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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VEOLIA ES VALLEY VIEW)
LANDFILL, INC.,)
Petitioner,)
vs.) PCB 10-31
MACON COUNTY BOARD,) (Pollution Control
Respondent.) Facility Siting Appeal)

Proceedings held on May 20, 2010, at 10:59 a.m., at the
Macon County Office Building, 141 South Main Street,
Decatur, Illinois, before Carol Webb, Hearing Officer.

Reported By: Karen Waugh, CSR, RPR
CSR License No: 084-003688

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APPEARANCES

For the Petitioner:

FREEBORN & PETERS LLP
BY: Mr. Gerald P. Callaghan
Attorney at Law
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

For the Respondent:

BY: Mr. Larry M. Clark
Attorney at Law
700 North Lake Street, Suite 200
Mundelein, Illinois 60060

MACON COUNTY STATE'S ATTORNEY'S OFFICE

BY: Mr. Randall D. Waks
County Courthouse
253 East Wood Street
Decatur, Illinois 62523

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WITNESSES

(No witnesses were called.)

EXHIBITS

(No exhibits were marked.)

1 PROCEEDINGS

2 (May 20, 2010; 10:59 a.m.)

3 HEARING OFFICER WEBB: Good morning. My
4 name is Carol Webb. This is the hearing for PCB 10-31,
5 Veolia ES Valley View Landfill versus Macon County Board.
6 It is May 20. We are beginning at 11 a.m. I will note
7 for the record that we have five members of the public
8 present. Members of the public are allowed to provide
9 oral public comment today, or written comment may be sent
10 to the Pollution -- to the clerk of the Pollution Control
11 Board.

12 At issue in this case is Petitioner's objection
13 to permit conditions imposed by the County with respect
14 to a pollution control facility in Harristown Township in
15 Macon County. The decision deadline in this case is
16 September 2. The Pollution Control Board members will
17 make the final decision in this case. My purpose is to
18 conduct the hearing in a neutral and orderly manner so we
19 have a clear record of the proceedings. This hearing was
20 noticed pursuant to the Act and the Board's rules and
21 will be conducted pursuant to Sections 101.600
22 through 101.632 of the Board's procedural rules. At this
23 time I would like to ask the parties to please make their
24 appearances on the record.

1 MR. CALLAGHAN: Gerald Callaghan on behalf
2 of the Petitioner, Veolia ES Valley View Landfill, Inc.

3 HEARING OFFICER WEBB: Thank you.

4 MR. CLARK: Larry Clark on behalf of Macon
5 County.

6 HEARING OFFICER WEBB: Thank you.

7 MR. WAKS: Randall Waks, Macon County.

8 HEARING OFFICER WEBB: Thank you. Would the
9 Petitioner like to give any opening statement?

10 MR. CALLAGHAN: We have no comments.

11 HEARING OFFICER WEBB: Would Respondent care
12 to give an opening statement?

13 MR. CLARK: No. We would waive any
14 comments.

15 HEARING OFFICER WEBB: Would Petitioner like
16 to make any presentation today? Anything to add to your
17 case?

18 MR. CALLAGHAN: No. Our -- The record is I
19 think fixed given the issues in this case. There's
20 nothing else to add. Thank you.

21 HEARING OFFICER WEBB: Okay. Anything for
22 the County?

23 MR. CLARK: Nothing from the County.

24 HEARING OFFICER WEBB: Okay. The transcript

1 is due on June 2 and will be posted on the Board's web
2 site. The public comment deadline is June 3. Public
3 comment must be filed in accordance with Section 101.628
4 of the Board's procedural rules. The Petitioner's brief
5 is due by June 7 and the Respondent's brief is due by
6 June 28. The mailbox rule will not apply, and if the
7 parties file electronically, the briefs must be filed by
8 4:30 p.m. on the due date. I take it neither party would
9 like to make any closing statements.

10 MR. CALLAGHAN: Correct.

11 HEARING OFFICER WEBB: Okay. At this time I
12 will ask if there are any members of the public present
13 who wish to make a public comment here today. Would you,
14 ma'am?

15 MS. SHADE: Yes.

16 HEARING OFFICER WEBB: Okay. Would you
17 please stand over there so the court reporter can hear
18 you? And, ma'am, your name is?

19 MS. SHADE: My name is Susan Shade, and I
20 reside at 996 South Twin Lakes Road, Decatur, Illinois,
21 and that is in Harristown Township. And I guess perhaps
22 what I would like to ask of the Hearing Officer is will
23 we be allowed to see the transcripts online? I mean, how
24 will we as a public find out what Veolia is in fact

1 asking to change the Macon County ruling already? Where
2 will we find out this information?

3 HEARING OFFICER WEBB: Well, the transcript
4 is only going to be what happened here today, which
5 wasn't really --

6 MS. SHADE: Nothing happened.

7 HEARING OFFICER WEBB: -- anything.

8 MS. SHADE: So what is being filed, and
9 where may we read it?

10 HEARING OFFICER WEBB: It is all on our web
11 site.

12 MS. SHADE: And it will be on your web site
13 as -- it is now?

14 HEARING OFFICER WEBB: It is now, and the
15 dates that I gave for the briefs, when they file the
16 briefs, those will also go on our web site. We have an
17 electronic case docketing system. It's pretty
18 self-explanatory if you go to our web site. If you have
19 any questions, you can call me.

20 MS. SHADE: And I appreciate that. I did,
21 however, see that I thought that they needed to have
22 their things filed by perhaps -- did you say June the
23 2nd, and we only had till June the 3rd to respond to
24 those? I might have mixed up my dates. I know there was

1 a September 2 in there.

2 HEARING OFFICER WEBB: I can grant
3 additional time for public comment if you would like to
4 comment to the parties' briefs.

5 MS. SHADE: Okay. But those briefs will be
6 filed by when? What are their deadlines?

7 HEARING OFFICER WEBB: June 7 and June 28,
8 but normally the briefing schedule is to allow the
9 parties to respond to the public comment that the Board
10 received rather than the public comment --

11 MS. SHADE: The other way.

12 HEARING OFFICER WEBB: -- to the briefs.

13 MS. SHADE: Okay. But again, I'm being
14 dense here, I'm sure, but what exactly is Veolia asking?
15 I mean, what -- how are they wanting to change what the
16 County Board already took the position on?

17 HEARING OFFICER WEBB: You would have to
18 look at the petition that was filed with the Pollution
19 Control Board, which is on our case docket.

20 MS. SHADE: Which is there now.

21 HEARING OFFICER WEBB: Uh-huh.

22 MS. SHADE: Okay. Thank you very much.

23 Thank you.

24 HEARING OFFICER WEBB: Would anybody else

1 care to make any comment today? Okay. Well, if nobody
2 else has any comments that they'd like to make on the
3 record, at this time I will conclude the proceedings and
4 we stand adjourned, and I thank everyone for their
5 participation and travel.

6 (Hearing adjourned.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF BOND)

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4 I, KAREN WAUGH, a Notary Public and Certified
5 Shorthand Reporter in and for the County of Bond, State
6 of Illinois, DO HEREBY CERTIFY that I was present at the
7 Macon County Office Building, Decatur, Illinois, on May
8 20, 2010, and did record the aforesaid Hearing; that same
9 was taken down in shorthand by me and afterwards
10 transcribed, and that the above and foregoing is a true
11 and correct transcript of said Hearing.

12 IN WITNESS WHEREOF I have hereunto set my hand
13 and affixed my Notarial Seal this 22nd day of May, 2010.

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Notary Public--CSR

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#084-003688

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