

Exhibit 17

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

The deposition of JOYCE BLUMENSHINE, 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 Monday, October 23, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 8:20 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;

APPEARANCES: Cont'd

DAVID L. WENTWORTH, ESQUIRE
Hasselberg, Williams, Grebe, Snodgrass & Birdsall
124 Southwest Adams, Suite 360
Peoria, Illinois 61602
on behalf of Joyce Blumenshine;

ALSO PRESENT:

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

I N D E X

WITNESS

JOYCE BLUMENSHINE

Examination by Mr. Mueller pg. 3

*EXHIBITS

IDENTIFIED

Blumenshine Exhibit No. 36 pg. 33
Blumenshine Exhibit No. 37A-S pg. 38
Blumenshine Exhibit No. 38 pg. 46
Blumenshine Exhibit No. 39 pg. 55
Blumenshine Exhibit No. 40 pg. 58
Blumenshine Exhibit No. 41 pg. 88
Blumenshine Exhibit No. 42 pg. 92
Blumenshine Exhibit No. 43 pg. 94

*Indicates exhibits were withdrawn by Petitioner's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

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1 JOYCE BLUMENSHINE.
2 a material witness herein, being duly sworn, was
3 examined and testified as follows:
4 EXAMINATION
5 BY MR. MUELLER:
6 Q State your full name, please.
7 A My full name is Joyce Madeleine.
8 M-A-D-E-L-E-I-N-E, Blumenshine.
9 Q Let the record show this is the deposition
10 of Joyce Blumenshine taken pursuant to subpoena,
11 pursuant to applicable rules and scheduled by
12 agreement.
13 MR. WENTWORTH: Not by agreement, but
14 it was okay.
15 BY MR. MUELLER:
16 Q Ms. Blumenshine, is Mr. Wentworth acting as
17 your attorney --
18 A Yes.
19 Q -- in this deposition today?
20 A Yes.
21 Q Have you ever had your deposition taken
22 before in any case for any reason?
23 A No. I have never done this before.
24 Q Let me give you a couple of ground rules.

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1 One is that everything that we say is being taken
2 down by a court reporter. So it's important that
3 only one of us talk at a time, and if you would
4 wait for me to finish my questions before starting
5 your answers, I will wait for you to finish your
6 answers before starting the next question, is that
7 fair?
8 A Agreed.
9 Q Also, nonverbal communications such as
10 gestures cannot be taken down by the court
11 reporter. So we try to keep everything verbal
12 using yes and no rather than uh-huh and huh-uh and
13 words like that. Is that also fair?
14 A Yes, okay.
15 Q You understand that you are under oath?
16 A Absolutely.
17 Q What is your address, Ms. Blumenshine?
18 A My address is 2419 East Reservoir,
19 R-E-S-E-R-V-O-I-R, Boulevard, Peoria, Illinois, zip
20 code 61614-8029.
21 Q What is your personal E-mail address?
22 A My personal E-mail is joblumen@a yahoo.com.
23 Q Was that your E-mail address during the
24 past 12 months?

1 A Yes.
2 Q Where are you employed, ma'am?
3 A I am employed by Peoria Heights
4 Congregational Church.
5 Q In what capacity?
6 A Musician.
7 Q Is that a full- or part-time job?
8 A Part-time.
9 Q How many hours a week?
10 A About 12 hours a week.
11 Q Do you have any affiliation with the Sierra
12 Club?
13 A Yes.
14 Q What is your affiliation with them?
15 A I am a volunteer and I'm a member.
16 Currently, I am a local group chairperson.
17 Q Is the local group called the Heart of
18 Illinois Chapter?
19 A No. It is the Heart of Illinois Group
20 which is a subset of the Illinois Chapter. In
21 Sierra Club, the chapter is the state organization.
22 Q How long have you been a member of the
23 Sierra Club?
24 A Since 1977 or '78 I actually joined. So

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1 that's getting on about 30 years.
2 Q Can you explain to me how the Sierra Club
3 is structured and governed in terms of the
4 relationship between local groups, state chapters
5 and a national organization?
6 A Sure. It might take me a minute, but here
7 I go. Local groups are authorized by the state
8 chapter, and they then have autonomy because we're
9 all volunteers.
10 Now, the state chapters exist from
11 permission or whatever you want to say,
12 authorization, of the National Sierra Club. Some
13 chapters are regional.
14 We happen to have an Illinois State
15 Chapter; and, basically, while we're under the same
16 name, there is autonomy within the different
17 regions and local groups because we're all
18 volunteers.
19 Q Is there a mission statement for the Sierra
20 Club that is adopted or has to be conformed to by
21 the local groups?
22 A We do have a mission statement. We conform
23 to it. I honestly can't say if we ever adopted it,
24 but it's understood that our mission is to protect

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1 the environment for our families and for our
2 future. That is our mission.

3 **Q Is it part of the national mission**
4 **statement to be opposed to landfill development or**
5 **expansion?**

6 A The national has circulars on a variety of
7 environmental topics regarding -- now, you said
8 landfill. Could I ask you to please clarify? Are
9 you talking about municipal landfills or hazardous
10 waste landfills?

11 **Q We're talking about any kind, if Sierra**
12 **Club has a position with regard to any kind of**
13 **landfills.**

14 A You know, I'm going to have to say I don't
15 know right now exactly where they're at in that.

16 **Q Do they have a position with regard to**
17 **hazardous waste landfills?**

18 A I believe for hazardous waste that we are
19 opposed to hazardous waste landfills in certain
20 siting areas. That's as far as I can go.

21 **Q Where would the Sierra Club propose that**
22 **hazardous waste go if not in a landfill?**

23 A As I said, there are locations that would
24 be more suitable for hazardous waste, certainly not

1 A Forest Park Nature Center.

2 **Q Are there dues charged to be a member of**
3 **the Heart of Illinois Group?**

4 A No.

5 **Q Are there dues charged to be a member of**
6 **the Sierra Club?**

7 A Yes.

8 **Q What are the amount of the annual dues?**

9 A There are different levels. I think the
10 basic membership now is about \$65.

11 **Q That money goes to the national or to the**
12 **state?**

13 A That money goes to the national.

14 **Q Does any of that money get filtered back**
15 **from the national to the local groups?**

16 A Yes.

17 **Q Is there a formula somewhere that shows how**
18 **the money gets -- or a portion of it gets filtered**
19 **back?**

20 A Yes.

21 **Q What percentage goes back to the local**
22 **groups?**

23 A We get a percentage from the funds that go
24 to our state chapter. I cannot tell you the exact

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1 over an aquifer. That is not a suitable location
2 for landfills.

3 In our situation, the Federal EPA also has
4 kind of an advisory that says hazardous waste
5 shouldn't be over an aquifer. It's in one of their
6 memos.

7 **Q Have you ever before the Peoria Disposal**
8 **Company application participated in a landfill**
9 **siting or expansion process of any kind?**

10 A Yes.

11 **Q When?**

12 A I have a vague memory from the 1980s
13 sitting in at the county board hearing on PDC.

14 **Q How many members does the Heart of Illinois**
15 **group have?**

16 A About 890.

17 **Q Do they have regular meetings?**

18 A Yes.

19 **Q How often are the meetings?**

20 A We meet monthly.

21 **Q Where's the -- do you have a regular**
22 **meeting place?**

23 A For most of the meetings, yes.

24 **Q Where is that?**

1 percentage, but it's probably about \$600 a year,
2 somewhere in there. I'm not sure of the exact
3 amount.

4 **Q Well, I'm doing this rough math in my head.**
5 **If you've got 890 members and you're talking about**
6 **\$65 per year, I've got that working out as over**
7 **\$50,000 in Sierra Club dues getting paid.**

8 A Okay.

9 **Q Roughly, how much of that comes back to the**
10 **local group?**

11 A A miniscule amount.

12 **Q Did either the state or the national**
13 **organization provide any additional help to the**
14 **local group in connection with this opposition to**
15 **PDC?**

16 A No.

17 **Q Does the local group hold elections?**

18 A Yes.

19 **Q How frequently?**

20 A We have elections every year.

21 **Q Are you folks a not-for-profit corporation?**

22 A There is an arm of Sierra Club. Are you
23 talking about --

24 **Q The local group.**

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1 A They have a foundation. Okay. Our local
2 group is not -- it's a 5013C, but to make a
3 donation that's not-for-profit, you have to donate
4 to the Sierra Club Foundation which is separate.
5 **Q So the actual local group is not a**
6 **corporation?**
7 A I don't understand that.
8 **Q Joyce, it's not a trick question.**
9 **Mr. Wentworth in a letter I think indicated it was**
10 **a voluntary association. I'm just trying to see if**
11 **that's your recollection as well.**
12 A We are volunteers.
13 **Q By the way, did you participate in the city**
14 **county landfill siting proceedings in the mid '90s?**
15 A No. I do not recall that. I was out of
16 state for several years.
17 **Q What are the offices that are elected at**
18 **these local, annual elections?**
19 A Our local elections elect general board
20 members.
21 **Q Well, you said you're the chairman?**
22 A Right.
23 **Q Were you elected to be chairman?**
24 A The offices are voted by the board.

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1 **Q How many people are on the board?**
2 A We have six people.
3 **Q Can you identify the current board members?**
4 A Sure. I'm chairperson. Our vice chair is
5 Rudy Hobben; our secretary is John Wosik.
6 W-O-S-I-K; our other officers are Joe Laszlo.
7 L-A-S-Z-L-O; Norm Ewing, E-W-I-N-G; Wendy Marquis,
8 M-A-R-Q-U-I-S; and hang on here, Dave Grebner,
9 G-R-E-B-N-E-R.
10 **Q Are those board members elected on an**
11 **annual basis?**
12 A Yes.
13 **Q By the way, have you ever seen Jim Thomas**
14 **at a monthly meeting?**
15 A No.
16 **Q Have you ever seen Allen Mayer at a monthly**
17 **meeting?**
18 A No.
19 MR. WENTWORTH: Can you clarify the
20 monthly meeting as a --
21 BY MR. MUELLER:
22 **Q Yes, the Sierra Club.**
23 A I was assuming.
24 **Q Now, the local group puts together a**

1 **newsletter called Tall Grass Sierran?**
2 A Yes, that's right.
3 **Q Who is the editor of this newsletter?**
4 A John Wosik, W-O-S-I-K.
5 **Q Who pays for the cost of this publication?**
6 A Our local group.
7 **Q How often does the newsletter come out?**
8 A Bimonthly, six issues a year.
9 **Q Is Tom Edwards a member of the local Sierra**
10 **Club group?**
11 A If he's paid his recent dues, yes.
12 **Q I see there's an article on the front page**
13 **of the Tall Grass Sierran that I'm looking at**
14 **called PDC Toxic Waste Landfill Endangers Our**
15 **Future, and it purports to be authored by Tom**
16 **Edwards. That's why I was wondering if he is a**
17 **member.**
18 A He's one of the founders of our group. I
19 think he's a member, but I would have to honestly
20 look at the list.
21 **Q Who determines what goes into this**
22 **newsletter and what doesn't?**
23 A Our editor.
24 **Q You would not have -- do you have any**

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1 **responsibilities with regard to this newsletter?**
2 A I write articles for the newsletter.
3 **Q Do you have any editorial control over what**
4 **goes in?**
5 A Not usually. If there was a question on
6 something that John Wosik had, he might call me,
7 but that is not the usual.
8 **Q Have you ever held any offices in the state**
9 **chapter?**
10 A Yes.
11 **Q What offices have you held in the state**
12 **chapter?**
13 A Currently, I am conservation chairperson.
14 At one time, I was secretary, and I was a general
15 board member without duties at one time.
16 **Q Have you ever held any offices in the**
17 **national organization?**
18 A No.
19 **Q Is the Tall Grass Sierran mailed out to all**
20 **the members on a bimonthly basis?**
21 A Yes.
22 **Q Is it distributed in any other way besides**
23 **being mailed out?**
24 A Yes.

Pages 11 to 14

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<p>1 Q How else? 2 A We leave copies at the libraries. 3 Q Anywhere else? 4 A We leave copies at the Nature Center. 5 Q Does the local chapter have a website? 6 A No. 7 Q Did you have a website at any point in the 8 past? 9 A No, not what you would call a website. 10 Q Ms. Blumenshine, did the local chapter of 11 the Sierra Club ever take a vote on whether or not 12 to take a position with regard to the Peoria 13 Disposal expansion? 14 A I don't remember. 15 Q Did the directors ever take a vote on 16 whether to take a position? 17 A Wait. You said, are you talking -- could 18 you clarify that's the directors of the state? 19 Q The directors of the Heart of Illinois 20 Group. 21 A The directors of a local group? 22 Q Yes. 23 A Oh, yes, we did, the local group. 24 Q Was it the directors or the membership that</p>	<p>1 Q How often did the organization have 2 meetings? 3 A Weekly. 4 Q Where did those meetings physically take 5 place at? 6 A Usually at Panache, P-A-N-A-C-H-E. 7 Q Did you ever see any county board member at 8 any meeting of Peoria Families Against Toxic Waste? 9 A No. 10 Q Did you ever see any county employee or 11 person that you knew to be a county employee more 12 precisely at any meetings of Peoria Families 13 Against Toxic Waste? 14 A No. 15 Q Is the Peoria Families group a dues paying 16 organization? 17 A They don't have dues, no. 18 Q Was there ever an election of any kind 19 while you were going to meetings? 20 A No. 21 Q Well, who's in charge of the organization? 22 A Kim Converse is the -- what I would call 23 the leader. 24 Q Is she a leader by reason of election or</p>
Page 16	Page 18
<p>1 decided to take a position? 2 A It was the board. 3 Q When did the board make that determination? 4 A I can't give you the date. 5 Q Approximately? 6 A I don't recall. 7 Q Your best estimate. 8 A I'm trying to put a year. I don't 9 remember. 10 Q Okay, fair enough. Are you also a member 11 of the Peoria Families Against Toxic Waste? 12 A Yes. 13 Q What type of organization is that? 14 A I would call it a grass roots volunteer 15 local organization. 16 Q Does it have officers? 17 A No, not in the sense that you're talking 18 about what? A secretary and treasurer? Could you 19 clarify the question, please? 20 Q Let's break it down. How long have you 21 been a member of Peoria Families Against Toxic 22 Waste? 23 A I started going to meetings late January, 24 February of '06.</p>	<p>1 just by consensus? 2 A Consensus. 3 Q Do you consider yourself one of the leaders 4 of Peoria Families Against Toxic Waste? 5 A No. 6 Q If Kim Converse is the leader of that 7 group, who would be, to your knowledge, the next in 8 line behind her in leadership? 9 A I'm not sure how to answer that. People do 10 different duties. I would -- well, I would say 11 Cara Rosson did publicity. She did a task. So 12 that was a task that I knew about. 13 Q Can you associate any other tasks with 14 people? 15 A Yard signs were handled by Tessie. Just a 16 minute. 17 Q Tessie Bucklar? 18 A Thank you. Yes, that's right. Others 19 helped her do that. 20 Q Any other tasks? 21 A So many people in that group helped with 22 different projects that those are the ones that 23 come to mind. 24 Q Did Peoria Families also do billboards?</p>

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1 A The billboards design was with the help of
 2 Ted Converse. So, yes, to answer your question,
 3 they were a part of that.
 4 **Q Ted Converse did billboard design?**
 5 A Right.
 6 **Q Were you involved in billboard design or**
 7 **content?**
 8 A Yes.
 9 **Q What was your involvement?**
 10 A Some suggested wording.
 11 **Q Was Sierra Club involved in doing**
 12 **billboards or was that the Peoria Families Against**
 13 **Toxic Waste?**
 14 A Sierra Club was not involved in doing
 15 billboards. I would say it was Peoria Families.
 16 **Q What was the purpose of the billboards?**
 17 A Public education. The number one largest
 18 task was educating the public of Peoria about the
 19 existence of PDC.
 20 **Q Any other purpose?**
 21 A That was our main purpose of the billboards
 22 because people in this town did not know there was
 23 a hazardous waste landfill at the very edge of the
 24 city. I mean, the sign out in front of PDC does

1 **opposition group?**
 2 A No. That was never a purpose that I was
 3 aware of.
 4 **Q Were you involved in the -- strike that.**
 5 **Let me go back. Did anyone help you fund**
 6 **the payment for billboards?**
 7 A No.
 8 **Q When Mr. Wentworth was hired, was he hired**
 9 **by the Peoria Families Against Toxic Waste or was**
 10 **he hired by the Sierra Club or both?**
 11 A He was hired by Peoria Families and I was
 12 part of Peoria Families; and so, therefore, he was
 13 representing me for Sierra Club.
 14 **Q Well, who paid Mr. Wentworth's bill?**
 15 A Lots of people donated money that went to
 16 the bill.
 17 **Q Ms. Blumenshine, did you early on in this**
 18 **process, meaning the application and hearing**
 19 **process, take the time to acquaint yourself with**
 20 **the rules and procedures that governed the process?**
 21 A By "process," could you clarify what
 22 exactly you're talking about?
 23 **Q Well, did you learn how the decision was to**
 24 **be made?**

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1 not say hazardous waste landfill. It says
 2 Environmental Management Unit. So we had a huge
 3 task in educating people of Peoria to what was
 4 here.
 5 **Q What was the purpose in educating the**
 6 **people to the existence of PDC?**
 7 A Informing them that the landfill was here
 8 and that there's a hazardous waste dump at the edge
 9 of their city.
 10 **Q Why did you think it was important for the**
 11 **public to know that?**
 12 A To be informed that PDC was here and to
 13 raise their interest and concern.
 14 **Q Who paid for the billboards?**
 15 A I did.
 16 **Q You personally paid for them?**
 17 A That is correct.
 18 **Q How much money was spent on billboards?**
 19 A It was around \$30,000. I would have to go
 20 back.
 21 **Q How many billboards were there?**
 22 A Fifteen as I recall.
 23 **Q Was one of the purposes of the billboards**
 24 **to increase the county board's awareness of the**

1 A In the decision you're meaning like the
 2 hearing and --
 3 **Q Right.**
 4 A I tried to learn about the structure of the
 5 hearing and that the evidence would be based on the
 6 facts from the hearing and also from what was in
 7 the record. So I guess the answer is yes.
 8 **Q So you did understand that the decision was**
 9 **to be made based upon the evidence?**
 10 A Right. It was my understanding that the
 11 decision was based on evidence and on facts from
 12 the record and from the hearing.
 13 **Q If that's the case, then what was the point**
 14 **of all of the contacts of county board members made**
 15 **outside the hearing process while it was going on?**
 16 A By contacts, can you just you kind of --
 17 I'm trying to understand your question a little
 18 better.
 19 **Q Let's get specific. In looking at the**
 20 **newsletter, the Sierran, I'm looking at an article**
 21 **entitled Urgent, Tell The Peoria County Board Your**
 22 **Views On The PDC Hazardous Waste Landfill**
 23 **Expansion, and it purports to be authored by Joyce**
 24 **Blumenshine.**

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1 **Let me show you that and ask you if you**
2 **wrote that article.**
3 A Yes, I did.
4 **Q Did you write that headline?**
5 A Probably, yes.
6 **Q Underneath it, it actually lists the board**
7 **members and their contact information?**
8 A Yes, it does.
9 **Q Now, what was the point of urging people to**
10 **have direct contact with Peoria County Board**
11 **members if the decision was to be made based on**
12 **evidence developed at the hearing?**
13 A The reason for that was that the PDC
14 hazardous waste landfill is located over our
15 aquifer. In the articles by PDC and the news, the
16 spin from PDC was that that wasn't the case, and we
17 were concerned -- I was concerned that the public
18 presence of PDC did not tell the full story, that
19 the public didn't know the full story, and so to
20 get what we to our best ability knew as the correct
21 state of knowledge and the concerns for our
22 community wanted people to know that and to tell
23 the county board because we were concerned the
24 county board did not hear the full story. We know

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1 that PDC had maintained numerous things that
2 weren't how we saw the case.
3 So my effort was to educate the public to
4 what we saw were the facts. Those facts were all
5 in our evidence turned in in the record.
6 **Q The Sierra Club was an official participant**
7 **in the siting hearing?**
8 A Yes.
9 **Q The Peoria Families Against Toxic Waste**
10 **were an official participant in the siting hearing?**
11 A Yes.
12 **Q Both organizations were represented by an**
13 **attorney in the siting hearing?**
14 A Yes.
15 **Q Were you denied the opportunity in the**
16 **siting hearing to get a portion of your story as**
17 **you saw it into the record?**
18 A No, I thought it was very fair.
19 **Q That being the case, why did you think it**
20 **was appropriate to have people give county board**
21 **members their views outside the siting hearing if**
22 **county board members were supposed to make their**
23 **decision based on a record which you say was fairly**
24 **developed?**

1 A The record was voluminous, many volumes.
2 and as we sit at this table, you see business
3 people with suits, Mr. Coulter and his family, and
4 their side had presented huge volumes of
5 information which parts of it I did not agree with,
6 and we did not know that the county board might
7 read every page and every word.
8 I felt it was essential as did much of the
9 Peoria Families that we highlighted concerns in
10 that record because PDC had been in the Chamber,
11 they had been in the civic federation, the news
12 articles, seemed to always have what I will call
13 the same spin, everything's safe, everything's
14 fine, and that to us was not the full story.
15 While everything was in the record, only
16 certain parts of that were being highlighted, you
17 know, what people really seemed to attend to. So
18 we were speaking out to our community to be sure
19 that the full picture was presented.
20 **Q So you wanted to pressure county board**
21 **members outside the hearing process, right?**
22 A No. That was not the direct purpose.
23 **Q That was an indirect purpose of it, though,**
24 **wasn't it?**

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1 A I would say education. I do not agree with
2 your word pressure. Education was our purpose.
3 **Q You wanted to educate county board members**
4 **outside the hearing process?**
5 A No. At no time did -- well, I should say,
6 the factual record and the hearing process were
7 what we all knew was to be the basis for the vote,
8 and our efforts were at educating to bring the full
9 picture of the condition of the landfill and our
10 concerns.
11 **Q But you wanted to educate the county board**
12 **members outside the hearing process?**
13 A No. Everything that we used in our
14 publications were parts of our evidence that was
15 turned in or part of the record or was facts from
16 the PDC application. It was already part of what
17 was in the hearing process. That was --
18 **Q Ms. Blumenshine, you urged people to**
19 **contact county board members outside the hearing**
20 **process, didn't you?**
21 A When you're saying "outside the hearing
22 process," I want to be sure that I understand that
23 because we were referring to things in the record
24 or we were using things that were in the hearing

Pages 23 to 26

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1 itself. So when you say outside the hearing
2 process, I need to know if you're talking about
3 what kind of part of that.
4 **Q Well, you understand what a hearing is,**
5 **right?**
6 A Right.
7 **Q It convenes, things are said, it adjourns?**
8 A Right.
9 **Q You urged people to contact board members**
10 **outside of what happened while the hearing was**
11 **going on, didn't you?**
12 A Yes, because we knew PDC was taking board
13 members out on landfill tours and talking to board
14 members. We knew that PDC was speaking at the
15 Chamber of Commerce and that they had had other
16 contacts with board members.
17 So we did -- what I'm talking specifically
18 about is what you have in your hand there, the
19 newsletter.
20 **Q I need to follow up on this. You said that**
21 **PDC was taking board members on landfill tours?**
22 A Yes. They took Sierra Club members on
23 landfill tours, too.
24 **Q That was not after the application was**

1 far as the conversation that we're having. So what
2 I referred to about the tours, I can tell you that
3 we went in November with Sierra Club.
4 **Q Would that have been November 4th?**
5 A It could have been. I don't remember the
6 exact date.
7 **Q Were you ever aware that once the**
8 **application was on file the participants were not**
9 **to have ex parte communications with board members?**
10 A No. The ex parte terminology never came
11 into our early awareness as far as -- I mean, they
12 were board members. So --
13 **Q Well, did it ever come into your late**
14 **awareness?**
15 A When we -- could you just -- let me just
16 back up a minute here.
17 We felt county board members are elected
18 and representatives of the public and that people
19 could call them with their opinions.
20 **Q What was the point of that if you**
21 **understood the decision was to be made based on the**
22 **evidence?**
23 A The evidence file was huge; and, as I said,
24 we were concerned that the spin that PDC had on

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1 **filed, was it?**
2 A I don't know the full timeframe of
3 everything. I know we went in November.
4 **Q PDC before they filed their application**
5 **offered landfill tours to everybody, didn't they?**
6 A They made an open statement. I'm
7 assuming -- I don't really know if they offered it
8 to everyone. I'm assuming they did.
9 **Q You knew PDC was talking to board members**
10 **while the application was pending?**
11 A I better be sure I'm relating to the right
12 timeframe here. So let's specify the dates. What
13 dates are you talking about?
14 **Q I'm interested in November 9th through**
15 **May 3rd. That's the time period.**
16 **Tell me what board members PDC**
17 **representatives talked to during that time that you**
18 **were aware of.**
19 A I don't know.
20 **Q Well, you made the statement,**
21 **Ms. Blumenshine, that you knew that they were**
22 **talking to board members. So I'm going to inquire,**
23 **what did you know?**
24 A I'm trying to get dates straight here as

1 things was only part of the picture, not the whole
2 picture.
3 **Q Well, you had a fair hearing to present the**
4 **whole picture, didn't you?**
5 A We had a fair hearing, but PDC had numerous
6 professional expert witnesses in suits and giving
7 their paid comments. We had one professional who
8 assisted us because we didn't have money for more.
9 So I see that we were only doing what volunteers
10 and any concerned local citizens would do and that
11 is to speak about the issues that concerned them.
12 **Q So you wanted it to become a popularity**
13 **contest?**
14 A No.
15 **Q You certainly wanted the county board**
16 **members to take your views expressed to them in**
17 **home visits and E-mails, in letters, in personal**
18 **conversations, in telephone conversations? You**
19 **wanted them to take those views into consideration**
20 **making their decision, didn't you?**
21 MR. WENTWORTH: I have to object.
22 You're mentioning an awful lot of a laundry list of
23 stuff that isn't --
24 MR. MUELLER: I will break it down.

Pages 27 to 30

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1 but I don't know how much time we have.
2 MR. WENTWORTH: Fair enough. You're
3 kind of testifying.
4 BY MR. MUELLER:
5 Q Mr. Wentworth's objection is fair. Let's
6 go back for a second.
7 You made the statement that you knew Peoria
8 Disposal Company was having contact with board
9 members.
10 My question is, can you give me a single
11 contact with a board member on behalf of Peoria
12 Disposal that you're aware of between November 9th
13 and May 3rd?
14 A No.
15 Q So when you said you knew that Peoria
16 Disposal Company was having contact with board
17 members, you misspoke, is that correct?
18 A The timeframe was probably not clear to me.
19 Q You certainly had contact with board
20 members outside the hearing process between
21 November 9th and May 3rd, didn't you?
22 A Yes.
23 Q Hundreds of such contacts, right?
24 A I don't know the number.

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1 Q Well, would it be fair to say that it's in
2 the hundreds that you had?
3 A I don't know.
4 Q In the thousands then?
5 A I don't know.
6 Q You had so many contacts with board members
7 you can't remember the amount, isn't that fair?
8 A Are you talking about me personally because
9 you have the Heart of Illinois Group Sierra Club
10 newsletter in your hand?
11 Could you specify if you're talking about
12 me personally?
13 Q I'm talking about you personally right now.
14 A It certainly was not in the thousands, not
15 in the hundreds. I did call board members and
16 leave messages mostly on answering machines. I did
17 write some letters and I sent them thank you cards.
18 Q Did you go to any of their houses?
19 A No.
20 Q That was Mr. Edwards that did that, right?
21 A I don't know.
22 Q And others also went to homes, correct?
23 A I never asked someone to go to a home. I'm
24 not sure what you're referring to there.

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1 Q All right. The January-February issue of
2 the Sierran -- let's mark this as an exhibit now.
3 We're going to give you a copy.
4 (Blumenshine Exhibit No. 36 marked)
5 MR. MUELLER: This will be Deposition
6 Exhibit No. 36. Mr. Wentworth, the reason for the
7 odd numbering is we've just kept one continuous
8 sequence of numbers for all these depositions. So we do
9 not have 35 other exhibits to ask Ms. Blumenshine
10 about.
11 THE WITNESS: Thank you.
12 BY MR. MUELLER:
13 Q If I can direct you to the third page of
14 this particular Sierran, that has a full page
15 article which you indicate was written by you, and
16 I take it that the county board contact information
17 including phone numbers, addresses and E-mails was
18 initiated -- was also provided by you, right?
19 A Yes, I wrote this.
20 Q You did write, Please contact as many board
21 members as you can, right?
22 A I'm looking for --
23 Q That's the last sentence in your article.
24 A Okay. Yes, I did.

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1 Q The purpose of that was to help counteract
2 what you have referred to as several times as PDC's
3 spin, correct?
4 A We wanted people to inform the board
5 members of the fact that it mentions about
6 important environmental issue for Peoria.
7 Q It wasn't good enough to mention that at
8 the hearing. You wanted it mentioned to board
9 members by telephone, by letter and by E-mail,
10 right?
11 A That is what I'm asking here to do, yes.
12 That's right.
13 Q Did anyone ever tell you that was wrong,
14 that that was not part of the approved process?
15 A No.
16 Q You never got an understanding that the
17 decision was to be made exclusively based on what
18 county board members heard at the hearing?
19 A We knew that the decision would be based on
20 the facts in the hearing and in the evidence
21 record.
22 Q But that those facts could be emphasized
23 and communicated to board members outside the
24 hearing?

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1 A Well, it was my decision to write this
2 article, and that's what I asked people to do.
3 **Q You never cleared that with Mr. Wentworth**
4 **before you did it?**
5 A No.
6 **Q Did you clear it with anybody at the**
7 **Illinois Chapter of the Sierra Club?**
8 A No.
9 **Q Did you clear it with anybody at the**
10 **national?**
11 A No.
12 **Q Now, the Sierra Club has a long history of**
13 **opposing landfills.**
14 **Did you ever talk to anyone at the local or**
15 **at the state or national organization about the**
16 **procedures for doing that?**
17 A No.
18 **Q The presentation to the Chamber of Commerce**
19 **that you've referred to on behalf of PDC, when did**
20 **that occur?**
21 A I think it was in January. I don't
22 remember the exact date. We were out at Apple's
23 Restaurant.
24 **Q Do you know if county board members were at**

1 A Not to go to their house and talk to them,
2 no.
3 **Q Who's Lois Gibbs?**
4 A Lois Gibbs is the what they call the mother
5 of the super fund bill. She was an organizer at
6 the Love Canal. Now she's the head of an
7 organization center for the environmental health
8 and justice.
9 **Q Did she ever give you any advice on how to**
10 **fight these landfills?**
11 A Yes.
12 **Q Did she tell you that encouraging direct**
13 **contact with the decision-makers outside of the**
14 **hearing process was a very effective method?**
15 A I don't remember the wording that she used.
16 I don't remember if she did that.
17 **Q Here's an E-mail that you produced dated**
18 **12th of March -- 22nd of March, excuse me, and**
19 **this is apparently a document presented by --**
20 **produced by your attorney today.**
21 **Did you write that E-mail?**
22 A Yes, I did.
23 **Q Who was that written to?**
24 A It is to Julia Stone, and there's some

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1 **that presentation?**
2 A I do not think any county board members
3 were there.
4 **Q So that was not an ex parte contact by PDC**
5 **with county board members, was it?**
6 A No.
7 **Q You understand the term ex parte contact,**
8 **don't you?**
9 A I think it means that you're talking to a
10 person outside of the record, whatever.
11 **Q Right. You acknowledge that that's what**
12 **you encouraged people in the January-February issue**
13 **of the Tall Grass Sierran to do?**
14 A We were referring to information in the
15 record. I have this article. I did ask people to
16 call and contact.
17 **Q Did you also encourage people to visit**
18 **board members door to door?**
19 A Not to visit board members door to door,
20 no. Now when you're talking about visiting, can I
21 ask you to clarify, George?
22 **Q To talk to them.**
23 A To go to their house?
24 **Q Yes.**

1 other people copied in the heading, Jean Roach,
2 Cara Rosson and Tessie Bucklar.
3 **Q What was the purpose of that E-mail?**
4 A To talk about --
5 MR. WENTWORTH: Why don't you read the
6 whole thing before you start answering in pieces.
7 THE WITNESS: Thank you. The E-mail
8 reads, Julia --
9 MR. WENTWORTH: No, no. You read it
10 over.
11 THE WITNESS: (Witness perusing
12 document.)
13 (Discussion off the record.)
14 (Blumenshine Exhibit No. 37A-S
15 marked)
16 BY MR. MUELLER:
17 **Q While Janaki is marking documents, I think**
18 **we can spend some time asking questions.**
19 **You did review the one E-mail that is going**
20 **to be identified as Exhibit 37B, didn't you?**
21 A The one you just handed me, yes, I did.
22 **Q What was your purpose in writing that?**
23 A We -- I was informing other volunteers
24 about leafletting that we had done, and in that

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1 E-mail it says, we were concerned about the public
2 thinking that it was a ballot issue to vote on the
3 PDC landfill. So we were -- we had flyers that we
4 were taking around the neighborhoods.

5 **Q Isn't it true that the -- one of the**
6 **purposes of the very organized and comprehensive**
7 **campaign to have county board members receive ex**
8 **parte communications from landfill opponents was to**
9 **try to overpower the perception of what you called**
10 **the suits that appeared on behalf of PDC at the**
11 **hearing?**

12 A I wouldn't say overpower. We wanted our
13 side of the story, that is, the information as we
14 understood it to be relayed and highlighted as I
15 told you.

16 **Q Well, let's talk about you personally. You**
17 **spoke at the public hearing?**

18 A Yes.

19 **Q You got a chance to relay your personal**
20 **feeling and your perception of your side of the**
21 **story?**

22 A Yes.

23 **Q But you also wrote numerous E-mails**
24 **directly to county board members?**

1 and she gave a pretty good definition for a
2 layperson.

3 BY MR. MUELLER:

4 **Q You understand once again that you were**
5 **communicating with decision-makers outside the**
6 **presence of your opponent and outside the confines**
7 **of the hearing room?**

8 A I can't say it wasn't outside the presence
9 of the opponent. I'm not sure what all is
10 happening with them. I know that the Chamber of
11 Commerce and other places had been considering the
12 issue. There are articles in the newspapers and on
13 the news that promoted what I would say as PDC's
14 interpretation of the situation.

15 **Q We've already talked about the Chamber of**
16 **Commerce which had no county board members at it,**
17 **right?**

18 A That's right.

19 **Q When you communicated with county board**
20 **members outside the context of the hearing, meaning**
21 **directly communicated with them, you did not copy**
22 **PDC in on those communications, did you?**

23 A Not directly. Some things would be at
24 county board members -- meetings or whatever, were

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1 A I did.

2 **Q Why would you feel the need to contact them**
3 **directly outside the hearing when you had a chance**
4 **to say everything you wanted to say during the**
5 **hearing?**

6 A There was -- my concern that there's so
7 much information in the evidence and the hearing
8 file and so much presented from PDC that I had a
9 concern that the issues about the aquifer wouldn't
10 be highlighted.

11 **Q So the point of the ex parte communications**
12 **was to highlight what you thought was important,**
13 **right?**

14 A Yes.

15 MR. WENTWORTH: I'd just like to make
16 an objection to the term you had the witness
17 disclose, ex parte, but I don't believe she's a
18 lawyer; and to the extent that it calls for a legal
19 opinion under the definition of ex parte as it's
20 used in Pollution Control Board hearings, I don't
21 think she's given her opinion as to that as a
22 nonlawyer.

23 MR. MUELLER: Actually, Mr. Wentworth,
24 I asked her if she understood what ex parte was,

1 given copies, but, no, the answer is no.

2 **Q Let me show you what's been marked as 37A**
3 **which is another one of your E-mails.**

4 Again, I think when we're all done here,
5 Mr. Wentworth, we'll have you authenticate the
6 entire 37 group.

7 And this appears to be entitled -- it's a
8 yahoo mail from you and it says, Urgent, tell the
9 Peoria County Board your views on the PDC hazardous
10 waste landfill application. Calls and letters
11 needed. Again, it provides the contact information
12 for Peoria County Board members.

13 **What was the date of that communication?**

14 A The date on here is Friday, January 6th,
15 2006.

16 **Q Who was that E-mail distributed to?**

17 A That was sent to Diane Storey.

18 **Q Anyone else?**

19 A No. I don't see any other copies on this.
20 This specific E-mail went to Diane Storey.

21 **Q Going back to 37B, in this particular**
22 **E-mail there's also -- and that's the first one**
23 **that I had you look at, there's discussion about**
24 **going to the neighbors of board members to**

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1 **communicate with them, correct?**
2 A It says neighborhoods in here.
3 **Q Neighborhoods?**
4 A Yes.
5 **Q What was the purpose of that?**
6 A To inform the public about the PDC issues.
7 **Q With the hope that the public would then**
8 **inform their board member representatives?**
9 A You use the word hope. I think that that's
10 accurate. You can't tell people what to really do.
11 **Q Who's Cindy Herman?**
12 A Cindy Herman was a member of Peoria
13 Families Against Toxic Waste.
14 **Q If I can direct you to page 3 of 4 of**
15 **Exhibit 37B starting with talked with Cindy Herman,**
16 **if you could read that and just read that portion**
17 **in the record?**
18 A The date on this is March 21st, 2006, and
19 it says, I talked to Cindy Herman and she is going
20 door to door. Did that answer your question?
21 **Q No. If you could read the actual portion**
22 **of that E-mail into the record there starting with**
23 **talked to Cindy Herman.**
24 A I said -- here it says, Talked with Cindy

1 they ended up moving to Wisconsin. So she was in
2 Peoria I believe at this time.
3 **Q She was organizing people going door to**
4 **door?**
5 A That's how this reads, yes.
6 **Q You never told the Peoria Families to stop**
7 **that conduct, did you?**
8 A No.
9 **Q The references in there to O'Neill and**
10 **Polhemus are to board members?**
11 A Those are board members, yes, they are.
12 **Q And the purpose was to go visit them in the**
13 **door-to-door walks, correct?**
14 A No. The purpose of door to door was to
15 leave leaflets for the public.
16 **Q Then what does it matter where**
17 **Mr. Polhemus's residence was?**
18 A People were sharing results of walking, and
19 what I read here is that she was reporting on what
20 had happened during her walking of the
21 neighborhoods.
22 **Q Did you do any walking of neighborhoods?**
23 A Yes.
24 **Q Did you hit any county board members' homes**

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1 Herman and she's all over Bartonville, Hanna City
2 and the Knolls tomorrow. She said that the address
3 that Eldon Polhemus gives is not a residence but
4 talked with O'Neill herself. She wants to do
5 Detweiller, too, but I couldn't remember if someone
6 had already been there. I will send her out on
7 Thursday unless someone lets me know if they have
8 done Detweiller Drive. That's from Julia.
9 **Q Now, who's the person that's sending her**
10 **out where it says, I will send her out on Thursday?**
11 A Well, it's signed here -- you know, this is
12 one of those E-mails that's kind of got several
13 E-mails in it, so it's signed by Julia Stone.
14 **Q And that's Peoria Family membership,**
15 **correct? Who's Julia Stone?**
16 A Julia Stone is Brad Stone's wife, and they
17 live in Wisconsin. I think she -- I know she
18 attended the hearings on a couple of times. I do
19 not know if she's an official whatever you call
20 attender of Peoria Families. I saw her at a couple
21 of Peoria Families meetings.
22 **Q She lives in Wisconsin but was coming down**
23 **here for the --**
24 A No. They were going to move to Peoria, but

1 **in your walking?**
2 A Not that I am aware of.
3 **Q And the purpose of walking the**
4 **neighborhoods was to make the public aware of this**
5 **so they would contact their county board members,**
6 **right?**
7 A As I said, the primary purpose was to make
8 the public aware of information about the PDC
9 hazardous waste landfill. We had the hope that, it
10 was your word, that they might, but there's no
11 guarantee.
12 (Blumenshine Exhibit No. 38 marked)
13 BY MR. MUELLER:
14 **Q Let me show you what we're going to mark as**
15 **Exhibit 38 which is apparently a folded document.**
16 **Have you ever seen that before?**
17 A Yes.
18 **Q Stop Hazardous Toxic Waste?**
19 A Yes.
20 **Q Who paid for that to be printed?**
21 A I did.
22 **Q Who wrote its content?**
23 A Content came from a design by Mayvis Young.
24 **Q Where was that particular document**

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1 circulated?

2 A Well, this document is dated
3 November 2nd, 2005, and this was circulated as
4 yard signs.

5 Q Now, you indicated that you spent \$30,000
6 on yard signs of your own money, right?

7 A No.

8 Q Or billboards?

9 A Yes.

10 Q You spent 30,000 of your own money on
11 billboards?

12 A Right.

13 Q How much did you spend on yard signs?

14 A Probably about \$2,000.

15 Q That's your personal spending, correct?

16 A Yes.

17 Q Any other personal spending besides that
18 \$2,000?

19 A On a specific --

20 Q On landfill opposition related materials or
21 activities?

22 A You know, I am a citizen, a volunteer. I
23 work from my home. I use a phone or I use a
24 computer. I mean, like those things are -- I don't

1 significant personal sums?

2 A When you say "significant personal sums."
3 could you be more specific?

4 Q Well, are you aware of anyone else who
5 spent more than a thousand dollars of their own
6 money in this campaign?

7 A No, I am not.

8 Q Peoria Families Against Toxic Waste had a
9 website?

10 A Yes.

11 Q That website also openly encouraged its
12 visitors to make direct contacts with county board
13 members by phone, letter or E-mail, right?

14 A Well, the website was an information tool.

15 I'm not aware at any time that you or Brian
16 Meginnis or anyone else had called and said that
17 that was inaccurate except for -- there was one I
18 think label on a photo, but we all used the website
19 for information purposes.

20 Q The question is, did the website openly
21 encourage its visitors to contact county board
22 members by letter, telephone or E-mail?

23 A It had information to encourage people to
24 contact the board members.

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1 know what you're wanting to kind of get at there,
2 but I would have no way to separate out other
3 costs.

4 Q How much was Mr. Norris paid?

5 A About \$8,000.

6 Q And how much was G. Fred Lee paid?

7 A Nothing. Wait, I believe that was \$5,000.

8 Q So my understanding then is that between
9 the two experts which were retained by the group
10 you spent \$13,000?

11 A I think that's pretty close to the right
12 amount.

13 Q But you spent -- you personally spent more
14 than double that just on billboards?

15 A That's what billboards cost. They're very
16 expensive.

17 Q So would it be fair to say that you thought
18 billboards were a higher priority than experts?

19 A No. That is not true. Both Chuck Norris
20 and G. Fred Lee were gracious to us as citizens and
21 volunteers and gave us a greatly -- at least for
22 Chuck Norris specifically, he in no way charged us
23 what his true accumulation of costs would be.

24 Q I assume other people also donated

1 Q Including the contact information of board
2 members?

3 A Yes.

4 Q Did you provide that information for the
5 website?

6 A No, not that I'm aware of.

7 Q Did you have any editorial input into the
8 maintenance of that website?

9 A No.

10 Q Do you know who did maintain the website?

11 A I believe it was Ted Converse.

12 Q So as you sit here now, you don't think it
13 would have been better to take that 30,000 you
14 spent on billboards and maybe get some other expert
15 witnesses for that money?

16 A At the time, we were wanting to inform the
17 public and we had tried to get other experts, but
18 by the date we were working with, you know, that
19 thought never came into my head.

20 Q I want to show you another E-mail that you
21 wrote. This is part of the 37 Group, and this one
22 I think we have marked as -- this is the one that's
23 marked as 37J and K as a second copy.

24 Let me show you those and ask you if you've

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1 ever seen them.
2 A (Witness perusing document.) Yes, I have.
3 Q What's the date of that E-mail?
4 A That is dated Thursday, April 6th, 2006.
5 Q That would be the day that the committee
6 met to vote on recommendations --
7 A Yes.
8 Q -- right?
9 Who was that E-mail addressed to?
10 A It says, Dear Chairman Williams and Members
11 of the Peoria -- I'm sorry, I see. The E-mail
12 here is addressed to Tom O'Neill.
13 MR. WENTWORTH: That's 37K, 37J
14 (indicating).
15 THE WITNESS: 37J, the other one which
16 is a copy of the exact same wording is directed to
17 looks like a whole string of county board members.
18 BY MR. MUELLER:
19 Q That would be actually all of them, right?
20 A I'm not counting them all here, but it
21 looks like a lot.
22 Q Yes. Did you also send a copy of this to
23 anyone at PDC such as Mr. Meginnes or myself or any
24 of the members of the Coulter family?

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1 A No, but I did send a copy to the Journal
2 Star. I believe this was originated as a letter to
3 the editor.
4 Q This E-mail purports to contain facts,
5 doesn't it?
6 A Yes.
7 Q So you were introducing outside the hearing
8 process material that you believed to be fact?
9 A No, not outside the hearing process. I
10 believe that all these topics in here were covered
11 in the hearing or the evidence, I mean. I don't
12 think there's anything new here at all.
13 Q Go to the second fact. Fact, the geology
14 of the site will not protect the aquifer.
15 That wasn't a fact at the hearing, was it?
16 A Yes.
17 Q Wasn't that just an opinion offered by some
18 people and there are contrary opinions offered by
19 others?
20 A Well, I understood it to be a fact because
21 there were soil borings entered into the record
22 that showed that the PDC site was sand lenses and
23 it was testimony of our professional witness, Chuck
24 Norris, that the geology of the site will not

1 protect the aquifer.
2 Q You attended every day of the hearing,
3 didn't you?
4 A Yes.
5 Q Wasn't it your recollection that whether or
6 not the aquifer would be protected was a contested
7 issue between the parties at the hearing?
8 A Yes.
9 Q So for you to contact county board members
10 directly outside the hearing and refer to that
11 statement as a fact is really a misrepresentation
12 of what occurred at the hearing, isn't it?
13 A I don't understand it that way.
14 Q Well, it would have been a fact to say our
15 witness testified that the aquifer will not be
16 protected, but PDC's testimony was that it would be
17 protected, that would have been an accurate
18 statement, right?
19 A I hear what you're saying that this didn't
20 represent the other, like, point of view.
21 Q This purports to present something that was
22 disputed and contested as a fact, doesn't it?
23 A Well, I know there was agreement in the
24 hearing that Ken Liss, PDC's own witness, agreed

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1 with Chuck Norris, our witness, that trace elements
2 of pollution were entering the aquifer. To me, it
3 was fact that the geology of the site would not
4 protect the aquifer.
5 Q To you it was a fact?
6 A Yes.
7 Q But any county board member that would read
8 this E-mail who hadn't been at that particular
9 hearing would have been misled?
10 A No. They would have the full transcript of
11 the record and whatever discussion you're alluding
12 to.
13 Q Ms. Blumenshine, you didn't want them to
14 read the transcript. You wanted them to read your
15 E-mail and base their decision on April 6th on
16 the facts as you represented them in your E-mail,
17 didn't you?
18 A No. I thought I was representing what I
19 understood to be the facts. My honest answer, I
20 thought that this is what I understood to be the
21 facts.
22 Q Why didn't you send all the board members
23 an E-mail saying the Sierra Club and the Peoria
24 Families Against Toxic Waste encourage you to read

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<p>1 the transcripts carefully so you will know the</p> <p>2 facts?</p> <p>3 A That was understood that they were to do</p> <p>4 that. I mean, they heard the information from the</p> <p>5 hearing.</p> <p>6 (Blumenshine Exhibit No. 39 marked)</p> <p>7 BY MR. MUELLER:</p> <p>8 Q Let me show you next what we are going to</p> <p>9 mark as Exhibit 39.</p> <p>10 A (Witness perusing exhibit.)</p> <p>11 Q Ask you if you've ever seen that document.</p> <p>12 A Yes.</p> <p>13 Q What is this document?</p> <p>14 A This is kind of a summary. It says, Issues</p> <p>15 regarding the PDC, Peoria Disposal Company,</p> <p>16 Hazardous Waste Landfill and has a US code</p> <p>17 definition of hazardous waste and a CFR definition</p> <p>18 of hazardous waste, and then it has an excerpt from</p> <p>19 the TRI, the toxic release inventory, showing</p> <p>20 examples of PDC. Then there's some current</p> <p>21 concerns at the end.</p> <p>22 Q When was this prepared?</p> <p>23 A It is not dated. I'm trying to remember.</p> <p>24 This was sent out February 9th -- no.</p>	<p>1 A I don't remember. I had a lot of</p> <p>2 documents.</p> <p>3 Q The TRI numbers, toxic release inventory</p> <p>4 numbers on the second page, those were not ever</p> <p>5 made part of the record in this case, were they?</p> <p>6 A Yes. They are in the record. I believe</p> <p>7 there was a file folder in the Sierra Club evidence</p> <p>8 file that contains several years of TRI data.</p> <p>9 Q Is there a reason why this document would</p> <p>10 have been sent to county board members and not</p> <p>11 filed with the county clerk?</p> <p>12 A I don't know that it was sent to county</p> <p>13 board members. We had a talk at -- I'm trying to</p> <p>14 remember, at Channel 47 that Coulters were at, and</p> <p>15 there was another event -- I'm trying to remember</p> <p>16 where the Chamber of Commerce interview was. I</p> <p>17 don't know.</p> <p>18 Q On the last page of this document is a</p> <p>19 reference to a website, looks like</p> <p>20 www.npaction.org, et cetera.</p> <p>21 Is that the Sierra Club's website?</p> <p>22 A No.</p> <p>23 Q Do you know whose website that is?</p> <p>24 A I don't know. That's not my writing.</p>
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<p>1 MR. WENTWORTH: Read the whole</p> <p>2 document.</p> <p>3 THE WITNESS: Thank you. Let me take</p> <p>4 a look. Well, I can't tell you exactly when it was</p> <p>5 prepared.</p> <p>6 BY MR. MUELLER:</p> <p>7 Q It appears that Peoria Disposal Company got</p> <p>8 a copy of this on February 9th?</p> <p>9 A That's the date at the top of this, right.</p> <p>10 Q Would it have been sent out somewhere near</p> <p>11 February 9th, to your recollection?</p> <p>12 A It could have been.</p> <p>13 Q Now, did you prepare this document?</p> <p>14 A Yes, I did.</p> <p>15 Q Did you have authority from the Sierra Club</p> <p>16 Heart of Illinois Group to use their letterhead?</p> <p>17 A Well, as group chair, I don't normally</p> <p>18 check with the entire board on doing</p> <p>19 communications. So I took that authority upon</p> <p>20 myself.</p> <p>21 Q Who's this document sent to?</p> <p>22 A I'm not sure at this point.</p> <p>23 Q Well, you did not file it with the county</p> <p>24 clerk, did you?</p>	<p>1 Q Are you aware of any site that then had a</p> <p>2 page that would have been called PDC facts?</p> <p>3 MR. WENTWORTH: Any website or the</p> <p>4 website that you just gave?</p> <p>5 BY MR. MUELLER:</p> <p>6 Q If you can't recognize the domain, then you</p> <p>7 can't.</p> <p>8 A I don't know what this www.npaction website</p> <p>9 is.</p> <p>10 (Blumenshine Exhibit No. 40 marked)</p> <p>11 BY MR. MUELLER:</p> <p>12 Q Let me show you then what's going to be</p> <p>13 marked as Exhibit 40 which purports to be a letter</p> <p>14 from you to members of the Peoria County Board and</p> <p>15 Chairman Williams dated February 14th, 2006.</p> <p>16 Did you write that document?</p> <p>17 A Yes, I did.</p> <p>18 Q What was your purpose in writing that</p> <p>19 letter directly to county board members rather than</p> <p>20 just filing it with the clerk or reading it into</p> <p>21 the record at the public hearing?</p> <p>22 A This was in the record, the evidence file</p> <p>23 from -- I mean, the information that was in the</p> <p>24 evidence file from Sierra Club. Again, my goal was</p>

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1 to highlight things that were in the evidence.

2 **Q The public hearing hadn't even started yet,**
3 **had it?**

4 A No, but we were sending things into the
5 county record.

6 **Q Was Mr. Wentworth a member of the Peoria**
7 **Families Against Toxic Waste?**

8 A No.

9 **Q Do you know how much Mr. Wentworth was**
10 **paid? We've talked about Mr. Norris and --**

11 MR. WENTWORTH: Don't answer that. I
12 object on the grounds of attorney-client privilege
13 to the extent of how much or how little I was
14 compensated is not relevant; plus, it's subject to
15 privilege.

16 MR. MUELLER: I disagree with both of
17 those objections for the reason that the
18 prioritizing of spending certainly is probative as
19 to what the intent of these organizations was.

20 MR. WENTWORTH: And a privilege is a
21 privilege is a privilege no matter what the purpose
22 of your question.

23 BY MR. MUELLER:

24 **Q Ms. Blumenshine, did you ever meet with any**

1 **aware of or communicating to Mr. O'Neill that if he**
2 **did not change his vote he would face opposition in**
3 **the November election?**

4 A I never said anything to that nature.

5 **Q Well, maybe you didn't, but do you know if**
6 **anyone else did?**

7 A I am not aware of anyone that I know of
8 that said that.

9 **Q Was there ever any conversation about**
10 **targeting Board Member Phelan for opposition in the**
11 **election?**

12 A I'm not aware of any conversation.

13 **Q You never heard any such conversation?**

14 A If I did, I do not recall it as --

15 **Q Was Board Member Phelan, to your knowledge,**
16 **ever threatened with opposition?**

17 A I have no idea.

18 **Q What board members did you talk to**
19 **personally while this application was pending,**
20 **meaning between November 9th and May 3rd?**

21 A I had a phone conversation with Merle
22 Widmer to ask him because he had said I did not --
23 I had erroneous information, and I called him and
24 said what was erroneous that I had said; whereupon,

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1 **county board -- with Allen Mayer specifically**
2 **between November 9th, 2005 and May 3rd, 2006?**

3 A No.

4 **Q Did you ever have any telephone**
5 **conversations with him during that period of time?**

6 A I don't recall. I might have left a voice
7 mail. I don't recall.

8 **Q Did you ever participate in discussions**
9 **with anyone else about targeting board members who**
10 **voted for the expansion or who might vote for the**
11 **expansion with opposition in this November**
12 **election?**

13 A You use the word targeting. We as
14 concerned citizens talked among ourselves about
15 different board members' votes -- votes from the
16 April vote.

17 **Q Well, this talks specifically about Board**
18 **Member O'Neill.**

19 **Was there ever a discussion in your**
20 **presence after April 6th and before**
21 **May 3rd about finding an opponent to run against**
22 **Mr. O'Neill in the November election?**

23 A No, not that I'm aware of.

24 **Q Was there ever any discussion that you were**

1 he told me that there's no toxins in the PDC
2 hazardous waste landfill.

3 I tried to give him a definition of toxic
4 substances and our concerns, and he hung up on me.
5 So that was that call.

6 **Q Now, do you remember ever giving some**
7 **population figures to Mr. Mayer showing how many**
8 **people lived within a certain proximity of the**
9 **facility?**

10 A I don't remember giving something to
11 Mr. Mayer like that. I had population figures in a
12 couple of our handouts, and they also were in the
13 evidence records that we turned in.

14 **Q If I could take you back to I believe this**
15 **was going to be Exhibit 39 which is the Sierra Club**
16 **issues regarding PDC landfill where you had the TRI**
17 **numbers and you go to the third page of that, does**
18 **that provide some population numbers about**
19 **proximity to the landfill?**

20 A Yes, it does.

21 **Q You indicated that you believe this**
22 **information was in the materials actually filed**
23 **with the clerk?**

24 A Yes, I believe it was. This was from the

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1 echo data which I got online, and I thought I had
2 an evidence folder, whatever, the sheets with that
3 report was in the Sierra Club evidence file.

4 **Q Do you remember on May 3rd Mr. Mayer**
5 **indicating that he was taking the population**
6 **figures out of the proposed findings because they**
7 **were not located anywhere in the record?**

8 A I don't remember that. I'm sorry. Could
9 you say that again, please?

10 **Q Do you remember Mr. Mayer on**
11 **May 3rd indicating that the population numbers**
12 **about the total people in proximity to the landfill**
13 **were being taken out of the proposed findings**
14 **because they did not appear in the record?**

15 A I have forgotten that. I'm sorry.

16 **Q How would he have known about those**
17 **population numbers if you hadn't communicated them**
18 **directly to him at some point?**

19 A These are accessible numbers to anybody on
20 the internet. I have no idea if this went -- I
21 can't remember if this went to the board members or
22 not.

23 **Q So it's your testimony you never**
24 **communicated population numbers to Mr. Mayer?**

1 landfills previous to this time.

2 **Q What was your point in reading articles on**
3 **landfills before this application became public?**

4 A Well, it's an issue of concern for the
5 health and well-being of the public, and I was
6 sitting in the audience at the hearing in East
7 Peoria back in the late '90s that you were the
8 attorney for and those people were very concerned
9 about their aquifer. So I read things at that time
10 and other times.

11 **Q Do you think it would have been appropriate**
12 **for Peoria Disposal Company to call, write and**
13 **E-mail county board members directly during the**
14 **hearing process to offset the spin that the Sierra**
15 **Club and the Peoria Families were putting on the**
16 **evidence?**

17 A I don't know how to answer that.

18 **Q I'm just asking if you think it would have**
19 **been proper.**

20 A Well, I think any citizen has the right to
21 contact their duly elected officials, and every
22 citizen has the right to live their life and take
23 action for what they believe is a correct and
24 proper, and in my view, that's protection of our

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1 A I don't recall that.

2 **Q But you may have given him a copy of that**
3 **document, Exhibit 39, right, or mailed it to him?**

4 A This particular handout could have been
5 handed out at numerous places.

6 **Q Other than the public hearing, right?**

7 A Right.

8 **Q Ms. Blumenshine, what's your educational**
9 **background?**

10 A I have a master's degree in library science
11 from the University of Michigan. How far back do
12 you want me to go?

13 **Q That answers that. What's your work**
14 **background prior to your becoming employed as you**
15 **said musician?**

16 A That's correct. I have been a librarian
17 for about 32 years at various libraries.

18 **Q Do you have any particular knowledge**
19 **regarding landfills and waste disposal other than**
20 **what you learned during this hearing process?**

21 A Yes.

22 **Q What other knowledge did you have?**

23 A I have read other articles in magazines,
24 other publications that might have been on

1 environment for the future.

2 **Q But even if the law says you're not**
3 **supposed to have direct contact, you believe that**
4 **the right of people to petition their elected**
5 **officials trumps that law?**

6 A You've referred to the law. I must say I
7 was acting as the best I could as a volunteer
8 citizen, and I must say that definitions of the law
9 exactly how things are done probably wasn't, you
10 know, the complete understanding that I had in
11 effect at the time. We were doing the best we
12 could as citizens, volunteers.

13 **Q Well, if you had a loved one who had a**
14 **court case, you know that you're not supposed to**
15 **contact the judge outside of that court case to**
16 **tell him or her your opinion, don't you?**

17 A Right.

18 **Q So you wouldn't think of contacting a judge**
19 **to intervene and provide your viewpoint as to what**
20 **the outcome should be on a loved one's court case,**
21 **right?**

22 A Yes. But a judge is in a court and they
23 wear robes and they are not as I see like county
24 board members that are public -- you know, directly

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1 representing the public.

2 **Q Didn't you understand that the county board**
3 **members in this case were to act like judges and**
4 **make their decision based not on popularity or**
5 **public input but on what the evidence at the**
6 **hearing was?**

7 A I knew that they were to base the decisions
8 on the evidence in the record, and that's what we
9 were referring to and that they would be voting on
10 it. I don't know that I could see them, like, as
11 official judges; but, yes, they would be voting on
12 it.

13 **Q Well, you thought it was appropriate to**
14 **contact them to emphasize certain parts of what you**
15 **believed were in the record?**

16 A Yes, I did.

17 **Q And to provide your own spin on what you**
18 **thought certain evidence meant?**

19 A I thought it was appropriate under the
20 circumstances that PDC had spent over a million
21 dollars on the application and was a large
22 corporation to make an effort to highlight the
23 facts as we saw it.

24 **Q Now, you're not aware of any single**

1 with county -- with contacting county board
2 members.

3 **Q He reviewed. When did this review occur?**

4 A I'm trying to think when we started that
5 process. It was very close to the -- very close to
6 the hearing.

7 **Q Close to the hearings in February, correct?**

8 A Well, I must say there was so much going on
9 and I was working very long nights. I would have to
10 be for sure here. I'm trying to recall.

11 **Q So you were told somewhere around the time**
12 **of the public hearings that these direct contacts**
13 **with county board members were improper?**

14 MR. WENTWORTH: Objection to the
15 extent that it's subject to the attorney-client
16 privilege. We're getting into the area now of what
17 legal advice and what work product and what
18 communications she had with her legal counsel.

19 MR. MUELLER: Well, she's the one that
20 brought it up by saying she was told. I think I'm
21 entitled to inquire because it goes to motive and
22 mindset here.

23 I'm not asking for the specifics of
24 anyone's advice or who gave it necessarily. I just

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1 **improper ex parte contact by PDC while the**
2 **application was pending, are you?**

3 A You're talking from November to May?

4 **Q That's correct.**

5 A No.

6 **Q No meaning you're not aware of such contact**
7 **or no meaning I'm wrong?**

8 A I'm not aware of it.

9 **Q If PDC had, in fact, been out lobbying**
10 **board members let's say in March and April, you**
11 **would have complained that that was unfair,**
12 **wouldn't you?**

13 A I don't know. No one ever talked to me or
14 pointed out to the Sierra Club for our information
15 that that was unfair or inappropriate.

16 **Q No one ever indicated that you were not to**
17 **engage in ex parte communications with the county?**

18 A Here we go back to that term.

19 **Q Now, as a member of Peoria Families Against**
20 **Toxic Waste, did anyone ever communicate to you**
21 **that you were not to engage in ex parte**
22 **communications with county board members?**

23 A When we had our attorney which was very
24 close to the hearing, he reviewed the situation

1 want to know what she knew or thought the rules to
2 be. As such, I believe it's a proper question.

3 MR. WENTWORTH: Which by definition is
4 what advice may be; and, therefore, it's still
5 subject to the privilege. I understand why you're
6 asking it. I don't think you're entitled to ask
7 it.

8 BY MR. MUELLER:

9 **Q Let me do it another way. Were you told by**
10 **anyone, Ms. Blumenshine, at or around the time of**
11 **the public hearings that direct contacts with**
12 **county board members were not appropriate in the**
13 **process?**

14 A Not appropriate in the process. Okay.
15 Now, I am trying to recall because there's so much
16 that was going on at that time. I mean, I knew
17 clearly that it was to be based on the facts and
18 evidence in the case that we were working so hard
19 just trying to collect our evidence that I'm really
20 trying to recall.

21 **Q Go ahead.**

22 A I'm trying to find a specific time that I
23 could recall that that was exact, and I suppose
24 that that happened.

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1 **Q Were you ever told by anyone that you**
2 **should not be contacting county board members**
3 **directly? You're nodding your head as in the**
4 **answer is yes.**

5 A Well, that is something that obviously we
6 wanted to contact board members to state our case.
7 I am trying to recall if somebody told me directly.

8 We had heard the information about how the
9 decision would be made. We were concerned that
10 other entities were calling county board members,
11 state representatives, other people that we heard
12 that were calling county board members.

13 So I -- I'm trying to answer this as best I
14 can. As far as someone telling me I should never
15 talk to county board members, I don't think it sunk
16 in if that had been told to me.

17 **Q What I'm hearing you're saying is that you**
18 **technically knew that you shouldn't do it, but you**
19 **felt that you had to in order to stay in the game,**
20 **is that a fair statement?**

21 A I'm trying to think about that. Somehow it
22 wasn't, you know, the primary thing in my mind as
23 far as not contacting county board members. The
24 main thing was that everything that we referred to

1 to vote no, isn't that true?

2 A I did have things I wrote that said to urge
3 people to vote no.

4 **Q So let me then ask you once again, yes or**
5 **no, is it a fair statement that you knew that**
6 **technically you were not supposed to be contacting**
7 **county board members directly but you felt you**
8 **needed to do it anyway in order to be successful in**
9 **the opposition?**

10 A Well, my mindset at the time was --

11 **Q Well, is it a fair statement or not that I**
12 **just made?**

13 A I'm not sure that I can say that I fully
14 realized the extent of what you're saying. I mean,
15 as far as how much, you know, we had to adhere to a
16 certain specific action on that because we were
17 members of the public.

18 **Q You were also members of a registered**
19 **opposition group, weren't you?**

20 A I'm a member of the Sierra Club, yes.
21 That's right.

22 **Q You were a member of Peoria Families**
23 **Against Toxic Waste?**

24 A That's correct.

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1 as in the record or in the hearing, that was the
2 main thing that I was attending to.

3 **Q Let me ask the question again. Thank you**
4 **for that information.**

5 **Is it a fair statement that you knew that**
6 **technically you weren't supposed to be contacting**
7 **county board members directly, but you felt you**
8 **needed to do it anyway in order to be successful?**

9 A The way you have phrased that to be
10 successful, I think our goal was education from
11 what was in the record and information from that.
12 If something was told to me directly at that time,
13 you know, whatever I had in my head it was that we
14 had to refer to things in the record and in the
15 hearing testimony.

16 **Q Ms. Blumenshine, I take issue with your**
17 **saying your main goal was education because I can**
18 **probably show you a dozen communications by you**
19 **where you urged people to contact their county**
20 **board members to vote no.**

21 A That is true.

22 **Q You weren't urging people to contact their**
23 **county board members to get educated. You were**
24 **urging people to contact their county board members**

1 MR. MUELLER: We're going to take a
2 five-minute break.

3 (Recess from 10:15 to 10:30)

4 MR. WENTWORTH: We have been handed
5 Group Exhibit 37 which are documents within the
6 lower right-hand corner all have the date
7 10/22/2006, and it's a group exhibit labeled
8 Exhibits A through S. So there are that many
9 individual E-mails.

10 Joyce, did those come off of your Yahoo
11 server account or E-mail account that you printed
12 out yesterday?

13 THE WITNESS: Yes, these are -- they
14 are all from my -- yes.

15 MR. WENTWORTH: So you either sent
16 them or received all of these documents that are
17 about the time as indicated on the E-mail?

18 THE WITNESS: Yes.

19 BY MR. MUELLER:

20 **Q Ms. Blumenshine, what's your relationship**
21 **with Elaine Hopkins?**

22 A I know Elaine Hopkins is a writer for the
23 Journal Star.

24 **Q Have you in the past or do you now have any**

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1 **social relationship with her?**
2 A I have attended some things that she was
3 at, but I wouldn't call it a social relationship.
4 **Q Do you consider her a friend?**
5 A She's a nice person. I can talk to her.
6 **Q How frequently did you talk to her during**
7 **these hearings?**
8 A I probably said hello when she was coming
9 into the hearing room -- I'm sorry, the ITCC Hall
10 and I copied her on some E-mails.
11 **Q Did you ever call her to give her your**
12 **private spin on what you thought the facts were**
13 **while the hearing was going on?**
14 A No.
15 **Q Do you remember being interviewed by her on**
16 **or about September 9th of this year when the**
17 **process for the Pollution Control Board appeal was**
18 **being discussed and stating this deja vu**
19 **McCarthyism?**
20 A She called me on the phone and asked me
21 some questions about the coming situation here.
22 **Q Do you recall saying this is deja vu**
23 **McCarthyism?**
24 A I recall I said -- we were talking about

1 **Q How did you know that was going to happen?**
2 A I suspected it because just the way -- I
3 mean, the appeal is in the process.
4 MR. WENTWORTH: Could the deponent
5 look at the article?
6 BY MR. MUELLER:
7 **Q Absolutely.**
8 A (Witness perusing document.) Well, and the
9 board members are facing scrutiny. I think the
10 extrapolation that we volunteers had made it would
11 be likely that other people would also do that.
12 **Q Scrutiny was going to be about the**
13 **decision-making process, you understood that,**
14 **right?**
15 A Well, about the process, right. About the
16 process, right.
17 **Q About the process. So you knew you had**
18 **done something wrong?**
19 A No.
20 **Q At least by this point?**
21 A No.
22 **Q Well, as you sit here now, do you**
23 **understand that contacts of county board members**
24 **outside the hearing process to give them your**

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1 the situation that a whole bunch of citizens were
2 called in to be subpoenaed, and I had said, you
3 know, there's a long list of things that I have to
4 get ready and the hours and hours it would take me
5 because it would take me a huge amount of time to
6 collect this information, I assume for other
7 people, too. That came to mind, yes.
8 **Q Thank you for that answer. Now, let's**
9 **answer the question again.**
10 **Did you say as you were quoted in the**
11 **newspaper article, this is deja vu McCarthyism?**
12 A Well, I said numerous things, and I thought
13 I had said that. We were talking on the phone for
14 a while, and I said a variety of things that aren't
15 in there. To the best of my ability, I'm trying to
16 recall. I think I had commented that way.
17 **Q So you were not misquoted?**
18 A No.
19 **Q This is actually before any citizens were**
20 **subpoenaed to give depositions?**
21 A Well, I think I had not received a
22 subpoena, but I think we knew that that was
23 probably -- I knew that that probably was going to
24 happen or something like that.

1 **emphasis in your opinion of what the facts showed**
2 **was improper?**
3 A No. I still, as you said, I have trouble
4 with the improper because we were told that the
5 county board members would be answering us or
6 something, but they were still our elected
7 officials. As members of the community, you know,
8 we could --
9 **Q Who told you that?**
10 A Well, that was my --
11 **Q You said "we were told." Who told you**
12 **that?**
13 A I'm sorry. I should say that in my mindset
14 the county board members were still our elected
15 officials and that we had a right to contact them.
16 **Q And urge them to vote no?**
17 A And as I said, not urge them -- well, vote
18 no but to, you know, highlight the information and
19 that we as citizens would be part of this process.
20 **Q But, once again, you specifically on a**
21 **dozen of occasions encouraged everybody who would**
22 **listen to you to contact county board members to**
23 **urge them to vote no, and you even facilitated that**
24 **by providing addresses, phone numbers and E-mail**

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1 addresses for county board members?

2 A I did make listings and I supplied
3 information that was in the record or from the
4 testimony, but also part of that was encouraging
5 members of the community and citizens to be part of
6 the process.

7 Q By contacting county board members to
8 encourage them to vote no, right?

9 A As I said, I think the main goal was
10 information and getting people aware that the
11 landfill was here, and we also -- I also wrote
12 things asking people to contact county board
13 members.

14 Q We're going to get to some more of your
15 main goal in a second.

16 What was McCarthyistic, by the way, about
17 the process of an appeal in this case? What did
18 you mean by that statement?

19 A It was not process of an appeal, but it was
20 the process that people are being called in for
21 depositions and the whole burden it places on the
22 public or me, in my case talking for myself, to
23 collect papers or, you know, pull together things
24 over a long period of time.

1 in legal matters.

2 I see the process here, although, I have
3 every right to get information, as something that
4 puts general citizens in -- feeling uncomfortable.

5 Q You don't believe that citizens should be
6 accountable for their conduct?

7 A I believe citizens should be accountable
8 for their conduct.

9 Q Is it McCarthyistic to ask people to
10 account for their conduct?

11 A No.

12 Q You believe that the process of this appeal
13 whereby Peoria Disposal is trying to protect its
14 rights is going to have a chilling effect on the
15 public in participating when we do this again?

16 A Well, I wonder about that because the
17 information from the hearing or the testimony, all
18 the things that we had entered into the record was
19 easily available to you. You had that.

20 So the fact that people were called in for
21 questioning just -- I mean, I do wonder if it's
22 being used as a tool to discourage future public
23 participation.

24 Q Well, if I were to tell you that we're

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1 Q So having to answer questions about your
2 role in the process you think is McCarthyistic?

3 A No, not to answer in the process, but the
4 fact that, you know, a large number of volunteers,
5 everyday citizens were being called up for subpoena
6 to me it sounded -- you know, it's not something
7 that I have ever done before.

8 Q But what was McCarthyistic about it
9 particularly since no citizens had been subpoenaed
10 as of when you made the statement?

11 A Board members were being subpoenaed.

12 Q Is that McCarthyistic to subpoena a board
13 member?

14 A No. But it means that you have more
15 questions, and as you're doing now, you're
16 searching for some kind of information that I don't
17 know exactly what it is that you're --

18 Q What's your understanding of McCarthyistic?

19 A McCarthyistic, I would describe it as kind
20 of a comment as that regular citizens are called up
21 to do something that might make them the second
22 time around be less likely to either participate,
23 speak out, write or do anything else because people
24 tend to be kind of concerned when they are involved

1 interested in discouraging future violations of the
2 law regarding ex parte contacts but welcome public
3 participation, would that give you comfort?

4 A Well, you know, if this case comes back
5 again, I don't know that that will -- I mean, we
6 all need to learn about this process. I hear what
7 you're saying. We need to learn about the process.
8 So, right, it would help people to understand
9 what's the process.

10 Q Now, isn't it true, though, that if this
11 case comes back again for another hearing you'll
12 encourage people to contact their county board
13 members directly again just like you did before?

14 MR. WENTWORTH: That calls for
15 speculation.

16 BY MR. MUELLER:

17 Q If she can answer.

18 A I don't want to predict the future. Maybe
19 PDC will decide to close their landfill because
20 it's polluting the aquifer.

21 Q That's a fact that it's polluting the
22 aquifer?

23 A No. That was agreed to by Ken Liss. The
24 word polluting -- I should say, the trace elements

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1 of pollutants are in the aquifer. That was agreed
2 to by PDC's own expert witness, Ken Liss.

3 **Q So in your mind, that equates to PDC as**
4 **polluting the aquifer as a fact?**

5 A Well, that was agreed to at the hearing,
6 and I would say that it is a fact that there are
7 trace elements of pollution at the aquifer level
8 sands.

9 **Q Did you appear at the PDC website or PDC**
10 **facility shortly after May 3rd in an attempt to**
11 **block people from coming into or leaving the**
12 **facility?**

13 A No. I was there not blocking people coming
14 in or out. I was there for a day or so counting
15 trucks going in. We wanted to get an idea of how
16 many trucks and the size of the trucks that go in.
17 We were on the side of the road.

18 **Q There was no attempt to block traffic?**

19 A Absolutely not.

20 **Q You just were doing an informal traffic**
21 **count is what you're saying?**

22 A That's what I was doing.

23 **Q To your knowledge, was Mr. Edwards also**
24 **doing an informal traffic count?**

1 **was part of the public education agenda that the**
2 **Peoria Families and the Sierra Club developed?**

3 A You know, I don't think Peoria Families and
4 Sierra Club developed an agenda as you speak. We
5 had some topics that we thought were important, but
6 I don't think there was any intent on businesses.
7 Our petitions and the petitions I circulated we
8 went to individuals or had them in places where
9 there were individuals.

10 **Q So it was not -- going to businesses and**
11 **soliciting their support or participation was never**
12 **something that was discussed in your presence?**

13 A I don't recall that.

14 **Q Do you know someone from the Journal Star**
15 **named Tory -- Terry, Terry Bibo?**

16 A Terry Bibo is a writer at the Journal Star.

17 **Q Do you know him?**

18 A Her.

19 **Q Her?**

20 A I have read her articles and met her a time
21 or two.

22 **Q Have you ever talked to her outside of the**
23 **public hearing process?**

24 A Ever?

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1 A I know he was there for a while, yes.

2 **Q Was the Native American war dance that was**
3 **being done part of the counting process?**

4 A I'm not sure what Native American war dance
5 you're referring to.

6 **Q Were there dances and exhibitions while you**
7 **were at the PDC site?**

8 A I know people were cold and I know people
9 were jumping up and down because it was really cold
10 and windy out.

11 **Q How many people were there counting trucks,**
12 **by the way?**

13 A It was myself and Tom was there for a
14 while, then he left, and Diane Storey came for a
15 while.

16 **Q Was Mayvis Young there?**

17 A She was there also for a while.

18 **Q In fact, it was demonstration, wasn't it?**

19 A No.

20 **Q Did you ever go to any businesses and urge**
21 **business owners or operators to sign petitions?**

22 A I do not recall that I ever went into
23 businesses and asked people to sign petitions.

24 **Q Do you know whether pressuring businesses**

1 MR. WENTWORTH: About this?

2 BY MR. MUELLER:

3 **Q About the PDC expansion.**

4 A I don't recall that I talked to her about
5 the PDC expansion.

6 **Q Have you talked to any county board members**
7 **since their depositions about what you could expect**
8 **at your deposition?**

9 A I have not talked to county board members
10 about their depositions.

11 **Q When's the last time you talked to Allen**
12 **Mayer for any reason?**

13 A Oh, Heavens, that's been a long time ago.
14 I couldn't tell you the date. Nothing comes to
15 mind particularly.

16 **Q When's the last time you talked to Lynn**
17 **Pearson for any reason?**

18 A It's been some time ago. As I recall,
19 probably have phoned her and left her a voice mail
20 or left her a message earlier in the process.

21 **Q Well, let's break it down. Have you talked**
22 **to any county board members about anything since**
23 **your September 9th, 2006, quote about the**
24 **deposition process being deja vu McCarthyism?**

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1 A No.

2 **Q Was it ever part of the Sierra Club or**
3 **Peoria Families plan in doing the opposition to try**
4 **to find yard sign locations in close proximity to**
5 **board members' homes?**

6 A We had talked about yard sign locations,
7 and I know in Chillicothe it was very cold, we had
8 a few walkers, and so we tried to have some on the
9 main highway. I know that I did.

10 **Q Well, was there ever discussion, though,**
11 **about trying to find locations close to board**
12 **members' homes?**

13 A Sierra Club focused on neighborhoods when
14 we were walking, and it is -- the general areas
15 could have been around, but I must say we covered a
16 large area. We wanted the public to be aware of
17 what was happening and get the public involved in
18 the process.

19 **Q We've done this before. The purpose of**
20 **getting the public involved was so they would**
21 **provide more pressure on county board members,**
22 **right?**

23 A Well, the main purpose was so that the
24 people of Peoria would wake up to the fact that

1 Peoria. Enough is enough. No more hazardous waste
2 over our aquifer. It says, Say no to 15 more
3 years. 2.2 million tons more of hazardous waste
4 coming into Peoria County. Urge the Peoria County
5 Board to vote no on May 3rd.

6 We need you, Wednesday, May 3rd,
7 5:00 p.m. or after at the ITTO Hall, 4909 West
8 Farmington Road, Peoria, for the Peoria County
9 Board vote on the PDC Hazardous Waste Landfill
10 Expansion Permit Application.

11 Do you want me to read the addresses and
12 other things?

13 **Q No. You skipped a line actually.**

14 A I'm sorry. I didn't mean to.

15 **Q That would be the line that says, Please**
16 **phone and write to the following Peoria County**
17 **Board Members.**

18 A Let me read that into the record.

19 **Q Do you agree that I read it correctly,**
20 **Please phone and write to the Peoria County Board**
21 **members?**

22 A Yes.

23 **Q And who were the four board members**
24 **identified there?**

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1 there is a hazardous waste landfill at the
2 immediate edge of the city and to get involved in
3 the process that was ongoing, and that was
4 everything that it could be even that they would
5 know the hearing was coming up.

6 **Q So the secondary purpose then was to get**
7 **those members of the public to pressure county**
8 **board members to vote no, right?**

9 A I do not agree with your wording there on
10 pressure. Could get people involved and to
11 participate in the process.

12 (Blumenshine Exhibit No. 41 marked)

13 BY MR. MUELLER:

14 **Q Well, let's see what kind of participation**
15 **you wanted. This would be Exhibit 41, purports to**
16 **be some type of flier with the caption Hazardous**
17 **Waste Does Not Play In Peoria.**

18 **Have you ever seen that before?**

19 A Yes.

20 **Q Who was that document prepared by?**

21 A I wrote this.

22 **Q Why don't you read what it says and we'll**
23 **see how much public education is in there.**

24 A It says, Hazardous Waste Does Not Play In

1 A That's Robert Baietto, Patricia Hidden,
2 Thomas O'Neill and Timothy Rigenbach.

3 **Q What was the purpose of identifying those**
4 **four?**

5 A Well, I know in the case of Pat Hidden she
6 said there's no toxic at the PDC landfill, and
7 these other individuals were part of the group that
8 we were trying to be sure that they heard from --
9 about the landfill being over the aquifer.

10 **Q No. This doesn't say to be sure to talk to**
11 **these people about the landfill being over the**
12 **aquifer.**

13 **It encourages people to contact these board**
14 **members to urge them to vote no, doesn't it?**

15 A That is what it says.

16 **Q Are you saying that you miswrote this**
17 **document? What you really meant to write was**
18 **contact these board members and explain the facts**
19 **to them?**

20 A No. It doesn't say that. I wrote people
21 on there. It also says to please come to the
22 hearing. I think there's an element there that
23 encourages people to attend the meeting, but it
24 does ask them to vote no.

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1 **Q Isn't it true that these four board members**
 2 **were all perceived to be people likely to vote yes**
 3 **on the application?**

4 A No. Oh, wait. I'm sorry. To say yes on
 5 the application?

6 **Q Yes. So you targeted the public to hit**
 7 **these four people because you thought you could**
 8 **change their votes?**

9 A Is there a date on there?

10 **Q Well, my guess is it's in close proximity**
 11 **to May 3rd and it would be after April 6th.**

12 A Okay. I don't remember the exact date of
 13 this, but it does, right, ask them to vote no on
 14 the landfill.

15 **Q But why those particular four people? Can**
 16 **you tell me that?**

17 A Well, because we wanted these people
 18 contacted regarding whatever the timeframe was on
 19 this. I guess that's it, and --

20 **Q How was that -- was this in the form of a**
 21 **leaflet?**

22 A That would be my likelihood, yes.

23 **Q Did you have this handed out on a**
 24 **door-to-door basis?**

1 A Well, it says, Thank you. Please phone
 2 your thanks to the following Peoria County board
 3 members who voted no to PDC at the county board
 4 finding of fact hearing.

5 **Q Why did those people need a thank you call**
 6 **when the hearing was not over yet?**

7 A Well, I think you might say that a good
 8 sense of the vote was taken at the finding of fact
 9 hearing. That is when the board members based on
 10 their reading of the record and the testimony and
 11 the hearing voted on the finding of fact. So that
 12 became public knowledge at that time.

13 **Q Did you think it was appropriate while the**
 14 **hearing was going on to contact county board**
 15 **members and to urge others to contact board members**
 16 **to say thanks for your first vote?**

17 A I did that.

18 **Q Did you think it was appropriate?**

19 A I don't know if I weighed whether it was
 20 appropriate; but, yes, I thought it was
 21 appropriate. I did encourage people to do that.

22 **Q What facts were you trying to convey to**
 23 **those county board members to offset PDC's spin?**

24 A Well, at the bottom it has --

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1 A This particular page -- I mean, the
 2 leaflets usually had a general article from the
 3 Journal Star or something else on the back from the
 4 hearing if it was from that timeframe, but, yes, it
 5 was likely that this was handed out or put in
 6 people's doors. I should say.

7 (Blumenshine Exhibit No. 42 marked)

8 BY MR. MUELLER:

9 **Q Then let me show you the next exhibit which**
 10 **is going to be 42. This one is captioned, Thank**
 11 **You, Thank You, Thank You, Thank You. Who was that**
 12 **prepared by?**

13 A I wrote this.

14 **Q Okay. Was that also a public education**
 15 **document?**

16 A Well, no. I don't think it's public
 17 education -- well, at the bottom it does say the
 18 geology of the ground under the PDC hazardous waste
 19 landfill does not protect the aquifer. There's
 20 some other information here about the current
 21 status, the layers of plastic liners will
 22 eventually break down.

23 **Q What was the point of your doing that**
 24 **particular leaflet?**

1 **Q Those are the facts you're trying to convey**
 2 **or it encourages people to say thank you, doesn't**
 3 **it?**

4 A Yes, it does.

5 **Q So they weren't being encouraged to convey**
 6 **facts? They were encouraged to say thank you,**
 7 **right?**

8 A That's the whole top part of it, and the
 9 lower part of this talks about the information on
 10 the landfill that we typed in there.

11 (Blumenshine Exhibit No. 43 marked)

12 BY MR. MUELLER:

13 **Q Let me show you the next exhibit. What is**
 14 **that document?**

15 A Well, this is a flier.

16 **Q How was it distributed?**

17 A I believe it was door to door.

18 **Q Who wrote that flier?**

19 A This flier is written by Abby Grawey.

20 **Q Who's she?**

21 A Abby Grawey is a young lady who had
 22 volunteered to help the Sierra Club. She has come
 23 to Sierra Club functions.

24 **Q How old is she?**

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1 A She's a high school student.
 2 **Q She's a high school student?**
 3 A I believe, yes.
 4 **Q So you enlisted the aid of high school**
 5 **students in this case?**
 6 A No. As I said, she came to me and said she
 7 would like to help.
 8 **Q Now, the bottom of that document identifies**
 9 **the source of it being the Heart of Illinois Sierra**
 10 **Club?**
 11 A That's right.
 12 **Q So did you approve that document before it**
 13 **was distributed?**
 14 A No, I did not.
 15 **Q I notice that it says on there, also, your**
 16 **board member is?**
 17 A Yes, it does. I see that in the corner.
 18 **Q So this was targeted just at**
 19 **Mr. Riggensbach's district?**
 20 A It looks like that. Yes, it does.
 21 **Q What was the purpose of targeting**
 22 **Mr. Riggensbach's district for distribution of this**
 23 **leaflet?**
 24 A Well, there's a lot of information on this

1 **Q Now, did you go visit the IEPA director in**
 2 **July of this year?**
 3 A Yes.
 4 **Q Be Director Scott, you visited him on**
 5 **July 26th?**
 6 A Correct.
 7 **Q Who went with you?**
 8 A We had Tessie Bucklar, Lisa Offutt, Brad
 9 Stone and Tracy Fox.
 10 **Q What was the purpose of that visit to the**
 11 **IEPA?**
 12 A We wished to find out the process for the
 13 renewal application for the PDC hazardous waste
 14 landfill permit which was our understanding that
 15 PDC had applied to IEPA for renewal of their
 16 permit, their current existing operating permit.
 17 **Q Any other purpose there?**
 18 A We wanted to convey our information from
 19 the county board findings of fact or the county
 20 board findings of fact.
 21 **Q Was there any written presentation made to**
 22 **the IEPA director?**
 23 A Written presentation, what do you mean?
 24 **Q Anything presented to him in the form of**

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1 leaflet and it says, Why is the dump so bad? The
 2 geology of the land under the landfill does not
 3 protect the Sandkoty aquifer, our major water
 4 resource located under the dump.
 5 **Q I think my question was why was**
 6 **Mr. Riggensbach targeted specifically for this**
 7 **leaflet?**
 8 A Probably -- well, because he was on the
 9 county board.
 10 **Q You didn't target 18 -- all 18 county board**
 11 **districts, did you?**
 12 A No.
 13 **Q Just Mr. Riggensbach with this leaflet?**
 14 A This leaflet is directed to Mr. Riggensbach.
 15 **Q Is there a reason why his district and no**
 16 **others were targeted with this leaflet?**
 17 A Well, it doesn't have a date on it, but it
 18 could be because of his vote at the finding of fact
 19 or it could be also because this is the area that
 20 was -- this group was walking.
 21 **Q Do you know a Meg Whitmer?**
 22 A I'm sorry. What?
 23 **Q Meg Whitmer.**
 24 A I can't put a connection to that name.

1 **written information?**
 2 A Yes.
 3 **Q What was presented to him?**
 4 A We had a power point.
 5 **Q Who developed that power point?**
 6 A Volunteers wrote parts of it and different
 7 ones of us wrote the parts that were in the power
 8 point.
 9 **Q Well, you said different ones of you wrote**
 10 **it.**
 11 **Can you be specific as to who its authors**
 12 **were?**
 13 A The part on the hazardous -- the liners,
 14 our concern about the liner at PDC particularly in
 15 cell C1 was written by Tracy Fox. I wrote the
 16 section that was concerned about trace elements of
 17 pollution in the aquifer.
 18 There was a part about just our community
 19 of Peoria, the location of PDC as far as its close
 20 proximity to the city and that was written by Lisa
 21 Offutt, and the part that was about the findings of
 22 fact from the county board I think Tessie worked on
 23 that and Brad Stone.
 24 **Q The document contained only facts, correct?**

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1 A Right. It was things that we had pulled
2 out of the county board record or things that were
3 part of the hearing. We were conveying our concern
4 as members of the public to IEPA regarding the
5 upcoming renewal process for the PDC hearing -- I'm
6 sorry, for PDC's existing permit.

7 **Q Do you know Donna Schwab?**

8 A I know that name. I had seen her at
9 meetings.

10 **Q Do you have any personal relationship with**
11 **her or have you ever had one?**

12 A I wouldn't call it a personal relationship.
13 She was on the Lakeview Wilds Board which I'm also
14 a member of, and the Lakeview Wilds Board is for
15 restoration of a stream area for a hiking path.

16 **Q Is she a member of the Sierra Club?**

17 A I don't know. I don't think so. I don't
18 know.

19 **Q What meetings had you seen her at? Just**
20 **this hiking path meeting?**

21 A Lakeview Wilds meetings, right.

22 **Q Did you ever have a conversation with her**
23 **about the Peoria Disposal Company application?**

24 A Not in my recollection that we just sat

1 and I do not recall being told not to wear those.

2 **Q Do you remember actually being -- excuse**
3 **me. Are you finished with your answer?**

4 A Yes, I am.

5 **Q So the answer is you were never told not to**
6 **wear your buttons to county board meetings?**

7 A I do not recall that, no.

8 **Q Did you ever attempt to give buttons to any**
9 **county board members?**

10 A I do not recall that I attempted to give
11 buttons to county board members.

12 **Q Do you know if somebody else attempted to?**

13 A I know that Mayvis Young made those pins.
14 I know that she distributed them pretty widely. I
15 don't know if she gave them to county board
16 members. She might have left them out.

17 **Q Did you ever attempt to present petitions**
18 **regarding the landfill at any county board**
19 **meetings?**

20 A Present. Could you define what you mean by
21 "present"?

22 **Q I would say that's to turn it over, to hand**
23 **it in, to give it to a county representative?**

24 A To hand a person a petition, not to display

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1 down and talked about it. It might have come up at
2 the Lakeview Wilds meetings.

3 **Q Were you aware that she was a county**
4 **employee?**

5 A I think she worked at the nursing home.
6 Beyond that -- or worked with something about the
7 nursing home or something -- I, yeah.

8 **Q Did she ever provide you any information**
9 **regarding the county in relationship to the Peoria**
10 **Disposal Company application?**

11 A No.

12 **Q Now, you frequently attend county board**
13 **meetings, don't you?**

14 A Yes.

15 **Q During the pendency of this application,**
16 **you continued to attend meetings of the Peoria**
17 **County Board, right?**

18 A Yes.

19 **Q You would wear antilandfill buttons to**
20 **those meetings?**

21 A Sometimes, yes.

22 **Q Do you remember ever being told not to wear**
23 **your buttons at any of those meetings?**

24 A Well, we sat with the public in the back.

1 them up front because I think Tom Edwards at one
2 time during public comments displayed some
3 petitions up front and it was not allowed.

4 **Q Did you ever display any petitions?**

5 A No.

6 **Q Did you turn in signed petitions as in**
7 **here's petitions with X signatures on our behalf?**

8 A I didn't do that. Tom Edwards was doing
9 that project.

10 **Q Do you recall being advised by county**
11 **representatives at a county board meeting that you**
12 **attended that the opposition members were not to**
13 **have direct contact with county board members**
14 **outside of the public hearing itself?**

15 A At county board meetings?

16 **Q Yes. Do you remember being advised of that**
17 **at a county board meeting that you attended?**

18 A No. I think there was some discussion of
19 the process on how things would be happening with
20 the hearing and the procedures. We were there
21 usually just for the public comments, a small part
22 of the beginning, the opening of the meeting, and
23 so I don't have any other knowledge of that.

24 **Q You don't recall ever hearing anything**

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<p>1 about not having direct communication with county 2 board members? 3 A Again, are you saying that this was at the 4 county board meetings? 5 Q It's obvious to me, Ms. Blumenshine, that 6 someone somewhere told you not to have direct 7 conversations with county board members, and you're 8 reluctant to tell me when or from whom you got that 9 information. So that's why I'm trying to pick 10 possible sources. 11 Do you remember getting that information at 12 a county board meeting? 13 A No. 14 MR. WENTWORTH: I think she's already 15 answered that as well. 16 THE WITNESS: I don't. You know. 17 again, we were doing lots of things. If something 18 was said, I'm trying to be very accurate. I don't 19 remember that. 20 BY MR. MUELLER: 21 Q Do you know if Converse Marketing paid for 22 maintenance of the website that Peoria Families 23 Against Toxic Waste had? 24 A I think I heard Ted Converse say that he</p>	<p>1 deposition, and there's been no communications 2 specifically on how I narrowed the scope and 3 whether that would be acceptable to you. 4 MR. MUELLER: Mr. Wentworth, for what 5 it's worth, we got the objection late last night. 6 In fact, I didn't get it until this morning, and we 7 have not had an opportunity to go through all of it 8 to determine whether or not we want to take that 9 issue further. 10 It's possible that we may be content with 11 the amount of documentation that was produced. 12 It's also possible that we may not be. 13 In the event that we were not, we would 14 reserve the right to depose Ms. Blumenshine further 15 only as to matters that would be revealed by 16 additional document production. 17 MR. WENTWORTH: And if -- to the 18 extent that were the case, then I don't think we 19 would have proceeded today. So I faxed a letter 20 over at 10:30 in the morning on Friday and didn't 21 hear anything for the rest of the day Friday. 22 As you know, I got a ton of those documents 23 delivered over the weekend, and so I just wanted it 24 a little bit on the record. I understand that</p>
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<p>1 was paying for it. I think it was a personal -- 2 person, Pat or Kim. We had some discussion about 3 helping, donating money toward that. Everybody was 4 going to take a month, to support the website for a 5 month. That was discussed. 6 Q Who was the treasurer of the opposition 7 effort? 8 A Which opposition effort? 9 Q Peoria Families Against Toxic Waste? 10 A Cindy McLean handled all the funds. 11 Q What about the Sierra Club? Who was the 12 treasurer that handled funds that Sierra Club might 13 have spent? 14 A That would be Grace Messner. She's our 15 treasurer. 16 MR. MUELLER: Thank you. 17 Ms. Blumenshine, I hope that wasn't too 18 McCarthyistic. 19 MR. WENTWORTH: We'll reserve 20 signature. While we're on the record, the subpoena 21 called for Rider A1 through 32. We filed an 22 objection. I just wanted to at least on this 23 transcript that you guys had that when the 24 deposition started and we went ahead and did the</p>	<p>1 you're reserving your rights, and we've reserved 2 our rights. 3 MR. MUELLER: We're telling you it may 4 be a nonissue. In the event that it is an issue, 5 you know, we may have a few more questions as to 6 those matters only. 7 MR. WENTWORTH: And I again appreciate 8 the accommodation of moving this one up and 9 switching the Bucklars and all that. 10 MR. MUELLER: Fair enough. 11 12 (Further deponent saith not.) 13 14 15 16 17 18 19 20 21 22 23 24</p>

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 Monday, October 23rd, 2006, personally appeared before me at 416 Main Street, Suite 1400, Peoria, Illinois:

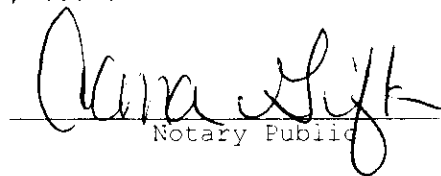
JOYCE BLUMENSHINE, a material witness herein.

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.

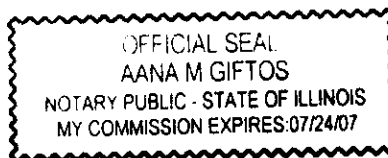
I further certify that the signature of the witness was not waived.

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, Friday, October 27, 2006.


Notary Public

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



A	53:17 103:18	59:7 60:21 68:19	63:19	April 51:4 54:15
Aana 1:11 108:3.22	acknowledge 36:11	73:23 103:23	anyone 21:5 34:13	60:16.20 68:10
Abby 94:19.21	acquaint 21:19	104:9	35:14 42:18 49:4	91:11
ability 23:20 76:15	act 67:3	agenda 85:1.4	49:16 51:23 60:9	aquifer 8:1.5 23:15
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Exhibit 18

Tessie Bucklar
10/25/06

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

THE DEPOSITION of TESSIE BUCKLAR, 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, October 25, 2006, at 416 Main
Street, Suite 1400, Peoria, Illinois, commencing at the
hour of 2:20 p.m.

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**DISK
ENCLOSED**

NOTE: Exhibits retained by Petitioner's Counsel.

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APPEARANCES:

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

and

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

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

DAVID L. WENTWORTH II, ESQUIRE
Hasselberg, Williams, Grebe,
Snodgrass & Birdsall
124 Southwest Adams Street, Suite 360
Peoria, Illinois 61602

and

HAL SCHLICKSUP, ESQUIRE
411 Hamilton Boulevard, Suite 1720
Peoria, Illinois 61602
On Behalf of Tessie Bucklar;

ALSO PRESENT:

ROYAL COULTER, PDC
JEFF COULTER, PDC
MATT COULTER, PDC

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(Witness sworn.)

TESSIE BUCKLAR,
called as a witness, after being first duly sworn, was
examined and testified upon her oath as follows:

EXAMINATION

BY MR. MUELLER:

Q Can you state your full name, please?

A Tessie Bucklar.

MR. MUELLER: And let the record show:

This is the discovery deposition of Tessie Bucklar taken
pursuant to subpoena, in accordance with rules, and
scheduled by agreement of the parties.

Q I apologize for being late for the start of
this. You are here with Counsel today, Miss Bucklar?

A Yes, I am.

Q And that would be Mr. Schlicksup or
Mr. Wentworth?

A Both.

Q Okay. Let me go through a little bit of
background information with you. What is your address?

A 5045 North Bellevue Place, Peoria Heights,
Illinois.

Q And what is your phone number?

A 685-0878.

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1 Q How long have you lived at your current
2 address?
3 A Since 1998.
4 Q Who resides there with you?
5 A My husband, Tom Bucklar, and our three
6 children.
7 Q Do you have a cell phone?
8 A Yes, I do.
9 Q What is that telephone number?
10 A 256-6447.
11 Q Do you have an e-mail address that you use
12 regularly?
13 A Yes, I do.
14 Q What is that?
15 A It's Bucklar, which is B-u-c-k-l-a-r, at
16 sbcglobal.net.
17 Q Miss Bucklar, are you related to Kim
18 Converse?
19 A Not technically.
20 Q Well, there's apparently some degree of
21 relation. If you could enlighten us?
22 A She is my sister-in-law's sister-in-law.
23 So I don't know if that technically makes us related or
24 not.

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1 Q Are you employed, ma'am?
2 A No, I'm not.
3 Q When is the last time you were employed
4 outside the home?
5 A November of 2001.
6 Q And what was your profession at that
7 time?
8 A Graphic designer.
9 Q Working for whom?
10 A Converse Marketing.
11 Q And how long did you work for Converse
12 Marketing?
13 A From June of 1998 to November of 2001.
14 Q Did you ever do any work for Peoria
15 Disposal Company while you worked for Converse
16 Marketing?
17 A I don't recall any specific work. I do
18 recall being in a meeting once with Chris Coulter. It's
19 possible I may have done something. I was not the lead
20 designer on the project, though.
21 Q What was your reason for leaving that
22 employment?
23 A Having my second child.
24 Q Have you worked part time since 2001

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1 outside the home?
2 A No.
3 Q You don't do any consulting or special
4 projects?
5 A No.
6 Q Do you have any remaining affiliation with
7 Converse Marketing?
8 A No.
9 Q To your knowledge, has Converse Marketing
10 contributed any expertise, work, or services to the
11 opposition campaign to the PDC landfill expansion?
12 MR. SCHLICKSUP: Excuse me just a second.
13 (Pause in proceedings.)
14 A I'm sorry. Can you just repeat that?
15 Q To your knowledge, has Converse Marketing
16 contributed any work, expertise, or services to the
17 opposition campaign to the PDC landfill expansion?
18 A No, not to my knowledge.
19 Q What is your educational background?
20 A I have a BFA in visual communications from
21 Northern Illinois University and a minor in French.
22 Q Are you a member of Peoria Families Against
23 Toxic Waste?
24 A Yes, I am.

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1 Q Who formed that organization?
2 A I would -- Kim Converse was a founding
3 member. I don't know other than that.
4 Q What's your understanding of how the
5 organization is structured? Are you a corporation?
6 A No. It's not incorporated.
7 Q Do you have officers?
8 A No.
9 Q Do you have an executive or a steering
10 committee?
11 A No.
12 Q Do you have any leadership role in that
13 organization?
14 A No.
15 Q Have you ever had a leadership role in that
16 organization?
17 A No.
18 Q Does Peoria Families have regular meetings?
19 A I wouldn't call them regular. They don't
20 happen in a certain time frame.
21 Q Do you know if they have a membership list?
22 A No. I don't believe so.
23 Q Did you provide any work, skill, or
24 expertise to the efforts of Peoria Families?

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1 A Yes.
 2 Q What was the nature of the expertise that
 3 you provided?
 4 A Mainly I designed some yard signs. I
 5 designed the handout. I would say that would be the
 6 expertise that I provided.
 7 Q The handout was a small flier that was
 8 handed out at the St. Patrick's Day parade?
 9 A Yes.
 10 Q Were you responsible for the editorial
 11 content of that handout, or did you simply graphically
 12 design it once someone gave you the written material?
 13 A I compiled it from various sources.
 14 Q Have you had any involvement in designing,
 15 maintaining, or changing the Peoria Families website
 16 which I believe is notoxicwaste.org?
 17 A No. I have not.
 18 Q Do you know where the fliers that you
 19 designed were printed?
 20 A Brown Printing.
 21 Q Do you know where the yard signs that you
 22 designed were printed?
 23 A It's either like Fast Signs or Signs Now.
 24 I always get those two confused.

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1 Q Were any materials that were distributed by
 2 Peoria Families designed or printed at Converse
 3 Marketing?
 4 A No. I don't believe so.
 5 Q Were you involved in the design of
 6 billboards?
 7 A No. I was not.
 8 Q Do you have any special knowledge or
 9 expertise preexisting the start of your involvement in
 10 Peoria Families regarding hazardous waste?
 11 A No. I do not.
 12 Q Do you have any special knowledge or
 13 expertise preexisting your involvement in Peoria
 14 Families regarding lead, asbestos, or heavy metals?
 15 A No. I do not.
 16 Q Do you have any personal or family
 17 experience with hazardous waste disposal or management,
 18 heavy metals, lead or asbestos?
 19 A No. I do not.
 20 Q Are you a member of the Sierra Club?
 21 A No. I am not.
 22 Q Are you a member of Citizens For Our
 23 Environment?
 24 A No, I'm not.

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1 Q To your knowledge, is Joyce Blumenshine a
 2 member of the Peoria Families Against Toxic Waste?
 3 A Yes.
 4 Q When you designed the small flier which was
 5 handed out at various places, who did your fact checking
 6 for you?
 7 A There were lots of --
 8 MR. WENTWORTH: 64.
 9 MR. MUELLER: Exhibit 64. Thank you,
 10 Mr. Wentworth.
 11 A There were lots of people who did checking
 12 on that.
 13 Q Can you identify the people that did the
 14 fact checking?
 15 A I know Joyce Blumenshine did, Kim Converse.
 16 I mean, I showed it to the entire group and then
 17 received suggestions, corrections from the entire group.
 18 Q Let's refer to the time period November
 19 9th, 2005, through January -- or through -- excuse me --
 20 May 3rd, 2006, as the application time. During that
 21 period, did you have any telephone conversations with
 22 any County Board members?
 23 A Yes, I did.
 24 Q Which County Board members did you have

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1 conversations with?
 2 A Mike Phelan, Jeffrey Joyce, and Tim
 3 Riggensbach.
 4 Q Let's talk about Mike Phelan first. How
 5 many conversations did you have with him?
 6 A I think just two.
 7 Q And who initiated them?
 8 A I called him. He never had a voicemail,
 9 and then he called me back. He must have had a caller
 10 ID, I assume.
 11 Q Do you remember the time frame of that call
 12 and call-back?
 13 A Early March or early to mid March.
 14 Q Those are both conversations, your call to
 15 him and then his call back to you, or did you actually
 16 have two conversations with him?
 17 A I had two conversations with him.
 18 Q All right. So the first one was initiated
 19 by you calling him, and he called you back, correct?
 20 A Yes. I believe so.
 21 Q And can you tell me what was said by you
 22 and him in that conversation?
 23 A That was -- he's my County Board
 24 representative. I explained to him my views of the

Page 13

1 expansion at the time, and he explained that he was not
2 providing any -- was going to talk about his views of it
3 until after all the evidence was in at the public
4 hearing and pretty general conversation.

5 Q You say you explained your views, meaning
6 your opposition?

7 A Yes.

8 Q Did you identify yourself as a member of
9 the Peoria Families group?

10 A I don't believe I did, but that was a long
11 time ago. I can't be 100 percent sure.

12 Q Did you urge him to vote no on the
13 application?

14 A I don't believe that I did.

15 Q But you told him that you were opposed to
16 it?

17 A Yes, I did.

18 Q When was the second time you had a phone
19 conversation with Mr. Phelan?

20 A I think it was between -- it was before the
21 vote on April 6th.

22 Q And who initiated that conversation?

23 A I think I had sent him e-mails, and he must
24 have responded.

Page 14

1 Q What was the gist of that conversation?

2 A I actually do not recall that conversation
3 as well. I think it probably had to do with the county
4 staff report coming out prior to the close of public
5 comment, but I don't recall the specifics of that
6 conversation.

7 Q Prior to your initiating the first phone
8 call to Mr. Phelan, what was your understanding of the
9 procedures that applied to the application and
10 decision-making process?

11 A I'm not sure that I fully understand that
12 question. Can you help me out with that?

13 Q Let me rephrase it.

14 Did you at some point after November 9th,
15 2005, gain an understanding of how the County Board's
16 decision on the expansion application was to be made?

17 A Yes.

18 Q What was the understanding that you gained?

19 A Later my understanding was that their
20 decision was --

21 Q Let's talk about at the beginning.

22 A At the beginning? At the beginning, I was
23 just trying to come up to speed. So there was a lot of
24 confusion at the beginning.

Page 15

1 Q When was the beginning for you, by the way?

2 A Early February, probably several weeks
3 before the public hearing.

4 Q So you came onboard fairly late in the
5 process compared to some other people?

6 A Yes. I would say so.

7 Q By the way, let me digress for a moment.

8 What was it about this application that caused you to
9 decide to get onboard as an opponent?

10 A Initially?

11 Q Yes.

12 A You're talking about like my first
13 inclination?

14 Q Right.

15 A Was really my shock that there was a
16 facility like this in Peoria. Having grown up in Peoria
17 and lived most of my life here, I was very, very
18 surprised that I had never heard about it and was
19 concerned that it was located right outside of the city.

20 Q It never occurred to you that if you lived
21 here your whole life, never heard about it, that might
22 be because they were running things in a very
23 business-like and quiet manner that didn't create any
24 problems?

Page 16

1 MR. SCHLICKSUP: I'm going to object. Are
2 you making a statement and testifying, or are you asking
3 a question?

4 MR. MUELLER: I'm asking a question.

5 MR. SCHLICKSUP: Okay. Ask the question
6 again.

7 BY MR. MUELLER:

8 Q Did it ever occur to you that maybe the
9 reason you didn't know about it was because they were
10 running the operation in a very business-like and
11 non-problematic manner?

12 A No.

13 MR. SCHLICKSUP: I'm going to object.
14 You're assuming that she knows how they operate their
15 business.

16 MR. MUELLER: I'm not assuming anything.
17 I'm asking a question. Are you instructing her not to
18 answer?

19 MR. SCHLICKSUP: Well, do you understand
20 the question?

21 THE WITNESS: I believe I do.

22 MR. SCHLICKSUP: You can answer it as best
23 you can.

24 A Then no, that never occurred to me.

Page 17

1 Q Fair enough. So you get onboard in early
2 February; and as you say, you were trying to get up to
3 speed?

4 A Uh-huh.

5 Q At that time, what was your initial
6 understanding of how the decision-making process was
7 going to work?

8 A At that time, I did not fully understand
9 it.

10 Q When did you gain an understanding of how
11 the process was going to work?

12 A Of how the process was going to work?

13 Q The decision-making process.

14 A Probably after the public hearings.

15 Q The public hearings, referring to the five
16 days in late February, correct?

17 A Yes. I can't be entirely sure when my
18 understanding of that process took place.

19 Q Well, we've got some e-mails from you in
20 late March, and at the time that -- let's back up a
21 second.

22 At the time that you called Mr. Phelan, the
23 first time, what was your understanding then of how the
24 decision-making process was going to work?

Page 18

1 A I don't think I had a full understanding of
2 it. I mean, I really didn't.

3 Q Did you have an understanding as to whether
4 or not any rules applied to you in the process?

5 A No.

6 Q You did attend the public hearings,
7 correct?

8 A Portions of it, yes.

9 Q Were you there on the first day of the
10 public hearing in February?

11 A No. I was not.

12 Q Did you at any time gain an understanding
13 that the decision of the County Board was to be based
14 solely on the evidence introduced at the public hearing?

15 A Yes, evidence that was in the record.

16 Q How do you distinguish evidence introduced
17 at the public hearing from evidence that was in the
18 record?

19 A You're asking me that?

20 Q Yes, because I asked you about the public
21 hearing and your answer was about evidence in the
22 record. In your mind, is there a distinction?

23 A Well, yes. There were things in the public
24 comment file that didn't happen at the public hearing.

Page 19

1 There were filings by parties involved that didn't
2 happen at the public hearing, so it was not my
3 understanding that the public hearing was the record.

4 Q So your understanding is everything that
5 would have been filed would have been part of that
6 record and all of that was to be considered by the
7 County Board?

8 A That was my understanding.

9 Q Did you have an understanding as to whether
10 or not the County Board was to consider the opinion or
11 opinions of its constituents in reaching its decision?

12 A I gained that understanding at some point.
13 In the beginning, I was struggling trying to find
14 answers to that question.

15 Q When did you gain that understanding, and
16 what understanding is it that you gained?

17 A It's difficult for me to say when. It was
18 probably sometime in March. My understanding was that
19 they would be basing the decisions on fact and evidence.

20 Q And did you understand that to mean that
21 they were not to consider public opinion?

22 A In making their decision?

23 Q Yes.

24 A Yes.

Page 20

1 Q That being the case, what was the point of
2 your contacting County Board members to express your
3 opinion if you knew that they weren't to take that into
4 consideration?

5 A I still felt that the public opinion was an
6 important part of the process, that we were being
7 encouraged by the county to be part of the process, to
8 attend the public hearings. I thought it was important
9 that the County Board members understood the gravity of
10 the decision and how the community felt about that and
11 that this was very important and this was not a decision
12 to be taken lightly.

13 Q Would it be fair to say that you disagreed
14 with the understanding you gained in March that public
15 opinion was not to be considered by County Board members
16 in making their decision?

17 MR. WENTWORTH: I object. That's not -- I
18 don't even know where that question came from based on
19 her prior answer. I mean, you're testifying here more
20 than --

21 MR. MUELLER: I'm asking if it would be
22 fair to say that.

23 A Can you repeat that then?

24 MR. MUELLER: Mr. Wentworth, can we try to

Page 21

1 limit speaking objections and just make them based upon
2 evidentiary rules? Otherwise, I think a suspicious
3 person like me gets the sense that perhaps there's some
4 coaching going on.

5 MR. WENTWORTH: Well, for the record,
6 Mr. Mueller, I believe that is the first objection that
7 I have made that could even possibly be classified as a
8 speaking objection, and I don't believe that that one
9 was; but I'll take your point, and we can move on.

10 MR. MUELLER: Thank you. Let me reask it
11 since we digressed here.

12 BY MR. MUELLER:

13 Q Would it be, first of all, fair to say that
14 you understood by sometime in March that public opinion
15 was not to be considered by the County Board in making
16 their decision?

17 A Yes.

18 Q And would it also be fair to say that you
19 disagreed with that rule?

20 A No, that's not fair to say.

21 Q You did agree with that rule?

22 A I did not understand -- I did not
23 necessarily understand that. I did not -- but I
24 understood that those were the rules.

Page 22

1 Q Let me show you what's going to be marked
2 as Exhibit 70. Janaki will number it.

3 MS. NAIR: If we can go off the record for
4 just a minute.

5 (Discussion off the record.)

6 BY MR. MUELLER:

7 Q Have you had a chance, Miss Bucklar, to
8 review Exhibit 70?

9 A Yes, I have.

10 Q Is this a true and correct copy of an
11 e-mail sent from you to Board Member Phelan on
12 March 29th?

13 A It appears to be. Yes.

14 Q And, first of all, it makes reference to
15 multiple prior e-mails?

16 A Uh-huh.

17 Q How many prior e-mails had you sent to
18 Board Member Phelan?

19 A Prior to what?

20 Q Prior to this one on March 29th.

21 A Well, I believe they're included with this
22 one.

23 Q Well, let's see. It says, "My original
24 e-mail was dated March 13th," and I'm not seeing a March

Page 23

1 13th -- oh, there it is on the second page. So there
2 were two prior ones; is that correct?

3 A It appears to be.

4 Q One on March 13th and one on March 26th.

5 What was the purpose of sending these three e-mails to
6 Board Member Phelan?

7 A I was trying to determine what the quality
8 of life meant regarding a decision-making process.

9 Q Why were you contacting Board Member Phelan
10 as opposed to other board members?

11 A Because he's my representative. I live in
12 his district.

13 Q Was he at the time running for re-election?

14 A I don't honestly know.

15 Q If I can direct you to the March 29th
16 e-mail, you make a statement, "It appears there was no
17 consideration given to the massive amount of public
18 opposition that has been expressed in many forums
19 regarding this landfill expansion." You wrote that
20 statement, correct?

21 A Hang on a second. I'm trying --

22 Q End of the first paragraph.

23 A Oh, okay. Yes.

24 Q What did you mean by that statement?

Page 24

1 A Hang on a second. I think I was
2 referencing the county staff report, that they did not
3 make reference to that.

4 Q And if you could read the next paragraph --
5 you don't need to read it out loud, but just tell me
6 what you meant by the portion of that last paragraph
7 that says, "Will not be taken into consideration by the
8 County Board based on the instructions that you were
9 given at your last meeting."

10 A You want me to tell you what I mean by
11 that?

12 Q Yeah, what you meant by that statement.

13 A Well, I think it's pretty clear the way
14 I've stated it. I was trying to find out -- this is
15 when I was grasping with, you know, what was going to be
16 considered when they made their decision.

17 Q And would it be true that you wanted him,
18 as you were writing this, to take the fact of public
19 opposition into consideration in making his decision?

20 A No. That's not true.

21 Q Would it be true that you wanted him at the
22 time that you wrote this to consider public opinion
23 together with all the other material in the record?

24 A I wanted to find out what was going to be

Page 25

1 considered.

2 Q Well, let's go to the fourth paragraph.

3 You see where you wrote, starting in the middle of that

4 paragraph, "The citizens of Peoria County have a right

5 to hear whether or not their elected officials will

6 consider their voice in this most important decision"?

7 You wrote that?

8 A Yes.

9 Q What did you mean by that statement?

10 A I meant that I wanted to know whether or

11 not they were going to be considering that in their

12 decision-making.

13 Q Did you ever get an answer from Mr. Phelan

14 as to whether or not he would be considering the voice

15 of the public?

16 A I don't believe I did. No.

17 Q And would it be a fair statement that at

18 the time you wrote this e-mail you wanted the voice of

19 the public to be considered?

20 A No. I don't believe that's a fair

21 statement.

22 Q Would it be fair that you didn't want the

23 voice of the public to be considered?

24 A I don't think I was trying to -- I didn't

Page 26

1 have an opinion either way. I was trying to determine

2 if it was, and nobody was answering that question.

3 Q Well, your reference to "the instructions

4 given at the last meeting" would suggest that the

5 question had, in fact, been answered in a way that you

6 were disappointed with.

7 A I'm sorry. I didn't understand that

8 question.

9 Q Go back to the second paragraph of this

10 e-mail. You make reference in the last line to the

11 instructions that were given at the last meeting. Do

12 you see that?

13 A Uh-huh.

14 Q So it would appear that the answer to what

15 could be considered was already given to the board and

16 that you were disappointed in that answer. Is that a

17 true statement?

18 A Could you ask that again? I'm not exactly

19 sure what you're asking.

20 MR. MUELLER: If the court reporter could

21 read that back.

22 THE REPORTER: "So it would appear that the

23 answer to what could be considered was already given to

24 the board and that you were disappointed in that answer.

Page 27

1 Is that a true statement?"

2 A Well, first of all, I'm not sure we're

3 talking about -- do you know what meeting I'm talking

4 about there? I'm not talking about the meeting that was

5 the whole County Board on this issue.

6 Q Then let me ask you: What meeting are you

7 talking about in that second paragraph?

8 A It was a televised meeting.

9 Q And what instructions are you making

10 reference to that were given at that meeting?

11 A Their instructions that, as I believe I

12 describe in my March 13th e-mail, instructions that my

13 husband saw on TV regarding -- that were given to the

14 board members. I did not see them, and I stated that.

15 I did not see the televised meeting.

16 Q And I, in fact, am looking at the March

17 13th e-mail. That would be the instructions in which

18 your husband stated that a gentleman told the board that

19 their decision needed to be based only on the facts and

20 the nine criteria from the IEPA; is that correct?

21 A That's what we're talking about.

22 Q So you were disappointed that the County

23 Board needed to base their decision only on the facts

24 and the nine criteria?

Page 28

1 A Well, I wanted to make sure that it was

2 important that the County Board was considering the

3 community feelings about this, particularly given light

4 that if you look at the public comment file early on,

5 there was an awful lot of things submitted to that

6 public comment file, form letters from PDC business

7 associates. My concern was that I didn't want the

8 County Board members to look at this and think that it

9 was a one-sided issue, that everybody thought this was a

10 great issue. I thought that it was important that they

11 were taking into consideration this was -- there were

12 two sides to this story and there were as many people,

13 if not a great deal more, that were concerned about the

14 expansion.

15 Q Now, did you understand that there was a

16 cutoff period for public comments?

17 A To be included in the record, yes.

18 Q Yes. However, you continued to communicate

19 with Mr. Phelan about the case even after that cutoff

20 period?

21 A It was not my understanding that we could

22 not communicate with board members.

23 Q Then what was your understanding as to what

24 that public comment cutoff period applied to?

Page 29

1 A It was the cutoff for individuals to
2 include comments in the public record.
3 Q But you could continue -- your
4 understanding was you could continue to communicate
5 privately with board members about your opinions even
6 beyond that cutoff period?
7 A I understood it was okay to communicate to
8 the board members as long as you were talking about
9 things that were -- referencing things that were in the
10 record.
11 Q And who did you get that understanding
12 from?
13 A I believe it was discussed at one of our
14 meetings, probably from Kim Converse.
15 Q That being the case, how many different
16 board members did you send e-mails to?
17 A I sent an e-mail to all members of the
18 board, all 18.
19 Q It would have been the same for all 18 of
20 them?
21 A The same e-mail?
22 Q Yes.
23 A Yes.
24 Q How many board members did you have

Page 30

1 individualized e-mail communication with such as the
2 ones we've just been discussing regarding Mr. Phelan?
3 A Mike Phelan and Jeffrey Joyce.
4 Q All right. You also mentioned that you've
5 had telephone conversations with Jeffrey Joyce?
6 A Uh-huh.
7 Q What was your purpose in selecting him for
8 individualized communication?
9 A I had heard that at the April 3rd meeting
10 that he had had questions about the coal mine issue that
11 was brought up and that weren't really answered by
12 county staff. So I contacted him to see if it would be
13 okay for me to send him an e-mail directing him to the
14 coal mine information that was in the public record.
15 Q And what did Mr. Joyce have to say in the
16 telephone conversation?
17 A It was a very brief phone conversation. I
18 basically introduced myself, told him that I heard he
19 had questions, offered to send him an e-mail regarding
20 where the information was, and that was --
21 Q Did he accept or decline your offer?
22 A He accepted. He said that would be fine.
23 Q Did you also at that time express your
24 opinion of the application?

Page 31

1 A No. I did not.
2 Q You also indicated you had telephone
3 communication with Mr. Riggensbach?
4 A Yes, I did.
5 Q Who initiated that?
6 A It was in regards to an e-mail I had sent
7 the entire County Board. He contacted me.
8 Q When did that occur?
9 A It was on the day of the final vote.
10 Q What was the nature of the telephone
11 conversation?
12 A We were discussing the Perpetual Care Fund
13 as proposed by PDC and their filing that was like the
14 response to the committee as a whole vote.
15 Q Did you indicate your opinion at that time?
16 A I indicated how I felt about that proposed
17 Perpetual Care Fund.
18 Q Did you ever hear from anyone that you were
19 not to contact board members outside of the hearing
20 process and outside of the public comment process?
21 A My understanding was that it was okay to
22 contact County Board members as long as you were not
23 introducing anything new or you were referencing the
24 record.

Page 32

1 Q Well, did you ever think that by pointing a
2 County Board member in a private communication to some
3 specific portion of the record you might be unduly
4 emphasizing it and, thereby, gaining advantage over the
5 other side that was unaware of the communication?
6 A No.
7 Q What was your understanding, if any, as to
8 what rules applied to PDC regarding contacts with board
9 members outside the record?
10 A Could you rephrase that, please? I'm
11 sorry. Or just repeat it, please.
12 Q What was your understanding, if any,
13 regarding what rules applied to PDC's contacts with
14 board members outside of the hearing process?
15 A I assumed that they would be the same, that
16 they should only point to things that are in the record.
17 Q But it was your understanding that PDC was
18 also free to call up board members and express opinions
19 and the like?
20 A Yes, and I had heard that they had been
21 doing that.
22 Q Well, we keep hearing about that, so
23 perhaps you can tell us the specifics that you had heard
24 regarding PDC representative contacts with board

Page 33

1 members.

2 A I don't remember anything specifically. I

3 just remember hearing rumors to that effect.

4 Q Can you remember a single specific contact

5 of a PDC representative with a board member that you had

6 heard about?

7 A No. I don't have a specific instance. No.

8 Q Let me show you what's been marked as

9 Exhibit 71, and your Counsels can look at it with you.

10 (Pause in proceedings.)

11 Q Did you send this e-mail and its

12 attachments to all of the County Board members?

13 A Yes, I did.

14 MR. WENTWORTH: There's more than one

15 e-mail. I think you're referring to the one on the

16 first page. A lot of these have the e-mail strings in

17 them, for the sake of the record.

18 MR. MUELLER: Right.

19 BY MR. MUELLER:

20 Q Did you send the e-mail and the string,

21 which I guess in this case is only two e-mails, to all

22 of the board members?

23 A The one on the top, yes, was sent to all

24 board members.

Page 34

1 Q Was the second one addressed from Tessie

2 and Tom Bucklar to Elaine forwarded to the other board

3 members?

4 A Yes.

5 Q And that would be Elaine who?

6 A Oh, Elaine Hopkins at the --

7 Q The newspaper person?

8 A Yes.

9 Q Would you agree with my characterization of

10 the content of these two e-mails as an analysis of the

11 Perpetual Care Fund proposal?

12 A Yes, analysis of the fund that was filed by

13 PDC and that response to the committee vote document.

14 Q Who prepared the content of both of these

15 e-mails?

16 A You mean who wrote the e-mails?

17 Q Yeah. Did you or your husband?

18 A I did.

19 Q Who performed the analysis?

20 A Well, we both did. He -- we had the county

21 staff Excel spreadsheet, and we just simply entered in

22 the numbers that PDC had submitted in that document.

23 Q And then I need to show you what's been

24 marked as Exhibit 72.

Page 35

1 MR. WENTWORTH: Can we go off the record

2 just for a second?

3 MR. MUELLER: Yes.

4 (Discussion off the record.)

5 THE WITNESS: Just this document, this is

6 not the whole e-mail here. You know, this one contains

7 the entire e-mail. This just contains the last line of

8 the May 2nd e-mail, just so you know.

9 MR. WENTWORTH: For the record --

10 BY MR. MUELLER:

11 Q The last line being the line that says,

12 "Another concern is the escrow account fund"?

13 A Yes.

14 MR. WENTWORTH: So we're talking about 72

15 and 71 looking like the same thing but 72 not containing

16 the PJS editorial board and the second paragraph of

17 what's in 71.

18 Q 72, however, also contains a copy of what

19 appears to be a spreadsheet?

20 A Yes.

21 Q And is this the exact spreadsheet that was

22 prepared by the staff or by PDC, or is this a

23 spreadsheet that was prepared by you and your husband?

24 A It was the county staff's spreadsheet with

Page 36

1 the new numbers that were proposed by -- well, excuse

2 me. There were two documents attached. The first one

3 was the original county staff spreadsheet from their

4 report, I believe. The second is basically the same

5 spreadsheet with the numbers that were presented by PDC

6 and their document that included those numbers.

7 Q I mean, did you run any numbers here that

8 had not previously appeared anywhere?

9 A The numbers come from the response to the

10 committee as a whole vote from PDC and the original

11 assumptions of county staff that were included in their

12 report.

13 Q Now you've gotten me lost. You're saying

14 you just attached a document that had been created by

15 somebody else, or did you create the spreadsheet?

16 A There's two, there's two spreadsheets.

17 Q Actually, I'm seeing more than that, so

18 let's try to break it down. I see one that starts with

19 something called Annual Costs?

20 MR. WENTWORTH: Can we go off the record

21 just for a second to clarify this? Because I don't have

22 a lot of time.

23 MR. MUELLER: Okay.

24 (Discussion off the record.)

Page 37

1 MR. MUELLER: Mr. Wentworth has kindly
2 explained to us that the attachment here is two separate
3 spreadsheets each consisting of four pages.

4 MR. WENTWORTH: Sheets.

5 MR. MUELLER: Sheets. You can tell how
6 much I understand Excel.

7 BY MR. MUELLER:

8 Q Am I correct then that the first
9 spreadsheet is a duplicate of something that was already
10 in the record?

11 A Yes. It is the county staff spreadsheet
12 for the Perpetual Care Fund that they included in their
13 report, county staff report.

14 Q The second spreadsheet, how does it differ
15 from the first?

16 A It is exactly the same except it includes
17 the Perpetual Care Fund numbers that PDC included in
18 their response to the committee as a whole vote
19 document.

20 Q So that second spreadsheet was a document
21 created by you and your husband compiling information
22 from other sources?

23 A Yes.

24 Q Did it re-run the analysis that the county

Page 38

1 staff had done on the first set of numbers?

2 A I'm sorry?

3 Q Did it re-run the analysis that's reflected
4 by the county staff in the first spreadsheet?

5 A I don't know what you're exactly saying by
6 that.

7 Q How did you generate your numbers in the
8 second spreadsheet?

9 A Well, it was the way Excel works. I mean,
10 it's all formulas. The formulas were all there. We
11 just put in the new numbers that were proposed by PDC,
12 and then it generates them. That's the way the
13 spreadsheet's set up.

14 Q Did you think that this was new information
15 that the County Board needed to have?

16 A At the time, I thought this was information
17 that was part of the record because it came from a
18 document that was filed with the county by PDC and it
19 also contained the county staff information that was
20 also part of the record.

21 Q In fact, though, the second spreadsheet was
22 not something that was previously part of the record; it
23 was a document generated by you?

24 A Yes. But the content was all based off of

Page 39

1 information that I believed at the time to be in the
2 record.

3 Q You did some analysis and massaging of
4 other information to create the second spreadsheet?

5 MR. SCHLICKSUP: I'll object to
6 characterizing it as massaging. She's already explained
7 it. If you want her to explain it further, she can, but
8 don't characterize it the way you want.

9 MR. MUELLER: She can answer it yes or no.

10 A What I did was I entered information
11 regarding Perpetual Care Fund that was provided by PDC
12 into the county staff spreadsheet.

13 Q And re-ran it with those numbers?

14 A I don't know what you mean by re-ranning,
15 re-running or re-ran it.

16 Q You changed the data in the county's
17 spreadsheet?

18 A Yes. I entered the data that PDC provided
19 in the response to the committee as a whole document.

20 Q The reason I'm spending some time on this
21 is because you previously had said you thought it was
22 okay to contact County Board members privately as long
23 as all you were talking about were things already in the
24 record?

Page 40

1 A Right. And I want to make it perfectly
2 clear that at the time I thought that this document was
3 part of the record. It was a document that was filed by
4 PDC with the county. I thought that meant it was part
5 of the record.

6 Q Well, the second spreadsheet you knew was
7 not part of the record; that was your creation?

8 A But all it was was information that was
9 already being provided.

10 Q So, when you say it was okay to contact
11 County Board members regarding matters already in the
12 record, you also include in that to contact them with
13 your analysis of things that were in the record?

14 A Well, I was never told I could not talk
15 about my opinion of what was in the record.

16 Q And you were never told that you couldn't
17 provide them with your analysis of what was in the
18 record; is that true?

19 MR. SCHLICKSUP: Do you understand -- I'm
20 gonna object to your characterization of analysis,
21 Counsel. I think we have a misinterpretation of how
22 you're using analysis in this situation. She has told
23 you she's put numbers into a spreadsheet and they ran
24 them. There's no analytical opinion attached to that.

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1 Q Let's back up a second. I think I've made
2 my point pretty much, and we'll leave it.

3 The second spreadsheet sent to the County
4 Board members did not exist prior to your creating it
5 and sending it to County Board members, correct?

6 A The numbers existed. The actual
7 spreadsheet, no.

8 Q No, the numbers did not exist?

9 A The raw data that was put in it existed.
10 Yes.

11 Q The raw data from which the spreadsheet
12 generated the numbers may have existed, but the numbers
13 did not, is that correct?

14 A Yes.

15 Q Let me show you what's going to be marked
16 as Exhibit 73, and I'd ask you to review this and just
17 tell me if it's an accurate reproduction of a string of
18 e-mails that were sent on the dates indicated.

19 (Pause in proceedings.)

20 A Okay. I'm sorry. I just reviewed it.
21 What was the question?

22 Q Is it a true and accurate copy of e-mails
23 that were sent?

24 A Yes. I believe so.

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1 Q And these are to Ted Converse -- let me
2 direct you to the last paragraph of the first e-mail
3 where it says, "Ted, let me know about having some
4 printed at Converse Marketing."

5 A Okay.

6 Q What does that refer to?

7 A That was referring to the handouts.

8 Q And that would be an e-mail from Tom and
9 Tessie to Kim and Ted, correct?

10 A Well, it was -- yes, but it was me. My
11 husband was not involved in the e-mail.

12 Q Did Ted Converse respond to that e-mail?

13 A That is his -- wait.

14 Q In fact, isn't his response, "I will get
15 some printed here and there, Tessie"?

16 A Yes. That appears to be the response.

17 Q You previously said you didn't think
18 Converse Marketing had printed any of the fliers?

19 A No, I didn't think they did.

20 Q In fact, does this refresh your
21 recollection that Converse Marketing did provide some
22 printing of fliers?

23 A It reflects that we were thinking of it.
24 I'm not sure that he did. We had discussed it; but,

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1 honestly, I think I printed almost all of them either
2 in-house or at Brown Printing. You will have to ask Ted
3 if he actually ended up doing some. We did discuss it,
4 but I don't think he ever did.

5 Q Fair enough.

6 MR. MUELLER: Let's take about five
7 minutes, and we're maybe very close to finished.
8 (Recess in proceedings from 3:20 p.m.
9 to 3:25 p.m.)

10 BY MR. MUELLER:

11 Q I'm going to try to go through some
12 exhibits very quickly here, Miss Bucklar, and we're just
13 authenticating documents.

14 The first one is going to be Exhibit 74,
15 and just ask you what this document is.

16 A It was a list of areas that were going to
17 be covered by door-to-door efforts.

18 Q When you say "door-to-door," meaning going
19 to the County Board members' homes or to residents in
20 those areas?

21 A To residents in those areas.

22 Q Why were the districts then identified by
23 board member?

24 A Well, I didn't create this document so --

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1 Q Who created it?

2 A I believe it was probably Julia Stone, but
3 I'm not 100 percent sure of that.

4 Q Who is Julia Stone?

5 A Who is Julia Stone?

6 Q Yes.

7 A She's a person.

8 Q I mean --

9 A It's kind of a broad question.

10 MR. MEGINNES: You got him.

11 Q Mrs. Stone is someone whose identity was
12 unknown to us prior to these depositions, and we're
13 trying to figure out what connection she's had with it.
14 So, if you could tell us a little bit about her, what
15 you know about her, that would be useful.

16 A I don't know that much about her. She
17 spoke at the public hearing; and she was, I think,
18 probably mostly involved with this door-to-door
19 campaign.

20 Q Are she and her husband residents of
21 Wisconsin now?

22 A Yes, I believe they are.

23 Q Are they retired individuals?

24 A No.

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1 Q Did you participate in going door-to-door?

2 A Yes, I did.

3 Q What district did you cover?

4 A Part of Phelan's district and part of

5 Widmer's district.

6 Q Did you hand out fliers when you went

7 door-to-door?

8 A Yes.

9 Q Those would be the same fliers that we

10 identified previously as Exhibit 64?

11 A Yes. Is that --

12 MR. WENTWORTH: I don't know. 64 is the

13 correct number, but I believe there were two versions of

14 this that were printed and it's substantially similar to

15 this.

16 THE WITNESS: Yes. There might be several

17 versions.

18 BY MR. MUELLER:

19 Q And did you ever go to the home of any

20 County Board member?

21 A We left a handout at Mike Phelan's house.

22 Q Did any County Board members ever come to

23 any meetings of Peoria Families?

24 A Not that I'm aware of. I was not at every

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1 meeting but not that I'm aware of.

2 Q Did you ever have any personal

3 conversations during this process with Allen Mayer?

4 A No. I did not.

5 Q Let me show you what we're going to mark as

6 Exhibit 75, and this represents more e-mails. Just ask

7 you to let us know whether or not these are true and

8 correct copies of e-mails that were actually sent on the

9 dates indicated.

10 (Pause in proceedings.)

11 A I don't know if there's anything more to

12 that e-mail. It kind of cuts off at the end.

13 Q These, I believe, are documents that you

14 may have provided to us.

15 MR. MUELLER: Is that correct?

16 Q No, they're not. It cuts off at the end.

17 But to the extent other than possibly incompleteness,

18 they're true and correct copies?

19 A Yes. I didn't write the bottom part but

20 the top, yes.

21 MR. WENTWORTH: And it's a single page.

22 Q Let me show you what we're going to mark as

23 Exhibit 76, and we've crossed out the first one because

24 we believe it's unrelated completely. But ask you to

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1 look at the rest and tell us if they're true and correct

2 copies of e-mails actually sent.

3 (Pause in proceedings.)

4 A Yes. I believe this is a true copy that

5 was sent.

6 Q All right.

7 A I don't know about some of the ones at the

8 end of the -- I don't know anything about that final

9 e-mail.

10 Q This one --

11 MR. WENTWORTH: I've got it here.

12 MR. MUELLER: You've got 65?

13 MR. WENTWORTH: Yes.

14 BY MR. MUELLER:

15 Q Can you tell us if you know who wrote this

16 exhibit?

17 A You know what? I don't know, and I've been

18 trying to figure that out actually.

19 Q Is it a Peoria Families-generated

20 documented to your knowledge?

21 A I don't know that. I would assume that it

22 is because it contains similar information to the

23 website.

24 Q In any event, though, you didn't generate

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1 it, and no one has told you that they did?

2 A I did not generate it, no, and I don't know

3 who did.

4 Q Let me show you what's going to be Exhibit

5 77, and this is a group exhibit and represents copies of

6 some documents that you were kind enough to provide to

7 us today. And I would just ask you if you could review

8 those and let us know whether they are true and correct

9 copies of the e-mails that they're represented to be.

10 (Pause in proceedings.)

11 A Okay. So this is more than one?

12 Q Right.

13 A Okay. The top one's missing a date. I

14 don't know why the date's not there. It should have the

15 date on here.

16 Q You're the one that provided these so --

17 MR. WENTWORTH: I guess what she's asking

18 is: Out of the ones that we provided, is there a page

19 that's missing from the ones that we provided?

20 A Yes. These all appear to be e-mails that I

21 sent.

22 Q It would appear that the first one that is

23 undated predates February 13th because there's a

24 reference to February 13th in the last paragraph; would

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1 you agree with that?

2 A Yes. That would make sense.

3 Q Did you recently attend an IEPA meeting

4 regarding the PDC application for a permit renewal?

5 A Yes, I did.

6 Q And were you the person who prepared the

7 Power Point that was presented to the IEPA at that

8 meeting?

9 A No. I contributed to it. I did not

10 prepare it.

11 Q Who was the preparer of the power point?

12 A Brad Stone.

13 Q What's Mr. Stone do for a living?

14 A That's a good question.

15 Q He seems to be pretty technically adept.

16 A I believe he does something in regards to

17 computers, but I don't honestly know that question -- an

18 answer to that question.

19 Q And the IEPA wrote a letter to you after

20 the recent meeting. Were you the leader of the group

21 that presented to the IEPA?

22 A They wrote a letter to me?

23 Q We thought they did. They may not have.

24 A No.

1 after May 3rd?

2 A No.

3 MR. MUELLER: Thank you very much for

4 coming in today. We appreciate it.

5 MR. WENTWORTH: We reserve signature.

6 3:35 P.M.

7

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9

10 (Further deponent saith not.)

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1 Q Were you the leader of that group?

2 A No. I would not say I was the leader of

3 that group.

4 Q Who was the leader of the group that

5 presented to the IEPA?

6 A I don't know that I would -- it was a group

7 effort. I would not say there was a leader.

8 Q What was the purpose of that visit?

9 A To discuss and learn more about the permit

10 extension.

11 Q Miss Bucklar, how much money did you

12 personally contribute to the Peoria Families?

13 MR. SCHLICKSUP: Hold on for a second. I'm

14 having a hard time understanding the relevance of this,

15 but go ahead.

16 A Probably somewhere between 200 to \$300.

17 Q And many hours of your time?

18 A Yes, and many print cartridges as well that

19 were not counted.

20 Q Have you ever been on the grounds of the

21 PDC facility?

22 A No. I have not.

23 Q Were you present at or near the facility

24 for a purported traffic count or truck count shortly

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 October

9 25, 2006, at the time and place aforesaid, consisting of

10 pages 1 through 51, 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 TESSIE BUCKLAR

19

20 SUBSCRIBED AND SWORN TO

21 before me this day

22 of , A.D. 2006.

23

24 Notary Public

My Commission expires _____

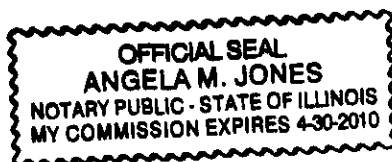
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1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF TAZEWELL)
4
5 CERTIFICATE
6 I, Angela M. Jones, CSR-RPR, a Notary
7 Public duly commissioned and qualified in and for the
8 County of Tazewell, State of Illinois, do hereby certify
9 that there came before me on October 25, 2006, at 416
10 Main Street, Suite 1400, Peoria, Illinois, the following
11 named person, to wit:
12 TESSIE BUCKLAR,
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

Page 54

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 30, 2006.

7
8
9
10
11 Angela M. Jones, CSR-RPR
12 Illinois CSR #084-003482
13 Commission Expires 4/30/2010



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Exhibit 19

Thomas Bucklar
10/25/06

BEFORE THE ILLINOIS POLLUTION
CONTROL BOARD

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

THE DEPOSITION of THOMAS BUCKLAR, 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, October 25, 2006, at 416 Main
Street, Suite 1400, Peoria, Illinois, commencing at the
hour of 3:45 p.m.

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23
24 NOTE: Exhibit retained by Petitioner's Counsel.

APPEARANCES: Page 2

2
3 GEORGE MUELLER, ESQUIRE
528 Columbus Street, Suite 204
Ottawa, Illinois 61350
4
5 and
6 JANAKI NAIR, ESQUIRE
BRIAN J. MEGINNES, ESQUIRE
Elids, Meginnnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
On Behalf of the Petitioner;
9
10
11 DAVID A. BROWN, ESQUIRE
Black, Black & Brown
101 South Main Street
Morton, Illinois 61550
On Behalf of the Respondent;
13
14
15 HAL SCHLICKSUP, ESQUIRE
411 Hamilton Boulevard, Suite 1720
Peoria, Illinois 61602
On Behalf of Thomas Bucklar;
18
19
20 ALSO PRESENT:
21 ROYAL COULTER, PDC
JEFF COULTER, PDC
22 MATT COULTER, PDC
23
24

Page 4

1 (Witness sworn.)
2 THOMAS BUCKLAR,
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 Would you state your name, please?
8 A Thomas Bucklar.
9 MR. MUELLER: Let the record show: This is
10 the discovery deposition of Thomas Bucklar taken
11 pursuant to subpoena and in accordance with all the
12 applicable rules of the Pollution Control Board and the
13 Illinois Code of Civil Procedure.
14 Q Is it okay if I call you Tom?
15 A Yep.
16 Q Thank you. Sir, what is your address?
17 A 5045 North Bellevue Place.
18 Q In Peoria?
19 A Peoria Heights.
20 Q Before we go further, I should ask you if
21 you are here today with your attorney Hal Schlicksup.
22 A Yes, I am.
23 Q Who do you reside at that address with?
24 A My wife, who you just met, and my three

Page 5

1 children.
 2 Q What is your educational background?
 3 A I have a bachelor's of science in
 4 electrical engineering from Marquette University and an
 5 MBA from the University of Chicago.
 6 Q Where are you employed at the present time?
 7 A Caterpillar.
 8 Q In what capacity? Or I should say: What's
 9 your title?
 10 A I work with the North American dealers, so
 11 I'm dealer development.
 12 Q Do you have a specific job title such as
 13 vice president of this or manager of that?
 14 A It's a regional manager, is the position
 15 title.
 16 Q What does that department principally do?
 17 A Is this -- I'm not sure if this is
 18 relevant, to get into what I'm doing at Cat.
 19 MR. SCHLICKSUP: Yeah, George --
 20 MR. MUELLER: Just by way of general
 21 background.
 22 MR. SCHLICKSUP: Unless you can show how
 23 it's going to lead to some relevant information
 24 pertaining to the issues here, he's not comfortable

Page 6

1 going into his background at work.
 2 MR. MUELLER: well, I think in public
 3 comment he purported to have an ability to speak
 4 knowledgably about landfill matters, so we just wanted
 5 to do a brief inquiry into the basis of that knowledge.
 6 A Yeah. It's dealer development. I mean, I
 7 work with the dealers on developing their sales forces
 8 and product support and ability to sell our products.
 9 And our products go into construction and also a line
 10 for market, so I deal with both industries on a regular
 11 basis.
 12 Q Let me break it down a little bit. In your
 13 employment at Caterpillar, have you had any hands-on
 14 experience working with the design, construction, or
 15 marketing of equipment commonly used at landfills?
 16 A Yes.
 17 Q What kinds of equipment?
 18 A Compactors, track-type tractors.
 19 Q Have you ever been involved in compactor
 20 design?
 21 A No.
 22 Q Would it be fair to say you're principally
 23 involved now in management and marketing as opposed to
 24 the engineering end of things?

Page 7

1 A Yes.
 2 Q In connection with your employment at
 3 Caterpillar, have you had occasion to visit any
 4 landfills?
 5 A Yes.
 6 Q What landfills have you visited?
 7 A Oh, Tulleytown Groves, which is one of
 8 Waste Management's largest landfills in Philadelphia.
 9 I've been to the Orange County landfill in Los Angeles,
 10 again, one of the larger landfills. There's others.
 11 Let me think.
 12 Q Ever visited any hazardous waste
 13 facilities?
 14 A No, not to my knowledge. All municipal
 15 solid waste, I believe.
 16 Q Have you ever visited any facilities owned
 17 or operated by Peoria Disposal Company?
 18 A Not to my knowledge, no.
 19 Q Do you have any specialized knowledge
 20 regarding landfills or landfill operations that relates
 21 to the opinions that you expressed at the public hearing
 22 in this case?
 23 A No.
 24 Q Do you have any specialized knowledge

Page 8

1 gained prior to your involvement in the PDC expansion
 2 regarding hazardous waste management and disposal?
 3 A No. And, again, my knowledge of landfill
 4 engineering technology and the associated processes is
 5 not very deep.
 6 Q Are you a member of Peoria Families Against
 7 Toxic Waste?
 8 A No.
 9 Q Did you provide any services or expertise
 10 to any of the efforts of Peoria Families Against Toxic
 11 Waste?
 12 A I'm not sure I understand the question.
 13 Q Well, did you volunteer any of your time,
 14 skill, or knowledge to what PFATW was doing?
 15 A Well, I mean, my understanding of Peoria
 16 Families Against Public (sic) Waste is it's pretty much
 17 a loose gathering of concerned citizens. There's no
 18 membership cards to my knowledge. I would consider my
 19 wife -- that will probably be one of your questions --
 20 as a member, but I think that means just she was one of
 21 the core people that met and discussed issues.
 22 I did on occasion help my wife out in some
 23 of her efforts with the landfill expansion issues.
 24 Q I think that's what I'm getting at. In

Page 9

1 what ways did you help her out?
 2 A Well, primarily, I watched the kids while
 3 she was working on the landfill, to be quite honest. I
 4 mean, we've got three young children, and they're all
 5 young; so that's a big part of what we do. So I work
 6 during the day; and at night, when she would generally
 7 put her efforts towards this, my help to the cause, so
 8 to speak, would be watching the kids.
 9 Q Did you ever go door-to-door?
 10 A No.
 11 Q Did you design any fliers?
 12 A No.
 13 Q Did you provide any editorial input into
 14 any fliers or websites or other written materials
 15 created or generated by Peoria Families?
 16 A No.
 17 Q Did you ever speak on the telephone with
 18 any County Board members about this particular proposal?
 19 A No. To my knowledge, I've never spoken to
 20 any of the County Board members.
 21 Q Did you ever visit any County Board member
 22 at their home regarding this particular proposal?
 23 A No.
 24 Q One of the reasons that you're being

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1 deposited and you may be able to cut this very short is
 2 that there were a number of letters sent to County Board
 3 members from an e-mail account titled Tessie and Tom
 4 Bucklar. Who was the principal user of that e-mail
 5 account?
 6 A It is -- my wife is the primary user. I do
 7 use it. It's our personal e-mail.
 8 Q Do you have a separate personal e-mail in
 9 your own name?
 10 A No.
 11 Q Did you ever send any communications to any
 12 County Board member or county staff member from your
 13 business e-mail address?
 14 A No. I did that through -- I sent some
 15 personal e-mails through my home which I believe are
 16 part of the documents that you have.
 17 Q Let's mark this first exhibit as 78. This
 18 will be Exhibit Number 78.
 19 A Yeah. That would be one of the ones I was
 20 just talking about that I sent from my home address.
 21 Q Is this a true and correct copy of an
 22 e-mail that you sent to the board members indicated?
 23 A The one that I gave you just a minute ago
 24 is definitely a true and correct copy, so you have a

Page 11

1 true and correct copy in your possession right now.
 2 Q I think this is a printout from somebody
 3 else's computer probably.
 4 A Without reading it in detail, it looks
 5 familiar, similar. But the one you have is definitely
 6 the one I can stand behind.
 7 Q And what was your understanding regarding
 8 what the County Board was to consider in rendering its
 9 decision on the application?
 10 A That was -- in my mind, that was a very
 11 confusing topic for a citizen throughout the whole
 12 process. My understanding is they definitely had to
 13 just weigh the facts of the matter and not take external
 14 input but just weigh the facts that they were given.
 15 Q If they were not to take external input,
 16 then what was the point of you providing external input
 17 in this e-mail on April 28th, 2006?
 18 A I had read the, I guess, response to the
 19 vote that PDC, I believe, submitted. I had read that
 20 response to the initial vote that they did, and it was
 21 posted on a website after they did it. I think it was
 22 the county's website. As I read it, I just saw some
 23 inconsistencies; and I wanted to point out the facts
 24 that were -- I believe facts that were in that document

Page 12

1 that seemed inconsistent, and that's what I laid out in
 2 this e-mail.
 3 There's no new information in the e-mail.
 4 It's just pointing to some information in that filing.
 5 Q Well, it does contain your analysis of
 6 facts because you just said there were some that you
 7 thought were inconsistent?
 8 A I wouldn't call it a true analysis. I
 9 looked at one section, and I saw ten areas that were
 10 listed as areas that you needed to consider and the
 11 Perpetual Care Fund. If I recall, then I looked at the
 12 actual cost breakdown and just didn't see some of those
 13 areas that seemed important like insurance and some of
 14 the other things that I laid out here. But there was no
 15 greater analysis than just taking A, looking at B, and
 16 seeing if they looked equivalent.
 17 Q And you felt it was appropriate to point
 18 that out to the County Board members in a private
 19 communication outside of the hearing process?
 20 A In my mind, it wasn't a private
 21 communication. I sent it to all the board members and
 22 the Journal Star. This is where I believe -- I just
 23 didn't have the understanding of the process at the
 24 time, and I saw something that was posted publicly on a

Page 13

1 website at the county and did not understand that if I
2 sent it back to all the County Board members as well as
3 the local media that that was trying to do anything
4 private or underhanded.

5 Q You were aware that the time for public
6 comment had expired by April 28th, weren't you?

7 A I wasn't that in depth in the details, to
8 tell you the truth.

9 Q So the answer is you don't know whether the
10 public comment period had closed?

11 A I think the truth is probably that I didn't
12 understand what public comment meant and how it was
13 being used. I had heard dates about when things would
14 be posted on the website, and it was my understanding
15 that after that date things could not be posted to the
16 website for consideration. This is part of what caused
17 my confusion probably because the PDC document was
18 posted to the website. But, again, I didn't have that
19 good of an understanding of the analysis or situation.

20 Q Mr. Bucklar, could I actually ask you to
21 take the time to read through this exhibit, 78, to
22 authenticate this version of it?

23 A Absolutely. This is Exhibit 78?

24 Q Yes.

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1 A And you want me just to read it?

2 Q Just tell us if it is, in fact, a true and
3 correct copy of an e-mail you sent.
4 (Pause in proceedings.)

5 A This copy right here which you just handed
6 back to me is, to the best of my knowledge, true and
7 accurate of exactly what I sent.

8 Q Mr. Bucklar, are you aware that Peoria
9 Disposal Company is Caterpillar's largest customer in
10 Central Illinois?

11 A No. Altorfer's largest customer?

12 Q Caterpillar's largest customer.

13 MR. ROYAL COULTER: Altorfer's largest
14 customer.

15 A I was not aware of that.

16 MR. MUELLER: Let's take about two minutes.
17 We may be finished or close to it.

18 (Recess in proceedings from 3:57 p.m.
19 to 4:02 p.m.)

20 BY MR. MUELLER:

21 Q Mr. Bucklar, did you have any technical
22 involvement in setting up or maintaining the Peoria
23 Families website?

24 A No.

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1 Q Are you a member of the Sierra Club?

2 A No.

3 MR. MUELLER: That's all the questions we
4 have.

5 MR. SCHLICKSUP: Reserve.

6 4:05 P.M.

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11

(Further deponent saith not.)

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Page 16

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 October
9 25, 2006, at the time and place aforesaid, consisting of
10 pages 1 through 15, 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.

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1 STATE OF ILLINOIS)
2) SS

3 COUNTY OF TAZEWELL)
4

CERTIFICATE

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 October 25, 2006, at 416

10 Main Street, Suite 1400, Peoria, Illinois, the following

11 named person, to wit:

12 THOMAS BUCKLAR

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

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1 deposition is taken, and further that I am not a

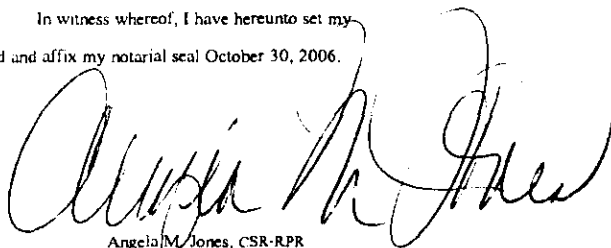
2 relative or employee of any attorney or counsel employed

3 by the parties hereto or financially interested in the

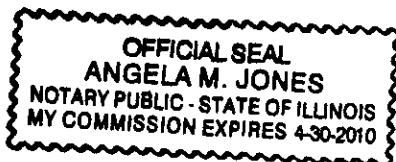
4 action.

5 In witness whereof, I have hereunto set my

6 hand and affix my notarial seal October 30, 2006.



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



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Exhibit 20

BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,

Petitioner,

-vs-

PEORIA COUNTY BOARD,

Respondent.

NO. PCB 06-184

The deposition of KIMBERLY McLEAN CONVERSE, 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 Anna M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Tuesday, October 24, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 4:00 p.m.

APPEARANCES:

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ALSO PRESENT:

Royal Coulter, FDC;
Chris Coulter, FDC;
Matt Coulter, FDC;
Jeff Coulter, FDC;

I N D E X

WITNESS

KIMBERLY McLEAN CONVERSE

Examination by Mr. Mueller pg. 3

*EXHIBITS

IDENTIFIED

Converse Exhibit No. 58	pg. 22
Converse Exhibit No. 59	pg. 27
Converse Group Exhibit No. 60	pg. 46
Converse Exhibit No. 61	pg. 47
Converse Group Exhibit No. 62	pg. 54
Converse Exhibit No. 63	pg. 55
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Converse Group Exhibit No. 66	pg. 66
Converse Exhibit No. 67	pg. 67
Converse Group Exhibit No. 68	pg. 69
Converse Exhibit No. 69	pg. 71

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

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1 KIMBERLY McLEAN CONVERSE.
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 Kimberly McLean Converse.
8 Q Let the record show this is the discovery
9 deposition of Kim Converse taken pursuant to
10 subpoena, in accordance with rules and scheduled
11 and rescheduled by agreement of the parties.
12 Kim, you have previously indicated that I
13 can call you Kim?
14 A Yes.
15 Q You are here today with your attorney
16 Mr. Wentworth?
17 A Yes.
18 Q Have you ever had your deposition taken
19 before in any case for any reason?
20 A No.
21 Q Has Mr. Wentworth had an opportunity to
22 acquaint you with the procedures and the basic
23 structure of how discovery deposition works?
24 A Yes.

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1 Q Then I will dispense with all of that.
2 What is your address?
3 A 1420 West Parkside Drive.
4 Q How long have you lived there?
5 A A little over four years.
6 Q Who do you live there with?
7 A My husband, Ted, and my two daughters and
8 my dog.
9 Q What is your telephone number?
10 A (309)671-9901.
11 Q Do you have a cell phone that you actively
12 use?
13 A Yes, I do.
14 Q What is that number?
15 A (309)696-2141.
16 Q You have a work telephone number?
17 A Yes, I do.
18 Q What is that? We won't call you there.
19 A (309)675-6051.
20 Q Do you have an E-mail address that you
21 regularly use?
22 A Yes, I do.
23 Q What is that?
24 A Kimconverse@mac.com.

1 Q What is mac.com?
2 A Stands for Macintosh.
3 Q Is that your Internet service provider or
4 is that a domain that you have some interest in?
5 A It's my E-mail account.
6 Q Let me ask it another way. I'm not sure
7 you understood my question.
8 Is mac.com a domain name that you have some
9 interest in or is that just the name of some
10 third-party internet service provider that you use?
11 A It's the name of my E-mail account. I have
12 no interest. I pay them to have an E-mail account
13 with them.
14 Q It wasn't familiar to us like ATT or yahoo
15 or SBC global. That's why I'm asking.
16 What is your educational background, Kim?
17 A I went to Whittier Grade School in Peoria.
18 I went to Manual High School and Mount Holyoke
19 College.
20 Q Do you have a degree?
21 A Yes, I do.
22 Q In what major?
23 A Political science.
24 Q What year?

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1 A 1993.
2 Q What has been your employment background
3 since college?
4 A I worked for the Academy of Pediatric
5 Dentistry in Chicago. I worked for L.R Nelson. I
6 worked for my sister in Alaska. I have worked for
7 Caterpillar.
8 Q Where are you presently employed?
9 A Caterpillar.
10 Q How long have you been employed there?
11 A One year and nine months.
12 Q What's your job title at Caterpillar?
13 A Senior learning consultant.
14 Q Do any people report to -- directly to you
15 at that job?
16 A Yes.
17 Q How many?
18 A Three.
19 Q Who's your immediate supervisor at
20 Caterpillar?
21 A Chris Arvin.
22 Q You are married to Ted Converse?
23 A Yes.
24 Q You are the daughter of John and Cindy

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1 McLean?
2 A Yes.
3 Q Do you have any special knowledge outside
4 of what the ordinary layperson would have acquired
5 before the landfill application with regard to
6 waste disposal?
7 A No.
8 Q Do you have any special knowledge regarding
9 asbestos?
10 A No.
11 Q Any special knowledge regarding lead or
12 other heavy metals?
13 A No.
14 Q Did you have any experience before the
15 hearing started in the area of waste disposal?
16 A No.
17 Q Any experience with hazardous waste?
18 A No.
19 Q Any experience with lead or other metals?
20 A Yes.
21 Q What lead experience do you have?
22 A One of my daughters had a high normal
23 reading.
24 Q When did that occur?

1 A Yes.
2 Q Why was it never incorporated?
3 A We just haven't incorporated it.
4 Q Who formed the group?
5 A I did with several others.
6 Q Who are the other founding members?
7 A My husband. Founding members. I would say
8 Peter Offutt, Lisa Offutt would be the early ones.
9 Q Your husband, you and the Offutts would be
10 the driving initial numbers?
11 A We were the earliest members.
12 Q Was your father one of the founding
13 individuals?
14 A No.
15 Q Did you get involved in this cause before
16 he did or did he get involved before you did?
17 A He learned of it before I did.
18 Q How did you learn of the proposed landfill
19 expansion?
20 A From my husband.
21 Q Did your father take a position or
22 encourage you and your husband to get involved
23 before you actually did?
24 A No.

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1 A August 2005.
2 Q Was the source of that lead content ever
3 determined?
4 A Yes.
5 Q What was the source?
6 A Lead paint.
7 Q In your home or some other location?
8 A We think the home.
9 Q To your knowledge, is your daughter
10 suffering any permanent negative effects from the
11 high normal lead content?
12 A No, it's gone down.
13 Q Do you have any experience with asbestos?
14 A No.
15 Q Do you have any experience on a personal or
16 family basis with chlorinated hydrocarbons?
17 A No.
18 Q Are you a member of Peoria Families Against
19 Toxic Waste?
20 A Yes.
21 Q Can you tell me a little bit about that
22 group? Is it a corporation?
23 A No.
24 Q It's just a voluntary association?

1 Q Let me ask you a question that's not on my
2 outline but one that has troubled me.
3 You don't fit the profile of typical
4 landfill opponents. What was the force that
5 motivated -- that's actually a compliment,
6 Mr. Wentworth. You know it is.
7 MR. WENTWORTH: I don't know what it
8 is, George.
9 BY MR. MUELLER:
10 Q What motivated you to become so active in
11 this process?
12 A Concern for the health and safety of my
13 family and of my community.
14 Q Was there anything specific or just a
15 generalized concern?
16 A I was very concerned for the health and
17 safety of my family and of my community.
18 Q Was there a single event or action that was
19 a trigger that set that concern into motion?
20 A No.
21 Q Does the Peoria Families Against Toxic
22 Waste have any officers?
23 A No.
24 Q Does it have what we might call a steering

Pages 7 to 10

Page 11

Page 11

1 committee or a leadership group?
2 A Just members that attend meetings.
3 Q How many active members would you say you
4 have at this time?
5 A My guess would be 10, around 10.
6 Q How many active people, members would you
7 say you had on April 1st of 2006?
8 A April 1st, 2006?
9 Q That's right in the thick of things.
10 A A guess, 20 to 25.
11 Q Did you ever keep membership lists?
12 A No.
13 Q Does the organization maintain a mailing
14 list?
15 A Not a mailing list.
16 Q Do you have some other contact list then if
17 not a mailing list that you utilize to contact
18 individuals?
19 A We currently do.
20 Q In what form is that maintained?
21 A It's an E-mail group list.
22 Q Does that E-mail group list go beyond
23 Peoria Families Against Toxic Waste to other
24 individuals who are known opponents of the landfill

1 vote.
2 Q So that's a post-May 3rd development?
3 A Correct.
4 Q Did Peoria Families Against Toxic Waste
5 prior to May 3rd solicit support from individuals
6 by E-mails directed to E-mail accounts that you
7 learned of from the public comment file?
8 A Can you repeat the question?
9 Q Before May 3rd, 2006, did your group
10 solicit support, help or contributions from
11 individuals whose identities you learned about from
12 the public comment file?
13 A Our E-mail list?
14 Q Not your E-mail list. From the public
15 comment file kept by the clerk's office?
16 A Can you clarify what you're -- you were
17 talking to me about our group E-mail list. I'm
18 confused what you're --
19 Q I'm done with the group E-mail list. I'm
20 now back to before May 3rd, 2006.
21 A Thank you.
22 Q During -- let's say during the period
23 November 9th, 2005 through May 3rd, 2006, did
24 Peoria Families solicit support from individuals

Page 12

Page 12

1 expansion?
2 A No.
3 Q For example, is Joyce Blumenshine on your
4 E-mail group list?
5 A Yes.
6 Q She is not -- is she a member of Peoria
7 Families Against Toxic Waste?
8 A I consider her to be -- I don't know what
9 she considers herself to be, but she comes to our
10 meetings.
11 Q Does your E-mail list include the names of
12 people whose identities you learned from the public
13 comment file maintained by the Peoria County
14 clerk's office?
15 A No.
16 MR. WENTWORTH: At what time, George?
17 BY MR. MUELLER:
18 Q Did your E-mail list ever include the names
19 of people whose identities and E-mails you learned
20 of from the Peoria County file?
21 A What E-mail?
22 Q The Peoria Families Against Toxic Waste
23 E-mail list that you maintained?
24 A We did not maintain that until after the

1 whose identities you learned about from the public
2 comment file maintained by the Peoria County clerk?
3 A We contacted people from the public comment
4 list.
5 Q For what purpose?
6 A For various purposes.
7 Q Such as, if you can identify the various
8 purposes?
9 A Well, to inform people of the public
10 comment date deadline was one purpose, to share
11 information about the opportunity to have signs.
12 Q Any other purposes?
13 A We notified people about events like the
14 Sandra Steingraber event. There were several. So
15 those are examples that come to mind at this time.
16 Q Let me go a little bit out of order. Who
17 arranged for the appearance of Sandra Steingraber?
18 A I did.
19 Q Was she compensated for her appearance?
20 A Yes.
21 Q How much was she paid?
22 A \$1,000.
23 Q Plus expenses or \$1,000 then she paid her
24 own expenses?

Pages 11 to 14

Page 15

Page 17

1 A \$1,000, that's all. She paid for her
2 expenses.

3 **Q You've been identified in another**
4 **deposition as the person closest to being the**
5 **leader of Peoria Families Against Toxic Waste.**

6 **Would you say that's a fair statement?**

7 A That's flattering.

8 **Q Is it a fair statement?**

9 A Sure.

10 **Q I understand you don't have a president or**
11 **chairman as such, is that right?**

12 A Correct.

13 **Q Who handled the money for Peoria Families**
14 **Against Toxic Waste?**

15 A My mom.

16 **Q How much total money did the organization**
17 **raise?**

18 A Up to this point?

19 **Q Yes.**

20 A I don't know the exact number, but above
21 25,000, probably between 25,000 and 28,000 would be
22 my best guess.

23 **Q Well, that being the case, how would you**
24 **have been able to pay for the billboards that were**

1 **Q Did you have any other fundraisers,**
2 **potluck, anything like that?**

3 A Joyce had some for us.

4 **Q Through the Sierra Club or just through her**
5 **own efforts for you?**

6 A From my understanding, it was just from
7 her.

8 **Q Who is the person identified as**
9 **infoatnotoxicwaste.com?**

10 A You mean who --

11 **Q Whose E-mail account is that?**

12 A That's the E-mail account for
13 notoxicwaste.org.

14 **Q Who's the author of E-mails using that**
15 **address?**

16 A I am.

17 **Q So you are infoatnotoxicwaste.org?**

18 A It's -- yes, I was.

19 **Q Who maintains the notoxicwaste.org website?**

20 A My husband and I do.

21 **Q I presume you represented or purchased an**
22 **actual domain name for that website?**

23 A Yes.

24 **Q Who purchased the domain name?**

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Page 18

1 **purchased all over Peoria County?**

2 A We didn't pay for the billboards.

3 **Q Who paid for the billboards?**

4 A Joyce Blumenshine.

5 **Q Do you know how much she paid for those?**

6 A I don't know the exact figure.

7 **Q Have you spoken to Joyce Blumenshine in the**
8 **last 48 hours?**

9 A Yes.

10 **Q Did she discuss with you her deposition and**
11 **what to expect at your deposition?**

12 A Actually, I did not talk to her. I
13 received an E-mail.

14 **Q Who -- or let me finish off the money here.**
15 **Did Peoria Families Against Toxic Waste ever**
16 **receive any contributions or anything of value from**
17 **any county employee or county board member?**

18 A Not to my knowledge. Certainly no county
19 board member. I have no way to know if people
20 donated at various events who worked at the county,
21 but certainly no county board member.

22 **Q What events did Peoria Families sponsor**
23 **besides the Steingraber lecture?**

24 A That was the only one that we sponsored.

1 A My husband and I did.

2 **Q Who did the actual creation of the web**
3 **pages?**

4 A My husband.

5 **Q Who's responsible for the written content**
6 **in the web pages?**

7 A I am.

8 **Q So would it be fair to say that your**
9 **husband was responsible for the technical aspects**
10 **of setting up the website and you were responsible**
11 **for the editorial comment?**

12 A I was responsible for the comment.

13 **Q Or the editorial content?**

14 A I was responsible for the content.

15 **Q Okay. When was that website started?**

16 A I believe the end of January or early
17 February.

18 **Q Was there, Kim, ever a coalition formed**
19 **among various opposition groups or individuals that**
20 **would have been broader than just Peoria Families**
21 **Against Toxic Waste?**

22 A There was not a coalition formed.

23 **Q For example, we've learned of other groups**
24 **such as River Rescue and Citizens For Our**

10-24-2006

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1 **Environment and the Heart of Illinois Sierra Club.**
 2 **Was there ever any attempt made at**
 3 **coordinating the actions of those groups or having**
 4 **representatives of those groups meet together to**
 5 **plan strategy?**

6 A No. We respected the other groups. I
 7 think once we tried to coordinate the color that we
 8 might wear at the hearings. That's about the
 9 extent.

10 **Q Well, who hired Mr. Wentworth?**

11 A Joyce.

12 **Q Was he hired by Joyce to be the attorney**
 13 **for the Heart of Illinois Sierra Club group or for**
 14 **Peoria Families Against Toxic Waste?**

15 A Both.

16 **Q Who has paid his bill with respect to those**
 17 **two organizations?**

18 A It's -- Joyce has paid some, Peoria
 19 Families has paid some.

20 **Q To your knowledge, has the Heart of**
 21 **Illinois Sierra Club group paid any?**

22 A I don't know.

23 **Q But it is your understanding that**
 24 **Mr. Wentworth actually represents both of those**

Page 20

1 **voluntary associations?**

2 A Yes.

3 **Q Are you a member of the Sierra Club?**

4 A I don't think so.

5 **Q Has any county board member ever attended**
 6 **any Peoria Families meeting?**

7 A No.

8 **Q Let's do a couple of shorthand items here.**
 9 **If I say Peoria Families, I mean the group Peoria**
 10 **Families Against Toxic Waste, fair enough?**

11 A Yes.

12 **Q If I say during the application and hearing**
 13 **process, I mean the time period from**
 14 **November 9th, 2005 through May 3rd, 2006, is**
 15 **that fair?**

16 A Yes.

17 **Q Did the Peoria Families sponsor or publish**
 18 **a newsletter?**

19 A No.

20 **Q Were you ever -- or strike that.**

21 **Did you at some time become aware of the**
 22 **rules and procedures that governed the landfill**
 23 **siting process?**

24 A Which ones?

Page 21

1 **Q Any of those rules or procedures?**

2 A Yes.

3 **Q How did you become aware of the procedures?**

4 A Various ways.

5 **Q Can you just describe them briefly?**

6 A I had several discussions with Patrick
 7 Ulrich at the county. I had several E-mail
 8 exchanges with Patrick Ulrich and with Mr. Brown. I
 9 attended the February I think it was 9th. I'm not
 10 sure what date it was, where the hearing rules were
 11 discussed and I believe voted on.

12 **Q So it would be fair to conclude that you**
 13 **were by February 9th familiar with the concept**
 14 **that the decision the county board members was to**
 15 **be based exclusively on evidence generated at the**
 16 **public hearings?**

17 A Yes.

18 **Q It would be fair to say that you were by no**
 19 **later than February 9th aware of the fact that**
 20 **county board members were not to receive ex parte**
 21 **communications from the various participants in the**
 22 **landfill application process?**

23 A I don't know.

24 **Q What do you mean by you don't know?**

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1 A I don't know with regards to ex parte when
 2 I -- when that terminology came in. I attended the
 3 hearing. I can't say that I had all the -- I can't
 4 make that statement, no.

5 (Converse Exhibit No. 58 marked)

6 BY MR. MUELLER:

7 **Q Well, let me ask you about something -- and**
 8 **this is going to be Exhibit 58. I will give you a**
 9 **copy of that, Kim.**

10 **First of all, I'm going to represent to you**
 11 **that we believe this is a copy of the web pages**
 12 **from the Peoria Families website as they appeared**
 13 **on January 31st, 2006.**

14 **I will ask you to look at those and tell me**
 15 **if, in fact, that appears to be a correct**
 16 **statement.**

17 A (Witness perusing document.) Yes.

18 **Q Okay. Then if I can direct you to the**
 19 **third page of --**

20 A Can I get a tissue?

21 (Discussion off the record.)

22 BY MR. MUELLER:

23 **Q Ask you to look at page 3 of 5, and direct**
 24 **you to the paragraph beginning with county board**

Pages 19 to 22

Page 23

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1 restrictions.

2 Did you write this material?

3 A Yes.

4 Q Was all of this material written before
5 January 31st, 2006?

6 A It must have been.

7 Q I believe you previously said that you
8 started the website sometime in January.

9 A Yes, I did.

10 Q So it would be fair to say that this
11 material that we're looking at now, Exhibit 58,
12 would have been developed sometime in January?

13 A I don't know. It could have been -- it
14 could have been developed on January 30th. I
15 don't know the date.

16 Q Sometime in January, though?

17 A Yes.

18 Q That's -- actually, it's a fairly narrow
19 window given how imprecise some other recollections
20 have been.

21 You wrote this material, correct?

22 A Yes.

23 Q Then we go down two paragraphs to after
24 you've described what the county board restrictions

1 opinion either?

2 A That's correct. I'm allowed to contact my
3 county and elected officials.

4 Q But you also understood that county
5 officials in this -- county board members in this
6 process were to act as judges, right?

7 A Yes.

8 Q You even wrote that one of the rules here
9 was that county board members would be like judges,
10 correct?

11 A Yes.

12 Q Judges in your understanding rule based on
13 evidence, right?

14 A Yes.

15 Q They don't rule based on popularity, do
16 they?

17 A No.

18 Q And yet the Peoria Families website
19 encouraged people to contact county board members
20 to urge them to vote no to the expansion, isn't
21 that true?

22 A This is a public process.

23 Q Isn't it true, though, that your website
24 encouraged members of the public to contact county

Page 24

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1 are and you write. This is unacceptable to us. It
2 is undemocratic and thwarts our power as citizens
3 to make elected officials accountable on election
4 day.

5 Did you write that?

6 A Yes.

7 Q What did you mean by that statement?

8 A I just meant what it says.

9 Q Now, you understood at the time that you
10 wrote all of this material that the procedural
11 rules that you were not to be contacting county
12 board members outside the hearing process, correct?

13 A No.

14 Q You did not understand that?

15 A No.

16 Q Did anyone ever tell you not to contact
17 county board members outside the hearing process?

18 A No.

19 Q Then what portion of the restrictions was
20 unacceptable or undemocratic?

21 A What I was referencing was that they were
22 not allowed to share their opinion.

23 Q It's your testimony that you never
24 understood that you weren't allowed to share your

1 board members to urge them to vote no?

2 A Absolutely.

3 Q You knew as you were doing that that that
4 was going against the county board members' role in
5 this process as being judges?

6 A No.

7 Q You did not know that?

8 A That's not what I understand to be the
9 truth.

10 Q What do you understand to be the truth?

11 A I understand that this was -- that they
12 were acting as judges, but this was a quasi
13 judicial process and that they're also our elected
14 officials and we were never, ever precluded from
15 speaking to our public officials.

16 Q Where did you learn the term quasi
17 judicial?

18 A I don't know where I learned that.

19 Q When did you first hear the term ex parte
20 communications?

21 A I don't know.

22 Q Did you hear it -- were you familiar with
23 the context of ex parte communications during the
24 application and hearing process?

Pages 23 to 26

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1 A I don't remember when I did.
2 (Converse Exhibit No. 59 marked)
3 BY MR. MUELLER:
4 Q Let me show you then Exhibit 59 -- let me
5 show you then what's been marked as Exhibit 59 or
6 will be marked as Exhibit 59, and this I'm going to
7 represent to you is what we believe to be what your
8 website -- what your website looked like as of
9 March 21st, 2006, and ask you if that -- or just
10 a portion of it, if this is a true and correct copy
11 of what was on your website at that time?
12 A Yes.
13 Q Underneath the caption it says, Tell the
14 county board no toxic waste in Peoria, right on the
15 front page?
16 A Yes.
17 Q And on Exhibit 58, that was the same case?
18 A Yes.
19 Q That's because you wanted anyone that came
20 to your website to actually contact the county
21 board and urge them to vote no?
22 A Anybody who wanted to, yes.
23 Q You understood that the process was also
24 partly political, is that correct?

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1 A What do you mean by "partly political"?
2 Q You really didn't want county board members
3 to vote on the evidence? You wanted them to just
4 vote no, didn't you?
5 A No, that's not true.
6 Q Well, the evidence hadn't even come in yet
7 as of January 31st, had it?
8 A I believe it wasn't due until
9 February 13th.
10 Q As of January 31st before the public
11 hearing started, you were urging the public to
12 contact county board members to tell them to vote
13 no, is that right?
14 A Yes.
15 Q That obviously would have been a
16 recommendation made without knowing what all the
17 evidence was?
18 A No, that's not true.
19 Q You knew what all the evidence was going to
20 be as of January 31st?
21 A I did not know what all of the evidence was
22 going to be, no.
23 Q You knew enough to have your mind made up
24 though, is that right?

1 A Yes.
2 Q Have you ever made any presentations at any
3 county board meetings?
4 A Presentations?
5 Q Have you ever spoken at a county board
6 meeting?
7 A Yes.
8 Q When?
9 A July 2005 or the summer of 2005. I don't
10 know if it was July or not.
11 Q Any time after that?
12 A At a county board meeting, I don't believe
13 so. Are you talking about the hearings, too?
14 Q Not the public hearings. The regular
15 county board meetings.
16 A Not to my recollection.
17 Q Kim, did your website have a hit counter?
18 A I don't know.
19 Q Do you know what a hit counter is?
20 A Probably.
21 Q It's a device that lets you see how many
22 people access your website, how many people get to
23 that page?
24 A You'd have to ask my husband.

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1 Q Did he ever tell you at any time the number
2 of people that were accessing the Peoria Families
3 website?
4 A I don't recall.
5 Q Now, you testified that your understanding
6 of the rules was that you were free to present
7 information and make recommendations outside the
8 hearing process to county board members, is that
9 correct?
10 A Can you repeat the question?
11 Q Is it fair to say that you -- let me
12 rephrase it.
13 Is it fair to say that you understood the
14 rules that applied to you as a citizen to allow you
15 to contact county board members outside the hearing
16 process and present information to them outside the
17 hearing process?
18 A That's a real long question. Can you -- I
19 want to be -- want to make sure I'm hearing you.
20 what your question is.
21 Q Let's have the court reporter read the last
22 one back.
23 THE WITNESS: I don't know if that's
24 going to help.

Pages 27 to 30

Page 31

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1 (Record read as requested.)
 2 THE WITNESS: I understood that I
 3 could contact my elected officials.
 4 BY MR. MUELLER:
 5 Q Would that include county board members in
 6 districts outside the one that you resided in?
 7 A Yes.
 8 Q Even though those officials were not
 9 elected by you?
 10 A Correct.
 11 Q Did you also understand that in addition to
 12 being allowed to contact your elected officials you
 13 were allowed to present them with evidence or
 14 information?
 15 A No.
 16 Q Then what could you present your elected
 17 officials with, if not evidence and information?
 18 A Our opinion and we could refer them to the
 19 record.
 20 Q So you thought it was proper to in your
 21 contacts with county board members to highlight
 22 portions of the record for them?
 23 A Certainly would not be inappropriate.
 24 Q Now, of what relevance would your opinion

1 communication, correct?
 2 A They should base their decision on all the
 3 facts.
 4 Q Well, going back to Exhibit 58, I believe,
 5 it was -- and that would be the January 31st
 6 website, if you look at that, there is something
 7 identified as PDC toxic waste stacks in the
 8 photograph.
 9 A Yes.
 10 Q Does PDC have toxic waste stacks?
 11 A It's my understanding that we learned in
 12 the hearing that that was not the proper
 13 terminology and we changed it, the terminology, or
 14 it looks like we removed it upon hearing that.
 15 Q Who took this photograph by the way?
 16 A My father.
 17 Q Did you ever send an E-mail to county board
 18 members advising them to disregard your previous
 19 reference to PDC's toxic waste stacks on your
 20 website?
 21 A No.
 22 Q Did you ever call any county board members
 23 to say we alerted you to an incorrect fact?
 24 A No. It was all on the internet then to

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Page 34

1 be in a county board contact outside of the
 2 hearing?
 3 A Can you repeat that?
 4 Q Let me make it simpler. You knew from
 5 having talked to Mr. Urich and reviewed the county
 6 rules that the county's decision was to be made
 7 based on the evidence, right?
 8 A Correct.
 9 Q If the decision was to be made based on the
 10 evidence, of what relevance would a county board
 11 member knowing your opinion be?
 12 A It's important for our officials to know
 13 where their constituents stand and how the
 14 constituency urged them to pay attention to the
 15 evidence and the facts.
 16 Q Did you want county board members to take
 17 your opinion into consideration when you contacted
 18 them?
 19 A We wanted public officials to know that the
 20 public thought this was an important issue that
 21 they should take seriously and pay attention to the
 22 facts and the evidence on the record.
 23 Q And to pay particular attention to evidence
 24 that you might highlight for them in a direct

1 see.
 2 Q Well, the website changed, but it never
 3 said the previous reference was incorrect, did it?
 4 A No.
 5 Q No it didn't or no I'm wrong?
 6 A No, it didn't.
 7 Q If I were to tell you that you appeared at
 8 the county board meeting in February of 2006, the
 9 regular board meeting, and spoke at that time,
 10 would that refresh your recollection?
 11 A I don't doubt it. I think I said that
 12 earlier. It wouldn't surprise me. I just don't
 13 remember.
 14 Q Now, did you have an understanding of what
 15 rules regarding ex parte communications applied to
 16 Peoria Disposal Company?
 17 A That applied to Peoria Disposal Company?
 18 Q Let me back up. You've stated that you
 19 thought you as a citizen were free to contact
 20 county board members and direct them to certain
 21 parts of the record and to give them your opinion,
 22 correct?
 23 A Can you repeat that?
 24 Q You said that you believed that as a

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Page 37

1 citizen you were free to contact county board
2 members and direct them to certain parts of the
3 evidence and to give them your opinion, right?
4 A Entitled to, yes.
5 Q Did you believe that Peoria Disposal
6 Company representatives had the same entitlement?
7 A I -- sure, yes.
8 Q So you thought that Mr. Meginnes and I
9 could also have had one-on-one contact with county
10 board members to give them our opinion?
11 A We believed you were.
12 Q Do you have any evidence, in fact, that
13 that was happening?
14 A Evidence?
15 Q Yes.
16 A What constitutes evidence?
17 Q You say you believed we were directly
18 contacting the county board.
19 Can you give me an example of such contact?
20 A I learned -- yes, I can.
21 Q Go ahead.
22 A I learned that Brian Meginnes had contacted
23 Brian Elsasser to share that should he vote no the
24 pro-PDC camp would insure that another Republican

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1 would run against Mr. Elsasser.
2 Q Where did you -- who did you learn that
3 from?
4 A Mr. Elsasser.
5 Q When did Mr. Elsasser tell you that?
6 A I don't know the exact date, timeframe.
7 Q Before the May 3rd meeting?
8 A Yes.
9 Q When did you have a conversation with
10 Mr. Elsasser before the May 3rd meeting?
11 A It was I believe -- I don't know. I don't
12 know if it was before the April vote or right
13 after.
14 Q I think we're talking about the May vote
15 now.
16 A Well, you asked me when it was.
17 Q It might have been right before or after
18 the April vote?
19 A Right.
20 Q Where did that conversation take place?
21 A On the phone.
22 Q Who called who?
23 A Mr. Elsasser called me.
24 Q For the purpose of giving you this

1 information?
2 A No.
3 Q For what purpose did he call you?
4 A He was looking for a phone number.
5 Q Do you remember whose phone number he was
6 looking for?
7 A Cindy Herman.
8 Q Do you know why he wanted to call Cindy
9 Herman?
10 A No.
11 Q Is she a member of Peoria Families?
12 A No.
13 Q What else was said in this conversation?
14 A He was looking for Ms. Herman's phone
15 number. I don't remember if I had it or not. I
16 don't think I did, and he shared that he had been
17 getting significant pressure from Keystone
18 executives, from Representative Leach, and then he
19 said the comment about Mr. Elsasser or
20 Mr. Meginnes.
21 Q Did you say anything or did he say anything
22 else to you?
23 A I'm sure hello and pleasantries. I'm sure.
24 Q Did he indicate how he was going to vote?

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1 A No.
2 Q Did you interpret the statements he made to
3 you, however, to be indicative of the fact that he
4 was going to vote no?
5 A No.
6 Q Can you give me any other examples of what
7 you believe to be an ex parte communication with a
8 board member from a representative of PDC?
9 A From -- to a board member?
10 Q Yes.
11 A No.
12 Q So that's the only one that you are aware
13 of, and you got that secondhand?
14 A Actually, can you go back and ask me that
15 question again?
16 Q Sure. Can you think of any other examples
17 of a PDC representative contacting a board member
18 during the application and hearing process?
19 A I have one example of PDC representatives
20 promoting contact with the board.
21 Q What is that example?
22 A Communications -- well, a meeting at the
23 civic federation meeting and communication that
24 followed.

Pages 35 to 38

PEORIA DISPOSAL COMPANY V. PEORIA COUNTY BOARD

PCB06-184

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1 **Q When did that meeting occur?**
2 A I believe after the April vote.
3 **Q How did you learn about what occurred at**
4 **that meeting?**
5 A Several ways.
6 **Q Go ahead.**
7 A My father-in-law was in the audience for
8 the presentation which Peoria Families was not
9 invited to. That was one way.
10 **Q What's your father-in-law's name?**
11 A Ralph Converse.
12 **Q Did you hear about it from any other**
13 **sources?**
14 A Yes.
15 **Q Who else?**
16 A OSF Medical Center.
17 **Q Well, who at the medical center provided**
18 **that information?**
19 A Dr. Zwicky.
20 **Q So it sounds like you understood this**
21 **entire process to be as much political as**
22 **adjudicatory, is that fair?**
23 A Can you repeat that?
24 **Q It sounds like you understood this entire**

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1 **process to be as much political as adjudicatory, is**
2 **that fair?**
3 A I don't know what -- I don't think I can
4 say that word. Can you tell me what that means?
5 **Q Judicial.**
6 A Now that you've told me that, would you --
7 **Q It sounds to me as if you believed that the**
8 **entire process was as much political as it was**
9 **judicial?**
10 A I believe that this process was to be based
11 on the facts.
12 **Q So my statement is not one that you can**
13 **agree with, is that correct?**
14 A I apologize. I don't -- not comfortable
15 enough with your statement to say yes or no, but I
16 can tell you what I do believe and that is that the
17 decision was supposed to be based on the facts and
18 the evidence.
19 **Q And that all of the people that were**
20 **contacting the county board to urge them to vote no**
21 **their views should not be taken into consideration,**
22 **is that right?**
23 A The decision was supposed to be based on
24 facts.

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1 **Q Then what was the point of urging people to**
2 **contact their board members to tell them to vote**
3 **no?**
4 A We believed it was important for the public
5 to be involved. It was a public process after all
6 and it was important for the county board to know
7 that the public wanted them to take this duty very
8 seriously.
9 **Q Well, you never urged on your website that**
10 **people contact the county board to tell them to**
11 **take their duty seriously.**
12 You urged on your website that people
13 contact the county board to tell them to vote no,
14 right?
15 A We urged them to -- can you repeat that
16 question?
17 **Q Did your website urge people to contact**
18 **county board members for the purpose of telling**
19 **them to take their duties seriously?**
20 A Well, we urged them to communicate that we
21 hoped that they'd vote no based on the facts.
22 **Q Did you hope or believe that hundreds of**
23 **people contacting county board members urging them**
24 **to vote no would be considered by those county**

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1 **board members in their decision?**
2 A Well, PDC had hundreds of form letters that
3 had been submitted that -- that we knew were on the
4 record, and so it was clear that they would know
5 from that angle that this was important to PDC, and
6 we wanted to be sure that the county board
7 understood that this issue was important to the
8 people as well.
9 **Q So the answer to my last question is yes?**
10 A What was the question?
11 MR. MUELLER: Let's read the question
12 back then.
13 (Record read as requested.)
14 THE WITNESS: We hoped that --
15 BY MR. MUELLER:
16 **Q I think that's a yes or no question.**
17 **Either you hoped it or didn't?**
18 A I'm not going to answer yes or no. It's
19 not a yes or no question.
20 **Q So the answer -- your answer is you cannot**
21 **answer it yes or no?**
22 A My answer is that I won't answer it yes or
23 no.
24 **Q Can you answer it yes or no?**

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1 A No, I won't.
2 Q Won't or can't? Do you understand the
3 difference between won't and can't?
4 A Why don't you explain that?
5 Q Well, if you can't answer it, it's because
6 you're unable to. If you won't, it's because you
7 can but you're unwilling to.
8 A You will -- it is not a yes or no question.
9 It's unanswerable in the context that you're
10 requiring me to. So whatever you want to call it,
11 that's --
12 Q Did you want the opinion of the public to
13 be taken into consideration by county board
14 members?
15 A I wanted the county board members to know
16 that the public cared about this issue and wanted
17 them to take their duties seriously.
18 Q Let me ask you again. Did you want the
19 opinion of the public to be taken into
20 consideration by board members?
21 A I wanted the facts to be considered. There
22 were plenty of facts to support a no vote.
23 Q Can you answer the question? I'm going to
24 ask you a third time. Did you want the opinion of

1 Q Did your husband also write thank you
2 letters to the board members who voted favorably
3 for you in April?
4 A I believe so. I'm not sure.
5 Q By the way, which county board members did
6 you speak with on the telephone during the
7 application and hearing process?
8 A Brian Elsasser and Jim Thomas.
9 Q Anyone else?
10 A No.
11 Q When did you speak with Jim Thomas?
12 A It was either the 28th or the 29th of
13 March. It's on the public comment my reference to
14 the call. So you probably know already.
15 Q Who called who?
16 A I called him.
17 Q For what purpose?
18 A To express concern that the county staff
19 had submitted its recommendations prior to
20 receiving our evidentiary summary or -- and not
21 having had time to review the evidence submitted by
22 Dr. Fred Lee.
23 Q Who hired G. Fred Lee?
24 A Joyce Blumenshine.

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1 the public to be considered by the county board,
2 yes or no?
3 A I have told you I'm not -- that is not a
4 yes or no question. You're trying to have me say
5 something that I don't -- I'm not willing to answer
6 it the way you want me to. We can keep going at
7 this, but -- and I'm fine with that.
8 Q Your website, however, and your
9 communications and E-mails always urged people to
10 contact the county board to tell them to vote no?
11 A Correct.
12 Q After the April vote, did you send E-mails
13 thanking the county board members who voted
14 favorably to you for their vote?
15 A Yes.
16 Q What was the purpose of E-mails?
17 A To thank them.
18 Q Did you understand that was an ex parte
19 communication outside the hearing process?
20 A I didn't believe it to be ex parte, but can
21 you give me your definition of ex parte?
22 Q Apparently, you didn't believe it to be, so
23 you've answered my question.
24 A Well, I cannot go back and -- well --

1 Q On behalf of herself or the Sierra Club or
2 Peoria Families?
3 A I believe on behalf of all of us. I don't
4 know how she characterized that.
5 Q Who paid for Mr. Lee?
6 A Joyce.
7 Q Peoria Families did not contribute towards
8 his cost?
9 A No.
10 Q Who paid for Mr. Norris?
11 A Joyce.
12 Q Did Peoria Families contribute toward
13 Mr. Norris's cost?
14 A No, not to my knowledge.
15 (Converse Group Exhibit No. 60
16 marked)
17 BY MR. MUELLER:
18 Q Let me show you a group exhibit which we're
19 going to mark as number 60. These appear to be
20 E-mails from you all dated April 7th to
21 Mr. Salzer, Mr. Phelan, Mr. Williams and Mr. Mayer,
22 and ask you if, in fact, you wrote each of those
23 E-mails to them.
24 A (Witness perusing document.) Yes, I did.

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<p>1 MR. MUELLER: Mr. Wentworth, they're</p> <p>2 all copies of the same thing. I have multiple</p> <p>3 copies there.</p> <p>4 MR. WENTWORTH: For the record,</p> <p>5 they've got 173, 174, 175 and 176 on them.</p> <p>6 MR. MUELLER: Right.</p> <p>7 BY MR. MUELLER:</p> <p>8 Q Did you write to other board members on</p> <p>9 April 7th besides the ones that we have?</p> <p>10 A I wrote to all of the people that voted no</p> <p>11 is my recollection.</p> <p>12 Q You believe that your husband, likewise,</p> <p>13 did the same thing?</p> <p>14 A I think he did. I don't know for sure.</p> <p>15 Q Did you also encourage others to send a</p> <p>16 note of thanks to the county board members who</p> <p>17 voted no?</p> <p>18 A Yes, I did.</p> <p>19 Q In fact, you encouraged that on your</p> <p>20 website, didn't you?</p> <p>21 A Yes.</p> <p>22 (Converse Exhibit No. 61 marked)</p> <p>23 BY MR. MUELLER:</p> <p>24 Q Let me show you next what's going to be</p>	<p>1 Q And a recommendation that those who would</p> <p>2 receive this document contact those county board</p> <p>3 members and encourage them to vote no again on</p> <p>4 May 3rd, correct?</p> <p>5 A Yes.</p> <p>6 Q You did not consider such encouragement to</p> <p>7 vote no as an ex parte communication, is that</p> <p>8 right?</p> <p>9 A Correct.</p> <p>10 Q Did anyone ever tell you that you shouldn't</p> <p>11 be contacting county board members outside the</p> <p>12 hearing process?</p> <p>13 A No. We were allowed to talk to our public</p> <p>14 officials.</p> <p>15 MR. WENTWORTH: George, you said that</p> <p>16 was a group exhibit. We just had two pages here.</p> <p>17 MR. MUELLER: The last one -- no.</p> <p>18 That's a single exhibit. The group exhibit, I was</p> <p>19 answering Janaki's question, the group of four</p> <p>20 letters that I showed you.</p> <p>21 MR. WENTWORTH: So Plaintiff's</p> <p>22 Exhibit 61 is not a group exhibit?</p> <p>23 MR. MUELLER: Just a single exhibit.</p> <p>24</p>
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<p>1 marked as Exhibit 61, and ask you if that is a</p> <p>2 document prepared by you.</p> <p>3 A No.</p> <p>4 Q It's a two-page document. Who is it</p> <p>5 prepared by?</p> <p>6 A It was designed by Tessie Bucklar.</p> <p>7 Q Who was it printed by?</p> <p>8 A I don't know.</p> <p>9 Q Who was it distributed by?</p> <p>10 A It was distributed at the Sandra</p> <p>11 Steingraber event.</p> <p>12 Q The second page of it says, For more</p> <p>13 information, visit our website</p> <p>14 www.notoxicwaste.org.</p> <p>15 A Yes.</p> <p>16 Q Is Tessie Bucklar a member of Peoria</p> <p>17 Families?</p> <p>18 A Yes.</p> <p>19 Q Was this document actually although</p> <p>20 designed by her a Peoria Families' document?</p> <p>21 A Yes.</p> <p>22 Q This contains the contact information of</p> <p>23 certain county board members, correct?</p> <p>24 A Yes.</p>	<p>1 BY MR. MUELLER:</p> <p>2 Q Is Bill Rutherford a member of Peoria</p> <p>3 Families?</p> <p>4 A No.</p> <p>5 Q Have you had any dealings with him in</p> <p>6 regard to the opposition to the expansion?</p> <p>7 A Not with him directly.</p> <p>8 Q What do you mean by indirectly?</p> <p>9 A One of our members had approached him about</p> <p>10 a donation, but I don't even think she talked to</p> <p>11 him directly.</p> <p>12 Q Do you know if Bill Rutherford has donated</p> <p>13 any money to this opposition?</p> <p>14 A I don't have direct knowledge, no.</p> <p>15 Q Do you have indirect knowledge or belief?</p> <p>16 A I think he -- I think it was his intent to</p> <p>17 donate to Tom Edwards, but I do not know.</p> <p>18 Q Do you believe that he's subsidized Joyce</p> <p>19 Blumenshine's expenses for billboards and experts?</p> <p>20 A No.</p> <p>21 Q Do you know where Joyce Blumenshine got all</p> <p>22 of that money which we estimate to be above</p> <p>23 \$40,000?</p> <p>24 A It's my understanding that she had an</p>

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1 inheritance.
 2 **Q Did Peoria Families have any involvement in**
 3 **yard signs?**
 4 A Yes.
 5 **Q What was your involvement in yard signs?**
 6 A We got yard signs to distribute.
 7 **Q Who made the yard signs?**
 8 A You mean the company that printed them?
 9 **Q Yes.**
 10 A I don't know.
 11 **Q Were you the person that contracted with**
 12 **the maker of the yard signs?**
 13 A No.
 14 **Q Is this a yard sign that I'm holding up for**
 15 **you that was made by Peoria Families (indicating)?**
 16 A It is.
 17 **Q You don't know who made them?**
 18 A I don't know the name of the company that
 19 printed them, no.
 20 **Q Who paid for them?**
 21 A Peoria Families.
 22 **Q Who designed those yard signs?**
 23 A Tessie Bucklar.
 24 **Q I think I might have asked you this. Is**

1 **Wisconsin EPA or DNR from a Diane Brinkman?**
 2 A Yes.
 3 **Q How did you come into possession of that**
 4 **letter?**
 5 A It was E-mailed to notoxicwaste.org.
 6 **Q Do you know from whom?**
 7 A Just the name -- what was it?
 8 **Q Diane Brinkman?**
 9 A Oh, oh, wait a minute. Can you repeat what
 10 you're asking? I was thinking of something
 11 different.
 12 **Q Why don't you tell me what you were**
 13 **thinking of that was E-mailed to notoxicwaste.org?**
 14 A Someone E-mailed into notoxicwaste.org
 15 about the contact -- contacting Diane Brinkman.
 16 **Q Do you know who that person was?**
 17 A No.
 18 **Q Did you then contact Diane Brinkman?**
 19 A We had before.
 20 **Q How did you know to contact her?**
 21 A Joyce had something with regards -- some
 22 report related to Diane Brinkman, and she or
 23 someone within the effort had contacted her at one
 24 time.

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1 **she a relation of yours?**
 2 A Indirectly.
 3 **Q What is her relationship with you?**
 4 A My sister-in-law is her sister-in-law.
 5 **Q Who's the common person there? You've got**
 6 **me lost there.**
 7 A My sister-in-law.
 8 **Q And that would be?**
 9 A Amy Schlicksup.
 10 **Q So you're Amy Schlicksup's sister-in-law**
 11 **and so is Tessie Bucklar?**
 12 A Correct.
 13 **Q When did she get involved in the**
 14 **opposition?**
 15 A I don't remember exactly when.
 16 **Q Did Converse Marketing provide any support**
 17 **to the opposition effort?**
 18 A No.
 19 **Q Who designed the billboards?**
 20 A Well, ultimately, Adam's Outdoor
 21 Advertising was the design that we selected.
 22 **Q Who did the selecting?**
 23 A My husband and Joyce Blumenshine.
 24 **Q Do you remember having a letter from the**

1 **Q Did you ever go to any board members' homes**
 2 **during the application and hearing process?**
 3 A No.
 4 **Q Did you ever deliver anything to any board**
 5 **members' home?**
 6 A No.
 7 **Q Did you ever assist Tom Edwards in doing**
 8 **any of those things?**
 9 A No.
 10 **Q Has Tom Edwards ever come to any of your**
 11 **meetings?**
 12 A Not to any of our meetings that I remember.
 13 (Converse Group Exhibit No. 62
 14 marked)
 15 BY MR. MUELLER:
 16 **Q I'm going to show you what is going to be**
 17 **marked as Group Exhibit No. 62, and that's your and**
 18 **Dave's copy to keep. I will tell you that these**
 19 **are various E-mails provided by -- printouts of**
 20 **various E-mails provided by Joyce Blumenshine.**
 21 **My simple question for you is to look**
 22 **through these, and you will notice that you are a**
 23 **listed author at various places, and all I want to**
 24 **know is whether the portions that purport to be**

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1 written by you are accurate.
2 A (Witness perusing documents.) Yes.
3 (Converse Exhibit No. 63 marked)
4 BY MR. MUELLER:
5 Q Okay. I made that very easy. Then I will
6 show you Exhibit 63 which purports to be an E-mail
7 from you to James Thomas on March 29th and ask
8 you if, in fact, you sent him that E-mail.
9 A Yes. That's the one I referred to earlier.
10 Q That's what we thought. We're cleaning up
11 the record.
12 Did you or any member of Peoria Families
13 make any political contributions during the past
14 12 months to any Peoria County Board member?
15 A Did I or anyone from our group?
16 Q Yes.
17 A Not to my knowledge, but I don't know what
18 other people have done, to my knowledge.
19 Q The Peoria Families group itself did not
20 make any contributions?
21 A Oh, no.
22 Q You didn't?
23 A No.
24 Q Your husband didn't?

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1 A No.
2 Q Did you ever communicate either directly or
3 indirectly to any board member that if they did not
4 vote no they would have opposition in the election?
5 A Not to my knowledge.
6 Q Do you know who designed and paid for the
7 stop hazardous toxic waste bumper stickers?
8 A No.
9 Q Were they a Peoria Families product?
10 A No.
11 Q Do you know who Meg Whitmer is?
12 A No.
13 MR. WENTWORTH: Merle Widmer.
14 THE WITNESS: Merle Widmer?
15 BY MR. MUELLER:
16 Q No. Meg Whitmer, W-H-I-T-M-E-R.
17 A No.
18 Q In a number of your E-mails, we've seen
19 references to wanting to get things done before the
20 public comment cutoff date.
21 What was the significance in your mind of
22 that public comment cutoff date?
23 A That was the time to have evidence -- where
24 evidence could be considered.

1 Q However, you did not understand that date
2 to cut you off from communications with board
3 members, did you?
4 A No.
5 MR. MUELLER: Let's take a short
6 break. We may be very close to finishing.
7 (Recess from 5:15 to 5:30)
8 MR. MUELLER: Back on the record.
9 BY MR. MUELLER:
10 Q Let me show you what looks like a handout,
11 Tell the Peoria County Board vote no, and has the
12 notoxicwaste.org web address on it.
13 Is that a document prepared by Peoria
14 Families?
15 A Yes.
16 Q Who wrote it?
17 A I believe a number of us shared in the
18 writing of it.
19 Q How was that document distributed?
20 A A number of different ways. We had it at
21 various events. Sandra Steingraber and people used
22 it for going door to door.
23 Q So would that document have been circulated
24 in the March-April 2006 time period?

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1 A I don't know when we created this, but can
2 we tell? Certainly before the 29th. Yes. March
3 and April for sure.
4 Q I mean, were you handing that out to people
5 at the St. Patrick's Day parade?
6 A Yes.
7 Q Again, that one says, Tell the county board
8 to vote no.
9 You thought it was appropriate to have the
10 public tell the county board to vote no, right?
11 A Yes.
12 Q To do so outside of going to the public
13 hearing to make a public comment?
14 A Can you repeat the question?
15 Q It was okay to tell the county board to
16 vote no in a direct communication to their home or
17 phone or E-mail address rather than at the public
18 comment period reserved for statements of opinion?
19 A We thought it was okay for the public to
20 communicate with their elected officials any time.
21 Q That would include communications urging
22 the public official to vote no?
23 A Yes.
24 Q Now, you previously told me that all you

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1 wanted the county board to really do was to base
2 their decision on the facts, right?
3 A We wanted the county board to judge the
4 decision based on the facts.
5 Q Is a public opinion a fact?
6 A I don't know how to answer that.
7 Q Well, --
8 A I don't know what you're asking.
9 Q Did you hope the county board members would
10 include in their considerations all of these
11 expressions of public opinion that you were
12 encouraging people to make?
13 A We hoped that the county board would vote
14 no based on the facts.
15 Q The phrase based on the facts doesn't
16 appear on this flier, does it?
17 A Well, I'd have to read through. We listed
18 various facts on one side of here. I don't know
19 what you're asking.
20 Q But the phrase based on the facts doesn't
21 appear on that flier?
22 A Well, we talk here -- we inform the readers
23 of this that the county board will determine
24 findings of fact on April 6th.

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1 Q So the answer to my question is the phrase
2 based on the facts doesn't appear?
3 A I can't answer that unless you want me to
4 read through all of this. I can't answer that.
5 Q Well, the document will speak for itself.
6 Who wrote the evidentiary summary that
7 Peoria Families submitted?
8 A Primarily Brad Stone.
9 Q Who assisted him in writing that?
10 A All of us in one way or another.
11 Q There was recently a presentation made to
12 the IEPA on facility issues pertaining to the
13 Peoria Disposal Company permit and that purports to
14 be signed by Heart of Illinois Sierra Club, Peoria
15 Audubon Society and Peoria Families Against Toxic
16 Waste.
17 Are you familiar with that written
18 presentation made?
19 A Yes.
20 Q Who physically prepared that document?
21 A Brad Stone.
22 Q Has Brad Stone been compensated for any of
23 those efforts?
24 A No.

1 Q Who is Brad Stone?
2 A A member of Peoria Families Against Toxic
3 Waste.
4 Q Does he live in Peoria?
5 A No.
6 Q Where does he live?
7 A Wisconsin.
8 Q How did he get involved with the Peoria
9 Families Against Toxic Waste organization?
10 A He came to a hearing, I believe.
11 Q Has he ever lived in Illinois?
12 A Yes.
13 Q Has he ever lived in Peoria?
14 A Yes.
15 Q When?
16 A This year.
17 Q Who does the fact checking for statements
18 made in materials that you disseminate to
19 organizations such as the IEPA?
20 A Multiple people.
21 Q Have you personally been involved in any of
22 doing that fact checking?
23 A What time period?
24 Q Well, let's talk about this document

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1 submitted to the IEPA.
2 A No.
3 Q Do you have any authorship interest in that
4 document at all?
5 A I read it before it was final.
6 Q Did you have any authorship interest in
7 that document?
8 A No. What does authorship interest mean?
9 Q Did you contribute any editorial content?
10 A I think I voted on what the cover page
11 would say, the name of the document.
12 Q You voted with who?
13 A Well, an informal vote with our members.
14 Q Who were the individuals that voted on that
15 document?
16 A It was not a formal vote, but the people
17 that were involved in the discussion as I recall
18 were Brad, Tessie, Joyce. I don't know if there
19 were others.
20 Q Do you have current contact information for
21 Mr. Stone?
22 A No.
23 Q Well, how do you get ahold of him?
24 A He's in our Peoria Families E-mail list.

Pages 59 to 62

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1 MR. MUELLER: Mr. Wentworth, we could
2 do a subsequent subpoena or I can just ask you if
3 you'll provide contact information for Mr. Stone.

4 MR. WENTWORTH: Yes, to the extent
5 that we have it. I don't think she was being coy
6 about it. I was giggling because I think that's
7 the only way we have to really get ahold of him.
8 We'll check and ask around and see if we can't get
9 you an address.

10 BY MR. MUELLER:

11 Q Did you exercise any editorial control over
12 the contents of the evidentiary summary?

13 A Yes.

14 Q I don't know if I asked this before, I
15 might have, the little flier that was Exhibit 64 or
16 65?

17 MR. WENTWORTH: 64.

18 BY MR. MUELLER:

19 Q Who was the author of that?

20 A Oh, you did ask, I believe. It was a
21 number of us as I recall.

22 Q You indicate that you've raised between
23 25 and \$28,000 or that's what you currently have on
24 hand?

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1 A That's what we raised.

2 Q Can you give me the names of contributors
3 to the organization who gave more than \$1,000 or
4 more?

5 A OSF, St. Francis Medical Center, Proctor
6 Hospital, the physicians of OSF Hospital, the
7 physicians of Proctor Hospital.

8 Q Any others?

9 A Not that come to mind.

10 Q How much would the contributions of those
11 four groups have been?

12 A Singly or total?

13 Q For each one?

14 A One thousand.

15 Q So the total of those four is \$4,000?

16 A Correct.

17 Q And the remainder of your money has been
18 raised in contributions that were less than a
19 thousand?

20 A There may have been more that were a
21 thousand. I believe that Joyce may have found some
22 donations that were, like, 2,000, but I don't
23 remember.

24 (Converse Exhibit No. 65 marked)

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1 BY MR. MUELLER:

2 Q Let me show you what we're going to mark as
3 Exhibit 65, and this was among the documents
4 presented by you today.

5 Who prepared this document?

6 A I don't know.

7 Q Do you know if it's a Peoria Families
8 document?

9 A I don't know.

10 Q If you go to the backside, there's a
11 reference on the very bottom, Other alternatives to
12 Caterpillar.

13 Do you see that?

14 A Yes, I do.

15 Q What does that reference refer to?

16 MR. WENTWORTH: What does it say or
17 what does she know?

18 BY MR. MUELLER:

19 Q What is Sumpter, NC, North Carolina?

20 MR. WENTWORTH: If you know.

21 THE WITNESS: Well, that's what it
22 says.

23 BY MR. MUELLER:

24 Q Is there a Caterpillar plant in North

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1 Carolina?

2 A There's several, yes.

3 Q Is there one in Sumpter?

4 A I think so.

5 Q Did you provide the information for that
6 statement?

7 A No.

8 Q You're an employee of Caterpillar, is that
9 correct?

10 A Yes.

11 Q You're aware that Caterpillar supported
12 this expansion?

13 A I am.

14 Q Do you know whether the statement about the
15 Sumpter, North Carolina, facility achieving
16 100 percent recycling of hazardous waste is true?

17 A I don't know.

18 (Converse Group Exhibit No. 66
19 marked)

20 BY MR. MUELLER:

21 Q Let me then show you as a Group Exhibit
22 No. 66, just one exhibit, No. 66 which again
23 appears to be a printout from your website as of
24 March 13th, 2006.

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1 Is that a true and accurate copy of your
2 website's content as of that date?
3 A Seems to be.
4 (Converse Exhibit No. 67 marked)
5 BY MR. MUELLER:
6 Q This is actually material that you
7 provided. Then let me show you what's going to be
8 marked as 67, again, from the materials that you
9 provided us and ask you if you can identify this.
10 A (Witness perusing document.) Yes.
11 Q Is the Jeff Joyce referred to here a State
12 Senator? Excuse me -- isn't there a Senator Joyce?
13 This Jeff Joyce is a county board member?
14 A Yes.
15 Q Did you, in fact, send these E-mails to
16 him?
17 A Yes.
18 Q Did you then also send an E-mail to
19 Mr. Widmer?
20 A Yes.
21 Q What was your interest in learning the
22 position of these people?
23 A I wanted to learn the position of those
24 people.

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1 Q For what reason?
2 A To learn the position.
3 Q Also one to Mr. Thomas. Did you write to
4 him as well?
5 A Yes.
6 Q What did you intend to do with the
7 knowledge that you gained from learning their
8 position if they were to tell you that?
9 A I didn't intend to do anything with it.
10 Q This is pure curiosity?
11 A Yes.
12 Q These are accurate, correct, these E-mails?
13 They accurately reflect what was written?
14 A Yes.
15 Q Did you send those to other board members,
16 also?
17 A I sent them to all of them.
18 Q All board members were asked what their
19 position was?
20 A Yes.
21 Q How many responded to you?
22 A Four.
23 Q Who were the ones that responded?
24 A Jeff Joyce, Merle Widmer, Jim Thomas and

1 Brian Elsasser.
2 Q We don't have Mr. Elsasser's, do we?
3 A He called me to respond.
4 Q When did he call you?
5 A It was around this date. I don't know the
6 exact date.
7 Q Around January 27th?
8 A Yes.
9 Q What did Mr. Elsasser tell you when he
10 called you?
11 A That he could not share his stance and
12 that, indeed, he didn't have a stance yet because
13 he had to go to the public hearing and hear the
14 facts.
15 Q You indicated that Mr. Thomas and
16 Mr. Elsasser are the only board members you've ever
17 spoken to on the phone during this process?
18 A That's correct.
19 Q Is that still your recollection?
20 A That's still my recollection.
21 (Converse Exhibit No. 68 marked)
22 BY MR. MUELLER:
23 Q Let me show you then Exhibit No. 68. This
24 is a group exhibit. It's among the documents

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1 provided by you, and just ask you what this
2 represents.
3 A This communication is from -- to and from
4 notoxicwaste.org.
5 Q Did these communications represented in
6 these group exhibits accurately or do those copies
7 accurately reflect the communications?
8 A Yes.
9 Q There's one specifically here that would be
10 a couple pages from the end. This is three pages
11 from the end that is an E-mail from
12 info@notoxicwaste.org, which we've already
13 determined to be you, and it starts out with,
14 Absolutely, here we go. Please also contact Eldon
15 Polhemus. He was sick, et cetera.
16 Is that an E-mail written by you?
17 MR. WENTWORTH: I'm sorry. I had her
18 on the wrong page.
19 THE WITNESS: Yes.
20 BY MR. MUELLER:
21 Q Who was that E-mail written to?
22 A Cathy Schultz.
23 Q I see the E-mail address, but do you know
24 who the person is that that E-mail represents, the

Pages 67 to 70

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1 E-mail address represents?
2 A It says Cathy Schultz.
3 Q Do you know her?
4 A No.
5 (Converse Exhibit No. 69 marked)
6 BY MR. MUELLER:
7 Q The last but not least number 69, it's
8 another group exhibit with some copies of some
9 E-mails.
10 Simple question is, are these accurate
11 copies and do they accurately reflect the senders
12 and the receivers and what was written?
13 A Yes.
14 MR. WENTWORTH: For the record,
15 there's 13 pages in Plaintiff's 68.
16 MR. MUELLER: Right.
17 MR. WENTWORTH: In Plaintiff's 69,
18 there are just three pages.
19 MR. MUELLER: 69 is just three.
20 MR. WENTWORTH: We'll get you what we
21 have for Brad Stone.
22 (Pause in proceedings.)
23 MR. MUELLER: Back on the record.
24 Kim, thank you very much for coming. I

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1 don't have any more questions.
2 (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 Tuesday, October 24th, 2006, personally appeared before me at 416 Main Street, Suite 1400, Peoria, Illinois:

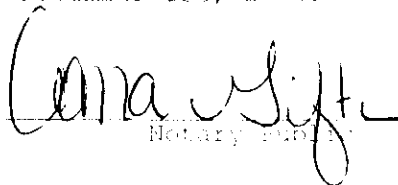
KIMBERLY McLEAN CONVERSE, a material witness herein.

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.

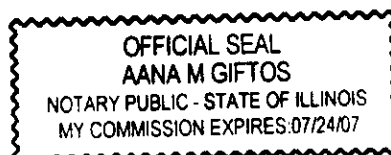
I further certify that the signature of the witness was not waived.

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, November 1st, 2006.


Notary Public

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



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Exhibit 21

1 Q What is that?

2 A Tedconverse@mac.com.

3 Q Do you also have a business e-mail address?

4 A I do.

5 Q What is that?

6 A Tedc@conversemarketing.com.

7 Q What is your educational background?

8 A Graduate from the University of Illinois,

9 liberal arts and sciences.

10 Q Where are you employed at the present time?

11 A Converse Marketing.

12 Q How long have you been employed there?

13 A About two years.

14 Q When did you graduate from college?

15 A '93.

16 Q Where were you employed between '94 and

17 2004?

18 A I worked for -- as a bartender at a

19 roadhouse in Palmer, Alaska, for a year, '96 to '97, I

20 believe; and I worked as a graphic designer at Colle

21 McVoy in Minneapolis, Minnesota, prior to moving to

22 Peoria. Then I worked as a free-lancer for two years

23 prior to joining Converse Marketing.

24 Q And free-lancer in what field?

1 A Graphic design.

2 Q What's your duty or title at Converse

3 Marketing?

4 A Graphic designer, web designer.

5 Q Is that business owned by your parents?

6 A I believe it's owned by Jane Converse.

7 Q And that's your mother?

8 A Yes.

9 Q Is she still active in the day-to-day

10 operation of the business?

11 A Yes.

12 Q Did Converse Marketing provide any

13 materials or services to Peoria Families Against Toxic

14 Waste during the landfill hearing process?

15 A No.

16 Q Did Converse Marketing print any fliers or

17 handouts or cause to have them printed?

18 A No.

19 Q Even on a paid basis?

20 A I don't understand that question.

21 Q Well, I mean, did Peoria Families or any

22 other group ever contract with Converse Marketing to

23 provide any expertise, materials, or services?

24 A No.

1 Q Would the same answers be true if I

2 substituted the Sierra Club for Peoria Families?

3 A Yes.

4 Q And also Citizens For Our Environment?

5 A Yes.

6 Q Do you know where the small handout/fliers

7 that the people gave out door to door were printed?

8 A Various places, people's houses, Kinko's.

9 Q Let's go back for a second to your jobs

10 before Converse Marketing. You indicate that you lived

11 in Alaska?

12 A Yes.

13 Q Your father-in-law in his deposition

14 indicated that there was something about your Alaska

15 experience which caused you to become interested in

16 environmental issues.

17 A I just like the outdoors.

18 Q Was there anything other than Alaska being

19 the great outdoors that specifically caused you to

20 develop an interest in environmental issues?

21 A No.

22 Q Are you a member of the Sierra Club?

23 A Yes.

24 Q How long have you been a member?

1 A I don't know for sure, but I think roughly

2 around 1998, '99 time period.

3 Q Had you ever been active in any

4 environmental cause or on any environmental issue prior

5 to the PDC expansion?

6 A No.

7 Q When did you first learn of the PDC

8 expansion?

9 A I went to a Sierra Club meeting at Forrest

10 Park Nature Center.

11 Q By the way, do you have any specialized

12 knowledge gained before the PDC application regarding

13 waste disposal or waste handling?

14 A No.

15 (Ms. Nair enters the deposition

16 suite.)

17 Q Do you have any specialized knowledge

18 gained before the hearing regarding heavy metals,

19 asbestos, or other toxic materials?

20 A Other than my daughter having an elevated

21 lead test, that's it.

22 Q You don't attribute that to anything PDC

23 did, do you?

24 A No.

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1 Q And your wife testified that to her
2 knowledge your daughter's fine and no lasting ill
3 effects. Would you agree?
4 A I agree.
5 Q Who formed the Peoria Families group?
6 A My wife, I, and it's really hard to
7 remember exactly how it formed. It was really kind of a
8 grass roots thing where people just kind of came
9 together. It's really hard to answer that question.
10 Q Well, when did that group, as you say, come
11 together?
12 A Sometime in January of this year.
13 Q At that point, were you already in your
14 mind an opponent of the landfill expansion?
15 A Yes.
16 Q Were you the one that brought your wife
17 into the process?
18 A One of the ones.
19 Q Who else would have brought her into the
20 process?
21 A John McLean.
22 Q Anyone else?
23 A Not that I'm aware of.
24 Q Did you ever meet with any medical doctors

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1 to solicit their support financially or otherwise for
2 your efforts?
3 A No.
4 Q When your father-in-law, Dr. McLean, met
5 with doctors to solicit their support, was he doing so
6 on his own or as a representative of Peoria Families?
7 MR. WENTWORTH: If you know.
8 A I don't know.
9 Q Do you know whether the Peoria Families
10 group directed him or asked him to enlist the support of
11 the medical community?
12 A I'm not aware.
13 Q Who is the leader of the Peoria Families
14 group?
15 A The closest thing you could call a leader,
16 I would say, would be my wife.
17 Q What role do you play in the group?
18 A I provided layout help on occasion and
19 technical help on the website.
20 Q Let's talk about the website. Who acquired
21 the notoxicwaste.org domain name?
22 A I did.
23 Q And who designed the website?
24 A I did.

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1 Q Who offered or added the substantive
2 content on the site?
3 A Primarily my wife, but I think information
4 came in from many sources.
5 Q And did you provide some of that
6 information?
7 A It's possible.
8 Q The website, is it still active?
9 A No.
10 Q When was it taken down?
11 A This summer.
12 Q Is there a reason why it was taken down?
13 A It was after the vote, and I didn't pay the
14 monthly maintenance fee for it.
15 Q Just out of curiosity, what does it cost
16 per month to maintain a website of that size?
17 A I think it's around \$15 a month.
18 Q Is Peoria Families still an active group?
19 A Yes.
20 Q Did you, at any time prior to the hearings,
21 gain an understanding of what the rules were regarding
22 communications by citizens with board members?
23 A During the public hearing, yes.
24 Q What was your understanding of what the

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1 rules were?
2 A I understand from -- understood from the
3 county that the board members were to base their
4 decision based on evidence from the public hearing.
5 That's basically what I understood.
6 Q Did you ever contact any board members
7 outside of the public hearing?
8 A I did.
9 Q Who did you contact?
10 A I sent -- I believe I sent some e-mails to
11 all the County Board members.
12 Q If you understood that County Board members
13 were to base their decision on what occurred at the
14 public hearing, what was the point of your contacting
15 them outside of the hearing process?
16 A Well, I always understood it to be okay for
17 a citizen to contact their elected official.
18 Q When you contacted County Board members,
19 did you urge them to vote no on the expansion?
20 A I did, yes.
21 Q And did you want them to take your
22 consideration -- or your opinion into consideration
23 along with everything else in reaching their decision?
24 A I wanted to impress upon them the

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1 importance of this issue to take seriously.
 2 MR. MUELLER: Could you read back the last
 3 answer, please?
 4 THE REPORTER: "I wanted to impress upon
 5 them the importance of this issue to take seriously."
 6 BY MR. MUELLER:
 7 Q Let me show you what we've marked as Group
 8 Exhibit 95. Actually, let me ask you first: Did you
 9 ever talk to any of the County Board members directly
 10 either in person or on the phone?
 11 A Yes, I did.
 12 Q Who?
 13 A Brian Elsasser.
 14 Q When was that conversation?
 15 A Early April.
 16 Q Where did it occur?
 17 A Our house.
 18 Q Pardon me?
 19 A Our house, 1420 West Parkside.
 20 Q How is it that Mr. Elsasser got to your
 21 house?
 22 A He phoned.
 23 Q Okay. So he wasn't at your house?
 24 A No.

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1 Q It was a telephone call. He called you at
 2 your home?
 3 A Yes.
 4 MR. WENTWORTH: You had asked phone and --
 5 MR. MUELLER: For a second there, I thought
 6 I had found a smoking gun.
 7 BY MR. MUELLER:
 8 Q What was the purpose of his call?
 9 A He was trying to track down a phone number.
 10 Q And do you remember whose phone number he
 11 was looking for?
 12 A I believe it was Cindy Herman.
 13 Q Did you have a conversation with him about
 14 the landfill?
 15 A I had a brief conversation with him. Yes.
 16 Q Did you express your opposition to the
 17 siting?
 18 A No. I did not.
 19 Q Then let me show you what we've marked as
 20 Exhibit 95 and ask you to look at the first e-mail in
 21 this group exhibit which is A. Purports to be a
 22 letter -- an e-mail from you to Brian Elsasser?
 23 A That is correct.
 24 Q Did you know him before the hearings?

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1 A No. I did not.
 2 Q Because I see you're on a first-name basis
 3 with him. Is that just the informality of e-mails or
 4 because you had some acquaintanceship?
 5 A I had no acquaintance with Brian.
 6 Q In looking over this e-mail, I can't find
 7 in there any language even remotely similar to what you
 8 had testified to about your communications, namely, that
 9 you wanted to impress upon board members the importance
 10 of their vote.
 11 A Well, this is my opinion based on the
 12 information that was presented in the public hearing,
 13 and it is highlighting my opinion, the importance of the
 14 issue for the county to take seriously.
 15 Q Well, it's also communicating the fact that
 16 you think the expansion is a bad thing, correct?
 17 A Correct. I do.
 18 Q You refer to lead paint dust is highly
 19 toxic in minuscule amounts, for example?
 20 A Correct.
 21 Q Would it be fair to say the point of this
 22 e-mail was that Mr. Elsasser would consider its
 23 contents?
 24 A Yes.

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1 Q The next document is an e-mail from you to
 2 Dave Williams?
 3 A Yes.
 4 Q Is that also a true and correct copy of an
 5 e-mail that you sent?
 6 A Yes.
 7 Q And the third and fourth ones, C and D, are
 8 they also true and correct copies of e-mails that you
 9 sent?
 10 A Yes.
 11 Q On your website, who did the fact checking
 12 of materials on the website itself?
 13 A It was a group effort.
 14 Q Who was in the group that made that effort?
 15 A Primarily the core members of Peoria
 16 Families Against Toxic Waste.
 17 Q Who were the core members?
 18 A Kim Converse, Ted Converse, Tessie
 19 Schlicksup (sic), Brad Stone, Cara Rosson, and I'm sure
 20 there are more.
 21 Q When you say "Tessie Schlicksup," you mean
 22 Tessie Bucklar?
 23 A Correct.
 24 Q We've previously marked as Exhibit 58 a

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1 copy of what purports to be a Peoria Families Against
 2 Toxic Waste website as of January 31st, 2006. I see
 3 Mr. Wentworth has it.
 4 A Yes.
 5 Q What I'm interested in is the picture on
 6 the first page which points to an area at the right-hand
 7 side of the photographs and is designated "PDC toxic
 8 waste stacks." Do you see that?
 9 A I do.
 10 Q Who provided the information for that
 11 label?
 12 A I did.
 13 Q You're the one that labeled those items on
 14 the right-hand side of the photograph as PDC toxic waste
 15 stacks?
 16 A Yes, I did.
 17 Q And where did you get the information from
 18 that they were toxic waste stacks?
 19 A I was basing it off of information of the
 20 TRI reports that indicated toxic air emissions.
 21 Q On the second page of the website is a
 22 photograph also, and on the left-hand side is a label
 23 for a portion of the photograph and it's called toxic
 24 waste stacks. Who provided that label?

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1 A I did.
 2 Q Did you ever check beforehand with PDC or
 3 any of its representatives as to whether or not the
 4 items that you were labeling as toxic waste stacks were,
 5 in fact, toxic waste stacks?
 6 A No.
 7 Q You understood that the information, once
 8 it was on your website, was in the public domain?
 9 A Yes.
 10 Q Did you ever take any steps to make the
 11 Peoria Families website more readily accessible through
 12 search engines such as Googles engine?
 13 A No.
 14 Q Do you know what I'm talking about?
 15 A Search engine optimization, yes.
 16 Q You didn't do any of that?
 17 A No.
 18 Q You didn't register any key words like
 19 "toxic dump" or anything like that?
 20 A No.
 21 Q Did you have a hit counter on your website?
 22 A No.
 23 Q Were you able to determine in any other way
 24 how many people visited the website?

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1 A The network solutions had a tracking page.
 2 Yes.
 3 Q And did that allow you to identify the
 4 internet locations from which hits came?
 5 A I wouldn't know.
 6 Q Do you know how many hits the website got
 7 before it was taken down?
 8 A No. I do not.
 9 Q Did you ever access that counter
 10 information at the host?
 11 A I did one or two times at the initial
 12 launch of the site.
 13 Q And what information did you get when you
 14 accessed it early?
 15 A A bunch of information I don't really
 16 understand.
 17 Q Well, did you get any information about
 18 traffic on the site?
 19 A There were hit count numbers. Yes.
 20 Q What kind of numbers did you see at the
 21 time that you looked?
 22 A I don't even recall.
 23 Q I guess just in a general way, were you
 24 getting dozens of hits or hundreds of hits or thousands?

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1 A I really don't understand.
 2 Q Let me show you what's been marked as
 3 Exhibit 96, and this is not a group exhibit. It is just
 4 a single exhibit. I'll ask you if that is a true and
 5 correct copy of an e-mail string that you were involved
 6 in.
 7 A It appears to be.
 8 Q How active was Joyce Blumenshine in the
 9 Peoria Families effort?
 10 A I'd say she was off and on.
 11 Q We understand from testimony of others that
 12 she was the major financial benefactor of the opposition
 13 effort. Would you agree with that characterization?
 14 A No.
 15 Q Who would you say the major financial
 16 benefactor was?
 17 A Peoria Families Against Toxic Waste raised
 18 their own funds to support their own activities.
 19 Q Who provided for the billboards in Peoria
 20 County?
 21 A Joyce Blumenshine.
 22 Q Was that a Peoria Families' effort, though,
 23 in terms of design and so forth?
 24 A Actually, she worked directly with Adams

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1 Outdoor Advertising to concept those billboards, and I
 2 offered my help as more of a consultant role in those
 3 billboards.
 4 Q Were you the designer of the yard signs?
 5 A No.
 6 MR. MUELLER: Mr. Wentworth, do you have
 7 Number 66?
 8 MR. WENTWORTH: I will pull it out.
 9 BY MR. MUELLER:
 10 Q If I can direct you to the third page of
 11 the --
 12 MR. WENTWORTH: 3 of 7?
 13 MR. MUELLER: 3 of 7 is correct.
 14 BY MR. MUELLER:
 15 Q If I can have you look at the second
 16 paragraph under the photograph starting with the words
 17 "toxic materials," do you see that?
 18 A Uh-huh.
 19 Q Do you see where it says at the end of that
 20 paragraph, "According to their application, PDC had four
 21 hazardous waste spills at the facility between 1995 and
 22 1997"?
 23 A Uh-huh.
 24 Q What's the source of that information?

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1 A I don't know.
 2 Q Who provided that information for you to
 3 post on the website?
 4 A I can't recall.
 5 Q I'm assuming based upon your testimony that
 6 you did the physical posting onto the site and its
 7 alteration from time to time; is that correct?
 8 A Correct.
 9 Q Did you provide this information, or did
 10 someone provide it to you?
 11 A I did not provide this information.
 12 Q Do you know whether the information is, in
 13 fact, true?
 14 A I don't have any specific knowledge one way
 15 or the other.
 16 Q You never checked it before you placed it
 17 into the public domain; is that correct?
 18 A We were getting lots of information at that
 19 time to put on the website, and we worked hard to check
 20 the facts as we put them on the website. We learned
 21 lots of things about landfills throughout the process
 22 and corrected many things that turned out to be
 23 mistakes.
 24 Q Who is "we" that you referred to in that

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1 answer?
 2 A Peoria Families.
 3 Q And would that again be the core group that
 4 you've identified, yourself, Kim, Tessie Bucklar, Brad
 5 Stone, and Cara Rosson?
 6 A And others.
 7 Q What others did checking of facts that went
 8 into the public domain?
 9 A I can't specifically recall. Jean Roach.
 10 Q Anyone else that you can recall at this
 11 time?
 12 A No.
 13 Q Now, you just testified that when you found
 14 errors you corrected them?
 15 A Yes.
 16 Q Which would mean that you're aware that
 17 inaccurate information about PDC was posted at various
 18 times on your website?
 19 A Yes.
 20 Q What errors as you sit here that you found
 21 did you correct?
 22 A Specifically, the direct line of
 23 questioning that you had indicated on toxic waste
 24 stacks.

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1 Q In looking through various iterations of
 2 your website, I was unable to find any retractions or
 3 statements in the nature of, "The previous reference to
 4 toxic waste stacks was incorrect." "Peoria Families
 5 offers its apologies to Peoria Disposal Company." Did I
 6 miss that, or did that not exist?
 7 A Upon learning the error, it was immediately
 8 removed from the website.
 9 Q So correction of the error consisted of
 10 removing the label?
 11 A Yes.
 12 Q It did not consist of also a statement that
 13 the previous label had been incorrect, did it?
 14 A No.
 15 Q Were there any other errors that you're
 16 aware of at this time?
 17 A Not that I can recall.
 18 Q Now, you said that you tried to check your
 19 facts as best you could. Without going into how good
 20 that effort was, what methodology did Peoria Families
 21 have in place to do fact checking before posting
 22 negative information into the public domain?
 23 MR. WENTWORTH: I object to the
 24 characterization of what kind of information it was.

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1 MR. MUELLER: I'll withdraw the word
2 "negative."
3 MR. WENTWORTH: Thank you.
4 A Can you repeat the question?
5 Q What kind of organized system, if any, did
6 Peoria Families have in place to do fact checking before
7 it was posted on the website?
8 A I'm not aware. My primary role was to
9 maintain the website.
10 Q Did you do any fact checking of your own?
11 A Yes.
12 Q What fact checking did you do of your own,
13 and how did you do it?
14 A I believe I -- I believe I pulled
15 information on TRI reports from the EPA.
16 Q Any other fact checking that you did?
17 A No.
18 MR. MUELLER: Let's take a short recess.
19 We're near the end.
20 (Recess in proceedings from 10:40 a.m.
21 to 10:45 a.m.)
22 MR. MUELLER: Thank you, Mr. Converse. We
23 have all the information we need, so we have no further
24 questions.

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1 MR. WENTWORTH: We will reserve.
2 10:45 A.M.

6 (Further deponent saith not.)

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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 October
9 27, 2006, at the time and place aforesaid, consisting of
10 pages 1 through 26, 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.

12 Please check one:

13 I have submitted errata sheet(s).

14 No corrections were noted.
15

17 TED CONVERSE

20 SUBSCRIBED AND SWORN TO
21 before me this day
22 of , A.D. 2006.

23 Notary Public

24 My Commission expires _____

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1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF TAZEWELL)
4

5 CERTIFICATE

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 October 27, 2006, at 416
10 Main Street, Suite 1400, Peoria, Illinois, the following
11 named person, to wit:

12 TED CONVERSE.

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.

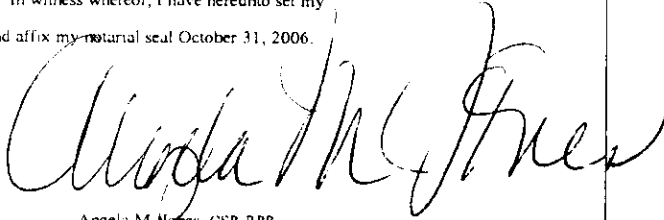
20 I also certify that the deposition is a
21 true record of the testimony given by the witness.

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 31, 2006.

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



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thought [1] 14:5	18:11 18:21 18:24			
thousands [1] 19:24	19:6 22:3 22:19			
through [3] 18:11	22:20 23:18 24:2			
24:1 27:8	24:8 25:7 25:9			
throughout [1] 22:21	Wentworth [11] 2:14			
times [2] 19:11	4:13 10:7 14:4			
23:18	17:3 21:6 21:8			
title [1] 6:2	21:12 24:23 25:3			
together [2] 9:9	26:1			
	West [2] 4:16 13:19			
	whereof [1] 29:5			
	wife [6] 4:21 9:1			

Exhibit 22

BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,

Petitioner,

-vs-

NO. PCB 06-184

PEORIA COUNTY BOARD,

Respondent.

The deposition of THOMAS EDWARDS, a material witness herein, called for compliance with the notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Anna M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Tuesday, October 24, 2006, at Lakeview Museum, Conference Room, Peoria, Illinois, commencing at the hour of 1:00 p.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE

518 Columbus Street, Suite 214

Ottawa, Illinois 61350

and

JANAKI NAIR, ESQUIRE

BRIAN J. MEGINNES, ESQUIRE

Elias, Meginnis, Riffle & Segher, P.C.

416 Main Street, Suite 1400

Peoria, Illinois 61601

on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE

Black, Black & Brown

101 South Main Street

Morton, Illinois 61550

on behalf of the Respondent;

ALSO PRESENT:

Royal Coulter, PDC;
Chris Coulter, PDC;
Mark Coulter, PDC;
Jeff Coulter, PDC;
Elaine Hopkins;
Carol Lakota;
Kathy Carr.

I N D E X

WITNESS

THOMAS EDWARDS

Examination by Mr. Mueller pg. 2

*EXHIBITS

IDENTIFIED

Edwards Exhibit No. 47	pg. 29
Edwards Exhibit No. 48	pg. 30
Edwards Exhibit No. 49	pg. 34
Edwards Exhibit No. 50	pg. 40
Edwards Exhibit No. 51	pg. 44
Edwards Exhibit No. 52	pg. 45
Edwards Exhibit No. 53	pg. 46
Edwards Exhibit No. 54	pg. 49
Edwards Exhibit No. 55	pg. 50
Edwards Exhibit No. 56	pg. 51
Edwards Exhibit No. 57	pg. 52

*Indicates exhibits were retained by counsel; not attached hereto.

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Page 4

1 THOMAS EDWARDS.
2 a material witness herein, being duly sworn, was
3 examined and testified as follows:

4 EXAMINATION

5 BY MR. MUELLER:

6 Q Would you state your name, please?

7 A Thomas Edwards.

8 Q Let the record show this is the discovery
9 deposition of Thomas Edwards attempted to be taken
10 pursuant to the Rules of the Pollution Control
11 Board and the Illinois Code of Civil Procedure so
12 far as the same is applicable to the Rules of the
13 Pollution Control Board.

14 Mr. Edwards, did you receive a subpoena for
15 your appearance here today?

16 A I received a -- something in the mail two
17 Sundays ago. I opened it. It was a letter in a
18 regular envelope with just my address on it, no
19 return address. I opened that, and it was a
20 subpoena.

21 Q So the answer is you are here today
22 pursuant to a subpoena that you received?

23 A Yes.

24 Q You have not yet received the \$20.41 that

1 for the reason that the Rules of the State of
2 Illinois provide that only the recording made by
3 the court reporter and the transcription made by
4 her can be used as to evidence of what is said
5 during a deposition.

6 A My understanding is from talking to several
7 attorneys and I also believe one of the Pollution
8 Control Board attorneys that it's okay for me as a
9 person to have my personal tape recorder here. So
10 I leave it on.

11 Q You understand that the tape that you're
12 making for your personal use cannot be an official
13 record?

14 A It's only a record of what goes on the tape
15 and for my own use and for any friends of mine who
16 may want to use it.

17 Q Do you stipulate that the recording made by
18 the court reporter will be the official record of
19 what is said?

20 A If the court reporter is correct, I will
21 abide by it, of course. If it's incorrect, I will
22 not.

23 Q Mr. Edwards, did you bring with you any
24 documents that were requested? The subpoena that

Page 4

Page 5

1 is due to you by reason of your appearance.

2 How do you want to make arrangements to
3 receive those funds?

4 A You sent me a photostat of that check, and
5 the letter I didn't receive.

6 Q The original of the check was with the
7 certified letter that you failed to claim.

8 Do you want us to reissue you another
9 check?

10 A I returned the photostat to you. No.

11 Q Pardon me?

12 A No. The answer is no.

13 Q You do not want a check for your appearance
14 today?

15 A You want to pay me something for my
16 appearance today?

17 Q The rules require that we pay you \$20 as a
18 witness fee and 41 cents for your mileage.

19 A If you want to give me some money -- no, I
20 don't want any money.

21 Q Let the record show that Mr. Edwards has
22 waived his appearance fee.

23 Mr. Edwards, I'm going to ask you to turn
24 off the tape recorder that you have with you today

1 you received had a rider attached which asked for a
2 number of documents.

3 First of all, was the rider with the
4 subpoena that you received?

5 A I brought the documents. Yes, it was.

6 Q What documents did you bring with you today
7 that are responsive to the request in the rider?

8 A I have with me, which I've just found last
9 night -- if you want me to explain that, I will --
10 documents from the last 12 months in my car, but I
11 have to make copies of those before I give them to
12 you. I just got them together this morning.

13 Q So you indicate that you did bring
14 responsive documents but that they are in your
15 vehicle?

16 A They're in my vehicle, and I have to make
17 copies of them before I can give them to you which
18 I can do after this deposition if you like, go over
19 to Kinko's and make copies. My reason -- okay.

20 Q Do we have the opportunity to look at the
21 documents at this time and then we'll determine
22 what we need to have copies of?

23 A I'd rather make copies of all of them
24 because I don't want to let any of them out of my

Pages 3 to 6

Page 7

1 control, but -- you understand that?
2 **Q Very simply, Mr. Edwards, do you have**
3 **documents responsive to the subpoena request that**
4 **you are prepared to show me at this time, yes or**
5 **no?**
6 **A** I can show you those documents at break
7 time. We can take a break and I can go out --
8 **Q Can you show them to me at this time since**
9 **we are starting the deposition? I'm happy to give**
10 **you three minutes to go to your car to bring the**
11 **documents in.**
12 **A** Give me five minutes.
13 **Q That's fine.**
14 **A** Okay.
15 **Q Take five.**
16 **A** However, the documents must stay with me.
17 (Pause in proceedings.)
18 MR. MUELLER: Back on the record.
19 BY MR. MUELLER:
20 **Q Mr. Edwards, do you have certain documents**
21 **that you are prepared to produce for our inspection**
22 **at this time?**
23 **A** To look at the table here. Any time during
24 the meeting here you want me to run out and make

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1 copies I can probably do it here. I will be glad
2 to.
3 **Q Mr. Edwards, I will ask you again, are you**
4 **prepared to produce the documents that were**
5 **specified in rider A of the subpoena you received**
6 **for inspection at this time? We will be happy to**
7 **inspect the documents in your presence.**
8 **A** At this meeting? My presence at this
9 meeting?
10 **Q At this time.**
11 **A** At this time. Okay, at this time, this is
12 now, okay, but I will be glad to run out and make
13 copies for you as soon as we have a break. This is
14 the one you can have right now. I have copies of
15 that.
16 **Q Mr. Edwards, what you have produced for us**
17 **is a letter to the Peoria County Board, et al.,**
18 **dated October 31st, 2005.**
19 **I will show you each of these, and I want**
20 **you to tell me whether I've correctly identified it**
21 **or not.**
22 **A** Yes.
23 **Q Okay. The second thing is a flier, I guess**
24 **it's a petition and it's entitled Hazards Of The**

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1 **PDC Hazardous Waste Landfill, dated January 2004.**
2 **The second page of it is a petition**
3 **entitled No More Hazardous Toxic Waste, then there**
4 **is stapled to it another document entitled To**
5 **Peoria County Board, Re: Peoria Disposal Company**
6 **Landfill, The Decision Of Your Life, Our Lives,**
7 **dated April 5th, 2006. That document appears to**
8 **be a two-page document.**
9 **Have I correctly identified that?**
10 **A** It was a PDC hazardous waste landfill, yes,
11 that's correctly identified. The decision of our
12 lives, yes, that's been correctly identified. The
13 petition, No More Hazardous Toxic Waste, yes,
14 that's correctly identified, and the two pages to
15 the one decision of our life, our lives, yes, it's
16 correctly identified.
17 **Q The next document you've tendered is a**
18 **document entitled, To the Peoria County Board,**
19 **Re: What Now, dated May 2nd, 2006.**
20 **Have I correctly identified that document?**
21 **A** You have.
22 **Q The next document is entitled, To Peoria**
23 **County Board, Re: PDC's Hazardous Waste Landfill,**
24 **dated May 1st, 2006, and that appears to be a**

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1 **two-page document.**
2 **Have I correctly identified that?**
3 **A** Yes. Peoria County Board PDC hazardous
4 waste landfill, it's two parts, distinct parts, one
5 is part one, synopsis, and second part, second page
6 is -- which is almost a separate document, PDC's
7 new proposal.
8 **Q Okay. The next document you have tendered**
9 **appears to be a letter to a Representative Dave**
10 **Leach dated 4/21/06 starting out with the words,**
11 **Dear Dave.**
12 **Have I correctly identified that document?**
13 **A** Yes.
14 **Q The next document is apparently some type**
15 **of flier under the caption of River Rescue dated**
16 **4/17/06 and starts out with the phrase, Closure of**
17 **Toxic Waste Landfill. That is a two-sided**
18 **document.**
19 **Have I correctly identified that?**
20 **A** You have. The second part of that one is
21 review of particulars.
22 **Q The next document, sir, that you've handed**
23 **me is a document dated February 9th, 2006, also**
24 **under the River Rescue caption, Dear Peoria County**

Pages 7 to 10

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1 Board, Re: PDC Hazardous Waste Landfill.
2 Have I correctly identified that?
3 A Yes, you have.
4 Q The next document is dated January 31st,
5 2006, under the caption of River Rescue and starts
6 out with, Dear Wonderful Peorians in the PDC
7 Landfill Shadow.
8 Have I correctly identified that?
9 A Yes, you have.
10 Q The next document, sir, is under the
11 caption of River Rescue dated 1/18/06 and entitled,
12 Dear Peoria Residents, and has on the second page
13 of it caption, The Solution, and that includes a
14 handwritten portion that says, Contact your
15 neighbors to, and also provides what appear to be
16 contact names, numbers and E-mail addresses for
17 Peoria County Board members.
18 Have I correctly identified that document?
19 A I heard you title this in the first page.
20 Q The first page, sir, I just said it starts
21 out with Dear Peoria Residents and I gave it a
22 date. Is that correct?
23 A Right.
24 Q Thank you. The next document I have is

1 me, sir, appears to be another copy of the same
2 letter to Linda Daily with the same date only with
3 different handwritten notations on it.

4 Have I correctly identified that document?

5 A Yes, you have. This one was -- this was
6 the one I actually submitted to Linda. This is one
7 I wrote and decided to add a couple words to it and
8 rewrote. This is the actual letter. This one did
9 not go to Linda (indicating).

10 Q Mr. Edwards, are those all the documents in
11 your possession or control which are responsive to
12 rider A of the subpoena previously served upon you?

13 A All the ones I could find for the last --
14 since the date, earliest date here I think was
15 November 1st, October 31st of last year, yes.

16 Q I notice that there are no copies of any
17 E-mails.

18 A I don't use E-mail. I don't have E-mail.

19 Q I notice that there are no copies of any
20 correspondence between you and any of the other
21 opponents or opponent groups.

22 A Yes. I don't remember any correspondence
23 between them.

24 Q Mr. Edwards, you have apparently brought a

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1 under the caption of River Rescue and is dated
2 1/28/05 and is addressed to Senators Barack Obama
3 and Dick Durbin, Urgent, Re: Toxic Waste Landfill
4 Endangers Peoria Area.

5 Have I correctly identified that document?

6 A I'm going to put a caveat on here. I only
7 brought one page of that document. Is there a
8 second page there? There is a second page, and
9 there's only one page here.

10 Q I don't have a second page.

11 Have I correctly identified what you gave
12 me?

13 A Yes. You correctly identified it.

14 Q There's a second page that you've not
15 produced?

16 A It's not here.

17 Q The next document I have is dated 11/4/05
18 and is apparently a letter to Linda Daily and
19 starts out with, Dear Linda --

20 A Right.

21 Q -- is that correct?

22 A Yes. Entitled also -- continues. Follow up
23 to my earlier letter on water pollution monitoring.

24 Q And the next document that you've handed

1 number of individuals with you today to this
2 deposition. Depositions are not public hearings.
3 So I would ask you to identify the individuals that
4 you have brought with you which presumably you seek
5 to have us allowed to be present.

6 A Yes. I didn't know they're all going to be
7 here; however, we have -- I'm a little short on a
8 few names here. Yes. I don't know them all by
9 name. All right. So I'm going to go around and I
10 sometimes block a name. I got a little problem
11 with that.

12 Q As I indicated to you --

13 A But they can identify themselves.

14 Q Well, this deposition is your opportunity
15 to answer our questions. I'm not going to turn
16 this into a speaking session involving people that
17 you have invited to come and observe.

18 Am I correct that all the people in the
19 room are people that you have invited to be here to
20 observe?

21 A That is incorrect.

22 Q That's incorrect?

23 A Yes.

24 Q So you did not invite them?

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1 A I invited some of them.

2 **Q All right. If you could tell us**
3 **specifically who you invited to be here, we'll**
4 **excuse the remainder.**

5 A They're all invited to be here. I do not
6 specifically recall all of them. Some just heard
7 about it and came on their own accord. I told them
8 the meeting was open and they could be here. It's
9 an open meeting. I so indicated in my letter to
10 you. Everything I've done has been public, and I
11 want this to be public, too.

12 **Q Mr. Edwards, it's not an open meeting. It**
13 **is a deposition taken pursuant to the Rules of the**
14 **Pollution Control Board and the Illinois Code of**
15 **Civil Procedure.**

16 **Peoria Disposal Company has been kind**
17 **enough to make some exceptions to that rule in**
18 **terms of allowing individuals to be here. I don't**
19 **know that my client is prepared to have you**
20 **accompanied, though, by individuals who you cannot**
21 **even identify.**

22 A Okay.

23 **Q We can terminate this and we can get an**
24 **appropriate order from the hearing officer in this**

1 **the room and raise our hands and identify**
2 **ourselves. You're the one that attempted to turn a**
3 **deposition which is a closed session under the**
4 **appropriate rules into a public hearing.**

5 **We're willing to accommodate you to some**
6 **degree because we understand you're not represented**
7 **by an attorney, but if you can't identify people,**
8 **it's not -- we're not going to do a sign-up sheet.**

9 **Tell us the names of the people that you**
10 **would like to keep in the room as people that are**
11 **here at your request.**

12 A At my request, they're all here. I put the
13 word out that this would be an open meeting. I'm
14 going to excuse myself for a moment while I retire
15 and remember -- use my accord.

16 **Q You're indicating that you need to retire,**
17 **sir?**

18 A I'd like to take a break for a minute.

19 **Q The record should show that it's**
20 **approximately 1:35. We've been at this for about**
21 **10 or 15 minutes. I assume you're getting**
22 **fatigued, is that correct?**

23 A Yes.

24 **Q Then let's take an appropriate break.**

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1 **case and resume --**

2 A Mayvis Young.

3 **Q -- at an appropriate place. So if you'll**
4 **identify the people that you want to stay, we'll do**
5 **that.**

6 A Mayvis Young and I'm going to say here that
7 I have a problem with blocking some names. I had
8 to ask your name when I came in. I can't remember
9 it, though. I have been to several hearings with
10 you where you spoke. I had to remind myself of
11 Mr. Meginnes's name.

12 I called Elaine Hopkins of the Journal Star
13 to let her know this meeting was going on, and if
14 she wanted to come, it's okay with me. I didn't
15 invite her. She said it's okay with me.

16 MR. KLEIN: Ed Klein.

17 THE WITNESS: Ed Klein who I have
18 known for years and --

19 MS. CAROL: Kathy Carol.

20 THE WITNESS: Who?

21 MS. CAROL: Kathy Carol.

22 THE WITNESS: Kathy Carol, thank you.

23 BY MR. MUELLER:

24 **Q Mr. Edwards, we're not going to go around**

1 A How long did you say?

2 **Q How much time do you need, Mr. Edwards?**

3 A 10 or 15 minutes.

4 **Q 10 minutes we have no problem with. Turn**
5 **your tape recorder off, please.**

6 A All right. Thank you.

7 (Recess from 1:35 to 1:45)

8 MR. MUELLER: Back on the record. All
9 right.

10 BY MR. MUELLER:

11 **Q Are you refreshed, Mr. Edwards?**

12 A I wasn't really tired, but I needed to get
13 my thoughts together.

14 **Q All right. Just so we're clear, have you**
15 **had a chance to identify the people in here? We're**
16 **going to let them all stay with the exception of**
17 **Mayvis Young and Diane Storey who've been**
18 **identified as witnesses and clearly, therefore, are**
19 **not properly spectators at another witness's**
20 **deposition, but just for the record, we'd like to**
21 **know who everybody in here is.**

22 A My pastor, by the way, Reverend Carol
23 Lakota over here and Kathy Carol next to her who is
24 one of the parishioners who I see at church

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1 frequently but not too frequently because I don't
2 go to church too frequently.
3 Diane Storey who has been active in this
4 for quite a while and I know from her activity here
5 and this activity. Mayvis Young who was -- also
6 been active for quite a while and is a friend of
7 mine, and I let her know this is going to be here
8 this day and she could come if she wanted to.
9 Same thing with Diane Storey who called me
10 this morning on another matter and I mentioned it
11 to her.
12 Anybody else? Elaine Hopkins reporter knew
13 about it and came which is fine with me. I guess
14 one other person had to go home, another
15 parishioner of Carol Lakota, and that's just all
16 that I have here.
17 Anybody I talked to the last few days I
18 said you want to come. I said that's fine, it's
19 open and more may come.
20 Q Mr. Edwards, I'm going to ask you to keep
21 your voice up because I notice that it trails off
22 and the court reporter is having some difficulty.
23 A Thank you. I will do that.
24 Q As I said, Mayvis Young and Diane Storey

1 BY MR. MUELLER:
2 Q Thank you, Mr. Edwards. What is your
3 address, sir?
4 A 902 West Peoria -- West Moss Avenue.
5 Q West Peoria or West Moss?
6 A West Moss Avenue, Peoria, Illinois.
7 Q How long have you lived at that address?
8 A About a year.
9 Q Is there an apartment number at that
10 address?
11 A Apartment 1.
12 Q Who do you reside there with?
13 A Myself.
14 Q What is your telephone number, sir?
15 A 637-1979.
16 Q Do you have a cell phone?
17 A No.
18 Q You indicate that you do not use E-mail?
19 A Right.
20 Q Is it correct that you do not have an
21 E-mail address?
22 A Right.
23 Q Do you have any other contact numbers or
24 locations besides your address and telephone number

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1 have previously been identified as witnesses in
2 this case. They, in fact, have already been
3 deposed. As such, it is not proper for them to sit
4 in on the deposition of another witness, and we
5 would ask you since you invited them to excuse them
6 with your apologies.
7 A If they want to go -- they're here. If
8 they want to go, it's okay with me. If they don't
9 want to go, it's okay with me.
10 Q Mr. Edwards, I don't think the deposition
11 is going to continue if they're present because
12 they have been identified as witnesses and under
13 all rules governing this process witnesses cannot
14 sit in on the depositions of other witnesses.
15 We've done a lot to accommodate you here
16 today. We've come to your location of choice.
17 We're letting you tape record. We are letting you
18 have your parishioners and other supporters in the
19 room, but we're not going to tolerate other
20 witnesses being here and will seek an appropriate
21 court order.
22 A They're leaving now.
23 Q Thank you.
24 (Spectators leaving deposition suite.)

1 such as a P.O. box or any other number at which you
2 can be reached?
3 A No.
4 Q What is your highest level of education,
5 Mr. Edwards?
6 A College degree.
7 Q When and from what school?
8 A 1956 University of Michigan.
9 Q Are you currently retired from active
10 employment?
11 A I am actively employed in the fact that
12 I'm -- do home repair work. Haven't done that
13 recently; however, I am old enough to receive
14 Social Security.
15 Q What's the name of your home repair
16 business?
17 A Tom Edwards, I go by my own name.
18 Q When's the last time you worked actively in
19 that business?
20 A It's been about a year.
21 Q Mr. Edwards, are you a member of an
22 organization called River Rescue?
23 A Yes.
24 Q What is River Rescue?

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Page 23

1 A It's a loosely knit group that works on
2 environmental issues. Mostly we're focused on the
3 Illinois River.

4 **Q Is it incorporated?**

5 A Not at this point. I've got the papers,
6 though.

7 **Q Do you maintain a membership list?**

8 A No, I don't.

9 **Q Are there dues that are required to be
10 paid?**

11 A No. There are no dues.

12 **Q Are you the founder of the organization?**

13 A I am the founder.

14 **Q How long has River Rescue been in
15 existence?**

16 A Since 1988.

17 **Q How does one become a member of River
18 Rescue?**

19 A Becoming active and just know about it and
20 working with us.

21 **Q You say "us." How many active members
22 would you say you have at the present time?**

23 A People who are -- I'd say people that are
24 associated with doing the things that we're doing I

1 **Q Are you a member of any other environmental
2 organizations such as Citizens For Our Environment
3 or the Sierra Club?**

4 A I'm a member of the Sierra Club and
5 Audubon.

6 **Q Are you a member of Peoria Families Against
7 Toxic Waste?**

8 A I am not.

9 **Q Have you ever received any financial
10 support from any member of Peoria Families Against
11 Toxic Waste or from that organization?**

12 A Zero, none.

13 **Q Have you received any financial support
14 from the Sierra Club or anyone that you know to be
15 a member of the Sierra Club including but not
16 limited to Joyce Blumenshine?**

17 A I received donations from the Sierra Club.
18 oh, gosh, it's been almost two years ago, I think.
19 I forget the amount. It was, yes, \$300.

20 **Q Mr. Edwards, between November 9th, 2005
21 and May 3rd, 2006, did you ever telephone or
22 attempt to telephone any county board member?**

23 A I have talked to all the county board
24 members. I have talked to several of them over the

Page 24

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1 would say five or six.

2 **Q Can you name those five or six people?**

3 A People that are associated with the two
4 left the room, but very loosely associated, we
5 don't have a membership list, been working with us
6 recently.

7 **Q So Mayvis Young and Diane Storey are
8 loosely associated with River Rescue?**

9 A Yes, they are.

10 **Q Anyone else?**

11 A My son Roth who has been in town in the
12 past a couple times to help out.

13 **Q What's your son's name again?**

14 A R-O-T-H.

15 **Q Where does he reside?**

16 A Wisconsin.

17 **Q Is he there at the present time?**

18 A Yes.

19 **Q Anyone else associated with River Rescue
20 besides the individuals you've just named?**

21 A I'd say those are the only ones that have
22 been active recently.

23 **Q Were you the founder of River Rescue?**

24 A Yes.

1 phone over the last two years.

2 **Q Let me ask the question again. Between
3 November 9th, 2005 and May 3rd, 2006, did you
4 telephone or attempt to telephone any county board
5 member?**

6 A What was the cutoff date?

7 **Q May 3rd.**

8 A May 3rd, November to May 3rd. Well,
9 there's 18 county board members. That particular
10 period, I think only one, only one.

11 **Q Who did you telephone?**

12 A I have to think of his name now, Jim.

13 **Q Jim Thomas?**

14 A That's right.

15 **Q And when did you telephone him, to the best
16 of your recollection?**

17 A Best of my recollection, probably I think
18 about five months ago -- wait a minute, I'm
19 thinking in terms of the hearing. It was probably,
20 oh, the fall of 2005.

21 **Q What was the purpose of that call?**

22 A I don't remember the purpose.

23 **Q Do you remember what was said by you and
24 what was said by him?**

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1 A No, I don't. I doubt it was about this
2 issue.

3 Q You doubt it was about the landfill?

4 A I doubt it was about the landfill.

5 Q Pardon me?

6 A I doubt if it was about the landfill. I
7 have known him for many years.

8 Q How have you known Mr. Thomas?

9 A Just by being active on the county board
10 and being a neighbor of his for a year or so over
11 the block where he lives a few houses down.

12 Q Among the documents that you presented
13 today were four letters which appear to be
14 addressed to the Peoria County Board, and they are
15 dated October 31st, 2005, February 9th, 2006,
16 May 1st, 2006, and May 2nd, 2006.

17 Were these documents, in fact, given to
18 Peoria County Board members?

19 A I think one of them was given -- either
20 left in their mailboxes -- either mailed or left in
21 their mailboxes at the county building. Some were
22 probably given to them directly. I think the doors
23 I didn't put -- I gave a few of them directly to
24 them, yes.

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1 Q With regard to each of these documents,
2 sir, did you attempt to cause them to be
3 hand-delivered to the homes of the 18 Peoria County
4 Board members either by you or by someone helping
5 you?

6 A One of those documents.

7 Q Which one do you believe was hand-delivered
8 to county board members?

9 A I believe it was the May 2nd one.

10 Q And who did the hand delivery of that
11 letter?

12 A I did several of them, most of them.
13 Mayvis Young did a few and the other lady, I can't
14 think of her name now.

15 Q Did Diane Storey deliver some for you?

16 A She delivered I think two or three.

17 Q How many county board members were you able
18 to --

19 A One of the ladies helped. I can't think of
20 her name.

21 Q So there were four people doing personal
22 delivery of the May 2nd letter?

23 A Right.

24 Q And those four people did they hit all

1 18 board members?

2 A I don't know for sure.

3 Q How many did you personally deliver to?

4 A Probably five or six.

5 Q Do you remember which ones?

6 A No, not offhand.

7 Q Do you remember speaking to any board
8 member while making the deliveries?

9 A Not on this issue.

10 (Edwards Exhibit No. 47 marked)

11 BY MR. MUELLER:

12 Q Sir, we have copies of the
13 May 2nd letter, and we're going to show you a
14 copy of this and ask you, it's going to be marked
15 as Exhibit 47, whether that's a true and correct
16 copy of the document that you brought with you
17 today as the May 2nd letter to the county board.

18 A I'm not real sure if this was taken to
19 their homes or put in their boxes; but,
20 nevertheless, I verify the letter was sent to
21 county board members.

22 Q The exhibit that we have is a true and
23 correct copy of what you brought with you, right?

24 A Best of my knowledge. I have to keep the

1 copy because I don't have a copy of it myself.

2 Q We'll give you one of our copies.

3 A Oh, thank you.

4 Q Mr. Edwards, the other three letters I
5 asked you about dated May 1st, February 9th and
6 October 31st, 2005, were those also sent or
7 hand-delivered to the county board?

8 A I think that one was the only one
9 hand-delivered. All the rest were sent.

10 Q They were mailed to county board members?

11 A Not necessarily. I went to all the county
12 board meetings for three years. I missed two. I
13 would put them on their desk usually when they came
14 before the meeting, and they were there when they
15 got there.

16 Q In any event, if you didn't mail them, you
17 put them on county board members' desks or in their
18 county board mailboxes, is that correct?

19 A One case I know I gave it to the county
20 clerk who I think included it in the -- I asked the
21 county to send it out. I believe -- basically,

22 yes, it went in the boxes or on the desks. I think

23 most of them were put in their desks. I'd say

24 nine-tenths of anything I put out -- maybe one went

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Line 31

1 in their boxes, maybe two, one or two. The rest of
2 them went in their desks.

3 **Q Mr. Edwards, did you ever have an**
4 **understanding that the landfill expansion process**
5 **was supposed to result in a decision based on**
6 **evidence developed at a public hearing?**

7 A That is not my understanding.

8 **Q What was your understanding of what the**
9 **rules of the process were going to be?**

10 A The process based on the hearing that they
11 would take into account the information they had on
12 this from the two years, two and a half years that
13 they were told not to talk with any members of the
14 public by Mr. Brian Meginnes there.

15 And that two and a half years not one of
16 those members talked to me about the landfill.
17 That was an exorbitant amount of time. I
18 communicated with them. They did not communicate
19 with me.

20 **Q Was it your understanding that they were to**
21 **take into consideration any information that you**
22 **provided them or was that just your hope?**

23 A I spoke at a county board meeting back in
24 2004 and asked that question if I could distribute

1 December of 2003 --

2 **Q Mr. Edwards, let me cut you off. I'm not**
3 **interested in the method of delivery anymore.**
4 **We've covered that.**

5 My question is, was it your intent in
6 getting these letters to county board members that
7 they take the information contained in those
8 letters into account in making their decision?

9 A I would say I don't like the word account.
10 I would say taking them in consideration in making
11 their decision.

12 **Q Did anyone ever tell you that your contacts**
13 **with the county board during the application and**
14 **hearing process should be limited only to the**
15 **hearing room and public filings with the county**
16 **clerk?**

17 A Could you repeat that question?

18 MR. MUELLER: If the court reporter
19 would read it back.

20 (Record read as requested.)

21 THE WITNESS: No one ever told me
22 that, but I don't know what you mean by the
23 application process. So let me just refer to the
24 other part of the question which refers to did they

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1 written materials to them or otherwise convey our
2 thoughts about the landfill to them, and the answer
3 was from the board attorney yes.

4 **Q Do you remember who that attorney was?**

5 A Yes, I do. It was -- I'm pretty sure he
6 was the one there then because they've had two.

7 **Q Was it Mr. Atkins?**

8 A I believe he was there. I can't say for
9 sure. They had others there.

10 **Q Or was it Mr. Brown, the gentleman that's**
11 **sitting on your immediate right?**

12 A He's not the board attorney.

13 **Q Okay. So you wrote to the board on these**
14 **various dates in October of '05, in February of '06**
15 **and twice in May of '06 and delivered those letters**
16 **to the board members with the hope that they would**
17 **take the information contained in them into account**
18 **in making their decision?**

19 A First of all, you start with I delivered
20 them to them. The usual way of my approach to the
21 county board was to leave the letters, whatever
22 communications I had on the desk, but I did speak a
23 number of times without leaving anything in
24 writing. Again, I started speaking in January or

1 tell me that no contact should be made with the
2 county board. No. No one ever suggested that ever
3 including the attorneys.

4 BY MR. MUELLER:

5 **Q Do you remember speaking at the Peoria**
6 **County Board meeting in March of 2006 and saying**
7 **starting inaudible by Mr. Meginnes, I cannot talk**
8 **ex parte about the hazardous waste landfill; and,**
9 **of course, I do everything he tells me to do. So I**
10 **won't. Look at him. He's smiling. I would rather**
11 **see him smile. He's a great guy. I did pass out**
12 **this thing to all of you, this thing I wrote. I**
13 **think it is one of my better efforts and shares a**
14 **message and understanding.**

15 Do you remember saying that, sir?

16 A I remember saying some of those things,
17 yes, about smiling and so on.

18 **Q So Mr. Meginnes did tell you at one point**
19 **that you were to avoid ex parte contact with the**
20 **county board, is that correct?**

21 A Define ex parte.

22 **Q Pardon me?**

23 A What do you mean?

24 **Q You used the word, sir. I'm asking you if**

Pages 31 to 34

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1 he told you that.

2 A I'm using the word he used.

3 Q Did you understand what Mr. Meginnnes told
4 you?

5 A Did I understand -- well, I think -- well,
6 why don't you explain what ex parte means. What
7 did he tell me?

8 Q I'm asking you if you understood what
9 Mr. Meginnnes told you?

10 A I wasn't supposed to talk to the county
11 board at that particular -- what date was that?

12 Q It was in March of 2006, sir.

13 A March of 2006, March board meeting. I
14 remember standing up and saying that, and I didn't
15 speak ex parte and I handed what I had in writing
16 instead. He was there.

17 Q So it was your understanding that as long
18 as it was in writing you avoided the prohibition on
19 speaking, is that correct?

20 A I certainly did understand that, yes. I
21 have to take a break. I have a weak bladder.

22 (Recess in proceedings.)

23 BY MR. MUELLER:

24 Q Mr. Edwards, did you participate in the

1 or put on the desks or in the mailboxes of county
2 board members at or about the time that it is dated
3 and it is dated December 8th, 2005.

4 A No. The petition was never given to the
5 county board members.

6 Q Other than the petition, was the remainder
7 of this given to the county board members?

8 A I'm trying to think now on the safe from
9 toxics thing. I spoke at a county board meeting
10 and passed this out to -- at the county board
11 meeting. They meet monthly. I passed this out to
12 them for their own information. There was nothing
13 said by them, only by me.

14 Q So all of these documents with the
15 exception of the petition page and the petition
16 itself would have been passed out to county board
17 members in December 2005?

18 A I'm looking at the first one you gave me.
19 This one I withdrew December 8th. I don't
20 remember passing that out to the county board. I
21 do remember sending it to Senator Barack Obama and
22 Dick Durbin. I may have given it to some other
23 people. I usually do, but to mass distribution. I
24 don't have any recall of that. It's possible.

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1 design, purchase or placement of any yard signs
2 opposing the landfill?

3 A I participated, number one, the placement
4 of some of the yard signs, one version of the yard
5 signs. What was the other part of the question?

6 Q Did you -- that was the question. Did you
7 then participate in the design or ordering of any
8 billboards?

9 A The question, the first question was did I
10 participate in the design of any yard signs? No, I
11 did not. I corrected some of the wording, made it
12 more precise, but that wasn't my wording either.

13 I did do -- was I financially involved? I
14 have not been financially involved. I hope I can
15 be some day. Right now, I'm not involved with
16 those yard signs.

17 Now, billboards I had absolutely nothing to
18 do with.

19 (Edwards Exhibit No. 48 marked)

20 BY MR. MUELLER:

21 Q Mr. Edwards, let me show you what we're
22 going to mark as Exhibit 48 which is a multipage
23 document, it's actually seven pages, and ask you if
24 that is a packet of documents that was delivered to

1 Q If I was to tell you, sir, that at the
2 January 2006 Peoria County Board meeting you said,
3 Thank you. I came here tonight basically to give
4 you this little packet. One is a letter to Barack
5 Obama, Senator Durbin and Governor Rod Blagojevich,
6 would that refresh your recollection as to whether
7 or not this packet was handed out to board members?

8 A What was there in the packet?

9 Q The documents that you have in front of you
10 that will be marked as Exhibit 48.

11 A Frankly, I don't recall that particular
12 incident. I was -- around Christmastime, I don't
13 know, putting it together and all those; but,
14 nevertheless, the documents I stand by and they are
15 true and correct.

16 Q And it was your intent with regard to all
17 of those documents to have county board members see
18 and consider them, is that correct?

19 A It was the content -- my intent to have
20 these documents seen by the public including the
21 county board and anybody else in the public to have
22 passed out these things to many -- not this
23 particular one on the top, but safe from toxics.
24 I'm still passing that out to people, and the

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1 petitions I have passed out probably 15,000 of
2 those around town.
3 **Q Do you remember, sir, at the December 2005**
4 **county board meeting passing out a copy of the**
5 **Peoria Disposal Company real estate tax bill for**
6 **the year 2004?**
7 A May I see that document?
8 (Edwards Exhibit No. 49 marked)
9 BY MR. MUELLER:
10 **Q We're going to mark this as Exhibit 48 --**
11 **49, excuse me.**
12 A I remember -- what board meeting was that
13 again?
14 **Q December 2005.**
15 A That sounds correct. 2005, that was over
16 two years ago, over a year ago.
17 **Q Actually, sir, it's 10 months.**
18 A Half a year, okay. I remember certainly
19 passing this out. That was a board meeting, fine.
20 I remember passing it out to them and many other
21 people in town.
22 **Q Is that your handwriting on that document**
23 **that says, Dear County Board Members?**
24 A Yes.

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1 (Edwards Exhibit No. 50 marked)
2 BY MR. MUELLER:
3 **Q All right. Thank you, sir. Next I'm going**
4 **to show you a document which we're going to mark as**
5 **Exhibit 50 which is dated January 18th, 2006, and**
6 **addressed, Dear Peoria Residents, and this is a**
7 **document that urges Peoria residents to contact**
8 **county board members to urge them to vote no on the**
9 **landfill expansion, ask you, sir, if you authored**
10 **that document and whether that's a true and correct**
11 **copy of it.**
12 A Didn't I just see this earlier, or it must
13 be in my folder. Okay. Yes, I authored -- I
14 authored this document. And what was the rest of
15 the question?
16 **Q Who was this document distributed to?**
17 A This document was distributed to residents
18 on the far side of -- west side of Sterling, most
19 of those houses in that area.
20 **Q Well, if I take you to the second page of**
21 **the document, sir, there's a handwritten, it says**
22 **Peoria County Board members and in handwriting it**
23 **says, Contact some or all, be firm.**
24 **Is that your writing?**

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1 A That's my writing.
2 **Q And was it your intent to have people**
3 **contact county board members to urge them to vote**
4 **no?**
5 A They're representatives of the people.
6 They need to be contacted, of course.
7 **Q Was it also your intent that the -- to**
8 **contact urge county board members to vote no?**
9 A It was my intent along with many other
10 people in town. I wasn't the only one to pass this
11 out. I passed them out to other people to give,
12 but I don't remember whom.
13 **Q Mr. Edwards, if you go to the bottom of the**
14 **first page on this, you will see where it says, I**
15 **will not support election of any board member who**
16 **supports landfill expansion.**
17 **Did you ever send, deliver, give or place**
18 **on the desk or in the mailbox of any county board**
19 **member letters indicating that you would -- or that**
20 **they would find opposition in the November election**
21 **if they supported the landfill?**
22 A I have no recall of giving this to the
23 county board members.
24 **Q Not this letter, other letters served**

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1 **directly to county board members threatening them**
2 **with political consequences if they voted to**
3 **support the landfill?**
4 A I never have sent any kind of letter like
5 that, no, not to the county board members.
6 **Q If I were to tell you that Diane Storey**
7 **recalls that you wrote such a letter, would you say**
8 **that she was lying?**
9 A No, I would say her memory was probably --
10 she probably misspoke. She probably said that --
11 no, I don't think -- she may have misheard the
12 letter, but I'm certainly standing against
13 supporting -- all two and a half years supporting
14 the defeat of the proposal to expand the landfill.
15 **Q Did you ever tell or communicate in any way**
16 **to any board member who was running unopposed that**
17 **they would have opposition in the November election**
18 **if they supported the landfill?**
19 A I didn't use that wording with anybody.
20 **Q You did write on the second page of this**
21 **Exhibit 49 -- or 50, Landfills are legal. This is**
22 **a political, not a legal question, correct?**
23 A I wrote that. It is.
24 **Q You never contacted Tom O'Neill about the**

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1 **political consequences of his supporting the**
2 **landfill?**

3 A I have no recollection of that. The only
4 time I talked to Tom O'Neill was at work. I saw
5 him at work one day. I remember going by his
6 office, and he came out not because I was there.
7 He just came out.

8 And, no, I did not threaten him with any --
9 anything like that.

10 **Q Did you ever contact William Phelan -- or**
11 **excuse me, Michael Phelan about political**
12 **consequences of his voting for the application?**

13 A Who is Michael Phelan?

14 **Q He would be a board member.**

15 A I'm trying to put a face with a name. Like
16 I say, I have problems with names. I will get
17 there. Let me look at the list. No. I certainly
18 did not -- didn't threaten anybody on the board if
19 they didn't vote this way. Nobody ever.

20 I said it would be a political
21 consideration, perhaps, but like all the votes have
22 political consideration. I didn't threaten anybody
23 with defeat if they voted.

24 **Q But did you tell someone or some board**

1 Yes, sir. I certainly endorse this letter.

2 **Q By the way, when you spoke at county board**
3 **meetings, those are different meetings than the**
4 **public hearings on the landfill application, right?**

5 A Different meetings than the public hearings
6 on the landfill petition. You're referring to the
7 public hearings at the ITTO Hall?

8 **Q That's correct.**

9 A ITTO Hall. They certainly -- county board
10 members, I certainly could have.

11 **Q So you actually spoke at the regular county**
12 **board meetings that were held to conduct other**
13 **county business?**

14 A The board meetings I attended were
15 basically in regard to -- I went to the general
16 meeting, general meetings which there's always
17 other business there.

18 (Edwards Exhibit No. 52 marked)

19 BY MR. MUELLER:

20 **Q Okay. Now, if I can show you Exhibit 52 a**
21 **letter dated 2/13/06, this is not one of the ones**
22 **you produced, you must have mislaid it, entitled,**
23 **Re: PDC Hazardous Waste Landfill. Is landfill**
24 **14 stories higher than original hilltop?**

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1 **members it would be a political consideration?**

2 A I didn't tell anybody that, no. I just
3 indicated I would hope you vote for this and so on
4 and so forth. No. I did not at any time say to
5 any board member -- I have no recollection of
6 saying to any board member there would be a
7 consequence if they voted for it.

8 I talked to Sharon Kennedy several times
9 but not about this, just -- but not about the
10 particulars. Nothing -- no. I didn't say anything
11 to her about that either. I knew it was possible.
12 you know, I kind have wondered how the voters would
13 take it, but I did not threaten them at any time.

14 (Edwards Exhibit No. 51 marked)

15 BY MR. MUELLER:

16 **Q Exhibit 51 is a letter entitled, Dear**
17 **County -- Dear Peoria County Board, dated**
18 **February 9th, 2006.**

19 **Is that a true and correct copy of your**
20 **letter to the county board of that date?**

21 A I like this letter. It is a true and
22 correct copy.

23 **Q Thank you, sir. You can keep that copy.**

24 A Let me take a look at that letter again.

1 I'll ask you if you are the author of that
2 and if you caused that to get into the possession
3 of county board members as well.

4 A Yes, I did. I corrected a previous
5 statement I made by misreading a blurred number on
6 a map, and so I corrected what my other letter had
7 been. I passed that out at the board meeting, too.

8 (Edwards Exhibit No. 53 marked)

9 BY MR. MUELLER:

10 **Q I show you Exhibit 53, also addressed to**
11 **Peoria County Board dated April 3rd, 2006. This**
12 **is again a document not brought by you today.**
13 **Actually, this particular exhibit has a letter**
14 **dated April 3rd, 2006; one dated March 29th,**
15 **2006; one dated March 21st, 2006, and a copy of**
16 **an envelope to Board Member Prather with what**
17 **appears to be your return address on it.**

18 Let me show you that, sir, and ask you if
19 that is, in fact, the packet that you mailed to
20 Board Member Prather.

21 A (Witness perusing document.) I'm glad you
22 found this for me because I certainly don't have it
23 now. Explain that I was gone for three months out
24 of state, had no contact with anybody here. My

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Line 14

1 letter stands. My apartment flooded. I have a
2 basement apartment and all of my stuff was thrown
3 into a total of 60 boxes. I have only found a few
4 documents since then.

5 **Q I think the question, Mr. Edwards, is did**
6 **you author those letters in Exhibit 53 and mail**
7 **them to Board Member Prather?**

8 A This first letter to Peoria County Board,
9 PDC Landfill, it has my signature on it. I
10 authored it. The second letter -- I will get to
11 Mr. Prather in a minute. March 29th. I certainly
12 did author this.

13 March 21st letter. History of PDC hazardous
14 waste landfill. That was a joyful one to author.
15 I left out one date in particular there, too. I
16 hope you got the whole letter.

17 **Q The last page of the exhibit, sir, is the**
18 **copy of the envelope.**

19 A The copy of the what?

20 **Q The envelope.**

21 A Oh. I'm looking at this part right here
22 (indicating). Yes. I put these dates together.
23 this information and left out one important one.
24 1940 when they opened the landfill.

1 hope I did. I agree with it.

2 **Q So it was --**

3 A And PDC landfill hearing public comment.
4 Peoria County Board, again, I think this looks more
5 like a letter I distributed at their desks, and I
6 certainly agree with it. It's a good letter.

7 **Q So if anybody wasn't at the meeting where**
8 **you handed it out, you would have mailed it to them**
9 **to make sure they --**

10 A It's possible. I don't remember. As I
11 say, I went to all the meetings except two for a
12 two-and-a-half-year period.

13 **Q It was your intent that every board member**
14 **get every one of your letters?**

15 A These letters, you know, I don't remember
16 what I did with the April 3rd letter. I
17 probably -- if I wrote it, I wrote it for a purpose
18 and that was to have it read, but I have to plead I
19 don't remember the April 3rd letter what I did
20 with it. The other two I certainly want all the
21 board members to have.

22 (Edwards Exhibit No. 54 marked)

23 BY MR. MUELLER:

24 **Q All right. As Exhibit 54 -- as Exhibit 54,**

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Page 50

1 **Q Did you mail this to Mr. Prather as**
2 **indicated on the copy of the envelope?**

3 A I don't remember mailing it to Mr. Prather,
4 but if I did, fine with me.

5 **Q Take a look at the envelope, sir.**

6 A I am. I'm trying to find it. Yes.

7 **Q Is that your writing on the envelope?**

8 A Yes.

9 **Q Did you mail this to all the other county**
10 **board members as well?**

11 A I do not remember. I think I -- I don't
12 know if I did or not. I don't think so.

13 **Q Well, what's your best recollection as to**
14 **how many board members you would have mailed this**
15 **to?**

16 A They all got -- I don't remember mailing
17 this. I may have distributed it again at their
18 desks. Short history, they sure all got that. I
19 don't remember whether I mailed this one or not.

20 Mr. Prather may have missed a meeting. I
21 may have done -- mailed him something. I don't
22 remember any pursuit of the April 3rd letter.
23 Additional issues PDC landfill. It's possible that
24 I did send it out. I send out a lot of letters. I

1 **we are going to show you a letter dated**
2 **April 5th to Peoria County Board. The decision of**
3 **your life, our lives, and ask you if that was**
4 **distributed by you or otherwise placed in the hands**
5 **or possession of all the board members.**

6 A I don't remember how I placed it in their
7 hands, but it certainly got to them all, yes.

8 **Q Thank you.**

9 A I believe I put it in their boxes or
10 something at the county board meeting.

11 (Edwards Exhibit No. 55 marked)

12 BY MR. MUELLER:

13 **Q As Exhibit 55, let me show you what is a**
14 **letter entitled, Dear friend, and ask you if you**
15 **recall preparing that document.**

16 A (Witness perusing document). I helped
17 write this. I would say I was most responsible for
18 the wording, though, another person was involved.

19 **Q Who was the other person involved?**

20 A Oh, God, not her name, but about 10 or
21 15 people helped send this postcard out, and it
22 went to I think 1,200. 1,500 of them went out. I
23 stand by this postcard, the writing of it, so on,
24 so forth.

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Line 1

1 The wording is essentially mine, and the
2 idea to wear a yellow ribbon armband, whatever, is
3 certainly mine and attend the May 13th meeting,
4 we were all saying that at that time.

5 **Q Do you remember who the other author was of**
6 **that postcard?**

7 A No, but it's so much my own writing, I will
8 take complete responsibility for it.

9 **Q Who paid for the postage?**

10 A I did.

11 (Edwards Exhibit No. 56 marked)

12 BY MR. MUELLER:

13 **Q Exhibit 56, another letter to the Peoria**
14 **County Board, this one dated May 1st, 2006, do**
15 **you remember giving the board that letter, also?**

16 A (Witness perusing document,) Didn't we
17 just cover this? Yes. I gave you a copy of that
18 in that pile. Okay. And I didn't give you the
19 copy because that's the only copy I've got. Okay.

20 The first one, May 1st, 2006, to Peoria
21 County Board, a quote with Abraham Lincoln on it.
22 Yes. I certainly did send that letter to the
23 county board. I don't know how I distributed it.
24 Probably I put it in their desks.

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Line 1

1 May 1st -- I could have mailed that one
2 out. May 1st, I wrote the letter definitely, no
3 doubt about it. I wrote the letter and I don't
4 remember all the people I sent it to. I sent it to
5 a lot. I'm sure. I want to.

6 **Q Okay.**

7 A That's a good letter, too. Both of them
8 are.

9 (Edwards Exhibit No. 57 marked)

10 BY MR. MUELLER:

11 **Q Exhibit 57 is a letter dated March 9th,**
12 **2006, and the top of the second page you write, I**
13 **took a whiff from a vent for the gaseous emissions**
14 **from this landfill.**

15 A Yes. Okay. What about it?

16 **Q First of all, is that your letter?**

17 A I start the first part, first -- it's
18 definitely my letter. Another very good letter.

19 **Q Now, --**

20 A Right to the point.

21 **Q And that was also gotten to the county**
22 **board members, right?**

23 A To the Peoria County Board and staff. If
24 that's what I said on top, that's where it went.

1 **Q Okay. When and where did you sniff the gas**
2 **vent?**

3 A I don't know. I let it be known verbally,
4 and I got admonition from Mr. Coulter that he was
5 going to certainly arrest anybody that trespasses
6 on his land, and he started a patrol of his
7 property after that. I didn't cover it up when I
8 was out there at all.

9 **Q How do you know -- let's back up. When did**
10 **you go out to the property?**

11 A Boy, putting a date on it. It was before
12 March 9th because I was there then. It was
13 before then.

14 **Q Was it shortly before then?**

15 A No. It was several months before then.

16 **Q Who let you on the property?**

17 A I did.

18 **Q Where did you go on the property to find a**
19 **gas vent?**

20 A Gas vents are visible if you walk on the
21 outside of the fence around the property, and you
22 can see them sticking up out of the side of the
23 hill. If you take a tour, he never shows you those
24 gas vents.

1 **Q How did you get inside the fence?**

2 A Just walked through a hole.

3 **Q A hole in the fence?**

4 A Yes. I got in the fence through a big gap
5 between the bottom of the fence and the soil.
6 Erosion probably created the hole.

7 **Q Do you remember what side of the facility**
8 **you were on when you entered it?**

9 A Same side as the vents.

10 **Q What street were you coming off of?**

11 A Boy, that's an interesting question. What
12 street? Well, the street that goes down there --
13 oh, God, a name again. Goes down -- what's the
14 name of the street that goes down the hill?

15 **Q Were you coming off of Southport Road which**
16 **is the main road that is adjacent to the facility?**

17 A No. When you go out -- I wasn't coming off
18 of Southport Road. I was coming off a road that
19 goes down the hill from up the top of the hill.
20 goes by the apartments out there.

21 MR. CHRIS COULTER: It's the road that
22 goes up to the apartments.

23 THE WITNESS: You can get on that road
24 from Southport Road. You come up the hill and go

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1 over to Sterling, but -- give me a map.
 2 BY MR. MUELLER:
 3 **Q Were you on the east side of the landfill?**
 4 A East and right -- east side -- I'm turned
 5 around in my directions, but you know where that
 6 seminary is out there, seminary building right near
 7 there. That's where I parked.
 8 **Q You --**
 9 A That's on that side. What direction is
 10 that? I think it would be north.
 11 **Q You did not enter through a gate?**
 12 A No, I did not enter through a gate.
 13 **Q You crawled underneath a fence, correct?**
 14 A I went underneath a fence.
 15 **Q You understood the fence was there to keep**
 16 **individuals -- unauthorized individuals out, is**
 17 **that correct?**
 18 A That's interesting. I didn't see any
 19 signs.
 20 **Q You understood, though, that the fence was**
 21 **to keep unauthorized individuals out?**
 22 A I understand that's the usual purpose of a
 23 fence, yes.
 24 **Q You did not ask permission to enter the**

1 give you a drawing of that.
 2 **Q You don't need to make a drawing. What day**
 3 **of the week, by the way, do you remember did this**
 4 **happen on?**
 5 A I do not remember, so long ago.
 6 **Q Was the facility open or closed at the**
 7 **time?**
 8 A I think it was a weekend. So it would have
 9 been closed.
 10 **Q All right. So it was on a weekend. It was**
 11 **during daylight hours?**
 12 A Yes.
 13 **Q Have you attempted to come on the property**
 14 **since that time?**
 15 A No, I haven't.
 16 **Q You indicated Mr. Coulter is now having it**
 17 **patrolled?**
 18 A Last time I was out there, I saw patrol
 19 cars going around.
 20 **Q When's the last time you were out there?**
 21 A Let's see. This is probably -- probably
 22 last spring sometime. I was not on the property.
 23 I was over in the cemetery which has a good view of
 24 the property. They since put up a no trespassing

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1 property?
 2 A Only from God.
 3 **Q And you did not report that you were on the**
 4 **property to anyone in authority once you were on**
 5 **it, did you?**
 6 A I let them know that I was on the property.
 7 Yes, I did.
 8 **Q How did you let them know?**
 9 A I don't remember how I did, but Mr. Coulter
 10 even spoke to me about it.
 11 **Q Did you speak to anyone while you were on**
 12 **the property?**
 13 A There was nobody out there.
 14 **Q So it was after you were off the property**
 15 **you let them know you had been on it, correct?**
 16 A After, yes, I told everybody as you see by
 17 my letter.
 18 **Q Right. What did you do besides sniff a**
 19 **vent while you were on the property?**
 20 A Looked around at the grounds.
 21 **Q What else did you see that was of interest**
 22 **to you?**
 23 A Some other pipes sticking up out of the
 24 ground coming up on the roof like this, and let me

1 sign in the cemetery.
 2 **Q Now, were you out at the property shortly**
 3 **after May 3rd last year with other individuals**
 4 **for the purpose of having a demonstration?**
 5 A We were out there counting the trucks
 6 coming in.
 7 **Q How many of you were counting trucks?**
 8 A Oh, we had a couple shifts of people. I'm
 9 not sure how many were there. 1, 2, 3, 4, 5, 6, 7.
 10 **Q How long were you personally out there?**
 11 A Two hours.
 12 **Q It took seven people to count trucks?**
 13 A No. They came in shifts.
 14 **Q How many trucks did you count in your two**
 15 **hours?**
 16 A I forget. Don't have that -- I don't have
 17 that on my fingertips. I counted four in
 18 10 minutes just a couple days ago as I was driving
 19 by, less than that, five minutes, four semitrucks.
 20 **Q Just a couple days ago. Did you stop to**
 21 **see where they were going?**
 22 A Yes. They were going up the driveway
 23 into -- I didn't stop. I didn't have to. They
 24 were just going in front of me, and they were going

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up the hill into Peoria Disposal Company landfill.
You're getting a lot of stuff up there,
aren't you?
**Q All right. There's no question pending,
Mr. Edwards. We may be done. Let me check with
our team to see if we have a couple of wrap-up
items, but I think we may be finished.**
A Take a break, you mean?
Q Yes, just take a couple minute break.
(Recess in proceedings.)
BY MR. MUELLER:
**Q Mr. Edwards, I'm going to have you look at
a newspaper article from February 15th, 2006, with
the headline, IEPA Disputes Claims Against Toxic
Waste Dump, and ask you to look that article over
and tell me whether you were accurately quoted.**
A I was not accurately quoted. It was taken
out of context. It was a setup. He asked me about
something else. I told him out there it was a
setup.
**Q You sound like you're pretty familiar with
this article?**
A I read the article.
Q Okay. What quotes of yours are not

That letter was particularly to me and the
EPA to iron out a fact, and that was all. We got
it ironed out.
**Q Just one more question, did you write an
article for the Sierran publication, the Tall Grass
Sierran in which you said that the landfill is not
visible from surrounding areas? I give you the
specific quote -- pardon me?**
A Give me the specific quote. I don't
remember that quote.
**Q Well, let me just show this to you. It's a
letter entitled, PDC wants to expand its toxic
waste landfill in Peoria by Tom Edwards, and you
write, Not visible from roadways. The landfill
sits on a hilltop and not visible from roadways.
The landfill sits on a hilltop.**
Is that true, sir?
A It is true. Speaking about the roadways
being Route 8 and the route -- the one road I can't
think of the name of that goes by the seminary, you
can't see it from there. You can't see into it.
**Q Then you go on to say, The higher earth and
berm keeps it out of the view of the thick
residential development along its east side.**

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accurate in that article?
A The context they're put in is erroneous.
**Q I'm not asking about context, sir. I'm
asking you if any of the words attributed to you in
quotation marks are incorrect and, if so, which
ones?**
A This is an indirect quote, but could not
explain why he would leave IEPA. No. I didn't say
anything like that. I said we're way beyond that,
meaning that was a 2003 letter he was referring to.
It was sent only to the IEPA and asking a question
about something. And he said I was asserting
something, and I said that letter's long gone.
That information, no. This is totally out of
context and irrelevant.
Why I have not discussed the letter
publicly because we ironed out what my question was
to the IEPA.
**Q What question did you have that you ironed
out with the IEPA?**
A I don't remember because it doesn't refer
to it in here. He agreed to I ironed it out, too.
**Q Just one more thing, Mr. Edwards. I think
we're done with that.**

Is that also true?
A There are some apartments that can see into
it in the apartment complex out there; otherwise,
the residential development that I was referring
to, no, you can't see into it.
**Q Because I had just one question, something
that troubled me, and that was that you had in one
of your letters dated January 31st, 2006, addressed
this, Dear Wonderful Peorians In The PDC Landfill
Shadow.**
**If the thing isn't visible, then how can
anyone be in its shadow?**
A Give me the letter, January 31st, 2006.
Easy. Every landfill has been tested like this in
Europe and the United States as a shadow of fumes
coming out of it. You don't see them. You don't
smell them, but you breathe them and they give
birth defects. This is in the shadow of the air
pollution fumes that come out of that landfill.
**Q So it's kind of a symbolic shadow, is what
you're saying. You've answered my question.**
A It's a shadow of fumes from the landfill.
Shadow of -- over their property value eventually.
Q Thank you very much, Mr. Edwards. That's

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1 all the questions we have. You will provide us
2 with copies of all the things that you brought, is
3 that correct? We've identified them, and you'll
4 mail us a copy?

5 A It looks like you've got them all. You got
6 more than I got.

7 Q Well, we don't have the same things that
8 you have.

9 A I will mail them to you, sure. Mail them
10 to Mr. Meginnis's office.

11 Q That's fine.

12
13 (Further deponent saith not.)
14
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STATE OF ILLINOIS :
COUNTY OF PEORIA : ss

1. Anna M. Gibson, CMA, CPA, and Nancy
Gibson, both of the County of Tazewell, State of
Illinois, do hereby certify that the above, to-wit,
on Tuesday, October 14th, 1997, personally appeared
before me at 400 Main Street, Suite 1400, Tazewell,
Illinois:

THOMAS EDWARDS, a national defense attorney.

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.

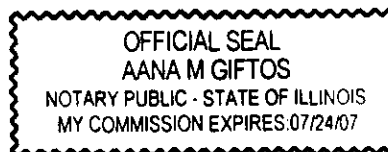
I further certify that the signature of the witness was not waived.

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, Monday, November 6th, 2006.

Carmen Sifuentes
Notary Public

Aana M. Glitos, Certified Shorthand Reporter
(State of Illinois License #884-868591)
My commission expires 5/31/2007.



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Exhibit 23

John McLean

10/27/06

BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,)

Positioner,)

ORIGINAL

VS.) No. PCB 06-184

PEORIA COUNTY BOARD,)

Respondent:)

THE DEPOSITION OF JOHN McLEAN, 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 Friday, October 27, 2006, at 416 Main
Street, Suite 1400, Peoria, Illinois, commencing at the
hour of 9:05 a.m.

APPEARANCES:

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

and

JANAKI NAIR, ESQUIRE
BRIAN J. MEGINNES, ESQUIRE
Elias, Meginnnes, Riffle & Seghetti, P.C.
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:

DAVID L. WENTWORTH II, ESQUIRE
Hasselberg, Williams, Grebe,
Snoogross & Birdsall
174 Southwest Adams Street, Suite 360
Peoria, Illinois 61602
On Behalf of John McLean;

ALSO PRESENT:

ROYAL COULTER, PDC
JEFF COULTER, PDC
MATT COULTER, PDC

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WITNESS:

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JOHN McLEAN

Examination by Mr. Mueller.....4

EXHIBITS:

EXHIBIT 94.....30
3/30/06 Letter and Attachments

NOTE: Exhibit retained by Petitioner's Counsel.

(Witness sworn.)

JOHN MCLEAN.

called as a witness, after being first duly sworn, was examined and testified upon his oath as follows:

EXAMINATION

BY MR. MUELLER:

Q Will you state your full name, please?

A John Marshal McLean.

Q And you are a medical doctor?

A Yes.

Q You're here today with your attorney David
ntworth?

A Yes.

MR. MUELLER: Let the record show: This is the discovery deposition of John McLean taken pursuant to notice, in accordance with rules, pursuant to subpoena, and scheduled by agreement of the parties.

Q Dr. McLean, what is your address, sir?

A 1714 West Moss Avenue, Peoria, Illinois,
61606.

Q How long have you lived at that address?

A Since 1971.

Q What is your home telephone number?

A (309) 674-7316.

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1 Q Do you have an e-mail account that you use
2 regularly?
3 A Yes.
4 Q What is that e-mail address?
5 A jmmclean@mac.com.
6 Q Do you ever use your wife's e-mail account?
7 A Sometimes.
8 Q Do you know her e-mail address?
9 A Yes. Cindymclean@mac.com.
10 Q Doctor, are you actively practicing at the
11 present time?
12 A No.
13 Q When did you retire from practice?
14 A July 1999.
15 Q And prior to retirement, what was your
16 specialty?
17 A Neurology.
18 Q How long did you practice in the Peoria
19 area?
20 A Since 1971 to 1999.
21 Q Have you been employed in any capacity
22 since 1999?
23 A No.
24 Q You are the father of Kim Converse; is that

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1 correct?
2 A That's correct.
3 Q Do you have any specialized knowledge
4 gained before these hearings began in solid waste
5 disposal and management or hazardous waste disposal and
6 management?
7 A No.
8 Q Do you have any specialized knowledge
9 gained before these hearings began in exposures to lead,
10 other heavy metals, or arsonic?
11 A Say that again now.
12 Q Do you have any specialized knowledge in
13 exposures to lead, arsenic, or other heavy metals?
14 A I would say no.
15 Q Do you have any family or personal
16 experience with hazardous waste management or disposal?
17 A No.
18 Q Do you have any personal or family
19 experience with exposure to lead, ars-- asbestos, or
20 other heavy metals?
21 A Asbestos and --
22 Q Other heavy metals.
23 A I have a granddaughter that had a
24 borderline lead level about a year ago.

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1 Q Did that experience impact your decision to
2 get involved in this hazardous waste landfill expansion?
3 A No.
4 Q Doctor, when you were practicing, did you
5 have any supervisory positions at any of the hospitals
6 in the community?
7 A I was head of neurology at the medical
8 school and at OSF for about four years.
9 Q And did you ever hold offices in any
10 medical or other professional societies?
11 A I was in the Academy of Neurology. That
12 was my active role.
13 Q Since your retirement, have you stayed
14 active in any medical or professional societies?
15 A No.
16 Q Do you serve on --
17 A Correction. I still belong to the American
18 Academy of Neurology, but I'm now a senior member; so,
19 you know, I don't pay dues.
20 Q Since your retirement from active practice,
21 have you served on the boards or advisory committees of
22 any of the local hospitals or medical facilities?
23 A No.
24 Q What caused you, Doctor, to first become

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1 involved in the opposition to the hazardous waste
2 landfill?
3 A Two years ago, my son-in-law Teddy Converse
4 wanted to get into environmental interests; so he wanted
5 me to go to the Forrest Park Sierra Club meeting about
6 two years ago. And at the end of that meeting, Tom
7 Edwards talked about the landfill, and that was the
8 first I had learned about that.
9 Q What was your son's -- your son-in-law's
10 particular reason for wanting to get involved in
11 environmental efforts if you know?
12 A He had been up in Alaska, and I think that
13 that's sort of the laboratory for a lot of what's
14 happening in the environment; and I think he was
15 motivated from his experience in Alaska.
16 Q Listening to Tom Edwards speak is what
17 caused you to become interested in the issue?
18 A No. Partly was that I learned about it for
19 the first time at that meeting, and I had not known
20 about it.
21 Q What did you do by way of follow-up to
22 acquiring that knowledge?
23 MR. MUELLER: And I won't belabor this,
24 Mr. Wentworth, because you're giving me that look.

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1 A Well, he announced that there was going to
 2 be an informational meeting at the Pleasant Valley
 3 Middle School in a month or so. I forget exactly when.
 4 So we decided to go to that.
 5 Q "We" being who?
 6 A Teddy and myself, Teddy Converse and
 7 myself.
 8 Q At some point after that, did you determine
 9 that you were going to be actively involved in opposing
 10 the expansion?
 11 A No.
 12 Q You never made that determination?
 13 A I did eventually, but I had later
 14 informational meetings -- I went on a tour by Royal
 15 Coulter and Edwards. There were a group of us from
 16 the -- actually, it was an invitation to the Sierra
 17 Club, but there was some other people including myself
 18 and a few other people.
 19 Q Are you a member of the Sierra Club?
 20 A Yes.
 21 Q When did you join?
 22 A I've been national member for a long time,
 23 pretty consistently. I may not have paid my dues once
 24 or twice -- I don't know -- but pretty consistently.

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1 And then last year -- I'm not really sure if I hooked
 2 into the Illinois one or not, but I am now.
 3 Q When was the landfill tour that you took?
 4 A It was about a year ago, I think, but I
 5 can't give you that date.
 6 Q The fall of 2005 sometime?
 7 A Well, it would be -- yes. That's correct.
 8 Q They're telling me it was November 14th,
 9 2005.
 10 A Pretty close.
 11 Q And on a day actually nicer than what we
 12 have now, correct?
 13 A Yes, it was.
 14 Q How did you find out about the tour?
 15 A I believe Edwards told me, but I'm not
 16 sure.
 17 Q Did you take any photos while you were on
 18 the tour?
 19 A No.
 20 Q At that point, had you gotten -- strike
 21 that.
 22 By the time you took the tour last November
 23 14th, had you gotten to know Joyce Blumenshine?
 24 A Yes.

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1 Q Did you know her before you first went to
 2 the Sierra Club meeting with your son-in-law about two
 3 years ago?
 4 A I had seen her at the middle school, but I
 5 didn't introduce myself and did not meet her really
 6 until then.
 7 Q When did you then determine that you were
 8 going to be actively opposed to the landfill?
 9 A I don't think it was until several months
 10 later, but I can't really give you a date.
 11 Q Was your son-in-law Ted Converse or your
 12 daughter Kim with you on the tour last November 14th?
 13 A No.
 14 Q Were you involved in the formation of the
 15 Peoria Families Against Toxic Waste group?
 16 A Was I involved in the making of it?
 17 Q Yes.
 18 A Not really. No, I wasn't.
 19 Q Do you know who the founders, for lack of a
 20 better term, were of that group?
 21 A Well, I know Teddy was interested in it,
 22 but I really am not sure of the evolution of that,
 23 frankly.
 24 Q Do you consider yourself a member of Peoria

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1 Families Against Toxic Waste?
 2 A Yes.
 3 Q Did you attend their meetings?
 4 A Not many of them actually.
 5 Q If I were to tell you that your daughter
 6 Kim Converse testified that she and her husband were as
 7 close as anyone could be to being the founders, would
 8 that be consistent with your recollection?
 9 A I wouldn't be surprised of that, no.
 10 Q Did you perform any volunteer services on
 11 behalf of the Peoria Families' effort?
 12 A Such as --
 13 Q Well, any.
 14 A No. I mean, I don't think -- I mean, I
 15 don't quite know what you mean by volunteer. I was sort
 16 of my own person. I was studying the landfill industry
 17 and the medical aspects of that, so I got a lot of
 18 literature which I dispersed to try and educate other
 19 people about the issue. That's what I would say would
 20 be a volunteer, but that was more in my own -- for my
 21 own edification and knowledge.
 22 Q I think you're answering my question. You
 23 dispersed literature to other people; is that correct?
 24 A Correct.

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1 Q And your recollection is that you did that
2 of your own initiative rather than at the request of or
3 in service of the Peoria Families group?
4 A Most definitely.
5 Q What kind of literature did you get?
6 A Well, I reviewed all the literature I could
7 find on landfills. Most of them come from New York, up
8 in New York, and they are sort of the hybrid articles.
9 I mean, they are all over the map in terms of the types
10 of landfills and what's in them. And I found it very
11 confusing actually.
12 I didn't get a whole lot out of that except
13 that, you know, there was some association with, you
14 know, low weight babies at birth, newborns, and then
15 some correlation with cancer of the prostate with some
16 landfills. But that was the kind of issue that I was
17 trying to delve into and have an opinion about.
18 Q Would I be correct in assuming that the
19 materials you found were on the internet?
20 A I got them through the internet. I
21 worked -- I did all my research through Saint Francis
22 Hospital library and got the internet -- got them
23 through the internet there. Some of them were in the
24 journals, but most of them were from the internet.

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1 Q Now I'm confused again. You did your
2 research at the Saint Francis Hospital library?
3 A Correct. That's where I got the
4 internet -- that's where I got the -- some of the
5 toxicology books, for example, that are on reserve
6 there. I was able to get -- I wanted to get a book on
7 landfills, and the library got it from a place -- I
8 think it was Illinois Wesleyan. I got two books from
9 there.
10 Q So we're way beyond just basic
11 internet-based search and into actual medical literature
12 that you thought was related to landfilling?
13 A That's correct.
14 Q Do you still have privileges at Saint
15 Francis Hospital?
16 A I'm honorary staff there, yes -- I mean --
17 yeah, honorary. As you retire, then you go on honorary
18 staff. So, yes, but I don't have privileges.
19 Q I understand you don't perform services
20 there.
21 A But I can go to the library, and I have
22 those services, and I can go to their conferences which
23 I do fairly regularly.
24 Q I had asked you that at the beginning, if

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1 you were still active. So you do go to conferences
2 regularly at Saint Francis?
3 A The one I go to is the neurology. There's
4 two conferences every Friday, and we get CME, which is
5 required --
6 Q Continued medical education?
7 A Right, continuing medical education to keep
8 your license, which I still have.
9 Q Lawyers are actually now finally required
10 to get continuing legal education after all these years.
11 So we're getting into the 21st Century.
12 Doctor, did you share the information that
13 you were acquiring and the knowledge that you were
14 acquiring with any other doctors?
15 A Yes.
16 Q Who did you share that with?
17 A I think the first one I brought that to was
18 the medical director at Saint Francis, Dr. Miller, and I
19 tried to give him the filtered information that I
20 thought was, you know, the best papers. There's a lot
21 of literature that is pretty inconclusive, so I tried to
22 give him that and then also the toxicology -- there's a
23 lot of chapters in the toxicology which I found helpful,
24 and I gave him that.

Page 16

1 Q In your medical and other research related
2 to this subject, did you become aware that most, if not
3 all, of the literature referencing negative health
4 impacts from landfilling refer to landfills that are
5 real -- that were really open dumps prior to federal and
6 state requirements for engineered barriers?
7 A Yes. I had a view of that.
8 Q And in your research, did you also learn
9 that most of the negative effects from this open dumping
10 were related to chlorinated hydrocarbons and other
11 liquid wastes?
12 A Correct. I agree.
13 Q And you're aware that PDC does not accept
14 liquid wastes or chlorinated hydrocarbons?
15 A Yes.
16 Q And you're aware that PDC, for their
17 expansion, proposes a rather elaborate engineered
18 barrier?
19 A Yes.
20 Q Then I guess my question is: Based upon
21 those awarenesses on your part, what caused you to still
22 be opposed to the PDC expansion?
23 MR. WENTWORTH: I guess I object. We've
24 gone from his learning process and now you're saying

Page 17

1 that he was opposed. I don't think you've gotten
2 into --

3 MR. MUELLER: I think he's already
4 indicated at some point after he did this literature he
5 decided to oppose the project.

6 BY MR. MUELLER:

7 Q Is that a fair statement?

8 A I think that's a fair statement.

9 Q I'm pretty much done with this area; but I
10 guess, given the fact that you agreed with my
11 characterization about where the negative health effects
12 came from, which puts you way ahead of the curve of most
13 of the public, why did you decide to still be opposed?

14 A I never had any issue with what PDC did or
15 how they did it, only where it was.

16 Q And that would get us into the whole
17 aquifer issue and the related issues to that, correct?

18 A Well, in the sense that I felt that -- you
19 know, I'm 71 years old, and I have seen many, many very,
20 very competent people make mistakes; and I've seen time
21 take its toll on things, and I've seen unexpected
22 calamities. And accordingly, I just think that this
23 adds up to an unnecessary gamble to our community.

24 So, on balance, I recognize all the

Page 18

1 advantages to having this facility in this town, the
2 jobs, the advantage of the other industries. My only
3 issue is that it's a gamble, it's a risk, and I felt it
4 was a risk that I didn't think I wanted my community to
5 have.

6 Q Thank you for that explanation, and I will
7 move on.

8 After you talked to Dr. Miller -- who I
9 believe you said is the chief of staff at OSF?

10 A He's the medical director.

11 Q Okay. As opposed to the hospital
12 administrator?

13 A Right.

14 Q Did he arrange for or did someone arrange
15 for you to present your views to any group or in any
16 meeting kind of format?

17 A Yes.

18 Q And who was that?

19 A Dr. Zwicky.

20 Q Did you approach Dr. Zwicky directly?

21 A Actually, I was going into the hospital. I
22 think it was a Monday or Tuesday. I don't know which it
23 was, but it was the day before -- it was the day of
24 their quarterly staff meeting. And I bumped into him in

Page 19

1 the hall in the lobby, and I said -- you know, at this
2 point, I had been voicing my concern as I've outlined to
3 you; and I said that I was interested in making sure
4 that people were aware of this because it became very
5 astounding to me that nobody, even well -- you know,
6 people who kept informed were not aware of this. I
7 found that absolutely amazing.

8 So he said that he would announce it; and
9 he said, "Would you like to come up" -- you know, he
10 invited me to come up to talk about it. He said, "You
11 know more about it." So I did.

12 Q What's Dr. Zwicky's role at the hospital?

13 A He's the staff president, the physicians
14 part of it.

15 Q What group is it that you spoke to there?

16 A First group I spoke to was -- on the 11th
17 of January was the hospital staff. That includes all
18 the doctors that want to go, the nurses, technicians,
19 then the administration.

20 Q How large was that audience?

21 A I would say probably 100 people there.

22 That's a real guesstimate.

23 Q Did you directly approach Dr. Vidas or was
24 he just a listener at the presentation you made in

Page 20

1 January?

2 A I don't think he was there.

3 Q Do you know how he got involved?

4 A I do.

5 Q How's that?

6 A He, I believe, saw one of the signs; and he
7 called my daughter, and she referred him, said to call
8 me because he wanted to get involved in the medical
9 aspects of this.

10 Q Do you know Dr. Bill Scott?

11 A I do now.

12 Q When did you meet him?

13 A I first met him when -- well, there was a
14 letter that PDC had on their initial -- I don't know if
15 it was initial, but there was a letter from -- on the
16 OSF stationery, the logo, from actually an employee of
17 his in support of PDC.

18 Q An employee of Dr. Scott's?

19 A He's an employee of the hospital but in
20 Dr. Scott's division of occupational environmental
21 medicine.

22 Q How did that cause you to get to know
23 Dr. Scott?

24 A Well, we wanted to know on what authority

Page 21

1 he had written this -- signed this letter.
 2 Q We, meaning you or --
 3 A Actually, the administration was aware of
 4 this letter, and they were puzzled by it.
 5 Q Do you recall the name of the person that
 6 signed the letter just so we can reference it?
 7 A I never heard his name. Do not know him.
 8 Q When you say the administration of the
 9 hospital, who are you referring to?
 10 A Keith Steffen and Sue Wozniak.
 11 Q Who approached Dr. Scott then about this
 12 person who reported Dr. Scott having written this
 13 letter? Was it you or the administration?
 14 A It was the administration.
 15 Q How did you get involved in that?
 16 A Well, I brought the letter in when we found
 17 it and asked them about it, and they then were puzzled
 18 by it; and they followed up on that, and they called
 19 Dr. Scott and the rest --
 20 Q Okay. Now I understand. You brought the
 21 letter in?
 22 A Right.
 23 Q The administration followed up with
 24 Dr. Scott?

Page 22

1 A Right.
 2 Q And that resulted in a conversation at some
 3 point between you and Dr. Scott?
 4 A Yes. They wanted Dr. Scott to correct
 5 that -- they wanted to rectify whatever this letter
 6 implied by their employee. My impression was that it
 7 was unauthorized. I don't know that, though.
 8 Q Did you then convey information to
 9 Dr. Scott regarding the health -- potential health
 10 impacts of landfilling?
 11 A No.
 12 Q You never talked to him about the merits of
 13 the proposal?
 14 A Well, subsequently, the administration
 15 decided to have him testify or -- yeah, testify. So
 16 they arranged for that.
 17 Q Were you involved with organizing medical
 18 opposition at any of the other medical facilities in
 19 Peoria?
 20 A Well, I don't know what you mean by
 21 organize. I tried to educate them.
 22 Q Fair enough.
 23 A What transpired is after I talked to
 24 Dr. Zwicky -- I mean to the Saint Francis staff, went

Page 23

1 about continuing what I was doing which was learning and
 2 trying to get people to be knowledgeable about the
 3 presence of it.
 4 And then I got a call from Dr. Zwicky on a
 5 Monday about a month later, and he said that he would
 6 like me to come to the Saint Francis Executive Committee
 7 and talk. He asked me to call Dr. Steve Smith at
 8 Methodist Hospital who is the chief of staff there
 9 because he wanted me to come to the staff meeting -- the
 10 executive committee at Methodist. He asked me to call
 11 Dr. McRae at Proctor to do the same thing out there.
 12 Q And did you, in fact, talk at the executive
 13 committee meetings at Proctor and at Methodist?
 14 A I did not talk to Proctor. I talked to
 15 Methodist.
 16 Q What was your -- let me back up a second.
 17 There's information in the record,
 18 including correspondence from you, I believe, talking
 19 about a petition with 750 medical signatures on it
 20 opposed to the landfill. Did such a petition ever
 21 exist?
 22 THE WITNESS: Is this the --
 23 MR. WENTWORTH: Go ahead, if you know.
 24 A Is this the one that was sent to -- clarify

Page 24

1 that for me, please.
 2 Q Let me back up and make it more simple.
 3 Was there ever a petition circulated among
 4 medical professionals opposed to the landfill expansion?
 5 A A petition? No.
 6 Q Was there ever a letter signed by multiple
 7 medical professionals evidencing their opposition?
 8 A Well, I knew that Dr. Zwicky -- only what
 9 Dr. Zwicky read at the hearing.
 10 Q You were not involved in any of that then
 11 is what you're telling me?
 12 A No.
 13 MR. WENTWORTH: This question was correct?
 14 THE WITNESS: Yes.
 15 MR. MUELLER: Thank you, Mr. Wentworth.
 16 MR. WENTWORTH: Sorry.
 17 MR. MUELLER: That's okay.
 18 BY MR. MUELLER:
 19 Q There's a reference in the record to 750
 20 doctors being opposed to the expansion, and I guess my
 21 ultimate question is: Are you aware of any
 22 documentation evidencing that number?
 23 A No.
 24 Q Did you solicit any donations to Peoria

Page 25

1 Families or other groups such as the Sierra Club from
 2 other medical professionals?
 3 A Yes.
 4 Q And where did you solicit?
 5 A Radiology Department at Saint Francis,
 6 neurology/neurosurgery at Saint Francis -- are you
 7 talking about physicians?
 8 Q Yes.
 9 A Although I didn't talk to too many
 10 physicians at Proctor, I know they gave as a group, as
 11 did the staff physicians at Saint Francis and Proctor
 12 gave money as a group.
 13 Q Do you remember how many total
 14 presentations you made to groups opposed to individuals
 15 during the time that the application was pending,
 16 meaning up through May 3rd?
 17 A All groups?
 18 Q Yes.
 19 MR. WENTWORTH: All groups or medical
 20 groups?
 21 MR. MUELLER: All groups.
 22 A I talked at the Moss-Bradley Homeowners
 23 Association to let them aware of the presence of the
 24 landfill and the upcoming issue to be decided. I talked

Page 26

1 to the Uplands. I talked to hospitals, as you know.
 2 Q Let me stop you for a second there. That
 3 would have been two presentations at Saint Francis, one
 4 to the group of 100, one to the executive committee, and
 5 then a presentation to the executive committee at
 6 Methodist?
 7 A Correct.
 8 Q Any other presentations to doctors or
 9 medical groups?
 10 A Not that I can remember.
 11 Q Any other presentations to the general
 12 public besides the two that you mentioned?
 13 A I did -- well, I wouldn't call it a
 14 presentation, but there was a school that Teddy Converse
 15 and I talked at. Actually, what I talked about was what
 16 I had learned about aquifers. I didn't talk about
 17 anything other than what I learned about aquifers which
 18 was considerable because I didn't know anything about
 19 them. It was like a geology lesson for me, and I passed
 20 it on to them.
 21 Q Was this like in the grade school in the
 22 Peoria area?
 23 A Right, exactly.
 24 Q Do you remember which one?

Page 27

1 A No. I really don't.
 2 Q Did you ever solicit South Side Bank to
 3 donate any money?
 4 A No.
 5 Q You never made a public comment during the
 6 siting hearing, did you?
 7 A I did not.
 8 Q Is there a reason why?
 9 MR. WENTWORTH: If you want to answer that.
 10 A I will. I have a cardiac problem, and I
 11 get very nervous and it affects me adversely.
 12 Q So you just didn't want to be in front of
 13 that kind of crowd?
 14 A That's correct.
 15 Q It's understandable. Doctor, did you ever
 16 gain an understanding of what the rules and procedures
 17 were that would be applied to the County Board's
 18 decision-making process?
 19 A I think I had the average understanding of
 20 that.
 21 Q What was your understanding regarding the
 22 question of whether individuals could communicate with
 23 County Board members outside the hearing process?
 24 A Well, it was my understanding that you

Page 28

1 could talk to your elected officials any time.
 2 Q From whom did you gain that understanding?
 3 A Civics class.
 4 Q I was going to say other than your high
 5 school civics teacher.
 6 A A lot of people around me told me that.
 7 Q Did you understand that -- strike that.
 8 Did you perceive the county's
 9 decision-making process as being legislative or being
 10 adjudicatory?
 11 A My understanding from reading it was both,
 12 but I don't have a real profound insight into what I
 13 think is the complexity of that issue.
 14 Q Did you periodically monitor the Peoria
 15 Families website?
 16 A No.
 17 Q So it would be fair to say you never
 18 offered any content for the website?
 19 A I was -- the only content, they asked me to
 20 go out and take pictures of the landfill. I did that.
 21 Q When did you go out and take pictures of
 22 the landfill?
 23 A Let's see. I would say it was in January.
 24 Q Do you remember from what location you took

Page 29

1 them?

2 A Yeah. It was Aspen Bluff, I believe, it's

3 called, but it was on Marengo Street.

4 Q The pictures, I believe, showed up on the

5 Peoria Families website, correct?

6 A Correct.

7 Q Were you the person that provided the label

8 toxic stacks that was attached to an item depicted in

9 the photograph that you took?

10 A No.

11 Q Were you the person that provided the

12 information that part of what you photographed was a

13 toxic stack?

14 A Say that again.

15 Q Were you the person that provided the

16 information that part of what you photographed was a

17 toxic stack?

18 A No.

19 Q Did you ever write any letters to County

20 Board members?

21 A I wrote a letter to my County Board

22 representative Jim Thomas.

23 Q And when was that letter written?

24 A I think it was towards the end. I'd say it

Page 30

1 was in late February.

2 Q Were you aware that there was a cutoff date

3 after which people were no longer supposed to submit

4 material and contact the board?

5 A Yes.

6 Q And did you -- let's back up.

7 What was the content of your letter to

8 Board Member Thomas?

9 A Well, I wrote that longhand, I believe --

10 not longhand, but I typed it. I sent it by snail mail,

11 and I don't have a copy of it; but the bottom line is

12 that I wanted him to vote no.

13 Q And, obviously, you wanted him to take your

14 recommendation into consideration in making his

15 determination?

16 A Exactly.

17 Q Did you co-author or co-sign any other

18 written communications to board members?

19 A Well, I learned I did that yesterday for

20 the first time.

21 Q Let me show you, in fact, what's been

22 marked as Group Exhibit Number 94, and it purports to be

23 a letter dated March 30th, 2006. It's a group exhibit.

24 The first page I'm talking about, A, purports to be a

Page 31

1 letter addressed to Fellow Democrats?

2 A Right.

3 Q Did you author this document?

4 A Well, it was sent out. As I say, I saw

5 this for the first time to my knowledge yesterday when

6 Dave Wentworth showed it to me.

7 Q So the answer is you didn't author it?

8 A Well, I mean, I -- no. I mean, my name's

9 on there. And if I may, I talked to my wife about this

10 last night; and she vaguely remembers something about

11 it, and it was an e-mail that they were sending this

12 out. I can't say any more than that.

13 Q How well do you know Jean Roach?

14 A Very peripherally.

15 Q Are Jean Roach and your wife friends?

16 A Well, they're just acquaintances that we've

17 met through this issue.

18 Q Now, your wife Cindy McLean was active in

19 the Peoria Families group, correct?

20 A Yes.

21 Q And was she, in fact, the de facto

22 treasurer of the group?

23 A Yes.

24 Q Were you involved in the handling of any of

Page 32

1 the money?

2 A No.

3 Q Did you do any of the accounting or make

4 any of the deposits or log any of it in?

5 A No.

6 Q Your wife did all of that?

7 A Yes.

8 Q Is it your belief that your wife is the

9 person that authorized your name to be included on

10 Exhibit 94A?

11 A No. I mean, I -- she probably told me

12 about it, you know, but I can't say more than that. I

13 can't blame her. She's probably -- I sometimes don't

14 listen, I guess.

15 Q To your knowledge, is that a true and

16 correct copy of the letter that was sent?

17 A I don't know.

18 Q If you look at Exhibit B, which is the

19 third page, that purports to be an e-mail from Cindy

20 McLean to Dave Williams. Have you ever seen that

21 before?

22 A I may have seen this.

23 Q That purports to be signed by Cindy and

24 John McLean?

Page 33

1 A Right.

2 Q Did you author it, or did Cindy?

3 A I guess we both did. I mean, I don't know

4 what to say.

5 Q This e-mail, by the way, makes reference to

6 the Illinois State Medical Association passing a

7 resolution and sending it on to the AMA?

8 A Okay.

9 Q Who introduced that resolution at the

10 Illinois State Medical Association?

11 A I don't know, but I know that Dr. Vidas

12 talked to us about that. I don't know if it was the

13 Peoria Medical Society or what. I'm not sure.

14 Q Did you have any role in drafting the

15 resolution referred to in this exhibit or getting it

16 before the State Medical Association?

17 A No.

18 Q If I could direct you to the next page

19 which is another Fellow Democrats letter, this one dated

20 April 27th, this, again, appears to be signed by Jean

21 and Elmo Roach as well as your wife and yourself?

22 A Right.

23 Q Did you author this document?

24 A Here again, I just saw this yesterday, and

Page 34

1 same thing applies to what I said about the first one.

2 Q That expedites the questioning. If I could

3 direct your attention to the second to the last

4 paragraph that starts with, "Studies around the globe,"

5 there's a reference here that says, "The European Union

6 of 25 nations has banned all hazardous chemical and

7 metal landfills as of this July." Do you know what the

8 source of that piece of information is?

9 A No.

10 Q Is that information that you secured?

11 A No.

12 Q Do you know whether or not that information

13 is, in fact, true?

14 A No, I don't.

15 Q There was a medical or a press conference

16 held by a group of doctors at the Twin Towers on March

17 27th. Were you a participant in that?

18 A I did not talk. I was there.

19 Q Were you one of the organizers of that?

20 A Let's see. I think I might have called

21 Eric Elwood. I don't know. I don't know. I can't be

22 sure.

23 Q Do you know who the other organizers were

24 of that press conference?

Page 35

1 A No.

2 Q When you first talked to Bill Scott about

3 the letter that had been written by someone he

4 supervised, did he ever advise you that he does work for

5 Peoria Disposal Company?

6 A I don't think I talked to him about that.

7 Q I thought you said you got to know him in

8 connection with that letter?

9 A I did, but I got to know him only at the --

10 before the hearing when the administration decided to

11 have him write a letter. I had not met him until that

12 time.

13 Q I guess I'm still not understanding why --

14 how you would get to know him based upon the

15 administration asking him to write a letter.

16 A Well, they referred me to him in the sense

17 that they said that he was the superior to this person

18 and that he would be the one that would read the letter

19 to clarify this issue.

20 Q So, if I understand you correctly, you met

21 with him for the purpose of helping him write his

22 letter?

23 A No. I did not.

24 Q Where did you meet with him?

Page 36

1 A I think the first time I met with him was

2 just before he was to go to the hearing.

3 Q And do you remember where that occurred?

4 A I'm not sure, but I think I went over to

5 his office to tell him what time he was supposed to be

6 there, things like that.

7 Q Did Dr. Scott ever provide you with any

8 information regarding Peoria Disposal Company or any of

9 its practices or operations?

10 A No.

11 MR. MUELLER: Let's take a short break. We

12 may be done.

13 (Recess in proceedings from 10:00 a.m.

14 to 10:05 a.m.)

15 MR. MUELLER: Dr. McLean, thank you very

16 much. We don't have any further questions.

17 MR. WENTWORTH: We reserve signature.

18 10:05 A.M.

19

20

21 (Further deponent saith not.)

22

23

24

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1 PEORIA DISPOSAL COMPANY,)
 2 Petitioner,)
 3 vs) No. PCB 06-184
 4 PEORIA COUNTY BOARD,)
 5 Respondent.)

7 I hereby certify that I have read the
 8 foregoing transcript of my deposition given on October
 9 27, 2006, at the time and place aforesaid, consisting of
 10 pages 1 through 36, 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 Please check one:

15 I have submitted errata sheet(s).

16 No corrections were noted.

17 JOHN McLEAN

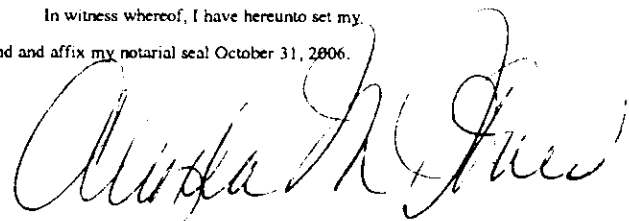
20 SUBSCRIBED AND SWORN TO
 21 before me this day
 22 of , A.D. 2006.

23 Notary Public

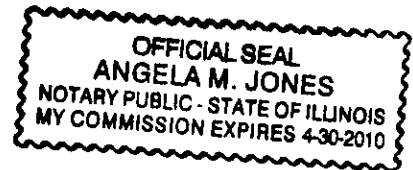
24 My Commission expires

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 October 31, 2006.



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



Page 38

1 STATE OF ILLINOIS)
 2) SS
 3 COUNTY OF TAZEWELL)

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 October 27, 2006, at 416
 10 Main Street, Suite 1400, Peoria, Illinois, the following
 11 named person, to wit:
 12 JOHN McLEAN,
 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

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