

BEFORE THE VILLAGE BOARD
OF THE VILLAGE OF ROUND LAKE PARK
SITTING AS A POLLUTION CONTROL FACILITY
SITING AUTHORITY

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

Transcript of proceedings at the
hearing of the above-entitled cause on the 25th day
of September, 2013, at the hour of 12:00 p.m.
(Concluded at 3:00 p.m.)

REPORTED BY: JENNIFER A. LANG
LICENSE NO.: 084-003293

1 APPEARANCES:

2 SCHIROTT, LUETKEHANS & GARNER, LLC,

3 BY: MR. PHILLIP A. LUETKEHANS

4 The Hearing Officer;

5

6 HINSHAW & CULBERTSON,

7 BY: MR. CHARLES HELSTEN and

8 MR. RICHARD S. PORTER

9 On behalf of Groot Industries;

10

11 THE LAW OFFICES OF RUDOLPH F. MAGNA,

12 BY: MR. PETER S. KARLOVICS

13 On behalf of Board of Trustees of the

14 Village of Round Lake Park;

15

16 THE SECHEN LAW GROUP, P.C.,

17 BY: MR. GLENN C. SECHEN

18 On behalf of Village of Round Lake Park;

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1 APPEARANCES (CONT'D):

2 TRESSLER, LLP,

3 BY: MR. STEPHEN T. GROSSMARK

4 On behalf of the Village of Round Lake;

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6 JEEP & BLAZER, LLC,

7 BY: MR. MICHAEL S. BLAZER

8 On behalf of Timber Creek

9 Homes, Inc.;

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11 MR. LARRY M. CLARK

12 On behalf of the Solid Waste Agency

13 of Lake County, Illinois.

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1 HEARING OFFICER LUETKEHANS: I will call
2 the siting hearing before the Village of Round Lake
3 Park of the Groot Industrial Lake Transfer Station
4 application for local site approval to order.

5 Gentlemen, would you please identify
6 yourselves.

7 MR. HELSTEN: For the Applicant -- good
8 morning, Mr. Hearing Officer, for the applicant
9 Chuck Helsten with my co-counsel Rick Porter, also
10 at the table with me Marty Fallon.

11 MR. SECHEN: Glen Sechen on behalf of the
12 Village of Round Lake Park.

13 MR. BLAZER: Michael Blazer for Timber
14 Creek Homes.

15 MR. GROSSMARK: Steve Grossmark for the
16 Village of Round Lake.

17 MR. BLAZER: Larry Clark on behalf of the
18 Solid Waste Agent in Cook County.

19 HEARING OFFICER LUETKEHANS: Mr. Karlovics
20 is also here, when he gets back in here.

21 identify yourself and the Board
22 Members who are here.

23 MR. KARLOVICS: Yes, for the Village Board
24 of the Village of Round Lake Park, Peter Karlovics.

5

1 With me today, Trustee Bob Ceretti, Trustee Jean
2 McCue. And the also the Village Board is making a
3 motion this morning for all parties to provide
4 copies of exhibit for the board members. They had
5 difficulty yesterday following some of the cross
6 examination. So we're they're asking that they
7 receive copies. Specifically, Mr. Blazer if you
8 could provide copies of some of your materials from
9 last night to the Board so they could review it.

10 MR. BLAZER: Absolutely. I don't have any
11 now unfortunately, but I could certainly have them
12 have copies made this evening after we're done and
13 bring them first thing in the morning.

14 UNKNOWN SPEAKER: Could you use the
15 microphone?

16 MR. BLAZER: I said obviously I don't have
17 multiple copies, I apologize, I don't have multiple
18 copies available now but I will arrange this evening
19 to have copies printed. I will have enough for the
20 entire board. I will bring them tomorrow.

21 HEARING OFFICER LUETKEHANS: In the
22 meantime, the Board Members, I have the originals
23 here, if you want while we're going through, to look
24 over everything that have already gone through,

6

1 please let know you can go through these exhibits
2 because they're obviously the village's exhibits,
3 okay.

4 MR. BLAZER: Seven copies you said.

5 MR. KARLOVICS: Seven copies.

6 HEARING OFFICER LUETKEHANS: Thank you.

7 Anything else preliminary before we
8 start

9 MR. HELSTEN: Yes. Mr. Hearing Officer,
10 on the same subject matter as a housekeeping matter,
11 as you know we have previously marked Devin Moose's
12 PowerPoint presentation on all Criterion but
13 Criterion 8 as Applicant's 4 in accord with your
14 suggestion direction.

15 We also marked Chris Lannert's
16 PowerPoint presentation on the first portion of
17 Criterion 5 -- or Criterion 3, excuse me, as
18 Applicant's Exhibit No. 5.

19 We marked Peter Poletti's PowerPoint
20 presentation the second portion of Criterion 3 as
21 Applicant's No. 6.

22 And in chronological order we have
23 marked Christina Seibert's PowerPoint presentation
24 as Applicant's Exhibit No. 7.

1 As Mr. Mueller and I previously
2 indicated to you in response to your inquiry, these
3 are demonstrative exhibits which we believe are
4 squarely allowed to be introduced into evidence by
5 the Village Siting Ordinance, and we are offering
6 them at this time and will, of course, offer the
7 other PowerPoint presentations for Werthmann and
8 Mr. Moose after they completed their testimony.

9 MR. SECHEN: No objection?

10 HEARING OFFICER LUETKEHANS: Mr. Blazer?

11 MR. BLAZER: A couple of things,
12 Mr. Hearing Officer.

13 Number one, we believe these
14 PowerPoints are cumulative with the application
15 that's already in evidence.

16 Number two, because they are selected
17 summaries, at least that's what they're represented
18 to be, of the Siting Application, they could tend
19 to, in fact, be misleading because they are
20 incomplete in many respects. And while we recognize
21 that the Board has indicated that they intend -- if
22 they haven't already and they probably have --
23 intend to read the Application. As a matter of
24 practicality, by submitting these in evidence, it

1 will tend to lead people to rely on these rather
2 than the Application itself, which is what this
3 hearing is about. So for all of these reasons,
4 because they're unnecessary and because they're
5 cumulative, we do object.

6 HEARING OFFICER LUETKEHANS: Mr. Helsten?

7 MR. HELSTEN: I give the Village Board
8 more credit than Mr. Blazer does. I think they have
9 put a lot of time into reviewing the Application and
10 all of the documents that have been submitted here.
11 These, again, are simply illustrative and
12 demonstrative of certain portions of the Application
13 that we have focused on. Mr. Blazer says they might
14 be cumulative or duplicative, well, I don't agree
15 with that. If they are, assuming arguendo they
16 were, then there's no harm any way because they
17 pertain to matters that are already in the record.
18 But more importantly, they are -- the Village
19 Ordinance specifically contemplates, for good
20 reason, the use of PowerPoint presentations to aid
21 the decision maker in its deliberations, and that's
22 what we did. And I think that these are, with all
23 due respect, are squarely allowed to be entered as
24 exhibits into this record. And we, again, are

1 respectfully requesting that they be added.

2 MR. BLAZER: If I may, Mr. Hearing
3 Officer?

4 HEARING OFFICER LUETKEHANS: One last
5 time.

6 MR. BLAZER: First of all, I re-correct
7 Mr. Helsten's characterization of my description of
8 the County Board Members and their role and their
9 responsibility, that's ridiculous. I have
10 acknowledged from day one that I recognize how
11 important and difficult this is job is for them, and
12 I recognize that they intend to view the record in
13 great detail, probably with little, if no
14 compensation. So I reject the notion that I am
15 somehow belittling them. That's not point here, and
16 he knows it.

17 More to the point, the Ordinance,
18 which is the procedural guide for this hearing, does
19 not contemplate the automatic admission of these
20 things. It contemplates the possibility that
21 Mr. Helsten claimed they use something like this,
22 but it does not in any way, shape or form
23 contemplate their automatic admissibility, in fact,
24 it leaves that issue upon showing of good cause to

10

1 you. So he's wrong.

2 HEARING OFFICER LUETKEHANS: Let's go back
3 to the Ordinance for a second. I want Mr. Helsten
4 to start.

5 Mr. Helsten, will you point out to me
6 which session in the Ordinance you are relying on?
7 We kind of have a couple different points here, we
8 have a PowerPoint section and we have a
9 demonstrative evidence section.

10 MR. HELSTEN: Sure. I am relying on both.
11 First of all, on page 8, Section F or G3 of the
12 ordinance. And I quote: Any additional
13 demonstrative evidence or exhibits which the
14 Applicant wishes to use in its case in chief which
15 are not contained in the Application, may be
16 utilized by the Applicant upon entering an order by
17 the hearing officer, which is what we're asking for
18 because we think they're allowed, upon the same
19 considerations as a waiver of the time limit as
20 described here in.

21 Moreover, as you point out,
22 Mr. Hearing Officer, going to G7, witness testimony
23 may utilize prepared statements or may lead by way
24 of PowerPoint. The testimony by a prepared

11

1 statement or PowerPoint, hard copies and electronic
2 copies in portable document format, shall be filed
3 prior to such testimony and properly served on the
4 parties in attendance. Parties not in attendance
5 shall be served in accordance with this ordinance.

6 We did produce copies of these and
7 distributed them at your direction to each of the
8 participants here prior to the start of testimony of
9 each of the witnesses. So I think we complied with
10 and fall within the purview of both of these
11 sections. And again, we're requesting that you
12 allow these be to be entered as evidence.

13 HEARING OFFICER LUETKEHANS: Mr. Blazer,
14 do you have any response to that particular issue of
15 what the Siting Ordinance says and the language?

16 MR. BLAZER: I do. And thank you very
17 much.

18 I am relying on actually the
19 identical provision that Mr. Helsten is.

20 Subparagraph 3 addressing
21 demonstrative evidence nowhere states that that
22 evidence will be admissible. It simply indicates,
23 it simply addresses whether or not the applicant
24 wishes to use them in its case in chief. I would

1 highlight this language, which are not contained in
2 the Application. Well, at least according to
3 Mr. Helsten, all of the information contained in
4 these PowerPoints is contained in the Application.

5 Number two, subparagraph 7 again
6 contemplates the use by witnesses of these
7 presentations, it does not contemplate in any way,
8 shape or form their admission into evidence.

9 HEARING OFFICER LUETKEHANS: Here's what
10 we're going to do, we're going to admit these as
11 demonstrative at this point only. I don't think
12 they're substantive in any way beyond the testimony,
13 which is really what's important, so it should be
14 important to the Board as well as the Application.

15 So they're going to go in as
16 demonstrative exhibits. I would let the Board know
17 my opinion and I am sure Mr. Karlovics will give it
18 at the right appropriate time because he's, you
19 know, done a wonderful job for you.

20 The important part here is the
21 evidence that goes in, the testimony, the
22 Application. This is a summary of the testimony. I
23 think it is helpful to go in the record,
24 particularly because there's been cross examination

1 about certain parts of it, and the witnesses have
2 summarized their testimony fairly consistently with
3 the demonstrative evidence. So I think it maybe
4 have some help, and I also think it clarifies the
5 record. However, I am not letting it go in as
6 evidence per se as we may look at it normally in a
7 case in chief. I do think it's not prejudicial,
8 it's helpful and it will clean up the record.

9 So for demonstrative purposes,
10 Exhibits 4, 5, 6 and 7. And I think, if you would,
11 Mr. Helsten, 7 was not actually tendered yesterday.
12 And so if you could mark that and if I could put
13 that with the originals.

14 MR. HELSTEN: Thank you. I will actually
15 tender the originals. I believe, it's my fault,
16 Mr. Hearing Officer, that all of the originals are
17 here. I would tender all of the originals 4 through
18 7 to you.

19 HEARING OFFICER LUETKEHANS: Yesterday we
20 didn't identify Ms. Seibert's 7 and I think also we
21 were going there.

22 MR. HELSTEN: I agree. I think we also
23 were going there. Again, it's my fault that I did
24 not physically tender those to you. I apologize.

14

1 HEARING OFFICER LUETKEHANS: Do we have
2 any further preliminary matters before we proceed?

3 Seeing none, Mr. Helsten, you may
4 call your next witness.

5 I assume that's Mr. Werthmann?

6 MR. HELSTEN: Yes. Thank you, Mr. Hearing
7 Officer. We would call Mr. Michael Werthmann.

8 (Witness sworn.)

9 MICHAEL WERTHMANN,
10 called as a witness herein, having been first duly
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HELSTEN:

14 Q. Would you state your name for the record?

15 A. Michael Alan Werthmann.

16 Q. Mr. Werthmann, what do you do for a
17 living?

18 A. I am a principal with the firm of Kenig,
19 Lindgren, O'Hara & Aboona. We are in traffic and
20 transportation firm out of Rosemont, Illinois.

21 MR. BLAZER: Okay. Mr. Werthmann, I am
22 going to cut you off, if you could -- I think
23 everybody in this room or at least everybody at
24 these knows what KLOA is, and I am sure she has no

15

1 idea how to spell. If you would go there for us, I
2 appreciate it?

3 THE WITNESS: No problem. Kenig,
4 K-E-N-I-G, Lindgren, L-I-N-D-G-R-E-N, O'Hara O
5 apostrophe, H-A-R-A, Aboona, A-B-O-O-N-A.

6 HEARING OFFICER LUETKEHANS: Thank you.

7 You may proceed, Mr. Helsten.

8 BY MR. HELSTEN:

9 Q. And Mr. Werthmann, did you participate in
10 preparation of a portion of the Application which is
11 the subject of this public hearing?

12 A. Yes, I did.

13 Q. Which portion?

14 A. Criterion 6.

15 Q. Okay. And in connection with the same,
16 have you prepared a PowerPoint presentation which
17 you think is demonstrative and illustrative of
18 certain portions of the Application?

19 A. Yes, I do.

20 Q. And you would like to make a presentation
21 on it today?

22 A. Yes, I would.

23 MR. HELSTEN: Mr. Hearing Officer, we
24 would request leave to allow Mr. Werthmann to

16

1 proceed in narrative form.

2 HEARING OFFICER LUETKEHANS: Leave is
3 granted.

4 THE WITNESS: Good afternoon. Once again,
5 my name is Michael Werthmann. I am a principal with
6 the firm of KLOA, Inc. We are a traffic and
7 transportation firm out of Rosemont, Illinois. I am
8 a registered professional engineer in the State of
9 Illinois and also a certified professional traffic
10 operations engineer.

11 I have a Bachelors of Science in
12 Civil Engineering from Michigan State University.
13 And I have been practicing for 23 years now in the
14 field of traffic and transportation engineering.

15 I have provided testimony on over 20
16 solid waste projects.

17 BY MR. HELSTEN:

18 Q. When you say you provided testimony, was
19 that testimony given in connection with work and
20 planning you had done on projects?

21 A. Correct.

22 Q. Okay. Thank you.

23 A. Thank you.

24 As you heard, I am here to address

17

1 Criterion 6 which states that the traffic patterns
2 to or from the facility are so designed to minimize
3 the impact on the existing traffic flows.

4 Criterion 6 acknowledges, similar to
5 any development, that these facilities generate
6 traffic and, therefore, do have an impact on the
7 roadway system.

8 Therefore, the Criterion requires
9 that these facilities and the routes serving them
10 are so designed and operated to minimize the impact
11 on the existing traffic flows, to minimize the
12 impact on the existing traffic flow.

13 Two points of clarification, the
14 Criterion does not state that the impacts must be
15 eliminated. We just must minimize those impacts.
16 Two, the Criterion only requires that these
17 facilities minimize the impact on the existing
18 traffic flows, it does not require these facilities
19 to mitigate impact associated with other growth or
20 future growth in the area. So what we're looking at
21 is minimizing the impact on those existing traffic
22 flows that exist out there today.

23 The methodology we used to conduct
24 our traffic study was based on that accepted within

1 the industry and with transportation planning and
2 transportation and planning officials. It's a
3 three-phase study, with the first phase examining
4 the physical and operating characteristics of the
5 roadway system. This is sort of our base condition.

6 Next we look at the traffic
7 characteristics of the facility, determining the
8 type and volume of traffic that will be generated
9 and the travel routes that will be used to access
10 the facility.

11 The third phase is the evaluation and
12 recommendation phase. This is when we evaluate the
13 impact that the facility will have on the existing
14 roadway system.

15 So let's begin with phase one, which
16 is the existing conditions. Some of the tasks that
17 we have completed under existing conditions, first,
18 we conducted a number of field investigation, field
19 observations in order to inventory the existing
20 physical and operating characteristics of the
21 roadway system. We had discussions with various
22 transportation officials to obtain data and
23 information which we review and use in a traffic
24 study. This includes previous traffic towns,

1 proposed roadway improvements, crash data, accident
2 data.

3 In addition, we conducted traffic
4 counts at nine intersections within the vicinity of
5 the facility and also conducted 24-hour counts along
6 Porter Drive.

7 Lastly, we performed a gap study
8 along Illinois 120 at Porter Drive.

9 As you well know where the site is by
10 now after two and a half days, it's located in the
11 northeast corner of Illinois 120 and Porter Drive
12 within an existing industrial park.

13 I would like to briefly go through
14 some of the major roads serving the site.

15 Illinois 120 is an east/west arterial
16 roadway. It's got a two-lane cross section with
17 separate left turn lanes provided at most
18 intersection, however, currently there's no turn
19 lane provided at the Porter Drive intersection.
20 It's got a posted speed limit between 40 and
21 50 miles an hour. It's under the jurisdiction of
22 IDOT and is classified as a Class II truck route.
23 It has a daily traffic volume of about 18,000
24 vehicles of which approximately four and a half

1 percent of those vehicles are trucks.

2 The next route is Illinois 34, it's a
3 southeast and northwest arterial roadway.

4 Q. Did you mean Illinois 134?

5 A. I am sorry. Thank you very much.

6 Illinois 134, two lane cross-section,
7 posted speed limit between 30 and 40 miles an hour.
8 It's also under the jurisdiction of IDOT. It has an
9 average daily traffic volume of approximately just
10 under 10,000 vehicles with approximately 4 percent
11 consisting of trucks or truck traffic.

12 Hainesville Road, it's a north/south
13 arterial roadway. It's a county highway. It has a
14 two lane cross-section, seven left turn lanes
15 provided at most intersections including at its
16 intersection with Illinois 120. It's got a posted
17 speed limit of 40 miles an hour. Under the
18 jurisdiction of the Lake County Division of
19 Transportation. It has an average daily traffic
20 volume of over just over 12,000 vehicles.

21 Cedar Lake Road north/south arterial
22 roadway, two lane cross section. At its signalized
23 intersection with Illinois 120 it is widened,
24 recently widened to provide a five lane cross

1 section, two lanes in each direction with a separate
2 left turn lane. It's got a posted speed limit of
3 45 miles an hour, and is under the jurisdiction of
4 the Lake County Division of Transportation.

5 The last road I would like to talk
6 about is Porter Drive. Is a north/south collector
7 road. It's the collector road that provides access
8 from the industrial park to Illinois 120 to Illinois
9 34. It has a two lane cross section. Posted speed
10 limit of 25 miles an hour and is under the
11 jurisdiction of the Village of Round Lake which
12 classifies it as a Class III truck Route.

13 This slide shows our study area and
14 the roadway characteristics. The study area
15 includes the Illinois 120 corridor from Hainesville
16 Road on the east to Cedar Lake Road on the west. It
17 includes the Illinois 134 corridor from Illinois 120
18 to Porter Drive and also includes Porter Drive.

19 There are a number of roadway
20 improvements that are proposed in the area either as
21 part of the transfer station and two proposed as
22 part of the -- proposed as part of IDOT and the Lake
23 County Division of Transportation.

24 I would like to first talk about

1 those improvements that are proposed as part of the
2 Application, the part about the transfer station.
3 The first is at the intersection of Illinois 120
4 with Porter Drive. This is the critical
5 intersection that is serving the transfer station.
6 As proposed, Illinois 120 will be widened to provide
7 both a separate left turn lane and a separate right
8 turn lane serving Porter Drive. These turn lanes
9 provide deceleration lanes to move the slower
10 turning vehicles out of the through movement on
11 Illinois 120. It greatly improves the operation of
12 the intersection and adds to capacity of the
13 intersection.

14 The second improvement is widening
15 the approach of Illinois 120 -- excuse me, the
16 approach the Porter Drive at Illinois 120 to provide
17 a three lane cross section, one northbound lane on
18 Porter Drive and two southbound lanes in order to
19 provide a separate left turn lane and a separate
20 right turn lane as you're turning out onto Porter
21 Drive. This enhances the capacity of the Porter
22 Drive approach.

23 Lastly, we're proposing to increase
24 the radiuses at the intersection to better

1 accommodate the turning truck traffic that will be
2 turning to and from the intersection. As I
3 indicated, this will significantly enhance the
4 operation and the capacity of the intersection
5 providing much more efficient and orderly flow of
6 traffic through this intersection.

7 In addition, as part of the
8 Application, all of Porter Drive from Illinois 120
9 to Illinois 34 will be resurfaced, the whole thing
10 will be resurfaced with new asphalt.

11 These improvements are one of the
12 ways that the Applicant, the Application, is one of
13 the ways that we are addressing Criterion 6 in
14 minimizing the impact on the existing flow, these
15 improvements are one of the ways.

16 Q. So, Mr. Werthmann, just so we're clear,
17 these are improvements that are being proposed by
18 the applicant at the applicant's own expense?

19 A. Correct.

20 Q. In addition to the improvements to be
21 provided by the applicant, there are a number of
22 other improvements on other projects proposed in the
23 area by IDOT and Lake County Division of
24 Transportation.

1 The first project is at Illinois 120
2 with the Hainesville Road intersection. IDOT has
3 recently received design approval to add a westbound
4 to northbound right turn lane on Illinois 120 and
5 also to upgrade the existing traffic signal. Now
6 this will provide some additional capacity at this
7 intersection.

8 The second project is a traffic
9 signal interconnect project that the Lake County
10 Division of Transportation is currently preparing
11 plans for. Under this project the traffic signals
12 between Illinois 83 and Illinois 134 will all be
13 interconnected so the traffic signals can talk to
14 one another. It will greatly improve the
15 progression of traffic and the flow of traffic along
16 Illinois 120. We received some good news about a
17 week ago or two weeks ago that both of these
18 projects, the Hainesville Road intersection with 120
19 and the 120 traffic signal interconnect project have
20 been recommended on the list for CMAQ funding,
21 Congestive Management and Air Quality funding. The
22 final approval comes in October. But both agencies
23 are planning or anticipating to implement these
24 improvements to construct them in 2015. So they

1 have received funding or are about to receive
2 funding with construction to begin in 2015,
3 according to both IDOT and the Lake County Division
4 of Transportation.

5 The third project is the Cedar Lake
6 Road reconstruction project. The Lake County
7 Division of Transportation is currently completing a
8 Phase 1 study to reconstruct Cedar Lake Road from
9 Illinois 120 to Nippersink Road.

10 The last project, which I am sure
11 you're all familiar with, is the Illinois 120
12 Corridor Study. This was a planning study conducted
13 a couple of years ago to determine the alternate
14 cross section and alignment of Illinois 120 through
15 the county. The Route 120 Corridor Planning Council
16 recommended improving Illinois 120 to a four-lane
17 cross section, and this is a big part, with a 7-mile
18 bypass that would run south of the existing 120 from
19 just west of Almond Road to just east of Fish Lake
20 Road. This would be a significant improvement for
21 the community around the site as a bypass would be
22 provided diverting a lot of traffic that's currently
23 traversing on 120 to the bypass route.

24 It's important to know that while we

1 indicate these improvements proposed in the area, we
2 did not consider any of these improvements when
3 performing our traffic study, when looking at the
4 projected conditions. More importantly, I did not
5 rely on these improvements in formatting or
6 developing my conclusions regarding Criterion 6.

7 Q. Why is that, Mr. Werthmann, is that
8 because these are, some of these are contingent and
9 not yet final?

10 A. Correct.

11 Q. Okay. Thank you.

12 A. Thank you.

13 Q. Lastly, under existing conditions, as I
14 already indicated, we conducted traffic counts,
15 morning and evening peak period traffic counts at a
16 number of intersections within the vicinity on the
17 site. Counts were conducted from 6:00 a.m. to 9:00
18 am in the morning and 3:00 p.m. to 6:00 p.m. in the
19 evening.

20 In addition, we conducted 24-hour
21 machine counts along Porter Drive just north of
22 Illinois 120. The results of the traffic count show
23 that morning peak hour occurs from about 7:15 to
24 8:15 in the morning, that's when the highest volume

27

1 of traffic occurs on the roadway, and in the evening
2 the peak hour occurs from 4:00 to 5:00 p.m.

3 This slide shows the existing peak
4 hour traffic counts. As you can see, traffic counts
5 were conducted along the 120 corridor at Hainesville
6 Road, Illinois 134, Porter Drive, Curran Road, Wild
7 Spring Road and Cedar Lake Road. Counts were also
8 conducted at Illinois 134 with Porter Drive. Porter
9 Drive with Cedar Mound Road and Porter Drive with
10 the existing Groot North facility.

11 One third through the presentation.
12 Let's go through the second phase of the traffic
13 study which is determining the facilities
14 characteristics.

15 Q. Why is it important to determine the
16 facility characteristics, Mr. Werthmann?

17 A. It's important because you want to know
18 the type and volume of traffic that will be
19 generated and the routes that they will be using to
20 get to the facility.

21 What we do is we take the existing
22 traffic and we add the traffic that will be
23 generated by the traffic station on top of that to
24 get our projected volumes, and then we analyze those

1 projected volumes to what the impact is on the
2 roadway system.

3 Some of the tasks that we completed
4 included term the facility and hauling
5 characteristics; determining the routes that will be
6 used to travel to and from the transfer sayings;
7 determining the volume of traffic that will be
8 generated, and developing future traffic
9 assignments.

10 Just quickly, I am sure you heard
11 this over the last several days, the site is
12 3.9 acres in size. We will typically accept
13 750 tons of waste per day. And access will be
14 provided via one access drive on Porter Drive.

15 There are several characteristics of
16 the facility that directly address Criterion 6 and
17 minimize the impact on the existing traffic flows.
18 The first of these is the operation of the facility.
19 And the fact that the volume of traffic that's
20 generated by a transfer station is generally
21 distributed throughout the day. More importantly,
22 the peak periods of the transfer station occurs in
23 the late morning or early afternoon outside of those
24 critical morning and evening peak period when

1 traffic is highest on the roadway.

2 So you can see that transfer stations
3 generate a low volume of traffic in any one hour and
4 more importantly generate a very low volume during
5 those critical peak periods.

6 A second characteristic of this site
7 is the fact that it will be located next to the
8 Groot North facility. The existing Groot North
9 facility is a storage and maintenance yard for
10 approximately 60 Groot trucks, 55 to 60 Groot trucks
11 and containers. As such, the traffic -- the net
12 increase in traffic or the incremental increase in
13 traffic to be generated by the transfer station will
14 be significantly reduced due to several reasons. A
15 portion of the traffic is already generated by the
16 Groot North facility and is already on the existing
17 roadway system. These trucks go out in the morning,
18 they go on their routes, they collect the waste.
19 Instead of going to a landfill, Grayslake or Zion,
20 they will just drive back to Porter Drive, drop
21 their load and then be parked in at the Groot North
22 facility. So a portion of this traffic is already
23 on the roadway system. More importantly, the
24 majority of the trucks when they are leaving the

1 facility, will not even access Illinois 120 or the
2 arterial roadway system, as they will just drive
3 north a couple hundred feet to be parked at the
4 Groot North facility. So it could be seen that
5 operations and the location of the facility are two
6 other means by which we are addressing Criterion 6
7 minimizing the impact on the existing traffic flows.

8 Next, I would like to talk about the
9 hauling characteristics. Now, all of the inbound
10 waste will be delivered to the transfer station via
11 collection trucks. These are the single-unit trucks
12 that you see running through the neighborhood, the
13 business district, collecting the waste and the
14 local area. All of the trucks will access the
15 facility via the arterial roadway system, Illinois
16 120, Illinois 134, Hainesville Road.

17 All of the outbound waste will be
18 delivered to a distant landfill via 24-ton transfer
19 trailers, these are the semi trailers. The trucks
20 will be traveling to and from the transfer -- to and
21 from the landfill via the west on Illinois 120,
22 landfills are located out to the west. All of the
23 traffic will be accessing the facility to and from
24 the west on Illinois Route 120 which is a Class Two

1 truck route.

2 As it can be seen that these arterial
3 roads at Illinois 120 have been designed, higher
4 classification roads that have been designed to
5 accommodate truck traffic. Once again, the routes
6 we were using are just another way that we are
7 addressing Criterion 6 in minimizing the impact on
8 the existing traffic flows.

9 As part of the transfer station,
10 Groot has agreed to implement several truck
11 restrictions to further minimize the impact of the
12 facility on the existing traffic flows. The first
13 truck restriction is the fact that the truck traffic
14 will be directed to use the Illinois 120 Porter
15 Drive intersection when accessing the arterial
16 roadway system. The only truck traffic that will be
17 traveling north along Porter Drive will be that
18 truck that's traveling between the transfer station
19 and the Groot North facility. No truck traffic will
20 be traveling on Porter Drive north of the Groot
21 facility.

22 The second restriction is at the
23 intersection of Illinois 120 and Porter Drive, due
24 to the higher volumes of traffic on Illinois 120

1 during the morning and evening peak periods and the
2 fact that eastbound in the morning the queue up of
3 traffic can back up past Porter Drive, all of the
4 truck traffic will be prohibited from making a left
5 turn from Porter Drive to Illinois 120 between the
6 hours of 7:00 a.m. and 9:00 a.m. and 3:00 p.m. and
7 5:00 p.m. So the truck traffic during those hours
8 will have to make a right turn onto Illinois 120
9 when exiting from Porter Drive. It should be noted
10 that this restriction will only affect the
11 collection trucks because all of the transfer
12 trailers are already making a right turn onto
13 Illinois 120. And it really impacts a limited
14 number of collection trucks particularly in a p.m.
15 peak hour and the evening peak period due to the
16 fact that a large percentage of the trucks will just
17 be going north parked at the Groot North facility.

18 These restrictions, once again, are
19 another way that the Application is addressing
20 Criterion 6 and minimizing our impact on the roadway
21 system.

22 Q. Mr. Werthmann, do you know how Groot
23 proposes to impose these restrictions?

24 A. Yes, I do.

1 Q. Please tell us.

2 A. They're going to impose these through
3 their internal controls. As Mr. Moose indicated,
4 there are a number of operating procedures regarding
5 a transfer station and the operation and the
6 movement of vehicles in and around the transfer
7 station. And this will just be one of the
8 operational procedures that they will implement as
9 parts of the operation plan. Groot is currently
10 doing this at their Groot North facility where the
11 majority of their trucks are directed to use the
12 Illinois 120/Porter Drive intersection.

13 Q. And is it your understanding that the
14 institutional controls and internal controls that
15 they have implemented with respect to the Groot
16 North truck maintenance facility have worked?

17 A. It's my understanding that they have been
18 very successful.

19 Q. Thank you.

20 A. Thank you.

21 This slide shows the directional
22 distribution for the routes that the collection
23 trucks and the transfer trailers will take to access
24 a facility. Regarding the collection trucks,

1 approximately 65 percent of the trucks will be
2 traveling to and from the east of the facility
3 either on Illinois 120 or Hainesville Road.
4 35 percent of the collection trucks will be
5 traveling to and from the west of the facility along
6 Illinois 120, Cedar Lake Road, and so forth.

7 As you can see, it's estimated that
8 100 percent of the transfer trailers will be
9 traveling to and from the west on Illinois 120.

10 Let's next talk about the volume of
11 traffic that will be generated. As we indicated,
12 it's anticipated that the facility will process
13 750 tons of waste per day, however, to provide a
14 conservative analysis or worst case analysis, the
15 traffic study was conducted assuming that facility
16 processes 900 tons of waste per day. So we did that
17 conservative analysis.

18 In addition to truck traffic, the
19 transfer station will probably generate a handful of
20 trucks due to maintenance and service of the
21 facility, and we will also have a total of 12
22 employees that will work one of two shifts.

23 The next slide shows the volume of
24 traffic that it's estimated be generated by the

1 transfer station, assuming both 750 tons of waste
2 per day and 900 tons of waste per day. What can be
3 seen from here is that the facility generate a
4 limited volume of traffic during those critical
5 morning and evening peak periods.

6 In the morning it is projected to
7 generate 11 to 14 round trips in an hour. And in
8 the evening, it is projected to generate 8 to 10
9 round trips in the evening, which is relatively low
10 in the traffic world.

11 Q. Why is that, how do you know that?

12 A. How do we know that?

13 Q. Yeah, how do you know that will be the
14 number of trips?

15 A. It's based on experience, and information
16 that was provided by Shaw working with the
17 applicant.

18 Q. So, in other words, the peak hours of
19 operation of the transfer station are different than
20 the peak hours for general traffic in and around the
21 area?

22 A. Correct. As I indicated previously, the
23 peak period of the transfer station typically occurs
24 later in the morning and earlier in the afternoon,

1 it does not occur during those critical morning and
2 evening peak periods when traffic is at its highest
3 levels on the roadway system.

4 This slide just shows the assignment
5 of the traffic on the roadway system. Again, it's
6 hard to see, but the number of trips in any one
7 intersection is relatively low, particularly
8 considering the volume of traffic that is already at
9 these intersections.

10 It's important to know that the peak
11 hour volumes assumed for the transfer station and
12 what we assumed in the traffic study, as I
13 indicated, are very conservative or worst case
14 projections for a number of reasons.

15 The first is the fact that we're
16 assuming the facility processes 900 tons of waste
17 per day as opposed to the anticipated 750 tons.

18 Second, we did not take any
19 reductions for the existing traffic that is
20 generated by the Groot North facility that will be
21 supporting this facility. So we didn't assume any
22 deduction.

23 And third, which is even more
24 critical, we assumed that all of the traffic leaving

1 the transfer station would go back onto Illinois 120
2 and traverse the external roadway system, even
3 though we know a good portion of that traffic will
4 just travel up Porter Drive to be parked for the
5 evening at the Groot North facility.

6 Q. Mr. Werthmann, I would like to go to point
7 number two for a second, which reads, no reductions
8 were assumed for existing truck traffic that is
9 generated by the Groot North facility which will be
10 supporting the operation of the proposed transfer
11 station. So, put a different way, as I understand
12 it, you double count some of that truck driving,
13 correct?

14 A. Correct. What we did is whatever we
15 projected to be generated by the transfer station,
16 we assume it to be all new traffic on the roadway
17 system and assign it to the roadway system.

18 Q. When, in fact, it is not?

19 A. When it is not.

20 Q. We know that because it currently is not?

21 A. Correct.

22 Even though Criterion 6 indicates we
23 only have to minimize impact on the existing traffic
24 flows, for the purpose of this study to provide a

1 conservative analysis, we also included some
2 additional growth in the area, the study included
3 the Groot Industries Eco-campus. As you have heard,
4 an Eco-campus is to be located in the northwest
5 quadrant of Illinois 120 and Porter Drive. This
6 facility will process a maximum of 500 tons of
7 construction and demolition material per day, and
8 similar to the transfer station it will also follow
9 the truck restrictions regarding going north on
10 Porter Drive and also the restriction of no left
11 turns from Porter Drive to Illinois 120 between 7:00
12 and 9:00 a.m. and 3:00 and 5:00 p.m.

13 In addition to the Eco-campus, we
14 also increased the existing traffic volumes by an
15 ambient growth factor to account for some other
16 growth in the year.

17 Q. What growth factor did you use and why did
18 you rely on that specific ambient growth factor?

19 A. We used 1 percent per year based on the
20 growth factors that were used in the Illinois 120
21 Corridor Study, a planning study that was conduct
22 several years ago. And we projected traffic to the
23 year 2016, which is the year the transfer station is
24 projected to open.

1 This slide those shows the 2016
2 projected peak hour volume. Once again, it includes
3 the existing traffic volumes, it includes the
4 projected traffic to be generated by the transfer
5 station, the conservative numbers, assuming 900 tons
6 per day, assuming all new traffic to the roadway
7 system. It also includes the ambient and background
8 traffic and also includes the traffic generated by
9 the Eco-campus

10 The third phase of the study is the
11 evaluation and recommendation phase.

12 Some of the task completed under this
13 was conduct the traffic analysis.

14 Q. Mr. Werthmann, could you please, as you go
15 through these, tell me why each of these are
16 important and conduct them. Please tell everyone
17 here.

18 A. The traffic analysis were done and that's
19 the way that we evaluate how the roadway systems are
20 operating, how the intersections are operating.
21 More importantly, we can compare how they're
22 operating now and how they're going to operate with
23 the addition of the traffic generated by the
24 transfer station.

1 The second task was evaluating the
2 gap study that was conducted. A gap study
3 determines if there's sufficient gaps in a roadway
4 stream to accommodate the traffic that's turning to
5 and from a side street. We conducted a gap study at
6 the intersection of Illinois 120 and Porter Drive to
7 ensure that there was sufficient gaps to accommodate
8 the truck traffic.

9 Lastly, we reviewed and evaluate the
10 access drive that would be serving the transfer
11 station.

12 Let's talk about the traffic analysis
13 first. The traffic analysis were performed using
14 the highway capacity software. This is software
15 that actually put a number of inputs in there from
16 the number of lane to the traffic volumes to the
17 signal timing, and it actually determines how an
18 intersection is operating. The ability of an
19 intersection to accommodate traffic flow is
20 expressed in terms of level of service which is
21 assigned a letter grade based on the average delay
22 experienced at that intersection.

23 Similar to a grading scale in school,
24 intersections are graded on a grading scale of A to

1 F where A to B is desirable and E and F is
2 undesirable. So similar to the grading level when
3 we get in the level of service to intersections.
4 It's important to know that while level of service E
5 and F is undesirable, there are many intersections
6 within the Chicago area within Lake County that
7 operate at level of certificate E and F during
8 critical peak periods of the morning and evening
9 peak periods.

10 The results of the capacity analysis
11 have shown that under existing conditions all of the
12 intersections or the majority of the intersections
13 within the study area are generally operating at
14 acceptable levels of service, however, as we all
15 know, the Illinois 120 corridor experiences some
16 extended delay a queuing sense of delay, a queuing
17 during the morning and evening peak periods
18 eastbound in the morning and westbound in the
19 evening. In addition, Hainesville Road and Illinois
20 134 can also experience some congestion and delay
21 during those peak periods.

22 The primary reason is the fact that
23 the intersection of Hainesville and Illinois 120 is
24 operating at an undesirable level of service,

1 operating at a pretty poor level of service. In
2 addition, the proximity of that intersection to
3 Illinois 120 and 134 also adds to some of the
4 operational issues in the area. However, it's
5 important to know, as I indicated, there are a
6 number of improvements that have recently received
7 funding that will help improve those existing
8 roadway conditions in the area.

9 The results of capacity analysis,
10 assuming those 2016 traffic volumes now, show that
11 all of the intersections are projected to operate at
12 approximately the same level of service with a
13 limited increase in delay. Once again, it's
14 important to note that the projected capacity
15 analysis were conducted only assuming the
16 improvements would be provided by the transfer
17 station. We did not include any of the improvements
18 that are proposed by any of the public agencies.

19 The transfer station impact will be
20 reduced for several reasons. One, it generates a
21 low volume of traffic during those critical peak
22 hours. Two, the incremental increase in traffic
23 will be reduced, as I indicated, due to the Groot
24 North facility. And three, given the improvements

1 and the restrictions that we are providing will also
2 help reduce our impact on the roadway system.

3 Overall, the additional traffic to be
4 generated by the transfer station will have a very
5 limited impact on the roadway system. This is
6 evident in fact that the transfer station traffic
7 will represent a maximum increase in traffic at any
8 intersection of only 1.75 percent, the increase of
9 1.75 percent or less, and that is assuming our
10 conservative analysis that this is all new traffic
11 on the roadway system. The actual increase will
12 probably be more in the range of 1 percent or less.

13 The greatest increase in traffic is
14 going to occur at the Illinois 120 Porter Drive
15 intersection, as we indicated, this is a critical
16 intersection serving the facility. To minimize our
17 impact on this intersection, as you have heard, we
18 are proposing to provide significant improvements at
19 the intersection including the turn lanes on 120,
20 widening the Porter Drive approach to provide two
21 southbound lanes, a separate left and a separate
22 right, and also increasing the radius test
23 intersection. In addition, Groot has agreed to
24 implement the truck restrictions at the Porter Drive

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1 Illinois 120 intersection during the hours of 7:00
2 to 9:00 a.m. and 3:00 and 5:00 p.m.

3 With these improvements and the left
4 turn restriction, the capacity analysis show that
5 all of the movement at the intersection are
6 projected to continue to operate at a good level of
7 service. So we're really minimizing our impact on
8 this critical intersection serving the facility.

9 On a side note, we looked at accident
10 data at this intersection over the past five or six
11 years. This intersection has an average of two to
12 three accidents a year, which is a very low number
13 of accidents at a intersection. The majority of
14 these accidents were rear end accidents, which these
15 improvements, separate left turn lanes, moving those
16 slower vehicles out of that through lanes or those
17 vehicles that are stopped to make a left turn will
18 really go to mitigate any existing problems at this
19 intersection.

20 Next, I would like to talk about the
21 results of the gap study. We conducted a gap study
22 at the intersection of Porter Drive with 120. The
23 results of the gap study had shown that there is
24 sufficient -- based on the operation of the transfer

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1 station that there is sufficient gaps in Illinois,
2 in the Illinois 120 traffic stream to accommodate
3 that traffic that will be turning to and from Porter
4 Drive. So, once again, based on the projected
5 operation of the transfer station, there are
6 sufficient gaps in the Illinois 120 traffic stream
7 to accommodate the projected traffic volumes.

8 Lastly, regarding site access, access
9 to the facility will be provided via a single access
10 drive locate on Porter Drive. Once again, Porter
11 Drive is the collector road serving the industrial
12 park. It will be provided at the north end of the
13 site providing maximum spacing between the drive and
14 Illinois 120.

15 It will provide one inbound lane and
16 one outbound lane and will provide larger radiuses
17 to accommodate the turning truck traffic.

18 A single access drive is more than
19 sufficient to accommodate traffic using the transfer
20 station.

21 Q. Mr. Werthmann, based upon the report which
22 you prepared and submitted as part of the
23 Application, and based upon your study, your
24 knowledge and your experience and your expertise in

1 this area, do you have an opinion as to whether the
2 traffic patterns to and from these proposed facility
3 are so designed as to minimize the impact on
4 existing traffic flows thereby satisfying Criterion
5 6?

6 A. Yes, it's my professional opinion that the
7 traffic patterns to and from the facility are so
8 designed to minimize the impact of the existing
9 traffic flows.

10 Q. What is the basis of your opinion?

11 A. The basis of my opinion is the traffic
12 study that we have performed, as well as my
13 testimony today. But more importantly, it's the
14 number of ways the multifaceted approach that this
15 Application is addressing Criterion 6. And one, the
16 operation of the facility, as I indicated, these
17 facilities generate a low volume of traffic in any
18 one hour, particularly in the peak hour.

19 Two, which is unique to this
20 facility, is the proximity to the Groot North
21 facility which will significantly reduce the net
22 increase in traffic on the roadway system.

23 Three, is the proposed roadway
24 improvements that will be provided as part of the

1 transfer station.

2 Four is the truck restrictions that
3 Groot had volunteered to implement to further
4 minimize the impact on the roadway system.

5 Five is the routes serving the
6 facility. All of the routes are arterial roadways
7 for Class II truck routes which have been designed
8 to accommodate that type of traffic.

9 Six is the design of the access
10 drive.

11 And seven is the fact that overall
12 the transfer station will have a limited impact on
13 the operations of the roadway system.

14 Q. Thank you, Mr. Werthmann.

15 MR. HELSTEN: Mr. Hearing Officer, that's
16 all we have. And we would tender Mr. Werthmann for
17 cross examination at this time.

18 HEARING OFFICER LUETKEHANS: Mr. Blazer,
19 do you need a couple of minutes to set up or just
20 proceed?

21 MR. BLAZER: No.

22 HEARING OFFICER LUETKEHANS: Okay. Please
23 proceed then.

24 CROSS EXAMINATION

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1 BY MR. BLAZER:

2 Q. Good morning, Mr. Werthmann?

3 A. How are you?

4 Q. I am good. Thank you.

5 MR. BLAZER: Could you pull up slide 25,
6 please? Thank you.

7 BY MR. BLAZER:

8 Q. I believe, Mr. Werthmann, when you were
9 talking about this slide you said that the
10 information that's contained on here was provided to
11 you by Shaw; is that correct?

12 A. Yes.

13 Q. Who at Shaw provided this information?

14 A. I got it through several sources at Shaw.

15 Q. Would Devin Moose be one of those sources?

16 A. Devin would be one of them.

17 Q. Did you consult with anyone at Groot to
18 get their approval on the contents of your report?

19 A. They reviewed my report.

20 Q. Did you get any comments back from them?

21 A. I am not sure all of the comments went
22 through Shaw.

23 Q. Did you deal directly with Groot or did
24 you deal with Groot through Shaw?

1 A. I dealt with them too.

2 Q. But any comments you got came from Shaw
3 not from Groot?

4 A. Regarding the traffic study.

5 Q. Yes. All I am talking about is your
6 traffic study.

7 A. Yeah.

8 Q. Any comments you got came from Shaw,
9 correct?

10 A. Any written comments, yes.

11 MR. HELSTEN: Objection as to the
12 relevance as to the method in which the comments
13 were conveyed. Mr. Werthmann said he received
14 comments both from the applicant and from their
15 expert plans as well. I don't know what relevance
16 the method or avenue of communication has.

17 HEARING OFFICER LUETKEHANS: I am assuming
18 this is preliminary foundation. Objection
19 overruled.

20 MR. BLAZER: Thank you, Mr. Hearing
21 Officer.

22 BY MR. BLAZER:

23 Q. Now, apart from the requirements of the
24 siting statute, Mr. Werthmann, do you agree that

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1 minimizing the impact on existing traffic flows
2 needs to be done just as a matter of sound traffic
3 engineering practice?

4 A. As traffic engineers we always try to
5 minimize the impact.

6 Q. And to accomplish that goal here, you
7 conducted a comprehensive traffic study based on the
8 methodologies accepted in your industrial industry,
9 correct?

10 A. Correct.

11 Q. And there were several phases to your
12 study?

13 A. Correct.

14 Q. First you looked at existing physical and
15 operating conditions of the roadway system; is that
16 correct?

17 A. One of the tasks we conducted.

18 Q. Another one of the tasks that you
19 conducted was to determine the traffic
20 characteristics of the proposed transfer station
21 including the type and volume of traffic that will
22 be generated and the routes that will be used to
23 travel to and from the facility; is that correct?

24 A. That is correct.

1 Q. And then you also evaluated the impact
2 that the additional traffic will have on the roadway
3 system; is that correct?

4 A. Correct.

5 Q. And that's the same type of analysis that
6 you always perform for these waste facilities,
7 right?

8 A. The analysis that we perform for any
9 study.

10 Q. Whether it's for a waste facility or any
11 other type major development, correct?

12 A. The general means of conducting the
13 traffic study.

14 Q. In terms of a little bit more detail, some
15 of the things you determined were hauling
16 characteristics; is that correct?

17 A. That's one of the things we looked at,
18 yeah.

19 Q. And that's the types of vehicles that will
20 be used, correct?

21 A. Correct.

22 Q. And you did a directional distribution
23 analysis; is that correct?

24 A. Correct.

1 Q. And that's the haul routes, correct?

2 A. Correct.

3 Q. And then you did trip generation
4 estimates, which is what we're looking at up here,
5 correct?

6 A. Correct.

7 Q. And you also did a capacity and assist,
8 right?

9 A. We did capacity analysis, correct.

10 Q. And just so we're clear -- you mentioned
11 this just a short while ago, the capacity analysis
12 looks at the ability of the intersections that will
13 be used by the transfer station traffic to
14 accommodate traffic flow, correct?

15 A. Correct.

16 Q. And as you indicated, that's determined
17 by, somewhat like grammar school, a grading system
18 of A to F, correct?

19 A. Correct.

20 MR. BLAZER: Could you pull up slide 31,
21 please.

22 BY MR. BLAZER:

23 Q. Now, when you were talking about this
24 slide, Mr. Werthmann, you said that the

1 intersections are currently at an acceptable level
2 of service; is that correct?

3 A. I said most of the intersections are
4 generally operating at acceptable levels of service.

5 Q. Let's try it this way.

6 MR. BLAZER: Could you go to slide 29.

7 BY MR. BLAZER:

8 Q. The intersections there, it's almost
9 impossible to read it. And I am not as familiar
10 with the area as you may be, so could you describe
11 for us which of the intersections are currently not
12 operating at an acceptable level of service?

13 A. Based on our capacity analysis and their
14 existing conditions, as I indicated, Illinois 120
15 with Hainesville Road is operating at an undesirable
16 level of service.

17 Q. What grade level is that currently
18 operating at?

19 A. That's D in the morning, E in the evening.

20 Q. Okay.

21 A. And the left turn movement at the
22 unsignalized intersection Wild Spring is operating
23 at a level F.

24 MR. SECHEN: If we can indicate that the

1 witness located the last intersection he spoke of by
2 means of a laser pen.

3 THE WITNESS: Just the left turn at that
4 intersection.

5 BY MR. BLAZER:

6 Q. Any others currently not operating at an
7 acceptable level of service?

8 A. No. The intersections re operating well.
9 There is some queuing that extends past those
10 intersections that affects the operation of those
11 intersections. From a capacity standpoint they are
12 operating at acceptable levels of service.

13 Q. And you looked at all of these -- you
14 looked at all of these roadways in conducting your
15 traffic analysis, all of the ones that are up here
16 on slide 29?

17 A. Yes.

18 Q. Do you consider types of roads, traffic
19 counts, roadway configuration, those types of
20 details?

21 A. Yes.

22 Q. I believe you said in your presentation I
23 am sorry strike that.

24 Is it correct that all of the

1 collection trucks and transfer trailers will utilize
2 the arterial roadway system when traveling to and
3 from this transfer station?

4 A. Yeah, they will be using the arterial
5 roadway system unless they're on their collection
6 routes within the neighborhood. This facility
7 will -- to get to this facility, they will be
8 traversing the arterial roadways.

9 Q. Could you describe what arterial roads
10 are?

11 A. Our arterial roadways are our higher
12 classification roadway that are designed to carry
13 higher volume of traffic, designed to carry truck
14 traffic. Their purpose is more to carry traffic
15 over a longer distance as opposed to providing
16 access, the hierarchy of roadway from freeways,
17 arterials, minor arterials, collectors, down to
18 residential. It's all based on volume versus
19 access, where the higher arterials are higher
20 classification of a road.

21 Q. What is a Class II truck route?

22 A. A Class II truck route is a, as it
23 indicates, is a route that has been designed to
24 accommodate larger truck traffic.

1 Q. And what is a Class III truck route?

2 A. It depends on -- it varies on the size of
3 the vehicle, the length and width and the wheelbase
4 of vehicle.

5 HEARING OFFICER LUETKEHANS: Mr. Karlovics?

6 MR. KARLOVICS: Will the record please
7 reflect the presence of Donna Wagner, W-A-G-N-E-R.

8 HEARING OFFICER LUETKEHANS: The record
9 will reflect the time is 1:15.

10 BY MR. BLAZER:

11 Q. Do you have your report in front of you?

12 A. I do.

13 Q. Could you turn to page 6-10, last
14 paragraph?

15 MR. HELSTEN: Mr. Blazer, could you hold
16 on a second?

17 MR. BLAZER: Yes. Let know when you're on
18 the page?

19 MR. HELSTEN: Okay.

20 BY MR. BLAZER:

21 Q. Last paragraph, second sentence.

22 Last paragraph, second sentence, you
23 wrote, Groot Industries has indicated that the
24 proposed transfer station will primarily serve Lake

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1 County. Do you see that?

2 A. Um-hum.

3 Q. "Yes"?

4 A. Yes, I do.

5 Q. And who at Groot told you that?

6 A. I got that from Shaw.

7 Q. From who at Shaw?

8 A. I believe Christina.

9 Q. Seibert?

10 A. Yeah, who did the needs analysis.

11 Q. And did Christina tell you where else or
12 what areas outside of Lake County this transfer
13 station will serve?

14 MR. HELSTEN: Now we're going far afield.
15 I have given Mr. Blazer some leeway, but I think at
16 this point in time I'm going to object on the basis
17 of relevance and make a legal point if I may, your
18 Honor -- Mr. Hearing Officer.

19 HEARING OFFICER LUETKEHANS: Yes, you may.

20 MR. HELSTEN: Okay. This issue was
21 squared by the Second Appellate District in the Fox
22 Moraine case where Mr. Blazer's expert on traffic,
23 Mr. Brent Coulter, rendered testimony as to there
24 being unacceptable levels of service at certain

1 intersections that may be utilized by trucks going
2 in and out of that proposed facility and the
3 direction they would be going and where they may be
4 going. The Pollution Control Board, which is the
5 first level, as you know, of review accepted Mr.
6 Coulter's analysis. However, the Second District
7 took the Pollution Control Board and Mr. Coulter to
8 task. And I asked Mr. Porter to disseminate copies
9 of a relevant portion and I only --

10 MR. BLAZER: I object to that right now
11 with distributing that.

12 HEARING OFFICER LUETKEHANS: Let him
13 finish.

14 MR. HELSTEN: I am doing at Mr. Blazer's
15 courtesy to the Hearing Officer and to you and
16 everyone else, I want to point to, rather than read,
17 I want to point to the exact words of the Second
18 Appellate District, and Mr. Hearing Officer, I ask
19 for leave to provide you a copy of the -- a portion
20 of that opinion.

21 Mr. Blazer has done a lot of reading,
22 and I am going to do a little reading here.

23 HEARING OFFICER LUETKEHANS: Mr. Porter
24 gave it to me, Mr. Helsten.

1 MR. HELSTEN: Okay. The section on the --

2 HEARING OFFICER LUETKEHANS: You know, can
3 I interrupt here for a second? I will be honest, I
4 think you're anticipating where Mr. Blazer is going
5 to go. And I could see why you're anticipating that
6 I am not sure he's gone there with this question. I
7 let you raise the objection, I have the case, we can
8 move along. Right now the only question pending is
9 I think was Ms. Seibert was the person who provided
10 the information, isn't that what the question was?

11 MR. BLAZER: No, we have gone past that,
12 and I asked him if Ms. Seibert told him where else
13 waste --

14 HEARING OFFICER LUETKEHANS: Where it was
15 coming from, not the actual route?

16 MR. BLAZER: Right, exactly. I know --

17 HEARING OFFICER LUETKEHANS: I kind of
18 took this could go a couple of different ways. And
19 I kind of want to see where it went first.

20 Mr. Helsten, I understand your objection. We will
21 deal with it if it goes that way.

22 MR. HELSTEN: Just so it clear, Mr.
23 Hearing Officer, my objection is Second Appellate
24 District says, the Act does not require elimination

1 of all travel problems, nor is the Applicant
2 required to provide evidence of exact routes, types
3 of traffic, noise, dust -- and this is important --
4 nor projections of volume nor hours of traffic
5 because the Act does not require a traffic plan, but
6 rather a showing that the traffic patterns to and
7 from the facility are designed to minimize the
8 impact on existing traffic flows. And then down
9 further --

10 HEARING OFFICER LUETKEHANS: Mr. Helsten,
11 again, we're not there yet.

12 MR. HELSTEN: I just want to set forth the
13 basis for the record of my objection.

14 HEARING OFFICER LUETKEHANS: Okay. And I
15 am aware of it, I have it in front of me and if he
16 we get to that point, I will let both of you argue
17 the statement. But right now I think we're just at
18 a different question.

19 MR. BLAZER: We are, but I do want to make
20 a point, Mr. Hearing Officer.

21 You may recall we got into this
22 dispute about this Fox Moraine case yesterday about
23 the issue of needs.

24 HEARING OFFICER LUETKEHANS: If I let you
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1 make your point here, Mr. Helsten gets to finish
2 his. As far as I am concerned we're not there yet.
3 If we get there and have to rule, I will let you
4 both argue.

5 MR. BLAZER: My only concern is despite my
6 concern, Mr. Porter went ahead and handed out copies
7 of an appellate decision to the board members who
8 are understandably visibly reading this. I think
9 it's completely improper at this point.

10 HEARING OFFICER LUETKEHANS: Let's move
11 on. They have counsel, and Mr. Karlovics is very
12 able to tell them what the proper state of the law,
13 is if it becomes an issue.

14 MR. BLAZER: You're correct.

15 HEARING OFFICER LUETKEHANS: Do you
16 remember the question, Mr. Blazer?

17 MR. BLAZER: I haven't the slightest clue
18 at this point.

19 HEARING OFFICER LUETKEHANS: I am not sure
20 it's fair to our court reporter, so.

21 MR. BLAZER: Let me try it again.

22 HEARING OFFICER LUETKEHANS: Please.

23 BY MR. BLAZER:

24 Q. Let me back up a little bit,

1 Mr. Werthmann, just so we could recapture where we
2 were before Mr. Helsten's speech.

3 The section in your report that I
4 referred you to says that Groot Industries has
5 indicated that the proposed transfer station will
6 primarily serve Lake County, correct?

7 A. Correct.

8 Q. And you had indicated, and I apologize, I
9 know it's asked and answered. But just so we could
10 get back to where we were, you had indicated that
11 you got that information from Christine Seibert,
12 correct?

13 A. Correct.

14 Q. And my follow-up question then was, did
15 Ms. Seibert tell you what other areas other than
16 Lake County this transfer station will serve.

17 MR. HELSTEN: Objection, beyond the scope
18 of the Criterion as set forth in the Fox Moraine
19 case.

20 HEARING OFFICER LUETKEHANS: I think
21 this -- I am going to overrule the objection. I
22 think this goes to somewhat Ms. Seibert's testimony,
23 et cetera, and the statements made therein more than
24 it does to Mr. Werthmann. I think it's relevant to

1 that since they are a part of the same group.

2 So you may answer, Mr. Werthmann.

3 BY MR. BLAZER:

4 Q. Do you understand the question,
5 Mr. Werthmann?

6 A. Will you repeat it?

7 Q. I think the question, did she tell you
8 which areas outside of Lake County were going to be
9 served is the question?

10 A. As I understand this facility and as we
11 discussed on Monday -- or I didn't discuss it, I
12 heard, it's going to be open for a number of years
13 and that the service area is going to fluctuate over
14 a 20-, 25-year period; that the intention is to
15 primarily serve Lake County, however, it may serve
16 some portions of adjacent counties too. But the
17 primary is Lake County.

18 Q. And you got all of this from Christine
19 Seibert?

20 A. I had discussions, yes.

21 Q. I believe you said in your presentation,
22 correct me if I am wrong, that all of the waste from
23 this facility will be transported via transfer
24 trailers to a distant landfill; is that correct?

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1 A. Correct.

2 Q. And by distant, do you mean some landfill
3 outside of Lake County?

4 A. Correct.

5 MR. HELSTEN: Objection again as to
6 relevance. This is beyond the scope of the
7 Criterion. The criterion as set forth by the court
8 in Fox Moraine requires only that the applicant take
9 such steps as are necessary to minimize impacts on
10 traffic patterns at the facility.

11 HEARING OFFICER LUETKEHANS: Objection
12 overruled at this point.

13 BY MR. BLAZER:

14 Q. I am having a senior moment again. I
15 believe I asked you, correct me if I'm wrong,
16 Mr. Hearing Officer, that this would be a landfill
17 outside of Lake County; is that correct?

18 A. It's my understanding outside of Lake
19 County.

20 Q. What is the basis of your understanding?

21 A. Discussions with the team and with Groot.

22 Q. Which members of the team advised you that
23 the waste from this facility will go to landfills
24 outside of the Lake County?

1 MR. HELSTEN: Same objection and objection
2 as to relevance.

3 HEARING OFFICER LUETKEHANS: Objection is
4 overruled, given the fact that the report from
5 Mr. Werthmann specifically talks about that the
6 outbound waste is anticipated to be transferred from
7 the transfer station to the Winnebago landfill
8 located in Winnebago County, Illinois. He kind of
9 put this as part of his report, I think it is
10 allowable for Mr. Blazer to at least inquire into
11 that type of statement that's in the report. I
12 don't think we're at the Fox Moraine issue yet. I
13 am sure sometime in the next few days we will be. I
14 don't think we're there yet.

15 BY MR. BLAZER:

16 Q. I assume just like me you probably lost
17 that question?

18 A. No. Mr. Blazer and I have been working on
19 this project for five years. I am not sure who told
20 me that. It came from the development team, it came
21 from the team, so.

22 Q. But somebody either from Shaw or from
23 Groot told you that all of the waste from this
24 facility will be transported outside of Lake County,

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1 correct?

2 A. That's my understanding.

3 Q. And the hearing officer anticipated my
4 next question, since it's probably obvious, page
5 6-10 of your report, last paragraph, second to the
6 last sentence. Are you there, Mr. Helsten?

7 MR. HELSTEN: Yes, Mr. Blazer.

8 BY MR. BLAZER:

9 Q. And you wrote in your report,
10 Mr. Werthmann, the outbound waste is anticipated to
11 be transported from the transfer station to the
12 Winnebago landfill located in Winnebago County,
13 Illinois, did I read that correctly?

14 A. I believe you did.

15 Q. And who gave you that information?

16 A. I, once again, I got it from the
17 development team.

18 Q. So either somebody at Shaw or somebody at
19 Groot?

20 MR. HELSTEN: Asked and answered about
21 fifth time.

22 THE WITNESS: It's my understanding --

23 HEARING OFFICER LUETKEHANS: Mr. Werthmann,
24 you have to wait -- when your lawyer objects, please

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1 wait for me to rule before you respond.

2 So that objection will be sustained.

3 I think we have documented a number of times who the
4 development team is. Your question, that has that
5 been asked a few times.

6 MR. BLAZER: All right. Fine.

7 BY MR. BLAZER:

8 Q. You didn't come up with that information
9 on your own, you got from somebody else, right?

10 THE WITNESS: Correct.

11 MR. HELSTEN: Asked and answered.

12 HEARING OFFICER LUETKEHANS: The answer
13 will stand.

14 MR. BLAZER: Could you go to slide 23,
15 please.

16 BY MR. BLAZER:

17 Q. Now, this is your estimated direction of
18 distribution, correct?

19 A. Correct.

20 Q. And the second set of entries there shows
21 100 percent of the transfer trailer traffic from the
22 transfer station going to and from the west on Route
23 120; is that correct?

24 A. Correct.

1 Q. And who gave that you information?

2 A. The development team.

3 Q. So the transfer trailers will go from the
4 transfer station to the Winnebago landfill; is that
5 correct?

6 A. Initially that's their intention, but who
7 knows after 20 years, 30 years.

8 Q. At least as of today or as of the time
9 this facility opens, that's the intention as you
10 understand it, correct?

11 A. As I understand it.

12 Q. That's the information that you have been
13 provided by the development team; is that correct?

14 A. It's my understanding of it.

15 Q. And then the transfer trailers will come
16 back from the Winnebago landfill to the transfer
17 station; is that correct?

18 A. Correct.

19 Q. And all of the collection trucks and
20 transfer trailers will utilize the arterial roadway
21 system when traveling to and from the transfer
22 station, correct?

23 A. Yes.

24 MR. BLAZER: I might as well as warn him

1 now, now we're getting to the Fox Moraine issue.

2 BY MR. BLAZER:

3 Q. Which arterial roadways will be used by
4 transfer trailers to and from the west Route 120?

5 MR. HELSTEN: I guess Mr. Blazer's
6 conceded that Fox Moraine is applicable --

7 MR. BLAZER: I haven't conceded that. I
8 give him the opportunity to object at the right
9 time.

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

11 Objection based on my prior
12 objection. This is not required under Criterion 6,
13 it's not relevant. It's beyond the scope of what's
14 required under Criterion 6 as set forth by the Fox
15 Moraine court.

16 HEARING OFFICER LUETKEHANS: Mr. Blazer?

17 MR. BLAZER: Criterion 6 specifically
18 requires a demonstration by the Applicant that they
19 minimize the traffic impacts on the existing roadway
20 system to and from the facility. I am not asking
21 him for a specific traffic plan, which is what the
22 Fox Moraine court was talking about. He has
23 identified the routes to and from this facility,
24 which is the first part of complying with

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1 Criterion 6. I am asking him for the second part.
2 How are they going to get to and from this facility.
3 Those are the words of the statute. Fox Moraine
4 didn't address that. Fox Moraine addressed whether
5 or not a specific traffic plan needs to be
6 developed. I haven't asked him that question.

7 HEARING OFFICER LUETKEHANS: Can you read
8 back the question.

9 (Record was read back.)

10 THE WITNESS: The specific route I do not
11 know, but there's a number of routes they could take
12 that are Class II truck routes that they can use to
13 get out to Winnebago, if that's where they're going
14 go to.

15 BY MR. BLAZER:

16 Q. Could you describe those routes for us?

17 MR. HELSTEN: Same objection.

18 HEARING OFFICER LUETKEHANS: To the
19 extent you recall?

20 MR. BLAZER: I could tell you Class II
21 truck routes in the area.

22 BY MR. BLAZER:

23 Q. Please.

24 A. Illinois 59, Illinois 176, Illinois 13 --

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1 Illinois 31, excuse me, Illinois 47. There's a
2 number of different routes that can be taken to get
3 out to Winnebago.

4 Q. But as you, as we're here today, you have
5 no idea which of those routes the transfer trailers
6 from this facility might use to go out to the
7 Winnebago landfill and then come back to the
8 Winnebago landfill; is that correct?

9 MR. HELSTEN: Same objection.

10 HEARING OFFICER LUETKEHANS: Objection,
11 overruled.

12 You may answer.

13 THE WITNESS: The exact route I do not
14 know at this time.

15 BY MR. BLAZER:

16 Q. Did you consult with the Lake County DOT
17 regarding your traffic report?

18 A. What do you mean by my traffic report?

19 Q. Your analysis, what we have been talking
20 about today?

21 A. I consulted them regarding some of the
22 improvements in the area and some of the information
23 I got.

24 Q. Well, did you give anyone at the DOT your

1 traffic report?

2 A. I didn't give anybody my report.

3 Q. Did anyone else on the development team,
4 if you know, give the DOT your traffic report?

5 A. I do not know.

6 Q. Did you consult with the Lake County DOT
7 regarding the planned traffic generation and roadway
8 usage from this facility?

9 A. I did not.

10 Q. Did you consult with the Lake County DOT
11 regarding the work you are proposing to do on the
12 roadways as part of your improvement program with
13 this facility?

14 A. I did not.

15 Q. Did anyone else from the development team,
16 to your knowledge?

17 A. I do not know if they have or have not.

18 Q. You also did the traffic study for the
19 siting hearing for the expansion of the Winnebago
20 landfill last year, correct?

21 A. Correct.

22 Q. And on that project, you did consult with
23 the Winnebago County Highway Department; is that
24 correct?

1 MR. HELSTEN: Objection as to relevance.

2 HEARING OFFICER LUETKEHANS: What is the
3 relevance?

4 MR. BLAZER: It leads to the basis of his
5 opinion.

6 HEARING OFFICER LUETKEHANS: Very quickly.

7 MR. BLAZER: Two more questions.

8 BY MR. BLAZER:

9 Q. You did consult with the Winnebago County
10 Highway Department in that matter; is that correct?

11 A. Yeah, to get information like I did with
12 Lake County Division of Transportation.

13 Q. And your traffic study, your traffic study
14 for the Winnebago landfill was reviewed and approved
15 by the Winnebago County Highway Department, was it
16 not?

17 MR. HELSTEN: Objection, relevance.

18 HEARING OFFICER LUETKEHANS: Objection
19 overruled.

20 BY MR. BLAZER:

21 Q. Is that correct?

22 A. I don't know if it was reviewed and
23 approved. I think they sent a letter regarding the
24 approval of the improvements that they were

1 participating with at the main intersection.

2 MR. BLAZER: Mr. Hearing Officer, this
3 would be our TCH Exhibit 36B.

4 BY MR. BLAZER:

5 Q. And could you turn to -- first of all, for
6 the record, this is the transcript of
7 Mr. Werthmann's testimony before regarding the
8 Winnebago landfill siting proceeding dated April 23,
9 2012.

10 And Mr. Werthmann, could you turn to
11 page 106. And you do recognize your testimony here,
12 right?

13 A. I am just looking at it now. What do you
14 want me to look at?

15 Q. First of all, start at the beginning on
16 page 89?

17 MR. HELSTEN: Object to the relevance of
18 this.

19 MR. SECHEN: I object to the form of the
20 procedure, and at best, at best, and we're not doing
21 it incorrectly, if it is impeaching, it's impeaching
22 on a collateral matter. And I don't think it's even
23 that.

24 MR. BLAZER: I am not impeaching him, I am
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1 about to refresh his recollection since he says he
2 doesn't remember. I will to that in a moment.

3 MR. HELSTEN: Again, I object to the
4 relevance whether he remembers or not.

5 HEARING OFFICER LUETKEHANS: Let's get to
6 the question before we go there. I think I am being
7 asked to rule on something that's not yet.

8 THE WITNESS: Yes, it appears to be my
9 testimony.

10 BY MR. BLAZER:

11 Q. All right. Now, if you could turn to page
12 104 at the bottom this starts on line 22 and then
13 runs over to page 105 all the way to line 10.

14 I will read this for the record. The
15 traffic study has been reviewed by the Winnebago
16 County Highway Department and they have concluded in
17 a letter of January 13, 2012. I, we, agree with the
18 traffic projections, its directional distribution
19 and its conclusion of impact on the existing
20 roadway. And two, more importantly, we approve the
21 study and accept its recommendations.

22 Does that refresh your recollection,
23 Mr. Werthmann, that the Winnebago County Highway
24 Department did, in fact, review and approve your

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1 traffic study in that matter?

2 MR. HELSTEN: Objection as to what the
3 Winnebago County Highway Department did and the
4 basis for what they did.

5 HEARING OFFICER LUETKEHANS: I am
6 struggling to understand the relevance.

7 MR. BLAZER: The next question will get us
8 there, Mr. Hearing Officer.

9 HEARING OFFICER LUETKEHANS: Ask the next
10 question then.

11 MR. BLAZER: All right.

12 BY MR. BLAZER:

13 Q. If you keep going -- actually, go back to
14 page 105, starting at line 6. You will see there's
15 a lengthy statement by you there. In conclusion,
16 it's the opinion dash my opinion of the traffic
17 patterns to and from. Do you see that?

18 A. Um-hum.

19 Q. Is that a yes?

20 A. Yes.

21 Q. Here you were giving the bases for your
22 opinion, correct?

23 A. Correct.

24 Q. Now, could you go to page 106, lines 18 to
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1 20.

2 Am I correct, Mr. Werthmann, that the
3 fact that your traffic study had been reviewed and
4 approved by the Winnebago County Highway Department
5 was one of the bases for your Criterion 6 opinion in
6 the Winnebago matter?

7 MR. HELSTEN: Objection as to relevance.
8 It's a different system, different facility,
9 different traffic patterns in and out of the
10 facility. I think the Fox Moraine case says traffic
11 patterns, those are done squarely provides traffic
12 patterns for those in and out of the facility, the
13 facility entrance and exit.

14 MR. BLAZER: I am not talking about
15 traffic patterns.

16 HEARING OFFICER LUETKEHANS: What is the
17 purpose of this line of examination?

18 MR. BLAZER: I can explain that.

19 HEARING OFFICER LUETKEHANS: Please.

20 MR. BLAZER: Mr. Werthmann testified just
21 last year that one of the bases for his opinion on
22 his minimization of traffic impacts was the fact
23 that he had consulted with and received approval
24 from the County Highway Department of Winnebago

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1 County. What we have heard today is that he has
2 neither consulted with nor received the approval
3 from the Lake County Highway Department that impacts
4 the validity of his opinion.

5 HEARING OFFICER LUETKEHANS: I am really,
6 really struggling with understanding how that
7 impacts his opinion. I am going to let the question
8 stand and you read the statement in, but I am going
9 to take it for what it -- I am going to give it the
10 value I think it's worth, as I think the Board will,
11 which is at this point very minimal. It's kind of
12 like, you know, you did something once and you
13 didn't do it the next time, unless -- it doesn't
14 have a lot of weight. But I will let it go because
15 I will let you complete your record.

16 MR. BLAZER: Actually, Mr. Hearing
17 Officer, you just did. He did it once and he didn't
18 do it the next time, and that's the only point.

19 That's all I have for this witness.
20 The only thing I would like to suggest since there
21 is some intense review going on in the Fox Moraine
22 decision, I obviously don't have copies of it today,
23 but since Mr. Helsten handed out a redacted version
24 of just the portions he wants the Village Board to

1 see, I would ask the permission to provide the
2 entire decision.

3 HEARING OFFICER LUETKEHANS: I would
4 actually ask you to provide me the entire decision.

5 MR. BLAZER: I can e-mail it to you in a
6 few seconds.

7 HEARING OFFICER LUETKEHANS: That's fine.
8 My guess is, let me understand if I'm wrong, I am
9 not trying to tell you how to try your case,
10 Mr. Blazer. I assuming when you bring Mr. Coulter
11 in we are going to have a further discussion of this
12 issue most likely?

13 MR. BLAZER: I don't know, possibly.

14 MR. PORTER: It would be undisclosed
15 discussions since it's not in his report.

16 MR. HELSTEN: Mr. Hearing Officer, I have
17 my copy, which I will gladly give you of the
18 complete opinion of Fox Moraine.

19 HEARING OFFICER LUETKEHANS: We're going
20 to get take a break for a second so the court
21 reporter can get a break. And we will go from there
22 in how we're proceeding.

23 At this time we will take a
24 five-minute break so the court reporter can take a

1 rest and have a bathroom break. And then we will
2 start with Mr. Grossmark.

3 MR. GROSSMARK: Could I pass the witness
4 to Mr. Clark?

5 HEARING OFFICER LUETKEHANS: Yes. We will
6 recess the hearing for five minutes.

7 (A short recess was taken.).

8 HEARING OFFICER LUETKEHANS: It looks like
9 everybody is back.

10 Ready, Mr. Clark? Proceed,
11 Mr. Clark.

12 CROSS EXAMINATION

13 BY MR. CLARK:

14 Q. Thank you. Good afternoon, Mr. Werthmann.

15 A. Good afternoon.

16 Q. One of your recommendations is that no
17 truck traffic be allowed to turn left at the
18 intersection of Porter. You have made a
19 recommendation that no truck traffic should turn
20 left or eastbound at the intersection of Porter and
21 Route 120, correct?

22 A. From 7:00 to 9:00 and 3:00 to 5:00.

23 Q. And why did you pick those hours in
24 particular?

1 A. As I indicated in my testimony, those are
2 the highest -- that's when the roadway experiences
3 its highest volume of traffic on the roadways where
4 the number of gaps in the roadway system are
5 reduced, also due to the eastbound back up of
6 traffic in the morning.

7 Q. Doesn't that create an enforcement problem
8 for Groot owners?

9 A. It is something, as I indicated, that they
10 will educate, train, instruct their drivers to do.

11 As I indicated, a similar restriction
12 is currently being enforced at the Groot North
13 facility, and that the truck traffic is to travel
14 south at the Groot North facility and access the
15 roadway system via Illinois 120.

16 Q. If you direct the exiting traffic between
17 the hours of 7:00 to 9:00 and 3:00 to 5:00 to the
18 west, where does that traffic have to go in order to
19 then get back east?

20 A. Well, first of all, it's really only the
21 collection trucks. Second of all, it's a very low
22 volume of collection trucks, particularly during the
23 evening peak hour. As I indicated, there's several
24 routes they can use. Once you go west on 120, you

1 can go south on Cedar Lake Road to 60, and 60
2 provides a number of different routes that you can
3 take to get back to the east. Or they can go a
4 little further west on Illinois 120 to take
5 Fairfield Road up to the north and there's a number
6 of arterial roadways that they can take to come back
7 across.

8 Q. Did you look at where the hauling routes
9 are in order to determine if that traffic is going
10 to go north or south from the intersection of Cedar
11 Lake and 120?

12 A. We looked at some of it and we didn't look
13 at it -- but talking to Groot, they indicated that
14 they could also work with the routing to minimize
15 the impact on that.

16 Q. To facilitate their drivers, correct?

17 A. Correct.

18 Q. How about third party companies that are
19 bringing waste in?

20 A. That will be through their contractual
21 agreements, the contractual agreements with them.
22 You heard what Mr. Moose said about the type of
23 waste they could bring in. This will just be one of
24 the other requirements in order to use this

1 facility.

2 Q. But again, we have an enforcement,
3 potential enforcement problem here, correct?

4 A. It's something that Groot will deal with
5 internally. They have the ways of making sure that
6 their drivers, third party drivers will follow the
7 rules and regulations.

8 Q. The proposed Groot facility has a berm and
9 tree, a berm, a fence and trees and bushes and
10 shrubs on the south and west sides of the facility,
11 correct?

12 A. As I understand it.

13 Q. And as you understand it, could someone
14 stand on the ground outside the -- on the west side
15 of the proposed facility and see the intersection?

16 A. The intersection of Illinois 120?

17 Q. Yes.

18 A. I am not sure.

19 Q. They would have to in order to enforce the
20 no left turn, correct? They would have to be able
21 to see the intersection, correct?

22 A. No, not necessarily. I mean, they could
23 be out driving about. More importantly, their
24 drivers typically listen to the instructions that

1 they are given.

2 Q. Would another alternative to be just
3 restrict all left turn traffic at 120 regardless of
4 the time, time of day?

5 A. No, I don't believe that's necessary at
6 all.

7 Q. I didn't ask you if it was necessary, is
8 that another potential remedy to the enforcement
9 issue?

10 A. No, I don't --

11 Q. That wouldn't resolve the no left turn?

12 A. I lost you on that. I am sorry.

13 Q. Let me rephrase that.

14 If you barred all truck traffic from
15 turning left, you could do that with a restricted
16 intersection, couldn't you?

17 A. All Groot traffic?

18 Q. All traffic?

19 A. From the transfer station?

20 Q. All traffic from Porter Road?

21 A. That is not our decision. There's other
22 traffic that's using that, there's other people that
23 are using it. If that's a desire of the Village,
24 they could implement that. We have no control of

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1 over that.

2 Q. Now, when you said you did the study at
3 750 tons per day because that's the projected
4 average received, correct?

5 A. Our study was actually done at 900 tons.

6 Q. Okay. Anticipating an increase from 750
7 average daily, correct?

8 A. Yeah, variation.

9 Q. To give yourself a buffer?

10 A. To provide a conservative analysis.

11 Q. Are you aware that the facility actually
12 proposes to accept up to 900 tons per day?

13 A. Can you repeat the question?

14 Q. Are you aware that there was testimony
15 previously that the facility expects to upon
16 occasion receive 900 tons per day?

17 A. That's in the Application, yes.

18 Q. Did you account for any pushing over the
19 900 tons per day?

20 A. I think the 900, that was in the
21 Application, the Application says 750, upwards of
22 900 giving a daily variation that we're talking
23 about.

24 MR. GROSSMARK: I would like to make an

1 objection as to what the Application says. I think
2 it speaks for itself. We're not so sure that his
3 testimony is accurate.

4 HEARING OFFICER LUETKEHANS: Well, the
5 objection is overruled. It's cross examination and
6 Mr. Clark brought it out. So the witness has to
7 have the opportunity to answer the question.

8 BY MR. CLARK:

9 Q. You also discussed the fact that because
10 the trucks are parked overnight at a facility across
11 the road from the proposed transfer station that
12 that will reduce the number of trips in and out,
13 correct?

14 A. Not correct.

15 Q. However each collection vehicle will still
16 make two trips out from Porter and 120 and two trips
17 in every day, correct?

18 A. Not necessarily two. Not every collection
19 truck is doing two routes. The point is they're
20 already making -- they're already exiting in the
21 morning and they're already coming back in the
22 evening. They're just going to stop at the transfer
23 station and dispose of their waste as opposed to
24 disposing it at one of the local landfills.

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1 Q. By saying that you're giving yourself
2 credit for the fact that there's a storage of
3 collection vehicles on or near the site?

4 A. The proximity of it and the fact that it's
5 an existing facility already generating traffic,
6 yes.

7 But the bigger point that we're
8 missing here is the fact that they don't have to
9 leave, they don't have to leave and go back on the
10 arterial roadway system when they're done in the
11 evening, they just go straight to the Groot North
12 facility.

13 Q. But if a -- let's use as an example,
14 because it's probably the principle case, most
15 collection vehicles, packer trucks, make two trips a
16 day, correct?

17 A. Not all of the time. And but even if they
18 do make two, it's half the trip, so.

19 Q. If you give yourself credit for the fact
20 that it's already impacted the traffic there,
21 correct?

22 A. Criterion 6 says we need to minimize the
23 impact on the existing traffic flow. The Groot
24 North facility is already here, it's going to stay

1 here, the traffic is already on the roadway system.

2 Q. Did you do a study of the traffic at the
3 peak transfer station times of day?

4 A. Did we evaluate the time period?

5 Q. Well, let's start with that. What is a
6 peak traffic, anticipated peak traffic time of waste
7 coming into the facility?

8 A. Right around 10:00 to 11:00, 11:00 to
9 12:00.

10 Q. Did you then do a study to compare the
11 peak transfer traffic with the traffic recurring on
12 the existing roadways?

13 A. I gave you a formal analysis, but I did do
14 a back of the envelope evaluation. And the fact
15 that the traffic volumes on Illinois 120 are about
16 40 percent less at that hour than they are during
17 the peak hours. So the two hours that we looked at
18 capture the critical volume of traffic on the
19 roadway system.

20 Q. But it's fair to say that that's an
21 important thing to look at, isn't it, peak transfer
22 station traffic as compared to the roadway traffic?

23 A. No, I disagree wholeheartedly. What we do
24 is we look at the highest volume of traffic on the

1 roadway system. The combination of the peak period
2 on the existing roadways with that that's generated
3 by the transfer station is a far worse condition
4 than what you get at 10:00 and 11:00 o'clock when
5 the transfer station is leaving. The difference is
6 five or ten vehicles from the transfer station, the
7 difference on the roadway system is 500.

8 Q. I understand that. But you still have to
9 make that analysis that there's five to ten transfer
10 vehicles and 500 vehicles on the roadway, correct?

11 A. Yeah, we did that analysis.

12 Q. That's not in the report, you did that
13 independently?

14 A. No, it's on page 680.

15 Q. You did a gap study as well; is that
16 correct?

17 A. Correct.

18 Q. And how did you determine the gaps that
19 were available?

20 A. Someone sits out at the intersection with
21 a count board and they actually determine the gaps
22 in the roadway system, actually sit there and
23 monitor them.

24 Q. And does IDOT have a specific times for

1 acceptance gaps?

2 A. IDOT and -- yes, the Institution of
3 Transportation Engineers.

4 Q. What is the accepted gap for tractor
5 trailers?

6 A. Transfer trailers, it is --

7 Q. Can I suggest to you that it's 11 and a
8 half, does that sound correct?

9 A. I was going to say 11 and 12 seconds.

10 Q. And the gaps that you identified didn't
11 correspond with the 11 and a half seconds, did it?

12 A. It gives you ranges we're providing.

13 Q. Have you looked at any individual
14 movements at the different intersections in your
15 traffic analysis?

16 A. Can you clarify?

17 Q. Certainly.

18 For instance, at the Hainesville
19 Road/Route 120 intersection, did you look at the
20 effect that the transfer station traffic would have
21 on left turn, eastbound left turn traffic, traffic
22 heading north on Hainesville Road?

23 A. It's all part the analysis, yes.

24 Q. So did you look at that?

1 A. Yeah. In fact, I used the capacity
2 analysis that we conduct.

3 Q. Did you have any conclusions as a result
4 of that for specific movements?

5 A. What particular movement?

6 Q. Eastbound to northbound on Hainesville?

7 A. Yeah, our opinion is that we are going to
8 have a limited impact on that movement, due to the
9 fact that we're only talking about 10 percent of our
10 collection trucks, maybe one vehicle an hour, if
11 that, one or two vehicles.

12 Q. Where do the transfer trailers for
13 landscape waste and recyclables, where will those
14 go?

15 A. To the landscape is a good question. I
16 understand it is also going to go out west.

17 Q. West Lake County you mean?

18 A. Yes.

19 Q. Did you look at any of the intersections,
20 for instance, the Cedar Lake Road and Route 60
21 intersection, did you look at the traffic impact on
22 those intersections?

23 A. I did not.

24 Q. In essence, you're directing the traffic

1 there at least in the heavy times, correct?

2 A. We didn't look at that intersection,
3 that's a high powered intersection, recently
4 improved several years ago with dual left turn lanes
5 southbound on Cedar Lake, a free flow right turn
6 lane. And the volume of traffic that we're adding
7 there is very nominal, I think it's a half percent
8 increase in traffic. That's a daily fluctuation as
9 you get in traffic. The impact on that is minimal.

10 Q. So did you look at it or you didn't?

11 A. I didn't specifically do a count and
12 evaluate it, but I did evaluate it on my own and,
13 you know, it was my professional opinion that given
14 the design of that intersection, given the volume of
15 traffic that we're going to generate for that
16 intersection, the impact is minimal on that
17 intersection.

18 Q. Would that be deemed a critical
19 intersection?

20 A. I wouldn't deem it a critical
21 intersection.

22 Q. How about Allegheny and Route 120?

23 A. No.

24 Q. Almost 50 percent of the waste is

1 projected to come through that intersection,
2 correct?

3 A. Correct.

4 Q. And yet, you don't deem that a critical
5 intersection?

6 A. No. For the fact that we're talking
7 about, you know, five or six vehicles in an hour,
8 that's assuming the conservative analysis of
9 900 tons and taking no reduction, five or six
10 vehicles through an intersection of two arterial
11 roadways is a very minor increase in traffic, and we
12 didn't consider that critical.

13 MR. HELSTEN: Excuse me, Mr. Clark. Could
14 we have your definition of critical so that
15 Mr. Werthmann is on the same page as are you and
16 we're not talking about apples and oranges?

17 MR. CLARK: I don't have a definition of
18 critical. Apparently Mr. Werthmann does because he
19 answered the question.

20 HEARING OFFICER LUETKEHANS: Why don't you
21 ask him, if you would, because sooner or later I am
22 going to ask him that question. That was one of
23 mine. Let's get it now and you can follow up.

24 BY MR. CLARK:

1 Q. How do you define an intersection as being
2 critical?

3 A. Well, it is a manual produced by the
4 Institution of Transportation Engineers regarding
5 traffic impact study site development, and they
6 provide some criteria in there for a study impact
7 because you do too big of study area, it's just not
8 appropriate -- let me find the page for you.

9 So for a study area, it says, all
10 site access drive, adjacent roadways and adjacent
11 major intersection plus the first signalized
12 intersection in each direction from the site up to a
13 distance determined locally. And they say in here
14 that's usually about a mile. So we're looking at,
15 you know, the first intersection to the west which
16 is Cedar Lake Road, we're also looking at the first
17 two intersections to the east, Illinois 134 and
18 Hainesville Road, the purpose is, as the traffic
19 leaves the transfer station, it keeps on being
20 distributed. As we get to Porter, as we get to 120,
21 we got 50 percent is going to the east, 50 percent
22 is going to the west. As you get to 34, some of
23 that traffic is going up 134. As you get to
24 Hainesville Road, some of the traffic is going up to
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1 Hainesville. So it keeps on distributing the
2 traffic -- dispersing the traffic, so its impact
3 keeps on getting reduced the further out you go.

4 Q. So because 60 percent of the traffic goes
5 through the Hainesville intersection and only
6 45 percent goes east of the Hainesville
7 intersection, that's why you have determined that's
8 not a critical --

9 A. No, we typically look at the first
10 signalized intersection on each side.

11 Q. Well, you considered the intersections of
12 Curran Road, Wild Spring Road and Cedar Lake Road,
13 correct?

14 A. Correct.

15 Q. And all of those carry a lot less traffic
16 than is proposed to go through the Allegheny/120
17 intersection, correct?

18 A. Because they were between our site and the
19 first signalized intersection, that's why we
20 included them.

21 Q. You reviewed the accident data, did you
22 not?

23 A. Yes, I did.

24 Q. And what's the most critical factor in

1 evaluating accident data, would it be injuries,
2 injury accidents?

3 A. Injury fatality type of accidents, there's
4 a number of criteria.

5 Q. And did you do an analysis of the traffic,
6 of the accidents in the area?

7 A. We took a look at it, yes.

8 Q. Did you come to any conclusions that
9 include that in your Application?

10 A. The analysis in the Application, our
11 review of it didn't indicate that there was any
12 specific problem at any location. More importantly,
13 at the critical intersection of Porter and 120, it's
14 experiencing a very low incident of accidents at
15 that location.

16 Q. On Hainesville Road north of 120 though
17 there have been a number of injury related
18 accidents, have there not?

19 A. As there has been on many of the roads in
20 the area.

21 Q. You didn't specifically look at that
22 accident data and draw any conclusions from it?

23 A. I didn't see anything in particular.

24 Q. Finally, Mr. Werthmann, you indicated that

1 all inbound waste would be accepted between 4:00 and
2 5:00 p.m.; is that correct?

3 A. Typically it will be accepted up until
4 5:00 p.m.

5 Q. And we're looking at regular collection
6 vehicles and packer trucks and roll-out trucks?

7 A. Correct.

8 Q. For the most part?

9 A. For the most part.

10 Q. Does the facility anticipate accepting
11 waste from private individuals?

12 A. You know, I can't recall at this time. I
13 apologize.

14 Q. So you don't know if the applicant would
15 restrict all inbound to 5:00 p.m. or earlier in the
16 day, do you?

17 A. It's not their intention to restrict until
18 5:00 p.m. We have had a lot of testimony as to the
19 24-hour operation, they want the flexibility on
20 holidays and storms and so forth to be able to
21 accept for longer time periods.

22 Q. Your analysis was based on the fact that
23 inbound waste would only be accepted until
24 5:00 p.m., correct?

1 A. Correct.

2 MR. CLARK: That's all I have, Mr. Hearing
3 Officer.

4 HEARING OFFICER LUETKEHANS: Mr.
5 Grossmark?

6 MR. GROSSMARK: Can I have two minutes?

7 HEARING OFFICER LUETKEHANS: Absolutely.
8 Take your time.

9 Proceed when you're ready, Mr.
10 Grossmark.

11 CROSS EXAMINATION

12 BY MR. GROSSMARK:

13 Q. Good morning, my name is Steve Grossman?

14 A. Good afternoon.

15 HEARING OFFICER LUETKEHANS: Steve, you're
16 going to have to be a little louder.

17 BY MR. GROSSMARK:

18 Q. Do you recall where in the Application it
19 says that there is a certain amount of municipal
20 waste that the site will accept on a daily basis?

21 A. Quality of waste accepted -- quantity 2.4,
22 2.41.

23 Q. I am sorry. Where is it?

24 HEARING OFFICER LUETKEHANS: Page 2.4-1,
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1 Mr. Grossmark, third heading.

2 BY MR. GROSSMARK:

3 Q. It says that they anticipate that that
4 would be the amount of waste taken each day,
5 correct?

6 A. Yes, anticipated.

7 Q. In answering that question you got an
8 assist from Mr. Moose, correct?

9 A. He just pointed to "anticipate."

10 Q. You don't know that Groot is asking for
11 authority to accept that much waste and have that as
12 an upper limit, correct?

13 MR. HELSTEN: I could you hear the
14 question.

15 BY MR. GROSSMARK:

16 Q. It's your understanding that Groot is not
17 asking for that as an upper limit and the amount
18 that would be accepted on any particular day; is
19 that correct?

20 A. My understanding, no, it's not an upper
21 limit.

22 Q. Thank you.

23 MR. GROSSMARK: Could we get one of the
24 slides that shows the streets of the information

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1 about traffic.

2 BY MR. GROSSMARK:

3 Q. Am I correct in thinking that you studied
4 a particular area going from Cedar Lake Road to 120
5 to Hainesville Road and 120, and then also going
6 from Porter Drive and 134 to 120 and 134, correct?

7 A. Can I just state it, because I didn't hear
8 everything you said?

9 Q. Let me repeat the question.

10 Your study involved a certain area
11 that included Cedar Lake Road at 120 and then to
12 Hainesville Road and 120, but also Porter Drive and
13 134 and then also 134 and 120, correct?

14 A. Correct.

15 MR. GROSSMARK: Can we look at slide 25.

16 BY MR. GROSSMARK:

17 Q. Can you tell me how many trucks will be
18 entering and leaving and on what intervals, assuming
19 the site accepts 750 tons in one day?

20 A. How many trucks will enter and leave?

21 Q. What would be the interval, how frequently
22 will a truck enter and leave the site?

23 A. It depends on the time of the day. But
24 the trucks will be distributed over a 12- to 13-hour

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1 day so they're going to be spread out throughout the
2 day. You're looking on average maybe one truck
3 every four to five minutes.

4 Q. If you assume the information in this
5 chart, if you assume 750 of tons of waste per day,
6 does this chart say that there will be 163 trucks
7 coming in and 163 trucks or vehicles, I should say,
8 going out?

9 A. This says over an entire day we're looking
10 at 163 trucks in and 163 trucks out, however, I
11 would indicate --

12 Q. I think you answered my question. That
13 was my question.

14 A. Okay.

15 Q. So that means that there are 326 trucks
16 coming in and going out each day?

17 A. Yes. Over an entire day we will have 326
18 total trips coming in and out of the facilities over
19 a 16-hour day. This is much --

20 Q. I think you have answered the question.
21 Thank you.

22 A. Okay.

23 MR. HELSTEN: Can he answer the question
24 fully and to the best of his knowledge rather than

1 being cut off? Mr. Werthmann is trying to give him
2 a full and complete answer, Mr. Hearing Officer.

3 HEARING OFFICER LUETKEHANS: I will let
4 Mr. Werthmann finish the answer, and if
5 Mr. Grossmark thinks it's inappropriate, he could
6 move to strike.

7 If you wish to complete your answer,
8 Mr. Werthmann.

9 THE WITNESS: Yes, we will generate that
10 much traffic, it's over an entire day and is less
11 than a lot of uses that could go on this site by
12 right.

13 BY MR. GROSSMARK:

14 Q. It's my understanding, correct me if I am
15 wrong, but the anticipated time frame for operating
16 in a day really is 24 hours, but it is suggesting
17 that it might be 6:00 a.m. to 8:00 p.m.; is that
18 your understanding, sir?

19 A. No. It is 4:00 a.m. typically. Typically
20 it's 4:00 a.m. to 8:00 p.m. with waste typically
21 coming in at 5:00 p.m., however, if waste comes in
22 past 5:00 p.m., it only helps to minimize the impact
23 because it will distribute that inbound traffic over
24 a longer time period anyways.

1 MR. GROSSMARK: Can I have one minute?

2 THE WITNESS: Just like if it's a
3 24-hour operation --

4 HEARING OFFICER LUETKEHANS: Mr. Werthmann
5 , there's no question pending at this point.

6 BY MR. GROSSMARK:

7 Q. If you assume that, I think you're right,
8 it's 4:00 a.m. to 8:00 p.m. so that's how many
9 hours, 16 hours?

10 A. Yeah.

11 HEARING OFFICER LUETKEHANS: The chair
12 will recognize that's 16 hours.

13 BY MR. GROSSMARK:

14 Q. And then if we have 60 minutes an hour
15 times 16 hours, do you know what that number is,
16 sir?

17 MR. HELSTEN: I couldn't hear the
18 question, Mr. Hearing Officer.

19 HEARING OFFICER LUETKEHANS: The question
20 was 0 minutes times 16 hours, do you know what that
21 is, I think is the math is what he's looking for.

22 THE WITNESS: Are you asking me?

23 MR. GROSSMARK: Yes.

24 THE WITNESS: I don't have a calculator.

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1 BY MR. GROSSMARK:

2 Q. Would you agree --

3 A. 960 minutes.

4 Q. Thank you. If you divided in 326 trips
5 during that time frame, 4:00 a.m. to 8:00 p.m.,
6 could you tell me what that would be as far as the
7 truck entering and leaving the site during that day?

8 A. That is about three minutes.

9 Q. Every three minutes?

10 A. Every three minutes.

11 MR. GROSSMARK: Thank you. I don't have
12 any more questions.

13 HEARING OFFICER LUETKEHANS: Mr. Sechen.

14 CROSS-EXAMINATION

15 BY MR. SECHEN:

16 Q. Mr. Werthmann, you probably noticed this
17 is our open house for traffic engineers?

18 A. Yes.

19 Q. Accordingly, I am going to sit down, if
20 you don't mind, because I have to read numbers off
21 of a print and it's a lot easier off the computer
22 than it is from the hard copy.

23 You have proposed certain traffic
24 improvements for 120, one of which is a right turn

1 lane?

2 A. At Illinois 120 and Porter, correct.

3 Q. Could you tell us though what the process
4 is for getting the approval to put that in with
5 particular distances, who approves that at that
6 location?

7 A. The improvement at Illinois 120 and Porter
8 will have to go through the approval process of the
9 Illinois Department of Transportation as well as the
10 village as they have control over Porter Drive.

11 Q. Could you tell us with respect to
12 determining the length of the right turn lane, how
13 is that determined and how is it approved?

14 A. The state has criteria that we will have
15 to follow in determining the length for the various
16 turn lanes.

17 Q. And there's something called a taper in
18 addition to the turn lane itself?

19 A. Correct.

20 Q. Could you explain to us what a taper is?

21 A. The taper is what introduces you into the
22 right turn lane or left turn lane. You see the
23 taper, you start pulling over in the taper and then
24 the taper drives you in, for lack of a better word,

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1 into that separate turn lane or exclusive turn lane.

2 Q. And that would be subject to the same
3 approval process that you just talked about?

4 A. Correct.

5 Q. Okay. Now, can you just briefly sort of
6 dumb down for us, if you will, and give us the
7 highlights, how are the distances determined? You
8 mentioned a certain criteria that you have?

9 A. It's determined, IDOT typically determines
10 it based on the speed limit of the road and they
11 require a certain deceleration rate as well as a
12 taper, so you have a certain amount of distance to
13 decelerate until you make that turn.

14 Q. Does it taper on the order of
15 approximately 240 feet for that location, does that
16 sound about right?

17 A. That sounds about right.

18 Q. And the right turn lane itself in the
19 ballpark of 215 feet?

20 A. Yeah, give or take, but yeah.

21 Q. Okay. And again, that's subject to the
22 approval of IDOT and the Village?

23 A. Correct. We will work closely with both
24 of them.

1 Q. Now, there's a radius on that corner as
2 well going to make that right turn on to Porter from
3 120?

4 A. Right.

5 Q. 65 feet?

6 A. Yeah. I mean, it's going to be definitely
7 a size that can accommodate the truck traffic that
8 would be turning there sometimes what you do is a
9 compound radius where you have two different size
10 radiuses. So it would be something to that extent.
11 But once again, all of this has to go through the
12 Illinois Department of Transportation and we will
13 have to get their approval.

14 Q. Now, with respect to the southbound
15 Porter, your improvements on Porter southbound would
16 be to add a lane?

17 A. Correct.

18 Q. And how far north will that additional
19 lane go?

20 A. You know, we haven't done any final design
21 on this, we have only looked at it preliminary. We
22 will work with the Village and IDOT, but most likely
23 up to the access drive at a minimum.

24 Q. What about the for the Eco-campus?

1 A. The Eco-campus will use this, but the lane
2 does not need to go all the way up to the
3 Eco-campus.

4 Q. And you're going to have a turn radius
5 going to the -- from southbound Porter to westbound
6 120 as well, right?

7 A. Correct. That will be increased as well
8 to accommodate our turning transfer trailers.

9 Q. With respect to the left turn lane from
10 120 to northbound Porter Drive, you're proposing one
11 of those as well; is that correct?

12 A. Correct.

13 Q. And about the same distance for the
14 acceleration lane or deceleration lane?

15 A. Correct.

16 Q. And what about the taper?

17 A. Taper will have a similar lane.

18 Q. Again, the same governmental approvals
19 that you mentioned?

20 A. Correct.

21 MR. SECHEN: Could you put slide 15 up on
22 the screen.

23 BY MR. SECHEN:

24 Q. Now, you mentioned in your testimony that

1 the first two roll-up points, that being the
2 intersection with Hainesville Road and the
3 intersection 120 traffic signal interconnect, those
4 projects are supposed to receive some sort of
5 approval in October?

6 A. Yes, they have been recommended for the
7 CMAQ funding list, which is Congestion Management
8 and Air Quality program. It's a funding program.
9 Once you get on that list, it's almost 99 percent
10 sure that you're going to get the funding. Both
11 agencies, as I talked to them both the either last
12 week or two weeks ago, are both anticipating a 2015
13 construction season. They want to work in tandem
14 because both of them are going impact the
15 intersection with Hainesville and Illinois 120.

16 Q. Now, speaking of Hainesville and 120,
17 could I call your attention to the questions that
18 counsel asked you on cross regarding Lake County DOT
19 approval of your report?

20 A. Right.

21 Q. What's the closest Lake County DOT
22 roadway?

23 A. The closest one is either Hainesville to
24 the east of Cedar Lake Road to the west.

1 Q. Roughly how far apart or roughly how from
2 the intersection of Porter Drive and 120 is the
3 Hainesville Road and 120 intersection?

4 A. Half a mile, quarter to a mile. I am not
5 sure. But a good distance.

6 Q. A good distance. And the other
7 intersection you mentioned was Cedar Lake Road and
8 120?

9 A. That's probably another half mile, three
10 quarters of a mile.

11 Q. And that's the closest now?

12 A. Yeah, unless I am missing one, but yeah.

13 Q. I don't think you are.

14 A. No.

15 Q. Now, with respect to the left turn
16 restrictions that you propose, do you have any
17 objection to limiting left turn to all traffic on to
18 120 during the time periods roughly in accordance
19 with what your recommendation is?

20 A. All traffic from Porter and other uses.

21 Q. Yes.

22 A. I have no problem with it.

23 Q. Do you see any problems with it in
24 general?

1 A. No, but that's, once again, not my
2 decision.

3 Q. Oh, I understand that. But it is the
4 Village's?

5 A. It is the Village's decision.

6 Q. Are there any advantages to that?

7 A. Yeah. I mean, there are a limited number
8 of gaps out there. There would be an advantage,
9 however, the amount of truck traffic is pretty low
10 at that time, so it's really up to the Village.

11 Q. I have to actually do this the right way
12 for just a second.

13 Mr. Werthmann, now you mentioned the
14 traffic from the facility or the proposed facility
15 being less than a lot of usage you could put on that
16 site as of right?

17 A. Correct.

18 Q. Now, do you mean uses that could be built
19 on that site without zoning approval just because
20 the site is already zoned for that, just go in and
21 pull permits?

22 A. Yeah, there are a number of uses and would
23 probably generate -- there's several factors. There
24 is a number of by right uses that could go in by

1 right that would generate, if not the same, more
2 critical peak hour traffic that wouldn't have to put
3 in the improvements that we're proposing at Illinois
4 120 and Porter Drive, which is significant, and
5 wouldn't have to volunteer the parking. Our turning
6 restrictions that we're proposing at that
7 intersection, and more importantly the restrictions
8 that we're recommending regarding truck traffic to
9 the north on Porter Drive.

10 Q. Give us some examples of the types of uses
11 your talking about.

12 A. You know, there's industrial,
13 manufacturing, you know, those sort of uses that
14 have a heavy employment base that are coming in in
15 the morning and leaving in the afternoon.

16 Q. Now, you were asked -- you have a number
17 of questions regarding the volume of traffic, a
18 shopping center, let's take -- what's the nearest
19 shopping center in that area that you're familiar
20 with?

21 A. Nearest there, you have to go towards
22 Grayslake and 83 and 120.

23 Q. Just so we're not looking at these traffic
24 numbers in a vacuum give us an a example of what

1 type of traffic in and out of a use like that that
2 you might expect?

3 A. It's a great question. And I am going to
4 deviate a little bit from you and gave you a great
5 example. Back in mid 2000 there was a commercial
6 development proposed for our 3.9-acre site. They
7 were talking 16,000 give or take square feet of
8 retail, a fast food restaurant and a 9,000-foot
9 daycare facility. That facility alone and that
10 development alone, according to the traffic study
11 that was submitted to the Village, would generate to
12 300 to 350 trips during the morning peak hour
13 another 300 to 350 trips during the evening peak
14 hour, that's the same volume of traffic we're going
15 to generate on a daily basis. I think that
16 development was going to projected to generate --
17 don't hold me to this, 3,000 trips on a daily basis.

18 Q. And the use you are talking about was
19 proposed the same site we're talking about?

20 A. The same 3.9-acre site.

21 MR. CLARK: I have nothing further.

22 HEARING OFFICER LUETKEHANS: Mr. Werthmann
23 , I have a couple of clarification, follow-up
24 questions.

1 EXAMINATION

2 BY HEARING OFFICER LUETKEHANS:

3 Q. If you go to slide 25, I heard a couple of
4 different terms utilized to use to describe this
5 exhibit. Is this trips per day or trucks per day on
6 326 or the 193 times a day?

7 A. If we go through it, you probably can't
8 see this, but the collection trucks and the transfer
9 trailers are pretty much the truck traffic. This
10 miscellaneous traffic is primarily employee traffic
11 and four to five trips that may occur during service
12 of the facility.

13 The first two columns show traffic to
14 be generated in the morning peak hour, the middle
15 two columns in the evening, and the last two are the
16 total per daily volume.

17 Q. You said 326 trucks per day most likely,
18 you actually were talking about trips per day, and
19 that would include both trucks and passenger
20 vehicles?

21 A. Correct. We are looking at --

22 Q. Okay. That's fine. Just trying to stay
23 with the questions, it will move on a little
24 quicker.

1 if you go to slide 7, which is also
2 6-5 in the Application. Maybe I'm the only guy in
3 the room who doesn't know which road is which and
4 possibly some labor board who is not Lake County
5 related.

6 I see Hainesville, we were talking
7 about Hainesville. It seems to be written in an
8 east/west manner, however, it sounds like it's a
9 north/south street; is that a fair statement?

10 A. Hainesville is a north/south road.

11 Q. And is Hainesville -- I am trying to see
12 where Hainesville is actually located, is it what is
13 called Stillman and Antioch on this picture?

14 A. Yes. Sorry. About that.

15 Q. No. I am trying to make it clear.

16 So the yellow portion of 6-5 or slide
17 7 where it says, Stillman, and then below it, it
18 says, Antioch, that's actually Hainesville Road,
19 correct?

20 A. Correct.

21 Q. Do you know or have any percentage in what
22 portion of trucks or how many trucks will at the end
23 of the day be parked at the Groot North facility. I
24 heard a portion, I just have no idea how many that

1 is. Is it 3, is it 30 or is it what?

2 A. Groot currently maintains -- don't hold me
3 to this, I think it's 55 to 60 trucks at that
4 facility. The majority of them are packer trucks.

5 Q. So is the thought that 55 to 60 trucks
6 will finish their day at the transfer station and
7 then go directly to the Groot North facility; is
8 that what we're thinking?

9 A. A good majority of them it's anticipated
10 will be going to the transfer station, particularly
11 the packer trucks, they will be going to the
12 transfer station. Some of the roll-off trucks may
13 be going to the Eco-campus, I don't want to say all
14 of the trucks. But the packer trucks make up a good
15 portion of the vehicles that are stored in that
16 facility.

17 Q. I'm not trying to put words in your mouth,
18 but what I am hearing is the majority, so over 30 is
19 pretty much what you're saying?

20 A. I believe they have 45 packer trucks there
21 now.

22 Q. You talked about proposed 120 bypass, I
23 think on one of your slides?

24 A. Right.

1 Q. Does that proposed 120 bypass, is it, for
2 lack of a better word, in a particular area of the
3 proposed transfer station or does it stop before or
4 somewhere else?

5 A. No. You could see this slide.

6 Q. Which is slide 7?

7 A. It starts down here to the west --

8 Q. It starts to the west of -- let me, so we
9 get this, she can only get one of us.

10 It starts to the west of Cedar Lake.

11 A. Right. And south all the way past the
12 site all the way past Grayslake or through Grayslake
13 past 83 and then back up to Illinois 120.

14 Q. So it is kind of in the area of 120, it's
15 just a bypass around this portion of 120 to the
16 south?

17 A. Right.

18 Q. That's something I wasn't sure of.

19 HEARING OFFICER LUETKEHANS: I have
20 nothing further.

21 Mr. Helsten?

22 MR. KARLOVICS: Mr. Hearing Officer, if I
23 may.

24 HEARING OFFICER LUETKEHANS: Mr. Karlovics,
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1 yes.

2 MR. KARLOVICS: I received an e-mail from
3 a resident and there were three questions that were
4 submitted by this resident, so I will identify the
5 resident as Brian Smith, resident of Village of
6 Round Lake Park.

7 HEARING OFFICER LUETKEHANS: Mr.
8 Karlovics, are these the questions you gave me
9 yesterday?

10 MR. KARLOVICS: But there's one specific
11 question I thought was appropriate to this witness,
12 which was question number two. And I thought this
13 would be the witness who could address that
14 particular question.

15 HEARING OFFICER LUETKEHANS: Feel free.

16 MR. KARLOVICS: And question number two
17 from Brian Smith is, what happens -- I am quoting,
18 this is the exact language that I received in the
19 e-mail, so this is not my question.

20 What happens to the loaded trucks
21 waiting to dump if you reach your maximal capacity
22 for the day before 4:00 p.m.? I think this question
23 pertains to what happens, are there any plans that
24 Groot has to manage trucks should the facility

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1 become overloaded, what will happen to those trucks?

2 THE WITNESS: I think that's more of a
3 question for Mr. Moose. And he will be back up
4 after me. That's more internal. So I will let him
5 take that, if you don't mind. I will pass.

6 HEARING OFFICER LUETKEHANS: Thank you,
7 Mr. Werthmann. Thank you, Mr. Karlovics.

8 Mr. Helsten?

9 MR. HELSTEN: I have no further redirect
10 unless there's recross. But again, I object to any
11 recross.

12 HEARING OFFICER LUETKEHANS: Is there any
13 clarification based upon the cross that occurred?

14 Seeing none, thank you,
15 Mr. Werthmann. You're done.

16 We have a court reporter change at
17 3:00. Let's put Mr. Moose on at least get, I think
18 his direct is going to take less than 15 minutes, so
19 that will be probably a good time to switch before
20 we start the cross. The second court reporter is
21 not here, so let's proceed with Mr. Moose at this
22 point.

23 And I am not trying to tell you who
24 to calm, Mr. Helsten, I think he is who we got next,

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1 correct?

2 MR. HELSTEN: Yes.

3 We would call Mr. Devin Moose at this
4 time to testify as to a Criterion dealing with
5 consistencies with the applicable solid waste
6 management?

7 HEARING OFFICER LUETKEHANS: Before we
8 start, Mr. Moose, you have previously been sworn in,
9 so you're still under oath, okay?

10 THE WITNESS: Yes, sir.

11 DEVIN MOOSE,
12 called as a witness herein, having been previously
13 duly sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. HELSTEN:

16 Q. Mr. Moose, you previously set forth all of
17 your qualifications, correct?

18 A. Yes.

19 Q. And you intend to testify as to another
20 Criterion at this point in time, correct?

21 A. Yes.

22 Q. What Criterion?

23 A. Criterion 8, plan consistencies.

24 Q. And have you prepared a PowerPoint

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1 presentation that you would like to go through in
2 connection with that presentation?

3 A. Yes.

4 Q. Does the PowerPoint presentation outline
5 various portions of materials included in the
6 Criterion 8 section of the Siting Application that
7 you would like to expound upon?

8 A. Yes.

9 Q. And okay. Would you like to do that in
10 narrative form?

11 A. Yes.

12 MR. HELSTEN: Mr. Hearing Officer, I ask
13 for leave for Mr. Moose to present in a narrative
14 form.

15 HEARING OFFICER LUETKEHANS: The leave is
16 granted. I would just ask obviously that he not go
17 through the qualifications again.

18 BY MR. HELSTEN:

19 Q. The only thing I would ask you is,
20 Mr. Moose, to provide all of us here with a brief
21 overview of your experience in plan consistency
22 management.

23 A. I have been in the solid waste field for
24 30 years, all aspects of solid waste, participated

1 in numerous solid waste planning efforts of all
2 different types and within Illinois also.

3 Q. You have done that for counties in
4 Illinois?

5 A. Yes.

6 Q. A number of counties?

7 A. Yes.

8 Q. Please proceed.

9 A. Criterion 8 says if the facility is to be
10 located in a county where the county board has
11 adopted a solid waste management plan consistent
12 with the planning requirements of the Local Solid
13 Waste Disposal Act or the Solid Waste Planning and
14 Recycling Act, the facility is consistent with that
15 plan.

16 Lake County has adopted such a plan,
17 it adopted its original plan in 1989 and it has been
18 updated subsequently every five years in '94, 1999,
19 2004 and 2010.

20 The Village of Round Lake has adopted
21 the Lake County Solid Waste Management Plan by
22 reference on August 6th, 2013.

23 Lake County has historically relied
24 upon incountry and other locally available landfills,

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1 we heard a lot about that during need. These
2 landfills are nearing capacity, and we heard Ms.
3 Seibert talk about that, and will not, in my
4 opinion, provide long-term disposal capacity to the
5 county. The potential for capacity for those
6 facilities is speculative.

7 Lake County I think recognizes this,
8 and I quote from their plan, it says, the county
9 needs to start seriously considering long-term
10 options for managing its waste requiring disposal.

11 It identifies the need to consider
12 alternatives to incountry disposal for long-term
13 management of the waste and it identifies a desire
14 to, quote, manage as much of the Lake County waste
15 requiring disposal as feasible within the borders of
16 Lake County, and identifies three potential disposal
17 options; landfills, transfer stations or alternative
18 technologies.

19 The plan really does not contain a
20 definitive type of facility that it's counting on.
21 It doesn't identify particular location that it
22 should be developed at. It's really leaving the
23 determination of technology and location and even
24 timing to a certain degree to the private sector,

1 people such as Groot Disposal.

2 On the schedule it says, quote, one
3 of the primary purposes of the planning process is
4 to make sure that new facilities and/or programs are
5 in place prior to existing facilities closing.

6 That's the guidance we have as far as
7 timing. So when I read this as an engineer in the
8 solid waste field, the county is asking private
9 developers to come forth with ideas that fit into
10 one of those three categories, come forth with
11 locations in one of those -- somewhere within the
12 county, and do it and implement it and have these
13 facilities up and running before the existing
14 landfills exhaust all of their capacity.

15 It's also asking for the private
16 sector to fund this endeavor. I think this proposal
17 that Groot is proposing a transfer station funded by
18 the private sector trying to get it implemented
19 before the existing facilities close is completely
20 consistent with those portions of the plan.

21 It says, if solid waste transfer
22 stations are developed, it lists a series of
23 recommendations they want or minimum recommendations
24 they want. We will call them -- they're referred to

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1 as recommendations T.2 through T.6 that the Lake
2 County Solid Waste Management Plan would like the
3 private developer to include in their transfer
4 station proposal.

5 Recommendation T.2 says, a transfer
6 station should be large enough to manage anticipated
7 waste volume, provide an adequate buffering and
8 screening, storm water management, safe traffic flow
9 and other proposed functions.

10 Our proposal meets all of those
11 requirements. The facility is more than adequate in
12 size. And I have testified to that on Criterion 2.
13 It's 3.9 acres. Its site plan is more sufficient to
14 allow vehicle movements, it has sufficient queuing
15 on site, it has sufficient room for parking
16 sufficient area for storm water and landscaping.

17 Our proposed transfer station
18 building is adequately sized, at approximately
19 28,000 square feet it has more than sufficient area
20 to allow access to the building, to allow all of the
21 tipping of the waste to occur within the building,
22 the transfer trailers to be loaded within the
23 building and tarped within the building and storage
24 of waste on the floor for peak periods.

1 We can accommodate up to 900 tons per
2 day very comfortably. A capacity analysis was
3 performed and submitted within the Application. The
4 900 tons per day has not even come close to the
5 requirements or to the available storage capacity we
6 have. We can comfortably handle many more times
7 that. So the building again is adequately sized for
8 those peak hours of incoming waste.

9 The operations are screened from view
10 by developing a drive-through facility by the
11 orientation of the building and by the landscaping.

12 Storm water management is provided
13 within the industrial park itself which has already
14 been permitted. We have already spoken with the
15 Lake County Stormwater Agency. Stormwater
16 calculations are contained within our Application
17 that demonstrate, consistent with the Lake County
18 Stormwater Commission, that our release rate will be
19 consistent with the Stormwater Management
20 Commission. Final permitting of that process will
21 occur during final design stage.

22 And our on-site traffic flow patterns
23 are designed to promote safe traffic flow in the
24 turning radiuses that are developed within the

1 facility, parking locations, as well as the
2 counterclockwise flow of traffic.

3 Plan recommendation T.3 says, waste
4 transfer stations must be located within a portion
5 of the trans -- waste transfer operations must be
6 located within a portion of the transfer station
7 that can be completely enclosed and developers are
8 strongly encouraged to incorporate green sustainable
9 building practices or principles. Transfer station
10 building is designed as a pull-through facility.
11 All waste handling operations occur within the
12 building. The building is able to be completely
13 enclosed, access is provided by overhead doors that
14 can be closed on an as-needed basis and during
15 periods when the facility is not operating.

16 The facility has been designed to
17 promote daylighting minimizing the use of artificial
18 lighting. Stormwater management practices on site
19 uses its best available technology, and additional
20 sustainable building principles will be incorporated
21 into the building during final construction phase.

22 Recommendation T.4 says, transfer
23 station developers must include in the design and
24 operation of the facility the transfer of

1 recyclables and landscape waste. This facility is
2 designed to accommodate that, as I testified during
3 Criterion 2.

4 It also says that transfer station
5 developers are encouraged to evaluate processing of
6 the solid waste into a renewable that could be
7 transported to off-site markets. Groot and their
8 team have evaluated the feasibility and have elected
9 not to pursue that at this time.

10 Recommendation T.5, SWALCO and the
11 siting authority will evaluate transfer stations by
12 ensuring that they utilize proven technology,
13 minimize emissions and avoid large economic risks.
14 Technology that were proposed has been utilized at
15 50 or more transfer stations than the Chicago area
16 alone, does minimize the emissions and has no
17 economic risks to anybody other than Groot. They
18 have implemented these facilities before, and
19 they're very confident that the di minimis economic
20 risks to Groot themselves.

21 They also require a number of
22 questions to be answered within the plan consistency
23 portion of the Siting Application. The number of
24 following categories. Table 8.1 within the plan

1 consistency section of the Siting Application
2 summarizes our responses to all of the different
3 categories shown on the slide 12.

4 Plan recommendation T.6 states, any
5 proposed transfer station facility must enter into
6 host agreements with local siting authority, Lake
7 County and SWALCO. All three of those entities have
8 executed host community agreements with Groot and
9 are contained within the Siting Application.

10 Plan recommendation 8.1 which is
11 referenced in T.6 requires a life-cycle analysis. A
12 life-cycle assessment was prepared. It demonstrates
13 that the developments of the host transfer station
14 will result in a waste disposal system that is
15 superior to the current system.

16 SWALCO accounting have reviewed that
17 life-cycle analysis, public meeting was held on
18 March 6th to get public opportunity for input and
19 questions on the life-cycle analysis, and contained
20 within the slide is an excerpt that says, SWALCO
21 finds that the life-cycle assessment model and this
22 agreement fulfill the requirements of T.6 and 8.1.

23 Q. Mr. Moose, based upon your study that you
24 engaged in in connection with the Criterion 8

1 section in the Application, your overall many years
2 of knowledge and expertise in the solid waste plan
3 sector or aspect of planning with counties within
4 the State of Illinois, do you have an opinion as to
5 whether this proposed facility would be consistent
6 with the Lake County Solid Waste Management Plan?

7 A. I do.

8 Q. What's your opinion?

9 A. It is so consistent.

10 Q. And is your opinion based upon all of the
11 matters that you have testified to today as well as
12 the contents of Section 8 of the Siting Application?

13 A. Correct.

14 MR. HELSTEN: Okay. Nothing further,
15 Mr. Hearing Officer.

16 HEARING OFFICER LUETKEHANS: Thank you.
17 We will take a 10-minute break while we change court
18 reporters and whatever else needs to be done and we
19 will start at 3:10. Thank you.

20 (A short recess was taken.)

21

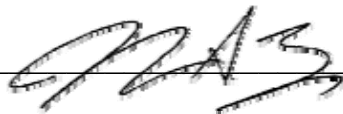
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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF L A K E)
3

4 Jennifer A. Lang, C.S.R., being first
5 duly sworn says that she is a court reporter doing
6 business in the State of Illinois; and that she
7 reported in shorthand the proceedings of said
8 hearing, and that the foregoing is a true and
9 correct transcript of her shorthand notes so taken
10 as aforesaid, and contains the proceedings given at
11 said hearing.

12
13 

14 Certified Shorthand Reporter



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A					
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