

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEORIA DISPOSAL COMPANY,)
)
 Petitioner,)
) PCB 06-184
v.)
) (Pollution Control Facility Siting Appeal)
PEORIA COUNTY BOARD,)
)
 Respondent.)

DEPOSITIONS FILED WITH THE POLLUTION CONTROL BOARD

COUNTY BOARD MEMBERS

1. Brian Elsasser
2. Jeffrey Joyce
3. G. Allen Mayer
4. Thomas O'Neill
5. Lynn Scott Pearson
6. Michael Phelan
7. Eldon Polhemus
8. Philip Salzer
9. James Thomas
10. Carol Trumpe
11. Junior Watkins
12. David Williams

Exhibit 1

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

The deposition of BRIAN ELSASSER, 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 11:00 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;
Lyn Schmidt.

I N D E X

WITNESS

BRIAN ELSASSER

Examination by Mr. Mueller pg. 3

*EXHIBITS

IDENTIFIED

Elsasser Exhibit No. 26 pg. 29

*Indicates exhibits were withdrawn by Petitioner's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

1 BRIAN ELSASSER.
2 a material witness herein, being duly affirmed, was
3 examined and testified as follows:

4 EXAMINATION

5 BY MR. MUELLER:

6 Q Would you state your full name, please?

7 A Brian Elsasser.

8 Q Let the record show this is the discovery
9 deposition of Brian Elsasser taken pursuant to
10 notice by agreement and in accordance with rules.

11 Mr. Elsasser, thank you, first of all, for
12 accommodating us on short notice in terms of
13 getting you scheduled this morning.

14 A Thank you for getting me in because next
15 week would be awful hectic for me.

16 Q Apparently, it's a win-win situation.

17 A It is.

18 Q Have you ever had your deposition taken
19 before, Mr. Elsasser?

20 A No.

21 Q Let me explain some of the ground rules.
22 First of all, everything that is said in here today
23 is being taken down by a court reporter for
24 posterity. That means that only one of us can talk

1 Q I guess then my question is, you are still
2 promising here to tell the truth?

3 A Yes.

4 Q You understand that you're making that
5 promise on the record?

6 A Right, yes.

7 Q Thank you. What is your address, sir?

8 A 330 South Kennedy, Princeville, Illinois.

9 Q How long have you lived at that address?

10 A Ten years.

11 Q Do you have a cell phone?

12 A Yes.

13 Q What is your cell phone telephone number?

14 A (309)231-3672.

15 Q Do you use your cell phone on a regular
16 basis?

17 A Yes.

18 Q You are a county board member, correct?

19 A Yes.

20 Q Which party?

21 A The Republican party.

22 Q When were you first elected?

23 A 1998.

24 Q Are you up for election now?

1 at a time because she can only take one person at a
2 time.

3 Secondly, it means that we need to
4 communicate verbally rather than with gestures such
5 as nodding the head and shaking the head. Do you
6 understand those things?

7 A Yes.

8 Q If I ask you a question and it's not clear,
9 feel free to have me rephrase it. If you answer a
10 question, I'm going to assume that you understood
11 it and intended the answer. Is that also fair?

12 A Yes.

13 Q Now, for my own edification because I
14 normally tell people in the ground rules department
15 that everything that you say is under oath, but I
16 see that you affirmed.

17 Can you explain the distinction to me?

18 A Well, in the word, it says let your yea be
19 yea and your nay, nay. You should swear not by.

20 So my yea is yea, and in our constitution,
21 the laws of the land give us the right to affirm to
22 the truth. So my yes is yes and my no is no
23 whether I'm affirming or whether I'm not affirming
24 no matter when you meet me or whenever I speak.

1 A No.

2 Q When does your term end?

3 A In 2008.

4 Q Do you intend to seek reelection?

5 A As of right now, I do.

6 Q What was your margin of victory in your
7 last election in 2004?

8 A There -- I didn't have an opponent.

9 Q So you had the best margin there is?

10 A Right.

11 Q Your opponent had zero?

12 A Right. Hopefully, I got at least one vote.

13 Q Now, what's your educational background,
14 Mr. Elsasser?

15 A I have a bachelor's degree from Bradley
16 University.

17 Q In what field?

18 A Liberal arts.

19 Q When did you get your degree?

20 A That's terrible. I can't remember the
21 exact date, but I think it was 1994. I went to
22 school for several years because I was farming at
23 the same time, and that's why it wasn't like I
24 started one year and four years later I finished.

1 It's terrible that I can't remember, but
2 somewhere around 1994.
3 **Q Any particular subject in the liberal arts**
4 **that the Master's was in? History? English?**
5 A It was mainly in the social sciences, the
6 political science and history is the main course.
7 **Q Bradley actually gives an unspecified**
8 **Master's without having to pick a subject?**
9 A It was not a Master's. I said Bachelor's.
10 I believe. I said Bachelor's. It was called,
11 like, an independent study program where you
12 actually outline what courses you wanted to take
13 and they approve them, and it worked out best for
14 me because I was farming full-time and I could get
15 my schedule more compact and get in there and get
16 out.
17 It was a very unusual, very flexible
18 program. That's the way it was set up. I'm not
19 sure that they have that anymore.
20 **Q I take it from off-the-record discussions**
21 **and what you're saying now that your principal**
22 **occupation is as a farmer?**
23 A Yes.
24 **Q How many acres do you farm?**

1 **Are you married, sir?**
2 A Yes.
3 **Q What is your -- what does your wife do for**
4 **a living?**
5 A She takes care of six children and works at
6 the post office one day a week and cleans homes for
7 people.
8 **Q Do you have any children who are out of**
9 **school and working in the community?**
10 A Yes. Well, the one boy works in
11 Bloomington at Bennigan's and he's a student. He's
12 about ready to graduate from college, the oldest
13 boy. The second girl is going to go to the
14 Methodist Nursing School, and she works for
15 St. Francis Hospital.
16 **Q How long has she worked for St. Francis**
17 **Hospital?**
18 A I think she started there, like, two months
19 ago or three months ago. It hasn't been very long.
20 She's just working as a job there to, you know, to
21 earn some money and help pay for her college when
22 she starts at Methodist.
23 **Q What capacity is she working in?**
24 A She works in the neonatal care area.

1 A About 1,500 acres.
2 **Q How long have you been in that occupation?**
3 A My whole life really. Even when I was in
4 high school, I helped out in the farm. Even when I
5 was in college, I was always farming.
6 **Q Do you have any other money earning**
7 **ventures besides farming and your service to Peoria**
8 **County Board?**
9 A Not really. I have investments, but I'm
10 not sure --
11 **Q I'm thinking about other jobs?**
12 A No.
13 **Q Your investments are your own business --**
14 A Right. I was hoping you weren't going to
15 go there.
16 **Q Now, when did you first become aware of**
17 **Peoria Disposal Company's intention to file an**
18 **application for landfill expansion?**
19 A I can't remember exactly when that would
20 be.
21 **Q Approximately?**
22 A Sometime in 2005, probably April of 2005.
23 I mean, I guess I'm not supposed to guess.
24 **Q That pinpoints it actually pretty well.**

1 **Q As a nurse's aide?**
2 A Kind of like a nurse's aide. She does
3 stuff for the nurses.
4 **Q Did you provide her with any assistance in**
5 **getting that employment?**
6 A No.
7 **Q Did you provide her with any assistance in**
8 **getting into medical school or, I mean, nursing**
9 **school?**
10 A No. She's not in yet. She's actually
11 going to start a year from right now in August of
12 2007. She was just approved, like, a week or so
13 ago.
14 **Q Do you have any other close relatives who**
15 **work in the medical services industry in the Peoria**
16 **area?**
17 A I have, like, a thousand cousins. So I
18 don't know how far you want to go.
19 **Q I'm thinking more like brothers, sisters,**
20 **children?**
21 A No, none at all.
22 **Q You don't have a brother who's a physician?**
23 A He passed away in 1995. I wasn't trying to
24 avoid mentioning that, but --

1 Q I'm sorry.

2 A -- you said currently working there. He
3 was a doctor.

4 Q At the time that you started this process
5 of deciding on the Peoria Disposal application for
6 landfill expansion, we understand there was a
7 meeting where ground rules for board members to
8 follow were basically handed down.

9 What was your impression after that point
10 in time as to what communications you could have
11 with participants and the public outside the
12 hearing process?

13 A You know what, I don't recall exactly.
14 Maybe I should, but I don't recall what all the
15 rules were.

16 Q Well, did you believe that it was
17 appropriate or inappropriate for you to be
18 contacted by representatives of Peoria Disposal
19 Company about the application outside the hearing
20 process?

21 A I'm not sure. That would be -- I mean, I
22 welcome anybody's phone calls at any time if they
23 have something they want to say to me.

24 Q So it was not your impression that outside

1 at least try to and the letters.

2 Q Was it your belief that you should consider
3 that information along with all other information
4 including information gathered at the hearing in
5 making your decision?

6 A Yes. I think the information that I
7 gathered at the hearing should have been the most
8 important information.

9 Q Now, with regard to the communications that
10 you received outside of the hearing process, and
11 I'm interested really in the period from
12 November 9th, 2005 until May 3rd, 2006, did you
13 receive any E-mails?

14 A Yes.

15 Q Can you tell us approximately how many
16 E-mails you received?

17 A I'm not sure I turned in X number. You
18 have those. I mean, I didn't count them.

19 Q Did you keep all of the E-mails that you
20 got?

21 A No. I wrote in there that I -- I hardly
22 ever -- I have never sent an E-mail in my life.
23 I'm not a big E-mail person. I'm a telephone
24 person; but, anyway, somebody was trying to send us

1 contacts to you about the subject matter of the
2 application was inappropriate, is that correct?

3 A They may have mentioned that that might,
4 but I don't remember. That meeting was a long time
5 ago.

6 Q I don't want to get into what they
7 mentioned because that might actually get into the
8 attorney-client privilege.

9 What I want to understand is your belief
10 about how the procedures were going to work in
11 terms of outside contacts.

12 A That would be correct. I was assuming that
13 I would get telephone calls from the opponents and
14 proponents both.

15 Q And that would be okay, is that right?

16 A I don't remember what they said that night.
17 but to me, I would assume that would be okay
18 because how else can people air their views one way
19 or the other.

20 Q What was your impression as to what you
21 should do with the information that you gathered by
22 E-mails, telephone calls and letters from both
23 proponents and opponents?

24 A We were supposed to maintain the E-mails or

1 an E-mail from our cattle business there in April
2 and they could never get through, everything was so
3 full.

4 So I deleted all of the real short
5 one-liners that said, you know, please vote yes,
6 please vote no. Thank you for the vote or some --
7 just the one-liners.

8 I deleted all those things out because I
9 had to make room for my -- understand, I didn't
10 know we were actually going to need to save all
11 those; otherwise, I would have tried to print those
12 off. My printer's slow. It took me, like, three
13 or four hours to print the ones I did print for
14 you. We're not high tech out in the country.

15 Q I take it you read all the E-mails you got?

16 A Yes. But you know what it's like. I
17 didn't read them all word for word. It was, like,
18 yeah, you know, one looks -- some of them look
19 like -- one looks like the other. A lot of them
20 said the same thing over and over again.

21 I didn't read every one word for word.
22 Maybe that's not being personal, but I had so much
23 other reading to do with all the documents and
24 everything that --

Page 15	Page 17
<p>1 Q Did you get any E-mails during this period 2 of time from November 9th until May 3rd from 3 Peoria Disposal Company? 4 A No. 5 Q Did you get any from the Sierra Club? 6 A I think I got some from members of the 7 Sierra Club. I don't recall any -- I mean, you 8 have those here. I don't know whether any of those 9 were actually from the Sierra Club or not. I think 10 Ms. Blumenshine is a member of the Sierra Club. 11 Q You got several from her, right? 12 A Whatever's in your packet. I don't 13 remember. 14 Q Do you remember getting E-mails from 15 representatives of Peoria Families Against Toxic 16 Waste? 17 A Just from individuals that belong to that 18 group. 19 Q Would you have gotten E-mails from Kim 20 Converse? 21 A Yes. I think there was one in there, I 22 believe. 23 Q How many do you believe you deleted? 24 A Probably 20 or 30, something like that.</p>	<p>1 that you kept? 2 A Probably a month ago, was it, that I mailed 3 them to you? 4 Maybe a month ago or so, a month and a 5 half. I don't recall the exact date. 6 Q So sometime after the decision was made? 7 A Yes. It was, like, somewhere between 8 30 days ago and 45 days ago, my guess. 9 Q Okay. It was your belief that from the 10 beginning that you should keep the stuff that you 11 got? 12 A Yes. They said to try to save the E-mails 13 and the letters. 14 Q Do you remember who told you that? 15 A I'm assuming our State's Attorney. 16 Q Well, do you specifically remember what 17 person would have given you that advice? 18 A No. I don't remember that. 19 Q You said you're a telephone person. Did 20 you receive phone calls from various individuals 21 while the application was pending? 22 A Yes, many phone calls. 23 Q Are there any that stand out as you sit 24 here now?</p>
Page 16	Page 18
<p>1 Q Did you also get letters in paper form? 2 A Yes. I saved -- I know I saved all the 3 letters. I turned those in. 4 Q So whatever you got was saved and turned 5 in? 6 A Yes. 7 Q Did you get any flyers from various groups 8 or organizations or individuals about the 9 application? 10 A You mean like they came -- this came 11 through the mail as a bulk mailing? 12 Q No. Something that somebody would hand you 13 or leave on your door or by your mailbox? 14 A I'm trying to recall. 15 Q We know that Tom Edwards on behalf of River 16 Rescue seemed to have quite a few flyers out there. 17 A Okay. Thanks for refreshing my memory. He 18 did drop some things off or left some stuff at the 19 front door or whatever. 20 Q Do you know if anybody else besides River 21 Rescue and Mr. Edwards left things at your door? 22 A I think he was the only one that left 23 something on my door. 24 Q When did you turn over all of the things</p>	<p>1 A Not necessarily. I got phone calls from 2 the proponents and the opponents. 3 Q Well, when you say phone calls from the 4 proponents, did you get any phone calls from Peoria 5 Disposal Company? 6 A I just -- one time Brian called and said if 7 I have any questions give him a call at home over 8 the weekend. I thought that was fine. That's what 9 communication is about. 10 Q When you say "Brian," did you mean Brian 11 Meginnes? 12 A Yes. 13 Q Do you remember when that phone call 14 occurred? 15 A I don't know. Sometime in February or 16 March, you know. I shouldn't say for sure if I 17 don't know. I don't want it to be -- I want it to 18 be accurate. It was fine with me. I mean, one of 19 the phone calls -- some of the phone calls that 20 stand out in my mind the most, a couple from the 21 proponents that were very threatening to me. They 22 were fellow Republicans that threatened me with 23 some things. I'm not going to go into that, but -- 24 Q Who threatened you?</p>

1 A You know what, I only told my wife about
2 it. I don't think I should say that.

3 Do you?

4 MR. BROWN: If you can recall who you
5 had a conversation with, they're entitled to ask.

6 THE WITNESS: I mean, it wasn't a
7 harmful threat, but --

8 BY MR. MUELLER:

9 **Q The word threat is a broad implication.
10 That's why I want to find out.**

11 **Did somebody say if you vote for this we're
12 going to break your arm?**

13 A No. They said if you vote for this we're
14 going to run somebody against you in the Republican
15 primary the next time you run.

16 **Q So it was what I guess I'd call a political
17 threat?**

18 A Right, a political threat. It wasn't,
19 like, a harmful threat.

20 **Q Who politically threatened you?**

21 A Like I said, I'd really rather not say as a
22 matter of public record. This person had been a
23 friend of mine in the past; and, like I said, I
24 only told my wife about it. I'm not a person to

1 **Brian Meginnes?**

2 A No. I didn't receive any phone calls other
3 than that one in particular.

4 **Q By the way, did you call him back?**

5 A No. Because I hadn't really made up my
6 mind yet or it was like I had the material to read
7 and so --

8 **Q Did you attend the public hearings in this
9 case?**

10 A I didn't -- I only attended the last two
11 days.

12 **Q The meeting in April and May?**

13 A No. The last two days in February.

14 **Q Did you read transcripts of the other days?**

15 A I read -- I did not read every single word
16 of the transcripts, but I did try to read as much
17 as -- I'm a speed reader, not a speed reader, but a
18 skimmer. So I tried to go through and pick out the
19 highlights.

20 **Q Did you receive phone calls from any other
21 county board members regarding the application or
22 your vote on it?**

23 A I mean, I had a lot of dialogue back and
24 forth like with Bob Baietto and Tim Riggenschach just

1 gossip.

2 Is it appropriate that I don't say? It
3 doesn't really matter.

4 **Q I'm not going to push the issue.**

5 A Brian knows who it is -- I mean, he doesn't
6 know who it is, but he knows the person.

7 Do you think I should answer it?

8 MR. BROWN: He said he wasn't going to
9 press it.

10 THE WITNESS: It is a matter of a
11 public record. I don't want to hurt the person.
12 That's why.

13 BY MR. MUELLER:

14 **Q Did you receive any phone calls from Joyce
15 Blumenshine?**

16 A Yes. I'm sure I did at some time or
17 another.

18 **Q Did you receive any phone calls from Kim
19 Converse?**

20 A Yes.

21 **Q Did you receive any phone calls, and I
22 think this is where we got off track before, from
23 Peoria Disposal Company or its representatives
24 other than you recall receiving one phone call from**

1 different things, you know, we were talking about
2 because they were both leaning towards voting in
3 favor of it.

4 They called me and said, well, how about
5 this or whatever. We just -- just a lot of
6 dialogue going on.

7 **Q Did you receive any phone calls from Allen
8 Mayer or Dave Williams regarding the application?**

9 A No.

10 **Q Did you make any phone calls to board
11 members regarding the application or your vote or
12 their vote?**

13 A Yes. With Tim Riggenschach and Bob Baietto
14 and Carol Trumpe. If we had questions or
15 something, we might talk on the phone or something.
16 It wasn't -- I can say this. I did not lobby the
17 board to try to sway their vote.

18 **Q Did you tell Carol Trumpe early on in the
19 hearing process that you were going to vote no?**

20 A I don't know how early that would have
21 been, but I was probably leaning that way.

22 **Q I think my question, sir, is did you tell
23 her you were going to vote no?**

24 A I don't recall whether I told her I was

1 going to vote no. I didn't think it was
2 appropriate to make up your mind that quickly.

3 **Q So if her recollection was that you told**
4 **her early on that you were going to vote no, her**
5 **recollection would be mistaken?**

6 A No. I said -- my recollection that I said
7 I was leaning toward voting no.

8 **Q That's before the hearings were even**
9 **completed, isn't that true?**

10 A I don't remember when that was. The
11 hearings were probably completed but the
12 March 29th thing probably wasn't over with.

13 **Q Did you ever receive any information**
14 **regarding some contamination or elevated mercury**
15 **levels in some PDC employees?**

16 A After the hearings were over, like, in May.

17 **Q What information did you receive?**

18 A I heard from -- one of my constituents ran
19 into me at the store, and he told me that one of
20 his friends used to work out there. They had to
21 put him in a truck because his mercury levels were
22 elevated in his blood, but that was after the votes
23 were finished.

24 **Q That happened after May 3rd?**

1 telling me about it.

2 **Q Did you have any other information about**
3 **the health status of PDC employees prior to**
4 **May 3rd?**

5 A No.

6 **Q Did you ever have a conversation about the**
7 **application with Dean Faulkner?**

8 A Yes.

9 **Q Who is Dean Faulkner?**

10 A He works for the Illinois American Water
11 Company. I'm not sure exactly what his title is.

12 **Q Did he call you or did you call him?**

13 A No, I called him.

14 **Q Do you remember approximately when that**
15 **occurred?**

16 A No. It would be sometime in March.

17 **Q What was -- March of 2006?**

18 A Yes, March of 2006.

19 **Q What was the purpose of your call?**

20 A I was just trying to get an idea of what
21 his opinion was on where the aquifer was really
22 located at.

23 **Q So you did some of your own research here?**

24 A Yes.

1 A Yes.

2 **Q Who was the constituent that provided you**
3 **with that information?**

4 A Do I need to say that because it's one of
5 his friends that work out there? I don't want him
6 to harm any relationship.

7 MR. BROWN: They can ask the question.

8 BY MR. MUELLER:

9 **Q We're going to ask that you answer that**
10 **question, Mr. Elsasser.**

11 A Why would it be relevant if it was after
12 the hearing of May the 3rd?

13 MR. MUELLER: Mr. Brown, we're going
14 to ask that you direct the witness to answer the
15 question because it's very likely to lead to
16 discoverable information.

17 MR. BROWN: Please answer the
18 question, if you can.

19 THE WITNESS: Okay. There was a Dale
20 Martin.

21 BY MR. MUELLER:

22 **Q How do you recall, sir, that that**
23 **information was provided after May 3rd?**

24 A I ran into him at the store. He started

1 **Q Am I correct that you believed that it was**
2 **appropriate to supplement whatever you heard from**
3 **your constituents and at the public hearing with**
4 **whatever own research you felt it necessary to do?**

5 A Any time you have to decide on something, I
6 need to have the full understanding of what's going
7 on.

8 **Q Do you remember what Mr. Faulkner told you?**

9 A I just -- I said, Would the water
10 situation, the aquifer situation be similar to a
11 creek or a stream that would run into the Illinois
12 River. He said that would be a good comparison.

13 **Q Did you do any other independent research**
14 **besides your call to Mr. Faulkner?**

15 A Yes. I called the state EPA. I was still
16 confused about the PM and the PM10 test, and they
17 finally clarified the fact that your license does
18 not require you to be a specific level for the PM10
19 test but only for the particular matter.

20 So that matter was resolved. I could just
21 never get the -- you know, I was still confused
22 about it.

23 **Q You got me now. What is the PM10 test?**

24 A That's something that the Peoria

1 Families -- I was just -- instead of reading what
2 they said and say, well, this is accurate, I wanted
3 to find out for myself. I called the EPA and
4 you're not required to meet any standards for the
5 PM10 test. You're only required for the particular
6 matter. So the issue was dead.

7 **Q PM stands for particular matter?**

8 A Yeah, particular matter.

9 **Q Any other research that you did?**

10 A No, just a lot of reading.

11 **Q Sir, was your father ever made ill by
12 pesticide exposure?**

13 A Yes.

14 **Q That was also something along with the
15 other life experiences that you took into
16 consideration?**

17 A Yes. It's one of the matters that I
18 brought up at one of the hearings.

19 **Q I guess my question, why did you bring it
20 up at the hearing? What was its relevance to you
21 in this context?**

22 A Because I was concerned about the
23 particular matter, you know, of the -- if you dump
24 that MGP out there on a windy day, you know, it was

1 BY MR. MUELLER:

2 **Q Mr. Elsasser, I'm looking at I believe this
3 was an E-mail turned in by you actually dated
4 April 5th from Ted Converse and it's addressed
5 directly to you. It starts out with, Thanks for
6 taking time to talk with me the other night.**

7 **Let me show you a copy of it.**

8 MR. MUELLER: Let's mark it as 26.

9 (Elsasser Exhibit No. 26 marked)

10 BY MR. MUELLER:

11 **Q Sir, do you remember receiving this E-mail?**

12 A Yes. I mean, I printed it off here about a
13 month and a half ago. Like I said, I don't recall
14 reading it at that time.

15 **Q Do you remember talking with Ted Converse?**

16 A Yes. He called, I don't know, it was a
17 week or two before that. I'm not even sure exactly
18 when it was.

19 **Q Do you remember what conversation you had
20 with him?**

21 A No. I mean, I just know it was probably
22 about the same things that are listed here, just
23 that they think, you know, it should be not -- it
24 shouldn't pass and different things like that.

1 a concern of mine.

2 That's why -- that's when I asked the
3 question about how they dump that out there, how
4 they pack it down or whatever.

5 **Q You'd mentioned something about the Peoria
6 Families, that they had talked about PM?**

7 A Well, it was in their book that they sent
8 out. I didn't -- instead of just saying, well, I
9 believe this. I wanted to find out for myself.

10 **Q Now, by Peoria Families, do you mean the
11 group Peoria Families Against Toxic Waste?**

12 A Yes.

13 **Q When you say in their book that they sent
14 out, what document are you referring to?**

15 A All the board members received one. I'm
16 sure.

17 **Q Is it a direct communication to you or
18 something that they filed with the clerk?**

19 A It was filed with the clerk. It was a book
20 that they sent out and filed with the clerk.

21 MR. MUELLER: Let's take about a
22 three-minute break and see where we're at.

23 (Recess in proceedings.)

24

1 **Q Do you believe the conversation with
2 Mr. Converse was a telephone conversation or in
3 person?**

4 A Telephone.

5 **Q Did you express any opinion to him about
6 whether or not you would support his view in this
7 case?**

8 A When was the vote? The vote was actually
9 April the 6th, wasn't it?

10 **Q Well, it was the first vote.**

11 A The first vote.

12 **Q Before that time -- when you talked to
13 Mr. Converse in this conversation that he makes
14 reference to, did you tell him that you were
15 opposed to the application, that you'd support
16 them?**

17 A I don't remember the conversation, but I
18 was leaning towards no. So I probably did mention
19 that.

20 **Q Was the conversation with Ted Converse
21 possibly after the April 3rd meeting? This
22 E-mail's dated April 5th. The committee -- the
23 staff presented its reports at a meeting on
24 April 3rd, and then the committee as a whole had**

1 that long meeting regarding findings on
2 April 6th.
3 A I'm just trying to recall. I don't recall.
4 I don't recall when it was.
5 Q By the way, did you know Mr. Converse
6 before the hearing started?
7 A No.
8 Q Do you know a Jean Roach?
9 A I do now. I saw them there at the -- at
10 some of the hearings.
11 Q Did you receive phone calls from her during
12 the hearings?
13 A I don't believe I received any phone calls
14 from her during the hearings. I think I met her at
15 one of the hearings on the way out.
16 Q Did you receive phone calls from her after
17 the hearings but before May 3rd?
18 A I don't think she ever called me on the
19 phone that I remember. I don't believe she ever
20 called me.
21 Q Did you ever meet with her in person about
22 her views on the application?
23 A No. Let me say that on the way out she --
24 I might have stopped and shook her hand or

1 that township.
2 I consider anybody in Peoria County my
3 constituent because I'm working for anybody that
4 has an interest in what's going on.
5 Q For what it's worth, I agree.
6 Now, did you have or participate in a
7 family meeting before the final vote to solicit
8 input from your family members as to how you should
9 vote?
10 A With my family, you mean?
11 Q Yes.
12 A My personal family?
13 Q Yes.
14 A No.
15 Q Did you ever tell anyone that you based
16 your vote on the consensus arrived at a family
17 meeting?
18 A I'm not sure -- you mean did I talk to my
19 wife about the issue, is that what you mean?
20 Q My question is, was there ever a family
21 meeting which would involve more than you and your
22 wife to discuss what your position would be on the
23 landfill expansion?
24 A No. We never had any family meetings.

1 something like that.
2 Q That would be the extent of it?
3 A Yeah. I didn't meet with her in person.
4 no.
5 Q Are there any antilandfill signs or
6 billboards in your district?
7 A I'm sure there were some, but I don't
8 recall exactly where they were at or how many.
9 There wasn't near as many out there as there was in
10 Peoria.
11 I think there was probably maybe one in
12 Princeville that I remember seeing somewhere. I
13 didn't really see any through the countryside. I
14 can't recall whether there was any in Lake Of The
15 Woods in that area or not.
16 Q Now, when you say one in Princeville, do
17 you mean a yard sign or a billboard?
18 A No, just like a little yard sign.
19 Q Does Dale Martin live in Princeville?
20 A No. He lives out by Brimfield. I should
21 actually backtrack. He's not one of my
22 constituents. He's a person that I know. I used
23 to represent that area until they redid -- the
24 first four years I was on the board, I represented

1 Q Sir, have you ever attended or been a
2 member of the Sierra Club, Peoria Families Against
3 Toxic Waste, Citizens for Our Environment or River
4 Rescue?
5 A No.
6 Q Have you ever received any donations from
7 any of those or contributions from any those
8 organizations?
9 A No.
10 Q Have you ever made any contributions to any
11 of those organizations?
12 A No.
13 Q Are you acquainted, sir, with Dr. Rodney
14 Lorenz?
15 A Dr. Rodney Lorenz?
16 Q Yes.
17 A No.
18 Q Dr. John McLean?
19 A Seems to me like he testified at the
20 hearing.
21 Q Other than knowing these people from the
22 fact that they gave public testimony is what I'm
23 asking.
24 A No. I have no acquaintance with him in the

1 past.
 2 **Q Because all of these people were involved**
 3 **to one degree or another in the hearings.**
 4 A Right. Lorenz probably spoke, but I just
 5 didn't remember --
 6 **Q So my question is whether you know any of**
 7 **them outside the hearing or have ever talked to**
 8 **them outside the hearing?**
 9 A No.
 10 **Q How about Dr. Vidas?**
 11 A Vidas is -- I think he did surgery on my
 12 daughter, took her adenoids out.
 13 **Q Were you satisfied with his service?**
 14 A Yes.
 15 **Q How long ago was that?**
 16 A Probably 2004, somewhere in there. Two
 17 years ago maybe.
 18 **Q Dr. Parker McRae?**
 19 A No.
 20 **Q Dr. Steven Smith?**
 21 A No.
 22 **Q Dr. McGee?**
 23 A No.
 24 **Q Dr. Jeff Akeson?**

1 A I have heard of the name before.
 2 **Q Do you know Tom Bucklar?**
 3 A I've heard of that name, too. Seems to me
 4 like they sent an E-mail, but I can't remember.
 5 You have them there. I don't remember. If they
 6 walked up to me, I wouldn't know who they were.
 7 **Q In that case, that would mean to me you**
 8 **don't know them.**
 9 **You do know Joyce Blumenshine, right?**
 10 A Yes.
 11 **Q Did you know her before these hearings**
 12 **started?**
 13 A Yes.
 14 **Q How did you know her?**
 15 A I don't know. Like when we were doing the
 16 subdivision ordinance a year ago, she -- the Sierra
 17 Club had some minor concerns about different things
 18 about green space and open space and different
 19 things in the subdivision. They came to a couple
 20 of our hearings.
 21 Then about five or six years ago, we were
 22 out at the -- at our county landfill, and they had
 23 a special meeting out there to show everybody
 24 around or something and she was there.

1 A I can't remember whether it was Akeson or
 2 the other guy in his group because it's been so
 3 long ago. My one son had a trigger thumb, but --
 4 eight years ago and he did some surgery on it.
 5 I do not remember whether it was Akeson
 6 or -- there's two different guys. I should know,
 7 but I just don't remember which one it was.
 8 **Q Do you know Beth Akeson?**
 9 A Yes.
 10 **Q How do you know her?**
 11 A I was at a fundraiser there one time for
 12 Aaron Schock at her place. I just stopped by for a
 13 few minutes.
 14 **Q Any other contacts with her?**
 15 A I think she sent an E-mail, didn't she,
 16 or --
 17 **Q Probably did.**
 18 A She sent an E-mail one time that took up
 19 the whole file or whatever. I don't even know
 20 whether I still had that one or not. I didn't read
 21 it. It seemed like the subject was about the City
 22 of Peoria and its growth or something rather than
 23 anything to do with PDC.
 24 **Q Do you know Tessie Bucklar?**

1 So I didn't -- other than that, I really
 2 don't -- don't have any contacts with her.
 3 **Q You received both E-mails and phone calls**
 4 **from her during this hearing process, right?**
 5 A Yes.
 6 **Q Did you ever have any one-on-one**
 7 **conversations with her during the hearing?**
 8 A If I did, it was, like -- like I said, it
 9 was leaving the room or something. It wouldn't
 10 have been any different than what she said on the
 11 phone.
 12 **Q In fact, is she another one that you told**
 13 **during the hearing process that you were a**
 14 **supporter of theirs and would vote against the**
 15 **application?**
 16 A I probably mentioned to her one time or
 17 another that I was leaning that way.
 18 **Q Do you know members of the Converse family**
 19 **outside of the hearing context?**
 20 A Yes, the mother --
 21 **Q Jane?**
 22 A -- Jane. She served on the 20/20 Vision
 23 Committee with Mayor Ransburg several years ago.
 24 So I know her from that.

1 **Q Do you know Bill Cook?**
 2 A No.
 3 **Q Do you know Tom Edwards outside of his --**
 4 **outside of your role as a county board member who**
 5 **has to listen to him?**
 6 A No.
 7 **Q Do you know Joyce Harant?**
 8 A I met her one time. I think she ran for
 9 Congress about four or five, six years ago, and she
 10 was at the Princeville parade. Before the parade
 11 started, everybody was kind of shaking hands. I
 12 met her that time.
 13 **Q Do you know Mary Harkrader?**
 14 A I think I probably met her once before in
 15 my life, but I really don't know her, no. I never
 16 had any association with her.
 17 **Q Do you know Lisa or Peter Offutt?**
 18 A No.
 19 **Q Do you know Chris Ozuna-Thornton?**
 20 A No.
 21 **Q Do you know Elmo Roach?**
 22 A I think I met him at the -- you know, after
 23 the meeting or something there at the ITOO Hall.
 24 **Q Do you know Amy Schlicksup?**

1 **on this application?**
 2 A No.
 3 **Q Do you know Mayvis Young?**
 4 A No.
 5 **Q Do you know Cara Rosson?**
 6 A No.
 7 **Q Dr. Bill Scott?**
 8 A No.
 9 **Q Dr. Zwicky?**
 10 A No.
 11 MR. MUELLER: Thank you, Mr. Elsasser,
 12 we have no other questions.
 13
 14 (Further deponent saith not.)
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24

1 A No.
 2 **Q Now, when you say you met them after a**
 3 **meeting at the ITOO Hall, do you know mean as in**
 4 **you met with him privately afterwards?**
 5 A Well, it was, like -- he used to be a
 6 professor at Bradley, I think. Is that right? I
 7 believe.
 8 He kind of remembered me, and I don't know
 9 if I had one of his classes or whatever. So I
 10 shook hands with him.
 11 **Q How long would that meeting have lasted?**
 12 A A couple minutes.
 13 **Q Do you know Cathy Stevenson?**
 14 A No.
 15 **Q Do you know Diane Storey?**
 16 A No.
 17 **Q Do you know Barb Van Auken?**
 18 A Yes. The city council person?
 19 **Q Yes.**
 20 A I met her before a few times. I met her
 21 just recently out at the connections thing. They
 22 have a connections thing, social thing for all the
 23 people that -- that's about the only time --
 24 **Q Did she ever call you to express her views**

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 Thursday, September 14th, 2006, personally appeared before me at 416 Main Street, Suite 1400, Peoria, Illinois:

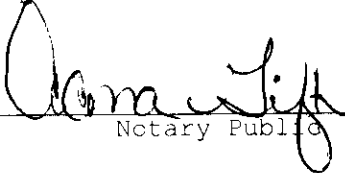
BRIAN ELSASSER, a material witness herein.

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.

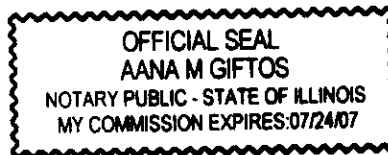
I further certify that I am not counsel for nor in any way related to any of the parties to this suit, nor am I in any way interested in the outcome thereof.

In testimony whereof, I hereunto set my hand and affix my notarial seal on this day, Wednesday, September 20th, 2006.



Notary Public

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



<p style="text-align: center;">A</p> <p>Aana 1:10 43:3.21 Aaron 36:12 about 8:1.11 9:12 11:19 12:1.10 16:8 18:9 19:1.24 22:1.4 25:1.2,6 26:16.22 27:22 28:3.5.6.21 29:12 29:22 30:5 31:21 33:19 35:10 36:21 37:17,18.21 39:9 40:23 accommodating 3:12 accordance 3:10 accurate 18:18 27:2 acquaintance 34:24 acquainted 34:13 acres 7:24 8:1 actually 7:7.12 8:24 10:10 12:7 14:10 15:9 29:3 30:8 32:21 address 5:7,9 addressed 29:4 adenoids 35:12 advice 17:17 affirm 4:21 affirmed 3:2 4:16 affirming 4:23.23 affix 43:17 aforesaid 42:9.11 43:9.11 after 11:9 17:6 23:16.22.24 24:11 24:23 30:21 31:16 39:22 40:2 afterwards 40:4 43:10</p>	<p>again 14:20 42:10 against 15:15 19:14 28:11 34:2 38:14 ago 9:19.19 10:13 12:5 17:2.4.8.8 29:13 35:15.17 36:3.4 37:16.21 38:23 39:9 agree 33:5 agreement 3:10 aide 10:1.2 air 12:18 Akeson 35:24 36:1 36:5.8 Allen 22:7 along 13:3 27:14 always 8:5 American 25:10 Amy 39:24 another 20:17 35:3 38:12.17 answer 4:9.11 20:7 24:9.14.17 antilandfill 32:5 anybody 16:20 33:2.3 anybody's 11:22 anymore 7:19 anyone 33:15 anything 36:23 anyway 13:24 Apparently 3:16 APPEARANCES 1:15 appeared 43:5 application 8:18 11:5.19 12:2 16:9 17:21 21:21 22:8 22:11 25:7 30:15 31:22 38:15 41:1 appropriate 11:17 20:2 23:2 26:2 approve 7:13</p>	<p>approved 10:12 approximately 8:21 13:15 25:14 April 8:22 14:1 21:12 29:4 30:9 30:21.22.24 31:2 aquifer 25:21 26:10 area 9:24 10:16 32:15.23 arm 19:12 around 7:2 37:24 arrived 33:16 arts 6:18 7:3 asked 28:2 asking 34:23 assistance 10:4,7 association 39:16 assume 4:10 12:17 assuming 12:12 17:15 attached 2:22 attend 21:8 attended 21:10 34:1 Attorney 17:15 attorney-client 12:8 August 10:11 Auken 40:17 avoid 10:24 aware 8:16 away 10:23 awful 3:15 a.m 1:13</p> <p style="text-align: center;">B</p> <p>bachelor's 6:15 7:9 7:10 back 21:4.23 background 6:13 backtrack 32:21 Baietto 21:24 22:13 Barb 40:17</p>	<p>based 33:15 basically 11:8 basis 5:16 become 8:16 before 1:1.10 3:19 20:22 23:8 29:17 30:12 31:6.17 33:7 37:1.11 39:10.14 40:20 42:1.20 43:5 beginning 17:10 behalf 1:20.24 16:15 being 3:2.23 14:22 belief 12:9 13:2 17:9 believe 7:10 11:16 15:22.23 28:9 29:2 30:1 31:13 31:19 40:7 believed 26:1 belong 15:17 Bennigan's 9:11 besides 8:7 16:20 26:14 best 6:9 7:13 Beth 36:8 between 17:7 big 13:23 Bill 39:1 41:7 billboard 32:17 billboards 32:6 Black 1:22.22 blood 23:22 Bloomington 9:11 Blumenshine 15:10 20:15 37:9 board 1:2.6 5:18 8:8 11:7 21:21 22:10.17 28:15 32:24 39:4 42:2,6 Bob 21:24 22:13 book 28:7.13,19</p>	<p>both 12:14.22 22:2 38:3 boy 9:10.13 Bradley 6:15 7:7 40:6 break 19:12 28:22 Brian 1:9.18 2:7 3:1.7.9 18:6.10.10 20:5 21:1 42:17 43:6 Brimfield 32:20 bring 27:19 broad 19:9 brother 10:22 brothers 10:19 brought 27:18 Brown 1:22.22 19:4 20:8 24:7.13 24:17 Bucklar 36:24 37:2 bulk 16:11 business 8:13 14:1</p> <p style="text-align: center;">C</p> <p>call 18:7.13 19:16 20:24 21:4 25:12 25:12.19 26:14 40:24 called 1:9 7:10 18:6 22:4 25:13 26:15 27:3 29:16 31:18 31:20 calls 11:22 12:13 12:22 17:20.22 18:1.3.4.19.19 20:14.18.21 21:2 21:20 22:7.10 31:11.13.16 38:3 came 16:10.10 37:19 capacity 9:23 Cara 41:5 care 9:5.24</p>
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Carol 22:14.18	completed 23:9.11	council 40:18	depositions 1:10	39:3
case 21:9 30:7 37:7	concern 28:1	counsel 2:22 43:14	dialogue 21:23 22:6	eight 36:4
Cathy 40:13	concerned 27:22	count 13:18	Diane 40:15	elected 5:22
cattle 14:1	concerns 37:17	country 14:14	different 22:1	election 5:24 6:7
cause 43:8	confused 26:16.21	countryside 32:13	29:24 36:6 37:17	elevated 23:14.22
cell 5:11.13.15	Congress 39:9	county 1:6.11 5:18	37:18 38:10	Elias 1:19
Certified 43:21	connections 40:21	8:8 21:21 33:2	direct 24:14 28:17	Elmo 39:21
certify 42:8 43:4.7	40:22	37:22 39:4 42:6	directly 29:5	Elsasser 1:9 2:7.11
43:12.14	consensus 33:16	43:2.3	discoverable 24:16	3:1.7.9.11.19 6:14
check 42:12	consider 13:2 33:2	couple 18:20 37:19	discovery 1:10 3:8	24:10 29:2.9
children 9:5.8	consideration	40:12	discuss 33:22	41:11 42:17 43:6
10:20	27:16	course 7:6	discussions 7:20	employees 23:15
Chris 39:19	consisting 42:9	courses 7:12	Disposal 1:3 8:17	25:3
Citizens 34:3	constituent 24:2	court 1:10 3:23	11:5.18 15:3 18:5	employment 10:5
city 36:21 40:18	33:3	cousins 10:17	20:23 42:3	end 6:2
clarified 26:17	constituents 23:18	creek 26:11	distinction 4:17	English 7:4
classes 40:9	26:3 32:22	CSR 1:11 43:3	district 32:6	entitled 19:5
cleans 9:6	constitution 4:20	currently 11:2	doctor 11:3	Environment 34:3
clear 4:8	contacted 11:18		document 28:14	EPA 26:15 27:3
clerk 28:18.19.20	contacts 12:1.11	D	documents 14:23	errata 42:13
close 10:14	36:14 38:2	D 2:5	doing 37:15	ESQUIRE 1:16.18
Club 15:5.7.9.10	contamination	Dale 24:19 32:19	donations 34:6	1:18.22
34:2 37:17	23:14	date 6:21 17:5	door 16:13.19.21	even 8:3.4 23:8
college 8:5 9:12.21	context 27:21 38:19	dated 29:3 30:22	16:23	29:17 36:19
Columbus 1:16	contributions 34:7	daughter 35:12	down 3:23 11:8	ever 3:18 13:22
commencing 1:12	34:10	Dave 22:8	28:4	23:13 25:6 27:11
commission 42:23	CONTROL 1:2	DAVID 1:22	Dr 34:13.15.18	31:18.19.21 33:15
43:22	42:2	day 9:6 27:24 42:20	35:10.18.20.22.24	33:20 34:1.6.10
committee 30:22.24	conversation 19:5	43:17	41:7.9	35:7 38:6 40:24
38:23	25:6 29:19 30:1.2	days 17:8.8 21:11	drop 16:18	every 14:21 21:15
communicate 4:4	30:13.17.20	21:13.14	duly 3:2 43:8	everybody 37:23
communication	conversations 38:7	dead 27:6	dump 27:23 28:3	39:11
18:9 28:17	Converse 15:20	Dean 25:7.9	during 15:1 31:11	everything 3:22
communications	20:19 29:4.15	decide 26:5	31:14 38:4.7.13	4:15 14:2.24
11:10 13:9	30:2.13.20 31:5	deciding 11:5	E	exact 6:21 17:5
community 9:9	38:18	decision 13:5 17:6	E 2:5	exactly 8:19 11:13
compact 7:15	Cook 39:1	degree 6:15.19 35:3	early 22:18.20 23:4	25:11 29:17 32:8
Company 1:3	copy 29:7	deleted 14:4.8	earn 9:21	examination 1:9
11:19 15:3 18:5	correct 5:18 12:2	15:23	earning 8:6	2:8 3:4
20:23 25:11 42:3	12:12 26:1 42:10	department 4:14	edification 4:13	examined 3:3
Company's 8:17	43:10	deponent 41:14	educational 6:13	Exhibit 2:11 29:9
comparison 26:12	corrections 42:15	deposition 1:9 3:9	Edwards 16:15.21	exhibits 2:10.21
complete 42:10	Coulter 2:2	3:18 42:8.11		expansion 8:18

11:6 33:23 experiences 27:15 expires 42:23 43:22 explain 3:21 4:17 exposure 27:12 express 30:5 40:24 extent 32:2 E-mail 13:22.23 14:1 29:3.11 36:15.18 37:4 E-mails 12:22.24 13:13.16.19 14:15 15:1.14.19 17:12 38:3 E-mail's 30:22	final 33:7 finally 26:17 find 19:10 27:3 28:9 findings 31:1 fine 18:8.18 finished 6:24 23:23 first 3:11.22 5:22 8:16 30:10.11 32:24 43:8 five 37:21 39:9 flexible 7:17 flyers 16:7.16 follow 11:8 follows 3:3 foregoing 42:8 43:10 form 16:1 forth 21:24 four 6:24 14:13 32:24 39:9 Francis 9:15.16 free 4:9 friend 19:23 friends 23:20 24:5 from 6:15 7:20 9:12 10:11 12:13 12:22 13:11 14:1 15:2.2.5.6.9.11.14 15:17.19 16:7 17:9.20 18:1.3.4 18:20 20:14.18.22 20:24 21:20 22:7 23:18 26:2 29:4 31:11.14.16 33:8 34:6.7.21 38:4.24 front 16:19 full 3:6 14:3 26:6 full-time 7:14 fundraiser 36:11 further 41:14 43:7 43:12.14	G gathered 12:21 13:4.7 gave 34:22 GEORGE 1:16 gestures 4:4 getting 3:13.14 10:5.8 15:14 Giftos 1:11 43:3.21 girl 9:13 give 4:21 18:7 given 17:17 42:8.11 43:9.11 gives 7:7 go 8:15 9:13 10:18 18:23 21:18 going 4:10 8:14 9:13 10:11 12:10 14:10 18:23 19:12 19:14 20:4.8 22:6 22:19.23 23:1.4 24:9.13 26:6 33:4 good 26:12 gossip 20:1 gotten 15:19 graduate 9:12 green 37:18 ground 3:21 4:14 11:7 group 15:18 28:11 36:2 groups 16:7 growth 36:22 guess 5:1 8:23.23 17:8 19:16 27:19 guy 36:2 guys 36:6	handed 11:8 hands 39:11 40:10 happened 23:24 Harant 39:7 hardly 13:21 Harkrader 39:13 harm 24:6 harmful 19:7.19 having 7:8 head 4:5.5 health 25:3 heard 23:18 26:2 37:1.3 hearing 11:12.19 13:4.7.10 22:19 24:12 26:3 27:20 31:6 34:20 35:7.8 38:4.7.13.19 hearings 21:8 23:8 23:11.16 27:18 31:10.12.14.15.17 35:3 37:11.20 hectic 3:15 help 9:21 helped 8:4 her 9:21 10:4.7 15:11 22:23.24 23:3.4.4 31:11.14 31:14.16.21.22.24 32:3 35:12 36:10 36:12.14 37:11.14 38:2.4.7.16.24 39:8.12.14.15.16 40:20.20.24 hereto 2:22 heretofore 43:4 hereunto 43:16 high 8:4 14:14 highlights 21:19 him 18:7 21:4 23:21 24:5.24 25:12.13 29:20 30:5.14 34:24	39:5.22 40:4.10 history 7:4.6 home 18:7 homes 9:6 Hopefully 6:12 hoping 8:14 Hospital 9:15.17 hour 1:12 hours 14:13 hurt 20:11 I idea 25:20 IDENTIFIED 2:10 ill 27:11 Illinois 1:1.11.12 1:17.20.23 5:8 25:10 26:11 42:1 43:1.4.5.22 implication 19:9 important 13:8 impression 11:9.24 12:20 inappropriate 11:17 12:2 including 13:4 inclusive 42:9 independent 7:11 26:13 Indicates 2:21 individuale 15:17 16:8 17:20 industry 10:15 information 12:21 13:3.3.4.6.8 23:13 23:17 24:3.16.23 25:2 input 33:8 instead 27:1 28:8 intend 6:4 intended 4:11 intention 8:17 interest 33:4
F fact 26:17 34:22 38:12 fair 4:11 Families 15:15 27:1 28:6.10.11 34:2 family 33:7.8.10.12 33:16.20.24 38:18 far 10:18 farm 7:24 8:4 farmer 7:22 farming 6:22 7:14 8:5.7 father 27:11 Faulkner 25:7.9 26:8.14 favor 22:3 February 18:15 21:13 feel 4:9 fellow 18:22 felt 26:4 few 16:16 36:13 40:20 field 6:17 file 8:17 36:19 filed 28:18.19.20				
		H half 17:5 29:13 Hall 39:23 40:3 hand 16:12 31:24 43:17		

interested 13:11 43:15	29:23 31:5.8 32:22 35:6 36:6.8 36:10.19.24 37:2 37:6.8.9.11.14.15 38:18.24 39:1.3.7 39:13.15.17.19.21 39:22.24 40:3.8 40:13.15.17 41:3 41:5	19:19.21.23 21:6 21:24 23:16 29:13 29:24 32:1.18 34:19 36:21 37:4 37:15 38:8.8 40:5	making 5:4 13:5 many 7:24 13:15 15:23 17:22 32:8 32:9 March 18:16 23:12 25:16.17.18 margin 6:6.9 mark 29:8 marked 29:9 married 9:1 Martin 24:20 32:19 Mary 39:13 Master's 7:4.8.9 material 1:9 3:2 21:6 43:6 matter 4:24 12:1 19:22 20:3.10 26:19.20 27:6.7.8 27:23 matters 27:17 may 12:3 13:12 15:2 21:12 23:16 23:24 24:12.23 25:4 31:17 maybe 11:14 14:22 17:4 32:11 35:17 Mayer 22:8 Mayor 38:23 Mayvis 41:3 McGee 35:22 McLean 34:18 McRae 35:18 mean 8:23 10:8 11:21 13:18 15:7 16:10 18:10.18 19:6 20:5 21:23 28:10 29:12.21 32:17 33:10.18.19 37:7 40:3 means 3:24 4:3 medical 10:8.15 meet 4:24 27:4 31:21 32:3	meeting 11:7 12:4 21:12 30:21.23 31:1 33:7.17.21 37:23 39:23 40:3 40:11 meetings 33:24 Meginnes 1:18.19 18:11 21:1 member 5:18 15:10 34:2 39:4 members 11:7 15:6 21:21 22:11 28:15 33:8 38:18 memory 16:17 mention 30:18 mentioned 12:3.7 28:5 38:16 mentioning 10:24 mercury 23:14.21 met 31:14 39:8.12 39:14.22 40:2.4 40:20.20 Methodist 9:14.22 MGP 27:24 might 12:3.7 22:15 31:24 mind 18:20 21:6 23:2 mine 19:23 28:1 minor 37:17 minutes 36:13 40:12 mistaken 23:5 money 8:6 9:21 month 17:2.4.4 29:13 months 9:18.19 more 7:15 10:19 33:21 morning 3:13 Morton 1:23 most 13:7 18:20 mother 38:20	
J J 1:18 JANA 1:18 Jane 38:21.22 Jean 31:8 Jeff 35:24 job 9:20 jobs 8:11 John 34:18 Joyce 20:14 37:9 39:7 just 9:20 10:12 14:7 15:17 18:6 21:24 22:5.5 25:20 26:9.20 27:1.10 28:8 29:21.22 31:3 32:18 35:4 36:7 36:12 40:21	knowing 34:21 knows 20:5.6	likely 24:15 Lisa 39:17 listed 29:22 listen 39:5 little 32:18 live 32:19 lived 5:9 lives 32:20 living 9:4 lobby 22:16 located 25:22 long 5:9 8:2 9:16.19 12:4 31:1 35:15 36:3 40:11 look 14:18 looking 29:2 looks 14:18.19 Lorenz 34:14.15 35:4 lot 14:19 21:23 22:5 27:10 Lyn 2:3	known 29:23 31:5.8 32:22 35:6 36:6.8 36:10.19.24 37:2 37:6.8.9.11.14.15 38:18.24 39:1.3.7 39:13.15.17.19.21 39:22.24 40:3.8 40:13.15.17 41:3 41:5	L Lake 32:14 land 4:21 landfill 8:18 11:6 33:23 37:22 last 6:7 21:10.13 lasted 40:11 later 6:24 laws 4:21 lead 24:15 leaning 22:2.21 23:7 30:18 38:17 least 6:12 13:1 leave 16:13 leaving 38:9 left 16:18.21.22 let 3:8.21 4:18 29:7 31:23 letters 12:22 13:1 16:1.3 17:13 Let's 28:21 29:8 level 26:18 levels 23:15.21 liberal 6:18 7:3 license 26:17 43:22 life 8:3 13:22 27:15 39:15 like 6:23 7:11 9:18 10:2.12.17.19 14:12.16.17.19.19 15:24 16:10 17:7	M M 1:10 43:3.21 made 17:6 21:5 27:11 34:10 mail 16:11 mailbox 16:13 mailed 17:2 mailing 16:11 main 1:12.19.23 7:6 43:5 mainly 7:5 maintain 12:24 make 14:9 22:10 23:2 42:10 makes 30:13
K keep 13:19 17:10 Kennedy 5:8 kept 17:1 Kim 15:19 20:18 kind 10:2 39:11 40:8 know 9:20 10:18 11:13 14:5.10.16 14:18 15:8 16:2 16:15.20 18:15.16 18:17 19:1 20:6 22:1.20 26:21 27:23.24 29:16.21					

much 14:22 21:16
Mueller 1:16 2:8
 3:5 19:8 20:13
 24:8.13.21 28:21
 29:1.8.10 41:11
myself 27:3 28:9

N

N 2:5
NAIR 1:18
name 3:6 37:1.3
nay 4:19.19
near 32:9
necessarily 18:1
necessary 26:4
need 4:3 14:10 24:4
 26:6
neonatal 9:24
never 13:22 14:2
 26:21 33:24 39:15
next 3:14 19:15
night 12:16 29:6
nodding 4:5
none 10:21
normally 4:14
notarial 43:17
Notary 1:11 42:22
 43:3.20
noted 42:16
nothing 43:8
notice 1:10 3:10.12
November 13:12
 15:2
number 5:13 13:17
nurses 10:3
nurse's 10:1.2
nursing 9:14 10:8

O

oath 4:15 42:10
occupation 7:22
 8:2
occurred 18:14

25:15
off 14:12 16:18
 20:22 29:12
office 9:6
Offutt 39:17
off-the-record 7:20
okay 12:15.17
 16:17 17:9 24:19
oldest 9:12
once 39:14
one 3:24 4:1 6:12
 6:24 9:6.10 12:18
 14:18.19.21 15:21
 16:22 18:6.18
 20:24 21:3 23:18
 23:19 24:4 27:17
 27:18 28:15 31:15
 32:11.16.21 35:3
 36:3.7.11.18.20
 38:12.16 39:8
 40:9 42:12
ones 14:13
one-liners 14:5.7
one-on-one 38:6
only 3:24 4:1 16:22
 19:1.24 21:10
 26:19 27:5 40:23
open 37:18
opinion 25:21 30:5
opponent 6:8.11
opponents 12:13.23
 18:2
opposed 30:15
ordinance 37:16
organizations 16:8
 34:8.11
other 8:6.11 10:14
 12:19 13:3 14:19
 14:23 20:24 21:2
 21:14.20 25:2
 26:13 27:9.15
 29:6 34:21 36:2
 36:14 38:1 41:12

otherwise 14:11
Ottawa 1:17
out 7:13.16 8:4 9:8
 14:8.14 16:16
 17:23 18:20 19:10
 21:18 23:20 24:5
 27:3.24 28:3.8.9
 28:14.20 29:5
 31:15.23 32:9.20
 35:12 37:22.23
 40:21
outcome 43:15
outline 7:12
outside 11:11.19.24
 12:11 13:10 35:7
 35:8 38:19 39:3.4
over 14:20.20
 16:24 18:7 23:12
 23:16
own 4:13 8:13
 25:23 26:4
Ozuna-Thornton
 39:19

P

pack 28:4
packet 15:12
pages 42:9
paper 16:1
parade 39:10.10
Parker 35:18
participants 11:11
participate 33:6
particular 7:3 21:3
 26:19 27:5.7.8.23
parties 43:14
party 5:20.21
pass 29:24
passed 10:23
past 19:23 35:1
pay 9:21
PCB 1:5 42:5
PDC 2:2 23:15 25:3

36:23
pending 17:21
people 4:14 9:7
 12:18 34:21 35:2
 40:23
Peoria 1:3.6.11.12
 1:20 8:7.17 10:15
 11:5.18 15:3.15
 18:4 20:23 26:24
 28:5.10.11 32:10
 33:2 34:2 36:22
 42:3.6 43:2.3.5
period 13:11 15:1
person 4:1 13:23
 13:24 17:17.19
 19:22.24 20:6.11
 30:3 31:21 32:3
 32:22 40:18
personal 14:22
 33:12
personally 43:4
pertain 1:10
pesticide 27:12
Peter 39:17
Petitioner 1:4.20
 42:4
Petitioner's 2:21
pg 2:8.11
phone 5:11.13.15
 11:22 17:20.22
 18:1.3.4.13.19.19
 20:14.18.21.24
 21:2.20 22:7.10
 22:15 31:11.13.16
 31:19 38:3.11
physician 10:22
pick 7:8 21:18
pinpoints 8:24
place 36:12 42:9
please 3:6 14:5.6
 24:17 42:12
PM 26:16 27:7 28:6
PM10 26:16.18.23

27:5
point 11:9
political 7:6 19:16
 19:18
politically 19:20
POLLUTION 1:1
 42:1
position 33:22
possibly 30:21
post 9:6
posterity 3:24
presence 43:10
PRESENT 2:1
presented 30:23
press 20:9
pretty 8:24
primary 19:15
Princeville 5:8
 32:12.16.19 39:10
principal 7:21
print 14:11.13.13
printed 29:12
printer's 14:12
prior 25:3
privately 40:4
privilege 12:8
probably 8:22
 15:24 17:2 22:21
 23:11.12 29:21
 30:18 32:11 35:4
 35:16 36:17 38:16
 39:14
procedures 12:10
proceedings 28:23
process 11:4.12.20
 13:10 22:19 38:4
 38:13
professor 40:6
program 7:11.18
promise 5:5
promising 5:2
proponents 12:14
 12:23 18:2.4.21

provide 10:4.7
provided 24:2.23
public 1:11 11:11
 19:22 20:11 21:8
 26:3 34:22 42:22
 43:3.20
purpose 25:19
pursuant 1:9 3:9
push 20:4
put 23:21
P.C 1:19

Q

question 4:8.10 5:1
 22:22 24:7.10.15
 24:18 27:19 28:3
 33:20 35:6
questions 18:7
 22:14 41:12
quickly 23:2
quite 16:16

R

ran 23:18 24:24
 39:8
Ransburg 38:23
rather 4:4 19:21
 36:22
read 14:15.17.21
 21:6.14.15.15.16
 36:20 42:8
reader 21:17.17
reading 14:23 27:1
 27:10 29:14
ready 9:12
real 14:4
really 8:3.9 13:11
 19:21 20:3 21:5
 25:21 32:13 38:1
 39:15
recall 11:13.14
 15:7 16:14 17:5
 19:4 20:24 22:24

24:22 29:13 31:3
 31:3.4 32:8.14
receive 13:13 17:20
 20:14.18.21 21:2
 21:20 22:7 23:13
 23:17 31:11.16
received 13:10.16
 28:15 31:13 34:6
 38:3
receiving 20:24
 29:11
recently 40:21
Recess 28:23
recollection 23:3.5
 23:6
record 3:8 5:5
 19:22 20:11
redid 32:23
reduced 43:10
reelection 6:4
reference 30:14
referring 28:14
refreshing 16:17
regard 13:9
regarding 21:21
 22:8.11 23:14
 31:1
regular 5:15
related 43:14
relationship 24:6
relatives 10:14
relevance 27:20
relevant 24:11
remember 6:20 7:1
 8:19 12:4.16
 15:13.14 17:14.16
 17:18 18:13 23:10
 25:14 26:8 29:11
 29:15.19 30:17
 31:19 32:12 35:5
 36:1.5.7 37:4.5
remembered 40:8
rephrase 4:9

reported 43:9
reporter 3:23 43:21
reports 30:23
represent 32:23
representatives
 11:18 15:15 20:23
represented 32:24
Republican 5:21
 19:14
Republicans 18:22
require 26:18
required 27:4.5
Rescue 16:16.21
 34:4
research 25:23
 26:4.13 27:9
resolved 26:20
Respondent 1:7.24
 42:7
Riffle 1:19
Riggenbach 21:24
 22:13
right 4:21 5:6 6:5
 6:10.12 8:14
 10:11 12:15 15:11
 19:18 35:4 37:9
 38:4 40:6
River 16:15.20
 26:12 34:3
Roach 31:8 39:21
Rodney 34:13.15
role 39:4
room 14:9 38:9
Rosson 41:5
Royal 2:2
RPR 1:11 43:3
rules 1:10 3:10.21
 4:14 11:7.15
run 19:14.15 26:11

S

saith 41:14
same 6:23 14:20

29:22 42:10
satisfied 35:13
save 14:10 17:12
saved 16:2.2.4
saw 31:9
saying 7:21 28:8
says 4:18
schedule 7:15
scheduled 3:13
Schlicksup 39:24
Schmidt 2:3
Schock 36:12
school 6:22 8:4 9:9
 9:14 10:8.9
science 7:6
sciences 7:5
Scott 41:7
seal 43:17
second 9:13
Secondly 4:3
see 4:16 28:22
 32:13
seeing 32:12
seek 6:4
seemed 16:16 36:21
Seems 34:19 37:3
Seghetti 1:19
send 13:24
sent 13:22 28:7.13
 28:20 36:15.18
 37:4
September 1:12
 42:9 43:4.17
served 38:22
service 8:7 35:13
services 10:15
set 7:18 43:16
several 6:22 15:11
 38:23
shaking 4:5 39:11
sheet(s) 42:14
shook 31:24 40:10
short 3:12 14:4

Shorthand 43:21
show 3:8 29:7
 37:23
Sierra 15:5.7.9.10
 34:2 37:16
sign 32:17.18
signature 43:12
signs 32:5
similar 26:10
single 21:15
sir 5:7 9:1 22:22
 24:22 27:11 29:11
 34:1.13
sisters 10:19
sit 17:23
situation 3:16
 26:10.10
six 9:5 37:21 39:9
skimmer 21:18
slow 14:12
Smith 35:20
social 7:5 40:22
solicit 33:7
some 3:21 9:21
 14:6.18 15:6
 16:18.18 18:19.23
 20:16 23:14.15
 25:23 31:10 32:7
 36:4 37:17
somebody 13:24
 16:12 19:11.14
something 11:23
 15:24 16:12.23
 22:15.15 26:5.24
 27:14 28:5.18
 32:1 36:22 37:24
 38:9 39:23
sometime 8:22 17:6
 18:15 25:16
somewhere 7:2
 17:7 32:12 35:16
son 36:3
sorry 11:1

South 1:23 5:8
space 37:18.18
speak 4:24
special 37:23
specific 26:18
specifically 17:16
speed 21:17.17
spoke 35:4
SS 43:1
St 9:15.16
staff 30:23
stand 17:23 18:20
standards 27:4
stands 27:7
start 10:11
started 6:24 9:18
 11:4 24:24 31:6
 37:12 39:11
starts 9:22 29:5
state 1:11 3:6 26:15
 43:1.3.22
State's 17:15
status 25:3
stenographically
 43:9
Steven 35:20
Stevenson 40:13
still 5:1 26:15.21
 36:20
stopped 31:24
 36:12
store 23:19 24:24
Storey 40:15
stream 26:11
Street 1:12.16.19
 1:23 43:5
student 9:11
study 7:11
stuff 10:3 16:18
 17:10
subdivision 37:16
 37:19
subject 7:3.8 12:1

 36:21
submitted 42:13
subscribe 42:10
Subscribed 42:19
suit 43:15
Suite 1:12.16.19
 43:5
supplement 26:2
support 30:6.15
supporter 38:14
supposed 8:23
 12:24
Supreme 1:10
sure 7:19 8:10
 11:21 13:17 18:16
 20:16 25:11 28:16
 29:17 32:7 33:18
surgery 35:11 36:4
sway 22:17
swear 4:19
sworn 42:19 43:8

T

take 4:1 7:12.20
 14:15 28:21
taken 3:9.18.23
takes 9:5
taking 1:10 29:6
talk 3:24 22:15
 29:6 33:18
talked 28:6 30:12
 35:7
talking 22:1 29:15
tech 14:14
Ted 29:4.15 30:20
telephone 5:13
 12:13.22 13:23
 17:19 30:2.4
tell 4:14 5:2 13:15
 22:18.22 30:14
 33:15
telling 25:1
Ten 5:10

term 6:2
terms 3:12 12:11
terrible 6:20 7:1
Tessie 36:24
test 26:16.19.23
 27:5
testified 3:3 34:19
testify 43:8
testimony 34:22
 43:9.11.16
thank 3:11.14 5:7
 14:6 41:11
Thanks 16:17 29:5
their 12:18 22:12
 22:17 28:7.13
theirs 38:14
thereof 43:15
thing 14:20 23:12
 40:21.22.22
things 4:6 14:8
 16:18.21.24 18:23
 22:1 29:22.24
 37:17.19
think 6:21 9:18
 13:6 15:6.9.21
 16:22 19:2 20:7
 20:22 22:22 23:1
 29:23 31:14.18
 32:11 35:11 36:15
 39:8.14.22 40:6
thinking 8:11
 10:19
thought 18:8
thousand 10:17
threat 19:7.9.17.18
 19:19
threatened 18:22
 18:24 19:20
threatening 18:21
three 9:19 14:12
three-minute 28:22
through 14:2 16:11
 21:18 32:13 42:9

thumb 36:3
Thursday 1:11
 43:4
Tim 21:24 22:13
time 4:1.2 6:23
 11:4.10.22 12:4
 15:2 18:6 19:15
 20:16 26:5 29:6
 29:14 30:12 36:11
 36:18 38:16 39:8
 39:12 40:23 42:9
times 40:20
title 25:11
today 3:22
told 17:14 19:1.24
 22:24 23:3.19
 26:8 38:12
Tom 16:15 37:2
 39:3
toward 23:7
towards 22:2 30:18
township 33:1
Toxic 15:15 28:11
 34:3
to-wit 43:4
track 20:22
transcript 42:8.10
 43:11
transcripts 21:14
 21:16
tried 14:11 21:18
trigger 36:3
truck 23:21
true 23:9 42:10
 43:10
Trumpe 22:14.18
truth 4:22 5:2 43:8
 43:8.8
try 13:1 17:12
 21:16 22:17
trying 10:23 13:24
 16:14 25:20 31:3
turn 16:24

turned 13:17 16:3
 16:4 29:3
two 9:18 21:10.13
 29:17 35:16 36:6
typewriting 43:10

U

under 4:15
understand 4:6 5:4
 11:6 12:9 14:9
understanding
 26:6
understood 4:10
University 6:16
unspecified 7:7
until 13:12 15:2
 32:23
unusual 7:17
use 5:15
used 23:20 32:22
 40:5

V

Van 40:17
various 16:7 17:20
ventures 8:7
verbally 4:4
very 7:17.17 9:19
 18:21 24:15
victory 6:6
Vidas 35:10.11
view 30:6
views 12:18 31:22
 40:24
Vision 38:22
vote 6:12 14:5.6.6
 19:11.13 21:22
 22:11.12.17.19.23
 23:1.4 30:8.8.10
 30:11 33:7.9.16
 38:14
votes 23:22
voting 22:2 23:7

<p>vs 1:5 42:5</p> <p>W</p> <p>waived 43:13</p> <p>walked 37:6</p> <p>want 10:18 11:23 12:6.9 18:17.17 19:10 20:11 24:5</p> <p>wanted 7:12 27:2 28:9</p> <p>wasn't 6:23 10:23 19:6.18 20:8 22:16 23:12 30:9 32:9</p> <p>Waste 15:16 28:11 34:3</p> <p>water 25:10 26:9</p> <p>way 7:18 12:18 21:4 22:21 31:5 31:15.23 38:17 43:14.15</p> <p>Wednesday 43:17</p> <p>week 3:15 9:6 10:12 29:17</p> <p>weekend 18:8</p> <p>welcome 11:22</p> <p>well 4:18 8:24 9:10 11:16 17:16 18:3 22:4 27:2 28:7.8 30:10 40:5</p> <p>went 6:21</p> <p>were 2:21 5:22 11:8 11:15 12:10.24 14:10 15:9 18:21 18:22 22:1.2.19 22:23 23:4.8.11 23:16.21.23 30:14 32:7.8 35:2.13 37:6.15.21 38:13 42:15</p> <p>weren't 8:14</p> <p>we're 14:14 19:11 19:13 24:9.13</p>	<p>28:22</p> <p>Whatever's 15:12</p> <p>whereof 43:16</p> <p>while 17:21</p> <p>whole 8:3 30:24 36:19 43:8</p> <p>wife 9:3 19:1.24 33:19.22</p> <p>Williams 22:8</p> <p>windy 27:24</p> <p>win-win 3:16</p> <p>withdrawn 2:21</p> <p>witness 1:9 2:6 3:2 19:6 20:10 24:14 24:19 43:6.7.9.10 43:11.13</p> <p>Woods 32:15</p> <p>word 4:18 14:17.17 14:21.21 19:9 21:15</p> <p>work 10:15 12:10 23:20 24:5</p> <p>worked 7:13 9:16</p> <p>working 9:9.20.23 11:2 33:3</p> <p>works 9:5,10,14,24 25:10</p> <p>worth 33:5</p> <p>wouldn't 37:6 38:9</p> <p>wrote 13:21</p> <p>X</p> <p>X 2:5 13:17</p> <p>Y</p> <p>yard 32:17.18</p> <p>yea 4:18.19.20.20</p> <p>yeah 14:18 27:8 32:3</p> <p>year 6:24 10:11 37:16</p> <p>years 5:10 6:22.24 32:24 35:17 36:4</p>	<p>37:21 38:23 39:9</p> <p>Young 41:3</p> <p>Z</p> <p>zero 6:11</p> <p>Zwicky 41:9</p> <p>#</p> <p>#084-003571 43:22</p> <p>0</p> <p>06-184 1:5 42:5 07/24/07 43:22</p> <p>1</p> <p>1,500 8:1</p> <p>101 1:23</p> <p>11:00 1:13</p> <p>14 42:9</p> <p>14th 1:12 43:4</p> <p>1400 1:12.19 43:5</p> <p>1994 6:21 7:2</p> <p>1995 10:23</p> <p>1998 5:23</p> <p>2</p> <p>20 15:24</p> <p>20th 43:17</p> <p>20/20 38:22</p> <p>2004 6:7 35:16</p> <p>2005 8:22.22 13:12</p> <p>2006 1:12 13:12 25:17.18 42:9.20 43:4.17</p> <p>2007 10:12</p> <p>2008 6:3</p> <p>204 1:16</p> <p>26 2:11 29:8.9</p> <p>29 2:11</p> <p>29th 23:12</p> <p>3</p> <p>3 2:8 42:9</p> <p>3rd 13:12 15:2</p>	<p>23:24 24:12.23 25:4 30:21.24 31:17</p> <p>30 15:24 17:8</p> <p>309)231-3672 5:14</p> <p>330 5:8</p> <p>4</p> <p>41 42:9</p> <p>416 1:12.19 43:5 45 17:8</p> <p>5</p> <p>5th 29:4 30:22</p> <p>528 1:16</p> <p>6</p> <p>6th 30:9 31:2</p> <p>61350 1:17</p> <p>61550 1:23</p> <p>61602 1:20</p> <p>9</p> <p>9th 13:12 15:2</p>
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Exhibit 2

Jeff Joyce
9/27/06

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

PEORIA DISPOSAL COMPANY,)
)
)
Petitioner,) **ORIGINAL**
)
)
)
vs.) No. PCB 06-184
)
)
)
PEORIA COUNTY BOARD,)
)
)
Respondent.)

THE DEPOSITION of JEFFREY JOYCE, a witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of depositions before Angela M. Jones, CSR, RPR, and a Notary Public in and for the County of Tazewell, State of Illinois, on Wednesday, September 27, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 3:05 p.m.

Page 3

INDEX

1
2
3 WITNESS: Page
4 JEFF JOYCE
Examination by Mr. Mueller.....4
5
6
7
8
9
10
11 EXHIBITS:
12 EXHIBIT 31.....12
Peoria Journal Star Article
13
14
15
16
17
18
19
20
21
22
23
24

Page 2

1
2
3 APPEARANCES:
4 GEORGE MUELLER, ESQUIRE
5 528 Columbus Street, Suite 204
6 Ottawa, Illinois 61350
7 and
8 JANAKI NAIR, ESQUIRE
9 BRIAN J. MEGINNES, ESQUIRE
10 Elias, Meginnnes, Riffle & Seghetti, P.C.
11 416 Main Street, Suite 1400
12 Peoria, Illinois 61602
13 On Behalf of the Petitioner;
14
15
16
17 DAVID A. BROWN, ESQUIRE
18 Black, Black & Brown
19 101 South Main Street
20 Morton, Illinois 61550
21 On Behalf of the Respondent.
22
23
24

ALSO PRESENT:
ROYAL COULTER, PDC
CHRIS COULTER, PDC

Page 4

1 (Witness sworn.)
2 JEFFREY JOYCE,
3 called as a witness, after being first duly sworn, was
4 examined and testified upon his oath as follows:
5 EXAMINATION
6 BY MR. MUELLER:
7 Q State your full name, please.
8 A Jeffrey David Joyce.
9 MR. MUELLER: Let the record show: This is
10 the discovery deposition of Jeffrey David Joyce taken
11 pursuant to notice, in accordance with rules, and by
12 agreement of the parties.
13 Q Mr. Joyce, I'm one of the attorneys for
14 Peoria Disposal Company, George Mueller. I'll be asking
15 you questions today about the PDC siting application and
16 the decision-making process.
17 Have you ever had your deposition taken
18 before in any case?
19 A Uh-huh. For other instances, yes.
20 Q So you're familiar generally with the
21 procedures and ground rules?
22 A Yes, sir.
23 Q I notice you said "uh-huh," and I'll tell
24 you we try to avoid saying that because it sounds a lot

1 like huh-uh.
 2 A Yes, sir.
 3 Q Therefore, we want yes and no whenever
 4 possible.
 5 A All right.
 6 Q Thank you.
 7 Mr. Joyce, what is your address?
 8 A 1208 East Maywood in Peoria, 61603.
 9 Q How long have you lived at that address?
 10 A 22 years.
 11 Q Sir, what is your home telephone number?
 12 A Area code (309) 682-4852.
 13 Q What is your cell phone number?
 14 A Area code (309) 645-9622.
 15 Q Do you have an e-mail address at home
 16 separate from your County Board e-mail address?
 17 A Yes, I do.
 18 Q And what is that?
 19 A It's papajoyce -- one word -- at
 20 insightbb.com.
 21 Q And how long have you had that e-mail
 22 address approximately?
 23 A That one a little over a year.
 24 Q What is your educational background,

1 A Anything involved with day-to-day
 2 operations of that facility, drivers, hiring, personnel,
 3 whatever it takes to keep it running.
 4 Q Is that a private company that contracts
 5 with the City of Peoria to provide transportation
 6 services?
 7 A Yes, sir. They contract with Greater
 8 Peoria Mass Transit District.
 9 Q So you're not a government employee?
 10 A No, sir, other than being elected.
 11 Q Is your wife employed?
 12 A Yes, sir.
 13 Q What's her name?
 14 A Her name is Lisa.
 15 Q Last name Joyce?
 16 A Correct.
 17 Q And where is she employed?
 18 A She's employed with Lutheran Social
 19 Services of Illinois.
 20 Q What does she do for them?
 21 A She is coordinator of case aides, social
 22 work.
 23 Q Does that job bring her into frequent
 24 contact with medical professionals?

1 Mr. Joyce?
 2 A I have an associate's in administra--
 3 business administration, minor in communications.
 4 Q From where?
 5 A ICC.
 6 Q When did you get the A.A. degree there?
 7 A About -- I don't know the exact date.
 8 About eight, nine years ago, ten years ago.
 9 Q What is your age, sir?
 10 A 48.
 11 Q What is your employment history?
 12 A I worked for Peoria Public Schools for 23
 13 years and now for MV Transportation which currently runs
 14 the City Lift (sic) Mass Transit.
 15 Q What was your last title with the Peoria
 16 Public Schools system?
 17 A Assistant director of transportation.
 18 Q And when did you leave that job?
 19 A March of '03.
 20 Q And your current job is what?
 21 A General manager.
 22 Q For the employer you identified?
 23 A Correct.
 24 Q What are your general duties on that job?

1 A Not -- sometimes. Not regularly, I
 2 wouldn't say, but sometimes, yes.
 3 Q How long has she worked for that employer?
 4 A About 14 years now.
 5 Q Has she ever worked for any hospital or
 6 medical service provider in the Peoria area?
 7 A No, sir.
 8 Q Do you have any adult children living in
 9 the Peoria area?
 10 A Yes, sir. I have two.
 11 Q And what are their names, and where are
 12 they employed?
 13 A Leslie P., he's employed by Dynamic
 14 Graphics, and my daughter Molly is a freshman at
 15 Bradley.
 16 Q Mr. Joyce, at the time of this application,
 17 what was your understanding about the role of the Peoria
 18 County Board in making a decision?
 19 A Well, it was a siting hearing that's
 20 required by the State any time there's an expansion of a
 21 landfill. We were to be -- being a local governing
 22 body, we had to do the siting hearings for the landfill
 23 on Pottstown Road.
 24 Q What did you understand would go into your

Page 9

1 responsibility as doing a siting hearing?
 2 A There were nine general criteria that had
 3 to be fulfilled, and we were to judge the application on
 4 those nine general criteria and make a decision from
 5 that.
 6 Q What was your understanding as to your
 7 ability to get -- or to communicate with constituents
 8 and members of the public outside of the hearing
 9 context?
 10 A Outside of that -- during the siting
 11 process, I kept any meetings to a minimum other than my
 12 general meetings for county business. I didn't see any
 13 personal contact with any of them, any constituents or
 14 anyone for that matter during that time. I always tried
 15 to keep an open mind on anything that I have to make a
 16 decision on.
 17 Q I understand. Maybe my question wasn't
 18 clear, though. What was your understanding about what
 19 additional information the county could get besides what
 20 came in at the siting hearing? And the reason I ask
 21 that is because we've already established that County
 22 Board members were, more or less, besieged with e-mails
 23 and pamphlets and other information from groups like the
 24 Sierra Club and so forth.

Page 10

1 A Yes.
 2 Q For the record, you're nodding your head in
 3 agreement?
 4 A Correct.
 5 Q So it's in that context that my question
 6 is: What was your understanding about additional
 7 information you could receive and consider?
 8 A We had the general -- we could take general
 9 information up to -- what was it? -- the 28th of March,
 10 I believe was the date. But when I say "general
 11 information," that had to be registered -- anything that
 12 came to us or anything that came in by way of testimony
 13 had to be registered with the county clerk and was made
 14 matter of public record.
 15 I had received e-mails, and the majority of
 16 them I never opened, never even looked at. They went
 17 straight into a folder, and then that folder has since
 18 been emptied.
 19 Q By the way, what happened to the contents
 20 of that folder?
 21 A It's somewhere in E-space.
 22 Q You did not print it out?
 23 A No. I had destroyed it before I knew it
 24 was needed.

Page 11

1 Q You say the majority of the e-mails you
 2 didn't open?
 3 A No.
 4 Q That means some you did?
 5 A Well, if they had no heading to describe
 6 exactly what they were or to let me know or a title, a
 7 subject matter, then I may have inadvertently; but then
 8 they went straight into the file.
 9 Q So it's your testimony that you actively
 10 made it a point to avoid receiving information outside
 11 of the hearing?
 12 A Oh, yes, sir. Yes, sir. I didn't want to
 13 appear to have any outside influence or anything that
 14 was going to weigh in my decision that was prejudicial.
 15 Q How many e-mails would you say that you got
 16 that you inadvertently opened and read?
 17 A Inadvertently opened? Maybe a couple of
 18 dozen. Like I say, if they didn't put a subject down
 19 and I just had a name or whatever, I just checked it to
 20 see what it was. Usually, by the first line, I could
 21 tell what it was concerning. If they had to do with the
 22 siting, they just went straight into the file. I didn't
 23 finish reading them.
 24 Q For example -- and I could point to

Page 12

1 specific ones that Mr. Brown wants, but we're aware of
 2 e-mails sent out by Joyce Blumenshine on behalf of the
 3 Sierra Club --
 4 A (Nodding head up and down.)
 5 Q You're nodding your head in agreement?
 6 A Yes.
 7 Q -- that purport to be statements of facts
 8 that didn't come out at the hearing but that she wanted
 9 board members to be aware of. Did you ever read any of
 10 her e-mails like that?
 11 A No. I knew that name without even opening
 12 it when I saw that, and it just went straight into the
 13 file.
 14 Q Did you also get phone calls from people?
 15 A I don't remember specific phone calls.
 16 There may have been some in there. I don't know. None
 17 that I'm particularly aware of.
 18 (Exhibit 31 marked for
 19 identification.)
 20 BY MR. MUELLER:
 21 Q Mr. Joyce, I'm showing you what's been
 22 marked as Exhibit 31 and purports to be an article from
 23 the Peoria Journal Star authored by Elaine Hopkins dated
 24 April 5th, 2006. Do you remember being -- this would

Page 13

1 have come out the day before the Committee of the Whole
 2 meeting in April. Do you remember that meeting?
 3 A Yes.
 4 Q If I can direct your attention to the
 5 second page of this article, you were interviewed by
 6 Miss Hopkins as part of this story apparently; do you
 7 recall that?
 8 A Yes, sir.
 9 Q Do you remember where you were when she
 10 talked to you?
 11 A At work.
 12 Q Did she talk to you on the phone or in
 13 person?
 14 A On the phone.
 15 Q And if I can take you about a third to
 16 halfway down the second column on the second page,
 17 there's a paragraph that says, "Jeff Joyce has concerns
 18 and is pursuing his own research. 'I don't know that
 19 all nine criteria have been met,' he said."
 20 Do you remember making that statement to
 21 Joyce -- or to Elaine Hopkins?
 22 A Sure. Yes.
 23 Q I'm also interested in knowing what
 24 research you were pursuing on your own.

Page 14

1 A Well, as I said, the nine criteria that we
 2 had that we were supposed to meet -- or that we were
 3 supposed to be judging on for this siting hearing, and I
 4 wanted to go through looking at the evidence that was
 5 presented and just some questions that I had, and I
 6 wanted to see if there was any evidence in the record
 7 covering those questions at that time.
 8 Q Well, the phrase "pursuing his own
 9 research" sort of sounds like you were looking at
 10 whatever sources you could find for information about
 11 the nine criteria.
 12 A About the nine criteria, I was using the
 13 information that I had at the time. I had the book that
 14 we got in the siting hearing and the information and
 15 then the records that were published.
 16 Q Did you look at or research any information
 17 about the nine criteria that was outside of the
 18 materials admitted at the hearing?
 19 A No, sir. No.
 20 Q Now, you were a member of the siting
 21 subcommittee, weren't you?
 22 A Yes, sir.
 23 Q And did you ask to be appointed to the
 24 siting subcommittee?

Page 15

1 A I was asked by the chairman, David
 2 Williams, and agreed.
 3 Q Did you attend all of the subcommittee
 4 hearings?
 5 A I believe I missed one.
 6 Q Do you remember which day you missed?
 7 A I don't recall right offhand. It was a
 8 mid-week day. I'm not sure.
 9 Q And did you review the transcript of
 10 that --
 11 A Yes, sir.
 12 Q -- hearing?
 13 A Yes, sir.
 14 Q And when did you review that transcript?
 15 A I reviewed all those transcripts after we
 16 finished the siting hearing and had the public meeting
 17 and went through all that information gathered before we
 18 had the follow-up meetings.
 19 Q Did you review the staff recommendations?
 20 A Oh, yes, sir.
 21 Q Well, then I'm a little confused here, sir.
 22 What additional research were you referring to pursuing
 23 in your interview with Elaine Hopkins for the April 5th
 24 article?

Page 16

1 A To check the nine criteria myself. I
 2 wanted to go through there; and any questions that I
 3 had, I knew there was -- at that time, information was
 4 closed as far as what could be put into the record, and
 5 I wanted to see -- or I still had questions myself, and
 6 I wanted to see if there was any information in there
 7 that covered the questions that I had.
 8 Q Sir, did any County Board member ever talk
 9 to you during this process about your vote?
 10 A None come to mind.
 11 Q Did you ever contact any other board
 12 members yourself to get their opinions or to try to give
 13 them your opinions about what their vote should be?
 14 A Oh, no. No. That's -- everybody has to
 15 make up their own mind and make their own decision.
 16 Q Did you ever contact any staff members to
 17 have them answer questions for you about the criteria?
 18 A If -- when I got the staff report, if there
 19 were any questions in there, I might have called.
 20 Q Who did you call?
 21 A I would have first called Patrick Urich.
 22 Q Do you remember whether or not you called
 23 him?
 24 A Not specifically, no.

1 Q Did you ever call any other County Board
 2 members to ask them about any of the criteria?
 3 A No because, there again, everybody had to
 4 make their own decision, and I didn't want to try and
 5 influence others in that regard.
 6 Q And did you ever try to get some help with
 7 understanding any of the issues from any other board
 8 members?
 9 A Not from board members, no.
 10 Q Then from whom did you try to get such
 11 help?
 12 A As I said, if I had something that I needed
 13 clarified, I would have contacted staff.
 14 Q About how many times would you say that
 15 happened?
 16 A Not too often. Most of it was -- most of
 17 the testimony and most of the print material from those
 18 meetings was fairly succinct and easily interpreted.
 19 Q What's your County Board district,
 20 Mr. Joyce?
 21 A District 5.
 22 Q Are you a republican or democrat?
 23 A Democrat.
 24 Q You're in the middle of a term right now?

1 A No, sir. I don't even know who's been
 2 deposed.
 3 Q Have you talked to any County Board member
 4 who has already been deposed?
 5 A No, sir.
 6 Q Who from the State's Attorney's Office sat
 7 down with you to get you prepared for the deposition
 8 today?
 9 A No one from the State's Attorney's Office.
 10 I had a phone conversation with Mr. Brown to set it up,
 11 and he explained the process, and that was it.
 12 Q How long did that conversation take?
 13 A Maybe five minutes.
 14 Q Never talked to Bill Atkins about today's
 15 deposition?
 16 A No, sir.
 17 Q So the only lawyer you've talked to about
 18 what to expect today is Mr. Brown?
 19 A Correct.
 20 Q Are you a member of a theater group?
 21 A Yes, sir.
 22 Q Comstock Theater?
 23 A Comstock.
 24 Q Comstock Theater.

1 A Yes, sir, my final term.
 2 Q You are intending to retire from the board?
 3 A Yes, sir, done in November.
 4 Q You're going off this November?
 5 A Correct, after 14 years.
 6 Q Did you run in the primary?
 7 A I started to, yes. Name was on the ballot,
 8 but I didn't campaign.
 9 Q Do you have any political plans after
 10 leaving the board?
 11 A Not at this point, no, sir.
 12 Q Do you have any political aspirations after
 13 leaving the board?
 14 A No, sir, not at this time.
 15 Q Did you bring anything with you today in
 16 the way of information that we requested that board
 17 members bring?
 18 A No. I had none.
 19 Q You've got a folder in front of you. Is
 20 there any information related to the hearing?
 21 A No, just my letter that I received from
 22 Mr. Brown and the summons for the deposition.
 23 Q Did you talk to any County Board members
 24 about what kind of questions to expect today?

1 A Actually two or three different ones.
 2 Q Pardon me?
 3 A About two that I'm a member of.
 4 Q What's the other one you're a member of?
 5 A Peoria Players.
 6 Q How long have you been in those?
 7 A I have been involved in those for about 15,
 8 20 years.
 9 Q How much time do you devote to that on,
 10 let's say, a monthly basis?
 11 A To the theater?
 12 Q Yeah.
 13 A It's not continual. It's not a regular or
 14 continual basis. When I do a show, it's about six to
 15 eight weeks at a time, probably maybe four hours a day.
 16 Q When's the last time you did a show?
 17 A Just closed one, just closed doing
 18 Thoroughly Modern Millie. I was stage manager.
 19 Q What's the last show you did before that?
 20 A Before that was September -- I can't
 21 remember the exact dates but September of the prior
 22 year, of '05.
 23 Q So you didn't do anything from September of
 24 '05 until you just did Thoroughly Modern Millie?

Page 21

1 A No, sir.

2 Q When did you start on that project?

3 A Thoroughly Modern Millie?

4 Q Yeah.

5 A Off and on, right after July 4th.

6 Q So you didn't have any show things going on

7 while this landfill application was pending?

8 A Oh, no, sir.

9 Q Did either of your theater groups have

10 meetings during that period of time?

11 A Oh, they do on a regular basis. I mean,

12 they have boards and have regular meetings.

13 Q You're not on the boards, right?

14 A No, not for those. I was, but that was

15 about eight, nine years ago.

16 Q How about your wife, is she on the board of

17 any of these theater outfits?

18 A No.

19 Q Did any of the people that testified or

20 presented public comment at the landfill siting hearing

21 have any affiliation to your knowledge with either the

22 Cornstock Theater or the Peoria Players?

23 A I believe one gentleman that I know of,

24 Barry Cloyd, but I don't know him personally. I've seen

Page 22

1 his name in the newsletters and things like that, but

2 he's the only person that I know of that had any

3 direct -- that has been affiliated with it before.

4 Q Did either the Cornstock Theater or Peoria

5 Players ever take a position on this landfill expansion?

6 A Oh, no.

7 Q Are you or have you ever been a member of

8 any environmental groups such as Sierra Club, River

9 Rescue?

10 A No, sir.

11 Q Citizens for a Better Environment?

12 A No, sir.

13 Q Peoria Families Against Toxic Waste?

14 A No, sir.

15 Q Have you ever contributed anything to any

16 of those groups?

17 A Oh, no, sir.

18 Q Have you ever received anything from any of

19 those groups?

20 A Other than handouts at board meetings, no,

21 sir.

22 Q Now, even while this process was going on,

23 the siting process, the River Rescue and Sierra Club

24 people would appear regularly at board meetings and talk

Page 23

1 about the proposal?

2 A Yes, sir.

3 Q And you said that they would sometimes give

4 handouts?

5 A Yes, sir.

6 Q Now, did you understand that whatever they

7 gave out at those board meetings was appropriate

8 material to consider in the decision-making process?

9 A It was information given at an open

10 meeting. Yes, sir.

11 Q Can you remember -- strike that.

12 Do you have any specialized knowledge

13 regarding hazardous waste?

14 A No, sir.

15 Q Did you do any studying up on hazardous

16 waste or waste disposal other than reviewing the

17 transcripts of the hearing?

18 A No, sir.

19 Q Do you have any experience with handling or

20 exposure to hazardous materials?

21 A No, sir.

22 Q Have any members of your family ever had

23 any problems as a result of hazardous material

24 exposures?

Page 24

1 A No, sir.

2 Q You indicated that the e-mails you

3 received, by and large, you did not read them?

4 A No, sir.

5 Q If I go to the period between November 9th

6 and May 3rd, did you also get letters mailed to you

7 containing landfill-related information?

8 A Between November -- what was the dates

9 again?

10 Q That's when the application was pending up

11 until you guys decided.

12 A Nothing that -- no, I don't believe so.

13 Q You never got any letters?

14 A None that come to mind. I kept all that

15 stuff together; and then, once everything was over, I

16 just disposed of it.

17 Q So you did not turn it in to the county?

18 A No, sir. It wasn't asked for at that time.

19 Q How many letters would you say you got?

20 A Gosh, I don't know. Maybe a couple of

21 dozen.

22 Q Any of them stand out that you can

23 specifically recollect?

24 A No, sir.

Page 25

1 Q How many telephone calls would you say you
 2 got from people wanting to express their views on the
 3 landfill?
 4 A A few. Probably -- I wouldn't say any more
 5 than ten or twelve.
 6 Q Do you remember any specific individuals
 7 you got phone calls from?
 8 A No.
 9 Q Did you get any from Joyce Blumenshine?
 10 A I don't believe so.
 11 Q Did you get any from Tom Edwards?
 12 A Yeah. Well -- yeah, I'm sure in there
 13 somewhere. He's been quite vocal from the beginning.
 14 Q Have you ever looked at the Peoria Families
 15 Against Toxic Waste website?
 16 A No, sir.
 17 Q Ever look at the Sierra Club website?
 18 A No, sir.
 19 Q Did you do any of your own internet
 20 research such as going to G. Fred Lee's website?
 21 A No, sir.
 22 Q Were there any anti-landfill billboards in
 23 your district?
 24 A I don't believe so. There's only one

Page 26

1 billboard in my district at the corner of McClure and
 2 Prospect, but I don't remember it being one of them.
 3 Q How about yard signs, were there any
 4 anti-landfill yard signs in your district?
 5 A Yes, sir.
 6 Q How many would you say there were?
 7 A Two or three dozen that I know of, I mean,
 8 that I can think of.
 9 Q Do you know the people who would have
 10 produced any of those yard signs?
 11 A No.
 12 Q Did you ever talk to any of them about
 13 their signs?
 14 A No.
 15 Q Did anyone ever come to your house while
 16 the application was pending to talk to you about the
 17 expansion proposal and/or your vote?
 18 A No.
 19 Q Have you ever been at the Peoria Disposal
 20 Company site?
 21 A Have I? I have in the past. Yes.
 22 Q When were you there?
 23 A It's been probably four or five years now.
 24 Q What was your purpose in being there in the

Page 27

1 past?
 2 A It was a tour at the time for something
 3 that -- right off the top of my head, I can't think of
 4 what it was.
 5 Q Were you at the April 3rd meeting when the
 6 staff presented its findings?
 7 A Yes, sir.
 8 Q And, obviously, you were also at the
 9 April 6th meeting?
 10 A Yes, sir.
 11 MR. MUELLER: Let's take a short break.
 12 (Recess in proceedings from 3:40 p.m.
 13 to 3:45 p.m.)
 14 MR. MUELLER: Just a few more.
 15 THE WITNESS: Okay.
 16 BY MR. MUELLER:
 17 Q Mr. Joyce, are you involved in coaching any
 18 high school speech activities?
 19 A Well, yes, I am.
 20 Q And where is that?
 21 A Where is that? Through Richwoods High
 22 School and Woodruff was --
 23 Q What do you do for them?
 24 A I coach speech, competitive speech.

Page 28

1 Q Does that include a debate team?
 2 A There is no debate in this area anymore.
 3 That's only in the Chicago area. No one around here has
 4 the money to put up a debate team.
 5 Q How long have you been doing that?
 6 A I have done that -- just for Richwoods or
 7 all in general?
 8 Q Just for Richwoods.
 9 A Just for Richwoods, since about 1998.
 10 Q And during this past year, were there ever
 11 any speeches given or competitive speech performances
 12 that had as part of their subject matter the issue of
 13 the landfill expansion?
 14 A No, sir.
 15 Q So nobody ever, under your tutelage, gave
 16 any landfill expansion-related speeches?
 17 A No, sir. I didn't do the original
 18 speeches. I coached public speaking, and I coached what
 19 are called interp. events which are published pieces.
 20 Q Do you know if there was a position taken
 21 in the Richwoods student newspaper opposed to the
 22 landfill?
 23 A No, I don't.
 24 Q Let's go through a list of some people to

Page 29

1 see if you know them.
 2 A Okay.
 3 Q I think you said you've never had any
 4 contact or affiliation with the Heart of Illinois Sierra
 5 Club, the Sierra Club generally, Peoria Families Against
 6 Toxic Waste, River Rescue, or Citizens for Our
 7 Environment; is that correct?
 8 A Correct.
 9 Q Have you ever been to any meetings at the
 10 Universalist Unitarian Church?
 11 A No, just a funeral.
 12 Q Have you ever been to any meetings at the
 13 St. Thomas Church?
 14 A No, sir.
 15 Q Have you or any members of your family ever
 16 been employed at Methodist Hospital, Saint Francis
 17 Hospital, either one of them?
 18 A No, sir.
 19 Q Have you ever received anything of value
 20 from the Peoria Medical Society?
 21 A A new knee; but other than that, no, sir.
 22 Q When did you get your knee replacement?
 23 A I didn't have a full replacement. I had a
 24 tibial osteotomy in '89.

Page 30

1 MS. NAIR: I bet you had to pay for that,
 2 though.
 3 THE WITNESS: Oh, yeah. It wouldn't be
 4 free.
 5 BY MR. MUELLER:
 6 Q So that was quite a while ago?
 7 A Yes.
 8 Q Do you remember who your doctor was?
 9 A Akeson.
 10 Q Jeff Akeson?
 11 A Yes, sir.
 12 Q Have you retained a relationship with him
 13 ever since that time?
 14 A No, I haven't.
 15 Q When's the last time you saw Dr. Akeson,
 16 not as a doctor but in any capacity?
 17 A Just seeing him, he was at several of the
 18 hearings, along with his wife.
 19 Q Did you talk to him at any of these
 20 hearings?
 21 A No, sir.
 22 Q Do you know Dr. Rodney Lorenz?
 23 A No.
 24 Q Do you know Dr. John McLean?

Page 31

1 A No.
 2 Q Do you know Dr. Vidas?
 3 A No.
 4 Q Do you know Dr. Zwicky?
 5 A No.
 6 Q Do you know Dr. Parker McRae?
 7 A No.
 8 Q Do you know Dr. Steven Smith?
 9 A No, sir.
 10 Q Do you know Dr. McGee?
 11 A No.
 12 Q Do you know Dr. Bill Scott?
 13 A No, sir.
 14 Q Have you had the children of any of those
 15 doctors in your speech activities?
 16 A None that I'm aware of, just Mr. Meginnis's
 17 partner.
 18 Q Do you know Beth Akeson?
 19 A I know her to see her, but I have never
 20 really spoken with the lady.
 21 Q How do you know her to see her?
 22 A She's a civic activist. She's been at
 23 several different things from schools to -- she was also
 24 at the siting hearings.

Page 32

1 Q Have you ever been on a school board?
 2 A No, sir. I worked for the school.
 3 Q Do you know Joyce Blumenshine?
 4 A Yes, sir.
 5 Q How do you know her?
 6 A She's spoken at several County Board
 7 meetings, and she spoke at the siting hearings.
 8 Q Do you know her outside your role as a
 9 board member?
 10 A No, sir.
 11 Q With regard to all of these other people
 12 I'm going to ask you about whether you know, the
 13 question always is whether you know them outside of
 14 having seen or heard them in the performance of your
 15 duties as a board member.
 16 A Okay.
 17 Q That would be Tessie Bucklar?
 18 A No.
 19 Q Tom Bucklar?
 20 A No.
 21 Q Kim Converse?
 22 A No.
 23 Q Ted Converse?
 24 A No, sir.

Page 33

1 Q Ralph and Jane Converse?
 2 A No, sir.
 3 Q Bill Cook?
 4 A I had him for an instructor about 15, 16
 5 years ago. He was a teacher at ICC. No, longer ago
 6 than that. Oh, my God. 25 years ago. I'm sorry.
 7 Q Did you maintain a relationship with him
 8 since that time?
 9 A No, sir.
 10 Q Bill Cook?
 11 A That was the gentleman you just asked.
 12 Q I'm sorry. Tom Edwards?
 13 A Tom Edwards, just from his appearances.
 14 Q Right. Joyce Harant?
 15 A I've met Joyce at political functions but
 16 not really spoken with her.
 17 Q Did she ever contact you during these
 18 siting proceedings to express an opinion or solicit your
 19 support?
 20 A No, sir.
 21 Q Mary Harkrader?
 22 A I've known Mary for several years in a
 23 political sense. She was the county clerk but not in
 24 this venue.

Page 34

1 Q Did she ever contact you to express an
 2 opinion or solicit your support for an opinion?
 3 A No, sir.
 4 Q Cindy McLean, do you know her?
 5 A No.
 6 Q Lisa Offutt or Peter Offutt?
 7 A No, sir.
 8 Q Chris Ozuna-Thornton?
 9 A No, sir.
 10 Q Elmo Roach or Jean Roach?
 11 A He is a former attorney -- oh, I'm sorry.
 12 I'm thinking of the wrong name. No, sir. I don't know
 13 them.
 14 Q Cara Rosson?
 15 A No.
 16 Q Amy Schlicksup?
 17 A No. I knew some Schlicksups, but I had to
 18 think. No.
 19 Q Cathy Stevenson?
 20 A No, sir.
 21 Q Diana Storey?
 22 A No, sir.
 23 Q Barb Van Auken?
 24 A I just know her through politics.

Page 35

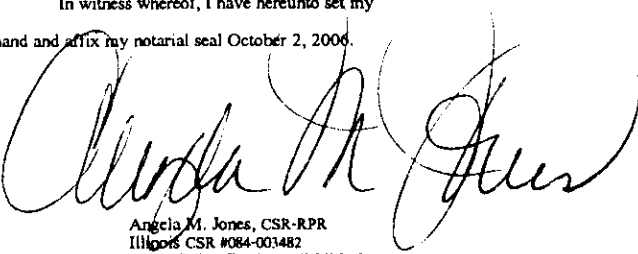
1 Q Did she ever express an opinion about the
 2 siting application to you?
 3 A No, just her testimony.
 4 Q Mayvis Young?
 5 A Oh, yes, sir.
 6 Q How do you know her?
 7 A She makes a wicked egg roll. She has a
 8 former restaurant here in town.
 9 Q Other than having eaten at her restaurant,
 10 do you have any --
 11 A No, sir. No. She also came to board
 12 meetings, but no, other than that.
 13 MR. MUELLER: I don't have any more
 14 questions. Thank you.
 15 3:55 P.M.
 16
 17
 18
 19 (Further deponent saith not.)
 20
 21
 22
 23
 24

Page 36

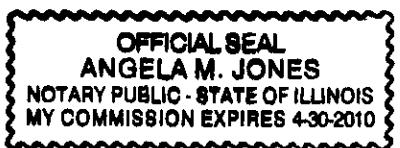
1 PEORIA DISPOSAL COMPANY,)
 2 Petitioner,)
 3 vs.) No. PCB 06-184
 4 PEORIA COUNTY BOARD,)
 5 Respondent.)
 6
 7 I hereby certify that I have read the
 8 foregoing transcript of my deposition given on September
 9 27, 2006, at the time and place aforesaid, consisting of
 10 pages 1 through 35, inclusive, 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 JEFFREY JOYCE
 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 STATE OF ILLINOIS)
) SS
 2 COUNTY OF TAZEWELL)
 3
 4 CERTIFICATE
 5
 6 I, Angela M. Jones, CSR-RPR, a Notary
 7 Public duly commissioned and qualified in and for the
 8 County of Tazewell, State of Illinois, do hereby certify
 9 that there came before me on September 27, 2006, at 416
 10 Main Street, Suite 1400, Peoria, Illinois, the following
 11 named person, to wit:
 12 JEFFREY JOYCE.
 13 a witness, who was by me first duly sworn to testify to
 14 the truth and nothing but the truth of his knowledge
 15 touching and concerning the matters in controversy in
 16 this cause, and that he was thereupon carefully examined
 17 upon his oath and his examination reduced to shorthand
 18 by means of stenotype and thereafter converted to
 19 typewriting using computer-aided translation by me.
 20 I also certify that the deposition is a
 21 true record of the testimony given by the witness.
 22 I further certify that I am neither
 23 attorney or counsel for nor related to or employed by
 24 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 October 2, 2006.
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Angela M. Jones, CSR-RPR
 Illinois CSR #084-003482
 Commission Expires 4/30/2010



#084-003482 [1]	A.D [1] 36:21	12:22 13:5 15:24	32:19	competitive [2] 27:24
38:12	ability [1] 9:7	aspirations [1] 18:12	business [2] 6:3	28:11
' [1] 13:19	accordance [1] 4:11	Assistant [1] 6:17	9:12	complete [1] 36:9
'03 [1] 6:19	action [2] 37:24	associate's [1] 6:2	calls [4] 12:14 12:15	computer-aided [1]
'05 [2] 20:22 20:24	38:4	Atkins [1] 19:14	25:1 25:7	37:19
'89 [1] 29:24	actively [1] 11:9	attend [1] 15:3	campaign [1] 18:8	Comstock [1] 19:22
'I [1] 13:18	activist [1] 31:22	attention [1] 13:4	capacity [1] 30:16	concerning [2] 11:21
05 [1] 1:0	activities [2] 27:18	attorney [3] 34:11	Cara [1] 34:14	37:15
06-184 [2] 1:0	31:15	37:23 38:2	carefully [1] 37:16	concerns [1] 13:17
36:3	additional [3] 9:19	Attorney's [2] 19:6	case [2] 4:18 7:21	confused [1] 15:21
1 [1] 36:8	10:6 15:22	19:9	Cathy [1] 34:19	consider [2] 10:7
101 [1] 2:11	address [5] 5:7	attorneys [1] 4:13	cell [1] 5:13	23:8
12 [1] 3:12	5:9 5:15 5:16	Auken [1] 34:23	CERTIFICATE [1]	consisting [1] 36:8
1208 [1] 5:8	5:22	authored [1] 12:23	37:4	constituents [2]
14 [2] 8:4 18:5	administra [1] 6:2	avoid [2] 4:24	certify [4] 36:7	9:7 9:13
1400 [3] 1:0 2:7	administration [1]	11:10	37:8 37:20 37:22	contact [7] 7:24
37:10	6:3	aware [4] 12:1	chairman [1] 15:1	9:13 16:11 16:16
15 [2] 20:7 33:4	admitted [1] 14:18	12:9 12:17 31:16	check [2] 16:1	29:4 33:17 34:1
16 [1] 33:4	adult [1] 8:8	background [1] 5:24	36:12	contacted [1] 17:13
1998 [1] 28:9	affiliated [1] 22:3	ballot [1] 18:7	checked [1] 11:19	containing [1] 24:7
2 [1] 38:6	affiliation [2] 21:21	Barb [1] 34:23	Chicago [1] 28:3	contents [1] 10:19
20 [1] 20:8	affix [1] 38:6	Barry [1] 21:24	children [2] 8:8	context [2] 9:9
2006 [6] 1:0 12:24	aforsaid [2] 36:8	basis [3] 20:10 20:14	31:14	10:5
36:8 36:21 37:9	36:10	21:11	Chris [2] 2:18	continual [2] 20:13
38:6	again [3] 17:3	beginning [1] 25:13	34:8	20:14
204 [1] 2:3	24:9 36:8	behalf [3] 2:8	Church [2] 29:10	contract [1] 7:7
22 [1] 5:10	Against [3] 22:13	2:12 12:2	29:13	contracts [1] 7:4
23 [1] 6:12	25:15 29:5	besieged [1] 9:22	Cindy [1] 34:4	contributed [1] 22:15
25 [1] 33:6	age [1] 6:9	bet [1] 30:1	Citizens [2] 22:11	CONTROL [1] 1:0
27 [3] 1:0 36:8	ago [7] 6:8 6:8	Beth [1] 31:18	29:6	controversy [1] 37:15
37:9	21:15 30:6 33:5	Better [1] 22:11	City [2] 6:14 7:5	conversation [2]
28th [1] 10:9	33:5 33:6	between [2] 24:5	civic [1] 31:22	19:10 19:12
3 [4] 1:0 27:12	agreed [1] 15:2	24:8	clarified [1] 17:13	Converse [3] 32:21
27:13 35:15	agreement [3] 4:12	Bill [4] 19:14 31:12	clear [1] 9:18	32:23 33:1
309 [2] 5:12 5:14	10:3 12:5	33:3 33:10	clerk [2] 10:13 33:23	converted [1] 37:18
31 [3] 3:12 12:18	aides [1] 7:21	billboard [1] 26:1	closed [3] 16:4	Cook [2] 33:3 33:10
12:22	Akson [4] 30:9	billboards [1] 25:22	20:17 20:17	coordinator [1] 7:21
35 [1] 36:8	30:10 30:15 31:18	Black [2] 2:11	Cloyd [1] 21:24	corner [1] 26:1
3rd [2] 24:6 27:5	along [1] 30:18	2:11	Club [7] 9:24 12:3	Cornstock [4] 19:23
4 [1] 3:4	always [2] 9:14	Blumenshine [3]	22:8 22:23 25:17	19:24 21:22 22:4
4/30/2010 [1] 38:12	32:13	12:2 25:9 32:3	29:5 29:5	correct [8] 6:23
40 [1] 27:12	Amy [1] 34:16	board [28] 1:0	coach [1] 27:24	7:16 10:4 18:5
416 [3] 1:0 2:7	Angela [3] 1:0	1:0 5:16 8:18	coached [2] 28:18	19:19 29:7 29:8
37:9	37:6 38:11	9:22 12:9 16:8	28:18	36:9
45 [1] 27:13	answer [1] 16:17	16:11 17:1 17:7	coaching [1] 27:17	corrections [1] 36:14
48 [1] 6:10	anti-landfill [2]	17:9 17:19 18:2	code [2] 5:12 5:14	COULTER [2] 2:18
4th [1] 21:5	25:22 26:4	18:10 18:13 18:16	Columbus [1] 2:3	2:18
5 [1] 17:21	appear [2] 11:13	18:23 19:3 21:16	column [1] 13:16	counsel [2] 37:23
528 [1] 2:3	22:24	22:20 22:24 23:7	commencing [1]	38:2
55 [1] 35:15	appearances [2]	32:1 32:6 32:9	1:0	county [19] 1:0
5th [2] 12:24 15:23	2:1 33:13	32:15 35:11 36:4	comment [1] 21:20	1:0 5:16 8:18
61350 [1] 2:4	application [7] 4:15	boards [2] 21:12	Commission [2]	9:12 9:19 9:21
61550 [1] 2:12	8:16 9:3 21:7	21:13	36:24 38:12	10:13 16:8 17:1
61602 [1] 2:8	24:10 26:16 35:2	body [1] 8:22	commissioned [1]	17:19 18:23 19:3
61603 [1] 5:8	appointed [1] 14:23	book [1] 14:13	37:7	24:17 32:6 33:23
645-9622 [1] 5:14	appropriate [1] 23:7	Bradley [1] 8:15	Committee [1] 13:1	36:4 37:2 37:8
682-4852 [1] 5:12	April [5] 12:24	break [1] 27:11	communicate [1]	couple [2] 11:17
6th [1] 27:9	13:2 15:23 27:5	BRIAN [1] 2:6	9:7	24:20
9/27/06 [1] 1:0	27:9	bring [3] 7:23 18:15	communications [1]	Court [1] 1:0
9th [1] 24:5	area [6] 5:12 5:14	18:17	6:3	covered [1] 16:7
A.A [1] 6:6	8:6 8:9 28:2	Brown [6] 2:10	company [5] 1:0	covering [1] 14:7
	28:3	2:11 12:1 18:22	4:14 7:4 26:20	criteria [10] 9:2
	article [4] 3:12	19:10 19:18	36:1	14:11 14:12 14:17
		Bucklar [2] 32:17		16:1 16:17 17:2

CSR [2] 1:0 38:12	28:10 33:17	expansion-related [1] 28:16	George [2] 2:3 4:14	Illinois [12] 1:0 1:0 2:4
CSR-RPR [2] 37:6 38:11	duties [2] 6:24 32:15	expect [2] 18:24 19:18	given [5] 23:9 28:11 36:7 36:9 37:21	2:8 2:12 7:19 29:4 37:1 37:8 37:10 38:12
current [1] 6:20	Dynamic [1] 8:13	experience [1] 23:19	God [1] 33:6	inadvertently [3] 11:7 11:16 11:17
date [2] 6:7 10:10	e-mail [3] 5:15 5:16 5:21	expires [2] 36:24 38:12	Gosh [1] 24:20	include [1] 28:1
dated [1] 12:23	e-mails [7] 9:22 10:15 11:1 11:15 12:2 12:10 24:2	explained [1] 19:11	governing [1] 8:21	inclusive [1] 36:8
dates [2] 20:21 24:8	E-space [1] 10:21	exposure [1] 23:20	government [1] 7:9	INDEX [1] 3:1
daughter [1] 8:14	easily [1] 17:18	exposures [1] 23:24	Graphics [1] 8:14	indicated [1] 24:2
David [4] 2:10 4:8 4:10 15:1	East [1] 5:8	express [4] 25:2 33:18 34:1 35:1	Greater [1] 7:7	individuals [1] 25:6
day-to-day [1] 7:1	caten [1] 35:9	facility [1] 7:2	ground [1] 4:21	influence [2] 11:13 17:5
debate [3] 28:1 28:2 28:4	educational [1] 5:24	facts [1] 12:7	group [1] 19:20	information [17] 9:19 9:23 10:7 10:9 10:11 11:10 14:10 14:13 14:14 14:16 15:17 16:3 16:6 18:16 18:20 23:9 24:7
decided [1] 24:11	Edwards [3] 25:11 33:12 33:13	fairly [1] 17:18	groups [5] 9:23 21:9 22:8 22:16 22:19	insightbb.com [1] 5:20
decision [6] 8:18 9:4 9:16 11:14 16:15 17:4	egg [1] 35:7	familiar [1] 4:20	guys [1] 24:11	instances [1] 4:19
decision-making [2] 4:16 23:8	eight [3] 6:8 20:15 21:15	Families [3] 22:13 25:14 29:5	halfway [1] 13:16	instructor [1] 33:4
degree [1] 6:6	either [4] 21:9 21:21 22:4 29:17	family [2] 23:22 29:15	hand [1] 38:6	intending [1] 18:2
democrat [2] 17:22 17:23	Elaine [3] 12:23 13:21 15:23	far [1] 16:4	handling [1] 23:19	interested [2] 13:23 38:3
deponent [1] 35:19	elected [1] 7:10	few [2] 25:4 27:14	handouts [2] 22:20 23:4	internet [1] 25:19
deposed [2] 19:2 19:4	Elias [1] 2:7	file [3] 11:8 11:22 12:13	Harant [1] 33:14	interp [1] 28:19
deposition [10] 1:0 4:10 4:17 18:22 19:7 19:15 36:7 36:9 37:20 38:1	Elmo [1] 34:10	final [1] 18:1	Harkrader [1] 33:21	interpreted [1] 17:18
depositions [1] 1:0	employed [8] 7:11 7:17 7:18 8:12 8:13 29:16 37:23 38:2	financially [1] 38:3	hazardous [4] 23:15 23:20 23:23	interview [1] 15:23
describe [1] 11:5	employee [2] 7:9 38:2	findings [1] 27:6	head [4] 10:2 12:4	interviewed [1] 13:5
destroyed [1] 10:23	employer [2] 6:22 8:3	finish [1] 11:23	heading [1] 11:5	involved [3] 7:1 20:7 27:17
devote [1] 20:9	employment [1] 6:11	finished [1] 15:16	heard [1] 32:14	issue [1] 28:12
Diana [1] 34:21	emptied [1] 10:18	first [4] 4:3 16:21 37:13	hearing [14] 8:19 9:1 9:8 9:20 11:11 12:8 14:3 14:14 14:18 15:12 15:16 18:20 21:20 23:17	issues [1] 17:7
different [2] 20:1 31:23	Environment [2] 22:11 29:7	five [2] 19:13 26:23	hearings [6] 8:22 15:4 30:18 30:20 31:24 32:7	J [1] 2:6
direct [2] 13:4 22:3	environmental [1] 22:8	folder [4] 10:17 18:19	Heart [1] 29:4	JANAKI [1] 2:6
director [1] 6:17	errata [1] 36:13	follow-up [1] 15:18	help [2] 17:6 17:11	Jane [1] 33:1
discovery [1] 4:10	ESQUIRE [4] 2:3 2:6 2:6 2:10	following [1] 37:10	hereby [2] 36:7 37:8	Jean [1] 34:10
disposal [5] 1:0 4:14 23:16 26:19 36:1	established [1] 9:21	follows [1] 4:4	herein [1] 1:0	Jeff [4] 1:0 3:4 13:17 30:10
disposed [1] 24:16	events [1] 28:19	foregoing [1] 36:7	hereto [1] 38:3	Jeffrey [6] 1:0 4:2 4:8 4:10 36:17 37:12
district [6] 7:8 17:19 17:21 25:23 26:1 26:4	everybody [2] 16:14 17:3	former [2] 34:11 35:8	hereunto [1] 38:5	job [4] 6:18 6:20 6:24 7:23
doctor [2] 30:8 30:16	evidence [2] 14:4 14:6	forth [1] 9:24	high [2] 27:18 27:21	John [1] 30:24
doctors [1] 31:15	exact [2] 6:7 20:21	four [2] 20:15 26:23	hiring [1] 7:2	Jones [3] 1:0 37:6 38:11
done [2] 18:3 28:6	exactly [1] 11:6	Francis [1] 29:16	history [1] 6:11	Journal [2] 3:12 12:23
down [4] 11:18 12:4 13:16 19:7	examination [4] 1:0 3:4 4:5 37:17	Fred [1] 25:20	home [2] 5:11 5:15	Joyce [23] 1:0 1:0 3:4 4:2 4:8 4:10 4:13 5:7 6:1 7:15 8:16 12:2 12:21 13:17 13:21 17:20 25:9 27:17 32:3 33:14 33:15 36:17 37:12
dozen [3] 11:18 24:21 26:7	examined [2] 4:4 37:16	free [1] 30:4	Hopkins [4] 12:23 13:6 13:21 15:23	1:0 3:4 4:2 4:8 4:10 4:13 5:7 6:1 7:15 8:16 12:2 12:21 13:17 13:21 17:20 25:9 27:17 32:3 33:14 33:15 36:17 37:12
Dr [9] 30:15 30:22 30:24 31:2 31:4 31:6 31:8 31:10 31:12	example [1] 11:24	frequent [1] 7:23	hospital [3] 8:5 29:16 29:17	judge [1] 9:3
drivers [1] 7:2	Exhibit [3] 3:12 12:18 12:22	freshman [1] 8:14	hour [1] 1:0	judging [1] 14:3
duly [3] 4:3 37:7 37:13	EXHIBITS [1] 3:11	front [1] 18:19	hours [1] 20:15	July [1] 21:5
during [6] 9:10 9:14 16:9 21:10	expansion [4] 8:20 22:5 26:17 28:13	fulfilled [1] 9:3	house [1] 26:15	
		full [2] 4:7 29:23	huh-uh [1] 5:1	
		functions [1] 33:15	ICC [2] 6:5 33:5	
		funeral [1] 29:11	identification [1] 12:19	
		G [1] 25:20	identified [1] 6:22	
		gathered [1] 15:17		
		general [9] 6:21 6:24 9:2 9:4 9:12 10:8 10:8 10:10 28:7		
		generally [2] 4:20 29:5		
		gentleman [2] 21:23 33:11		

keep [2] 7:3 9:15	Mass [2] 6:14 7:8	most [3] 17:16 17:16	25:24 26:2 28:3	performance [1] 32:14
kept [2] 9:11 24:14	material [3] 17:17	17:17	29:17 36:12	performances [1] 28:11
Kim [1] 32:21	23:8 23:23	MS [1] 30:1	ones [2] 12:1 20:1	period [2] 21:10
kind [1] 18:24	materials [2] 14:18	Mueller [11] 2:3	open [3] 9:15 11:2	24:5
knee [2] 29:21 29:22	23:20	3:4 4:6 4:9	23:9	person [3] 13:13
knew [4] 10:23	matter [4] 9:14	4:14 12:20 27:11	opened [3] 10:16	22:2 37:11
12:11 16:3 34:17	10:14 11:7 28:12	27:14 27:16 30:5	11:16 11:17	personal [1] 9:13
knowing [1] 13:23	matters [1] 37:15	35:13	opening [1] 12:11	personally [1] 21:24
knowledge [3] 21:21	may [3] 11:7 12:16	MV [1] 6:13	operations [1] 7:2	personnel [1] 7:2
23:12 37:14	24:6	NAIR [2] 2:6	opinion [4] 33:18	pertain [1] 1:0
known [1] 33:22	Mayvis [1] 35:4	30:1	34:2 34:2 35:1	Peter [1] 34:6
lady [1] 31:20	Maywood [1] 5:8	name [9] 4:7 7:13	opinions [2] 16:12	Petitioner [3] 1:0
landfill [9] 8:21	McClure [1] 26:1	7:14 7:15 11:19	16:13	2:8 36:2
8:22 21:7 21:20	McGee [1] 31:10	12:11 18:7 22:1	opposed [1] 28:21	phone [7] 5:13
22:5 25:3 28:13	McLean [2] 30:24	34:12	original [1] 28:17	12:14 12:15 13:12
28:16 28:22	34:4	named [1] 37:11	osteotomy [1] 29:24	13:14 19:10 25:7
landfill-related [1] 24:7	McRae [1] 31:6	names [1] 8:11	Ottawa [1] 2:4	phrase [1] 14:8
large [1] 24:3	mean [2] 21:11 26:7	needed [2] 10:24	outfits [1] 21:17	pieces [1] 28:19
last [5] 6:15 7:15	means [2] 11:4	17:12	outside [7] 9:8	place [1] 36:8
20:16 20:19 30:15	37:18	neither [1] 37:22	9:10 11:10 11:13	plans [1] 18:9
lawyer [1] 19:17	medical [3] 7:24	never [6] 10:16	14:17 32:8 32:13	Players [3] 20:5
leave [1] 6:18	8:6 29:20	10:16 19:14 24:13	own [7] 13:18 13:24	14:8 16:15 16:15
leaving [2] 18:10	meet [1] 14:2	29:3 31:19	17:4 25:19	21:22 22:5
18:13	meeting [6] 13:2	new [1] 29:21	Ozuna-Thornton [1] 34:8	point [3] 11:10 11:24
Lee's [1] 25:20	13:2 15:16 23:10	newsletters [1] 22:1	34:8	18:11
Leslie [1] 8:13	27:5 27:9	newspaper [1] 28:21	P [1] 8:13	political [4] 18:9
less [1] 9:22	meetings [13] 9:11	nine [10] 6:8 9:2	P.C [1] 2:7	18:12 33:15 33:23
letter [1] 18:21	9:12 15:18 17:18	9:4 13:19 14:1	p.m [4] 1:0 27:12	politics [1] 34:24
letters [3] 24:6	21:10 21:12 22:20	14:11 14:12 14:17	27:13 35:15	POLLUTION [1] 1:0
24:13 24:19	22:24 23:7 29:9	16:1 21:15	page [3] 3:3 13:5	position [2] 22:5
Lift [1] 6:14	29:12 32:7 35:12	nobody [1] 28:15	13:16	28:20
line [1] 11:20	Meginnes [2] 2:6	none [5] 12:16 16:10	pages [1] 36:8	possible [1] 5:4
Lisa [2] 7:14 34:6	2:7	18:18 24:14 31:16	pamphlets [1] 9:23	Pottstown [1] 8:23
list [1] 28:24	Meginnes's [1] 31:16	nor [1] 37:23	papajoyce [1] 5:19	prejudicial [1] 11:14
lived [1] 5:9	member [9] 14:20	notarial [1] 38:6	paragraph [1] 13:17	prepared [1] 19:7
living [1] 8:8	16:8 19:3 19:20	Notary [3] 1:0	Pardon [1] 20:2	PRESENT [1] 2:17
local [1] 8:21	20:3 20:4 22:7	36:23 37:6	Parker [1] 31:6	presented [3] 14:5
longer [1] 33:5	members [12] 9:8	noted [1] 36:14	part [2] 13:6 28:12	21:20 27:6
look [2] 14:16 25:17	9:22 12:9 16:12	nothing [2] 24:12	particularly [1] 12:17	primary [1] 18:6
looked [2] 10:16	16:16 17:2 17:8	37:14	parties [3] 4:12	print [2] 10:22 17:17
25:14	17:9 18:17 18:23	notice [3] 1:0	37:24 38:3	private [1] 7:4
looking [2] 14:4	23:22 29:15	4:11 4:23	partner [1] 31:17	problems [1] 23:23
Lorenz [1] 30:22	met [2] 13:19 33:15	November [4] 18:3	past [3] 26:21 27:1	procedures [1] 4:21
Lutheran [1] 7:18	Methodist [1] 29:16	18:4 24:5 24:8	28:10	proceedings [2] 27:12
M [3] 1:0 37:6	mid-week [1] 15:8	now [7] 6:13 8:4	Patrick [1] 16:21	33:18
38:11	middle [1] 17:24	14:20 17:24 22:22	pay [1] 30:1	process [7] 4:16
mailed [1] 24:6	might [1] 16:19	23:6 26:23	PCB [2] 1:0 36:3	9:11 16:9 19:11
Main [4] 1:0 2:7	Millie [3] 20:18	number [2] 5:11	PDC [3] 2:18 2:18	22:22 22:23 23:8
2:11 37:10	20:24 21:3	5:13	4:15	produced [1] 26:10
maintain [1] 33:7	mind [4] 9:15 16:10	oath [3] 4:4 36:9	pending [3] 21:7	professionals [1] 7:24
majority [2] 10:15	16:15 24:14	37:17	24:10 26:16	project [1] 21:2
11:1	minimum [1] 9:11	obviously [1] 27:8	people [7] 12:14	proposal [2] 23:1
makes [1] 35:7	minor [1] 6:3	October [1] 38:6	21:19 22:24 25:2	26:17
manager [2] 6:21	minutes [1] 19:13	off [3] 18:4 21:5	26:9 28:24 32:11	Prospect [1] 26:2
March [2] 6:19	Miss [1] 13:6	27:3	Peoria [26] 1:0	provide [1] 7:5
10:9	missed [2] 15:5	offhand [1] 15:7	1:0 1:0 2:8	provider [1] 8:6
marked [2] 12:18	15:6	Office [2] 19:6	3:12 4:14 5:8	public [10] 1:0
12:22	Modern [3] 20:18	19:9	6:12 6:15 7:5	6:12 6:16 9:8
Mary [2] 33:21	20:24 21:3	Offutt [2] 34:6	7:8 8:6 8:9	10:14 15:16 21:20
33:22	Molly [1] 8:14	34:6	8:17 12:23 20:5	28:18 36:23 37:7
	money [1] 28:4	often [1] 17:16	21:22 22:4 22:13	
	monthly [1] 20:10	once [1] 24:15	25:14 26:19 29:5	
	Morton [1] 2:12	one [13] 4:13 5:19	29:20 36:1 36:4	
		5:23 15:5 19:9		
		20:4 20:17 21:23		

published [2] 14:15 28:19	Rescue [3] 22:9 22:23 29:6	sent [1] 12:2	St [1] 29:13	Tessie [1] 32:17
purport [1] 12:7	research [6] 13:18 13:24 14:9 14:16 15:22 25:20	separate [1] 5:16	staff [5] 15:19 16:16 16:18 17:13 27:6	testified [2] 4:4 21:19
purports [1] 12:22	Respondent [3] 1:0 2:12 36:5	September [6] 1:0 20:20 20:21 20:23 36:7 37:9	stage [1] 20:18	testify [1] 37:13
purpose [1] 26:24	responsibility [1] 9:1	service [1] 8:6	stand [1] 24:22	testimony [5] 10:12 11:9 17:17 35:3 37:21
pursuant [2] 1:0 4:11	restaurant [2] 35:8	services [2] 7:6 7:19	Star [2] 3:12 12:23	Thank [2] 5:6 35:14
pursuing [4] 13:18 13:24 14:8 15:22	result [1] 23:23	set [2] 19:10 38:5	start [1] 21:2	theater [8] 19:20 19:22 19:24 20:11 21:9 21:17 21:22 22:4
put [3] 11:18 16:4 28:4	retained [1] 30:12	several [4] 30:17 31:23 32:6 33:22	started [1] 18:7	thereafter [1] 37:18
qualified [1] 37:7	retire [1] 18:2	sheet [1] 36:13	State [5] 1:0 4:7 8:20 37:1 37:8	Therefore [1] 5:3
questions [10] 4:15 14:5 14:7 16:2 16:5 16:7 16:17 16:19 18:24 35:14	review [3] 15:9 15:14 15:19	short [1] 27:11	State's [2] 19:6	thereupon [1] 37:16
quite [2] 25:13 30:6	reviewed [1] 15:15	shorthand [1] 37:17	statement [1] 13:20	thinking [1] 34:12
Ralph [1] 33:1	reviewing [1] 23:16	show [5] 4:9 20:14 20:16 20:19 21:6	statements [1] 12:7	third [1] 13:15
read [4] 11:16 12:9 24:3 36:7	Richwoods [5] 27:21 28:6 28:8 28:9 28:21	showing [1] 12:21	stenotype [1] 37:18	Thomas [1] 29:13
reading [1] 11:23	Riffle [1] 2:7	sic [1] 6:14	Steven [1] 31:8	Thorougly [3] 20:18 20:24 21:3
really [2] 31:20 33:16	right [7] 5:5 15:7 17:24 21:5 21:13 27:3 33:14	Sierra [7] 9:24 12:3 22:8 22:23 25:17 29:4 29:5	Stevenson [1] 34:19	three [2] 20:1 26:7
reason [1] 9:20	River [3] 22:8 22:23 29:6	signs [4] 26:3 26:4 26:10 26:13	still [1] 16:5	through [7] 14:4 15:17 16:2 27:21 28:24 34:24 36:8
receive [1] 10:7	Roach [2] 34:10 34:10	site [1] 26:20	Storey [1] 34:21	tibial [1] 29:24
received [5] 10:15 18:21 22:18 24:3 29:19	Road [1] 8:23	siting [18] 4:15 8:19 8:22 9:1 9:10 9:20 11:22 14:3 14:14 14:20 14:24 15:16 21:20 22:23 31:24 32:7 33:18 35:2	story [1] 13:6	times [1] 17:14
receiving [1] 11:10	Rodney [1] 30:22	six [1] 20:14	straight [4] 10:17 11:8 11:22 12:12	title [2] 6:15 11:6
Recess [1] 27:12	roll [1] 35:7	Smith [1] 31:8	Street [5] 1:0 2:11 2:3 2:7 2:11 37:10	today [5] 4:15 18:15 18:24 19:8 19:18
recollect [1] 24:23	Rosson [1] 34:14	social [2] 7:18 7:21	strike [1] 23:11	today's [1] 19:14
recommendations [1] 15:19	ROYAL [1] 2:18	Society [1] 29:20	student [1] 28:21	together [1] 24:15
record [6] 4:9 10:2 10:14 14:6 16:4 37:21	RPR [1] 1:0	solicit [2] 33:18 34:2	studying [1] 23:15	Tom [4] 25:11 32:19 33:12 33:13
records [1] 14:15	rules [3] 1:0 4:11 4:21	sometimes [3] 8:1 8:2 23:3	stuff [1] 24:15	too [1] 17:16
reduced [1] 37:17	run [1] 18:6	somewhere [2] 10:21 25:13	subcommittee [3] 14:21 14:24 15:3	top [1] 27:3
referring [1] 15:22	running [1] 7:3	sorry [3] 33:6 33:12 34:11	subject [3] 11:7 11:18 28:12	touching [1] 37:15
regard [2] 17:5 32:11	runs [1] 6:13	sort [1] 14:9	submitted [1] 36:13	tour [1] 27:2
regarding [1] 23:13	S [1] 36:13	sounds [2] 4:24 14:9	subscribe [1] 36:8	town [1] 35:8
registered [2] 10:11 10:13	Saint [1] 29:16	sources [1] 14:10	SUBSCRIBED [1] 36:20	Toxic [3] 22:13 25:15 29:6
regular [3] 20:13 21:11 21:12	saith [1] 35:19	South [1] 2:11	such [3] 17:10 22:8 25:20	transcript [4] 15:9 15:14 36:7 36:9
regularly [2] 8:1 22:24	sat [1] 19:6	speaking [1] 28:18	Suite [4] 1:0 2:3 2:7 37:10	transcripts [2] 15:15 23:17
related [2] 18:20 37:23	saw [2] 12:12 30:15	specialized [1] 23:12	summons [1] 18:22	Transit [2] 6:14 7:8
relationship [2] 30:12 33:7	says [1] 13:17	specific [3] 12:1 12:15 25:6	support [2] 33:19 34:2	translation [1] 37:19
relative [1] 38:2	Schlicksup [1] 34:16	specifically [2] 16:24 24:23	supposed [2] 14:2 14:3	transportation [3] 6:13 6:17 7:5
remember [12] 12:15 12:24 13:2 13:9 13:20 15:6 16:22 20:21 23:11 25:6 26:2 30:8	Schlicksups [1] 34:17	speech [5] 27:18 27:24 27:24 28:11 31:15	sworn [4] 4:1 37:13 4:3 36:20	tried [1] 9:14
replacement [2] 29:22 29:23	school [4] 27:18 27:22 32:1 32:2	speeches [3] 28:11 28:16 28:18	system [1] 6:16	true [2] 36:9 37:21
report [1] 16:18	schools [3] 6:16 31:23	spoke [1] 32:7	takes [1] 7:3	truth [2] 37:14 37:14
republican [1] 17:22	Scott [1] 31:12	spoken [3] 31:20 32:6 33:16	taking [1] 1:0	try [5] 4:24 16:12 17:4 17:6 17:10
requested [1] 18:16	seal [1] 38:6	SS [1] 37:1	Tazewell [3] 1:0 37:2 37:8	turn [1] 24:17
required [1] 8:20	second [3] 13:5 13:16 13:16		teacher [1] 33:5	tutelage [1] 28:15
	see [8] 9:12 11:20 14:6 16:5 16:6 29:1 31:19 31:21		team [2] 28:1 28:4	twelve [1] 25:5
	seeing [1] 30:17		Ted [1] 32:23	two [4] 8:10 20:1 20:3 26:7
	Seghetti [1] 2:7		telephone [2] 5:11 25:1	typewriting [1] 37:19
	sense [1] 33:23		ten [2] 6:8 25:5	under [1] 28:15
			term [2] 17:24 18:1	

<p>understand [3] 8:24 9:17 23:6 Unitarian [1] 29:10 Universalist [1] 29:10 up [7] 10:9 12:4 16:15 19:10 23:15 24:10 28:4 Urich [1] 16:21 using [2] 14:12 37:19 Usually [1] 11:20 value [1] 29:19 Van [1] 34:23 venue [1] 33:24 Vidas [1] 31:2 views [1] 25:2 vocal [1] 25:13 vote [3] 16:9 16:13 26:17 vs [2] 1:0 36:3 wanting [1] 25:2 wants [1] 12:1 waste [6] 22:13 23:13 23:16 23:16 25:15 29:6 website [3] 25:15 25:17 25:20 Wednesday [1] 1:0 weeks [1] 20:15 weigh [1] 11:14 whereof [1] 38:5 Whole [1] 13:1 wicked [1] 35:7 wife [3] 7:11 21:16 30:18 Williams [1] 15:2 wit [1] 37:11 without [1] 12:11 witness [9] 1:0 3:3 4:1 4:3 27:15 30:3 37:13 37:21 38:5 Woodruff [1] 27:22 word [1] 5:19 worked [4] 6:12 8:3 8:5 32:2 wrong [1] 34:12 yard [3] 26:3 26:4 26:10 year [3] 5:23 20:22 28:10 years [12] 5:10 6:8 6:8 6:13 8:4 18:5 20:8 21:15 26:23 33:5 33:6 33:22 Young [1] 35:4 yourself [1] 16:12 Zwicky [1] 31:4</p>				
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Exhibit 3

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

The deposition of ALLEN MAYER, 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, RFR, 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 1:00 p.m.

APPEARANCES:

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on behalf of the Respondent;

ALSO PRESENT:

Royal Coulter, PDC;
Chris Coulter, PDC;
Matt Coulter, PDC;
Jeff Coulter, PDC;
Bill Atkins,

I N D E X

WITNESS

ALLEN MAYER

Examination by Mr. Mueller pg. 3

*EXHIBITS

IDENTIFIED

Mayer Exhibit No. 27 pg. 79

Mayer Exhibit No. 28 pg. 79

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

1 ALLEN MAYER,
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 full name, please?**

7 A Allen, A-L-L-E-N, Mayer, M-A-Y-E-R. I also
8 go by G. Allen Mayer, G period Allen Mayer.

9 **Q Let the record show this is the discovery
10 deposition of Allen Mayer taken pursuant to notice,
11 in accordance with rules and by agreement of the
12 parties.**

13 **Mr. Mayer, you are an attorney licensed to
14 practice in the State of Illinois, aren't you?**

15 A Yes.

16 **Q So I'm going to assume you are familiar
17 with the format and procedures of a deposition and
18 I can dispense with talking about that, is that
19 fair?**

20 A It has been many years since I last had to
21 attend a deposition. So if you want to refresh me,
22 that would be fine by me.

23 **Q The basic ground rules are that you must
24 keep all of your responses verbal and audible so**

1 **Q Please.**

2 A These are printout copies of E-mails
3 received by the county either through the public
4 comment link on the county's website or otherwise
5 that they printed out and then gave copies to
6 members of the county board.

7 My understanding the Not For Record on the
8 front was attached because those must have come in
9 after the public comment period had been closed.

10 **Q If I can have them back. So this group of
11 documents was given to you as a single entity
12 stapled together the way it is now, is that
13 correct?**

14 A That is my recollection.

15 **Q All right. The first E-mail in this group
16 is from Joyce Blumenshine dated April 6th, 2006,
17 and that would be after the public comment period,
18 the 30-day period closed but still while the
19 application was pending, is that correct?**

20 A I would trust your judgment about dates.

21 **Q Do you know who made the decision to copy
22 these E-mails as a group, staple them together and
23 distribute them to board members?**

24 A No.

1 that the court reporter can take them down. Only
2 one of us can speak at a time, and we should wait
3 for each other to answer before starting to speak,
4 is that fair?

5 A Yes, sir.

6 **Q If you don't understand a question, have me
7 rephrase it, please. I will -- otherwise, I will
8 assume that you understood the question and
9 intended the answer, is that also fair?**

10 A Yes, sir.

11 **Q Mr. Mayer, before I get into the substance
12 of my questions, I have a couple of questions about
13 documents that you submitted to the county and were
14 produced to us.**

15 **The first set of documents was stapled
16 together and has a page on the front that says, Not
17 For Record.**

18 A Yes.

19 **Q Can you explain what those are and what the
20 Not For Record page means and how those documents
21 were compiled? That's a compound question, I know.**

22 A My understanding of this document is that
23 these are -- if I can flip through it to make sure
24 this is --

1 **Q Were you involved in the making of that
2 decision?**

3 A No.

4 **Q Do you believe that this packet with the
5 Not For Record page was distributed to all county
6 board members?**

7 A I do not know.

8 **Q Actually, do you even know who it was that
9 distributed this to you?**

10 A I do not have a specific recollection.

11 **Q Do you have a general recollection?**

12 A That type of document would have been
13 something in the county packet. County board
14 members get a weekly packet from county
15 administration, and it could have come from that.

16 **Q The county board had a meeting -- actually,
17 it was a committee of the whole that met on
18 April 6th, correct?**

19 A That's my understanding.

20 **Q You were there.**

21 A I don't have my calendar in front of me.
22 So I don't want to --

23 **Q If you can take it as an article of faith
24 that the meeting of the committee of the whole was**

1 on April 6th and the full meeting of the county
2 board was on May 3rd, that will probably
3 expediate things.

4 A That would be fine.

5 Q In looking through these E-mails in the Not
6 For Record packet, I notice that the vast majority
7 of them are dated April 6th and none are dated
8 after April 6th and a few are dated in that
9 period between March 30th and April 6th.

10 Is it possible that this was a packet
11 distributed to board members on April 6th before
12 the meeting that was held on that day?

13 A My understanding of your question is it
14 possible? Yes. It would be possible. I do not
15 remember whether I received that prior to that
16 meeting or subsequent to that meeting.

17 Q Does my suggestion of that possibility
18 stimulate your recall in any way as to when you
19 received this packet?

20 A No, not really.

21 Q Also in your packet, Mr. Mayer, were a
22 number of envelope fronts. When I say "your
23 packet," I mean the documents that were produced by
24 the county as having been received from you, fair

1 unopened?

2 A Some of those people had contacted me
3 previously either had written or E-mailed or they
4 had testified at the public hearing and I had no
5 interest in reading their letters.

6 Q Would it be fair to say that their views
7 were well known to you already?

8 A I could guess their views.

9 Q Now, one of the other documents that you
10 provided is something called -- looks like a
11 listing of E-mails in a directory entitled PDC
12 Expansion.

13 A Yes.

14 Q Did I describe it correctly?

15 A Yes.

16 Q Is that a directory that you created and
17 maintained as a repository for E-mails that you
18 received regarding the PDC expansion?

19 A I created this folder within my personal
20 E-mail account to start placing E-mails I received
21 about the landfill expansion. I do not know if I
22 placed every E-mail I received pursuant or related
23 to the expansion in that folder, but in answer to
24 your question, yes, I created this so that I could

1 enough?

2 A Fair.

3 Q There were a number of envelope fronts
4 representing I'm told letters that you did not open
5 and simply turned in as part of this process.

6 Those would appear to be letters from
7 P.W. Offutt, Lisa Offutt and Diane Storey.

8 Do you know what I'm talking about? First
9 of all, if I can show you the group.

10 A Sure. Could you repeat the question?

11 Q Well, let me make it briefer. What do
12 these copies of envelope fronts represent?

13 A I would be parroting back what you just
14 told me to answer that question. I turned over
15 as -- to the county, to our attorneys everything I
16 had in my files pursuant to your request to produce
17 documents.

18 There were documents I received that I did
19 not open or letters. I presume that those are
20 copies of those letters.

21 Q I'm going to venture a guess that you
22 received more letters than these, am I correct?

23 A Yes.

24 Q Then the question is, why were these

1 save E-mails and place them aside.

2 Q So would it be fair to say that that
3 listing represents some but likely not all of the
4 E-mails that you received regarding the PDC
5 expansion?

6 A I know that is correct because I received
7 other E-mails that I produced that did not come
8 from this including personal E-mails from, for
9 instance, the secretary-treasurer of the Local
10 Teamster's Union.

11 Q Now, if you look in the directory or the
12 listing that's in front of you --

13 A Yes.

14 Q -- there is an E-mail from Karen Raithel,
15 is that how her name is pronounced, on May 1st?

16 A Yes.

17 Q Who is she?

18 A Karen Raithel is an employee of Peoria
19 County. She -- I'm not sure of her exact title,
20 but she's in charge of our recycling and resources
21 division, solid waste, et cetera.

22 Q Do you have a copy of that E-mail from her?

23 A Do I still have a copy of that E-mail now,
24 is that your question?

Page 11

Page 13

1 **Q On your -- first of all, let me do it**
 2 **another way. I don't believe that that E-mail from**
 3 **her was ever produced by the county, at least we**
 4 **couldn't find it.**

5 **So I'm asking you if you still have a copy**
 6 **and/or if you remember its contents.**

7 A I have not to my knowledge deleted or
 8 altered any of the E-mails that are on this
 9 listing. So I should still have a copy of that
 10 E-mail.

11 My understanding is that just prior to the
 12 May 3rd meeting, the meeting of the entire county
 13 board, we received documents from Karen some of
 14 which were filings back and forth between the two
 15 parties. I'm sure you remember them even better
 16 than I do. I do not have a specific recollection
 17 of what this E-mail's attachments were.

18 **Q If I can have that back.**

19 A Yes.

20 **Q Assuming that we cannot locate a copy of**
 21 **that E-mail in the materials the county submitted,**
 22 **do you have any problem in producing it for us?**
 23 **We'll look some more. Maybe we overlooked it.**

24 MR. BROWN: If I could, it may very

1 BY MR. MUELLER:

2 **Q Mr. Mayer, can you tell us your educational**
 3 **background?**

4 A Yes.

5 **Q I know you're able to. So would you,**
 6 **please?**

7 A I will take that as a compliment.
 8 Hopefully, that's the spirit in which it was
 9 offered.

10 **Q Actually, the question about your education**
 11 **was not a trick question.**

12 A No. I graduated from the Illinois Math and
 13 Science Academy in 1990. From there, I attended
 14 the University of Chicago graduating in 1993 with
 15 honors.

16 From there, I attended -- I took a year
 17 off, worked on political campaigns and then went to
 18 the University of Illinois College of Law
 19 graduating in January -- I can't remember off the
 20 top of my head if it was '98, what my formal
 21 matriculation or graduation date is. Licensed --
 22 no. It would have been 1998 was when I was sworn
 23 in because I was sworn in by Justice Heiple.

24 **Q My condolences.**

Page 12

Page 14

1 well be an E-mail that has -- was involved in
 2 attorney-client communications, and as a result, it
 3 may be one that was pulled from the document
 4 production. I could go back and check on that and
 5 maybe we can cut to the chase on that.

6 BY MR. MUELLER:

7 **Q Karen Raithel is not an attorney, is she?**

8 A I don't know her fullback ground. She's
 9 not an attorney for the county.

10 **Q You are not an attorney for the county**
 11 **either, are you?**

12 A That is correct.

13 **Q So I will ask you again. If we are unable**
 14 **to locate that E-mail in the materials supplied by**
 15 **the county, will you be willing without a motion to**
 16 **compel to turn the same over to us?**

17 A I'd be happy to turn that over to our
 18 attorneys who can then produce it to you.

19 MR. MUELLER: Mr. Brown, can we have
 20 an agreement that we'll have a discussion to
 21 resolve this, and it will be an issue that's
 22 addressed in one way or another by us?

23 MR. BROWN: Yes, definitely.

24

1 A I'm still not sure if I'm really a lawyer.
 2 That was meant as humor.

3 **Q Taken precisely that way. I take it then**
 4 **you have been licensed to practice in Illinois**
 5 **since 1998 or so continuously?**

6 A Correct.

7 **Q Forgive me for asking these questions, but**
 8 **I'm acquired to and there's no personal aspersion**
 9 **meant.**

10 **Has your license to practice law ever been**
 11 **disciplined by ARDC?**

12 A No.

13 **Q Mr. Mayer, where are you employed?**

14 A I work for the State Comptroller, Dan
 15 Hines.

16 **Q What is your title?**

17 A Special counsel.

18 **Q In what city is your office?**

19 A Springfield.

20 **Q So you typically commute between Peoria and**
 21 **Springfield?**

22 A That's correct.

23 **Q How long have you been employed as special**
 24 **counsel for the state comptroller?**

Pages 11 to 14

1 A I had the title special counsel since 2003,
2 I think. I have been employed by the comptroller's
3 office since November of 1999 and have been
4 promoted and they've changed my title a couple of
5 times.

6 **Q What are your general responsibilities as
7 special counsel?**

8 A I have two other titles that cover some of
9 the areas that I deal with. I'm the freedom of
10 information officer for the comptroller's office,
11 and I'm the prevailing wage enforcement officer for
12 the office.

13 That's -- the prevailing wage title means
14 that I help enforce the comptroller's executive
15 order on enforcement of the prevailing wage.

16 In addition to that, I assist the
17 comptroller with, for lack of a better term,
18 special projects including helping him research and
19 draft legislation.

20 **Q Do you have any responsibilities for
21 environmental matters of the State of Illinois?**

22 A No.

23 **Q Do you have any special knowledge gained
24 through your education or employment about**

1 **environmental law or landfills or the landfill
2 siting process?**

3 A I'm not sure what you mean by special
4 knowledge, but helping you cut to the chase, I took
5 environmental law in law school and part of that
6 was a very, very brief overview of RCRA and CERCLA.

7 **Q Have you ever been involved as an attorney
8 in a case before the Illinois Pollution Control
9 Board?**

10 A No.

11 **Q You are a member of the Peoria County
12 Board?**

13 A Correct.

14 **Q When were you first elected?**

15 A In 2004.

16 **Q Which means that you are now in the middle
17 of your first term?**

18 A Correct.

19 **Q Is it your intention to run for reelection?**

20 A I honestly do not know.

21 **Q We have heard that you are seeking to
22 become the auditor of Peoria County, is that
23 correct?**

24 A I would take issue with the verb seeking.

1 but I have discussed becoming auditor with other
2 people.

3 **Q You have an interest in -- strike that.
4 Let me cut to the chase.**

5 **Is there anything about the auditor
6 position or prospective auditor position, I should
7 say more precisely, that was ever mentioned to you
8 by any person in any context in connection with
9 your vote or position on the landfill expansion?**

10 A Absolutely not.

11 **Q At the time that Peoria Disposal Company
12 expressed their intention to file a siting
13 application, we understand that county board
14 members were instructed, and that may not be the
15 best term, but they were instructed in what the
16 procedures would be and what their responsibilities
17 would be of the decision-making process.**

18 **Were you involved at all in drafting or
19 fashioning those instructions or explanations of
20 procedures?**

21 A No.

22 **Q I take you were a recipient, though, of
23 those explanations?**

24 A I was a recipient of explanations including

1 verbal explanations of the county board, and there
2 would be other attorney-client communications I
3 received. I don't know if I'm -- if I received
4 everything that you may be referring to, however.

5 **Q Based upon what you learned about the
6 procedures and the roles of county board members,
7 what was your understanding as to the receipt of
8 communications regarding the expansion by board
9 members outside of the hearing process?**

10 A I'm not sure if I understand your question,
11 but I think I know where you're going.

12 **Q Then help me get there.**

13 A I will try. Being not only a member of the
14 board and receiving those communications but an
15 attorney, I understood that the landfill
16 proceedings were at least in some ways an
17 administrative hearing, if not a quasi-judicial
18 hearing, and that my decisions could only be based
19 on information contained in the record and that ex
20 parte communications could not be considered by me
21 in arriving at my decision.

22 **Q There have been some board members who have
23 testified in depositions in the last few days that
24 they understood the rules regarding ex parte**

1 **communications to be that they were not to express**
2 **an opinion as to what they thought but were free to**
3 **receive ex parte communications from the general**
4 **public.**

5 **Was that your understanding?**

6 A I think that's a crude statement because I
7 don't think I would say I can receive
8 communications; however, I think that members of
9 the public may have a constitutional right to
10 petition their government or communicate with
11 elected representatives.

12 I understand that as it was an
13 administrative or a judicial hearing I couldn't
14 consider things that were not part of the public
15 record in arriving at my decision. Does that
16 answer your question?

17 **Q We're getting there. The public as you**
18 **used that term, did that include also the actual**
19 **registered party participants in the hearing?**

20 A I honestly don't know what the legal answer
21 is to whether -- let me put it this way. I know
22 that someone who's a registered attorney for the
23 parties could not communicate with me directly. I
24 know that I couldn't have any formal ex parte

1 **have produced a number of E-mails that you received**
2 **from Joyce Blumenshine?**

3 A Yes.

4 **Q So it's a matter of record at this point**
5 **that she engaged in multiple ex parte contacts with**
6 **all county board members.**

7 **That having been said, did you ever go to**
8 **her to discourage her from continuing to make those**
9 **contacts?**

10 A If I understand your question, you mean
11 after the proceedings had started and we're
12 receiving those E-mails from Joyce Blumenshine did
13 I ever contact her in an ex parte fashion to say
14 knock it off?

15 **Q Right.**

16 A No.

17 **Q Whereas, if you'd gotten E-mails from me,**
18 **I'm implying that you would have responded saying,**
19 **Don't E-mail me about substantive matters anymore?**

20 A Actually, I'm not sure what I would have
21 done if I'd gotten an E-mail from you. I likely
22 would have given it to Mr. Brown as our attorney
23 not knowing what to do with an E-mail like that.

24 **Q Now, if Royal Coulter had attached --**

1 communications with parties to the proceedings
2 before me.

3 I think it's an interesting question that I
4 hadn't considered until right this moment whether
5 someone who might have been a member of one of the
6 groups that was a registered participant how that
7 would -- if they were not representing that party
8 what their rights would be. It's a novel, legal
9 question I hadn't considered until you just asked
10 the question.

11 **Q So if I had gone to you during a recess in**
12 **the hearing and taken you into a corner and said,**
13 **Let me give you the real lowdown on some of what**
14 **you've been hearing, I'm believing that you are**
15 **suggesting that you would have said to me something**
16 **to the effect of you're not supposed to be having**
17 **this conversation with me?**

18 A At the least.

19 **Q You, however, did not apply that same**
20 **standard to Joyce Blumenshine, did you?**

21 A Were you implying that she pulled me aside
22 and -- I need to make sure I understand the
23 question.

24 **Q No. I'm going to be more precise. You**

1 **approached you or any of his sons in the room with**
2 **us had approached you at the hearing and attempted**
3 **to pull you into a corner to give you the true**
4 **inside scoop on something related to the expansion,**
5 **would you have told them you're not supposed to be**
6 **talking to me or words to that effect?**

7 A I'll tell you what I told everyone who I
8 actually either talked to on the phone or ran into
9 on the street that talked to me about the PDC
10 expansion which is that I can only consider things
11 that are in the record when I make my decision.

12 **Q That's laudable, Mr. Mayer, but it doesn't**
13 **answer the question of whether you would have**
14 **indicated to a member of the Coulter family who**
15 **tried to approach you in an ex parte way that they**
16 **shouldn't be doing something?**

17 A I'm having -- since it didn't happen, it's
18 a hypothetical. I'm not sure what I would have
19 done. I can tell you what I did do. I was
20 contacted by Senator Shadid in a phone call who
21 said -- or indicated to me he was contacting me on
22 behalf of Mr. Coulter asking me whether I had made
23 any commitments, and I indicated to him that I have
24 not made any commitments. It would be fair to say

1 that and left the conversation at that.

2 That's why I'm having a question about it
3 because I was not directly contacted by the
4 Coulters, but someone who indicated to me that they
5 were representing them contacted me, and I told
6 them I can only consider what's in the record and,
7 no, I haven't made any commitments.

8 **Q You've testified that you understood that**
9 **the lawyers in the proceedings were not to engage**
10 **in ex parte communications with you. You've also**
11 **testified that you understood members of the**
12 **general public to have a constitutional right as I**
13 **think you put it to petition their representatives.**

14 Are those two statements on my part so far
15 fair summaries of what your testimony has been?

16 A I think so.

17 **Q Then you also said that with regard to**
18 **nonlawyer members of participant groups you weren't**
19 **certain what your stance was with regard to whether**
20 **or not they could engage in ex parte context, is**
21 **that also a fair summary?**

22 A Yes.

23 **Q Did David Wentworth ever talk to you**
24 **substantively about the PDC expansion before**

1 **Q When you were at his home, were you there**
2 **as a social guest?**

3 A The only times I remember being at his home
4 were for political events.

5 **Q Has Mr. Wentworth ever contributed toward**
6 **any of your campaigns?**

7 A I would have to check. He or his wife
8 might have written me a check.

9 **Q Do you consider him a friend?**

10 A I consider him a social acquaintance.

11 **Q Other than conversations with the substance**
12 **of see you at the hearing, have you had any other**
13 **conversations with Mr. Wentworth about the PDC**
14 **expansion?**

15 A Prior to May 3rd. --

16 **Q Yes.**

17 A -- the vote?

18 I don't remember any.

19 **Q Have you had conversations about the vote**
20 **with him since May 3rd or about the PDC expansion**
21 **with him since May 3rd?**

22 A I talked to him after the May 3rd vote in
23 the parking lot of the ITOO about it, glad that
24 it's over. He's glad I was on the committee or he

1 **May 3rd of 2006?**

2 A I don't recall discussing it substantively
3 with him, no.

4 **Q Well, then do you recall some discussion**
5 **with him about the application?**

6 A Not so much about the application, more
7 social pleasantry of we'll see you at the ITOO Hall
8 or things to that effect.

9 **Q So when did you see Mr. Wentworth outside**
10 **of the ITOO Hall?**

11 A Well, I first saw him at the first meeting
12 of the subcommittee where he -- where we were
13 discussing rules, I guess, and would have said to
14 him, Oh, glad to see you here, you know.

15 **Q Do you have a social relationship with**
16 **Mr. Wentworth?**

17 A I know him socially, yes.

18 **Q How frequently do you see him on a social**
19 **basis?**

20 A Maybe a handful of times a year.

21 **Q Have you been in his home?**

22 A Yes.

23 **Q Has he been in your home?**

24 A No.

1 was discussing I think going to Michigan. He had
2 a -- I can't remember if it was that vote now or
3 the April vote that he had a funeral that he had to
4 get to.

5 **Q Have you seen him socially since May 3rd?**

6 A I have seen him at a park where I was at
7 with a church group, and he was at the same park
8 with his kids. I couldn't tell you what date that
9 was.

10 **Q Was that just a meeting in passing or were**
11 **there substantive conversations between you --**

12 A Meeting in passing.

13 **Q Has Mr. Wentworth talked to you about your**
14 **testimony today?**

15 A No.

16 **Q Have you talked to Mr. Wentworth about your**
17 **testimony or about the fact that you were going to**
18 **be deposed?**

19 A I'm trying to remember if in the parking
20 lot at the ITOO we said something about the fact
21 that, you know, we're waiting for the appeal now
22 and depositions, but it would have been that sort
23 of statement.

24 **Q Sir, you are a member of the Heart of**

1 **Illinois Chapter of the Sierra Club, is that**
 2 **correct?**
 3 A My understanding is that because I give
 4 money to the National Sierra Club that I
 5 automatically become a member of the whatever my
 6 local chapter is.
 7 **Q Does the local chapter have its own dues**
 8 **structure, to your knowledge?**
 9 A Not to my knowledge.
 10 **Q Do you receive mailings from the local**
 11 **chapter in terms of periodic bulletins, newsletters**
 12 **and the like?**
 13 A Yes.
 14 **Q So you know and knew at the time of this**
 15 **hearing that you were on their mailing list?**
 16 A Yes.
 17 **Q Does the Sierra Club issue indicia of**
 18 **membership such as a card or a decal that you can**
 19 **put on your car window or bumper?**
 20 A The National Sierra Club does. I have no
 21 idea if the local chapter does.
 22 **Q How long have you been a member of the**
 23 **National Sierra Club?**
 24 A I don't remember. It's been many years.

1 events.
 2 **Q When did you first become aware that Joyce**
 3 **Blumenshine was an officer in the Sierra Club local**
 4 **chapter?**
 5 A I don't know. I can tell you I knew she
 6 was active in the Sierra Club prior to the PDC
 7 application, if that helps.
 8 **Q Pardon me. I apologize.**
 9 **Can the court reporter read back the last**
 10 **answer?**
 11 **(Record read as requested.)**
 12 **BY MR. MUELLER:**
 13 **Q At the start of the hearing process, did**
 14 **you have more knowledge regarding the level of her**
 15 **Sierra Club activity?**
 16 A I knew at the start of the application
 17 process that she was involved. She had appeared at
 18 county board meetings prior to the actual hearings
 19 on the PDC landfill expansion. I believe at those
 20 hearings she identified herself as being from the
 21 Sierra Club.
 22 **Q You understood her to be an official**
 23 **representative of the Sierra Club?**
 24 A Sure.

1 It would be at least into the '90s.
 2 **Q Do you display any indicia of that**
 3 **membership on any of your vehicles?**
 4 A No.
 5 **Q Do you carry a Sierra Club membership card**
 6 **in your wallet or on your person?**
 7 A No.
 8 **Q Have you carried such a card in the last**
 9 **year?**
 10 A I don't believe I've carried one in the
 11 last year. I'm fairly certain when I was a student
 12 I had one. Originally, I joined at some point as a
 13 student.
 14 **Q Does the local chapter of the Sierra Club**
 15 **put out a periodic newsletter called Tall Grass**
 16 **Sierrian?**
 17 A I believe that's the name.
 18 **Q When you get those, do you read them?**
 19 A Sometimes yes, sometimes no.
 20 **Q Mr. Mayer, have you ever attended a meeting**
 21 **or function of the local chapter of the Sierra**
 22 **Club?**
 23 A To the best of my knowledge, no. I have
 24 not attended any local meetings or outings or

1 **Q At the start of these hearings, did you**
 2 **understand that the Sierra Club registered as a**
 3 **party participant?**
 4 A Yes, at the start of the hearings.
 5 **Q Did you also understand that David**
 6 **Wentworth was acting among other things as the**
 7 **attorney for the Sierra Club during the hearing?**
 8 A I know he was the attorney for Peoria
 9 Families. I'd have to go back and look to see if
 10 he registered as also representing the Sierra Club.
 11 **Q Which Peoria Families are those, sir?**
 12 A You'll pardon me not remembering the exact
 13 name of the group he represented that was also a
 14 registered participant.
 15 **Q The Peoria Families Against Toxic Waste,**
 16 **does that refresh your recollection?**
 17 A That refreshes my recollection. That's
 18 what I was referring to.
 19 **Q Have you ever seen their website?**
 20 A I know I have since May 3rd. I don't
 21 know if I had before that.
 22 **Q You also received E-mail communications**
 23 **from people purporting to be representatives of the**
 24 **family -- Families Against Toxic Waste, didn't you?**

1 A I'm sure I did.
2 **Q What was your understanding, and maybe you**
3 **can help us with this, as to who the official**
4 **representatives were of the Peoria Families Against**
5 **Toxic Waste?**
6 A I'm not sure what you mean by official.
7 **Q Well, we're not sure either. We believe**
8 **that Kim Converse was one of them, but I was**
9 **wondering whether you had more input than that.**
10 A I would agree that Kim Converse was a
11 member or active. She identified herself as being
12 from that; and, beyond that, I don't know who the
13 other members are or even how they're organized.
14 **Q Did you ever have discussion with Dave**
15 **Wentworth about that subject and precisely who he**
16 **represented?**
17 A No. I will say at that first meeting where
18 we discussed the rules I said something to him
19 about. So I see you're representing the organized
20 opposition. I think that's the closest I had to a
21 conversation about that subject.
22 **Q Let me back up to something. Since you've**
23 **now used the term the organized opposition, did you**
24 **feel that there were different rules that applied**

1 **Q What is the purpose as you understand it of**
2 **the prohibition of ex parte communications in**
3 **judicial proceedings?**
4 A To insure a fair proceeding.
5 **Q Shouldn't the decision-maker be able to**
6 **ignore ex parte communications to the extent that**
7 **there is no reason to even prohibit them?**
8 A I'm not sure I understand the question.
9 **Q Well, if the -- let me do it another way.**
10 **If the prohibition of ex parte communications in**
11 **judicial proceedings is to insure a fair**
12 **proceeding, does that imply in your mind that even**
13 **hearing ex parte material has the potential to**
14 **prejudice a decision-maker?**
15 A Now I think I understand the question. Let
16 me explain what I think my understanding is of
17 that. There would be a different rule between a
18 judge, a sitting circuit court judge and rules of
19 ex parte communication there versus only a
20 quasi-judicial or an administrative hearing one
21 that is before a political body. I think a
22 judge -- there's no right to petition a judge.
23 **Q But you said that you understood your role**
24 **as a decision-maker in this case to be to base your**

1 **to receiving ex parte communications from members,**
2 **known members of the organized opposition than from**
3 **the general public at large?**
4 A I can't say I thought a lot about the
5 distinction you're making.
6 **Q So the answer to my question would be no?**
7 A Please repeat the question.
8 **Q Did you feel that there was a difference in**
9 **the rules with regard to receipt of ex parte**
10 **communications from members of the organized**
11 **opposition as opposed to members of the general**
12 **public at large?**
13 A I'd say two things. I knew I could only
14 consider in making my decision what was in the
15 record, but I don't recall seeing any distinction
16 in who sent me things or testified at county board
17 meetings, et cetera.
18 **Q You're the one that used the term ex parte**
19 **first.**
20 **What's your definition of that term as you**
21 **understand it?**
22 A Outside the presence of the other parties
23 or outside the official recorded proceedings or
24 with only one side's knowledge.

1 **decision exclusively on the evidence in the record,**
2 **correct?**
3 A Correct.
4 **Q That makes your function identical to that**
5 **of a judge in a judicial proceeding, doesn't it?**
6 A It would be fair to say that we might, we
7 being the county board members, might also be like
8 a member of the jury? I will give you --
9 **Q Yes.**
10 A -- an understanding that sometimes members
11 of a jury are instructed to ignore something that
12 they just heard in court.
13 **Q Actually, there is a very strong**
14 **prohibition on ex parte communications with members**
15 **of juries, isn't there?**
16 A I believe we just saw that in Governor
17 Ryan's recent trial.
18 **Q So the answer to my question is yes?**
19 A Yes.
20 **Q You're also, I take it, familiar with the**
21 **concept of a motion in limine?**
22 A Familiar, but I'm not an expert.
23 **Q The general concept for purposes of this**
24 **questioning is that litigants can make motions**

1 outside the presence of a jury to exclude certain
2 evidence from ever being raised in front of the
3 jury so that there is a guarantee that they won't
4 even hear the evidence and that they won't have to
5 be instructed to disregard it.

6 Is that generally your understanding of a
7 motion in limine?

8 A I think that my understanding is that that
9 is one type of motion in limine.

10 Q All right. It embodies the concept that
11 there are some things so judicial that a jury
12 hearing them is tainted even if a judge
13 subsequently instructs you, the jury, to disregard
14 the evidence.

15 MR. BROWN: Is there a question?

16 BY MR. MUELLER:

17 Q Are you familiar with that concept?

18 A Yes.

19 Q Since you liken the role of the county
20 board here as a jury -- to that of a jury, does
21 that mean that Mr. Brown is the judge?

22 A I take that as a humorous question.

23 Q That was a humorous comment.

24 If you liken the role of the county board

1 A Fairly dead horse.

2 Q Now, I'm looking at another document that
3 you submitted which is a copy of the Tall Grass
4 Sierrian dated May-June, 2006, Volume 34,
5 Number III, and on the third page of that
6 newsletter is a short little article at the bottom
7 entitled, Thank you to the Magnificent 10 by Joyce
8 Blumenshine. It has your name in it.

9 A (Witness perusing document.)

10 Q Do you recall receiving that article?

11 A Yes.

12 Q Did you receive that issue of the
13 newsletter prior to May 3rd?

14 A I don't have a specific recollection, but
15 since it says magnificent 10 and not magnificent
16 11, I'm going to assume for our purposes that I
17 received it before the May 3rd vote.

18 Q Do you have any social relationship with
19 Joyce Blumenshine?

20 A No, but let me help cut to the chase in
21 explaining. I believe her husband is on the Board
22 of Health with me; although, that's the only place
23 we ever see each other. I know that she has been a
24 political volunteer on other campaigns that I have

1 to that of a jury and you acknowledge that you were
2 supposed to base your decisions only on the
3 evidence, then why did you feel it was appropriate
4 to receive potentially prejudicial ex parte
5 communications from members, from everyone other
6 than lawyers?

7 A Let me say two things about that. One is
8 that we are only a jury by analogy. We were not,
9 in fact, a jury and different rules apply.

10 Two, the county and the county board
11 members were being represented by counsel who I
12 considered to have much great expertise in
13 hearings, especially landfill hearings, than I did
14 who were aware of the type of contacts we would be
15 receiving or were likely to receive; and based on
16 the instructions that we discussed earlier that
17 were attorney-client communications, I didn't feel
18 that by merely receiving and retaining those
19 documents, as you've already pointed out some of
20 which I didn't even open, I was prejudicing my
21 ability to act as an impartial fact finder and
22 decision-maker.

23 Q Now, moving on. I think we have pretty
24 much killed that topic.

1 helped on, but we have no social relationship.

2 Q But the two of you actually volunteered in
3 the same campaign and worked together in that
4 capacity?

5 A No. We've been -- we've both been -- I
6 will say she helped out with Ricca Sloan's campaign
7 as did several hundred other people including
8 myself.

9 Q Do you consider her a friend?

10 A No.

11 Q Do you consider her a supporter of yours
12 politically?

13 A Well, what would you say if you got a
14 newsletter --

15 Q I would say that she would be on my mailing
16 list if I was running for public office.

17 Is that a fair statement?

18 A Well, I'm not putting together your mailing
19 list and I presume you're not running for public
20 office.

21 Q I trust then that she's on your mailing
22 list?

23 A I don't have a mailing list.

24 Q When you compile one, she'll be on it.

1 A If I ever need to compile a mailing list, I
2 think she's obviously supportive of me. So it
3 makes sense to include her.

4 **Q Did you ever visit Tom Edwards' website**
5 **during these proceedings?**

6 A No.

7 **Q Did you ever visit a Citizens For The**
8 **Environment website?**

9 A Not during these hearings, no.

10 **Q Did you visit that afterwards?**

11 A Yes.

12 **Q Mr. Mayer, did you make any telephone calls**
13 **to other county board members in connection with**
14 **these proceedings?**

15 A No.

16 **Q Did you receive any telephone calls in**
17 **connection with the proceedings, and by**
18 **"proceedings," I mean the hearings on the**
19 **application and the entire decision-making process?**

20 **Did you receive any phone calls from Dave Williams?**

21 A No.

22 **Q Did you receive any phone calls from**
23 **Brian -- from Phil Salzer, excuse me?**

24 A Yes.

1 **Q How many calls did you receive from Phil**
2 **Salzer?**

3 A Let me say during the time period we would
4 have been making the decision during the hearings I
5 would have received numerous calls from him. I
6 would only think that there might be one or two
7 that might have been related to PDC hearings.

8 **Q Do you recall the substance of those one or**
9 **two calls?**

10 A I know he had some kind of technical
11 questions about issues. I do remember him asking
12 in one of them about whether it was over an
13 aquifer, something to that effect, whether the
14 landfill would be over an aquifer.

15 **Q Do you remember what your answer to that**
16 **question was?**

17 A That -- I don't remember my exact words,
18 but I believe what I said was something along the
19 lines of I expected that to be a bigger issue but
20 the applicant, PDC, in their modeling and so on is
21 indicating that it's hydrologically connected but
22 that they maintain that it's not over the Sankoty
23 aquifer.

24 **Q Anything else that you said to him in that**

1 **conversation?**

2 A I know I would have told him, you know, we
3 can only consider what's in the record. I'm pretty
4 sure at some point I've told Phil it doesn't matter
5 what way he votes because Coach Salzer is so
6 popular he doesn't have to worry about anything.
7 So he needs to make up his own mind.

8 I don't remember what any of the other
9 technical questions would have been.

10 **Q Have you spoken on the phone with**
11 **Mr. Salzer today?**

12 A Yes. He called when I -- when he got out
13 today and said it was over, and then he started to
14 talk about stuff. He said they're going to come
15 after you hard, I think. I said, Don't tell me any
16 more, just let me call the attorneys, something to
17 that effect.

18 **Q During the course of these proceedings, did**
19 **you have substantive contacts about the evidence**
20 **and the decision-making process with any Peoria**
21 **County staff members or consultants?**

22 A Yes.

23 **Q With whom?**

24 A The county administrator, Pat Urich.

1 **Q Who else?**

2 A Are we counting our attorneys in that?

3 **Q No.**

4 A The only other staff member I didn't
5 consult with but had -- no. This would have been
6 after May 3rd at the Board of Health meeting.
7 Andrea Parker, the director of health, talked a bit
8 about it.

9 I actually missed the previous Board of
10 Health meeting because the hearings had run long.
11 I know there was some concern about the staff
12 report and her role in it and basically had just
13 told -- not a consultation with her, but at that
14 meeting told the other board members that if they
15 had any questions -- Board of Health members, you
16 know, they could ask me about it but that the
17 hearings were over.

18 **Q Did you have any direct communications with**
19 **any of the Patrick Engineering people?**

20 A You mean outside of just --

21 **Q Yes. Outside of the how's it going today**
22 **kind of discussion?**

23 A When we were -- during the hearings, I
24 didn't have any consultation with them, but as

1 we're -- about the -- about the application. I do.
 2 however -- another person I would have said
 3 something to would have been supervisor of
 4 assessments. Matt Ryan, because we were formulating
 5 questions for some of the applicant's experts, and
 6 I asked him about school districts if he knew or if
 7 we could ask the questions about related to where
 8 school districts were rather than my asking it.

9 **Q When you say we were formulating questions,**
 10 **who was that we?**

11 A As a member of the subcommittee, I would
 12 have been sitting close to, well, front row --

13 **Q If you say we as a subcommittee, you've**
 14 **answered my question.**

15 A Subcommittee with the staff because as
 16 you'll recall from the hearings staff we go
 17 through -- it changed somewhat, but there would be
 18 a presentation by someone, there would be
 19 questions, you know, in a question period, and then
 20 staff would either go before or after individual
 21 committee members.

22 **Q Outside of that process, did you have any**
 23 **communication with the Patrick Engineering people?**

24 A Not of anything substantive to the

1 application, no.

2 **Q Who was the principal author of the two**
 3 **staff reports that were released?**

4 A I don't know.

5 **Q Did you have any input into the contents of**
 6 **either of those staff reports?**

7 A No.

8 **Q Did you talk to anyone on the staff after**
 9 **the first report was received about its contents?**

10 A Well, obviously, yes, I questioned -- at
 11 the public hearing, I questioned Pat Ulrich about
 12 it. So that's a communication.

13 **Q I'm talking about outside the hearing**
 14 **context and process.**

15 A I did have a conversation with Patrick
 16 about -- not about the substance of it, though.

17 **Q Patrick Ulrich, you mean?**

18 A Patrick Ulrich, I'm sorry. Let me explain.
 19 There were complaints that the staff report had
 20 come out prior to the end of public hearing and
 21 some people thought that was unfair, and I had had
 22 a conversation with Patrick Ulrich indicating that I
 23 thought they had done the right thing by releasing
 24 and giving people an opportunity to comment on it.

1 **Q Who did you receive such complaints from or**
 2 **how did you become aware of such complaints?**

3 A I know some of the E-mails would have said
 4 that. I'm trying to remember if there was anyone
 5 that said that at the public hearings as well that
 6 complained.

7 **Q Did you ever find out who the principal**
 8 **author of either the first or the second staff**
 9 **report was?**

10 A No.

11 **Q At the April 6th, 2006 meeting, that's**
 12 **the committee of the whole meeting, trust me on the**
 13 **date, there were handed out something referred to**
 14 **as the purple sheets, the pink sheets and the**
 15 **yellow sheets. Do you recall those?**

16 A Yes. I believe you're referring to the
 17 potential or proposed findings of fact.

18 **Q When did you receive the purple, pink and**
 19 **yellow sheets?**

20 A Prior to that meeting, I'm not sure what
 21 day. I'm also not sure if I had received hard
 22 copy -- actually, I'm not even sure if I received
 23 an electronic copy, but when I received it -- but I
 24 know it was prior to that April 6th meeting, not

1 by many -- by 24 or 48 hours at most.

2 **Q How did you receive them and who did you**
 3 **receive them from?**

4 A My best recollection is that they would
 5 have been delivered to my house probably then by a
 6 sheriff's deputy or courier staff employee,
 7 somebody from the county.

8 **Q Do you know if that protocol was followed**
 9 **for all board members?**

10 A I do not know.

11 **Q Had you ever requested advanced copies of**
 12 **any proposed alternative findings of fact?**

13 A I hadn't requested advanced copies of
 14 anything from county staff or anyone else.

15 **Q How about from Patrick Ulrich?**

16 A He's county staff.

17 **Q Okay. So your best recollection is that**
 18 **these were hand-delivered by a county employee to**
 19 **your home either 24 or 48 hours before the meeting?**

20 A Yes, but that's my recollection. I
 21 couldn't -- I can't be 100 percent certain that
 22 that's how it was delivered. I don't think I was
 23 actually at my home. I think my wife might have
 24 actually received them at the house.

1 **Q When the April 6th meeting occurred, you**
2 **handed out some pink sheets with regard to**
3 **criterion one that you had apparently prepared**
4 **yourself, is that correct?**

5 A Correct.

6 **Q When did you prepare your proposed findings**
7 **with regard to criterion one?**

8 A Between the time we received the staff
9 binder, however you want to refer to it, and the
10 afternoon of April 6th. I seem to recall
11 E-mailing or delivering them to Patrick Urich so
12 that they could make copies for distribution.

13 **Q Now, you just referred to something called**
14 **the staff binder.**

15 A By that I meant the -- what you referred to
16 as -- I can't remember the colors. If we could
17 agree on a term for the colored pieces of paper
18 with the proposed findings of fact.

19 **Q Off the record, I will tell you how I**
20 **remember which colors are associated with which**
21 **decision.**

22 A I'm sure it's humorous.

23 **Q Was there anything else in the binder**
24 **besides the pink, purple and yellow sheets as to**

1 **Q Now, at the April 6th meeting, you also**
2 **made a motion to incorporate certain findings of**
3 **the yellow sheets in with pink sheet findings as to**
4 **criterion two?**

5 A Yes.

6 **Q Just so that the record is clear here -- by**
7 **the way, I will tell you my understanding is the**
8 **purple sheets were the findings that supported**
9 **approval without condition, the pink sheets were**
10 **the findings that purportedly supported denial, and**
11 **the yellow sheets were the findings that**
12 **purportedly supported approval with conditions.**

13 A Okay.

14 **Q So you made a motion to amend the pink**
15 **sheet or denial findings as to criterion two with**
16 **certain findings from the yellow sheets?**

17 A Correct.

18 **Q Do you recall that?**

19 A Yes.

20 **Q And it was a rather lengthy and detailed**
21 **motion.**

22 A I will let you characterize it.

23 **Q It's torturous reading, Mr. Mayer, in the**
24 **transcript.**

1 **each of the criteria?**

2 A I think there were two copies because there
3 was whatever was delivered and I think there were
4 also binders at our places when we arrived at the
5 meeting. I'm not 100 percent sure of that, but I
6 believe there were two copies.

7 I know one of those two, and I do not
8 remember which one, had an attorney-client
9 communication in it.

10 **Q You were able to get your entire list of**
11 **alternative criterion one findings drafted and into**
12 **the hands of Mr. Urich in the short interval**
13 **between when you received the staff binder and the**
14 **April 6th meeting?**

15 A Yes.

16 **Q Do you know, by the way, who the principal**
17 **authors of the purple, pink, and yellow sheets**
18 **were?**

19 A No. By that I am assuming you mean the
20 ones that we received from county, we being county
21 board members, received from county staff?

22 **Q That's correct.**

23 A I do not know who the principal author or
24 authors were.

1 **On April 27th, the county staff -- strike**
2 **the part about the staff.**

3 **On April 27th, there were filed in the**
4 **clerk's office apparently another set of proposed**
5 **findings which included some findings on criterion**
6 **two.**

7 **Do you know whether those criterion two**
8 **findings as filed on April 27th accurately and**
9 **completely reflect the amendments from the yellow**
10 **sheets that you proposed to the pink sheet findings**
11 **on April 6th?**

12 A Do I know if they did?

13 **Q Yes.**

14 A Since I did not file them, the answer is
15 no.

16 **Q Well, did you -- I presume you must have**
17 **received them, the April 27th findings, at some**
18 **point in time?**

19 A I would assume that April 27th filing
20 then is what we had at the May 3rd meeting or in
21 anticipation of and consider at the
22 May 3rd meeting.

23 I know that there was -- it wasn't with
24 criterion two. I know there was an issue with

1 criterion three. I believe, its compatibility.
 2 **Q We'll get into that separately. Let's stay**
 3 **on criterion two now.**
 4 **Did you check the April 27th file stamped**
 5 **findings to make sure as to criterion two that they**
 6 **conformed exactly to your yellow sheet amendments,**
 7 **to the pink sheet findings as done on April 6th?**
 8 A As I understand your question, you're
 9 asking when I got the proposed findings or the
 10 motion for the May 3rd meeting did I check the
 11 criterion two proposed findings to make sure they
 12 conformed with what I thought we had done at the
 13 earlier April meeting?
 14 **Q You asked the question better than I did.**
 15 A I did review them. I don't believe I
 16 reviewed them word for word, but I did glance
 17 through them to make sure that what I thought I had
 18 made the motion at the April committee meeting that
 19 my intentions with that motion were in the
 20 May 3rd proposed findings.
 21 **Q How much did you -- time did you spend in**
 22 **that review or as you say glanced at them? For how**
 23 **long did you glance at the criteria two findings to**
 24 **convince yourself that they conformed to what you**

1 **had tried to do on April 6th?**
 2 A I will explain that at the April committee
 3 meeting, my motion -- and part of the reason it was
 4 convoluted it wasn't written out. I had simply
 5 highlighted I believe yellow sheet findings that I
 6 thought might apply also in a pink sheet finding
 7 and I looked at my binder with the highlighting and
 8 compared that to the sheets that we had gotten for
 9 the May 3rd meeting, just look to see that the
 10 highlighted ones had transferred over.
 11 **Q To your knowledge, did they?**
 12 A I believe they did.
 13 **Q Did you ever give any staff person a copy**
 14 **of the highlighted yellow sheets as to criterion**
 15 **two at or shortly after the May 3rd meeting to**
 16 **help them prepare whatever it is that they**
 17 **subsequently prepared?**
 18 A No. I left it to the clerk who is very
 19 slowly and laboriously going through my motion
 20 since that's the official record.
 21 **Q Which individual was that?**
 22 A That would be JoAnn Thomas who is taking
 23 minutes who is the county clerk.
 24 **Q She was taking minutes of the**

1 **April 6th meeting?**
 2 A Well, she's the county clerk. So she's
 3 going to take -- she wasn't transcribing. That
 4 would have been the court reporters. She would
 5 have been taking -- I don't know if she would have
 6 been taking minutes. She was trying to get down
 7 what my motion was.
 8 **Q Did you go through with it -- through it**
 9 **with her again after the meeting to make sure she**
 10 **got it right?**
 11 A No.
 12 **Q So whatever you went through would have**
 13 **been on the court transcribed record?**
 14 A It should be if the transcript is correct.
 15 **Q Do you know whether any minutes of that**
 16 **April 6th meeting exist?**
 17 A I believe there are minutes. I believe the
 18 Open Meetings Act would have required that there be
 19 some sort of minutes of it. I don't believe if
 20 transcription counts as the minutes, but --
 21 **Q Have you ever seen minutes of the**
 22 **April 6th meeting?**
 23 A I would have to go back and look at what I
 24 received. I think I have seen minutes of the

1 meeting of both the April and the May meetings,
 2 but --
 3 **Q When you -- when do you believe you would**
 4 **have seen minutes?**
 5 A It would have been at a county board
 6 meeting subsequent to the May 3rd, whenever we
 7 would have approved minutes of previous county
 8 board meetings.
 9 **Q Would you agree that if no minutes of**
 10 **either of those meetings were ever approved that**
 11 **that may be a violation of the Open Meetings Act**
 12 **with respect to those meetings?**
 13 A Actually, I don't know if that would be a
 14 violation. Taking minutes is required. I don't
 15 know if the text of the Act requires the subsequent
 16 approval of the meeting minutes.
 17 **Q Would you agree that if no minutes as to**
 18 **either of those meetings exist that there is no**
 19 **official written record of what transpired at the**
 20 **meetings?**
 21 A No. We had an official court reporter at
 22 both meetings.
 23 **Q So it's your position that the transcript**
 24 **prepared by the court reporter constitutes the**

1 **written record of the meeting?**

2 A You're asking me to make a legal statement
3 about which I believe to be the official one. I
4 don't think I'm qualified to say which is the
5 official.

6 **Q The answer is you don't know?**

7 A What the official one is? I don't know
8 what Illinois law would say if both existed. I
9 don't know which one would be the, quote/unquote,
10 official.

11 **Q Assuming that no minutes exist, is it your
12 position then that the transcript of the meeting
13 constitutes the written record of the meeting?**

14 A It would be, to my knowledge, the only
15 written record of the meeting other than individual
16 members' notes or whatever other unofficial record
17 there might exist.

18 **Q Going to criterion three and back to
19 April 6th, do you recall making a motion in which
20 you said, Chris Lannert as part of this report had
21 a chart and a map that showed the population within
22 a mile and five miles and that -- so I can't say I
23 would like to add those specific numbers.**

24 **Do you remember that?**

1 **population numbers were you talking about?**

2 **Regardless of their source, what were the
3 population numbers you were talking about?**

4 A I was under the mistaken assumption that a
5 chart that I had vaguely remembered Mr. Lannert
6 having in his power point, which actually if you
7 have a copy of the presentation I could flip
8 through and show you where -- what it was that I
9 thought had population and turned out had zoning --
10 I can't remember. It was something about the
11 classification of zoning within so many miles of
12 the site.

13 **Q So what you're saying is there were no
14 population numbers?**

15 A It turns out that there were no population
16 numbers entered into the record.

17 **Q Were there some population numbers outside
18 the record that you were mistakenly referring to on
19 April 6th?**

20 A No. The only -- the only other instance I
21 remember of population coming up was in the public
22 testimony day. I know that there were one or
23 two -- I will wait for you to finish.

24 **Q Go ahead. I'm sorry.**

1 A I don't remember the exact form of the
2 motion. I remember exactly what you're talking
3 about because I believe another board member, and I
4 don't recall off the top of my head which one,
5 wanted to say something about population with
6 regard to criterion three, and without having the
7 transcripts or its presentation in front of me. I
8 know that PDC's application or expert had said I
9 thought something about population within a
10 distance.

11 It turned out afterwards that what he had
12 talked about was zoning within a certain distance,
13 not population. So my recollection was fallible.

14 **Q Now, I'm even more confused and I apologize
15 in advance.**

16 **You apparently moved to add some population
17 numbers to the findings on the staff colored
18 sheets, correct?**

19 A Correct.

20 **Q It was your recollection albeit incorrect
21 that those numbers had been presented in
22 Mr. Lannert's testimony, is that also correct?**

23 A Yes.

24 **Q When did you learn -- first of all, what**

1 A During public testimony, the Saturday that
2 we went all day, I recall there being some members
3 of the public who said some things about population
4 and what the population was near other hazardous
5 waste sites.

6 That's the only other mention of population
7 that I remember.

8 **Q How did you learn that the population
9 numbers chart that you thought you were referring
10 to on April 6th did not exist in Mr. Lannert's
11 presentation?**

12 A Two things. Immediately after that
13 hearing, staff who we had asked to insert the
14 numbers -- and by that I mean county staff, and I
15 can't remember if our attorney was involved with
16 that or not -- was flipping through and says, We
17 can't find it.

18 I then when we got the transcripts, the
19 PDFs of the transcripts, did a search through
20 those, couldn't find it myself, couldn't find it
21 myself flipping through Mr. Lannert's presentation
22 and realized that my recollection was faulty.

23 **Q At the May 6th -- or May 3rd meeting,
24 excuse me --**

1 A It's hard to keep the dates straight
2 sometimes.
3 **Q Not for us. Mr. Atkins makes a statement**
4 **that the population numbers or figures had not**
5 **actually been presented, so they do not appear in**
6 **the findings of fact. That is done so that we make**
7 **sure we are not in any way taking evidence outside**
8 **of the record.**

9 **Do you remember Mr. Atkins' statement in**
10 **that regard?**

11 A I remember him making a statement about it.
12 yes.

13 **Q Does that mean that the population numbers**
14 **that you referred to on April 6th existed**
15 **somewhere but not in the record?**

16 A Let me see if I understand your question.
17 Do you mean in the platonic sense do those numbers
18 exist? Yes, of course they exist.

19 **Q What numbers were you talking about then on**
20 **April 6th?**

21 A I thought as I've explained now I think two
22 or three times that Mr. Lannert's presentation
23 included population numbers when it turns out it
24 was something involving zoning or parcels or what

1 types of zoning within so many miles.

2 **Q Do you remember on April 6th saying that**
3 **you thought the population was 53,000?**

4 A I don't recall that, but if it's in the
5 record, then I'm certain I said it.

6 **Q What would 53,000 be the population of?**

7 A About half the City of Peoria.

8 **Q Would that also be the population of the**
9 **area within a certain radius of the proposed**
10 **facility?**

11 A Again, I'm sure that you could draw a line
12 within so many -- whatever distance as long as you
13 don't specify the distance you can find one that
14 would have that population within that distance.

15 **Q Well, when Mr. Salzer said on April 6th,**
16 **I thought the population was 53,000, and you said**
17 **that's about the number I remember, what were you**
18 **referring to in terms of what the 53,000 meant?**

19 A Population that I thought Mr. Lannert had
20 testified to which --

21 **Q The population of what that you thought**
22 **Mr. Lannert had testified to?**

23 A People living within the radius of the
24 proposed site, expansion.

1 **Q What radius of the proposed site and**
2 **expansion?**

3 A Do you mean a distance?

4 **Q Yes.**

5 A I don't recall what distance. I don't even
6 recall exactly what distances Mr. Lannert used.

7 **Q Did someone, Mr. Mayer, provide you at any**
8 **time with information that 53,000 people lived**
9 **within a certain radius of the proposed facility?**

10 A I don't recall anyone telling me that or
11 contacting me to tell me that, no.

12 **Q Wasn't that information on the Peoria**
13 **Families Against Toxic Waste website? Isn't that**
14 **where you got it from? That's a compound question.**

15 A I don't know if it was on the website; and,
16 no, I did not get it from there. As one of your
17 previous questions indicated, I was responding to
18 Mr. Salzer's statement when I said, Sure, that
19 sounds about right.

20 **Q Actually, you didn't say, sure, that sounds**
21 **about right. What you said was that's about the**
22 **number I remember.**

23 A Okay. I stand corrected or sit corrected.

24 **Q So my question is if Mr. Salzer -- if**

1 **Mr. Lannert didn't come up with the 53,000 number,**
2 **where did you come up with it from?**

3 A I didn't come up with it.

4 **Q You expressed on April 6th a recollection**
5 **that that was about the number you remembered?**

6 A Apparently, I misremembered because I
7 thought that Mr. Lannert had a population chart
8 when he didn't. He only had one on zoning.

9 **Q Do you know a David Koehler?**

10 A I do know Dave Koehler.

11 **Q Who is he?**

12 A The David Koehler I know is the executive
13 director of PALM and is currently a candidate for
14 state senate to replace Senator Shadid.

15 **Q Is he a Democrat or Republican?**

16 A He's a Democrat.

17 **Q Do you consider him a political ally?**

18 A Yes.

19 **Q Do you consider him a friend?**

20 A Not really.

21 **Q Did he ever express to you his views on**
22 **this proposed expansion prior to May 3rd?**

23 A I don't remember him expressing an opinion
24 about it.

1 **Q Without his expressing an opinion about it,**
 2 **did you know what his views were?**
 3 A Did I know?
 4 **Q Yes. Did you know whether he was opposed**
 5 **or in favor?**
 6 A As much as I know about Dave, I could guess
 7 that he would be an opponent.
 8 **Q But to your recollection, he never told you**
 9 **that or any words to that effect?**
 10 A As we're talking here, I recall not a
 11 conversation with him prior to May 3rd about
 12 opposition, but I know there was some effort on the
 13 county staff's part to dig up the records from the
 14 original siting or the application from the '80s,
 15 if you recall that.
 16 I believe that his name might have been on
 17 the minutes that they had there about the
 18 application.
 19 **Q Do you know who Theresa Koehler is?**
 20 A No.
 21 **Q Well, then you never had any contact with**
 22 **her if you don't know who she is.**
 23 A I don't -- I don't recognize the name
 24 Theresa Koehler. I'm presuming that since she has

1 **respective views were?**
 2 A That it was a very politically interesting
 3 vote.
 4 **Q What was so politically interesting about**
 5 **the vote?**
 6 A It was getting a lot of media attention.
 7 **Q Would it be fair to say then that you**
 8 **perceived that people who voted in favor of the**
 9 **application did so at their political peril based**
 10 **upon a perception that the community as a whole was**
 11 **opposed?**
 12 A The reason it was so interesting is that
 13 there was some strong public sentiment I would say
 14 in opposition, but there were very powerful or
 15 politically important people that were in favor of
 16 it.
 17 For instance, the Chamber of Commerce or
 18 Economic Development folks, the Journal Star was
 19 coming out in favor of it. I remember also
 20 discussing how interesting it was that the doctors
 21 had split from the Chamber and that was politically
 22 unusual.
 23 **Q You didn't answer my question, though.**
 24 A Do I -- repeat the question.

1 the same last name that she might be one of his
 2 daughters. I know it's not his wife because his
 3 wife doesn't have the same last name as he does.
 4 **Q Now, what's his wife's last name?**
 5 A I don't remember it right off the top of my
 6 head. I know it's different than his. She's the
 7 executive director of Heart of Illinois or the
 8 regional blood services for the Red Cross and has a
 9 different name.
 10 **Q You almost got that confused with the Heart**
 11 **of Illinois Sierra Club?**
 12 A Well, no. It's the Heart of America or
 13 heart of something region of the Red Cross.
 14 **Q Did Matt Jones ever talk to you about the**
 15 **proposed expansion?**
 16 A I'm sure he did.
 17 **Q Did he express a view?**
 18 A Whether he supports it or opposes it?
 19 **Q Yes.**
 20 A No.
 21 **Q Did you without his directly expressing it**
 22 **know what his opinion was?**
 23 A No.
 24 **Q So what did you talk about if not what your**

1 **Q I think it was as part of the -- or did you**
 2 **believe that based upon the perception of general**
 3 **public disapproval that people who voted for the**
 4 **application did so at their political peril?**
 5 A I guess my answer went to what your
 6 definition of political peril was. I think I tried
 7 to express that there were people who were opposed
 8 who obviously you'd be upsetting, but politically
 9 there were also important people that were in favor
 10 of it.
 11 So is your question would there be people
 12 who were upset and there might be a lot of them if
 13 you voted yes? My answer to that would be yes.
 14 **Q The last time I looked Joe the janitor has**
 15 **as many votes as the president of the Chamber of**
 16 **Commerce, right?**
 17 A Presuming they're both registered to vote.
 18 **Q So politically speaking, upsetting a lot of**
 19 **people is typically worse than upsetting a few**
 20 **important people?**
 21 A Sometimes a very small, very interesting
 22 group of people can actually thwart the will of the
 23 majority and it happens all the time.
 24 **Q You've convinced me. I'm going to move on.**

1 **On April -- or on May 3rd, immediately**
 2 **after the motion to approve with conditions was**
 3 **voted on, Mr. Williams who's conducting the meeting**
 4 **as chairman talked about the need to approve**
 5 **findings, and then he said, Motion Allen, in a**
 6 **questioning way as if he knew that you were the one**
 7 **to make the motion.**

8 **My question is, was there anything**
 9 **orchestrated or discussed in advance between you**
 10 **and anyone else about the fact that you would be**
 11 **the one to make the motion to approve findings?**

12 A At the May 3rd meeting?

13 **Q Yes.**

14 A I remember there being some discussion
 15 ahead of time that the population numbers weren't
 16 in there and that we needed to make the motion to
 17 adopt the findings of fact again as -- with that
 18 correction in them.

19 **Q Where was that discussion ahead of time?**

20 A I think it was a brief discussion right
 21 before the vote that evening, and I think that part
 22 of the discussion might have been an
 23 attorney-client conversation about what we needed
 24 to do that evening based on what the previous

1 members right around us as well as staff; but,
 2 yeah, my understanding or my recollection is Dave
 3 saying something to me about we have to make the
 4 motion. By Dave, I mean Dave Williams.

5 **Q When you say we needed to make a motion,**
 6 **who was the we that you refer to?**

7 A The board, the county board.

8 **Q Have you ever been to the PDC facility?**

9 A You mean the landfill?

10 **Q Yes.**

11 A No.

12 **Q Have you ever been offered a visit?**

13 A I don't remember ever being offered a trip
 14 or a visit. I take that back. I remember Merle
 15 Widmer at some meeting or rather discussing how he
 16 had been out to visit that we all needed to go out
 17 there. I don't know if that constitutes an offer,
 18 but --

19 **Q Why didn't you go out there?**

20 A Because I don't think I would have -- I'm
 21 not an expert at any of the things that we need
 22 experts to testify about and we needed to rely on
 23 their assertions, not my seeing the site; and,
 24 quite honestly, I have better things to do with my

1 committee meeting had done.

2 **Q Where did that discussion take place?**

3 A At the ITOO is my recollection.

4 **Q Who was present for the discussion that**
 5 **you're referencing?**

6 A The attorney-client representation?

7 **Q No. The one that we -- you started your**
 8 **answer with we had a brief discussion.**

9 **Who was present for the discussion you were**
 10 **referring to?**

11 A I think this would have been as we came out
 12 from the back room where we were -- where the
 13 attorneys had talked with us. I think I said
 14 something to Dave or Dave said something to me
 15 about making a motion to adopt.

16 **Q "Dave" meaning Dave Williams?**

17 A Correct.

18 **Q So that discussion took place just between**
 19 **the two of you, is that correct?**

20 A I'm sorry. I'm pausing. I'm trying to
 21 remember exactly what happened that evening because
 22 this was happening rather quickly just before the
 23 meeting.

24 I'm sure there would have been other board

1 free time than visit the landfill.

2 **Q So you didn't think you could learn**
 3 **anything of value from going to the facility?**

4 A I don't think that I could have learned
 5 anything that I would have been able to use in my
 6 deliberations.

7 **Q And the county had experts to teach you**
 8 **those things anyway, right?**

9 A Not just the county, the applicant I seem
 10 to recall had quite a few experts to describe the
 11 facility and what their proposed application would
 12 look like.

13 **Q The county staff, actually your experts**
 14 **recommended in favor of approval, didn't they?**

15 A No. They recommended in favor of approval
 16 with restrictions or with modifications. In fact,
 17 I seem to recall asking -- strike that.

18 By "experts," you mean Patrick Engineering?

19 **Q Well, the county staff recommended approval**
 20 **with conditions, isn't that true?**

21 A Correct. I recall asking at one of the
 22 meetings whether the application as presented by
 23 PDC would satisfy criterion two and was told no it
 24 did not, and the county staff's opinion satisfied

1 criterion two as presented.
 2 **Q When did you ask that?**
 3 A At one of the -- I believe at -- either
 4 when staff gave its -- it would have had to have
 5 been when staff gave its presentation on the, their
 6 recommendation or at one of the subsequent
 7 meetings. You can go back and refresh my
 8 recollection.
 9 **Q But the county staff did indicate to you**
 10 **that with conditions the facility would satisfy**
 11 **criterion two?**
 12 A They indicated that that was their
 13 recommendation that we approve with conditions.
 14 You'd have to go back and check the transcript to
 15 see what their exact words were.
 16 **Q Am I understanding you to say that the**
 17 **county staff's conveying information to you that**
 18 **criterion two was -- could only be satisfied with**
 19 **conditions was sufficient to vote for denial on**
 20 **that criterion?**
 21 A No.
 22 **Q Now, let's go through some of the usual**
 23 **rogues gallery of names here that I've been asking**
 24 **about, see how many of these people you know, and**

1 A No.
 2 **Q Cindy McLean?**
 3 A I've heard that she was the mommy.
 4 **Q That would be correct, but you didn't know**
 5 **her?**
 6 A I do not have any relationship with her
 7 outside of knowing her from the hearings.
 8 **Q Beth Akeson?**
 9 A No.
 10 **Q Jeff Akeson?**
 11 A No.
 12 **Q Tessie Bucklar?**
 13 A No.
 14 **Q Tom Bucklar?**
 15 A No.
 16 **Q Kim Converse?**
 17 A No.
 18 **Q Ted Converse?**
 19 A No.
 20 **Q Ralph Converse?**
 21 A No.
 22 **Q Jane Converse?**
 23 A I know who she is from Converse Marketing,
 24 but don't know as I've ever even met her.

1 **when I ask if you know them, I mean other than from**
 2 **the hearing where you may have heard them make**
 3 **statements. Dr. Rodney Lorenz?**
 4 A No.
 5 **Q John McLean?**
 6 A I didn't know him before the application.
 7 I knew him during the application process. I think
 8 I heard -- well, I still don't know him socially.
 9 I know he's related somehow to Kim Converse. I
 10 think Phil Salzer told me that.
 11 **Q He would be the daddy of Kim Converse.**
 12 A Thank you for --
 13 **Q Have you met him or with him outside the**
 14 **hearing context?**
 15 A No.
 16 **Q Dr. Vidas?**
 17 A No.
 18 **Q Dr. Zwicky?**
 19 A No.
 20 **Q Dr. Parker McRae?**
 21 A No.
 22 **Q Dr. Steven Smith?**
 23 A No.
 24 **Q Dr. McGee?**

1 **Q You hesitated on Ralph Converse.**
 2 A Because I know -- I think she's married to
 3 Jane -- or he's married to Jane Converse.
 4 **Q Bill Cook?**
 5 A No.
 6 **Q Tom Edwards?**
 7 A Tom as you know had --
 8 **Q Other than listening to him on the county**
 9 **board.**
 10 A Other than that, I know that in one or both
 11 of a candidate's forums when I was running for
 12 county board in 2004 and then when I ran and lost
 13 in 2002 I think he had asked questions about
 14 environmental issues there. Those would be the
 15 only times I've dealt with Tom.
 16 **Q Joyce Harant?**
 17 A Yes, I do know her.
 18 **Q How do you know her?**
 19 A She is CEO of Planned Parenthood and she's
 20 also a Democratic committeeman. Since I'm involved
 21 in the Democratic party, I know her from that.
 22 **Q Do you consider her a friend?**
 23 A Not really.
 24 **Q Have you ever socialized with her?**

1 A She and I have both been at numerous
2 political events that we've attended.

3 **Q Has she during the hearings expressed her
4 opinions on the landfill expansion to you?**

5 A I think she testified during the public
6 comment period.

7 **Q She did indeed. Other than that, has she
8 expressly given you her view either by E-mail or
9 phone call or one-on-one?**

10 A You'd have to go through the E-mails that I
11 turned over to you, and she very well could be in
12 there. I don't remember her ever telling me in
13 person what her views were before the
14 May 3rd vote.

15 **Q Lisa Offutt, do you know her?**

16 A Offutt, no.

17 **Q Peter Offutt?**

18 A No.

19 **Q Chris Ozuna-Thornton other than being
20 besieged by E-mails?**

21 A Other than being besieged by bizarre
22 E-mails, no.

23 **Q Elmo Roach.**

24 A No, but his wife who I assume is the next

1 **Q How do you know her?**

2 A She is now the councilwoman from the second
3 district in the city, helped out on her campaign.

4 In fact, I signed a letter supporting her, and what
5 else? She and I were actually on opposite
6 political sides in the 2004 primary because she was
7 Barack Obama's coordinator and I was helping my
8 boss Dan Hines in my off hours. I know her from
9 politics.

10 **Q Do you consider her a friend?**

11 A Not a friend.

12 **Q Mayvis Young?**

13 A Other than testifying to the county board,
14 no.

15 **Q Have any of the people I just mentioned in
16 the last five minutes ever been in your home,
17 knocked on your door or rang your front bell?**

18 A Let me clarify because I don't want to
19 deceive you at all. My current home is at 3300
20 North Isabell. I don't believe any of the people
21 you've just mentioned have been in that home.

22 However, I used to live -- I moved last,
23 about a year ago and lived on Ridge Road, and some
24 of the people that I've mentioned that I'm involved

1 one you'll ask about, Jean Roach, I recognize as
2 having some involvement in the local Democratic
3 party, but I don't know her much at all actually.

4 **Q Mary Harkrader?**

5 A Yes.

6 **Q How do you know her?**

7 A She's the former county clerk. She's now
8 on the City Election Commission. She is an active
9 Democrat.

10 **Q Do you consider her a friend?**

11 A Not really. I consider her someone else
12 that's involved in the Democratic party with me.

13 **Q Cara Rosson?**

14 A No.

15 **Q Amy Schlicksup?**

16 A No.

17 **Q Bill Scott?**

18 A No.

19 **Q Cathy Stevenson?**

20 A No.

21 **Q Diane Storey?**

22 A No.

23 **Q Barb Van Auken?**

24 A Yes.

1 in the Democratic party with I'm sure have come by
2 my house for political events, fundraisers for the
3 local party.

4 **Q Have any of the Peoria Families Against
5 Toxic Waste or Sierra Club people ever come to your
6 house to deliver materials or to talk to you about
7 the PDC expansion?**

8 A No.

9 **Q Have you received any political
10 contributions from any of these individuals at any
11 time in the past?**

12 A I'm sure I've received checks from Joyce
13 Harant and Mary Harkrader. I don't think Barb Van
14 Auken has ever made a contribution to my campaign.
15 I don't think anybody else that you've mentioned
16 has ever made a contribution to me.

17 **Q Have you ever received any political
18 contributions from any hospital, medical clinic or
19 medical service related organization?**

20 A No.

21 **Q Have you received any promises from any
22 hospital, medical clinic or medical service related
23 organization of political support in the future at
24 any time in the last year?**

1 A No.

2 MR. MUELLER: Let's take a short
3 break. I may be done.
4 (Mayer Exhibit Nos. 27 and 28 marked)

5 BY MR. MUELLER:

6 **Q Mr. Mayer, we have marked for**
7 **identification as Exhibit 27 the listing of E-mails**
8 **from your PDC expansion folder off your computer**
9 **that I previously asked you about.**

10 **Just for authentication purposes, can you**
11 **tell us whether that looks like a true and correct**
12 **copy of that listing?**

13 A Yes, but let me clarify that this isn't off
14 my computer. This is off of a Yahoo account. So
15 it's online. It's not maintained on my computer.

16 **Q It's your Yahoo account?**

17 A Correct.

18 **Q With that proviso, does it look like a true**
19 **and accurate copy of that listing? We'll tell you**
20 **it's an exact copy of what was provided to us by**
21 **the county.**

22 A Yes.

23 **Q All right. Then Exhibit 28 is the Tall**
24 **Grass Sierrian May-June newsletter.**

1 **Does that look like a true and correct copy**
2 **of that?**

3 A Yes.

4 **Q As an attorney, Mr. Mayer, I trust you are**
5 **familiar with the concept of burden of proof?**

6 A Yes.

7 **Q What was your understanding about the**
8 **burden of proof that Peoria Disposal Company was**
9 **subject to in the siting hearing?**

10 A Preponderance of the evidence.

11 MR. MUELLER: That's all I have.
12 Thank you very much.

13

14 (Further deponent saith not.)

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STATE OF ILLINOIS :
 : SS
COUNTY OF PEORIA :

I, Aana M. Giftos, CSR, RFR, and Notary Public in and for the County of Peoria, State of Illinois, do hereby certify that heretofore, to-wit, on Thursday, September 14th, 2006, personally appeared before me at 416 Main Street, Suite 1400, Peoria, Illinois:

ALLEN MAYER, 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, Wednesday, September 20th, 2006.



Notary Public

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



A	acting 30:6	12:20	70:3.5	ARDC 14:11
Aana 1:10 82:3.21	active 29:6 31:11	ahead 57:24 67:15	anyway 70:8	area 60:9
ability 36:21	76:8	67:19	apologize 29:8	areas 15:9
able 13:5 33:5	activity 29:15	Akeson 73:8.10	56:14	around 69:1
48:10 70:5	actual 19:18 29:18	albeit 56:20	apparently 47:3	arrived 48:4
about 3:18 4:12	actually 6:8.16	Allen 1:9 2:10 3:1.7	50:4 56:16 62:6	arriving 18:21
5:20 8:8 9:21	13:10 21:20 22:8	3:8.8.10 67:5	appeal 26:21	19:15
13:10 15:24 17:5	34:13 38:2 42:9	81:17 82:6	appear 8:6 59:5	article 6:23 37:6.10
18:5 21:19 22:9	45:22 46:23.24	ally 62:17	APPEARANCES	aside 10:1 20:21
23:2.24 24:5.6	54:13 57:6 59:5	almost 64:10	1:14	asked 20:9 43:6
25:13.19.20.23	61:20 66:22 70:13	along 40:18	appeared 29:17	51:14 58:13 74:13
26:13.16.17.20	76:3 77:5	already 9:7 36:19	82:5	79:9
31:15.19.21 32:4	add 55:23 56:16	altered 11:8	applicant 40:20	asking 11:5 14:7
36:7 40:11.12	addition 15:16	alternative 46:12	70:9	22:22 40:11 43:8
41:6.14.19 42:8	addressed 12:22	48:11	applicant's 43:5	51:9 55:2 70:17
42:11.16 43:1.1.6	administration	although 37:22	application 5:19	70:21 71:23
43:7 44:9.11.13	6:15	amend 49:14	17:13 24:5.6 29:7	aspersion 14:8
44:16.16 46:15	administrative	amendments 50:9	29:16 39:19 43:1	assertions 69:23
50:2 55:3 56:3.5.9	18:17 19:13 33:20	51:6	44:1 56:8 63:14	assessments 43:4
56:12 57:1.3.10	administrator	America 64:12	63:18 65:9 66:4	assist 15:16
58:3 59:11.19	41:24	among 30:6	70:11.22 72:6.7	associated 47:20
60:7.17 61:19.21	adopt 67:17 68:15	Amy 76:15	applied 31:24	assume 3:16 4:8
61:21 62:5.24	advance 56:15 67:9	analogy 36:8	apply 20:19 36:9	37:16 50:19 75:24
63:1.6.11.17	advanced 46:11.13	Andrea 42:7	52:6	assuming 11:20
64:14.24 65:4	affix 82:17	and/or 11:6	approach 22:15	48:19 55:11
67:4.10.23 68:15	aforsaid 81:9.11	another 11:2 12:22	approached 22:1.2	assumption 57:4
69:3.22 71:24	82:9.11	33:9 37:2 43:2	appropriate 36:3	Atkins 2:6 59:3.9
74:13 76:1 77:23	after 5:9.17 7:8	50:4 56:3	approval 49:9.12	attached 2:24 5:8
78:6 79:9 80:7	21:11 25:22 41:15	answer 4:3.9 8:14	54:16 70:14.15.19	21:24
Absolutely 17:10	42:6 43:20 44:8	9:23 19:16.20	approve 67:2.4.11	attachments 11:17
Academy 13:13	52:15 53:9 58:12	22:13 29:10 32:6	71:13	attempted 22:2
accordance 3:11	67:2	34:18 40:15 50:14	approved 54:7.10	attend 3:21
account 9:20 79:14	afternoon 47:10	55:6 65:23 66:5	April 5:16 6:18 7:1	attended 13:13.16
79:16	afterwards 39:10	66:13 68:8	7:7.8.9.11 26:3	28:20.24 75:2
accurate 79:19	56:11 82:10	answered 43:14	45:11.24 47:1.10	attention 65:6
accurately 50:8	again 12:13 53:9	anticipation 50:21	48:14 49:1 50:1.3	attorney 3:13 12:7
acknowledge 36:1	60:11 67:17 81:10	anybody 78:15	50:8.11.17.19	12:9.10 16:7
acquaintance	Against 30:15.24	anymore 21:19	51:4.7.13.18 52:1	18:15 19:22 21:22
25:10	31:4 61:13 78:4	anyone 44:8 45:4	52:2 53:1.16.22	30:7.8 58:15 80:4
acquired 14:8	ago 77:23	46:14 61:10 67:10	54:1 55:19 57:19	attorneys 8:15
act 36:21 53:18	agree 31:10 47:17	anything 17:5	58:10 59:14.20	12:18 41:16 42:2
54:11.15	54:9.17	40:24 41:6 43:24	60:2.15 62:4 67:1	68:13
	agreement 3:11	46:14 47:23 67:8	aquifer 40:13.14.23	attorney-client

12:2 18:2 36:17
48:8 67:23 68:6
audible 3:24
auditor 16:22 17:1
17:5.6
Auken 76:23 78:14
authentication
79:10
author 44:2 45:8
48:23
authors 48:17.24
automatically 27:5
aware 29:2 36:14
45:2
A-L-L-E-N 3:7

B

back 5:10 8:13
11:14.18 12:4
29:9 30:9 31:22
53:23 55:18 68:12
69:14 71:7.14
background 13:3
Barack 77:7
Barb 76:23 78:13
base 33:24 36:2
based 18:5.18
36:15 65:9 66:2
67:24
basic 3:23
basically 42:12
basis 24:19
become 16:22 27:5
29:2 45:2
becoming 17:1
before 1:1.10 4:3
4:11 7:11 16:8
20:2 23:24 30:21
33:21 37:17 43:20
46:19 67:21 68:22
72:6 75:13 81:1
81:20 82:5
behalf 1:19.23

22:22
being 3:2 18:13
25:3 29:20 31:11
34:7 35:2 36:11
48:20 58:2 67:14
69:13 75:19.21
believe 6:4 11:2
28:10.17 29:19
31:7 34:16 37:21
40:18 45:16 48:6
51:1.15 52:5.12
53:17.17.19 54:3
55:3 56:3 63:16
66:2 71:3 77:20
believing 20:14
bell 77:17
besides 47:24
besieged 75:20.21
best 17:15 28:23
46:4.17
Beth 73:8
better 11:15 15:17
51:14 69:24
between 7:9 11:14
14:20 26:11 33:17
47:8 48:13 67:9
68:18
beyond 31:12
bigger 40:19
Bill 2:6 74:4 76:17
binder 47:9.14.23
48:13 52:7
binders 48:4
bit 42:7
bizarre 75:21
Black 1:21.21
blood 64:8
Blumenshine 5:16
20:20 21:2.12
29:3 37:8.19
board 1:2.6 5:6.23
6:6.13.16 7:2.11
11:13 16:9.12

17:13 18:1.6.8.14
18:22 21:6 29:18
32:16 34:7 35:20
35:24 36:10 37:21
39:13 42:6.9.14
42:15 46:9 48:21
54:5.8 56:3 68:24
69:7.7 74:9.12
77:13 81:2.6
body 33:21
boss 77:8
both 38:5 54:1.22
55:8 66:17 74:10
75:1
bottom 37:6
break 79:3
Brian 1:17 39:23
brief 16:6 67:20
68:8
briefer 8:11
Brown 1:21.21
11:24 12:19.23
21:22 35:15.21
Bucklar 73:12.14
bulletins 27:11
bumper 27:19
burden 80:5.8

C

calendar 6:21
call 22:20 41:16
75:9
called 1:9 9:10
28:15 41:12 47:13
calls 39:12.16.20.22
40:1.5.9
came 68:11
campaign 38:3.6
77:3 78:14
campaigns 13:17
25:6 37:24
candidate 62:13
candidate's 74:11

capacity 38:4
car 27:19
Cara 76:13
card 27:18 28:5.8
carried 28:8.10
carry 28:5
case 16:8 33:24
Cathy 76:19
cause 82:8
CEO 74:19
CERCLA 16:6
certain 23:19 28:11
35:1 46:21 49:2
49:16 56:12 60:5
60:9 61:9
Certified 82:21
certify 81:8 82:4.7
82:12.14
cetera 10:21 32:17
chairman 67:4
Chamber 65:17.21
66:15
changed 15:4 43:17
chapter 27:1.6.7.11
27:21 28:14.21
29:4
characterize 49:22
charge 10:20
chart 55:21 57:5
58:9 62:7
chase 12:5 16:4
17:4 37:20
check 12:4 25:7.8
51:4.10 71:14
81:12
checks 78:12
Chicago 13:14
Chris 2:3 55:20
75:19
church 26:7
Cindy 73:2
circuit 33:18
Citizens 39:7

city 14:18 60:7 76:8
77:3
clarify 77:18 79:13
classification 57:11
clear 49:6
clerk 52:18.23 53:2
76:7
clerk's 50:4
clinic 78:18.22
close 43:12
closed 5:9.18
closest 31:20
Club 27:1.4.17.20
27:23 28:5.14.22
29:3.6.15.21.23
30:2.7.10 64:11
78:5
Coach 41:5
College 13:18
colored 47:17
56:17
colors 47:16.20
Columbus 1:15
come 5:8 6:15 10:7
41:14 44:20 62:1
62:2.3 78:1.5
coming 57:21 65:19
commencing 1:12
comment 5:4.9.17
35:23 44:24 75:6
Commerce 65:17
66:16
commission 76:8
81:23 82:22
commitments
22:23.24 23:7
committee 6:17.24
25:24 43:21 45:12
51:18 52:2 68:1
committeeman
74:20
communicate
19:10.23

communication 33:19 43:23 44:12 48:9	51:24 confused 56:14 64:10	81:2 conversation 20:17 23:1 31:21 41:1 44:15.22 63:11 67:23	councilwoman 77:2 counsel 2:24 14:17 14:24 15:1.7 36:11 82:14	CSR 1:11 82:3 current 77:19 currently 62:13 cut 12:5 16:4 17:4 37:20
communications 12:2 18:2.8.14.20 19:1.3.8 20:1 23:10 30:22 32:1 32:10 33:2.6.10 34:14 36:5.17 42:18	connected 40:21 connection 17:8 39:13.17 consider 19:14 22:10 23:6 25:9 25:10 32:14 38:9 38:11 41:3 50:21 62:17.19 74:22 76:10.11 77:10	conversations 25:11.13.19 26:11 Converse 31:8.10 72:9.11 73:16.18 73:20.22.23 74:1 74:3 conveying 71:17 convince 51:24 convinced 66:24 convoluted 52:4 Cook 74:4 coordinator 77:7 copies 5:2.5 8:12.20 46:11.13 47:12 48:2.6 copy 5:21 10:22.23 11:5.9.20 37:3 45:22.23 52:13 57:7 79:12.19.20 80:1	counting 42:2 counts 53:20 county 1:6.11 4:13 5:3.6 6:5.13.13.14 6:16 7:1.24 8:15 10:19 11:3.12.21 12:9.10.15 16:11 16:22 17:13 18:1 18:6 21:6 29:18 32:16 34:7 35:19 35:24 36:10.10 39:13 41:21.24 46:7.14.16.18 48:20.20.21 50:1 52:23 53:2 54:5.7 58:14 63:13 69:7 70:7.9.13.19.24 71:9.17 74:8.12 76:7 77:13 79:21 81:6 82:2.3	county's 5:4 couple 4:12 15:4 courier 46:6 course 41:18 59:18 court 1:10 4:1 29:9 33:18 34:12 53:4 53:13 54:21.24 cover 15:8 created 9:16.19.24 criteria 48:1 51:23 criterion 47:3.7 48:11 49:4.15 50:5.7.24 51:1.3.5 51:11 52:14 55:18 56:6 70:23 71:1 71:11.18.20 Cross 64:8.13 crude 19:6
community 65:10 commute 14:20 Company 1:3 17:11 80:8 81:3 compared 52:8 compatibility 51:1 compel 12:16 compile 38:24 39:1 compiled 4:21 complained 45:6 complaints 44:19 45:1.2 complete 81:10 completely 50:9 compliment 13:7 compound 4:21 61:14 comptroller 14:14 14:24 15:17 comptroller's 15:2 15:10.14 computer 79:8.14 79:15 concept 34:21.23 35:10.17 80:5 concern 42:11 condition 49:9 conditions 49:12 67:2 70:20 71:10 71:13.19 condolences 13:24 conducting 67:3 conformed 51:6.12	considered 18:20 20:4.9 36:12 consisting 81:9 constitutes 54:24 55:13 69:17 constitutional 19:9 23:12 consult 42:5 consultants 41:21 consultation 42:13 42:24 contact 21:13 63:21 contacted 9:2 22:20 23:3.5 contacting 22:21 61:11 contacts 21:5.9 36:14 41:19 contained 18:19 contents 11:6 44:5 44:9 context 17:8 23:20 44:14 72:14 continuing 21:8 continuously 14:5 contributed 25:5 contribution 78:14 78:16 contributions 78:10.18 Control 1:2 16:8	corner 20:12 22:3 correct 5:13.19 6:18 8:22 10:6 12:12 14:6.22 16:13.18.23 27:2 34:2.3 47:4.5 48:22 49:17 53:14 56:18.19.22 68:17 68:19 70:21 73:4 79:11.17 80:1 81:10 82:10 corrected 61:23.23 correction 67:18 corrections 81:15 correctly 9:14 Coulter 2:2.3.4.5 21:24 22:14.22 Coulters 23:4	dated 5:16 7:7.7.8 37:4 dates 5:20 59:1 daughters 64:2 Dave 31:14 39:20 62:10 63:6 68:14 68:14.16.16 69:2 69:4.4 David 1:21 23:23 30:5 62:9.12 day 7:12 45:21 57:22 58:2 81:20 82:17 days 18:23 dead 37:1 deal 15:9 dealt 74:15 decal 27:18 deceive 77:19 decision 5:21 6:2 18:21 19:15 22:11 32:14 34:1 40:4 47:21 decisions 18:18 36:2 decision-maker 33:5.14.24 36:22 decision-making 17:17 39:19 41:20 definitely 12:23 definition 32:20	

66:6	26:1 65:20 69:15	during 20:11 30:7 39:5.9 40:3.4 41:18 42:23 58:1 72:7 75:3.5	entered 57:16	ex 18:19.24 19:3.24 21:5.13 22:15 23:10.20 32:1.9 32:18 33:2.6.10 33:13.19 34:14 36:4
deleted 11:7	discussion 12:20 24:4 31:14 42:22 67:14.19.20.22 68:2.4.8.9.18	each 4:3 37:23 48:1	entire 11:12 39:19 48:10	exact 10:19 30:12 40:17 56:1 71:15 79:20
deliberations 70:6	dispense 3:18	earlier 36:16 51:13	entitled 9:11 37:7	exactly 51:6 56:2 61:6 68:21
deliver 78:6	display 28:2	Economic 65:18	entity 5:11	examination 1:9 2:11 3:4
delivered 46:5.22 48:3	Disposal 1:3 17:11 80:8 81:3	education 13:10 15:24	envelope 7:22 8:3 8:12	examined 3:3
delivering 47:11	disregard 35:5.13	educational 13:2	Environment 39:8	exclude 35:1
Democrat 62:15.16 76:9	distance 56:10.12 60:12.13.14 61:3 61:5	Edwards 39:4 74:6	environmental 15:21 16:1.5 74:14	exclusively 34:1
Democratic 74:20 74:21 76:2.12 78:1	distances 61:6	effect 20:16 22:6 24:8 40:13 41:17 63:9	errata 81:13	excuse 39:23 58:24
denial 49:10.15 71:19	distinction 32:5.15	effort 63:12	especially 36:13	executive 15:14 62:12 64:7
deponent 80:14	distribute 5:23	either 5:3 9:3 12:11 22:8 31:7 43:20 44:6 45:8 46:19 54:10.18 71:3 75:8	ESQUIRE 1:15.17 1:17.21	Exhibit 2:14.15 79:4.7.23
deposed 26:18	distributed 6:5.9 7:11	election 16:14 19:11	et 10:21 32:17	exists 53:16 54:18 55:11.17 58:10 59:18.18
deposition 1:9 3:10 3:17.21 81:8.11	distribution 47:12	Election 76:8	even 6:8 11:15 31:13 33:7.12 35:4.12 36:20 45:22 56:14 61:5 73:24	existed 55:8 59:14
depositions 1:10 18:23 26:22	district 77:3	electronic 45:23	events 25:4 29:1 75:2 78:2	expansion 9:12.18 9:21.23 10:5 17:9 18:8 22:4.10 23:24 25:14.20 29:19 60:24 61:2 62:22 64:15 75:4 78:7 79:8
deputy 46:6	districts 43:6.8	Elias 1:18	ever 11:3 14:10 16:7 17:7 21:7.13 23:23 25:5 28:20 30:19 31:14 35:2 37:23 39:1.4.7 45:7 46:11 52:13 53:21 54:10 62:21 64:14 69:8.12.13 73:24 74:24 75:12 77:16 78:5.14.16 78:17	expedited 40:19
describe 9:14 70:10	division 10:21	Elmo 75:23	evening 67:21.24 68:21	expeditate 7:3
detailed 49:20	doctors 65:20	embodies 35:10	events 25:4 29:1 75:2 78:2	expert 34:22 56:8 69:21
Development 65:18	document 4:22 6:12 12:3 37:2.9	employed 14:13.23 15:2	ever 11:3 14:10 16:7 17:7 21:7.13 23:23 25:5 28:20 30:19 31:14 35:2 37:23 39:1.4.7 45:7 46:11 52:13 53:21 54:10 62:21 64:14 69:8.12.13 73:24 74:24 75:12 77:16 78:5.14.16 78:17	expected 40:19
Diane 8:7 76:21	documents 4:13.15 4:20 5:11 7:23 8:17.18 9:9 11:13 36:19	employee 10:18 46:6.18	every 9:22	expertise 36:12
difference 32:8	doing 22:16	employment 15:24	everyone 22:7 36:5	experts 43:5 69:22 70:7.10.13.18
different 31:24 33:17 36:9 64:6.9	done 21:21 22:19 44:23 51:7.12 59:6 68:1 79:3	end 44:20	everything 8:15 18:4	expires 81:23 82:22
dig 63:13	door 77:17	enforce 15:14	evidence 34:1 35:2 35:4.14 36:3 41:19 59:7 80:10	explain 4:19 33:16 44:18 52:2
direct 42:18	down 4:1 53:6	enforcement 15:11 15:15	every 9:22	
directly 19:23 23:3 64:21	Dr 72:3.16.18.20 72:22.24	engage 23:9.20	everyone 22:7 36:5	
director 42:7 62:13 64:7	draft 15:19	engaged 21:5	everything 8:15 18:4	
directory 9:11.16 10:11	drafted 48:11	Engineering 42:19 43:23 70:18	every 9:22	
disapproval 66:3	drafting 17:18	enough 8:1	everyone 22:7 36:5	
disciplined 14:11	draw 60:11		everyone 22:7 36:5	
discourage 21:8	dues 27:7		everyone 22:7 36:5	
discovery 1:10 3:9	duly 3:2 82:8		everyone 22:7 36:5	
discussed 17:1 31:18 36:16 67:9			everyone 22:7 36:5	
discussing 24:2.13			everyone 22:7 36:5	

explained 59:21	34:22 35:17 80:5	flip 4:23 57:7	56:7 77:17	gotten 21:17.21
explaining 37:21	Families 30:9.11.15	flipping 58:16.21	fronts 7:22 8:3.12	52:8
explanations 17:19	30:24 31:4 61:13	folder 9:19.23 79:8	full 3:6 7:1	government 19:10
17:23.24 18:1	78:4	folks 65:18	fullback 12:8	Governor 34:16
express 19:1 62:21	family 22:14 30:24	followed 46:8	function 28:21 34:4	graduated 13:12
64:17 66:7	far 23:14	follows 3:3	fundraisers 78:2	graduating 13:14
expressed 17:12	fashion 21:13	foregoing 81:8	funeral 26:3	13:19
62:4 75:3	fashioning 17:19	82:10	further 80:14 82:7	graduation 13:21
expressing 62:23	faulty 58:22	Forgive 14:7	82:12.14	Grass 28:15 37:3
63:1 64:21	favor 63:5 65:8.15	form 56:1	future 78:23	79:24
expressly 75:8	65:19 66:9 70:14	formal 13:20 19:24		great 36:12
extent 33:6	70:15	format 3:17	G	ground 3:23 12:8
E-mail 5:15 9:20	feel 31:24 32:8 36:3	former 76:7	G 3:8.8	group 5:10.15.22
9:22 10:14.22.23	36:17	formulating 43:4.9	gained 15:23	8:9 26:7 30:13
11:2.10.21 12:1	few 7:8 18:23 66:19	forth 11:14	gallery 71:23	66:22
12:14 21:19.21.23	70:10	forums 74:11	gave 5:5 71:4.5	groups 20:6 23:18
30:22 75:8	figures 59:4	free 19:2 70:1	general 6:11 15:6	guarantee 35:3
E-mailed 9:3	file 17:12 50:14	freedom 15:9	19:3 23:12 32:3	guess 8:21 9:8
E-mailing 47:11	51:4	frequently 24:18	32:11 34:23 66:2	24:13 63:6 66:5
E-mails 5:2.22 7:5	filed 50:3.8	friend 25:9 38:9	generally 35:6	guest 25:2
9:11.17.20 10:1.4	files 8:16	62:19 74:22 76:10	GEORGE 1:15	
10:7.8 11:8 21:1	filing 50:19	77:10.11	getting 19:17 65:6	H
21:12.17 45:3	filings 11:14	from 5:16 6:14.15	Giftos 1:11 82:3.21	half 60:7
75:10.20.22 79:7	find 11:4 45:7	7:24 8:6 10:8.8.14	give 20:13 22:3	Hall 24:7.10
E-mail's 11:17	58:17.20.20 60:13	10:22 11:2.13	27:3 34:8 52:13	hand 82:17
	finder 36:21	12:3 13:12.13.16	given 5:11 21:22	handed 45:13 47:2
F	finding 52:6	19:3 21:2.8.12.17	75:8 81:8.11 82:9	handful 24:20
facility 60:10 61:9	findings 45:17	21:21 27:10 29:20	82:11	hands 48:12
69:8 70:3.11	46:12 47:6.18	30:23 31:12 32:1	giving 44:24	hand-delivered
71:10	48:11 49:2.3.8.10	32:2.10 35:2 36:5	glad 24:14 25:23.24	46:18
fact 26:17.20 36:9	49:11.15.16 50:5	36:5 39:20.22.23	glance 51:16.23	happen 22:17
36:21 45:17 46:12	50:5.8.10.17 51:5	40:1.5 43:16 45:1	glanced 51:22	happened 68:21
47:18 59:6 67:10	51:7.9.11.20.23	46:3.7.14.15	go 3:8 12:4 21:7	happening 68:22
67:17 70:16 77:4	52:5 56:17 59:6	48:20.21 49:16	30:9 43:16.20	happens 66:23
fair 3:19 4:4.9 7:24	67:5.11.17	50:9 61:14.16	53:8.23 57:24	happy 12:17
8:2 9:6 10:2	fine 3:22 7:4	62:2 63:13.14	69:16.19 71:7.14	Harant 74:16 78:13
22:24 23:15.21	finish 57:23	65:21 68:12 70:3	71:22 75:10	hard 41:15 45:21
33:4.11 34:6	first 4:15 5:15 8:8	72:1 73:7.23	going 3:16 8:21	59:1
38:17 65:7	11:1 16:14.17	74:21 77:2.8	18:11 20:24 26:1	Harkrader 76:4
fairly 28:11 37:1	24:11.11 29:2	78:10.12.18.21	26:17 37:16 41:14	78:13
faith 6:23	31:17 32:19 44:9	79:8	42:21 52:19 53:3	having 7:24 20:16
fallible 56:13	45:8 56:24 82:8	front 4:16 5:8 6:21	55:18 66:24 70:3	21:7 22:17 23:2
familiar 3:16 34:20	five 55:22 77:16	10:12 35:2 43:12	gone 20:11	56:6 57:6 76:2

hazardous 58:4	heretofore 82:4	identification 79:7	insert 58:13	Joe 66:14
head 13:20 56:4 64:6	hereunto 82:16	identified 2:13 29:20 31:11	inside 22:4	John 72:5
health 37:22 42:6.7 42:10.15	herself 29:20 31:11	ignore 33:6 34:11	instance 10:9 57:20 65:17	joined 28:12
hear 35:4	hesitated 74:1	Ill 37:5	instructed 17:14.15 34:11 35:5	Jones 64:14
heard 16:21 34:12 72:2.8 73:3	highlighted 52:5.10 52:14	Illinois 1:1.11.12 1:16.19.22 3:14 13:12.18 14:4 15:21 16:8 27:1 55:8 64:7.11 81:1 82:1.4.5.22	instructions 17:19 36:16	Journal 65:18
hearing 9:4 18:9.17 18:18 19:13.19 20:12.14 22:2 25:12 27:15 29:13 30:7 33:13.20 35:12 44:11.13.20 58:13 72:2.14 80:9	highlighting 52:7	immediately 58:12 67:1	instructs 35:13	Joyce 5:16 20:20 21:2.12 29:2 37:7 37:19 74:16 78:12
hearings 29:18.20 30:1.4 36:13.13 39:9.18 40:4.7 42:10.17.23 43:16 45:5 73:7 75:3	him 15:18 22:23 24:3.5.11.14.17 24:18 25:9.10.20 25:21.22 26:5.6 31:18 40:5.11.24 41:2 43:6 59:11 62:17.19.23 63:11 72:6.7.8.13.13 74:8	impartial 36:21	insure 33:4.11	judge 33:18.18.22 33:22 34:5 35:12 35:21
heart 26:24 64:7.10 64:12.13	Hines 14:15 77:8	imply 33:12	intended 4:9	judgment 5:20
Heiple 13:23	home 24:21.23 25:1 25:3 46:19.23 77:16.19.21	implying 20:21 21:18	intention 16:19 17:12	judicial 19:13 33:3 33:11 34:5 35:11
held 7:12	honestly 16:20 19:20 69:24	important 65:15 66:9.20	intentions 51:19	juries 34:15
help 15:14 18:12 31:3 37:20 52:16	honors 13:15	include 19:18 39:3	interest 9:5 17:3	jury 34:8.11 35:1.3 35:11.13.20.20 36:1.8.9
helped 38:1.6 77:3	Hopefully 13:8	included 50:5 59:23	interested 82:15 65:2.4.12.20 66:21	just 8:13 11:11 20:9 26:10 34:12 34:16 41:16 42:12 42:20 47:13 49:6 52:9 68:18.22 70:9 77:15.21 79:10
helping 15:18 16:4 77:7	horse 37:1	including 10:8 15:18 17:24 38:7	interval 48:12	Justice 13:23
helps 29:7	hospital 78:18.22	inclusive 81:9	involved 6:1 12:1 16:7 17:18 29:17 58:15 74:20 76:12 77:24	K
her 10:15.19.22 11:3 12:8 21:8.8 21:13 29:14.22 37:21 38:9.11 39:3 42:12.13 53:9 63:22 73:5.6 73:7.24 74:17.18 74:21.22.24 75:3 75:8.12.13.15 76:3.6.10.11 77:1 77:3.4.8.10	hour 1:12	incorporate 49:2	involvement 76:2	Karen 10:14.18 11:13 12:7
hereto 2:24	hours 46:1.19 77:8	incorrect 56:20	involving 59:24	keep 3:24 59:1
	house 46:5.24 78:2 78:6	indeed 75:7	Isabell 77:20	kids 26:8
	how's 42:21	indicate 71:9 22:23 23:4 61:17 71:12	issue 12:21 16:24 27:17 37:12 40:19 50:24	killed 36:24
	humor 14:2	indicated 22:14.21 22:23 23:4 61:17 71:12	issues 40:11 74:14	Kim 31:8.10 72:9 72:11 73:16
	humorous 35:22.23 47:22	Indicates 2:23	ITOO 24:7.10 25:23 26:20 68:3	kind 40:10 42:22
	hundred 38:7	indicating 40:21 44:22	J	knew 27:14 29:5.16 32:13 43:6 67:6 72:7
	husband 37:21	indicia 27:17 28:2	J 1:17	knock 21:14
	hydrologically 40:21	individual 43:20 52:21 55:15	JANAKI 1:17	knocked 77:17
	hypothetical 22:18	individuals 78:10	Jane 73:22 74:3.3	know 4:21 5:21 6:7 6:8 8:8 9:21 10:6
	I	information 15:10 18:19 61:8.12 71:17	Janitor 66:14	
	idea 27:21	input 31:9 44:5	January 13:19	
	identical 34:4		Jean 76:1	
			Jeff 2:5 73:10	
			JoAnn 52:22	

12:8 13:5 16:20 18:3.11 19:20.21 19:24 24:14.17 26:21 27:14 29:5 30:8.20.21 31:12 37:23 40:10 41:2 41:2 42:11.16 43:19 44:4 45:3 45:24 46:8.10 48:7.16.23 50:7 50:12.23.24 53:5 53:15 54:13.15 55:6.7.9 56:8 57:22 61:15 62:9 62:10.12 63:2.3.4 63:6.12.19.22 64:2.6.22 69:17 71:24 72:1.6.8.9 73:4.23.24 74:2.7 74:10.17.18.21 75:15 76:3.6 77:1 77:8 knowing 21:23 73:7 knowledge 11:7 15:23 16:4 27:8.9 28:23 29:14 32:24 52:11 55:14 known 9:7 32:2 Koehler 62:9.10.12 63:19.24 L laboriously 52:19 lack 15:17 landfill 9:21 16:1 17:9 18:15 29:19 36:13 40:14 69:9 70:1 75:4 landfills 16:1 Lannert 55:20 57:5 60:19.22 61:6 62:1.7	Lannert's 56:22 58:10.21 59:22 large 32:3.12 last 3:20 18:23 28:8 28:11 29:9 64:1.3 64:4 66:14 77:16 77:22 78:24 laudable 22:12 law 13:18 14:10 16:1.5.5 55:8 lawyer 14:1 lawyers 23:9 36:6 learn 56:24 58:8 70:2 learned 18:5 70:4 least 11:3 18:16 20:18 28:1 left 23:1 52:18 legal 19:20 20:8 55:2 legislation 15:19 lengthy 49:20 let 3:9 8:11 11:1 17:4 19:21 20:13 31:22 33:9.15 36:7 37:20 40:3 41:16 44:18 49:22 59:16 77:18 79:13 letter 77:4 letters 8:4.6.19.20 8:22 9:5 let's 51:2 71:22 79:2 level 29:14 license 14:10 82:22 licensed 3:13 13:21 14:4 like 9:10 21:23 27:12 34:7 55:23 70:12 79:11.18 80:1 likely 10:3 21:21 36:15	likened 35:19.24 limine 34:21 35:7.9 line 60:11 lines 40:19 link 5:4 Lisa 8:7 75:15 list 27:15 38:16.19 38:22.23 39:1 48:10 listening 74:8 listing 9:11 10:3.12 11:9 79:7.12.19 litigants 34:24 little 37:6 live 77:22 lived 61:8 77:23 living 60:23 local 10:9 27:6.7.10 27:21 28:14.21.24 29:3 76:2 78:3 locate 11:20 12:14 long 14:23 27:22 42:10 51:23 60:12 look 10:11 11:23 30:9 52:9 53:23 70:12 79:18 80:1 looked 52:7 66:14 looking 7:5 37:2 looks 9:10 79:11 Lorenz 72:3 lost 74:12 lot 25:23 26:20 32:4 65:6 66:12 66:18 lowdown 20:13 M M 1:10 82:3.21 made 5:21 22:22.24 23:7 49:2.14 51:18 78:14.16 magnificent 37:7 37:15.15	mailing 27:15 38:15.18.21.23 39:1 mailings 27:10 Main 1:12.18.22 82:5 maintain 40:22 maintained 9:17 79:15 majority 7:6 66:23 make 4:23 8:11 20:22 21:8 22:11 34:24 39:12 41:7 47:12 51:5.11.17 53:9 55:2 59:6 67:7.11.16 69:3.5 72:2 81:10 makes 34:4 39:3 59:3 making 6:1 32:5.14 40:4 55:19 59:11 68:15 many 3:20 27:24 40:1 46:1 57:11 60:1.12 66:15 71:24 map 55:21 March 7:9 marked 79:4.6 Marketing 73:23 married 74:2.3 Mary 76:4 78:13 material 1:9 3:2 33:13 82:6 materials 11:21 12:14 78:6 Math 13:12 matriculation 13:21 Matt 2:4 43:4 64:14 matter 21:4 41:4 matters 15:21	21:19 may 7:2 10:15 11:12.24 12:3 17:14 18:4 19:9 24:1 25:15.20.21 25:22 26:5 30:20 37:13.17 42:6 50:20.22 51:10.20 52:9.15 54:1.6.11 58:23.23 62:22 63:11 67:1.12 72:2 75:14 79:3 maybe 11:23 12:5 24:20 31:2 Mayer 1:9 2:10.14 2:15 3:1.7.8.8.10 3:13 4:11 7:21 13:2 14:13 22:12 28:20 39:12 49:23 61:7 79:4.6 80:4 81:17 82:6 Mayvis 77:12 May-June 37:4 79:24 McGee 72:24 McLean 72:5 73:2 McRae 72:20 mean 7:23 16:3 21:10 31:6 35:21 39:18 42:20 44:17 48:19 58:14 59:13 59:17 61:3 69:4.9 70:18 72:1 meaning 68:16 means 4:20 15:13 16:16 meant 14:2.9 47:15 60:18 media 65:6 medical 78:18.19 78:22.22 meeting 6:16.24 7:1 7:12.16.16 11:12
---	--	---	---	--

11:12 24:11 26:10 26:12 28:20 31:17 42:6.10.14 45:11 45:12.20.24 46:19 47:1 48:5.14 49:1 50:20.22 51:10.13 51:18 52:3.9.15 53:1.9.16.22 54:1 54:6.16 55:1.12 55:13.15 58:23 67:3.12 68:1.23 69:15 meetings 28:24 29:18 32:17 53:18 54:1.8.10.11.12 54:18.20.22 70:22 71:7 Meginnes 1:17.18 member 16:11 18:13 20:5 22:14 26:24 27:5.22 31:11 34:8 42:4 43:11 56:3 members 5:6.23 6:6.14 7:11 17:14 18:6.9.22 19:8 21:6 23:11.18 31:13 32:1.2.10 32:11 34:7.10.14 36:5.11 39:13 41:21 42:14.15 43:21 46:9 48:21 55:16 58:2 69:1 membership 27:18 28:3.5 mention 58:6 mentioned 17:7 77:15.21.24 78:15 merely 36:18 Merle 69:14 met 6:17 72:13 73:24 Michigan 26:1	middle 16:16 might 20:5 25:8 34:6.7 40:6.7 46:23 52:6 55:17 63:16 64:1 66:12 67:22 mile 55:22 miles 55:22 57:11 60:1 mind 33:12 41:7 minutes 52:23.24 53:6.15.17.19.20 53:21.24 54:4.7.9 54:14.16.17 55:11 63:17 77:16 misremembered 62:6 missed 42:9 mistaken 57:4 mistakenly 57:18 modeling 40:20 modifications 70:16 moment 20:4 mommy 73:3 money 27:4 more 8:22 11:23 17:7 20:24 24:6 29:14 31:9 41:16 56:14 Morton 1:22 most 46:1 motion 12:15 34:21 35:7.9 49:2.14.21 51:10.18.19 52:3 52:19 53:7 55:19 56:2 67:2.5.7.11 67:16 68:15 69:4 69:5 motions 34:24 move 66:24 moved 56:16 77:22 moving 36:23	much 24:6 36:12 36:24 51:21 63:6 76:3 80:12 Mueller 1:15 2:11 3:5 12:6.19 13:1 29:12 35:16 79:2 79:5 80:11 multiple 21:5 must 3:23 5:8 50:16 myself 38:8 58:20 58:21 M-A-Y-E-R 3:7 N N 2:8 NAIR 1:17 name 3:6 10:15 28:17 30:13 37:8 63:16.23 64:1.3.4 64:9 names 71:23 National 27:4.20 27:23 near 58:4 need 20:22 39:1 67:4 69:21 needed 67:16.23 69:5.16.22 needs 41:7 never 63:8.21 newsletter 28:15 37:6.13 38:14 79:24 newsletters 27:11 next 75:24 none 7:7 nonlawyer 23:18 North 77:20 Nos 79:4 notarial 82:17 Notary 1:11 81:22 82:3.20	noted 81:16 notes 55:16 nothing 82:8 notice 1:10 3:10 7:6 novel 20:8 November 15:3 number 7:22 8:3 21:1 37:5 60:17 61:22 62:1.5 numbers 55:23 56:17.21 57:1.3 57:14.16.17 58:9 58:14 59:4.13.17 59:19.23 67:15 numerous 40:5 75:1 O oath 81:10 Obama's 77:7 obviously 39:2 44:10 66:8 occurred 47:1 off 13:17.19 21:14 47:19 56:4 64:5 77:8 79:8.13.14 offer 69:17 offered 13:9 69:12 69:13 office 14:18 15:3.10 15:12 38:16.20 50:4 officer 15:10.11 29:3 official 29:22 31:3 31:6 32:23 52:20 54:19.21 55:3.5.7 55:10 Offutt 8:7.7 75:15 75:16.17 Oh 24:14 Okay 46:17 49:13 61:23	one 4:2 9:9 12:3.22 20:5 28:10.12 31:8 32:18.24 33:20 35:9 36:7 38:24 40:6.8.12 47:3.7 48:7.8.11 55:3.7.9 56:4 57:22 60:13 61:16 62:8 64:1 67:6.11 68:7 70:21 71:3.6 74:10 76:1 81:12 ones 48:20 52:10 one-on-one 75:9 online 79:15 only 4:1 18:13.18 22:10 23:6 25:3 32:13.24 33:19 36:2.8 37:22 40:6 41:3 42:4 55:14 57:20.20 58:6 62:8 71:18 74:15 open 8:4.19 36:20 53:18 54:11 opinion 19:2 62:23 63:1 64:22 70:24 opinions 75:4 opponent 63:7 opportunity 44:24 opposed 32:11 63:4 65:11 66:7 opposes 64:18 opposite 77:5 opposition 31:20 31:23 32:2.11 63:12 65:14 orchestrated 67:9 order 15:15 organization 78:19 78:23 organized 31:13.19 31:23 32:2.10 original 63:14 Originally 28:12
---	---	---	---	--

<p>other 4:3 9:9 10:7 15:8 17:1 18:2 25:11,12 30:6 31:13 32:22 36:5 37:23,24 38:7 39:13 41:8 42:4 42:14 55:15,16 57:20 58:4,6 68:24 72:1 74:8 74:10 75:7,19,21 77:13</p> <p>otherwise 4:7 5:4</p> <p>Ottawa 1:16</p> <p>out 5:5 28:15 36:19 38:6 41:12 44:20 45:7,13 47:2 52:4 56:11 57:9,15 59:23 65:19 68:11 69:16,16,19 77:3</p> <p>outcome 82:15</p> <p>outings 28:24</p> <p>outside 18:9 24:9 32:22,23 35:1 42:20,21 43:22 44:13 57:17 59:7 72:13 73:7</p> <p>over 8:14 12:16,17 25:24 40:12,14,22 41:13 42:17 52:10 75:11</p> <p>overlooked 11:23</p> <p>overview 16:6</p> <p>own 27:7 41:7</p> <p>Ozuna-Thornton 75:19</p> <p style="text-align: center;">P</p> <p>packet 6:4,13,14 7:6,10,19,21,23</p> <p>page 4:16,20 6:5 37:5</p> <p>pages 81:9</p> <p>PALM 62:13</p>	<p>paper 47:17</p> <p>parcels 59:24</p> <p>pardon 29:8 30:12</p> <p>Parenthood 74:19</p> <p>park 26:6,7</p> <p>Parker 42:7 72:20</p> <p>parking 25:23 26:19</p> <p>parroting 8:13</p> <p>part 8:5 16:5 19:14 23:14 50:2 52:3 55:20 63:13 66:1 67:21</p> <p>parte 18:20,24 19:3 19:24 21:5,13 22:15 23:10,20 32:1,9,18 33:2,6 33:10,13,19 34:14 36:4</p> <p>participant 20:6 23:18 30:3,14</p> <p>participants 19:19</p> <p>parties 3:12 11:15 19:23 20:1 32:22 82:14</p> <p>party 19:19 20:7 30:3 74:21 76:3 76:12 78:1,3</p> <p>passing 26:10,12</p> <p>past 78:11</p> <p>Pat 41:24 44:11</p> <p>Patrick 42:19 43:23 44:15,17,18 44:22 46:15 47:11 70:18</p> <p>pausing 68:20</p> <p>PCB 1:5 81:5</p> <p>PDC 2:2,3,4,5 9:11 9:18 10:4 22:9 23:24 25:13,20 29:6,19 40:7,20 69:8 70:23 78:7 79:8</p>	<p>PDC's 56:8</p> <p>PDFs 58:19</p> <p>pending 5:19</p> <p>people 9:2 17:2 30:23 38:7 42:19 43:23 44:21,24 60:23 61:8 65:8 65:15 66:3,7,9,11 66:19,20,22 71:24 77:15,20,24 78:5</p> <p>Peoria 1:3,6,11,12 1:19 10:18 14:20 16:11,22 17:11 30:8,11,15 31:4 41:20 60:7 61:12 78:4 80:8 81:3,6 82:2,3,5</p> <p>perceived 65:8</p> <p>percent 46:21 48:5</p> <p>perception 65:10 66:2</p> <p>peril 65:9 66:4,6</p> <p>period 3:8 5:9,17 5:18 7:9 40:3 43:19 75:6</p> <p>periodic 27:11 28:15</p> <p>person 17:8 28:6 43:2 52:13 75:13</p> <p>personal 9:19 10:8 14:8</p> <p>personally 82:4</p> <p>pertain 1:10</p> <p>perusing 37:9</p> <p>Peter 75:17</p> <p>petition 19:10 23:13 33:22</p> <p>Petitioner 1:4,19 81:4</p> <p>Petitioner's 2:23</p> <p>pg 2:11,14,15</p> <p>Phil 39:23 40:1 41:4 72:10</p>	<p>phone 22:8,20 39:20,22 41:10 75:9</p> <p>pieces 47:17</p> <p>pink 45:14,18 47:2 47:24 48:17 49:3 49:9,14 50:10 51:7 52:6</p> <p>place 10:1 37:22 68:2,18 81:9</p> <p>placed 9:22</p> <p>places 48:4</p> <p>placing 9:20</p> <p>Planned 74:19</p> <p>platonic 59:17</p> <p>pleasantry 24:7</p> <p>please 3:6 4:7 5:1 13:6 32:7 81:12</p> <p>point 21:4 28:12 41:4 50:18 57:6</p> <p>pointed 36:19</p> <p>political 13:17 25:4 33:21 37:24 62:17 65:9 66:4,6 75:2 77:6 78:2,9,17,23</p> <p>politically 38:12 65:2,4,15,21 66:8 66:18</p> <p>politics 77:9</p> <p>Pollution 1:1 16:8 81:1</p> <p>popular 41:6</p> <p>population 55:21 56:5,9,13,16 57:1 57:3,9,14,15,17 57:21 58:3,4,6,8 59:4,13,23 60:3,6 60:8,14,16,19,21 62:7 67:15</p> <p>position 17:6,6,9 54:23 55:12</p> <p>possibility 7:17</p> <p>possible 7:10,14,14</p>	<p>potential 33:13 45:17</p> <p>potentially 36:4</p> <p>power 57:6</p> <p>powerful 65:14</p> <p>practice 3:14 14:4 14:10</p> <p>precise 20:24</p> <p>precisely 14:3 17:7 31:15</p> <p>prejudice 33:14</p> <p>prejudicial 36:4</p> <p>prejudicing 36:20</p> <p>prepare 47:6 52:16</p> <p>prepared 47:3 52:17 54:24</p> <p>Preponderance 80:10</p> <p>presence 32:22 35:1 82:10</p> <p>present 2:1 68:4,9</p> <p>presentation 43:18 56:7 57:7 58:11 58:21 59:22 71:5</p> <p>presented 56:21 59:5 70:22 71:1</p> <p>president 66:15</p> <p>presume 8:19 38:19 50:16</p> <p>presuming 63:24 66:17</p> <p>pretty 36:23 41:3</p> <p>prevailing 15:11,13 15:15</p> <p>previous 42:9 54:7 61:17 67:24</p> <p>previously 9:3 79:9</p> <p>primary 77:6</p> <p>principal 44:2 45:7 48:16,23</p> <p>printed 5:5</p> <p>printout 5:2</p> <p>prior 7:15 11:11</p>
--	--	---	--	--

25:15 29:6.18	public 1:11 5:3.9	questioned 44:10	27:10 36:4.15	records 63:13
37:13 44:20 45:20	5:17 9:4 19:4.9.14	44:11	37:12 39:16.20.22	recycling 10:20
45:24 62:22 63:11	19:17 23:12 32:3	questioning 34:24	40:1 45:1.18 46:2	Red 64:8.13
probably 7:2 46:5	32:12 38:16.19	67:6	46:3	reduced 82:10
problem 11:22	44:11.20 45:5	questions 4:12.12	received 5:3 7:15	reelection 16:19
procedures 3:17	57:21 58:1.3	14:7 40:11 41:9	7:19.24 8:18.22	refer 47:9 69:6
17:16.20 18:6	65:13 66:3 75:5	42:15 43:5.7.9.19	9:18.20.22 10:4.6	referencing 68:5
proceeding 33:4.12	81:22 82:3.20	61:17 74:13	11:13 18:3.3 21:1	referred 45:13
34:5	pull 22:3	quickly 68:22	30:22 37:17 40:5	47:13.15 59:14
proceedings 18:16	pulled 12:3 20:21	quite 69:24 70:10	44:9 45:21.22.23	referring 18:4
20:1 21:11 23:9	purple 45:14.18	quote/unquote	46:24 47:8 48:13	30:18 45:16 57:18
32:23 33:3.11	47:24 48:17 49:8	55:9	48:20.21 50:17	58:9 60:18 68:10
39:5.14.17.18	purportedly 49:10	R	53:24 78:9.12.17	reflect 50:9
41:18	49:12	radius 60:9.23 61:1	78:21	refresh 3:21 30:16
process 8:5 16:2	purporting 30:23	61:9	receiving 18:14	71:7
17:17 18:9 29:13	purpose 33:1	raised 35:2	21:12 32:1 36:15	refreshes 30:17
29:17 39:19 41:20	purposes 34:23	Raithel 10:14.18	36:18 37:10	regard 23:17.19
43:22 44:14 72:7	37:16 79:10	12:7	recent 34:17	32:9 47:2.7 56:6
produce 8:16 12:18	pursuant 1:9 3:10	Ralph 73:20 74:1	recess 20:11	59:10
produced 4:14 7:23	8:16 9:22	Ran 22:8 74:12	recipient 17:22.24	regarding 9:18
10:7 11:3 21:1	put 19:21 23:13	rang 77:17	recognize 63:23	10:4 18:8.24
producing 11:22	27:19 28:15	rather 43:8 49:20	76:1	29:14
production 12:4	putting 38:18	68:22 69:15	recollection 5:14	Regardless 57:2
prohibit 33:7	P.C 1:18	RCRA 16:6	6:10.11 11:16	region 64:13
prohibition 33:2.10	p.m 1:12	read 28:18 29:9.11	30:16.17 37:14	regional 64:8
34:14	P.W 8:7	81:8	46:4.17.20 56:13	registered 19:19.22
projects 15:18	Q	reading 9:5 49:23	56:20 58:22 62:4	20:6 30:2.10.14
promises 78:21	qualified 55:4	real 20:13	63:8 68:3 69:2	66:17
promoted 15:4	quasi-judicial	realized 58:22	71:8	related 9:22 22:4
pronounced 10:15	18:17 33:20	really 7:20 14:1	recommendation	40:7 43:7 72:9
proof 80:5.8	question 4:6.8.21	62:20 74:23 76:11	71:6.13	78:19.22 82:14
proposed 45:17	7:13 8:10.14.24	reason 33:7 52:3	recommended	relationship 24:15
46:12 47:6.18	9:24 10:24 13:10	65:12	70:14.15.19	37:18 38:1 73:6
50:4.10 51:9.11	13:11 18:10 19:16	recall 7:18 24:2.4	record 3:9 4:17.20	released 44:3
51:20 60:9.24	20:3.9.10.23	32:15 37:10 40:8	5:7 6:5 7:6 18:19	releasing 44:23
61:1.9 62:22	21:10 22:13 23:2	43:16 45:15 47:10	19:15 21:4 22:11	rely 69:22
64:15 70:11	32:6.7 33:8.15	49:18 55:19 56:4	23:6 29:11 32:15	remember 7:15
prospective 17:6	34:18 35:15.22	58:2 60:4 61:5.6	34:1 41:3 47:19	11:6.15 13:19
protocol 46:8	40:16 43:14.19	61:10 63:10.15	49:6 52:20 53:13	25:3.18 26:2.19
provide 61:7	51:8.14 59:16	70:10.17.21	54:19 55:1.13.15	27:24 40:11.15.17
provided 9:10	61:14.24 65:23.24	receipt 18:7 32:9	55:16 57:16.18	41:8 45:4 47:16
79:20	66:11 67:8	receive 19:3.7	59:8.15 60:5	47:20 48:8 55:24
proviso 79:18			recorded 32:23	56:1.2 57:10.21

58:7.15 59:9.11 60:2.17 61:22 62:23 64:5 65:19 67:14 68:21 69:13 69:14 75:12 remembered 57:5 62:5 remembering 30:12 repeat 8:10 32:7 65:24 rephrase 4:7 replace 62:14 report 42:12 44:9 44:19 45:9 55:20 reported 82:9 reporter 4:1 29:9 54:21.24 82:21 reporters 53:4 reports 44:3.6 repository 9:17 represent 8:12 representation 68:6 representative 29:23 representatives 19:11 23:13 30:23 31:4 represented 30:13 31:16 36:11 representing 8:4 20:7 23:5 30:10 31:19 represents 10:3 Republican 62:15 request 8:16 requested 29:11 46:11.13 required 53:18 54:14 requires 54:15 research 15:18	resolve 12:21 resources 10:20 respect 54:12 respective 65:1 responded 21:18 Respondent 1:7.23 81:7 responding 61:17 responses 3:24 responsibilities 15:6.20 17:16 restrictions 70:16 result 12:2 retaining 36:18 review 51:15.22 reviewed 51:16 Ricca 38:6 Ridge 77:23 Rifle 1:18 right 5:15 19:9 20:4 21:15 23:12 33:22 35:10 44:23 53:10 61:19.21 64:5 66:16 67:20 69:1 70:8 79:23 rights 20:8 Roach 75:23 76:1 Road 77:23 Rodney 72:3 rogues 71:23 role 33:23 35:19.24 42:12 roles 18:6 room 22:1 68:12 Rosson 76:13 row 43:12 Royal 2:2 21:24 RPR 1:11 82:3 rule 33:17 rules 1:10 3:11.23 18:24 24:13 31:18 31:24 32:9 33:18 36:9	run 16:19 42:10 running 38:16.19 74:11 Ryan 43:4 Ryan's 34:17 S saith 80:14 Salzer 39:23 40:2 41:5.11 60:15 61:24 72:10 Salzer's 61:18 same 12:16 20:19 26:7 38:3 64:1.3 81:10 Sankoty 40:22 satisfied 70:24 71:18 satisfy 70:23 71:10 Saturday 58:1 save 10:1 saw 24:11 34:16 saying 21:18 57:13 60:2 69:3 says 4:16 37:15 58:16 Schlicksup 76:15 school 16:5 43:6.8 Science 13:13 scoop 22:4 Scott 76:17 seal 82:17 search 58:19 second 45:8 77:2 secretary-treasur... 10:9 see 24:7.9.14.18 25:12 30:9 31:19 37:23 52:9 59:16 71:15.24 seeing 32:15 69:23 seeking 16:21.24 seem 47:10 70:9.17	seen 26:5.6 30:19 53:21.24 54:4 Seghetti 1:18 senate 62:14 Senator 22:20 62:14 sense 39:3 59:17 sent 32:16 sentiment 65:13 separately 51:2 September 1:12 81:9 82:4.17 service 78:19.22 services 64:8 set 4:15 50:4 82:16 several 38:7 Shadid 22:20 62:14 sheet 49:3.15 50:10 51:6.7 52:5.6 sheets 45:14.14.15 45:19 47:2.24 48:17 49:3.8.9.11 49:16 50:10 52:8 52:14 56:18 sheet(s) 81:14 sheriff's 46:6 she'll 38:24 short 37:6 48:12 79:2 Shorthand 82:21 shortly 52:15 show 3:9 8:9 57:8 showed 55:21 sides 77:6 side's 32:24 Sierra 27:1.4.17.20 27:23 28:5.14.21 29:3.6.15.21.23 30:2.7.10 64:11 78:5 Sierrian 28:16 37:4 79:24 signature 82:12	signed 77:4 simply 8:5 52:4 since 3:20 14:5 15:1.3 22:17 25:20.21 26:5 30:20 31:22 35:19 37:15 50:14 52:20 63:24 74:20 single 5:11 sir 4:5.10 26:24 30:11 sit 61:23 site 57:12 60:24 61:1 69:23 sites 58:5 siting 16:2 17:12 63:14 80:9 sitting 33:18 43:12 Sloan's 38:6 slowly 52:19 small 66:21 Smith 72:22 social 24:7.15.18 25:2.10 37:18 38:1 socialized 74:24 socially 24:17 26:5 72:8 solid 10:21 some 9:2 10:3 11:13.23 15:8 18:16.22 20:13 24:4 28:12 35:11 36:19 40:10 41:4 42:11 43:5 44:21 45:3 47:2 50:5.17 53:19 56:16 57:17 58:2.3 63:12 65:13 67:14 69:15 71:22 76:2 77:23 somebody 46:7 somehow 72:9 someone 19:22
---	---	---	--	---

20:5 23:4 43:18 61:7 76:11 something 6:13 9:10 20:15 22:4 22:16 26:20 31:18 31:22 34:11 40:13 40:18 41:16 43:3 45:13 47:13 56:5 56:9 57:10 59:24 64:13 68:14.14 69:3 sometimes 28:19 28:19 34:10 59:2 66:21 somewhat 43:17 somewhere 59:15 sons 22:1 sorry 44:18 57:24 68:20 sort 26:22 53:19 sounds 61:19.20 source 57:2 South 1:22 speak 4:2.3 speaking 66:18 special 14:17.23 15:1.7.18.23 16:3 specific 6:10 11:16 37:14 55:23 specify 60:13 spend 51:21 spirit 13:8 split 65:21 spoken 41:10 Springfield 14:19 14:21 SS 82:1 staff 41:21 42:4.11 43:15.16.20 44:3 44:6.8.19 45:8 46:6.14.16 47:8 47:14 48:13.21 50:1.2 52:13	56:17 58:13.14 69:1 70:13.19 71:4.5.9 staff's 63:13 70:24 71:17 stamped 51:4 stance 23:19 stand 61:23 standard 20:20 staple 5:22 stapled 4:15 5:12 Star 65:18 start 9:20 29:13.16 30:1.4 started 21:11 41:13 68:7 starting 4:3 state 1:11 3:6.14 14:14.24 15:21 62:14 82:1.3.22 statement 19:6 26:23 38:17 55:2 59:3.9.11 61:18 statements 23:14 72:3 stay 51:2 stenographically 82:9 Steven 72:22 Stevenson 76:19 still 5:18 10:23 11:5 11:9 14:1 72:8 stimulate 7:18 Storey 8:7 76:21 straight 59:1 street 1:12.15.18.22 22:9 82:5 strike 17:3 50:1 70:17 strong 34:13 65:13 structure 27:8 student 28:11.13 stuff 41:14	subcommittee 24:12 43:11.13.15 subject 31:15.21 80:9 submitted 4:13 11:21 37:3 81:13 subscribe 81:10 Subscribed 81:19 subsequent 7:16 54:6.15 71:6 subsequently 35:13 52:17 substance 4:11 25:11 40:8 44:16 substantive 21:19 26:11 41:19 43:24 substantively 23:24 24:2 sufficient 71:19 suggesting 20:15 suggestion 7:17 suit 82:15 Suite 1:12.15.18 82:5 summaries 23:15 summary 23:21 supervisor 43:3 supplied 12:14 support 78:23 supported 49:8.10 49:12 supporter 38:11 supporting 77:4 supportive 39:2 supports 64:18 supposed 20:16 22:5 36:2 Supreme 1:10 sure 4:23 8:10 10:19 11:15 14:1 16:3 18:10 20:22 21:20 22:18 29:24 31:1.6.7 33:8 41:4	45:20.21.22 47:22 48:5 51:5.11.17 53:9 59:7 60:11 61:18.20 64:16 68:24 78:1.12 sworn 3:2 13:22.23 81:19 82:8 T tainted 35:12 take 4:1 6:23 13:7 14:3 16:24 17:22 34:20 35:22 53:3 68:2 69:14 79:2 taken 3:10 14:3 20:12 taking 1:10 52:22 52:24 53:5.6 54:14 59:7 talk 23:23 41:14 44:8 64:14.24 78:6 talked 22:8.9 25:22 26:13.16 42:7 56:12 67:4 68:13 talking 3:18 8:8 22:6 44:13 56:2 57:1.3 59:19 63:10 Tall 28:15 37:3 79:23 teach 70:7 Teamster's 10:10 technical 40:10 41:9 Ted 73:18 telephone 39:12.16 tell 13:2 22:7.19 26:8 29:5 41:15 47:19 49:7 61:11 79:11.19 telling 61:10 75:12 term 15:17 16:17	17:15 19:18 31:23 32:18.20 47:17 terms 27:11 60:18 Tessie 73:12 testified 3:3 9:4 18:23 23:8.11 32:16 60:20.22 75:5 testify 69:22 82:8 testifying 77:13 testimony 23:15 26:14.17 56:22 57:22 58:1 82:9 82:11.16 text 54:15 Thank 37:7 72:12 80:12 their 9:5.6.8 17:12 17:16 19:10 20:8 23:13 27:15 30:19 40:20 57:2 65:9 66:4 69:23 70:11 71:5.12.15 thereof 82:15 Theresa 63:19.24 thing 44:23 things 7:3 19:14 22:10 24:8 30:6 32:13.16 35:11 36:7 58:3.12 69:21.24 70:8 think 15:2 18:11 19:6.7.8 20:3 23:13.16 26:1 31:20 33:15.16.21 35:8 36:23 39:2 40:6 41:15 46:22 46:23 48:2.3 53:24 55:4 59:21 66:1.6 67:20.21 68:11.13 69:20 70:2.4 72:7.10 74:2.13 75:5
---	--	---	--	---

78:13.15	topic 36:24	71:1,11.18	usual 71:22	47:9 77:18
third 37:5	torturous 49:23	type 6:12 35:9		wanted 56:5
Thomas 52:22	toward 25:5	36:14	V	wasn't 50:23 52:4
though 17:22 44:16	Toxic 30:15,24	types 60:1	vaguely 57:5	53:3 61:12
65:23	31:5 61:13 78:5	typewriting 82:10	value 70:3	waste 10:21 30:15
thought 19:2 32:4	to-wit 82:4	typically 14:20	Van 76:23 78:13	30:24 31:5 58:5
44:21,23 51:12,17	transcribed 53:13	66:19	vast 7:6	61:13 78:5
52:6 56:9 57:9	transcribing 53:3		vehicles 28:3	way 5:12 7:18 11:2
58:9 59:21 60:3	transcript 49:24	U	venture 8:21	12:22 14:3 19:21
60:16,19,21 62:7	53:14 54:23 55:12	unable 12:13	verb 16:24	22:15 33:9 41:5
three 51:1 55:18	71:14 81:8,10	under 57:4	verbal 3:24 18:1	48:16 49:7 59:7
56:6 59:22	82:11	understand 4:6	versus 33:19	67:6 82:14,15
through 4:23 5:3	transcription 53:20	17:13 18:10 19:12	very 11:24 16:6,6	ways 18:16
7:5 15:24 43:17	transcripts 56:7	20:22 21:10 30:2	34:13 52:18 65:2	website 5:4 30:19
51:17 52:19 53:8	58:18,19	30:5 32:21 33:1,8	65:14 66:21,21	39:4,8 61:13,15
53:8,12 57:8	transferred 52:10	33:15 51:8 59:16	75:11 80:12	Wednesday 82:17
58:16,19,21 71:22	transpired 54:19	understanding	Vidas 72:16	weekly 6:14
75:10 81:9	trial 34:17	4:22 5:7 6:19	view 64:17 75:8	well 8:11 9:7 12:1
Thursday 1:11	trick 13:11	7:13 11:11 18:7	views 9:6,8 62:21	24:4,11 31:7 33:9
82:4	tried 22:15 52:1	19:5 27:3 31:2	63:2 65:1 75:13	38:13,18 43:12
thwart 66:22	66:6	33:16 34:10 35:6	violation 54:11,14	44:10 45:5 50:16
time 4:2 17:11	trip 69:13	35:8 49:7 69:2	visit 39:4,7,10	53:2 60:15 63:21
27:14 40:3 47:8	true 22:3 70:20	71:16 80:7	69:12,14,16 70:1	64:12 69:1 70:19
50:18 51:21 61:8	79:11,18 80:1	understood 4:8	Volume 37:4	72:8 75:11
66:14,23 67:15,19	81:10 82:10	18:15,24 23:8,11	volunteer 37:24	went 13:17 53:12
70:1 78:11,24	trust 5:20 38:21	29:22 33:23	volunteered 38:2	58:2 66:5
81:9	45:12 80:4	unfair 44:21	vote 17:9 25:17,19	Wentworth 23:23
times 15:5 24:20	truth 82:8,8,8	Union 10:10	25:22 26:2,3	24:9,16 25:5,13
25:3 59:22 74:15	try 18:13	University 13:14	37:17 65:3,5	26:13,16 30:6
title 10:19 14:16	trying 26:19 45:4	13:18	66:17 67:21 71:19	31:15
15:1,4,13	53:6 68:20	unofficial 55:16	75:14	were 2:23 4:13,21
titles 15:8	turn 12:16,17	unopened 9:1	voted 65:8 66:3,13	6:1,20 7:21,23 8:3
today 26:14 41:11	turned 8:5,14	until 20:4,9	67:3	8:18,24 9:7 11:14
41:13 42:21	56:11 57:9 75:11	unusual 65:22	votes 41:5 66:15	11:17 16:14 17:14
together 4:16 5:12	turns 57:15 59:23	upset 66:12	vs 1:5 81:5	17:15,18,22 18:16
5:22 38:3,18	two 11:14 15:8	upsetting 66:8,18		19:1,2,14 20:7,21
told 8:4,14 22:5,7	23:14 32:13 36:7	66:19	W	23:5,9 24:12 25:1
23:5 41:2,4 42:13	36:10 38:2 40:6,9	Urich 41:24 44:11	wage 15:11,13,15	25:1,4 26:10,17
42:14 63:8 70:23	44:2 48:2,6,7 49:4	44:17,18,22 46:15	wait 4:2 57:23	27:15 31:4,24
72:10	49:15 50:6,7,24	47:11 48:12	waiting 26:21	36:1,8,11,14,15
Tom 39:4 73:14	51:3,5,11,23	use 70:5	waived 82:13	36:17 42:17,23
74:6,7,15	52:15 57:23 58:12	used 19:18 31:23	wallet 28:6	43:4,8,9 44:3,19
top 13:20 56:4 64:5	59:21 68:19 70:23	32:18 61:6 77:22	want 3:21 6:22	45:13 46:18 48:2

48:3.6.10.18.24 49:8.9.11 50:3 51:19 54:10 57:1 57:2.3.13.15.17 57:18.22 58:9 59:19 60:17 63:2 65:1.14.15 66:7.7 66:9.9.12 67:6 68:9.12 71:15 75:13 77:5 81:15 weren't 23:18 67:15 we'll 11:23 12:20 24:7 51:2 79:19 we're 19:17 21:11 26:21 31:7 43:1 63:10 we've 38:5.5 75:2 whereof 82:16 while 5:18 whole 6:17.24 45:12 65:10 82:8 Widmer 69:15 wife 25:7 46:23 64:2.3 75:24 wife's 64:4 Williams 39:20 67:3 68:16 69:4 willing 12:15 window 27:19 withdrawn 2:23 witness 1:9 2:9 3:2 37:9 82:6.7.9.10 82:11.13 wondering 31:9 word 51:16.16 words 22:6 40:17 63:9 71:15 work 14:14 worked 13:17 38:3 worry 41:6 worse 66:19 written 9:3 25:8	52:4 54:19 55:1 55:13.15 X X 2:8 Y Yahoo 79:14.16 yeah 69:2 year 13:16 24:20 28:9.11 77:23 78:24 years 3:20 27:24 yellow 45:15.19 47:24 48:17 49:3 49:11.16 50:9 51:6 52:5.14 Young 77:12 Z zoning 56:12 57:9 57:11 59:24 60:1 62:8 Zwicky 72:18 # #084-003571 82:22 0 06-184 1:5 81:5 07/24/07 82:22 1 1st 10:15 1:00 1:12 10 37:7.15 100 46:21 48:5 101 1:22 11 37:16 14 81:9 14th 1:12 82:4 1400 1:12.18 82:5 1990 13:13 1993 13:14	1998 13:22 14:5 1999 15:3 2 20th 82:17 2002 74:13 2003 15:1 2004 16:15 74:12 77:6 2006 1:12 5:16 24:1 37:4 45:11 81:9 81:20 82:4.17 204 1:15 24 46:1.19 27 2:14 79:4.7 27th 50:1.3.8.17.19 51:4 28 2:15 79:4.23 3 3 2:11 81:9 3rd 7:2 11:12 24:1 25:15.20.21.22 26:5 30:20 37:13 37:17 42:6 50:20 50:22 51:10.20 52:9.15 54:6 58:23 62:22 63:11 67:1.12 75:14 30th 7:9 30-day 5:18 3300 77:19 34 37:4 4 416 1:12.18 82:5 48 46:1.19 5 528 1:15 53,000 60:3.6.16.18 61:8 62:1 6	6th 5:16 6:18 7:1.7 7:8.9.11 45:11.24 47:1.10 48:14 49:1 50:11 51:7 52:1 53:1.16.22 55:19 57:19 58:10 58:23 59:14.20 60:2.15 62:4 61350 1:16 61550 1:22 61602 1:19 7 79 2:14.15 8 80 81:9 80s 63:14 9 90s 28:1 98 13:20
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Exhibit 4

Page 5

1 everything with words. Is that clear?
 2 A Yes.
 3 Q You understand that you're under oath?
 4 A Yes.
 5 Q If I ask you a question and you answer it,
 6 I'm going to assume you understood it. Is that fair?
 7 A Yes.
 8 Q Mr. O'Neill, what is your address?
 9 A 4908 West Wanda.
 10 Q In Peoria?
 11 A Yes.
 12 Q And how long have you lived at that
 13 address?
 14 A 27 years.
 15 Q And who do you live there with, sir?
 16 A My wife.
 17 Q Any children in your home still?
 18 A No.
 19 Q What is your educational background?
 20 A High school, then a four-year electrical
 21 apprenticeship program.
 22 Q Let me go back for a second, your address.
 23 What is your home telephone number?
 24 A 697-9546.

Page 6

1 Q Do you have a cell phone?
 2 A Yes.
 3 Q What's that phone number?
 4 A 645-2157.
 5 Q Do a lot of people have your cell phone
 6 number?
 7 A Just friends mainly and work. It's a work
 8 phone.
 9 Q Do you have an e-mail address other than at
 10 the County Board?
 11 A Yes.
 12 Q What is your e-mail address at home?
 13 A My wife and I share one.
 14 Q And what is that?
 15 A togo789 at aol.com.
 16 Q Where are you employed, Mr. O'Neill?
 17 A City of Peoria.
 18 Q Doing what?
 19 A Signal electrician, lead electrician.
 20 Q And how long have you been employed for the
 21 City of Peoria?
 22 A 23 years.
 23 Q What are your general duties in the job?
 24 A General duties are to take in calls and

Page 7

1 hand out the work to my workers, you know, when we get
 2 calls in on streetlights or signal lights or buildings.
 3 Q You mainly work in an office then, or are
 4 you out at job sites most of the time?
 5 A I'm mainly out and about.
 6 Q In a supervisor's capacity, though,
 7 correct?
 8 A Yes.
 9 Q Are you a member of a collective bargaining
 10 unit?
 11 A Yes.
 12 Q What collective bargaining unit is that?
 13 A IBEW Local 51.
 14 Q And how long have you been a member of the
 15 Electricians Local 51?
 16 A 51, since I've been with the City.
 17 Q How long have you worked for the City?
 18 A About 23 years.
 19 Q So you've been with the union the better
 20 part of your life?
 21 A Yes.
 22 Q Is your wife employed?
 23 A Yes.
 24 Q Where does she work?

Page 8

1 A Illini Bluffs Unit School District.
 2 Q And what does she do for them?
 3 A She's a teacher.
 4 Q Would she be a member of the teachers
 5 union? I believe it's the Illinois Education
 6 Association.
 7 A Yes, she would.
 8 Q How long has she been a schoolteacher?
 9 A I believe 16 years. I'm not sure.
 10 Q Do you and your wife have any adult
 11 children?
 12 A Yes, we do.
 13 Q Any that live in the Peoria area?
 14 A Yes.
 15 Q What are their names, and where do they
 16 work?
 17 A Thomas IV is a fifth-year plumber
 18 apprentice working for Dries Brothers Plumbing, and
 19 Andrew M. went through the electrical apprenticeship as
 20 an electrician for Koener Electric.
 21 Q So both of them are going to be union
 22 workers in the future?
 23 A Correct.
 24 Q Mr. O'Neill, you are a member of the Peoria

Page 9

1 County Board?
 2 A Yes.
 3 Q And when were you first elected?
 4 A I was appointed in '93.
 5 Q To fill an unexpired term?
 6 A Yes.
 7 Q And when were you elected after that?
 8 A '94.
 9 Q That means you would have been re-elected
 10 in '98 and 2002?
 11 A That's correct.
 12 Q Did you have opposition either of those
 13 times?
 14 A Yes.
 15 Q In the primary or in the general election?
 16 A In the general.
 17 Q You are a democrat, correct?
 18 A Correct.
 19 Q What was your margin of victory in your two
 20 races where you had opposition?
 21 A I don't remember. Somewhere around 65 to
 22 35.
 23 Q Can you give me an idea of what the total
 24 votes cast in your district were in your last election?

Page 10

1 A No.
 2 Q You have opposition this time, correct?
 3 A Yes.
 4 Q Who is your opponent?
 5 A Mike Tietjen.
 6 Q Did he express an opinion about the
 7 landfill expansion during the time that the application
 8 was still pending?
 9 A I wouldn't know.
 10 Q When did he become your opponent?
 11 A I guess the primary.
 12 Q So back in March?
 13 A (Nodding head up and down.)
 14 Q You're unaware of whether he campaigned on
 15 a pro- or anti-landfill expansion platform?
 16 A I wouldn't know how he did.
 17 Q No one ever told you what his position was?
 18 A No.
 19 Q Now, you're aware that PDC employs a number
 20 of union workers?
 21 A Yes.
 22 Q Significant number, for example, of
 23 Teamsters?
 24 A Yes.

Page 11

1 Q And other different union trades as well?
 2 A All I knew was the Teamsters.
 3 Q You're aware that the Teamsters at least
 4 supported the PDC expansion application?
 5 A Yes.
 6 Q What are the approximate boundaries of your
 7 district?
 8 A Village of Bartonville, Limestone Township,
 9 west from like the airport, west to Lake Camelot,
 10 including Limestone Township in Lake Camelot, and then
 11 down towards the river and Hollis 1.
 12 Q How much money has your campaign spent so
 13 far on your re-election?
 14 A This year?
 15 Q Yes.
 16 A 400.
 17 Q 400,000 or --
 18 A Dollars.
 19 Q Pardon me?
 20 A \$400.
 21 Q \$400. And how much more do you intend to
 22 spend before the election?
 23 A I'm not sure.
 24 Q Do you know how much money your campaign

Page 12

1 has raised by way of donations and fund-raisers for this
 2 re-election?
 3 A Yes.
 4 Q How much?
 5 A 2 grand.
 6 Q So you've got about 1,600 in the war chest
 7 right now?
 8 A No. There's a bill outstanding I haven't
 9 paid.
 10 Q What's that for?
 11 A That was for the food for the fund-raiser.
 12 Q Do you have a re-election committee?
 13 A No.
 14 Q So you don't -- do you have a finance
 15 chairman of your re-election campaign?
 16 A I have a finance chairman.
 17 Q Who's your finance chairman?
 18 A Steve Chitwood.
 19 Q And where does he live?
 20 A East Peoria.
 21 Q Now, at the time that this application was
 22 filed, had you ever been to view the Peoria Disposal
 23 Company landfill?
 24 A Not recently.

Page 13

1 Q Have you ever been out there?
 2 A Yes.
 3 Q When?
 4 A Years ago.
 5 Q For what purpose?
 6 A I can't remember. I think it was Leiter
 7 Electric I did the work for. They did a garage or
 8 something out there.
 9 Q So you were out there in connection with a
 10 job?
 11 A Yes.
 12 Q Do you know any members of the Coulter
 13 family personally?
 14 A No.
 15 Q Has your district been shifted or
 16 redistricted in the last couple of years?
 17 A Yes.
 18 Q When was that?
 19 A I believe it was 2002, I believe.
 20 Q Was it after the last election or before
 21 the last election?
 22 A It was 2002 because some County Board
 23 members had run in '04, and then all of us that are odd
 24 numbers had to run in '06.

Page 14

1 Q So this is your first race for re-election
 2 with your new district boundaries?
 3 A Yes.
 4 Q And what were the major changes in your
 5 district boundaries?
 6 A They took away some districts to the
 7 north -- some area to the north.
 8 Q Did they give you any other areas instead?
 9 A They added some in the Village of
 10 Bartonville and took some away -- or some away in the
 11 Village of Bartonville.
 12 Q In your view, how would that have changed
 13 the democrat/republican balance in the district in terms
 14 of numbers of registered voters?
 15 A I don't know.
 16 Q Based upon your employment, do you have any
 17 special knowledge about hazardous materials?
 18 A No.
 19 Q Have you ever had to work with asbestos?
 20 A No.
 21 Q Have you ever had to work with lead or
 22 mercury?
 23 A No.
 24 Q I know mercury is a component of

Page 15

1 transformers. Have you ever been around -- had to work
 2 with transformers where there were issues with, you
 3 know, mercury escaping or getting onto people?
 4 A Not that I know of.
 5 Q Have you ever had to work with or around
 6 lead?
 7 A Not that I know of.
 8 Q In your work as an electrician, have you
 9 had any training in working around hazardous materials?
 10 A No.
 11 Q From November 9th, 2005, through May 3rd,
 12 2006, did you receive communications from various
 13 members of the public and certain groups regarding the
 14 landfill application?
 15 A Yes.
 16 Q First of all, Mr. O'Neill, what was your
 17 understanding of whether or not you were supposed to
 18 receive communications from outside of the hearing and
 19 what you were supposed to do with those?
 20 A At that time --
 21 Q Yes, at that time.
 22 A At first, I know we took them in, and then
 23 I was -- told people that I never read them after that.
 24 Q We've had other County Board members

Page 16

1 testify that they were told or at least they understood
 2 that they were not to express their opinions about the
 3 expansion but were free to listen to and consider the
 4 opinions of others that would come to them. Was that
 5 your understanding as well?
 6 A Yes.
 7 Q And when did you first gain that
 8 understanding, if you can remember a time frame?
 9 A I don't remember.
 10 Q To your knowledge, did you try to follow up
 11 in accordance with that understanding and be faithful to
 12 it?
 13 A Yes.
 14 Q Did you receive e-mail communications --
 15 and in your case, maybe we can talk about two different
 16 time periods, period of November 9th through April 6th
 17 and the period of April 6th through May 3rd, April 6th
 18 being the date that there was the first Committee of the
 19 Whole vote. Do you remember that?
 20 A April 6th?
 21 Q Right.
 22 A Yes.
 23 Q Before that time, had you received e-mails
 24 from people regarding the expansion?

Page 17

1 A I believe so.
 2 Q Did you receive them both at home or just
 3 at your county e-mail?
 4 A Just through the county.
 5 Q And what did you do with those e-mails,
 6 sir?
 7 A I gave them back to the county.
 8 Q You turned in everything that you got?
 9 A Uh-huh.
 10 Q Was there some stuff you would have just
 11 erased when you got it?
 12 A Erased?
 13 Q Hit the delete button on the e-mail.
 14 A I got it all in print form from the county.
 15 Q The county printed your e-mails out?
 16 A Yes.
 17 Q You never went to the county and checked
 18 your own e-mails?
 19 A I never do.
 20 Q Do you know who at the county prints out
 21 your e-mails and gets them to you?
 22 A No.
 23 Q Do you remember getting any from Joyce
 24 Blumenshine?

Page 18

1 A I may have, but I don't know.
 2 Q Do you know Joyce Blumenshine?
 3 A Just through the meeting.
 4 Q So you know who she is?
 5 A I know who she is.
 6 Q You don't know her from outside the
 7 meeting?
 8 A No.
 9 Q Ever had any contact with her outside of
 10 the landfill meetings?
 11 A No.
 12 Q Ever had any contact with the Sierra Club
 13 outside the landfill meetings?
 14 A No.
 15 Q Have you ever been to a Sierra Club
 16 activity?
 17 A No.
 18 Q Ever gotten any money from them or given
 19 them any money?
 20 A No.
 21 Q Did you get letters at your home from
 22 people between November 9th and April 6th?
 23 A Yes.
 24 Q Approximately how many letters would you

Page 19

1 say you got?
 2 A I don't know.
 3 Q Did you keep them all, or did you throw
 4 some away?
 5 A After -- I turned some in; and after that,
 6 I shredded them.
 7 Q Did you read them and then shred them, or
 8 did you shred them without reading them?
 9 A I shredded them without reading them.
 10 Q And why did you stop reading the letters?
 11 A Because I just didn't want any more
 12 information on it.
 13 Q You thought you had enough information
 14 already?
 15 A No.
 16 Q Do you remember when it was that you
 17 started shredding the letters?
 18 A It was after I turned them in to the
 19 State's Attorney's Office, what I had before.
 20 Q When did you turn what you had before in to
 21 the State's Attorney's Office?
 22 A I don't know.
 23 Q Would that be in June of this year or while
 24 the application process was still going on?

Page 20

1 A I don't remember.
 2 Q How many times did you turn letters in to
 3 the State's Attorney's Office?
 4 A One time.
 5 Q Did you receive telephone calls between
 6 November 9th and April 6th regarding the landfill?
 7 A Yes.
 8 Q Do you remember any particular individuals
 9 that you would have received calls from?
 10 A No.
 11 Q Do you remember if you received any phone
 12 calls from Joyce Blumenshine?
 13 A Not that I know of.
 14 Q Did you receive any from Tom Edwards?
 15 A No phone calls -- oh, I did. I'm sorry.
 16 Q You did?
 17 A He left it on voicemail. I never called
 18 him back.
 19 Q Did you receive any from Kim Converse?
 20 A No.
 21 Q Did anyone ever come to your house
 22 regarding the landfill expansion case?
 23 A No.
 24 Q Mr. Edwards never came to your house?

Page 21

1 A No.
 2 Q He visited a lot of other board members.
 3 You should feel left out.
 4 Did you ever look at any websites that were
 5 put up by the Peoria Families Against Toxic Waste or the
 6 Sierra Club or Tom Edwards?
 7 A I never went to any websites.
 8 Q Did you see yard signs opposed to the
 9 landfill in your district?
 10 A I believe I may have seen a couple.
 11 Q How many would you say that you saw?
 12 A No more than a handful.
 13 Q Did you see yard signs in other districts?
 14 A Yes, I did.
 15 Q How many would you say you saw in other
 16 districts?
 17 A Quite a few, but I don't know how many. I
 18 never counted.
 19 Q Were there any anti-landfill billboards in
 20 your district?
 21 A Not that I know of.
 22 Q Do you have any notes of any telephone
 23 calls you would have had with anybody about the landfill
 24 application?

Page 22

1 A No.
 2 Q As you sit here now, can you remember any
 3 specific individual who called you regarding the
 4 application?
 5 A No.
 6 Q Now, did you understand that part of your
 7 job in making the decision was to represent the wishes
 8 of your constituents?
 9 A No.
 10 Q What did you understand your job was?
 11 A I felt to do what I thought was right.
 12 MR. MUELLER: What's our next exhibit
 13 number?
 14 MS. NAIR: 30.
 15 MR. MUELLER: Let's mark this as 30.
 16 (Exhibit 30 marked for
 17 identification.)
 18 BY MR. MUELLER:
 19 Q Mr. O'Neill, I'm going to show you a
 20 portion of -- actually, it's an article from the Peoria
 21 Journal Star dated May 5th, 2006, in which you are
 22 quoted by the author of the article. Have you ever seen
 23 that before?
 24 A Yes, I have.

Page 23

1 Q This has been marked as Exhibit Number 30.
 2 You appear to be familiar with it?
 3 A Yes.
 4 Q All right. Is there something you want to
 5 say about the article based upon your familiarity with
 6 it?
 7 A What's printed is not what I said.
 8 Q That's what I was getting at. Your
 9 position is you were misquoted?
 10 A Yes, it is.
 11 Q What did you say?
 12 A She asked if I was contacted by
 13 constituents, and I told her, "Yes." And she asked me
 14 if that changed the vote, and I said, "No."
 15 Q What you specifically are quoted here of
 16 saying is, "I probably would have voted yes again but
 17 voted for the wishes of my constituents that put me in
 18 office." Is it your testimony that you never told the
 19 reporter that statement?
 20 A I don't remember it.
 21 Q You don't remember it, meaning that you may
 22 have told her but forgot that you did?
 23 A I don't remember saying that.
 24 Q Do you remember not saying that?

Page 24

1 A No.
 2 Q Well, if the reporter were to testify under
 3 oath that you, in fact, did say to her, "I probably
 4 would have voted yes again but voted for the wishes of
 5 my constituents that put me in office," would your
 6 position be that she was lying?
 7 A I wouldn't know.
 8 Q You did vote yes on April 6th, correct?
 9 A Correct.
 10 Q And you voted no on May 3rd?
 11 A Correct.
 12 Q And I remember being there on May 3rd. It
 13 seemed to me that you hesitated quite a bit when your
 14 name was called and paused before your vote. Do you
 15 remember that?
 16 A Yes.
 17 Q If you did not change your vote between
 18 April 6th and May 3rd based on the wishes of your
 19 constituents, what other information did you get between
 20 April 6th and May 3rd that you considered on May 3rd?
 21 A There wasn't.
 22 Q And you also made the statement, "After
 23 that vote, I had so many phone calls and neighbors come
 24 to me and ask me what I was thinking." Did you make

Page 25

1 that statement?
 2 A I made that statement.
 3 Q How many phone calls did you have after
 4 April 6th and before May 3rd?
 5 A I wouldn't know. I never counted them.
 6 Q Would it be more than 20?
 7 A No.
 8 Q You said you had neighbors come to you?
 9 A Yes.
 10 Q How many neighbors personally came to you
 11 between April 6th and May 3rd?
 12 A Two.
 13 Q Do you remember who they were?
 14 A Yes.
 15 Q And who are they?
 16 A Steve Heath and Judy Duncan.
 17 Q You also told the reporter that your first
 18 vote was based on the county staff report, at least she
 19 reports that you said that. Is that true?
 20 A Yes.
 21 Q Did anything in the county staff's
 22 recommendations change between April 6th and May 3rd
 23 that you considered?
 24 A No.

Page 26

1 Q Did you get any additional information that
 2 you considered between April 6th and May 3rd?
 3 A No, not that I considered.
 4 Q Keystone is in your district, correct?
 5 A Correct.
 6 Q You're aware that they're a major user of
 7 the PDC landfill?
 8 A I wasn't at that time.
 9 Q When did you become aware of that?
 10 A Later.
 11 Q Meaning after the hearings were over?
 12 A I don't remember when I got that.
 13 Q How many of the hearings did you attend?
 14 A Just the April 6th and May 3rd.
 15 Q So you didn't go to any of the hearings in
 16 February?
 17 A No.
 18 Q Did you read the transcripts of the
 19 February hearings?
 20 A No.
 21 Q Did you ever read the siting application?
 22 A No.
 23 Q Did you read the county staff report?
 24 A Not all of it.

Page 27

1 Q How much of it would you say you read?
 2 A I don't remember.
 3 Q There were actually two staff reports. Did
 4 you read parts of both of them or just one?
 5 A Parts of one.
 6 Q Did you ever receive any fliers or
 7 pamphlets in the mail or at your house with regard to
 8 the landfill application?
 9 A Not that I remember.
 10 Q You knew that the staff had recommended
 11 approval with conditions, correct?
 12 A Correct.
 13 Q So, as I understand it, Mr. O'Neill, the
 14 only information you had to base your decision on in
 15 this case would have been a partial reading of one staff
 16 report and whatever e-mails, letters, and phone calls
 17 you got; is that correct?
 18 A First part's correct. I never really read
 19 many of the e-mails or the mail.
 20 Q Well, was there any other information that
 21 you had which you considered in making your decision
 22 besides the one partial staff report?
 23 A No.
 24 Q Was there -- do you remember any specific

Page 28

1 information that you received between April 6th and May
 2 3rd that you did not consider?
 3 A No.
 4 Q What was the basis of your hesitation on
 5 May 3rd?
 6 MR. BROWN: Objection. The question goes
 7 into the mental processes and decision-making of the
 8 County Board members, and that's not --
 9 MR. MUELLER: Withdrawn.
 10 MR. BROWN: Thank you.
 11 BY MR. MUELLER:
 12 Q Do you know anything about an organization
 13 called River Rescue?
 14 A I've heard of them.
 15 Q Do you know who's in charge of them?
 16 A No.
 17 Q Do you know about an organization called
 18 Citizens for Our Environment?
 19 A No.
 20 Q Ever heard of an organization called Peoria
 21 Families Against Toxic Waste?
 22 A I heard about it. Yes.
 23 Q Do you know who's in charge of that
 24 organization?

Page 29

1 A No, I don't.
 2 (Mr. Meginnes temporarily exits the
 3 deposition suite.)
 4 Q Have you ever been at a meeting at the
 5 Universalist Unitarian Church?
 6 A No, I haven't.
 7 Q Have you ever been at a meeting at
 8 St. Thomas Church?
 9 A No, I haven't.
 10 Q Have you ever received any campaign
 11 contributions or assistance from any medical clinic,
 12 hospital, or doctor?
 13 A No.
 14 Q Do you know anyone on the staff at
 15 Methodist Hospital?
 16 A No.
 17 Q Do you know anyone on the staff at OSF?
 18 A No.
 19 Q Do you know anyone in the Peoria Medical
 20 Society?
 21 A No.
 22 Q To your knowledge, do you know or have you
 23 or any family members of yours ever been treated by a
 24 Dr. Rodney Lorenz?

Page 30

1 A No.
 2 Q How about Dr. John McLean?
 3 A No.
 4 Q Dr. Vidas?
 5 A No.
 6 Q Dr. Zwicky?
 7 A No.
 8 Q Dr. Parker McRae?
 9 A No.
 10 Q Dr. Steven Smith?
 11 A No.
 12 Q A Dr. McGee?
 13 A No.
 14 Q Dr. Jeff Akeson?
 15 A No.
 16 Q Do you know a Beth Akeson?
 17 A No.
 18 Q Do you know a Tessie Bucklar?
 19 A No.
 20 Q Do you know Tom Bucklar?
 21 A No.
 22 Q Do you know Kim or Ted Converse?
 23 A No.
 24 Q Do you know Ralph or Jane Converse?

Page 31

1 A No.
 2 Q Do you know Bill Cook?
 3 A I know Bill Cook from the K of C Club, but
 4 I don't --
 5 Q What club is that? Knights of Columbus?
 6 A Knights of Columbus, uh-huh.
 7 Q How often do you go to the K of C's,
 8 Mr. O'Neill?
 9 A Oh, I don't know. A few times a month
 10 probably.
 11 Q Did anyone at K of C's ever give you any
 12 communication or expressions of opinion regarding the
 13 landfill expansion?
 14 A No.
 15 Q Did you ever talk about the expansion with
 16 anyone while you were at the K of C's?
 17 A No, I didn't.
 18 Q Do you know a Joyce Harant?
 19 A Yes.
 20 Q How do you know her?
 21 A Through the Democratic Party.
 22 Q Did she ever express an opinion to you
 23 about this application before your vote?
 24 A She wrote a letter, but I didn't read it.

Page 32

1 Q She wrote a letter to you?
 2 A Yes.
 3 Q How do you know if she wrote a letter if
 4 you didn't read it?
 5 A Her name was on the return address. I
 6 assumed it was a letter.
 7 Q Did other board members ever call you to
 8 express an opinion or try to convince you about how to
 9 vote?
 10 A No, they didn't.
 11 Q Did any other board member ever talk to you
 12 in person about how they would like you to vote?
 13 A No, they didn't.
 14 Q Would that include Dave Williams?
 15 A Yes.
 16 Q Do you know a Lisa Offutt or a Peter
 17 Offutt?
 18 A No.
 19 Q Do you know Chris Ozuna-Thornton?
 20 A No.
 21 Q Do you know Elmo Roach or Jean Roach?
 22 A No.
 23 Q Do you know Cara Rosson?
 24 A No.

Page 33

1 Q Do you know Amy Schlicksup?
 2 A No.
 3 Q Do you know Bill Scott?
 4 A No.
 5 Q Do you know Cathy Stevenson?
 6 A No.
 7 (Mr. Meginnis returns to the
 8 deposition suite.)
 9 Q Do you know Diane Storey?
 10 A No.
 11 Q Do you know Beth Van Auken?
 12 A No.
 13 Q Do you know Mayvis Young?
 14 A No.
 15 Q Do you know Barb Van Auken?
 16 A Yes.
 17 Q How do you know Barb Van Auken?
 18 A Through her being on the City Council and
 19 myself being on the County Board.
 20 Q Did she ever express an opinion to you
 21 about this?
 22 A No.
 23 MR. MUELLER: Let's take a short break.
 24 (Recess in proceedings from 1:40 p.m.

Page 34

1 to 1:47 p.m.)
 2 BY MR. MUELLER:
 3 Q Mr. O'Neill, do you remember seeing an
 4 anti-expansion billboard over by Keystone?
 5 A No.
 6 Q Your two neighbors that came to see you,
 7 Judy Durkin --
 8 A Duncan.
 9 Q Judy Duncan -- excuse me -- and Steve
 10 Heath, how well do you know Judy Duncan?
 11 A I've known them since I've lived there,
 12 both of them.
 13 Q And what opinion did they express to you?
 14 A One of not voting for it. Well, the one
 15 neighbor, Steve Heath, voted -- or said that, "Whatever
 16 you come up with, I'm sure it will be right." The other
 17 one just said that she didn't care for it.
 18 Q So Heath never expressed an opinion?
 19 A No. He said I'd make the right decision
 20 whichever way I voted.
 21 Q So you knew he was opposed to it also?
 22 A I felt he might have been, but I wasn't
 23 sure.
 24 Q Anyone else talk to you about your vote

Page 35

1 between April 6th and May 3rd that you can remember
 2 specifically?
 3 A Not people. I mean, I can remember
 4 different people saying I changed the vote, but I don't
 5 remember who.
 6 Q What do you mean you can remember different
 7 people saying you should change your vote?
 8 A No, they didn't say I should. They asked
 9 why I did, and I said it was my opinion.
 10 Q Did Allen Mayer ever talk to you about your
 11 vote?
 12 A No. I never talked to Allen about my vote.
 13 Q Because you didn't go to any of the
 14 hearings or read any of the transcripts, did you ask any
 15 other board members for information about the
 16 application?
 17 A No.
 18 Q Did you ask any of the other board members
 19 what their opinion on this thing was?
 20 A No.
 21 Q Are you at this point in time interested in
 22 becoming County Board chairman if you get re-elected?
 23 A I'm interested in it.
 24 Q Did anyone ever talk to you about how your

Page 36

1 vote on the landfill expansion would affect your wanting
 2 to become County Board chairman?
 3 A No.
 4 Q Did you ever talk to anyone about how your
 5 vote on the expansion would affect your wanting to
 6 become County Board chairman?
 7 A No.
 8 Q Have any jobs been promised in connection
 9 with the County Board chairmanship?
 10 A No.
 11 Q Does the County Board chairman have the
 12 power to appoint the auditor?
 13 A I believe the County Board votes for the
 14 auditor.
 15 Q The nomination's made by the board
 16 chairman, so it's one of those that the board chairman
 17 appoints with the advice and consent of the whole board?
 18 A I believe that's the way it works.
 19 Q All right. So you would be the lead person
 20 to appoint an auditor if you became chairman?
 21 A I would think so.
 22 Q Have you promised anyone that you would
 23 forward their name or nominate them?
 24 A No.

Page 37

1 Q Have you ever made that promise to David
2 Williams?

3 A No.

4 Q Do you know what democrats out there are
5 interested in the auditor position?

6 A I don't know. I've heard.

7 Q What have you heard?

8 A Allen Mayer and Kent Rotherham.

9 Q Did you read newspaper articles about this
10 landfill application?

11 A No, just this one here.

12 Q Now, if you didn't go to the hearings and
13 you didn't read any of the transcripts and you only read
14 a portion of one staff report, how did you bring
15 yourself up to speed on what the evidence was?

16 MR. BROWN: Objection. It goes to the
17 mental processes and decision-making of this board
18 member. It's not something that can be delved into in
19 these proceedings, and I'll ask the witness not to
20 answer that question.

21 Q Let me ask it a different way then. If you
22 didn't go to any of the hearings and you didn't read any
23 transcripts and you only read a portion of one staff
24 report, did you do anything else to inform yourself

Page 38

1 about what the evidence was?

2 A No.

3 Q Do you know who Elaine Hopkins is?

4 A She's a reporter for the Journal Star.

5 Q How long have you known her?

6 A I don't know. Maybe a year. I don't know.

7 Q How many times would you say she's
8 interviewed you in connection with her being with the
9 Journal Star?

10 A Only once.

11 Q That was only after this May 3rd meeting,
12 correct?

13 A That is correct.

14 Q Where were the two of you at when this
15 interview took place?

16 A I really don't remember.

17 Q Do you remember if it was person-to-person,
18 or was it on the phone?

19 A I don't remember that either.

20 Q Do you remember if it happened on the
21 evening of May 3rd or sometime on May 4th or 5th?

22 A I don't remember that.

23 Q Was anyone else present when Elaine Hopkins
24 interviewed you?

Page 39

1 A No, because I can't really remember if it
2 was on the phone or in person.

3 Q So you don't know whether or not she had a
4 tape recorder to record this interview?

5 A No.

6 Q Did you tell her during the interview that
7 any of your comments were off the record?

8 A No.

9 Q Did you understand when you were being
10 interviewed that whatever you said was on the record and
11 available for publication?

12 A Of what I said, yes.

13 Q Now, we're going to, obviously, depose
14 Elaine Hopkins and get an affidavit from her; but in
15 order to understand exactly what your position is, when
16 I first read this quote to you of, "I probably would
17 have voted yes again but voted for the wishes of my
18 constituents that put me in office," at one time during
19 this deposition, you said that you never said that, and
20 another time you said you didn't remember saying that.
21 I need to kind of explore with you which of those it is
22 because in my mind there's a difference.

23 A What I said was I remember telling her that
24 I was contacted by constituents, but that was it.

Page 40

1 Q Well --

2 A I didn't tell her that I changed my vote
3 because of being contacted by them.

4 Q Normally, when reporters put stuff in
5 quotes, they're writing down the exact words of the
6 person. So my question is: Were these your exact
7 words?

8 A I don't remember.

9 Q So it's possible that you said that?

10 A I don't remember saying that.

11 Q But is it possible that you said that?

12 A I don't believe so.

13 Q So Elaine Hopkins is lying in her article?

14 A I'm not -- I don't know.

15 Q If you had said that and she is accurately
16 quoting you, why would you have said that?

17 A Why would I have said that?

18 Q Yeah.

19 A I don't know.

20 Q Because you told us today that you didn't
21 base your vote on the wishes of constituents, so why
22 would you have said that you did?

23 A I don't remember saying that.

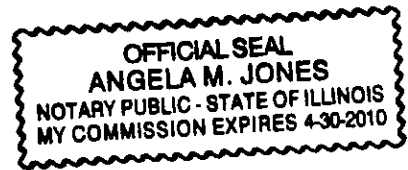
24 Q But if you had said it, is there a reason

1 why you would have said that?
 2 A Not that I know of.
 3 Q So, just to wrap this up -- and I don't
 4 mean to be argumentative with you, Mr. O'Neill, but is
 5 it your testimony that you don't remember whether you
 6 said it or not, or is it your testimony that you didn't
 7 say it?
 8 A I don't remember if I said it or not.
 9 MR. MUELLER: Thank you. That's all --
 10 hold on one second.
 11 MR. R. COULTER: We want the e-mails, want
 12 to be sure we have it for the record.
 13 MR. MUELLER: Mr. Brown, I don't think we
 14 got any e-mails from Mr. O'Neill, and he said he did
 15 turn them in. We'd reserve the right to reconvene
 16 assuming that that furnishes additional information
 17 which was not covered here today. Fair enough?
 18 MR. BROWN: Fair enough. I'll see what I
 19 can track down.
 20 MR. MUELLER: That's it then. Thank you,
 21 Mr. O'Neill.
 22 1:55 P.M.
 23
 24 (Further deponent saith not.)

1 STATE OF ILLINOIS)
) SS
 2 COUNTY OF TAZEWELL)
 3
 4 CERTIFICATE
 5
 6 I, Angela M. Jones, CSR-RPR, a Notary
 7 Public duly commissioned and qualified in and for the
 8 County of Tazewell, State of Illinois, do hereby certify
 9 that there came before me on September 27, 2006, at 416
 10 Main Street, Suite 1400, Peoria, Illinois, the following
 11 named person, to wit:
 12 THOMAS O'NEILL,
 13 a witness, who was by me first duly sworn to testify to
 14 the truth and nothing but the truth of his knowledge
 15 touching and concerning the matters in controversy in
 16 this cause, and that he was thereupon carefully examined
 17 upon his oath and his examination reduced to shorthand
 18 by means of stenotype and thereafter converted to
 19 typewriting using computer-aided translation by me.
 20 I also certify that the deposition is a
 21 true record of the testimony given by the witness.
 22 I further certify that I am neither
 23 attorney or counsel for nor related to or employed by
 24 any of the parties to the action in which this

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 27, 2006, at the time and place aforesaid, consisting of
 10 pages 1 through 41, 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 THOMAS O'NEILL
 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 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 October 2, 2006.
 7
 8
 9
 10
 11 Angela M. Jones, CSR-RPR
 12 Illinois CSR #084-003482
 13 Commission Expires 4/30/2010



#084-003482 [1] 44:12 \$400 [2] 11:20 11:21 '04 [1] 13:23 '06 [1] 13:24 '93 [1] 9:4 '94 [1] 9:8 '98 [1] 9:10 00 [1] 1:0 06-184 [2] 1:0 42:3 1 [6] 1:0 11:11 33:24 34:1 41:22 42:8 1,600 [1] 12:6 101 [1] 2:11 1400 [3] 1:0 2:7 43:10 16 [1] 8:9 2 [2] 12:5 44:6 20 [1] 25:6 2002 [3] 9:10 13:19 13:22 2005 [1] 15:11 2006 [7] 1:0 15:12 22:21 42:8 42:21 43:9 44:6 204 [1] 2:3 22 [1] 3:12 23 [2] 6:22 7:18 27 [4] 1:0 5:14 42:8 43:9 30 [5] 3:12 22:14 22:15 22:16 23:1 35 [1] 9:22 3rd [17] 15:11 16:17 24:10 24:12 24:18 24:20 24:20 25:4 25:11 25:22 26:2 26:14 28:2 28:5 35:1 38:11 38:21 4 [1] 3:4 4/30/2010 [1] 44:12 40 [1] 33:24 400 [1] 11:16 400,000 [1] 11:17 41 [1] 42:8 416 [3] 1:0 2:7 43:9 47 [1] 34:1 4908 [1] 5:9 4th [1] 38:21 51 [3] 7:13 7:15 7:16 528 [1] 2:3 55 [1] 41:22 5th [2] 22:21 38:21 61350 [1] 2:4 61550 [1] 2:12 61602 [1] 2:8 645-2157 [1] 6:4 65 [1] 9:21 697-9546 [1] 5:24	6th [16] 16:16 16:17 16:17 16:20 18:22 20:6 24:8 24:18 24:20 25:4 25:11 25:22 26:2 26:14 28:1 35:1 9/27/06 [1] 1:0 9th [4] 15:11 16:16 18:22 20:6 A.D [1] 42:21 accordance [1] 16:11 accurately [1] 40:15 action [2] 43:24 44:4 activity [1] 18:16 added [1] 14:9 additional [2] 26:1 41:16 Additionally [1] 4:23 address [6] 5:8 5:13 5:22 6:9 6:12 32:5 adult [1] 8:10 advice [1] 36:17 affect [2] 36:1 36:5 affidavit [1] 39:14 affix [1] 44:6 aforesaid [2] 42:8 42:10 again [4] 23:16 24:4 39:17 42:8 Against [2] 21:5 28:21 ago [1] 13:4 airport [1] 11:9 Akeson [2] 30:14 30:16 Allen [3] 35:10 35:12 37:8 Amy [1] 33:1 Andrew [1] 8:19 Angela [3] 1:0 43:6 44:11 answer [2] 5:5 37:20 answers [1] 4:20 anti-expansion [1] 34:4 anti-landfill [2] 10:15 21:19 aol.com [1] 6:15 appear [1] 23:2 APPEARANCES [1] 2:1 application [13] 4:11 10:7 11:4 12:21 15:14 19:24 21:24 22:4 26:21 27:8 31:23 35:16 37:10 appoint [2] 36:12 36:20 appointed [1] 9:4 appoints [1] 36:17	apprentice [1] 8:18 apprenticeship [2] 5:21 8:19 approval [1] 27:11 approximate [1] 11:6 April [16] 16:16 16:17 16:17 16:20 18:22 20:6 24:8 24:18 24:20 25:4 25:11 25:22 26:2 26:14 28:1 35:1 area [2] 8:13 14:7 areas [1] 14:8 argumentative [1] 41:4 article [5] 3:12 22:20 22:22 23:5 40:13 articles [1] 37:9 asbestos [1] 14:19 assistance [1] 29:11 Association [1] 8:6 assume [1] 5:6 assumed [1] 32:6 assuming [1] 41:16 attend [1] 26:13 attorney [2] 43:23 44:2 Attorney's [3] 19:19 19:21 20:3 auditor [4] 36:12 36:14 36:20 37:5 Auken [3] 33:11 33:15 33:17 author [1] 22:22 available [1] 39:11 aware [4] 10:19 11:3 26:6 26:9 away [4] 14:6 14:10 14:10 19:4 background [1] 5:19 balance [1] 14:13 Barb [2] 33:15 33:17 bargaining [2] 7:9 7:12 Bartonville [3] 11:8 14:10 14:11 base [2] 27:14 40:21 based [4] 14:16 23:5 24:18 25:18 basis [1] 28:4 became [1] 36:20 become [4] 10:10 26:9 36:2 36:6 becoming [1] 35:22 Behalf [2] 2:8 2:12 Beth [2] 30:16 33:11 better [1] 7:19 between [9] 18:22 20:5 24:17 24:19 25:11 25:22 26:2 28:1 35:1	bill [4] 12:8 31:2 31:3 33:3 billboard [1] 34:4 billboards [1] 21:19 bit [1] 24:13 Black [2] 2:11 2:11 Bluffs [1] 8:1 Blumenshine [3] 17:24 18:2 20:12 board [25] 1:0 1:0 4:11 6:10 9:1 13:22 15:24 21:2 28:8 32:7 32:11 33:19 35:15 35:18 35:22 36:2 36:6 36:9 36:11 36:13 36:15 36:16 36:17 37:17 42:4 boundaries [3] 11:6 14:2 14:5 break [1] 33:23 BRIAN [1] 2:6 bring [1] 37:14 Brothers [1] 8:18 Brown [7] 2:10 2:11 28:6 28:10 37:16 41:13 41:18 Bucklar [2] 30:18 30:20 buildings [1] 7:2 button [1] 17:13 C [1] 31:3 C's [3] 31:7 31:11 31:16 calls [10] 6:24 7:2 20:5 20:9 20:12 20:15 21:23 24:23 25:3 27:16 Camelot [2] 11:9 11:10 campaign [4] 11:12 11:24 12:15 29:10 campaigned [1] 10:14 cannot [1] 4:24 capacity [1] 7:6 Cara [1] 32:23 care [1] 34:17 carefully [1] 43:16 case [4] 4:13 16:15 20:22 27:15 cast [1] 9:24 Cathy [1] 33:5 cell [2] 6:1 6:5 certain [1] 15:13 CERTIFICATE [1] 43:4 certify [4] 42:7 43:8 43:20 43:22 chairman [10] 12:15 12:16 12:17 35:22 36:2 36:6 36:11 36:16 36:16 36:20 chairmanship [1] 36:9	change [3] 24:17 25:22 35:7 changed [4] 14:12 23:14 35:4 40:2 changes [1] 14:4 charge [2] 28:15 28:23 check [1] 42:12 checked [1] 17:17 chest [1] 12:6 children [2] 5:17 8:11 Chitwood [1] 12:18 Chris [2] 2:18 32:19 Church [2] 29:5 29:8 Citizens [1] 28:18 City [5] 6:17 6:21 7:16 7:17 33:18 clear [2] 4:21 5:1 clinic [1] 29:11 club [5] 18:12 18:15 21:6 31:3 31:5 collective [2] 7:9 7:12 Columbus [3] 2:3 31:5 31:6 commencing [1] 1:0 comments [1] 39:7 Commission [2] 42:24 44:12 commissioned [1] 43:7 committee [2] 12:12 16:18 communication [2] 4:23 31:12 communications [3] 15:12 15:18 16:14 Company [3] 1:0 12:23 42:1 complete [1] 42:9 component [1] 14:24 computer-aided [1] 43:19 concerning [1] 43:15 conditions [1] 27:11 connection [3] 13:9 36:8 38:8 consent [1] 36:17 consider [2] 16:3 28:2 considered [5] 24:20 25:23 26:2 26:3 27:21 consisting [1] 42:8 constituents [3] 22:8 23:13 23:17 24:5 24:19 39:18 39:24 40:21 contact [2] 18:9 18:12
--	--	---	--	--

contacted [3] 23:12 39:24 40:3	depositions [1] 1:0	44:2	finish [2] 4:19 4:20	hold [1] 41:10
contributions [1] 29:11	Diane [1] 33:9	employee [1] 44:2	first [11] 4:3 9:3 14:1 15:16 15:22 16:7 16:18 25:17 27:18 39:16 43:13	Hollis [1] 11:11
CONTROL [1] 1:0	difference [1] 39:22	employment [1] 14:16	fliers [1] 27:6	home [5] 5:17 5:23 6:12 17:2 18:21
controversy [1] 43:15	different [5] 11:1 16:15 35:4 35:6 37:21	employs [1] 10:19	follow [1] 16:10	Hopkins [4] 38:3 38:23 39:14 40:13
Converse [3] 20:19 30:22 30:24	Disposal [3] 1:0 12:22 42:1	Environment [1] 28:18	following [1] 43:10	hospital [2] 29:12 29:15
converted [1] 43:18	district [10] 8:1 9:24 11:7 13:15 14:2 14:5 14:13 21:9 21:20 26:4	erased [2] 17:11 17:12	follows [1] 4:4	hour [1] 1:0
convince [1] 32:8	doctor [1] 29:12	errata [1] 42:13	food [1] 12:11	house [3] 20:21 20:24 27:7
Cook [2] 31:2 31:3	Dollars [1] 11:18	escaping [1] 15:3	foregoing [1] 42:7	IBEW [1] 7:13
correct [18] 7:7 8:23 9:11 9:17 9:18 10:2 24:8 24:9 24:11 26:4 26:5 27:11 27:12 27:17 27:18 38:12 38:13 42:9	donations [1] 12:1	ESQUIRE [4] 2:3 2:6 2:6 2:10	forgot [1] 23:22	idea [1] 9:23
corrections [1] 42:14	down [6] 4:17 4:24 10:13 11:11 40:5 41:19	evening [1] 38:21	form [1] 17:14	identification [1] 22:17
Coulter [4] 2:18 2:18 13:12 41:11	Dr [8] 29:24 30:2 30:4 30:6 30:8 30:10 30:12 30:14	evidence [2] 37:15 38:1	forward [1] 36:23	Illini [1] 8:1
Council [1] 33:18	Dries [1] 8:18	exact [2] 40:5 40:6	four-year [1] 5:20	Illinois [11] 1:0 1:0 1:0 2:4 2:8 2:12 8:5 43:1 43:8 43:10 44:12
counsel [2] 43:23 44:2	duly [3] 4:3 43:7 43:13	exactly [1] 39:15	frame [1] 16:8	important [1] 4:18
counted [2] 21:18 25:5	Duncan [4] 25:16 34:8 34:9 34:10	examination [4] 1:0 3:4 4:5 43:17	free [1] 16:3	include [1] 32:14
county [28] 1:0 1:0 4:11 6:10 9:1 13:22 15:24 17:3 17:4 17:7 17:14 17:15 17:17 17:20 25:18 25:21 26:23 28:8 33:19 35:22 36:2 36:6 36:9 36:11 36:13 42:4 43:2 43:8	during [3] 10:7 39:6 39:18	examined [2] 4:4 43:16	friends [1] 6:7	including [1] 11:10
couple [3] 13:16 21:10	Durkin [1] 34:7	example [1] 10:22	fund-raiser [1] 12:11	inclusive [1] 42:8
court [2] 1:0 4:17	duties [2] 6:23 6:24	excuse [1] 34:9	fund-raisers [1] 12:1	INDEX [1] 3:1
covered [1] 41:17	e-mail [5] 6:9 6:12 16:14 17:3 17:13	exhibit [4] 3:12 22:12 22:16 23:1	furnishes [1] 41:16	individual [1] 22:3
CSR [2] 1:0 44:12	e-mails [9] 16:23 17:5 17:15 17:18 17:21 27:16 27:19 41:11 41:14	EXHIBITS [1] 3:11	future [1] 8:22	individuals [1] 20:8
CSR-RPR [2] 43:6 44:11	East [1] 12:20	exits [1] 29:2	gain [1] 16:7	inform [1] 37:24
date [1] 16:18	Education [1] 8:5	expansion [11] 4:10 10:7 10:15 11:4 16:3 16:24 20:22 31:13 31:15 36:1 36:5	garage [1] 13:7	information [9] 19:12 19:13 24:19 26:1 27:14 27:20 28:1 35:15 41:16
dated [1] 22:21	educational [1] 5:19	explore [1] 39:21	general [4] 6:23 6:24 9:15 9:16	instead [1] 14:8
Dave [1] 32:14	Edwards [3] 20:14 20:24 21:6	express [6] 10:6 16:2 31:22 32:8 33:20 34:13	GEORGE [1] 2:3	intend [1] 11:21
David [2] 2:10 37:1	election [5] 9:15 9:24 11:22 13:20 13:21	expressed [1] 34:18	gestures [1] 4:24	interested [4] 35:21 35:23 37:5 44:3
decision [4] 22:7 27:14 27:21 34:19	Electric [2] 8:20 13:7	expressions [1] 31:12	given [4] 18:18 42:7 42:9 43:21 43:21	interview [3] 38:15 39:4 39:6
decision-making [2] 28:7 37:17	electrical [2] 5:20 8:19	fact [1] 24:3	goes [2] 28:6 37:16	interviewed [3] 38:8 38:24 39:10
delete [1] 17:13	elected [2] 9:3	fair [3] 5:6 41:17 41:18	grand [1] 12:5	issues [1] 15:2
delved [1] 37:18	election [5] 9:15 9:24 11:22 13:20 13:21	faithful [1] 16:11	ground [1] 4:15	IV [1] 8:17
democrat [1] 9:17	Electrician [4] 6:19 6:19 8:20 15:8	familiar [1] 23:2	groups [1] 15:13	J [1] 2:6
democrat/republican [1] 14:13	Electricians [1] 7:15	familiarity [1] 23:5	guess [1] 10:11	JANAKI [1] 2:6
Democratic [1] 31:21	Elias [1] 2:7	Families [2] 21:5 28:21	H [1] 4:8	Jane [1] 30:24
democrats [1] 37:4	Elmo [1] 32:21	family [2] 13:13 29:23	hand [2] 7:1 44:6	Jean [1] 32:21
deponent [1] 41:24	employed [5] 6:16 6:20 7:22 43:23	far [1] 11:13	handful [1] 21:12	Jeff [1] 30:14
depose [1] 39:13		February [2] 26:16 26:19	Harant [1] 31:18	job [5] 6:23 7:4 13:10 22:7 22:10
deposition [9] 1:0 4:12 29:3 33:8 39:19 42:7 42:9 43:20 44:1		felt [2] 22:11 34:22 31:9	hazardous [2] 14:17 15:9	jobs [1] 36:8
		few [2] 21:17 8:17	head [1] 10:13	John [1] 30:2
		fifth-year [1] 8:17	heard [5] 28:14 28:20 28:22 37:6 37:7	Jones [3] 1:0 43:6 44:11
		filed [1] 12:22	hearing [1] 15:18	Journal [4] 3:12 22:21 38:4 38:9
		fill [1] 9:5	hearings [7] 26:11 26:13 26:15 26:19 35:14 37:12 37:22	Joyce [4] 17:23 18:2 20:12 31:18
		finance [3] 12:14 12:16 12:17	Heath [4] 25:16 34:10 34:15 34:18	Judy [4] 25:16 34:7 34:9 34:10
		financially [1] 44:3	hereby [2] 42:7 43:8	June [1] 19:23
			herein [1] 1:0	K [4] 31:3 31:7 31:11 31:16
			hereto [1] 44:3	
			hereunto [1] 44:5	
			hesitated [1] 24:13	
			hesitation [1] 28:4	
			High [1] 5:20	
			Hit [1] 17:13	

keep (1) 19:3	may (22) 15:11 16:17	25:8 25:10 34:6	opinion (9) 10:6	person-to-person (1) 38:17
Kent (1) 37:8	18:1 21:10 22:21	neither (1) 43:22	31:12 31:22 32:8	personally (2) 13:13
Keystone (2) 26:4	23:21 24:10 24:12	never (13) 15:23	33:20 34:13 34:18	25:10
34:4	24:18 24:20 24:20	17:17 17:19 20:17	35:9 35:19	pertain (1) 1:0
Kim (2) 20:19 30:22	25:4 25:11 25:22	20:24 21:7 21:18	opinions (2) 16:2	Peter (1) 32:16
kind (1) 39:21	26:2 26:14 28:1	23:18 25:5 27:18	16:4	Petitioner (3) 1:0
knew (3) 11:2	28:5 35:1 38:11	34:18 35:12 39:19	opponent (2) 10:4	2:8 42:2
27:10 34:21	38:21 38:21	new (1) 14:2	10:10	phone (11) 6:1
Knights (2) 31:5	Mayer (2) 35:10	newspaper (1) 37:9	opposed (2) 21:8	6:3 6:5 6:8
31:6	37:8	next (1) 22:12	34:21	20:11 20:15 24:23
knowledge (4) 14:17	Mayvis (1) 33:13	nominate (1) 36:23	opposition (3) 9:12	25:3 27:16 38:18
16:10 29:22 43:14	McGee (1) 30:12	nomination's (1) 36:15	9:20 10:2	39:2
known (2) 34:11	McLean (1) 30:2	nonverbal (1) 4:23	order (1) 39:15	place (2) 38:15 42:8
38:5	McRae (1) 30:8	nor (1) 43:23	organization (4) 28:12 28:17 28:20	platform (1) 10:15
Koerner (1) 8:20	mean (3) 35:3 35:6	Normally (1) 40:4	28:24	plumber (1) 8:17
Lake (2) 11:9 11:10	41:4	north (2) 14:7 14:7	OSF (1) 29:17	Plumbing (1) 8:18
landfill (15) 4:10	meaning (2) 23:21	notarial (1) 44:6	Ottawa (1) 2:4	point (1) 35:21
10:7 12:23 15:14	26:11	Notary (3) 1:0	outside (4) 15:18	POLLUTION (1) 1:0
18:10 18:13 20:6	means (3) 4:19	42:23 43:6	18:6 18:9 18:13	portion (3) 22:20
20:22 21:9 21:23	9:9 43:18	noted (1) 42:14	outstanding (1) 12:8	37:14 37:23
26:7 27:8 31:13	medical (2) 29:11	notes (1) 21:22	own (1) 17:18	position (5) 10:17
36:1 37:10	29:19	nothing (1) 43:14	Ozuna-Thornton (1) 32:19	23:9 24:6 37:5
last (4) 9:24 13:16	meeting (5) 18:3	notice (1) 1:0	P.C (1) 2:7	39:15
13:20 13:21	18:7 29:4 29:7	November (4) 15:11	p.m (4) 1:0 33:24	possible (2) 40:9
lead (4) 6:19 14:21	38:11	16:16 18:22 20:6	34:1 41:22	40:11
15:6 36:19	meetings (2) 18:10	now (7) 10:19 12:7	Page (1) 3:3	power (1) 36:12
least (3) 11:3 16:1	18:13	12:21 22:2 22:6	pages (1) 42:8	present (2) 2:17
25:18	Meginnes (4) 2:6	37:12 39:13	paid (1) 12:9	38:23
left (2) 20:17 21:3	2:7 29:2 33:7	number (8) 4:16	pamphlets (1) 27:7	primary (2) 9:15
Leiter (1) 13:6	member (6) 7:9	5:23 6:3 6:6	Pardon (1) 11:19	10:11
letter (4) 31:24 32:1	7:14 8:4 8:24	10:19 10:22 22:13	Parker (1) 30:8	print (1) 17:14
32:3 32:6	32:11 37:18	23:1	part (2) 7:20 22:6	printed (2) 17:15
letters (6) 18:21	members (10) 13:12	numbers (2) 13:24	part's (1) 27:18	23:7
18:24 19:10 19:17	13:23 15:13 15:24	14:14	partial (2) 27:15	prints (1) 17:20
20:2 27:16	21:2 28:8 29:23	O'Neill (19) 1:0	27:22	pro (1) 10:15
life (1) 7:20	32:7 35:15 35:18	1:0 3:4 4:2	particular (1) 20:8	proceedings (2) 33:24
lights (1) 7:2	mental (2) 28:7	4:8 4:9 5:8	parties (2) 43:24	37:19
Limestone (2) 11:8	37:17	6:16 8:24 15:16	44:3	process (2) 4:11
11:10	mercury (3) 14:22	22:19 27:13 31:8	parts (2) 27:4 27:5	19:24
Lisa (1) 32:16	14:24 15:3	34:3 41:4 41:14	Party (1) 31:21	processes (2) 28:7
listen (1) 16:3	Methodist (1) 29:15	41:21 42:17 43:12	paused (1) 24:14	37:17
live (3) 5:15 8:13	might (1) 34:22	oath (5) 4:4 5:3	PCB (2) 1:0 42:3	program (1) 5:21
12:19	Mike (1) 10:5	24:3 42:9 43:17	PDC (6) 2:18 2:18	promise (1) 37:1
lived (2) 5:12 34:11	mind (1) 39:22	Objection (2) 28:6	4:10 10:19 11:4	promised (2) 36:8
Local (2) 7:13	misquoted (1) 23:9	37:16	26:7	36:22
7:15	money (4) 11:12	obviously (1) 39:13	pending (1) 10:8	public (4) 1:0
look (1) 21:4	11:24 18:18 18:19	October (1) 44:6	15:3 15:23 16:24	15:13 42:23 43:7
Lorenz (1) 29:24	month (1) 31:9	odd (1) 13:23	18:22 35:3 35:4	publication (1) 39:11
lying (2) 24:6 40:13	Morton (1) 2:12	off (1) 39:7	35:7	purpose (1) 13:5
M (4) 1:0 8:19	most (1) 7:4	office (7) 7:3	parties (2) 43:24	pursuant (1) 1:0
43:6 44:11	MS (1) 22:14	19:19 19:21 20:3	44:3	put (5) 21:5 23:17
mail (2) 27:7 27:19	Mueller (13) 2:3	23:18 24:5 39:18	parts (2) 27:4 27:5	24:5 39:18 40:4
Main (4) 1:0 2:7	3:4 4:6 22:12	Offutt (2) 32:16	Party (1) 31:21	qualified (1) 43:7
2:11 43:10	22:15 22:18 28:9	32:17	paused (1) 24:14	questions (2) 4:10
major (2) 14:4	28:11 33:23 34:2	often (1) 31:7	Peoria (19) 1:0	4:19
26:6	41:9 41:13 41:20	once (1) 38:10	1:0 1:0 2:8	quite (2) 21:17 24:13
March (1) 10:12	NAIR (2) 2:6	one (19) 4:16 4:18	3:12 5:10 6:17	quote (1) 39:16
margin (1) 9:19	22:14	6:13 10:17 20:4	6:21 8:13 8:24	quoted (2) 22:22
mark (1) 22:15	name (4) 4:7 24:14	27:4 27:5 27:15	12:20 12:22 21:5	23:15
marked (2) 22:16	32:5 36:23	27:22 34:14 34:14	22:20 28:20 29:19	quotes (1) 40:5
23:1	named (1) 43:11	34:17 36:16 37:11	42:1 42:4 43:10	quoting (1) 40:16
materials (2) 14:17	names (1) 8:15	37:14 37:23 39:18	period (2) 16:16	R (1) 41:11
15:9	need (1) 39:21	41:10 42:12	16:17	
matters (1) 43:15	neighbor (1) 34:15	onto (1) 15:3	periods (1) 16:16	
	neighbors (4) 24:23		person (5) 32:12	
			36:19 39:2 40:6	
			43:11	

race [1] 14:1	38:4	sit [1] 22:2	taking [1] 1:0	treated [1] 29:23
races [1] 9:20	reporters [1] 40:4	sites [1] 7:4	tape [1] 39:4	true [3] 25:19 42:9
raised [1] 12:1	reports [2] 25:19	siting [1] 26:21	Tazewell [3] 1:0	43:21
Ralph [1] 30:24	27:3	Smith [1] 30:10	43:2 43:8	truth [2] 43:14 43:14
re-elected [2] 9:9	represent [1] 22:7	Society [1] 29:20	teacher [1] 8:3	try [2] 16:10 32:8
35:22	Rescue [1] 28:13	sometime [1] 38:21	teachers [1] 8:4	turn [3] 19:20 20:2
re-election [5] 11:13	reserve [1] 41:15	Somewhere [1] 9:21	Teamsters [3] 10:23	41:15
12:2 12:12 12:15	Respondent [3] 1:0	sorry [1] 20:15	11:2 11:3	turned [3] 17:8
14:1	2:12 42:5	South [1] 2:11	Ted [1] 30:22	19:5 19:18
read [18] 15:23 19:7	return [1] 32:5	special [1] 14:17	telephone [3] 5:23	two [6] 9:19 16:15
26:18 26:21 26:23	returns [1] 33:7	specific [2] 22:3	20:5 21:22	25:12 27:3 34:6
27:1 27:4 27:18	Riffle [1] 2:7	27:24	telling [1] 39:23	38:14
31:24 32:4 35:14	right [8] 12:7 16:21	specifically [2] 23:15	temporarily [1] 29:2	typewriting [1] 43:19
37:9 37:13 37:13	22:11 23:4 34:16	35:2	term [1] 9:5	unaware [1] 10:14
37:22 37:23 39:16	34:19 36:19 41:15	speed [1] 37:15	terms [1] 14:13	under [2] 5:3
42:7	river [2] 11:11 28:13	spend [1] 11:22	Tessie [1] 30:18	24:2
reading [4] 19:8	Roach [2] 32:21	spent [1] 11:12	testified [1] 4:4	understand [6] 5:3
19:9 19:10 27:15	32:21	SS [1] 43:1	testify [3] 16:1	22:6 22:10 27:13
really [3] 27:18	Rodney [1] 29:24	St [1] 29:8	24:2 43:13	39:9 39:15
38:16 39:1	room [1] 4:17	staff [10] 25:18	testimony [4] 23:18	understood [2] 5:6
reason [1] 40:24	Rosson [1] 32:23	26:23 27:3 27:10	41:5 41:6 43:21	16:1
receive [8] 15:12	Rotherham [1] 37:8	27:15 27:22 29:14	Thank [3] 28:10	unexpired [1] 9:5
15:18 16:14 17:2	ROYAL [1] 2:18	29:17 37:14 37:23	41:9 41:20	union [5] 7:19
20:5 20:14 20:19	RPR [1] 1:0	staff's [1] 25:21	thereafter [1] 43:18	8:5 8:21 10:20
27:6	rules [2] 1:0 4:15	Star [4] 3:12 22:21	thereupon [1] 43:16	11:1
received [5] 16:23	run [2] 13:23 13:24	38:4 38:9	thinking [1] 24:24	unit [3] 7:10 7:12
20:9 20:11 28:1	s [1] 42:13	started [1] 19:17	Thomas [9] 1:0	8:1
29:10	saith [1] 41:24	State [4] 1:0 4:7	1:0 3:4 4:2	Unitarian [1] 29:5
recently [1] 12:24	saw [2] 21:11 21:15	43:1 43:8	4:8 8:17 29:8	Universalist [1]
Recess [1] 33:24	Schlicksup [1] 33:1	State's [3] 19:19	42:17 43:12	29:5
recommendations [1]	school [2] 5:20	19:21 20:3	thought [2] 19:13	up [6] 10:13 16:10
25:22	8:1	statement [4] 23:19	22:11	21:5 34:16 37:15
recommended [1]	schoolteacher [1]	24:22 25:1 25:2	through [10] 4:12	41:3
27:10	8:8	stenotype [1] 43:18	8:19 15:11 16:16	user [1] 26:6
reconvene [1] 41:15	Scott [1] 33:3	Steve [4] 12:18	16:17 17:4 18:3	using [1] 43:19
record [5] 39:4	seal [1] 44:6	25:16 34:9 34:15	31:21 33:18 42:8	Van [3] 33:11 33:15
39:7 39:10 41:12	second [2] 5:22	Steven [1] 30:10	throw [1] 19:3	33:17
43:21	41:10	Stevenson [1] 33:5	Tietjen [1] 10:5	various [1] 15:12
recorder [1] 39:4	see [4] 21:8 21:13	still [3] 5:17 10:8	times [4] 9:13	victory [1] 9:19
redistricted [1] 13:16	34:6 41:18	19:24	20:2 31:9 38:7	Vidas [1] 30:4
reduced [1] 43:17	seeing [1] 34:3	stop [1] 19:10	today [3] 4:10	view [2] 12:22 14:12
regard [1] 27:7	Seghetti [1] 2:7	Storey [1] 33:9	40:20 41:17	Village [3] 11:8
regarding [6] 15:13	September [3] 1:0	Street [5] 1:0	togo789 [1] 6:15	14:9 14:11
16:24 20:6 20:22	42:7 43:9	2:3 2:7 2:11	Tom [3] 20:14 21:6	visited [1] 21:2
22:3 31:12	set [1] 44:5	43:10	30:20	voicemail [1] 20:17
registered [3] 14:14	share [1] 6:13	streetlights [1] 7:2	took [4] 14:6 14:10	vote [19] 16:19 23:14
related [1] 43:23	sheet [1] 42:13	stuff [2] 17:10 40:4	15:22 38:15	24:8 24:14 24:17
relative [1] 44:2	shifted [1] 13:15	submitted [1] 42:13	total [1] 9:23	24:23 25:18 31:23
remember [40] 9:21	short [1] 33:23	subscribe [1] 42:8	touching [1] 43:15	32:9 32:12 34:24
13:6 16:8 16:9	shorthand [1] 43:17	SUBSCRIBED [1]	towards [1] 11:11	35:4 35:7 35:11
16:19 17:23 19:16	show [1] 22:19	42:20	Township [2] 11:8	35:12 36:1 36:5
20:1 20:8 20:11	shred [2] 19:7	such [1] 4:23	11:10	40:2 40:21
22:2 23:20 23:21	19:8	suite [6] 1:0 2:3	Toxic [2] 21:5	voted [9] 23:16
23:23 23:24 24:12	shredded [2] 19:6	2:7 29:3 33:8	28:21	23:17 24:4 24:4
24:15 25:13 26:12	19:9	43:10	track [1] 41:19	24:10 34:15 34:20
27:2 27:9 27:24	shredding [1] 19:17	supervisor's [1]	trades [1] 11:1	39:17 39:17
34:3 35:1 35:3	Sierra [3] 18:12	7:6	training [1] 15:9	voters [1] 14:14
35:5 35:6 38:16	18:15 21:6	supported [1] 11:4	transcript [2] 42:7	votes [2] 9:24 36:13
38:17 38:19 38:20	signal [2] 6:19	supposed [2] 15:17	42:9	voting [1] 34:14
38:22 39:1 39:20	7:2	15:19	transcripts [4] 26:18	vs [2] 1:0 42:3
39:23 40:8 40:10	Significant [1] 10:22	Supreme [1] 1:0	35:14 37:13 37:23	wait [2] 4:19 4:20
40:23 41:5 41:8	signs [2] 21:8 21:13	sworn [4] 4:1	transformers [2]	Wanda [1] 5:9
report [6] 25:18		4:3 42:20 43:13	15:1 15:2	wanting [2] 36:1
26:23 27:16 27:22			translation [1] 43:19	36:5
37:14 37:24				war [1] 12:6
reporter [5] 4:17				
23:19 24:2 25:17				

Waste [2] 21:5
 28:21
websites [2] 21:4
 21:7
Wednesday [1] 1:0
west [3] 5:9 11:9
 11:9
whereof [1] 44:5
whichever [1] 34:20
whole [2] 16:19
 36:17
wife [4] 5:16 6:13
 7:22 8:10
Williams [2] 32:14
 37:2
wishes [6] 22:7
 23:17 24:4 24:18
 39:17 40:21
wit [1] 43:11
Withdrawn [1] 28:9
without [2] 19:8
 19:9
witness [8] 1:0
 3:3 4:1 4:3
 37:19 43:13 43:21
 44:5
words [3] 5:1
 40:5 40:7
worked [1] 7:17
workers [3] 7:1
 8:22 10:20
works [1] 36:18
wrap [1] 41:3
writing [1] 40:5
wrote [3] 31:24
 32:1 32:3
yard [2] 21:8 21:13
year [3] 11:14 19:23
 38:6
years [6] 5:14 6:22
 7:18 8:9 13:4
 13:16
Young [1] 33:13
yourself [2] 37:15
 37:24
Zwicky [1] 30:6

Exhibit 5

Page 5

1 the appeal of Peoria Disposal Company of the actions or
 2 inaction of the County Board in this matter. You are
 3 under oath. Only one of us can speak at a time. If you
 4 don't understand my question, have me rephrase it, and
 5 I'll be happy to do so. Try to avoid nonverbal
 6 communication such as nodding your head or shaking your
 7 head because the court reporter can't take it down. And
 8 if you answer a question, I'm going to assume that you
 9 understood it and intended the answer. Is that fair,
 10 and do you understand that?
 11 A Yes.
 12 Q Very good. Ma'am, if I could have your
 13 address?
 14 A 1201 North Madison.
 15 Q In Peoria?
 16 A Yes.
 17 Q You are a member of the Peoria County
 18 Board?
 19 A Yes.
 20 Q And how long have you been a member of the
 21 board?
 22 A 20 years.
 23 Q Are you standing for election this
 24 November?

Page 6

1 A Yes.
 2 Q Do you have opposition?
 3 A No.
 4 Q What party are you in?
 5 A Democratic.
 6 Q What district are you from?
 7 A 3.
 8 Q Do you have a cell phone?
 9 A Yes.
 10 Q What's your cell phone number, ma'am?
 11 A 678-5603.
 12 Q And your home number?
 13 A 673-3853.
 14 Q Lynn, what's your highest level of
 15 education?
 16 A Sophomore, college.
 17 Q What college was that?
 18 A ICC.
 19 Q And what is your current profession?
 20 A I'm retired.
 21 Q How long have you been retired?
 22 A Since 1998.
 23 Q Lucky you.
 24 A Uh-huh.

Page 7

1 Q Before that, what was your profession?
 2 A I was a clerk at Caterpillar Tractor.
 3 Q Are you married?
 4 A No.
 5 Q Do you have any immediate family members
 6 who work for any of the hospitals in Peoria?
 7 A No.
 8 Q Have you ever worked for or had any
 9 professional relationship with any of the hospitals in
 10 Peoria?
 11 A No.
 12 Q Have you ever been a patient of Dr. McLean,
 13 Dr. Vidas, or Dr. Zwicky?
 14 A No.
 15 Q Have any of your immediate family members
 16 ever been a patient of any of those doctors?
 17 A Not that I'm aware of.
 18 Q Would the same be true for Dr. William
 19 Scott?
 20 A Yes.
 21 Q You've never been a patient of his either?
 22 A No.
 23 Q Are you a member or have you ever been a
 24 member of the Sierra Club?

Page 8

1 A No.
 2 Q Have you been a member of any other
 3 environmental organizations or other organizations that
 4 have an interest in environmental or ecological issues?
 5 A No.
 6 Q Have you ever been a patient of Dr. Parker
 7 McRae, Dr. Steven Smith, or Dr. Lorenz?
 8 A No.
 9 Q Have any of your family members ever been
 10 patients of any of those three doctors to your
 11 knowledge?
 12 A Not to my knowledge.
 13 Q Do you have any children, ma'am?
 14 A Yes.
 15 Q What are their ages?
 16 A Now, that's a good question. Let's see
 17 here. 38 and 43.
 18 Q Do either of them live in Peoria County?
 19 A Yes.
 20 Q In that case, could you give us their names
 21 and their employment?
 22 A Christian Pearson, and he works for
 23 District 150.
 24 Q In what capacity?

Page 9

1 A Janitor.
 2 Q All right. Your other child?
 3 A He's in Minneapolis, Minnesota.
 4 Q He's got winter coming.
 5 A Yes.
 6 Q Did you attend the public hearings on the
 7 Peoria Disposal Company application?
 8 A Yes.
 9 Q Did you attend all of them?
 10 A Yes.
 11 Q Did you also have an opportunity to review
 12 transcripts of the public hearings, or didn't you find
 13 that necessary?
 14 A I reviewed them briefly.
 15 Q During the period from November 1st of
 16 2005 -- make it from November 9th, 2005, until May 3rd
 17 of this year, did you receive any written communications
 18 from any person or group regarding this application?
 19 A Yes.
 20 Q Let's break it down by category. We found
 21 that to be more convenient for other witnesses. Did you
 22 receive e-mails?
 23 A Yes.
 24 Q And do you know approximately how many

Page 10

1 e-mails you would have received?
 2 A Somewhere -- probably 75 or 80.
 3 Q Did you read them all?
 4 A Yes.
 5 Q Did you respond to any?
 6 A No.
 7 Q Did you take into consideration the
 8 contents of any of those e-mails?
 9 A In what way? I read them and understood
 10 them, but that was pretty much it.
 11 Q In terms of the factual allegations that
 12 you might have found in some of those e-mails. Maybe I
 13 can distinguish a little bit. Some of the e-mails that
 14 we've seen are in the nature of, "Thank you for your no
 15 vote on April 6th. Keep up the good work." You
 16 probably recall receiving some of those?
 17 A I had some of those.
 18 Q And some of them are in the nature of,
 19 "Here's some additional facts that you should be aware
 20 of." I'm thinking specifically for Joyce Blumenshine
 21 and the Sierra Club sent some e-mails like that. Do you
 22 remember receiving some like that?
 23 A Yes.
 24 Q Did you take the contents of those into

Page 11

1 consideration in your deliberations?
 2 A No.
 3 Q Did you receive any letters?
 4 A Yes.
 5 Q Approximately how many letters would you
 6 have received?
 7 A Probably somewhere around 50.
 8 Q And with regard to the letters and e-mails
 9 that you got, did you keep them?
 10 A No.
 11 Q Why didn't you keep them?
 12 A I waited until after the April meeting and
 13 threw them all away. They took up a lot of space.
 14 Q Well, the e-mails would not have taken up a
 15 lot of space because they're on your computer, right?
 16 A Even on the computer they took up a lot of
 17 space.
 18 Q They were taking up a lot of space on your
 19 computer?
 20 A Yes.
 21 MR. MUELLER: The record should reflect the
 22 witness is nodding her head emphatically.
 23 Q Now, did you understand that you were free
 24 to disregard all communications that you received or

Page 12

1 that you should turn them over to the County or anything
 2 with regard to what to do with communications that you
 3 received?
 4 A With the e-mail.
 5 Q What was your understanding as to what to
 6 do with e-mails?
 7 A I forwarded to the comment part of the
 8 county computer.
 9 Q And would that have been the case with all
 10 of them that you received?
 11 A Yes.
 12 Q Now, when you say to the comment part of
 13 the county, can you direct me a little bit more
 14 specifically?
 15 A It was referred to as public comment, and I
 16 forwarded it to that.
 17 Q Was there actually a way that people could
 18 post public comment right on the Peoria County website?
 19 A My understanding was that, but I'm not that
 20 computer literate so --
 21 Q All e-mails you got, you sent them on to
 22 what you thought was some part of the county where they
 23 would be part of the public comment record?
 24 A Yes.

Page 13

1 Q And what was your understanding with regard
 2 to what to do with the letters?
 3 A I didn't have any understanding with what
 4 to do with the letters.
 5 Q Nobody ever told you to keep them, throw
 6 them away, or anything else with regard to them?
 7 A No.
 8 Q Did you also get any fliers on your
 9 doorstep, in your mailbox, et cetera?
 10 A I don't remember any.
 11 Q You know what I mean by fliers, little
 12 handouts, pamphlet-type things?
 13 A Yeah. I don't remember getting anything
 14 like that.
 15 Q Okay. Did you get any -- let's back up.
 16 In your district, were there yard signs
 17 opposed to the landfill?
 18 A I don't know.
 19 Q Did you see yard signs around town?
 20 A Yes.
 21 Q How many would you say that you noticed?
 22 I'm assuming you didn't count, so I'm just asking for an
 23 estimate.
 24 A Half a dozen, I guess. I really don't

Page 14

1 know. Being a politician, you notice all signs.
 2 Q Did you see any billboards?
 3 A Yes.
 4 Q How many billboards do you recall noticing?
 5 A Two.
 6 Q They were both opposed to the landfill?
 7 A Yes.
 8 Q Have you ever been at the Peoria Disposal
 9 facility?
 10 A No.
 11 Q Have you ever been at any other landfill?
 12 A Yes.
 13 Q That would be the City-County landfill?
 14 A Yes.
 15 Q When were you there, and for what reason?
 16 A I was there somewhere around 2000, 2001.
 17 Q Was that at the time when they were
 18 petitioning for expansion?
 19 A No. To be honest, we were out there for
 20 lunch, and then we took a tour.
 21 Q You sat on the County Board when that
 22 landfill petitioned for expansion, didn't you?
 23 A Yes.
 24 Q And how did you vote on that?

Page 15

1 A Yes.
 2 Q What was it about that landfill in your
 3 mind that made it more desirable than this one?
 4 MR. BROWN: Objection. The questions go to
 5 the mental processes and decision-making of the witness
 6 as part of her membership of the County Board and not
 7 something that's subject to inquiry in these
 8 proceedings. So I'm going to object and instruct the
 9 witness not to answer the question.
 10 MR. MUELLER: You know I have to try,
 11 Mr. Brown.
 12 MR. BROWN: I know.
 13 BY MR. MUELLER:
 14 Q Lynn, do you have any chairmanships on the
 15 Peoria County Board of any of its committees?
 16 A No.
 17 Q Have you ever been a committee chairman?
 18 A Yes.
 19 Q When was that?
 20 A All I can say is through the years of being
 21 on the board I've had chairmanships.
 22 Q Is there a reason why you're not holding
 23 one now?
 24 A Not that I know of.

Page 16

1 Q I think I asked you this. You are running
 2 for re-election, correct?
 3 A Yes.
 4 Q You're unopposed?
 5 A Yes.
 6 Q That is the best kind of re-election,
 7 right?
 8 A Yes, cheapest.
 9 Q Back to communications, did you receive any
 10 phone calls about the Peoria Disposal application?
 11 A Yes, I did.
 12 Q And approximately how many phone calls
 13 would you have received?
 14 A I suppose somewhere around maybe 40-plus, a
 15 lot of calls.
 16 Q That would be during the period when the
 17 application was pending?
 18 A Yes.
 19 Q And as you sit here now, do you remember
 20 any of them in particular in terms of who called you or
 21 what they might have said?
 22 A No.
 23 Q Do you know whether you ever got a call
 24 from Joyce Blumenshine?

1 A Yes.

2 Q When would Joyce Blumenshine have called

3 you?

4 A Sometime before the vote is all I can say.

5 Q Do you remember what she had to say?

6 A No. I believe it was a message on the

7 phone. A lot of them were that way, just saying to vote

8 no.

9 Q Did you return calls where messages were

10 left on your answering machine?

11 A No.

12 Q Do you know if you ever received a phone

13 call from Kim Converse?

14 A I don't remember a phone call from Kim.

15 Q Did you speak with her personally about the

16 application?

17 A No.

18 Q You're answering my questions as if you

19 know her.

20 A No. I only know her from the hearing. I

21 mean, I didn't know her before.

22 Q So you had no relationship with her before?

23 A Huh-uh.

24 Q And you don't have one now?

1 Q Did she ever express an opinion about the

2 merits of the application to you?

3 A Yes.

4 Q And what was her opinion?

5 A No.

6 Q Do you respect her opinion?

7 A Yes.

8 Q Do you know Barb Van Auken?

9 A Yes.

10 Q What's your relationship with her?

11 A She's a friend.

12 Q Also a long-time friend?

13 A No. Probably maybe just five or ten years.

14 Q For me, that would be a long-time friend.

15 Did she ever express to you any opinion

16 about the application?

17 A Not her opinion.

18 Q Did she ever encourage you to vote in a

19 particular way?

20 A No.

21 Q Did Mary Harkrader encourage you to vote in

22 a particular way?

23 A No.

24 Q Did you ever express to them before your

1 A No.

2 Q And you never had any one-on-one

3 conversations with her during the hearing that you

4 recall?

5 A No.

6 Q Did you ever have a meeting with any other

7 County Board members regarding the application other

8 than being at meetings of the board itself?

9 A No.

10 Q Do you know a Mary Harkrader?

11 A Yes, I do.

12 Q And how do you know her?

13 A She's a friend of mine.

14 Q How long has she been a friend?

15 A Oh, 30 years or so.

16 Q Long-time friend?

17 A Yes.

18 Q Did she ever talk to you about this

19 application?

20 A Other than to say it was a mess; and by

21 that, I mean the board and the hearings.

22 Q A mess in what way?

23 A I can only assume that she meant all of the

24 press and communication.

1 vote an opinion about how you were going to vote or what

2 you thought of the application?

3 A I don't remember doing that.

4 Q Lynn, going back for a second to meetings

5 with County Board members, during this process, did you

6 ever have any conversation with any other board member

7 about the merits of the application outside of the

8 actual hearing room?

9 A Yes.

10 Q Who did you have conversations with?

11 A Jim Thomas and Phil Salzer.

12 Q And was that all at the same time?

13 A No.

14 Q At separate times?

15 A Uh-huh.

16 Q Where did those conversations take place?

17 A After a meeting, after one of the committee

18 meetings.

19 Q But do you physically remember where?

20 A In the courthouse in the conference room.

21 Q And what was -- was your purpose in being

22 there for board business?

23 A Yes.

24 Q What did those two gentlemen say to you?

Page 21

1 A We were whining about all the reading we
 2 had to do.
 3 Q Did either of them express their opinion of
 4 the merits of the application?
 5 A Mr. Salzer said that he didn't think he
 6 could vote for it.
 7 Q Do you remember when that conversation was?
 8 A It would have had to have been -- I don't
 9 know -- March or April. I'm not sure because we're on
 10 committees together; and as I say, it wasn't a special
 11 occasion.
 12 Q Did he express to you why he thought he
 13 couldn't vote for it?
 14 A No.
 15 Q Did you express your opinions to him?
 16 A No.
 17 Q At that time, did you even have an opinion,
 18 or did you wait until all the evidence was in?
 19 A I waited until I had read everything that I
 20 could read.
 21 Q So Mr. Salzer, to your knowledge, was
 22 jumping the gun a little bit?
 23 A Possibly. I actually have no opinion on
 24 that.

Page 22

1 Q Do you remember what Mr. Thomas had to say
 2 to you?
 3 A We were whining -- honestly, we were
 4 whining.
 5 Q That's why you get paid the big money.
 6 A Yeah, the big bucks.
 7 Q Did Barb Van Auken ever express anyone
 8 else's opinion about the landfill application to you?
 9 A Yes.
 10 Q Who else's opinion did she express?
 11 A She simply said that her supporters were
 12 against it.
 13 Q She's a City Council person in Peoria?
 14 A Yes.
 15 Q Does her district overlap yours in any way?
 16 A No.
 17 Q Were you of the impression based upon the
 18 totality of the communications that you received that
 19 the majority of the public was against this application?
 20 A Yes.
 21 Q And did you feel that in casting your vote
 22 you were doing the will of the public?
 23 MR. BROWN: Objection. The question goes
 24 into the mental processes and decision-making of the

Page 23

1 County Board. I'm going to instruct the witness not to
 2 respond or answer that question.
 3 Q Let me ask it a different way.
 4 A While you're giving that thought, could I
 5 have a cup of coffee?
 6 Q Absolutely.
 7 (Pause in proceedings.)
 8 BY MR. MUELLER:
 9 Q We had a long session with Mr. Thomas
 10 yesterday morning about how County Board members
 11 understood their role in this process, and we talked
 12 about a County Board member being a legislator and
 13 having a legislative function. I take it you understand
 14 what that is?
 15 A (Nodding head up and down.)
 16 Q You're nodding your head yes.
 17 A Yes. I'm sorry. Yes.
 18 Q Then we also talked about a function in
 19 connection with these kinds of applications is for board
 20 members to sort of act like a judge, to weigh the
 21 evidence. Did you understand your responsibility in
 22 this case to be acting like a legislator, to make a
 23 policy decision, or like a judge, to make a decision
 24 based on evidence?

Page 24

1 A To be a judge, to make it based on the
 2 evidence that they had given us.
 3 Q And you also said that you waited to make
 4 up your mind until you had read everything that you
 5 could get your hands on; is that right?
 6 A Everything that was presented to me, yes.
 7 Q And that would include all of the e-mails
 8 that you got?
 9 A Oh, yes.
 10 Q Now, did you have an understanding when
 11 this hearing process started of whether you could or
 12 couldn't have communications with the various factions
 13 outside of the hearing process?
 14 A Say that again, please.
 15 Q I knew that I asked that in a bad way.
 16 What was your understanding or belief at
 17 the start of the hearing process about whether people
 18 with opinions on the application could communicate with
 19 you and whether you could communicate with them?
 20 A That I was not supposed to communicate with
 21 them.
 22 Q How about their communicating with you?
 23 A Yes. They could communicate with me. I'm
 24 a public servant.

Page 25

1 Q Does that mean then that you never
 2 discouraged anyone from delivering their opinions to
 3 you?
 4 A No.
 5 Q No, you didn't; or no --
 6 A No, I didn't.
 7 Q Okay. And in that regard, you took all of
 8 those communications into account as well; is that
 9 right?
 10 A I am not sure how to answer that because I
 11 read them, as we spoke of the e-mail; but as far as
 12 remembering every one and pulling everything together, I
 13 don't think so. I think that it was my duty to read
 14 them.
 15 Q I'm not asking if you remembered every
 16 specific one.
 17 A Oh, no. Thank you.
 18 Q And I'm sure that you gave more weight to
 19 some than to others because, you know, you get something
 20 from Tom Edwards, you may not consider it as much as
 21 something from the Sierra Club, right?
 22 A It's about 50/50 there.
 23 Q By the way, do you know Tom Edwards other
 24 than as a board member who listens to him make

Page 26

1 presentations?
 2 A No.
 3 Q Has he ever fixed your roof?
 4 A No.
 5 Q Did you ever receive any e-mails from Mary
 6 Harkrader?
 7 A Not that I can remember about that.
 8 Q She would have called you about this
 9 landfill, though?
 10 A I would think so.
 11 Q And you knew she was a strong opponent?
 12 A Yes.
 13 Q Did you ever have any meetings with any of
 14 the representatives of the opposition groups regarding
 15 the landfill?
 16 A No.
 17 Q Do you know whether Mary Harkrader was
 18 affiliated with Peoria Families Against Toxic Waste?
 19 A No, I don't.
 20 Q Let me run through some names of some
 21 individuals and see if you have a relationship with any
 22 of them.
 23 Have you ever made a donation to the Peoria
 24 Families Against Toxic Waste?

Page 27

1 A No.
 2 Q Has anyone from that organization ever made
 3 a donation to you?
 4 A No.
 5 Q Have you ever been at one of their
 6 meetings?
 7 A No.
 8 Q Have you ever been at a Sierra Club
 9 meeting?
 10 A In 1984, they had a Candidates Night, and I
 11 went.
 12 Q Have you ever received a donation from the
 13 Sierra Club?
 14 A Not that I can remember.
 15 Q Have you ever been to a meeting of River
 16 Rescue?
 17 A No.
 18 Q Have you ever been to any meetings or
 19 services at the Universalist Unitarian Church?
 20 A No.
 21 Q You're not a member of Saint Thomas Church,
 22 are you?
 23 A No.
 24 Q Have you ever received any campaign

Page 28

1 donations from any of the hospitals or medical
 2 organizations in Peoria County?
 3 A No.
 4 Q Do you know either Beth or Jeff Akeson?
 5 A No.
 6 Q You indicated you know Joyce Blumenshine?
 7 A Yes, I do.
 8 Q Did you know her before these hearings
 9 began?
 10 A Yes, I did.
 11 Q How did you know her?
 12 A Joyce and I are in the Peoria Democratic
 13 Women together, and I have also attended some Planned
 14 Parenthood functions.
 15 Q Do you consider Joyce a friend of yours?
 16 A Yes.
 17 Q And did you have any face-to-face
 18 conversations with her ever about her opposition to this
 19 landfill expansion?
 20 A Yes.
 21 Q How many times?
 22 A Once.
 23 Q When was that?
 24 A You know, I don't know. It was in passing.

Page 29

1 We were somewhere, and she stopped and gave me her
 2 opinion.
 3 Q And did you respond to that opinion?
 4 A I just said, "Thanks."
 5 Q Is she someone whose opinion you respect?
 6 A On Planned Parenthood.
 7 Q Does that mean you don't respect her
 8 opinion on landfill expansions?
 9 A Well, we'll just stick to on Planned
 10 Parenthood. You're right, I don't.
 11 Q You don't respect her opinion on landfill
 12 expansions; is that what you just said?
 13 A Yes.
 14 Q Do you know Tom Bucklar?
 15 A No.
 16 Q Do you know any members of the Converse
 17 family? We've already asked about Kim.
 18 A I briefly know Ralph. We all were on a
 19 Chamber of Commerce fly-in about seven years ago, and
 20 that's it.
 21 Q Do you know Bill Cook?
 22 A Evidently not well because I can't put a
 23 face with the name.
 24 Q He's an ICC professor.

Page 30

1 A He testified at the hearing; but other than
 2 that, I don't.
 3 Q Do you know Lisa or Peter Offutt?
 4 A No.
 5 Q Do you know Chris Ozuna-Thornton?
 6 A No.
 7 Q Do you know Cathy Stevenson?
 8 A No.
 9 Q Do you know Amy Schlicksup?
 10 A I don't think so.
 11 Q Do you know Cara Rosson?
 12 A No.
 13 Q Do you know Elmo or Jean Roach?
 14 A No.
 15 Q Do you know Diane Storey?
 16 A No.
 17 Q And do you know Mayvis Young?
 18 A Yes. She testified before the board. She
 19 came and spoke before the County Board.
 20 Q Other than that, do you know her?
 21 A No.
 22 MR. MUELLER: Let's take a two-minute
 23 break.
 24 (Recess in proceedings from 9:43 a.m.

Page 31

1 to 9:47 a.m.)
 2 BY MR. MUELLER:
 3 Q Lynn, I'm almost done, but I want to
 4 clarify something. I asked you some questions about
 5 Joyce Blumenshine, and you indicated that you knew her
 6 from, among other places, Planned Parenthood?
 7 A Uh-huh.
 8 Q Are you sure that you're not thinking of a
 9 Joyce Harant?
 10 A That's who it is, yeah, so Blumenshine --
 11 you're right. Joyce Harant was who I was talking about.
 12 Joyce Blumenshine --
 13 Q She's the Sierra Club leader.
 14 A Okay. She was -- in 1984, she had a
 15 fund-raiser for me, and I was the only one that came.
 16 Yeah, she did. She had the very first fund-raiser, and
 17 my sister and I were the only two there.
 18 Q Just to clarify, when you were talking
 19 about you respect her opinion on Planned Parenthood but
 20 not on landfills, you were talking about Joyce Harant?
 21 A Joyce Harant, yes.
 22 Q In the case of Joyce Blumenshine, did she
 23 ever communicate with you directly regarding this
 24 landfill?

Page 32

1 A Because she also came before the County
 2 Board and I walked in with her one time, and she told me
 3 then that she was against the expansion.
 4 Q Okay. And she is someone who actually
 5 tried to raise funds for you at one point in the past?
 6 A 1984.
 7 Q And because of her affiliation with Sierra
 8 Club, you respect her opinion on landfills?
 9 A Yes.
 10 Q Now, is the Moss-Bradley area part of your
 11 district?
 12 A No.
 13 Q Do you want to tell us your district
 14 boundaries, roughly?
 15 A Yeah. It would be roughly, because the
 16 maps are beautiful but they don't tell you much, from
 17 74, I go north to Prospect and from Nebraska to the
 18 river.
 19 Q Have you ever been to a meeting of the
 20 Moss-Bradley Homeowners Association?
 21 A Only as a candidate. They have Candidate
 22 Nights.
 23 Q So that would mean four years ago you might
 24 have been there?

1 A Yes.
 2 Q Do you know a Rodney Lorenz?
 3 A Not that I can think of. It might have
 4 been one of the people I talked to, but he's not a
 5 personal friend.
 6 Q You don't remember any specific
 7 conversations with him?
 8 A No.
 9 MR. MUELLER: I'm getting faster and faster
 10 at this. We have no more questions.
 11 MR. BROWN: You're done.
 12 9:50 A.M.

(Further deponent saith not.)

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

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 33, 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.

Please check one:

I have submitted errata sheet(s).

No corrections were noted.

LYNN SCOTT PEARSON

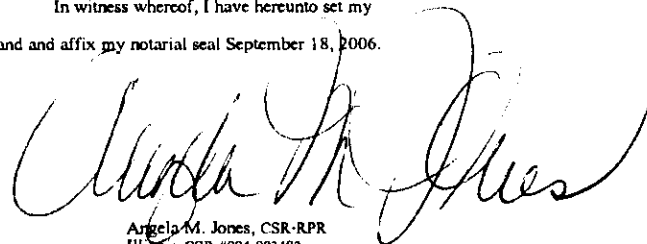
20 SUBSCRIBED AND SWORN TO
 21 before me this day
 22 of , A.D. 2006.

Notary Public

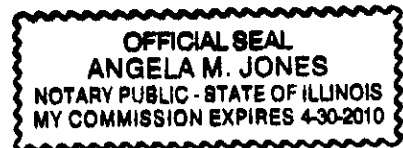
24 My Commission expires _____.

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.



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



#084-003482 (1) 36:12	action (2) 35:24 36:4	Barb (2) 19:8 22:7	chairman (1) 15:17	consideration (2) 10:7 11:1
05 (1) 1:0	actions (1) 5:1	based (3) 22:17 23:24 24:1	chairmanships (2) 15:14 15:21	consisting (1) 34:8
06-184 (2) 1:0	actual (1) 20:8	beautiful (1) 32:16	Chamber (1) 29:19	contents (2) 10:8 10:24
1 (1) 34:8	additional (1) 10:19	began (1) 28:9	cheapest (1) 16:8	CONTROL (1) 1:0
101 (1) 2:11	address (1) 5:13	Behalf (2) 2:8 2:12	check (1) 34:12	controversy (1) 35:15
1201 (1) 5:14	addressed (1) 4:15	belief (1) 24:16	child (1) 9:2	convenient (1) 9:21
13 (3) 1:0 34:8	affiliated (1) 26:18	best (1) 16:6	children (1) 8:13	conversation (2) 20:6 21:7
13 35:9	affiliation (1) 32:7	Beth (1) 28:4	Chris (1) 30:5	conversations (5) 18:3 20:10 20:16 28:18 33:7
1400 (3) 1:0 2:7	affix (1) 36:6	big (2) 22:5 22:6	Christian (1) 8:22	Converse (2) 17:13 29:16
150 (1) 8:23	affiliation (1) 32:7	Bill (2) 2:18 29:21	Church (2) 27:19	converted (1) 35:18
18 (1) 36:6	affix (1) 36:6	billboards (2) 14:2 14:4	City (1) 22:13	Cook (1) 29:21
1984 (3) 27:10 31:14	affix (1) 36:6	bit (3) 10:13 12:13 21:22	City-County (1) 14:13	correct (2) 16:2 34:9
1998 (1) 6:22	affix (1) 36:6	Black (2) 2:11 2:11	clarify (2) 31:4 31:18	corrections (1) 34:14
1st (1) 9:15	ages (1) 8:15	Blumenshine (8) 10:20 16:24 17:2 28:6 31:5 31:10 31:12 31:22	clerk (1) 7:2	Council (1) 22:13
20 (1) 5:22	ago (2) 29:19 32:23	board (24) 1:0 1:0 5:2 5:18 5:21 14:21 15:6 15:15 15:21 18:7 18:8 18:21 20:5 20:6 20:22 23:1 23:10 23:12 23:19 25:24 30:18 30:19 32:2 34:4	Club (7) 7:24 10:21 25:21 27:8 27:13 31:13 32:8	counsel (2) 35:23 36:2
2000 (1) 14:16	agreement (1) 4:12	boundaries (1) 32:14	coffee (1) 23:5	count (1) 13:22
2001 (1) 14:16	Akeson (1) 28:4	break (2) 9:20 30:23	college (2) 6:16 6:17	county (24) 1:0 1:0 5:2 5:17 8:18 12:1 12:8 12:13 12:18 12:22 14:21 15:6 15:15 18:7 20:5 23:1 23:10 23:12 28:2 30:19 32:1 34:4 35:2 35:8
2005 (2) 9:16 9:16	allegations (1) 10:11	BRIAN (1) 2:6	Columbus (1) 2:3	couple (1) 4:23
2006 (5) 1:0 34:8 34:21 35:9 36:6	almost (1) 31:3	briefly (2) 9:14 29:18	coming (1) 9:4	court (2) 1:0 5:7
204 (1) 2:3	among (1) 31:6	Brown (7) 2:10 2:11 15:4 15:11 15:12 22:23 33:11	commencing (1) 1:0	courthouse (1) 20:20
3 (1) 6:7	Amy (1) 30:9	Bucklar (1) 29:14	comment (5) 12:7 12:12 12:15 12:18 12:23	CSR (2) 1:0 36:12
30 (1) 18:15	Angela (3) 1:0 35:6 36:11	bucks (1) 22:6	Commerce (1) 29:19	CSR-RPR (2) 35:6 36:11
33 (1) 34:8	answer (5) 5:8 5:9 15:9 23:2 25:10	business (1) 20:22	Commission (2) 34:24 36:12	cup (1) 23:5
38 (1) 8:17	answering (2) 17:10 17:18	calls (4) 16:10 16:12 16:15 17:9	commissioned (1) 35:7	current (1) 6:19
3rd (1) 9:16	appeal (1) 5:1	campaign (1) 27:24	committee (2) 15:17 20:17	DAVID (1) 2:10
4 (1) 3:4	APPEARANCES (1) 2:1	candidate (2) 32:21 32:21	committees (2) 15:15 21:10	decision (2) 23:23 23:23
4/30/2010 (1) 36:12	application (15) 9:7 9:18 16:10 16:17 17:16 18:7 18:19 19:2 19:16 20:2 20:7 21:4 22:8 22:19 24:18	Candidates (1) 27:10	communicate (5) 24:18 24:19 24:20 24:23 31:23	decision-making (2) 15:5 22:24
40-plus (1) 16:14	applications (1) 23:19	capacity (1) 8:24	communicating (1) 24:22	deliberations (1) 11:1
416 (3) 1:0 2:7 35:9	April (3) 10:15 11:12 21:9	Cara (1) 30:11	communication (2) 5:6 18:24	delivering (1) 25:2
43 (2) 8:17 30:24	area (1) 32:10	carefully (1) 35:16	communications (7) 9:17 11:24 12:2 16:9 22:18 24:12 25:8	Democratic (2) 6:5 28:12
47 (1) 31:1	Association (1) 32:20	case (5) 4:21 8:20 12:9 23:22 31:22	Company (4) 1:0 5:1 9:7 34:1	deponent (1) 33:15
50 (2) 11:7 33:12	assume (2) 5:8 18:23	casting (1) 22:21	complete (1) 34:9	deposition (7) 1:0 4:11 4:21 34:7 34:9 35:20 36:1
50/50 (1) 25:22	assuming (1) 13:22	category (1) 9:20	computer (5) 11:15 11:16 11:19 12:8 12:20	depositions (1) 1:0
528 (1) 2:3	ATKINS (1) 2:18	Caterpillar (1) 7:2	computer-aided (1) 35:19	desirable (1) 15:3
61350 (1) 2:4	attend (2) 9:6 9:9	Cathy (1) 30:7	concerning (1) 35:15	Diane (1) 30:15
61550 (1) 2:12	attended (1) 28:13	cell (2) 6:8 6:10	conference (1) 20:20	different (1) 23:3
61602 (1) 2:8	attorney (2) 35:23 36:2	CERTIFICATE (1) 35:4	connection (1) 23:19	direct (1) 12:13
673-3853 (1) 6:13	Attorney's (1) 2:18	certify (4) 34:7 35:8 35:20 35:22	consider (2) 25:20 28:15	directly (1) 31:23
678-5603 (1) 6:11	Auken (2) 19:8 22:7	cetera (1) 13:9		discouraged (1) 25:2
6th (1) 10:15	avoid (1) 5:5			discovery (1) 4:11
74 (1) 32:17	aware (2) 7:17 10:19			Disposal (6) 1:0
75 (1) 10:2	away (2) 11:13 13:6			
80 (1) 10:2	bad (1) 24:15			
9 (4) 1:0 30:24 31:1 33:12				
9/13/06 (1) 1:0				
9th (1) 9:16				
A.D (1) 34:21				
a.m (4) 1:0 30:24 31:1 33:12				
Absolutely (1) 23:6				
accordance (1) 4:13				
account (1) 25:8				
act (1) 23:20				
acting (1) 23:22				

5:1	9:7	14:8	EXHIBITS [1]	3:10	group [1]	9:18	Jean [1]	30:13	maps [1]	32:16
16:10	34:1		expansion [4]	14:18	groups [1]	26:14	Jeff [1]	28:4	March [1]	21:9
disregard [1]	11:24		14:22 28:19	32:3	guess [1]	13:24	Jim [1]	20:11	MARKED [1]	3:11
distinguish [1]	10:13		expansions [2]	29:8	gun [1]	21:22	Jones [3]	1:0	married [1]	7:3
district [6]	6:6		29:12		Half [1]	13:24	35:6 36:11		Mary [4]	18:10
8:23 13:16	22:15		expires [2]	34:24	hand [1]	36:6	Joyce [13]	10:20	19:21 26:5	26:17
32:11 32:13			36:12		handouts [1]	13:12	16:24 17:2	28:6	matter [1]	5:2
doctors [2]	7:16		express [8]	19:1	hands [1]	24:5	28:12 28:15	31:5	matters [1]	35:15
8:10			19:15 19:24	21:3	happy [1]	5:5	31:9 31:11	31:12	may [2]	9:16 25:20
donation [3]	26:23		21:12 21:15	22:7	Harant [4]	31:9	31:20 31:21	31:22	Mayvis [1]	30:17
27:3 27:12			22:10		31:11 31:20	31:21	judge [3]	23:20	McLean [1]	7:12
donations [1]	28:1		face [1]	29:23	Harkrader [4]	18:10	23:23 24:1	21:22	McRae [1]	8:7
done [2]	31:3	33:11	face-to-face [1]	28:17	19:21 26:6	26:17	jumping [1]	11:9	mean [7]	4:16 13:11
doorstep [1]	13:9		facility [1]	14:9	11:22 23:15	23:16	keep [4]	10:15	17:21 18:21	25:1
down [3]	5:7		factions [1]	24:12	hearing [7]	17:20	11:11 13:5	17:14	29:7 32:23	
9:20 23:15			facts [1]	10:19	18:3 20:8	24:11	Kim [3]	17:13	means [1]	35:18
dozen [1]	13:24		factual [1]	10:11	24:13 24:17	30:1	29:17		meant [1]	18:23
Dr [7]	7:12 7:13	7:13	fair [1]	5:9	hearings [4]	9:6	kind [1]	16:6	medical [1]	28:1
7:13 7:18	8:6		Families [2]	26:18	9:12 18:21	28:8	kinds [1]	23:19	meeting [6]	11:12
8:7 8:7			26:24		hereby [2]	34:7	knew [3]	24:15	18:6 20:17	27:9
duly [3]	4:3	35:7	family [4]	7:5	35:8		26:11 31:5		27:15 32:19	
35:13			7:15 8:9	29:17	herein [1]	1:0	knowledge [4]	8:11	meetings [6]	18:8
during [4]	9:15	9:15	far [2]	4:16	hereto [1]	36:3	8:12 21:21	35:14	20:4 20:18	26:13
16:16 18:3	20:5		faster [2]	33:9	hereunto [1]	36:5	14:6 14:11	14:13	27:6 27:18	
duty [1]	25:13		33:9		highest [1]	6:14	14:22 15:2	22:8	Megginnes [2]	2:6
e-mail [2]	12:4		financially [1]	36:3	holding [1]	15:22	26:9 26:15	28:19	member [9]	5:17
25:11			fine [1]	4:19	home [1]	6:12	29:8 29:11	31:24	5:20 7:23	7:24
e-mails [12]	9:22		first [3]	4:3	Homeowners [1]	32:20	landfills [2]	31:20	8:2 20:6	23:12
10:1 10:8	10:12		35:13		honest [1]	14:19	32:8		25:24 27:21	
10:13 10:21	11:8		five [1]	19:13	honestly [1]	22:3	leader [1]	31:13	members [8]	7:5
11:14 12:6	12:21		fixed [1]	26:3	hospitals [3]	7:6	left [1]	17:10	7:15 8:9	18:7
24:7 26:5			fliers [2]	13:8	7:9 28:1		legislative [1]	23:13	20:5 23:10	23:20
ecological [1]	8:4		13:11		hour [1]	1:0	legislator [2]	23:12	29:16	
education [1]	6:15		fly-in [1]	29:19	Huh-uh [1]	17:23	23:22		membership [1]	15:6
Edwards [2]	25:20		following [1]	35:10	ICC [2]	6:18	letters [5]	11:3	mental [2]	15:5
25:23			follows [1]	4:4	Illinois [10]	1:0	11:5 11:8	13:2	22:24	
either [4]	7:21		foregoing [1]	34:7	1:0 1:0	2:4	13:4		merits [3]	19:2
8:18 21:3	28:4		forwarded [2]	12:7	2:8 2:12	35:1	level [1]	6:14	20:7 21:4	
election [1]	5:23		12:16		35:8 35:10	36:12	Lisa [1]	30:3	mess [2]	18:20 18:22
Elias [1]	2:7		found [2]	9:20	immediate [2]	7:5	listens [1]	25:24	message [1]	17:6
Elmo [1]	30:13		10:12		7:15		literate [1]	12:20	messages [1]	17:9
emphatically [1]			four [1]	32:23	impression [1]	22:17	live [1]	8:18	might [4]	10:12
11:22			free [1]	11:23	inaction [1]	5:2	long-time [3]	18:16	16:21 32:23	33:3
employed [2]	35:23		friend [8]	18:13	include [1]	24:7	19:12 19:14		mind [2]	15:3 24:4
36:2			18:14 18:16	19:11	inclusive [1]	34:8	Lorenz [2]	8:7	mine [1]	18:13
employee [1]	36:2		19:12 19:14	28:15	INDEX [1]	3:1	33:2		Minneapolis [1]	9:3
employment [1]			33:5		indicated [2]	28:6	Lucky [1]	6:23	Minnesota [1]	9:3
8:21			full [1]	4:7	31:5		lunch [1]	14:20	Miss [2]	4:14 4:17
encourage [2]	19:18		function [2]	23:13	individuals [1]	26:21	Lynn [15]	1:0	money [1]	22:5
19:21			23:18		inquiry [1]	15:7	1:0 3:4	4:2	morning [1]	23:10
environmental [2]			functions [1]	28:14	instruct [2]	15:8	4:9 4:11	4:18	Morton [1]	2:12
8:3 8:4			fund-raiser [2]	31:15	23:1		4:19 4:20	6:14	Moss-Bradley [2]	
errata [1]	34:13		31:16		intended [1]	5:9	15:14 20:4	31:3	32:10 32:20	
ESQUIRE [4]	2:3		funds [1]	32:5	interest [1]	8:4	34:17 35:12		Mrs [1]	4:18
2:6 2:6	2:10		gentlemen [1]	20:24	interested [1]	36:3	M [3]	1:0	36:11	
estimate [1]	13:23		GEORGE [1]	2:3	issues [1]	8:4	6:10 8:13	5:12	machine [1]	17:10
et [1]	13:9		given [4]	24:2	itself [1]	18:8	ma'am [3]		Madison [1]	5:14
evidence [4]	21:18		34:7 34:9	35:21	J [1]	2:6	6:10 8:13		mailbox [1]	13:9
23:21 23:24	24:2		giving [1]	23:4	JANAKI [1]	2:6	majority [1]	22:19	Main [4]	1:0 2:7
Evidently [1]	29:22		goes [1]	22:23	Janitor [1]	9:1			2:11 35:10	
examination [4]			good [3]	5:12						
1:0 3:4	4:5		10:15	8:16						
35:17			Great [1]	4:20						
examined [2]	4:4									
35:17										

named [1] 35:11	organization [1] 27:2	phone [7] 6:8 6:10 16:10 16:12 17:7 17:12 17:14	received [10] 10:1 11:6 11:24 12:3 12:10 16:13 17:12 22:18 27:12 27:24	RPR [1] 1:0
names [2] 8:20 26:20	organizations [3] 8:3 8:3 28:2	physically [1] 20:19	receiving [2] 10:16 10:22	rules [2] 1:0 4:13
nature [2] 10:14	Ottawa [1] 2:4	place [2] 20:16 34:8	Recess [1] 30:24	run [1] 26:20
Nebraska [1] 32:17	outside [2] 20:7 24:13	places [1] 31:6	record [5] 4:8 4:10 11:21 12:23 35:21	running [1] 16:1
necessary [1] 9:13	overlap [1] 22:15	Planned [5] 28:13 29:6 29:9 31:6 31:19	reduced [1] 35:17	s [1] 34:13
neither [1] 35:22	Ozuna-Thornton [1] 30:5	point [1] 32:5	referred [1] 12:15	Saint [1] 27:21
never [3] 7:21 18:2 25:1	P.C [1] 2:7	policy [1] 23:23	reflect [1] 11:21	saith [1] 33:15
Night [1] 27:10	Page [1] 3:3	politician [1] 14:1	regard [5] 11:8 12:2 13:1 13:6 25:7	Salzer [3] 20:11 21:5 21:21
Nights [1] 32:22	pages [1] 34:8	POLLUTION [1] 1:0	relationship [4] 7:9 17:22 19:10 26:21	sat [1] 14:21
Nobody [1] 13:5	paid [1] 22:5	Possibly [1] 21:23	related [1] 35:23	Schlicksup [1] 30:9
NONE [1] 3:11	pamphlet-type [1] 13:12	post [1] 12:18	relating [1] 4:24	Scott [9] 1:0 1:0 3:4 4:2 4:9 4:11 7:19 34:17 35:12
nonverbal [1] 5:5	Parenthood [5] 28:14 29:6 29:10 31:6 31:19	prefer [1] 4:14	remember [13] 10:22 13:10 13:13 16:19 17:5 17:14 20:3 20:19 21:7 22:1 26:7 27:14 33:6	seal [1] 36:6
nor [1] 35:23	Parker [1] 8:6	PRESENT [1] 2:17	remembered [1] 25:15	second [1] 20:4
north [2] 5:14 32:17	part [6] 12:7 12:12 12:22 12:23 15:6 32:10	presentations [1] 26:1	remembering [1] 25:12	see [4] 8:16 13:19 14:2 26:21
notarial [1] 36:6	particular [3] 16:20 19:19 19:22	press [1] 18:24	rephrase [1] 5:4	Seghetti [1] 2:7
Notary [3] 1:0 34:23 35:6	parties [3] 4:12 35:24 36:3	pretty [1] 10:10	reporter [1] 5:7	sent [2] 10:21 12:21
noted [1] 34:14	party [1] 6:4	proceedings [3] 15:8 23:7 30:24	representatives [1] 26:14	separate [1] 20:14
nothing [1] 35:14	passing [1] 28:24	process [5] 20:5 23:11 24:11 24:13 24:17	Rescue [1] 27:16	September [4] 1:0 34:7 35:9 36:6
notice [3] 1:0 4:12 14:1	past [1] 32:5	processes [2] 15:5 22:24	respect [6] 19:6 29:5 29:7 29:11 31:19 32:8	servant [1] 24:24
noticed [1] 13:21	patient [4] 7:12 7:16 7:21 8:6	profession [2] 6:19 7:1	respond [3] 10:5 23:2 29:3	services [1] 27:19
noticing [1] 14:4	patients [1] 8:10	professional [1] 7:9	respondent [3] 1:0 2:12 34:5	session [1] 23:9
November [3] 5:24 9:15 9:16	Pause [1] 23:7	professor [1] 29:24	responsibility [1] 23:21	set [1] 36:5
now [8] 8:16 11:23 12:12 15:23 16:19 17:24 24:10 32:10	PCB [2] 1:0 34:3	Prospect [1] 32:17	retired [2] 6:20 6:21	seven [1] 29:19
number [2] 6:10 6:12	Pearson [12] 1:0 1:0 3:4 4:2 4:9 4:11 4:14 4:17 4:18 8:22 34:17 35:12	public [11] 1:0 9:6 9:12 12:15 12:18 12:23 22:19 22:22 24:24 34:23 35:7	return [1] 17:9	shaking [1] 5:6
oath [4] 4:4 5:3 34:9 35:17	pending [1] 16:17	pulling [1] 25:12	review [1] 9:11	sheet [1] 34:13
object [1] 15:8	people [3] 12:17 24:17 33:4	purpose [1] 20:21	reviewed [1] 9:14	shorthand [1] 35:18
Objection [2] 15:4 22:23	Peoria [23] 1:0 1:0 1:0 2:8 5:1 5:15 5:17 7:6 7:10 8:18 9:7 12:18 14:8 15:15 16:10 22:13 26:18 26:23 28:2 28:12 34:1 34:4 35:10	pursuant [2] 1:0 4:12	Riffle [1] 2:7	show [1] 4:10
occasion [1] 21:11	period [2] 9:15 16:16	put [1] 29:22	retire [2] 6:20 6:21	Sierra [7] 7:24 10:21 25:21 27:8 27:13 31:13 32:7
Office [1] 2:18	person [3] 9:18 22:13 35:11	qualified [1] 35:7	right [9] 9:2 11:15 12:18 16:7 24:5 25:9 25:21 29:10 31:11	signs [3] 13:16 13:19 14:1
Offutt [1] 30:3	personal [1] 33:5	questions [5] 4:24 15:4 17:18 31:4 33:10	role [1] 23:11	simply [1] 22:11
Once [1] 28:22	personally [1] 17:15	raise [1] 32:5	roughly [2] 32:14 32:15	sister [1] 31:17
one [13] 5:3 15:3 15:23 17:24 20:17 25:12 25:16 27:5 31:15 32:2 32:5 33:4 34:12	pertain [1] 1:0	Ralph [1] 29:18	Roach [1] 30:13	Sierra [7] 7:24 10:21 25:21 27:8 27:13 31:13 32:7
one-on-one [1] 18:2	Peter [1] 30:3	read [8] 10:3 10:9 21:19 21:20 24:4 25:11 25:13 34:7	Rodney [1] 33:2	show [1] 4:10
opinion [18] 19:1 19:4 19:6 19:15 19:17 20:1 21:3 21:17 21:23 22:8 22:10 29:2 29:3 29:5 29:8 29:11 31:19 32:8	petitioned [1] 14:22	reading [1] 21:1	Rosson [1] 30:11	Sierra [7] 7:24 10:21 25:21 27:8 27:13 31:13 32:7
opinions [3] 21:15 24:18 25:2	Petitioner [3] 1:0 2:8 34:2	really [1] 13:24	roughly [2] 32:14 32:15	signs [3] 13:16 13:19 14:1
opponent [1] 26:11	petitioning [1] 14:18	reason [2] 14:15 15:22	room [2] 20:8 20:20	simply [1] 22:11
opportunity [1] 9:11	Phil [1] 20:11	receive [5] 9:17 9:22 11:3 16:9 26:5	roof [1] 26:3	sit [1] 16:19
opposed [2] 13:17 14:6			roughly [2] 32:14 32:15	Smith [1] 8:7
opposition [3] 6:2 26:14 28:18				someone [2] 29:5 32:4

SS [1] 35:1	29:14	3:3 4:1 4:3	
standing [1] 5:23	took [4] 11:13 11:16	11:22 15:5 15:9	
start [1] 24:17	14:20 25:7	23:1 35:13 35:21	
started [1] 24:11	totality [1] 22:18	36:5	
state [4] 1:0 4:7	touching [1] 35:15	witnesses [1] 9:21	
35:1 35:8	tour [1] 14:20	Women [1] 28:13	
State's [1] 2:18	town [1] 13:19	worked [1] 7:8	
stenotype [1] 35:18	Toxic [2] 26:18	works [1] 8:22	
Steven [1] 8:7	26:24	written [1] 9:17	
Stevenson [1] 30:7	Tractor [1] 7:2	yard [2] 13:16 13:19	
stick [1] 29:9	transcript [2] 34:7	year [1] 9:17	
stopped [1] 29:1	34:9	years [6] 5:22 15:20	
Storey [1] 30:15	transcripts [1] 9:12	18:15 19:13 29:19	
Street [5] 1:0	translation [1] 35:19	32:23	
2:3 2:7 2:11	tried [1] 32:5	yesterday [1] 23:10	
35:10	true [3] 7:18 34:9	Young [1] 30:17	
strong [1] 26:11	35:21	Zwicky [1] 7:13	
subject [1] 15:7	truth [2] 35:14 35:14		
submitted [1] 34:13	try [2] 5:5 15:10		
subscribe [1] 34:8	turn [1] 12:1		
SUBSCRIBED [1] 34:20	two [3] 14:5 20:24		
such [1] 5:6	31:17		
Suite [4] 1:0 2:3	two-minute [1] 30:22		
2:7 35:10	typewriting [1] 35:19		
supporters [1] 22:11	under [1] 5:3		
suppose [1] 16:14	understand [5] 5:4		
supposed [1] 24:20	5:10 11:23 23:13		
Supreme [1] 1:0	23:21		
sworn [4] 4:1	understood [3] 5:9		
4:3 34:20 35:13	10:9 23:11		
taking [2] 1:0	Unitarian [1] 27:19		
11:18	Universalist [1] 27:19		
Tazewell [3] 1:0	unopposed [1] 16:4		
35:2 35:8	up [8] 10:15 11:13		
ten [1] 19:13	11:14 11:16 11:18		
terms [2] 10:11	13:15 23:15 24:4		
16:20	using [1] 35:19		
testified [3] 4:4	Van [2] 19:8 22:7		
30:1 30:18	various [1] 24:12		
testify [1] 35:13	Vidas [1] 7:13		
testimony [1] 35:21	vote [11] 10:15 14:24		
Thank [2] 10:14	17:4 17:7 19:18		
25:17	19:21 20:1 20:1		
Thanks [1] 29:4	21:6 21:13 22:21		
thereafter [1] 35:18	vs [2] 1:0 34:3		
thereupon [1] 35:16	wait [1] 21:18		
thinking [2] 10:20	waited [3] 11:12		
31:8	21:19 24:3		
Thomas [4] 20:11	walked [1] 32:2		
22:1 23:9 27:21	Waste [2] 26:18		
thought [4] 12:22	26:24		
20:2 21:12 23:4	website [1] 12:18		
three [1] 8:10	Wednesday [1] 1:0		
threw [1] 11:13	weigh [1] 23:20		
through [3] 15:20	weight [1] 25:18		
26:20 34:8	whereof [1] 36:5		
throw [1] 13:5	whining [3] 21:1		
times [2] 20:14	22:3 22:4		
28:21	William [1] 7:18		
together [3] 21:10	winter [1] 9:4		
25:12 28:13	wit [1] 35:11		
Tom [3] 25:20 25:23	witness [11] 1:0		

Exhibit 6

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

The deposition of MICHAEL EDWARD PHELAN, 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 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, 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;

I N D E X

WITNESS

MICHAEL EDWARD PHELAN

Examination by Mr. Mueller pg. 3

EXHIBITS

None marked.

1 MICHAEL EDWARD PHELAN.
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 full name, please?

7 A Michael Edward Phelan.

8 Q This is the deposition of Michael Phelan
9 taken pursuant to notice, in accordance with the
10 rules and by agreement of the parties.

11 Mr. Phelan, have you ever had your
12 deposition taken before in any case for any reason?

13 A Yes.

14 Q So you're generally familiar with the
15 ground rules in terms of procedure?

16 A I believe so.

17 Q You understand that you're under oath
18 today, is that correct?

19 A Yes, I do.

20 Q Mr. Phelan, what is your address?

21 A 1513 East Moneta, M-O-N-E-T-A, Peoria
22 Heights.

23 Q You are a Peoria County Board member?

24 A Yes, sir.

1 A I don't know what's reasonable.

2 Q Fair enough. What's your educational
3 background, sir?

4 A Attended Spalding Institute. I attended
5 Illinois Central College for three years, studied
6 political science.

7 Q Do you have a degree?

8 A No.

9 Q When you studied political science at
10 Illinois Central College, did you ever happen to
11 take any courses from Mr. Thomas?

12 A Yes, I did.

13 Q Sir, what is your profession?

14 A I work for the Peoria Journal Star in the
15 production department.

16 Q What's your title there?

17 A I don't know that I have a title. I work
18 in production in the distribution and packaging
19 department.

20 Q How long have you been with the Journal
21 Star?

22 A 28 years.

23 Q What is your home telephone number, sir?

24 A 686-8182.

1 Q How long have you been on the board?

2 A Finishing up my second four-year term, so
3 close to eight years.

4 Q You're running for reelection this fall?

5 A Yes, I am.

6 Q In which party?

7 A The Democratic party.

8 Q Did you have opposition the last time you
9 ran?

10 A Yes, I did.

11 Q Do you remember your margin of victory?

12 A I believe I had 65 percent of the vote.

13 Q In terms of absolute or raw numbers, do you
14 remember what the margin was?

15 A No, I really don't. I want to say it
16 was -- there were over 3,000 votes casted, I
17 believe. I really don't know that answer.

18 Q I'm just trying to get a sense of how big
19 these districts are.

20 A Each county board member represents roughly
21 10,000 people. There's roughly 180,000 people in
22 Peoria County. So I think I won by 7 or 800 votes.

23 Q So 3,000 is a reasonable turnout in the
24 county board election?

1 Q Do you have a cell phone?

2 A No.

3 Q Mr. Phelan, you have produced certain
4 documents to your attorneys in connection with the
5 production request on this appeal.

6 Did you bring any additional documents with
7 you today?

8 A No.

9 Q Did you produce all of the documents that
10 were requested that you had in your possession
11 under your control?

12 A Yes.

13 Q Sir, do you have any relatives who are
14 employed by any of the hospitals in Peoria?

15 A Yes, I do.

16 Q Who would that be and what would be the
17 nature of that employment?

18 A I have several cousins who are nurses, and
19 some work at Proctor, I think some at OSF.

20 Q Do you have any immediate family members
21 who have any professional affiliation with the
22 hospitals?

23 A No.

24 Q Have you ever been affiliated with any of

1 the hospitals?
 2 A No.
 3 Q During the course of your being on the
 4 county board while the Peoria Disposal Company
 5 application was pending, what was your
 6 understanding of the correct procedures or rules to
 7 be followed by board members in connection with
 8 communications with members of the public?

9 A That communication was allowed but
 10 discussion was not.

11 Q Can you distinguish for me the difference
 12 between communication and discussion?

13 A Discussing how we would vote or how we felt
 14 about the case or any of the facts. We were not to
 15 discuss that with the public but that we could take
 16 phone calls and listen to their concerns.

17 Q Was your understanding that the same rules
 18 applied to your communications with representatives
 19 of the actual participants at the hearing?

20 A Can you repeat that?

21 Q Let me ask it a different way. It was your
 22 understanding that you could listen to members of
 23 the public and get their input and opinions on the
 24 siting application?

1 came in at the public hearing?

2 A The evidence and the facts, yes.

3 Q Well, what's the difference between the
 4 evidence and the facts?

5 A I don't know. I can't answer that. That
 6 was -- the facts were the term that Mr. Atkins used
 7 when explaining the rules of the Peoria County
 8 Board. We used facts. I guess you're using
 9 evidence.

10 Q Could you gather facts from sources other
 11 than the public hearing?

12 A I don't recall that, that part of what
 13 could be used and what couldn't be used coming up.
 14 I don't recall Mr. Atkins and the State's
 15 Attorney's office advising us on that particular
 16 item.

17 Q Well, was it your belief that you could
 18 gather facts from sources other than the public
 19 hearing?

20 A Yes. In general, yes.

21 Q Did you receive communications from members
 22 of the public including representatives of
 23 opposition groups during the hearing process?

24 A Yes, I did.

1 A I don't believe I had an understanding that
 2 I was to take their testimony into account on the
 3 facts, but I do -- the way I understood the process
 4 that the public was allowed to weigh in on this.

5 Q That they were allowed to weigh in only at
 6 the hearing or privately to you as well?

7 A Both.

8 Q Was it also your understanding that
 9 representatives of the participants could weigh in
 10 to you privately?

11 A Could you repeat that again?

12 Q Was it your understanding that
 13 representatives of the participant groups could
 14 weigh in to you privately or did you think that a
 15 stricter set of rules applied to them?

16 A My understanding was that they could weigh
 17 in.

18 Q So, for example, if during the hearings I
 19 had come to you to give you some little morsel or
 20 tidbit about the evidence, you would not have told
 21 me to go away? You would have listened to me?

22 A Yes, I would have.

23 Q Now, was it your understanding that your
 24 decision was to be based only on the evidence that

1 Q Mr. Brown suggested that you actually may
 2 have pretty good recollection of some of those
 3 specific communications. So maybe we should just
 4 follow that for a while.

5 Can you tell us who you specifically
 6 remember receiving communications from?

7 A Any communications?

8 Q Yes. We'll narrow it down as we go or if
 9 you want, I will narrow it down first.

10 A No. I recall some, yes.

11 Q Go ahead.

12 A Many letters, lots of phone calls, lots of
 13 E-mails, people that might run into me on the
 14 street or in public might express an opinion, even
 15 at work.

16 Q To be fair, let's break it down into the
 17 categories that you've identified.

18 You said you received lots of letters?

19 A Yes.

20 Q Let's distinguish letters from E-mails.

21 A Okay.

22 Q How many letters would you say you
 23 received?

24 A Literally dozens.

Page 11

Page 13

1 **Q More or less than 100, if you know?**
 2 A I don't know specifically, but I would say
 3 it could have been more than 100.
 4 **Q So it's up there in that 100 range?**
 5 A Yes. Some might have been from the same
 6 person on several different days.
 7 **Q All right. Are there any particular**
 8 **letters that stand out in your recollection?**
 9 A Well, I think the ones from my own
 10 constituents probably stand out because I paid more
 11 attention to those, I think.
 12 **Q You know, that reminds me. Can you provide**
 13 **us with the approximate geographic boundaries of**
 14 **your district?**
 15 A Yes, sir. I represent all of Peoria
 16 Heights, all of Richwood's Township and several
 17 city precincts roughly starting at the very end of
 18 the north end around the Bemis Plant, going along
 19 the river north to roughly Forest Park Drive and
 20 west roughly to the east side of Knoxville.
 21 There's three City of Peoria precincts, all
 22 of the Harvard area and along Grand View Drive and
 23 north on Prospect.
 24 **Q So that sounds like a substantially spread**

1 **out?**
 2 A Well, as I said, I recall mainly my own
 3 constituents because I represent those people and I
 4 paid a little bit closer attention to them and made
 5 sure I tried to call them back.
 6 **Q You said you also get E-mails?**
 7 A Yes.
 8 **Q Approximately, how many E-mails would you**
 9 **say you got?**
 10 A There again, I'd say dozens, not maybe
 11 nearly as many letters but quite a few.
 12 **Q Would that group encompass some of the same**
 13 **people, members of the Converse family, Stevenson,**
 14 **Bucklar, so forth?**
 15 A Yes.
 16 **Q So you got multiple communications from**
 17 **some of the same individuals?**
 18 A Yes, I did.
 19 **Q You said you got phone calls. How many**
 20 **phone calls would you say you got?**
 21 A Probably dozens again.
 22 **Q Do any of those stick out in your mind?**
 23 A No, because I think that's a little harder.
 24 Typically, you don't put a face or name. You're

Page 12

Page 14

1 **out district?**
 2 A I don't know how to answer that.
 3 **Q All right. Don't need to. Anyway, you**
 4 **said you paid more attention to the letters from**
 5 **your constituents?**
 6 A Yes.
 7 **Q Any of those that you can particularly**
 8 **remember?**
 9 A Dr. Rashid, several in the McGee family,
 10 Tessie Bucklar, Converse family, Stevensons,
 11 Schlicksups. That's my recollection right now.
 12 **Q Those are all constituents of your**
 13 **district?**
 14 A Yes.
 15 **Q You've got a lot of our opponents living by**
 16 **you.**
 17 A A lot of Republicans for a Democrat.
 18 **Q Dr. Rashid, who's he?**
 19 A I believe he's retired now, but I'm not
 20 certain. He lives I think on Golf Crest.
 21 **Q Is he someone that you know personally?**
 22 A No.
 23 **Q What is it about his letter to you that you**
 24 **recall or that makes your recollection of it stand**

1 hearing a voice and none really stick out.
 2 **Q You had mentioned something about you're a**
 3 **Democrat in a district with a lot of Republicans?**
 4 A Yes.
 5 **Q I take it you're inferring that Cathy**
 6 **Stevenson and Ken Converse are Republicans, to your**
 7 **knowledge?**
 8 A I really don't know what they are. I would
 9 assume that they might be, but that's -- I don't
 10 know.
 11 **Q What would make you assume that?**
 12 A I believe the Converse, Mr. Converse and
 13 Mrs. I believe they're Republicans.
 14 **Q Now, you're running unopposed for office,**
 15 **correct?**
 16 A Yes.
 17 **Q Did you ever have a conversation with**
 18 **anyone about your vote on this facility being a**
 19 **factor in whether or not the Republicans would run**
 20 **a candidate against you?**
 21 A No.
 22 **Q No one ever approached you and said**
 23 **something to the effect of if you vote in favor of**
 24 **this application you can rest assured that you'll**

Pages 11 to 14

1 **have opposition in November?**
2 A No. That was not said to me.
3 **Q Did anyone ever imply that to you?**
4 A There was a gentleman who sent a letter
5 from Dunlap that was very hostile. I think all the
6 county board members got it, saying something to
7 that effect. I don't even recall the name. I just
8 remember it was a very hostile letter.
9 **Q Did Cathy Stevenson ever imply that you**
10 **would have opposition?**
11 A I never spoke with her.
12 **Q You've never spoken with Cathy Stevenson?**
13 A No.
14 **Q How about did Tessie Bucklar ever make that**
15 **implication?**
16 A No.
17 **Q How many times did you speak with Tessie**
18 **Bucklar?**
19 A Probably two or three times.
20 **Q We're talking about the period while the**
21 **application was pending?**
22 A Yes.
23 **Q Do you remember the substance of any of**
24 **those conversations?**

1 staff explain to her more fully the ground rules
2 and how they would work.
3 Then I believe she wanted to know about the
4 perpetual care fund and she talked about that; but,
5 there again, I referred her to the staff.
6 **Q Do you know Cathy Stevenson personally?**
7 A Yes, I do.
8 **Q Do you or any members of your immediate**
9 **family have any social relationship with her or any**
10 **members of her immediate family?**
11 A No, not that I'm aware of.
12 **Q Do you or any members of your immediate**
13 **family have any social relationship with any**
14 **members of the Converse family which would include**
15 **Schlicksups?**
16 A No.
17 **Q Have you ever received a campaign**
18 **contribution from any Stevenson, Converse or**
19 **Schlicksup?**
20 A Never.
21 **Q Now, you also I take it received some**
22 **flyers at your home?**
23 A I'm not sure what you're referring to.
24 **Q Well, we've gotten some flyers put out by**

1 A Yes, I do.
2 **Q Go ahead.**
3 A I believe the first conversation was I
4 think she wanted to know how I was going to vote
5 and explained to her that I base my vote on the
6 facts and the facts weren't all in. We had to go
7 through the process and that that's what I was
8 going to do.
9 She became pretty upset with me, if I
10 recall. I said, Well, there's a process that we
11 have to go through, and I can listen to you but I
12 can't make any comments to you either way.
13 She became rather irritated with me for not
14 going any further. I said, I will be happy to hear
15 what you have to say, but I'm not going to engage
16 you in a conversation on the merits or demerits of
17 this particular issue.
18 That was the extent of the first
19 conversation pretty much.
20 **Q Second conversation.**
21 A She became interested more in the process
22 and how things were going to work, and I advised
23 her to call I think it was Patrick Ulrich to get
24 more of the ground rules, to have someone on the

1 **groups like the Sierra Club and Tom Edwards River**
2 **Rescue that were handed out in various**
3 **neighborhoods or put up underneath front doors.**
4 **I'm just wondering if you got any of those?**
5 A I don't recall; but, once again, I received
6 lots of communication from Tom. I don't know how
7 it got to me, whether it came from the county, but
8 I don't recall any put on the doorstep.
9 **Q Do you have a personal relationship with**
10 **Tom Edwards?**
11 A No.
12 **Q Did you attend the public hearings?**
13 A Yes, I did.
14 **Q How many of the days were you there for?**
15 A I can't recall, but I want to say probably
16 at least four, I think, part of the days.
17 **Q Did you read the transcripts for those**
18 **periods when you were not present?**
19 A Yes, I did.
20 **Q During the time that you attended the**
21 **public hearings, I presume you probably became**
22 **acquainted with who the speakers for the opposition**
23 **group were because they were all allowed to**
24 **cross-examine witnesses, is that a fair statement?**

Page 19

1 A Yes, I think so.
 2 **Q My question simply is, do you have a**
 3 **personal or social relationship with anyone that**
 4 **you know to be involved on the opposition side?**
 5 A No, I don't believe so.
 6 **Q Did you have a lot of yard signs opposed to**
 7 **the landfill in your district?**
 8 A I don't know about a lot. I saw yard signs
 9 in the district. yes.
 10 **Q How many would you estimate that you saw?**
 11 A Oh, boy, they seem to be clustered. So it
 12 might be deceiving. I don't know. Maybe a couple
 13 of dozen.
 14 **Q Did you also see billboards opposed to the**
 15 **expansion?**
 16 A I don't recall billboards.
 17 **Q Did you ever go on the website of any of**
 18 **the opposition groups to review the website's**
 19 **contents?**
 20 A No.
 21 **Q Are you aware that Peoria Families Against**
 22 **Toxic Waste had a website called www.notoxic**
 23 **waste.org?**
 24 A I don't recall that, no.

Page 20

1 **Q Do you have any specialized knowledge**
 2 **regarding landfills?**
 3 A No.
 4 **Q Have you ever been at the PDC facility?**
 5 A No. I don't think I have.
 6 **Q Have you ever taken a tour of any landfill?**
 7 A A tour, no.
 8 **Q Have you ever been on the premises of any**
 9 **other landfill?**
 10 A Yes, I have.
 11 **Q What landfill would that be?**
 12 A The county's landfill.
 13 **Q What was your purpose for being there?**
 14 A I remember I think I drove out there when I
 15 was first elected to the county board, and I
 16 believe years ago I might have been there taking
 17 things out there on -- to dump items.
 18 **Q You're a member of St. Thomas Church, is**
 19 **that correct?**
 20 A That's true.
 21 **Q Did you have any discussions ever at the**
 22 **church either before or after services or for any**
 23 **other reason with other parishioners about the**
 24 **facility?**

Page 21

1 A I probably did. I don't recall any
 2 specifically, but I usually stay after and talk a
 3 lot. So it could have occurred, yes.
 4 **Q Were you aware that there was a sizable**
 5 **opposition group within the St. Thomas parish?**
 6 A There again, sizable. I don't know what you
 7 mean by sizable.
 8 **Q There were a fair number of vocal opponents**
 9 **that were members of the St. Thomas parish.**
 10 **Were you aware of that?**
 11 A Fair number. I'm aware of the Stevenson
 12 family. I don't know of -- I believe Dr. Rashid
 13 still attends St. Thomas. I don't -- the rest I
 14 don't know.
 15 **Q Did you ever feel any pressure from any of**
 16 **the parishioners, any of your fellow parishioners**
 17 **to vote against the expansion?**
 18 A No.
 19 **Q Are you a member of any groups or**
 20 **organizations that have environmental concerns such**
 21 **as River Rescue, Sierra Club, any other**
 22 **organization like that?**
 23 A No.
 24 **Q Have you ever been a member of such a**

Page 22

1 **group?**
 2 A I think at one time I might have been a
 3 member of -- well, I was a member of the Wilderness
 4 Society. I can't recall if ever the Sierra Club.
 5 Nature Conservancy.
 6 **Q How long ago would you have been a member**
 7 **of the Nature Conservancy?**
 8 A Probably 20 years ago probably or more.
 9 MR. MUELLER: Can we take a short
 10 break.
 11 (Recess from 1:37 to 1:43)
 12 MR. MUELLER: Back on the record.
 13 BY MR. MUELLER:
 14 **Q Do you know a Sharon Morris?**
 15 A No. I don't even recognize the name.
 16 **Q Is 4311 West Lora Ann Lane, L-O-R-A, A-N-N,**
 17 **Lane in your district?**
 18 A I don't even recognize that street let
 19 alone the name.
 20 **Q Well, that was easy.**
 21 **Now, with regard to all of these E-mails**
 22 **and letters that you got, what did you physically**
 23 **do with them?**
 24 A I think shortly after the vote was

Pages 19 to 22

1 concluded like I do with most of my county things I
2 get rid of it, just throw it out.

3 **Q Did it ever occur to you while you were**
4 **receiving that material that you should be turning**
5 **it in to the county clerk?**

6 A No. I don't recall that.

7 **Q As a matter of fact, you did not turn stuff**
8 **over as you got it, is that correct?**

9 A No.

10 **Q No, it's not correct or --**

11 A No, you are correct. I did not turn it
12 over.

13 **Q Okay. Do you know Jeff Akeson or Beth**
14 **Akeson?**

15 A No, I do not.

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

17 A Yes.

18 **Q Did you know Joyce Blumenshine before this**
19 **proceeding started?**

20 A Just from appearing at county board
21 meetings. No. I don't know her to speak.

22 **Q Did you ever have any direct conversations**
23 **with her about the landfill while the application**
24 **was pending?**

1 **the final decision before it was actually voted on?**

2 A I didn't meet with anyone. I think I might
3 have had a phone conversation or two.

4 **Q Who did you have a phone conversation with?**

5 A Sharon Kennedy.

6 **Q What was the substance of that**
7 **conversation?**

8 A She wanted to know how I was going to vote.

9 **Q What did you tell her?**

10 A I said I hadn't made up my mind, but I
11 think that was the night of the hearing or the week
12 that the hearing was being concluded. I told her I
13 was leaning towards opposing the application.

14 **Q Did she give you any input of her own as to**
15 **what she thought you should do?**

16 A Yes, she did.

17 **Q What was her input?**

18 A She was lobbying people to support the
19 application.

20 **Q Now, you testified that you know Kim**
21 **Converse, correct?**

22 A No. I don't know her.

23 **Q You don't know.**

24 A I know who she is from the hearings.

1 A I don't recall any conversation, no.

2 **Q I take it she's not a resident of your**
3 **district?**

4 A I believe she is. I think she is.

5 **Q Do you know Tom Bucklar?**

6 A No, I do not.

7 **Q You've talked about two conversations with**
8 **Tessie Bucklar.**

9 A Yes.

10 **Q There was apparently a third one I think**
11 **you said you had, also.**

12 A I can't recall if it was two or three. It
13 may have been three conversations, but I really --
14 I can't say for sure.

15 **Q Do you remember any more details about any**
16 **of the conversations other than what you've already**
17 **related?**

18 A I think I explained -- I know she wanted to
19 know the process and the appeals process and the
20 IEPA's website and things like that. There again,
21 if there was a third conversation about those
22 issues, I referred her directly to the staff.

23 **Q Did you ever meet with or have phone**
24 **conversations with any other board members about**

1 **Q All right. You had never met her before**
2 **the hearings?**

3 A No.

4 **Q Do you know Ted Converse other than through**
5 **hearings?**

6 A No. Well, I don't know who he is. I don't
7 know Ted Converse.

8 **Q Do you know Ralph or Jane Converse?**

9 A Just from them identifying themselves at
10 the hearings. So, no, I do not know them at all.

11 **Q Do you know Amy Schlicksup other than the**
12 **hearings?**

13 A I don't recall her from the hearings.

14 **Q So you don't know her at all?**

15 A Amy?

16 **Q Yes.**

17 A No.

18 **Q Do you know Bill Cook?**

19 A Don't even know the name, no.

20 **Q Do you know Lisa Offutt or Peter Offutt?**

21 A Once again, I don't even recognize the
22 names.

23 **Q Do you know Chris Ozuna-Thornton?**

24 A No, I don't know. I do recall I think

Page 27

1 that's the person I received a communication from.
2 I recognize that name. a letter I think or an
3 E-mail.

4 **Q Now, when you got letters and E-mails from**
5 **people, would you call them back or only if they**
6 **left phone messages for you because you said you**
7 **typically called your constituents back?**

8 A My policy was if they were a constituent of
9 mine. I'd tried to let them know I got the
10 communication. If they weren't in the district, I
11 didn't call them.

12 **Q Do you know Elmo Roach or Jean Roach?**

13 A No.

14 **Q Do you know Cara Rosson?**

15 A No.

16 **Q Do you know Bill Scott?**

17 A No.

18 **Q Do you know Diane Storey?**

19 A No.

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

21 A Just from being at the hearings.

22 **Q Have you ever had any dealings either**
23 **personal or professional with any of the doctors**
24 **that were vocal in their opposition, and let me**

Page 28

1 **give you some names so we're not guessing at them,**
2 **Dr. Vidas, Dr. Zwicky, Dr. Parker McRae, Dr. Smith**
3 **or Dr. McLean?**

4 A I recognize some of those names. but I
5 don't believe I know any of them.

6 **Q Ever been treated by any of those**
7 **individuals?**

8 A I don't believe so, no.

9 MR. MUELLER: Thank you, sir. That's
10 all the questions I have.

11
12 (Further deponent saith not.)
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A	12:2	became 16:9,13,21 18:21	27:11	7:8,18 9:21 10:3,6 10:7 13:16
Aana 1:12 30:3,22	anyone 14:18 15:3 19:3 25:2	before 1:1,12 3:12 20:22 23:18 25:1 26:1 29:1,20 30:5	called 1:10 19:22 27:7	Company 1:4 7:4 29:3
about 7:14 8:20 12:23 14:2,18 15:14,20 17:3,4 19:8 20:23 23:23 24:7,15,21,24	Anyway 12:3	behalf 1:20,24	calls 7:16 10:12 13:19,20	complete 29:10
absolute 4:13	appeal 6:5	being 3:2 7:3 14:18 20:13 25:12 27:21	came 9:1 18:7	concerns 7:16 21:20
accordance 3:9	APPEARANCES 1:15	belief 9:17	campaign 17:17	concluded 23:1 25:12
account 8:2	appeared 30:4	believe 3:16 4:12 4:17 8:1 12:19 14:12,13 16:3 17:3 19:5 20:16 21:12 24:4 28:5,8	candidate 14:20	connection 6:4 7:7
acquainted 18:22	appearing 23:20	Bemis 11:18	Cara 27:14	Conservancy 22:5 22:7
actual 7:19	application 7:5,24 14:24 15:21 23:23 25:13,19	Beth 23:13	care 17:4	consisting 29:9
actually 10:1 25:1	applied 7:18 8:15	between 7:12 9:3	case 3:12 7:14	constituent 27:8
additional 6:6	approached 14:22	big 4:18	casted 4:16	constituents 11:10 12:5,12 13:3 27:7
address 3:20	approximate 11:13	Bill 26:18 27:16	categories 10:17	contents 19:19
advised 16:22	Approximately 13:8	billboards 19:14,16	Cathy 14:5 15:9,12 17:6	contribution 17:18
advising 9:15	area 11:22	bit 13:4	Cause 30:9	control 1:2 6:11 29:2
affiliated 6:24	around 11:18	Black 1:22,22	cell 6:1	conversation 14:17 16:3,16,19,20 24:1,21 25:3,4,7
affiliation 6:21	assume 14:9,11	Blumenshine 23:16 23:18	Central 5:5,10	conversations 15:24 23:22 24:7 24:13,16,24
affix 30:17	assured 14:24	board 1:2,7 3:23 4:1,20,24 7:4,7 9:8 15:6 20:15 23:20 24:24 29:2 29:6	certain 6:3 12:20	Converse 12:10 13:13 14:6,12,12 17:14,18 25:21 26:4,7,8
aforsaid 29:9,11 30:9,12	Atkins 9:6,14	Both 8:7	Certified 30:22	Cook 26:18
after 20:22 21:2 22:24	attend 18:12	boundaries 11:13	certify 29:8 30:4,8 30:13,14	correct 3:18 7:6 14:15 20:19 23:8 23:10,11 25:21 29:10 30:11
afterwards 30:10	attended 5:4,4 18:20	boy 19:11	check 29:12	corrections 29:15
again 8:11 13:10,21 17:5 18:5 21:6 24:20 26:21 29:10	attends 21:13	break 10:16 22:10	church 20:18,22	Coulter 2:2
against 14:20 19:21 21:17	attention 11:11 12:4 13:4	BRIAN 1:18	city 11:17,21	counsel 30:14
ago 20:16 22:6,8	attorneys 6:4	bring 6:6	clerk 23:5	county 1:7,12 3:23 4:20,22,24 7:4 9:7 15:6 18:7 20:15 23:1,5,20 29:6 30:2,3
agreement 3:10	Attorney's 9:15	Brown 1:22,22 10:1	close 4:3	
ahead 10:11 16:2	aware 17:11 19:21 21:4,10,11	Bucklar 12:10 13:14 15:14,18 24:5,8	closer 13:4	
Akeson 23:13,14	away 8:21	C	Club 18:1 21:21 22:4	
allowed 7:9 8:4,5 18:23	A-N-N 22:16		clustered 19:11	
alone 22:19			College 5:5,10	
along 11:18,22	B		Columbus 1:16	
already 24:16	back 13:5 22:12 27:5,7		come 8:19	
Amy 26:11,15	background 5:3		coming 9:13	
Ann 22:16	base 16:5		commencing 1:13	
answer 4:17 9:5	based 8:24		comments 16:12	
			commission 29:23 30:23	
			communication 7:9 7:12 18:6 27:1,10	
			communications	

<p>county's 20:12 couple 19:12 course 7:3 courses 5:11 Court 1:11 cousins 6:18 Crest 12:20 cross-examine 18:24 CSR 1:12 30:3</p> <p style="text-align: center;">D</p> <p>D 2:4 DAVID 1:22 day 29:20 30:17 days 11:6 18:14,16 dealings 27:22 deceiving 19:12 decision 8:24 25:1 degree 5:7 demerits 16:16 Democrat 12:17 14:3 Democratic 4:7 department 5:15 5:19 deponent 28:12 deposition 1:10 3:8 3:12 29:8,11 depositions 1:11 details 24:15 Diane 27:18 difference 7:11 9:3 different 7:21 11:6 direct 23:22 directly 24:22 discovery 1:11 discuss 7:15 Discussing 7:13 discussion 7:10,12 discussions 20:21 Disposal 1:4 7:4 29:3</p>	<p>distinguish 7:11 10:20 distribution 5:18 district 11:14 12:1 12:13 14:3 19:7,9 22:17 24:3 27:10 districts 4:19 doctors 27:23 documents 6:4,6,9 doors 18:3 doorstep 18:8 down 10:8,9,16 dozen 19:13 dozens 10:24 13:10 13:21 Dr 12:9,18 21:12 28:2,2,2,2,3 Drive 11:19,22 drove 20:14 duly 3:2 30:8 dump 20:17 Dunlap 15:5 during 7:3 8:18 9:23 18:20</p> <p style="text-align: center;">E</p> <p>E 2:4 Each 4:20 east 3:21 11:20 easy 22:20 educational 5:2 Edward 1:10 2:6 3:1,7 29:17 30:6 Edwards 18:1,10 effect 14:23 15:7 eight 4:3 either 16:12 20:22 27:22 elected 20:15 election 4:24 Elias 1:19 Elmo 27:12 employed 6:14</p>	<p>employment 6:17 encompass 13:12 end 11:17,18 engage 16:15 enough 5:2 environmental 21:20 errata 29:13 ESQUIRE 1:16,18 1:18,22 estimate 19:10 even 10:14 15:7 22:15,18 26:19,21 ever 3:11 5:10 6:24 14:17,22 15:3,9 15:14 17:17 19:17 20:4,6,8,21 21:15 21:24 22:4 23:3 23:22 24:23 27:22 28:6 evidence 8:20,24 9:2,4,9 examination 1:10 2:7 3:4 examined 3:3 example 8:18 EXHIBITS 2:9 expansion 19:15 21:17 expires 29:23 30:23 explain 17:1 explained 16:5 24:18 explaining 9:7 express 10:14 extent 16:18 E-mail 27:3 E-mails 10:13,20 13:6,8 22:21 27:4</p> <p style="text-align: center;">F</p> <p>face 13:24 facility 14:18 20:4</p>	<p>20:24 fact 23:7 factor 14:19 facts 7:14 8:3 9:2,4 9:6,8,10,18 16:6,6 fair 5:2 10:16 18:24 21:8,11 fall 4:4 familiar 3:14 Families 19:21 family 6:20 12:9,10 13:13 17:9,10,13 17:14 21:12 favor 14:23 feel 21:15 fellow 21:16 felt 7:13 few 13:11 final 25:1 Finishing 4:2 first 10:9 16:3,18 20:15 30:8 flyers 17:22,24 follow 10:4 followed 7:7 follows 3:3 foregoing 29:8 30:11 Forest 11:19 forth 13:14 four 18:16 four-year 4:2 from 5:11 9:10,18 9:21 10:6,20 11:5 11:9 12:4 13:16 15:5 17:18 18:6,7 21:15 22:11 23:20 25:24 26:9,13 27:1,4,21 front 18:3 full 3:6 fully 17:1 fund 17:4</p>	<p>further 16:14 28:12 30:8,13,14</p> <p style="text-align: center;">G</p> <p>gather 9:10,18 general 9:20 generally 3:14 gentleman 15:4 geographic 11:13 GEORGE 1:16 Giftos 1:12 30:3,22 give 8:19 25:14 28:1 given 29:8,11 30:9 30:11 go 8:21 10:8,11 16:2,6,11 19:17 going 11:18 16:4,8 16:14,15,22 25:8 Golf 12:20 good 10:2 gotten 17:24 Grand 11:22 ground 3:15 16:24 17:1 group 13:12 18:23 21:5 22:1 groups 8:13 9:23 18:1 19:18 21:19 guess 9:8 guessing 28:1</p> <p style="text-align: center;">H</p> <p>hand 30:17 handed 18:2 happen 5:10 happy 16:14 harder 13:23 Harvard 11:22 hear 16:14 hearing 7:19 8:6 9:1,11,19,23 14:1 25:11,12</p>
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<p>hearings 8:18 18:12.21 25:24 26:2.5.10.12.13 27:21</p> <p>Heights 3:22 11:16</p> <p>her 15:11 16:5.23 17:1.5.9.10 23:21 23:23 24:22 25:9 25:12.14.17.22 26:1.13.14</p> <p>heretofore 30:4</p> <p>hereunto 30:17</p> <p>home 5:23 17:22</p> <p>hospitals 6:14.22 7:1</p> <p>hostile 15:5.8</p> <p>hour 1:13</p> <p style="text-align: center;">I</p> <p>identified 10:17</p> <p>identifying 26:9</p> <p>IEPA's 24:20</p> <p>Illinois 1:1.12.13 1:17.20.23 5:5.10 29:1 30:1.4.5.22</p> <p>immediate 6:20 17:8.10.12</p> <p>implication 15:15</p> <p>imply 15:3.9</p> <p>include 17:14</p> <p>including 9:22</p> <p>inclusive 29:9</p> <p>individuals 13:17 28:7</p> <p>inferring 14:5</p> <p>input 7:23 25:14.17</p> <p>Institute 5:4</p> <p>interested 16:21 30:15</p> <p>involved 19:4</p> <p>irritated 16:13</p> <p>issue 16:17</p> <p>issues 24:22</p>	<p>item 9:16</p> <p>items 20:17</p> <p style="text-align: center;">J</p> <p>J 1:18</p> <p>JANAKI 1:18</p> <p>Jane 26:8</p> <p>Jean 27:12</p> <p>Jeff 23:13</p> <p>Journal 5:14.20</p> <p>Joyce 23:16.18</p> <p>just 4:18 10:3 15:7 18:4 23:2.20 26:9 27:21</p> <p style="text-align: center;">K</p> <p>Ken 14:6</p> <p>Kennedy 25:5</p> <p>Kim 25:20</p> <p>know 4:17 5:1.17 9:5 11:1.2.12 12:2 12:21 14:8.10 16:4 17:3.6 18:6 19:4.8.12 21:6.12 21:14 22:14 23:13 23:16.18.21 24:5 24:18.19 25:8.20 25:22.23.24 26:4 26:6.7.8.10.11.14 26:18.19.20.23.24 27:9.12.14.16.18 27:20 28:5</p> <p>knowledge 14:7 20:1</p> <p>Knoxville 11:20</p> <p style="text-align: center;">L</p> <p>landfill 19:7 20:6.9 20:11.12 23:23</p> <p>landfills 20:2</p> <p>Lane 22:16.17</p> <p>last 4:8</p> <p>leaning 25:13</p>	<p>least 18:16</p> <p>left 27:6</p> <p>less 11:1</p> <p>let 7:21 22:18 27:9 27:24</p> <p>letter 12:23 15:4.8 27:2</p> <p>letters 10:12.18.20 10:22 11:8 12:4 13:11 22:22 27:4</p> <p>let's 10:16.20</p> <p>License 30:22</p> <p>like 11:24 18:1 21:22 23:1 24:20</p> <p>Lisa 26:20</p> <p>listen 7:16.22 16:11</p> <p>listened 8:21</p> <p>Literally 10:24</p> <p>little 8:19 13:4.23</p> <p>lives 12:20</p> <p>living 12:15</p> <p>lobbying 25:18</p> <p>long 4:1 5:20 22:6</p> <p>Lora 22:16</p> <p>lot 12:15.17 14:3 19:6.8 21:3</p> <p>lots 10:12.12.18 18:6</p> <p>L-O-R-A 22:16</p> <p style="text-align: center;">M</p> <p>M 1:12 30:3.22</p> <p>made 13:4 25:10</p> <p>Main 1:13.19.23 30:5</p> <p>mainly 13:2</p> <p>make 14:11 15:14 16:12 29:10</p> <p>makes 12:24</p> <p>many 10:12.22 13:8.11.19 15:17 18:14 19:10</p> <p>margin 4:11.14</p>	<p>marked 2:10</p> <p>material 1:10 3:2 23:4 30:6</p> <p>matter 23:7</p> <p>may 10:1 24:13</p> <p>maybe 10:3 13:10 19:12</p> <p>Mayvis 27:20</p> <p>McGee 12:9</p> <p>McLean 28:3</p> <p>McRae 28:2</p> <p>mean 21:7</p> <p>meet 24:23 25:2</p> <p>meetings 23:21</p> <p>Meginnes 1:18.19</p> <p>member 3:23 4:20 20:18 21:19.24 22:3.3.6</p> <p>members 6:20 7:7 7:8.22 9:21 13:13 15:6 17:8.10.12 17:14 21:9 24:24</p> <p>mentioned 14:2</p> <p>merits 16:16</p> <p>messages 27:6</p> <p>met 26:1</p> <p>Michael 1:10 2:6 3:1.7.8 29:17 30:6</p> <p>might 10:13.14 11:5 14:9 19:12 20:16 22:2 25:2</p> <p>mind 13:22 25:10</p> <p>mine 27:9</p> <p>Moneta 3:21</p> <p>more 11:1.3.10 12:4 16:21.24 17:1 22:8 24:15</p> <p>Morris 22:14</p> <p>morsel 8:19</p> <p>Morton 1:23</p> <p>most 23:1</p> <p>much 16:19</p> <p>Mueller 1:16 2:7</p>	<p>3:5 22:9.12.13 28:9</p> <p>multiple 13:16</p> <p>M-O-N-E-T-A 3:21</p> <p style="text-align: center;">N</p> <p>N 2:4</p> <p>NAIR 1:18</p> <p>name 3:6 13:24 15:7 22:15.19 26:19 27:2</p> <p>names 26:22 28:1.4</p> <p>narrow 10:8.9</p> <p>nature 6:17 22:5.7</p> <p>nearly 13:11</p> <p>need 12:3</p> <p>neighborhoods 18:3</p> <p>never 15:11.12 17:20 26:1</p> <p>night 25:11</p> <p>none 2:10 14:1</p> <p>north 11:18.19.23</p> <p>notarial 30:17</p> <p>Notary 1:12 29:22 30:3.20</p> <p>noted 29:16</p> <p>nothing 30:9</p> <p>notice 1:11 3:9</p> <p>November 15:1</p> <p>number 5:23 21:8 21:11</p> <p>numbers 4:13</p> <p>nurses 6:18</p> <p style="text-align: center;">O</p> <p>oath 3:17 29:10</p> <p>occur 23:3</p> <p>occurred 21:3</p> <p>office 9:15 14:14</p> <p>Offutt 26:20.20</p> <p>Oh 19:11</p> <p>Okay 10:21 23:13</p>
---	---	--	--	--

<p>once 18:5 26:21 one 14:22 22:2 24:10 29:12 ones 11:9 only 8:5.24 27:5 opinion 10:14 opinions 7:23 opponents 12:15 21:8 opposed 19:6.14 opposing 25:13 opposition 4:8 9:23 15:1.10 18:22 19:4.18 21:5 27:24 organization 21:22 organizations 21:20 OSF 6:19 other 9:10.18 20:9 20:23.23 21:21 24:16.24 26:4.11 Ottawa 1:17 out 11:8.10 12:1 13:1.22 14:1 17:24 18:2 20:14 20:17 23:2 outcome 30:15 over 4:16 23:8.12 own 11:9 13:2 25:14 Ozuna-Thornton 26:23</p> <p style="text-align: center;">P</p> <p>packaging 5:18 pages 29:9 paid 11:10 12:4 13:4 parish 21:5.9 parishioners 20:23 21:16.16 Park 11:19</p>	<p>Parker 28:2 part 9:12 18:16 participant 8:13 participants 7:19 8:9 particular 9:15 11:7 16:17 particularly 12:7 parties 3:10 30:15 party 4:6.7 Patrick 16:23 PCB 1:6 29:5 PDC 2:2 20:4 pending 7:5 15:21 23:24 people 4:21.21 10:13 13:3.13 25:18 27:5 Peoria 1:4.7.12.13 1:20 3:21.23 4:22 5:14 6:14 7:4 9:7 11:15.21 19:21 29:3.6 30:2.3.5 percent 4:12 period 15:20 periods 18:18 perpetual 17:4 person 11:6 27:1 personal 18:9 19:3 27:23 personally 12:21 17:6 30:4 pertain 1:11 Peter 26:20 Petitioner 1:5.20 29:4 pg 2:7 Phelan 1:10 2:6 3:1 3:7.8.11.20 6:3 29:17 30:6 phone 6:1 7:16 10:12 13:19.20 24:23 25:3.4 27:6</p>	<p>physically 22:22 place 29:9 Plant 11:18 please 3:6 29:12 policy 27:8 political 5:6.9 POLLUTION 1:1 29:1 possession 6:10 precincts 11:17.21 premises 20:8 presence 30:10 present 2:1 18:18 pressure 21:15 presume 18:21 pretty 10:2 16:9.19 privately 8:6.10.14 probably 11:10 13:21 15:19 18:15 18:21 21:1 22:8.8 procedure 3:15 procedures 7:6 proceeding 23:19 process 8:3 9:23 16:7.10.21 24:19 24:19 Proctor 6:19 produce 6:9 produced 6:3 production 5:15.18 6:5 profession 5:13 professional 6:21 27:23 Prospect 11:23 provide 11:12 public 1:12 7:8.15 7:23 8:4 9:1.11.18 9:22 10:14 18:12 18:21 29:22 30:3 30:20 purpose 20:13 pursuant 1:11 3:9</p>	<p>put 13:24 17:24 18:3.8 P.C 1:19 p.m 1:14</p> <p style="text-align: center;">Q</p> <p>question 19:2 questions 28:10 quite 13:11</p> <p style="text-align: center;">R</p> <p>Ralph 26:8 ran 4:9 range 11:4 Rashid 12:9.18 21:12 rather 16:13 raw 4:13 read 18:17 29:8 really 4:15.17 14:1 14:8 24:13 reason 3:12 20:23 reasonable 4:23 5:1 recall 9:12.14 10:10 12:24 13:2 15:7 16:10 18:5.8 18:15 19:16.24 21:1 22:4 23:6 24:1.12 26:13.24 receive 9:21 received 10:18.23 17:17.21 18:5 27:1 receiving 10:6 23:4 Recess 22:11 recognize 22:15.18 26:21 27:2 28:4 recollection 10:2 11:8 12:11.24 record 22:12 reduced 30:10 reelection 4:4 referred 17:5 24:22</p>	<p>referring 17:23 regard 22:21 regarding 20:2 related 24:17 30:15 relationship 17:9 17:13 18:9 19:3 relatives 6:13 remember 4:11.14 10:6 12:8 15:8.23 20:14 24:15 reminds 11:12 repeat 7:20 8:11 reported 30:10 Reporter 30:22 represent 11:15 13:3 representatives 7:18 8:9.13 9:22 represents 4:20 Republicans 12:17 14:3.6.13.19 request 6:5 requested 6:10 Rescue 18:2 21:21 resident 24:2 Respondent 1:8.24 29:7 rest 14:24 21:13 retired 12:19 review 19:18 Richwood's 11:16 rid 23:2 Riffle 1:19 right 11:7 12:3.11 26:1 river 11:19 18:1 21:21 Roach 27:12.12 Rosson 27:14 roughly 4:20.21 11:17.19.20 Royal 2:2 RPR 1:12 30:3</p>
--	--	---	---	--

<p>rules 1:11 3:10,15 7:6,17 8:15 9:7 16:24 17:1 run 10:13 14:19 running 4:4 14:14</p> <p style="text-align: center;">S</p> <p>saith 28:12 same 7:17 11:5 13:12,17 29:10 saw 19:8,10 saying 15:6 Schlicksup 17:19 26:11 Schlicksups 12:11 17:15 science 5:6,9 Scott 27:16 seal 30:17 second 4:2 16:20 see 19:14 seem 19:11 Seghetti 1:19 sense 4:18 sent 15:4 September 1:13 29:9 30:4,18 services 20:22 set 8:15 30:17 several 6:18 11:6 11:16 12:9 Sharon 22:14 25:5 sheet(s) 29:14 short 22:9 Shorthand 30:22 shortly 22:24 side 11:20 19:4 Sierra 18:1 21:21 22:4 signature 30:13 signs 19:6,8 simply 19:2 sir 3:24 5:3,13,23</p>	<p>6:13 11:15 28:9 siting 7:24 sizable 21:4,6,7 Smith 28:2 social 17:9,13 19:3 Society 22:4 some 6:19,19 8:19 10:2,10 11:5 13:12,17 17:21,24 28:1,4 someone 12:21 16:24 something 14:2,23 15:6 sounds 11:24 sources 9:10,18 South 1:23 Spalding 5:4 speak 15:17 23:21 speakers 18:22 specialized 20:1 specific 10:3 specifically 10:5 11:2 21:2 spoke 15:11 spoken 15:12 spread 11:24 SS 30:1 St 20:18 21:5,9,13 staff 17:1,5 24:22 stand 11:8,10 12:24 Star 5:14,21 started 23:19 starting 11:17 state 1:12 3:6 30:1 30:3,22 statement 18:24 State's 9:14 stay 21:2 stenographically 30:10 Stevenson 13:13 14:6 15:9,12 17:6</p>	<p>17:18 21:11 Stevensons 12:10 stick 13:22 14:1 still 21:13 Storey 27:18 street 1:13,16,19,23 10:14 22:18 30:5 stricter 8:15 studied 5:5,9 stuff 23:7 submitted 29:13 subscribe 29:10 Subscribed 29:19 substance 15:23 25:6 substantially 11:24 suggested 10:1 suit 30:15 Suite 1:13,16,19 30:5 support 25:18 Supreme 1:11 sure 13:5 17:23 24:14 sworn 3:2 29:19 30:8</p> <p style="text-align: center;">T</p> <p>take 5:11 7:15 8:2 14:5 17:21 22:9 24:2 taken 3:9,12 20:6 taking 1:11 20:16 talk 21:2 talked 17:4 24:7 talking 15:20 Ted 26:4,7 telephone 5:23 tell 10:5 25:9 term 4:2 9:6 terms 3:15 4:13 Tessie 12:10 15:14 15:17 24:8</p>	<p>testified 3:3 25:20 testify 30:8 testimony 8:2 30:9 30:11,17 Thank 28:9 their 7:16,23 8:2 27:24 themselves 26:9 thereof 30:16 things 16:22 20:17 23:1 24:20 think 4:22 6:19 8:14 11:9,11 12:20 13:23 15:5 16:4,23 18:16 19:1 20:5,14 22:2 22:24 24:4,10,18 25:2,11 26:24 27:2 third 24:10,21 Thomas 5:11 20:18 21:5,9,13 thought 25:15 three 5:5 11:21 15:19 24:12,13 through 16:7,11 26:4 29:9 throw 23:2 tidbit 8:20 time 4:8 18:20 22:2 29:9 times 15:17,19 title 5:16,17 today 3:18 6:7 told 8:20 25:12 Tom 18:1,6,10 24:5 tour 20:6,7 towards 25:13 Township 11:16 Toxic 19:22 to-wit 30:4 transcript 29:8,10 30:11</p>	<p>transcripts 18:17 treated 28:6 tried 13:5 27:9 true 20:20 29:10 30:11 truth 30:8,9,9 trying 4:18 Tuesday 1:13 30:4 30:17 turn 23:7,11 turning 23:4 turnout 4:23 two 15:19 24:7,12 25:3 typewriting 30:11 typically 13:24 27:7</p> <p style="text-align: center;">U</p> <p>under 3:17 6:11 underneath 18:3 understand 3:17 understanding 7:6 7:17,22 8:1,8,12 8:16,23 understood 8:3 unopposed 14:14 upset 16:9 Urich 16:23 used 9:6,8,13,13 using 9:8 usually 21:2</p> <p style="text-align: center;">V</p> <p>various 18:2 very 11:17 15:5,8 victory 4:11 Vidas 28:2 View 11:22 vocal 21:8 27:24 voice 14:1 vote 4:12 7:13 14:18,23 16:4,5</p>
---	--	--	---	--

21:17 22:24 25:8	wondering 18:4	3	
voted 25:1	work 5:14.17 6:19	3 2:7 29:9	
votes 4:16.22	10:15 16:22 17:2	3,000 4:16.23	
vs 1:6 29:5	www.notoxic 19:22		
W	X	4	
waived 30:13	X 2:4	416 1:13.19 30:5	
want 4:15 10:9		4311 22:16	
18:15	Y	5	
wanted 16:4 17:3	yard 19:6.8	528 1:16	
24:18 25:8	years 4:3 5:5.22		
Waste 19:22	20:16 22:8	6	
waste.org 19:23	Young 27:20	61350 1:17	
way 7:21 8:3 16:12		61550 1:23	
30:15.15	Z	61602 1:20	
website 19:17.22	Zwicky 28:2	65 4:12	
24:20	#	686-8182 5:24	
website's 19:18	#084-003571 30:22	7	
week 25:11		7 4:22	
weigh 8:4.5.9.14.16	0		
well 8:6 9:3.17 11:9	06-184 1:6 29:5	8	
13:2 16:10 17:24	07/24/07 30:23	800 4:22	
22:3.20 26:6			
were 4:16 6:10 7:14	1		
8:5 9:6 16:22	1:00 1:14		
18:2.14.18.23.23	1:37 22:11		
21:4.8.9.10 23:3	1:43 22:11		
27:8.24 29:15	10,000 4:21		
weren't 16:6 27:10	100 11:1.3.4		
west 11:20 22:16	101 1:23		
We'll 10:8	12 29:9		
we're 15:20 28:1	12th 1:13 30:4		
we've 17:24	1400 1:13.19 30:5		
whereof 30:17	1513 3:21		
while 7:4 10:4	180,000 4:21		
15:20 23:3.23	19th 30:18		
whole 30:9			
Wilderness 22:3	2		
witness 1:10 2:5	20 22:8		
3:2 30:6.8.10.10	2006 1:13 29:9.20		
30:11.13	30:4.18		
witnesses 18:24	204 1:16		
won 4:22	28 5:22 29:9		