



July 14, 2015

Page 2

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,  
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BY: MS. CAROL WEBB, HEARING OFFICER,

6  
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10 BY: MR. PATRICK B. McGRATH,

11  
12 Appeared on behalf of the Petitioner;

13 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
1021 North Grand Avenue East  
14 P.O. Box 19276  
Springfield, Illinois 62794-9276  
15 (217) 782-5544  
joanne.olson@illinois.gov  
16 BY: MS. JOANNE M. OLSON,

17  
18 Appeared on behalf of the Respondent,

19  
20 ALSO PRESENT:

21 Ms. Ashley Fey Asauskas  
Mr. Mike Burris  
22 Mr. Lynn E. Dunaway  
Mr. Steven Entsminger  
Mr. Jim Fogal  
23 Mr. Doug Geshiwl  
Mr. John Hendershott  
24 Mr. Jeremiah Houston

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I N D E X

PAGES

|   |    |   |    |
|---|----|---|----|
| Initial Remarks by the Hearing Officer..... | 4  | - | 5  |
| Direct Examination of Michael Burris.....   | 6  | - | 13 |
| Cross-Examination of Michael Burris.....    | 13 | - | 13 |
| Petitioner Rests.....                       | 14 | - | 14 |
| Respondent Rests.....                       | 14 | - | 14 |
| Public Comment by Doug Geshiwl.....         | 15 | - | 16 |
| Final Remarks by the Hearing Officer.....   | 16 | - | 17 |

E X H I B I T S

Marked Admitted

|                               |   |    |
|-------------------------------|---|----|
| Petitioner Exhibit No. 1..... | 4 | 14 |
|-------------------------------|---|----|

(Novy Exhibit No. 1 is attached at the end of the transcript and archived in the exhibit repository located at [www.lareporting.com](http://www.lareporting.com).)

July 14, 2015

Page 4

1 (Document marked prior to the  
2 commencement of the proceeding  
3 as Petitioner Exhibit No. 1  
4 for identification, 7/14/15.)

5 HEARING OFFICER WEBB: Good morning.  
6 My name is Carol Webb and this is the hearing for  
7 PCB 15-110, a water well setback exception  
8 proceeding for the Village of Carlock.

9 It is July 14th and we are  
10 beginning at 10:00 a.m. There is one member of  
11 the public present who may wish to comment at  
12 the end of this hearing. Also written public  
13 comment may be filed with the clerk by July 28th.

14 At issue in this case is a new  
15 water treatment plant located at 300 South Perry  
16 Street in Carlock, McLean County. There are two  
17 community water supply wells within a 200-foot  
18 setback from the septic system intended to serve  
19 the new plant.

20 The Illinois Environmental  
21 Protection Agency recommends that the Board grant  
22 the petition.

23 The Pollution Control Board  
24 members will make the final decision in this case.

July 14, 2015

Page 5

1 My purpose is to conduct the hearing in a neutral  
2 and orderly manner so that we have a clear record  
3 of the proceedings.

4 This hearing was noticed pursuant  
5 to the Act and the Board's rules and will be  
6 conducted pursuant to the Sections 101.600  
7 through 101.632 and 106 Subpart (c) of the  
8 Board's procedural rules.

9 At this time I will ask  
10 the parties to please make their appearances  
11 on the record.

12 MR. McGRATH: Pat McGrath for  
13 the Village of Carlock.

14 MS. OLSON: Joanne Olson for Illinois  
15 Environmental Protection Agency.

16 HEARING OFFICER WEBB: Thank you.

17 Are there any preliminary matters  
18 to discuss on the record?

19 MR. McGRATH: No.

20 HEARING OFFICER WEBB: Okay. Would  
21 the petitioner like to make an opening statement?

22 MR. McGRATH: The petitioner would  
23 waive opening statement.

24 HEARING OFFICER WEBB: Would the

July 14, 2015

Page 6

1 agency like to make an opening statement?

2 MS. OLSON: The agency waives its  
3 opening statement.

4 HEARING OFFICER WEBB: Okay. The  
5 petitioner may present its case.

6 MR. McGRATH: Thank you.

7 For my first witness, I'd like  
8 to call Mr. Michael Burris.

9 HEARING OFFICER WEBB: Would the court  
10 reporter please swear in the witness?

11 THE COURT REPORTER: Raise your right  
12 hand, please.

13 Do you swear the testimony you're  
14 about to give is the truth, the whole and nothing  
15 but the truth so help you God?

16 MR. BURRIS: I do.

17 (Witness sworn.)

18 WHEREUPON:

19 M I C H A E L B U R R I S  
20 called as a witness herein, having been first duly  
21 sworn, deposeth and saith as follows:

22 D I R E C T E X A M I N A T I O N

23 by Mr. McGrath

24 Q. Mike, could you just state your name

1 for the record, please?

2 **A. Mike Burris. I work for Crawford,**  
3 **Murphy and Tilly Engineers, village engineer.**

4 Q. And you've been actively involved in  
5 connection with the village's construction of a  
6 new water treatment plant, correct?

7 **A. Yes, sir.**

8 Q. And the village is constructing a  
9 new water treatment plant in order to meet the  
10 minimum contaminant levels for its drinking water;  
11 is that correct?

12 **A. Correct. The village is under an**  
13 **administrative order with the US EPA concerning the**  
14 **arsenic MCL.**

15 Q. And in general, the project for the  
16 new water treatment plant was to construct a new  
17 one and tear down the old one and replace it  
18 essentially, correct?

19 **A. Yes, sir.**

20 Q. And the septic system that's at  
21 issue would service the new water treatment plant,  
22 correct?

23 **A. Yes. Yes, sir.**

24 Q. Now, there's a maintenance building

July 14, 2015

Page 8

1 that's been identified through the proceedings,  
2 where is that in relation to the water treatment  
3 plant?

4 **A. Well, it's -- it's a little bit to**  
5 **the north and east of the water treatment plant**  
6 **and it originally was not proposed to be added**  
7 **into the septic system.**

8 Q. But through this proceeding, it  
9 has been proposed to be added to the septic  
10 system, correct?

11 **A. Correct.**

12 Q. And that maintenance building also  
13 has an office space in it?

14 **A. Yes, sir.**

15 Q. Through the proceedings, we've  
16 prepared -- there have been various documents  
17 filed. I'll go through the identification of  
18 four.

19 One was the initial petition  
20 for the setback exemption. The second was the  
21 petitioner's reply to the Illinois EPA's response.  
22 The third was petitioner's answers to prehearing  
23 questions. And a fourth, which has been  
24 marked as Petitioner's Exhibit 1 today, is

1 petitioner's answers to hearing questions.

2 Do you recognize by title each of  
3 those documents?

4 **A. Yes, sir.**

5 Q. And did you assist in the preparation  
6 of those documents?

7 **A. Yes, sir.**

8 Q. And did you review those before they  
9 were filed?

10 **A. Yes, sir.**

11 Q. Were each of those documents true  
12 and correct to the best of your knowledge?

13 **A. Yes, sir.**

14 Q. If I asked you the various questions  
15 today that are set forth in some of those written  
16 filings, would your answers be consistent with  
17 what's indicated on the written filings?

18 **A. Yes. Yes, sir.**

19 Q. Thank you.

20 If the village were to be denied  
21 the setback exemption and were to strictly comply  
22 with the 200-foot setback based on written filings,  
23 I understand it would be your engineer's estimate  
24 that the minimum cost would be estimated to be

1 \$136,000 to relocate the septic system and  
2 acquire new land to meet the 200-foot setback?

3 **A. Right.**

4 Q. And to construct a new well would  
5 be significantly more than that?

6 **A. Correct.**

7 Q. The septic system that's at issue  
8 here, is that, in your opinion, located in a  
9 manner to achieve the maximum feasible alternative  
10 setback without incurring those extra costs?

11 **A. Yes, sir.**

12 Q. And could you describe briefly  
13 for me where the septic system would be located  
14 in relation to the property?

15 **A. The septic system is actually being**  
16 **located at the farthest eastern portion of the**  
17 **property from the -- basically, the farthest it**  
18 **could get away from the water treatment plant and**  
19 **the well.**

20 Q. And the new water treatment plant,  
21 what was the approximate total cost of that project?

22 **A. About \$1.4 million.**

23 Q. And is that a cost that will  
24 principally be paid by the residents of the Village

1 of Carlock?

2 **A. Correct. The village has an IEPA**  
3 **loan for the projects.**

4 Q. And if the village had to incur the  
5 additional \$136,000 or more, would you believe  
6 that to also be a cost that would be passed on  
7 to the residents of the Village of Carlock?

8 **A. Yes, sir.**

9 Q. Do you believe the new septic  
10 system, in your professional opinion, would pose  
11 a significant hazard to the water supply wells?

12 **A. No, sir.**

13 Q. And in the written filings, you  
14 indicated well drillers logs showing a layer of  
15 clay, steel well casing pipe and regular well  
16 testing as being some factors that support your  
17 conclusion that the septic system would not pose  
18 a significant hazard; is that correct?

19 **A. Yes, sir.**

20 Q. Can you explain to me the layers of  
21 clay and how that would help protect the water  
22 supply wells?

23 **A. Well, basically the layers of clay --**  
24 **the permeability of the sewage from the septic**

1 **system through those layers of clay, basically**  
2 **the clay wouldn't allow that to continue down**  
3 **through the -- to the depth of wells and the**  
4 **screen sill.**

5 Q. And the steel well casing, would  
6 that also be -- how would that be a factor in  
7 reducing the threat to the water supply wells?

8 A. Basically, it's -- I mean, it's  
9 another layer of protection for the well from  
10 letting materials getting through that steel  
11 casing into the water system.

12 Q. And regular well testing, that's  
13 mandated on the operation water treatment plant  
14 regardless of the water setback exemption?

15 A. Correct. The IEPA requires for all  
16 water testing for each of the wells. So...

17 Q. And some safeguards to minimize the  
18 likelihood of contamination have been discussed  
19 through some of the filings so far that those  
20 proposed and agreed upon and written filings would  
21 include annual pumping and annual inspections by a  
22 licensed wastewater operator.

23 Do you believe those would  
24 provide the best available control technology

1 economically feasible to minimize the likelihood  
2 of contamination?

3 **A. Correct.**

4 MR. McGRATH: I don't have  
5 any further questions for this witness.

6 MS. OLSON: I just have one  
7 follow-up question.

8 THE WITNESS: Yes, ma'am.

9 C R O S S - E X A M I N A T I O N  
10 by Ms. Olson

11 Q. You mentioned annual inspection  
12 reports are done by a certified water operator?

13 **A. Correct.**

14 Q. What are the village's intentions  
15 in terms of submitting those reports to the local  
16 public health department?

17 **A. Those can be submitted to the local  
18 health department by the village as they have been  
19 on an annual basis. So...**

20 MS. OLSON: That's all I have.  
21 Thank you.

22 THE WITNESS: Thank you.

23 HEARING OFFICER WEBB: Thank  
24 you.

July 14, 2015

Page 14

1 Do you have anything further  
2 you'd like to present?

3 MR. McGRATH: No. The petitioner  
4 rests.

5 (Petitioner rests.)

6 HEARING OFFICER WEBB: Okay.

7 Would you like to offer Exhibit 1  
8 into evidence?

9 MR. McGRATH: Yes, I would.

10 HEARING OFFICER WEBB: Okay.

11 Exhibit 1, which is petitioner's  
12 answers to the Board hearing questions is admitted  
13 into evidence.

14 (Petitioner's Exhibit No. 1  
15 was admitted into evidence.)

16 HEARING OFFICER WEBB: And the Agency  
17 has nothing further that they would like to present  
18 here today?

19 MS. OLSON: No, not at this time.

20 (Respondent rests.)

21 HEARING OFFICER WEBB: Okay. All  
22 right. I think we'll wrap it up then.

23 Oh, I'm -- wait, wait. Do we  
24 have any members of the public who wish to make

1 any comments today?

2 MR. GESHIWLM: Yes, I would.

3 HEARING OFFICER WEBB: Okay. Why  
4 don't you come forward a little bit just to make  
5 sure the court reporter can hear you.

6 MR. GESHIWLM: That's fine.

7 HEARING OFFICER WEBB: And state your  
8 name and spell it for the record, please, maybe  
9 we --

10 P U B L I C C O M M E N T

11 by Mr. Geshiwlml

12 My name is Doug Geshiwlml,  
13 D-O-U-G, G-E-S-H-I-W-L-M. I'm a resident of the  
14 village of Carlock. I'm a past acting village  
15 president and trustee of 22 years for the village  
16 of Carlock.

17 I have been in -- I was  
18 involved in this project up to this past election,  
19 this past April, when I did not run and what's  
20 replaced on the Board.

21 So I've been actively involved  
22 with Mr. Burriss and Mr. McGrath from the onset of  
23 this project.

24 And one thing I would like to

July 14, 2015

Page 16

1 stress is that the location of the septic system  
2 right now is actually downhill from where the  
3 water plant is and the wells are -- excuse me --  
4 two of the wells, two out of the three wells.

5                   And for water to run uphill  
6 is going to be highly improbable unless it's  
7 pumped that way. So that would signify that  
8 there's -- there's a lot less possibility of  
9 contamination of the existing wells that are  
10 close to the proximity of the septic system  
11 right now.

12                   So -- but like I said, being  
13 a current resident, we are all about trying to  
14 comply with the regulations of the EPA and  
15 everything else and, like I said, I thought  
16 everything was -- all the ducks were in a row,  
17 so to speak, and obviously, they weren't, but  
18 like I said that ends my public comment period.

19                   HEARING OFFICER WEBB: Okay. Thank  
20 you, sir.

21                   Is there anyone else who wishes  
22 to speak here today?

23                   Okay. I'll just make some  
24 comments before we get to closing arguments.

July 14, 2015

Page 17

1                   The transcript is due by July  
2 21st and will be posted on the Board's website.  
3 The public comment deadline is July 28th. Public  
4 comment must be filed in accordance with  
5 Section 101.628 of the Board's procedural rules.

6                   The village has stated that  
7 they do not plan to file a post hearing brief.  
8 Respondent requested until July 28th to file a  
9 brief, which they may or may not file a brief,  
10 but you are entitled.

11                   We will give you to July  
12 28th to file something if you wish. If respondent  
13 files a brief, then the village may reply by  
14 August 4th. Again, the public comment deadline  
15 is July 28th.

16                   Okay. Would the village like  
17 to make any closing statement?

18                   MR. McGRATH: We waive closing.

19                   HEARING OFFICER WEBB: Would the  
20 Agency like to make any closing statement?

21                   MS. OLSON: I will waiving closing.

22                   HEARING OFFICER WEBB: Okay. At  
23 this time, we will conclude the proceedings. Thank  
24 you all for participating.

July 14, 2015

Page 18

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MS. OLSON: Thank you.

MR. McGRATH: Thank you.

(Whereupon, no further  
proceedings were had in the  
above-entitled cause.)

July 14, 2015

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )  
4  
5

6 I, LORI ANN ASAUSKAS, CSR, RPR,  
7 do hereby state that I am a court reporter doing  
8 business in the City of Chicago, County of Cook,  
9 and State of Illinois; that I reported by means  
10 of machine shorthand the proceedings held in the  
11 foregoing cause, and that the foregoing is a true  
12 and correct transcript of my shorthand notes so  
13 taken as aforesaid.

14  
15  
16 



17 Lori Ann Asauskas, CSR, RPR.

18 Notary Public, Cook County, Illinois  
19  
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|---|--|--|---|--|
| <p style="text-align: center;"><b>A</b></p> <p><b>A.D</b> 1:15<br/> <b>a.m</b> 1:16 4:10<br/> <b>above-entitled</b> 18:5<br/> <b>achieve</b> 10:9<br/> <b>acquire</b> 10:2<br/> <b>Act</b> 5:5<br/> <b>acting</b> 15:14<br/> <b>actively</b> 7:4 15:21<br/> <b>added</b> 8:6,9<br/> <b>additional</b> 11:5<br/> <b>administrative</b> 7:13<br/> <b>admitted</b> 3:11 14:12,15<br/> <b>aforsaid</b> 19:13<br/> <b>agency</b> 1:6 2:13 4:21 5:15 6:1,2 14:16 17:20<br/> <b>agreed</b> 12:20<br/> <b>allow</b> 12:2<br/> <b>alternative</b> 10:9<br/> <b>Ann</b> 1:11 19:6 19:17<br/> <b>annual</b> 12:21,21 13:11,19<br/> <b>answers</b> 8:22 9:1,16 14:12<br/> <b>appearances</b> 5:10<br/> <b>Appeared</b> 2:11 2:17<br/> <b>approximate</b> 10:21<br/> <b>April</b> 15:19<br/> <b>archived</b> 3:23<br/> <b>arguments</b> 16:24<br/> <b>arsenic</b> 7:14<br/> <b>Asauskas</b> 1:11 2:20 19:6,17<br/> <b>Ashley</b> 2:20<br/> <b>asked</b> 9:14</p> | <p><b>assist</b> 9:5<br/> <b>attached</b> 3:22<br/> <b>August</b> 17:14<br/> <b>available</b> 12:24<br/> <b>Avenue</b> 2:3,13</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>B</b> 2:10 3:10 6:19 15:10<br/> <b>based</b> 9:22<br/> <b>basically</b> 10:17 11:23 12:1,8<br/> <b>basis</b> 13:19<br/> <b>beginning</b> 4:10<br/> <b>behalf</b> 2:11,17<br/> <b>believe</b> 11:5,9 12:23<br/> <b>best</b> 9:12 12:24<br/> <b>bit</b> 8:4 15:4<br/> <b>Board</b> 1:1 2:2 4:21,23 14:12 15:20<br/> <b>Board's</b> 5:5,8 17:2,5<br/> <b>Box</b> 2:8,14<br/> <b>brief</b> 17:7,9,9,13<br/> <b>briefly</b> 10:12<br/> <b>building</b> 7:24 8:12<br/> <b>Burriss</b> 2:21 3:4 3:4 6:8,16 7:2 15:22<br/> <b>business</b> 19:8</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>c</b> 2:1 5:7 6:19,22 13:9 15:10,10 19:3<br/> <b>call</b> 6:8<br/> <b>called</b> 6:20<br/> <b>Carlock</b> 1:2,14 4:8,16 5:13 11:1,7 15:14 15:16<br/> <b>Carol</b> 1:10 2:5</p> | <p>4:6<br/> <b>case</b> 4:14,24 6:5<br/> <b>casing</b> 11:15 12:5,11<br/> <b>cause</b> 18:5 19:11<br/> <b>certified</b> 13:12<br/> <b>Chicago</b> 19:8<br/> <b>City</b> 19:8<br/> <b>clay</b> 11:15,21,23 12:1,2<br/> <b>clear</b> 5:2<br/> <b>clerk</b> 4:13<br/> <b>close</b> 16:10<br/> <b>closing</b> 16:24 17:17,18,20,21<br/> <b>come</b> 15:4<br/> <b>commencement</b> 4:2<br/> <b>comment</b> 3:6 4:11,13 16:18 17:3,4,14<br/> <b>comments</b> 15:1 16:24<br/> <b>community</b> 4:17<br/> <b>comply</b> 9:21 16:14<br/> <b>concerning</b> 7:13<br/> <b>conclude</b> 17:23<br/> <b>conclusion</b> 11:17<br/> <b>conduct</b> 5:1<br/> <b>conducted</b> 5:6<br/> <b>connection</b> 7:5<br/> <b>consistent</b> 9:16<br/> <b>construct</b> 7:16 10:4<br/> <b>constructing</b> 7:8<br/> <b>construction</b> 7:5<br/> <b>contaminant</b> 7:10<br/> <b>contamination</b> 12:18 13:2 16:9<br/> <b>continue</b> 12:2<br/> <b>control</b> 1:1 2:2</p> | <p>4:23 12:24<br/> <b>Cook</b> 1:12 19:8 19:18<br/> <b>correct</b> 7:6,11 7:12,18,22 8:10,11 9:12 10:6 11:2,18 12:15 13:3,13 19:12<br/> <b>cost</b> 9:24 10:21 10:23 11:6<br/> <b>costs</b> 10:10<br/> <b>County</b> 1:12 4:16 19:3,8,18<br/> <b>court</b> 6:9,11 15:5 19:7<br/> <b>Crawford</b> 7:2<br/> <b>Cross-Examin...</b> 3:4<br/> <b>CSR</b> 1:11 19:6 19:17<br/> <b>current</b> 16:13</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D</b> 3:1 6:22<br/> <b>D-O-U-G</b> 15:13<br/> <b>day</b> 1:15<br/> <b>deadline</b> 17:3,14<br/> <b>decision</b> 4:24<br/> <b>denied</b> 9:20<br/> <b>department</b> 13:16,18<br/> <b>deposeth</b> 6:21<br/> <b>depth</b> 12:3<br/> <b>describe</b> 10:12<br/> <b>Direct</b> 3:4<br/> <b>discuss</b> 5:18<br/> <b>discussed</b> 12:18<br/> <b>Document</b> 4:1<br/> <b>documents</b> 8:16 9:3,6,11<br/> <b>doing</b> 19:7<br/> <b>Doug</b> 2:23 3:6 15:12<br/> <b>downhill</b> 16:2</p> | <p><b>drillers</b> 11:14<br/> <b>drinking</b> 7:10<br/> <b>ducks</b> 16:16<br/> <b>due</b> 17:1<br/> <b>duly</b> 6:20<br/> <b>Dunaway</b> 2:21</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 2:1,1,21 3:1,10 6:19,22,22 13:9 15:10<br/> <b>east</b> 2:3,13 8:5<br/> <b>eastern</b> 10:16<br/> <b>economically</b> 13:1<br/> <b>election</b> 15:18<br/> <b>ends</b> 16:18<br/> <b>engineer</b> 7:3<br/> <b>engineer's</b> 9:23<br/> <b>Engineers</b> 7:3<br/> <b>entitled</b> 17:10<br/> <b>Entrance</b> 2:3<br/> <b>Entsminger</b> 2:22<br/> <b>Environmental</b> 1:5 2:13 4:20 5:15<br/> <b>EPA</b> 7:13 16:14<br/> <b>EPA's</b> 8:21<br/> <b>essentially</b> 7:18<br/> <b>estimate</b> 9:23<br/> <b>estimated</b> 9:24<br/> <b>evidence</b> 14:8,13 14:15<br/> <b>Examination</b> 3:4<br/> <b>exception</b> 4:7<br/> <b>excuse</b> 16:3<br/> <b>exemption</b> 8:20 9:21 12:14<br/> <b>exhibit</b> 3:12,22 3:23 4:3 8:24 14:7,11,14<br/> <b>existing</b> 16:9<br/> <b>explain</b> 11:20</p> |
|---|--|--|---|--|

|                         |                          |                         |                        |                         |
|-------------------------|--------------------------|-------------------------|------------------------|-------------------------|
| extra 10:10             | <b>Good</b> 4:5          | <b>intentions</b> 13:14 | <b>M</b>               | <b>N</b> 2:1 3:1 6:22   |
| <b>F</b>                | <b>Grand</b> 2:3,13      | <b>involved</b> 7:4     | <b>M</b> 2:16 6:19,22  | 6:22 13:9,9             |
| <b>factor</b> 12:6      | <b>grant</b> 4:21        | 15:18,21                | 13:9 15:10,10          | 15:10                   |
| <b>factors</b> 11:16    | <b>H</b>                 | <b>issue</b> 4:14 7:21  | <b>ma'am</b> 13:8      | <b>name</b> 4:6 6:24    |
| <b>far</b> 12:19        | <b>H</b> 3:10 6:19       | 10:7                    | <b>machine</b> 19:10   | 15:8,12                 |
| <b>farthest</b> 10:16   | <b>hand</b> 6:12         | <b>J</b>                | <b>Mackinaw</b> 2:8    | <b>neutral</b> 5:1      |
| 10:17                   | <b>hazard</b> 11:11,18   | <b>Jeremiah</b> 2:24    | <b>Main</b> 2:7        | <b>new</b> 4:14,19 7:6  |
| <b>feasible</b> 10:9    | <b>health</b> 13:16,18   | <b>Jim</b> 2:22         | <b>maintenance</b>     | 7:9,16,16,21            |
| 13:1                    | <b>hear</b> 15:5         | <b>Joanne</b> 2:16      | 7:24 8:12              | 10:2,4,20 11:9          |
| <b>Fey</b> 2:20         | <b>hearing</b> 1:10 2:5  | 5:14                    | <b>mandated</b> 12:13  | <b>north</b> 1:14 2:3,3 |
| <b>file</b> 17:7,8,9,12 | 3:3,6 4:5,6,12           | <b>joanne.olson...</b>  | <b>manner</b> 5:2 10:9 | 2:13 8:5                |
| <b>filed</b> 4:13 8:17  | 5:1,4,16,20,24           | 2:15                    | <b>marked</b> 3:11 4:1 | <b>notary</b> 1:11      |
| 9:9 17:4                | 6:4,9 9:1 13:23          | <b>John</b> 2:23        | 8:24                   | 19:18                   |
| <b>files</b> 17:13      | 14:6,10,12,16            | <b>July</b> 1:15 4:9,13 | <b>materials</b> 12:10 | <b>notes</b> 19:12      |
| <b>filings</b> 9:16,17  | 14:21 15:3,7             | 17:1,3,8,11,15          | <b>matters</b> 5:17    | <b>noticed</b> 5:4      |
| 9:22 11:13              | 16:19 17:7,19            | <b>K</b>                | <b>maximum</b> 10:9    | <b>Novy</b> 3:22        |
| 12:19,20                | 17:22                    | <b>K</b> 19:3           | <b>McGRATH</b> 2:7     | <b>O</b>                |
| <b>final</b> 3:6 4:24   | <b>held</b> 19:10        | <b>knowledge</b> 9:12   | 2:10 5:12,12           | <b>O</b> 6:22 13:9,9    |
| <b>fine</b> 15:6        | <b>help</b> 6:15 11:21   | <b>L</b>                | 5:19,22 6:6,23         | 15:10 19:3,3            |
| <b>first</b> 6:7,20     | <b>Hendershott</b>       | <b>L</b> 6:19 15:10     | 13:4 14:3,9            | <b>o'clock</b> 1:16     |
| <b>Fogal</b> 2:22       | 2:23                     | <b>land</b> 10:2        | 15:22 17:18            | <b>Oak</b> 1:13         |
| <b>follow-up</b> 13:7   | <b>highly</b> 16:6       | <b>LAW</b> 2:7          | 18:2                   | <b>obviously</b> 16:17  |
| <b>follows</b> 6:21     | <b>Houston</b> 2:24      | <b>layer</b> 11:14 12:9 | <b>MCL</b> 7:14        | <b>offer</b> 14:7       |
| <b>foregoing</b> 19:11  | <b>I</b>                 | <b>layers</b> 11:20,23  | <b>McLean</b> 4:16     | <b>office</b> 2:7 8:13  |
| 19:11                   | <b>identification</b>    | 12:1                    | <b>mean</b> 12:8       | <b>Officer</b> 1:10 2:5 |
| <b>forth</b> 9:15       | 4:4 8:17                 | <b>letting</b> 12:10    | <b>means</b> 19:9      | 3:3,6 4:5 5:16          |
| <b>forward</b> 15:4     | <b>identified</b> 8:1    | <b>levels</b> 7:10      | <b>meet</b> 7:9 10:2   | 5:20,24 6:4,9           |
| <b>four</b> 8:18        | <b>IEPA</b> 11:2 12:15   | <b>licensed</b> 12:22   | <b>member</b> 4:10     | 13:23 14:6,10           |
| <b>fourth</b> 8:23      | <b>Illinois</b> 1:1,5,13 | <b>likelihood</b> 12:18 | <b>members</b> 4:24    | 14:16,21 15:3           |
| <b>further</b> 13:5     | 1:14 2:2,4,8,13          | 13:1                    | 14:24                  | 15:7 16:19              |
| 14:1,17 18:3            | 2:14 4:20 5:14           | <b>Lincoln</b> 1:14     | <b>mentioned</b>       | 17:19,22                |
| <b>G</b>                | 8:21 19:1,9,18           | <b>little</b> 8:4 15:4  | 13:11                  | <b>Oh</b> 14:23         |
| <b>G-E-S-H-I-W-...</b>  | <b>improbable</b> 16:6   | <b>loan</b> 11:3        | <b>Michael</b> 3:4,4   | <b>Okay</b> 5:20 6:4    |
| 15:13                   | <b>include</b> 12:21     | <b>local</b> 13:15,17   | 6:8                    | 14:6,10,21              |
| <b>general</b> 7:15     | <b>incur</b> 11:4        | <b>located</b> 3:23     | <b>Mike</b> 2:21 6:24  | 15:3 16:19,23           |
| <b>Geshiwl</b> 2:23     | <b>incurring</b> 10:10   | 4:15 10:8,13            | 7:2                    | 17:16,22                |
| 3:6 15:2,6,11           | <b>indicated</b> 9:17    | 10:16                   | <b>million</b> 10:22   | <b>old</b> 7:17         |
| 15:12                   | 11:14                    | <b>location</b> 16:1    | <b>minimize</b> 12:17  | <b>Olson</b> 2:16 5:14  |
| <b>getting</b> 12:10    | <b>initial</b> 3:3 8:19  | <b>logs</b> 11:14       | 13:1                   | 5:14 6:2 13:6           |
| <b>give</b> 6:14 17:11  | <b>inspection</b> 13:11  | <b>Lori</b> 1:11 19:6   | <b>minimum</b> 7:10    | 13:10,20 14:19          |
| <b>go</b> 8:17          | <b>inspections</b>       | 19:17                   | 9:24                   | 17:21 18:1              |
| <b>God</b> 6:15         | 12:21                    | <b>lot</b> 16:8         | <b>morning</b> 4:5     | <b>onset</b> 15:22      |
| <b>going</b> 16:6       | <b>intended</b> 4:18     | <b>Lynn</b> 2:21        | <b>Murphy</b> 7:3      | <b>opening</b> 5:21,23  |
|                         |                          |                         | <b>N</b>               | 6:1,3                   |



|   |  |   |  |
|---|--|---|--|
| <p><b>taken</b> 1:10 19:13<br/> <b>tear</b> 7:17<br/> <b>technology</b><br/>             12:24<br/> <b>terms</b> 13:15<br/> <b>testimony</b> 6:13<br/> <b>testing</b> 11:16<br/>             12:12,16<br/> <b>Thank</b> 5:16 6:6<br/>             9:19 13:21,22<br/>             13:23 16:19<br/>             17:23 18:1,2<br/> <b>thing</b> 15:24<br/> <b>think</b> 14:22<br/> <b>third</b> 8:22<br/> <b>thought</b> 16:15<br/> <b>threat</b> 12:7<br/> <b>three</b> 16:4<br/> <b>Tilly</b> 7:3<br/> <b>time</b> 5:9 14:19<br/>             17:23<br/> <b>title</b> 9:2<br/> <b>today</b> 8:24 9:15<br/>             14:18 15:1<br/>             16:22<br/> <b>total</b> 10:21<br/> <b>Township</b> 1:13<br/> <b>transcript</b> 1:9<br/>             3:23 17:1<br/>             19:12<br/> <b>treatment</b> 4:15<br/>             7:6,9,16,21 8:2<br/>             8:5 10:18,20<br/>             12:13<br/> <b>true</b> 9:11 19:11<br/> <b>trustee</b> 15:15<br/> <b>truth</b> 6:14,15<br/> <b>trying</b> 16:13<br/> <b>two</b> 4:16 16:4,4</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p><b>U</b> 6:19 15:10<br/> <b>understand</b> 9:23<br/> <b>uphill</b> 16:5</p> | <p style="text-align: center;"><b>V</b></p> <p><b>various</b> 8:16<br/>             9:14<br/> <b>village</b> 1:2 4:8<br/>             5:13 7:3,8,12<br/>             9:20 10:24<br/>             11:2,4,7 13:18<br/>             15:14,14,15<br/>             17:6,13,16<br/> <b>village's</b> 7:5<br/>             13:14<br/> <b>vs</b> 1:4</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p><b>wait</b> 14:23,23<br/> <b>waive</b> 5:23<br/>             17:18<br/> <b>waives</b> 6:2<br/> <b>waiving</b> 17:21<br/> <b>wastewater</b><br/>             12:22<br/> <b>water</b> 4:7,15,17<br/>             7:6,9,10,16,21<br/>             8:2,5 10:18,20<br/>             11:11,21 12:7<br/>             12:11,13,14,16<br/>             13:12 16:3,5<br/> <b>way</b> 16:7<br/> <b>we'll</b> 14:22<br/> <b>we've</b> 8:15<br/> <b>Webb</b> 1:10 2:5<br/>             4:5,6 5:16,20<br/>             5:24 6:4,9<br/>             13:23 14:6,10<br/>             14:16,21 15:3<br/>             15:7 16:19<br/>             17:19,22<br/> <b>webbc@ipcb.s...</b><br/>             2:5<br/> <b>website</b> 17:2<br/> <b>wells</b> 4:17 11:11<br/>             11:22 12:3,7<br/>             12:16 16:3,4,4<br/>             16:9<br/> <b>weren't</b> 16:17</p> | <p><b>White</b> 1:13<br/> <b>wish</b> 4:11 14:24<br/>             17:12<br/> <b>wishes</b> 16:21<br/> <b>witness</b> 6:7,10<br/>             6:17,20 13:5,8<br/>             13:22<br/> <b>work</b> 7:2<br/> <b>wouldn't</b> 12:2<br/> <b>wrap</b> 14:22<br/> <b>written</b> 4:12<br/>             9:15,17,22<br/>             11:13 12:20<br/> <b>www.lareport...</b><br/>             3:23</p> <hr/> <p style="text-align: center;"><b>X</b></p> <p><b>X</b> 3:1,10 6:22<br/>             13:9</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <p><b>years</b> 15:15</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p style="text-align: center;"><b>1</b></p> <p><b>1</b> 3:12,22 4:3<br/>             8:24 14:7,11<br/>             14:14<br/> <b>1.4</b> 10:22<br/> <b>10:00</b> 1:15 4:10<br/> <b>101.600</b> 5:6<br/> <b>101.628</b> 17:5<br/> <b>101.632</b> 5:7<br/> <b>1021</b> 2:3,13<br/> <b>106</b> 5:7<br/> <b>113</b> 2:7<br/> <b>13</b> 3:4,4,4<br/> <b>136,000</b> 10:1<br/>             11:5<br/> <b>139</b> 2:8<br/> <b>14</b> 3:5,5,5,5,12<br/> <b>14th</b> 1:15 4:9<br/> <b>15</b> 3:6</p> | <p><b>15-110</b> 1:5 4:7<br/> <b>16</b> 3:6,6<br/> <b>17</b> 3:6<br/> <b>19276</b> 2:14</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p><b>200-foot</b> 4:17<br/>             9:22 10:2<br/> <b>2015</b> 1:15<br/> <b>202</b> 1:13<br/> <b>217</b> 2:4,15<br/> <b>21st</b> 17:2<br/> <b>22</b> 15:15<br/> <b>28th</b> 4:13 17:3,8<br/>             17:12,15</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p><b>300</b> 4:15<br/> <b>309</b> 2:9<br/> <b>359-3461</b> 2:9</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p><b>4</b> 3:3,12<br/> <b>4th</b> 17:14</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p><b>5</b> 3:3<br/> <b>524-8509</b> 2:4</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p><b>6</b> 3:4<br/> <b>60601</b> 2:4<br/> <b>61755</b> 2:8<br/> <b>62794-9276</b> 2:14</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p><b>7/14/15</b> 4:4<br/> <b>782-5544</b> 2:15</p> |
|---|--|---|--|