

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 23rd day of
September, 2013, at the hour of 12:00 p.m.

(Proceedings concluded at 3:00 p.m.)

REPORTED BY ELVIRA M. MOLNAR

CERTIFIED SHORTHAND REPORTER LICENSE NO. 84-3309

1

1 APPEARANCES:

2 SCHIROTT, LUETKEHANS & GARNER, LLC

3 MR. PHILLIP A. LUETKEHANS

4 The Hearing Officer;

5 MUELLER, ANDERSON & ASSOCIATES

6 MR. CHARLES F. HELSTEN

7 MR. GEORGE MUELLER

8 On behalf of Groot Industries;

9 THE LAW OFFICES OF RUDOLPH F. MAGNA

10 MR. PETER S. KARLOVICS

11 On behalf of Board of Trustees of the

12 Village of Round Lake Park;

13 THE SECHEN LAW GROUP, P.C.

14 MR. GLENN C. SECHEN

15 On behalf of Village of Round Lake Park;

16 TRESSLER, LLP.

17 MR. STEPHEN T. GROSSMARK

18 On behalf of Village of Round Lake;

19 JEEP & BLAZER, L.L.C.

20 MR. MICHAEL S. BLAZER

21 On behalf of Timber Creek Homes, Inc.;

22 MR. LARRY M. CLARK

23 On behalf of The Solid Waste Agency of

24 Lake County, Illinois.

1 (Whereupon, Applicant Exhibit
2 Nos. 2-3 were marked for
3 identification as of 9/23/13.)

4 THE HEARING OFFICER: Good afternoon, everyone. 12:05:04
5 This is the application for the local siting 12:05:06
6 approval for Groot Industries Lake Transfer Station 12:05:12
7 before the Village Board of the Village of Round 12:05:12
8 Lake Park sitting as pollution control facility 12:05:14
9 siting authority. 12:05:22

10 Before we get started, will the parties 12:05:22
11 and attorneys introduce themselves, starting with 12:05:26
12 the applicant. 12:05:28

13 MR. HELSTEN: Charles Helsten, Mr. Hearing 12:05:34
14 Officer. The applicant moves that the application 12:05:36
15 which was filed in this -- previously filed in this 12:05:40
16 matter and has been made part of the public record, 12:05:42
17 it was filed on June 21st, 2013, with the Clerk of 12:05:46
18 the Village of Round Lake Park, be incorporated by 12:05:50
19 reference as Exhibit 1 in this proceeding and be 12:05:56
20 included for the record at the public hearing, even 12:06:00
21 though it was already included as part of the 12:06:02
22 overall record, as Exhibit 1 in this hearing, along 12:06:04
23 with the errata sheets which have been submitted in 12:06:08
24 connection with as the really correct portions of 12:06:12

3

1 the application I believe should go in, as well, so 12:06:18
2 we have one consolidated exhibit. 12:06:20

3 THE HEARING OFFICER: Before we get started on 12:06:24
4 that, if you can just introduce your counsel for 12:06:34
5 the record, Mr. Helsten. 12:06:36

6 MR. HELSTEN: Sure. Mr. Hearing Officer, 12:06:38
7 members of the Village Board, my name is 12:06:42
8 Chuck Helsten. I am one of the attorneys for the 12:06:44
9 applicant. To my left is Mr. George Mueller, my 12:06:46
10 co-counsel. And, from time to time through the 12:06:50
11 proceeding, Mr. Richard Porter will also be 12:06:54
12 representing the applicant. 12:06:58

13 THE HEARING OFFICER: Let's just I'll identify 12:07:04
14 everybody else and we'll come back to you, 12:07:04
15 Mr. Helsten, if that's acceptable. 12:07:08

16 Mr. Karlovics, you want to introduce 12:07:10
17 yourself as well as members of the Board real 12:07:12
18 quick? 12:07:14

19 MR. KARLOVICS: Yes. For the Village of Round 12:07:14
20 Lake Park Village Board, corporate authority, 12:07:18
21 Peter Karlovics, K-A-R-L-O-V-I-C-S. Present today 12:07:20
22 observing the hearing are Mayor Linda Lucassen, 12:07:24
23 Trustee Jean McCue, Trustee Bob Cerretti, Trustee 12:07:30
24 Donna Wagner. And, as to the hearing members, I 12:07:34

1 would seek leave of the hearing officer to ensure 12:07:38
2 that the record contains the comings and goings of 12:07:42
3 each of the officials as they can't stay all day. 12:07:46
4 THE HEARING OFFICER: That will be fine. Thank 12:07:48
5 you. 12:07:50
6 Mr. Sechen. 12:07:50
7 MR. SECHEN: I am Glen Sechen. I represent the 12:07:52
8 Village of Round Lake Park. 12:07:54
9 THE HEARING OFFICER: Mr. Blazer. 12:07:54
10 MR. BLAZER: Thank you, Mr. Hearing Officer. 12:07:56
11 Good afternoon. My name is Michael Blazer. I 12:07:58
12 represent Timber Creek Homes. 12:08:00
13 THE HEARING OFFICER: Mr. Grossmark. 12:08:02
14 MR. GROSSMARK: Steve Grossmark for the 12:08:02
15 Village of Round Lake. 12:08:04
16 THE HEARING OFFICER: Is there anybody else? 12:08:06
17 MR. CLARK: Larry Clark on behalf of Solid Lake 12:08:08
18 Agency of Lake County. 12:08:12
19 THE HEARING OFFICER: Sorry, Larry. I didn't 12:08:12
20 see that far. Okay. Back to the opening motion of 12:08:14
21 Mr. Helsten, does anyone have any objection? 12:08:18
22 Hearing no objection, Exhibit 1 is entered 12:08:24
23 into evidence, which is the application and errata 12:08:26
24 sheets, correct? 12:08:30

1 MR. HELSTEN: Yes. Mr. Hearing Officer, what 12:08:32
2 we would also like is I neglected to mention I note 12:08:34
3 in your public hearing outline, which I think is 12:08:36
4 appropriate, that there be a recognition of the 12:08:40
5 costs and fees deposit, which were filed along with 12:08:42
6 the application. Those are referenced in the cover 12:08:46
7 letter in the application, and we would like those 12:08:48
8 incorporated as part of Exhibit No. 1 by reference, 12:08:52
9 as well. 12:08:56

10 THE HEARING OFFICER: So included. 12:08:56

11 MR. HELSTEN: Mr. Luetkehans, would you like me 12:09:00
12 to also address at this time the filing of the 12:09:04
13 pre-filing notices, as well? 12:09:06

14 THE HEARING OFFICER: Sure. Why don't we get 12:09:08
15 through that now, and then I will give a quick 12:09:10
16 summary to the public after that. Thank you, 12:09:12
17 Mr. Helsten. 12:09:14

18 MR. HELSTEN: Thank you, Mr. Luetkehans. 12:09:16
19 Although the affidavit of compliance with the 12:09:18
20 notice of intent to file requirements of both the 12:09:22
21 siting application or the siting statute, 39.2b of 12:09:28
22 the Illinois Environmental Protection Act and the 12:09:34
23 Village siting ordinance were included as with the 12:09:38
24 application, I would like to file at this time the 12:09:42

1 original. I have always thought it was a good 12:09:50
2 practice to file the original of the green cards 12:09:52
3 and the original of my affidavit of compliance, and 12:09:56
4 I would request permission to approach the court 12:09:58
5 reporter and the hearing officer. 12:10:04
6 THE HEARING OFFICER: Just before we go too 12:10:06
7 much further, let's not stand on ceremony. 12:10:08
8 Permission is always granted to approach, so we 12:10:10
9 don't have to go through that. 12:10:14
10 MR. HELSTEN: Okay. 12:10:16
11 THE HEARING OFFICER: Is there any objection? 12:10:32
12 Hearing none, the affidavit is admitted as 12:10:36
13 Applicant Exhibit 2. 12:10:44
14 MR. HELSTEN: Thank you, Mr. Hearing Officer. 12:10:46
15 The next exhibit, which I would like to file, which 12:10:48
16 was of course not part of the application because 12:10:52
17 it could not be in terms of the possibility at 12:10:54
18 times, since it needed to be filed not less than 14 12:10:58
19 days prior to the date of this public hearing, is 12:11:00
20 the original of my affidavit of compliance with 12:11:04
21 39.2d, the public hearing notice requirements and 12:11:08
22 compliance with the Village ordinance. I would 12:11:14
23 like the record to show that Mr. Mueller is 12:11:16
24 distributing copies of that affidavit to the 12:11:20

1 members of the Village Board and all participants. 12:11:24
2 And I would move the exhibit -- Applicant's 12:11:30
3 Exhibit 3 into the record of the hearing at this 12:11:32
4 point in time. 12:11:36
5 THE HEARING OFFICER: Is there any objection? 12:11:36
6 Hearing no objection, Exhibit 3 or Groot 12:11:40
7 Exhibit 3 is admitted. 12:11:42
8 MR. HELSTEN: Thank you, Mr. Hearing Officer. 12:11:46
9 At this particular point in time, I have no more 12:11:48
10 preliminary exhibits to file. 12:11:52
11 THE HEARING OFFICER: Thank you. Let me go 12:11:54
12 through a couple of things real quick. We did this 12:11:58
13 Friday. I will do it a lot quicker or less of it 12:12:00
14 today for the public who is here and was not able 12:12:04
15 to make it there on Friday. 12:12:06
16 First of all, let me set forth the dates 12:12:08
17 and the times for public comment this week. We 12:12:10
18 will have public comment today, September 23rd, at 12:12:12
19 approximately 3:00 p.m. We will have public 12:12:16
20 comment tomorrow, September 24th, at noon. So, 12:12:20
21 tomorrow we will start with that public comment. 12:12:24
22 The 25th we will have public comment Wednesday at 12:12:26
23 8:00 p.m. On the 26th it is again at noon. And on 12:12:32
24 the 27th, Friday, it is 8:00 p.m. 12:12:38

1 Now, a couple of things. Like we talked 12:12:44
2 about before, I think it's been in all the 12:12:44
3 transcripts, on the 26th we will be ending at 12:12:46
4 4 o'clock. I apologize I have a conflict with my 12:12:50
5 schedule. Public comment is, the Village Board 12:12:52
6 wishes and has made this very clear to me, that 12:13:00
7 they want everyone to be able to participate if 12:13:04
8 they can. They want to listen to everyone who has 12:13:06
9 something to say that's on point regarding this 12:13:10
10 matter, whether that be the attorneys or the 12:13:12
11 public. That's why I have given a number of times 12:13:14
12 for public comment. We will have public comment at 12:13:18
13 every hearing. 12:13:20
14 If you wish to do more than just make 12:13:22
15 public comment, and you have not filed an 12:13:24
16 appearance, we have what is called I think it's 12:13:26
17 notice of appearance of public participant on the 12:13:28
18 back table. If you wish to enter evidence, if you 12:13:32
19 wish to cross-examine witnesses, it is important 12:13:36
20 that you provide -- fill one of those out, provide 12:13:40
21 it to me for the hearing today, so that we have 12:13:44
22 your name. And if you wish to ask questions of the 12:13:46
23 witnesses, et cetera, you have that right. 12:13:48
24 If for any reason you don't feel 12:13:52

1 comfortable asking questions, which we do not want 12:13:52
2 this process to intimidate anyone, if you have 12:13:56
3 questions, feel free to write them down, bring them 12:14:00
4 up to me, and I will ask that with the appropriate 12:14:02
5 witness. So, we want you to have every opportunity 12:14:08
6 participate, whether it's public comment, asking 12:14:12
7 questions, presenting evidence, or bringing them to 12:14:14
8 me. We are more than happy to get your thoughts in 12:14:16
9 any which way possible. 12:14:18

10 The other few other documents that we have 12:14:26
11 in the back is one is a listing of the criteria 12:14:28
12 which the Village Board uses to determine this to 12:14:32
13 make their decision. That's what's called 12:14:36
14 Section 39.2 criteria. A list of those is also 12:14:40
15 typed up on that back table. It is important to 12:14:44
16 know as public that your comments, your questions, 12:14:46
17 all have to relate to those criteria. That is the 12:14:50
18 only thing this Board can make a decision on and 12:14:52
19 what I will make a recommendation on. 12:14:56

20 My role here is to keep the hearing 12:14:58
21 running, to keep moving, and to get us through it, 12:15:00
22 so that the recommendation is before to the Village 12:15:04
23 Board, who will make the final decision at least at 12:15:06
24 this level, and then we will -- so we want everyone 12:15:10

1 to have the opportunity to say their peace. 12:15:18

2 There will probably also be a public 12:15:20

3 comment day near the end at the end of the hearing 12:15:22

4 for just public comment. So, if you miss a day, 12:15:24

5 you miss a week, whatever, you're going to have a 12:15:26

6 bunch of opportunities for public comment, and we 12:15:30

7 want you to avail yourselves of those. 12:15:32

8 There is also a public hearing outline 12:15:36

9 back on that thing. It will give you how we are 12:15:40

10 going to proceed with the hearing. And I think 12:15:42

11 there is something else, but I don't remember what 12:15:46

12 it is. I think that's it. 12:15:48

13 The parties have filed documents, as you 12:15:54

14 heard today. The application is on file with the 12:15:56

15 Village Clerk. I know Timber Creek and others have 12:15:58

16 filed witness lists and exhibits. Those are also 12:16:04

17 available Online with the Village web site, as well 12:16:06

18 as SWALCO's web site. So, if you have questions 12:16:10

19 and want to see what we have done in the past, that 12:16:12

20 will be there. Transcripts will be put on there 12:16:14

21 the next business day. So, today's transcript the 12:16:18

22 goal is to have that on tomorrow during the day, so 12:16:20

23 people who are not here today can review it, ask 12:16:24

24 questions, and know what goes on. We really want 12:16:26

1 the public to understand what's happening and make 12:16:28
2 it a completely transparent process. 12:16:32
3 Public comment next week, as I say, we'll 12:16:34
4 announce that as we get closer to the end of the 12:16:36
5 week and see how we are doing as far as time and 12:16:38
6 where we are at. 12:16:40
7 As you know, we do have a court reporter 12:16:44
8 here. She can only take down those people who I 12:16:46
9 recognize. If you have a statement or public 12:16:48
10 comment, make it at the appropriate time or after 12:16:50
11 you're recognized, so that she keeps a solid record 12:16:54
12 and everybody's statements actually get into the 12:16:58
13 record for the Village Board members who are or are 12:17:00
14 not here, for their benefit. 12:17:08
15 That's all I have. Are there any other 12:17:12
16 motions at this time before we start opening 12:17:14
17 statements? 12:17:16
18 Hearing none, just so everybody is aware, 12:17:18
19 the procedure today will be opening statements. It 12:17:20
20 will start with the applicant. Then we'll go -- 12:17:24
21 we'll figure out how they go, the order, but the 12:17:30
22 Village is last. That is what we do know. And 12:17:32
23 after that we will put in -- it will be Groot's 12:17:34
24 opportunity to start putting in its evidence in 12:17:38

1 chief. I think today we expect Mr. Moose, 12:17:40
2 Devin Moose, to be called, and hopefully 12:17:44
3 cross-examination of him to be completed or at 12:17:46
4 least started. We'll see where we are at. 12:17:50

5 Otherwise, Mr. Helsten, you may start. 12:17:52

6 MR. HELSTEN: Thank you, Mr. Hearing Officer. 12:17:58
7 What's your pleasure, should I speak from the 12:18:00
8 podium or -- 12:18:02

9 THE HEARING OFFICER: As far as I am concerned, 12:18:02
10 you should speak from wherever you feel 12:18:04
11 comfortable. 12:18:06

12 OPENING STATEMENTS

13 BY MR. HELSTEN:

14 If that's the case, I think I would like 12:18:14
15 to address the Board. I would like to address you 12:18:16
16 directly and tell you what our case will entail. 12:18:20
17 Members of the Board, Mr. Hearing Officer, 12:18:26
18 participants and your attorneys, members of the 12:18:28
19 public, although it appears that all who -- that 12:18:30
20 the interest of the public is grossly outnumbered 12:18:34
21 by everyone else here. My name is Chuck Helsten. 12:18:38
22 I am one of three attorneys that represents the 12:18:40
23 applicant in this case. I will be primarily 12:18:42
24 responsible, as Mr. Luetkehans said, for presenting 12:18:46

1 the case in chief of our witnesses. 12:18:50

2 As Mr. Luetkehans said, there are nine 12:18:54

3 statutory criterion that we must meet. I am sure 12:18:56

4 you looked at these already. I would like to thank 12:19:00

5 you now for the diligence that you have put into 12:19:02

6 this process already and the time and attention 12:19:06

7 that you're going to put into this process in the 12:19:08

8 next week or two weeks or however long it takes. 12:19:10

9 This is a serious commitment by you, and 12:19:16

10 we realize this. We realize this because this is a 12:19:18

11 serious commitment by Groot. The evidence will 12:19:22

12 show in this case this proposal has been 12:19:26

13 painstakingly planned and considered for an 12:19:30

14 extended period of time. This plan was put 12:19:32

15 together carefully employing experts in the field 12:19:38

16 with years of experience, which I will get into in 12:19:42

17 a minute. Decades upon decades of planning 12:19:46

18 experience. We picked the best. We pick people 12:19:50

19 that did not dabble. The evidence will show that 12:19:54

20 we picked people who do not dabble in this area. 12:19:58

21 We pick people that have a proven record. Not just 12:20:02

22 by their own testimony, but by outside awards and 12:20:04

23 outside recognitions, professional recognitions, 12:20:08

24 that they received, that they are the best in their 12:20:12

1 industry. 12:20:18

2 Groot employed the best. They want to 12:20:20

3 provide this Village and the members of the 12:20:22

4 interested public and the surrounding communities 12:20:24

5 the best possible proposal that we put together. 12:20:26

6 Now, as Mr. Luetkehans said, today 12:20:30

7 Mr. Moose will be testifying. He will be 12:20:34

8 testifying twice, but today he will be testifying 12:20:38

9 first on criterion number two, which is that the 12:20:40

10 facility is located and designed in such a way that 12:20:44

11 will be protective of the human health and public 12:20:48

12 safety and the environment and the surrounding 12:20:52

13 areas. 12:20:54

14 That criteria is important in several 12:20:54

15 respects. Not only does it go directly to public 12:20:58

16 safety and protection of the environment, but 12:21:02

17 Mr. Moose will also testify as to a number of 12:21:06

18 safeguards that based upon his 30 years of 12:21:10

19 experience in developing these type of facilities 12:21:12

20 should be employed to make sure that impacts on the 12:21:16

21 surrounding community are minimized. 12:21:22

22 Mr. Moose, again, he will go through his 12:21:26

23 qualifications, has permitted 22 transfer stations 12:21:28

24 prior to this proceeding. He is probably -- I know 12:21:36

1 of no other expert, no other professional planner, 12:21:42
2 that has permitted 22 transfer stations in the 12:21:46
3 state of Illinois. Mr. Moose will testify as to 12:21:50
4 based upon that 30 years of experience the things 12:21:54
5 that he has seen that served to minimize impacts 12:21:58
6 and how those have been incorporated into the plan 12:22:02
7 for this facility. To demonstrate to you that no 12:22:08
8 shortcuts were taken on this facility, he will 12:22:12
9 testify that they compare this facility with other 12:22:18
10 facilities to show you that this incorporates all 12:22:22
11 the most current state of the art amenities that 12:22:24
12 need to be included to provide these types of 12:22:28
13 protections. 12:22:32
14 Mr. Moose will also testify as to 12:22:34
15 criterion four, which I don't think that there has 12:22:36
16 been much controversy about, which is this facility 12:22:38
17 is not located in a floodplain. He will also 12:22:42
18 testify today as to criterion number five, which is 12:22:46
19 plan of operations, which is important, too. That 12:22:48
20 goes to minimizing potential risk and also 12:22:50
21 minimizing potential impacts on the surrounding 12:22:56
22 area. Again, Mr. Moose has permitted 22 of these 12:23:00
23 facilities. The evidence will show, and he will 12:23:08
24 testify that as extensive as this application is, 12:23:10

1 which is on file and you have seen, this is only 12:23:16
2 the first step in the process. These type of 12:23:18
3 facilities, even though a transfer station is 12:23:22
4 essential, as Mr. Moose will testify, it's a 12:23:24
5 transportation terminal. Granted it is for waste 12:23:30
6 and for recyclables, it's a transportation 12:23:34
7 terminal, no more, no less. It is because of its 12:23:36
8 nature, and it should be, a highly regulated area. 12:23:38
9 This is about the first step in making sure that 12:23:44
10 the public and surrounding area are protected. 12:23:46
11 There will be an extensive permitting 12:23:50
12 process and review process. He will testify as to 12:23:52
13 criterion two and criterion five. The application 12:23:58
14 that he has put together, again, which has the 12:24:00
15 collective benefit of the other 22 projects he has 12:24:04
16 worked on, meets these -- Round Lake squarely meets 12:24:08
17 these criterion. 12:24:14
18 Mr. Moose will also testify as to 12:24:14
19 criterion number seven, which is no hazardous waste 12:24:16
20 will be accepted at this facility. He will go 12:24:20
21 through the stringent safeguards that are put in 12:24:24
22 place again to ensure that no hazardous waste will 12:24:26
23 be brought into this facility. 12:24:32
24 Today Mr. Moose will be testifying in 12:24:34

1 addition as to criterion nine, which is that this 12:24:36
2 facility is not located in what we call a regulated 12:24:40
3 recharge area. In the State of Illinois, there is 12:24:42
4 only one regulated recharge area, which was in 12:24:46
5 Haswell County, so that is a fairly -- that is a 12:24:50
6 fairly cut and dry black and white demonstration 12:24:54
7 which he will make. 12:24:58

8 Either tomorrow -- tomorrow hopefully we 12:25:00
9 will put Mr. Moose back on to talk about criterion 12:25:02
10 eight, which is consistent with the County's plan, 12:25:06
11 with Lake County's plan. He will go through the 12:25:10
12 recommendations that the County has included in 12:25:12
13 this plan. Again to ensure protection of the 12:25:18
14 public health and the environment and protection of 12:25:20
15 the surrounding area and minimization of the 12:25:24
16 surrounding area. And he will point by point go 12:25:26
17 through how this proposal, this application, is 12:25:30
18 compliant with that plan and any other plan that 12:25:34
19 anyone deems applicable. 12:25:40

20 For a moment I would like to then turn to 12:25:42
21 need. We will present testimony through 12:25:48
22 Ms. Christina Seibert, who is here today in the 12:25:50
23 audience. Probably won't testify until tomorrow. 12:25:52
24 The evidence will show that the need clearly exists 12:25:58

1 here. Number one, the County plan recognizes 12:26:00
2 transfer stations as potential method of addressing 12:26:06
3 the need for waste transport processing and 12:26:08
4 ultimate disposal going forward. It is not our 12:26:12
5 words. That is the company's words. 12:26:16
6 Number two, and I think this is important, 12:26:18
7 and the County should be applauded, the County 12:26:20
8 realizes that appropriate time needs to be taken to 12:26:24
9 put these proposals together properly and to site 12:26:30
10 them and to permit them. It is not a process that 12:26:34
11 takes one to two years. It's a careful, 12:26:40
12 thoughtful, process that the evidence will show, 12:26:42
13 when we put on Ms. Seibert, based upon her 12:26:44
14 experience, can take anywhere from four to five 12:26:48
15 years from inception of the concept to opening of 12:26:52
16 the doors, to as much as seven, eight, nine, ten 12:26:54
17 years. And that being the case, you must start to 12:26:58
18 plan now for the need for transfer stations. 12:27:00
19 I would like to read a quote which was 12:27:04
20 included in the application, which is now in 12:27:08
21 evidence. And again I commend the County for 12:27:10
22 recognizing that proper and thorough planning is 12:27:12
23 necessary. That quote is: One of the primary 12:27:18
24 purposes of the planning process is to make sure 12:27:22

1 new facilities and/or programs are in place prior 12:27:24
2 to existing facilities closing. 12:27:28
3 The evidence will show yes we have two 12:27:32
4 land fills in Lake County now, but their capacity, 12:27:34
5 most notably the Countryside facility, which is 12:27:40
6 closest to the waste centroid or center where waste 12:27:44
7 is generated in the County may be extinguished as 12:27:48
8 soon as 2018, 2019, 2020. The evidence will show 12:27:54
9 that this facility is the second, if sited and 12:27:58
10 permitted, will be the second closest to the waste 12:28:04
11 centroid of this County of any other facilities, 12:28:08
12 either transfer stations or land fills, which 12:28:10
13 presently service Lake County, which is our service 12:28:14
14 area. The service area that we have designated is 12:28:18
15 Lake County. 12:28:24
16 Ms. Seibert will present a study which 12:28:26
17 bears that out and shows that this is the same 12:28:30
18 trend that has occurred in other counties in the 12:28:34
19 metro area. That you don't shut down land fills 12:28:36
20 and the next day say transfer station should pop up 12:28:38
21 like more mushrooms. That doesn't happen. If 12:28:42
22 it's done properly, it is a prolonged, diligent, 12:28:46
23 thorough process that takes time, and we must start 12:28:52
24 now. That's why the need exists now to start 12:28:56

1	implementing the network of transfer stations in	12:28:58
2	this County for the day when land fill capacity is	12:29:02
3	extinguished.	12:29:06
4	From what I have seen from the reports and	12:29:10
5	the documents filed by the other participants in	12:29:14
6	this matter, Timber Creek Homes and Round Lake, one	12:29:20
7	of the big criteria in issue is criterion three.	12:29:24
8	That's a two-part criterion. The first part of the	12:29:30
9	criterion is minimizing effects making sure that	12:29:32
10	the proposed facility is compatible with the	12:29:40
11	surrounding areas to minimize effects on the	12:29:42
12	surrounding area.	12:29:46
13	The second component is minimizing the	12:29:46
14	effect on property values. This is important. We	12:29:50
15	realize it's important. Groot realizes it's	12:29:54
16	important. It knows people work hard like it does	12:30:00
17	for its money. It works hard, it works diligently,	12:30:04
18	as everyone does in this area, and we know everyone	12:30:10
19	takes pride in what they developed in this area.	12:30:12
20	Again, because of that, we have employed	12:30:16
21	Mr. Moose, and he will testify as to certain of the	12:30:20
22	safe guards and certain of the measures from an	12:30:24
23	operational point of view, which it has been his	12:30:28
24	experience over 30 years to minimize any potential	12:30:32

1 impact. 12:30:36

2 Moreover, we will call Mr. Christopher 12:30:36

3 Lannert, who is a landscape design architect. 12:30:40

4 Again, Mr. Lannert is not a dabbler. He is an 12:30:44

5 expert that has been involved in one fashion or 12:30:48

6 another in over 50 projects, pollution control 12:30:54

7 facility projects, in the planning stage. He will 12:31:00

8 testify as to all of the measures in his proposal 12:31:04

9 for the landscape design, the aesthetics, the 12:31:08

10 berming, those type of things, which will minimize 12:31:12

11 effects on the surrounding area. He will also 12:31:16

12 testify why this facility is compatible with the 12:31:20

13 surrounding area, both based upon the fact that 12:31:22

14 it's an industrial area, based upon the fact that 12:31:24

15 Groot owns a substantial majority of the property 12:31:28

16 in and around this proposed facility. So, if there 12:31:32

17 were any potential impacts, those are borne, and 12:31:38

18 this is by design, those are borne first and 12:31:40

19 foremost by Groot, not by the surrounding area. 12:31:44

20 That is why Groot has elected to own and control a 12:31:48

21 significant amount of the property in and around 12:31:54

22 this facility. 12:31:56

23 Again, these are not dabblers. These are 12:32:00

24 not professional witnesses. These are not people 12:32:02

1 that are simply called upon to testify for one day 12:32:06
2 for a couple of hours in a hearing like this as to 12:32:10
3 what their opinion is because someone has retained 12:32:14
4 them. The evidence will show that these are 12:32:18
5 professional planners that have dedicated their 12:32:20
6 careers in substantial part to expertise in 12:32:26
7 designing facilities that minimize the impact on 12:32:28
8 the surrounding area and make sure that it's 12:32:32
9 compatible with the surrounding area. 12:32:36
10 Between Mr. Moose and Mr. Lannert, we have 12:32:38
11 60 some years of experience. Now, added to that is 12:32:42
12 the next criterion, which is travel, which we also 12:32:46
13 understand it's a concern. I hope you will see our 12:32:50
14 case will be very candid. It will be very 12:32:54
15 straightforward. We understand at times there are 12:32:56
16 very heavy traffic flows in this area. That is the 12:33:00
17 result of planning decisions that happen long 12:33:02
18 before we ever came on the scene for better or 12:33:06
19 worst. There are certain times when the traffic 12:33:10
20 here is heavy. Criterion six puts the burden upon 12:33:14
21 us to minimize impacts on traffic patterns going in 12:33:20
22 and out of the facility that we have control to the 12:33:24
23 extent that we can. 12:33:30
24 In that regard, we will be calling 12:33:32

1 Mr. Michael Werthmann, who has worked again on over 12:33:34
2 20 planning traffic patterns for over 20 pollution 12:33:38
3 control facilities. Again, he has dedicated a 12:33:42
4 significant part of his career, which is close to 12:33:46
5 25 years in this area, to designing traffic 12:33:50
6 patterns so to minimize impact. 12:33:54

7 Now, with respect to Mr. Lannert and 12:33:58
8 Mr. Werthmann, it's important to know, unlike 12:34:02
9 Mr. Moose, Mr. Moose is in a highly regulated area. 12:34:04
10 His discipline dictates that he focus solely on 12:34:08
11 solid waste. An important point that I think the 12:34:12
12 evidence will bring out is Mr. Lannert and 12:34:14
13 Mr. Werthmann also work on other types of 12:34:18
14 developments; shopping centers, residential 12:34:22
15 developments, communities and development of 12:34:26
16 certain types of communities. So they understand 12:34:28
17 intimately the type of issues that are involved in 12:34:34
18 making sure that impacts on the surrounding area 12:34:36
19 are minimized to the greatest extent possible. 12:34:38

20 The second aspect of criterion three is 12:35:14
21 minimization of the impact on property values. We 12:35:18
22 will call Mr. Peter Poletti, who again has 12:35:22
23 extensive experience in this area. He will take us 12:35:24
24 through the conventional approach that is used, and 12:35:28

1 I would like to note this, I think the evidence 12:35:32
2 will show it's the approach that's even used by the 12:35:36
3 other participant's real estate expert. That 12:35:40
4 approach is both a qualitative one and a 12:35:44
5 quantitative one. 12:35:46
6 Let me explain what that is. Mr. Poletti 12:35:48
7 has been doing this, again, close to 35 years, 33 12:35:50
8 or 34 or 35 years. During that course of time, he 12:35:54
9 has seen certain things that are folded into the 12:35:58
10 development of a facility like this, which are 12:36:04
11 intended to minimize impact on property values. He 12:36:08
12 has been over to see over 33, 34, 35 years which of 12:36:16
13 those work and which will be incorporated into this 12:36:20
14 facility like this. He will testify as to those. 12:36:24
15 He will testify as to the amenities or the 12:36:28
16 operation and design features of this facility that 12:36:30
17 minimize impact on surrounding property values. Of 12:36:34
18 course, along with that, as far as minimizing 12:36:38
19 impact on surrounding property values, in large 12:36:42
20 part the surrounding properties of Groot. They are 12:36:44
21 their own neighbor. So, again, if there was any 12:36:48
22 impact, it falls first and foremost on Groot, not 12:36:50
23 anyone else, which was the deliberate design of the 12:36:54
24 applicant. 12:36:58

1 He will also testify as to other, as will 12:37:00
2 Mr. Lannert, other natural buffers and setbacks 12:37:04
3 that exist in this area to minimize, number one, 12:37:06
4 any incompatibility with the surrounding area and, 12:37:10
5 number two, any commensurate impact with impacting 12:37:14
6 property value. 12:37:20

7 Now, in closing, you will hear testimony 12:37:20
8 from us. I think, however, the actions and words 12:37:24
9 of others which support our application speak 12:37:30
10 louder in some respects than our own. The first 12:37:34
11 example of that would have been on need where the 12:37:38
12 County has already recognized. They have no ax to 12:37:42
13 grind. They have no agenda. They already 12:37:44
14 recognized the need for this facility. It's in 12:37:48
15 their plan and wisely in their plan going forward. 12:37:50

16 There will also be evidence, I believe, if 12:37:54
17 the objective is put on real estate expert, that 12:37:58
18 that expert when called upon to testify at previous 12:38:02
19 proceeding for a proposed transfer station for one 12:38:08
20 of Groot's competitors actually referred to one of 12:38:12
21 the Groot facilities as an example of how a 12:38:14
22 well-run, well-located, facility, causes no 12:38:18
23 discernible impacts to property values and also 12:38:24
24 minimizes an incompatibility with the surrounding 12:38:28

1 area. I believe that one way or another those 12:38:34
2 words will come out from that report. Those words 12:38:38
3 will come out. And strangely enough that expert 12:38:44
4 used the same approach that Mr. Poletti employed 12:38:46
5 here. He came to the conclusion using the Groot -- 12:38:50
6 another Groot facility as a prime example of a good 12:38:54
7 operator and that with good operating history that 12:38:58
8 respects the surrounding area that there is no 12:39:02
9 discernible impact on property values, that a 12:39:08
10 transfer station operation properly run is 12:39:12
11 compatible with the surrounding area, and there is 12:39:16
12 no detrimental impact on potential development, in 12:39:18
13 other words, going forward. 12:39:24
14 The last example, which Mr. Lannert will 12:39:24
15 bring out, is he will testify as to his 12:39:28
16 observations of another facility in the north 12:39:30
17 suburbs operated by Groot Disposal where 12:39:34
18 immediately across the road new construction and 12:39:38
19 development is burgeoning. Again, a separate 12:39:42
20 facility from the one the other expert, which I 12:39:46
21 think the objectors will tender, a separate 12:39:50
22 facility, but the point being here you have two 12:39:54
23 other Groot facilities, transfer station 12:39:58
24 facilities, where the evidence shows not only is 12:40:02

1 there no impact, with respect to the other one in 12:40:04
2 the north suburbs, there is new construction and 12:40:08
3 new development that is burgeoning directly across 12:40:12
4 the road. 12:40:14
5 Ladies and gentlemen, I spoke enough. I 12:40:16
6 thank you for your time and attention. As I spoke 12:40:18
7 in my opening statement, I thank you for your time 12:40:22
8 and attention not only to us, but to everyone as we 12:40:24
9 go forward. I ask that you carefully consider all 12:40:28
10 of the evidence, and I feel I am confident when you 12:40:30
11 consider everything, you will find that we met 12:40:34
12 every individual criterion. Thank you. 12:40:38
13 MR. KARLOVICS: Mr. Hearing Officer, can the 12:40:42
14 record, please, reflect that Trustee Candy Kenyon 12:40:44
15 showed up at 12:20 p.m. I didn't want to 12:40:48
16 interrupt. 12:40:52
17 THE HEARING OFFICER: Thank you very much. 12:40:52
18 Does anyone other than the Village at this time 12:40:54
19 wish to make an opening statement? 12:40:58
20 Mr. Blazer. 12:40:58
21 OPENING STATEMENTS
22 BY MR. BLAZER: 12:41:10
23 Q. Mr. Hearing Officer, members of the Board, 12:41:10
24 as I indicated before, my name is 12:41:12

1 Mike Blazer. I represent Timber Creek Homes. Most 12:41:14
2 of you are probably familiar with Timber Creek. It 12:41:18
3 has 247 homes. Over 700 people live in that 12:41:22
4 community and are members of your community. And 12:41:26
5 that community has been around for over 40 years. 12:41:30
6 That's who Timber Creek is. 12:41:34
7 Now, I am not going to say a lot now. You 12:41:36
8 will probably hear more than you care to hear from 12:41:38
9 me as the hearing progresses, unfortunately, but 12:41:42
10 two words that Mr. Helsten, my friend Mr. Helsten, 12:41:46
11 I have known him for years, used in his opening 12:41:50
12 statement, are words that I would like you to keep 12:41:52
13 in mind throughout the course of this hearing. 12:41:54
14 Those two words are deliberate design. 12:41:56
15 Mr. Helsten talked a lot about the fact 12:42:02
16 that this hearing is about a transfer station. I 12:42:04
17 suppose you can say that, that on the surface 12:42:10
18 that's what this hearing is about. But this 12:42:14
19 hearing is really much more about something else. 12:42:18
20 This hearing I think you'll find out is about 12:42:20
21 seduction. And the instrument of that seduction is 12:42:24
22 this. The agreement that Groot entered into with 12:42:28
23 the Village. 343,000 a year is a huge amount of 12:42:34
24 money. We used to represent your Village. We know 12:42:40

1 what your economic situation is. We know what the 12:42:44
2 economic situation is for villages all over the 12:42:48
3 state of Illinois. \$343,000 a year is a very 12:42:50
4 enticing number. It can fix a lot of problems. 12:42:54
5 What Mr. Helsten and his client and his hoard of 12:42:58
6 professional witnesses don't want you to think 12:43:04
7 about is what that \$343,000 a year will cost your 12:43:06
8 community. Because part of that deliberate design, 12:43:10
9 which is at the core of Mr. Helsten's case, is to 12:43:16
10 turn your community into the garbage capital of 12:43:20
11 Lake County. 12:43:28
12 That's what I would like you to think 12:43:30
13 about as you listen primarily to Groot's witnesses. 12:43:32
14 Their professional witnesses who try to convince 12:43:38
15 people like you that you should take other people's 12:43:42
16 garbage. So, think about that as they are telling 12:43:50
17 you that this facility is necessary to accommodate 12:43:54
18 not your financial means, but the waste needs of 12:43:58
19 Lake County. That's what they have to prove to 12:44:04
20 you. Think about this as Devin Moose stands up 12:44:08
21 here, I see him do this a lot, he will be up here 12:44:12
22 for hours, pontificating on his experience and how 12:44:16
23 safe and how wonderful it will be for you to accept 12:44:20
24 all of Lake County's garbage. 12:44:24

1 MR. HELSTEN: Mr. Hearing Officer, this seems 12:44:30
2 to be I always thought in my 33 years of practice 12:44:32
3 in this area opening statements were focused on 12:44:34
4 what the evidence was going to show as opposed to a 12:44:38
5 closing statement of argument and polemics. So, I 12:44:40
6 am going to object to the nature of Mr. Blazer's 12:44:44
7 statement. This is not opening statement on what 12:44:46
8 the evidence will show and move to strike it. 12:44:48
9 THE HEARING OFFICER: Motion denied. 12:44:52
10 Mr. Blazer, though, please try and keep it at this 12:44:54
11 point more to the evidence, please. 12:44:58
12 MR. BLAZER: Will do, Mr. Hearing Officer. 12:45:00
13 Thank you. My friend, Chuck, has the benefit of 12:45:00
14 experience on me. He has 33 years. I only have 12:45:04
15 31. 12:45:06
16 In any event, what I ask you to do is 12:45:10
17 listen carefully not just to the presentation that 12:45:12
18 Groot wants you to hear as part of their deliberate 12:45:18
19 design, but what you will hear from them as other 12:45:20
20 people ask them questions. Other people, 12:45:26
21 unfortunately, being me. I ask you to listen. I 12:45:32
22 know you have committed to that. Your (inaudible), 12:45:34
23 whom I have known for several years, has made it 12:45:38
24 clear to me that you have intense interest in 12:45:40

1 making sure you do the right thing. I read your 12:45:42
2 little summary bios on your web site about why each 12:45:46
3 of you serve Round Lake Park, so I am absolutely 12:45:50
4 certain, my client is absolutely certain, that 12:45:52
5 you're trying to do the right thing. And that's 12:45:54
6 all we ask you to do, do the right thing. Thank 12:45:58
7 you. 12:46:02

8 THE HEARING OFFICER: Thank you, Mr. Blazer. 12:46:02
9 Anyone else, other than the Village? Does the 12:46:04
10 Village wish to make an opening statement? 12:46:08

11 MR. SECHEN: I do just briefly. 12:46:12

12 Thank you, Mr. Blazer. You're probably 12:46:14
13 wondering what I am doing here. I can tell you 12:46:16
14 what my function is very briefly. It's simply to 12:46:18
15 make sure that there is enough evidence in the 12:46:22
16 record, credible evidence, in our view, to allow 12:46:24
17 you to make the decision. You're going to hear 12:46:28
18 what everybody has to say during the course of 12:46:30
19 these proceedings. And we are sure you will do the 12:46:32
20 right thing. And, simply put, my job is to make 12:46:38
21 sure you have the basis to do that. Should there 12:46:40
22 be something that's left out, should there be 12:46:44
23 something that needs to be clarified, we have 12:46:46
24 certain experts that can testify, if necessary, and 12:46:50

1 we certainly have other means in terms of 12:46:54
2 cross-examination and that sort of thing to help 12:46:56
3 achieve the goal that I have just outlined. 12:46:58
4 So, that being said, I will conclude now 12:47:02
5 and thank you in advance for everything that you 12:47:08
6 have done so far and everything you're going to do 12:47:10
7 in the course of these proceedings and 12:47:14
8 deliberations that will follow. Thank you. 12:47:16
9 THE HEARING OFFICER: Thank you, Mr. Sechen. 12:47:20
10 At this time that ends our opening statements -- 12:47:22
11 I'm sorry, Mr. Grossmark, I apologize. Just so we 12:47:30
12 are clear, and this is why I kind of skipped over 12:47:34
13 you, this process is set up so the Village always 12:47:38
14 goes last, so that's why I didn't ask. So, just so 12:47:42
15 everybody is aware of that. So, Mr. Grossmark, I'm 12:47:46
16 sorry. Go ahead. 12:47:52
17 MR. GROSSMARK: Mr. Hearing Officer, we 12:47:52
18 represent the Village of Round Lake. We do not 12:47:56
19 have an opening statement. I just wanted to for 12:47:58
20 the record make clear as far as the information 12:48:02
21 being objective and accurate. The Applicant's 12:48:04
22 attorney, with all due respect, made a comment that 12:48:08
23 I want to clarify. He said the public here today 12:48:12
24 is grossly outnumbered by the others here, and I 12:48:16

1 think that's a very generic statement. It's a 12:48:20
2 subjective statement. I don't think it reflects 12:48:22
3 the number of members of the public that are here 12:48:24
4 and the interest shown in these proceedings. So, I 12:48:28
5 would either like that statement stricken or 12:48:32
6 clarified. 12:48:34

7 THE HEARING OFFICER: I am not going to strike 12:48:34
8 a statement to that effect. Obviously, there are a 12:48:36
9 lot of people here involved and the public is 12:48:38
10 prompt in getting the statement correct in terms of 12:48:44
11 numbers that are here today. Obviously this 12:48:48
12 hearing is at 12 o'clock on a Monday, which most 12:48:50
13 people are working. That's why we are giving all 12:48:54
14 these opportunities throughout this hearing and why 12:49:00
15 we are going at night and not from 9:00 to 5:00 so 12:49:02
16 that people have an opportunity to participate. 12:49:06
17 People who have normal jobs, unlike the rest of us, 12:49:08
18 who are doing this process for a living. As well 12:49:12
19 as the Village Board, who I know most of them, has 12:49:16
20 a job, too. So, we do appreciate your time. But 12:49:18
21 thank you, Mr. Grossmark, for the clarification. 12:49:22

22 Mr. Helsten, let's take a few minutes 12:49:28
23 before you proceed. I want to give our court
24 reporter some spellings.

1 (Whereupon, there
2 was a short break.) 12:52:52

3 THE HEARING OFFICER: Let's reconvene the 12:52:52
4 public hearing. Mr. Helsten or Mr. Mueller, your 12:58:22
5 first witness. 12:58:26

6 MR. HELSTEN: Thank you, Mr. Luetkehans. We 12:58:28
7 will call Mr. Devin Moose to the stand. 12:58:30

8 (Whereupon, the witness was duly
9 sworn.)

10 Devin A. Moose,
11 Called as a witness herein, having been first duly
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HELSTEN:

15 Q. Would you state your name for the record, 12:58:54
16 please? 12:58:56

17 A. Devin Moose. 12:58:58

18 Q. And, Mr. Moose, what's your profession? 12:58:58

19 A. Civil engineer. 12:59:02

20 Q. And were you responsible for overseeing 12:59:02
21 the assembly of the Application? 12:59:10

22 A. Yes, I was. 12:59:14

23 Q. And you are here to testify today on what 12:59:14
24 criterion? 12:59:16

1 A. Criterion two, four, five, seven, today. 12:59:18

2 Q. And, Mr. Moose, have you put together a 12:59:28

3 PowerPoint presentation which is illustrative of 12:59:32

4 certain portions of the application which relate to 12:59:36

5 those criterion which you wish to testify to today? 12:59:40

6 A. Yes, I have. 12:59:42

7 Q. Do you feel that that PowerPoint 12:59:44

8 presentation will aid, both, the decision maker and 12:59:46

9 members of the interested public and everybody else 12:59:50

10 involved here in understanding your testimony and 12:59:52

11 your presentation? 12:59:54

12 A. I do. 12:59:54

13 MR. HELSTEN: Mr. Luetkehans, I would request 12:59:58

14 based on that we be allowed to present the 13:00:00

15 PowerPoint presentation and that copies of the 13:00:06

16 PowerPoint presentation be allowed to be 13:00:08

17 distributed to the Village Board members and all 13:00:12

18 participants and their attorneys and yourself. 13:00:14

19 THE HEARING OFFICER: Mr. Blazer. 13:00:18

20 MR. BLAZER: Thank you, Mr. Luetkehans. We 13:00:22

21 have no objection, but, obviously, I just want to 13:00:24

22 point out that the siting ordinance requires that 13:00:26

23 those presentations be distributed in advance of a 13:00:30

24 witness' testimony. This is the first time we are 13:00:32

1 going to be seeing this. Obviously we don't want 13:00:34
2 to delay the proceeding by taking time to review 13:00:36
3 it, but I would ask since they prepared their 13:00:40
4 witnesses already and presumably they have all 13:00:42
5 those PowerPoints available that they distribute 13:00:46
6 all of them at this time so we have an opportunity 13:00:48
7 to review them in advance of testimony. 13:00:50
8 THE HEARING OFFICER: Mr. Helsten. 13:00:52
9 MR. HELSTEN: I read in advance of the 13:00:54
10 testimony to mean as each witness came up we 13:00:56
11 distributed those, Mr. Luetkehans, which is what I 13:01:00
12 was trying at best. That was my understanding. I 13:01:04
13 apologize if that was the wrong instruction on the 13:01:06
14 ordinance. I think the measure of performance is 13:01:10
15 what you deem the ordinance to say. We can present 13:01:14
16 Mr. Moose's on the criterion he just testified to 13:01:16
17 now. That's the way I thought the ordinance read. 13:01:22
18 And, then, before each witness came up, we 13:01:26
19 distributed the other ones. 13:01:28
20 THE HEARING OFFICER: Mr. Blazer. 13:01:30
21 MR. BLAZER: Thank you, Mr. Hearing Officer. 13:01:32
22 To be fair, as you know, last week because of the 13:01:36
23 volume of documents we filed, you asked me to 13:01:40
24 identify specifically which of those exhibits we 13:01:42

1 intend to use in our case in chief, which we intend 13:01:46
2 to use on cross-examination. We have done that in 13:01:50
3 order to not surprise anyone and to try and comply 13:01:52
4 with both the ordinance and your reference. I 13:01:58
5 think in that same vein, since all of these have 13:02:00
6 already been prepared, I can see no reason 13:02:04
7 whatsoever other than continuing effort to 13:02:06
8 subterfuge to provide all of the participants and 13:02:12
9 everyone else who wants copies of these PowerPoints 13:02:14
10 so we can see what it is that the witnesses are 13:02:18
11 going to hear in advance. 13:02:20
12 THE HEARING OFFICER: Let me ask a clarifying 13:02:22
13 question. Mr. Helsten, are you intending these to 13:02:24
14 be put in as demonstrative evidence or exhibit? 13:02:26
15 MR. HELSTEN: Both. Or demonstrative, rather. 13:02:30
16 This is simply demonstrative of the testimony of 13:02:32
17 this witness. 13:02:34
18 THE HEARING OFFICER: I guess the next question 13:02:40
19 is I don't think anyone has an objection to this 13:02:42
20 PowerPoint at this point. That's not what I am 13:02:46
21 hearing. So, I guess what I am hearing is do we 13:02:48
22 have PowerPoint presentations or are you intending 13:02:50
23 on doing PowerPoint presentations for the rest of 13:02:52
24 the witnesses? 13:02:56

1 MR. HELSTEN: Yes, for each of our witnesses. 13:02:56

2 THE HEARING OFFICER: Are those prepared? 13:03:00

3 MR. HELSTEN: Yes. 13:03:00

4 THE HEARING OFFICER: Are they here? 13:03:00

5 MR. HELSTEN: Yes. 13:03:02

6 THE HEARING OFFICER: Could you -- and I don't 13:03:04

7 know that we need them at this point, but at the 13:03:04

8 next break can we distribute those? 13:03:08

9 MR. HELSTEN: Yes. Can we start with Mr. Moose 13:03:10

10 and --

11 THE HEARING OFFICER: Yes. What I am saying is 13:03:12

12 let's see start with Mr. Moose now, but at a break 13:03:14

13 time or dinner time, if you can distribute the rest 13:03:18

14 of them at that time. I am not trying to hold up 13:03:20

15 anyone up. 13:03:24

16 MR. BLAZER: And just so the record is clear, 13:03:24

17 Mr. Hearing Officer, I am not suggesting that they 13:03:28

18 shouldn't. I am objecting to Mr. Moose doing it 13:03:40

19 this way. This is the way he puts on his thing, 13:03:44

20 but my only thing was just to when I read in 13:03:48

21 advance of the testimony I didn't mean 30 seconds. 13:03:52

22 I didn't read it is as 30 seconds before the 13:03:56

23 testimony. I think in all fairness and notice, we 13:04:00

24 should be seeing all of them. I am not hearing any 13:04:02

1 objection from Mr. Helsten. At least I heard your 13:04:06
2 comments. So, let's proceed. If we can get this 13:04:10
3 one now, so we can start reading it while Mr. Moose 13:04:12
4 is pontificating, then we can proceed. 13:04:16
5 MR. HELSTEN: Move to strike pontificating. 13:04:20
6 THE HEARING OFFICER: Granted. If you can 13:04:24
7 please distribute that. 13:04:30
8 MR. HELSTEN: Yes, we will do so now. 13:04:34
9 THE HEARING OFFICER: Mr. Helsten, you may 13:05:28
10 proceed. 13:05:30
11 BY MR. BLAZER:
12 Q. Mr. Moose, are you also proposing that you 13:05:32
13 testify substantially in a narrative form and go 13:05:36
14 through each page of the PowerPoint presentation 13:05:38
15 subject to me posing questions to clarify something 13:05:40
16 that you may have said? 13:05:46
17 A. Yes. 13:05:48
18 Q. And you feel that will facilitate this 13:05:48
19 proceeding and serve to make the presentation on 13:05:52
20 the evidence more efficient and effective? 13:05:54
21 A. I do. 13:05:58
22 MR. HELSTEN: Mr. Hearing Officer, we would ask 13:06:00
23 leave to ask Mr. Moose present a narrative subject 13:06:02
24 to interjection of questions by me. 13:06:06

1 THE HEARING OFFICER: Any objections? Hearing 13:06:12
2 none, so granted. 13:06:14
3 MR. HELSTEN: Thank you, Mr. Hearing Officer. 13:06:14
4 BY MR. HELSTEN: 13:06:16
5 Q. Please proceed to the first page of your 13:06:16
6 PowerPoint presentation and testify -- and make 13:06:20
7 your presentation, Mr. Moose. 13:06:24
8 A. Thank you. My name is Devin Moose. I am 13:06:24
9 the chief engineer responsible for development of 13:06:30
10 the application and design of the facility. I'm a 13:06:32
11 registered professional engineer in Illinois and 13:06:36
12 nine other states. And I'm a national director of 13:06:38
13 solid waste consulting for a company called Shaw 13:06:42
14 Environmental, a CB&I company. I know that's a 13:06:46
15 mouthful. CB&I is a nationally traded corporation, 13:06:50
16 \$11 billion a year in revenue and 50,000 employees 13:06:54
17 worldwide. 13:06:58
18 I received my degree in engineering from 13:07:00
19 the University of Missouri-Rolla specializing in 13:07:02
20 civil engineering and geotechnical engineering. I 13:07:08
21 have been awarded the level of diplomate by the 13:07:08
22 American Academy of Environmental Engineers, and I 13:07:12
23 have been practicing civil engineering in all 13:07:14
24 aspects of solid waste for 30 years. Lead engineer 13:07:16

1 on many transfer stations in Illinois, as well as 13:07:22
2 around the country, and I have received awards for 13:07:24
3 my transfer stations. My most recent is the 13:07:28
4 Silver Award from the Solid Waste Association of 13:07:32
5 North America for a facility that we completed in 13:07:34
6 Los Alamos, New Mexico. 13:07:38

7 This is the beginning to some people for a 13:07:42
8 long process. For some of us, we have been working 13:07:44
9 on this for many years already. Siting transfer 13:07:48
10 stations is a very difficult and lengthy process. 13:07:52
11 I have been working on this project for five years 13:07:54
12 already. We have several more years of approvals 13:07:58
13 and work to do before this can become reality. 13:08:02

14 We are at the local siting approval stage. 13:08:06
15 This is where we normally go out for proposal for 13:08:10
16 the first time to the public siting. And as was 13:08:14
17 explained to you by the hearing officer and 13:08:16
18 Mr. Helsten, in Illinois it's regulated by the 13:08:18
19 state legislature under 39.2 of the Environmental 13:08:20
20 Protection Act, which makes a very stringent set of 13:08:24
21 rules on how these things are approved. 13:08:28

22 Most of the criteria you have heard by 13:08:32
23 now, but recognize that this process does not 13:08:34
24 displace other processes that you may be used to. 13:08:40

1 If we are lucky enough to receive approval and 13:08:44
2 withstand Mr. Blazer's appeals, we still have to 13:08:48
3 get a permit from the Illinois Environmental 13:08:52
4 Protection Agency. That permit from the IEPA will 13:08:54
5 focus in more detail on the design of the facility 13:08:58
6 and the operating plant of the facility, and it 13:09:02
7 will be reviewed by the engineers at the IEPA who 13:09:04
8 specialize in permitting these types of facilities. 13:09:08
9 They won't be looking at traffic, off site traffic 13:09:10
10 or property values. Those are really the 13:09:16
11 exclusively of your community. 13:09:18
12 Having said that, we still have to come 13:09:20
13 back and get local building permits. This is 13:09:22
14 fairly early in the stage of the design. It might 13:09:26
15 be 10 or 15 percent of design. Construction 13:09:30
16 drawings for a building like this will be maybe 120 13:09:32
17 sheets or more. I think we have got nine. So, 13:09:36
18 there is a lot of detail design that will have to 13:09:40
19 go into the building and the site and will have to 13:09:42
20 go through the building codes just as everybody 13:09:46
21 else does in town that will look at precisely the 13:09:48
22 construction materials of the building, more detail 13:09:52
23 review of the fire protection plan, all of those 13:09:56
24 things that are normally done still need to occur. 13:09:58

1 There are certain roadway improvements 13:10:04
2 that are planned. Those will have to be approved 13:10:06
3 by the Illinois Department of Transportation, and 13:10:10
4 it isn't until we get the permit from the IEPA that 13:10:10
5 we can begin construction and the permit from your 13:10:14
6 Village that we can begin construction of the 13:10:18
7 facility. During construction, construction is 13:10:20
8 inspected by your Village, it's also inspected by 13:10:22
9 the IEPA, and ultimately another permit will have 13:10:26
10 to be granted from the IEPA before any operations 13:10:30
11 can begin. The IEPA's permit is specifically to 13:10:32
12 see that our facility is constructed in a manner to 13:10:36
13 protect the health and safety and welfare 13:10:40
14 consistent with the safety regulations. Your 13:10:42
15 building inspector will also inspect the facility. 13:10:46
16 Make sure that the facility meets the Village 13:10:50
17 codes. 13:10:52
18 So, there is a lot of inspections, a lot 13:10:52
19 more design to go through, a lot more oversight by 13:10:56
20 different groups of people other than yourself as 13:11:00
21 we work through this years long process. 13:11:04
22 MR. KARLOVICS: Mr. Hearing Officer, if I may, 13:11:08
23 the record will reflect that Trustee Kenyon left at 13:11:12
24 12:45 p.m. 13:11:16

1 THE HEARING OFFICER: Thank you. The record 13:11:18
2 will reflect.

3 Proceed, Mr. Moose.

4 THE WITNESS: Nine criterion we have seen, I 13:11:22
5 won't go through them, but I will be talking about 13:11:24
6 criterion two, four, five, seven and nine. First, 13:11:26
7 a little basic site information. It's located at 13:11:36
8 the northeast corner of 120 and Porter Drive. It's 13:11:48
9 about 3.9 acres. We are asking for an average of 13:11:56
10 750 tons per day of municipal solid waste, 13:12:00
11 landscape waste and/or recyclables combined. 13:12:06

12 That is a relatively moderate sized 13:12:10
13 transfer station. To give you some comparisons, 13:12:12
14 there are transfer stations that take 3,000 tons a 13:12:16
15 day. So, it's 750 tons a day. It's a relatively 13:12:18
16 moderate sized facility. 13:12:22

17 Slide number seven zooms in on the site, 13:12:28
18 and located near the center south portion of the 13:12:30
19 site you can see the proposed transfer station. 13:12:34
20 And showing green to the west is called the eco 13:12:38
21 campus, which is a facility that has already 13:12:42
22 received local approval and state approval, and has 13:12:44
23 not initiated construction. Immediately north of 13:12:52
24 the eco campus is the hauling yard. That's the old 13:12:54

1 Scott Lumber Company that Groot purchased and took 13:13:00
2 over several years ago and many of us remember the 13:13:02
3 multiple nights of hearings that we went through 13:13:08
4 with that. I am very proud the way that facility 13:13:10
5 turned out, and I testified in that. I use that as 13:13:14
6 a gauge that everything that we promised and that I 13:13:16
7 said turned out to be pretty much on spot. 13:13:18

8 Immediately east of the transfer station 13:13:22
9 is a piece of property that recently auctioned off 13:13:26
10 and the winning bidder on the property is Groot 13:13:30
11 Disposal. So, they had actually owned property 13:13:32
12 pretty much on at least two sides of this facility. 13:13:36
13 That has not closed yet, but we have no reason to 13:13:38
14 expect that it will not close. 13:13:42

15 Little bit about the building. Transfer 13:13:46
16 station is about 27,800-square footage. It's a 13:13:48
17 concrete and steel structure. That is a purposeful 13:13:52
18 design decision. We could make this out of steel, 13:13:56
19 we could have made it out of other materials. But 13:14:00
20 utilizing cast in place concrete and pre-cast 13:14:02
21 concrete hung on steel skeleton was a purposeful 13:14:06
22 design decision. It blends in well to (inaudible) 13:14:10
23 the area. It also suppresses noise within the 13:14:14
24 building. 13:14:18

1 We have 16-foot high push walls 18-inch 13:14:18
2 thick. We found that this really works well for 13:14:22
3 storing waste against the wall, has a long life, 13:14:26
4 and is pretty much our standard design on a lot of 13:14:28
5 the transfer stations. Thick reinforced concrete 13:14:32
6 tipping floor. That's the floor that the garbage 13:14:36
7 and recyclables are tipped or placed on the ground 13:14:40
8 before they are loaded into transportation trucks. 13:14:42
9 And there is a tarping station within the building 13:14:46
10 that houses the trucks before they leave the 13:14:50
11 facility. It's designed as a drive-thru facility, 13:14:52
12 which is also a purposeful design decision. Some 13:14:56
13 facilities are back-in facilities where you pull 13:14:58
14 in, stop, out into the queuing yard and back into 13:15:02
15 the facility. This is a facility that was 13:15:04
16 purposefully designed as a drive-thru facility, 13:15:08
17 meaning one door opens up, you drive in, tip your 13:15:10
18 waste, and you drive out. That minimizes the 13:15:14
19 number of openings outside. It was also oriented 13:15:16
20 so along Route 120 there are no doors, and along 13:15:22
21 the north side there are no doors, to minimize the 13:15:24
22 amount that people can see into the facility. 13:15:28
23 Landscaping was strategically placed also 13:15:32
24 along Porter Drive to obstruct the use, and none of 13:15:36

1 the waste loading activities are observable from 13:15:40
2 the outside, even if the landscaping wasn't there. 13:15:44
3 BY MR. HELSTEN:
4 Q. Mr. Moose, let me ask you something. In 13:15:48
5 terms of amenities and design and construction, 13:15:52
6 would you compare this to other transfer stations 13:15:54
7 that you have designed, been involved in permitting 13:15:56
8 and construction in the last six or seven years and 13:15:58
9 indicate whether this one lacks anything that have 13:16:00
10 been involved or included in those other transfer 13:16:04
11 station designs? 13:16:08
12 A. No, I think this compares fairly well with 13:16:12
13 the Glenview transfer station, which I designed 13:16:14
14 20 years ago, which received awards from the 13:16:16
15 American Public Works Association, as well as the 13:16:20
16 American Consulting Council. 13:16:22
17 It has skylights pointing toward the south 13:16:24
18 that let natural light filter in to minimize energy 13:16:28
19 use and keep the building well lit. It has windows 13:16:32
20 or also skylights along the south wall. To bathe 13:16:36
21 and wash that floor, you need sunlight during the 13:16:38
22 day. We find that the brighter a transfer station 13:16:44
23 is, the safer it is. And the brighter a transfer 13:16:46
24 station is, generally the cleaner it is. So, we 13:16:48

1 like to get a lot of natural light into transfer 13:16:50
2 stations. 13:16:54
3 You will see roof vents on the sides. 13:16:54
4 This facility will have an air exchange program 13:16:58
5 where they will create a negative pressure within 13:17:02
6 the transfer station building. As we suck the air 13:17:04
7 into the transfer station building, we'll change 13:17:08
8 that air probably four to six times per hour. So 13:17:10
9 that if you were to actually stand next to the door 13:17:14
10 and blow a match out, you would actually see that 13:17:16
11 smoke go into the transfer station building. 13:17:20
12 Criterion two states that the facility is 13:17:28
13 so designed, located and proposed to be operated 13:17:32
14 that the public health, safety and welfare will be 13:17:36
15 protected. There are certain location standards 13:17:40
16 that we look at where you can and cannot put a 13:17:42
17 transfer station or things that have to be 13:17:46
18 addressed if they are present. They are 13:17:50
19 residential setbacks, wetlands, archaeologic and 13:17:52
20 historic sites, endangered species, wild or scenic 13:17:58
21 rivers, proximity to airports, floodplain and 13:18:02
22 regulated recharge. I'll speak to each of these 13:18:04
23 briefly. 13:18:08
24 Section 22.14 of the Environmental 13:18:10

1 Protection Act does not allow a transfer station to 13:18:12
2 be established within 1,000 feet of the nearest 13:18:18
3 property zoned primarily for residential uses or 13:18:20
4 within 1,000 feet of any dwelling. This facility 13:18:24
5 meets that standard, and shown on the lower 13:18:28
6 right-hand portion of slide 11 is a graphic that 13:18:32
7 shows the setbacks from the nearest dwelling, as 13:18:34
8 well as setbacks from areas that are zoned 13:18:40
9 primarily for residential use to the north and to 13:18:42
10 the northwest. 13:18:46

11 A wetland delineation has been conducted 13:18:52
12 on the site. We have about 7,000 square feet of 13:18:54
13 wetlands that are going to be impacted. We are 13:18:58
14 going to manage that and making that a ratio of one 13:19:00
15 and a half to one probably through the wetland bank 13:19:06
16 or potentially on our own property, which we just 13:19:10
17 purchased to the east. 13:19:14

18 There are no significant archeological or 13:19:18
19 historic sites the facility will impact. There are 13:19:20
20 no endangered species that the facility will 13:19:26
21 impact. There are no nature preserves in the area. 13:19:30
22 The site does not pose a threat to any Illinois 13:19:34
23 Natural Areas. The only scenic river in Illinois 13:19:38
24 is the Middle Fork or the Vermillion River, and 13:19:42

1 this is what that looks like, and we are not 13:19:52
2 anywhere near that. 13:19:52
3 Airports. There are guidance documents by 13:19:54
4 the FAA that talks about the proximity of a 13:19:56
5 transfer station to airports and how certain 13:20:00
6 transfer stations, if they meet certain criteria, 13:20:02
7 the FAA needs to be consulted. Those are for 13:20:06
8 transfer stations that are within 5,000 foot 13:20:10
9 separation. This facility is greater than 5,000 13:20:12
10 feet, as shown on slide 18. Therefore, it already 13:20:16
11 meets any FAA guidance. 13:20:20
12 Criterion four talks about floodplains. 13:20:24
13 You can't put a facility on a floodplain or, if you 13:20:28
14 do, you have to find a way to flood proof it. This 13:20:32
15 facility is not within a floodplain as shown on 13:20:36
16 slide 20 and contained in greater detail in the 13:20:40
17 applications. The FEMA or Federal Emergency 13:20:42
18 Management Agency floodplain boundary map for the 13:20:46
19 area that shows the site facility is wholly 13:20:50
20 outside of any floodplains. 13:20:54
21 Q. Mr. Moose, is the FEMA documentation the 13:21:02
22 type of documentation that is normally and 13:21:06
23 customarily relied upon to determine the nature and 13:21:08
24 extent of the floodplain? 13:21:10

1 A. Yes. 13:21:12
2 Q. And, Mr. Moose, do you have an opinion as 13:21:16
3 to whether the facility is located outside of the 13:21:18
4 100-year floodplain? 13:21:22
5 A. I do. 13:21:24
6 Q. What is that opinion? 13:21:24
7 A. That it is so located outside of the 13:21:26
8 boundary of the 100-year floodplain. 13:21:28
9 Q. And the basis of your opinion is what 13:21:32
10 again? 13:21:32
11 A. The FEMA maps. 13:21:32
12 Q. And what you testified to so far, correct? 13:21:34
13 A. Correct. 13:21:36
14 Q. Okay. Please proceed. 13:21:36
15 A. Criterion nine is the facility will not be 13:21:42
16 located within a regulated recharge area. There is 13:21:46
17 only one such area designated in Illinois, and this 13:21:50
18 is not within a regulated recharge area. 13:21:56
19 Q. So then do you have an opinion as to 13:21:58
20 whether or not this facility is located within a 13:22:02
21 regulated recharge area? 13:22:04
22 A. It is not. 13:22:06
23 Q. And the basis of your opinion I take it is 13:22:06
24 your testimony today and the contents of the 13:22:10

1 application that you have referred to today, 13:22:14
2 correct? 13:22:16
3 A. Correct. 13:22:16
4 Q. Please proceed. 13:22:18
5 A. Proposed site improvements. We'll go 13:22:20
6 through a little bit more of these. I talked 13:22:24
7 earlier the 27,800 square feet is also a fairly 13:22:26
8 moderate sized transfer station. I have transfer 13:22:30
9 stations that are 80 or 90,000 square feet. So, 13:22:34
10 again, to give you some aspect of the size, it's a 13:22:36
11 fairly moderate sized facility. 13:22:42
12 Q. Mr. Moose, excuse me. As you go through, 13:22:46
13 I would like you to as you just did present with 13:22:48
14 detail the aspects of the and the amenities of the 13:22:54
15 design here which are intended to minimize impacts 13:22:58
16 and would show that this facility incorporates all 13:23:04
17 of the amenities and all of the design features and 13:23:10
18 safeguards that other transfer stations that you 13:23:14
19 have recently designed and permitted in developing 13:23:18
20 through. 13:23:28
21 A. Thank you. It starts with size. There is 13:23:28
22 a greater need, as you'll see in subsequent 13:23:30
23 testimony, that this facility can handle, but the 13:23:34
24 decision to limit this facility to about 750 tons 13:23:36

1 per day is a fairly small facility. It's sized as 13:23:40
2 far as volume and building size very comfortably 13:23:46
3 with other transfer stations. Meaning we are not 13:23:48
4 putting a lot more waste through a smaller 13:23:52
5 building. If you compare other transfer stations, 13:23:54
6 this building is very, very, comfortably sized for 13:23:56
7 the amount of waste that we are requesting. 13:24:00

8 The same has to do with the site, the 13:24:02
9 facility boundary. At 3.9 acres at 750 tons per 13:24:04
10 day, this facility is very, very, comfortably 13:24:10
11 sized, and it allows significant room for stacking 13:24:12
12 or queuing of trucks, a lot of circulation room, 13:24:16
13 plenty of room for employee parking. So, if you 13:24:20
14 look at just the size of the facility of 3.9 or if 13:24:24
15 you look at the size of the building and compare it 13:24:28
16 to the volume request, that decision was made early 13:24:30
17 on and it's very comfortably or relatively small 13:24:36
18 sized less intense use of the property. 13:24:38

19 I mentioned earlier the construction is 13:24:42
20 reinforced concrete, pre-cast concrete panels. 13:24:44
21 That serves to minimize noise transmission. The 13:24:48
22 denser the material is, the less noise will travel 13:24:52
23 through that. Many transfer stations are 13:24:56
24 constructed metal buildings with concrete hybrid 13:24:58

1 type. This one is all concrete. It's a drive-thru 13:25:04
2 facility. Minimizes visibility. Minimizes the 13:25:06
3 opportunity for litter. Minimizes the opportunity 13:25:12
4 for increased noise. And also helped us design in 13:25:16
5 our handling system that can change those air and 13:25:20
6 to perform those air exchanges. 13:25:24
7 It's got a good traffic route. Plenty of 13:25:28
8 queuing. It's got a lot of light. We pointed to 13:25:30
9 the doors opening away from our neighbors and away 13:25:36
10 from Route 120. We constructed and designed a 13:25:38
11 storm water system using bio-swaes that will 13:25:42
12 release the water through the bio-swale and allow 13:25:44
13 for sedimentation, nutrients takeup, and prior to 13:25:48
14 discharge into the existing storm water management 13:25:54
15 system for the industrial park. The industrial 13:25:58
16 park has a centralized storm water management 13:26:00
17 system that serves all of the lots, and that is 13:26:02
18 providing the adequate retention. But we have also 13:26:06
19 tried to incorporate rain sustainable principles in 13:26:08
20 the storm water design. 13:26:14
21 There will also be extensive landscaping 13:26:16
22 and berms which Mr. Lannert will talk about later 13:26:18
23 in terms of repaving Porter Drive and all of the 13:26:24
24 driveways and parking areas of the transfer station 13:26:28

1 facility itself will be paved. 13:26:30

2 Slide 26 shows a schematic of the transfer 13:26:36

3 station facility. Porter Drive lies to your left 13:26:40

4 over here. The entrance is a comfortable distance 13:26:46

5 back from Route 120. Another decision that was 13:26:50

6 made in the design process where should the 13:26:52

7 entrance be, on Porter Drive, or should we try to 13:26:54

8 come out on 120. So, there is a lot of decisions 13:26:58

9 that have been made over the course of the layout 13:27:00

10 of the facility. 13:27:02

11 This shows, these grey rectangles, are an 13:27:06

12 illustrative example of where transfer trailers can 13:27:14

13 be stored, just to give you an idea of how much 13:27:18

14 storage we have. We would never have a need to 13:27:20

15 store that much, but we created the room for them. 13:27:24

16 There is 13 parking spaces, and we have about six 13:27:26

17 employees on two shifts, so there is always plenty 13:27:30

18 of room for employees to park. On the northern or 13:27:32

19 top of the slide in the central portion is the 13:27:38

20 scale house, which is where the trucks, the packer 13:27:40

21 trucks that pick up garbage at our house, will be 13:27:44

22 weighed in before they tip their load in leaving. 13:27:48

23 You see a little stilling basin to the 13:27:52

24 northwest. That's at the end of the bio-swale. 13:27:54

1 This brown long stripe along the north end is the 13:27:58
2 bio-swale. If there is (inaudible) flow from these 13:28:02
3 different areas of pavement into that bio-swale, 13:28:06
4 water will then migrate very slowly to the west 13:28:08
5 into that stilling basin before the storm water 13:28:12
6 will be discharged to the industrial park storm 13:28:14
7 water detention facility. This is just storm water 13:28:18
8 that falls on the pavement. All the waste 13:28:22
9 transfers occur inside the building. So, none of 13:28:24
10 the storm water will be in contact with any waste, 13:28:28
11 just some pavement. 13:28:32

12 It also shows the skylights and some 13:28:34
13 vents. It shows an employee area to the west. 13:28:36
14 Shows Mr. Lannert's landscaping design, which he 13:28:42
15 will get into more detail, along the south and 13:28:46
16 west. 13:28:52

17 This is a schematic of floor plan, and we 13:28:54
18 will see a video to give you a better idea how this 13:28:56
19 operates here in a second, but the trucks enter 13:29:00
20 from the right, back in about a 45-degree angle, 13:29:04
21 tip or place their load on the concrete floor, and 13:29:06
22 then exit the building. The yellow piece of 13:29:10
23 equipment that I am pointing at here on slide 27 is 13:29:14
24 a front end loader. Its job is to really feed this 13:29:16

1 excavator. At certain times of the day we are 13:29:20
2 going to have more waste coming in than we can move 13:29:24
3 out, and we store that in the transfer station 13:29:26
4 along this push wall. This is a 16-foot high 13:29:28
5 concrete wall that I was telling you about. 13:29:34
6 Here on the west and on the east are those 13:29:38
7 areas that we can do that. So, the end loader will 13:29:42
8 feed the excavator. The excavator will take from 13:29:46
9 the pile and load onto a transfer trailer for 13:29:48
10 hauling to a distant land fill that might be 100, 13:29:52
11 120 miles away. 13:29:56
12 Q. Mr. Moose, will any of these areas be 13:29:58
13 visible to the outside, to the public? 13:30:00
14 A. No. If you see along the bottom of the 13:30:02
15 slide, here is Route 120. There is no openings. 13:30:06
16 If you looked in these doors, you're not going to 13:30:08
17 see this activity, either. 13:30:12
18 Next slide. Slide 28 shows the traffic 13:30:14
19 routes in and out of the facility. It looks like a 13:30:20
20 lot of arrows, and it is, but what I'll do is we'll 13:30:24
21 have a slide coming up that will show how this 13:30:28
22 actually works. I'll walk you through it once. 13:30:30
23 Packer trucks, which are these green trucks, the 13:30:34
24 standard garbage trucks, come in, circle around, 13:30:36

1 and weigh on the scale or the north central portion 13:30:40
2 of the side. Again a purposeful decision to do 13:30:44
3 that so that we have plenty of stacking and 13:30:48
4 queuing. The ability to que trucks on our own site 13:30:50
5 behind the building and not going through the scale 13:30:54
6 out into the street. Again, a purposeful decision 13:30:58
7 to minimize impact. 13:31:00

8 The truck then comes in, circles around, 13:31:02
9 enters the building, tips his waste to this 13:31:06
10 location, and then exits. The transfer trails, 13:31:08
11 which can hold about three or four times every 13:31:14
12 packer load, come in, either go straight in, load 13:31:16
13 up, tarp, and leave, or if that loading bay is 13:31:20
14 full, they can either que or park their trailer and 13:31:28
15 wait for that loading dock to open up. 13:31:30

16 Slide 29 this gives you an idea of how 13:31:42
17 many vehicles we can que or park in a line in the 13:31:44
18 facility. Plenty of room to take the traffic in a 13:31:48
19 counterclockwise manner around the building and 13:31:52
20 enter the scale from the east going west gives us a 13:31:54
21 lot of room to stack those trucks back here, as 13:31:58
22 opposed to them working on a line out in the 13:32:00
23 street. Plenty of room. 13:32:04
24 Let's run the video. It will give you I 13:32:08

1 think a very good example of what the facility 13:32:10
2 looks like. 13:32:14

3 Q. Just by way of foundation, does the video 13:32:14
4 accurately depict what operations will be there as 13:32:18
5 you have designed them? 13:32:20

6 A. As best as we can get the video to work. 13:32:22
7 It's really meant to show you what's happening on 13:32:26
8 site, also. It's not meant to depict surrounding 13:32:28
9 property. This is a video that we did from our 13:32:32
10 computer CAD file, so it's all computer animated, 13:32:36
11 but it's to the same design scale and it represents 13:32:40
12 our facility and our transfer station building, but 13:32:42
13 it really doesn't represent what you will see in 13:32:46
14 the background. 13:32:50

15 This is on Porter Drive looking at the 13:32:56
16 entrance. This is at Porter and 120 looking at a 13:32:58
17 que angle down at the facility. This is the other 13:33:02
18 angle looking to the northwest. And here is 13:33:06
19 looking almost straight west. 13:33:10

20 Q. This is the landscaping that will be on 13:33:14
21 the facility property that will substantially be in 13:33:16
22 place? 13:33:20

23 A. Yes. This is the truck coming in. He is 13:33:22
24 now going along the south side of the building. 13:33:26

1 You can see the skylights, you can see the roof 13:33:30
2 lights, you can see the intake louvers for the air 13:33:32
3 exchanges. He then goes to the scale where he is 13:33:36
4 weighed. Scale operator will make sure that this 13:33:42
5 is an approved hauler. They have to go through an 13:33:46
6 approval process before they can use the facility. 13:33:48
7 He will now circle back around and enter the 13:33:52
8 tipping floor from the eastern doors. Here he is 13:33:54
9 entering the eastern doors of the facility. You 13:34:00
10 can see the end loader and tipping walls. He will 13:34:04
11 now back in at about 45 degrees. You can see the 13:34:08
12 eight-foot high safety walls. You will see a 13:34:16
13 transfer trailer pull in here. Discharging his 13:34:20
14 load on to the tipping floor. The excavator will 13:34:30
15 now take that material. The end loader will either 13:34:34
16 take that material and push it up into a pile and 13:34:36
17 the excavator will load the transfer station. This 13:34:38
18 is a specialized excavator with an elevating cab. 13:34:42
19 The operator of that excavator can raise his height 13:34:48
20 so that he can see inside the transfer station or 13:34:52
21 the transfer trailer itself. Fairly new. Those 13:34:54
22 have only come out in the last five or six years. 13:35:00
23 Transfer trailer is full. It advances to 13:35:04
24 the next station where it is tarped, and then 13:35:06

1 leaves the facility bound for a land fill 100, 13:35:12
2 120 miles away. You can see a little bit of the 13:35:20
3 eco park across the street there. I hope that was 13:35:22
4 helpful. 13:35:32

5 We are asking for 24 hours, seven day a 13:35:34
6 week operation. That gives us flexibility 13:35:36
7 especially for things like commercial routes, 13:35:38
8 holidays, and things like natural disasters, if 13:35:42
9 they should occur. Most of the time we would be 13:35:46
10 operating from 4:00 a.m. to 8:00 p.m. Monday 13:35:54
11 through Friday and 4:00 a.m. to 12:00 p.m. on 13:35:58
12 Saturdays and closed on Sundays and six major 13:36:00
13 holidays. 13:36:02

14 The facility will not be treating, storing 13:36:08
15 or disposing of hazardous wastes, which is 13:36:14
16 criterion seven. The authorized wastes we will 13:36:18
17 accept are non-hazardous municipal waste, landscape 13:36:22
18 waste, and source separated recyclables, officer 13:36:26
19 paper, newspaper. That is achieved through the 13:36:30
20 approval of haulers to begin with. We want to know 13:36:32
21 who they are. We certainly get financial and 13:36:36
22 billing information, but we also require them to 13:36:38
23 make sure they understand how a facility is used, 13:36:40
24 orientate themselves around the site, and most 13:36:44

1 important is to make sure that they understand what 13:36:48
2 they cannot pick up. This has come quite a long 13:36:50
3 way, frankly, in the last ten years or so. I think 13:36:54
4 most haulers that do curb side pickup do a very 13:36:58
5 good job of educating their customers what you can 13:37:02
6 put in a garbage can and what you don't. 13:37:04
7 There is a load checking program that 13:37:08
8 we'll conduct three days. On three random days, 13:37:10
9 three random loads will be inspected to see how 13:37:14
10 well the education is working. If we find that we 13:37:16
11 are getting unauthorized waste into the facility 13:37:22
12 through that load checking program or through our 13:37:26
13 observations of at either the end loader, who not 13:37:28
14 only when they tip that waste and they push it in a 13:37:32
15 pile they get the opportunity to observe that 13:37:34
16 waste, or the grapple operator, he also is checking 13:37:38
17 the garbage as it's loaded. And the third place is 13:37:44
18 the load checking program. Through those three 13:37:44
19 opportunities to get a good look at the waste, if 13:37:48
20 we are finding a lot of unauthorized waste coming 13:37:50
21 into the facility, we need to go back and retrain 13:37:52
22 our customers or find out where that fatal flaw is 13:37:56
23 and make sure that we correct that promptly. 13:38:00
24 Unauthorized waste, I mentioned this 13:38:04

1 several times, including this long list of no 13:38:06
2 hazardous waste, no special waste, soils, no 13:38:10
3 industrial process, no sludge, no motor oil, no 13:38:14
4 liquid waste or medical waste, PCB waste, no white 13:38:18
5 goods, which are appliances, radioactive waste, 13:38:24
6 asbestos, whole tires. This is really used to 13:38:28
7 serve our commercial accounts and our residential 13:38:36
8 customers. 13:38:40

9 Q. So, do you have an opinion as to whether 13:38:40
10 the facility will be treating or storing or 13:38:42
11 disposing of hazardous waste? 13:38:48

12 A. I do. 13:38:48

13 Q. What is your opinion? 13:38:48

14 A. The facility will not be treating, storing 13:38:48
15 or transporting hazardous waste. 13:38:54

16 Q. And the basis of your opinion is your 13:38:56
17 testimony today and the portions of the application 13:38:56
18 that you alluded to in your testimony? 13:38:58

19 A. Yes. 13:39:00

20 Q. Okay. Please proceed. 13:39:00

21 A. There are five areas that people are at 13:39:06
22 least under criterion two that I think people are 13:39:08
23 most concerned about, at least in my experience; 13:39:12
24 litter, odor, pests, noise and dust. This transfer 13:39:14

1 station the design of a facility as well as the 13:39:20
2 operating plant for this facility had been married 13:39:22
3 together to minimize any potential impact to these 13:39:26
4 five areas. I'll take them each individually. 13:39:32
5 Litter. Collection vehicles that come to 13:39:34
6 the facility will be required to be fully enclosed 13:39:40
7 or covered, which means when they pull into that 13:39:44
8 scale operator, that pre-approved customer knows 13:39:46
9 that it has to be delivered that way. If they are 13:39:48
10 not, they are going to get a warning. But, 13:39:50
11 ultimately, if it continues to happen, they will be 13:39:52
12 refused service. We will patrol, just again, all 13:39:56
13 the waste tipping that occurs within the building, 13:40:04
14 especially drive-thru facilities such as we are 13:40:08
15 proposing here. Litter outside the building is a 13:40:12
16 relatively minor issue. Having said that, facility 13:40:16
17 as well as the surrounding area will be patrolled 13:40:20
18 on a daily basis and any litter will be picked up. 13:40:24
19 We will remove litter from the facility 1,500 feet 13:40:26
20 from the facility and private property within 13:40:30
21 500 feet unless people don't want us on their 13:40:34
22 property. 13:40:38
23 The main preventative measures that you 13:40:40
24 can do to prevent odor is to clean the building. 13:40:48

1 Facilities that store waste for a long time will 13:40:54
2 stink. We practice first in first out. The waste 13:40:58
3 generally will only be here for a couple hours a 13:41:02
4 day. Meaning that from the time it's put on the 13:41:06
5 floor to the time it actually leaves, most of the 13:41:08
6 waste (inaudible) for several hours. That's the 13:41:14
7 best medicine. It will -- garbage does have an 13:41:18
8 odor. You will smell it within the facility. But 13:41:22
9 we are confident at many facilities we have done we 13:41:26
10 will not have any odors outside of the facility 13:41:30
11 boundary. We do that by moving the waste out. If 13:41:32
12 you have particularly a diverse waste from a 13:41:36
13 particular customer, move that out immediately. 13:41:40
14 Don't let it sit around. If you have a customer 13:41:42
15 that's giving you a problem, we get rid of that 13:41:44
16 customer or we go to that customer's place of 13:41:48
17 business and work with them to try and find a 13:41:52
18 better way to manage that waste differently. 13:41:54
19 We will have a misting system within the 13:42:00
20 facility. The misting system suppresses dust, but 13:42:02
21 we'll also be injecting a non-toxic odor 13:42:06
22 neutralizer. We will be able to use that in the 13:42:10
23 summer months. The summer months is when the odor 13:42:12
24 is potentially greatest, and in the winter months 13:42:16

1 it's not that big of an issue because garbage is 13:42:22
2 nearly frozen, and odor is not an issue. So, we'll 13:42:26
3 just run that misting system in the summertime. 13:42:28
4 Let's go back one. We will at some point 13:42:34
5 during the course of that day make sure that the 13:42:36
6 floor is cleaned and we'll have a street sweeper 13:42:40
7 sweep the building, and we will also pressure wash 13:42:44
8 the walls as needed so that we get all that odor 13:42:46
9 causing material out of the facility. My 13:42:50
10 experience is that these measures work quite 13:42:52
11 successfully on a facility like this. There are 13:42:56
12 two. One of the things that the host agreements 13:43:02
13 have within them a requirement that there are no 13:43:06
14 noticeable odors at the facility boundary. So, the 13:43:12
15 County, as well as the Village, have that within 13:43:12
16 their host agreement and enforceable through that 13:43:16
17 mechanism. So, there is a pretty good handle on 13:43:18
18 odors. 13:43:22
19 Pests. Again, it's an all concrete 13:43:22
20 building. Get the garbage out of the place 13:43:26
21 quickly, clean it quickly, and have it inspected by 13:43:30
22 an exterminator on a regular basis and take 13:43:36
23 appropriate measures. 13:43:40
24 Noise. Transfer station that we are 13:43:42

1 proposing is located in an industrial park on 13:43:46
2 Route 120. I think the transfer station itself 13:43:50
3 there will be no noise, in my opinion, noticeable 13:43:54
4 with the background that's already in here. It's a 13:44:00
5 concrete building. We are required to close the 13:44:02
6 doors between 4:00 and 8:00 a.m., which with every 13:44:06
7 truck that enters and leaves, these are standard 13:44:10
8 doors now that are used at pretty much all transfer 13:44:14
9 stations. They are fast acting rubber doors. 13:44:16
10 There are two manufacturers. They are pretty much 13:44:20
11 the same. 13:44:22
12 Obviously, all our equipment is going to 13:44:22
13 be located equipped with the appropriate muffler 13:44:26
14 devices. So this facility as designed I am not 13:44:28
15 sure what more we could have done to minimize noise 13:44:32
16 impact. 13:44:36
17 Dust. The best thing to minimize dust is 13:44:36
18 to pave everything, put in a misting system and 13:44:40
19 clean the pavement, and we are agreeing to do that 13:44:44
20 within 1,000 feet of the facility. 13:44:48
21 Q. Do you have an opinion, then, as to 13:44:56
22 whether the facility that is so designed, located 13:44:58
23 and proposed to be operated so that the public 13:45:02
24 health, safety and welfare will be protected, 13:45:06

1 Mr. Moose? 13:45:08

2 A. I do. 13:45:08

3 Q. What's your opinion? 13:45:08

4 A. That the facility is so designed, located 13:45:10

5 and proposed to be operated to protect the public 13:45:12

6 health, safety and welfare. 13:45:16

7 Q. Is the basis of your opinion your 13:45:16

8 testimony today and the portions of the application 13:45:20

9 which has been filed in this matter which you 13:45:22

10 alluded to today in your testimony? 13:45:24

11 A. Yes, as well as my 30 years of experience. 13:45:26

12 Q. Okay. Please proceed. Criterion five 13:45:30

13 requires us to minimize the danger to the 13:45:36

14 surrounding area from fire, spills or other 13:45:40

15 operational accidents. 13:45:44

16 Fire control. This facility will be 13:45:46

17 equipped with a sprinkler system. There are 13:45:48

18 hydrants proposed around the facility. There are 13:45:50

19 fire extinguishers strategically located within 13:45:56

20 that facility. There are fire extinguishers 13:46:00

21 located on every piece of rolling equipment. And 13:46:02

22 all the employees will be trained in fire control 13:46:06

23 procedures. A Knox Box will be located at the 13:46:10

24 front gate that will allow emergency responders to 13:46:16

1 enter the facility if nobody is there. And shown 13:46:20
2 on Slide 45 are some proposed locations for fire 13:46:24
3 extinguishers or hydrants and fire extinguishers. 13:46:32
4 And on slide 46, we had met with the fire 13:46:36
5 department. We consulted them about our proposed 13:46:40
6 fire protection plan and our proposed fire 13:46:44
7 protection improvements for the facility, and they 13:46:48
8 have stated that if the facility has been 13:46:52
9 constructed as proposed, the fire district does not 13:46:54
10 anticipate any significant threat or other risk to 13:46:58
11 the community. 13:47:00
12 Spill control. The facility will not 13:47:02
13 accept liquids, special or hazardous wastes. Most 13:47:06
14 likely nature for us to have a spill control or a 13:47:10
15 spill issue is either putting out a fire or 13:47:14
16 alternatively fueling our vehicles, both of which 13:47:18
17 are controlled within an operating plant that shows 13:47:20
18 us how to react to those. It includes fueling 13:47:24
19 procedures that in case there is a spill, there is 13:47:28
20 a spill kit on the site. If it's sufficient size, 13:47:30
21 we have booms that we can put around a containing 13:47:36
22 spill. We will have a contract with a remediation 13:47:38
23 company that can come up and clean the spill. But, 13:47:44
24 generally speaking, fueling vehicles is a very easy 13:47:48

1 routine thing. We know there is no science to it. 13:47:50
2 But we have planned for spill doing that and we 13:47:54
3 have the equipment on site to handle most minor 13:47:56
4 spills. 13:48:00
5 Safety training. As you heard previously, 13:48:04
6 we try to include within the facility, the design 13:48:08
7 of the facility, to improve safety. Everything 13:48:12
8 from lighting to truck movement to safety walls 13:48:16
9 around the loading pit to transfer station, 13:48:22
10 transfer trailer movements, but safety training is 13:48:26
11 part of all of our lives right now. Any of us that 13:48:30
12 work at sites or in the field. Our safety training 13:48:34
13 has been fairly proven well over time. It includes 13:48:40
14 operational procedures, it includes health and 13:48:44
15 safety measures, it includes all personal 13:48:46
16 protection equipment all the workers need to wear, 13:48:52
17 lockout-tagout procedures, so that all of the 13:48:54
18 equipment has no energy available for personnel 13:48:56
19 injuries. Fire control and prevention, emergency 13:49:00
20 first aid, detection, unauthorized waste, and 13:49:04
21 emergency evacuation. Those are done through a 13:49:10
22 formal training program within Groot, as well as 13:49:14
23 ground (inaudible) to the employees. 13:49:18
24 Q. So, Mr. Moose, do you have an opinion as 13:49:22

1 to whether the plan of operations for this facility 13:49:26
2 is designed to minimize the danger to the 13:49:28
3 surrounding area from fire spills or other 13:49:32
4 operational accidents? 13:49:38
5 A. I do. 13:49:38
6 Q. What is your opinion? 13:49:40
7 A. The facility is so designed so that the 13:49:40
8 plan of operations for the facility is designed to 13:49:44
9 minimize the danger to the surrounding area from
10 fire, spills or other operational accidents. 13:49:48
11 Q. And, Mr. Moose, do you have any other 13:49:50
12 testimony to offer at this point in time as to 13:49:52
13 criterion number two, criterion number four, 13:49:54
14 criterion number five, criterion number seven or 13:49:58
15 criterion number nine? 13:50:04
16 A. No. 13:50:08
17 MR. HELSTEN: That's all we have, Mr. Hearing 13:50:12
18 Officer. At this time I would tender the witness. 13:50:14
19 THE HEARING OFFICER: Mr. Blazer, would you 13:50:20
20 like to proceed? 13:50:26
21 MR. BLAZER: If we can take a couple of 13:50:30
22 minutes, I would like to switch my computer over 13:50:34
23 and -- 13:50:36
24 THE HEARING OFFICER: 2 o'clock. We'll 13:50:38

1 reconvene at 2 o'clock. 13:50:38

2 (Whereupon, there

3 was a short break.) 14:04:48

4 THE HEARING OFFICER: Mr. Blazer, you may 14:04:48

5 proceed. 14:04:52

6 MR. BLAZER: Thank you. 14:04:52

7 CROSS-EXAMINATION

8 BY MR. BLAZER: 14:04:54

9 Q. Mr. Moose, you are the engineer of record 14:04:54

10 for this project, correct?

11 A. Yes.

12 Q. And that means that this application for 14:04:56

13 local siting approval has been prepared under your 14:04:58

14 direction, correct? 14:05:00

15 A. Portions of it. 14:05:00

16 Q. Well, it does mean that the information 14:05:06

17 presented in the application is to the best of your 14:05:08

18 knowledge and belief complete, true and accurate, 14:05:12

19 is that correct? 14:05:14

20 A. The portions that were prepared by CB&I. 14:05:14

21 Q. And, then, I just have a few slides, 14:05:20

22 nothing like you did. What I have up here on the 14:05:32

23 screen is drawing D1 from the siting application. 14:05:58

24 You recognize that? 14:06:02

1	A. Yes.	14:06:04
2	Q. And down over here at the bottom of that	14:06:08
3	drawing is your professional engineer seal,	14:06:10
4	correct?	
5	A. Yes.	14:06:16
6	Q. And by putting your seal on this	14:06:18
7	application, you're representing that the work has	14:06:20
8	been prepared by or under your personal supervision	14:06:22
9	or developed in conjunction with the use of	14:06:26
10	accepted engineering standards, correct?	14:06:28
11	A. Yes.	14:06:30
12	Q. And you also understand that the use of	14:06:32
13	your PE seal further represents that the work has	14:06:34
14	been prepared and administered in accordance with	14:06:38
15	the standards of reasonable professional skill and	14:06:40
16	diligence, correct?	14:06:44
17	A. Yes.	14:06:44
18	Q. Now, you have given a number of	14:06:46
19	presentations like this at a large number of these	14:06:48
20	types of hearings, correct?	14:06:50
21	A. Yes.	14:06:52
22	Q. For both land fills and transfer stations?	14:06:56
23	A. Yes.	14:06:58
24	Q. And you have been -- Mr. Helsten made a	14:07:00

1 point of talking about the number of proceedings 14:07:02
2 and your -- the extent of the experience and how 14:07:06
3 this one is comparable to other ones you have done. 14:07:10
4 You have been successful at quite a few of your 14:07:12
5 land fill and transfer station projects, right? 14:07:16
6 A. I don't know what you mean by successful. 14:07:20
7 Q. Siting has been approved? 14:07:22
8 A. Yes. 14:07:24
9 Q. And you have also been unsuccessful on 14:07:26
10 some siting that has been denied, correct? 14:07:28
11 A. Yes. 14:07:30
12 Q. I would like to talk about with you some 14:07:32
13 of the ones where folks like the Round Lake Park 14:07:34
14 Village Board did not accept your presentation and 14:07:40
15 denied siting approval. One of those was the 14:07:44
16 Fox Moraine land fill in Yorkville, correct? 14:07:50
17 A. I don't know if I agree with your 14:07:56
18 characterization that they didn't accept my 14:07:58
19 presentation. I don't know what that means. 14:08:00
20 Q. Let me try it this way. You made a 14:08:02
21 presentation at a siting hearing in Yorkville for a 14:08:04
22 land fill called Fox Moraine land fill, correct? 14:08:10
23 A. Yes. 14:08:14
24 Q. And the City Council of the City of 14:08:14

1 Yorkville denied siting, correct? 14:08:16

2 A. Yes. 14:08:20

3 Q. And you do know that Groot is a partner at 14:08:20

4 Fox Moraine, right? 14:08:24

5 A. Yes. 14:08:24

6 Q. And Mr. Mueller and Mr. Helsten were 14:08:30

7 lawyers for Fox Moraine in that proceeding, 14:08:36

8 correct? 14:08:36

9 A. Yes. 14:08:36

10 Q. And you were the engineer of record on 14:08:36

11 that project? 14:08:38

12 A. Yes. 14:08:38

13 Q. Now, what I have up here, do you recognize 14:08:52

14 what I am showing you up here? 14:08:56

15 A. Yes. 14:08:58

16 Q. And that's your professional engineer 14:09:00

17 certification for the Fox Moraine land fill siting 14:09:04

18 application, correct? 14:09:08

19 A. It appears as though it is. 14:09:08

20 MR. BLAZER: For the record, Mr. Luetkehans, as 14:09:12

21 we know, we have discussed this, out of the number 14:09:14

22 of documents that we submitted in advance of this 14:09:18

23 hearing, we will make every effort to cull out 14:09:22

24 specific pages as we are trying to use them so we 14:09:24

1 are not cluttering the record with 25,000 pages. 14:09:28
2 What I have, as soon as I can get to it, is what we 14:09:30
3 have identified as Exhibit 26A. The original 14:09:48
4 Exhibit 26, the one we submitted, is the Fox 14:09:54
5 Moraine land fill site application. We have carved 14:09:58
6 out just, and we are calling it 26A, that's the 14:10:00
7 document that's up on the slide here, and I have 14:10:04
8 seven copies here which should be enough for all 14:10:06
9 counsel. 14:10:14
10 MR. HELSTEN: Well, I think -- well, I don't 14:10:16
11 know where this is going, but I am going to object 14:10:16
12 to any cross-examination about Fox Moraine land 14:10:20
13 fill for several reasons. Number one, it was an 14:10:24
14 application for land fill. Number two -- not a 14:10:28
15 transfer station. Number two, that's a wholly 14:10:32
16 separate and different proceeding than this 14:10:34
17 proceeding. Number three, the opinions rendered by 14:10:38
18 the Village Board in that case as we still strongly 14:10:42
19 assert were based upon political motivations, and I 14:10:48
20 don't see the relevance of the opinion of that 14:10:52
21 board as to the professional qualifications and the 14:10:56
22 professional accuracy of what Mr. Moose certified 14:11:00
23 to in that application. So, I am going to object 14:11:04
24 for that basis. 14:11:08

1 THE HEARING OFFICER: Mr. Blazer. 14:11:10

2 MR. BLAZER: I am candidly rather surprised 14:11:12

3 that an attorney of Mr. Helsten's experience would 14:11:16

4 object. 14:11:20

5 THE HEARING OFFICER: Just respond, please. 14:11:20

6 MR. BLAZER: Thank you. It's the issue of this 14:11:22

7 witness' credibility, Mr. Hearing Officer. Now, 14:11:24

8 Mr. Helsten in opening -- 14:11:28

9 THE HEARING OFFICER: I personally think the 14:11:34

10 objection is somewhat premature. I will listen to 14:11:36

11 the objection again when we get to questions that 14:11:40

12 are actually to that issue, but right now we are at 14:11:42

13 a certification issue, and the objection will be 14:11:44

14 denied with leave to rebring it, Mr. Helsten, at 14:11:44

15 the appropriate time. 14:11:50

16 MR. HELSTEN: Thank you, Mr. Hearing Officer. 14:11:50

17 THE HEARING OFFICER: Proceed. 14:11:54

18 BY MR. BLAZER: 14:12:00

19 Q. On the declaration that I am looking at up 14:12:00

20 here, Exhibit 26A, this is a formal declaration 14:12:04

21 that you signed and sealed with respect to that 14:12:10

22 application, correct? 14:12:12

23 MR. HELSTEN: Same objection. 14:12:14

24 THE HEARING OFFICER: Overruled. 14:12:16

1 THE WITNESS: You mentioned Timber Creek. I 14:12:20
2 don't understand what you are talking about. 14:12:24
3 BY MR. BLAZER: 14:12:24
4 Q. The certificate that you signed right 14:12:24
5 there, you do recognize it, right? 14:12:28
6 A. Yes. 14:12:30
7 Q. That's your signature on it? 14:12:30
8 A. Yes. 14:12:32
9 Q. And that's your professional engineer seal 14:12:34
10 on that document? 14:12:36
11 A. Yes. 14:12:36
12 Q. Now, the Yorkville City Council, as 14:12:38
13 Mr. Helsten pointed out, denied siting, correct? 14:12:46
14 A. That's my understanding, yes. 14:12:48
15 Q. And you're aware that the Illinois 14:12:48
16 Pollution Control Board affirmed the denial of that 14:12:52
17 siting? 14:12:52
18 A. Yes. 14:12:52
19 Q. And you're also aware that the Appellate 14:12:54
20 Court, the Illinois Appellate Court, then also 14:12:56
21 affirmed the denial of that siting? 14:12:58
22 A. That's what I have been led to believe, 14:13:00
23 but I didn't read -- 14:13:04
24 MR. HELSTEN: I am going to interpose an 14:13:04

1 objection again, Mr. Hearing Officer, for the same 14:13:06
2 reasons as before, and the basis for the denial and 14:13:08
3 whether it was upheld by the Pollution Control 14:13:12
4 Board or the Appellate Court are totally separate 14:13:16
5 and different issues than those involved here. We 14:13:18
6 are straying from the as Billy Graham used to stay 14:13:20
7 in a statement in a sermon in Yankee Stadium, the 14:13:24
8 main thing is keeping the main thing the main 14:13:26
9 thing. The main thing here is the siting 14:13:28
10 application that we have in front of us. If 14:13:30
11 Mr. Blazer has some inconsistency in the siting 14:13:32
12 application here which conflicts with Mr. Moose's 14:13:36
13 professional engineer certification, he should 14:13:40
14 point that out here. 14:13:44
15 THE HEARING OFFICER: Mr. Blazer, what is the 14:13:46
16 relevance? 14:13:48
17 MR. BLAZER: Again, your Honor -- I am going to 14:13:50
18 make that statement a lot, unfortunately. 14:13:54
19 Mr. Helsten and Mr. Moose have 14:13:56
20 encapsulated this entire presentation on 14:14:00
21 Mr. Moose's background, experience and credibility. 14:14:06
22 Mr. Helsten made an extended point of talking about 14:14:10
23 those subjects in his opening statement, and 14:14:12
24 Mr. Moose went to great length to talk about his 14:14:16

1 background and his experience and how this 14:14:20
2 application and this facility relates to or 14:14:24
3 compares to his experience at other facilities. 14:14:26
4 Now, I can understand why Mr. Helsten doesn't want 14:14:30
5 the Village Board to hear about those situations 14:14:34
6 where Mr. Moose was not successful, but the bottom 14:14:36
7 line is Mr. Moose's credibility is at issue here, 14:14:40
8 and I am entitled to delve into his credibility, 14:14:44
9 his background, and the fact that in certain other 14:14:48
10 proceedings, both land fill and transfer station. 14:14:52
11 And I have to add something, because Mr. Helsten is 14:14:54
12 misrepresenting something. This proceeding and a 14:14:56
13 proceeding for a newer extended land fill are 14:15:02
14 identical. It's the same siting statute. It's 14:15:06
15 the -- 14:15:10
16 THE HEARING OFFICER: Okay. Let's not have 14:15:10
17 speeches. I will let you go through, I think it's 14:15:12
18 probably no big surprise to anyone that Mr. Moose 14:15:22
19 has been unsuccessful and he has been successful, 14:15:24
20 kind of like all us lawyers in this room at 14:15:28
21 different times. So, if you want to point out that 14:15:32
22 certain boards disagree with him, that's fine. Go 14:15:34
23 through those quickly. I don't want to spend a lot 14:15:36
24 of time on that because I think the relevance is 14:15:38

1 somewhat limited. But if you want to go through 14:15:40
2 that and the ones he has been denied and list them, 14:15:46
3 I am okay with that, but let's not spend a half 14:15:48
4 hour on each one of these. 14:15:52
5 MR. BLAZER: I wasn't planning on it. Even 14:15:54
6 less if he stops objecting. 14:15:56
7 MR. HELSTEN: Again, I interpose with all due 14:15:58
8 respect, Mr. Hearing Officer, the referral to other 14:16:02
9 denials because they are not material to the issue 14:16:04
10 of credibility. They don't make fact an issue more 14:16:08
11 or less likely because of the reasons that may 14:16:12
12 underlie the denials. Mr. Blazer said I didn't 14:16:12
13 want the Village Board to hear about Fox Moraine. 14:16:18
14 I would invite them to read the opinions of the 14:16:20
15 Pollution Control Board, moreover the Appellate 14:16:24
16 Court, as to what the shenanigans that went on 14:16:28
17 there. 14:16:30
18 THE HEARING OFFICER: I don't want to get into 14:16:30
19 the shenanigans that may or may not have gone on in 14:16:32
20 Yorkville, but I will say you did put into evidence 14:16:38
21 that he has been successful 22 times or something 14:16:38
22 along those lines. So, to show that he has been 14:16:40
23 unsuccessful, I don't have a problem with that. I 14:16:42
24 just do not want to go into the specifics of -- a 14:16:44

1 specific statement being made regarding this land 14:16:46
2 fill, and they are somewhat contradictory. Is that 14:16:48
3 clear enough? 14:16:50
4 MR. BLAZER: Absolutely, Mr. Luetkehans. I 14:16:52
5 appreciate it. 14:16:56
6 BY MR. BLAZER: 14:16:56
7 Q. Now, one of the reasons that siting was 14:16:58
8 denied at Fox Moraine was that you failed to meet 14:17:00
9 criterion two, is that correct? 14:17:02
10 A. I don't recall. 14:17:06
11 Q. Well, it is your view, Mr. Moose, isn't 14:17:18
12 it, that the only explanation for the denial by the 14:17:20
13 members of the Yorkville City Council is that they 14:17:22
14 had to be either biased or ignorant? 14:17:24
15 A. I felt the -- 14:17:28
16 Q. I believe that's a yes or no question, 14:17:32
17 Mr. Moose.
18 MR. HELSTEN: I don't know if it is. I think 14:17:36
19 he should be allowed to answer and explain the 14:17:36
20 basis of his answer. 14:17:40
21 MR. BLAZER: The question was very specific, 14:17:40
22 Mr. Hearing Officer. 14:17:44
23 THE HEARING OFFICER: Read back the question.
24 MR. HELSTEN: It also calls for speculation. 14:18:02

1 (Whereupon, the record was read by 14:18:02
2 the reporter as requested.) 14:18:04
3 THE HEARING OFFICER: Please proceed, 14:18:04
4 Mr. Moose, in answering the question. At this 14:18:06
5 point I am not limiting you to a yes or no. 14:18:08
6 THE WITNESS: I believe that the evidence we 14:18:12
7 put forth on criterion two met the standard. 14:18:14
8 MR. BLAZER: Mr. Luetkehans, unresponsive, move 14:18:24
9 to strike and ask that the witness answer the 14:18:28
10 question.
11 MR. HELSTEN: He answered -- 14:18:30
12 THE HEARING OFFICER: I'll ask you to repeat or 14:18:30
13 rephrase the question. I think he did -- he gave 14:18:32
14 his current view. Other than that, I think you 14:18:34
15 need to follow up after that. 14:18:38
16 BY MR. BLAZER: 14:18:38
17 Q. Let me see if I can refresh your 14:18:40
18 recollection about what your view has been on that 14:18:42
19 case. I'll have to circulate a transcript here. 14:18:44
20 If I may have a moment, Mr. Hearing 14:18:46
21 Officer. 14:18:48
22 Mr. Moose, you do recall testifying -- 14:19:40
23 A. Do I get to see a copy of what you're 14:19:44
24 referring to? 14:19:46

1 Q. I'll get there in a minute. 14:19:46

2 A. Okay.

3 Q. You do recall giving a deposition in a 14:19:48

4 proceeding following the Yorkville City Council's 14:19:52

5 denial of siting in the Fox Moraine proceeding, 14:19:56

6 right? 14:20:00

7 A. Seven years ago, no, I don't recall. 14:20:02

8 Q. Well, actually, it was 2008, five years 14:20:04

9 ago, exactly September 30, 2008. 14:20:06

10 A. No, I don't. 14:20:10

11 MR. BLAZER: May I approach the witness? 14:20:16

12 THE HEARING OFFICER: Yes. 14:20:16

13 BY MR. BLAZER: 14:20:22

14 Q. For the record, I have handed Mr. Moose a 14:20:22

15 copy of his deposition from that proceeding dated 14:20:24

16 September 30, 2008. 14:20:28

17 This is Pages 43 to 44. 14:20:32

18 Mr. Moose, do you recall being asked this 14:20:38

19 question and giving this answer. 14:20:40

20 Question: Any evidence that the Council 14:20:42

21 members who voted on the application were biased 14:20:46

22 against Fox Moraine? 14:20:50

23 Answer: I think that's the same question. 14:20:52

24 MR. HELSTEN: I am going to object to this. 14:20:56

1 Mr. Luetkehans, this is exactly what you admonished 14:20:58
2 Mr. Blazer not to do, which is go to -- we are 14:21:02
3 going to the underlying reason for the denial of 14:21:06
4 the application by a roundabout disingenuous way. 14:21:10
5 Mr. Moose stated I think we met the criterion two. 14:21:16
6 I think the application our presentation met. He 14:21:20
7 answered the question. I don't know what we are 14:21:22
8 doing here. 14:21:24
9 MR. BLAZER: Mr. Hearing Officer, he did 14:21:28
10 everything but answer the question. 14:21:30
11 THE HEARING OFFICER: Well, let me ask what is 14:21:30
12 the relevance of his belief as to the reason it was 14:21:32
13 denied? 14:21:36
14 MR. BLAZER: Well, because Mr. Moose, apart 14:21:36
15 from the 22 that they want the Village Board to 14:21:38
16 talk about or to know about, is unwilling to 14:21:42
17 acknowledge that he makes mistakes, that his 14:21:46
18 testimony is rejected, that his credibility has 14:21:50
19 been rejected, and his only explanation when he 14:21:54
20 loses one of these is that the hearing body, like 14:21:56
21 these folks here, had to be either biased or 14:22:00
22 ignorant. And I think that neglegates his 14:22:04
23 credibility dramatically. 14:22:08
24 MR. SECHEN: If that's the reason, I join in 14:22:10

1 the objection. 14:22:14

2 THE HEARING OFFICER: And I have to admit that, 14:22:14

3 first of all, he is not making those statements. 14:22:16

4 You put them in the record. Mr. Moose has not. He 14:22:18

5 stated his reason, and he is also advised as we 14:22:24

6 discussed that the Board disagreed with it. The 14:22:26

7 purpose of why the Board disagreed with him is not 14:22:30

8 something he put into the record. It's something 14:22:34

9 you're putting into the record and now trying to 14:22:36

10 contradict that or cross-examine on a statement 14:22:38

11 that he hasn't made, I don't think it's fair. So, 14:22:42

12 in this case the objection is sustained. 14:22:44

13 MR. BLAZER: Thank you. May I make an offer of 14:22:46

14 proof? 14:22:50

15 THE HEARING OFFICER: Granted. 14:22:50

16 MR. BLAZER: If allowed to continue further, 14:22:50

17 Mr. Luetkehans, I would ask the witness if he 14:22:52

18 recalls this question, and if he recalls giving 14:22:58

19 this answer. 14:23:02

20 Question: Any evidence that the Council 14:23:02

21 members who voted on the application were biased 14:23:04

22 against Fox Moraine? 14:23:08

23 Answer: I think that's the same question. 14:23:08

24 Again, I focused on the technical component of the 14:23:10

1 application. My belief is there was significant 14:23:14
2 bias based on the way they viewed the evidence, the 14:23:18
3 way they weighed the evidence with virtually no 14:23:20
4 weight given to the evidence that was submitted by 14:23:24
5 the applicant, and significant weight given to 14:23:28
6 (inaudible), and it's either bias or ignorance. I 14:23:32
7 am not sure which, but it has to be one of those 14:23:36
8 two. 14:23:38
9 And then further on Page 76 continuing the 14:23:38
10 offer of proof. 14:23:42
11 Question: It's your opinion that the 14:23:44
12 members of the Yorkville City Council must have 14:23:46
13 been, I believe these were your words, biased or 14:23:50
14 ignorant in their decision? 14:23:54
15 Answer: Certainly some of them, yes. 14:23:56
16 That concludes my offer of proof on 14:24:02
17 Fox Moraine. 14:24:04
18 MR. HELSTEN: And with the conclusion of his 14:24:04
19 offer of proof, I still object to it, and I renew 14:24:06
20 my objection. Mr. Blazer is disingenuously using 14:24:08
21 the term ignorance. I don't think there is 14:24:14
22 anything Mr. Moose said that's inconsistent with 14:24:16
23 ignorance. Ignorance doesn't mean a person is 14:24:20
24 uneducated or dumb or stupid. It means they were 14:24:22

1 ignorant of the presentation that was made. I 14:24:26
2 think that's clear from his answer here. They were 14:24:30
3 ignorant on the presentation that was made at that 14:24:34
4 hearing on criterion two, which is consistent with 14:24:36
5 what he said a few minutes ago. I think our 14:24:40
6 presentation satisfied criterion two. 14:24:42
7 MR. BLAZER: Mr. Luetkehans, I already have 14:24:46
8 Mr. Mueller on my witness list. If Mr. Helsten 14:24:48
9 wants to testify, I would be happy to add him, too. 14:24:52
10 THE HEARING OFFICER: You're both getting 14:24:54
11 pretty good at it, Mr. Blazer. So, let's just say 14:24:54
12 the objection is sustained for the reasons I 14:24:58
13 previously stated and let's move on. Thank you. 14:25:00
14 BY MR. BLAZER: 14:25:06
15 Q. Well, let's talk about a transfer station 14:25:06
16 matter, Mr. Moose. You're familiar with an 14:25:08
17 application for a transfer station by a company 14:25:10
18 called Hovee (phonetic) in DuPage County outside of 14:25:12
19 West Chicago, right? 14:25:16
20 A. Yes. 14:25:18
21 Q. I think our hearing officer might be 14:25:18
22 familiar with that one, as well. 14:25:20
23 You were the engineer of record on that 14:25:22
24 transfer station project, correct? 14:25:24

1 A. What year was that? 14:25:28
2 Q. 2004. 14:25:30
3 A. Yes, I was, seven years ago. 14:25:34
4 Q. It's actually nine. 14:25:38
5 A. Nine. 14:25:40
6 Q. And the DuPage County Board denied that 14:25:42
7 siting application, as well, did they not? 14:25:44
8 MR. HELSTEN: I am going to object to that and 14:25:46
9 move to strike it because I didn't get my objection 14:25:48
10 in before Mr. Moose answered for the same reasons 14:25:52
11 set forth before. We don't know the motivation of 14:25:56
12 that Board. We don't know the contents of that 14:25:58
13 application. We don't know. You were the hearing 14:26:00
14 officer. As I recall, you recommend approval on 14:26:06
15 all criterion. You had your learned opinion based 14:26:08
16 upon your extensive knowledge and experience. We 14:26:12
17 don't know. We are speculating. The key here, 14:26:14
18 Mr. Luetkehans, is Mr. Blazer wants to interject 14:26:18
19 speculation rather than talk about the merits of 14:26:22
20 this application and go to things in this 14:26:26
21 application which are inconsistent with Mr. Moose's 14:26:28
22 seal. If he wants to do that, fine. Not generally 14:26:32
23 talk about denial in other cases nine, ten, years 14:26:36
24 ago on other applications. 14:26:40

1 THE HEARING OFFICER: I am going to overrule 14:26:42
2 the objection. You can answer the question as to 14:26:44
3 this. This goes to the narrow scope I have already 14:26:46
4 granted, which is did someone disagree with him. 14:26:50
5 And obviously my opinion in that case was not 14:26:52
6 followed and that's appropriate and but clearly the 14:26:56
7 Board disagreed. That's in the record. Let's go 14:27:00
8 to the next question. 14:27:04
9 BY MR. BLAZER: 14:27:06
10 Q. Well, with respect to that denial, again, 14:27:06
11 Mr. Moose, you're of the view that the entire 14:27:08
12 DuPage County Board was biased, correct? 14:27:12
13 MR. HELSTEN: Same objection, no basis in the 14:27:14
14 record -- 14:27:16
15 THE HEARING OFFICER: Sustained. 14:27:16
16 MR. BLAZER: Page 80 of that transcript, 14:27:18
17 Mr. Hearing Officer, offer of proof. 14:27:20
18 THE HEARING OFFICER: Yes. 14:27:24
19 MR. HELSTEN: Of which transcript? 14:27:26
20 MR. BLAZER: The same one that I just handed 14:27:26
21 him, his deposition, the one you couldn't remember. 14:27:28
22 THE HEARING OFFICER: Proceed. 14:27:32
23 BY MR. BLAZER: 14:27:34
24 Q. Page 80. Question: Was the DuPage County 14:27:34

1 board biased or ignorant in the Hovee matter? 14:27:36

2 Answer: I think they were biased. 14:27:40

3 MR. HELSTEN: Same objection. Move to strike. 14:27:42

4 THE HEARING OFFICER: Objection sustained. 14:27:44

5 MR. BLAZER: That's the end of that hearing of 14:27:46

6 proof, Mr. Hearing Officer. 14:27:48

7 THE HEARING OFFICER: Thank you. 14:27:48

8 BY MR. BLAZER: 14:27:54

9 Q. You also suffered a denial of a land fill 14:27:54

10 application in front of the Cole's County Board, 14:27:56

11 correct?

12 A. Yes, sir. 14:28:04

13 MR. HELSTEN: I'll object to the term 14:28:04

14 suffering. 14:28:06

15 MR. BLAZER: My apologies for the use of the 14:28:06

16 word. 14:28:10

17 BY MR. BLAZER: 14:28:10

18 Q. In your view, the Cole's County Board was 14:28:10

19 biased, correct? 14:28:12

20 MR. HELSTEN: Same objection, Mr. Luetkehans. 14:28:14

21 THE HEARING OFFICER: Objection sustained. 14:28:16

22 MR. BLAZER: Offer of proof, Mr. Hearing 14:28:18

23 Officer?

24 THE HEARING OFFICER: Please proceed. 14:28:20

1 MR. BLAZER: Page 80 of the same transcript. 14:28:20

2 Question: What about the Cole's County 14:28:24

3 Board and the Cole's County one, were they biased 14:28:24

4 or ignorant? 14:28:30

5 They were biased. 14:28:30

6 End of the offer of proof. 14:28:32

7 MR. HELSTEN: And same objection to the offer 14:28:32

8 of proof. 14:28:34

9 THE HEARING OFFICER: Objection sustained. Go 14:28:36

10 on, please. 14:28:38

11 BY MR. BLAZER: 14:28:40

12 Q. You're familiar with the Kankakee regional 14:28:42

13 land fill siting proceeding, are you not? 14:28:44

14 A. One of them. 14:28:48

15 Q. The applicant was a company called 14:28:48

16 Town & Country? 14:28:54

17 A. Yes. 14:28:54

18 Q. That was your client? 14:28:54

19 A. Yes. 14:28:56

20 Q. And the siting body there was the City of 14:28:56

21 Kankakee, correct? 14:28:58

22 A. Yes. 14:28:58

23 Q. And eventually the City approved the 14:29:00

24 siting, correct? 14:29:04

1 A. Yes. 14:29:04

2 Q. I didn't hear an objection then. 14:29:06

3 And then it was reversed by the Illinois 14:29:08

4 Pollution Control Board, right? 14:29:12

5 A. My recollection -- do you have the year on 14:29:14

6 that? 14:29:16

7 Q. 2006, I believe. Well, you do remember 14:29:20

8 that the reversal was based specifically with 14:29:26

9 respect to your testimony regarding criterion two 14:29:28

10 of the siting statute, do you not? 14:29:32

11 MR. HELSTEN: Objection. Same basis as before. 14:29:34

12 We are talking about strangely enough rather than 14:29:38

13 the application today, all I have heard is past 14:29:40

14 history on past applications from some time back, 14:29:44

15 which I don't see the relevance. 14:29:46

16 MR. BLAZER: May I say one thing, Mr. Hearing 14:29:48

17 Officer?

18 THE HEARING OFFICER: You may, but without a 14:29:52

19 speech. 14:29:54

20 MR. BLAZER: Absolutely. I always find that 14:29:54

21 hard. 14:29:58

22 Mr. Mueller took the position before we 14:29:58

23 started this hearing that the only evidence that 14:30:02

24 the applicant and its attorneys and its witnesses 14:30:04

1 consider relevant are things that are consistent 14:30:08
2 with the application. And you may recall I 14:30:10
3 responded to that and said, well, if all that this 14:30:12
4 Village Board is going to be allowed to hear -- 14:30:16
5 THE HEARING OFFICER: Mr. Blazer, I am going to 14:30:20
6 cut you off. The speech is unnecessary. The 14:30:20
7 objection is actually denied or overruled, so 14:30:22
8 please proceed. 14:30:26
9 BY MR. BLAZER: 14:30:28
10 Q. Thank you. You do recall the reversal was 14:30:30
11 based specifically on criterion two, correct? 14:30:32
12 A. I recall the portion was on two. I don't 14:30:34
13 recall the total. My recollection is it had to do 14:30:38
14 with their improper definition of aquiclude, and I 14:30:40
15 still stand on those words. And subsequent 14:30:44
16 decisions by that board and by the EPA have 14:30:48
17 accepted my definition of aquiclude. 14:30:50
18 MR. BLAZER: Let me see if I can refresh your 14:30:54
19 recollection. Page 82. 14:30:56
20 MR. HELSTEN: I don't think he said he had a 14:30:58
21 want of recollection, so I think this is improper 14:31:00
22 refreshment of recollection because he hasn't said 14:31:06
23 anything about he needed to have his recollection 14:31:08
24 refreshed, so I object on that basis. 14:31:12

1 THE HEARING OFFICER: I'll wait until I hear 14:31:14
2 the question before I rule. 14:31:16
3 MR. BLAZER: Thank you, Mr. Hearing Officer. 14:31:16
4 BY MR. BLAZER:
5 Q. Are you at Page 82, Mr. Moose? 14:31:18
6 A. Yes. 14:31:22
7 Q. And you recall being asked these questions 14:31:22
8 and giving these answers. 14:31:26
9 Question: And the Pollution Control Board 14:31:26
10 overturned it, correct? 14:31:30
11 Answer: Yes. 14:31:32
12 Question: And can you remember which 14:31:32
13 criterion they overturned it on? 14:31:34
14 Answer: I remember specifically criterion 14:31:36
15 two. 14:31:40
16 MR. HELSTEN: Same objection again. 14:31:40
17 THE HEARING OFFICER: Objection sustained. 14:31:42
18 This is not proper impeachment. He did not say 14:31:42
19 anything that was in conflict with that statement 14:31:46
20 you just read, Mr. Blazer. 14:31:50
21 MR. HELSTEN: Thank you. 14:31:52
22 BY MR. BLAZER: 14:31:52
23 Q. Now, you had made a presentation in that 14:31:54
24 Kankakee proceeding at least in terms of form 14:32:00

1 similar to the one you gave to the Village Board 14:32:06
2 today, right? 14:32:08
3 A. Yes. 14:32:08
4 Q. And the Pollution Control Board didn't 14:32:08
5 believe your testimony, did they? 14:32:12
6 MR. HELSTEN: Objection, that's irrelevant. 14:32:14
7 THE HEARING OFFICER: Objection sustained to 14:32:16
8 speculation at this point. I don't think it's 14:32:20
9 proper. I don't think he has the foundation for 14:32:22
10 that. 14:32:24
11 MR. BLAZER: Except he testified to it, 14:32:24
12 Mr. Luetkehans. 14:32:28
13 THE HEARING OFFICER: Again, I don't think so, 14:32:28
14 so objection sustained. 14:32:32
15 MR. BLAZER: Offer of proof? 14:32:32
16 THE HEARING OFFICER: Please. 14:32:32
17 MR. BLAZER: Thank you. Page 84 of the same 14:32:32
18 transcript. 14:32:36
19 Question: Can you recall specifically 14:32:38
20 what the basis for the Pollution Control Board's 14:32:38
21 original overturning of the siting approval was? 14:32:42
22 Answer: I don't understand. 14:32:44
23 Question: They didn't believe your 14:32:46
24 testimony, did they? 14:32:48

1 Answer: Well, they must not believe the 14:32:50
2 design, right. 14:32:52
3 Do you recall those questions and answers? 14:32:52
4 A. I don't recall, but I can read them. 14:32:56
5 MR. HELSTEN: Does that conclude your offer of 14:32:58
6 proof? 14:33:00
7 MR. BLAZER: That concludes my offer of proof 14:33:00
8 on that page. 14:33:02
9 MR. HELSTEN: And my objection is the same, 14:33:04
10 Mr. Hearing Officer. It's not relevant. He has 14:33:06
11 testified previously why that he thought they 14:33:08
12 misinterpreted the phrase aquiclude and that he has 14:33:10
13 been vindicated in subsequent proceedings. So, 14:33:18
14 this is not inconsistent. There is no need to 14:33:20
15 attempt to impeach him because it's 14:33:24
16 not inconsistent with what he previously said and 14:33:26
17 it's irrelevant and moot.
18 THE HEARING OFFICER: Objection overruled. 14:33:28
19 BY MR. BLAZER: 14:33:28
20 Q. And it's your view that the members of 14:33:30
21 Illinois Pollution Control Board were ignorant, 14:33:32
22 too, is that right? 14:33:34
23 MR. HELSTEN: That's a misstatement. It calls 14:33:38
24 for speculation and misstatement of -- 14:33:38

1 THE WITNESS: I think your question is -- 14:33:42

2 MR. BLAZER: There is an objection pending. 14:33:44

3 THE WITNESS: I understand your objection. 14:33:46

4 THE HEARING OFFICER: Mr. Moose. Mr. Moose. 14:33:48

5 Mr. Blazer, what's your response? 14:33:48

6 Actually, I am not sure where this is going, but I 14:33:50

7 am going to let this question proceed and go from 14:33:54

8 there. 14:33:56

9 MR. BLAZER: Page 83 to 84 of the same 14:33:56

10 transcript, Mr. Hearing Officer. 14:33:58

11 BY MR. BLAZER:

12 Q. Are you there, Mr. Moose? 14:34:02

13 A. Yes. 14:34:04

14 Q. You're remembering this deposition now? 14:34:04

15 A. I don't remember it, no. 14:34:06

16 Q. Well, you recall being asked these 14:34:10

17 questions and giving these answers. 14:34:12

18 Question: Were the members of the 14:34:14

19 Pollution Control Board biased or ignorant in that 14:34:16

20 one? 14:34:20

21 Answer: Well, they certainly didn't know 14:34:20

22 what the word gradient was or how to obtain them. 14:34:24

23 Question: Were they biased or ignorant, 14:34:28

24 in your opinion? 14:34:30

1 Answer: Well, they must have been 14:34:30
2 ignorant on what the word gradient was. 14:34:34
3 Do you recall those questions and answers?
4 A. No, I do not recall those questions and
5 answers.
6 Q. Do you believe yourself to be infallible? 14:34:38
7 A. You know what -- 14:34:40
8 MR. HELSTEN: This is -- 14:34:42
9 THE HEARING OFFICER: Mr. Moose. 14:34:44
10 THE HEARING OFFICER: Mr. Helsten, one at a
11 time. 14:34:48
12 When Mr. Helsten objects, please wait. 14:34:50
13 Give him the opportunity to make his objection. 14:34:52
14 She can't take down both of you talking, just like 14:34:54
15 she couldn't take down Mr. Helsten and I trying to 14:34:58
16 talk, and I apologize for that. 14:35:02
17 Mr. Helsten, please proceed. 14:35:04
18 MR. HELSTEN: Thank you, and I apologize for 14:35:04
19 interrupting you and Mr. Blazer. My objection is 14:35:06
20 this is highly untoward. This is highly improper 14:35:10
21 saying are you infallible. For a witness to simply 14:35:14
22 honestly state he does not remember this particular 14:35:18
23 line and this particular phrase from a document of 14:35:22
24 seven, eight years ago when he reviews thousands of 14:35:26

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1 pages of documents is simply honest, and it's 14:35:30
2 highly improper for Mr. Blazer to say are you 14:35:36
3 infallible, and it's irrelevant. 14:35:38
4 MR. BLAZER: Hold on. 14:35:40
5 MR. SECHEN: If I may join the objection and 14:35:42
6 add the fact that it's argumentative. 14:35:44
7 MR. BLAZER: If I may. 14:35:46
8 THE HEARING OFFICER: Mr. Blazer. 14:35:48
9 MR. BLAZER: This is not, quote unquote, a 14:35:48
10 document. There is a deposition sworn to under 14:35:50
11 oath. 14:35:56
12 THE HEARING OFFICER: I am aware of that. I am 14:35:58
13 more of the issue with Mr. Sechen here that this is 14:36:00
14 argumentative. None of us are infallible, and if 14:36:02
15 anybody says that they are, I don't know that I 14:36:06
16 would believe them to start with. I am going to 14:36:08
17 sustain the objection as to the argumentative 14:36:12
18 nature of it. 14:36:14
19 BY MR. BLAZER: 14:36:20
20 Q. Well, let me ask you this, then, 14:36:22
21 Mr. Moose. When George Mueller told the Pollution 14:36:24
22 Control Board that you are not a truthful 14:36:28
23 individual and that very little, if anything, you 14:36:28
24 say ought to be believed, was he biased or 14:36:30

1 ignorant? 14:36:34

2 MR. HELSTEN: Objection. There is no 14:36:34

3 foundation as to when, why, who Mr. Mueller 14:36:36

4 represented, what his motivation was in saying 14:36:40

5 that, was he advocating for his client in that 14:36:42

6 position. This is just a false statement taken out 14:36:46

7 of thin air. How is Mr. Moose supposed to respond 14:36:48

8 to that? It's totally improper impeachment, no 14:36:52

9 basis whatsoever, no substantive or proper basis 14:36:54

10 whatsoever. 14:36:58

11 MR. SECHEN: I join in the objection, and may 14:36:58

12 the record reflect my continuing objection to this 14:37:02

13 total line of cross-examination. This is 14:37:04

14 ridiculous. 14:37:06

15 MR. BLAZER: I will stipulate, Mr. Hearing 14:37:08

16 Officer, for the record, that Mr. Sechen will join 14:37:10

17 in whatever objection the applicant -- 14:37:12

18 THE HEARING OFFICER: And I don't think anybody 14:37:16

19 is willing stipulate to that by Mr. Sechen. I 14:37:18

20 don't think Mr. Sechen is willing to stipulate to 14:37:20

21 that, nor has he joined in on every objection. 14:37:24

22 I really have a concern that Mr. Mueller 14:37:26

23 is somehow doing what we all do, which is 14:37:28

24 advocating on behalf of our client in saying 14:37:32

1 things. I really don't see the relevance of 14:37:36
2 anything Mr. Mueller said in prior hearing about 14:37:40
3 this particular witness. So in that respect I am 14:37:42
4 going to sustain the objection. 14:37:46
5 MR. BLAZER: May I be heard on that? 14:37:46
6 THE HEARING OFFICER: Yes. 14:37:48
7 MR. BLAZER: I am referring to Rule 608 of the 14:37:58
8 Illinois Rules of Evidence. The credibility of a 14:38:02
9 witness may be attacked or supported by evidence in 14:38:06
10 the form of opinion or representation but subject 14:38:10
11 to these limitations. The evidence may refer only 14:38:12
12 to character for truthfulness or untruthfulness. 14:38:16
13 We have a formal statement submitted to 14:38:22
14 the Illinois Pollution Control Board by one of the 14:38:24
15 attorneys for Groot that Mr. Moose is not a 14:38:26
16 truthful individual and that very little, if 14:38:30
17 anything, he says ought to be believed. If that is 14:38:32
18 not within the purview of Rule 608, nothing is. I 14:38:38
19 have the document here, as well. 14:38:42
20 MR. HELSTEN: Let's see the document. 14:38:44
21 MR. SECHEN: I don't believe that what 14:38:46
22 Mr. Blazer is attempting to do is reputation 14:38:52
23 evidence. 14:38:56
24 THE HEARING OFFICER: And I happen to agree 14:38:56

1 with you, so the objection is sustained. If you 14:38:58
2 wish to make an offer of proof as to the document 14:39:00
3 or submit that as an offer of proof, Mr. Blazer, 14:39:02
4 you are welcome to. 14:39:06
5 MR. BLAZER: Thank you. This one isn't marked. 14:39:16
6 I'll mark it as TCH Exhibit 41 with your 14:39:18
7 permission. 14:39:24
8 THE HEARING OFFICER: Yes, sir. 14:39:24
9 (Whereupon, TCH Exhibit
10 No. 41 was marked for
11 identification as of 9/23/13.) 14:40:16
12 MR. BLAZER: My offer of proof, Mr. Hearing 14:40:16
13 Officer, this as you can see is TCH Exhibit 41, a 14:40:18
14 brief submitted to the Illinois Pollution Control 14:40:24
15 Board signed by Mr. Mueller, Page 15. Let me know 14:40:28
16 when you're there, Mr. Hearing Officer. 14:40:36
17 THE HEARING OFFICER: I am there. 14:40:38
18 MR. BLAZER: Okay. The testimony of 14:40:38
19 Devin Moose, Patrick Engineering's project manager 14:40:40
20 on this site and their principal witness at the 14:40:44
21 hearings, demonstrates unequivocally that he is not 14:40:46
22 a truthful individual and that very little, if 14:40:48
23 anything, he says ought to be believed. 14:40:52
24 MR. HELSTEN: Does that conclude your offer of 14:40:56
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1 proof? 14:40:58

2 MR. BLAZER: It does not. 14:41:00

3 MR. HELSTEN: I'm sorry. 14:41:00

4 MR. BLAZER: I'll let you know when I am done. 14:41:02

5 Page 16. Mr. Mueller refers to 14:41:08

6 Mr. Moose's prevarication, his lies, as blatant and 14:41:16

7 shocking. 14:41:20

8 Page 17. Mr. Mueller said of Mr. Moose 14:41:24

9 that nothing he testified to should be given any 14:41:28

10 weight. 14:41:32

11 That concludes my offer of proof. 14:41:36

12 MR. HELSTEN: And I object on the following 14:41:38

13 basis. Mr. Blazer cited a rule that's not 14:41:40

14 appropriate here. The document itself says brief 14:41:44

15 and argument. Emphasis on argument. It's not 14:41:50

16 sworn to. It's simply signed. This is an unsworn 14:41:54

17 statement by an attorney. As you said, 14:41:56

18 Mr. Luetkehans, it's simply advocacy. Statements 14:42:00

19 by attorneys in a brief are simply argument. They 14:42:02

20 are nothing more and nothing less than argument. 14:42:08

21 Moreover, this is distant in time 20 years 14:42:10

22 ago. And, even further, I am familiar with this. 14:42:14

23 Mr. Mueller's positions were not accepted. This is 14:42:18

24 simply advocacy and argument. It is not an 14:42:22

1 opinion, a sworn opinion, verified opinion, by a 14:42:30
2 competent witness, no offense, Mr. Mueller, as to 14:42:34
3 credibility as is contemplated by this rule as you 14:42:40
4 know, Mr. Hearing Officer, when you have a peer of 14:42:44
5 Mr. Moose, who will verify under oath as to 14:42:48
6 inconsistencies based upon his knowledge in the 14:42:52
7 same area of professional engineering. That's what 14:42:56
8 the rule that Mr. Blazer referred to goes to, not 14:42:58
9 this. This is wholly outside the purview of that 14:43:02
10 rule. 14:43:06
11 MR. BLAZER: May I be heard? 14:43:10
12 THE HEARING OFFICER: Yes, sir. 14:43:12
13 MR. BLAZER: First, Rule 608 doesn't require a 14:43:12
14 sworn statement. That requirement is nowhere in 14:43:14
15 the language of Rule 608. Number two, I can only 14:43:18
16 liken this to the Wizard of Oz saying ignore the 14:43:24
17 man behind the curtain. We have a statement by one 14:43:30
18 of the lawyers of the Applicant in this case, not 14:43:32
19 as a matter of opinion, not as argument, that this 14:43:34
20 witness is a liar and nothing he says should be 14:43:38
21 believed. That's not argument. That's a statement 14:43:42
22 of fact. 14:43:44
23 MR. SECHEN: And it's not representation. 14:43:48
24 That's what's important. 14:43:48

1 MR. BLAZER: He is a liar and nothing he says 14:43:52
2 should be believed doesn't comment on his 14:43:54
3 reputation? 14:43:56
4 MR. SECHEN: It is not reputation evidence. 14:43:56
5 THE HEARING OFFICER: Objection is sustained. 14:44:00
6 The statement for the record, this is a brief from 14:44:02
7 1997, approximately 16, 17 -- 16 years ago. And it 14:44:08
8 is a statement made by an attorney in a brief in 14:44:14
9 the Appellate hearing before the Pollution Control 14:44:16
10 Board and I do take it as argument, and but the 14:44:20
11 offer of proof is in evidence, Mr. Blazer, and 14:44:24
12 please proceed. 14:44:28
13 MR. BLAZER: Thank you, Mr. Hearing Officer. 14:44:28
14 We can now let Mr. Mueller off the hook from our 14:44:32
15 witness list. 14:44:38
16 BY MR. BLAZER:
17 Q. All right, Mr. Moose. Let's talk about 14:44:40
18 how long these folks in Round Lake Park may have to 14:44:42
19 live with your facility. 14:44:44
20 MR. HELSTEN: Objection as to the 14:44:46
21 characterization live with. Again we are getting 14:44:46
22 in these untoward improper methods of examination 14:44:50
23 meant to prejudice and bias the decision maker 14:44:54
24 here, Mr. Hearing Officer. They have been 14:44:58

1 repetitive in the precious little time that 14:45:00
2 Mr. Blazer has been involved and a cumulative 14:45:04
3 effect, I am going to object to them, and ask 14:45:10
4 pretty soon you sanction him. 14:45:14
5 MR. BLAZER: Well, God forbid Mr. Helsten would 14:45:16
6 want -- 14:45:18
7 THE HEARING OFFICER: Let's not get into it. 14:45:18
8 Mr. Blazer, rephrase the question, please. And ask 14:45:20
9 a question and not a statement, please. 14:45:22
10 MR. BLAZER: Thank you, Mr. Hearing Officer. 14:45:24
11 BY MR. BLAZER: 14:45:26
12 Q. Mr. Moose, do you have the siting 14:45:26
13 application up there? 14:45:30
14 A. I do have the siting application. 14:45:34
15 Q. Can you turn to Page 2.4-13. I'll wait 14:45:36
16 until everybody gets there. 14:45:42
17 A. I have it. 14:45:52
18 Q. I'll wait until all counsel have it. 14:45:52
19 MR. HELSTEN: Thank you, Mike, for your 14:45:58
20 professional courtesy in waiting for me to get the 14:46:00
21 page. I appreciate that. 14:46:02
22 MR. BLAZER: Considering you have been at this 14:46:04
23 two years longer than I have, I should give you a 14:46:06
24 little more time. 14:46:10

1 BY MR. BLAZER: 14:46:12

2 Q. They have a discussion here about final 14:46:12

3 closure of this proposed facility, correct? 14:46:16

4 A. Yes. 14:46:18

5 Q. And you say here that closure activities 14:46:20

6 will be initiated within 30 days of the declaration 14:46:22

7 of the acceptance of the last load of waste or 14:46:26

8 within 30 days of notification of closure, 14:46:28

9 whichever is less. 14:46:32

10 Did I read that correctly? 14:46:32

11 A. Yes. 14:46:34

12 Q. When will that be? 14:46:38

13 A. I don't know. 14:46:40

14 Q. Could you turn to Page 1-27 of the 14:46:42

15 application. 14:46:48

16 MR. BLAZER: You there, Chuck? 14:47:06

17 MR. HELSTEN: Yes. Thank you. 14:47:06

18 MR. BLAZER: Excuse me. Mr. Helsten. 14:47:08

19 You there, Mr. Hearing Officer? Thank 14:47:12

20 you. 14:47:14

21 BY MR. BLAZER:

22 Q. According to the application, Mr. Moose, 14:47:14

23 this transfer station will operate for at least 14:47:16

24 20 years, right? 14:47:20

1 A. I think that's the goal. 14:47:24

2 Q. Well, that's what this application says, 14:47:24

3 correct? 14:47:26

4 A. It could be in place longer than 20 years. 14:47:30

5 It could close less than 20 years. 14:47:32

6 Q. But the number here is at least 20 years, 14:47:36

7 right? That's what this application says? 14:47:38

8 A. Show me. Can you refer to me what 14:47:42

9 paragraph? 14:47:46

10 Q. Page 1-27. Groot has -- 14:47:46

11 THE HEARING OFFICER: Mr. Blazer, could you 14:47:52

12 point? 14:47:54

13 It's the next to the last paragraph, 14:47:54

14 Mr. Moose. 14:47:56

15 THE WITNESS: I got it. 14:48:00

16 BY MR. BLAZER: 14:48:02

17 Q. Groot has committed to use all reasonable 14:48:02

18 efforts to ensure the facility operates for a 14:48:04

19 minimum of 20 years, ensuring long term access to 14:48:08

20 transfer and disposal capacity for the Village of 14:48:10

21 Round Lake Park and the whole of Lake County. 14:48:14

22 Did I read that correctly? 14:48:16

23 A. Yes. 14:48:18

24 Q. You would agree with me that a transfer 14:48:20

1 station is not like a land fill. It doesn't fill 14:48:22
2 up, correct? 14:48:24
3 A. Yes. 14:48:30
4 Q. So, you do agree, for example, that this 14:48:30
5 transfer station could operate for 30 years or 14:48:32
6 more? 14:48:34
7 A. Or five years. 14:48:34
8 MR. BLAZER: Move to strike as unresponsive. 14:48:38
9 Ask that he be directed to answer the question. 14:48:40
10 MR. HELSTEN: He did. He gave the full realm 14:48:42
11 of his opinion. 14:48:44
12 THE HEARING OFFICER: Mr. Helsten, I think he 14:48:46
13 did answer the question. The answer will stand. 14:48:48
14 He said or I am assuming that -- it sounded to me 14:48:50
15 he agreed with your opinion but said that it could 14:48:52
16 be shortened. 14:48:56
17 MR. BLAZER: I didn't hear him agreeing with my 14:48:56
18 opinion. I apologize, Mr. Luetkehans. 14:49:00
19 BY MR. BLAZER: 14:49:02
20 Q. It could be open for 40 years, right? 14:49:04
21 A. It speaks for itself. It says that it 14:49:08
22 will use all reasonable -- 14:49:10
23 MR. BLAZER: Mr. Hearing Officer, move to 14:49:10
24 strike. Ask that you direct the witness to -- 14:49:14

1 THE HEARING OFFICER: Mr. Moose, Mr. Helsten 14:49:14
2 will have every opportunity to clarify your 14:49:16
3 answers. Please answer the question that's asked, 14:49:20
4 and if you need to clarify it, that's a different 14:49:20
5 issue. Please answer the question at hand. 14:49:26
6 THE WITNESS: Yes, it could work for more than 14:49:28
7 20 years. 14:49:28
8 BY MR. BLAZER: 14:49:30
9 Q. It could be 40 years, correct? That was 14:49:30
10 my question. 14:49:32
11 A. Yes. 14:49:32
12 Q. Could be 50 years, right? 14:49:32
13 A. Theoretically. 14:49:34
14 Q. All right. Could you go to 2.4-1 of the 14:49:36
15 application? 14:49:48
16 THE HEARING OFFICER: I didn't hear. 14:49:50
17 MR. BLAZER: 2.4-1. I apologize. 14:49:52
18 MR. HELSTEN: I have it. 14:50:08
19 BY MR. BLAZER: 14:50:10
20 Q. There is a section up at the top titled 14:50:12
21 Hours of Operation. 14:50:14
22 A. Yes, I have it. 14:50:18
23 Q. And this is part of the application where 14:50:20
24 you describe when this facility will operate, 14:50:20

1 right? 14:50:24

2 A. Yes. 14:50:24

3 Q. We'll come back to this. Could you turn 14:50:26

4 to Page 2.4-13? This is at the bottom of the page. 14:50:28

5 This is the section where you discuss overnight 14:50:46

6 storage of waste on site, correct? 14:50:50

7 A. The title is Waste Removal. 14:50:54

8 Q. Well, what you say here in the application 14:50:58

9 is, All waste materials are anticipated to be 14:51:00

10 removed from the proposed transfer station by the 14:51:04

11 close of operations on a daily basis if the 14:51:08

12 proposed transfer station is not operating 24 hours 14:51:10

13 per day. 14:51:14

14 Did I read that correctly? 14:51:16

15 A. Yes. 14:51:16

16 Q. So, this facility could be operating 14:51:18

17 24 hours a day, right? 14:51:22

18 A. That's what we are requesting. 14:51:22

19 Q. Let's go back to Page 2.4-7. 14:51:26

20 Mr. Luetkehans, I apologize for the 14:51:36

21 bouncing around, but there is some connection of 14:51:38

22 dots that has to happen with regard to this 14:51:40

23 application. 14:51:42

24 You're at that page, Mr. Moose? 14:51:44

1 reporter to read it back?

2 THE WITNESS: It was a long question. 14:53:04

3 MR. HEARING OFFICER: If you would repeat it, 14:53:06

4 Mr. Blazer, I think that will be quicker. 14:53:06

5 BY MR. BLAZER: 14:53:10

6 Q. Is it correct, Mr. Moose, that if the 14:53:10

7 facility is operating 24 hours per day -- I am 14:53:14

8 doing the reverse of what you put in this paragraph 14:53:20

9 here, what you didn't say, that's what I am asking 14:53:24

10 you. 14:53:26

11 A. This is why it's hard to answer your 14:53:26

12 questions. They are long. 14:53:28

13 Q. Well, because you didn't make the 14:53:30

14 statement. If the proposed transfer station is 14:53:32

15 operating 24 hours per day, are you with me so far? 14:53:34

16 A. Yes. 14:53:38

17 Q. All municipal waste, landscape waste 14:53:38

18 and/or recyclables will not be removed from the 14:53:42

19 tipping floor and loaded into transfer trailers 14:53:44

20 prior to the end of the operating day, is that 14:53:48

21 correct? 14:53:50

22 A. No. 14:53:50

23 Q. Where do I find that in this application? 14:53:52

24 A. Ask me the question. 14:53:56

1 Q. Where do I find that in the application? 14:53:58

2 A. I think it might be in the host agreement, 14:54:00

3 but I don't recall that as I stand here. 14:54:04

4 Q. You can't identify a single paragraph in 14:54:06

5 the application where you take the position that if 14:54:08

6 this Village Board grants your request and allows 14:54:12

7 you to operate 24/7, all municipal waste, landscape 14:54:14

8 waste, or recyclables will not be removed from the 14:54:18

9 tipping floor? 14:54:22

10 MR. HELSTEN: Objection. It's argumentative. 14:54:24

11 It's asked and answered. He already said in one 14:54:26

12 portion of the day if they operate 24 hours a day, 14:54:30

13 they will suspend operations to clean the floor. 14:54:32

14 He has already said that. 14:54:36

15 THE HEARING OFFICER: The objection is 14:54:36

16 sustained, and it is asked and answered. He did 14:54:38

17 say -- he did give you an answer he did not know if 14:54:40

18 it was in there or not, Mr. Blazer. 14:54:44

19 BY MR. BLAZER:

20 Q. What I have up on the screen now, 14:55:06

21 Mr. Moose, is drawing D6 from the application. Do 14:55:10

22 you recognize it? 14:55:14

23 It's up on the screen, Mr. Moose. 14:55:16

24 A. Hang on a second. 14:55:18

1 Q. It's to your left. If you look up to the 14:55:20
2 left, you'll see it. 14:55:26
3 A. Question is? 14:55:38
4 Q. Do you recognize that to be drawing D6 14:55:38
5 from the application? 14:55:42
6 A. Yes. 14:55:46
7 Q. Down at the lower right-hand corner of 14:55:46
8 this drawing, you see where it says approved by 14:55:50
9 DAM? 14:55:52
10 A. Yes. 14:55:54
11 Q. And DAM is you, right? 14:55:54
12 A. Yes. 14:56:04
13 Q. If you look at the legend of the drawing 14:56:04
14 kind of in the middle there is a picture of what 14:56:06
15 looks like a something long, I assume it's supposed 14:56:08
16 to be a truck, and what does it say there next to 14:56:12
17 the truck, picture of the truck? 14:56:14
18 A. Waste collection vehicle. 14:56:16
19 Q. That's a transfer trailer? 14:56:18
20 A. Yes. 14:56:20
21 THE HEARING OFFICER: I am not sure even I 14:56:26
22 understood what happened there. Can we start that 14:56:28
23 over? 14:56:30
24 Mr. Moose, it may be actually easier for 14:56:30

1 you to look at these things, rather than what's on 14:56:34
2 the screen, if that's easier. You have a right to 14:56:36
3 do that. 14:56:38
4 THE WITNESS: Okay. Thank you. 14:56:38
5 THE HEARING OFFICER: The longest truck, the 14:56:40
6 longer of the two trucks, or the three trucks, the 14:56:42
7 three vehicles, is that what you were referring to, 14:56:44
8 Mr. Blazer? 14:56:46
9 MR. BLAZER: Yes, Mr. Hearing Officer. And he 14:56:46
10 identified it as a transfer trailer. 14:56:48
11 THE HEARING OFFICER: Okay. I just heard a 14:56:50
12 couple different answers, so I want to make sure 14:56:52
13 that would be a waste transfer vehicle, is that the 14:56:54
14 answer, Mr. Moose? 14:56:58
15 THE WITNESS: Yes. 14:57:00
16 THE HEARING OFFICER: Thank you. Please 14:57:00
17 proceed. 14:57:02
18 BY MR. BLAZER: 14:57:02
19 Q. Now, you see on the facility drawing 14:57:02
20 itself on the right-hand side there is a 14:57:04
21 representation there of a group of transfer 14:57:08
22 vehicles? 14:57:12
23 A. Yes. 14:57:14
24 Q. What is that group of transfer trailers 14:57:16

1 supposed to represent? 14:57:18

2 A. Just the potential parking area of 14:57:20

3 transfer trailers. 14:57:22

4 Q. And then over here on the right side of 14:57:24

5 the building itself there is another group of 14:57:26

6 transfer trailers, right? 14:57:30

7 A. Yes. 14:57:32

8 Q. And what is that supposed to represent? 14:57:32

9 A. Potential area of parking of transfer 14:57:34

10 trailers. 14:57:38

11 Q. Let's go back to Page 2.4-13 of the 14:57:40

12 application, please. 14:57:46

13 A. I have it. 14:58:10

14 MR. BLAZER: Mr. Helsten, are you there? 14:58:16

15 MR. HELSTEN: Yes. 14:58:18

16 BY MR. BLAZER: 14:58:18

17 Q. In here you say, Therefore no waste 14:58:18

18 materials will typically remain on the tipping 14:58:22

19 floor overnight when the facility is unattended. 14:58:24

20 As such, a routine final closure scenario will 14:58:28

21 likely not require the removal of waste from the 14:58:32

22 transfer station building. 14:58:34

23 Did I read that correctly? 14:58:36

24 A. Yes. 14:58:38

1 Q. So, there could be situations where 14:58:42
2 garbage will remain on the tipping floor overnight 14:58:48
3 when a transfer station is unattended? 14:58:50
4 A. That's not our intent. 14:58:56
5 Q. That wasn't my question. 14:59:00
6 MR. HELSTEN: Mr. Hearing Officer, this is a 14:59:00
7 mix and match and mischaracterization of what 14:59:02
8 Mr. Moose previously said. I object to it on that 14:59:06
9 basis. I think it's asked and answered, but if 14:59:08
10 Mr. Blazer wants to ask him the question again, I 14:59:10
11 think Mr. Moose can clarify exactly what is 14:59:14
12 intended here from these excerpts if they are read 14:59:18
13 in pari materia together rather than parsing 14:59:22
14 several words here out of context and several words 14:59:24
15 there out of context. 14:59:28
16 THE HEARING OFFICER: Well, the objection is 14:59:30
17 overruled. Mr. Blazer, if you want to reask the 14:59:30
18 question, that's up to you. If you're looking to 14:59:32
19 me for something else, I am not sure, so please 14:59:36
20 proceed. 14:59:38
21 MR. BLAZER: I would like to keep Mr. Helsten 14:59:40
22 from testifying, but that's a different issue.
23 MR. HEARING OFFICER: As I am sure he would 14:59:44
24 like you to quit testifying, as well. 14:59:46

1 MR. BLAZER: You can tell he and I have been 14:59:48
2 through this a few times. 14:59:50
3 BY MR. BLAZER: 14:59:52
4 Q. My question, Mr. Moose, the one I would 14:59:52
5 like you to answer is, so there could be situations 14:59:54
6 where garbage will remain on the tipping floor 15:00:02
7 overnight when the transfer station is unattended, 15:00:06
8 correct?
9 A. No. 15:00:12
10 Q. Never happen? 15:00:12
11 A. No. 15:00:12
12 Q. So, when you use the word typically on 15:00:14
13 Page 2.4-13, what did you mean? 15:00:18
14 A. And maybe it was a poor choice of words, 15:00:22
15 but that is not allowed by state permit, so even if 15:00:24
16 we wanted to, the state wouldn't allow it. So, if 15:00:28
17 you had permitted a transfer station -- 15:00:32
18 MR. BLAZER: Unresponsive, move to strike. 15:00:36
19 THE HEARING OFFICER: Denied. 15:00:38
20 BY MR. BLAZER: 15:00:38
21 Q. So, maybe the word typically should have 15:00:40
22 been never? 15:00:42
23 A. It should have just been definitive in 15:00:44
24 saying waste will not be allowed to be on the floor 15:00:46

1	overnight.	15:00:50
2	Q. So that was a mistake?	15:00:52
3	A. I make many mistakes, as you know through	15:00:54
4	errata that have already been put into the record.	15:00:58
5	THE HEARING OFFICER: Mr. Blazer, is this a	15:01:08
6	good time to break?	15:01:08
7	MR. BLAZER: Yes.	15:01:10
8	THE HEARING OFFICER: It's now -- let's take a	15:01:10
9	two-minute break, and we'll have public comment,	15:01:14
10	and depending on how long that is, we will have to	15:01:16
11	start again, but let's take a very short break.	
12	(Whereupon, there	
13	was a short break.)	
14	(Whereupon, further proceedings were	
15	transcribed under separate cover.)	
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24		

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF L A K E)

4

5 Elvira M. Molnar being first duly sworn on
6 oath says that she is a court reporter doing
7 business in the City of Chicago;

8 That she reported in shorthand the
9 proceedings given at the taking of said hearing;

10 That the foregoing is a true and correct
11 transcript of her shorthand notes so taken as
12 aforesaid and contains all the proceedings given at
13 said hearing.

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A handwritten signature in cursive script, appearing to read "Elvira M. Molnar", is written over a circular seal. The seal has a yellow sunburst border and contains the text "NDTC - Shorthand Electronic" around a central yellow circle.

Elvira M. Molnar, CSR

Lic. No. 084-003309

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