a large network of transfer stations  
at  
19 the same time, Cook County being a very large population  
20 center of this region.

21 The map here shows just the three  
facilities,

22  
1990

two closed facilities and one operating facility, but in

23

they would have had 15 of those blue squares dotted all

24  
the

across the county. So they have transitioned faster than

17

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1 rest of the region largely because of their density and  
2 ability to develop larger landfills or expand their  
existing  
3 landfills and therefore made the move to the transfer  
4 station.

5 The other important thing to note would be  
6 in-county landfills. While we view them as local  
facilities  
7 for Lake County's waste they really are regional  
facilities.

8 They take waste not just from Lake County. They also  
accept  
9 waste from Cook County, from Wisconsin, from some of the  
10 other surrounding regions, and that impacts their life, and  
11 we'll talk about that when we talk about capacity of  
existing  
12 facilities. But the Zion Landfill especially is a large  
13 importer of waste. They imported 40 percent or more of the  
14 tonnage that they've received at that facility over the  
15 course of their operation. Countryside is a slightly  
smaller  
16 importer. In 2011 they imported about 25 percent of the  
17 waste they received. So they're not just operating local  
18 facilities for Lake County. They're also serving a larger  
19 region.

20 Q. To your knowledge or if you know is there any  
21 limitation upon the amount of waste that they can take in  
in

22 any given year?

23 A. I have no knowledge of any limitation.

24 Q. Please proceed.

18

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1           A.    The Solid Waste Planning Recycling Act which has  
2           really driven the planning activity of counties over the  
last  
3           20-plus years has established a requirement for counties to  
4           plan for 20 years of capacity.  They needed to identify how  
5           much waste they thought they would be generating and  
managing  
6           within a 20-year period and point to the facilities that  
they  
7           would rely on to serve that waste need.

8                         Lake County has been consistent with those  
9           requirements by historically seeking to have 20 years of  
10          capacity provided to the residents and businesses within  
the  
11          county and had originally executed a disposal agreement  
with  
12          all three of the landfills that it relied on to provide  
that  
13          20 years of capacity.  As of 2004 the county's plan update  
14          identified that there was no longer 20 years of capacity  
here  
15          at those facilities.  They've gone for a period of about  
16          10 years where they had that 20 years guaranteed.  And when  
17          they did their plan update in 2004, they said, "We don't  
have  
18          20 years anymore.  We need to think about how we can get  
back  
19          to the point of having 20 years of capacity available to  
us."

20  
they

What they identified in the plan was that  
could either extend the agreements with those landfills,  
negotiate and get the agreement of the landfills to do that  
or possibly start to depend on transfer stations to access  
more sites that might be located outside of the county.

19

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1 They weren't successful in negotiating extensions of those  
2 capacity commitments. Those capacity commitments at both  
3 Zion and Countryside expired in 2007, 2008, in that range.

4 What did happen though was the Zion Landfill  
5 expanded, and that expansion was approved in 2010, and it  
was  
6 permitted in 2011. As a part of that the county provided  
an  
7 additional six years of guaranteed capacity. So that  
8 capacity will take them through 2017 at the Zion Landfill  
9 which, as you remember from our previous slide, is located  
up  
10 near the Wisconsin border.

11 Q. But there is, as I understand your testimony  
there  
12 is no disposal commitment in place with Countryside  
Landfill  
13 as we sit here today?

14 A. Right.

15 Q. Okay.

16 A. As we sit here now there's a limited amount of  
17 capacity remaining at the in-county landfills. We project  
if  
18 the transfer stations aren't operating in 2015 we'll have  
at  
19 best 12 years of combined capacity between the two  
facilities  
20 to serve the county's disposal needs. That's a combined

21 capacity that looks at the total tonnage of or the total  
air  
22 space capacity of those two facilities, how much they have  
23 remaining and divided by the average waste that they've  
taken  
24 in over the last five years. That only provides a partial

20

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1 picture of how your waste flows within the county because  
the  
2 Countryside Landfill has much less capacity, and we expect  
3 that facility to close by 2020, so just five years or so  
4 after the transfer station might start operating. And if  
5 that is a closer facility to the waste centroid or closer  
6 facility to our proposed Lake Transfer Station, that will  
7 impact the convenience of disposing of waste and the cost  
of  
8 disposing of waste in the county.

9 Q. Could you expound on that a little bit and  
explain  
10 the significance of the Countryside Landfill only having at  
11 most capacity until 2020 and being close to the waste  
12 centroid of the county as would this facility also be close  
13 to the waste centroid?

14 A. One of the things that the county has identified  
is  
15 that as these facilities start to close and as we  
transition  
16 to different types of facilities or new facilities to  
manage  
17 waste that we need to have those facilities in operation  
18 before that time happens, before we reach that point.  
19 Because our proposed transfer station is close to the  
20 location of the Countryside Landfill, close to that  
centroid

21  
Countryside

of waste generation and that projected closure of

22

is really coming up in a very short period of time, getting

23

the Lake Transfer Station operational in advance of that is

24  
customers

going to minimize service disruptions to all of the

21

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1 that are provided service. It will minimize cost increases  
2 that you may experience if you would have to be trucking it  
3 many additional miles to the Zion Landfill and represents  
an  
4 approved planning approach which the county recognizes this  
5 plan by saying that we need to develop these facilities  
6 before the existing facilities will close.

7 Our experience in Lake County has been that  
8 it's not easy to expand facilities. We might like to think  
9 that because we have existing landfills in the county maybe  
10 those landfills can just expand. In Lake County it has  
taken  
11 nine years or more for Countryside to expand as well as for  
12 Zion to expand. That's three separate expansions of those  
13 facilities since the current permitting and siting goals  
have  
14 been in effect. In each case it's taken at least nine  
years  
15 to go from what we know is the start of planning for those  
16 which often is much later than the initial planning stages  
to  
17 the actual permitting of those facilities. So given that  
18 we're at a stage now where we are running out of capacity  
of  
19 those facilities really there would have to be planning  
20 starting today that we would know about for expansion of  
21 those sites, and we don't know of any happening.

22 Our expansion potential is further limited  
as  
23 time goes on because it's continuing to be a developing  
area  
24 and the ability to meet all of the requirements, the siting

22

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1 and permitting requirements is going to be further  
2 challenged. On the same basis even locating transfer  
3 stations is going to prove to be challenging to the county  
as  
4 the development proceeds because of things like the 2001  
5 setback in residential properties and residential zoning.  
6 There really isn't a lot of land that we expect to be  
7 available, and that's going to further contract as we get  
8 closer to points when these landfills are going to be  
9 closing.

10 As I indicated the Lake County Solid Waste  
11 Plan has identified a need to develop new facilities to  
serve  
12 the region's waste, and the plan expressly recognizes  
13 transfer stations as one option that could be considered  
for  
14 that long-term management of waste from the county. The  
15 county through its plan left the decision to local siting  
16 authorities and the private developers to determine whether  
17 it would be a transfer station or some other type of  
18 facility, an expansion of a landfill possibly, and said,  
19 "We are going to depend on you to determine what the market  
20 needs are and the timing when this should happen, but we do  
21 want it to happen before these facilities are closed."

22 Transfer stations are relied on as a  
standard

23 method of managing waste in other counties. Those other  
24 counties that we talked about like Cook County, DuPage

23

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1 County, Kane County that historically had in-county  
landfills

2 all have developed transfer stations. On Slide  
8

3 these green dots are those permitted transfer station  
sites.

4 You can see that Cook County and the City of Chicago have a  
5 large number of facilities. DuPage County has one. Kane  
6 County has two. McHenry County has one.

7 Our experience is that it takes a long time  
to

8 develop transfer station sites. You can't simply identify  
it

9 as part of your plan process or decide that you want to  
move

10 forward with the facility and within a couple of years have  
11 two or three or four dots on a map. DuPage County's  
12 experience, they had historically had two in-county  
13 landfills. They have one transfer station, and they've had  
a

14 number of other sites that have been proposed that were not  
15 successful. That county is similar to Lake County because  
16 it's challenged by having the available tracts of land that  
17 meet those setback requirements. And while they had  
18 originally wanted four to six transfer stations serving the  
19 county, now they have said, "We have one. We're hoping  
maybe

20 to get one more." And they're still recognizing that they

21 have a need for that additional facility. They haven't  
been

22 successfully developed yet.

23 Kane County has two transfer stations that  
it

24 developed. One of those transfer stations actually  
developed

24

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1 in 1992, 10 years before the first of the county's two  
2 landfills closed. The second facility was developed just  
3 before the (inaudible) landfill closed and is the only  
4 facility that's been developed since the county formally  
5 recognized transfer stations as their intended mechanism of  
6 managing waste.

7 after Similarly with McHenry County, 10 years  
8 they identified transfer stations as a recommendation  
9 within their plan they've only had one facility developed. So  
10 these are not easy sites to develop.

11 since In fact, we've been working on this site  
12 2008. By the time that we would start operating -- if we  
13 are operating by 2015, we'd already have seven years invested,  
14 and it's possible that time frame could be extended.

15 serve Those three landfills that historically  
16 the county that were at most 22 miles away, they range from  
17 5 miles to 22 miles from our centroid. On average they're  
18 about 14 miles from the centroid. It's a pretty convenient  
19 distance to transport waste, but what we've seen since  
20 those closer-in landfills have closed and more capacity is being  
21 developed to serve the region, that capacity is located

22  
percent,

50 miles or more from our service area. In fact, 68

23  
than

almost 70 percent of the waste capacity is located more

24

50 miles away. That's three times as far as what we

25

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a 1 historically transported. When we're talking about taking  
2 transfer -- I'm sorry -- a packer vehicle or a rollout  
3 vehicle, local collection vehicles and driving them that  
4 distance, that really takes time away from their routes.  
It 5 takes time from being productive at the job of the truck.  
6 That's where a transfer station becomes a matter of  
7 convenience and efficiency by allowing long haul transfer  
to 8 happen in larger vehicles that are meant for that more  
9 distant travel.

10 We're going to talk a little bit about how  
11 much waste we expect to be generated both now and in the  
12 future within the county and required disposal and handling  
13 through a transfer station or other facility.

We 14 First we have to talk about demographics.  
15 use population data to determine what the growth will be  
16 within a region, and for this site we look at population  
data 17 that was provided by the U.S. Census as well as by the  
18 Chicago Metropolitan Agency for Planning which is a  
regional 19 planning agency that represents the seven-county Chicago  
area 20 and develops projections for population off those U.S.  
Census

21 data points.

22 Our service area is projected to have a  
23 population growth of about 1 percent per year from 2010  
24 through 2040 when those projections are run out to. That's

26

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1 shown by this blue line on Slide 10. In total we'll see  
2 about a 36 percent increase in population based on those  
3 projections. And we're also going to see an increase in  
the  
4 number of households which is represented by the red line  
and  
5 the number of employees within the county shown by the  
green  
6 line. All of those factors will lead us to have more waste  
7 being generated and material requiring management over the  
8 next 30 years.

9 Mr. Moose told you yesterday we're going to  
be  
10 taking municipal solid waste at this transfer station.  
11 That's waste that comes from our homes, from our businesses  
12 and from light industrial sources, you know, lunchroom and  
13 office type waste, things that we would typically see even  
in  
14 our own household trash or dumpster behind the local  
15 businesses.

16 When we look at the quantity of material  
that  
17 we're going to manage, I made reference -- Mr. Helsten had  
18 asked on generation and I had clarified it's disposal we  
look  
19 at. We look at the disposal quantities going into  
landfills  
20 that serve the region, not only Lake County but the greater

21 Chicago metropolitan area. And because of the long time  
that  
22 we have been working in this region doing solid waste  
23 planning we have a very good understanding of the  
facilities  
24 that are relied on to handle waste from the metro area and

27

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1 can look at the tonnage going into those facilities based  
on  
2 the population base that it's serving and calculate  
disposal  
3 rates. We look at those on a pounds per capita per day  
4 basis. We've done that since 1996, going back to data from  
5 1996 and taking it all the way up to 2011 which is the most  
6 recent data that we had available when we prepared this  
7 report. On average over that period of time the region has  
8 disposed of waste at a rate of 7.2 pounds per person per  
day.  
9 It's the amount of waste that's going to a landfill for  
10 disposal. Recycling and composting would be in addition to  
11 that.

12 Most recently in 2011 disposal quantities  
were  
13 down. They were about 6.1 pounds per person per day, and  
14 that's consistent with the trends we've seen all across the  
15 nation during the economic downturn. When the economy is  
16 down, people throw things away less. We buy less. The  
17 economy, economic factors drive down those disposal  
18 quantities.

19 And just for sensitivity purposes we also  
look  
20 at what a peak disposal has been. That peak period  
happened  
21 about the mid 2000s, 2005, 2006, and we were seeing waste

22 being disposed at a rate of 7.9 pounds per capita per day.  
23 That was the peak of economic times. We see that same peak  
24 of generation or disposal during those periods as well.

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22 waste that would be managed at 3,422 to 4,191 pounds per  
day  
23 under that scenario. The other thing that's  
24 important to know is that these are average rates. We take

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1 and calculate the annual quantity of waste that requires  
2 disposal and divide it by 365 days. We know though that  
3 there are fluctuations in the daily quantities of material,  
4 and there are seasonal impacts on the waste stream, and  
there  
5 are periods when the waste quantities might be 15 to 20  
6 percent higher than the average condition. So for that  
7 reason we would want to see some additional capacity as  
8 overflow or a buffer to ensure that during those peak  
periods  
9 that there's adequate capacity within the region.

10 Now that we have an understanding of our  
waste

11 quantities the next step is to take a look at the  
facilities  
12 that are handling the county's waste now and could  
13 potentially handle it in the future.

14 We looked at existing transfer stations as a  
15 possibility, and those existing transfer stations are all  
16 located outside of Lake County. We identified the service  
17 areas for those needing or those existing transfer stations  
18 based on either data that was provided in the site  
19 applications for those facilities where they've gone  
through  
20 this process and they've defined their service area or for  
21 the facilities that did not have a service area defined  
that

22           were largely in existence prior to the current siting rules  
23           being developed. We made an estimation of what the service  
24           area could be, and because these are facilities generally

30

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1 located in Cook County we said a region of 10 miles, a  
radius  
2 of 10 miles around this facility is appropriate for the  
area  
3 that they could reasonably serve. We take the area that,  
4 that area that that facility serves, those existing  
5 facilities serves and we overlay those against the county  
and  
6 see how much overlap there is.  
7 So the graphic is here for example only.  
It's  
8 not to scale. On Slide 12 the red boundary is Lake County  
9 and our service area. This blue dot is an existing  
transfer  
10 station. The blue line represents a 10-mile radius around  
11 the point of that transfer station and would be  
12 representative of the service area of that facility. The  
13 area of overlap is shaded in blue. I'm going to refer to  
14 that in this figure as Area A. We take the ratio of  
15 population in Area A over the population in Area B which is  
16 the total population within that service area to calculate  
17 the proportion of the population that's within, that  
overlaps  
18 into Lake County, apply that to capacity of that facility,  
19 and that involves an estimate of what Transfer Station 1,  
20 this blue dot, might be able to provide in terms of  
capacity  
21 to Lake County.

22                                   What we identified was that there were eight  
23                   existing transfer stations that may be able to serve  
24                   Lake County, and in fact currently at least one, the

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1 Northbrook Transfer Station is serving Lake County and  
2 transfer hauling waste from that facility to the Zion  
3 Landfill in Lake County.

4 Q. So there is one transfer station that is  
presently  
5 servicing Lake County and delivering waste to one of the  
6 in-county landfills?

7 A. At least one. We're not sure if there are  
others.

8 We are sure there's at least that one.

9 These eight facilities have an estimated  
10 capacity available to the service area of 719 tons per day.  
11 That capacity may also include a capacity that they used to  
12 handle separated recyclables and landscape waste just as  
the  
13 Lake Transfer Station intends to accept those materials.  
14 That would reduce the capacity for waste. And since waste  
is  
15 the only thing that develops projections of quantities for,  
16 they would ultimately reduce that 719 tons per day to  
17 something less. We don't know how much less because those  
18 facilities don't, aren't required to report the quantity of  
19 recyclables and landscape waste that they receive. But as  
a  
20 general rule of thumb in the facilities I've looked at it  
is  
21 about 10 percent, and that's consistent with what we expect

22 of this facility based on Mr. Moose's testimony yesterday.

23 With 719 tons of transfer capacity located

24 outside of the county, in primarily Cook County, we're not

32

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1 going to be able to serve all the waste needs of Lake  
County  
2 with the existing transfer station with both landfills  
3 closed. In fact, that's true both in terms of tonnage as  
4 well as geography because if you would be looking at waste  
5 that comes from the more northern parts of the county that  
6 would be a rather long haul that you would be making for  
that  
7 waste.

8 These existing transfer stations also,  
you'll  
9 notice that they're clustered here in northern Cook County,  
10 again Cook County being a much more established and mature  
11 transfer station network. The population within northern  
12 Cook County is slightly greater than the population within  
13 Lake County. There are about 1,000,000 people in northern  
14 Cook County compared to about 700,000 within Lake County.  
15 But ultimately you may be looking at the need to have a  
16 distribution of facilities like this all across the county  
to  
17 serve your needs in the future. This would be just one dot  
18 on that map.

19 The table on Slide 14 summarizes the  
analysis  
20 that we have done for transfer capacity to this point.  
We've  
21 identified 719 tons per day of transfer capacity at the

22 existing facilities that may serve Lake County. This  
middle  
23 portion of the table where waste requirement disposal is  
just  
24 those projections of waste disposal that we talked about

33

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1 previously, the 2900 tons per day in 2015 going up to about  
2 3400 tons per day increase in disposal rates and then  
higher  
3 quantities as we go further into the future. If we  
subtract  
4 these quantities of waste requiring disposal -- I'm sorry.

5 If we subtract the transfer capacity from  
the  
6 waste requiring disposal, we come up with what we term the  
7 transfer capacity deficit. How much capacity are we  
lacking  
8 to be able to serve this region? In 2015 that's between  
2180  
9 and 2700 tons per day, and in 2035, 20 years into the  
future,  
10 it would be 2800 to 3,500 tons per day approximately that  
11 would be lacking in transfer capacity.

12 This facility we expect to provide 750 tons  
13 per day of capacity. In these early years that might be a  
14 quarter to a third of the waste that Lake County is going  
to  
15 generate and need management of. In the future it's even  
16 less than that. What we're really looking at is by the  
time  
17 these landfills in the county close the county would need  
to  
18 develop three to four, possibly even more, transfer  
stations  
19 similar in size to what we're proposing here. So this is  
not

20 the last process. This is not the only facility that would  
21 need to be developed to serve the county.

22 I mentioned before a transfer station is not  
a  
23 permanent disposal site. We do need landfills still for  
the  
24 waste that we handle through the transfer station. We've

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1           talked a little bit about the Cook County landfills and  
their  
2           ability to provide long-term capacity. We'll talk about it  
a  
3           little more now. Countryside Landfill has only about five  
4           years of capacity at most when we start operating. We  
expect  
5           it to close by 2020. From 2011 to 2012 the data that's  
6           reported to the state by the landfill showed that their  
waste  
7           intake increased by about 10 percent. That could be due to  
8           some economic recovery. It could be due to changes in the  
9           market areas that that facility is serving. These in-  
county  
10          landfills are both private owned. They're privately  
11          operated. They're subject to the market decisions and  
market  
12          demand that those counties -- I'm sorry -- those companies  
13          can generate, and they could increase their waste even  
beyond  
14          what we've seen at this stage and fill that capacity much  
15          faster. We looked at average quantities over just the last  
16          five years which encompasses really all of the economic  
17          downturn. If we were to look at the quantity of waste that  
18          they took prior to that during the period 2003 to 2007,  
19          somewhere in that range, we would see the capacity on the  
20          order of three to four years of life remaining once the

21 transfer station would open. So we are sensitive to the  
fact

22 that that landfill is going to close imminently.

23 Zion's capacity is guaranteed to the county

24 through 2017, and that's just two years after the transfer

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no  
1 station might start operating. Beyond that period there's  
2 guarantee that that facility will remain available to Lake  
3 County for its waste. They do have slightly more capacity  
4 that's been sited and that they were permitting, but that's  
5 only going to run them out, we project, at best 12 years  
6 beyond the time we start operating. Again, that facility  
is  
7 a regional facility which historically has imported large  
8 quantities of waste from other parts of the region, and it  
9 can close much sooner than that.

10 Q. Is 12 years your outside estimate? Could it  
close  
11 sooner than that?

12 A. It certainly could close sooner. I would  
consider  
13 that to be the best case in terms of the longest life that  
14 they may have. I don't foresee that being less based on  
the  
15 trends within the system.

16 We also talked about that the Pheasant Run  
17 Landfill in Wisconsin has historically served the county.  
A  
18 couple years ago Wisconsin made a change in state law that  
19 increased the surcharge that applies to every ton of waste  
20 that's taken to those landfills, and it really drove out  
the  
21 Illinois waste and redirected waste from Illinois back into

22  
thousands

Illinois landfill facilities. So where we had seen

23  
2011

of tons going to that facility historically in 2010 and

24

it was less than 100 tons per day, and that facility now is

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1 effectively not serving Illinois for those economic  
reasons.

2 I had stated that earlier that transfer  
3 stations are really a facility of convenience. There's  
4 efficiency and economic benefit that is provided by a  
5 transfer station's operation, and we're going to talk about  
6 different benefits that result from those efficiencies and  
7 from competition that would result from the development of  
8 the facility.

9 The green line on Slide 17 shows us the  
10 distance from our waste centroid to the existing landfills  
11 and transfer stations as well as our proposed Lake Transfer  
12 Station as a comparison of those hauling distances that we  
13 would be looking at for the direct haul of waste. As I  
14 indicated, we're seven miles from that waste centroid, the  
15 only facility closer being the Countryside Landfill which  
has  
16 limited remaining life. It's a similar distance of five  
17 miles. When we get beyond that, we're looking at doubling  
18 our haul distance to get to the next nearest facility which  
19 is the Wheeling Transfer Station which is a Waste  
Management  
20 facility in Cook County. Beyond that we're looking at  
21 further increases in those distances. So our proposed  
22 facility location is going to be two to three times closer  
23 than any other existing facility once Countryside would not

24        be available.

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1                   Q.    Why is that important for purposes of your  
opinion  
2                   in this study you engaged in on Criterion 1?

3                   A.    The need to provide cost effective waste services  
4                   is certainly an element of waste need.  That is the  
criteria  
5                   that we're demonstrating which would be the waste needs of  
6                   the region.  So travel distances certainly impact the cost,  
7                   impact the performance of the waste company serving the  
8                   region which then translate to our bills as residents and  
9                   businesses.

10                               Those facilities are located closer to waste  
11                   generators than any other facility.  What that allows us to  
12                   do is to minimize the amount of time that collection  
vehicles  
13                   spend traveling from their point of collection to whichever  
14                   site they're dropping the waste at, whether it's a landfill  
15                   or transfer station.  In this case it's a transfer station.  
16                   With that improvement in travel distance we see an increase  
17                   in efficiency which translates to cost control for  
residents  
18                   and for businesses.  That's a 10 percent efficiency  
increase  
19                   for residential vehicles.  Those trucks usually make two  
20                   trips a day.  They go out in the morning, go pick up waste,  
21                   come back to the transfer station.  They'll go out and make  
a

22 second run and come back to the transfer station again.  
23 Commercial rollout vehicles make many more trips during the  
24 day technically, and so we see an efficiency increase of

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1           20 to 25 percent for those vehicles. When we transfer haul  
2           that waste, it ends up reducing our system costs compared  
to  
3           a direct haul scenario. If we were direct hauling the  
waste  
4           from the service area to some of these more distant  
5           facilities that are located 50 miles or more from the  
service  
6           area, we would certainly see an increase in the cost to  
7           provide that collection service and that transport service  
8           because you're using many more trucks. These are expensive  
9           trucks. Your packer vehicles that are coming past your  
house  
10          to pick up your waste are \$240,000 or more apiece. And if  
11          they're spending an hour or two driving to a landfill  
rather  
12          than collecting waste, which is what they're designed to  
do,  
13          you're going to need more of those trucks. You're also  
going  
14          to have to provide more maintenance of those trucks. Those  
15          trucks are really designed to be driving driveway to  
16          driveway, 40, 50 feet at a time, and picking up waste.  
17          That's what they're good at. Transfer trucks, on the other  
18          hand, are long haul trucks that we see all of our goods  
19          transported by. They hold a lot more waste. So that makes  
20          it more efficient to get that waste from our point of  
21          generation to our disposal site.

22  
anybody

It also saves in fuel. I don't think

23  
24  
for

is surprised by the cost of fuel. That's what our graph  
shows on Slide 19. In 1995 it was over a dollar a gallon

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1 diesel fuel, and today we're paying \$4 a gallon, and we  
don't  
2 see that coming down any time in the future. So the more  
we  
3 can minimize that fuel consumption we're also helping to  
4 reduce those costs of transporting waste.

5 Transfer hauling also allows us to have  
6 flexibility of what disposal sites we are going to use.

Just

7 as Pheasant Run and the State of Wisconsin increased their  
8 surcharge and drove up the cost of using those facilities,  
9 other facilities could close. They could become  
unavailable.

10 They could restrict flow of waste through their facilities

11 because they have other contractual commitments. There  
could

12 be other market conditions that would change those  
facilities

13 and not make them available. We've got to make ways to  
14 transfer haul rather than direct haul. We have a lot more  
15 flexibility to get waste from our transfer station to those  
16 sites with minimum impact to the region.

17 Q. Why is that important to have -- excuse me. Why  
is  
18 that important to have greater flexibility in selecting  
19 disposal sites? Does that benefit the consumer in the long  
20 run?

21                   A.    Yeah, it does.  It's always good to have a  
choice.

22                   We don't know what the next best thing is going to be that  
23                   could come on line.  We don't know where it would be  
located.

24                   If we develop our system to intend to serve one facility

40

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1 that's near in and that facility then becomes unavailable,  
2 we've limited our options. By providing that transfer  
haul,  
3 the convenience of transport and reduce the number of  
trucks  
4 that we need to transport it, we can really direct it to a  
5 number of different places.

6 Another economic factor is competition. The  
7 two landfills in the county now are owned by private  
8 companies. They're both national waste companies, and they  
9 have their own business parameters that they meet. Groot  
is  
10 a local independent, privately held waste company. It  
11 represents a third player within the marketplace. This is  
12 something that was identified by the county in 2002. The  
13 county had conducted a transfer station feasibility study  
at  
14 that point to determine whether it's feasible to develop a  
15 transfer station in the county. One of the key reasons  
that  
16 the report identified for developing transfer stations was  
to  
17 provide competition for services for that very reason and  
to  
18 promote those lower competitive prices and higher quality  
of  
19 service that you get when you have another entity that's  
20 providing service within a region.

21  
engaged

Q. And, Miss Seibert, based upon the study you  
22 in and based upon the contents of your needs analysis which  
23 are in the study and report which are included in the  
24 application do you have an opinion as to whether this

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1 facility is necessary to accommodate the waste needs of the  
2 area it's intended to serve?

3 A. Yes.

4 Q. And what is that opinion?

5 A. It is my opinion that the facility is necessary  
to  
6 accommodate the waste needs of the area it's intended to  
7 serve.

8 Q. And what is the basis of that opinion?

9 A. The opinion is based on the projections of  
10 increases in the population and house of employment that  
will  
11 translate to increased quantities of waste materials to be  
12 managed. It's also based on the fact that the in-county  
13 landfills will not provide the necessary 20 years of  
capacity  
14 to meet the county's needs, and the new landfill capacity  
is  
15 being developed further from this region. Lake County has  
16 stated the need to develop new facilities which might  
include  
17 transfer stations to provide long-term waste management to  
18 the county, and it desires those new facilities to be  
19 developed prior to the closure of the existing facilities.  
20 Currently there are no transfer stations that are operating  
21 within the county. The service area basis has an imminent  
22 transfer capacity deficit that's well in excess of the

23 proposed capacity of the Lake Transfer Station. And,  
24 finally, the Groot Industry's Lake Transfer Station will be

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1 conveniently located to waste generators and waste haulers  
2 within the service area which will result in reduced  
3 transportation costs and increased collection efficiency  
4 compared to the existing transfer stations.

5 MR. HELSTEN: Thank you. That's all we have,  
6 Mr. Hearing Officer. We would tender the witness for  
7 cross-examination. While Mr. Blazer is setting up for  
8 cross-examination could we take a two- or three-minute  
break,  
9 please?

10 HEARING OFFICER LUETKEHANS: Yes. Let's take -- let's  
11 come back at five after 7:00.

12 MR. HELSTEN: Thank you.

13 (Recess taken.)

14 HEARING OFFICER LUETKEHANS: Mr. Blazer, you may  
15 proceed.

16 MR. BLAZER: Thank you, Mr. Hearing Officer.

17 CROSS EXAMINATION

18 BY MR. BLAZER:

19 Q. Good evening. How are you?

20 A. Great.

21 Q. All right. You prepared the needs assessment in  
22 this siting application. Is that correct?

23 A. Yes.

24 Q. Anybody work on it with you?

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1 A. Yes.

2 Q. Who worked on it with you?

3 A. Phil Kowalski. I had some other staff level  
4 assistance for some of the data compilation.

5 HEARING OFFICER LUETKEHANS: Miss Seibert, did you say  
6 Kowalski or Kawalski?

7 THE WITNESS: Kowalski, K-o-w-a-l-s-k-i.

8 HEARING OFFICER LUETKEHANS: Thank you.

9 BY MR. BLAZER:

10 Q. Who is Phil Kowalski?

11 A. He is a senior planner with CBI.

12 Q. He does basically the same things you do?

13 A. Yes.

14 Q. How long have you worked with him?

15 A. 13 years, my entire career.

16 Q. How's the decision made that both of you do the  
17 same thing, which one of you will work on a particular  
18 application or which one of you will testify regarding a  
19 particular application?

20 MR. HELSTEN: Objection, relevance. It's probably  
21 proprietary information as to CBI and Shaw too, but I can't  
22 raise that objection on behalf of them, but I sure can on  
23 relevance as to how the election is made as to who prepares  
24 the report.

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1 MR. BLAZER: It's just background. She already  
2 testified he worked on this application.

3 HEARING OFFICER LUETKEHANS: I'm going to overrule the  
4 objection.

5 THE WITNESS: Typically it's based on workflow, what  
6 other demands we have going on, what other projects we're  
7 working on at the time, familiarity with a region,  
sometimes  
8 client request.

9 BY MR. BLAZER:

10 Q. But you do often work together on projects?

11 A. Yes.

12 Q. Do you also review each other's work?

13 A. Yes.

14 Q. So, for example, were you the principal author of  
15 this needs assessment?

16 A. Yes, I was.

17 Q. Did he review your work?

18 A. At various stages of the report development he  
did.

19 Q. Okay. And then when he's the principal author in  
20 other proceedings, you reviewed his work?

21 A. Yes.

22 Q. Did anybody else review your work on this  
project?

23 A. The applicant reviewed it. The counsel reviewed

24       it. Mr. Moose reviewed it.

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lot 1 Q. When you work on one of these -- you've done a  
2 of these, right?

3 A. Yes.

4 Q. When you work on one of these, do you review the  
5 entire application so you can familiarize yourself with the  
6 entire application?

copy 7 A. I reviewed the majority of it. I do obtain a  
8 of it. I may not read every single page of every criteria  
9 and every appendix.

10 Q. And you did that in this case?

11 A. Yes.

12 Q. (Inaudible.)

13 THE REPORTER: I'm sorry.

14 HEARING OFFICER LUETKEHANS: Mr. Blazer, just a  
second.

15 You said, "You're going to need your siting application or  
at 16 least your portion of it."

17 BY MR. BLAZER:

18 Q. Could you turn to Page 1-1, bottom of the page,  
19 second bullet, second sentence, and I believe you say here

--

20 I'll wait until Mr. Helsten gets to it. Page 1-1.

21 MR. HELSTEN: We're missing that section.

22 MR. BLAZER: That would be the wrong section to be

23 missing right now.

24 MR. HELSTEN: Thank you, Mr. Blazer. We got it.

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1 BY MR. BLAZER:

2 Q. You say historically your communities in the  
3 service area -- just so we're clear again, the service area  
4 is Lake County, Illinois, correct?

5 A. Yes.

6 Q. And Lake County only?

7 A. It's intended to be Lake County, yes.

8 Q. Right. "Historically communities in the service  
9 area have relied primarily on in-county landfills to  
dispose  
10 of their waste. The two in-county landfills are nearing  
11 capacity, however, and replacement capacity is being  
12 developed further from the service area. As a result waste  
13 will be transported to more distant landfills for  
disposal."

14 Did I read that correctly?

15 A. Yes.

16 Q. What do you mean by "nearing"?

17 A. They are experiencing conditions that are leading  
18 to that capacity expiring. We look at the period of time  
19 they expect to operate. The site has a life to 2020 at  
this  
20 point at its best case. It's near.

21 Q. Okay. And what do you mean by "capacity"?

22 A. The physical space that is available to place  
waste

23           into.

24           Q.    Let's go to Page 1-6, second paragraph of that

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1 sentence. I'll wait until you get there and Mr. Helsten.

2 Are you there, Chuck?

3 MR. HELSTEN: Yes. Thank you, Mr. Blazer.

4 MR. BLAZER: No problem.

5 BY MR. BLAZER:

6 Q. "All waste disposed by the service area must be  
7 direct hauled in collection vehicles to existing landfills  
or  
8 to transfer stations located outside the service area."  
9 Did I read that correctly?

10 A. Yes.

11 Q. That's repeated in a couple different places in  
12 your section of the application, this issue of direct  
hauling  
13 to the two landfills in the county?

14 A. Yes.

15 Q. And actually you say it again on Page 1-19. You  
16 don't have to run there, but two landfills are currently  
17 permitted to operate within a proposed area and receive  
waste  
18 by direct haul from Lake County, right?

19 A. I didn't flip there, but I seem to recall it  
being  
20 there, yes.

21 Q. All right. Could you explain what "direct haul"  
22 means?

23           A.    Direct haul, as I explained in my direct, is the  
24           collection vehicles that come to our homes and our

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1 businesses, the packer vehicles or the throw-on vehicles,  
2 taking the waste in those vehicles to the landfill.

3 Q. So right now at least as far as the county waste  
is  
4 concerned, generally speaking, that waste is direct hauled  
to  
5 the two landfills that are currently operating in the  
county.

6 Is that correct?

7 A. The majority is, yes.

8 Q. Right. Roughly 80 percent?

9 A. I think that would be a fair assessment.

10 Q. Okay. And could you describe what a regional  
11 landfill is?

12 A. A regional landfill is a facility that serves a  
13 region. Typically those facilities will serve more than  
just  
14 one county. We several years ago relied on more local  
15 facilities that were intended to serve just one or a few  
16 cities or county, but they didn't serve broader areas. And  
17 as we have seen the regulations become more stringent and  
the  
18 cost to operate facilities increased it's more economical  
to  
19 have those facilities operate as regional landfills that  
20 serve a much larger area than just that single or couple of  
21 cities or a county.

22  
matter

Q. And because regional landfills as a general

23  
24  
by

are farther away from the sources of the waste or where the  
waste is generated regional landfills are usually serviced

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1 transfer stations and transfer trailers, correct?

2 A. Or waste coming from those more distant places,  
3 yes.

4 Q. Right.

5 A. They may still receive their own local material  
by  
6 direct haul.

7 Q. Right. We'll get to that a little bit later.

8 So would you agree with me then on the flip  
9 side you're talking about direct haul landfill versus a  
10 regional landfill? Direct haul landfills are ones that are  
11 closer to the waste generation source and therefore are  
12 serviced by the local haul vehicles rather than transfer  
13 vehicles. Is that an accurate statement?

14 A. If it's being served by direct haul, yes, that  
15 would be the case. You would typically see it coming from  
a  
16 shorter distance than the waste that would be coming into  
the  
17 facility by transfer.

18 Q. So in that situation they're serviced by the  
local  
19 haul vehicles, and the local haul vehicles can economically  
20 serve their area by going to the direct haul landfills that  
21 are closer, correct?

22 A. As economically as possible. I presume that  
there

23           are facilities that are available to them or have them  
24           developed.

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1 Q. All right. We'll get to that too.

2 One of the projects that you've worked on --  
3 actually this is pretty recently -- last year was the  
4 expansion of the Winnebago Landfill out in Winnebago  
County.

5 Is that correct?

6 A. Yes.

7 Q. And you prepared the needs assessment for that  
one  
8 as well, right?

9 A. Yes, I did.

10 Q. And just so the board members understand -- I  
think  
11 we covered this a couple of times with a couple other  
12 witnesses, but I want to make sure that we're clear with  
you.

13 When a facility like the Winnebago Landfill wants to expand  
14 beyond their permitted capacity, they have to go through a  
15 site hearing just like this one, right?

16 A. Yes, they do.

17 Q. Just as if they were starting from scratch?

18 A. Yes.

19 Q. Because under the law an expansion of a landfill  
or  
20 an expansion of a facility is treated as if it was a new  
21 facility, right?

22 A. Correct.

23           Q.    So they have to go and file a siting application  
24           just like was done here?

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1 A. Yes.

2 Q. And there was a hearing like this one?

3 A. Yes.

4 Q. I think that one was probably shorter. And you  
5 testified at that one too, right?

6 A. Yes, I did.

7 Q. I'd like to look at part of your needs assessment  
8 in that matter. Stop for just a moment.

9 For the record, Mr. Hearing Officer, Timber  
10 Creek Exhibit 38 is the entire Winnebago Landfill Siting  
11 Application. I'm going to be using parts of several things  
12 here today, obviously not the entire 25,000 pages that we  
13 filed. What I'll be referring to for a moment now is what  
we  
14 have marked as TCH Exhibit 38-C which is an excerpt from  
that  
15 application. I'll hand it out first.

16 BY MR. BLAZER:

17 Q. Miss Seibert, I'm handing you what's been marked  
as  
18 TCH Exhibit 38-C. It's an excerpt from the Winnebago  
19 Landfill Siting Application or at least the needs section  
and  
20 the backup documentation for the needs section that you  
21 prepared. Generally speaking do you recognize these  
22 documents?

23 A. Yes, I do.

24 Q. All right. Now, you said here -- and this is on

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1 Page 2 of 48 which is the first page of this exhibit -- "A  
2 survey of Illinois transfer stations was performed to  
3 determine which landfills they utilized. This survey was  
4 conducted by reviewing IEPA inspection reports for the  
5 transfer stations or by contacting the operators of the  
6 transfer stations directly. The result of the transfer  
7 station survey are presented in Table E2-1. Government  
8 agencies that have negotiated long-term contracts for  
9 transfer and disposal capacity were contacted to determine  
10 which landfills they utilize. The results of this research  
11 are presented in Table E2-2." And then you'll see behind  
12 there are the two tables you identified, right?

13 A. Yes.

14 Q. E2-1 and E2-2?

15 A. Yes.

16 Q. And you'll notice for all these transfer  
17 stations -- strike that.

18 You testified or as part of your -- it's  
hard  
19 for me to call it testimony. As part of your presentation  
20 you said that you tried to determine in terms of describing  
21 at least one of the landfills in Lake County as more of a  
22 regional landfill that services transfer stations, you  
tried  
23 to determine which transfer stations in Cook County, and I

24 believe there was one in McHenry County, also service

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1 Lake County. You remember talking about that?

2 A. Yes.

3 Q. All right. And you said you knew that the ADS  
4 transfer station in Northbrook hauls waste to one of the  
5 Lake County landfills, right?

6 A. Yes.

7 Q. But you didn't know if any of the others service  
8 the county. Is that correct?

9 A. As I stood here giving my testimony I did not  
state  
10 that any others did.

11 Q. Well, there are two transfer stations that use  
the  
12 Zion Landfill according to your Table E2-1 in your  
Winnebago

13 Landfill Siting Application. Is that correct?

14 A. Yes, there are.

15 Q. There's the (inaudible) are identified  
(inaudible).

16 THE REPORTER: I'm sorry.

17 HEARING OFFICER LUETKEHANS: Mr. Blazer, you're going  
to  
18 have to repeat that last one.

19 BY MR. BLAZER:

20 Q. There are in fact two transfer stations that  
21 service Lake County and take their waste, just outside of  
22 Lake County and transport their waste into one of the Lake

23 County landfills. Is that correct?

24 A. Yes.

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1           Q. All right. And what we were talking about was  
here

2           they're identified as Veolia facilities but Veolia and  
3           Environmental Services sold its assets to Advanced Disposal  
4           Services, correct?

5           A. Correct.

6           HEARING OFFICER LUETKEHANS: For the record spell  
7           Veolia.

8           MR. BLAZER: V-e-o-l-i-a.

9           HEARING OFFICER LUETKEHANS: Thank you.

10          MR. BLAZER: Sure.

11          BY MR. BLAZER:

12          Q. You're generally familiar with that?

13          A. Yes. Where we say Veolia and Winnebago site it's  
14          the same as the ADS references in the present application.

15          Q. So when we talk -- when you talk here about the  
16          Veolia Evanston Transfer Station taking waste to Zion, that  
17          is the ADS Transfer Station taking waste to the ADS Zion  
18          Landfill, correct?

19          A. Yes, ADS Evanston facility.

20          Q. Right, correct. And then the Northbrook Transfer  
21          Station also belonging to ADS takes waste to the Zion  
22          Landfill, correct?

23          A. Yes.

24  
information

Q. So at least last year you did have more

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1 about where waste goes from the transfer stations that are  
2 located immediately south of Lake County, didn't you?

3 A. The information that's in this table is based on  
4 transfer station inspection reports and discussions with  
the  
5 haulers. It does tend to change periodically over time,  
and  
6 we are able to say with certainty that they are quantities  
of  
7 waste that come from the Northbrook Transfer Station to  
Zion  
8 because that's separately reported to the county where they  
9 don't separately report the Evanston quantities.

10 Q. That wasn't my point. You had one slide up  
there,  
11 and I won't ask you to put it up there now, but you had a  
12 picture of Lake County with one transfer station with a  
13 10-mile circle around it that encompassed a portion of the  
14 southern Lake County. You remember that slide?

15 A. The methodology slide, the analysis for transfer  
16 stations, yes.

17 Q. Which particular transfer station were you  
18 referring to in that example?

19 A. It was for example only.

20 Q. All right. Well, there are transfer stations in  
21 that area, right?

22 A. Yes, but that exhibit was for demonstration only.

23           It doesn't reference any specific facility.  It's not even  
24           drawn to scale.

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1  
Transfer

Q. Let's take, for example, oh, the Glenview

2 station that Groot operates. Where does their waste go?

3 A. Their waste is being hauled to the Winnebago

4 Landfill.

5 Q. It doesn't come into Lake County, right?

6 A. Waste from those communities could be coming into

7 Lake County, the commercial waste, but the waste from the

8 transfer station is being taken to Winnebago.

9  
10  
services

Q. Right. Your point is it's entirely possible that  
using it as an example the Glenview Transfer Station

11 a portion of Lake County, correct?

12 A. There are communities within this region that

13 overlap into Lake County, yes.

14  
15  
into

Q. Right. But the waste from Lake County that is  
taken to the Glenview Transfer Station doesn't come back

16 Lake County. It goes all the way out to the Winnebago

17 Landfill, right?

18 A. Yes.

19  
Hearing

MR. BLAZER: Okay. One thing I plan to do, Mr.

20 Officer, if I may, rather than moving for admission

21 constantly, sometime before the close of our case I'll put

22  
and

together a list. Mr. Helsten and Mr. Mueller can gang up

23           object. I'd rather do it at that point if that's okay with  
24           you rather than doing it during the course of examination.

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1 HEARING OFFICER LUETKEHANS: That's fine.

2 MR. HELSTEN: Mr. Blazer, just so I'm clear, you knew  
in  
3 advance what exhibits of those 25,000 pages you were going  
to  
4 rely upon, and you didn't give them to us in advance like  
we  
5 gave you our PowerPoints yesterday.

6 MR. BLAZER: That is absolutely untrue. I was able to  
7 determine much of what I was going to use yesterday when  
you  
8 finally turned over those PowerPoints that you've had for  
9 quite some time.

10 MR. HELSTEN: So have you determined that --

11 MR. BLAZER: I don't think it's necessary, Mr. Hearing  
12 Officer --

13 HEARING OFFICER LUETKEHANS: Let's move on. I will  
also  
14 request if you have PowerPoints or anything with your  
15 witnesses that you provide those to the applicant and the  
16 rest of the attorneys.

17 MR. BLAZER: Absolutely.

18 BY MR. BLAZER:

19 Q. Now, I believe you said in your presentation that  
20 you are familiar with the recent expansion of the landfill  
in  
21 Zion, right?

22 A. Yes, I am.

23 Q. And that was just a little over three years ago

24 that siting was granted for that application, that  
extension?

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1 A. I believe that's correct.

2 Q. 2010?

3 A. '10.

4 Q. Right. And I'm not going to ask you to look at  
5 them all. You've discussed it in multiple places in your  
6 present or in your section of the application here, right?

7 A. That the facility was expanded?

8 Q. Yes.

9 A. Yes.

10 Q. Okay. And that was also a full siting proceeding  
11 like Winnebago and this one, right?

12 A. Yes.

13 Q. And that was another Shaw project?

14 A. Our company was engaged to fulfill a similar role  
15 to what we've done in this project, yes.

16 Q. And your client in that one was at the time the  
17 only environmental services, right?

18 A. Yes.

19 Q. You worked on that project, didn't you?

20 A. I was a contributor on that project.

21 Q. On the needs assessment?

22 A. Yes.

23 Q. The principal person on the needs assessment on  
24 that one was Phil Kowalski, not you?

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1 A. Correct.

2 Q. You assisted him with it?

3 A. Correct.

4 Q. So kind of like you described before, you  
probably

5 took the liberty or you reviewed what he did and you worked  
6 together on it. Is that correct?

7 A. Yes. There was some back and forth. He had the  
8 principal authorship. He did the testimony. In fact, I  
was

9 involved on that project in a very limited capacity.

10 Q. Okay. But you certainly were familiar with the  
11 needs assessment on that project, correct?

12 A. Yes.

13 Q. And you refamiliarized yourself with that needs  
14 assessment for this facility because you needed to know  
15 everything about the disposal capacity that's applicable to  
16 this service agreement, right?

17 A. Yes.

18 Q. Several other people in Shaw worked on that  
project  
19 as well, right?

20 A. Yes.

21 Q. There's an individual named Richard Southern who  
22 worked on it. Is that correct?

23 A. Southborn (phonetic), yes.

24

Q. Southborn. I'm sorry. He's an engineer?

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1 A. Yes.

2 Q. And of course a Shaw project wouldn't be a Shaw  
3 product without Ed Moots, right? He worked on it?

4 A. Yes, he did.

5 Q. And some of the other people who have testified  
in  
6 this proceeding also worked on that project, right?

7 A. I don't recall who the other experts were that  
were  
8 engaged.

9 Q. Chris Lannert work on that project?

10 A. I don't recall.

11 Q. Michael Werthmann work on that project?

12 A. I don't recall.

13 MR. HELSTEN: Objection as to the relevancy of people  
on  
14 other criterion working on that project. We're focused now  
15 on the needs criterion.

16 MR. BLAZER: It's just background.

17 HEARING OFFICER LUETKEHANS: At this point she doesn't  
18 recall. So there's really no issue.

19 BY MR. BLAZER:

20 Q. Could you turn to Page 1-23 of your needs  
21 assessment? And here really I'm referring not to any  
22 particular quote but to the entire page. What you're  
talking

23           about on this page are the benefits that you claim would be  
24           provided by this transfer station, generally speaking the

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1 reduced cost compared to the direct haul to distant  
2 landfills. Is that a fair summarization of what you're  
3 saying on that page?

4 A. On portions of this page, yes.

5 MR. BLAZER: The next one I list, Mr. Hearing Officer,  
6 is TCH Exhibit 34-A, and these are excerpts from the  
7 application that Shaw prepared and submitted for the Zion  
8 Landfill siting proceeding.

9 MR. HELSTEN: Thank you, Mr. Blazer, but from what I  
can  
10 glean from my view here it looks like you had them all  
11 earmarked and designated. It may be more efficient in  
terms  
12 of time to give us all of them at one time.

13 MR. BLAZER: I don't know which ones I'm going to use  
14 yet, Mr. Helsten. Thanks to the PowerPoints I was up very  
15 late.

16 BY MR. BLAZER:

17 Q. Now, you have that document in front of you?

18 A. Yes.

19 Q. And you do recognize this to be excerpts from  
20 Shaw's needs analysis for the Zion Landfill application,  
21 correct?

22 A. It appears to be.

23 Q. Okay. Let's look at Page 1.0-1, the very first

24 page, and this is what Shaw was. When Shaw was trying to

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1 prove the need for the Zion Landfill expansion like you're  
2 doing here today for Groot, Shaw said --

3 MR. HELSTEN: Objection.

4 BY MR. BLAZER:

5 Q. It's up at the very top.

6 MR. HELSTEN: Go ahead.

7 BY MR. BLAZER:

8 Q. The very first paragraph, second line. I'm not  
9 going to make you look for it. "The expanded landfill will  
10 provide solid waste disposal capacity to the city, Lake  
11 County and other communities in the service area for years  
to  
12 come." Did I read that correctly?

13 A. Yes, you did.

14 Q. And then if we look at Page 102, the very next  
one,  
15 you identified, you, Shaw, you and Mr. Kowalski identified  
16 some of the benefits that the expanded landfill would  
17 provide. One of those at the bottom -- it's the last --  
it's  
18 the first sentence before the bullet, "The expanded Zion  
19 Landfill will provide solid waste disposal capacity --"

20 A. I'm sorry. I don't know where you're at.

21 Q. Let me show you. May I? See where I  
highlighted,

22 31-02?

23 A. Yes.

24 Q. "The expanded landfill will provide numerous

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1 benefits to the city of Zion and other communities in Lake  
2 County and service area." Do you see that?

3 A. Yes.

4 Q. Okay. I got to page backwards. I apologize.  
The  
5 years to come language is actually from the first page.  
It's

6 the one I just read to you, right?

7 A. Correct.

8 Q. The service area for years to come?

9 A. Yes.

10 Q. My apologies. I'll try to straighten that out as  
11 we go along.

12 Another of the benefits is on Page 1.0-4 up  
at  
13 the very top, the first bullet point, "Reduced waste  
14 transportation costs and therefore reduced tax burdens and  
15 costs to residents and local businesses." Did I read that  
16 correctly?

17 A. Yes.

18 Q. The next bullet point, "A landfill that will  
19 compete with other landfills and assure that local  
20 communities will have the continued availability of a cost  
21 competitive saving and convenient disposal option." Did I  
22 read that correctly?

23 A. Yes.

24

Q. I believe the next page out of this excerpt is

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1 10.18, and this is the second bullet in the very last  
2 sentence. "The convenient location of the proposed  
expansion  
3 will save on fuel consumption and also help communities to  
4 contend with waste disposal cost increases stemming from  
5 higher fuel costs." Did I read that correctly?

6 A. Yes.

7 Q. The next one is Page 10.23. The very last  
sentence  
8 on the page, "The proposed expansion will provide needed  
9 additional disposal capacity to communities in the service  
10 area in accordance with sound solid waste management  
planning  
11 principles adopted by jurisdictions in Illinois and  
12 throughout the U.S." Did I read that correctly?

13 A. Yes.

14 Q. Page 10.24 on your economic considerations, very  
15 top, counsel, "The expanded Veolia ES Zion Landfill will  
16 provide a conveniently located source of disposal capacity  
to  
17 the service area. The proposed facility will be located  
18 approximately 16 miles from the centroid of Lake County."  
19 Did I read that portion correctly?

20 A. Yes.

21 Q. All right. And if we look at your figure -- we  
22 finally got to what I'm projecting up there. You recognize

23           that as Figure 1.7 out of this siting location, the one in  
24           this proceeding?

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1 A. Yes.

-- 2 Q. All right. And you described the waste centroid

3 why don't you do it again just so we're on the same page.

4 What is the waste centroid?

waste 5 A. The waste centroid is the average point where

6 is being generated requiring disposal from so that we weigh

7 that according to population density throughout the service

8 area and therefore can say if that were dense areas that  
are

9 on one side of a region or that would tend to generate more

10 waste, the centroid is likely to be located closer to those

11 points than it is from areas that are more rural or less

12 populated.

13 Q. And if we look at Figure 1.7 or 1-7 out of this

14 siting application, we see Countryside at 5 miles from the

15 centroid, right?

16 A. Yes.

17 Q. And we see Veolia Zion -- still call it Veolia

18 here. I see that same 16-mile number you used last year or

19 2010, I should say, for the landfill expansion, correct?

20 A. Coincidentally it's the same distance.

21 Q. Right.

22 A. There are two different service areas, two

23 different centroid locations.

24

Q. It just so happens they're both 16 miles, right?

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1           A.    It just so happens, yes.

2           Q.    Right.  Okay.  And because both Lake County  
3           landfills are less than 18 miles from the centroid, both  
4           Countryside and Zion landfills under your analysis are  
5           accessible by direct haul to the service area, aren't they?

6           A.    We are hauling waste there now.

7           Q.    Right.  So your answer is yes?

8           A.    Yes.

9           Q.    Okay.  Just looking again at this Figure 1-7 part  
10          of what you're using this for is to demonstrate that  
11          according to you 18 miles is the break-even distance for  
this        facility, right?

12          A.    I think you're mixing two different things here.  
13          We didn't use this to demonstrate the 18 miles is the break  
14          even.  That's a whole separate analysis.

15          Q.    Let's forget about this figure.  18 miles is your  
16          break-even distance, right?

17          A.    For this particular facility and the operating  
18          parameters, the design parameters of the facility that's  
19          what  
20          we estimated the break-even distance.

21          Q.    That's 18 miles from the waste centroid, right?

22          A.    It would be the haul distance.  It's from the end  
23          point.

24

Q. Well, when we discuss the break-even distance,

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1           you're talking about the distance from the waste centroid,  
2           correct?

3           MR. HELSTEN: That's not what was said, asked and  
4           answered, that mischaracterizes her prior answer.

5           HEARING OFFICER LUETKEHANS: I think she clearly  
6           answered the question the same way twice, and I'll let the  
7           second answer stand.

8           MR. BLAZER: Okay.

9           BY MR. BLAZER:

10           Q. Well, when we talk about the break-even distance  
or  
11           when you do, what that means is that hauling direct to a  
12           landfill becomes more expensive than a transfer haul if a  
13           landfill is more than 18 miles away, correct?

14           A. That is what the break even refers to, yes.

15           Q. Right. And again you confirmed that 18-mile  
16           break-even distance in this application, right?

17           A. We calculated specific for this application for  
18           this particular site.

19           Q. Okay. Could you turn to Page 1-25 of your  
20           application? It's the third full paragraph, last two  
21           sentences, and there's also a reference to a Figure 1-9  
which

22           I don't have up here, but this is where you're talking  
about

23           the break-even distance, right?

24

A. Yes, it is.

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1 Q. And what you say here is, "The point at which the  
2 lines representing direct haul and transfer haul cross --  
3 excuse me -- and transfer haul cross is termed the break-  
even  
4 distance. Beyond this distance direct haul and collection  
5 vehicles becomes more expensive than transfer haul. For  
the  
6 proposed transfer station the break-even distance is  
7 approximately 18 miles." Did I read that correctly?

8 A. Yes.

9 Q. And at least as far as this waste centroid is  
10 concerned, the one for this application, the Zion Landfill  
is  
11 16 miles away, correct?

12 A. Yes, it is.

13 Q. And the Countryside Landfill is 5 miles away,  
14 correct?

15 A. Yes. Both of those facilities are not long-term  
16 available facilities.

17 Q. That wasn't my question. 16 for Zion and 5 for  
18 Countryside, correct?

19 A. Yes.

20 Q. And the Winnebago Landfill is over 60 miles away,  
21 right?

22 A. Yes.

23 Q. Let's go back to Page 10-24 of that, your Veolia

24 needs assessment, Exhibit 34-A.

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1           A.    Mr. Kowalski's needs assessment.

2           MR. HELSTEN:  It's not hers.

3           MR. BLAZER:  Needs Assessment.

4           MR. HELSTEN:  She was not the author, and that's why  
5    I -- thank you, Mr. Blazer, because I think this is an  
6    appropriate point to interject an objection.  I object to  
the  
7    relevance of this because clearly the last 15 minutes of  
8    Mr. Blazer's reference to the Veolia application hasn't  
been  
9    impeachment because there's been no inconsistency between  
10   Miss Seibert's prior testimony in direct and his reference  
to  
11   this document.  I don't know what the relevance is.

12           HEARING OFFICER LUETKEHANS:  Well, I'm going to let  
him  
13    proceed.  I happen to agree.  I haven't seen any  
impeachment  
14    yet.  But if he wants to ask the questions that seem to  
15    confirm what the witness has already said, I don't -- I  
16    haven't seen anything other than that at this point.

17           MR. BLAZER:  For the record I think Mr. Helsten knows  
18    better, but this has nothing to do with impeachment,  
19    Mr. Hearing Officer.  This entire needs assessment  
discusses  
20    waste capacity, disposal capacity, waste generation in the  
21    county, out of the county and every county in northern

22 Illinois, and I think it's very relevant to ask --

23 HEARING OFFICER LUETKEHANS: Let's stop here. You're

24 giving a speech. I have not sustained the objection.

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1 So please proceed with the questions.

2 MR. BLAZER: All right.

3 BY MR. BLAZER:

4 Q. Back to Page 10.24 of the Shaw needs assessment  
5 from the Veolia Landfill expansion, second full paragraph  
on  
6 that page, "Rising fuel costs as well as labor costs in the  
7 solid waste industry have added to the overall cost of  
8 managing waste. Figure 1-9 shows that the price of diesel  
9 fuel has increased significantly since the late 1990s and  
10 early 2000s. Although fuel prices declined in late 2008  
and  
11 early 2009 from the very high levels observed in the summer  
12 of 2008, as of December of 2009 fuel prices still remain  
13 significantly higher than the 1995 to 2004 period.  
14 Many waste services companies have responded by adding fuel  
15 surcharges to customer bills. The siting of the proposed  
16 expansion may help to alleviate these cost increases and  
will  
17 save on fuel consumption by providing landfill capacity  
that  
18 is located nearer to waste generators within the service  
19 area." Did I read that correctly?

20 MR. HELSTEN: Objection, relevance. It's a different  
21 service area for different facilities, Miss Seibert said  
22 before. I don't know what the relevance is here of  
referring

23 to the Veolia Zion Landfill proceeding where I was the  
24 hearing officer. That's a separate and distinct facility

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1           altogether. We're not dealing with that here,  
2           Mr. Luetkehans.

3           MR. BLAZER: We certainly are dealing with disposal  
4           capacity and available disposal in Lake County, and part of  
5           the service area of the Zion Landfill is Lake County.

6           HEARING OFFICER LUETKEHANS: Objection overruled.

7           MR. BLAZER: Thank you.

8           THE WITNESS: Yes, you read that correctly.

9           BY MR. BLAZER:

10          Q. Thank you. I'm glad you remembered the question  
11          because I didn't.

12          A. I was hoping you missed a word.

13          Q. Touche. The next one is 10-30, the second bullet  
14          point, "The expanded landfill will provide additional  
15          disposal capacity to the city of Zion and Lake County.

This

16          will enable the city and other communities in the county to  
17          focus future solid waste efforts on increasing recycling  
18          waste diversion." Did I read that correctly?

and

19          A. Yes.

many

20          Q. Then the last bullet point on that page, "The  
21          continued availability of the landfill will assist the city  
22          and county in attracting and/or retaining industry since

23          industrial facilities consider the availability of safe,

24 competitively priced disposal capacity in determining where

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1 to locate." Did I read that correctly?

2 A. Yes.

3 Q. And then one last one, the last page on this one,  
4 10-31, it's the fourth bullet from the bottom. "The  
expanded  
5 facility will be conveniently located to Lake County and  
the  
6 service area. Existing landfills are located on average  
more  
7 than twice as far away from the service area as the Veolia  
ES  
8 Zion Landfill. The landfills are located approximately  
seven  
9 times further than the proposed expansion from Lake County.  
10 As a result the proposed expansion will conserve  
significant  
11 quantities of the fuel and enable communities in the  
service  
12 area to better contend with the rising cost of transporting  
13 waste farther distances." Did I read that correctly?

14 A. Yes.

15 MR. KARLOVICS: Mr. Hearing Officer, at this point I  
16 would ask the record to reflect the presence of Trustee  
17 Raeanne McCarty at 7:46 p.m.

18 HEARING OFFICER LUETKEHANS: You better spell that  
first  
19 name.

20 MR. KARLOVICS: It's R-a-e-a-n-n. Did I get it right?

21 It's R-a-e-a-n-n-e.

22 HEARING OFFICER LUETKEHANS: The record will reflect.

23 BY MR. BLAZER:

24 Q. Now, according to you, your section of this  
siting

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1 application, the one that we're dealing with here  
2 demonstrates the proposed Groot Industry's Lake Transfer  
3 Station is necessary to accommodate the waste needs of the  
4 area it's intended to serve, correct?

5 A. Yes.

6 Q. And that area is not Round Lake Park. That area  
is  
7 Lake County, right?

8 A. Yes, it is.

9 Q. Okay. And could you tell me where in your  
10 application I can find your discussion about the urgent  
need  
11 for this transfer station?

12 A. I think that it's throughout the application when  
13 we talk about the limited life of facilities that's  
14 remaining, about Lake County's historic long-time desire to  
15 have 20 years of capacity available and even in these  
16 documents from the Zion Landfill from three years ago that  
17 show that that facility while it was going to be convenient  
18 to have it was going to have a life to 2022.

19 Q. So you do agree with me that, when you talk about  
20 need for this facility, what you're talking about is urgent  
21 need, right?

22 MR. HELSTEN: I object. That's not what she said.  
23 Also, the standard per the --

24

HEARING OFFICER LUETKEHANS: Objection sustained as to

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1 form.

2 BY MR. BLAZER:

3 Q. You're familiar with the (inaudible) --

4 THE REPORTER: I'm sorry.

5 HEARING OFFICER LUETKEHANS: Slow down, Mr. Blazer.

6 BY MR. BLAZER:

7 Q. Fox Moraine Landfill -- and you worked on that  
8 needs assessment for that landfill, right?

9 A. Yes, I was a contributor on that.

10 Q. You assisted in preparation of the needs  
assessment

11 for a proposed new landfill in Northfield, Illinois,  
correct?

12 A. You must have read my resume.

13 Q. I did. Do you agree, Miss Seibert, with the  
14 following statement: "Question: Is there some connotation  
15 to the word necessary? Is there some sense of urgency when  
16 you consider the word 'necessary' in the context of this  
17 criteria? Answer: Yes, and I think there is urgency. As

I

18 indicated in my direct, the capacity within the service  
area

19 represents about two years, two-and-a-half years of  
disposal

20 capacity, and on a regional basis there is, when this  
21 facility would first be available to start accepting waste,  
22 there would be only eight or nine years of capacity

23 available. And as I also indicated on Monday on average it  
24 takes nine years to develop new landfill capacity in

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1 Illinois. So there is no buffer there. Yes, there is  
2 urgency." Do you agree with that statement?

3 MR. HELSTEN: Objection. We don't know where that's  
4 from. There's no basis for that, no foundation. It's an  
5 improper attempt at impeachment. Moreover, the Second  
6 Appellate District has determined that the standard is is  
the  
7 facility reasonably required by the waste needs of the  
area.  
8 I'm reading right from Justice Bowen's decision on Fox  
9 Moraine.

10 HEARING OFFICER LUETKEHANS: I don't have the  
decision,  
11 but I will sustain the objection as to the first objection.

12 MR. BLAZER: May I address the second piece, if I may,  
13 Mr. Hearing Officer? I think that's critical because --

14 HEARING OFFICER LUETKEHANS: It may be in a minute,  
but  
15 right now it's kind of not relevant.

16 MR. BLAZER: All right. Well, unfortunately this one  
--  
17 in my grogginess early this morning to prepare for what we  
18 got yesterday I do not have a copy of this section of the  
19 transcript, but I can identify it for the record. Everyone  
20 has the overall exhibit. This is from our Exhibit 30. It  
is  
21 the Fox Moraine hearing transcript. It is the transcript

22 from March 14, 2007, Page 80 -- starting at Page 83, Line  
13

23 and going to Page 84, Line 4. It was the testimony of

24 Phillip Kowalski who testified in that case on behalf of  
Shaw

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1 with respect to the need for that facility.

2 HEARING OFFICER LUETKEHANS: Okay.

3 MR. HELSTEN: That's a different expert on a different  
4 service area and a different determination of need. How is  
5 that relevant to Miss Seibert's testimony on a much  
different  
6 service area for a different facility altogether?

7 MR. BLAZER: And now I'd like to address the relevance  
8 of this, if I may, because Mr. Helsten consciously  
9 misrepresented the law in this matter.

10 HEARING OFFICER LUETKEHANS: First of all, I'm still  
11 kind of struck on the way you're attempting to do it. I'm  
12 still not there. If you want to ask her a question about  
13 need, I think you ask the question about need.

14 MR. BLAZER: Right.

15 HEARING OFFICER LUETKEHANS: To then proceed -- and,  
you  
16 know, we can all fight over what the standard is, but to  
then  
17 kind of start quoting and citing someone else's testimony,  
I  
18 don't see that as the proper way to do it, Mr. Blazer.

19 MR. BLAZER: Well, Mr. Hearing Officer, all I asked  
her  
20 is whether or not she agrees with Mr. Kowalski's testimony.  
21 This wasn't impeachment. I asked her if she agrees with  
her

22           coworker's testimony.

23                   HEARING OFFICER LUETKEHANS: I don't think that's

24           proper. If you want to ask her what her opinion is, that's

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1 up to you.

2 MR. BLAZER: She's already given it because she did  
say

3 there's urgent need. So I do need -- for the record though  
4 because Mr. Helsten did misrepresent the Second District I  
do  
5 need to read this into the record if I may.

6 HEARING OFFICER LUETKEHANS: I guess my point is I  
don't

7 know -- you both are going to have an opportunity to  
clarify

8 this in final briefing. To get into a fight now about what  
9 the Second District says -- the Second District says. I'm  
10 not being asked to rule on anything the Second District may  
11 or may not have said at this point. So I'm not really sure  
12 why we're going to go through this.

13 MR. BLAZER: I understand that. We're going to go  
14 through this because Mr. Helsten has created a consciously  
15 false impression of the minds of these people that have to  
16 decide this proceeding.

17 HEARING OFFICER LUETKEHANS: He may or may not have  
done

18 that. I'm not going to take a position on that. What  
we're

19 going to do is -- that's obviously attorney argument, and  
if

20 it becomes relevant at some later point in closing, in  
final

21 briefing you will have more -- we're going to give you that  
22 opportunity to put the standard straight. I don't want to  
23 spend a lot of time here, nor do I want to spend any more  
24 time on this particular issue. This board's going to see

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1 your closing arguments. They're going to see your  
2 conclusions. They're going to see my recommendation based  
3 upon those, and those are the things they're going to rely  
4 upon, not what the lawyers argue sitting here at the last  
5 second.

6 MR. SECHEN: Mr. Hearing Officer, may the record  
reflect

7 my agreement with Mr. Helsten's representation of what the  
8 legal standard is.

9 HEARING OFFICER LUETKEHANS: I don't want to get into  
10 who agrees or who doesn't. So I'm going to leave that  
alone.

11 Right now proceed with the next question.

12 MR. BLAZER: No big surprise. All right. I'll move  
on.

13 BY MR. BLAZER:

14 Q. Siting application, Section 1, Page 1-1 --

15 A. This is the application now?

16 Q. Yes, this one.

17 A. Which page?

18 Q. 1-1, introduction, third paragraph. Are you with  
19 me? Mr. Helsten is there.

20 HEARING OFFICER LUETKEHANS: Where are you at on the  
21 page, Mr. Blazer?

22 MR. BLAZER: It's the introduction, the third  
paragraph.

23 MR. HELSTEN: Thank you, Mr. Blazer.

24 MR. BLAZER: It starts, "The proposed transfer

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1 station."

2 BY MR. BLAZER:

3 Q. "The proposed transfer station is intended to  
4 typically receive, process and transfer 750 tons per day of  
5 municipal waste, separating recyclables and landscape waste  
6 generated by residential, commercial and light industrial  
7 sources. Incoming materials will be delivered to the  
8 proposed transfer station by Groot Industries and other  
9 third-party haulers." Did I read that correctly?

10 A. Yes.

11 Q. How much of it will be delivered by third-party  
12 haulers?

13 A. It depends on Groot's market position and where  
the  
14 waste is coming from.

15 Q. So as of today you don't know?

16 A. The facility hasn't even been sited. We're  
talking  
17 about developing a facility three years from now. I don't  
18 know what the market is going to hold for their hauling  
19 versus any other company's hauling. At least a portion is  
20 going to be theirs.

21 Q. All I'm asking is as of today you don't know?

22 A. The facility isn't here.

23 Q. So as of today you don't know?

24

A. No.

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1           Q.   All right.  Where do third-party haulers take  
Lake           County garbage now?

2           A.   Same place Groot does.  They may take it to Zion.  
3           They may take it to Countryside.  They may take it to  
4           out-of-country transfer stations including those eight  
5           facilities.  
6

7           Q.   So Groot takes Lake County garbage to Countryside  
8           and Zion today?

9           A.   Yes, they do.

10          Q.   Do they take Lake County garbage anywhere else?

11          A.   I believe that's the primary facilities that they  
12          take waste to.  They do take a small amount to the  
Northbrook       Transfer Station as well which we talked about as transfer  
13          haul back to Zion.  
14

15          Q.   Right.  Does any of the Lake County waste that  
16          Groot currently collects go to the Glenview station?

17          A.   If they are collecting in the towns that are  
18          members of the SWANA organization and its residential  
waste,           it's required to go to the Glenview Transfer Station.  I  
19          don't recall which towns they have those hauling contracts  
20          in  
21          and whether those are applicable to Lake County.

22          Q.   But it does -- waste from Glenview then goes out

23 to Winnebago, right?

24 A. Yes. Glenview was identified as one of those

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1 existing transfer stations that may be serving the service  
2 area.

of 3 Q. Could you tell me how much Lake County waste as  
4 today is being taken via transfer station to distant  
5 landfills?

6 A. We estimate that about 20 percent of the county's  
7 waste may be exported out of the county. I don't know how  
8 much of that ends up coming back through either the  
Evanston 9 Transfer Station or Northbrook Transfer Station, but the  
10 majority I would think is probably, is going either to Zion  
11 or to existing landfills.

12 Q. And that's that 719 tons that you were talking  
13 about in your presentation?

14 A. That may be going to transfer stations, yes.

15 Q. Right. Okay.

16 A. That would represent about 20 percent of the  
17 county's waste.

18 Q. And how did you come up with that 20 percent?

19 A. We have projections of the waste quantities that  
20 are in the appendix to my report, and we estimated that  
21 transfer capacity to be about 719 tons per day.

22 Q. So it's an estimate?

23 A. It's a projection based upon best available

24 information.

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1 Q. And what was the best available information that  
2 you relied on to come up with 20 percent?

3 A. We know the quantities of the waste that are  
being  
4 disposed of at landfills throughout the region. Lake  
County  
5 is not unlike any other county within the region. It's a  
6 representative quantity of the waste being disposed. The  
7 transfer capacity analysis that we looked at for at least a  
8 portion of the facilities they have defined service areas  
9 that we're able to look at and have some fair level of  
10 confidence that based on those market areas that those  
11 facilities that plan to serve, that there was a certain  
12 amount of overlap in Lake County and for others made an  
13 informed estimate of what that overlap might be.

14 Q. But we're dealing with estimates, correct?

15 A. There are no requirements in Illinois or in most  
16 states to specifically track the exact origin and  
destination  
17 of waste. So, yes, we are required to make estimates based  
18 on our best available information. My 13 years of  
experience  
19 in this field and specifically in this region in addition  
to  
20 the experience of my colleagues and experience of Groot and  
21 operating facilities and hauling waste certainly feeds to a  
22 well informed estimate.

23  
estimate.

Q. I wasn't challenging the quality of your

24 I was simply asking you to confirm that it is an estimate.

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1 A. Actual assessment.

2 Q. Okay. Siting application, Section 1, Page 1-6,  
3 third paragraph, last sentence, "The convenient location of  
4 the proposed transfer station to waste generators within  
the  
5 service area is particularly important given the high price  
6 for diesel fuel and declining landfill capacity near the  
7 service area." You see that?

8 A. Yes.

9 Q. I read it correctly?

10 A. Yes.

11 Q. Now, the Countryside -- I think we can agree on  
12 this, I hope. The Countryside and Zion landfills aren't  
near  
13 the service area. They're in the service area, right?

14 A. Yes.

15 Q. Which landfills then near the service area are  
you  
16 talking about?

17 A. The fact that there are no other landfills that  
18 were on our map, they're near the service area and the fact  
19 that those facilities that we're relying on are further  
from  
20 the service area indicates that those near facilities are  
not  
21 available.

22 Q. That wasn't my question. Which landfills are you

23  
capacity

talking about when you talk about declining landfill

24

near the service area, which landfills?

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1           A.    Capacity is an aggregate, a grouping of  
facilities.

2           We have the two in-county facilities which I would say are  
3           very near our service area and in fact in our service area,  
4           and then we have facilities in Cook County that are closed.  
5           We have facilities in DuPage and Kane County that have  
6           closed. We have a facility in Wisconsin that's effectively  
7           unavailable.

8           Q.    Can you identify any specific landfill that  
you're

9           talking about when you talk about declining landfill  
capacity

10          near the service area?

11          MR. HELSTEN: Asked and answered.

12          MR. BLAZER: She didn't answer it.

13          MR. HELSTEN: Yes, she did.

14          MR. BLAZER: She did not identify a single landfill,  
15          Mr. Hearing Officer.

16          HEARING OFFICER LUETKEHANS: I heard five of them. I  
17          heard her mention Wisconsin. I heard her mention the two  
in  
18          DuPage that closed. I heard her mention Cook County, and I  
19          think I missed one.

20          THE WITNESS: I also mentioned the Zion and  
Countryside

21          landfills.

22          MR. BLAZER: If I may, first of all, she admitted that

23 Zion and Countryside aren't near. They're in.

24 HEARING OFFICER LUETKEHANS: Also when she defined  
near

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in 1 afterwards, she said near was including the ones that were  
2 as well as the ones that were nearby and outside.

3 MR. BLAZER: She talked about declining capacity of  
4 landfills near the service area. She didn't say closed  
5 landfills. She said declining capacity. Now I'm asking --

6 HEARING OFFICER LUETKEHANS: Here, the objection's  
7 sustained. She answered the question. Whether you agree  
8 with her, whether her answer makes sense may be a different  
9 issue, but she did answer the question.

10 BY MR. BLAZER:

11 Q. What percentage of Lake County waste currently  
12 goes to those nearby landfills?

13 A. Are you including the landfills in the county?

14 Q. No. I'm talking about the ones that are near  
15 Lake County, not the ones that are in the service area, the  
16 ones that are near the service area.

17 A. I clarified that near also includes in. So that  
18 would include Zion and Countryside.

19 Q. I see.

20 A. 80 percent of the county's waste goes to those  
21 landfills.

22 Q. Got it. So now near means in? Is that correct?

23 MR. HELSTEN: Objection, asked and answered.

24

UNIDENTIFIED INDIVIDUAL: Objection, argumentative.

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1 objection

HEARING OFFICER LUETKEHANS: The argumentative

2 is sustained.

3 BY MR. BLAZER:

4 Q. All right. Let's go to Page 1-6 -- I think we're  
5 still there actually -- fourth paragraph. "Lake County has  
6 historically disposed of the majority of the municipal  
waste

7 generated within its borders by landfilling at three of the  
8 principal facilities, the Advance Disposal Services/Zion  
9 Landfill and Countryside Landfill located in Lake County  
and

10 the Pheasant Run Landfill located in Kenosha County,  
11 Wisconsin. See Figure 1-03. These three landfills were  
12 located within 22 miles of the centroid of the service area  
13 for the Groot Industries Lake Transfer Station." Did I  
read

14 that correctly?

15 A. Yes.

16 Q. I have up on the screen here Figure 1-3 from your  
17 application. Is that correct?

18 A. Yes, it is.

19 Q. Now, not all three landfills are 22 miles from  
the  
20 centroid. We can agree on that, right?

21 A. They are at most 22 miles from the centroid.

22  
Wisconsin?

Q. The one that's 22 miles is the one up in

23

A. Yes.

24  
this

Q. And what I have here now is, do you recognize

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1 to be Table 1-1 from your application?

2 A. Yes, I do.

3 Q. And this gives you the specific distances of each  
4 of the three landfills that you're talking about from the  
5 waste centroid, correct?

6 A. Yes.

7 Q. So you've got Countryside and Grayslake at 5,  
8 correct?

9 A. Yes.

10 Q. Zion at 16?

11 A. Yes.

12 Q. And the one in Wisconsin is the one at 22,  
correct?

13 A. Yes.

14 Q. All right. Where does the waste from Antioch  
15 currently go?

16 A. I don't know specifically.

17 Q. How about Beach Park?

18 A. I don't know.

19 Q. Where does the waste from Grayslake go?

20 A. I don't know.

21 Q. Gurnee?

22 A. I don't know.

23 MR. HELSTEN: Objection as to the relevance of this.

24 Where it goes today may not be, as Miss Seibert said in her

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1 direct testimony, where it goes tomorrow based on contracts  
2 and where it goes long-term for the lack of this facility.  
3 I don't know what the relevance is.

4 HEARING OFFICER LUETKEHANS: I'm kind of lost on this  
5 one as well, Mr. Blazer, and I've given you a pretty free,  
6 broad rein on relevance here. I would ask that you try and  
7 tie up whatever it is you're doing. I've heard a lot of  
8 statements, and I don't understand where they're going yet.

9 MR. BLAZER: I'm simply trying to determine since part  
10 of what this witness is talking about is disposal capacity,  
11 limited disposal capacity, near disposal capacity, near  
12 landfills, I'm trying to determine -- and she's given  
13 testimony regarding where she estimates waste from  
14 Lake County goes now or may go in the future. I'm trying  
to  
15 determine if she has specific knowledge about where waste  
is  
16 currently going from Lake County and the communities I'm  
17 identifying as I'm sure everybody in this room knows are  
18 communities in Lake County in the service area. I'm simply  
19 trying to find out what she knows and what she doesn't  
know.

20 HEARING OFFICER LUETKEHANS: Well, here, I think it's  
21 become pretty obvious she doesn't know where every  
22 municipality goes to in this county. So assuming that --  
23 I assume that's correct, Miss Seibert.

24

THE WITNESS: That is correct. And part of that is

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1 because there's residential waste contractors. Commercial  
2 waste is collected by any number of different haulers that  
3 may be taken to any number of facilities, but we have  
clearly  
4 identified in our report what facilities the county as a  
5 whole our intended service area relies on.

6 HEARING OFFICER LUTKEHANS: Okay. So I think you  
have  
7 at least the answer you're looking for as far as she is not  
8 aware of where any particular municipality goes. So move  
on  
9 and tie it up.

10 MR. BLAZER: That's fine.

11 BY MR. BLAZER:

12 Q. Siting Application Page 1-8.

13 MR. HELSTEN: I'm technically challenged. So I hope  
14 I -- oh, I have the page. I'm sorry.

15 MR. BLAZER: You're looking --

16 MR. HELSTEN: I have the page. Thank you, Mike.

17 MR. BLAZER: All right.

18 BY MR. BLAZER:

19 Q. 1-8, first paragraph, first sentence, "As will be  
20 discussed later in this section new disposal capacity is  
21 increasingly being located further from the service area,  
and  
22 existing landfills with appreciable remaining capacity are

23           located further from the service area than the facilities  
24           that the service area has historically relied upon." And

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1 then it's in another place. You can go through it if you  
2 like, 1-28. You say -- you make this comment twice. On 1-  
28  
3 it's in your conclusions, the sixth bullet.

4 Are you there, Chuck?

5 MR. HELSTEN: Yes.

6 BY MR. BLAZER:

7 Q. "As stated above the majority of landfills with  
8 appreciable remaining capacity are located more than 50  
miles  
9 from the centroid of the service area." Did I read those  
two  
10 sections correctly?

11 A. Yes, you did.

12 Q. All right. By "appreciable" do you mean capable  
of  
13 being perceived or measured?

14 A. It's intended to mean long-term or extended  
period  
15 of time, a larger quantity than by comparison to what is  
16 available in a closer indices.

17 Q. That's the intent --

18 A. Yes.

19 Q. -- by "appreciable"?

20 A. Yes.

21 Q. Siting application Page 1-8 -- Are you there,  
22 Mr. Helsten?

23

MR. HELSTEN: Yes, sir.

24

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1 BY MR. BLAZER:

2 Q. First paragraph, second sentence, "As existing  
3 landfills reach capacity and close, waste will be  
4 increasingly exported from the service area for disposal.  
5 Increased haul distances and high fuel prices add to the  
cost  
6 of managing waste and transfer stations are needed to  
7 mitigate these impacts. Transfer stations have been  
8 recognized as a possible option in a long-term waste  
9 management system for Lake County and are increasingly  
relied  
10 upon by surrounding counties as well to provide a cost  
11 effective and efficient method to transport waste to  
distant  
12 landfills." Did I read that correctly?

13 A. Yes.

14 Q. Now, we do agree this would be the only garbage  
15 transfer station in Lake County, correct?

16 A. This will be the first, yes.

17 Q. All right. I'd like to talk for a few moments  
18 about some of the surrounding counties that you're talking  
19 about. You're familiar with the capacity reports that the  
20 IEPA issues? It's like every year they're later, but they  
--  
21 they're a year in arrears, the capacity reports from  
Illinois  
22 EPA. You know what I'm talking about, don't you?

23           A.    Yes, I believe they're all referenced in the  
24           report.

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1           Q.    Right.  As a matter of fact, you used the data  
from           2           those reports in your assessment here, right?

3           A.    We used information that they, that the state  
uses           4           to compile the reports as well as the reports.

5           Q.    Right.  And you historically used the information  
6           from those reports on other projects like this that you've  
7           done, right?

8           A.    Yes.

9           Q.    Okay.  What I have up here on the screen is --  
this           10           is --

11           MR. HELSTEN:  Is this another exhibit?

12           MR. BLAZER:  For the record, Mr. Hearing Officer, this  
13           is what we've identified as TCH Exhibit 19-A.  It is an  
14           excerpt from Exhibit 19 that we previously submitted to  
15           everyone, three pages from the Illinois EPA 2009 Capacity  
16           Report.

17           BY MR. BLAZER:

18           Q.    You've seen this before, right?

19           A.    Yes, I have.

20           Q.    Okay.  And you do know the 2009 report was the  
last           21           one where IEPA also reported on transfer stations?  They  
22           don't do that anymore?

23 A. Correct.

24 Q. As of 2010 they just report on landfills?

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1 A. Correct.

2 Q. Okay. So the slide we're looking at here is  
3 somewhat similar to the one you have that shows the area  
4 around Lake County, right?

5 A. Yes.

6 Q. All right. Are there currently any operating  
7 landfills in McHenry County?

8 A. No.

9 Q. McHenry County does have a transfer station,  
right?

10 It's called Virginia Road?

11 A. Yes.

12 Q. And DuPage County doesn't have an operating  
13 landfill, right?

14 A. Correct.

15 Q. As a matter of fact, DuPage County by virtue of  
the  
16 solid waste plan doesn't allow any more landfills in their  
17 county, right?

18 A. I believe that's true.

19 Q. DuPage County does have a transfer station?

20 A. It has one transfer station, yes.

21 Q. The DuKane facility?

22 A. Yes.

23 Q. Kane County doesn't have an operating landfill,

24        does it?

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1           A.    No.

2           Q.    All right.  And Kane County also doesn't allow  
any

3           new landfills either by virtue of their solid waste plan.

4           Is that correct?

5           A.    Yes.

6           Q.    Kane County has two transfer stations, right?

7           A.    Yes, it does.

8           Q.    Elburn and Batavia?

9           A.    Yes, it does.  Those are all in my report.

10          Q.    Right.  So far we're in agreement.  And I believe  
11          you mentioned Cook County has one landfill that's still  
open,

12          right?

13          A.    Yes.

14          Q.    That's River Bend?

15          A.    Correct.

16          Q.    And I believe you said in your presentation that  
17          that one is a significant distance from this service area?

18          A.    Yes, it is.  It's past the south side of Chicago.

19          Q.    Right.  And you do know that that one is  
scheduled

20          to close very soon, correct?

21          A.    Yes.

22          Q.    It only has a very limited amount of space left,  
23          right?

24

A. Their last passing certification I think they

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1 estimated less than one year.

2 Q. Right. And I assume you're aware that by state  
3 statute there can't be any new or expanded landfills in  
4 Cook County, correct?

5 A. Correct.

6 Q. There are several transfer stations in Cook  
County,  
7 right?

8 A. Yes, there are.

9 Q. They're spread out all over the place in  
10 Cook County, correct?

11 A. Yes, they are.

12 Q. All right. Including, I think somebody  
mentioned,  
13 several operated by Groot?

14 A. They operate four facilities. Three of those are  
15 in Cook County.

16 Q. All right. DeKalb County does have a landfill,  
17 doesn't it?

18 A. Yes, it does.

19 Q. And they don't have any transfer stations, is  
that  
20 right?

21 A. Correct.

22 Q. Will County has two landfills?

23 A. And three transfer stations.

24

Q. Right. But Will County, Laraway, the Laraway

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1 Landfill is limited to a particular type of waste, correct?

2 A. (Inaudible.)

3 THE REPORTER: I'm sorry.

4 HEARING OFFICER LUETKEHANS: Miss Seibert, if you  
could

5 start your answer over again. You got a little quick on  
her.

6 So if you remember the question, start over, I'd appreciate

7 it.

8 THE WITNESS: Regarding the Laraway facility?

9 HEARING OFFICER LUETKEHANS: I think that was

10 Mr. Blazer's last question, correct.

11 THE WITNESS: That facility is permitted to take  
12 municipal solid waste but predominantly takes special  
waste.

13 BY MR. BLAZER:

14 Q. Can you show me on here where are the transfer  
15 stations in Will County?

16 A. Transfer stations are here in Joliet, Rockdale  
and

17 this facility called City Waste generally centrally located  
18 in Will County. This diamond here is actually a landscape  
19 waste only transfer station.

20 Q. That's what LSW means, right, landscape waste?

21 A. I'm sorry?

22 Q. LSW means landscape waste, right?

23 A. (No audible response.)

24 Q. All right. Grundy County has a landfill, right?

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1 A. Yes, it does.

2 Q. Grundy County doesn't have a transfer station,  
3 right?

4 A. No, it doesn't. Its landfill is also projected  
to  
5 close in the next couple of years.

6 Q. It still doesn't have a transfer station, right?

7 A. Not yet.

8 MR. HELSTEN: I'm not sure I see the relevance when  
9 Miss Seibert's direct examination dealt with transfer  
10 stations and landfills in and around the service area, why  
11 we're talking about Grundy County and Will County and  
Kendall  
12 County which are some distance away and involve totally  
13 different dynamics. I object to the relevance I guess,  
14 Mr. Hearing Officer.

15 HEARING OFFICER LUETKEHANS: Mr. Blazer.

16 MR. BLAZER: Yesterday Mr. Moose said that the waste  
17 from this facility is going somewhere out west, 100 to 120  
18 miles. So I think it's a fair subject for examination  
since  
19 he had no idea where it's going. I think we know where  
it's  
20 going, but he said he didn't know.

21 HEARING OFFICER LUETKEHANS: Here, I guess I'm trying  
to  
22 understand how these questions relate to that because I'm

23 kind of lost, and I'm not seeing the relevance of that to  
24 this. If you want to make a point that some of these

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1 counties that have landfills don't have transfer stations,  
2 that's a different point. But it sounds -- that's where I  
3 thought you were going, but it doesn't seem like that's  
where  
4 you're going.

5 MR. BLAZER: That was the first one. I think as we go  
6 farther you will see that other than Will County there is  
no  
7 county in the entire area of northern Illinois that has a  
8 landfill and a transfer station. So that's where I'm going  
9 with this.

10 HEARING OFFICER LUETKEHANS: Well, maybe you can ask  
her  
11 that question. You might get a quick answer.

12 BY MR. BLAZER:

13 Q. Do you know that?

14 A. Can you ask the question, please?

15 Q. Sure. Can you identify other than Will County,  
16 obviously Cook, a county in northern Illinois that has both  
a  
17 landfill and a transfer station?

18 A. Currently?

19 Q. Yes.

20 A. In northern Illinois which -- northern Illinois  
21 includes all of the north part of Illinois --

22 Q. All the way to the Iowa border.

23  
station.

A. McHenry County has a landfill and transfer

24 Currently their landfill has been closed because of permit

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1 violations and a compliance issue, but they have both  
2 facilities. Will County and Cook County both have those  
3 facilities. Historically Kankakee County had transfer  
4 stations as well as a landfill and --

5 Q. You said had. I said has.

6 A. We're talking about planning. It's relevant to  
7 look at what has happened in the past as well as what's  
8 happening now. Kane County and DuPage County were both  
just

9 a few years ahead of where Lake County is with their  
10 landfills reaching a point of closure and looking at what  
11 their facilities would be in the future and develop  
transfer  
12 stations to provide that disposal access for the long term  
to  
13 meet those waste needs of the service areas.

14 Q. Okay. Other than Will County how many counties  
of  
15 northern Illinois have two currently operating landfills  
and  
16 a transfer station?

17 MR. HELSTEN: What do you mean by "northern Illinois"?  
18 Does that include places like Winnebago County?

19 HEARING OFFICER LUETKEHANS: Yeah, I would like to  
kind  
20 of get a definition of northern Illinois. Are you talking  
21 I-80 north? I mean that's kind of how I look at northern

22 Illinois, or if that's something different, to the Iowa  
23 border. I'm just trying to understand the question.

24 MR. BLAZER: I'll move on.

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1 BY MR. BLAZER:

2 Q. Let's try it this way, Miss Seibert. Unlike, for  
3 example, Cook County or Kane County or DuPage County Lake  
4 County doesn't have a statute preventing any new or  
expanded  
5 landfills, correct?

6 A. Not as far as I know.

7 Q. All right. You worked -- you were part of the  
Shaw  
8 team that helped Swelco with the 2009 update to the  
9 Lake County solid waste plan. Is that correct?

10 A. Yes, I was.

11 Q. And the Lake County solid waste plan doesn't  
12 prevent your expanded landfills like DuPage and Kane do,  
13 correct?

14 A. No, it does not.

15 Q. As a matter of fact, the Lake County plan says  
just  
16 the opposite, doesn't it?

17 A. The opposite being what?

18 Q. Let's try it this way.

19 The Lake County plan circulated yesterday,  
20 Mr. Hearing Officer. So hopefully people still have it.

21 I do have one for you. I haven't included  
all  
22 tables and everything in the back. I just included the  
text

23 on this sheet. You see that, right?

24 A. Yes.

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1 Q. You're familiar with this document, correct?

2 A. Yes, I am.

3 HEARING OFFICER LUETKEHANS: For the record, this is  
4 Timber Creek Exhibit 27.

5 MR. BLAZER: Yes, it is. My apologies,  
6 Mr. Hearing Officer. It's dated April 13, 2010.

7 BY MR. BLAZER:

8 Q. Could you turn to Page 4-1, please, 4-1. Let me  
9 know when you have it. Are you there?

10 MR. HELSTEN: I'm there.

11 BY MR. BLAZER:

12 Q. Middle of the page, second sentence, "It is Lake  
13 County's intent to continue to manage as much Lake County  
14 waste requiring disposal as feasible within the borders of  
15 Lake County because this is the most responsible and  
16 sustainable approach to waste management." Did I read that  
17 correctly?

18 A. Yes.

19 Q. And then could you go to Page 4-9? You are aware  
20 that the Lake County plan expressly acknowledges the  
21 possibility of expansions of two landfills?

22 A. Just as it expressly acknowledges potential  
23 development.

24 MR. SECHEN: I'll object to the speculative nature of

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1 expansion.

2 HEARING OFFICER LUETKEHANS: Objection overruled.

3 BY MR. BLAZER:

4 Q. Let me try that question again.

5 HEARING OFFICER LUETKEHANS: She answered it.

6 BY MR. BLAZER:

7 Q. Paragraph L.3, Miss Seibert, "If one or both of  
the  
8 existing landfills in Lake County, Zion Landfill and  
9 Countryside Landfill, propose an expansion onto property  
that  
10 is directly adjoining or within 250 feet of an existing  
11 portion of the footprint of the landfill horizontal, and/or  
12 on top of vertical expansion, the existing landfill's  
13 permanent air space and required the proposed expansion  
meets  
14 the requirements of Recommendation A-1, the proposed  
15 expansion will be considered consistent with the plan."  
16 Did I read that correctly?

17 A. Yes.

18 MR. HELSTEN: I object to the relevance of that. The  
19 big word is "if." She said in her direct examination  
20 currently there isn't any expansion proposed. So what's  
the  
21 relevance? I agree with Mr. Sechen. What's the relevance  
of  
22 this provision?

23 HEARING OFFICER LUETKEHANS: Objection overruled.

24 BY MR. BLAZER:

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1 Q. We talked about the one recent expansion at the  
2 Zion Landfill, but it's actually expanded a couple of times  
3 historically, right? I think you testified to that.

4 A. They've had two expansions.

5 Q. And the Countryside Landfill in Grayslake has  
also  
6 expanded previously, right?

7 A. It took three tries, but yes.

8 Q. All right. Going back to the Lake County plan  
9 Page 4-9 L.4, "With less than ten years of permanent  
landfill  
10 capacity in Lake County --" Let me stop there for a  
second.

11 This plan came out before the Zion Landfill expanded,  
12 correct?

13 A. Yes, it did.

14 Q. So that ten years was preexpansion?

15 A. The less than ten years was preexpansion, yes.

16 Q. Right. Okay. "With less than ten years of  
17 permanent landfill capacity in Lake County a new landfill  
18 would be considered as a local solution to managing  
19 Lake County's waste. If the proposed new landfill meets  
the  
20 applicable requirements of the Lake County solid waste  
21 management plan, Recognitions L.5 and L.6, it will be  
22 considered consistent with the plan." Did I read that

23           correctly?

24           A.    Yes.

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1 Q. All right. Let's go back to your siting  
2 application, Page 1-11, last paragraph. "Densely populated  
3 areas --" I'm sorry, Mr. Helsten. Let me know when you're  
4 there.

5 MR. HELSTEN: Thank you.

6 BY MR. BLAZER:

7 Q. "Densely populated areas such as the City of  
8 Chicago and Cook County have a well established network of  
9 transfer stations. In recent years other counties within  
the  
10 Chicago metropolitan area sought to develop transfer  
stations  
11 to facilitate the transport of waste to increasingly  
distant  
12 landfills as the local landfills they historically relied  
on  
13 have neared or reached closure." Have I read that  
correctly?

14 A. Yes.

15 Q. And those are some of the same counties that we  
16 talked about a few minutes ago, right?

17 A. Yes.

18 Q. The ones that no longer have any landfills  
19 currently, correct?

20 A. Kane County, DuPage County DuPage County and  
21 McHenry County --

22 MR. HELSTEN: I'm going to object to the relevance of

23           this. All we're doing is having Mr. Blazer -- we've  
24           established that he's an impeccable verbatim reader, and

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1 other than that I'm not sure what the relevance is because  
2 none of this is -- you have even said, Mr. Luetkehans -- is  
3 inconsistent with her prior testimony and in the nature of  
4 impeachment.

5 MR. BLAZER: Well, Mr. Luetkehans, if these  
6 presentations didn't so often dramatically deviate from the  
7 contents of the application, I wouldn't have to be an  
8 impeccable verbatim reader.

9 HEARING OFFICER LUETKEHANS: That's not -- I've read  
the  
10 application, and I've seen the presentation, and I'm not  
sure  
11 I've seen anything that was inconsistent. So let's -- I  
12 mean, if you point out inconsistencies, I'm happy to see  
13 them, but so far what you're not -- I mean, what this is  
not  
14 pointing out is an inconsistency. You need to tie these  
up.  
15 Otherwise, you're just putting a bunch of statements that  
are  
16 in the record because her application is in the record.  
You  
17 can argue it as long as you want.

18 MR. BLAZER: I'll get there.

19 HEARING OFFICER LUETKEHANS: Sooner rather than later.

20 MR. BLAZER: Sure.

21 HEARING OFFICER LUETKEHANS: We've already been going  
an

22 hour-and-a-half, and I'm still waiting for it.

23 MR. BLAZER: All right.

24 MR. KARLOVICS: Mr. Hearing Officer, if I may, may the

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1 record reflect that trustee Pat Williams has left the room.

2 The time now is 8:27 p.m.

3 HEARING OFFICER LUETKEHANS: Thank you, Mr. Karlovics.

4 Mr. Blazer, you may proceed.

5 MR. BLAZER: Thank you.

6 BY MR. BLAZER:

7 Q. Could you turn to Page 1-18? First sentence you  
8 refer here to -- I'll just read it. I apologize for  
reading

9 it, but I have to put it into context. "However, the  
10 capacity of these facilities is not exclusively available  
to

11 the proposed service area. This is because existing  
12 facilities also serve communities located outside the  
service

13 area of the proposed transfer station; i.e., the service  
14 areas of existing facilities only partially overlap with  
the

15 service area of the proposed transfer station." And then  
16 what I have up here is Figure 1-6. When you talk about  
these

17 facilities, Miss Seibert, what you're talking about are  
those

18 transfer stations, right?

19 A. Yes, the green dots.

20 Q. When you're talking about these facilities in  
this

21 context, you are not talking about the two landfills,

22 correct?

23 A. Correct. This is all in a section entitled

24 "Existing Transfer."

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1 Q. Right. Siting application Page 1-18, last  
2 paragraph, second sentence, "Hence, the service area faces  
an  
3 immediate transfer capacity deficit of 2180 tons per day in  
4 2015 and 2831 tons per day in 2035." Do you see that?

5 A. Yes.

6 Q. When you use the word "immediate," do you mean  
now?

7 A. Immediate in 2015, yes, then in 2015.

8 Q. Okay. So by "immediate" you mean two years from  
9 now. You don't mean today?

10 A. 2015.

11 Q. Okay. Is there an immediate transfer capacity  
12 deficit today?

13 MR. HELSTEN: Objection, irrelevant. She's already  
14 testified as to when this facility was supposed to go on  
line  
15 which is 2015.

16 HEARING OFFICER LUETKEHANS: Objection is sustained.

17 BY MR. BLAZER:

18 Q. Let's just focus on 2015. Where in your  
19 application can we find the discussion about Lake County's  
20 immediate landfill capacity deficit as of 2015?

21 A. We look at the life of the landfills and quantify  
22 that on Page 1-19 in a section entitled "Existing Disposal  
23 Capacity" and talk about the capacity at each of the

24        landfills.

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1 Q. So it's your position that as of 2015 there will  
2 not be sufficient capacity in the two Lake County landfills  
3 to accept Lake County waste?

4 A. No, I did not say that at all.

5 Q. Oh, okay.

6 A. If you recall we also --

7 Q. You answered my question, Ma'am. Thank you.

8 All right. 1-28, third bullet, now here  
9 you're talking about that the landfills in Lake County are  
10 projected to close within approximately 12 years of the  
start  
11 of operations of the transfer station. Do you see that?

12 A. Yes.

13 Q. So that would be 2027?

14 A. Yes.

15 Q. Okay.

16 A. And it's within those 12 years. So within that  
17 period up to 2027.

18 Q. Right. So if you go to Page 1-19 and you're  
19 talking about the capacity, remaining capacities of both  
the  
20 Countryside Landfill and the Zion Landfill. For  
Countryside  
21 you say as of 2015 -- because that's what we're talking  
22 about, right, as of 2015?

23 A. Yes.

24

Q. The Countryside Landfill will have approximately

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1 six years of remaining capacity. Is that correct?

2 A. Yes.

3 Q. All right. And then right below that you talk  
4 about the remaining capacity of the Zion Landfill, right?

5 A. Yes.

6 Q. As expanded, right?

7 A. Correct.

8 Q. Okay. And you say there as of 2015 the Zion  
9 Landfill will have approximately 17 years of remaining  
10 capacity. Is that correct?

11 A. When that facility is viewed on its own, with its  
12 own capacity and its current waste intake, yes.

13 Q. Let me read what you said in the application,  
14 Page 1-19. "This landfill will have approximately 17 years  
15 of remaining capacity when the proposed Groot Industries'  
16 Lake Transfer Station begins operating." Did I read that  
17 correctly?

18 A. You did.

19 Q. Thank you. So as of two years from now in 2015  
20 there will be six years left at Zion and -- excuse me --  
six  
21 years left at Countryside and 17 years left at Zion. Am I  
22 right?

23 A. If we view those facilities independently and on

24 their existing waste intake or the average waste intake  
over

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1 that 2008, 2012 period, yes, but --

2 Q. Could you tell me how --

3 HEARING OFFICER LUETKEHANS: You know what? Let her  
4 finish the answer. If it's nonresponsive, you can move to  
5 strike, but let her finish her answer.

6 MR. BLAZER: All right.

7 THE WITNESS: You mischaracterized what the report  
says

8 and have picked and choose to edit the statements that you  
9 would like to have in the record. Those facilities each  
10 have --

11 MR. BLAZER: First of all, Mr. Hearing Officer, I'll  
12 move to strike that as argument and unresponsive.

13 HEARING OFFICER LUETKEHANS: Please just answer the  
14 question, Miss Seibert. Go ahead.

15 THE WITNESS: To finish my answer then from before,  
16 those facilities each have their own individual capacity  
that

17 if we look at them in at that point in time of waste  
capacity

18 information was the beginning of this year and said how  
much

19 waste was taken before each viewed independently, that's  
what

20 those capacities are. That's exactly what the report says  
as

21 to how the capacities are calculated. The reality is that

22           when one facility closes the waste that historically went  
to  
23           that facility has to go somewhere else. It doesn't vanish.  
24           So we look at the system because the county doesn't have  
any

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1 other facilities located within it. It has very limited  
2 transfer capacity outside of it that's available to it.  
Zion  
3 you would expect would absorb a portion, if not all, of  
that  
4 waste that historically has gone to Countryside without  
5 development of any other facilities.

6 BY MR. BLAZER:

7 Q. All right. Is that how you add 17 and 6 and get  
8 the 12?

9 A. If you add the capacity --

10 MR. HELSTEN: That's argumentative.

11 THE WITNESS: -- of each of those facilities and  
divide  
12 by their combined tonnage, that's how you get 12.

13 HEARING OFFICER LUETKEHANS: Objection overruled. She  
14 answered I think and answered well.

15 BY MR. BLAZER:

16 Q. Miss Seibert, do you agree that two to three  
years  
17 should be allowed for a proposal, siting, permitting and  
18 construction of a transfer station prior to landfill  
19 closures?

20 A. That would be a completely inappropriate time  
21 period. It takes much longer than that. It's taken us  
five  
22 years to get to a siting hearing. We still have permitting

23           and construction before this facility could ever even open  
24           assuming we are granted site approval.

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1 hearing?

Q. It took you five years to get to a siting

2 A. Yes, it did.

3 Q. When did Groot buy this property?

4 A. I don't know when they brought the property.

5 in Q. So you don't know that they bought the property

6 2010?

7 A. No, I don't.

8 Q. May of 2010, you don't know that?

9 MR. HELSTEN: This is argumentative.

10 HEARING OFFICER LUETKEHANS: Objection is sustained.

11 It's asked and answered. She said she didn't know when.

12 BY MR. BLAZER:

13 Q. Another one of your projects was a proposed  
14 Spaulding Road Transfer Station in Elgin, correct?

15 A. That was a project Shaw worked on, yes. I had  
16 some

16 involvement in that project.

17 for Q. Right. Well, you prepared the needs assessment

18 the proposed transfer station including research into waste  
19 disposal trends and analysis of transportation costs, and  
20 you

20 prepared a report of consistency with the Cook County Solid

21 Waste Management Plan. Is that correct?

22 A. Yes, although --

23 Q. That's from your resume.

24 A. I wasn't the prime author.

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1 MR. HELSTEN: Objection as to relevance of any of that  
2 information for --

3 MR. BLAZER: I'm getting there.

4 MR. HELSTEN: -- Cook County, for a different service  
5 area and a different facility, Mr. Luetkehans.

6 HEARING OFFICER LUETKEHANS: The objection is  
overruled.

7 I see this as foundation for where he hopefully is getting.  
8 So, please, Mr. Blazer, proceed.

9 MR. BLAZER: Thank you.

10 BY MR. BLAZER:

11 Q. My next exhibit is TCH 25-A. It is a page from  
the  
12 Spaulding Road siting application.

13 MR. HELSTEN: Did you just decide to use that?

14 BY MR. BLAZER:

15 Q. You've seen the entire application before, right?

16 A. Nine years ago.

17 Q. All right. There's a section on historical  
trends.

18 Shaw said here, "There are currently only three permitted  
19 landfills operating in Cook County." This was as of '04.  
20 "The facility which is closest to the service area,  
Congress  
21 Development Company Landfill, reported to the IEPA as of  
22 January 1, 2004, it had slightly more than two years of

23 remaining capacity. Due to the extended time required to  
24 develop transfer stations transfer capacity must be  
developed

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1 in advance of landfill closures." Have I read that  
correctly

2 so far?

3 A. Yes.

4 Q. Then there's a footnote. Do you see that?

5 A. Yes.

6 Q. And you reference down at the bottom, "Kane  
County

7 conducted a study entitled 'Evaluation of Waste Markets  
8 Report' in 1996 that examined transfer station development.  
9 The study concluded two to three years should be allowed  
for  
10 proposals, siting, permitting and construction of the  
11 transfer stations prior to the landfill closures."

12 MR. HELSTEN: Objection. This isn't impeachment at  
all.

13 She said that this statement is not her statement. The  
14 statement is obviously from HDR Engineering in 1996 in a  
15 report of ten years ago. She's not the author of this, and  
16 she specifically said that that's an inappropriate amount  
of

17 time. So, Mr. Hearing Officer, this is wholly  
inappropriate.

18 It's not impeachment. We're going nowhere with this.

19 HEARING OFFICER LUETKEHANS: Mr. Blazer.

20 MR. BLAZER: Thank you. I can tie this up by putting  
21 her resume up where she admits that she participated in the

22 preparation of this application.

23 HEARING OFFICER LUETKEHANS: She already said that.

24 MR. BLAZER: Well, the point is not proper  
impeachment.

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1 The impeachment is the witness says something on the stand,  
2 and you impeach her testimony with a prior statement that  
3 contradicts that testimony.

4 HEARING OFFICER LUETKEHANS: You're trying to impeach  
5 her testimony with a nine-year-old statement that is  
relying  
6 on a report that is eight years old at that point. So  
we're  
7 talking about a 17-year-old statement here.

8 MR. BLAZER: We are talking about a nine-year-old  
9 statement. She referred to it --

10 HEARING OFFICER LUETKEHANS: She referred to her  
report  
11 that was eight years before that. So now we're 17 years  
12 difference. I'll let you ask the question, but I do deem  
the  
13 relevance to be marginal.

14 MR. BLAZER: All right.

15 BY MR. BLAZER:

16 Q. I did read that correctly, did I not, Miss  
Seibert?

17 A. Yes. We've established you're a very good  
reader.

18 Q. In DuPage County can you remember when the DuKane  
19 facility was sited?

20 A. That was before my employment, but I believe it  
was  
21 in 1996 or 1997.

22           Q.    Okay.  And you're aware that Moraine Valley  
23           Landfill in DuPage County reached closure during the summer  
24           of 1996?

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1           A.    Yes.  
2           Q.    And the Mallard Lake Landfill, the other DuPage  
3           County landfill, closed in early 1999. You're aware of  
that  
4           as well, right?

5           A.    Yes. Those closures occurred by a consent order  
6           that required those landfills to close very quickly. In  
7           fact, they closed within two years of that consent order  
8           coming out.

9           Q.    Right. Two years?

10          A.    Yeah. I believe it was '94 that consent order  
was  
11          entered.

12          Q.    How much Lake County waste will continue to go to  
13          the Lake County landfills if this station is sited?

14          A.    We haven't determined definitively what facility  
15          the waste would go to. We very well could go to the Zion  
16          Landfill.

17          Q.    Okay. And what, if you know, what portion of  
18          Lake County waste will be delivered to this transfer  
station  
19          after the landfills close?

20          MR. HELSTEN: Asked and answered.

21          MR. BLAZER: I don't recall asking this question.

22          HEARING OFFICER LUETKEHANS: I think it's a slightly  
23          different question.

24

THE WITNESS: Can you repeat the question?

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1 BY MR. BLAZER:

2 Q. What portion of Lake County waste would go to  
this 3 facility after the two landfills close?

4 A. We have asked for a capacity of 750 tons per day.  
5 I would expect that it would be 750 tons per day. Our  
6 service area is Lake County. That would represent about  
7 20 percent of the county's waste.

8 Q. Are you familiar with a document called "The  
Groot 9 Industries' Lake Transfer Station Energy and Emissions Life  
10 Cycle Assessment"?

11 A. Yes, I am.

12 Q. Did you participate in the preparation of that  
13 document?

14 A. Yes, I did.

15 MR. BLAZER: This is TCH 10, Mr. Hearing Officer.

16 BY MR. BLAZER:

17 Q. This is a Shaw-prepared document, right?

18 A. Yes, it is.

19 Q. All right. And it was prepared in part to comply  
20 with the 2009 Lake County Solid Waste Plan, correct?

21 A. Yes, it was.

22 MR. HELSTEN: It was prepared not in part to comply  
with 23 that, and I'm going to object to the relevance because,

24 Mr. Luetkehans, you read the application. She's indicated

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1           this is a requirement as set forth in the application of  
2           consistency with the plan. It's irrelevant. There's  
already  
3           been a hearing. It's also reflected in the application.  
4           This is a wholly different report for a wholly different  
5           purpose for a wholly different criterion. I'm going to  
6           object to the relevance.

7                       HEARING OFFICER LUETKEHANS: Mr. Blazer.

8                       MR. BLAZER: I can tie it up in just a moment if you  
let  
9           me quote one paragraph.

10                      HEARING OFFICER LUETKEHANS: You may proceed.

11                      MR. BLAZER: Thank you.

12                      BY MR. BLAZER:

13                      Q. Turn to Page 4, please, Paragraph No. 3,  
"Distances  
14           were calculated from the proposed Lake Transfer Station to  
15           the following regional landfills intended to receive waste  
16           from the Lake Transfer Station, Rochelle Municipal  
Landfill,  
17           Winnebago Landfill." Did I read that correctly?

18                      A. Yes.

19                      Q. All right.

20                      MR. HELSTEN: Again, move to strike. What's the  
21           relevance? This is where it's going to. We're talking  
22           about, Mr. Hearing Officer, everything but the service area

23 in the proposed facility. That's all we've done for close  
to  
24 two hours now is talk about everything but the subject of

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1           this application.

2           MR. BLAZER: Mr. Hearing Officer, this application is  
3           rife with references to the extended cost of taking waste  
to  
4           distant landfills. I think it's a proper area of inquiry  
to  
5           find out -- since Mr. Moose yesterday claimed he had no  
idea  
6           where the waste from these facilities is going to be going,  
I  
7           think it's proper inquiry from this witness who's talking  
8           about need and convenience and fuel savings and road  
savings  
9           and all sorts of cost savings to find out where the waste  
10          from this facility would go since she's already testified  
11          that convenience and cost savings are a part of her  
analysis  
12          in determining whether or not this facility is necessary.

13          HEARING OFFICER LUETKEHANS: Objection overruled.

14          MR. BLAZER: Thank you.

15          HEARING OFFICER LUETKEHANS: I mean, let's get  
serious.  
16          I mean, we keep talking about impeachment. Cross-  
examination  
17          may or may not include impeachment. So these are  
statements  
18          that, you know, that are in documents prepared by Groot,  
19          prepared by Shaw. So I am giving a little bit of leeway,  
and

20 I'm not completely calling this impeachment until we find a  
21 statement that is somewhat impeaching of Miss Seibert's  
22 testimony, and I haven't heard a lot of those.

23 MR. BLAZER: And I'm not suggesting it is impeaching.  
24 I'm simply looking for information.

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1 HEARING OFFICER LUETKEHANS: Just please ask the  
2 question.

3 MR. BLAZER: Thank you.

4 BY MR. BLAZER:

5 Q. I did read that portion correctly, did I not?

6 A. Yes.

7 Q. Now, let's go back to the Winnebago Landfill for  
a moment. You are aware that the landfill operator entered  
8 into an agreement with Winnebago County, correct?  
9

10 MR. HELSTEN: Objection to the relevance of the host  
11 agreement between Winnebago Landfill and Winnebago County.  
12 That's not what we're here for.

13 MR. BLAZER: I'll tie it up.

14 HEARING OFFICER LUETKEHANS: Quickly.

15 MR. BLAZER: Thank you.

16 THE WITNESS: Yes, I'm aware of the host agreement.

17 BY MR. BLAZER:

18 Q. All right. You testified about it at that  
hearing?

19 A. It may have been part of my testimony. I don't  
20 recall exactly.

21 Q. And you're aware that Groot has an agreement with  
22 the Winnebago Landfill for a reduced rate for all waste  
23 generated through transfer stations home and/or operated by

24 Groot Industries and disposed of at the Winnebago Landfill

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1 facility pursuant to an agreement dated effective as of  
2 August 1, 2009, between Winnebago Landfill Company and  
3 Groot Industries, correct?

4 MR. HELSTEN: Objection as to relevance. What  
possible  
5 relevance is there between, as to an agreement between  
Groot  
6 and Winnebago County and Winnebago Landfill?

7 MR. BLAZER: Again, yesterday I asked Mr. Moose where  
is  
8 the waste from this facility going, and he had no idea.  
And  
9 when I asked him about an agreement between Groot and  
10 Winnebago Landfill, he claimed to have no idea.

11 HEARING OFFICER LUETKEHANS: I'm not really interested  
12 in what Mr. Moose said. I'm interested in how the  
relevance  
13 of this question relates to this issue, and that's where I  
14 want you to focus on. So if you have a response to  
15 Mr. Helsten, let's hear it but not about what Mr. Moose  
said  
16 he didn't know yesterday because you now have the witness  
on  
17 the stand, and you have the opportunity to ask her, but  
18 talking about Mr. Moose gets us nowhere.

19 MR. BLAZER: I couldn't agree more with that.

20 HEARING OFFICER LUETKEHANS: That's not appropriate.

21 MR. BLAZER: This relates to where the waste will go

22 from this facility if this facility is approved.

23 HEARING OFFICER LUETKEHANS: She already testified as  
to

24 where -- I let you go with where the waste is going to go.

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1 She already testified to that.

2 MR. BLAZER: I'll move on.

3 BY MR. BLAZER:

4 Q. Could you turn to Page -- you don't have it in  
5 front of you -- Page 6-10 of the application? Would you  
get  
6 her that, please? Ready to go?

7 A. I think we're ready.

8 Q. The last paragraph, second to last sentence, "The  
9 outbound waste is anticipated to be transported from the  
10 transfer station to the Winnebago Landfill located in  
11 Winnebago County, Illinois." Did I read that correctly?

12 MR. HELSTEN: Objection, asked and answered.

13 MR. BLAZER: I didn't ask her about this provision. I  
14 haven't even read this provision before.

15 HEARING OFFICER LUETKEHANS: The objection is  
overruled,  
16 but get to the point.

17 BY MR. BLAZER:

18 Q. Did I read that correctly?

19 A. Yes, you did.

20 Q. And I think we established previously that the  
21 Winnebago Landfill was something over 60 miles from the  
waste  
22 centroid. Is that correct?

23 MR. HELSTEN: Objection, relevance.

24

HEARING OFFICER LUETKEHANS: Objection overruled.

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1 THE WITNESS: I believe it's 65'ish miles, 60 to 65  
2 miles.

3 BY MR. BLAZER:

4 Q. Okay. Now, could you look at Page 6-11 of that  
5 same section? If you think this is an inappropriate  
question  
6 for you and I should save it for Mr. Werthmann, please tell  
7 me. But according to Table 1 of estimated directional  
8 distribution it shows 100 percent of the transfer trailer  
9 traffic east and westbound, outbound and inbound on  
10 Route 120. Do you see that?

11 MR. HELSTEN: Objection as to relevance as to traffic  
12 patterns.

13 MR. BLAZER: I'll ask another question.

14 BY MR. BLAZER:

15 Q. Has the Winnebago Landfill negotiated a host  
16 agreement with Swelco?

17 MR. HELSTEN: Objection, relevance.

18 HEARING OFFICER LUETKEHANS: Sustained.

19 BY MR. BLAZER:

20 Q. Let's go back to the Lake County plan,  
21 Miss Seibert, Exhibit 27, Page 4-9.

22 A. What page?

23 Q. 4-9. Tell me when you're there.

24 A. Yes.

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1 Q. "Swelco will consider expanding the list of  
2 landfills located outside of Lake County --"

3 A. Where are you at on the page?

4 Q. I'm sorry.

5 A. What recommendation number?

6 HEARING OFFICER LUETKEHANS: It's actually L.1 about  
7 halfway down, Miss Seibert.

8 MR. BLAZER: Thank you.

9 THE WITNESS: Thank you.

10 BY MR. BLAZER:

11 Q. You see it?

12 A. Yes.

13 Q. All right. "Swelco will consider expanding the  
14 list of landfills located outside of Lake County deemed to  
be  
15 serving Lake County if the owner of the landfill proposed  
for  
16 inclusion first negotiates a host agreement with Swelco.  
The  
17 host agreement must provide for a capacity guarantee and  
18 payment of a host fee for each ton of Lake County waste  
taken  
19 to the landfill." Did I read that correctly?

20 A. Yes.

21 MR. HELSTEN: Objection as to relevance. Again, this  
is  
22 totally speculative.

23 HEARING OFFICER LUETKEHANS: She's answered the  
24 question. Move on.

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1 BY MR. BLAZER:

2 Q. Has the Winnebago Landfill negotiated a host  
3 agreement with Swelco?

4 MR. HELSTEN: Objection.

5 HEARING OFFICER LUETKEHANS: Objection sustained.

6 BY MR. BLAZER:

7 Q. As I understand or as you explained it a needs  
8 assessment principally identifies two things, the amount of  
9 waste being produced in the service area and the solid  
waste  
10 facilities that are available to take the waste that's  
11 generated. Is that a fair general statement of what the  
12 assessment is?

13 A. Those are two components of a needs assessment.  
14 They are not the only components. We also look at the  
waste  
15 trends in the area. We look at those economic factors.

16 Q. When the demand or amount of waste that's  
requiring  
17 disposal exceeds the available capacity, you believe that  
18 that demonstrates a need for (inaudible).

19 THE REPORTER: A need for? I'm sorry.

20 HEARING OFFICER LUETKEHANS: Wait a second before you  
21 answer, Miss Seibert. "A need for a new capacity."

22 MR. BLAZER: I'll repeat it. She lost it.

23 BY MR. BLAZER:

24

Q. When the demand or the amount of waste that's

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1 requiring disposal exceeds the available capacity, you  
2 believe that demonstrates a need for new capacity, correct?

3 A. That is one way that we demonstrate a need, yes.

4 Q. All right. And that process also applies to  
5 determining the need for either a transfer station or a  
6 landfill, right?

7 A. The processes are a little bit different because  
8 transfer stations are not final disposal sites. We still  
9 have a need to have landfills as part of that system, and a  
10 transfer station is a transportation terminal essentially  
as  
11 we talked about yesterday.

12 Q. One of the things you're trying to do is identify  
13 facilities that are reasonably available to address the  
needs  
14 of the service area, correct?

15 A. We did that for this report.

16 Q. That's your intent, correct?

17 A. That is one element of the analysis, yes.

18 Q. Siting application Page 1-21, first paragraph,  
19 here's where you talk about the transfer station being  
close  
20 to the centroid of the waste generation for the service  
area.

21 Do you see that?

22 A. Yes.

23                   Q.    And you say here as shown on Figure 1-7, "The  
24                   proposed transfer station will be located much closer to  
the

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1 waste disposal centroid than any existing permitted  
transfer

2 station," correct?

3 A. Correct.

4 Q. Here again, it may seem obvious, but we're  
talking

5 about the transfer stations here, not the landfills,  
correct?

6 A. Yes.

7 Q. All right. Then would you agree with me that  
8 convenience of location is something that you do look at  
when

9 you do a needs assessment?

10 A. Yes, it is.

11 Q. And would you agree with me that landfills like  
the

12 two in Lake County that are located much closer to the  
waste

13 centroid of the service area than other more distant

14 landfills provide benefits to the people near them who

15 generate the waste?

16 A. Yes.

17 Q. And would you also agree that closer landfills  
also

18 provide an important economic or environmental benefit by

19 preserving the fuel that would otherwise be spent by going  
to

20 more distant landfills?

21 A. Yes.

22 HEARING OFFICER LUETKEHANS: Mr. Blazer, how much  
longer

23 do you have here?

24 MR. BLAZER: About five minutes.

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1 HEARING OFFICER LUETKEHANS: We're going to take a  
short

2 break.

3 (Recess taken.)

4 HEARING OFFICER LUETKEHANS: Mr. Blazer, please  
proceed.

5 BY MR. BLAZER:

6 Q. I have up on the screen, Miss Seibert, Figure 1-3  
7 from your Winnebago Landfill application. Do you recognize  
8 that?

9 A. It looks like something that we would have used.

10 Q. Right. And that reflects the service area that  
was  
11 proposed for the Winnebago Landfill. Is that correct?

12 MR. HELSTEN: Objection, relevance. As Mr. Blazer  
said,  
13 this is the service area for the Winnebago Landfill, not  
for  
14 this facility.

15 MR. BLAZER: I'm getting there.

16 HEARING OFFICER LUETKEHANS: First of all, I couldn't  
17 hear the question. Can you read it back?

18 MR. BLAZER: What I asked was this reflects the  
service  
19 area for the Winnebago Landfill.

20 MR. HELSTEN: My objection, Mr. Hearing Officer, is  
21 relevance. As Mr. Blazer said, it's for the Winnebago

22 Landfill.

23 MR. BLAZER: It was purely foundational just to focus

24 her on this exhibit to make sure she understands --

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1 HEARING OFFICER LUETKEHANS: Okay. You can proceed.

2 THE WITNESS: Yes, this is the service area for the  
3 Winnebago Landfill.

4 BY MR. BLAZER:

5 Q. Okay. In terms of hauling distances, Miss  
Seibert,  
6 would you agree with me that there's already a good  
7 dispersion of the landfills throughout northern Illinois  
8 including Lake County?

9 A. What do you mean by "a good dispersion"? I see  
two  
10 facilities in Lake County. I see one facility. We talked  
11 about Cook County is going to close, and then all the rest  
12 are located in a fairly vertical line along the I-39  
corridor  
13 for the most part.

14 MR. KARLOVICS: Mr. Hearing Officer, the record will  
15 reflect the Trustee Raeanne McCarty at 9:03 p.m.

16 HEARING OFFICER LUETKEHANS: The record will reflect.

17 MR. BLAZER: Mr. Hearing Officer, for the record I  
have  
18 what we marked as TCH Exhibit 36-A which is a portion of  
the  
19 transcript from the Winnebago Landfill site proceeding.

20 HEARING OFFICER LUETKEHANS: Thanks.

21 BY MR. BLAZER:

22  
determine

Q. We'll see if we can't help you to try to

23

what -- if you just make your way to Page 72, you do

24  
right?

recognize this is your testimony from that proceeding,

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1           A.    Yes, I do.

2           Q.    It starts on Line 5:

3           "Q.    I'm not challenging your determination as to  
4                    where the waste centroid is. All I'm saying  
5                    is that if it's cheaper to haul waste less  
of  
6                    a distance doesn't it make more sense to  
have  
7                    a dispersion of landfills throughout the  
8                    service area to reduce transportation costs?

9           A.    It looks to me --" This is you answering,  
10           right?

11           A.    Yes.

12           Q.    Okay.

13           "A.    It looks to me like we have a pretty good  
14                    dispersion throughout the service area with  
15                    the exception of maybe Cook and DuPage  
County  
16                    where we have a great density of  
17                    development, and the landfill capacity there  
18                    has either been prohibited like in the City  
of  
19                    Chicago or it would be very challenging  
20                    because of the lack of available land.  
Those  
21                    areas have relied on transfer stations to  
get

22 waste to the landfills that are located  
23 outside of the direct metro area."

24 MR. HELSTEN: Objection.

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1 BY MR. BLAZER:

2 Q. So my question is what did you mean by "good  
3 dispersion of landfills throughout the service area"?

4 MR. HELSTEN: I'll let her answer even though this is  
5 irrelevant. I think she can answer what she meant by  
6 "dispersion."

7 THE WITNESS: The first thing I have to say is this is  
8 testimony from a year-and-a-half ago. I have not refreshed  
9 myself on what the questions were that led up to that  
point.

10 So I don't know the context in which that response was  
given.

11 BY MR. BLAZER:

12 Q. Okay. What did you mean by "good dispersion of  
the  
13 landfills"?

14 A. I don't know because there is context there that  
I  
15 don't have recollection of a year-and-a-half later.

16 MR. BLAZER: I'm done.

17 HEARING OFFICER LUETKEHANS: Thank you, Mr. Blazer.

18 Mr. Grossmark?

19 MR. HELSTEN: I guess I would, Mr. Luetkehans, move to  
20 strike the entire cross-examination because you required or  
21 admonished Mr. Blazer to tie up everything that he had  
22 cross-examined on for the last two-plus hours, and none of  
it

23           was done.  So I move to strike it as irrelevant and not  
24           probative in this case.

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1 MR. SECHEN: I'll join in the objection. Basically  
2 everything that was done by Mr. Blazer was improperly done  
3 and all subject to objection.

4 HEARING OFFICER LUETKEHANS: I'm not going to grant  
the  
5 motion to strike. However, it will go to the weight of the  
6 testimony and the weight of the cross-examination.

7 CROSS EXAMINATION

8 BY MR. GROSSMARK:

9 Q. Miss Seibert, drawing your attention to your  
10 PowerPoint presentation, on Page 10 of the geographic  
service  
11 area indicate that populations grow to be greater, the  
number  
12 of households could be greater, and the amount of  
employment  
13 is going to be greater, therefore requiring more or  
resulting  
14 in more waste generated, correct?

15 A. Yes.

16 Q. And then on Slide 20 it shows increases in cost  
of  
17 these, correct?

18 A. Slide 19 shows that.

19 Q. I'm sorry. Slide 19, correct. Which indicates  
the  
20 increased cost of waste disposal, that being a contributing  
21 factor, correct?

22           A.    Yes, that's a contributing factor when we're  
23    transporting waste is the cost of fuel.

24           Q.    And then on Slide or Page 11 you indicate that  
the

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1 most recent data on pounds per capita per day of waste  
2 generated went down. I think you indicated a factor of or  
3 the lead factor was the economy getting worse?

4 A. Yes. Our research shows that during periods when  
5 the economy takes a turn towards a less favorable condition  
6 that waste quantities that are exposed tend to go down  
during  
7 those periods.

8 Q. Grouped in there in the facilities in this area  
9 post-transfer stations that's being proposed, they're using  
10 alternative fuel with their trucks?

11 A. They do have some trucks that use compressed  
12 natural gas. It's my understanding they have a fueling  
13 station here in Round Lake Park.

14 Q. I don't remember seeing it in your presentation.  
15 I don't remember seeing it in the application. Is there  
any  
16 discussion about the potential for use of alternative fuels  
17 and, if so, the impact on potential costs perhaps contrary  
18 increased cost of diesel?

19 A. It does not directly address it. It's still an  
20 emerging area within the industry. Not every truck is  
21 equipped to use compressed natural gas. I'm not sure  
22 transfer vehicles yet are using compressed natural gas.  
Even  
23 if that was the trend that would continue and we would see

24 more vehicles using that compressed natural gas, ultimately

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1           it becomes a factor of how many miles you're driving  
2           regardless of the fuel type that you're using because if  
you  
3           use a less costly fuel or an alternative fuel but you're  
4           still driving the same number of miles, the proportionate  
5           impact of cost is still there.

6           Q.    You don't analyze the -- in the application Groot  
7           doesn't analyze, Shaw Environmental doesn't analyze the  
8           potential impact and the trend towards using alternative  
9           fuels and the impact on cost? That's not in the  
application  
10          and it was not in your presentation. Am I right?

11          A.    That's not part of the needs criteria, no. I  
don't  
12          believe it's addressed anywhere else in the application,  
but  
13          it wouldn't be relevant to need.

14          Q.    It would not be relevant to the needs criteria?

15          A.    The type of fuel the vehicles would use, no.

16          Q.    Then why is including the application in your  
17          presentation information about increased cost of diesel?

18          A.    Because that's the type of fuel that we  
19          predominantly use. If it's any other type of fuel, there's  
20          still going to be a cost to it. I don't think there's any  
21          fuel that's been identified at this point for a vehicle  
that  
22          doesn't cost some amount of money. And the factor of costs

23           in this case, we look at diesel because that's the  
24           predominant fuel that's used.

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1 Q. But --

2 A. If it was something else and if it was some  
3 different cost, there would still be a cost reduction  
4 compared to direct hauling to landfills by using the  
transfer  
5 station. We're still making it less --

6 Q. Thank you, but why is Groot using an alternative  
7 fuel for some of its vehicles?

8 MR. HELSTEN: Objection as to relevance on the need  
9 issue.

10 HEARING OFFICER LUETKEHANS: I also don't see a  
11 foundation. I don't know that this witness has the  
12 expertise. If you want to ask her if she knows why, that's  
13 the first question. Then we'll decide on the relevance.

14 BY MR. GROSSMARK:

15 Q. If you know.

16 A. I do not know.

17 Q. So part of your analysis talks about trends,  
right?

18 A. The waste handling trends, yes.

19 Q. And one of the factors in the trends has to do  
with  
20 cost of diesel?

21 A. In this current --

22 Q. Is that right?

23 A. Yes.

24  
need

Q. But Shaw Environmental, Groot did not feel the

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1  
alternate

to provide anything else as regarding the impact of

2  
on

fuels, their potential costs, their potential availability

3  
transfer

the trends for disposal of these materials or use of

4

stations?

5

MR. HELSTEN: Objection as to relevance. Excuse me,

6

Mr. Grossmark. Objection as to relevance.

7

HEARING OFFICER LUETKEHANS: I'm going to sustain the

8

objection more so that it's been asked and answered. She

9

already said they didn't do it.

10

BY MR. GROSSMARK:

11

Q. Does Shaw Environmental and Groot anywhere in the

12

application or in your presentation or anywhere address

13

the -- strike that.

14

Do you know whether there's a trend towards

15

recycling more materials, reusing more materials and having

16

more sustainability or sustainable development in what we

do

17

day to day?

18

A. I think there are communities and counties, and

19

Lake County being one of them, that have goals to pursue

more

20

recycling. We have seen recycling advance for 20 years or

21

more. Currently though that is a fairly flat market that

we

22           have hit a certain point within that recycling market, and  
23           there's some additional investment that's going to be  
needed,  
24           some additional effort that's going to be needed to do more

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1 in that area. So I would say that there's a -- there has  
2 been a trend for 20 years to do that. Within our analysis  
3 we've looked at the waste disposal. This facility though  
4 will also handle recycling and landscape waste.

5 Q. As far as waste disposal did you trend the  
6 potential for recycling and reducing material, reducing the  
7 amount of waste we create in your analysis?

8 A. Can you repeat that?

9 Q. Did Shaw Environmental or Groot look at potential  
10 for reusing materials, recycling materials and that impact  
on  
11 creation of waste in these, in the trends that you  
evaluated?

12 A. It was certainly a consideration as we were in  
the  
13 early planning stages of this facility and as we developed  
14 the application. That's part of the reason that the  
facility  
15 will handle recyclables and landscape waste because those  
16 materials may be pulled out of the waste stream, and they  
do  
17 need a facility to be handled through. We're going to be  
18 able to provide capacity for that at the transfer station.  
19 We also looked at it to assess those overall market needs,  
20 and we looked at those disposal quantities. So right now  
our  
21 2011 disposal rate is lower than the average disposal rate

22           and in fact is fairly low compared to what we've seen  
23           historically, and we use that as part of our analysis.

24           Q.    Do you know whether -- have you had any thoughts

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1 about whether the decrease in the average amount of waste  
2 generated per capita was attributable to anything other  
than  
3 the economy getting worse?

4 A. We had looked at some recycling data. We didn't  
5 work it into the report because we didn't feel it was  
6 relevant, but recycling is very flat right now. The  
7 proportion of waste being recycled has been generally  
within  
8 this county around 38 to 42 percent, in that range, for  
9 several years now.

10 Q. So in Shaw's opinion -- it's your opinion and  
it's  
11 Groot's opinion that the decrease in the amount of waste  
12 generated is attributable solely to the economy getting  
13 worse?

14 A. I think what we've seen here and elsewhere is  
that  
15 that is the primary contributor.

16 Q. What are the other contributors?

17 A. There could be some additional recycling  
happening  
18 or some changes in material. There are -- manufacturers  
are  
19 always looking at ways of saving money, whether that's by  
20 making their products lighter or by reducing the quantity  
of

21 packaging that they use for material. That's going to  
change

22 the waste stream over time.

23 Q. That could happen but --

24 A. It does happen.

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1 Q. Okay. So your testimony is not that it could  
2 happen. It is that it does and has happened?

3 A. Yes.

4 MR. GROSSMARK: Thank you.

5 HEARING OFFICER LUETKEHANS: Mr. Clark.

6 CROSS EXAMINATION

7 BY MR. CLARK:

8 Q. Good evening.

9 A. Good evening.

10 Q. Are you familiar -- I have a couple questions on  
11 the same topic. Are you familiar with the Lake County 60  
12 Percent Recycling Task Force Report?

13 A. Yes, I am.

14 Q. And what is that?

15 A. Lake County'S 2009 Plan Update recommended the  
16 development of a task force or the formation of a task  
force  
17 to evaluate ways that the county may be able to reach  
18 60 percent recycling, and the task force report was what  
came  
19 out of that effort by a number of different stakeholders in  
20 the county to ultimately reduce the quantity of waste that  
21 gets disposed in landfills.

22 Q. And increase the recycling rate 60 percent,  
23 correct?

24  
disposal

A. The report ended up coming out with a goal

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1 rate rather than saying that it's 60 percent recycling for  
2 reasons of being able to measure and quantify that  
3 performance.

4 Q. Where did you obtain the information to determine  
5 the per capita waste rates?

6 A. That was from landfill capacity certification  
7 reports, the states IEPA's annual landfill report. They  
all  
8 report the quantities of waste that landfills receive. We  
9 also got information from other states that have landfills  
10 that serve the region. Those would be Wisconsin, Indiana  
and  
11 Michigan, and each of those state environmental agencies  
have  
12 similar reports.

13 Q. So we're looking at a statewide or even greater  
14 than statewide database to come up with those numbers,  
15 correct?

16 A. We look at data from a number of different  
states,  
17 but the database that we pulled from is the subset of  
18 facilities that serve more of the Chicago metropolitan  
area.  
19 We're not looking at facilities that are down in the  
20 St. Louis area. We're not looking at facilities up in  
21 Green Bay or Indianapolis. It's the facilities that are  
most

22           closely located to the Chicago metropolitan region and that  
23           we know are recipients of waste from that region.

24           Q.    So did you pick from the City of Chicago?

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1 A. Pick what from the City of Chicago?

2 Q. Numbers as far as recycle -- as far as pounds per  
3 day.

4 A. Well, we calculated that per capita disposal  
rate.

5 We're not saying that any one particular area is generating  
6 exactly this much. We don't say the City of Chicago is  
7 generating some amount, and that's different than  
8 Cook County. The region as a whole is very similar in the  
9 types of waste that it produces, the type of development  
10 that's in existence and the quantities of waste that gets  
11 disposed. And the availability of data to hone into a much  
12 closer area, it just doesn't exist.

13 Q. Have you read the 60 Percent Recycling Task Force  
14 Report?

15 A. I've read it at some point.

16 Q. Does that have a calculated disposal rate of  
4.77?

17 A. I don't recall.

18 Q. And doesn't that cover Lake County?

19 A. I would presume that report was covering  
20 Lake County. I can tell you that the same --

21 Q. And Lake County is the service area, correct?

22 A. Yes.

23 Q. So wouldn't that be the most relevant data to use

24 on your chart as opposed to some statewide or some

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1 cherry-picked numbers from different areas?

2 MR. HELSTEN: Move to strike the reference of  
3 cherry-picked numbers as being argumentative.

4 HEARING OFFICER LUETKEHANS: Objection granted.  
5 Objection sustained, I guess. Sorry.

6 BY MR. CLARK:

7 Q. Can you answer the question without the word  
8 "cherry-picked"?

9 A. Can you ask the question?

10 Q. Sure. Wouldn't it be more relevant to use  
11 Lake County data to determine what the rate is in Lake  
12 County?

13 A. We did use the same methodology that Lake County  
14 used for its plan update in developing those per capita  
15 rates. It's included within the Lake County 2009 Plan  
Update  
16 Report. I did not look at the 60 Percent Recycling Task  
17 Force Report in great detail to figure out where those  
18 numbers came from. I do know that as part of the work that  
19 Shaw did or the work that Shaw did on that 2009 Plan Update  
20 we spent many, many hours working with the county, with  
21 Swelco to arrive at disposal rates that we felt were  
22 representative of Lake County, and it was this exact same  
23 methodology.

24  
4.77,

Q. And that report comes up with a conclusion of

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1 correct?

2 A. The task force report does. I recall having  
looked  
3 at it previously. I recall that I had some issue with the  
4 difference in the way the methodology was worked. I don't  
5 recall without seeing it again.

6 Q. What is the first available -- assuming that this  
7 facility gets local siting and state siting when is the  
first  
8 available date that it's eligible to start receiving waste  
to  
9 transfer?

10 A. That's going to depend on how long it takes to  
get  
11 through permitting and construction. At the earliest it  
12 would be sometime in 2015. I think we estimated mid 2015.  
13 Probably more realistically at this stage we would think  
14 early 2016.

15 Q. In fact, are you familiar with the host  
agreements  
16 with the Solid Waste Agency in Lake County and Groot with  
17 regard to this facility?

18 A. I'm generally familiar with them.

19 Q. Doesn't that limit the time that it can first  
begin  
20 receiving waste as of June 1st, 2016?

21 A. I don't recall specifically without looking at  
it.

22           Q.   It is what it is, correct?  It's in the  
23           application?

24           A.   I'm sure it's stated clearly within the

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1 application.

2 MR. HELSTEN: We stipulate that's what the host  
3 agreement says, Mr. Clark.

4 MR. CLARK: Thank you. I just wanted to clarify that.

5 BY MR. CLARK:

6 Q. There a number of Lake County communities  
currently  
7 having waste service through transfer stations in northern  
8 Cook County, aren't there?

9 A. I'm sorry?

10 Q. Do you know? Let me ask it that way.

11 A. You said communities?

12 Q. Yes.

13 A. I know there is waste that's leaving Lake County  
14 and going to transfer stations in Cook County. I don't  
know,  
15 specifically know which communities that would be.

16 Q. And I don't want to belabor this. I know you  
were  
17 asked some questions previously, but are you aware the  
18 Highland Park waste goes to a Cook County transfer station?

19 A. I don't know which communities are leaving the  
20 county.

21 Q. You don't know any --

22 A. I can't tell you one.

23 Q. Wouldn't that be important in determining how  
much

24 waste is actually being serviced through the transfer

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1 stations located in northern Cook County?

at  
2 A. No, I don't think it would. Our analysis looks  
3 waste flows and needs to make some assumptions over an  
4 extended period of time, and those contracts change hands  
5 very frequently. They have different termination dates.  
Who  
6 is servicing them is going to change. Most of the time  
with  
7 the commercial side we don't even know who is hauling the  
8 waste from any individual business because those are  
9 individual private contracts. So, no, I don't think it's  
10 relevant. We have enough information to make an informed  
11 estimate of those quantities.

12 Q. Well, would you be surprised to know that the  
waste  
13 from Highland Park, Deerfield, Kildeer, Deer Park,  
14 Lincolnshire, Hawthorne Woods, Lake Zurich, Long Grove,  
15 Ela Township and Vernon Hills are all directed to transfer  
16 stations located in northern Cook County?

17 MR. HELSTEN: Assumes facts not in evidence.

18 MR. CLARK: I'm just asking.

19 HEARING OFFICER LUETKEHANS: Objection sustained. I  
20 mean, overruled. I apologize.

21 THE WITNESS: I think that if that's the case I think  
22 that supports the fact that there is waste that's being

23           exported from this county now and is being handled through  
24           transfer stations, and those transfer stations we know have  
a

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1 limited capacity and limited accessibility for Lake County  
2 communities.

3 BY MR. CLARK:

4 Q. Let me ask you a question or two about the  
5 capacity. The three transfer stations that would be most  
6 likely to handle the waste from Lake County, the three  
7 northernmost, are they all at capacity?

8 A. Which ones specifically?

9 Q. Wheeling.

10 A. That facility has been busting at the seams, for  
11 lack of a better term, for years.

12 Q. Are they running two shifts or three?

13 A. I don't know.

14 Q. Northbrook?

15 A. I've heard that that facility is very near  
16 capacity.

17 Q. Do you know if they're running two shifts or  
three?

18 A. I don't know.

19 Q. Rolling Meadows?

20 A. I don't know where that facility is at relative  
to  
21 its capacity.

22 Q. Because Lake County is the service area would  
Groot

23 agree to a condition limiting the service area to

24 Lake County?

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1           A. I believe that the criteria is that the area of  
2           intended to serve, they intend to serve Lake County. I  
can't  
3           speak for any kind of condition that they would accept. I  
4           don't think that they need to limit their service area to  
5           Lake County given that they have intended to serve that  
6           market.

7           Q. Now, you've testified that and the application  
8           addressed how much capacity the Countryside Landfill has  
left  
9           and could you -- how much capacity do you believe that the  
10          landfill has at the present time?

11          A. I believe that facility will close by 2020.

12          Q. Okay. And are you aware that the capacity  
13          certifications dated as of January 1st of this year said  
they  
14          had ten years of capacity?

15          A. That is based on last year's tonnage only. Those  
16          tonnages do fluctuate. They do a simple calculation. I  
seem  
17          to recall that that sounds about right, that they may have  
18          said 2022 on their form, but we know that those quantities  
19          have fluctuated over time. When we made our calculations  
as  
20          it's very clearly laid out in the report, we assumed a  
21          five-year average of those tonnages going into that  
facility.

22           Q.   Well, the 2012 report also indicated ten years  
23           capacity, correct?

24           A.   Without having it in front of me I don't know for

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1           sure what it said.

2           Q.    And --

3           A.    Eight years, ten years.

4           Q.    -- do you know if the 2011 report was -- I'm  
sorry.

5           Strike that.  The 2010 report reported nine years of  
6           capacity?

7           A.    They gained capacity?

8           Q.    Pardon me?

9           A.    So they gained capacity?

10          Q.    Actually, yes.  That's what they reported.  Are  
you

11          aware that they reported an increase in capacity?

12          A.    That goes against the way the number is  
calculated.

13          The calculation is a very simple mathematical exercise of  
14          what they calculate their capacity to be at January 1st,  
15          2013, and the quantity of waste that they received in 2012.

16          It's two very discrete points that doesn't take into  
account

17          various fluctuations over time.

18          Q.    That's assuming there's not settlement in the  
19          landfill, correct?

20          A.    I can't speak to settlement.  I believe that's an  
21          engineering issue.  I would be alarmed if settlement gained  
22          capacity at that rate.

23                   Q.    And that's assuming that the rate may have gone,  
24                   of acceptance may have gone down because there's less  
demand,

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1 correct?

2 A. There are a lot of reasons that waste quantities  
3 and waste flows into a facility may change. These are  
4 private facilities owned by private companies that  
regularly  
5 redirect waste to various different locations.

6 MR. CLARK: That's all I have.

7 HEARING OFFICER LUETKEHANS: Mr. Sechen.

8 MR. SECHEN: Yes, very briefly.

9 CROSS EXAMINATION

10 BY MR. SECHEN:

11 Q. You've been working on this facility since 2005?

12 A. No. Our company got involved I believe in 2008.  
13 I started working on this facility in very late 2009 or  
2010.

14 Q. Okay. And when do you hope to have it  
operational?

15 A. 2016 now apparently.

16 Q. Eight years?

17 A. From start to finish depending on when -- that  
18 would have been in 2008. What time in 2016 --

19 Q. And potentially longer should a successful siting  
20 result in an appeal?

21 A. It could very well be longer, yes. That would be  
22 best case.

23 Q. Do you know how many sites there are, potential

24 sites for transportation of Lake County taking into

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1 consideration the 2014 setbacks?

2 A. I haven't done any kind of analysis. My  
3 understanding of development in this county is that those  
4 parcels are probably becoming quite limited. DuPage County  
5 saw that condition happen. This is similar developed of  
6 Cook County. (Sic.)

7 Q. Will it be more limited in 2016?

8 A. I don't think development is going the opposite  
9 direction as we've seen where it's increasing.

10 MR. SECHEN: Thank you. I have no further questions.

11 HEARING OFFICER LUETKEHANS: Mr. Helsten?

12 MR. HELSTEN: Nothing further. No redirect on this  
13 witness.

14 HEARING OFFICER LUETKEHANS: As far as I'm concerned  
15 we're done for the evening. Everybody kind of -- we did  
16 cross-examination for two-and-a-half hours. Thank you,  
17 everyone. We will see you tomorrow at noon. As we said,  
18 we're going to start with Mr. Werthmann and then Mr. Moose.  
19 Is that the correct order, Mr. Helsten?

20 MR. HELSTEN: Yes, Mr. Hearing Officer.

21 HEARING OFFICER LUETKEHANS: Great. Everybody have a  
22 nice evening. Thank you.

23 \* \* \*

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