

 ORIGINAL

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STOP THE MEGA-DUMP,

Petitioner,

v.

COUNTY BOARD OF DEKALB COUNTY  
ILLINOIS and WASTE MANAGEMENT OF  
ILLINOIS, INC.,

Respondents

WASTE MANAGEMENT OF ILLINOIS,  
INC.,

Petitioner,

v.

DEKALB COUNTY BOARD,

Respondent.

PCB 10-103

(Third-Party Pollution Control Facility  
Siting Appeal)

**RECEIVED**  
CLERK'S OFFICE

AUG 10 2010

STATE OF ILLINOIS  
Pollution Control Board

PCB 10-104

(Pollution Control Facility Siting  
Appeal)  
(Consolidated)

**RESPONDENT WASTE MANAGEMENT OF ILLINOIS, INC.'S ANSWERS AND  
OBJECTION TO PETITIONER STOP THE MEGA-DUMP'S  
FIRST SET OF INTERROGATORIES**

Respondent Waste Management of Illinois, Inc. ("WMII") provides the following answers and objection to the First Set of Interrogatories propounded by Petitioner Stop the Mega-Dump.

1. For the period between January 1, 2009 and May 10, 2010, please identify all communications in verbal, written or electronic form made by any County Board Member or made to any County Board Member relating to the Application, excepting therefrom, communications in the form of official filings by WMII, other registered participants, filed public comments and filing by the County staff or hearing officer, and with respect to each such communication, please identify:

- A. The date said communication took place;
- B. The person or group initiating and/or authoring the communication;
- C. The person or group receiving the communication;
- D. The substance and content of the communication;
- E. The identity of all others present when such communication was made;
- F. The identity of all others present when such communication was received;
- G. The manner of the delivery of the communication; and
- H. Whether any record or memorandum of said communication exists.

**ANSWER:** WMII submits the attached Exhibits A, B and C as its answer to this interrogatory.

2. Between January 1, 2009, and May 10, 2010, please identify any and all meetings between any member of the County Board and any other member of the County Board at any time or place where the Application or the contemplated expansion of the DeKalb County Landfill was considered or discussed, excepting therefrom official meetings of the County Board or its committees and, with respect to each such meeting, identify:

- A. The date and time upon which said meeting took place;
- B. The location at which said meeting took place; and
- C. The names of all individuals who were present at said meeting.

**ANSWER:** WMII has no knowledge or information responsive to this interrogatory.

3. Between January 1, 2009, and May 10, 2010, state whether or not any member of the County Board or any employee of the County received anything of value from WMII and/or any of their representatives. If so, please identify:

- A. The name of the person or organization making the gift or transfer;
- B. The name of the person or organization receiving the gift or transfer;
- C. The date upon which the gift or transfer was made; and
- D. The amount of the gift or transfer.

**ANSWER:** WMII provided nothing with a value of \$15 or higher to any DeKalb County Board member or any DeKalb County employee. For those Board members and County employees who visited the Prairie View Recycling and Disposal Facility in Will County, Illinois in 2009, WMII provided a box lunch from Jimmy Johns (\$8 value), a ball point pen (\$.94 value), highlighter (\$.89 value), and an eyeglass/sunglass holder for visor (\$1.82 value). Those Board members and employees are identified in the answer to interrogatory no. 4 below.

4. Did any members of the County Board or any employees of the County, between January 1, 2009 and May 10, 2010, go to visit or tour any landfill owned or operated by WMII, and if so, please identify:

- A. The date of the visit or tour;
- B. The name of the facility toured or visited;
- C. The names of all persons present;
- D. The means by which County Board members or County employees traveled to and from the facility.

**ANSWER:** Certain DeKalb County Board members and DeKalb County employees visited the Prairie View Recycling and Disposal Facility on five occasions. The requested information for each of the visits is as follows:

July 16, 2009

Board Members: Ruth Ann Tobias, Anita Jo Turner  
County employee: Dennis Miller  
Others: Peter Tobias, Joe Pasteris  
WMII: Lee Addleman, Dale Hoekstra, Bill Plunkett  
Means of Transportation: DeKalb Volunteer Action Center bus

August 18, 2009

Board Members: Ken Andersen, Sally DeFauw, John Finerson, Pat Vary  
County employees: Ray Bockman, Paul Miller, Aaron Ruder, Margaret Whitwell  
WMII: Lee Addleman, Dale Hoekstra, Bill Plunkett  
Means of Transportation to Facility: DeKalb Volunteer Action Center bus

September 14, 2009

Board Members: Marlene Allen, Eileen Dubin, Pat Lavigne, Paul Stoddard,  
Mark Todd  
Others: Cheryl "Cookie" Aldis  
WMII: Lee Addleman, Dale Hoekstra  
Means of Transportation to Facility: DeKalb Volunteer Action Center bus

September 18, 2009

Board Member: Riley Oncken  
County employees: Bob Drake, Crystal Springmire  
WMII: Lee Addleman  
Means of Transportation to Facility: Enterprise cargo van rented by WMII

November 21, 2009

Board Members: Julia Fauci, Michael Haines, John Hullsberg  
WMII: Lee Addleman  
Means of Transportation to Facility: WMII rental car (Fauci and Hullsberg) and personal vehicle (Haines)

5. Please identify any document or other writing relating to the Application, other than newspaper articles, editorials or letters to the editor, which document or writing is not part of the record filed by the County Board with the Pollution Control Board, in the possession or control of any County Board Member. As to each such document or other writing, please identify:

- A. The County Board member having such document or writing;
- B. The nature of the document or writing;
- C. The date upon which said County Board member came into possession of said document or writing.

**ANSWER:** This interrogatory is not directed to WMII and therefore no response or answer is necessary or appropriate.

6. Please identify all sources of materials outside the official public records consulted by, used or considered by any County Board Member in evaluating, weighing or deliberating of the Application or any of the evidence submitted regarding the same.

**ANSWER:** This interrogatory is not directed to WMII and therefore no response or answer is necessary or appropriate.

7. With regard to the DeKalb County Pollution Control Facility Siting Ordinance and the Articles of Rules and Procedures supplementary to the provisions of the Ordinance please state:

- A. Who drafted said ordinance and rules and procedures;
- B. What input did WMII have in drafting or revising said ordinance and rules and procedures;
- C. Where did the County get the language for Article III, Section 5 of the Rules and Procedures.

**OBJECTION:** WMII objects to this interrogatory because it seeks information that is not relevant to any issue in this appeal, and is not reasonably calculated to lead to the discovery of any relevant information.

8. Describe in detail the policies and procedures in place for public access to the Application, including public copying of the Application prior to the commencement of the siting hearing, and with respect to all such policies and procedures please identify:

- A. The person or persons who developed such policies and procedures;
- B. Whether there is any document related to or evidencing such policies and procedures; and
- C. What input WMII had into the development or implementation of such policies and procedures.

**ANSWER:** WMII has no knowledge or information regarding the policies or procedures the County may have had in place for public access to the Application, other than what may be included in provisions of the Illinois Environmental Protection Act (415 ILCS 5/39.2), the DeKalb County Pollution Control Facility Siting Ordinance No. 2007-12, and the Articles of Rules and Procedures, Resolution R2007-65, September 19, 2007 and August 19, 2009. WMII provided no input into the development or implementation of such policies and procedures.

Dated August 9, 2010.

Respectfully submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

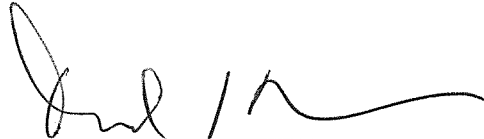
By: 

One of its Attorneys

Donald J. Moran  
Pedersen & Houpt  
161 N. Clark Street  
Suite 1600  
Chicago, Illinois 60601  
(312) 641-6888

**CERTIFICATION**

I, Donald J. Moran, under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, certify that I have read the foregoing answers to Petitioner Stop the Mega-Dump's First Set of Interrogatories, and that the answers are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Donald J. Moran

**DRAFT**  
**Ad Hoc Solid Waste Committee**  
**February 9, 2009**  
**@9:00a.m.**

The DeKalb County Ad Hoc Solid Waste Committee met on Monday, February 9, 2009, @ 9:00a.m. in the Administration Building's Conference Room East. Chairman Ruth Anne Tobias called the meeting to order. Members present were Ken Andersen, Vince Faivre and Pat Vary. Others present were Ray Bockman, Paul Miller, Greg Millburg, Michael Haines, Mr. Lee Adlemann, Mr. Bill Plunkett and Mr. Dale Hoekstra of Waste Management.

**APPROVAL OF THE MINUTES**

Moved by Ms. Vary, seconded by Mr. Andersen, and it was carried unanimously to approve the minutes of September 2008.

**APPROVAL OF THE AGENDA**

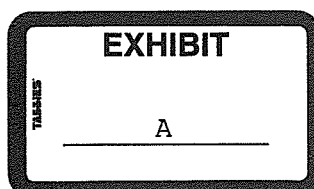
Moved by Mr. Faivre, seconded by Ms. Vary, and it was carried unanimously to approve the agenda as presented.

**DRAFT HOST FEE AGREEMENT DISCUSSION**

Mr. Ray Bockman, DeKalb County Administrator, briefly informed the committee that he had contracted with Mr. Russell Selman, Attorney, to perform a legal review of the Host Fee Agreement. He had received his comments on the Agreement last night. The changes are lawyerly, said Mr. Bockman. He also said that Patrick Engineering is looking at the Agreement for any technical changes that may have to be made. Mr. Bockman then turned over the meeting to Mr. Lee Adlemann and Mr. Dale Hoekstra of Waste Management.

Mr. Adlemann listed highlights from the September 2008 meeting and handed out a concept drawing to the committee that will be considered by the full County Board and full Forest Preserve Commissioners. He then complemented everyone that sits on the County's negotiating team. Mr. Adlemann said that it should take about 4 to 6 months to file an Application for the County Board to consider. Below is the list of highlights on the Host Fee Community Agreement that Mr. Adlemann covered:

1. A total capacity of 22 million tons.
2. A guarantee of 25 years for DeKalb MSW
3. A cap of 500,000 tons per year (2,000 tons a day with 1,600 tons from out-of-county volume)
4. A guaranteed minimum of 375,000 tons TPY
5. A host fee of \$4.60 ton
6. An annual escalator clause of the lesser of CIP-U (Chicago Region) or 5%



7. A property value guarantee for ½ mile from the site's waste mass footprint. Mr. Adelman said that if the property is touched by the "arc" then the total amount of property would be covered as of the date of the Host Fee Agreement by the County Board.
8. A well water guarantee for properties within the ½ mile aforementioned. Mr. Adelman explained that this will be monitored on a quarterly timeframe.
9. Free disposal for DeKalb County Government and Buildings and Forest Preserves.
10. A fee of \$25,000 per year for an annual Household Hazardous Waste Event.
11. A one-time payment of \$50,000 for the Forest Preserve District's end-use planning.
12. A 99-year of 12-15 acres of WMI property on Gurler Road for \$1.00 per year.
13. An Environmental Contingency Insurance Fund of \$20 million
14. A General Comprehensive Insurance of \$10 million
15. A cooperation Agreement with the DeKalb County Economic Development Corporation (DCEDC) with a one-time contribution of \$80,000.
16. A verbal commitment for a pre-filing review with a commensurate payment of \$75,000.

Mr. Haines asked who owns the land at post closure?

Mr. Adelman said that the County could lease the property from Waste Management for \$1.00 a year as an example.

He also said that they are donating land to the County, about 12 to 15 acres. He continued by saying that on the drawing that they handed out to the committee this morning, you would find the parcel located on the left hand side of the drawing that shows the existing site. The donated land sits in the lower right hand corner of that portion of the drawing.

Mr. Adelman then said that Waste Management will be relocating the flare from I-88 and move it closer towards the entrance of the facility. There is enough methane gas to upsize the flare – they are seeing 880 cubic feet per minute now. They need to see 1200 cubic feet in the output of the methane gas to put in the engine for the production of electricity.

The unlined area on the drawing is right above the donated land to the County. It is in the existing landfill area located on the left hand side of the drawing. They are going through a remediation project by the EPA currently. They will relocate the refuse that is contaminated. It is a very expensive project and they are willing to include this in the agreement.



Mr. Adelman said that referring to item #14 regarding the DCEDC and one-time contribution of \$80,000, Waste Management would also be giving \$5,000 annually to the Corporation. The \$80,000 is to help promote DeKalb County as a destination for businesses.

Ms. Vary said that in the beginning the committee was saying that the most waste that they wanted to increase the tonnage to was 1500 tons a day over 25 years.

Mr. Adelman said that they would be trying to attract businesses to locate here in DeKalb County and stimulate the economy. Every ton of DeKalb County waste will displace out-of-county waste. With 2,000 tons per day, which is the goal, at \$4.60 a ton, through the lifetime of the landfill, would bring in \$150,000,000.

Mr. Hoekstra said that he believed that the County of DeKalb is on the verge of the next stage of development and growth.

Chairman Tobias asked if this would be considered a very large dump?

Mr. Adelman said no, the one in Pontiac, Illinois takes in 20,000 tons per day and is #1 or #2 in the U.S. in terms of volume.

Mr. Hoekstra said that Settler's Hill only took in between 4,000 to 5,000 tons a day. Your landfill expansion is considerably lower. If you take a trip to Prairie View and view their operations, you will see what we are talking about, he further stated. They take in 2,400 tons a day.

Chairman Tobias then asked how many trucks per day are we talking about, again?

Mr. Adelman said 80 trucks in bound over a 10-hour day. Outbound truck numbers are different. The trucks will be coming in at non-peak hours.

Mr. Hoekstra said that he didn't feel that the DeKalb Landfill will be seeing a lot of transfer trailers a day – we will be seeing some direct haul.

Mr. Adelman also pointed out that as an example 8 trucks an hour at 8 minutes apart would be coming into the landfill over a 10-hour day. Transfer trailers will have a defined route.

Mr. Haines asked about the closing of the recycle areas in Genoa-Kingston. He is asking if in the Host Fee Agreement there could be an insert including some required amount to be put towards a recycling center for the Northern and Southern parts of the County?

Mr. Bockman said that he would check with Waste Management about whether or not this could be done.

Mr. Bockman said that Mr. Roger Steimel asked him if he could ask Waste Management what the finished height would be?

Mr. Hoekstra said 980' in the new section.

The committee thanked Mr. Adelman, Mr. Hoekstra and Mr. Plunkett for their presentation.

The committee excused Waste Management from the committee's discussion about the presentation.

Mr. Bockman said that we have one landfill in the County and Waste Management is asking for an expansion.

Mr. Haines said that he would like to know who are the biggest users of the landfill?

**It was moved by Ms. Vary, seconded by Mr. Faivre and it was carried unanimously to forward this draft Host Fee Agreement, which will include Patrick Engineering's and the County lawyer's changes, to the full county board for their Workshop scheduled for 2/24/09 @ 7:00p.m. in the Gathertorium.**

Mr. Haines then asked if the recycling issue for the Northern and Southern parts of the County could also be included in the agreement?

Mr. Bockman said that he would, again, contact Waste Management about the request from Mr. Haines.

## **ADJOURNMENT**

Moved by Mr. Andersen, seconded by Ms. Vary, and it was carried unanimously to adjourn the meeting.

Respectfully submitted.

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Chairman Ruth Anne Tobias

RAT:mcs

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**DEKALB COUNTY BOARD**

**HOST COMMUNITY AGREEMENT WORKSHOP MEETING  
MINUTES**

**FEBRUARY 24, 2009**

The DeKalb County Board met on February 24, 2009 at 7:00 p.m. in the Gathertorium located in the

DeKalb County Legislative Center, 200 N. Main Street, Sycamore, IL. Chairman Ruth Anne Tobias

called the workshop to order. Those county board members present were Ken Andersen, Pat Vary,

Anita Turner, John Hulseberg, Kevin Chambliss, Sally DeFauw, Pat LaVigne, Marlene Allen, Riley

Oncken, Jeff Metzger, Sr., Julia Fauci, Eileen Dubin, Larry Anderson, Paul Stoddard, Mark Todd

and Scott Newport. Others present were Debbie Heckland and Mike Hay of Waste Management,

Bob Seyller, Terry Hannan, Sharon Holmes, John Farrell, Paul Miller, Ray Bockman, Bob Drake,

Gary Hanson, Karen Grush, Elena Grimm and Doug Dashner.

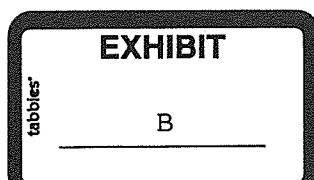
Ray Bockman, DeKalb County Administrator, began the meeting by introducing Mr. Lee Addleman,

Mr. Bill Plunkett and Mr. Dale Hoekstra of Waste Management, Inc. Mr. Addleman began the

presentation explaining the 15 points of highlights from the Host Fee Agreement. Those 15 points

are as follows:

- A total capacity of 22 million tons
  - A guarantee of 25 years for DeKalb MSW
  - A cap of 500,000 tons per year
  - A guaranteed minimum of 375,000 TPY
  - A host fee of \$4.60 a ton
  - An annual escalator clause of the lesser of CPI-U (Chicago Region) or 5%
  - A property value guarantee for ½ mile from the site's waste mass footprint
  - A well water guarantee for properties within the ½ mile aforementioned
  - Free disposal for DeKalb County Government buildings
  - A fee of \$25,000 per year for an annual Household Hazardous Waste event
  - A one-time payment of \$50,000 for the Forest Preserve District's end-use planning
  - A 99 year long-term lease of 12-15 acres of WMI property on Gurler Road for \$1 per year
  - An Environmental Contingency Insurance Fund of \$20 million-- County is indemnified
  - A General Comprehensive Insurance of \$10 million A cooperation agreement with the DCEDC with a one-time contribution of \$80,000.
  - A verbal commitment for a pre-filing review with a commensurate payment of \$75,000
- Mr. Addleman then explained the "Talking Points" to the contract to the County Board Members.



He said that every ton of waste that comes into DeKalb County could be displaced by DeKalb

County waste. The County has a guarantee from Waste Management for 25 years for their site to be

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at capacity. There is an unlined portion of the site and Waste Management will remove this

contaminated portion and place it in a new cell that is lined at their costs.

They will be an asset to the County and will bring businesses here to the County for economic

growth. Union Ditch will have a bridge span it and a bio-filter swale will be installed by Waste

Management. The flare will be moved from its current site to the new entrance of the landfill off of

Somonauk Road, possibly in June. They would like to eventually put in a "gas-to-energy engine",

Mr. Addleman said.

As far as recycling, they would like to enhance it. There was some contamination at a couple of

their sites and so they closed them. They are now looking at opening 4 recycling locations at the

northern end, southern end and two other locations in the county, possibly the center of the County

and NIU. They are totally committed to recycling in DeKalb County. They need a fenced in yard,

need operating hours and someone monitoring what is going into the facility.

Mr. Addleman opened up the discussion to questions at this point in the workshop.

Mr. Stoddard asked if there were a potential ground water contamination, what kind of remediation

would there be?

Mr. Addleman said that if there was contamination they would do a quarterly baseline determination

and they test the water for a broad array of parameters. The County's consultant, Patrick Engineering, asked for more items to be added, which increases the parameters and exceeds Federal

Guidelines and will support it.

Mr. Hoekstra said that there are 27 groundwater-monitoring wells on the site now. They measure in

parts per million and sometimes per billion.

Mr. Addleman said that ninety (90) feet of clay is under the new section that they have chosen,

which is very good.

Ms. Julia Fauci asked if the Forest Preserve was getting \$100,000 in the agreement?

Mr. Bockman, DeKalb County Administrator, said yes, it is in the contract.

Mr. Addleman pointed out that the elevation top height is at 945' above sea level currently and that

the new area will be at 980' at some points, but not all.

Mr. Hulseberg asked about recycling support, Section 22, page 18, first sentence "...at such time as active operations of the landfill cease. Does that mean that at sometime before the life of the landfill has been reached, Waste Management decides to end its recycling program and terminate it?

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Mr. Addleman said that DeKalb County has been doing recycling for a long time and that we should

be proud of it. Their programs on the collections side of their business will go on without any

termination of operation, they will always offer refuse and recycling collection. During the

operation of the site, which we estimate to be a minimum of 25 years, there will be an ongoing

recycling component at the landfill, but we want to stimulate that to other areas. One of the things

that we have been talking about is that maybe rather than having a roll off box that is vulnerable to

contamination that requires a truck and a person. Maybe the way to approach this is a township

basis where they put in front-end loaders & turn it into a regular route. He also reminded everyone

present that everyone here could have both pickups for refuse and recycling at their homes for a fee

in the County.

Mr. Larry Anderson asked Mr. Addleman that if Waste Management were sold would the transferee

have to adhere to this agreement?

Mr. Addleman said that the transferee would need to abide to everything in this Agreement.

Mr. Bockman said that the next step would be that we would place this item on the March Meeting

Agenda and if it is approved there then we would pause for about 6 to 8 months and then the 172

process would start in the Fall of 2009. We would need to appoint a 7 member committee comprised of county board members. This committee's meeting would be very formal and would

have to go through the legal process. This process may conclude by February of 2010.

Chairman Tobias thanked everyone present for a very good workshop and presentation.

Respectfully submitted,

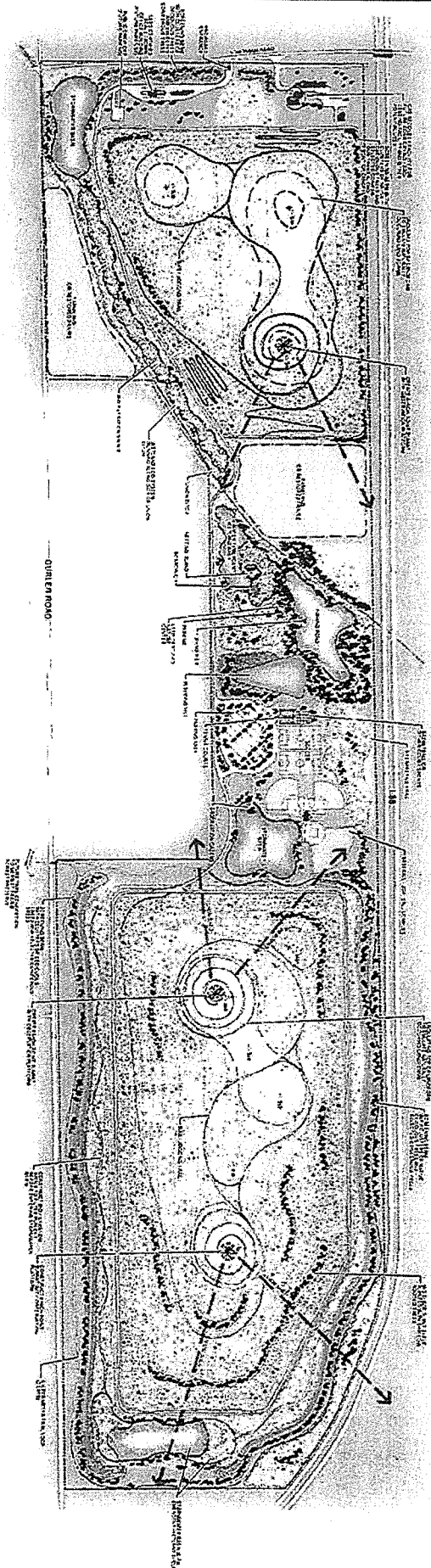
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Chairman Ruth Anne Tobias

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Mary C. Supple, Secretary

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CONCEPTUAL END USE PLAN  
SCALE: 1" = 200'  
DATE: 10/10/00

**Lannert Group**  
WASTE MANAGEMENT  
CONSULTANTS  
2000 Lannert Group  
Lannert Group 60704

**WASTE MANAGEMENT**  
OF A LANNERT  
**WMA**

## Riley Oncken

**From:** Addleman, Lee [laddleman@wm.com]  
**Sent:** Monday, November 30, 2009 5:25 PM  
**To:** Riley N. Oncken, Esq.  
**Subject:** RE: Speaker for Rotary

Hola Riley,

I'll await Dave's email. Thanks!

Lee

-----Original Message-----

**From:** Riley N. Oncken, Esq. [mailto:rno@yourlawsmith.com]  
**Sent:** Monday, November 30, 2009 4:03 PM  
**To:** 'Dave McCann'  
**Cc:** Addleman, Lee  
**Subject:** RE: Speaker for Rotary

Dave:

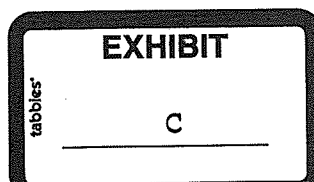
As you requested, Lee Addleman's e-mail is [laddleman@wm.com](mailto:laddleman@wm.com). Because Waste Management has now filed its application for the landfill, I cannot have any communication with him, other than simple pleasantries, so it would be best for you to contact him directly to schedule his talk at Rotary. Lee lives in Costa Rica and is only available during the third week of each month. I have cc'd him on this e-mail.

Sincerely,

Riley N. Oncken, Esq.  
Smith, Wykes & Associates, P.C.  
513 West State Street  
Sycamore, Illinois 60178  
Phone: (815) 895-1966  
Fax: (815) 895-1968  
[www.yourlawsmith.com](http://www.yourlawsmith.com)

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Waste Management recycles enough paper every year to save 41 million trees. By not printing this email, you can help save even more.



**PROOF OF SERVICE**

I, Tasha Madray, a non-attorney, on oath states that she served the foregoing Waste Management of Illinois, Inc.'s **Answers and Objection to Petitioner Stop the Mega-Dump's First Set of Interrogatories** via email to:

george@muelleranderson.com

Mr. George Mueller  
Mueller Anderson, P.C.  
609 Etna Road  
Ottawa, IL 61350

and by enclosing same in an envelope addressed to the following parties as stated below, and by depositing same in the U.S. mail at 161 N. Clark St., Chicago, Illinois 60601, on or before 5:00 p.m. on this 9<sup>th</sup> day of August, 2010:

Ms. Renee Cipriano  
Ms. Amy Antonioli  
Schiff Hardin LLP  
233 South Wacker Drive  
Suite 6600  
Chicago, IL 60606

Mr. John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, IL 60601

Mr. Brad Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, IL 60601

John Farrell  
DeKalb County State's Attorney  
Legislative Center  
200 N. Main Street  
Sycamore, IL 60178

  
\_\_\_\_\_  
Tasha Madray