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ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS,)	
INC.,)	
)	
Petitioner,)	PCB 03-144
)	
vs)	
)	
COUNTY OF KANKAKEE,)	
)	
Respondent.)	

 The following is a transcript held in
the above-entitled cause before HEARING OFFICER
BRADLEY HALLORAN, stenographically before TERRY A.
STRONER, CSR, a notary public within and for the
County of Cook and State of Illinois, at 385 East
Oak Street, Kankakee, Illinois, on the 6th day of
May, A.D., 2003, scheduled to commence at 9:00
o'clock a.m., commencing at 9:15 o'clock a.m.

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

2 ILLINOIS POLLUTION CONTROL BOARD,
3 100 West Randolph Street
4 Suite 11-500
5 Chicago, Illinois 60601
6 (312) 814-8917
7 BY: MR. BRADLEY P. HALLORAN, HEARING OFFICER

8 PEDERSEN & HOUPPT,
9 161 North Clark Street
10 Suite 3100
11 Chicago, Illinois 60601
12 (312) 261-2149
13 BY: MR. MR. DONALD J. MORAN

14 Appeared on behalf of the Petitioner,
15 Waste Management of Illinois,

16 HINSHAW & CULBERTSON,
17 100 Park Avenue
18 P.O. Box 1389
19 Rockford, Illinois 61105
20 (815) 963-8488
21 BY: MR. RICHARD S. PORTER

22 and

23 SWANSON, MARTIN & BELL,
24 330 North Wabash
Suite 2900
Chicago, Illinois 60611
(312) 923-8260
BY: MS. ELIZABETH HARVEY

Appeared on behalf of the Respondent,
County of Kankakee.

1 HEARING OFFICER HALLORAN: We're on
2 the record. This is another matter. This is Waste
3 Management of Illinois, Inc., petitioner, versus the
4 County of Kankakee, respondent, PCB 3-144. My name
5 is Bradley Halloran. I'm the hearing officer with
6 the Illinois Pollution Control Board. This hearing
7 was noticed up pursuant to the Board's procedure and
8 regulations. As you all know, I will not be making
9 the ultimate decision in the case, that decision is
10 left to the Board members after they take a look at
11 the record, the transcript and any post-hearing
12 briefing schedule. The public is more than welcome
13 to make public comment or testify, in fact, the
14 Board encourages it. There's a few members of
15 public out there left over I think from the case we
16 just finished up with, 3-125, et al. Do I see any
17 hands, does anyone want to make a public comment or
18 statement on this matter regarding contesting the
19 various conditions -- two conditions, I believe.
20 We have two people that want to make -- do you want
21 to be sworn in or do you just want to make a
22 comment? I'm not asking you to come up now. We'll
23 shelve that for a minute. Before I go any further,
24 I'd like to have the parties introduce themselves

1 please and then opening statements, if any.

2 MR. MORAN: Don Moran on behalf of
3 Waste Management of Illinois, Inc.

4 MR. PORTER: Rick Porter on behalf of
5 the County of Kankakee and Kankakee County Board.

6 MS. HARVEY: Elizabeth Harvey also on
7 behalf of the County Board of Kankakee and the
8 County of Kankakee.

9 HEARING OFFICER HALLORAN: Thank you,
10 Ms. Harvey.

11 Mr. Moran, would you like to do an
12 opening or address any issues you may have in this
13 case?

14 MR. MORAN: Mr. Hearing Officer, at
15 this time we do not wish to make any openings or
16 indicate any other matters regarding the appeal.

17 HEARING OFFICER HALLORAN: Thank you,
18 Mr. Moran. So you've pretty much rested your case?

19 MR. MORAN: Yes, that's correct. And
20 Mr. Porter, Ms. Harvey?

21 MR. PORTER: We also will not make an
22 opening statement and will base our briefs on the
23 record as it exists.

24 HEARING OFFICER HALLORAN: Okay.

1 Thank you very much and I assume you'll be waiving
2 closings as well?

3 MR. PORTER: Correct.

4 HEARING OFFICER HALLORAN: Before we
5 get to the public testimony comment I just want to,
6 before I forget, get the briefing schedule on the
7 record in this matter, 3-144, and it's agreed to --
8 was agreed to off the record that the transcript
9 will, at the very latest, be available on May 12th,
10 2003, on the web site -- excuse me, Board's web site
11 and before I forget, our web site is
12 www.ipcb.state.il.us.

13 MR. LESHEN: Can you say that one more
14 time, sir?

15 HEARING OFFICER HALLORAN: Sure.
16 And I'll give you my business card too, Mr. Leshen,
17 but again for the public's information, www.ipcb, P
18 as in Pat, C as in Cat, B as in Brad.state.il.us.

19 MR. LESHEN: Thank you.

20 HEARING OFFICER HALLORAN: It was
21 agreed to that the opening briefs of the
22 petitioner's is due on or before June 30th, 2003,
23 the response from the County is due on or before
24 July 30th, 2003, Waste Management's reply, if any,

1 is due on or before August 4th, public comment as
2 well as the amicus brief, if any, by the city is
3 due, and that's pursuant to if the Board allows in
4 the motion that has not yet been filed, but the
5 amicus and the public comment is due on or before
6 June 10th, the year 2003. The mailbox rule will
7 apply. I guess that's all we have. So, Mr. Runyon,
8 you had your hand up first, would you like to step
9 up and -- now, will this be under oath?

10 MR RUNYON: You may as well put it on
11 the record as testimony.

12 (Whereupon, Mr. Runyon was sworn in by
13 the reporter.)

14 MR. RUNYON: I followed the issue of
15 landfills since I started about two years ago and
16 learned quite a bit about the technologies and
17 topologies and various things and have noted with
18 interest the recommendations of the Regional
19 Planning Commission as well as the County Board in
20 adopting the siting where they both recommended a
21 double liner. I also have noted the fact that Waste
22 Management obviously from this appeal is reluctant
23 to comply with those requests by those two
24 governmental bodies. In looking at the issues

1 involved, it seems to me that it's a rather very
2 absurd position on the part of Waste Management
3 because number one, there is a considerable health
4 issue involved here. We have noted from the hearing
5 that, in fact, the proposed landfill is to be
6 located over a major aquifer. As a matter of low
7 cost insurance, it seems to us that a double liner
8 is the very least that can be done to help to at
9 least protect and defer the time -- the period at
10 which leachate may get into our water supply. In
11 addition to that, all of the engineering reports
12 have suggested that the cost of doing so is minimal.
13 It looks like a lot of money up front when you're
14 talking from 11 to 13 million dollars, but on a per
15 ton basis, that's only from about a range of 39 to
16 43 cents per ton. That kind of cost can easily be
17 pushed forward in the garbage collection fees. That
18 means that each family would pay 3 or 4 cents a
19 month more for garbage collection fees and that's a
20 pretty low cost health insurance policy it seems to
21 me for doing this and I think once again Waste
22 Management and its PR stuff has tried to persuade
23 the people that they are a good neighbor and I think
24 that this would be an ideal way for them to show

1 that they're a good neighbor by -- without trying to
2 charge the county or anybody else for a double liner
3 to simply accede to that request and install it if,
4 in fact, this landfill is sited. That's all I have.

5 HEARING OFFICER HALLORAN: Thank you.
6 Mr. Moran?

7 MR. MORAN: I have no questions.

8 HEARING OFFICER HALLORAN: Mr. Porter?

9 MR. PORTER: No questions.

10 HEARING OFFICER HALLORAN: Thank you,
11 Mr. Runyon, you may step down. Thank you. And I
12 didn't mean to slight you earlier, Mr. Power,
13 Mr. Leshen, Mr. Leshen is also here along with
14 Mr. Power because I did have the other attorneys
15 introduce themselves. Next, anybody? Mr. Bruck?

16 MR. BRUCK: Yes.

17 (Whereupon, Mr. Bruck was sworn in
18 by the reporter.)

19 MR. BRUCK: I'm, as I said earlier,
20 Darrel Bruck. I just want to -- I fully agree with
21 what was just stated, the insurance policy of having
22 a double liner at a per ton basis and the cost to
23 the end user would be so small that -- and the
24 insurance that would bring to this community since

1 the river is only a half mile or so from this
2 proposal and because this proposal is above a major
3 aquifer in the area, this is the very least Waste
4 Management should do for this community.
5 Furthermore, many states already have adopted this
6 as law. Illinois is one of the last ones to do it.
7 I understand there's legislation that is now being
8 considered to adopt this proposal of a double liner
9 system and so this is something that's considered
10 highly important and I hope Waste Management
11 reconsiders their appeal in this. Thank you.

12 HEARING OFFICER HALLORAN: Thank you,
13 sir. Mr. Moran?

14 MR. MORAN: No questions.

15 HEARING OFFICER HALLORAN: Mr. Porter?

16 MR. PORTER: No thank you.

17 HEARING OFFICER HALLORAN: You may
18 step down, sir. Thank you. Anybody else?

19 (Whereupon, Ms. Waggoner was sworn
20 in by the reporter.)

21 MS. WAGGONER: My name is Olivia
22 Waggoner, W-a-g-g-o-n-e-r and I live in Bourbonnais.
23 I agree totally with Keith and Darrel, what they
24 said about the double liners and a few other things.

1 There were some things that I did not say the first
2 time that I feel are important. I think the trucks
3 that would come through here and add to the
4 thousands of trucks we see here daily anyway is just
5 going to be absolutely unbelievable. I don't know
6 how many trucks it takes to transport one or two
7 tons of garbage at each one, but it will be a lot
8 and so we have to think about that too, the traffic
9 patterns, the whole thing. Also, I don't know why
10 the great leaders of this area have not led us into
11 recycling, which would have probably solved part of
12 the problems from the very beginning and we wouldn't
13 be going through all of these things. It's rarely
14 mentioned in these meetings and I don't know anybody
15 who really talks about it, but I come from an area
16 where recycling was the thing and I think it should
17 be the thing down here too. Also, I think that we
18 have not given a lot of consideration to the process
19 of gasification and I think that if whoever it is
20 was going to pay half the double liner bit would
21 just put that money toward the gasification units,
22 that maybe it would be a lot better off. I don't
23 know why the gentlemen in the front are laughing at
24 me, but then I suppose I'm a laughable figure, so

1 that's all right too. I also feel that we should
2 not accept garbage from out of county, that it's --
3 we can use it just for Kankakee County alone. I'm
4 sure there's enough here to handle a lot of things
5 and I wish that the whole thing would resolve down
6 to some reasonable things instead of taking in
7 garbage from any other old place, especially Chicago
8 and God knows what kind of garbage with pollution --
9 not only pollution, but some of the -- what am I
10 trying to say -- the things that are very, very
11 harmful to us. There are not enough people here
12 from the government to really listen and I'm sure
13 they wouldn't listen to me anyway, but anyway, I
14 would like to urge anyone who has any influence with
15 governmental officials to give a second thought to
16 this whole mess that they've stirred up for us.
17 Thank you.

18 HEARING OFFICER HALLORAN: Thank you.

19 Mr. Moran?

20 MR. MORAN: No questions.

21 HEARING OFFICER HALLORAN: Mr. Porter?

22 MR. PORTER: No questions, except I
23 just want the record to reflect I was not the
24 individual who was laughing.

1 HEARING OFFICER HALLORAN: I was going
2 to --

3 MS. WAGGONER: I wasn't looking at
4 you.

5 MR. PORTER: The record doesn't show
6 who you were talking to.

7 HEARING OFFICER HALLORAN: I was going
8 to make the record clear on that part. It appears
9 that Ms. Waggoner was referring to the city and
10 I'm not sure -- I think they were talking about
11 something else --

12 MR. LESHEN: We were.

13 HEARING OFFICER HALLORAN: But in any
14 event --

15 MR. LESHEN: We're not here
16 officially, but unofficially. Ms. Waggoner, it had
17 nothing to do with you. I don't find you a
18 laughable figure. In fact, I find you a valuable
19 figure and what Pat and I were talking about had
20 absolutely nothing to do with you.

21 THE WITNESS: Thank you for the
22 apology.

23 HEARING OFFICER HALLORAN: Thank you,
24 ma'am, you may step down. I think that about does

1 this case. I do want to thank the city of Kankakee,
2 Mr. Leshen, Mr. Power, for the use of the room --

3 MR. LESHEN: You're welcome.

4 HEARING OFFICER HALLORAN: -- and
5 their hospitality. If there's no other issues or
6 comments -- I see no hands, no nods, have a safe
7 trip home. Thank you.

8 (Whereupon, the hearing was
9 concluded.)

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1 STATE OF ILLINOIS)

2) SS.

3 COUNTY OF C O O K)

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6 I, TERRY A. STRONER, CSR, do

7 hereby state that I am a court reporter doing

8 business in the City of Chicago, County of Cook, and

9 State of Illinois; that I reported by means of

10 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

Terry A. Stroner, CSR

18

Notary Public, Cook County, Illinois

19

20 SUBSCRIBED AND SWORN TO

before me this ___ day

21 of _____, A.D., 2003.

22

23

Notary Public

24

