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STATE OF ILLINOIS  
Pollution Control Board

STATE OF ILLINOIS )  
  ) SS:  
COUNTY OF C O O K )

ILLINOIS POLLUTION CONTROL BOARD  
November 22, 2010

STOP THE MEGA-DUMP,                    )  
  )  
  ) Petitioner,                    )  
  )  
  ) vs                                    )  
  )  
COUNTY BOARD OF DEKALB                )  
COUNTY, ILLINOIS, and WASTE         )  
MANAGEMENT OF ILLINOIS, INC.,        )  
  )  
  ) Respondents.                    )

PCB 10-103  
(Third-Party  
Pollution Control  
Facility Siting  
Appeal)

REPORT OF PROCEEDINGS at the hearing of the  
above-entitled cause before Bradley P. Halloran,  
Hearing Officer, taken before Rebecca A. Graziano,  
Certified Shorthand Reporter within and for the  
County of Cook and State of Illinois, at the DeKalb  
County Health Department, DeKalb, Illinois,  
commencing at the hour of 9:00 a.m. on the 22nd day  
of November, A.D., 2010.

A P P E A R A N C E S

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MUELLER ANDERSON PC,  
609 East Etna Road  
Ottawa, Illinois 61350  
(815) 431-1500  
BY: MR. GEORGE MUELLER

Appeared on behalf of the Petitioner,

SCHIFF HARDIN LLP,  
6600 Sears Tower  
Chicago, IL 60606  
(312) 258-4720  
BY: MS. AMY ANTONIOLLI

Appeared on behalf of the Respondent, the DeKalb  
County Board,

PEDERSEN AND HOUPPT,  
161 North Clark Street  
Suite 3100  
Chicago, Illinois 60601  
(312) 261-2149  
BY: MR. DONALD J. MORAN

Appeared on behalf of the Respondent, Waste  
Management of Illinois, Inc.

1 MR. HALLORAN: We are on the record.  
2 Good morning. Thanks for being here. My  
3 name is Bradley Halloran. I'm a hearing  
4 officer with the Illinois Pollution Control  
5 Board. First of all, I want to thank Mary  
6 Supple and the Department of Public Health  
7 for these great facilities.

8 In any event, this case is  
9 entitled Stop the Mega-Dump, petitioner,  
10 versus County Board of DeKalb County,  
11 Illinois, and Waste Management of Illinois  
12 Inc., respondents. Our docket number is  
13 PCB 10-103. It's a third-party pollution  
14 control facility siting appeal. I'll let  
15 Mr. Mueller expound on the issues if he so  
16 chooses at opening.

17 Today is November 22nd, 2010.  
18 It's approximately 9:05 a.m. The hearing has  
19 been scheduled in accordance to the Act and  
20 the board's procedural rules, and it will  
21 also be conducted according to the procedural  
22 rules found in Sections 107 and 108. And I  
23 will -- I briefly talked off record earlier,  
24 I will let -- there seems to be about 75

1 citizens out in the -- in the seating outside  
2 counsels' tables. I will let them make a  
3 public comment if they so choose if time  
4 allows.

5 And if anybody has to go to work  
6 or is on a tight schedule, my first knee jerk  
7 reaction is to, after our first break or  
8 during our first break, it will probably be  
9 about an hour, hour and a half. If you have  
10 to leave, you can come up here and make a  
11 public comment before we break for our  
12 recess. Does anybody have time constraints  
13 they have to go to work or other duties  
14 within the next hour and a half? I see no  
15 hands. But we'll address that prior to the  
16 first break.

17 In any event, I will not be making  
18 the ultimate decision. It's up to the five  
19 members of the board. They'll take a look at  
20 the record, the transcript of this hearing,  
21 and any post-hearing briefs, including public  
22 comments, before they render a decision. I'm  
23 here to rule on evidentiary matters and make  
24 sure the hearing goes in an orderly fashion.

1 I guess at this time, if there's  
2 no issues -- preliminary issues, Mr. Mueller,  
3 would you like to introduce yourself?

4 MR. MUELLER: Good morning,  
5 Mr. Halloran. George Mueller. I represent  
6 Stop the Mega-Dump, a citizens organization.

7 MR. HALLORAN: Thank you, Mr. Mueller.  
8 Ms. Antoniolli?

9 MS. ANTONIOLLI: Good morning,  
10 Mr. Hearing Officer. My name is Amy  
11 Antoniolli from Schiff Hardin and I'm here on  
12 behalf of the DeKalb County Board.

13 MR. HALLORAN: Thank you, Mr. Moran?

14 MR. MORAN: Thank you. My name is  
15 Don Moran. I represent the applicant, Waste  
16 Management of Illinois, Inc.

17 MR. HALLORAN: Thank you, Mr. Moran.  
18 Any preliminary issues we need to discuss  
19 before I ask Mr. Mueller to do an opening?  
20 Guess not. Mr. Mueller, the floor is yours.

21 MR. MUELLER: Thank you, Mr. Halloran.  
22 We have previously filed, I think, a  
23 comprehensive petition for review on behalf  
24 of the citizens in this case. The issues



1 requested counsel speak louder.)

2 MR. HALLORAN: All right. Can you  
3 just speak up, or do you have a mike?  
4 Thanks.

5 MS. ANTONIOLLI: Okay. Is this --

6 MR. HALLORAN: Try to move as close as  
7 you can.

8 (Whereupon, a discussion was had  
9 off the record.)

10 MS. ANTONIOLLI: Good morning. Let's  
11 try this again.

12 Contrary to what Stop the  
13 Mega-Dump has alleged in its petition, the  
14 proceedings held by the DeKalb County Board  
15 met the fairness -- the fundamental fairness  
16 requirements applicable to a siting  
17 authority.

18 I cannot stress enough that the  
19 county took its responsibilities with respect  
20 to these proceedings very seriously. The  
21 evidence will show that the county made the  
22 siting application available for public  
23 inspection, and that it went above and beyond  
24 when asked to provide electronic versions of

1           that application.

2                   The record will also show that  
3           during the six days of hearing -- the record  
4           will also show that during the six days of  
5           hearing, the hearing officer went out of his  
6           way to accommodate anyone who wished to  
7           participate the opportunity to do so. Time  
8           and time again, the public was accommodated  
9           to allow for questions or comments to be made  
10          on the record.

11                   The evidence will also show that  
12          the members of the DeKalb County Board did  
13          not prejudge the application, but rather made  
14          an impartial decision on the application  
15          based on whether the evidence met the nine  
16          siting criteria.

17                   Let me say this again: The  
18          members of the DeKalb County Board made an  
19          impartial decision on the application, one  
20          that met the requirements of the Illinois  
21          Environmental Protection Act, and the  
22          precedent of Illinois courts and the  
23          Pollution Control Board.

24                   The common thread you'll see



1 throughout the evidence of record is that the  
2 objector's main concern, one that is not  
3 specific to this landfill siting appeal or  
4 unique to this landfill siting appeal, was  
5 not that the county failed to follow proper  
6 procedures, but rather that the procedures  
7 themselves, those set forth by Illinois law  
8 and the county ordinance, seem unfair.

9 But these concerns were -- these  
10 concerns did not form the legal -- a legal  
11 basis for overturning the county's decision.  
12 And when all of the evidence is presented on  
13 these issues, it will be clear that the  
14 county's decision met the standards of  
15 fundamental fairness. The county's decision  
16 was supported by the siting record with  
17 respect to the contested criteria and that  
18 the county's decision should be affirmed.  
19 Thank you.

20 MR. HALLORAN: Thank you. Mr. Moran?

21 MR. MORAN: Thank you. This appeal,  
22 first and foremost, addresses and raises the  
23 question of whether the proceedings before  
24 the DeKalb County Board were fundamentally

1 fair. And indeed, Illinois law provides that  
2 the public hearing is the most critical stage  
3 of this entire site location approval  
4 process.

5 The law also makes very clear what  
6 requirements have to be satisfied in order  
7 for the proceeding to be fundamentally fair,  
8 and those elements were established and were  
9 met here. They include, first, when the  
10 application for site location approval is  
11 filed with the county board, as it was in  
12 this instance, on November 30th, 2009, that  
13 that application, in written form, be made  
14 available to any person who requested either  
15 the right to review it or to have it copied.

16 And in this instance, the DeKalb  
17 County clerk's office maintained that site  
18 location application for the entire period  
19 from the date of its filing through the  
20 decision by the County Board on May 10, 2010.  
21 Any person who came into that office and  
22 requested an opportunity to either review or  
23 have that application copied was given that  
24 opportunity.

1                   Secondly, the process requires  
2                   that any person who wishes to submit any  
3                   information, any evidence, any testimony with  
4                   respect to the site location application and  
5                   those nine statutory criteria, have an  
6                   opportunity to do so at the public hearing.

7                   The public hearing was scheduled  
8                   by DeKalb County to begin on March 1st of  
9                   2010. It ran that entire week from March 1st  
10                  through March 5th, and the final day of the  
11                  hearing was scheduled on March 11th. So  
12                  there were six full days of hearings that  
13                  fully allowed any person -- any interested  
14                  person to come in and present whatever  
15                  testimony, whatever facts, whatever  
16                  information, they believe was important and  
17                  they wanted to present.

18                  And indeed, as many of you who  
19                  attended the hearings will recall, the  
20                  hearing officer, Mr. McCarthy, made eminently  
21                  clear that any person who wished to come in  
22                  and wished to be heard, either through  
23                  testimony or through submitting a public  
24                  comment, would be allowed to do so. In fact,

1 Mr. McCarthy bent over backwards to urge and  
2 enlist any person who wished to speak to do  
3 so, and that he would accommodate the  
4 schedule of hearings to permit that to occur.

5 Based upon that information and  
6 that direction, there were many people who  
7 testified and gave comment during the course  
8 of the hearing. There was not a single  
9 person who was prevented, limited, or refused  
10 the opportunity to participate. That is the  
11 crux of the fundamental fairness aspect of  
12 presenting evidence and testimony reflecting  
13 the views of the persons appearing. There  
14 was not a single person who was denied that  
15 right.

16 Similarly, there was not a single  
17 person who was refused or denied the right to  
18 review or obtain a copy of the site location  
19 application from the County Board. That,  
20 ladies and gentlemen, is the essence of the  
21 fundamental fairness of this proceeding and  
22 why, in this instance, DeKalb County went out  
23 of its way to ensure that that fundamental  
24 fairness was as solid and as complete and as

1 comprehensive as any could be.

2 And on that basis, any contention  
3 that there was fundamental unfairness in this  
4 proceeding must be rejected. Thank you.

5 MR. HALLORAN: Thank you, Mr. Moran.  
6 Mr. Mueller, your first witness.

7 MR. MUELLER: Mr. Halloran, the  
8 parties had, prior to this hearing, reached  
9 an agreement that in lieu of calling certain  
10 witnesses, we would submit the transcripts of  
11 their discovery depositions, which have been  
12 taken over the past several months. I have a  
13 number of those transcripts to submit, with  
14 the stipulation that if these individuals  
15 were called, they would testify in accordance  
16 with the testimony they gave at their  
17 discovery depositions.

18 Those transcripts would include  
19 the deposition of Anita Jo Turner,  
20 T-u-r-n-e-r, Mary Supple, S-u-p-p-l-e, Ray  
21 Bockman, B-o-c-k-m-a-n, Marlene Allen, Ruth  
22 Ann Tobias, T-o-b-i-a-s, Patricia Vary,  
23 V-a-r-y, Riley Oncken, O-n-c-k-e-n, Lee  
24 Adelman, A-d-e-l-m-a-n, Julia Fauci,

1 F-a-u-c-i, Steve Walt, Michael Haines,  
2 H-a-i-n-e-s, Paul Stoddard, Chris Burger,  
3 B-u-r-g-e-r, Sharon Holmes, and Gerry Lynn  
4 Kunde, K-u-n-d-e. And I've got the originals  
5 of all of those transcripts for your Honor at  
6 this time.

7 MR. HALLORAN: Any objection?

8 MS. ANTONIOLLI: I have no objection.

9 MR. MORAN: We have no objection.

10 MR. HALLORAN: Okay. Thank you. I  
11 think what I plan to do -- Mr. Mueller, you  
12 haven't had a chance to mark this. I think  
13 we're going to take these as Exhibits 1  
14 through 15, number one starting with  
15 Ms. Turner. We'll go through it when we do  
16 housekeeping work later on, but I'll take  
17 them as exhibits -- with no objection,  
18 Exhibits 1 through 15, the stipulated  
19 depositions. Thank you.

20 MR. MUELLER: Your Honor, in addition,  
21 there were certain deposition exhibits which  
22 were marked and used during those  
23 depositions. The exhibits were not attached  
24 by the court reporter to the original

1 transcripts, and I have made a set of the  
2 entire deposition exhibits. I've already  
3 given a copy to opposing counsel, and would  
4 ask that that then be received by your Honor  
5 as Exhibit 16.

6 MR. HALLORAN: Any objection?

7 MR. MORAN: None.

8 MS. ANTONIOLLI: No.

9 MR. HALLORAN: So taken as Exhibit 16  
10 into evidence.

11 MR. MUELLER: Your Honor, we're then  
12 prepared to call live witnesses, and we would  
13 start out with Paulette Sherman.

14 MR. HALLORAN: Thank you. Ms. Sherman,  
15 I think if you come up here and sit in this  
16 chair, you may need a mike, but Rebecca will  
17 swear you in. I think Mr. Moran has a mike.  
18 Is it on?

19 MR. MORAN: I don't think so.

20 THE WITNESS: I don't know how to turn  
21 it on.

22 MR. HALLORAN: If you raise your right  
23 hand, Rebecca will swear you in.

24 (Witness sworn.)

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WHEREUPON:

PAULETTE SHERMAN

called as a witness herein, having been first duly sworn, deposeth and saith as follows:

D I R E C T E X A M I N A T I O N

BY MR. MUELLER:

Q. Would you state your full name, please?

A. My name is Paulette Danielle Sherman.

Q. And Ms. Sherman, where do you reside?

A. 552 Kendall Lane in DeKalb, Illinois.

Q. Were you present during the public hearings on the Waste Management siting application last March?

A. For most of them, yes, I was.

Q. Ms. Sherman, are you familiar with County Board member Riley Oncken?

A. Yes.

Q. How do you know him?

A. I met Riley in 2004. I became associated with the NIU College Republicans and the DeKalb County Young Republicans, other organizations like that, and he was also a member of those things,



1 so I'd see him at numerous different events, and  
2 then we had a lot of friends in common.

3 Q. During the first day of the public  
4 hearing last spring, did you happen to have a  
5 conversation with Mr. Oncken during a break in the  
6 proceedings?

7 A. Yes.

8 Q. And do you remember approximately when  
9 that conversation took place?

10 A. It was on the first day we had a  
11 morning break. They had been talking about whether  
12 or not it was fair that the county board members  
13 were told not to speak to constituents about the  
14 proceedings of the hearing, and so right after that  
15 break in the morning time we had a conversation.

16 Q. Who was present for that conversation?

17 A. I had -- some girl had introduced  
18 herself to me. I don't recall her name, but there  
19 was kind of a large group of people standing around,  
20 sort of just middling about in the back. And when  
21 Riley walked up, I sort of disengaged from that  
22 conversation and was just talking to him, but there  
23 were people standing all around.

24 Q. Before we go to the conversation, are

1 you also familiar with Clay Campbell?

2 A. Yes.

3 Q. And what is your background with him?

4 A. I met Clay Campbell around the same  
5 time that I met Riley Oncken. In 2004 he was a  
6 speaker at a College Republicans meeting, and during  
7 that time I was just helping out on his campaign.

8 Q. Ms. Sherman, can you relate to the  
9 Board the substance of the conversation that you had  
10 with Mr. Oncken, to the best of your recollection?

11 A. Sure. I think, you know, obviously we  
12 just said hi to each other, how's it going, and then  
13 he had made a comment to me that he thought Clay  
14 Campbell was tanking his campaign by, sort of,  
15 taking a side on the Mega-Dump, and I asked him why  
16 he thought that was true, and he said that he felt  
17 like all the people there were just crazies with,  
18 you know, nothing better to do with their time, or  
19 too much time on their hands, something along those  
20 lines, and he said, "We've already made up our  
21 minds," and sort of just -- and then he said  
22 something like, "I don't know why all of these  
23 people are here. We've already made up our minds."  
24 I think that was it.

1 Q. Was there any further conversation  
2 between you and him at that point?

3 A. I kind of just wanted to end the  
4 conversation at that point, because he obviously  
5 was, I don't know, not being pleasant. I think I  
6 just said, "Okay," and walked away.

7 MR. MUELLER: That's all the questions  
8 I have, your Honor.

9 MR. HALLORAN: Thank you.  
10 Ms. Antonioli?

11 MS. ANTONIOLLI: I will allow  
12 Mr. Moran to start.

13 MR. HALLORAN: Okay. Mr. Moran?

14 MR. MORAN: Thank you.

15 C R O S S - E X A M I N A T I O N

16 BY MR. MORAN:

17 Q. Ms. Sherman, you said you attend the  
18 the first day of the hearings?

19 A. Correct.

20 Q. Do you recall what occurred during the  
21 first part of the first day of the hearing?

22 A. I believe I said I thought it was the  
23 discussion regarding why county board members  
24 weren't allowed to speak to the public about the

1 whole process, I suppose. And then there was the  
2 discussion about the electronic copy of the siting  
3 application. I don't remember if that was before or  
4 after, but I remember those were all things that  
5 were addressed on the first day.

6 Q. Had any witnesses testified during the  
7 morning of the first day of the hearing before you  
8 had this discussion with Mr. Oncken?

9 A. No.

10 Q. So you're saying on the first day, the  
11 first hearing, at the first break, Mr. Oncken came  
12 up and started talking to you?

13 A. That sounds correct, yes.

14 Q. And you were talking about another  
15 woman at the time, but Mr. Oncken came in to speak  
16 with you as you were having this other discussion,  
17 correct?

18 A. Well, we, I guess, sort of made eye  
19 contact, and I waved, and then we started talking.  
20 It wasn't like he made a beeline for me to talk.

21 Q. And he indicated to you that he  
22 believed that Mr. Campbell, by appearing on behalf  
23 of Stop the Mega-Dump, was tanking his campaign for  
24 state's attorney?

1           A.       Yes.

2           Q.       And how did he explain to you what he  
3 meant by that statement?

4           A.       He really -- well, I asked why Clay  
5 was tanking his campaign, taking his side on an  
6 issue that he cared about, and Riley then just  
7 started talking about how, you know, all the people  
8 there were crazy and had nothing better to do with  
9 their time.

10          Q.       And this is what Mr. Oncken said in  
11 response to your question as to, "Why did you say  
12 Mr. Campbell is tanking his campaign?"

13          A.       Correct.

14          Q.       So in essence, Mr. Oncken didn't even  
15 respond to your question?

16          A.       Well, I think it was an appropriate  
17 response. I asked why he thought Clay was tanking  
18 his campaign, and he said -- his basic sentiment was  
19 that the whole thing was a waste of time, so Clay,  
20 you know, appearing there and, you know, taking his  
21 side and being vocal about it apparently was wrong.

22          Q.       And you were upset that he had made a  
23 comment about Mr. Campbell, because you were working  
24 on Mr. Campbell's primary campaign for state's

1 attorney, correct?

2 A. And Clay is a friend of mine. I  
3 don't -- yes.

4 Q. And you were there at the request of  
5 Mr. Campbell. Is that correct?

6 A. No. Clay invited me, and I -- he  
7 said, "Would you like to go," and I said, "Sure."

8 Q. Well, in fact, you carpooled with him  
9 to the hearing, didn't you?

10 A. Yes.

11 Q. Now, when Mr. Oncken made his comment  
12 about the people who were there, you said that he  
13 also made some statement about, "We've already made  
14 up our minds."

15 A. Correct.

16 Q. Now, when that comment was made, did  
17 anyone ask you to write down what you had heard from  
18 Mr. Oncken?

19 A. Yes. After it happened, I went and  
20 told Clay what he had said, because I thought that  
21 frankly his comments were mean, and Clay asked me to  
22 tell Grace what I had just heard, and then  
23 immediately following that Clay asked if I could  
24 write down what Riley had said to me, and so I did.

1 Q. Now, at this point, Mr. Campbell was  
2 appearing at the hearing to oppose this application,  
3 correct?

4 A. I guess. He didn't say, "Hello, I'm  
5 appearing to oppose this application." We just,  
6 sort, of showed up.

7 Q. Well, and he appeared along with the  
8 Stop the Mega-Dump representatives, correct?

9 A. He was sitting by them.

10 Q. And he, in fact, argued the motion to  
11 dismiss the application which occurred the morning  
12 of that hearing, didn't he?

13 A. I believe so, yes.

14 Q. So the first thing you did after  
15 hearing Mr. Oncken's statements was run to  
16 Mr. Campbell and tell him what you had heard?

17 MR. MUELLER: Judge, I object to the  
18 use of the word "run."

19 MR. HALLORAN: Sustained, Mr. Moran.

20 BY MR. MORAN:

21 Q. Ms. Sherman, so the first thing you  
22 did upon hearing these comments from Mr. Oncken was  
23 go right to Mr. Campbell and tell him, correct?

24 A. Well, it was sort of towards the end

1 of the break. And actually I was sitting near him,  
2 so I kind of returned to my seat and then was  
3 talking to Clay.

4 Q. Well, maybe I misunderstood what you  
5 heard, but I thought you said right after Mr. Oncken  
6 finished with his statements, you didn't say  
7 anything further and you went and told Mr. Campbell,  
8 correct?

9 A. Yes. I went back to my seat and I  
10 talked to Clay.

11 Q. And what did you tell Mr. Campbell?

12 A. I recounted the conversation to him.

13 Q. And when he heard that, did he then  
14 immediately tell you, "Well, you need to write this  
15 down."

16 A. No.

17 Q. He told you to go tell Grace Mott,  
18 correct?

19 A. Correct.

20 Q. Who is Grace Mott?

21 A. A lady. I don't -- I don't understand  
22 the question.

23 Q. You didn't know Grace Mott before  
24 Mr. Campbell told you to go tell her?



1           A.       I had met her that day.

2           Q.       And Ms. Mott is a member of Stop the  
3 Mega-Dump?

4           A.       I now know that, yes.

5           Q.       You didn't know it at the time?

6           A.       I mean, everybody was sitting  
7 together. I guess nobody -- they didn't have shirts  
8 on saying, "I'm a member, I'm not, I'm a member, I'm  
9 not."

10          Q.       So what did you tell Ms. Mott?

11          A.       I, again, recounted the conversation  
12 to her.

13          Q.       And did she say anything to you in  
14 response?

15          A.       I can't -- I'm sure it was something  
16 like, you know, "I can't believe he said that," or,  
17 you know, something along those lines.

18          Q.       Are you just speculating about what  
19 she said, or do you actually remember that she said  
20 something to you?

21          A.       She said -- I don't recall the exact  
22 conversation. She said something along the lines of  
23 like, "I can't believe Riley would say that." I  
24 can't --

1 Q. At what point -- I'm sorry. Did you  
2 finish?

3 A. I was just going to say I can't recall  
4 exactly what she said. It was some months ago.

5 Q. Now, at what point were you asked to  
6 write down these comments?

7 A. At the end of the break, I went back  
8 down and sat down, and Clay said, "You should write  
9 down what happened so in case you need to remember  
10 it later."

11 Q. And did he say why you should write it  
12 down because you might have to remember it later?

13 A. He did say that. That's what I just  
14 said.

15 Q. And did you write it down?

16 A. I did.

17 Q. What did you write it down on?

18 A. A legal pad that he had in, like, a  
19 portfolio. I didn't have any paper with me.

20 Q. And as you wrote it down, as soon as  
21 you wrote it down, you remembered there was  
22 something you forgot to write down, correct?

23 A. Yes.

24 Q. And what was it that you forgot to

1 write down?

2 A. I actually think I forgot the whole  
3 beginning of the conversation where he said that  
4 Clay was tanking his campaign.

5 Q. What did you do with this document  
6 that you prepared?

7 A. I left it in Clay's possession.

8 Q. Did you ever review it again after you  
9 wrote it?

10 A. No.

11 Q. Did you ever include in it what you  
12 had forgotten to include when you first wrote it?

13 A. No.

14 Q. Have you ever seen the document again  
15 to this day?

16 A. No.

17 Q. You don't even know whether that  
18 document exists to this day, correct?

19 A. No.

20 Q. Now, when Mr. Oncken made the  
21 statement about -- and I think you said that you  
22 believe what he said was, "We have already made up  
23 our minds," correct?

24 A. Correct.

1 Q. Did Mr. Oncken say what he meant when  
2 he used the term "we?"

3 A. No, he did not. But the  
4 conversation --

5 Q. Did Mr. Oncken say what he meant when  
6 he said, "Made up our minds?" Did he say what that  
7 referred to?

8 A. Well, we had been talking about the  
9 hearing that day, so I just assumed he wasn't going  
10 off topic to talk about something unrelated.

11 Q. But that's your assumption, correct?

12 A. I mean, he -- yeah, maybe Riley Oncken  
13 is crazy and cannot follow a conversation. I don't  
14 know.

15 Q. But he didn't tell you what he was  
16 referring to when he said, "We have made up our  
17 minds?"

18 A. Yes, Riley Oncken did use pronouns in  
19 our conversation.

20 MR. HALLORAN: Please hold the  
21 applause, please.

22 BY MR. MORAN:

23 Q. And all I'm asking you is: Did he  
24 explain what he meant by either "we," or, "we have

1 made up our minds?"

2 A. I mean, he made some gestures. Would  
3 you like me to repeat them? He sort of gestured  
4 around when he said he thought all of this was a  
5 waste of time and all of these people -- he was  
6 moving his hands while he was talking. I don't -- I  
7 think it was a pretty reasonable assumption, unless  
8 he, you know, really just cannot follow a  
9 conversation.

10 Q. Now, Mr. Oncken was there as a member  
11 of the Pollution Control Facility Siting Committee.  
12 Is that correct?

13 A. Yes.

14 Q. And did that include other members  
15 aside from Mr. Oncken?

16 A. Yes.

17 Q. Who?

18 A. I can't recall at this point. There  
19 were a number of county board members there that I  
20 was talking to.

21 Q. Well, Mr. Stoddard is on that  
22 committee, correct?

23 A. Correct.

24 Q. Ms. Vary is on it, correct?

1 A. Yes.

2 Q. Mr. Haines is on it, correct?

3 A. I believe so. I'll just take your  
4 word for it.

5 Q. Mr. Ken Anderson is on it, correct?

6 A. I'll just take your word for it. I  
7 don't recall the exact committee membership.

8 Q. Well, my point is when Mr. Oncken  
9 referred to "we," was he referring to any of those  
10 individuals?

11 A. He did not say any of their names. I  
12 assumed we meant the county board.

13 Q. And as we said before, that's simply  
14 your assumption. He didn't say it one way or the  
15 other?

16 A. No.

17 Q. And he also didn't indicate what these  
18 "we" had supposedly made their minds up about, did  
19 he?

20 A. Again, I don't understand. I mean,  
21 people speak with pronouns every day. We were  
22 having a conversation.

23 Q. Were you aware that DeKalb County and  
24 Waste Management of Illinois had entered into a host

1 community agreement?

2 A. Yes.

3 Q. When did you become aware of that?

4 A. I have no idea.

5 Q. Do you know when DeKalb County and  
6 Waste Management of Illinois entered into a host  
7 community agreement?

8 A. I have no idea.

9 Q. Are you aware of whether any county  
10 board members voted not to approve this site  
11 location application?

12 A. I'm sorry?

13 Q. Are you aware of whether any county  
14 board members voted not to approve this site  
15 location application?

16 A. No.

17 Q. So if I were to tell you that there  
18 were eight county board members who voted to reject  
19 the site location application, you would have no  
20 information or understanding as to whether that's  
21 true, correct?

22 A. I don't recall who it was. I did read  
23 that some people had voted against it, but I don't  
24 have any names. I didn't memorize the voting list.

1 Q. And Mr. Anderson, Ken Anderson, sat on  
2 the siting committee, correct?

3 A. You previously stated that. I said I  
4 would have to take your word for it.

5 Q. And he voted no on the site location  
6 application, correct?

7 A. I'll take your word for it, I guess,  
8 if you say so.

9 Q. Thank you, Ms. Sherman.

10 MR. HALLORAN: Thank you, Ms. Sherman.

11 Mr. Mueller, your witness. Redirect?

12 MR. MUELLER: I have nothing further.

13 Thank you.

14 MS. ANTONIOLLI: I have nothing.

15 MR. HALLORAN: Thank you. You may  
16 step down.

17 MR. MUELLER: Actually, Mr. Halloran,  
18 if I may.

19 R E D I R E C T E X A M I N A T I O N

20 BY MR. MUELLER:

21 Q. Ms. Sherman, when you were having your  
22 conversation with Mr. Oncken, was it clear to you  
23 what he was talking about?

24 A. Yes.



1 Q. And you've known him for a while?

2 A. Yes. I've known him for almost six  
3 years.

4 Q. And you know him to be an intelligent  
5 person who has the ability to communicate clearly?

6 MR. MORAN: Objection. It's leading.

7 MR. HALLORAN: All right. Sustained.

8 MR. MUELLER: No further questions.

9 MR. HALLORAN: Thank you. Thank you,  
10 Ms. Sherman. You may step down.

11 THE WITNESS: Thank you.

12 MR. HALLORAN: Thank you. You may  
13 call your next witness.

14 MS. SLAVENAS: Could Mr. Moran use a  
15 microphone?

16 MR. HALLORAN: I'm sorry?

17 MS. SLAVENAS: Could Mr. Moran use a  
18 microphone?

19 MR. HALLORAN: Mr. Moran, the lady in  
20 the gallery would like you to use your  
21 microphone, if possible. Maybe you can turn  
22 it on and lay it on your desk. I don't know.

23 Thank you, Mr. Mueller. Your  
24 second witness.

1 MR. MUELLER: We'll call Danica  
2 Lovings.

3 MR. HALLORAN: Ms. Lovings, if you  
4 raise your right hand Rebecca will swear you  
5 in.

6 (Witness sworn.)

7 MR. MUELLER: Ms. Antonioli, can she  
8 use your mike?

9 You may proceed, Mr. Mueller.  
10 Thank you.

11 WHEREUPON:

12 DANICA LOVINGS  
13 called as a witness herein, having been first duly  
14 sworn, deposeth and saith as follows:

15 D I R E C T E X A M I N A T I O N

16 BY MR. MUELLER:

17 Q. Would you state your name, please?

18 A. Danica Lynn Lovings.

19 Q. And Ms. Lovings, where do you reside?

20 A. At 21 -- is this on -- 21230 Virginia  
21 Road, DeKalb, Illinois.

22 (Whereupon, audience participants  
23 requested the witness speak  
24 louder.)

1 (Whereupon, a discussion was had  
2 off the record.)

3 BY MR. MUELLER:

4 Q. Thank you. We can hear you now.

5 Ms. Lovings, do you recall  
6 attempting to view or get a copy of the Waste  
7 Management siting application before the hearings  
8 last March?

9 A. Yes.

10 Q. And did you have a conversation with  
11 Sharon Holmes, the county clerk, regarding that  
12 application?

13 A. Yes.

14 Q. How did that conversation take place,  
15 and to your recollection, when did it take place?

16 A. It took place the week prior to the  
17 public hearing. I don't know exactly which day.  
18 The conversation started with a member of her staff,  
19 because she wasn't in the office, and I called to  
20 put my name on the list to speak at the hearing and  
21 to request a copy of the application for review  
22 ahead of time, and the staff didn't really know what  
23 to say.

24 They said I needed to talk to

1 Sharon, and then she came in during the conversation  
2 and got on the phone, and she told me that I would  
3 have to go to the public library, the DeKalb  
4 Library, to see that, because it was extensive and  
5 it filled up numerous binders. So that was what she  
6 told me.

7 Q. Did you then ask for a copy of the  
8 application?

9 A. Well, I asked how I could get a copy,  
10 because I was not able to go to the library to spend  
11 that kind of time reviewing.

12 Q. And what did Ms. Holmes tell you in  
13 response to your request for how you can get a copy?

14 A. She just said she was sorry, that the  
15 only way I could review it was to see it at the  
16 public library.

17 Q. And did you also ask to register to  
18 speak?

19 A. I did.

20 Q. What were you told with respect to  
21 that request?

22 A. She told me I had missed the deadline,  
23 which was a week prior to the start of the hearing,  
24 and I was calling the week -- during the week before

1 the hearing. So I had missed the deadline, but she  
2 said she would note my name, but I would really have  
3 to just talk to the hearing officer at the hearing,  
4 and it would be up to him whether or not I would be  
5 allowed to speak.

6 MR. MUELLER: That's all I have.

7 Thank you.

8 MR. HALLORAN: Thank you, Mr. Mueller.  
9 Mr. Moran?

10 MR. MORAN: Thank you, Mr. Hearing  
11 Officer.

12 C R O S S - E X A M I N A T I O N

13 BY MR. MORAN:

14 Q. Ms. Lovings, when you called the  
15 county clerk's office, you asked for a copy of the  
16 application. Isn't that correct?

17 A. Yes.

18 Q. You didn't ask to be able to review  
19 the application that was on file at the county.  
20 Isn't that correct?

21 A. My exact question -- I asked for a  
22 copy of the application. I said I wanted to review  
23 it ahead of the hearing, so I could be somewhat  
24 informed about what I said.

1 Q. Yes, but you didn't ask where you  
2 could go and review the application. You asked how  
3 you could get a copy of the application, correct?

4 A. Yes.

5 Q. And when you were told by Ms. Holmes,  
6 she indicated to you that one of the places that you  
7 could go to obtain a copy of the application was the  
8 DeKalb County Library?

9 A. No. She said I could review it at the  
10 library.

11 Q. Did you ever go to the library to  
12 review the application?

13 A. No, I didn't.

14 Q. Why not?

15 A. Because I didn't have the amount of  
16 hours that it would require to review the  
17 information I wanted to review at the library. I  
18 couldn't spend that much time away from home and  
19 work.

20 Q. Are you a member of Stop the  
21 Mega-Dump?

22 A. Yes.

23 Q. Were you aware that Stop the Mega-Dump  
24 had obtained a DVD of the site location application?

1 A. No, not at that time.

2 Q. Did you ever become aware that the  
3 group had a DVD of the site location application?

4 A. I know someone had an electronic copy  
5 of the transcripts from the public hearing, but I  
6 can't say that I was aware that someone had a DVD of  
7 the actual siting application.

8 Q. Did you ever talk to Mac McIntyre from  
9 the period around February 20th of 2010 until the  
10 end of the public hearings?

11 A. Yes. I spoke to him during that time.

12 Q. Did at any point he indicate to you  
13 that he had a copy of the DVD of the site location  
14 application?

15 A. No. I didn't speak with him that  
16 closely.

17 Q. Were you aware that Dan Kenny had  
18 gotten a copy of the DVD of the site location  
19 application?

20 A. No.

21 Q. Were you aware that Mark Charvat had a  
22 DVD of the site location application?

23 A. No, but then why wasn't I given one?

24 Q. You didn't ask any of these

1 individuals if they had a copy of the site location  
2 application?

3 A. I didn't know two of those  
4 individuals, and I didn't ask the third individual.  
5 I mean, no, I didn't ask them that question.

6 Q. Did you ever go to the county clerk's  
7 office to be able to review the site location  
8 application?

9 A. No. She told me it was available at  
10 the library, which for me would have been closer  
11 anyway than the county clerk's office.

12 Q. Did she indicate the other locations  
13 at which the site location application was  
14 available?

15 A. I think she mentioned the Sycamore  
16 Public Library. But again, the DeKalb Library would  
17 be closest to where I live.

18 Q. Would it be fair to say that between  
19 the time you first made a request to get a copy of  
20 the application and the public hearing, you didn't  
21 have time to go anywhere to get a copy of the site  
22 location application?

23 A. I was under the impression I couldn't  
24 get a copy.



1 Q. And who told you you couldn't get a  
2 copy of the site location application?

3 A. The county clerk's office, Sharon  
4 Holmes. She said I could review it at the library.  
5 There wasn't any discussion of copies. I wasn't --  
6 I didn't think I could get a copy from the library.  
7 She said those libraries have one copy, the DeKalb  
8 and Sycamore Library.

9 Q. I thought she told you you could get a  
10 copy at the library?

11 A. No. She only told me I could review  
12 it at the library.

13 Q. Ms. Lovings, do you recall having  
14 appeared for your deposition on September 15th,  
15 2010, at the DeKalb County legislative center?

16 A. Yes.

17 Q. And you appeared at that time to  
18 answer questions under oath with respect to this  
19 appeal?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. And do you recall at that time having  
24 taken an oath to tell the truth?

1 A. Yes.

2 Q. And you did that, correct?

3 A. Yes.

4 MR. MORAN: Mr. Halloran, if I can  
5 approach the witness?

6 MR. HALLORAN: You may.

7 MR. MORAN: Thank you.

8 BY MR. MORAN:

9 Q. Ms. Lovings, I'm going to show you and  
10 have you read along with me the questions you were  
11 asked and the answers you gave at that deposition,  
12 and I'm starting on Page 11, Line 7 of that  
13 deposition transcript.

14 A. Okay. You want me to read it?

15 Q. No, I will ask you the question.

16 A. Okay.

17 UNIDENTIFIED WOMAN: Could the lawyer  
18 please use the microphone? We cannot hear  
19 what he is saying. We've asked him once  
20 already.

21 MS. SLAVENAS: Excuse me, I have an  
22 I.T. person here because there's so much  
23 trouble with the microphones and people are  
24 sitting all the way back there. The

1 attorneys are facing the opposite direction,  
2 so they're projecting this way. So here's  
3 someone who can check out the microphones, so  
4 we have enough microphones.

5 MR. HALLORAN: Okay. Terrific. Let's  
6 go off the record for a second.

7 (Whereupon, a discussion was had  
8 off the record.)

9 MR. HALLORAN: All right. We're back  
10 on the record. See how this sounds.

11 MR. MORAN: Ms. Lovings.

12 MR. HALLORAN: Can you hear that?  
13 Okay. I see clapping in the back. Great.  
14 Thanks.

15 BY MR. MORAN:

16 Q. Were you asked this question, and did  
17 you give this answer at your deposition: Question,  
18 "Did you ask Ms. Holmes if there was a copy of these  
19 nine volumes in her office?" Answer, "She said I  
20 didn't ask her. Well, I asked how I got -- how I  
21 would get a copy, and she said that I would have to  
22 go to the library to get a copy."

23 Were you asked that question and  
24 did you give that answer at your deposition?

1           A.       I did.

2           Q.       Now, Ms. Lovings, you said also that  
3 you tried to sign up to participate as a party at  
4 the siting hearings. Is that correct?

5           A.       Yes.

6           Q.       And you were told that you were too  
7 late?

8           A.       To register to speak, and that I would  
9 have to talk with the hearing officer at the  
10 hearing.

11          Q.       When did you call to request the right  
12 to sign up to participate at the hearing?

13          A.       I believe it was one day during that  
14 week prior to the hearing, the week before. The  
15 last -- it would have been the last week in February  
16 sometime.

17          Q.       And who did you call?

18          A.       That was the same phone call to the  
19 county clerk's office, because that was --

20          Q.       Did anyone at the county clerk's  
21 office indicate to you that they would take your  
22 name as a registered participant, even though you  
23 were technically late?

24          A.       She didn't say she would register me.

1 She just said she would note my name down that I  
2 called to make the request.

3 Q. Well, isn't it true that, in fact, you  
4 were signed up to participate as a party for the  
5 public hearing --

6 A. I was --

7 Q. -- by the clerk?

8 A. I wasn't signed up. I asked at the  
9 hearing, and the hearing officer was, you know, very  
10 accommodating of people, as you said, who wanted to  
11 speak. So I wasn't signed up, but was given the  
12 opportunity.

13 Q. And you called the clerk's office on  
14 February 26th, 2010. Is that correct?

15 A. That sounds about right.

16 Q. Which was the Friday before the  
17 hearings began on March 1st, correct?

18 A. Okay. It was the week prior, yeah.

19 Q. Did you ever check the clerk's signup  
20 sheet of persons who wished to participate at the  
21 public hearing?

22 A. No, I never saw that list.

23 Q. And, in fact, had you seen that list,  
24 your name appears on it with your address, phone

1 number, and indicating that you were representing  
2 yourself?

3 A. Great.

4 Q. And, in fact, when you appeared at the  
5 hearing, you signed up with Mr. McCarthy, correct?

6 A. I don't recall signing up. I just  
7 recall, you know, raising my hand and being given an  
8 opportunity to speak. But regardless, I got the  
9 opportunity.

10 Q. And how many days of the hearings did  
11 you attend?

12 A. I attended every day as soon as I  
13 could get there from work.

14 Q. And each day you appeared, you were  
15 given the opportunity to ask questions of witnesses?

16 A. As far as I can recall, I -- yeah.

17 Q. And you were also given the  
18 opportunity to make a comment yourself?

19 A. I was when I was there. I didn't have  
20 the opportunity to ask questions about all the  
21 witnesses, because the testimony carried onto the  
22 next day, which took place in the morning when I was  
23 at work. But when I was there, yes.

24 Q. But when you were there, you had the

1 opportunity to question witnesses, correct?

2 A. Sure.

3 Q. And you had the opportunity to present  
4 whatever comment you wanted to present, correct?

5 A. Sure, yes.

6 Q. Thank you, Ms. Lovings.

7 MR. HALLORAN: Thank you, Mr. Moran.  
8 Mr. Mueller, redirect?

9 MR. MUELLER: No further questions.  
10 Thank you.

11 MR. HALLORAN: Thank you, Ms. Lovings,  
12 you may step down. Thank you.

13 Mr. Mueller, you can call your  
14 third witness, if you so choose.

15 MR. MUELLER: We'll call Mr. Kenny.

16 MR. HALLORAN: Hi, Mr. Kenny. Just  
17 raise your right hand and Rebecca will swear  
18 you in.

19 (Witness sworn.)

20 WHEREUPON:

21 DAN KENNY

22 called as a witness herein, having been first duly  
23 sworn, deposeth and saith as follows:

24 D I R E C T E X A M I N A T I O N

1 BY MR. MUELLER:

2 Q. Would you state your full name,  
3 please?

4 A. Dan Kenny.

5 Q. Mr. Kenny, where do you reside?

6 A. 303 Birchwood Lane, DeKalb, Illinois.

7 Q. And are you connected with the Stop  
8 the Mega-Dump organization?

9 A. Yes, I am.

10 Q. What is your connection with them?

11 A. I'm the chair of the Stop the  
12 Mega-Dump organization citizen group.

13 Q. Mr. Kenny, directing your attention to  
14 the summer of 2009, did you have an occasion to have  
15 some conversations with a county board member about  
16 the Waste Management landfill?

17 A. Yes, I did.

18 Q. Let's do a little background. Did you  
19 have a previous acquaintanceship or friendship with  
20 board member, Julia Fauci?

21 A. Yes, I did.

22 Q. And how long have you known Ms. Fauci?

23 A. I'd say several years. I'm not sure  
24 how long.



1 Q. And what is the context in which you  
2 have known her?

3 A. I've known her as -- in part of the  
4 group called the DeKalb Interfaith Network. She  
5 would appear at the corners sometimes when we had a  
6 peace vigil. She would appear sometimes at  
7 democratic gatherings where I would be in  
8 attendance.

9 Q. And did you have what you consider to  
10 be a cordial relationship with her?

11 A. Yes.

12 Q. Directing you to the summer of 2009,  
13 you had a conversation with her regarding the Waste  
14 Management landfill?

15 A. That's correct.

16 Q. Approximately when did that  
17 conversation take place?

18 A. In the month of August.

19 Q. And where did it take place?

20 A. At a DeKalb Interfaith Network picnic.

21 Q. Who was present at the actual  
22 conversation between you and her?

23 A. No one else, just the two of us.

24 Q. Tell the Pollution Control Board --

1           A.       There were several people in the  
2 background, but close enough to hear was just the  
3 two of us.

4           Q.       All right. Tell the Pollution Control  
5 Board what the conversation consisted of, in terms  
6 of what you said and what she said.

7           A.       Well, the best that I can remember is  
8 she said -- I first said, "What's that I hear  
9 something about the landfill going to be expanded,"  
10 and she told me yes, that it was going to be  
11 expanded, and that it was pretty much a done deal,  
12 and I said, "Well, I don't understand how that could  
13 happen if there wasn't -- " well, first I said, "How  
14 can that be?"

15                         And then she said, "Well, the good  
16 thing is we've negotiated some things for  
17 ourselves." She said, "We've been able to negotiate  
18 some money for the forest preserve." I don't  
19 remember what else she might have said. I think she  
20 said something about money for the Green Initiative.

21                         Then I said, "I don't understand  
22 how that could happen without a public hearing," and  
23 then she said, "Well, I think Pat Vary is working on  
24 trying to get something like that." And then she

1 went on to same some more positive things in terms  
2 of, like, the technology is better than it used to  
3 be, things like that.

4 Q. Positive things about landfills?

5 A. About the landfill expansion, yes.

6 Q. Was there any further part of that  
7 conversation, or is that the entire conversation?

8 A. That's all I can remember at this  
9 time.

10 MR. MUELLER: I have no further  
11 questions.

12 MR. HALLORAN: Thank you, Mr. Mueller.  
13 Mr. Moran? Mr. Kenny, you can remain seated.

14 C R O S S - E X A M I N A T I O N

15 BY MR. MORAN:

16 Q. Mr. Kenny, when did you become aware  
17 that a site location application had been filed with  
18 the DeKalb County Board to expand the existing  
19 landfill?

20 A. In February of 2010.

21 Q. And how did you become aware of it?

22 A. Through a Facebook page that  
23 Mr. McIntyre put up saying, "Stop the Mega-Dump."  
24 And that at that point, I started to do some

1 research and became aware of details like that.

2 Q. Prior to that time, would it be fair  
3 to say that the only conversation you ever had with  
4 anybody about a landfill expansion was this  
5 discussion you had with Julia Fauci in the -- in  
6 August or September of 2009?

7 A. No.

8 Q. What other conversations or  
9 communications did you have about a proposed  
10 expansion?

11 A. I had some communication with Barbara  
12 Votol (phonetic) and also Jenny Tomkins around  
13 December of 2009 or January of 2010 where we were  
14 discussing whether it was a done deal or not, and  
15 our conclusion was that based on what Julie told us  
16 it was a done deal.

17 Q. And this discussion or these  
18 discussions took place in December of 2009?

19 A. Either December of 2009 or early  
20 January of 2010. I'm not sure exactly.

21 Q. And these were e-mail communications?

22 A. Yes.

23 Q. After your discussion with Ms. Fauci  
24 in August of 2009 -- was that the correct date?

1 A. Yes.

2 Q. Did you learn subsequently that the  
3 information you had heard from Ms. Fauci was wrong?

4 A. Could you restate that question,  
5 please?

6 Q. Yes. After August of 2009, when, as  
7 you indicate, there was an agreement in place to  
8 expand the landfill, correct?

9 A. Yes.

10 Q. Did you ever learn that that knowledge  
11 you had about this alleged agreement was wrong?

12 A. Yes.

13 Q. When did you learn it was wrong?

14 A. In February of 2010, just shortly  
15 before the public hearing.

16 Q. And that was when you learned that  
17 there would be public hearings that would be held in  
18 connection with the request to expand the landfill,  
19 correct?

20 A. That's correct.

21 Q. So that the matter was not a done  
22 deal, correct?

23 A. Technically it was not a done deal.  
24 That's correct. I think in some people's minds it

1 was a done deal.

2 Q. I'm sorry?

3 A. In the county board members' minds, I  
4 think it was a done deal.

5 Q. Well, what basis do you have  
6 information indicating what was in the county  
7 board's mind?

8 A. Well, in Julie Fauci's mind, I think  
9 it was a done deal.

10 Q. Now, at the time you were speaking  
11 with Ms. Fauci, had DeKalb County and Waste  
12 Management of Illinois, Inc. entered into a host  
13 community agreement?

14 A. I'm sorry. Could you restate the  
15 question, please?

16 Q. At the time of your discussion with  
17 Ms. Fauci, had DeKalb County and Waste Management of  
18 Illinois entered into a host community agreement?

19 A. I don't know.

20 Q. Did you ever learn that there was a  
21 host community agreement that had been negotiated  
22 between DeKalb County and Waste Management of  
23 Illinois?

24 A. Yes.

1 Q. And when was that?

2 A. Between the middle of February of 2010  
3 and the public hearing in March when I was doing my  
4 research to prepare for the public hearing.

5 Q. And when was that host community  
6 agreement signed?

7 A. I don't know.

8 Q. Did you review the host community  
9 agreement?

10 A. Yes, but I don't remember -- I should  
11 say I don't remember when it was signed. I know it  
12 was turned in, I think, on November 30th of 2009.

13 Q. The host agreement was submitted with  
14 the siting application, correct?

15 A. Well, I don't know -- I'm not sure  
16 about that.

17 Q. But you did review the host community  
18 agreement, correct?

19 A. Yes. Yes, I did.

20 Q. And that host community agreement was  
21 approved by the DeKalb County Board on March 18th of  
22 2009, correct?

23 A. I know it was approved by the county  
24 board. I'm not sure of the day.

1 Q. Well, would you disagree that it was  
2 approved by the county board on March 18th, 2009?

3 A. I would -- I would disagree that it  
4 was approved by the county board. Until I knew the  
5 exact date, I couldn't say whether I agree or  
6 disagree with the date.

7 Q. Do you have information that would  
8 indicate the county board did not approve the host  
9 community agreement on March 18th of 2009?

10 A. No.

11 Q. At the time you had your discussion  
12 with Ms. Fauci, the host community agreement was in  
13 place between Waste Management of Illinois, Inc.,  
14 and DeKalb County, correct?

15 A. Yes.

16 Q. And it was the host community  
17 agreement to which Ms. Fauci was referring when she  
18 said the county board had approved an agreement.  
19 Isn't that correct?

20 A. No.

21 Q. But you weren't aware of the fact that  
22 the host community agreement was in place as of that  
23 date, correct?

24 A. Could you restate the question,



1 please?

2 Q. You weren't aware, as of August of  
3 2009, when you had your discussion with Ms. Fauci,  
4 that the host community agreement was in place. Is  
5 that correct?

6 A. Did you say "Weren't aware?"

7 Q. You weren't.

8 A. That's correct.

9 Q. Now, after this discussion with  
10 Ms. Fauci, did you have any subsequent discussions  
11 with her about what she had told you in August  
12 of 2009?

13 A. Not until March of 2010 during the  
14 public hearings.

15 Q. And Ms. Fauci told you at that time  
16 that you had misunderstood her comments. Is that  
17 correct?

18 A. Well, no, that's not what she said.

19 Q. Did she tell you you were wrong in how  
20 you interpreted her comments?

21 A. No, that's not what she said.

22 Q. Did she tell you that what she had  
23 been referring to was the fact that the county had,  
24 by a 16 to 5 vote, approved the host community

1 agreement in March of 2009?

2 A. No, that's not what she said at all.

3 Q. Had you heard at any subsequent point  
4 at any time that, in fact, that is what she has  
5 explained as the reason for the comments she made to  
6 you?

7 A. No.

8 Q. Have you heard any explanation that  
9 Ms. Fauci has provided with respect to the nature of  
10 the comments she made to you in August of 2009?

11 A. Yes.

12 Q. And those comments were given to you  
13 the week of the public hearings?

14 A. Yes.

15 Q. And what were those comments?

16 A. She was angry with me for repeating in  
17 public what she had told me. She was angry that she  
18 felt I had broken her confidence, and she was --  
19 said I had quoted her out of context.

20 Q. So she told you that you had  
21 misinterpreted what she said. Isn't that correct?

22 MR. MUELLER: I'm going to object,  
23 your Honor. He's restating the testimony  
24 incorrectly. The witness never testified

1           that he was told that he had misinterpreted.

2           MR. HALLORAN: Mr. Moran?

3           MR. MORAN: Well, certainly the  
4           misinterpretation came from a statement that  
5           Fauci said, "You took my comments and  
6           statements out of context." That's a  
7           misinterpretation.

8           MR. HALLORAN: Yeah, you know, I agree  
9           with Mr. Moran. He can continue this line of  
10          questioning. Albeit, shorten it up.

11          UNIDENTIFIED WOMAN: I could say  
12          something out of your confidence and still  
13          not misinterpret you.

14          MR. HALLORAN: Ma'am, this is a  
15          hearing. When you want to make a public  
16          comment, probably in the next half hour, you  
17          may do so. Thank you. Mr. Moran?

18          MR. MORAN: Thank you.

19 BY MR. MORAN:

20          Q.        So Mr. Kenny, Ms. Fauci told you that  
21          you had taken her comments out of context, correct?

22          A.        That was her interpretation -- I mean,  
23          that was her perspective.

24          Q.        Yes. And it was her position that you

1 had misinterpreted her comments. Isn't that  
2 correct?

3 MR. MUELLER: Asks for him to read her  
4 mind.

5 MR. HALLORAN: Is that an objection,  
6 Mr. Mueller?

7 THE WITNESS: No, I didn't --

8 MR. HALLORAN: Mr. Kenny, please.  
9 Thank you. Mr. Mueller?

10 MR. MUELLER: Yes, I object. The way  
11 the question was phrased, he's asking  
12 Mr. Kenny to read Ms. Fauci's mind.

13 MR. HALLORAN: Mr. Moran?

14 MR. MORAN: Not at all. It's a matter  
15 of Ms. Fauci having told him, "You took my  
16 comments out of context." That, in and of  
17 itself, is a misinterpretation of what she  
18 said.

19 MR. HALLORAN: I'm going to sustain  
20 Mr. Mueller's objection. If you can rephrase  
21 that, Mr. Moran. Thanks.

22 BY MR. MORAN:

23 Q. Mr. Kenny, Ms. Fauci disagreed with  
24 you that you had understood her comments in the

1 proper context. Is that correct?

2 A. Yes.

3 MR. MORAN: Thank you. I have no  
4 further questions.

5 MR. HALLORAN: Thank you, Mr. Moran.  
6 Mr. Mueller?

7 MR. MUELLER: Nothing further.

8 MR. HALLORAN: Thank you. You may  
9 step down, Mr. Kenny. Thank you.

10 I just want to do a sound check.  
11 Are the good people in the back satisfied, or  
12 no? Are you still having trouble hearing?

13 UNIDENTIFIED WOMAN: Well, once in  
14 awhile we can hear him, but then he puts the  
15 mike way down again. So if he could please  
16 hold it up closer to where you're speaking,  
17 we could hear you.

18 MR. HALLORAN: Thanks. Mr. Moran,  
19 please heed the advice. Thanks.

20 All right. Mr. Mueller, your  
21 fourth witness.

22 MR. MUELLER: We'll call Mr. McIntyre.

23 MR. HALLORAN: Mr. McIntyre, please  
24 step up, raise your right hand, and Rebecca

1 will swear you in.

2 (Witness sworn.)

3 WHEREUPON:

4 MAC MCINTYRE

5 called as a witness herein, having been first duly

6 sworn, deposeth and saith as follows:

7 E X A M I N A T I O N

8 BY MR. MUELLER:

9 Q. Would you state your name, please?

10 A. Mac McIntyre.

11 Q. Mac, use the microphone. You're soft  
12 spoken anyway, so you need to get that close to you.

13 A. Mac McIntyre.

14 Q. Thank you. Where do you reside?

15 A. I reside at 118 Oak Street in DeKalb.

16 Q. Sir, are you associated the with the  
17 Stop the Mega-Dump organization?

18 A. Yes, I am.

19 MR. HALLORAN: Sir, could you spell  
20 your last name for the court reporter,  
21 please? Sorry, Mr. Mueller.

22 THE WITNESS: M-c capital I-n-t-y-r-e.

23 MR. HALLORAN: Thank you.

24

1 BY MR. MUELLER:

2 Q. Mr. McIntyre, you're associated with  
3 Stop the Mega-Dump?

4 A. Yes, I am.

5 Q. How long have you been associated with  
6 that organization?

7 A. From its beginning.

8 Q. And directing you to February of 2010,  
9 did you have occasion to go to the office of the  
10 DeKalb County clerk for the purpose of viewing or  
11 obtaining a copy of the siting application?

12 A. Yes, I did.

13 Q. Do you remember approximately when  
14 that happened?

15 A. I believe it was in the afternoon, and  
16 it was the -- I believe the Monday two weeks before  
17 the public hearing.

18 Q. Mr. McIntyre, you have to get that  
19 microphone close to you.

20 Who was present with you when you  
21 went to review the application?

22 A. Grace Mott.

23 Q. And can you tell the Pollution Control  
24 Board the experience that you had when you went to

1 review the application?

2 A. Yeah. We went to get the application,  
3 and we were told that we would need to review it in  
4 a small office in Sharon Holmes' office. It was  
5 nine very thick notebooks of material, I believe  
6 somewhere around 7,000 pages, plus exhibits. We  
7 were told that we would have to review it there, and  
8 that our review would be subject to her office being  
9 open. I asked for a --

10 Q. Let's slow down, Mr. McIntyre. Can  
11 you describe the physical setting where they asked  
12 you to review the application?

13 A. Yeah. It's a very small room. A  
14 guesstimate, from about where you're standing to the  
15 wall here. That's about the size of the room.

16 MR. HALLORAN: About 15 feet, or  
17 something like that? 15 by 15?

18 THE WITNESS: Yeah. 15, yeah.

19 BY MR. MUELLER:

20 Q. Did the application and you in that  
21 room present any physical challenges to you?

22 A. There was very few places to sit. One  
23 of us could sit, the other had to stand. It was a  
24 very cramped condition. It was hard to open up when



1 there were displays that were more than just opening  
2 the notebook that created a problem. It was very  
3 cramped.

4 Q. Had you had any physical problems  
5 previously which made that even more difficult?

6 A. Yeah. I had just had open heart  
7 surgery, a quintuple bypass.

8 Q. And you were required to stand while  
9 reviewing the application?

10 A. Yes.

11 Q. When you say "we were told," who were  
12 these conversations that you had with?

13 A. Sharon Holmes. There was also some  
14 discussion with an employee that I do not have their  
15 name.

16 Q. Did you subsequently have any further  
17 conversations with Ms. Holmes regarding the siting  
18 application?

19 A. Yeah. I wanted to get a copy of the  
20 DVD she said that they had, and there was resistance  
21 to that, and then I asked if I needed to file a  
22 FOIA, Freedom of Information Act, request to get the  
23 DVD. There were some phone calls made, and then  
24 the -- she gave me what she said was her only copy

1 of the DVD, and she was not comfortable in doing so.

2 Q. Had you previously asked about having  
3 portions of the hard copy of the application copied?

4 A. Yes. And she wasn't sure how they  
5 would be able to do that, and suggested that we read  
6 the application there until I got the DVD.

7 Q. How long were you there in total  
8 before you were finally able to obtain the  
9 electronic copy?

10 A. Probably close to a couple of hours.

11 Q. How long did it take from when you  
12 first asked about an electronic copy until you were  
13 successful in obtaining one?

14 A. I'm not quite sure, but I think most  
15 of that couple hours. Most of the time I was there.

16 Q. Now, were you present, sir, at the  
17 siting hearing?

18 A. Yes, I was.

19 Q. And during the siting hearing, did you  
20 have conversations or overhear conversations  
21 involving various county board members?

22 A. Yes, I did.

23 Q. Did you have or overhear a  
24 conversation involving county board member Anita Jo

1 Turner?

2 A. Yes. In fact, I had some direct  
3 conversation with her.

4 Q. When did that conversation take place?

5 A. It was towards the end of the first  
6 week. We were in a slight recess, as we were  
7 determining when we would be meeting again, what  
8 would be the next -- the best available day when  
9 people would be able to participate.

10 Q. And who was present for this  
11 conversation?

12 A. That was Ken Anderson, Paul Stoddard,  
13 and myself.

14 Q. And those -- and Anita Jo Turner?

15 A. Anita Jo Turner approached us while we  
16 were in that conversation.

17 Q. And for the benefit of the Pollution  
18 Control Board, Ms. Turner, Mr. Stoddard, and  
19 Mr. Anderson were all county board members at that  
20 time?

21 A. Correct.

22 Q. And can you tell the Board what  
23 transpired and what was said?

24 A. Ms. Turner came up -- I got to do a

1 little background first. The last witness that week  
2 was Dr. Serewicz, who was our witness, and provided  
3 information on the H2S issues. And after he  
4 concluded his testimony for that day, we were in  
5 this discussion, and Ms. Turner came up and said  
6 that she taught chemistry in high school, and that  
7 Dr. Serewicz didn't know anything.

8 And I said something to the effect  
9 that I didn't think it was proper that she was  
10 making those statements, since Mr. Anderson and  
11 Mr. Stoddard were on the committee, and then she  
12 said that she couldn't talk to me because of  
13 ex parte communication, and a few more things, and  
14 we started walking away.

15 Q. Did she say anything specifically to  
16 Mr. Anderson as to how he should weigh the testimony  
17 of Dr. Serewicz?

18 A. Yeah. She told him to disregard it,  
19 that he didn't know nothing.

20 Q. Did County Board Administrator, Ray  
21 Bockman, then join that conversation?

22 A. They didn't join the conversation  
23 directly. But as she was walking away, he said  
24 something to the effect of, "Be careful. He'll

1 probably stalk you."

2 Q. Referring to whom?

3 A. To me.

4 Q. Now, at the public hearing, did you  
5 also have a conversation with Mr. Riley Oncken?

6 A. Yes. I had heard his statements that  
7 he didn't know why we were there wasting our time,  
8 that we didn't have anything better to do, and I  
9 wanted to let him know in no certain terms that I  
10 had better things to do, and that I didn't want to  
11 be there.

12 Q. Well, sir, just so that we're clear,  
13 did you hear him make those statements, or did you  
14 hear those statements secondhand?

15 A. I heard those statements secondhand.

16 Q. And then you approached Mr. Oncken?

17 A. Yes.

18 Q. And what conversation took place  
19 between you and Mr. Oncken?

20 A. I asked Mr. Oncken if he had made  
21 those statements. He didn't give a direct answer,  
22 but he gave an off-the-cuff remark, and I said,  
23 "I've got better things to do than to be here."

24 Q. What was the off-the-cuff remark that

1 Mr. Oncken gave to you?

2 A. Something -- well, I'm drawing a  
3 blank, and I apologize. Something to the effect  
4 that I was wasting my time.

5 Q. That you were wasting your time?

6 A. Yes. But I'm sorry, I really don't  
7 recall the exact words there.

8 Q. Now, Mr. McIntyre, during the public  
9 hearings, did you also have a conversation outside  
10 of the hearing location with Julia Fauci?

11 A. Yes. She approached me. I was at an  
12 entertainment establishment called the House Cafe in  
13 DeKalb, and they were having an open mike session.  
14 So it would have been a Monday night, and she came  
15 up and sat beside me and said that she really didn't  
16 appreciate us misquoting her and quoting her out of  
17 context, and then she ran off before I could  
18 respond.

19 Q. That was the extent of that  
20 conversation?

21 A. Pretty much so.

22 Q. During the public hearings, did you  
23 have or overhear conversations with any other county  
24 board members, besides the one you have related

1 today?

2 A. Can you restate the question?

3 Q. During the public hearings, did you  
4 have or overhear conversations with any other county  
5 board members, other than the conversations you've  
6 just testified to?

7 A. Because of the ex parte communication,  
8 it was hard for me to have any direct conversation  
9 with any of the board members. I did FOIA for  
10 e-mail correspondence, as did Mr. Kenny, and there  
11 were several e-mail discussions between board  
12 members.

13 Q. We've already got those in the record,  
14 Mr. McIntyre, so I have no further questions.

15 MR. HALLORAN: Thank you, Mr. Mueller.  
16 Mr. Moran?

17 C R O S S - E X A M I N A T I O N

18 BY MR. MORAN:

19 Q. Mr. McIntyre, you said after all of  
20 your dealings with the county clerk's office, you  
21 ultimately obtained a copy of the DVD of the site  
22 location application, correct?

23 A. Yes, I did.

24 Q. And you took that application and you

1 copied it, correct.

2 A. Yes, I did.

3 Q. And you provided it to a number of  
4 other people, correct?

5 A. At least one other person. I don't  
6 recall how many I made copies for.

7 Q. Well, you provided it to Mr. Kenny?

8 A. Yes.

9 Q. Although, apparently you didn't  
10 provide it to Ms. Lovings, correct?

11 A. At that time I didn't know  
12 Ms. Lovings, and at that time she was not a member  
13 of Stop the Mega-Dump.

14 Q. But you had made known to members of  
15 Stop the Mega-Dump and others that you had a copy of  
16 a DVD and would be willing to make it available to  
17 them upon request. Isn't that correct?

18 A. I don't think that I would have  
19 made -- I made an offer that I had it available and  
20 that I would try to make it available to them, but I  
21 really don't have that type of equipment. So I  
22 would not have said, "I'll make as many as you  
23 need."

24 Q. Now, when you were in the county



1 clerk's office, I believe at your deposition you  
2 indicated that you spent about an hour reviewing the  
3 site location application. Is that correct?

4 A. An hour or two. I think I was there a  
5 couple hours probably.

6 Q. Reviewing the application?

7 A. Yes.

8 Q. And after reviewing this site location  
9 application, you then continued to insist on getting  
10 a copy of the DVD, correct?

11 A. It's 7,000 pages. I don't think even  
12 you could review that application in an hour.

13 Q. So in any event, you obtained the DVD,  
14 and then you spent approximately how many days  
15 reviewing the DVD?

16 A. Oh, I was reviewing the DVD a couple  
17 days ago, so I'm still reviewing that.

18 Q. But prior to the hearing, you spent  
19 about four days reviewing it, didn't you?

20 A. At least, yeah. All the way up until  
21 the time of the hearing.

22 Q. Because you appeared at the hearing?

23 A. Yes.

24 Q. And you signed up to participate at

1 the hearing, correct?

2 A. Yes.

3 Q. Now, Mr. McIntyre, where do you live?

4 A. I live at 118 Oak Street in DeKalb.

5 Q. How far is that away from the existing  
6 landfill?

7 A. Oh, it's a few miles. Probably about  
8 four miles.

9 Q. Were you aware of any provisions in  
10 the local siting ordinance that limited  
11 participation at the public hearing to people who  
12 lived within a certain distance of the landfill?

13 A. Not until -- not until after I had  
14 registered, and then I -- anybody that asked me, I  
15 told them to get in there because I registered.

16 Q. Well, because, in fact, anyone who  
17 wished to sign up and participate, regardless of  
18 where they lived, was given that opportunity. Isn't  
19 that correct?

20 A. That's incorrect. They had to be as  
21 stubborn as I am, otherwise the newspaper notice and  
22 coverage indicated to them that they weren't  
23 eligible to speak. And several people had told me  
24 that that was a problem for them and that they did

1 not register to speak because of that.

2 Q. And who told you that?

3 A. I think I see one nodding her head  
4 here in the audience. That would be Janet Johnson.  
5 I don't remember all the names.

6 Q. But Janet Johnson told you that she  
7 read the local siting ordinance?

8 A. No, she -- you didn't ask me that  
9 question. You asked me whether Janet Johnson felt  
10 she could sign up to speak.

11 Q. So Ms. Johnson's feelings about  
12 whether to sign up or not had nothing to do with  
13 where she lived in relation to the existing  
14 landfill. Is that correct?

15 MR. MUELLER: Objection.

16 Mr. Halloran, we're getting pretty far beyond  
17 the scope of direct.

18 MR. HALLORAN: Mr. Moran?

19 MR. MORAN: Well certainly,  
20 Mr. Hearing Officer, what we're addressing  
21 here is the question of who had the right to  
22 participate, sign up, and appear at the  
23 hearing. Mr. McIntyre has indicated that he,  
24 indeed, was able to sign up and participate,

1           irrespective of the fact that he lives a few  
2           miles from the landfill.

3                         And one of the contentions that  
4           has been made in this petition to contest is  
5           that provisions of the local siting ordinance  
6           that limited who could participate at the  
7           hearing related to where these people owned  
8           property in relation to the landfill.

9                         MR. HALLORAN: Thanks. I'll allow a  
10          little leeway. Objection overruled. If you  
11          could wrap it up, Mr. Moran, that would be  
12          great. Thanks. A few more questions  
13          regarding it.

14         BY MR. MORAN:

15                 Q.         So Mr. McIntyre, is it correct that  
16          there was no statement by Ms. Johnson that her  
17          decision not to sign up had anything to do with  
18          whether she owned property near the existing  
19          landfill?

20                 A.         Well, Ms. Johnson's farm is directly  
21          north of the landfill a couple miles maybe. But the  
22          Kishwaukee River Branch that the Union Ditch feeds  
23          runs right through her property. So I would think  
24          that her interest would be because of her land --

1 MR. HALLORAN: Mr. McIntyre, could you  
2 hold the mike closer? Thanks.

3 THE WITNESS: Her land and the  
4 proximity to the landfill.

5 BY MR. MORAN:

6 Q. Members of Stop the Mega-Dump signed  
7 up to participate at the hearing, correct?

8 A. I signed up as a member of Stop the  
9 Mega-Dump and myself, and I think Dan Kenny did, and  
10 that was it. We didn't have a lot of time to  
11 organize, so there was not a lot of members at that  
12 time.

13 Q. And Mr. Kenny lives approximately  
14 three miles from the existing landfill. Isn't that  
15 correct?

16 A. Yeah.

17 Q. Mr. McIntyre, are you aware of any  
18 person who decided not to participate at the public  
19 hearing because of any provisions in the local  
20 siting ordinance?

21 A. No, not directly.

22 Q. Were you able to present any  
23 information or evidence you desired at the siting  
24 hearing?

1           A.       For the most part, yes, minus a  
2 multitude of objections on your part.

3           Q.       Are you aware of any person who was  
4 prevented from presenting any information or  
5 evidence they had regarding the proposed expansion  
6 siting hearing?

7           A.       I'm not -- no, I'm not aware.

8           Q.       Now, you said that the first time you  
9 became aware of the site location application having  
10 been filed was when you read an article in the Daily  
11 Chronicle in February of 2010?

12          A.       No, no, no. I knew of activity  
13 related to the landfill for several years. The  
14 county board and the town of Cortland had some  
15 back-and-forth on the landfill issue for several  
16 years. I became aware of the magnitude of the  
17 expansion not long before the public hearing, and I  
18 was watching the issue because I do have an interest  
19 in it, no vested interest. As a citizen, I have an  
20 interest.

21                   The resolution cover sheet to the  
22 host agreement essentially assured me that I didn't  
23 have -- my concerns of a major expansion weren't  
24 valid. The resolution cover sheet did not mention

1 bringing in outside garbage, outside county garbage,  
2 or the magnitude of the expansion. If you read that  
3 resolution, it talks about the need for our local  
4 garbage and an expansion to accommodate our local  
5 garbage.

6 Q. Now, the resolution you're referring  
7 to is the county resolution approving the host  
8 community agreement. Is that correct?

9 A. Yes.

10 Q. Did you read the host community  
11 agreement to which it referred?

12 A. Yes, I did. Not at that same time. I  
13 am involved in several things, and I had to set that  
14 aside because I was involved in another project. So  
15 I read the cover letter and set the rest of the host  
16 agreement aside, but I have read the host agreement.

17 Q. But had you read the host agreement at  
18 that time, you would have seen that the service area  
19 for this proposed expansion was described, correct?

20 A. Yeah, had I have read it, but I did  
21 not read it at that time. I read the resolution.

22 Q. And, in fact, until you, at some  
23 point, came to the recognition that the proposed  
24 expansion would accept waste from a 17-county

1 service area, you had been in favor of the  
2 expansion, hadn't you?

3 A. Yes, I would. We -- you know, if you  
4 throw away garbage, you got to be responsible for  
5 it. And if the expansion of the landfill is needed  
6 to accommodate our garbage, then I would favor the  
7 expansion of the landfill.

8 Q. And you did support that expansion  
9 until you learned of the actual service area for the  
10 expansion, correct?

11 A. That is correct.

12 (Whereupon, a discussion was had  
13 off the record.)

14 MR. HALLORAN: Are you ready to  
15 proceed, Mr. McIntyre?

16 BY MR. MORAN:

17 Q. And Mr. McIntyre, you were, in fact,  
18 in favor of the proposed expansion in January  
19 of 2009 when you were told by Mr. Ken Anderson that  
20 you wouldn't have to worry about an expansion beyond  
21 DeKalb County because the county would never accept  
22 that. Is that correct?

23 A. With one caveat: I'm not sure of the  
24 dates, but yes.



1 Q. And that was something Mr. Anderson  
2 told you?

3 A. Yes.

4 Q. Now, you mentioned about the  
5 statements that Anita Turner made to certain members  
6 of the Pollution Control Facility Siting Committee,  
7 correct?

8 A. Correct.

9 Q. And you said you actually heard these  
10 statements, correct?

11 A. Yes.

12 Q. And what Ms. Turner was asking  
13 Mr. Stoddard was a question that related to  
14 Dr. Serewicz's testimony about hydrogen sulfide. Is  
15 that correct?

16 A. I don't recall her asking a question.  
17 She was stating an opinion.

18 Q. And her opinion related to the fact  
19 that Dr. Serewicz had suggested that Down syndrome  
20 was something that could be acquired by virtue of an  
21 environmental exposure to hydrogen sulfide. Is that  
22 correct?

23 A. Incorrect. I heard nothing of that  
24 sort.

1 Q. The only part you heard was that  
2 Ms. Turner said that something Dr. Serewicz had said  
3 about hydrogen sulfide was not based on her  
4 knowledge and her experience, correct?

5 A. Yeah, but that's how she started the  
6 conversation.

7 Q. Did you have any discussions with  
8 Ms. Turner about what she said?

9 A. I told her I didn't think what she was  
10 saying was appropriate, and she said that -- she  
11 said, "Ex parte communication," and started walking  
12 away.

13 Q. Well, in fact, you had learned about  
14 ex parte communication when you received a  
15 memorandum that Ray Bockman had sent to county board  
16 members in February of 2010, correct?

17 A. Correct.

18 Q. How did you get that memorandum?

19 A. I don't recall. It was also  
20 publicized in the Chronicle. I don't recall how I  
21 got it originally.

22 Q. It wasn't sent to you, was it?

23 A. No.

24 Q. It was sent to county board members,

1 correct?

2 A. I assume that it was, yes.

3 Q. And the memo indicated that by virtue  
4 of the nature of this proceeding, county board  
5 members should not have communications with any  
6 party, the applicant, citizens, residents, or anyone  
7 about the proposed expansion outside the context of  
8 the siting process, correct?

9 A. That's a public document, and I would  
10 prefer that if you want my opinion on what it states  
11 that it be read.

12 Q. I'm just asking if you had an  
13 understanding. Was that your understanding?

14 A. The understanding of it was -- my  
15 understanding was it that it was a gag order.

16 Q. And when you say "a gag order," what  
17 did you understand that to mean?

18 A. That the board members should not talk  
19 to their constituents who were described as an  
20 interested party.

21 Q. Could the board members speak to the  
22 applicant?

23 A. No.

24 Q. Could the board members speak to any

1 interested party during the course of the siting  
2 process, outside the context of the public hearing?

3 A. According to that document, no.

4 Q. And could any constituent communicate  
5 with their county board member at the public hearing  
6 regarding the expansion?

7 A. No.

8 Q. So your understanding is that the rule  
9 prohibiting ex parte communications prohibited any  
10 person from presenting information or communicating  
11 with county board members at the public hearing?

12 A. That was the interpretation of it that  
13 was being imposed.

14 Q. Did you abide by that interpretation?

15 A. To the best of my ability.

16 Q. Well, you presented information at the  
17 public hearing, didn't you?

18 A. Yes. I was a registered objector.

19 Q. So how can you explain that you  
20 complied with the rule not to communicate with  
21 county board members at the public hearing with the  
22 fact that you communicated with county board members  
23 at the public hearing?

24 A. Because I did not, at the public

1 hearing, speak with any of them directly in a topic  
2 related to the siting application. I only spoke as  
3 an objector, to the hearing officer, and publicly.

4 Q. Well, in fact, you did communicate  
5 with county board members outside the context of the  
6 public hearing, didn't you?

7 A. I'm not sure what you mean by that  
8 question.

9 Q. Well, you sent e-mails to county board  
10 members urging them to vote no on this siting  
11 application outside the context of the public  
12 hearing?

13 A. I probably did send e-mails.

14 Q. And other members of Stop the  
15 Mega-Dump did the same thing, didn't they?

16 MR. MUELLER: Object. We're getting  
17 way beyond the scope of direct now.

18 MR. HALLORAN: Mr. Moran?

19 MR. MORAN: Well, we're certainly  
20 talking about an ex parte communication rule  
21 that Mr. McIntyre has testified about and has  
22 said, as he said, was a gag order  
23 inappropriately imposed here, and I'm simply  
24 inquiring about actions he took and his group

1           took in flagrant violation of that order,  
2           notwithstanding his alleged explanation of  
3           what it meant.

4                       MR. MUELLER: Mr. Halloran, that order  
5           was to county board members. That was not an  
6           order that Mr. Bockman had any jurisdiction  
7           over my clients with.

8                       MR. MORAN: But it was certainly a  
9           rule that applies to all interested parties,  
10          which is how I'm trying to inquire this party  
11          understood it, and how this party either  
12          complied with it or violated it.

13                      MR. HALLORAN: Yeah. You know, it may  
14          be outside direct, but I think I'll allow you  
15          to continue this line of questioning, and I'm  
16          going to rely on Section 101.626 to let you  
17          proceed. But go ahead, Mr. Moran. Objection  
18          overruled.

19                      THE WITNESS: A point of order?

20                      MR. HALLORAN: I'm sorry?

21                      THE WITNESS: I have a question on it.

22                      MR. HALLORAN: You can talk to your  
23          attorney, but let Mr. Moran finish, please.

24          BY MR. MORAN:

1 Q. So Mr. McIntyre, members of Stop the  
2 Mega-Dump were instructed to send e-mails to county  
3 board members urging them to vote no on the site  
4 location application outside of the public hearing,  
5 correct?

6 A. Before I answer that question, you  
7 originally asked me a question in the context did I  
8 speak with the county board members during the  
9 public hearing. Now you've gone beyond that, but I  
10 will answer your question. But I want to make sure  
11 that it's known -- that it's stated that the  
12 original question was did I speak with the county  
13 board members during the public hearing.

14 MR. HALLORAN: Mr. McIntyre,  
15 Mr. Mueller can address that issue when he  
16 redirects.

17 THE WITNESS: Okay.

18 MR. HALLORAN: Thank you.

19 THE WITNESS: So now restate your  
20 question, please.

21 MR. MORAN: Mr. Hearing Officer, can  
22 we have the court reporter repeat my last  
23 question?

24 MR. HALLORAN: Yeah. Thank you.

1 Rebecca, could you repeat Mr. Moran's last  
2 question? Thank you.

3 (Whereupon, the record was read as  
4 requested.)

5 THE WITNESS: That is correct.

6 Outside of the public hearing, after the  
7 public hearing, I tried to get as many people  
8 to contact their county board members as  
9 possible, because I do believe that people  
10 should have a right to talk to their elected  
11 officials, and I encouraged them to do so,  
12 and I -- so the answer is yes.

13 BY MR. MORAN:

14 Q. And how many members of Stop the  
15 Mega-Dump sent these e-mails to county board members  
16 after the public hearing concluded?

17 A. I wouldn't have any idea.

18 Q. Are you aware of any persons who were  
19 prevented from reviewing the site location  
20 application at the county clerk's office?

21 A. I had people tell me they had great  
22 difficulty. So your question is were they able to  
23 review it?

24 Q. I'm sorry, Mr. McIntyre. My question



1 was: Do you have any information indicating that  
2 any person was prevented from reviewing the site  
3 location application at the county clerk's office?

4 A. No.

5 Q. Do you have any information that  
6 indicated that any person who wished to obtain a  
7 copy of the site location application from any  
8 source was unable to do so?

9 A. No.

10 Q. Do you have any information that any  
11 person who wished to present information or evidence  
12 at the public hearing was prevented from doing so?

13 A. Yes.

14 Q. Who?

15 A. Numerous people -- and I can't recall  
16 all names -- said that they were confused by the  
17 rules that were published prior to the public  
18 hearing, which the hearing officer, on the first  
19 day, threw out. But those people were not there.  
20 One of them that I can name is Janet Johnson. She  
21 was the one who felt that she didn't have the right  
22 to attend and participate -- or she could attend but  
23 not participate, if I remember correctly.

24 Q. Did she attend any days of the public

1 hearing?

2 A. I believe I did see her there.

3 Q. Was she denied the opportunity to  
4 speak at the public hearing on the day or days she  
5 attended?

6 A. The hearing officer changed the -- or  
7 overruled the rules that the county administrator  
8 put together.

9 Q. And he overruled them to the extent  
10 that he would allow Ms. Johnson to testify, correct?

11 A. Yeah. That's true.

12 Q. Other than Ms. Johnson, can you  
13 identify any person who was prevented from  
14 presenting any information or evidence he or she  
15 chose at the public hearing?

16 A. Not at this time.

17 Q. Were you aware of any person who was  
18 prevented from submitting a written comment during  
19 the siting process?

20 A. My memory doesn't always work well in  
21 this setting, so I want to go back. Here is a  
22 person who was not permitted to participate in a  
23 public hearing: That would be the mayor of  
24 Cortland, Bob Seyller.

1 Q. You're saying Mr. Seyller was  
2 prevented from testifying at the public hearing?

3 A. Yes.

4 Q. And what information do you have that  
5 Mr. Seyller was prevented from testifying?

6 A. There is a contract between Waste  
7 Management and the town of Cortland. In exchange  
8 for \$1 million for the town of Cortland to use as  
9 they see fit, Cortland would not object or assist  
10 any individual in objecting to the landfill  
11 expansion.

12 Q. Did that agreement provide that  
13 neither the mayor nor any representative of Cortland  
14 was permitted to appear at the public hearing?

15 A. If you were going to get \$1 million,  
16 would you appear?

17 MR. MORAN: Mr. Hearing Officer, I  
18 move to strike that response. It's not  
19 responsive.

20 MR. HALLORAN: I agree. Strike it,  
21 please. The Board is instructed to disregard  
22 that last comment.

23 BY MR. MORAN:

24 Q. Mr. McIntyre, did anything in that

1 agreement prohibit any representative of the town of  
2 Cortland from appearing at the siting hearing?

3 A. I believe it did.

4 Q. And what provision in that agreement  
5 prohibited any representative of the town of  
6 Cortland from appearing at the siting hearing?

7 A. In exchange for a \$1 million payment,  
8 the town of Cortland officials agreed not to object  
9 or assist any other party in their objection to the  
10 landfill.

11 Q. But that provision did not prohibit  
12 any representative from appearing at the hearing,  
13 did it?

14 A. Yes, it did.

15 Q. So your best recollection is that that  
16 agreement prohibits any representative of the town  
17 of Cortland from appearing at the public hearing?

18 A. Yes, it does.

19 Q. Other than the representatives of the  
20 town of Cortland and Ms. Johnson, do you have any  
21 information that any person was prevented from  
22 appearing at the public hearing?

23 A. No, not at this time.

24 Q. Now, you mentioned Dr. Serewicz during

1 your testimony. Do you recall that?

2 A. Yes.

3 Q. Dr. Serewicz lives six or seven miles  
4 from the existing landfill, correct?

5 A. I don't know where Dr. Serewicz lives.

6 Q. Dr. Serewicz didn't sign up to testify  
7 at the hearing, did he?

8 A. I don't know.

9 Q. Did Dr. Serewicz testify at the  
10 hearing?

11 A. Yes.

12 Q. And who presented him?

13 A. He was our witness.

14 Q. And when you say "our witness," you  
15 mean Stop the Mega-Dump?

16 A. Stop the Mega-Dump, yes.

17 Q. And Mr. -- and Dr. Serewicz testified  
18 over two days, didn't he?

19 A. Yes.

20 Q. No one prevented Dr. Serewicz from  
21 testifying?

22 A. He was our witness.

23 Q. No one said he couldn't testify  
24 because he hadn't signed up on time, correct?

1 A. Correct.

2 Q. Thank you, Mr. McIntyre.

3 MS. ANTONIOLLI: May I?

4 MR. HALLORAN: Thank you, Mr. Moran.

5 C R O S S - E X A M I N A T I O N

6 BY MS. ANTONIOLLI:

7 Q. How long have you known the clerk of  
8 the DeKalb County Board, Sharon Holmes?

9 A. At least 20 years.

10 Q. And in what context do you know  
11 Ms. Holmes?

12 A. She's a -- she's the county clerk. In  
13 that context.

14 Q. So you're familiar with her and you  
15 would recognize her face if you saw her?

16 A. Yes.

17 Q. And she, in fact, recognized you the  
18 day you came to the office?

19 A. Yes.

20 Q. So you are familiar with the process  
21 of requesting information from her office?

22 A. Yes.

23 Q. And did you at any time during the  
24 time you were in the clerk's office that day express

1 to her or any of her employees that you were  
2 experiencing discomfort?

3 A. I don't recall.

4 Q. And you also mentioned that you are  
5 pretty stubborn in asking for information or in your  
6 dealings with the county?

7 A. I've been told that, yes.

8 Q. When you asked to sign up as a  
9 participant in the hearing, did you have to be  
10 stubborn about it?

11 A. Yes.

12 Q. Did anyone refuse your request to sign  
13 up as a participant?

14 A. No.

15 Q. And can you tell me how you requested  
16 to sign up as a participant? Did you call the  
17 office?

18 A. I believe I went there. I don't know  
19 if I called before or not, but I know I went there  
20 direct.

21 Q. But no one refused your request?

22 A. No.

23 Q. So you would characterize that as  
24 being stubborn?

1 A. Yes.

2 Q. Okay. And do you have any information  
3 that you rely on when you state that the county  
4 administrator is the one that put together the  
5 county's articles of rules and procedures for the  
6 Pollution Control Facility Committee?

7 A. No. And if I said "administrator,"  
8 then I should have said "administration."

9 Q. Okay. Thank you that's all I have.

10 MR. HALLORAN: Thank you,  
11 Ms. Antonioli. Mr. Mueller?

12 MR. MUELLER: I don't have any  
13 redirect. Thank you.

14 MR. HALLORAN: Thank you.  
15 Mr. McIntyre, you may step down. Thank you  
16 so much.

17 As promised at the top of the  
18 hearing, I think we'll take a break now. And  
19 what I'll do -- is there a convenient spot to  
20 put this signup sheet? And depending on how  
21 many witnesses Mr. Mueller has, maybe we can  
22 address some of the statements when we come  
23 back from break at 11:00 o'clock. But you  
24 will have a public comment time during the



1 post hearing briefing. I'll set a briefing  
2 schedule. But if you feel so inclined to  
3 stand up here and give an oral statement or  
4 comment, that's fine as well.

5 MR. MUELLER: Mr. Halloran, I can tell  
6 you that we don't intend to call any other  
7 witnesses.

8 MR. HALLORAN: Okay. All right.  
9 Well, when we come back, we'll rest your case  
10 and move on. Thank you. 11:00 o'clock.

11 (Whereupon, a break was taken,  
12 after which the following  
13 proceedings were had.)

14 MR. HALLORAN: All right. We're back  
15 on the record. I think Mr. Mueller indicated  
16 he has rested in his case in chief for Stop  
17 the Mega-Dump. Is that correct, Mr. Mueller?

18 MR. MUELLER: That's correct, your  
19 Honor.

20 MR. HALLORAN: I think -- and based  
21 on -- I had distributed a sign-up sheet, and  
22 we have approximately 14 members of the  
23 public that wish to give a public comment. I  
24 think what we'll do at this point is go ahead

1 and do that, and then take a break for lunch,  
2 if that's okay with the respondents.

3 But first let me say, regarding  
4 public comment, you can stand up here and  
5 state anything that is relative regarding the  
6 hearing. And for those people that have  
7 already sent their public comments in, the  
8 Board already has them. So I would ask  
9 you -- it would be somewhat repetitive and  
10 monotonous if you come up here and give an  
11 oral comment as well. And also, I will set a  
12 public comment briefing schedule after the  
13 hearing is concluded.

14 Regarding a public statement,  
15 that's a little different animal. You can  
16 step up here and give your statement under  
17 oath. At that point, you'll be subject to  
18 cross examination. But please keep in mind  
19 that I have authority to try to keep this  
20 under control, and as time constraints allow,  
21 I may have to shorten your comment. But we  
22 definitely want to give -- the Board welcomes  
23 and encourages all public comment.

24 But at this point, I will we'll

1 ask -- and my eyesight is bad. It looks like  
2 Mr. Ed McNeil or McGuire?

3 MR. MIGUEL: Miguel.

4 MR. HALLORAN: Miguel. And if you  
5 could just come up here and either give your  
6 public comment or public statement. We can  
7 sit in the chair here, but please -- up here,  
8 sir. State and spell your name and address  
9 when you start off. So you'll be giving a  
10 public comment then?

11 MR. MIGUEL: Yes.

12 MR. HALLORAN: Okay. And then as  
13 this -- as he steps down, then the other  
14 people will come up. All right. Thank you,  
15 sir. You may start off.

16 MR. MIGUEL: My name is Ed Miguel.

17 MR. HALLORAN: Could you spell your  
18 name, please?

19 MR. MIGUEL: Edward Miguel is the last  
20 name, M-i-g-u-e-l.

21 MR. HALLORAN: Thank you.

22 MR. MIGUEL: I've been a resident of  
23 DeKalb County for 40 years since I came here  
24 to NIU. I'm a VP of engineering for

1 Connor-Winfield Corporation at this time.

2 I think it's safe to say I'm  
3 fairly use to complex issues, but I've never,  
4 ever, experienced anything like this  
5 politically. I would like to thank all who  
6 are here. I believe this hearing is a good  
7 thing. This is not an ordinary expansion,  
8 and it's not business as usual. For my  
9 40 years living in DeKalb, I was proud of our  
10 efforts to extend the life of our landfill  
11 through recycling and awareness, and I feel  
12 we've succeeded in that. We've succeeded in  
13 making it last for 40 years, and it probably  
14 had some good time left after that.

15 In 40 years, this expanded  
16 landfill proposed here will be over six times  
17 as large and it will be full. I won't be  
18 here, but our children will be here and  
19 they'll be faced with this issue. They'll be  
20 faced with the remnants of our actions and  
21 still not have a solution to their own waste.

22 For some reason, this was  
23 handled -- for some reason, this was handled  
24 without thinking that the community would

1 care, namely like this is another warehouse  
2 in Park 88. It's not. For some reason, our  
3 country -- our county board did not feel it  
4 was necessary to inform us early enough to  
5 get our opinion. This was only a way to  
6 balance a budget and fund some projects.  
7 Maybe they could not tell us. And if that  
8 was truly the case, this process is flawed.

9 MR. HALLORAN: Mr. Miguel, I guess  
10 just for the record, you have sent -- you  
11 have a public comment on file with the board?

12 MR. MIGUEL: I do, sir.

13 MR. HALLORAN: Okay. And is this the  
14 same public comment you're reiterating now at  
15 this point?

16 MR. MIGUEL: Some of my points are  
17 being repeated.

18 MR. HALLORAN: They're a little  
19 different?

20 MR. MIGUEL: A little different too.

21 MR. HALLORAN: Okay. You may proceed.  
22 Thank you.

23 MR. MIGUEL: This is no ordinary  
24 proposal. It's the equivalent of dropping a

1 bomb on Cortland. It scars the land,  
2 releases gases, and is toxic to those around  
3 it. Lives are affected. Property is  
4 damaged. There will be illness, and even  
5 death, as a result.

6 We are here as a community to ask  
7 what was our board thinking? What was Waste  
8 Management thinking? How can someone think  
9 this is a good thing? A year of quiet  
10 meetings and a ramrod process is not enough.  
11 True, we have probably got to face it that  
12 our landfill will be full some day. Whatever  
13 happened to five and ten-year plans? Our  
14 problems and our solutions are not to be a  
15 dumping ground for everybody else's.

16 For our county board, I say  
17 communicate a little more with those who  
18 elected you. Don't leave it up to a random  
19 reporter who happens to be in the room. To  
20 Waste Management, I actually thank you for  
21 20 years of doing it our way, and I truly  
22 mean that. Was this the plan all along,  
23 however? Your company is still doing things  
24 like we did 50 years ago. You should be

1           called, "Old Waste Management." You need a  
2           new business model. You need to get into the  
3           community and educate on ways to reduce trash  
4           and not promote it. You're big enough that  
5           you can change the world to be better.

6                         Thank you to the Illinois  
7           Pollution Control Board. Your presence here  
8           allows us to air our feelings. I do not  
9           think that anyone in our community realized  
10          what the landfill siting rules were and why  
11          they are different. To me, this process  
12          bypasses democratic review on fundamental  
13          issues guaranteed in our constitution of  
14          life, which includes health, liberty, and a  
15          pursuit of happy.

16                        While you are here in DeKalb  
17          County today, this effects all of our great  
18          state of Illinois, as this could happen in  
19          any county. Rules are rules, but you have to  
20          listen to the people or this whole beautiful  
21          state of ours will be destroyed. Forget  
22          tourism, forget expansion. Please listen to  
23          us. We're saying that this has not been a  
24          fair process thus far. Few knew of it, and

1 when they did it was too late. Thank you  
2 very much.

3 MR. HALLORAN: Thank you, Mr. Miguel.  
4 Mr. Mark Charvat, please.

5 MR. CHARVAT: Mark, last name  
6 C-h-a-r-v-a-t.

7 MR. HALLORAN: Thank you.

8 MR. CHARVAT: I want to discuss the  
9 process involved and the unequal access to  
10 these documents that we have been talking  
11 about throughout the day.

12 The first thing, I went into  
13 Sharon Holmes' office prior to the public  
14 hearing and asked to sign up for -- to speak  
15 at the public hearing. I did -- and I want  
16 to put this on record -- get the runaround  
17 from the members over at the county  
18 administration building.

19 I had to wait at least ten or  
20 15 minutes, first off, for someone to sign  
21 the sheet, and then someone told me that,  
22 "Oh, we have to check with Ray Bockman  
23 perhaps -- " thank you. That's me. I signed  
24 up. I ended up signing up after I got



1           hassled. So you're smiling, Mr. Moran, here,  
2           but the county board staff made it very  
3           difficult for me to sign up to speak at the  
4           public hearing. This process was supposed to  
5           be easy and equal access to everybody.

6                        The second item, we've been  
7           talking about this DVD of the host agreement,  
8           okay? I got word that this DVD was made  
9           available to county board members. I also  
10          found out that another member of the public  
11          had the opportunity to go to the county  
12          clerk's office and purchase a copy of the  
13          DVD.

14                       So after I heard that, I decided,  
15          "I'm going to use my public rights and go to  
16          that office and purchase this copy of the  
17          DVD." Sharon Holmes, in the office, denied  
18          me a copy of that DVD. So any other member  
19          of the public who would have come behind me,  
20          or after that first person who got the DVD,  
21          did not have equal access to the site  
22          agreement on DVD. I needed that DVD that  
23          afternoon.

24                       That DVD was subsequently

1 delivered to me after I had got home at  
2 night. Mr. Bockman came to my house,  
3 delivered a copy of that DVD after hours. I  
4 couldn't use it then. I needed it that  
5 afternoon during standard business hours. I  
6 was denied access to that DVD. Equal access  
7 was not granted to me for the site agreement  
8 at the time. That DVD was made available to  
9 county board members. It was also made  
10 available to Mr. Bockman, to Waste  
11 Management, but not the general public. We  
12 did not have access -- equal access to the  
13 same information.

14 Mr. Moran constantly points out  
15 that you could have gone into the county  
16 clerk's office to look at the documents. As  
17 far as I know, the county clerk's office is  
18 open during standard business hours, correct?  
19 Is that correct? Okay. The board members  
20 that had that DVD had access to that same DVD  
21 out of business hours. The public should  
22 have been granted that same access. Thank  
23 you.

24 MR. HALLORAN: Thank you, Mr. Charvat.

1 Ms. King, please. Is Ms. King in?

2 Mr. Moore?

3 MR. MOORE: My name is William Moore,  
4 and I reside at 119 Windsor Drive in DeKalb,  
5 and I thank you, Mr. Halloran, for being  
6 here, and I'd like to address the other  
7 members of the board of my concerns.

8 MR. HALLORAN: For the record, you do  
9 have a written public comment on file?

10 MR. MOORE: That's true, sir, but I  
11 have some additions, and I will be brief.

12 MR. HALLORAN: Thank you.

13 MR. MOORE: I have some additions.

14 MR. HALLORAN: Thank you.

15 MR. MOORE: And one of the additions  
16 is that I would like it to go on record that  
17 I have been duly, appropriately and  
18 eloquently, at times, chastised for my lack  
19 of due diligence in understanding my full  
20 responsibility in this. And I do take that  
21 seriously. I should have been more aware,  
22 and I have been given the opportunity.

23 But I would like to remind the  
24 Board of the responsibilities that they have,

1 according to my understanding of the siting  
2 rules, and that is that in Illinois, it  
3 intends that the process -- the Illinois law  
4 intends that the citizens be fully informed  
5 of the proposal, and this is the essence of  
6 the issue. I was fully informed of it.

7 I became aware of that at 16 more  
8 counties, that it's seven times as large, and  
9 that it is a non-appealable agreement for  
10 46 years. If I had known that before the  
11 committee had made that decision, I can  
12 assure you I would have done my best to get  
13 other people to see that this process was  
14 more open and more balanced and more equal.

15 And so I urge the Board to take  
16 into consideration that many of us were not  
17 informed, partly, yes, because of rules of  
18 the state, but we were silenced to know. And  
19 especially, I want to stress the fact that  
20 it's 46 years. And I don't think in their  
21 understanding of the site acquisition in the  
22 beginning -- that's my new information -- I  
23 could not find where a 46-year agreement --  
24 and I think most people, when they became

1 aware of that, were awakened too late. And I  
2 would encourage you to give us another  
3 opportunity.

4 I'm not against the site, but I am  
5 against a process that clearly was not the  
6 one that I'm used to in dealing with public  
7 officials that I trust. I think they were  
8 silenced in some ways, for whatever reason.  
9 But I do hope that we can find a way to be  
10 able to give this community another  
11 opportunity to give a fair and balanced  
12 approach to address this issue. Thank you,  
13 sir.

14 MR. HALLORAN: Thank you, sir. Dave  
15 Kolars?

16 MR. KOLARS: Yes, sir. I have  
17 submitted written comments. I will waive my  
18 time.

19 MR. HALLORAN: Okay. Do you have  
20 anything new to say?

21 MR. KOLARS: No, not really.

22 MR. HALLORAN: Okay. Thank you, sir.  
23 Is it Dr. Hahin? We've already discussed --  
24 you've got two public comments on file?

1 DR. HAHIN: Yes.

2 MR. HALLORAN: Okay. And earlier, off  
3 the record, you gave me an attachment you  
4 would like to attach to one of your public  
5 comments, and I will mention that in my  
6 hearing officer report. It's an article  
7 regarding low level hydrogen sulfide and the  
8 central nervous system dysfunction by K.  
9 Killburn (phonetic), et cetera. In any  
10 event, I will take that with the record.

11 DR. KOLARS: Can I speak for just a  
12 minute or so?

13 MR. HALLORAN: Sure, sir. You can  
14 come up. Public comment?

15 MR. KENNY: This is Dr. Serewicz that  
16 you were referring to.

17 MR. HALLORAN: Oh, I'm sorry. All the  
18 doctors look alike. Okay, Doctor.

19 DR. HAHIN: Do I get --

20 MR. HALLORAN: Oh, the microphone.

21 DR. HAHIN: I just wanted to introduce  
22 a couple things besides what I introduced in  
23 the two letters that I provided you. One was  
24 through the Daily Chronicle.

1 MR. MOORE: Mr. Halloran, could the  
2 doctor identify himself?

3 DR. HAHIN: My name is Dr. Richard  
4 Hahin.

5 MR. HALLORAN: Keep the mike close to  
6 your mouth and spell it for us.

7 DR. HAHIN: Okay. My name is  
8 Dr. Richard Hahin. I'm a neurophysiologist,  
9 neurotoxicologist.

10 So I wanted to briefly mention a  
11 couple things. I think the process was quite  
12 unfair to many of us. First of all, there  
13 was no notification by the town, county, or  
14 Waste Management to residents living outside  
15 the one half mile limit, and this caused big  
16 difficulties for many of us. We were unaware  
17 of the fact that there was even going to be a  
18 public hearing. We weren't aware of this.  
19 Once I became aware of it, of course then I  
20 couldn't participate. So my only methods of  
21 participation were via the newspaper, and  
22 also through the possibility of writing to  
23 you.

24 MR. HALLORAN: All right. And we do

1           have two of those on file. Is this anything  
2           new for today?

3                     DR. HAHIN: Yes, a couple things.

4                     MR. HALLORAN: Okay. Thank you.

5                     DR. HAHIN: I just want to introduce a  
6           couple things quickly.

7                     MR. HALLORAN: Okay. Thank you.

8                     DR. HAHIN: First of all, I wanted to  
9           make sure that people understand this is not  
10          a control system in the engineering sense.  
11          Control systems are designed such that the  
12          pollutants would be measured and then  
13          controlled and limited below that, and this  
14          is not the case. This is not a control  
15          system. If the pollutants are above that  
16          value, then all we get is warnings. What do  
17          we do, leave the area?

18                    The next thing, the occupational  
19          exposure limit is ten parts per billion in  
20          the United States. But it's five parts per  
21          billion in Great Britain, because they looked  
22          at the record, the epidemiological record,  
23          and showed that for adults that were  
24          exercising, that this was quite dangerous to





1 MR. HALLORAN: You can sit if you'd  
2 like.

3 MS. VOTAW: No, I'm okay.

4 MR. HALLORAN: Great.

5 MS. VOTAW: I live at 637 Easy Street  
6 in Sycamore. What has come out in this  
7 meeting concerns me, because I have written  
8 several letters to the Illinois Pollution  
9 Control Board and stated many of my opinions  
10 in there. But during today's questioning is  
11 the first time that I heard that comment from  
12 people outside of the half mile radius was  
13 not pertinent to the case, so I don't know if  
14 my comments that I have sent in will be  
15 considered at all.

16 We've all had a lot of confusion  
17 as to whether or not we can talk. And if it  
18 is true that comments from people outside of  
19 the half mile radius are not pertinent, why  
20 did the hearing officer accept signup from  
21 these people to talk? And again, I'm  
22 confused as to what a public hearing is if  
23 the public cannot participate.

24 And lastly, I believe there was an

1           erroneous statement in the paper this weekend  
2           from Waste Management when they indicated  
3           that all trucks would be using I-88 to  
4           Route 38 to Somonauk. That's not true. It's  
5           only the 80,000 pound trucks that will be  
6           using that route, and approximately 200 other  
7           trucks of about 40,000 pounds can use any  
8           route that they would like to take. There's  
9           no set-aside for money to fix roads, and our  
10          roads are in terrible condition. That's all  
11          I have to say.

12                   MR. HALLORAN: Thank you, Ms. Votaw.  
13           I appreciate it. Is it Jennifer Tobias?  
14           Tomkins. Public comment?

15                   MS. TOMKINS: Yeah. My name is  
16           Jennifer Tomkins, T-o-m-k-i-n-s. And do you  
17           need the address?

18                   MR. HALLORAN: No.

19                   MS. TOMKINS: I live in Sycamore.  
20           Actually, my comment was really very similar  
21           to Barbara's. I didn't know she was going to  
22           make that.

23

24

1 (Whereupon, audience participants  
2 requested speaker to speak  
3 louder.)

4 MS. TOMKINS: Is that right? Okay.  
5 So I didn't know what Barbara was going to  
6 say, and my comments are actually very  
7 similar to hers, in that I didn't know until  
8 today that only people who live within a half  
9 mile radius were entitled to comment. That's  
10 news to me.

11 MR. HALLORAN: Is this at this  
12 hearing, or the local siting hearing?

13 MS. TOMKINS: No, the local siting  
14 hearing.

15 MR. HALLORAN: Okay. I'm sorry. You  
16 were making me nervous.

17 MS. TOMKINS: It seems to me that if  
18 that is the case, that's an extremely  
19 undemocratic procedure to only allow people  
20 within half a mile to comment on this, since  
21 this is something that effects our whole  
22 county. In fact, you could say it effects a  
23 much wider area than just this county,  
24 because it's a matter of policy, and I think

1           that that's possibly something that the  
2           county board was remiss in not challenging,  
3           the whole process of not allowing people to  
4           be able to comment.

5                         It should have been challenged by  
6           our county board members, it should have been  
7           recognized by the administrator, it should  
8           have been recognized also by the state's  
9           attorney. Because I believe in other  
10          communities, public officials have better  
11          served their communities, and have challenged  
12          the rules that have existed with the  
13          Pollution Control Board, and have got those  
14          rules amended. I consider it a delegate -- a  
15          dereliction of duty on the part of the County  
16          Board not to have challenged those rules in  
17          the first place, and I'm afraid that maybe  
18          their eagerness to get funding for other  
19          projects may have clouded judgment on this  
20          case, and I also request that the whole  
21          process be reconsidered.

22                         Again, like Dr. -- Reverend Moore,  
23          I'm not opposed to the concept of waste -- of  
24          waste dumps, because we need to have them

1 still. I don't believe that we've yet found  
2 a really good alternative. But even though  
3 some of -- there have been improvements made  
4 since the original siting agreement was  
5 signed as a result of the hearing, I still  
6 think that there are many other things that  
7 could have been considered.

8 For instance, there's no  
9 obligation on those other 16 counties to do  
10 anything in terms of improving their current  
11 recycling practices, which in many cases are  
12 not nearly as good as our own. And this  
13 means that -- but we are bearing an undue  
14 burden for other people's irresponsibility  
15 when it comes to the environment, and I would  
16 have thought that would be something that  
17 would greatly concern the pollution board  
18 too, since I hope that you are considering  
19 what is the best environmental practice in  
20 our state and in our county. So thank you.

21 MR. HALLORAN: Thank you, ma'am.

22 Janet Johnson, please. A public comment?

23 MS. JOHNSON: I don't know what it is.

24 MR. HALLORAN: Well, it's either a

1 public comment or a public statement. A  
2 public statement, you get -- you're under  
3 oath and subject to cross examination.

4 MS. JOHNSON: Well, if you think I  
5 need to be under oath, you can do it.

6 MR. HALLORAN: Well, it's entirely up  
7 to you. I don't think, I just advise as far  
8 as what your options are.

9 MS. JOHNSON: Okay. I'll just tell  
10 you the story.

11 MR. HALLORAN: Okay.

12 MS. JOHNSON: I live about two or two  
13 and a half miles north --

14 MR. HALLORAN: Your name and spelling.  
15 I'm sorry.

16 MS. JOHNSON: Oh, okay. I'm Janet  
17 Johnson. I live on Bethany Road. I've got a  
18 farm. A river runs through it, and I'm very  
19 concerned about this. I've written you a  
20 letter. There are lots of aspects that I  
21 won't go over with you because you feel the  
22 same way or you wouldn't be here.

23 I did go to speak knowing that the  
24 paper said you have to be within, I think, a

1 half a mile. I am too far away to stand up  
2 at the public hearing. I did not sign up. I  
3 just listened. Obviously I hadn't prepared  
4 to do that, thinking that I wasn't going to  
5 be allowed to speak. I've attended almost  
6 all of the meetings. I attended a meeting of  
7 the county board building. Every one of them  
8 just gets scarier and scarier, and I hope  
9 that this meeting will be able to shed some  
10 light on it, and you guys can stop it and let  
11 us start over again so people will have a  
12 right to know what's going on and voice their  
13 opinion.

14 MR. HALLORAN: Thank you so much,  
15 Ms. Johnson. And I might add, at break, one  
16 of the citizens came up and mentioned that I  
17 said there were about 75 participants or the  
18 public in the gallery. She counted and she  
19 counted approximately 150, so I just wanted  
20 to put that on the record.

21 Next is Kerry Mellott,  
22 M-e-l-l-o-t-t.

23 MR. MELLOTT: That's correct.

24 MR. HALLORAN: Okay. Terrific.



1 Public comment?

2 MR. MELLOTT: Yes, sir.

3 MR. HALLORAN: Okay. Thank you, sir.

4 Just state your name and spell it for the  
5 court reporter, please. I think we have a  
6 mike over there. Mr. Moran will let you use  
7 one of his.

8 MR. MELLOTT: My name is Kerry  
9 Mellott. I live at 22872 Malta Road.

10 MR. HALLORAN: You have to hold it  
11 close -- you have to hold the mike closer,  
12 sir.

13 MR. MELLOTT: I will do that. Thank  
14 you.

15 MR. HALLORAN: There we go.

16 MR. MELLOTT: I would like to speak as  
17 a citizen to the general unfairness and  
18 invalidity, in part at least, of this  
19 process. My background, so that you may  
20 understand some of my comments, I'm retired  
21 from a research group at Fermi National  
22 Laboratory where I developed radiation  
23 detectors and did other work that caused me  
24 to learn how to research topics of various

1 kinds.

2 My involvement with this entire  
3 process, in particular the hearing back in  
4 March, came about as a result of my reading  
5 what's been described today as the gag order  
6 from Ray Bockman to the county board members.  
7 I don't recall where I actually saw that, but  
8 it was published, and I read it, and upon  
9 seeing that became quite disconcerted with  
10 the notion that my elective representative,  
11 who happens to be Larry Anderson in  
12 District 1 over in Malta, was unavailable to  
13 me to question or make comments to regarding  
14 this process.

15 I believe I recall reading that  
16 sometime on a weekend, or something like  
17 that, I made a note that I would then call  
18 John Farrell, our state's attorney, and try  
19 and find out whether or not this so-called  
20 gag order or e-mail memo that Mr. Bockman had  
21 sent out to the board was, in fact, legal,  
22 was it something that was a requirement and  
23 binding.

24 I then did, in fact call John

1 Farrell, and after a little bit of delay, as  
2 he was in a meeting, did speak with  
3 Mr. Farrell, and I questioned him about this  
4 so-called gag order. He didn't explain it to  
5 me in depth, but rather referred me to  
6 someone that the county was hiring to  
7 represent the county, that being Renee  
8 Cipriano. Renee Cipriano, who then later at  
9 the hearing, along with a representative from  
10 Patrick Engineering, has hired consultants to  
11 represent the county.

12 The day that I talked to Mr.  
13 Farrell -- and we did have probably a ten or  
14 15-minute discussion -- I left that  
15 discussion unaware and unconvinced as to the  
16 legal requirements of this memo that  
17 Mr. Bockman had sent out to my elected  
18 representative and others, and so I was quite  
19 concerned about that. But as a result of  
20 that conversation with Mr. Farrell, I decided  
21 that I would wait for the hearing.

22 Unfortunately -- and this is the  
23 next step for me in this process -- when I  
24 read the Daily Chronicle's publication on the

1 hearing rules or policies as to who could or  
2 could not participate or comment, I realized  
3 that I was probably too late. In the  
4 newspaper, it was published that you had to  
5 have signed up to object or to comment or to  
6 participate by some certain date. I don't  
7 recall what that date was, Mr. Hearing  
8 Officer, but I realized then that perhaps I  
9 was too late. And so I was rather  
10 frustrated, but I just kind of put it on the  
11 back burner. I had other things going on as  
12 well.

13 And so the first time that I  
14 participated was when I actually -- late in  
15 the afternoon of the first day of the public  
16 hearing -- because I only live right down the  
17 street from Kishwaukee College where the  
18 hearing was held -- I decided that even  
19 though I wasn't properly signed up of my own  
20 volition, I decided I would just go down  
21 there. Maybe they wouldn't let me talk, but  
22 I would just go down there.

23 And so I did show up late in that  
24 afternoon, and then from that point forward

1 did participate. The hearing officer -- I  
2 think his name is McCarthy -- did allow  
3 people -- as he went through the day, he  
4 would remind people or tell people that he  
5 had changed the rules, that the published  
6 rules were not correct, or rather that he was  
7 going to change them, whether they were  
8 correct or not. And so that was the first  
9 time that I realized while I was there at  
10 about 3:30 that afternoon that first day,  
11 that I, in fact, could participate and could  
12 find out for myself whether I was satisfied  
13 with what had been happening for apparently  
14 quite some time before that hearing.

15 So I realized then -- after that  
16 first day, I got a little bit of a chance to  
17 listen to the various expert witnesses that  
18 Waste Management had called, and as a  
19 scientist myself, realized that this process  
20 was extensive, that there had been a great  
21 deal of preparation to present to the county  
22 a site application, and that it was not  
23 something that some citizen could decide in a  
24 day or two whether their application was

1 correct or not correct from a factual  
2 perspective.

3 I went home that evening when that  
4 first day closed, thinking that I needed to  
5 do an awful lot of research. Now, I'm a  
6 researcher, and I'm used to doing that kind  
7 of thing, but it takes time. It takes a  
8 great deal of time, in fact. So I sat in the  
9 hearing the rest of that week, and it was  
10 extensive.

11 I did cross-examine some of the  
12 expert witnesses, and the reason I did  
13 that -- and here is another point to  
14 unfairness, Mr. Hearing Officer -- although  
15 Patrick Engineering did send a representative  
16 at the behest of the county, that  
17 representative made essentially no effort as  
18 far as I could see, and I was sitting there  
19 most of the time to cross-examine the expert  
20 witnesses from Waste Management.

21 Now, the site application process  
22 and all of the research that went into it is  
23 something that went on for years and years  
24 and years. And Waste Management is a

1 multi-billion dollar international  
2 corporation. The depth that they brought to  
3 the table was very, very different than the  
4 depth of folks, like myself and Dr. Serewicz,  
5 who I think are the only two, perhaps three,  
6 technically-minded people, citizens, that  
7 showed up to ask questions. The county  
8 essentially had no representation from a  
9 scientific perspective.

10 I did the best I could, but it was  
11 not nearly good enough. I was going home  
12 every night and getting on the internet and  
13 finding out what I could find out. I have an  
14 understanding of engineering and physics and  
15 a little bit of chemistry, but the time  
16 allowed during that one week of testimony had  
17 to spill into the next week a day or two. It  
18 was not significant enough for someone who's  
19 unversed in the particulars of this to find  
20 out what needs to be found out and presented  
21 during that hearing.

22 So even though that hearing was  
23 more than a week long, it was not long enough  
24 for people who were unaware and had not had

1 the years of background preparation to bring  
2 forth a case that would refute or confirm the  
3 presentation as shown in that, as I found  
4 out, 7,000 page or so, site application. So  
5 from that perspective, I believe that it was  
6 an unfair process, that it was inequitable,  
7 and that it's now still incomplete. It's  
8 essentially an invalid process.

9 So I would like to point out some  
10 other things that I believe will show in the  
11 long run that that process was infective, one  
12 being a very simple fact: The landfill,  
13 unlike other sources of methane, hydrogen  
14 sulfide, or other hazardous compounds, the  
15 landfill cannot be turned off, folks. The  
16 other sources, for instance, a hog farm, for  
17 instance, a sewage treatment plant, a  
18 blacktop plant, all of these are potential  
19 sources of hydrogen sulfide. There are other  
20 hazardous components, but perhaps H<sub>2</sub>S is the  
21 most damaging to our physiology.

22 Those other sources can be turned  
23 off in a very short order. It may be an  
24 economic problem for whoever owns those



1 facilities, and it certainly would be a big  
2 problem logistically for the town of Cortland  
3 or any town if they had to turn off their  
4 sewage treatment plan, but it can be done, in  
5 fact.

6           Unfortunately, when you bury  
7 waste, organic waste, and it has the  
8 opportunity to react, as in a chemical  
9 reactor, it does produce things like hydrogen  
10 sulfide. But when that is significantly  
11 underground, it's very difficult to turn that  
12 off, that process. It's also very difficult  
13 to control it.

14           Now, this is something that, so  
15 far as I remember, really hasn't been  
16 discussed or brought up. What do you do with  
17 an engineered system that you can't easily  
18 turn off? I worked in the lab. I worked  
19 with bottles of gas, not particularly  
20 hydrogen sulfide, but many other toxic gases.  
21 And if there ever was a problem, our sensors  
22 would tell us, and the simple thing was,  
23 providing that you were still -- your  
24 personal protective equipment worked and you

1           were still able to function, you simply turn  
2           off the source. You can't turn off the  
3           source in the landfill. So that is one of  
4           the main differences between a landfill and  
5           any other source of a hazardous compound, or  
6           gas, or whatever it might be.

7                         Fourthly, I'd like to point out  
8           and ask where are the citizens from the other  
9           16 counties? Here we are at a hearing before  
10          the Illinois Pollution Control Board, and  
11          these other folks are at least economically  
12          impacted by the situation. I wonder why they  
13          don't need the revenue from the tipping fees  
14          from such a large landfill? They're not here  
15          though. Is anyone here? I have not yet  
16          heard anyone comment.

17                        I have not met anyone either at  
18          this hearing, or at the prior hearing, from  
19          these other counties, but I would expect to.  
20          It would make sense to me. If it's a fair  
21          process, it would make sense to me that folks  
22          from the other counties would also come, or  
23          even be asked to come, and that they would  
24          comment on the situation, is it good or bad

1 for them, just like some of us here from  
2 DeKalb County are commenting on whether it's  
3 good or bad for us. So that also, I believe,  
4 is an evidence that this is not a fair  
5 process.

6 Another thing is that these  
7 standards -- I mentioned H<sub>2</sub>S or hydrogen  
8 sulfide -- these standards are changing.  
9 Now, the ATSDR is a subset of the CDC, the  
10 Center for Disease control, and they have  
11 published a standard, or a level of  
12 permissible exposure to hydrogen sulfide, to  
13 methane, to all sorts of different compounds  
14 that are hazardous to our bodies and our  
15 health. This particular problem with H<sub>2</sub>S is  
16 something that is, in fact, changing. In  
17 fact, Dr. Aubrey Serewicz handed to me a  
18 little bit earlier a new paper published in  
19 2010, peer reviewed, that will show data as  
20 to how this H<sub>2</sub>S is dangerous to us.

21 My point is that in the sense of  
22 unfairness and incompleteness of this  
23 process, I'd like to point back to something  
24 that probably everyone has heard of:

1 Benzine. Benzine is generally a liquid, it's  
2 standard temperature and pressure, and I used  
3 to wash my hands with it, folks. As a  
4 chemist, or someone working in a chem lab,  
5 that was very commonly done. When I last  
6 used benzine, which probably goes back to  
7 about 1990 or '92, our safety officer came in  
8 and said to me, "You need to be a little bit  
9 more careful with that, because they just  
10 lowered the amount of exposure, so we now  
11 want you to try not to use that." Well,  
12 since that time -- that's a long time ago  
13 now, I know. Since that time, the standards  
14 has been lowered again. In fact, most labs  
15 try not to use benzine at all anymore.

16 Radio activity is another example.  
17 Back in World War II, folks thought it was  
18 okay to stand and watch an atomic bomb test.  
19 They were only 10, 20 miles away, and would  
20 actually stand there with dark glasses and  
21 watch, and they were irradiated. Since that  
22 time -- and I won't belabor the point, but  
23 since that time, the exposure for -- or the  
24 level for permissible exposure to ionizing

1 radiation has been dropped again, and again,  
2 and again.

3 In fact, you're all familiar with  
4 the problems that the Transportation and  
5 Safety Agency is having with airport  
6 scanners. They use back-spatter radiation,  
7 and some folks are concerned about their  
8 exposure to that, even though it's less than  
9 a standard dental X-ray. But people are  
10 concerned, and they should be concerned,  
11 because over time, as we understand it better  
12 scientifically, we find that these levels are  
13 constantly being lowered because we find more  
14 and more data that shows why it can have an  
15 adverse impact on our biology.

16 So I would say that hydrogen  
17 sulfide, and perhaps methane and other  
18 compounds that evolve from a pollutant  
19 control chemical reactor, otherwise known as  
20 a landfill, those levels may, in fact, be  
21 lowered sometime over the next 40 or so years  
22 that this landfill will be active. So that  
23 also, I think, shows the invalidity of this  
24 process. It's not complete, it's not

1           equitable, and it certainly is not as  
2           scientific as it needs to be.

3                       Finally, I'll stop with one last  
4           thing. I spoke with Jim Briscoe, who is the  
5           superintendent of District 428, the local  
6           school district, which encompasses Cortland,  
7           Malta, and DeKalb, and they have installed  
8           the best state of the art detector for  
9           hydrogen sulfide at Cortland School. I've  
10          looked into it, I know Dr. Serewicz has  
11          looked into it. It's just the best that  
12          exists at this point in time.

13                      Unfortunately, there are some  
14          problems with the measurement technique. In  
15          particular, that's one location where you're  
16          taking one data point. That doesn't tell you  
17          much about what's going on in the surrounding  
18          area. And it's not -- the school is not open  
19          all the time, and the sensor happens to be  
20          located in the entryway to the school. So  
21          whatever it reads is not necessarily an  
22          absolute indication of what's going on at the  
23          landfill across the Tollway.

24                      Now, to make matters worse, I

1 asked Dr. Briscoe -- and we're on a friendly  
2 relationship term. I'm involved in the  
3 school affairs as much as I can be as a  
4 citizen -- and I asked Jim Briscoe if they  
5 would stream the data, because the machine  
6 has that capability, and put real time to the  
7 citizens. And he said, "No, we will not."  
8 And the reason that they won't is because  
9 they're afraid of what will happen when  
10 uneducated people get that information. He  
11 is unprepared to educate everyone as to what  
12 that information means.

13 So even though they will keep  
14 records of that, they will not allow the  
15 parents or the folks in the subdivision, or  
16 in the town, or anywhere to see what that  
17 machine will be measuring. And so far as I  
18 know, that is the only machine that any  
19 member of the population has any access to.  
20 So far as I know, there is no other source  
21 for that kind of information.

22 So all of those points,  
23 Mr. Hearing Officer, I believe add up to  
24 making this whole process incomplete, at

1 best, and quite possibly unfair. So those  
2 are my comments. Thank you very much.

3 MR. HALLORAN: Thank you, sir. Roger  
4 Anderson, you can take a mike. I think  
5 they're both on. I'm not sure. But just  
6 state your name and spell it.

7 MR. ANDERSON: Yeah. I'm Roger  
8 Anderson. I am a lifelong resident of DeKalb  
9 County.

10 (Whereupon, audience participants  
11 requested speaker to speak  
12 louder.)

13 MR. ANDERSON: Sorry. I'm Roger  
14 Anderson, A-n-d-e-r-s-o-n, a life long  
15 resident of DeKalb County. I'm humbled by  
16 the comments of those who preceded me here  
17 today. I've written a short comment I wish  
18 to read.

19 We all come from the earth and we  
20 live by it. If not by the earth, then by  
21 what? By the industrialization of our own  
22 consumerist amnesia? Through the outsourcing  
23 of our own waste? Even the word "waste" is  
24 telling. It is something unusable we need to



1 be rid of that needs to be put out of sight.

2 The big green truck comes on  
3 Thursday. Whatever we have no use for is  
4 taken away. How many of us can even say what  
5 went into our garbage cans? If we thought  
6 about that, we would have to change our ways,  
7 yet the momentum of cultural conditioning is  
8 quite the opposite. The radio announcement  
9 of this morning's important hearing was  
10 sandwiched between stories about seasonal  
11 shopping trends, promotions of consumption  
12 passing as news. When the flood of  
13 disposable refuse is swept away after the  
14 holidays, when the green trucks manage our  
15 waste, will we have learned anything about  
16 our own individual and collective  
17 responsibility?

18 The top-down industrialized  
19 outsourcing of that responsibility only  
20 provides us with a disconnect between how we  
21 live on the earth and what we bury in it.  
22 Now Waste Management wants 550 acres of our  
23 land for the outsourcing of 17 counties'  
24 waste, perpetuating irresponsibility in those

1 distant counties doing nothing to change our  
2 currently's wasteful ways. Why would those  
3 in power and position to impose their  
4 influence on our local community wish to do  
5 anything other than expand? The money flows  
6 through the garbage.

7 Now the arguments for the  
8 so-called Mega-Dump hold more water than the  
9 liners of the proposed garbage pits. I can't  
10 help but see this new expansion of the  
11 Cortland site as not only an ecological  
12 disaster, but also as an analogous to the  
13 ever-expanding prison industrial complex  
14 which must be fed. To seed 550 acres in  
15 order to build a new jail, that  
16 after-the-fact, top-down, punitive approach  
17 to the waste in our society rewards the wrong  
18 end of the chain.

19 While we need security in our  
20 communities and the countryside, the real  
21 change starts in supporting a bottom-up  
22 attention to the troubles ahead, and a  
23 support of education in both the ecological  
24 and sociological spheres, not a warehousing

1 of garbage which is no security at all. We  
2 do not need, nor will we willingly accept,  
3 the expansion of Waste Management's empire.  
4 The line must be drawn somewhere against the  
5 perpetual expansion of the consumption  
6 disposal cycle. And if not here, where?

7 MR. HALLORAN: Thank you,  
8 Mr. Anderson. I'll probably mangle the next  
9 name, and I apologize. Haji-Sheikh?

10 MS. HAJI-SHEIKH: Oh, very good.  
11 Almost.

12 MR. HALLORAN: Sorry. You can grab  
13 one of Mr. Moran mikes, state your name,  
14 spell it and where you live. Thanks.

15 MS. HAJI-SHEIKH: My name is Misty  
16 Jahi-Sheikh. I live at 529 Park Avenue. My  
17 last name is spelled H-a-j-i -- dash --  
18 capital S-h-e-i-k-h. I wanted to speak  
19 today, but as a public statement, not as a  
20 public comment.

21 MR. HALLORAN: Okay. So you want to  
22 be sworn under oath?

23 MS. HAJI-SHEIKH: Yes.

24 MR. HALLORAN: Okay. Rebecca?

1 (Witness sworn.)

2 MR. HALLORAN: And it must be  
3 relative.

4 MS. HAJI-SHEIKH: Yes, sir, it is.

5 The reason I wanted to make this  
6 as a public statement is that Mr. Moran, in  
7 his opening statement, stated that this was  
8 about the ability for people to get  
9 information, or to be denied information, and  
10 he has repeatedly stated such, and he has  
11 questioned people as to did they have any  
12 information on someone not being able to get  
13 information. Well, I stand before you  
14 because I am one of those people.

15 A week or so before the May 10th  
16 vote, I learned about the fact that there was  
17 going to be a vote -- or maybe it was two  
18 weeks before. Anyway, I wrote a letter to  
19 each of my county board members. And I have  
20 a letter that I can submit to you, a copy of  
21 it, if you'd like.

22 MR. HALLORAN: Are you going to read  
23 this into the record? Because I don't need a  
24 copy of it.

1 MS. HAJI-SHEIKH: Do you want me to  
2 read it into the record?

3 MR. HALLORAN: No, you don't have to.  
4 You can just drop it off with me.

5 MS. HAJI-SHEIKH: I was just going to  
6 hand it to you.

7 MR. HALLORAN: I'll just take it as  
8 Hearing Officer Exhibit 3.

9 MS. HAJI-SHEIKH: What I asked in the  
10 letter was I asked each of my county board  
11 members simple questions, like, "What are we  
12 going to do about air quality around  
13 Cortland? What are we going to do about  
14 traffic? How are we going to handle these  
15 type of things?" One of my county board  
16 members did not respond at all. The other  
17 one came to my home and said, "I cannot talk  
18 to you because there's a gag order," in  
19 essence. They're not her words, but they're  
20 mine.

21 I was referred to Mr. Ray Bockman,  
22 so I took my letter and I drove over to  
23 Sycamore to the courthouse, the office, and I  
24 went to Ray Bockman's secretary. The door



1 agitated, so I thanked him, but I asked him  
2 if he could get back to me before the vote on  
3 May 10. He said he wasn't sure, and I also  
4 did ask him if I could have access to those  
5 nine volumes, 7,000 pages. I did not get  
6 that on that visit. He wasn't even sure if  
7 he could get back to me in the letter in a  
8 reasonable time before -- or a phone call  
9 through a reasonable time before the vote, so  
10 I left.

11 I went home and I got on the  
12 internet, and I tried to find documents on  
13 the internet. They weren't all there. So  
14 the next day -- I'm a little tenacious, and I  
15 showed back up, and I went to the secretary's  
16 office, and in speaking with her, she said,  
17 "Sure, I will let you see the nine volumes.  
18 There were DVDs, but I don't have one, and so  
19 there's not really one available to take with  
20 you, but you could check your local library."

21 So I took some of the nine  
22 volumes, not all of them, and I started from  
23 the beginning from the Pollution Control  
24 Board hearings and worked toward the nine

1 volumes -- sorry, I need to check my notes  
2 here.

3 Then I proceeded to make a  
4 discovery that does touch on this, but it's a  
5 little different than anything that's been  
6 presented here, and that is in one of the  
7 preliminary documents, they were doing a need  
8 of how many different landfills versus what  
9 we have here, how much trash versus what we  
10 have here. And in one of the comments, it  
11 said that Fossil Creek was not used because  
12 it did not have access to rail. At that  
13 point, I got very interested, because I  
14 thought, "Rail? I never heard anything about  
15 rail."

16 So I went on the internet and did  
17 quite a bit of research. I went back to the  
18 library multiple times and copied, at my own  
19 expense, around 200 pages of those nine  
20 volumes so I could put some information  
21 together to make a coherent argument. And it  
22 boils down to this: At some point, there are  
23 17 counties who need an awful lot of garbage.  
24 They want to put it in a landfill that is



1            somewhere around 590 acres of landfill. 640  
2            is a square mile, and if you go vertically as  
3            well, wouldn't that make it as tall in the  
4            whole center? That's a lot of garbage.

5                            I also found a couple of things.  
6            One, there is a couple of places in the  
7            application where it talks about a transfer  
8            station. The transfer station is not in the  
9            footprint of the dump. That means it has to  
10           be somewhere else, and how you get there  
11           could be by truck or could be by rail. A  
12           transfer station is, in essence, where they  
13           take trash from a rail, sort it, and then  
14           ship it out somewhere else. If they were to  
15           locate this transfer station in DeKalb, where  
16           I live, the trash would come twice. It would  
17           come into the transfer station, be sorted,  
18           and then it would have to go either to the  
19           landfill, or to a recycling center of some  
20           sort that's not located in DeKalb.

21                            And by doing it by truck, you run  
22           an expense. Trucks are kind of expensive to  
23           run. But rail, if you read -- I mean, if you  
24           go on and look on cable, there was an ad just

1           yesterday for CNX that said they could move a  
2           ton 500 miles on one gallon of gas, that  
3           equivalent. So it's much cheaper to go by  
4           rail.

5                         Then I looked to see what the laws  
6           were. Well, in 2008 there was a Clean  
7           Railroads Act that was passed where the  
8           federal government, in essence, gave the  
9           jurisdiction over the sidings. Now, when you  
10          have a rail, you have the main line, and then  
11          you have a siding where you can pass, or you  
12          can pull off and and load and unload. And  
13          that siding, that jurisdiction was then given  
14          to either the states or the locals. So there  
15          is something that you can do, even if this  
16          hearing is not in your favor. You can go to  
17          your city, and you can have them pass  
18          ordinances, which I'll get to in a minute.

19                        At any rate, the sidings, where  
20          trashed would potentially be for a length of  
21          time, would be in your town, if you live in  
22          DeKalb, and the transfer station is in  
23          DeKalb. So we'll use that as the example. A  
24          siding with a rail car on it could be there,

1 I don't know, a day, a week, who knows. In a  
2 landfill, it's required to be covered by dirt  
3 in a certain prescribed manner. But right  
4 now, there aren't any laws that I was able to  
5 look at for rail sidings, so it could sit  
6 there exposed to rodents, birds, leaks, air,  
7 fumes, and a number of other things.

8 So I do think that that is a  
9 concern. I think having a transfer station  
10 that is not in the application -- it is  
11 mentioned there twice in two locations, but  
12 not as a footprint to where it would be  
13 located -- is also a concern. I think that  
14 my not being able to get information, because  
15 I never did get a DVD, even though I  
16 asked -- I was willing to pay for one -- and  
17 not being able to get information the first  
18 day, and having canceled everything I did and  
19 make a second trip, goes to Mr. Moran's first  
20 statement.

21 And last, I would like to  
22 say -- thank everyone who is here for voicing  
23 your concerns on things that concern you, and  
24 taking your time. And I did get a phone call

1 on my way here from a friend of mine, Julie  
2 Spawn (phonetic), and she said she was unable  
3 to be here, and wished that they these in the  
4 evening so that people who are working could  
5 also come.

6 MR. HALLORAN: Thank you. Thank you  
7 for your public comment. We have two more  
8 that are signed up. Ms. Lea Ann -- is it  
9 Brei?

10 MS. BREI: Brei.

11 MR. MORAN: Mr. Halloran?

12 MR. HALLORAN: Mr. Moran?

13 MR. MORAN: I believe Ms. Haji-Sheikh  
14 made a public statement. Was sworn. It  
15 wasn't public comment.

16 MR. HALLORAN: Oh, I'm sorry. You  
17 wanted to do cross. My bad.  
18 Ms. Haji-Sheikh? You can sit down. I'll  
19 call you right after this. I'm sorry.

20 MS. BREI: Oh, okay.

21 MR. HALLORAN: If you could just have  
22 a seat, and then grab the mike, and I don't  
23 know Mr. Moran and Ms. Antonioli is going to  
24 ask you any cross.

1 MR. MORAN: Thank you, Mr. Halloran.

2 MR. HALLORAN: Thank you, Mr. Moran.

3 Thank you for the correction.

4

5 C R O S S - E X A M I N A T I O N

6 BY MR. MORAN:

7 Q. Ms. Haji-Sheikh, you first learned of  
8 the site location application sometime in April  
9 of 2010?

10 A. That is correct.

11 Q. And you're aware that this proposal  
12 does not include any requests to site a transfer  
13 station. Is that correct?

14 A. The transfer station is in the  
15 application in two separate places. So therefore, I  
16 would assume, since it's in the application, it's  
17 reasonable to understand that -- whether or not this  
18 particular hearing has to do with it, the  
19 application does state that there is a transfer  
20 station at some point.

21 Q. But the site location application at  
22 no point requests site location approval for a waste  
23 transfer station, does it?

24 A. My recollection is that the

1 transfer -- they said -- it says that there will be  
2 a transfer station. It does not say where or when.

3 Q. And there's no request in this site  
4 location application to permit or authorize any  
5 transportation of waste by rail, is there?

6 A. The one mention of rail is in the  
7 Pollution Control Board minutes, if you will, that  
8 talks about Fossil Creek. It's online.

9 MR. MORAN: I have no further  
10 questions.

11 MR. HALLORAN: Thank you. Ms.  
12 Antoniolli?

13 MS. ANTONIOLLI: Just one or two.

14 C R O S S - E X A M I N A T I O N

15 BY MS. ANTONIOLLI:

16 Q. In your research, did you review the  
17 Illinois Environmental Protection Act or any of its  
18 requirements relating to a pollution control --

19 (Whereupon, audience participants  
20 requested counsel speak louder.)

21 BY MS. ANTONIOLLI:

22 Q. In your research, did you review any  
23 of the requirements of the Illinois Environmental  
24 Protection Act with respect to pollution control

1 facilities?

2 A. I did review some of it. I'm not sure  
3 that I got all of it.

4 Q. And in reading the definition of a  
5 pollution control facility, would you have seen that  
6 a transfer station is, in fact, a pollution control  
7 facility?

8 A. I do know that the Illinois EPA -- the  
9 IEPA does have jurisdiction over transfer stations.

10 Q. And if you had read those rules too,  
11 you would also understand -- and you can tell me if  
12 you have -- that siting a waste transfer station  
13 would also require the same process that we've gone  
14 through with respect to this landfill expansion?

15 A. I do not know what the procedure for  
16 that is.

17 MS. ANTONIOLLI: Okay. Thank you.

18 MR. HALLORAN: Thank you.

19 Mr. Mueller?

20 MR. MUELLER: No, thank you.

21 MR. HALLORAN: Okay. Thank you.

22 Thank you so much. Okay. We have two left.

23 It's approximately 12:06, for the record. We  
24 have a Ms. Lea Ann -- I'm going to

1 mispronounce it again -- Brei.

2 MS. BREI: Brei.

3 MR. HALLORAN: You can step up.

4 MS. SLAVENAS: Sir, I would like to  
5 make a statement, but I didn't know where to  
6 sign up. May I make a statement?

7 MR. HALLORAN: Okay.

8 MS. SLAVENAS: Not right now. After  
9 the people that sign up.

10 MR. HALLORAN: Okay. Right after Ms.  
11 Mott. Is that okay?

12 MS. SLAVENAS: That's fine.

13 MR. HALLORAN: Okay. Thank you. You  
14 want to make a public comment or public  
15 statement?

16 MS. BREI: A comment.

17 MR. HALLORAN: Just state your name  
18 and spell it.

19 MS. BREI: Lea Ann Brei. It's  
20 L-e-a-Capital-A-n-n, Capital-B-r-e-i. I live  
21 at 204 West Ellen, and that's in Cortland.

22 (Whereupon, audience participants  
23 requested speaker to speak  
24 louder.)



1 MS. BREI: My name is Lea Ann Brei. I  
2 live at 204 West Ellen in Cortland. This is  
3 just a public comment. I have not already  
4 sent a letter in, so this is all fresh and  
5 brand new. Basically, what I'm here today to  
6 speak about are I'm trying to speak on behalf  
7 of two groups of people that are not here,  
8 the first one being the children.

9 I'm a 16-year resident of  
10 Cortland. I have three -- four children,  
11 three of which attend Cortland Elementary  
12 School. And I just want to tell you a  
13 little -- share with you a little story about  
14 this t-shirt that I have on. We are here  
15 today to talk about fairness, and whether  
16 this process was fair.

17 Well, if you want to speak from  
18 the way that children think, that's kind of  
19 how I got started with this t-shirt. I sat  
20 down with my kids, and we discussed what was  
21 going on with the landfill and what's going  
22 on with Cortland Elementary School, and we  
23 talked about the fact that there's going to  
24 be one landfill that was for one county, that

1           there's not going to be one landfill for 17  
2           counties. It's simple math, okay? We're not  
3           here to talk about -- or I'm not here to talk  
4           about what happened at the board, what  
5           happened -- who got the DVD, who didn't get  
6           the DVD, you know, what's going on with a  
7           sight hearing or whatever. I didn't know  
8           about any of that stuff, okay? But what's  
9           important to me is the children, and those  
10          are the kids that I looking out for in  
11          Cortland, Illinois, okay?

12                         So back to the t-shirt. We sat  
13          down, and we said, "We have one dump for one  
14          county. Now we're going to have 17 counties.  
15          Is that fair?" The simplest of terms -- this  
16          is what my kids came up with: They said,  
17          "Mom, if we have one dump for one county,  
18          that makes sense. Why would we have one dump  
19          for 17 counties?" "Well, I can tell you  
20          why," and this is what I told them. "Those  
21          17 counties, they don't want to have a dump  
22          either, okay? So what are they going to do?  
23          They're going to send it to our dump, because  
24          we're going to be so nice and kind and so

1 giving that we're going to allow all those  
2 people to bring their garbage to us." And my  
3 kids looked at me and said, "But mama, that's  
4 not fair." That's why we're here, to talk  
5 about fairness, okay? It's the simplest way  
6 I can put it. It's not fair.

7 The other thing I want to share is  
8 in this great country that we live in, the  
9 democratic -- the process that we go through,  
10 we all should get representation, correct?  
11 We all should have a voice and get a vote.  
12 We vote for these representatives. Well, I'm  
13 here to speak for the people that aren't here  
14 that I went door-to-door to talk to in  
15 Cortland, Illinois. There's about 4,000 of  
16 us, okay? I spent hours, and hours, and  
17 hours going door-to-door talking to people  
18 that do not want this. They can't be here.  
19 They can't be at this hearing. They haven't  
20 been able to be at a lot of the hearings.

21 But it's kind of sad to think that  
22 all those people that I've talked to that  
23 have shared their concerns with me, "Where do  
24 we go? Where do we go for help? Who do we

1 speak to?" We don't have representation.  
2 "Could we go to the town of Cortland?" "No."  
3 "Well, why is that?" Well, because back in  
4 October, before anybody in Cortland ever knew  
5 anything about this, the town of Cortland  
6 sold us out. How did they do that? Well,  
7 they signed a little dotted line that said,  
8 "You give me \$1 million, I won't fight you,  
9 and I won't help anybody who wants to fight  
10 you."

11 So here I am, just a common,  
12 everyday Joe, a 16-year resident of Cortland,  
13 and I have a problem. I have kids in a  
14 school, I have a home, I have a family that I  
15 care about. Who do I go to for help when I  
16 say that I don't want this landfill? Well, I  
17 can't go to the town of Cortland, right?  
18 Check them off the list. So then where do I  
19 go? Well, this is a county issue, so maybe  
20 I'll go to the DeKalb County board. Well,  
21 then I found out that you can't go to the  
22 DeKalb County board members. They can't  
23 speak to us. They have a gag order.

24 So in this whole -- the whole

1           scheme of things, there's two people --  
2           there's two groups of people that this has  
3           really been very unfair to: The children,  
4           who have no voice. They're basically going  
5           to school every day drinking the Kool-Aid  
6           thinking, "Oh, it's just a dump. How is this  
7           going to hurt us?" We don't know know that.  
8           We are not guaranteed that that dump cannot  
9           hurt these children. No one has given me  
10          that guarantee. And the other group of  
11          people, like I said, are the people that  
12          can't come to these meetings that are very  
13          concerned. They don't -- they're not  
14          comfortable standing up and speaking about  
15          what they care about or what they feel about,  
16          and we need to think about those people, and  
17          they're not here, okay? So think about the  
18          representation. We do not have any. We  
19          don't have the town of Cortland, and we don't  
20          have our county board members. Who do we  
21          have?

22                           I just want to say one final word.  
23          Everyone -- many people have ridiculed or,  
24          you know, passed off -- passed judgment on

1 the Stop the Mega-Dump group and said, "Oh,  
2 they're bunch of whiners and complainers or  
3 looney tunes." Well, I just want to say  
4 before all of you today, I am so thankful for  
5 the Stop the Mega-Dump group. They are  
6 people that don't even live in Cortland, and  
7 they care more about Cortland than our own  
8 Cortland representatives do, and that is a  
9 shame. Thank you.

10 MR. HALLORAN: Thank you. Grace Mott,  
11 please.

12 MS. MOTT: Can I let Rose go in front  
13 of me and I'll go last?

14 MR. HALLORAN: Sure.

15 MS. SLAVENAS: Thank you.

16 MR. HALLORAN: You're welcome. Public  
17 comment or public statement?

18 MS. SLAVENAS: Could you differentiate  
19 between the two for me?

20 MR. HALLORAN: A public comment, you  
21 get up and you state your peace. A public  
22 statement, you're sworn under oath, and you  
23 can be subject to cross examination. The  
24 Board will weigh that accordingly.

1 MS. SLAVENAS: Okay. Thank you.

2 Thank you very much. This is the first I've  
3 heard that differentiation made. You say the  
4 Board will weigh that appropriately?

5 MR. HALLORAN: Accordingly, correct.

6 MS. SLAVENAS: Accordingly. All  
7 right. I was told -- this is a process  
8 question and a fairness question. I was told  
9 that -- I would like to make a statement, but  
10 I will give you my name. I'm not used to  
11 quasi legal processes, and I try to stay away  
12 from legal ones as much as possible. But  
13 quasi legal ones are way out of my league,  
14 believe me. My name is Rose Marie, R-o-s-e  
15 M-a-r-i-e.

16 MR. HALLORAN: So do you want to give  
17 a public comment or a public statement? Do  
18 you want to be under oath?

19 MS. SLAVENAS: I would say I  
20 definitely want to be under oath, because at  
21 the hearings that they had before, nobody  
22 told us any differentiations we could make.  
23 At least I was there at the beginning to  
24 end --

1 MR. HALLORAN: I don't know anything  
2 about the local siting hearing. Anyway,  
3 Rebecca will swear you in if you just raise  
4 your right hand.

5 (Witness sworn.)

6 MS. SLAVENAS: I start my testimony  
7 with my name. Is that right?

8 MR. HALLORAN: You can have a seat if  
9 you'd like.

10 MS. SLAVENAS: No, I like to stand up.

11 MR. HALLORAN: Just your name and  
12 spell it.

13 MS. SLAVENAS: Rose Marie Slavenas,  
14 R-o-s-e M-a-r-i-e, and I live at 1629 Park  
15 Avenue in Sycamore, which is in Cortland  
16 Township.

17 THE REPORTER: I need your last name,  
18 please, the spelling.

19 MS. SLAVENAS: S-l-a-v-e-n-a-s.

20 Okay. All right. Excuse me if  
21 I'm not very good at a quasi legal process,  
22 but I will try my very best, and I will  
23 definitely tell the truth. I got that part  
24 of it.



1           As far as the process goes, I was  
2           at all of the hearings -- at the original  
3           hearings at Kishwaukee College, except for  
4           one day, and I was there at the start. And  
5           so as far as process and fairness, I think  
6           process is the essence of fairness. And I  
7           think to be fairly treated, we, the people,  
8           need to be thoroughly informed about what the  
9           process is we are addressing. If we're not,  
10          we literally don't know what we're doing.

11                 And certainly, I was in that  
12          situation, but someone did tell me -- because  
13          I was there a lot sitting there, and someone  
14          did tell me that nothing we said made any  
15          difference because we weren't under oath. So  
16          in essence, if that's true, and I have no  
17          reason from what I know about legal  
18          processes -- I don't know anything about  
19          quasi legal ones -- Mr. Moran knows about  
20          quasi legal processes, 1981 case law, that he  
21          didn't provide us with.

22                 But anyway, coming into this  
23          absolutely cold and sitting down, because I  
24          read it in the Chronicle the week before, I

1 think it was, I had no idea what we were  
2 doing or that it had anything to do with a  
3 legal process at all. But when I was told  
4 that nothing we said matters, I thought,  
5 "Well, that's true." We've got freedom of  
6 speech, don't we, folks? And nothing we said  
7 matters. We already know that. Hey, I'm  
8 sorry. That's it, freedom of speech. That's  
9 a wonderful thing to have. But when you're  
10 invited in, and you take your time, and you  
11 come to something that is significant to you,  
12 you need to know the process.

13 Now, our hearing officer certainly  
14 did his best. But when he introduced the  
15 process to us, he said he wanted to know who  
16 wants to participate, and then several  
17 people -- I would guess five -- raised their  
18 hands, and said, "What is it to participate?"  
19 And he said, "Well, it means that you  
20 participate," and he said that five times.  
21 Now, I'm in education. I know you don't  
22 define a term by the term. But he could not  
23 come up with something else. Now, that's  
24 neither here nor there, but that's just the

1 case of the matter. "If you want to  
2 participate, you participate." That's not  
3 helpful. That is not helpful.

4 So we didn't know what it meant to  
5 participate. But what I suspect standing  
6 here, knowing what I know about legal  
7 processes, is that absolutely when it comes  
8 to comment -- and you're the first person  
9 I've heard differentiate comments from  
10 statements. When it comes to comment,  
11 nothing that was said there makes any  
12 difference at all. That's what I believe.  
13 And certainly, the legal people that know  
14 more than I do are welcome to correct me.  
15 But that's a charade. That's a charade. We  
16 were invited to a charade.

17 MR. HALLORAN: I would ask you to  
18 withhold your applause, please. This is a  
19 hearing. Thank you.

20 MS. SLAVENAS: I am a professor  
21 emeritus from Northern Illinois University.  
22 I taught early childhood education and  
23 special education there -- I'm sorry. I talk  
24 very fast. And I can talk without a

1 microphone. I know how. But anyway, I think  
2 everybody does, but it's all whispers and  
3 sighs here. I mean, this is, like, what, a  
4 Bergman movie or something. Here we are,  
5 whispers and dead fish. But anyway --

6 MR. MORAN: Cries and whispers.

7 MS. SLAVENAS: Okay. Thank you.

8 Mr. Moran has a very good memory. That's  
9 what lawyers are supposed to have.

10 But anyway, it was a charade.  
11 That's what it was, because we did not know  
12 how to participate. And I just happened to  
13 hear someone say, "Nothing we say makes any  
14 difference, because we haven't been sworn  
15 in."

16 MR. HALLORAN: Well, that's not what I  
17 said, ma'am.

18 MS. SLAVENAS: No, that's not what you  
19 said. That was at the first hearing. No  
20 you're the first person to differentiate it  
21 and said about statements and comments and  
22 that there's something different.

23 MR. HALLORAN: Well, here whatever you  
24 say does matter, so you may proceed.

1 MS. SLAVENAS: Okay. All right.

2 Well, I have taught early childhood education  
3 and early childhood special education for  
4 20 years at NIU. I developed an inclusion  
5 program for handicapped children at the  
6 Learning Research Lab at NIU, which I  
7 directed for ten years. And on that basis,  
8 because it was considered an innovative  
9 program, I was invited to the International  
10 Conference of the Counsel for Exceptional  
11 Children.

12 So I feel like I know something  
13 about handicapped children. I did teach  
14 assessment for ten years. I have taught  
15 handicapped children. I have a state  
16 certificate. I have an approval to teach  
17 handicapped children, and I started an  
18 inclusion program, which was notable enough  
19 for an international conference. If  
20 it's -- however things are read in this, I  
21 will be glad to submit my vita. I did not  
22 bring it today. But if that would help, I  
23 will be glad to submit my vita, because I do  
24 want to address the issue of handicapping

1 conditions.

2 But first of all, I want to  
3 address the fairness issue. First of all, we  
4 were not informed well enough, I think. I  
5 checked the sites of the county board, and I  
6 found some things that I won't mention,  
7 because they're not relevant. But their site  
8 is very, very, very, old. It was not up to  
9 date at the time I checked it, and checking  
10 it I found nothing about any of this, which  
11 may just be my competency in the computer,  
12 which I don't pretend is good.

13 But I did call -- I did see the  
14 article in the Chronicle, and this was -- I'm  
15 not sure of the date, but it was, I think,  
16 when the hearings were going on. They've  
17 been advertised anyway, because I was aware  
18 of them. And I first became aware of them  
19 when I read them in the Chronicle of our  
20 state's attorney, John Farrell, being quoted  
21 in the DeKalb County Chronicle as saying that  
22 the county board members should not speak  
23 with their constituents. That was the  
24 quotation.

1                   Now, after the hearings, I did  
2                   call Mr. Farrell, and Mr. Farrell was very  
3                   courteous and very helpful, but he said that  
4                   was not the case. It was not the case that  
5                   county board members should not speak to  
6                   their constituents, that it was the case they  
7                   need to be aware of their responsibilities to  
8                   the contract that they had signed. And he  
9                   gave me the reference for the law, and I got  
10                  that law, and there was nothing in it about  
11                  ex parte communication, absolutely nothing.

12                   And Ruth Ann Tobias was kind  
13                   enough to send me information about what  
14                   ex parte communication is, and it was fairly  
15                   succinct and comprehensible to a person who  
16                   tries to stay away from the legal system, and  
17                   there was nothing in it that had any  
18                   implication for this process. And as a  
19                   matter of fact, dealing with contracts and  
20                   constituents is routine for county board  
21                   members. That's what they do. They deal  
22                   with contracts all the time. They approve  
23                   them for whatever it is they're working on,  
24                   that's what they do.

1                   So I feel that because that's  
2                   routine, that the statements that were made  
3                   and that were quoted in the paper and given  
4                   at the hearings at Kishwaukee College were  
5                   very misleading, because it was, you know,  
6                   from our state's attorney. That's what he  
7                   said. But what he said when I spoke to him  
8                   on the phone -- I don't know that's what he  
9                   said. That was in the Chronicle. I mean,  
10                  that may not be what he actually said, or it  
11                  might be interpreted. I mean, I know people  
12                  do interpret things, and you can't put  
13                  everything everybody said in the paper  
14                  because people wouldn't read it. It would be  
15                  too long of an article, I mean. I don't mean  
16                  people don't read it. I mean the article  
17                  would be very long.

18                  But anyway, that was very  
19                  misleading, and it did mislead our county  
20                  board members. It meant -- it misled them in  
21                  that -- well, perhaps that's not a good thing  
22                  for me to say. I don't know what it did to  
23                  our county board members. I know that I  
24                  called both of my county board members, and



1           one of them returned my call and one of them  
2           didn't. The one who returned my call -- this  
3           is on the done deal, and I think a done deal  
4           reflects fairness -- said that if we, meaning  
5           the county, did not take Waste Management's  
6           proposal, then Cortland might, and they would  
7           get all the money. Well, that's true, but  
8           there are a whole lot of things that are true  
9           in this world that you don't want to go with.  
10          There are lots of things that are true in  
11          this world.

12                         If I go out with my car -- quasi  
13           legal. If I drive my car in a quasi level  
14           manner, how long am I going to be on the  
15           road? Not very long. They take people off  
16           the road. So what quasi legal means here,  
17           that's way, way beyond me. But the  
18           fairness -- just simply, it's been unfair  
19           from the beginning. I mean, we walk into  
20           what was, yes, a done deal. It was  
21           definitely a done deal.

22                         And if you read the record up to  
23           April 14th, you will see it was a done deal,  
24           because the legal counsel for the county

1 concurs with Mr. Moran in the record, "Like  
2 Mr. Moran said, like Mr. Moran said." That's  
3 an odd way for two people to deal with a  
4 contract, or two people -- two entities,  
5 whatever you say, to deal with a contract.  
6 For one attorney to say, "Like the other  
7 attorney said," that's not good  
8 representation.

9 And at the planning committee  
10 hearing about the dump, the committee --  
11 excuse me. I don't know these things very  
12 well either -- the dump committee hearing  
13 that makes the recommendation to the entire  
14 county board, one of the county board members  
15 was not there, and so he was calling in. So  
16 we have this little machine there, and he's  
17 calling in his opinions, and the  
18 representative for the county board would go  
19 around and listen, and then she would sit  
20 down and go around and listen, because you  
21 couldn't hear them unless you were right at  
22 that machine, whoever was calling in.

23 And then when the county board  
24 members made statements about how the

1 contract needed to be altered, she said,  
2 "Well, that can be done, that can be done,  
3 that can be done," and then she recommended  
4 that they approve the contract and recommend  
5 it to the full board. Now, my personal  
6 attorney does not recommend that I do  
7 anything with anything that isn't written,  
8 and I'm going to stick with him. I don't  
9 think -- you know, you don't buy a car that  
10 way. We're talking about a 40-some year  
11 contract, and people are being advised to  
12 recommend it -- to make a recommendation with  
13 alterations that have not been made.

14 Now, what that means, I don't  
15 know, but I know that that is not a prudent  
16 thing to do. That is not a prudent thing to  
17 do. You get the contract the way it's going  
18 to be recommended, and then you make the  
19 recommendation. You don't recommend somebody  
20 recommending something. So whatever that  
21 means, that's what happened there, and that  
22 was probably in April or May. I'm not sure  
23 of the date, but it's when -- you know, it's  
24 on record, if you can find it on the county

1 board's website. Mac can find it.

2 But anyway, I would like to now  
3 move forward to what is extremely important  
4 here, and that's the siting itself.

5 MR. HALLORAN: Ms. Slavenas, I had  
6 promised, if not out loud to myself, we'd  
7 take a lunch about 12:30. I didn't realize  
8 it was going to be this voluminous. So  
9 if -- are you able to come back at 1:30,  
10 1:35.

11 MS. SLAVENAS: I'm sorry. I'm very  
12 sorry. But --

13 MR. HALLORAN: Because I don't know  
14 how many witnesses --

15 MS. SLAVENAS: I would like to  
16 testify, and I'll do that as briefly as  
17 possible, about the poisons and Down  
18 syndrome, because we had an expert witness  
19 that spoke about the H2S and its relationship  
20 specifically to Down syndrome. But I don't  
21 know what to say about the fact -- I mean,  
22 maybe we can take a shorter -- I don't think  
23 there's anything we can get here to eat  
24 except out of a machine.

1 MR. HALLORAN: Ma'am, I go off campus.  
2 I'm sorry. Take a 60-minute -- I came from  
3 Chicago and it's a long day, and I think the  
4 attorneys have to eat as well.

5 MS. SLAVENAS: Okay. Not a problem.  
6 I understand.

7 MR. HALLORAN: Is that okay? Is that  
8 going to be a problem with anybody, starting  
9 back at 1:30?

10 MS. MOTT: We have just me left, and I  
11 only need five minutes.

12 MR. HALLORAN: No, I'm breaking at  
13 12:30. I apologize.

14 MS. SLAVENAS: Can you give me five  
15 minutes? Give me five minutes on Down  
16 syndrome.

17 MR. HALLORAN: And then what?

18 MS. SLAVENAS: That's it.

19 MR. HALLORAN: Okay. But Mr. Moran  
20 and Ms. Antonioli and Mr. Mueller may have  
21 cross, but we'll see. And then we'll get to  
22 Ms. Mott.

23 MS. SLAVENAS: Okay. Down syndrome.  
24 I testified at the hearings in Kishwaukee

1 College because of the mention that  
2 Mr. Serewicz made about H2S and Down  
3 syndrome, and most people I think -- I know  
4 that's not a good legal statement, what most  
5 people say, I know. But anyway, it's  
6 generally -- in the general literature, what  
7 it is about Down syndrome is that there's an  
8 extra chromosome on the 21st pair, and it is  
9 a syndrome. But there are also two other  
10 types of Down syndrome, and that is  
11 chromosome fragile -- fragile chromosome, and  
12 chromosome breakage.

13 Now, chromosome breakage and  
14 fragile chromosome are related and they are  
15 hereditary. There's a hereditary  
16 correlation. Correlation and cause is very  
17 important in research. You can have lots and  
18 lots of correlations. Like the symptoms of  
19 Down syndrome are correlated, but children  
20 with breakage, the breakage can occur  
21 anywhere along the line. It doesn't have to  
22 occur at birth or before birth. So if the  
23 breakage continues along the line, what we  
24 call the theno type will be normal. The

1 person will look normal, roughly within the  
2 normal range, which is the syndrome -- the  
3 physical physiological appearances, depending  
4 on when that breakage is in the monoecism  
5 it's called, because some cells are normal in  
6 that case. Some cells are normal, but they  
7 will function in the lower levels.

8 Now, our education system -- I  
9 won't go into that. But anyway, there are  
10 problems -- let's say there are problems, and  
11 big problems, and particularly towards  
12 serving handicapped children. But research  
13 Mr. Serewicz showed me was research -- I  
14 think it was translated from the French, if I  
15 remember correctly, and it was French  
16 research, I know. And so because there isn't  
17 a cause, we don't know why there's an extra  
18 chromosome. We don't know that. We have no  
19 idea why there's an extra chromosome. We  
20 have no idea why the chromosomes break. We  
21 don't know that.

22 So a correlation is not a cause.  
23 We have correlations in 75 percent of  
24 handicapped children, it's called -- the

1 diagnosis is etiology unknown. 75 percent,  
2 with the best medical examination, they don't  
3 know what causes it. So in order to know the  
4 fact of the matter with the research is  
5 something has to have already happened before  
6 you can do research on it. We can't do  
7 research on what the effects of the dump are  
8 going to be on those children now. You  
9 already have to have the damage done. And  
10 then that population is too small, and, you  
11 know, we've got 46 years with a small  
12 population and what does that mean? Who  
13 knows.

14 But anyway, it has to have already  
15 been done. And so we're talking about  
16 lowering the levels of causality, or lowering  
17 the levels of what's acceptable by OSHA,  
18 which is for adults, for a limited amount of  
19 time, and we have to remember adults can  
20 change jobs. Adults have choices. Children  
21 are just dependant on adults. So the  
22 question is: Do we want to wait and see how  
23 much harm is caused? Is that what we want to  
24 do? It will come up sooner or later.



1 Waste Management is an  
2 international corporation, and they're also  
3 in Puerto Rico and Canada, and on their web  
4 page -- and I'm not good at this, so if I can  
5 find it, you can find it, believe me. What  
6 they do, real quick, is show charts of how  
7 much money they return to their shareholders.  
8 There's nothing wrong with Waste Management  
9 returning money to its shareholders. That's  
10 the way the game is played. They need to do  
11 that to stay in business. Not a problem.  
12 But it does say something about the focus and  
13 who they're talking to.

14 Now, what I heard -- and again,  
15 I'm not sure who told me -- but at one of the  
16 meetings is that Waste Management refused to  
17 repair the plastic or whatever it is under  
18 the dump in order -- until we would approve  
19 here -- whoever "we" are, we don't know  
20 anymore if we're half a mile or where. But  
21 anyway --

22 MR. HALLORAN: All right. We're  
23 requesting to have to complete this after  
24 lunch. Ms. Mott, I don't think, is going to

1 be back, so your five minutes is up. You  
2 promised me.

3 MS. SLAVENAS: All right. Okay.

4 MR. HALLORAN: But Ms. Mott, thank  
5 you.

6 MS. SLAVENAS: No, I don't think it  
7 is.

8 MR. HALLORAN: Thank you. And then  
9 you'll be subject to cross after lunch.

10 MR. STEIMEL: A point of order. Can  
11 anybody else be allowed to speak? Because  
12 there's one point here that hasn't even been  
13 touched on.

14 MR. HALLORAN: After lunch, sir. I  
15 have a sign-up sheet.

16 MR. STEIMEL: Okay. I just wanted to  
17 know if anybody else wants to join me.

18 MR. HALLORAN: Sounds good. After  
19 lunch. I'm just trying to get a bite to eat.  
20 Thank you.

21 MR. STEIMEL: I'm all for that.

22 MR. HALLORAN: Just state -- you want  
23 to be a comment or statement?

24 MS. MOTT: Comment.

1 MR. HALLORAN: Just state your name  
2 and spell it, please. Thanks.

3 MS. MOTT: Grace Mott, M-o-t-t. I  
4 live at 118 Oak in DeKalb.

5 Before the siting application was  
6 ever filed, our county board spent a lot of  
7 time with Waste Management. They went on  
8 biased one-sided tours. They got a  
9 little -- worked out a little  
10 something-something for all of their pet  
11 projects. They looked over the options  
12 available to them with Waste Management, and  
13 spent a lot of time with Waste Management.

14 During that entire process, our  
15 county board did not tell us one time they  
16 were considering expanding this landfill for  
17 17 counties. We were watching. Many of you  
18 know I do an on-line newspaper and I watch  
19 this stuff. They did not tell us they were  
20 going to do 17 counties until the siting  
21 application had been filed. And at that  
22 point, ex parte had taken effect, and they  
23 could no longer talk to us.

24 That does not seem fair to us at

1 all, that they had all that time to talk to  
2 Waste Management and never talked to us  
3 during that period of time. Then during the  
4 hearing -- then during the hearing, our  
5 county board's attorney sat quietly and did  
6 not call one witness. It seemed to most of  
7 us in the room it was the county board and  
8 Waste Management against the people. Our  
9 county board never, again, once brought in  
10 one witness, and only even crossed a couple  
11 of times.

12 Then before the county board voted  
13 on whether or not to accept this landfill,  
14 they went ahead and voted how they were going  
15 to spend the money on this landfill. Now  
16 they're trying to play some games with --

17 MR. HALLORAN: I want to ask you --  
18 this is a hearing. Please hold the applause.  
19 Thank you.

20 MS. MOTT: They're trying to change  
21 now what it was they said. Well, maybe they  
22 were going to get the money from elsewhere,  
23 whatever. They approved to spend the money  
24 from the landfill on the jail before they

1 even voted on accepting the jail. This lack  
2 of involvement with the public and their  
3 constituents, their voting to spend the money  
4 before voting to even approve it, along with  
5 what I heard is -- because I did sit through  
6 all -- every day of the testimony of the  
7 public hearing, and I -- what I heard was  
8 them not fulfilling -- Waste Management not  
9 fulfilling the nine criteria on several  
10 cases, but especially when it came to the  
11 traffic, because they admitted they did not  
12 consider farm vehicle traffic in their  
13 traffic study. They also did not consider an  
14 already approved, but not yet built,  
15 subdivision on the corner of Peace Road and  
16 Route 38 in their traffic study.

17 So they clearly did not pass the  
18 traffic criteria, at least. And I believe  
19 there's more, but I won't waste your time  
20 with that.

21 (Whereupon, audience participants  
22 requested speaker to speak  
23 louder.)

24 MR. HALLORAN: Speak into the mike.

1           Sorry.

2                       MS. MOTT: I do not believe when the  
3 state of Illinois or when our representatives  
4 crafted this law for the Illinois Pollution  
5 Control Board that they did so so that the  
6 county board members could only talk to waste  
7 haulers and not the public. I believe when  
8 Illinois crafted this law, they did so as a  
9 way to keep it fair, and what we saw was not  
10 fair. What we saw was them spending a lot of  
11 time with Waste Management and no time with  
12 us, as people, as their constituents.

13                       I believe that Waste Management  
14 and the county board violated our trust by  
15 not telling us the scope of this until after  
16 the siting application had already been filed  
17 and they could no longer speak with us. I  
18 don't believe that that's what the state had  
19 in mind.

20                       And so I'm asking that you start  
21 over again in this process, make them start  
22 over again, and include the people, because I  
23 don't think it was fair that they included  
24 Waste Management for so long and never

1 included us.

2 MR. HALLORAN: Thank you, Ms. Mott.

3 All right. We're going to take a break until  
4 about quarter to 2:00. Be back here and  
5 we'll start the hearing. Thank you.

6 (Whereupon, a break was taken,  
7 after which the following  
8 proceedings were had.)

9 MR. HALLORAN: We're back on the  
10 record. We're going to complete Ms. Rose  
11 Marie Slavenas' public statement. We have a  
12 few more statements to go.

13 MS. SLAVENAS: I'll just wrap it up.  
14 We've had two issues here to me. The major  
15 issue of the hearing --

16 (Whereupon, audience participants  
17 requested speaker to speak  
18 louder.)

19 MS. SLAVENAS: Oh, okay. I'm sorry.

20 MR. HALLORAN: I'm sorry. And you  
21 still are under oath.

22 MS. SLAVENAS: Pardon?

23 MR. HALLORAN: You still are under  
24 oath.

1 MS. SLAVENAS: Yes. Thank you very  
2 much. The issue that we've dealt with here  
3 is the unfairness of the process of the  
4 siting of the dump. And as part of that, the  
5 danger to people of the poisons of the dump  
6 has been one issue, and Dr. Serewicz  
7 addressed that, and the other expert witness  
8 addressed that. And I've tempted with the  
9 focus on Down syndrome, which was  
10 Dr. Serewicz's research that I related to.  
11 He gave a great deal of research, but I am  
12 not a chemist.

13 But as far as Down syndrome goes,  
14 the fact -- he mentioned it's progressive,  
15 according to the very recent research article  
16 that he shared with me, and progressive would  
17 mean it would -- I think would have to deal  
18 with breakage, but I'm not sure of that. But  
19 those kinds of Down syndrome are hereditary,  
20 and I think that's extremely important.

21 It's tragic -- handicaps are  
22 tragic, and they seem to be increasing,  
23 especially things like autism, which are  
24 syndromes, again. People don't know what



1 causes them. And because research only uses  
2 information that's already out there, and  
3 puts it together in some way, it can be quite  
4 a long time before any causes are found, and  
5 so you can't get rid of the causes until you  
6 address them. But you can think of things  
7 like fluoride. If people would have known  
8 that it had this effect, they wouldn't have  
9 done it. And think of fetal alcohol  
10 syndrome, which is now very well known and  
11 women are warned about it. But a lot of  
12 people had to suffer fetal alcohol syndrome  
13 for that to happen.

14 So my concern here is the siting  
15 of the dump next to a school, or very close  
16 to a school, and close to a population area,  
17 because of the relationship of handicaps, and  
18 the fact that we only find out the effects of  
19 toxins after someone has been harmed. So  
20 statistically, to have enough data to find  
21 that out can take a very long time. So there  
22 are many things scientifically - we are told  
23 everything is safe, like nuclear power  
24 plants, such as Chernobyl and the Three Mile

1 Island.

2 So as far as research goes, do we  
3 want to risk children's health? Do we want  
4 to do that? Do we want to risk handicapping  
5 conditions? Do we want to do that? That's  
6 the question. Adults are responsible for the  
7 environments they create for children.  
8 Whatever comes out of whether the hearing  
9 itself was fair or not, adults are  
10 responsible. We are adults. We can move,  
11 children cannot. And to not only create a  
12 handicap for children, which be progressive  
13 throughout their life, but that it can be  
14 hereditary and effect their children, that is  
15 the ultimate unfairness. Animals protect  
16 their young. Thank you. Thank you for your  
17 patience.

18 MR. HALLORAN: Thank you. Any cross,  
19 Mr. Moran?

20 MR. MORAN: Yes.

21 MR. HALLORAN: Thank you. You can  
22 keep the microphone. I think Mr. Moran  
23 can --

24 MR. MORAN: I'll shout.

1 C R O S S - E X A M I N A T I O N

2 BY MR. MORAN:

3 Q. Ms. Slavenas, you indicated you first  
4 heard about this site location application by  
5 reading about it in the Daily Chronicle?

6 A. Yes.

7 Q. And when was that?

8 A. Approximately a week before, although  
9 it could have possibly been -- I think this was  
10 March when this started. It could have possibly  
11 been the week before that. But it was a few days  
12 before. I had to do a lot of rearranging, et  
13 cetera, to get there.

14 Q. And did the article in the Chronicle  
15 describe the date of the public hearings?

16 A. Yes.

17 Q. And when you could participate?

18 A. No.

19 Q. And when you could participate?

20 A. No, it didn't say anything about  
21 participating that I remember. Not that I recall.

22 Q. Okay. Were you aware that a host  
23 agreement was negotiating between Waste Management  
24 of Illinois and DeKalb County regarding the proposed

1 expansion?

2 A. No.

3 Q. You never learned that?

4 A. I did learn it when I was in the  
5 process, the comments and the hearing.

6 Q. Did you become aware at some point  
7 that the site location application had been filed on  
8 November 30th of 2009?

9 A. I think I read that somewhere along  
10 the line. But there has been a lot of  
11 information -- a lot of information to absorb, and I  
12 can't -- I couldn't recollect the date.

13 Q. And you would have read about that in  
14 the Daily Chronicle?

15 A. No, definitely not.

16 Q. Where did you see it?

17 A. I am not sure. I got e-mails. I've  
18 looked at the Mega-Dump -- I've looked at the  
19 Illinois Pollution Control Board site, and I'm not  
20 sure where I would have seen that. It sounds  
21 familiar, let me put it that way. It sounds  
22 familiar. I can't say no, I didn't see it.

23 Q. In 2009 and early 2010, were you a  
24 reader of the Daily Chronicle?

1 A. Yes.

2 Q. How often did you read it?

3 A. Every day.

4 MR. MORAN: Mr. Hearing Officer, if I  
5 might approach the witness?

6 MR. HALLORAN: You may, Mr. Moran.

7 BY MR. MORAN:

8 Q. Ms. Slavenas, there was an article  
9 that appeared in the Daily Chronicle on  
10 November 21st, 2009, that described the anticipated  
11 filing of the site location application and the  
12 hearings. Let me show you what we've marked as  
13 Waste Management of Illinois Exhibit Number 1, and  
14 I'll ask you if you ever saw this article.

15 A. No.

16 Q. This is one you missed?

17 A. If I saw it, I don't recollect having  
18 seen it. I scan the paper.

19 Q. And the date of this article was  
20 November 21st, 2009? Can you see that on the  
21 exhibit?

22 A. Yes, it's on the exhibit. Thank you.

23 MR. MORAN: Thank you. Nothing  
24 further.

1 MR. HALLORAN: Thank you, Mr. Moran.

2 Ms. Antoniolli?

3

4

5 C R O S S - E X A M I N A T I O N

6 BY MS. ANTONIOLLI:

7 Q. Ms. Slavenas, have you ever attended a  
8 landfill siting hearing, such as the one held in  
9 this process?

10 A. I'm not sure what you mean by a  
11 hearing.

12 Q. In this process, March 1st --  
13 beginning March 1st, there were hearings conducted  
14 for the public to attend, and you said that you had  
15 attended some days of that hearing?

16 A. I attended all days but one, and I was  
17 there in the morning when the first hearing began.

18 Q. And have you ever attended such a  
19 hearing in any other context in any other location,  
20 a landfill siting hearing such as this one?

21 A. Absolutely not.

22 Q. And what did you base your conclusion  
23 on about the county's representation in this  
24 hearing?

1           A.       I regularly go to -- I was at the  
2 county board meetings. I regularly participate in  
3 actions which relate to the government.

4           Q.       And are you familiar with the county's  
5 role in a landfill siting appeal?

6           A.       I don't know what you mean by that.

7           Q.       Well, the landfill siting hearing is  
8 not a trial, but it's rather an opportunity for the  
9 applicant to present its application and for the  
10 county to gather information so that the county can  
11 later make a vote on whether the application itself  
12 has satisfied the nine siting criteria.

13          A.       I was informed of that at some time,  
14 but it wasn't the county that was there. Then I was  
15 told that it was only members of the landfill  
16 expansion committee of the county board. And at one  
17 time, there were only two of those people there, and  
18 that was for the entire afternoon.

19          Q.       And you're aware --

20          A.       There were only two.

21          Q.       I'm sorry?

22          A.       There were certainly more than two on  
23 that committee. I did go to the committee hearing  
24 where they made the recommendation.

1 Q. And you're aware that there were  
2 transcripts made available of the entire hearing, of  
3 the entire six days of the hearing?

4 A. Yes, I looked at them. I read them up  
5 to April 14th.

6 Q. And that the county board, all of its  
7 members, were to review the transcripts of the  
8 hearing and all the evidence that was entered into  
9 the record?

10 A. No, I was not aware of that. Unless I  
11 would hear every one of them up here swearing that  
12 they had actually done that, I would say they  
13 didn't. That was evident.

14 MS. ANTONIOLLI: Okay. That's all I  
15 have.

16 MR. HALLORAN: Thank you.  
17 Mr. Mueller?

18 MR. MUELLER: Yes, thank you.

19 C R O S S - E X A M I N A T I O N

20 BY MR. MUELLER:

21 Q. Ms. Slavenas, you mentioned a county  
22 board member that you had had a discussion with  
23 regarding the Village of Cortland not getting the  
24 money and the county getting it instead. Do you



1 recall that?

2 A. Yes.

3 Q. Who was that county board member you  
4 had that discussion with?

5 A. Hulseberg.

6 Q. And when did that discussion take  
7 place?

8 A. I don't recall, but it was after the  
9 first hearings. Maybe between two weeks and a month  
10 after the hearings at Kishwaukee College.

11 Q. Was it before the final vote?

12 A. Yes.

13 Q. And what exactly did Mr. Hulseberg say  
14 to you?

15 A. I'm trying to recollect. I got his  
16 call when I was walking my dog -- I got his call on  
17 my cell phone when I was walking my dog, and then I  
18 think he called me back, but I'm not sure. So I'm  
19 sorry, I just don't -- I don't want to -- exactly  
20 what he said to me that I recollect was that if  
21 the -- if DeKalb County did not take the landfill,  
22 that Cortland might, or would, and would get all the  
23 money.

24 MR. MUELLER: Thank you. Nothing

1 further.

2 MR. HALLORAN: Thank you. Mr. Moran?

3 MR. MORAN: I have nothing further.

4 MS. ANTONIOLLI: Nothing, your Honor.

5 MR. HALLORAN: You may step down.

6 Thank you so much.

7 MS. SLAVENAS: Thank you. Thank you  
8 for your patience.

9 MR. HALLORAN: Thank you. All right.  
10 We have three other members of the public to  
11 sign up, but I think at this juncture we'll  
12 go ahead, unless you all have to go to work  
13 or something, these last three that signed  
14 up, with the respective respondent's case in  
15 chief. And being that the county board is  
16 next in line in the caption, Ms. Antoniolli,  
17 would you like to begin, please?

18 MS. ANTONIOLLI: Yes. We'd like to  
19 call our witness, Mr. Riley Oncken.

20 MR. HALLORAN: Thank you. Just raise  
21 your right hand and Rebecca will swear you  
22 in, please.

23 (Witness sworn.)

24 WHEREUPON:

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RILEY ONCKEN

called as a witness herein, having been first duly sworn, deposeth and saith as follows:

D I R E C T E X A M I N A T I O N

BY MS. ANTONIOLLI:

Q. Mr. Oncken, can you state your full name and spell your last name?

A. Riley Oncken, O-n-c-k-e-n.

Q. And what is your address?

A. 6:30 Amherst Drive, Sycamore, Illinois, 60178.

Q. And what is your occupation?

A. I'm an attorney.

Q. And what role do you hold within your firm?

A. As of October 1st, I became a partner.

Q. And how -- do you hold any other seats with the DeKalb County Board?

A. Yes. I was elected to District 3 of the DeKalb County Board in 2008. On the board I serve on the law and justice economic development pollution control committee, also ad hoc rules committee at this time.

1 Q. So you were on the DeKalb County Board  
2 during the landfill siting hearings?

3 A. That's correct.

4 Q. And is it correct that you've  
5 previously had your deposition taken in this matter?

6 A. Yes, I did.

7 Q. And during that deposition, you were  
8 asked about a conversation you may have had with  
9 Ms. Sherman previously -- who previously went by her  
10 married name, Ms. Tolene?

11 A. Yes.

12 Q. And can you tell us about that  
13 conversation?

14 A. Well, it was during one of the breaks  
15 that we had during the hearing. It may have been, I  
16 believe, probably the first day. I've known  
17 Paulette for probably five or six years and have  
18 considered her a friend. I went up to her, seeing  
19 her there, asked what she was doing there, we had  
20 some small talk, and then I, kind of, made an  
21 off-the-cuff comment directed toward Mr. McIntyre  
22 and Ms. Mott that some people had too much free time  
23 on their hands.

24 Q. And did you ever recall stating during

1 the siting hearings, either to Ms. Sherman or at any  
2 other time, a statement indicating that the landfill  
3 expansion was a done deal or that the County Board  
4 members had already made up their minds?

5 A. No. I never made such a statement.

6 Q. And, in fact, after the statement was  
7 made, you made a statement actually on the record  
8 during the hearings. Is that correct?

9 A. That's correct.

10 Q. Addressing the conversation you had  
11 with Ms. Sherman?

12 A. That is correct. After there were  
13 allegations made about what I had said, I believe  
14 the following morning the opponents had made a  
15 motion based on things that I had supposedly said.  
16 I made a statement in response to that, indicating  
17 that that was not what I had said, in addition to  
18 what I mentioned in addressing the comments that I  
19 made about people having too much free time on their  
20 hands. I also did say I believe that Clay Campbell  
21 was being politically foolish by being involved in  
22 any part of this because he was running for office.

23 Q. And when you made your statement on  
24 the record then the next day, can you recount for us

1 that conversation -- that statement that you made?

2 A. I believe I reiterated that I had made  
3 the comment about Mr. Campbell and about people  
4 having too much free time, but I denied, and still  
5 deny, that I made any statement to the effect that  
6 this was a done deal, or that I had made up my mind,  
7 or that I knew that anyone else had made up their  
8 mind.

9 Q. And did you say that you could then  
10 make an impartial decision?

11 A. I didn't.

12 Q. And when did you make your decision on  
13 how you would vote on the application?

14 A. Shortly before the ultimate vote.

15 Q. And did you consider any evidence or  
16 information outside of the record in making that  
17 decision?

18 A. I did not.

19 MS. ANTONIOLLI: Okay. Thank you.

20 MR. HALLORAN: Thank you.

21 Mr. Mueller?

22 MR. MUELLER: No questions.

23 MR. HALLORAN: Thank you. Mr. Moran?

24 MR. MORAN: Yes.

1 C R O S S - E X A M I N A T I O N

2 BY MR. MORAN:

3 Q. Mr. Oncken, you mentioned that your  
4 recollection was that this conversation that you had  
5 with Ms. Tolene occurred perhaps the first day of  
6 the hearing. But in looking at the transcript, you  
7 made your comments --

8 (Whereupon, audience participants  
9 requested counsel speak louder.)

10 MR. HALLORAN: I'm sorry.

11 BY MR. MORAN:

12 Q. Mr. Oncken, as you indicated, during  
13 the course of the public hearing, you provided a  
14 statement explaining what you had said to Ms. Tolene  
15 at the public hearing, correct?

16 A. That's correct.

17 Q. And the transcript of the comments you  
18 made were on the third day of the hearing,  
19 March 3rd, 2010. Does that in any way refresh your  
20 recollection that you had this discussion with  
21 Ms. Tolene the second day of the hearing and not the  
22 first day?

23 A. Yeah, that would probably be accurate.

24 Q. Because as soon as you learned of the

1 motion that was being made by Stop the Mega-Dump,  
2 you obviously felt obligated to explain what you  
3 really said, correct?

4 MR. MUELLER: Your Honor, I object.  
5 That's leading. And I know they're on the  
6 same side, but he still can't lead in cross.

7 MR. HALLORAN: Can you read the  
8 question back, please?

9 (Whereupon, the record was read as  
10 requested.)

11 MR. HALLORAN: Sustained.

12 BY MR. MORAN:

13 Q. Mr. Oncken, the comments that you made  
14 on March 3rd, 2010, were made in direct response to  
15 the allegations of Stop the Mega-Dump as to what you  
16 had told Ms. Tolene. Is that correct?

17 A. Yes.

18 Q. Now, Ms. Tolene was present at the  
19 hearings because of what reason? Do you know why  
20 she was even there?

21 A. From what I understand, she was there  
22 with Clay Campbell. I don't know for what purpose,  
23 other than they've known each other a long time.

24 Q. In fact, Clay Campbell asked her to



1 go, didn't he?

2 A. I don't know.

3 Q. She actually carpooled to the hearings  
4 with Clay Campbell, correct?

5 MR. MUELLER: Judge, I'm going to  
6 object. It calls for him to read the minds  
7 of other people. And unless he has direct  
8 knowledge, it would also call for hearsay.

9 MR. HALLORAN: Yeah, he's already  
10 stated he didn't know, so can you rephrase  
11 the question?

12 MR. MORAN: Well, no. I asked him if  
13 he knew whether she, in fact, carpooled with  
14 Mr. Campbell. Either he knows or he doesn't.

15 MR. HALLORAN: Yeah, overruled. You  
16 may answer, if you can.

17 THE WITNESS: At that time, I had no  
18 knowledge. The only knowledge I have is from  
19 having reviewed the deposition transcript of  
20 Ms. Tolene.

21 BY MR. MORAN:

22 Q. And were you aware that Ms. Tolene was  
23 working on Mr. Campbell's primary campaign for  
24 state's attorney?

1           A.       She and I have both previously worked  
2       on campaigns for the state's attorney, and I believe  
3       did know at that time that she was working for him.

4           Q.       And even though you knew that, you  
5       went and said to her that, in your view, Campbell  
6       was tanking that campaign by appearing and opposing  
7       this site location application, correct?

8           A.       That's not what I said. What I said  
9       was that I thought it was foolish for him to take a  
10      side whatsoever. Because in any contested issue  
11      like this, if you take a side one way or another,  
12      you're going to alienate some people, so why get  
13      involved in something that's highly contested? That  
14      was said more as a friend and having been on his  
15      campaign that I thought he wasn't making a decision  
16      picking a side, period.

17          Q.       So when Ms. Sherman says that you said  
18      to her that you objected to Mr. Campbell's  
19      appearance because he was tanking his campaign,  
20      those were not your words, those were -- they were  
21      not your words, they were hers?

22          A.       No. I never used the words, "Tanking  
23      his campaign."

24          Q.       Were you aware that Ms. Sherman, at

1 some point, was told by Mr. Campbell to write down  
2 what you had said?

3 A. I learned that from, again, reviewing  
4 her deposition transcript.

5 Q. And you've never seen any such  
6 statement presented to you allegedly setting out  
7 what you had told her, correct?

8 A. No.

9 MR. MORAN: Thank you.

10 MR. HALLORAN: Thank you.

11 Ms. Antoniolli, redirect?

12 MS. ANTONIOLLI: Yes, one last one.

13 R E D I R E C T E X A M I N A T I O N

14 BY MS. ANTONIOLLI:

15 Q. Would you have voted any differently  
16 if this was purely a legislative vote and did not  
17 have to follow the standards set forth in a landfill  
18 siting appeal?

19 MR. MUELLER: I'm going to object. It  
20 invades the decision-making process of her  
21 own client.

22 MR. HALLORAN: Yeah, you can open a  
23 door there, Ms. Antoniolli.

24 MS. ANTONIOLLI: Well, I'm not asking

1 about in this context. I'm just asking about  
2 if this were not -- or if this were a  
3 legislative decision.

4 MR. MUELLER: Then it calls for  
5 speculation.

6 MR. HALLORAN: A hypothetical? Okay.  
7 Mr. Mueller agrees. You can do it in a  
8 hypothetical, correct?

9 MR. MUELLER: Well, that calls for him  
10 to speculate though. It assumes facts not in  
11 evidence.

12 MR. HALLORAN: Well, I'll allow it.

13 BY MS. ANTONIOLLI:

14 Q. Okay. You can answer if you can.

15 A. If I had been voting, like I normally  
16 do, in county board meetings, when my constituents  
17 contacted me and either oppose or support something,  
18 or whether I'm just voting my gut and my feelings, I  
19 would not have voted for the application.

20 The difference in this case was  
21 that this wasn't us acting in our legislative  
22 capacity. This was acting as a judicial capacity.  
23 We were limited to the evidence that was presented  
24 at the hearing. And hearing that evidence, I felt

1 that, notwithstanding my personal opinion, they had  
2 met their burden.

3 If, again, this was brought as a  
4 personal decision, my personal decision would be  
5 that I think that it's too large of an expansion. I  
6 have a personal opposition and I would not  
7 personally support it. In my role as a county board  
8 member sitting in this, I had to take my job  
9 seriously. My job required me to weigh the evidence  
10 that was presented and make a determination based on  
11 the evidence that was presented, and I found that  
12 they had met their burden.

13 MS. ANTONIOLLI: Okay. Thank you.

14 MR. HALLORAN: Mr. Mueller?

15 MR. MUELLER: No.

16 MR. HALLORAN: Thank you.

17 MR. MORAN: No further questions.

18 MR. HALLORAN: All right. You may  
19 step down. Thank you so much.

20 Ms. Antoniolli, anything else?

21 MS. ANTONIOLLI: No, nothing further.

22 MR. HALLORAN: You'll rest your case  
23 in chief?

24 MS. ANTONIOLLI: Yes.

1 MR. HALLORAN: Mr. Moran, from Waste  
2 Management?

3 MR. MORAN: Yes, Mr. Officer, we have  
4 no witnesses to present. We do have a number  
5 of deposition transcripts and the exhibit  
6 that we presented to Ms. Slavenas that we  
7 would like to submit at the appropriate time.

8 MR. HALLORAN: Okay. Terrific. We  
9 can -- you want to do that now? Mr. Mueller,  
10 are you going to have a closing? Do you want  
11 a few minutes and we can talk about the  
12 exhibits off the record and then enter them  
13 on if need be?

14 MR. MUELLER: You got a few more  
15 public comments, too, don't you?

16 MR. HALLORAN: Yes.

17 MR. MUELLER: I'll take a short  
18 closing.

19 MR. HALLORAN: All right. You got a  
20 point there. Let's take the three more  
21 public comments before we take a short break.  
22 Who do we have? Roger Steimel. Do you have  
23 a public comment or public statement?

24 MR. STEIMEL: It will be a public

1 comment.

2 MR. HALLORAN: Okay. Just state your  
3 name and spell it for Rebecca, please.

4 MR. STEIMEL: Roger Steimel. That's  
5 S-t-e-i-m-e-l. I reside at 1857 Somonauk  
6 Road DeKalb. For those of you that know,  
7 that's right across the road from the  
8 landfill. I've lived there since 1947,  
9 before the landfill, before the toll road, so  
10 I've seen a lot of changes. I've also had  
11 the privilege to serve on the county board  
12 for 12 years, and I retired in November  
13 of 2008.

14 I sit here today and I listen to  
15 this, and I reflect back, and, yes, we're  
16 operating under a flawed structure on making  
17 decisions. I feel that certainly it's far  
18 from being perfect. And I attended all six  
19 days of the public hearing. I had a chance  
20 to watch the professional abilities of  
21 Mr. Moran, and today he jarred my memory a  
22 little bit.

23 March 18th, 2009, the night that  
24 the county board adopted the host community

1 agreement, I was there. I was not on the  
2 board anymore, but one of the topics of  
3 discussion before they even got to the host  
4 agreement was how to spend some of the money,  
5 and one of the issues was a proposal from the  
6 head of the forest preserve committee. And  
7 I'm not sure I'd have to read the minutes,  
8 but I think it was \$100,000 annually be taken  
9 from the proceeds, first to go to the forest  
10 preserve for their projects. And that was  
11 passed.

12 I spoke against it, and other  
13 citizens spoke against it and said that  
14 wasn't appropriate, but the county board did  
15 pass that, and as we -- time went on, we saw  
16 the county board was planning for how to  
17 spend the money. They were marking it really  
18 for the county jail. We certainly need a  
19 county jail. They were discussing whether to  
20 float bonds on that at that early time, and  
21 the decision was made, and so we proceeded  
22 along.

23 We came to the public hearing  
24 process in March, and here we had the county



1 board. We're supposed to be an impartial  
2 jury that was going to make a decision and a  
3 recommendation to the Illinois Pollution  
4 Control Board. We had elements of that  
5 county board that were anxious to move ahead  
6 and had sights for using the money. We had  
7 elements on the county administration that  
8 were anxious to move ahead, and yet we had  
9 the county board sitting there as an  
10 impartial jury. And then the gag order came  
11 along, and really most of the citizens didn't  
12 know what was going to be involved -- all the  
13 factors involved, until we got into the  
14 public hearing process.

15 And it wasn't until that process  
16 that, through questions and testimony, it was  
17 revealed that the landfill was emitting  
18 H2O -- I'm sorry.

19 My wife and I, I'd say years three  
20 and four from now, if you go back years  
21 three, four, and five, we were living with  
22 some incredible odors at certain times. And  
23 on those nice, calm, summer evenings, if the  
24 breeze was from the south, we had to shut our

1 windows, shut those bedroom windows. And  
2 sure, we raised complaints with the good  
3 people at Waste Management, and we got a  
4 variety of excuses, but didn't know that that  
5 was being emitted from decaying demolition  
6 materials. It was only through the public  
7 hearings that that was acknowledged. And  
8 where are we at? We had the gag order on.  
9 We citizens of the county can't talk to our  
10 representatives, to our county board members.  
11 Here we have these new developments, and they  
12 did not have to listen to the citizens.

13 This is far from a perfect system,  
14 and that's only why I speak out now. I ask  
15 the Illinois Pollution Control Board to take  
16 all of this under consideration. And here we  
17 had some of the most important items that  
18 were revealed, and the county board members  
19 could not listen to their constituents.  
20 We've gone through an election process just a  
21 month or two ago where the citizens have  
22 stood up and said, "Hey, we want a more  
23 perfect system."

24 So really that's what I have to

1 say. I appeal to the county -- to the state  
2 Pollution Control Board to review what's  
3 taken place here in the county. I know,  
4 without a doubt, if the county board members  
5 had to vote against them on this, we'd have a  
6 different vote. We just heard Mr. Oncken  
7 admit that if he wasn't under that gag order  
8 and had to follow those procedures, his vote  
9 would have been different.

10 And if we put it up to the county  
11 board today, we'd have a different vote, yet  
12 we're talking about making a decision for the  
13 next 25, 26 years. There's no way that we  
14 can control what the landfill -- the problems  
15 the landfill will produce down through the  
16 years. You and I may be gone, but DeKalb  
17 County is going to have to live with this.  
18 And sure, we're getting some money on the  
19 short-term, but who knows what it's going to  
20 cost our community and our county long term.  
21 Thank you.

22 MR. HALLORAN: Thank you, sir. Next  
23 we have -- I can't read the surname, but it  
24 looks like John,

1 MR. ANDERSON: John Anderson.

2 MR. HALLORAN: John Anderson. Thank  
3 you. Would you like to give a public comment  
4 or a public statement?

5 MR. ANDERSON: Public comment.

6 MR. HALLORAN: Okay. Just state your  
7 name and spell it for Rebecca, please.

8 MR. ANDERSON: Anderson, spelled  
9 s-o-n, DeKalb, Illinois.

10 Anyway, listening to Roger just  
11 brought up another thing in my mind.

12 MR. HALLORAN: You have to speak  
13 almost in the top of it.

14 MR. ANDERSON: Can you hear me back  
15 there? I know I can take this thing away and  
16 I know you could hear me back there.

17 But anyway, this is all about  
18 money. That's all -- the whole factor is  
19 about money, and we all know that the  
20 government absorbs money, free enterprise  
21 creates money. And this is what it's all  
22 about. They think they need all this money  
23 to do all these different things with. And  
24 I'm sure, Ray, if you got four or \$8 million

1 a year from Waste Management for this deal,  
2 you'd figure out a way to spend it.

3 But let's get back to the facts.  
4 Yes, I did go to the first day of the  
5 hearings. I was sick -- I was coming down  
6 with the flu, and I went home and stayed in  
7 bed the rest of the week. And when I came  
8 back, Mr. Serewicz was on the stage, and he  
9 was going through all this chemical business  
10 that I had never given a second thought. And  
11 when I got done listening to him, we got a  
12 chance to get up and speak, and one of the  
13 first things I said after listening to him,  
14 "I think maybe we ought to close this damn  
15 place." But that's not going to happen.

16 But we'll get back to the economic  
17 impact of what this is going to do for Waste  
18 Management. They're going to be bringing  
19 garbage in from 17 different counties that  
20 now have to haul this stuff all the way to  
21 Streator, Morrison, Lee County, Ogle County.  
22 And if he can get this one expanded here,  
23 he's going to save a ton of money. That's  
24 why you don't have anybody from these 17

1 counties here voicing their opinion one way  
2 or another, because this will be to their  
3 advantage too. They won't have to be paying  
4 the high fees they pay now to haul it to  
5 Streator or Morrison or some other place.

6 As far as the gag order goes, and  
7 when everybody knew this was a done deal, I  
8 mean, you had had to have been in Antarctica  
9 for all of 2009 and January of 2010 not to  
10 know just from word of mouth, from one person  
11 to another around this lovely little town,  
12 what was going on and that it was a done  
13 deal. I think they probably had some  
14 contract of some kind signed already. But  
15 what is going to happen, Cortland took a  
16 measly million dollars, and they're going to  
17 be sorry they ever took that million, because  
18 it's going to ruin growth around Cortland.  
19 These developers will avoid the place like  
20 they avoid the plague.

21 And then when it comes to the  
22 truck traffic, they say all these trucks will  
23 be coming on 88. Any truck that can get on  
24 88 can also get on any state highway in this

1 state, and I can see them coming from McHenry  
2 County down 23, through Sycamore, down Peace  
3 Road into the landfill that way. So don't  
4 tell me that everything is going to be coming  
5 just on one particular route.

6 And another question I've got is  
7 when this came to a head and was going to be  
8 voted on, why did they have a special day to  
9 vote on it on May 10th, instead of a regular  
10 meeting? That's a good question maybe you  
11 can ask the county board. Thank you.

12 MR. HALLORAN: Thank you,  
13 Mr. Anderson. All right. The last one we  
14 have signed up for now is Ms. Sandra Lee.  
15 Public comment or statement?

16 MS. LEE: Comment, please.

17 MR. HALLORAN: You can grab  
18 Mr. Moran's microphone there, please. Just  
19 state your name and spell it for the court  
20 reporter. Thank you.

21 MS. LEE: Thank you. My name is  
22 Sandra Lee, and I live in DeKalb. First of  
23 all, I'd like to thank all the concerned  
24 citizens that came here today, and also for

1 all the thoughtful comments.

2 My comment is that the people of  
3 DeKalb County have not had an adequate civil  
4 process to evaluate and vote on the issues at  
5 hand. I think that our true issues are what  
6 can we do to recycle more, where do we want  
7 to dump our garbage, and what entity do we  
8 want to haul our garbage? Do we want a local  
9 company to do that? Could we find a  
10 nonprofit agency to do that? I think those  
11 are our true questions.

12 But instead, the DeKalb County  
13 Board gave us a 50-year package of answers to  
14 questions that we are not asking. The  
15 answers they gave us were to questions such  
16 as, where will all of Northern Illinois dump  
17 their garbage, what is best and cheapest for  
18 Waste Management, and how can we pay  
19 for -- pay for an expansion to the county  
20 jail? I think that if we were all given an  
21 opportunity to discuss our true questions and  
22 our true issues here that we could come up  
23 with much better answers. Thank you.

24 MR. HALLORAN: Thank you. Anybody



1           else at this point? I'll address it right  
2           before we close up.

3                     Mr. Moran, do you want to take  
4           care of your exhibits now and then maybe go  
5           off the record, collect our thoughts, and  
6           talk about a closing and a briefing schedule?

7                     MR. MORAN: Certainly.

8                     MR. HALLORAN: All right. Shoot.

9                     MR. MORAN: The first deposition  
10          transcript we would submit as exhibit --

11                    (Whereupon, audience participants  
12                    requested speaker to speak  
13                    louder.)

14                    MR. HALLORAN: You ought to make that  
15          microphone an exhibit.

16                    MR. MORAN: The first exhibit that we  
17          would submit is our exhibit -- well, I guess  
18          this would be Exhibit 2. It would be the  
19          deposition transcript of Larry Anderson.

20                    MR. HALLORAN: Any objection?

21                    MR. MUELLER: No.

22                    MS. ANTONIOLLI: You made a Hearing  
23          Officer exhibit but called it number three.  
24          Do we call this number four?

1 MR. HALLORAN: No, because that would  
2 be respondent, Waste Management.

3 MS. ANTONIOLLI: All right. We'll  
4 start with number one then.

5 MR. HALLORAN: Right. Yeah, he'll  
6 start with number one. He'll start with  
7 number one and two, but number one is a  
8 newspaper article. He's on the depositions right  
9 now.

10 In any event, Exhibit 2,  
11 Anderson's deposition?

12 MR. MORAN: That's Larry Anderson.

13 MR. HALLORAN: Larry. We got a Roger  
14 and a John.

15 MR. MORAN: And we have a Ken also.

16 MR. HALLORAN: Okay. Any objection?

17 MR. MUELLER: No.

18 MR. HALLORAN: No. Okay. It's  
19 admitted.

20 MR. MORAN: Exhibit 3 is the  
21 deposition transcript of Gerry Augsburger.  
22 That's A-u-g-s-b-u-r-g-e-r.

23 MR. HALLORAN: Any objection?

24 MS. ANTONIOLLI: No.

1 MR. HALLORAN: It's admitted.

2 MR. MORAN: Exhibit 4 is the  
3 deposition transcript of Eileen Dubin.

4 MR. HALLORAN: Any objection?

5 MR. MUELLER: Nope.

6 MS. ANTONIOLLI: No.

7 MR. HALLORAN: Admitted.

8 MR. MORAN: Exhibit 5 is the  
9 deposition transcript of Sally DeFauw,  
10 spelled Capital D-e-capital-F-a-u-w.

11 MR. HALLORAN: Any objection?

12 MS. ANTONIOLLI: No.

13 MR. MUELLER: No.

14 THE COURT: Admitted.

15 MR. MORAN: Exhibit 6, the deposition  
16 transcript of John Emerson.

17 MR. HALLORAN: Any objection?

18 MS. ANTONIOLLI: No.

19 MR. MUELLER: No.

20 MR. HALLORAN: Admitted.

21 MR. MORAN: The deposition exhibit --  
22 I'm sorry. Exhibit Number 7, WIMI Exhibit  
23 Number 7, is the deposition transcript of  
24 John Hulseberg. That's H-u-l-s-e-b-e-r-g.

1 MR. HALLORAN: Any objection?

2 MR. MUELLER: Nope.

3 MS. ANTONIOLLI: No.

4 MR. HALLORAN: Admitted.

5 MR. MORAN: Exhibit Number 8 is the  
6 deposition transcript of Jeff Metzger Junior.  
7 That's M-e-t-z-g-e-r.

8 MR. HALLORAN: Any objection?

9 MR. MUELLER: Nope.

10 MS. ANTONIOLLI: No.

11 MR. HALLORAN: Admitted.

12 MR. MORAN: Exhibit 9 is the  
13 deposition transcript of Clay Campbell.

14 MR. HALLORAN: Any objection?

15 MS. ANTONIOLLI: No.

16 MR. MUELLER: No.

17 MR. HALLORAN: Admitted.

18 MR. MORAN: Exhibit 10 is the  
19 deposition transcript of Grace Mott.

20 MR. HALLORAN: Any objection?

21 MR. MUELLER: Nope.

22 MS. ANTONIOLLI: No.

23 MR. HALLORAN: Admitted.

24 MR. MORAN: Exhibit Number 11 is the

1 deposition transcript of Lisa Willcox.

2 MR. HALLORAN: Any objection?

3 MR. MUELLER: Nope.

4 MS. ANTONIOLLI: No.

5 MR. HALLORAN: Admitted.

6 MR. MORAN: Exhibit 12 is the  
7 deposition transcript of Barbara Potuznik.

8 MR. HALLORAN: Could you spell that,  
9 please?

10 MR. MORAN: P-o-t-u-z-n-i-k.

11 MR. HALLORAN: Any objection?

12 MS. ANTONIOLLI: No.

13 MR. MUELLER: No.

14 MR. HALLORAN: Admitted.

15 MR. MORAN: That concludes the lists  
16 of exhibits that we would submit,  
17 Mr. Halloran.

18 MR. HALLORAN: Okay. What about  
19 Exhibit Number 1, Mr. Moran?

20 MR. MORAN: Yes, I would submit that  
21 exhibit as well. That is the article from  
22 the DeKalb County Chronicle dated  
23 November 21st, 2009.

24 MR. HALLORAN: Any objection?

1 MR. MUELLER: Nope.

2 MS. ANTONIOLLI: No.

3 MR. HALLORAN: That's submitted.

4 Ms. Antoniolli, do you have any --

5 MS. ANTONIOLLI: That takes care of  
6 it. I have nothing further.

7 MR. HALLORAN: You know, I just  
8 should, for housekeeping as well, run through  
9 Mr. Mueller's petitioner's exhibits for the  
10 record. These were un-objected to and all  
11 admitted.

12 The deposition of Turner,  
13 Petitioner's Exhibits Number 1; the  
14 deposition of Supple, Petitioner's Exhibit  
15 Number 2; deposition of Bockman, Petitioner's  
16 Exhibit Number 3; deposition of Allen,  
17 Petitioner's Exhibit Number 4; deposition of  
18 Tobias, Petitioner's Exhibit Number 5;  
19 deposition of Vary, Petitioner's Exhibit  
20 Number 6; deposition of Oncken, Petitioner's  
21 Exhibit Number 7; deposition of Adelman,  
22 Petitioner's Exhibit Number 8; deposition of  
23 Fauci, Petitioner's Exhibit Number 9;  
24 deposition of Walt, W-a-l-t, Petitioner's

1 Exhibit Number 10; deposition of Haines,  
2 H-a-i-n-e-s, Petitioner's Exhibit Number 11;  
3 deposition of Stoddard, S-t-o-d-d-a-r-d,  
4 Petitioner's Exhibit Number 12; deposition of  
5 Berger, Petitioner's Exhibit Number 13;  
6 deposition of Holmes, Petitioner's Exhibit  
7 Number 14; deposition of -- is it Kunde --  
8 Petitioner's Exhibit Number 15, and then we  
9 have a batch of exhibits entitled  
10 Petitioner's Exhibit Number 16. And these  
11 were attachments, Mr. Mueller, to the  
12 respective depositions?

13 MR. MUELLER: That's correct, your  
14 Honor.

15 MR. HALLORAN: Okay. Thank you,  
16 Mr. Mueller. And while I'm on a role, I  
17 might as well get these. I had some public  
18 give me their written public statements. I  
19 marked one of them Hearing Officer Exhibit 1,  
20 that's from Ms. Voss; hearing Officer  
21 Exhibit 3 from -- is it Haji-Sheikh -- and  
22 then Hearing Officer Exhibit 2, is from  
23 Cecile Meyer, M-e-y-e-r.

24 And then I have an attachment,

1 Doctor -- is it Serewicz -- wants to submit.  
2 He submitted, I think, two public -- written  
3 public comments. I'm going to take that to  
4 the Board and attach it to one of his public  
5 comments.

6 With that said, I think we'll take  
7 a short break. We're going to talk about a  
8 post-hearing briefing schedule, which  
9 includes a briefing schedule for public  
10 comment, and then we'll talk about closing  
11 arguments, if anything. So we'll be back on  
12 the record in about ten minutes. Thank you.

13 (Whereupon, a break was taken,  
14 after which the following  
15 proceedings were had.)

16 MR. HALLORAN: We've been discussing  
17 post-hearing briefing schedules, and what  
18 we've come up with, by agreement, is Waste  
19 Management's going to waive the statutory  
20 decision deadline out to March 3rd, 2011.  
21 Simultaneous opening briefs will be due on or  
22 before December 31st, 2010. Responses are  
23 due January 25th, 2011, and the mailbox rule  
24 will not apply to the responses, and I'm



1 setting a date of December 23rd for public  
2 comment. All public comment must be filed  
3 with the Board by December 23rd.

4 The transcript should be able to  
5 be viewed on-line by no later than  
6 December 7th. So if you want to go to our  
7 website and take a look at the transcript,  
8 you may do so.

9 UNIDENTIFIED WOMAN: Will exhibits be  
10 made available?

11 MR. CHARVAT: The depositions, will  
12 those be on the website?

13 MR. HALLORAN: The exhibits -- you  
14 know, I forget how he scans that in. Yeah,  
15 you may have to call him. I don't do the  
16 hearing report until after the transcript  
17 comes in, and that may be a week or two down  
18 the road.

19 MR. CHARVAT: But it will be available  
20 on-line, the depositions?

21 MR. HALLORAN: I refer to the  
22 depositions in the hearing officer report as  
23 exhibits. I don't think the exhibits are in  
24 the record physically at the Board now, so

1           you're going to have to wait until I get my  
2           hearing officer report. But you can take a  
3           look at the transcript.

4                     If you want to look at the  
5           depositions, I'm not sure how the clerk  
6           enters those, but I normally don't give him  
7           the exhibits until I submit a hearing officer  
8           report, and I can't submit a hearing officer  
9           report until at least December 6th or  
10          December 7th. But I have other things  
11          scheduled for those next days, so it might be  
12          the following week. But I promise you I'll  
13          try to get the hearing report in as soon as  
14          possible.

15                    If you have trouble viewing the  
16          exhibits, you can get John Therriault, the  
17          clerk, and see if he has any suggestions.

18                    MR. MORAN: And Mr. Hearing Officer,  
19          did you say that the mailbox rule does not  
20          apply at all to any of the briefs that are  
21          being filed?

22                    MR. HALLORAN: No. Just -- the  
23          mailbox rule does not apply only to the  
24          January 25th, 2011, responses.

1 MR. MORAN: Could we make that apply  
2 to the opening briefs as well, so the parties  
3 have the maximum amount of time to prepare  
4 their response briefs?

5 MR. HALLORAN: Okay. I don't think  
6 your mike is on, Mr. Moran. But sure, if  
7 we're by agreement, December 31st, 2010, the  
8 opening briefs, the mailbox rule will not  
9 apply then either. And all that means is  
10 it's got to be filed at the board physically.  
11 And the mailbox rule is it usually gives you  
12 four days after you stick it in the mail.  
13 But the public comment period, the mailbox  
14 rule applies. So you can stick it in the  
15 mail December 23rd, and it's presumed you  
16 will get it, I think, four days later.

17 I kind of forgot where I am.  
18 Mr. Mueller, you said you wanted to make a  
19 few comments and closing argument. Does  
20 anybody else, before I forget, have a public  
21 comment before we go into closing? All  
22 right. Thank you, Mr. Mueller.

23 MR. MUELLER: Mr. Halloran, Counsel,  
24 ladies and gentlemen, when I got the

1 opportunity to represent Stop the Mega-Dump  
2 in connection with this appeal, I was frankly  
3 pleased to have that opportunity, because  
4 I've got some roots in DeKalb County myself.  
5 I'm a graduate of NIU, and my first law job,  
6 believe it or not, was in the DeKalb County  
7 state's attorney's office longer ago than I  
8 care to remember.

9 Over the past three months, the  
10 attorneys that you see here have met  
11 frequently for the purpose of taking  
12 depositions, and we've taken 43 different  
13 depositions over that three-month period.  
14 Pretty much everybody on the county board,  
15 some other county employees -- and I see  
16 Mr. Bockman smiling as I say that, because he  
17 was, I think, the first -- the second county  
18 employee that we took on a number of the  
19 members of stop the Mega-Dump and other  
20 citizens that have other relevant and  
21 material information.

22 And I believe that what has  
23 emerged there and what I will be telling the  
24 Pollution Control Board in my brief is two

1 things. Number one, these hearings were  
2 procedurally and substantively unfair. And  
3 that's not necessarily the fault of any one  
4 person or group of persons, but I heard a  
5 number of you today say the process ought to  
6 be indicted, and I couldn't agree with you  
7 more, and that process is going to come under  
8 scrutiny in the brief that we intend to file.

9 I will tell you that the  
10 issues -- the major issues, as I see  
11 them -- and I'm not going to do all of them  
12 now, because I promised I would keep this  
13 closing statement short. The major issues,  
14 as I see them, first of all, we have a number  
15 of expressions by county board members of the  
16 done-deal, mind-made-up, variety. And I know  
17 the statute says that they can express  
18 opinions. But the opinions that were  
19 expressed in this case were pretty  
20 definitive, and it wasn't a leaning. They  
21 were done-deal type opinions.

22 And when you think about the  
23 second issue, it makes sense why we had those  
24 expressions, and that's because the applicant

1 had over a year prior to the start of that  
2 hearing to work on that county board  
3 privately. They made a number of  
4 presentations in connection with negotiations  
5 of the host agreement, and then they took the  
6 county board a few members at a time -- so as  
7 not to violate the Open Meetings Act, I  
8 presume -- a few members at a time, then  
9 took them to their showplace landfill in Will  
10 County, and told them, "This is how your  
11 expanded landfill is going to work."  
12 Everything was cleaned up, everything was  
13 nice on those days.

14 Now, in the staff report, the  
15 county's attorney opined that it's okay to  
16 have those tours, and my response is: We'll  
17 let the Pollution Control Board decide that  
18 issue. I don't think it is okay, and I think  
19 what happened is by the time we got to the  
20 start of the hearing, minds were made up, and  
21 the deal was done, and that's because of two  
22 other issues that we attend to raise.

23 The first of those is the county  
24 had the host fees in their minds and hearts

1 spent, and that was on the jail expansion.  
2 One of the things I learned during this  
3 deposition process was that DeKalb County  
4 spends \$600,000 a year to take jail inmates  
5 and house them in other counties' jails.  
6 That's money they should not be spending if  
7 they have their own new jail. Back in  
8 October of 2009, the County Board voted to  
9 adopt a jail financing plan which identified  
10 host fees as the source of the funds.

11 And the other thing that happened  
12 that caused these minds to be made up and  
13 that caused this deal to be done is that  
14 DeKalb County and Waste Management engaged in  
15 a process called pre-filing review. That's  
16 an opportunity for them to privately sit  
17 down, the engineers for the county at Patrick  
18 Engineering, to sit down with Waste  
19 Management's technical people and say, "We  
20 don't like this about your draft application,  
21 we don't like that," and then it gets fixed.  
22 And what gets filed at the end of November  
23 2009 is a document that already has the  
24 preliminary stamp of approval from the

1 county's technical people. And so for those  
2 reasons, we do believe that this was, as  
3 you've heard, a done deal.

4 The other issue that we're going  
5 to argue to the Pollution Control Board is  
6 that the decision itself was against the  
7 manifest weight of the evidence. Now, this  
8 hearing today was not about that, and no  
9 additional evidence can be received or  
10 considered. But in having reviewed the  
11 record that was made, and I commend this  
12 group, because we had a number of individuals  
13 who had essentially no technical training and  
14 no legal assistance. I believe a good enough  
15 record was made to demonstrate that the  
16 decision, the approval, was against the  
17 manifest weight of the evidence on a number  
18 of grounds.

19 You heard Gracie Mott today say  
20 she didn't think they met the traffic  
21 criteria. The most important criterion is,  
22 of course, public health, safety, and  
23 welfare, and I'll be arguing on behalf of all  
24 of you that that criterion was also not



1 satisfied. Thank you all for coming today.

2 MR. HALLORAN: Ms. Antonioli, would  
3 you like to make a closing?

4 MS. ANTONIOLLI: No, I'm going to  
5 waive our closing for today.

6 MR. HALLORAN: Thank you. Mr. Moran?

7 MR. MORAN: Yes, thank you,  
8 Mr. Hearing Officer. Fundamental fairness --

9 (Whereupon, audience participants  
10 requested counsel to speak  
11 louder.)

12 MR. HALLORAN: Do you want to use  
13 mine, Mr. Moran?

14 MR. MORAN: This is on. I don't think  
15 it's working.

16 MR. HALLORAN: You can try and use  
17 that one.

18 MR. MORAN: Fundamental fairness. The  
19 issue has been raised in the context of the  
20 proceedings conducted held by the DeKalb  
21 County board. As I indicated in my opening  
22 comments, this site approval process is and  
23 has been recognized as the most critical part  
24 of the site location approval process. That

1 process allows for, urges, and encourages not  
2 just citizen participation, but citizen  
3 input, citizen presentation of information  
4 and evidence at a hearing that will not just  
5 allow for that evidence and that information,  
6 but that needs for its success to have that  
7 information presented.

8 And here, the county board,  
9 through the conduct of the site location  
10 public hearing, provided full and complete  
11 access to any person who wished to do so. We  
12 saw from Mr. McCarthy and the way that he  
13 handled this hearing that he made eminently  
14 clear that any person who wished to either  
15 present evidence, present public comment, or  
16 in any way communicate with the county board  
17 about this proposal could do so, and could do  
18 so either in connection with attendance and  
19 participation at the public hearing, or  
20 alternatively by way of written submission to  
21 the county board during the public hearing,  
22 or for 30 days after the public hearing.

23 That was provided -- that  
24 opportunity was provided, and citizens who

1           were interested did just that. The  
2           contention that somehow the rule that was put  
3           in place for the protection not just of the  
4           county, the applicant, and the citizens, but  
5           for the public was that the types of  
6           communications that were prohibited were  
7           those that would take place behind closed  
8           doors, outside the view of the public hearing  
9           process, and outside this process, which is,  
10          as has been recognized repeatedly, a quasi  
11          judicial process.

12                         It's a judicial process, not a  
13          legislative one, one that allowed for the  
14          presentation of evidence and the  
15          consideration of that evidence in a public  
16          forum, and not back-door, behind-the-scenes,  
17          communications, individually or specifically,  
18          with county board members in an effort to get  
19          those county board members to vote in a  
20          certain way.

21                         The other contention that's been  
22          made is that somehow the county board had  
23          made up its mind as to how it was going to  
24          vote on a site location application, of

1 course, one that hadn't even been filed at  
2 the point some of these discussions were  
3 held, or some of these communications  
4 occurred. But the interesting thing about  
5 these discussions, particularly the one  
6 involving Ms. Fauci and some of the other  
7 board members, is that those communications  
8 occurred shortly after the county had  
9 approved the host community agreement.

10 The host agreement agreement,  
11 which has become an essential part of any  
12 request to site a pollution control facility,  
13 a host community agreement that in no way  
14 obligated or required the county board to  
15 vote in any particular way on any site  
16 location approval request. In fact, the  
17 agreement provided that nothing in the  
18 agreement either equated to an approval of a  
19 site location application, or alternatively  
20 obligated the county board to approve the  
21 site location application.

22 And indeed, if you look at who  
23 voted to approve the host community  
24 agreement, they are not the same people who

1 voted to approve the site location  
2 application. In fact, there were a number of  
3 individuals who voted against the host  
4 community agreement who ended up voting for  
5 the proposed expansion, and there were a  
6 number of individuals who voted to approve  
7 the host community agreement who voted to  
8 deny the site location application. So the  
9 two were in no way equivalent.

10 And, in fact, when comments were  
11 made about, "What do you think will happen  
12 with the site location application," or "Has  
13 this request been approved at that time when  
14 a site location application hadn't even been  
15 filed," the understanding was clearly based  
16 on the host community agreement, which did  
17 garner a majority of votes to approve, that  
18 the likelihood that host community agreement  
19 was approved so that there could certainly be  
20 some possibility that the county board would  
21 approve a site location application, not in  
22 any way, shape, or form that there had  
23 already been an approval of that site  
24 location application. Quite the contrary.

1                   The statements that somehow this  
2                   whole endeavor was a done deal, as we heard  
3                   today, were from statements made and heard by  
4                   certain people who misinterpreted and didn't  
5                   understand the statements that were made in  
6                   context. The statements were indeed  
7                   considered to be reflective of a prejudgment  
8                   or predetermination, because that was the  
9                   interest of the persons hearing these  
10                  comments, but the comments made in no way  
11                  indicated that these board members had  
12                  decided how they were going to vote on the  
13                  site location application. They were indeed  
14                  statements taken out of context by the  
15                  individuals who heard them.

16                  Why were they taken out of  
17                  context? Because they obviously furthered  
18                  the agenda or the purpose of these  
19                  individuals to promote the notion that this  
20                  was a done deal, when, in fact, the facts, as  
21                  they have come out, establish that each board  
22                  member considered the evidence that was  
23                  submitted at the hearing, the written  
24                  comments that were submitted, and all the

1 evidence that needed to be heard and needed  
2 to be presented in making a decision.

3 You heard Mr. Oncken testify  
4 today. His decision was based on that  
5 evidence. His decision was not reached until  
6 the day of the vote, May 10th. And from the  
7 other board members who testified who talked  
8 about their review of the evidence and the  
9 determination they made, they were all  
10 uniform, they were all consistent, and they  
11 were all very clear. None of them made  
12 decisions before all the evidence was  
13 presented. None of them made a decision as  
14 to how they were going to vote before all of  
15 the information was in. In fact, many of  
16 them didn't decide how they were going to  
17 vote on this site location application until  
18 the night of the vote, May 10th. That is  
19 clear from this record, and statements about  
20 board members having made up their minds  
21 before that point have absolutely no basis.

22 With regard to the notion that  
23 somehow citizens were not able or did not  
24 have an opportunity to present information

1           regarding this site location application,  
2           what we heard today was a clear and  
3           unequivocal indication that there were no  
4           such persons. Any person who came to the  
5           hearing -- and there were many who came to  
6           the hearing -- even believing that maybe they  
7           didn't have the right to speak, that maybe  
8           because they hadn't signed up by the time the  
9           site location ordinance required they somehow  
10          were not going to be able to speak,  
11          Mr. McCarthy made very clear that they had  
12          every right to speak, and would be given  
13          every right to speak had they so desired.  
14          And there wasn't a single person, including  
15          Ms. Wilson, who testified, who came to the  
16          hearings who didn't have that opportunity.

17                         That is the essence of this  
18          process. That's why this process is so  
19          critical and so essential to the fair and  
20          appropriate functioning of the regulatory  
21          system here in Illinois. No one is denied,  
22          no one is turned away, provided that the  
23          attempts to communicate don't occur behind  
24          closed doors, unilaterally with board



1 members, or otherwise. They must occur in  
2 the context of the public hearing, and they  
3 did. That's exactly what occurred here.

4 And as Mr. Oncken said, based upon  
5 the evidence that was presented and what he  
6 saw and what this record established, he was  
7 concluding, and properly concluded, that that  
8 evidence staffed the nine statutory criteria.  
9 And that was the standard here. That's what  
10 state law provides. The county board is not  
11 free to look at the evidence and decide that  
12 its irrelevant whether those pieces of  
13 evidence, whether that information, satisfies  
14 the statutory criteria. That is the role and  
15 the function and the obligation the county  
16 board has, and those board members fulfilled  
17 that role here.

18 There was a question about whether  
19 a pre-filing review of the application in  
20 some way tainted the proceedings, or in some  
21 way perhaps created an unfair playing field,  
22 if that's the term. In fact, a pre-filing  
23 review is explicitly authorized under state  
24 law, and is a common and accepted practice in

1 site location applications. It happens all  
2 the time. It occurs all the time. And in  
3 fact, simply because there may be a review  
4 that occurs from a consultant hired by the  
5 decision-maker, all that consultant can do is  
6 make suggestions, recommendations in terms of  
7 the site location application, which in no  
8 way an applicant is obligated to follow.

9 And in this instance, there isn't  
10 any indication as to what specifically those  
11 comments were, or are suggestions were, or  
12 whether, in fact, all of the recommendations  
13 and comments were even followed by the  
14 applicant, because the applicant has full  
15 discretion in deciding what to include.  
16 Because ultimately, it's that application  
17 which either satisfies a criteria or doesn't.  
18 And anyone who believes that the criteria  
19 have not been met have every opportunity to  
20 establish that and prove that at the hearing,  
21 and that simply wasn't done here. If you  
22 review this record and go through whether --  
23 and determine whether the statutory criteria  
24 were met, they were, and this record bears

1           that out.

2                           Fundamental fairness means that  
3           every person who had an interest had an  
4           opportunity to present evidence and  
5           information to a board or a decision-maker  
6           who was prepared to consider that evidence,  
7           and then make a decision based upon that  
8           evidence. That's precisely what occurred  
9           here. This proceeding was fundamentally  
10          fair, and went beyond what was required for  
11          fundamental fairness. And indeed, this  
12          Pollution Control Board ought to firm this  
13          decision and determine that, indeed, these  
14          proceedings were fundamentally fair. Thank  
15          you.

16                       MR. HALLORAN: Thank you, Mr. Moran.  
17          Before I sign off, I do want to thank the  
18          media for their covert way of applying their  
19          trade. There was no disruptions. Thank you.  
20          I want to thank the audience for their  
21          civility and being cordial and behaving  
22          themselves. I really appreciate that. And  
23          last but not least, I want to thank the  
24          attorneys. I thought they were very civil

1 and professional to the utmost, and I  
2 appreciate that.

3 And I do want to wish everybody a  
4 happy Thanksgiving. Before I sign off, am I  
5 forgetting everything? This will be the last  
6 day of the hearing, so no more. This  
7 concludes the PCB 10-103. Yes, ma'am?

8 UNIDENTIFIED WOMAN: This isn't part  
9 of the hearing, but looking outside at the  
10 weather, we're under a tornado watch and a  
11 warning to the west. So before people leave,  
12 please take that into advisement as you  
13 travel.

14 MR. HALLORAN: Let the record so  
15 reflect. Thank you. Yes, ma'am?

16 UNIDENTIFIED WOMAN: May I have your  
17 address or your website?

18 MR. HALLORAN: I can give you my  
19 business card.

20 UNIDENTIFIED WOMAN: Right, your  
21 business card so I can access --

22 MR. HALLORAN: All right. Thank you  
23 and be safe.

24

1 STATE OF ILLINOIS )  
2 COUNTY OF COOK ) SS

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REBECCA A. GRAZIANO, being first  
duly sworn on oath, says that she is a court  
reporter doing business in the City of Chicago, that  
she reported in shorthand the proceedings given at  
the taking of said hearing, and that the foregoing  
is a true and correct transcript of her shorthand  
notes so taken as aforesaid, and contains all the  
proceedings given at said hearing.

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SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, A.D., 2010.

Notary Public

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