

Exhibit 7

BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,)	
)	
Petitioner,)	
)	
-vs-)	NO. PCB 06-184
)	
PEORIA COUNTY BOARD,)	
)	
Respondent.)	

The deposition of ELDON POLHEMUS, a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Friday, September 15th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 11:00 a.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE
528 Columbus Street, Suite 204
Ottawa, Illinois 61350

and

JANAKI NAIR, ESQUIRE
Elias, Meghinnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE
Black, Black & Brown
101 South Main Street
Morton, Illinois 61550
on behalf of the Respondent;

I N D E X

WITNESS

ELDON POLHEMUS

Examination by Ms. Nair pg. 3

EXHIBITS

None marked.

Page 3	Page 5
1 ELDON POLHEMUS.	1 A Well, I've lived in Hanna City for the last
2 a material witness herein, being duly sworn, was	2 30 years, either in Hanna City or on the edge of
3 examined and testified as follows:	3 it.
4 EXAMINATION	4 Q Could you describe for us -- I'm assuming
5 BY MS. NAIR:	5 you're retired now, is that correct?
6 Q Could you please state your full name and	6 A Except the board, yes.
7 spell your last name for the record?	7 Q Prior to your retirement other than
8 A My full name is Eldon, E-L-D-O-N, Polhemus,	8 obviously the county board, what was your line of
9 P-O-L-H-E-M-U-S.	9 work?
10 Q Thank you. We're here for the discovery	10 A I owned a late model used car operation for
11 deposition of Mr. Eldon Polhemus taken pursuant to	11 25 years, and I've been in the automobile
12 notice and by agreement of the parties.	12 business -- I was in there about four years or 40
13 Mr. Polhemus, have you ever been deposed	13 years and I've been retired five years.
14 before for any reason?	14 Q So you've been in various parts of the car
15 A Yes.	15 industry then?
16 Q So you do know sort of the basic ground	16 A Yes.
17 rules about being careful not to talk over each	17 Q You say you owned a dealership then?
18 other and you know that the court reporter is	18 A Yes.
19 taking down everything that we say?	19 Q Did you do any repair work there?
20 A Yes.	20 A No.
21 Q All right then. Let's dive right in.	21 Q Was this dealership located in Hanna City?
22 You're 72 years old, sir?	22 A Yes.
23 A Well, I'm not quite. 71 right now.	23 Q Are you married, sir?
24 Q What is your home address?	24 A Yes.
Page 4	Page 6
1 A 4516 South Hanna City/Glasford Road, Hanna	1 Q Did your wife, did she also have an
2 City.	2 employment at some point?
3 Q We have a home phone number listed for you	3 A She worked with me in the dealership.
4 that's 565-9953, is that correct?	4 Q Do you have grown children who are in the
5 A That's one of them, yes.	5 area?
6 Q Do you have another home number?	6 A Yes, one daughter.
7 A 369-9993.	7 Q What does she do?
8 Q We have an E-mail address listed for you,	8 A She's an executive on the Par-A-Dice, but I
9 Epolhemus@peoriacounty.org?	9 keep forgetting what she does. She computes all
10 A It's over in the courthouse but I never use	10 the figures and all that stuff.
11 it.	11 Q Do you have any immediate family let's say
12 Q Do you have any personal E-mail addresses?	12 out to nieces and nephews who are located in the
13 A No.	13 Peoria area who are engaged in the healthcare
14 Q Can you briefly describe for us your	14 industry, so nurses, doctors who work in the
15 educational background?	15 clinics?
16 A Very minor. I'm a high school graduate.	16 A I've got a cousin that's a nurse.
17 Q Where did you go to high school?	17 Q Where does he work?
18 A Farmington.	18 A The last time I heard, he worked for the
19 Q Did you grow up around here?	19 Morton Fire Department.
20 A Hanna City, born there.	20 Q When did you first become a board member at
21 Q How long have you lived at that address in	21 the Peoria County Board?
22 Hanna City?	22 A In November it will be 16 years.
23 A Two years at that address.	23 Q Are you running for reelection this year or
24 Q Before that?	24 are you midterm?

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<p>1 A I'm midterm.</p> <p>2 Q Could you briefly describe for us the</p> <p>3 geographic boundaries of your district as it</p> <p>4 currently exists?</p> <p>5 A Well, by road is the easy way. First of</p> <p>6 all, I start at Taylor Road, that runs north and</p> <p>7 south and goes all the way to Farmington, all the</p> <p>8 way to Fulton County line, and then on the north it</p> <p>9 goes to 150 in Brimfield. South it goes to the</p> <p>10 Illinois River. It's the biggest district in the</p> <p>11 county.</p> <p>12 Q How did the boundaries of your district</p> <p>13 change at the redistricting that occurred recently?</p> <p>14 A Very little.</p> <p>15 Q During your last election, were you</p> <p>16 opposed?</p> <p>17 A Yes.</p> <p>18 Q Are you Democrat or Republican party?</p> <p>19 A I've been all kinds, but I'm a Democrat.</p> <p>20 You asked if I was opposed?</p> <p>21 Q Yes.</p> <p>22 A Yes, I was.</p> <p>23 Q What was, if you know, your margin of</p> <p>24 victory in that election?</p>	<p>1 Disposal Company, application for expansion of</p> <p>2 their hazardous waste facility.</p> <p>3 I'm going to ask you about communications</p> <p>4 that occurred or may have occurred with you as a</p> <p>5 county board member between November of 2005 which</p> <p>6 is when PDC submitted its application and May of</p> <p>7 2006 which is when the board actually voted finally</p> <p>8 on the application.</p> <p>9 First off, just in general, back in</p> <p>10 November of 2005, what was your understanding as to</p> <p>11 what communications you could engage in with the</p> <p>12 public regarding the landfill expansion?</p> <p>13 A Well, it's always been that it's a minimum,</p> <p>14 be very minimum contact with the public. When we</p> <p>15 were going to end up voting on something, the only</p> <p>16 contact I had with the public was all the letters I</p> <p>17 got and a few phone calls, but I didn't go on any</p> <p>18 of the hearings or nothing.</p> <p>19 Q Regarding these contacts, was it your</p> <p>20 understanding that you could receive contacts from</p> <p>21 the participant in the hearings as well? So, for</p> <p>22 example, if Royal Coulter the head of PDC had</p> <p>23 called you or written you a letter, would that have</p> <p>24 been appropriate? Would that have been okay?</p>
Page 8	Page 10
<p>1 A 160 or 70 votes out of about 1,000.</p> <p>2 Q Do you have any personal expertise or</p> <p>3 experience at all in the area of hazardous waste?</p> <p>4 A The only experience I have is I've been on</p> <p>5 the landfill committee of the board for, now this</p> <p>6 is a guess, about eight years. What information I</p> <p>7 gather from being on that board is all I've got.</p> <p>8 Q How many people are on the landfill</p> <p>9 committee?</p> <p>10 A Seven, I think, counting the chairman.</p> <p>11 Q What's the function of the landfill</p> <p>12 committee?</p> <p>13 A Well, it's, like, the trustees oversees the</p> <p>14 operation of it.</p> <p>15 Q Is this the city county landfill?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Do you have any other experience outside of</p> <p>18 your work with the landfill committee regarding</p> <p>19 lead paint, any sort of lead contamination?</p> <p>20 A No.</p> <p>21 Q How about asbestos? Do you know anything</p> <p>22 about that?</p> <p>23 A No.</p> <p>24 Q I'd like to turn to the PDC, Peoria</p>	<p>1 A I don't think it would have, no.</p> <p>2 Q So do you know the name Joyce Blumenshine,</p> <p>3 for example?</p> <p>4 A I've heard of it.</p> <p>5 Q Well, she's the head of the local chapter</p> <p>6 of the Sierra Club.</p> <p>7 A Okay.</p> <p>8 Q Let's say she had written you a letter or</p> <p>9 called you on the phone. Would that have been</p> <p>10 appropriate?</p> <p>11 A She probably did then, I mean, I didn't</p> <p>12 even read the letters I got. I'd read enough of</p> <p>13 each letter to see whether they were for or against</p> <p>14 it. That's all I'd do. I stacked them up and kept</p> <p>15 track of them.</p> <p>16 Q What was your general understanding as to</p> <p>17 overall what people thought for and against?</p> <p>18 A Well, the letter count I had and the phone</p> <p>19 call count it was very high against it.</p> <p>20 Q You reference these letters that you got.</p> <p>21 Can you take a guess as to how many letters you</p> <p>22 received?</p> <p>23 A There were over 100, between 100 and 125.</p> <p>24 Q Did these letters come to your home?</p>

1 A Yes.
2 **Q What did you do with the letters when you**
3 **got them? I know you mentioned stacking them up.**
4 A After the final vote on the county board, I
5 threw everything away.
6 **Q When you received them, did you keep the**
7 **only copies you had or did you give them to the**
8 **county clerk or anything?**
9 A I kept everything.
10 **Q We briefly mentioned E-mail, and you said**
11 **that the only E-mail account you had was with the**
12 **county?**
13 A Yes.
14 **Q So did you receive copies of any of those**
15 **E-mails from the county clerk or from anybody at**
16 **the county?**
17 A Once in a while there would be one or two
18 in our packet.
19 **Q What's your packet?**
20 A We get a packet every week of that week's
21 correspondence and scheduling and if we are lucky a
22 little check.
23 **Q So sometimes there would be E-mails in your**
24 **packets?**

1 **county?**
2 A Could be. I don't know how to even enter
3 it.
4 **Q Do you recall when you first got your**
5 **E-mail account if you set up a password or**
6 **anything?**
7 A No. No, I didn't.
8 **Q Thank you. Do you know who maintains the**
9 **website -- I'm sorry, not the website, the E-mail**
10 **accounts?**
11 A Evidently our office, but I don't know.
12 **Q You mentioned the packs that you get**
13 **occasionally that would have some E-mails.**
14 **Do you know who prepares those?**
15 A Office staff. I don't know that they
16 prepare the E-mails themselves. They prepare the
17 packet, stuff it and either mail it or give it to
18 us at a meeting like we got one last night.
19 **Q On the telephone calls that you mentioned,**
20 **you said you did get some telephone calls?**
21 A A few, yeah.
22 **Q How many would you say between November**
23 **'05, May '06?**
24 A Probably 15 to 20.

1 A Yes.
2 **Q Do you know how it was determined which**
3 **E-mails went in the packs?**
4 A No.
5 **Q It's our understanding, just so you know,**
6 **that there were hundreds of E-mails that were sent.**
7 **It's further our understanding that there are**
8 **probably a few hundred E-mails sent to your**
9 **account, your E-mail account at the county.**
10 **Did you see copies of those E-mails?**
11 A I've never looked in my E-mail account.
12 Honestly, I never have.
13 **Q We've heard testimony from some county**
14 **board members that sometimes as you said these**
15 **E-mails would be printed off and passed along.**
16 **Did you ever receive larger packets of**
17 **E-mails or just one or two at a time?**
18 A Best of my knowledge, it was just one or
19 two, maybe three in a weekly packet.
20 **Q You haven't ever deleted any of your**
21 **E-mails, have you?**
22 A No.
23 **Q So to your knowledge, there's a pile of**
24 **E-mails sitting in your E-mail account with the**

1 **Q Were these left on your voice mail or were**
2 **these people who actually got ahold of you?**
3 A Most of them were -- well, I got -- I
4 always returned my calls. So I either got it
5 direct to start with or answered the --
6 **Q Voice message?**
7 A The recording.
8 **Q Did you call people who sent you letters,**
9 **too?**
10 A No.
11 **Q When you'd call people back or talk to them**
12 **originally on the phone when they called you, we**
13 **have talked about the fact that you knew you should**
14 **minimize your contact with the public.**
15 **So if somebody were to call you, how would**
16 **you handle that, that telephone call?**
17 A Well, most of the time when I'd get a
18 message on my phone, it wouldn't really say what it
19 was for. It would say this is so and so, would you
20 please call me. So I call everybody back.
21 If I call them back and they start to talk
22 about something like that, I tell them that, you
23 know, I can't -- we can't have a conversation about
24 this. We're supposed to -- I said, I will read

1 your letter, and that's about it.
2 I didn't get smart with them, but I told
3 them that's the way it was.
4 **Q Did you ask them on the phone or get a**
5 **feeling from them on the phone as to whether they**
6 **were in favor of or against the expansion?**
7 A Didn't have to ask them. They would voice
8 their opinion very quickly.
9 **Q Out of the 100 to 125 letters and the 15 to**
10 **20 phone calls you received from various people,**
11 **what percentage would you say were against the**
12 **expansion?**
13 A 85 to 90 percent.
14 **Q You said earlier that you thought that it**
15 **was pretty significantly against the landfill in**
16 **terms of the public sentiment?**
17 A Yes.
18 **Q Other than the phone calls and letters you**
19 **got, what would you base that understanding on?**
20 A What would give me the opinion?
21 **Q Yes.**
22 A It's what -- if their letter said if they
23 were against it or the conversation said they were
24 against it.

1 A Billboards?
2 **Q Yes.**
3 A No. I don't remember seeing any.
4 **Q How about yard signs, signs that people**
5 **would put in their yards?**
6 A A few.
7 **Q Were those in your district or elsewhere?**
8 A Most of them if I remember right were over
9 along Route 8 near the landfill.
10 **Q Did you ever look up any websites?**
11 A No.
12 **Q Do you have left in your possession any**
13 **notes, any copies of documents of anything that you**
14 **received during this period pertaining to the**
15 **landfill?**
16 A No, ma'am. I threw it all away.
17 **Q Did you ever discuss the landfill expansion**
18 **with any other board members?**
19 A Not very much because we had a committee of
20 the board that was in the hearing. I left that up
21 to them, you know, whatever they thought. How they
22 voted didn't necessarily mean how I was going to
23 vote.
24 **Q Did you discuss the expansion with any of**

1 **Q Other than the letters and the telephone**
2 **calls, did you have an understanding in the wider**
3 **community, people who didn't necessarily call you**
4 **or write to you, what the overall sentiment was?**
5 A Well, I go to the restaurant quite a bit,
6 and the general consensus was that people weren't
7 for it.
8 **Q When you'd go out, say, to a restaurant,**
9 **would people approach you to talk about this?**
10 A Once in a while, but I'd just change the
11 subject.
12 **Q Again, would they immediately voice their**
13 **opinion yes or no?**
14 A Around the coffee table they're pretty good
15 at that, yes.
16 **Q About how many times would you say between**
17 **November of '05 and May of '06 did people come up**
18 **to you in public or mention to you in person that**
19 **they had an opinion about the landfill?**
20 A At the most, 10 times maybe.
21 **Q Did you ever see any billboards opposing**
22 **the landfill expansion?**
23 A Any what, ma'am?
24 **Q Billboards.**

1 **the subcommittee members?**
2 A Not anything in excess of maybe if I seen
3 them. How's the hearings going and, you know, what
4 does it sound like. I never got into any details.
5 **Q To your knowledge, what was the vote of the**
6 **subcommittee?**
7 A You know, I don't remember.
8 **Q Do you know if there was a final vote, a**
9 **formal vote of the subcommittee?**
10 A I imagine their referral to the board would
11 have been their final vote.
12 **Q Did you see a document that was the**
13 **referral of the matter from the subcommittee to the**
14 **full board or the full committee?**
15 A If I remember correctly, I got a synopsis
16 of the hearing, the minutes of the hearing, and
17 just to be honest with you, I didn't read it. I
18 imagine it was in there.
19 **Q The minutes of the hearing that you're**
20 **talking about, is that -- I will come back to that.**
21 **It's going to be confusing.**
22 **If I could go through then sort of what**
23 **information was at your disposal to make your**
24 **decision, did you ever take a tour of the landfill?**

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1 A No.	1 A I'm not positive on the April 6th whether
2 Q Did you have an opportunity to review the	2 I did. I did the May 3rd.
3 actual application that was filed by Peoria	3 Q So the very last meeting on the expansion
4 Disposal Company?	4 you attended?
5 A I had the opportunity, but I didn't do it.	5 A Yes.
6 Q You didn't review the application?	6 Q So you do remember, though, attending the
7 A No.	7 May 3rd meeting?
8 Q Did you review any expert reports?	8 A That's the one we voted on.
9 A No.	9 Q You mentioned that you did receive 100 to
10 Q You've mentioned that you didn't attend the	10 150 letters?
11 public hearings concerning the expansion, is that	11 A Yes.
12 correct?	12 Q I'm going to run through some possible
13 A That's correct.	13 people who would have sent you letters, and I'm
14 Q Did you review the transcripts of those	14 curious to know if you recognize these names.
15 hearings?	15 A Okay.
16 A That's what I said that I got but I didn't	16 Q The first one that comes to mind is Tom
17 read them.	17 Edwards?
18 Q I see. So you received the transcripts of	18 A Yes. I received many from him.
19 the public hearings?	19 Q Many from Tom Edwards. His organization is
20 A Yes.	20 River Rescue, is that right?
21 Q And you didn't review them?	21 A Yes.
22 A No.	22 Q Did you know Tom Edwards before this?
23 Q Did you ever receive a staff report, a	23 A I've known him for a long time through the
24 report actually prepared by the county staff	24 landfill committee.
Page 20	Page 22
1 concerning the landfill expansion?	1 Q I see. When would you say you first met
2 A I don't remember. I don't remember	2 Tom?
3 receiving something like that.	3 A Six, seven years ago.
4 Q There were two staff reports filed	4 Q You've been on the landfill committee
5 basically. There was a first one right at the end	5 for --
6 of March and then there was a supplemental report	6 A About eight years.
7 that was prepared a few days later as I recall.	7 Q Thank you. So you've known Tom Edwards for
8 You don't the remember seeing either of	8 six or seven years, you said?
9 those?	9 A Yes.
10 A I don't remember, but I can't say I didn't	10 Q In that time, has he submitted a lot of
11 get them.	11 material to you?
12 Q But you certainly didn't review them, is	12 A Yes.
13 that correct?	13 Q This was about the city county landfill
14 A No. I wouldn't have reviewed them.	14 first and then about PDC expansion, is that right?
15 Q There was a meeting on April 3rd of the	15 A Yes.
16 subcommittee concerning this matter.	16 Q Do you consider Tom Edwards to be somebody
17 Did you sit in on that hearing?	17 who knows his way around a landfill, knows what's
18 A No.	18 going on with landfills?
19 Q Did you attend the April 6th meeting of	19 A Yes.
20 the whole county board, it was actually the full	20 Q Do you think he is a knowledgable person
21 committee on the siting, then there was a	21 when it comes to landfills?
22 subsequent board meeting where they actually voted	22 A Yes.
23 to approve or deny that was on May 3rd.	23 Q Do you trust his opinion when he states an
24 So did you attend the April 6th one?	24 opinion about a landfill?

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1 A Sometimes.
 2 **Q When wouldn't you trust his opinion?**
 3 A When I disagreed with it.
 4 **Q All right. Has that happened with the city**
 5 **county landfill?**
 6 A Yes.
 7 **Q How about on this PDC expansion?**
 8 A Never got that far with him on that.
 9 **Q So when it comes to city county, you've had**
 10 **discussions with him, is that right?**
 11 A Yes.
 12 **Q Did you ever discuss the PDC expansion with**
 13 **Tom?**
 14 A No.
 15 **Q When you'd receive a mailing or something**
 16 **from Tom Edwards concerning the PDC expansion,**
 17 **would you read the mailings?**
 18 A Not usually.
 19 **Q You know what Tom thought about the**
 20 **expansion, is that right?**
 21 A Oh, yes, yes. He was very clear on that.
 22 **Q You did receive a lot of mailings from him,**
 23 **is that right?**
 24 A Yes.

Page 24

1 **Q Did he ever come to your home and drop**
 2 **something off, drop off a mailing?**
 3 A I think once he did. He stopped by and the
 4 doorbell rang and there stood Tom, only once I
 5 think.
 6 **Q Did anybody else ever come to your house**
 7 **concerning the PDC expansion?**
 8 A I don't think so.
 9 **Q To double back a little bit, you mentioned**
 10 **that you discussed at least a little the PDC**
 11 **expansion with other board members just in brief,**
 12 **is that right?**
 13 A Yes.
 14 **Q Who did you talk to?**
 15 A By names, it would probably have been the
 16 ones that sat next to me on the board.
 17 **Q Are you seated alphabetically?**
 18 A No.
 19 **Q By district?**
 20 A No, by seniority.
 21 **Q So who sits on either side of you then?**
 22 A Carol Trumpe sits to my left and Jeff Joyce
 23 sits to my right.
 24 **Q So do you recall specifically talking to**

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1 **either of them about the expansion?**
 2 A Just in passing, nothing in really
 3 particular.
 4 **Q Did you have an understanding going into**
 5 **that May 3rd vote of what any of the other board**
 6 **members' votes were going to be?**
 7 A No, I didn't know.
 8 **Q Had you expressed to anybody else what your**
 9 **vote was probably going to be?**
 10 A No.
 11 **Q Going into the May 3rd meeting, did you**
 12 **know how you were going to vote?**
 13 A Not 100 percent. Pretty sure.
 14 **Q You've mentioned that you aren't sure what**
 15 **the subcommittee's recommendation was, is that**
 16 **right?**
 17 A That's right.
 18 **Q Do you know what the staff's recommendation**
 19 **was?**
 20 A I think their recommendation was approval.
 21 **Q Do you specifically remember the terms of**
 22 **the approval or denial?**
 23 A No.
 24 **Q Other than Tom Edwards, did you receive --**

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1 I'm going to run through sort of a list of names.
 2 A Okay.
 3 **Q On each name what I'm wondering if whether**
 4 **you received any letters from them or phone calls**
 5 **from them and whether you just know the person in**
 6 **general.**
 7 I know you weren't at the hearings, so you
 8 wouldn't necessarily recognize their names from
 9 that, but if you know the name, if you have any
 10 sort of a previous relationship or even recognize
 11 the name. Dr. Rodney Lorenz?
 12 A No.
 13 **Q Dr. John McLean?**
 14 A No.
 15 **Q Dr. Vidas?**
 16 A No.
 17 **Q Dr. Zwicky?**
 18 A No.
 19 **Q Did McRae?**
 20 A No.
 21 **Q Dr. Steven Smith?**
 22 A No.
 23 **Q Dr. McGee?**
 24 A No.

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1 Q Are you close friends with any physicians	1 A Bucklar?
2 in the -- in the Peoria area?	2 Q Bucklar, B-U-C-K-L-A-R?
3 A Ordinary physicians?	3 A No.
4 Q Yes.	4 Q How about a Kim Converse?
5 A Well, yes, my cardiologist. I'm very close	5 A No.
6 to him.	6 Q Do you remember getting any mailings from
7 Q Did you ever discuss the landfill expansion	7 her or phone calls?
8 with him?	8 A I could have, but I don't remember.
9 A No.	9 Q Don't specifically remember. That's fine.
10 Q How about any nurses or people in the	10 How about a Ted Converse?
11 healthcare community?	11 A No.
12 A No. I don't think so.	12 Q How about Ralph or Jane Converse?
13 Q Did you ever discuss the PDC expansion with	13 A No.
14 your cousin who's a nurse?	14 Q Are you familiar with Converse Marketing?
15 A No. I very rarely see him.	15 A Yes.
16 Q Did you have any family members who	16 Q What's your familiarity with Converse
17 expressed a very strong or a strong opinion one way	17 Marketing?
18 or the other about the expansion?	18 A Marketing company on Main Street. That's
19 A No.	19 about it.
20 Q To get back to my list of names, do you	20 Q Have you ever had any business association
21 know a Beth Akeson?	21 with them?
22 A No.	22 A No.
23 Q Jeff Akeson, he's a physician?	23 Q Are you aware that they did some work for
24 A No.	24 the county, that Converse Marketing did?
Page 28	Page 30
1 Q Joyce Blumenshine?	1 A No.
2 A Yes.	2 Q Doesn't ring a bell?
3 Q How do you know Joyce?	3 A No.
4 A Just by name recognition more than	4 Q How about Bill Cook? Do you know Bill
5 anything.	5 Cook?
6 Q Are you aware that she's associated with	6 A I know a Bill Cook, but it -- it wouldn't
7 the Heart of Illinois Sierra Club?	7 be that one.
8 A Yes.	8 Q This one is a professor at ICC, I think.
9 Q Do you recall how you first became aware of	9 Does that sound like --
10 that?	10 A No. That's not the one.
11 A Probably in one of those letters. I	11 Q Joyce Harant?
12 imagine.	12 A No.
13 Q So did you receive -- I think we covered	13 Q Mary Harkrader?
14 this, but to be sure I'm clear, did you receive	14 A Oh, yes.
15 mailings from Joyce Blumenshine?	15 Q How do you know Mary?
16 A I think I maybe got one or two, something	16 A I've know her for about 10 years when she
17 like that.	17 was county clerk in Peoria County.
18 Q How about telephone calls?	18 Q Do you keep in contact with Mary at all?
19 A That I can't remember.	19 A Not since she retired.
20 Q Tessie Bucklar?	20 Q Did you ever discuss or -- the landfill
21 A Who?	21 with her?
22 Q Tessie Bucklar?	22 A No.
23 A No.	23 Q Do you have any idea what her position is
24 Q Tom Bucklar?	24 about the landfill?

1 A Not for sure.
 2 **Q What's your guess?**
 3 A That she's against it.
 4 **Q How do you come up with that guess?**
 5 A Well, she's pretty much an
 6 environmentalist.
 7 **Q I already asked you about a John McLean**
 8 **who's a physician. His wife Cindy, do you know her**
 9 **name?**
 10 A No.
 11 **Q How about Lisa or Peter Offutt?**
 12 A No.
 13 **Q Do you think you might have received**
 14 **mailings from them?**
 15 A Possible.
 16 **Q Chris Ozuna-Thornton?**
 17 A No.
 18 **Q How about Elmo or Jean Roach?**
 19 A No.
 20 **Q Do you know if you might have received**
 21 **mailings or telephone calls from them?**
 22 A It's possible.
 23 **Q Cara Rosson?**
 24 A No.

1 **matter with anyone in the Democratic leadership?**
 2 A No.
 3 **Q Have you ever received a campaign**
 4 **contribution or support of any kind from any of the**
 5 **following organizations, I'm going to list them and**
 6 **say yes or no, Heart of Illinois Sierra Club?**
 7 A Not that I can remember.
 8 **Q Obviously, these are going to be as far as**
 9 **you can remember.**
 10 **The Sierra Club nationally?**
 11 A No.
 12 **Q Peoria Families Against Toxic Waste?**
 13 A No.
 14 **Q Citizens for Our Environment?**
 15 A No.
 16 **Q River Rescue?**
 17 A No, no donations.
 18 **Q Any other environmental organizations that**
 19 **might have contributed?**
 20 A Not that can I recall.
 21 **Q Are you a member of any environmental**
 22 **organizations?**
 23 A Well, the only -- I'm a member of the
 24 Peoria County Farm Bureau, but that's not

1 **Q Amy Schlicksup?**
 2 A No.
 3 **Q Do you know a Schlicksup? Is that ringing**
 4 **a bell?**
 5 A Different person.
 6 **Q Not uncommon name in the area, I know.**
 7 **Bill Scott, he's a physician?**
 8 A No.
 9 **Q Cathy Stevenson?**
 10 A No.
 11 **Q Diane Storey?**
 12 A No.
 13 **Q Mayvis Young?**
 14 A No.
 15 **Q How about Barb Van Auken?**
 16 A Oh, yes, but I don't know her personally.
 17 I just know her by being -- she's city council.
 18 **Q Do you know what her position is on the**
 19 **landfill?**
 20 A I'd be guessing. I would say it's probably
 21 against it.
 22 **Q What would you base that against on?**
 23 A She's an environmentalist, too.
 24 **Q Did you ever discuss your vote in this**

1 environmental -- it's environmental, but it's not
 2 environmental.
 3 **Q Did you receive campaign contributions by**
 4 **any chance by anybody we've been talking about off**
 5 **my list?**
 6 A No.
 7 **Q How about Tom Edwards?**
 8 A No.
 9 **Q Are you a member of the Universalist**
 10 **Unitarian Church or St. Thomas Church?**
 11 A No.
 12 **Q Do you know if you've received any**
 13 **contribution or campaign support from any**
 14 **physicians at Methodist or OSF or any of the major**
 15 **medical providers in the area?**
 16 A Not that I know of.
 17 **Q Do you recall stating to any member of the**
 18 **Coulter family or anyone you know who was**
 19 **associated with PDC that you had an opinion about**
 20 **what should happen on appeal of the board decision?**
 21 A The only thing that -- the only contact
 22 that I've had with Royal was after the meeting and
 23 after the vote was taken. We were leaving the ITCC
 24 Club and I walked over and shook hands and wished

1 him good luck. That's it.
 2 **Q Did you say anything more than just good**
 3 **luck?**
 4 A I don't think so.
 5 **Q Do you remember saying that you were hoping**
 6 **for the best for him on the appeal?**
 7 A Well, I shouldn't have said it if I did. I
 8 don't think I did.
 9 **Q You don't remember saying that?**
 10 A I don't remember, no. Now, his boys was
 11 with him. So they -- maybe I said something. I
 12 might have been thinking, but I didn't think I said
 13 it because I think a lot of Royal Coulter.
 14 **Q When you say you think a lot of Royal**
 15 **Coulter, could you explain what you mean?**
 16 A Well, I think he's an excellent business
 17 man just like his father was. He's always treated
 18 me very well.
 19 **Q So do you feel that you hope he does well**
 20 **on the appeal then?**
 21 A That's up to the appeal. I'm in a hard
 22 spot because I personally like him, but I'm also
 23 obligated to do what the law says and what the
 24 county says.

1 A Yes.
 2 **Q What was your understanding for what**
 3 **information you should gather to come up with that**
 4 **decision, your independent reasons for denial?**
 5 A I will tell you I make a lot of my
 6 decisions yes and no on important votes like that
 7 by the, what do you say, the information I acquire
 8 from these letters and things like that because I
 9 don't go out and go to parties and stuff like that.
 10 **Q So by those letters, do you mean the**
 11 **letters that you were getting at your home from**
 12 **members of the public?**
 13 A Yes.
 14 **Q So it was your -- so you considered the**
 15 **information that you received at your home?**
 16 A No. I -- the only way I considered the
 17 letters and that I got was I used it like a tally
 18 sheet. If I got 100 letters and 80 or 90 of them
 19 were against it, I felt that's the way the public
 20 felt, that's the way -- I was supposed to represent
 21 the public, too.
 22 We've had many decisions on different
 23 things, and my decision hasn't been wholly on
 24 letter count, but I consider that a good part of my

1 **Q What was your understanding of what you**
 2 **were supposed to consider in making your decision**
 3 **on this expansion?**
 4 A Well, I can't really tell you because we
 5 had things wrote down reasons that we would deny
 6 it. You'd have to research that. I don't know.
 7 **Q Was it your understanding that those**
 8 **reasons to deny that you saw --**
 9 A Findings of fact.
 10 **Q The findings of fact, the recommended**
 11 **findings of fact, who do you believe prepared**
 12 **those?**
 13 A I would think that somebody on our staff
 14 did or maybe one of our legal attorneys. I don't
 15 know.
 16 **Q Did you believe you were to rely on those**
 17 **findings of fact in coming up with your decision?**
 18 A No. I believed if they met what my reasons
 19 were because the findings of fact really never
 20 meant anything to me until after the vote. After
 21 the vote was over, then I was -- I was satisfied
 22 that the findings of fact would match the reason to
 23 deny.
 24 **Q So you had independent reasons?**

1 reasoning.
 2 MS. NAIR: We're going to take a real
 3 short break and we're almost done.
 4 (Recess in proceedings.)
 5 MS. NAIR: I think we are all done.
 6
 7 (Further deponent saith not.)
 8
 9
 10
 11
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 14
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 17
 18
 19
 20
 21
 22
 23
 24

<p>A Aana 1:10 40:3,21 about 3:17 5:12 8:1 8:6,21,22 9:3 14:13,22,23 15:1 16:9,16,19 17:4 18:20 22:6,13,14 22:24 23:7,19 25:1 27:10,18 28:18 29:4,10,12 29:19 30:4,16,24 31:7,11,18 32:15 34:4,7,19 account 11:11 12:9 12:9,11,24 13:5 accounts 13:10 acquire 37:7 actual 19:3 actually 9:7 14:2 19:24 20:20,22 address 3:24 4:8,21 4:23 addresses 4:12 affix 40:17 aforsaid 39:9,11 40:9,11 after 11:4 34:22,23 36:20,20 afterwards 40:10 again 16:12 39:10 against 10:13,17,19 15:6,11,15,23,24 31:3 32:21,22 33:12 37:19 ago 22:3 agreement 3:12 ahold 14:2 Akeson 27:21,23 almost 38:3 along 12:15 17:9 alphabetically 24:17</p>	<p>already 31:7 always 9:13 14:4 35:17 Amy 32:1 another 4:6 answered 14:5 anybody 11:15 24:6 25:8 34:4 anyone 33:1 34:18 anything 8:21 11:8 13:6 17:13 18:2 28:5 35:2 36:20 appeal 34:20 35:6 35:20,21 APPEARANCES 1:15 appeared 40:4 application 9:1,6,8 19:3,6 approach 16:9 appropriate 9:24 10:10 approval 25:20,22 approve 20:23 April 20:15,19,24 21:1 area 6:5,13 8:3 27:2 32:6 34:15 around 4:19 16:14 22:17 asbestos 8:21 asked 7:20 31:7 associated 28:6 34:19 association 29:20 assuming 5:4 attend 19:10 20:19 20:24 attended 21:4 attending 21:6 attorneys 36:14 Auken 32:15 automobile 5:11</p>	<p>aware 28:6,9 29:23 away 11:5 17:16 a.m 1:13 B back 9:9 14:11,20 14:21 18:20 24:9 27:20 background 4:15 Barb 32:15 base 15:19 32:22 basic 3:16 basically 20:5 became 28:9 become 6:20 before 1:1,10 3:14 4:24 21:22 39:1 39:20 40:5 behalf 1:20,23 being 3:2,17 8:7 32:17 believe 36:11,16 believed 36:18 bell 30:2 32:4 best 12:18 35:6 Beth 27:21 between 9:5 10:23 13:22 16:16 biggest 7:10 Bill 30:4,4,6 32:7 billboards 16:21,24 17:1 bit 16:5 24:9 Black 1:22,22 Blumenshine 10:2 28:1,15 board 1:2,6 5:6,8 6:20,21 8:5,7 9:5 9:7 11:4 12:14 17:18,20 18:10,14 20:20,22 24:11,16 25:5 34:20 39:2,6 born 4:20</p>	<p>boundaries 7:3,12 boys 35:10 break 38:3 brief 24:11 briefly 4:14 7:2 11:10 Brimfield 7:9 Brown 1:21,22 Bucklar 28:20,22 28:24 29:1,2 Bureau 33:24 business 5:12 29:20 35:16 B-U-C-K-L-A-R 29:2 C call 10:19 14:8,11 14:15,16,20,20,21 16:3 called 1:9 9:23 10:9 14:12 calls 9:17 13:19,20 14:4 15:10,18 16:2 26:4 28:18 29:7 31:21 campaign 33:3 34:3,13 car 5:10,14 Cara 31:23 cardiologist 27:5 careful 3:17 Carol 24:22 Cathy 32:9 cause 40:8 certainly 20:12 Certified 40:21 certify 39:8 40:4,7 40:12,14 chairman 8:10 chance 34:4 change 7:13 16:10 chapter 10:5</p>	<p>check 11:22 39:12 children 6:4 Chris 31:16 Church 34:10,10 Cindy 31:8 Citizens 33:14 city 4:2,20,22 5:1,2 5:21 8:15 22:13 23:4,9 32:17 City/Glasford 4:1 clear 23:21 28:14 clerk 11:8,15 30:17 clinics 6:15 close 27:1,5 Club 10:6 28:7 33:6,10 34:24 coffee 16:14 Columbus 1:16 come 10:24 16:17 18:20 24:1,6 31:4 37:3 comes 21:16 22:21 23:9 coming 36:17 commencing 1:12 commission 39:23 40:22 committee 8:5,9,12 8:18 17:19 18:14 20:21 21:24 22:4 communications 9:3,11 community 16:3 27:11 company 1:3 9:1 19:4 29:18 39:3 complete 39:10 computes 6:9 concerning 19:11 20:1,16 23:16 24:7 confusing 18:21 consensus 16:6</p>
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Exhibit 8

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

PEORIA DISPOSAL COMPANY,)	
)	
Petitioner,)	
)	
-vs-)	NO. PCB 06-184
)	
PEORIA COUNTY BOARD,)	
)	
Respondent.)	

The deposition of PHILLIP ARNOLD SALZER, a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Thursday, September 14th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 9:00 a.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE
528 Columbus Street, Suite 204
Ottawa, Illinois 61350
and

JANAKI NAIR, ESQUIRE
BRIAN J. MEGINNES, ESQUIRE
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE
Black, Black & Brown
101 South Main Street
Morton, Illinois 61550
on behalf of the Respondent;

ALSO PRESENT:

Royal Coulter, PDC;

Chris Coulter, PDC;

I N D E X

WITNESS

PHILLIP ARNOLD SALZER

Examination by Mr. Mueller pg. 4

*EXHIBITS

IDENTIFIED

Salzer Exhibit No. 24 pg. 18

Salzer Exhibit No. 25 pg. 35

*Indicates exhibits were withdrawn by Petitioner's
counsel; not attached hereto.

Page 3	Page 5
1 CERTIFIED QUESTION	1 A Okay.
2	2 Q First of all, everything that either of us
3 WHEREUPON THE FOLLOWING QUESTION WAS ASKED BY	3 says is being taken down by a court reporter. So
4 PETITIONER'S COUNSEL AND OBJECTED TO AND CERTIFIED AS	4 only one of us can speak at a time. That means I
5 FOLLOWS:	5 will wait for you to finish an answer before I ask
6	6 another question, and I would ask for you to wait
7	7 for me to finish the question before you start to
8 Page 13, Line 13:	8 answer.
9 Q Did you take all of those into	9 Secondly, as you're nodding your head, I
10 consideration for what they were worth in reaching	10 will tell you that the court reporter can't take
11 your final decision?	11 down nonverbal gestures and communications, so we
12	12 need to keep all of our answers verbal, preferably
13 Page 19, Line 15:	13 in the forms of yeses and nos rather than uh-huh
14 Q My question to you is, were you taking the	14 and huh-uh and things like that.
15 content of those letters and phone calls or at	15 Do you understand all of that?
16 least some of them into consideration in making	16 A Yes.
17 your final decision?	17 Q You also understand that you're under oath?
18	18 A Yes.
19	19 Q If I ask you a question and it isn't clear,
20	20 feel free to have me rephrase it and I will be
21	21 happy to do that. If you answer a question, I'm
22	22 going to assume that you understood it and intended
23	23 the answer, is that fair?
24	24 A Yes.

Page 4	Page 6
1 PHILLIP ARNOLD SALZER.	1 Q Mr. Salzer, where do you reside?
2 a material witness herein, being duly sworn, was	2 A 3101 North Old Trail Road, Peoria, 61604.
3 examined and testified as follows:	3 Q How long have you resided at that address?
4 EXAMINATION	4 A Since 1977, March.
5 BY MR. MUELLER:	5 Q What county board district is that in?
6 Q Good morning, Mr. Salzer. Would you state	6 A That is district number 8.
7 your name for the record, please?	7 Q Can you give us the approximate boundaries
8 A Phillip Arnold Salzer.	8 of your district?
9 Q You are a member of the Peoria County	9 A It goes south to Gilbert in the Hamilton
10 Board?	10 Park Area. In the Wardcliff area it is south to
11 A Yes.	11 Preston. On the -- it runs along the Interstate
12 Q Let the record show this is the deposition	12 1-74 taking in the shopping center Northwoods Mall
13 of Phillip Salzer taken pursuant to notice by	13 over north to -- it doesn't include all the Big
14 agreement of parties and in accordance with rules.	14 Hollow area, some on the south and west to
15 Mr. Salzer, have you ever had your	15 Lexington Highlands, Creighton Woods, Lexington
16 deposition taken before in any case for any reason?	16 Hills on the west, down to almost Route 8. That's
17 A Yes.	17 approximately it.
18 Q So you are generally familiar with the	18 Q Mr. Salzer, you brought with you today
19 ground rules and procedures to be followed during a	19 copies of some handwritten notes or at least your
20 deposition, and I don't need to review those rules	20 attorney did, is that correct?
21 with you?	21 A Correct.
22 A I'm not totally sure that I recall	22 Q Are those notes in your handwriting?
23 everything.	23 A Yes.
24 Q Let's do it briefly then.	24 Q When were they generated?

1 A Some of it in the hearing, some of it in my
 2 reading. Basically, that's it.
 3 Q All right. So the notes are -- were
 4 created more or less contemporaneously with what
 5 you found interesting to write about at the time;
 6 in other words, if you made notes about the
 7 hearings, they would have been created during the
 8 hearing, if you made a note about something that
 9 you were reading, you would have created it while
 10 you were reading it as opposed to in preparation
 11 for these proceedings?
 12 A I don't quite understand.
 13 Q I could have asked that better. I'm just
 14 trying to understand if you made these notes during
 15 the hearings and at the time that you were getting
 16 ready for a decision or if this is something you
 17 compiled after the fact?
 18 A Much of it had to do with my reading.
 19 Q Okay. Let me ask you another question.
 20 Were all of these notes made at once or is this
 21 kind of like you wrote a little bit at a time?
 22 A Well, I wrote it as, you know, I read. I
 23 didn't read everything in one day.
 24 Q That's my question. You made these notes

1 until about 1999.
 2 Q I understand you had Royal Coulter actually
 3 as a student when he was in high school?
 4 A Yes, I did.
 5 Q And you also coached him?
 6 A I did not coach him. I saw him play.
 7 Q Mr. Coulter indicates that he's had based
 8 upon your having been one of his teachers a
 9 lifelong warm relationship with you?
 10 A Certainly.
 11 Q It must have been difficult for you then to
 12 vote against the expansion?
 13 A Yes, it was.
 14 Q Have you ever been to the Peoria Disposal
 15 site?
 16 A To the best of what I recall, no.
 17 Q Do you recall being offered the opportunity
 18 for a tour of the site and declining it at any
 19 point in time?
 20 A Yes.
 21 Q When was that?
 22 A Royal called me on the phone, I cannot
 23 remember the exact date, I know I was standing down
 24 at the Labor Temple.

1 as you went along in your reading?
 2 A Yes.
 3 Q Now, let's do a little more on your
 4 background, sir. Can you tell us your education?
 5 A I've got a BS degree from Bradley
 6 University with a major in physical education and
 7 social studies and a minor in English. That was in
 8 1961. I've got a master's in education from the
 9 University of Illinois in 1966.
 10 After that time, I took 68 hours beyond my
 11 master's from various colleges as they offered
 12 courses usually in this area or else I attended
 13 that particular seminar where they gave credit in
 14 the area of which I was generally teaching.
 15 Q Then you spent your professional life as an
 16 educator?
 17 A As a teacher.
 18 Q Where was that at?
 19 A I started teaching in 1961 in Farmer City,
 20 Illinois, and then I came to Peoria High School
 21 where I taught most of the rest of my career.
 22 Q When did you retire, sir?
 23 A I retired in 1994 as a teacher. I
 24 continued to help in an area at school after that

1 Q This would have been before he filed his
 2 application, correct?
 3 A Yes.
 4 Q Why did you decline the opportunity to
 5 visit the site?
 6 MR. BROWN: You can go ahead and
 7 answer if you can do so without getting into
 8 attorney-client communications.
 9 THE WITNESS: I was advised on that.
 10 BY MR. MUELLER:
 11 Q Mr. Salzer, was that advice that had come
 12 from an attorney for the county or did it come from
 13 some other person?
 14 A It came from an attorney.
 15 Q For the county?
 16 A They work for another law firm that was
 17 employed by the county.
 18 Q Well, the reason I'm asking is because it's
 19 our understanding that somewhere early in this
 20 process one or two Assistant State's Attorneys may
 21 have advised the board on certain dos and don'ts
 22 with regard to the procedure. I don't want to get
 23 into what that advice was.
 24 If there were other attorneys involved in

Page 11	Page 13
1 giving advice, I'd be very interested. So if you	1 Q In the law business, Mr. Salzer, we often
2 say it was from a law firm, then I guess I need to	2 use the phrase for what it's worth. You're
3 know when this advice was given and who it was	3 familiar with that phrase?
4 given by?	4 A I've heard the phrase.
5 A It was given at a committee meeting by an	5 Q So a judge will say, I will receive that
6 attorney from Howard & Howard that had been	6 evidence for what it's worth, meaning that he'll
7 employed by the county.	7 determine how good it really is and how much he's
8 Q Which committee was that?	8 going to consider it.
9 A Health and environment.	9 Did you take the same view with
10 Q Do you remember when that committee meeting	10 communications that you got about the application
11 took place?	11 from members of the general public?
12 A It was in the, I think winter out at	12 A I believe I did.
13 Bel-Wood Nursing Home. I'm going to say I -- I'm	13 Q Did you take all of those into
14 guessing maybe February, March.	14 consideration for what they were worth in reaching
15 Q Of 2005?	15 your final decision?
16 A It was before the application was filed.	16 MR. BROWN: I'm going to object. This
17 Q Right. So it was your understanding that	17 line of questioning is going into his mental
18 you should not from that point on have any	18 decision-making process which is not grounds of
19 communication with Peoria Disposal Company or its	19 inquiry that's permitted into these proceedings.
20 people including members of the Coulter family?	20 I'm going to object and instruct the witness not to
21 A We were instructed not to discuss it with	21 answer that question.
22 anyone and to take an attitude of listen. You can	22 MR. MUELLER: Mr. Brown, I don't think
23 listen to people, but you cannot give opinions and	23 that question does cross the line. I think it goes
24 so forth.	24 into the burden of proof and what his understanding
Page 12	Page 14
1 Q Well, isn't taking a site tour pretty much	1 was of it.
2 the same thing as listening?	2 I'm going to ask the reporter to certify
3 A Could be.	3 the question, and if you want to reconsider your
4 Q In fact, you did listen to a lot of	4 direction, feel free to do so. Maybe I will have
5 different input from different people outside of	5 her read it back.
6 the hearing process on this application, didn't	6 MR. BROWN: That will be fine.
7 you?	7 (Record read as requested.)
8 A Yes.	8 MR. BROWN: I don't know how that
9 Q Is it your belief that you were -- while	9 could be anything other than asking how he went
10 you weren't supposed to talk to anyone and express	10 about his -- arriving at his final decision.
11 your views, it was useful to get the views of	11 MR. MUELLER: I'm not asking how he
12 everyone including your constituents?	12 arrived at it. I'm asking what he considered. The
13 A Not really.	13 question's been certified. I will move on.
14 Q How so not really?	14 BY MR. MUELLER:
15 A It was a waste of time in some cases.	15 Q Mr. Salzer, did you have an understanding
16 Q I couldn't agree with you more. In other	16 that the applicant, meaning Peoria Disposal
17 cases, though, you did receive useful information	17 Company, and its people could not talk to you
18 from constituents and members of the public outside	18 outside the hearing process about the application?
19 the hearing process, right?	19 A No, I did not.
20 A I can't say that I absolutely did.	20 Q Even while the application was pending, you
21 Q Well, can you say that you absolutely	21 thought that anyone involved with it was free to
22 didn't?	22 communicate with you personally or by E-mail or
23 A I tried to be very open-minded and listen	23 phone call or letter about the application, is that
24 and not make any commitments of any type to anyone.	24 correct?

1 A Yes.
 2 Q That as long as you didn't express views
 3 and didn't prejudge, you were doing your job?
 4 A Correct.
 5 Q I guess that being the case, I really don't
 6 understand now more than ever why you didn't accept
 7 your long-time friend and former student's
 8 invitation in February of 2005 to tour his facility
 9 that he's pretty proud of?
 10 MR. BROWN: Objection. I don't think
 11 that's a question. I think it's just a statement.
 12 BY MR. MUELLER:
 13 Q Then I will put it in the form of a
 14 question. That having been said, can you tell me
 15 if there is any other reason why you didn't take
 16 the tour of the PDC site on Royal Coulter's
 17 invitation besides your interpretation of advice
 18 given from a lawyer at a committee meeting?
 19 A Repeat that one more time, please.
 20 Q You've already testified that the reason
 21 you didn't take or accept Mr. Coulter's invitation
 22 for a tour of his facility was because of advice
 23 that you had gotten at a committee meeting.
 24 My question simply is, is there any other

1 Q Going back for a second to what you said
 2 that you understood that you -- it was appropriate
 3 for all sides on the issue to contact you
 4 privately.
 5 Is it then fair that you understood that
 6 you should take the content of all of those
 7 communications into consideration in making your
 8 decision?
 9 A I didn't think I could take them all in, if
 10 I didn't have time to read them all.
 11 Q But the ones that you read and you were
 12 aware of, did you -- obviously, you must have felt
 13 it was appropriate to take all of those -- all of
 14 those for what they were worth into consideration
 15 in reaching your final decision?
 16 A That's difficult to answer.
 17 Q What's difficult about that question that
 18 makes it hard to answer?
 19 A Because some crackpot letters, you know, I
 20 just discarded those.
 21 Q But the ones that weren't crackpot letters
 22 that offered substantive information which
 23 wasn't at the hearing those you felt you were free
 24 to consider?

1 reason why you didn't accept that invitation?
 2 A No.
 3 Q How long have you been on the county board?
 4 A Since 2002.
 5 Q Do you remember the name of the lawyer from
 6 Howard & Howard who gave the advice at that
 7 committee meeting?
 8 A Jagiella, is that her correct name? Is
 9 that the name?
 10 MR. MEGINNES: Jagiella, Diana
 11 Jagiella.
 12 BY MR. MUELLER:
 13 Q Who was present at that committee meeting?
 14 A I don't know if I can tell everybody who
 15 was present. I would assume that the chairman, Pat
 16 Hidden, I would assume Carol Trumpe, I'm trying
 17 to think who else is on that committee,
 18 Riegenbach, Lynn Pearson probably, I don't know if
 19 they were all there. I'm just trying to think of
 20 the committee members. Our lawyer probably was
 21 present who -- although maybe not in 2002.
 22 Q Was any of the county staff there such as
 23 Pat Urich?
 24 A I do not recall.

1 A Yes, but I didn't consider everything.
 2 Q Let me ask it a different way. Do you
 3 recall being interviewed by the Journal Star after
 4 the May meeting and saying that you've got to
 5 listen to your constituents?
 6 A Best of my recollection, I don't really
 7 recall that.
 8 Q Actually, you said that before the vote, I
 9 believe, sometime in April. Do you recall saying
 10 that at that time?
 11 Let me withdraw the last question,
 12 Mr. Salzer, and make it easier for you.
 13 (Salzer Exhibit No. 24 marked)
 14 BY MR. MUELLER:
 15 Q I'm going to show you a copy of an article.
 16 I'm assume this is from the Peoria Journal Star.
 17 It's dated April 15th, 2006. Do you recall -- or
 18 April 5th, 2006.
 19 If I direct you to the second column about
 20 halfway down the page where it starts with Phil
 21 Salzer said, if you could read the quote for us.
 22 A Phil Salzer said, I'm uncommitted but added
 23 most of the phone calls and letters he has received
 24 from constituents are opposed to the expansion.

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1 You've got to listen to your constituents.
 2 **Q Do you recall making that statement?**
 3 A I probably made something similar to that.
 4 **Q All right. To the best of your**
 5 **recollection, is that statement true?**
 6 A To the best of my recollection, yes.
 7 **Q I believe this would have been right before**
 8 **the committee of the whole vote.**
 9 **What did you mean by this statement,**
 10 **Mr. Salzer?**
 11 A Just what it says. I was uncommitted, but
 12 many, many people throughout the area had, you
 13 know, sent letters. They made phone calls, but I
 14 was still keeping an open mind on it.
 15 **Q My question to you is, were you taking the**
 16 **content of those letters and phone calls or at**
 17 **least some of them into consideration in making**
 18 **your final decision?**
 19 MR. BROWN: I'm going to object again.
 20 You're getting into the actual decision-making
 21 process, the mental process of which he went about
 22 making his decision.
 23 Prior questions have been geared toward
 24 what he understood he could do, but this one

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1 actually goes into the actual thought process.
 2 I'm going to object and I'm going to
 3 instruct him not to answer the question.
 4 MR. MUELLER: Let's certify that
 5 question as well.
 6 Let me ask the next one.
 7 BY MR. MUELLER:
 8 **Q Was it your belief, Mr. Salzer, at the time**
 9 **you made this statement on or about April 4th or**
 10 **5th that you could and should take the content of**
 11 **the phone calls, letters and E-mails that you were**
 12 **getting or at least the content in those phone**
 13 **calls, letters and E-mails that you thought was**
 14 **worthy and not crackpot into consideration in**
 15 **making your decision?**
 16 A No, I didn't.
 17 **Q What did you think then about what you**
 18 **should do with the content of the communications**
 19 **you were receiving from constituents?**
 20 A As long as they weren't from the public
 21 record, I was just listening.
 22 **Q You were just listening?**
 23 A I would just listen to these people.
 24 **Q What was the point of listening if you**

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1 weren't going to consider it?
 2 A I think you satisfy your constituents by
 3 listening to what they have to say. I didn't want
 4 to, you know, just turn somebody off.
 5 **Q So the phrase you've got to listen to your**
 6 **constituents means that -- let me ask it a**
 7 **different way.**
 8 **When I read your statement, you've got to**
 9 **listen your constituents, I perceive that as**
 10 **meaning you cannot ignore the desires of your**
 11 **constituents.**
 12 **Is that a fair interpretation?**
 13 A You might interpret it that way, but that's
 14 an expression oftentimes to just let people know
 15 that you're listening to them. It doesn't mean
 16 that you have to vote their wishes.
 17 **Q So the answer is when you were saying this**
 18 **you felt that you were free to ignore what you**
 19 **apparently described as overwhelming expressions of**
 20 **opposition?**
 21 MR. BROWN: Objection. I don't think
 22 he ever used the term overwhelming at any time in
 23 his testimony.
 24

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1 BY MR. MUELLER:
 2 **Q Did you feel -- strike that.**
 3 **Mr. Salzer, with regard to the**
 4 **communications that you had received, how many**
 5 **would you have received from E-mails?**
 6 A The only E-mails I received came by way of
 7 a county board or the county board administration
 8 office because I do not have E-mail.
 9 **Q Did you have an E-mail address at the**
 10 **county board?**
 11 A I had things mailed to me from Nancy Carter
 12 from the county board. So I assume I have an
 13 E-mail there.
 14 **Q Well, you do have some type of E-mail**
 15 **address, don't you? P.salzer@peoriacounty.org?**
 16 A I guess they made one out for me.
 17 **Q All right. Would somebody at the county**
 18 **actually take the E-mails that came to that address**
 19 **and print them out and put them in your mailbox?**
 20 A Usually did that. Nancy Carter I think did
 21 that.
 22 **Q Then the county would either put them in**
 23 **your mailbox or forward them to you by mail?**
 24 A Yes.

Page 23		Page 25	
1	Q How many such E-mails would you have received?	1	Q Did you attend the public hearings, Mr. Salzer?
2		2	
3	A I could not tell you that.	3	A On the landfill?
4	Q Would it have been more than 100?	4	Q Yes.
5	A I cannot say.	5	A Yes.
6	Q How long have you been on the county board, Mr. Salzer?	6	Q All of them?
7		7	A No.
8	A Six years. I went on in 2002. So --	8	Q With regard to the hearings that you did not attend, did you read the transcripts of those?
9	Q Are you in the middle of a term right now?	9	A Yes. most of them.
10	A Middle of a term. yes.	10	Q Did you have discussions about the application with any of the county staff members?
11	Q Are you a Democratic board member?	11	A To the best of my recall. no.
12	A I am a Democrat. yes.	12	Q Did you have discussions about the application or the decision-making process with any other board members?
13	Q How many letters did you receive at your house regarding this application?	13	A The application?
14		14	Q Any discussions about the PDC application, the hearings, the decision with other board members?
15	A I never kept track.	15	A Yes.
16	Q Do you have an approximate count?	16	Q What board members did you have discussions with?
17	A No. I don't.	17	A Bill Prather. Allen Mayer.
18	Q Would it have been less than 50?	18	
19	A I can't answer that.	19	
20	Q Did you receive phone calls regarding the application?	20	
21		21	
22	A Yes.	22	
23	Q How many phone calls would you say you have received?	23	
24		24	
Page 24		Page 26	
1	A Eight. 10. 12. something like that.	1	Q When did you talk to Allen Mayer?
2	Q Do you remember if you received any phone calls from Joyce Blumenshine?	2	A Once when I had returned from a trip. I called him.
3		3	Q Can you tell us what month that was in?
4	A May have been on a recorder. I don't know. I can't remember.	4	A March.
5		5	Q So sometime after the February hearings were done and before the April meetings?
6	Q Do you remember if you received any phone calls from Kim Converse?	6	A Yes.
7		7	Q What was the purpose of your call?
8	A Do not know that name.	8	A I had a question about the hydraulically connected. hydraulically connected the -- to the Sankoty.
9	Q Did you receive any phone calls from Tom Edwards?	9	Q Was there any communication that you'd received from any members of the public that prompted you to ask that question?
10		10	A Yes.
11	A To the best that I can recall. no.	11	Q Who would you have received communication from?
12	Q Were there yard signs opposed to the facility in your district?	12	A A former student of mine. I do not recall his name. but he called to tell me that the Sankoty. the aquifer was not directly under of the landfill. He was in favor of the landfill. He lived in the Lexington Hills area. I believe. I can't remember the kid's name. I want to say
13		13	
14	A Yes.	14	
15	Q Approximately, how many would you say that you saw?	15	
16		16	
17	A My exact district. I didn't carry the entire district.	17	
18		18	
19	Q Just give me a ballpark of what you remember.	19	
20		20	
21	A Five or six.	21	
22	Q Did you also see billboards opposed to this expansion?	22	
23		23	
24	A One.	24	

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1	Johnson or something like that. He was one of my	1	Q But then you said you read transcripts of
2	former students.	2	the others or at least some of them?
3	Q So you wanted to check that piece of	3	A I read as much as I could, yes.
4	information out, and you called Mr. Mayer?	4	Q How much was that?
5	A I wanted to know what was meant by this	5	A I read most of it.
6	hydraulically connected -- how it was hydraulically	6	Q Mr. Mayer was on the hearing committee. So
7	connected to the landfill.	7	he was actually asking questions of the witnesses.
8	Q You could have called me.	8	Do you remember seeing that when you were
9	A Could I?	9	there and reading that?
10	Q But probably best that you didn't. So you	10	A I can't remember what he exactly asked.
11	called Allen Mayer, and I assume the conversation	11	Q I'm not asking you what he asked, but do
12	goes something like you're saying, you know, I'm	12	you remember that he was asking questions?
13	hearing that the Sand Cody is not hydraulically	13	A He asked questions.
14	connected to where this landfill is, is that true?	14	Q Now, I knew the first time he opened his
15	Right?	15	mouth that he was probably our staunchest opponent
16	A I don't know if I said it exactly that way.	16	on the county board. You could tell that right
17	Q But to that general effect?	17	away from his questions.
18	A I'm trying to think how I asked him. It's	18	So my question to you is, didn't you know
19	been so long ago.	19	that he was by that point strongly opposed to this
20	Q To be fair, why don't you tell us the best	20	expansion?
21	of your recollection how you did ask that?	21	A I assumed.
22	A I'm thinking.	22	Q Then why would he be the guy that you would
23	Q Take your time.	23	ask for technical advice after all he's just a
24	A I think I may have said, Allen, what does	24	lawyer like me, he doesn't know much? Why would
Page 28		Page 30	
1	this mean, hydraulically connected.	1	you ask him for technical advice when you could
2	Q What did Mr. Mayer say to you?	2	have figured that he's going to tell you, of course
3	A I don't recall if I can give his exact	3	it will pose a danger to the drinking water?
4	words.	4	A I asked him probably because I'm closer to
5	Q What was the substance of what he said?	5	him from the standpoint of the Democrat party and
6	A I don't think I can really answer your	6	we attend some meetings together, so forth.
7	question.	7	Q You realize the county actually had hired
8	Q Meaning you don't remember what he told you	8	engineers and hydrogeologists to go over this
9	or you didn't understand what he told you or you	9	application?
10	don't want to tell me what he told you?	10	A Who did?
11	A I would tell you if I understood everything	11	Q The county. Did you ever think about
12	that he explained to me.	12	asking them?
13	Q Well, the parts that he explained that you	13	A No, I didn't.
14	did understand, can you relate that to us?	14	Q Did you read the county's -- county staff's
15	A Well, that basically the Sankoty aquifer	15	recommendations and report?
16	what I understood was our drinking water was still	16	A Most of it.
17	hydraulically connected, and there could be a	17	Q You're aware that the county staff's report
18	danger to it.	18	actually said it wouldn't pose a danger and
19	Q Now, Mr. Salzer, you said you were at some	19	recommended approval, right?
20	of the hearings in February, right?	20	A The county board -- or the county staff did
21	A The very first one.	21	recommend approval.
22	Q So you were only at the first one out of	22	Q You thought it was probably because you
23	the five that we had?	23	were close to him, better to rely on Mr. Mayer's
24	A Correct.	24	advice on this subject?

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1	A I did not rely on him totally.	1	Q Now, by the way, your wife had opposition to this expansion, also, didn't she?
2	Q Now, do you know who Roger Monroe is?	2	A My wife?
3	A Yes.	3	Q Yes.
4	Q Who's he?	4	A Yes. She probably opposed it.
5	A Roger was the person that preceded me in	5	Q Did she strongly encourage you to vote no
6	the county board seat.	6	on this thing?
7	Q Is he someone that you're still close to?	7	A I don't believe she ever strongly advised
8	A Yes.	8	me to vote yes or no.
9	Q Did you promise him before the final vote	9	Q Who's Sharon Morris?
10	that you would vote against this application?	10	A I don't know Sharon Morris.
11	A Absolutely not.	11	Q Mr. Salzer, have you or any of your
12	Q Did you ever tell him you were going to	12	immediate family members ever been a patient of
13	vote against it?	13	Dr. McLean?
14	A I don't recall that.	14	A No.
15	Q You know he was opposed to it, don't you?	15	Q Dr. Lorenz?
16	A Sir, he said he was in favor of it.	16	A No.
17	Q He did?	17	Q Dr. Vidas?
18	A He told me -- I was sitting on the show one	18	A No.
19	morning.	19	Q Dr. Zwicky?
20	Q Who's Jim Dillon?	20	A No.
21	A Jimmy Dillon is -- he's the mayor of West	21	Q Dr. Parker McRae?
22	Peoria.	22	A No.
23	Q Did he ever express to you his opinion on	23	Q Dr. Steven Smith?
24	the application?	24	
Page 32		Page 34	
1	A I know he called and I discussed it with	1	A Steve Smith. is he an orthopedist?
2	him.	2	Q Yes.
3	Q You were aware that the local doctors by	3	A Yes.
4	and large were opposed to the expansion, weren't	4	Q You've been a patient of his?
5	you?	5	A No.
6	A Yes.	6	Q Your immediate family?
7	Q Now, do you have any children who live in	7	A Yes.
8	the Peoria area?	8	Q Who would that include?
9	A No.	9	A Mother.
10	Q Do you have any immediate relatives who	10	Q How long ago?
11	have employment in the Peoria area in any aspect of	11	A That's about the time she went into the
12	the medical services industry?	12	nursing home. That would have been 1999.
13	A What do you mean by immediate relatives?	13	Q How about Dr. McGee?
14	Q Nephews, nieces.	14	A No.
15	A Stepniece.	15	Q Dr. Akeson?
16	Q What does she do?	16	A No.
17	A She's a nurse.	17	Q Have you ever been to a meeting of the
18	Q At one of the hospitals here?	18	Sierra Club or a function of the Sierra Club or any
19	A Yes.	19	other organization with environmental interests?
20	Q How close to her are you?	20	A That's a long-time question.
21	A Not very close.	21	Q Let's make it within the last five years.
22	Q Would that be the closest relative that's	22	A No.
23	in the medical services industry?	23	Q Do you know Joyce Blumenshine?
24	A Yes.	24	A No. I know -- I know who she is.

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1 **Q Do you know any members of the Converse**
 2 **family?**
 3 A No.
 4 **Q Other than Royal Coulter, did you have any**
 5 **of the participants of this hearing in school?**
 6 A I'd have to go through that in regard to
 7 who spoke at all those testimonies or, you know,
 8 the comments from the crowd, so forth.
 9 **Q So to make it fair, is there anything that**
 10 **jumps out at you as that's a former student of**
 11 **mine?**
 12 A No.
 13 **Q How long have you known Allen Mayer?**
 14 A I'm trying to think when he came to Peoria.
 15 **Q Approximately how many years?**
 16 A I'm trying to think when he may have come
 17 to Peoria. If he came here around 2000, that's
 18 probably when I first met him.
 19 **Q How did you get to know him?**
 20 A Through Democrat politics.
 21 MR. MUELLER: Off the record.
 22 (Discussion off the record.)
 23 (Salzer Exhibit No. 25 marked)
 24 MR. MUELLER: Back on the record.

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1 BY MR. MUELLER:
 2 **Q Mr. Salzer, just a few more questions here.**
 3 **The billboard that you remember seeing opposed to**
 4 **the site, do you recall where it was?**
 5 A I believe it was at Gale and Sterling.
 6 **Q Is that the one over by Theo's Ice Cream**
 7 **Parlor and Holy Family Church?**
 8 A Correct.
 9 **Q At one time, sir, weren't you slated to be**
 10 **on the site hearing subcommittee?**
 11 A Correct.
 12 **Q How is it that you were taken off of that?**
 13 A I knew I was committed to working some
 14 conferences and would not be able to be in
 15 attendance for all of the hearings, and I thought
 16 it would be unfair for me to make a decision there
 17 on the subcommittee in regard to that.
 18 **Q Was it your understanding that the**
 19 **subcommittee was supposed to make a decision on**
 20 **this thing, also?**
 21 A No. What a subcommittee from what I
 22 understood was going to listen to everything, ask
 23 questions and so forth and listen to the hearing:
 24 and then eventually the subcommittee -- the

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1 information then moves on to us, and the board
 2 would then make the decision.
 3 **Q It's actually an interesting point here.**
 4 **Mr. Salzer. I'm not trying to trick you because it**
 5 **was our belief that the site hearing subcommittee**
 6 **was going to listen to the evidence and make a**
 7 **recommendation to the full board and then that**
 8 **never happened.**
 9 **Was it your belief, also, that the site**
 10 **subcommittee, site hearing subcommittee was going**
 11 **to make a recommendation?**
 12 A I'm not totally sure that I did understand
 13 that they were going to vote and so forth, but I
 14 knew that I wasn't going to be there to be kind of
 15 the ones that sat there through all six meetings or
 16 however meetings we had and be the so-called front
 17 line group that would ask questions and gather all
 18 the information.
 19 Then we would then come to that very last
 20 site -- it wasn't a site hearing, but it was the
 21 one where we could then ask questions and so forth,
 22 but I figured that they would be so thorough in
 23 asking a lot of the questions and getting
 24 information on to the regular board.

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1 **Q Do you know how it came about that the site**
 2 **hearing subcommittee never made a recommendation?**
 3 A No, I don't.
 4 **Q Were you involved with Mr. Mayer or anyone**
 5 **else in making that decision?**
 6 A No.
 7 **Q Now, you brought some notes here today.**
 8 **You have a copy of them in front of you. We want**
 9 **to ask about some of these entries on your notes.**
 10 A Can you read them?
 11 **Q You know, actually, they're not bad, better**
 12 **than my handwriting.**
 13 **The first page -- or let me ask you first**
 14 **of all, are these notes in some kind of**
 15 **chronological order?**
 16 A Not necessarily.
 17 **Q Okay. There's no dates on them either.**
 18 A No, there's not.
 19 **Q The first page there's a statement that**
 20 **looks like -- the second statement down it looks**
 21 **like it says, Agree, risk, I'm concerned about**
 22 **this. Do you see where I'm at?**
 23 A Yes. I think I see that, yeah.
 24 **Q When did you write that down?**

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1 A I guess I should have dated all of these.	1 A Our people is worth it. I just always
2 That might have been something that -- I'm trying	2 question myself.
3 to think. University of Texas president --	3 Q Do you remember when that note was made?
4 Q Dr. Daniel?	4 A I can't remember.
5 A Dr. Daniel, he had made something about I	5 Q Do you remember what that note references?
6 think it was leakage and said -- you know, he	6 A To the best of my recollection, that's --
7 talked about I think a leak in the liner, that	7 it probably might be with the liner. That's why I
8 every liner leaks or something like that.	8 don't know whether these are out of order or what.
9 Q Were you present for the testimony of	9 Q What's the next statement after that?
10 Dr. Daniel?	10 A Disadvantage --
11 A No.	11 Q No, before, above that one.
12 Q Did someone ever tell you that even	12 A Bottom line is money. Many, many people,
13 Dr. Daniel admitted that all liners will eventually	13 you know, always say the bottom line is money, and
14 leak?	14 I don't feel -- I don't necessarily feel that the
15 A Nobody told me that, no.	15 bottom line is money.
16 Q Then there's a phone number at the	16 I think I may have read a newspaper article
17 bottom --	17 while I was reading different things and jotted
18 A You know what, I don't know what that phone	18 that down because --
19 number is. I might have written it down. I'd have	19 Q So you think --
20 to call the phone number to see what it even is.	20 A And I was going to say, you know, it's just
21 Q Off the top of your head, do you know where	21 like -- this is in regard to the Journal Star
22 the 727 area code is?	22 personal text on the PDC or the family, and I will
23 A I think that's somebody from Florida may	23 say it right here. I don't think that the bottom
24 have called me at some time. I'm not sure.	24 line is always money.
Page 40	Page 42
1 Q Then right above the phone number it says,	1 Q Then if we go to the fourth statement, did
2 Not problem --	2 I -- can you finish that one for me, same page?
3 A Chloride.	3 A Did I understand everything? Absolutely
4 Q Not problem with chloride.	4 not. Probably some of that technical stuff in
5 A I think I read somewhere in there where	5 there.
6 somebody's testimony, I can't -- it might have been	6 Q Why would you have written that or when did
7 that guy on groundwater. Give me some names of	7 you write that statement and what was that in
8 those guys that testified. I'm trying to think.	8 reference to?
9 Q Well, you know, if you can't recall, then	9 A Probably some of the technical reading,
10 you've answered my question.	10 some of the application, I may have referred back
11 A The groundwater guy.	11 to something.
12 Q Armstrong?	12 Q Did somebody ask you if you understood all
13 A I'm trying to think who was the guy in	13 of the testimony and is that why you wrote that
14 charge of monitoring the groundwater.	14 down?
15 Q Armstrong?	15 A Nobody -- I never talked to anybody on
16 A Barrows.	16 that.
17 Q Larry Barrows, the mad scientist.	17 Q Next statement is -- starts with, I'm 67.
18 A I think that's who it was.	18 A Do I want to be remembered.
19 Q If we could turn to the fifth page of your	19 Q Remembered as what?
20 notes and we took the liberty of numbering your	20 A I'm trying to think of that. I can't read
21 copy.	21 my own writing.
22 A Thank you.	22 Q As one who caused this, is that what it
23 Q At the very top it says, I don't think	23 says?
24 safety of -- can you finish what it says?	24 A It may.

1 **Q Do you remember when you wrote that**
2 **statement?**
3 A No. I can't say that I do.
4 **Q Had somebody told you that if you voted --**
5 **everybody who voted in favor of the application**
6 **would be held accountable for consequences?**
7 A In some letters, people indicated that they
8 would not vote for someone, which I could have
9 cared less.
10 **Q If we go down on the same page two more**
11 **lines it looks like it says, Allen, is the**
12 **ground -- or is the barrel trench area at issue?**
13 A I was going to call him and ask him in
14 regard to the barrel trench because I hadn't gotten
15 all that information and I never called him.
16 **Q How many times did you call Mr. Mayer for**
17 **answers about things in the application during the**
18 **entire process?**
19 A I only called him that one time that I
20 recall. To the best of my recollection, that's the
21 only time I called him was on that hydraulically
22 connector.
23 **Q Next page, it's page 6, if I take you about**
24 **two-thirds of the way down the page you've got a**

1 **Do you know Dr. Scott?**
2 A No. I don't.
3 **Q Is that just a reference to something that**
4 **you might have read that he said?**
5 A If it was in the comments or testimony,
6 that's probably where I picked it up.
7 **Q Did you ever have any conversations with**
8 **Dr. Scott?**
9 A I do not know Dr. Scott.
10 **Q If you turn to page 8, at the very top it**
11 **says, Dr. Zwicky, Dr. Vidas, and then it looks like**
12 **another name that starts with a B.**
13 A Better. Dr. Vidas I thought did a better
14 job than Dr. Zwicky. Dr. Zwicky I thought did
15 terrible. I thought Dr. Vidas did better. From
16 what I read -- I'm not going to talk.
17 **Q All right. That's fine. And underneath it**
18 **says, Doctors spoke with one voice.**
19 **Are those your words or did you hear that**
20 **from somebody else?**
21 A In the letter.
22 **Q In a letter that you got?**
23 A In a letter that I think they put out to
24 all the board members.

1 **big star next to one item.**
2 A Michael Brown.
3 **Q Right. What did Mr. Brown have to say here**
4 **or in the note? What does the note say about**
5 **Michael Brown?**
6 A Michael Brown, page 365, must have been
7 some testimony, water supply, EPA, every landfill
8 leaks.
9 **Q Who is Michael Brown?**
10 A You know what, I can't answer that.
11 **Q Is he the pastor of the Universalist**
12 **Unitarian Church that's in your district?**
13 A I really can't answer that because I don't
14 know the individual.
15 **Q Have you ever been inside that Universalist**
16 **Unitarian Church in your district?**
17 A No.
18 **Q I guess then the question becomes if you**
19 **can't remember the individual why would you put a**
20 **big star next to that notation?**
21 A You know what, I just made a figure there.
22 I was probably doddling or something.
23 **Q Then we see there's a reference to**
24 **Dr. Scott a little bit further down the page.**

1 **Q That -- who's "they"?**
2 A Probably Zwicky. Didn't he put the letter
3 out?
4 **Q It was significant to you that the doctors**
5 **spoke with one voice, and that's why you wrote it**
6 **down?**
7 A I probably did.
8 **Q If we could go to page 12, about two-thirds**
9 **of the way down the page you have a big starred**
10 **item that says, I think there is --**
11 A Enough.
12 **Q Of a. Enough what?**
13 A Of a threat to our water supply.
14 **Q When was that statement written?**
15 A It might have been written after I read
16 some of that in regard to the testimony. I can't
17 give you an exact date on it.
18 **Q That's also pretty much the same as the**
19 **gist of what Mr. Mayer told you, right?**
20 A I don't know if he ever said that it
21 definitely was, you know, a threat. He says
22 it's -- to the best of my recollection, how that is
23 connected.
24 **Q Now, did you keep all of the letters that**

Page 47		Page 49	
1	you got?	1	Q Do you know Mary Harkrader?
2	A No. I don't think I did.	2	A Yes.
3	Q Because you turned in quite a few, but that	3	Q What's your relationship with her?
4	wouldn't be all of them is what you're saying?	4	A She used to be our county clerk and I
5	A Some of them might have got pitched.	5	worked in the county auditor's office. So I know
6	Frankly, when they started criticizing and made it	6	her from there. I've attended some political
7	personal text. I didn't put much regard in the	7	functions she has hosted.
8	letter and probably pitched it.	8	Q What was her view on this application?
9	Q So you only kept the ones that you thought	9	A She was opposed to it.
10	were a little bit more credible or important?	10	Q Did she ever call you to communicate that
11	A I didn't really think about it. I just --	11	fact?
12	Q Sir, do you know Tessie Bucklar or Tom	12	A No.
13	Bucklar?	13	Q Then how did you know she was opposed?
14	A No.	14	A I've heard her say, you know, that fact.
15	Q Ever had any conversation with them?	15	Q Now, you indicate that you used to work in
16	A Never have.	16	the auditor's office?
17	Q Do you know Bill Cook?	17	A Yes.
18	A No.	18	Q We understand there's a little bit of a
19	Q Do you know Joyce Harant?	19	scramble now for who's going to be the next
20	A Yes.	20	auditor.
21	Q How do you know her?	21	Do you have a position with regard to that?
22	A She ran against Congressman Michel, and I	22	Are you supporting Mr. Mayer?
23	think I know her politically. She comes to	23	A Probably will.
24	Democrat things.	24	Q Do you know who Chris Ozuna-Thornton is?
Page 48		Page 50	
1	Q Did she ever talk to you about her views on	1	A No.
2	this expansion?	2	Q How about --
3	A She may have called. I'm not positive. I	3	A I know who she is from the standpoint that
4	can't remember.	4	she gave remarks there at the meeting.
5	Q Was she opposed to it?	5	Q Right.
6	A She was opposed, yes.	6	A You're talking about personal?
7	Q So as one good Democrat to another, she	7	Q Yes.
8	would have called to express her views to you?	8	A No.
9	A I guess. I can't tell you for sure --	9	Q Do you know Elmo Roach or Jean Roach?
10	Q Is she kind of the Democratic party leader	10	A No -- wait a minute. I don't know Elmo
11	around here?	11	Roach, but at one time, he lived in our apartment.
12	A I don't necessarily look at her as a	12	Never, ever had a conversation with him in that
13	leader.	13	apartment.
14	Q Who do you think is the Democratic party	14	Q Do you know Cathy Stevenson?
15	leader around here?	15	A No.
16	A Willie Halstead.	16	Q Do you know Diane Storey?
17	Q What about Allen Mayer?	17	A No.
18	A Yes.	18	Q Do you know Barb Van Auken?
19	Q Do you know Lisa Offutt or Peter Offutt?	19	A Yes.
20	A I know a Lisa Uphoff. Is that who it is?	20	Q How do you know her?
21	Q Offutt?	21	A She's politically active there on the city
22	A Uphoff.	22	council.
23	Q That's not the same.	23	Q She's a Democrat, too?
24	A No, I don't know them.	24	A I believe she is.

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1 **Q Did you know her view on the application?** 1 your patience, and I don't have any additional

2 A Well, she put her view on -- in the paper 2 questions. Thank you.

3 that she was opposed to it. 3

4 **Q Did you ever contact her about her views?** 4

5 A No, not that I recall. 5 (Further deponent saith not.)

6 **Q Do you know Mayvis Young?** 6

7 A No. 7

8 **Q Did anyone ever come to your home to 8**

9 **personally express a view on this application?** 9

10 A No. I had a handout at my home. In other 10

11 words, I was working in the garage, a guy 11

12 approached, stopped by and handed me it instead of 12

13 mailing it. 13

14 **Q Do you remember if that was a handout from 14**

15 **the Peoria Families Against Toxic Waste or the 15**

16 **Sierra Club?** 16

17 A Can I tell him who it's from? 17

18 **Q Go ahead, yeah.** 18

19 A Tom Edwards, he makes rounds. I guess too 19

20 cheap to spend the money. 20

21 **Q Did you have any discussions with your 21**

22 **neighbors ever about this application?** 22

23 A When you say "discussions," I didn't 23

24 discuss this. Did I listen? Yes. 24

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1 **Q I don't mean to be repetitive, but just so**

2 **that I'm clear, you understood your responsibility**

3 **as someone making a decision here to not express**

4 **your views but to listen to views from all sides**

5 **even outside the hearing?**

6 A Yes.

7 **Q Do you know who Bill O'Brien is?**

8 A Yes.

9 **Q Did he ever talk to you about this**

10 **application?**

11 A He voiced his, yes.

12 **Q Would that have been in person or by phone?**

13 A Might have been by both.

14 **Q Was he an opponent of the siting?**

15 A Eventually, I think he became an opponent.

16 **Q Now you have me curious. What do you mean**

17 **he eventually became one?**

18 A Way before the process even started, I got

19 the impression from him that he was in favor of it.

20 Then eventually when I listened to him, which I

21 didn't say one way or the other, as I've testified

22 here, I listened to people, I got the impression

23 that he eventually was opposed to it.

24 MR. MUELLER: Mr. Salzer, I appreciate

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Exhibit 9

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

PEORIA DISPOSAL COMPANY,)
)
Petitioner,)
)
-vs-) NO. PCB 06-184
)
PEORIA COUNTY BOARD,)
)
Respondent.)

The deposition of JAMES W. THOMAS, a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Tuesday, September 12th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 9:00 a.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE
528 Columbus Street, Suite 204
Ottawa, Illinois 61350
and

JANAKI NAIR, ESQUIRE
BRIAN J. MEGINNES, ESQUIRE
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE
Black, Black & Brown
101 South Main Street
Morton, Illinois 61550
on behalf of the Respondent;

ALSO PRESENT:

Royal Coulter, PDC;
Matt Coulter, PDC;
Bill Atkins.

I N D E X

WITNESS

JAMES W. THOMAS

Examination by Mr. Mueller pg. 3

EXHIBITS

None marked.

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1 JAMES W. THOMAS.
2 a material witness herein, being duly sworn, was
3 examined and testified as follows:
4 EXAMINATION
5 BY MR. MUELLER:
6 Q Would you state your name for the record?
7 A James W. Thomas, T-H-O-M-A-S.
8 Q Let the record show this is the discovery
9 deposition of James Thomas pursuant to notice in
10 accordance with the rules and by agreement of the
11 parties.
12 First of all, before we went on the record,
13 Mr. Brown on behalf of the county and I had a
14 conversation about interrogatories that are
15 outstanding and the answers to which are now past
16 due.
17 He advised that he hopes to have those
18 answers to us by the first part of next week.
19 Obviously, it had been PDC's intent to have those
20 interrogatory answers at the time they took -- or
21 that we took discovery depositions in this matter.
22 As a way of still going forward with the
23 depositions and expediting this case in terms of
24 discovery, it's our agreement between PDC and the

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1 county that if the interrogatory answers provide
2 any additional or new information on matters not
3 completely covered in discovery depositions of
4 county board members we would have the right to
5 redepose them as to those issues only.
6 Is that a fair statement, Mr. Brown?
7 MR. BROWN: Yes. That's my
8 understanding.
9 MR. MUELLER: Thank you.
10 BY MR. MUELLER:
11 Q Mr. Thomas, have you ever had your
12 deposition taken before in any case for any reason?
13 A No.
14 Q Let me give you a few of the ground rules
15 that we're going to need to follow today. First of
16 all, everything that's said here is being taken
17 down by a court reporter and that means that only
18 one of us can speak at a time.
19 Secondly, I see you nodding your head in
20 agreement with what I'm telling you. The court
21 reporter cannot take down nonverbal gestures. So
22 nodding of the head and shaking of the head is not
23 an appropriate way to answer questions.
24 It's also difficult if people answer with

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1 uh-huh or huh-uh and words other than yes or no.
2 Do you understand all of that?
3 A Yes.
4 Q If I ask you a question and you don't
5 understand it, you're free to have me rephrase it.
6 Do you understand that?
7 A Yes.
8 Q If I ask you a question and you answer it,
9 I'm going to assume that you understood the
10 question. Is that fair?
11 A Yes.
12 Q You also understand that you are under
13 oath?
14 A Yes.
15 Q Thank you, sir. Mr. Thomas, you voted no
16 on the motion to approve the application of PDC, is
17 that correct?
18 A Yes.
19 Q Why did you do that, sir?
20 MR. BROWN: Objection. My
21 understanding was that this was a discovery
22 deposition relating to questions of fundamental
23 fairness and that we weren't going to be getting
24 into questions of the individual county board

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1 member's mental process and decision-making. I
2 believe that's clearly off limits for this type of
3 inquiry, and we'd object.
4 MR. MUELLER: Are you instructing the
5 witness not to answer?
6 MR. BROWN: If you're going to persist
7 with the line of questioning, I will instruct him
8 not to answer.
9 MR. MUELLER: There's a question out
10 there pending. Either you're going to instruct him
11 not to answer or you're not.
12 MR. BROWN: You're not required to
13 answer that question. You don't have to.
14 BY MR. MUELLER:
15 Q Mr. Thomas, what is your education?
16 A I have a master's degree from the
17 University of Wisconsin, bachelor's from the
18 University of Illinois.
19 Q What's the subject of your master's degree?
20 A Political science.
21 Q If I can be indelicate, sir, what is your
22 age?
23 A I'm retired. I'm 65.
24 Q How long have you been on the Peoria County

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<p>1 Board? 2 A Eighteen years. 3 Q How many terms is that? 4 A Good question. Well, it's four and a half. 5 Q They're four-year terms? 6 A Yes. 7 Q So you are in midterm right now? 8 A Yes. 9 Q When did you retire, sir? 10 A As of August 1st, this year. 11 Q What was your profession prior to your 12 retirement? 13 A I was a clinical science professor. 14 Q Where was that? 15 A At Illinois Central College. 16 Q I take it then that you probably had some 17 academic interest in the landfill siting process as 18 well as in the adjudicatory interest as a board 19 member? 20 A That's fair. 21 Q Now, what is your current address, sir? 22 A 1303 North Glenwood Avenue in Peoria. 23 Q How long have you lived at that address? 24 A About nine months.</p>	<p>1 connection with the management and accumulation of 2 the record on PDC's siting application? 3 A Yes. 4 Q How many such conversations would you have 5 had with her? 6 A Very hard to estimate. Off and on, 7 depending upon what her problems that she was 8 having as far as just the management of the 9 records. 10 Q Well, let's go back to the earliest 11 conversations you would have heard with -- or had 12 with her in that area. 13 Would it be fair to say that that would 14 have been at or near the time that PDC's siting 15 application was filed? 16 A Probably, yes. 17 Q Now, I'm going to guess, Mr. Thomas, as a 18 political science professor you probably looked up 19 Section 39.2 of the Environmental Protection Act 20 and read it for yourself prior to this process 21 unfolding? 22 A No. 23 Q You did not. Did you ever make yourself 24 aware or familiar with the requirements for how a</p>

Page 8	Page 10
<p>1 Q Where did you live prior to that time? 2 A 1629 West Bradley Avenue. 3 Q How long did you live at that address? 4 A Thirty years. 5 Q Do you have any children, sir? 6 A Yes. 7 Q Do any of them work in the medical 8 community? 9 A No. 10 Q How many children do you have that reside 11 in Peoria County? 12 A None. 13 Q When you run for county board, you run on a 14 partisan basis, is that correct? 15 A Yes. 16 Q What is your party that you run? 17 A Democratic. 18 Q Your wife is the county clerk, is that 19 correct? 20 A Yes. 21 Q How long has she been the county clerk? 22 A Eight years. 23 Q Did you ever have any conversations with 24 her relating to her responsibilities and duties in</p>	<p>1 record is to be kept and accumulated? 2 A No. My wife did mention. 3 Q All right. Did she seek your advice with 4 regard to how she should do her duties? 5 A No. 6 Q That's probably a silly question, right? 7 A Yes. 8 Q Did she indicate to you what her method was 9 going to be for accumulating and accurately 10 maintaining a record? 11 A No, not specifics. 12 Q You said you had a number of conversations 13 with her on that subject. 14 Is there anything specific that you can 15 recall from any of those conversations about what 16 your wife was going to do with regard to 17 maintaining and keeping the record? 18 A No, not really. 19 Q Did your wife ever indicate to you that she 20 was going to delegate the responsibility for 21 maintaining, accumulation and keeping the record in 22 this case to one of her deputy clerks? 23 A Not that I recall. 24 Q Is it your belief as you sit here now that</p>

1 she delegated that responsibility or is it your
 2 belief that she kept that responsibility for
 3 herself?
 4 A I'm not certain.
 5 Q Your wife never said to you either way,
 6 whether she did or didn't, is that correct?
 7 A Not that I recall.
 8 Q Do you know who your wife's chief deputy
 9 is?
 10 A Yes.
 11 Q Who's that?
 12 A Megan Fulara.
 13 Q Did you ever have any conversations with
 14 Megan about the keeping of the record in this case?
 15 A No.
 16 Q Let's skip forward in time, if we may, to
 17 when PDC filed its appeal.
 18 Did you and your wife have any
 19 conversations at that point about how the record
 20 was to be prepared on behalf of the county?
 21 A I'm not sure I understand what you're
 22 asking on that.
 23 Q You're aware, I take it, sir, that one of
 24 the first things the county had to do in this

1 A I'm not aware.
 2 Q Are you aware of whether your wife had
 3 assistance from any county staff members other than
 4 her employees in the clerk's office in terms of
 5 preparing the record?
 6 A Not that I know of.
 7 Q Do you know whether anyone from the State's
 8 Attorney's office provided her with guidance and
 9 direction and assistance or any of those things in
 10 accumulating the record?
 11 A Not for certain.
 12 Q Well, you say "not for certain." Do you
 13 believe that someone may have?
 14 A My wife consults with the district attorney
 15 on any kind of question where there might be legal
 16 issues and follows the guidance of the State's
 17 Attorney's office.
 18 Q Do you know who in the State's Attorney's
 19 office she would have consulted with with regard to
 20 this record?
 21 A Not certain, no.
 22 Q Who do you believe it might have been?
 23 A It would have been probably and either Bill
 24 Atkins and/or Lyn Schmidt.

1 appeal was to accumulate and copy what's called the
 2 record on appeal and submit it to the Pollution
 3 Control Board?
 4 A Yes, yes.
 5 Q Did you and your wife ever have any
 6 conversations about how she was going to accomplish
 7 that task?
 8 A Yes.
 9 Q What did she say and what did you say in
 10 those conversations or in any of them?
 11 A She just mentioned that she had to have
 12 them printed by a printing company, and I just
 13 listened. I had no comment.
 14 Q All right. We're aware that the
 15 preparation of the record in this case was no small
 16 task and that it was a significant job.
 17 I take it you're aware of that, too?
 18 A Yes.
 19 Q I take it your wife was pretty busy with it
 20 for awhile?
 21 A Yes, yes.
 22 Q Did she oversee that process or, to your
 23 knowledge, did some other county employee take over
 24 the process?

1 Q Did your wife ever have any conversations
 2 with you about what to include in the record on
 3 appeal?
 4 A No.
 5 Q Did you ever have any conversations with
 6 her on that subject?
 7 A No.
 8 Q As part of the discovery process in this
 9 case, Mr. Thomas, we have asked for copies of all
 10 communications received by any board members
 11 relating to this appeal, and I believe it's
 12 accurate to say that you indicated you did not have
 13 any such communications?
 14 A That's not quite accurate. What I said was
 15 that letters I had received I had discarded most of
 16 them, in fact, no, all of them. Any notes I had
 17 may be around, but in the move, they have been
 18 mislaid. They may be in some box somewhere.
 19 Q Now, you moved nine months ago?
 20 A Right.
 21 Q That would put us back to January of this
 22 year.
 23 A That's when we began to move.
 24 Q When did you complete the move?

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1 A I don't know that we've completed it yet.
 2 We are out of the house, but I have a garage full
 3 of boxes and an attic and a basement.
 4 **Q So you did receive letters and other**
 5 **communications with regard to this proposal?**
 6 A Yes.
 7 **Q Is there a reason why you chose to discard**
 8 **them rather than turning them over to your wife's**
 9 **office for inclusion in the record?**
 10 A I wasn't aware that that was necessary.
 11 **Q All right. Were you aware, sir, that there**
 12 **was a prohibition -- actually, there is a**
 13 **prohibition on ex parte communications between the**
 14 **litigants and the decision-makers in cases like**
 15 **this?**
 16 A I'm not actually certain what you're
 17 talking about here, but do you mean conversations
 18 about the landfill?
 19 **Q Well, let's back up a second. Do you**
 20 **recall -- strike that.**
 21 **You're familiar with the term ex parte**
 22 **communication, aren't you?**
 23 A Not necessarily, no. Not specifically.
 24 **Q My apologies then. I assumed that as a**

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1 **political science professor you would have some**
 2 **familiarity with that concept.**
 3 **Let me explain it. Ex parte communications**
 4 **generally are communications in a litigation or**
 5 **adversarial format between one of the parties and**
 6 **the decision-maker outside the presence of the**
 7 **other party.**
 8 A Okay.
 9 **Q Do you understand that concept?**
 10 A Yes.
 11 **Q Were you aware that the -- in the siting**
 12 **process, the county board was the decision-maker?**
 13 A Yes.
 14 **Q Were you aware that ex parte communications**
 15 **are according to the law at least not to occur in**
 16 **this process?**
 17 A Yes.
 18 **Q Who made you aware of that fact?**
 19 A The State's Attorney's office.
 20 **Q Do you remember when you became aware?**
 21 A Fairly near the beginning of the whole
 22 system.
 23 **Q Who was it from the State's Attorney's**
 24 **office that provided that information?**

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1 A Bill Atkins, I think. Bill Atkins, yes.
 2 **Q Did he do so in writing or just orally**
 3 **advised the board?**
 4 A Oral.
 5 **Q I take it then he basically told board**
 6 **members you're not to talk with representatives of**
 7 **PDC about this application?**
 8 MR. BROWN: I'm going to object that
 9 counsel's asking questions about attorney-client
 10 communications.
 11 MR. MUELLER: I'll rephrase it.
 12 BY MR. MUELLER:
 13 **Q As a result of that conversation or advice**
 14 **from the State's Attorney's office, did you believe**
 15 **that you were not supposed to talk to**
 16 **representatives of PDC about the application?**
 17 A Yes.
 18 **Q Did you have a similar belief about not**
 19 **talking to representatives of the opposition**
 20 **groups?**
 21 A Yes, with exceptions.
 22 **Q What's the exception?**
 23 A I'm an elected representative. I have to
 24 listen to my constituents. If you mean by talking,

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1 did I give opinions or did anything other than
 2 listen to their point of view, then I didn't do any
 3 of that.
 4 **Q Mr. Coulter, who's in the room, is a**
 5 **citizen of Peoria County.**
 6 A Yes.
 7 **Q Your understanding was that you wouldn't**
 8 **have to listen to him, but you had to listen to**
 9 **other constituents?**
 10 A I have to listen to any constituent. I
 11 have to listen. That doesn't mean I have to
 12 respond. So the question is I guess the difference
 13 between being the decision-maker and being an
 14 elected representative.
 15 **Q Well, did you understand your role in the**
 16 **decision-making process as being adjudicatory or**
 17 **legislative?**
 18 A Could you clarify the differences there?
 19 **Q Again, you've got a master's degree in**
 20 **political science?**
 21 A True, not --
 22 **Q Do you know what the legislative branch is?**
 23 A Yes.
 24 **Q Do you know what the judicial branch is?**

1 A Yes.
 2 **Q The word adjudicatory is used to describe**
 3 **judicial type decisions?**
 4 A Okay.
 5 **Q You're familiar with all of that?**
 6 A Yes.
 7 **Q Are there any concepts here that you're not**
 8 **familiar with what I'm asking you about?**
 9 A I'm just trying to be very clear since I
 10 know the law has very precise definitions. I have
 11 a common sense of each of those terms. I want to
 12 be very clear on what we're talking about.
 13 **Q Maybe I'm being unfair to you, Mr. Thomas,**
 14 **because I'm assuming that as a political scientist**
 15 **you would have probably more in-depth knowledge**
 16 **about the various branches of governments than I**
 17 **have, and if I'm presuming something that's making**
 18 **my questions unclear, I apologize.**
 19 **Now, you understand that a county board**
 20 **member is a legislator?**
 21 A Yes.
 22 **Q And that your function generally as a**
 23 **county board member is a legislative function?**
 24 A Yes.

1 **tell us in your own words what your understanding**
 2 **regarding communications to you and by you about**
 3 **the subject matter outside the hearing process was.**
 4 A We were instructed that while we could not
 5 discuss in the sense of giving opinions that it was
 6 all right to listen to constituents.
 7 There's obviously nothing we can do to stop
 8 them sending a letter but that they were to be --
 9 what did I say, set aside in the sense that while
 10 it's -- you know, it's constituent opinion, it's
 11 simply opinion, and that the decision could not
 12 have anything to do with these opinions.
 13 You -- we were not to express any
 14 preferences one way or another until we had heard
 15 all of the facts and made a formal vote.
 16 **Q Mr. Thomas, what would be the point of**
 17 **receiving constituent opinions if you were**
 18 **instructed not to take those opinions into account?**
 19 A I'm not sure. It's one of the glitches in
 20 the -- in our system of government.
 21 **Q Now, in your understanding about receiving**
 22 **constituent opinions, did you distinguish between**
 23 **members of the general public and people directly**
 24 **involved with the siting process?**

1 **Q It was apparently explained to you by Bill**
 2 **Atkins and/or someone else in the State's**
 3 **Attorney's office that this process was a little**
 4 **bit different?**
 5 A Yes.
 6 **Q Because in a legislative capacity, you**
 7 **would seek out as much input from your constituents**
 8 **you felt you needed, right?**
 9 A Yes.
 10 **Q In this case, you understood that you were**
 11 **not supposed to seek out input and that you were**
 12 **supposed to base your decision on the evidence,**
 13 **right?**
 14 A Yes.
 15 **Q So did you understand your role in the**
 16 **decision-making process as being adjudicatory or**
 17 **legislative?**
 18 A Adjudicatory.
 19 **Q That being the case then did you understand**
 20 **that you were not to receive communications from**
 21 **representatives of any of the parties outside of**
 22 **the hearing process?**
 23 A No.
 24 **Q Maybe to short-circuit this, why don't you**

1 A I'm not sure who those people would be.
 2 **Q I'm thinking to myself here, Mr. Thomas,**
 3 **that if I had approached you during the hearing and**
 4 **pulled you aside and said, You know, Jim, the**
 5 **opposition is really trying to mislead you with**
 6 **their evidence, that you're likely to have said to**
 7 **me, I'm not supposed to be talking to you about**
 8 **this stuff.**
 9 A Yes.
 10 **Q That's probably because I was someone known**
 11 **to you as directly involved in the process on**
 12 **behalf of one of the parties?**
 13 A Yes.
 14 **Q Similarly, there were people such as**
 15 **Mr. Wentworth directly involved in the process on**
 16 **behalf of the opposition?**
 17 A Yes.
 18 **Q I take it that if he approached you and**
 19 **said, You know, that particular witness on behalf**
 20 **of PDC I don't think was telling the truth, you'd**
 21 **probably said to him, You know, Dave, I'm not**
 22 **supposed to talk to you about that?**
 23 A Yes.
 24 **Q You might have taken a different view with**

1 just members of the general public in that you
2 would have allowed them to express their opinion
3 without rebuking them, right?
4 A Yes.
5 Q So in all of this, did you receive any
6 communications outside of the hearing evidence from
7 representatives of Peoria Disposal Company?
8 A I guess that would depend on what you call
9 representative. I did see -- I think if my memory
10 is clear here that I maybe got letters from people
11 who were employees.
12 Q How many such letters would you have
13 gotten?
14 A I have no idea.
15 Q Can you estimate would it have been less
16 than 10 or more than 10?
17 A Probably less than 10.
18 Q Did you also get letters from the -- from
19 people expressing opposition?
20 A Yes.
21 Q I'm going to guess that that number was
22 more than 10?
23 A Yes.
24 Q Would it have been more than 100?

1 100 communications received expressing opposition,
2 do you recall whether any of them were from people
3 known to you to be representatives of opposition
4 groups?
5 A Yes.
6 Q Some of those were?
7 A Yes.
8 Q Can you as you sit here now tell me
9 specifically which individuals you received
10 communications from?
11 A I can't remember. Conover, that's a name.
12 Q Converse?
13 A Converse, thank you.
14 Q All right.
15 A Yes. And I think -- I think there was at
16 least one letter from Joyce Blumenshine.
17 Q At least one letter from Joyce Blumenshine,
18 and how many letters from Kim Converse?
19 A Three or four maybe.
20 Q Did you ever think that was strange seeing
21 as you understood that the litigants were not
22 supposed to communicate directly with the
23 decision-makers outside the hearing process?
24 A No.

1 A I don't think so.
2 Q Would that include E-mails?
3 A Yes.
4 Q So you probably got somewhere less than
5 100 communications in writing either electronically
6 or in the form of letters from people expressing
7 opposition?
8 A That's my best recollection.
9 Q Mr. Thomas, do you intend to run again for
10 county board?
11 A No.
12 Q You're wrapping up your term and calling it
13 a day?
14 A Yes.
15 Q In your last election, do you remember how
16 many votes you won by?
17 A All of them. I had no opponent.
18 Q That's pretty comfortable. With regard to
19 these less than 10 communications from people
20 expressing support, do you remember if any of them
21 were from people known to you as representatives of
22 Peoria Disposal Company?
23 A No.
24 Q Now, with regard to this less than

1 Q Did you ever advise Ms. Blumenshine to not
2 attempt to communicate with you directly again?
3 A No.
4 Q Did you ever advise Kim Converse not to
5 communicate with you directly again?
6 A No.
7 Q Did you receive any other communications
8 from any representatives of or individuals known to
9 you to be representatives of opposition groups
10 besides Converse and Blumenshine?
11 A Just private individuals as far as I can
12 remember.
13 Q By private individuals, you mean people not
14 direct representatives of opposition groups?
15 A Yes.
16 Q You knew Kim Converse was a leading member
17 of Peoria Families Against Toxic Waste, I take it?
18 A Yes. She did note that on her, at least
19 one letter, I think.
20 Q You no longer have that letter from her, I
21 take it?
22 A No.
23 Q No meaning you don't have the letter?
24 A Right.

1 Q Did you ever have any conversations about
2 this process with Kim Converse?

3 A No.

4 Q Never spoke to her?

5 A None of substance, no. Hello, goodbye,
6 that sort of thing.

7 Q Is she someone that you know personally by
8 the way?

9 A It's hard to characterize that. I know who
10 she was because she went to school with my kids. I
11 knew who she was. I didn't know her actually
12 personally, no.

13 Q Okay. But you knew her on sight before the
14 hearing started?

15 A Yes.

16 Q As in, oh, that's Kim Converse, she went to
17 school with my kids?

18 A I don't have that good a memory for names,
19 but I recognized her face.

20 Q All right. So you never had any
21 substantive conversations with her before these
22 hearings started?

23 A No.

24 Q Even after the hearing process started up

1 A When you say conversation, do you mean a
2 give and take or did I listen to people?

3 Q Did he ever approach you about his views
4 with an attempt to communicate them to you?

5 A Yes, I think so.

6 Q When -- I guess he's a retired doctor, yes?

7 A Yes.

8 Q When did Dr. McLean approach you?

9 A I don't remember exact times. It was at
10 some kind of a meeting where it was kind of
11 mentioned in passing.

12 Q Would that have been a meeting of county
13 board members or some other type of meeting?

14 A Some other type of meeting, neighborhood or
15 political.

16 Q Has Dr. McLean ever contributed to any of
17 your campaigns?

18 A No.

19 Q You say it was at this type of meeting that
20 he mentioned to you in passing his opposition to
21 the PDC landfill?

22 A Yes.

23 Q Do you recall if whether that was before
24 the application was filed or afterwards?

1 through the date of the decision, you never had any
2 conversations with her?

3 A No.

4 Q No meaning you never had conversations or
5 no meaning I'm wrong?

6 A No meaning I had no conversations other
7 than in passing hello, goodbye.

8 Q So, Mr. Thomas, is Kim Converse a resident
9 of your legislative district?

10 A Yes.

11 Q How do you know that to be the case?

12 A Someone told me. I'm not sure who, but I
13 know her parents, where her parents lived. I
14 didn't know where she lived until someone told me.

15 Q Kim Converse's parents are John and Cindy
16 McLean?

17 A Yes.

18 Q Do you know them?

19 A An acquaintance, yes.

20 Q Have you ever socialized with either of the
21 McLeans?

22 A Not that I recall, no.

23 Q Did you have any conversations with John
24 McLean at any time about this application?

1 A I can't recall.

2 Q Do you recall the length of this mentioning
3 in passing?

4 A Oh, a few words.

5 Q Did you respond to him?

6 A Only in polite okay, yes, you know. I
7 listened to him.

8 Q Do you recall the substance of what he
9 said?

10 A Not really other than -- no, not really,
11 not specifically.

12 Q He's a constituent of yours?

13 A Yes.

14 Q Did you feel you had the responsibility to
15 take your constituent's views into account in
16 making your final decision?

17 A No.

18 Q Did you consider any of your constituent's
19 views in making your decision?

20 A No.

21 Q Did you ever say to any -- anyone that
22 approached you with their opinion something to the
23 effect of you're wasting your time talking to me
24 because I'm not going to take it into consideration

Page 31	Page 33
1 anyway?	1 A Intentionally.
2 A Not in those words.	2 Q What was the purpose of discarding them as
3 Q What words then would you have used?	3 opposed to turning them over to the State's
4 A I would have said. Glad to hear your	4 Attorney or the county clerk?
5 opinion, but we cannot discuss this issue.	5 A I wasn't aware that was necessary.
6 Substantively, I cannot give you an opinion and I	6 Q Well, for example, when you received direct
7 have to make a decision on what I hear at the	7 mail from Joyce Blumenshine who was the
8 hearings.	8 representative of the Sierra Club, didn't you think
9 Q Did you attend hearings, sir?	9 that was an inappropriate attempt to influence you?
10 A Yes.	10 A Improper, I wouldn't know. It was an
11 Q There was -- was it five or six days?	11 attempt to influence, yes. Whether it was improper
12 A I didn't go to all of them and I came late	12 or not, according to my instructions, it was not.
13 to some because of my class schedule.	13 Q So your instructions as you understood them
14 Q With regard to the hearings that you didn't	14 were not -- for you not to communicate back, right?
15 attend, did you read the transcripts?	15 A Yes.
16 A Yes.	16 Q And for you not to express opinions?
17 Q Did you read them all?	17 A Yes.
18 A Probably not all.	18 Q You didn't have an understanding that you
19 Q But you read most of them?	19 were not to receive communications?
20 A Yes.	20 A No.
21 Q Did you read the county staff report?	21 Q And you had no understanding that the
22 A Yes.	22 participants also were not to direct communications
23 Q You're aware that staff report recommended	23 to you?
24 approval?	24 A Participants?
Page 32	Page 34
1 A Yes.	1 Q The litigants in the case.
2 Q Did you ever view any websites that dealt	2 A I'm not sure.
3 with the subject of the application?	3 Q When you stacked up these communications,
4 A No.	4 did you ever make any copies of any of them?
5 Q Are you aware that Peoria Families Against	5 A No.
6 Toxic Waste had a website?	6 Q You never gave any of them to your wife?
7 A No, I wasn't.	7 A No.
8 Q Did you ever receive any telephone calls	8 Q Did you keep them at home or at your
9 from anyone regarding this application?	9 office --
10 A Yes.	10 A At home.
11 Q Who would you have received phone calls	11 Q So she would have been aware that they were
12 from?	12 coming in?
13 A I don't recall.	13 A Oh, yes.
14 Q How many such phone calls would you have	14 Q Did you ever discuss the application with
15 received?	15 county staff?
16 A Oh, I don't know. Less than 20 in my	16 A I'm not sure what that would include. We
17 estimate.	17 received instruction about, you know, what we were
18 Q When you received correspondence from	18 supposed to do, but I don't recall ever questioning
19 members of the public including representatives of	19 them about anything.
20 the opposition groups, what did you do with it?	20 Q Let me distinguish. First of all, I'm
21 A I stacked them up on my desk.	21 talking about the time period from when the
22 Q Were they then ultimately discarded	22 application was filed in November through the last
23 intentionally or inadvertently as part of your	23 county board meeting in May of this year, and by
24 move?	24 staff, let me break that down.

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1 **First of all, did you ever talk about the**
 2 **application with any of the outside consultants**
 3 **hired by Peoria County?**
 4 A Do you mean Mr. Brown?
 5 **Q Other than lawyers.**
 6 A No.
 7 **Q After you got the staff report recommending**
 8 **approval, did you discuss that report with any**
 9 **other person?**
 10 A No, no.
 11 **Q Did you ever meet with any other county**
 12 **board members outside of the regular meeting**
 13 **process to discuss the staff report?**
 14 A No.
 15 **Q Did you ever have any phone conversations**
 16 **with any other county board members outside the**
 17 **regular hearing process regarding the application?**
 18 A None that I recall, no.
 19 **Q Sir, is there a reason why you chose to**
 20 **disregard the recommendation in the staff report?**
 21 MR. BROWN: Objection. You're going
 22 into the mental processes of the county board
 23 member, decision-maker in this, not something
 24 that's subject to discovery. I'm going to direct

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1 the witness not to respond to that question.
 2 BY MR. MUELLER:
 3 **Q Mr. Thomas, let me make the question a**
 4 **little bit broader and more general.**
 5 **Did you ever meet with any other county**
 6 **board member about what your or that county board**
 7 **member's decision was going to be?**
 8 A I recall -- I recall remarks in passing,
 9 but no conversations of any length, no.
 10 **Q Did you ever have a phone conversation with**
 11 **any other county board member about what your or**
 12 **their decision was going to be?**
 13 A Not that I recall, no.
 14 **Q Specifically, were you ever contacted by**
 15 **Allen Mayer and asked what your vote was going to**
 16 **be?**
 17 A No.
 18 **Q Did you ever communicate ahead of your vote**
 19 **to Mr. Mayer what your vote was going to be?**
 20 A No.
 21 **Q Did David Williams ever approach you**
 22 **regarding what your vote was going to be, and by**
 23 **approach, I mean either personally or by telephone?**
 24 A No.

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1 **Q Mr. Thomas, did you ever approach any other**
 2 **board member in an attempt to communicate your**
 3 **position on the application?**
 4 A No.
 5 **Q Did you ever see any signs in the yards of**
 6 **citizens expressing opinions on this landfill?**
 7 A Yes.
 8 **Q How many such signs would you say you've**
 9 **seen?**
 10 A I couldn't estimate.
 11 **Q Do you know whether any of those signs were**
 12 **in yards in your district?**
 13 A I'm sure I saw some, yes.
 14 **Q You're elected from a geographic district,**
 15 **yes?**
 16 A Correct.
 17 **Q What's the approximate physical size of**
 18 **your district?**
 19 A I don't know. It's maybe 15 blocks by
 20 10 blocks or something like that. It's the fourth
 21 county board district.
 22 **Q It would be what? A couple square miles**
 23 **maybe, a little more than that?**
 24 A Somewhere right around there.

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1 **Q How many signs would you say that you saw**
 2 **in yards in your district?**
 3 A I can only guess, but it would be 10 or
 4 less.
 5 **Q Did you ever see any billboards opposed to**
 6 **the application?**
 7 A Yes.
 8 **Q How many of those would you say you've**
 9 **seen?**
 10 A Only one that I can remember.
 11 **Q Sir, did you get the sense from the letters**
 12 **you received, the billboards you saw and the yard**
 13 **signs that you saw that the general public was**
 14 **opposed to the application?**
 15 A I know it meant that some people were.
 16 **Q Well, you certainly saw much more in the**
 17 **way of expressions of opposition in various forms**
 18 **we've talked about than you saw in the way of**
 19 **expressions of support?**
 20 A Yes.
 21 **Q That didn't lead you to believe that the**
 22 **general public was opposed?**
 23 A No.
 24 **Q Did you ever have any flyers about the**

1 application received at your home?
 2 A I don't recall.
 3 Q How many total people would you say you
 4 discussed the application with between
 5 November 9th, 2005, and May 3rd, 2006?
 6 A Do you mean substantive, in-depth
 7 discussions or just conversations in passing?
 8 Q Let's do conversations in passing first.
 9 A I couldn't estimate; but, obviously, it was
 10 an issue before the county board, and people
 11 mentioned that it was coming up.
 12 Q Would that number be in the hundreds?
 13 A No.
 14 Q Less than 100 times?
 15 A I'm sure, yes.
 16 Q In terms of substantive conversations, how
 17 many would you have had?
 18 A I can't recall any. Let me take that back.
 19 People did give expressions of opinions about -- of
 20 the items that were listed that they either were
 21 convinced or had doubts.
 22 Q Did any of those expressions point you to
 23 look at any of the evidence more closely?
 24 A All communications with any substance led

1 landfill before?
 2 A No.
 3 Q So you've never been on the PDC property?
 4 A No.
 5 Q Did you as part of communications you
 6 received from constituents and other members of the
 7 public during this process ever receive anything
 8 that purported to be authoritative material as
 9 opposed to a mere expression of opinion such as
 10 articles that say landfills leak and the like?
 11 A Yes.
 12 Q What kinds of those communications did you
 13 receive?
 14 A Some reprints and some letters, some
 15 letters quoting other studies.
 16 Q Do you remember who you received any of
 17 those reprints from?
 18 A Probably Tom Edwards.
 19 Q That would have been my first guess, too.
 20 Did you read those reprints then?
 21 A I scanned everything that I got. Read
 22 might be a little too strong a word.
 23 Q Now at the time of this process, you're a
 24 county board member and you've got these duties,

1 me to look at the evidence more closely.
 2 Q Can you recall the specific contents of any
 3 of these communications of substance?
 4 A Not specifically.
 5 Q Now, have you ever been at a landfill in
 6 the past?
 7 A Yes.
 8 Q When?
 9 A When they were siting the new landfill.
 10 Q The city county landfill?
 11 A Yes.
 12 Q You voted in favor of that one, didn't you,
 13 sir?
 14 A Yes.
 15 Q What was it about that one that garnered
 16 your support versus this one that garnered your
 17 opposition?
 18 MR. BROWN: Objection. You're going
 19 into the county board member's mental processes
 20 again. It's objectionable. It's not allowed in
 21 these proceedings, and I'm going to instruct the
 22 witness not to testify.
 23 BY MR. MUELLER:
 24 Q Had you ever been at a hazardous waste

1 correct?
 2 A Yes.
 3 Q You're a professor at Illinois Central
 4 College, and you had those duties, right?
 5 A Yes.
 6 Q You were in the middle of a home move,
 7 correct?
 8 A Yes, yes.
 9 Q So you were a pretty busy guy?
 10 A Yes.
 11 Q You also understood that you were not to
 12 consider anything other than the evidence in making
 13 your decision, correct?
 14 A Yes.
 15 Q That being the case, why would you bother
 16 to even scan the reprints that people would send to
 17 you?
 18 A Just to look them over to get the
 19 information.
 20 Q Why not throw them away without even
 21 looking at them?
 22 A When it was part of the letter, I scanned
 23 it.
 24 Q Do you remember whether you received any

Page 43	Page 45
1 letters quoting studies from Joyce Blumenshine?	1 her listed as president.
2 A I don't recall that her letters had that	2 Q Did you know her prior to the start of
3 kind of information. I'm not certain.	3 these hearings?
4 Q Now, I believe you previously told me that	4 A Yes.
5 you only got one letter from Joyce Blumenshine.	5 Q How did you know her?
6 A I know I had -- I'm sorry. I said I had at	6 A Acquaintance, again, outdoor activities
7 least one.	7 type thing. I went on a -- I've been on a couple
8 Q It's likely that you had more from her?	8 of the Sierra Club sponsored winter hikes at
9 A It's quite possible, yes.	9 Starved Rock.
10 Q Mr. Thomas, are you a member of the Sierra	10 Q That would be my neck of the woods, sir.
11 Club?	11 You indicated that you'd not been to any Sierra
12 A Yes.	12 Club meetings?
13 Q Heart of Illinois Chapter?	13 A No.
14 A Yes.	14 Q But you've been a participant in some
15 Q How long have you been a member of the	15 Sierra Club activities?
16 Sierra Club?	16 A Two, two hikes.
17 A Two years, three.	17 Q Both of those were up in the Starved Rock
18 Q Does the Sierra Club charge dues?	18 area, to your knowledge?
19 A Yes.	19 A Yes.
20 Q Do you pay dues?	20 Q You've not been on or a participant in any
21 A Yes.	21 other Sierra Club activities?
22 Q When's the last time you made dues payment?	22 A No.
23 A That I'd have to consult with my wife.	23 Q The Sierra Club is I believe keenly
24 She's the one that made the dues payment.	24 interested in maintaining the quality of the
Page 44	Page 46
1 Q Is she a member of the Sierra Club, also?	1 Illinois River --
2 A Yes.	2 A Yes.
3 Q What is it that caused you and your wife to	3 Q -- around Peoria?
4 join?	4 A Yes.
5 A We had been members previously in	5 Q You're aware of that?
6 Wisconsin, and it's a club dealing with outdoor	6 Have you ever been involved in anything
7 activities which I enjoy.	7 with them in terms of river related activities
8 Q Does the Heart of Illinois Chapter of the	8 here?
9 Sierra Club have meetings?	9 A No.
10 A Yes.	10 Q When these hearings began and it was
11 Q How frequently?	11 determined that the Sierra Club was actively
12 A I think they're once a month.	12 participating as an opponent, did you disclose your
13 Q When is the last time you went to a Sierra	13 membership at that point to any other person?
14 Club meeting?	14 A No.
15 A I've never been to one.	15 Q Did you discuss whether or not you should
16 Q Other than payment of dues, have you made	16 disclose your membership with any other person?
17 any donations to the Sierra Club?	17 A No.
18 A No.	18 Q Are you a member of the Moss-Bradley
19 Q Did you know that Joyce Blumenshine was an	19 Homeowner's Association?
20 officer of the local chapter of the Sierra Club?	20 A No.
21 A I found that out, yes.	21 Q Have you ever been a member?
22 Q When did you find that out?	22 A No.
23 A I can't recall, but when I received a	23 Q Have you ever attended a meeting of the
24 letter and I think -- an official letter that had	24 Moss-Bradley Homeowner's Association?

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1 A Only at candidate forums.	1 arches over on -- it's kind of a defunct area.
2 Q That would only be in your capacity as a	2 Arbor District. yes. Called the Arbor District
3 candidate seeking the support of individuals at	3 now.
4 such a meeting?	4 Q When were you a member of that
5 A Yes.	5 organization?
6 Q Have you ever received -- strike that.	6 A Pretty much up until I moved.
7 During the course of this hearing process,	7 Q Was David Wentworth a member of that
8 did you ever receive anything of value from any	8 organization?
9 member of the general public or constituent?	9 A No.
10 A I was reminded of that. At the end of the	10 Q Have you ever socialized with David
11 hearings, and I can't remember her name, someone	11 Wentworth?
12 gave everyone a flower.	12 A Yes.
13 Q Other than that, did you receive anything	13 Q Do you consider him a friend?
14 of value?	14 A An acquaintance.
15 A No.	15 Q Have you been in his home?
16 Q Do you remember who you got the flower	16 A Yes.
17 from?	17 Q Has he been in your home?
18 A I can't recall her name. I know who she	18 A No.
19 is, but I don't recall her name.	19 Q On how many occasions would you say you've
20 Q She's someone associated with the	20 been in his home?
21 opposition group?	21 A He had a fundraiser, and I think that's the
22 A Yes.	22 only time.
23 Q Have you ever received any campaign	23 Q How long ago was that?
24 contributions from any local physicians?	24 A It would have been prior to the election of
Page 48	Page 50
1 A No.	1 the current state comptroller.
2 Q Have you ever had any professional	2 Q In other words, sometime prior to 2004?
3 affiliation with any of the local hospitals?	3 A Probably 2000.
4 A No.	4 Q Okay. Did you have any conversations with
5 Q Have you ever received any campaign	5 Mr. Wentworth during the course of these hearings?
6 contributions from any of the local hospitals?	6 A Greetings, yes, hi.
7 A No.	7 Q Other than hi, how are you, was there any
8 Q Ever received any campaign contributions or	8 other communications between the two of you?
9 anything else of value from any environmental	9 A No.
10 organization?	10 Q Do you know Rodney Lorenz?
11 A No.	11 A No.
12 Q Sir, do you know David Wentworth?	12 Q He would be a Dr. Lorenz?
13 A Yes.	13 A No.
14 Q Did you know him prior to the commencement	14 Q Ever received any communications from him?
15 of these hearings?	15 A I don't recall. I know I did receive some
16 A Yes.	16 communications from doctors, but I don't know who
17 Q How did you know him?	17 the signatories were.
18 A I served on a committee at Bradley about	18 Q Did you ever speak to a Dr. Lorenz?
19 the neighborhood, and I knew him through the West	19 A No.
20 Bluff Neighborhood Associations.	20 Q As long as you received communications from
21 Q You were never a member of any of those	21 doctors, did you ever receive any from a Dr. Vidas?
22 associations, is that correct?	22 A Again, I'm not certain if he was a
23 A I was a member of the what used to be --	23 signature.
24 God, what was it called? Well, now called the	24 Q How about Dr. Zwicky?

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1 A Same thing.	1 A Yes.
2 Q Do you know Dr. Vidas personally?	2 Q Sir, are you a member of the Universalist
3 A No.	3 Unitarian Church?
4 Q Do you know Dr. Zwicky personally?	4 A No.
5 A No.	5 Q Have you ever been there for any meetings?
6 Q Do you know Dr. Parker McRae?	6 A No.
7 A No.	7 Q Are you a member of St. Thomas Church?
8 Q Do you know Dr. Steven Smith?	8 A No.
9 A No.	9 Q Have you ever been there for any meetings?
10 Q Do you know Bill Rutherford?	10 A No. I assume funerals don't count.
11 A Yes.	11 Q They do not. Have you ever received any
12 Q How do you know Mr. Rutherford?	12 contributions from the Peoria Medical Society?
13 A Through Wildlife Prairie Park. I'm a	13 A No.
14 member. I was a member.	14 Q Ever received any contributions from any
15 Q What is Wildlife Prairie Park?	15 other citizens or medical groups?
16 A It's a state park.	16 A No.
17 Q What does membership involve?	17 Q Do you know Barb Van Auken?
18 A Getting in at a smaller fee and support for	18 A Yes.
19 the park.	19 Q How do you know her?
20 Q When were you a member of Wildlife Prairie	20 A She's my city representative.
21 Park?	21 Q Do you consider her a friend?
22 A Up until my membership lapsed recently. We	22 A An acquaintance, yes.
23 haven't reupped yet.	23 Q Well, is she a friend or an acquaintance if
24 Q Have you ever socialized with	24 we have to distinguish between the two?
Page 52	Page 54
1 Mr. Rutherford?	1 A I'm not sure how you distinguish them. I
2 A Yes.	2 have attended fundraisers at her home. I supported
3 Q On how many occasions?	3 her in the election. It's not like -- we do not
4 A Two, three.	4 socialize.
5 Q Would you consider him a friend?	5 Q It's not like you don't socialize?
6 A No.	6 A We don't socialize other than in political
7 Q Has he been in your home?	7 events.
8 A No.	8 Q Did she ever attempt to communicate with
9 Q Have you been in his?	9 you regarding her feelings on the PDC application?
10 A No.	10 A No.
11 Q Have you ever been to a meeting of the	11 Q Did you have any conversations with her
12 Peoria Families Against Toxic Waste?	12 about that application at any time while it was
13 A No.	13 pending?
14 Q Have you ever been to a meeting of Citizens	14 A No.
15 for Our Environment?	15 Q Do you know Dr. Akeson?
16 A No.	16 A No.
17 Q Ever been to a meeting of River Rescue?	17 Q Do you know his wife Beth Akeson?
18 A No.	18 A No.
19 Q Are there any other organizations with an	19 Q You've indicated you know Joyce
20 environmental or economical component that you have	20 Blumenshine?
21 been a member of in the last five years besides the	21 A Yes.
22 Sierra Club and the Prairie Park?	22 Q When's the last time you had a conversation
23 A Tri-County Regional Planning.	23 with her about any subject other than to just see
24 Q That's a governmental entity, right?	24 her and say hi, Joyce?

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1 A Probably on one of the hikes to Starved 2 Rock. 3 Q Did any of those hikes occur last winter 4 while the application was pending? 5 A I think they did have one in January, yes. 6 Q Do you know Tessie Bucklar? 7 A No. 8 Q Do you know Tom Bucklar? 9 A No. 10 Q Do you know Ted Converse? 11 A No. 12 Q Do you know Ralph or Jane Converse? 13 A No. 14 Q I take it you do know Bill Cook? 15 A Yes. 16 Q He's -- would you consider him a friend or 17 an acquaintance? 18 A A friend. 19 Q So the two of you do socialize? 20 A No. A friend -- a colleague would be 21 better, more specific term. 22 Q These are horrible distinctions, colleague, 23 friend, acquaintance. I'm just trying to 24 understand the nature of the relationship.	1 A No. 2 Q I take it you know Tom Edwards? 3 A Yes. 4 Q Do you have a personal relationship with 5 him or is your knowledge of him just as an elected 6 official dealing with a vocal member of the public? 7 A No. I have personal knowledge of him. 8 Q What's the nature of your personal 9 relationship with Mr. Edwards? 10 A He worked on our roof. 11 Q When did he work on your roof? 12 A Oh, it's been five, six years ago. 13 Q Was the work satisfactory? 14 A Yes. 15 Q You paid him for his efforts? 16 A Yes. 17 Q Other than that, do you have any personal 18 relationship with Mr. Edwards? 19 A No. We do not socialize, put it that way. 20 Q Has Mr. Edwards ever made a contribution to 21 you or given you anything of value? 22 A No. 23 Q Do you know Lisa or Peter Offutt? 24 A No.

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1 Mr. Cook was out on the faculty with you at 2 ICC, correct? 3 A Yes. 4 Q Did he ever attempt to communicate to you 5 regarding his position on the landfill expansion? 6 A Not directly, no. 7 Q How did he attempt to communicate with you 8 indirectly? 9 A Well, he had posters on his door, things 10 like that. 11 Q You were aware of the posters on his door? 12 A Yes. 13 Q Did he ever give you any handouts? 14 A No. 15 Q Did he ever leave any flyers under your 16 office door or in your office? 17 A No. 18 Q Did you ever discuss the reasons for or 19 nature of his opposition? 20 A No. I informed him that I couldn't hold 21 anything -- you know, hold those kinds of 22 conversations. 23 Q Did you ever receive a campaign 24 contribution from Mr. Cook?	1 Q Do you know Chris Ozuna-Thornton? 2 A No. 3 Q Do you know Elmo Roach or Jean Roach? 4 A No. 5 Q Do you know Cara Rosson? 6 A No. 7 Q Do you know Amy Schlicksup? 8 A No. 9 Q Do you know Bill Scott? 10 A No. 11 Q Do you know Cathy Stevenson? 12 A No. 13 Q Do you know Diane Storey? 14 A No. 15 Q Do you know Mayvis Young? 16 A No. 17 Q With regard to all of the people that I 18 have just mentioned in about the last 10 minutes of 19 questioning, have you ever received anything of 20 value from any of them? 21 A No. 22 Q Do you recall any verbal communication with 23 any of those individuals regarding the substance of 24 this application?

1 A No.
2 **Q Did any of those individuals ever attempt**
3 **to communicate their views regarding this**
4 **application to you verbally either over the phone**
5 **or in direct conversation?**

6 A I can't recall if they did. I wouldn't
7 recognize the name and that sort of thing anyway.

8 MR. MUELLER: Let's take a two-minute
9 break. I may be done.

10 (Recess from 10:23 to 10:28)

11 MR. MUELLER: Back on the record.

12 BY MR. MUELLER:

13 **Q Mr. Thomas, did you ever donate to River**
14 **Rescue?**

15 A No.

16 **Q Did you ever donate to Citizens for Our**
17 **Environment?**

18 A No.

19 **Q Ever donated to Peoria Families Against**
20 **Toxic Waste?**

21 A No.

22 **Q Have you ever given money to any individual**
23 **who said he or she was going to use it in**
24 **opposition to the landfill expansion?**

1 MR. MUELLER: Let's go off the record
2 for a second.

3 (Discussion off the record.)

4 MR. MUELLER: Let's go back on the
5 record.

6 BY MR. MUELLER:

7 **Q Did you bring any documents or records with**
8 **you today, Mr. Thomas?**

9 A No.

10 **Q Did you wish to make any other statement**
11 **regarding your role in the decision-making process?**

12 A No.

13 MR. MUELLER: Then I'll let you go and
14 attend to whatever more interesting things you have
15 to do for the rest of the day.

16 Signature?

17 MR. BROWN: Reserve that.

18

19 (Further deponent saith not.)

20

21

22

23

24

1 A No.

2 **Q Did you pay for any billboards to be**
3 **erected?**

4 A No.

5 **Q Did you participate in the making ever of**
6 **any yard signs?**

7 A No.

8 **Q Would the same answers be given by your**
9 **wife if I were to ask her the same questions about**
10 **donations?**

11 A Yes.

12 **Q Sir, what is your home telephone number?**

13 A The area code's (309)673-0083.

14 **Q Did you have a direct line into your office**
15 **when you taught at ICC?**

16 A Yes.

17 **Q What was that number?**

18 A Same area code, 694-5574.

19 **Q 5574?**

20 A Yes.

21 **Q Do you have a cell phone, sir?**

22 A Yes.

23 **Q What is that number?**

24 A 453-0501.

STATE OF ILLINOIS :
: SS
COUNTY OF PEORIA :

I, Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, State of Illinois, do hereby certify that heretofore, to-wit, on Tuesday, September 12th, 2006, personally appeared before me at 416 Main Street, Suite 1400, Peoria, Illinois:


JAMES W. THOMAS, a material witness herein.

I further certify that the said witness was by me first duly sworn to testify to the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by said witness was reported stenographically by me in the presence of said witness and afterwards reduced to typewriting, and the foregoing is a true and correct transcript of the testimony so given by said witness as aforesaid.

I further certify that the signature of the witness was not waived.

I further certify that I am not counsel for nor in any way related to any of the parties to this suit, nor am I in any way interested in the outcome thereof.

In testimony whereof, I hereunto set my hand and affix my notarial seal on this day, Tuesday, September 19th, 2006.



Notary Public

Aana M. Giftos, Certified Shorthand Reporter
(State of Illinois License #084-003571)
My commission expires 07/24/07.



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3 2:8 62:9			
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Exhibit 10

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1 say yes and no as appropriate. Do you understand all of
 2 that?
 3 A Yes.
 4 Q Do you also understand, ma'am, that you are
 5 under oath?
 6 A Yes.
 7 Q If I ask you a question and it's not clear
 8 to you, feel free to have me rephrase it. If you answer
 9 a question, I'm going to assume that it was clear to you
 10 and you understood the question. Is that fair?
 11 A Yes.
 12 Q Thank you very much.
 13 Now, what is your address, Mrs. Trumpe?
 14 A 6904 West Challacombe Road,
 15 C-h-a-l-l-a-c-o-m-b-e, Edwards, Illinois, 61528.
 16 Q How long have you lived at that address?
 17 A 36 years.
 18 Q And you are married; is that correct?
 19 A Yes.
 20 Q What's your husband's name?
 21 A Richard Martin Trumpe.
 22 Q What is his profession?
 23 A He's retired.
 24 Q When did he retire?

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1 A He retired in 1995.
 2 Q And what was his job prior to his
 3 retirement?
 4 A He was associate dean for Student Affairs
 5 at the University of Illinois College of Medicine.
 6 Q Was that the college branch in Peoria here?
 7 A Yes, the Peoria campus.
 8 Q So I take it you and your husband are well
 9 acquainted with local physicians?
 10 A He more than I. I know the ones I see.
 11 Q Now, are you retired?
 12 A No. I'm on the County Board. I don't
 13 think I'm retired.
 14 Q Are you otherwise employed besides as a
 15 County Board member?
 16 A No.
 17 Q And when were you last employed other than
 18 as a County Board member?
 19 A I did some teaching for ICC about 1982,
 20 '83.
 21 Q What's your educational background,
 22 Mrs. Trumpe?
 23 A I have a bachelor's degree in sociology
 24 from Colorado State University and a master's degree in

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1 sociology with a gerontology major from Purdue
 2 University.
 3 Q And during your professional life, did you
 4 do anything besides teaching? Did you have any other
 5 professions?
 6 A No.
 7 Q You taught for a period at ICC?
 8 A Yes. And also at ISU. I taught sociology
 9 for a couple of years, about 1965 to '7.
 10 Q You are a member of the Peoria County
 11 Board?
 12 A Yes.
 13 Q What district?
 14 A 15.
 15 Q What are the approximate boundaries of your
 16 district?
 17 A At the west edge -- it's the county edge --
 18 I have Brimfield Township, Precinct 1. Then I have all
 19 of Jubilee, all of Rosefield, all of Radnor, the parts
 20 of Kickapoo which are unincorporated, Medina 3, Precinct
 21 3, part of it. Then I have Peoria City Precincts 93 and
 22 92 and parts of 78, 88, and that means that I go from
 23 the western edge of the county clear over to Knoxville
 24 Avenue but not east of it and as far north as Cedar

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1 Hills Drive and as far south in the city as Candletree.
 2 Q Is the PDC proposed site in your district?
 3 A It wasn't -- it isn't now, but it was at
 4 one time before the redistricting in 1990 -- I'm sorry.
 5 2000.
 6 Q How long have you been on the County Board?
 7 A 17 years total.
 8 Q So you would be in the middle of a term
 9 now?
 10 A I'm up for re-election.
 11 Q Oh, you are. What party are you running
 12 in?
 13 A Republican.
 14 Q And do you have any opposition in this
 15 election?
 16 A Yes.
 17 Q What is the name of your opponent?
 18 A Sharon Williams of Brimfield.
 19 Q Did Mrs. Williams or Miss Williams, as part
 20 of her campaign, ever express an opinion about the
 21 landfill expansion?
 22 A I don't know.
 23 Q To your knowledge, has the landfill
 24 expansion been an issue in your campaign?

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1 A I've been asked about it in interviews.
 2 Q Has Miss Williams expressed publicly a
 3 position with regard to that expansion?
 4 A Yes.
 5 Q What was her expressed position?
 6 A She was opposed to it.
 7 Q Now, during the hearing process and the
 8 decision-making process after the hearing, what was your
 9 understanding of the County Board's role and
 10 responsibility with regard to receiving communications
 11 outside the hearing context?
 12 A We were told we were not to communicate
 13 with people about it.
 14 Q And did you also have an understanding with
 15 regard to receiving communications about the proposal?
 16 A I think we were to hold onto them and turn
 17 them in.
 18 Q Was it your understanding that you were not
 19 supposed to publicly express opinions but it was
 20 appropriate for you to receive expressions of opinions
 21 from your constituents and other members of the public?
 22 A Do you want to break that down into two
 23 questions?
 24 Q Was it your understanding that while you

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1 weren't supposed to communicate your opinions about the
 2 proposal, it was appropriate for you to receive opinions
 3 from the public?
 4 A Yes. I could receive them.
 5 Q And what was your understanding as to how
 6 you should incorporate those expressions of opinion into
 7 your decision-making process?
 8 A That was not appropriate.
 9 Q Then I guess the question would be: What
 10 was the purpose of receiving public opinions if you
 11 weren't supposed to consider them?
 12 A It's a matter of courtesy. If someone
 13 sends you a letter, you don't know it's coming, you just
 14 receive it. Or if someone calls you, you don't hang up
 15 on them. You listen, but you don't respond with any of
 16 your opinion.
 17 Q So it's your position that you understood
 18 that you were not to consider whatever opinions or facts
 19 you received from the public outside the hearing
 20 process?
 21 A That's right.
 22 Q Would the same be true for facts and
 23 expressions of opinion received from your constituents?
 24 A No difference.

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1 Q Do you remember telling Royal Coulter
 2 several years ago that you would support his effort for
 3 expansion of his landfill?
 4 A I listened attentively and thought I
 5 could. I'm not sure I gave a complete approval. That
 6 would have been kind of preliminary.
 7 Q Is it the opposition of the medical
 8 community that caused you to change your mind?
 9 A No.
 10 MR. BROWN: Objection.
 11 MR. MUELLER: She's answered the question.
 12 BY MR. MUELLER:
 13 Q Now, Mrs. Trumpe, are you acquainted with a
 14 Dr. Rodney Lorenz?
 15 A No.
 16 Q Does your husband still serve on the Peoria
 17 Medical Alumni Council?
 18 A Yes.
 19 Q And have you ever gone to any of the
 20 meetings of the council?
 21 A Not a meeting, no.
 22 Q Were you present at the July 23rd, 2006,
 23 meeting of the Peoria Medical Alumni Council?
 24 A I don't go to the meetings of the council.

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1 Q Do you go to any of their social functions?
 2 A Occasionally, yes.
 3 Q And how many of those would you have been
 4 to in the last two years?
 5 A Probably one a year.
 6 Q And are you aware that Dr. Rodney Lorenz is
 7 a member of the Peoria Medical Alumni Council?
 8 A Yes.
 9 Q Does that refresh your recollection as to
 10 whether or not you know Dr. Lorenz?
 11 A I met him and shook his hand at one
 12 function, but I do not know the man other than that.
 13 Q You've never had a one-on-one conversation
 14 with him?
 15 A No.
 16 Q Do you know what his view is regarding the
 17 proposed expansion?
 18 A No.
 19 Q Do you know Dr. John McLean?
 20 A Repeat the name.
 21 Q John McLean.
 22 A No.
 23 Q Do you know Dr. Vidas?
 24 A No.

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1 Q Do you know Dr. Zwicky?
 2 A No.
 3 Q Do you know Dr. Parker McRae?
 4 A No.
 5 Q Do you know Dr. Steven Smith?
 6 A No.
 7 Q Have you ever been a patient or had a
 8 family member to your knowledge who has been a patient
 9 of any of the doctors I've just asked about?
 10 A No.
 11 Q And have you ever -- are you familiar with
 12 a Dr. McGee?
 13 A Yes.
 14 Q What's his first name?
 15 A I don't remember his first name.
 16 Q How do you know him?
 17 A He was my -- is my husband's physician.
 18 Q Have you ever received any campaign
 19 contributions from any doctor, hospital, or medical
 20 association?
 21 A No.
 22 Q Have you or your husband ever had any
 23 professional affiliation either as an employee, a
 24 consultant, or member of a board or committee with any

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1 of the hospitals in Peoria?
 2 A No.
 3 Q Now, with regard to the various doctors
 4 I've asked you about other than Dr. McGee, when you say
 5 you don't know them, would your answers be the same if I
 6 would ask you if you are familiar with them enough to
 7 recognize them?
 8 A No. I really am not.
 9 Q So that, in the case of Drs. McLean, Vidas
 10 Zwicky, Parker McRae, and Smith, you have no personal
 11 knowledge as to who they are?
 12 A No.
 13 Q No, meaning no, you don't; or no, meaning
 14 I'm correct?
 15 A I do not know them. That's what I mean.
 16 Q And you do not have personal knowledge of
 17 them?
 18 A No.
 19 Q No, meaning that you don't have personal
 20 knowledge; or no, meaning that I'm wrong?
 21 A I don't have personal knowledge.
 22 Q Thank you. Did Dr. McGee ever talk to you
 23 about this proposal?
 24 A No.

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1 Q Do you know whether he ever talked to your
 2 husband about this proposal and whether that
 3 communication was also forwarded to you?
 4 A No, it wasn't. He didn't talk to him about
 5 it to my knowledge.
 6 Q Do you know whether your husband, as a
 7 former dean of the medical school, was ever approached
 8 by anyone to participate in the opposition to the
 9 proposed expansion?
 10 A No, he was not.
 11 Q His support was not solicited by any
 12 individual to your knowledge?
 13 A No.
 14 Q Now, Mrs. Trumpe, did you receive both
 15 written and oral communications regarding this
 16 application other than during the hearing process?
 17 A Yes.
 18 Q First of all, did you receive e-mails?
 19 A Yes.
 20 Q And approximately how many e-mails would
 21 you say that you received?
 22 A Oh, I don't know. They were forwarded from
 23 the county office when they would come through there,
 24 and I probably had 30 maybe.

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1 Q Do you have a personal e-mail address at
 2 home?
 3 A I have it.
 4 Q Did you receive any e-mails directly at
 5 that e-mail address?
 6 A A few.
 7 Q Approximately how many?
 8 A Maybe five or six.
 9 Q Do any of the e-mails that you received
 10 stand out in your recollection?
 11 A No. They were various ways of saying no in
 12 most cases. I think one or two might have said yes on
 13 the question.
 14 Q Do you remember whether you received any
 15 e-mails from Joyce Blumenshine?
 16 A Yes.
 17 Q How many times would you say you received
 18 e-mails from her?
 19 A Two or three maybe. Maybe -- around three
 20 or four maybe.
 21 Q What did you do with e-mails that you
 22 received?
 23 A I turned them in to Lyn Schmidt at the
 24 county state's attorney's office when they asked for us

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1 to turn in all the materials that we had.
 2 Q That would be fairly recently, within the
 3 last month or two?
 4 A A couple months ago, uh-huh.
 5 Q Did you delete e-mails to get them off your
 6 hard drive along the way?
 7 A No.
 8 Q Did you print out e-mails?
 9 A A few, yes.
 10 Q Why would you print out some and not
 11 others?
 12 A Well, I'll tell you. My son is the one who
 13 does the e-mailing and does the computer things at our
 14 house; and when they come in for me, he simply prints
 15 them and brings them to me. So I didn't delete any.
 16 Q How old is your son, and what does he do
 17 for a living?
 18 A Our son is about 45. He works for the
 19 Jubilee State College Park. Lives on our farm, helps us
 20 on our place, plus works out there.
 21 Q Do you have any other children that live in
 22 Peoria County?
 23 A No.
 24 Q Do you have any close relatives who are

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1 employed in any capacity in the medical service
 2 industry?
 3 A No.
 4 Q Did you receive any e-mails from Kim
 5 Converse?
 6 A Yes.
 7 Q Approximately how many would you have
 8 received from her?
 9 A Probably like three or four.
 10 Q Did you receive any -- by the way, when I
 11 say, "Did you receive," I'm talking about the period
 12 between November 9th, 2005, and May 3rd, 2006.
 13 A Uh-huh. Okay.
 14 Q Would your answer still be the same?
 15 A Yes.
 16 Q Did you receive any e-mails from Cathy
 17 Stevenson?
 18 A Yes. I believe I did.
 19 Q Do you know Kim Converse?
 20 A Not personally.
 21 Q Had you ever met her prior to these
 22 hearings?
 23 A No.
 24 Q Do you know Joyce Blumenshine outside of

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1 the landfill hearing context?
 2 A Yes.
 3 Q How do you know Joyce Blumenshine?
 4 A I met her on a bus trip around the
 5 City-County landfill several years ago. She happened to
 6 be on it when my husband and I were touring that
 7 landfill, and we became acquainted.
 8 Q Do you remember whether she was opposed to
 9 that facility?
 10 A No. It wasn't in opposition. She just
 11 wanted to see how they were handling the waste. And I
 12 think we were checking the methane generation there. It
 13 was just an educational tour.
 14 Q When you were on the board, that
 15 City-County landfill was expanded, wasn't it?
 16 A Yes.
 17 Q Did you vote for that expansion or against
 18 it?
 19 A For it.
 20 Q Have you ever been at the PDC landfill?
 21 A Taken a tour?
 22 Q Yes.
 23 A No.
 24 Q Have you ever been there for any other

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1 reason?
 2 A No.
 3 Q Were you offered, before the application
 4 was filed, an opportunity to take a tour of the PDC
 5 landfill?
 6 A I might have been.
 7 Q Is there a reason at that time why you
 8 chose not to take the tour?
 9 A I really don't remember.
 10 Q Do you know Jane Converse?
 11 A I know of her.
 12 Q How do you know of her other than her
 13 participation in the hearing?
 14 A She's a businesswoman here in the community
 15 and well known.
 16 Q Have you ever done any business with her or
 17 her company?
 18 A No.
 19 Q Do you know any other members of the
 20 Converse family?
 21 A No.
 22 Q Have you ever socialized with Jane Converse
 23 or Joyce Blumenshine?
 24 A Never with Joyce Blumenshine. I have been

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1 at one meeting with Jane Converse years ago that was a
 2 social meeting.
 3 Q Do you consider her a friend?
 4 A No.
 5 Q In addition to e-mails -- I should also
 6 ask: Did you receive e-mails from Tom Edwards?
 7 A Yes.
 8 Q Do you know Tom Edwards outside of his
 9 making presentations on various matters to the Peoria
 10 County Board?
 11 A No.
 12 Q Did you also, in addition to e-mails,
 13 receive letters from constituents and members of the
 14 general public regarding this application?
 15 A Some, yes.
 16 Q Approximately how many letters would you
 17 say you received?
 18 A Maybe 20 or 30.
 19 Q And do any of them stand out in your
 20 recollection at this time?
 21 A No.
 22 Q Did you receive any letters from Joyce
 23 Blumenshine or Kim Converse or Tom Edwards?
 24 A We're talking letters as opposed to

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1 e-mails?
 2 Q That's correct. Hard-copy letters.
 3 A Hard-copy letters. I probably did.
 4 Q Do you remember from which of them you
 5 would have received letters?
 6 A Maybe all three.
 7 Q What did you do with all the letters that
 8 you received?
 9 A I turned them in to Lyn Schmidt.
 10 Q While you were a teacher at ICC, did you
 11 get to know Jim Thomas?
 12 A I knew of him, very -- well, we weren't
 13 really in the same department or anything.
 14 Q Do you have any social relationship with
 15 Jim Thomas outside of the two of you being colleagues on
 16 the Peoria County Board?
 17 A Not really. Sometimes we have social
 18 get-togethers when all the County Board members are
 19 there.
 20 Q So he's not someone that you'd consider a
 21 family friend?
 22 A No.
 23 Q With regard to the letters or written
 24 communications that you received, did you also ever

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1 receive fliers or pamphlets regarding the application?
 2 A I think so.
 3 Q In going through material that you've
 4 produced, I notice a number of fliers from River Rescue.
 5 Do those ring a bell?
 6 A No.
 7 Q Did you receive any petitions from River
 8 Rescue?
 9 A I don't think so.
 10 Q In the list of -- or in the materials that
 11 you produced is a document entitled Petition Hazards of
 12 the PDC Hazardous Waste Landfill under the authorship of
 13 River Rescue. Let me show you that document. Does that
 14 refresh your recollection as to whether or not you
 15 received documents from River Rescue?
 16 A Yes.
 17 Q There is a handwritten addendum on that
 18 document. I believe it's, "We now have over 4,500
 19 signatures"?
 20 A Yes.
 21 Q Did you make that handwritten addendum?
 22 A No.
 23 Q Do you know how it got there?
 24 A I suppose whoever sent it. No. I don't

Page 24

1 know.
 2 Q Do you remember how you got that petition?
 3 A No.
 4 Q At the time that you got that petition, did
 5 you read it?
 6 A Briefly.
 7 Q Did you read the other materials that were
 8 sent to you?
 9 A I tried to read most materials that came
 10 in.
 11 Q In the written materials that you produced
 12 for the County at our request, you have produced copies
 13 of a number of newspaper articles. Do you recall that?
 14 A Uh-huh.
 15 Q Uh-huh means yes, correct?
 16 A Yes.
 17 Q And were these newspaper articles that were
 18 given to you or that you clipped out of the newspaper
 19 and saved for yourself?
 20 A They were given to me.
 21 Q Let me show you, in fact, the first page of
 22 the documents that we've -- or that you've produced, and
 23 it's a newspaper article entitled Pollution May Affect
 24 Kids' Growth, dated December 16th, 2005. Do you have

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1 that, Mrs. Trumpe?
 2 A Yes.
 3 Q On the side of it, there is a stamp with
 4 your husband and your name and address on it.
 5 A And I don't know why.
 6 Q Well, I guess that's my question. Do you
 7 know how you came into possession of that particular
 8 article?
 9 A I don't remember how I came into possession
 10 of it. It may have been given to me. I may have
 11 stamped that when I turned it in to show that this was
 12 mine, that this article was mine. But we received so
 13 many things constantly about this that I didn't try to
 14 register, you know, who might have submitted it.
 15 Q As you sit here now, you don't recall how
 16 you came into possession of that article?
 17 A No, not this one.
 18 Q However, it would be fair to say that you
 19 did not cut the article out and save it for yourself?
 20 A I don't believe so. No.
 21 Q Did you cut any articles out and save them
 22 for yourself as part of this process?
 23 A Reports, yes. Reports of the meetings that
 24 we had as a whole County Board, I did.

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1 Q The stamp on this, Mrs. Trumpe, is that
 2 actually you and your husband's personal stamp that you
 3 affix to documents in order to identify them as yours?
 4 A Yes.
 5 Q If that stamp -- thank you, ma'am. If that
 6 stamp appears on other documents, it would also be your
 7 and your husband's personal stamp?
 8 A Should be. Yes.
 9 Q And you don't know why your stamp appears
 10 on this particular document; is that correct?
 11 A Other than just to identify that I had
 12 turned it in, I guess, so that they would know if that
 13 came in, that that one was from me.
 14 Q Well, some of the documents that you turned
 15 in are stamped, and some are not. Was there a method to
 16 your affixing the stamp?
 17 A Well, if the document had another -- if I
 18 thought perhaps that everyone was getting them from the
 19 County Board, that that would have been something that
 20 everyone would have received, I don't think I would have
 21 put a stamp on it.
 22 Q Did you receive any direct verbal
 23 communications from any members of the public or
 24 constituents?

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1 A Yes.
 2 Q Who did you receive verbal communications
 3 from?
 4 A Well, I can remember a few, Blumenshine and
 5 Mayvis Young and Ester Cohen. There were some others.
 6 I made note of them.
 7 Q In the list of documents that were provided
 8 to us are a number of handwritten documents by you;
 9 isn't that correct?
 10 A I think so. If you show --
 11 Q In fact, you turned in, it looks like, all
 12 the notes that you took during the hearings?
 13 A I guess I did. When she said "turn in
 14 everything," I --
 15 Q If I can show you one of those documents, I
 16 don't know what numbered page it is, but I'll just show
 17 it to you. Mr. Brown and I can figure out where it's
 18 located. It starts out with a bullet point, "Applicant
 19 failed to use the most recent IEPA data on hazardous
 20 waste generation." Is that your handwriting at the top
 21 of that document, Mrs. Trumpe?
 22 A Yes.
 23 Q Can you read for the record what you wrote
 24 there? Because we couldn't make all of it out.

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1 A "From Allen Mayer, 4/6/06, 10 ayes, 7
 2 nays." This was -- my handwriting says, "The facility
 3 is not necessary to accommodate the waste needs of the
 4 area it is intended to serve." That was Allen Mayer's
 5 statement which I copied down. He made that statement
 6 and that apparently then -- these are the facts he
 7 submitted to substantiate his proffering of that
 8 statement.
 9 Q Did Mr. Mayer give that to you privately or
 10 in the context of the hearing?
 11 A In the latter, the context of the hearing.
 12 Q Did you ever have any conversations in
 13 which Mr. Mayer was a party or participant regarding
 14 this application?
 15 A No, not with Mr. Mayer.
 16 Q Did you receive any -- or see any yard
 17 signs opposed to the facility in your district?
 18 A Ooh. I saw a few signs. I'm not sure if
 19 they were within my district or in the city.
 20 Q And how many yard signs in total would you
 21 say that you saw?
 22 A Maybe about ten total.
 23 Q Did you also see any billboards opposed to
 24 the facility?

1 A Yes.

2 Q And how many of those would you say that

3 you saw?

4 A Just one.

5 Q Now, you've been kind enough, Mrs. Trumpe,

6 to provide us with a copy of certain pages of what

7 appears to be your calendar; is that correct?

8 A That's the calendar next to my phone; so,

9 if calls come in, I make notes if I need to.

10 Q There apparently are some calls related to

11 the landfill application reflected on your calendar?

12 A Yes.

13 Q Now, you say you made notes if you needed

14 to; is that right?

15 A Yes.

16 Q That means, I take it, you don't make notes

17 as to all calls?

18 A No. No. I meant the notes that I need to

19 add a name that called in, I try to write down most of

20 my calls.

21 MR. MUELLER: Mr. Brown, do you have an

22 extra -- no. We have an extra copy of the calendar.

23 Q Let me pass you two copies of your

24 calendar, and you can share one with Mr. Brown. We'll

1 than your notes about it?

2 A Yes.

3 Q What do you recall about the conversation?

4 A Mayvis Young called and wanted to know how

5 all of the PDC expansion would be handled. She thought

6 perhaps there was a vote on it right away by the County

7 Board, and I just explained to her the process as it was

8 laid out for us so that that was just answering her

9 question really about the procedural thing to do. She

10 did not know the public would have any input.

11 Q Did she express any opinion to you at that

12 time?

13 A She said that she was opposed to it.

14 Q Is Mayvis Young one of your constituents?

15 A No.

16 Q Do you know why she called you as opposed

17 to some other County Board member or the county clerk?

18 A Yeah. She knows me through her husband's

19 Chinese restaurant.

20 Q Would you consider her a friend?

21 A An acquaintance really. I don't do

22 anything with her socially.

23 Q Why would you have written a note on the

24 calendar regarding that conversation?

1 mark one as an exhibit. I guess it's going to be called

2 Exhibit 23, I'm told. I'll give a copy to the court

3 reporter, too, and let her mark it.

4 Does this exhibit represent your calendar

5 with handwritten notes?

6 A Yes.

7 Q And is all of the handwriting on here

8 yours?

9 A No.

10 Q Who else's handwriting appears on here?

11 A My husband.

12 Q Is this a calendar kept by the home

13 telephone?

14 A Yes.

15 Q Directing you, first, to the first page

16 which appears to be the week of January 8th, there's a

17 notation on January 11th that relates what looks like to

18 a Mayvis Young.

19 A Yes.

20 Q Can you read the handwritten notation for

21 the record?

22 A Yes. "Mayvis Young, PDC questions on

23 procedures."

24 Q Do you remember that conversation other

1 A Because we were told to keep track if we

2 had contacts, it would be a good idea to write down the

3 contact. So I just put that in there as a reminder to

4 myself.

5 Q The next page of your calendar is

6 apparently the week of January 26th -- or the week of

7 January 22nd. There appears to be an entry from an

8 Ester Cohen or about an Ester Cohen on January 26th?

9 A Yes.

10 Q Who is Ester Cohen?

11 A She called. She is a Peorian who is active

12 in the arts, and she called concerning the landfill,

13 wanting to know about what the public could do about it.

14 That's what I put down, "public comment possibilities"

15 with a question mark.

16 Q Did you explain to her what she could do

17 about it?

18 A I explained the procedure and said there

19 would be a point at which public comment is possible and

20 she should watch for directions about it.

21 Q How had you gotten acquainted with the

22 procedure to the point where you were comfortable

23 explaining it to other people?

24 A Well, I had copies of the information about

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1 it right in front of me. We knew the schedule and when
 2 the periods of commentary were allowed, written
 3 commentary, and it had been explained to us by our
 4 attorneys.
 5 Q Are you or is any member of your family
 6 involved in the arts in Peoria?
 7 A My daughter was. She has moved away.
 8 Q Is that how you came to know Ester Cohen?
 9 A Probably.
 10 Q Because my next question then is: Do you
 11 know why she called you as opposed to some other county
 12 official?
 13 A I think she knew my name as a County Board
 14 member through my daughter and knew I was on the County
 15 Board, so she called the one person she did know.
 16 Q Did she express an opinion on the landfill?
 17 A She was opposed to it.
 18 Q Did you express an opinion to her?
 19 A Absolutely not.
 20 Q Did you take her opinion into
 21 consideration?
 22 A It registered when she said it, but that
 23 was it.
 24 Q The next page in your calendar appears to

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1 be the week of January 29th. On January 30th, there's
 2 an entry relating to the landfill expansion. Can you
 3 read that entry into the record, please?
 4 A "Harold Reinsma," R-e-i-n-s-m-a, "243-5290.
 5 The drop site, concern over liner long-term, civil
 6 engineer, in opposition."
 7 Q Why did you write his phone number down?
 8 A Because, when people call, before they even
 9 start talking to me, if it's going to be a County Board
 10 thing, I ask them for a phone number so that if I want
 11 to get back to them, if I need to, I have the number and
 12 I don't have to look it up.
 13 Q You did not do that in the case of Ester
 14 Cohen, though, or Mayvis Young?
 15 A No. But Mr. Reinsma said he lived in my
 16 district.
 17 Q He identified himself as one of your
 18 constituents?
 19 A Yes.
 20 Q Had you ever met him before this phone
 21 call?
 22 A I don't remember him; but his children were
 23 in school with mine at Dunlap, so he did know of me.
 24 Q Did you ever have any conversation with him

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1 other than on this one occasion?
 2 A No.
 3 Q What did you do with this information that
 4 he provided you other than write it down?
 5 A I just wrote it down and listened politely
 6 and told him that, you know, I could not discuss it, the
 7 hearing would be coming up.
 8 Q The next calendar page appears to be the
 9 week of April 2nd. What happened to the months of
 10 February and March?
 11 A I didn't have any calls, so I didn't copy
 12 my whole calendar for you.
 13 Q So you only copied those pages that
 14 reflected landfill-related calls?
 15 A Right.
 16 Q Is your testimony that every call you got
 17 is noted on your calendar?
 18 A Yes.
 19 Q Did you ever receive calls on your cell
 20 phone?
 21 A I don't -- I have a cell phone which I
 22 never have on, and I keep it in my purse for emergencies
 23 and nobody knows my number.
 24 Q Directing your attention to the notation at

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1 the bottom of Thursday, April 6th, what does that say?
 2 A That's my husband's handwriting.
 3 "Blumenshine called" -- and now I can't --
 4 Q Actually, you're looking at the 8th. I'm
 5 on April 6th.
 6 A Oh, I'm sorry. April 6th. This is,
 7 "Mom" -- my son did write this one, I guess -- "call Tom
 8 Riggerbach," then the number, "687-3892." That was one
 9 call. Beneath it, "Bernard Hoffmeyer, ag lab, 30 years,
 10 opposes landfill." He was another person.
 11 Q Is that your writing on Bernard Hoffmeyer?
 12 A Yes. That is mine.
 13 Q Then, if we go down to the 8th of April,
 14 what's that first notation there?
 15 A "Call Tom Hoerr."
 16 Q "Re landfill," right?
 17 A Yes.
 18 Q Who's Tom Hoerr?
 19 A He is a businessman in Dunlap with the
 20 nursery.
 21 Q Did you, in fact, call him?
 22 A I returned his call.
 23 Q And is that reflected anywhere in your
 24 notes?

1 A What? The substance --
 2 Q The returned call.
 3 A No. It isn't reflected. See, I checked it
 4 off there -- that means I returned it -- in front of the
 5 word "call."
 6 Q Would you have returned the call the same
 7 day?
 8 A Probably.
 9 Q What did Mr. Hoerr express to you regarding
 10 the landfill?
 11 A He talked about it, and I'm trying to think
 12 of what his opinion was. It may have been could go
 13 either way, that he would not be -- I think that was it,
 14 that he would not be averse to seeing it granted. He
 15 could see things on both sides. That was about it.
 16 Q Then, at the bottom of the page is a
 17 notation of, it looks like, "Blumenshine called"?
 18 A That's right. And I cannot read my
 19 husband's -- "32" -- something -- "stand on this one,
 20 show the landfill doesn't" -- I have no idea what all
 21 that means. I did probably return the call. I'm not
 22 sure if that's a little check next to it or not.
 23 Q On the -- if we go up the page a little
 24 bit, there's a notation on the 7th. Can you read that

1 proponents were not supposed to be contacting County
 2 Board members outside of the hearing?
 3 A Yes, because they were really the
 4 litigants. I did not see these other people who were in
 5 opposition here as individuals as litigants.
 6 Q Well, you were aware that the Sierra Club
 7 was actually a registered objector at the hearing?
 8 A I didn't know they were registered.
 9 Q Well, you're saying you're not aware that
 10 the Sierra Club signed up as an objector and had an
 11 attorney who cross-examined witnesses?
 12 A Yes.
 13 Q And that the Peoria Families Against Toxic
 14 Waste group did the same thing?
 15 A Yes. I did know that.
 16 Q But your position is you did not perceive
 17 either the Sierra Club or the Peoria Families Against
 18 Toxic Waste as being litigants?
 19 A At that time, they were opposing it; but I
 20 guess I didn't.
 21 Q Am I also correct then that, while you
 22 understood the prohibition against proponents contacting
 23 board members outside the hearing, you did not
 24 understand that it applied to opponents?

1 for us?
 2 A "Nan Powers, Rick Growey, Harold call the
 3 bank."
 4 Q Rick Growey, who's he?
 5 A I don't even know. Oh, Rick Growey. I
 6 don't know what that was about. I'm sorry. I can't
 7 remember. I don't think it was the landfill.
 8 Q Did you call Joyce Blumenshine back?
 9 A I probably did. Uh-huh.
 10 Q How many times would you say you spoke to
 11 her on the phone during this hearing process?
 12 A Oh, two or -- probably two, at least these
 13 two.
 14 Q And she always initiated the contacts?
 15 A Yes. I never called.
 16 Q Was it your understanding that the
 17 litigants, meaning the actual parties in the hearing,
 18 were not supposed to be contacting board members outside
 19 of the hearing process?
 20 A You mean the proponents and the opponents?
 21 Clarify that.
 22 Q Yeah. That's correct.
 23 A I'm not sure.
 24 Q Well, was it your understanding that the

1 A Well, the opponents had been sending all of
 2 this material to us through the mail and even forwarded
 3 e-mails from the County. So we were getting things from
 4 them all the time sent out by the County Board to us.
 5 Q It never occurred to you that that was
 6 against the rules?
 7 A Why would they -- I guess no.
 8 Q Did it ever seem to you that it was strange
 9 that the applicant couldn't talk to you but that the
 10 opponents could?
 11 A I was listening to the applicant talk to me
 12 every time they testified at the hearing.
 13 Q Well, but the applicant didn't talk to you
 14 outside the hearing?
 15 A No.
 16 Q You never got any e-mails from PDC, did
 17 you?
 18 A No.
 19 Q You never got any letters from PDC, did
 20 you?
 21 A No.
 22 Q You did get e-mails, letters, and fliers
 23 from the Sierra Club, though, didn't you?
 24 A Yes.

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1 Q And you did get e-mails, letters, and
 2 fliers from Peoria Families Against Toxic Waste?
 3 A Yes.
 4 Q And the same would be true for River
 5 Rescue?
 6 A Yes.
 7 Q Now, when you say that you were having
 8 e-mails forwarded to you by the County, can you
 9 elaborate on what you mean by that process? I'm not
 10 sure I understand exactly what you're saying.
 11 A When mail comes to the County Board office
 12 for the County Board members, whether it's an e-mail or
 13 direct mail or whatever, those things with our names are
 14 put in our mailboxes; and if we're not in there to pick
 15 them up directly, at the end of the week, the
 16 secretaries pick up each of our stacks of mail and mail
 17 them to us. So I was getting correspondence from --
 18 about all these things right out of the County Board
 19 office.
 20 Q The County Board office, though, doesn't
 21 screen your mail, do they?
 22 A No.
 23 Q They forward on everything that comes to
 24 you figuring it's your business to determine whether

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1 it's important or not?
 2 A Uh-huh.
 3 Q And that being the case, you still thought
 4 that because the County was forwarding mail to you that
 5 that somehow made those communications legitimate and by
 6 the rules?
 7 A I just accepted them as coming from the
 8 office.
 9 Q Let's move to the week of April 9th on your
 10 calendar. The notation on April 10th is, "Ester Cohen
 11 called in opposition to PDC expansion," correct?
 12 A Uh-huh.
 13 Q Anything else you remember about that
 14 conversation?
 15 A It was just identical to a call she had
 16 made earlier, just repeated the same thing. I just
 17 listened, said, "Thank you."
 18 Q Can you read for us the notation on April
 19 14th?
 20 A "Carol Schafer called, re PDC. They live
 21 in area west of landfill, oppose it."
 22 Q Is she one of your constituents?
 23 A No, not where she lives.
 24 Q Do you know her?

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1 A I know her.
 2 Q How do you know her?
 3 A She goes to my church.
 4 Q What church is that, ma'am?
 5 A Grace Presbyterian Church.
 6 Q Did you ever have any conversations with
 7 anyone at Grace Presbyterian Church regarding the
 8 landfill?
 9 A No. I didn't bring it up, didn't discuss
 10 it with people.
 11 Q Did anyone ever bring it up to you?
 12 A Well, like this call from Carol, that was
 13 about it.
 14 Q We've exhausted phone calls; am I correct?
 15 A Well, there's some reason that this next
 16 page is on here.
 17 Q Other than phone calls, did you receive any
 18 face-to-face verbal communications?
 19 A People a couple of times raised -- started
 20 to raise the issue, and I said, "I am sorry. I cannot
 21 discuss this," and just stopped conversations, just a
 22 couple of times.
 23 Q Did you have any conversations with Board
 24 Member Elsasser about the proposed expansion?

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1 A Yes. Once the testimony of everything
 2 closed, we were told that we could talk about this to
 3 each other. And I did speak with Mr. Elsasser.
 4 Q Do you remember when and where that
 5 conversation took place?
 6 A I think -- usually like at a committee
 7 meeting, if we were -- a lot of people were together.
 8 Sometimes people spoke afterwards because they were just
 9 in proximity.
 10 Q And do you remember what Mr. Elsasser said
 11 to you?
 12 A Raising questions about some of the
 13 concerns over the project.
 14 Q Did you express an opinion to him?
 15 A Probably. We just kind of discussed back
 16 and forth pros and cons.
 17 Q Did you tell him how you were going to
 18 vote?
 19 A Toward the very end of the time, I probably
 20 did.
 21 Q And did he tell you how he was going to
 22 vote?
 23 A He had pretty much alluded to his position.
 24 Q Which was negative, correct?

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1 A Yes.

2 Q Was there then, during this period after

3 the hearings closed, a process whereby a coalition of

4 board members who were opposed to the expansion formed?

5 A No.

6 Q Did Dave Williams ever talk to you about

7 your views on the expansion?

8 A Maybe once.

9 Q And do you recall when that was?

10 A Right at the very end, before the vote,

11 before the final vote.

12 Q Was that for the purpose of soliciting your

13 support with his position?

14 A No.

15 Q What did he say to you?

16 A I think he just said what he was going to

17 do, and it wasn't any solicitation.

18 Q In Mr. Brown's summary of what he believes

19 your interrogatory answers would be, he mentions that

20 you avoided talking about the application until after

21 the hearings?

22 A Right.

23 Q After the hearings, did you feel you were

24 free to talk about the application with anyone?

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1 A With the fellow board members.

2 Q Did you continue to note phone calls that

3 you would have gotten even after the hearings had

4 closed?

5 A Yes. There's one here from Tim Rigenbach

6 that was the 6th. Maybe it was the day of the hearing.

7 Q Let's change course here briefly. Do you

8 have any specialized knowledge regarding landfills?

9 A Specialized knowledge.

10 Q Meaning knowledge other than what you

11 learned at the hearings. At this point, you do have

12 specialized knowledge, but you came by it the hard way?

13 A Right.

14 Q Other than what you learned at the

15 hearings, do you have any specialized knowledge about

16 landfills?

17 A Well, having served on the County Board for

18 a number of years and been on committees that followed

19 the business of the City-County landfill, I do know of

20 that. Health Committee supervises that.

21 Q Have there been any operational problems

22 with the City-County landfill that cause you concern?

23 A At one point, there was a suggestion that

24 we incorporate organic matter in the landfill, the

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1 City-County landfill, and I was opposed to that.

2 Q Do you have any specialized knowledge

3 outside of what you've learned at the hearings regarding

4 hazardous waste?

5 A No.

6 Q Have you ever been or are you now a member

7 of any environmental or other group that has

8 environmental lobbying or education as part of its

9 mission?

10 A No.

11 Q Have you ever received any campaign

12 contributions from any such groups?

13 A No.

14 Q Did you receive anything of value from

15 anyone during these hearings other than a plant left on

16 your doorstep?

17 A No.

18 MR. BROWN: Other than the specialized

19 knowledge about landfills.

20 MR. MUELLER: That's of dubious value,

21 Mr. Brown.

22 MR. BROWN: Sorry about the interruption.

23 MR. MUELLER: Not a problem.

24 MR. BROWN: Just couldn't pass it up.

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1 BY MR. MUELLER:

2 Q Have you ever been to a meeting or function

3 sponsored by the Heart of Illinois Sierra Club?

4 A No.

5 Q Have you ever been to a meeting or function

6 sponsored by the Peoria Families Against Toxic Waste?

7 A No.

8 Q Do you know whether you or any member of

9 your immediate family has ever made a contribution or

10 donation to either of those groups?

11 A No.

12 Q No, you don't know; or no, they have not?

13 A No, they have not.

14 Q Have you ever been to a meeting or function

15 of the Citizens for our Environment or River Rescue?

16 A No, I have not.

17 Q Do you know whether any member of your

18 family has?

19 A No one has.

20 Q Do you know Jeff Akeson?

21 A Jeff Akeson?

22 Q He's a doctor, I believe.

23 A Well, I don't know him personally.

24 Q Do you know of him?

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1 A I know -- the name is familiar to me, but I
 2 do not know him.
 3 Q Have you ever met him to your knowledge?
 4 A No.
 5 Q Do you know Beth Akeson?
 6 A I'm trying to think. Certainly not well.
 7 I mean, she's not somebody I --
 8 Q Is that in the case of name sounds
 9 familiar --
 10 A Yes.
 11 Q -- but you can't be more specific now?
 12 A Yeah.
 13 Q Do you know Tessie Bucklar or Tom Bucklar?
 14 A No.
 15 Q Do you know Bill Cook?
 16 A No.
 17 Q Do you know Cindy McLean?
 18 A No.
 19 Q Do you know Lisa or Peter Offutt?
 20 A No.
 21 Q Do you know Chris Ozuna-Thornton?
 22 A No.
 23 Q Do you know Jean or Elmo Roach?
 24 A No.

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1 Q Do you know Cara Rosson?
 2 A No.
 3 Q Do you know Bill Rutherford?
 4 A I know Bill Rutherford.
 5 Q How do you know Mr. Rutherford?
 6 A Through years in the community.
 7 Q Do you consider him a friend?
 8 A Not a friend, an acquaintance.
 9 Q Did you ever have any conversations with
 10 him regarding the proposed expansion?
 11 A No.
 12 Q Do you know Amy Schlicksup?
 13 A Know of the name, but I don't know her.
 14 Q Do you know Dr. Bill Scott?
 15 A No.
 16 Q Do you know Cathy Stevenson?
 17 A No.
 18 Q Do you know Diana Storey?
 19 A No.
 20 Q And you indicated that you do know Mayvis
 21 Young, correct?
 22 A Yes.
 23 MR. MUELLER: If we can have a short break,
 24 I'm almost done.

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1 MR. BROWN: Okay.
 2 (Recess in proceedings from 2:11 p.m.
 3 to 2:16 p.m.)
 4 BY MR. MUELLER:
 5 Q At any time, Mrs. Trumpe, between November
 6 9th, 2005, and May 3rd, 2006, did anyone come to your
 7 home for the purpose of expressing their opinion on the
 8 application or encouraging you to vote a certain way?
 9 A No.
 10 Q Let me run through a list of names again,
 11 and this time my question isn't whether or not you know
 12 these individuals but, rather, whether or not you have
 13 ever met them.
 14 A Okay.
 15 Q Stop me if I mention someone who you have
 16 met.
 17 A Okay.
 18 Q I believe Dr. Lorenz you said yes?
 19 A I shook his hand. Yes.
 20 Q John McLean?
 21 A No.
 22 Q Dr. Vidas?
 23 A No.
 24 Q Dr. Zwicky?

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1 A No.
 2 Q Dr. Parker McRae?
 3 A No.
 4 Q Dr. Steven Smith?
 5 A No.
 6 Q Beth Akeson?
 7 A No. The reason I remembered that name was
 8 that it was on those letters. That's how I --
 9 Q That's the reason I asked about it.
 10 A Okay.
 11 Q Jeff Akeson?
 12 A No.
 13 Q Joyce Blumenshine is a yes?
 14 A Yes.
 15 Q Tessie Bucklar?
 16 A No.
 17 Q Tom Bucklar?
 18 A No.
 19 Q Kim Converse?
 20 A No.
 21 Q Ted Converse?
 22 A No.
 23 Q Ralph Converse?
 24 A I have met Ralph Converse but --

1 Q In what context?
 2 A Simply because he's a businessman, and
 3 someplace back through my Peoria history I was
 4 introduced to him.
 5 Q Jane Converse, the same?
 6 A Yeah.
 7 Q Bill Cook?
 8 A No.
 9 Q Tom Edwards?
 10 A Years ago he came on the scene.
 11 Q You've never had any personal dealings with
 12 him, though?
 13 A No.
 14 Q He's always been on the scene in promoting
 15 issues, I presume?
 16 A Right.
 17 Q Cindy McLean?
 18 A No.
 19 Q Lisa Offutt?
 20 A No.
 21 Q Peter Offutt?
 22 A No.
 23 Q Chris Ozuna-Thornton?
 24 A No.

1 PEORIA DISPOSAL COMPANY,)
 2 Petitioner,)
 3 vs.) No. PCB 06-184
 4 PEORIA COUNTY BOARD,)
 5 Respondent.)
 6
 7 I hereby certify that I have read the
 8 foregoing transcript of my deposition given on September
 9 13, 2006, at the time and place aforesaid, consisting of
 10 pages 1 through 54, inclusive, and I do again subscribe
 11 and make oath that the same is a true, correct, and
 12 complete transcript of my deposition so given as
 13 aforesaid.
 14
 15 Please check one:
 16 I have submitted errata sheet(s).
 17 No corrections were noted.
 18
 19 CAROL TRUMPE
 20
 21 SUBSCRIBED AND SWORN TO
 22 before me this day
 23 of , A.D. 2006.
 24
 25 Notary Public
 26 My Commission expires _____

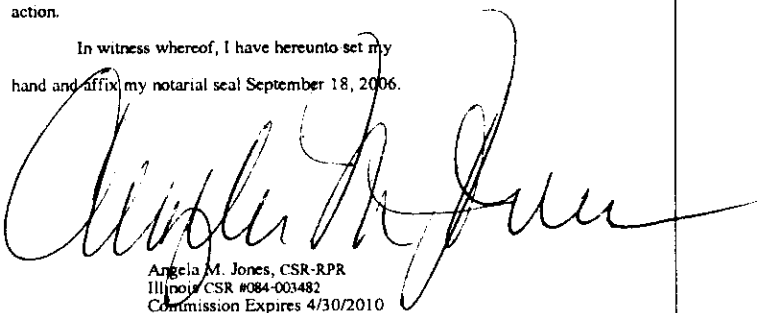
1 Q Elmo Roach?
 2 A No.
 3 Q Jean Roach?
 4 A No.
 5 Q Cara Rosson?
 6 A No.
 7 Q Amy Schlicksup?
 8 A No.
 9 Q Bill Scott?
 10 A No.
 11 Q Cathy Stevenson?
 12 A No.
 13 Q Diane Storey?
 14 A No.
 15 MR. MUELLER: Okay. Thank you very much.
 16 I have no further questions.
 17 2:20 P.M.
 18
 19
 20
 21 (Further deponent saith not.)
 22
 23
 24

1 STATE OF ILLINOIS)
 2) SS
 3 COUNTY OF TAZEWELL)
 4
 5 CERTIFICATE
 6
 7 I, Angela M. Jones, CSR-RPR, a Notary
 8 Public duly commissioned and qualified in and for the
 9 County of Tazewell, State of Illinois, do hereby certify
 10 that there came before me on September 13, 2006, at 416
 11 Main Street, Suite 1400, Peoria, Illinois, the following
 12 named person, to wit:
 13 CAROL TRUMPE,
 14 a witness, who was by me first duly sworn to testify to
 15 the truth and nothing but the truth of her knowledge
 16 touching and concerning the matters in controversy in
 17 this cause, and that she was thereupon carefully
 18 examined upon her oath and her examination reduced to
 19 shorthand by means of stenotype and thereafter converted
 20 to typewriting using computer-aided translation by me.
 21 I also certify that the deposition is a
 22 true record of the testimony given by the witness.
 23 I further certify that I am neither
 24 attorney or counsel for nor related to or employed by
 any of the parties to the action in which this

1 deposition is taken, and further that I am not a
 2 relative or employee of any attorney or counsel employed
 3 by the parties hereto or financially interested in the
 4 action.

5 In witness whereof, I have hereunto set my
 6 hand and affix my notarial seal September 18, 2006.

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Angela M. Jones, CSR-RPR
 Illinois CSR #084-003482
 Commission Expires 4/30/2010



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Exhibit 11

BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,)	
)	
Petitioner,)	
)	
-vs-)	NO. PCB 06-184
)	
PEORIA COUNTY BOARD,)	
)	
Respondent.)	

The deposition of WILLIAM WATKINS, JR., a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Friday, September 15th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 1:00 p.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE
 528 Columbus Street, Suite 204
 Ottawa, Illinois 61350

and

JANAKI NAIR, ESQUIRE
 BRIAN J. MEGINNES, ESQUIRE
 Elias, Meginnnes, Riffle & Seghetti, P.C.
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 Peoria, Illinois 61602
 on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE
 Black, Black & Brown
 101 South Main Street
 Morton, Illinois 61550
 on behalf of the Respondent;

ALSO PRESENT:
Royal Coulter.

I N D E X

WITNESS

WILLIAM WATKINS, JR.

Examination by Mr. Mueller pg. 3

EXHIBITS

None marked.

1 WILLIAM WATKINS, JR.
 2 a material witness herein, being duly sworn, was
 3 examined and testified as follows:
 4 EXAMINATION
 5 BY MR. MUELLER:
 6 Q Would you state your name, please?
 7 A William Watkins, Jr.
 8 Q Let the record show this is the discovery
 9 deposition of William Watkins, Jr., taken pursuant
 10 to notice, by agreement of parties.
 11 Have you ever had your deposition taken
 12 before?
 13 A No.
 14 Q Let me go through a couple simple ground
 15 rules that will make life easier for us. First of
 16 all, everything that I say and that you say is
 17 being taken down by a court reporter and will be
 18 transcribed.
 19 What that means is that only one of us can
 20 talk at a time. So I will wait for you to finish
 21 your answers and, hopefully, you'll wait for me to
 22 finish my questions and we won't talk over each
 23 other.
 24 Also, she can't take down gestures or other

1 A 674-0566.
 2 Q Mr. Watkins, do you have E-mail in your
 3 home or just in your county office?
 4 A Just in the county office.
 5 Q Do you read that E-mail on a regular basis?
 6 A No.
 7 Q Do you ever check your county E-mail?
 8 A Yes, I do.
 9 Q Well, we've actually had some people that
 10 said they never check it.
 11 A I won't say that.
 12 Q What is your educational background?
 13 A Well, I went to college, high school.
 14 Q Where did you go to college?
 15 A Grand View in Des Moines, Iowa.
 16 Q Did you graduate?
 17 A No.
 18 Q Now, I understand that you are a member of
 19 the Greater Peoria Sports Hall of Fame, is that
 20 correct?
 21 A Yes.
 22 Q Tell me a little bit about your athletic
 23 background then.
 24 A Do you want me to take two hours?

1 nonverbal communications. So we need to keep
 2 everything in terms of spoken words. Is that all
 3 clear?
 4 A Uh-huh.
 5 Q One of the other rules is that answers like
 6 uh-huh and huh-uh sometimes are hard to get down in
 7 the transcript. So it usually works better to do
 8 yes and no.
 9 A Yes and no, okay.
 10 Q If I ask you a question, I'm going to
 11 assume that you understood it and intended the
 12 answer if you don't have me rephrase it, is that
 13 fair?
 14 A Fair.
 15 Q Mr. Watkins, you understand that you are
 16 under oath?
 17 A Yes.
 18 Q What is your address, sir?
 19 A 125 Southwest Jefferson.
 20 Q How long have you lived at that address?
 21 A About 10 years.
 22 Q Do you have a cell phone, sir?
 23 A No.
 24 Q What is your home telephone number?

1 Q I understand if you're in the Hall of Fame,
 2 you probably could. If you could give us the short
 3 version.
 4 A Well, I played for Manual, went downstate,
 5 played in college. Years ago, they had a CBA team,
 6 I played with that team. There was a baseball
 7 team, negro league, and played with them guys for a
 8 little while.
 9 Q Are you involved in youth sports these
 10 days?
 11 A Yes, I am.
 12 Q In what capacity, sir?
 13 A Well, I'm the founder of the Hershey
 14 Hawkins Basketball, one of the founders of the
 15 Moonlight Basketball League.
 16 Q Do you do any coaching in connection with
 17 any of those basketball leagues?
 18 A Well, sometime if the coaches don't show
 19 up, I go out there and try to do my part, try to
 20 participate and help as much as I can.
 21 Q Are you employed at the present time?
 22 A I work for Brewers Distributing,
 23 consulting.
 24 Q What are your main job duties in that

1 company?
 2 A Well, I do some marketing. When I can make
 3 a sale, I make a sale.
 4 **Q Now, how long have you worked with that**
 5 **company?**
 6 A About 24, 25 years.
 7 **Q What do they distribute?**
 8 A Anheuser-Busch products. Bud, Bud Light,
 9 Michelob, Michelob Light.
 10 **Q Actually, I'm familiar with their products.**
 11 **Now, Mr. Watkins, are you married, sir?**
 12 A Yes, I am.
 13 **Q Is your wife employed outside the home?**
 14 A Secretary of State Office.
 15 **Q How long has she worked for the Secretary**
 16 **of State Office?**
 17 A Probably about three and a half, four
 18 years.
 19 **Q Do you have any adult children that live in**
 20 **the Peoria area?**
 21 A I've got two.
 22 **Q Where do they work?**
 23 A Well, one's a consultant, one works at
 24 Caterpillar.

1 **Q Did you have an opposition in 2004?**
 2 A No.
 3 **Q I take it you're the Democratic party?**
 4 A As I know of.
 5 **Q Mr. Watkins, did you attend the siting**
 6 **hearings that were held on this land expansion?**
 7 A What was the question?
 8 **Q Did you attend the siting hearings?**
 9 A At the ITOO Hall?
 10 **Q Yes.**
 11 A Yes.
 12 **Q How many of those did you attend?**
 13 A I think about a couple of them on my own
 14 until I had to go out there and be with the county
 15 board.
 16 **Q Well, I'm talking about before that last**
 17 **county board meeting. How many of the hearings did**
 18 **you come to?**
 19 A Probably either one or two.
 20 **Q Did you happen to remember anybody who was**
 21 **testifying on the days that you were there?**
 22 A Mr. Edwards.
 23 **Q That pins it down a little bit. Anybody**
 24 **else's testimony that you can recall being present**

1 **Q The one that's a consultant for who?**
 2 A I think it's White Oaks.
 3 **Q For who?**
 4 A White Oaks.
 5 **Q What do they do?**
 6 A They usually deal with a lot of drug
 7 people.
 8 **Q Do you have any immediate family members**
 9 **who work for any of the hospitals or doctors in the**
 10 **community?**
 11 A Well, I have a big family. As of now, no.
 12 **Q You're a member of the Peoria County Board?**
 13 A Yes.
 14 **Q How long have you been on the board?**
 15 A About 10 years.
 16 **Q Are you running for reelection in the fall**
 17 **or are you in the middle of the term?**
 18 A I most likely run in 2008.
 19 **Q So you're in the middle of the term right**
 20 **now?**
 21 A Yes.
 22 **Q Has anyone announced yet to be a candidate**
 23 **against you in 2008?**
 24 A Not as I know of.

1 for?
 2 A The lady named Blumenshine.
 3 **Q For hearings that you didn't attend, were**
 4 **you given transcripts of those?**
 5 A I can't recall that.
 6 **Q So would it be fair to say that you did not**
 7 **read any hearing transcripts?**
 8 A Well, you know, there was so much stuff to
 9 read I could have and I might not.
 10 **Q As you sit here now, Mr. Watkins, do you**
 11 **specifically remember reading any hearing**
 12 **transcripts?**
 13 A Well, that's kind of hard because I read so
 14 much stuff.
 15 **Q Well, I know you got a lot of mail, but**
 16 **what I'm talking about is every hearing that we had**
 17 **everything that was said by everybody at that**
 18 **hearing was typed up, and that's what's called a**
 19 **transcript. So you can, like, read it**
 20 **question-answer, and it's just as if you were**
 21 **there.**
 22 **Do you remember doing that with regard to**
 23 **any of the hearings?**
 24 A Offhand, I really don't think so.

1 **Q The county staff prepared two different**
 2 **reports on the application and the hearings.**
 3 **Did you get copies of those reports from**
 4 **the county staff?**
 5 A If they had them, most likely I did.
 6 **Q Do you remember as you sit here what the**
 7 **recommendation of the county staff was?**
 8 A If my memory's correct, I think they
 9 approved it.
 10 **Q When the hearings were going on, what was**
 11 **your understanding of what kind of contact you**
 12 **could have with the public and your constituents**
 13 **about the expansion?**
 14 A Well, as time went, we got orders from the
 15 attorney that we could not listen to nobody.
 16 **Q That you could not listen to anybody or**
 17 **that you couldn't talk to anybody?**
 18 A Well, I say listen or talk.
 19 **Q Okay. Do you remember when -- you said as**
 20 **time went. When did you get those orders as you**
 21 **recall?**
 22 A In the executive meeting.
 23 **Q Was that before the hearings started or**
 24 **after they were already going?**

1 A I don't remember that.
 2 **Q Were there people that came up to you to**
 3 **talk to you about their opinions regarding the**
 4 **landfill expansion?**
 5 A Yes.
 6 **Q Do you remember the names of any of those**
 7 **people that approached you to talk about it?**
 8 A I tell you what, this is probably one of
 9 the most controversy thing that I ever deal with in
 10 all my years of Peoria. I tell you a lot of people
 11 that I know by name, a lot of people I know by
 12 their face on the positive side that I know and the
 13 negative side that I know. There were so many
 14 different names that asked me about it, if I voted
 15 yes or no.
 16 **Q Well, one of the board members that we**
 17 **deposed said that among the people that approached**
 18 **him the sentiment was running about 90 percent**
 19 **opposed and 10 percent in favor.**
 20 **Would that be about right with what you**
 21 **heard?**
 22 A I would say mine was about 60 percent
 23 negative and 40 percent positive.
 24 **Q The same board member that said it was**

1 **running 90 to 10 said he kind of kept a tally of**
 2 **that because he used that information, that**
 3 **information helped him make his decision.**
 4 **Now, do you -- did you understand that it**
 5 **was appropriate to take the views that were**
 6 **expressed to you into account?**
 7 A No. I always like to wait and hear
 8 everybody else's opinion before I make up any
 9 regardless of who it is.
 10 **Q But when you finally made up your decision,**
 11 **was it your understanding that you could take into**
 12 **account all of those opinions from people that had**
 13 **expressed them to you?**
 14 A Give me that question again.
 15 **Q You said you like to wait until you've**
 16 **heard everybody's opinion before you make up your**
 17 **mind, right?**
 18 A Right.
 19 **Q Does that mean then that you took all --**
 20 **that you thought it was appropriate to take all of**
 21 **those opinions into account?**
 22 A Well, I listened, but I didn't make up my
 23 mind. As I was saying, as far as really making up
 24 my mind, I really didn't make up my mind until I

1 started asking questions. That's when I made up my
 2 mind.
 3 **Q Who were you asking questions to?**
 4 A When I was out to the ITOO Hall and I had a
 5 chance to ask some questions that I wanted to know
 6 about what I feel that I wanted to know after
 7 hearing everybody else talk, but I had certain
 8 questions in there that I asked that I wanted to
 9 know and they couldn't give me the answers that I
 10 wanted to hear.
 11 **Q Who were the people that you asked those**
 12 **questions to?**
 13 A I can't remember those names.
 14 **Q I mean, was it staff people or was that**
 15 **witnesses?**
 16 A I think it was most likely probably
 17 witnesses. Did you guys have some lawyers there?
 18 **Q I was one of them.**
 19 A Okay.
 20 **Q When you said that you asked questions and**
 21 **you didn't get the answers you wanted to hear,**
 22 **that's how you made up your mind, I'm trying to**
 23 **figure out who it is that didn't give you the**
 24 **answers you wanted to hear?**

1 A Well, I tell you my concern was --
2 MR. BROWN: I'm going to object here
3 or intercede. We're starting to get into his
4 decision-making process which I know your question
5 didn't necessarily go toward that, but I think he's
6 going into how he made his decision.

7 MR. MUELLER: You cannot, Mr. Brown,
8 tell your witness what to say. You can object to
9 an improper question.

10 Mr. Watkins volunteered that he didn't get
11 the answers he wanted to hear. My question is who
12 did he get those answers from. I think that's a
13 fair question.

14 MR. BROWN: I understand.

15 BY MR. MUELLER:

16 **Q Do you think it's a fair question,
17 Mr. Watkins?**

18 A Well, what I'm trying to say is I don't
19 remember the person that I was talking to, but I
20 think it was a lawyer or something like that that
21 was with you guys. The question I was asking they
22 couldn't really give me the answer that I wanted to
23 hear.

24 **Q Now, before the county -- somebody from the**

1 **Q How about a Kim Converse?**

2 A If I did, I can't place the name.

3 **Q How about Cathy Stevenson? Can you place
4 her as making a call to you?**

5 A No.

6 **Q Do you know Joyce Blumenshine?**

7 A Just on order -- when they started coming
8 to the county board meetings.

9 **Q Other than that, have you ever had any
10 dealings with her outside the county board?**

11 A No.

12 **Q Were there any of these people that were
13 involved in this process in the way of citizens and
14 opponents that you ever had any dealings with
15 outside of your job as a county board member?**

16 A Well, I know Dave Snell real well.

17 **Q Dave who?**

18 A Dave Snell, used to be the sports director
19 for Channel 31.

20 **Q Did he express to you an opinion about the
21 proposed expansion?**

22 A Yes.

23 **Q What was the opinion that he had?**

24 A Vote for it.

1 **county, you said an attorney, told you not to be
2 listening to people from the public, had you been
3 talking to members of the public about this?**

4 A No, not really.

5 **Q Have you ever gotten any contributions from
6 any doctors, hospitals or medical societies?**

7 A No, I wish I had.

8 **Q Have you or to your knowledge any members
9 of your family ever been treated by a Dr. McLean, a
10 Dr. Vidas, a Dr. Zwicky, a Dr. Parker McRae,
11 Dr. Smith, Dr. McGee or Dr. Scott? Any of those
12 ring a bell?**

13 A Well, they don't ring a bell, but my mother
14 and dad passed, both of them not living. I can't
15 remember all the doctors that they had, but those
16 names are not familiar to me at all.

17 **Q How about a Dr. Lorenz?**

18 A No.

19 **Q Did you get a lot of phone calls about this
20 expansion?**

21 A Yes.

22 **Q Do you remember any of the specific people
23 you got phone calls from?**

24 A I think Blumenshine, Edwards.

1 MR. MUELLER: Let me take about a
2 three- or four-minute break, and we're going to try
3 to wrap this up very quickly.

4 (Recess in proceedings.)

5 BY MR. MUELLER:

6 **Q While this whole process was going on, did
7 anybody ever come to your house to talk to you
8 about your vote or give you anything?**

9 A Yes.

10 **Q Who's that?**

11 A Blumenshine and Edwards.

12 **Q They get around.**

13 A Yes, they do. They really do.

14 **Q Do you know Edwards outside of the county
15 board stuff?**

16 A No. The only thing I know about him I used
17 to see him come to city council and talk on TV.

18 That's the only thing I know about him. He comes
19 to the county board meetings all the time.

20 **Q You live in the Twin Towers there?**

21 A Yes.

22 **Q Is there a homeowner's association that
23 meets on a regular basis?**

24 A Yes.

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1	Q Do you remember going to a meeting of that	1	Q Jeff Akeson?
2	homeowner's association about a week or two before	2	A What was that one?
3	the final vote in this case?	3	Q Jeff Akeson?
4	A I didn't go because if I had went they	4	A No.
5	would have tried to sway my vote. That's why I	5	Q Tessie Bucklar or Tom Bucklar?
6	didn't go.	6	A No.
7	Q So you didn't go to a meeting?	7	Q Kim Converse or Ted Converse?
8	A I stayed away from them. I know what they	8	A No.
9	were trying to do. They see me walk in, they try	9	Q Ralph Converse or Jane Converse?
10	to talk. I kept on going.	10	A No.
11	Q Who's they?	11	Q Bill Clark?
12	A Well, there was a Dr. Crane. I think he --	12	A No.
13	I think he was leading the fight. I think he was	13	Q Joyce Harant?
14	on the board down there.	14	A Joyce Harant, is she a doctor?
15	Q Anybody else?	15	Q My question is do you know her?
16	A He didn't say nothing to me, but I know he	16	A Yes.
17	was leading the charge. As a matter of fact, I	17	Q How do you know her?
18	wouldn't even let my wife go.	18	A I think I met her on a campaign trail. She
19	Q Now, did any county board members ever call	19	was running for something and she was sitting at
20	you to talk to you about your vote on this thing?	20	the same table I was sitting at.
21	A No.	21	Q Did she ever talk to you about this case?
22	Q Did you talk to any of them?	22	A No.
23	A No. They were very, very secretive.	23	Q How about Mary Harkrader? Did she ever
24	Q Was there a homeowner's association meeting	24	talk to you?
Page 20		Page 22	
1	that you did go to before the final vote, not the	1	A Yes.
2	one right before but an earlier one where you did	2	Q Mary Harkrader did talk to you?
3	get some grief about this?	3	A Yes.
4	A I did not go to none of them that they had.	4	Q When did she talk to you?
5	As a matter of fact, when the association meets	5	A I don't remember, but I know she told me
6	sometimes -- since I've been there about two years,	6	not to vote for it.
7	I think I've been to about two or three meetings.	7	Q She's someone whose opinion you rely?
8	That is about it. I just don't really have the	8	A Well, I'm the type of person the way my mom
9	time. I'm a very busy, young old man.	9	and dad raised me is listen to everybody.
10	Q Mr. Watkins, is there anything else that	10	Q Just take it all into account then in
11	you want to add before we close this up?	11	making up your final mind?
12	A Anything I want to add?	12	A Yes.
13	Q Yes.	13	Q That's what you did here?
14	A No.	14	A Right.
15	Q Let me run through a list of names here. I	15	Q Do you know Lisa Offutt or Peter Offutt?
16	believe we've covered a few, but make sure that you	16	A No.
17	don't -- whether or not you know any of these	17	Q How about John or Cindy McLean?
18	people.	18	A No.
19	How about Beth Akeson?	19	Q Chris Ozuna-Thornton?
20	A No.	20	A No.
21	Q John McLean?	21	Q Elmo Roach or Jean Roach?
22	A No.	22	A No.
23	Q Cindy McLean?	23	Q Cara Rosson?
24	A No.	24	A No.

1 **Q** **Mayvis Young?**
2 A No.
3 **Q** **Diane Storey?**
4 A No.
5 **Q** **Barb Van Auken?**
6 A Yeah. I know Barb.
7 **Q** **She's a city council member, right?**
8 A Right.
9 **Q** **Did she talk to you about this case?**
10 A No.
11 **Q** **Does anybody -- have any of the county**
12 **board members called you about these depositions**
13 **this week?**
14 A No.
15 **Q** **No one contacted you to kind of give you**
16 **any idea what to expect?**
17 A What was it? Yesterday, I ran into -- at
18 the county board meeting, I ran into Phil Salzer.
19 He said, Have they talked to you? He said, Get
20 ready because they're getting ready to drill you.
21 **Q** **Is that all he said?**
22 A Yes.
23 **Q** **Was it that bad today?**
24 A Well, I'm the type of person, hey, I just

1 listen.
2 **Q** **That's all I've got actually. So I've got**
3 **nothing more to drill you with. Thank you.**
4 A I think everybody was real fair, and I
5 tried to be fair myself to the best of my ability.
6
7
8 (Further deponent saith not.)
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<p style="text-align: center;">A</p> <p>Aana 1:11 26:3,22 ability 24:5 about 4:21 5:22 7:6 7:17 8:15 9:13,16 10:16 11:13 12:3 12:7,14,18,20,22 14:6 16:3,17,19 17:1,3,20 18:1,8 18:16,18 19:2,20 20:3,6,7,8,19 21:21,23 22:17 23:9,12 account 13:6,12,21 22:10 actually 5:9 7:10 24:2 add 20:11,12 address 4:18,20 adult 7:19 affix 26:17 aforesaid 25:9,11 26:9,12 after 11:24 14:6 afterwards 26:10 again 13:14 25:10 against 8:23 ago 6:5 agreement 3:10 Akeson 20:19 21:1 21:3 already 11:24 always 13:7 among 12:17 Anheuser-Busch 7:8 announced 8:22 answer 4:12 15:22 answers 3:21 4:5 14:9,21,24 15:11 15:12 anybody 9:20,23</p>	<p>11:16,17 18:7 19:15 23:11 anyone 8:22 anything 18:8 20:10,12 APPEARANCES 1:15 appeared 26:4 application 11:2 approached 12:7 12:17 appropriate 13:5 13:20 approved 11:9 area 7:20 around 18:12 asked 12:14 14:8 14:11,20 asking 14:1,3 15:21 association 18:22 19:2,24 20:5 assume 4:11 athletic 5:22 attend 9:5,8,12 10:3 attorney 11:15 16:1 Auken 23:5 away 19:8</p> <p style="text-align: center;">B</p> <p>background 5:12 5:23 bad 23:23 Barb 23:5,6 baseball 6:6 basis 5:5 18:23 basketball 6:14,15 6:17 before 1:1,11 3:12 9:16 11:23 13:8 13:16 15:24 19:2 20:1,2,11 25:1,20 26:5</p>	<p>behalf 1:20,24 being 3:2,17 9:24 believe 20:16 bell 16:12,13 best 24:5 Beth 20:19 better 4:7 big 8:11 Bill 21:11 bit 5:22 9:23 Black 1:22,22 Blumenshine 10:2 16:24 17:6 18:11 board 1:2,6 8:12,14 9:15,17 12:16,24 17:8,10,15 18:15 18:19 19:14,19 23:12,18 25:2,6 both 16:14 break 18:2 Brewers 6:22 BRIAN 1:18 Brown 1:22,22 15:2,7,14 Bucklar 21:5,5 Bud 7:8,8 busy 20:9</p> <p style="text-align: center;">C</p> <p>call 17:4 19:19 called 1:9 10:18 23:12 calls 16:19,23 came 12:2 campaign 21:18 candidate 8:22 capacity 6:12 Cara 22:23 case 19:3 21:21 23:9 Caterpillar 7:24 Cathy 17:3 cause 26:9</p>	<p>CBA 6:5 cell 4:22 certain 14:7 Certified 26:22 certify 25:8 26:4,8 26:13,14 chance 14:5 Channel 17:19 charge 19:17 check 5:7,10 25:12 children 7:19 Chris 22:19 Cindy 20:23 22:17 citizens 17:13 city 18:17 23:7 Clark 21:11 clear 4:3 close 20:11 coaches 6:18 coaching 6:16 college 5:13,14 6:5 Columbus 1:16 come 9:18 18:7,17 comes 18:18 coming 17:7 commencing 1:12 commission 25:23 26:23 communications 4:1 community 8:10 company 1:3 7:1,5 25:3 complete 25:10 concern 15:1 connection 6:16 consisting 25:9 constituents 11:12 consultant 7:23 8:1 consulting 6:23 contact 11:11 contacted 23:15 contributions 16:5</p>	<p>CONTROL 1:2 25:2 controversy 12:9 Converse 17:1 21:7 21:7,9,9 copies 11:3 correct 5:20 11:8 25:10 26:11 corrections 25:15 Coulter 2:3 council 18:17 23:7 counsel 26:14 county 1:6,11 5:3,4 5:7 8:12 9:14,17 11:1,4,7 15:24 16:1 17:8,10,15 18:14,19 19:19 23:11,18 25:6 26:2,3 couple 3:14 9:13 court 1:10 3:17 covered 20:16 Crane 19:12 CSR 1:11 26:3</p> <p style="text-align: center;">D</p> <p>D 2:5 dad 16:14 22:9 Dave 17:16,17,18 DAVID 1:22 day 25:20 26:17 days 6:10 9:21 deal 8:6 12:9 dealings 17:10,14 decision 13:3,10 15:6 decision-making 15:4 Democratic 9:3 deponent 24:8 deposed 12:17 deposition 1:9 3:9 3:11 25:8,11</p>
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Exhibit 12

BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,)	
)	
Petitioner,)	
)	
-vs-)	NO. PCB 06-184
)	
PEORIA COUNTY BOARD,)	
)	
Respondent.)	

The deposition of DAVID T. WILLIAMS, SENIOR, a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Friday, September 15th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 9:00 a.m.

APPEARANCES:

GEORGE MJELLER, ESQUIRE
528 Columbus Street, Suite 204
Ottawa, Illinois 61350

and

JANAKI NAIR, ESQUIRE
BRIAN J. MEGINNES, ESQUIRE
Elias, Meginnnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE
Black, Black & Brown
101 South Main Street
Morton, Illinois 61550
on behalf of the Respondent;

ALSO PRESENT:
Royal Coulter, PDC;

I N D E X

WITNESS

DAVE WILLIAMS

Examination by Mr. Mueller . . . : . . . pg. 3

EXHIBITS

Williams Deposition Exhibit No. 29 . . . pg. 22

1 DAVID T. WILLIAMS, SR.
 2 a material witness herein, being duly sworn, was
 3 examined and testified as follows:
 4 EXAMINATION
 5 BY MR. MUELLER:
 6 **Q State your full name, please.**
 7 A David T. Williams, Senior.
 8 **Q Let the record show this is the discovery**
 9 **deposition of David Williams, Senior, taken**
 10 **pursuant to notice, in accordance with rules and by**
 11 **agreement of the parties.**
 12 **Mr. Williams, have you ever had your**
 13 **deposition taken before in any case for any reason?**
 14 A Yes, I have.
 15 **Q So you're familiar with the general ground**
 16 **rules and procedures?**
 17 A What I can remember, yes.
 18 **Q The most important part is that we should**
 19 **not talk over each other because the court reporter**
 20 **is taking everything down. Do you understand that?**
 21 A Yes, sir.
 22 **Q Also, nodding and shaking the head cannot**
 23 **be taken down by the reporter. So we need to keep**
 24 **our answers verbal. Is that clear?**

1 shops. I think it's Doran.
 2 **Q Any other children?**
 3 A I have a daughter that lives near Chicago,
 4 Loves Park, Illinois.
 5 **Q You are retired, sir?**
 6 A Retired from Caterpillar, yes.
 7 **Q When did you retire?**
 8 A 1996.
 9 **Q Have you worked at any employment since**
 10 **that time other than on the county board?**
 11 A Yes, I'm a landowner. I have rental units.
 12 **Q How many -- approximately, how many rental**
 13 **units --**
 14 A Fifty units.
 15 **Q Have you ever had any allegations from any**
 16 **of your tenants with regard to lead paint issues?**
 17 A Yes.
 18 **Q Can you tell us about those?**
 19 A It was a tenant on 1501 South Western
 20 Avenue. A child was, like, I believe three years
 21 old, maybe four. They did some testing. The
 22 health department got ahold of us, and we came down
 23 and we repainted the paint, lead removal and it was
 24 okay.

1 A Correct.
 2 **Q Mr. Williams, where do you live?**
 3 A 1913 West Montana Street, Peoria, Illinois,
 4 61605.
 5 **Q How long have you lived at that address?**
 6 A Two and a half years.
 7 **Q What was your address before that?**
 8 A 2617 West Lincoln Avenue, that's Peoria,
 9 61605.
 10 **Q How long did you live at that address?**
 11 A Three years, I believe.
 12 **Q Sir, are you married?**
 13 A Yes.
 14 **Q Do you have any adult children living in**
 15 **Peoria County?**
 16 A Yes.
 17 **Q Are any of them employed -- actually, why**
 18 **don't you tell us what adult children you have**
 19 **living in the county and where they are employed?**
 20 A I have my son David T. Williams, Senior.
 21 He lives in Hanna City and is employed at -- this
 22 is going to be bad. It's the floral wholesale
 23 group of Peoria Heights. I can't think of the name.
 24 He wholesales all the flowers to all the flower

1 It was an older house I bought. The lady
 2 lived there her entire life. It really wasn't
 3 that -- only aware of lead paint at that point.
 4 **Q Did you have the lead paint removed from**
 5 **that apartment?**
 6 A Yes. It was a house, yes.
 7 **Q From that house. Do you know where the**
 8 **residue or the removed material was disposed of?**
 9 A It was sanded down -- and then I think Sam
 10 Churchhill from the Health Department came back --
 11 to the original wood, and then they said you have
 12 to put a certain covering back over it. It was a
 13 windowsill is what the location was.
 14 So they give us two or three things,
 15 application to put on. We did one of them. Then
 16 they came back, and they approved it. It wasn't a
 17 real big area.
 18 **Q So there was actually nothing to dispose**
 19 **of?**
 20 A No, no. Just that paint had been there
 21 since the lady --
 22 **Q Do you have an understanding by the way of**
 23 **where lead based materials would have to be**
 24 **disposed of if there was a sufficient quantity to**

<p style="text-align: right;">Page 7</p> <p>1 dispose?</p> <p>2 A I'm now learning about that, yes.</p> <p>3 Q What have you learned?</p> <p>4 A I learned that you have to have special</p> <p>5 licensed people, licensed from the state where they</p> <p>6 do abatement, they'll do disposal. That's part of</p> <p>7 your cost.</p> <p>8 Q Where do you think they dispose of that</p> <p>9 kind of material?</p> <p>10 A I imagine. I'm guessing --</p> <p>11 Q In a hazardous wasteland?</p> <p>12 A Yes, that would be.</p> <p>13 Q So from your own personal experience, you</p> <p>14 recognize that there is sometimes a need for these</p> <p>15 facilities?</p> <p>16 A Yes.</p> <p>17 Q Your rental units, Mr. Williams, have you</p> <p>18 ever had any asbestos issues?</p> <p>19 A No.</p> <p>20 Q Do you have a cell phone, sir?</p> <p>21 A Yes.</p> <p>22 Q Do you use it on a regular basis?</p> <p>23 A Yes.</p> <p>24 Q What is that cell phone number?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q You mean as like some insurance company</p> <p>2 type of situation?</p> <p>3 A Yes.</p> <p>4 Q Did she ever work in the health services</p> <p>5 industry?</p> <p>6 A Yes. Used to be a nurse.</p> <p>7 Q Where was she a nurse at?</p> <p>8 A In Salem, Illinois, she was -- helped</p> <p>9 deliver babies.</p> <p>10 Q Did she ever work in the healthcare</p> <p>11 industry in Peoria County?</p> <p>12 A Not that I'm aware of, no.</p> <p>13 Q When were you first elected to the county</p> <p>14 board?</p> <p>15 A 1992.</p> <p>16 Q Can you give us the approximate boundaries</p> <p>17 of your district?</p> <p>18 A Laramie Street, Washington Street, Western</p> <p>19 Avenue, I've got a little bit on this side of</p> <p>20 Western, east side. It now goes up to St. Mary</p> <p>21 Cemetery in West Peoria. Originally, it was Martin</p> <p>22 Luther King was the cutoff. So when we did the</p> <p>23 map, we picked up that area up there.</p> <p>24 Q When did you become a county board</p>
<p style="text-align: right;">Page 8</p> <p>1 A 657-9057.</p> <p>2 Q 309 area code?</p> <p>3 A Yes.</p> <p>4 Q Before Peoria Disposal Company -- well,</p> <p>5 let's back up.</p> <p>6 What is your highest level of education,</p> <p>7 sir?</p> <p>8 A GED.</p> <p>9 Q What was your last title at Caterpillar</p> <p>10 before you retired?</p> <p>11 A I was a forklift operator.</p> <p>12 Q You are a member of the Peoria County</p> <p>13 Board?</p> <p>14 A Correct.</p> <p>15 Q By the way, is your wife also retired from</p> <p>16 active employment?</p> <p>17 A Yes.</p> <p>18 Q When did she retire?</p> <p>19 A It was about four years ago.</p> <p>20 Q Where was she employed prior to her</p> <p>21 retirement?</p> <p>22 A It was a health claims department out there</p> <p>23 by the mall. I don't know what the name of it is.</p> <p>24 They process health claims.</p>	<p style="text-align: right;">Page 10</p> <p>1 chairman?</p> <p>2 A 2000.</p> <p>3 Q When does your current term expire?</p> <p>4 A November of this year.</p> <p>5 Q Are you running for reelection?</p> <p>6 A No.</p> <p>7 Q Why not?</p> <p>8 A I'm looking forward to retirement.</p> <p>9 Q You've had enough?</p> <p>10 A I wouldn't say it that way. I have enjoyed</p> <p>11 everything about it.</p> <p>12 Q Are you seeking any other political office</p> <p>13 by way of appointment at this time?</p> <p>14 A No.</p> <p>15 Q Have you expressed to anyone interest in</p> <p>16 being appointed to any position in government after</p> <p>17 your term on the county board ends?</p> <p>18 A No.</p> <p>19 Q If you were to get an appointment for a</p> <p>20 full-time office, would that salary impact whatever</p> <p>21 pension rights you've accrued from your service on</p> <p>22 the board?</p> <p>23 A Yes.</p> <p>24 Q Even with that, you're not interested in</p>

1 any employment?
 2 A No.
 3 **Q Before Peoria Disposal Company ever filed**
 4 **its application for siting approval, did Royal**
 5 **Coulter come to you to discuss the project?**
 6 A Yes, he did.
 7 **Q Do you remember approximately when that**
 8 **happened?**
 9 A I'm guessing several years ago. It seems
 10 like it's been a long, a long time ago. I'm
 11 guessing several years.
 12 **Q Did you indicate to him that you would**
 13 **support his project?**
 14 A I indicated that I thought it was a good
 15 project, yes.
 16 **Q Did you actually take a site tour?**
 17 A Yes, I did.
 18 **Q So you've been out there?**
 19 A Yes.
 20 **Q Do you remember approximately when that**
 21 **was?**
 22 THE WITNESS: Maybe six weeks after we
 23 talked I think you invited me out there.
 24 MR. COULTER: I would say that it was

1 **Q Is there a reason why you chose to withhold**
 2 **that information?**
 3 A Well, we was told, you know, to limit
 4 conversation among ourselves and to the citizens,
 5 just to listen and not make a commitment or get
 6 into -- add on to the discussion.
 7 **Q You were told to listen, though?**
 8 A Yes.
 9 **Q Was that listening to everybody or only**
 10 **listen to the public?**
 11 A Listen to everybody. We don't have a
 12 choice whether he calls, you call. We've got to --
 13 you know, we're going to take the call. We'll tell
 14 you the same thing. We can't discuss this. I
 15 can't tell you how I'm going to vote because I
 16 haven't heard the case yet.
 17 **Q But if let's say -- do you know Chris**
 18 **Coulter?**
 19 A I met him once, I think, yes.
 20 **Q Let's say if Chris Coulter had called you**
 21 **back in March of this year to give you some what he**
 22 **thought was inside information about something, you**
 23 **would have listened to him? You wouldn't have told**
 24 **him you're not supposed to be talking to me?**

1 probably 2005.
 2 BY MR. MUELLER:
 3 **Q Would it be correct that Mr. Coulter**
 4 **actually met with county representatives as early**
 5 **as 2003 to discuss the feasibility of seeking a**
 6 **landfill expansion?**
 7 A I believe that is correct, yes.
 8 **Q At that time, you indicated that you**
 9 **thought it was a good project and that you would**
 10 **support it?**
 11 A I thought it was a good project. I never
 12 commit my vote before that. I never said I would
 13 vote yes or nay.
 14 **Q What was your impression upon visiting the**
 15 **facility?**
 16 A I was impressed. Basically, all the
 17 plaques on the wall from IEPA, knowledge of how the
 18 whole thing worked, they took their time and
 19 answered questions.
 20 **Q Did you ever communicate to any other board**
 21 **member during the hearing process the fact that you**
 22 **had been at the facility and were impressed with**
 23 **the operation as you witnessed it?**
 24 A No.

1 A I would have told him if he's adding
 2 information to the stuff that's not on the record I
 3 can't listen to that. If he wants to give me his
 4 opinion that he thinks it's a good thing to do,
 5 then that's different.
 6 Generic statement is one thing. If he's
 7 trying to add information to that's not part of the
 8 record, then I would have to cut him off. I can't
 9 worry about anything else. I can't listen to this.
 10 **Q Did you actually ever have to apply that**
 11 **kind of rule to any of the communications that you**
 12 **received while this hearing was going on?**
 13 A Yes. During election, I can't -- husband
 14 and wife from that area, I can't think of the name,
 15 but they would call and they would tell me that
 16 unless you say yes I'm not going to vote for you
 17 for state senator.
 18 I told them I can't make a commitment until
 19 I hear all the facts. This is what's going on. I
 20 said, I can't listen to any more other than what's
 21 on the record.
 22 Then I got one question when I was a
 23 candidate for the Peoria County Women Democrats.
 24 Me and Mr. Koehler were there. One of the

<p style="text-align: right;">Page 15</p> <p>1 questions from the audience was. Are you going to 2 support this expansion or not? I told them I can't 3 comment on that. 4 Q You were defeated in a primary this past 5 spring, weren't you? 6 A Pretty soundly, yes. 7 Q So you did attempt to run for reelection? 8 A Not for county board, no. 9 Q What were you running for? 10 A State Senator. 11 Q I'm sorry. So you were moving onward and 12 upward? 13 A Supposedly. 14 Q We know that county board members generally 15 received a lot of letters, E-mails and phone calls 16 from lots of different people while this hearing 17 and deciding process was going on. 18 Would it be fair to say that you also 19 received a lot of communications from people? 20 A I didn't receive a lot of E-mails. I think 21 a lot of them went to the office at the courthouse. 22 I never use the computer up there. I didn't have 23 internet until I started running for election for 24 State Senator. I don't have a home phone. The</p>	<p style="text-align: right;">Page 17</p> <p>1 talk about this. 2 Q In Ms. Blumenshine's E-mail, she has a 3 first -- it's actually addressed, Dear Chairman 4 Williams and Members of the Peoria County Board, 5 and then she's got a first paragraph. Then it goes 6 on with, Fact, there's a paragraph that starts with 7 the word Fact, a second paragraph that starts with 8 the word Fact, and it looks to me like she's trying 9 to add material to the record. 10 My question was, were you aware that Joyce 11 Blumenshine was doing that? 12 A No. I didn't open that E-mail at the 13 courthouse. 14 Q If you had been aware that she was doing 15 that, would you have instructed someone to contact 16 her and say stop it? 17 A I would give it to the attorneys and let 18 them be aware of what's going on. 19 Q Did Joyce Blumenshine ever send you any 20 letters? 21 A I don't think I got anything from Joyce. 22 Q Did you get anything from Heart of Illinois 23 Sierra Club? 24 A I think I got something from the Sierra</p>
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<p style="text-align: right;">Page 16</p> <p>1 only thing I have is my cell phone which does have 2 voice mail by the way. 3 Q I'm looking at an E-mail dated April 6th, 4 2006, from Joyce Blumenshine, subject is Health 5 Safety and Welfare, and it's to a whole bunch of 6 people. Dwilliams@peoriacounty.org is the first 7 addressee. 8 I'm going to take a wild guess that that's 9 probably you? 10 A I would agree. 11 Q This is actually in the materials furnished 12 by the county to us. If I can just show it to you. 13 I don't think we need to mark this one. 14 Did you ever see that E-mail during the 15 hearing process? 16 A No. I don't think I did. If it came to 17 the office, I never opened an E-mail in the office. 18 I don't know why I've got a computer there. 19 Q The reason I'm asking is because you said 20 that if people gave you statements of opinion and 21 generic statements you listened to them, but if 22 they tried to add fact, you'd cut them off and say 23 you have to do that on the record. 24 A I would end the discussion saying I can't</p>	<p style="text-align: right;">Page 18</p> <p>1 Club. Tom Edwards stopped by one night about 2 10:00 o'clock at night. 3 Q He stopped by everybody's house. 4 A In my neck of the woods, it's not a good 5 area to stop by. I told him to lock the door as he 6 left. 7 Q So it's your testimony that you didn't 8 really open any of the E-mails? 9 A No. 10 Q The letters that everybody got and that 11 seemed to have been sent to everybody you would 12 have gotten some of those? 13 A Yeah. 14 Q How many letters would you guess that you 15 got? 16 A For awhile, I got two or three a day for 17 two and a half weeks. 18 Q That would be back in that March-April 19 period? 20 A Before the first vote, yeah. 21 Q Before the April 6th vote? 22 A Correct. 23 Q Do you remember any particular individuals 24 who were among the group that sent you those</p>
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1 letters?
 2 A It was Tom and Joyce, and I got some from
 3 the Sierra Club, a couple individuals.
 4 Q Was Kim Converse one of them?
 5 A I believe -- I think that's the name I was
 6 thinking about, the husband and wife.
 7 Q Cathy Stevenson, she was a big letter
 8 writer. Did you get any from her?
 9 A That name doesn't ring a bell.
 10 Q You knew that Kim Converse was one of the
 11 point people for the Peoria Families Against Toxic
 12 Waste Group?
 13 A I knew her from him and her calling me on
 14 the cell phone. Later on, that's where --
 15 Q They called you on the phone to discuss
 16 this?
 17 A They called me to try to get me to tell
 18 them that I'm going to vote against it. I told
 19 them I can't do that. I haven't heard the facts.
 20 They said, If you don't tell me no now, I'm not
 21 going to vote for you. I said, You do what you've
 22 got to do.
 23 Q Who was it that said that to you?
 24 A I think it was one of the Converses, the

1 a day about for a period of about two or three
 2 weeks?
 3 A Seemed like that.
 4 Q Outside of that busy period before the
 5 first vote, did you also get letters?
 6 A No. It just kind of tapered off. I think
 7 the last thing I got was from Tom Edwards.
 8 Q Tom Edwards came to your house to hand out
 9 a flyer?
 10 A Yes.
 11 Q Did anybody else come to your house to talk
 12 to you or give you anything?
 13 A There was a gal from Bartonville, Cindy --
 14 Q Cindy Ozuna-Thornton?
 15 A I can't remember the last name.
 16 Q Cindy McLean?
 17 A I can see her face.
 18 Q Just out of curiosity, if you can describe
 19 her to us.
 20 A She's, like, back from the '60s, the love
 21 child, the hair, all that.
 22 MR. BROWN: Off the record.
 23 (Discussion off the record.)
 24 MR. MUELLER: Let's go back on the

1 husband, whatever his name is.
 2 Q Ted?
 3 A Ted, I guess that's the name. I'm on the
 4 campaign trail talking on the phone, so I didn't
 5 pay too --
 6 Q When was that primary election?
 7 A It was February -- no, March. It was
 8 March, second Tuesday in March.
 9 Q So these calls from Ted Converse would have
 10 been after the application was filed but before the
 11 second Tuesday in March?
 12 A Correct.
 13 Q Did anybody else call you and tell you that
 14 if you didn't commit your vote to oppose that they
 15 would vote against you?
 16 A No. They were about the only ones. Nobody
 17 else got into the election process like they did.
 18 Q How many total phone calls would you say
 19 you received from opponents and members of
 20 opposition groups during the hearing process?
 21 A Before the first vote or between --
 22 Q At any time.
 23 A I'm guessing a dozen maybe.
 24 Q You said you got about two or three letters

1 record.
 2 BY MR. MUELLER:
 3 Q We had a little discussion off the record
 4 and everyone contributed, and apparently your
 5 recollection's been refreshed.
 6 Was it Cindy Hermann that came to your
 7 door?
 8 A I believe that's true, yes.
 9 Q Did you have other face-to-face
 10 conversations with anybody regarding the proposal?
 11 A No. That was basically it.
 12 Q Do you know a Melva Hunter?
 13 A I don't think so.
 14 (Williams Exhibit No. 29 marked)
 15 BY MR. MUELLER:
 16 Q I'm going to show you a copy of an E-mail
 17 from a Melva Hunter dated May 3rd apparently at
 18 1:19 p.m.
 19 Did you ever receive this E-mail?
 20 A No, I don't believe I did.
 21 Q Does this refresh your recollection of who
 22 Melva Hunter is?
 23 A No, it doesn't.
 24 Q Did you have a conversation with her before

1 **the May 3rd meeting about your position on the**
 2 **landfill expansion?**
 3 A Well, she says I did. So I probably did.
 4 **Q Do you remember having the conversation,**
 5 **Mr. Williams?**
 6 A No.
 7 **Q Okay.**
 8 A But I don't doubt I did.
 9 **Q If you don't remember having the**
 10 **conversation, you don't remember what, if anything,**
 11 **you would have said, right?**
 12 A Yes.
 13 **Q Now, did you have any yard signs opposed to**
 14 **the landfill in your district?**
 15 A No.
 16 **Q Were you aware of yard signs in other parts**
 17 **of Peoria County?**
 18 A Yes.
 19 **Q How many different yard signs would you say**
 20 **that you saw?**
 21 A Most of them on Moss Avenue. Oh, probably
 22 half a dozen maybe.
 23 **Q How many do you remember seeing on Moss**
 24 **Avenue?**

1 A I'm guessing Mr. Brown.
 2 **Q Okay.**
 3 A That would be my guess.
 4 **Q How did those or when did you first receive**
 5 **those colored sheets?**
 6 A I think we got them a couple days before
 7 the meeting. They always bring stuff to the
 8 meeting in case a board member doesn't bring their
 9 stuff to the meeting.
 10 **Q Where and how did you get them before the**
 11 **meeting?**
 12 A Probably in the mail. I probably picked
 13 mine up at the office. Most of it's mailed out to
 14 the board members.
 15 **Q Did you go to the county board office on**
 16 **pretty much a daily basis during this period?**
 17 A No.
 18 **Q How many times a week would you be up**
 19 **there?**
 20 A Once.
 21 **Q Did anybody bring those pink, yellow and**
 22 **purple sheets to your home?**
 23 A I believe -- yeah, probably Patrick because
 24 we have most of my meetings at my house. I don't

1 A At least four or five up there.
 2 **Q Right in a row?**
 3 A Pretty close by.
 4 **Q Did you see any billboards?**
 5 A Yes, I did. I'm trying to think of where I
 6 seen it at, though. It wasn't in my district. It
 7 might have been on Washington Street.
 8 **Q On April 6th, the county board met as a**
 9 **committee of the whole to discuss findings of fact.**
 10 **Do you recall being at that meeting?**
 11 A Yes.
 12 **Q At that meeting, there were some colored**
 13 **sheets, the purple, pink and yellow sheets handed**
 14 **out or in the possession of board members?**
 15 A Correct.
 16 **Q Did you have any input into writing those**
 17 **up?**
 18 A No.
 19 **Q Do you know who the person was that was the**
 20 **main author of those sheets?**
 21 A Well, I would imagine it would be
 22 Mr. Brown, Patrick and the staff.
 23 **Q Do you know for certain that it was --**
 24 **which individual was the main author?**

1 meet too much at the courthouse.
 2 **Q You have what most meetings at your house?**
 3 A Me and Patrick and the county
 4 administrators meet at my house.
 5 **Q Do you ever meet with other county board**
 6 **members at your house?**
 7 A Yeah, occasionally, as far as having a
 8 drink or two, yes.
 9 **Q Did you ever meet with any of the county**
 10 **board members at your house regarding this**
 11 **expansion application?**
 12 A No.
 13 **Q Did you have any input into the contents of**
 14 **the first and second staff report?**
 15 A No.
 16 **Q Do you know who the main author of the**
 17 **first and second staff reports were?**
 18 A Again, I would say Mr. Brown. He's our
 19 lead.
 20 **Q On May 3rd, the county board met again,**
 21 **correct?**
 22 A Yes.
 23 **Q There were some proposed findings of fact**
 24 **apparently file stamped April 27th from the**

1 clerk's office that Mr. Mayer indicated was being
2 considered by the county board on May 3rd.

3 **How did you get into possession of those?**

4 A He brought them at the meeting.

5 **Q Who brought them to the meeting?**

6 A Allen did.

7 **Q He's the one that brought all the final
8 findings of fact --**

9 A The part he wanted he brought. I wasn't
10 aware that it even existed. I think Tim brought
11 some, too, Riggenschach.

12 **Q Now, we are talking about May, not
13 April 6th.**

14 A Yes. I got them at the meeting. So I'm
15 assuming Allen's the one -- it was his forte. He
16 wanted to do this this way. He was passing them
17 out to the committee, the board.

18 **Q Passing them out to the whole board on
19 May 3rd, right?**

20 A Yes.

21 **Q What do you mean Allen wanted to do it that
22 way?**

23 A I think he had his own way he wanted to do
24 things. I mean, he didn't confide in me. I could

1 **Q He meaning Patrick Ulrich?**

2 A Right, that's correct.

3 **Q It's your testimony that you didn't see any
4 proposed final findings before May 3rd?**

5 A Correct.

6 **Q They were handed out to you at the meeting
7 by Allen Mayer?**

8 A By Allen and by Tim. He had some changes,
9 too, he wanted to make.

10 **Q Were there minutes recorded and approved of
11 the April 6th meeting?**

12 A Yes.

13 **Q Do you know where those are because we've
14 never seen them?**

15 A Well, it should be part of the county
16 clerk's records, and then we had -- he took records
17 of the whole meeting, Mr. Brown.

18 MR. BROWN: If you can answer the
19 question, go ahead.

20 THE WITNESS: I'm assuming they would
21 be in the county clerk's office. That's where all
22 the minutes go.

23 BY MR. MUELLER:

24 **Q So whenever minutes exist, they would have**

1 see that he did.

2 **Q Well, in terms of the county board members
3 interacting with the staff about how to get stuff
4 done, you're telling me that Allen Mayer kind of
5 took the lead in that department?**

6 A No. I'm saying Allen had his thing that he
7 wanted added to the staff report or change to it.
8 Just like Tim had something he wanted to amend as
9 could be agreeable to amend at that meeting. So I
10 think he just -- he didn't confer with me on it.
11 let's put it that way.

12 **Q Do you know who on the staff Allen Mayer
13 was working with to get all of that stuff put
14 together?**

15 A I would guess Patrick and -- would be the
16 first contact.

17 **Q Other than guessing, do you know?**

18 A Normal process is the joint administration.
19 County board members go to the county
20 administrator.

21 **Q So he's kind of the liaison between the
22 county board and everything else that happens with
23 county employees?**

24 A Correct.

1 **been in the county clerk's office?**

2 A Yes. Any attachments to the minutes should
3 be there, too.

4 **Q Were you involved in any way, shape or form
5 in preparing what's called the record on appeal
6 which is the documents submitted by the county to
7 the Pollution Control Board?**

8 A No.

9 **Q Would you agree with the statement that if
10 minutes of the May 3rd meeting aren't in the
11 county clerk's office they don't exist?**

12 A No. I wouldn't agree with that either.

13 **Q Well, where else would we look?**

14 A I think that's the county clerk's job to
15 find out where they're at.

16 **Q Do you remember ever seeing minutes from
17 the May meeting?**

18 A Not really because I don't pay much
19 attention to the minutes. I read them real quick.

20 **Q A routine part of county business as I
21 understand it is that when you folks start a
22 meeting one of the first things that happens is
23 approval of the last meeting?**

24 A That's correct.

Page 31	Page 33
1 Q Do you remember of your own as you sit here	1 A Yes.
2 ever approving minutes for either the	2 Q Who did you get that from?
3 April 6th meeting or the May 3rd meeting?	3 A Cindy Hermann. is that what we come up
4 A I don't remember, but you asked me that	4 with? Yes.
5 about county board minutes, too.	5 Q Is that the only thing of value that
6 Q Now, let me run through some names and	6 anybody gave you during this entire process?
7 organizations.	7 A Yes. My wife was not happy.
8 Have you ever been a member of or attended	8 Q Are you a member of either the Universalist
9 an activity sponsored by the Heart of Illinois	9 Unitarian Church or St. Thomas Church?
10 Sierra Club?	10 A No.
11 A No.	11 Q Have you ever been to a meeting at either
12 Q Do you know Joyce Blumenshine?	12 one of those churches?
13 A Yes.	13 A No.
14 Q Did you know her before these hearings	14 Q Ever been a patient at Methodist Hospital?
15 started?	15 A No.
16 A No.	16 Q Ever been a patient at St. Francis?
17 Q On how many occasions during the hearing	17 A Yes.
18 process would you say that she called you or	18 Q How long ago?
19 otherwise talked to you personally about the	19 A Fortunately, many, many years ago, probably
20 hearings and the application?	20 15 years ago. That's where Caterpillar's insurance
21 A Once the process started, I didn't talk to	21 is at.
22 her at all.	22 Q Have you ever received any campaign
23 Q Did she attempt to contact you?	23 contributions or anything else of value from any
24 A Yes. The only time at the county board	24 medical society or organization, any medical clinic
Page 32	Page 34
1 meeting, Tom, her, the whole chain.	1 or any hospital?
2 Q Have you ever attended a meeting of the	2 A No.
3 Sierra Club?	3 Q Do you know Rodney Lorenz?
4 A No.	4 A No.
5 Q Have you ever attended a meeting of the	5 Q Do you know John McLean?
6 Peoria Families Against Toxic Waste?	6 A Sounds familiar, but, no, I'm going to say,
7 A No.	7 Q They're doctors. So I take it you've never
8 Q Have you ever attended a meeting of the	8 been treated by either one of them?
9 Citizens for Our Environment?	9 A No.
10 A No.	10 Q Have you ever been treated by or do you
11 Q Have you ever been a member or attended a	11 know Dr. Vidas or Dr. Zwicky?
12 meeting of River Rescue?	12 A No.
13 A No.	13 Q Have you ever been treated by or do you
14 Q Have you ever gotten anything of value,	14 know Dr. Parker McRae or Dr. Steven Smith?
15 contributions or anything else from any of the	15 A No.
16 organizations I've just mentioned?	16 Q How about Dr. McGee?
17 A No.	17 A No.
18 Q Have you ever made any contributions to any	18 Q Have any of your immediate family members
19 of those organizations?	19 ever been treated by any of the doctors I've just
20 A No.	20 mentioned?
21 Q Have you ever been a member of any other	21 A I'm guessing -- I don't recall. My guess
22 environmental organizations?	22 would be no.
23 A No.	23 Q If you don't know, you don't know.
24 Q Did you get a flower after your final vote?	24 A I don't know.

Page 35	Page 37
1 Q Would the same be true for Dr. Akeson and 2 Dr. Steven Smith? 3 A Correct. it would be true. 4 Q You've never been treated by them or your 5 family members, to your knowledge? 6 A Right. 7 Q Do you know Beth Akeson? 8 A No. 9 Q Do you know Jeff Akeson? 10 A No. 11 Q Do you know Tessie Bucklar or Tom Bucklar? 12 A No. 13 Q You've already told us about Kim and Ted 14 Converse. Do you know Ralph or Jane Converse? 15 A I think in a meeting Jane made some 16 presentation or something. I don't know her to 17 know her. 18 Q Was that related to the landfill? 19 A No. It was some presentation they were 20 going to do, some marketing. 21 Q Has her marketing company ever done any 22 work for the county? 23 A I believe they have, a small amount, but I 24 believe they have.	1 A Well, she used to be on the county board 2 and used to be our county clerk. 3 Q Do you consider her a friend? 4 A I don't know her that well. 5 Q Did she ever directly communicate her 6 opinion about the landfill expansion to you? 7 A Not to me, she won't. 8 Q Do you know Lisa Offutt or Peter Offutt? 9 A No. 10 Q Do you know Chris Ozuna-Thornton? 11 A No. 12 Q Do you know Elmo Roach or Jean Roach? 13 A Elmo, is that the guy from the park 14 district that does the trees? Then I don't know 15 him. 16 Q Do you know Cara Rosson? 17 A No. 18 Q Do you know Amy Schlicksup? 19 A No. 20 Q Do you know Cathy Stevenson? 21 A No. 22 Q Do you know Diane Storey? 23 A No. 24 Q Do you know Mayvis Young?

Page 36	Page 38
1 Q Would they have gotten that pursuant to bid 2 or is that something you would have selected? 3 A I think it falls on the professional 4 services. It wasn't a whole lot. I'm trying to 5 think what it was about. Something to do when we 6 put the ad in the paper about the county board, the 7 four-page ad. 8 Q Do you remember how long ago that was? 9 A Well, we do it once a year. So I'm 10 guessing six or eight months ago. 11 Q Were you the person responsible for 12 selecting her company? 13 A No. 14 Q Who would have done that? 15 A Patrick, Patrick Ulrich, the county 16 administrator. 17 Q Do you know Bill Cook? 18 A No. 19 Q Other than as a county board member, do you 20 know Tom Edwards? 21 A No. 22 Q Do you know Mary Harkrader? 23 A Yes. 24 Q How do you know her?	1 A Yes. 2 Q How do you know Mayvis? 3 A She came to the county board meeting with 4 Tom. 5 Q Other than that, do you know her? 6 A No. 7 Q I'm sure you know Barb Van Auken? 8 A Yes. 9 Q Do you have a social relationship with her 10 or any members of her family? 11 A No. 12 Q Do you know Joyce Harant? 13 A Yes. 14 Q How do you know her? 15 A Well, she runs the, I can't think of it, 16 Planned Parenthood, that's what it is. She ran for 17 Congress one time. 18 Q Is the Planned Parenthood an agency of the 19 county government or is that independent? 20 A It's independent. 21 Q Do you consider her a friend? 22 A No. 23 Q Do you know Cindy McLean? 24 A Sounds familiar, but I'm guessing no

1 **Q It would be Kim Converse's mother.**
 2 A No.
 3 MR. MUELLER: Let's take about a
 4 two-minute break. We may be done.
 5 (Recess in proceedings.)
 6 MR. MUELLER: We have a couple more.
 7 BY MR. MUELLER:
 8 **Q Mr. Williams, did you ever call any other**
 9 **county board members to try to influence their**
 10 **votes on this expansion?**
 11 A No.
 12 **Q Originally, Phil Salzer was on the hearing**
 13 **subcommittee?**
 14 A Correct.
 15 **Q Did you remove him?**
 16 A He asked to be removed which I was not
 17 happy about.
 18 **Q When did he come to you with that request?**
 19 A After we were getting ready to approve for
 20 the county board approval -- it had been in the
 21 hopper, like, a couple of weeks -- he came to me I
 22 think two days before us voting on it. He wanted
 23 to be taken off. I reminded him that was his
 24 district. You need to be on it.

1 county board would vote on that. We was under the
 2 impression like he was they would vote and they
 3 would make a recommendation to the full county
 4 board for their consideration.
 5 That means the whole county board voted.
 6 Actually, we voted twice on the same issue. I
 7 don't know how it got all murky so to speak.
 8 **Q With regard to your adoption of findings of**
 9 **fact on May 3rd, was it your understanding that**
 10 **you were just readopting what you had already**
 11 **approved on April 6th?**
 12 A Yes.
 13 **Q Normally in county government stuff, staff**
 14 **recommendations tend to be approved by the county**
 15 **board the majority of the time?**
 16 A In general, yes, I would agree.
 17 **Q In this case, the staff recommendation was**
 18 **for approval with conditions?**
 19 A Correct.
 20 **Q The county board did not approve that**
 21 **recommendation?**
 22 A Correct.
 23 **Q What was unique about this particular case**
 24 **that caused the board to disregard the**

1 **Q Who did you put on to replace him?**
 2 A I'm almost sure it had to be a Democrat.
 3 So I'm guessing Eldon maybe was -- I'd have to look
 4 at the records, but I tried to keep it
 5 proportionally Republican-Democrat, you know.
 6 **Q Originally, it was our understanding that**
 7 **the hearing subcommittee was going to make a vote**
 8 **or take their own vote and make recommendation to**
 9 **the board?**
 10 A That's what I understood, yes.
 11 **Q The hearing subcommittee never did vote?**
 12 A Not as a subcommittee, no.
 13 **Q Is there a reason why that didn't happen?**
 14 A I'm not sure why that didn't happen. All
 15 of a sudden -- if you was there, the thing just got
 16 a life of its own and the whole thing -- the whole
 17 board voted versus just the committee.
 18 **Q Well, I'm talking about just the**
 19 **subcommittee, that seven-person group?**
 20 A Right. The whole board voted at the first
 21 one instead of just the seven.
 22 **Q Who made the decision at that hearing the**
 23 **subcommittee should not take a vote?**
 24 A We were told by Bill Atkins that the whole

1 **recommendation of its own staff?**
 2 A Well, I think the board is -- traditionally
 3 in zoning cases, all along the staff has
 4 recommended this and the board has voted a
 5 different way. It's just a recommendation. I
 6 think that's how the board members look at it.
 7 It's nice that you give us your
 8 professional opinion. When the vote comes down,
 9 it's my vote to cast.
 10 **Q When's the last time you can remember**
 11 **before this that the county board went against**
 12 **staff recommendation?**
 13 A Well, when was the last time we got sued?
 14 Let me see. Probably within the last year, some
 15 zoning cases we went against staff recommendation.
 16 We had a cell tower thing. We went against them.
 17 We had a lawsuit out of that.
 18 **Q So it's kind of the moral of the story**
 19 **every time you go against your staff recommendation**
 20 **you get sued?**
 21 A No. Sometimes we should listen better I'm
 22 thinking.
 23 MR. MUELLER: I don't have any further
 24 questions. Thank you.

1 (Further deponent saith not.)
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A	44:10	APPEARANCES	aware 6:3 9:12	Black 1:22.22
Aana 1:11 45:3.22	against 19:11.18	1:15	17:10.14.18 23:16	Blumenshine 16:4
abatement 7:6	20:15 32:6 42:11	appeared 45:4	27:10	17:11.19 31:12
about 5:18 7:2 8:19	42:15.16.19	application 6:15	awhile 18:16	Blumenshine's
10:11 13:22 14:9	agency 38:18	11:4 20:10 26:11	a.m 1:13	17:2
17:1 18:1 19:6	ago 8:19 11:9.10	31:20		board 1:2.6 5:10
20:16.24 21:1.1	33:18.19.20 36:8	apply 14:10		8:13 9:14.24
23:1 27:12 28:3	36:10	appointed 10:16	B	10:17.22 12:20
31:5.19 34:16	agree 16:10 30:9.12	appointment 10:13	babies 9:9	15:8.14 17:4 24:8
35:13 36:5.6 37:6	41:16	10:19	back 6:10.12.16 8:5	24:14 25:8.14.15
39:3.17 40:18	agreeable 28:9	approval 11:4	13:21 18:18 21:20	26:5.10.20 27:2
41:23	agreement 3:11	30:23 39:20 41:18	21:24	27:17.18 28:2.19
accordance 3:10	ahead 29:19	approve 39:19	bad 4:22	28:22 30:7 31:5
accrued 10:21	ahold 5:22	41:20	Barb 38:7	31:24 36:6.19
active 8:16	Akeson 35:1.7.9	approved 6:16	Bartonville 21:13	37:1 38:3 39:9.20
activity 31:9	allegations 5:15	29:10 41:11.14	based 6:23	40:9.17.20 41:1.4
actually 4:17 6:18	Allen 27:6.21 28:4	approving 31:2	basically 12:16	41:5.15.20.24
11:16 12:4 14:10	28:6.12 29:7.8	approximate 9:16	22:11	42:2.4.6.11 44:2.6
16:11 17:3 41:6	Allen's 27:15	approximately	basis 7:22 25:16	bought 6:1
ad 36:6.7	almost 40:2	5:12 11:7.20	become 9:24	boundaries 9:16
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