Page 1 STATE OF ILLINOIS) SS: COUNTY OF C O O K) ILLINOIS POLLUTION CONTROL BOARD, TANUARY 13, 2011 VEOLIA ES ZION LANDFILL, STATE OF ILLINOIS Pollution Control Board INC., Petitioner, PCB 11-10 vs (Pollution Control Facility Siting Hearing) CITY COUNCIL OF THE CITY OF ZION, Respondent.

REPORT OF PROCEEDINGS at the hearing of the above-entitled cause before Bradley P. Halloran, Hearing Officer, taken before Rebecca A. Graziano, Certified Shorthand Reporter within and for the County of Cook and State of Illinois, at 18 North County Street, 10th Floor, Waukegan, Illinois, commencing at the hour of 9:00 a.m. on the 13th day of January, A.D., 2011.

1 MR. HALLORAN: Good morning. My name is Bradley Halloran. I'm the hearing officer 2 with the Illinois Pollution Control Board. 3 I'm also assigned to this case, and this case 5 is entitled Veolia ES Zion Landfill Inc., petitioner, versus City Council of the City 7 of Zion, respondent. It's docketed with us 8 as PCB 11-10. It's a pollution control 9 facility citing appeal.

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In this case -- and I'm reading from the November 4th, 2010, board order. In this case, Zion granted, with conditions, Veolia's application to expand Veolia's facility. Veolia appeals on the grounds of condition to approval 2.2 is, number one, unsupported by the record; two, against the manifest weight of the evidence; three, standardless; four, vaque; five, not within the authority of Zion to impose; six, not reasonable and necessary to accomplish it by purposes of section 39.2 of the act; seven, are potentially in conflict with permit conditions imposed by the Illinois Environmental Protection Agency; and eight,

inconsistent with regulations promulgated by
the Board.

Today is January 13th, 2011. It's approximately 9:00 a.m. This hearing has been scheduled and noticed according to the Illinois Pollution Control Board's rules and procedures and the Environmental Protection Act. It will be conducted according to the procedure rules, found in sections 107 and 101 of the Board's procedural rules.

In this case, it's an appeal, and I'm reading from Section 40-1, in part. In the event of appeal, such hearing shall be based exclusively on the record before the county board or the governing body of the municipality.

With that said, I just want to talk about the decision-making process of the board. I don't make the ultimate decision.

I'm just here to rule on any evidentiary matters and make sure the hearing goes smoothly. The board is made up of five members. They will be the ones making the ultimate decision. What they'll do is review

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| 1 | the record, the transcript, and the post |
| 2 | hearing briefs, and then decide the case. |
| 3 | With that said, there's no members |
| 4 | of the public here, although there is |
| 5 | Mr. Larry Clark. He's an interested party |
| 6 | from the Solid Waste Management Agency of |
| 7 | Lake County. Is that correct? |
| 8 | MR. CLARK: Solid Waste Agency of Lake |
| 9 | County, correct. |
| 10 | MR. HALLORAN: Thank you. |
| 11 | Mr. Callahan, would you like to introduce |
| 12 | yourself, please? |
| 13 | MR. CALLAGHAN: Gerald Callahan |
| 14 | representing the petitioner, Veolia ES Zion |
| 15 | Landfill Inc. |
| 16 | MR. HALLORAN: Thank you. Mr. Simon? |
| 17 | MR. SIMON: Adam Simon representing |
| 18 | the city of Zion. |
| 19 | MR. HALLORAN: Okay. Off the record, |
| 20 | the counsels have represented that they will |
| 21 | there's no witnesses, correct, gentlemen? |
| 22 | MR. CALLAGHAN: Correct. |
| 23 | MR. CLARK: Yes. |
| 24 | MR. HALLORAN: No witnesses. They're |

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| 1 | going to waive opening and closing remarks |
| 2 | and reserve their comments for their brief. |
| 3. | We're going to go off the record for a moment |
| 4 | and talk about the post hearing briefing |
| 5 | schedule. |
| 6 | (Whereupon, a discussion was had |
| 7 | off the record.) |
| 8 | MR. HALLORAN: We're back on the |
| 9 | record. We've discussed the post hearing |
| 10 | briefing schedule, and by my calculations the |
| 11 | transcript should be ready and hopefully |
| 12 | online by January 26th, 2011. The |
| 13 | petitioner's opening brief is due |
| 14 | February 7th, 2011. Respondent's opening |
| 15 | brief is due February 28th, 2011. |
| 16 | Mr. Callahan, petitioner's reply is due |
| 17 | March 7th, and the mailbox rule will not |
| 18 | apply. I would recommend either fax or |
| 19 | electronic filing. I'm also going to set the |
| 20 | public comment cutoff date. They can file |
| 21 | comments on or before February 7th, 2011. |
| 22 | With that said, again, my |
| 23 | understanding is that counsels have waived |

opening and closing. They're going to

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| 1 | STATE OF ILLINOIS)) SS |
| 2 | COUNTY OF COOK) |
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| 4 | |
| 5 | REBECCA A. GRAZIANO, being first |
| 6 | duly sworn on oath, says that she is a court |
| 7 | reporter doing business in the City of Chicago, that |
| 8 | she reported in shorthand the proceedings given at |
| 9 | the taking of said hearing, and that the foregoing |
| 10 | is a true and correct transcript of her shorthand |
| 11 | notes so taken as aforesaid, and contains all the |
| 12 | proceedings given at said hearing. |
| 13 | |
| 14 | |
| 15 | Rebella Grayem |
| 16 | REBECCA À. GRAZIANO, CSR Eight West Monroe Street, Suite 2007 |
| 17 | Chicago, Illinois 60603 License No.: 084-004659 |
| 18 | |
| 19 | SUBSCRIBED AND SWORN TO |
| 20 | before me this 120 day of A.D., 2011. |
| 21 | Roudsausk Notary Public |
| 22 | NOCATY FUDITC |
| 23 | OFFICIAL SEAL LORI ANN ASAUSKAS NOTARY PUBLIC - STATE OF ILLINOIS |
| 24 | MY COMMISSION EXPIRES:11/19/11 |

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